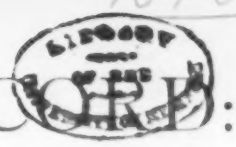
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CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FORTY-FOURTH CONGRESS, FIRST SESSION;

ALSO

SPECIAL SESSION OF THE SENATE.

VOLUME IV.

WASHINGTON:
GOVERNMENT PRINTING OFFICE
1876.

VOLUME IV, PART I.

CONGRESSIONAL RECORD.

SPECIAL SESSION OF THE SENATE

AND

FIRST SESSION, FORTY-FOURTH CONGRESS.

CONGRESSIONAL RECORD.

DEBATES AND PROCEEDINGS OF THE FORTY-FOURTH CONGRESS.

SPECIAL SESSION OF THE SENATE.

IN SENATE.

FRIDAY, *March* 5, 1875.

The VICE PRESIDENT of the United States (Hon. HENRY WILSON, of Massachusetts) called the Senate to order at twelve o'clock noon.

Rev. BYRON SUNDERLAND, D. D., offered the following prayer:

O Thou Almighty and everlasting God, the maker of heaven and earth, we come in this place to acknowledge and to worship Thee, for with Thee are all our beginnings and all our endings. And now, as Thy servants have assembled here to commence a new chapter in the history of this body, we humbly entreat Thee, regard them with Thy favor. Give to each of them life, and health, and strength. Give them to see eye to eye in all the grave matters of this nation committed to their charge, and in all their labors and responsibilities may they lean upon Thy arm for support. Through Jesus Christ. Amen.

The VICE-PRESIDENT. The proclamation of the President of the United States convening the Senate will be read.

The Chief Clerk (W. J. McDONALD, esq.) read the following proclamation:

By the President of the United States of America.

A PROCLAMATION.

Whereas objects of interest to the United States require that the Senate should be convened at twelve o'clock on the 5th day of March next, to receive and act upon such communications as may be made to it on the part of the Executive:

Now, therefore, I, Ulysses S. Grant, President of the United States, have considered it to be my duty to issue this, my proclamation, declaring that an extraordinary occasion requires the Senate of the United States to convene for the transaction of business at the Capitol, in the city of Washington, on the 5th day of March next, at twelve o'clock at noon on that day, of which all who shall at that time be entitled to act as members of that body are hereby required to take notice.

Given under my hand and the seal of the United States at Washington, the 17th day of February, in the year of our Lord 1875, and of the Independence of the United States of America the ninety-ninth.

[SEAL.] U. S. GRANT.

By the President:

HAMILTON FISH.

The VICE-PRESIDENT. The Senators-elect whose credentials have already been presented will, as their names are called, advance to the chair and take the oaths of office.

The Chief Clerk called the names of the following Senators-elect:

Thomas F. Bayard, of Delaware.
Branch K. Bruce, of Mississippi.
Ambrose E. Burnside, of Rhode Island.
Angus Cameron, of Wisconsin.
Isaac P. Christiancy, of Michigan.
Henry L. Dawes, of Massachusetts.
William W. Eaton, of Connecticut.
George F. Edmunds, of Vermont.
Hannibal Hamlin, of Maine.
Andrew Johnson, of Tennessee.
Francis Kernan, of New York.
Joseph E. McDonald, of Indiana.
Samuel J. R. McMillan, of Minnesota.
Algernon S. Paddock, of Nebraska.
Theodore F. Randolph, of New Jersey.
Allen G. Thurman, of Ohio.
William A. Wallace, of Pennsylvania.
William Pinkney Whyte, of Maryland.

As their names were called, these gentlemen came forward and the oath to support the Constitution of the United States, and also the oath prescribed by the act of July 2, 1862, were administered to them respectively by the Vice-President.

The names of the following Senators-elect were next called:

Allen T. Caperton, of West Virginia.
Francis M. Cockrell, of Missouri.
Charles W. Jones, of Florida.
Samuel B. Maxey, of Texas.
Robert E. Withers, of Virginia.

The oath to support the Constitution and also the oath prescribed by the act of July 11, 1868, were administered to these gentlemen.

The Senators-elect having been sworn and taken their seats in the Senate, the following Senators were present:

From the State of—

Maine—Hannibal Hamlin and Lot M. Morrill.
New Hampshire—Aaron H. Cragin and Bainbridge Wadleigh.
Vermont—George F. Edmunds and Justin S. Morrill.
Massachusetts—George S. Boutwell and Henry L. Dawes.
Rhode Island—Henry B. Anthony and Ambrose E. Burnside.
Connecticut—Orris S. Ferry and William W. Eaton.
New York—Roscoe Conkling and Francis Kernan.
New Jersey—Frederick T. Frelinghuysen and Theodore F. Randolph.
Pennsylvania—Simon Cameron and William A. Wallace.
Delaware—Thomas F. Bayard and Eli Saulsbury.
Maryland—George R. Dennis and William Pinkney Whyte.
Virginia—John W. Johnston and Robert E. Withers.
North Carolina—Augustus S. Merrimon and Matthew W. Ransom.
South Carolina—John J. Patterson and Thomas J. Robertson.
Florida—Simon B. Conover and Charles W. Jones.
Georgia—Thomas M. Norwood.
Alabama—George Goldthwaite and George E. Spencer.
Mississippi—James L. Alcorn and Branch K. Bruce.
Louisiana—J. Rodman West.
Texas—Morgan C. Hamilton and Samuel B. Maxey.
Arkansas—Powell Clayton and Stephen W. Dorsey.
Missouri—Lewis V. Bogy and Francis M. Cockrell.
Tennessee—Andrew Johnson.
Kentucky—Thomas C. McCreery and John W. Stevenson.
West Virginia—Allen T. Caperton and Henry G. Davis.
Ohio—John Sherman and Allen G. Thurman.
Indiana—Joseph E. McDonald and Oliver P. Morton.
Illinois—John A. Logan and Richard J. Oglesby.
Michigan—Isaac P. Christiancy and Thomas W. Ferry.
Wisconsin—Angus Cameron and Timothy O. Howe.
Iowa—William B. Allison and George G. Wright.
Minnesota—Samuel J. R. McMillan and William Windom.
Kansas—James M. Harvey and John J. Ingalls.
Nebraska—Phineas W. Hitchcock and Algernon S. Paddock
Nevada—John P. Jones.
California—Aaron A. Sargent.
Oregon—James K. Kelly and John H. Mitchell.

HOUR OF MEETING.

On motion of Mr. ANTHONY, it was

Ordered, That the hour of the daily meeting of the Senate, until otherwise ordered, be twelve o'clock meridian.

NOTIFICATION TO THE PRESIDENT.

Mr. EDMUNDS. Mr. President, I offer the following resolution:

Resolved, That a committee of two members be appointed by the Vice-President to wait upon the President of the United States and inform him that a quorum of

the Senate has assembled, and that the Senate is ready to receive any communication he may be pleased to make.

The resolution was considered by unanimous consent; and Messrs. EDMUNDS and STEVENSON were appointed the committee.

GOVERNMENT OF LOUISIANA.

Mr. MORTON. I offer a resolution, which I ask to have read and laid upon the table.

The resolution was read as follows:

Resolved by the Senate, That the State government now existing in Louisiana, and represented by William P. Kellogg as governor, is the lawful government of said State; that it is republican in form; and that every assistance necessary to sustain its proper and lawful authority in said State should be given by the United States, when properly called upon for that purpose, to the end that the laws may be faithfully and promptly executed, life and property protected and defended, and all violators of law, State or national, brought to speedy punishment for their crimes.

The VICE-PRESIDENT. The resolution will lie upon the table and be printed.

SENATOR FROM LOUISIANA.

Mr. MORTON. I offer the following resolution, which I ask may be laid on the table for the present:

Resolved, That P. B. S. Pinchback be admitted as a Senator from the State of Louisiana for the term of six years beginning the 4th day of March, 1873.

I desire to give notice that perhaps on Monday, or at any early day next week, I shall ask the Senate to proceed to the consideration of this resolution.

The VICE-PRESIDENT. The resolution will lie over.

ADJOURNMENT TO MONDAY.

Mr. ANTHONY. I move, Mr. President, that when the Senate adjourns to-day it be to meet on Monday next.

Mr. HAMLIN. Mr. President, we may just as well meet to-morrow and receive from the President of the United States such communications as he may have to make to us and thus save one day. We shall forward the progress of the business by a whole day if we sit to-morrow. It is well known that there will be a necessity for a reorganization of our committees, and that may just as well be done this week as next. I have no disposition to hurry matters, nor have I any disposition or desire to stay here and procrastinate a session which may just as well and just as easily be shortened. I hope we shall meet to-morrow.

Mr. THURMAN and others. O, no.

Mr. HAMLIN. I knew the Senator from Ohio would say that, and I supposed that would be a very general expression all around. I shall be very glad, however, if we can save a day, and we certainly can do it by meeting to-morrow. I hope we shall meet to-morrow.

Mr. MORRILL, of Maine. Allow me to suggest to my colleague that we have had an unusual strain upon us for the last three weeks, and I hope he will not press his objection to this motion.

Mr. HAMLIN. Yes, Mr. President, we have had a severe strain on our physical systems; but I do not think the strain will be very hard to meet here to-morrow and receive communications from the President of an executive character that he may have ready for us. I do not think my colleague would stagger very much under such an enormous load, and I think if he would only join with me we might save one day in the length of this session.

Mr. CRAGIN. It is perfectly evident that a meeting to-morrow will not advance the business at all. If we receive communications from the President, they can only lie on the table. The committees cannot be organized and announced to-morrow, certainly not before Monday if we work as hard as it is possible to work. A meeting to-morrow would simply be a loss of time.

The VICE-PRESIDENT. The question is on the motion of the Senator from Rhode Island that when the Senate adjourns it be to meet on Monday next.

The motion was agreed to.

RECESS.

Mr. MORTON. I move that the Senate do now adjourn.

Mr. FRELINGHUYSEN. I suggest that we take a recess until we hear from the committee sent to wait upon the President.

Mr. MORTON. I withdraw the motion.

Mr. FRELINGHUYSEN. I move that the Senate take a recess until one o'clock.

The motion was agreed to; and (at twelve o'clock and twenty-two minutes p. m.) the Senate took a recess until one o'clock.

The VICE-PRESIDENT again called the Senate to order at one o'clock p. m.

Mr. EDMUNDS. Mr. President, the committee appointed by the Senate to wait upon the President of the United States and inform him of the meeting of a quorum of the Senate and of its readiness to proceed to business, have attended to that duty, and the President of the United States has requested us to inform the Senate that he will communicate with it on Monday next.

Mr. CONKLING. Unless some Senator has business to suggest, I move that the Senate do now adjourn.

The motion was agreed to; and (at one o'clock and one minute p. m.) the Senate adjourned.

IN SENATE.

MONDAY, *March* 8, 1875.

HENRY COOPER, a Senator from the State of Tennessee, appeared in his seat to-day.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Friday last was read and approved.

COMMITTEE TO VISIT THE INDIAN COUNTRY.

Mr. CLAYTON. Mr. President, is a resolution in order?

The VICE-PRESIDENT. Resolutions will be received.

Mr. CLAYTON. I offer the following resolution:

Resolved, That a committee, consisting of four members of the Committee on Indian Affairs and three members of the Committee on Territories, making seven in all, be appointed to visit the Indian Territory during the recess of the Senate, with authority to inquire into the condition of affairs in that country, the manner in which justice is administered, and the wants and capacities of the lawful inhabitants thereof with respect to self-government; and to report at the next session of the Senate the result of their inquiry and what legislation, if any, is needed.

I move that the resolution be printed and lie on the table. I wish to say, however, in offering this resolution, that I do not desire to be appointed on the committee.

Mr. FERRY, of Connecticut. I object to the reception of that resolution, and I make the point of order——

Mr. CLAYTON. What is the Senator's objection?

Mr. FERRY, of Connecticut. That it is not in order.

Mr. CLAYTON. I asked the Chair if it was in order, and he said it was, and I offered it on that decision of the Chair.

The VICE-PRESIDENT. The Chair will submit the question to the Senate whether it be in order or not.

Mr. FERRY, of Connecticut. At the called session of the Senate, I think two years ago, the then Senator from Michigan [Mr. Chandler] moved that the Committee on Commerce be instructed to perform certain duties in the recess, among which was one involving, as I remember, a visit to the Pacific coast and a report at the regular session. To that resolution I raised the same point of order that I do now, which was laid before the Senate, and the point of order was sustained. Several other resolutions of a similar character were offered at that session, to some of which the point of order was made and some not. In every instance in which the point of order was raised it was ruled by the Senate, if I remember aright, that it was out of order to receive such a resolution.

Mr. CLAYTON. Will the Senator from Connecticut please state his point of order?

Mr. FERRY, of Connecticut. That at this called session of the Senate business of a legislative character, or looking to legislation, cannot be entertained by the Senate.

Mr. CLAYTON. This is not, in my opinion, business of a legislative character. The proposition is to raise a committee of the Senate for the purpose of getting information which may be laid before the Senate when it convenes again. The question of legislation will come up when the Senate convenes again. I do not think that the proposition to make this inquiry for the information of the Senate hereafter can be considered as coming under the rule sought to be applied by the Senator from Connecticut.

Mr. SAULSBURY. If it is in order to make a remark now, I wish to say that, even if this resolution were properly before the Senate, the appointment of special committees to roam over this country at public expense is a matter which is seriously objected to by the people of the United States.

Mr. CLAYTON. I dislike very much to call the Senator from Delaware to order, but it seems to me a discussion——

The VICE-PRESIDENT. The Senator from Delaware has the floor.

Mr. CLAYTON. But discussion——

The VICE-PRESIDENT. The Senator from Delaware has the floor unless he yields to the Senator from Arkansas.

Mr. SAULSBURY. I cannot. I only wish to put in a general remark that the appointment of committees to roam over this country——

Mr. CLAYTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Delaware yield to the Senator from Arkansas?

Mr. SAULSBURY. I will yield in a moment. The appointment of committees to travel over this country at the public expense is a matter about which the people of this country have heretofore made complaint; and unless there is special necessity for it, I hope no such committees will be appointed at this extra session.

Mr. CLAYTON. Since the merits of this proposition are being discussed, I hope I may be pardoned if I enter upon the same line.

In offering this resolution I stated that it was not my intention to become a member of this committee. I desire to say now that I consider there is no question before the people of this country which requires investigation so much as this touching the management of Indian affairs. If the Presiding Officer will excuse me one moment further, I beg to suggest that the discussion of the merits of this question can very properly be raised when the resolution is called up. Of course it will then be for Senators to say whether it is wise or unwise to create such a committee. I shall not, therefore, go any further

into that view of the question now. I hope the resolution may be allowed to lie on the table, and it seems to me it certainly can do no harm to have it called up at some future time and discussed and acted upon.

The VICE-PRESIDENT. The Senator from Connecticut raises a point of order on the reception of the resolution. The Chair submits that question to the Senate to be determined, because the Senate ought to determine its own business. This question as a practical question has been acted on both ways.

Mr. EDMUNDS. It is a practical question and an important one, and I move that the subject be postponed until to-morrow, so that we may look into the precedents and see what the Senate has been accustomed to do.

The VICE-PRESIDENT. The Senator from Vermont moves that the question of order be postponed until to-morrow.

Mr. CLAYTON. That will do. That will leave the resolution still before the Senate.

The motion to postpone was agreed to.

COLUMBIAN INSTITUTE FOR THE DEAF AND DUMB.

The VICE-PRESIDENT appointed Mr. EDMUNDS a director in the Columbian Institute for the Deaf and Dumb for two years from March 4, 1875.

PAPERS WITHDRAWN.

On motion of Mr. CLAYTON, it was

Ordered, That Joshua Hill have leave to withdraw his petition and papers from the files of the Senate.

SENATOR FROM LOUISIANA.

Mr. MORTON. Mr. President, I move that the Senate proceed to the consideration of the resolution in regard to the admission of Mr. Pinchback, which I submitted on Friday last.

The motion was agreed to; and the Senate proceeded to consider the following resolution:

Resolved, That P. B. S. Pinchback be admitted as a Senator from the State of Louisiana for the term of six years beginning the 4th day of March, 1873.

Mr. MORTON. Mr. President, as chairman of the Committee on Privileges and Elections, I have been brought in contact with the Louisiana question, as it is called, from the time of its first inception in the winter of 1872–'73; and as the chairman of that committee, to which all questions of contests in this body are referred, it is made my duty to present to the Senate the question with regard to the admission of Mr. Pinchback as a member of this body. So far as I am personally concerned, it affords me no pleasure to again advert to the Louisiana question on this floor. It has been here for some time, has often and thoroughly been discussed, and it is one of which perhaps most of us are tired; and I should be quite willing to have this vote taken without saying a word, but for the fact that there are a number of new Senators upon the floor who, while they must have a general knowledge of this question, yet perhaps are not so familiar with it as older members of this body, who have engaged in the discussion heretofore or who have heard the question discussed.

I therefore feel it my duty, Mr. President, as briefly as I can and in as general a way as I can, to present the grounds upon which the committee of the former Congress reported in favor of seating Mr. Pinchback, and to state the general arguments in his favor and the law more particularly upon which his claim rests.

I do not deem myself called upon at this stage of the discussion to enter into any particular consideration of the facts attending the election in Louisiana in 1872. I shall refer to the existing condition of affairs in that State and endeavor to apply the principles of law which I think govern the case. But a little recitation of the recent history of the State government of Louisiana may be necessary in order to understand the application of some of these principles.

In 1871 Lieutenant-Governor Dunn, of Louisiana, died. At the next session of the Legislature P. B. S. Pinchback, a member of that body, was elected president of the senate. By operation of law, by virtue of the provisions of the State constitution, this election of Pinchback as president of the senate made him the lieutenant-governor of the State, and he held that office without regard to the time when his term of office as a senator would expire. This was the necessary construction of the constitution of Louisiana as afterward declared by the supreme court of that State.

In the month of December, 1872, after the election of that year, Governor Warmoth convened the new Legislature in extra session to meet at the capitol on the 12th of December. The Legislature thus convened was the Legislature elected in November, 1872, the Legislature which subsequently elected Pinchback as a member of this body. When that Legislature convened, the house of representatives under the constitution of the State preferred articles of impeachment against Governor Warmoth which were duly presented to the senate of the State. By virtue of the constitution and laws of the State, the presentation of articles of impeachment to the senate by the house had the effect to suspend the governor from the exercise of his office, and the president of the senate, Pinchback, the lieutenant-governor of the State, became *ex officio* the acting governor of Louisiana.

Afterward, on the first Monday of January, 1873, Kellogg, who had been declared elected by the returning board of the State, a board created by the laws of the State to count the votes, was declared by the Legislature in joint convention, assembled in accordance with the constitution, to be the governor of the State and was then and there inaugurated into that office.

Afterward, on the second Tuesday after the convening of the Legislature in regular session, the special session having terminated, Pinchback was elected a member of the Senate of the United States for the term commencing on the 4th of March, 1873. The governor of the State certified to his election. That certificate was in the usual form such as we have all presented here, declaring that at a certain time he was duly elected in accordance with the act of Congress by the Legislature of Louisiana; and the first question which I present to the consideration of the Senate is, What are the rights of Pinchback under that certificate of election now upon the table of the Senate?

Assuming, as I now shall for the sake of the argument, that Kellogg then was, as he now is, the lawful governor of Louisiana, my first proposition is that he has a *prima facie* case, a *prima facie* title to a seat in this body, which entitles him to be sworn in, and that if there be objections as to the mode of his election, as to the character of the body by which he was elected, or as to his conduct in connection with that election, those objections are to be considered after he takes his seat, and that in accordance with the usages of the Senate, the doctrine I believe applicable to the admission of members in both Houses, these questions of contest should not be tried until after the Senate has obtained jurisdiction of the case by his admission as a member of this body.

I may state here that the general rule has been in the House of Representatives, and I know of no exception to it, that the person presenting to the House the certificate of election issued by the governor of a State in accordance with the act of Congress, has a *prima facie* title to take a seat in that body; and so far as I know there is no exception to that rule in the House; and if the right of the person having the certificate of the governor to take his seat in the House of Representatives is questioned, either because of his own conduct in regard to the election, as bribery or corruption, or because illegal votes have been received or lawful votes have been excluded, or because of a failure to make proper returns by the returning officers, if his seat is contested upon any or upon all of these grounds, such contest must be prosecuted after the member holding the certificate has taken his seat. This, I believe, has been the doctrine received in the House from the time of the first organization of the Government. It is equally applicable in the Senate, that the person claiming a seat in this body who holds that form of evidence of his election is entitled to be admitted to his seat and questions of contest must be made afterward.

There has been one difference, however, between the House and the Senate in this particular; for until 1866 there had been no act of Congress prescribing what should be the evidence to a seat in this body. In 1866 Congress passed an act regulating the election of members to the Senate, and the third section of that act reads as follows:

That it shall be the duty of the governor of the State from which any Senator shall have been chosen as aforesaid to certify his election, under the seal of the State, to the President of the Senate of the United States, which certificate shall be countersigned by the secretary of state of the State.

That act was passed in 1866. It was the first statute prescribing what should be the evidence of a title to a seat in this body. But from the very nature of the Government and from the nature of the relations which the States sustain to the Government of the United States it has been held from the very beginning that the certificate of the governor of a State was the proper evidence of title to a seat upon this floor, and such certificate in the absence of any provision by Congress has always been held to create a *prima facie* title to the seat. I will refer to a very few cases in which this doctrine has been enforced by the Senate of the United States; and the first case to which I call attention is that of the Senator from Alabama, [Mr. SPENCER,] fresh in the recollection of many Senators now around me. When Mr. SPENCER presented his credentials and went forward to be sworn in objection was made that he was not elected by the Legislature of Alabama. A memorial was presented here, claiming to be signed by the president of the senate and the speaker of the house of representatives and numerous other persons in Alabama, showing that Dr. Sykes had been elected by the Legislature; and the admission of Mr. SPENCER was resisted upon that ground, and a motion was made to refer the credentials of Mr. SPENCER and the memorial of Dr. Sykes to the Committee on Privileges and Elections, and that until that committee made its report neither party should be admitted. The claim was that there were two Legislatures or pretended Legislatures of the State of Alabama, one called the capitol legislature, and the other the court-house legislature; that the court-house legislature had elected Mr. SPENCER and the capitol legislature had elected Dr. Sykes. The right of Mr. SPENCER to be admitted as a member of this body was urged upon the usage of the Senate from the foundation of the Government, with perhaps one exception, which will be hereafter adverted to. Here was a case where the governor was not in dispute; I concede that; but where the Legislature was, there being two bodies of men each claiming to be the Legislature of Alabama, in session at the same time, and making an election of Senator upon the same day. But it was urged that Mr. SPENCER, holding the certificate of the governor, which declared that he was elected by the Legislature of Alabama, had a right to take his seat, and that the

question as to which body was the Legislature of Alabama must be tried and determined afterward. After very lengthy and elaborate discussion in this body, it was decided that Mr. SPENCER, holding the certificate, had a *prima facie* title, was entitled to be immediately sworn in, and that the question as to which was the real Legislature of Alabama must be examined and decided afterward. I will refer to extracts from two or three speeches on the occasion, which fairly show the spirit of the debate and the ground on which Mr. SPENCER was admitted. I read an extract first from the remarks of Mr. Buckingham, Senator from Connecticut, now deceased:

Mr. President, I am under the impression that it has been the practice of this body to admit members who have brought testimonials which, upon their face, gave evidence that they were elected to seats here. I know of only one instance in which an exception has been made to that rule; and it seems to me it would be very difficult for us to organize and continue this body unless we adopt that rule and are governed by that principle. For instance, every second year twenty-four members of this body are re-elected or twenty-four go out and their places are filled by other men. Now if any man is to be permitted to come and present a petition for the places of these twenty-four men, and if we are, in consequence of that petition, to delay action until we can settle all questions which are connected with them, we may be a long time organized with a body of only two-thirds of the members which the law allows us to have.

Mr. Boreman, of West Virginia, in the course of the same debate, said:

The practice of this body, and, if I may refer to it, I believe the practice in the other end of the Capitol, has been that when a gentleman presents himself with credentials in the usual form, with the proper certificate, with everything that goes to show that he is properly elected, he shall be sworn in; and then, if others want to contest his election, they present their papers and the case is then referred to a committee for investigation. But in this instance Mr. SPENCER comes here with the proper document, properly authenticated, showing that he is properly elected, and it is our business to qualify him, and then he is a member of this body until he is ousted by the report of a committee and the judgment of the Senate upon the report of that committee.

Mr. SPENCER was afterward sworn in. The question of a contest as to which was the lawful Legislature of Alabama was tried, and after a long investigation decided in favor of that body by which Mr. SPENCER had been elected.

I now take up the question arising under the proposition to admit Mr. GOLDTHWAITE, the other Senator from Alabama, which occurred in 1871. When Mr. GOLDTHWAITE'S credentials were presented here, a memorial was presented, as in the Spencer case, alleging that Mr. GOLDTHWAITE had not been properly elected, because there were persons sitting in that body who voted for him and whose votes were necessary to his election who were not elected to the Legislature of Alabama and had no right to seats in that body. There were two classes of men specified in the memorial who it said had no right to seats in the Legislature of Alabama wh oted for Mr. GOLDTHWAITE and without whose votes he could not have been elected. First, three members of the house who it was said had not been elected at all, had received a minority of the votes, had never received certificates of election, who were admitted arbitrarily without any title whatever and the rightful members excluded. Next it was said that there were seven members of the body who were ineligible to membership in it because they were excluded by the fourteenth amendment to the Constitution of the United States from participation in the Legislature. The admission of Mr. GOLDTHWAITE was delayed for some time, but finally the Committee on Privileges and Elections made a report in his favor to which I will now call the attention of the Senate. The report of the committee is as follows:

Resolved, That GEORGE GOLDTHWAITE be permitted to take a seat in this body as a Senator from the State of Alabama upon taking the proper oath; and that the Committee on Privileges and Elections proceed hereafter to consider the grounds on which his right to a seat is contested, and hereafter make report to the Senate thereon.

Upon that report the Senator from Ohio, [Mr. THURMAN,] a member of the committee, made the following remarks:

So far as GOLDTHWAITE was concerned that report was unanimous on the part of the committee, as appears by the report itself, a copy of which I hold in my hand. It went upon the ground, which has been observed ever since this Government was formed, that the certificate of election of a Senator was *prima facie* evidence of his right to a seat and sufficient until it was overthrown; that he was entitled on that *prima facie* case to his seat in the body, and if any one said he was not entitled to it the contestant was bound to overthrow that *prima facie* case by sufficient charges and sufficient testimony, but that in the mean time the Senator was entitled to his seat on his *prima facie* case.

There was not, and there is not, as I had occasion to observe then, after a most careful examination of all the precedents, a single case in the whole history of this Government in which that rule has been departed from.

Mr. THURMAN. Will the Senator allow me to say a word in respect to that quotation?

Mr. MORTON. I prefer to get through what I have to say. In the course of the discussion that morning as chairman of the committee, I submitted a few remarks which I will quote simply to show the view that I then took and that I now take of the other question involved in the Goldthwaite case. I said:

The committee reported the case as a *prima facie* case, for the action of the Senate, for him to take his seat until the question was decided. I know of nothing having been presented to the Senate since, and I believe nothing has been presented to the committee. My own views were these: that so far as the question of election of members of the Legislature by fraud was concerned, that was a matter to be determined by the Legislature itself, and that we could not go behind its decision upon the question. As to whether a member had been allowed to take his seat without having had a certificate of election and without having received a majority of the votes cast, that was also a question to be determined by the Legislature, and we could not go behind its decision. As to the question whether members of the Legislature were under disabilities imposed by the Constitution of the United States, I held that that was a question which this Senate had a right to inquire into.

That was the distinction then made, the distinction that was made in the case of Mr. Thomas, of Maryland, about which something will be said hereafter. So much with regard to the Goldthwaite case.

I might refer to very many cases in which this question has been raised to show the uniform understanding of the Senate during a long series of years, but it is hardly necessary. I will, however, refer to the case of General Shields, decided by this body in 1849. General Shields had been elected a member of the Senate for the term of six years by the Legislature of Illinois. When he presented himself to be qualified to take the seat objection was made on the ground that he was not eligible under the Constitution of the United States, because he had not been a citizen of the United States for nine years. It was well understood by perhaps every member of the Senate at that time that General Shields was not eligible; that he had not been nine years a citizen of the United States. In fact he did not pretend personally that he had been, but the question came up under the certificate. The governor of Illinois had certified to his election in the usual form, as it was insisted; and although there was no dispute about the fact and although the objection was one of the highest character, that is a want of qualification under the Constitution, it was insisted that the question could not be raised even upon his own admission until after he had been sworn and taken his seat. Mr. Douglas, of Illinois, who presented the credentials and moved his admission said:

It appears from the credentials now on your table that James Shields was elected a Senator of the United States by the Legislature of Illinois for six years from the 4th instant. His credentials are in due form, and therefore those credentials entitle him to a seat in this body. He stands in precisely the same position in which other Senators stood who were yesterday admitted to seats; and if there is any objection on the ground of ineligibility, it must arise after he has been sworn and has taken his seat. This body has no jurisdiction over him or this matter until he has been admitted to his seat as one of its members, for then alone can the question of eligibility arise. At present he has a right to a seat here, and to a vote on any question that may arise until the Senate shall adjudge him ineligible. In assuming this ground, I am justified by the uniform precedents, so far as I have examined them.

Mr. Douglas went on in a lengthy statement to the same effect, in which he argued the question very fully. I will not take the time of the Senate to read all his remarks, but I will read this further extract:

I do not say that General Shields is eligible to a seat on this floor—

Mr. Douglas knew he was not—

I do not say that General Shields is eligible to a seat on this floor. I know nothing of the facts, sir; but I do know, from the credentials on your table, that he has been duly elected by the Legislature of the State of Illinois. His credentials are in due form. They are in such form as to make it a matter of right that he shall take his seat. I know also that yesterday you swore other members who presented credentials identically the same. And I likewise know that hitherto you have never refused the right to a seat to any gentleman coming with like credentials. After General Shields shall have been sworn and admitted to a seat I shall throw no impediment in the way of any examination that the Senate may desire to make of the facts of the case. It is the right of this body then to institute an investigation when objections are made; but (and I say it with great respect) this body has no right to reject without examination a Senator, when he presents his credentials in due form, showing that he has a right to a seat here.

Mr. Mangum, of North Carolina, then spoke—a very able man, as we all remember:

Mr. MANGUM. Mr. President, I am disposed to think that the Senator from Illinois is right. The credentials in this case are in due form; they are properly authenticated under the seal of the State, and hence they constitute a *prima facie* case. If it be deemed necessary, the Senate can enter upon an investigation after the claimant has been admitted to his seat; and, with my present impressions, I withdraw my resolution.

He himself had first offered the resolution to investigate before admission. Then spoke Mr. Turney, a distinguished member of the Senate at that time:

Mr. TURNEY. I insist that a *prima facie* case is presented which entitles the claimant to a seat; and it is not in the power of any one to exclude him from the enjoyment of his right. Why, if this were so, one member by an objection could yesterday have excluded one-third of this body; for yesterday one-third of the seats here were vacant, and they were filled by gentlemen on the presentation of just such credentials. It cannot be done, sir. I insist that General Shields is entitled to his seat, and if any constitutional question shall arise the Senate may then inquire as to his eligibility to remain here.

And now I want to make a remark in regard to the reason of the rule as presented by Mr. Turney. It is indispensable to the integrity of the body that it shall be the rule that a member presenting the proper credentials shall be admitted to a seat; for, as stated by him and as stated by Senator Buckingham in the Spencer case, if it were otherwise objections might exclude one-third of the members of this body, and in a case where parties are closely divided and where the party having the numerical majority may be anxious to keep it they can by objections exclude new applicants and thus retain their numerical supremacy in the body. They cannot, as has been objected in the Pinchback case, as was objected in the Goldthwaite case, exclude applicants from year to year, and perhaps the complexion of the body may depend on that. Therefore the integrity of this body requires that there shall be an inflexible rule that when the applicant presents his credentials in due form he shall be admitted, that the organization of the Senate shall be completed, that it shall not be in the power of a party by factious objections to delay the organization of the Senate, and that all questions of contest are to be examined afterward.

Mr. BAYARD. Shall I interrupt the Senator from Indiana if I ask him a question? I appreciate the danger of permitting a mere majority——

Mr. MORTON. I prefer, if my friend will allow me, to conclude my remarks.

Mr. BAYARD. Very well.

Mr. MORTON. I will read further from the debate in the Shields case. Mr. Badger, who was a distinguished member of this body, said:

I imagine that there is very little difference of opinion among Senators as to the right of General Shields to be sworn in at the present time as a member of this body. In the absence of any precedents to the contrary, it seems to me perfectly clear that General Shields, having presented to the Senate his credentials, showing in proper form his election to a seat in this body, is entitled to be sworn in as a member of this body, and treated as constitutionally a member of this body, until upon investigation it shall be fully ascertained that he is not constitutionally eligible to a seat here.

I have not time to read all that he said, but it is in the same line of argument. Mr. Butler, of South Carolina, then said:

Coming here, then, with *prima facie* qualifications and credentials, I cannot see how we can refuse him the right to be sworn as a member of this body. I think the case is analogous to proceedings at law involving the rights of membership—the right of holding office. Usually the question is made, under proceedings by a writ of *quo warranto*, "By what right do you hold office?" The member is sworn in, and the question as to his eligibility to a seat is afterward determined.

Mr. Webster said:

This is a very important question, sir, and it becomes us so to act as not to deprive ourselves of the power to exercise our undoubted constitutional right of judging of the qualifications of a member of this body, at the same time to act with all proper respect toward the State which has sent us a Senator which it has elected. To observe the established precedents in cases of this character is the best course we can adopt. There may be instances or precedents in which objection has been made before the member has taken his seat in either one House or the other. This gentleman's case is the other way. Being admitted to his seat, he is then to produce his credentials, and they are to be examined and investigated by the Senate, to decide if, constitutionally, he is eligible to a seat here. I think the proper course to be adopted in this instance is to allow the gentleman to be sworn at once.

After further debate, Mr. Foote, of Mississippi, in conclusion, said:

That it is now established, beyond all reasonable doubt, that precedent sustains fully the motion of the Senator from Illinois; that that motion is grounded firmly and irresistibly upon parliamentary usage. And I cannot perceive anything in the circumstances of this case which should constitute an exception to a general rule which I think has been fully established.

Then General Shields was sworn in. After that the investigation was made, he was found to be ineligible, and was expelled from the Senate.

There is another case to which I will refer anterior to the Shields case. I refer to the case of Potter *vs.* Robbins, from Rhode Island, in 1833. That case was very peculiar, and presents the strongest view of this question that can arise. In that case the Legislature of Rhode Island, acting under the charter, which was but an imperfect constitution, and the constitution of Rhode Island being in part unwritten, the Legislature of Rhode Island by a joint resolution extended the term of the existing governor of the State for one year, the lieutenant-governor for one year, and the members of the senate for one year. As the law then stood the terms of the senators would expire at the end of the session of 1831. As to the power of the Legislature to extend the term of the governor, lieutenant-governor, and members of the senate by a joint resolution there was much doubt and much debate. But after the term thus extended had begun to run, and during that one year, the Legislature of Rhode Island elected Mr. Robbins as a member of the Senate of the United States, and afterward, in the fall of 1832, an election was held, which was unquestionably legal, and a new governor, lieutenant-governor, and Legislature were elected. When that Legislature assembled they treated the Legislature of 1832 as an unauthorized body, the election of Robbins as a nullity, and proceeded to the election of Mr. Potter, and his election was certified to by the new governor of Rhode Island. The credentials of Mr. Robbins, certified by the governor of Rhode Island in 1832, came here first and were placed upon file; afterward the credentials of Potter, certified to by the governor in 1833, came here and were placed on file; and when the question came on organizing the Senate both parties appeared. A motion was made to refer both credentials to the Committee on the Judiciary to determine which of the applicants had the right to the seat. It was a very strange question; but after long debate it was held, Mr. Clay taking the leading part in the discussion, that the credentials of Mr. Robbins were signed by the governor of Rhode Island; that he had the *prima facie* title; and that the question as to which was the lawful Legislature of Rhode Island, or as to whether the Legislature of 1832 was a Legislature at all, must be examined afterward. Mr. Robbins was accordingly admitted by the Senate; and after great examinations it subsequently was determined that the Legislature of 1832 was lawful, and that Mr. Robbins was entitled to hold the seat. That, I think, presents the strongest question that could arise.

But I think, Mr. President, I have said enough to show what is the rule on the subject. I then come back to the pivotal question of this case upon which the whole thing must turn: Was Kellogg the governor of Louisiana in January, 1873? If he was, Pinchback has a *prima facie* case and is entitled to be sworn in as a member of this body, as much so as any gentleman now having a seat on this floor whose title was in the same form and of the same character.

I think I may state it as a general proposition that the actual government of a State, without reference to its origin, in possession of all the functions of government and in full operation, must be received as the government of a State by each House of Congress in its dealings with that government and must be so received by the President of the United States. The Constitution provides that—

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and * * * against domestic violence.

It has been held that that means that Congress shall do it; that by "the United States" is meant "Congress;" that it is not meant the Senate acting separately or the House acting separately, but it is meant that Congress, the joint convention of both bodies, shall guarantee to each State a republican form of government. The necessary result of that doctrine is that while there is an actual government in a State, in full possession of the government of the State or of the authority of the State, until both Houses as a Congress have jointly determined that it is not the lawful government of the State, each House acting separately must receive it as such. If this doctrine is not sound, then you have no guarantee against anarchy and confusion; for if one House is at liberty to receive and accept the established government of a State and the other House is at liberty to reject it, you have that sort of confusion and anarchy inconsistent with the frame and theory of our government. Therefore the actual government of a State must be received until by both Houses of Congress it has been determined, as a Congress, that it is not the lawful government of a State.

Then, Mr. President, I come to the next proposition, and that is, that all questions arising under the constitution and laws of a State that do not involve any question under the Constitution of the United States, or any law of the State, are left to the determination of the authorities of the State which the State by her constitution and laws has provided and established for the determination of such questions. That is the theory of our Government, and it cannot be carried on harmoniously or successfully upon any other theory. I am not an advocate of the doctrines of State sovereignty, as is well understood; I have repudiated that doctrine; but I am an advocate of the doctrine of State rights as recognized and established by the Constitution of the United States. My proposition is that it is the right of a State through her own tribunals, established for that purpose, to determine all questions arising exclusively under State laws, and that the determination of her highest courts is binding upon the Government of the United States in its dealings with that State; that the courts of the United States must accept the decisions of the courts of a State as final and conclusive; and that the Congress of the United States, each House, or the executive department in its separate dealings, must accept such determination unless Congress, as such, shall determine otherwise. This doctrine was laid down in the case of Luther *vs.* Borden, a case very familiar to all members of this body, in the strongest terms. I will ask the Clerk, to save me from too much fatigue, to read from the opinion of Chief Justice Taney in the case of Luther *vs.* Borden, commencing at the cross on page 40 down to the cross on page 41.

The Chief Clerk read as follows:

It is worthy of remark, however, when we are referring to the authority of State decisions, that the trial of Thomas W. Dorr took place after the constitution of 1843 went into operation. The judges who decided that case held their authority under that constitution; and it is admitted on all hands that it was adopted by the people of the State, and is the lawful and established government. It is the decision, therefore, of a State court, whose judicial authority to decide upon the constitution and laws of Rhode Island is not questioned by either party to this controversy, although the government under which it acted was framed and adopted under the sanction and laws of the charter government.

The point, then, raised here has been already decided by the courts of Rhode Island. The question relates altogether to the constitution and laws of that State; and the well-settled rule in this court is, that the courts of the United States adopt and follow the decisions of the State courts in questions which concern merely the constitution and laws of the State.

Upon what ground could the circuit court of the United States which tried this case have departed from this rule, and disregarded and overruled the decisions of the courts of Rhode Island? Undoubtedly the courts of the United States have certain powers under the Constitution and laws of the United States which do not belong to the State courts. But the power of determining that a State government has been lawfully established, which the courts of the State disown and repudiate, is not one of them. Upon such a question the courts of the United States are bound to follow the decisions of the State tribunals, and must therefore regard the charter government as the lawful and established government during the time of this contest.

Besides, if the circuit court had entered upon this inquiry, by what rule could it have determined the qualification of voters upon the adoption or rejection of the proposed constitution, unless there was some previous law of the State to guide it? It is the province of a court to expound the law, not to make it. And certainly it is no part of the judicial functions of any court of the United States to prescribe the qualification of voters in a State, giving the right to those to whom it is denied by the written and established constitution and laws of the State, or taking it away from those to whom it is given; nor has it the right to determine what political privileges the citizens of a State are entitled to, unless there is an established constitution or law to govern its decision. (7 Howard, 40, 41.)

Mr. MORTON. Now, Mr. President, that is a clear recognition that the courts of the United States are bound to follow the courts of the State in all questions arising under the constitution and laws of the State. The political department of this Government it cannot be said is bound to do anything, because you cannot compel the Senate to do anything. You cannot compel it to pass an appropriation bill; you cannot compel it to act upon any question. I am speaking, not of the power to compel, but I am speaking of duty, which ought to be equivalent to that power. The political department of this Government, Congress, may determine all questions as to which is the lawful government of a State; but that question does not belong to one House separately. It belongs to both Houses

jointly, acting as the Congress, and until both Houses acting jointly have overruled or determined against the lawful government of a State, that government must be received as such, and the decisions of the highest courts of that State must be followed in the execution of the laws and constitution of the State. This is a question that rises above all party. Party considerations are trifling and contemptible when brought into connection with the decision of questions of this character. This is the true doctrine upon which the State governments alone can be preserved. I am inflexibly determined, so far as my own action is concerned, that the true province of the State shall not be infringed; that State rights shall be preserved in all their integrity, because the States have rights sacred, unapproachable, and that ought to be inviolable; and among these, and indispensable to the existence of the State, is the right through their own tribunals to determine who are their officers, to determine by their own courts, under the special tribunals that may be created for that purpose, who is the governor of the State, who compose the members of the Legislature, who are entitled to sit upon the bench and to administer the laws; because if the Government of the United States may enter into the consideration of these questions, may review State elections and determine who has been elected a member of the Legislature or the governor or the treasurer of the State, then indeed the State governments exist only by sufferance. Then indeed the Government of the United States is supreme. Then indeed you have what is called centralization.

Different States have different tribunals for determining questions of State elections. We have one form in the State of Indiana; you may have another in the State of Maryland; and Louisiana may have perhaps still another form of tribunal. It makes no difference what the form is, what may be the forum, the question is as to the absolute right of the State to determine who have been elected to administer the State offices. When the tribunals constituted by the State have determined that question, their conclusions must be received as final, whether they are true or false. It may be said that the tribunals have determined dishonestly, that they have determined ignorantly, erroneously. That makes no difference. You cannot have government unless you have some final arbiter, and when that final arbiter has made its decision, whether it be right or wrong, you must abide by it. Without that, you have anarchy, for if any one is at liberty to disregard a final judgment upon the ground that it was erroneous, or that it was corrupt, then the final judgment amounts to nothing, and there is no government, and there is no final conclusion upon any question. Therefore, whether the courts of last resort determines correctly or not, makes no difference. When the decision comes from that court it must be received as settled. If not, that is the end of government.

Now, Mr. President, allow me to advert for a few minutes particularly to the laws and constitution of Louisiana. By the law of Louisiana there is created what is called a returning board to count the votes for all officers—county or parish officers, as they are called there, State officers, and members of the Legislature. The authority to count and determine is given to that board, and the decisions of that board are made final and conclusive by the law of Louisiana. They are to count the votes as to the election of members of the Legislature, and they make a return to the secretary of state as to the persons whom they have found to be elected. The secretary of state upon that return makes out a list of the members-elect to the new Legislature—certificates they are sometimes called. This list is handed to the clerk of the old house and the secretary of the old senate, and upon that list the officers of the two former houses organize the new Legislature; and by the law of Louisiana no person is entitled to take a seat in that body whose name is not upon that list. That list constitutes the authority to take a seat as a member of the house or of the senate. After the senate and the house have been thus organized, each house has that authority which belongs to all legislative bodies, to determine the election and qualification of its own members. Each house may then pass upon the title of any sitting member; and if it finds that he was not elected, may turn him out and put some one in his place. I am speaking now of the organization of the two houses. The votes for the governor of the State are also to be counted by this returning board and with the original returns are to be sent to the secretary of state. When the Legislature convenes the two houses are to assemble in joint convention and to canvass the vote for governor and to declare who has been elected the governor of the State; and that is the last proceeding in the whole matter so far as the governor is concerned.

Now, whether the Legislature which elected Pinchback was the lawful Legislature of the State, must depend upon the laws of the State. It was organized by the persons returned by the returning board as elected. Kellogg was counted in by that board, afterward counted in by the Legislature, and has been the governor of Louisiana since the second Monday of January, 1873, now more than two years.

Now I come to speak of the recognition of Kellogg. I will first speak of the recognition in fact. He has been the governor of Louisiana in point of fact, exercising all the authority belonging to that office. He has made recommendations to the Legislature and it has acted upon them. The Legislatures that have assembled since that time have submitted all their enactments to him. More than two hundred laws have been submitted to him for his approval or rejection. Most of them he has approved, but some of them he has vetoed. He has been recognized by all the courts of Louisiana, the supreme as well as the subordinate courts, continuously. The laws enacted by the Legislature electing Pinchback, some hundred in number, have been enforced throughout the State from the time of the meeting of that Legislature up to the present day, and have been recognized by all the courts, high and low. This has been his actual and positive recognition by the different departments of the State government; there has been but one government in Louisiana; there has been but one governor; there has been but one Legislature. What was called the McEnery government existed only on paper; it never had any other existence; McEnery was never governor for a single minute. The Legislature that he assembled never assumed to pass a law, never assumed to act as such except to send a man to this body to ask for admission as United States Senator. The actual government in Louisiana has been the Kellogg government, and it must be received as such until both Houses of Congress acting as a Congress, and not separately, shall decide that it is not the lawful government of Louisiana. I said the courts in Louisiana had recognized Kellogg as governor, had recognized the Legislature that elected Pinchback as the Legislature of Louisiana, and that this government had the sanction of the State tribunals created for the express purpose of deciding all questions, whether in regard to elections or anything else, that might arise under the constitution and laws of Louisiana.

Now, Mr. President, I shall call the attention of the Senate to the decisions of the supreme court of Louisiana, and I want to remark in regard to that court that it is not involved in this controversy. All the judges but one were elected in 1868, and still held their offices. There was one resignation, that of Judge Howe, in December, 1873. The vacancy was filled by the appointment by Pinchback in the month of December, 1873, confirmed by the senate, and that judge is now upon the bench; but the other three were elected in 1868. There has been no second supreme court in Louisiana. It is one of the departments of that State government which has never been questioned and is not now. Its adjudications are entitled to all the weight and all the authority that are to be given to the adjudications of the supreme court of any State.

In 1873 the question as to which was the lawful returning board of Louisiana came before that court for determination. You are aware of the fact that there were three boards nominally; that Governor Warmoth attempted to organize one board, that there was another board of which he was in point of fact a member called the Lynch board, and that board was finally held by the supreme court to be the lawful returning board of Louisiana, and we are to receive it as such just as much as though there had never been a pretended board different from that. It was held upon final argument and decision to be the lawful returning board of Louisiana, and we must receive it as such, and we have no right in the decision of any question coming from Louisiana to raise a single doubt upon the subject.

But there was a dispute in Louisiana, and the members of the Lynch board, the lawful returning board under the laws of Louisiana, presented a petition to a subordinate court which found its way to the supreme court of the State. I will not read all of that opinion, but only the concluding part of it. The case was begun in this way:

The petition of the State on the relation, &c., in this case represents that H. C. Warmoth, F. J. Herron, John Lynch, James Longstreet, and Jacob Hawkins, constitute the legal board of returning officers and are duly qualified as such for making the returns of the elections held in this State on the 4th of November, 1872, and that Jack Wharton, F. H. Hatch, and Durant Da Ponte, are pretending to be such officers and are attempting to act as such, and are interfering with the above named parties in the discharge of their official duties. The petitioner prays that the said Wharton, Hatch, and Da Ponte be cited and decreed to be intruders into and usurpers of the office of returning officers of elections, and that said Herron, Longstreet, and Hawkins be decreed to be such officers.

I will ask the Secretary to read the conclusion of the decision of the court which I have marked.

The Chief Clerk read as follows:

Our conclusion is that at the institution of this suit Warmoth, Herron, Lynch, Longstreet, and Hawkins were the legal board of returning officers under the law of 1870 (No. 100) for the election on the 4th day of November, 1872; that the defendants, Wharton, Hatch, and Da Ponte, were intruders; that the injunction against them properly issued; that the act No. 89 of 20th of November, 1873, did not have the effect of abolishing the said board of returning officers, who met on the 12th of November, 1872, and were by the first-mentioned law required to "continue in session" until the returns of said election were completed; and that the judge of the eighth district for the parish of Orleans erred in dissolving the said injunction and dismissing this suit.

It is therefore ordered and adjudged that the board of returning officers, composed of H. C. Warmoth, F. J. Herron, John Lynch, James Longstreet, and Jacob Hawkins, was the legal board of returning officers of elections of the State of Louisiana, and it is decreed that the judgment of the court *a quo* be avoided and reversed so far as the appellant is concerned, and that the defendant, appellees, pay cost of this appeal. (25 Louisiana Annual Reports.)

Mr. MORTON. That is the decision of the supreme court of Louisiana as to the returning board, as to the lawful authority of the board that counted the vote and returned as elected the members of the Legislature which elected Mr. Pinchback to a seat in this body. I say that upon all principle and authority that decision of the court is final upon that question.

There were various questions going before that court in regard to the authority of the county officers, in reference to one of the supreme judges, in reference to the attorney-general, in reference to a case

growing out of the conviction of a man for murder, and in various other ways came before that court. The validity of that Legislature, its right to pass laws, the authority of Governor Kellogg as governor, was called in question, and all these questions were passed upon and decided by the supreme court of the State.

I next refer to the case of Morgan. He was appointed by Pinchback, while he was still acting governor of the State, between the 12th of December and the first Monday of January, to fill the vacancy on the supreme bench occasioned by the resignation of Judge Howe, who was confirmed by the senate of that Legislature which afterward elected Pinchback to a seat in this body. The supreme court passed upon the question, and they held that Pinchback was the lawful governor of Louisiana at the time he made the nomination and that the senate which confirmed Morgan was the lawful Senate of Louisiana. I will ask the Secretary now to read the extract from the decision, beginning where I have marked.

The Chief Clerk read as follows from 25 Louisiana Annual Reports:

A suit was instituted on the 16th of January, 1873, after the promulgation of the law in question, which was in operation, by the terms of the law, "from and after its passage."

On the merits, the question is, have the plaintiffs proved their demand; have they shown that P. H. Morgan was appointed and confirmed to the office of associate justice of the supreme court of the State of Louisiana? The public is concerned in knowing this fact.

To determine that question, it is necessary to know if his appointment was made by the governor of the State, and if that appointment has been confirmed by the senate of the State.

The appointment was made by P. B. S. Pinchback, who signs the commission as acting governor of the State of Louisiana. Was he acting governor of the State? We have no doubt of the fact. He was elected president of the senate in December, 1871, after the death of Lieutenant-Governor Dunn. As such he became lieutenant-governor during the unexpired term of Oscar J. Dunn. Section 1560 of the Digest of the Statutes of this State provides that "in case of the vacancy in the office of governor, the lieutenant-governor shall be governor; in case of vacancy in the office of lieutenant-governor, the senate shall elect a president, who shall be lieutenant-governor." (Page 142.)

The law does not say during his senatorial term, but that he "shall be lieutenant-governor." If the governor had died or resigned the day after, the lieutenant-governor would have become governor. Can it be pretended that under those circumstances the office of governor would have become vacant by the expiration of the time for which P. B. S. Pinchback had been elected a senator? We think not. He was lieutenant-governor when Governor Warmoth was impeached by the house of representatives. During his impeachment the governor was suspended, and the "powers and duties of the office devolved upon the lieutenant-governor." (Constitution of Louisiana, article 53.)

Was the senate which confirmed P. H. Morgan the senate of the State of Louisiana?

It was composed of persons returned as elected to the secretary of state by the returning officers recognized by this court to be the legal returning officers at the late election. (Constitution, article 46.)

It was organized at the State-house by those whose names had been furnished by the secretary of state to the secretary of the senate, in accordance with the election law of this State; it was presided over by the lieutenant-governor, and subsequently it was recognized by the acting governor of the State as a part of the General Assembly. It is tacitly admitted by the defendant that the body of men who confirmed the appointment of Morgan is the senate, for he attacks a law under which this suit is brought, enacted by the General Assembly of which this senate forms a part, not on the ground that the law violates the constitution of the State and of the United States.

Though we have not the power to decide who are the members of the General Assembly, yet we, as judges, are bound to know what assemblage of men constitute the State Legislature, for we are bound to know what are the laws of the State in order to adjudicate upon the rights of litigants under the law.

We are of opinion, therefore, that P. H. Morgan was duly appointed and confirmed associate justice of the supreme court, vice W. W. Howe, resigned.

Mr. MORTON. Mr. President, here is the direct finding of the supreme court in a case where they were required to pass upon the question whether one of their own colleagues had been confirmed by the senate of the Legislature of Louisiana. They find that he was, and declare that his title was consummate. They say that the members of the senate had been returned by the lawful returning board, that Pinchback was the acting governor between December 12, 1872, and the second Monday in January 7, 1873. Now I submit that in the face of that decision there is no principle and there is no precedent by which the Senate of the United States can refuse to admit Mr. Pinchback. Always reserving the power of Congress, both Houses acting together, to determine which is the government of a State, while acting separately, I say that the Senate of the United States is bound upon every principle to recognize the existing government of Louisiana.

I now refer to another case. I refer to the case of Kemp *vs.* Ellis, and the extract will explain itself. It was a question of which party was entitled to an office. Governor Warmoth, before his suspension and before the votes of the November election of 1872 had been counted, issued a commission. Afterward another person was commissioned to fill the same office, and the question which was entitled to the office was passed upon by the supreme court. I ask the Secretary to read the extract which I have marked and which explains itself.

The Chief Clerk read as follows, from the twenty-fifth volume of Louisiana Annual Reports:

And now, under the confused state of litigation that appears to exist in that judicial district in relation to judicial offices, and the contradictory evidence we find in the record, to enable us to decide the question it becomes necessary for us to determine incidentally which of the two claimants of the office of parish judge of the parish of Tangipahoa had *prima facie* the right to render the order of transfer. Each of these parties, like the contestants for the district judgeship, presents a commission. The commission of Addison is dated December 4, 1872, and was issued by Governor Warmoth. Bradley holds the commission of Governor Kellogg, dated 24th of January, 1873. We have several times decided that the Warmoth commissions that were issued, like the one in the present case, before the general election returns were reported and promulgated by the returning officers of the State, are null and void. Bradley, therefore, holding a commission regular and legal on its face, must be considered as *prima facie* entitled to the office, and therefore that he had the right to render the order of transfer.

On the merits, the case is to be disposed of under the provisions of the law enacted on the 5th March, 1873, No. 39. The question then is, which of the contestants holds the legal and valid commission? The defendant's commission was issued by Governor Warmoth on the 4th day of December, 1872, before the general election returns had been officially made out and promulgated as required by law, and before he could legally issue a commission. The court, as was said in the case of Collin *vs.* Noblock, lately decided, will take judicial cognizance of that irregularity which renders the issuing of a commission null and void, as having been done in contravention of positive law.

The plaintiff holds the commission of Governor Kellogg, issued on the 24th of January, 1873.

The commission bears *prima facie* evidence of its genuineness and validity, and nothing to the contrary being shown, must be recognized as having legal force. The reasons assigned in the case of Collin *vs.* Noblock apply in the general to this case. It becomes unnecessary to pass upon the various bills of exceptions found in the record.

It is therefore ordered, adjudged, and decreed that the judgment of the superior court be affirmed with costs.

Mr. MORTON. In this case the question was between a commission issued by Warmoth and a commission issued by Kellogg subsequently, and it was held by the court that the commission issued by Warmoth of the 4th of December, and before the votes cast at the November election had been counted at all, was a nullity, as being in direct contravention of law, and that the commission subsequently issued by Kellogg was the lawful commission, and that that person receiving it was entitled to exercise the office of parish judge.

I now ask the Secretary to read a further extract from the case of The State of Louisiana *vs.* McFarland, page 552 of the same volume, in which the authority of Governor Kellogg is again brought into question. This extract will also explain itself. It was a case in which McFarland was indicted for murder and was held for bail by the presiding judge, and the question was as to the authority of the judge to take the bail.

The Chief Clerk read as follows:

They do not hold office by virtue of any title having color of authority. They claim to have been elected at the general election of November, 1872. They never were declared elected by the board of returning officers, neither have they been commissioned. The documents called commissions, purporting to have been issued by Governor Warmoth on the 4th of December, 1872, are absolute nullities, having been issued in violation of law. This we had occasion to decide in the case of Collin *vs.* Noblock, and in other cases decided at the last term of this court at New Orleans.

We will notice, judicially, that no one claiming an office by election in November, 1872, could have been commissioned except by Acting Governor Pinchback or by Governor Kellogg, inasmuch as Governor Warmoth was suspended by being impeached by the house of representatives before the promulgation of the returns of the election by the returning board, and that his trial was discontinued in consequence of the expiration of his term of office.

These facts form a part of the history of this State. It was impossible, therefore, for him to have issued commissions while he was suspended from discharging the duties of his office.

But it is hardly necessary to consider the commissions, even if they can be regarded as commissions, inasmuch as the law No. 41 declares that no one by virtue of an election shall exercise the functions of the office until "declared elected by the returning board constituted by law." The obvious meaning of the words, "if any person shall assume or pretend to be an officer of the State, executive, judicial, or legislative, without authority of an election declared by the returning board constituted by law, or without authority of a commission from the governor of the State, in case the law requires such officer to be commissioned," is that no one shall exercise the functions of an elective office by virtue of an election unless he has been declared elected according to existing laws, and in cases where the law requires the officer to be commissioned, until such commission shall have been issued.

Mr. MORTON. There are some decisions which that court has made since the publication of this volume which have not yet been put in book form. I had them at the last session of Congress, but have been unable to place my hand on them up to this time. Perhaps I can find them by to-morrow. They are all in the same line; a clear and distinct recognition by the supreme court of Louisiana of what is known as the Kellogg legislature as the lawful Legislature of that State, and a clear and distinct recognition that Kellogg is the lawful governor of that State; in other words, Kellogg is surrounded with all the forms of law, invested by the approval of all those tribunals in the State of Louisiana empowered by the constitution and laws of that State to settle questions of contested election.

If there be an infirmity in his title, it goes back to the polls; it does not exist in any form of law, because those tribunals empowered to pass upon all those questions have determined in his favor; I mean the returning board and the courts of the State. If you feel empowered to go behind these decisions, to go to the polls and to inquire who received the votes, then you assume a jurisdiction that places the government of every State at the mercy of the Congress of the United States. As I said before, while I abhor the doctrine of State sovereignty, blood-stained as it is, yet I recognize the rights of the States, and I recognize those rights that are indispensable to the continued existence of the State governments.

Mr. President, so far as the Legislature is concerned which elected Pinchback and so far as Kellogg is concerned, they have received the sanction of the established tribunals of the State of Louisiana.

EXECUTIVE BUSINESS.

Mr. O. E. BABCOCK, Secretary of the President of the United States, appeared below the bar and delivered several messages from the President of the United States.

Mr. SHERMAN. With the consent of the Senator from Indiana, I move that the Senate proceed to the consideration of executive business.

After twenty minutes spent in executive session the doors were reopened, and (at two o'clock p. m.) the Senate adjourned.

IN SENATE.

TUESDAY, *March* 9, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

ELECTION OF PRESIDENT *pro tempore*.

The SECRETARY, (Hon. GEORGE C. GORHAM,) called the Senate to order, and said:

The Secretary has received the following letter from the Vice-President, dated March 8.

DEAR SIR: Please state to the Senate that an absence from the city for two or three days will prevent me from being present to-morrow.

Very respectfully,

H. WILSON.

Hon. GEORGE C. GORHAM.

Mr. ANTHONY. Mr. Secretary, I offer the following resolution:

Resolved, That in the absence of the Vice-President, honorable THOMAS W. FERRY be, and is hereby, chosen President of the Senate *pro tempore*.

Mr. McCREERY. I should suppose that would be decided by an election. I did not suppose the Senator would want the resolution to pass in that way.

The SECRETARY. Does the Senator from Kentucky make a motion?

Mr. McCREERY. I merely make a suggestion—an election. I suppose the Senator from Rhode Island will be willing to wait a few minutes and have an election for President *pro tempore*.

Mr. ANTHONY. I withdraw the resolution with pleasure, and move that the Senate proceed to the election of a President *pro tempore* by ballot.

Mr. McCREERY. Will the Senator wait for a few moments before having the question put?

Mr. EDMUNDS. Can we wait? The Senate is not organized.

Mr. ANTHONY. We cannot wait.

The SECRETARY. The Secretary will state that the Senate is without organization at present.

Mr. ANTHONY. I move that the Senate proceed to the election of President *pro tempore* by ballot.

Mr. COOPER and Mr. McCREERY called for the yeas and nays.

Mr. ANTHONY. There will be no objection to the ballot-boxes being kept open long enough to allow all the Senators to vote.

Mr. SHERMAN. The Senator from Kentucky wants a little time, and the call of the yeas and nays will give time sufficient for his friends to come in.

Mr. CONKLING. The balloting will give time.

Mr. SHERMAN. The call of the yeas and nays will certainly give time.

The SECRETARY. The Secretary will put the question on sustaining the call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 53, nays none; as follows:

YEAS—Messrs. Alcorn, Allison, Anthony, Bayard, Bogy, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Caperton, Christiancy, Clayton, Conkling, Conover, Cooper, Davis, Dorsey, Eaton, Ferry of Connecticut, Ferry of Michigan, Frelinghuysen, Hamilton, Hamlin, Harvey, Howe, Ingalls, Johnston of Virginia, Jones of Florida, Kelly, Kernan, Logan, McCreery, McDonald, McMillan, Maxey, Merrimon, Mitchell, Morrill of Vermont, Norwood, Paddock, Randolph, Robertson, Sargent, Saulsbury, Sherman, Spencer, Stevenson, Thurman, Wallace, West, Whyte, Windom, Withers, and Wright—53.

ABSENT—Messrs. Boutwell, Bruce, Cockrell, Cragin, Dawes, Dennis, Edmunds, Goldthwaite, Gordon, Hitchcock, Johnson of Tennessee, Jones of Nevada, Morrill of Maine, Morton, Oglesby, Patterson, Ransom, and Wadleigh—18.

So the motion was agreed to; and the Secretary appointed Messrs. ANTHONY and McCREERY as tellers of the election.

Mr. ANTHONY. Mr. Secretary, I nominate Mr. FERRY, of Michigan.

Mr. STEVENSON. Mr. Secretary, I nominate the Senator from Ohio, [Mr. THURMAN.]

The SECRETARY. Senators have heard the nominations. Senators will please prepare their ballots, and the Sergeant-at-Arms will collect the ballots after they are prepared.

The ballots having been deposited, were collected and canvassed by the tellers.

Before the result was announced,

Mr. RANSOM. I desire to vote. I was out when the ballots were being cast.

The SECRETARY. The Senator from North Carolina will send his ballot to the desk, if there is no objection to this proceeding.

Mr. SHERMAN. There is no objection, I think.

Mr. EDMUNDS. Of course there cannot be any objection. The Senator has a right to cast his ballot.

Mr. RANSOM deposited his ballot.

Mr. BOUTWELL and Mr. DAWES also presented their ballots, which were received.

The SECRETARY. The tellers announce the following result of the ballot:

Whole number of ballots 64; necessary to a choice 33; of which Mr. FERRY, of Michigan, has received 39; Mr. THURMAN 25. Mr. FERRY, of Michigan, is therefore chosen President of the Senate *pro tempore*. The Senator from Rhode Island [Mr. ANTHONY] and the Senator from Kentucky [Mr. McCREERY] will be kind enough to conduct Mr. FERRY to the chair.

Mr. FERRY, of Michigan, was escorted to the chair by Messrs. ANTHONY and McCREERY, and addressed the Senate as follows:

Senators, for this distinguished assurance of your confidence I thank you. Relying upon your generous support in my endeavors to meet with impartiality the requirements of the chair, I will at once enter upon its duties, with which you have so kindly honored me.

On motion of Mr. ANTHONY, it was ordered that the Secretary wait upon the President of the United States and inform him that in the absence of the Vice-President the Senate has chosen Hon. THOMAS W. FERRY, a Senator from the State of Michigan, President of the Senate *pro tempore*.

The Journal of the proceedings of yesterday were read and approved.

CREDENTIALS.

Mr. SARGENT presented the credentials of Newton Booth, chosen by the Legislature of California a Senator from that State for the term beginning March 4, 1875.

The credentials were read; and, the oaths prescribed by law having been administered to Mr. BOOTH, he took his seat in the Senate.

COMMITTEES OF THE SENATE.

Mr. ANTHONY. Mr. President, I move that the Senate proceed to the election of the standing committees.

The motion was agreed to.

Mr. ANTHONY. I ask unanimous consent that the rule which requires the chairmen of committees to be elected by ballot be dispensed with.

The PRESIDENT *pro tempore*. If there be no objection, the suspension is ordered.

Mr. ANTHONY. I also ask unanimous consent that the rule which requires the remaining members of each committee to be elected by one ballot be dispensed with.

The PRESIDENT *pro tempore*. If there be no objection, that order will be made.

Mr. ANTHONY. I offer the following resolution:

Resolved by the Senate of the United States, That the committees be constituted as follows:

The Committee on Privileges and Elections shall consist of nine members, to wit: Messrs. Morton, (chairman,) Logan, Alcorn, Mitchell, Wadleigh, Cameron of Wisconsin, McMillan, Saulsbury, and Merrimon.

The Committee on Foreign Relations shall consist of nine members, to wit: Messrs. Cameron of Pennsylvania, (chairman,) Morton, Hamlin, Howe, Frelinghuysen, Conkling, McCreery, Bogy, and Johnson of Tennessee.

The Committee on Finance shall consist of nine members, to wit: Messrs. Sherman, (chairman,) Morrill of Vermont, Ferry of Michigan, Frelinghuysen, Logan, Boutwell, Jones of Nevada, Bayard, and Kernan.

The Committee on Appropriations shall consist of nine members, to wit: Messrs. Morrill of Maine, (chairman,) Windom, West, Sargent, Allison, Dorsey, Davis, Eaton, and Wallace.

The Committee on Commerce shall consist of nine members, to wit: Messrs. Conkling, (chairman,) Spencer, Boutwell, Cameron of Wisconsin, Burnside, McMillan, Gordon, Davis, and McDonald.

The Committee on Manufactures shall consist of five members, to wit: Messrs. Robertson, (chairman,) Booth, Bruce, Withers, and Wallace.

The Committee on Agriculture shall consist of five members, to wit: Messrs. Frelinghuysen, (chairman,) Robertson, Harvey, Davis, and Gordon.

The Committee on Military Affairs shall consist of nine members, to wit: Messrs. Logan, (chairman,) Cameron of Pennsylvania, Spencer, Clayton, Wadleigh, Burnside, Ransom, Randolph, and Cockrell.

The Committee on Naval Affairs shall consist of seven members, to wit: Messrs. Cragin, (chairman,) Anthony, Morrill of Maine, Sargent, Conover, Norwood, and Whyte.

The Committee on the Judiciary shall consist of seven members, to wit: Messrs. Edmunds, (chairman,) Conkling, Frelinghuysen, Wright, Howe, Thurman, and Stevenson.

The Committee on Post-Offices and Post-Roads shall consist of nine members, to wit: Messrs. Hamlin, (chairman,) Ferry of Michigan, Dorsey, Jones of Nevada, Dawes, Paddock, Saulsbury, Johnson of Tennessee, and Maxey.

The Committee on Public Lands shall consist of nine members, to wit: Messrs. Oglesby, (chairman,) Windom, Harvey, Boutwell, Paddock, Booth, Kelly, McDonald, and Jones of Florida.

The Committee on Private Land Claims shall consist of five members, to wit: Messrs. Thurman, (chairman,) Bayard, Bogy, Ferry of Connecticut, and Allison.

The Committee on Indian Affairs shall consist of seven members, to wit: Messrs. Allison, (chairman,) Oglesby, Morrill of Maine, Ingalls, Clayton, Bogy, and McCreery.

The Committee on Pensions shall consist of seven members, to wit: Messrs. Ingalls, (chairman,) Allison, Hamilton, Booth, Bruce, McDonald, and Withers.

The Committee on Revolutionary Claims shall consist of five members, to wit: Messrs. Stevenson, (chairman,) Johnston of Virginia, Goldthwaite, Morrill of Vermont, and Wright.

The Committee on Claims shall consist of nine members, to wit: Messrs. Wright, (chairman,) Mitchell, Wadleigh, Christiancy, McMillan, Cameron of Wisconsin, Caperton, Cockrell, and Jones of Florida.

The Committee on the District of Columbia shall consist of seven members, to wit: Messrs. Spencer, (chairman,) Hitchcock, Dorsey, Ingalls, Robertson, Merrimon, and Eaton.

The Committee on Patents shall consist of five members, to wit: Messrs. Ferry of Connecticut, (chairman,) Windom, Dawes, Johnston of Virginia, and Kernan.

The Committee on Public Buildings and Grounds shall consist of five members, to wit: Messrs. Morrill of Vermont, (chairman,) Cameron of Pennsylvania, Paddock, Cooper, and Whyte.

The Committee on Territories shall consist of seven members, to wit: Messrs. Hitchcock, (chairman,) Cragin, Patterson, Christiancy, Sharon, Cooper, and Maxey.

The Committee on Railroads shall consist of eleven members, to wit: Messrs. West, (chairman,) Hitchcock, Cragin, Howe, Hamilton, Mitchell, Sargent, Dawes, Ransom, Kelly, and Caperton.

The Committee on Mines and Mining shall consist of seven members, to wit: Messrs. Sargent, (chairman,) Hamlin, Alcorn, Harvey, Sharon, Goldthwaite, and Randolph.

The Committee on the Revision of the Laws shall consist of five members, to wit: Messrs. Boutwell, (chairman,) Alcorn, Christiancy, Caperton, and Wallace.

The Committee on Education and Labor shall consist of nine members, to wit:

Messrs. Patterson, (chairman,) Ingalls, Morton, Ferry, of Connecticut, Burnside, Bruce, Gordon, Eaton, and Maxey.

The Committee on Civil Service and Retrenchment shall consist of seven members, to wit: Messrs. Clayton, (chairman,) Wright, Oglesby, Sherman, Patterson, McCreery, and Randolph.

The Committee to Audit and Control the Contingent Expenses of the Senate shall consist of three members, to wit: Messrs. Jones of Nevada, (chairman,) Dawes, and Dennis.

The Committee on Printing shall consist of three members, to wit: Messrs. Anthony, (chairman,) Howe, and Saulsbury.

The Committee on the Library shall consist of three members, to wit: Messrs. Howe, (chairman,) Edmunds, and Ransom.

The Committee on the Rules shall consist of three members, to wit: Messrs. Ferry, of Michigan, (chairman,) Hamlin, and Merrimon.

The Committee on Engrossed Bills shall consist of three members, to wit: Messrs. Bayard, (chairman,) Withers, and Anthony.

The Committee on Enrolled Bills shall consist of three members, to wit: Messrs. Conover, (chairman,) Robertson, and Kelly.

The Select Committee on Transportation Routes to the Sea-board shall consist of nine members, to wit: Messrs. Windom, (chairman,) Sherman, Conkling, West, Conover, Mitchell, Norwood, Davis, and Johnston of Virginia.

The Select Committee on the Levees of the Mississippi River shall consist of five members, to wit: Messrs. Alcorn, (chairman,) Clayton, Harvey, Cooper, and Cockrell.

The resolution was agreed to.

PAPERS WITHDRAWN.

On motion of Mr. WRIGHT, it was

Ordered, That Dialogue & Wood have leave to withdraw their papers from the files of the Senate.

SENATOR FROM LOUISIANA.

The Senate resumed the consideration of the following resolution submitted by Mr. MORTON on the 5th instant:

Resolved, That P. B. S. Pinchback be admitted as a Senator from the State of Louisiana for the term of six years, beginning the 4th day of March, 1873.

Mr. MORTON. Yesterday, when I yielded to a motion to go into executive session, I had elaborated the proposition that the so-called Kellogg government had been recognized by all the departments of the State government of Louisiana and by the supreme court and subordinate courts; that the laws enacted by that Legislature were received as the laws of Louisiana and administered by all the courts; that this recognition extended not only to the governor but to the Legislature, and that no distinction can be drawn between the legality of Kellogg as governor and the authority of that Legislature; that the Kellogg government is one; that if Kellogg is governor, the so-called Kellogg legislature is the Legislature of that State and its enactments are to be received as the enactments of the proper legislative body of Louisiana. The supreme court—and I recall the attention of the Senate to it—said:

Though we have not the power to decide who are the members of the General Assembly, yet, we, as judges, are bound to know what assemblage of men constitute the State Legislature, for we are bound to know what are the laws of the State, in order to adjudicate upon the rights of litigants under the laws. (25 Louisiana Reports, 244.)

I call the attention of the Senate especially to the principle enunciated by the supreme court. The Senate of the United States in 1833 in the Potter-Robbins case, through the committee, passed upon the question as to what constitutes the Legislature of a State. The Senate said the Legislature of a State is "the power which makes the law;" that whatever body in a State makes the laws of that State, received and administered as laws, is the Legislature of that State. I will read to the Senate an extract from the report of the committee adopted by the Senate in that case, which I think covers the whole ground and to which I invite the special attention of the Senate. There can be no higher or better authority on this question. The report of the committee reads as follows:

The Constitution of the United States expressly declares that "the Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof;" but what is the definition of the term Legislature? Both its literal and technical meaning is, "the power that makes laws." It is the highest attribute of sovereignty, and merges all other powers when it does not transcend the limitations contained in the fundamental constitution of the State. When, therefore, we find that, during the existence of the General Assembly, one branch of which was continued and held their seats by virtue of the law of January, 1832, this Legislature passed fourteen laws of a general nature, and twenty-eight private acts, many of them acts of incorporation, besides numerous resolutions on various subjects falling within the range of legislative power, a schedule of which is hereunto annexed, marked C; and when these laws and resolutions remain on the statute-book of Rhode Island in full force and effect, sanctioned by judicial decisions, and tacitly submitted to by the people over whom they operate, it would seem to your committee a very dangerous assumption of power in one branch of Congress, or even in every department of the General Government combined, to interfere with the internal regulations of the State, and to denounce the body by which these laws and resolutions were passed as a mere assemblage of citizens without any public authority whatever, and not the Legislature of the State.

Not only is the authority of the highest kind but the reasoning is conclusive. The Legislature of Rhode Island had passed fourteen laws and twenty-eight private bills, received as valid by the courts of the State, standing on the statute-books unrepealed: and the Senate say that inasmuch as Rhode Island has accepted these laws the body enacting these laws must be received as the Legislature of Rhode Island. Further on we find a list of these acts, showing their character. If that opinion had been written for this very case it could not have fitted it more completely. Here we have a Legislature in existence for two years that has passed nearly two hundred laws. These laws have been administered by all the courts as laws, and are now the unquestioned laws of the State of Louisiana. Shall we say that that was not the Legislature of Louisiana which the State by every department of her government has accepted? They go on to say:

Such a power does not belong to the Federal Government, and would, if claimed and carried out to its full extent, annihilate all the reserved rights of the States.

I invite the attention of my democratic friends to this part of the opinion of the committee. They state truly that if the Congress of the United States, or one House of it, can assume to declare that that legislative body which has enacted laws administered by the courts still standing upon the statute-books of the State is not the Legislature of that State, it does assume a power to annihilate the State governments, it may make or unmake them; and the committee have no hesitation in saying that this Congress has no authority of the kind. They go on to state—

It is a general principle of national law, applicable to all distinct and independent governments, that if there arise any disputes in a State on the fundamental laws and public administration, or on the prerogatives of the different powers of which it is composed, it is the business of the State alone to judge and determine them in conformity to its political constitution.

How determine them? By their own courts. How determine them? By their tribunals created for the express purpose of determining questions of that kind. If they are questions of election, then by the special election tribunals created for that purpose. If they are general questions arising with the laws, then by the courts created for that purpose; and their conclusion must be conclusive with the Congress of the United States.

No government has a right to intrude into the domestic affairs of another State and attempt to influence its deliberations or to control its action. This principle is recognized in the Constitution of the United States, by which the respective States united and formed themselves into a federal republic. Conceding, as we feel bound to do, to the State of Rhode Island, in common with all the other States of the Union, the power to decide for itself all questions relating to its domestic policy, there would seem to be no ground on which to rest a doubt that she has decided, in the most solemn manner the character and powers of the body by which Mr. Robbins was chosen a Senator to Congress.

I may appeal to any Senator if the State of Louisiana has not through all her courts and by all her tribunals decided in the most solemn manner all the questions arising upon her State laws which are now brought into this controversy.

They passed numerous laws which are in full force.

So in Louisiana—

they elected judges of the supreme court of the State, who have taken a new engagement or oath of office and accepted new commissions from the governor—

So in Louisiana as to one judge—

entered on their official duties, and condemned to death a citizen found guilty of a capital offense against the laws of the State—

That has occurred in several instances in Louisiana within the last two years—

they received compensation out of the treasury of the State for their services, and disbursed the public money necessary for the support of the government. No question has arisen touching or impugning the validity of any one of these acts, because they were passed or performed by an incompetent body, with the single exception of the attempt made by a succeeding Legislature to vacate the election of Mr. Robbins.

And so it is in Louisiana; no question impugning the validity of these acts has been made before the tribunals of that State but what has been decided in their favor. The only question arising has arisen here, not in Louisiana.

I will read further perhaps from this report after a while, but it seems to me that that authority is sufficient to settle this whole question. And now I leave the question of Governor Kellogg out. I put the authority of that Legislature to elect Pinchback on grounds entirely aside and disconnected from what is called the *prima facie* case. Leaving Kellogg out of view, the Legislature is presented to us by the courts of the State as the only and true Legislature of the State, and we cannot set it aside unless we trample upon every principle on which the State governments are established. It has the same sanction as the Legislature of Iowa or Indiana or Illinois has; and when you come to the constitution of that Legislature, it was constituted according to law. Every State has a particular method by which the Legislature is organized. In some States it differs from what it is in others, and yet every State has its formula. The formula was strictly followed in the State of Louisiana. That most of the members of that Legislature were elected there was no doubt, and that all who took their seats were certified to by the lawful returning board, were certified to by the secretary of state, and were covered by the forms of law that cover the members organizing a Legislature in the State of Connecticut or elsewhere.

The Senator from Connecticut [Mr. FERRY] the other day made an argument that somewhat surprised me. Why, he said, here was the certificate of McMillen elected by the McEnery legislature, and the certificate of Pinchback elected by the Kellogg legislature, one certified by Kellogg and the other certified by McEnery, and they stood on the same level, that one was a *prima facie* case as much as the other. I was surprised to hear the Senator make that remark. The McEnery government never existed for a moment. It was only on paper. It was never recognized by the courts, but repudiated by them all; never exercising power for a single instant. It was a mere government on paper, a humbug, a sham from the very beginning. As well might it have been said when the Senator from Connecticut came here with his last credentials that if somebody else had presented a paper signed by somebody pretending to be governor

certifying to an election of another person by some other Legislature, that would have occupied the same plane with his credentials and should have kept him out until the question was tried. There is no comparison at all. Here is a Legislature, in fact, recognized by the courts and in actual existence making laws received and administered by all; and you cannot compare that with a mere sham which never had authority and has been a laughing-stock from the beginning.

It is not necessary, therefore, Mr. President, to rest this upon what is called a *prima facie* case. Suppose that Mr. Pinchback came here simply with the certificate of the president of the senate and the clerk of the house of the Legislature of Louisiana that Kellogg had refused to sign his papers, on the very facts now before the Senate and of which you would be compelled to take notice, you would be bound to seat Pinchback, because he has been elected by the only and the lawful Legislature of Louisiana, by the power that makes laws for the State of Louisiana, according to the definition in the case of Potter *vs.* Robbins.

Now, Mr. President, I pass from that to the question of the recognition of the Kellogg government by the Government of the United States, and to inquire what are the effects, the consequences resulting from that recognition first by the President and then by the other departments of the Government.

The President of the United States has formally recognized the Kellogg government, first recognizing the Legislature. Some seem to have the understanding that the President only recognized Kellogg; but the fact is that the first recognition was given to the Legislature and the recognition extends to the whole government, to the Legislature first and to Kellogg afterward. By a reference to the history of this transaction, it will be found that Governor Warmoth convened the Legislature that elected Pinchback in extra session on the 6th day of December, 1872; that on that day that Legislature passed a resolution invoking the protection of the President of the United States, which I will read:

NEW ORLEANS, *December* 9, 1872.

We have the honor to transmit to your excellency the following concurrent resolution of both houses of the General Assembly and to request an early reply:

Whereas the General Assembly is now convened in compliance with a call of the governor, and certain evil-disposed persons are reported to be forming combinations to disturb the public peace, defy the lawful authority, and the State is threatened with violence: Therefore,

Be it resolved by the senate and house of representatives of the State of Louisiana in General Assembly convened, That the President of the United States be requested to afford the protection guaranteed each State by the Constitution of the United States when threatened with domestic violence, and that the presiding officers of the General Assembly transmit this resolution immediately, by telegraph or otherwise, to the President of the United States.

Adopted in General Assembly convened this 9th day of December, A. D. 1872.

P. B. S. PINCKBACK,
Lieutenant Governor, and President of the Senate.

CHAS. W. LOWELL,
Speaker of the House of Representatives.

Thus it appears that before Kellogg became the governor this Legislature invited the protection of the Government of the United States. Now I call the attention of the Senate to the response on the part of the President to that resolution. On the 12th of December, three days afterward, the Attorney-General by the authority of the President sent the following dispatch to Acting Governor Pinchback:

DEPARTMENT OF JUSTICE, *December* 12, 1872.

Acting Governor PINCHBACK,
New Orleans, Louisiana:

Let it be understood that you are recognized by the President as the lawful executive of Louisiana, and that the body assembled at Mechanics' Institute is the lawful Legislature of the State, and it is suggested that you make proclamation to that effect, and also that all necessary assistance will be given to you and the Legislature herein recognized to protect the State from disorder and violence.

GEO. H. WILLIAMS,
Attorney-General.

So that the first recognition was of the lawful character of that Legislature. Proceeding further we find that on the 13th of December the Attorney-General by the authority of the President sent the following dispatch to John McEnery:

DEPARTMENT OF JUSTICE, *December* 13, 1872.

Hon. JOHN MCENERY,
New Orleans, Louisiana:

Your visit with a hundred citizens will be unavailing so far as the President is concerned. His decision is made and will not be changed, and the sooner it is acquiesced in the sooner good order and peace will be restored.

GEO. H. WILLIAMS,
Attorney-General.

Again, on the next day, the following dispatch was sent to the commanding officer in the city of New Orleans:

WASHINGTON, *December* 14, 1872.

General W. H. EMORY, U. S. A.,
Commanding New Orleans, Louisiana:

You may use all necessary force to preserve the peace, and will recognize the authority of Governor Pinchback.

By order of the President:

E. D. TOWNSEND,
Adjutant-General.

Here we have the complete and full recognition of the Legislature. Kellogg was inaugurated on the second Monday in January; and on the 22d of May we find the President issuing a proclamation recognizing the Kellogg government as an entirety, which I will ask the Secretary to read.

The Chief Clerk read as follows:

By the President of the United States of America.

A PROCLAMATION.

Whereas under the pretense that William P. Kellogg, the present executive of Louisiana, and the officers associated with him in the State administration were not duly elected, certain turbulent and disorderly persons have combined together with force and arms to resist the laws and constituted authorities of said State; and whereas it has been duly certified by the proper local authorities and judicially determined by the inferior and supreme courts of said State, that said officers are entitled to hold their offices respectively and to execute and discharge the functions thereof; and whereas Congress, at its late session, upon a due consideration of the subject, tacitly recognized the said executive and his associates, then, as now, in office, by refusing to take any action with respect thereto; and whereas it is provided in the Constitution of the United States that the United States shall protect every State in this Union on application of the Legislature, or of the executive when the Legislature cannot be convened, against domestic violence; and whereas it is provided in the laws of the United States that in all cases of insurrection in any State or of obstruction to the laws thereof, it shall be lawful for the President of the United States, on application of the Legislature of such State, or of the executive when the Legislature cannot be convened, to call forth the militia of any other State or States, or to employ such part of the land and naval forces as shall be judged necessary for the purpose of suppressing such insurrection, or causing the laws to be duly executed; and whereas the Legislature of said State is not now in session, and cannot be convened in time to meet the present emergency, and the executive of said State, under section 4 of article 4 of the Constitution of the United States and the laws passed in pursuance thereof, has therefore made application to me for such part of the military force of the United States as may be necessary and adequate to protect said State and the citizens thereof against domestic violence, and to enforce the execution of the laws; and whereas it is required that whenever it may be necessary in the judgment of the President to use the military force for the purpose aforesaid he shall forthwith, by proclamation, command such insurgents to disperse and retire peaceably to their respective homes within a limited time:

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby make proclamation, and command such turbulent and disorderly persons to disperse and retire peaceably to their respective abodes within twenty days from this date, and hereafter to submit themselves to the laws and constituted authorities of said State; and I invoke the aid and co-operation of all good citizens thereof to uphold the laws and preserve the public peace.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 22d day of May, in the year of our Lord 1873, and of the Independence of the United States the ninety-seventh.

U. S. GRANT.

By the President:
J. C. BANCROFT DAVIS,
Acting Secretary of State.

Mr. MORTON. In three messages sent to Congress since that time the President of the United States has formally recognized the Kellogg government, not simply Kellogg himself but what is known as the Kellogg government, which embraces all its departments. I need not read the extracts from those messages, because you are familiar with them. Lately there was a committee sent to Louisiana to take testimony by the House of Representatives, and I read from the report made by Mr. HOAR, Mr. WHEELER, and Mr. FRYE, of that committee, certain extracts in regard to the character of that government:

The first need of Louisiana is to know who should be treated as the lawful governor until the end of the term which will expire in 1876. It has been suggested that there should be a new election under the authority of Congress. This is not desired, so far as we learn, by any considerable number of persons in Louisiana. Its legality is doubtful. The authority of the person chosen would be denied quite as strenuously as that of Governor Kellogg. Without the presence of United States troops we do not believe a fair election could be had. In the presence of troops we believe the democrats would refuse to take part. It would be a great calamity to Louisiana to excite at this time the violence and bitterness which an election contest would kindle. A government so elected would be in substance only a provisional government. The only alternative seems to be to recognize one or the other of the claimants to the office of governor.

Kellogg is now in fact in office. The President has recognized him, and states to Congress that from the best information he can obtain he believes him to have been elected. The Kellogg government is a fact; its legality is sustained by the judicial tribunals of the State; it is in active operation in all its departments. Under it the late State election has been held, and on its certificates must depend, *prima facie*, the right to their seats of the Representatives chosen from Louisiana for the next Congress. The McEnery government exists only on paper. Its recognition would create the most perplexing questions as to the legality of all public proceedings had in Louisiana for two years past. The recognition of Kellogg by the House will give peace and quiet to Louisiana until the next election.

Then, on the next page, among the recommendations of the committee are:

Sixth. While we believe Governor Kellogg to have received a majority of the votes in 1872, and while we believe there was violence and fraud which frustrated the will of the people in many parishes in 1874, the illegal order of Judge Durell, and the illegal conduct of the returning board in attempting to cure one wrong by another, naturally inflamed the popular discontent and lent plausibility to the complaints.

* * * * * * *

Tenth. It is the duty of Congress to use such powers as are vested in it by the Constitution. It should recognize the lawful governor of Louisiana by express resolution. We think William Pitt Kellogg the choice of a majority of the voters of Louisiana, and that he should be recognized accordingly. It should provide further safeguards for holding elections and ascertaining the result, if any can be devised.

I will now read the following resolution of the House of Representatives adopted week before last recognizing Kellogg as the lawful governor of Louisiana:

Whereas both branches of the Legislature of Louisiana have requested the special committee of this House to investigate the circumstances attending the election and returns thereof, in that State, for the year 1874; and whereas said committee have unanimously reported that the returning board of that State in canvassing and compiling said returns and promulgating the result wrongfully applied an erroneous rule of law, by reason whereof persons were awarded seats in the house of representatives to which they were not entitled and persons entitled to seats were deprived of them:

Resolved, That it is recommended to the house of representatives to take imme-

diate steps to remedy such injustice and place all persons rightfully entitled to them in their seats.

Resolved, That William Pitt Kellogg be recognized as the governor of the State of Louisiana until the end of the term of office fixed by the constitution of that State.

Now, Mr. President, I call the attention of the Senate to the effect of the recognition of that government by the President of the United States. I think the common idea is that the recognition by the President of a State government is simply his act under the Constitution and that it binds nobody but him. That is an error, and a very manifest error. The recognition by the President is the act of Congress as much as it is the act of the President, and this will become very clear by reference to the Constitution and to the law and to the exposition of the law by the Supreme Court of the United States.

Let me state that proposition again. The recognition of a State government in the manner this has been recognized by the President of the United States is the act of Congress as well as of the President, and is as binding upon Congress until it is repudiated by both bodies through joint action as it is upon the President himself. In the first place I call the attention of the Senate to the provision in the Constitution under which this is done. The fourth section of the fourth article provides:

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion.

It is "the United States" and not the President who is to guarantee a republican form of government; and now read on:

And on application of the Legislature, or of the executive, (when the Legislature cannot be convened,) against domestic violence.

Who is to protect against domestic violence? Not the President, but "the United States." It is the United States that is to guarantee the republican form of government and to protect against domestic violence, and in the absence of law the President has no power to interfere and guarantee protection, because it is made the duty of "the United States," which involves and comprehends the Congress of the United States. It has been specially held that the guarantee of a republican form of government is to be determined by Congress and cannot be determined by the President, and equally it is the duty of the United States to protect against domestic violence. Now, how shall that power be exercised? It cannot be exercised by the President in the absence of law. If he has power to interfere, it is simply to execute an act of Congress. The act of 1795 gave him that power. I read now from the case of Luther *vs.* Borden the decision of the Supreme Court of the United States:

So, too, as relates to the clause in the above-mentioned article of the Constitution providing for cases of domestic violence. It rested with Congress, too, to determine upon the means proper to be adopted to fulfill this guarantee. They might, if they had deemed it most advisable to do so, have placed it in the power of a court to decide when a contingency had happened which required the Federal Government to interfere.

Here the Supreme Court say that Congress might have conferred this power on a court to determine when the contingency had happened upon which the Government of the United States could interfere; but it was not conferred upon a court; it was conferred upon the President.

But Congress thought otherwise, and no doubt wisely; and by the act of February 28, 1795, provided that in case of an insurrection in any State against the government thereof it shall be lawful for the President of the United States, on application of the Legislature of such State, or of the executive, (when the Legislature cannot be convened,) to call forth such number of the militia of any other State or States as may be applied for, as he may judge sufficient to suppress such insurrection.

The court say the power might have been given to a court, but it was not; it was given to the President. When the President exercises it, he does so in virtue of an act of Congress; the act is our act; he is empowered to exercise this authority by act of Congress; he is the agent of Congress when he does exercise it; and when he does exercise it the act is ours just as much as it is his, and we are just as much bound by the exercise of that power as the President is himself. The court go on to say:

By this act the power of deciding whether the exigency had arisen upon which the Government of the United States is bound to interfere is given to the President. He is to act upon the application of the Legislature or of the executive, and consequently he must determine what body of men constitute the Legislature and who is the governor, before he can act.

He is required by this act in a case like that of Louisiana to determine which is the lawful government. Where does he get the authority to do that? Not from the Constitution, because that says the United States shall do it. He gets the power from the act of Congress; and consequently when he determines which is the lawful government of the State, that determination is made by virtue of an act of Congress, and it is as much our act as it is his own. If we will keep this principle in view, it is a solution of the whole question. The President has acted as our agent, as the agent of Congress, in making that determination. Can the Senate alone revoke that determination? Can the House alone do it? I agree that both Houses together can do it by law, but neither House can do it separately. It is a power exercised in pursuance of an act of Congress, and it is not in the power of the Senate of the United States to say it has been improperly exercised. But hear further what the court says in regard to this:

The fact that both parties claim the right to the government cannot alter the case, for both cannot be entitled to it. If there is an armed conflict, like the one of which we are speaking, it is a case of domestic violence, and one of the parties must be in insurrection against the lawful government. And the President must, of necessity, decide which is the government and which party is unlawfully arrayed against it before he can perform the duty imposed upon him by the act of Congress.

Not by the Constitution. It does not give to him that power as the Executive, but it gives it to him from the act of Congress.

After the President has acted and called out the militia, is a circuit court of the United States authorized to inquire whether his decision was right? Could the court, while the parties were actually contending in arms for the possession of the government, call witnesses before it and inquire which party represented a majority of the people? If it could, then it would become the duty of the court (provided it came to the conclusion that the President had decided incorrectly) to discharge those who were arrested or detained by the troops in the service of the United States or the government which the President was endeavoring to maintain.

Here it is held that when the President has decided it is the lawful government, decided by virtue of an act of Congress, that decision is binding upon the courts of the United States. Certainly it is binding upon the courts of the States, and it is binding upon the Senate as a separate body also. It is binding upon the House as a separate body, but the Congress of the United States by law can reverse that action, but they must do it jointly and neither can do it separately.

Mr. THURMAN. Will the Senator allow me to ask him a question right there?

Mr. MORTON. Certainly.

Mr. THURMAN. I understand the Senator to maintain that the recognition of the President, being, as he says, in pursuance of a statute, nothing but a statute reversing that decision can have any effect.

Mr. MORTON. I say, nothing but the joint action of the two Houses can do it.

Mr. THURMAN. But that joint action would have to be by statute.

Mr. MORTON. Put in the form of a statute or a resolution.

Mr. THURMAN. A resolution approved by the President?

Mr. MORTON. I do not say that.

Mr. THURMAN. Then how can you reverse that statute?

Mr. MORTON. I think it ought to be approved by the President, but still it must be the action of both Houses.

Mr. THURMAN. Can the action of both Houses set aside a statute without the approval of the President?

Mr. MORTON. I think myself it must be by statute; but whether it is or not, when we take that in connection with the declaration that the guarantee of a republican form of government is to be given by the United States and not by the President, Congress has never given to the President the power to determine which is the republican form of government and to execute the guarantee. That power was never given by a statute. If it had been, the President could exercise that power just as he has exercised this; but he has never been authorized by an act of Congress to say whether a government was a monarchy in form or a republic in form. Congress could give him that power, but never has. But Congress has given him the power to say, when there are two governments in a State, which one is the lawful government, and his exercise of that power is binding upon us as a separate body. It is binding upon all the courts by the express decision of the Supreme Court of the United States. Congress as a Congress, both Houses, can reverse it, but not otherwise. Suppose it were so. Suppose, if you please, that one House can do it. The Senate might recognize the Kellogg government, the House might recognize the McEnery government, and the President might recognize still a third government. Then we would have anarchy. If the Senate was to admit a Senator certified to by Kellogg, and the House to admit Members certified to by McEnery, then we should have anarchy, we should have confusion utterly at war with our system of government. Therefore I say when the President under this act of Congress has determined which is the lawful government, we are bound to receive it. We are bound to do that to carry out the theory of the law. We cannot be compelled to do it. We cannot be compelled to pass an appropriation bill. But I am speaking not of the power to compel the Senate, but I am speaking of the duty of the Senate under the law.

If the judicial power extends so far, the guarantee contained in the Constitution of the United States is a guarantee of anarchy, and not of order. Yet if this right does not reside in the courts when the conflict is raging, if the judicial power is at that time bound to follow the decision of the political, it must be equally bound when the contest is over. It cannot, when peace is restored, punish as offenses and crimes the acts which it before recognized, and was bound to recognize, as lawful.

I will ask the Secretary to read the further passage as it is marked.

The Chief Clerk read as follows:

It is true that in this case the militia were not called out by the President. But upon the application of the governor under the charter government, the President recognized him as the executive power of the State, and took measures to call out the militia to support his authority if it should be found necessary for the General Government to interfere; and it is admitted in the argument that it was the knowledge of this decision that put an end to the armed opposition to the charter government and prevented any further efforts to establish by force the proposed constitution. The interference of the President, therefore, by announcing his determination, was as effectual as if the militia had been assembled under his orders. And it should be equally authoritative. For certainly no court of the United States, with a knowledge of this decision, would have been justified in recognizing the opposing party as the lawful government; or in treating as wrong-doers or insurgents the officers of the government which the President had recognized, and was prepared to support by an armed force. In the case of foreign nations, the government acknowledged by the President is always recognized in the courts of justice. And this principle has been applied by the act of Congress to the sovereign States of the Union.

It is said that this power in the President is dangerous to liberty, and may be abused. All power may be abused if placed in unworthy hands. But it would be difficult, we think, to point out any other hands in which this power would be more safe, and at the same time equally effectual. When citizens of the same State are in arms against each other, and the constituted authorities unable to execute the laws, the interposition of the United States must be prompt, or it is of little value. The ordinary course of proceedings in courts of justice would be utterly unfit for the crisis. And the elevated office of the President, chosen as he is by the people of the United States, and the high responsibility he could not fail to feel when acting in a case of so much moment, appear to furnish as strong safeguards against a willful abuse of power as human prudence and foresight could well provide. At all events it is conferred upon him by the Constitution and laws of the United States, and must therefore be respected and enforced in its judicial tribunals. (7 Howard, 43, 44.)

Mr. MORTON. The President says the Kellogg government is the lawful government in Louisiana. He recognizes it by virtue of this authority. Now the proposition is this: Until that decision of his by virtue of this act of Congress is reversed by Congress itself, not by the Senate alone, it is binding upon the courts of the United States, as it is on the Senate and every branch of this Government, because otherwise we would have anarchy. We would have the President by virtue of the act of Congress recognizing one government and protecting it, the Senate of the United States, acting separately, recognizing another, and the House, if there were three, recognizing a third. That would be absurd on its face. Therefore, to carry out the theory and the harmony of the law, when the President, acting by our authority, says that the Kellogg government is the lawful government, it must be so received until by congressional authority, not senatorial alone, it has been reversed.

If the question was whether the Kellogg government was a monarchy or was republican in form, the President is not empowered to decide that question; but if there were two governments in Louisiana, each of them republican in form, one of them of course could not be the lawful government. We have empowered the President to say which is the lawful government and we must stand by it. The fault is not his. The fault is in the act of Congress of 1795 which gives him the power to make this selection. If we think it is wrong for the President to have that power, if it is a dangerous power, the remedy is to repeal the law, not to violate it. It has been proposed all along—and that is what I charge—to violate that law and trample it under foot. After having authorized the President to make that selection, after he has taken the responsibility of doing it under his oath of office, it has been proposed in the Senate of the United States that we shall trample the law under foot. No, if the law is a bad one repeal it; but while it is on the statute-book let us be loyal to the Constitution and the laws and observe its obligations.

Mr. President, this question has never been fairly met. I presented it once before in the Senate and it was never answered, and I undertake to say it cannot be successfully answered.

There is one matter to which I wish to advert before conclusion, and that is the action of Judge Durell. Great stress has been placed upon it heretofore in the discussion of these questions. I have never defended that action. I know there are many good lawyers who do. I believe the President thinks that Judge Durell acted within the pale of his authority. The Attorney-General does, and I believe there are able lawyers on this floor who do, but I have never defended it and do not to-day; but I have always resisted the absurd conclusion that even if Judge Durell's interference was unauthorized it had the effect to vitiate the Kellogg government. A title which the highest tribunal has declared to be good is not impaired by unlawful interference, even by violence, in its support. Admitting now all that is claimed, it amounts to this, that the courts of the United States unlawfully interfered to do certain things which the supreme court of the State declared to be lawful in themselves. If an officer in the performance of his duty were aided by a mob the performance would not be made illegal by the presence and co-operation of an unlawful assembly. If it were true that the mob would have prevented the organization of the Kellogg government but for the interference of the Federal authorities, yet if the Kellogg government had a right to organize, its legality would not be impaired because it was protected against the mob by the irregular interference of Federal authorities. I put it upon the strongest ground for the opposition, that Judge Durell's interference was unlawful, still if the Kellogg government had the right to meet and to organize his interference to protect it would not make that organization illegal.

The question comes back to this after all: Had the Kellogg government a right to organize? How are we to settle that? Settle it by the supreme court of Louisiana, by the only tribunal that has a right to determine it under the laws of Louisiana. That court has solemnly decided, time and time again, that the Kellogg government had a right to organize and was the legal government of Louisiana. That being settled by the court of the State, if Durell interfered improperly and gave support where he ought not, and where if he had not interfered the mob would have trampled that government down, if nobody else had interfered besides Durell, persons having no authority, still if that government had a right to organize what difference does it make? An officer serving a lawful writ, that service does not become illegal because other persons having no connection with the arrest and not having been summoned as a *posse comitatus* come in to aid him in his service of it. The question is not whether Durell had a right to interfere. That is all *ad captandum*. That is mere popular clamor. The question is whether the Kellogg government had a right to organize; and if it had, it made no difference who protected it or who helped it to organize. That it had that right, as I said before, has been settled by the highest courts of that State. So much upon that point.

I believe I have gone over all the questions I intended in this opening argument, and should have concluded yesterday in a short time if I had not been interrupted. So far as the history of the election of 1872 is concerned and the violations in that State, I have not referred to it. I will do so hereafter if it shall be brought into this argument. I have chosen to confine it not to partisan questions, not to introduce partisan arguments, but to deal with the simple law of the case. If it be desired by others to reopen the election scenes of 1872 and to go into those questions, I shall be quite willing to follow; but I think it wholly unnecessary and prefer not do it now. There are some other matters that I might advert to, but I will pass them by and now yield the floor.

Mr. MERRIMON. Mr. President, I was gratified to hear the Senator from Indiana [Mr. MORTON] say yesterday that the question involved in the resolution now under discussion is one that rises above party considerations. I concur most heartily with him in that sentiment, and I trust for the sake of the Constitution and the country that every Senator in delivering his views upon this subject and in casting his vote will be governed only by the Constitution and the laws and have in view only the highest and best interests of the country, without regard to party considerations of any kind whatsoever.

The question before the Senate is presented by these facts briefly: The State of Louisiana is a State in the Union in all respects, and entitled to all the benefits that the Union can confer upon any State composing a part of it. In 1872 the regular election in that State was held for State officers and the Legislature. The Legislature which was elected at that election was charged with the election of a United States Senator. It was, by the constitution, to assemble on the first Monday of January of 1873, and, in pursuance of a statute of the United States, on the second Tuesday next after its assemblage, it was bound to elect a United States Senator to represent that State in the Senate for the term of six years after the 4th of March of that year. It was insisted, and so it appears to the Senate, that a body purporting to be the Legislature of the State of Louisiana elected the present applicant, the person named in the pending resolution, to be such United States Senator; and it was insisted further that a person purporting to be the governor of the State of Louisiana, to wit, the person who signs what purport to be the credentials of this applicant, was such governor. And now it is insisted by the Senator from Indiana and a majority of the Committee on Privileges and Elections that the applicant, Pinchback, appears before the Senate with credentials in due form, and therefore he is entitled to be admitted as Senator from the State of Louisiana for the term I have mentioned. It is said that he is so entitled because in all respects he presents what is styled a *prima facie* case.

This involves a consideration at the very outset of what is meant in law by a *prima facie* case. The Senator from Indiana insists that it is one thing; I insist that it is an entirely different thing. A *prima facie* case is where one claims a legal right, and demands the same before a competent tribunal, states facts which, if taken to be true, constitute that right in law. I believe that that definition will stand the test of criticism.

In order to constitute a *prima facie* case on the part of the person claiming to be admitted as a member of the Senate, these facts must concur: First, it must appear that there was a Legislature in the State of Louisiana; that that Legislature at the time prescribed by law proceeded to elect a Senator of the United States, and did do that act. It must furthermore appear, by way of evidence of such act on the part of the Legislature, that the governor of the State of Louisiana signed the certificate of that fact; that such certificate has placed upon it the great seal of that State, and that the secretary of state of that State countersigned that certificate. If these facts appear, and there is nothing said or done in a legal way to controvert them, or to deny the truth of the certificate and put its validity at issue, then the applicant would have what is commonly called a *prima facie* case, and then too his case would be like those which the Senator from Indiana has cited and commented upon so much at length.

But, sir, a *prima facie* case is only such a one so long as the facts stated remain unquestioned in a legal way. Let us take an ordinary case in a court of justice to illustrate my meaning. The plaintiff brings his action in court and he files his declaration. By the law he must aver in that declaration facts which make in law his case. If he does not aver such facts, the court will dismiss his suit; the court may dismiss his suit *sui sponte;* but if he does state facts sufficient to constitute the ground of his action, then his case is *prima facie* a good one; it remains in court and he is entitled to judgment, because he makes a *prima facie* case before the court, until the defendant shall come into court and enter his plea. If the defendant comes into court and enters his plea denying the cause of action of the plaintiff, that moment the *prima facie* case is gone, an issue is raised, and it never can be said at any time thereafter in the pleadings that the plaintiff in that suit has any *prima facie* case in court, or that he is entitled to relief until the action is tried, and tried upon its merits, and determined according to law. The *prima facie* case is

gone as soon as the *issue* is raised. It is the raising of the issue that destroys and cuts the plaintiff off from judgment until the trial shall be had upon the merits of the matter in litigation.

So if the facts were as I have stated them in the case of the applicant, Pinchback, he would have what is here not very aptly called a *prima facie* case, and he would be entitled to be admitted into the Senate, as the Senator from Indiana contends, until these facts were put in question in some lawful way.

How shall these facts be put in question? Let us see. The applicant comes and he sends his credentials, or what purport to be his credentials, to the Senate through its proper officer. In that way he places himself in relation with the Senate and within its jurisdiction. Then, according to practice, common sense, and reason, in the absence of any express rules, the manner in which these credentials can be put in question is this: Some Senator—no matter what one—may rise in his place and suggest seriously to the Senate any consideration or cause that denies the validity of credentials or the right of the applicant—puts them in question—as, for example, that the body which purported to elect the applicant was not the Legislature of Louisiana; that the person purporting to sign the certificate was not the governor of that State; that the seal purporting to be the seal of that State was not the seal; that the person purporting to countersign the credentials was not the secretary of state of that State. Any of these suggestions, or any suggestion denying the right of the applicant seriously made, puts in issue the credentials and the right of the applicant, and forthwith the *prima facie* case is gone; it has no longer any existence, and the applicant has no right to a seat in the Senate until his right shall be determined in the ordinary way and according to the course and practice of the Senate and according to the Constitution and laws. If thus the case is put at issue, then the evidence must be taken. That done, the trial must take place, the arguments on either side made, and the whole case considered; and then, and not till then, comes legitimately the judgment of the Senate.

If I am correct in this, and I do not believe it will be seriously controverted that I am correct——

Mr. MORTON. Let me remind the Senator of a case where the allegation was that the applicant was not elected by the Legislature of the State. That was the Robbins case in Rhode Island and the Spencer case in Alabama.

Mr. MERRIMON. I will come to comment on those cases directly. I have them in my mind's eye and will advert to them in due time, and I think it will appear most clearly that they have no pertinent bearing upon this case at all, certainly not a controlling one.

In this case it was seriously suggested in the very outset, even before the applicant made his application, that the body of men which purported to elect him was not the Legislature of the State of Louisiana. It was further insisted that the person purporting to be the governor and signing his credentials was not the governor; that the seal which purported to be the seal of that State was not the seal; that the person purporting to countersign the credentials as secretary of state was not the secretary of state. The whole was denied. It was further contended and seriously, not only in the Senate but throughout the country, that the Legislature, that the governor, and all the officers purporting to act in harmony with them except some of the judges of the supreme court, were usurpers, and that they had no authority in law whatsoever. That was suggested not only by one Senator, but by many on both sides of this body. This suggestion was duly made when the applicant asked to be admitted on the 4th of March, 1873. Upon that suggestion the issue was made up as thoroughly and completely as an issue ever was made up in a court of law in the world in any case pending before it. The form of the issue was not drawn out with technical precision as in the ordinary courts of law, but this was not necessary; indeed the practice of the Senate has always been as in this case in putting the case at issue. Then the case took its regular course; it was referred to the Committee on Privileges and Elections. That committee took the case into solemn consideration, and for weeks and weeks, I believe for two months, the committee not only considered of the form of the credentials, but it considered of the whole merits of the case; they took testimony which covers, I believe, about eleven hundred pages of a book; they made an elaborate report, examining all the questions of law and fact connected with the case. So that it appears in this very case that the Senate treated the case as one requiring the ordinary legal course to be pursued before the Senate would determine to admit the claimant at all.

But it is said in reply to this that the uniform practice of the Senate since the beginning of the Government has been to allow a person applying to be admitted to a seat upon his credentials—upon a *prima facie* case—to be admitted; and if there was any question about the validity of his election, to inquire into that afterward. I know that there are cases which it is said sustain this view; but while perhaps there are cases which sustain it, there are many cases which contradict it and deny the policy and propriety of it, and to those I wish now to refer. But before I do so let me say to the Senate that the practice which the Senator advocated and insisted upon yesterday—and his position seems, perhaps, to be sustained by a few cases—in my judgment, with due deference to the past, was exceedingly unwise, and I go further and say unlawful. A sound regard for the Constitution, a proper construction of it, and a due sense of what is due the Senate, the States, and the whole country alike forbid it.

By the Constitution each State is entitled to be represented in the Senate by two Senators. The language of the Constitution is in these words:

> The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.

That creates the right of the State. While there is a right thus created on the part of the State, there is a right growing out of it on the part of the Senate, a right which the Senate has for its own protection and the protection of all other States than the State so applying to be represented by any one delegated to represent the State in the Senate, a right not only for such purposes but also for the State claiming itself, and I may add, the whole Union. When, therefore, a Senator, purporting to have been elected from the State of North Carolina, for example, presents his credentials to the Senate, what right has the Senate in that behalf? First, a right to inquire whether or not his credentials certify the fact that the Legislature of the State of North Carolina, in the case I put, elected the person applying to be admitted; second, that the person certifying was the governor; next, that the seal was the seal of the State, and that the person countersigning such credentials was the secretary of state. They not only have the right so to inquire, but that right implies a further right to inquire duly, in a satisfactory way, about these facts, and to take sufficient reasonable time, as the circumstances of the case demand, to make this inquiry. If the case is simple and it can be done in a day, then it must be so done so as not to delay the State in its right for one hour. Very well; but if the case is so complicated that it cannot be done in a day, two days may be taken, a month may be taken, two months may be taken, three months may be taken, a year, two years, the whole term of office may be taken, if need be, in order to determine, in the interest of all parties concerned, whether the person claiming to be admitted is indeed the Senator contempleted by the Constitution and laws of the State and of the United States.

I maintain that in point of reason, in point of the language of the Constitution, as well as also in point of the practice of the Senate, the Senator who comes with what purport to be credentials is not entitled to be admitted forthwith upon what is styled here a *prima facie* case; that the Senate has a right to take reasonable time for any consideration satisfactory to it to inquire into the law and the facts of the case, and after a solemn examination and determination of it to admit the party applying or to reject him, if it shall appear that he was not lawfully entitled. Nay, I maintain that it is the duty of the Senate to make inquiry when it is properly suggested that the applicant was not elected according to law. That would be so by the proper legal construction of the words which I have already read from the Constitution. But the Constitution provides further, in these words:

> Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business.

So that the Constitution in terms gives the Senate the power to institute all necessary examinations and inquiries in order to determine the right of any one making application to be admitted here. In view of the dignity of the Senate, its importance, the vast interests involved, does it not occur to the mind of any reasonable person that the Senate would not be true to itself or to its duty or to the country if it allowed any one whose right was questioned to come here, be seated, and vote upon the gravest questions that could arise, affecting the whole country, before the question of right should be determined? It seems to me that it would not only be unreasonable and unlawful, but monstrous and criminal in itself. Let us take the case of this very applicant to illustrate how such a practice would operate: It is now two years since it was insisted that he had a right to a seat here. If he was entitled to be admitted on a *prima facie* case, he ought to have been admitted forthwith on the presentation of his credentials on the 4th of March, 1873. Suppose he had then been admitted, he would have voted upon the vital questions that have been decided since that time. He would have voted upon the questions of finance, upon the question of civil rights; he might have voted upon the question of the force bill; he might have voted on other momentous questions, and his vote might have been the turning vote that would have involved the salvation of the country; might have precipitated the country in civil war; and then after all this in the end it might have turned out that he was not entitled to sit here at all.

There is a case which the Senator from Indiana cited yesterday which sustains this view strongly, and that is the case of General Shields. General Shields had conducted himself honorably and gallantly in the war with Mexico. He was renowned for his courage; exceedingly popular. He was elected by the Legislature of Illinois to represent that State in the Senate. He came on here, and everybody wanted to do him honor. He presented his credentials. It was said, without much consideration, "They are in due form; the State has a right to representation; on the presentation of these credentials he has a *prima facie* case; let us admit him and inquire into his real right afterward;" and hurriedly, without much examination, he was admitted to take his seat in the Senate. He sat here for months and months, voting upon grave questions affecting the inter-

ests of the whole country, and at last, when the proper committee came to investigate the matter and his case was tried, it was determined that he was ineligible; that he never was elected; had no right to sit in the Senate; and he was turned out of the Senate. Is it not manifest that the action of the Senate in admitting him on his *prima facie* case was unwise, nay, unlawful? Who can say what interests his unlawful vote affected!

I say that that case, so far from sustaining the view insisted on by the Senator from Indiana, goes to show the reason why no Senator ought ever to be admitted to a seat in this body when there is any question made about the legality of his election. It is said, "Why not admit a Senator on the presentation of his credentials in due form?" I answer, because of the reasons I have stated. If there is no question made as to the election of one applying, the case is very different. Take the case of the new Senator from California [Mr. BOOTH] as an example. He came forward this morning with his credentials, they were presented, and I believe they were not referred at all. It was not necessary in his case. Why? Because no Senator suggested that the Legislature which purported to elect him was not the Legislature of California. No one pretended to suggest that the person signing his credentials was not the governor; that the seal upon the credentials was not the seal of that State; that the person who countersigned the credentials was not the secretary of state. There was no ground for question. But suppose I had risen in my place and suggested to the Senate that the body that elected that Senator was a usurping body, and was not the Legislature of California; would any one here, if I had made that suggestion seriously, have been content to allow the Senator to be qualified without inquiry, and, if need be, trial? Will any man in his senses who observes reason in his action contend that we should have allowed him to be admitted under such circumstances without having a reference of his credentials to a proper committee? I take it not.

Mr. BURNSIDE. May I ask the Senator from North Carolina a single question? Do I understand him to say that this Senate could take any action whatever with reference to the applicant here or any other applicant in this body that would endanger the country as far as to bring about a civil war in any contingency?

Mr. MERRIMON. I have no doubt that the Senate may at any time institute a proceeding even against a sitting member for sufficient cause to expel him.

Mr. BURNSIDE. But my question is, is there anything, can there be any action taken by this Senate which would endanger the country in that respect, which would justify any loyal citizen of this country in precipitating or attempting to precipitate upon the country civil war?

Mr. MERRIMON. If I understand the question, I think so, sir. There might be a case one way or the other.

Mr. BURNSIDE. By the action of this Senate?

Mr. MERRIMON. Yes, sir.

Mr. BURNSIDE. I am quite uninformed, then, on the subject.

Mr. MERRIMON. But the argument I was making was this: I said that a person who came here claiming as a Senator and who might not have been lawfully elected, if he were admitted upon a *prima facie* case, might in the course of his sitting here vote upon measures which, carried into practical operation, would precipitate the country into civil war. I was making an argument to show the impolicy of such a practice on the part of the Senate.

But, Mr. President, while the reason of the thing is as I have insisted, my view is strongly sustained by practice as well as by reason; and I desire now to direct the attention of the Senate to the cases which sustain the view I have submitted in this hasty manner.

Almost at the very outset of the Government a case which presented this very question was tried and decided, as I insist all cases ought to be decided. The first case I refer to is that of Kensey Johns, from the State of Delaware. (Annals of Congress, 1793–'95, page 74.) The record of it is in these words:

Kensey Johns appeared and produced his credentials of an appointment by the governor of the State of Delaware as a Senator for the United States, which were read.

Whereupon it was moved that they be referred to the consideration of the Committee of Elections before the said Kensey Johns could be permitted to qualify, who are directed to report thereon; and it passed in the affirmative—yeas 13, nays 12.

In that case Johns, the applicant, appeared and produced his credentials in all respects regular, but it was suggested to the Senate by a Senator that there was a defect about his election or appointment which rendered it void; and because it was so defective he was not then allowed to take his seat. On March 26, 1793, the Senate took this further action in the case:

Mr. Bradley, from the Committee of Elections, to whom was referred the credential of Kensey Johns, appointed by the executive of the State of Delaware a Senator of the United States in place of George Read, resigned.

Ordered, That the report lie for consideration.

After that again it was further considered, as follows:

FRIDAY, *March* 28.

The Senate resumed the consideration of the report of the Committee of Elections, to whom was referred the credentials of Kensey Johns, appointed by the executive of the State of Delaware to be a Senator of the United States; which report is as follows:

I will read the whole report, because it is interesting here, and I think it is very important to break down the false and pernicious doctrine which is sought to be established in the case before the Senate and in other cases in these hasty modern times. We had better go back to the reasonable practice instituted by the founders of the Republic. The committee reported and the Senate took action as follows:

The Committee of Elections, to whom were referred the credentials of an appointment by the governor of the State of Delaware of Kensey Johns as a Senator of the United States, having had the same under consideration, report:

That George Read, a Senator for the State of Delaware, resigned his seat upon the 18th day of December, 1793, and during the recess of the Legislature of said State.

That the Legislature of the said State met in January and adjourned in February, 1794.

That upon the 19th day of March, and subsequent to the adjournment of the said Legislature, Kensey Johns was appointed by the Governor of said State to fill the vacancy occasioned by the resignation aforesaid.

Whereupon the committee submit the following resolution:

Resolved, That Kensey Johns, appointed by the governor of the State of Delaware as a Senator of the United States for said State, is not entitled to a seat in the Senate of the United States; a session of the Legislature of the said State having intervened between the resignation of the said George Read and the appointment of the said Kensey Johns.

On the question to agree to this report, it passed in the affirmative—yeas 20, nays 7; as follows.

* * * * * * *

Resolved, That an attested copy of the resolution of the Senate on the appointment of Kensey Johns to be a Senator of the United States be transmitted by the President of the Senate to the executive of the State of Delaware.

That is a case directly in point and a very early one, soon after the Government went into operation. Kensey Johns, from the State of Delaware, came to the Senate with credentials in all respects formal, making what is called here to-day a *prima facie* case. It was suggested then that there was a defect in his appointment; that it was irregular and improperly made, and that he was not in fact entitled. According to the doctrine insisted on here he was entitled to come into the Senate to vote upon all the grave questions that might arise before it until the committee appointed to investigate the matter could determine it; but the Senate at that day took no such action, they believed no such doctrine. By their action they said he was not entitled to a seat until the right should be inquired into—his right being questioned according to the course and practice of the Senate; and when it was inquired into, it was ascertained that he was not entitled, and he never sat in the Senate at all. I cite another case directly in point.

I refer now to the case of Lanman, from the State of Connecticut. On the 4th of March, 1825, the Senate took this action in that behalf:

The President laid before the Senate a letter from Hon. James Lanman, inclosing the credentials of his appointment by the governor of Connecticut as a Senator of the United States, "to take effect immediately after the 3d day of March, 1825, and to continue until the next meeting of the Legislature," and expressing his readiness to receive the usual qualifications.

The letter and credentials were read.

On motion by Mr. Holmes, of Maine,

That Mr. Lanman be admitted to take the oath required by the Constitution,

A debate ensued; and,

On motion,

Ordered, That the further consideration thereof be postponed until to-morrow.

In that case it was solemnly moved upon the presentation of the credentials, upon his *prima facie* case, that he be admitted; whereupon it was at once resisted and he was not allowed to take a seat. But see what followed. On March 5 the Senate took this further action:

The Senate resumed the consideration of the motion of yesterday,

That Mr. Lanman be admitted to take the oath required by the Constitution; and,

On motion by Mr. Eaton,

Ordered, That the said motion, together with the credentials of Mr. Lanman, be referred to a select committee, to consist of three members, to consider and report thereon.

Mr. Eaton, Mr. Edwards, and Mr. Tazewell were appointed the committee.

Mr. Van Buren submitted the following motion for consideration:

Resolved, That Hon. James Lanman have leave to be heard at the bar of the Senate on the question as to his right to a seat therein under an appointment made by the executive of Connecticut.

MONDAY, *March* 7, 1825.

Mr. Eaton, from the select committee to whom was referred, on the 5th instant, the motion "that Mr. Lanman be admitted to take the oath required by the Constitution," together with the credentials of Mr. Lanman, submitted the following report:

That Mr. Lanman's term of service in the Senate expired on the 3d of March. On the 4th he presented to the Senate a certificate, regularly and properly authenticated, from Oliver Wolcott, governor of the State of Connecticut, setting forth that the President of the United States had desired the Senate to convene on the 4th of March, and had caused official notice of that fact to be communicated to him.

The certificate of appointment is dated the 8th of February, 1825, subsequent to the time of notification to him by the President. The certificate further recites that at the time of its execution the Legislature of the State was not in session, and would not be until the month of May.

The committee have looked into the Journals of the Senate to discover if they could find any authority or decision by them on this question, and the following have been found recorded:

On the 25th day of April, 1797, William Cocke was appointed a Senator from that State by the governor of Tennessee, his term of service having expired on the 3d of the preceding March, and on the 15th of May took his seat and was qualified.

On the 3d of March, 1801, the seat of Uriah Tracy became vacant, the time for which he had been elected having expired. On the 20th of February preceding the governor of Connecticut reappointed him a Senator, and in pursuance thereof he was qualified and took his seat.

Joseph Anderson, a Senator from Tennessee, was appointed by the governor a member of the Senate on the 6th of February, 1809, and on the 4th of March after took his seat, the period for which he had been elected having on the preceding day expired.

John Williams, of Tennessee, on the 20th of January, 1817, was appointed a Senator in Congress, to take his seat on the 4th of March, when the term for which he had been elected would expire. Mr. Williams appeared, was qualified, and took his seat.

In none of these cases does it appear that there was any objection made or question raised except in 1801 in the case of Mr. Tracy, when the vote was 13 for and 10 against the right of the member to take his seat. Those are the only analogous cases the committee has been able to find.

By reference to the statute laws of Connecticut the committee find that in that State there is a law upon this subject, which is in the following words: "Whenever any vacancy shall happen in the representation of this State in the Senate of the United States by the expiration of the term of service of a Senator, or by resignation, or otherwise, the General Assembly, if then in session, shall, by a concurrent vote of the senate and house of representatives, proceed to fill said vacancy by a new election; and in case such vacancy shall happen in the recess of the General Assembly, the governor shall appoint some person to fill the same until the next meeting of the General Assembly."

The report was read.

The Senate proceeded to consider the motion of the 5th instant, that the Hon. James Lanman have leave to be heard at the bar of the Senate on the question as to his right to a seat therein, and agreed thereto.

Mr. Edwards submitted the following motion; which was read:

Resolved, That the Hon. James Lanman, appointed a Senator by the governor of the State of Connecticut, be now admitted to the oath required by the Constitution.

And on the question to agree thereto it was determined in the negative—yeas 18, nays 23.

There is another case, Mr. President, in which the applicant came to the Senate with credentials in all respects regular; and when it was suggested in opposition to a motion to admit him on a *prima facie* case that there was a defect about his election which rendered it void, he was not admitted, but it was referred to the appropriate committee, and that committee upon examination made report to the effect that he was not entitled to be a Senator; and the report of the committee was sustained by the Senate, and Mr. Lanman never sat in the Senate at all under the credentials he then presented. The point is that he was not admitted on a *prima facie* case, and that the Senate, without admitting the claimant, passed upon the substantial merits of his claim and rejected it.

But, sir, there are cases of a modern date as well as these cases which happened a long way in the past. I refer now to two cases together. They are the cases of Fishback and Baxter from the State of Arkansas. They came to the Senate in 1864 with credentials in all respects regular upon their face, informing the Senate that the Legislature of the State of Arkansas had duly elected them to be Senators from that State in the Senate of the United States. The certificate was proper in form; so far as the Senate could see there was no irregularity or defect about their election; but it was at that time suggested that the State of Arkansas had been in rebellion against the Union, and the relations of that State to the Union were put in question upon suggestion in the Senate, and thereupon those two cases took the regular course: they were referred to a committee to examine them upon their merits. But the parties claiming in the mean time were not admitted to seats in the Senate, as it is contended they ought to have been if the doctrine of the Senator from Indiana is to prevail. I refer to the report made by the Committee on the Judiciary in those cases. It throws light upon the case in hand, and may be remembered with profit to the Senate and country.

The committee in their report, among other things, say:

IN THE SENATE, *June* 27, 1864.

Mr. Trumbull, from the Committee on the Judiciary, submitted the following report:

That the credentials presented are in due form, purporting to be under the seal of the State of Arkansas, and to be signed by Isaac Murphy, governor thereof; and if the right to seats were to be determined by an inspection of the credentials—

That is exactly what is contended for here—

Messrs. Fishback and Baxter would be entitled to be sworn as members of this body. It is, however, admitted by the persons claiming seats, and known to the country, that, in the spring of 1861, the State of Arkansas, through its constituted authorities, undertook to secede from the Union, set up a government in hostility to the United States, and maintain the same by force of arms.

Does it not appear in that case that the Senate took jurisdiction of the credentials, and that for cause outside of the credentials, outside of the record as it appeared in the Senate, and for cause suggested by some Senator, those persons purporting to be Senators-elect in that case were not admitted to take their seats, but they were kept out of the Senate, they were kept in waiting until their right to seats was determined; first, upon an examination by the proper committee, and then, upon the report of that committee, by the solemn judgment of the Senate? It does not make any difference, I take it, that the State had been in rebellion, which it was suggested destroyed, or rather prevented, the right. It was a cause, and any other cause might have been considered in the same way; any other cause might have been applicable in the same way to delay the admission of any one applying to be admitted to the Senate, until that cause, its character, its extent, how far it affected the election, could be examined into by a committee and passed upon by the Senate At all events the Senate so decided in those two cases. There are other cases of a similar kind. I refer now to the cases of Cutler and Smith, of Louisiana. They came also with credentials, in all respects regular, to represent the State of Louisiana in the Senate. When their credentials were presented it was suggested to the Senate that the State of Louisiana also had been in rebellion, and that these parties, for some consideration or other, were not entitled to sit. Thereupon their cases took the regular course and were referred to the committee, but in the mean time they were not allowed to sit upon a *prima facie* case until the merits of their cases were examined into. After the committee had considered the matter they made a report, a portion of which is in these words:

Messrs. Cutler and Smith, the claimants for seats, were duly elected Senators by the Legislature which convened on the 3d day of October, 1864, and but for the fact that, in pursuance of an act of Congress passed on the 13th day of July, 1861, the inhabitants of the State of Louisiana were declared to be in a state of insurrection against the United States, and all commercial intercourse between them and the citizens of other States declared to be unlawful, which condition of things had not ceased at the time of the reorganization of the State government and the election of Messrs. Cutler and Smith, your committee would recommend their immediate admission to seats.

The persons in possession of the local authorities of Louisiana having rebelled against the authority of the United States, and her inhabitants having been declared to be in a state of insurrection in pursuance of a law passed by the two Houses of Congress, your committee deem it improper for this body to admit to seats Senators from Louisiana, till by some joint action of both Houses there shall be some recognition of an existing State government acting in harmony with the Government of the United States and recognizing its authority.

That case, it seems to me, has a direct bearing upon this case, and goes to sustain the right of the Senate to inquire, whenever it shall see fit to do so for any cause, why a person applying to be admitted to a seat in the Senate should not be so admitted until his case shall be inquired into and determined upon its merits.

There are other cases of a similar character that might be cited from the States lately in conflict with the United States. The fact that these cases come from these States does not in any way distinguish them from any other case, in the view and for the purpose for which I cite them.

But these are not the only cases. If it shall be said that these are cases from States in rebellion, I cannot see how that could have any effect upon the question of law that we are now discussing; but there was a case in point from the State of Maryland after the war. Mr. Thomas was duly elected to represent the State of Maryland. He came with his credentials in all respects regular and he asked to be admitted. It was suggested that there was some reason why he ought not to be admitted, perhaps that he was not a person fit to sit in the Senate, or there was some consideration that affected his right. According to the doctrine insisted upon here, he was entitled to be seated upon his *prima facie* case, so called; but the Senate did not see fit to take that course. His case also took the course prescribed by the practice of the Senate and went to a committee, and finally he was rejected and never took a seat in the Senate.

There are other cases that I might cite the names of which do not occur to me now. If I had time I could cite them. Some of them were cases where the claimants never sat in the Senate, as in the cases I have cited; in others, the claimants were not admitted upon their *prima facie* case, but after their cases were decided upon their merits they were admitted.

Here then are cases, many of them directly in point, some which happened soon after the organization of the Government, one as late as 1825, and five cases since the recent war, and many others not cited by name; and it seems to me, taking these precedents in conjunction with the reason of the law, with the manifest purpose and proper construction of the Constitution, there can be no sort of question that the applicant in this case is not entitled to be admitted upon the presentation of his *prima facie* case. If there had been no question, as there was no question to-day in the case of the Senator from California, then the Senate might have admitted him; but while the Senate has power to do so where there is no question, and I do not complain of such a practice, I maintain as matter of law and right, as matter of propriety, as matter of justice to the country and to the Senate, wherever there is any question about the election of a Senator he ought not to be admitted upon the floor of the Senate as a member until his case shall be tried, and not tried upon the form of his credentials but tried and determined upon its substantial merits.

If that is not the true doctrine, the Senate might be imposed upon many times by wicked and corrupt men seeking to pervert right, subvert the Constitution, and destroy the Government. Ambitious and designing and powerful men might, in many cases that can easily be supposed, compass the ruin of the States and the Union by circumvention and fraud, to say nothing of usurpation and violence.

Let me put a suppositious case: Suppose that I should go into the State of Maryland with five thousand armed men at my back and proclaim myself governor and appoint judges, assemble of those cooperating with me a Legislature, and they should take possession of the State-house at Annapolis, elect two persons to be Senators from that State, and I should make out a certificate in due form, put the seal of the State upon the credentials, let my usurping secretary of state countersign the credentials, and those two persons so claiming to be Senators from Maryland should come here; would they in that case not have a good case in form, a *prima facie* case, and be entitled to seats until their cases could be determined? Why, sir, it is monstrous to think upon; it is absurd, one would say, to suggest it. Absurd as it is, that is the very case now before the Senate. It is seriously, solemnly insisted, and has been so insisted for two years and more, that Kellogg is not the governor *de facto* or *de jure* of the State of Louisiana; that the Legislature which purported to elect Pinchback was not the Legislature of Louisiana, but a mere usurping body of men who were a band of rioters; that the party pur-

porting to countersign these credentials was not the secretary of state of the State of Louisiana; that the seal purporting to be the great seal of that State is a forgery; that the whole proceeding was usurpatory in its character. Is it to be said when this solemn suggestion is made here, not by one Senator, but by Senators on both sides of the Senate, of both political parties, that this state of things existed in Louisiana; that this person was never elected by any lawful body in that State; that we are to admit him upon this *prima facie* case? It seems to me, with all respect to every one, that it is too preposterous to be considered for a moment, and that the Senate cannot think of such a thing. Such a proposition is too monstrous to be lawful; such a practice as that contended for ought not to be tolerated.

But, sir, I take it that this view of the matter might have been omitted but for the persistent manner in which the Senator from Indiana has pressed it upon the attention of the Senate to-day and in the past, for the Senate has contravened it in this very case. As I said awhile ago, as soon as these credentials were presented, the question was raised, the issue was made up, the case was properly made before the Senate. It went to a committee, not to inquire into the form of the credentials, not to see whether the certificate was formal, but it went to the committee to examine the case upon its real merits, to determine solemnly whether or not there was a Legislature that elected the claimant, and whether there was a governor who certified to his credentials, whether what purported to be the seal was the seal, whether the secretary of state countersigning them was the secretary. That issue has not only been made up, but it has been undergoing investigation from that day to this. It has occupied much of the time, much of the solemn consideration, much of serious anxiety of the Senate and of the whole country from that day to this; and I take it, sir, that if the applicant is to be admitted at all, he is to be admitted, not upon a *prima facie* case, as it is insisted, but he is to be admitted upon the deliberate judgment of the Senate, which involves the determination that the Kellogg legislature was the lawful Legislature of Louisiana; that Kellogg was the lawful governor; that the seal which purported to be the seal of that State was the seal; and that the secretary of state who countersigned the credentials was the true and lawful secretary of state of that State. The Senate, if it admits Pinchback, is about to commit itself to these things. It cannot be otherwise. It is plain that the Senate does not intend to act upon a *prima facie* case. But let us note the fact that the committee in their report now before the Senate do not pretend to ask action upon the merits of the case.

The report of the committee is to be ignored and the case is to be determined, as I have said, on its merits.

So then, Mr. President, he cannot be admitted simply because he has a *prima facie* case. The Senate has not only the power to refuse to admit him upon what is called a *prima facie* case, but it is plain from what I have said that it is the duty of the Senate not to do it; that it is bound in law and right not to do it. While it has the physical power to do it, it has no lawful right to do it. But, Mr. President, I insist that in this case the applicant ought not to be admitted upon a *prima facie* case, if the Senate could lawfully exercise such a power. Indeed, sir, I go further, and say that upon the merits of his claim he ought not to be admitted at all; and I will discuss both these views together. Why do I say so? and this is a very solemn inquiry. The question was made on the presentation of these credentials that the body purporting to elect Pinchback was not the Legislature of Louisiana. Thereupon, according to the course of law and the practice of the Senate, his case was referred to a committee, and a very able committee it was. All the gentlemen composing it I believe were lawyers of great ability and experience, with probably one exception. It was composed of Senators MORTON, Carpenter, LOGAN, ALCORN, ANTHONY, Trumbull, and Hill. Messrs. Carpenter, LOGAN, ALCORN, and ANTHONY made a majority report. The others each made a minority report.

That committee proceeded to discharge their duty, deeply impressed with the matter wherewith they were charged. Their examination of the case occupied them about two months. They took evidence which fills a volume of about eleven hundred pages. They made a report very elaborate in its character, finding the facts and stating the law bearing on the whole case. In that report they say that at the regular election held in 1872 in the State of Louisiana John McEnery was a candidate for governor on what was called the fusion ticket and was at the head of that ticket for governor and State officers and members of the Legislature; William Pitt Kellogg was at the head of the republican ticket. After the election was held the inspectors of the election at the polls ascertained that McEnery and the persons on the fusion ticket for State officers and the persons on that ticket for the Legislature with him were elected by an average majority of 10,000 votes. The inspectors' returns made that fact manifest. The supervisors of the several parishes of that State discharged the duty imposed by their office, and they duly ascertained and reported also to the returning board of that State, where all the returns had to be made under the law of the State, showing the same fact.

The returning board was composed of Governor Warmoth and four other persons. They differed; they disputed and they did not execute their office; but Governor Warmoth, as he might do according to the constitution of Louisiana—and there is no question about that—took from his safe an act which had passed the Legislature at the session last before that time, and approved it, which superseded in many material respects the then existing election law. The effect of that act was to destroy the then existing returning board, so that it could not act and compare the votes; but under a clause of the constitution of Louisiana, in the absence of the senate, the governor had power to appoint officers to serve until the senate should convene, and he had power under the law to appoint a new returning board for the purpose of comparing the votes cast at the election of 1872. In the exercise of that power, he did appoint what was called the "*De Feriet* board." That board had possession of all the returns. It is not pretended—the committee did not find the fact to be so at all, nor was it suggested—that the returns had in any way been tampered with. They took the returns, compiled them, stated the result, and the result as ascertained by them harmonized with the result as ascertained by the inspectors of the election and the supervisors of election in the several parishes; and this De Feriet board ascertained, as I insist according to the constitution and law of Louisiana, that the McEnery or "fusion ticket" was elected by an average vote of 10,000 majority. The Legislature thus ascertained by this De Feriet board assembled and organized, and thereupon another board was provided by that Legislature. That board appointed by the Legislature also took charge of the returns, compared them just as the De Feriet board had done, and ascertained that the result ascertained by the inspectors of the election, by the supervisors of the several parishes, and by the De Feriet board was correct in substance, and they reported also that the McEnery ticket was elected by an average majority of 10,000 votes.

This able committee of the Senate who thus report had the returns of that election before them here in the committee room. They found them all regular, and in their report, after a laborious examination, they say in terms that the vote as ascertained by the De Feriet board and also by the board appointed by the Legislature was substantially correct, and they report also that the McEnery or fusion ticket was elected by an average majority of 10,000 votes. The majority report says so; Judge Trumbull says so; Mr. Hill says so. Nobody denies that fact; not even the Senator from Indiana himself, who made a minority report.

So, then, Mr. President, there can be no question that so far as that election went the McEnery ticket was elected.

A majority of the committee said, however, that they thought Kellogg ought to have been elected, and therefore they said there was no election; that McEnery's election was obtained by fraudulent means. The principal ground suggested in support of that view of the matter was this: that the republicans at the election next before that had a very large majority in the State; that it was well known that the whole negro vote in the State of Louisiana ought properly to have been cast for the republican ticket. I declare to the Senate that that is the principal suggestion made upon which it is alleged that the election was fraudulent. One of the committee said that the election was unusually quiet and peaceful; there was no riot; there was no force used; there was no disturbance. More than that they report that the vote polled was unusually large. They go upon the ground that the whole colored vote ought to have been cast for the republican party, and therefore they say the election was void, and there was no real election. That is absurd, it seems to me, upon its very face, if nothing else appeared; but when we come to consider the facts connected with that election, it is not surprising that the result ascertained took place.

In the first place, it is stated in one of the reports that the influence of Governor Warmoth, the then governor, was equal to 20,000 republican votes. It was said that by reason of the patronage he controlled he could carry a great many votes; that he had a wonderful personal influence with the negroes and the republican party in that State. It was said furthermore that he had formed a coalition with the fusion ticket. I do not think a public officer has a right to exercise his official patronage for the purpose of controlling elections; but the fact that he does so does not render an election void. We know that it is the practice in this country, in the State governments and in the Federal Government, to use official patronage for the purpose of controlling elections. It is uniformly done by political parties. It is done everywhere. I shall believe while I live, I think the great body of the people of North Carolina to-day believe, that I, in 1872, received a majority of from five to eight thousand of the lawful votes as governor; but the Federal Administration threw all its power there, exercised all its patronage, and in that way the election was nominally carried against me. I could have contended with just as much semblance of right—infinitely more indeed—that I ought to be the governor of the State of North Carolina when my competitor was inaugurated as Kellogg could in this case that he was entitled to be governor, because McEnery got a majority, and the facts go to show that reasonably he ought to have had that majority. There was much more reason in my case. But to get back.

It is admitted that Warmoth was equal to about 20,000 votes; that he had great personal influence; that he had official patronage that gave him control of a very large portion of the colored vote and of the white republicans. He formed an alliance with the McEnery ticket. He had a right to do that. Nobody can question his right to form an alliance with McEnery or any other party he saw proper; and if he chose to cast his influence in favor of that ticket, that fact does not vitiate the result of the election. No reason-

able man can so contend. It never was so decided in any case that I have ever seen or heard of.

So that, Mr. President, it does appear by the investigation made in the way and manner I have indicated that the McEnery ticket was elected by a majority of 10,000 votes. It further appears by this same report that the Legislature elected upon his ticket assembled and organized. It further appears that McEnery himself was qualified; that all the State officers elected upon his ticket qualified according to the constitution and laws of the State of Louisiana, and from that day until this they have been claiming to represent the lawful government of the State of Louisiana. Not for one moment have they conceded that any other officers of the State represented the lawful government. In every way in their power have they endeavored to assert their right. They are doing so to-day, and proclaim their purpose to continue to do so.

Mr. McCREERY. Will the Senator from North Carolina give way that I may move that the Senate adjourn?

Mr. MERRIMON. I yield for that purpose.

Mr. WRIGHT. I suggest that the Senator change his motion to one for an executive session.

Mr. McCREERY. Very well; I modify the motion.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened, and (at two o'clock and fifty-two minutes p. m.) the Senate adjourned.

IN SENATE.

WEDNESDAY, *March* 10, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

WITHDRAWAL OF PAPERS.

On motion of Mr. MITCHELL, it was

Ordered, That Samuel Adams have leave to withdraw his petition and papers from the files of the Senate on leaving copies of the same.

On motion of Mr. BOGY, it was

Ordered, That Jonathan L. Jones have leave to withdraw his petition and papers from the files of the Senate.

SENATOR FROM LOUISIANA.

The Senate resumed the consideration of the following resolution, submitted by Mr. MORTON on the 5th instant:

Resolved, That P. B. S. Pinchback be admitted as a Senator from the State of Louisiana for the term of six years, beginning the 4th day of March, 1873.

Mr. MERRIMON. Mr. President, it had not been my purpose to address the Senate on yesterday, and therefore I had not collected the cases which I desired to cite upon the point which I debated with as much care as I ought to have done. I therefore beg leave this morning, at the risk of having them come in my remarks at a place not exactly pertinent, to cite a few other cases to which I did not then call attention.

The first case to which I call attention this morning is that of Stark, of Oregon, in 1862. Mr. Stark was appointed by the governor to fill a vacancy. He came to the Senate and presented his credentials. It was suggested by some Senator that he perhaps had used language hostile to the Union in that State. Thereupon his credentials were referred, and the whole merits of the case were gone into by the committee. They made a report, and he was finally admitted to his seat, but in the mean time he was not allowed to sit.

The next case I refer to is that of Mr. GOLDTHWAITE. Senator GOLDTHWAITE was elected by the Legislature of Alabama to represent that State for six years. He also came to the Senate and presented his credentials. They were in due form in all respects and so far as the Senate could see, looking simply at the record, he was entitled to be admitted; but it was suggested that there was some reason why he ought not to be admitted, and thereupon his credentials were referred, and he was kept out of his seat for months. Finally he was admitted. I cite the case to support the view that the Senate is not bound to admit upon a *prima facie* case. If it were, when he presented his credentials, they being in due form, he was entitled to sit until the merits of his case could be determined.

The Senator from Indiana cited this case as one sustaining the view that he has taken of the case now before the Senate; but so far from sustaining that view it will be seen that it sustains the position which I have taken.

I refer again to the case of Blodgett who was elected to represent the State of Georgia. Blodgett also came with credentials in all respects formal and regular, and he had what is termed here a *prima facie* case. It was suggested, however, that he was not entitled to sit, and according to the course and practice of the Senate his case went to a committee. That committee examined it and finally made report declaring that he was not entitled. At all events, he never took a seat in the Senate at all. In the mean time, while his case was undergoing investigation he was not allowed to sit.

The next case that I refer to is that of my colleague, [Mr. RANSOM.] He was duly elected by the Legislature of the State of North Carolina in 1872. He presented his credentials. They were in due form in all respects; there was no question made about them. They were, however, referred to a committee and he was not allowed to sit for many months, at all events for a long time. Finally his case was determined and he was allowed to take his seat.

The Senator from Indiana made reference to the practice of the House, and I believe he mentioned the case of Sypher. It seems to me that the case of Sypher in the House illustrates as strongly as any case that I could cite the strength, and force, and propriety, and reason of the doctrine which I have insisted upon. Mr. Sypher presented his credentials more than two years ago. He was admitted upon what is called a *prima facie* case to a seat in the House. He sat in the House until a very brief period before the last Congress expired. Probably within twenty-four hours before the expiration of the Congress his case was acted upon by the House and he was turned out, because it was ascertained that he was not elected.

Under this practice of admitting upon a *prima facie* case Mr. Sypher was admitted to the House and he voted upon all the stirring and important questions that were decided by the House during the last Congress. I believe some of them turned upon one vote. How he voted I do not know, nor is it material; but it shows the impolicy, the impropriety, and I go further and say, the illegality of allowing a person applying here to sit upon a *prima facie* case when his right is questioned.

Now, sir, in opposition to all this vast array of cases which I have cited and which I think settle the regular practice of the Senate, the Senator from Indiana cites two cases. The first one is that of General Shields. I commented sufficiently upon that yesterday. He then cites the case of Robbins from Rhode Island, and he lays a great deal of stress upon that. It would seem that that case does sustain his view; but at the same time it appears to me that every Senator must see at once the impropriety of that case and that it was improperly and unwisely decided. Mr. Robbins sat here many months while his case was questioned; he voted upon all the questions that came before the Senate, and perhaps his vote may have determined an important question before the Senate one way or the other. In the end of that case, it turned out that he was allowed to sit; it was found upon examination that he was duly and properly elected; but suppose he had not been elected? Then there had been a Senator sitting in this body, as in the case of Shields, who had no right whatsoever to sit here and vote. How far his vote may have affected the best interests of the country, the interests of individuals, how far it detracted from the dignity of the Senate, how far it affected his State, how far it might have affected the Union, no earthly power can determine. But I say the case of Robbins goes to show the impolicy of such a practice; and I insist, Mr. President, that the vast array of cases which I have cited are not to be overborne and set aside by the citation of the two cases which the Senator from Indiana has cited, to wit, those of Shields and Robbins. I maintain that they are in the face of the reason of the thing, in the face of the proper construction of the Constitution of the country, in the face of the best interests of our governments, both State and Federal.

When I concluded yesterday, I was giving a brief but correct summary of the action of the committee appointed by the Senate to inquire into the election in Louisiana in 1872. I called attention to the fact that all the authorities of Louisiana that could be called lawful—and I maintain that those who did examine and determine as I suggested were lawful, they were at all events colorable; I believe nobody questions that or ever has questioned it—ascertained that the McEnery ticket was elected by an average majority of ten thousand votes. I think I had better sustain my statement by a few extracts from the report giving the conclusions of the committee. It seems to me that no fair person can consent to doubt the findings and action of the committee under the circumstances. The committee say in reference to the action of the De Feriet board, as follows:

> In the opinion of your committee there can be no doubt—conceding the validity of the act of November 20—that it transferred the duty of canvassing the returns of the last election to the board to be elected under the provisions of the act. The act provided for such election by the senate, and, taking effect in the vacation of the Legislature, created offices to be filled thereafter by the senate. This is what is styled in that State an original vacancy, which, happening in the vacation of the Legislature, the governor is authorized to fill by appointment; and it is said that the State courts of that State have repeatedly recognized the right of the governor to make such appointments.

To make that clause in the report a little clearer, I will say here that the Warmoth board quarreled among themselves. There were two parties, a Kellogg party and a McEnery party, in that board. Each of these factions brought suits in the courts and enjoined the other from counting the returns as they were charged by the law to do. Pending this litigation, Governor Warmoth took from his safe an act which had been passed by the Legislature which assembled in that State next before that time, and approved it. That became a law and repealed the then existing board. Under the law which he then brought into existence by his approval a new board had to be created, and it ought to have been appointed by the governor with the sanction of the senate of that State; but under a provision of the constitution, in the absence of the senate, the governor could appoint, and he did appoint what was called the De Feriet board; and the board to which the committee refer in the clause I have read was the De Feriet board. Now let us see what they say about the

result of the action of that board. Speaking of the McEnery ticket, the report says—and this is their conclusion—it would take too much time to go into the evidence upon which they acted; I can only give their conclusions:

It is the opinion of your committee that, but for the unjustifiable interference of Judge Durell, whose orders were executed by United States troops, the canvass made by the De Feriet board, and promulgated by the governor, declaring McEnery to have been elected governor, &c., and also declaring who had been elected to the Legislature, would have been acquiesced in by the people, and that government would have entered quietly upon the exercise of the sovereign power of the State. But the proceedings of Judge Durell, and the support given him by United States troops, resulted in establishing the authority *de facto* of Kellogg and his associates in State offices, and of the persons declared by the Lynch board to be elected to the Legislature. We have already seen that the proceedings of that board cannot be sustained without disregarding all the principles of law applicable to the subject, and ignoring the distinction between good faith and fraud.

Judge Trumbull in his report says:

According to the official returns, the fusion State ticket, headed by McEnery for governor, received an average majority of about ten thousand votes, and a large majority of the persons elected to the Legislature were of the same party; and but for the illegal interference of the United States authorities, as is stated in the report of the majority, the McEnery government would have been peacefully inaugurated.

How skillfully the plan was laid to overthrow the legitimate State government, set aside an election, and inaugurate the Pinchback and Kellogg administrations and legislatures, and how well Judge Durell was supported in all these revolutionary and illegal proceedings by other United States officials, will appear by reference to a few facts disclosed in the evidence.

The committee say again:

If the Senate should be inclined not to go behind the official returns of the election, then the McEnery government and legislature must be recognized as the lawful government of the State, and McMillen, if regularly elected by that Legislature, should be seated in the Senate in place of Kellogg. But your committee believe that this would be recognizing a government based upon fraud, in defiance of the wishes and intention of the voters of that State.

I cite these extracts from the report of the committee and from the minority report of Judge Trumbull, for the purpose of showing that according to all the legitimate action taken in the State of Louisiana for the purpose of ascertaining who was elected at the election in 1872, according to the examination made by the committee itself, having the returns before them here, according to the truth as ascertained and not denied by any one, the result of the election in 1872 showed that the fusion or McEnery ticket was elected by a majority of 10,000 votes. I cannot conceive how any one in the Senate or anywhere, who has a fair and just mind, can doubt the fact for one moment that the McEnery ticket was elected by the majority I have stated.

After obtaining that majority, the Legislature which was elected upon his ticket assembled; they had a quorum; they proceeded to elect a Senator to fill the vacancy and to fill the regular term in the Senate here. The Legislature also proceeded to count the votes for governor, as they were charged by the constitution and laws of that State to do. They ascertained that McEnery was lawfully elected; that the other State officers upon his ticket were lawfully elected; and they were duly inaugurated. The people of the State of Louisiana were advised, according to the forms and practice of that State, of his election, of his inauguration, and that he and his colleagues were the true and proper officers of the State. The President of the United States was also informed and notified of the election. The matter of his inauguration was brought directly to the attention of the President; it may be said the world was notified of his election and his inauguration in pursuance of it. From the day of his inauguration until this day he has claimed to be the lawful governor of the State of Louisiana and his colleagues the lawful officers of that State, and whenever they have had power to do it they have exercised their offices.

It has been said that their government is a paper government. That I deny. They have exercised power and they have exercised their offices whenever and wherever and under whatever circumstances they could. To-day they claim to exercise their offices, and they proclaim their purpose to insist upon the administration of the government until they shall be subverted by absolute force. And the truth is, the Senate knows, the country knows, the world knows, that they are suppressed to-day by the interference of the Army of the United States.

Why, sir, the President has told us in his recent message that but for the presence of the Army there the Kellogg government could not operate for one hour. The press of the State of Louisiana tells us every day that it cannot stand without the aid of force. The officers of the Army tell the Senate, tell the Congress, tell the President, tell the world in their official reports that but for the presence of the Army of the United States this Kellogg government could not stand there for one hour; and one officer—and he seems to be an officer of sound discretion, of very considerable experience and wise judgment—tells the President, in a report made by him, that the Army might be stationed in every parish in the State of Louisiana, and then the Kellogg government could not administer the government. He says furthermore that the government could not last twenty-four hours but for the presence of the Federal troops, and this in great part growing out of the fact that there is a universal impression, to use the language of the officer, that Kellogg was not elected; that McEnery was elected; that he has claimed to be the lawful governor of the State and his colleagues the lawful officers, and the people are not content to recognize any other authority.

Then, Mr. President, can there be any doubt in the mind of any Senator who is looking simply after truth, without regard to any other consideration, that at the election in 1872 the fusion ticket—the McEnery ticket—was elected by ten thousand majority? Can there be any doubt that in pursuance of that election McEnery was inaugurated as governor and the other State officers elected with him were inaugurated as officers of that State respectively? It seems to me there can be no doubt about it.

But it is said that Kellogg and the Kellogg government are the true and lawful government of the State of Louisiana, and this assertion which I say is not founded in fact or law—I deny it at every step—turns materially upon the question whether or not he was ascertained to be elected by what is called the "Lynch returning board." Those who listened to the argument of the Senator from Indiana will remember that he laid great stress upon the action of the "Lynch returning board;" and if we would take his general statements, underlying his whole argument, the Senate would infer and the country would infer that there was no question in the world about this Lynch returning board, that it was the regular and lawful returning board of the State of Louisiana. Because he laid so much stress upon it, because his whole argument rests upon it, I deem it worth while to look into this Lynch returning board, and see what its character was, and whether it was lawful or unlawful, or whether indeed it was a board at all or not.

Under the law of Louisiana there was what was called a returning board. That returning board was charged to examine the returns in all cases of election, and ascertain who was elected to fill any office. It consisted of five persons. It was to be appointed by the governor, with the consent of the senate, from all political parties, without distinction. Under the law as it existed prior to the 20th of November, 1872, the governor and four others composed this board. In the contest about the election of 1872 Governor Warmoth and his political associates quarreled; they differed; and that difference extended to the returning board. After the election was held, and when it became necessary that the votes should be compared by this returning board, a meeting was held according to law. At that meeting a quarrel sprang up. It is said that Warmoth apprehended that a portion of the board were inimical to his views, and that they would not count the vote as he wanted it counted. They apprehended that he on his part would not count it as they wanted it. The result was that there was an irreconcilable difference, and, besides, two of the members of the board could not act, to wit, Pinchback and Anderson, because they had been candidates and were therefore ineligible to sit. Their places were filled by appointment, and at this meeting Lynch was not present. The board, as a board, never met after that time. Lynch, heading what was called the "Lynch board," composed of Longstreet and three others, brought their suit in court and enjoined the Warmoth faction from comparing the vote. The Warmoth faction, on the other hand, also brought suit against the Lynch faction, and obtained an injunction restraining the Lynch faction from counting the vote; and so the matter stood, and neither faction could compare the vote, nor could the whole board do it, because both factions were enjoined by an injunction issued by a proper court.

Warmoth apprehended that the judge who had granted the injunction in favor of Lynch would decide in favor of the Lynch board. He had no confidence in the judge; he supposed he was corrupted, and I expect he was about right in that. Seeing that he was about to be defeated, he took from his safe the act which had passed the Legislature next before that, to which I have referred two or three times in the course of my remarks, and he approved it. It is conceded on all hands that he might well do it, that the constitution and laws of Louisiana allowed him to approve that act although the Legislature had dissolved and gone, and that that act became operative and was a law of that State as valid as any other statute. The effect of that act was to repeal the law of 1870 and also to abolish the then existing returning board, that is, to abolish the Warmoth returning board as it was styled. It put out of existence the returning board composed of Warmoth, Lynch, and others. In the first place, Lynch, in organizing his board, had no more power to appoint the persons who co-operated with him as the Lynch board than I had. He was not a majority of the Warmoth board. He had no power to fill any vacancy. The whole board had no power to fill any vacancy, for by the law the governor must appoint by and with the sanction of the senate persons to fill such vacancies and in the absence of the senate it was the duty of the governor to appoint. Nobody but the governor could fill any vacancy upon the board as the law existed before the 20th of November, 1872, and I may add after that time too. So that before the approval of the act of the 20th of November, 1872, the Lynch board, so called, had no existence whatsoever any more than if five gentlemen were to get together in the Senate and say they composed a board to compare the vote of Louisiana. But if it could have had any legal existence before the passage of the act of the 20th of November, 1872, it cannot be denied that by operation of that act the board was absolutely abolished. Then I put it to the Senate, I put it to every one who knows anything about principle and about law, to say whether or not that Lynch board ever had any existence at all.

In the first place, it never existed because Lynch had no power to fill any vacancy, nor had the board any power to fill a vacancy. No one but Warmoth could fill a vacancy in the absence of the Senate,

and he did not do it; it is not pretended that he did. But suppose the Lynch board had any existence prior to that time, then the approval of the act of the 20th of November, 1872, repealed the act that had existed before that time, abolished the board, and created the necessity for appointing a new board, which was done by Warmoth according to law, and the De Feriet board came into existence.

Then it does appear conclusively that the Lynch board, on the action of which the Senator from Indiana lays the basis of his whole argument, rests his whole case, never had any existence at all. But, Mr. President, will the Senate believe it, if it had any existence? The Lynch board, if it had any legal existence, if it had been a board, never compared the vote cast at the election in 1872 at all; it never ascertained that anybody was elected, and for the reason that there were no returns before it, and it had no returns to compare, and it never ascertained that anybody was elected. Without enlarging upon that, I wish to read to the Senate what the committee who investigated this matter say about the Lynch board. This puts any possible controversy to rest. Even the Senator from Indiana will not contradict what the committee say in the paragraph which I read:

On the 6th of December, 1872, the Lynch board—Bovee, (who was then acting as secretary of state in place of Herron,) Lynch, Longstreet, and Hawkins—pretended to have canvassed the returns of the election, and certified to the secretary of state that Kellogg had been elected governor; Antoine, lieutenant-governor; Clinton, auditor; Field, attorney-general; Brown, superintendent of education; and Deslondes, secretary of state; and also certified a list of persons whom they had determined to be elected to the Legislature.

Now see what the committee say:

There is nothing in all the comedy of blunders and frauds under consideration more indefensible than the pretended canvass of this board.

The following are some of the objections to the validity of their proceedings:

1. The board had been abolished by the act of November 20.

2. The board was under valid and existing injunctions restraining it from acting at all, and an injunction in the Armstead case restraining it from making any canvass not based upon the official returns of the election.

3. Conceding the board was in existence and had full authority to canvass the returns, it had no returns to canvass.

The returns from the parishes had been made under the law of 1870 to the governor, and not one of them was before the Lynch board.

It was testified before your committee by Mr. Bovee himself, who participated in this canvass by the Lynch board, that they were determined to have a republican Legislature, and made their canvass to that end. The testimony abundantly establishes the fraudulent character of their canvass. In some cases they had what were supposed to be copies of the original returns; in other cases they had nothing but newspaper statements; and in other cases, where they had nothing whatever to act upon, they made an estimate, based upon their knowledge of the political complexion of the parish, of what the vote ought to have been. They also counted a large number of affidavits purporting to be sworn to by voters who had been wrongfully denied registration or the right to vote, many of which affidavits they must have known to be forgeries. It was testified by one witness that he forged over a thousand affidavits and delivered them to the Lynch board while it was in session. It is quite unnecessary to waste time in considering this part of the case; for no person can examine the testimony ever so cursorily without seeing that this pretended canvass had no semblance of integrity.

So then it appears, Mr. President, that, according to the facts as they are admitted to be by all parties, the Lynch board never had any existence in law; that if it ever had any existence it was abolished by the act of November 20, 1872; and, further, if it ever had any legal existence at all, if it had been competent in law to count the vote, it never had any returns before it to compare. So neither the Lynch board nor any other authority whatsoever ever ascertained that Kellogg was elected, and nobody can so pretend, founding such pretense on fact or law.

But what appears on the other hand? It appears by the action of the inspectors of the election, the commissioners as they are called under the Louisiana law, by the action of the supervisors in the parishes, by the action of the De Feriet board, which was legal, by the action of another returning board provided by the Legislature which assembled in 1873, by the action of the committee here, it was ascertained that McEnery was elected by ten thousand majority, and, as a necessary consequence, that Kellogg and his ticket were not elected for lack of votes to destroy that majority.

But then the Senator from Indiana, apprehending that somebody would call this defect in his argument to the attention of the Senate and the country, says that the supreme court of that State has recognized Kellogg as the lawful governor and the Kellogg legislature as the lawful Legislature; that there is no question about the supreme court, and that the Senate is bound by the decision of the supreme court of Louisiana.

Now, sir, I do not concede that the Senate is bound by the decision of the supreme court of Louisiana, even if the decision shall be a lawful one. The power of the Senate to determine who is elected one of its members is absolute. It cannot be abridged by any power, State or Federal; nor can it be abridged by the ruling or determination of any other officer whatsoever. The Senate, I repeat, is absolute, and must pass judgment in this behalf without any restraint from any source.

But, sir, if we look to the decisions of the supreme court of Louisiana, we cannot hesitate to determine that the decision made touching this Lynch board was not worthy of any respect or consideration at all. In the case of the leading decision, in which a majority of that court held (for there was a minority that held otherwise) that the Lynch board was lawful, it is plain to any lawyer, it is conceded I believe by all lawyers at least, that the court had no jurisdiction whatever to determine the matter before it. It is a plain principle of law that where a court has no jurisdiction of any matter brought before it, its decision in that behalf is absolutely null and void and goes for nothing. In the leading case which has been cited the court had no jurisdiction, as is conceded by every lawyer, as our able committee said in their report. It had no jurisdiction; and its decision has no effect and no weight whatever, and is not to be regarded by the Senate or anybody else.

In addition to that, it is manifest that the supreme court of the State of Louisiana had conspired with the Kellogg government to sustain it and uphold it with a view to defeat the popular will of that State. Some of the judges of that court were under direct obligations to Kellogg; some of them were looking to his administration to keep them in office. They expected benefits. In addition to that their decision is in the face of the law as it would be determined by any intelligent mind, and in the face of the facts. Besides, there is evidence that goes to show that the supreme court had been in communication with Kellogg and his associates and that fact had been communicated to the Administration here. There was a direct conspiracy between the supreme court of Louisiana and the Kellogg usurpation, and all the decisions made by it are justly referable to that conspiracy, especially when it is manifest to anybody whose mind is controlled by reason that their judgment was in the face of law and right and justice and decency and dignity and everything else that is virtuous and good.

The majority was, as I have shown, beyond controversy, as ascertained by all the authorities who examined the question, Federal and State, in favor of the fusion ticket; and yet in the face of the fact that the De Feriet board was legal, in the face of the returns of all the officers, that court went on and decided that the Lynch board was legal. Such a decision as that shows corruption on its face and that the judges who made it are not entitled to consideration or respect at the hands of the people of Louisiana or of the Senate or anybody else.

Let me show you what Mr. Casey said to the President on the subject of this supreme court before they made this decision. I regret to know that this band of conspirators there put themselves in communication with the President on this subject and were recognized and sustained by him. James F. Casey sent to the President a telegram on the 12th of December, 1872. He was urging the President to recognize the Pinchback government, and after Pinchback to recognize the Kellogg government and his legislature. If I had time I could read half a dozen communications showing that he was importuned day after day and night after night by Casey, Kellogg, Packard, and others to recognize the Pinchback government, or in other words to recognize the whole usurpation there. In the telegram I refer to Casey says this:

The supreme court is known to be in sympathy with the republican State government. If a decided recognition of Governor Pinchback and the legal Legislature were made, in my judgment it would settle the whole matter. General Longstreet has been appointed by Governor Pinchback as adjutant-general of State militia.

Now, I ask how Mr. Casey knew the feeling of the supreme court in anticipation of the decisions relied upon by the Senator from Indiana? I ask, if the supreme court judges will agree to do such dirty and corrupt political work as that, are their decisions entitled to consideration at the hands of anybody? I ask every one who has any sense of justice if such a supreme court does not deserve to be denounced by every honest man throughout the land; if it does not deserve execration; if it ought not to be spurned from society and civilization; if such a set of judges do not deserve, every one of them who joined in such practices and decisions, to be impeached and turned out of the office they have disgraced?

But the Senator says in the next place that the election of Kellogg and his government was recognized by the President of the United States. First, that he recognized the Legislature and afterward Kellogg as governor.

Suppose the President did so, that does not bind Congress or the Senate. It is not the office of the President to recognize a State government except as he is empowered to do so by Congress. He is the executive power. Congress has the legislative and the political power. It is the peculiar office of Congress, it has exclusive jurisdiction to recognize what are State governments and what are not State governments in particular cases properly brought before it. It is true, indeed, that the President, in the exercise of his authority, which I will speak of more by and by, is bound to recognize the existing government in one case, but only in that case. His action is not final in that behalf; his action is subject to review by Congress; and his action in that behalf in no way affects the Senate in determining who was elected one of its members. It is a mere circumstance, that might have moral weight upon the mind of a Senator. He might say, "The President has recognized the Kellogg legislature; the President has recognized Pinchback as governor; he is a good man; he is an intelligent man; it was his duty to recognize somebody; and inasmuch as he has so determined, I take it he did it upon sufficient examination and deliberation, and it has weight with me." That is all that can be said about his action. It is not final, as the Senator from Indiana has said. He showed no authority to sustain his view, nor can he do it; but the Constitution as expounded by judicial decisions makes it clear beyond cavil that it is peculiarly the office of the Congress of the United States to determine what is a lawful State government and who are the properly ascertained officers representing it.

Then he says further that the House of Representatives has recognized the Kellogg government as the true and lawful government. He says they passed at the late session, just before they adjourned, a resolution in these words:

Resolved, That William Pitt Kellogg be recognized as the governor of the State of Louisiana until the end of the term of office fixed by the constitution of that State.

In the first place, the House of Representatives had no more right to pass that resolution than I have. The Senate has no right to pass that resolution or another similar resolution offered by the Senator from Indiana. Where is the warrant of authority in the Constitution that empowers one branch of Congress to recognize any State government? I never heard of it. I never read it. I do not believe any can be cited, and I challenge the Senator from Indiana or anybody else who can do it to cite it. I say that the House of Representatives had no right to pass that resolution, and it is no more than if it had not been passed at all. Nor can the Senate pass a similar one. All the Senate can do is to determine whether or not Pinchback was elected by the Legislature of Louisiana to represent that State here, and the Senate has no power to determine what is the lawful State government, except in determining whether a particular person was elected or not a Senator to represent the State in the Congress of the Union. In determining who was elected Senator, the Senate decides that a particular body was the true Legislature, but it can only determine in that way; it has no other or further jurisdiction to say by resolution or otherwise that one government or another is the lawful government.

But let us see what the House of Representatives did. They passed this resolution, which they had no jurisdiction or power to pass, and it therefore goes for nothing.

They allowed to sit in their body, upon what is here called a *prima facie* case, members of Congress from Louisiana elected upon the Kellogg ticket; and before they adjourned they turned them out and seated those members of Congress who were elected upon the McEnery or fusion ticket; so that if there is anything in this resolution, if it has any force or effect whatsoever, the House has stultified itself, for after it declared at one moment by this resolution that the Kellogg government is the lawful government and to be recognized as such, it turned around and admitted that the members elected to Congress upon the fusion or McEnery ticket, thereby declaring very strongly that the McEnery ticket was elected. So that, I say, all these authorities that the Senator falls back upon to sustain his case go for nothing. They are empty; they prove nothing; indeed when examined they go to show that he is in the gravest error, that the President has erred, that the Kellogg government is a sheer usurpation, unlawful, upheld and sustained by Federal power.

Then, Mr. President, it must be manifest to reasonable men that the Kellogg government was not elected by the people of Louisiana, nor has anything transpired in the State of Louisiana or anywhere else that has the force and effect to give that government legality. And thus it appears that there is a lawful government there, and that the Kellogg government, so called, is in power and administering the government; but now let us see what his government is, and what ought to be done with it; whether indeed it is a government or whether indeed it is a sheer usurpation.

It is not pretended that his government is a *de jure* government. It is said that he is the governor *de facto* and that his officers are the officers *de facto* of the State of Louisiana; that it is the existing government; that it would lead to bad consequences to displace it, to abolish it; and that because it is the existing government it has force and effect, it is legal, it is competent to administer the government of the State of Louisiana. All this I flatly deny.

In the first place it is not *de jure*. Why? Because Kellogg and his associates were not elected. A *de jure* officer is one who was duly elected or appointed and fills the office, and his office is in all respects complete and effective. Then I say that he is not a *de facto* officer. What is a *de facto* officer? It is not simply one who happens to be in the office and undertakes to discharge the duties of the office. That seems to be the supposition here; but it is a very false and pernicious view of the subject. A *de facto* officer is one who goes into office by color of right in an irregular way, but still in some sense recognized by the law, and he exercises the office for the benefit of the public; and for the benefit of the public alone, not for himself, his acts are deemed and held valid. He is one who appears to act in pursuance and by authority of law, who appears to act in the office by colorable sanction of law.

I want to cite some authorities on this subject, for, as I said a moment ago, a very false notion seems to prevail in the Senate and outside of the Senate as to what constitutes a *de facto* officer. The first case I cite is a very ancient English one, drawing the distinction. I cite the case of The King *vs.* Lisle. In that case the court say:

It was held by the whole court (except Lee, chief justice, who gave no direct opinion as to this point) that *Goldwire* was not so much as a mayor *de facto*—

The question was about whether a particular party was the mayor of a certain town or city—

for in order to constitute a mayor *de facto* it is necessary that there be some form or color of an election; but without this, the taking the title and regalia of the office, and the acting and being sworn in as mayor, are not sufficient; and with this agrees the Abbot of Fountain's case. Now here it appears that Goldwire was never elected in fact; and though it be stated that he was sworn at the leet, it does not appear (as it ought) that this was agreeable to the constitution of the borough. And it is not material that he acted as mayor, as it is foun' that a *quo warranto* was recently prosecuted against him, pending which the present election was made, and that he was thereupon adjudged to be an usurper. The consequence hereof plainly is that the election is void. And Lee, chief justice, said that in these cases the proper question is, whether the person be an officer *de facto* as to the particular purpose under consideration, according to 1 Salkeld, 96. And he cited the Queen and Davis, in Queen Anne's time, where on a motion for an information it was held that there cannot be an officer *de facto* and an officer *de jure* at the same time; and therefore the chief justice said that it would deserve great consideration whether collation by a bishop *de facto* is good where there is a rightful one in being. (Andrews's Reports, 172, 173.)

The next authority I cite is an interesting case which will be found in 37 Maine Reports, page 423. The court say:

An officer *de facto* is one who has the reputation of being the officer he assumes to be, and yet is not a good officer in point of law. * * * Or one who actually performs the duties of an office, with apparent right and under claim and color of an appointment or election. He is not an officer *de jure*, because not in all respects qualified and authorized to exercise the office; nor a usurper, who presumes to act officially without any just pretense or color of right. A mere claim to be a public officer and exercising the office will not constitute one an officer *de facto*; there must be at least a fair color of right, or an acquiescence by the public in his official acts so long that he may be presumed to act as an officer by right of appointment or election.

* * * * * * *

The distinction between officers *de facto*, acting *colore officii*, and officers *de jure* has been recognized in England from an early period, and seems to have been applied to officers of every grade, from the king to the lowest incumbent of office.

The court say further:

The same distinction is equally well known in this country, and has been applied in numerous cases, and to a great variety of offices, where persons have claimed to act *colore officii*, though not qualified according to the requirements of law, and where their acts, as officers *de facto*, have been upheld. It is familiar doctrine in the courts of our own State, and is sustained by the cases following.

Citing a great number of them.

I then cite Bouvier's Law Dictionary. Bouvier, a learned law lexicographer, says this:

An officer *de facto* is one who performs the duties of an office with apparent right, and under claim and color of an appointment, but without being actually qualified in law so to act.

If these definitions of what constitutes an officer *de facto* are correct, I put it to every sensible man to say if in any point of view Kellogg can be called an officer *de facto*? He was not elected. There was a majority of ten thousand votes against him and his associates. He did not come in by color of any authority. It was alleged that he was ascertained to be elected by the Lynch board, but the facts, the reports, the examinations all go to show that the Lynch board had no existence whatsoever, and that it never compared any vote or returns at all. All the authorities that examined the vote cast in that State in 1872 go to show that the McEnery ticket was elected, I repeat, by a majority of ten thousand votes. Therefore it cannot be pretended that Kellogg came in by any color of authority whatsoever. If anybody can show any color for his authority I will be obliged to him if he will cite it.

Then if Kellogg is not an officer *de jure*, if he is not the governor *de facto*, what is he? He is a mere naked usurper. He is as much a usurper as if I were to go into the State of Maryland to-day with ten thousand armed men at my back and proclaim myself governor there, and with that force and power, backed by the Army of the United States, were to administer that government for twelve months. Would anybody pretend in that case that I could be the governor of the State of Maryland? I have ten thousand armed men, and I proclaim myself governor. I inaugurate a State government founded upon the constitution of that State. I observe all its provisions in every respect. I apply to the President of the United States for troops to sustain me as governor, and, advisedly or unadvisedly, honestly or corruptly, he recognizes and sustains me there in the exercise of this power; could that by any possibility constitute me the lawful governor *de facto*, *de jure*, or in any other way, in the State of Maryland? I apprehend that there is not a man in all this country that would so believe for one moment; and apart from the frauds, the dust, and fog that prevailed in the State of Louisiana, Kellogg and his associates are as much usurpers as I would be if I were to go into the State of Maryland and do all that I supposed. I could not live there an hour unless I were backed by armed force; nor could the Kellogg usurpation last an hour but for the fact that he is backed by the troops of the United States.

What is a usurpation? Let us see. I will cite again Bouvier's Law Dictionary. He says:

Usurpation—

A term used in connection with government, means this—

The tyrannical assumption of the government by force, contrary to and in violation of the constitution of the country.

I ask any Senator here, I ask any friend of the Kellogg government, if that definition does not cover completely and precisely the case in hand? The author, if he had been writing a definition to cover this case, could not have been more exact. It is so strong and pointed that I will read it again:

Usurpation: The tyrannical assumption of the government by force, contrary to and in violation of the constitution of the country.

Usurper:

Another word applied to government—

one who assumes the right of government by force, contrary to and in violation of the constitution of the country.

Now let us see how Worcester defines these terms. He says:

Usurpation: The act of usurping; forcible, illegal seizure or possession.

* * * * * * *

Usurper: One who usurps; one who seizes or possesses that to which he has no right; applied particularly to one who excludes the rightful heir from the throne.

Then, Mr. President, as the Kellogg government was not elected nor ascertained to be elected, and is not and never has been in any legal sense a government *de jure*, is not in any possible sense a government *de facto*, inasmuch as Kellogg is there exercising power and undertaking to administer the government; and inasmuch as he has been upheld by force from the beginning of the exercise of such power on his part to this day, and by force alone, according to the legal definitions which I have brought to the attention of the Senate, according to all law, according to all rules of construction, he is a mere naked usurper; he is not an officer *de facto*, and he is liable to be displaced from the position he holds whenever the lawful authorities of the State of Louisiana can displace him.

But it is said, however that may be, by the Constitution of the United States the Federal Government, the President in the first place and Congress after him, has the right to determine who constitute the lawful officers of a State government; and the President of the United States having recognized Kellogg as the lawful governor and the Kellogg government as the lawful government, the people of the State of Louisiana must acquiesce; they must admit and sustain that usurpation, however much and widely the President may have erred. Now, sir, I wish to inquire into this matter. It is an interesting question. It is one that ought to be decided after solemn debate and the most thorough and scrutinizing investigation. A question of higher interest and more momentous concern could not arise.

Looking into commentaries on our Constitution and the political writings of public men, I regret to find that the article of the Constitution which bears on this subject has never been much discussed, and the responsibility is with us to examine it and determine its meaning and apply it. The Constitution provides in section 4, article 4:

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the executive, (when the Legislature cannot be convened,) against domestic violence.

In the first place I remark, that this clause of the Constitution contains a power to be exercised, not originally or directly; it is a power to be exercised in a collateral way, collaterally to the State government. It is a clause which provides a guarantee; it is a collateral undertaking on the part of the nation—the United States—not to make a republican government for a State, but to secure to a State with a republican form of government that government against foreign invasion or domestic violence, or any and all causes that might in any way destroy its republican character. It is a collateral undertaking on the part of the United States to do this. It implies that there is a government already existing; it implies the United States agreed, as the National Government when it came into operation, to protect the several States in the then existing governments, which were treated as republican in their character, to protect them forever against foreign invasion and domestic violence or interference in that form of government. It applies manifestly and reasonably to more than that; it means that as often as the several States shall see proper to change their forms of government, preserving a republican form, so long as they should continue to be republican in form the United States will from time to time and forever protect them in the exercise of rights under such a form of government.

What is a republican form of government? Why, sir, I do not think there can be any doubt about that. In a very general sense it may be said to be a government of public sentiment regulated by law; but that is not sufficiently definite for my present purpose. A republican form of government is a government by the people, administered through their agents, their representatives, and their officers elected by the voting population. It seems to me, after some consideration, that this definition embraces every feature of a republican government. The essential feature in it is that it is representative in its character. It is a government administered through agencies, agencies of the people, representing the whole people, but not necessarily elected by the whole people, but elected by the voting population as the constitution and laws shall provide.

While, therefore, any State in the Union shall have a republican government that compasses this leading idea, the Government of the United States is bound to protect it in that behalf. And if a State should undertake to establish a monarchical feature in its constitution, such a provision would be absolutely inoperative. Why? Not only because it contravenes the genius of our institutions, but it would contravene the Constitution of the United States; and I apprehend that if a State were by its constitution and law to undertake to invest an officer there with regal powers, to make him king, the United States Government, its courts, its whole authority, could declare in a legal way that such a provision of the constitution or the laws of any State was absolutely null and void and inoperative; and because such a provision would contravene the Constitution of the United States; and the United States courts, and indeed every department of the Government of the United States, its action being regulated by law, would have the power to treat such a provision as a nullity anywhere and everywhere, under all circumstances.

How far must the United States Government go in guaranteeing a republican form of government? It may be said in one sense that a constitution republican in form in all its provisions is a republican form of government; but that is not what is meant here. A reasonable, just, and necessary construction of this clause of the Constitution implies a great deal more than that. Suppose the State of New York to-day by the act of God or the public enemy were deprived of all its officers, its governor and all other State officers, so that it would have no State officers at all. The form of government as embodied in its constitution would remain republican, but that would not be the complete government contemplated by this clause of the Constitution of the United States. It implies that if by the act of God or the public enemy or any other cause the State government shall be dismantled so that there are no lawful officers to administer it, and if there is no law by which the places of those officers may be filled by the voting people of the State, it is the duty and obligation of the United States to provide a means by which the people of the State could fill those offices. I say then if it shall turn out that the State of Louisiana has no officers, through the frauds, combinations, and corruptions of the Kellogg party, or the McEnery party, or the other ambitious and corrupt men in the State of Louisiana and elsewhere—in that extreme case, and only in that extreme case—Congress not only has the right and power but it would be its duty, it would be under obligation to provide a means whereby those officers may be supplied by the voting people of that State.

Mr. LOGAN. I should like to ask the Senator a question right there. Does he mean by that to say that it is the duty of Congress to provide for an election?

Mr. MERRIMON. Yes, sir; in the case I suppose.

Mr. LOGAN. Then I would ask a further question. When a majority of our committee reported to this House against the government in Louisiana, stating that the frauds were so great that they could not recognize either government and asked the Senate to pass a bill authorizing an election so as to establish a government, why was it that the Senator voted against that bill, with all his associates on that side of the House?

Mr. MERRIMON. In the first place I was not in Congress at that time; but if I had been I would not have voted for that bill for a reason which I will now state.

Mr. LOGAN. I beg the Senator's pardon. When I asked why he did not vote for that bill, I did not recollect the fact that he was not here. But every Senator on that side of the Senate, commonly denominated democrats, voted against that bill, and I supposed that included him. I did not remember that the Senator himself was not here at that time.

Mr. MERRIMON. But I will now answer the Senator's question in full, for I am very anxious on this subject; I am serious about it, and mean to do what is right without regard to party affiliations. I am sincere when I say that this question is above parties, and I intend to act above parties and I wish everybody else would do likewise.

I say to the Senator most frankly that if I had been here I would not have voted for that bill. I say to him frankly that I will not vote for such a bill now; and why? Because I believe as I know there is a God, I believe as I know that I exist, I believe by every evidence by which conviction can be carried to my mind in that respect, that a lawful election was held in the State of Louisiana at the regular time according to law in 1872, and that a governor and other State officers were elected; that they were inaugurated; that they from that day to this have been proclaiming their right to administer the government; that they are doing it to-day, and if the United States would do their duty they would administer it and there would be peace and quiet in the State of Louisiana. For these reasons I could not vote for such a bill.

But if there are Senators in this Chamber who believe otherwise—and I shall not question the sincerity of their convictions; I shall not question the sincerity of the convictions of the Senator from Illinois, for I believe he was sincere and the whole committee were sincere—I implore them in the name of justice and my country to declare by their act and their vote that there is no government there, and to make a just and wise provision by which the people can elect officers to fill the offices. I shall complain of no one for doing so, however much I may think they err. If I could believe there was no government there, if I could believe there were no officers there to administer the government, that by fraud or any other means the State was dismantled of its officers, in one moment I would gladly vote for an appropriate law to enable the people to elect officers to fill the necessary State offices that are not filled according to law. I would not vote, however, for the bill presented by the late Senator from Wisconsin, (Mr. Carpenter.) That bill did not provide for an election according to this provision of the Constitution. Congress has no right to have an election held there under a statute of the United States regulating the manner of election at all. Congress must provide according to the circumstances of the case for an election to be held pursuant to the constitution and laws of the State of Louisiana and for the election to be held by the people of Louisiana. It might provide that certain officers should be appointed under the act of Congress to superintend the holding of the election, but that is as far

as it could go. I never would consent to allow it to be held by Federal authority, by Federal troops, by Federal officers to control the vote. I would provide the means whereby the people according to their own constitution and laws could hold an election and fill the offices, uninfluenced by extraneous force or influence.

Mr. LOGAN. I do not wish to disturb the Senator in his discussion, to which I am paying attention; but as we go along I would like to make a suggestion to him. As I have before stated to the Senate, I was placed in a very peculiar position in reference to this question. Suppose, acting upon the theory that he is now going on, that an election might be provided by the Congress of the United States in a constitutional form, or mode, or plan, in some such way as he suggests, that the Congress of the United States should absolutely refuse to adopt that plan, no matter by whose votes, whether by republicans or democrates, and the condition of things in the State was that of chaos and confusion, as was the case in Louisiana, I ask him what his remedy would be? If there was no recognition given to the party that he claimed to be elected, and there were two State governments claiming the right in that way, and all was turmoil and confusion, and Congress should utterly refuse to take any step whatever, then I ask him what would be the result?

Mr. MERRIMON. That is to suppose Congress would be false, that it would not do its duty.

Mr. LOGAN. I am supposing precisely the case that exists. I was on the committee and was with the majority. We reported to the Senate that there was no State government in Louisiana. We said that according to the best lights we could get, according to the certificates before us, McEnery was elected if any election took place; but the frauds were so great on both sides that we deemed there was no legal election held, and therefore, we asked the Congress of the United States to authorize an election to be held so that the people might elect a governor and other State officers, with the safeguards that we thought necessary in the bill; but that was voted down. Then what was the condition? What was my condition? Congress having refused to carry out the suggestion of a new election, I must then adopt the next best mode in order to give those people a government. What is that mode? I ask the Senator, and I put it to him as a legal proposition, how he would act? Suppose then the President acts when Congress refuses to act, and recognizes one of the parties; suppose then the courts of the State act and recognize one of these parties, as they have a right to do when the question is before them, then I ask the Senator what course would he take? Would he adopt the form of revolution for the purpose of overturning that government which had been recognized when there was a necessity for the establishment of some government; or would he support that government in order to give peace to the people? I put that as a square proposition to him; and that states my position precisely as I have occupied it here in the Senate. When I could not get what I thought it was right for Congress to do, I then adopted the next best mode in order to give peace and tranquillity to the people in Louisiana; I fell back upon the necessity of the case, and that necessity requires a government of some kind to exist; and if there is a legal government that we can find, supported by the President and the courts, I ask him what would he do? Would he overturn that government by revolution if Congress refused to pass a law authorizing an election; or would he support the President in maintaining peace?

Mr. MERRIMON. I will answer the Senator with all frankness. In the first place, the President under the legislation of Congress, not in the exercise of any original power conferred on him by the Constitution but by virtue of an act of Congress, where there are two contending parties in a State claiming to be the lawful officers of the State, has the right, and indeed it is his duty, to determine, on proper application to him with a view to the exercise of his office, which of the two parties lawfully represented the State government. Having determined that question, it is his duty to aid that party in administering the government. It is the duty of everybody to sustain the President while he shall continue in that course. But it is the duty of the President also, before he shall determine which faction he will recognize, to decide that delicate question after full hearing and thorough investigation. He may not decide hastily, rashly, recklessly; he must decide cautiously and advisedly. If he shall not do so, then I have to say he is false to the high trust reposed in him and he is not fit to be President. That officer is charged with no more delicate power and duty. There is no Federal power that more vitally affects the State governments. If he does it without a hearing, if he does it without due consideration—as I contend, with all respect, he did in this case—the President is to be complained of, he is to be held responsible for his unwise and injudicious conduct and held responsible to the American people; but inasmuch as he has the legal authority to so determine in the first instance, it is the duty of the people of the United States and the people of the State of Louisiana to submit to his action, and only to his action, until he shall reverse it himself or Congress shall reverse it.

I maintain that when the President found out from the report of the Senate committee and from other sources that bad and corrupt men had imposed upon him and led him astray, that it was his solemn and high duty, and it ought to have been his highest pleasure and an opportunity seized upon joyfully, to change his action, and say "I acted inadvertently; I was not properly informed." But then after he had taken action and recognized the Kellogg government, and while his action, and his action alone, ought to have been submitted to until it should be reversed, as I have said, it was the duty of Congress long, long ago, and the President and the country have a right to complain of Congress because it did not do it, to have determined, as the proper power and the only proper tribunal to determine, which of the two governments was the lawful one. If the Congress of the United States are willing for any consideration, political or otherwise, to take the responsibility of recognizing the Kellogg government, let them do it; they may so decide for improper and sinister considerations and purposes, but let them decide. They have full and complete jurisdiction to do it, and when they have made the decision, however distasteful to the people of Louisiana, they are bound to submit, because the lawful and properly constituted authorities of the country shall have so determined. In that case the decision would be manifestly wrong, but there is no further appeal, except to the ballot-box—to the high tribunal of the American people—to public sentiment. But inasmuch as Congress has not acted in this respect, inasmuch as it has failed in its duty in this respect, until the action of the President shall be reversed or until he shall reverse his own action, as I maintain he has the power and right to do and he ought to do, it is the duty of the people of Louisiana and of the whole country to submit to his determination. In the mean time the proper and lawful government is to protect its existence as far as it can until the highest authority, to wit, Congress, shall determine the question at issue.

Mr. LOGAN. That is just the point exactly that I desired the Senator to come to. I stated that Congress had not acted. I care not how much fault he finds with Congress, nor do I care what fault he finds with the President; but I put the simple proposition, that inasmuch as Congress has not acted and the President has acted, the President not having reversed his action, but standing by it, then the question is what is the duty of the people of Louisiana, whether to go into revolution or to stand by the action of the President?

Mr. MERRIMON. To submit to his action unquestionably until it is reversed.

Mr. LOGAN. I am very glad to hear the Senator say that.

Mr. MERRIMON. But I do not mean by that that the McEnery government is to cease to exist. I mean that the McEnery government is to stand there until the highest and last authority shall act and determine that it is not the lawful authority.

Mr. LOGAN. I will ask the Senator another question, then, in furtherance of this discussion. Inasmuch as he says the duty of the people of the State of Louisiana is to maintain the position of the President until the President reverses his action, I ask whether he considers McEnery and his followers and satellites a part of the people of Louisiana?

Mr. MERRIMON. I do.

Mr. LOGAN. Then it is their duty to maintain that government, too, is it not? If it is their duty to maintain it, how can they maintain a separate government?

Mr. MERRIMON. It is their duty to submit to the action of the President, and only to him. Their separate government is not active, but is there to spring into existence the moment this unlawful power is removed, the moment the controversy is ended.

Mr. LOGAN. It stands ready?

Mr. MERRIMON. Until the unlawful power is decided against by the authority competent to decide in that behalf.

Mr. LOGAN. It stands ready, as I understand the Senator, fully organized but in a passive condition until the other government can be wiped out, and then it proposes to come in. That is the idea?

Mr. MERRIMON. Yes, sir. I maintain that it is the duty of the President this day, in view of the facts and the law of this case, to withdraw the troops from Louisiana and to allow the McEnery government to operate.

Mr. LOGAN. Now I will ask the Senator another question right in connection with that, because I see that he and I on the general view would not disagree very much in the conclusion we come to except that I would differ from him about the McEnery government being a government at all at the present time. When the McEnery government usurped the authority of the State last September and absolutely ousted and overturned the Kellogg government, which they did, if McEnery had then taken possession of the government, does the Senator think he would have been lawfully in possession?

Mr. MERRIMON. I do.

Mr. LOGAN. You then sustain the rebellion against the Kellogg government?

Mr. MERRIMON. It was no rebellion; it was the right asserting itself against the wrong—not against the President or any lawful authority.

Mr. LOGAN. That is the point. There is a difference of opinion.

Mr. MERRIMON. I maintain that when the rightful government asserted its power at that time, it was not only competent for the President to do it, but I did hope that he would recognize and sustain it. If the President will withdraw the troops and thus put the case out of court, McEnery and his associates have the right forthwith to assert their authority.

Mr. LOGAN. Yes; but he did not do it.

Mr. MERRIMON. Will the Senator wait until I get through with my sentence?

Mr. LOGAN. Certainly.

Mr. MERRIMON. It was not only the right of the President but it was his duty to uphold the rightful government, it having asserted its authority.

Mr. LOGAN. I would differ with the Senator as to which government it was his duty to uphold; but we would both agree that it was his duty to uphold the government. I sustain the President in upholding the Kellogg government; but when the revolution occurred and overturned that government, according to the theory of the Senator McEnery was the rightful governor. If the McEnery government had been inaugurated and had possession, then the President was at fault when he sustained the Kellogg government and put down the Penn insurrection, as I understand the Senator?

Mr. MERRIMON. I did not hear the Senator.

Mr. LOGAN. According to the Senator's reasoning, when the Kellogg government was overturned on the 14th of September and the McEnery government usurped the control—I use that term; perhaps he would not—took the places and installed themselves, then the Senator would maintain that they were rightfully in power and it was the duty of the President then to maintain McEnery in possession of the governorship of that State instead of sustaining Kellogg and putting down the insurrection. There is the difference between the Senator and myself. I say that the President's duty was to put down the rebellion against the government, and he did do it, and did right and proper under the authority conferred upon him as President of the United States. The Senator thinks differently; and there is the conclusion that he is bound to come to, and I am bound to come to the other, for his reasoning sustains the rebellion of the 14th of September and my reasoning would put it down. That is the difference between us.

Mr. MERRIMON. The difference between us is this: I say there was no rebellion there at the time he mentions; I say the rightful government being prevented from the exercise of its rightful authority had a right to assert itself whenever it could do it, except as against the President exercising his power.

Mr. ALCORN. Will the Senator allow me to make a suggestion?

Mr. MERRIMON. Yes, sir.

Mr. ALCORN. I understand the Senator's position to be that it was the duty of the people of Louisiana to maintain the government recognized by the President, and he carried his declaration so far as to declare it to be the duty of the McEnery government to obey the government that had been recognized by the President.

Mr. MERRIMON. To submit to the President—not to the Kellogg government.

Mr. ALCORN. To submit. Then when they failed to submit, when they came forward and took possession of the Kellogg government, they were usurpers and revolutionists, as I understand, according to the logic of the speech of the honorable Senator from North Carolina.

Mr. MERRIMON. No, sir; that is not my logic, nor my meaning. I mean to say that the lawful government had the right to assert itself as against the Kellogg government and all unlawful authority at all times, but not against the President, and not against him because he exercised authority he might under the law exercise.

Mr. LOGAN. That is not his logic. His logic was just the contrary, that they were not usurpers.

Mr. ALCORN. If it was the duty of these people to maintain the Kellogg government, to recognize it, how could they without violating that duty take hold of and usurp the government themselves?

Mr. LOGAN. That is the point exactly. I say they could not; the Senator says they could lawfully do so.

Mr. MERRIMON. I will illustrate my meaning by a rule of law that is practiced upon in the courts every day and has been for centuries. A owns a tract of land and proposes to cut down all the timber and shade trees. B makes claim to the land and brings his suit; pending the litigation he obtains an injunction to restrain A from cutting down the shade trees. A may not resist that injunction, but the moment it is dissolved he may freely exercise his right. Pending the injunction his right was in existence, but he could not exercise it. Take another case: A has been elected to an office; B, an intruder, a usurper, has by some means gotten possession of the office and will not surrender it; A brings his suit to oust the usurper. His office is not lost pending the litigation; it exists all the time; he may take possession of the office whenever he can. And so if one in office lawfully is temporarily restrained in its exercise he does not by such restraint lose his office; he may again exercise it when he can. He may always assert it when lawful restraint is removed.

Mr. ALCORN. Will the Senator allow me one word again?

Mr. MERRIMON. Certainly.

Mr. ALCORN. In a question of forcible entry and detainer, if a party being in possession of the property is ousted by the legal owner and he uses violence to take possession, upon the trial of the forcible entry and detainer the title to the property does not come in question; it is the question of possession, and he will be ousted upon the facts without regard to the manner in which he acquired possession of the property. McEnery in this case, if I understand, had the legal title, according to the argument of the Senator from North Carolina, but he made forcible entry, and the law of the case is that he shall be ousted, having forcibly entered.

Mr. MERRIMON. No, sir; my position is this, and it is perfectly consistent: I say that the moment this lawful government can assert itself it has the right to do it. I say that it is the continuing duty of the President to recognize that lawful government and to sustain it. I say, however, that while the President in the exercise of the authority vested in him by law shall continue to enforce his order the whole people are bound to submit to it, not recognizing it as lawful at all, but they are bound to submit to it by reason of the power vested in the President until the proper authority shall reverse his action or until he shall reverse his action himself. I say that McEnery is the lawful governor and his associates the other lawful State officers, and therefore the President ought to reverse his action now. If he were to withdraw the troops from the State of Louisiana the McEnery government would go into operation in twenty-four hours, and there would be peace and quiet in that State.

But, sir, this interruption is apart from the question now before the Senate. Whatever may have been the action of the President, that ought to have no weight with us in determining this question. If he has erred, it is the duty of the Senate not to err; it is the duty of Congress to reverse his action. The President has a power, but his power is temporary. His judgment there is temporary. He recognized the Kellogg government, and he has told Congress repeatedly that he recognized it, and would continue to do so, until Congress would take further action; and the moment that Congress shall decide he erred or any way, he is willing the lawful government shall spring up and operate at once.

In further support of what I have said I beg now to call the attention of the Senate to the decision of the Supreme Court in Luther *vs.* Borden. I believe it is the only decision bearing upon the powers of the President, and it is an exposition that throws very much light on this very question. The opinion is delivered by Chief Justice Taney, and in the course of their opinion the court say:

> Under this article of the Constitution it rests with Congress—

I repeat that—

> it rests with Congress to decide what government is the established one in a State. For, as the United States guarantee to each State a republican government, Congress must necessarily decide what government is established in the State before it can determine whether it is republican or not. And when the Senators and Representatives of a State are admitted into the councils of the Union, the authority of the government under which they are appointed, as well as its republican character, is recognized by the proper constitutional authority. And its decision is binding on every other department of the Government, and could not be questioned in a judicial tribunal. It is true that the contest in this case did not last long enough to bring the matter to this issue; and as no Senators or Representatives were elected under the authority of the government of which Mr. Dorr was the head, Congress was not called upon to decide the controversy. Yet the right to decide is placed there, and not in the courts.
>
> So, too, as relates to the clause in the above-mentioned article of the Constitution providing for cases of domestic violence. It rested with Congress, too, to determine upon the means proper to be adopted to fulfill this guarantee. They might, if they had deemed it most advisable to do so, have placed it in the power of a court to decide when the contingency had happened which required the Federal Government to interfere. But Congress thought otherwise, and no doubt wisely, and by the act of February 28, 1795, provided that "in case of any insurrection in any State against the government thereof it shall be lawful for the President of the United States, on application of the Legislature of such State, or of the executive, (when the Legislature cannot be convened,) to call forth such number of the militia of any other State or States as may be applied for, as he may judge sufficient to suppress such insurrection."
>
> By this act the power of deciding whether the exigency had arisen upon which the Government of the United States is bound to interfere is given to the President. He is to act upon the application of the Legislature or of the executive, and consequently he must determine what body of men constitute the Legislature and who is the governor before he can act. The fact that both parties claim the right to the government cannot alter the case, for both cannot be entitled to it. If there is an armed conflict, like the one of which we are speaking, it is a case of domestic violence, and one of the parties must be in insurrection against the lawful government. And the President must, of necessity, decide which is the government, and which party is unlawfully arrayed against it, before he can perform the duty imposed upon him by the act of Congress.
>
> Undoubtedly if the President, in exercising this power, shall fall into error or invade the rights of the people of the State, it would be in the power of Congress to apply the proper remedy. But the courts must administer the law as they find it.

I beg to repeat this, because it is so important—

> Undoubtedly if the President, in exercising this power, shall fall into error—

As I contend he has done in this case—

> or invade the rights of the people of the State, it would be in the power of Congress to apply the proper remedy.

So in the case before us there were two contending parties in the State of Louisiana, each claiming to administer the government of that State. Both parties applied to the President for the assistance allowed by the Constitution in such cases. It was his duty to decide which party were the true and lawful officers of the State and properly and lawfully entitled by the constitution and laws of that State to administer the government. I regret that the President did not take that course of action which he ought to have taken in order to decide which of those parties he ought to have recognized. If he had done so I do not believe that Congress would be bothered and the country troubled with this Kellogg usurpation to-day. The President committed a grave error in that he did not hear both parties and decide after a full hearing. There can be no doubt, it seems to me, in the minds of Congress, in the mind of any disinterested person, in the minds of a disinterested public, that the President erred and that the McEnery government is the lawful government of that State. But still he decided. He had the right to decide and the power to decide as he did. It was his duty to decide, and he decided wrong. Like the judgment of a court in a case where it has proper jurisdiction, that decision must stand until it is reversed—reversed by him or Congress, or until he shall cease to act and dismiss the case. What

I ask is, that the President shall correct his own error and that he shall seek the first opportunity to do it. If he will not do it, then I say that it is the duty of Congress to do it, and Congress will not have discharged its duty until it shall so decide. If Congress will take the responsibility to decide that the Kellogg government is the true and lawful government, there is the end of controversy; the people of the State of Louisiana must submit, McEnery and his associates must submit, the whole country must submit, and they can only hold the Congress responsible for having made a false and improper decision. The only remedy in that case against Congress is, as I have said, at the ballot-box throughout the Union, for having made an improper decision and invaded the rights of the State. But Congress having complete jurisdiction and having decided this question even improperly, the whole country must submit or else we shall have a state of anarchy; there is no government; might is right and despotism triumphant. That is the whole of it, sir.

I advise no resistance to the President. Why? Because he had the power to decide. He has decided wrong. I am as clear about that as I am about the fact that I live; but still he had the power to decide. It was his duty to decide; but that decision did not destroy the McEnery government; that did not destroy the lawful government. The right is there. The right is in litigation. The suit is pending to try the right, and the moment that it is determined, or the contest is abandoned, the right springs up and becomes active, if the court will discharge its duty. The government of Louisiana is on trial. The President, in the first place, is its trier. I insist, and the people of Louisiana insist, that the President has decided wrong. Millions of American people insist that he has decided wrong.

But there is another court. There is another supreme tribunal to decide the case. That tribunal is the Congress. It is charged by the Constitution to decide it when it shall properly come before it, and when Congress has decided, whether they decided right or wrong, there is the end. In view of the troubles and general distress in Louisiana and throughout the country on that account, it is monstrous that Congress has not taken proper action. But although Congress has not acted, the President may yet act. I would to God he would act. In my judgment he could not do a nobler act, one that would increase the confidence of the American people in him more than to correct his own error. I know that pride of spirit, pride of party, party interests, and party considerations operate and go a long way to restrain such generous and noble acts; but I had hoped the President would rise above party. Presidents ought to rise above parties. They ought not to know anything about parties in the discharge of their high duties. They ought not to know anything but the Constitution of their country and its laws, and sacredly protect and obey them. I had hoped that, rising above parties, looking only to the best interests of the country, the President would have corrected his own error and would have spurned the bad, designing men who led him into error. If I had his ear I would tell him to correct his error. If I were a republican this day, supporting his Administration, I would go to him and I would implore him, anxiously implore him, and advise him by every consideration, to correct his false step. But if he will not do it, then the responsibility is with him. So far as there could be any expression of opinion, not only by the authorities there but as far as there has been an expression of opinion here in Congress, it is against his act.

Take the action of the House of Representatives practically. The Kellogg candidates for the lower branch of Congress were admitted there, one of them particularly, upon a *prima facie* case. He sat there until a few hours before the late Congress expired. He was then turned out of the House and the members elected upon the McEnery ticket were admitted, thereby giving a practical declaration, one that cannot be controverted, that the lower branch of Congress, overwhelmingly republican, ascertained that the McEnery ticket was elected. Wherever any action has been taken in the Senate the decision is the same way. For more than two years the present applicant has importuned the Senate to admit him as a Senator from Louisiana elected by the Kellogg legislature, and his credentials certified by Kellogg himself. The Senate has for that long time refused to do so. The Senate shrinks, as well it may, from a recognition of that usurpation. I shall mourn the day when it shall do so. Such a recognition will be a terrible and dangerous precedent. I admonish the Senate against it; it will come back again and again to plague us and the country.

Here let me call attention to what the Senate has done further on this subject. It is very interesting as showing the record of some Senators, and I trust they will stand by that record. I would regret exceedingly to see them go back upon it.

The Senator from Illinois a moment ago asked me why I did not vote for a certain bill providing for an election in the State of Louisiana. I gave him my reasons for it. The late Senator from Wisconsin felt very anxious on this subject. He said, for reasons which I do not think sufficient—I gave my reasons for so thinking on another occasion—that there was no State government in the State of Louisiana, that is, there were no legal officers there to fill the offices and administer the government; that the election in that State was void. He introduced a bill in the Forty-second Congress. That bill contained this recital:

> That the election held in the State of Louisiana on the 4th day of November, 1872, for governor, lieutenant-governor, secretary of state, attorney-general, auditor of public accounts, and superintendent of education, and for senators and representatives for the General Assembly of said State, is hereby declared to be null and void; and it is further ordered and declared that the persons who were entitled to hold the said State offices on the said 4th day or November shall continue in office and be recognized as the legal officers of said State by the Government of the United States until their successors are chosen and qualified in accordance with the provisions of this act.

That bill containing the declaration that there was no lawful government in the State of Louisiana came to a vote, and I put it to the Senate to say whether a Senator ever could make a more solemn declaration as to his conviction than to cast a vote on that subject. The vote was taken after anxious deliberation, after long debate, and let us see how the vote resulted. Those who voted for the bill were—

> Messrs. Anthony, Carpenter, Corbett, Cragin, Ferry of Michigan, Frelinghuysen, Gilbert, Hamlin, Howe, Logan, Machen, Osborn, Ramsey, Sawyer, Sherman, Sprague, Stewart, and Wilson.

Those Senators declared in the most solemn manner that it was possible for them to do that there was no State government in the State of Louisiana; that the result of the election in 1872 was that there was no election at all; that nobody was elected, whereby the State was absolutely dismantled, and that there ought to be another election. After that, in the Forty-third Congress, the late Senator from Wisconsin introduced another bill. In the preamble to that bill he uses these words:

> Whereas there is no governor, lieutenant-governor, secretary of state, attorney-general, auditor of public accounts, or superintendent of education in the State of Louisiana, holding said offices, respectively, under an election by the legal voters of the State of Louisiana, in pursuance of the constitution and laws of said State; and whereas there is not in said State any Legislature elected by the legal voters of said State, according to the constitution and laws thereof.

That bill did not come to a final vote, but there were various votes taken during the session which indicated the approval of it by certain Senators. Those who so voted on such occasions were these:

> Messrs. Anthony, Bayard, Bogy, Boutwell, Buckingham, Chandler, Conkling, Cragin, Davis, Edmunds, Frelinghuysen, Gilbert, Hager, Hamilton of Maryland, Hamlin, Howe, Jones, Kelly, McCreery, Morrill of Vermont, Sargent, Scott, Sherman, Stevenson, Stewart, Stockton, and Thurman.

After all this, after this solemn declaration on the part of Senators, it seems to me that it is monstrous to ask any Senator here to vote for a resolution declaring, in the face of the solemn action had heretofore, that the Kellogg government is lawful. It seems to me that no one can do so without absolutely stultifying himself.

But, Mr. President, let that government be as it may, let the President's action remain as it is, we can take no action here now to reverse his action. This is but one branch of Congress. This branch of Congress has no right to determine that one State government is the lawful government or another is such by general resolution. We cannot decide this question except in so far as we do so by determining that one person or another has been properly and lawfully elected a Senator to represent that State here. The Senate has no right to pass a general resolution declaring that the Kellogg government is the lawful government or that the McEnery government is the lawful government. That must be the act of the Congress of the United States. The Constitution prescribes that as the tribunal to determine that question. It is true, by admitting Mr. Pinchback the Senate would decide incidentally, and it would be a strong circumstance to determine, that the Kellogg legislature was the lawful legislature; but it would determine the question only in a collateral way; but to pass such a resolution I maintain that it has no power.

Then, Mr. President, to conclude, in the first place, I think I have shown that the doctrine contended for by the Senator from Indiana that a person applying to be admitted as a Senator has the right to be admitted upon a *prima facie* case, as he styles it, is a false doctrine; that it is not sustained by a proper construction of the Constitution, by the practice of the Senate, by right, by justice, by any consideration whatever; that, on the contrary, the true theory and practice is, never to admit an applicant to be admitted when his right is questioned, until that right shall be determined on its merits. In the second place, I have shown that the fusion or McEnery ticket was lawfully elected at the election in Louisiana in 1872; that McEnery and his colleagues were lawfully inaugurated, and that they ought to be administering the government this day. In the third place, I have shown that Kellogg was not elected. I have shown that it has been ascertained in many lawful ways that he was not elected, that on the contrary he was beaten by a majority of ten thousand votes. I have shown that he did not come into office by law, and he is therefore not an officer *de jure*; that he did not come into office by color of law, and he is therefore not an officer *de facto*; that he came into office only by force and usurpation; that he is in every sense a usurper, and that being a mere usurper and an invader of the rights of the people of Louisiana, he ought to be displaced. He ought to be displaced now by the President, and if the President will not do it, Congress, in the discharge of the high duty that devolves on it, ought to displace him at the earliest possible moment by reversing the action of the President and allowing the lawful government to operate and administer the government of that State.

Then in the fourth place I have shown that the President has no original power to determine that one party or another constitute the lawful officers or Legislature of a State government or one class of officers or another; that he derives his power and has it by virtue of the act of Congress; that Congress is the political branch of the

Government and has the right to determine who are the proper officers of the State government and what is the proper State government; and furthermore, that in the matter now before the Senate, the President being subordinate to Congress and acting in pursuance of the authority of Congress, and charged by Congress to decide right, having decided wrong, his action is to have no weight whatsoever in determining the question as to whether we ought to admit this applicant or not.

It is within the power and jurisdiction of the Senate in deciding the case before it to decide that the Kellogg legislature was not the lawful Legislature, and therefore the applicant, Pinchback, was not elected and is not entitled to be admitted. The Senate has the right to determine that his credentials are not sufficient evidence of his election. In that they may determine that Kellogg was not the governor; that the seal on the credentials purporting to be the seal of the State of Louisiana is not the seal; that the person who countersigns the credentials as secretary of state was not secretary. This is the office of the Senate. For one I am ready to cast my vote now, and have always been, that this applicant was not duly elected; and for the reasons which I have submitted, when the time shall come, I shall be prepared to vote to reverse the action of the President and restore the lawful government of the State of Louisiana. And I maintain, sir, furthermore, that while the Senate cannot do it, the Senators as American citizens, and especially the republicans of this body, are charged by their country to advise the President, as they have his ear, into that line of right which he ought to pursue.

I shall rejoice if the right shall prevail in this distressing and complicated case and if no permanent evil shall result from it to the country.

Mr. THURMAN. I move that the Senate proceed to the consideration of executive business.

Mr. McCREERY. Mr. President, I propose to speak a few minutes if the Senator will give me the floor for to-morrow morning.

Mr. THURMAN. Very well.

The PRESIDING OFFICER, (Mr. PATTERSON in the chair.) The question is on the motion of the Senator from Ohio.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-two minutes spent in executive session the doors were reopened, and (at two o'clock and forty minutes p. m.) the Senate adjourned.

IN SENATE.

THURSDAY, *March* 11, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The VICE-PRESIDENT resumed the chair.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a letter of the Second Auditor of the Treasury, transmitting copies of all accounts which have been received at that office from persons charged or intrusted with the disbursements or application of moneys, goods, or effects of any kind for the benefit of the Indians from July 1, 1872, to June 30, 1873; which was ordered to lie on the table.

COMMITTEE TO VISIT THE INDIAN COUNTRY.

Mr. CLAYTON. I should like to call up the point of order raised the other day upon a resolution offered by myself. I desire to call it up for the purpose of having the point of order settled. If the point of order is settled so that the resolution can be received, I shall not ask to have the resolution itself considered to-day; but merely desire to have the point of order settled.

The VICE-PRESIDENT. The Chair submits the question to the Senate. The Chair will take the opinion of the Senate.

Mr. CLAYTON. I should like to make a few remarks on this subject.

On the 19th day of March, 1873, the Senator from Mississippi [Mr. ALCORN] offered a resolution which reads as follows:

Resolved, That the Select Committee on the Levees of the Mississippi River be authorized to sit during the recess, and to investigate and report upon the condition of the levees of the Mississippi River; also, upon the propriety of the Government of the United States assuming charge and control of the same, with a view to their completion and maintenance; and that they have power to employ a clerk, and that the expenses attending this investigation shall be paid out of the contingent fund of the Senate, upon vouchers approved by the chairman of the select committee aforesaid.

The Senator from Connecticut [Mr. FERRY] raised the same point of order upon the submission of this resolution which he raised the other day on the submission of mine.

Mr. THURMAN. Will the Senator allow me to inquire what is the question before the Senate?

Mr. CLAYTON. The Chair will state it.

The VICE-PRESIDENT. The question before the Senate is on the point of order. The Senator from Arkansas submitted a resolution and a question of order was raised upon it; and as the Senate by a yea and nay vote have decided both ways on that question, the Chair submits the question to the Senate.

Mr. THURMAN. But what is the resolution, for it all depends on that?

The VICE-PRESIDENT. The resolution will be reported.

Mr. THURMAN. Is it the resolution for the appointment of a committee to go to the Indian country?

Mr. CLAYTON. Yes, sir.

Mr. THURMAN. Then I understand it; it is not necessary to read it.

Mr. CLAYTON. The resolution to which I have referred was discussed at considerable length *pro* and *con*. On the 25th of March, 1873, the Senator from Mississippi [Mr. ALCORN] submitted a substitute for his resolution which was merely for the purpose of allowing the committee to sit during the recess, striking out all the rest of the resolution. I will state here that prior to the introduction of this resolution of the Senator from Mississippi the following resolution had been introduced and acted upon:

That the Committee on Privileges and Elections be instructed to examine and report at the next session of Congress upon the best and most practicable mode of electing the President and Vice-President of the United States, and providing a tribunal to adjust and decide all contested questions connected therewith, with leave to sit during vacation.

This resolution, says the record, "was considered by unanimous consent, and agreed to."

A resolution offered by the Senator from New York [Mr. CONKLING] to allow the Committee on the Judiciary to sit during the recess was also considered and agreed to.

A resolution offered by the Senator from Wisconsin [Mr. HOWE] to allow the Committee to Audit and Control the Contingent Expenses of the Senate to sit during the recess of the Senate was also considered and agreed to.

A resolution also offered by the Senator from New York [Mr. CONKLING] to allow the Committee on the Revision of the Laws to sit during the recess was also agreed to.

On the 26th of March the resolution of the Senator from Mississippi was brought up again and the point of order was submitted to the Senate. The Senate by a vote of 25 to 19 decided that the resolution could be considered.

I presume, if this was merely a proposition to raise a select committee to consider this question, independent of the power to sit during the recess, no one would question but that it would be in order, and I should like to ask the Senator from Connecticut whether he would consider a mere proposition to raise a committee of this body as being out of order. Can I have the attention of the Senator from Connecticut a moment? I desire to ask him whether if this proposition was merely for the purpose of raising a committee of this body to consider any question independent of the power to sit during the recess, he would consider that out of order?

Mr. FERRY, of Connecticut. I suppose that a committee could only be raised for the purpose of reporting to the Senate on some subject at some time; and to a mere proposition to raise a committee at a called session to report upon business of a legislative character, I should make the same question of order that I now make. If the Senator from Arkansas will permit me, I will submit a word or two, and perhaps relieve the difficulty of discussion on this subject at the present time.

As has been stated by the Chair, two years ago, at the commencement of the called session, some of these resolutions were introduced. I raised the question of order. The Vice-President ruled that they could not be entertained. Subsequently the Senator from New York (Mr. Fenton) introduced a petition looking to legislative business. Objection was taken to that. That question was submitted to the Senate; there was a yea and nay vote, and the Senate decided that the petition could not be received.

Mr. CLAYTON. Will the Senator pardon me a moment while I call his attention to that particular phase of the question? That petition called for the concurrent action of both Houses. The petition to which he refers, if I recollect aright, looked to action from both Houses; it was a petition for Congress to do certain things, and it seems to me that would not be a parallel case to this.

Mr. FERRY, of Connecticut. I was merely stating the precedents. Subsequently a number of resolutions for raising committees or continuing them during the recess were introduced. Some were entertained by unanimous consent. One in particular I remember, introduced by the Senator from Minnesota, [Mr. WINDOM.] I at first raised the question of order, and then, at his request, withdrew it and permitted unanimous consent to be given. Upon the resolution continuing the committee regarding the levees of the Mississippi River another yea and nay vote was taken, which resulted in exactly the reverse of the yea and nay vote which had preceded it. Consequently, as the Chair has said, this question was decided two years ago both ways by the Senate. Now I desire upon this resolution to have it distinctly presented to the Senate, as it is now, whheter at a called session such a resolution will be entertained as in order. The Chair has submitted it to the Senate, and I will very cheerfully acquiesce in the decision of the Senate on a yea and nay vote.

Mr. CLAYTON. That is the attitude of the case exactly. As I understand, the question now before the Senate is merely as to whether this resolution is in order, without any reference whatever to the merits of the resolution or what it proposes.

Mr. MORTON. What is the resolution?

Mr. CLAYTON. The resolution itself is to create a special committee of this body, to be composed of four members of the Committee on Indian Affairs and three of the Committee on Territories, with certain powers to investigate questions arising in the Indian country, during the recess of Congress.

Mr. FERRY, of Connecticut. And to report at the next session of Congress.

Mr. CLAYTON. Yes, sir. Of course, Mr. President, if this is out of order, that settles the whole question as to this committee and all other committees of a similar character. The Senator from Connecticut is right in his statement of what took place during the session to which he has alluded. The last expression of the Senate upon the subject, if I am not mistaken, was made upon the resolution of the Senator from Mississippi, [Mr. ALCORN,] and in that expression the Senate decided by a vote of 25 to 19 that a resolution of this character could be submitted.

I shall make no further remarks upon the subject, but allow the question to be determined.

Mr. SHERMAN. I have but a word to say about this matter. I am afraid the Senate will do to-day what it has very often done, confuse the question arising upon the point of order with that of the propriety of the appointment of the committee. That the Senate of the United States have the power to pass this resolution I do not think there can be any doubt. That the Senate of the United States, although sitting in a called executive session, may authorize a committee to make inquiries even for a legislative purpose I do not think there can be any doubt. The Senate of the United States is a permanent body. We have the same power now that we would have if the House of Representatives was present, except only that we cannot pass laws; but we may inform ourselves, may prepare ourselves, and seek information wherever we choose.

I shall vote against the resolution of the Senator from Arkansas because I do not think we ought to organize this committee. While I shall vote against it on that ground, at the same time I have no doubt that the Senate of the United States has the power and the right, if it chooses to exercise it, to pass a resolution of this kind. Therefore, while I am against the resolution of the Senator from Arkansas, I would not bind the Senate not to pass a resolution of this kind.

Mr. HAMLIN. I suppose the Senate in one sense has the power to do anything it pleases. I believe that is about the result when you come to the question of power. Under the Constitution, however, I think that the Senate has no earthly power or constitutional right to pass any such resolution which is legislative in its character or looking to any matter upon which legislation is subsequently to be had.

Mr. SHERMAN. I should like to ask my friend a question. This committee is proposed to go into the Indian country where reside tribes with whom we have existing and subsisting treaties. As a matter of course, the Senate may inquire in regard to every treaty whether a treaty should be modified or changed. Surely, we have the power to send a committee to the Indian country covered by a treaty to get any information we may choose to have which may bear upon that treaty. It may be put upon that express ground. Therefore we have the power and it is within our province.

Mr. HAMLIN. If you can show me that it is business of an executive character, then and only then will I agree with the Senator from Ohio. But that we have a right under the Constitution to raise committees to perambulate this Union for any purpose, although it has been done heretofore, I utterly and wholly deny. I deny that you have any right to authorize the withdrawal of papers from the files and to be delivered to the parties We are called here for executive purposes and for nothing else, and there is no other earthly business which we can rightfuly do. I know I am talking directly against what the Senate has done and directly against what it will do; but such is my view of its authority.

Mr. MORTON. I would ask the Senator from Maine this question, what is the difference in principle or in power between appointing a standing Committee on Indian Affairs, which we created yesterday, to consider all legislation in regard to Indian matters, and appointing a special committee of the kind designated by this resolution?

Mr. HAMLIN. The committee to which the Senator refers is a part of the organization of this body. I do not deny that we may organize, and do all things that are necessary to organize this body; but when you propose to raise a committee on Indian affairs or any other committee for purposes of legislation, you have no right to do it. There may be nominations referred to that committee; but there is no purpose for which you can raise committees at an executive session except to do executive business.

Mr. HOWE. What makes you think so?

Mr. HAMLIN. The Senator from Wisconsin asks what makes me think so. I answer the Senate is a part of Congress when the House of Representatives is in session, and it is not at any other time a part of Congress. It is an executive body convened solely and exclusively for exgcutive purposes. I go a step further. I hold that when the President stated in his proclamation that he convened us for the purpose of considering such subjects as he should communicate to us we were limited by that proclamation to the subjects for which we were convened; and when we overstep that limitation we may do anything else that is of an executive character or as we have done. I believe at every session we may do acts which look to legislation, which go to furnish the material upon which subsequent legislation is to be enacted.

I do not know that there is another Senator here who agrees with me; but such is my view. I remember very well when the Senate passed a resolution affirming precisely the doctrine that I lay down, and we lived up to it manfully I think for two or three days; but the desire of this Senator to do that thing and the other Senator to do another thing broke down the resolution that the Senate itself had adopted. I think you will find the resolution some four or five sessions ago that the Senate adopted in words that it had no power to do anything except that which was executive in its character. I shall vote therefore that it is not in order to entertain this resolution; and if it be ruled in order, as I presume it will be, then I will vote against the resolution as most unwise.

Mr. SHERMAN. This is the clause in the Constitution under which we are now convened. Defining the duties and powers of the President, it says:

> He may on extraordinary occasions convene both Houses, or either of them.

He may convene the House of Representatives, he may convene the Senate on extraordinary occasions; but there is nothing in the Constitution, there is nothing in parliamentary law that declares what we shall do when we are convened. When we are convened, we are convened as the Senate of the United States with full power to do anything that we may do by ourselves. We have no power to pass laws because we cannot pass laws except with the assent of the other House. We have no power to make treaties except with the assent of the President. But we may now do anything in the world that we as a Senate can do except to make laws.

Mr. HAMLIN. Will the Senator allow me to ask him if we can do this, will not his doctrine allow us to pass all the bills we may deem necessary here until the 1st day of December next and then send them to the House? If we may do anything we please, the Senator's position leads him to that.

Mr. SHERMAN. On the contrary, we cannot send a bill to the House because there is no House here.

Mr. HAMLIN. But we may pass bills, if the Senator's position is correct, and have them ready to submit to the House when they come.

Mr. SHERMAN. I am inclined to think we cannot. There is another provision of the Constitution that comes in there. We must sit here acting on legislative business with the assent of the other House, because there is a provision of the Constitution which declares that neither House can adjourn, without the consent of the other, for more than three days. That would exclude the action of the Senate in the mode suggested. But I say when the Senate of the United States is here convened, we may discuss any subject we choose; we may consider any question we please; we may seek any information that is desirable to us or that may be useful to us. There is nothing to prevent us except our sense of what is best and right under all the circumstances.

Mr. MORTON. Mr. President——

Mr. WRIGHT. Will the Senator from Indiana allow me to ask a question of the Senator from Ohio?

Mr. MORTON. Certainly.

Mr. WRIGHT. I understand the Senator from Ohio, while he concedes that we cannot pass a bill, says that in this case we may organize a committee with a view of obtaining information and looking to legislation in the future. Now, if that be so, will he tell me what the difference in principle is between that case and this: a bill introduced and referred to one of the standing committees with a view of investigation and inquiry to report at the next session of Congress, not to report at this session, no action to be taken upon it except that a bill may be introduced and referred and the committee may examine and investigate with a view to report at the next session, and no action now taken beyond that. In principle what distinction is there between that case and the one proposed in the resolution?

Mr. SHERMAN. The Senator from Indiana has the floor and will no doubt answer the question.

Mr. MORTON. A resolution lies on the table which I offered on the first day of this session and upon which I was told this same question of order would be raised. I was therefore at some trouble to examine into what had been the action of the Senate in executive sessions, and although it has not been uniform, yet the general current of that action has been to recognize the power of the Senate to do anything at a called executive session that did not require the co-operation of the House of Representatives. The passage of a bill does require the co-operation of the House of Representatives, and therefore you cannot pass a bill at this session and have it lie over till next winter and then go before the House of Representatives. That bill cannot get before the House then for other reasons than the one named by the Senator from Maine; but whatever the Senate can do when the House is in session that does not require the co-operation of the House, that the Senate can do when the House is not in session; and I think that is the general current of the precedents of the Senate.

Mr. HAMLIN. Let me ask the Senator a question. This is a perpetual body. We may pass bills and keep them here. Why should we not do that and send them to the House of Representatives at its next session? Will the Senator answer me that?

Mr. MORTON. I think I could answer that. I think there is a rule under which such a bill could not be sent there. We have a rule, I believe, under which business passed at one session may go over to the next session of the same Congress, but that does not apply to an executive session. I am speaking now, however, upon what has been the general current of the action of this body with some exceptions, that the Senate can do when the House of Representatives is not in session anything that it can do by itself when the House is in session, and I think the reason is precisely the same.

But I want to suggest another point to the Senator from Maine, who understands these questions much better than I do; and that is, that if the objection is well taken, it is not a question of order and it cannot be made a question of order. It is a question of power. It might just as well be said, if a bill to charter a railroad to run through the States of this Union should be introduced at the regular session of the Senate, that it would be competent to raise a point of order and say that Congress has no power to pass such a bill. That is the question to be determined not on a point of order, but by Congress itself. Therefore the question whether the Senate has the power now to pass this resolution is not a question of order to be determined primarily by the Chair; it is a question of power to be determined by the Senate, just as in the case supposed the question of the power to incorporate a railroad to run through the States would be determined not by the Speaker of the House or the President of the Senate, but by Congress itself. Therefore it seems to me that this question cannot be raised in the first place as a point of order, even if it is well taken; and in the second place I think the general current of action on the part of the Senate is the other way.

Mr. HOWE. Mr. President, it seems to me the Senator from Ohio [Mr. SHERMAN] stated the true rule. Though we are convened by an executive order and for executive business, we are convened; this is the Senate, and the Senate can do to-day whatever the Senate is capable of doing alone at any time. It seems to me the reason is very manifest why you cannot pass a bill to be considered by the House of Representatives at the next session. That reason is this: it is legislative power which passes a bill, and the whole legislative power is vested by the Constitution in Congress, and Congress consists of two Houses, the Senate and House of Representatives; and so you are careful to recite in every bill which goes from either House that it is an enactment "by the Senate and House of Representatives in Congress assembled." If you were to prefix such a recitation as that to a bill considered by the Senate to-day and sent by and by to the House of Representatives, you would recite a falsehood. Congress is not assembled, and it would not be passed by the two Houses assembled in Congress.

This is the mere constitution of a committee, differing from that great number of committees you constituted yesterday only in the fact that this is a special committee and those are general standing committees. But if you can organize in an executive called session of the Senate committees for general purposes, I cannot understand what reason should be urged why you cannot organize a committee for a special, specific purpose. I shall vote that this resolution is entirely in order, and I wish the Senate would keep that question distinct in its mind from the other question as to whether the resolution is expedient or not. I have as yet heard no reason offered why the resolution should be adopted; but I am just as unable to discover any reason why we should deny to the Senate the power of adopting it if it be a proper one.

Mr. THURMAN. Mr. President, it seems to me that the principles upon which this question turns are very simple. There is no Congress now in session. There is no Legislature of the Union now in session. The Senate when convened in executive session or special session, when the House of Representatives is not in session at all, is not a legislature. It is simply a body to whom the Constitution confides certain duties in connection with the Executive: the power to ratify treaties; the power to confirm nominations; and the power of course to decide upon the qualifications, returns, and elections of its own members. That is necessarily inherent in the Senate, and it has a right to decide any such question at any time; but it has not one particle of legislative power, for it is not a legislature. There is no Legislature of this Government except when both Houses are convened.

Then the question is, does this resolution belong to the category of legislative business? If it belongs to anything that pertains to the treaty-making power, or to the confirmation or rejection of nominations, then all is well; but does it belong to either of these categories or is it of a legislative character? Now let the resolution speak for itself:

Resolved, That a committee consisting of four members of the Committee on Indian Affairs and three members of the Committee on Territories, making seven in all, be appointed to visit the Indian Territory during the recess of the Senate, with authority to inquire into the condition of affairs in that country, the manner in which justice is administered, and the wants and capacities of the lawful inhabitants thereof with respect to self-government; and to report at the next session of the Senate the result of their inquiry and what legislation, if any, is needed.

The resolution in its very terms looks to legislation; there is not one word in it that has any connection with the treaty-making power, not one word in it that has reference to any treaty made or to be made; it is wholly and entirely a resolution looking to legislation, belonging to legislation, and belonging to nothing else.

Mr. President, if you can introduce and pass a resolution of this kind, that is purely legislative in its character, where are you to stop? Why might you not introduce a bill, and, if you cannot pass it, why not read it the first and the second time, refer it to a committee, have a report upon it, read it the third time, and have it up to the point of its final passage when Congress shall convene on the first Monday of December next? If you can do the one thing, where are you to stop? That will not do, Mr. President. We must confine ourselves to that which the Senate sitting alone, when there is no session of Congress, has the power to do, and it has no power whatever to do one single legislative act; no more power than any seventy-four gentlemen of the United States who might get together have power to do legislative acts.

Inasmuch then as this resolution looks directly to legislation and to nothing else, and is a thing, therefore, that it is incompetent for the Senate to act upon, as it seems to me, I think it perfectly proper to make the point of order that it cannot be received. I think the Senator from Connecticut might have objected to the reception of the resolution, and I do not know but that he did at the very time it was offered, as being a proposition upon which the Senate at this session has no right to act. That raised the question of order, and that raised a question of order for the decision of the Senate, because, however the Chair may decide it, there may be an appeal, and the Senate ultimately makes the decision.

I think, therefore, Mr. President, that notwithstanding there are precedents both ways on this question, the true doctrine is that this resolution is not in order, and the objection made by the Senator from Connecticut ought to be sustained.

Mr. BOGY. Mr. President, I do not agree with the Senator from Ohio that this resolution looks to legislation at all. The object is to obtain information for legislation after a while or at the next session of Congress. There is no purpose to bring about any legislation at this session of the Senate. The object of the committee is to obtain information in regard to a very important question, so that the facts elicited, the information obtained by the committee, may be laid before Congress when Congress meets next winter. It does not look to legislation at this time at all. It is true the word "legislation" is in the resolution, but the very language employed excludes the idea of legislation at this called session. It is merely to obtain information, as was done two years ago when a committee was appointed upon transportation. There was no legislation required on that subject at that called session of the Senate. The object was to obtain information to be laid before the following Congress. That committee was appointed at an executive session, and my friend from Minnesota [Mr. WINDOM] was made the chairman of it. It was appointed at a session precisely like this; but it was not for the purpose of legislation at that session of the Senate, nor does this resolution look to legislation at this time at all. It precludes the idea by its very words. It does say that the committee is to ascertain what legislation may be necessary hereafter; not that that legislation may be performed or done at this session; it is to be done hereafter. The whole object is to obtain information.

Whether it be expedient to pass the resolution or not is another question; but that it is in order it seems to me there can be no doubt. I think it is entirely different from the resolution offered by my friend from Indiana, [Mr. MORTON.] I think that does look to legislation.

Mr. MORTON. May I ask the Senator whether a question of power under the Constitution is a question of order?

Mr. BOGY. I am not prepared to answer that question. I am not sufficiently versed in parliamentary law to speak as to that. I cannot pretend to be able to answer the question. But looking at this matter as one of mere power, if it be competent to appoint a committee at all, it is competent for us to raise the one now proposed. Why were committees appointed at this session at all? If the Senate has not this power, why has it raised any committees at this session? They are perfectly nugatory for executive purposes, excepting perhaps one committee, the Committee on Foreign Relations, because that committee might be necessary to act on treaties; but in regard to the other committees, they amount to nothing except a few to consider nominations.

As I said, this resolution does not look to legislation. The very idea of legislation is excluded by its words. The object is to appoint a committee to ascertain and obtain certain facts; and while I am up I will say that I do think the resolution ought to pass. The only fear I have is that I might be placed on the committee, and I do not desire to be on the committee. I have been enough in the Indian country in my life, and I do not wish to return there. But when we come to consider the condition of our Indian relations at this day, especially the condition of the country bordering on Arkansas and Missouri, I do think it is of very great importance that a committee be appointed to go down there and ascertain the sentiments and views of those people. It is a question which will come before the next Congress, and it is one of great importance, and we cannot get too much information on the subject. I do think a committee could be employed most usefully in obtaining all the facts belonging to the question.

Mr. CLAYTON. Mr. President, what we are told we cannot do we have been repeatedly in the habit of doing. We have done this thing in the last two days. We have raised committees here, which no one has questioned; and this whole question must be after all settled

upon the right or power of the Senate to raise committees. We have raised a Committee on Levees of the Mississippi River. What was that committee for? Was it to send Executive communications to? No, it cannot be for that. Was it to consider the confirmation of appointments. It cannot be for that. If it was for anything it was for the purpose of getting information for the benefit of the Senate. We have raised a Committee on Transportation. What was that for? If it was for anything it was for the purpose of getting information for the benefit of the Senate. We have raised a Committee on Railroads. That must have been for the same purpose. We have raised a Committee on Education and Labor. That it seems to me must have been for the same purpose. And so I might go on to enumerate various committees appointed at this session.

This is not a question as to whether the committee when raised shall have power to go here or there; it is a question, can you raise a committee which may investigate questions that may hereafter lead to legislation. This proposition is one for the purpose, if for any purpose, of getting valuable information for the Senate. When? Not now, but hereafter. It may lead to legislation or it may lead to nothing. It seems to me that if you sustain this point of order and decide that this resolution cannot be considered at this time, then you might with equal propriety have raised the same point in regard to nearly all the committees you appointed yesterday.

I did think at one time that I would propose to strike out the few words of this resolution which make it the duty of the committee to report to Congress certain things, and among others "what legislation, if any, is needed;" but I do not think I shall do that. I think I shall allow the resolution to stand. I want to say here again what I said before, that I hope Senators will consider this question as a question of order at this time. If the resolution shall be decided to be in order, then it will be time enough for Senators to say whether the resolution is wise or unwise.

The VICE-PRESIDENT. The question is, Shall this resolution be received?

Mr. CLAYTON. I think we had better settle the question by yeas and nays. There may be other resolutions of the same kind.

The yeas and nays were ordered.

Mr. SARGENT. Upon the point of order I intend to vote that it is within the power of the Senate to receive this resolution. I shall do so because I think the Senate has this power and has exercised it upon a great many occasions, and I should be very sorry to have a precedent deliberately set which would prevent us hereafter from acting upon matters of this nature.

I say that in explanation of my vote upon that proposition; but when the question shall come upon the passage of the resolution, I propose to vote against it. For a number of years past, since the time when perhaps somewhat improvidently large grants of land were made to railroads across this Indian Territory, we have had this question presented to us in divers forms, a continual pressure existing in the halls of Congress and by conventions elsewhere to give effect to those grants and enable the companies to obtain the odd sections in broad belts running in various ways across that Territory. I do not know but that ultimately the original grant of Congress, whether providently or improvidently made, will have full effect given to it; but before that time comes, in my judgment, it is necessary that the Indian question in that Territory shall be in a degree of solution which it has not at the present time.

By many treaties of the United States, we have guaranteed to the Indians the possession and the fee of lands within the Indian Territory. Those treaties and arrangements were made years ago, before the West was settled up, before there was a necessity for commercial enterprise to utilize that land; and consequently those treaties are somewhat inconvenient for railroad companies and others who desire to traverse that territory. I think there is much in the obligation of the Government to protect the Indians in the rights which we have given them, and therefore believe this movement premature. I am opposed to the resolution.

Furthermore, and perhaps as an entering-wedge for the same matter, this resolution embraces the idea of a change in the form of government of that Territory. We very well know that to this the Indians are opposed. With the exception of some few, they have protested against it in every form in which their protests could reach Congress. They have claimed that they are advancing in civilization under their present *régime;* that by excluding white men from the Territory they are not only learning self-government, but they are protecting themselves from many corrupting influences and many frauds which otherwise they would be liable to. I think there is very much in the protest that is made by these Indian tribes, and I look with some jealousy to any movement in the direction of throwing that Territory open to traversing railroads, of introducing white men among them, or overthrowing the government which at present at any rate is doing some good among them. The time may come when with the further advance of the Indians to a higher state of civilization and by a segregation of their lands so that they will hold them in severalty we may be able, safely to them, to allow the influx of a white population. Certainly that time is not now; but that time will be hastened whenever the railroads can be run through the Territory, for otherwise the railroads will simply run through a tunnel without business or population along their line and without means of support.

For these reasons I shall vote against the resolution; but on the point of order, believing the power is in the Senate, I shall vote that the resolution be received.

Mr. MORTON. Mr. President, I agree with the Senator from California in his general statement, but not in his conclusion. I am advised that the Indians are opposed to the policy to which he refers. I believe that a committee of Senators going down there will ascertain that fact and report the truth to this body. We have had many conflicting statements. I shall vote for the organization of the committee for the very purpose of getting at the exact truth in regard to the sentiments of the Indians and what will probably be for their best interests.

Mr. CLAYTON. Mr. President, I did not think that I should be drawn into any discussion of the merits of this resolution. I did not desire to discuss them at this time. When I introduced the resolution I stated distinctly that it was not my desire in doing so to serve on the committee. I said this morning that it was my intention when this point of order should be decided, to allow the resolution to lie on the table to be called up at some future time. I want it distinctly understood that so far as the introduction of this resolution is concerned, it has no reference whatever to the opening up of that country to white settlemnet. So far as I am concerned, I am satisfied with the lights before us that that thing ought not now to be done.

This question was before the Committee on Territories upon which I had the honor of serving, and it is well known what my views were then. I had the honor of reporting back here from that committee that it was inexpedient to take any action upon the question of opening up that country; but it is a fact to which we cannot shut our eyes that there is a country which is so far as we are concerned almost a *terra incognita.* They have no newspapers there. It is an encroachment for a white man to go into the country. You get your information from whom? From such persons as assemble here around Congress for the purpose of lobbying through schemes, and perhaps from such persons as are interested in carrying out contracts with the Indians. I think it is time that we should look into these dark places, that we should have some information as to what is going on in these dark corners of this country. For myself I cannot see how any harm can come from a careful investigation by such a committee as the Presiding Officer of this body would select. I believe that if such an investigation could be had, you would find ample field for correction and reform as to affairs in that region. We have means of knowing what is going on in the States. Our newspapers inform us, the telegraphic wires inform us, and we have various other means of information. But here is a vast country nearly six hundred miles in extent with a large population of illiterate people in it, wards of the nation as it were, about which scarcely any man knows anything. It is our duty to know concerning this people and this country, and we have no other and no better way of knowing than by sending an intelligent committee of this body to investigate.

Sir, I shall say no more upon that subject now. I should not have said this much had not it been for the remarks of the Senator from California. I say now, however, once for all, that so far as I am personally concerned, I am not prepared by any means to say that any different form of government should be established in this Indian country than what we have now. But we have heard in both branches of Congress that the marshal's office, the judicial system there, was abused. We have heard of various abuses. We have heard of men hanging around Congress telling us that the Indians wanted this and that the Indians wanted that; that they ought to have this and that they ought to have that. I say we cannot gauge our action by any such uncertain information; but if we would govern these Indians wisely and well, we should first know what they want, we should first know their exact condition, and we cannot know that unless we put the eye of the Senate upon that country and upon that condition. It has often been said that committees of this body were the eyes and ears of the Senate. So they are. They are about the only eyes and ears that we have, especially as it relates to that distant country. I hope, however, that this question at this time will not be considered, but that we shall simply decide as to whether it is within the power of the Senate at this called session to raise a committee which may, in any way, lead hereafter to legislation.

Mr. STEVENSON. Mr. President, I do not doubt the power of the Senate to raise this committee. I think, however, it would be contrary to the usage of the Senate to do it at a session like this. I think that it would be unwise to change that established usage. I agree with the Senator from Maine in what he so clearly said as to what has been the past usage of the Senate, and I agree with him that the rule ought to be stable, and that we should adhere to it when it is settled.

I remembered that in 1873 at an executive session a petition was offered; a question of order was raised on it; and I turned just now to the RECORD to see what was then said on the subject. In the proceedings of the Senate on the 10th of March, 1873, I find the following:

Mr. FENTON. I present the petition of S. J. Warren and others, praying for the passage of an act for the relief of William Rood, late private Thirty-sixth Regiment Wisconsin Volunteers; and also the petition of James W. Ogle and others, praying for the passage of an act for the relief of Charles W. Berry, late a private of the Thirty-sixth Regiment Wisconsin Volunteers. I ask that these petitions lie on the table for the present, to be referred to the Committee on Military Affairs, when appointed.

I desire also to present the petition of Antoine Sontag——

Mr. HAMLIN. I object to the presentation of any petitions of a legislative character at this session. We have no legislative functions whatever. That matter has been discussed and deliberately determined by the Senate, and we may just as well begin precisely as we ought to go on. I object to any legislative business, and this is legislation.

The VICE-PRESIDENT. The Senator from Maine objects to the reception of any petitions asking for legislation.

Mr. FENTON. I withdraw the petitions.

That action was acquiesced in. A few days after another petition was offered. It was again objected to upon a question of order, and it was ruled to be out of order. Now, without entering at all into the merits of the resolution offered by the Senator from Arkansas, I shall vote against any legislative business at this session. I shall do so because I wish to see uniformity and stability in the action of all rules pertaining to the Senate. I have nothing to say about the resolution. I think the Senate acts in three separate capacities, in its legislative capacity in conjunction with the House of Representatives; in its executive capacity in passing upon treaties and nominations; and in its judicial capacity sitting as a court of impeachment. These functions are all separate and distinct. We are in no sense a legislative body now in contemplation of the Constitution of the United States. That contemplates both the Senate and House of Representatives acting together for the maturing of all legislation. We are called together in a special capacity; that is, to discharge the executive duties which the Constitution of the United States imposes upon the Senate acting with the President in making appointments and in the ratification of treaties.

These are my views. Entertaining, therefore, the belief that our rules should be stable and that the usage of the Senate should not be violated, but that we should have one uniform settled practice, I shall vote that this resolution is out of order. In doing so I do not wish to commit myself upon the question of whether it is pertinent or proper to send a committee to investigate the condition of the Indians.

Mr. EDMUNDS. I wish the Chair would state precisely what is the question now pending.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The Senator from Arkansas submitted a resolution to the Senate; the question of reception was raised; and the Vice-President has submitted the question of reception to the Senate, upon which the yeas and nays have been ordered. The question is, Shall the resolution be received at this time?

Mr. EDMUNDS. May I ask the Chair whether an objection to the reception of a resolution might not be made without raising any question of order, as where it was a matter that the Senate did not wish to consider, even supposing that it had the power? Might not that question be raised?

The PRESIDING OFFICER. It could be.

Mr. EDMUNDS. Then I can feel free to vote against the reception of this resolution. I am not clear by any means that the Senate has not the power in its present session to take any step which it thinks fit to do in respect of acquiring information, either by instructing a committee here to inquire into any subject which may be a proper matter for legislative consideration or otherwise. I am inclined to think we can do it. Of course, legislation does not grow out of it at this session; but I think it would be a little strange to hold that this body being convened as a constitutional body may not exercise its own judgment in respect of what matters it will consider at this present time. When it comes to passing a bill, that is another thing. It may not have the power to do that; but certainly it seems to me that it ought to have the power under the Constitution to deliberate upon any proper topic; and therefore I should have great hesitation in voting that the offering of this resolution is out of order; but I think it much better, except in some strong public emergency, that we should not enter into questions of this kind when we are called together for the purposes that we now are. So that, not being supposed to vote against this resolution on the point of order as the question is now put, I shall vote against its reception.

Mr. CLAYTON. This seems to be a mere proposition to allow a resolution to be submitted, lie on the table, and be printed. It seems to me—and I desire to have the attention of the Senator from Vermont—that if you take from this case the mere question of order and bring it down to the point whether a resolution shall be allowed to be offered, laid on the table, and printed, it would not be a very courteous thing to a Senator to debar him of that privilege. It seems to me that the question of consideration is one that can come up when we propose to take this resolution from the table. If it is not the desire of the Senate to consider the question, all it has to do then is to say so, and that will be the end of it; or if it is not the desire of the Senate to consider it, it can postpone it indefinitely.

I may be mistaken; I may not understand the rules as well as others do; but it seems to me that if this matter comes down to a mere question as to whether a Senator in this body shall be allowed the privilege of introducing a resolution and letting it lie on the table and be printed, or whether it shall be kicked out without that privilege being accorded, then it would not be a courteous thing for Senators to do the latter.

Mr. EDMUNDS. I certainly should be among the last persons in this body, I hope, to be guilty of a want of courtesy to the Senator from Arkansas or to any other Senator; but I think that those who have studied the history of this and other legislative bodies will agree that it used to be the constant practice (and a very good one it was, too, in my opinion) to raise the question whether the Senate desired to enter upon the consideration of a particular topic when a resolution was offered or when leave was asked to bring in a bill. In such a case the Senate decides in advance whether it wishes to go into the consideration of that subject or not without any discourtesy to the Senator who may bring it forward. Certainly the Senator cannot have forgotten that in times gone by, and not very long gone by either, it used to be the constant practice on the most important measures that debate would go on for days on the question whether a Senator should have leave to bring in a bill at all; it was not a question of courtesy; and then the Senate would vote not to let a Senator bring it in or to let him bring it in, just as a majority might think it desirable to go on with the inquiry or not. There is no question of courtesy about that; it is a question of the constitutional right of a Senator to ask leave and the equal constitutional right of other Senators to say "we do not think the leave ought to be granted." There is nothing personal about it.

Mr. CLAYTON. Will the Senator allow me one moment? I can see a distinction between a resolution of this kind and a bill. I know that it is a rule of this body, one that is not generally enforced, to require unanimous consent to bring in a bill; but there is no such rule as applied to resolutions. If I am mistaken I should be glad to have the Senator correct me.

Mr. EDMUNDS. There is no rule that requires unanimous consent. The rule is that a man must give one day's notice of intention to bring in a bill; and so in effect in respect to resolutions. I have a resolution now, for instance, that I wish to offer. I cannot offer it to-day unless all the Senate are willing that it shall be received. The theory is that every Senator is entitled to have notice in advance of what it is proposed to do, so that he may vote intelligently upon the question whether it is desirable to do anything, even to inquire——

Mr. CLAYTON. Does that apply to a resolution?

Mr. EDMUNDS. It applies to everything. It applies to resolutions under a little different form, but the substance is there.

Mr. SHERMAN. This resolution was offered some days ago.

Mr. EDMUNDS. The Senator from Arkansas is all right on that point of order; he has given notice enough; there is no doubt about that; but the point I am upon is that I think no Senator has a just right to say that it is any discourtesy to him if the Senate does not choose to receive for consideration a resolution or a bill at any particular time, because the resolution or the bill offered by a Senator is not a personal resolution or a personal bill; it is not a matter which affects the particular Senator; it is a matter which he is interested in for the public good like all the rest of us, so that we stand upon a footing of perfect equality. There is no more discourtesy, therefore, in voting against receiving this resolution than there would be in voting to receive it, or in voting to lay it upon the table, or in voting to pass it, no matter which way.

Mr. HAMLIN. Or raising a question of order upon an amendment.

Mr. EDMUNDS. Or whatever it might be. I am sure the Senator from Arkansas ought to feel that no Senator here would wish to do him a discourtesy; but as a public question, as it is plain to me, and under the rules properly considered, it is right for the Senate to determine whether they desire to go into this inquiry at this time, and it may just as well be determined on offering the resolution as any other way.

Mr. CLAYTON. I think it would be very unfair.

Mr. EDMUNDS. Of course other Senators think the inquiry should be had. I am doubtful about that. But I do think it is not advisable to take up this resolution or any other resolution of this character except in some case of extreme public importance; so that I hope the Senator will not feel that voting against receiving this resolution is any discourtesy to him.

Mr. CLAYTON. I shall consider it a very unfair proceeding. I offered this resolution several days ago. The Senator from Connecticut raised a point of order, which is to-day before the Senate. I was cut off by that point of order and it is that point of order which is before the Senate now. The Senator from Connecticut raised the point of order that this thing could not be done in order. Now I desire that point of order to be decided one way or the other, and let the question of the consideration of this resolution be another question, to be determined hereafter. I have simply asked to have the resolution printed and let it lie on the table. If it is not in order, of course that is the end of it, and I bow my head as every other Senator must bow his head to the rulings of this Senate; but if it is in order that this resolution can be laid on the table and printed, then I want to have that done, and if I should hereafter desire to call it up it would be an easy matter for the Senate then to say whether it should be called up or not, and if it is not called up that will be the end of it.

Mr. MORTON. The question before the Senate is a question of order, and the vote given by the Senator from Vermont will be upon that question, it will be so recorded, and although his motive may be a question of expediency, yet he can only vote now as a question of order.

Mr. HOWE. I want to say one word more. I understood it to be a question of order that was pending. I understood several Senators on both sides to insist that this resolution is out of order.

Mr. MORTON. The question is to be decided by the Senate.

Mr. HOWE. That question is to be voted upon by the Senate. Old parliamentarians say it is out of order, and when we ask where the authority is which shows it to be out of order we are cited to two different classes of authorities. One reads the Constitution and the other the Globe. I did not suppose the Constitution of the United States regulated exactly the proceedings of the Senate, and I knew the Globe did not. If the Constitution says the Senate cannot entertain and adopt this resolution, then you can only do it by unanimous consent, says the Senator from Connecticut; you can do it, and have done it, by unanimous consent. O, no; not if the Constitution says you shall not do it. It takes a little more than unanimous consent. Whoever consents to it tramples on the Constitution. If it is out of order, I take it, it is because some rule of the Senate or some recognized rule of parliamentary law says so. Where is it? There is none. But the Senator from Connecticut, with whom I heartily sympathize, says that he does not care so much how this question is settled, but he wants it to be settled and to stay settled. I take it there is only one way to effect that, and that is to settle it with egg-shells. He understands it to have been settled and he cites us to the case where in an executive session in 1873 there was a decision of the Senate of the United States upon a question quite similar to this; the yeas and nays were called, and the Senate voted by 31 nays to 20 yeas that it was not in order to offer a petition in an executive session and have it referred to a standing committee of the Senate. Bowing to the authority of that decision of the Senate, I withdrew with alacrity, if not with cheerfulness, the petitions which I had had the honor to offer; and thereupon, in the very next moment of the life of that Senate, I proceeded, with unanimous consent, I suppose, to trample upon this rule by moving the Senate—

That the Committee to Audit and Control the Contingent Expenses of the Senate be continued and authorized to sit during the recess of the Senate.

And this body of parliamentary lawyers, which would not allow me to offer a petition, allowed me to make that motion, and the Senate entertained it and agreed to it. But later still a more flagrant violation of this rule of order was attempted and it was debated again, and the Senate divided again upon it. That was when in the same session, on the 25th day of the same month, the first vote having been taken on the 17th, the Senator from Mississippi offered a resolution not in the exact words but of the exact purport, so far as this rule is concerned, of the resolution moved by the Senator from Arkansas—a resolution in these words:

Resolved, That the Select Committee on the Levees of the Mississippi River be authorized to sit during the recess, and to investigate and report upon the condition of the levees of the Mississippi River; also, upon the propriety of the Government of the United States assuming charge and control of the same, with a view to their completion and maintenance; and that they have power to employ a clerk, and that the expenses attending this investigation shall be paid out of the contingent fund of the Senate, upon vouchers approved by the chairman of the select committee aforesaid.

Contemplating legislation as broad, if not as important, as that aimed at by the resolution of the Senator from Arkansas. The point of order was raised against that resolution. That was debated. The Senate divided on that, and then the Senate decided by a vote of 25 yeas to 19 nays that this resolution was in order. Now I appeal to the honorable Senator from Kentucky, if he means to stand by the decision, if the rule of *stare decisis* is what controls him, here is the latest decision, so far as the quotations go down to this hour, and I summon him upon his allegiance to the authority of the decisions of the Senate to stand where the Senate last stood, and let us consider it settled by the authority of this last vote.

Mr. CLAYTON. I would like to remind the Senator from Wisconsin of one other fact connected with the petition to which he referred. That petition was addressed to the Senate and House of Representatives and asked for legislation. It asked for the action of both Houses and was addressed to both Houses. It can readily be seen that is not a parallel case to this by any means.

Mr. FRELINGHUYSEN. I am opposed to this resolution because I think when the subject it concerns is entered upon, it ought to be more in detail by a concurrent resolution of the two Houses, directing the committee specifically at what points to direct their investigation. As to the point of order I have but a word to say. It does not seem to me that it is exactly a point of order; it is a point of power; and I think the Senate ought to hesitate long before they deliberately come to any determination that restricts their powers. My opinion is very clear that the Senate has a right to obtain information in any way, to pass resolutions, to appoint committees to obtain information. I am very clear that the Senate has a right to give information. It may be very important to certain branches of the Government that an expression of the opinion of this body should in certain emergencies be made, and therefore I am not in favor of taking any action which will restrict the power of this body, while I shall vote against the resolution on its merits.

Mr. SAULSBURY. I am fearful that we shall fall into error with reference to the power of the Senate. With the Senator from New Jersey I should be sorry to see this body attempt to curtail its power, but at the same time it is well to ascertain exactly what our power is. We are now convened in extraordinary session, and certain it is that in our capacity as a Senate, convened under the proclamation of the President of the United States, we do not possess the powers which we ordinarily possess when we meet as a legislative body. Our power of legislation is entirely gone. We can only perform the functions pertaining to our character as an executive council. We may deal with questions affecting the constitution of this body, or we may deal with questions which properly can be determined by the Senate in its character as an executive council, but we may not deal, directly or indirectly, in my judgment, with questions which do not pertain either to the constitution of this body itself or to the questions with which it has to deal in its character as an executive council.

Now the resolution of the Senator from Arkansas looks to legislation. With the question of legislation we cannot deal in our present capacity, and the question arises can we legitimately and properly deal with any question incidentally connected with legislation? It seems to me therefore that the point of order is well taken by the Senator from Connecticut. I think it would be wise policy in the Senate at the present session to limit its action entirely to matters pertaining to our duties as members of a Senate convened in executive session, and not to go beyond them and attempt to institute any inquiry in reference to legislation in the future. It would be very unwise policy, and therefore I shall vote to sustain the point of order, and I shall vote against the resolution hereafter if it comes up on its merits. At present I shall vote to sustain the point of order raised by the Senator from Connecticut.

The PRESIDING OFFICER. With the permission of the Senate the Chair will refer to the record and state the precise question before the Senate.

Mr. CLAYTON submitted the following resolution for consideration—

The resolution now pending; the Chair will not read it—

Mr. FERRY, of Connecticut, objected to the reception of the resolution on the ground that at a session of the Senate specially called by the President, business of a legislative character, or looking to legislation, cannot be entertained.

The VICE-PRESIDENT submitted the question on the reception of the resolution to the Senate; and

After debate

Ordered, That the further consideration of the question be postponed to to-morrow.

The question therefore before the Senate is the reception of the resolution at this session.

Mr. CLAYTON. Is that a question which can be raised at this stage of the proceeding?

The PRESIDING OFFICER. That is the question before the Senate.

Mr. CLAYTON. Can any one in offering a resolution or bill be cut off by any other question than a question of order? How comes it that the reception of this resolution is stopped unless it be upon a question of order? I was taken from my feet by the Senator from Connecticut on the question of order. If we are not upon the question of order, then was I properly taken from my feet and was this question of the reception of the resolution properly raised?

The PRESIDING OFFICER. The Chair can only decide upon the question before the Senate. The Chair understands the question before the Senate is on the reception of the resolution proposed by the Senator from Arkansas. The question is therefore, Will the Senate receive the resolution at this session, on which the yeas and nays are ordered.

Mr. CONKLING. I wish to say a word, not by way of arguing this question but by way of stating the case as I understand the case upon which I am to be called to vote. A Senator offers a resolution. Another Senator raises upon it a question of order. The point presented by the question of order is, that being a resolution looking to the legislative province of one House of Congress, it is not in order at a session like this of the Senate, unaccompanied by the presence of the House of Representatives. I believe the point of order standing alone is well taken; and yet I believe, voting upon the question really presented to the Senate, I shall be constrained to vote in favor of receiving the resolution, and my reason for that I will endeavor briefly to make clear.

If this resolution points to legislative action and to nothing else, the point of order applies to it. If, however, the resolution has anything upon which to stand regardless of the ultimate purpose of employing the information to be gained, or anything else to flow from it, for purposes of legislation, then I conceive in that aspect the resolution is not open to the point aimed at.

Perhaps the distinction is as clear as I can make it by one of the precedents to which my honorable friend from Wisconsin referred. He said, if I understood him, that the Senate having ruled that legislative business was not in order, the Senate unanimously allowed him to trample upon that rule—if that was his expression—by offering a resolution continuing in recess the Committee on Contingent Expenses. It seems to me that he did not trample upon the rule, or depart from it, at all. Why? Because the Committee on Contingent Expenses might be continued, as in truth it was continued, for purposes having necessarily nothing to do with legislation.

Here is a resolution the purpose of which is to acquire information. Whether it be expedient to adopt it or not, I say nothing; but upon the question whether it be admissible at this session, I say this: Suppose the committee were to go, as the resolution suggests, and suppose they were to find that in the administration in the region of country pointed out which should show malversation in office in those performing duties there, what discretion of the Senate would be addressed by that information? The legislative discretion of the

Senate? Not at all, but the Senate as it sits as an executive council, acting in conjunction with the President upon the question, among others, whether a given officer should be or should not be continued in his place, whether if a nomination be made to remove him that nomination should be confirmed, the effect of it being to vacate as to him the office he holds. So I can suppose, without being imaginative, many another instance to which the information acquired under a resolution like this might be put.

Accordingly, when the Senator from Connecticut says we must refuse this resolution because we are not a legislative body, I concede his premises, but I deny his conclusion. I say that it is not necessarily a resolution appealing to the legislative power or function of the Senate, and therefore when the question is put, which the Chair is about to submit, being purely a question of order and having as I think nothing to do with the expediency or wisdom of passing the resolution, I shall be compelled to vote that we can, without violating the rules of the Senate, without transcending the attributes of a session of the Senate convened as this is, proceed to consider, if you please, that resolution and to dispose of it upon its merits, whether the disposition be in the affirmative or in the negative.

Mr. CLAYTON. As the resolution has not yet been received by the Senate, I will modify it in the manner I have indicated.

The PRESIDING OFFICER. The resolution will be reported as modified.

The Chief Clerk read as follows:

Resolved, That a committee consisting of four members of the Committee on Indian Affairs and three members of the Committee on Territories, making seven in all, be appointed to visit the Indian Territory during the recess of the Senate with authority to inquire into the condition of affairs in that country, the manner in which justice is administered, and the wants and capacities of the lawful inhabitants thereof with respect to self-government, and to report at the next session of the Senate the result of their inquiry.

Mr. CLAYTON. Now, Mr. President, I think perhaps the Senator from Connecticut will withdraw the point of order. If he has listened to the reading of the resolution he will observe that I have struck out everything which relates to legislation in any way whatever.

Mr. FERRY, of Connecticut. Striking out the word "legislation" makes no difference in the character of the resolution.

Mr. CLAYTON. It leaves the resolution in this attitude, then: This inquiry may be directed to the proposition of treaties with the Indians, which is certainly a question that rests with this body; it may be directed to the manner in which the Federal officers there are performing their duties, and that is a question which relates to this body to a certain extent and does not call for legislation.

You will remember, Mr. President, that one of the treaties with the Indians inhabiting that country permits a certain government to be established over them—an Indian government. The provisions of the treaty itself permit that kind of a government; hence you see that that portion of the resolution which refers to self-government does not lead to legislation. There is nothing in this resolution which can be considered now as pointing to legislation or as legislation. I think, therefore, that the objection raised by the Senator from Connecticut might be withdrawn. I think he will withdraw it if he will reflect upon it.

Mr. ANTHONY. Mr. President, I have no desire to make the motion I rise to make so long as any Senator desires to discuss this subject; but if the debate is exhausted, I will, in order to enable us to vote and waiving the point of order, which I think is one of very great importance and requires considerable discussion, move to lay the whole subject on the table. I will withdraw that motion if any Senator desires to discuss it.

Mr. CLAYTON. I rise to a point of order. Can you lay this resolution on the table before it is before the Senate? It has not been received yet.

The PRESIDING OFFICER. The Senator from Arkansas raises a point of order. The Senator from Rhode Island has moved to lay the whole subject on the table, which covers the question of reception. The Chair overrules the point of order. The question is to lay the motion of reception on the table.

Mr. SHERMAN. I think we had better take the question squarely.

Mr. ANTHONY. But if we take it squarely, which question do we take it on, the point of order, or the merits of the case?

Mr. SHERMAN. Let us take it on the point of order.

Mr. CLAYTON. I have distinctly stated that I did not propose to call up now the merits of the case at all. My proposition is to allow the resolution to lie on the table. It is merely a question of order that is now raised. When this resolution was introduced three or four days ago the Senator from Connecticut raised the point of order that it could not be received. Now we are only undertaking to settle that point of order; and if that shall be settled so that the resolution can be received, then I shall ask that it be laid on the table.

Mr. ANTHONY. Then I think I shall have the benefit of the vote of the Senator from Arkansas on my motion to lay the whole subject on the table.

The PRESIDING OFFICER. The Senator from Rhode Island moves to lay the whole subject on the table.

Mr. CLAYTON. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BAYARD. Will the Chair be kind enough to state the precise question?

The PRESIDING OFFICER. The resolution of the Senator from Arkansas for reception is before the Senate. On its presentation the Senator from Connecticut objected to its reception. The question then was will the Senate receive the resolution at this session, upon which the Senator from Rhode Island rose and moved to lay the subject of reception on the table. The question now before the Senate is, will the Senate lay the subject on the table.

Mr. BAYARD. That carries the whole question.

Mr. CLAYTON. Now I want to understand this thing——

Mr. HAMLIN. The motion is not debatable.

Mr. CLAYTON. I do not propose to debate it. I want information. ["Order," "Order."] The proposition——

The PRESIDING OFFICER. Is there objection to the Senator from Arkansas making an explanation? The Chair hears none.

Mr. CLAYTON. The proposition of the Senator from Connecticut is that this resolution is not in order, as I understand, and he makes the proposition——

Mr. THURMAN. I call the Senator to order.

The PRESIDING OFFICER. The question is not debatable. The motion is to lay on the table.

Mr. ANTHONY. If I can do so after the yeas and nays have been ordered, I am willing to allow my friend from Arkansas to speak on the subject. I did not make the motion to lay on the table in order to cut off debate, and I will withdraw it if he wishes to speak.

Mr. CLAYTON. I do not want to debate. I want information. It seems to me if you undertake to lay this question on the table——

Mr. EATON. Order! I call the Senator to order.

The PRESIDING OFFICER. The question is to lay the whole subject on the table. That motion is not debatable.

The question being taken by yeas and nays, resulted—yeas 40, nays 22; as follows:

YEAS—Messrs. Anthony, Bayard, Booth, Boutwell, Burnside, Cameron of Wisconsin, Caperton, Christiancy, Cockrell, Dawes, Dennis, Eaton, Edmunds, Ferry of Connecticut, Frelinghuysen, Goldthwaite, Gordon, Hamlin, Ingalls, Johnson of Tennessee, Johnston of Virginia, Jones of Florida, Kelly, Kernan, McCreery, McDonald, McMillan, Maxey, Merrimon, Norwood, Randolph, Sargent, Saulsbury, Stevenson, Thurman, Wallace, Whyte, Windom, Withers, and Wright—40.

NAYS—Messrs. Alcorn, Bogy, Bruce, Cameron of Pennsylvania, Clayton, Conkling, Conover, Cooper, Cragin, Dorsey, Ferry of Michigan, Hitchcock, Howe, Logan, Mitchell, Morton, Oglesby, Patterson, Robertson, Sherman, Spencer, and West—22.

ABSENT—Messrs. Allison, Davis, Hamilton, Harvey, Jones of Nevada, Morrill of Maine, Morrill of Vermont, Paddock, Ransom, and Wadleigh—10.

So the motion to lay on the table was agreed to.

EXECUTIVE BUSINESS.

Mr. CAMERON, of Pennsylvania. I move that the Senate proceed to the consideration of executive business.

Mr. THURMAN. Before I vote on that motion I should like to know of my friend from Kentucky [Mr. McCREERY] whether he prefers to speak to-day or not. He is entitled to the floor on the unfinished business.

Mr. McCREERY. I believe I would prefer to wait till to-morrow, as I do not feel very well to-day.

Mr. MORTON. Before the motion is submitted I desire to suggest to my friend from Pennsylvania that there may be other Senators here prepared to go on with the debate, and these early adjournments are protracting the discussion too long. I hope we shall stay here longer each day and finish the discussion within some reasonable time.

Mr. McCREERY. I suppose we shall take the vote on the motion for an executive session.

Mr. ANTHONY. Will the Senator from Pennsylvania withdraw the motion long enough to enable me to offer a resolution?

Mr. CAMERON, of Pennsylvania. Certainly.

SEAL FISHERIES OF ALASKA.

Mr. ANTHONY submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That six hundred additional copies of the report of Henry W. Elliott on the seal fisheries of Alaska, with illustrations, be printed for the use of the Senate.

FISH AND FISHERIES.

Mr. ANTHONY submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That six hundred additional copies of the third report of Professor Spencer F. Baird, Commissioner of Fish and Fisheries, with the accompanying documents, be printed for the use of the Senate.

PAPERS WITHDRAWN.

On motion of Mr. BURNSIDE, it was

Ordered, That the heirs of General William Gates, deceased, have leave to withdraw from the files of the Senate their petition and papers, on leaving copies of the same.

Mr. CRAGIN. I wish to inquire where the Senators are who think this business is all out of order? [Laughter.]

Mr. CAMERON, of Pennsylvania. Mr. President——

The PRESIDING OFFICER. The Chair did not hear the remark of the Senator from New Hampshire.

Mr. CRAGIN. I simply wished to make an inquiry whether the order just made and the resolutions offered by the Senator from Rhode

Island were not as much out of order as the resolution offered by the Senator from Arkansas.

Mr. HAMLIN. They are precisely of the same character.

The PRESIDING OFFICER. That matter is beyond the control of the Chair.

EXECUTIVE SESSION.

Mr. CAMERON, of Pennsylvania. When I moved to go into executive session, I was not aware that the Senator from Kentucky desired to speak.

Mr. THURMAN. He does not wish to speak to-day.

Mr. MORTON. There are other Senators who are prepared.

Mr. CAMERON, of Pennsylvania. We have some very important business in executive session which we may dispose of to-day. I think we had better do that. Therefore I insist on my motion.

The motion was agreed to, there being on a division ayes 29, noes 21; and the Senate proceeded to the consideration of executive business. After one hour and forty minutes spent in executive session the doors were reopened, and (at three o'clock and twenty minutes p. m.) the Senate adjourned.

IN SENATE.

FRIDAY, *March* 12, 1875.

JOHN B. GORDON, a Senator from the State of Georgia, appeared in his seat to-day.

Prayer by Rev. JOHN W. CHICKERING, D. D., of Boston, Massachusetts.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a letter of the Secretary of the Treasury, transmitting, in compliance with a resolution of the Senate of the 15th of January, 1874, a history of the yellow-fever epidemic of 1873; which was ordered to lie on the table and be printed.

COLUMBIA HOSPITAL.

The VICE-PRESIDENT appointed Mr. SARGENT as director of the Columbia Hospital for Women and Lying-in Asylum.

PETITION.

The VICE-PRESIDENT presented the petition of the heirs of the late William K. Sebastian, late Senator from Arkansas, accompanied by certain depositions, praying that the Senate will recall, annul, and forever revoke the act of expulsion of Senator Sebastian in July, 1861, and restore and re-establish his good name as a true and loyal Senator; which were referred to the Committee on Privileges and Elections.

DISTRIBUTION OF REVISED STATUTES.

Mr. ANTHONY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be distributed *pro rata* to the Senators who were not members of the Forty-third Congress the same number of copies of the Revised Statutes of the United States as were distributed to the Senators of that Congress.

SENATOR FROM LOUISIANA.

The Senate resumed the consideration of the following resolution, submitted by Mr. MORTON on the 5th instant:

Resolved, That P. B. S. Pinchback be admitted as a Senator from the State of Louisiana for the term of six years, beginning the 4th day of March, 1873.

Mr. McCREERY. Mr. President, the subject is threadbare. This discussion has been continued so long and the argument has been so exhaustive in its character, that vanity itself might despair at the prospect of offering anything that is new. If I am capable of answering the positions taken by the Senator from Indiana [Mr. MORTON] I have done it on a former occasion, and if I am incapable of accomplishing such a result it would be a needless waste of time to expose my weakness. Any anxiety, however, that I may have felt in that direction has been put to rest by the conclusive refutation of the able Senator from North Carolina, [Mr. MERRIMON.] I shall make no attempt to divide the honor which he has won so fairly.

In hinting or intimating that I may have replied, or attempted to reply, to the positions taken by the Senator from Indiana, let it be distinctly understood that I make no reference to the "blood and thunder" part which he at this time holds in reserve and which will be poured like melted lava upon us at the conclusion of this debate. That never has been answered, and never will be. There is too much eloquence and too much passion in it for any logical analysis. Aristotle, Archbishop Whately, and the great masters of the art of disputation, have clearly laid down the rules of correct reasoning; but as to the best method of combating a paroxysm, they have left us completely in the dark. I here in my place, with all the responsibilities of a Senator resting upon me, and without the fear of successful contradiction, declare that the Senator from Indiana is the ablest man on the subject of outrage now living in the world. [Laughter.] He may be a little imaginative, it is true, but still he is excessively able. I make these remarks in imitation of his example for the benefit of the new Senators. [Laughter.]

I took occasion during the last Congress at considerable length to present my views on Louisiana affairs. I appreciate too highly the respectful attention with which my remarks were received by the Senate to think for a moment of entering upon their repetition. Indeed, the facts and figures collected in the voluminous record have somewhat faded from my memory, and I could not reproduce them if I desired.

I confess my surprise at the course pursued by the honorable Senator from Indiana, for if I recollect aright the identical proposition contained in his resolution was under consideration when he moved a reference for the purpose of inquiry concerning certain charges of corruption which had reached his ear. I took it for granted that something had come to the knowledge of the Senator which amounted to a *prima facie* presumption of corruption, or he would not have taken the responsibility of so grave a charge in this presence. Supposing, therefore, that his mind was greatly perplexed by the opposing forces of two *prima facie* presumptions which were in direct and positive antagonism, I naturally concluded that the country might expect a little repose on this vexed question, and that Louisiana, despoiled, throttled, and prostrate as she is, might escape the humiliation of having her wrongs paraded before a tribunal which is called upon to sacrifice her dearest rights on the altar of a *prima facie* presumption!

It has been repeatedly insinuated, if not directly charged, that the democratic members of this body are encouraging by their silence the outrages alleged against the southern people; that they have it in their power to restore peace by an open avowal of their disapprobation of violence; that one word will allay all strife, heal all dissensions, and establish confidence and good-will toward all men. While our counsels and our admonitions are persistently spurned, we do not very clearly understand the large amount of influence for good or for evil that is ascribed to us. Our principles, as well as our interests, make us the fast friends of peace, and the steadfast, uncompromising foes of violence and fraud. We have no armies to fight our battles, and we want none. Our triumph, if it comes at all, as we believe it surely will, must be achieved by the quiet and enlightened agency of public sentiment as expressed through the ballot-box. Since we have been charged with being the aiders and the abettors of violence and outrage, I may embrace this opportunity of declaring myself the inveterate enemy of all criminals and of all crime. From the ruffian who in his brawls will assault peaceful and quiet citizens, ascending through all the degrees of homicide or of shooting or stabbing with intent to maim or kill, to the belted knight who, without legal or constitutional warrant and in defiance of both, stalks into a State-house and at the point of the sword organizes a Legislature according to his own or his master's will, I condemn and denounce them all. I contend that there is not a citizen of Louisiana, black or white, who had not a better right to a place on the floor of the house of representatives than General De Trobriand. It is conceded on all hands that the order given by him was without authority and void. If then the expelled members or citizens had chosen to remain in the hall in contempt of the order, as they had a perfect right to do, and lives had been lost in the struggle, would that officer have been condemned and executed as a murderer, or would it have been characterized as a conspiracy of the White League to overthrow a State government? A willful and deliberate murderer forfeits his life as an atonement for his crime. What atonement then should be made by an officer who invades the halls of legislation and aims a deliberate blow at the guaranteed rights of every American citizen? Who is it, I would ask, that is silent when outrage and wrong are perpetrated in our midst?

As a foundation for the few remarks that I propose to submit, I shall refer to a passage in the last annual message of the President of the United States. After a discussion of the Louisiana question and some general and special observations upon southern affairs, the President says:

> I sympathize with their prostrate condition and would do all in my power to relieve them—acknowledging that in some instances they have had most trying governments to live under, and very oppressive ones in the way of taxation for nominal improvements not giving benefits equal to the hardships imposed—but can they proclaim themselves entirely irresponsible for this condition? They cannot.

This is a pregnant sentence, full of meaning from beginning to end. It shows that he understands the tyranny and oppression of their governments, that he realizes the spoliation and robbery which, under the guise of taxation for nominal and worthless improvements, have brought starvation to their doors. His bosom swells with emotions of pity as he beholds widowhood and orphanage the innocent and helpless victims of ruthless despotism vainly struggling under a load which would crush manhood in its prime. The people of Louisiana may be inclined to thank the President for the expression of his commiseration; but they can scarcely fail to ask the question, "Why is it that his sympathetic heart has never suggested anything in our behalf?" "How is it whenever his arm has been raised that we have been the sufferers?" The President has very properly raised the question of responsibility, and it is accepted as an invitation to the inquiry. Speaking, then, with especial reference to the complications in Louisiana affairs, I propound to the President the same interrogatory put by himself to the southern people, "Can he proclaim himself entirely irresponsible for their condition?" and an honest, impartial public, in view of the facts, will answer the question.

Probably the first authoritative intimation of a design on the part of the Federal Government to interfere in the affairs of Louisiana may be found in the following dispatch:

DEPARTMENT OF JUSTICE, *December* 3, 1872.

S. B. PACKARD, Esq.,
United States Marshal, New Orleans, Louisiana:

You are to enforce the decrees and mandates of the United States courts, no matter by whom resisted, and General Emory will furnish you with all necessary troops for that purpose.

GEO. H. WILLIAMS,
Attorney-General.

The tone and temper of this dispatch is certainly spiteful, if not positively belligerent. Had the marshal been faithless in the discharge of his duty? Had anybody resisted or attempted to resist the process of the courts? Had any person who was authorized made a requisition for troops? There is no pretense of either. The hot and unseemly haste of this appeal to arms would have remained forever a mystery in the minds of men had not subsequent events connected its author with one of the most flagrant judicial usurpations ever known in our country.

At the November election in 1872 W. Pitt Kellogg was a candidate for governor of the State of Louisiana, and was defeated by the decisive majority of 9,606 votes, as shown by the official returns which were compared by the board and afterward underwent the inspection of the Committee on Privileges and Elections of the Senate. Kellogg's bill to perpetuate testimony was pending before the circuit court of the United States for the district of Louisiana, and about midnight on the 5th of December Judge Durell prepared and signed an order at his lodgings not to perpetuate testimony according to the prayer of the petitioner, but to seize and hold the State-house. If there can be a doubt that these steps were taken with the knowledge and approbation of the Administration, that doubt is dispelled by the fact that about that same hour Captain Jackson, with his battery and his soldiers, arrived from Fort Barancas, in Florida, and proceeded at once to execute the order.

This order was condemned at once by all men of sense of all parties as utterly void in law; but neither the President nor any member of his Cabinet made any effort whatever to check the usurper in his lawless course, but for forty days the military held absolute sway over the capitol of Louisiana. During this military occupation Judge Durell proceeded step by step until he had revolutionized the civil administration of that State. Instead of the enthusiastic greeting and the loud acclaim of freemen which usually attend the inauguration of a new administration, the batteries are charged, the sabers are drawn, the bayonets are presented, and the ranks are closed while the appointees of the Federal court go through the solemn mockery of kissing the holy volume in token of their sworn allegiance to the constitution! Hardly had the oath of office been administered before the pretended Legislature, the pretended governor, and the collector of customs, with one accord and in full chorus, cry out to the President, "We are behaving with great discretion; send us troops! troops! troops!"

The people of Louisiana stood bewildered and appalled at the spectacle. The governor elected begged the President in the name of justice to suspend recognition until the facts could be laid before him by a committee of many of the best citizens who were then on the eve of departure for Washington, and expressing the belief that they would not be condemned unheard. The sacred right of petition was violated although the petitioners only asked the privilege of submitting the facts necessary to a just decision of their cause. The Czar of Russia in the plenitude of his power probably never returned a more imperious and supercilious answer to his conquered subjects of Poland than that made by the Attorney-General to the humble petition of the people of Louisiana. After taking a day for reflection, the decision of the Chief Magistrate is summed up in the following telegram:

DEPARTMENT OF JUSTICE, *December* 13, 1872.

Hon. JOHN MCENERY,
New Orleans, Louisiana:

Your visit with a hundred citizens will be unavailing so far as the President is concerned. His decision is made and will not be changed, and the sooner it is acquiesced in the sooner good order and peace will be restored.

GEO. H. WILLIAMS,
Attorney-General.

It will be remembered that the Committee on Privileges and Elections condemned this order of Judge Durell in every form of expression that could indicate their disgust and contempt of the proceeding; that the Senator from Indiana could apply no milder term to it than "gross usurpation;" and that the Judiciary Committee of the House after a patient and laborious investigation declared that such outrages, such unwarranted assumptions of power should be brought to condign punishment, and that Edward H. Durell be impeached of high crimes and misdemeanors in office.

Can it be that the first-born son of all these daring and devilish machinations against the very existence of a State in this Union is entitled to a *prima facie* recognition because he presents a commission signed by a man who was himself the prime mover and chief instigator of the crimes and misdemeanors that have driven the Federal judge in disgrace from the bench? Judge Durell has lost that which a lawyer prizes higher than all earthly considerations—the respect of his profession; but, fallen as he is, I would not add to the bitterness of his anguish by dragging him down with one hand while with the other I was exalting the partners and beneficiaries of his usurpation. There is not an intelligent man in the United States who does not know with positive certainty that but for the midnight order of Judge Durell, Kellogg and his associates never would have been installed into office, but that McEnery with his colleagues would have been inaugurated and proceeded peacefully and quietly in the discharge of their duties; nobody would have been injured; the people of Louisiana would have been satisfied, and universal harmony would have prevailed.

But if Durell and the Army undertook to bestow that which did not belong to them and over which they had no control or jurisdiction, if the midnight order was an absolute nullity in every sense of the word, is it not equally true that all franchises, offices, or emoluments, held or acquired by, through, or under that order, are absolutely null and void? If a robber at the hour of midnight invades your premises and seizes and carries away your property, and the facts are established, will his possession be regarded as presumptive evidence of title, or would the receiver, with a knowledge of the facts, acquire more right or occupy a better position than the principal? Would you condemn to disgrace the principal and allow the receiver to hold and enjoy the property? If a citizen or a State is wrongfully deprived of anything that belongs to either, there should be an immediate, a full, and a fair restitution. I am opposed to making Durell the scape-goat to bear the sins and manifold iniquities of those who besieged him from morning until night with all manner of applications and petitions, who surrounded him with soldiers, enlisted him in their ambitious schemes and enterprises, dazzled his understanding by the very audacity of their movements, led him far away from the pathway of duty, until at last in their own behalf and for their own selfish purposes they have sunk him under a load of obloquy, misdemeanor, and crime. These are the men that Senators expect to advance by talking about State rights and *prima facie* presumptions! Unless they are wholly lost to every sentiment of self-respect I do not see how any one of them, from Kellogg down to the lowest forger of their certificates, can pretend to hold their places, when the whole judicial machinery by which they got them is known and understood to be nothing more and nothing less than an unqualified and an unwarranted usurpation.

I return to the question propounded to the President; can he proclaim himself entirely irresponsible for their condition? Candidly speaking, I do not think he can. It has been contended by some that the President and the marshal are bound to follow the judgments and decrees of the courts, right or wrong. If this is true, the President is not only bound to see that the laws are faithfully executed, but he is equally bound to see that they are faithfully violated in case any of the inferior courts shall so adjudge and decree. The law in this important matter has not left the President to grope his way in darkness, but has provided him with a legal adviser who is presumed at least to understand the difference between right and wrong, the difference between law and the violation of law. This may be a violent presumption in some cases; but such, I understand, to be the theory of our Government. If the Attorney-General advised the course pursued by the President with reference to Louisiana affairs, then it is clear that he is worse than no Attorney-General at all. He gave bad counsel; he placed the President in an unfortunate position, where he appeared to be the friend and the ally of the usurper as well as an active supporter of the usurpation. A good Attorney-General would have advised the President not to be too ready with his troops, and by all means to wait until there was a distinct call for them from the proper authorities; not to make himself the partisan of any upstart whose "vaulting ambition" would override Constitution and law to reach some office in the immediate neighborhood of the State or Federal Treasury; but to rise to the level of his high mission, take a broad view of the whole Union, regarding every man and every State as the equal in point of right with every other man and every other State, and dealing out equal and exact justice to every section, North and South, East and West.

Federal interference and Federal intermeddling with matters purely of State concern and State jurisdiction ought to be stopped at once and forever. It irritates and exasperates the people, and brings about the very excesses which it professes so much zeal to extirpate and destroy. The perpetual marshaling of troops and the arrest and detention of citizens under military orders unhinges the frame-work of society, paralyzes industry, and eventually produces a state of desperation which counts not the cost but hazards the issues of life and death with an utter indifference as to whether they are won or lost. Logan, the Indian chief, contemplating his ruined race, said that he would not turn on his heels to save his life.

Siberia may swarm with Poles, and exiles of Erin may wander in every land; but until England and Russia shall extend to the Irishman and the Polander every right, every franchise, and every immunity enjoyed by every other subject, the blood of Emmett and Kosciusko will mantle the brow and nerve the arm which will put the torch to the slumbering volcano, although life, fortune, kindred, and home should perish in the fire. Ten centuries of despotism, fraud, and force will never reconcile them to such degradation. The people of Louisiana believe that by the arbitrary power of a Federal judge, encouraged by Federal officials and supported by Federal bay-

onets, they have been forced under the control of a government not of their choice. They do not believe that the same fraud and force would have been employed in any northern State to defeat the popular will. They know that in the gubernatorial election in Ohio, where the vote was much more equally divided than in Louisiana, and where the result, too was adverse to the Administration, the judiciary and the Army did not intervene, nor do they believe that such intervention would have taken place if Allen had carried the election by a single vote.

Recent events have satisfied them that their returning board is a fraud organized to perpetuate the Kellogg dynasty. Grievous have been their afflictions and great must be their indignation; but violence would be no remedy for their sufferings.

I have been devoted through life to peaceful pursuits. I abhor ruffianism, strife, and bloodshed, and would do all in my power to repress them. I deplore the fact that there seems to be a perfect carnival of crime throughout the length and breadth of our country, and that the larger portion of the biggest criminals "go unwhipped of justice." Some men talk of southern outrages, as if there were no northern outrages or eastern outrages or western outrages. All violations of law and all combinations to violate the law are outrages, whether they are perpetrated by Ku-Klux, vigilance committees, or Molly Maguires. How many men, I would ask, have been slaughtered in cold blood by the Molly Maguires of Pennsylvania, and how many of those guilty wretches have been brought to justice, and what number of United States troops have been sent into that quarter to quell the disturbances? How many men have been put to death in open day in the States of Illinois, Iowa, and California without even the pretense of a judicial investigation? The Senator from Indiana is generally loudest in his condemnation or denunciation of southern outrages, but it will require no great stretch of his memory to recall the time when his neighbors and friends of his own State took out helpless negroes by the quarter dozen and hung them up like dogs, torturing them in their dying moments by the application of fire and red-hot irons to their naked bodies, and leaving them to swelter and sodden in the sun; when armed bands of marauders sallied forth at midnight, dragging prisoners from their dungeons and suspending them to the cross-bars of the bridges. These things are too shocking and too near to his home to suit his taste. He may like better to select some spot remote from him and his, and, carefully excluding all chances of negligence or accident, calmly contemplate the remorseless incendiary as with torch in hand he takes his stealthy step in the direction of the doomed dwelling. Fancy paints the blazing rafters, and he hears the cries of the terror-stricken family as they fly to the woods or the swamp for a hiding place.

But we are on Louisiana affairs, and the issue is too momentous for the indulgence of any little flings in the way of crimination or recrimination.

The dial upon the wall may soon indicate the hour at which one of the States of this Union is disfranchised, the hour at which the usurpations of Durell receive the full and complete ratification of the American Senate. Before the deed is done I wish to ask Senators if they have carefully examined the evidence collected by the Committee on Privileges and Elections, if they have seriously considered the dark catalogue of perjury and forgery developed in the volume, and can they give it the sanction of their votes?

To Louisiana, prostrate, powerless, and manacled as she is, I would say one word of encouragement. A bright career of prosperity and progress lies before you. The orange and the magnolia will send their fragrance over your valleys when your oppressors are forgotten. Bide your time; wait with patience and witness the revelation of the centennial of our national independence. The flag under which Jefferson and Jackson marched will be unfurled; the faith of our fathers will be restored; every State from the Atlantic to the Pacific and from the lakes to the Gulf will rejoice in the knowledge that she is, and of right ought to be, a sovereign under the limitations of the Constitution.

Mr. MORTON. Mr. President, my friend from Kentucky has spoken his piece and I suppose feels better. He said at the outset of his speech that he did not intend to make an argument on the question involved here, and he kept his word, for he did not. He said that about a year ago he made a speech in which he had answered all the arguments that had been recently advanced. I never understood that that speech was regarded in the light of an argument, but that the Senate regarded it in the light of a pastoral poem, somewhere between comedy and tragedy, its exact position not well defined.

He talked about "blood and thunder" and "the outrage business." Before he concluded he referred to the murder of negroes in Indiana—rather an unfortunate reference. There were some negroes brutally murdered in Indiana in a democratic county, and the murder understood to be committed by those who hated negroes—not by republicans. The reference to murder is not a pleasant one to any person who occupies the position of the Senator from Kentucky. When we consider that Louisiana has been deluged with blood and the blood of republicans for political purposes, it is not to be wondered at that the Senator from Kentucky should endeavor to make sport of it and turn it aside by a jest.

Mr. President, I do not propose to follow the Senator from Kentucky in his narrative. It is the old story. I think I have heard him go over it before substantially; at least it has been recited many times; and while my friend regards it as history, I beg leave to say that a great part of it must be regarded simply as poetry.

The main questions involved in this case are law questions upon facts which are confessed by all; the law arising upon the decisions of the courts, upon the decision of the returning board, upon the decision of the State authorities of Louisiana, upon the recognition by the President of the United States and by the House of Representatives; and in regard to these questions the Senator from Kentucky has not one word to say. He recites the old story, which has no bearing whatever upon the question before the Senate of the United States; and when the Senator from Kentucky gives all these questions the go-by, it is a confession on his part that he cannot answer them. He said that the Senator from North Carolina [Mr. MERRIMON] had answered. I think the speech of the Senator from North Carolina, although it was undoubtedly able, was not regarded by anybody as a satisfactory answer. No, Mr. President, the questions of law which I discussed have not been answered, and I venture the assertion they cannot be answered. Senators will fly back to a part of the history of the election in Louisiana in 1872, leaving out the most material parts of that story.

But, Mr. President, it is not my intention now to argue this Louisiana question. If there are other Senators who desire to speak I will yield the floor. In the conclusion of the debate I may have something to say. I do not find anything in the speech of my friend from Kentucky, aside from its studied humor, to require an answer.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The question is on agreeing to the resolution.

Mr. SAULSBURY. Mr. President, I had not expected to submit any remarks to the Senate on this question this morning, nor indeed until within the last half hour had I determined to participate in the discussion at all. Regarding the question, however, as one of very great importance, I cannot consent that the vote shall be taken on the resolution without at least interposing a very few words expressive of my opinions upon the questions involved in the proposition under consideration.

The Senator from Indiana who offered this resolution and who so earnestly and eloquently urged its adoption placed the right of Pinchback to a seat on this floor primarily upon the presentation of his certificate, regular in form, claiming that such certificate of election establishes a *prima facie* case, which entitles him to a seat as a member of this body.

Now, it may be well for us to inquire what has been the practice of the Senate in cases of this kind. It has been alleged by the Senator from Indiana in this debate that it has been the custom, the practice of the Senate, upon the presentation of a certificate of election signed by the governor of a State and attested by the great seal of the State, to admit the person whose election has been thus certified as upon the *prima facie* case thus made out to a seat, subject to contest upon other grounds thereafter. I am willing to concede that such has been the practice of the Senate, as a general rule. I am aware that when a certificate signed by the governor of the State certifying the election of a person as a Senator by the Legislature of a State has been presented it has been the general practice of the Senate upon such proof to admit the party, because the evidences thus furnished, if unimpeached, entitled the party to a seat upon the floor of the Senate. But that has not been the invariable practice of the Senate. One of the cases to which reference was made by the Senator from Indiana—the case of Mr. Goldthwaite, of Alabama—was an exception to that rule. So far as the case of that gentleman was concerned there was no question but what the certificate was signed by the governor of Alabama, and yet that gentleman was not admitted immediately nor for several months after his term commenced.

The cases of Mr. Spencer and Mr. Shields were also referred to by the Senator, but those cases are distinguishable, in fact they are essentially different, from the case presented by the certificate signed by Kellogg certifying to the election of Pinchback as a Senator. In all these cases, that of Mr. Goldthwaite and of Mr. Spencer and also of Mr. Shields, there was no question whatever that the party making the certificate was the legal governor of the State; but the moment the certificate of Kellogg certifying the election of Pinchback is presented the question arises, who is Kellogg? We are driven at once to inquire into his official character. We are forced to this inquiry from facts in the possession of the Senate itself. We are forced to this inquiry from facts revealed by the records of this body. We are forced into the inquiry as to whether Kellogg is in fact and in truth the governor of Louisiana. We cannot escape such inquiry without assuming that to be true which we are satisfied from evidence in the possession of the Senate is not true, without ignoring facts within the knowledge of every Senator on this floor.

So that the case of Pinchback is essentially different from the case of Mr. Spencer to which reference was made, or to the case of Mr. Goldthwaite, and I believe it is essentially different from any other case to which reference has been made by the Senator from Indiana in this debate. In fact, with what we all know, with the information we now possess, with the facts which are revealed by the records of this body, I may be permitted to say that I was amazed, nay, I was astonished, that the Senator from Indiana should attempt to argue that Pinchback had presented a *prima facie* case entitling him to be seated as a Senator in this body. The resolution before us necessarily involves the consideration of the whole question of the con-

dition of public affairs and the character of the government in Louisiana. We cannot seat any man as a Senator from that State without taking cognizance of the real condition of affairs there and without making inquiry in reference to the character of the government of that State. We are driven *ex necessitate* into this inquiry in considering the resolution offered by the Senator from Indiana to seat Pinchback as a Senator as fully and properly as we would be in the consideration of the other resolution which he offered at the same time for the purpose of inquiring into the character of the government in the State of Louisiana. I propose in the few remarks that I submit on this resolution not to be confined to the mere question of a *prima facie* case, but I propose to go further and inquire into the character of the government over that State in order to ascertain whether such government is entitled to be represented in the Senate.

Before passing from this point I wish to call attention to facts necessary to entitle Pinchback to a seat upon the certificate presented. First, the certificate must be made by a party rightfully exercising the office of governor, one who is the legal governor of the State or who is in the exercise of the functions of that office by color of some right or title to the office. In other words, he must be either *de jure* or *de facto* the governor of the State. Then let us inquire whether Kellogg, who makes this certificate, is in the office of governor by virtue of any right and title which constitute him governor *de jure*. What is necessary to confer upon him such right to the office? In the first place, in order to constitute him the lawful governor of the State he must be in the office by virtue of an election by the people, and in the second place the result of that election must be legally ascertained according to the constitution and laws of that State. It cannot be contended that any man is the rightful governor of any State unless he comes in possession of the office by virtue of an election of the people, and even if elected it is also necessary and essential that the result of that election should have been ascertained according to the mode and manner prescribed by the constitution and laws of the State.

Is there a single Senator on this floor, in view of the information which has been furnished by an inquiry into that matter by the Senate itself, who can to-day assert or who to-day believes that Kellogg is governor of Louisiana by virtue of any election of the people of that State? I say without fear of successful contradiction that there is not a Senator on the floor of the Senate to-day who believes that according to the votes actually cast at the election Kellogg was elected governor of the State in 1872.

Mr. HOWE. The Senator must correct his statement a little. There is one Senator on this floor, if no more, who believes that precisely.

Mr. SAULSBURY. Do I understand the Senator from Wisconsin to say that he believes from the votes actually cast at the election Kellogg was elected governor of that State?

Mr. HOWE. I believe that as much as I believe the Senator from Delaware is speaking on this question. I do not know it so certainly, but I believe it as implicitly.

Mr. SAULSBURY. I would now inquire, as I have been interrupted by the Senator from Wisconsin, whether he believes that from any evidence in the possession of the Senate or whether it is an arbitrary conclusion of the mind formed without evidence before it.

Mr. HOWE. I believe it from circumstantial evidence laid before the Senate and which for two years has been before the Senator from Delaware.

Mr. SAULSBURY. I am very happy to inform the Senator, to inform the Senate, and to inform the world, that I arrived at exactly a different conclusion from the Senator from Wisconsin. I only regret that the Senator from Wisconsin has not been enabled to look at this question calmly and dispassionately; that he has not been enabled to arrive at a conclusion divested from every other consideration except a fair inquiry into the fact. I allege here that no man can examine carefully the evidence submitted to this Senate in reference to the election which occurred in 1872 fairly and dispassionately without reaching the conclusion that Kellogg was defeated. I know the weakness of human nature, and I will not attribute to my friend any greater weakness on this point than I am willing to accept for myself; but I know how our judgments are frequently warped by party interests and party feeling, and my honorable friend will pardon me if I say that he is not an exception to this rule.

A careful examination of the evidence ought to satisfy every one who examines it fairly that Kellogg was defeated in the election by not less than somewhere in the neighborhood of 10,000 votes. That was the conclusion of the Committee on Privileges and Elections. That committee was composed of gentlemen who investigated the subject, who heard the witnesses on that point, who examined the returns made according to the laws of the State, and who came to the conclusion and placed it here in their written report that Kellogg was defeated, and that the majority against him was nearly 10,000 votes. Who were the gentlemen who made that inquiry? The Senator from Indiana [Mr. MORTON] was chairman of that committee. I have his separate report here, and I assert that neither he nor any Senator on this floor can point to a single expression in the report of the Senator from Indiana or in the report of the committee which intimates that Kellogg was elected by the votes actually polled at the election. The late Senator from Wisconsin, Mr. Carpenter, the Senator from Illinois, [Mr. LOGAN,] the Senator from Rhode Island, [Mr. ANTHONY,] the late Senator from Illinois, Judge Trumbull, the late Senator from Georgia, Mr. Hill, and the Senator from Mississippi [Mr. ALCORN] examined this question, and not one of them denies the proposition that Kellogg was defeated by a large majority. Now let me read what they have said in reference to that point, for I wish to direct attention to the language of that committee. Here is what Judge Trumbull said; and let me remark in reference to Judge Trumbull that he was not a democrat. He claimed no affiliation with that party. He stood at the very head of the Senate for years, and he was a republican in association and attachments, but when called upon to examine the testimony in this case he came to the conclusion that Kellogg was overwhelmingly defeated and put it in his written report submitted to the Senate over his own signature. Here is what he says:

> According to the official returns, the fusion State ticket, headed by McEnery for governor, received an average majority of about ten thousand votes, and a large majority of the persons elected to the Legislature were of the same party; and but for the illegal interference of the United States authorities, as is stated in the report of the majority, the McEnery government would have been peacefully inaugurated.

Mr. HOWE. Will the Senator pardon me?

Mr SAULSBURY. Certainly.

Mr. HOWE. What were the returns which showed that result, will the Senator be good enough to state?

Mr. SAULSBURY. Yes, sir; the returns which were laid before the De Feriet board, and by which they declared the result of the election.

Mr. HOWE. Does not the Senator from Delaware know that those returns did not embrace six parishes in the State?

Mr. SAULSBURY. I understand that some of the parishes were thrown out; but I now will read to my honorable friend, for I speak by authority, what Judge Trumbull said on that point.

Mr. THURMAN. Will my friend allow me to ask a question there of the Senator from Wisconsin?

Mr. SAULSBURY. Certainly.

Mr. THURMAN. I ask the Senator from Wisconsin if he does not know that those parishes said to be thrown out would have increased McEnery's majority instead of decreasing it?

Mr. HOWE. No, sir; I do not know that. Does the Senator from Ohio know it?

Mr. THURMAN. I think it appears from the testimony there to that effect.

Mr. HOWE. I think the Senator from Ohio is mistaken.

Mr. LOGAN. I think I can settle this dispute, if the Senator will allow me.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) Does the Senator from Delaware yield to the Senator from Illinois?

Mr. SAULSBURY. I prefer to make my own speech and not have other Senators make it for me. They can make their comments after I get through.

Mr. HOWE. I yield to the Senator from Delaware.

Mr. LOGAN. Will the Senator allow me to read just a paragraph of the report signed by the majority of the committee?

Mr. SAULSBURY. Yes, sir; I will.

Mr. LOGAN. I read from page 44 of the report:

> The election was generally conducted in quiet, and was perhaps unusually free from disturbance or riot. Governor Warmoth, who was the master-spirit in the whole proceeding, seems to have relied upon craft, rather than violence, to carry the State for McEnery. In the canvass of votes—

Mark the language—

> In the canvass of votes which determined the McEnery government to be elected—

That is the basis on which we made this report—

> the votes of several republican parishes were rejected.

The inference is that if these were returned he could not have been elected.

Mr. SAULSBURY. Will the Senator from Illinois be kind enough to send me that book?

Mr. LOGAN. Certainly.

Mr. SAULSBURY. I am perfectly willing to permit my friend the Senator from Illinois to interpose occasionally for his own relief, if he sees proper, any remarks which can vary the force and effect of the very report to which he appended his name.

Mr. LOGAN. I have never backed from anything I said in that report. I only called the Senator's attention to the fact that in determining the legal question they threw out these parishes, and we agreed they had a right to do it, which elected McEnery; that is all.

Mr. SAULSBURY. I am very certain that my friend the Senator from Illinois, could not have come to the conclusion which he did come to unless he had supposed they had a perfect right to throw them out. I propose now to read a paragraph from the report to which he appended his name.

Mr. LOGAN. If the Senator wishes to read the paragraph which declared McEnery elected I will show it to him.

Mr. SAULSBURY. I have it here. The Senator from Illinois together with the late Senator from Wisconsin, (Mr. Carpenter,) the Senator from Rhode Island, [Mr. ANTHONY,] and the Senator from Mississippi [Mr. ALCORN] appended their names to this declaration:

> But for the interference of Judge Durell in the matter of this State election, a matter wholly beyond his jurisdiction, the McEnery government would to-day have been the *de facto* government of the State. Judge Durell interposed the Army of the

United States between the people of Louisiana and the only government which has the semblance of regularity, and the result of this has been to establish the Kellogg government, so far as that State now has any government. For the United States to interfere in a State election, and, by the employment of troops, set up a governor and Legislature without a shadow of right, and then to refuse redress of the wrong, upon the ground that to grant relief would be interfering with the rights of the State, is a proposition difficult to utter with a grave countenance.

Human language cannot denounce more strongly the Kellogg government as a usurpation than has been done in the report of that committee. Now, I ask, with what consistency can the Senator from Illinois or the Senator from Rhode Island or the Senator from Mississippi, after appending their names to a report which declares that Kellogg and his Legislature were not elected and that but for the interference of Federal authority the McEnery government would have been the government of the State, after having denounced in such withering terms the interference of Durell and the order which he promulgated, and after they had expressed their regrets at the interference of the military power under the direction of the President of the United States to defeat the will of the people of Louisiana, how can they now, either directly or indirectly, by their votes recognize the Kellogg government, whether such recognition be by expressly declaring that it is the legal government, or indirectly by seating Pinchback as a Senator from that State elected by a Legislature which had no more claim to legality than Kellogg, who ran on the same ticket?

So far therefore as any right or title to this office is concerned, I repeat, I cannot conceive how any Senator or any other person who will examine the evidence submitted to the Senate by its own committee can arrive at any conclusion that Kellogg is in office by virtue of an election of the people. He is not therefore *de jure* governor; and therefore when he appends his name to the certificate that Pinchback has been elected it carries with it no authority, because he has no title to the office derived from any election by the people of the State. It may be said that he is *de facto* governor; but the very same objection to his character in that capacity arises that arises to his character as the *de jure* governor, because he cannot be governor *de facto* unless he is in the office under color of right. I use the term *de facto* not in the common but in the legal acceptation. That term is sometimes very improperly in common parlance applied even to the most notorious usurper, but in a legal sense it is only applicable to an officer *having color of title* as contradistinguished from a mere usurper. This is a familiar question to every lawyer. A man indeed may sometimes be in office without having been rightfully inducted into office, and yet having color of right he is recognized as a *de facto* officer, and his official acts as such become valid so far as third parties and the public are concerned. But when he enters his office as Kellogg entered upon the office, without any election or without any color of title whatever to office, he becomes a usurper and not an officer either *de jure* or *de facto*, and the acts of a usurper are void *ab initio*. He can perform no duty appertaining to the office, and none of his acts can or will be respected save only where his power is sufficiently strong to command submission and acquiescence. If Kellogg is neither governor by virtue of an election nor in office under color of title to the same, the certificate which he makes of Pinchback's election carries with it no authority, establishes no fact which it asserts, and indeed is not evidence for any purpose; certainly is not entitled to any respect in this Senate.

We must go behind that certificate to determine the right of the claimant to a seat in this body, and I say that involved in this inquiry as to the right of Pinchback to a seat is the consideration of the condition of affairs and the nature of the government in Louisiana. And now, how did the Kellogg government come into power? A recitation of the facts, though they be familiar to the Senate, cannot be too often made. How did that government come into existence? It is not there by virtue of an election, as has been declared by the Committee on Privileges and Elections, authorized and specially directed to inquire into that matter by the Senate. That government, I repeat, is not to-day over the people of Louisiana by virtue of any election by the people. How then did it come into existence? Sir, it is a painful chapter in the history of this country, and I repeat that it cannot be too often presented to the people, if happily it may arouse them to a sense of the dangers that threaten our free institutions.

In the fall of 1872 an election was held in the State of Louisiana. Prior to that election H. C. Warmoth was the governor of the State. He had always been a republican. He had been clothed by the Legislature of Louisiana with almost unlimited powers over the machinery and management of elections. Such was the implicit confidence of the republican party in Henry C. Warmoth that they clothed him with vast and excessive powers, I admit, over the management and regulations of elections in that State. It so happened that in 1872 he differed with his republican friends. He took issue with them upon the presidential nominee; he became the advocate of Mr. Greeley for the Presidency. Of course he lost favor with the Executive, he lost favor with the republican party; but he was the governor at the time the election took place in 1872, rightfully in the possession of his office. That election passed off quietly, peacefully, was more orderly than elections usually had been in Louisiana, according to the accounts that were published to the world at that time. The election was admitted to be a fair election; there was but very little disturbance. It was conceded that that election was unusually quiet and unusually fair, and the result of the election, permit me to say, demonstrates clearly that such was the fact, because at that election there were 20,000 more votes polled than had been polled at the election preceding, evidencing conclusively that the election was conducted fairly, peaceably, and quietly, and that all parties entitled to vote had unobstructed access to the polls, and availed themselves of the opportunity thus offered to deposit their votes.

Mr. MORTON. The Senator from Delaware says that the election was regarded as fair. Will he permit me to quote a passage from the report upon which he relies on that subject?

Mr. SAULSBURY. I said that such was the report at the time of the election.

Mr. MORTON. The Senator has quoted from the report of Mr. Carpenter. Will he allow me to read a passage?

Mr. SAULSBURY. Certainly. I know all that is in the report and the Senator will not interrupt me, for I have no prepared speech, but I have I think possession of my subject. The Senator may read.

Mr. MORTON. Mr. Carpenter and those who united with him reported:

> The testimony shows that leading and sagacious politicians of the State, who were acting with Warmoth, entertained the opinion before the election that Warmoth's control of the election machinery was equivalent to 20,000 votes; and we are satisfied by the testimony that this opinion was well founded.

And other testimony shows that the democratic politicians of Louisiana formed a coalition with him expressly upon the ground that his control of the election machinery was worth 20,000 votes and that he would give them the benefit. The report goes on to say:

> We believe that had registration been accessible to all, and polling places been properly established, the result of the election would have been entirely different. And although we cannot approve of such a canvass as that made by the Lynch board, who seem to have acted upon the principle of "fighting the devil with fire" and circumventing fraud by fraud, and cannot say that Kellogg's government was elected, nevertheless we believe that Kellogg's government was defeated and the popular voice reversed by the fraudulent manipulation of the election.

And in other places the committee say that the election was "an organized fraud."

Mr. SAULSBURY. I am aware of all that; but let me say that that is mere opinion, based upon the fact that Warmoth was clothed and had been clothed by the republican Legislature with power over the registration and management of elections. The republican party, knowing that Mr. Warmoth perhaps had used the power with which they had clothed him to their advantage in the past, supposed the moment that power was withdrawn and not used for their benefit, even if no undue advantage should be given to the democratic party, yet the very fact that he had ceased to exert the power with which he was clothed in their behalf was of itself an advantage of 20,000 votes to the democratic party. I have no doubt it was. I have no doubt that Henry C. Warmoth was thus clothed by a republican Legislature with vast and excessive powers over the election and registration for the purpose of aiding the republican party, and when he broke with that party, when he ceased to exercise the power with which he had been clothed in their behalf it did inure to the benefit of the democratic party by 20,000 votes. That is the true answer to the suggestion of fraud of the Senator from Indiana; but I have not done with the answer to the Senator yet. I want to answer further before the Senator interrupts me again, as I see he proposes to do. But suppose the committee have so believed and so declared, it is but mere opinion. Are you to determine the legality and the results of an election by opinions and not by facts? Where are the facts revealed by this committee to show that their conclusions or opinions as to frauds were right?

Mr. MORTON. I ask the Senator if that report is any more opinion in that part of it than it is in the other part on which the Senator relies?

Mr. SAULSBURY. I think it is, because the facts are given which lead them to the conclusion that McEnery and not Kellogg was elected. The returns were before them and were examined by them. I will, however, meet the very point raised by the Senator from Indiana by what was said by the then Senator from Illinois. I read now from the separate report made by Judge Trumbull in answer to the suggestion of the Senator from Indiana. Judge Trumbull says:

> If it were admitted, as it is not, that Congress has authority to inquire into the fairness and regularity of a State election, it is denied that there was any such fraud in the late Louisiana election as would justify setting it aside. It was confessedly one of the most quiet and peaceful elections ever held in the State, and the evidence shows that it was substantially free and fair.
>
> The vote polled was twenty thousand larger than ever before cast in the State, and against more than two-thirds of it no complaint of unfairness is even alleged.

And then he details the testimony of Marshal Packard, who had been called to the stand to prove these frauds, and he could point out but some six or seven parishes in which there was even alleged unfairness. No, sir; this question of fraud, this question of violence, this question of intimidation is brought up to relieve the action of the President of the United States and of those who sustain him in forcing over the people of Louisiana a usurpation that is devoid of any color of title either by virtue of an election or of having come into power according to the law and the constitution of the State.

But when I was drawn off from the line of remark I was pursuing I was about to narrate succinctly the facts connected with the election in Louisiana and the subsequent events that transpired. I say, according to the reports and rumors at the time, that election was

very generally free and fair, and in its result it was decidedly in favor of the democratic party. That was the general understanding throughout the country, and was so stated in the papers of New Orleans, the republican papers as well as the democratic papers, that such was the fact. It was accepted as such by the country, and the popular heart throbbed with joy and hope at the prospect that the condition of affairs in Louisiana was at last to be intrusted to honest hands.

But then came the machinations, then came the conspiracies, the plotted treason against Louisiana; conspiracy against the will of the people of Louisiana, conspiracy and treason against the peace of Louisiana, conspiracy against the prosperity of Louisiana. Kellogg sought the courts. He found in Durell a willing tool. Durell, whose name is connected with infamy, whose name will go down to posterity the synonym of judicial prostitution to power, and who will meet the condign judgment to which an act of perfidy entitles him—Durell, at the hour of midnight on the 5th of December, as was said by my friend from Kentucky this morning, in his own chamber, without a case before him, as an accomplice to a conspiracy to defeat the popular will of the people of Louisiana, promulgated his nefarious order. Sir, I will not seek to connect any person with that conspiracy who is not legitimately connected with it by the proof in the cause; but I ask was there not a singular coincidence in the fact to which reference was made by my friend from Kentucky this morning, that on the 3d of December, 1872, a telegram was sent from the Attorney-General to Marshal Packard to enforce the decrees of the Federal courts and the opportune arrival of troops on the 5th to enforce Durell's order? Who had called upon the Attorney-General in reference to that question? Is it not a plain inference that the design was then concocted, that the determination was then had to make such an order, provided it could be sustained by the powers at Washington? That is the natural and only legitimate inference deducible from that telegram and the facts which subsequently occurred? Why should Attorney-General Williams send it? It may have been that that conspiracy may have been concealed from the Attorney-General and he may have sent the telegram in perfect ignorance of what was contemplated by Pinchback, by Kellogg, by Packard, and by Durell. I have no proof that the Attorney-General was in complicity with such a scheme and I will not impute such a motive. He may have been in profound ignorance of the design of the conspirators in Louisiana, and he may have sent that dispatch without expecting that such an order as that of Durell's would be made; but it was very unfortunate for the interests of the country, very unfortunate for the people of Louisiana, I may say it was very unfortunate even for the reputation of the Attorney-General himself that a telegram of that character should have been sent almost at the very time of the promulgation of the order and the arrival of troops to enforce it.

That order was enforced. I shall not dwell upon the fact that Captain Jackson came opportunely on the very evening it was made and was called upon to enforce it, and by reason of the enforcement of that order by the military power McEnery and the Legislature that was elected with him were kept out of power, and Kellogg, who had not been elected but who had been defeated by 10,000 votes, and the Legislature defeated with him by the same number of votes were installed in power. Such was the result of that order and its enforcement by the Federal military power. There is the origin of the Kellogg usurpation.

But, Mr. President, after the usurpation had been installed the conspirators and usurpers felt uneasy in the possession of the power with which they had been clothed by the Federal military authority of the country. They wanted the recognition of the President of the United States; they wanted the moral effect which the recognition of the executive department of the Government would give to their usurpation and the guarantee of military power for its support, and then came the series of telegrams from Packard, from Pinchback, from Kellogg for recognition by the President. They appealed to every consideration; they appealed to his party instincts and party feelings; they told him that the interests of the republican party required his recognition. I shall not say in this connection that that was the motive which prompted the recognition of the President. I only speak of the fact that that was the appeal which his friends made. How far it influenced the action of the President I shall leave for the country and the judgment of mankind to determine. I speak of the acts and not of the motives of the President; I could wish the former could have been less liable to animadversion and the latter more free from all suspicion.

The parties who invoked the interference of the Federal court over which Durell presided and subsequently invoked the aid of the President were political adventurers who had been defeated at the polls, and the aid granted by the President inured to the benefit of the political party to which he belongs. He may disclaim all intention to interfere in a mere political contest, but, unhappily for his fame, mankind will draw their own conclusions from his action and not from his protestations.

It has been stated in debate that there were precedents for the interference of the Federal power in such cases. Especially have these precedents been invoked to justify the recent interference with the organization of the Legislature of Louisiana. I do not admit that the matters referred to are precedents, but I will refer to one precedent which the President would have done well to follow.

I call attention now to the action of a democratic President when called upon to interfere in a political contest in a State not very dissimilar from that in Louisiana in December, 1872. I refer to the action of President Van Buren when called upon by the governor of Pennsylvania to interfere in what is generally known as the buck-shot war in that State. The facts simply stated were these: There was a determination on the part of the whig party to get control of the two houses of the Pennsylvania Legislature, and returns were sent up from Philadelphia giving to the whig members from that city the certificates of election on a return by a minority of the returning board. The attempt was made to seat them upon these returns by a minority returning board, whereas a majority of the board being democratic returned the democratic members elected from the county of Philadelphia, one or two senators and eight or ten members of the house of representatives of the Legislature. These are the facts succinctly. The respective houses of the Legislature met and attempted to organize; the whigs attempted to organize the house upon the returns that had been made by a minority of the board. Great excitement ensued. It may be well in this connection to read something as to the excitement that existed in Harrisburgh at that time. Here is a contemporary account of the scene that transpired.

I am indebted to Hon. Charles Brown, of my State, then a citizen of Pennsylvania and one of the senators from Philadelphia attempted to be excluded by the minority, for the extract from which I read:

When the hour for the meeting of the house had arrived, every available inch of room in the gallery and lobbies was occupied.

Mr. Hill, of Westmoreland, the oldest member present, according to prevailing custom, called the house to order, and moved that the clerk proceed to open and read the returns of the election in Philadelphia City and of the different counties in the Commonwealth; which was agreed to.

At this juncture Mr. Burrowes made his way through the crowd and presented the official returns. The clerk opened them, and read the returns from the city, and was about proceeding to read those which returned the anti-masons, when Charles Pray arose and inquired by whom the returns were signed.

The clerk read the names of seven return judges appended thereto.

Mr. PRAY. They are not the correct returns. Here is a copy of the correct returns, signed by a majority of the return judges, certified by the prothonotary of the county of Philadelphia.

Loud and prolonged applause followed Mr. Pray's remarks, and they were of such a character as to leave no doubt as to where the outsiders stood upon this question.

After some little debate, the clerk inserted the names of the democratic members from the county upon the roll, and both parties proceeded to organize by the election of a speaker. The anti-masons nominated Thomas S. Cunningham, voted for him, and declared him elected, which proceeding was accompanied by hisses and groans from the gallery. The democrats nominated and elected William Hopkins, who was also sworn into office, and both speakers occupied chairs upon the rostrum. The anti-masonic party appointed committees to wait upon the senate and governor, and adjourned. The democratic party continued in session and appointed similar committees, and also nominated candidates for clerk and sergeant-at-arms, after which it adjourned until ten o'clock next day.

The senate met at three o'clock, and was called to order by C. B. Penrose. The excitement of the house was transferred to the senate chamber, as it was known that the secretary would hand in the return of the minority judges instead of the majority, which would elect James Hanna and William Wagner, instead of Charles Brown and S. Stevenson, who were legally elected.

The galleries were filled with an excited crowd; and when the minority return was read there was a strong demonstration made in the senate, and after Hanna and Wagner were sworn in Mr. Brown arose and asked permission to address the senate, which he did amid boisterous applause. At this juncture Mr. Penrose, evidently under the impression that a crisis had arrived, called General Rogers to the chair, went into the recess back of the chair, ingloriously jumped out of the window, and made his escape to Wilson's Hotel; and while Mr. Brown was still speaking the rest of the anti-masons followed Mr. Penrose out of the back window and the senate broke up amid wild confusion.

This account shows that there was much more serious trouble to be apprehended than existed in New Orleans in January last, or when the military took possession of the State-house in that city in December, 1872, and excluded the McEnery legislature under the order of Durell.

Then Mr. Penrose addressed to the governor a letter, (which I will not take time in reading,) detailing that the lives and safety of the members of the senate were put in jeopardy, whereupon Governor Ritner directed that the military forces of Pennsylvania attend, and, not satisfied with that, he made a call on General (then Captain) Sumner, stationed at the barracks in Carlisle, and I want to read now what Captain Sumner said in reply to that call of Governor Ritner. Here is Governor Ritner's letter:

HARRISBURGH, *December* 5, 1838.

SIR: An insurrection having broken out at this place, by which the regular functions of the State government have been completely interrupted and the State capital thrown into the possession of a lawless mob, to the exclusion of the Legislature, I hereby request you forthwith to march the troops at your command to Harrisburgh for the protection of the constituted authorities of the Commonwealth, for the suppression of the insurrection, and for the preservation of our republican form of government, agreeably with the Constitution of the United States.

I am, sir, &c.,

JOSEPH RITNER.

Captain SUMNER,
Of the United States Dragoons stationed at Carlisle.

To that letter Captain Sumner replied as follows:

CARLISLE BARRACKS, *December* 5, 1838.

SIR: I have the honor to acknowledge the receipt of your letter of this date, and I hasten to reply to it. As the disturbance at the capital of this State appears to proceed *from political differences alone*, I do not feel that it would be proper for me to interpose my command between the parties. If this riot proceeded from any other cause, I would offer you the services of my command before you will receive this letter.

I am, sir, with high respect, your obedient servant,

E. V. SUMNER.

Captain Sumner communicated to the War Department his reply to Governor Ritner. The Secretary of War replied:

WAR DEPARTMENT, *December* 8, 1838.

SIR: The Department approves of your reply to the requisition of the governor of Pennsylvania. In doubtful cases similar orders must be transmitted by direction of the President of the United States; and in all cases where the seat of government is near the theater of the disturbance the necessity must be very urgent and palpable to justify an officer commanding a detached post in marching his forces to repress an insurrection without authority to do so from this Department.

Very respectfully, your obedient servant,

J. R. POINSETT.

Captain E. V. SUMNER,
Carlisle, Pennsylvania.

Then Governor Ritner wrote to the President of the United States asking his intervention. I will not take time to read his letter to the President and the President's reply. Suffice it to say that President Van Buren directed the Secretary of War, Mr. Poinsett, to inform Governor Ritner that the question, being a question between political parties, was not such as it was contemplated by the Constitution required the interference of the Federal authorities.

I will read an extract from the letter of the Secretary of War sent by direction of President Van Buren to Governor Ritner in reply to his request for Federal interference, showing what was thought at that time by a democratic administration in reference to interfering in contests between political parties in a State. The views contained in the extract which I shall read are wise and statesman-like, and if they had been observed by President Grant and his administration he would never have committed the great error of lending his aid in placing in power the usurpation in Louisiana and sustaining it over the people of that State. I will read the extract that the contrast between the action of a democratic and republican President under very similar circumstances may be seen. The Secretary of War, Mr. Poinsett, says:

The commotion which now threatens the peace of the Commonwealth of Pennsylvania does not appear to arise from any opposition to the laws, but grows out of a political contest between different members of the government, most, if not all, of them admitted to be the legal representatives of the people constitutionally elected, about their relative rights and especially in reference to the organization of the popular branch of the Legislature. To interfere in any commotion growing out of a controversy of so grave and delicate a character by the Federal authority, armed by the military power of the Government, would be attended with the most dangerous consequences to our republican institutions.

Such were the views expressed by Mr. Van Buren when applied to for help by the governor of Pennsylvania. But President Grant, upon the application of a set of conspirators to overthrow and defeat the will of the people of Louisiana, interposed the military power of the Government, whereby the usurpation of Kellogg was inaugurated and has been sustained over that State.

Mr. CAMERON, of Pennsylvania. I only want, for the credit of the State of Pennsylvania, to say a word in reply to what the Senator from Delaware has just now said.

Mr. SAULSBURY. I shall be glad to hear what the Senator from Pennsylvania says.

Mr. CAMERON, of Pennsylvania. That scene which the Senator has described was merely in the imagination and fears of good old Governor Ritner and a few people around him. There was no war in Pennsylvania. There were not a thousand people in the town outside the regular population; I do not think there were five hundred. A few persons took it into their heads that they could prevent Governor Porter from taking his seat, though he had been elected by some four or five thousand majority in the State. The whole thing was an act of that great and eccentric man Thaddeus Stevens. The election campaign preceding that December was conducted on one side entirely by Mr. Stevens, who had control of the canal funds and who risked everything upon the re-election of his patron and friend, Governor Ritner. He failed because a majority of the people were opposed to him. Mr. Penrose was one of the ablest and purest men that ever lived anywhere, but he had not quite as much pluck as the Senator from Delaware has and would have on an occasion of that kind. Somebody told him that his life was in danger, and unfortunately for himself he jumped out of the window and Thaddeus Stevens jumped over him. Both of them were a little hurt by the fall, but if they had remained there nobody would have disturbed them.

It is a good deal like the old whisky insurrection in Pennsylvania. There is a great deal said about that. That was a mere *émeute* out in the western part of the State, a little quarrel about whether whisky should be transported in barrels or whether the rye out of which whisky was made should be carried down the river. That was the whole of it. But this buck-shot war was a ridiculous affair from beginning to end. I am only sorry that the use of types has carried the history of it down to this time. Everybody laughed at it. I was in Harrisburgh at the time and I was rather friendly to old Ritner, but nobody disturbed me. I am sure that no man of the least courage in the world would have jumped out of the window on that occasion.

Mr. SAULSBURY. However trivial the circumstance may now appear to the Senator from Pennsylvania, it is certain that the governor of the State at the time thought it a very serious matter, for he issued his proclamation calling out the militia of the State, and wrote a second time to Captain Sumner imploring his aid; and in one of his letters to the President states that he deemed it unsafe to go to the state department. Mr. Penrose and Mr. Stevens were apprehensive evidently; and from the statements of the affair published at the time and now before me I have no hesitation in saying that there was far greater reason to apprehend riot and disturbance than existed in New Orleans on the 6th of December, 1872, or on the 4th of January last, when the President interfered in the domestic affairs of the State of Louisiana. The Senator from Pennsylvania, however, may be right in regarding the buck-shot war as only a big scare.

Mr. President, I referred to this incident for the purpose of showing the great contrast between the action of a democratic administration under circumstances very similar to what occurred in New Orleans two years ago and the action of the present Administration; and I stand here to say that after the lapse of more than thirty years the judgment of the country is that the action of the administration of President Van Buren was perfectly right. His failure to respond to the application of the governor of Pennsylvania for the purpose of giving advantage to one political party over another will be justified and commended as eminently proper and wise. I will not say what will be the judgment of posterity in reference to the action of the present Administration in using the military force of the country for the purpose of placing in power his own party in Louisiana, which had been defeated by the popular will, under the excuse, I will not say pretense, of enforcing an illegal and void order made by a Federal judge.

Sir, I would not pluck from the President one laurel which he won upon the field of battle. I would have been glad if he had transmitted his honors unimpaired by his civil life to posterity; and I exceedingly regret that in an unfortunate moment the President, from whatever motive he may have been actuated, indorsed the sending of a telegram which announced his recognition of a usurpation, a usurpation that exists to-day over Louisiana, and that was placed there and is sustained there wrongfully by Federal bayonets.

Mr. President, I shall not now go over what the Committee on Privileges and Elections said in reference to this matter. That is too familiar to the Senate to need repetition again. But I desire to call attention to what was said in debate upon the report of the committee by some Senators on this floor as showing the judgment of the Senate in regard to this usurpation at that time. Here is what Judge Trumbull said in the debate which ensued on that report, or rather upon the bill providing for an election in Louisiana which accompanied the report of Mr. Carpenter:

Sir, there never was a more monstrous case of usurpation than the setting up of this Pinchback government. The history of it is startling. And what did it do? It convened on the 9th day of December in pursuance of a proclamation issued by Governor Warmoth, the admitted governor of the State at the time, who called the Legislature together in extra session. When the day arrived these soldiers stood at the State-house door guarding it; the United States marshal was there under orders to allow nobody to take part in the Legislature except those returned by the Lynch board, who had never had an official return before them. The persons thus designated by Lynch and his associates assembled together, and claiming to be a Legislature, within the space of five hours, in violation of the statutes of Louisiana, without trial and without preferring articles, declared Governor Warmoth impeached and suspended from office, and installed Pinchback as governor in his place, and in all this they were backed up by the bayonets of the United States.

That was the language of a Senator on this floor whose history is known to the country. He was not a democrat, he was a republican, and at one time stood high in republican counsels; and yet the honest indignation of his soul gave utterance to the scathing language which I have read in condemnation of that usurpation which has been sustained for the last two years by the Federal Executive and the Administration party. Now listen to what was said by Mr. Hill, the late Senator from Georgia, a republican too:

These returns have been in the possession of the Committee on Privileges and Elections. They have undergone some examination, and taken with the testimony of persons who are familiar with them, some of whom stated that they had counted them by direction of the governor, the committee were forced to the conclusion that they disclosed the fact that McEnery was elected governor of Louisiana by five or six thousand majority, and that the general ticket known as the fusion ticket in the State had been chosen, some portions of it, to wit, the lieutenant-governor, by a larger majority than the governor himself. It is not my purpose to gloss over this election, to justify any fraud, because I think it was developed before the committee that in a few parishes there were irregularities, and that there had been advantages taken, not illegal advantages however, but advantages such as were allowed by the law, by the executive of the State in the appointment of registrars, and perhaps in the direction as to who should be appointed managers of the election by those registrars; and not only that, but that inconvenient places of voting had been created, and in some of the parishes a diminished number of polling places had been directed.

The language of the Senator meets the question of fraud. He says there was no proof that any illegal advantages were taken but only the exercise of the powers by the governor of the State with which he had been clothed by a republican Legislature which enabled him to appoint registrars, which enabled him to designate to a certain extent the places at which the election should be held. He concedes that there were some irregularities, but he says they were not illegal but such as were authorized by the law; and they have been magnified into frauds such as should vitiate an election by the Senator from Indiana and by gentlemen who support the Administration in sustaining the usurpation over Louisiana.

Now I wish to read from what was said by the Senator from Illinois, [Mr. LOGAN:]

While I am upon the floor I desire to say, in justification of the motion made and in justification of the taking up this proposition to consider the bill now before the

Senate, that there has been a pretended government set up in the State of Louisiana by force and by fraud no man can for one moment deny. That to-day the government there exists in fraud, and in nothing else, no man who knows the facts will deny.

That is what the Senator from Illinois said in reference to that government. "That to-day the government there exists in fraud, and in nothing else, no man who knows the facts will deny."

That is very emphatic language.

That a pretense, an attempt was made to establish a different government in the same way is true. That the election was a fraud, that the whole thing was corrupt, that there was a combined effort on the part of certain men to perpetrate frauds and deprive the people of their rights and their privileges as citizens, no one can deny. That there was an organized fraud for the purpose of electing McEnery the evidence is plain and clear. That returns were forged for the purpose of accomplishing that result no man will deny.

I read that so that the views of the Senator two years ago in reference to both governments may be understood, and I call attention to the fact that he says in that debate that it cannot be denied that to-day the government there exists in fraud, in nothing else.

That there has been a pretended government set up in the State of Louisiana by force and by fraud no man will deny.

That is the government of Kellogg which it is proposed to recognize by the admission of Pinchback. Now I wish to read what was said by my friend the Senator from Mississippi, [Mr. ALCORN.]

The Congress of the United States passed a law by which the district court of the United States in certain cases was entitled to assume jurisdiction in cases of election belonging to the States—State elections. Under a law like this a district judge in Louisiana assumed jurisdiction of a case in which he had no jurisdiction legally. That judge organized a Legislature in Louisiana and installed a governor in the State of Louisiana. It is not the Legislature of the people, it is not the governor of the people that to-day presides over the destinies of the people of the State of Louisiana. I am one of those who believe that if the voice of the people had been heard at the ballot-box the republican governor and the republican legislature would have been elected, and I believe if the opportunity is given the people to-day they will record their votes in favor of a republican government in that State.

I call attention to that as the opinion of the Senator from Mississippi, that the government which exists there exists not by virtue of any election but is a usurpation set up and maintained over the people of Louisiana. This discussion occurred on a bill reported by the Committee on Privileges and Elections providing for a new election, and so fully satisfied were our republican friends that Kellogg's government was a usurpation and not a lawful government that a large majority of them were in favor of overthrowing it and holding another election under authority of Congress; but to-day they propose to seat Pinchback in this body as the representative of that usurpation. I could quote the language of other Senators, but it is unnecessary.

Mr. President, I might dwell upon the results which have followed this usurpation; I might speak of its effects upon the material prosperity of that State, and show that that State, one of the richest in soil, one of the best in reference to climate, possessing more natural elements of wealth and prosperity than almost any State in this Union, has been ruined and the material interests of the State destroyed by this usurpation that has been set up and maintained over the people. But why consider the destruction of material interests which the people have suffered when they have been deprived of their liberty? While they have been and are treated as serfs, while they have been and are wronged in the tenderest point, while the very liberties of that people have been taken away from them, why speak of the destruction of their material interests? What is wealth, what is prosperity even, if these could exist in Louisiana while her people are slaves and wear day by day the badges of their degradation? What though the sky be bright above them and the balmy air be freighted with the perfumes of richest flowers, the proud spirit of freemen cannot be content to wear the chains of slavery. They prize their liberty far, far above all else. Let me ask you, Senators, do you further propose to add to their humiliation and degradation by admitting to this body as a Senator from that State a man who has assisted to rob them of their rights and their liberties? Do you propose further to afflict them by declaring in the admission of Pinchback that Kellogg is their rightful master and that they must continue to be his slaves?

I might speak of the disadvantages which the people of this whole country have suffered, because I lay it down as a general proposition that the people of this country cannot be injured in any part of the country without its reflecting to some extent its influence upon the whole country. Sir, that State which was once a large customer in northern markets has been denied the ability now to come North and purchase in New York and Boston and in other commercial cities of the country; so that the very disadvantages which that people have felt are beginning to be felt in the northern section of the country. Her material interests have been blighted and the liberties of her people destroyed and the whole country is beginning to feel to a certain extent the injury which has been inflicted upon a sister State. Now we are called upon, after the great wrongs that have been perpetrated, to indorse by our action, by our recognition of that government, in granting a seat to Pinchback in this Chamber—we are called upon to give our recognition and our indorsement to—I had like to have said to connect ourselves with the conspiracy to overthrow the liberties of the people of Louisiana. I hope the Senate will not do it.

There are reasons which I have not assigned pertaining to the applicant himself; and perhaps I ought to say that he was one of the chief plotters in the treason against the liberties of the people of Louisiana; and if there were no other consideration to influence our action on this resolution, the judgment of this Senate should be what the judgment of any fair court would be, that he should not take advantage of his own wrong. You threatened to unseat and drive from this Chamber two years ago a member charged with obtaining a seat in this body by bribery and corruption; but how infinitely greater the crime of the man who aids in the subversion of the liberties of a whole people, and how infinitely less worthy of admission into this Chamber as a Senator from the State over which he has assisted to set up and perpetuate the most flagrant usurpation and tyranny.

But aside from all personal objection to the applicant I insist, what perhaps is designed to be accomplished, that the admission of Pinchback will to a certain extent be the recognition of the Kellogg usurpation, and that the character of this Senate demands that it shall never become a party to such an outrage upon public liberty. Why, Mr. President, what is there and what can there be more dear to the people of this country than the preservation of republican government in the spirit in which it was formed? Shall we be false to the trust reposed in us? Shall we by the recognition of the Kellogg usurpation in any form, directly or indirectly, put our approval upon acts which have led to that usurpation? If we do, the judgment of posterity, the judgment of the world will condemn our act.

In vain may the recognition of the usurpation by the State courts of Louisiana, owing their existence to the will of the usurper, be pleaded as authority for the recognition of the Senate. Courts have too often obeyed the behests of tyrants, even if judicial determination could rightfully influence our action in a matter over which the Senate has exclusive jurisdiction—the elections, returns, and qualifications of its own members. In vain may the support given to Kellogg and his government by the President be invoked as our guide. His action ought not to influence our judgment, nor, indeed, the action of any or all the co-ordinate departments of the Government. Our duty is to rebuke not approve of usurpation; to maintain the liberties of the people, the rights of the States, and our form of free government unimpaired; to maintain the Constitution of this land and secure the protection which it promises to each and every State of the Federal Union. We may not fail in this high duty at the bidding of courts or Presidents or any other power whatsoever.

We all remember a few years ago when the vandalism of the communists struck down the Column Vendôme in Paris that it sent a thrill of horror and indignation throughout the civilized world. But what is a mere creation of art compared with the system of republican government bequeathed to us by our fathers? Shall we, more ruthless than the communists of Paris, by the recognition and support of a gross usurpation, strike down the very Constitution of the country which secures to us our liberty? I hope not.

I shall record my vote not only against the resolution to seat P. B. S. Pinchback as a Senator on this floor, but against every resolution which directly or indirectly recognizes the rightful existence or the legality of the Kellogg usurpation.

The PRESIDING OFFICER. The question is on agreeing to the resolution proposed by the Senator from Indiana.

Mr. CHRISTIANCY. Mr. President, I rise not for the purpose of making a speech or entering into any extended argument on this question, but to explain some of the grounds upon which I shall give my vote. It has been so long discussed that all Senators, I suppose, are now familiar with it. Not having been in the habit for the last eighteen years of oral discussion, but accustomed to express myself somewhat carefully, and being able to condense better by submitting what I have to say in writing, I have done so in this instance; and I beg the indulgence of the Senate while I proceed to read my views, promising that hereafter I shall seldom offend in that way.

The question we have before us upon the admission of Mr. Pinchback, as has already been well remarked, is not a mere partisan or political, but a legal and constitutional question, depending, however, as all legal questions do, upon the facts to which the law is to be applied.

What are these facts in the present case? It is conceded that the Legislature by whose votes he claims to have been elected, and the governor whose certificate he holds, were elected, if elected at all, in November, 1872. The Senator from Indiana, who has argued this question with his usual and acknowledged ability and adroitness, and who has placed the right of Mr. Pinchback upon the grounds upon which it must stand, if it can stand at all, in one, and, as I think, the most important—branch of his argument claims that the only fact material to the question is the certificate, in due form, from Kellogg, purporting to be the governor of Louisiana, and under the seal purporting to be the seal of that State, of Mr. Pinchback's election as Senator; that this constitutes a *prima facie* case, and entitles the applicant to admission as a member of this body and to be sworn in; and that if the body purporting to be the Legislature who elected him, or Kellogg, who signed his certificate, was not legally elected, and the election did not make the one a Legislature nor the other governor, these facts can only be shown after Pinchback's admission here, for the purpose of expelling him.

Where the legal existence of the Legislature purporting to make the election is conceded or not seriously questioned, and the point of con-

test is whether they have proceeded regularly or by a sufficient vote, or whether the person elected is eligible to the office, I concur fully in this rule, that the certificate in due form entitles the person in whose favor it is issued to his seat, subject to be expelled upon subsequent inquiry into the facts. " And it is to cases of this kind that the precedents establishing the rule mainly and almost exclusively relate.

But when there is a serious doubt whether the body purporting to be the Legislature making the election, and the governor certifying it, had any existence or power to act, the question stands upon a somewhat different principle and is much more analogous to a question upon the genuineness of the papers. And in such a case, while I do not question the power of the Senate to treat the certificate as *prima facie* evidence for the time being, yet I think it would be much more in accordance with just, logical, and legal principles first to enter upon the inquiry whether there was in fact or in law any such Legislature having the right to make the election, or any governor entitled to give the certificate. And, certainly, there can be no good reason to doubt the right of the Senate, in its discretion, to enter upon this inquiry in the first instance, instead of waiting till after the admission, and then going over the same ground for the purpose of turning him out.

But in either case or both the classes of cases to which I allude the rule which makes the certificate *prima facie* evidence of the election must rest upon the presumption that things are properly and legally in their existing state until the contrary is shown; and when the contrary is shown the presumption ceases, and the *prima facie* case falls with it.

Here the Senate have already investigated the whole question of the existence or non-existence of the Legislature which has assumed to make the election, and of the governor who gave the certificate; and the facts upon which the question depends, whether in its *de jure* or *de facto* character, are all before us by a report of the Committee on Privileges and Elections of this body, accompanied by all the evidence, consisting of eight or nine hundred pages.

This committee, in January, 1873, was directed to inquire and report whether there is any existing State government in Louisiana, and how and by whom it is constituted. This was the government, if any, (Legislature and governor,) by which the election was made and certificate given.

This evidence was taken after Mr. Pinchback's election purports to have taken place. He was present at the taking of that evidence, took part in it by suggesting and asking questions, and producing evidence; and, finally, was himself sworn and testified at length upon the very facts upon which the validity of his election depended. His right was therefore fully investigated in a proceeding to which he was virtually a party. It was in effect a proceeding *in rem* in which he came forward and intervened. That testimony is all before us, and has been repeatedly discussed and considered by the Senate. I am not now about to go into that evidence. I have read most of it carefully, and the rest cursorily, enough to see that the able report of the majority, presented to the Senate by Senator Carpenter, contains the fair result of the whole evidence, and draws the correct legal conclusion, that there was no legal election and no legal government; that the election, the canvass of the votes and the pretended installation of the officers claiming to be elected were equally void, both as to McEnery and his legislature and Kellogg and his legislature.

This report was drawn by no unfriendly hand, so far as the Kellogg government is concerned. It may in some slight degree extenuate, but it "sets down naught in malice." It is an able, statesmanlike and fair report, and I adopt it by reference without repeating its contents. Looking into that mass of testimony, what does it exhibit as to the nature and validity of the election, or any government claiming to rest upon it? A formless chaos of plots and counterplots, of seething passions, of inconsistencies, incongruities, and absolute nullities, with nothing real, nothing tangible, but fraud and force.

Concurring, therefore, with the conclusion of that report, that the election was utterly void, I must also hold that neither the Kellogg government nor the McEnery government can be recognized as a government *de jure*: and this I think ought to dispose of the question of Pinchback's right under an election resting upon the validity of that government.

I deny the right of any one to claim admission here on the ground merely of a *de facto* State government which is found to be without legal authority.

The effect of the judicial decisions of that State upon the question of the *de jure* character of that government will be considered when we come to consider the nature and origin of that government. But before proceeding to consider the *de facto* character of the State government, since all the evidence is before us bearing upon the question of Pinchback's right, which the majority of the committee believed showed that there was no legal government—and the majority of the Senate may draw the same conclusion—what becomes of the *prima facie* case, resting upon the presumption arising from the certificate? Is not the evidence now to be considered upon the merits?

For illustration, take the strong presumption in favor of innocence in a criminal case. After evidence has been introduced tending strongly to prove guilt, and from which the jury might properly find a verdict of guilty, what would be thought of the judge who should hold and instruct the jury that, no matter how strong the evidence, or whatever it might be, they must disregard it, because the law presumes innocence, and they must act upon that presumption alone, and acquit?

I now come to the question whether Kellogg and his Legislature constituted a *de facto* government which, by any recognition it has received, has so far grown into a legal or legitimate government that its acts in electing Pinchback have become binding upon us, so as to require or properly authorize us to admit him to a seat here.

Had Kellogg and his legislature already been in the possession of power, and in the actual exercise of the offices they claimed, and in the actual government of the State, without any act of the Federal Executive to place them in that position; then, whether this or the McEnery government was actually entitled by the election which had taken place, I can readily understand that the President might, and that it might be his duty to, recognize the government thus already in the actual exercise of power, as a *de facto* government, until the question of right could be properly decided, or until a proper election could be had, and that such a recognition, so far at least as the executive of that government was concerned, might very properly be followed by, whether binding or not upon, both branches of Congress.

I concede also that at the time of the senatorial election the Kellogg government (the governor and Legislature) constituted in one sense a *de facto* government; that is, it was in the actual possession and exercise of the governmental powers over that State. But how did it obtain the possession of this power, and who gave it this *de facto* character?

It did not obtain possession of the government for itself, by its own acts, nor by the acts or the will of the people of Louisiana. Left to themselves and the people of the State, it is admitted on all hands, Kellogg and his legislature could never have become a *de facto* government, or a government of any kind; and it is perfectly evident from the testimony, that McEnery and his legislature, which had more of the forms of regularity about it, and probably the majority of votes, though reeking with fraud, and not free from intimidation and force, would, without Federal aid, have obtained possession of the government, and constituted the government *de facto*, but for the interference of the Federal Executive. Kellogg and his legislature had never been in power. His legislature had not yet assembled, by whom the votes for governor were to be counted; no organization of his government had taken place when the Federal Executive interposed by military force, on the alleged authority of an order from the United States district judge, which all parties, at least all jurists and lawyers, except, perhaps, the Attorney-General, (if that constitutes an exception,) admit to have been void, and placed the Kellogg government in power, and kept it there. It was this, and this alone, which gave it inception, which placed and continued it in power, and gave it its entire and only character of a government *de facto*.

Having in this way only become a *de facto* government, the Executive could give it no additional sanction or validity by recognizing it as the *de facto* government, nor bind Congress, or either House of Congress, by such recognition; for it was the recognition only of his own acts, of the government he had instituted and set up, not of one which he had found in existence. The act of 1795, which has been claimed as making the acts of the Executive equivalent to the action or authority of Congress, can only have that effect, if at all, so far as his action comes within and was authorized by it: and though that act may justify the employment of the military force to put down insurrection and domestic violence, and to protect and keep in power, against insurrectionary forces, even a merely *de facto* government already existing, (upon which I express no opinion,) it certainly does not authorize him to create and institute a State government which had no previous or other existence in fact or law.

The logical process which can give to a subsequent recognition by the Executive, of a government thus instituted, any greater legal validity than it inherited from its origin, or make its action binding upon either House of Congress, is a process which, however valuable it may prove in more skillful hands, is of no value in my hands, and I could not use it to reach such a conclusion without cutting my own fingers. To me the whole process seems to be circular, beginning where it ends and ending where it begins; and with whatever velocity it may be made to revolve, it never moves a step forward from the point where it started. It leaves this Kellogg government, which assumed to elect a Senator in Congress, just where and what it was in its origin—not a Legislature or government of the State of Louisiana, but a body set up, installed, and kept in power and imposed upon the State by the executive department of the Federal Government, and deriving all its authority from this Executive action; and I do not myself see how the decisions of the Louisiana courts, constituting as they do only one branch of this government thus set up, can be any more binding upon us than the action of the pretended legislature, whether these judges were in office under previous existing governments, or judges had been thrust out and others put in their places for the purpose of securing the desired course of decision.

And now, Mr. President, for the purpose of testing by its results the soundness of any course of reasoning which would bind Congress or the Senate by the action of a State government thus set up and established, or any branch of such government, I will say that, if this is true of the State of Louisiana, it must be equally true of any and every other State in the Union where such a government might be thus set up and sustained; and the same course of reasoning which would authorize the setting up and sustaining such a government in Louisiana, would, as matter of law, equally authorize it in any

other State under like circumstances; that is, when the candidates for governor and Legislature on two opposing tickets both claim to be elected, and neither has yet got possession of the government, and, to make the parallel entirely fair, when, in the opinion of the President, violence may be apprehended from the contest. This might occur in any State, as well at the North as in the South. Suppose it had occurred, as it might, in Michigan, at the last election, and, owing to the heated passions of the partisans on either side, and the frauds committed at the election or in canvassing the votes, a similar difficulty existed in determining which candidate for governor was elected; and while the dispute was still open, and neither candidate for governor had obtained possession of the office, a district court of the United States had assumed jurisdiction of the question in the same or any other way, to decide who was elected, and undertaken to decide upon the election of members of the legislature, and the President had sent the military to enforce this decision of the Federal court, and to place in power and sustain the candidate in whose favor the court had decided. While the people of Michigan might not object to the action of the military in preserving the lives of citizens against insurrection and violence, would they be likely to recognize the validity of the government thus imposed upon them? Would they be likely quietly to submit to it? The people of Michigan are a law-abiding people; but I know them well enough to venture the assertion that it would take several regiments of soldiers to keep them quiet under a government thus imposed, and more than all the armies of the United States to make them love or respect it.

They would see, as I know they do to-day see and feel, that the election of a State governor or a State Legislature was not to be decided, nor the State government run or prevented from running, by the fiat of a Federal court; and that even the Executive of the Federal Government had no right to decide the question for the State, or to institute or establish a State government for them.

The argument here urged in behalf of Pinchback involves this very principle, a principle which would place in the hand of the executive department of this Government the right and the power to revolutionize every State government in the Union, and bind, not only the States, but both branches of Congress to recognize that revolution. Such a principle cannot be sound. The arguments in favor of it begin in fallacy and end in absurdity.

I have not mentioned these illustrations because I think our present Executive is likely or inclined to do anything of the kind. I have not the remotest idea or suspicion that he has any such design or inclination. I believe he is just as clear from any such inclination as I am, or as any other man can be. I am merely illustrating the principle involved; and my habit in pursuing a legal or judicial investigation is to follow the truth wherever that may lead me. And though I am as well satisfied as I can be of anything which does not admit of mathematical demonstration, that the President has had no wish or intention to usurp power which does not belong to him, yet called upon, as he was, for prompt action for the suppression of apprehended violence and insurrection, and prompted by the humane motive of giving protection to the colored population, hundreds of whom had on several previous occasions been butchered in cold blood—a motive which does honor to the man, and in which I confess I sympathize with him—and without having all the evidence before him which we have before us, nor, as I think, the best legal advice, it is not strange that he should have failed to see clearly the true principle involved, and that he should have erred, as any other man, under similar circumstances, might have erred.

But looking, as I think the facts show that he did, upon the government he had set up as merely temporary, until Congress should take the matter off his hands, and doubting, as I think he did, as to the validity of the Kellogg government, he did what a wise and true-hearted statesman should have done under the circumstances; he called upon Congress to make proper provision for the case, and take such measures as they should deem proper. And he has called upon them repeatedly from that day to this; but he has called in vain, and Congress has neglected to act.

In all this I see no evidence of that deliberate usurpation or intention to establish an irresponsible despotism which has been charged, and I repel the charge as one of the extravagances of heated partisanship, which often leads men to believe what, in after years and upon due reflection, they discover to have been wild and absurd.

But here and now we are endeavoring to discover and apply the true principle which should govern the question of the admission of Mr. Pinchback as a Senator; and if we are wise we shall act upon no principle which we should not be willing to see applied to our own States; for, as in the case of individuals, no man can violate the rights of another without endangering his own, so we, as the representatives of States and their people, cannot violate the constitutional rights of another State or its people without endangering our own States and our own people.

In the mutations which are constantly taking place, and must continue to take place, in this and every other popular government, the time may come when our present positions may be reversed, and when those now in a minority may hold the power of enforcing their own views of government; and the poisoned chalice we now present to the State and people of Louisiana may be commended to our own lips. Let us, therefore, disregard all mere partisanship, and act upon the broad principle of equal justice, which is the highest statesmanship, and refuse to establish a new and, at least, a questionable principle, which may return to plague the inventors.

I have but one more point to notice. It has been gravely urged here that Louisiana, being entitled to two Senators upon this floor, it is a wrong to the people of that State to refuse them the enjoyment of that right; and therefore we ought, in order to avoid this wrong to the people of that State, to admit Mr. Pinchback. Now, according to my reading of the reports recently made to the House by both the majority and the minority of their committee, the majority of the people of Louisiana are opposed to the Kellogg government, and to Pinchback as their representative in the Senate; and they would, of course, prefer being unrepresented to being misrepresented; they are not, therefore, likely to complain of any special grievance arising from his rejection.

REPORT ON ALLUVIAL BASIN OF THE MISSISSIPPI.

Mr. ALCORN submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That five thousand copies of the report of the commission of engineers appointed in compliance with the act of Congress approved June 22, 1874, to investigate and report a permanent plan for the reclamation of the alluvial basin of the Mississippi River subject to inundation, be printed for the use of the Committee on the Levees of the Mississippi River.

COMMITTEE SERVICE.

Mr. RANSOM, on his own motion, was excused from further service as a member of the Committee on Military Affairs.

Mr. GORDON, on his own motion, was excused from further service as a member of the Committee on Commerce.

By unanimous consent, it was

Ordered, That the vacancies be filled by the Vice-President.

The VICE-PRESIDENT appointed Mr. RANSOM to fill the vacancy upon the Committee on Commerce, and Mr. GORDON to fill the vacancy upon the Committee on Military Affairs, each Senator to occupy the relative position on the committee which was held before the vacancy occurred.

EXECUTIVE SESSION.

Mr. CAMERON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and fifteen minutes spent in executive session the doors were reopened, and (at three o'clock and forty minutes p. m.) the Senate adjourned.

IN SENATE.

SATURDAY, *March* 13, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

SENATOR FROM LOUISIANA.

The Senate resumed the consideration of the following resolution, submitted by Mr. MORTON on the 5th instant:

Resolved, That P. B. S. Pinchback be admitted as a Senator from the State of Louisiana for the term of six years, beginning the 4th day of March, 1873.

Mr. EDMUNDS. I move to amend the resolution by inserting the word "not" before "admitted." If it is amended in that way I think I can vote for it.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Vermont.

Mr. EDMUNDS. I believe the understanding was that we were not to vote to-day, so that I hope the Chair will not put the question.

The VICE-PRESIDENT. The Chair awaits a motion.

Mr. THURMAN. I had no expectation of making a speech this morning; but upon this question of Pinchback I think each of the old Senators here might adopt for his motto *semper paratus*. We have heard the thing discussed up hill and down hill, and in every other way or direction in which a man can go or look. As there seems to be no one ready to proceed, I will say a few words by way of taking my farewell leave of the subject.

The chairman of the Committee on Privileges and Elections, [Mr. MORTON,] in the elaborate speech by which he supported the resolution he offered, and which was in effect the same speech made by him at previous sessions of the Senate, laid down three propositions upon which his conclusion is based. The first proposition was that Pinchback's credentials make a *prima facie* case and entitle him to his seat until ousted on an investigation. The second proposition was that the Senate is bound by the decisions of the supreme court of Louisiana recognizing Kellogg as governor and the body that elected Pinchback as the Legislature. His third proposition was that the Senate is bound by the President's recognition of Kellogg as governor and said body of men as the Legislature until Congress shall reverse or overthrow that recognition.

I propose to say something upon each of these propositions, and as briefly as I can. In support of the first proposition, that Pinchback's credentials make a *prima facie* case, entitling him to be seated until ousted upon an investigation, the Senator from Indiana speaks of

the usage of the Senate and quotes the remarks of various Senators, and among others some remarks made by myself when Goldthwaite's case was before the Senate. Those remarks were these:

Mr. THURMAN. The Committee on Privileges and Elections, in accordance with the universal practice of this body from the foundation of the Government to this day—a practice that has not a single exception—reported that the credentials of this gentleman being correct, and he having been elected by a body competent to elect, he is *prima facie* entitled to his seat and to be sworn in.

When I said that I was speaking of a case like Goldthwaite's. I was not speaking of a case entirely different from Goldthwaite's. I was speaking of a case in which there was no question of the competency of the person elected to hold a seat in this body, no question as to the body of men by whom he was elected being the Legislature of his State, no question as to the right of the person who gave his certificate to be the governor of that State. It was therefore a case in which there was but one governor, there was but one Legislature, and there was no question as to the title of the governor or the title of the Legislature, and as to the individual himself no question whatsoever but that he was qualified under the Constitution of the United States to hold his seat, and no question further that he was elected at the proper time and that he was elected in the manner required by the Constitution and by the laws. In respect to cases of that sort I said that the usage of the Senate was without exception to seat the member and hear the contest afterward.

It is possible that I made the statement too broadly, although I am not satisfied yet that I did. It might seem that the case of Thomas, of Maryland, was an exception to the generality of the rule which I then stated, for Thomas was not allowed to take his seat although he was elected by the undoubted Legislature of Maryland at the proper time and commissioned by the proper executive. But that was a peculiar case. Thomas was not allowed to take his seat upon the ground that he could not truthfully take the oath of office. It was upon that sole and distinct ground that he could not truthfully take the oath of office. I have always thought, and I think the Senate if it had to decide the matter now would say that that decision was erroneous; but at all events the Senate saw fit to go into the investigation and determined that, inasmuch as in the opinion of the Senate the acts with which he was charged amounted to aiding and abetting the enemy, therefore, according to the true intent and meaning of the iron-clad oath as construed by a majority of the Senate, whatever Mr. Thomas might think of his own conduct, however little he might think that that was aiding and abetting the enemy, the Senate decided for him that the acts of which he was confessedly guilty—if that term can be applied to them—were aiding and abetting the enemy and that therefore he could not take the oath of office; and hence he was excluded.

But it is immaterial to consider whether I made the statement too broad or not. I can stand upon it precisely as I made it; but it has no application to this case. I said:

The Committee on Privileges and Elections, in accordance with the universal practice of this body from the foundation of the Government to this day, a practice that has not a single exception, reported that the credentials of this gentleman being correct, and he having been elected by a body competent to elect, he was *prima facie* entitled to his seat and to be sworn in.

Mr. President, how different is this case! Here it is begging the very question to say that Pinchback was elected by a body competent to elect.

Mr. MORTON. The part the Senator now read was in a subsequent part of the debate; it is not a part of the speech I quoted. It was upon the report being made by the committee of which the Senator was a member at that time.

Mr. THURMAN. I do not know whether it is from the same part or not, but this is the statement I made.

Mr. MORTON. That is in a subsequent speech.

Mr. THURMAN. It does not matter whether I made it one day or another day. That was my position. The vice of the argument of the Senator from Indiana is that it begs the question. It assumes that Kellogg is governer, and that therefore Pinchback's credentials are *prima facie* evidence. It assumes that the Legislature that elected Pinchback was the true Legislature. Both of these are assumptions which the Senator has no right to make; and therefore this case is not at all in the same category with the case of Goldthwaite or those of which I spoke. The Senate, however, as has been shown, has repeatedly kept Senators out, and especially it kept Goldthwaite out for a year and it kept Ransom out for a long time, I think for nearly a year.

Mr. MORTON. My friend will allow me to suggest right there that the Ransom case was referred to by the Senator from North Carolina, [Mr. MERRIMON.] I ask him if he refers to that as a case in point?

Mr. THURMAN. Ransom was kept out. Why was he not seated?

Mr. MORTON. Will the Senator allow me to state that in the Ransom case there had been a previous election of Vance, and the question was whether there was a vacancy. It was conceded that Ransom's credentials showed his election and *prima facie* entitled him to a seat; but the fact of his credentials being in proper form did not determine the question whether there was a vacancy. Vance had before been duly elected, but Vance was ineligible under the fourteenth amendment, and he never presented his credentials to this body and never came here; but that fact of his election was known, and when Ransom came here with his credentials, it was urged that there was no vacancy for him to fill. It was never pretended that the credentials being properly signed would determine the question of a vacancy. That is an entirely different question. It was admitted that the credentials determined the question of election provided there was a vacancy; and after a long consideration it was determined that there was a vacancy, Vance never having presented his credentials and being confessedly ineligible under the fourteenth amendment.

Mr. THURMAN. I do not see how that alters the case in the slightest degree. There was a vacancy from North Carolina at one time or another, and the question was, is Ransom elected to fill that vacancy, or is Abbott elected to fill it? It was a question therefore of contest between those two persons. One had the commission, the other had none; and upon the theory of the Senator from Indiana Ransom should have been seated. But I do not care about that, for I do not want to speak on these questions. In fact it will be found that in numerous cases where there was more than one claimant the Senate has refused to seat either until an investigation. Such was the case of Hill and Blodgett and of Miller and Farrow. Hill claimed a seat as Senator from Georgia; so did Blodgett. Miller claimed a seat as Senator from Georgia; so did Farrow. Here were two claimants to the same seat in each of those cases. So in the case of Spencer *vs.* Sykes, Spencer was not seated at first.

Mr. MORTON. He was seated within two weeks.

Mr. THURMAN. It does not matter. We had no right to exclude him, according to the Senator's argument two minutes.

Mr. MORTON. He was admitted. The Senate kept right on and determined the question in less than ten days, and he was seated expressly on the ground that he had a *prima facie* case.

Mr. THURMAN. If the Senator wants to make his speech over again in the midst of mine I have no particular objection; but the truth about it is that, so far as the law is concerned, so far as the legal principle is concerned, his exclusion for two minutes was as good as his exclusion for two years. You had no right to exclude him for two seconds if the Senator's doctrine is correct.

Mr. MORTON. We had not.

Mr. THURMAN. And then here is Pinchback himself; and you have kept him out for two years, although you say he had a *prima facie* case; and the Senator from Indiana himself, after he made his first report, had it sent back to his committee to investigate Pinchback and find out whether he was rightfully elected. But that is not all.

A conclusive answer to the Senator's position about a *prima facie* case is that the Senate has not seen fit to seat Pinchback on a *prima facie* case, but has seen fit to take the other course and have an investigation; and the moment you have an investigation and have the facts before you, all questions of *prima facies* vanish at once. When you have the evidence before you, then you are compelled to decide upon the merits, in every court and in every legislative body. It is useless to talk now about *prima facies* after the Committee on Privileges and Elections have investigated this matter for months, have laid before us a body of testimony amounting to a thousand or more pages, have reported their conclusions upon that testimony, every member of the committee giving his conclusions. After all this, it will not do to say that it is a question of *prima facies* any more. It is a question now upon the merits. Why, how absurd would it be to seat Pinchback upon what is called a *prima facie* case, and then upon the very evidence which we have before us to turn him out of his seat the next day if a majority of the Senate believed that upon that evidence he was not entitled. And yet that is what the proposition of the Senator from Indiana would come to. No, sir; that will not do.

But in the next place, as I have said before, the proposition begs the question; it assumes that Kellogg was governor when he signed the credentials. We have a right to consider that question; we must consider it. If Kellogg was undoubtedly the governor at the time he signed those credentials, then there might be some foundation for the argument of the Senator in case there was nothing else before us than the credentials; but, the whole case being before us, we are bound to decide whether Kellogg was the governor; and if we find that he was not, then his commission goes for nothing at all. And if we decide that he was then the governor, that still does not settle it, because the question still comes before us, was the body of men by whom Pinchback was elected the lawful Legislature of the State of Louisiana? So that two things have to be established here; first, that this man was elected by a lawful body constituting the true Legislature of Louisiana; and, secondly, that he has the commission of the executive of that State. If he has not that commission, then he is not entitled upon it, however much he might be entitled if the evidence in the case showed that he was elected by the lawful Legislature of that State.

Now, was Kellogg then governor of that State? At the risk of being a little tedious, I shall refer to the finding of your committee, and I do not deem it necessary to refer to more than this finding, although it has been referred to so often. On pages 43 and 44 of the report your Committee on Privileges and Elections say:

Indeed, it is impossible not to see that this bill was filed—

That is, the Antoine bill—

and the restraining order thereon was issued for the sole purpose of accomplishing what no Federal court has the jurisdiction to do, the organization of a State Legislature—

This Legislature by which Pinchback was elected—

And your committee cannot refrain from expressing their astonishment that any judge of the United States should thus unwarrantably have interfered with a State government, and know no language too strong to express their condemnation of such a proceeding.

It is the opinion of your committee that but for the unjustifiable interference of Judge Durell, whose orders were executed by United States troops, the canvass made by the De Feriet board, and promulgated by the governor, declaring McEnery to have been elected governor, &c., and also declaring who had been elected to the Legislature, would have been acquiesced in by the people, and that government would have entered quietly upon the exercise of the sovereign power of the State. But the proceedings of Judge Durell, and the support given to him by United States troops, resulted in establishing the authority *de facto* of Kellogg and his associates in State offices, and of the persons declared by the Lynch board to be elected to the Legislature. We have already seen that the proceedings of that board cannot be sustained without disregarding all the principles of law applicable to the subject, and ignoring the distinction between good faith and fraud.

Your committee are, therefore, led to the conclusion that, if the election held in November, 1872, be not absolutely void for frauds committed therein, McEnery and his associates in State offices, and the persons certified as members of the Legislature by the De Feriet board, ought to be recognized as the legal government of the State. Considering all the facts established before your committee, there seems no escape from the alternative that the McEnery government must be recognized by Congress, or Congress must provide for a re-election.

Nothing can be clearer or more positive than that your committee found that either there was no valid election at all, or if there was a valid election that McEnery and his associates were elected and the members returned by the De Feriet board were elected to the Legislature. They find the issue fairly and squarely against Kellogg, and fairly and squarely against the body of men calling themselves the Legislature that assumed to elect Pinchback. There is no equivocation about this finding; there is no double sense about it; and there is no way of construing it but one way, and that is a clear and distinct finding that McEnery and his associates were elected to the executive offices, and that the McEnery legislature was the true Legislature elected, or that there was no election at all, and consequently that Kellogg never was elected and that the body calling themselves the Legislature who assumed to elect Pinchback never were elected and never were the Legislature; so that the evidence completely overthrows the assumption of the Senator from Indiana that Kellogg was governor and that the body of men calling themselves the Legislature that elected Pinchback were the Legislature.

I need not go into the matter of the canvass of the Lynch board at any length. The committee have saved me all that trouble; and yet as there are some Senators who perhaps have not had their attention called to it, I beg leave to read a little from the finding of the committee on that subject.

On the 6th of December, 1872, the Lynch board—Bovee, (who was then acting as secretary of state in place of Herron,) Lynch, Longstreet, and Hawkins—pretended to have canvassed the returns of the election, and certified to the secretary of state that Kellogg had been elected governor; Antoine, lieutenant-governor; Clinton, auditor, Field, attorney-general; Brown, superintendent of education; and Deslondes, secretary of state; and also certified to a list of persons whom they had determined to be elected to the Legislature.

There is nothing in all the comedy of blunders and frauds under consideration more indefensible than the pretended canvass of this board. The following are some of the objections to the validity of their proceedings:

1. The board had been abolished by the act of November 20.

2. The board was under valid and existing injunctions restraining it from acting at all, and an injunction in the Armstead case restraining it from making any canvass not based upon the official returns of the election.

3. Conceding the board was in existence, and had full authority to canvass the returns, it had no returns to canvass.

The returns from the parishes had been made, under the law of 1870, to the governor, and not one of them was before the Lynch board.

It was testified before your committee by Mr. Bovee himself, who participated in this canvass by the Lynch board, that they were determined to have a republican Legislature, and made their canvass to that end. The testimony abundantly establishes the fraudulent character of their canvass. In some cases they had what were supposed to be copies of the original returns, in other cases they had nothing but newspaper statements, and in other cases, where they had nothing whatever to act upon, they made an estimate based upon their knowledge of the political complexion of the parish of what the vote ought to have been. They also counted a large number of affidavits purporting to be sworn to by voters who had been wrongfully denied registration or the right to vote, many of which affidavits they must have known to be forgeries. It was testified by one witness that he forged over a thousand affidavits and delivered them to the Lynch board while it was in session. It is quite unnecessary to waste time in considering this part of the case, for no person can examine the testimony ever so cursorily without seeing that this pretended canvass had no semblance of integrity.

Now, Mr. President, nothing that I can say can add force to that finding of your committee. There are other parts of this report in which the question is argued and in which it is perfectly demonstrated that the Lynch board had not one shadow of legal existence, and the board itself admitted that it had not one single official return before it, but it determined to count in a republican majority to that Legislature. So Bovee swore before your committee. And in order to do it the men composing it took newspaper reports of the election; and where they had not even such authority as that they took their own personal knowledge of what they thought were the politics of the parishes and returned a vote according to the personal knowledge of what were the politics of the parishes wholly irrespective of whether there had been any voting in the parishes or not; and finally to eke it out they counted as votes, without any authority of law whatsoever, thousands of affidavits most of which were plain and flagrant forgeries, and known to that board to be such. And yet, sir, it is upon the returns made by that board that it was claimed that Kellogg had a right to be governor and that the men sitting in the body that elected Pinchback were duly elected members of the General Assembly of that State. Here then was a board that had no lawful existence, a board that had no lawful returns, a board that avowedly determined to count in the republicans no matter whether they were elected or not, and that in order to count them in counted thousands of forged affidavits and made returns from parishes upon their own knowledge of what were the politics of the parishes without any regard to the votes at all. Sir, nothing more need be said about that.

It was the list of men certified by that Lynch board—or not all of them, for they had to certify some conservatives—but it was the list of republican men certified by that Lynch board that elected Pinchback. How came they to get possession of the State-house? How came they to get any apparent authority to act? This report finds all the facts. It was by the orders of Durell that they were enabled to do it. In the first place, upon Kellogg's bill, which was a simple injunction bill, Durell undertook to restrain what was called the Warmoth board from counting the votes at all. But that did not succeed. The governor signed an act of the Legislature on the 20th of November, 1872, under which the De Feriet board was appointed. It was necessary then to do something else, and thereupon Antoine filed his bill in Durell's court; Antoine having no more right to ask the intervention of the Federal court to determine the question of who were members of the Legislature than you or I had, sir, and that court having no more jurisdiction over that question than you or I had. Yet, that bill being filed, Durell made that famous midnight order out of court, not sitting as a court, without the parties before him, under which in less than two hours the State-house was seized by the Army of the United States, and, according to the terms and meaning of that order, not a man was allowed to go in there and take a seat in that Legislature unless he was returned by the fraudulent Lynch board. That all appears before us. How can you call that a Legislature? How is it possible to call that a Legislature? Why, sir, what did your own committee find in regard to these orders of Durell? The committee say on page 17 of the report:

It is impossible to conceive of a more irregular, illegal, and in every way inexcusable act on the part of a judge. Conceding the power of *the court*—

That is, only conceding for the question, not as an actual fact—

Conceding the power of the court to make such an order, the judge, *out of court*, had no more authority to make it than had the marshal. It has not even the form of judicial process. It was not sealed, nor was it signed by the clerk, and had no more legal effect than an order issued by any private citizen.

There had been no amendment of the bill of complaint. The law of November 20 had been promulgated. The De Feriet board had been appointed in pretended pursuance thereof. Whether, under the constitution, the governor had the power, in the vacation of the Legislature, to appoint that board, upon the ground that the act of November 20 created offices, and therefore vacancies in office, your committee do not inquire. But it is understood that the constitution has been so construed in that State, and that Judge Dibble was appointed by the governor under similar circumstances.

The De Feriet board, therefore, had color of official existence. Their canvass was completed, and the result promulgated under color of the State law, and it is clear that this gave the Federal court no more right to seize the State-house than to seize this Capitol.

The De Feriet board, a board which had color of legal right and which according to the interpretation placed upon the constitution of Louisiana in Judge Dibble's case was a lawful board, had made its list, and that list had been promulgated according to the laws of Louisiana, and that list showed that the McEnery legislature was the true Legislature, that the conservatives who sat in what was called the McEnery legislature were the men who were elected, and that those republicans who sat in the Kellogg legislature under the count of the Lynch board were not the true men; some of them of course were correctly returned, but the men who claimed seats there against the conservatives and were given those seats by the Lynch board were not elected. All that appeared by the return of the De Feriet board. And yet, sir, under this order made at twelve o'clock at night not one of those men of the conservatives thus reported to be elected by the only board that had color of legal existence was permitted to enter that State-house unless he was also upon the return made by the Lynch board. The committee go on to say:

The marshal, on receiving this pretended order, called for a detachment of United States troops to act as a *posse comitatus*, seized the State-house at two a. m. of December 6, and held it for weeks.

Held it until the usurpation was completed. But, sir, that is not all that is said of these orders. On page 27 the committee say:

Viewed in any light in which your committee can consider them, the orders and injunctions made and granted by Judge Durell in this cause are most reprehensible, erroneous in point of law, and are wholly void for want of jurisdiction; and your committee must express their sorrow and humiliation that a judge of the United States should have proceeded in such flagrant disregard of his duty, and have so far overstepped the limits of Federal jurisdiction.

That is the finding of your committee upon these orders. What said Senator Trumbull, one of the committee, upon the subject? I will read that presently; but first what said the Senator from Indiana, the chairman of the committee, in regard to these orders of Durell? The Senator from Indiana said in his report:

The conduct of Judge Durell, sitting in the circuit court of the United States, cannot be justified nor defended. He grossly exceeded his jurisdiction, and assumed the exercise of powers to which he could lay no claim. * * *

But the pretense that in a suit to perpetuate testimony the court could go beyond the natural and reasonable jurisdiction, to decide who constituted the legal returning board under the laws of Louisiana, and to enforce the rights of such as it might determine to be members of that board and to enjoin others who were not, is without any foundation in law or logic.

That is what the Senator from Indiana said about that decision of Judge Durell. He went on further to say:

In the Antoine case Judge Durell not only assumed to determine who constituted the legal returning board, but to prescribe who should be permitted to take part in the organization of the Legislature and to enjoin all persons from taking part in such organization who were not returned by the Lynch board as elected; and this assumption of jurisdiction was made in the face of the express provision in the act of 1870 that its benefits should not extend to candidates for electors, for Congress, or for the State Legislature. His order issued in the Kellogg case to the United States marshal to take possession of the State-house for the purpose of preventing unlawful assemblages, under which the marshal called to his aid a portion of the Army of the United States as a *posse comitatus*, can only be characterized as a gross usurpation.

That is what the Senator from Indiana said upon this subject as chairman of the Committee on Privileges and Elections; and yet, sir, it was the men who were put in that State-house by this gross usurpation of this judge thus denounced by the Senator, it was the men whom this judge determined without any right were members of the Legislature of Louisiana and who were seated there by the Federal Army who constituted that body which assumed to be the Legislature and elected Pinchback whose right to sit here the Senator now defends.

Mr. MORTON. I take it for granted the Senator does not intend to misrepresent me.

Mr. THURMAN. Certainly not.

Mr. MORTON. If not, then he will read in connection what I there said about the effect of Durell's action, or if the Senator will permit me I will read the extract.

Mr. THURMAN. I have no objection although it is prolonging my speech. This idea of sticking one speech into another I do not think is proper; but I will not object.

Mr. MORTON. I go on to say:

But conceding all the facts in regard to Judge Durell, the question arises how they affect the legal rights of the parties and the actual status of the Kellogg government. The Lynch returning board has been decided by the supreme court of the State to be the legal one, and the other boards, known as the Wharton, the De Feriet, and the Forman boards, to have been without any authority whatever. Has the legal character of that board been impaired or vitiated by the illegal interference of Judge Durell? Conceding that interference to have been in every way wrongful, would it have the effect to vitiate the title of the Lynch returning board as determined by the supreme court of the State? I think not. A title which the highest legal tribunal has declared to be good is not impaired by unlawful interference, even by violence in its support. And the case stands thus: that the circuit court of the United States has unlawfully interfered to do certain things which the highest tribunal of the State decides to be lawful and proper in themselves. The supreme court of the State having held that the Legislature was the lawful one which was organized by the admission of such persons only as were returned by the Lynch board as elected members, is the legality of that organization affected by the fact that the circuit court of the United States interfered to prevent the organization of a Legislature by persons who were not returned as elected by the Lynch board? If an officer in the performance of his duty were aided by a mob, the performance would not be made illegal by the presence and co-operation of an unlawful assemblage.

That is my answer.

Mr. THURMAN. Now the Senator has only anticipated my argument when I shall come to consider the effect of these decisions of the supreme court of Louisiana. I was not on that point when the Senator interrupted me; I was on the question whether or not we had a *prima facie* case here, and showing that we could not have a *prima facie* case unless Kellogg was the governor and unless the body that elected Pinchback was the Legislature; and in showing that I very properly called attention to the universal condemnation by the committee, every member of it, including the Senator himself, of those acts which resulted in organizing the body of men who assumed to elect Pinchback. Whether the decisions of the supreme court of Louisiana settle this question is another inquiry, and to that I am now ready to address myself.

The Senator made that same argument before; he has made it I do not know how many times; he made it to his committee; it is in his minority report. And now, first, what did the committee itself, the majority of the committee, answer to that argument of the Senator from Indiana—indeed, every member of the committee but the Senator himself? What did they say in reference to this very point which he now makes? I have something to add to what they said, but first let us see what they said. On the question of the effect of the decision of the supreme court of Louisiana the committee say:

But it has been claimed before your committee that a decision of the supreme court of Louisiana, rendered since this investigation commenced, has determined that the Lynch board was the legal returning board at the time it pretended to canvass the votes, and it is urged that a wholesome regard for the rights of the State precludes the Senate from investigating this subject back of that decision; that the canvassers were a board of officers created by the State law; and that the decision of the supreme court having determined that the Lynch board was the legal board, the United States is estopped by that decision and the canvass made by that board. To this there are three answers:

First. The supreme court, in the case referred to, is understood not to have had any testimony before it showing the character of the proceedings by the Lynch board, which testimony is before your committee very fully. Fraud vitiates everything, and it is certain that no court, upon the testimony before your committee, could hold the canvass by that board to be valid.

Second. In the opinion of your committee the supreme court had no jurisdiction of the case in which they made the decision. The judgments of every court, the most exalted in character, are absolutely void if rendered without jurisdiction. But this point will be considered more fully hereafter.

Third. But for the interference of Judge Durell in the matter of this State election, a matter wholly beyond his jurisdiction, the McEnery government would today have been the *de facto* government of the State. Judge Durell interposed the Army of the United States between the people of Louisiana and the only government which has the semblance of regularity, and the result of this has been to establish the Kellogg government, so far as that State now has any government. For the United States to interfere in a State election, and by the employment of troops set up a governor and Legislature without a shadow of right, and then to refuse redress of the wrong, upon the ground that to grant relief would be interfering with the rights of the State, is a proposition difficult to utter with a grave countenance.

What does your committee find? First, that the supreme court of Louisiana had no jurisdiction of the question; that the opinion expressed was a simple *obiter dictum*, which bound nobody; and, in the second place and very truly, that the Senate of the United States could not be bound by any judicial decision of that State upon the subject. What is the reason why the decision of the State court cannot bind the Senate? First, because the Senate is the sole and exclusive judge of the elections, qualifications, and returns of its own members, and that includes jurisdiction to decide every question, I do not care what it is.

Mr. MORTON. Will my friend allow me to ask a question?

Mr. THURMAN. I would rather the Senator would not interrupt me right in the midst of a proposition.

Mr. MORTON. Before he leaves that point.

Mr. THURMAN. I say that gives us jurisdiction to decide every question upon which our determination depends; and we cannot surrender that power. We cannot surrender any power that the Constitution confers upon us. Now, we being the sole and exclusive judges of this question, are we bound by the decision of any other tribunal, however exalted? No, sir; and for the simple reason that no court is bound by the decision of any other court unless the latter court can reverse the decision of the former. The decision of one court may be a precedent in another court, but it is not authority unless the court that renders that decision has power to reverse the decision of the court whose opinion is in question. Let me give an illustration. Upon a question arising under the Constitution, laws, or treaties of the United States the decisions of the Supreme Court of the United States are binding upon the judiciary, whether Federal or State, throughout the whole length and breadth of this land. Why so? Why are those decisions authority—mark the word, "authority"—in every inferior court in this land, be it Federal or be it State? Because the question can be carried to the Supreme Court of the United States and the decision of the State court or of the inferior Federal court can be affirmed or reversed, and that makes the decision of the Supreme Court of the United States authority.

But take a question not arising under the Constitution, laws, or treaties of the United States—take an ordinary commercial question which has nothing to do with the Constitution, laws, or treaties of the United States; no State court considers itself bound by the decisions of the Supreme Court of the United States. There is not a State court in all this Union that would consider itself bound by any such decision. It will respect it as a precedent; it will consider the opinion of that high tribunal entitled to great weight; but if its own opinion is adverse, it will hold to its own opinion and make a contrary decision. The books are full of such cases. This has been carried so far that where an inferior court has sole jurisdiction in divorce cases, a decision by the supreme court of the same State upon the interpretation of the divorce statute was not held binding in the inferior court upon the question of granting a divorce or not, for the reason that the decision of the inferior court could not be reversed in the superior court. Applying this well-known principle, known to every man who ever sat on the bench, known to every lawyer who ever practiced at the bar, it is in the nature of things impossible that there can be any judicial tribunal in this country whose decisions are binding upon us when considering the question of the election, qualification, and return of our own members. Those decisions may be entitled to great respect; they have what has been called persuasive power; they are entitled to weight—not in this case, for these decisions are entitled to no respect at all, as I could show if I were to go into the matter; but the decisions of courts usually are entitled to respect and to have a persuasive power though they may not bind as authority. But so far as binding us is concerned, all the courts in this world cannot bind us upon this question; and when I say "cannot bind us," I do not mean that we have the brute power to vote "nay" or to vote "yea" in this Chamber, but I say, speaking as a constitutional lawyer, there is no tribunal under heaven that has any authority over us or can bind us upon any question when we are deciding upon the elections, qualifications, and returns of our own members.

Mr. MORTON. Let me ask this question: Whether the Supreme Court of the United States have not decided in many cases that they will follow the decision of the supreme court of the State upon all questions arising under the constitution and laws of that State and not involving any question arising under the laws or Constitution of the United States? If the question arises under the laws or Constitution of the United States, then the Supreme Court of the United States will not follow the decision of the court of the State, but will lay down the law for itself; but if it arises entirely under the law of the State or the constitution of the State, then the Supreme Court of the United States in all cases follows the decision of the supreme court of the State.

Mr. THURMAN. The Senator has been so long from the bar that he has got very rusty, prodigiously rusty, [laughter,] or he never would make any such bold assertion as that. I can show him case after case, and case after case down I believe to the last term of the Supreme Court of the United States, in which they have refused to

follow the decision of the highest court of the State. What did they do in the Bank case from my own State, a case of the first importance? There the supreme court of the State of Ohio had unanimously decided that under the constitution and laws of the State of Ohio the General Assembly had a right to levy a tax upon the banks beyond that tax on their dividends specified in the charter. What did the Supreme Court of the United States say to that decision? They said "we will not be bound by that decision;" they said "there was a decision many years ago, a decision before these banks had an existence, which was the other way, and we will follow this latter decision; but we will decide this question for ourselves." What did they say in the case of Gelpcke *vs.* The City of Dubuque only a few years ago, in which the supreme court of Iowa had decided unanimously I believe—at all events had decided, and that is sufficient——

Mr. MORTON. Will my friend allow me right there?

Mr. THURMAN. Really this is too much!

Mr. MORTON. I take it for granted my friend intends to be correct.

Mr. THURMAN. There is this objection: I have a mode of arguing a case right squarely to the point, and the Senator from Indiana has a way of diverting attention to matters that in my judgment have nothing to do with the case.

Mr. MORTON. That assumption is unfounded; but I want to make this statement. I ask the Senator how the Supreme Court of the United States can get jurisdiction of any case from a State unless it involves some question arising under the Constitution and laws of the United States?

Mr. THURMAN. Now the Senator is showing that he is more ignorant than I supposed he was. [Laughter.] If the Senator from Indiana sees fit to bring a suit against me in the circuit court of the United States in the State of Ohio on a promissory note he can do it, and that case can come to the Supreme Court of the United States, and there is no question about the Constitution, laws, or treaties of the United States in it.

No, Mr. President, this will not do. The Senator cited the case of Luther *vs.* Borden, which is a case directly against him, for what said the court in Luther *vs.* Borden?

> Indeed, we do not see how the question could be tried and judicially decided in a State court.

That is what the court said there, and it goes on to say:

> Judicial power presupposes an established government capable of enacting laws and enforcing their execution, and of appointing judges to expound and administer them. The acceptance of the judicial office is a recognition of the authority of the government from which it is derived. And if the authority of that government is annulled and overthrown, the power of its courts and other officers is annulled with it. And if a State court should enter upon the inquiry proposed in this case, and should come to the conclusion that the government under which it acted had been put aside and displaced by an opposing government, it would cease to be a court, and be incapable of pronouncing a judicial decision upon the question it undertook to try. If it decides at all as a court, it necessarily affirms the existence and authority of the government under which it is exercising judicial power. (7 Howard, 40.)

Now apply that to the decision of this judge, Hawkins. He was on that Lynch board. The so-called Pinchback legislature, which rewarded every single man on the Lynch board with a lucrative office, abolished a court and created another with the sole jurisdiction to try contested-election cases, and put this very man Hawkins, one of the infamous Lynch board, on the bench of that court, deriving his authority from a so-called law passed by that so-called Legislature, and a commission of that so-called governor, William Pitt Kellogg. If he had decided that Kellogg was not the governor, that that body of men was not the Legislature, that very decision would decide that he was no judge. It is the very case put by Chief Justice Taney in the case of Luther *vs.* Borden, and to cite such a decision as that, to cite the decisions of a State court under such circumstances and say they are binding upon the Senate of the United States in the exercise of its sole jurisdiction to decide this question, is really trifling with reason and ignoring law.

Mr. BAYARD. Will my friend call attention to what Mr. Trumbull said about this judge, Hawkins?

Mr. THURMAN. I will thank my friend to read what was said by Mr. Trumbull on this same subject.

Mr. BAYARD. It is as follows, from Mr. Trumbull's report:

> In view of the facts as shown to exist in Louisiana, the decisions of its courts in favor of the validity of the Pinchback legislature are entitled to no respect whatever. As has been already shown, that Legislature was not elected nor brought into being by the people of the State, but owes its existence to the void proceedings of the United States court supported by military force. It was the creature of force and fraud. Its first act was to impeach and suspend the governor (Warmoth) and install Pinchback in his place. It then abolished one court and set up another in its place, and Pinchback appointed Hawkins, one of the Lynch returning board, judge of the newly-established court. To give any consideration to the decisions of a court thus set up would be to aid the usurpation. Hawkins counts in spurious members of the Legislature; that Legislature makes a governor, who makes Hawkins judge; and Hawkins then decides the Legislature to be legal.

Mr. THURMAN. I had marked that place to be read. I will ask the Clerk to read the whole paragraph of what Judge Trumbull said on this subject. I send it to the Chair. Before the Clerk reads it, I wish to say one word more in regard to Luther *vs.* Borden.

Mr. MORTON. Has the Senator the seventh volume of Howard's Reports at his desk?

Mr. THURMAN. I have not.

Mr. MORTON. It is not in the library.

Mr. THURMAN. I do not know who has it. I read not from 7 Howard but from an extract from the decision given in the speech of Mr. Carpenter, where the same passage referred to in the report is quoted. The question what is the government of a State is a political question, and the Supreme Court has held that it cannot decide a political question but must follow the political department of the Government. Consequently it follows that, being a political question, it is not settled by judicial decision. I have already read what Chief Justice Taney said in respect to the decisions of the State courts. I read now what he further said on the subject of its being a political question:

> But the courts uniformly held that the inquiry proposed to be made belonged to the political power, and not to the judicial; that it rested within the political power to decide whether the charter government had been displaced or not; and when that decision was made, the judicial department would be bound to take notice of it as the paramount law of the State, without the aid of oral evidence or the examination of witnesses; that, according to the laws and institutions of Rhode Island, no change had been recognized by the political power; and that the charter government was the lawful and established government of the State during the period in contest, and that those who were in arms against it were insurgents and liable to punishment. This doctrine is clearly and forcibly stated in the opinion of the supreme court of the State in the trial of Thomas W. Dorr, who was the governor elected under the opposing constitution, and headed the armed force which endeavored to maintain its authority.
>
> Indeed, we do not see how the question could be tried and judicially decided in a State court. (7 Howard, 39.)

That is what Chief Justice Taney said, delivering the opinion of the court in the case of Luther *vs.* Borden, that the political power of the State of Rhode Island had recognized that government to be the true and valid government which prosecuted Dorr, and that Dorr's government was not the true government of that State. It was that decision of the political power of the State of Rhode Island which the Supreme Court said was conclusive so far as that State was concerned, and the recognition by the political power of the United States was conclusive so far as the United States were concerned. Now I ask the Clerk to read the opinion of Judge Trumbull on this question from his report made in 1873.

The Chief Clerk read as follows:

> The history of the world does not furnish a more palpable instance of usurpation than that by which Pinchback was made governor and the persons returned by the Lynch board the Legislature of Louisiana; nor can a parallel be found for the unfeeling and despotic answers sent by order of the President to the respectful appeals of the people of Louisiana. This pretended Legislature, installed in power by the aid of the United States Army, in pursuance of a void order of a United States district judge, proceeded to elect John Ray to represent the State of Louisiana in the Senate of the United States; and it is said the Senate must receive him because the supreme court of Louisiana has decided the Pinchback legislature to be the rightful Legislature of the State, and that the Senate is bound to follow the decision of the State court as to what constitutes its Legislature.
>
> It is true, as a rule, that the Federal courts follow the decisions of the State courts in regard to the construction of their own constitution and laws; but it is not true that the legislative department of the Government follows the decisions of the courts upon political questions. The inquiry what is the established government in a State belongs to the political and not the judicial power. The Senate, by the Constitution, is made the sole and only judge of the election of its members, who can only be chosen by the Legislatures of the respective States. Ordinarily the body recognized in a State as its Legislature would be held by the Senate to be the body authorized to elect a Senator; but when, as is the case in Louisiana, there are two bodies in a State, each claiming to be its Legislature, and each of which has chosen a person to represent the State in the Senate, in deciding between the claimants the Senate must necessarily determine which body was the rightful Legislature and had authority to make the election.
>
> In view of the facts as shown to exist in Louisiana, the decisions of its courts in favor of the validity of the Pinchback legislature are entitled to no respect whatever. As has been already shown, that Legislature was not elected nor brought into being by the people of the State, but owes its existence to the void proceedings of the United States court supported by military force. It was the creature of force and fraud. Its first act was to impeach and suspend the governor (Warmoth) and install Pinchback in his place. It then abolished one court and set up another in its place, and Pinchback appointed Hawkins, one of the Lynch returning board, judge of the newly-established court. To give any consideration to the decisions of a court thus set up would be to aid the usurpation. Hawkins counts in spurious members of the Legislature; that Legislature makes a governor, who makes Hawkins judge; and Hawkins then decides the Legislature to be legal.

Mr. THURMAN. Now, Mr. President, to show how complete——

Mr. MORTON. Will the Senator allow me in view of the statement he has just made——

Mr. THURMAN. I wish the Senator would not interrupt me now.

Mr. MORTON. I wish the Senator would just allow me——

Mr. THURMAN. I asked the Senator when he was speaking the other day to allow me to say a word about what he quoted from what I had said myself, and he declined.

Mr. MORTON. If I had charged the Senator with misrepresentation, I would have allowed him to correct it.

Mr. THURMAN. The Senator has the whole session to correct it. I do not wish to be interrupted now.

Mr. MORTON. I ask to read just where the Senator left off in the decision in Luther *vs.* Borden.

Mr. THURMAN. How much does the Senator want to read?

Mr. MORTON. Not much.

Mr. THURMAN. If the Senator wants to read for the purpose of enlightening himself, it will take more time than I can spare. [Laughter.]

Mr. MORTON. I want to read enough to send back the charge of ignorance where it belongs.

Mr. THURMAN. Go ahead.

Mr. MORTON. I will do that. In the case of Luther *vs.* Borden,

speaking about the authoritative decision of the supreme court of Rhode Island, the Supreme Court said:

It is worthy of remark, however, when we are referring to the authority of State decisions, that the trial of Thomas W. Dorr took place after the constitution of 1843 went into operation. The judges who decided that case held their authority under that constitution; and it is admitted on all hands that it was adopted by the people of the State, and is the lawful and established government. It is the decision, therefore, of a State court, whose judicial authority to decide upon the constitution and laws of Rhode Island is not questioned by either party to this controversy, although the government under which it acted was framed and adopted under the sanction and laws of the charter government.

The point, then, raised here has been already decided by the courts of Rhode Island. The question relates altogether to the constitution and laws of that State; and the well-settled rule in this court is, that the courts of the United States adopt and follow the decisions of the State courts in questions which concern merely the constitution and laws of the State.

Upon what ground could the circuit court of the United States which tried this case have departed from this rule and disregarded and overruled the decisions of the courts of Rhode Island? Undoubtedly the courts of the United States have certain powers under the Constitution and laws of the United States which do not belong to the State courts. But the power of determining that a State government has been lawfully established, which the courts of the State disown and repudiate, is not one of them. Upon such a question the courts of the United States are bound to follow the decisions of the State tribunals, and must therefore regard the charter government as the lawful and established government during the time of this contest.

I therefore send the charge of ignorance and misrepresentation home to roost where it belongs.

Mr. THURMAN. If the Senator had not been answered about six times on this subject already——

Mr. MORTON. Not once.

Mr. THURMAN. He read the same thing and he was answered by the Senator from Wisconsin (Mr. Carpenter) during the last Congress.

Mr. MORTON. This speaks for itself.

Mr. THURMAN. I know it speaks for itself, and I know very well how it is that a person may pick out a single sentence or a single paragraph in a judicial opinion, wrest it from the context, and make it appear that it settles the whole case. The Senator was completely answered on that question by the late Senator from Wisconsin, for the Senator has always relied upon that.

Now I wish to put this question to the Senator and to the Senate: Can any decision of the Supreme Court even bind us when we are adjudicating upon the rights of our own members to seats in this body? Plainly not. Therefore, even if the decision of the Supreme Court were what the Senator says on this subject, it would not bind us. But what is it that the Senator has read now? In that elaborate opinion the Chief Justice went on to show that the political power of Rhode Island had refused to recognize the Dorr government and had recognized the other government. He then went on to show that after a new constitution had been formed in Rhode Island, which everybody admitted to be the true constitution, the supreme court created under that new constitution also recognized the old charter government as the true government. Undoubtedly those were most persuasive arguments why a Federal court should do the same; and then, in addition to that, was the recognition of the charter government by the Executive of the United States; and furthermore its recognition by both Houses of Congress, for the Senators here sat under the old charter government, and the Representatives in the other House sat under that government too.

But, sir, the matter is very easily disposed of as to this question of authority. Suppose that a body of armed men should overthrow the government of any State in this Union—take any one—displace the executive, displace the Assembly, displace the judiciary, and set up a new executive, a new Assembly if it had any Assembly at all, and a new judiciary, and by force get into power in that way; would the Senate feel bound by the decisions of that supreme court, the result of that usurpation? No one can pretend it; and yet it might be in the *de facto* exercise of power in that State, not a *de facto* government as lawyers understand a *de facto* government—one having color of title—but a government in point of fact exercising supreme authority over that State. Would this Senate feel bound by the decisions of such a supreme court? Manifestly not. In the exercise of its power, if the question arose whether a Senator from that State elected by that usurping Legislature was the true Senator or not in this body, manifestly it would say "we will not recognize this usurpation, which is directly in the teeth of the Constitution of the United States, which binds us to guarantee to every State a republican form of government." A usurping form of government is not a republican form of government. If it is sheer usurpation, then the United States, so far from recognizing the usurpation, so far from seating Senators elected by it in this Chamber, is bound to do directly the reverse and to guarantee to the people of that State a republican form of government.

I come now, Mr. President, to the third proposition of the Senator from Indiana, and that is that the Senate is bound by the recognition of the President of the United States until Congress shall reverse that recognition. The Senator lays great stress on this proposition. He insists upon it that we are bound by that recognition until Congress reverses it. He says that the Senate has no right to disregard it. Well, sir, if that is the case, then I have to say that his proposition expunges from the Constitution that provision which makes us the sole judge of the election, qualification, and return of our members; and I put it to him how is it that Congress is to reverse that decision? When we speak of Congress in a constitutional point of view as the law-making power we include the President of the United States, because his approval is necessary to make any bill that we may pass a law. If, therefore, Congress, acting in its legislative capacity, (for that is the proposition of the Senator,) can alone overturn the presidential recognition, then it must be by a bill or resolution that goes to the President for his approval, and which if he vetoes or refuses to sign fails to become a law. So then the proposition of the Senator from Indiana puts it absolutely in the power of the President to decide who shall be members of the Senate of the United States or of the House of Representatives; that is, whomsoever he recognizes, whatsoever body he recognizes, that body is the lawful government of the State, and by consequence has the authority to appoint Senators and under its laws Representatives are to be elected. It is an absolute surrender of the power of the Senate and the power of the House to determine the elections, qualifications, and returns of their own members.

The Senator seems to have a vague idea that Congress may enact laws without the presidential approval, that Congress may reverse the president by a joint resolution of the two Houses, a legislative resolution forsooth! How can it do any such thing as that? How can Congress pass any act of legislation that requires the concurrence of both Houses, unless it be the establishment of a joint rule for the conduct of the business of the two Houses, or the appointment of committees for the auditing of expenses, or those matters of the business of Congress which we provide for by what are called concurrent resolutions—how can Congress make anything that has the force of law by joint resolution or bill without sending it to the President of the United States for his approval?

I come back, then, to the position that the Senator's proposition gives the entire power to the President of the United States. It would require us to pass a bill and send it to him, which he may return to us with his veto or may refuse to sign; and then the presidential recognition would remain. So that the position of the Senator from Indiana gives to the President of the United States a power that no magistrate, no executive officer on the face of this globe, where there is a legislative assembly, possesses or ever did possess. It is an absolute surrender of power to the President of the United States. Sir, that will not do at all.

But the Senator, I think, undertook to read from Luther *vs.* Borden to sustain that proposition. The case is directly against him. What did the court say in that case:

Under this article of the Constitution it rests with Congress to decide what government is the established one in a State.

That is, the President may first decide that; he is compelled to decide, Congress not being in session and the President being called upon under the act of 1795, but that is subject to the action of Congress. The court go on to say:

Under this article of the Constitution it rests with Congress to decide what government is the established one in a State. For as the United States guarantee to each State a republican government, Congress must necessarily decide what government is established in the State before it can determine whether it is republican or not.

Do the court stop there and say that that must be done by a bill, that that must be done by a joint resolution or the like? No, sir; but they point out what is this recognition that they speak of, for the court immediately go on to say:

And when the Senators and Representatives of a State are admitted into the councils of the Union, the authority of the government under which they are appointed, as well as its republican character, is recognized by *the proper constitutional authority*.

Mark it—

And when the Senators and Representatives of a State are admitted into the councils of the Union, the authority of the government under which they are appointed, as well as its republican character, is recognized by *the proper constitutional authority*.

That is, we recognize it; the Senate by seating the Senators, the House of Representatives by seating the Representatives; not by bill, not by joint resolution, that is sent to the President for his approval or veto, but by our independent action in seating Senators and in seating Representatives, so that this very decision says we are to decide on this question. The House is to decide according to its judgment, and by the decisions that we make in that way the State government is recognized by the proper constitutional authority. Furthermore the Chief Justice, speaking for the court, goes on to say:

And its decision is binding on every other department of the Government, and could not be questioned in a judicial tribunal.

That is to say, if we determine who are the Senators and thereby recognize the government by which they are appointed, if the House of Representatives recognize the Representatives elected under the laws of the same government, that makes a recognition by both Houses; and that is binding upon every other department of the Government; that is binding on the President; that is binding on the courts. That is the mode by which the President's erroneous recognition is reversed or his correct recognition is affirmed, if it be correct. So far, then, from our having no authority to decide this question, so far from our being bound by the presidential recognition, it is our decision and the decision of the House of Representatives which binds the President and not his recognition that binds us. The court go on to say—

It is true that the contest in this case did not last long enough to bring the matter to this issue—

That is, to a question in the Senate and in the House of Representatives who were Senators and who were Representatives—

and as no Senators or Representatives were elected under the authority of the government of which Mr. Dorr was the head, Congress was not called upon to decide the controversy. Yet the right to decide is placed there and not in the courts.

The right to decide is placed in the Senate when it decides upon the right of a person claiming a seat here and in the House of Representatives when it decides upon the right of a Representative elected under the laws of the State, if that presents the question. There is where the right rests, say the court, and that is the manner in which it is to be decided by Congress; not by bill, not by legislation. I do not mean to say that it might not be decided by legislation; I do not say that if the President saw fit to approve such a bill as we might pass it would not be binding on all judicial tribunals; but what I say is that we shall never, I trust, surrender our jurisdiction to the President and put it in his power by interposing his veto or withholding his signature to a bill to determine who shall be Senators of the United States. No, sir, that will not do. This decision goes expressly on the ground that we decide for ourselves; for when it says that the question is to be decided by the seating of Senators or the seating of Representatives, it must mean that the seating of Senators is to be determined by the Senate and the seating of Representatives is to be determined by the House of Representatives, for the House has no power over us in the seating of Senators and we have no power over it in the seating of Representatives. The whole thing, then, is in a nutshell; it comes back to the fundamental principle of legislative institutions; at least it is fundamental in England and fundamental here and in every State of this Union. It cost a long time to establish the principle in England so far as the House of Commons was concerned. It was a struggle of nearly two centuries before the House of Commons established its right to be the sole judge of the qualifications, elections, and returns of its own members; but it was firmly established there before the American Revolution, and it has been firmly established in the United States ever since a State constitution was formed. It finds its place in every State constitution; it finds its place in the Constitution of the United States; and if anything can be called established constitutional law in the United States of America, it is that each house of a legislative assembly is the sole judge of the elections, qualifications, and returns of its own members. It has no master that can say authoritatively "You shall be bound by my opinion." It acts on its own high responsibility under the obligation of its members, imposed by their oath, their election, and their duty to support and maintain the Constitution under which they act. It cannot be restrained; it cannot be overthrown by any other department of the Government, by any other tribunal, be it executive, legislative, or judicial.

Sir, I have spoken much longer than I expected, and longer than I should have done if I had not been interrupted. I did not intend in fact to occupy any time of the Senate if others had been prepared to go on; and I now yield the floor.

Mr. MORTON. I want to occupy the attention of the Senate for a few minutes in reply to some statements in regard to the law made by the Senator from Ohio. The Senator from Ohio has this morning been guilty of a discourtesy which is rare to him, I am glad to say, and I think there must be some peculiar circumstance to account for it. He charged me first with being rusty with regard to the law, and secondly with being ignorant. In my State, if one lawyer should make a charge of that kind against another, and then turn out himself to be grossly ignorant, he would be disbarred as a matter of course.

I stated the proposition that the Supreme Court of the United States and the other courts of the United States would follow the decisions of the highest court of a State upon all questions regarding the constitution and laws of that State and not involving any question arising under the Constitution and laws of the United States, and that where the supreme court of a State had passed upon such a question its decision could not be reviewed by the Supreme Court of the United States. The Senator said that that was an evidence of ignorance, and he referred to the case of a citizen of one State bringing a suit in the courts of the United States against a citizen of another State. That is one of the cases provided for by the Constitution of the United States expressly. It arises under that instrument, because the second section of the third article provides that the courts of the United States shall have jurisdiction in suits "between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens, or subjects."

These cases are specially provided for, and the jurisdiction is accordingly granted; but so far as any question can arise upon a State law as to the legality of a returning board, or as to who was elected governor or a member of the Legislature, the decision of that case belongs solely to the courts of that State and cannot be reviewed by the courts of the United States under any circumstances, and the decisions of such courts are binding upon the Senate of the United States or upon the House of Representatives acting in their separate capacity, and their authority can only be overturned by the joint action of Congress under that clause in regard to guaranteeing a republican form of government. I referred to the case of Luther *vs.* Borden, in which the court expressly say—and I want to call attention and quote the Senator's language in regard to it—that upon questions of this kind they will follow the courts of the State:

Upon such a question the courts of the United States are bound—

Not a mere matter of comity, but they are bound—

to follow the decisions of the State tribunals, and must therefore regard the charter government as the lawful and established government during the time of this contest.

That principle has been repeatedly recognized, and since the Senator made these extraordinary statements I have collected some other authorities, and I might collect very many. In a very recent decision, a case decided in 1872, the opinion delivered by Mr. Justice Strong, the Supreme Court of the United States use the following language:

In view of this, we do not perceive that we have any authority to review the judgment of the State court. Plainly, if there be any Federal question in the case, it is because the plaintiff claimed some title, right, privilege, or immunity under the act of Congress to which reference was made in his bill, and because the decision of the court was against the title, right, privilege, or immunity thus set up or claimed. Such a claim and such a decision must appear in the record. But we think this does not appear. It must be admitted that the question whether the sale of the land warrant by Holmes to Adsit, if made before the warrant issued, as charged in the bill, was not a nullity, may have been presented, but it does not appear that such a question was decided, much less that it was decided adversely to the plaintiff in error. Nothing is more certain than that to give this court jurisdiction to review the judgment of a State court the record must show either expressly or by necessary intendment not only that a Federal question was raised, but that it was decided adversely to the party who has caused the case to be removed here.

The doctrine was plainly stated in Crowell *vs.* Randell, and it has been repeated in numerous later decisions. Indeed, it is the express requirement of the twenty-fifth section of the judiciary act and of the act of February 14, 1867. And the rulings of this court have gone further. In Parmelee *vs.* Lawrence it was said it must appear that the question must have been necessarily involved in the decision, and that the State court could not have given a judgment without deciding it. In Williams *vs.* Norris it was held not to be enough that the construction of an act of Congress was drawn in question and that the decision was against the title of the party, but that it must also appear that the title depended on that act. And in Rector *vs.* Ashley it was laid down that if the judgment of the State court can be sustained on other grounds than those which are of Federal cognizance this court will not revise it, though a Federal question may also have been decided therein and decided erroneously. These decisions go much further than is necessary to sustain our judgment now.

I call attention to another part of this decision:

As we have seen, the bill was dismissed for want of jurisdiction. The judgment of the court respecting the extent of its equitable jurisdiction is, of course, not reviewable here. The record does not inform us what other questions, if any, were decided. It nowhere appears that the sale from Holmes to Adsit was ruled to be valid, notwithstanding the act of Congress which declared that sales of bounty rights, made or executed prior to the issue of land warrants therefor, shall be null and void. Nor was it necessary to the decree that was entered that such a decision should have been made.

* * * * * * * *

But whatever may have been the reasons for the decision, whether the court had jurisdiction of the case or not, is a question exclusively for the judgment of the State court. (Smith *vs.* Adsit, 16 Wallace, 188-190.)

Now I apply that directly here. The Senator argued, as did Mr. Carpenter on a former occasion, that the supreme court of Louisiana had not jurisdiction of the case it decided. The argument was absurd in the beginning; the reasoning of Mr. Carpenter and of Mr. Trumbull was without force. My position then was that the supreme court of that State was to be the judge of its own jurisdiction under a statute of the State not involving any Federal question; and here I find that doctrine directly referred to, for the court say whatever may have been the reasons of the State court for holding that it had jurisdiction, whether those reasons were good or bad, that court was the final arbiter of the question as to its own jurisdiction under the State law. So I say, whether the supreme court of Louisiana had jurisdiction to decide all questions arising upon the act creating the returning board of that State, it was a State statute, and its judgment in every respect was final and conclusive, and to adopt any other rule would be to overturn the very foundations of the State judiciary.

In a case in 15 Wallace the same doctrine is adverted to very briefly, it being so well settled that the court does not reason it out:

When a decision holding a contract void is made by the highest court of a State upon the general principles by which courts determine that a transaction is good or bad on principles of public policy, the decision is one which this court is not authorized to review. (Tarver *vs.* Keach, 15 Wallace, 67.)

As a matter of course there may be certain questions going before the Supreme Court of the United States involving general principles of law that are common alike to all the courts of the Union and to the courts of every State which they may have a right to review; but all the questions arising under State statutes and State laws are to be finally decided and determined by the courts of the State itself.

I have said enough, I think, to vindicate myself from the assault made by the Senator from Ohio. Now one thing further. The Senator, in the conclusion of his argument, said that it was the province of every State Legislature to determine for itself the qualification and election of its own members. So say I. That was what the Senator held in the Goldthwaite case. That is what I held in the Goldthwaite case also, that if there were members in the Alabama Legislature who were not elected or who had procured their seats by fraud, that question was to be determined by the house itself; and that is the doctrine I apply to the Louisiana Legislature. If there were persons in that body who were not elected but who obtained their seats by fraud, each house was to judge and determine for itself; and when the Senator made that remark he admitted away the whole case; there was nothing left.

Mr. President, I did not intend to make an argument to-day. I shall desire in conclusion to reply somewhat to the argument of the Senator from Michigan [Mr. CHRISTIANCY] and perhaps other points that may have been raised. I have been drawn into this by the remarks of the Senator from Ohio.

Mr. THURMAN. Mr. President, I am very sorry that the Senator from Indiana thinks that I treated him with any discourtesy; there was nothing further from my intention. If I said he had become rusty in the law, it was not a very remarkable assertion nor one that was at all discourteous. It would be very extraordinary if he had not become rusty in the law after so long an absence from the courts; and I think that if I had been out of them as long as he has been I should not consider myself treated with discourtesy if any one were to say that I had become rusty in the law.

The Senator reads from a decision of the Supreme Court of the United States showing that the Supreme Court of the United States considers itself bound on questions that are in no wise Federal by the decision of the highest court of the State upon the direct question. I cited him to an established exception to that rule; and that is, that where there had been contradictory decisions, as in the Bank cases from Ohio and as in the case from Iowa, there the Supreme Court of the United States did not feel itself bound to follow the last decision but followed that decision which in its own judgment was correct. I ought also to have said in that connection that in respect to this very question now before us, or in respect to the principles that settle this question if it could be settled by judicial decision, this very report of our Committee on Privileges and Elections shows that the decisions of the supreme court of Louisiana are directly opposed to each other, so that the case comes precisely within that category of cases in which the Supreme Court of the United States itself, if it could have jurisdiction to decide upon the matter, would not feel itself bound by the last decision of the supreme court of Louisiana. The decisions of the supreme court of that State upon the principles which lie at the bottom of this whole controversy are directly in conflict. When there was a court there too pure to be suspected, when there was a court there in times of peace when law and the constitution prevailed, then the decisions of that court established principles upon which I might safely rely for the opposition I make to the seating of Pinchback.

But, Mr. President, the Senator says (and it is a specimen of his reasoning) that I yield the whole case when I say that each house of an assembly is to be the judge of the elections, qualifications, and returns of its own members; and he says that this Louisiana house that elected Pinchback did decide and that settles the whole case. That is another specimen of begging the question. The question is, was that a house? In Goldthwaite's case there was no such question. Nobody denied that the body which elected Goldthwaite was the Legislature of Alabama; but it was said that there were three or four or half a dozen members in the body who were not legally entitled to sit there. If they had been turned out, the remainder would have been the Legislature. There was a quorum without them of members undoubtedly elected whose seats were in no wise questioned. So there was no question there but that the body that decided the question was the legal Legislature of the State of Alabama. But that is not the case here at all. This body of men who assembled there surrounded by the bayonets of the Army, placed there by Durell, never were a Legislature at all, never were authorized to decide anything. It was a sheer, flagrant usurpation, as your committee has found and found upon evidence that cannot be gainsaid. So that the Senator is simply furnishing us with another illustration of how he begs the question and then reasons from the premises that are thus assumed.

The Senator reads judicial authority in respect to the Supreme Court of the United States following State decisions. Has he shown authority that the Supreme Court of the United States follows the decision of the State courts on political questions? No, sir; but Luther *vs.* Borden decides directly the reverse, that political questions are not judicial questions, and that the judicial department follows the political department and not the political department the judicial department; and that same case decides that what is the established government in a State is a political question. I have already read from that decision, but I beg to refer to it again and to read another passage from it:

> When the decision of this court might lead to such results, it becomes its duty to examine very carefully its own powers before it undertakes to exercise jurisdiction. Certainly the question which the plaintiff proposed to raise by the testimony he offered has not heretofore been recognized as a judicial one in any of the State courts.

The question what is the established government the court say—

> has not heretofore been recognized as a judicial one in any of the State courts. In forming the constitutions of the different States, after the declaration of independence, and in the various changes and alterations which have since been made, the political department has always determined whether the proposed constitution or amendment was ratified or not by the people of the State, and the judicial power had followed its decision. In Rhode Island the question has been directly decided. Prosecutions were there instituted against some of the persons who had been active in the forcible opposition to the old government. And in more than one of the cases evidence was offered on the part of the defense similar to the testimony offered in the circuit court, and for the same purpose; that is, for the purpose of showing that the proposed constitution had been adopted by the people of Rhode Island, and had, therefore, become the established government, and consequently that the parties accused were doing nothing more than their duty in endeavoring to support it.

But the courts uniformly held that the inquiry proposed to be made belonged to the political power and not to the judicial.

Why, sir, the decision is a complete decision that even the Legislature of Louisiana would not be bound by the decision of its courts; nor would it be. Upon this question as to what is the established government the Legislature of Louisiana itself would not be bound by that; on the contrary, the courts of Louisiana would be bound to follow the decision of the political power in that State on the question what is the established government in the State. And now the Senator gravely argues that a decision which the Legislature of Louisiana itself is not bound to respect, which in no sense controls the Legislature of Louisiana, binds the Senate of the United States!

Mr. MORTON. Mr. President, I thank the Senator for his last statement. He falls back, after I think being successfully driven from every other position, upon what the Supreme Court of the United States has said in regard to the political power of Congress. Now I gravely submit to the Senate of the United States whether the question as to who constitute the members of a returning board created by the laws of Louisiana or who is elected governor of the State or members of the Legislature is a political question primarily devolving upon Congress for its decision. If that is what is meant by a political question, then the question of electing every constable, sheriff, member of the Legislature, or State officer, is a political question, which can be canvassed, contested, and determined by the Congress of the United States—an absurdity so palpable that it only requires to be stated to be understood by everybody.

No, sir, that is not what is meant by political questions, as referred to in Luther *vs.* Borden. What was the case there? There was a supreme court in Rhode Island that was not in dispute at all. Nobody denied that the supreme court which had decided the question was the supreme court of the State. The controversy did not involve the court. So in Louisiana the controversy does not involve the court. The court was elected in 1868, the members holding their seats for eight years. Their title was not involved in the controversy at all. The supreme court of Louisiana, like that of Rhode Island, was undisputed.

The supreme court of Rhode Island, undisputed, went forward and decided that the charter government of Rhode Island was the lawful government of that State, and the Supreme Court of the United States in the case of Luther *vs.* Borden said that as the supreme court of the State of Rhode Island was not in dispute they were bound to follow its decisions. It was not a question of comity; it was a question of absolute obligation; they were bound to follow its decisions, even upon a high question of that kind.

Now the question here does not approach in dignity to that at all; but in this case the supreme court of Louisiana have decided who was elected, a question arising exclusively under a State law and in regard to which we have no right to intervene unless the State governments in every respect are at our mercy.

The Senator said there had been conflicting decisions of the supreme court of Louisiana. I have heard that to-day for the first time. There is in that State, commencing in February, 1873, an unbroken current of decisions to the effect that the Kellogg legislature is the lawful Legislature of the State, that Kellogg is the governor of the State, and that what was known as the Kellogg government is the lawful government of the State of Louisiana—an unbroken current of decisions arising under the constitution and laws of the State of Louisiana. The case that he refers to covers this like a mantle.

And when he talks about "the political department of the Government," what does he mean by it? Does he mean the Senate of the United States? Does he mean the House of Representatives? Does he mean the President alone? No, sir; it is "the United States" that is to pass upon the political government of a State, and that means the action of both Houses of Congress coming to the same conclusion in the form of an enactment. It does not mean the Senate; it does not mean the House. That brings me back to the proposition I enunciated the other day, and one that is impregnable and indispensable to the existence of State government; and that is that the actual government in a State, there received, there administered by the courts, there in existence, there acknowledged and declared by every State tribunal; that that government must be received by the President acting by himself, by each House acting for itself, until the Congress of the United States, as "the United States" in the fourth article of the Constitution specified, shall overturn it; anything else is anarchy; and that is this case.

Mr. THURMAN. If the Senator from Indiana were the judge of whether he had demolished an adversary in argument he never would fail to give judgment in favor of himself, and thereby would illustrate the wisdom of that old maxim that no man ought to be a judge in his own case. I do not remember an occasion in which the Senator has engaged in discussion with a brother Senator that he did not completely demolish his adversary, in his own opinion. He has told us again and again in this discussion that he had advanced his positions before on this subject and had never been answered; he has told us that they are impregnable and that the opposite opinions are absurd; and if strength of language and strength of utterance and vehemence of gesticulation could settle the question, there would be no use whatsoever in arguing with the Senator from Indiana. There were some good lawyers on this floor who thought

at the last session, when the Senator made substantially the same speech he has made at this, that he was answered by the Senator from Wisconsin, (Mr. Carpenter;) there were some of us who thought so; but the Senator from Indiana never thought so; it never entered into his imagination that the Senator from Wisconsin had answered him. It was of no use in his mind that Senator after Senator coincided in opinion with the Senator from Wisconsin; it was of no use in settling his judgment that even a majority of the Senate might be of that same opinion; he did not think he was answered; he does not think so to-day; he never will think so as long as he lives. That is his own idiosyncrasy; he cannot help it, and I will not complain of it. There is nothing better perhaps than for a gentleman to live on good terms with himself; and if my friend from Indiana has that extreme good fortune of being always on good terms with himself, I congratulate him on the possession of a characteristic which will contribute more to his happiness than all the other grand and amiable characteristics that he possesses.

Now, Mr. President, one word more. The Senator says that the theory that this is a political question, if I understand him, would authorize Congress to decide who is a constable in a State. Is that an argument worthy of the acknowledged ability of the Senator from Indiana? I think on reflection that it is not. I think on reflection he will admit that the Senate of the United States has nothing to do with deciding who is a constable in the State of Louisiana or Alabama or Ohio; but I think he must admit that the Senate of the United States has something to do with determining who has a right to a seat on this floor.

Again, sir, he says that would authorize us to go into a determination of the right of each claimant to a seat in a State Legislature. It does no such thing. The Senator from Indiana in the Goldthwaite case did express his opinion that if the objection to a member's holding a seat in a State Legislature was that he was disqualified under the fourteenth amendment, Congress might look into that question. He made that an exception. He is the only man I know of who does make that exception. I agree with him—and nobody ever entertained a different opinion—that the question as to the qualification of members of a State Legislature is a question to be decided by the house of the Legislature in which the claimant asks for a seat. No one disputes that; but there must first be a house; there must first be a body competent to decide. If the body that undertakes to decide is no house at all, if it is a mere body of usurpers, if it is a mere mob, you have to beg the question and say it is a house before you can give any effect to its decision. That is precisely the case here. This body of men were not the house. The whole of the Senator's argument is based on a begging of the question and saying they were.

Mr. WHYTE Mr. President, it is with unaffected diffidence that I rise to address the Senate on Louisiana affairs, and I am the more embarrassed in following immediately after two such distinguished Senators and after the able and logical arguments which they have delivered on this floor yesterday and to-day, the Senator from Michigan [Mr. CHRISTIANCY] and the Senator from Ohio, [Mr. THURMAN,] and especially following the bandying of excited words which has taken place between our friends so recently before us. I am the more embarrassed, knowing my own inability to add any freshness to this "thrice-told tale," or to add new interest to anything that may be said in its discussion. But, sir, the question immediately in hand is as to the composition of this body; a body which has in time past and I trust may continue in the long future to be one of the most honorable and honored parliamentary bodies in the world. The question comes before us in the form of a resolution presented by the Senator from Indiana, [Mr. MORTON,] which resolution provides that P. B. S. Pinchback should be admitted as a Senator from the State of Louisiana for the term of six years beginning on the 4th day of March, 1873. The Senator from Vermont [Mr. EDMUNDS] has offered an amendment to insert before the word "admitted" the word "not," and I am happy to say that I shall range myself in that army of which the Senator from Vermont shall carry the banner. I shall vote for the amendment of the Senator from Vermont, and I desire to give some of the reasons which have actuated me in coming to that conclusion.

The argument of the Senator from Indiana, the only advocate apparently for the proposition whom we have yet heard on this floor, is that the credentials of Mr. Pinchback being in due form, under the signature of a person signing himself as governor of Louisiana, and attested by the seal of that State, entitles him to admission to a seat as a Senator, and that whatever objections may exist, if any, as to the manner of his election or as to the legal character of the body by which he was elected should be inquired into afterward; or, in other words, that the filing of his credentials presents a *prima facie* case for seating him in this body pending inquiry as to his election.

I would not take the time of the Senate in adverting to this subject, in my view of the case as it stands to-day, but it is well for those of us who have recently become members of this body to appreciate and to follow good and substantial precedents. I admit that in the absence of objection, where a gentleman presents himself at the bar of the Senate with a certificate of election and offers himself ready to take the oath provided in such case, he is admitted, and ought to be admitted, and he becomes, for the time being, a member of the Senate. The signature of the governor, the proper attestation of the other officers of the State, the affixing of the great seal of the State to the certificate, and if it complies with the terms of the act of Congress of 1866, I admit, ought to be his guarantee to be admitted, at once, to a seat on this floor. This rule has been established by a long line of precedents, commencing in the earlier days of the Senate, before party warfare had become as violent and party rancor as bitter as in these latter days have manifested themselves. This rule, as a State-rights man, I advocate and approve. When a gentleman comes to this body apparently chosen by the Legislature of a sovereign State and presents himself as its representative, it is due to the honor and the integrity of the State that he should be received into our midst.

But, Mr. President, rules of all kinds have their just and proper exceptions. This rule has had on more than one occasion not only a just and proper exception but in my judgment has been subjected to most unjust and improper exceptions. I know of no gentleman who has within recent years occupied a seat in this body, I refer to the late Mr. Fessenden, of Maine, now having gone to his long account, I trust enjoying that peace which passes our understanding—I say I know of no gentleman better acquainted with parliamentary practice or upon whose opinion on that subject I would more firmly depend. I trust I am not infringing upon that rule of senatorial courtesy to which Mr. Carpenter jokingly referred in the beginning, I think, of the last Congress, when he said that the Congressional Globe is not a good book to refer to if it recites senatorial opinions more than two years old, for this is a case in which I hardly believe I should be violating that rule, when I refer to the views of Mr. Fessenden in the case of Governor Thomas of my own State who had been elected by the lawful Legislature, and who appeared here with no one from his State disputing the right to his seat on this floor. Mr. Thomas came here with his proper credentials from the State of Maryland and offered himself ready to take the oath. Objection was made. My friend the Senator from Ohio [Mr. THURMAN] will pardon me for saying that the objection as stated by him was not the real objection that was made on the floor of the Senate when he offered himself ready to be sworn in. Mr. Fessenden there stated the rule, and I refer to it, but will not occupy the time of the Senate by reading it unless asked or unless it is disputed. Mr. Fessenden laid down the rule, that by a long line of cases every Senator, who presented himself with proper credentials and without serious objection was entitled, and had been admitted to his seat, until the war broke out, and then he himself had objected to the formal admission of Mr. Stark from the State of Oregon; somebody else had objected to the admission of Judge Patterson from the State of Tennessee, and then came the case of Governor Thomas. Mr. SHERMAN, of Ohio, also gave his view of the case, which I will ask the permission of the Senate to read:

> There is no question of constitutional law raised in this matter, &c. The right of the Senate to pass upon the elections, qualifications, and returns of its members is given by the Constitution. Ordinarily, when a paper is presented in due form, showing the election of any citizen of the United States with the requisite qualifications, by any State, he is admitted to his seat. We have the right, however, to pass upon the election, returns, and qualifications of the member. Whether we do it before he is sworn into office or afterward is simply a matter of discretion in the body. Our right as judges, given to us by the Constitution, would undoubtedly authorize us to pass upon his qualifications before administering the oath of office.

Even, as it will be seen, on his qualifications, without waiting to obtain jurisdiction of his person before by having him sworn in.

> There can be no doubt about that. It is therefore simply a question of the order in which the business of admitting the new member shall be transacted. In ordinary cases the oath is administered, because it is presumed no objection will be made, or if objection be made afterward, that objection is inquired into and the action of the Senate can then be reconsidered.—*Congressional Globe*, first session Fortieth Congress, 1867, page 175.

But in the case of Mr. Thomas objection was made on account of words spoken by him when he received the nomination by the Legislature of the State, I think at a champagne supper. They were words, if true, highly defamatory of the character of the Senate of the United States; but he denied the truth of the assertion that he had ever uttered such language. These were the words. He spoke of Senators here being traitors to the Union, and that—

> He would go there to face these men, who are now and always were traitors to the Union.

The late Mr. Sumner seemed to have been particularly distressed at the words "*always were*," and inquired whether he said that, seeming to think that charge too heavy to bear; but if such words had reference to their actions since the war, probably it would not have been so serious an accusation. Said Mr. MORTON, of Indiana:

> If Mr. Thomas made that speech it is enough to put this Senate upon inquiry.
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> I will remark further that, after having heard that speech read, I should like to know something about the history of this man during the war.

And he supported the reference of the credentials to the committee.

I cite this merely to show that the Senator from Indiana himself has not only made objections to a claimant's admission upon his *prima facie* case upon general grounds, but merely for words which he had used in a speech made in the State where he was elected.

I say there are exceptions. That case was supposed to be an exception, and it was sent to the Committee on the Judiciary. I believe at that time there was no committee in this body on privileges and elections. It was sent to the Committee on the Judiciary, and they reported not in regard to these words at all. They found no reason

why Governor Thomas could not take his seat except in the fact that his son had joined the confederate army and that he had given him some money before he went away.

Mr. MORTON. I will state to the Senator another very important fact which he omits—the letter written by Mr. Thomas while he was Secretary of the Treasury, I think in January or February, 1861, which very clearly showed——

Mr. WHYTE. I am talking about the report of the committee, and I state it accurately. I know that there was in the testimony a great deal of evidence in regard to his course while he was Secretary of the Treasury under the Buchanan administration, but I am stating what the Judiciary Committee reported, which I have found in a document of that session. The Senator will find that they reported on the 18th of December, 1867, that they saw no reason to debar Mr. Thomas from taking his seat unless it was found in the fact of his son entering into the military service of the confederacy and in the circumstances connected with that fact, and they reported no expression of opinion whatever. I admit that the Senate afterward, upon discussion of Mr. Thomas's case, refused to allow him to take the seat to which they had never admitted him, and the Legislature of Maryland bowed to your decision and sent General Vickers in his stead. I am not complaining of the action of the Senate; I am not complaining that the Senate, sitting as judges acting upon conscience, turned Governor Thomas away from these doors.

Mr. MORTON. Will the Senator allow me to interrupt him?

Mr. WHYTE. Certainly.

Mr. MORTON. I call the attention of the Senator to the ground upon which the rejection of Mr. Thomas was placed, the ground upon which it was taken out from the operation of the general rule. Whether that ground was solid or not, I shall not speak; but I speak of the ground upon which it was taken from the operation of the general rule that the certificate of the governor makes a *prima facie* case. At that time we had but one oath for admission into this body. That was what was called the iron-clad oath. There was no modified oath that could be taken; and it was held by the majority of the Senate, upon what was regarded as public history as well as special evidence, that Mr. Thomas could not take the iron-clad oath without committing perjury.

Mr. WHYTE. It was kind in our friends not to subject the gentleman to that ordeal! Did they ask him to take the oath? It is the first time that the consciences of democrats have been taken into such careful charge. But I am not objecting to it. I want my friend the Senator from Indiana to understand I do not object to his making the exception. I agree with him that there are exceptions to the general rule. He thinks Mr. Thomas's case was one, and now I am about to show that this case is another. If these cases of Stark and Judge Patterson—and I will not refer to the other cases mentioned by other gentlemen who have discussed this subject—if these cases presented objections to the *prima facie* title of the applicant, what must be thought of that objection made here, on all hands, coming up in this body, coming up in the other branch of the legislative department, coming up all over the land? Here is a man asking to be admitted to your body who claims his title to a seat upon an election that was a mockery and a fraud. If these cases furnished objections, what must be thought of the case of a man who comes here from a Legislature that had no legal existence, no power to exercise the functions of a lawful Legislature, who comes here and asks us to receive him as our peer and equal on this floor? Such a suggestion is one of a high public character. It is highly privileged in its nature when made even upon the solemn asseveration of a Senator alone; but when now made under the more solemn assertion of a standing committee of this body, it demands a prompt examination before the applicant should be permitted to participate in our deliberations.

If, therefore, Mr. President, the case was now presented for the first time, and this was the beginning of the Forty-third Congress, when the term for which he claimed began, with these denunciations of his right to a seat, I care not whether he be of my own party or of the opposition, loving the institutions of my country, I would vote to send his case to the Committee on Privileges and Elections. But I am taking up the time of the Senate to no purpose. The period for the *prima facie* case has long since passed. The argument which I have heard in the Senate Chamber from the Senator from Indiana might have been made at the commencement of the Forty-third Congress, but to-day it is as much out of place as the snow-heap of the lingering winter beside the blooming crocus which the fair-handed spring has just thrown out under the very walls of the Capitol. *Prima facie* case! It has gone. It is a mockery to talk to men of sense about a *prima facie* case in regard to Pinchback to-day. The case itself has been in the hands of a committee. It has been examined by the Committee on Privileges and Elections. On your table lie a majority and a minority report upon this very question. The case is ready before us for final adjudication. We have the majority report of the committee made at the last Congress by the Senator from Indiana. We have the minority report made by the Senator from Delaware [Mr. SAULSBURY] and the Senator who recently represented my own State here, [Mr. Hamilton.] Then what is the question? The question is a plain, simple one. It arises under that clause of the Constitution which declares that—

Each House shall be the judge of the elections, returns, and qualifications of its own members.

What are "returns?" The paper title; but the election is the substantial thing. The "election" is the title, the "return" the paper evidence of it. Without the election, what is the use of the return? If the return is in form, if the return is correct, and yet the election is a fraud, we go back to the foundation and start from the election itself, and do not commence at the return at all. Election first, certificate next, and qualification last. The framers of the Constitution made the order, and by that order I propose to try the case.

What is a *prima facie* case? A case where the party presents himself without objection, with the paper title, with all the surroundings which apparently give him a standing in this body. That case presents a degree of probability which in the absence of evidence to the contrary would entitle him to reception. When you take your testimony, when you have the facts before you, it is idle to talk about a *prima facie* case. Now, what facts have you obtained? You have the majority report on this very case; you have the minority report on this very case; and you have the report of the Committee on Privileges and Elections on the case which occurred in the Forty-third Congress. What was that case? There may be some Senators who have not had the time to look at it, and I do not want to cite as evidence that which in my judgment is not clearly evidence in this contest. That case grew out of an election made by the same Legislature, held upon the very same day as that of Pinchback, and it occurred in this wise: The same Legislature voted upon the same day for two Senators, one of whose cases has been decided by this body and occurring thus: Kellogg resigned his seat in the Senate of the United States and went to Louisiana to be governor. The term for which he was Senator expired on the 4th of March, 1873. His resignation was dated some time in November, 1872, and thus a vacancy existed in this body for the rest of his term. The certificate of Kellogg as governor was given as well for the vacancy as for the next term beginning March 4, 1873, certifying that Mr. Ray was elected on the 15th of January, 1873, for the vacancy, and that on the same day P. B. S. Pinchback was elected for the long term. Therefore it is the same question, the same Legislature, the same day of election, for the short term and the long term. The question is identically the same, whether the Legislature that elected Ray was a lawful body and whether the Legislature that elected Pinchback was a lawful body. If it was unlawful when it elected Ray, it was unlawful when it elected Pinchback. The same rule applies to one as to the other. It is a great public question, and in the investigation as to the one case the testimony is binding as to the other. There is nothing of a personal character to be inquired into in either case.

That committee reported what we have so often heard, that there was no lawful State government in Louisiana and that the Legislature which professed to elect Ray was no lawful Legislature at all. Ray never was permitted to take a seat in this body. While we are acting here, not as legislators in determining this question, but as quasi-judicial officers, nevertheless we ought not to be bound by any strict and technical rules of evidence, such as are daily enforced in the courts of common law. We are bound to take a broader and more comprehensive view. We must take judicial notice of many things not proved in a special contest. We are bound to know certain historical facts. We are compelled to take cognizance of things of such public notoriety that, without the form of actual proof, we cannot fail to receive them as facts; for while it is undoubtedly true that sitting here in this investigation we are in a measure acting as a court of law and justice, yet we are also acting as a "court of discretion and of equity." Mr. Smith, of South Carolina, whose ability was well known and whose knowledge of the usages of parliamentary assemblages was admitted, as early as 1793, in a case of contested election, laid down this rule, though he was at that time speaking of hearsay testimony:

The House had been told that hearsay testimony was unworthy of attention; but he wished to remind them that they were not, like a court of law, restricted to proceed upon regular proof and not to go beyond the letter of it; they were entitled to hear and weigh everything advanced, *and to form their opinion from the general conviction arising upon the whole circumstances.*—*Contested Elections*, 1789–1834, page 80.

That is the rule in contested elections or in questions of this character, laid down by one of the ablest parliamentarians of this country. That rule has been followed in both Houses over and over again. That rule, I apprehend, will be followed in this body. The question here addresses itself to the conscience of every one of us; its decision will overturn no government in Louisiana. No matter what we decide, no matter whether we refuse to admit Pinchback, we cannot by that overturn the present unlawful government in Louisiana; it will create no revolution; it will only assert either the dignity of this body and its determination to maintain the purity of elections, or it will repudiate the wise counsels and the solemn findings of some of the ablest men that have been members of this Senate. On this subject, I say, we are bound by no recognition. No specious argument can mislead me; no human eloquence, though the orator be silver-tongued, can teach me so far to forget my duty that I am to be bound by the recognition of a court or any other authority in a matter of which the Constitution has made me a member and a component part of a supreme judicial tribunal.

I approach this question not as a partisan; for though I may believe that John McEnery was elected governor of Louisiana, that the Legislature on the same ticket with John McEnery was elected the law-

ful Legislature of Louisiana, yet to-day I say it on my individual responsibilty only—for I have consulted with no one—I would vote against McMillen, who presents credentials as elected by the McEnery legislature, because I am here to decide the question not according to my feelings, not according to my beliefs, not according to my hopes, but by the sworn testimony that I find upon the table and by the solemn findings, which I approve, of a standing committee of this body.

Now, says the Senator from Indiana, "you are bound by the decision of the highest State tribunal in the State of Louisiana;" "I do not mean to say that you can be compelled"—not using his language, because he used that which was more apt, probably, for the discussion—"I do not mean to say that I can take you like the horse to the spring and compel you to drink; I do not mean to say that you can be forced to do so;" but he addresses that which is the most persuasive argument to men of honor and of intelligence, "It is your solemn duty before God and your country to recognize the decisions of the highest State tribunal of the State of Louisiana on this question." He could use no language which would appeal to me with more force than that; and if I could be made to believe in such a doctrine as that I would vote for his resolution. But the doctrine is wrong; wrong in law, and has no foundation to sustain it whatever. We are bound by no recognition of a State court; and his view of the law is wrong in regard to the Supreme Court of the United States as to its undeviating adherence to decisions of State courts. As a general rule—for, again, when the distinguished Senator from Indiana gets upon general rules most of us can stand—his general rule is correct, that where the highest State tribunal, the supreme court of appeal of a State, decides any question growing out of the constitution and the laws of that State, the Supreme Court of the United States is bound by it and will follow it, because it has in numerous decisions said that it will be bound by that rule. It is accepted, therefore, to be true as a general rule; but like that other general rule in regard to the admission of Senators in this body of which I have spoke, it has its exceptions also. When the Supreme Court of the United States sees fraud as we see, that Kellogg's title to be governor is a fraud, that the Pinchback legislature is a fraud, that the returning board known as the Lynch board is a fraud—when we know and ascertain these things from the records and archives of the Senate, we not only are not bound to recognize a tribunal which does recognize such frauds, but our duty is to reject and to repudiate it with scorn and contempt; and so would the Supreme Court of the United States do. Speaking through Mr. Justice Swayne, of Ohio, it has refused to be bound by a decision in just such a case, and I refer to a decision in 1 Wallace, 206, which is directly in point:

> We are not unmindful of the importance of uniformity in the decisions of this court, and those of the highest local courts, giving constructions to the laws and constitutions of their own States. It is the settled rule of this court in such cases to follow the decisions of the State courts.

There is the rule which my friend from Indiana lays down, and which he will find this to be an authority to support:

> But there have been heretofore, in the judicial history of this court, as doubtless there will be hereafter, many exceptional cases.

Ah, Mr. President, let Senators read the decision of this tribunal made in 1863:

> *We shall never immolate truth, justice, and the law because a State tribunal has erected the altar and decreed the sacrifice.* (Gelpcke *vs.* City of Dubuque, 1 Wallace, 206.)

And they reversed the decision of the State court in that case.

Mr. MORTON. Will the Senator state how the Supreme Court got jurisdiction of the case? What was the question?

Mr. WHYTE. I gave my friend from Indiana a reference to the authority; and when he comes to it, if he can untie the knot I shall be very much pleased to hear him.

Mr. MORTON. I ask the Senator if there was not some question arising under the Constitution and laws of the United States that gave the court jurisdiction?

Mr. WHYTE. It did no such thing. It was a question in regard to railroad bonds, exclusively belonging to the constitution and laws of the State of Iowa. Thank God, this judicial tribunal had manliness enough to tell us that when inferior tribunals or supreme State courts sought to bind us to fraud and injustice, we were not bound to follow them into the mire of such a course.

But that is not all, Mr. President. The Senator from Indiana is not content to bind us with the shackles of this beautiful court in the State of Louisiana, organized for the very purpose of the decision, as in old times they used to say of courts-martial, "organized to convict." Not satisfied with binding us with the shackles of a State court, one of whose judges had been one of the Lynch returning board that perpetrated the frauds on the people of Louisiana, he tells us that he has got another collar on our necks.

Mr. WEST. Will the Senator pardon me? I did not catch his expression exactly. Did I understand him to say that one of the judges of the supreme court of Louisiana had been a member of the Lynch returning board?

Mr. WHYTE. One of the judges of one of those Louisiana courts, Hawkins, I say was a member of the Lynch returning board.

Mr. WEST. But he was a judge of an inferior court and never had this question before him. He was appointed subsequently.

Mr. WHYTE. One of the decisions of an inferior court was read, as I understand—for I cannot find the book—and that was a decision from that very court of which Hawkins was a judge. I may be wrong for I have not seen the book; but I thought it was so read.

Mr. WEST. It was the same court, but not the same judge.

Mr. WHYTE. The same court but not the same judge! They change their judges so quickly down there that I do not know whether at the moment of the decision Hawkins had got in or got out. [Laughter.] They have a summary mode of executing people on the bench in Louisiana in these days.

Mr. WEST. Yes, and the Senator is quite as adroit in changing his position too.

Mr. WHYTE. I have not tried to do so in the slightest degree. But I was going to say, that we are admonished also that the President has recognized the Kellogg government and that we are bound by that recognition. I admit that under advice which probably came from his own law officer and which he was bound to respect, he not being a lawyer and the presumption being that the Attorney-General of the United States was a good one, the President may have been induced to recognize a government that was unlawful in its character. He was so induced, and he recognized some one whom he found in possession, as he says. But whom did he recognize? Did he recognize the lawfully elected governor of Louisiana? Did he recognize the man who had received the most lawful votes at the election for governor of Louisiana? Did he sustain with the Army of the United States the Legislature whose members received the most votes for legislators in Louisiana? No, sir; he recognized a man who had no title whatever to the office which he held; and I regret to say it; I blush with shame when I reflect upon that page of American history which shall contain these words, which I read from the message of the President of the United States sent into this body on the 13th of January, 1875; sent here for our edification, for our information; sent here so that when we come to act upon this question of Louisiana affairs we may act intelligently, knowing the facts. While I blush that I have to make such an admission, I thank the President of the United States for plainly and bluntly telling us the truth:

> It has been bitterly and persistently alleged that Kellogg was not elected. Whether he was or not is not altogether certain, nor is it any more certain that his competitor, McEnery, was chosen. The election was a gigantic fraud, and there are no reliable returns of its result.

And here we are asked to be bound by a recognition of the Kellogg government by the President, who, we must presume, has done it in the interest of peace; he might have believed that it was necessary for the preservation of the peace for him to take that step; but now when we come to act upon the case of the election of Pinchback and the election of the Legislature which chose him to this body, we have the President qualifying his recognition by telling us that the whole "election was a gigantic fraud."

Sir, shall we follow such recognition with these facts before our face? No, sir. If the supreme court of Louisiana had decided that the Legislature was a true and lawful Legislature, we are not bound by it; we are not bound by the recognition of the President of the United States if the whole statement made by him was, that it was a true and lawful election; but least of all are we bound when he tells us that the whole thing was "a gigantic fraud;" that there was no reliable result of the election ever ascertained.

But, Mr. President, we are not left to these statements. Every Senator who has sought to inform himself on this subject (though those of us who have come here so recently have been compelled, I admit, to cram) from the report—this voluminous report of the Committee on Privileges and Elections made by Senator Carpenter—those of us who have sought to do our duty here have found the findings of that committee, at least I have, honest and just, and I shall be bound by them because in my conscience I believe it is the nearest truth that upon the evidence we can get. What do they show briefly? That report discloses this fact, that the actual returns of the election in Warmoth's hands which were not counted at first by the Wharton board but were counted by the De Feriet board, the board appointed by Governor Warmoth after the repealing law had been signed by him in November, 1872—a new board—and counted again by the Forman board afterward in the State senate, showed that McEnery had a majority of 9,606 over Kellogg; that the senate, with those holding over, stood—democrats 22, republicans 11, vacancies 2; the House stood—democrats and conservatives 71, republicans 39, vacancies 7. This Legislature met in extra session on the 9th of December, 1872, and were recognized by Governor Warmoth as the legal Legislature, and then the board appointed by the senate examined the returns and gave McEnery a majority of 11,288.

Any Senator can look at the report from pages 75 to 83 and he will find there the returns given by the Committee on Privileges and Elections from the papers which were produced in their committee-room. But the committee believed that there were vast frauds and such intimidation as to render the election no fair expression of the popular will, and so reported it to be utterly null and void. The Senate knows that that committee tried to get a bill passed ordering a new election, which failed; but whatever may be thought of the provisions of that bill, that is not a question now before the Senate. But the canvass of the Lynch board, the board which Pinchback recognized, the board which counted in Kellogg and counted in the Legislature by whom Pinchback was elected—the canvass of that board has become a scandal and a reproach everywhere.

Now, in addition to what has been said by the Senate Committee on Privileges and Elections in regard to the count of the Lynch board, allow me to read from the report made in the House of Representatives in the case of Sheridan *vs.* Pinchback. I maintain that all these documents and papers are to be taken and properly taken into consideration in deciding this case.

The same investigation which relates to this contest has also been had in the other House, and it is a remarkable circumstance in American political history. When the contest took place in the other House between Sheridan and Pinchback, the Committee on Elections was instructed to investigate that case. What was the anomalous condition of things which there occurred? I do not profess to have obtained all the political information on the subject that can be secured; but I have never heard before of a case of like character in any legislative body. While a gentleman is knocking at the door of the Senate, with his credentials from the State of Louisiana, claiming a seat in this body, he is standing also at the door of the House of Representatives, claiming a seat in that body for the same period of time, one seat for two years and the other for six years, including the same two years of the Forty-third Congress. His case was on trial after the beginning of the first session of that Congress. One of the members from Massachusetts introduced a resolution into the House of Representatives proposing to admit Sypher and Pinchback, and one other, to seats on the floor of the House of Representatives as members of the Forty-third Congress; but that statesman from Massachusetts, who generally looks before he leaps, began to realize that if the House of Representatives admitted Pinchback to a seat there, his claim in the Senate was gone. So he gave him the privilege that we often see in the circus, of riding two horses. He had his eye on a seat in the Senate and he had his eye on a seat in the House. How could he help winning one? It seemed to be beyond human comprehension that he could fail in both. But the Representative from Massachusetts saw the difficulty, and with that astuteness for which we all give him credit, he quietly took Mr. Pinchback out of the resolution and sent his case to the Committee on Elections. What did they do there? Kept Sheridan out in the cold until the last hours of the expiring Forty-third Congress. Then they came to the conclusion that Pinchback had not a ghost of a claim. That is not all. Both the majority of the House committee and the minority of that committee reported against Pinchback; and yet he was a candidate for Congressman at large, running over the whole State with Kellogg, side by side with Kellogg, counted in by the Lynch board with Kellogg, while Sheridan was running on the McEnery ticket, side by side with John McEnery. What did the majority of the House committee say about the Lynch board that counted Mr. Pinchback in the other House and Mr. Kellogg into the executive department of Louisiana?

When this contest was first presented to the committee, the contestee, Pinchback, rested his case upon the canvass of the board known as "the Lynch board." Upon examination the committee were satisfied that the Lynch board made its canvass without the presence of any primary statements of election or official data, and which the committee deemed insufficient to show his title to the seat claimed by him.

And then when speaking of the count in favor of Sheridan by the De Feriet board, see what the majority of the House committee say of that:

Assuming that the original "primary returns" made to the governor from all the parishes of the State but two were received by him, opened by him in the presence of the Wharton board, delivered by him to the De Feriet board, and transmitted to the Forman board *just as they had been received*, (and these facts the additional proof shows,) we are to look to what these returns show. They show that contestant, Sheridan, received 65,016 votes—

Which differs from McEnery's vote, that being 65,529. McEnery received only 500 more votes on that De Feriet count than Sheridan—

They show that contestant, Sheridan, received 65,016 votes, and contestee, Pinchback, 54,402 votes—

While the De Feriet board gave Kellogg 55,973.

As to the correctness of this tabulation we have the sworn testimony of Mitchell, Forman, and Thomas, a majority of the board; and, in addition to this, the admission of the contestee (page 3 of additional testimony) that it is a compilation of the returns before the Forman board.

And the committee say it is conclusive and they declare that Sheridan "was entitled to the seat" and had been entitled to it from the very beginning of the Forty-third Congress; and yet he only obtained it in the expiring hours of that session. Now what does the minority, which reported that Sheridan was not entitled to his seat, say about the Lynch board:

Is Mr. Pinchback shown entitled upon the merits to this seat?

Your committee think not. Mr. Pinchback's original certificate, it was conceded, and Governor Kellogg's supplemental certificate, it is to be assumed, were issued upon the pretended canvass by the returning board known as the "Lynch board." Assuming that the Lynch board was the legal returning board—

A committee of the House assuming that the Lynch board was the legal returning board! Giving the board that benefit—

and waiving the consideration of the effect of Mr. Pinchback's default in making no response to Mr. Sheridan's notice of contest, your committee are of opinion that the fact that the Lynch board never had possession of the election returns, and therefore never canvassed them, has become a part of the political history of the country. They hold this fact to be so notorious that the House ought to take legislative notice of it in this contest, and may take like notice of it for the purpose of any appropriate legislation. They report, therefore, that upon the case as presented to your committee, Mr. Pinchback is not shown to be entitled to a seat in this House.

That is signed by Messrs. Smith, Hazelton, Hyde, Todd, and Thomas, five of the members of the Committee on Elections of the House of Representatives. My friend from Wisconsin [Mr. HOWE] yesterday interrupted the Senator from Delaware [Mr. SAULSBURY] while he was speaking in regard to this election, and I know that he will pardon me for referring to the fact when it is only to give him some information which he yesterday asked for. The Senator from Wisconsin asked whether the De Feriet board had not thrown out certain parishes in their count. The Senator from Delaware was not at the moment quite prepared to answer the question. While he was speaking I examined the records and made up a tabulation to meet that inquiry, but did not like to disturb the proceedings of the Senate by introducing it. The De Feriet board did refuse to count six parishes—Iberia, Iberville, Saint James, Saint Martin, Saint Tammany, and Terre Bonne. Look at the result declared by the Lynch board, made up as we all know that tabulation was made up from some copies of returns that they got from the United States supervisors, from newspaper reports, from false affidavits made to order as confessed by one of the witnesses, from a general estimate according to population and the old party vote as to what the vote ought to have been. Taking it with all those fallacies and absurdities, I give the Kellogg government the benefit of those six parishes, and let us see how the vote stands. McEnery had 65,579 and Kellogg had 55,973, according to the De Feriet board. The Forman board of the senate increased McEnery's majority to 11,000, but for the sake of the argument I take the lowest majority, 9,606; and I take Iberia Parish from the Lynch board, as given on page 191 of Mr. Carpenter's report, and I give Kellogg a majority of 349; I give him in Iberville 1,548; I give him in Saint James 1,195; I give him in Saint Martin 48; and in good old Saint Tammany I give him 1; in Terre Bonne, 186—making 3,327, which deducted from the 9,606 still leaves McEnery's majority 6,279.

Mr. HOWE. Will the Senator tell me where he gets those returns?

Mr. WHYTE. Yes, sir; from page 190 of Mr. Carpenter's report.

Mr. HOWE. But where did Mr. Carpenter's report get those returns?

Mr. WHYTE. From the report of the Lynch board.

Mr. HOWE. From the return of the Lynch board?

Mr. WHYTE. Yes, sir.

Mr. HOWE. Now, either Mr. Carpenter made a mistake or the Senator from Maryland made a mistake, or the Lynch board made a mistake in stating its own returns.

Mr. WHYTE. It is more than likely I have made the mistake.

Mr. HOWE. If the Senator from Maryland will give me the parishes——

Mr. WHYTE. I have not time; but I will give you the pages of the book, which I have marked.

Mr. HOWE. The six parishes.

Mr. WHYTE. If you will look at the return of the De Feriet board you will see they are left blank.

Mr. HOWE. We are talking about the Lynch board, not the De Feriet board. One of the parishes was Iberia, was it not?

Mr. WHYTE. Yes, sir.

Mr. HOWE. The Lynch board returned its vote at 965 for Kellogg and 616 for McEnery. Another parish was Iberville, was it not?

Mr. WHYTE. Yes, sir. Iberia Parish, which I find on page 190, is returned 965 for Kellogg and 616 for McEnery. That was the way I put it down.

Mr. HOWE. Now Iberville was another?

Mr. WHYTE. Yes, sir.

Mr. HOWE. Iberville was 2,239 for Kellogg.

Mr. WHYTE. And 691 for McEnery, and that gives 1,548 majority, according to my arithmetic.

Mr. HOWE. What was the next?

Mr. WHYTE. Eighteen hundred and fifty-two for Kellogg in Saint James, and 657 for McEnery.

Mr. HOWE. Yes, sir. What is next?

Mr. WHYTE. Saint Martin, 718 for Kellogg, 670 for McEnery.

Mr. HOWE. Yes. What is next?

Mr. WHYTE. Saint Tammany, 112 for Kellogg and 111 for McEnery.

Mr. HOWE. Yes. What is next?

Mr. WHYTE. Terre Bonne, 1,593 for Kellogg and 1,407 for McEnery.

Mr. HOWE. In each of the parishes Kellogg had a large majority, but in all the parishes McEnery had a large majority. Besides, this is only the effect which would be produced upon the result by the counting of the six parishes not counted at all by the McEnery board. When you have done that, before you undertake to state actual results in Louisiana you must correct the returns from parishes from which forged returns are alleged to have been presented, and in addition to that, if the Senator will allow me, you must ascertain as well as you can what precincts from parishes giving partial returns were thrown out by the supervisor and in what precincts the commissioners of election stuffed the boxes. These corrections must be made before you can undertake to state definitely what was the return according to the fact.

Mr. WHYTE. The Senator from Wisconsin entirely misunderstood me if he supposed that I was arguing in favor of McEnery's right to the seat of governor of Louisiana. I have not said a word of that character on this floor. I have accepted the report of the Sena-

tor from Wisconsin, the late colleague of the present Senator, as the basis of my discussion of this case.

Mr. HOWE. I understood the Senator to be arguing the proposition that if the returns from the six rejected parishes were added to the vote, take those returns as the Lynch board stated them, McEnery's majority would be larger instead of smaller.

Mr. WHYTE. I made no such argument.

Mr. HOWE. Then I misunderstood the Senator.

Mr. WHYTE. Certainly the Senator from Wisconsin entirely misunderstood me. The only reference I made to those returns was to correct the Senator who yesterday stated what I am satisfied he believes to be true, that Kellogg was elected governor of Louisiana by the votes polled at that election.

Mr. HOWE. Yes, sir; I believe that.

Mr. WHYTE. He stated that yesterday; and when the Senator from Delaware referred to the count he said "Yes, but in that count you have thrown out six parishes;" and all for which I have referred to the six parishes is to show that if we put into the De Feriet count the count of the Lynch board as to those six parishes, the most favorable count that can be made for Kellogg, it does not better Kellogg's case but still leaves McEnery a large majority.

Mr. HOWE. Well, Mr. President, I admit if you only make the corrections which the returns from those six parishes require, still McEnery will have a majority; but then I say you must make further deductions because of returns made from other parishes which are said to have been forged and not true returns, and then again from other returns made from other parishes you must make large deductions because of stuffed ballot-boxes, the testimony of which is here. I did not mention these other facts yesterday, because the Senator from Delaware said very shrewdly and candidly that he preferred to make his own speech, and I knew he could make his speech a great deal better than I could make it, and I yielded at once.

Mr. SAULSBURY. I hope the Senator from Wisconsin will pardon me if I now, in view of the detailed statement made by the Senator from Maryland as to the true results of the election by the actual count, ask him to withdraw the opinion which he expressed yesterday that Kellogg was elected.

Mr. HOWE. No; I would rather repeat the statement, if it is all the same to my friends on the other side of the Chamber.

Mr. WHYTE. Mr. President, of course the Senator from Wisconsin has the advantage of me; he has been here for a long-continued period and has listened to all these debates. One of my friends in the rear says he is to be pitied, and probably he is. [Laughter.] Probably the Senate is more to be pitied now, for I am taking up so much of its time.

Mr. HOWE. I was about to make a request of my friend. I know he has no animosity against me, and I think he ought not to charge me with having listened to all the speeches that have been made on this subject. [Laughter.]

Mr. WHYTE. I was going to ask my friend from Wisconsin a question myself, whether or not when he was speaking of forgeries awhile ago he did not know and did not hear during the flagellation of speech upon this subject that he has received during the last Congress, whether it was not beaten into him, that those forged returns actually if thrown out made in favor of McEnery's government?

Mr. HOWE. Yes, I have heard that said on this floor. Exactly what effect would be produced by substituting true returns for forged returns, I do not think has been accurately calculated even in this protracted debate heretofore, and I am sure my friend, if he is discreet, will not undertake to calculate it just now.

Mr. WHYTE. Now then, Mr. President, I do not see how my friend from Wisconsin and I can differ. I do not see why we cannot vote together. I am content to believe that there was a vast amount of wrong and forgery and intimidation, if you please, in that election in Louisiana. I do not admire the system of election tactics that prevails in some regions of country. I have myself in early life felt some of the adverse effects of fraud and perjury and intimidation and rascality at the polls, and I know that there are bad men in all parties who often assume the machinery of elections and compromise the honest. That which I did more than twenty years ago in the House of Representatives I stand here to-day to do, protest against fraud and rascality at elections and to exclude from this body and the other House every man who comes with credentials tainted with violence and fraud. I care not to what party he belongs, he degrades either and he shall never receive my support and my sustentation.

No, sir; I am on the record in regard to that, in those days when blood ran through the streets of my own city and fraud was rampant at every polling place. Send them back whenever they come here with polluted certificates of election. Let us act together and unite on such common grounds as this, and I pledge myself to the Senator from Wisconsin whenever the facts disclose that a fair expression of the popular will was not had, I will stand side by side with him and close these doors upon a man of any party that comes to pollute the integrity of this body. Now let the Senator stand upon that platform of patriotism with me.

Mr. HOWE. The Senator will allow me to assure him that I will stand there as long as I am able to stand anywhere.

Mr. WHYTE. I have no doubt of it; and with all his intelligence, when he comes to decide that question his judgment will be based upon facts and not upon feelings.

But, sir, I know that I have wearied the Senate. It seems to have been presumption in me to have occupied its time, coming so recently within its walls; but I consider this question vital to the purity of election; I consider it vital to the peace and perpetuity of the established institutions of our country; I consider that it addresses itself to our consciences and to our sense of right; and therefore as long as I am a member of this body I feel that I shall be faithless to my duty if I do not stand up here to protest against any man's admission who does not come "elected by the lawful Legislature of a State."

But, Mr. President, I meant to say, when talking about recognition, what did this Senate do and what did the House of Representatives do when you came to count the last electoral vote for President of the United States? Were not the electors chosen at the same election? Were there not the same reasons applying? Were there not two sets of electors acting in Louisiana, some voting for Greeley and some for Grant? Were there not two returns before the joint convention? And what did you? You counted out the vote of Louisiana altogether.

Now, Mr. President, all I ask, all that any fair and reasonable man can ask, is that the Senate will approach this subject bound by no recognition whether of President or judicial authority, bound only as under the Constitution of the United States we are bound by our sense of duty, by the principles of justice, by the rules, which should govern us in distinguishing between right and wrong.

Mr. MORTON. I desire to call the attention of the Senator from Maryland [Mr. WHYTE] to the authority which he referred to as showing that there are cases in which the Supreme Court of the United States will not follow the decisions of the State courts upon questions arising under the constitution and laws of the State. I asked him if there was not some question of Federal authority arising in that case upon which the Supreme Court of the United States could act. He said not. The Senator was mistaken. In the first place, the court got jurisdiction of the case because the plaintiff was a citizen of another State and the defendant was a citizen of Iowa. The Supreme Court in that case recognized the general doctrine fully and strongly, but they made it an exception simply upon this ground: There had been a long current of decisions recognizing the power of the Legislature of Iowa to create municipal corporations with authority to issue bonds; there had been, however, recently a decision of the supreme court of that State denying that authority; but the bond in controversy had been issued by a corporation while the supreme court of that State was affirming the authority of the corporations; and therefore the question came up broadly whether the second decision of the supreme court of Iowa if applied to a previous contract was not in the nature of a law impairing the obligation of contracts and prohibited by the Constitution of the United States. There is where the question arose; and the Supreme Court of the United States used the following language in the very opinion to which the Senator referred:

> The sound and true rule is that if the contract, when made, was valid by the laws of the State as then expounded by all departments of the Government and administered in its courts of justice, its validity and obligation cannot be impaired by any subsequent action of legislation or decision of its courts altering the construction of the law.
>
> The same principle applies where there is a change of judicial decision as to the constitutional power of the Legislature to enact the law. To this rule, thus enlarged, we adhere. It is the law of this court. It rests upon the plainest principles of justice. To hold otherwise would be as unjust as to hold that rights acquired under a statute may be lost by its repeal. The rule embraces this case.
>
> Bonds and coupons like these, by universal commercial usage and consent, have all the qualities of commercial paper. If the plaintiffs recover in this case, they will be entitled to the amount specified, &c. (1 Wallace, 206.)

It was put upon that ground and upon that ground only, that it was in effect to impair the obligation of the contract, which the Constitution of the United States expressly prohibited, and even in that case a minority of the court dissented, and Judge Miller held that even in that case the United States courts were bound to follow the decision of the State courts, and went on to state the doctrine at great length in a very able opinion; so that this case does not at all interfere with the statement that I made in regard to what was the uniform decision of the Supreme Court of the United States.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Vermont [Mr. EDMUNDS] to the resolution of the Senator from Indiana, [Mr. MORTON.]

Mr. CONKLING. If no Senator wishes to address the Senate, I move that the Senate proceed to the consideration of executive business—a motion which I will withdraw, of course, if any Senator wishes to take the floor.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at three o'clock and forty-four minutes p. m.) the Senate adjourned.

IN SENATE.

MONDAY, *March* 15, 187.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Saturday last was read and approved.

FISH AND FISHERIES.

Mr. ANTHONY. The Committee on Printing, to whom was referred a resolution to print six hundred additional copies of the

report of Professor Baird on fish and fisheries, have instructed me to report it back without amendment and recommend its passage.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That six hundred additional copies of the third report of Professor Spencer F. Baird, Commissioner of Fish and Fisheries, with the accompanying documents, be printed for the use of the Senate.

MISSISSIPPI ALLUVIAL BASIN.

Mr. ANTHONY. The Committee on Printing, to whom was referred a resolution to print five thousand copies of the report of the commission of engineers on the best plan for the redemption of the alluvial basin of the Mississippi River, have instructed me to report it with an amendment, and I ask its present consideration.

The resolution was considered by unanimous consent.

The amendment of the Committee on Printing was to strike out "five" and insert "two" before "thousand;" so as to read:

Resolved, That two thousand copies of the report of the commission of engineers appointed in compliance with the act of Congress approved June 22, 1874, to investigate and report a permanent plan for the reclamation of the alluvial basin of the Mississippi River subject to inundation be printed for the use of the Committee on the Levees of the Mississippi River.

The amendment was agreed to.

The resolution, as amended, was agreed to.

DISTRIBUTION OF REVISED STATUTES.

Mr. ANTHONY. Mr. President, a resolution which I drew very inadvertently was passed last week, directing that the same number of copies of the Revised Statutes that were distributed to Senators during the last Congress be distributed to the new Senators. I did not reflect that as the distribution of that document was ordered by act of Congress the usual reserve which is made in the folding-room for extra copies was not made. Consequently there are no such copies for distribution. The distribution is regulated strictly by law and is intrusted to the Secretary of State, who has no authority whatever to distribute a copy except according to the provisions of the act. But it is in the power of the Senate to print as many as will come within the cost of $500, which will give, I think, six or eight copies to each of the new Senators, and at the next session the inequality can be corrected. I therefore, by direction of the Committee on Printing, offer the following resolution:

Resolved, That the Congressional Printer print and bind so many additional copies of the Revised Statutes as can be printed and bound at a cost of $500; and that the same be distributed among the newly-elected Senators.

The resolution was considered by unanimous consent, and agreed to.

Mr. SHERMAN. I ask whether the previous resolution ought not to be reconsidered or rescinded?

Mr. ANTHONY. Certainly. I move that the resolution which was passed the other day be rescinded. It is beyond the power of the Senate to do what it ordered.

The VICE-PRESIDENT. The Senator from Rhode Island moves that the resolution passed on the 12th instant in relation to this subject be rescinded.

The motion was agreed to.

EMIGRATION TO THE BLACK HILLS.

Mr. INGALLS. I beg leave to offer the following resolution for present consideration:

Resolved, That the President be requested to communicate to the Senate, if not incompatible with public interests, any information in his possession in regard to the proposed emigration to the Black Hills country in the Sioux Indian reservation; whether such emigration is with the consent of the Indian tribes holding said country under the treaty of February 24, 1869, and if not, what measures will be taken in relation to the same.

There being no objection, the Senate proceeded to consider the resolution.

Mr. ALLISON. I should like to hear the resolution read again.

The resolution was read.

Mr. EATON. I beg to ask if that resolution does not come under the objection which was made by my colleague the other day?

Mr. INGALLS. I think it does not, from the fact that it relates purely to an anticipated infraction of an existing treaty between the Government and the Sioux Indians, which was ratified by the Senate in 1869. It proposes no legislation, but is simply an inquiry addressed to the President.

Mr. EATON. I thought the closing terms of the resolution, if they meant anything, meant that some body, either this body or some other, would do something. I may have misunderstood the terms of the resolution. Let the Clerk report it again.

The VICE-PRESIDENT. The resolution will be again read.

The Chief Clerk again read the resolution.

Mr. EATON. I do not like to interpose a point of order, but it strikes me that we are asking of the President of the United States through this resolution for certain information, and under certain contingencies we ask what shall be done. What is the meaning of that, unless it is that something shall be done by the President of the United States or by this or some other body? It strikes me that it looks clearly to legislation, else the resolution is useless.

Mr. INGALLS. I trust there will be no objection to the adoption of this resolution. It certainly is not amenable to the point of order intimated by the Senator from Connecticut, from the fact that it merely asks the President what steps he proposes to take in case there is any infraction of an existing treaty.

Mr. BOGY. There is no legislation.

Mr. INGALLS. There is no legislation anticipated or proposed by the resolution; and if anything is to be done, it cannot be done too speedily.

It is probably known to most Senators that the Sioux are the most ferocious, blood-thirsty, and implacable of all the Indian tribes now in the northwestern portion of our country. They number about fifty thousand, of which number about forty thousand have been in the receipt of rations at various Indian agencies for the past four years, and ten thousand remain entirely intractable. In 1868, upon the 29th day of April, a treaty was concluded between the various bands of Sioux Indians and the United States, General Sherman, General Harney, General Augur, General Terry, and others acting for the Government, and one hundred and eighty-four chiefs and head-men acting on the part of the Sioux. The second article of that treaty provides—

That the following district of country, to wit, namely, commencing on the east bank of the Missouri River where the forty-sixth parallel of north latitude crosses the same, then along low-water mark down said east bank to a point opposite where the northern line of the State of Nebraska strikes the river, thence west across said river and along the northern line of Nebraska to the one hundred and fourth degree of longitude west from Greenwich, thence north on said meridian to a point where the forty-sixth parallel of north latitude intercepts the same, thence due east along said parallel to the place of beginning; and in addition thereto all existing reservations on the east bank of said river shall be, and the same is, set apart for the absolute and undisturbed use and occupation of the Indians herein named and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit among them.

The sixteenth article of said treaty further provides—

That the country north of the North Platte River and east of the summits of the Big Horn Mountains shall be held and considered to be unceded Indian territory, and also stipulates and agrees that no white person or persons shall be permitted to settle upon or occupy any portion of the same.

In consideration of these agreements, the Sioux Indians stipulated—

First. That they will withdraw all opposition to the construction of the railroads now being built on the plains.

Second. That they will permit the peaceful construction of any railroad not passing over their reservation as herein defined.

Third. That they will not attack any persons at home, or traveling, nor molest or disturb any wagon trains, coaches, mules, or cattle belonging to the people of the United States, or to persons friendly therewith.

Fourth. They will never capture or carry off from the settlements white women or children.

Fifth. They will never kill or scalp white men, nor attempt to do them harm.

Sixth. They withdraw all pretense of opposition to the construction of the railroad now being built along the Platte River and westward to the Pacific Ocean, and they will not in future object to the construction of railroads, wagon-roads, mail stations, or other works of utility or necessity, which may be ordered or permitted by the laws of the United States. But should such roads or other works be constructed on the lands of their reservation the Government will pay the tribe whatever amount of damage may be assessed by three disinterested commissioners to be appointed by the President for that purpose, one of said commissioners to be a chief or head-man of the tribe.

Seventh. They agree to withdraw all opposition to the military posts or roads now established south of the North Platte River, or that may be established, not in violation of treaties heretofore made or hereafter to be made with any of the Indian tribes.

The enormous reservation set apart by this treaty lies in the southwestern portion of the Territory of Dakota. In the western part of that territorial area is a region of country known as the "Black" Hills, from the dark forests of stunted pine by which they are covered; a semi-mountainous region, a lateral or outlying spur of the main Rocky Mountain range; an irregular circle whose greatest diameter is roughly estimated at one hundred miles and whose circumference is described by the north and south forks of the Big Cheyenne River which rise in Wyoming Territory, sweep in curves from the west, and swollen by affluents which descend from the eastern declivities of the hills, unite about the center of the reservation and form one of the main tributaries of the Missouri River.

It has for a long time been rumored that gold existed in large deposits in the "Black Hills," and it is apparent from indications now received from many sources—newspaper statements, letters from special correspondents, and others—that we are on the eve of an organized emigration from the western portions of the country to what is known as the "Black Hills country," which is a part of the Sioux Indian reservation held under the most sacred guarantees by these Indians and which the United States are bound to maintain, protect, and defend by every obligation of honor.

If this were merely a question between the gold-hunters and the Indians, I could view the result with entire composure; but the difficulty lies here: these Indians are already disturbed and exasperated by the military expedition of last summer under General Custer. They are further irritated by the reports now current in regard to the proposed invasion of their territory. They are implacable and intractable; and the danger is that if this movement is permitted to go on they will consider themselves released from those treaty obligations, descend upon the unprotected frontier settlements of Dakota, Nebraska, and Kansas, and that we shall have another bloody summer of Indian rapine and massacre.

Now, sir, the object of my resolution is not unfriendly to this proposed expedition. If there is gold, or timber, or valuable land in that country it will some time or other be occupied by the white race. So far as I am concerned the sooner the better; but I am very solicitous

that immediate steps should be taken to advise the people of the West, in the first place, that this country is held under treaty obligations, that it is occupied by the Sioux under guarantees that the United States are bound to protect and defend; and in the second place to notify the people who now threaten to invade this country what perils they will incur and to what dangers they will expose the unoffending settlers of the border.

I hope, therefore, sir, in order to enable the President to make an authoritative declaration of the condition of this country and of the course that he will be compelled to pursue if this proposed expedition goes on, that no objection will be offered to the passage of this resolution.

I may add that while the number of those who propose to join these expeditions is uncertain, some placing it as high as thirty thousand, some as high as fifty thousand, I have no doubt that by the middle of April, unless the President authoritatively interferes and perhaps in spite of his interference, there will be not less than fifteen thousand people in the Black Hills country within the Sioux Indian reservation; and in this event, with the present temper that exists among those Indians, I greatly fear that it will precipitate upon the western settlements of Kansas, Nebraska, and Dakota all the horrors of border Indian warfare.

Mr. EATON. Mr. President, perhaps I am in error in regard to this resolution being liable to the objection which I suggested. While I am not the especial defender of the President of the United States on this floor, I beg to ask his especial friends if they have any doubt that he will do his full duty in regard to the carrying out of treaties? I have no doubt myself, although I do not belong to the party to which I allude, that the President of the United States will do his entire duty in this matter and take such steps as may be necessary. At all events I beg to ask what good the passage of this resolution will do? If it should be passed and sent to the President and should draw from him a communication to us, what good would that do throughout this broad land? I apprehend, while I do not make any objection to the resolution, that the passage of it will do no good, and I am entirely confident that the President will do his full duty in the premises as to informing all the people of the rights of the Indians to that land.

Mr. INGALLS. I share the confidence that the Senator from Connecticut expresses in the intention of the President to perform his whole duty. I have no doubt that he will discharge every obligation devolved upon him by the terms of this treaty, which is one of the most important ever made between this Government and the Indian nations of the Northwest.

The Senator further inquires what good will be accomplished by the adoption of this resolution. It will do good in many important particulars. In the first place, it will advise the people of the Northwest of the tenure, the title, by which this reservation is held, of which many of them are now ignorant. That fact alone, I am convinced, will deter those citizens who are law-abiding and intelligent from joining what would then appear to be an unlawful expedition. In the second place, it will be beneficial by advising the country at large as to what steps the President will take to prevent any proposed infraction of that treaty; whether he proposes to station troops there; whether he intends to establish posts and garrisons there; in other words, whether the people who propose to join these expeditions will be compelled to meet the armed force of the Government and conquer their way into the territory.

I believe, sir, that the President will feel called upon to maintain and uphold the guarantees of this treaty by all the power at his command. I think it is his duty to do so. But at the same time so long as the country is left in doubt what his duties are and what steps are to be taken, there is danger that men may presume upon the fact that they will be allowed to enter the country without opposition; and the Senator knows perfectly well that if anything is to be done it must be done promptly. By the middle of April, or as soon as there is sufficient grass upon the plains to furnish subsistence for stock, these expeditions will be *en route* for that region. Transportation companies, as we are informed by the papers, have been organized in Sioux City, in Yankton, and at various other places upon the Missouri River. Stage lines are about to be established. Everything indicates that we are on the eve of another one of those subtle contagions commonly called a "gold fever," an epidemic that will result perhaps in disaster and ruin to thousands of people like that of Pike's Peak in 1859 and others that are within the memory of Senators.

As the Senator from Connecticut intimates that this action certainly can do no harm and that he does not propose to resist it, and as in my judgment it is a matter of exceeding importance to protect the frontier settlers of Dakota, Nebraska, and Kansas from the dangers now threatening of Indian massacre, I hope the Senate will adopt the resolution promptly.

The resolution was agreed to.

CASE OF W. K. SEBASTIAN.

Mr. FERRY, of Michigan, presented a letter of C. C. Washburn covering a statement of facts connected with the petition of the heirs of the late William K. Sebastian, praying for the annulment of the resolution of the Senate for his expulsion from the Senate in 1861; which was referred to the Committee on Privileges and Elections, and ordered to be printed.

Mr. SAULSBURY presented additional papers pertaining to the application of the heirs of the late William K. Sebastian, United States Senator from Arkansas, praying the annulment of the order of his expulsion from the Senate; which were referred to the Committee on Privileges and Elections, and ordered to be printed.

PAPERS WITHDRAWN.

On motion of Mr. ALCORN, it was

Ordered, That F. Moore, of Horn Lake, Mississippi, have leave to withdraw his petition and papers from the files of the Senate.

SENATOR FROM LOUISIANA.

The Senate resumed the consideration of the following resolution submitted by Mr. MORTON on the 5th instant:

Resolved, That P. B. S. Pinchback be admitted as a Senator from the State of Louisiana for the term of six years, beginning the 4th day of March, 1873.

The pending question being on the amendment of Mr. EDMUNDS to insert before "admitted" the word "not."

Mr. FERRY, of Connecticut. Mr. President, I desire to say a very few words upon that branch of the argument of the Senator from Indiana [Mr. MORTON] which had reference to the effect of the decision of the President of the United States as to the legitimacy of a State executive or Legislature when the President is called upon to suppress domestic violence in a State. I listened to that argument a year ago with much interest; but at the same time I thought then that it was rather a final resort of a debater in pursuance of authority for his case than a serious claim under the Constitution which that Senator would insist upon with the pertinacity with which he has adhered to it from that day to this. And it seems that his views upon that particular branch of the case have not only not altered with the progress of time, but have become so firm and stable that he regards that branch of his argument, in his own language, as unanswered and unanswerable. While I do not pretend to attempt a detailed answer to the argument, yet that Senator is so able, he occupies so prominent a position in this body, that when this case shall be examined in time to come in search of precedents I am unwilling to have the opinion expressed by the Senator go upon the record without at least my protest against it.

I shall endeavor to state as concisely as possible the proposition which I deduce from the argument of the Senator from Indiana with regard to the effect of the President's decision, and I will state that proposition as I understand it. It is that when the President is called upon to suppress domestic violence under the act of 1795 his compliance with the call involves the determination of the lawfulness of the authority making the call, whether it be the State executive or the Legislature; and the Senate, in judging of the election and returns of a person claiming to have been chosen a Senator from that State, is conclusively bound by such determination of the President till Congress shall have made a different decision, so that the Senate may not inquire whether the person signing the election return be the governor of the State or whether the assemblage which chose the claimant to be a Senator was the Legislature of the State, if such person or assemblage be the same that the President has determined to be the lawful executive or legislative authority.

That I understand to be the proposition of the Senator from Indiana; and it strikes me as repugnant to the Constitution in its plainest terms and utterly destructive of the independence of both Houses of Congress.

Now let us consider for a moment the origin of the powers of the Senate upon the question now before us, and of the President in determining, so far as he does determine, the legitimacy of the authority making a call upon him to suppress domestic violence. The Senate derives its powers from the Constitution. It required no legislation, no act of Congress, to define the mode in which the Senate should exercise those powers or the machinery by which it should operate. The Senate, by the single provision of the Constitution itself, judges of the election and returns of its members; and unquestionably before any act of Congress was passed conferring on the President the power to suppress domestic violence in the manner provided by the act of 1795, the Senate, under the Constitution, alone had the right to inquire and determine whether the person signing the return was the true executive authority of the State and the power to determine whether the assemblage choosing the claimant was the true Legislature of the State. The Senate certainly possessed that power under the Constitution, and without any limitation whatever, during the first six years of the existence of this Government, for from 1789 to 1795 the act under which alone the President acquires any authority whatever was not in existence; and we are therefore presented, upon the claim of the Senator from Indiana, with the strange assertion that a mere act of Congress may devolve upon the President of the United States powers which shall limit and control conclusively a power derived by the Senate from the Constitution itself!

Well, sir, I have only to say that if such is the effect of the act of 1795, if that act has conferred upon the President the power in any case to determine conclusively upon the legitimacy of the executive or legislative authority of a State making a call upon him to suppress domestic violence, so as to control the Senate in making inquiry after the lawfulness of that authority when it is judging of the election and return of its members, then that act so far is void, for it is a clear infraction of the Constitution itself.

But, sir, I cannot give to the act of 1795 any such force as the Senator claims for it, and I think that he has fallen into an error in not considering the mischief which existed before the act of 1795 was passed and for which it provided a remedy, and the true scope and purpose of that act.

As I have said, the Senate derives its power to judge of the legitimacy of the authority choosing a Senator or signing his credentials directly from the Constitution. The President derives no authority directly from the Constitution to suppress domestic violence. The Constitution does not confer upon the President the power to suppress domestic violence. The Constitution provides that the United States shall have certain powers:

> The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the executive (when the Legislature cannot be convened,) against domestic violence.

The Constitution confers that power upon "the United States;" and as the suppression of domestic violence necessarily involves the exercise of the physical force of the United States, it became necessary for Congress, in order that the clause which I have read should have any effect whatever, to provide the machinery by which the physical force of the United States could be applied in the suppression of domestic violence; and therefore Congress passed the act of 1795, providing that the President, the executive branch of the Government, that which wields the physical force of the United States, should be possessed of the powers enumerated in that act in the suppression of domestic violence.

The purpose for which the act was passed and for which the power was conferred upon the President was simply to suppress domestic violence. The evil which existed before the law was passed was that there was no adequate machinery, no channel through which the physical force of the United States could pour itself to suppress domestic violence. The remedy was to confer upon the President, the executive branch of the Government, the authority in the mode provided by the statute to suppress such violence; and that is the whole scope and purpose of the authority conferred upon the President. Incidentally, where there are rival claimants either to the executive or legislative authority of the State, and one or both of the rival claimants makes its call on the President to suppress domestic violence, there incidentally the President must determine which (for the purpose for which he is to exercise his powers under this act) is the lawful authority. He is to determine it for the purpose of through that channel sending forth the Federal force to suppress the violence which is threatened or which has actually burst forth; and it is only for the purpose of accomplishing the object of that act, the suppression of domestic violence, that the President makes this his determination, and that his determination is binding against all domestic violence from any source in the contingency which has arisen. It commands physical obedience everywhere; it cannot be contradicted or denied within the scope of the power conferred upon the President by the act and for the purposes for which the act was passed. And so it continues binding to compel physical obedience from all quarters until it shall have been set aside by other competent authority. It is not needful for me to say here what I suppose that other competent authority to be. I do not agree with the Senator from Indiana upon that point; but it is not necessary for the purposes of my present argument.

Mr. MORTON. Will not the Senator state what the competent authority is to reverse that decision?

Mr. FERRY, of Connecticut. I prefer not to state it, because it is not involved in my present argument. I do not think that under the guarantee clause of the Constitution which I have just read, conferring upon the United States power to suppress domestic violence, it is the Congress of the United States in its legislative capacity which is to determine the legitimacy of rival claimants for executive or legislative authority in a State. I understand the Senator from Indiana to take that position, that it is the Congress as a Congress that is to determine between rival claimants to executive or legislative authority in a State as to the legitimacy of the authority which they are wielding. I differ from him in that respect, and I might go on to state the opinion which I have on that subject, but it is not necessary for the purpose of my present discussion. Ultimately I do think, from other portions of the Constitution, the question might be necessarily remitted to the Congress of the United States where absolute anarchy is found to have intervened in a State owing to the conflict of rival claimants to authority and the necessity of the intervention of Federal power is created by the necessity of self-preservation. But, as I said, what is the finally competent authority is a matter which, in my judgment, is outside of the question now before the Senate. I want to confine myself to the simple question as to how the argument of the Senator from Indiana stands upon the inquiry whether the Senate, in judging of the election and returns of its members, is to be bound by a determination of the President of the United States made incidentally in the exercise of his authority under an act of Congress to suppress domestic violence, for that purpose only, and in my judgment binding only to compel physical obedience from all quarters until the absolute and final decision of the controversy between the rival claimants to State authority.

As I have said, the President is empowered with the functions set forth in the act of 1795 for the sole purpose of suppressing domestic violence—to use the common expression, to keep the peace. He determines for that purpose between the rival claimants, and according to his determination exercises the powers conferred upon him by the act of 1795, puts a stop to domestic violence on both sides and all sides, keeps the peace until the civil and political question involved between the rival claimants is settled by legitimate authority. And the question is now before us whether, pending that final decision, while the President is wielding the powers which he possesses only under the act of 1795 to keep the peace, holding the parties back from flying at one another's throats—for that is all he is doing; that is what the act of 1795 tells him to do; that is what the Constitution says the United States shall do, and the United States by an act of Congress has made the executive branch the machinery through which its physical force shall operate to keep the peace until the civil or political controversy between the rival claimants is settled; and in the mean time the assertion, the strange assertion, is set up here by the Senator that the Senate or the House, either of them, is bound by this mere incidental determination of the President in the exercise of his function of keeping the peace so conclusively that the power which both Houses confessedly possessed before the act of 1795 was passed, by virtue of the Constitution itself, is wrested from the two Houses despite the Constitution? Sir, this cannot be so.

And, finally, what is the legitimate corollary flowing from the position of the Senator from Indiana? Let me state his position again; I have read it carefully and understand it. When the President is called upon to suppress domestic violence under the act of 1795, his compliance with the call involves the determination of the lawfulness of the authority making the call, whether it be the State executive or the Legislature, and the Senate in judging of the election and returns of a person claiming to have been chosen a Senator from that State is necessarily bound by such determination of the President till Congress shall have made a different decision; so that the Senate may not inquire whether the person signing the election return be the governor of the State or whether the assemblage which chose the claimant to the Senate was the Legislature of the State, if such person or assemblage be the same that the President has determined to be the lawful executive or legislative authority. That is the proposition.

Now, in addition to what I have said, if this proposition be true the following corollary inevitably flows from it: that under such circumstances, even though the Senate may know that the person signing the return was not the governor and the assemblage choosing the claimant was not the Legislature, nevertheless it must accept both as the lawful legislative and executive authority of the State in judging of the election and returns of claimants, solely because the President has decided that fact! And that is the very case before us!

I know that it is proposed before this debate is finished to go into an argument upon the facts to prove that the report of the committee of two years ago is false in point of fact; that in point of fact Kellogg was elected and the Legislature that chose Pinchback was elected; and that the report of the committee is false in both those particulars. But, sir, it is too late to set up that claim now; it is too late upon ingenious plausibilities which have been manufactured during the last two years to set aside a report based upon six or seven hundred pages of testimony open to every one of us, and which testimony, if carefully read, will report against the Kellogg executive and legislative authority still more decidedly than the committee of 1873 found; and there is no safe course for us, Senators, now, there can be no safe course for us, except to take the facts as to the legitimacy of the government set up there as the Kellogg government upon the basis of the report of the committee made after weeks, perhaps months, of investigation, and against the personal and political wishes at the time of the very gentlemen who made the report.

The case which I have supposed in this corollary is then the case before us. From the great volume of evidence, from the careful report of the committee, we as a Senate know that when that assemblage in January, 1873, proceeded to choose a Senator and chose Mr. Pinchback, it was not the Legislature of Louisiana; and when William P. Kellogg in January, 1873, signed his name to that certificate of election, we know that he was not the lawful governor of Louisiana. And yet Senators who have listened to this argument and who have listened to the Senator from Indiana from beginning to end, have not heard from him one single claim with regard to that fact opposing the report of the committee except "we have the formal, technical decision of the President of the United States; we are bound by it; the argument is unanswered and unanswerable;" and though we do know that in admitting Mr. Pinchback as a Senator we are admitting the personification of infamous forgery and falsehood, yet we must do it! The power which the Constitution gave us we shall not exercise because a law made under the Constitution has given the President of the United States power to subvert our authority!

Sir, it seems to me that such claims as these only indicate the desperation of the case, and I am not surprised, when such claims of law as these have been fairly sifted by the Senate, at the last moment the ground should be changed, and instead of asserting the binding authority in law of certain official acts, we are to have a new version of the Louisiana case, and, from undiscovered testimony hitherto, to be assured that after all, after the six hundred pages of testimony tending all in one direction to show that your Kellogg executive and legislative authority was a mere sham, we are at last to be told that

the truth is that Kellogg was elected, the Legislature counted in with him was the Legislature, and therefore without regard to these questions of law, upon the fact alone, Mr. Pinchback is to be entitled to a seat. It was needful to make a change of base, because upon the proposition asserted by the Senator from Indiana we are bound to find that a falsehood is the truth; we are bound to find and assert that the truth is a lie; and we are to do it upon the technical claim of the binding force of an executive determination made solely for arriving at the proper channel in which to exercise the physical force of the United States to suppress domestic violence.

Mr. MORTON. Mr. President, I will occupy but a moment to call the attention of the Senate to the position taken by the Senator from Connecticut. First, the Senator's language in regard to what is shown by the report of two years ago, in my opinion, is not sustained. The Senate knows no such thing as he says it does, and he does not know it himself. On the contrary I think a careful analysis of that report, and of the evidence presented, disproves his statement. The Senator overlooks the fact stated by the report itself, that if McEnery was elected, it was the success of a monstrous fraud, a fraud intended to overcome an acknowledged republican majority in that State; and what the Senator insists upon is the success of the fraud.

But I do not intend to argue the fact. I simply want to call attention to the position of law taken by the Senator. If I understood him correctly, he started out with the same statement that the Supreme Court did in the case of Luther *vs.* Borden, that the power of the President to suppress domestic insurrection does not spring from the Constitution but springs from the act of Congress. There I agree with him, and that admission is fatal to his argument in my judgment. The Supreme Court say in that case that the whole authority of the President is derived from the act of Congress and that the act of Congress empowers him to decide which of the two governments is the lawful government, for without making that decision he cannot determine which one he will support by the Army of the United States and which one he will put down. He is first required to make that decision, and after he has made that decision he will support the one and suppress the other.

Now, what is the effect of that decision made by virtue of an act of Congress? If there is anything wrong, it is in the act of Congress. The effect of it is to bind the courts of the United States. The Supreme Court say expressly that while the contest is raging the courts of the United States will recognize that government which is recognized by the President, and they say furthermore that after the contest is over they will still recognize that government recognized by the President.

> Yet if this right does not reside in the courts—
>
> That is when the contest is raging—
>
> when the conflict is raging, if the judicial power is at that time bound to follow the decision of the political, it must be equally bound when the contest is over. It cannot, when peace is restored, punish as offenses and crimes the acts which it before recognized and was bound to recognize as lawful.

Now what is the consequence of that? That the courts of the United States after the contest is over are still bound to recognize that government in the State which the President has recognized. Now I come to the point where the Senator I think utterly failed. He said that the Congress of the United States had not the power to reverse the decision of the President. If Congress as a Congress has not the power, where does that power reside?

Mr. FERRY, of Connecticut. Will the Senator excuse me? I did not intend to be diverted from the direct scope of what I was saying to express any opinion as to the ultimate authority which should decide between rival claimants in a State government. I now repeat simply what I said, as the Senator does not state me exactly correct——

Mr. MORTON. I want to get the Senator exactly right.

Mr. FERRY, of Connecticut. What I said was that I do not think Congress derives any power to decide between the rival claimants for State authority from the clause in the Constitution authorizing the United States to suppress domestic violence. That is what I said.

Mr. MORTON. Now I take the Senator upon that point. He says Congress has not the power. Then there is no power. If the President has the power to make the decision and determine which one of these governments he will sustain, and the Supreme Court say that the courts of the United States are bound to follow and to continue to recognize that decision, and if Congress has no power to reverse it, I ask if one House alone can reverse it? It comes down to the *reductio ad absurdum*. If Congress as a body, the two Houses acting together through legislation, have no power to reverse that decision, can one House alone do it? If it can, then one House may decide one way and the other House may decide the other way, and the courts of the United States may still decide a third way, following the decision of the President of the United States. No; there is but one logical conclusion about it, and it has not been answered. The Senator from Ohio the other day said—I will not say childishly, but he repeated it several times—"The Senator from Indiana has made that argument half a dozen times." It has never been answered, if I have; and the point is that if Congress cannot reverse that decision, there is no power to do it. But I say Congress can. I say the Constitution gives that power to Congress and to nobody else—not to one House alone.

I do not say that the Senate is bound to do anything. The Senate is not bound to recognize the governor of Connecticut. You cannot force the Senate to do anything. But I say that the doctrine of the Constitution is, and consistency requires, that when the President has made a decision in pursuance of the law, and the courts of the United States are bound to follow that decision, as the Supreme Court say they are, and the courts of the State are bound to follow it, that decision cannot be reversed except by Congress, both Houses acting together in the form of legislation; for to allow one House to do it is to make anarchy. Take the case in Rhode Island. Suppose, if you please, when the President made his decision in that case, and the courts of the United States followed that decision, and the courts of the State followed that decision, yet that the Senate of the United States had resolved to recognize the Dorr government and to admit a Senator elected by that government, what would have been the condition of the relations between Rhode Island and the United States? Does not anybody see that they would have been abnormal, absurd relations, that could not have been sustained, and clearly unconstitutional? When Congress as a Congress determine that the President has made a wrong decision, then the President is bound to follow that determination. "The United States" then, in the language of the Constitution, will have decided otherwise. But bear in mind—and that is a point the Senator fails to answer—that the President makes his decision in pursuance of law, and all the courts are bound to follow it, say the Supreme Court, until it has been reversed; and who can reverse it? The Senator even does not admit the power of Congress to reverse it; and yet he asserts the power of one body alone to reverse it and to put a Senator into this Chamber in conflict with the decision of the President and of the courts of the country.

Mr. FERRY, of Connecticut. I know the Senator does not intend to misrepresent me——

Mr. MORTON. I do not. If that is not your position, I misunderstood you.

Mr. FERRY, of Connecticut. I have stated expressly twice over that my position is that Congress does not derive any power from the authority of the United States to suppress domestic violence, to decide between contesting claimants for State authority. I have not said, either when I first spoke or in reply to the Senator's question a few moments ago, that Congress does not possess the power at all, for in my judgment when the conflict between rival claimants in a State results in the overthrow of civil government in the State with an incapacity of the resumption by the State of the faculty of civil government, Congress, on the principle of self-preservation, is bound to interfere and decide.

Mr. MORTON. I understand the Senator now. He says that Congress is bound to interfere. In other words, does the Senator mean to say that Congress does possess the power to reverse the President's decision and say that the other government is the lawful government of the State? If he means to say that, I agree with him and we come right together. But he says that doubtingly, hesitatingly. I think he ought not. I agree fully as to the power of Congress, but not as to the power of one House alone. While the President's decision stands unreversed by Congress it must be accepted by each House acting separately. Any other conclusion, it seems to me, is anarchy; any other conclusion is clearly unconstitutional.

Mr. WEST. Mr. President, I would have preferred not to address the Senate to-day. I am not exactly prepared. I was in hopes some Senator either on this side of the Chamber or on the other would have risen and claimed the attention of the Senate; but finding nobody else apparently inclined to do it, I will occupy their time for a brief period, premising that my remarks and perhaps my argument, from the fact that I did not expect to speak now, may be somewhat desultory and disconnected. But I am actuated to reply to a remark just made by the Senator from Connecticut [Mr. FERRY] who claims that the republican government in Louisiana which was elected in 1872 had no basis but infamous falsehood and forgery. That is the charge which we have had continuously to meet on the part of our opponents, and I think it is time that some one should be prepared to rebuke that charge and to charge home upon our opponents that the falsehood and the forgery lie with them, and that the attempt to subvert the verdict of the people at the ballot-boxes in the State of Louisiana in 1872 was a fraud initiated and continued by our opponents and not by the republican party.

Following the example of the Senators who have hitherto participated in this debate, I offer the customary apology to those whose ears and attention are already weary of the subject, and essay to address myself to the later comers among us. I would ask the Senators of my own political faith to give attention while I show the frauds designed and perpetrated in 1872 upon the republicans of Louisiana whereby that State has been remitted to a condition of revolution, bloodshed, industrial depression, and political oppression for the past two years; where by an ingenuity almost marvelous the better has been made to appear the worse cause in the popular estimation, and the republican party throughout the nation has been held up as responsible for a political crime of great gravity, while the very perpetrators of that crime unblushingly parade themselves as innocent and denounce their victims as guilty.

I am not unmindful that there is a prevailing disgust with this so-called Louisiana case. It finds a parallel in two contemporaneous cases, one recently notorious in England and another in this country now vexing the searcher after truth. But our decision approaches,

and I earnestly appeal to those of my political faith in this Chamber whose votes shall make that decision to remember the trials, the persecutions, and the sufferings of those who uphold the banner of that faith in the South. I ask them to look into all the circumstances. I ask them to believe as I do and as I think I can demonstrate if they will listen to me, that the republicans of Louisiana in 1872 were and that they are to-day in a majority, that they rightfully elected their governor in that year, that the claimant whose right to a seat in this body we are now about to determine was in every respect legally elected, that he has been indorsed again and reindorsed by the Legislature, that he is, outside of all partisan considerations, fully entitled to be admitted; and if we shall so decide, I promise them and I promise the Senate that the much vexed and dangerous Louisiana troubles will be set at rest forever; that political strife will thenceforward be confined in that State within the control customary to other sections; and that peace shall reign and bless where anarchy has brooded and blighted. To other honorable Senators of the opposite political faith I would plead for their attention that they may hear the reverse of the story ordinarily presented to them, and I would ask them to pause ere they lend themselves to the perpetration of a wrong initiated by a few unprincipled men who adopted democracy as a convenient cloak for spoils-seeking and who deliberately planned a scheme of wholesale fraud upon the elective franchise in Louisiana and have deceived and deluded the men of that party faith there, who, incapable of wrong themselves, are outraged in their delusive conviction that they have been defrauded of the government of their choice.

My proposition, Mr. President, will be to claim nothing by the so-called forged and falsified returns. Taking the returns as made by the republican board of Louisiana, I claim nothing under them; and I as emphatically deny the claim of the opposition to anything resulting from their returns. The truth of the facts is this: We had one board in that State pronounced by the highest judicial authority of that State as incompetent to deal with the returns, and that board had the returns. We had another board pronounced by that same authority as competent to take cognizance of the returns, and that board had no returns. Consequently we have no case presenting an election here, so far as returns are concerned. I shall endeavor to show that the claimant in this case, not for a seat, but the claimant, McEnery, that the democratic party carried that State has no authentic claim, and as a logical consequence, if he was not elected it follows that the republican candidate was. You can have but one determination to an election. When two men are voted for, it must be concluded that one or the other of those two men was chosen, and in denying that the democrat was elected I think I shall prove that the republican was.

Let me ask your attention, because this is the new feature in the case and I believe I am the only Senator who presents it in that light, that I go behind the returns, as we are forced in this case to go behind the certificate of the claimant. I go behind the returns and I ask you from all the evidence in this report, I ask you from the conclusions of the report itself, whether the legitimate result is not that the republican party lawfully elected their candidate on that day?

We have had the proposition stated to us again and again that the certificate of Governor Kellogg does not constitute an election of Senator by a lawful body. We are forced into this attitude by those who oppose the admission of this man. We are forced to analyze what constitutes an election. It is denied that there is anything on the face of the papers; and if they are determined to go behind our papers, I insist upon going behind theirs. Assuming for the sake of the argument that this is true, are we not then permitted to inquire whether a certificate made by a returning board that a certain man was elected governor of Louisiana in 1872 does or not constitute an election by a lawful body of electors? If we can look into the qualifications or the acts of the Legislature that elected a Senator, are we not permitted to look into the acts of the electors who elected the governor? If we can inquire whether Pinchback was not elected notwithstanding his certificate, can we not inquire whether Kellogg was elected although he has no certificate, according to the ground and position taken by our opponents? They take the ground that a certificate does not constitute an election. I adopt their argument and say the votes of the legal Legislature caused an election of Senator and the votes of the people elected the governor. If the votes of the people show that Kellogg was elected governor, the same votes will show that the Legislature that chose Mr. Pinchback Senator were also elected. I have never based the claim of either the one or the other upon returns or certificates. Kellogg's certificate can only give Pinchback a *prima facie* case, leaving us the authority to investigate whether the Legislature was legally chosen that sends him here as the representative of that State. In dealing with this case I maintain that we are permitted to examine into what constitutes an election for governor as well as what constitutes an election for Senator. If the proof demonstrates the fact that Kellogg was elected, it will necessarily show that the Legislature was also elected, and I think the proof is conclusive on both points.

It is necessary in the line of what I am stating for me now to examine into the political complexion—and the word is particularly appropriate in the connection in which I use it—the political complexion of the voters of Louisiana. With a maladroitness that will not stand scrutiny, the census is continually quoted as proving conclusively that the division of races is such in that State and the political affinities of those races are such that it is impossible that there should be a republican majority in that State. Merely recurring to the results of the election of 1870 in which the republican party carried that State by some twenty-odd thousand majority, I will come down to the inauguration and the initiation of the campaign that has been so long discussed here. Taking the figures of the census of 1870—and here is where I want to refute one of the fallacies that are continually thrust upon us—we find that the white and black races in Louisiana are divided, counting men, women, and children, within about two thousand difference. There are some two thousand more black inhabitants of the State of Louisiana than there are white. Taking that same census and examining the number of male adults, you discover that there are just about one hundred more white male adults than there are black; and there is where the examiners of this census who take the other side of the position from the one that I assume choose to stop in their investigation. In a recent report that we have from the House on this subject the gentlemen making the report, contrary to the opinions that I hold, use that very census. Now let us see how they use it.

The census of 1870 (the correctness of which is not impeached)—

I hold them to their own authority and their own testimony—

showed 87,076 whites and 86,913 colored males over twenty-one years of age. All the statistics and evidence before us indicated no change in this proportion in favor of the colored voters.

In a previous report these very gentlemen said that they made no examination into the political condition of the State generally; but they expressed their surprise here that there should have been an increase of four thousand colored men and they say it is unaccountable. The facts are that since some of the States in our immediate vicinity have relapsed under the control of a party inimical, as they consider it, to the black men, they have largely emigrated from those States and immigrated to mine. It is then, in my judgment, easy to account for the fact that there should be an increase of the black vote over the census. Then they say that the white registration is ten thousand less than the census. As I took occasion to say to the Senate once before, had they examined from pages 619 and 629 of the census report of 1870 they would have discovered that in the State of Louisiana there are fifteen thousand unnaturalized foreigners not entitled to vote; they would have discovered that in the single parish of Orleans alone out of those fifteen thousand there are nine thousand congregated; and yet the democrats claim that they shall be legitimate voters to offset the colored men who are legal citizens.

So, taking the census, taking their very authority, taking their own documentary evidence, we have an admitted majority in that State of fifteen thousand republican voters. I know that it will be urged "Does it follow that because a man is black he votes the republican ticket?" Once more I want to quote their own authority on the subject. In the testimony taken before this Committee on Privileges and Elections there was a contestant for a seat in this body for the short term and subsequently for a seat for the long term; his name was McMillen, a gentleman for whom I entertain the highest respect; and when he was examined on oath before the committee he testified, as Senators will have the opportunity of realizing if they will examine his testimony, that there were as many black men as white men who voted opposite tickets during that campaign; that the number was about equalized; in other words, he said that from the best of his information there were five thousand white men who voted the republican ticket and he thinks there were five thousand colored men who voted the democratic ticket. So then the vote is left standing as it was on the color line, with our ascertained majority in that State of 15,000.

I know how customary it is to say that colored men are not allied to the republican party. We have had evidence on that subject here too and we have refuted that idea, and the assertion is now seldom made. There was one other witness and the only witness who gave any testimony on that subject, and he was a gentleman more noted for the volubility of his utterances than for the soundness of his judgment, and he thought there were eight thousand black men who voted the democratic ticket.

Now let me go back to the facts again, which show a presumption as to how these votes were cast and show also a corroborative presumption. The whole election machinery of that State was in the hands of our political opponents, and in manipulating the registration of the State to all the ultimate advantage that they could expect to derive from such practices, that very democratic board of registration was compelled to return a colored majority of 11,000 in the State. I will not follow the details of that election. On one side it is all fraud, and on the other side it is all guess-work. It is not necessary to go into those facts; but let us quote now the report that has been made upon which so much reliance is placed to show that we did not carry the State.

The Senator from Michigan [Mr. CHRISTIANCY]—to whom I listened the other day with profound respect and great regard in reference to his law points although I must be constrained to take some exception to them simply because they leave us without remedy; to use one of his own illustrations, they are "entirely circular, they end

where they begin and begin where they end"—warns us of danger, and he points out to us no path of safety; but in quoting the facts he took occasion to say:

Now, according to my reading of the evidence, and according to the report made to this Senate in 1873, and those recently made to the House, the majority of the people of Louisiana are opposed to the Kellogg government.

According to the report made to the Senate in 1873!

Mr. CHRISTIANCY. The Senator will allow me to say that that was in reference to this point which I made:

It has been gravely urged here that, Louisiana being entitled to two Senators upon this floor, it is a wrong to the people of that State to refuse them the enjoyment of that right.

The question of a majority of the people one way or the other, so far as it relates to my argument, was confined to the majority as it now exists, not as it existed in 1872, unless the Senator should claim that Mr. Pinchback, if now elected, would be entitled to go back and vote upon every measure which has been passed or presented here since the time of his election up to this time. The question was the hardship of depriving a State of two Senators upon this floor. I suppose the Senator will hardly claim that that hardship can be removed now so far as the past is concerned, but only as to the future. Now, I confess that the reference in that connection to the report of the Senate committee to which I alluded was entirely irrelevant and inadvertent, and I should have confined it entirely to the majority and minority report as recently made to the House of Representatives by its committee. But so far as the argument I was then making use of was concerned, I might safely concede to the gentleman that there were ten or fifteen thousand majority of the people of Louisiana, not as shown by their votes but of the population, who were in favor of the Kellogg government; it does not touch this question now, inasmuch as these reports recently made show that now a majority is opposed to the Kellogg government and consequently to Mr. Pinchback's admission here.

Mr. WEST. Well, Mr. President, I did not intend to arraign the Senator. I merely referred to him as having illustrated a position which I wanted to controvert. He states now that he made it inadvertently and unintentionally and that it does not apply to the argument, and I will not say anything further in regard to his position, but I will merely go on and maintain my own.

The Senator asks me whether the admission of Mr. Pinchback will repair the damage that has been done to my State for the last two years by the failure of the expression of his vote on various occasions. Unfortunately not. Even on a recent occasion here had Mr. Pinchback's vote been available for the State of Louisiana the inundation of the land and the destitution of that people might have been avoided. Here last year out of the coffers and by the charity of this Government we fed the starving hundreds of thousands of people in Louisiana. Here once more the benign protection of the Government was appealed to on behalf of Louisiana to save her starving people from inundation and it failed because Mr. Pinchback was not here as a Senator from Louisiana to cast a vote. His one vote would have carried the measure; and it is upon these legal technicalities that the people of Louisiana are condemned to suffer, because they are not allowed to be heard.

Now let me refer to this much lauded report. This report proves just exactly what I said in the outset, that so far as the ballots cast on that day were concerned the voice of the people was expressed in favor of the republican candidate. What does the report say?

The colored population of that State outnumbers the white, and in the last election the colored voters were almost unanimous in their support of the republican ticket.

Corroborated by the testimony that I have quoted, corroborated by the testimony of a man familiar with the politics of that State, familiar with all the proceedings of that canvass even down to their absolute iniquity, he tells you that in the main the colored men of that State cast their votes for the republican ticket, and he tells you, and this report tells you, that they are largely in the majority in that State. So outraged did this committee feel in their examination, in their researches, of the frauds perpetrated there in the name and on behalf of democracy, that they brand the whole proceeding as an infamous fraud, and they say the attempt to foist McEnery on the people of Louisiana was contrary to the wishes, and contrary to the expressed wishes of the majority of that people. Senators are here upholding that fraud, unwittingly I admit, according to their conscientious convictions of duty—they are here upholding a fraud to-day that was so pronounced by a committee of this body over two years ago.

All the frauds are on the part of the republicans, says the Senator from Connecticut; the whole claim of Kellogg and the republicans is based on infamous outrage and fraud. Sir, I base the right of the republicans upon the expressed will of the sovereigns of that State, who undoubtedly cast their votes for that man. There is something else in an election besides the returns. Something else constitutes an election. The primary cause of an election is the intention, and it is the expressed intention of the voter as to who shall be his choice that mainly constitutes an election.

Now, Mr. President, let me say one thing in regard to the election laws of my State, in regard to the election law that prevailed and controlled the election of 1872. It was a law passed by the republican party, I will admit—passed to protect republicans from the scenes of violence and intimidation that were practiced in that State in the presidential election in 1868. It had accomplished its purpose. It was deprecated by republicans and by democrats, and there was a universal demand for its repeal or for its modification. The governor of that State at that time had on three successive occasions, according to my recollection, appealed to the Legislature to relax the stringency of those laws, and he had deprecated their existence. The Legislature, yielding to the justice of the demand, yielding to the equities of the demand, during a preceding session just prior to this election had modified and repealed that law and modified many of its obnoxious features. Was that repealing act approved? Was it allowed to go into operation so as to give either one party or the other the same opportunity for an equal and fair election? No, sir; but it was quietly kept for an opportunity for its use, an opportunity for its use which is well known to this Senate, and certainly must be known to the new members here. According to the testimony in the report there was a law that had been denounced from one end of that State to the other as obnoxious, oppressive, and infamous, and denounced by the democratic party, according to their admission. Then what was their proceeding? They made terms with the governor who had the manipulation of that law, and this very thing which they had denounced, which they stated themselves was an alliance with an infamy, that was worse than infamy itself, they hugged to their bosom and they undertook to practice the frauds that it admitted. On the ratification of what is called the fusion ticket there was a mass meeting held and speakers from that stand announced that that law was to be used in favor of the party that had for years denounced it. Ah, they said, this is a glorious law; give it to us now and we will carry the State for the democracy; thus prostituting all their professions of repugnance in order that success might follow such prostitution. What did one of the speakers say?

Now I propose to tell the people of this city, and through the press represented here the people of the State, the simple, plain reason that I do not sign these laws. In the first place they make no material modification of the old election and registration laws. In the second place, it was intended, when the repeal of these laws was forced through the Legislature, that instead of them General Grant should use his election law upon the people of this State; and then, besides that, the great mass of the people—

To whom was he speaking at the moment? To the democracy as represented at a mass meeting in the city of New Orleans—

the great mass of the people who have so long demanded the modification or repeal of these laws have changed their minds.

Ah, it makes a very great difference whose ox is gored. These were laws to be denounced when operated in the interest of the republican party, but O! what sweet and wholesome things they were when they could be diverted to the fraudulent purposes of the democratic party! And I have just this one apology to make to my friends in using that term: It was not the democratic party of Louisiana that originated or perpetrated these frauds; it was a few political adventurers there claiming the cloak of democracy to enhance and advance their own views. Through them and by them the democratic masses of the State of Louisiana have been made to believe, and do this day believe, that they have been outraged. Here were the instructions sent out by the authorities having control of these election laws as to how proceedings were to be managed under them:

STATE OF LOUISIANA,
OFFICE OF STATE REGISTER OF VOTERS,
New Orleans, October 24, 1872.

SIR: In addition to the instructions contained in Circular No. 8, from this office, you are instructed—

First. In counting the ballots after election, count first the votes cast for presidential electors and members of Congress, keeping separate tally-lists on the Form No. 1, provided for that purpose, and making up and completing the statement of votes for each poll upon Form No. 1. Then close the box, reseal it, and proceed in a similar manner until all the national votes have been counted. Then proceed with the counting of the State and parish votes, bearing in mind the fact that the United States supervisors of election and deputy marshals have no right whatever to scrutinize, inspect, or be present at the counting of the State and parish votes.

Here are the facts and here are the practices pursued in that case. The supervisors appointed by the United States judge were allowed to remain as witnesses of the count of national votes, and the moment it became necessary to practice hocus-pocus on the boxes in order to get in democrats they told those gentlemen they had no legal right there. They excluded them from witnessing the count and they went on and consummated their fraud. The republicans were not allowed to have a man there. I assert it as a fact that there was not a republican officer of election throughout that whole State on that day except these supervisors of election, and they were excluded immediately after the national vote was counted. Here is the answer again from the registrar of voters of the State to a republican, the president of the State republican committee:

STATE OF LOUISIANA,
OFFICE OF STATE REGISTRATION OF VOTERS,
New Orleans, November 2, 1872.

SIR: In reply to your communication of date, I must respectfully decline compliance with your request to appoint one commissioner of election at each polling place from the republican party at the general election to be held November 4, 1872.

In regard to your second request, I have the honor to inform you that the list of polling places in this parish will be published in the official journal and other papers to-morrow, 3d instant.

Very respectfully,

B. P. BLANCHARD,
State Registrar of Voters and Supervisor of Registration Parish of Orleans.

HON. S. B. PACKARD,
President State Republican Committee.

In the first place, there shall be no republican to witness the wrongs that we intend to perpetrate in this counting of the vote. In the next place, we do not pretend to let you know where the polling places are to be, either here or throughout the State, until the morning of the election; and the testimony goes to show that they were scattered and located and placed in such positions that the poor, ignorant colored men had to travel twenty-odd miles in some instances to find where they had the opportunity to vote, while every democrat in the State knew exactly where to find his hole. But our voters were not to be deterred in that way; against all difficulties they asserted their rights and were not foiled by such practices.

Now let us look at some of the marvelous mathematical results of these proceedings. In 1870, in sixteen parishes in my State, sixteen exclusively democratic parishes, the majority for the democratic ticket was 7,300. Those are what are known as democratic strongholds. Those same sixteen parishes in 1872, the election upon which this case turns, gave 7,100 majority for the democrats. In parishes exclusively democratic, the democratic vote fell off. The republicans gained ground in the democratic strongholds, but how did they figure out results in the republican strongholds? Now I want to take my listeners to another part of the country, I want to take them to the thirty-six republican parishes of the State, and show the legerdemain that was practiced in order to give the democratic candidate a majority. The remaining thirty-six parishes of the State, our republican parishes, were all carried by the republicans in 1870 by a majority of 32,616, and the democratic board in 1872 gave an actual aggregate majority of 1,500 for their ticket. In other words, at an election which showed large republican gains all over the United States, which showed in a certain portion of our State republican gains over the democrats in their own strongholds, an astonishing gain of 34,000 in the opposite direction, with no assignable cause for the change, was claimed in the exclusively republican parishes of Louisiana by a board which admitted a republican gain in the exclusively democratic parishes. Where they did not need an opportunity to practice this legerdemain, this infamous practice upon the returns of an election, they lost ground; and where they did, they entirely turned the tables upon us. Can anybody believe that such was the actual result? It is incredible. We can go into their own strongholds and legitimately defeat them; they can come into ours and cheat us out of the expression of the will of our people.

Reference has been made in this discussion to the forged returns of four parishes. It is admitted that they were forged. The opposite counsel did not deny it. The true returns would have given 4,000 majority for the republican ticket. We lost 4,000 there. Six parishes were rejected by the fusion board, and it is a remarkable coincidence that they were all republican parishes. Those six parishes polled by the registration 4,500 majority for the republican ticket. There are 8,500 votes of democratic figures whistled down the wind.

But it is not upon the figures of the returns that I rely; it is not to the figures of the returns that I advert; but I am calling the attention of the Senate and asking them to go back to what they believe was the desire and the wish of the people, and I ask them if we are not in this situation, that for two years we have been defrauded of our legitimate political rights?

The Senator from Maryland [Mr. WHYTE] pleaded the admission of the democratic candidate for Congress at large to the floor of the House and to the privileges of membership just prior to the adjournment of that body, and cited it as evidence that in the judgment of that committee and in the judgment of that House he had received a majority of the votes, and that consequently if the Congressman at large on the democratic ticket was elected the republican governor was defeated. Did he know the circumstances of that contest? Did he know that the republican contestant was a claimant for a seat on this floor, and that his appearance in that body somewhat jeopardized and imperiled his right to a seat here? Did he know that the very committee which reported the fact says that Pinchback failed to take any testimony within the time given in the resolution? Did he not know that neither by himself nor by his counsel did he put in an appearance on the occasion? Do not the committee in their report admit that? They say:

> The present contest does not either necessarily or actually involve the so-called Louisiana question or settle the matter at issue *pro* or *con* of the legality of the present State government of Louisiana, as will appear from the several considerations suggested by the facts and testimony before the committee.
>
> First. The contestant was a liberal republican candidate, and received in addition to the full strength of the vote of what was known as the "fusion party" a large republican vote.

There was no liberal republican candidate for governor. This man was a liberal republican candidate and he did get some republican votes, and this very committee that reported to seat him reported that he got a large vote from the republican side, and that their determination in no way affects the main result as between Kellogg and McEnery.

Let me here say a word in justice to the claimant for this seat. He has been held up here as a target for two years to be laughed at, receiving all the shafts of scandal, calumny, rivalry, and jealousy. His personal character is not impugned, but there is something in his official character that should be known. He was selected as the republican candidate for Congress at large for that State in October, 1872. He was voted for as a Congressman at large in November. He was taken up by his party friends and voted for as Senator in January following. Is the fact that he was selected as the standard-bearer of his party on one occasion throughout the State to be pleaded in detriment of his right to a seat here? On the contrary, it shows the estimation in which he was held. He is spoken of as an adventurer who is willing to let his foot rest on any soil that will give him pap and emolument. He is denounced for appearing in that House and he is condemned for presenting himself here. Is he not, from what I have said, fully and entirely justified for this double two-horse act of his? It is not his selection. He is here in obedience to the wish of the majority of the people of Louisiana, and certainly no reflection should be cast upon him, because in that case it would apply equally to any one of us who assumes the duty to which he aspires.

Mr. SAULSBURY. Will the Senator allow me to ask him a question?

Mr. WEST. With pleasure.

Mr. SAULSBURY. I wish to inquire of the Senator if Judge Dibble, of Louisiana, was not one of the counsel who advocated the claim of the claimant to a seat in this body before the Committee on Privileges and Elections, and whether that judge has not recently published a letter in which he declares that the existing government of Louisiana was obtained by revolution?

Mr. WEST. There is some truth in what the Senator states. The judge appeared on one side, but, like a good many other politicians, he is ready to jump on the other horse if he thinks he is going to win the race. I do not attach the slightest consequence to that any more than I do to the sudden somersaults that some people have made in other political contests.

Mr. MORTON. The democracy took him at once.

Mr. WEST. The democracy, as my friend suggests, were willing to adopt him immediately.

We are referred also to the report made by the House committee, and told that that report says the Kellogg government exists in defiance of the wishes of the people of the State of Louisiana. Who are the people of the State? Are they the white-leaguers, the turbulent red-handed revolutionists, who override all law, unless that law is administered in their behalf and in their interest? No, sir, they are the law-abiding, the laboring people, who unfortunately have few to plead their cause or speak in their behalf. What do this committee say again on further investigation? Their "best judgment" is that Governor Kellogg was elected. "We find that many of the more moderate of his opponents concede his election." Yes, not only his moderate opponents but the very men who put up this trick in 1872—these so-called democrats. They laughingly have told me over and over again how near they came to winning and what a glorious thing it was. They laugh over it. They have thrown a State into turmoil, anarchy, revolution, and bloodshed for two years, and they laugh over the adroitness of their practices and how nearly they came to succeeding.

Mr. CHRISTIANCY. I suppose my friend refers here to the report of the minority of the House committee?

Mr. WEST. I refer to the report of the minority, and I shall refer to the majority report, if the Senator will wait.

> Sixth. While we believe Governor Kellogg to have received a majority of votes in 1872—

That is what the minority says; and that minority consists of—

GEORGE F. HOAR,
W. A. WHEELER,
WM. P. FRYE.

They believe it. They have investigated the matter. The majority of the committee say in their report that they never did investigate that election; and what are their words? I am going to quote them in a few minutes. They said in their original report that they never investigated the election of 1872, and here in their supplemental report they express their opinion.

Mr. CHRISTIANCY. Were they authorized to investigate it?

Mr. WEST. If they were not authorized they were not competent to express an opinion about it. What did they do? And here again I come back to the majority report.

Mr. DAWES. Does the Senator mean to state that they did in point of fact investigate that question?

Mr. WEST. I presume that that committee looked into the matter at large, and I know that they did take some testimony in regard to it. That testimony unfortunately is not available, but it will be demonstrated by the testimony when it comes out that democrats admitted throughout the State that Kellogg was elected, and I am told that that testimony shows it. I applied to the Government Printing Office, having been apprised of the names of the witnesses who testified in that case, but I could not get it; it was not available at the moment. The majority of the committee maintained that Kellogg was not elected on his own color line, and they never had the courage to go out to the utmost verge of that color line and see whether there is a majority of white or colored voters in that State. This majority come back and say that it is impossible that the republicans could have carried that State, because the white element were their equal in numbers and their superior in intelligence; once more falling back upon the mistake and the error of which the Senator from Wisconsin not now in this Chamber was convicted, of saying that there are as

many white voters in that State as colored. That is the ground again that they offer to us upon which the majority base their idea that Mr. Kellogg was defeated.

Mr. MORTON. Will the Senator allow me to read an extract from the report in reply to the question asked by the Senator from Massachusetts, [Mr. DAWES,] if I do not interrupt him?

Mr. WEST. Certainly.

Mr. MORTON. I read from the report of Messrs. Hoar, Wheeler, and Frye:

We were unable to make any direct and thorough investigation of the election of 1872. It is apparent from the facts stated in the report of the Senate committee (Senate report, third session Forty-second Congress, No. 457) that the action of the officials was so tainted with fraud and illegality that the action of neither of the returning boards or the certificates of the local election officers can be relied on in the least as a basis for making up an opinion as to the true result. Indeed this is conceded by several of the most intelligent of the conservative witnesses. It would be impossible at this distance of time, and probably at any time, to go behind the returns and ascertain the true expression of the people's will. But our best judgment is that Governor Kellogg was elected. We find that many of the more moderate of his opponents concede his election. There is no argument to show the election of McEnery which is not met by one equally strong in proof of the election of Kellogg.

I call the attention of the Senator to what follows:

The registration—

And mark you, the registration was exclusively in the hands of the appointees of Governor Warmoth, who had joined the democratic party, and every one of the election officers throughout the State was either a democrat or a republican who had deserted and gone over to the democratic party—

The registration shows a considerable majority of colored voters, and it is not denied that Kellogg received substantially all the colored votes, beside some thousand whites. Taking the democratic returns in 1872 for all the parishes except four, for which the returns are conceded to be forgeries, and six others from which they threw out the returns for fraud and violence, and get at the true vote in those parishes in any way you can, by comparing the vote with the registration of white and colored voters, or by taking the republican and democratic votes at the election of this year, and it gives Kellogg a majority of several thousand.

Mr. DAWES. My inquiry of the Senator from Louisiana was wholly for information. I was aware that the testimony taken by the committee was not accessible, but I had a conference with some members of the committee; and I knew or supposed what their opinion was. I agree with the Senator from Louisiana that it was the opinion, I think of a majority of the committee, that Governor Kellogg was elected. I do not think that they made any investigation of the facts as to that election; I did not suppose they had, and therefore I made the inquiry of the Senator. But their opinion as to the election of the rest of the ticket is quite another question.

Mr. MORTON. I will state to the Senator from Massachusetts that I understood from one member of the committee that in the course of the cross-examination of some democratic witnesses before the committee in regard to certain parishes in 1872 the result of that cross-examination in regard to those two parishes was to show such a change as would elect Kellogg, but that there was no direct examination made for that purpose. It came out incidentally in the cross-examination of democratic witnesses.

Mr. DAWES. I cannot speak with any confidence as to how far the investigation went. I think it will be found when the evidence is published that they took no testimony at all in reference to the election of 1872; but that it was the opinion of a majority of that committee, based upon such information as they could obtain in the matter, that Mr. Kellogg was elected governor; but they came to an opposite conclusion as to the rest of the ticket.

Mr. WEST. Whatever apprehensions I might have had at the commencement of making some points, I certainly must express my acknowledgment for the assistance given me by my friend from Massachusetts and my friend from Indiana. The Senator from Massachusetts has had a more favorable opportunity than myself of knowing what information was elicited by this committee, a member of which was one of his colleagues in the other body. All that I know in regard to it is the fact, communicated to me by persons who were cognizant and heard of and heard that testimony, that this committee solicited an expression of opinion from among intelligent men of both parties in that State as to how the election resulted in 1872, and that while republicans were in no hesitation or manner of doubt as to the result, there were some fair-minded democrats who repudiated the cheat that was practiced upon them, and who admitted to this committee that in their opinion the State had gone republican. If an expression of opinion is to be cited adversely to us, we certainly must be allowed to use those same expressions of opinion when they redound to our benefit.

I have not had the opportunity of looking at the remarks of the Senator from Maryland, [Mr. WHYTE,] who spoke on Saturday, but I would call the attention of the Senate to one of his presumptions of fact that is scarcely substantiated by the record. He says that as the Senate had upon the testimony refused the electoral vote of Louisiana in 1873, we are now stultifying ourselves by admitting the representative of that State, or that we would stultify ourselves; that the decision to-day in favor of Pinchback would controvert and annul the decision of the Senate on a previous occasion as to the electoral vote.

Mr. WHYTE. Will the Senator allow me to correct him?

Mr. WEST. Certainly.

Mr. WHYTE. I did not say that the Senate had acted upon testimony when it excluded that vote. I stated the fact that, owing to the condition of affairs in Louisiana, both Houses, acting separately, had each determined that the electoral vote of Louisiana should not be counted at all.

Mr. WEST. And that if we now received it we should be stultifying ourselves. Perhaps I do not use exactly the words of the Senator, but I think that was his idea.

On the 10th of February, 1873, the Committee on Privileges and Elections of this body made an entirely separate report from what is known as the Carpenter report. They made it on the electoral vote of the State of Louisiana, investigation into the validity of which had been confided to them. The Carpenter report was not made until the 23d of February. On the 10th of February, 1873, they came to this conclusion:

We find that the official returns of the election of electors from the various parishes of Louisiana have never been counted by any body having authority to count them.

The Senate resolved:

That, all the objections having been considered, no electoral vote purporting to be that of the State of Louisiana be counted.

Certainly the Senator will not contend that that is *res adjudicata*. Certainly he will not contend that the Senate did not reserve to itself the competency upon any future occasion, on a subsequent measure, to examine into the returns and the facts. What would have been the action of the Senate and House of Representatives on the 12th day of February, 1873, under the solemn sanction of the Constitution to declare what the votes of the people of the United States were for President had there been such an issue as that presented? Had the issue between President Grant and Mr. Greeley turned on the electoral vote of Louisiana, would you have said there was no return? Would you have shut the door and said, "Here are 179 votes on one side and 179 votes on the other; anarchy prevails, and there is no government in the United States," as you assume to say now that there is no government in the State of Louisiana? No, sir; you would have held possession of this Government by all the power of the bayonets of the United States until you had examined into the right and wrong of this case and set the right right and condemned the wrong. Would you have remitted your Government to anarchy, confusion, distraction, and violence, such as we have had in Louisiana, simply because you had no return before you? No, sir; you would have examined the presumptions of the case to begin with; you would have gone into the facts; and you never would have been satisfied until you knew how every man in that State, black and white, had voted. What you would have done for this country at large, what you would have done for this confederacy of States, I claim now that you shall do the same justice to us. We have been defrauded out of our rights. We show you the villainous and infamous conspiracy to defraud the republican voters of my State, and you tell us we have got no rights. We have a right to look to our republican friends in this body for sympathy and justification and support when all the presumptions of the case go to show that the republican party was in the ascendency on that occasion. We have a right to appeal to you in our distress. We have been outraged there. Republicans have been killed by the hundreds in that State for maintaining that their cause was successful in 1872, and you put us off with the cold proposition that the only result and conclusion we can come to is that one board was legal and had no returns and another board was illegal and had forged returns.

What will be the result to us if your verdict is against us to-day? It will leave us but a continuation of this interminable, inconsequential Louisiana case. Refuse to admit this man, and the word goes out once more to the country that the Kellogg government is a fraud, and agitation in that region is renewed, crime and violence run riot there, White Leagues muster, and your President is called upon once more by the strong hand to preserve the peace. Can he do it? Is he competent to do it when his judgment is reversed by this deliberative assembly? What have we got to expect there? Not satisfied with keeping us in that condition for two long years, not satisfied with holding us under the ban of prejudice and oppression, are you to refuse now, when you know the facts and the circumstances of this case, to adjudicate and to give us peace?

Where is the democrat in this Chamber with the facts before him who can convince you, republicans, that that State went democratic in 1872? He will convince you of nothing except the existence of a "gigantic fraud" and an attempt to cheat the people out of their votes. I ask you again, can there be any other choice but one of two? When only two men are running for the same office you must either admit one or the other. You can either acknowledge that Kellogg is elected or you must have our State go into the hands of the democrats. That is the platform on which I wish to stand. That is the logical result of the vote of this Senate. It will be either an admission on the part of the Senate that the republicans are entitled to the government of that State or it will be the verdict of the Senate that the democrats are, because that will be the practical result.

Mr. President, I said at the outset that I had not expected to say anything on this subject to-day. I have gone over much of the ground that has been trod over and over again, and were I a Senator from any other State except the State of Louisiana I would not have vexed

the cars of the Senate to-day. It has been incumbent upon me, however, to say something, and I have felt it incumbent upon me to repel in the strongest terms of which I am capable the charge that the republicans are the only fraudulent manipulators of election machinery in that State; and I charge home to the democrats that they conspired and fraudulently deceived the people, and have deceived the democrats of Louisiana as well as the democrats throughout the country.

Mr. MORTON. If there be no other Senator desiring to speak now, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened, and (at two o'clock and forty minutes p. m.) the Senate adjourned.

IN SENATE.

TUESDAY, *March* 16, 1875.

Prayer by Bishop GILBERT HAVEN, of the Methodist Episcopal Church.

The Journal of yesterday's proceedings was read and approved.

AGRICULTURAL REPORT FOR 1874.

The VICE-PRESIDENT laid before the Senate the report of the Commissioner of Agriculture for the year 1874; which was referred to the Committee on Agriculture, and ordered to be printed.

Mr. ANTHONY submitted the following resolution:

Resolved, That twelve hundred and fifty additional copies of the report of the Commissioner of Agriculture for 1874 be printed for the use of the Senate.

Mr. SHERMAN. How can that be done?

Mr. ANTHONY. We can print the cost of $500. We did that last year.

Mr. SHERMAN. It will not cost more than $500 then?

Mr. ANTHONY. That is the estimate.

The resolution was considered by unanimous consent, and agreed to.

PAPERS WITHDRAWN.

On motion of Mr. MITCHELL, it was

Ordered, That Mrs. D. J. Browne have leave to withdraw her petition and papers from the files of the Senate.

SENATOR FROM LOUISIANA.

The Senate resumed the consideration of the following resolution, submitted by Mr. MORTON on the 5th instant:

Resolved, That P. B. S. Pinchback be admitted as a Senator from the State of Louisiana for the term of six years, beginning the 4th day of March, 1873.

The pending question being on the amendment of Mr. EDMUNDS to insert the word "not" before "admitted."

Mr. ALCORN. Mr. President, it will be remembered that I was one of the committee that joined in the majority report two years since declaring the fact that there was no legal government in the State of Louisiana. The investigations of that committee were patient and I think they were impartial, and in my judgment the conclusions arrived at cannot well be controverted. I now affirm everything that that report asserts as true. I declare that in my judgment the election which resulted in the installation of Kellogg and his Legislature was a fraud; that it was an organized fraud on both sides; as much of a fraud as the parties were capable of making it. Hence it was that I concurred with the majority of the committee in declaring that the election was not entitled to the consideration of Congress; that it should be disregarded; that the matter should be referred again to the people of Louisiana; that a commission should be organized by Congress for the purpose of holding an election there; and that it would be the duty of this Government to see to it that the people of Louisiana had an opportunity of expressing their will untrammeled with regard to the government which they proposed should be established over them.

For two years I have sought to follow up this idea; and during all that period of time the chances for consummating that which I believed to be the remedy for the wrongs that had been committed have grown less and less. To-day there is no hope that anything of that sort can be done. The question of a new election now may be regarded as postponed forever. No one will attempt hereafter to introduce any proposition for a new election in Louisiana.

When I last addressed the Senate on this subject I stated that if the Senate would recognize formally the Kellogg government, notwithstanding my judgment with regard to the election, I would take the formal recognition by the Senate as an adjudication of the case, and would then stand prepared to act upon the credentials of Pinchback, regarding the question of the Kellogg government as fixed, as settled for me and for the Senate.

I have been somewhat persistent in endeavoring to induce the Senate to begin at the right place in this Kellogg matter; first, with regard to the question as to whether the government was legal, whether in truth there was a government there, and if a government, there whether that government elected a Senator; and if a Senator, who that Senator was. But the Senate has not seen proper to commence where my judgment suggested the propriety of commencing. It has ignored the question of the Kellogg government and has come directly to the question of the admission of Pinchback.

I have affirmed here that in my judgment Pinchback was about to be dealt with unjustly by this presentation of the question; that the issue is not properly formed; that it is not properly joined; that the issue is demurrable in law, and in chancery it is demurrable for multifariousness. We are now here to-day trying, in the arguments of the case, the Kellogg government upon an issue presented as to the admission of Pinchback. I stated to the Senate that I could not vote for the admission of Pinchback when the real issue of the case was upon the recognition of the Kellogg government; but since I made that statement to the Senate, since I assumed that position, some action has been taken with regard to this question. The House of Representatives, the popular branch of Congress, has recognized the Kellogg government. My friend on my right [Mr. BOGY] suggests that they also recognized the McEnery government indirectly, for the reason that they admitted at the same time members of Congress who had been candidates upon the McEnery ticket for the State at large. Well, sir, I will not undertake to reconcile this action of the House of Representatives. I presume, however, looking to subsequent events, that it was somewhat in the interest of compromise; that, the Kellogg men having held their seats in Congress for two long years less three days, now in the interest of compromise the House turns them out and puts in the Representatives of the McEnery government; and I am told too that the sitting members, the usurping members, as they may now be called, voted to turn themselves out and put in the McEnery Representatives. This was very polite. This showed that they were up to the spirit of compromise that is now surrounding all this Kellogg question. So the House of Representatives went away in good humor. They had recognized the Kellogg government as the legal government and they had admitted the McEnery Representatives to legislate for the benefit of their constituents during the period of forty-eight hours just before the close of the session and just in time to get their pay.

But there was more than that done. The recent election in Louisiana occurred four months and a half ago. The returning board sat counting the returns for full three months of time. For three months they sat manipulating the returns and counting to see who was elected. The time for the assembling of the Legislature came, but still the count went on. I will not undertake to recite the various charges and mutations of charge that characterize this government in its recent presentation to the country. Committees have been sent by Congress to New Orleans; and finally a commission has been organized by the consent of the Kellogg government and the aggrieved party, and has taken up the returns and carried them to the city of New York, where to-day they are being counted. They are being counted by a commission unknown to the laws of Louisiana; and it is agreed between the party aggrieved and the party in power that the Kellogg government shall be recognized and that this commission shall suggest to Kellogg's government who are the true representatives in Louisiana, and that when this suggestion is made the members shall be entitled to their certificates upon the suggestion of strangers to the law of Louisiana, and that upon this recommendation and upon these certificates those members shall be admitted to their seats, and that then Kellogg, the then recognized governor, shall call the Legislature of Louisiana together, and that the Legislature shall proceed to do what? To make more laws, to undo perhaps some of the laws that have been enacted and that are now in force, but finally to elect a Senator to the Congress of the United States, and when that Senator comes, I ask with what better grace does he come, with what stronger warrant of authority does he come, than that warrant held now in the hands of Pinchback? A Legislature is to be organized after this style, a Legislature fixed up under a compromise between citizens aggrieved and citizens who stood content, outside the forms of law, without regard to the constitution and laws, in the interest of peace and harmony and good-will and compromise. I trust that when so organized it will meet the approbation of the people of the State of Louisiana; that that government, having reached the level of despair, may rise from that level to the majesty of a State government entitled to the respect of the people whom it pretends to govern or is entitled to govern.

Now when the House of Representatives, the popular branch of Congress, that branch representing the people of the United States, has recognized the Kellogg government, and when the people of Louisiana, the aggrieved people, have recognized that government —for the consummation will be made before the Senate adjourns— and the Kellogg government by the consent of the people will be recognized, when all that attaches and appertains to the people has been settled, adjusted, compromised, what is left for the Senate to do?

Mr. DAWES. Will the Senator yield to me for a moment?

Mr. ALCORN. Yes, sir.

Mr. DAWES. I do not know that it is incumbent on me to vindicate the action of the House of Representatives; but as I voted myself for both propositions which the Senator from Mississippi has undertaken to construe as a recognition of the Kellogg government and of the McEnery government by way of compromise, I may be allowed to say that I think the Senator misconstrues the resolution adopted by the House of Representatives. I did not understand it myself

when I gave it my vote as recognizing the Kellogg government as the legal government of Louisiana. There is no such phraseology in it; nor did I vote for it myself nor do I suppose the House of Representatives voted for it under any such supposition. I have heard with surprise a suggestion that members of the House whose seats were contested voted to oust themselves and put others in their place. It is the first I have ever heard of such an instance, and I very much doubt whether the record will bear out that statement. I think that the House of Representatives voted for a resolution declaring that they would recognize William P. Kellogg as the governor of the State of Louisiana; that is all; that they then voted, those of them whose seats were not contested, upon the question whether a contestant whom I have heard for the first time—I did not know it before; I presume it is so—ran upon the same ticket with McEnery was entitled to a seat. I voted with the majority in both those cases. I did not vote myself, and this is the first time I have ever heard it suggested that the majority who did vote either for the resolution recognizing Kellogg as governor *de facto* of the State of Louisiana or for Mr. Sheridan or Mr. Lawrence, whichever of them it was, was entitled to a seat that had been occupied up to that time by some other gentleman, voted for them with any idea of passing upon the question of the legality of either the Kellogg or the McEnery government.

Mr. ALCORN. I was careful to say that I had been informed of what I stated; I believe there was no call of the yeas and nays in the House upon the admission of those members; I think they were admitted without a division. But with regard to the resolution that was passed by the House—I have not that resolution before me—I take it, however, as the honorable Senator from Massachusetts represents it, that it was a resolution recognizing Hon. William P. Kellogg as governor of the State of Louisiana. That, Mr. President, covers all that there is in this case. You may draw subtile distinctions in law, you may draw subtile distinctions in politics, but the masses of the American people hold in its fullest, in its broadest sense, the resolution passed by the House as a recognition of the Kellogg government. There is no explaining of this away.

If Kellogg, then, is recognized as the governor of Louisiana, Pinchback holds his credentials certified under the hand of this governor, the seal attached thereto being the great seal of the State of Louisiana. Then here, under the rulings of the Senate, is a *prima facie* case. I repeat, the popular branch of Congress has recognized the Kellogg government, has recognized William P. Kellogg, the present governor of the State of Louisiana, the functionary now in discharge of those duties, as the legal governor.

Mr. DAWES. Will the Senator allow me to read the resolution?

Mr. ALCORN. Certainly; and I shall be very glad if the Senator will send it here that I may look at it after he has read it.

Mr. DAWES. I have no desire to participate in this debate. I only desired to see that the House of Representatives be vindicated.

Mr. ALCORN. I am sure I would not misrepresent any one connected with this affair. Here is the resolution:

Resolved, That William Pitt Kellogg be recognized as the governor of the State of Louisiana until the end of the term of office fixed by the constitution of that State.

This is the whole law. This runs the full limit, covers all the ground, and there is no room for anything more. The Legislature which was a part of that government has passed out of existence, but the recognition of Kellogg recognizes all the appointments he has made, all his official acts, and everything that he has done.

Mr. MORTON. I ask the Senator if that resolution was qualified in any respect?

Mr. ALCORN. Not at all. It is full and complete. The resolution reads:

Resolved, That William Pitt Kellogg be recognized as the governor of the State of Louisiana until the end of the term of office fixed by the constitution of that State.

Not in the past, but in the future by the grace of God until his term of office shall expire. Could anything be more full than that? It covers everything from beginning to end.

Mr. MERRIMON. May I ask a question?

Mr. ALCORN. Yes, sir.

Mr. MERRIMON. Does the Senator think the House had jurisdiction to pass that resolution?

Mr. ALCORN. Certainly they had. They can pass any resolution they please. It is simply an expression of the will of the House of Representatives, the popular will. The representatives of the people come up here and express their will. I admit that it is not binding on us except so far as it is the expression of the popular will.

Mr. CHRISTIANCY. Will the Senator allow me to ask him a question?

Mr. ALCORN. Certainly.

Mr. CHRISTIANCY. By reference to the reports which that resolution accompanies, does it not appear to have been the result of a compromise, merely recognizing Kellogg as the *de facto* governor for the residue of the term?

Mr. ALCORN. The resolution does not use the term "*de facto* governor" nor does it use the term "*de jure* governor," but it does use the word "governor," and thereby it embraces all that belongs to the governor complete and full. There is no mistaking, no dodging this.

Mr. DAWES. There is no doubt but what the language of the resolution is broad enough to cover a title *de jure* as well as a title *de facto*.

Mr. ALCORN. Certainly.

Mr. DAWES. But it is also just as plain that it will apply to a governor *de facto* as well as *de jure*. It is a resolution so drawn as to command the support of those who believed that he was only governor *de facto* as well as those who believed that he was governor *de jure*. It was, I have reason to believe, drawn on purpose in that form and for that very object, so that those who believed that William P. Kellogg had no other title to that office except that of a *de facto* governor and those who believed that he was entitled to the office *de jure* could in a spirit of compromise support that resolution; and in that way and in that way only I believe it commanded a majority of the House of Representatives.

Mr. ALCORN. The Senator from Massachusetts simply makes good the point that I endeavored to establish here, and that was that the resolution was intended to satisfy all parties, and that it was so broad and comprehensive in its language that certainly the man who contended for the recognition of the Kellogg government *de jure* had no right to complain. That certainly left no room that he should complain, for the language was broad and unmistakable, not only in recognizing him up to the present time, but continuing that recognition on the part of the House of Representatives until the term of office shall expire. Now I think that our *de facto* friends, if they were seeking there to find any hook upon which they could hang an objection thereafter, whereby they could justify themselves in voting for this resolution before their constituents, were perhaps overreached a little by those who held that it was the duty of the House of Representatives to recognize the Kellogg government as the government *de jure*.

Mr. DAWES. I hope the Senator is not disturbed by my interruptions.

Mr. ALCORN. Not at all.

Mr. DAWES. I desire to state that it is true that it was so drawn, as the Senator says, that those who believed that Mr. Kellogg was governor *de jure* would have no right to complain of the resolution, and as I said before it was drawn just as much so that those who believed he was only governor *de facto* would have no right to complain. It was a resolution so drawn, and was supported because it was so drawn, that it would establish neither the one nor the other of the propositions. It was because the Senator from Mississippi seemed disposed to make it the judgment of the House of Representatives that Kellogg is the *de jure* governor of that State that I was led to interrupt him, perhaps a little improperly, in order that I might indicate what I supposed was the true purpose of that resolution. I suppose that those who drew it did not desire that it might be used for the purpose of indicating the judgment of the House of Representatives one way or the other upon that point. The fair judgment of the House of Representatives was expressed, and expressed in the spirit and for the purpose solely of indicating that they did not wish to decide upon that question, but simply that a man exercising the functions of governor of the State so long as under the circumstances he had exercised them had better be recognized as the governor of the State than be overthrown; but upon the question how he came to that office, by what right or by what power he was installed in that office, the House of Representatives took care not to express itself. Any other use, it seems to me, of the resolution of the House of Representatives upon that point is a use to which it was not the intention of the House of Representatives that it should be put.

Mr. ALCORN. I am very much obliged to the Senator from Massachusetts for having given us what he understands to have been the will of the House on this subject. If it was not intended that this resolution should commit those who held that the Kellogg government was the government *de jure* nor those who held that it was a government *de facto* both were very unfortunate, for the reason that the resolution in my judgment is sufficiently full and strong and does commit all parties. I can only take the language of the resolution as to what the House meant. I have not undertaken to debate the jurisdiction of the House on the subject, and the Senator will perceive presently that such was not my purpose, and I did not refer to this for the purpose of criticising the action of the House. I have no criticism to make. I refer to it for the purpose of showing the reason why I propose now to cast a vote different from that which I indicated some time back.

I then stated that if the Senate would recognize the Kellogg government I would take the matter as adjudicated, so anxious was I in the interest of the peace of Louisiana—for I have regarded the agitation in Louisiana with but little less concern than I have in my own State. Her broad border is by the side of the State that I in part represent, and that which excites the people of Louisiana excites and disturbs the minds of the people of the State of Mississippi. We are anxious for peace, and we are ready to make all the compromises that it is possible to make under the Constitution in the interest of peace. This is the feeling of every man in the State of Louisiana and in the State of Mississippi who wishes his country well.

I was going on to show that I had found now, as I thought, a justification for the vote I shall give when this question comes to the vote. As I said, I hold to the same judgment with regard to the election that I expressed originally; and I hold with regard to the decisions of the courts of Louisiana that I have no respect for them.

Why, sir, it is but few decisions of courts in the Southern States organized under the manipulations of adventurers that I have any respect for. In my own State the other day the governor, being called to appoint chancellors in the State to be judges of the subtile distinctions of law in the adjudication of questions appertaining to the jurisdiction in matters of equity and in the orphans' court, did that which I thought it was impossible to do; but I have learned that there is nothing new under the sun; he absolutely made a chancellor out of a country doctor who had never studied law so far as I am informed, who had not a license to practice law, but who did succeed in obtaining a license upon a reading of five or six days after the appointment had been tendered to him; and that man is now commissioned chancellor. He may be, for all that I know, a very clever man, a good neighbor, a good sort of man; but I judge that there is no lawyer in the State of Mississippi, that there is no intelligent man in that State who will have any great regard for his decisions when he shall see proper to make them and promulgate them in the country.

So far as the decisions of the courts organized by adventurers are concerned, I have as a general rule no respect for them. I have no respect for the decisions of the courts in Louisiana, and having read and analyzed the decisions of the courts in Louisiana touching all these questions and the decisions upon various points contradictory of each other, I say that while I can see that there is ability, that there is there a subtile ability manifested in covering up points, I cannot see how any man can have any respect for the adjudications of the courts in Louisiana.

But, sir, if we can obtain peace now perhaps we shall do better. The object and aim now of the Kellogg government being once accomplished, it being established, it may be possible from this standpoint, bad as it is, we may be able there to maintain a government that will be entitled to the respect of the people, a government that will be a source of protection to the people. It is in this hope, and it is for the purpose of settling this question, for the purpose of giving final legislative action to the Louisiana case, that, when the vote shall be taken on this resolution, I shall vote to admit Pinchback. It will be the last of him if he is admitted. If he is not admitted, what is the outlook for the future? The returns are being examined to-day in the city of New York, and the Legislature that is to come in on that examination, as the result of a compromise, will elect a Senator; and when he comes here will he be entitled any more to the respect of this body than is Pinchback, as he stands here to-day elected by the Kellogg legislature No. 1 and the Kellogg legislature No. 2?

There could be no government in Louisiana that would be entitled to my respect unless the government *de novo*, a government that is established and based upon the will of the people expressed at the ballot-box without restraint, and that could not be done unless through the interposition of Congress, and Congress has failed to do that, and it has estopped itself in the other branch from ever doing it by having recognized Kellogg as governor of the State not only for the past but for all the future as long as his term under the constitution of the State of Louisiana may continue. It has thus been put out of the question to organize any other government in Louisiana than that already established. Kellogg is there, originally a usurper, but by the external help of the United States Army for the last two years and by the internal help of his courts as organized by himself he has maintained himself in his place; and I think the aggrieved party in Louisiana did very well in effecting a compromise whereby the masses of the people will be reconciled to that which was inevitable. It is in that direction I go. Now, there being nothing left to close out this question finally and forever except to admit Pinchback, I shall give my vote to admit him, trusting in God that it may result to the advantage, to the peace, to the happiness, to the future prosperity of those people.

Mr. President, the South is torn by faction. Intestine feuds and internal commotions have rent that people from the day that reconstruction was inaugurated. This friction is wearing our people out and destroying us, till they are almost reduced to the level of despair. It is a hope that I seize upon now to save the people from any further agitations, from any further feuds, from any further strife.

I arose, sir, simply to give the reasons why I should have to admit Pinchback and to reconcile my present position to the position I heretofore assumed; to give the reasons, in other words, for that which seems to be a change, but which in truth is not in principle any change. I suggest to the Senate that I trust Pinchback may be admitted and the matter finally adjusted. I shall do nothing while I am a member of this body, if I know it, to lower the dignity of the Senate. I shall do nothing in violation of the Constitution and the laws, if I am aware of the fact; but in reconstruction the Constitution was not very closely consulted. The text of that instrument was sometimes enlarged in a way that created doubts in the minds of some as to whether Congress had the power to do what it did do. In the view of many of the best lawyers of the country Congress had no power to do much that it has done, or rather, I should say, no warrant under the Constitution, for it had the power. It may be that in going forward this enlarged view of the power of Congress will have occasionally to be exercised, in order to harmonize what has been done with the duty of the hour and with the necessities of the future. It is in this spirit that I feel justified to-day, holding as I do the views that I have expressed upon the Kellogg government, in voting to admit Pinchback. He represents the colored race. He represents the colored people of the State of Louisiana. He is their representative man. There can be no question of that. If the republicans in the State of Louisiana are in the majority, and I believe they are, it is the negroes who placed that party in the majority; and if they are in the majority, Pinchback represents that race and is entitled to his place here. The State of Louisiana has her representative of the white race on this floor; he is here. But for two years the colored race have demanded that they shall have their representation here, but it has been denied them. I come now to recognize the demand; and while I hold, as I have said, that the applicant comes not clothed in all the forms and prerequisites required by law, yet he comes at least indorsed as the man who represents his race, and he has the certificate in his hand of that functionary who has been recognized by the House of Representatives as the governor of the State of Louisiana. He comes, too, with a certificate in his hands signed by that functionary who, under a compromise made by the party in power and by the aggrieved party as well, is recognized and his government continued until the end of his term. So avouched for, so indorsed, I feel that I stand justified before the people in voting for his admission.

Mr. EDMUNDS. Mr. President, it has just struck me that the best reason which can be given for the admission of this claimant has been stated by the honorable Senator from Mississippi, [Mr. ALCORN,] and I am glad that before we have come to a vote upon the question, one reason which has some solidity to it shall have been advanced in his favor. The case is stated with the candor which always characterizes the observations of the honorable Senator from Mississippi. He says that this man does not come here clothed with the forms and observances of law, but he does come here as the representative man of a race, and so, in order that this race may have its due representation in the Senate of the United States, and in order that it may be made to see that its rights under the new order of things are to meet with due recognition, this man is to be admitted, because it will give us a colored Senator from Louisiana and so give us repose. Mr. President, if we were the supreme tribunal of the universe, and the Constitution of the United States had invested us with the power to choose Senators, undoubtedly the observations of the Senator from Mississippi would have great weight; but, as I read the Constitution of the United States, this tribunal is not authorized to elect Senators or to choose them. It is only authorized, acting in a purely judicial and independent capacity, to declare whether a distinct and given claimant has been chosen, not by us, but by the Legislature of a State, to represent that State in the Senate of the United States. By most people it would be thought that this does not give large scope for the imagination; it does not give wide play to the humanities, or to those moral or political considerations looking to the future which should lead us to patronize either white races or black races; but we should believe, I think, that our mission is one simply to declare the truth, and one whose guide is the essential reverence for truth and for law, which is the only security for liberty in this or any other free government. Why, sir, it is the only standard which, in spite of a man's will or his passion or his prejudice, is so elevated above him that if he be true he will follow it, whether it leads to present and political success or whether it leads to the giving of an opposite political party a Senator or a law.

Now, what is this constitution? The constitution of Louisiana, like that of the other States, points out clearly how its Legislature is to be selected, and how, when selected, it is to exercise its functions. There is no room for guess-work; there is no room for speculation; but in plain and simple language, just as is in the constitution of almost every one of the other States, it declares in the first place that that State shall be divided into election precincts or districts, each one of which is to choose one or more members of the General Assembly, and it declares in distinct phrase that the returns of the election of these members of the General Assembly shall be transmitted to the secretary of state. Instead of being transmitted to the secretary of state, these returns were transmitted to somebody else. It is claimed by my honorable friend from Indiana [Mr. MORTON] that this is a compliance with the constitution, and that it is left to the regulations of law to point out how and through what devices and through what tests the final sovereign power of the State in its Legislature is to ascertain who have been elected to its own bodies, as well as who have been elected to the executive and other offices of the government. Now let us see precisely what this constitution does say, and then let us ask ourselves, guided not by our own wishes but by the hard logic of fact, where it leads us.

ART. 46. Returns of all elections for members of the General Assembly shall be made to the secretary of state.

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ART. 48. The supreme executive power of the State shall be vested in a chief magistrate, who shall be styled the governor of the State of Louisiana. He shall hold his office during the term of four years, and, together with the lieutenant-governor, chosen for the same term, be elected as follows: The qualified electors for representatives shall vote for governor and lieutenant-governor at the time and place for voting for representatives; the returns of every election shall be sealed up and transmitted by the proper returning officer to the secretary of state, who shall deliver them to the speaker of the house of representatives on the second day of the session of the General Assembly then to be holden. The members of the General Assembly shall meet in the house of representatives to examine and

count the votes. The person having the greatest number of votes for governor shall be declared duly elected; but in case of a tie vote between two or more candidates, one of them shall immediately be chosen governor by joint vote of the members of the General Assembly.

In the light of that language, can any Senator stand up here and say that he believes that the word "returns," as used in that constitution, means or can mean any other thing than the local official papers taken at the time in every voting district and precinct in the State, and that in Louisiana, as I believe in Indiana, and certainly in Vermont and Massachusetts and many other States, the votes of the people taken on the same day and before a thousand different officers in different places are by a statement to be sealed up and transmitted to the sovereign power of the State, that by them, and not by any judgment of any intervening authority, the original evidence of what the will of the people has been shall receive examination and that by them the result shall be declared? If that be not so, then one of the chief securities, as this sad history of Louisiana shows, of preserving law and order under the law has been lost; for if the original certificates of votes made by local officers who are known to all the voters, made without any opportunity of conference or combination with other local officers in other parts of the State, are not the safest repository of the *prima facie* (if I may use such a phrase) result of an election, then it is impossible to conceive what is the safest, because it must be seen that there is less opportunity for fraud, less opportunity for falsehood and for commotion if you take what the people in their separate districts have given as the vote, counted under their own eye, certified by their own officer, instead of taking the judgment of a body of men gathered together at the capital, selected by the executive, who are to take these returns forwarded under the constitution and to bring out from them what they declare to be the true result, which is the only paper upon which the Legislature is to act.

Why, Mr. President, I think it would be a strange thing if this were not so, notwithstanding the election laws of Louisiana, and notwithstanding what its supreme court may have said; and the opinion of the Senator from Mississippi respecting that court relieves me from saying anything about it just now. If there is anything which is capable of misconstruction, I should have said it was the proposition that the returns mentioned in the constitution, which are to go to the secretary of state and are to be by him laid before the Legislature, are the returns which the various local officers take from the votes of the people, seal up, and transmit, and not the judgment of a body of men unknown to the constitution who are to take these various papers and produce any result that in their judgment is lawful or convenient.

Mr. President, this constitution is not anomalous. Its language is almost on all fours with the language of the Constitution of the United States touching what is to be done with the votes of the electors for President assembled in the various States who represent, so far as it respects the President, in a certain sense exactly the same sort of autonomy that the election districts in a State represent to the State sovereignty. The Constitution of the United States, as you all know, declares that the votes of the electors are to be sealed up and transmitted to the President of the Senate; he is to open the votes in the presence of the two Houses, and they shall then be counted. What would be thought of that statesman or that lawgiver who should undertake to pass through Congress a law which should declare that, instead of these votes and returns sent by the electors being delivered to the President of the Senate, they should be delivered to a returning board selected by the President of the United States or elected by Congress, constituted in some way, a month in advance of the time fixed by law for their being counted, and that that returning board should canvass those votes and determine which were legal and which were not and reject all those where in their judgment there had been fraud or violence or tumult, following the analogy of the Louisiana law, and then after they had reached a result that they believed to be a convenient one, they should turn it over to the President of the Senate in the presence of the two Houses who should then, according to that return of that returning board, find out who is the President of the United States? Why, sir, it seems to me only necessary to state such a proposition to show how utterly unfounded it is.

So then, when I am trying to ascertain what was the Legislature of Louisiana on the 15th of January, 1873, when it is said Mr. Pinchback was elected, I shall have no hesitation in saying that, no matter what returning board had declared this to be a Legislature or the other to be a Legislature, it is within the competence of our duty to know, as the final and supreme judges of the election and qualification of this claimant to a seat, whether that Legislature was composed of persons who appeared by the returns that the constitution speaks of made up and elected, or whether they were the creation of some intermediate contrivance that either the cupidity of thieves or the ambition of politicians, or whatever, may have invented as a means of standing between the right of the people to elect their representatives and the persons who were to be authorized to meet and to organize the house.

My good friend from Louisiana, [Mr. WEST,] whose mind always grasps readily at distinctions, suggests to me that the presidential vote is counted by an outgoing Congress and that the vote of the governor of Louisiana, under the constitution, is counted by a Legislature elected at the same time. That is perfectly true, but I fail to perceive how that changes the statement of the question or changes the principle in the slightest degree. If it be a distinction at all, it is a distinction in the line of what I am saying, because if you cannot trust an outgoing Congress to exercise its immediate and primary right, whatever that may be, to see the original returns and act upon them, then certainly you cannot trust an incoming Congress. And so, Mr. President, in the State of Louisiana, as in the State of Indiana and Vermont, and I dare say three-fourths of all the States, the Legislature elected at the same time the governor is is the tribunal, the grand inquest and the grand court, to which all the original returns from the various voting places are carried by certificate or in fact, as they are in the State of Vermont—the actual ballots—and are there opened and counted by the representatives of the people; so that if any dignity is to be gained in favor of a legislative body, it is that which has come most recently and most fresh from the people, and the evidence of whose election is most recent and any fraud in which is most easily ascertained. But, Mr. President, it is not necessary to dwell on this topic.

Let us proceed to find what returns it is that the secretary of state is to lay before the Legislature, either by the constitution or by the election law of Louisiana. The constitution says that the returns shall be sent to him. The same constitution says that those returns shall be turned over to the speaker of the house of representatives by the secretary of state. That plainly imposes on the secretary of state the duty of turning over to the Legislature the very papers, unaltered, unchanged, unopened, that he receives. If this word "returns" in this constitution does not apply exclusively to those primary and fundamental evidences of local action which the people are to give in their various parishes, then you have no provision in the constitution for any returns from the people, and you may begin your election at the returning board, as I do not know but that this one, so far as we can get at any fact about it, began and ended at the same place.

Mr. WEST. On both sides.

Mr. EDMUNDS. My friend from Louisiana says "on both sides." I say on both sides. I beg him to believe that I am not speaking of sides; I am not speaking of parties; I am speaking of the question as I understand it to be, a question of simple conclusion of truth and of law upon an event that has already taken place. I see no policy for the future in it; it is only the truth and the law of the past.

But what is this law, Mr. President, and what did this people do under it? The law, that which was in force at the date of the election, declares:

That immediately upon the close of the polls on the day of election—

There being a commissioner of election at the various voting places and a supervisor of registration in each one of the parishes—

That immediately upon the close of the polls on the day of election the commissioners of election at each poll or voting place shall seal the ballot-box by pasting slips of paper over the key-hole and the opening in the top thereof and fastening the same with sealing-wax, on which they shall impress a seal, and they shall write the names of the commissioners on the said slips of paper; they shall forthwith convey the ballot-box so sealed to the office of and deliver said ballot-box to the supervisor of registration for the parish, who shall keep his office open for that purpose from the hour of the close of the election until all the votes from the several polls or voting places of the precinct shall have been received and counted. The supervisor of registration shall immediately upon the receipt of said ballot-box note its condition and the state of the seals and fastenings thereof, and shall then—

And here comes the part chiefly in question now—

shall then, in the presence of the commissioners of election and three citizens—

Surrounded, as you see, by the best possible witnesses of what the truth has been, those who presided at the polls and three citizens representing the people who had been exercising their franchise—

three citizens, freeholders of the parish for such poll or voting place, open the ballot-box, and count the ballots therein, and make a list of all the names of the persons and offices voted for, the number of votes for each person, the number of ballots in the box, and the number of ballots rejected, and the reason therefor. Said statements shall be made in triplicate, and each copy thereof shall be signed and sworn to by the commissioners of election of the poll and by the supervisor of registration.

Requiring still two separate oaths and two separate tests, one by the person who received the ballots, the other by the person to whom they are delivered and by whom they are counted, as to the genuineness and truth of the statement made up from them. Then it provides that—

As soon as the supervisor of registration shall have made the statement above provided for, for each poll in his precinct or parish, and it shall have been sworn to and subscribed as above directed, the supervisor of registration shall inclose in an envelope of strong paper or cloth, securely sealed, one copy of such statement from each poll and one copy of the list of persons voting at each poll, and one copy of any statements as to violence or disturbance, bribery or corruption, or other offenses specified in section twenty-nine of this act, if any there be, together with all memoranda and tally-lists used in making the count and statement of the votes, and shall send such package by mail, properly and plainly addressed, to the governor of the State.

If that had said "to the secretary of state" it would have been a perfect and complete compliance with and execution of the constitution that I have read, for those are the returns, evidently the returns, exclusively the returns, mentioned in the constitution of the State of Louisiana. It then provides for triplicate copies and what is to be

done with those. Then it proceeds to declare—for I need not read section 29, about the throwing out of votes, at this present time—

That the governor, the lieutenant-governor, the secretary of state, and John Lynch, and T. C. Anderson, or a majority of them, shall be the returning officers for all elections in the State, a majority of whom shall constitute a quorum, and have power to make the returns of all elections. In case of any vacancy by death, resignation, or otherwise, by either of the board, then the vacancy shall be filled by the residue of the board of returning officers. The returning officers shall after each election, before entering upon their duties, take and subscribe to the following oath, before a judge of the supreme or any district court:

"I, A B, do solemnly swear (or affirm) that I will faithfully and diligently perform the duties of a returning officer as prescribed by law; that I will carefully and honestly canvass and compile the statements of the votes."

"Canvass and compile"—not "destroy or take away from," not "add to" upon any evidence whatever, but that he will take the papers which have come from the separate assemblies of the people under the guards and guarantees of the constitution and this law, and he will honestly and carefully canvass and compile them. Then—

Within ten days after the closing of the election, said returning officers shall meet in New Orleans to canvass and compile the statements of votes made by the supervisors of registration, and make returns of the election to the secretary of state.

There they are to make returns to the secretary of state. Take it for granted, as I say, for this purpose now that this is right and follows the constitution, what are they to return to the secretary of state? They are to return the result of the statements whichhave come from the assemblies of the people already certified to, sworn to from the various localities, and they are honestly to make up what those papers show under the law is the result. It is true, by the twenty-ninth section, if upon certain evidence, which the law carefully defines, it appears to them in a certain way that there has been bribery, or tumult, or whatever, to interfere with the election in a particular parish or precinct, they may, if they think the case warrants it, set aside all the returns from that parish or precinct. They are not to change them; they are not to change the footing; they are not to subtract or to add to them; but if they find there has been a state of public violence which shall have interfered with the freedom and purity of theelection, upon certain evidence, which the law prescribes, then they are to set aside that people as for the time being disfranchised either by their own fault or the fault of some violent or fraudulent party who may have got possession of that particular voting place. The law itself gives this board no power of its own judgment or its own discretion in any way to tamper with or to change this primary and fundamental evidence, the only evidence which in any government which is to live by law can ever be received for the time being, the certificates from the people to show who have been elected members of the Legislature or the governor of the State. The liberties of a State would be in rather a hopeless chaos, if you take a hundred years to come, if the determination of who have been elected by the people to be their rulers is to be confided to the discretion of any selected board of men whatever. There is no civilized state that I know of where any such discretion has ever been reposed in any such board. In respect to Legislatures every constitution that I ever read provides that the Legislature itself, as the best and nearest tribunal to the liberty and security of the people, should be the exclusive judge of who have been elected to it; and wherever boards have intervened, as in this case it seems they did, their conduct has been guided by the severest restrictions of law and the strongest limitations upon their powers. So then, if you take this law, it was not open to the Lynch board, it was not open to the De Feriet board, or to the Wharton board, or to the dozen other boards that followed each other like the turns of a kaleidoscope in that State, to stand between the original returns coming from the people and the men whom those returns showed to be elected, with the single exception that the law states that if there was upon certain evidence fraud or tumult in a particular parish that parish was to be set aside altogether for the time being.

Now, what does the law say they are to do further after they have thus canvassed?

The governor shall at such meetings open, in the presence of the said returning officers, the statements of the supervisors of registration, and the said returning officers shall, from said statements, canvass and compile the returns of the election in duplicate. One copy of such returns they shall file in the office of the secretary of state, and of one copy they shall make public proclamation by printing in the official journal and such other newspapers as they may deem proper, declaring the names of all persons and offices voted for, the number of votes for each person, and the names of the persons who have been duly and lawfully elected. The returns of the election thus made and promulgated shall be *prima facie* evidence in all courts of justice and before all civil officers until set aside after a contest according to law.

What are the returns that they are to send to the secretary of state? Can any man stand up and say that it is any other thing than what the language of the law says, a compilation of results from the various sources which the law has provided and which has flowed into their hands. Such returns, it says—not those obtained by extrinsic evidence; not those obtained upon affidavit; not those obtained upon the judgment of any court; not those obtained in any other way than that they come from the separate assemblies of the people, sworn to and certified in the manner prescribed by law, their seals broken in their presence, and the results of those statements are to be proclaimed—and such results, thus proclaimed, are *prima facie* evidence. Then when you turn to section 56, which comes directly to the point of this house of representatives, you will find that it is provided:

That it shall be the duty of the secretary of state to transmit to the clerk of the house of representatives and the secretary of the senate of the last General Assembly a list of the names of such persons as, according to the returns, shall have been elected to either branch of the General Assembly.

Not a list of any persons such as, according to their judgment, ought to have been elected; not a list of such persons as, according to their judgment or as according to any evidence except that which the constitution and this law speaks of, ought to have been elected or were elected. The question of determining who were elected the constitution had invested in the house of representatives itself; and this action under the law and the constitution, therefore, is only to ascertain, as the law in terms declares, who in the first instance appeared from the papers to have been elected by the people and who thus, for the time being, make up the composition and the aggregate of the representatives of the people, under the constitution, in the house of representatives and in the senate. That being done, the constitution invests that tribunal with power to determine upon the right of every member who takes a seat in it and of every person who makes a claim to it; and if we were to hold otherwise we should then hold what this lamentable affair has shown would be the natural consequence of such a proceeding, that it is within the competence of the returning board of Louisiana at any time, without regard to what the original papers may show, to select a house of representatives and a senate for itself. It may take those who were voted for, it may take those who were not voted for; whoever it chooses to take and chooses to send a list of to the secretary of state become the members of the house of representatives and of the senate for the time being, on the theory of this election of this claimant here; and there is no help for it, while the constitution says that the returns coming from the people shall appear in the house of representatives and be canvassed and counted, having been sent to the secretary of state and by him turned over, and while the law says that this returning board, guided by the explicit letter of its commands, shall certify to the secretary of state the names of the persons who according to the returns, and those only, have been elected by the people as their representatives in the General Assembly. And yet, when you turn to this case, you find upon the undisputed evidence conceded all around that the board which returned the body of men that elected Mr. Pinchback never had any returns, never had any votes, and that they made up their list of the persons who were to compose the house of representatives that elected this gentleman from information which they received from a great variety of sources, unknown to the constitution and laws of Louisiana, unknown to any system of government of laws with which I am acquainted except it be made known to that final body, as in this case it may be to us, and as in a case in the house of representatives it may be to that body; and that was the evidence of what they thought the true state of things was or ought to be! You will see, Mr. President, how clear this becomes, much more clear than I can state it, to the eye of any intelligent person who will read the constitution and this law, when you find that this very faculty and function is to be exercised by the house of representatives and the senate itself in counting the votes after they shall have been returned to them through the channels provided by law.

Let me see now exactly what the Lynch board did. On page 155 of the testimony taken by our committee I find this statement in the testimony of Mr. John Lynch, the chairman of the Lynch board:

I have some personal experience in that—

That is referring to affidavits of colored men—

I would like to make a statement, with the permission of the committee, of the general principle that controlled me in my action as a member of the board.

Question. Go on and state it.

Answer. We had not the technical evidence before us—

He calls the evidence which the law requires "technical," just as some of us are sometimes berated, or used to be in this body, when we would read law to any person that it was rather hard to get over, we would immediately be accused of being "technical—"

We were what I considered in the midst of a revolution, and in order to get at the result of the election as near as we could, as an officer acting, I availed myself of every kind of information within my reach, not only the affidavits, but my former knowledge of the political divisions of the inhabitants of the State as corroborative of the evidence placed before us. I do not pretend to say that the results we arrived at in all cases were technically correct, but I believe we were substantially correct as to the result, and that it was the best we could do under the circumstances. It was the best under the circumstances we could do in our efforts to arrive at the truth.

Q. How many affidavits altogether were counted from different parishes as votes?

A. I could not enumerate the whole number. I have not them in my memory. I remember particular parishes. In Natchitoches there were 1,206.

Q. In this parish, in which you say the regular vote was rejected and you counted only those that made affidavits that they had not voted or had been denied the right to vote, how many were there?

A. That was Bossier—1,150.

Q. Was that the whole number of votes returned by you from that parish?

A. Yes, sir.

Q. Were they all for one ticket?

A. Yes, sir.

Q. Were there any other parishes in which the regular vote was thrown out

A. Yes, sir; Natchitoches.

Q. Was the whole of the regular vote thrown out there?

A. Yes, sir.

Q. And you acted upon affidavits?

A. Yes, sir.

Q. How many?

A. One thousand two hundred and six.

Q. For what tickets were those affidavits?
A. All republican.
Q. Then is your statement distinct that there were no votes counted in that parish except upon affidavits?
A. None by us.
Q. Were there any other parishes in the same way—that were thrown out entirely?
A. I do not at this moment recollect any.
Q. How many votes were thrown out in the first parish you named? How many did you reject?
A. I do not know that; we rejected the whole thing.
Q. State how many that was, as near as you can tell.
A. I cannot tell.
Q. Was it a hundred, or a thousand, or two thousand?
A. I cannot tell.

By Mr. CARPENTER:

Q. Will those returns be here, showing that precisely?
A. Yes, sir; we rejected the whole parish on the ground that we believed it to have been an organized fraud, and that we could not determine who the votes were cast for, nor what was the intention of the voters.

Thus in this particular instance, which I take as an illustration of the method of their doing things, this witness tells you that he had nothing in his board to go upon which the law and the constitution required; he tells you that he obtained nothing that the law or the constitution required, but that he acted upon the best information that he could get, no matter from what source it came, so that he was satisfied it would produce the result which he believed would be the true one, growing out of his previous knowledge of political parties in that State.

Mr. President, if I were to hear a democratic witness in the State of Indiana, or in the State of New Hampshire—where I believe some democratic witnesses are being examined at this very moment touching some similar performances to this, only on a smaller scale—testify that he as a polling or returning officer had set aside everything which had the semblance or pretense of official or legal regularity about it, and had taken his political notions as a guide and had then taken all the information he could get in support of the course he was to pursue and then had rejected all the republican votes in that town and had counted none but democratic ones, every republican in this Chamber would have held up his hands, if he had anything to say about it, and said, "Shame on the democracy of Manchester," or wherever it may be. And it has sometimes seemed to me that it was just possible that in the enthusiasm and zeal that we all feel for the great purposes for which our party is organized and the sympathy that we feel for the great things it has accomplished, we occasionally forget that we may make mistakes if in upholding the party of law and of order and of liberty, only secured under law and order, we wink at things done by members of our party that we should be the first to condemn if done by the members of some other.

This, then, was what this board undertook to do. This is one instance of it, perhaps an extreme instance; I presume it is the extremest one that there is. Certainly none could be more extreme, more extraordinary, than the one which I have read from the testimony of the witness whose board it was that created the Legislature which elected the gentleman who now asks us to declare that he is the lawful and the constitutional Senator of the State of Louisiana.

But, Mr. President, when this board was thus acting and was making public the result to which it arrived through means like these, what were its powers and its authority? I have endeavored to show you that it had no power or authority to do anything of the kind. It is a special creation of the law; it has no finality, and it can have none that the law does not expressly or by clear implication confer upon it; and when the law says it may throw out a parish for a certain reason, it is an implied declaration of the law that it shall not throw out a parish for any other reason; and when the law says that it shall compile and canvass the returns that come to it, that is certainly a prohibition against its compiling or canvassing and getting together information, as this witness calls it, derived from his political knowledge or from any other knowledge under the sun, I do not care how sacred or how particular or complete it may be; for the moment these officers of the law, whose duties are so clearly pointed out, depart from the firm foundation of that path which the law has marked out for them, there is no security for liberty or for right or for anything for which government is instituted, for the reason that there is then no guide or limit either to their powers or their discretion; and that people in my opinion will make a great mistake who undertake to uphold results produced by a body acting as this did outside of the constitution and the laws of the State, because, as the honorable Senator from Mississippi says, the final production of that performance happens to be a gentleman of a race which it is desirable at this particular time to cultivate the good opinion of.

I had hoped, Mr. President, that this question of race was to disappear from the arena of politics and from the arena of law. I had supposed that the amendments to the Constitution and the events which had produced and which have followed them had, in respect of political and private rights, erased from the polity of this country, at least, any question justly to be asked whether the particular candidate or the particular claimant or the particular citizen derived his descent from one race or from another, as much so as in a longer period of time, I take it, we have come all to believe that it is not a good thing to inquire whether the particular citizen or the particular candidate or claimant professes his religion under one system of theology, under one hierarchy or under another; and I am sorry, therefore, that any influence, however slight, should be brought to bear in discussing this question depending upon the origin of the claimant or of the person who may oppose him.

But, Mr. President, this board thus acting was by an act said to be constitutional—it is much the same as laws in other States which are constitutional, being approved in the vacation—absolutely abolished. Before this canvass was proclaimed, and before I believe it was completed, it had ceased, so far as an express and unmistakable enactment of legislative power could effect it, to have any existence whatever; and therefore the character of these gentlemen, supposing them to have been the legal board before, had become changed, and, instead of being a legal board, with no jurisdiction to act upon anything that they had before them, they had come to be a body of private citizens of the State of Louisiana, who, it is true, could act as private citizens upon any information they could obtain, but their action could find no warrant in the constitution or the laws of that or any other State. They were left at last in precisely the same condition in respect of their official existence that they found the means of performing their functions to be while they had that existence. They had while they existed nothing to act upon, and when they ceased to exist there was neither board nor case; and yet after they ceased to exist they made this list of the men who voted for Mr. Pinchback, and declared that they were the members-elect of the house of representatives and of the senate of the State of Louisiana. That list I have taken the pains to look at. These gentlemen returned twenty-seven members of the General Assembly, who the witnesses on the other side in favor of McMillen in this bundle of testimony (members of the board that did have the original returns, and who do swear that they canvassed and compiled them in conformity with the law, honestly and truly, as they appeared to them) say composed the house. This list contained, as I say, twenty-seven names out of the one hundred and ten that composed the lower house of the General Assembly which the other gentlemen having the returns that came from the parishes, and that, whether good or bad, fraudulent or otherwise, were the things that came under the guise of law, found to have been elected. If there was a full house, that would leave about eighty persons on the list returned by the Lynch board who, so far as the papers went that came up from the parishes, had not title at all. If this board had had these returns and had obeyed the law upon the face of it, and had obeyed the constitution, they could not have returned anybody elected that did not appear to be elected by those returns, because the law had said what they should do precisely, and that was to canvass the returns that came, and if in one case of fraud and violence there was a ground of wrong they should set it aside altogether, which would leave a vacancy or leave the Legislature when it met to determine the question in its fundamental and constitutional capacity as the judge of the election of its own members.

That leads me to think that if a board which ceased to exist before it concluded its labors, and which had nothing whatever that the constitution or the law authorized any board to act upon, and which therefore had no authority at all to make any list whatever, has made a list of one hundred and ten men as being authorized to elect a Senator in this body, I must take leave to hesitate before I say that that Senator is elected.

The other Legislature, the McEnery legislature as it was called, according to the returns of the De Feriet and the Forman boards, had thirty people, and this Legislature of ours, as I will call it, had twenty-seven, about whose title to office there was no dispute. So that if we were going on the theory of jumping at probabilities and conclusions, they neither made a quorum nor anything like it, and the enemy had by three the best of the bargain. They came by three being nearest regular, if you are going to count it in that way. A quorum of the house would be fifty-six members. When Mr. Pinchback was elected there were I think twenty-one. I may not be precisely accurate as to the number, but less than twenty-seven at any rate—twenty-one, I think, of the people who appeared by the returns that came from the parishes to have a right to sit in that house.

Governor Warmoth called this Legislature together. They were to assemble, I think, on the 9th of December, 1872. On the 6th of December, as you all know, under the order of Judge Durell, the State-house was taken possession of by the troops of the United States; and a Mr. Antoine about the same time, or before the 9th of December at any rate, obtained an injunction from Judge Durell—not the midnight order, but a later one—commanding every one of the persons whom the De Feriet board had returned to be members of the Legislature who were not returned by the Lynch board, that is, every one except these twenty-seven, not to set his foot, in any capacity of assisting in the organization of any of these bodies, within the door-ways of that great hall of justice and of law in the State of Louisiana. That was the order of Judge Durell, the injunction in the Antoine suit, as it was called. It was convenient, as the report says in fighting the devil with fire, not only that the President of the United States should be drawn into this controversy in a way which would be perfectly natural and easy to draw him in his obedience to law in supporting judicial process, to have the marshal authorized to maintain the judicial process of the United States, which of course he must be authorized to do, and it is not every case by any means in which either he or the President can judge or have the right to judge whether that process can be supported or not, for if that were so the Executive would usurp all judicial power, he would be the

ultimate judge of whether any judicial power is to be executed or not; but, as I say, it was convenient not only to thus draw in the Executive of the United States with the arm of the Government to take possession by military force in aid of the marshal of the place of the meeting of the General Assembly, but it was necessary to supplement that, lest it might be that the President would be too early advised or that his commanding officer would be too little advised by the judge under the existing order, and it was necessary that the judge should reach out his mandate to every man by name whom the other side claimed to be elected and say to him, "You shall not participate;" and so by these two contrivances were got together on the 9th of December, 1872, that body of men that styled itself the Legislature of the State of Louisiana and that demands as a right under the Constitution of the United States that a man of its selection shall be the Senator of that State for six years.

Mr. HOWE. Will the Senator yield to me for an inquiry?

Mr. EDMUNDS. If it is for an inquiry, I will indulge the Senator; but if for a speech, I will yield the floor presently.

Mr. HOWE. I will wait for the opportunity to make a speech; I now ask permission to make an inquiry. It is whether any man was kept out of the Louisiana State-house by virtue of the restraining order issued in the Antoine suit?

Mr. EDMUNDS. I was not there and I do not know. All I know is that here is the order, and I assume that it was obtained and issued for a purpose; and with the well-known reverence for law that exists in the State of Louisiana I must suppose that every one of the people who were enjoined obeyed the injunction. I will read the order to my friend and see if I am mistaken in that:

Circuit court of the United States in and for the district of Louisiana.

C. C. ANTOINE
vs.
H. C. WARMOTH *et als.* } No. 6861—in equity.

Restraining order.—Issued December 7 1872.

Whereas the plaintiff herein has this day filed and exhibited his bill of complaint against the said defendant, H. C. Warmoth, and the other defendants named in said bill of complaint, and has therein prayed that injunctions, *pendente lite*, issue against the defendants therein, and that a restraining order be also issued restraining the said defendants, as prayed for in said bill, from doing or permitting to be done the acts in said bill complained of:

Now, therefore, on motion of J. R. Beckwith and E. C. Billings, solicitors for complainant, it is ordered that the defendants named in said bill do show cause, on the 11th day of December, 1872, why injunctions, *pendente lite*, should not be allowed as prayed for. It is further ordered that said defendants, each and every one of them, be, and are hereby, commanded and restrained to the extent and effect as in said bill of complaint prayed [*the clerk will attach to this order a copy of the prayer for injunction as set forth in said bill of complaint*] until the hearing and determination of said rule for injunction, and until the further order of the court in the premises.

E. H. DURELL, *Judge.*

Now here comes the prayer:

And that a writ of injunction also issue to the said J. J. Mellon, &c.—

Quoting about sixty-five names, being the persons returned as elected by the De Feriet board and not returned as elected by the Lynch board—

enjoining and restraining them and each of them from participating in any manner in the organization of the house of representatives to be convened on the 9th day of December, A. D. 1872, or at any time thereafter, or from doing any act or thing toward, in, or about the organization of the same, either by casting a vote or otherwise, unless his name shall be and appear on the list of names of members of said house transmitted to the clerk of the same by George E. Bovee, secretary of state, as having been elected to the same.

And a similar injunction against the members of the senate. That was an injunction against every member returned as elected by the De Feriet board that had the returns, including these twenty-seven, but excluding them in effect by this qualification at the end, "unless his name appears in the returns furnished by the Lynch board." My friend from Wisconsin asks me if I have any evidence that any of these people were prevented—I suppose he means as a fact—from attempting to participate in this organization. I have not any means of knowing that; I do not know what the fact is.

Mr. HOWE. By that order?

Mr. EDMUNDS. Prevented by this order. The order says that a writ of injunction issue to these people by name—

Enjoining and restraining them and each of them from participating in any manner in the organization of the senate to be convened on the 9th day of December, A. D. 1872, or at any time thereafter, or from doing any act or thing toward, in, or about the organization of said senate, either by casting a vote or otherwise, unless his name shall be and appear on the list of names of members of said senate transmitted to the secretary of the same by George E. Bovee, secretary of state, as having been elected thereto.

If that is not a prevention in the sense of a prohibition I confess I do not understand the force of language.

Mr. HOWE. Undoubtedly it was a prohibition, but then the Senator remembers very well that that order was issued on the 7th of December and the State-house had been closed under the midnight order of the day before.

Mr. EDMUNDS. So it had. That is exactly what I was saying. I said it was not thought to be safe that the military should have taken possession of the State-house; they might let in these claimants who stood upon the original returns; it was not safe, because perhaps the President of the United States, who was known to be an honest man, would find out that people were being excluded who had as good an apparent title to their seats as these people had, whether in fact they had a title or not, and perhaps he could not be relied upon, if he should get hold of the real truth about it, to stand in the way of the right of those who had such evidence of title as this, be it good or bad, to get in; and therefore it was necessary that Durell under this arrangement should reach out to the very men themselves, one by one, and say to them, "I take hold of you personally, and no matter whether the troops will let you in or not, you shall go to jail as in contempt of my court if you undertake to do anything touching that organization."

Why, Mr. President, filing a petition setting forth your right as a member, if you sent it by an attorney, would have been a breach of that injunction; and, if Durell had had as much courage as he had some other qualities, if any one of these members had undertaken to send a letter to the speaker of the house of representatives or to Bovee, secretary of state, stating that he wished to appeal to the good sense of the body of men who were assembling there to be heard in the premises, he would have been guilty and brought up for punishment.

Mr. HOWE. The Senator remembers, I suppose, that two weeks before that the same court in another suit had issued an order prohibiting all persons from pretending to give any certificates except the Lynch board, and that that was not obeyed at all.

Mr. EDMUNDS. Yes, Mr. President, I remember, and I also remember, and I hope the Senator does, that Durell had never issued any order prohibiting the De Feriet board from giving any certificate about anything, and that was where, as the report of Senator Carpenter and General LOGAN and Senator ANTHONY and General ALCORN point out, the advantage was in this fighting of two devils, Warmoth, the head devil, and the other fellow. When he found that Durell's injunction was going to prevent the Warmoth board from making any returns at all, Warmoth then by the exercise of a constitutional power, as it is conceded upon all hands, abolished the Warmoth board by an act of the Legislature, and then, exercising the same power that the President of the United States has a thousand times done under our Constitution, he filled up the vacancies created by that law in the vacation of the Senate of Louisiana by appointing the De Feriet board, who not being under any injunction, and being fresh, as the saying is, from the people, if there are any people there in the true sense on any side, proceeded to canvass the returns and to publish and promulgate the result in strict accordance, upon the force of the papers, with the constitution and laws of Louisiana; whether in real accordance is quite another question. So there is no getting away from the unpleasant fact—and I say it the more freely from the circumstance that it is unpleasant to me—there is no getting away from the unpleasant fact that the body of men who elected Mr. Pinchback were assembled together and selected out of the citizens of Louisiana by a series of contrivances that I think it safe to say is without a parallel in the history of any community governed by law. The operations of the other board and of Governor Warmoth and the operations and contrivances of that election parallel it in many respects, and in some respects more than parallel it; but we must not forget that we are not now trying the question of whether the McEnery legislature was a good one or not; we are not trying whether the McEnery governorship is a good one or not; we are trying this man upon his title; and it does not follow because some other body of men were as bad as this, because some other body of men had as much of fraud and as little of law and truth to stand upon or more than this, that this man has any rights. The question is not, as I say, whether McMillen would be entitled; but the question is whether this man was elected by the real and constitutional Legislature of the State of Louisiana, who alone under the Constitution of the United States and of that State have a right to send here a Senator. That is the question. It does not help it, therefore, to doubt whether the other body of men was a good one; it does not help it to know that the other body of men was not a good one if we do know it; it does not help it to believe, as I believe, that the election in that State in that year was carried by a systematic and vigorous scheme of fraud and of intimidation. We cannot because a State has gone to chaos, we cannot because a State (as Lynch himself swears he acted upon the idea of its being) was in a state of revolution, say that we will take any man as a Senator who is picked up by any body of men who choose to assemble themselves together. We should violate our duty and become a party to irregular and revolutionary and fraudulent governments the moment we set our seal of approbation upon a proceeding of that character.

It would be curious if we had time to go through with the history of this body of men. It is unique. This body of men, made thus secure by the soldiers of the United States under guise of supporting legal process, as they were, legal in form, and under an injunction against everybody else who could possibly set up a counter-claim, was got together on the 9th of December, 1872. The very first act they did, I believe, certainly on that day, was to exercise the august powers with which they had thus been invested by impeaching Governor Warmoth. I think it quite probable that Governor Warmoth ought to have been impeached; but I believe the constitution of Louisiana requires that a house of representatives shall impeach a governor, and not a body of men who have got together without any authority of law. That was the first step. Then, under the laws of Louisiana, Governor Warmoth was said to be suspended. Suppose Governor Warmoth had been unwilling to be suspended and had said "I will not submit." Ah, but there were the injunctions of Durell and there was the power of the United States upholding the authority

of judicial law. What chance had Warmoth to resist? Mr. Pinchback, I believe, by some very extraordinary state of the law and of steps taken under it, suddenly came to be governor. He had only been a senator; his term had expired; but never mind; by one of these curious things that the supreme court of Louisiana can undoubtedly explain the private citizen, Mr. Pinchback, was suddenly transformed into governor of the State of Louisiana, and he communicated with this Legislature, and Governor Warmoth was stranded, as probably in justice he ought to have been; but it should have been justice by regular methods. There is this to be said, that the moment this impeachment had been filed and the suspension accomplished the zeal of the impeachers for judicial proceedings seems suddenly to have ceased, and the impeachment was never, so far as I have heard of, prosecuted. I may be wrong about that. It had suspended the objectionable functionary and had worked its office. Then the Legislature adjourned to meet at the regular time on the 14th or 6th of January, or whatever the day was. They met again. The same twenty-one only, or twenty-seven if you make the most of it, of the persons who according to the returns from the parishes had been elected, appeared again with their seventy or eighty *confrères* picked up by Mr. Lynch and his associates upon such information as they could obtain, guided, as I believe I havesaid, by their previous knowledge of the political state of affairs.

Well, Mr. President, if such methods are rightful, I should be glad for one to be the returning board for the next House of Representatives of the United States. I could pick up on such information as I could possess, guided by my previous knowledge of the state of political opinion, a republican majority in that body, because Icould show that for fourteen or fifteen years there had been heavy republican majorities in the greatest number of the congressional districts of the United States. Guided by that fact I could reason myself to the conclusion that if the people had had a fair chance to reflect and think and get over the flood of democratic lies that were shed over the country everywhere, they would have elected good honest republicans, and if that method be rightful I could with a clear conscience furnish the co-ordinate branch at the other end of the Capitol next December with a very respectable republican majority. And yet, Mr. President, I do not suppose that even my brothers here who do not think as I do about this business, and whose sincerity and patriotism I do not question—I rather question the correctness of my own ability to understand this case when I see how many differ from me—would hardly think that it would be a good thing for the whole body of the Union, however it may do for Louisiana, to find out who compose the House of Representatives by methods and contrivances like that. I know they would not. It would shock us all. It could not be done; I do not mean could not be done physically, but it could not be done in the moral sense of any body of men who could be got together, because the great body of men in every country that has been successful in a government of law and of liberty combined has found its chief corner-stone in the reverence for law and for orderly procedure which pervades the whole body of the people. So long as you have that, whatever temporary misfortune may occur, you will have liberty and you will have progress. But when you cast loose from that, you will have what you see follows wherever you have cast loose from it—revolution and the guillotine, as in France; tumults and disorders of every kind, as in Louisiana; and on the other hand you will do a still greater evil in lowering the tone of that respect for law and for orderly methods which now, as I say, is the chief and only foundation of government in our own Northern States. When a people only respect law because it is backed by power, instead of respecting it because it is the true expression of the public will and right of itself, that people will very soon either become the abject slaves of a tyrant or they will produce an explosion which will carry them, as it often has, to an extreme of anarchy and confusion, worse it may be for the time being than the very tyranny which they had rebelled against.

Then I feel, I confess, Mr. President, some hope that I shall not lose the little standing that I possess among the brothers of the republican party in holding on to what I consider to be the sheet-anchor of our security. We have stood by the law; we have insisted that our southern brethren should stand by it and obey it. The point that we have made to them and against them has been that they have not respected the rights of their fellow-citizens under the law. Let us be careful that we do not make an example greater even than any that they have given us, in one sense, by departing from the clear line of the law in order that a temporary advantage or a temporary sentiment, as the honorable Senator from Mississippi puts it, may have a little sway.

But, Mr. President, we have been told that we are estopped, as the lawyers say, in this business by the decisions of the supreme court of Louisiana. Indeed, it seems to be the chief ground upon which, on the merits of this case, the honorable Senator from Indiana presses us to vote in favor of the admission of this claimant. He says this is a question of local law, and when the highest tribunal of that State has solemnly pronounced that Kellogg is the governor and that the Lynch board is the true returning board and so by consequence that this body of men is the true Legislature for the time being, we have no authority to revise or to overrule or to disregard that judgment, and that whatever that court has said the Legislature of that State is is binding upon us and forecloses the question.

Sir, I take leave to differ from that proposition. I differ from it upon two or three grounds. In the first place, the Constitution of the United States has for the purpose that we now have in hand made us, and not the supreme court of Louisiana, the judges of what is the Legislature of that State. In the second place—for I need not enlarge upon this—neither the constitution nor the laws of Louisiana itself authorize or profess to authorize the supreme court of that State to pronounce at all upon what body of men is the Legislature of that State. They have as little power to pronounce upon that, in my opinion, as I, an individual citizen of Vermont, have. The frame-work of the governments of these States, as of the Government of the United States, was based upon the idea that no one department, not even the judicial department, should have any authority to interfere with or control the existence or the functions of the other departments of the Government. They may decide causes between men, and so far as they affect the men who are the parties to the cause and the consequences which are to follow from it to those men their judgments are in general binding; but no court, no matter how broad its jurisdiction may be, can in a government framed like ours, either State or national, undertake to declare to be binding in any sense upon Congress or upon the Legislature of a State whether a particular body of men in the State are its Legislature or not. The thing itself involves a contradiction. Suppose there is a Legislature, as in Louisiana, exercising actual power, as this body of men were exercising it, and there is a supreme court. If they say that Legislature is not a Legislature, that is an act of treason, and the first thing that would happen, the first thing that ought to happen, unless that Legislature were to be driven out at the point of the bayonet, which no court can do, would be that every one of the judges who concurred in such a decision would be justly impeached and deposed from office, because it would be one branch of the government declaring that the other branch in possession of and exercising power was usurping the functions that belonged to somebody else, and that branch of the government of necessity must immediately exercise its functions and depose the body that made war upon it. How long would it be—if I may refer to such a lofty tribunal, whose judgments are entitled to, as they always receive, so much respect—if that august tribunal sitting in the space between us and the House of Representatives should declare some day that the body of men exercising legislative power, whether rightfully or wrongfully, at the other end of the Capitol were not the House of Representatives at all, that they had no business there—how long would it be before a committee of that body of men would appear at the bar of this Chamber with articles of impeachment against that body of judges? I say that the moment you reflect upon it, the idea of bringing into judicial determination the legal existence of another branch of a government framed as ours is, with a view to its having any effect upon that existence, a power which is absolute, is totally inadmissible; they cannot stand together.

But, Mr. President——

Mr. LOGAN. If the Senator is through on that point I should like to ask him a question right here, because I want to know his opinion. In reference to his statement as to the court having no knowledge or power to decide, I ask him is it not a fact that the court of a State is bound to take judicial notice as to the Legislature, so as to know what the laws of the State are? Is not a court bound to take judicial notice of it?

Mr. EDMUNDS. Is that the question?

Mr. LOGAN. That is one question.

Mr. EDMUNDS. That is a very easy question and is very easily answered. I answer yes; and the moment the court fails to take judicial notice of the body that is exercising the functions of a Legisture, that moment that body will put its foot upon the court. That is exactly what I am saying. The court is bound to take judicial notice, and being bound to take judicial notice, it cannot draw into question for decision a thing that in the language of mathematics is an axiom——

Mr. LOGAN. But, if the Senator will allow me, following that, I will ask him this question: If the court is bound to take judicial notice as to what body the Legislature is for the purpose of passing upon the laws or recognizing the laws, suppose there were two men claiming to be the governor of a State, two bodies claiming to be the Legislature, both passing laws, the laws of both being signed by these two governors—I ask the Senator then how the people are to ascertain what the laws are that they are to obey?

Mr. EDMUNDS. I will tell the Senator how they are to ascertain. They are to ascertain in exactly the same way that people always must ascertain when they get into a political convulsion how they are to get out of it. If there were fifty governments sweeping over a country one after another or all together, I hold that no one of the courts who exercise functions can undertake to say that any other government is the true one, for what the Supreme Court says in Luther *vs.* Borden——

Mr. LOGAN. But, Mr. President, the Senator——

Mr. EDMUNDS. Gentlemen, do not all speak at once. I have not quite finished the Senator on that topic yet, and then I will receive another.

The Senator's puzzle, if it is a puzzle to him, is not a difficult one to those who have known the course of political events. The moment in his case the court were to undertake to say, as I stated, that

they were pronouncing upon the right of either one of those boside of men to be the Legislature they would receive the destruction which they would merit in a legal sense from that Legislature which had the power to depose them. No Legislature can give up its individual power at the judgment of any court. The Senator does not contend that, but he says how are the people to know what are the laws under which they live. Do the people find out what are the laws under which they live from courts? I never knew that, except as they receive punishment when they violate them. I supposed that people find out what the laws are, to use the Senator's illustration, by taking judicial notice, if I may use such a phrase as applied to private citizens. I supposed that most people knew the axiom which pervades all systems of civilized society, that every citizen or subject of the country is bound to know what the law is and he is bound to know what is the head of his government. He has no right to go to a court to inquire what is the head of a government or to know whether he is bound to obey the law. No man can shelter himself in that way; no man could ever try to shelter himself in that way.

The only difficulty that the Senator has stated is that there may exist a system of anarchy in a particular State, or a system of a double tyranny, where two factions have been contending for the sway and where both of them are exercising power at the same time. That is a difficulty undoubtedly, it is an unpleasant state of things; but to hold that any court deriving its authority from the same frame of government is to determine for that people which of these two political bodies which the constitution says, speaking of the true one, if you can only find out which it is, is the political body, is to be obeyed by them, is to assert a proposition that can never be maintained, because the result of that is that, instead of having a balanced government, you have thrown the whole government into the hands of the judiciary—just as I suppose Mr. Kellogg and his *confrères* in Louisiana presumed that they would throw the government of Louisiana into the hands of a friendly judiciary and settle the question, for effect at least at Washington, by the determinations that they obtained from that court; but it is only just to that court to say, as I understand it, that that court has not undertaken to decide this question; it has only undertaken to say that in a given case, on an application for an office under the form of law, a particular man was entitled instead of another.

Mr. LOGAN. I beg the Senator's pardon, the court say expressly that they are bound to recognize the legislative body for the purpose of passing upon the laws. Now the Senator has answered the question and answered it adroitly, but I do not think he has given a square answer to the question I put. My question is this: If two Legislatures set up in a State, both pass laws, and the laws should be in opposite directions, two governors signing these laws, how are the people—and the presumption is against the people, the presumption of law is that the people know the law—how are the people of the State to determine in their course of conduct as to which statutes they will obey?

Mr. EDMUNDS. They must determine as they always have done under such circumstances, with their lives and their fortunes in their hands. They must determine it by adhering to one government or the other, and the one they do adhere to they must give their blood and their strength to maintain. That is the way they must determine it and the only way it can be determined in the case stated by the Senator.

Mr. LOGAN. That then is sustaining a government by force?

Mr. EDMUNDS. Yes, sir; two governments in exactly that relation are sustained by force. The judiciary cannot sustain them.

Mr. LOGAN. Then it is a question of power and not a question of law?

Mr. EDMUNDS. That is it.

Mr. LOGAN. As to whether the government shall be sustained? And that is the reason of the Senator.

Mr. EDMUNDS. That is part of the reason of the Senator, and I am not sure but that it is better stated by my friend than it could be by myself. I think, if the Senator will refresh his knowledge of history a little, he will observe that all the history we know anything about in this world has shown that to be exactly the case, that people found out what government they were living under by adhering to that or making war upon it and taking the consequences.

Mr. LOGAN. The Senator will see that the direction in which I was tending is to place the condition of things as I have supposed them and then have him to show us the road out of the dilemma. The point I intended to arrive at is to see the road out of the dilemma that he places us in by holding that force must decide it.

Mr. EDMUNDS. I am sure that I need not spend any time to show my honorable friend from Illinois, who has carved with his good sword a road out of greater dilemmas than that, any way of getting out of the dilemma which raises a mere question of defending yourself by force. The Senator knows how to do that, and he has done it most nobly and bravely a great many times, and the Senator cannot fail to see—he sees it now, it is unnecessary to pursue that topic any further—that where two governments are contending for the sway, both of them cannot be obeyed in a space of country and at the same time and over the same subjects, unless you go back to the old times of history with which my friend is so familiar, where they tried the experiment of obeying two distinct governments and powers running at the same time; but it did not work; they gave it up after a very little. So the dilemma my friend sees is no dilemma at all, except the one I have stated, a dilemma that misfortunes and tumult bring upon the people.

Suppose there were too judiciaries, to vary it a little. How are the people to find out, if there are two supreme courts running, which is the true one? Here is a mandate from this court and a mandate from that. A cause is sued in one court and a cause is sued in another; the same question is pending in both courts at the same time. What are you going to do about it?

Mr. THURMAN. There were two supreme courts in the Southern States during the war.

Mr. EDMUNDS. Yes, there were, as the Senator says. What are you going to do about it? One court proceeds on its own jurisdiction and cares no more and pays no more attention to the other court than it would to a foreign court in a foreign country. It has nothing to do with it. It only says, "these are our judgments; here is our mandate; obey it or take the consequences." The party does obey it, unless he can shield himself not by the opinion but by the power of the contending party on the other side. So that every question of that kind must come at last, unless one party or the other recedes, to the unfortunate arbitrament of the sword. The god of battles, as the saying is, must be the arbiter between the two contending factions in a case of that kind, and there is no help for it. And were it not that this very State of Louisiana is one of the component members of this consolidated family of nations, as I may call them, and if therefore the rest of the family had no legal or moral interest in their welfare, it would not be a question of dialectics here or anywhere else what is the government of Louisiana. It would be a question, as it has been in France and in Spain and in Mexico, and here too, of which party is the strongest in maintaining the sovereignty that it asserts. So I say were it not for the interest that the Constitution of the United States compels us to take, and were it not for the fact that this State is a member of the nation and the nation cannot tolerate a revolution in States, we should not be troubled about any such questions as this, the courts of Louisiana would not be troubled with any such questions, independent and sovereign as they would be under such circumstances nevertheless. The power that was the strongest would establish its own courts and would put down all others, not by the judgments of tribunals, but by the force of sovereign authority making war in defense of itself.

But, Mr. President, there is another thing about this supreme court which ought to be said in reference to its decisions. I can agree with the Senator from Mississippi [Mr. ALCORN] when he says he has no respect for its judgments. I have listened to these debates now for two or three years, and to the best of my recollection I can truthfully say that I have not heard the most zealous advocate for the Kellogg and Pinchback side anywhere attempt even to maintain the soundness of these decisions of the supreme court of the State of Louisiana that are relied upon. If any such argument has been made it has escaped my observation, for I say, and I say it with deliberation, if you will take the constitution of Louisiana and the act 1872 that was approved by Warmoth when he abolished the Lynch board, and the decision of the supreme court of that State holding, if they have gone so far as that, that the Lynch board was not abolished in respect of its capacity to perform the functions of its office, and compare them, you will feel, with a certain sense of humiliation, that any tribunal that professed to administer law for the sake of law which could say that in the face of that constitution and of that statute was deserving of something less than respect.

A supreme court or any other court whatever, standing in awe of the power of this body of men, holding its existence at their will, a court which had seen a governor hung up by an impeachment passed within an hour of the assembling of the Legislature and pressed no further, and who could see its own members in the prospect as easily disposed of if they failed to recognize whatever any causes brought before them which it was necessary to recognize—I say a court which, seeing all that and yielding to it and holding that an act of the Legislature, confessed to be valid, which in express terms repealed all laws and all offices connected with elections theretofore existing was not to take effect until such convenient season as the court should think it was suitable for the persons holding under the old law to perform the function with which the old law had invested them, is a humiliating thing. Therefore inasmuch as the Constitution of the United States has in this instance made me the judge of whether the body of men who elected Pinchback was the Legislature of Louisiana, I must take leave, as the Supreme Court of the United States said in a recent case, to follow my judgment and not theirs.

The Senator from Indiana stated the other day, as illustrating the binding obligation of the decisions of courts of the States, that the Supreme Court of the United States was bound to follow and did follow the judgments of the courts of the various States upon questions of the interpretation of the laws of such States, and therefore by analogy we were bound, being in some sense as he supposed a coordinate tribunal, to acknowledge the force of these decisions in the State of Louisiana. Now let me see whether my honorable friend was quite correct in his statement of the law as administered by the Supreme Court of the United States. The Supreme Court of the United States a year ago, at the last term preceding this one, were called upon to determine what was the law of the State of Michigan touching the power of a municipal corporation under its constitution

and laws to issue bonds in aid of a railway enterprise—a case which you will see as I state it, Mr. President, is as perfectly within the competence of local administration as anything can possibly be. If there is any one thing in respect of which it could be truly said that the administration and adjudication of local law is to be respected and obeyed it is that which relates to the powers of a municipal corporation in a State, a corporation that exists entirely for political purposes, a corporation which has no autonomy or possibility of existence outside of the dominion in which it is created, a corporation which no obligation in respect of the performance of contracts binds a State to respect for a single moment—it may abolish it or set it up And yet the supreme court of the State of Michigan having declared that this municipal corporation, the creation of its own sovereignty, had not the power to issue bonds in aid of a railway enterprise, the Supreme Court of the United States, in a unanimous decision, declared:

It is insisted that the invalidity of the statute has been determined by two judgments of the supreme court of Michigan, and that we are bound to follow those adjudications. We have examined those cases with care. With all respect for the eminent tribunal by which the judgments were pronounced we must be permitted to say that they are not satisfactory to our minds. We think the dissenting opinion in the one first decided is unanswered. Similar laws have been passed in twenty-one States. In all of them but two it is believed their validity has been sustained by the highest local courts. It is not easy to resist the force of such a current of reason and authority. The question before us belongs to the domain of general jurisprudence. In this class of cases this court is not bound by the judgment of the courts of the States where the cases arise. It must hear and determine for itself. Here commercial securities are involved. When the bonds were issued there had been no authoritative intimation from any quarter that such statutes were invalid. The Legislature affirmed their validity in every act by an implication equivalent in effect to an express declaration. And during the period covered by their enactment neither of the other departments of the government of the State lifted its voice against them. The acquiescence was universal.

The general understanding of the legal profession throughout the country is believed to have been that they were valid. The national Constitution forbids the States to pass laws impairing the obligation of contracts. In cases properly brought before us that end can be accomplished unwarrantably no more by judicial decisions than by legislation. Were we to yield in cases like this to the authority of the decisions of the courts of the respective States, we should abdicate the performance of one of the most important duties with which this tribunal is charged, and disappoint the wise and salutary policy of the framers of the Constitution in providing for the creation of an independent Federal judiciary. The exercise of our appellate jurisdiction would be but a solemn mockery.

Mr. MORTON. Will the Senator state what volume he reads from?

Mr. EDMUNDS. O, yes; the nineteenth volume of Wallace; the case of Pine Grove *vs.* Talcott: the page I have forgotten. And I could read many more similar decisions for the benefit of my honorable friend if I did not too much tax the time and patience of the Senate in so doing. It would indeed be a solemn thing if, sworn under the Constitution of the United States to determine by whom and how this claimant is elected, we were to say, "this has been determined for us by a court in the very State whose political character is now drawn in question in upholding one faction at the expense of the other." There could be no greater mockery, because there could be no consequence more dangerous to the peace and security of this country than for the Senate of the United States to abdicate its great powers in determining who and what bodies of men are to make up the political associates of this great council chamber of the nation, who are to determine for us and for all the States how this country is to be governed. No, Mr. President, when this people are so far gone either in fanaticism or whatever it may be that they change their constitution so that Senators shall be selected by the judges of the supreme courts of the various States, it will be time enough then for us to say that we bow to the decision of such a court in determining the character of the body of men who have presented this candidate to us.

There is one other thing that I ought not to forget, although I had almost done so. This case is pressed chiefly, I almost might say exclusively, by those who have it mainly in charge, upon the ground that, after all, we are not taking a dangerous step, because there is still left to us the power to inquire into the real merit of this question and expel or unseat this gentleman after he shall have come in, if on inquiry it turns out that he ought not to be here; and that all we are now called upon to do is to say that *prima facie* he appears to be entitled to a seat. Well, sir, a good deal has been said about what is *prima facie*, but I had supposed that the learned Senator who has brought forward this convenient and certainly excusable method of getting over a very serious difficulty would have seen that *prima facies* would have been a good deal better horse to ride in 1873 when this man's credentials were presented than it is now. When they were first presented, of course there was nothing upon the face of the paper which need excite suspicion. It was publicly known probably that Mr. Kellogg was actually exercising the powers of governor of Louisiana and that he had in his possession the great seal of the State and that no other person was exercising the powers of governor of Louisiana. Whether any other person had in his possession the great seal might perhaps meet a different answer, for I believe some of the witnesses said here that great seals were as plenty as blackberries down there; certainly everything else was; returning boards, secretaries of state, governors and lieutenant-governors and legislators were thick enough everywhere; you would stumble upon one whenever you turned a corner.

So then, Mr. President, this document bore upon its face the sweet impress of *prima facies* when it came here; and yet my honorable friend from Indiana, if I am not mistaken, himself, not yet being advised how much stronger the *prima facie* case would be than the real one, on the 20th of January, in this body made this motion:

Resolved, That the credentials of Hon. P. B. S. Pinchback be referred to the Committee on Privileges and Elections; that the committee have power to send for persons and papers, and be instructed to investigate the circumstances attending the election of said Pinchback to a seat in this body.

Mr. FRELINGHUYSEN. What year?

Mr. EDMUNDS. Eighteen hundred and seventy-four. I have made a mistake in my chronology and have read the last *prima facie* committal to the Committee on Privileges and Elections instead of the first; it struck me more at the time it was made, and hence I have turned to it first. On the 4th of December, 1873, it was—

On motion by Mr. MORTON,

Ordered, That the credentials of P. B. S. Pinchback and W. L. McMillen, claiming seats as Senators from the State of Louisiana, on the files of the Senate, be referred to the Committee on Privileges and Elections.

And on the 15th of December, 1873—

Mr. MORTON, from the Committee on Privileges and Elections, to whom were referred the credentials of P. B. S. Pinchback and W. L. McMillen, claiming seats in the Senate as Senators from Louisiana, reported that the committee were evenly divided upon the question as to whether Mr. Pinchback is, upon his credentials, entitled to be sworn in as a member, and ask to be discharged from the further consideration of the subject and to refer the whole matter to the determination of the Senate.

Thus we had remitted to us by the Committee on Privileges and Elections the whole matter. Then came afterward, after this whole matter had been remitted to us, upon what information or upon what motive I am not advised, this motion of the Senator from Indiana to recommit the credentials of Mr. Pinchback to the Committee on Privileges and Elections, which was done at a later day, I do not know but at the same session, "with instructions to investigate the circumstances attending the election of said Pinchback to a seat in this body." On motion of the Senator from Indiana I think himself that committee was also at the proper time instructed to inquire into the existence of a State government in Louisiana, and to report to us what the circumstances of political affairs in that State were. That has been done, and the result of that is this body of report and testimony, signed, as I have said, by the Senator from Wisconsin, (Mr. Carpenter,) the Senator from Illinois, [Mr. LOGAN,] the Senator from Rhode Island, [Mr. ANTHONY,] the Senator from Mississippi, [Mr. ALCORN,] and concurred in by the other Senator from Illinois then a member of this body, (Judge Trumbull,) concurred in by the Senator from Indiana himself, if I correctly understand his minority report in respect to the facts which the committee found and reported. I do not observe—if I am mistaken my friend will correct me, because I do not wish to overstate it—I am unable to observe in the report of the Senator from Indiana any difference in respect of the substantial history of this transaction. There could not be really, because this report seems to have been drawn, so far as it affects the question that we now have in hand—that of the Kellogg legislature—from the testimony of persons most favorable to it, like Mr. Lynch, on whose authority alone it stood, and whose testimony therefore as far as they state it, where it is against the end which they had in view, must have been taken to be correct, for they had no motive to misrepresent; quite the reverse. So that, these credentials being under consideration by the committee and by the Senate, the committee under the order of the Senate, in order as I must suppose that the Senate might have possession of everything that touched this question—for it was too fundamental for mere *prima facie* (if I may so use the term)—directed this committee to give us the whole history of the case. We have then, like a court, the special verdict of this jury of our own selection, which covers every question that has yet been disclosed and which I have undertaken to discuss touching the right of this man to a seat. So then all the evidence, all the facts which can touch any future Senate or any future members of the Senate or ourselves to-morrow, if this man were to be admitted to-day or at any future time, in making up our judgment upon the real right which he may possess, are already before us.

That being the case, I confess it is with some surprise that I hear my honorable friend from Indiana say that it is the duty of the Senate, without regard to the real merit or demerit that appears from these real facts, to say that this man shall be seated upon a paper the very validity of which is drawn in question by the very testimony that the committee report.

Why, Mr. President, to my humble comprehension it is an utter confusion of terms to say that this gentleman has a *prima facie* case. He either has a real case, standing upon a real right disclosed by full testimony, or he has no case at all. There is no half-way business about this. The transaction in every phase of it is before us in an authoritative and a judicial way through the very and only methods that this body can ever adopt to ascertain the truth and to decide upon the merits; and to be told, now that the whole evidence is in, that the whole subject has been brought up, that everything is known, that we will admit a man upon one part of his case and consider at some future time whether we will reject him upon the other part, which is already before us, is, I must say with all respect, a mockery of justice. It is not only unjust to the other States who are interested that no man shall be here whose right it is not to be here, but it is an injustice and a mockery to him to say "We will receive you upon this piece of paper whose validity is drawn in question, and we will

expel you to-morrow if on looking into it we think you ought not to be admitted." It is a mockery, sir, as it seems to me, with all respect.

But, Mr. President, I have occupied too much of the time of the Senate. There is, however, one other topic that I think I ought to advert to before I sit down. If I read the RECORD correctly, within a day or two my honorable friend from Indiana has said that the state of this case is somewhat, I do not know but conclusively, changed by the circumstance that the President of the United States has recognized the Kellogg government; that he having recognized that government we are bound to recognize it in all its departments, which have no necessary connection with each other; for Kellogg may have been elected and yet the one hundred and ten men returned by the Lynch board may not have been elected to the Legislature. We know that in the State of Massachusetts quite recently the gubernatorial election and the election for members of the Legislature did not compare at all. We had a democratic governor, but we had a heavy republican majority of members of the two houses of its General Assembly. To say therefore that the President's recognition of Governor Kellogg implies even a presidential opinion that these one hundred and ten men that came from nowhere so far as the evidence shows—I mean the official evidence—are the Legislature of Louisiana, might be quite another thing.

Mr. MORTON. Does the Senator remember that the President recognized the Legislature as the lawful Legislature before Kellogg was inaugurated? That is where the recognition began.

Mr. EDMUNDS. Yes, Mr. President; I am coming to that. I have not the faculty that some of my friends have of doing more than one thing at a time. I was beginning with the Executive. I say that the recognition of Kellogg by the President of the United States would not imply by any means that he recognized the Legislature, and I was about to say that his recognition of the Legislature would not imply by any means from that fact that he recognized Kellogg, because I had shown in the instance of Massachusetts that it does not follow logically or necessarily, or perhaps presumptively, because a governor upon one ticket is elected that therefore the members of the Legislature running with the same party are in a majority also. It frequently happens otherwise. But has the President of the United States recognized Governor Kellogg? I say he has not. The Senator may think that is a pretty broad statement, but I make it advisedly. The President of the United States recognized, fifteen hundred miles off, the duty of everybody to obey the mandates of the judiciary, without knowing what they were. Then came what Mr. Lynch said was a revolution, and that revolution found when it came to the eyes of the President of the United States this man Kellogg in possession. Then the President of the United States, as he has stated to us in a message at this very session, thinking with the narrow means that he had for investigation that Kellogg had as good a right as anybody, thought he would take the man whom the courts had got into possession and hold him until Congress, to whom he had appealed again and again as the rightful power to settle the question, should act. Now, if the Senator from Indiana claims that that is a recognition of the Kellogg government or the Kellogg legislature such as can have any influence upon this subject under any circumstances, he is welcome to make the most of it.

Mr. MORTON. Did I understand the Senator to say a moment ago that the President had not recognized the Legislature?

Mr. EDMUNDS. I say what I said before, that the President did not recognize Kellogg; and now I will come to the Legislature. I say as to the Legislature that I do not understand that the President of the United States has recognized the Kellogg legislature. I am not forgetful of that celebrated dispatch which went from the Attorney-General's Office to the city of New Orleans, addressed to somebody, authorizing him to give all persons to understand that the President or somebody else recognized the body of men assembled at Mechanics' Hall—if that was the name of the place—as the lawful Legislature of Louisiana.

Mr. MORTON. Will the Senator allow me to read that "celebrated dispatch?"

Mr. EDMUNDS. Certainly, with pleasure.

Mr. MORTON. It does not leave any doubt on the subject.

Mr. EDMUNDS. I am very glad to have it read, for I may wish to have my friend read some things when he comes to make his speech.

Mr. MORTON. The dispatch is as follows:

DEPARTMENT OF JUSTICE, *December* 12, 1872.

Acting Governor PINCHBACK,
New Orleans, Louisiana:

Let it be understood that you are recognized by the President as the lawful executive of Louisiana, and that the body assembled at Mechanics' Institute is the lawful Legislature of the State, and it is suggested that you make proclamation to that effect, and also that all necessary assistance will be given to you and the Legislature herein recognized to protect the State from disorder and violence.

GEO. H. WILLIAMS,
Attorney-General.

Mr. EDMUNDS. Yes, Mr. President, and on what page is that?

Mr. MORTON. On page 59 of the report. I will send the document to the Senator.

Mr. EDMUNDS. I find it now. It is dated December 12, 1872. This was three days after the impeachment of Warmoth and one day after the President had been notified from New Orleans that the "democratic members of the Legislature were taking their seats," and that "most, if not all, of them will do so in the next few days."

Let it be understood—

Says Williams, the Attorney-General, to Pinchback—

that you are recognized by the President as the lawful executive of Louisiana, and that the body assembled at Mechanics' Institute is the lawful Legislature of the State, and it is suggested that you make proclamation to that effect, and also that all necessary assistance will be given to you and the Legislature herein recognized to protect the State from disorder and violence.

If the Senator were an enemy of the President of the United States—I mean a political enemy—and not his friend, and wished to make use of sticking in the letter at the expense of the substance, and were to endeavor to draw from that language of the Attorney-General the conclusion that the President of the United States had, in hot haste and without any opportunity to inquire into the circumstances or the title by which this one of two bodies of men claimed to have been elected, undertaken to set them up in advance of any inquiry and to hold to them, then he would make use of the argument which in his way of reading he seems to endeavor to make use of. But I do not construe this dispatch in the way that the Senator does. It will bear, literally speaking, the construction that the Senator puts upon it. I think perhaps he might say with some force that it makes on the face of it a *prima facie* case quite as strong it may be as these credentials are in favor of Mr. Pinchback; but if the Senator will do the President of the United States the justice to take all that he has said upon the subject, take all his dispatches, take the motive that led him to authorize the sending of the first ones, "stand by the Federal judiciary and the orderly administration of law;" take his immediate communication to this body of the circumstances that had attended his interference and that of his officers; take his constitutional demand upon this body that they should take order, as the rightful judges, of the subject, and relieve him from this temporary order of things which he had been obliged by force of circumstances to recognize, then he would come nearer in my opinion to defining the attitude of the President of the United States than he seems to do.

But, sir, I will not waste your valuable time in further discussing that question. I am bound to say as a Senator of this body that the attitude of the President of the United States as President upon this subject is absolutely immaterial to me. I know of no clause in the Constitution or in the laws that gives the President of the United States any right whatever—and I know, if I know him, that he would be the last man to claim it—to affect the judgment of this body upon a question which the Constitution has remitted to this body alone; and if the Constitution has remitted the decision of this question to this body alone, then it does not do to say that we can be foreclosed and coerced into coming to a particular conclusion by any action of the President of the United States or anybody else in respect of any of the limits which are necessary to a proper decision of the question by us. If we have a right under the Constitution to decide upon the election of this man, can the President furnish conclusive or any other evidence to us of his election by saying that he recognizes one Legislature or another Legislature? There is nothing, as I have said, in the Constitution of the United States, there is nothing in its laws, there is nothing in the spirit, as I understand it, of the frame of this Government, which gives any act that the President may have taken or can take any place whatever in this discussion. It is not a question of who has recognized that Legislature; it is not a question of how many laws it may have passed since; it is not a question of how much it may have been administered or recognized by its courts, for all that was done by the confederate legislatures for years and years, who held undisputed sway in the States that were in rebellion, and whose acts so far as they affected private rights must be upheld upon principles of universal jurisprudence and of humanity. And yet it would be a strange argument for the Senator to maintain that because those legislatures had existed, had defied their origin, had outgrown the infirmities in their existence, therefore a Senator whom they might elect should be received here! The question for us is, Were the body of men who on the 15th of January, 1873, elected this man the true Legislature of the State of Louisiana? For the Constitution says that only the true Legislature of the State of Louisiana shall elect a Senator, and the Constitution says that this body shall determine whether the man who claims to be a Senator has been elected. Therefore we cannot escape from facing the question and facing it upon our own responsibility and not under the shadow of any executive support, if there be any, as I know there is not. I know it of course just as everybody else does, from the course of this history. We must face the question, I say, and we must declare once for all whether the one hundred and ten men in that house of representatives, selected as they were by that board that had expired and that in addition to having expired had no one of the papers that the constitution and the laws of that State say are the only evidence upon which they shall act, are entitled to act for the State of Louisiana and to send a Senator here.

It has been said that the State of Louisiana is entitled to two Senators, and that it is a wrong to her that she does not have them. That is true, but it is two *Senators* that the State of Louisiana is entitled to, and unless this man be her Senator we commit a gross

outrage upon her by giving him a place here as her representative, and it appears clear to me that he is not.

Mr. President, if there is any policy in this business, although I know of no policy but that which in looking to the past seeks for the truth, it seems to me that it is the policy of a strict adherence to the law. That is the guide which, in the heat of conflict and in the tempest of passion and in the tumult of politics, is the sole star that guides our ship of state to a safe haven. If you turn away from that and speak of party wishes or party sympathies or races or expediencies, you are lost in the sea of chaos and tumult that has ruined so many republics in the history of our times. I for one, sir, shall stand by the law. [Applause in the galleries.]

Mr. McDONALD. Mr. President, it had not been my intention to take any part in the debate upon the pending resolution for the admission of Mr. Pinchback as a Senator from the State of Louisiana, and it is not now my purpose to engage the attention of the Senate for any considerable length of time in the discussion of the questions involved in it; but differing as I do from my distinguished colleague, [Mr. MORTON,] by whom the resolution has been introduced and pressed with great ability and earnestness, I have thought it right to state the reasons which will control my vote upon it.

It has been repeatedly said during the progress of this discussion that the questions involved in the resolution are judicial in their character. This is undoubtedly true. We are sitting here to pass judicially upon the "election and qualifications" of one claiming a seat in this body, and the power to do so is by the Constitution of the United States as well as by parliamentary law vested in this body alone. No other tribunal or department of the Government has any jurisdiction in the premises, either original or appellant. Of the questions involved we are the sole and exclusive judges, not only of the ultimate questions of election and qualification, but of every other arising in the progress of the cause or necessary to the determination of those questions. If this is true, then no action or decision of any other department or branch of the Federal Government nor of the State can be held to be binding upon this body. This proposition has been so clearly stated and demonstrated in the able arguments of the Senator from Ohio [Mr. THURMAN] and the Senator from Connecticut [Mr. FERRY] as to put it out of my power to add anything to it; and it at once disposes of the claimed authority of the executive recognition of the Kellogg government from which the claimant derives his right, as also of the binding force of the decision of the supreme court of the State of Louisiana so much relied on by my colleague.

Nor do I see that the rule of decision of the courts of the United States in administering the laws of a State according to the settled decisions of the highest court of judicature of such State has any bearing on the question. This rule is never applied except where the questions in the State courts are no longer to be regarded open; nor has it any application at all when it is manifest that the decision of the State court has been based upon a false statement of the facts and is always in the control of the Supreme Court of the United States so as to enable it to do substantial justice in the particular case under consideration. The sole purpose of it is to render the laws as well as the administration of them as near uniform as possible in the several courts sitting in the same State.

But even if the rule was as broad and sweeping as my colleague has claimed it to be it could not bind us, for that would put it in the power of the State court to settle for us one of the main questions involved in the election of a United States Senator, namely, the legal existence of the body by whom he was chosen. This case, as well as all others of like character, must be tried here as an original cause, in which any question which enters into it must be determined upon its merits.

The law of the case is plain enough, and is to be found in those clauses of the Federal Constitution in which the Legislatures of the several States are empowered to select qualified persons to represent the States in this body. The fact to be ascertained is, whether the body of men claiming to act as the Legislature of the State of Louisiana were in fact the Legislature of that State at the time they selected the claimant as Senator. If they were not, then it is manifest that no subsequent recognition of their legislative capacity by any other branch of government, State or national, could legalize their act so as to confer upon the claimant a right to be seated here.

The election held in Louisiana in 1872, at which it is claimed the Kellogg government, including the persons who acted in the General Assembly as its members, were elected has been fully investigated by the appropriate committee of the Senate of which my distinguished colleague is chairman, and the report, as well as the testimony upon which it is based, in an official form is before us. And it is not too much to say that if any valid election took place on that occasion, the men who composed the Assembly which acted in the selection of the claimant were not the men who received a majority of the votes polled. It is also clear that but for the usurpation of a Federal judge, sustained by the military power of the Federal Government, these men would never have been in position to perform any act having the semblance of legislative authority, much less to select a person to represent a people whom they did not represent. Yet my colleague claims that in deference to State rights the person so selected by them must be admitted here without question, and thus consummate the fraud upon the State of Louisiana which had its inception in the unlawful act of this Federal judge.

But the admission of the claimant is urged upon a much more indefensible ground, which is that, presenting as he does the usual evidences of title to the office, he has the right to claim his seat upon the *prima facie* case thus made; that his admission must precede investigation; and if upon investigation it shall be found that he is not entitled to hold his seat, then the Senate must get rid of him by expulsion. In this branch of the case much stress is laid upon what is claimed to be a *prima facie* right, and many precedents have been cited to support the argument based up it.

A *prima facie* case is but a presumption of law, and stands only in the absence of proof to the contrary. It is the presumption which the law raises in favor of the general rule, and vanishes before the actual facts of the case. A promissory note is *prima facie* evidence of debt, but when there is proof that the debt has been paid or that the note was given without any consideration the *prima facie* case falls, and the verdict must be made upon the whole testimony.

In many cases, and I think this ought to be of that class, the legal presumption is affected by lapse of time. It is now more than two years since the date of the commission upon which this claim is made. One Congress has passed away since it was first presented to the Senate, and it would seem to be rather late in the day to claim much potency for it. But in the mean time all the facts upon which it rests have been investigated and are before us in an official form, so that the resolution upon which we are about to act must be deemed our judgment upon the whole case as now presented, and if adopted in the form presented by my colleague must be final; for I do not suppose the Senate will admit the claimant upon his credentials and then expel him upon the report of the committee. In this belief I shall vote for the amendment offered by the Senator from Vermont, [Mr. EDMUNDS,] and against the original resolution.

Mr. HOWE. Mr. President, I was obstinately resolved not to inflict upon the Senate any further observations upon this much-worn topic, and I yield only to the solicitation of others, not to any disposition of my own, while I now ask the indulgence of the Senate a few moments longer.

I have listened to the Senator from Vermont [Mr. EDMUNDS] this afternoon, as I always listen to him, with pleasure; I have listened to him this afternoon, as I always listen to him, with profit, but with more than ordinary profit this afternoon. If I had any doubt of the correctness of the conclusions to which I came by dint of my own examination long since, the Senator from Vermont would have removed that doubt. He is an able and an acute lawyer. If a case could be made against the claim urged here on behalf of Louisiana, that Senator could make the case; but, in my judgment, he has utterly failed to present such a case.

It is always a delight to hear a republican make a democratic speech. I say it is delightful as a mere intellectual exercise. Whenever you are privileged to witness such a performance, you see a man who is able to turn his back on all his party prejudices to follow that which he thinks is right; and that is a noble exhibition of humanity, though his convictions may for the time mislead him when his prejudices would have led him aright. I say that is a delightful intellectual exercise to witness—not the most delightful I can think of. If I could have my choice, I think I should enjoy better hearing a democrat make a republican speech.

Mr. MORTON. You never heard that.

Mr. HOWE. That is an entertainment very rare I know. I would enjoy that better, simply because we should see then a man soaring above the prejudice of party to follow not merely what he thinks is right, but to follow what is right.

Mr. President, it is not my purpose to follow the course of the argument urged here so ably and ingeniously this afternoon. I cannot help, however, calling the attention of the Senate to one of the points upon which he was driven by my raiding friend from Illinois, [Mr. LOGAN.] Putting behind him with a wave of his hand the judicial authority of a State to pass upon the authority of any other department of its government, the Senator from Illinois put to him a very pregnant question: But suppose there are two tribunals each claiming to be the Legislature and two governors each claiming to approve their acts, how shall the people know which is the true Legislature and which is the false? I was utterly astounded, I must confess, to hear so good a lawyer as the Senator from Vermont answer, "Ascertain by the exercise of their own private judgment; authority is at an end. If there be but one body claiming to be the Legislature, the courts take judicial notice whether it be the Legislature or not; but if there be two, the courts cannot take judicial notice which is the true Legislature, but every individual in the State must take judicial notice and follow the one or the other at his peril." That is stated to us this afternoon on the floor of the Senate; and is that law?

Why, sir, improving, or rather extending by a single suggestion, the interrogatory propounded by the Senator from Illinois, suppose these two rival Legislatures should undertake to confer the same identical right upon two different individuals in a State like Louisiana which has but one form of government, which has but one constitution, which has but one body of laws, which has but one judicial department; that is the predicament, but did have once, however it

may be now, two tribunals which claimed to be Legislatures; suppose the two rival Legislatures had undertaken to confer the same identical right upon two different parties, would every citizen of Louisiana be remanded to his own conscience to determine which was the true Legislature and which individual should enjoy the grant? No; it cannot be so at all. Suppose it was a grant of land, one party I take it would get possession, no matter which. Is anything more certain in the wide world, is there anything more certain in that wider domain, the domain of the law, than that whoever was found in possession, the rival claimant might commence a suit against him in ejectment or any other proper form appealing to the one judicial power, and that the judgment of that court would be, if it was the court of highest resort in the State, absolutely conclusive of the right? It is but a few years since when I saw myself two rival claimants to the office of governor of the State to which I belong impleaded before the supreme court of that State, and that court was called upon to determine by a direct judgment which was the true and which was the false governor, and that court proceeded to give its judgment, and having given judgment, I am glad to say the people of Wisconsin universally acquiesced, and I am glad to believe that not one in that State could have resisted the execution of that judgment without having incurred all the penalties which are denounced upon treason against the government of a State. No, Mr. President, revolutions are not so handily legalized, and political broils cannot be clothed with the authority of *prima facie* right in the slipshod manner pointed out to us by the Senator from Vermont, and I am thoroughly satisfied that if the question had not been propounded to him quite unexpectedly, he would not have answered it as he did.

I have noticed for the few years during which this debate has been protracted, that it is quite the fashion of those who dispute upon one side to urge the idea that their opponents are guided by political considerations, moved by party interests, inspired by partisan ambition. I have not hitherto felt called upon to reply to that suggestion. I want to say now, in defense of our common humanity more than in my own defense, that if any man on this floor or within the sound of my voice supposes that I am capable of ignoring a fact or a principle, that I can shut my eyes to a single syllable of the law which governs the case, to a single fact in the testimony which underlies the case, for the purpose of subserving the interests of the republican party, he mistakes me and he mistakes my views of the interests of the republican party. Sir, I have, and I confess it, belonged to the republican party ever since we had an organization called republican, only for one reason. It was because I believed, fondly if you please, honestly I declare, that it was the one party which adhered more closely to the right and to the law than any other. I adhere to that party to-day, but only for the same reason to-day, because I believe it still adheres to the right and to the law more closely than any other party; and if I am not vehemently mistaken in myself, I shall follow the republican party but a very little way after that sad time when I shall have discovered that it had turned its back on the right, on the truth, and on the law. No, sir, I have not a word to say to-day in defense of the republican party. The few words I wish to say I shall urge in defense of Louisiana, that State which upon my solemn conviction I declare has been more brutally hacked and mangled since this controversy arose than any State of whose history I ever read. And believing thus, I was profoundly sorry, to say the least of it, when the distinguished Senator from Vermont felt called upon to draw his ax against her breast to-day.

Mr. President, I have been provoked two or three times since this struggle commenced to announce my conviction that at the election in 1872 William P. Kellogg had a majority of the votes deposited in the boxes at the several election precincts in that State. I have been made quite conscious from time to time that that was not the popular impression in this Chamber; perhaps it is not outside of the Chamber. It was my impression or I should not have stated it. Having stated it and finding so many who appear to dissent from it, perhaps a decent respect for the opinion of others calls upon me to say a word or two either in vindication of that opinion or in excuse for it.

I want to invoke to my aid here in the outset an authority introduced to the Senate the other day by the honorable Senator from Maryland, [Mr. WHYTE.] He undertook to instruct us that in the consideration of contested elections by legislative bodies, those bodies are not bound by strict legal evidence, and he cited from a former member of Congress this testimony.

Said Mr. Smith, of South Carolina:

> The House had been told that hearsay testimony was unworthy of attention; but he wished to remind them that they were not, like a court of law, restricted to proceed upon regular proof and not to go beyond the letter of it; they were entitled to hear and weigh everything advanced, *and to form their opinion from the general conviction arising upon the whole circumstances.*"—*Contested Elections*, 1789–1834, page 89.

I may have occasion to recur to this authority again. I start with it. What was the result of the election so far as it bears upon the office of governor, as made known to the world by what is called the Forman board? That board, speaking for the democratic party, and by whose declarations that party has so far been willing to be bound, declared McEnery's vote to have been 65,579 and Kellogg's vote to have been 55,973. This was the board which held what the Senator from Vermont says it was indispensable to hold, the returns of the supervisors, what he calls the official returns. As they state the result gathered from those returns, McEnery's majority was but 9,606. There are two editions of the returns made by that same board, communicated to us in this same volume. The other return, found on pages 575 and 576, coming from the same board, remember, professing to give us the result of the same returns from the several parishes, states McEnery's vote to have been 66,403 and Kellogg's to have been 59,760. According to that edition of the Forman return McEnery's majority was but 6,643. Now I am going to lay this last statement aside. I am going to take the largest story the Forman board dared to tell, and I mean to contradict that. I have called the attention of the Senate more than once to the fact that in that biggest calculation there were six whole parishes which held elections in which the people voted but from which no single vote was counted by that board at that time—six whole parishes. Remember we are considering the question which of the two men had a majority of the votes cast by the people on that day for governor. In determining that you certainly must ascertain as well as you can how many votes were given to these different candidates in those six parishes. The Forman board does not tell you anything about it. You must go elsewhere for information upon that point. I am driven to the returns of the Lynch board, so called. Well, I cannot help blushing, in view of all that has been said of the conduct of the Lynch board, when I refer to it for anything; but, after all, what is the objection to the testimony of the Lynch board? They say it had not the official returns before it. No, they had not; they could not get them, and nobody did have the true returns. What else is said? Why, that they gathered their information from all sorts of sources, from the newspapers even, and made a return of the result of the election based upon such testimony. So they did; and I think it a little extraordinary that I should be caught here defending the testimony of newspapers. Nevertheless the newspapers, you know, sir, do convey intelligence, and especially political intelligence, not only with remarkable celerity but with very great accuracy. The very morning succeeding the election of November 4, 1872, while I was at my breakfast, a dispatch was brought to me announcing the result of the election held the day before in the State of Pennsylvania. That is a large State; and yet from the election of the day before in that State the results were obtained, not accurately, but so near accurately that a dispatch announced to me, twelve hundred miles distant, very nearly the result.

Mr. MORTON. Will the Senator allow me to refer him to an instance in regard to this question of having the returns?

Mr. HOWE. Certainly.

Mr. MORTON. I read from the testimony of the present governor of Arkansas in regard to the organization of the Legislature which convened the recent convention for framing a new constitution and which has been held to be the established government of Arkansas. That Legislature was organized upon a list made out by the secretary of state, and I give the testimony in regard to it. Mr. Garland, the present governor, was the deputy secretary of state; and this is his testimony:

> Question. Had you the returns from the election officers?
>
> Answer. No, sir. I had no records at all in reference to the election of these men. In regard to your first question, I supposed you meant the general records of the office. I had some records of the office, but nothing in regard to the election of these men. I had nothing at all from the office referring to it.
>
> By Mr. HOWARD:
>
> Q. State how, as deputy secretary of state, you did make that list.
>
> A. I made it from the old roll and from the proclamation of Governor Baxter, calling the special elections, and from the returns as published by the newspapers, the Little Rock Gazette and Little Rock Republican. The list was not made from papers on file in the office, but from papers in my possession as deputy secretary of state. Those papers gave me the information on the subject. All of those members who came to take their seats were sworn in. The records were then in the State-house, which was in possession of Brooks's forces.

Here the Legislature was organized on a list made out at a hotel from the newspapers, and the action of that Legislature has been held to be valid and the constitutional convention it called into existence has been held to be valid and the constitution formed by it to be the constitution of Arkansas to-day. I simply refer to it to show how history repeats itself. That is indorsed on one side, but the other is not, as my friend from Illinois [Mr. OGLESBY] suggests.

Mr. HOWE. Sustained by the authority just read by the Senator from Indiana, I dismiss the blush with which I before introduced the Lynch board, and I say with a good deal of confidence that I may in the absence of all better proof recur to the evidence submitted by that board. That board ascertained that in those six parishes which the other board did not find a vote from or count a vote from there was a majority given for Kellogg of 3,327 votes. There is one correction to be made. That number must be deducted from the aggregate majority of 9,606 found for McEnery. I am counting against the largest majority claimed.

There is another correction to be made. The returns from four parishes, Mr. Ray testified before the Committee on Privileges and Elections, were forged; not true returns but forged returns. How much will you deduct for that inaccuracy? What were the true returns from those four parishes? They were the parishes of East Baton Rouge, Grant, Madison, and Point Coupee. I again recur to such aid as I can get from the evidence submitted by the Lynch board; and that board found a majority of 3,669 in those four par-

ishes for Kellogg. Thus correcting the vote in the ten parishes, you find a majority for Kellogg of 6,996 not recognized in the return of the Forman board. If you deduct that from 9,605, the largest majority which that board dared to claim for McEnery, you have but 2,610 left. Deduct the same corrections from the smallest number claimed by the Forman board, to wit, 6,643, and you will find that majority wiped out entirely and a majority for Kellogg. Deducting it from the larger number, you have a majority of 2,610 left for McEnery. But were those votes thrown? The Committee on Privileges and Elections did not attempt to go back to the election precincts to see what was actually done there; but there was laid before that committee and is found in their report an abstract of some testimony sent to the President of the United States, and I gather some very instructive facts from that abstract of testimony. For instance, that testimony shows, as you will find on page 506, that in one precinct of the parish of Caddo, by virtue of that process known as stuffing the ballot-box, there was a change made of 310 votes against the republican candidate. In Point Coupee, by the like process, there was a change made of 440 in one precinct, of 230 in another precinct, of 215 in another precinct. In the parish of Jefferson there was a change made of 500 in one precinct; in the parish of La Fourche a change made of 150; in Webster a like change of 230. It also appears from the same testimony that that process of stuffing the ballot-boxes was resorted to in the parishes of Rapides, Saint Mary, Saint Helena, and in one of the wards of the city of New Orleans. The witnesses did not state the number of votes which were changed in those parishes; but, adding up those different numbers which I have read, you have a majority of 2,085 for the republican candidates to be deducted from 2,610. If a change of 600 was made in the parishes of Rapides, Saint Helena, Jackson, and Orleans, there goes the whole majority claimed in the largest calculation submitted by the Forman board, and more than 3,000 more than the smallest majority claimed by that board. So since I am authorized by the authority furnished me by the Senator from Maryland "to weigh everything advanced and to offer an opinion from the general conviction arising upon the whole circumstances," I think I was not at all wild in expressing the opinion here the other day that Kellogg and not McEnery had a majority of the votes actually put into the boxes on the 4th of November, 1872.

But, Mr. President, I submit to the Senate that this is an immaterial inquiry, an inquiry quite immaterial to the case before us. The election of governor in Louisiana did not depend upon the number of votes actually put into the boxes. That is one of the elements which go to make up an election, one of the factors which determine it, not all the elements by any manner of means.

The Congress of the United States has placed upon your statute-book this command, that if any man qualified to vote at an election shall offer to vote and shall be denied the right to vote by reason of race or color, that vote shall be counted in determining the right of the person for whom it is offered. If in addition to the republican votes deposited in the boxes on the 4th of November there was a constituency, large or small, denied the right to vote because of race or color, you, if you have the power to supervise the results of that election, must ascertain how many of those votes there were and you must count them all. Were there any such votes? The other day I called the attention of the Senate to the fact that although it was extremely difficult for a citizen of Louisiana to secure registration prior to that election, yet there were forty thousand who did by dint of the most persistent efforts secure registration—more than the whole number of republican votes returned in the State. I can open this volume and read to you affidavit after affidavit sent up from different parishes in that State showing what exertions were made by these voters at different precincts to get their votes accepted and how unavailing those efforts were. I am not going into that. I fall back upon the authority offered to me by the Senator from Maryland. I call upon you to take into consideration all the circumstances surrounding this case and then to say, if you dare say, that there were forty thousand colored men who subjected themselves to the toil and the effort necessary to get their names upon the registration-books and then were so careless about the right that they never offered their votes at the polls. The Senator from Illinois [Mr. OGLESBY] reminds me of what every Senator must know, that if they were free to vote the effort to vote was all accomplished when they had got their names on the registration-book.

Mr. President, I conclude that out of those forty thousand stifled voters there were a great many thousands who went to the polls seeking to vote, and if they did not vote it was because they were denied the right to vote. More than four thousand of those citizens made solemn oath, in the case of Kellogg *vs.* Warmoth and others, that they did so try to vote and were denied that right. But, after all, why do we waste any time upon this question whether Kellogg or McEnery had a majority of the votes at that election? Before I attempt to answer that question I want to call your attention to one other consideration. I have been insisting that Kellogg had a majority of the votes. If he did not have a majority of the votes, I ask the Senate why in the name of all that is wonderful were such extraordinary means resorted to to cover up the actual state of the voting at the precincts? If the returns from all the parishes showed a majority of votes for McEnery, why did not the McEnery board produce to the world all those returns? If the true returns showed that majority, that was all they wanted; and if that was shown by the true returns, why in the name of all that is wonderful did they resort to forged returns from four different parishes? Men do not resort to knavery for the fun of the thing, I take it; not even the Warmoth party in the State of Louisiana does that. I have no sort of doubt that they would just as lief be honest if honesty led to the same advantages. Why did they resort to these extraordinary expedients, forging returns and suppressing returns? Let me give you an idea of what those expedients were. Madison Parish, I reminded you, is one of those parishes the returns from which were said to have been forged. Here is an affidavit introduced to show that forgery:

STATE OF LOUISIANA, *Parish of Orleans, City of New Orleans:*

Personally came and appeared before me, Robert H. Shannon, United States commissioner in and for the district of Louisiana, John P. Montamat, of the city and State aforesaid, who, being duly sworn, doth depose and say that during the month of November, 1872, and for four years before, he was a justice of the peace for this parish of Orleans; that in the month aforesaid, after the election held in this parish for governor and other State and parochial officers, "what date I cannot recollect, but it was while they were counting the votes at the State-house, at the Mechanics' Institute, situated on Dryades street," one Jack Wharton, also of this city and parish aforesaid, came to my office, situated No. 33 Exchange alley, near Custom-house street, in this city and parish aforesaid, and requested that I should go with him in a certain place in this city of New Orleans, in order to administer the oath to one of the supervisors of election in and for the parish of Madison. At said request I went with Jack Wharton, who took me in a house situated on Gravier street, somewhere near Barronne street; the entry-doors were closed, and at the signal given by Jack Wharton, (three consecutive and hard raps,) the doors were opened. In the said room I saw one Cahoon, whose first name I do not know, but whom I had seen before in this city; he, the said Cahoon, then and there informed me that he was the supervisor of election for the parish of Madison, appointed by Henry C. Warmoth, then governor of Louisiana, and that he wished me to swear him as to the returns of the late election. I saw there several persons whom I did not know; they were making up tally-lists of the returns of the election for the parish of Madison. The lists were signed in blank by the commissioners of election. I inquired from Cahoon, the supervisor, how it was that he had not prepared the lists and the returns in the parish where he came from. He told me that he could not count the votes there; it was a republican parish, and that he had to run away because he wanted to count the votes, and admit no one except a few, and he would have it his own way, and would here in New Orleans return such persons as he thought proper. I swore him to several tally-lists and returns. I believe, to the best of my knowledge, that the greater part of the tally-lists were yet in blank when I swore him.

JOHN P. MONTAMAT.

Subscribed and sworn to before me this 3d day of February, 1873.
[L. S.]
R. H. SHANNON,
United States Commissioner, District of Louisiana.

Now, Mr. President, this board of returns, by which title you designate Mr. Wharton and Mr. Warmoth and their associates, knew perfectly well what the result was in the different parishes at this time for governor; the newspapers had informed them. Through a thousand avenues, or a hundred at least, that information had come to them. If McEnery had a majority of 9,000 votes or 5,000 votes they knew the fact. Why did they not tell Cahoon "Bring out your true returns; we do not want any forgeries; the truth is good enough for us?" But this was a plain forgery; very simple, very vulgar.

There were other frauds resorted to which were almost sublime in the amount of invention they required. I am going to weary the Senate with a reference to one of them. Iberville is one of the parishes which were not counted in the return I have been considering. I want to show how this Forman board got rid of the vote of Iberville. Iberville was a strong republican parish. The Lynch board claimed that there were 2,239 votes given for Kellogg in that parish and but 691 for McEnery. There was a very large colored population in the parish, 8,675, to 3,605 white. The election was held at the different precincts in that parish. When the voting was concluded at six o'clock on that day, the boxes were taken from the several precincts to the parish supervisor to be counted. Some colored men, apprehending that the republicans were to be cheated in the count, presumed to follow from some of the precincts the boxes to the county seat. There are thirty-five pages occupied with letters and affidavits to excuse the throwing out of the returns from that parish, to excuse the refusal to count the vote of that parish. Not an act of violence was offered to any human being. It is said that the colored men demanded that the votes should be counted. They waited outside the court-house all night and all the next day, and then the commissioners of election from the different precincts sat down and gravely drew up certificates of which this is a sample:

PLAQUEMINE, IBERVILLE, LOUISIANA,
November 5, 1872.

SIR: We, the undersigned, commissioners of election of poll No. 2, of the first ward, parish of Iberville, Louisiana, do hereby positively decline to be present at the counting of the votes in said box, on account of threats of violence, and as we fear an armed interference.

W. A. SMITH,
L. V. FELTUS,
GUY JOS. HEBERT,
Commissioners of Election of the First Ward of Iberville, Louisiana.

J. L. THARP,
Registrar of the Parish of Iberville, Louisiana.

A similar certificate was drawn up with great formality and signed by the commissioners of poll 2, and so of poll 3, and so of poll 5, and so of poll 7, and so of poll 8, all addressed to the supervisor of the parish. Recollect, sir, nobody was assaulted; nobody was threatened. Only one demand was made, and that demand was that the votes should be counted; and when that demand had been pressed for twenty-four hours, long enough to have counted the vote half a

dozen times, these gentlemen certified that they were afraid to count the vote, and so they walked off; and yet that declaration that they were afraid to count the vote was a naked falsehood. I say that because they did count the vote and they took that count to New Orleans. I have shown you that there were two editions of the return of the Forman board, that they differed in their results something more than 3,000 votes. In the second edition you have the return from Iberville included, and they not only show that they had the vote of that parish, but they have it differing only by a very few votes from the return made by the Lynch board. Mr. President, I ask again, if McEnery had actually a majority of the votes cast in the different precincts, why did they not count and return in the regular way Iberville Parish? Why resort to all that effort, to all that perjury, to all that knavery for the purpose of excluding the vote of that one parish?

But I was about to say that the question whether Kellogg was or was not elected has but very little to do with the inquiry before the Senate. The question before us is, was Pinchback elected to the Senate of the United States? not whether Kellogg was elected governor of the State of Louisiana. The governor of Louisiana does not elect Senators. Senators are elected only by the Legislature of a State. Was Pinchback elected by the Legislature of Louisiana? If so, no matter whether Kellogg had a vote or not, Pinchback ought to have his seat in the Senate of the United States. True, if we are considering the mere *prima facie* question, if we are considering just how much credit we shall give to the certificate of Mr. Kellogg, then it is very well for us to know whether Mr. Kellogg was governor or not. If he was not governor either *de jure* or *de facto*, then we can give no credit to his certificate. But I have got away beyond the *prima facie* case. The Senator from Michigan [Mr. CHRISTIANCY] assumed the other day, in that very candid and judicial opinion which he read here, that this whole government stood upon a mere *prima facie* title.

Mr. CHRISTIANCY. I beg pardon; I did not assume that that was the only case. I referred to the report to show that there was no *de jure* government.

Mr. HOWE. The Senator's language was——

Mr. CHRISTIANCY. I referred to what was disclosed by the report.

Mr. HOWE. I thought I had the Senator's language marked. He is undoubtedly correct in his own report of his own speech. I was only about to say that I have dismissed the *prima facie* case long ago—got away beyond that. If Kellogg was not governor in fact, and if Kellogg never had a vote given in his favor in Louisiana in 1872, still I say the question remains, Was there a Legislature in Louisiana in 1873, and did the Legislature of that State select Mr. Pinchback for a Senator of the United States? Certainly there was a tribunal which claimed to be the Legislature. What do you understand by the Legislature of a State? Ordinarily we understand it to be that tribunal which makes laws for a State. There is one thing that we cannot help knowing, if we try to shut our eyes to it ever so much. There were, I know, two bodies at one time, two tribunals in that State, each of which claimed to be the Legislature. This we know, that there was but one body which made laws for Louisiana. I am not advised that the mock tribunal ever went through the forms of enacting a bill into a law; but if it did, so far as I am allowed to take judicial or senatorial notice of the political condition of that State, not one of those enactments, if there was one, has ever received the slightest credit or had the slightest influence upon Louisiana affairs. There was one body, however, which made laws for Louisiana, and laws which Louisiana has obeyed, right or wrong; and that tribunal which made laws for Louisiana is the very tribunal which selected Mr. Pinchback for a Senator of the United States. But the fact that it made laws shows perhaps no more than that it was a *de facto* Legislature, if there can be such a thing as a *de facto* Legislature. Was it anything more than *de facto*? Unless I am vehemently mistaken, it was a Legislature which holds by all the title which any Congress of the United States ever held or the Legislature of any State in the Union ever held.

What composes the Legislature of Louisiana? Two houses, as you know, one called the senate and one called the house of representatives. Who elects them? The constituencies in the several senatorial and representative districts of the State. Who determines primarily who has been elected from a representative or a senatorial district? The law of Louisiana answers you—the board of returns of that State. It has been read very often. I think I had better read it once more. The authority is so clear, the language of the statute is so plain and so imperative:

> Within ten days after closing of the election said returning officers shall meet in New Orleans to canvass and compile the statements of votes made by the supervisors of registration, and make returns of the election to the secretary of state.

That is what the board of returns is to do: "make returns of the election to the secretary of state." But that is a command which has relation to all the officers of the State—the governor, the lieutenant-governor, the administrative officers, the legislative officers, the judicial officers, the parish officers. What about the returns of the board touching the members of the senate and house of representatives of the Legislature? Out of these returns made to the secretary of state by the board of returns, the fifty-sixth section says:

> That it shall be the duty of the secretary of state to transmit to the clerk of the house of representatives and the secretary of the senate of the last General Assembly a list of the names of such persons as, according to the returns, shall have been elected to either branch of the General Assembly; and it shall be the duty of said clerk and secretary to place the names of the representatives and senators elect, so furnished, upon the roll of the house and of the senate, respectively; and those representatives and senators whose names are so placed by the clerk and secretary, respectively, in accordance with the foregoing provisions, and none other, shall be competent to organize the house of representatives or senate.

There is the supreme law of Louisiana declaring as explicitly as language can be found in the dictionary, that the names of the persons transmitted to the secretary of state by the board of returns as having been elected representatives and senators shall be entered on the roll of members by the secretary of the senate and the clerk of the house, and that those individuals and none other than those individuals shall organize the house of representatives and the senate.

Mr. President, you know that every representative and every senator who took part in the election of Mr. Pinchback to the Senate of the United States was one whose name had been placed upon the roll of the senate or of the house by the secretary or the clerk in accordance with the list communicated to him by the secretary of state, and that that list was drawn from the certificate submitted to him by somebody claiming to be the board of returns for Louisiana. That statement, although I meant it to be accurate, is not quite so. I should have said that every one of those names was transmitted to the secretary of the senate or clerk of the house by one *claiming* to be the secretary of state, and that he received their names, every one of them, in a certificate issued to him by a tribunal *claiming* to be the board of returns for Louisiana. That leaves us, if I do not misunderstand the situation, but two questions to settle: Was that man, Bovee, who transmitted the names of those senators and representatives to the secretary of the senate and clerk of the house, in truth or in law the secretary of state for Louisiana? and if he was, Was that tribunal which communicated those names to him, in truth and in law, the board of returns for Louisiana? There were two men each of whom claimed to be secretary of state. There were, as you know, two boards each of which claimed to be the board of returns. How shall their rival pretensions be settled? I said on a former occasion that those pretensions were settled by the adjudication of the supreme court of Louisiana. I thought so. In a suit at law both those questions were submitted to the determination of that court, and that court did give judgment that Bovee was secretary of state and did give judgment that the Lynch board was the true board of returns. That judgment is final upon those questions or it is not.

It has been said on this floor more than once, and was said with great force by the Senator from Vermont this afternoon, that the supreme court of Louisiana cannot determine who is or who is not a Senator of the United States. I do not think a more manifest truism than that could well be stated. The supreme court of Louisiana has never attempted to determine any such thing. The supreme court of Louisiana did undertake to say who under her own laws was entitled to the office of secretary of state and who under her own laws was entitled to discharge the duties and functions of a board of returns. One thing is dead sure, we cannot reverse that judgment. We can disregard it, I know. There is no law on any statute-book that we cannot disregard, both as a Senate and as Senators, sometimes without penalty and sometimes with penalty. We cannot reverse that judgment. There it is of record. We may follow it or stamp upon it. It is the law in Louisiana. There is no amount of railing against the character of that court, there is no amount of vituperation that can be heaped upon the logic of their reasoning, which can shake the authority of those judgments in that State. Still we may be utterly deaf, if we choose, to the voice of that court; utterly blind to what they have declared. We may be utterly regardless of all law when we come to determine the question who is a Senator of the United States. We may say in spite of Louisiana that Pinchback is not Senator; we may say that McMillen is; we may pick up any vagabond we find on the street and plant him here. Our judgment is final upon that question. The man we seat here and keep here is a Senator. The only difference is that if we pick up the straggler out of the streets and put him here we shame the law, we outrage right and duty. You drive Pinchback from your doors and you outrage the law of Louisiana not one whit less in my judgment; you are absolutely regardless of the most explicit terms of her Legislature and you are absolutely regardless of the solemn judgment of her highest court.

Sir, I claimed in the outset that I spoke in defense of Louisiana's authority this afternoon. Here I present you the authority of Louisiana. Try it yourself; you cannot couch the same authority in more explicit terms in the very laws she has enacted. Well, sir, so far we have come on our way. The election of every representative and of every senator who took part in the election of Mr. Pinchback was certified by that board declared by Louisiana's supreme authority to be the true board of returns. There is her law, declaring to you that those individuals and only those shall take part in the organization of the house and the senate. Those men did organize the house and the senate, taking their seats by virtue of these certificates granted them by the board of returns. Suppose they were not elected, one single soul of them, suppose not one single soul of the whole number ever received a vote at a single election precinct. I know what an im-

mense crime it was for the board of returns to give that certificate to them in that case, but they did it and the law gives but one effect to the certificates. It is *prima facie*. Once received, it may be as false as language can be, it has but one effect—it is *prima facie*. There is but one tribunal in the world that can correct it. That is the body composed of just these very men. Every man of them may be manufactured, but the law says the certificate is *prima facie;* he shall organize and only he who holds the certificate shall organize. It is monstrous, says the Senator from Vermont, that this should be so. Why? Why, then he says you may ignore elections altogether; you need not refer to the people at all; let the board of returns just say that A is elected and B is not, C is elected and D is not; and A and C take their seats, or take their offices. Yes, *prima facie* they do. No, says the Senator from Vermont, only when the board of returns issue the certificate in accordance with the returns sent up by the supervisor of the parish. He is wrong, Mr. President, if a lawyer ever was wrong. That is not the construction of the Louisiana law. If it were, it would not lessen the difficulties one whit against which the Senator from Vermont contends. I know if you give this *prima facie* validity to the certificate of the board of returns, they may put pretenders into the house or senate; they may trample upon the returns of the parish supervisor, and manufacture a certificate on behalf of a man who did not have a vote. Are you any safer when you give the same authority to the supervisor? How do you get rid of the difficulty? How does the Senator from Vermont?

Mr. DAWES. The Senator will excuse me for interrupting him. Suppose the board of returns had filled the house of representatives with pretenders, and before their right to seats had been settled by the house itself, these pretenders had attempted to elect a United States Senator, and it was made known to this body that he was elected by these pretenders, what then would be the power of the Senate over the validity of such an election? I should like to hear the Senator upon that point.

Mr. HOWE. Mr. President, I beg to assure my friend that that precise case is not pending before us. It would be a great scandal if a board of returns should put into the fire the returns from the several parishes and then make out certificates to a hundred representatives not one of whom were voted for, and it would be a great scandal if that house of representatives so constituted should, in conjunction with a senate made up equally fictitious, send a Senator here, and, if they did it, "what then," is the question of the Senator from Massachusetts. I do not know exactly what then; but I will tell my friend what I think I should do. I should say that if that case had been shown to us, "yes, this board of returns have in the exercise of that extreme power which, inasmuch as it must be delegated to somebody, was delegated to them, turned their backs on every principle, they have done not only what was false, but what they knew to be false, and they have made a fictitious body which the law of their State declares to be *prima facie* the house of representatives, and that body not representing, and without the slighest pretense of representing the people of Louisiana, have sent us a man for a Senator." Now I should, I guess, look over the shoulder of the Senator from Massachusetts and read our own Constitution and see how absolutely we are the judges of the election of our own members, and I should say that, being loyal to what I know to be the will of the people of Louisiana and exercising the absolute authority which the Constitution vests in us, as a Senator I will not let this man take his seat.

Mr. DAWES. I should like to ask the Senator if the precedents of the Senate will bear him out in that and if the Senate has heretofore had occasion to pass upon that question?

Mr. HOWE. I wish the Senator had not asked that question for two reasons. First, I do not know——

Mr. DAWES. I will state what was in my mind——

Mr. HOWE. I have no doubt the Senator had a good many reasons. I regret his having asked that question, because I do not know what the precedents of the Senate are. I take it for granted that upon this one case now suggested by the Senator there is no precedent, because no such case has ever happened in our history. How soon it may happen hereafter I do not know; I hope it will be very long after I shall have departed from the body. Another reason is that I do not believe there is any rule of adjudication, any possible or conceivable rule of adjudication upon like questions which the unbroken precedents of the Senate will sustain.

Mr. MORTON. If it meets the approbation of the Senator from Wisconsin, I will move a recess until half past seven o'clock.

Mr. HOWE. I will conclude in a very short time. Do you move to take a recess now?

Mr. MORTON. Yes, sir.

Mr. HOWE. I would rather conclude.

Mr. LOGAN. Let us take a recess at the conclusion of the Senator's speech.

Mr. MORTON. I move then, that, after the conclusion of the speech of the Senator from Wisconsin, the Senate take a recess until half past seven o'clock.

The PRESIDING OFFICER, (Mr. CLAYTON in the chair.) The Senator from Indiana moves that at the conclusion of the remarks of the Senator from Wisconsin the Senate take a recess until half past seven o'clock.

The motion was agreed to.

Mr. HOWE. Mr. President——

Mr. CAMERON, of Pennsylvania. With the consent of the Senator from Wisconsin, I move, as the Senate is going to take a recess, that before we do so we go into executive session for a short period to receive some nominations from the President.

EXECUTIVE SESSION.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to that motion?

Mr. HOWE. I yield.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at five o'clock and five minutes p. m.) the Senate took a recess until half past seven o'clock.

EVENING SESSION.

The Senate reassembled at half past seven o'clock p. m.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The unfinished business is the resolution for the admission of P. B. S. Pinchback as Senator from Louisiana, the pending question being on the amendment of the Senator from Vermont to insert the word "not" before the word "admitted," on which the Senator from Wisconsin is entitled to the floor.

Mr. HOWE. Mr. President, when the Senate took its recess I was endeavoring to argue that there was provided by the laws of Louisiana a tribunal which could give *prima facie* title to an office—title not absolutely good, only conditionally good, good for the time being, good until some superior tribunal had investigated and passed finally upon the right. I was insisting that that tribunal in Louisiana was the one known as the board of returns, and I stood upon the very text of the Louisiana law in maintaining that position. When that board of returns says a man has been elected to office, *prima facie* that declaration confers the office upon the individual. To this theory the Senator from Vermont starts two objections. He says, first, that the certificate of the board of returns does not confer *prima facie* right unless that certificate conforms to the returns from the parishes, to the certificates of the supervisors. Secondly, he says that the returns of the Lynch board, so called, did not give *prima facie* right to office, because that was not the true returning board of Louisiana.

As to his first objection, one word. It is almost an absolute necessity that there should be in every State some tribunal to pass upon this *prima facie* title, to sum up in some way, good or bad, the results of an election for a parish or county officer, for a State officer, or for a legislative officer and confer upon some individual the right to act for the time being. Such a tribunal I think is found in the laws of nearly all if not all of our States and is almost indispensable. Without it there is endless confusion. Take the very case of a Legislature. We know perfectly well that the house of representatives in Louisiana, as in other States, is the ultimate tribunal which determines the right of its members. So of the senate. But who shall determine the right of a man to enter into the house or enter into the senate, take part in its organization and thus become a part of the body which exercises this ultimate jurisdiction? The law of Louisiana says it is the board of returns. But the Senator from Vermont says their certificate confers this *prima facie* title only in case it conforms to the certificate of the parish supervisor. The law is not so; the text of the law is not so. I will not read it again. But if it were as the Senator says not one of the difficulties against which he inveighs would be removed. He objects to the construction of the Louisiana statute for which I contend because he says then the board of returns might certify that a man was elected when he never had a vote, and if they could certify to one such man, they could certify to a majority of such men. Clearly that could be done. How is this difficulty avoided? If you say that the board of returns shall conform their certificate to the very text of the certificate sent up by the parish supervisor, then the parish supervisor becomes that tribunal instead of the board of returns, and then the board of returns is a mere ministerial officer, so to speak, a mere secretary to take the letters. Remember the parish supervisors do not send up a ballot, do not send up a tally-list, do not send up a registry-book; they send up a letter to the governor of the State, and in that letter they say, each supervisor speaking for his own parish, that in that parish so many votes were given for this man for governor and so many for that man, so many for this man for judge and so many for the other man, so many for this man for representative and so many for the other, and if it be true that the law requires the board of returns just to copy that letter in order to make their certificate *prima facie*, if their certificate is *prima facie* evidence when it does conform and is not *prima facie* when it does not conform to that letter sent, then you have planted the difficulty just one step back. Then the supervisor may do just those iniquities which the Senator says the board of returns may do. He may say—and in parish after parish in the State of Louisiana in the year of our Lord 1872 the parish supervisor did say—that a man was elected who was not elected. Besides, as we have seen, in several parishes they refused to say anything. We avoid no difficulties by adopting that interpretation. We increase the difficulties by one inasmuch as we override the very letter of the Louisiana statute.

The Senator objects, secondly, that the Lynch board of returns which undertook to give this *prima facie* title to the members of the house and the senate which elected Mr. Pinchback was not the true board of returns. I am not going to spend the time of the Senate in the argument of that question. There the Senator from Vermont goes face to face in conflict with the authority of the supreme court of the State of Louisiana. Every Senator on this floor may follow the Senator from Vermont if he chooses or may follow the decision of the supreme court if he thinks it his duty. I think it my duty to follow the decision of that court. I think it fair to assume that that court understands its own laws as well as we can understand them. I follow the decision of that court in this case with all the more alacrity because I think in giving judgment the court conformed to the most peremptory requirements of the constitution and the laws of the State.

The Senator from Vermont undertook to argue this afternoon that that Lynch board was abrogated by a little trick of state performed by the governor of that State on the 20th of November, 1872. On that day, there being no Legislature in existence in Louisiana, no possibility of convening one until the result of the previous election had been ascertained, the governor pulled from a pigeon-hole an old bill which received the assent of both houses during the winter before and he put his signature to it. That is claimed to have abrogated the law under which the election of 1872 was held. That raises a very grave constitutional question which I shall not stop to argue. I was glad to see that though the Senator from Vermont by the stress of the occasion was obliged to seek some sort of support from that act of Warmoth's he claimed that support with a great deal of hesitation and diffidence. He urged merely that it was *said* that the governor had the constitutional power to so change the laws of his State. I will not affirm that he has not heard it so said. It is a most extraordinary power, so easy to abuse, that I should come to the conclusion it was vested in the governor only by the most peremptory considerations. It never could be abused more scandalously than it was abused on that occasion. But conceding for the sake of this argument that on the 20th of November Governor Warmoth by his own individual act, by writing his name at the end of an old bill did change the election laws of the State, I stand here to deny that by changing that law he abrogated the board of returns which existed under that law. The constitution speaks in such a case as that. When he wrote his name to that bill Lynch and his associates were the board of returns. The Senator from Vermont does not deny that. Nobody can well deny that. Well, the constitution of Louisiana says in express terms that being the board of returns it shall continue to be the board of returns until their successors are inducted into office.

Mr. THURMAN. Will the Senator allow me to interrupt him for a moment?

Mr. HOWE. Yes, sir.

Mr. THURMAN. If I understand the Senator he says that on the 20th day of November, 1872, Lynch and his associates were the lawful returning board and that nobody denies that fact. Am I right?

Mr. HOWE. No, sir, not entirely right. I said that the Senator from Vermont did not deny that and nobody could well deny it.

Mr. THURMAN. The majority, every member of our Committee on Privileges and Elections who expressed an opinion upon it at all, and that makes all of them but one, do deny that on that day Lynch and his associates were the returning board and conclusively show that they were not.

Mr. HOWE. I will not take issue with the first part of the statement of the Senator from Ohio. I have not studied the various reports of that committee as diligently as he unquestionably has. I will not undertake to say that they do not all or nearly all deny that up to the 20th of November Lynch and his associates were the board of returns; but when the Senator goes further and says that they "conclusively show" that they were not the board of returns, I take issue with him very broadly. They neither show that nor can it be shown in my judgment. Before Governor Warmoth ventured upon that trick the eighth district court had declared, sitting in judgment upon that very question, that Lynch and his associates were the true board. That decision was not final, for an appeal might have been taken to the supreme court, but Governor Warmoth evidently thought that an appeal would not secure a reversal or he never would have ventured upon the very extraordinary maneuver he did. An appeal was taken, but instead of securing a reversal it secured the affirmance of that judgment.

On that day, therefore, I still say this Lynch board was the true board of returns for Louisiana; and the constitution of that State says, being so, they shall continue to discharge the duties of their office until their successors are inducted into office. The new statute which Warmoth signed on that day declared that the board of returns should be elected by the senate of the State. There was no senate of the State in being. There could be no senate until the board of returns had canvassed the certificates of the supervisors and ascertained who the senators were.

Mr. EDMUNDS. Shall I disturb the Senator if I ask him a question?

Mr. HOWE. Very likely, but I shall submit to the disturbance.

Mr. EDMUNDS. Certainly then I shall not disturb him.

Mr. HOWE. The Senator knows perfectly well that he cannot ask a question without running great risk of disturbing whoever it is put to; but I submit to the question.

Mr. EDMUNDS. I wish the Senator from Wisconsin would point out to us the clause of the constitution of Louisiana upon which he relies, and having done that (I think I understand the clause or rather know where it is) if he would answer this question: Supposing the Legislature of Louisiana at its session, and without having a pocket law made by the governor in vacation, had abolished all these prior election laws and all prior boards without substituting any in their places, would the old officers have continued in office until they chose to consider that their mission had been finished?

Mr. HOWE. I can only be just as wise as the law:

> All officers shall continue to discharge the duty of their offices until their successors are inducted into office.

The office of a board of returns was preserved in spite of the repeal.

Mr. EDMUNDS. Yes, but that is not the point. I ask the Senator, suppose this office had been absolutely abolished, it being one created by law, whether under the language of the constitution these gentlemen, whoever they were, would have continued until their successors were inducted into office, which would have been forever, as no successors were provided for?

Mr. HOWE. I rather think that I shall be obliged, upon a careful consideration of that question, to confess that the Lynch board could not have continued in the office of a board of returns any longer than the office of a board of returns existed; and if the office of a board of returns was abrogated, I guess Lynch and his compatriots would go. But that did not happen to be the case on the 20th of November. The office was preserved and the constitution lived, after a fashion, and still spoke, and said this board of returns "shall continue to discharge the duties of their office until their successors are inducted into office."

Mr. EDMUNDS. Was it the same office?

Mr. HOWE. I think it was the same office—the same office fulfilling the same function in the State, known by the same name, created by the same fundamental authority, to wit, the Legislature of the State, provided that Warmoth was the Legislature on that day, and if he was not then his act was a mere nullity.

So, Mr. President, I do not feel at liberty to fly in the face of the authority of that board. I cannot understand that it is exposed to the very severe measure of criticism which has been measured out to it not only to-day but on former days during this protracted debate.

Mr. President, I will bring these remarks to a close. I professed in the outset that I was not to speak this afternoon in the interest of a political party, that the party to which I belonged has no interest involved in this debate nor hanging upon the issue. Unless I am grievously mistaken I have been speaking in defense of the rights of Louisiana. Other gentlemen take a different view of those rights, other gentlemen come to conclusions quite variant from mine. I know this, that when I say that the roll made up of the members of the senate and of the house of representatives by the secretary and the clerk of those bodies contained the very names transmitted to them by the secretary of state, and that those men only could participate rightfully in the organization of those bodies, I but repeat the very terms of the law of that State. When I say that the man who acted as secretary of state and transmitted that list to the recording officers of the two houses was the secretary of state, I stand upon the authority of an express judgment of the judiciary of the State. When I say those names were certified to the secretary by the true board of returns, there again I am sustained by the authority of the judiciary of the State. I repeat once more that that court, if that is to be considered here, is sustained, as I understand it, by the express letter of their constitution and by the very text of their statutes.

But if Senators will go behind all this authority I ask them to go carefully, not in the spirit of affirmation but in the spirit of inquiry; go, if they will, not back to the supervisors of the parishes, go if you will to the election precincts, but going there I think I could challenge any rational or any candid man to deny that by the voice, the fiat, of the people of Louisiana they did give their assent to the election of the men who acted as the Legislature of Louisiana and their assent to the election of the man who from that time to this has acted as the governor of Louisiana.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Vermont.

Mr. EDMUNDS. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not been.

Mr. EDMUNDS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. LOGAN. Mr. President, it is so late in the day that I had about concluded not to say anything on this question; but inasmuch as there seems to be no one else desiring to occupy the time, I will do so for the purpose of giving my views in reference to this question and the effect of the decision of the Senate in this particular case.

In listening to the arguments of Senators on both sides, I have noticed that there is one point made by the Committee on Privileges and Elections in the majority report that has not been observed as the pivotal point upon which this case turned before the committee. The Senator from Vermont [Mr. EDMUNDS] discussed the question to-day quite elaborately, that is, that the election laws of Louisiana under which this election was held and the returning board author-

ized by that law were unconstitutional. It is upon this point, as a starting point, that the majority of the committee came to their conclusion. If that election law is unconstitutional, as stated by the committee and as argued by the Senator from Vermont, the returning board had no validity whatever; their return as a matter of course was a nullity. It was upon this hypothesis that the majority of the committee arrived at the conclusion that if any government should be recognized by the Senate of the United States without further action it should be the McEnery government, on the ground that the returns, the only evidence which would be legal evidence if these laws were unconstitutional, were in the hands of the governor, and that was the only evidence upon which an opinion could be based in reference to the result. It was on that ground that the Committee on Privileges and Elections made their report; but in making that report there is a little history connected with it which ought to be observed in order to come to a proper conclusion, in my judgment at least, as to our action in the premises now. We reported first that in our opinion if the facts could be placed before the committee correctly and the election returns made properly McEnery would not have been elected, but upon the evidence we had before us we decided that if either was elected it was McEnery, but that there was no valid election on account of the magnitude of the frauds on both sides.

In making that report to the Senate we first proposed to the Senate that the Congress of the United States should pass an act authorizing an election to be held in the State of Louisiana and thereby determining this question. Second, we proposed to the Senate a resolution that there was no existing State government in the State of Louisiana. These two propositions were presented by the committee to the Senate of the United States for their action. The committee acted, as I said, upon the theory that the election law of Louisiana was unconstitutional, and that we had no legal data before us except that which, if we held the unconstitutionality of the law, would decide the election of McEnery. We then supposed that the Congress of the United States would take action and either pass the bill authorizing a new election with the safeguards placed around it as we had suggested, or something similar, or that they would declare that no State government existed and provide in some way for a State government.

The Senate of the United States utterly failed and refused to act upon the resolution declaring that there was no State government having an existence in the State of Louisiana. On the bill reported from that committee, a law to be enacted for an election to be held in that State, the Senate voted down the proposition, and on that vote every democrat in the Senate voted against the law, and sufficient republicans to defeat it. How then does the case stand? The resolution declaring that there was no State government was ignored by the Senate. A bill prepared for an election in that State was voted down by the Senate. What action then could be or ought to have been taken?

That is the situation as the case stands to-day before the Senate of the United States. Pinchback presents his certificate. McMillen was elected by one Legislature. The Senate of the United States can either declare the Kellogg government a lawful government to-day, or they should declare the McEnery government a lawful government, or they should declare that no government at all exists and provide for a government. Suppose there is no action on the part of Congress at all? You then leave the State of Louisiana without form so far as a government is concerned and no one to act, if our position was correct. Unless the President of the United States should act and sustain and support a government all is chaos and confusion, and revolution and bloodshed must inevitably be the result. That then was the position.

I was told the other day by the Senator from Delaware [Mr. SAULSBURY] that he would like to see some way made for certain gentlemen to get out of a dilemma they were in. What dilemma? I suppose the Senator intended to suggest that those who made the majority report asking that the Senate and House of Representatives take action in this matter and who now claim the right to seat a Senator in this body from that State have changed their views to such an extent that they were in a dilemma. Let us see. After the Senate refused to act, after Congress refused to do anything, I, as a member of that committee, was required to ask myself the question, what is to be done? The President had recognized Mr. Kellogg as governor of the State of Louisiana. It was my duty to sustain the arm of the Government in preserving peace and order in that State, and I did so to the extent of my ability. There was but one course left, and that was for the President to recognize one government or the other and maintain that government, execute the laws, enforce the decisions of the courts. Since that time the question as to the constitutionality of their laws, commonly denominated the election laws of Louisiana, has twice been decided by the superior or supreme court of that State. The supreme court in the case of the State *ex rel.* Morgan *vs.* Kennard, at their March term, 1873, decided the law to be constitutional; and also in the case of the State of Louisiana *vs.* McFarland, at the June term, 1873, the court not only decided the election laws constitutional, but expressly recognized the Kellogg legislature as the lawful Legislature of that State. The recognition of that State government then has been by their own courts, by the President, and by the other branch of Congress. We are then left in a position where we must either sustain the Kellogg government or admit that there is no government there at all of any kind *de facto* or *de jure*, and authorize by that means revolution and bloodshed.

I have examined the question in reference to the constitutionality of the election laws of Louisiana. I know it would be considered presumptuous for me to attempt to reply in any way whatever to the learned Senator from Vermont in his legal argument to-day on the constitutionality of those laws. I know that he is considered the oracle of the Senate so far as the law is concerned. Not only that, but when he talks law in the Senate and retires from it, everybody else seems willing to retire and consider that that is all that need be said in reference to the question. The very moment certain gentlemen in the Senate give their views of the law, if the rest of the Senate do not retire, they usually retire themselves, as much as to suggest that what they have said is all that need be said. Now in my feeble manner I propose to examine this question for a moment and see whether or not the proposition of the Senator from Vermont can be answered.

Probably he will say to me, "Why, you once decided this law unconstitutional yourself." I did agree to report that it was unconstitutional; but inasmuch as courts, according to the Senator from Vermont, are not bound by the decisions of other courts and nobody is bound by the decisions of courts, I suppose the gentlemen who pretend to be lawyers, whether they are or not, are bound only to their own conclusions from examination, let those conclusions be what they may. The Senator from Vermont says the law appointing the board of canvassers of Louisiana is unconstitutional. The Senator says the law that requires the returns to be made to that board, instead of being made to the secretary of state under the constitution, is unconstitutional. Let us see. The constitution of Louisiana in the forty-sixth article provides:

> Returns of all elections for members of the General Assembly shall be made to the secretary of state.

All returns shall be made to the secretary of state. By whom are they to be made to the secretary of state? All returns in the State of Illinois under the constitution are required to be made to the secretary of state; but because the constitution requires the returns to be made to the secretary of the state, is that any reason why those returns cannot be canvassed and the result known before they are so returned? I presume there are many gentlemen here who represent States which have a constitution with a similar provision requiring the returns of the votes for members of the General Assembly, for governor and lieutenant-governor, and State officers to be made to the secretary of state. A number of the constitutions of the different States have precisely this provision and this requirement. But are there no intermediate steps that can be taken by enactment of the Legislature to ascertain the voice of the people before the returns are in the hands of the secretary of the State? Is it not a well-known fact, and is it not a proposition that is known to be lawful, too, that every member of the Legislature elected in many States, and especially in my own State, gets his certificate from the secretary of state? The returns are made up in the different counties by the boards of canvassers in the counties. They certify to an abstract of the votes to the secretary of state and on that abstract a certificate is given so far as a majority is concerned. The returns are sent to the secretary of state to be filed in his office, but the certificate is issued to the member of the house of representatives or senate at once. The legislators are known, are designated and certified prior to their meeting as such representatives. But, according to the Senator from Vermont, the returns would have to be made to the secretary of state of the election of members of the General Assembly, and that General Assembly must meet for the purpose of opening and counting those votes as presented by the secretary of state, as he said, sealed and unbroken until the Legislature should meet. Of course the Senator from Vermont is not listening to me.

Mr. EDMUNDS. I am.

Mr. LOGAN. I should like him to explain to me his proposition that the Legislature meet for the purpose of having the votes opened by the secretary of state in their presence. In the presence of what Legislature? In the presence of the Legislature elected for the purpose of convening at that time. If the votes are not to be opened and canvassed prior to the time when they are to be opened by the secretary of state in the presence of the Legislature of the State, how are they to ascertain that they are elected members in order to be there for the purpose of witnessing the canvass of votes? That constitution means just what the constitution of every other State that is in precisely the same language means, that the returns are opened for the purpose of attesting the truth and verifying the fact that has gone to the world that such and such persons have been elected, and for no other purpose.

Mr. EDMUNDS. Which returns, may I ask my friend, those for the members of the Assembly or those for the governor?

Mr. LOGAN. Either.

Mr. EDMUNDS. Does the Senator mean to say that by the course of a constitutional government in the various States where there are no returning boards the secretary of state is to open and canvass the returns for governor and send in the result to the Legislature?

Mr. LOGAN. No, sir; I did not say any such thing.

Mr. EDMUNDS. But he does open the returns for members of the

General Assembly, and according to those returns he does make his list; is not that it?

Mr. LOGAN. He makes up his list as the returns are certified to him by the canvassing board. I suppose the Senator will not deny that. Each county—at least it is so in my State—has a board of canvassers; it may be the county judge and two justices of the peace; but there is a canvassing board in every district that elects members to the Legislature. That canvassing board makes out a certificate, but they send the returns to the secretary of state.

Mr. EDMUNDS. It is not my proposition, because I have not stated anything about that particular thing; but the Senator is quite right, no doubt, in stating what the course is in his State, that the local officers who are brought into contact with the people make up a statement of how the people have voted according as they have sworn they will; they then send it to the chief scribe of the State, so to speak, the secretary, who thus is enabled to know who are the persons who appear from the various local returns to be members of the General Assembly. He makes the list of those men who thus assemble and have a *prima facie* right to their offices and then proceed to determine upon each other, and so on.

Mr. LOGAN. This is just the difference now between the case of Louisiana and the case of other States: Louisiana preferred to have a canvassing board, made up of five persons. The State of Illinois prefers to have a canvassing board in each district. That is the distinction precisely. We make a canvassing board in each senatorial and representative district. Louisiana made a canvassing board of five members for the purpose of counting all the votes and then returning them to the secretary of state, the same as the canvassing board in the legislative districts does in other States. If the constitution requires the returns to be made to the secretary of state without providing that they shall be made through any intermediate board of persons, and the Legislature may provide that a canvass shall be made in the districts and then sent to the secretary of state for the purpose of opening and canvassing himself, I ask you if the constitution authorizes the Legislature to make a canvassing board in the representative district if it has not the same power to make a canvassing board for the whole State? If the power exists in the one instance, does it not exist in the other?

Mr. EDMUNDS. I do not desire to interrupt my friend. He knows that I respect his views. He knows that I have followed them down to this very day; that, perhaps, is the misfortune under which I labor; but the distinction is, I will suggest to my friend, who can see it quite as readily as I can, that in the case of all those local officers, no matter what you call them, they are the primary fountain of ascertainment from the people themselves in each district of what the vote has been, from the very nature of the case. Now, in this instance the Legislature of Louisiana has undertaken to say that between those primary officers of the people in their respective and separate localities and the final grand court of the State, its Assembly, there shall intervene a set of judges, or board, or whatever you call them, who are to sift out the returns and do this and that with them and make up a list. It may not affect this case, but I do not think the two propositions are the same.

Mr. LOGAN. All the distinction is that in the one case a board is provided for a representative district; in the other case the board intervenes for the whole State to count the votes and give the returns to the secretary of the State. And so it was in the State of Louisiana in reference to that law.

But I was going to say, without continuing any further in reference to this proposition, that I also, having some respect at least for the opinion of the courts in my own State, must give the same respect to the opinions of the courts in other States. The supreme court of the State of Louisiana, having this question before them arising in the case of one of the judges and in the case of a sheriff and clerk, decided the question, leaving it open no further so far as that point is concerned. Although it has been said that the Senate is not bound by any judicial opinion, by any act of any other parties, by any decision that may be made by any branch of the Government, either State or national, but that Senators act independently and are the judges themselves without any other power intervening, yet I at least am led to my conclusion in deciding a case of this kind by the evidence, by the decisions of the courts, by the recognition of the Government, by all the surrounding circumstances combining together to produce a result. Hence I have come to my conclusions in this case.

In our report of two years ago we incorporated a dissenting opinion of the court of Louisiana and based our argument mainly upon it, declaring that the court had no jurisdiction to decide the question of the returning board, and for that reason we ignored the Lynch board; but in the two cases decided in Louisiana subsequently to our report and subsequently to the other decisions quoted in it the court recognized the existence of this board and recognized the constitutionality of the law which organized it. Therefore I say that we are not precluded from judging so far as we ourselves are concerned; but at least it is a fact before us that the court has so decided, and we should have some respect for the courts of the different States deciding the laws of their own States, especially in reference to matters of election.

But I will pass over that for the present and call the attention of the Senate to the proposition of the Senator in reference to the right of the courts to determine questions as to elections in a State. If the courts of a State have no right to decide as to what body is the Legislature of the State, have no jurisdiction or right to decide as to who is governor of the State, where the question arises before them, I ask the Senator, or any Senator on that side of the question, to tell me what tribunal has a right to decide. Suppose there are in a State two opposing pretenders for the gubernatorial chair; suppose there are two contending legislative bodies acting under the same constitution, having one court, both claiming the right to enact laws, both governors claiming the right to sign bills, both governors claiming the right to execute laws, if there is no power in that State to decide who the legislative body is, or who the executive of that State is, I ask the lawyers to tell me who has the right to decide? Where does the power exist? In what department of the Government does it reside? Suppose that neither Legislature calls upon the President of the United States for troops, suppose that neither pretending governor calls upon the President to interfere, I ask you then to tell me where is the tribunal to make the decision?

How does the President intervene where there are two opposing governors? The President intervenes on the call of the governor or the Legislature of the State, asking him to interpose his authority for the purpose of preventing bloodshed by suppressing violence. Suppose neither of these authorities or pretended authorities calls upon the President and the State stands there by itself with two Legislatures and governors and one court. I ask some man to tell me who is to decide which is the right one. If there is any answer to it, I will thank any man in the Senate to tell me what it is. I will thank my friend from Vermont, my friend from Michigan, or the Senator from Ohio or any other Senator on that side of the House, to answer me where the power exists to maintain either one of those governments if it does not rest in the judicial power of the State.

Mr. CHRISTIANCY. I will say to the Senator that that point is wholly immaterial to this question of the election of Mr. Pinchback; it would be very appropriate on the other resolution offered by the Senator from Indiana, [Mr. MORTON.]

Mr. LOGAN. That is, however, not an answer to my question. Wholly immaterial to this question, the Senator says it is, therefore it is not in the case. But it is a material question to know which one of these Legislatures was the proper Legislature, and there were two Legislatures. Is it not material for us to know here which Legislature was the true one if either one was? Then I say it is material in this case to know what power can decide that question.

Mr. CHRISTIANCY. My point was that neither was the true Legislature; there was no true Legislature there.

Mr. LOGAN. That is upon the ground that there is no government there at all; but I am arguing upon the hypothesis that there are two pretending governments; I care not whether either of them is lawful or not. I want the information; I want to know where the power exists to enforce the law or where the power exists to give the citizens of the State a knowledge of the law. I said to-day, and as the Senator from Vermont in reply answered, every citizen is presumed to know the law and every citizen is regarded and held accountable for his action whether he ever heard of the law or not. If every citizen must know the law and is held responsible for his acts to the law, I ask Senators to tell me if there must not be some means by which he may ascertain the law. The reason for the presumption of the law is that there is a means through which and by which the citizen may ascertain the law. If he fails to ascertain and understand the law, the law considers it his own fault; but if there are no means for his ascertaining the law, then I ask you why apply the presumption to him?

This point, although it has been dodged, and although Senators evade it by saying that it has no relation to this case, has a striking relation to it. From the beginning to the end, it is for us to know who the Legislature is, for us to know who the governor is, for us to know if there is one or if there is not one. If there is no Legislature in Louisiana, no governor in Louisiana, it is our duty to find some way and some means by which a governor may be chosen and a Legislature may be there. The reason that I make this point is, as I said, that when our committee asked you to pass a law, and you refused to do it, for an election in Louisiana, when we asked you to resolve that there was no State government there and you refused to do it, this question then arose in my mind, how the people of Louisiana are to know whether they have a government or not, how are the people to be protected in Louisiana in their rights if there is no power to give them protection, if there is no power to declare the government, if there is no power to declare the law, if there is no power to execute the law? Then I ask you the condition of the State of Louisiana. Its condition, according to this doctrine, is chaos and confusion, left to wild, mad mobs, for the purpose of exercising authority by force and only by force. The doctrine that there is no power to declare a legislative body in a State is a revolutionary doctrine, it is the doctrine of bloodshed, and not the doctrine of peace and good order.

The Senator from Vermont to-day, in response to my inquiry, answered it in this way: He said the Senator from Illinois knew well how it was to be decided. He referred to my having engaged in conflict in this nation, and therefore I might infer how it is to be decided. What is that inference? That it is to be decided by the sword and by the force of numbers and not by law, not by the exercise of law upon the people, with its peaceful influence and protecting care.

Let us carry that doctrine a little further. That is the doctrine proclaimed in the Senate to-day by the gentlemen who refuse to admit that there is a government *de facto* in that State. The very doctrine that has been announced in this Senate Chamber on all sides of it against a *de facto* government in Louisiana is the doctrine of State destruction, it is the doctrine of revolution, it is the doctrine of anarchy, and it is the doctrine that, carried to its logical and legitimate results, will deny the power of the National Government to preserve the life of a State. It is the very doctrine opposed to the theory upon which this Government maintained its existence against secession and treason in this country.

Now, sir, let us see where we are carried with this new idea—no, not a new idea, an old one. Where are we carried by it? In the first place, you obliterate the rights of the States; according to this theory you deny the right of a State through any department of its government to preserve itself. In the second place, you deny the right of the National Government to save its life; because the Senator who answered me a moment ago, and for whom I have great respect not only as a man but as a lawyer, a gentleman who sat long upon the bench, whose opinions I would bow to as readily as to the opinions of any man in this country, said the other day that the power did not exist in the National Government—I do not quote his language precisely—to recognize a State government *de facto* unless that government was lawfully instituted.

Mr. CHRISTIANCY. I said it might acknowledge the fact that it was in possession of power, but not whether rightfully or not.

Mr. LOGAN. The Senator will allow me to read what he said:

> Had Kellogg and his Legislature already been in the possession of power, and in the actual exercise of the offices they claimed, and in the actual government of the State—

without any act on the part of the Federal Government they might be a *de facto* government. That is the point. Further on the Senator said that the argument is in a circle, that the induction being unlawful we come back to the same place we start from, that it is all unlawful. That was substantially what the Senator said.

Mr. CHRISTIANCY. The recognition of a government which had been set up only by the Executive of the land, would be a recognition only of the Executive's own act.

Mr. LOGAN. A government set up by the Executive only! Now I will answer that. That means that if no person had participated in it but the Executive, if he merely without an election, without law, without right, had set up a government himself, that would be the position. I will not dispute with him further on this point except to ask him what is the result of his doctrine? If the government of Louisiana cannot be made a *de facto* government at all, either by the courts of the State or by the executive authority of the United States, I ask him how can Congress make it a lawful government?

Mr. CHRISTIANCY. My present view of it—it is not a question that I have examined carefully—but my present impression is that even Congress could not make it a lawful government.

Mr. LOGAN. I supposed that would be the answer.

Mr. CHRISTIANCY. Congress might provide for an election.

Mr. LOGAN. I supposed that would be the answer of the Senator for the reason that his argument led to that conclusion and to none other. Congress then, although this government has been in existence for two years, cannot legalize its acts. Congress cannot make it a government either *de facto* or *de jure*. If it is not a *de facto* government on account of its own acts, Congress cannot make it a *de facto* government. If it is not a *de jure* government on account of its own acts, Congress cannot legalize its unlawful acts. That then is the conclusion of the Senator from Michigan.

Now let us see where that leaves us. That leaves us in this condition: According to the argument of the Senator from Vermont the courts of the State cannot recognize at all either the Legislature or the governor; the President cannot recognize it because it is unlawful; Congress cannot recognize it. Why? Because it is unlawful. Then nobody can recognize it, and what is the condition? If it cannot be recognized by any one, by Congress, by the courts, by the President, what is its condition? Its condition is a mass of human beings thrown together with the law of "might makes right" without anything to restrain their acts whatever, no executive power, no judicial power, no legislative power! How then are they to be controlled? If this is the condition of Louisiana to-day, every sheriff in the State that has executed a writ is liable for it; every man who has collected a dollar of taxes might be liable for it; every court that has given judgment and every order of execution where a man's life has been taken would be murder.

Mr. CHRISTIANCY. Is not that the legal result in all cases where unconstitutional acts have been performed?

Mr. LOGAN. That is the result, and I am only saying that that is the result now according to the theory of the Senator. If a man executes another that has no authority in law to do it, of course he is a murderer. If no authority can be conferred on Governor Kellogg or the Legislature or the courts of that State by the President or the courts or Congress, then the whole government would be unlawful even to being responsible for the execution of criminals.

The Senator from Vermont and other Senators here have argued that we are not bound by the decisions of the courts. That is true; nor are we bound by anything. When we say we are not bound, we may exercise our own will. We may pass unconstitutional laws, those that are in the face of the Constitution, known to us to be such at the time we enact them; but would we not make ourselves a laughing-stock before the world if we should do it? We have the power to do it, but we have not the moral right to do it. We are compelled to obey the Constitution; that is, we feel compelled. Many times we may make mistakes. The inferior courts are bound to obey the decisions of the superior courts. How bound? Bound just as we are bound here to perform our duty, that the decisions of the courts may be uniform, that the laws may be understood, that there may be no confusion. The inferior must follow the superior for the benefit of the law itself and of the citizens, to preserve the rights of the people. So in reference to the States. The States have been so tenderly regarded by the courts of the country that the Supreme Court of the United States will follow the current of decisions of the State courts except in a case where the Constitution of the United States may intervene or some question arise that is a question belonging to national matters. Why? My friend from Vermont to-day denied that proposition and he read from a decision of the Supreme Court of the United States to prove that they had denied that they were bound to follow the decisions of the courts of the State or that any one was. But if the Senator had only read the next paragraph he would have found the reason for the particular decision, and I do not propose to criticise this opinion of the court in the case of the township of Pine Grove *vs.* Talcott; but I do say that those who have read the dissenting opinion of two judges of that court would perhaps be somewhat confused in the law when they came to compare it with the opinion of the majority of the court. But when you look at the majority opinion, you find that the court say:

> The general understanding of the legal profession throughout the country is believed to have been that they were valid—

Speaking of the contracts—

> The national Constitution forbids the States to pass laws impairing the obligation of contracts.

Therefore the Supreme Court will not decide otherwise because the case would impair the obligation of a contract under a State law, and that would be in violation of the Constitution of the United States; and hence the court say they are not bound by the decision of the State court. That is the reason in this decision for their not following the rule as generally laid down that to do so would infringe upon a provision of the Constitution of the United States by allowing a legislative act of a State to impair the obligation of contracts.

Mr. EDMUNDS. May I ask the Senator to point out to us how it is that the decision of a court in a State as to the original powers of a municipal corporation, that they have not original power to do a particular thing, impairs the obligation of a contract?

Mr. LOGAN. Well, I cannot answer the Senator any better than to hand him this decision, and he can read it over again and there he will find exactly the reason. The Senator knows very well that the Supreme Court so decided.

Mr. EDMUNDS. No, I do not.

Mr. LOGAN. That is my reading of it at any rate, and I think that is the general reading of the decision as far as I know. But I do state the proposition to be, and it has been stated here frequently, that the courts of the United States almost uniformly follow the decisions of the courts of the States when deciding questions that belong to the States. So they would in a case of this kind; and in the case decided from Rhode Island, which has been read here often, of Luther *vs.* Borden, the Supreme Court say positively that they follow the decisions of the State courts in reference to these questions and that it is their duty to do it. That has been the rule, at least so far as I know. I do not pretend to so extensive reading in the law as some of my friends in the Senate. I do not claim great legal lore. I was before I came to Congress a practicing lawyer. I do not say how much law I knew. I do not pretend to know very much; but I do sometimes know what I read, and it is not always the man who makes the greatest pretensions that knows the most law either. I have heard men in the Senate Chamber talk about the ignorance of other men in the law. That is very well for a man to do, because it is as much as to notify the world "I am the embodiment of all the legal lore in this land!" That is about what a man says when he talks of the ignorance of others. I heard that said the other day to the Senator from Indiana, that because he has not been in the courts for a good while, therefore he must be very ignorant of the law. I have nothing to boast of so far as my knowledge is concerned; I lay claim to very little; I know however that there are others who do not know any more, who claim to know a great deal. [Laughter.]

Now, if the doctrine of these Senators is correct, that we are not to follow the decisions of courts, that we are not to follow the decisions of Legislatures, and that the superior courts of the nation are not to be bound by the decisions of the courts of the States in questions relating to their own laws in matters that do not infringe the Constitution of the United States, then I ask if we are not wide at sea without any guide or compass whatever? Where shall we land? The Senator from Vermont told us to-day where we should land. I asked him after several questions to tell us how to get out of this dilemma. What dilemma? Why, you say the President has no right to recognize, Congress has no right to recognize, the courts of the State have no right to recognize, and what condition are we in? We are certainly in a dilemma that we need to be extricated from. How does

the Senator from Vermont extricate us? He says that each citizen must be the judge for himself upon his own responsibility as to which Legislature is the proper Legislature and as to which governor is the proper governor. That is to say, if there are a dozen men claiming to be governor and a dozen bodies claiming to be the Legislature, each man must take his part of the responsibility by deciding for himself which law he will obey enacted by either of those Legislatures. That would be a nice condition of things! I will say, as was said by the Senator from Wisconsin, you authorize me by one Legislature to hold a certain position, you authorize another man by another Legislature to hold the same; we come in conflict, both attempting to exercise the authority that we claim, conferred upon us by the respective Legislatures that we bow in obedience to. What is the result? The result is that we must arbitrate that question; we must leave it to the judicial opinion of the courts, or else we must settle it by wager of battle, we must settle it by a conflict of arms. If we come in collision with the authority conferred upon both by different Legislatures, it is a question of power as to which one has the physical force to bear down the other or else it must be submitted to a court. Then if the court decides the question in favor of the gentleman having the opposing authority to me, where do I appeal? The court has settled it, has adjudicated upon our rights. There is the decision. I must bow to that decision of the court, for it is the only court of the land empowered to decide, and in obstructing its judgment I should be a violator of the law and subject to punishment.

But we are told that this is not a Legislature, that there has been no election. I have said before that there was nothing that we could decide upon so as to declare that there had been any legal decision as to which man was elected governor at the election. We did declare in our report that, in our opinion, by a fair election Kellogg would have been elected governor of the State, because there was a clear republican majority in that State. That was the declaration of our committee; but, as I said, from our starting point, declaring the unconstitutionality of the legislative act, we arrived at the conclusion, and could arrive at no other, that there was no valid result. Failing to have action by either House of Congress, I ask some Senator to tell me where we are to land; I want to know. Are we to stand for four years and submit to turmoil, tumult, and bloodshed in Louisiana? Yes, say able Senators, we are to do that; why? Because we have no power to do anything else; we have no authority to do anything else. Well, I only remember too well that in 1861 there was no power according to the theory of many learned men in this country to make the people of a State behave themselves Where is that power in the Constitution; where does it reside in the Government? they asked. Where do you find the power to coerce a State, or the power to regulate the affairs of a State? Where did we find the authority for a reconstruction of certain States after they had ceased to be States of the Union? Where is it in the Constitution? That power exists in the Government, and in all governments. Why? Of necessity it must exist. Under the law of self-preservation it must exist. That power must be found in every government—the right to preserve, protect, and defend itself. We have a right to protect, preserve, and defend the nation against its enemies, and to cause peace where confusion and bloodshed reign. The power must exist for the benefit of the citizens of the Government and for the benefit of the integrity of the Government. The power must exist in a State to protect itself against disorder in its own State or to call on the General Government to aid it. It is a necessity, a law of necessity that, requires it to be done. But our constitutional lawyers do not believe in laws of necessity. They do not understand the law of necessity which flows out of our very form of government and incident to and coextensive with our Constitution. It must be found in the Constitution just in so many words or else you cannot act!

Now I want these Senators to answer me one question. The government set up at Richmond by Jefferson Davis was an unlawful government set up by force; and yet though unlawful and set up by force this Government was compelled to recognize it as a *de facto* government—not in terms expressed by a law of Congress, not by a resolution of Congress, but by every act regulating the conduct of war between nations, by the exchange of prisoners, by communications with the enemy, by the visiting of committees and conferring for the purpose of combining the governments again. In every way, except by act of Congress, we recognized it as a *de facto* government; and yet we cannot recognize a government set up in one of our States, the Senator says by force unlawfully set up. How unlawfully set up? Set up just as lawfully as any government is set up where men claim that they are elected and the evidence is not sufficient to show it and yet they claim the offices and take possession of them. It makes no difference how they get possession of the offices. Said the Senator from North Carolina [Mr. MERRIMON] when speaking of the Penn rebellion, if they get possession they are in lawful possession provided they were entitled by the election. That was his theory. Now according to his theory it makes no difference how this man Kellogg obtained possession of the office of governor, so that he is now in peaceful possession and recognized by the President. I do not go to that extent myself, but that is the argument of Senators on the other side of the Chamber in reference to the other side of this question.

Mr. President, finding this government in the condition it is in, finding ourselves situated as we are, what result are we going to produce by our act? That seems to me to be a point that ought to be considered. Suppose we refuse to-night or at any time to recognize the Kellogg government. O! but some Senators say, "We do not want to admit Pinchback, but we will vote to recognize the Kellogg government as a lawful government." Now let me say to Senators who say that, that in my judgment they put themselves in a false position. The very moment you recognize the Kellogg government as a lawful government, that very moment Mr. Pinchback's credentials are lawful credentials, and you cannot gainsay them. You have to declare that Kellogg is unlawfully the governor of Louisiana, or else you are bound to admit that Mr. Pinchback has a *prima facie* case on his papers if you recognize the Kellogg government. Some say that is different from the Legislature. Sir, the very same power that declared Kellogg elected declared every one of these members elected and returned their returns to the secretary of state and the secretary of state made out the roll with the name on it of every one of these members in that Legislature under the law the same as for Kellogg. When you recognize the legality of the Kellogg government, that moment the same rule applies to the Legislature, and gentlemen cannot avoid it because the reports show the very same action precisely. So one case is as broad as the other.

But suppose we leave it so and say we will not recognize either. The President has declared Kellogg the lawful governor. The President has declared the Legislature the lawful Legislature. The courts of the State declared the same thing. The House of Representatives passed a resolution—I do not remember just the language, but certainly in effect recognizing the Kellogg government either as a *de facto* or *de jure* government. This House, however, fails to do so. Suppose when the next Congress comes in the democratic House of Representatives recognize Mr. McEnery. Suppose the Senate refuse to recognize Mr. Kellogg, and refuse at the same time to recognize Mr. McEnery, what is the condition then? In what position are we? The House of Representatives, the Representatives of the people, tell the President that "McEnery is the right governor;" the Senate will not tell him either one; and in what position is he? What can he do? Is he to act upon his own volition and will, without reference to the declarations of either or both Houses of Congress? Is that the position we are to take?

But let us take another view of the case. Suppose you refuse to seat Mr. Pinchback upon the theory of my friend from Vermont, who says the men who elected Mr. Pinchback had no certificates made according to the constitution, but the men who elected Mr. McMillen, the McEnery legislature, had; he did not say so but I say it for him, because the returns were in the hands of the governor and through the secretary of state recognized by him as the lawful one they were certified as members of the Legislature; and according to his own argument then McMillen would be entitled to the seat.

As I said, I was in favor of a new election; I was in favor of declaring the government a nullity and electing officers; but you failed to do it; and now you must face the condition of things as they are, and that condition is that you either recognize Mr. Kellogg as the governor of the State and Mr. Pinchback as the Senator, or you recognize Mr. McEnery as the governor and McMillen as the Senator. If Senators think that Mr. McEnery was elected governor of the State, it is their duty to so say. If they think the Legislature under Mr. McEnery was the lawful Legislature, it is their duty to so say and declare it. I say to my friends on the opposite side of the Chamber that if they would substitute a resolution here to put McMillen in place of Pinchback, according to the theory of my friend from Vermont he would be bound to vote for it. I think it would be well for them to do it, because they would get one vote on our side according to his argument. You cannot escape the proposition that if this House does not recognize Pinchback the next Congress will recognize McEnery, and it is as much your duty to recognize McEnery to-day in this Senate if you believe he was the man who was elected in Louisiana as it is to recognize anybody else.

But I want to call the attention of the Senate to the last precedent of the Senate in reference to seating a Senator made not quite a year ago—those of you who insist that Pinchback is not entitled to his seat because the members who elected him had no certificates. The same gentleman who wrote this report against Kellogg—not against Pinchback for Pinchback was not a party to it, though as my friend from Michigan said he was called as a witness, but it makes no difference, his evidence is in the case anyhow and I do not desire to dodge it in any way—the same Senator who wrote the report declaring the election law of Louisiana unconstitutional and declaring McEnery elected if anybody was elected and his Legislature the proper Legislature if any Legislature was proper, because they had certificates, wrote also the report which I hold in my hand; and I want to read one paragraph. I will state first, however, the situation. Mr. SPENCER holds his seat to-day from Alabama on a *prima facie* claim. In Alabama there were two Legislatures. When the day for the meeting of the Legislature came, there was a quorum of the senate and a quorum of the house, with certificates, presided over by the lieutenant-governor and the old speaker. The republican portion of the Legislature did not take the oath there but they went to the court-house, as it was called, and there organized themselves into a Legislature. The governor at the time the Alabama Legislature met and organized, recognized the State-house Legisla-

ture. Two days afterward, when they counted the votes for governor, as they did under the constitution, a man by the name of Lewis became governor, and when he became governor he recognized the other Legislature called the court-house Legislature and sent his message to that body. The State-house Legislature elected Mr. Sykes to the United States Senate, the court-house Legislature elected Mr. SPENCER to the United States Senate. There were nine members in the Spencer legislature who had no certificates of election, and by counting those nine in the Spencer or court-house Legislature without certificates a quorum was made. But the nine men from those districts who had the certificates from the secretary of state being in the State-house Legislature gave a quorum to that body. Hence there were eighteen representatives where there should have been but nine. Mr. Carpenter in writing this report, which seated Mr. SPENCER from Alabama, said:

> The persons in the two bodies claiming to be the senate and house of representatives who voted for Spencer constitnted a quorum of both houses of the members actually elected; the persons in the State-house Legislature who voted for Sykes did not constitute a quorum of the two houses duly elected, but a quorum of persons certified to have been elected to the two houses. Were the Senate to hold Sykes's election to be valid, it would follow that erroneous certificates, delivered to men conceded not to be elected, had enabled persons who in fact ought not to vote for a Senator to elect a Senator to misrepresent the State for six years. On the other hand, if we treat the court-house Legislature as the legal Legislature of the State, it is conceded that we give effect to the will of the people as evidenced by the election. So that, to state the proposition in other words, we are called upon to choose between the form and the substance, the fiction and the fact; and, considering the importance of the election of a Senator, in the opinion of your committee the Senate would not be justified in overriding the will of the people, as expressed at the ballot-box, out of deference to certificates issued erroneously to persons who were not elected.

There were nine men certified to be elected who had the returns stating that they were elected, but by an examination of the votes in the districts that these nine men assumed to represent our committee came to the conclusion that they were not elected. We came to that conclusion from the fact that some of them were afterward unseated by a compromise made at the suggestion of the Attorney-General and the others put in their places who at that time had no certificates. The certified members were in one Legislature and the uncertified members in the other. We seated Mr. SPENCER on the evidence showing that the majority of the people had decided in favor of the uncertified men. That is a precisely parallel case to what we say in this report, and the truth is I must confess that the two reports do not read very well together. We say in this report written by the same Senator, a very able man:

> A careful consideration of the testimony convinces us that, had the election of November last been fairly conducted and returned, Kellogg and his associates, and a Legislature composed of the same political party, would have been elected.

That is what we say in our report, at the same time that we declare that according to the legally-certified election returns McEnery must have been elected according to the face of the certificates. We declare that if the election had been fair and fairly returned Kellogg and his associates would have been elected. Less than a year after that report was made we make a report in Mr. Spencer's case, in which we seated him by the votes of men uncertified and ignored the certified men on the very grounds that we declare there that Kellogg was deprived of his election.

Our friends on the other side of the Chamber have talked frequently during this contest about this question rising above party. It does rise above party. It is a legal question. It is a question as to the existence of a State government. It is not altogether legal, however, in my judgment. It is as much a political (but I do not mean it in the sense of party) as it is a legal question, but they say let us rise above party. I am glad to see our friends doing that, but I would like for them to point me out a single solitary instance where any question of this kind has ever come before the Senate when they did not rise above party so much as to vote solidly against the republican. You cannot show an instance in the Senate—not one since I have been here—where you did not vote solidly against the republican, whether he was reported for or against. Yet it is always a matter of conscience, always a matter above party, always a question of constitutional law! And when you appeal to the consciences of men on our side (and I have no fault to find with that) you always find plenty of conscience on this side of the Chamber.

Mr. EDMUNDS. Where else would you expect to find it?

Mr. LOGAN. I never hunted for it anywhere else. [Laughter.] All conscience on one side and all above party on the other! That is well. But if the time ever does come when our above-party friends can find it in their consciences to vote to seat a republican Senator where there is a contest, I will begin to think that probably "a change has come over the spirit of their dreams;" but I am absolutely within the last year or two so much astounded at my own course, that I sometimes question it. I find the democrats always solid on every question; they always have the law on their side, always have justice on their side, and half the time a portion of our Senators on this side vote with them, proving the fact that it is on their side, and I get caught voting without conscience so often that I begin to suspect that I have not very much. [Laughter.]

> Thus conscience does make cowards of us all.

If it has not made cowards on this side of the Chamber, it has done its work very poorly, not in this case alone but in many. For there is more talk of conscience among our friends than among the same number of men elsewhere on the globe. [Laughter.] In the Spencer case our committee reported as unanimously for Spencer to be seated here as we reported against Kellogg, and yet the democrats voted solidly against him. They think our committee is a great committee when it is on their side, but a great set of ignoramuses when it is on the other side.

Now, Mr. President, I want to ask the Senate a question with reference to the future of the Legislature of Louisiana. If Mr. Pinchback is not seated, that is, if the word "not" is voted in the resolution and the resolution then passes that excludes him from this Chamber forever; that ends him. Then I suppose Mr. McMillen will come in with his claim, and then our democratic friends will rise above party again and every one of them will vote to seat him.

My friend from North Carolina argued that Penn and his colleagues were elected lawfully and that it was no revolution to unseat Kellogg and take possession of the government, and I presume all my friends on that side of the Chamber believe the same thing. When McMillen's name comes in then, you on our side of the Chamber having ignored Pinchback have got to take McMillen or else you must say they must not have a Senator at all. If then you refuse McMillen, what next? Then I suppose the Legislature that is being concocted over in New York for the benefit of Louisiana will elect a Senator, and you will have him to examine. You Senators who are waiting for a legal Legislature to elect a Senator so that you can vote him in from the State of Louisiana are perhaps waiting for a thing that has not occurred there for twenty years, according to your idea of legality. There is a little committee over in the city of New York of ex-members of Congress exercising authority that they have no right to exercise, for the Congress to which they were elected has expired. They are in New York now with a few conservatives sitting down in a room concocting a Legislature to have a compromise, and they agree that they will recognize Kellogg if you will only fix up a Legislature for them. When you do that, Senators, I say to you there is no legality to that Legislature any more than there is to this, and not so much. The idea of a committee of Congress, an expired Congress, making a Legislature two, three, four months after the election, for a State, and then we to be asked to put a Senator in here elected by a Legislature of that kind and declare this one an unconstitutional Legislature and that constitutional! How then are you going to get a Senator and when are you going to get one? I know it was made sport of here the other day when it was suggested that the Constitution of the United States said that each State should be entitled to two Senators. Our friend from Michigan said that was all well enough but they must be Senators; that the people of Louisiana would rather not be represented at all than to be misrepresented, thereby suggesting that Mr. Pinchback was not a representative of Louisiana and therefore he ought not to be in the Senate. Does my friend from Michigan know or not that Louisiana has fifteen thousand colored voters in majority over the white voters, and will he say that this man Pinchback is not a representative of the majority of that State, when he has been elected governor, been elected to the Senate twice, and the Legislature that they are trying to get up now elected him a few weeks ago by an almost unanimous vote? Is he not the representative of the people of that State? Our friend from Michigan has not examined the statistics of the State of Louisiana very closely or he would have known better than to have made that statement.

But now let me take his proposition. Does he mean to say that a man is not a fit representative in the Senate because he presumes that the man does not represent the State? Is that what he means? Let us carry that out. Here is New York with one democrat and one republican. Which one represents the majority of the people in the State of New York? I am not going to decide that question. Here is Pennsylvania with one democrat and one republican. Which one represents the majority of that State? Sometimes we find States largely republican electing a democrat to the Senate, by the meandering perhaps of the districts of the State, and sometimes *vice versa*. A democratic State elects a republican occasionally to the Senate. Is that an objection to a man? Is it an objection because perhaps a majority of the people of the State do not agree with him politically? If it was, it would not apply in this instance; because if this man is not a true representative of the majority of the people of Louisiana, I do not know where you will find one.

Mr. President, unless we act on this question, unless we settle the status of the State of Louisiana, if there is more bloodshed, more riot, more confusion in that State, the blood is upon your own heads. I said in the Senate Chamber two years ago on this very floor about this time of night, appealing to the Senate then to pass a bill for an election in that State, that if they did not do something blood would flow in the streets of New Orleans. Murder and assassinations have been that which we have seen and heard of. Scenes of riot, tumult, confusion, have reigned throughout the borders of that State. Anarchy, according to the arguments of Senators, must exist there for the next two years. Revolution may take place; any day the government may be overturned and the President again called upon to suppress insurrection against the laws of the country. You have it in your power to decide it to-night. You have it in your power to decide this matter either one way or the other. It is a duty devolving upon this Senate. If you fail to do it, it is but sticking in the

bark to tell me that there is no lawful government there when the President has recognized Kellogg and the people have submitted, and when the courts have declared his election valid, every court in the State in three different decisions; and not a court, as the Senator from Michigan says, set up by the Executive alone—no, sir, a court independent of the powers that they decide for, a court four years in existence in Louisiana prior to the Kellogg election, a court not appointed by Kellogg, a court not appointed by Pinchback, but a court appointed by Mr. Warmoth. One of the decisions was made in reference to Judge Morgan, not when he was on the bench, but in reference to his right to sit on the bench. In that decision they decided the constitutionality of the election law and recognized in express words that it was their duty to take judicial notice of the legislative body so that they can pass upon the laws that are made by that body. They do recognize it.

By that recognition of the courts, of the President, of one branch of Congress, it is your duty this night to either recognize the Kellogg government by seating Pinchback or to recognize the McEnery government by seating McMillen, so that there may be a recognized government in Louisiana—one or the other. Or if not that, either declare Kellogg governor or declare McEnery governor, one or the other. It is your duty to do it. Every instinct of humanity appeals to you to do it. The blood of the men murdered within the last two years cries to Heaven and asks that this Senate Chamber, having the power to give peace to that land, shall decide the question once for all and save that people from further riot and bloodshed.

I say to you to-night although I am in favor of recognizing Mr. Pinchback, although I shall vote for him to be sworn as a Senator, yet it would be better, rather than do nothing, to swear a democrat in on the other side and give peace to the country. Let somebody be governor; let somebody be Senator; let peace exist once more in that land; let the power of the Government be felt at least again, so that we may not have the scenes that we have had truthfully stated and depicted before this country that have occurred there within the last two years. Why, sir, it would be better that party lines should be obliterated, that party should sink forever and be unheard of during future ages; it would be better that either the democratic party be wiped out or the republican party wiped out and all parties destroyed than to have murder and crime and confusion in the land. Republican as I am, and one I believe of the strictest of the sect, I appeal to God to witness the truth of my statement when I declare that I would rather see this Senate Chamber reversed so far as politics is concerned than to see our land flowing with blood and our people crying for protection, and children and mothers seeking the cover of the night in the forest to hide them from the assassin on their track, if that reversal would change this scene in that State, which I fear it would not. To you, Senators, I appeal. Decide this question one way or the other.

Men may talk to me about changing my notions in reference to the seating of one of these men or in reference to the existence of a government in that State. I care not for that. I care not what may be said; I speak for humanity, and I appeal for peace in this border. The only way to give it is, as I said, not to stick in the bark. The people of that State are entitled to a government of some kind. You cannot pass a law for a new election. That has been tried and failed. There is but one of two things to do: it is to give the democrats the governor and Senator or to give them to your own faith. Somebody was elected. We declared the election void on account of fraud. I still stand by that; but at the same time we must confess and must admit that somebody got some legal votes. Either one or the other of these candidates for governor got votes that were legal. The election was on the day named by the law, at the time appointed by the law, at the place appointed under the law, although outrageously appointed I must confess. Somebody voted for McEnery, somebody voted for Kellogg, that had a right to vote. Therefore, if we could get at the truth, somebody had a majority and semblance of right to the office. We tried, as I said, to declare the election void. You refused to do it in this Chamber when we appealed to you. There was no road left open to us but to appeal for peace by the recognition of one governor or the other. If President Grant had recognized McEnery instead of Kellogg I would have stood by him in supporting that government in order to give peace to that State.

Mr. EDMUNDS. May I ask the Senator a question?

Mr. LOGAN. Most assuredly.

Mr. EDMUNDS. The Senator says that the Senate refused to follow the recommendation of the committee, if I understand him, and provide for a fresh election. May I not ask the Senator if that refusal was not after the recommendation of the committee had been departed from by the votes, I think, of some of the committee themselves—I am sure by the vote of the gentleman who made the report—and an entirely different method of carrying out the election had been adopted?

Mr. LOGAN. The Senator is correct so far as that is concerned; but what figure does that cut? The Senate were in duty bound to provide some means, and the very means that they pretended they would provide when they changed our bill they voted down when the vote was taken on that. They refused to provide any means, and that is what I was saying; and it is therefore their responsibility. When they refused so to act, and they refused for two years, there was but one course left for me if I was in favor of peace, and what was that? It was to be in favor of some kind of government. Hence I stood by the President when he recognized Kellogg as I would have stood by him if he had recognized the other man. Having recognized Kellogg, with my view of that election, I believe he did right. I stood by him from that day to this, believing I was right in doing it. Not only that, I believe it is to-day a government upheld as you say by power, but it is not because the majority of the people do not favor it. That is a great mistake. But the republican majority in Louisiana are colored men, who shrink from contact and contest with the white man. They are timid in the presence of the white man; they have been his slaves. Ten thousand men armed in New Orleans, as the colored people of that State cannot arm themselves, can drive the whole people of the State into the Mississippi River. They have arms; they have kept down the expression of the majority in that State by force; and that is the reason why apparently the government is not administered according to the feeling of the majority of the people. It is because the majority speak not out, but the minority lay forcible hands upon them and destroy their voice in every possible way.

Whether Senators may think me justified or not in my course I justify myself, because it is the only course left for a man who has sympathy with man and wants so to act as to give peace to the country. I am willing to be taunted with changing my views; I am willing to have these things said, because my action from the beginning has been in the line of good government and peace and order. I at first wanted an election to settle the question. Afterward I wanted a government of some kind, and I still want it. If the Senate to-night would allow Pinchback to be sworn in, you would see in that State quiet and peace. If it would recognize the Kellogg government, there would be no more uprising among the people, no more bloodshed and murdering of negroes. All these things would cease. Why? Because there would be a government to execute the law, or at least the representatives of a government to execute the laws for its protection, one that could appeal to the National Government for protection, for sympathy, and for support. With these things peace would come; with these things the nation would be satisfied; with these things the people would shout and say, "Well done, good and faithful servants." Power is what is wanted; authority is what is wanted. You have not heard of a colored man being murdered since the denunciation of Sheridan for his "banditti" dispatch; you have not heard of murders and bloodshed there since that. Why? Because they felt that the power of the Government was behind Sheridan to protect life and property, and that is the reason for it. Whenever you give a legal existence to a government in Louisiana it will remain as peaceful the rest of the time as it is to-day. If you fail to do it, you may look for more trouble in Louisiana such as we have had before.

Mr. President, I have said more than I ought to have said, and I beg pardon of the Senate for having detained them so long.

Mr. MORTON. Mr. President, it has been said during the course of this debate that this question was above all party considerations. That remark should be amended. It should be said that this question ought to be above all party considerations, for, while I cast no imputation whatever upon the motives of our friends on this side of the Chamber, it is manifest to all that this question from the first has been made a party question by our democratic friends, that they have voted solidly upon it in regard to every proposition. If they did not regard it as a party question, they would probably not all think alike, as republicans are known to differ; but inasmuch as democratic Senators vote and speak as one man, we are not at liberty to suppose that they regard it in any higher light than a party question. If they have doubts in regard to this matter they cast them in favor of their own party; while, on the other hand, if republicans have doubts a great many of them cast them in favor of their enemies. Our democratic friends play this game of politics very much as they play cards, when in doubt they take the trick. They never allow any question of doubt to stand between them and an increase or strengthening of their power. No democratic Senator, so far as I know, aspires to be better than his colleagues, aspires to show himself wiser and more conscientious than his colleagues, by voting and speaking on the other side. In this respect I think we have the advantage of the democratic party, because we do have those who rise superior to all party, and show themselves to be wiser and better than the mass of the party to which they belong.

The reasons why the democratic party are opposed to the seating of Mr. Pinchback are twofold, perhaps threefold. In the first place, they do not like his color. Any colored Senator who gets into this body must have a very clear title. If any flaw can be found in it or any flaw can be created, he will have trouble in getting here. First, he will have the united opposition of all our democratic friends, and he will be very apt to find opposition to some extent on the moral considerations that lift men entirely above their party; and yet democratic prejudice against color, we know, melts away in the presence of royalty. We have seen grave and dignified democratic Senators in this body addressing King Kalakaua as "your Majesty," and walking proudly in his train to the other end of the Capitol. [Laughter.]

Mr. President, there is another reason why the democratic party are opposed to seating Mr. Pinchback. First, because if he is rejected they expect to get a democrat in his place. That is a high

political consideration which they never overlook. They understand full well that if Mr. Pinchback is rejected it will create demoralization in the republican ranks in Louisiana, and they understand that a certain process is going on in the Louisiana Legislature by which they expect to obtain the supremacy in that body. They have therefore this high inducement to resist Mr. Pinchback by every means in their power. We know that a committee has been in session in the city of New York for several days making a compromise in regard to the house of representatives in Louisiana. We are informed by the evening papers that that compromise has been made and forwarded to Governor Kellogg and to others in New Orleans for their ratification. I do not know how true the statement is in the evening papers, but I have some evidence outside to believe that this statement is mainly correct, and I will ask the Secretary to read it.

The Chief Clerk read as follows:

Colonel Zacharie, who represents the conservatives of Louisiana in the matter of the compromise of their political differences with the republicans, returned to this city from New York this morning, and will leave for New Orleans to-night. His presence in New York was to be within call of the Wheeler compromise committee in case he was needed. It is understood the basis of the Wheeler compromise, which has been sent to Governor Kellogg at New Orleans, is about this: One additional conservative is seated in the senate. The lower house of the Legislature is conservative by a majority of twelve, but the two houses on joint ballot will be tied on a party vote, and if the acceptance of the Wheeler compromise is assumed, it is probable, if Pinchback is not seated, that a conservative will be sent to the Senate. It is said of Speaker Hahn, that though a republican, he will vote for a conservative citizen of the State rather than join with his party in electing a republican not a *bona fide* citizen. His vote would be the deciding one in the contingency of the two houses being evenly divided.

Mr. MORTON. Our democratic friends, who have always been distinguished for their political sagacity, see the advantage. They are reaching out for it, and they are extremely thankful to any republicans who will aid them in the accomplishment of their purpose. And when I was listening to a speech this afternoon, a long and elaborate speech that had been long in process of incubation, I observed my friend the Senator from Ohio [Mr. THURMAN] and the Senator from Delaware [Mr. BAYARD] and the Senator from Missouri [Mr. BOGY] beaming with pleasure as they listened to that speech and looking their gratitude. Every vote against Pinchback is a vote in effect in favor of a democratic Senator from Louisiana. Of course this is an unworthy consideration, one that no republican would think about, because we take loftier views of all these questions; we are exceedingly conscientious, and we prove our conscientiousness by voluntarily throwing the power into the hands of our enemies! Every vote given to reject Pinchback in its effect is to demoralize the republican party of Louisiana, and not only so, but it is a vote in effect to disturb the public peace and to bring about a renewal of those bloody scenes that have been taking place in the State of Louisiana. But I forget. Here is my distinguished and poetical friend from Kentucky, [Mr. MCCREERY,] whose tender and delicate organization revolts at all species of bloodshed, although he does delight to indulge in tales of republican fraud!

Mr. President, that is the first reason why the democratic party are solid against Mr. Pinchback in this body. There is another reason, and that is the effect to be produced by the rejection of Pinchback. Pinchback is thirty years old and more; he is a citizen of the United States and has always been. Therefore he has all the qualifications under the Constitution of the United States. If he is rejected by this body, it is because he was not elected by the Legislature of Louisiana. A vote to reject Pinchback is a vote against the legality of what is known as the Kellogg government in Louisiana. When the Senate shall have put itself into that attitude, I ask what is to be the condition of the Administration; and that is a question that the friends of the Administration might deign to think of. The next House of Representatives will be democratic. Among the very first resolutions to pass that body, I predict, will be a resolution recognizing McEnery as the governor of Louisiana, recognizing the McEnery government, and calling upon the President to recognize it; and if the Senate has in advance rejected the Kellogg government by refusing to receive a Senator elected by it, I ask what ground the President has left to stand upon? Our democratic friends understand that perfectly well; they understand the trap into which we are deliberately walking, and they smile complacently while we go forward in this path.

Mr. President, although this is a question that is above party, yet I sometimes think that our democratic friends, if they are honest in their convictions in regard to democracy, are right in casting their doubts in favor of their own party; and if republicans believe in republicanism, if they believe the supremacy of the republican party is essential to the peace and the prosperity of this country, they might well follow the example and cast their doubts, if they have them, in favor of their own party. But it is too late, I presume, to exhort republicans on that subject.

Now, Mr. President, I propose to review very briefly the history of Louisiana from 1866 to 1872 for the purpose of understanding what took place in Louisiana in December, 1872. In 1866 the republicans held a convention in the Mechanics' Institute in the city of New Orleans for the purpose of proposing amendments to the constitution of Louisiana. About two-thirds of the members of that convention were colored and one-third white. The purpose for which they assembled was peaceable and lawful. They were attacked by the police of the city, seconded by a part of the State authorities, aided by a mob, and over two hundred men were killed and wounded in less than twenty minutes; and for that atrocious massacre no man was ever punished. In 1868 Louisiana was reconstructed under an act of Congress. The first election was held in May under the protection and surveillance of an officer of the United States. It was a fair election. At that election State officers were chosen. The republicans carried the State by over 26,000 majority, it being confessedly a fair election. In November following the presidential election took place. At that time the Army of the United States had been withdrawn; there was no protection left; and in the mean time the Ku-Klux were organized, and within sixty days before the November election of 1868 over two thousand men were killed and wounded in that State on account of their politics, as shown by an investigating committee sent down there by the House of Representatives. The committee state that in their investigations they did not get much more than half over the State, and the evidence taken showed nearly two thousand men killed and wounded. What was the result? A reign of terror was produced; Seymour, the democratic candidate, carried the State by 42,000 majority—a change of 68,000 votes in less than five months. There was a reign of terror. In some parishes Grant did not get a vote; in others he got one; in others, five; in others, one hundred; where the republican candidates in the spring had received thousands of votes. In other words, Louisiana was a great slaughter-house in 1866 and in 1868, and republican blood was shed upon almost every plantation in that State.

In 1870 another election came on. At that time the Ku-Klux had to some extent been broken up, and the republicans again carried the State by over 20,000 majority. But in 1872 a change had come around. Warmoth was elected governor by the republicans in 1868—a young man of fine talents, of good character, and great promise; but he became connected with certain schemes and was charged with having been guilty of certain acts of corruption, so that he lost caste with the republican party, and he was sloughed in and in 1872 he went over to the democrats, and, although they had denounced him as the worst man living and no epithets had been too vile to be applied to Governor Warmoth, they received him as their leader; and the evidence in that volume, for which my friend from Michigan has such a supreme regard, the evidence which he says he read, shows that they made this bargain with Governor Warmoth: that he should manipulate the State, that he should carry it for the democrats, and they counted his control of the election machinery as being equal to 20,000 votes, and that he in return was to be sent by them to the Senate of the United States. There is the volume containing the evidence of this base contract between the leaders of the democratic party on the one hand and Governor Warmoth on the other, by which an acknowledged notorious majority in the State of Louisiana was to be overcome. Governor Warmoth under the law had the appointment of supervisors of election in every parish or county. They in turn had the appointment of all registrars and judges of the election in every precinct and in every city, and in that State the governor of the State held the whole election machinery in his hand. They acknowledged that equal to 20,000 votes, and the majority of that committee which some Senators have in such high regard reported that the control of the election was in their opinion equal to 20,000 votes.

The republicans went into that election knowing that they would be cheated, swindled, and outraged at every step, and the evidence shows that they were, that their worst anticipations were realized. The republicans had this dread. They believed if the power passed into the hands of the democratic party that their lives were not safe, that the scenes of 1868 and of 1866 would be renewed. With them it was a struggle for life. It was not simply a struggle for property, not simply a struggle for equal rights, but they were struggling for their lives, and they fought for their lives. They did many things in that election you and I would not justify in Indiana or New York or any other State, and cannot justify there, yet there were great circumstances of palliation. You must take into consideration the fact that they had been hunted like mad dogs from plantation to plantation, had been murdered at every step in every town and at every cross-roads. I have here the dispatch of General Sheridan in which he says the evidence before him shows from 1868 to 1872, or up to that time, there had been over thirty-five hundred men killed and wounded in the State of Louisiana on account of their politics. These men were chiefly colored; and yet my friend from Vermont this afternoon took the worst view for the republicans at every step of the argument that he made. I am bound to say in justice to him that I have never heard a democratic speech on this floor that was more one-sided and was more partisan in favor of the democracy than was the speech of my friend from Vermont. I regret it deeply, but I am bound to state my conviction in regard to it. Not one word did he have to say about the circumstances upon the other side, about the enormous frauds, the reign of terror, the killing, the stuffing of ballot-boxes, the forging of returns—these things referred to by the Senator from Wisconsin, [Mr. HOWE.] Not one word, so far as I remember, did he have to say in regard to those things.

Mr. EDMUNDS. May I suggest to my honorable friend that he must have been unusually deaf then? And may I ask him also—he says he has not heard a better democratic speech—if he did not hear better ones when he used to make them himself? [Laughter.]

Mr. MORTON. I used to make democratic speeches, but the last

one I made was in 1852. If I cannot get forgiveness for that after nearly twenty-three years I shall never expect it in this world. [Laughter.] If I am to have democratic speeches made in 1852—and that was the last time I ever made one—thrown in my face, what extenuation is to be made for a man who makes a democratic speech on this floor in 1875?

Mr. EDMUNDS. None at all; he does not ask any.

Mr. SARGENT. Especially by a republican.

Mr. MORTON. Especially by a republican, as the Senator says.

Now, Mr. President, those are the circumstances under which the election in Louisiana came about in 1872. The parties were not standing on equal terms by any means. Although the republicans had notoriously a majority in the State of 20,000 votes, yet the power had passed to the other side. A base and villainous contract had been made, and the republicans felt if they lost that election they were in danger of losing their lives. It was under those circumstances that Judge Durell interfered. I never justified the interference of Judge Durell. I know that more able lawyers than I am do, but I never could; yet I never could give to his motives that color that other men have. He interfered because it was well understood at that time that the mob of New Orleans inaugurated the McEnery government. He knew what would be the result of the election. We have been told in this Chamber that but for the Army of the United States McEnery would have been inaugurated, and that but for the Army of the United States the Kellogg government could not stand to-day. I grant it. I grant that the assassins of 1866, the assassins of 1868, the assassins of Coushatta, of Colfax, and of the 14th of September are there now, and they were there in December, 1872, and but for the interference of Federal power I have no doubt that they would have murdered any person attempting to inaugurate the Kellogg government. But does that change the right? Does that prove that McEnery was elected? Does that establish a legal claim? Does the fact that the white-leaguers would to-day overthrow Kellogg but for the presence of General Sheridan and the Army prove that Kellogg is in the wrong and McEnery is in the right? Yet that was the logic of my friend from Michigan, [Mr. CHRISTIANCY.] He placed great stress on the fact that but for the interference of the Federal authorities the McEnery government would have been inaugurated. How? By the same men who committed those murders on the streets of New Orleans on the 14th of September. By the same men who in cold blood murdered one hundred negroes at Colfax By the same men who in cold blood murdered those men at Coushatta who were trying to get out of the State, although they were law-abiding, peaceable citizens, and among the best that Louisiana had.

Durell interfered. He interfered in the presence of this great danger. You may say it was wrong in point of law; but that does not affect the question. If the Kellogg government had a right to be inaugurated had Durell interfered a thousand times it would not take away that right. Now, what did Durell do? He issued what was called the midnight order to allow no one to enter the State-house on the day that the Legislature was to be organized except those having certificates from the secretary of state that they were elected members of that body and had a right to take their seats. That is the law of Louisiana; it was then, is to-day, and has been ever since it has been a State. It is the law of every other State that those only who hold certificates have a right to take part in the organization of the Legislature. Let me suppose the case at Lansing, in Michigan. Suppose on the day that the Legislature was organized which elected my distinguished friend to membership in this body the district judge in that city had issued an order that no person except those having certificates of election should enter the State-house, but all such persons should be allowed to enter, and that the persons holding certificates did enter and organize the Legislature; I ask him if that would vitiate the organization? The district judge of the United States kept out all lobbyists, all outsiders, all claimants for seats, all spectators, but as long as he admitted those who held the certificates, who had a right to take part in the organization, that order, illegal as it might be, would not vitiate that organization; and that is the Durell case in New Orleans. He issued an order admitting those who had the certificates of election, those who by the laws of Louisiana had a right to take part in the proceedings, and nobody else. They went in and they organized the Legislature, and now to say that that order vitiated the organization it seems to me is an absurdity.

I wish to refer right here, before going further, to the argument of my friend from Michigan. First I will call the attention of the Senate to his statement that Pinchback was a party to the investigation before the committee in January and February, 1873. I ask the Clerk to get out the credentials of Mr. Pinchback and see when they were referred to the committee first.

The CHIEF CLERK. The credentials were read on the 21st of January, 1873; December 11, 1873, referred to the Committee on Privileges and Elections.

Mr. MORTON. They were first referred to that committee in December, 1873, whereas the investigation before the committee had been concluded in February before of that year, nearly a year before that time. So far from Pinchback being a party to that investigation, he was subpœnaed as a witness. I, as chairman of the committee, had him subpœnaed. He had no power himself to subpœna a witness; he made no attempt to subpœna a witness. He had no power to employ counsel to argue the question; he was not a party to that proceeding in a legal sense any more than the Senator from Michigan was. But the Senator from Michigan says that the investigation was had and the *prima facie* case destroyed. I am going to quote his language:

> For illustration, take the strong presumption in favor of innocence in a criminal case. After evidence has been introduced tending strongly to prove guilt, and from which the jury might properly find a verdict of guilty, what would be thought of the judge who should hold and instruct the jury that, no matter how strong the evidence, or whatever it might be, they must disregard it, because the law presumes innocence, and they must act upon that presumption alone, and acquit.

I will suppose a case. Suppose a prisoner is placed upon trial and the evidence taken before a grand jury in an *ex parte* proceeding, to which he was not a party, where he had no power to subpœna witnesses, was laid before the jury on this trial and the court would instruct the jury that that evidence was sufficient to convict, what would be the name of that judge? You would call him monster and his name would be Jeffreys. That is this case. Here was a proceeding to which Pinchback was not a party, where he was only present a small part of the time, where he had no power to subpœna witnesses, was himself subpœnaed as a witness and came in consequence of that subpœna, and yet imperfect as this proceeding was, which in point of fact never was concluded for not one-half the witnesses subpœnaed were ever examined, we are told he is concluded by that report and that he is a party to it. I was astonished to hear this argument made in regard to Pinchback.

Now I want to call the attention of the Senate to another part of the argument of my friend from Michigan. Speaking of the effect of the judicial decisions of that State he said:

> The effect of the judicial decisions of that State upon the question of the *de jure* character of that government will be considered when we come to consider the nature and origin of that government.

I was very anxious to hear what my friend had to say. He having so long been upon the supreme bench of Michigan I thought he must have a high regard for the State judiciary, and that he would never strike a blow at its authority. I listened to what he should say afterward as to the effect of the decisions of the supreme court of Louisiana, and here is all he said:

> I do not myself see how the decisions of the Louisiana courts, constituting as they do only one branch of this government thus set up—

Having before said that the government was set up by the President—

> can be any more binding upon us than the action of the pretended Legislature, whether these judges were in office under previous existing governments, or, as was the case here, judges had been thrust out and others put in their places for the purpose of securing the desired course of decision.

Here the Senator avoids the effect of the decisions of the supreme court of Louisiana by two statements: First, that the court was part of the government set up by the President. That was not true. The Senator was mistaken. The President never had anything to do with the courts of Louisiana. All that he had to do with and all that he recognized was the governor and the Legislature. The supreme court of Louisiana had been elected in 1868. They hold their offices for eight years. The title of that supreme court was never disputed. It was accepted by both parties. There never was any controversy in regard to the rightfulness of that court. Therefore when the Senator said that that court was set up by the President he was entirely mistaken; he had not read this volume of evidence with good effect.

Mr. CHRISTIANCY. I did not say that the court was set up by the President, but that it was a branch of the government which had been set up by the President.

Mr. MORTON. That is what the Senator says, a branch of the government which was set up by the President. The President did not set up the constitution of Louisiana; he did not set up the supreme court of Louisiana or any other court. All he had to do with was another branch of the government; but the Senator made the statement that this is part of the government set up by the President, and in that my friend was entirely mistaken.

Now I come to the remaining statement. The Senator said that the judges of this court had been thrust out and others put in their places for the purpose of obtaining proper decisions from them. In that he was entirely mistaken. The facts are just on the other side. There were four judges on that bench, by the constitution, elected in 1868. One of those judges resigned about the 1st of December, 1872, while Warmoth was still governor, before that Legislature ever assembled, before the returning board had made their count. This judge was not thrust out by anybody; he resigned, and the vacancy had to be filled. The vacancy was filled. Pinchback, as the acting governor, nominated his successor and he was confirmed by the senate. The question of the validity of that appointment came before the other three judges who had been elected in 1868. They decided that the appointment and confirmation were valid, and those four men are on the bench of Louisiana to-day. Why then did my friend say that these judges had been thrust out and others put in their places for the purpose of obtaining decisions? He was entirely mistaken. The Senator stated that the President in the first place had set up the Kellogg government, that he had established it without right and in defiance of the wishes of the majority of the people of that State;

that the other ticket was elected, but that the President set up Kellogg and the Kellogg government, and that after that he recognized it, and therefore he merely recognized his own creation.

Mr. CHRISTIANCY. If the Senator will allow me, I made no such assertion as that the other ticket was elected.

Mr. MORTON. I will see how near my friend came to it. I will read two extracts, for I do not intend to misrepresent him.

Mr. CHRISTIANCY. I said probably having a majority.

Mr. MORTON. I will see how near the Senator came to it. He said:

It did not obtain possession of the government for itself by its own acts, nor by the acts or the will of the people of Louisiana. Left to themselves and the people of the State, it is admitted on all hands Kellogg and his legislature could never have become a *de facto* government or a government of any kind; and it is perfectly evident from the testimony that McEnery and his legislature, which had more of the forms of regularity about it and probably the majority of votes, though reeking with fraud and not free from intimidation and force, would without Federal aid have obtained possession of the government and constituted the government *de facto* but for the interference of the Federal Executive. Kellogg and his legislature had never been in power. His legislature had not yet assembled by whom the votes for governor were to be counted; no organization of his government had taken place when the Federal Executive interposed by military force, on the alleged authority of an order from the United States district judge, which all parties, at least all jurists and lawyers except perhaps the Attorney-General if that constitutes an exception, admit to have been void, and placed the Kellogg government in power and kept it there. It was this, and this alone, which gave it inception, which placed and continued it in power, and gave it its entire and only character of a government *de facto*.

Now my friend said right in the conclusion of his speech:

I have but one more point to notice. It has been gravely urged here that, Louisiana being entitled to two Senators upon this floor, it is a wrong to the people of that State to refuse them the enjoyment of that right; and therefore we ought, in order to avoid this wrong to the people of that State, to admit Mr. Pinchback. Now, according to my reading of the evidence and according to the report made to this Senate in 1873 and those recently made to the House, the majority of the people of Louisiana are opposed to the Kellogg government and to Pinchback as their representative in the Senate; and they would, of course, prefer being unrepresented to being misrepresented; and are not, therefore, likely to complain of any special grievance arising from his rejection.

Mr. CHRISTIANCY. Will the Senator allow me one word on that last citation?

Mr. MORTON. Yes, sir.

Mr. CHRISTIANCY. In explanation to the Senator from Louisiana, [Mr. WEST,] who cited that yesterday, I said to him that the reference to the report of 1873 was an inadvertence. It was in no way important to the point which I there made as to the hardship of denying to the State of Louisiana two Senators upon this floor, inasmuch as the majority of the people of that State seemed to be opposed to the Kellogg government and to Mr. Pinchback. The materiality of the question of the majority related not to the past, but to the present and the future; and therefore it does not weaken my argument at all. As I said yesterday, the reference should have been to the majority and minority reports of the House committee of the recent session.

Mr. MORTON. The substance of the statements I have read from the speech of the Senator from Michigan is that a majority of the people of Louisiana were opposed to Kellogg as shown by the report in 1873, that the McEnery ticket was probably elected, and that to force Pinchback upon them as a Senator would be to force him against the will of the majority. Now I want to say to my friend that he was entirely mistaken in regard to the report. The majority of the committee never said that a majority of the people of Louisiana were opposed to Kellogg. On the contrary they said just the reverse.

Mr. CHRISTIANCY. Nor do I say that they did. I say that was an inadvertence in referring in that connection and at that point to the report of 1873 at all, as I had already stated yesterday.

Mr. MORTON. The report of the committee shows that a majority of the people of Louisiana were republicans. The committee expressly state that if the election had been fair, Kellogg would have been elected and the republican Legislature would have been elected. The committee recognized the fact that Louisiana was republican, and that but for the frauds at the election Kellogg and his colleagues would have been elected.

Mr. CHRISTIANCY. I admit that the committee so stated, and I thought I had twice already explained that the reference to the report of 1873 in that particular connection at that point was entirely irrelevant and that it was an inadvertence; but the point is equally good with that thrown out.

Mr. MORTON. My friend perhaps forgets that in a previous part of his speech he refers to that government having been set up by the President against the will of the majority of the people of Louisiana; and now that brings me to the point that I want to discuss for a few minutes.

First, I take it as an established fact by all the reports, the report of the Wheeler committee, the report of the committee of this body both majority and minority, that Louisiana was largely republican in 1872; that if Kellogg was not elected it was because of fraud; and therefore whoever insists upon McEnery's election insists upon a fraud. My friend from Vermont in 1873, two years ago, when we had this question up—I do not see him here just now—argued that McEnery must be recognized. He was a McEnery man then, and I think I had the pleasure of saying to him at that time that if he insisted upon McEnery's election he insisted upon an acknowledged fraud. If McEnery was elected, it was because the fraud was successful and 20,000 majority had been overcome by the fraudulent means resorted to. I say that majority was not overcome. I have believed, I think the evidence shows that Kellogg had an actual majority of the votes that went into the box.

Mr. CHRISTIANCY. The Senator does not understand me as maintaining that McEnery was elected?

Mr. MORTON. Well, sir, somebody was elected; that is very clear. I never knew an election at which somebody was not elected. If the Senator says McEnery was not elected, then I say Kellogg was elected. There is always more or less fraud, perhaps, at every general election. That does not vitiate the election. I thought the committee committed an error in saying that the election was a nullity. I believe that one of those two men was elected, that one of the two had a majority of the votes put into the box legally. I believe that Kellogg was the man from many circumstances. My friend from Wisconsin [Mr. HOWE] has shown not only to-day but more particularly some four or five weeks ago, by a close calculation of the returns from the different parishes, as conclusively as mathematics can show it, that Kellogg had an actual majority of the votes that went into the box.

Mr. STEVENSON. May I ask my friend from Indiana where he derives his fact that the statement of the committee was that the Kellogg government had a majority?

Mr. MORTON. I did not say that.

Mr. STEVENSON. You said he would have been elected if there had been a fair election.

Mr. MORTON. The majority of the committee say that.

Mr. STEVENSON. The Senator is as much mistaken in his facts as he charges the Senator from Michigan with being. The committee say what I will read:

The people of the State are almost equally divided in sentiment in regard to these two pretended governments.

They do not express any opinion.

Mr. MORTON. "Sentiment in regard to two governments;" I do not know exactly what is meant by that; but I will read what they said about the election; that is more to the point:

A careful consideration of the testimony convinces us that, had the election of November last been fairly conducted and returned, Kellogg and his associates and a Legislature composed of the same political party would have been elected.

There is no misunderstanding what that means.

The colored population of that State outnumbers the white, and in the last election the colored voters were almost unanimous in their support of the republican ticket; Governor Warmoth, who was elected by the republicans of the State in 1868, had passed into opposition, and held in his hands the entire machinery of the election. He appointed the supervisors of registration, and they appointed the commissioners of election. The testimony shows a systematic purpose on the part of those conducting the election to throw every possible difficulty in the way of the colored voters in the matter of registration

And yet there are a majority of colored men registered.

The polling places are not fixed by law, and at the last election they were purposely established by those conducting the election at places inconvenient of access in those parishes which were known to be largely republican, so that in some instances voters had to travel over twenty miles to reach the polls.

And, as was shown in testimony read by the Senator from Wisconsin to-day, the polling places were only fixed on the day before the election, so that it was impossible in many cases for the people to know where the election was to be held.

The election was generally conducted in quiet, and was, perhaps, unusually free from disturbance or riot.

Of course. That has been often referred to. The work had been done before; the reign of terror had been inaugurated for six years before that time. Louisiana was tranquil on that day. It was not necessary to use the pistol and the bowie-knife at the polls. The work had been accomplished before that time; and therefore the very quiet produced by terrorism has been quoted as a circumstance in favor of that election.

Governor Warmoth, who was the master-spirit in the whole proceeding, seems to have relied upon craft rather than violence to carry the State for McEnery. In the canvass of votes which determined the McEnery government to be elected the votes of several republican parishes were rejected.

Certainly; I forget now how many the Senator from Wisconsin showed had been thrown out, while on the other hand they counted seven parishes the returns of which were shown to be forgeries out and out.

The testimony shows that leading and sagacious politicians of the State, who were acting with Warmoth, entertained the opinion before the election that Warmoth's control of the election machinery was equivalent to 20,000 votes; and we are satisfied by the testimony that this opinion was well founded.

Yes, the testimony does show that fact.

We believe that had registration been accessible to all, and polling places been properly established, the result of the election would have been entirely different. And although we cannot approve of such a canvass as that made by the Lynch board, who seem to have acted upon the principle of "fighting the devil with fire" and circumventing fraud by fraud and cannot say that Kellogg's government was elected, nevertheless we believe that Kellogg's government was defeated and the popular voice reversed by the fraudulent manipulation of the election.

Under those circumstances and with that report from the committee, it seems to me that my friends ought to cast their doubts in favor of the republican party if they have no other evidence at all before them.

Mr. President, I wish to notice one or two other things that have been said. My friend from Michigan said that the President of the United States had set up this government in the first place, then

recognized his own creation, thereby making it a mere naked usurpation on the part of Kellogg and his coadjutors. He put the President entirely in the wrong, with no possible apology or excuse for him; a clear, naked, indefensible usurpation from the beginning, first set up in fraud and violence and afterward acknowledged by craft. But my friend went on to say, and I thought he took very much of it back:

But looking, as I think the facts show that he did, upon the government he had set up as merely temporary, until Congress should take the matter off his hands, and doubting, as I think he did, as to the validity of the Kellogg government, he did what a wise and true-hearted statesman should have done under the circumstances.

He says here that the President looked, as he thinks, upon the government he had set up as merely temporary. I should like to know where my friend got that idea. Where has he found the evidence that the President regarded that government as temporary?

Mr. CHRISTIANCY. From the fact he immediately at the first opportunity called upon Congress to make provision for the case.

Mr. MORTON. He called upon Congress to pass on the question, but it was not because he regarded the government as temporary. He regarded it as permanent and lawful, and so declared upon every occasion; but the ultimate decision rested with Congress and he called upon Congress to decide the question, and Congress by failing to decide the question did indorse and ratify his decision.

And now I want to call the attention of the Senate for a moment to the action of the House of Representatives. The House of Representatives passed a resolution declaring Kellogg to be the governor of Louisiana. The House say he is governor. He cannot be anything more than governor; and if he is the governor, he cannot be anything less than the governor. When the House of Representatives say that Kellogg is and was the governor of Louisiana, they give to him every quality and official function that belongs to that office. It is wholly immaterial whether they say he is the governor *de jure* or the governor *de facto*. They say he is governor; that includes everything. When I speak of the President, I do not say he is the President *de jure* or the President *de facto*; I say he is the President. That means everything and carries every implication along with it. When the House said that Kellogg was the governor of Louisiana, it gave to him all the functions that belonged to the office of governor.

Mr. DAWES. Will the Senator observe the distinction between the phraseology of that resolution and that in which he suggested the propriety of recognizing him as "the lawful governor?" The Senator seemed to have some distinction between the phraseology of the House resolution and his own resolution that is lying on the table. Will the Senator be kind enough to enlighten me on that distinction?

Mr. MORTON. If Kellogg is the governor of Louisiana, the actual, veritable governor of that State, it is not material, so far as his acts are concerned, the validity of his certificate of Pinchback's election, or his signature to a bill, to inquire as to how he became governor. If he is the governor, then his certificate must have every effect that the certificate of any other governor can have.

Mr. DAWES. I did not understand the Senator as discussing that point at the moment I interrupted him, but discussing the phraseology of the House resolution as being entirely a resolution recognizing Kellogg as the lawful governor, and that it was not necessary to say that they recognized him as the lawful governor any more than it was necessary when we speak of the President to speak of him as the lawful President. It occurred to me that the Senator had not used any unnecessary words himself; and therefore I should like to have my point out, if there is any distinction between his own resolution and that passed by the House; and if there is no distinction, why the Senator was so particular as to insist upon the fact that we should recognize Mr. Kellogg as the lawful governor? I am quite willing to vote for the Senator's resolution if he will strike out that word "lawful," and if that has no force I think the Senator would not object to accommodating me.

Mr. MORTON. In point of fact and logic it amounts to nothing. The word "lawful" was simply put in to emphasize the question that had been in discussion before the country, and that was all; but when we declare Kellogg to be governor, we make it wholly unimportant as to the origin of his title. We declare him to be the governor, by which full effect and consideration are to be given to every act that he performs in the discharge of the duties of his office.

Mr. DAWES. I know the Senator will excuse me if I interrupt him again. It does not make any particular difference, I know, but the Senator is insisting upon a force and effect being given to the resolution adopted by the House of Representatives which I do not think the House intended to give. The House found a man acting as governor of Louisiana, discharging the functions of governor of Louisiana, under such circumstances that the House felt that it was better to recognize that fact than it would be to stop and inquire whether he came into that office rightfully or wrongfully; and therefore the House studiously left out the very word which the Senator from Indiana so studiously inserted in his resolution.

Mr. MORTON. I think it is very likely that word was left out to get votes for it, but I am speaking of the legal effect of it, and it is impossible for my friend from Massachusetts, with all his ability and acuteness, to show a distinction between the actual and veritable governor of Louisiana and the lawful governor of Louisiana.

Mr. DAWES. If the Senator will permit me, I supposed there was a difference sometimes between a governor *de facto* and a governor *de jure*, and that there might be such a thing as recognizing a governor *de facto*. I supposed that would be its effect sometimes. I supposed that was the effect when the Executive recognized a governor in Rhode Island. He did not stop to inquire whether he was governor *de jure* or governor *de facto*. He recognized, for the purposes for which he was authorized by the statute, one of two men claiming to be governor of that State. He recognized the *de facto* governor, the one who was in fact exercising the functions of governor. That is just what the House of Representatives did. They recognized Mr. Kellogg as the person discharging the duties incumbent upon the office, exercising the functions of governor, many of them believed rightfully, many of them believed wrongfully. All of them thought it was better to give him the moral force of a recognition as governor without stopping to say whether governor *de facto* or governor *de jure*. And to assert that they by saying they found him governor, acting as governor under such circumstances that they thought it best to recognize that fact, declared in their judgment that he was governor *de jure* is in my opinion to pervert the purposes and the meaning of the resolution of the House of Representatives.

Mr. MORTON. I think the Senate understand the Senator from Massachusetts and myself; and now I will pass from that point with this single observation: If my memory is not at fault with regard to the affair in Rhode Island his is. The President did not recognize the governor of Rhode Island as a governor *de facto* but he recognized him as the governor of Rhode Island, and the charter government was recognized as the government *de jure* not only by the President but by the Supreme Court of the United States, because the courts of the State had recognized that as the lawful government of the State. And now I pass from that decision to the authority of the decisions of the supreme court of the State.

My friend from Michigan disposed of the whole question of the authority of the courts by two statements, in both of which he was mistaken. I have referred to them. The Senator from Ohio undertook to dispose of it by an absolute denial and intimating that I was rusty in the profession, and I think I succeeded in convincing all who were present that he was the gentleman who was slightly rusty, because his statement was right in the face of the law. What was my statement? I call the attention of the Senate to it and to the authorities, because this is a vital point and one which has not been answered. I said:

Let me ask this question: whether the Supreme Court of the United States have not decided in many cases that they will follow the decision of the supreme court of the State upon all questions arising under the constitution and laws of that State, and not involving any question arising under the laws or Constitution of the United States? If the question arises under the laws or Constitution of the United States, then the Supreme Court of the United States will not follow the decision of the court of the State, but will lay down the law for itself; but if it arises entirely under the law of the State or the constitution of the State, then the Supreme Court of the United States in all cases follows the decision of the supreme court of the State.

And now when the Senator from Vermont stood up here for an hour to-day and argued that the law creating the returning board in Louisiana was unconstitutional, it did seem to me that his position was a strange one—I will not say ridiculous—when it was right in the face of the decision of the supreme court of the State. There was a decision made by the court of Louisiana upon a statute of Louisiana, and I think that that lawyer must be a very able and a very distinguished lawyer, not living in the State, who will undertake to decide that the decision of the supreme court of a State upon a statute of that State is wrong when he himself is not familiar with the body of the law of that State. Very much depends upon that. The Supreme Court of the United States in the case of Luther *vs.* Borden had decided that question squarely. They had said in so many words that upon any question arising upon the constitution and laws of the State the Supreme Court of the United States would follow in all cases and were bound to follow the decision of the State courts. If it was a question arising under the Constitution and laws of the United States or a question arising upon the law merchant, a body of general law that does not apply to any particular State but belongs to the whole commercial world, then the Supreme Court of the United States would not be bound to follow the decision of a State court; but if it is a question arising upon the constitution of the State or the laws of the State, then they say in so many words that the Supreme Court must follow the decision of the courts of the State.

Upon such a question the courts of the United States are bound to follow the decisions of the State tribunals, and must therefore regard the charter government as the lawful and established government during the time of this contest.

That is the substance of it; and I have a decision in 16 Wallace in which they lay down the same doctrine:

It is undoubtedly true, in general, that this court does follow the decisions of the highest courts of the States respecting local questions peculiar to themselves, or respecting the construction of their own constitutions and laws.

The case referred to by the Senator to-day was a case where a municipal corporation created by the Legislature of Michigan had issued bonds that were held by the people of another State and suit was brought in the courts of the United States to enforce payment of the bonds. There the bonds were held to be valid by the courts of Michigan at the time they were issued, but afterward the supreme

court of that State decided that the Legislature had no right to authorize that corporation to issue those bonds. The Supreme Court of the United States said that that was covered by the constitutional provision that no State should pass a law impairing the obligation of a contract.

Mr. CHRISTIANCY. The case to which the Senator refers did not come up from the supreme court of Michigan.

Mr. MORTON. I understood that it did.

Mr. EDMUNDS. O, no; it was an action by a citizen of another State brought under the citizen clause.

Mr. MORTON. I did not mean to say that it came from the supreme court of Michigan; the suit was commenced in the courts of the United States; but the decision relied upon to defeat the claim was made by the supreme court of the State, and the Supreme Court of the United States held that at the time the bonds were issued that law was held to be constitutional in Michigan, and therefore the supreme court of that State could not afterward reverse its decision so as to impair that contract. That decision was made under the Constitution of the United States. But in the same decision and in all of these cases the Supreme Court say that the decisions of the State courts made upon questions arising on the constitution and laws of the State and not involving questions under the Constitution of the United States will be followed in all cases, and that the courts of the United States are bound to follow them.

Now the question whether that returning board was lawful was a question arising upon the laws of Louisiana. It was not a general question; it was not a question arising under the Constitution of the United States, and the Supreme Court of the United States would be bound to follow it and we would in duty be bound to follow it. And so with regard to who constituted the Legislature, the supreme court of Louisiana said the Kellogg legislature is lawful. They had a right to pass upon that question. They were called upon to pass on that question. They said that Kellogg was governor; they had a right to pass upon that. It was a question depending upon the laws of Louisiana as to who had been elected under the laws of that State, and it was a proper question for that court to pass upon; and when that court did pass upon it, all the courts of the United States are bound by it and the Senate is bound by it.

Mr. President, I intend to bring this question down to as practical a point as I can. In what respect does this case differ from any other question of a fraudulent election? In 1868, to refer to a familiar case, the governor of New York was elected by a monstrous fraud. It was a patent fraud. Everybody in the United States understood that it was a fraud, that Hoffman was elected by regiments of repeaters in the city of New York who marched from poll to poll the whole day long. He was not elected the governor of New York, but he was counted in by the State authorities. The returning board of New York, those officers who had the power to count the votes, counted Hoffman in as governor; and yet the whole country knew that he was not elected. But those tribunals provided by the State to determine who were elected State officers decided that Hoffman was elected, and that was the end of the question. We had no right to inquire about it here; we were bound to receive him because the tribunals of New York received him.

What is the difference between that case and Kellogg's? If I were to admit—which I do not, for I deny it—that Kellogg had not been elected but had been counted in by the tribunals of Louisiana, I ask how you can get at him any more than you could in New York? I lay down this general doctrine, that as to all State elections, from the highest to the lowest, the questions of their election must be decided and determined by their own tribunals, because if they are not Congress may interfere and overturn the election in every State; Congress may be regarded as a canvassing and returning board for all State officers; and that would be the end of State authority and it would be the end of the State governments.

The attempt to get clear of State authority on the part of the Senator from Michigan was an utter failure; upon the part of the Senator from Ohio he was simply mistaken, entirely wrong in regard to the law; and I state now once for all, and I leave it right here, that the question as to whether that returning board in Louisiana was lawful was a question to be decided by the courts of that State, and when they decided it the decision is to be accepted as lawful by every other authority in the United States; and what is true in regard to Louisiana is true in regard to North Carolina and every other State in this Union. And when the courts of that State have recognized a certain Legislature as the lawful Legislature and have enforced the laws enacted by that Legislature, that is the end of that question. Every other State in this Union and every other department of this Government is bound to accept that as the Legislature of that State; and so with regard to the governor and with regard to every other officer. If there be a wrong, it is back at the polls where you cannot get to it. I venture to say that there has not been a Legislature assembled in this country in years in which there was not some member who was not lawfully elected. Even in the good old land of steady habits, Connecticut, I have no doubt that almost every Legislature contains somebody who has no business there, but he is counted in, and the legislative body is the exclusive judge of his election and qualification, and we cannot inquire about it. Take the case of my friend from Connecticut, [Mr. EATON.] I do not know what his majority was, whether it was large or small; but suppose when he came here with his certificate and walked up to be sworn some Senator had got up and presented a memorial numerously signed by the people of that State stating that a number of the members of the Legislature equal to his entire majority had been elected by fraud, that they had no business there, and praying the Senate to refer his credentials to the committee and that he should not take his seat until the question had been examined, what would have been his answer? What would have been the answer of every democratic Senator on this floor, ay, and of every republican Senator too? The answer would have been, that although those men may have been elected by fraud, his entire majority, without whose votes he would not have been elected, yet that the Legislature of Connecticut was the exclusive judge upon that subject; we could not inquire into it; and he would have been sworn and would have taken his seat.

That was the answer in the Goldthwaite case precisely. There the memorial came up at the same time with the credentials, saying that the majority that Goldthwaite had was fradulent, that the men who gave him that majority had no right to seats in the Legislature of Alabama, and what did we say? We said that was a question to be determined by the Legislature of Alabama, and we could not inquire into it whether those individual members had been elected or not. What is good for Alabama is good for Louisiana. If there were members in the Louisiana Legislature who were not elected, the same rule applies to them. Each house was the judge of the election and qualification of its own members. You are trying to apply a law to Louisiana that you refused to apply to Connecticut and Alabama. You are trying to apply a law to Louisiana that has never been applied to any State in this Union before, and the rejection of Pinchback involves the trampling under foot of every law by which this body has been properly organized.

Mr. EATON. The Senator addressed me as the Senator from Connecticut. Do I understand him to say that the action of the Senate here would have reference simply to my taking my seat? Does he mean to say that *prima facie* I present a case, or does he mean to say that the Senate would not inquire into those alleged frauds thereafter?

Mr. MORTON. I mean to say both. I mean to say in the first place that he has the certificate of the governor, a man acknowledged to be governor of Connecticut, and he is entitled to take his seat and the investigation shall be made afterward.

Mr. EATON. I agree.

Mr. MORTON. But if it should turn out afterward on proof that the men constituting or composing his majority were fraudulently in the Legislature of Connecticut, still we could not go into it, we could not unseat them, we could not turn him out on that account. That is the precise case of Goldthwaite, the very question determined there.

Mr. EATON. I simply wanted to get the Senator's opinion, and not to express my own. Therefore a man may be elected by fraud; it may be proved that he had himself in his own Legislature twenty fraudulent votes, and this Senate would not unseat that man! I understand that to be the doctrine of the Senator from Indiana.

Mr. MORTON. If he procured his election by fraud, if he bought those men, hired them to vote for him, or procured them in some fraudulent way to vote for him, then the Senate could take cognizance of it and turn him out; but the question as to whether those men got into the Legislature by fraud, whether they had a majority of the votes at the polls, is a question that the Senate never did examine and I undertake to say never will. On the contrary we expressly refused in the Goldthwaite case to go into that question, and said we had no right to do so; and when our democratic friends insist that that question shall be inquired into in Louisiana, they are insisting upon a rule that was never applied to any other State in this Union.

Mr. President, in conclusion I will briefly recapitulate the points. First, the Kellogg government has been the actual government of Louisiana now for two years and two months. The Legislature of Louisiana that elected Pinchback enacted more than two hundred laws, which are the laws of Louisiana to-day, enforced by all the courts. The highest court of the State has recognized Kellogg as governor and the Legislature as the true Legislature of Louisiana, and the district court of the United States has recognized that government as being the lawful government. The President has recognized it by authority of the statute of 1795; and the House of Representatives has recognized it in the manner that I have already spoken of. It is covered by all the forms of law that any State government in this Union has, and I believe it is covered by right. If Kellogg is not governor, if that Legislature was not elected, it was because of the success of a monstrous fraud. Those who want to go in search of doubts can find them. People who go to hunt ghosts always find them, and those who start out to hunt doubts can usually find them. But I take this question broadly; I look at the actual condition of Louisiana and all the surroundings, and I would say, independent of technical evidence, that the Kellogg government was the lawful government of that State. Kellogg to-day represents a majority of 20,000 men in Louisiana. The Kellogg government represents a like majority in that State, because the sentiments of that people have not been changed. Take the State of Vermont, that has no democratic party scarcely. Suppose by fraud or by violence a democratic State government should be forced upon Vermont, would we not all pronounce it a fraud? Take Kentucky; suppose by such means

a republican government should be enforced upon Kentucky when everybody knows that Kentucky has a democratic majority of 25,000 or 40,000 votes. Every presumption is against it. Every doubt ought to be cast in favor of the 20,000 majority; every doubt ought to be cast in favor of right and not in favor of wrong. I have thought it strange that distinguished Senators should go in search of doubts for the purpose of sustaining the monstrous fraud that was attempted in Louisiana in 1872.

Sir, the people of Louisiana and the colored people have much to contend with. They have lived with their lives in their hands. They have been murdered by the thousand simply because of their opinions. They have called for and have received the protection of the Government of the United States, and yet they are to be hunted down here, every act is to be examined critically, and every presumption is to be against them. Sir, my heart revolts at it. It is not common justice; I will not say it is not common decency.

Then, Mr. President, if we shall disturb this relation, if we shall bring on fresh tumults down there, the responsibility will be our own. I prefer that we shall act consistently. We have sustained that government for two years, and, as was said by the Senator from Illinois a while ago, it is either the one or the other. The Senator from Vermont two years ago was in favor of seating McEnery. He thought McEnery was entitled to it then.

Mr. EDMUNDS. I do not know that I ought to interrupt the Senator, because his misstatements about me are not greater in this particular instance than in some others; but if he will be good enough to look in the Globe or the RECORD, he will find that he grievously misstates what I said.

Mr. MORTON. I think not. I think the Senator took that ground two years ago, and he took ground directly opposite to what he took to-day in regard to the authority of the tribunals of that State.

Mr. EDMUNDS. I wish the Senator would offer a little proof on that subject.

Mr. MORTON. I think I can without hunting a great way either.

Mr. EDMUNDS. Let us hear it.

Mr. MORTON. The Senator said in the debate two years ago, although he did not vote:

> The constitution of Louisiana has declared that in a certain way, by its tribunals and not by us, it shall be ascertained, not upon the report of this committee, not upon our judgment, (we are neither judges nor jurors,) who is the true governor and who ought to be. Whatever, therefore, I may believe as to the truth, my Constitution and the constitution of Louisiana tell me, as I understand them, that I have no business to act upon my belief. There is the difference. I am not the judge.

The Senator then recognized the State tribunals. He did not to-day. Now I will ask the Clerk to read what I send up. The Senator said so many things that it is hard to keep pace with them all.

Mr. EDMUNDS. You can probably keep pace with one at a time.

Mr. MORTON. Yes, sir. The Senator in one place expressly said that we had no power to make returns and that McEnery must be received. That is my recollection of what he said.

Mr. EDMUNDS. Yes, but I prefer to be tried on the record rather than on the Senator's recollection, if I am on trial.

Mr. MORTON. You are entitled to the record. You will get enough of it hereafter, I have no doubt. I have come across a passage and I think it is not the strongest one by any means, because the book is full of what the Senator said for about forty-eight hours, I will ask the Secretary to read, commencing on page 1876 of the Globe, to where I have marked on the next page.

The Chief Clerk read as follows:

> I think we are obliged upon the evidence that we have to determine, as he agrees, either that we must allow the Kellogg government to go on and stand by it as the final and lawful government of that State, so far as the United States are concerned, or we must determine that it has been set up by us and not by the people of that State, and give to the other party who on the face of the returns appears to have been elected the office until by the proper process of law in that State, if he is not really entitled to it, it shall be determined that some other person is. I think that the more we look at it the better we shall be satisfied that there are less evils and less dangers in declaring one way or the other that the people of that State having had an election according to the forms of their law must have *prima facie* elected somebody to be their chief magistrate. If we say that, as it appears to me we must, then the question is who *prima facie* has been elected?
>
> The report of the committee, Mr. President, seems to demonstrate, if the facts they state are warranted by the evidence, and I must suppose that they are, that according to the forms of the law of Louisiana—I am not now speaking of realities—that according to the returns which the law required to be made up in the various parishes and to be transmitted to the seat of government, Mr. McEnery appeared to be elected governor; and according to the constitution and the laws of that State, as I read them, no returning board, even if it were a constitutional and a rightful one, had the authority to make any man elected who did not appear to be in any other way than by rejecting returns which, upon certain specific evidence which the law points out, appear to them to be irregular or fraudulent, or appear to them not to represent the real voice of a given parish upon certain grounds of fraud and violence that are to be proved in a particular way.
>
> Now, then, I understand from the statements in the majority report and from the evidence that guided by that rule these returns would show that McEnery is elected. I do not say, Mr. President—I carefully abstain from saying that they show what the truth really is, but that on the face of the papers rejecting irregularities and acting upon these returns precisely as the lawful board by the laws of Louisiana was bound to do, it would appear that this man was the governor of that State, and then the law goes on to provide for contesting the right of any person who is thus elected *prima facie*, and I am now using the very word of the law, that their certificates shall be *prima facie* evidence that the party thus appearing to be elected is elected.
>
> The law goes on to provide that a contest may be made. Not a contest here, Mr. President, in this tribunal; not a contest at the office of the Chief Magistrate of the nation or at the office of his Attorney-General, but a contest in the tribunal of the State which all acknowledge to be authorized to administer its own affairs. That is the contest which the constitution and the laws of Louisiana point out as the means of ascertaining who in truth is entitled to a given office after, upon returns made in a particular way and certified as an act of administration in a particular way, it has appeared that a particular man is entitled to it, although he may not be if, when the proof comes to be taken in the tribunal and under the methods provided by the State law, it appears that he has not received the majority of the votes.

Mr. MORTON. That is enough. I think there is a good deal more to the same effect; it is not necessary however to take time to read it. That shows what the Senator's position was at that time; that he recognized the authority of the State tribunals alone to decide and settle the question, and so do I.

Mr. EDMUNDS. To decide and settle what question?

Mr. MORTON. As to who was elected.

Mr. EDMUNDS. As to who was elected to what?

Mr. MORTON. Elected to the office of governor and any other office in the Louisiana State government?

Mr. EDMUNDS. Ah, the Senator has imported into what I said precisely the difference between falsehood and truth.

Mr. MORTON. No, sir.

Mr. EDMUNDS. I do not speak of falsehood in any application to him, but between the truth and its opposite. The right, as I stated to-day, of a particular officer who claimed a title under the law to an office, to be tried by the courts, nobody ever disputed; but the right of any court to try who are the members of a Legislature or who compose it, is quite a different question; and if the Senator is as astute in reading what I said as he is in stating his own points, he cannot fail to see the difference.

Mr. MORTON. Well, Mr. President, one word upon that point. The supreme court of Louisiana in one case where the issue was made by a contending party, that the statute relied upon by the plaintiff was not enacted by the Legislature of Louisiana, where the issue was directly made, said they were bound to take notice whether it was enacted by the Legislature of Louisiana; and so I say that in that case the supreme court could take notice and were bound to take notice whether that statute was made by the Legislature or not. If an act of Congress comes in question in the Supreme Court of the United States, that court will be called upon to say whether that statute was enacted by Congress or by some other body pretending to be the Congress of the United States. The issue is raised, and they cannot help but decide it. That was the precise condition of the supreme court of Louisiana, and they did decide it over and over again under circumstances where they could not avoid the issue. But they said this: they said that while they could decide what body was the Legislature, they could not decide as to the title of any particular member of that body, and so say I, because the Legislature itself must decide that question; and while this Senate, acting in that capacity, must decide whether the Legislature of Louisiana has elected a Senator, they will follow the supreme court of the State in saying they cannot decide on the title of any particular member of that body, because each house has that power itself. The supreme court of Louisiana therefore simply exercised the jurisdiction that belongs to the supreme court of every State under circumstances where they were compelled to decide it. My friend from Vermont on the night of that debate argued truly, and I agreed with him, and in one little speech that I made I stated my gratification at the agreement, that the decision of all these questions must be referred to the tribunals of Louisiana. He was right then; he is not right now. Instead of having improved in two years, he has grown worse so far as that question is concerned. [Laughter.]

Mr. President, I have detained the Senate longer than I intended. I yield the floor.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Vermont, [Mr. EDMUNDS.]

Mr. WEST. Mr. President, according to the understanding this debate cannot be prolonged, and I do not rise for that purpose; but I rise to make a proposition that I trust will be acceptable to a majority of the Senators here. The debate for the past two days has developed such a variety and contrariety of opinion on the part of a number of Senators on this side of the Chamber, that I am not willing to submit the claims of my colleague to the test of a vote at the present time.

To the Senators who have recently come among us I beg to express my indebtedness for the courteous attention with which they have listened to this debate. By that attention they have manifested an interest in this matter, and I know that many of them hesitate and express a great reluctance at being called upon to decide it now. I know that many of them will refrain from voting, and through an adverse decision give the power to the political opponents of the claimant on the present occasion. I would therefore move the postponement of this question until the second Monday of December next, and on that motion I ask for the yeas and nays.

Mr. THURMAN. Mr. President, we have been told again and again that the public interests and the peace of Louisiana require that this question should be settled and settled now. The greater portion of the time of this special session of the Senate has been taken up with the discussion of this question. The members of the Senate will be the same on the second Monday of next December as now. This question can never be more fully discussed than it has been; and I think for one, with those who have kept us here upon this ques-

tion, that it is better to have it settled at once. I therefore for one shall vote against the motion to postpone it until December next.

The PRESIDING OFFICER. The question is on the motion to postpone until the second Monday of December next, upon which the yeas and nays have been asked.

The yeas and nays were ordered.

Mr. LOGAN. There seems to be some kind of arrangement about this matter; at least I presume so. I like to vote with my friends always, but I want to give them warning now that postponement of action on the Kellogg government is fraught with danger to this country. My judgment is that a decision one way or the other is better for the country than a postponement.

The yeas and nays were taken.

Mr. DENNIS, (when his name was called.) On this question I am paired with the Senator from Iowa, [Mr. WRIGHT.] If he were here he would vote "yea" and I should vote "nay" on this motion.

Mr. EATON, (when the name of Mr. FERRY, of Connecticut, was called.) My colleague [Mr. FERRY] is paired with the Senator from Pennsylvania, [Mr. CAMERON.] I notice that Mr. CAMERON has voted, but I suppose unintentionally.

Mr. CAMERON, of Pennsylvania. No; I voted intentionally. I am paired with Mr. FERRY, of Connecticut, on the vote upon the admission or non-admission of Mr. Pinchback.

Mr. EATON. The gentleman will settle that with his own judgment.

The PRESIDING OFFICER. The roll-call will proceed.

The Secretary continued and concluded the roll-call.

Mr. ANTHONY. I am paired with the Senator from New Hampshire, [Mr. WADLEIGH,] who is absent. I hardly know how he would vote on this question, but I will not vote.

Mr. LOGAN. Before the vote is announced I wish to say that I withhold my vote for the reason that I do not like to vote against my friends, but I think they are making a great mistake.

The result was announced—yeas 33, nays 30; as follows:

YEAS—Messrs. Alcorn, Allison, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Clayton, Conover, Cragin, Dawes, Dorsey, Ferry of Michigan, Frelinghuysen, Hamilton, Hamlin, Harvey, Howe, Ingalls, Jones of Nevada, McMillan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Paddock, Patterson, Sargent, Sherman, Spencer, West, and Windom—33.

NAYS—Messrs. Bayard, Bogy, Booth, Caperton, Christiancy, Cockrell, Cooper, Davis, Eaton, Goldthwaite, Gordon, Hitchcock, Johnson of Tennessee, Johnston of Virginia, Jones of Florida, Kelly, Kernan, McCreery, McDonald, Maxey, Merrimon, Norwood, Randolph, Ransom, Saulsbury, Stevenson, Thurman, Wallace, Whyte, and Withers—30.

ABSENT—Messrs. Anthony, Conkling, Dennis, Edmunds, Ferry of Connecticut, Logan, Robertson, Wadleigh, and Wright—9.

So the motion to postpone was agreed to.

PRESIDENT'S ACTION IN LOUISIANA.

Mr. FRELINGHUYSEN. I offer the following resolution:

Resolved, That the Senate approve the action heretofore taken by the President of the United States in protecting Louisiana from domestic violence, and are of opinion that he should continue to recognize in that State the existing State government.

Mr. BAYARD. Let that go over.

The PRESIDING OFFICER. The consideration of the resolution is objected to, and it will go over under the rule.

Mr. NORWOOD. I move that the Senate adjourn.

The motion was agreed to; and (at eleven o'clock and twenty-five minutes p. m.) the Senate adjourned.

IN SENATE.

WEDNESDAY, *March* 17, 1875.

Prayer by the Chaplain, Rev. LYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

REORGANIZATION OF CIVIL SERVICE.

Mr. BOUTWELL submitted the following resolution for consideration:

Resolved, That the special committee appointed to examine the several branches of the civil service, with a view to a reorganization of the several departments thereof, be authorized to sit during the recess of the Senate, to employ a stenographer, to administer oaths, and to send for persons and papers.

EMIGRATION TO THE BLACK HILLS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States:

To the Senate of the United States:

I have the honor to transmit herewith communications from the Secretaries of War and the Interior, in answer to the resolution of the Senate of the 15th instant, requesting "any information in my possession in regard to the proposed emigration to the Black Hills country in the Sioux Indian reservation; whether such emigration is with the consent of the Indian tribes holding said country under the treaty of February 24, 1869, and if not, what measures will be taken in relation to the same."

U. S. GRANT.

EXECUTIVE MANSION, *March* 17, 1875.

The message was ordered to lie on the table and be printed.

EXECUTIVE SESSION.

Mr. HAMLIN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After four hours spent in executive session the doors were reopened, and (at four o'clock and five minutes p. m.) the Senate adjourned.

IN SENATE.

THURSDAY, *March* 18, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

REORGANIZATION OF CIVIL SERVICE.

Mr. BOUTWELL. I ask that the resolution which I submitted yesterday for instruction of a committee be taken up for consideration.

Mr. DAVIS. What is the resolution?

The VICE-PRESIDENT. The resolution will be read for information.

The Chief Clerk read as follows:

Resolved, That the special committee appointed to examine the several branches of the civil service, with a view to a reorganization of the several departments thereof, be authorized to sit during the recess of the Senate, to employ a stenographer, to administer oaths, and to send for persons and papers.

Mr. DAVIS. What committee does this resolution relate to?

Mr. BOUTWELL. I will ask the Secretary to read the resolution of the Senate of the 20th of February to which this resolution relates.

The Chief Clerk read as follows:

Resolved, That a committee of five members of the Senate be appointed, whose duty it shall be to examine and thoroughly investigate the several branches of the civil service with a view to the reorganization of the several departments thereof, the reduction of expenditures, and to promote the efficiency of such service, and to report thereon at the next session of Congress by bill or otherwise.

The VICE-PRESIDENT. The question is on the resolution submitted by the Senator from Massachusetts.

Mr. STEVENSON. Is that resolution in order under the rules of the Senate?

The VICE-PRESIDENT. The Secretary will read the resolution.

The Chief Clerk again read the resolution of Mr. BOUTWELL.

Mr. STEVENSON. I raise the question of order on that resolution.

The VICE-PRESIDENT. The Chair will submit the question to the Senate, Shall the resolution be entertained?

Mr. CONKLING. Mr. President, if I can have the attention of the Senator who raised this point of order, I should like to make a remark, rather in the nature of appeal to him than in the nature of argument. I suppose the question of order to be not well taken to a resolution of inquiry; but I waive that and say to the Senator from Kentucky that if he be interested, as I know him well enough to believe he is, in any information calculated to improve the public administration, the objection he now makes stands in the way of such an attempt. The committee as constituted now is entirely powerless. Whether it would have the right to meet at all or not, I do not know. Assuming that it would, it would have no power to call for a copy of a paper, to request the attendance of any person, to administer any oath, to make any record of its doings. The purpose of this resolution is simply to authorize the committee, or the chairman, to employ some man, when it meets, to make record of what the committee gathers and of the testimony it takes, and to administer oaths. In short, the purpose is to give effect to a resolution, not very well considered, which passed at the last session, and which in the judgment of the committee leaves the committee, as it stands now, entirely powerless, impotent to do anything at all. Although I rose in the absence of the chairman, not observing at the moment who was attending to this matter, I say, subject to his correction, that my understanding is that the committee would consider a refusal to pass this resolution equivalent to an instruction or intimation of the Senate that the committee was not expected to go on and do the things which alone can be done by the aid of such a permission. If I am wrong in that regard, I beg the chairman to correct me. It is a matter with which I have nothing to do except that I met with the committee and I rose, thinking that the chairman was not here; but as I see he is here, it is of course becoming in me to leave to him any further suggestion which there may be in regard to it.

Mr. STEVENSON. I do not wish to throw any obstacle in the way of any investigation contemplated by a committee of the Senate. If this was so important a matter, it ought to have been attended to during the legislative session of the Senate. We have already decided at this present session that a resolution to raise a committee of inquiry is not in order. That ruling, if I remember, was by a vote of yeas and nays. I have no particular opposition to this inquiry; still less do I desire to throw any obstacle in the way of this committee; but I cannot consent, with my name recorded against a resolution proposing to send a committee to the Indian country and to inquire into its condition, to vote for this resolution, because I think if one is out of order the other is. The Senator from Arkansas [Mr.

CLAYTON] offered a resolution which he thought highly important to the interests of the Indians and to the interest of the country. This resolution proposes the same thing. Why should I vote against his and vote for this? I have nothing more to say.

Mr. FRELINGHUYSEN. I tried to get the ear of the Senator from Kentucky, for I think he is laboring under a misapprehension of facts. I do not understand that the Senate has decided at the present session, or at any other time, that it has not the power to pass such a resolution. I expressly said when the resolution offered by the Senator from Arkansas was before the Senate that I should vote against it because I was opposed to the resolution, protesting at the same time that the Senate certainly had the power; and it was decided by laying the resolution on the table, without any indication on the part of the Senate that they adjudged that the Senate had not the power to pass such a resolution.

Mr. BOUTWELL. The committee has not asked for this authority because the committee desires it, but because it seemed to the committee impossible to perform the duties imposed by the resolution of the 20th of February unless this authority were given, and it is quite evident from the resolution which has been read from the Clerk's desk that the committee will be powerless to make these investigations.

I am for myself quite indifferent as to the fate of the resolution now before the Senate. It is not, except in the line of my duty, at all desirable for me to perform this service, as far as I am concerned in its performance. The Senate will judge whether it is better to have it undertaken during the recess or to have the business postponed until the next regular session of the Senate.

If the point of order is to be pressed upon the Senate, as I hope it will not be pressed, I cannot doubt that the judgment of the Senate will overrule the point of order upon the ground stated by the Senator from New Jersey, that it was not well taken upon the resolution which ultimately was laid upon the table without the judgment of the Senate upon the point of order. But if that point of order had been well taken, it would not apply to the resolution now before the Senate, because this is not a proposition to initiate any new business, to enter upon any new undertaking whatever, but merely to give to an existing committee of the Senate power to sit during the recess of the Senate.

I hope the Senator from Kentucky will not press the point of order. This resolution came from a committee of which the colleague of the Senator was a member, and I believe by the general consent of the committee; and the reason I have to offer for not asking the authority of the Senate upon this resolution during the regular session is this: The resolution itself was not adopted until the 20th of February, and we were then in the hurry of business, every member of the Senate engaged at every reasonable hour, and I did not therefore call the special committee together for the consideration of this duty until the present session of the Senate when there was more leisure for the work.

Mr. HAMLIN. If the question can be now taken I have no objection to make; but if not, I would suggest that this matter can be taken up subsequently just as well as now. Senators are aware that at three o'clock to-day there is an agreement of the Senate to vote upon a certain question, and it is also probably presumable that that time will be required upon the subject upon which we are to vote. I therefore submit the motion that the Senate proceed to the consideration of executive business.

Mr. STEVENSON. Will the Senator withdraw that motion a moment? I withdraw the question of order.

Mr. HAMLIN. Very well.

Mr. CLAYTON. Mr. President——

Mr. HAMLIN. If Senators are going to talk, I do not withdraw my motion.

Mr. CLAYTON. Allow me to make a few remarks.

Mr. HAMLIN. No.

Mr. CLAYTON. I want to inquire as to the position of the point of order.

Mr. HAMLIN. If there is going to be a discussion, I insist on my motion. I do think, in justice to Senators——

Mr. CLAYTON. If the Senator desires to press his motion, very well.

Mr. HAMLIN. This can come up at another time.

Mr. CLAYTON. Very well.

Mr. HAMLIN. I insist on my motion.

The VICE-PRESIDENT. The Senator from Maine moves that the Senate proceed to the consideration of executive business.

The motion was agreed to.

FINAL ADJOURNMENT.

Mr. THURMAN submitted the following resolution for consideration:

Resolved, That at noon on Saturday, the 20th instant, the Senate will adjourn *sine die*.

CONTINGENT EXPENSES COMMITTEE.

Mr. JONES, of Nevada, submitted the following resolution for consideration:

Resolved, That the Committee to Audit and Control the Contingent Expenses of the Senate be continued, and authorized to sit during the recess of the Senate.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After four hours and fifteen minutes spent in executive session the doors were reopened, and (at four o'clock and thirty minutes p. m.) the Senate adjourned.

IN SENATE.

FRIDAY, *March* 19, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

ELECTION OF PRESIDENT PRO TEMPORE.

The SECRETARY [Hon. GEORGE C. GORHAM] called the Senate to order and said:

Senators, the Secretary is in receipt of the following communication from the Vice-President:

WASHINGTON, *March* 18, 1875.

Please inform the Senate that I leave the city this evening and shall not be present during the remainder of the session.

Yours,

H. WILSON.

Mr. ANTHONY. Mr. Secretary, I offer the following resolution:

Resolved, That in the absence of the Vice-President Hon. THOMAS W. FERRY be, and he is hereby, chosen President of the Senate *pro tempore*.

The resolution was considered by unanimous consent and agreed to.

The SECRETARY. The Senator from Michigan will please take the chair.

Mr. FERRY, of Michigan, took the chair as President *pro tempore*.

On motion of Mr. ANTHONY, it was

Ordered, That the Secretary wait upon the President of the United States and inform him that in the absence of the Vice-President the Senate has chosen Hon. THOMAS W. FERRY, a Senator from the State of Michigan, President of the Senate *pro tempore*.

JOURNAL.

The Journal of yesterday's proceedings was read and approved.

REORGANIZATION OF CIVIL SERVICE.

The PRESIDENT *pro tempore*. If there be no resolutions the Chair will lay before the Senate the unfinished business of yesterday, being the resolution submitted by the Senator from Massachusetts [Mr. BOUTWELL] on the 17th instant.

The Senate resumed the consideration of the following resolution:

Resolved, That the special committee appointed to examine the several branches of the civil service, with a view to a reorganization of the several departments thereof, be authorized to sit during the recess of the Senate, to employ a stenographer, to administer oaths, and to send for persons and papers.

The resolution was agreed to.

COMMITTEE SERVICE.

Mr. WITHERS was, on his own motion, excused from further service upon the Committee on Manufactures.

Mr. EATON was, on his own motion, excused from further service upon the Committee on Appropriations.

The PRESIDENT *pro tempore*, by unanimous consent, was authorized to fill the vacancies; and Mr. WITHERS was appointed to fill the vacancy upon the Committee on Appropriations and Mr. EATON to fill the vacancy upon the Committee on Manufactures, each holding the relative position thereon held by his predecessor, respectively.

EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After four hours spent in executive session the doors were reopened, and (at four o'clock and eight minutes p. m.) the Senate adjourned.

IN SENATE.

SATURDAY, *March* 20, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

PRESIDENT'S ACTION IN LOUISIANA.

The PRESIDENT *pro tempore*. Resolutions are now in order.

Mr. ANTHONY. If there be no morning business, I move that the Senate proceed to the consideration of the resolution offered by the Senator from New Jersey [Mr. FRELINGHUYSEN] relative to the condition of Louisiana.

Mr. BAYARD. I propose to raise a question of order upon the reception of that resolution.

The PRESIDENT *pro tempore*. The Senator will state his point of order.

Mr. BAYARD. My point of order is that the resolution offered by the Senator from New Jersey, if not legislative in its character, is

equivalent to legislation. It is intended to have legislative effect, and is not therefore consonant to the object of this special session of the Senate. This special session of the Senate was called by the President of the United States as an executive session for the purpose of considering such nominations as he might see fit to lay before it and for the performance of its constitutional duty in relation to such treaties as he might propose for its concurrence. Both of those duties have been very nearly, if not quite, fulfilled. I understood that upon a resolution sent to the Executive, I think yesterday or the day before, announcing that the Vice-President had retired from the Senate for the remainder of the session and that the honorable Senator who now occupies the chair had been elected President *pro tempore* of the Senate, a communication had been received from the President that he had no further business to lay before the Senate. Therefore so far as our action in confirming or rejecting such nominations as he might see fit to make for office is concerned, our duties are at an end with the exception of such as may remain on the Calendar for disposition. The business connected with treaties with foreign nations, I may also say, I believe has received the full attention of the Senate and there is nothing more of that kind to be disposed of.

There is also that character of business which the Senate as a separate body can exclusively and solely perform in connection with the privilege of membership with this body; and we did, under the direction of the majority, proceed at great length to consider the election, the qualifications, and the return of a person claiming a seat in this body as a Senator from the State of Louisiana, and after a full and most deliberate and prolonged consideration of that case, as we were approaching a decisive vote, when the length of time further to be occupied by the Senate was to be considered by minutes and not by hours, it pleased the majority of the Senate to entertain a motion for postponement to a day certain in December; and that question, undeniably committed to the sole consideration of the Senate and for which this session was most properly called, and in regard to which it most properly proceeded to act, has been taken from us by the will of the majority and sent over to the ensuing session of Congress.

Mr. President, the only question which the Senate of the United States can take sole and separate cognizance of as a body of Congress in relation to the State of Louisiana was the admission of a claimant from that State to a seat as a Senator upon this floor. If this resolution offered by the Senator from New Jersey has any significance at all, if it is to be anything more than the expression of the opinion of some thirty-five or forty gentlemen citizens of the United States, it is because it has connection with the privilege of membership in this body, and that question the Senate has relegated to the next session of Congress.

Now, under what theory, under what rule of order can this be considered the business of an executive session, or business connected with the privileges of this body of which we are the sole and exclusive judges?

The Senate has at this session by a yea and nay vote laid on the table propositions that simply looked to the basis of future legislation. It has after deliberate debate refused to entertain a resolution looking to the raising of a committee, a committee of this body and not a joint committee, to inquire during the recess of Congress into the condition of affairs of the Indian country with a view to report at the next session. That looked to legislation. It looked to an action which the Senate could not complete without the concurrence of the other House of Congress and the Executive. It was, I take it, for that reason that the Senate refused to consider that resolution, and said in debate and by the result of a formal vote that they could not at this session properly consider business in the effectuation of which the action of another House of Congress and the Executive might become and would become necessary.

In the present case, what is there in the opinion of the Senate, in the approval of the Senate of something that has taken place in respect of the action of the executive department of the Government in the State of Louisiana, that can have legal or binding effect of any kind?

Mr. CONKLING. I rise to a question of order.

The PRESIDENT *pro tempore*. The Senator from New York rises to a question of order, which he will state.

Mr. CONKLING. I dislike to interrupt the honorable Senator from Delaware; but I submit as a point of order that he having raised the question whether this resolution may be received or not, no decision having been made, and no appeal having been taken, the debate in which the Senator is indulging is out of order.

The PRESIDENT *pro tempore*. The Chair will answer the Senator from New York. The Senator from Delaware has not made the point of reception. The Senator from Delaware made a point on the merits of the question whether the Senate will now consider it, and the Chair asked the Senator from Delaware to state his point of order and the Chair understood that he was now stating it. The Chair is not at liberty to check a Senator in making his statement of a point of order; but if the Senator from New York thinks he is indulging in debate the Chair will rule on that question. The Chair thinks that the Senator from Delaware has extended his statement of the case perhaps beyond the ordinary statement of a point of order, but he will not make the point unless the Senator from New York insists on it.

Mr. BAYARD. Mr. President——

Mr. CONKLING. If the Senator will pardon me one moment, this is my point: If the Senator from Delaware is objecting to the reception of the resolution on its merits and debating it, my suggestion does not apply; but if the Senator from Delaware raises a point of order that the motion of the Senator from Rhode Island is not in order, then my point is that he must state his point. If the Chair submits it to the Senate, debate is in order. If the Chair rules upon it, an appeal can be taken and then debate may be in order; but first of all the Senator must state his point.

The PRESIDENT *pro tempore*. The Chair replies that the Chair was not aware of the precise point of order, and the Chair was listening for the Senator from Delaware to make the point of order. The Chair is ready to rule on it at any time when the Senator has stated the case.

Mr. BAYARD. My object was not simply to proceed in accordance with the technical rules of debate in this body, but to proceed in accordance with the orderly rules of debate in this body. The motion for the consideration of this question I proposed to meet upon its threshold, and that was to raise the question of order; and, as the Chair very properly stated just now, my statement was not as succinct, as laconic as I might have desired, simply because I had not that preparation in regard to the matter which would have shortened it. I was not proceeding to the merits of this question. I believe upon an examination of what I said all that I have said will be found to be but a lengthened method of stating a point of order the reasons of which accompany the statement.

Mr. ANTHONY. If the Senator from Delaware will allow me, I was under the impression that this resolution had already been received.

The PRESIDENT *pro tempore*. The Chair was waiting until the Senator from Delaware, as he suggested before, had stated his point of order. If the Senator from Delaware makes the point of order that this is legislation, the Chair will overrule it at once for the resolution has been received by the Senate, and that lies with the Senate. The question cannot now be taken on its reception, for the Senate have already received the resolution and placed it on the Calendar. The question now before the Senate is, will the Senate proceed to the consideration of the resolution? The merits of the resolution, whether it be legislative or otherwise, lie with the Senate.

Mr. BAYARD. Do I understand the Chair to state that it is too late to raise the question of order?

The PRESIDENT *pro tempore*. It is too late to raise a point of order on the reception of a resolution which has already been received by the Senate, printed, and placed on the Calendar.

Mr. BAYARD. My impression was that the resolution was read and objected to.

The PRESIDENT *pro tempore*. The Chair is informed by the Secretary that it was received without objection and laid over.

Mr. BAYARD. As I was the person who made the objection, I will state my recollection of the facts. The Senator from New Jersey offered the resolution; I said "Let it lie over," and it did lie over; it was never brought before the Senate; and I think the RECORD will disclose that fact. The resolution was offered by the Senator from New Jersey a few days ago, and as he offered it I objected to its reception and it never has been received that I know of. I said "Let it lie over." I think a reference to the RECORD will disclose that fact.

Mr. MORRILL, of Maine. Was not this the objection of the honorable Senator, that he objected to its consideration?

Mr. CONKLING. That was it—to the present consideration.

Mr. BAYARD. The objection was made as soon as the resolution was read. I said, "I object; let it lie over;" and therefore it went over.

The PRESIDENT *pro tempore*. That is under the rule that requires one day's notice of any resolution; if objection is offered, it must lie over under the rule; but no point of order was made upon the reception, as had been made theretofore where the Senate had ruled on the submission of the question to the Senate for its decision. The Chair does not understand—and he is verified by the Secretary—that any point of order upon the reception of this resolution was made. The Chair understands the Senator from Delaware this morning to have raised the point of consideration.

Mr. BAYARD. I will state the facts. Here is the RECORD. On the evening of the 16th of March this occurred:

Mr. FRELINGHUYSEN. I offer the following resolution:

Resolved, That the Senate approve the action heretofore taken by the President of the United States in protecting Louisiana from domestic violence, and are of opinion that he should continue to recognize in that State the existing State government.

Mr. BAYARD. Let that go over.

The PRESIDING OFFICER. The consideration of the resolution is objected to, and it will go over under the rule.

Mr. NORWOOD. I move that the Senate adjourn.

This was all that passed on the subject. The resolution was offered at the heel of a long session, not three minutes before the adjournment took place. I presumed that, by objecting to it, the objection carried all manner of objections, whether to its being within order or not, and also to its present consideration at that time.

The PRESIDENT *pro tempore*. The Chair replies simply that, if the Senator will remember, the Senator from Connecticut [Mr. FERRY] made the point of order on a previous resolution and made the point of reception clearly, and the present occupant was then occupying

the chair and stated the question to be a question of reception. As the Senator has read the RECORD, the objection was that under the rule, which is that no resolution can be considered on the day it is offered if objection is made, it must lie over one day as a notice to the Senate.

Mr. BAYARD. With submission to the Chair, I will state that the objection was not made except in these words, "Let that go over," and under that the resolution went over, not specifying what the cause of objection was.

But, Mr. President, I do not think it is worth while, and it is not my intention, to stand upon any fine-drawn distinctions as to this matter. The majority can unquestionably bring this matter up, and they can decide the point of order, and I do not care to throw on the Chair the necessity of making decisions, certainly, while I am addressing it, for I shall never intentionally bring myself in collision with the rules of this body and shall disturb the Chair as little as I can in that respect.

The point of order that I desire to state, and perhaps at the danger of repetition, is that the action contemplated by this resolution is to have the effect of legislation, and is therefore in violation of the object of the present session, that the object contemplated by this resolution is that which, to make it efficient under the Constitution of the United States, must have the joint action of the entire Congress in order to justify the Executive in any action which he may take or may have taken. It is therefore to reach the effect of a law without the form of a law, and hence to defeat the object for which this session was called. It is for that reason that I object to the consideration of the resolution and raised the point of order at the earliest moment that I thought it could be raised to the reception of the resolution.

The PRESIDENT *pro tempore*. The Senator from Delaware has stated that he raised the point of order to the reception of the resolution at that time. If there be no objection the Chair will take the question as stated by the Senator from Delaware as his understanding of the case and will submit the question of reception to the Senate.

Mr. DAVIS. That is right.

Mr. BAYARD. If the Chair proposes to submit it, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDENT *pro tempore*. The Chair will put it in the form in which it appears now by the RECORD. Will the Senate proceed to the consideration of the resolution proposed by the Senator from New Jersey?

Mr. EATON. Permit me to suggest that the manner in which the Chair puts the question is not on the motion of the Senator from Delaware at all. The Senator from Delaware says that in his judgment the resolution is out of order. I fully concur with the Senator in the point of order, and submit with great deference that the reception of the resolution in the manner it was received the other day by no means determines that the resolution is in order. Suppose I submit a resolution to-day; it is laid upon the table; no question whatever is made with regard to it. Now I beg leave to say that under any rule of parliamentary law known from 1600 down to to-day, when that resolution is called from the table, it is pertinent then to ask and determine whether that resolution can be received and considered. I have no doubt about the parliamentary law on that subject. That is the point made by the Senator from Delaware, and the Chair did not put that point.

The PRESIDENT *pro tempore*. The Chair replies to the Senator from Connecticut that in the judgment of the Chair, as informed by the Secretary, the point of reception was not made, and the Chair so stated; but upon the statement of the Senator from Delaware, as the Chair is bound by the statement of any Senator, that the objection he made was not particularly the one under the rule, but covered the whole question of reception, the Chair said that if there were no objection he would put it in the form of the Senate proceeding at once to the consideration of it, and heard no objection. There being a difference of understanding of the state of facts, now the Senator from Connecticut makes the point that the question should be put precisely on the objection stated by the Senator from Delaware. The Chair will put it on the question of reception.

Mr. BAYARD. Will the Chair pardon me? The Chair stated something as being stated on my personal word in this matter.

The PRESIDENT *pro tempore*. The Chair meant on the RECORD.

Mr. BAYARD. I merely stated that whatever the RECORD disclosed of the debate is what I propose to submit to. I did not speak of any motive I had, or any intention either of interposing a question of order, or whether I had it in my mind at all. I merely stated that the general language used, no point being raised as to whether the resolution should be or should not be received or should be or should not be considered, left it open to any objection that might be made. I have said nothing in regard to my intention in offering the objection.

Mr. THURMAN. Mr. President, it seems to me that it is wholly immaterial whether the Senator from Delaware objected to the reception of the resolution or not. If in point of fact the Senate has no right to consider this resolution, or, as we would say in a court, has no jurisdiction of such a resolution at this session, then the point of order may be made at any time. An objection to the jurisdiction of a court or of a legislative body cannot be waived; it may be made at any time; and therefore whether any objection was made at the time to the reception of the resolution or not makes no difference; and I am frank to say that my recollection of what took place accords with what is said in the CONGRESSIONAL RECORD, that that was all that did take place. At the time I knew very well that the Senator from Delaware intended to object to the reception of any such resolution, from a previous conversation I had had with him, and I knew what was in his mind; but I thought at the same time he did not then clearly express that he objected to the reception of the resolution. In other words, according to my recollection that took place which appears in the RECORD; but the point I make is that an objection to the consideration of this resolution on the ground that the resolution itself is beyond our constitutional power to consider and act upon at this session and that, therefore, it is out of order, as a question of order, can be made at any time without any regard to whether the reception of the resolution was objected to or not. In fact, an objection to the reception of a resolution does not necessarily raise the question. The reception of a resolution may be objected to for other reasons than a want of power in the Senate to consider it. It may be objected to for other reasons than would arise upon a point of order, and a vote being taken, Senators may vote against the reception who yet believe that the resolution itself, if offered at the proper time or under other circumstances, would be strictly in order or that it is in order yet. But what I rose simply to say is that the question of order can be submitted now whether an objection was made to the reception or not, the point of order being that the Senate has no constitutional right to consider the resolution at this session. That is a point of order which can be made at any time.

Mr. ANTHONY. I think out of respect to the tenderness of conscience on the other side I can relieve the Senator from this difficulty. There is another resolution on the same subject that was introduced and received certainly without any point of order being raised. It was my intention to propose a substitute for the resolution of the Senator from New Jersey; but if it be more agreeable to the Senators on the other side, I will withdraw my motion and move to take up the resolution offered by the Senator from Indiana, [Mr. MORTON,] and will propose my substitute for that.

Mr. THURMAN. That will not alter the case in the slightest degree.

Mr. ANTHONY. Then we will go on with the present one.

Mr. THURMAN. The same objection would be made to the resolution of the Senator from Indiana.

Mr. ANTHONY. That is to say the Senator will contend where a resolution has been offered and received unobjected to, and placed on the Calendar, that it cannot be taken up on a point of order to its reception.

Mr. THURMAN. It is not a point of order to its reception. The point of order is that it cannot be considered because the Senate has no power to consider it.

The PRESIDENT *pro tempore*. The Chair will now rule in the case and quote the rule. Referring to Rule 26, the latter clause of which applies to all resolutions, it is provided:

> And all other resolutions shall lie on the table one day for consideration, and also reports of committees.

Every resolution, if an objection is made to its consideration, must necessarily lie over one day.

Now the Chair will read the RECORD, and beg the attention of the Senator from Delaware particularly.

> Mr. FRELINGHUYSEN. I offer the following resolution—
>
> The Chair will not read the resolution—
>
> Mr. BAYARD. Let that go over.
>
> The PRESIDING OFFICER. The consideration of the resolution is objected to, and it will go over under the rule.

The Chair stated that if the point of order was made, if the merits of the resolution were objected to, the Chair would overrule the point of order at once. The Chair stated that the objection made then was under the rule simply to cover the notice of one day, and so understood it, and was about to rule; but the Senator from Delaware declared that it was his intention in objecting to it to cover the whole question of reception. That is the point of difference that the Chair observed between the Senator from Delaware and the RECORD; and it was merely upon that understanding that the Chair stated his view of the facts. Now if the Chair rules upon the RECORD itself—and if there be no objection the Chair will rule upon the RECORD—the Chair overrules the point of order. The question now is: Will the Senate proceed to the consideration of the resolution proposed by the Senator from New Jersey? upon which the yeas and nays have been ordered.

The Chief Clerk proceeded to call the roll.

Mr. RANSOM, (when the name of Mr. CAMERON, of Pennsylvania, was called.) On this question I am paired with the Senator from Pennsylvania, [Mr. CAMERON.] If he were here he would vote "yea" and I should vote "nay."

Mr. SAULSBURY, (when the name of Mr. CONOVER was called.) The Senator from Florida [Mr. CONOVER] requested me to say that he was called home by sickness in his family and would not be here when his name was called.

Mr. RANSOM, (when Mr. MERRIMON's name was called.) I am requested by my colleague [Mr. MERRIMON] to say that he is paired on this question and other questions of this character with the Senator from Maine, [Mr. HAMLIN.] If present, my colleague would vote "nay" and the Senator from Maine would vote "yea" on this motion.

Mr. SARGENT, (when his name was called.) I am paired with the Senator from Maryland, [Mr. DENNIS.]

Mr. WINDOM, (when his name was called.) I am paired with the Senator from Virginia, [Mr. JOHNSTON.] He, if present, would vote "nay" and I should vote "yea."

Mr. ALLISON, (when Mr. WRIGHT's name was called.) On this question I understand that my colleague [Mr. WRIGHT] is paired with the Senator from Maryland, [Mr. DENNIS.]

Mr. SARGENT. What was the pair just announced?

Mr. ALLISON. My colleague with the Senator from Maryland, [Mr. DENNIS.]

Mr. SARGENT. I am very happy to hear it.

Mr. BOGY. Mr. DENNIS paired with Mr. WRIGHT on the treaty question.

Mr. CONKLING. Let the pair stand on this.

Mr. BOGY. No, sir, it was on the treaty question.

Mr. SARGENT. On that only?

Mr. BOGY. On the treaty question.

Mr. SARGENT. The Senator's statement is sufficient.

The result was announced—yeas 28, nays 24; as follows:

YEAS—Messrs. Allison, Anthony, Boutwell, Bruce, Burnside, Cameron of Wisconsin, Conkling, Cragin, Edmunds, Ferry of Michigan, Frelinghuysen, Harvey, Hitchcock, Howe, Ingalls, Jones of Nevada, Logan, McMillan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Patterson, Robertson, Sherman, Spencer, and West—28.

NAYS—Messrs. Bayard, Bogy, Booth, Caperton, Cockrell, Cooper, Davis, Eaton, Gordon, Hamilton, Johnson of Tennessee, Jones of Florida, Kelly, Kernan, McCreery, Maxey, Norwood, Randolph, Saulsbury, Stevenson, Thurman, Wallace, Whyte, and Withers—24.

ABSENT—Messrs. Alcorn, Cameron of Pennsylvania, Christiancy, Clayton, Conover, Dawes, Dennis, Dorsey, Ferry of Connecticut, Goldthwaite, Hamlin, Johnston of Virginia, McDonald, Merrimon, Paddock, Ransom, Sargent, Wadleigh, Windom, and Wright—20.

So the motion was agreed to; and the Senate proceeded to the consideration of the following resolution:

Resolved, That the Senate approve the action heretofore taken by the President of the United States in protecting Louisiana from domestic violence, and are of opinion that he should continue to recognize in that State the existing State government.

Mr. ANTHONY. I move to amend the resolution by striking out all after the word "resolved" and substituting the following:

That the action of the President in protecting the government in Louisiana, of which William P. Kellogg is the executive, and the people of that State against domestic violence, and in enforcing the laws of the United States in that State, is approved.

I do not propose, Mr. President, to discuss this resolution, and I have ascertained that there is no disposition on the part of our friends on this side of the Chamber to prolong a discussion which has already been exhausted; we have said all that we have to say; and with great respect for the ingenuity of our friends on the other side, we think they have said all that it is possible for them to say. We believe that after the President of the United States has repeatedly called our attention to this grave matter, it would not be decorous for us to separate without giving him the benefit of our judgment upon it, and so far as that may do so to relieve him from a responsibility which ought not to have been imposed upon him but which properly belongs to Congress. If our friends on the other side are ready to vote, there will be no difficulty in disposing of this resolution, whichever way it may be disposed of, and adjourning, I think to-day. I do not know of any executive business that will be likely to detain us here. If not, if they desire to discuss the question, it is their undoubted right to do so, and we shall listen to them with a great deal of pleasure.

Mr. THURMAN. I do not rise to discuss this matter at all, but I want time to study this new phase of the question. Although the Senator from Rhode Island says that it has been discussed on that side sufficiently, yet I imagine the discussion has taken place in a chamber to which the democratic Senators were not admitted, and we have not had the benefit of hearing that discussion. When we shall be invited into the secret recesses of that chamber and allowed to hear what is there said, we shall be prepared to answer, undoubtedly; but we do not ask any such admission, nor do we suppose it would be accorded if we did. I want time to look at this matter. It is obvious now that this session is to go over until next week. We have plenty of business for executive session; and I move that the Senate proceed to the consideration of executive business.

Mr. BAYARD. And let the resolution be printed.

Mr. THURMAN. And let this resolution be printed.

Mr. ANTHONY. I hope we shall not go into executive session. I hope we shall remain here and decide this question.

The PRESIDING OFFICER. The Senator from Ohio moves that the Senate proceed to the consideration of executive business. Is there objection to printing the substitute as asked by the Senator from Delaware? The Chair hears none. The question is on the motion that the Senate proceed to the consideration of executive business.

Mr. THURMAN. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 22, nays 33; as follows:

YEAS—Messrs. Bayard, Bogy, Caperton, Cockrell, Cooper, Davis, Gordon, Hamilton, Johnson of Tennessee, Jones of Florida, Kelly, Kernan, McCreery, Maxey, Norwood, Randolph, Saulsbury, Stevenson, Thurman, Wallace, Whyte, and Withers—22.

NAYS—Messrs. Allison, Anthony, Booth, Boutwell, Bruce, Burnside, Cameron of Wisconsin, Conkling, Cragin, Eaton, Edmunds, Ferry of Michigan, Frelinghuysen, Harvey, Hitchcock, Howe, Ingalls, Jones of Nevada, Logan, McMillan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Paddock, Patterson, Robertson, Sargent, Sherman, Spencer, West, and Windom—33.

ABSENT—Messrs. Alcorn, Cameron of Pennsylvania, Christiancy, Clayton, Conover, Dawes, Dennis, Dorsey, Ferry of Connecticut, Goldthwaite, Hamlin, Johnston of Virginia, McDonald, Merrimon, Ransom, Wadleigh, and Wright—17.

So the motion was not agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from Rhode Island.

Mr. WHYTE. The proposition to recognize the Kellogg government stood side by side with the resolution to admit Mr. Pinchback to a seat on this floor at the beginning of this extra session. The latter resolution having been sent over to December next, it seems to me that the discussion of this resolution might as well be postponed until that time also, and I therefore move as it is a twin brother of the other resolution that this subject be postponed until the second Monday in December next.

The PRESIDENT *pro tempore*. The question is on the motion to postpone.

Mr. WHYTE. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. EDMUNDS. I merely wish to say in reply to my friend from Maryland, who says that this is a twin of the Pinchback resolution, that I do not so recognize it. I do not think it is even a cousin.

The yeas and nays were taken.

Mr. RANSOM, (when his name was called.) On this question I am paired with the Senator from Pennsylvania, [Mr. CAMERON.] I would vote "yea" and he would vote "nay" on this motion, if he were present.

Mr. SARGENT, (when his name was called.) I am paired with the Senator from Maryland, [Mr. DENNIS.] I suppose there is no doubt how he or I would vote.

Mr. WINDOM, (when his name was called.) I am paired with the Senator from Virginia, [Mr. JOHNSTON,] and I want to say that on the last motion of the Senator from Ohio, to go into executive session, I voted by mistake, having forgotten for the time that I was paired.

The result was announced—yeas 24, nays 30; as follows:

YEAS—Messrs. Bayard, Bogy, Booth, Caperton, Cockrell, Cooper, Davis, Eaton, Gordon, Hamilton, Johnson of Tennessee, Jones of Florida, Kelly, Kernan, McCreery, Maxey, Norwood, Randolph, Saulsbury, Stevenson, Thurman, Wallace, Whyte, and Withers—24.

NAYS—Messrs. Allison, Anthony, Boutwell, Bruce, Burnside, Cameron of Wisconsin, Christiancy, Conkling, Cragin, Edmunds, Ferry of Michigan, Frelinghuysen, Harvey, Hitchcock, Howe, Ingalls, Jones of Nevada, Logan, McMillan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Paddock, Patterson, Robertson, Sherman, Spencer, and West—30.

ABSENT—Messrs. Alcorn, Cameron of Pennsylvania, Clayton, Conover, Dawes, Dennis, Dorsey, Ferry of Connecticut, Goldthwaite, Hamlin, Johnston of Virginia, McDonald, Merrimon, Ransom, Sargent, Wadleigh, Windom, and Wright—18.

So the motion was not agreed to.

The PRESIDENT *pro tempore*. The question recurs on the substitute offered by the Senator from Rhode Island.

Mr. BAYARD. I should like to know whether the order to print this resolution has been made and whether it has been sent to the printer.

Mr. CONKLING. We do not hear the Senator on this side.

The PRESIDENT *pro tempore*. Senators standing in the rear of the seats will please take seats or retire from the lobby. There is too much conversation in the Chamber.

Mr. BAYARD. My object in asking whether the order had been made to print this resolution was that those who may have the opportunity of debating it hereafter should have it in print and be better informed than I can be; for I cannot regard with respect or approval, and I must consider it as destructive of the spirit of our constitutional form of government, that it has pleased the majority, in this as in other cases, to consider grave public questions in the secret councils of party alone and then suddenly to promulgate them by party order and call upon their associates in this Chamber instantly to act upon them before they can be known, before they can be fully comprehended or that proper preparation made for their deliberate consideration which every man in this Chamber owes to a question before he casts his representative vote upon it. It was for that reason that I asked the question of the Chair in order that others may have an advantage which has been denied to me.

The PRESIDENT *pro tempore*. The Chair would observe, in reply to the Senator's question, that a copy of the resolution has been sent to the printing office under the order of the Senate.

Mr. BAYARD. I understood the order to have been made and I merely wished to be sure of it, for the reason I have stated.

Mr. President, my experience of public life commenced in this body six years ago, and is limited to what has occurred here during that short period; but I have seen in public prints the statement that "caucus legislation" originated with the democratic party while it was in power in the two Houses of Congress. My disapproval of it was so great, that once in speaking of what I believed to be its dan-

gerous results in the presence of the gentleman who preceded me in the seat I occupy in this Chamber, who was my father, and who had been a member of the Senate for nearly three full terms, broken only by an interval of two years when he resigned his seat and was reappointed and re-elected.

I asked him whether, to his knowledge and during his service in the Senate and in the democratic party, of which he was always a member, such had been their custom and practice, and he told me that upon a motion being made to vote upon proposed legislation in the party caucus he introduced himself a resolution that such action should not be in any degree binding upon the members and that it was carried by a vote of more than two to one. I state this as part of the truth of history. That was at a time when the democratic party had a majority in both Houses of Congress. I only can say for myself that should the time come, which I hope and believe will come and come soon, when in this Chamber there will be a majority of Senators having political affiliations with me, the same decision shall be made in their caucus, should they call one in regard to the transaction of public business, and that the country will never witness the scenes of the last ten years of the preparation of public measures in party caucus and their enactment into law without public explanation or debate, which is a defeat of the spirit if not of the letter of our Government.

I stated as an objection to the consideration of this measure at this session that it was not within the purview of the objects for which the Senate was assembled by the call of the President. He called it for executive business. He did not convene the other House, as the Constitution authorizes, for by its terms he can convene both Houses or either. When he called the Senate, it was to consider those measures competent for the Senate sitting as a single and separate body to render effective. The Senate at its last special session and at the present session deliberately recorded their judgment that to such objects alone was their attention and action to be restricted, but to-day they have under caucus dictation changed their opinion, and what was wrong a week ago is right to-day. What is the object of this change? It is the indorsement of the action of the executive department of the Government in relation to the State of Louisiana in protecting the government of which William P. Kellogg is the executive and the people of that State against alleged domestic violence and enforcing the laws of the United States in that State.

Let us get rid of the least objectionable portions of this resolution. Is it thought necessary to indorse the action of the President in the enforcement of the laws of the United States in Louisiana or elsewhere? Is not that simply his duty in accordance with his official oath? Is not that a duty which he has been executing, or professing to execute, for the last six years, and if it has been performed, why this unusual and unprecedented thanks to him for that for which no President before was ever thanked? I think these words are thrown in to make palatable to certain stomachs on the other side this pill of illegality, to sugar-coat with this empty indorsement of official action?

The events in the State of Louisiana of the last four years have been such that if they shall be accepted and approved by the American people it will be a virtual cession of their form of government. All that has been done by the President and his allies in Louisiana has been nothing but mingled force and fraud without any justification of morals, of law, of justice, or of right. When this question is argued upon the mere technicalities of law, without regard to its substantial facts, its chief force is given up. The Louisiana case has been a bald, monstrous, naked fraud from beginning to end. No man who has made law his study and pursued it with an honest faith can take up this beloved and revered Constitution of our country and apply those sacred principles, those clear definitions, to such a case as Louisiana has presented, without appreciating what a mockery it is of anything heretofore known to American history or American laws. There is no law on the side of Kellogg; no pretense of law. There is not a committee of the two Houses of Congress, composed as they have been of a majority of republican Senators or Representatives, which has not denounced the very foundation-stone upon which the Kellogg government rests as utterly devoid of any pretense of justice or legality.

On the part of the President in relation to that State there has been a claim and exercise of power which the people of this country cannot concede with safety to themselves. They cannot admit it with safety to their form of government. If they do they are admitting a precedent which will prove fatal to their liberties. If what we have witnessed in Louisiana can be done and be approved, how can objection be urged when like measures are proposed, for the other thirty-six States? No, sir, I will not admit such a wrong.

The Senator from Michigan [Mr. CHRISTIANCY] the other day with unerring logic reduced the position of the champions of the Executive for the power that he has exercised in that State to an absurdity. They claimed there was a government *de facto*, and he showed what that meant in this case: A government created by the President is to be his justification for all that follows from it. When you talk of his recognizing Kellogg you mean only that the President recognizes the President. He bows to the shadow of his own unlawful power, that is all. It is his own voice that echoes back his mandates and none other is heard. If a government "*de facto*" be there it has been set up by him alone, and in order to know whether this has been the exercise of a just power you must discover whether there is any lawful authority vested in the President of the United States to create and maintain by military force a State government. If it can be done in one State it can be done in all, and there is no safety except to resist such claims whenever and wherever attempted to be set up.

On the 8th of January I submitted to the Senate some remarks on the subject of the dispersion of the Louisiana Legislature by the military forces of the United States, acting of course if not under the direct order yet with the sanction, and as it has turned out since with the full approval, of the President of the United States. I then quoted from a message of the President of the United States in 1844 in regard to the affairs in Rhode Island, and as it so apt, I shall read it now:

I resist—

Said the then President—

the idea that it falls within the executive competency to decide in controversies of the nature of that which existed in Rhode Island, on which side is the majority of the people, or as to the extent of the rights of a mere numerical majority. For the Executive to assume such a power would be to assume a power of the most dangerous character. Under such assumptions the States of this Union would have no security for peace or tranquillity, but might be converted into the mere instruments of executive will. Actuated by selfish purposes, he might become the great agitator, fomenting assaults upon the State constitutions, and declaring the majority of to-day to be the minority of to-morrow; and the minority, in its turn, the majority, before whose decrees the established order of things in the State should be subverted. Revolution, civil commotion, and bloodshed would be the inevitable consequences. The provision in the Constitution intended for the security of the States would thus be turned into the instrument of their destruction. The President would become in fact the great constitution-maker for the States, and all power would be vested in his hands.—*House Journal, First Session Twenty-eighth Congress*, pages 765, 766.

And if the action of the President, to use the language of this resolution, "in protecting the government in Louisiana of which William P. Kellogg is executive" is to be approved by the American people, then indeed he will become the great authorized interferer and agitator in the affairs of the States and constitution-maker for all the States. I stand forever in opposition to such doctrine while this form of government shall last. I do not believe it can last very long if these pretensions of the Executive are not to be checked and disallowed. The resolution now before us can give no authority; it is anomalous and unprecedented; it is but the opinion of so many individuals who happen to be members of the Senate and I do not think anybody who has watched the course of legislation or discussion here would doubt much what their opinion would be in relation to anything that it pleased the present President of the United States to do in relation to any portion of the country in which their homes and individual happiness were not involved.

On the 13th of January, 1875, the President sent in to the Senate, in compliance with a resolution passed on the 8th of January, information in relation to the alleged interference in the organization of the General Assembly of the State of Louisiana. At that time the President had in his possession, as appears from his subsequent communications, other and important information respecting the condition of affairs in that State, transmitted to the Secretary of War by General Emory, which is found in Executive Document No. 17, and by a comparison of the dates it is shown that information from the most respectable and what should have been the most authoritative source was withheld by the President from the Senate until a subsequent resolution adopted on the 11th of January brought it into this body. I refer especially to the communication to the War Department made by Colonel Morrow, of the Thirteenth Infantry, on the 24th of December last. The President saw fit to incorporate in his message information from one Major Lewis Merrill which was not earlier in date; but, on the contrary, was later in date than the information he had from Colonel Morrow. Colonel Morrow is certified to us by General Emory to be, to use his own language, an officer "who has heretofore been intrusted by the Government with important and delicate commands, and was by reason of his experience and the high confidence reposed in him sent to make an inspection of the state of affairs in Northwestern Louisiana," and who is indorsed by William T. Sherman, the General of the Army, in forwarding his report in January for the personal perusal of the President; and, mark, this letter is dated at Saint Louis the 4th day of January. We know that the mails bring letters from Saint Louis here in forty hours. Therefore on the 13th of January, when the President sent in this message of his to the Senate, he had William T. Sherman's indorsement and the full report of Morrow in his hands, and I desire to know why it is, when he is complying with a call of the Senate for information regarding the condition of Louisiana, that he withholds the report of Morrow and sends in the report of Merrill, who was Morrow's subordinate, Merrill's report being subsequent in date to Morrow's and Morrow's being in his hands at that time, for not only was it forwarded to him on the 4th of January and therefore in his hands on the 6th of January and thereby kept by him one week before he referred it to Congress, but it was accompanied with these expressions:

HEADQUARTERS OF THE ARMY,
Saint Louis, Missouri, January 4, 1875.

This paper is most respectfully forwarded to the Secretary of War, with a request that he submit it for the personal perusal of the President. I know of no officer of Colonel Morrow's rank who is better qualified to speak and write of matters like this, and his opinions are entitled to great consideration.

I profess to have some knowledge of the people of that section, both white and black, from a long residence among them before the war and several visits since but I shall not intrude my opinion in the confusion in which the subject is now enveloped.

W. T. SHERMAN,
General.

Here we have a message from the President on the 13th of January, and this important communication on the very subject in question, from a trusted officer of the Army, withheld from the Senate until produced, as it seems to me, unwillingly by a subsequent resolution of inquiry by the Senate. In this message the President of the United States proceeds to give his justification for the arrest of five members of the Louisiana Legislature, the destruction of its organization, the forcible interference with the orderly proceedings of that body by the United States military forces, for whose action, either by confirmation or precedent order, he is certainly responsible. There is a maxim, well known to laymen and lawyers, that every ratification by a principal is equivalent to an original command; and when the facts are made known to the responsible party and he affirms and approves them, he is to be held legally responsible for the acts and their consequences. And here I submit a comment for the especial consideration of the Senate and the country. This is the 20th day of March, 1875. The facts of the Louisiana case are now thoroughly known to the country. Gentlemen on this side of the Chamber, and I among them, were complained of in January last for speaking too hastily of the action of the President. We cannot be so blamed now; and looking over this whole field of action, I ask any one to point out the first rebuke, direct or indirect, which has been administered to any official connected with the Louisiana affair for any of the many admitted wrongs and illegalities connected with the transactions in that State? Where has been the intruding official who has been removed? What lawless soldier has been reprimanded? Where has been any intimation that anything that has occurred there was distasteful or unpleasant to the President or had been in transgression of his orders and desires? So far from that, there has been warm and rapturous approval, of propositions that ought to shock, that have shocked, that will hereafter shock the very soul of the American people, by proposing to withdraw from them all the safeguards of personal liberty and to turn citizens and civilians over to the tender mercies, the short shrift and ready cord of the provost marshal acting under the orders of Lieutenant-General Sheridan.

But, sir, the President of the United States deliberately by a written message has given his reasons why the State-house of Louisiana was garrisoned with Federal troops and five members of her Legislature by military force thrust from their seats in her legislative hall where they were under what should have been the protection of the constitution and laws of their State, of which shelter they were deprived by usurping power which we are called upon this day to approve. It is not so important what this Senate may say; but I know the people of this country will say that they love their form of government too well to be blinded by the glare and glitter of a military reputation that would govern them by force instead of law and by bayonets instead of ballots.

But on the second page of the President's message of the 13th of January he proceeds to justify his action *ab origine* in Kellogg's case under the advice, I suppose, of that distinguished luminary of his profession the Attorney-General of the United States; to justify the action of the district judge of the United States in Louisiana in the month of December, 1872, in the cases of Kellogg *vs.* Warmoth and Antoine *vs.* Warmoth. He argues it, or in what he is pleased to consider argument he recites that decision with evident approval, savored by some slight expressions of doubt. He declares that—

Preparatory to the election of 1872 a shameful and undisguised conspiracy was formed to carry that election against the republicans without regard to law or right, and to that end the most glaring frauds and forgeries were committed in the returns after many colored citizens had been denied registration, and others deterred by fear from casting their ballots.

When the time came for a final canvass of the votes, in view of the foregoing facts, William P. Kellogg, the republican candiate for governor, brought suit upon the equity side of the United States circuit court for Louisiana, and against Warmoth and others, who had obtained possession of the returns of the election—

Let me pause here for a moment. "Who had obtained possession of the returns of the election?" Why, sir, Warmoth was by the laws of that State *ex officio* the head of the board of canvass—

representing that several thousand voters of the State had been deprived of the elective franchise on account of their color, and praying that steps might be taken to have said votes counted, and for general relief.

The message goes on to cite the orders of the court restraining the board of canvass from tabulating and proclaiming the returns. Not one word is said in this message that Durell went further and ordered the seizure of the State-house by the United States marshal, Packard, and that he was backed up in that by the precedent orders of the Attorney-General of the United States for troops to execute whatever decrees and mandates he might make in the premises. That fact is not stated in the message. But the President complains that—

These proceedings have been widely denounced as an unwarrantable interference by the Federal judiciary with the election of State officers.

Yes, Mr. President, that is a very mild designation of what has been said. I propose to recite the language of every committee of either House that has reported upon this subject. Let us examine first the report of the committee of this body who made a full investigation into the affairs of Louisiana in 1873; next the report of the committee of the House upon the proposed impeachment of Judge Durell; next the report of the Committee on Elections in the case of Sheridan *vs.* Pinchback, when Pinchback was applying in 1873 for admission to the other House of Congress—take all these reports and show that no committee of either House of Congress charged with the investigation of these matters has failed to denounce the action of Durell in all its stages as an unwarrantable interference by the Federal judiciary with the election of State officers.

"But," says the President, "it is to be remembered" in opposition to this universal denunciation—

But it is to be remembered that by the fifteenth amendment to the Constitution of the United States the political equality of colored citizens is secured, and under the second section of that amendment, providing that Congress shall have power to enforce its provisions by appropriate legislation, an act was passed on the 31st of May, 1870, and amended in 1871, the object of which was to prevent the denial or abridgment of suffrage to citizens, on account of race, color, or previous condition of servitude; and it has been held by all the Federal judges before whom the question has arisen, including Justice Strong of the Supreme Court, that the protection afforded by this amendment and these acts extends to State as well as other elections.

It is a matter of small importance perhaps to say that the President is certainly in error in saying that there has been a uniformity of decision to that effect; on the contrary, cases are to-day in the Supreme Court of the United States upon appeal from the decisions of judges of the Supreme Court of the United States sitting in the circuit courts and of circuit judges affirming the contrary of the doctrine which the President here declares to have been universally held by the courts; and I may say as to the case before Mr. Justice Strong to which he refers, I myself was of counsel in that case and I have here the record of his opinion and have looked through it in vain to find such a dictum as is alleged by the President.

Section 15 of said act, after numerous provisions therein to prevent an evasion of the fifteenth amendment, provides that the jurisdiction of the circuit court of the United States shall extend to all cases in law or equity arising under the provisions of said act and of the act amendatory thereof. Congress seems to have contemplated equitable as well as legal proceedings to prevent the denial of suffrage to colored citizens; and it may be safely asserted that if Kellogg's bill in the above-named case did not present a case for the equitable interposition of the court, that no such case can arise under the act.

Here is an argument in favor of Durell's jurisdiction in the premises, and alleged justification of his midnight order.

While the jurisdiction of the court in the case of Kellogg *vs.* Warmoth and others is clear to my mind—

It is "clear to his mind" that the court had jurisdiction of that case and proceeded properly; and it is that which the Senate is called upon to indorse to-day. Here in January, 1875, he still declares, in the face of all the reports of the committees, in the face of what may be stated as almost the common consent of the entire bar of the United States and the sentiment of the people—he still declares that it is still clear to his mind that there was lawful jurisdiction of the district court of the United States in the case of Kellogg *vs.* Warmoth and that its action was right—

it seems that some of the orders made by the judge in that and the kindred case of Antoine were illegal. But while they are so held and considered, it is not to be forgotten that the mandates of his court had been contemptuously defied, and they were made while wild scenes of anarchy were sweeping away all restraint of law and order.

Sir, there was no wild anarchy in that State equal to Durell's own action. He was the "wild anarch" in that State, and there was no contempt of law equal to the action of the Attorney-General and the President when they sustained in advance and subsequently to this day his illegal and infamous orders. If you wish to denounce anarchists, look to those who set on foot such a lawless overthrow of the constitution and laws of the State as was done in Louisiana in 1872.

Doubtless the judge of this court made grave mistakes; but the law allows the chancellor great latitude, not only in punishing those who contemn his orders and injunctions, but in preventing the consummation of the wrong which he has judicially forbidden.

Sir, if in the execution of Judge Durell's orders one human life had been lost, and there was law in this land capable of just enforcement, Judge Durell and those who aided and abetted him would have paid forfeit for that innocent blood with their own lives. There is no such latitude given to a chancellor that he shall upset a State by mistake, that he shall take men's lives in error, sir; and those who are his instruments proceed at the peril of the law, and if they take innocent life without law, the law will adjudge them to be murderers and execute upon them the penalties due to such crimes.

Whatever may be said or thought of those matters, it was only made known to me that process of the United States court was resisted; and as said act especially provides for the use of the Army and Navy, when necessary, to enforce judicial process arising thereunder, I considered it my duty to see that such process was executed according to the judgment of the court.

There *had been* no resistance; the order for military aid was made in advance of any call for it or occasion for it. No process of the United States courts has even to this day been resisted in Louisiana.

But, sir, the President did a great deal more. He and his Attorney-General did not wait for the demand of aid from the court. They gave it before it was asked. On the 3d day of December, 1872, we have the Attorney-General, rushing in hot and illegal haste to hurry up his troops before the order of Durell was made, addressing "S. B. Packard, United States marshal, New Orleans," thus:

You are to enforce the decrees and mandates of the United States courts, no matter by whom resisted, and General Emory will furnish you with all necessary troops for that purpose.

Sir, no demand had been made upon him for this force, but he exhibits this prompt disposition to overthrow the State and to accom-

plish what I have always believed to be a deliberate conspiracy. The President says:

Resulting from these proceedings, through various controversies and complications—

A very mild name to give them—

a State administration was organized with William P. Kellogg as governor, which, in the discharge of my duty under section 4, article 4, of the Constitution, I have recognized as the government of the State.

Here the Senate and the country have the deliberate admission of the President that he justifies his action in Louisiana as a result of Durell's proceedings.

"*Through various controversies and complications* a State administration" has been thus created, "with William P. Kellogg as governor," and upon this it is that he stands or he falls for justification before the American people. Can he stand upon it? Is the Senate now ready to indorse his acts? I do not doubt the majority here will indorse his action, for such is the decree of their party caucus.

But if an admission more fatal to our system of government can be imagined, I am at a loss to conceive it.

Now, sir, let us go back to the spring of 1872 to understand the origin of these conspiracies to turn the forms of election in Louisiana in the fall of 1872 into such a fraud that the virtuous souls of the Administration revolted at it, and they determined that they would crush it at the expense of all constitutions or laws.

In 1872 the country was made aware of a most scandalous condition of things existing in Louisiana by which United States troops were used to control the republican conventions of that State. It was not then a question between the conservatives or democrats and the Administration, but it was a war confined to the Administration camp itself. In the course of this controversy, the present collector of customs at New Orleans took on board a revenue cutter called the Wilderness, commanded by Captain Frank Barr, such a number of the State senators of Louisiana as to reduce the number who were left on shore to less than a quorum, and so to frustrate any action of the body. United States troops were called in and stacked arms in the court-house of the United States and in the custom-house. The intimidation which was subsequently extended to the conservative citizens was then used against the republican opponents of Mr. Packard, the marshal, and Mr. Casey, the collector. The House of Representatives sent down a committee, whose report I hold in my hand, (House Report No. 92 of the Forty-second Congress, second session,) and from the majority report, made by republicans, I take the facts which I will lay before the Senate, because I wish the Senate and the country to know the history of this Warmoth-Pinchback-Kellogg-Durell-Grant-Williams imbroglio from beginning to end. This report was made on the 30th of May, 1872, by Mr. Scofield, from the Select Committee to Investigate the Condition of Affairs in Louisiana:

The present State constitution, originating under the reconstruction laws of Congress, was accepted by the people in April, 1868. At the same election H. C. Warmoth was chosen governor, and Oscar J. Dunn lieutenant-governor. The members of the Legislature were also elected at the same time. The governor, lieutenant-governor, and one-half the senators were to hold their offices until after the election in 1872; the members of the house and the other half of the senators until after the election in 1870. These gentlemen immediately entered upon the discharge of their duties.

Oscar J. Dunn was a colored man, and I have always found he was spoken of as an honest man, who did his duties according to his best lights, and that he was a true friend of the colored people of Louisiana whatever he was to the whites. But Warmoth and Dunn were both republicans, elected at the same time, for the same term, upon the same ticket. Thus Warmoth came to be governor of Louisiana.

The committee then proceed to refer to the election laws and to the machinery by which vast and undue powers were improperly bestowed upon the governor which gave him virtually the control of the officers both of registration and of election throughout the entire State. They say that—

The experience in the presidential election of 1868 seemed to demand some proper legislation for the better protection of the colored voters and the more perfect freedom of elections. The committee do not feel called upon—

This is a republican committee—

either to indorse or condemn this legislation. It is proper, however, to note that at the time of its passage it was not only concurred in but demanded by the whole republican party, and that all the republican leaders who now demand its repeal were the advisers or actors in its enactment.

Therefore if the power to cheat at elections was given, if undue powers of any kind were placed in the hands of the governor of that State by this legislation, it was "not only concurred in but demanded by the republican party," who alone therefore are responsible for the evils that may have flown from it.

Warmoth found himself in the chair of state in Louisiana with all these powers vested in him by the action of a republican Legislature. But it seems that the constitution of that State rendered the governor ineligible for re-election, and Mr. Warmoth had that same desire for a second term of office which I am disposed to believe we witness in a higher functionary for a third term of office. The same restless ambition that prompted Mr. Warmoth to destroy the republican party of Louisiana for the purpose of having himself made re-eligible to the gubernatorial chair of that State, it strikes me we see strong symptoms of at the present time in other quarters. He proposed an amendment to the constitution of that State whereby his re-eligibility should be secured.

As the proposed amendment affected no one but the governor, it was well understood it originated in his interest as a candidate for a second term. On the 9th day of August, 1870, a republican State convention, for the nomination of a ticket and the appointment of a State central committee, assembled at the State-house in New Orleans. The proceedings of this convention disclosed the first factional division of the party. Governor Warmoth and Lieutenant-Governor Dunn were delegates in the convention, and each was nominated to preside over it. Dunn was successful. A civil-rights bill had been passed at the close of the preceding session of the Legislature, and was still pending in the hands of the governor. A resolution censuring the governor for not signing this bill was introduced, but after discussion was not pressed. The State central committee was to consist of fifteen members, ten to be appointed by the convention and five by the chair. When the committee was finally organized, it was discovered that the five appointed by the chair were opposed to the proposed amendment to the constitution, which secured in opposition to it a majority of the whole committee. The governor, suspecting that the regular committee was against the amendment, organized what was known as an auxiliary committee, printed tickets in favor of the amendment, which the regular committee had omitted to do, and in conjunction with them began a canvass of the State. The republicans carried the State by a large majority, and the amendment was also carried, but by a less majority. The division of the party, thus originating in personal ambition, has continued to increase until nearly all its prominent members have been forced to be classed with one side or the other.

The country will see what was the origin of Warmoth's quarrel with the republican party and how for his personal ambition and the desire to insist on a second term of office he was willing to rend them in fragments.

The new Legislature assembled on the first Monday in January, 1871. In the house the Warmoth wing of the party was found to be in the ascendant.

There were quarrels, here set forth at considerable length, between the Dunn faction backed by Mr. Packard, the marshal, and Casey the collector, and Warmoth. Warmoth had control of the State; but Casey, Packard, and company had control of the United States forces. One could appoint deputy United States marshals, but the other could appoint State marshals and municipal police.

Another republican State convention was called to meet in New Orleans on the 9th day of August, 1871. There was no State ticket to be nominated, and this convention would have no duties to perform except to appoint a State central committee; yet it created great excitement in the party, and each wing of it made extraordinary efforts to secure a majority of the delegates. The convention was to consist of one hundred and eighteen delegates, but so fierce was the contest between the two factions that the credentials of not more than forty of this number were undisputed.

Mr. Packard was the chairman of the State executive committee of the republican party of Louisiana and the United States marshal, and knowing that Warmoth had local authority that would enable him to overrule him in this convention, he (Packard) "determined to hold it in the United States court-room, which is in the custom-house. He was the marshal, and as such had the control of the room. He appointed about forty deputy marshals to assist in keeping order. The city was rife with reports of anticipated violence. It was reported to Mr. Packard that the police, under the control of Governor Warmoth, would be there in force and that violence might be expected."

Now, Mr. President, see how easy it is when there is a will to find a way. Mr. Packard caused this to be reported to him. He caused these apprehensions of violence to have their proper weight on his mind. He cunningly devised the scheme that this convention, altogether composed of members of the republican party—no word then of this terrific White League, no word then of these hateful and usurping conservatives as they are called, nothing but republicans, pure, simple, and unadulterated, as we know them to be—were to be admitted to this convention. But he intended to control them, and he did. He demanded and received from the commanding general a detachment of United States troops. The committee say:

On the morning of the convention one hundred soldiers, under the command of Captain Smith, appeared and stacked their muskets and took position in the long hall up stairs leading to the court-room. Tickets of admission for all the Warmoth delegates, claimants and contestants, were obtained at the window of the post-office. The convention was called to meet at twelve m. Between ten and eleven Governor Warmoth, who was himself a delegate, and his whole party, were admitted to the hall of the building, where the soldiers were stationed, but were told by the door-keeper that they could not enter the court-room until twelve o'clock. There was another smaller court-room by the side of the one in which the convention was to be held, with two doors leading from one room to the other. The accidental opening of the door of this smaller room disclosed the fact that the delegates of the opposing faction had already assembled there and were holding a private caucus. From this fact the delegates outside—

The Warmoth delegates—

suspected that it was the intention to slip their opponents through the inside doors before the ontside doors should be opened, and in this way they would be deprived of a fair participation in the preliminary organization.

The result was that the Warmoth delegates, seeing that they were about to be sold out by this trick, left the building and proceeded to hold their convention in another place, leaving the Dunn delegates to hold their convention in the court-room. In other words, Mr. Warmoth retired in the face of the United States soldiers just as the conservative Legislature retired in the face of the same military authority two years later. In the one case Mr. Packard directed the troops against men of his own party; in the other case they were directed through the same agency against members of a State Legislature duly convened and who had been duly elected. In either case it was a lawless invasion of the rights of citizens, but in the second case, on January 4, 1875, not only were the rights of those fifty-five men who were disturbed by the military of the United States invaded, but through them the civil liberty of that entire State was stricken down and through them the civil liberty of every Legisla-

ture in the United States is threatened; and that is what we are asked to-day by the republican caucus to approve.

To go a little further into this history, on the 25th day of November, 1871, Lieutenant-Governor Dunn died. That left a vacancy in the presidency of the State senate; and here we begin to perceive the origin of Mr. Pinchback as a Senator of the United States. Under the constitution of Louisiana the governor had the authority to convene the General Assembly. He had not the authority to convene either house separately. The language of the constitution is that "he may convene the General Assembly." But that he did not want. He had aroused against him a strong and factious feeling, and he proposed to secure the control of the senate before he trusted himself to the impeaching power of the house. Therefore Mr. Warmoth called the State senate of Louisiana together to meet on the 6th day of December, 1871. That senate consisted of thirty-six members; two were dead. Thirty-four appeared and participated in the election. Mr. Pinchback, of the Warmoth faction, was elected by a vote of 18 against 16. You see, Mr. President, that the election of Pinchback to the office of lieutenant-governor, or presiding officer of the senate of Louisiana, was accomplished in December, 1871, under the Warmoth influence, for Pinchback was one of Warmoth's creatures, and I desire the Senate and the country to notice how Mr. Pinchback obtained the office which enabled him, through Durell's order and the President's bayonets, to become "acting governor."

It was alleged, with much plausibility, that the object of the governor in the exercise of this doubtful power—

That is the power of calling one house instead of both—

was to have the president of the senate selected before any articles of impeachment could be agreed to by the house, and before his opponents had time to combine upon an opposing candidate.

In the mean while the democratic anti-Warmoth members of the senate and house had agreed, in writing, to act together in opposition to the governor, to strip him of the patronage conferred upon him in the registration and other laws, before referred to, and, if need be, to attempt his impeachment.

Here then we find that the action organized against Warmoth, who was admittedly corrupt, was by the democrats, who desired to see him also removed from office; but on the 1st day of January, the day fixed for the meeting of the Legislature—

Only seventeen senators—less than a quorum—appeared in the senate chamber. Fourteen men, democrats and anti-Warmoth men, were in the city but refused to attend. Had they attended, so as to make a quorum, the election of Mr. Pinchback would have been immediately ratified. They preferred to await the arrival of the three absent members, to see if they would not join them in repudiating the election of Mr. Pinchback and electing one of their own number. The attending senators directed the sergeant-at-arms to bring in the absentees.

And then to protect the absentees from arrest and break up the quorum of the Warmoth legislature—

The collector of the port directed the captain of the United States revenue-cutter Wilderness to receive them on board and to move about in the river so as to prevent their arrest by the sergeant-at-arms. This was done, and they remained on board for five or six days and until after repeated orders to disembark had been received from the Secretary of the Treasury. When forced to leave the cutter, they sought refuge in the State of Mississippi, where they remained until January 20, 1872, when they returned to the senate chamber, and continued, until final adjournment, in regular session.

Mr. President, need I stop here for an instant to comment on this gross abuse by the collector of the port, backed by the marshal of the United States, disobeying the repeated orders of the Secretary of the Treasury, and follow that by the pregnant fact that both of those officials, one of them the brother-in-law of the President, have been continued in office and have been since that day confirmed for a second term by the action of the Senate?

This is a specimen of how the laws of the United States have been executed in the State of Louisiana which we are to approve:

The house convened on the 1st day of January—

And just here I wish to show how that election of Pinchback was accomplished. At the time the senate was convened—

Senator Blackman, for himself and others, presented a protest against the right of the governor to call an extra session of the senate only, and then a ballot was taken for lieutenant-governor. The vote, at first, stood 17 for Pinchback, Warmoth's candidate, and 17 for Coupland, a deputy collector of the custom-house, the candidate of the anti-Warmoth coalition; but Senator Lewis, who had been acting with the custom-house faction, in this emergency changed his vote to Pinchback electing him. The reason for this sudden change may be inferred from the following facts. The governor says:

"Question. Was any of his support got by corrupt means?"—

It must be remembered that Warmoth was then the patron of Pinchback—

"Answer. No; not to my knowledge.
"Q. Was there a senator, who had been acting with the Carter wing, who received sudden light and changed his vote?
"A. Yes, sir.
"Q. Who was that senator?
"A. Mr. Lewis."

He proceeds that Mr. Lewis thought that the custom-house people had not treated him very well; that they had only given him an office of inspector, which he did not think was sufficient. But on the 26th of February the following petition, which sheds abundant light on the case, was filed in the sixth district court for the parish of Orleans. I will send it to the desk and ask the Clerk to read it.

The Chief Clerk read as follows:

J. B. LEWIS vs. W. VAN NORDEN. } No. 3358.

To the honorable the judge of the sixth district court for the parish of Orleans:

The petition of J. B. Lewis, a resident of the parish of Sabine, State of Louisiana, with respect, represents that he is the true and lawful owner of a certain tin cash-box and the contents thereof in money and public securities in the sum of $35,000; that said contents of the said tin cash-box are fully worth said sum; that W. Van Norden, a resident of the said city, has obtained possession of said box and said contents, and illegally and tortiously refuses to surrender the same to your petitioner; that said box and contents are now within the territorial jurisdiction of this court, and petitioner fears that said Van Norden may send said box and said contents out of the jurisdiction of this court during the pendency of this suit; that an order and writ of sequestration for said box and said contents has already been obtained by petitioner on complying with the requisites of the law.

Petitioner therefore prays that said W. Van Norden be cited to answer this petition, and, after due proceedings had, that he be condemned to surrender and deliver to petitioner the said tin cash-box and its contents in money and public securities, amounting to $35,000, or, in default thereof, that he be condemned to pay petitioner $35,000, with legal interest from judicial demand and cost of suit, and that the order heretofore granted for a sequestration of said box and contents be confirmed, and for general relief, &c.

C. T. BEMISS,
THOS. J. COOLEY,
Attorneys for Petitioner.

AGREEMENT.

NEW ORLEANS, *January* 19, 1872.

This agreement shows that a box has been deposited in the Louisiana Savings-Bank by two persons known to the president thereof; that the said box contains $15,000 cash and other values equal to $15,000, and that the same is to be delivered on and only on the joint order of the parties depositing it, except as hereinafter provided:

The one, being a State senator, agrees to regularly attend the sessions of the State senate, at Mechanics' Institute, to vote to sustain Pinchback as president of the senate, and in all political questions with the party sustaining the State administration as now existing; and on the 4th of March next, or when the Legislature adjourns, the said box shall be withdrawn from the bank, and the $15,000 therein contained be taken out by and be the property of the said senator, he having fulfilled his part of this agreement; otherwise the said box and all its contents to be withdrawn by the other party.

Mr. BAYARD. Mr. President, I have caused these facts, taken from a report of a republican committee, to be read that the people of this country may understand the kind of soil in which Senators from the State of Louisiana take root. I need not say that this Mr. Lewis who saw this sudden light and changed his vote instantly, and so elected Pinchback lieutenant-governer and presiding officer of the senate, met the reward due to his rascalities, for it seems that notwithstanding this agreement to which these two parties had set their names, Senator Lewis and Dr. Southworth, the intimate friends of Warmoth, the patron saint of Pinchback, the box containing it when brought into court and opened contained nothing but the agreement itself, and hence the suit, and consequent exposure.

This was the way Pinchback became lieutenant-governor of Louisiana. I cite this historically because we will show that by this means he became the acting governor, was so recognized by the President when all this proof had been before the country and was open to the Executive, reported by gentlemen of his own party affiliation and in whom he had every confidence. If ignorance of the law excuses no man, can ignorance of such public facts excuse him who wields the high executive power of a great nation, or his law officers and Cabinet ministers who may advise, or his political friends in either House of Congress who in the face of such facts shall say he was right? And his action is to be approved by them with these facts now brought home to his and their knowledge!

But if Senators are curious to know something more about the history of this man, let them turn to pages 474 and 475, the testimony of S. W. Scott, taken in New Orleans on the 8th of February, 1872. Let them turn to the deposition of Mr. Walker at pages 512 and 514, and there they will see a full exemplification of the pleasant morals that prevailed in the Louisiana Legislature under the control of their friend and proposed companion, Mr. Pinchback. They will see then how Pinchback wins and they will see his system of legislative piracy upon passage of bills stated in the printed testimony taken by a republican committee of the House. Pinchback's case is not at this instant before us, although he is part and parcel of the Louisiana case. It was proposed to recognize the rightful action of the President by admitting Pinchback to a seat in this body, but when they came to the point, the majority shrank from doing that; and I think they were wise.

By means—

Says the committee—

and under circumstances such as these, Mr. Pinchback, a colored resident of New Orleans, became lieutenant-governor.

We know what followed. Pinchback became lieutenant-governor and president of the senate, I think, in February, 1872. The term of office for which he had been elected by his people expired four years from the date of the election in November, 1868; that is to say, it expired in November, 1872; so that in point of fact, when he assumed to act as governor of the State, having been elected by the people a State senator, he was absolutely *functus officio*, his term had expired, and therefore calling him "acting governor" was only another mark of contempt for law and order.

But, sir, the disgraceful history is before the country that Pinchback being installed as lieutenant-governor they impeached and suspended Warmoth in five hours; it was a farce without pretense or

forms of law. When I heard the acute and able Senator from Vermont [Mr. EDMUNDS] proving to the country and to his party associates so logically according to law and fact that he was not unnaturally denounced by the Senator from Indiana [Mr. MORTON] as making a democratic speech—when I heard him expend his ingenuity and talent on such a subject when there lay these broad chasms of illegality, this wholesale sweeping away of all pretense of law, a governor fortified in his place by four years of unquestioned possession and then to be brushed away by this farce of a pretended impeachment, so that in five hours—and it might as well have been in five minutes—he was suspended from his office and Pinchback is foisted into his place; and then the President of the United States with hot haste, urged on by his Attorney-General, recognizes Pinchback as the "acting governor," besought to do so by Casey and Packard, those who had been fighting Pinchback and keeping senators on revenue-cutters that they might not go to the Legislature, who had coalesced with Pinchback for party purposes of robbing the people of that State of every semblance of constitutional law or justice, and then come this telegram beseeching the recognition of Pinchback:

NEW ORLEANS, *December* 9, 1872.

Hon. GEO. H. WILLIAMS,
Attorney-General, Washington, District of Columbia:

Lieutenant-Governor Pinchback qualified and took possession of the governor's office to-night. Senate organized as high court of impeachment—

A very high court—

Chief-Justice Ludeling presiding—

The man who the Supreme Court of the United States says stole a railroad—

and adjourned to meet Monday next. It is believed that all the democrats members of General Assembly will qualify and take seats to-morrow.

S. B. PACKARD,
United States Marshal.

On the same day comes a telegram from Pinchback, the lieutenant-governor and president of the senate, and Charles Lowell, speaker of the house of representatives, and on the same day, the 9th of December, I do not know whether even an hour had elapsed between the time that Pinchback signed his name as lieutenant-governor and president of the senate, he telegraphed to President Grant:

NEW ORLEANS, *December* 9, 1872.

President GRANT:

Having taken the oath of office and being in the possession of the gubernatorial office, it devolves upon me to urge the necessity of a favorable consideration of the request of the General Assembly as conveyed in the concurrent resolution of this day telegraphed to you requesting the protection of the United States Government. Be pleased to send the necessary orders to General Emory. This seems to me a necessary measure of precaution, although all is quiet here.

P. B. S. PINCHBACK,
Lieutenant-Governor, Acting Governor of Louisiana.

The law does not care for the fractions of a day, and it seems that there were in this day not even fractions. The whole affair was simultaneous. Pinchback was lieutenant-governor one moment and "acting governor" the next; and here, with all this disclosure of wretched derision of law and order, with this absence of any pretense of decency or forms, we are called upon to say that there is justification in approving the action of the executive branch of this Government in relation to this business.

Said Judge Trumbull:

This pretended Legislature, made up of persons returned as members by the Lynch board, perfected its organization, impeached the governor, suspended him from office, and installed Pinchback in his place. All this was done on the same day and within a few hours, and that, too, in disregard of a statute of the State, which, as stated to the committee, provides that the officer sought to be impeached shall be summoned before a committee of the house of representatives; shall have permission to cross-examine witnesses that are brought against him; shall have citation of the witnesses he may desire to summon; that the house of representatives shall act only in case the committee report in favor of the impeachment; that if the committee report adversely to it, that is itself an acquittal, and the officer cannot ever be arraigned on the charges then reported on. No such proceedings were had in this case.

Certainly not. The least delay would have been fatal to the plans of these conspirators. A guilty hurry, an illegal haste marks the whole of this thing from beginning to end. And the part we are to consider now is that information of this was at once made known to the executive branch of this Government. Here are the official telegrams before the Senate and they have been before the Senate and the country for more than two years; and in the face of this wholesale breaking down of law Pinchback, the so-called acting governor, is recognized by the President of the United States, and then, as we know, the price of Pinchback's action in conspiring to overthrow the constitution and laws of his own State and thrust out McEnery and thrust in Kellogg—the price of that is the certificate which the honorable Senator from Indiana [Mr. MORTON] has paraded day after day before this Senate and told us that all these facts before us constituted a *prima facie* case which we had no rightful power to examine into before we admitted a claimant with such credentials as these!

Well, sir, if the people of this country do not want to understand this case they can refuse to; if they choose to turn their backs on these shameful facts, they can; but I do not think they will, and when they once comprehend them I cannot doubt what disposition they will make of Pinchback and the Pinchback party.

Now, Mr. President, after Pinchback is installed, after more troops are called, after McEnery and his legislature are driven at the point of the bayonet from a building in which they had assembled to perform their duties under the laws of that State, after they are crushed out entirely by the combined forces of the United States military and Packard's marshals, we come to the part of the President of the United States which we are called upon to-day to approve. I am glad it is not necessary for me to find language of my own or charges of my own in respect to that. It is all furnished by the committee of the Senate. I shall first read short extracts from the opinion of the majority of the committee, all of them republicans of high standing in this body.

I have read to the Senate the President's message of the 13th of January, saying that to his mind "it was clear" that there was jurisdiction in the case of Kellogg against Warmoth, and arguing that the action of the judge was sustained in morals if not in actual law. The committee of the Senate, at page 27, declares:

Viewed in any light in which your committee can consider them, the orders and injunctions made and granted by Judge Durell in this cause are most reprehensible, erroneous in point of law, and are wholly void for want of jurisdiction; and your committee must express their sorrow and humiliation that a judge of the United States should have proceeded in such flagrant disregard of his duty, and have so far overstepped the limits of "Federal jurisdiction."

* * * * * * *

There is nothing in all the comedy of blunders and frauds under consideration more indefensible than the pretended canvass of this board.

The Lynch board.

They then proceed to show the fact that the Lynch board had no single return before them; that they had no justification for any fact they found, and that their whole majorities as stated in favor of Kellogg were the purest fictions, created by wild estimates of what might or what they thought would have been the majority for their candidates under other circumstances.

The supreme court—

That decision has been avouched as giving color of law to Kellogg's title—

The supreme court, in the case referred to, is understood not to have had any testimony before it showing the character of the proceedings by the Lynch board, which testimony is before your committee very fully. Fraud vitiates everything, and it is certain that no court, upon the testimony before your committee, could hold the canvass by that board to be valid.

Now remember it is upon the action of that board that the President of the United States to-day justifies himself in sustaining Kellogg there.

Second. In the opinion of your committee the supreme court had no jurisdiction of the case in which they made the decision. The judgments of every court, the most exalted in character, are absolutely void, if rendered without jurisdiction. But this point will be considered more fully hereafter.

Third. But for the interference of Judge Durell in the matter of this State election, a matter wholly beyond his jurisdiction, the McEnery government would to-day have been the *de facto* government of the State. Judge Durell interposed the Army of the United States between the people of Louisiana and the only government which has the semblance of regularity, and the result of this has been to establish the Kellogg government, so far as that State now has any government. For the United States to interfere in a State election, and by the employment of troops set up a governor and Legislature without a shadow of right, and then to refuse redress of the wrong, upon the ground that to grant relief would be interfering with the rights of the State, is a proposition difficult to utter with a grave countenance.

At page 44 of the same report—

It is the opinion of your committee that but for the unjustifiable interference of Judge Durell, whose orders were executed by United States troops, the canvass made by the De Feriet board and promulgated by the governor declaring McEnery to have been elected governor, &c., and also declaring who had been elected to the Legislature, would have been acquiesced in by the people, and that government would have entered quietly upon the exercise of the sovereign power of the State.

And the committee continue to speak of the government of Kellogg as "a pretended State government," and declare that it is one that the United States cannot "honestly maintain." I need scarcely read the views of Mr. Trumbull, of Illinois, who assented, as I believe the entire committee did, to the facts as stated here. Even the Senator from Indiana [Mr. MORTON] declared at page 76 of this report:

The conduct of Judge Durell, sitting in the circuit court of the United States, cannot be justified or defended. He grossly exceeded his jurisdiction, and assumed the exercise of powers to which he could lay no claim.

Mr. Hill, of Georgia, agreed with the views of the committee, except that he proposed a different remedy. I will read at page 62 from the summary of Mr. Trumbull:

In view of the facts as shown to exist in Louisiana, the decisions of its courts in favor of the validity of the Pinchback legislature are entitled to no respect whatever. As has been already shown, that Legislature was not elected nor brought into being by the people of the State, but owes its existence to the void proceedings of the United States court supported by military force. It was the creature of force and fraud. Its first act was to impeach and suspend the governor (Warmoth) and install Pinchback in his place. It then abolished one court and set up another in its place, and Pinchback appointed Hawkins, one of the Lynch returning board, judge of the newly-established court. To give any consideration to the decisions of a court thus set up would be to aid the usurpation. Hawkins counts in spurious members of the Legislature; that Legislature makes a governor, who makes Hawkins judge, and Hawkins then decides the Legislature to be legal.

Such is the language of a committee of this body after many weeks of great labor. Not only was this report made, and this fact not dissented from by any member of that committee, but it was sustained in the presence of the Senate and before the country by two arguments, lasting, I think, the better part of three days on the part of the Senator from Wisconsin no longer a member of this body, who demonstrated the truth of his report until no one was left who could avouch any proof in support of the contrary view.

But, Mr. President, others have acted upon this case. In the case of Sheridan *vs.* Pinchback, a case of contested election, Mr. Smith, of

New York, from the committee, submitted a report from which I will read. Pinchback it seems certified himself on the 30th of December, 1872, as having been elected to the House of Representatives as the Representative at large in the State of Louisiana over Mr. George A. Sheridan, and his convenient friend Mr. William P. Kellogg gives a supplemental certificate on the 11th of March, 1874, in favor of Pinchback. But the House of Representatives, acting through their Committee on Elections, report, from which I read:

Is Mr. Pinchback shown entitled upon the merits to this seat?

Your committee think not. Mr. Pinchback's original certificate, it was conceded, and Governor Kellogg's supplemental certificate, it is to be assumed, were issued upon the pretended canvass by the returning board known as the "Lynch board." Assuming that the Lynch board was the legal returning board, and waiving the consideration of the effect of Mr. Pinchback's default in making no response to Mr. Sheridan's notice of contest, your committee are of opinion that the fact that the Lynch board never had possession of the election returns, and therefore never canvassed them, has become a part of the political history of the country. They hold this fact to be so notorious that the House ought to take legislative notice of it in this contest, and may take like notice of it for the purpose of any appropriate legislation. They report, therefore, that upon the case as presented to your committee, Mr. Pinchback is not shown to be entitled to a seat in this House.

Mr. President, Kellogg ran upon the same ticket with Pinchback. The same canvass was made by the Lynch board of the votes for Kellogg as were made for Pinchback, the Legislature and all. The ballots and returns, which to-day are in existence, which have been in this Capitol, which have been submitted to a committee of this body, which can to-day be brought again for the purpose of examination and tabulation should it be required—all these show that Pinchback ran for Congress at large on the same ticket with Kellogg. The House of Representatives reject his claim altogether upon the ground that there never was any real canvass of the votes for him; and consequently, of course, there was no legal return of the votes and canvass of the votes for governor.

And further let me say, at the close of the session in a manner that may be satisfactory to them but will scarcely be to the people of this country, after keeping that seat vacant and keeping Sheridan out of it for nearly two years, they admitted him on the last day of the session—I will not say to the duties of his office but simply to its emoluments. They thus declared Sheridan upon the canvass at large was the duly elected Congressman for the State of Louisiana and not Pinchback. Therefore it follows that Kellogg who ran upon the gubernatorial ticket against McEnery, on the same ticket with Pinchback, was not elected. Therefore we have the voices of the two Houses to the effect that Mr. Kellogg never was elected governor of Louisiana.

But, sir, this matter came again to be considered. Mr. Jeremiah Wilson, from the Committee on the Judiciary, submitted, on the 17th of June, 1874, a report upon a resolution authorizing the committee to inquire and report "whether Judge E. H. Durell, judge of the district court of the United States for the southern district of Louisiana, shall be impeached for high crimes and misdemeanors, and that said committee shall have power to send for persons and papers." The charges made against Mr. Durell were various. He was charged with corruption in connection with an assignee in bankruptcy, one Norton. He was charged with gross intoxication, and he was charged with usurpation of power and malfeasance in office in connection with the election of 1872. The committee refused to recommend the impeachment of Judge Durell for alleged corruption in office. They refused to recommend his impeachment or to present articles for his impeachment upon the ground of his gross intoxication, but they do recommend his impeachment for his conduct in the case of Kellogg against Warmoth. At pages 10, 11, and 12 of this report they state their conclusions, and I will ask the Clerk to read this as my voice is somewhat fatigued.

The Chief Clerk read as follows:

Thus a Federal judge, on an action brought in a United States court to preserve evidence of the offer and exclusion of colored votes at a State election, in addition to an injunction restraining the destruction or removal of such evidence, of his own motion, in the night, issued an absolute order to prevent the assembling of a State Legislature, when he neither had jurisdiction of the subject-matter of such election, nor of the persons declared to be elected, nor of the board by which the declaration of the election had been made, nor were these parties brought before the court by bill, petition, answer, or plea in the cause, and this, too, when he knew that the marshal was authorized to use the troops of the United States and that there might be armed collision arising from the execution of his order.

It has been said that in this proceeding Judge Durell was actuated by a desire to preserve the public peace and by a real conviction that the Kellogg ticket had received a majority of the *bona fide* votes. But were that so we do not see that it could alter the case before us.

The Constitution has not committed to the Federal courts the determination of State elections. Nothing can be more absolutely and directly in conflict with the whole scheme of government which prevails in these States than for the Federal authorities to assume to determine the validity and result of State elections. The subject is wholly without the jurisdiction of the Federal courts. No circumstances can confer, nor allegations clothe, a tribunal with such power, and yet Judge Durell assumed of his own motion to assert such a jurisdiction in an action which did not even assume to bring the subject before the court, and by an order against those who were neither parties to the record, nor had been, or had any opportunity to be heard.

So far as his action was concerned, it seems to us that it was absolutely immaterial whether the Kellogg or the McEnery ticket were elected, whether the Wiltz-De Feriet board was lawful or unlawful, or whether they truly or falsely counted the vote for State officers. Those were all questions concerning the State of Louisiana, and that State alone, to be determined by her tribunals, and by her tribunals alone, and in respect of which neither the fifth circuit, nor any Federal court, nor any United States judge had any jurisdiction, or color of jurisdiction, or of rightful power or authority.

The assumption by a judge of authority where he has no jurisdiction of the subject-matter or of the person is a wrong and an offense, and is the more so where he has neither jurisdiction of the subject nor of the person. This would be so in any country. But such an offense becomes more flagrant in a government whose fundamental principle is a division of the powers of government between independent departments. Much has been said, and justly said, of the necessity of preserving the independence of the judiciary. "Whatever," says Burke, "is supreme in a state ought to give security to justice against its power. It ought to make its judicature as if it were something exterior to the state."

But it is equally, nay, if possible, more necessary that the exercise of judicial power should be confined to its proper functions. For courts to determine what was the government in a State, and to determine it where there was neither a proper case nor question, nor parties before it to determine, would be to make the judges, not the people, those who choose the rulers, and to deliver the government to their absolute choice and power.

And just as in no system of government is judicial usurpation so dangerous as in a republican government, so in no form of republican government can such usurpation be so dangerous as in the dual government of these States when exercised by the Federal justices.

It would be monstrous for a State judge to issue his fiat in a case in which he had no jurisdiction, with a view of unseating one set of officers or legislators, and establishing another in the government of a State. But such an order would be as idle as monstrous, and would at once be resisted and defied.

But for a Federal judge to assume such authority with regard to a State would be not only wrong but dangerous, and the more wicked because so dangerous.

The supreme nature of the power of the Federal Government within constitutional limits, and the authority of the Federal courts to decide as to those limits, make the exercise of this authority by the Federal courts always grave and delicate. It is an authority which the supreme Federal tribunal itself has declared the exceeding gravity and delicacy of exercising. It is a power which, as against States themselves, has in every case whatever been distinctly and absolutely refused. For a Federal judge to seek, therefore, to exercise such power by indirection, to promulgate an order in a case where he had neither jurisdiction of the subject-matter nor of the parties, in pursuance of which the Federal Army and Executive were set in motion, to take possession of the government of a State, seems to us to be the most flagrant offense and abuse of power and authority that a judge could commit; one which, whether well or ill intended, was destructive of every principle and right, in the highest degree dangerous to republican government, and a high crime and misdemeanor under the Constitution of the United States.

The Senate committee pronounced this order "without parallel," and expressed its "hope that it would remain so in judicial proceedings." They declared "*that it was impossible to conceive of a more irregular, illegal, and in every way inexcusable act upon the part of a judge.*" Conceding the power of *the court* to make such an order, the judge, *out of court*, had no more authority to make it than had the marshal. It has not even the form of judicial process. It was not sealed, nor was it signed by the clerk, and had no more legal effect than an order issued by any private citizen.

But had the court been in session, had the order been accompanied with all due formalities, none the less would it have remained that it was an order without jurisdiction, and without color or authority of law; that it was an attempt by a Federal judge to usurp the control and power of a sovereign State, and to usurp it at a time the most critical and dangerous.

Such action, from whatever motive, is at variance with every principle of good government, is calculated to confound and subvert the distinctions between the State and Federal governments, and to overthrow the Constitution itself, without which neither Judge Durell nor any other judge has any rightful authority whatever. If conduct so dangerous, so flagrant, so unauthorized, so wholly without color of right, and followed by such serious consequences, do not constitute a high crime and misdemeanor for which the judge guilty thereof should be arraigned and tried, it seems to us that no conduct can. The respect for the judicial office, and the sacred character of judicial authority throughout this nation, make it more essential that such usurpations should be rebuked and such outrages and unwarranted assumptions of power brought to condign punishment.

Your committee therefore recommend the adoption of the following resolutions:

Resolved, That Edward H. Durell, judge of the district court of the United States for the district of Louisiana, be impeached of high crimes and misdemeanors in office.

Mr. BAYARD. Mr. President, a committee of the House of Representatives of the same political party with Judge Durell investigated that question, and the result was to find not only that the action of this judge upon the result of an election whose proceedings the President of the United States in his message tells us the State administration of William P. Kellogg was authorized—they report that it not only was void but criminally void, that they recommend that he be impeached, and they proceed to name managers on the part of the House of Representatives and of the people of the United States to impeach this man for high crimes and misdemeanors in office. It was not simply by a mistake; it was not one of those errors into which the most honest minds may fall; but in rendering that decree and making that midnight order he had so sinned in his great office, he had so purposely and deliberately assumed unlawful powers, he had so criminally conspired against the laws which protected or which should have protected the people of that State, that he was resolved to be guilty of high crime and misdemeanor. And what was his high crime and misdemeanor? It was his action in the cases of Kellogg against Warmoth and Antoine against Warmoth which caused him to be so held guilty; and knowing his guilt he fled from trial, and in open court before the American people he confessed by his flight his guilt. It is upon that high crime and misdemeanor, the consequences of which Durell was afraid to face, that the President of the United States to-day bases his right to recognize and keep the guilty recipient of office at the hands of Durell and of Packard in office and in power in Louisiana, and the Senate are asked, and I suppose not in vain, to give their assent to such a proposition.

Mr. President, in addition to the reports I have referred to we have also a most able report from two well-known and respected members of our own body, one my respected colleague [Mr. SAULSBURY] and the other the able Senator from Maryland who is no longer a member of the body, made on the 14th of February last in the case of Pinchback. These two Senators on page 21 of their minority report say:

The simple detail of these facts—

They had related the manner by which Durell had caused the

State-house to be seized and consummated the plot for the destruction of the State government of Louisiana—

The simple detail of these facts ought to be sufficient in themselves to characterize the whole transaction, without any illustration upon our part. There was not a step taken in the whole proceeding that is to be justified; there is no single act to be supported by any resort to reason, law, or justice. The reckless assumption of Judge Durell to interpose in matters wholly belonging to the State authorities, and in terms prohibited from doing what he did by the very law of Congress under which he pretended to derive authority to act, is beyond all precedent, and one cannot adequately characterize it in language to be used here. The atrocity of his action in directing the marshal of the United States to seize the State-house, where the Legislature of the State was to convene, and further directing him to allow certain of its members only to enter it, has but few parallels anywhere, and none before in American history. The whole proceeding, from its inception down to its final consummation, was a gross usurpation, accompanied with every species of fraud and tyranny. The body that was organized under this mandate and its military enforcement is not entitled to any legal existence that any American should acknowledge. The whole is a product of fraud, conspiracy, and of armed force, and is entitled to no consideration.

They then pass to the consideration of the legislative portion of the Kellogg government:

Judge Durell had no power to issue his mandate, and the troops had no right to enforce it. In the whole tragedy of events, as each succeeded the other, there was not one single act that could for a moment give a color of right to any other. Every one was an undoubted wrong, crime, or usurpation, and yet all combined, and nothing else, organized this body and kept it in being. Can such a body, we ask, so organized, put upon the Senate and upon the people of Louisiana their creature, and he one of the main conspirators? Kellogg, Pinchback, Casey, Packard, Durell, and Williams, names indelibly written upon every page of this most unnatural history of political crime and folly! There is not a single act in the whole proceeding to mitigate the unqualified condemnation it must receive at the hands of every honest man and of every sincere lover of American liberty and of constitutional government.

They say in conclusion:

In our opinion, there is nothing in the matters that would be set up to secure a recognition of the Kellogg government. The whole is a crime against our civilization and a blot upon our free institutions.

Such, Mr. President, has been the deliberate conscientious report of the committees that have examined this subject in its various branches in either House of Congress. They have joined in one voice of protest, of denunciation of the attempt to create a government upon such manifest frauds. To their denunciation will, I am sure, be added the execration of the present and succeeding generations. I cannot believe that the American people can accustom themselves to such wrongs as these. Certain it is that I shall do all in my power to keep alive in their hearts that hatred, that detestation of this fraud, and nothing shall prevent me from seeking to have that censure which is due to each actor in this case carried home to the door where it belongs. Nor can I believe it will be found to be an element of strength or popularity before the American people for any man or for any party of men to attempt to justify such events as I have endeavored here to portray. And yet, sir, in the face of all this—for I have not read what was new, I have read that which is history and has been history for the past two years—the President of the United States complains and says:

It has been bitterly and persistently alleged that Kellogg was not elected.

Yes, sir; I should think it had been both bitterly and persistently alleged that Kellogg was not elected. For my own part, condemning no man for that opinion to which his own conscience may lead him, I cannot see how an unbiased and honest human mind can be led to anything except "bitter and persistent denunciation" not only in the initiation of the wrong but in the progress of the wrong, at every step even unto its present consummation, upon which we are asked now to set our seal of approval.

I will read a short extract from a work upon constitutional government by a distinguished jurist of Michigan, Judge Cooley, in which, speaking of this interference on the part of the Executive with the legitimate government of States, he says:

The recent case of Louisiana demonstrates that there may be greater wrongs than even the wrongful refusal by Congress to recognize the legitimate government of a State, and yet no speedy and effectual remedy be attainable. Such action on the part of Congress would at least be that of a proper authority, and would imply deliberation, and be supported by a presumption of due regard for the public good and for the supremacy of the law. But in the case of Louisiana in 1873, an inferior Federal judge, without a shadow of authority, and consequently in defiance of law, and for that reason supported by no presumption of correct motives, and with scarcely a pretense of observing even the usual forms, by the process of his court, aided by a military force, installed in power a State government which he sided with as against rival claimants, and in consequence of a pressure of business in Congress precluding prompt attention to the case by that body, has been enabled to sustain this government in power until the present time. Mr. Justice Story has with reason predicted that "if a despotic or monarchical government were established in one State it would bring on the ruin of the whole Republic." *What government can be more despotic than one elected by an injunction, and continued in power by a military force under the order of a judge who, having no jurisdiction, is restrained by no law but his own arbitrary will?*

For the facts of this unparalleled wrong we refer to reports made by the Judiciary Committee of the United States Senate in February, 1873. The case requires no further comment than it there receives. The dullest mind cannot fail to see that the facility with which the wrong is committed and the possible immediate advantages which individuals may derive therefrom present constant temptations to its repetition, and if suffered to pass once unrebuked a precedent will be tacitly asserted which cannot fail to threaten constant danger to our liberties, especially at those very periods of high political excitement when prudence, caution, and the strictest regard for the Constitution and the laws are most important. What party or what political leader can at such times be expected to pay scrupulous deference to the laws if a judge may ignore them with impunity? It was thought the climax of wrong had been reached when a local judge in one of the States could seize upon the property of individuals and corporations through his injunctions and mandates and plunder them through receivers; but he at least was not acting wholly without jurisdiction, and if he seized property, he did not venture to go so far as to make the liberties of the people the subject of a receivership.

The praise accorded by the Senator from Wisconsin to the work from which the extract is made was not undue; but his speech was made more than one year ago; and if he considered the example dangerous at that time, how much more dangerous does it become from its deliberate continuance? Haste, a want of opportunity to become acquainted with facts, may palliate in some degree the erroneous action of a judge or of any other official. But when opportunity for information has been given, when abundant information has been given or that there is no longer excuse of any kind left for error, what shall we say when a fresh proposition is made, as now by the resolution before the Senate, in the light of all the facts with the superadded proofs that have come to us since the time that speech was delivered, what are we to say about a renewed and still more deliberate effort? No, Mr. President, such as I have described by calling upon the records of the Senate and the House to disclose the truth, is the basis of the title of Kellogg and his Legislature to office under the constitution and the laws of Louisiana. Language such as has never before been applied to any but the worst criminals stands upon the records of this Congress applied to him; and the whole State of Louisiana to-day is one vast, many-tongued witness against the whole of this conspiracy against her liberties. The great body of the American people join in this condemnation, and it is a vain task for the majority of this Senate to suppose that they can by a caucus resolution stay the tide of that public justice and of that honest indignation which must visit all men, high or low, who have been concerned in this overthrow of the State of Louisiana and the rights of her people.

Mr. President, the action of the executive branch of this Government, his Cabinet counselors, the Army of the United States, was in so far successful that Kellogg has been retained in power—I will not say in office for office he never held—he has been retained in power as the governor of Louisiana and a Legislature akin to him in objects and character have governed or misgoverned that State. Congress did nothing to relieve it. They attempted nothing to relieve it. The President of the United States did ask that Congress should act. At the same time Congress was unwilling to act in the only way that the Constitution and laws as I think authorized. The remedy always was plain. It needed but the withdrawal of the United States troops. Kellogg had no strength there, and none knew it better than he. On the 14th of last September his partisan police provoked a conflict with a number of citizens who had bought and paid for private arms which they had a right to own and a right to bear under the warrant of the Constitution of the United States. But Kellogg's police proposed to impair and infringe that right, and so, not satisfied with having robbed those people under the forms of taxation, steeped them in poverty almost to the very lips through the forms of government, in which he was sustained by the United States power, he still sought to take from them the right of self-defense and the right to bear arms, and that produced a collision, for as I am informed of the *emeute* of the 14th of September last it was not a design to "push him from his stool" of unlawful power and overthrow his government, but it was a sudden, unexpected collision, in which the force and wrath of the people he had so oppressed was suddenly brought in contact with his own shameful self-consciousness of infamy and cowardice, and in an instant the collision took place to obtain possession of arms that had been bought and paid for by the citizens of that State and which they had as much right to receive as any other merchandise sent to them of a lawful character. That collision disclosed the mere shell there was, that he had not even the confidence and support of his own pretorian guards. His armed policemen, his marshals, his retainers, paid, clothed, and fattened out of the depleted treasury of that State, did not stand by him for a moment. He was a man of straw and he was burned up like any other bundle of straw, he was scorched out of existence by the very breath of the indignant people whom he had so long oppressed. He fled like a coward from his own conscience. The blood that was there spilled was almost an accident; and the whole world saw that Kellogg had neither moral nor physical support to sustain himself in the government of a State which we are told rests "upon the consent of the governed!" And such was the mockery of a "government" that the President of the United States made such hot haste to rehabilitate. I do not stand to discuss the question of *de jure* or *de facto*. It was known to him that Kellogg was hateful to the sentiment of the people of his State. He knew that it was against their consent and against their laws and against the forms of election that he had been picked up by the President himself and installed in power—that by military force alone and by no color of law was he there. And yet with dogged, characteristic, persistent "rigor," to use his own phrase, he reseated this poor creature, propped him up again with bayonets to rule over the people of that State.

Then comes the election of 1874. It is not only the events of 1872 that we are called upon to approve, but also of 1874, and what the events of 1874 are or rather what are to be their results we do not yet know. This revolution has proceeded; these anomalies in our Government have been continued. To-day, as one of the fruits of this lawless interference in Louisiana, the country witnesses the spectacle of a volunteer committee, composed of members of the late Congress not one of whom is a citizen of Louisiana or in any way was authorized by her constitution and laws, sitting in the city of New

York and there passing upon the election, the qualifications, and the returns of members of the Legislature of the State of Louisiana. This proceeding is still pending, this farce or tragedy, call it what you will; and whether you look at it with smiles or look at it through hot tears, is still being played, and we are called upon here to approve it as it was, to approve it as it is, and to approve it as it may become in the discretion or caprice of the Administration which has laid its lawless hands upon this poor, unhappy, downtrodden State. The President in his annual message to Congress recommended investigation; an investigation was ordered by the House of Representatives and made by a committee composed of men of character and intelligence second to none, of political affiliation that ought to have been satisfactory to the Administration but it was not. They visited Louisiana, returned and reported, and no one has ventured to question their facts or conclusions. They tell you unanimously there was a conservative majority in the lower house of twenty-nine members and that the act of De Trobriand and his troops in ejecting them was not simply unwarranted in law but absolutely and *per se* unjust. It is understood the entire committee agree in considering entitled to seats in the Legislature the identical five men whom the mailed hand of General De Trobriand's dragoons forced from their seats in the Louisiana house of representatives.

Mr. COOPER. With the consent of the Senator from Delaware, I move that the Senate do now adjourn.

Mr. FRELINGHUYSEN. I hope not.

Mr. BAYARD. I am fatigued.

Mr. INGALLS. I ask for the yeas and nays on the motion to adjourn.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. WINDOM, (after having first voted in the negative.) I ask to withdraw my vote. I voted by mistake. I am paired with the Senator from Virginia, [Mr. JOHNSTON.]

Mr. LOGAN. On a motion to adjourn?

Mr. WINDOM. For the present I decline to vote.

The result was announced—yeas 26, nays 31; as follows:

YEAS—Messrs. Bayard, Bogy, Caperton, Cockrell, Cooper, Davis, Eaton, Goldthwaite, Gordon, Hamilton, Johnson of Tennessee, Jones of Florida, Kelly, Kernan, McCreery, McDonald, Maxey, Norwood, Randolph, Ransom, Saulsbury, Stevenson, Thurman, Wallace, Whyte, and Withers—26.

NAYS—Messrs. Allison, Anthony, Booth, Boutwell, Bruce, Burnside, Cameron of Wisconsin, Conkling, Cragin, Dorsey, Edmunds, Ferry of Michigan, Frelinghuysen, Harvey, Hitchcock, Howe, Ingalls, Jones of Nevada, Logan, McMillan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Paddock, Robertson, Sargent, Sherman, Spencer, and West—31.

ABSENT—Messrs. Alcorn, Cameron of Pennsylvania, Christiancy, Clayton, Conover, Dawes, Dennis, Ferry of Connecticut, Hamlin, Johnston of Virginia, Merrimon, Patterson, Wadleigh, Windom, and Wright—15.

So the Senate refused to adjourn.

Mr. BAYARD. Mr. President, in 1872 the thin veil and wretched pretense of respect for law were thrown around the action of the United States military in enforcing the decree of Judge Durell, but none whatever in the action of 1874. The breaking up of that Legislature by Federal armed force was an open, barefaced act of lawless power. It has been repeated since at Vicksburgh. There the sheriff of the county, sitting peaceably and alone in his office, was driven out by a company of Sheridan's dragoons called in upon the request of Governor Ames, of Mississippi. There is no disguise about these things, and their undisguised outrage gives me reason to hope. In almost every quarter of the country expressions of disapproval strong and indignant have arisen, and many have found their way upon the records of this Senate. I desire the Clerk now to read the resolutions which have been passed by the Legislature of my State on this subject.

The Chief Clerk read as follows:

Joint resolutions condemning the recent interference with the organization of the Legislature of the State of Louisiana by the Federal Executive.

Resolved by the senate and house of representatives of the State of Delaware in General Assembly met, That Ulysses S. Grant, President of the United States, in causing the invasion of the Legislature of the State of Louisiana by Federal soldiers, the arrest and dispersion of the members of the house of representatives thereof, and the subsequent illegal and forcible organization of a body of men to act as the house of representatives of said State, was guilty of an act of criminal usurpation which has no parallel in the history of the Republic; that such action was not only unauthorized by, but in plain violation of the Constitution of the United States, and tends directly to the subversion of constitutional government and the destruction of the Federal Union.

Resolved, That we the *representatives* of the people of the State of Delaware, which was the first to adopt the Federal Constitution, *do* in their name and in their behalf record our most solemn protest against this dangerous act of usurpation by the Federal Executive, and invoke the authoritative mandate of the people of the whole country, that the constitutional limitations upon the exercise of executive power shall be observed, that usurpation shall immediately cease, that constitutional government shall be preserved, that civil liberty shall be maintained in every State of the Union, and that the military shall, in fact as it is in law, be made subordinate to the civil power.

Resolved, That we heartily sympathize with the people of Louisiana in their oppressed condition, and commend the patience and forbearance with which they have borne the unprovoked assaults upon their constitutional rights and liberties by the military power of the country.

Resolved, That our Senators are hereby instructed, and our Representatives in Congress requested, to use all legal means in their power to secure to the State of Louisiana her just rights under the Constitution of the United States as a sovereign State of the Federal Union.

Adopted, at Dover, January 13, 1875.

THOMAS HOLCOMB,
Speaker of the House of Representatives.
CHARLES C. STOCKLEY,
Speaker of the Senate.

Mr. BAYARD. Resolutions of a similar tenor have been passed by other Legislatures and by very many conventions all over the country, in which men of all parties have joined in condemnation of the proceedings in Louisiana as necessarily fatal to our form of government, and which if approved must necessarily place the liberties of the minority in great jeopardy. I had supposed there were some propositions in regard to which American citizens could not differ, and that there were certain admitted rights which could not be drawn into controversy, and which when assailed all men would unite in protecting against invasion from any quarter. But it seems there are in the Halls of Congress a number of gentlemen who are willing to see their political opponents stripped of even such fundamental rights and to approve of the exercise of unlawful and extreme power over minorities. I hope they never will be, and with my consent they never shall be, endangered by the application of these dangerous doctrines which they now support in the resolution now before the Senate.

But, Mr. President, on the 8th day of last January I submitted to the Senate my views of the occurrences of the 4th of January as then disclosed to me by the facts. I read to the Senate certain telegrams sent in to the Senate by the President from Lieutenant-General Sheridan to the War Department in this city. I will read them and proceed to comment on the debate and utterances of Senators in criticism of what I then said.

I know that Senators have endeavored to fritter away the meaning and explain away the language of the Lieutenant-General, and by reading parts only of his telegrams. I remember the Senator from Ohio [Mr. SHERMAN] read one of Sheridan's telegrams in which he proposed to confine the operations of his military commissions to the ringleaders only of the armed White League, but that Senator omitted, unintentionally doubtless, a preceding telegram of the same date.

W. W. BELKNAP,
Secretary of War, Washington, D. C.:

Please say to the President that he need give himself no uneasiness about the condition of affairs here. I will preserve the peace, which it is not hard to do with the naval and military forces in and about the city; and if Congress will declare the White Leagues and other similar organizations, white or black, banditti, I will relieve it from the necessity of any special legislation for the preservation of peace and equality of rights in the States of Louisiana, Mississippi, Arkansas, and the Executive from much of the trouble heretofore had in this section of the country.

P. H. SHERIDAN,
Lieutenant-General United States Army.

Then comes a second telegram dated on the same day, the 5th of January, 1875:

W. W. BELKNAP,
Secretary of War, Washington, D. C.:

I think that the terrorism now existing in Louisiana, Mississippi, and Arkansas could be entirely removed and confidence and fair-dealing established by the arrest and trial of the ringleaders of the armed White Leagues. If Congress would pass a bill declaring them banditti, they could be tried by a military commission. The ringleaders of this banditti, who murdered men here on the 14th of last September, and also more recently at Vicksburgh, Mississippi, should, in justice to law and order and the peace and prosperity of this southern part of the country, be punished. It is possible that if the President would issue a proclamation declaring them banditti no further action need be taken except that which would devolve upon me.

P. H. SHERIDAN,
Lieutenant-General United States Army.

These telegrams have been much discussed, and I do not think any one doubts that it was the design of Sheridan to relieve the President from any further trouble by taking their lives under the form of a military commission, no *habeas corpus* to test the cause of their detention, no due process of law which should secure deliberation and a trial by jury, with witnesses in attendance, before the punishment was inflicted, but the short, speedy, convenient process of a drum-head court-martial to be allotted to American citizens in four States, and not confined to "the ringleaders," as he terms them, of different leagues, but to be extended to "White Leagues and to other similar organizations," and we know from the report of the committee of investigation something of the numbers and character of the White League of the city of New Orleans alone. I refer to the report of the select committee of investigation. To comprehend what Sheridan intended, I will assume that he was as well informed of the character of the people whom he proposed to try by military commission, and suggested the President should declare banditti, as were this select committee who had gone to New Orleans under the deputation of Congress and as requested by the message of the President himself. On page 8 of the report we find:

In this connection we refer to the White League, mentioned in the message of the President. In the last campaign of Louisiana the opposition was composed of various elements, democrats, reformers, dissatisfied republicans, liberal republicans, old whigs; and in order to induce the co-operation of all, some of whom refused to unite with an organization called democratic, they took the name of "the people's party;" called in some localities "the conservative party;" in others, "the white man's party;" in others, "the White League;" and had ordinary political clubs under these names throughout the rural districts, which were ordinary political clubs and nothing more: neither secret, nor armed, nor otherwise different from usual political organizations. These must not, however, be confounded from similarity of name with the White League of the city of New Orleans.

That league is an organization composed of different clubs, numbering in all between twenty-five and twenty-eight hundred; the members of which have provided arms for themselves, and with or without arms engage in military drill. They have no uniforms, and the arms are the property of the individuals, not of the organization. They comprise a large number of reputable citizens and property-holders in the city of New Orleans. Their purpose they declare to be simply

protective; a necessity occasioned by the existence of leagues among the blacks; by the hostility with which the Kellogg government arrayed the black against the white race; and by the want of security to peaceable citizens and their families, which existed for those reasons, and because also of the peculiar formation of the police brigade.

Such was the organization of citizens of that State proposed by Sheridan to be tried and put to death by his military commissions. And I here draw attention to the fact that it was not confined to the White League of New Orleans numbering twenty-eight hundred men, composed of reputable citizens and property-holders in that city, but it was to other similar organizations throughout four States that this power was asked for at the hands of the President. Here let me say that if I read the language of the President's message rightly he is full of regrets that it is not in his power to gratify the gentle and amiable request of General Sheridan. He says in his message to the Senate—although "it is exceedingly unpalatable to use troops in anticipation of danger"—

Under these circumstances—

As stated—

the same military force has been continued in Louisiana as was sent there under the first call, and under the same general instructions. I repeat that the task assumed by the troops is not a pleasant one to them; that the Army is not composed of lawyers capable of judging at a moment's notice of just how far they can go in the maintenance of law and order, and that it was impossible to give specific instructions providing for all possible contingencies that might arise.

That is to say, in the President's opinion, in the Army of the United States it is an excuse for a soldier in time of peace in breaking up a Legislature with whatever force may be required that he cannot be considered capable of judging at a moment's notice just how far he can go in the maintenance of law and order! If I read the results of this act of the 4th of January last rightly, if I shall read in the future what I expect to read of the judgment of the American people on this subject, any future President and any officer of the Army or the Navy of the United States will not be left in this innocent ignorance of "judging at a moment's notice *just how far* he can go," for he will know that if he obeys the invalid order of a court and brings into harm the person or the property of a citizen he shall answer for it at the bar of public justice to the outraged laws of his country, and that if he shall execute an invalid order which contains the death warrant of a citizen he shall be hung for murder if there be law left in this land.

Sir, the Army, instructed by the President after this, shall have, as I believe, new lessons as to the rights of their fellow-citizens, by whom they are paid and clothed and maintained, and it shall be as much the conscientious duty of a soldier or an officer to protect the life and property of a citizen, and that all his errors shall be in favor of peace and protection, and that he shall not be told that he can safely break up Legislatures, imprison men in time of peace, try them by military commissions, without incurring the same legal penalties as await any other outlaw.

I am fully aware, Mr. President, that he who steps into the arena of public debate and fearlessly strikes at that which he believes to be dangerous and wrong, must expect blows are to be received as well as given; that the approbation of friends will be answered by the denunciation of opponents, and so I ask no favors and fear no frowns. I did not suppose that my deliberate and pointed disapproval and denunciation of the correspondence from New Orleans between Lieutenant-General Sheridan and Mr. Belknap, the Secretary of War, would pass without question or leave me free from unfavorable comment.

Had Sheridan been my personal friend I do not think I would have used more restrained language. I do not care for the personality of the author. I make war against the doctrines he dares to avouch, and a high official to "thoroughly approve." I care not whose name is signed to such dispatches as those sent from the office of the military commander in New Orleans to the War Department on January 4 and 5, and which I declare contain propositions disgraceful to any official, civil or military, in any civilized government—propositions to destroy every bulwark of personal liberty and constitutional protection—to raze the fabric of our Government and place property and person outside the pale of the law. If it may be done in New Orleans it may be done in New York, or Washington, or Boston.

The sentiments expressed on this subject a few weeks ago in the latter cities by men of all parties—at meetings never equaled for numbers, earnest patriotism, and total absence of partisan feeling—are the same as the citizens of New Orleans have expressed, and which have drawn down upon them the wholesale railing accusations and calumny of General Sheridan.

If citizens may be proclaimed "banditti," and their lives and liberties denied the protection of law, what safeguard *to their property* is left? If personal *obedience* may be compelled without law, why may not pecuniary tribute be equally exacted? Why may not troops be billeted in the mansion of the banker or merchant and his safe and strong-box be compelled to yield their contents at the call of the same commander who can deprive him of those legal rights essential for the security of his person from arrest and incarceration which the charter of our Government was designed to secure?

Well may the merchants, the bankers, the men of wealth and substance in the Northern States, stand aghast at such propositions as General Sheridan makes to his official superior in the War Department, and which the latter "and all of us thoroughly approve." It will not do to attempt to divert the mind of the country from the real and frightful danger of tolerating for an instant such propositions. It will not do to dazzle the eyes of the people by appealing to shining service in war-time of a soldier who is destroying all the safeguards which laws create, or to answer just complaints by singing paeans to military glory. The public debt to a valiant soldier does not include his right to propose in times of peace measures fatal to free government. The American people will not be blinded by such tricky evasions of the real issue.

I have endeavored to express in a speech made here on the 8th instant my opinion of Sheridan's correspondence with Belknap. I gave utterance to a natural and unstudied expression of my feelings. Its object was to arouse the Senate and my country to a due sense of the danger contained in such propositions, and I hope was not altogether unsuccessful.

That a soldier, who is always and only a citizen of the Republic, should forget every duty of a citizen to civil law, and a leading member of the executive branch to "thoroughly approve" "*all his telegrams*" filled me with alarm and no little of what I believe and feel to be a just and righteous indignation. All this I endeavored to express quite regardless of the enmity I would probably excite in the breasts of those I denounced. If I could have condemned this great wrong, this dangerous and insolent precedent, without annoyance to any individual—have done it as it were *quite impersonally*—I should have preferred to do so, because I do not desire personal championship or admiration of military glory to obscure the real object and intent of my action. But as this it seems could not be done, then I only say I willingly take all the consequences, and shall stand here at all times trying to do my duty, looking within my own breast for justification and support.

But shocked as I was and am by the purport and intent of the Sheridan-Belknap correspondence and the failure of the President promptly to rebuke it, and by his message which quite excuses the action of his military subordinates, by declaring "nobody was disturbed by the military who had a legal right at that time to occupy a seat in the Legislature," and "it will be time enough to condemn those *who, by such means as they have*, prevent, &c. (Page 6 of message.)

Facts I may say which have been strangely contradicted by the unanimous report of the committee of investigation which was sent there by the House of Representatives. He also says on the first, second, and third pages of the message that it is "perhaps a debatable question" as to whether these parties were rightfully or wrongfully in the legislative chamber of Louisiana on the day of their dispersion; and again on page 7 that General Sheridan had never "proposed to do an illegal act or proceed beyond *what the law in the future* might authorize." A man who asks for a presidential proclamation to set aside every safeguard of the Constitution provided for civil liberty, has in the judgment of the President of the United States proposed nothing that is wrong! And again at page 8 he is still in doubt "*if* error has been committed by the Army in these matters; it has always been on the side of the preservation of good order." So it seems the presidential mind is still left in doubt as to whether everything in Louisiana was not conducted according to law, and in doubt whether anything has been proposed by any of his political friends or military subordinates there which can be a subject of doubt as to its precise propriety or legality! But here let me say the President in inferentially justifying or in extenuating the acts of his subordinates in Louisiana, says that his "soldiers are not lawyers," and I presume that he will take shelter for his own want of knowledge of the laws of his country in his personal and professional ignorance of civil government.

But here let me say how amazed and pained I have been to hear on the floor of the American Senate the adoption of a line of comment in extenuation if not absolute approval of Sheridan's correspondence and course in New Orleans. His telegrams proposing the trial of citizens by military commission, asking for presidential proclamations declaring them "banditti," and closing with the ominous and bloody hint that "nothing more would *then* be required than would devolve upon him," have been read and construed into rose-water phrases, innocent and even landable by the technical skill of the Senator from New York, who proposed in the ecstacy of his admiration for Sheridan's action and correspondence in New Orleans to perform a number of startling things, and among them to execute a *pas seul* upon the tomb at Mount Vernon. The Senator so occupied would indeed be a study for the historical painter of the period.

Some phrases in the speech I made in denunciation of the Sheridan-Belknap correspondence have furnished themes for violent denunciation in various keys on this floor, to some of which I made reply, and none of which do I think worthy of much notice. The impression created upon me as I heard them, whether roared, or bellowed, or squeaked, was chiefly in sad reflection that the times we live in had so heated the minds of even Senators that they can applaud a demand to try civilians by military commission in time of peace, and assail the man who vigorously denounces the proposition. I shall not fear the judgment of the American people on this issue, and am content to abide by the record. Sheridan did not confine himself to the *ringleaders* of the White League, as the Senator from Ohio [Mr. SHERMAN] has said, any more than Belknap confined himself and "all of us" to the approval of Sheridan's acts.

The Senator from New York [Mr. CONKLING] was exceedingly critical in extricating Mr. Belknap and "all of us" from the approval by saying "all of us have full confidence and thoroughly approve your course," and then again a second dispatch to say:

Be assured that the President and Cabinet confide in your wisdom and rest in the belief that all *acts* of yours have been and will be judicious.

But that is not all that Mr. Belknap said or meant. He said:

Your telegrams all received. The President and all of us have full confidence and thoroughly approve your course.

Therefore the approval of Mr. Belknap and "all of us" was given to these atrocious telegrams of Sheridan and to the propositions which those telegrams contained.

On January 13 the President sent in these telegrams with his message but never a word of reproof has fallen from him, on the contrary he has indorsed and approved all by keeping Sheridan in New Orleans to carry still further into effect, if he may, the policy which he intimated. In that he has been thwarted by the self-command, the dignity, the forbearance, the true heroism of that community. I knew they were brave men; I knew they had not shunned death at any time when they believed duty led them to confront it, and I admired as all admire courage *in se;* but I here say that my respect for those people has been increased by their being able to control their just resentments and command themselves. They are worthy to be freemen, and I believe that the public sentiment of this country will see to it that men who have shown their self-command under such circumstances of suffering and aggravation, who have abided by law, who having the strength to sweep away like cobwebs the power which was set up over them, have still stood in heroic patience waiting the final verdict which a just people I am sure will render in their case.

Now, Mr. President, I do not propose to go into the question of the action of the late returning board. As I said, even while we speak methods unknown to our laws are moulding the fate and the control of the government of Louisiana. What this compromise as it is called, what Messrs. Wheeler and Frye and Hoar may do in New York I know not; what will be the result I know not; but one thing I do know: it is all a make-shift, it is all hostile to the very spirit and letter of our system and laws, and it simply is to be justified, if justified at all, by the practical fact that Louisiana is in the hands of the spoiler and is endeavoring to make the best practical escape from his clutches. In that may God speed them; but even to aid them I cannot and I would not here vote for measures outside that charter of government which my oath has been pledged to maintain. Sir, it would be belittleing this case, it would be belittleing substantial justice to go into the question of the power of the returning board to ask whether they had a right to disfranchise any one or more of the parishes in the State of Louisiana. No man can read the constitution of that State and not see that the returning board had no pretense of power to declare any parish without a representative, because the constitution requires that each parish shall have at least one representative; and if they may disfranchise one parish, they may disfranchise any and all others, and so reduce their action to an absurdity. If fifty-six members are requisite to form a quorum of the house of representatives of the State of Louisiana and the returning board can declare vacancies in one-half the parishes, then you would have no quorum returned and consequently no organization. But we understand that the action of the returning board has not been sustained, that the men removed by De Trobriand have taken their seats, and that the action even of this minority of the committee of the House who went there last has resulted in giving a majority of the lower house to the conservatives of Louisiana.

Mr. President, the great prevalence of crime and disorder have been alleged in the State of Louisiana—I do not stoop to notice the insinuation or the suggestion that I and those with whom I act in this body can feel anything but hostility to crime or fraud in all their shapes whenever and wherever committed. I will not answer the suggestion that I favor unkindness or injustice to any man. Such suggestions are not fit to be made in this Chamber. If I did reply to them, it would be in terms so disrespectful to the questioners that they would regret my reply and the rules of the Senate would forbid me uttering it. But we have had from the President and his military commander in Louisiana allegations of the deluge of blood which has flowed in that State, and in every case under the instigation of political feeling, in which the men murdered were all republicans and the murderers of the opposite party. Such a picture is incredible, and I believe entirely untrue. It has been answered by men in conventions, from churches, from assemblages in the interest of commerce and of trade, any one of whom is entitled to equal respect with the Lieutenant-General who makes the charge.

But there are other facts which show that it is impossible for these wholesale charges to be true. I have taken occasion to examine the census of 1870 and obtain certain statistics of the percentage of deaths in the four States of Alabama, Louisiana, Arkansas, and Massachusetts, and I find the percentage of deaths in Alabama is a little more than one-half of the deaths in the State of Massachusetts; that is to say that there was a percentage of 1.08 in Alabama, and there was 1.77 per cent. in Massachusetts; in Louisiana there is 2 per cent. of deaths and in Massachusetts 1.77; in Arkansas there is 1.26; so that in the three States of Alabama, Louisiana, and Arkansas the average percentage of mortality is less than it is in the State of Massachusetts. The census taken in 1870 was under the direction of the present administration. The gentleman who conducted it, General Walker, I believe to be a gentleman of high character and large intelligence. We all know that the deputies through whom he acted were marshals of the United States, and all in the interest of the present administration. This same Marshal Packard, whose rule in Louisiana is sustained by the President to-day, is the marshal under whose auspices the census in Louisiana was taken. It was his deputies who reported these figures in Louisiana and they utterly refute and contradict the statements of General Sheridan. Either the census of 1870 is grossly, absurdly illusory and incorrect, or Sheridan's statements are utterly unreliable.

Why, sir, more than that, in Louisiana one-half of the population are negroes; the republican party claim that more than one-half are negroes; I believe the races are about equally divided. They are a people until within a very few years unaccustomed to taking care of themselves. The care of children in their infancy, the care of the aged people among them, which existed both from a cold sense of interest and a strong sense of personal regard in the days of negro slavery, have passed away; and the death rate among the infants and among the old people has vastly increased, and I may say also among the grown people who unaccustomed to take care of themselves in times of sickness have fallen victims to disease and have suffered greatly from destitution. It is not only so; but Louisiana never was as healthy a State, with the greater amount of alluvial and marshy lands in her limits than other States whose lands lay upon a higher level. We also know that owing to the poverty of the people and the mismanagement of their affairs the banks of the Mississippi have been broken down, the levees destroyed, and vast tracts of country flooded, producing great loss of life and property and a vast increase of malarious disease. So that in any way you look at it one would naturally expect the death rate of Louisiana would be increased by these causes since the war; but with all these reasons which I have given for rationally supposing that this death rate would be increased, we find that in point of fact it does not exceed the average in other States and we find in point of fact that the average death rate of these three States so grossly assailed by the Lieutenant-General of the Army is less than in the State of Massachusetts. It seems to me these statistics should of themselves be sufficient to refute this charge of wholesale murder and deluge of blood.

But more than that, I had some newspapers sent me from New Orleans the other day containing the account of the expulsion from the Hahn house of representatives of a negro named Ward. He was addressing the chair out of order; he was called upon to be seated and refused, and finally was removed by the sergeant-at-arms and his deputies. His conduct was most insolent, brutal, and defiant. After he was ejected members of the Legislature of his own party and his own color declared that he had been a most dangerous and infamous character and had himself caused the death of two hundred of his own race in Grant Parish, in what was known as the Colfax massacre, referred to at such length by the President in his late message. The Colfax massacre was indeed a horrible thing. No one can read the account without a shudder; and that massacre at Colfax has been charged upon the floor of this Senate and by the Lieutenant-General of the Army to have been instigated and committed by the white conservative politicians of that State to intimidate and crush out the negro voters.

I thought I had at my table copies of the New Orleans Republican sent to me with the account of the debate in the Legislature, the substance of which I have stated. That is but one refutation from a source the authority of which will not be denied on the other side of the Chamber of the wholesale slander upon the white people of that State which this Lieutenant-General has seen fit to utter.

So then I say the statements made by the Lieutenant-General of the Army to the President are so refuted as to important features as to destroy their credibility. There is a gross improbability attending such stories. Nor has there been one particle of proof worthy to be considered by the Senate of the perpetration of one of those acts. They are all general, railing, unsustained allegations made by a man who evidently hates the people whom he was sent to govern. One illustration I remember as to what he means by a "bandit" and the kind of person he desires to try by military commission is found on page 27 of the President's message. There the Lieutenant-General says:

During the few days in which I was in the city prior to the 4th of January the general topic of conversation was the scenes of bloodshed that were liable to occur on that day, and I repeatedly heard threats of assassinating the governor, and regrets expressed that he was not killed on the 14th of September last; also threats of the assassination of republican members of the house, in order to secure the election of a democratic speaker. I also knew of the kidnaping by the banditti of Mr. Cousinier, one of the members-elect of the Legislature.

At page 26 of the message Cousinier's case is again made the subject of long and special report by Sheridan; it was evidently the strongest he had obtained.

Now I just wish to show when we can pin General Sheridan down to a fact what his definition of a "bandit" is. We have got at last one case of what he considers the action of "banditti," which was the arrest and detention of Mr. Cousinier, one of the members-elect of the Hahn legislature. That fact is noted in the report of the committee on investigation, who were then on the spot, and who there-

fore may be considered more competent to speak upon the fact than Sheridan. Now let us see what were the real facts. On page 10 of the report of the committee they say:

At twelve o'clock noon William Vigers, the clerk of the last house, called the assembly to order and proceeded to call the roll of members as made up from the returns of the returning board. This roll contained the names of 106 members, classed by Governor Kellogg as 53 republicans and 53 democrats; but it is claimed that one of the democrats was not a "staying democrat." The republicans claimed that one of their members, A. G. Cousin, had been kidnaped and forcibly taken to a distant parish to prevent his presence at the organization of the house. Your committee was about to investigate this charge, when in public session it was claimed by the democratic counsel and admitted by the republican counsel that the arrest was under legal process and by the hands of the sheriff. It was further claimed, and not denied, that the privilege of his office did not shield him from arrest. The charge was embezzlement.

Now the Senate will see what constitutes "banditti" in the mind of the Lieutenant-General. Now you can see the character of the offenses for which he would try men by military commission, for the only case that he has ventured to name is one that we have been able to nail upon him, and to show the outrage committed upon this man (and which I do not pretend to defend) was committed by a republican sheriff in executing a writ issued from a republican court by the hand of a republican clerk and he was taken into legal custody under a charge of embezzlement; a charge I am sorry to say only too likely to be true in the class of men sought now to be kept in power over the people of Louisiana.

Mr. RANDOLPH. I ask the Senator from Delaware to yield that I may move that the Senate take a recess for half an hour.

Mr. BAYARD. I would rather, as far as I am concerned, go on. If my friend from New Jersey made the motion in my interest, I beg him to withdraw it.

Mr. RANDOLPH. I withdraw the motion.

Mr. BAYARD. I wish the Senate to observe this is a case in which Mr. Sheridan says (at page 27) he *knew* the facts. All the rest of these blood-and-thunder stories he parades he does not profess to know; he says they are told to him. He hears rumors of assassination, but when he comes to the case of Cousinier he says he knows of it being a case of kidnaping by banditti and when we come to discover the truth it is an arrest under State process for embezzlement. This case furnished the honorable Senator from New York a large and interesting theme. He paraded the iniquity of that arrest before the Senate and in a very elaborate and able speech, I think he gave about two pages to the description, the moral iniquity and outrage of this arrest and detention of Cousinier for the purpose of preventing his attendance in the Legislature. Sir, there is not one word that he has said of condemnation that I do not indorse. If it was true that this man was arrested under a false pretext in order to keep him out of the Legislature, I say it was an outrage for which the perpetrators should be punished; but it is plain the arrest was made at least under color of law. It was made by a republican sheriff holding a writ emanating from a court over which a republican judge presided. But since the Senator finds so much to excite his eloquence and denunciation in that case, I cannot forbear reading from page 7 of Mr. Scofield's report in the House of Representatives upon the manner in which such transactions were conducted in New Orleans in the interest of the republican party. On the 4th day of January, 1871, at the time of the convocation of the State senate and house of representatives on the call of Warmoth after the death of Lieutenant-Governor Dunn—

Affidavits were made by four members of the house charging the governor, four senators, and eighteen members of the house, all belonging to the Warmoth faction, together with some outside parties, with violations of the late act of Congress known as the Ku-Klux law, and procured warrants for their arrest. The two houses were to convene at twelve o'clock. A few minutes before that time some half-dozen deputy marshals visited the capitol and began serving these warrants. The defendants generally volunteered to go before the commissioner without arrest, and only one was actually arrested. The parties were detained before the commissioner, in giving bail, until about one o'clock. The other Warmoth members of the house attempted to absent themselves from the hall and thus leave the house without a quorum, but enough were forcibly detained to make fifty-one. With this number present, the house proceeded to unseat seven members of the Warmoth faction, and in their stead to seat six of the Carter party, leaving one vacancy. After transacting some other business they adjourned, to meet the next day at noon. By this proceeding the relative majority of the opposing parties was again reversed, and Carter was once more in the ascendant. It was now the turn of the other faction to show their fertility in expedients.

Here then in this same immaculate party which we are asked to keep in power in Louisiana we have not the arrest of one man under a charge of embezzlement, but we have the arrest of the governor himself, eighteen members of the house, and four members of the senate, and they are kept without bail for just such time as will enable the rump of the Legislature which is left behind to vote out seven of the members and thus give themselves a majority. This report was made on the 30th of May, 1872. It has been known to the Senate and the country ever since. What word of denunciation has come from the other side of the Chamber on this subject? As I say, when it comes to the arresting of this single man Cousinier, no words are sufficiently strong to express the horror and indignation of the Senator from New York; but when it comes to the arrest of a governor and four senators and eighteen representatives, it seems to be something so very venial as scarcely worthy to be noticed. I condemn both, but I cite the case of Cousinier for the purpose of showing that it was a case in which the Lieutenant-General assumed to speak of his own knowledge, and when the facts are developed it turns out that he had not a shadow of authority for the statement. If he meant to call the sheriff a "bandit" who arrested a man under a charge trumped up for the occasion, it shows what his definition of that word means and the kind of people he wanted to try by military commission.

I may say, to continue this wretched story of Louisiana politics, that on the same afternoon after Warmoth had lost his majority in the lower house—

The governor issued a proclamation convening the two houses in extraordinary session at half past four o'clock that afternoon. Fifty-five members, including those who had been unseated by the Carter party, attended. The other side had no notice of the meeting. In this extra session the work of the afternoon was declared void; Carter was deposed as speaker and expelled from the house, and a new speaker chosen. The next day the capitol was guarded by police and Carter forcibly excluded from the building. He and his supporters assembled at a hall in the city over the Gem saloon, and each party then had a house of its own.

But it turned out that Warmoth, having the control of the municipal police and the whole powers of the State, was too much for this other faction, and that he succeeded in maintaining himself. It was when Governor Warmoth quarreled outright with the Administration in Washington that he went down under military force.

Mr. President, I desire to read to the Senate the description by Colonel Morrow of the condition of Louisiana. It is found on page 70 of the communication from the Secretary of War, and as I said before was in the possession of that official and of the President of the United States at the time the special message was sent to us in which it was entirely omitted. Colonel Morrow made a tour of investigation through the northwestern part of Louisiana into the scenes of alleged disorder and submitted the following statement:

In relation to the necessity of sending more troops into that section of the State, I respectfully report that there is no need for more troops in any portion of the State of Louisiana visited by me. The scenes of violence and the reported infringements of law which were the immediate cause of troops being ordered into certain parishes seem to have aroused in the minds of law-abiding citizens a keener sense of their obligations to preserve law and order in their respective communities, and I am happy to be able to report that a healthier state of public sentiment is manifest in every section of the country; and I am of the opinion that the troops can be withdrawn from Alexandria, Colfax, and Natchitoches, and that there is no necessity for increasing the forces at any other point. I mean to be understood as saying that troops will not be required at these points to compel obedience to any law of the United States. Troops will be required, however, in nearly every section of the State to sustain the State authorities if Congress by appropriate legislation does not give some relief. The only necessity for the presence of troops at any point, so far as relates to offenses against laws of Congress, will arise from the duty of giving aid to the deputy United States marshals in cases where they may be resisted in the discharge of their legitimate duties of serving warrants for the arrest of offenders for violations of the law of Congress known as the "enforcement act;" and I am decidedly of the opinion that with proper management even in this class of cases few instances will arise in future in which a military posse will be required.

I am perfectly aware of the fact that the Federal troops have not been ordered into parishes except on the requisition of the civil authorities, and that if the use of troops has been abused, the censure for this cannot be laid at the door of the department commander; but inasmuch as it is openly charged by citizens, and is firmly believed, that United States troops have been used for political purposes, I recommend that stringent orders be issued to officers to whom applications for posses may be made that they are not to furnish the same except in cases where the marshal, unaided, has tried to serve his process and failed, and has made application to the citizens for proper assistance and has been refused. This I believe to be good policy as well as sound law, and, if strictly adhered to, I am confident fewer demands on the military for this duty will be made in the future than in the past, and that the Army will thereby be relieved from the performance of duties as obnoxious to the people of the country at large as they are disagreeable to the officers and men who have to discharge them.

He then proceeds to give an exceedingly intelligent statement of what he believes to be the true duty of a military officer in sustaining the civil law, which I commend to his brother officers everywhere. He then passed upon the conduct of Major Lewis Merrill, of the Seventh Cavalry, who went out of his way to make affidavits upon which the arrests of prominent citizens were made for alleged violations of the law of Congress known as the enforcement law.

Public feeling and opinion among the white population of all the parishes on Red River condemned Major Merrill's act, and the opinion was openly expressed that this officer, so far as his act could do it, has made the Army an active participant in a heated political controversy.

He states afterward that "the affidavits were made by Merrill himself," and says that Merrill—

Emphatically claimed that his act was that of Lewis Merrill, a citizen, and not of Major Lewis Merrill, an officer of the Army of the United States. Whether a military officer in an important command can separate his private from his official character, and, without subjecting himself to censure, take original action in his own person whereby he becomes identified with political partisans, and whereby also the whole Army is brought into disparagement in the minds of many well-disposed people of the country at large, and whereby also the reputation of the service for fair and impartial conduct in the delicate and responsible duties it is required to perform in conjunction with the civil authorities in this and other Southern States is impaired, I leave, without any expression of opinion on my own part, to the decision of higher authority.

The time was when it would not have been necessary for an officer to make such comment; but in the case of Merrill, shameful notoriety had followed him. This man had in 1871 been in the State of South Carolina on duty; he had there been placed in command of a district over which the President had proclaimed martial law, which left Merrill's will the sole law for the inhabitants.

Mr. NORWOOD, (at four o'clock and forty minutes p. m.) The Senator from Delaware yields that I may move that the Senate adjourn. I submit that motion.

Mr. SPENCER. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. KELLY, (when his name was called.) Upon the main question and questions of adjournment I am paired with my colleague [Mr. MITCHELL] for this evening and during the night. I make the announcement at his request, and shall not vote.

Mr. McDONALD, (when his name was called.) I am paired on this question with my colleague, [Mr. MORTON.]

Mr. STEVENSON, (when his name was called.) On this question I am paired with the Senator from Ohio, [Mr. SHERMAN.] If he were here, he would vote "nay" and I should vote "yea" on this motion.

The call of the roll was concluded and the result announced—yeas 22, nays 28; as follows:

YEAS—Messrs. Bayard, Bogy, Booth, Caperton, Cockrell, Cooper, Davis, Eaton, Gordon, Hamilton, Johnson of Tennessee, Jones of Florida, Kernan, McCreery, Maxey, Norwood, Randolph, Saulsbury, Thurman, Wallace, Whyte, and Withers—22.

NAYS—Messrs. Allison, Anthony, Boutwell, Bruce, Burnside, Cameron of Wisconsin, Christiancy, Conkling, Cragin, Dorsey, Edmunds, Ferry of Michigan, Frelinghuysen, Harvey, Hitchcock, Howe, Ingalls, Jones of Nevada, Logan, McMillan, Morrill of Maine, Morrill of Vermont, Oglesby, Paddock, Patterson, Sargent, Spencer, and West—28.

ABSENT—Messrs. Alcorn, Cameron of Pennsylvania, Clayton, Conover, Dawes, Dennis, Ferry of Connecticut, Goldthwaite, Hamlin, Johnston of Virginia, Kelly, McDonald, Merrimon, Mitchell, Morton, Ransom, Robertson, Sherman, Stevenson, Wadleigh, Windom, and Wright—22.

So the Senate refused to adjourn.

The PRESIDENT *pro tempore*. The Senator from Delaware still has the floor.

Mr. RANDOLPH. I now renew my motion that we take a recess for half an hour.

Mr. ANTHONY. I believe that a recess for a short time might lead to arrangements that would enable us to come to some conclusion on this resolution without the fatigue of a night session. I second the motion.

Several SENATORS. Say an hour.

Mr. SAULSBURY. I believe this is a wager of battle, a question of physical endurance; and for one I protest against any adjournment. Let us exhaust ourselves, and then reach the vote. If this question was to be submitted to fair and proper discussion, I should not be in favor of any factious opposition; but when it is brought in here and announced on the very morning that it is to be sat out, for one my own self-respect would not allow me to favor any arrangement whereby the very battle thus tendered shall be surrendered. I am in favor of a proper discussion of this question and then let the majority take the vote; but if they see proper to tender us the wager of battle, then I go against any recess whatever and let us see if we cannot settle this question upon the issue which they tender.

Mr. ANTHONY. If my friend from Delaware has sufficiently exhausted himself, I would like to ask him who made a statement that this was to be subjected to a test of physical endurance.

Mr. SAULSBURY. It has been talked around here all day.

Mr. ANTHONY. This is the first time I have heard of it, and I have talked with Senators on both sides.

Mr. SAULSBURY. When my colleague was on the floor and complained of being unwell and of being fatigued, and a motion was made in his behalf that we should adjourn, it was rejected, twice rejected; and from every indication we could have, as well as from private information, it was understood that this matter was to be sat out unless an arrangement was made. Now, for one, I am not in favor of factious opposition in the Senate of the United States; but when gentlemen come here and indicate a disposition to test the physical endurance of the Senate, I am perfectly willing to meet them upon their own ground.

Mr. ANTHONY. I do not wish to make any discussion, certainly not with my friend from Delaware, on this matter; but I wish to say in behalf of our friends on this side of the Chamber that no such proposition has been made. We want no contest of physical endurance. On the contrary we want to fix a time when this question which has been debated for two months, a question upon which nothing new can be said by anybody, shall be brought to a close, giving every Senator upon the other side as much time as he wants to speak upon it; and it is in the hope that this recess may lead to such an amicable arrangement that I second the motion of the Senator from New Jersey.

Mr. RANDOLPH. My sole object in offering this motion was that Senators on this side of the House should have an opportunity for consultation. I do not pretend to know what the opinion of the majority of our friends is; but I think that no delay save that of the half hour can occur, and no detriment to any gentleman can follow, as the Senator from Delaware [Mr. SAULSBURY] seems to apprehend. I do trust that, for the purpose of giving that rest which we all need and for the purpose of permitting a conference, the motion that I made that a recess be had will be acceded to. I should like to have it an hour, however, on further consideration.

Mr. EDMUNDS. Make it till half past five; that will make square hours.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to make the recess until half past five, which will give eight minutes more than half an hour. The question is on the motion that the Senate take a recess until half past five o'clock.

Mr. McDONALD. It seems to me that half an hour is no time at all for the purpose indicated.

Mr. RANDOLPH. I suggest six o'clock.

Several SENATORS. Half past five will do.

Mr. RANDOLPH. The difference of half an hour will be very little.

Several SENATORS. Let it be six o'clock.

Mr. RANDOLPH. I will change the motion to make the recess until six o'clock.

Mr. PATTERSON. I suggest that it be till half past seven. Let the recess be long enough to enable us to go home and get our dinners.

Mr. ANTHONY. If we take a long recess the Senate will scatter and may not come together again. I think until half past five will do.

The PRESIDENT *pro tempore*. It is moved that the Senate take a recess until half past five.

Mr. RANDOLPH. I modify my motion by saying six o'clock.

The PRESIDENT *pro tempore*. The Chair will put the question on the motion that the Senate take a recess until six o'clock.

The motion was agreed to; and (at four o'clock and forty-six minutes p. m.) the Senate took a recess until six o'clock.

EVENING SESSION.

The Senate reassembled at six o'clock p. m.

PRESIDENT'S ACTION IN LOUISIANA.

The Senate resumed the consideration of the resolution submitted by Mr. FRELINGHUYSEN on the 16th instant, the question being on the amendment moved this morning by Mr. ANTHONY.

Mr. BAYARD. Mr. President, at the time the Senate took its recess I was commenting upon the report of Colonel Morrow, and had read that portion relating to the conduct of Major Merrill in undertaking at the same time to act in two characters, to act when he pleased as a private citizen or at will to assume official character, so that his rights as a citizen and his powers as an Army officer should be exerted at one and the same time. I thought it proper to pause and make this comment on Major Merrill, of whose conduct in the State of South Carolina I had some knowledge, which I had communicated to the Senate and caused by a Senate resolution to be communicated to the President and Secretary of War in the vain hope that conduct so unbecoming an officer of the Army and a gentleman would be promptly rebuked by those in authority. I offered in 1873 a resolution of inquiry asking whether this Army officer while on duty with extraordinary powers vested in him by the Commander-in-Chief, making his will the sole law for the people of a number of counties in the State of South Carolina, had been admitted to practice at the bar of that State and add to the official salary he was receiving from the Treasury of the United States the emolument of private professional pursuits; nay, more, had lobbied through the negro Legislature of that State bills appropriating large sums of money by way of reward to him for bringing to justice offenders against the Ku-Klux act, he having been sent to that State to perform the peculiar and precise duty of aiding the civil authorities in the execution of that law, and then turning his acts of obedience to the commission he bore into a source of private profit to be derived from the treasury of the State. I can conceive no act that should meet with the more prompt reprehension of any officer of the Army or of any American who had the honor and the welfare and the tone and character of that branch of the Government service at heart.

But, sir, although I did with difficulty obtain the passage of that resolution, and to do so had to accept an amendment offered by the Senator from New York or otherwise have the almost certainty of the defeat of my resolution, from that day to this no notice has been taken of the resolution by the Executive. On the contrary, in 1874 I made the attempt in the month of February to renew the resolution and ask why it had not been responded to. Objection was made by gentlemen of the dominant party in this Chamber. The last objection made to the consideration of the resolution was to allow the Senator from South Carolina [Mr. PATTERSON] to make some comments on it, which he never has made from that day to this.

Not only was Merrill suffered to draw into his private pocket $21,400 from the treasury of South Carolina in the shape of rewards for the arrest and conviction of alleged Ku-Klux prisoners, which duty he was assigned by the United States to execute, but after that fact was known, published here in debate, published in the newspapers of the country, he is advanced in favor with the Administration and is sent to Louisiana, there to continue the practices of which he had been guilty in South Carolina and to stain the name of an American soldier by malpractice for which I think every honorable member of his profession must blush.

I have caused to be read to the Senate the comments of Colonel Morrow upon Merrill's conduct in Louisiana—a mischief-maker, a creator of disturbance, a hater and an enemy of the people among whom he went; and his reports are chosen as the proper representation of the condition of those people by the President, and with difficulty we obtained the other side in the statement of Colonel Morrow. Now I ask the Clerk to be kind enough to read for me from the report of Colonel Morrow the pages I have marked.

The Secretary read as follows:

I now come to the general condition of affairs in the parishes on Red River, and without the slightest exaggeration I may say it is bad. Respect and regard for

the General Government are expressed by all classes of people, and so is the determination not to be, under any circumstances, brought into collision with the Federal troops; but there is a universal expression of contempt for the State government, and, so far as language could express it, there is open defiance of its authority. The governor is everywhere, and by almost every white man, denounced a "usurper," and the determination is openly expressed by nearly every white man not to submit to his usurpation longer than submission is compelled by the presence and force of Federal soldiers.

Dissatisfaction and discontent are plainly visible in all the acts and conversation of the people, and the result is manifest in almost every department of business. Uncultivated fields, unrepaired fences, roofless and dilapidated dwellings, and abandoned houses meet the eye at every step, and the whole aspect of the country has a look of poverty and neglect. The schools in many parishes are closed for want of money to pay the teachers, and I was told again and again that the school funds had been stolen by the State officials. In one parish a criminal court had not been held in nearly two years, and in other parishes no court, criminal or civil, had been held for a long time. In a community where there are no courts crime finds a genial soil, and the natural result is that the law has fallen into disregard and disrepute. Judges were openly charged with corruption, and money, and not justice, is charged with turning the judicial scales.

The people reported, and seem to believe, that the machinery of the Federal courts had been used to oppress them for political ends, and that the Federal troops had been used for political purposes. How far this has been the case I have no means of knowing, but I do believe that deputy United States marshals have used United States soldiers in cases where there was no necessity for them, and, from my investigations, in the parishes of Ouachita and Lincoln I am quite certain that these civil officers discharged their duties in an unnecessarily harsh, if not cruel, manner. It was represented to me that the marshals are in the habit of prowling through the country in the night-time, accompanied by a posse of soldiers, to make arrests of citizens who could be arrested by the marshal unaided, and, under any circumstances, should be arrested in the open daylight.

These night arrests seemed to have a peculiar terror for the people, and my attention was repeatedly called to them. Another subject of complaint was the fact that citizens are arrested without the shadow of a cause, and after long and vexatious delay and great expense are set at liberty without affording them even a preliminary hearing. And another subject of bitter complaint, especially in Coushatta, is the fact that there is not a United States commissioner in the parish, and persons arrested are required to be sent to the city of New Orleans, several hundred miles distant, for even an examination. The expense of getting witnesses to so distant a point will make even justice a luxury that only the rich can procure. A man of moderate means could not hope to prove his innocence if the presence of many witnesses was required for the purpose. The people at Coushatta complained also, and I think justly, that a person had been sent there last fall as commissioner who was a brother to one and brother-in-law to another of the unfortunate men who were so brutally and dastardly murdered in August last. However brutal may have been the circumstances attending the massacre of these men, it will be at once conceded by every man at all familiar with rules in American and English courts, that a near relative of the persons murdered is not a proper person to sit as judge in even a preliminary hearing.

These were complaints made to me against United States officials, and I therefore report them for the information of the department commander. The complaints against the State officers were so numerous that a mere enumeration of them would fill a volume. Corruption and jobbing in office; partiality and favoritism in the administration of justice; exorbitant taxes, rising in some instances to 7 and 8 per cent. on the appraised value of the property; a ruined credit; a depleted State and parish treasury; enormous debts, State and parish; and multiplication of officers in the persons of favored individuals, are a few of the charges made by the people against their State authorities.

Mr. COOPER, (at six o'clock and twenty minutes p. m.) With the consent of the Senator from Delaware, who yields for that purpose, I move that the Senate adjourn.

Mr. MORRILL, of Vermont. I call for the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. STEVENSON. I rise simply to announce that I am paired with the Senator from Ohio, [Mr. SHERMAN.]

The question being taken by yeas and nays, resulted—yeas 22, nays 28; as follows:

YEAS—Messrs. Bayard, Bogy, Booth, Caperton, Cockrell, Cooper, Davis, Eaton, Gordon, Johnson of Tennessee, Jones of Florida, Kernan, McCreery, Maxey, Norwood, Randolph, Ransom, Saulsbury, Thurman, Wallace, Whyte, and Withers—22.

NAYS—Messrs. Allison, Anthony, Boutwell, Bruce, Burnside, Cameron of Wisconsin, Christiancy, Conkling, Cragin, Dorsey, Edmunds, Ferry of Michigan, Frelinghuysen, Harvey, Hitchcock, Howe, Ingalls, Logan, McMillan, Morrill of Maine, Morrill of Vermont, Oglesby, Paddock, Patterson, Robertson, Sargent, Spencer, and West—28.

ABSENT—Messrs. Alcorn, Cameron of Pennsylvania, Clayton, Conover, Dawes, Dennis, Ferry of Connecticut, Goldthwaite, Hamilton, Hamlin, Johnston of Virginia, Jones of Nevada, Kelly, McDonald, Merrimon, Mitchell, Morton, Sherman, Stevenson, Wadleigh, Windom, and Wright—22.

So the Senate refused to adjourn.

Mr. BAYARD. This, Mr. President, is the sad picture drawn of one of the States of this Union by a military officer than whom the General of the Army knows of no officer better qualified to speak. Sir, does such a picture of wretchedness, of distress, provoke emotions of pity, of tender sympathy, or of animosity and anger? If these were not citizens of the United States, if they were not our own fellow-citizens, if the case stated was a simple abstract picture of suffering humanity, I cannot doubt that in this Chamber there would be but one opinion upon this subject, and that would be of indignation toward those who have brought such things to pass—of sorrow for those who were the victims of such misfortunes, of an instant desire to alleviate the trouble if it was within our power. But upon what strange times have we fallen when we read this picture of a community of our own fellow-citizens and hear of and see no measures proposed by those in authority save renewed oppressions, persecutions more stringent, and punitive legislation! At the next page of his report this officer goes on to say:

I not only do not believe, but I am absolutely certain, that there will not be at any time in Louisiana any organized or authorized resistance to the General Government. If the expressions of the people are to be believed, and I do believe them, there is a very sincere desire to live quietly under the protection of the Constitution of the United States and enjoy the blessings of the National Government. But there is no disguising the fact the protection afforded by the Federal Administration to the government of the present State executive is the cause of bitter personal and political feeling in the breasts of nineteen-twentieths of the white inhabitants of the State.

This is the executive who has arrayed against him the bitter personal and political feeling of nineteen-twentieths of the white population of the State, which means nineteen-twentieths of those who hold property in the State of any appreciable amount, and it is the protection and maintenance of that hated governor, that false and spurious ruler—it is such a man the Senate are called upon to ask the President to uphold and continue in power.

Why, Mr. President, what is the necessary result of such action? Is it not fatal to our Union? What is the result of a continuation of a system that has brought forth such fruits as these? Unhappiness to the community who are the immediate objects of such injustice, and relief in their minds from any sense of obligation or fealty to the Union of our States and our Government. If such a policy is to be continued, the destruction of the prosperity of all our people must necessarily follow. We are to-day amid all the financial errors, amid all the errors of unequal taxation, of mistaken excise and tariff policies, of extravagance and want of due economy in the various departments of the Government, of overspeculation and reaction by the gross errors of paper money and of an irredeemable currency. All these are oppressing the people of the United States. Their consequences are resting heavily upon them, and distress exists widespread and deep in many thousand homes in the North, industry is prostrated, enterprise is paralyzed, trade languishes, manufactures are unremunerative. All these are causes of distress and pecuniary trouble, but all together are not as potential causes of distress to the people of the North as the beggary which your reconstruction policy has brought upon the people of the South. Their poverty prevents them from becoming consumers, their want of money prevents them from becoming customers. They suffer, it is true, but they do not suffer alone; and if I were asked to-day to state the chief cause of the present depression of the whole country and the distress which we know exists throughout the Northern and the Middle States, I should say it was the distressed and desolate condition of the sixteen States south of the Potomac.

The loss of money brings distress. Wise laws may take the place of unwise laws, a defective and ruinous financial policy may be replaced by another sound and judicious, trade shall again be reinvigorated, commerce shall revive, and prosperity again may open her springs; but what is all that material prosperity if the hearts of the people are not together and the love of union and of a common country does not exist? O, Mr. President, it is the injustice that has driven these people from you, and is continuing to drive them from you, that forms to me a subject as an American most to be dreaded for the sake of my country.

It was once my duty to stand in a political convention composed almost entirely of zealous advocates for the nomination for the Presidency of Horace Greeley, and there to express my views as an independent thinker, yielding my contribution of an honest judgment in qualification of, if not decided opposition to, the prevailing sentiment of those who surrounded me. Time has in some degree enabled us to judge of the correctness of what I then said and advised, and I have no other object in this reference than to express my present sense of what this country owes to-day to the great-hearted man whose name was mentioned in debate on this Louisiana question some weeks ago in such disrespectful association.

The nomination of Horace Greeley had its impulse largely among the southern white people, whose opinions and prejudices had for more than one generation been strongly arrayed against him.

There had been no representative man of the North more signally the opponent of what may be called the southern system of thought and political action than Horace Greeley. He had lived to see this system utterly overthrown and revolutionized by force of arms, and in the wreck his ear caught the cry of human misery and sorrow that ever accompanies such sweeping changes in society, and his kind, warm heart recognized the appeal.

From the surrender of the southern armies until the grave closed over his form I believe the paramount object of Horace Greeley's life was to bring his fellow-countrymen into a better understanding with each other and inaugurate an era of peace and good-will, which should cement our Union of States and make American citizenship a tie of fraternity in all sections of the country.

To accomplish this he risked much that he valued. He braved great pecuniary loss, the indignation of his former political and personal allies, the angry denunciations of official power and a partisan press. To reunite his countrymen in the bonds of mutual kindness and good-will, he severed the ties of party organization and became the leader of a political forlorn hope, so far as the fate of the immediate canvass was concerned. And then he died. But the seed sowed in a good life did not die. It is to-day flourishing in the hearts of a generous people. Nearly 3,000,000 voters in 1872, of whom over 90 per cent. were democrats, responded to the sentiment for which Mr. Greeley struggled. Men looked into each others eyes with trust and not distrust. The hands of former political opponents met in friendly clasp, and sectional hatreds and geographical lines were obliterated from the hearts and memories of those who heard or read the wise and patriotic speeches made by him in the summer and fall of 1872.

The ancient Romans decorated with crowns those citizens who in

the forum or in battle won distinction. The civic crown was of all the most glorious, and was awarded to him who had saved the life of a Roman citizen.

To whom could the American people more justly award the civic crown than to Horace Greely, who if he gained not the laurel of the conquerer surely deserved the oaken leaf of the pacificator. The Grecians constructed all monuments of civil strife of wood that the memories should not be lasting, while enduring brass marked victory over a foreign foe. It is the lesson that lies in this that shall save a country, and as Horace Greeley did seek to instil it into the hearts and minds of his countrymen, so do I believe he was their benefactor, and for this our own and future generations of Americans shall rise up and call him blessed.

Mr. President, in 1869 I came to the Senate of the United States, never having been a member of any public assembly prior to that time. My pursuits were congenial; the reward obtained was sufficient to give me a pecuniary independence. Those from whom I drew my blood, whose name I bear, had been too long in public life not to have become poor; and if my personal interests had been consulted I should have continued to seek those rewards that industry and fair intelligence will bring to any man in a profession for which he is at all adapted. I had but one object, and that I believe I have steadily pursued. The country that I love had been rent by discord and the hearts of its people had been alienated far, far from each other. I had no other object in coming here than to bring my fellow-countrymen into accord with each other, and I am not conscious since I came that a word has been uttered by me or a vote cast tinged with unfriendliness to any portion of my country, North or South or East or West. And now, sir, if I lift my voice in favor of a measure or in opposition, I have long ago been taught it will not be efficient in this assembly, but may be heard elsewhere, and even from me if what comes is truth, there is a God of truth who shall make it efficient in His own good time.

Sir, I fear there is a feeling growing in the minds of those who have had political control in this country of late years that the success of their party is more valuable than the form of government under which we live. I fear that I see signs that this terrible contest is waging in their minds and that they are weighing the one against the other. I only hope I may be mistaken when I express the fear that the desire for the ascendency of party is almost too strong for the love of our form of government. What else can I think when I regard the force bill of the late Congress, which was not the product of a single mind nor of a single committee but of a joint caucus of the two Houses, the Senate and the House meeting night after night deliberating day after day? The product of their joint consultation was shown in a bill that proposes to put nearly one-half of this Union in chains of martial law should the discretion of the President direct it. It is true it met opposition. It is true it was modified as to the theater of its exercise; that the fifteen or sixteen States were reduced to four, selected for the operation of the law, not abating its evil and dangerous principle, circumscribing its theater but containing a principle never heretofore recognized in United States laws; that it should prevail only in certain States of the Union and should not be law in the others; that the citizen of Massachusetts, or Pennsylvania, or New York, or Delaware should have safeguards for his liberty that were to be withdrawn from the citizen of Louisiana, or Texas, or Arkansas, or Alabama—a badge of unjust and degrading inequality that no measure proposed to the Congress of the United States ever before to my knowledge contained. That infamous measure passed the House by a large majority, after full discussion, 135 votes of the dominant party being cast in favor of it and the solid count of the democratic party, swollen by some conservative republicans, bringing about 114 votes in opposition to it, and then it was brought here at the end of the session when it was in the power of the minority to prevent its passage; *and they did.* That it is not a law to-day is not the lack of favorable sentiment in this body, because every one must recognize the fact that the sentiment of the Senate of the United States has been far more extreme, radical, and unhesitating than that of the House of Representatives.

Then came presidential messages in regard to Arkansas containing propositions fatal to the existence of State governments, proposals to invade, override, and destroy the settled government of States at the mere will and caprice of the Executive. Then witness the whole tone of the Administration toward those political adventurers who have plundered the South and ask still to be sustained by the armies of the Government in defiance of the sentiment of the communities in which unhappily they find their abodes. It is they who are in favor with the Executive, it is they with whom he takes counsel, it is they who give direction to his thought and plans. We see them in both Houses of Congress exercising a strong sway in the councils of the majority and their fortunes sought to be upheld and preferred to the peace and prosperity of the communities where they unhappily have taken up their residence.

I see this action in Louisiana, I see your resolution here. What does it mean? If it meant nothing it would not be so pressed. Does it mean to continue a military protectorate in one or more of the States of this Union? Does it mean anything else or anything less? That is what the government of Louisiana has been since 1872. That community has lived under a military protectorate guided and controlled by the President of the United States, who by the crook of his little finger could remove any man within that State from office or from power or who by his smile can encourage him to any excess and guarantee him perfect immunity, no matter how flagitious was his wrong. So here to-night I do gravely and earnestly warn my fellow-countrymen against that change in their form of government which these measures indicate and I fear seriously threaten.

Believing this, I feel it my duty plainly to say so. I have looked at the proposed course of legislation, I have looked at the proposition of the Executive in relation to Arkansas, I have seen what has been done and what has been happily defeated, and I do say that if the people of this country are wise they will be quick to check the further progress of their Government in the direction it has taken in Louisiana and which is proposed to be extended beyond the limits of that State. I hope they may hear me; I hope they may heed me; and that the government of laws, which was designed by the founders of this country to continue over a free people, may not in the heat of party or by personal ambitions be merged and lost in a government of force. My desire is that the attention of the country should be awakened to the true facts; all I ask is the judgment of my fellow-countrymen candidly and deliberately on the facts as we now know them to exist. Some things I had thought were sacred, rights that I thought could never be drawn in question, have been denied here in debate by the unhesitating admirers of executive power. Sir, it is quite time for the American people to arouse themselves to the consideration of their public duty, and forget party passion in the higher feeling of love of country.

The PRESIDING OFFICER, (Mr. BOUTWELL in the chair.) Is the Senate ready for the question on the amendment?

Mr. MAXEY. Mr. President, the question under consideration is the amendment proposed by the Senator from Rhode Island [Mr. ANTHONY] to the resolution offered by the Senator from New Jersey, [Mr. FRELINGHUYSEN.] The amendment is to make the resolution read:

Resolved, That the action of the President in protecting the government in Louisiana, of which William P. Kellogg is the executive, and the people of that State against domestic violence, and in enforcing the laws of the United States in that State, is approved.

The first point demanding attention is, has the Senate jurisdiction to consider and determine the question raised in this resolution? The Constitution of the United States is the foundation and limitation of the powers of the Senate, as it is of the powers of every other branch of the Federal Government. The functions of the Senate are performed in three several capacities: first as a co-ordinate branch of the Federal Legislature of the country; secondly, as an advisory body to the President in the matter of treaties and nominations; and third, as a court of impeachment. If this resolution can be considered by the Senate as appropriate to and falling within either of these capacities, it is within the jurisdiction of the Senate; otherwise it is not; and that is the first question to settle.

Does this resolution look to legislation? If it does, the Senate sitting in executive session for special purposes has no jurisdiction whatever. That question was settled the other day when the Senator from Arkansas [Mr. CLAYTON] offered a resolution looking into an investigation of the affairs of the Indian Territory, and by a very decided vote of the Senate, 40 against 22, it was held that at this session of the Senate no action looking to legislation could be entertained. If, then, this resolution looks to legislation, it cannot be entertained at this session of the Senate.

Next, does it look in any manner to a treaty? Unquestionably not. Does it look in any manner to action upon a nomination of the President? Certainly not. Does it relate to an impeachment? Clearly not.

Then if it does not fall within the purview of the Senate in the exercise of any of its great powers, I ask what authority this Senate has to exercise jurisdiction over this question? It is clear that this view of the question is taken in every message of the President which refers to Louisiana affairs, and so far as I now remember in every such message Congress is called upon to act, not the Senate. When a committee was appointed by the Senate to investigate that matter, their recommendation upon the completion of their important labor was not for the Senate to act, but for Congress to act; and that committee was made up of able and distinguished Senators. I have not heard, I have never heard during the whole investigation of this Louisiana question, I have not read in any of the papers, in any of the speeches in the Senate, in the House, or in the country anywhere, that it was claimed that the Senate of the United States had any power whatever over the question acting in its individual or separate capacity unconnected with the House of Representatives.

It is important to determine that point, for without jurisdiction in the premises a mere expression of opinion by the Senate that the President of the United States has discharged his duty is a most singular thing to be done here. The President of the United States by his great oath of office swears to preserve, protect, and defend the Constitution of the United States and to see that the laws are faithfully executed. If, then, in the course which he has pursued toward Louisiana, he has seen that the laws have been faithfully executed, if in his course there he has preserved, protected, and defended the Constitution, he has done nothing more than it was his duty to have done; and it would be most singular and most strange that it should be necessary for the Senate, a grave and

dignified body as it is, to say to the President, because he has done his duty, "Well done, good and faithful servant." If, on the contrary, the action of the President in reference to Louisiana is not in the discharge of his duty as President; if in his action there he has not preserved, protected, and defended the Constitution; if in his action he has not seen that the laws are faithfully executed, then I ask by what authority this Senate comes in at this late day and says to him, "Your action, although not in accordance with the Constitution of the country which controls us, is yet by grace of the Senate made legal and is approved; that which was illegal at the time it was done is by our action made legal?" I know of no such authority.

When we come to look at this resolution we find what?

That the action of the President in protecting the government in Louisiana, of which William P. Kellogg is the executive, and the people of that State against domestic violence, and in enforcing the laws of the United States in that State, is approved.

It necessarily follows that we must look into the action of the President in regard to Louisiana to see what that action is and see whether by that action he has brought about peace and has protected those people. There was an election held in 1872. By an order which has been denounced in this Senate and all over this country, by an order which so far as I know has no defender of any party, the midnight order of Durell, this Louisiana government headed by W. P. Kellogg was set in motion; and the records show when that order was issued it was known that the order would be sustained and Packard, the marshal, was authorized to uphold and maintain and enforce that order by the troops of the Federal Government. Then, if there has been trouble since the issuance of that order in the State of Louisiana, who is responsible for that disorder? If it turns out to be true that W. P. Kellogg was not elected by the people of Louisiana and that he was foisted on those people against their wishes and against their vote, and was so foisted by the authority of the President of the United States, I ask if the Senate can now come forward and say that in that action he is approved?

It is not necessary in the discussion of this question to maintain that Mr. McEnery was elected governor. While I believe that he was legally elected by a majority of the voters of the State of Louisiana, and while that belief is entertained by thousands of people throughout the country, it is not necessary in this discussion to maintain that proposition. It is only necessary to maintain the proposition that W. P. Kellogg was not elected. When I come to look at the report signed by Mr. Carpenter, Mr. LOGAN, Mr. ALCORN, and Mr. ANTHONY, I find that they conclude that report with this resolution, in which their associates, Mr. Trumbull and Mr. Hill, concur, dissented from only by Mr. MORTON:

Resolved, That there is no State government at present existing in the State of Louisiana.

If when that report was made there was no State government then existing in the State of Louisiana, there has been no State government in that State since that time known to the law because there has been no election for governor since that time. I find that in that report the committee charge the whole election was carried on in fraud and that the amount of fraud and iniquity in that election was so great that it was impossible to determine who really was elected, but the intimations are that McEnery was; but nowhere is it intimated that either by fraudulent or fair means W. P. Kellogg was elected governor of the State of Louisiana. They, however, report as the result of their investigations that neither Kellogg nor McEnery was elected. Take that view of the case; if neither Kellogg nor McEnery was elected, how came Kellogg to be governor? I ask you if the people of Louisiana did not elect Kellogg governor can the President of the United States elect him either directly or indirectly? If the people of Louisiana did not elect him governor, I ask if Durell could elect him governor? If he has no warrant or authority for the position which he holds save and except that which he got by virtue of the midnight order of Judge Durell, then he is not the legal governor of the State of Louisiana, he is not the *de facto* governor of the State of Louisiana. Then why approve the President for upholding this government of his own creation? According to the meaning of the term "*de facto*," as I understand it—and which was made so clear in the very able speech of the Senator from Michigan [Mr. CHRISTIANCY] the other day, (a republican,) that it is scarcely necessary to repeat it—a *de facto* government, as I understand that sort of government, is one which has color of right and which is acquiesced in by the people over which the authority proposes to rule, or it is a government which, having colorable right, is upheld and maintained by so strong a force from among the governed that it cannot be broken by the people discontented with it. The government must in some form be upheld by part at least of the governed. Military power, when that is used, brought to the assistance of the governor, must be the military power of the State. But in the case of Kellogg he controls the State of Louisiana by a military power loaned to him by an authority foreign to his State. Was Mr. Kellogg at the time of the issuance of the Durell order either *de facto* or *de jure* governor of the State of Louisiana? Neither. He had no position as governor of the State by the act of the people of Louisiana, by the acquiescence of the people of Louisiana, by any inherent force which he brought to his assistance in the State of Louisiana. He had no official existence whatever until the issuance of the order of Durell and the enforcement of that order by Federal bayonets at the dictation of Packard, with the understanding as the record shows that this action would be upheld and sustained by the Federal Government. If that be a correct statement of the case, and it is sustained by the record, I cannot see why this Senate should approve of the action of the President. If the Senate approves of the action of the President in that matter it approves the issuance of the midnight order by Durell; it approves the action of Packard; it approves the action of De Trobriand; it approves every one of those acts which have been denounced from one end of the Union to the other and which no man has been willing to stand up here and defend. For one I am not willing to do it. No man in all this broad land wants peace, wants prosperity, more than I do. The peace and prosperity of this whole land should be the earnest prayer of every good man, and I know that the peace and prosperity of each section are necessary to the peace and prosperity of the whole country.

But, sir, I want to go back in the record for a few moments. On the first day of this session of the Senate two resolutions were introduced by the distinguished Senator from Indiana, [Mr. MORTON,] and they were numbered one and two. The first of these resolutions looked to the seating of P. B. S. Pinchback as a Senator in this body; the second of these resolutions looked to the recognition of the Kellogg government. I should be glad if the Secretary would read the second resolution introduced by the Senator from Indiana on the 5th of March.

The Secretary read the following resolution:

Resolved by the Senate, That the State government now existing in Louisiana, and represented by William P. Kellogg as governor, is the lawful government of said State; that it is republican in form; and that every assistance necessary to sustain its proper and lawful authority in said State should be given by the United States, when properly called upon for that purpose, to the end that the laws may be faithfully and promptly executed, life and property protected and defended, and all violators of law, State or national, brought to speedy punishment for their crimes.

Mr. MAXEY. The first of these resolutions, after discussion here, after a number of able speeches showing learning, research, and ability were delivered on one side and the other, was disposed of about midnight a few days ago. When it was thought at least on this side that a vote was to be taken on the resolution and that the Pinchback factor, which had been the disturbing element in the politics of the country for so long a time, would be definitely and forever settled by the Senate, a motion accompanied by a proposition was presented by the Senator from Louisiana, and I beg the Clerk to read the remarks of the Senator from Louisiana accompanying his motion.

The Secretary read from the RECORD of March 17, as follows:

Mr. WEST. Mr. President, according to the understanding this debate cannot be prolonged, and I do not rise for that purpose; but I rise to make a proposition that I trust will be acceptable to a majority of the Senators here. The debate for the past two days has developed such a variety and contrariety of opinion on the part of a number of Senators on this side of the Chamber, that I am not willing to submit the claims of my colleague to the test of a vote at the present time.

Mr. McDONALD. Will the Senator from Texas yield to a motion to adjourn?

Mr. MAXEY. Yes, sir.

Mr. McDONALD. I move that the Senate do now adjourn.

Mr. MORRILL, of Vermont, called for the yeas and nays, and they were ordered.

Mr. SHERMAN. I would like to ask the Senator from Indiana a question: Will the Senator state for himself or his friends the time when a vote can be taken, if we adjourn now?

Mr. McDONALD. I can state this, Mr. President, that the minority do not intend any factious opposition to this resolution, but we desire to have opportunity for a full discussion, and when that is ended the majority can pass the resolution; but to state the day or the hour I cannot.

Mr. CONKLING. Then let us go on.

Mr. EATON. I would like to say this to my friend from Ohio and to my friend from New York and to all other Senators on the other side of the Chamber, that while we have not arrived at a conclusion that we can name a day or an hour, whether to-night, or Monday night, or Tuesday night, yet I beg to say in all fairness and candor that in my judgment, in my honest judgment, if the Senate should adjourn at a reasonable hour to-night, we should as soon arrive at a vote as we should if we prolonged this discussion all night. There will be no factious talking, no talking against time, and gentlemen will consume much less time in my judgment if they are not pressed by our friends on the other side. We shall arrive at an early vote while we cannot name an hour or a day.

Mr. SHERMAN. I am personally entirely indifferent as to the duration of the session, because I shall be here long after the adjournment at any rate; and what I say is in behalf of others, not myself. I know it is a matter of vital importance to many Senators on both sides of the Chamber to know when they can leave here, because they have business arrangements that are waiting for them to attend to. While therefore it is to me an object of indifference, it is to them of great interest to fix when they can leave here. I have no doubt if Senators on the democratic side of the House will state the day when they can close this debate, after conference and consultation among themselves, I have no doubt it will be acceded to at once and we shall then have no struggle as to the duration of the session. It seems to me that by Tuesday certainly we might vote, and that would give them two days. Any Senator may express his opinion upon the Louisiana case in that time, and it would be a matter of

great convenience to many Senators, I know, if that time could be fixed or the day fixed even if the hour cannot be fixed. Certainly, two days is enough to finish the discussion of a resolution so simple as this on a question so long debated.

Mr. BAYARD. I may say this: So far as I have heard this matter discussed among those with whom I act in this Chamber, there has been no idea that anything but the most usual and orderly disposition of this matter would take place. If when the resolution had been brought in in its new shape it had been allowed to be printed and the Senate had passed to the consideration of executive business, the speeches that would have been made upon it on Monday or on Tuesday would have been exceedingly short and would by no means have been either in number or length extended to such a point as to be considered at all dilatory in the usual proceedings of the Senate's business, and there is not I think the least intention on the part of any member of the minority of this body unduly to delay a vote. I say this at the same time that I apologize to my associates in this Chamber for the length of time I have occupied. I am sorry that it took me so long. The object certainly was not delay, but it was owing to my want of preparation in discussing a long series of events covering a period of some four years in a State's history; but that is the fact. I do not believe that even if with the disposition of the other side to get us to name any day next week, anything would be gained by it. We only ask that the ordinary methods of business in this body should be applied to the present case.

The Senator from Ohio says the business of Senators is of vital importance. Why, Mr. President, is this measure one of vital importance or of more than vital importance? It must be so according to the logic of the Senator from Ohio. I would simply say that in my belief less time would be occupied than the majority themselves would be willing to allow for the determination of this debate if no period at all is fixed; but I think there is a feeling among the minority in this body against having a limit assigned to them and it said "you have to talk up to that limit." The measure is a grave one, and I think it should be left to their discretion, a discretion which here I take leave to say has never been abused by them.

Mr. ANTHONY. We accept as frankly as it is stated the declaration of the Senators on the other side that they have no desire to interpose unnecessary delay. There has been no such disposition upon that side manifested, and we have no apprehension of it; but this session has been prolonged considerably beyond the time that it was supposed it would last. Senators on this side of the Chamber and I think on the other side have made engagements, and it is necessary for them to know if they can fulfill those engagements; and if they cannot, if the time of adjournment cannot be fixed, then we wish to dispose of as much of the discussion this evening as possible. The speeches that are made to-night will not be made on Monday; and if we could be assured of an adjournment at a particular time, so that we could govern ourselves accordingly, we should be willing to close to-day's session now. If we cannot have that reasonable assurance, it seems to us that it would be better that we should dispose of as much of the debate now as we possibly can; and the fact that there is no factious opposition is a reason why we should get along as rapidly as we can with the proper legitimate opposition we are having now. I should much rather adjourn, we would all rather adjourn, but I do not believe it is practicable unless a day can be fixed as we always do in such cases. We always fix a day to close a discussion at this period of the session.

Mr. McDONALD. The Senator from Rhode Island will allow me to ask him if it is usual to force the minority to continue a debate until midnight on Saturday, on the first day a resolution is taken up, unless there is a factious opposition?

Mr. ANTHONY. Mr. President, after a subject has been debated here for two years, has taken up half the time of the Senate, it is not very unreasonable to prolong the sitting session until midnight. At the close of a session we frequently sit until sunrise. It is very uncomfortable and very unpleasant; I certainly do not want to stay here; I have much more agreeable engagements.

Mr. BAYARD. It is a discomfort, I protest.

Mr. McDONALD. I admit that the majority have a right to destroy the power of a factious opposition by using it up as rapidly as possible; but it does seem to me that where the opposition is not factious, is that which is ordinary, in the discussion of a resolution that is unquestionably of importance in my view, however other Senators may consider it, it ought to take the ordinary course.

I will state further that if an adjournment takes place now there is scarcely a probability that the debate on this side will extend beyond Tuesday night, and that I think on Wednesday a vote can be taken. I make no agreement about it, for I am not authorized to make it, but I say there is no probability in my judgment of the debate extending beyond Tuesday night or Tuesday's adjournment.

Mr. WHYTE. Mr. President, on my own responsibility I offer this resolution——

Mr. WEST. Is there not a motion to adjourn?

The PRESIDING OFFICER, (Mr. BOUTWELL.) The resolution can only be received by unanimous consent.

Mr. CONKLING. Let us hear it read for information.

The PRESIDING OFFICER. It will be read.

The Chief Clerk read the proposed resolution of Mr. WHYTE, as follows:

Resolved, That the President *pro tempore* declare the Senate adjourned without day on Thursday next at noon.

Mr. CONKLING. The regular order, Mr. President.

The PRESIDING OFFICER. Objection is made to the reception of the resolution. The question before the Senate is on the motion to adjourn, upon which the yeas and nays have been ordered.

The Chief Clerk proceeded to call the roll.

Mr. McCREERY, (when his name was called.) On this motion I am paired with the Senator from Nevada, [Mr. JONES.] If he were present he would vote "nay," and I should vote "yea."

Mr. SHERMAN, (when his name was called.) I am paired with the Senator from Kentucky Mr. [STEVENSON] temporarily till nine o'clock, and therefore I will not vote.

The roll-call was concluded.

Mr. ANTHONY. My colleague [Mr. BURNSIDE] is paired with the Senator from Ohio, [Mr. THURMAN.] My colleague, if present, would vote "nay," and the Senator from Ohio "yea."

The result was announced—yeas 20, nays 25; as follows:

YEAS—Messrs. Bayard, Bogy, Caperton, Cockrell, Cooper, Davis, Eaton, Gordon, Johnson of Tennessee, Jones of Florida, Kernan, McDonald, Maxey, Norwood, Randolph, Ransom, Saulsbury, Wallace, Whyte, and Withers—20.

NAYS—Messrs. Allison, Anthony, Boutwell, Bruce, Cameron of Wisconsin, Conkling, Cragin, Dorsey, Edmunds, Ferry of Michigan, Frelinghuysen, Harvey, Hitchcock, Howe, Ingalls, Logan, McMillan, Morrill of Vermont, Morton, Oglesby, Paddock, Patterson, Robertson, Spencer, and West—25.

ABSENT—Messrs. Alcorn, Booth, Burnside, Cameron of Pennsylvania, Christiancy, Clayton, Conover, Dawes, Deanis, Ferry of Connecticut, Goldthwaite, Hamilton, Hamlin, Johnston of Virginia, Jones of Nevada, Kelly, McCreery, Merrimon, Mitchell, Morrill of Maine, Sargent, Sherman, Stevenson, Thurman, Wadleigh, Windom, and Wright—27.

So the Senate refused to adjourn.

Mr. ANTHONY. I wish by general consent to say one word in regard to the matter we have been discussing and which I should very much like to see brought to a determination. We propose to give the time for this discussion mainly to the other side, probably entirely. Now they know how long it will take them to conclude their speeches; and if they will fix a time when they will conclude the discussion, they may use that time just as they please; they may remain here in continuous session or adjourn at three o'clock each day, but if they decline to fix the time, and we are responsible for the use of it, then we must insist upon employing it in the discussion.

Mr. DAVIS. I think I may say that the minority here do not wish to fix any time. I do not think there is any factious opposition. I do not think the debate will run a great while; but certainly there are some gentlemen on this side of the House who never will consent to fix a time for taking the vote.

Mr. ANTHONY. Then we must go ahead.

The PRESIDING OFFICER. The Senator from Texas is entitled to the floor.

Mr. MAXEY. Mr. President, when I gave way I had quoted from the remarks made by the Senator from Louisiana on the night of the 16th of this month, above cited, when he made the motion to postpone the consideration of the first resolution offered by the Senator from Indiana till the second Monday in December and the reasons which were stated accompanying that motion by him, were distinctly that there was such a variety and contrariety of sentiment on the republican side of the Chamber that he was unwilling to risk the interests of his "colleague" by taking a vote at that time. Now, Mr. President, there is no question, there has never been a question that this Senate could at this session hear and determine the claim of P. B. S. Pinchback to a seat in the Senate, because this body is the exclusive judge of the elections, returns, and qualifications of its own members. Hence when there was a question about which there could possibly be no objection to the jurisdiction of the Senate, could be no doubt as to the jurisdiction of the Senate, when the question had been fully, fairly, and squarely discussed, when as we thought the question was ready for submission to a final vote of the Senate, there was sprung, about the hour of midnight, a motion to postpone until the second Monday in December; and that carried against the solid opposition of every vote on this side and two from the other, standing 33 in favor of the postponement to 30 against it.

Mr. President, why was that? The reason stated was because the counsels on that side were divided, because they themselves were unable to come to a conclusion sustaining the claim of the applicant. For that reason the question was postponed to the second Monday of December, and it was done though the Senator from Illinois, [Mr. LOGAN,] who had made an able argument on that side of the question, appealed to his brethren not to take that step because the peace of the country demanded a speedy settlement. Still it was done. The order of precedence in which these two resolutions were presented by the Senator from Indiana was first the recognition of the claim of P. B. S. Pinchback to a seat in the Senate, second the recognition of the Kellogg government. It is perfectly manifest, that if P. B. S. Pinchback was entitled to a seat in this body, it was because the Legislature certifying to his credentials was a Legislature competent to elect and because the election took place at the time and place and in the mode prescribed by law and by an authority thus competent to elect, and if entitled on his credentials, that the certificate was signed by the governor of the State of Louisiana with the broad seal of that State, and countersigned by the secretary of state of that State. The issue was presented fairly and squarely by this side of the Chamber

that he was not entitled to admission upon his credentials, first because the body electing him, as claimed, was not the Legislature of Louisiana; and second that, although the name of W. P. Kellogg appeared to his credentials under the broad seal of the State of Louisiana, he was not the governor of Louisiana, and was not therefore the authority which the law prescribed for certifying the election of a Senator. If either of these propositions were true in fact, then it was impossible lawfully to seat Pinchback as a member of this body; and the arguments on that question were so clear, so lucid, as to leave no doubt on my mind. A most able and lucid argument upon that question was made by the Senator from Michigan, [Mr. CHRISTIANCY,] a republican, and there was an unanswerable legal argument made by the chairman of the Committee on the Judiciary, [Mr. EDMUNDS,] a republican, on this point. The fact unquestionably existed as stated by the Senator from Louisiana that there was a "variety and contrariety of opinion" on that side of the Chamber which prevented the seating of Pinchback, and although the State of Louisiana has been struggling for self-government for more than two years, although the whole country has been excited for that long period, although the President of the United States had called upon Congress to settle the question, yet when we had come to a time when the Senator from Indiana urged upon this body the settlement of the question and he was supported in that appeal by the distinguished Senator from Illinois [Mr. LOGAN] on that side who told us that the peace, quiet, and harmony of this country demanded that the question should be settled, when it came to the point, for the reason which was given by the Senator from Louisiana that upon a fair and square test, stripped down to plain English, "we find that you will beat us on the vote; we cannot submit; and therefore we ask to postpone the question," the postponement was carried, and party went above country.

Now, I ask if any Senator here can draw the distinction between the legality and the validity of the Kellogg government and the legality and validity of the claim of P. B. S. Pinchback to a seat in the Senate? They are Siamese twins; they cannot be severed. If Pinchback is entitled to a seat here, it is because the body that elected him was a valid and legal Legislature; it is because his credentials are certified by a valid and legal governor; and when you seat Pinchback, the question comes up at once, do you not concede the proposition that this Kellogg government is a valid and a legal government? And when you pass this do you not concede Pinchback's claim? And yet the President in his messages has stated to the Congress of the United States and to the country that he cannot tell who was elected at the election of 1872, and has urged upon Congress to determine that question for him. The able committee sent by this body to the city of New Orleans for the purpose of making that investigation, when they came back reported to the Senate that the election of 1872 was so steeped in fraud that it was impossible to determine who was elected governor, and therefore they recommended that Congress should take the matter in hand, and under authority of the Constitution to guarantee to each State a republican form of government should settle the question and bring peace and quiet to that country. Then when the committee of the House of Representatives was sent down last winter to inquire into more recent affairs we find that their reports upon a subsequent portion of Louisiana affairs corresponded in the general outlook with the report of the committee of the Senate. It is true that the last report covers the time from the 4th of January last and a short time antecedent, and it is true that the report of the Senate committee referred mainly to the election of 1872; but it is all one continued series; and when we are called upon to approve and indorse the action of the President in that matter we are called upon to approve and indorse every act from the time Durell issued his midnight order down to the time that representatives were excluded from the Legislature of Louisiana at the point of the bayonet by General De Trobriand.

That first resolution of the Senator from Indiana (the Pinchback resolution) was, by a vote of the majority of this body, postponed to the second Monday of December next, against the solid vote of the democrats. From that time on we heard nothing more of the second resolution of the Senator from Indiana recognizing the Kellogg government. It somehow has passed out, how I do not know; but if it has ever been disposed of by the Senate in any way, I am not aware of the fact. It seems to sleep. That was the resolution indorsing the Kellogg government.

Next comes a resolution presented by the Senator from New Jersey, and I would be very glad to have the Secretary read it.

The Secretary read as follows:

Resolved, That the Senate approve the action heretofore taken by the President of the United States in protecting Louisiana from domestic violence, and are of opinion that he should continue to recognize in that State the existing State government.

Mr. MAXEY. That resolution was worded by the Senator from New Jersey carefully. For some reason not known to me, day after day that resolution was left here and no action taken up to this morning, when it was expected the matter would be taken up, and then we find that that resolution was suddenly displaced by an amendment which amendment is to strike out every word after the word "resolved" and insert the same proposition in substance and essence by an entirely new collocation of words; but why, I ask, is it? Does not the Senator from Indiana know how to frame a resolution so as to present an idea? Does not the Senator from New Jersey understand how to do it? Does not the Senator from Rhode Island? Why is it that we have so many resolutions coming up one after the other covering exactly the same proposition? Is it to catch the "variety and contrariety of opinions" among republicans? The Pinchback matter was passed over to December. As I have stated, that is inseparably connected with the resolution which is now before the Senate and they should bide the same fate. In all justice, in all fairness, if the one goes over to the second Monday in December, it does seem to me that the other ought to go over to the same time.

But again, sir, since these grave questions in regard to Louisiana affairs were first brought before the country, we have had other scenes which shocked the civilized world, or at all events the English-speaking portion of the civilized world. A thing has been done which has not been done for two hundred years, so far as my knowledge of history goes, until it was done in the city of New Orleans on the 4th day of January of this year. The house of representatives of the Legislature of Louisiana was in session and it was determined to remove and did remove from that body a portion of the members sitting there, by an armed force not ordered by the speaker of the house. By no authority known to the law, a military officer marched those men out at the point of the bayonet; and we are called upon to approve that. Will you do it? I will not.

Again, after all these disturbances, after the Durell infamy which has been spoken of in the many speeches that have been made and published to the country from here and elsewhere, after that disturbance of the 4th of January last, after a portion of the elected members had left the house, leaving not a quorum to do business, by the earnest efforts of good men an attempt was made to bring peace and quiet and harmony to that distracted State, a committee of referees was selected, a majority of whom belonged to the republican party. That committee was agreed to by both contending parties, and the matter of relative claims to seats in the Legislature was submitted to them and they have recently held their session in the city of New York and the result of that session is not officially promulgated so far as I know. I heard a paper read here the other evening making some statement in regard to it; but so far as any official knowledge has come to the Senate, we do not know what is the result of that.

Mr. President, that is a difficulty among the people in Louisiana. If the people there, black and white, republicans and democrats, if the representatives of all the various elements which go to make up Louisiana society have agreed among themselves in the interest of peace, in the interest of harmony, that they will leave the settlement of the question to a party of gentlemen as referees whom they regard as honest and upright men, and by whose decision they solemnly bind themselves to abide, and pending their settlement the weight of this Senate should be thrown in favor of the one or the other of the contesting parties there, I ask you if that would be fair? I ask you if while that matter is undergoing settlement those commissioners should not be left perfectly untrammeled, if the two contesting parties in the State of Louisiana should not be left wholly untrammeled? I ask if it would be right, if it would be just, if it would be fair dealing between man and man, if it would be in the interest of peace to a distracted country, for a body with the powers of the Senate of the United States, with the dignity of the Senate of the United States, to throw by an approval of the acts which have been so condemned by the people of Louisiana and by a large portion of this whole country the weight of this body in the scales on the one side and against the other in the settlement of that controversy? Would that be fair? Would that be just? If peace is what we want, they have selected their mode of bringing about that peace. After the earnest entreaties of their best men urging all the people to come together and reconcile their differences they have so got their different elements together, divided as they were in the outset, that they have agreed to a compromise and settlement of the difficulty. If they have done that and that negotiation for a settlement is going on, would it be right for the Senate, the President, or anybody on this earth to interfere with the deliberations of these referees and the efforts of these people for amicable adjustment? It would be as unfair in my judgment as it would be for a party to go and enter into an argument with a jury after the case had been submitted to them for their verdict. It does not seem to me fair. Therefore I ask Senators who want to do justice, who want to do right, who want to bring about peace and harmony in the country, to let that settlement alone; let us stand hands off. Even had the Senate jurisdiction of this question, there is no necessity for bringing it up at this time, but let the whole question be settled together at the next session of this body and let it be settled finally and forever, and I most earnestly trust that before that time the people of Louisiana, the right people to do it, will have settled it themselves.

Mr. President, I cannot for the life of me see, I do not understand, that anything which this body may do in the premises can aid in bringing about peace. It is not my purpose to look into the motives of Senators. I can only look at the consequences of their action, and it does seem to me that an expression of opinion by the Senate does not fall within any of the powers of the Senate, and ought to have in law and I believe would have in law no more weight than the expression of any other body of reasonable and intelligent gentlemen; but even admitting that to be true, while it may be that the Senate

has no jurisdiction, while it may be that this resolution does not amount to legislation, yet the indorsement of the course pursued toward Louisiana will I fear influence unwarrantably the pending settlement, and have undue weight all through the length and breadth of this country. I ask what has the Senate to do with it? What has the Senate to do with anything that does not pertain to legislation and treaties and nominations, or to impeachment? What other powers has the Senate? They are all defined on the face of the Constitution, and that is to control and govern here, and the exercise of no power not conferred by the Constitution can possibly be justified.

I have detained the Senate now, Mr. President, longer than I had designed when I rose, but I have only said what I have without any previous preparation, without note or manuscript, because I desire the principle settled correctly and because the State which I have the honor in part to represent has great interest in this question. The State of Louisiana is our neighbor; it lies alongside the State of Texas. Our people have for many long years been intimately associated in business pursuits and in social intercourse with the people of Louisiana. I know theirs is a disturbed and distracted condition; I know that they want peace and quiet and harmony; I know that if the efforts of those selected by them as arbitrators are left to have their proper and healthy course without interference, in all probability peace will be brought to that country and that by the action of the people of Louisiana themselves, the proper people to settle this question which has disturbed the whole country for so long a period of time. They have the matter now under consideration, and so having it I believe it to be right and constitutional that they should be permitted to solve the question for themselves. In any event we should wait until the present effort at settlement has developed the fact that they cannot reach a settlement, and then if the status of Louisiana is ever taken hold of at all let it be taken hold of by Congress and not by the Senate alone, and then only because the people there prove themselves incapable of self-government. I have not the slightest fear of the ultimate peace, prosperity, and happiness of the people of Louisiana if they are left untrammeled to fashion their own destiny.

Mr. DAVIS. If it is in order I move to strike out the word "approve" in the first line of the resolution, and ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from West Virginia, which will be read.

Mr. ANTHONY. How will it read if that word is stricken out?

Mr. DAVIS. We can further amend if that word is stricken out.

Mr. ANTHONY. I understand the Senator to move to strike out the word "approve." I ask how it will read if amended.

The PRESIDING OFFICER. The Clerk will read the resolution as amended.

The SECRETARY. It is proposed to strike out the word "approve" in the first line of the resolution of the Senator from New Jersey; so as to read:

Resolved, That the Senate —— the action heretofore taken by the President of the United States in protecting Louisiana from domestic violence, and are of opinion that he should continue to recognize in that State the existing State government.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from West Virginia.

Mr. DAVIS. The yeas and nays were called for.

The yeas and nays were ordered.

Mr. EDMUNDS. I would like to have the amendment reported.

The PRESIDING OFFICER. The Clerk will again report the proposed amendment of the Senator from West Virginia.

The SECRETARY. It is moved to strike out the word "approved" in the first line of the resolution submitted by the Senator from New Jersey; so that when amended the resolution will read:

Resolved, That the Senate —— the action heretofore taken by the President of the United States in protecting Louisiana from domestic violence, and are of opinion that he should continue to recognize in that State the existing State government.

Mr. ALLISON. Does that make sense?

The PRESIDING OFFICER. The question is on the amendment of the Senator from West Virginia, upon which the yeas and nays have been ordered. The Secretary will call the roll.

Mr. RANSOM. On this question, as I have stated, I am paired in all its phases with the Senator from Pennsylvania, [Mr. CAMERON.]

Mr. SHERMAN. On this question I am temporarily paired with the Senator from Kentucky, [Mr. STEVENSON.] If he were present I should vote "nay" and I presume he would vote "yea."

Mr. McCREERY. I am paired on this vote with the Senator from Nevada, [Mr. JONES.]

The question being taken by yeas and nays, resulted—yeas 16, nays 23; as follows:

YEAS—Messrs. Bayard, Bogy, Caperton, Cockrell, Cooper, Davis, Gordon, Johnson of Tennessee, Jones of Florida, McDonald, Norwood, Randolph, Saulsbury, Wallace, White, and Withers—16.

NAYS—Messrs. Allison, Anthony, Boutwell, Bruce, Cameron of Wisconsin, Christiancy, Conkling, Cragin, Ferry of Michigan, Frelinghuysen, Harvey, Hitchcock, Howe, Ingalls, Logan, McMillan, Morrill of Vermont, Morton, Oglesby, Paddock, Patterson, Robertson, and West—23.

ABSENT—Messrs. Alcorn, Booth, Burnside, Cameron of Pennsylvania, Clayton, Conover, Dawes, Dennis, Dorsey, Eaton, Edmunds, Ferry of Connecticut, Goldthwaite, Hamilton, Hamlin, Johnston of Virginia, Jones of Nevada, Kelly, Kernan, McCreery, Maxey, Merrimon, Mitchell, Morrill of Maine, Ransom, Sargent, Sherman, Spencer, Stevenson, Thurman, Wadleigh, Windom, and Wright—33.

So the amendment was rejected.

Mr. WHYTE, (at eight o'clock and fifteen minutes p. m.) I move that the Senate do now adjourn.

Mr. DAVIS. Will the Senator from Maryland allow me to say that the object was, if the amendment just voted upon had carried, to insert the word "disapprove?" Several Senators wanted to know what the object was. The object was to insert the word "disapprove" if the word "approve" had been stricken out.

The PRESIDING OFFICER. The question is on the motion of the Senator from Maryland that the Senate do now adjourn.

The motion was not agreed to.

The PRESIDENT *pro tempore*. The question is on the substitute proposed by the Senator from Rhode Island, [Mr. ANTHONY.]

Mr. BAYARD. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. KERNAN. Mr. President, it had not been my intention to take any part in this debate, and if I had desired to do so, owing to some affection of my lungs from cold, I would have preferred not to do it to-night. Nevertheless, as no other gentleman seems disposed to make any observations now, I shall ask the indulgence of the Senate while I speak briefly upon the resolution under consideration; and I am quite sure that I shall be able to say what I do say without any partisan feeling.

In my judgment, a resolution of this character is not one which it is wise for this body to adopt; it is not any part of legislation; it looks to no ulterior action by this or the other branch of Congress. It is a resolution proposed by those representing the Administration approving of acts of the President. In my judgment, it will very rarely be wise for this body to indulge in resolutions of approval or disapproval of the President. My judgment is that it partakes too much of political conventions, of partisan action, to make it a wise precedent for action by this body.

If I have a correct idea of the views of those who founded this Government, they thought it essential to its perpetuity, they thought it very important in reference to protecting the liberties of the people, very important in securing to the States those rights of local government which were so carefully reserved, that this Government should be one with checks and balances, that the Executive in his sphere should be independent of the Legislature, and that the branches of the body in which the legislative power was vested should be independent of the President, that they might be a wholesome check upon the Executive. But, sir, if it shall become the practice, in times of high party excitement and strong partisan feeling, however honestly entertained, that members of the Senate, of the one party or the other, shall depart from its legitimate business to discuss and adopt resolutions on partisan questions as to which there is much feeling among the people of the country, and commending action of the Executive as to which the people are greatly divided, expressing by a party vote their approval or disapproval, according to their party bias, of the action of the President on questions which have created a wide diversity of opinion even among those who make up the majority which elected the President, I fear that this body, instead of being a check upon the Executive, instead of standing here as calm protectors of the just rights of all, will too often be swayed by party feeling to do that which will be unwise for the country and detrimental to the best interests of this Government.

Mr. President, in making these remarks I speak as earnestly in reference to what may be in the future the course of the party with which I do or may act, as I speak in reference to the party now in power and from which on political matters I dissent. Remember that this is the body that represents States; it is the body which is believed to be most conservative; it is the body which should be least affected by party feelings. Sir, where in the history of this Government do we find wise precedents for this body becoming the mere exponent of party approval of the President by formal resolutions? These general views have occurred to me as I have sat here to-day and listened to this debate; and I hope that if I stood with the majority—I may be mistaken; we are all very fallible and are all often swayed by our party feelings—but I express the hope that if I stood here with the party with which I act in power, under the circumstances which exist as to the subject of this resolution, whatever might be my opinion individually in reference to the action of the Executive, I should oppose the adoption by the Senate of a resolution approving of the action of the President on subjects like those referred to in this resolution.

Another suggestion in reference to the propriety of this action. I do not mean to say that gentlemen who differ from me are not acting from motives as high as any that I could claim for myself. But what are the circumstances? Is it not true that in reference to unfortunate Louisiana, in reference to the people of that State of both races, white and colored, who are suffering much, that there is much of feeling, much of passion, much of division among the people of the country? Acts have been done there, understood by some one way and by others differently, acts which are denounced by good men of the party in power, acts which are excused by good men of the party in power as I doubt not. But what is the practical condition to-day of Louisiana? Under the auspices of members of influence in the party in power in the Federal Government, action has been had, if not with the advice yet as reported through the press with the approbation of the President, to compromise and settle the differences which exist as to the State government of Louisiana and thus relieve

the people of that State from this terrible war of factions which is destroying all prosperity and disturbing the peace of that people of both races. There came back recently from Louisiana a committee sent by the other House, a committee sent by the majority, who reported that this proposition had been made to them by the contending factions in Louisiana: "Gentlemen, we leave it to you to decide what shall be done to give peace to the people of this State. We will ask you to say how we shall adjust these matters as to our State government." That committee has acted, as we learn. I think every good citizen hopes that something will come of it that will give peace and prosperity to the people of that State. Under these circumstances is it wise for the party in power to take action here which shall add to the irritation or which shall strengthen either faction there, and which may perchance prevent their acquiescing in an adjustment of their own matters so as to give their people peace? It seems to me it would be wrong for us to interfere with a resolution of the character proposed here. Will the passage of this resolution strengthen the hands of those peace-makers? Will this resolution be not likely to encourage heated partisans and selfish, factious men in Louisiana to say, "We will hold out, and we will have it our own way; we will have the Army of the United States to aid us, and we will accept no adjustment that shall deprive us of the power to trample down all opposition?" although that opposition represents a majority of the people expressing their will by the ballot.

Mr. President, the resolution under consideration is very general in its terms. It says "that the action of the President in protecting the government in Louisiana, of which W. P. Kellogg is the executive, and the people of that State against domestic violence, and in enforcing laws of the United States in that State, is approved." What "action" is approved? Those who favor the upholding with the strong arm of the Federal Government of one faction there will claim that this Senate of the United States, this body of men charged, so far as it has authority, with the high duty of seeing to it that there is no action by the President which shall endanger the liberties of the citizen or which shall deprive the people of any State of the management of their own affairs in subordinance to the United States Constitution, approves what? It seems to me they will say, and with justice, that the Senate by adopting this resolution approves what was done by the Army of the United States in the legislative hall of Louisiana on the 4th of January last. Do gentlemen desire to express their approval of that? I am not going to recount it; Senators are familiar with it by the reports of their own committees to some extent, and familiar with it by the report of the House committee, which was laid before the House just before its adjournment, a report which I have only read hastily to-day. What do they tell you in that report signed by Mr. Foster, by Mr. Phelps, and by Mr. Potter, and so far as I know concurred in by Mr. Hoar, for he appends a note to it? They adopted this report, and what does it show? I ask Senators to read it, and remember that they are making a precedent, if they approve the action then and there had, which will be very dangerous to the welfare and perpetuity of our Union of States. The use made of the Army in Louisiana on that day points a way by which the government of every State may be overthrown.

That report shows, Mr. President, that there was an election in Louisiana in 1874 for members of the Legislature and that on the whole it was a peaceful election. It shows that the members of the Legislature assembled on the 4th of January, 1875, with a view to organize at the place prescribed by law. It shows that some members were expelled by the military power of the United States who, if the report is to be relied upon, were fairly and clearly elected. But I am not going to discuss whether they were or not. That is not the question that I think we should look to. They went there claiming seats. They were admitted to seats and took the oath of office. The Legislature was organized by the appointment of a speaker and a clerk. That body admitted the five men of whom I speak, whose seats I will concede were contested, and for all the purposes of my argument I may admit that they could have been successfully contested. They were proceeding in a peaceable manner to appoint a committee and I believe had appointed a committee to examine the contested seats. There was no riot there, nothing worthy of the name of "domestic violence" in the sense in which that term is used in our Constitution; an officer of the Federal Army with his soldiers comes in; he informs that legislative body, as he might with equal right inform you in this Hall, that he desires to put out of their places a certain number of the members whom he names. He brings a person into that legislative body to identify them. The report shows there were no persons inside of that hall but members who had uncontested seats and these whose seats were contested and who had been admitted to seats by the house. Without dwelling upon it, the officer says to that legislative body that he is ordered to, and he does at the point of the bayonet by the power of the Army of the United States, put the five members out of their seats and admit others in their places. That is done in a government where there is in the State constitution the same provision which is in the Constitution under which you, Senators, meet, that each house shall be the judge of the elections, qualifications, and returns of its members. The Legislature is changed in its political complexion by those who are put out and by the addition of those who are brought in.

Now do not misunderstand me. It would be unworthy of the question for me to argue here whether those men were rightfully in or not. This report signed by men of the same political party with the majority here comes to the conclusion that the men who were ejected were really elected; but I do not argue it, because whenever the time comes that the armed soldier by the power of the Federal Government can walk into a State Legislature and say "I require you to tell me which are the men named upon my list," and when he ascertains which they are can say to them "You must go out," and when they sit there and say they will yield to nothing but force he applies the force and expels them and this must be submitted to, republican government and liberty in that State are destroyed. I do not mean to say it is any worse whether the party character of the Legislature is changed by such an act or not. I mean to say that whenever this can be done, whenever this shall be an approved precedent for action in the legislative halls of the States of this Union, then the governments, State and Federal, which our fathers made and which we shall be faithless to ourselves and our children if we do not preserve, will speedily be overthrown whenever ambitious, bold, partisan men get power to wield the Army of the Federal Government and can command its obedience.

This resolution reads that the action of the President "is approved." How will the world read this, how will the great body of our own people read this? It will mean to them that this act which I have referred to is approved, and they will assume, whether rightfully or wrongfully, that the officer who did this was under the command of the President as Commander-in-Chief, and that he acted by his authority; for I believe there never has been a disclaimer that he had some authority to do this as an officer of the Army, and he has never been reprimanded by the President.

Senators, no matter what may be your party, remember that this is a Government that belongs to us all; that if it goes down, we go down in a common ruin; if it is preserved, it is preserved for the benefit of us all. I ask you are you willing to pass an ambiguous resolution that it will be claimed, whether it be so intended or not, approves an act like that by Federal authority?

I agree with Senators who are opposed to me politically that it would not be proper for this body at this time to pass a resolution censuring the President on account of this act. It would excite partisan feeling. Let it go before the people, who will correct it if they disapprove it, and let us do our duty here and not attempt to indulge in resolutions on a subject fraught with so much that is exciting and so much that engenders irritation among the people, and among the people especially of Louisiana.

I do not wish to be misunderstood. I do not intend in the remarks which I make here to charge anything on this subject beyond calling attention to the construction which will be given to this resolution if adopted. I ask Senators whether they would not rather go to their graves than to have it said that they did approve of an act like this of the 4th of January in republican America? It is an act destructive of all free government. It is an act that would not be tolerated for a moment by the legislature that sits under a monarchy in England. If an officer of the British army with soldiers should march into Parliament and put members out of their seats, that people, though they live under a monarchy and have not the notions of local government and liberty in all respects which we have, would shake from his throne the monarch who did not rebuke such an act and rebuke it speedily. Has the officer who did this act been rebuked or reprimanded? This act was done on the 4th day of January, and on the 5th of January information of it was flashed all over this country, every portion of the country was informed that this act had been done by a Federal officer, Colonel De Trobriand, who I believe no man pretends had any desire personally to do anything but his duty; and you find that whether General Sheridan was actually in command, as I suppose he was, or some one under him, he sends an extraordinary telegram on the 5th of January to the Secretary of War. You have all read it. We all knew when we read it that the Legislature of Louisiana had been invaded by Federal soldiers, that men who sat there and who this committee say left their homes never having heard that their seats were contested and who were legally elected and had the legal returns, had been expelled from the legislative body where they sat representing their districts, by an officer and soldiers of the Federal Army, and others seated in their places. This was known when General Sheridan sent his telegram asking for an act of Congress or a proclamation by the President declaring the "white-leaguers" banditti that he might try them by military commission.

And this is suggested in a land where we profess to have personal liberty secured by guarantees in every constitution that no man shall be touched in life, liberty, or property except by due process of law! I am not aware that there was any response rebuking the Lieutenant-General for proposing this; but on the 7th of January, with full knowledge I assume—for everybody else knew it—of what had been done on the 4th, a response is sent to General Sheridan by the Secretary of War—one who is near to the President—and what is it? It is as follows:

WAR DEPARTMENT,
Washington City, January 7, 1875.

General P. H. SHERIDAN,
New Orleans, Louisiana:

Your telegrams all received. The President and all of us have full confidence and thoroughly approve your course.

WM. W. BELKNAP,
Secretary of War.

A Lieutenant-General is in a distant State; he has soldiers under his

command; a Legislature convenes in that State; there is no insurrection; there is no domestic violence that any police could not deal with at once; and an officer under him walks into the legislative hall and calls off the names of certain men and he puts them out at the point of the bayonet, and two days afterward from the Secretary of War at the capital, in daily communication with the President as I have a right to assume, consulting the President, there is telegraphed back not a rebuke, "You have transcended your duty or your orders," not warning him that in this land no soldier from the Lieutenant-General down has a right to do such an act, no protest on behalf of liberty and right, no admonition that he had made a mistake, but "We have full confidence and thoroughly approve your course." All this occurred in January, and this Senate sitting here in March, convened for extraordinary purposes at the will of the President, is asked to pass a resolution that the act of the President in protecting the government in Louisiana of which W. P. Kellogg is the executive is approved.

If this resolution means only that we approve of his fulfilling his constitutional duties when there is insurrection or domestic violence and when the Legislature calls for aid to suppress it or when it cannot be convened and the President is called upon by the governor to suppress it, then there is surely no reason for its passage. Why should it be passed if that is all there is of it? It will be understood as a resolution approving of the action of the military in invading the Legislature of Louisiana. Here is a general resolution of approval passed in March when this invasion of the Legislature of Louisiana has been the theme of discussion in the press, in public meetings without regard to party all through the country, and those meetings and the press have denounced in very strong terms this action of the military and have protested on behalf of liberty and our republican form of government most earnestly against this act of the Federal Army in January. Is it wise in view of these facts to pass a resolution which, if it does not mean in the minds of those who propose it to approve that action, certainly can be claimed and will be believed to be an approval? I fear it is sought as an approval of that action by some. I believe it will be a very dangerous precedent. I believe that in times of party heats, when party feeling runs high, this resolution if adopted will be a precedent which will be used to encourage action by those in power in violation of the Constitution and dangerous to liberty and self-government.

We are asked also in this resolution to approve the action of the President in "enforcing the laws of the United States in that State." Of course it is his duty to see that the laws are enforced. If that is all it means, why is it to be passed? Why should there have been, if that is all it means, this long labor to word it so as to unite a majority of the body to pass it at all? But when we remember that for the past two years the subject that has been most discussed in this and the other House in regard to Louisiana, the subject that has occupied the minds of the people from one end of the country to the other has been the action of the Executive or those acting under him in creating and upholding the Kellogg government in Louisiana; is not this resolution an attempt to have this body approve of that action?

I am not going to discuss that question. The Federal power, the Army, was used to enforce the order of Judge Durell; this set up and sustained the Kellogg government. We are familiar with this order and the action under it.

There was an election in Louisiana in 1872. A body of men were returned as elected members of the Legislature; I do not know whether rightfully or not; but they were the only ones, as the committee of this body known as the Carpenter committee says, who had any colorable right to sit as a Legislature. There may have been frauds. It may be true that there were frauds and intimidations which would have authorized the setting aside of that election; but they were the only men who were elected, who had the returns, who had color of authority as a Legislature. A judge at night, who the United States marshal with some vehemence, according to the report, swears was sober when he signed it, made an order in a suit in the United States court to perpetuate testimony so that men could have a chance to contest the election—an order which commanded Packard, the marshal of the United States, to take possession of the State-house, to exclude all men claiming under any color or pretense of authority from the returns of a certain board, to keep them all out of the State-house, but providing nevertheless that he, the marshal, should not exclude any one having a right to go in. That was the substance of the order; in a word, making Mr. Marshal Packard, who seems to have been a pretty warm partisan in State matters down there, the exclusive judge of who should go into that State-house as members and make up a Legislature. The President authorized the Federal troops to sustain Packard in executing this order of Durell's, and the troops were brought in and they did sustain Packard in enforcing that order, to wit, in keeping out every man who had color of an election to the Legislature, and letting in as members those who had no colorable claim whatever to have been elected. The Federal Army was brought in to enforce that order and to protect the Legislature thus set up by Packard by virtue of Durell's order. The same power protected Kellogg, who acted as governor.

Is that the action of the President in enforcing the laws of the United States which you wish to approve of? Think of it a moment! I ask Senators how long it would take a President to have in every State such a government as he wished if this mode is approved and practiced? If such orders can be rightfully enforced by the President, or those acting under him, with the Army of the United States, how long will it take to overthrow the State governments unless they resort to resistance? Your Federal appointees can get up a pretense of an order like this, and they can exclude the real Legislature from the State-house by taking possession of it; the marshal can let in those who desire to organize the Legislature on different principles and of a different character from what the majority of the people of the State have decided, and the Federal bayonets protect it, and the will of the people is trampled in the dust! You have the mere shell and form of a republican government, but its vitality, its power to protect and perpetuate itself, is taken away if the Federal Army be strong enough to do it.

I ask gentlemen, in view of these facts, read them any way you please, of the last two years, especially in view of these two marked instances of interference by soldiers, the one under the pretense of protecting from domestic violence when there was nothing worthy of the name, and the other under the pretense of enforcing an order of the United States court which your committee says was void and void on its face, void on the record, which was upon the evidence a mere pretense and sham to prevent the meeting of the Legislature that had color of election, that had the majority of the votes cast—I ask how long will State governments last if under the pretense of enforcing such an order the Army of the United States can be used by the marshal to enforce the order and thus overthrow a State government?

How long can our Government last if the Senate of the United States, that which is looked to as the most conservative body, the freest from passion and party heat, the great conservator in our form of government, can, when such matters have been prominently before the country for two years, pass a resolution which will be read as approving all that has been done? Is it wise; is it just toward either party in this contest? Is it not fair to leave the Executive to do his duty as he understands it, and say nothing of approval or disapproval in this body now? Leave the people of Louisiana with the conviction impressed upon them by the Wheeler committee that they must settle down and agree to some arrangement by which they will have local government, by which they will have peace, by which they will have prosperity again. Give to no faction in that State encouragement that they will be sustained by the Federal authority in any such conduct as is described in the report of your committee.

Domestic violence, insurrection, does not mean such squabble as was going on for the possession of that legislative hall and that Legislature in January last. The State had power to keep the peace. There was no insurrection or violence which could not have been put down without Federal troops. Can we shut our eyes to the fact that the interference was for the purpose of having one party get political control of the Legislature against the other?

Therefore, Mr. President, it seems to me that no resolution in general terms approving the acts I have referred to and others of a similar character should be passed by the Senate. It can do no good. It may do great harm. If this resolution is adopted, it will be invoked as authority for similar acts of outrage by military power in the future.

It seems to me that we are passing a resolution which may be of very great detriment. No evil will come from its being omitted; great evils may come from its being passed, both from the fact that it may be used to encourage partisan men in Louisiana to renew the struggle which there has been an effort to settle, and from the fact that it will be used as a precedent in the future when there are party strifes in States of this character and when the party which chances to be in accord with the Federal administration and in a minority in a State may appeal to it for aid and thus real republican government may be overthrown. It is a resolution which should not be acted upon or adopted. We are not here with a view to any action on this subject; if adopted, it will be but the expression of the opinions or feelings of a bare party majority. Better leave such expressions to party political conventions.

Therefore I urge each Senator to realize how he would regard this matter had this action by the Federal Government been taken in the State he represents. Would he not feel that the rights of himself and the people of his State had been trampled down and that a serious blow had been struck at republican government and civil liberty?

I trust, Mr. President, that the resolution will not pass. I do not believe its adoption will even be advantageous to the political party of our opponents. The American people do not approve this action in Louisiana, and they will not approve the adoption by the Senate of this resolution. If it means what it imports to me, in view of the transactions in reference to which it was drawn, it approves that against which every American, if he hopes that our government, national and State, shall live, must utter his earnest protest every time it is alluded to either in the halls of legislation or in peaceful meetings of the people when they assemble to take counsel together as to their public affairs.

Mr. EATON. Mr. President, I regret exceedingly that the majority on this floor have declined to permit gentlemen who desire to address the Senate upon this resolution, I will not say the courtesy—for I will not use a harsh term—but have declined after we had

assured them on the honor of Senators that there would be no factious opposition to this resolution, no consumption of time unnecessarily, to permit the discussion to go on in the ordinary way. I did not intend on this occasion to trouble the Senate with any remarks; I have matured none, and I am not well to-night. I am unfit physically to address this body; but, sir, this resolution cannot pass until I have given my opinions with relation to its demerits.

Mr. BAYARD. With the consent of the Senator from Connecticut, as it is now after nine o'clock, leaving but three hours between this time and Sunday morning for the discussion of this matter, I move that the Senate adjourn.

The PRESIDING OFFICER, (at nine o'clock and twelve minutes p. m.) The Senator from Delaware moves that the Senate do now adjourn.

Mr. CONKLING called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. BURNSIDE, (after having voted in the negative.) I notice that the Senator from Ohio [Mr. THURMAN] is not in his seat and we paired with each other. Therefore I withdraw my vote.

The result was announced—yeas 20, nays 24; as follows:

YEAS—Messrs. Bayard, Bogy, Caperton, Cockrell, Cooper, Davis, Eaton, Gordon, Johnson of Tennessee, Jones of Florida, Kernan, McCreery, Maxey, Norwood, Randolph, Ransom, Saulsbury, Wallace, Whyte, and Withers—20.

NAYS—Messrs. Allison, Anthony, Boutwell, Bruce, Cameron of Wisconsin, Christiancy, Conkling, Dorsey, Edmunds, Ferry of Michigan, Frelinghuysen, Harvey, Hitchcock, Howe, Ingalls, Logan, McMillan, Morrill of Vermont, Oglesby, Patterson, Robertson, Sherman, Spencer, and West—24.

ABSENT—Messrs. Alcorn, Booth, Burnside, Cameron of Pennsylvania, Clayton, Conover, Cragin, Dawes, Dennis, Ferry of Connecticut, Goldthwaite, Hamilton, Hamlin, Johnston of Virginia, Jones of Nevada, Kelly, McDonald, Merrimon, Mitchell, Morrill of Maine, Morton, Paddock, Sargent, Stevenson, Thurman, Wadleigh, Windom, and Wright—28.

So the Senate refused to adjourn.

Mr. EATON. I have no doubt that my distinguished friend from Delaware made this motion because he believed that I was unable to go on upon this occasion. I regretted at the time that he made the motion, and I trust that neither he nor any one else will ask the courtesy of the majority of the Senate on my account, whether I be in good health or ill health.

Mr. President, it will not do any harm in the consideration of this resolution for a few minutes to direct attention to the nature of the Government under which we used to live; whether we do now or not is another question. Let us examine into its characteristics somewhat. Let us see whether this resolution introduced by the Senator from Rhode Island travels out of the Constitution and records of our fathers. What is this Government? I heard an honorable Senator on this floor within the last twenty days call it "a sovereign nation." A curious idea that Senator has of a representative republic. This Government of ours, this great confederation of States, is not a nation, it is a confederacy of nations, it is composed of sovereignties. I know the honorable Senator from Indiana [Mr. MORTON] said in his seat the other night that there were no such things as independent, sovereign States. The Supreme Court says there are such things. Therefore the Supreme Court and the honorable Senator from Indiana are at loggerheads. There is another thing about it that interests me somewhat as a Connecticut man. The constitution of Connecticut says so. Otherwise no man can become a citizen of Connecticut. If the honorable Senator from Indiana wished to move to Connecticut (and I wish that he might go there to enjoy the bracing breezes of our salt air) he could never vote in Connecticut unless another amendment of the Constitution of the United States is passed for his especial benefit—no man votes in the State of Connecticut until he holds his hand up before God and man and swears to support the constitution and government of Connecticut as a free and independent State. What is "a free and independent State," let me ask the honorable Senator from Indiana? What is independence as applied to statehood? My State is a sovereign State, though a small one. I in part represent a sovereign State on the floor of this Senate, not a province.

Mr. President, let us look at this matter for one moment; it will do us good, all of us. The States of this Union not sovereign! Is it in the power of the United States Government to interfere with the laws of property in New Jersey, I ask the honorable Senator from New Jersey? Can the Congress of the United States with the President of the United States and with the Army of the United States interfere with the most sacred institution known on earth in the State of New Jersey, I beg to ask the honorable Senator from New Jersey; and is not New Jersey a sovereign State? Sovereign in everything the States of this Union are except in the powers delegated to this organ of theirs, the Federal Government. And a "nation," is it? Sir, I should disgrace my own State, I should forget the names of Ellsworth and Sherman if I did not denounce that heresy. Six times in the convention that formed the Constitution of the United States did two Connecticut men prevent the word "national" from going into the Federal Constitution and insert the word "Federal" instead of "national;" and yet I am told that there are no independent States and that this is one great consolidated empire!

Mr. President, I will not consume a great deal of time upon this branch of an unstudied speech. Therefore gentlemen on the other side need not be alarmed if I should begin at the close of the revolutionary war, for I agree that I will not take a great deal of time between that period and the present. I only allude to it for this reason: A Constitution was formed, and by the terms of that instrument it did not take effect until a certain number of States adopted and ratified it. A certain number of States, eleven, adopted and ratified the Constitution of the United States. Nine was the minimum limit. Now what became of that little Commonwealth so ably represented on this floor by my distinguished friend from Rhode Island, [Mr. ANTHONY?] She was out in the cold a year and a half. What was she? I beg to ask my friend, the senior representative from Rhode Island, what was she for that year and a half? Not a member of this Union; not a member of this confederacy of States. What was she then? She was one of the sovereign powers of the earth, small though she was, and floated her glorious little flag over every sea. Neither of the gentlemen from Rhode Island will deny that she was an independent, sovereign power of the earth. What was North Carolina, that refused to come into the Union? One of the sovereign powers of the earth, and every Senator knows it. Yet we are told here that there are no independent States! Those States were sovereign and independent, owing no allegiance to the Constitution of the United States. They had delegated no powers to the Federal Government. What did they lose; I beg to ask the honorable Senator from Rhode Island what did Rhode Island lose of its sovereignty when it came into the Union except the powers that it delegated to the Federal Government? If there be a member of this honorable Senate who denies that proposition, I should dearly like to give him part of my time to do it. I announce that every State in this confederacy is sovereign, is independent, as sovereign and independent as it was in 1786, except in the powers that it has delegated by the Constitution, and I defy any man or Senator to successfully controvert it here or anywhere, now or at any other time. It is necessary to talk about this when you speak of this infamous resolution which is before the Senate, and I will show it to be infamous before I get through if my strength serves me.

Mr. ANTHONY. If the Senator appeals to me, I beg to say a word. I presume he does not hold that a State which cannot coin money, nor raise an army, nor maintain a fleet, nor enter into foreign alliance, is sovereign unless the agent to which the State has delegated those powers is bound to surrender them at her demand. I presume he does not hold that a State is completely sovereign in this Union unless she has a right to resume all that she gave to the Union and go out at her pleasure.

Mr. EATON. The Senator from Rhode Island sticks in the bark. I have said no such thing. I do not propose to be drawn into the question of secession. I never happened to be a secessionist, and I do not believe I shall begin at this day. I said this, and I say it again, let the Senator from Rhode Island or any other man or lawyer deny it if he can, that in every respect except the powers delegated by the Constitution of the United States each State in this Union is sovereign, sovereign in the institution of marriage, sovereign in all the laws it may pass with regard to property, sovereign in everything except the powers that it has delegated to the Federal Government.

Mr. ANTHONY. That is to say a State is sovereign in every respect except in those respects in which it is not sovereign. [Laughter.]

Mr. EATON. Exactly, and the United States Government is sovereign in every respect except in those respects in which it is not sovereign. [Laughter.]

I thank thee, sir, for teaching me that word.

Exactly so. The Government of the United States is sovereign with regard to coining money; the Government of the United States is sovereign in regard to declaring war; but it has no power with regard to the disposition of property; it has no power in regard to the thousand things that go to make up the sum of human happiness and human misery. All those things are left to the States themselves. Does the gentleman understand me now in what I mean with regard to the sovereignty of the States?

Mr. ANTHONY. Not precisely. I do not understand that the United States has not sovereignty in regard to property. The United States can tax your property, can issue execution to compel the payment of the tax, and sell it for forfeiture. I think that is a pretty important power over property.

Mr. EATON. So can the State do it.

Mr. ANTHONY. But the Senator from Connecticut did not reply to the question which I asked him when I answered his. He says that the States are sovereign in everything except in those powers of sovereignty which they have ceded, which they have delegated to their agent, the Federal Government.

Mr. EATON. That was not just what I said.

Mr. ANTHONY. That is what I understood the Senator to say.

Mr. EATON. It was pretty near it. I did not use the word "sovereign" there. I said the States were sovereign except in the powers—not sovereign powers—which they had delegated to the Federal Government.

Mr. ANTHONY. Then, if the States cannot resume those powers, are they sovereign?

Mr. EATON. O, I have not yet said that they were sovereign except in the powers which they retained. In those powers they are sovereign.

Mr. ANTHONY. But the Senator said that the States were sovereign. When you say a State is sovereign you mean completely sovereign—"every inch a king."

Mr. EATON. I have not said so. If the Senator from Rhode Island says so, I beg to know what power there is on this continent that is sovereign in every particular?

Mr. EDMUNDS. I do not know any.

Mr. EATON. If the Senator from Rhode Island has not been properly answered, it is because I do not feel quite well to-night, and do not take time to go on Monday morning, and therefore I go on now. Sir, I hold this, and am perfectly ready to be questioned by any gentleman, that the Government of the United States has no power which originally belonged to the States except such as the States have delegated. That is my position exactly. I desire the position to be distinctly understood, for I stand upon it here and everywhere, that the Government of the United States has no powers except such as have been delegated by the States of the Union. The States formed this Government; this Government did not form the States. I know a distinguished gentleman, now dead and gone, said that this Government formed the States just as the States form counties. That is a heresy, and every lawyer and every reader of constitutional law knows it is a heresy. This Union was formed by the States, and they are equal. Representation makes a State. The little State of Rhode Island, the little State of Connecticut, and the little State of Delaware stand on this floor the equals of Pennsylvania, of New York, and of Ohio. Why? Because of State sovereignty. That is the reason, and there is no other reason on earth; and every Senator knows it if he will give it his careful attention. Connecticut with six hundred thousand inhabitants is the equal of New York with its five millions. God forbid that I as the representative of one of the smaller States should so far forget not only my patriotism but my love of the States as to admit that this is a government of majorities. There is no greater heresy known on the face of God's footstool than that. This is a government of States—equal States, sovereign States, independent States. When it ceases to be a government of that character, may it be long after I have laid my bones in the soil near my own river!

That is the nature of this Government, in brief, formed by independent sovereignties, formed by free States, formed by equal States. It may be deemed a heresy at this late day, but it was not heresy when Jefferson and Madison lived. This, then, is the nature of the Government, a federal representative republic of equal sovereignties, States of equal power.

Another thing gentlemen ought to recollect, and that is that in a certain contingency the little State of Delaware, the little State of Rhode Island, has the same voice in the election of a President that the State of New York has. Whenever there are three candidates and no election by the people and it is thrown into the House of Representatives, then Delaware has the same power that New York has, Rhode Island the same power that Pennsylvania has, and Vermont the same power that Ohio has; and long may it be so. As my friend from Delaware [Mr. BAYARD] suggests to me—and I thank him for the suggestion—the sovereign power of Delaware prevented the election of Aaron Burr to the Presidency.

Mr. McCREERY, (at nine o'clock and forty-five minutes p. m.) I should like to postpone the hearing of the Senator from Connecticut, and I believe I will make one further appeal to the courtesy of this House. If it is the desire of the majority to sit this measure out, they can do it on Tuesday night. I appeal to them to vote for a motion now to adjourn.

Mr. ANTHONY. Is the Senator authorized to state that the Senators on the other side will agree to the proposition to vote on Tuesday night?

Mr. McCREERY. I say that the majority can sit it out on Tuesday night if they choose.

Mr. ANTHONY. The majority can sit it out at any time. If the Senators on the other side will agree that the vote shall be taken on Tuesday night at any time, as long as they choose to prolong debate, I have no doubt the Senators on this side will accede to it.

Mr. McCREERY. As far as I am concerned, I will make the agreement. [Laughter.] I make the motion that the Senate now adjourn.

The PRESIDENT *pro tempore*. The Senator from Kentucky moves that the Senate adjourn.

Mr. ANTHONY. Unless there is an understanding of that kind, it is of no use to make a motion to adjourn.

Mr. SAULSBURY. I will state that it has been several times announced that we had no factious opposition to make. It has been repeatedly asserted that we on this side did not intend or desire to make any factious opposition to the passage of this resolution. Our word has been delivered here in the open Senate; it has been distrusted. I say that distrust would now justify us, if we think proper, in resorting to faction in order to prevent this vote. We have stated that while we were unwilling to announce that we would agree that the vote should be taken at any particular hour or any particular day, nevertheless when legitimate debate on this question was terminated we would make no factious opposition; and yet our declarations on this point have been distrusted by the other side, and I say that it would now, if we saw proper, justify us before the country and before the world in resorting to factious opposition if we saw proper. I hope we shall not be driven to that extremity. Legitimate warfare I am always ready to enter into; I do not want to enter into any other; but if driven to extremities, then for one I will defend myself by all the powers which God and nature have put in my hands.

Mr. ANTHONY. Well, Mr. President, the Senator raises up his own enemies and he can very easily subdue them. My friend from Delaware is mistaken when he says that the declarations on the other side that they were not making factious opposition have been distrusted. On the contrary, I stated distinctly that we received them in perfect good faith, and the whole debate has given evidence of the sincerity with which the declaration was made. But we say that if we cannot have a time fixed for taking this vote, we must have the control of the time. If Senators on the other side will fix the time for the close of the debate, if they will fix it on Wednesday at twelve o'clock or at one o'clock, they may use the intervening time just as they see fit and adjourn as early each day as they please.

Mr. SAULSBURY. So far as I am concerned, I am perfectly willing that gentlemen on the other side shall conduct this debate in their own style. We have said to them candidly and frankly that there were gentlemen on this side of the Chamber who were unwilling to enter into an arrangement to take the vote at any particular time; but at the same time we have accompanied it with the assurance that no factious opposition was contemplated or desired. With that declaration I think our word might be taken. If, however, gentlemen are not willing to acquiesce in that, then I say for one let them select their own time to terminate this debate. For one, I say, I will not consent to fix an hour or a day; but I will do this: I will consent that when proper, fair, and legitimate debate is terminated, I will make no factious opposition to taking the vote, provided we are treated properly. But if we are driven to the use of such parliamentary tactics as we may legitimately employ, I will not pledge myself, unless there is a proper courtesy extended to this side of the House, that we will not resort to them.

Mr. ANTHONY. Well, Mr. President, my friend says an undisputed thing in a very solemn way. Nobody disputes the sincerity of the declaration that has been made on the other side, and we have distinctly admitted it; certainly I have expressly done so. Now, if the Senators will agree that the vote shall be taken on Wednesday at one o'clock, I have no doubt it will be acceded to on this side.

Mr. BAYARD. I hope that the vote will not be postponed half so long, but we do not propose to treat this measure otherwise than in the orderly and usual manner; and to have a measure put upon us instantly without time for consideration I object, and I say to those who urge it, we will talk it out at our pleasure.

Mr. ANTHONY. This question has only been debated about two years; and of course it is now sprung on the Senate! I think we had better have it go on.

The PRESIDENT *pro tempore*. The yeas and nays are called for on the motion to adjourn.

The yeas and nays were ordered; and being taken, resulted—yeas 21, nays 26; as follows:

YEAS—Messrs. Bayard, Bogy, Caperton, Cockrell, Cooper, Davis, Eaton, Gordon, Johnson of Tennessee, Jones of Florida, Kernan, McCreery, Maxey, Norwood, Randolph, Ransom, Saulsbury, Thurman, Wallace, Whyte, and Withers—21.

NAYS—Messrs. Allison, Anthony, Boutwell, Bruce, Burnside, Cameron of Wisconsin, Christiancy, Conkling, Cragin, Dorsey, Edmunds, Ferry of Michigan, Frelinghuysen, Harvey, Hitchcock, Howe, Logan, McMillan, Morrill of Vermont, Oglesby, Paddock, Patterson, Robertson, Sherman, Spencer, and West—26.

ABSENT—Messrs. Alcorn, Booth, Cameron of Pennsylvania, Clayton, Conover, Dawes, Dennis, Ferry of Connecticut, Goldthwaite, Hamilton, Hamlin, Ingalls, Johnston of Virginia, Jones of Nevada, Kelly, McDonald, Merrimon, Mitchell, Morrill of Maine, Morton, Sargent, Stevenson, Wadleigh, Windom, and Wright—25.

So the Senate refused to adjourn.

The PRESIDENT *pro tempore*. The Senator from Connecticut is entitled to the floor.

Mr. EATON. Mr. President, I was observing that such was the nature of our Federal Government. When I remarked that the Supreme Court of the United States had decided precisely as I claim, I noticed a smile of derision upon the face of one of my honorable friends on the other side; and therefore I beg leave to read from Wallace's Reports, volume 14, page 113, the case of The Collector *vs.* Day. The head-note of the case is this:

It is not competent for Congress, under the Constitution of the United States, to impose a tax upon the salary of a judicial officer of a State.

But the State can. That is not in the book; that is the assertion of the speaker. I say it is competent for the State of Connecticut, or Massachusetts, or New Jersey, to tax the salary of a judge, but not for the United States to do it. I read now from the one hundred and twenty-fourth page, because I find here precisely the same idea and very nearly the same language which I used myself:

It is a familiar rule of construction of the Constitution of the Union, that the sovereign powers vested in the State governments by their respective constitutions remained unaltered and unimpaired, except so far as they were granted to the Government of the United States. That the intention of the framers of the Constitution in this respect might not be misunderstood, this rule of interpretation is expressly declared in the tenth article of the amendments, namely, "the powers not delegated to the United States are reserved to the States respectively, or to the people." The Government of the United States, therefore—

Mark it, Mr. President—

The Government of the United States, therefore, can claim no powers which are not granted to it by the Constitution, and the powers actually granted must be such as are expressly given, or given by necessary implication.

A little more of this document may be wholesome. It is not old; this is in 1870, decided by a full court:

The General Government and the States, although both exist within the same territorial limits, are separate and distinct sovereignties, acting separately and independent of each other, within their respective spheres.

Am I wrong then when I say that each of the State governments of this Federal Union is sovereign, is independent, is free, except as to the powers delegated by each of them respectively to the Federal Government in the Constitution of the United States? I am not quite through with this decision yet. The court say further:

The former—

Meaning the General Government—

in its appropriate sphere is supreme; but the States within the limits of their powers not granted, or, in the language of the tenth amendment, "reserved," are as independent of the General Government as that Government within its sphere is independent of the States.

Let there be no sneers then from any Senator when I say that the governments of the States are free and sovereign and independent, except in the powers delegated by the States to the Federal Government; and yet the honorable Senator from Indiana, who played the driver here the other day on this floor and cracked his whip over the heads and shoulders of recusant Senators, says that there is no such thing as a sovereign State, an independent State; and the honorable Senator from Rhode Island adopts his theory! Sir, let both those honorable Senators examine this decision of the Supreme Court of the United States, and my word for it they will both change their opinion in regard to the nature of this Government and the powers of the States.

Mr. President, I should not have gone back to the history of the formation of this Government and traced it as briefly as I have done, except that I believe in these latter days, under the teachings of men who have forgotten the theory of our Government, there is danger to our country. Sir, this very resolution on your table, emasculated as it is, is in itself evidence that the people are beginning to forget the history of the formation of their Government. I said it was emasculated. Mr. President, there is a trinity here. On the 5th day of March, 1875, the Senator from Indiana submitted the following resolution:

Resolved by the Senate, That the State government now existing in the State of Louisiana, and represented by William P. Kellogg as governor, is the lawful government of said State; that it is republican in form; and that every assistance necessary to sustain its proper and lawful authority in said State should be given by the United States, when properly called upon for that purpose, to the end that the laws may be faithfully and promptly executed, life and property protected and defended, and all violators of law, State or national, brought to speedy punishment for their crimes.

That is number 1, and where that is now I know not, but I suppose on your table. The Senator from New Jersey [Mr. FRELINGHUYSEN] presented the following resolution on the 16th of March:

Resolved, That the Senate approve the action heretofore taken by the President of the United States in protecting Louisiana from domestic violence, and are of opinion that he should continue to recognize in that State the existing State government.

That is number 2. To-day my honorable friend from Rhode Island sprang this thing upon us: Strike out all after the word "resolved" in the resolution of the Senator from New Jersey and insert—

That the action of the President in protecting the government in Louisiana, of which William P. Kellogg is the executive, and the people of that State against domestic violence, and in enforcing the laws of the United States in that State, is approved.

There is a strong difference in these resolutions while there is a relationship between them. Now I am going into the region of fancy, not fact. I will suppose that when the honorable Senator from Indiana went into caucus some days ago they hooted his resolution out. I suppose so; I do not know it to be true, but we have not heard of it for fifteen days, and we have heard of conferences and caucuses. Next comes the resolution of my distinguished friend from New Jersey, and a caucus is held on that, I may say I know; that is, I believe it, because I was told so by somebody that has good reason to know. That was a little too strong for some gentlemen who fancied that they knew what the law was and what the Constitution was and what sort of a government this government of Kellogg's was. So then my honorable and distinguished friend from Rhode Island has played the surgeon and disposed of the resolutions of the honorable Senator from Indiana and the honorable Senator from New Jersey, and has at last, as I suppose, found one that he thinks, and doubtless may have good reason to think, will be voted for by all our friends on the other side of the Chamber. But how they can all do that I do not yet see. Perhaps we shall hear before we get through. How any honorable Senator who may have said or thought that that government was a government upheld by the bayonet, upheld by the sword, upheld by force which if doubled could not uphold it in another State of this Union and if increased to fifty thousand could not make the people love that government—how any constitutional lawyer, taking that view, can vote to approve the acts of the President of the United States is more than I now know. Probably I shall hear in due time.

Now, Mr. President, I have come, in the desultory way in which I have spoken, to the resolution. Ought this resolution to pass? This resolution ought not to be acted upon by this body. In the first place it is not properly here before this body in my judgment. In the next place, it approves acts which are indefensible and treasonable in my judgment. I do not mince my words when speaking of conduct that I shall speak of by and by. If the acts of the President of the United States are indefensible, then we have no business to pass this resolution. Sir, under another set of circumstances, the body that meets on this floor are the judges of that man who lives at the other end of the avenue. Sir, there is a great living witness that Presidents may be tried. If the conduct of the President of the United States with regard to Louisiana is indefensible, then we dishonor ourselves in the passage of a resolution of this character or in considering a resolution of this character; and I beg to say this, I beg to say it distinctly, I beg to say it to lawyers, good lawyers, honorable men on the other side of the Chamber, that where there is an honest difference of opinion between gentlemen equal in every particular, equal in character, equal in capacity, equal in position, equal in being the representatives of sovereign States on this floor—a difference of opinion with regard to a question of conduct in the Chief Executive of the United States, it is indefensible to undertake to pass such a resolution over the backs of those who object to it. Let it go; let it pass away; and let time determine. Do not spur forward in hot haste in order to plaster over the character of a gentleman who may have acted indefensibly.

I say then, sir, I regret that this resolution is here. I regret it the more because on my honor before God as a Senator of the United States I believe the conduct of the President with regard to the State of Louisiana is indefensible, and I believe that he knows that it is indefensible. Ah, sir, does he desire the passage of this resolution? He may under the circumstances. I well might suppose that the President of the United States who as I believe—I will not say I know, because I have never heard him say it, and therefore I will not say I know it—who as I believe before God desires the passage of a bill to give him the power to take by the throat four sovereign States of this Union, which bill his friends on this floor did not bring to the test of the Senate for some reason (and I think I know the reason)—I say I think he may well desire the passage of this resolution of commendation by the Senate. Why do they not go further and add an amendment to this resolution in order to make the thing entirely safe "that we deeply deplore that the bill died that would have given you the right to suspend the writ of *habeas corpus* in four States of the Union?" Sir, if we are to kiss the feet of Cæsar, let us do it thoroughly.

I see that gentlemen are pleased. I am glad that I am able to please my friends. There may not be much two years hence to laugh at in the consideration of a resolution of this character. It has gravity, in my judgment; it may not have in the judgment of others. It is a grave thing for me. True, I have not had the advantage of hearing the reasons for it, but it is a grave resolution in my judgment that seeks to cover up the conduct of the President of the United States.

I did not intend to use names, but I cannot well get along without doing it in the way in which I am meeting this question. The Pinchback swindle has been postponed, and this resolution ought to be kept as luggage to go with it until the second Monday of December next, for it is a part of the luggage belonging to the swindle, and why? Because there was no legal Legislature in Louisiana. That was proved here by a committee of your own body. I am not going to read the testimony, nor am I going to wade through the reports of honorable gentlemen, a committee of this body; but I assert here, and no man dare deny, that by the report of your own committee the whole thing was a swindle, and yet you pass a resolution upholding the President for upholding this outrage! There was no lawful governor, no lawful secretary of state, and nothing on earth in those credentials that was legal or lawful except the seal, and that was put there by fraud. Pinchback knew it. He is shrewd. Mr. Secretary, will you be kind enough to produce those credentials? There are two sets; I want both of them. If the House was open, I would have carried him to that end of the Capitol when he was dancing between the two bodies [laughter] with credentials in one hand for the Senate and in the other for the House of Representatives and commissioned as governor besides! My purpose will be answered if Mr. Secretary will report the first credential; I should like to hear that read.

The CHIEF CLERK. The indorsement is:

Forty-second Congress, third session. Credentials of Hon. P. B. S. Pinchback, United States Senator from the State of Louisiana, 1873; January 21 read; December 11 referred to Committee on Privileges and Elections.

Mr. EATON. Now will the Secretary report the new set?

The CHIEF CLERK. The indorsement is:

Forty-third Congress, second session. Certificate of William P. Kellogg, governor of the State of Louisiana, as to the election of Pinckney B. S. Pinchback as United States Senator from that State; ——— 1875. January 22 read and referred to the Committee on Privileges and Elections with the credentials and papers on file.

Mr. EATON. Will the Clerk be kind enough to give the date of the election in the first credential and in the second also?

The Chief Clerk read as follows:

STATE OF LOUISIANA, EXECUTIVE DEPARTMENT,
New Orleans, January 15, 1873.

I, William Pitt Kellogg, governor of the State of Louisiana, do hereby certify that on the 15th day of January, A. D. 1873, Pinckney B. S. Pinchback was duly elected by the General Assembly of this State to represent this State in the Senate of the United States for the full term of six years from the 4th day of March, 1873.

Given under my hand and the seal of this State this 15th day of January, A. D. 1873, and the Independence of the United States the ninety-seventh.

[L. S.] WM. P. KELLOGG.

By the governor.

P. G. DESLONDE,
Secretary of State.

Mr. EATON. Be kind enough to read the other.

The Chief Clerk read as follows:

STATE OF LOUISIANA, EXECUTIVE DEPARTMENT,
New Orleans, January 13, 1875.

I, William Pitt Kellogg, governor of the State of Louisiana, do hereby certify that on Tuesday, the 12th day of January, 1875, the senate of the State of Louisiana met in regular session and proceeded to vote for a Senator to represent the State in the Senate of the United States for the term expiring on the 4th day of March, 1879, whereupon Pinckney B. S. Pinchback received a majority of all the votes cast.

I further certify that on the same day the house of representatives of the State of Louisiana also met in regular session and proceeded to vote for a Senator to represent the State in the Senate of the United States for the term expiring as above mentioned, whereupon Pinckney B. S. Pinchback received a majority of all the votes cast.

I also further certify that on Wednesday, the 13th day of January, 1875, the two houses met in joint session and compared their respective journals of the previous day, whereupon Pinckney B. S. Pinchback was declared duly elected to represent the State of Louisiana in the Senate of the United States for the term expiring March 4, 1879.

Given under my hand and the seal of the State this 13th day of January, A. D. 1875, and of the Independence of the United States the ninety-ninth.

[L. S.] WM. P. KELLOGG.

By the governor.

P. G. DESLONDE,
Secretary of State.

Mr. EATON. Now, Mr. President, as I understand the case, Mr. Pinchback came here directly after getting possession of the first set of credentials with two sets, claiming to be elected by that Legislature as a Senator and by the people of the State as a Representative, and he applied, as I understand and believe, at both doors of this Capitol, at each end, as a Senator at one end and as a Representative at the other, and has not got either yet; and this resolution asks the Senate to say that all that the President of the United States did in reference to that whole matter is right and just!

Did Pinchback resign about three months ago? I believe he did. I do not know the fact; but if he did not resign, how came he to be elected then by this new Legislature, and how came he to bring here credentials signed in the year 1875 by William Pitt Kellogg, and did William Pitt Kellogg, the pretended governor of Louisiana, know whether this man had resigned or not?

Something is rotten in the state of Denmark.

A man holding in his hands or having placed by his hands certain credentials two years ago comes in now to the Senate with a new set and no resignation of his prior office. Sir, this whole thing is rotten, and it stinks in the nostrils of every honest man under the sun in this country. I understand—a fact that I was not aware of before, or if I read it at the time I had forgotten it—that the very credentials to which I have just alluded as alleging this man to be elected member of Congress at large were certified to by himself as acting governor; and my friend from Delaware [Mr. BAYARD] says he got a second certificate signed by Kellogg in the month of March next thereafter.

Now, Mr. President, am I not right in saying that this whole business is rotten? To say nothing more with regard to the credentials certifying him as elected a Representative at large for the State of Louisiana, take these two sets; imagine, if it is possible for you to imagine, Mr. President, that a respectable gentleman from Maryland or Michigan, elected by a Legislature that he knew to be a competent and lawful Legislature, would come here as the distinguished gentleman who is your associate has come here in 1875, and if there was any informality in his credentials and he should have been denied another year, I beg to ask, Mr. President, if you or any honorable Senator believes that your distinguished associate would come back and ask for a new set of credentials next year without resigning the position to which he was elected by the Legislature this year? Of course he would not. Sir, there is something radically rotten and wrong in this whole business; and yet this honorable body, this body that has not or ought not to have any superior among the legislative bodies of the world, is called upon to indorse the conduct of the Executive of this Government in upholding these outrages and these wrongs!

Sir, is Louisiana what the Supreme Court of the United States calls a sovereign and independent State or is she a province, which? I beg to ask honorable Senators this question, I beg to ask this question of the Presiding Officer of this body, not supposing that he will come from the chair to answer me but because it is customary to ask a question of the Presiding Officer. For a moment let me suppose that in the great State of New York, so ably represented here by her two distinguished sons, there should be a controversy in regard to the election of a senate or the election of a house of representatives or the election of a governor of that State, do you think, does any living man outside of a school for imbeciles, does any man outside of a lunatic hospital think for one moment that the President of the United States would dare—that is the word, sir, "dare"—to interfere with the government of New York? Sir, I speak as the representative of a sovereignty; would he dare to do it? If he did, he ought to be impeached. What, sir, because there is difficulty in the State of New York with regard to her legislative body or the election of her governor, is the President of the United States to undertake to settle that question with a regiment or ten regiments of men? If that is to be the rule in this country let us know it, and the quicker we know it the better. That is just what he has done in Louisiana, just what he wanted to do in Arkansas; I make the charge; let anybody deny it if he dare. I say his messages are so. Just what he desired in Arkansas he did do in Louisiana.

A committee of this honorable body has said—I shall not trouble myself to read it; I have not the time nor the strength; I assert the fact—a committee of this honorable body has said that there was no legal Legislature there, that there was no duly-elected governor there. I think there was, but I take the report of a committee of this honorable body composed of both parties, as I believe. They say there was no lawful Legislature, there was no lawful government. And what did President Grant do? Uphold what? Nothing. Sir, I charge right here that there was no government for him to uphold, at the head of which was William Pitt Kellogg. Had there been a *de facto* government in Louisiana, then it would have been perhaps his duty to have upheld that government. What is a *de facto* government? Gentlemen have spoken with regard to a *de facto* government here and they have greatly astonished me, if not you, Mr. President. A *de facto* government, as I understand it, is this: Whenever any government assumes power with a color of right, but irregularly, and sustains itself by its own inherent force and power, that is a government *de facto*. If the law comes in and sustains it, then it becomes both a government *de facto* and a government *de jure*. But there seems to be—I make the assertion again—an inherent force in the government to protect itself and sustain and maintain itself without any extraneous assistance in order to make it a government *de facto*. That is a government *de facto*, as I understand a *de facto* government. If I am wrong, I should like to be corrected, either now or hereafter.

One gentleman supposed that it was a *de facto* government because President Grant sustained it. That is the very reason why it was not a *de facto* government. A *de facto* government sustains and maintains itself. It may be *de jure* or it may not be; if regular, it is then *de jure* as well as *de facto*. If irregular, it is *de facto;* but the very moment that it requires outside aid to come in and sustain a government that cannot maintain itself, then the power that goes there usurps the authority of the people. That is my charge here broadly and squarely, that here was no government. I cannot stop to read the telegrams, but they were that the republican party demand that arms and armed men be sent there. God help me! has it come to this, that the President of the United States is to be appealed to for arms and armed assistance to sustain the republican party! Will honorable Senators, the representatives of independent or dependent States, if the Senator from Indiana likes it best—so far as his part of the country may be concerned Indiana may be called a dependent State—but will honorable gentlemen representing independent sovereignties on this floor say, dare they say with the oath of God on them to maintain inviolate the Constitution of our land, that the Executive has any authority to interfere to sustain the republican party?

Mr. President, Louisiana trodden down to the earth as she is, Louisiana ground down to the earth as she is, has a right to an independent existence in this Union. There has not been a time in two years and two months—the exact dates I have not and it is no matter—when if the Government of the United States had kept its foot off the soil of Louisiana the people of Louisiana would not have put their own elected officers in power and maintained peace, maintained good order, protected life, and protected property. I say every man knows it. How long is it since the same story came here in regard to Arkansas? "Arkansas cannot take care of herself; Arkansas is going to ruin; Ku-Klux, white-leaguers, and the Lord knows what else, are traveling from one side of its domain to the other;" and yet seventy thousand freemen have determined upon a government in Arkansas; and is there any trouble there to-day? And yet how long is it since the Executive of the United States asked for power to interfere with that State? Now, so satisfied is the President of the United States that Mr. Garland is properly the governor of that State, that he made Brooks the postmaster at some little town in Arkansas. [Laughter.] God help them! The Executive of the United States, who a little while ago said that Garland was a usurper and Brooks the true governor, has taken it all back and made Brooks a postmaster under the Postmaster-General of the United States! And all is order, all is peace!

Mr. President, I have said and I believe that there has been no time in two years when if the troops had been kept away from Louisiana there would not have been order in Louisiana, good government in Louisiana, and the Kellogg government would not live and last there as long as an untimely frost in July. [Laughter.] It has no power, no life within itself.

Sir, is this the way to maintain republican government in the States of the Union? Is the Executive of the United States, sitting here in the chair of state at Washington, to take the opinion and words of men who by his own messages he does doubt and has doubted? Sir, this Government cannot stand; this Government of our fathers I mean, this Government of independent States through its delegated powers given to a Federal Union, cannot stand if this is the way the powers of the Federal Union are to be exercised. Sir, I love the whole of this broad land; I love my own State best, I agree; I would see peace and good order and good government everywhere; I would like to see the dream of an English friend of mine

realized. He said to me years ago, with his hand upon his little boy's head, "You and I may not live to see it, but in your country, sir, this child will live to see one hundred sovereignties representing one hundred millions of freemen living under the laws of one country and speaking the language of Shakespeare and Milton." Sir, that was the dream of an English statesman, that in the not distant future there would be one hundred free, independent States here, numbering one hundred millions of freemen, all speaking the Anglo-Norman tongue. Sir, the only way that that dream can be realized is by not building up a strong central government here at Washington, but by letting each State maintain its own government, enact its own laws, and carry them into successful execution. There is no other way. That consummation I work for; that I hope for; that I pray for; that is, the independence of every State free from the interference of the Federal Government. The States are sovereign. Any man who denies that denies the evidence of his own senses. They are sovereign in everything except in the powers which they have delegated. Let us one and all exert a healthful influence upon all our respective communities.

A word more with regard to Louisiana. I said that in my judgment there had not been a time in two years when if the troops of the United States had been removed there would not have been peace, good order, and good government in Louisiana. Does anybody doubt it? Can anybody doubt it? How long is it since the same story was told of Georgia? A little while. How long since the same story was told of old Virginia, God bless her, the mother of Washington, of Jefferson, of Madison, of Clay? It is but a little while since the same story was told of Virginia. Is there a better government now in the Union than the government of Virginia? Is not life safe, property safe? Is not the black man secure in his rights in Virginia? Does anybody deny it? Does anybody doubt it? And is it not true as to Georgia, is it not true as to Texas, is it not true as to Maryland, is it not true everywhere where the people of the States govern and make their own laws? I assert that it is, and I defy denial. There is not a State in this Union, north or south, east or west, from the Pacific to the Atlantic, from the great lakes to the Gulf, there is not a State anywhere where the mind of the State governs but what the laws are good, property is safe, and life is safe.

Why should Louisiana be made the plaything of the central government? What reason is there for it? There is none. Let it alone. Let the men of Louisiana make their own laws; let the intelligence of the State come to the front and you are safe; the people are safe. Senators talk about the black man's rights not being safe. They are as safe in Georgia as they are in New York, as safe in Virginia as they are in Maryland. It is about time to talk about the white man's rights, our own kith and kin. They have rights; the rights are not all on one side. I ask no especial protection for the white man; but for God's sake in this land of ours give our brethren equal chance. Do not make laws to cripple the white race. Let the laws be equal, even, well balanced; let the scales be held properly, justly, equally. Sir, I should scorn myself as a representative of one of the old original thirteen if I did not hold this doctrine on this floor. I represent my people when I hold it. It is the same doctrine that my distinguished colleague would hold here to-night if he was on this floor. We represent our people, democrats and republicans, when we say, Let the people govern everywhere in every State. Why should you or I undertake to make laws for Missouri or Arkansas or Louisiana or Georgia? That maxim of Jefferson should be written in letters of gold and placed over every legislative hall in this broad land: "That government is the best which governs the least." Let the people be self-reliant, not slaves. Let them govern themselves. Make as few laws as possible. That is the way to do your duty to the people whose servants you are. You are not sovereign. The people of the States are sovereigns, not we; not the gentleman who lives at the other end of the avenue; he is their chief servant, not their sovereign.

Mr. President, ought this resolution then to pass?

That the action of the President in protecting the government in Louisiana—

God save the mark!

of which W. P. Kellogg is the executive, and the people of that State against domestic violence, and in enforcing the laws of the United States in that State, is approved.

I think I asked the question what is the object of this resolution. Will somebody tell it before we get through with this discussion? Did ever any Senate in executive session pass a resolution approving the conduct of George Washington for preventing domestic violence in Pennsylvania? Did ever anybody in executive session pass a resolution of this character because there was no domestic violence permitted in Rhode Island on one occasion? Sir, what is the object of this resolution? Why is it offered here? Is it "the beginning of the end," and is the end a third term? Is this Senate of the United States required to shoot the first gun with regard to the election in 1876? What is the object of this resolution? Some of my learned senatorial friends on the other side will tell me by and by, I hope. I should be glad to learn its object either now or by and by.

What is its object? Has the man done his duty in Louisiana? If so, let him alone. Do not pass a resolution or make a stump speech over him either. This resolution would do very well in a convention that may be held one of these days in Louisiana or in Arkansas or in Nevada, or anywhere else, that the people of that State thought he did his duty by Louisiana. I do not think so, but if they do, it would be very well in a political convention to say so. It is out of character here, and as I said in opening it is asking nearly half of this body to vote for a resolution that they believe to be fundamentally wrong in principle as well as wrong in fact; and such a resolution, as I had the honor of saying before, ought not to be pressed upon a body of the great character of this Senate.

So, Mr. President, I have—I know very imperfectly—given some of the reasons why I will not vote for this resolution. It would degrade my manhood to vote for it. I am speaking of myself and not of any other honorable Senator. I should dishonor my State to vote for it. I should vote for a resolution fundamentally wrong in principle, to say nothing about its being wrong in fact. Gentlemen—I do not use the word offensively, beginning with number 1, voting that down, then number 2, voting that down, then number 3—may be brought up to the mark and may be dragooned to vote for this resolution, and why? Let us have a reason why. I hope it will not be forced down anybody's throat by the mere force of numbers without a reason being given for it. Let us have a reason, a satisfactory reason of some gentleman, why a resolution of this character should be proposed at this time.

We were not called here to sing pæans to the President of the United States. We were called here in executive session to do two things only, or three perhaps. We had a claimant for a seat here. That was proper business for this called session. We had a treaty or two to examine and we had appointments to confirm, and that is all we were called here to do.

While I do not find any fault, Mr. President, that the Chair ruled as he did—as we say in the courts, doubtless I was wrong and the Chair right and therefore I find no fault with the ruling of the Chair—but I beg leave to say that there is not any parliamentary law in any civilized land on earth where a body just like this is constituted and brought together under parliamentary law for great purposes where a resolution of this character would not be pronounced out of order. I stake my reputation as a parliamentarian of some experience against that ruling. We were called here for certain purposes, had certain powers and no other powers under parliamentary law. We have the power of the Senate; we can put our feet on all parliamentary rules and can do just what we please, but we do it in violation of parliamentary law if we do it, and so I say with regard to this resolution.

It has been suggested that the Constitution requires the President occasionally to approve the action of Congress, but never, so far as I know, the Congress or the Senate either to approve the action of the President. The cart is before the horse; it is a contradiction of terms. I oppose this resolution for these various reasons: in the first place, because the resolution is improperly before this body; in the second place, because it is fundamentally wrong in principle as well as wrong in fact.

I beg leave to say right here not offensively to anybody, to the draughtsman of the resolution or any other honorable Senator, that there is not one word of truth in this resolution or to be deduced from it. If by truth you mean that you will approve of the act of the President because that act is constitutional and proper, then it is untrue and there is not one word of truth in it. No act of his with regard to the government of Louisiana has been constitutional, not one; and therefore if by protecting the government in Louisiana you mean there was a legal government, it is untrue.

Of which W. P. Kellogg is the executive.

If you mean by this resolution that he is the lawful executive of that government, then it is false and untrue. He is at the head of a usurping government, not even a government *de facto*, to say nothing of a government *de jure*. This Government holds him there with the broadsword and the bayonet, and everybody knows it. No man will deny that. His government would not last one minute without the assistance of extraneous power, and yet we are called upon here to approve of that usurpation.

Sir, the resolution ought not to pass, and when it does pass the Senate of the United States will have written a disgraceful and dishonorable chapter in its history.

The PRESIDENT *pro tempore*. The question is on the substitute proposed by the Senator from Rhode Island, [Mr. ANTHONY,] on which the yeas and nays have been ordered.

Mr. JOHNSON, of Tennessee, obtained the floor.

Mr. ANTHONY. Unless the Senator from Tennessee prefers to go on this evening, I will move an adjournment.

Mr. JOHNSON, of Tennessee. Very well.

Mr. LOGAN. Let us have an executive session for a few minutes.

Mr. ANTHONY. I have no objection to that. I give way for that motion.

Mr. LOGAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at eleven o'clock and fifteen minutes p. m.) the Senate adjourned.

IN SENATE.

MONDAY, *March* 22, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Saturday last was read and approved.

ADJOURNMENT SINE DIE.

Mr. BOUTWELL. I submit a resolution which I will call up for consideration after the resolution now before the Senate shall have been disposed of.

The PRESIDENT *pro tempore*. The resolution will be read for information.

The Chief Clerk read as follows:

Resolved, That the Presiding Officer of the Senate be, and hereby is, directed to adjourn the Senate without day on the — day of ——, A. D. 1875, at —— o'clock.

PAY OF PAGES OF THE SENATE.

Mr. MITCHELL. I offer the following, to lie over until to-morrow:

Resolved, That the Secretary of the Senate be directed to pay to the pages of the Senate at the rate of $2.50 per diem pay to the 15th day of April, 1875.

The PRESIDENT *pro tempore*. The resolution will lie over.

PRESIDENT'S ACTION IN LOUISIANA.

The Senate resumed the consideration of the following resolution, submitted by Mr. FRELINGHUYSEN on the 16th instant:

Resolved, That the Senate approve the action heretofore taken by the President of the United States in protecting Louisiana from domestic violence, and are of opinion that he should continue to recognize in that State the existing State government.

The question pending being on the amendment of Mr. ANTHONY to strike out all after the word "resolved" and insert the following:

That the action of the President in protecting the government in Louisiana, of which William P. Kellogg is the executive, and the people of that State against domestic violence, and in enforcing the laws of the United States in that State, is approved.

Mr. JOHNSON, of Tennessee. Mr. President, notwithstanding I have been in the habit of speaking in public for a number of years, sometimes in deliberative bodies and sometimes before the people, I confess that I appear before the Senate this morning under great embarrassment. I fear that the fact of my having obtained the floor on Saturday night and notice having been given that I would address the Senate to-day may have created an expectation with some that cannot be realized, and especially so with those who are not acquainted with me. If any such expectation has been created in the minds of any of those here present, I trust and hope that they will let themselves down, for they will be greatly disappointed on this occasion.

It was my intention when this question was first brought before the Senate not to participate in the discussion. My entrance into the Senate was of so recent a date and under such peculiar circumstances, that I had determined that I would not participate in any discussion during the present session of the Senate; but things have taken such a direction that I feel it incumbent on me to say something in reference to the resolution now under consideration; and what I may say on this occasion I want it distinctly understood grows out of no party bias or partisan feeling whatever, but proceeds from the ground which I take that the resolution proposes to cover and indorse an act and a measure that I think clearly violative of the organic law of the land. That being so, I could not get my consent, being compelled to vote against it in compliance with my view of the Constitution of the country, to do so without assigning at least some of the reasons which actuate me.

I ask the Secretary to please read the original resolution and then the substitute offered in lieu of it.

The PRESIDENT *pro tempore*. The Secretary will report the resolution and the amendment.

The CHIEF CLERK. The resolution originally submitted by Mr. FRELINGHUYSEN is in the following words:

Resolved, That the Senate approve the action heretofore taken by the President of the United States in protecting Louisiana from domestic violence, and are of opinion that he should continue to recognize in that State the existing State government.

It is proposed to amend that resolution by striking out all after the word "resolved" and inserting—

That the action of the President in protecting the government in Louisiana, of which William P. Kellogg is the executive, and the people of that State against domestic violence, and in enforcing the laws of the United States in that State, is approved.

Mr. JOHNSON, of Tennessee. In the first place, Mr. President, it seems to me that a resolution embracing questions of such great importance is not legitimately before this body, or, in other words, it is not legitimate to consider it before a Senate convened in such a session as we are now holding. I understand that the Senate has been convened in extra session for the purpose mainly of acting upon executive business, not embracing questions of legislation, but simply to act upon business pertaining to the executive department. The Senate being a part of the treaty-making power, the Senate having to confirm or reject nominations that may be made, it is convened for these purposes; and I consider the legitimate business of the Senate during this session confined to matters falling under these heads; but the Senate has assumed and taken charge of measures that look far beyond this. If it is legitimate to consider the measure now under consideration by this body, it is legitimate to consider every question upon which the Administration has acted since its advent into power. It would be as legitimate, for instance, to offer a resolution expressing an opinion in reference to reducing the expenditures of the Government, saying that that ought to be done, that retrenchment should be commenced, that we should return to a sound currency, and a long list of questions that might be enumerated.

Again, it seems to me we are traveling still further out of the record when the Executive goes forward and presumes to act in advance of the Legislature for the Legislature to reverse positions with the Executive and take up his acts and approve them. Ordinarily measures are presented to the consideration of Congress, and when Congress acts upon them it is the duty of the President to consider its acts and to approve or reject them, and it is not the duty of the Senate or the Congress of the United States to sit in judgment, as it were, upon his acts and approve or reject such measures as he may think proper to act upon. This is reversing the whole order of things, reversing the origin of legislation; it is reversing the policy and the principle on which the Legislature has acted for a number of years, or perhaps from the very origin of the Government to the present time.

I presume every Senator remembers well the famous resolutions brought forward years ago by the distinguished Senator from Kentucky, Mr. Clay, in reference to General Jackson, resolutions condemning him for the removal of the deposits from the Bank of the United States, condemning and censuring that act in strong terms. Both Houses of Congress were together then; they were sitting as the legislative department of the Government. Notwithstanding the Senate passed those resolutions, it was considered, and so determined by the country afterward, that they were illegitimate and that it was not the place of the Senate to pass upon the action of the Executive unless they were sitting as a court of impeachment. But now we are called upon as a Senate to approve past acts of the President of the United States. The resolutions adopted by the Senate in regard to the action of General Jackson when he was President of the United States was at a time when both Houses of Congress were in session, when they were convened under the provisions of the Constitution; and yet though they acted in that position, the separate action of the Senate in regard to the act of the Executive was subsequently determined and declared by this body to be unconstitutional and expunged from the Journal of the Senate of the United States.

It seems to me that that should settle the question most clearly and prove that we have no such authority, especially in the absence of the other House. There are many things that it is as legitimate for us to express an opinion upon as upon this resolution. What does this resolution propose? It seems that it has required great care and attention on the part of those who have prepared this resolution to get it in its present shape. The first resolution, introduced by the Senator from Indiana, [Mr. MORTON,] was drawn up in somewhat broader terms, perhaps too broad for some members of the Senate to support. Then the Senator from New Jersey [Mr. FRELINGHUYSEN] introduced a resolution, seemingly not so broad. Then came the substitute proposed by the Senator from Rhode Island [Mr. ANTHONY] which seems to narrow it down almost to an abstract idea; but when we come to get at it in substance, the resolutions are all the same, and a mere modification in the matter of verbiage to suit the particular views of some individual does not change the substance in the slightest degree. It is simply calling upon the Senate to express an opinion in reference to the executive conduct in the organization of the State of Louisiana and to approve of that act.

Now the query comes up, what has been the course of the Government in reference to cases of this kind? I will refer to one for the sake of making an introduction to what I am going to say; and it is a case which occurred in 1866. In the State of Tennessee, in a reorganization of government there, there was a governor elected and a Legislature elected under an amended constitution which had been adopted by the people in convention amending the original constitution. The Legislature was convened; the governor was qualified and in the discharge of his duties as governor of the State. Here was the legislative department, here was the executive department, here was the judicial department, co-ordinate branches of the government. According to the theory that has been acted upon by the States and by the Federal Government, each one of these branches of the government, each one of these departments, should move in its appropriate sphere, and one has no right to encroach upon the others.

When the Legislature was convened, there came to be a difference of opinion between the governor of the State and the Legislature, and that difference of opinion became almost factious; the Legislature became refractory and the governor became refractory. The governor undertook to control the Legislature. The Legislature refused to keep a quorum. Here was a contest between two civil departments of the government of the State of Tennessee. The governor wanted his policy carried out, his measures acted upon. The

Legislature were opposed to them, and for the purpose of defeating the governor in carrying out his plans they reduced the number of members present below a quorum.

Here was a struggle between two civil departments of the government, the legislative and the executive. According to the theory and according to the constitution itself they were co-ordinate branches of the government and one had no right to encroach upon the other. We know the provision that is made in nearly all the States, and perhaps in all of them, in the establishment and in the government of Legislatures. There are certain rules prescribed. The executive department is laid down, the legislative is prescribed also, and the Legislature has the power to be the judge of the qualifications and elections of its own members. It has a right to prescribe rules for its own government; it has the power to compel the attendance of absent members, thereby making inherent in the body the power to preserve its organization and its existence, and the responsibility is upon the Legislature and not upon the governor. To defeat some measure that was favored and advocated and recommended by the executive department the members of the legislative department reduced the Legislature below a quorum. Then the struggle came. The executive assumed the high prerogative of taking charge of the Legislature and having the members brought in and compelled to act. Some of the members tendered their resignations which were rejected by the governor; others absented themselves or refused to vote, and thus reduced the house below a quorum. Here was almost the precise case that you have in Louisiana. Here, though the struggle was not strictly between the governor and contending members for seats in the Legislature, the main issue was between the Legislature and the governor. That was the great struggle. We find in the case of Louisiana, and it is so said and conceded by all who speak on the subject, that the military was there obeying the behests of the governor in organizing the Legislature and organizing a Legislature that favored him. In principle it is precisely the same case. Let us see what was the action of the government in the first case referred to in 1866.

EXECUTIVE DEPARTMENT, *July* 5, 1866.

SIR: As it is evidently the design of your resignation to reduce the house below a quorum, and to break up the Legislature, the same is not accepted.

W. G. BROWNLOW.

Hon. M. E. W. DUNNAWAY.

Here was an attempt to force a member to act by a refusal of his resignation on the part of the governor. It was not for the governor to organize the Legislature; it was not for him to compel the attendance of absent members. No; that was a prerogative belonging to the body itself and not to the governor. I proceed with the account of the transaction:

Mr. Williams, member from Carter County, sent in a communication, declaring that he could not and would not participate in adopting the proposed amendment until he had first submitted it to his constituents, and he therefore refused to attend the session.

Well, that is a pretty good reason on the part of a member.

The governor applied to the military commander of the district for assistance in bringing the fugitive members back to their duties, when the following correspondence took place.

General George H. Thomas was then in command of that department, and he was induced by the governor to apply to the Lieutenant-General of the Army, here at that time, for military aid to assist Governor Brownlow in organizing the Legislature. This is his dispatch:

NASHVILLE, TENNESSEE, *July* 14, 1866.

Lieutenant-General GRANT, *Washington:*

Some of the members of the house of representatives of the Tennessee General Assembly conduct themselves in a very refractory manner, absenting themselves to prevent a quorum, thus obstructing business.

The governor cannot manage them with the means at his disposal, and has applied to me for military assistance. Shall I furnish it?

GEO. H. THOMAS,
Major-General Commanding.

This dispatch was sent to the Lieutenant-General of the Army at that time—and in calling him by name it is simply to be understood, for it is not my intention on this occasion to give utterance to a single personal expression, but to speak of public acts in the manner and mode that a public man has a right to speak of them. This dispatch was brought to the Secretary of War, by the Secretary of War it was brought to the President of the United States, and this reply was prepared and forwarded to General Thomas, to which I call the attention of the Senate:

WASHINGTON, D. C., *July* 17, 1866.

General Grant will instruct General Thomas that the facts stated in his telegram do not warrant the interference of the military authority.

The administration of the laws and the preservation of the peace in Nashville belong properly to the State authorities, and the duty of the United States forces is not to interfere in any way in the controversy between the political authorities of the State, and General Thomas will strictly abstain from any interference between them.

There is the precise case and that was the action of the Government. It was thought then that that was a civil struggle, a contest between two divisions of a State government, with which the military authority of the United States could not interfere, as stated in the telegram sent back by him. That dispatch was signed by the Secretary of War, but written in the presence of the President, and sent by General Grant to General Thomas, saying that this is not a case that calls for the interference of the military, and that General Thomas should abstain under all circumstances from any interference whatever.

It would seem that this marked the line between the civil and military authority. There is the precedent of the Government in that case, and the cases are almost parallel. That is what this Government thought then; that was the course that it took. But what are we told now? We see that the now President of the United States was familiar with and understood what was the construction of the Government in cases of this kind as to the interference of the military with the civil power. We see that the question is not a new one to him, and that he has not acted without proper and thorough information upon the subject. If he conveyed in a telegram an order of this kind to General George H. Thomas, of course it must have been understood by him what was the true doctrine and principle upon which cases of this kind should be managed by the military.

But there is another circumstance in this line of thought, a great fact as I conceive it, and that is that in 1867 General Sheridan was in command of the fifth military district, as it was called at that time, and that his management of that district produced so much dissatisfaction, such was his officious interference, such were his oppressive acts, that there was one general wail, one united murmur coming up from that section of the country, and that was for his removal, and he was removed from the command.

The complaints against him originally grew out of his manner of executing the so-called reconstruction laws. The Attorney-General gave an opinion as to their meaning which seemed not to suit the views of this commandant, and when he telegraphed this fact to the commanding general at Washington that officer replied to Sheridan:

Enforce your own construction of the military bill until ordered to do otherwise. The opinion of the Attorney-General has not been distributed to the district commanders in language or manner entitling it to the force of an order.

He persevered in his course and made many removals of local civil officers, and finally his conduct became such that he was taken from that district.

I merely refer to these facts to show that what now transpires is nothing new to the parties engaged in the work of usurpation, in the work of tyranny, in the work of violating the organic law of the land, which is being transacted. In consequence of this wail that came up from the people it was determined by the President then that this man should be removed, and his removal was ordered in this order, dated August 17, 1867:

Major-General George H. Thomas is hereby assigned to the command of the fifth military district, created by the act of Congress passed on the 2d day of March, 1867.

Major-General P. H. Sheridan is hereby assigned to the command of the Department of the Missouri.

Major-General Winfield S. Hancock is hereby assigned to the command of the Department of the Cumberland.

That order was changed afterward on account of the indisposition and sickness of General Thomas, and General Winfield S. Hancock was sent to take command of the fifth military district, which included the State of Louisiana, by this order of August 26, 1867:

Major-General P. H. Sheridan will at once turn over his present command to the officer next in rank to himself, and proceeding, without delay, to Fort Leavenworth, Kansas, will relieve Major-General Hancock of the command of the Department of the Missouri.

Major-General George H. Thomas will, until further orders, remain in command of the Cumberland.

It will be remembered by most persons, and especially by members of the Senate, that when General Hancock took command some of the persons who had been removed from office were reinstated and peace and quiet were restored to the department; general satisfaction was insured and General Hancock in an order addressed to the people of that district laid down the true dividing line between the military and the civil power and gave supremacy to the civil authority over the military, and sustained and restored the civil authority in that department. Perhaps I might as well read the order issued by General Hancock on assuming command:

First. In accordance with the General Orders No. 81, Headquarters of the Army, Adjutant-General's Office, Washington, District of Columbia, August 27, 1867, Major-General W. S. Hancock hereby assumes command of the fifth military district—the department composed of the States of Louisiana and Texas.

Second. The general commanding is gratified to learn that peace and quiet reign in this department, and it will be his purpose to preserve this condition of things. As a means to this great end, he regards the maintenance of the civil authorities in the faithful execution of the laws as the most efficient under existing circumstances. In war it is indispensable to repel force by force, and overthrow and destroy opposition to lawful authority; but when insurrectionary force has been overthrown, peace established, and the civil authorities are ready and willing to perform their duties, the military power should cease to lead, and the civil administration resume its natural and rightful dominion.

Solemnly impressed with these views the general announces that the great principles of American liberty still are the lawful inheritance of this people and ever should be. The right of trial by jury, the *habeas corpus*, the liberty of the press, the freedom of speech, and the natural rights of persons and the rights of property must be observed. Free institutions, while they are essential to the prosperity and happiness of the people, always furnish the strongest inducements to peace and order. Crimes and offenses committed in this district must be referred to the consideration and judgment of the regular civil authorities, and these tribunals will be supported in their lawful jurisdiction.

Should there be violations of existing laws which are not inquired into by the civil magistrates, or should failures in the administration of justice by the courts be complained of, the cases will be reported to these headquarters, when such orders will be made as may be deemed necessary. While the general thus indicates his

purpose to respect the liberties of the people, he wishes all to understand that armed insurrections or forcible resistance to the laws will be instantly suppressed by arms.

By command of Major-General W. S. Hancock.

When this change was made in the command of that district there sprang up a controversy between the Executive and the commanding general of the Army, the latter protesting against the removal of General Sheridan, alleging that he was a very popular man and that to remove him was violating the will of the people; but notwithstanding this assertion, which was mere assertion and so stated and proven to be at the time, quiet and order were restored by General Hancock. Some of the reasons for removing Sheridan I will give from a communication made at the time:

Their affairs appear to be in a disturbed condition, and a bitter spirit of antagonism seems to have resulted from General Sheridan's management. He has rendered himself exceedingly obnoxious by the manner in which he has exercised even the powers conferred by Congress, and still more so by a resort to authority not granted by law nor necessary to its faithful and efficient execution. His rule has, in fact, been one of absolute tyranny without reference to the principles of our Government or the nature of our free institutions. The state of affairs which has resulted from the course he has pursued has seriously interfered with a harmonious, satisfactory, and speedy execution of the acts of Congress, and is alone sufficient to justify a change. His removal, therefore, cannot "be regarded as an effort to defeat the laws of Congress;" for the object is to facilitate their execution, through an officer who has never failed to obey the statutes of the land, and to exact, within his jurisdiction, a like obedience from others.

That is what was said then to the general in command of the Army on the transfer of General Hancock to this department; and after taking command of the department he issued the orders that I have alluded to, giving general satisfaction and acknowledging the supremacy of the civil over the military authority of the country.

In view of these facts, the query comes up in this distracted condition of affairs in Louisiana, why is it that this man has been selected and sent back to those people who before condemned his acts and prayed for his removal? Why is it? It was known that he was a source of altercation and dissatisfaction when there before; and why was it now in contemplation to send there an enemy, a man who was obnoxious to that whole people, except to a few perhaps who may have been interested in a particular line of policy or measures or something that they wanted to accomplish? How many distinguished men are there in the Army who could have been sent, and why should he have been selected to be sent there? Was it for the purpose of irritation? Was it for the purpose of provoking that people to acts of violence? Was it for the purpose of getting up insurrections and mobs and riots, so as then to raise the cry "these southern people are in revolt," and in the midst of the war-cry and through the prejudices of one portion of the country excited against another go into a presidential election? It is very easy to see what the result would be, or what the expectation might have been. No; "let us have peace!"

I know the determination of that people. Their great object is to be restored back into the Union upon equal footing with all the other States, and have a fair participation in the legislation of the country. That is all they desire. But what is that to those who are acting behind the curtain and who are aspiring to retain power, and if it cannot be had by popular consent and the approval of their public acts would inaugurate a system of terrorism, and in the midst of the excitement, in the midst of the war-cry, triumphantly ride into the Presidency for a third presidential term; and when that is done, farewell to the liberties of the country. [Applause in the galleries.]

The PRESIDENT *pro tempore*. The Chair will interrupt the Senator at this moment to remind the galleries that it is contrary to the rules either to approve or disapprove. The Sergeant-at-Arms will put sufficient force in the galleries to maintain order.

Mr. JOHNSON, of Tennessee. Sir, it is my honest conviction that the real meaning of all this is a desire for a third term for the Presidency of the United States, violating the example that Washington set and which has become equal to a part of the Constitution by the general acquiescence and approval and almost looked upon as sacred as if it was a part of the Constitution itself. Even Washington, the Father of his Country, when he had served four years, wanted to retire at the expiration of his first term. He thought that was long enough, and his farewell address was partly prepared at the termination of his first term of four years; but being prevailed upon by those who surrounded him, in view of the peculiar condition of the country, to accept a second term when that expired, he terminated his connection with the Government. That example has since been pursued and followed and looked upon as a part of the Constitution of the country. But I suppose it is almost out of order to refer to Washington now! Is not the present condition of affairs humiliating when we look at the example that he set in many things? Look at the great probity of his character. When he accepted office what did he say in reference to the morals of the country and the expenditures of the Government? In his message that he sent to Congress with regard to making provision for the executive department he asked them to make no further provision for the executive department than was absolutely necessary to defray the legitimate expenses of the office. We know furthermore that Washington was opposed to a third term, and set the example of serving but two. We know also that in sustaining the morals of the country, and in setting an example both by his practice and in precept, Washington received no more while he was serving the country even in the Army than a bare sufficiency to defray his expenses.

There is a provision contained in the Constitution which declares that "no title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall * * * accept of any present, emolument, office, or title of any kind whatever from any king, prince, or foreign state." The minds of those who made the Constitution were directed to the other side of the water; they thought temptation was most likely to come from that direction. If in the last line of this clause of the Constitution they had added "or any citizen of the United States," what a fortunate thing it would have been. [Laughter.] More danger lies in gifts and presents and gratuities from citizens of the United States to public officers than from any prince or potentate or foreign power. Here it is in our midst, right among us, and if some Senator were now to offer a resolution suggesting the propriety, and giving it as the Senate's opinion, that the Constitution ought to be amended in this respect, it would be a subject of very important consideration about this particular period.

Here let me refer to a resolution passed in 1695 in the House of Commons in reference to the speaker of that body, Sir John Trevor, who in thirty years mounted from the lawyer's stool to such dignity, that in a national and royal procession for him was reserved a very distinguished place; and how high this distinction was you will understand when you know what this procession was in which he thus appeared. It was the funeral of Queen Mary, the wife of King William III. Her burial took place on the 5th of March, 1695, a day long memorable in London. The queen had died young; she died beloved. Her death was sudden, almost terrible; she was struck down by the malignant small-pox. Public sorrow for Queen Mary was great—never was so universal a mourning, constrained by true sympathy. Parliament resolved to follow her body to the grave. Never before had Parliament followed a royal female. They did so, however; robed in long cloaks of scarlet and black, attended by the maces, the emblems of their dignity, both the House of Lords and the House of Commons came after the hearse, on which was laid the purple velvet-shrouded coffin. The streets were hung with black. It was, in truth, a pageant of unusual solemnity. The whole English nation was represented there—the nobility, the judges, the lord mayor, all the authorities both civil and religious; and walking in this grand procession between the Peers and the House of Commons, in a space set apart to do him honor, with a mace borne before him and his train carried up, there walked that knavish, squinting lad, now grown into a knavish, squinting man. His name was Sir John Trevor. As speaker of the House of Commons he took this place, nor had any of their speakers before him been thus distinguished as the first commoner of the realm; no former speaker had been honored by heading in a royal procession the whole House of Commons. Thus was Sir John Trevor, as the first commoner of the realm, publicly ennobled on the 5th of March, 1695. Within a week, in the eyes of all England, he was a man the lowest and most degraded among Englishmen. This was how it happened. We saw Trevor on that 5th of March, as speaker of the House of Commons, leading the house after Queen Mary's coffin. What is it that only seven days later Trevor had to do as speaker? Standing in his high place, standing there before all the representatives of England, he had to read aloud words to this effect:

Resolved, That Sir John Trevor, speaker of the house, for receiving a gratuity of one thousand guineas from the city of London, is guilty of a high crime.

This was the resolution of the House of Commons, and this was what England did in 1695. Notwithstanding there has been so much reference made to the corruptions of England and the English government, such was their view and such was their action in reference to the speaker of their House of Commons who had received a thousand guineas as a gratuity for his influence and assistance in passing a bill through the House for the benefit of the city of London. A thousand guineas! Only $5,000! If you look around and contemplate for a moment can you not find that this principle could be applied in this country? Perhaps it would be as legitimate to have a resolution of that character under consideration for the expression of opinion in this body to-day as the one that we have before us. This resolution was adopted on the 12th of March, 1695, now one hundred and eighty years ago. It lives in history. Notwithstanding the government of England has been called corrupt, that was their view of gratuities. We find that they carried it so far as that. You will find it in Macaulay or in the History of the Speakers of the House of Commons. They carried this proposition so far that he was made to read the resolution so as to feel to the fullest extent his own degradation. When the resolution was adopted he was made to get up and read the resolution which condemned him and which expelled him from the house.

This would be just as legitimate a subject for the Senate now to consider as the one before us. I might express an opinion in reference to citizens receiving gifts from citizens, when it is provided in the Constitution of the country that they shall not receive them from any foreign prince, potentates, or power. Why not consider a subject like that? Let the popular heart understand it and let it respond. It is time we turned our attention to things like these. Where are we going? What is the condition of the country? I merely refer to this for the purpose of making a general application to anybody that is guilty of like conduct. That is what England did

to one of her speakers who had accepted gratuities from a corporation for his influence in its behalf.

When we get to the Kellogg government in Louisiana what do we find there? Do we find a case like the one to which I have called the attention of the Senate and then do we find the action to correspond with the action then taken? When we get to Louisiana we find that Kellogg comes in as governor; how? A committee of the Senate, composed of able gentlemen, made a report in reference to Mr. Kellogg and the government of Louisiana, and in the conclusion of their report they say:

It cannot be maintained that its prudent exercise violates the rights of the States, because the States, for their own protection and security, have conferred the power upon the National Government; and this Government cannot refuse or neglect to exercise it *in a proper case* without disregarding the obligation which the Constitution has devolved upon it. We think the melancholy condition of the people of Louisiana, who are substantially in a state of anarchy—

Mark—

makes it the duty of Congress to act in the premises.

The committee report that it is the duty of Congress to act in the premises. The committee who made this report argue I think very ably and refer to the Constitution of the United States to show that it is not the Executive, it is not the Senate, it is not the House of Representatives, but the United States that is to guarantee to every State in this Union a republican form of government. Is the President "the United States?" When and how did the President get to be "the United States?" The Constitution reads:

The United States shall guarantee to every State in this Union a republican form of government.

Does that authorize the Executive upon his own volition, upon his mere *ipse dixit*, to take charge of a State government in person or by his agent, some man selected from the Army? No, sir, it authorizes no such thing; and the interference with the State of Louisiana today by the President taking charge of that government is a palpable violation of the Constitution of the United States. The committee in their report say:

Therefore your committee recommend the adoption of the following resolutions: 1. *Resolved*, That there is no State government at present existing in the State of Louisiana.

"That there is no State government at present existing in the State of Louisiana." Hence immediate action is to be had. The State has reached that point in which she shows her incapacity, her want of capability to govern herself, and, as the committee ably argue, it must be a very extreme case for even Congress and the President together to act in reference to a State government. I should think in a great case of emergency, when the State was in anarchy, when all was confusion and disorder, there might possibly arise a condition of affairs in which the Government of the United States, "the United States," according to the forms of law and the Constitution, might pass a law for the rescue of a community like that from anarchy and disorder; but the case should be extreme and the interference should be well considered before it is done. But how is it in this case? The President of the United States assumes to take command of the State and assign these people a governor. What does he say himself on this point? Let us put what he says with what the committee say. He says in his message sent to the Senate, as my friend from Maryland [Mr. WHYTE] read the other day, but I read it again in this connection:

It has been bitterly and persistently alleged that Kellogg was not elected Whether he was or not is not altogether certain, nor is it any more certain that his competitor, McEnery, was chosen. The election was a gigantic fraud, and there are no reliable returns of its result.

Here are two men who have been contending for the gubernatorial chair of a State, neither of them entitled to it, and in that contest there has been a most "gigantic fraud" practiced, in the language of the President, thereby precluding and disqualifying either for holding the office, but the President finds a usurper in power, and he takes it upon himself to make the Government of the United States a party to his usurpation. If this course is to be practiced, and the Federal Government is to be made a party to every one who is an aspirant for the office of governor or for a seat in a Legislature, if it stands here ready and willing to make itself a party to any contestant for power in a State, I say we have inaugurated a state of things that will result in the overthrow of the States which compose this Union. In that case the existence of the State governments would depend entirely on the interference of the Federal Government. The contest would be which would be the stronger party successful in the State, and then, it being successful, it is made incumbent on the party in power here to maintain and preserve it as a State in such shape, dependent on the bayonet and dependent on the sword. In this case this able committee in their report made by these distinguished men, all united and agreeing in politics, four in number, say there was no government there, and they reported a bill for the United States to provide for the difficulty and not to authorize General Grant to take possession of Louisiana and make himself the supporter of one of the parties there.

Is not this monstrous in a free government? The time has been in this country, and since my recollection, when had an act of usurpation been perpetrated and practiced like this it would have produced a shock throughout the nation. The nation would have been shaken from one extreme to the other, and would have been ready to have hurled from power the perpetrator of such an act. But now we see things differently. We see men exercise powers not authorized by the organic law of the land. They have gotten outside of the instrument altogether, and they are acting in a way that will bring this Government to an end or change its character so that its ancient features and its familiar structure will all be lost. What more do we find? In looking to General Grant's message he says:

I sent General Sheridan there.

As though it were a matter of cognizance for him to look over the country! Then when we come to the report of the Secretary of War we find a very strange letter, with all due respect to the Secretary of War—I am merely referring to him as such; he wrote the following letter to General Sheridan:

WAR DEPARTMENT,
Washington City, December 24, 1874.

General P. H. SHERIDAN,
Chicago, Illinois:

GENERAL: The President sent for me this morning, and desires me to say to you that he wishes you to visit the States of Louisiana and Mississippi, and especially New Orleans, in Louisiana, and Vicksburgh and Jackson, in Mississippi, and ascertain for yourself, and for his information, the general condition of matters in those localities. You need not confine your visit to the States of Louisiana and Mississippi, and may extend your trip to other States, Alabama, &c.—

That means all States—

if you see proper; nor need you confine your visit, in the States of Louisiana and Mississippi, to the places named. What the President desires is to ascertain the true condition of affairs, and to receive such suggestions from you as you may deem advisable and judicious.

So much for that. The concluding part of the letter of the Secretary of War is in the following language:

Of course you can take with you such gentlemen of your staff as you wish, and it is best that the trip should appear to be one as much of pleasure as of business, for the fact of your mere presence in the localities referred to will have, it is presumed, a beneficial effect.

Yes, it is to be a trip of pleasure, of leisure, to look at the condition of the country with a retinue of officers, with the glittering sword and regalia that pertain to the military! They are to display themselves through the country and let the people, the sovereigns, the working, producing people of the country, see in what gigantic style and magnificent splendor the representatives of General Grant appear in that region of country! It is to be a trip of pleasure and display, and he thinks it would have a beneficial effect! The Secretary further says:

The President thinks, and so do I, that a trip South might be agreeable to you, and that you might be able to obtain a good deal of information on the subject about which we desire to learn.

It might be agreeable to him, with a staff of officers, to visit the country, to display himself before the people and get such information as he wants, and I suppose manufacture public opinion if he could, and report to the President! He thinks it would have a beneficial influence upon that region of the county to see General Sheridan, the representative of the President of the United States, displaying himself all through those States!

What is still more remarkable, if I can turn to it, is a telegram dated New Orleans, January 4. I know we have had some special pleading in the case. The disturbance and interruption of the Legislature took place on that day, and they make a special plea that the general did not take command until about five hours afterward. But he comes forward and takes the responsibility, he is there all the time, although this was done before he nominally took command. He shows great willingness to take the responsibility while it would have exonerated these men from any liability:

[General Order No. 1.—9 p. m.]

Under instructions from the President of the United States, communicated through the Adjutant-General of the Army, the undersigned hereby assumes control of the Department of the Gulf, consisting of the States of Louisiana and Mississippi and the Gulf posts as far eastward as and embracing Fort Jefferson and Key West, Florida, including the forts in Mobile Bay, which will hereafter constitute one of the departments of the Military Division of the Missouri.

P. H. SHERIDAN,
Lieutenant-General United States Army.

Here a general of the Army is sent back to a people, who had repudiated him, with authority to go and look over the country and to mark him out an empire, prescribing the limits of his government, what he should take under control; and there it is at his discretion. He marks the area, he describes the bounds or limits, and in it his power is as absolute as that of an emperer!

In all this proceeding does any one see anything of the General of the Army, who is by law at the head of the forces of the United States? Where is General Sherman all this time? Perhaps he may not be entirely in accord with this proceeding. General Sheridan is placed in direct communication with the President of the United States and the Secretary of War, and he is authorized to go South among those States, lay off his bounds, prescribe his district, and take command. Where is this authority derived from? From the President of the United States. It is true he is made Commander-in-Chief of the Army; but has he a right to exercise the power to lay off and define districts for another at his discretion? Was there ever such an assumption? Why could he not lay the whole South off in one military district and take charge of it himself?

Look at the growth of power; look at its advance; look at the usurpation; and when we come to bring ourselves to consider it

calmly and deliberately, without party bias and prejudice, it can be viewed as no other than an act of usurpation and an act of tyranny. Where does this power come from? And I might ask, where would it go? Referring to the other end of the avenue as President, not as an individual, I might ask the question:

Upon what meat doth this our Cæsar feed,
That he is grown so great—

that he can prescribe and lay down empires and place commanders over them? It is time that the country should be awakened to and consider these things. If excitement has been so high in times gone by that many things have been overlooked, I think the time has arrived and I trust the excitement has gone down, so that the American people—a term not repeated much here latterly; the people used to constitute an important part of this Government, but now they have almost ceased to be any part of it—it is time that the people had begun to consider and weigh well these things.

I have shown you that in reference to this Kellogg government General Grant said it was "a gigantic fraud" and that neither Kellogg nor his opponent was entitled to the office, but having found a usurper in, he takes him by the hand and sustains him. Well, to come to the sitting of this recent Legislature, there seems to be an impression that the democrats on the one hand asked for the protection and interference of the military and then the republicans on the other. It seemed to be wholly a matter of party, not a matter of principle; first the democrats through this man Wiltz—I believe that is his name—asked the military to interfere and sustain him; and on the other hand when a protest was sent in by fifty-two men, I think, the military were called upon, and what did the military do? As General Sheridan says himself, Mr. Kellogg, the governor of the State, or rather the usurper, the pretender, a man who had assumed the government without authority and been sustained in violation of law, tells the military of the United States "put this man out, and put that man in," and the Legislature is organized upon the military. At the point of the bayonet and with the sword presented, through pretense of keeping peace, a Legislature is qualified and assumes legislative authority. That is a new way of qualifying members of a Legislature and contrary to the genius and theory of our Government. Have we gone back to Cromwellian times when Colonel Pride rode into Parliament booted and spurred? Here in the Legislature of Louisiana stand the military with drawn sword and fixed bayonets, and a Legislature is qualified accordingly and go into power. May we not well inquire—

Upon what meat doth this our Cæsar feed?

How has it come that all these things are being transacted in this country? We see in every step that we progress in the investigation of this case that it gets worse and worse, a state of things that ought not to be tolerated and ought not to be sanctioned. Is there any reason to believe, as is suggested in one of the reports, that there was danger of bloodshed? Was that a reason for the Army interfering as peace-makers? The mere contending members of the Legislature would not have shed much blood. In the case of Tennessee, where the military were forbidden to interfere, the Legislature got together and went on harmoniously and transacted their business and passed their laws. So in this case. If there was likely to be a riot or a disturbance of the peace, what should have been done? There was no application to the President of the United States for force as in case of insurrection or riot; and the furthest they ought to have gone was to preserve the peace and leave the contending parties of the Legislature and the contestants for office to settle their rights in the proper forum. There would have been no bloodshed; they would have managed to settle it; they would have gotten out of the difficulty without the shedding of blood. All this is thrown in simply to justify the arbitrary action which has been practiced by the military in Louisiana.

So far, then, as Louisiana is concerned, for the reasons I have given I cannot record my vote for the resolution. I do not vote against the resolution because it is a republican measure; I vote against the resolution because it is wrong in principle and calls upon the Senate to express an opinion favoring practices and usurpations by the Executive of the United States that I think unauthorized and unwarranted. If it stopped here I could not record my vote for it; but if we should record our votes sanctioning presidential interference in this case, what ought we to do in another? Why single out this particular act and in principle sanction this particular act and commit the Senate in opinion to all the high-handed kindred measures that have preceded it? There is another case of this kind which is familiar, and yet I beg the indulgence of the Senate while I refer to it for a few moments. History records that General Grant issued a proclamation to the people of Arkansas on the 15th day of May, 1874, in which he said:

Whereas said Elisha Baxter, under section 4 of article 4 of the Constitution of the United States and the laws passed in pursuance thereof, has heretofore made application to me to protect said State and the citizens thereof against domestic violence; and whereas the General Assembly of said State, convened in extra session at the capitol thereof on the 11th instant, pursuant to a call made by said Elisha Baxter, and both houses thereof have passed a joint resolution also applying to me to protect the State against domestic violence; * * * and whereas it is required that whenever it may be necessary, in the judgment of the President, to use the military force for the purpose aforesaid, he shall forthwith, by proclamation, command such insurgents to disperse and retire peaceably to their respective houses within a limited time:

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby make proclamation and command all turbulent and disorderly persons to disperse and retire peaceably to their respective abodes within ten days from this date, and hereafter to submit themselves to the lawful authority of said executive and the other constituted authorities of said State; and I invoke the aid and co-operation of all good citizens to uphold law and preserve public peace.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done in the city of Washington this 15th day of May, in the year of our Lord 1874, and of the Independence of the United States of America the ninety-eighth.

[L. S.] U. S. GRANT.

We find then that the Legislature elected with Elisha Baxter and Baxter as governor were maintained and recognized by executive proclamation as the true government, the one in authority under proper circumstances in Arkansas; and yet not more than nine months afterward a message was sent in to this body which is in the language I will read. Remember here was a government recognized, here was a government maintained in existence, and all evil-disposed persons, all riotous or insurrectionary people were warned to go to their homes within ten days and stay there, and then this message comes in:

To the Senate of the United States:

Herewith I have the honor to send, in accordance with the resolution of the Senate of the 3d instant, all the information in my possession, not heretofore furnished, relating to affairs in the State of Arkansas.

I will venture to express the opinion that all the testimony shows that in the election of 1872—

Mark you, prior to the issuance of the proclamation—

Joseph Brooks was lawfully elected governor of that State; that he has been unlawfully deprived of the possession of his office since that time; that in 1874 the constitution of the State was, by violence, intimidation, and revolutionary proceedings, overthrown and a new constitution adopted and a new State government established.

These proceedings, if permitted to stand, practically ignore all rights of minorities in all the States; also, what is there to prevent each of the States recently readmitted to Federal relations on certain conditions changing their constitution and violating their pledges, if this action in Arkansas is acquiesced in?

What does that mean, Mr. President? If one government is recognized in a presidential proclamation as being the genuine, true government, the lawful authority of the State, can it afterward be overthrown by a simple recommendation of the President of the United States? What does all this mean—

These proceedings if permitted—

What proceedings, if permitted? If this government of Arkansas stands, all the States that have been reconstructed will change their form of government! This is assuming that the constitutions of all the States readmitted under the reconstruction acts are to stand unchanged, immovable, unalterable through all time unless by the consent of the Federal Government. Has not any one of these States now in the Union, notwithstanding as he says they were readmitted under the reconstruction acts, power and authority to alter, change, and amend its constitution in such manner as its people may prescribe? Here is a blow struck at one of the fundamental principles of free government directly. It is denying that certain States in this Union are upon an equal footing with the other States, warning the country "if you sanction this government in Arkansas that I have sanctioned heretofore, but now for some reason"—best known I presume to himself—"I send you in a message to overturn and overthrow, other States may change their constitutions without the consent or permission of the Federal Government! What a doctrine! Go to the Constitution of the United States; go to the bill of rights of all the States. It is laid down in the bill of rights of each State of this Union and in the Constitution of the United States that the people have a right to change, alter, or abolish their form of government in their own mode and in their own manner within certain limits. That is of the very essence of a republican form of government. I should like to know what authority you have to interfere with the States in exercising that indefeasible authority? But we find lurking through almost every document, through every order we receive, this assertion of usurping power, denying the great principle of a free government which is inherent in the people. But let me finish the reading of this message; the last paragraph is:

I respectfully submit whether a precedent so dangerous to the stability of State government, if not of the National Government also, should be recognized by Congress.

I earnestly ask that Congress will take definite action in this matter to relieve the Executive from acting upon questions which should be decided by the legislative branch of the Government.

U. S. GRANT.

A threat! The iron hand, though clothed in softest silk, is in that paragraph. "If you do not do so and so," the inference is "I will." Would it not be well to have a resolution under consideration inquiring into the matter of the proposed exercise of such a power as this? Is it not more appropriate than the one now under consideration which is for indorsement.

I earnestly ask that Congress will take definite action in this matter to relieve the Executive from acting upon questions which should be decided by the legislative branch of the Government.

"If you don't, I will." Thus we see how power travels. An empire is laid off in the South for one military chieftain; a force bill is proposed in the House of Representatives; the indorsement of Congress is asked to what has been done; and is there nothing that lies behind all this? The change of position from May 15, 1874, to February 3, 1875, must be for some good reason. Can it be possible that the Executive had forgotten what he had done? It would be im-

pugning his memory or his intelligence to suppose he did not discover the inconsistency between the two papers. There must be some great reason that underlies all this.

With your force bill, with the authority to take away the State government of Arkansas, with the government of Louisiana usurped, with a military empire laid off, it seems as if a pretty good part of the Union had been usurped and put under the control of a dictator, and that the States North and West had better begin to look into this. It suits the purpose now to take charge of certain Southern States for the approaching presidential election. "When we get them firmly in our grip, when we have once fixed upon their necks the mailed heel of power," do you think the usurper will stop his hand? No; he will go on conquering, he will go on extending his military power until he has accomplished his purpose, and then perchance the time may come when somebody in this Hall may introduce a resolution:

Whereas great disturbance and dissatisfaction exist; for the purpose of preserving peace and harmony: Therefore,
Be it resolved, That A or B is hereby declared President—

I do not care whether you call him President or monarch or king—

for the next presidential term or "the next eight years."

What would you do? Where is the Army? Where is the Navy? Who is commander-in-chief? Who has a portion of the confederacy under his heel, the mailed heel of power, with a powerful party in the other States? What would you do? Do not all know the impotency, the weakness of an unarmed people when brought in contact with an army? The people would be powerless. Here in my place, not in a personal sense but a public one, as one of the Senators of the United States, I to-day warn this people against the approaching danger. I tell my countrymen that empire is ahead. Instead of having a free and republican government now, we have the kind of government that I will call their attention to. I hold in my hand a volume that treats upon the various kinds of government, defines them, and gives a proper definition. After laying down the three principal forms of government, monarchy, aristocracy, and democracy, then among the various enumerations the writer says that governments out of these three can be divided to infinity into mixed governments of various kinds, and one form is:

Stratocracy is a military government. This word is derived from two Greek words which signify "army" and "power."

We have got now "army" and "power." We have got a stratocracy; we have not got a democracy, and we have not got a republican form of government. How far off is empire? How far off is military despotism? I warn the people of my native country and of my native State of the danger ahead. On a former occasion, when there was great difference of opinion among us, I warned my countrymen against the dangers that were coming. I warned them against bringing on a strife and a contest that would result in the shedding of blood and the sacrifice of property. I warned them against that struggle which set man against man and put his hand against the throat of a brother. Yes, the land that gave brothers birth was drenched with the blood of brothers. I warned my countrymen against the catastrophe that has passed and gone. The great misfortune of my life, the deep feeling of my heart is that it turned out to be true. I wish I proved a false prophet. Now to-day in my place I warn the people of the United States against encroachments upon, against violations of, and against the total disregard of the Constitution of the United States. Do not let us talk about party; let us talk a little about country, for party on the one side or the other has run this Government well-nigh to destruction. Parties have been running the Government long enough. Let the people now lay hold of parties and run them. Let us save the country. What is the great cry now? It is "save the party," and so that the party is saved all is well, the country may go. Sir, let us try to save the country and save it in the original form of its Government as handed down to us by the founders of the Republic. I warn my country to-day against these encroachments that are being made on the Constitution of their fathers. If there is not a return made to those great principles, those great truths which are recognized in the Constitution, I tell you this Government is overthrown and its character changed.

Let us forget, then, that we have been divided into parties; let us teach the people not opposition to the Government, as has been the case sometimes. Great clamor was once made against the Government, and it was said the Government is this, or that, or the other. O, let us make the proper distinction; the Government is good enough; the organic law is all right; speaking in general terms, and administered according to its designs, it would produce happiness and prosperity to the people and result in making us the greatest Government in the world. We should make the distinction between the Government and the administrators of the Government. Let us bring the hearts of the people up to love the Government, while they oppose a cruel, a corrupt, a perfidious, a treacherous Administration that tries to overturn and overthrow the Government, and have a common effort made to sustain the Government and eject from power its corrupt and usurping rulers.

I know that I have almost always acted with one party, and I have acted on certain principles laid down for my guide, and I expect to pursue and follow them, carry me where they may, for in the pursuit of a correct principle we can never reach a wrong conclusion. The Constitution is my guide, and I intend to follow it. When it is encroached upon according to my judgment, with all the ability that I may have I will resist the encroachment and call the attention of the country to it as well as I can.

So much then for the Louisiana portion of this question and the Arkansas portion. Now the government of Arkansas is going on, but Congress was called upon to interfere with it. Then if we could have the force bill passed all would be lovely! But there seems to have been some little doubt about it. Sheridan says the people are all banditti, and if he had a military commission the President need not disturb himself any further, for he could manage all the rest! We see the power that is asked for; we see the desire to exercise unauthorized powers. We see in every movement, in every phase, a desire to get from under the control of the people, to get from under the Constitution, which is nothing more nor less than the combined and expressed will of the people in the form of an organic law; and before it should be violated, even if it needed amendment, we should be patient and amend it in the mode and manner designated in the instrument as framed by Washington and his compatriots.

We are referred to that provision of the Constitution which says that the United States shall guarantee to each State of the Union a republican form of government. We see as we travel along in the discussion of this subject—and from our general reading of it we cannot but see, though partisan zeal and partisan interests may carry some so far as to assail it—that these encroachments are being made; and the query comes up, What is a republican form of government within the principles embraced in that provision of the Constitution which says the United States shall guarantee to each State a republican form of government? I know there has been much said about the sovereignty and rights of the States; but I know what the Constitution says. It declares that the powers not delegated to the United States by the Constitution are reserved to the people or to the States respectively. Ours is a mixed Government. I shall not discuss that question of sovereignty. It is one about which there has been much division of sentiment and about which there has been some controversy. I do not discuss that now; but I shall pass to the point where I think sovereignty resides. When we go into our theory of government and examine it, we find that all powers are derived from the people. The people wear the crown. They are the source of power, and they are sovereign. The State governments derive all their power from the people; the Federal Government derives all its power either through the States from the people or from the people directly; I shall not discuss that; but the source of power and sovereignty resides in the people, and they under our system of government can change their form of government in the mode and manner appointed by the State constitution and the mode and manner pointed out by the Constitution of the United States. This is the sovereignty that I contend for. I only fear that by usurpations, by arbitrary assumptions, by gross encroachments on the organic law, this may all be changed. As we see things going on, a power seems to have sprung up in the General Government to turn a State upside down or downside up, to turn a State outside in or inside out. A process of this kind after a while will change the whole character of the Government. But still let us hold our moorings and go back to the people, who are the source of all power; and before we attempt to exercise dangerous and doubtful powers either in a State or in the Federal Government let us go back to the source of all powers and have this question settled without violation of liberty or encroachments on their rights.

The time has arrived when it is as important to discuss the fundamental principles of this Government as it was when the Constitution of the United States was adopted in 1787. We have read the writings of Madison, Jay, and Hamilton, and many others who wrote upon the Constitution; we know the debates that sprang up in the convention in reference to the Government that should be formed. What was all this for? The design was to get the character, the principles, the frame of government in the public mind, so that we could have a standard by which we could measure what power should be exercised, and so that the representative, in whatever capacity he might be, should find there his standard and his guide and should conform his action to it. I would, for one, make the Constitution of the country as inflexible as the procrustean bedstead, so that it should be the standard of the agent acting under the Constitution when he came into power, and if he was too short for it, you should stretch him out until he fitted it; and if he was too long, you should simply reduce him to the dimensions of the standard and cut him off. When you have a standard in the public mind by which powers are to be measured the people have some security against abuse, they have some security against infringement, they have some security against violation of their organic law.

We have been in a civil war; the public mind has been agitated; the Constitution has been violated so frequently, torn in pieces and trampled under foot and totally disregarded so often, that the public mind at this day scarcely has any firm mooring to which it can anchor. All seem to inquire what the Congress does, not whether it has done according to the Constitution, not whether it has transcended the limits of its power—no, but "Congress does so and so," or "the Legislature does so and so;" and when that comes to be the case our Government is gone. Give us the Constitution. Give me the Constitution of my country unimpaired, and make no change or alteration in

it, except in the mode and manner pointed out by it. Give me back the Constitution of my country that you have taken away. Do not give me arbitrary power; do not give me usurpation; but give me back the Constitution that was made and handed down to me and you and the nation by our fathers. Give that back to us, and that is the great struggle of the age. If the country is not carried back within the pale of the Constitution, it is gone. Then as patriots, as men who love our country, who love constitutional government, who love a government of law, let us unite as a band of brothers to make one more effort in this period to restore the Constitution of the United States.

I dislike to be too tedious, but upon this subject of government I wish to read from a legal authority. I have shown the kind of government we have according to the best definition that I can find. The government that we have now in practical operation is a stratocracy.

A stratocracy is a military government. This word is derived from two Greek words, signifying "army" and "power."

The country understands it. That is the meaning of the government we have now, for what have we but "army" and "power." As far as in me lies I want to inculcate some of the first notions of our Government. I have no idea that I can inform or enlighten those who sit around me here; but there are others who are equally interested with them. Let me read from accepted legal authority:

Government is the manner in which sovereignty is exercised in the state. It is the means adopted to put the fundamental law of the state in action. It is the function and the very end of the government to apply the fundamental law for the happiness and advantage of all the citizens; for the constitution of the state is the lawful expression of the wants and of the will of all. Hence follows this necessary consequence, that the government is the delegate of society, the state, or the nation. The people, being sovereign, may adopt any of the forms of government which have been devised among men.

There have been at all times, and there are now, different forms of government, the three principal of which are democracy, aristocracy, and monarchy. But these different forms are combined and subdivided to infinity. From the African prince, who disposes freely of the lives and properties of his subjects, to the European monarch, whose power is contained within much narrower bounds; from the savage cazic, who governs his tribe because he is the oldest man in it, to the republican magistrate who is elected by the free suffrage of his fellow-citizens, we perceive an infinity of organic combinations.

When the sovereign power is exercised by the people in a body, or by a majority of the people, the government is called a democracy. In this form of government all men are equal in a political and civil point of view. Democracy is the complete triumph of the principle of equality. All the citizens must have an equality of rights and not merely of privileges.

When the sovereign power is exercised by a small number of persons, in their own right, exclusively from the rest of the people, this form of government is called an aristocracy. In an aristocratic country the rulers claim the power to govern in their own right, and not by delegation, as in a representative democracy. Aristocracy and slavery spring from the same root. The first is the parent of the second, for the master and slave appeared on the same day.

When the sovereign power is concentrated in the hands of a single magistrate, the government is a monarchy, whether it bear the name of an empire, a kingdom, a duchy, or any other.

But the sovereign power may be divided and combined in a thousand different ways; hence result mixed governments, such as are most of those of civilized nations. Indeed, it may with truth be observed that the constitution of each state, consisting in the manner in which the powers of sovereignty are divided, seldom remains the same for any great length of time. Its form varies more frequently than it would strike one at first blush, in consequence of the encroachments which are insensibly made by one branch of the government over the others.

Is not that our condition? Look at the encroachments that are being made. True, they are sensible encroachments. Here the writer says that these governments are constantly changed, sometimes by encroachments almost imperceptible. Here they are patent, here they are palpable, here they are gross encroachments that are being made on the Constitution every day!

A representative democracy is a government where the powers of sovereignty are delegated to a body of men, elected from time to time, who exercise them for the benefit of the whole nation. Such is the General Government of the United States and of the several States of the American Union.

I think that is a very good definition.

A representative democracy is a government where the powers of sovereignty are delegated to a body of men, elected from time to time, who exercise them for the benefit of the whole nation. Such is the General Government of the United States, and of the several States of the American Union.

Despotism is the state where the powers of the government are not divided, but united in the hands of a single man, whatever may be the title he bears, emperor, king, sultan, president, &c.

A president can exercise despotic powers as well as anybody else, and this is the definition of a despotism: "Emperor, king, sultan, president," &c. We have mighty near got that on us here. The President is exercising all the powers of a king in a military point of view, turning it into a military government, a government of "army" and "power."

A commonwealth is that form of government in which the administration of public affairs is open or common to all persons, without any special regard to rank or property, as distinguished from monarchy or aristocracy.

A republic, which is another name for commonwealth, is that form of government in which the administration of affairs is open to all the citizens. In another sense the term republic, *respublica*, signifies the state independently of its form of government.

In our Constitution we find that—

The United States shall guarantee to every State in this Union a republican form of government.

There is the great idea of a republican form of government laid down—a commonwealth, a republic, a representative democracy. In fact these may be almost considered synonymous terms, for in substance they are the same—a commonwealth, a republic. These are the kinds of government that were in the minds of the framers of the Constitution when it was adopted. "Commonwealth." Where are we going, Mr. President? Is Louisiana a commonwealth as it now stands? Or is her government maintained by military power and that through the President of the United States? Is it not his government? Is it not military? What does he do in regard to Arkansas? Send a message to Congress with a threat, "If you do not do something, I will." It is not his place to interfere with either of the contending parties. If democrats apply for the exercise of improper power, he has no more right to extend it to them than to anybody else, and if republicans apply it is equally his bounden duty to abstain from any interference whatever. These States are commonwealths, they are republican governments, they are representative democracies. The whole Union being composed of the States makes it a representative government in one sense, representing the States and the States the people.

Now, sir, instead of passing the resolution which is before the Senate, how many other subjects, if we are disposed to take up questions that are as legitimate as this is, that are as germane to constitutional action as this can be—how many subjects are there that the time and the attention of the Senate might be occupied with? Would we go into all of them and keep the Senate here as a kind of town meeting to express opinions in reference to all the various questions that we think may agitate or please for the time being? Why the desire to have the committal of the Senate to an approval of this proposition? Why are we to do it? Instead of passing this resolution, I would go to the emperor of the empire, and if I were permitted to prepare a resolution that would be adopted I would incorporate into it the substance of Cato's reply in his last extremity when Decius, the embassador of Cæsar, approached him and wanted him to capitulate, assuring him that his name would be second to none except that of Cæsar; I would say to this emperor, I would say to this dictator what Cato said to the embassador of Cæsar:

Bid him disband his legions, restore the commonwealth to liberty.

Yes, I would say more; let him do this, and even I, humble as I am, and much as I am opposed to his encroachments, would be willing to go still further in the language of Cato in his reply to Cæsar; I would not only "bid him disband his legions, restore the commonwealth to liberty, submit his actions to the public censure, and stand the judgment of a Roman senate," but let him do this and "myself will mount the rostrum and strive to gain his pardon from the people" for the violations of the Constitution of his country and the transcendent impositions that he has practiced on the country. Yes, even I, humble as I am, for the sake of peace, for the sake of concord, for the restoration of prosperity and harmony among this people, would be willing to see him subjected to a pardon by my country and restored to favor, and I would mount the rostrum and strive to gain his pardon from an insulted and an indignant people. Yes, restore the Commonwealth to peace, prosperity, and happiness; restore this Government to what it was originally designed to be; restore this Government in fact and in practice to what it is in theory, the home of the immigrant, the asylum of the oppressed—do this, and it will become again the home of the immigrant and the asylum of the exile, where there is a home and bread for all. God preserve it and let it be saved! I would rather see this Capitol tumbled in ruins; I would rather see these pillars falling against each other; I would rather see it all wiped out of existence than to see the Constitution of my country destroyed. Save the Constitution, and in saving the Constitution you save the country, and in saving the country you restore it to peace, prosperity, and happiness.

What does the flag on the Dome of this Capitol to-day that flies in the breeze indicate? There is the image of the goddess of Liberty. On that flag are the stars of the United States. Is what is read in the character of that emblem true, or is it a false goddess? Is it a flag that is hung out merely to allure when the whole character of the Government is changed? Save the Constitution, bring the Government back to it, or the time will come—God forbid it, but I fear it will come—when the goddess of Liberty will be driven from this land staggering over fields of blood and carnage to witness the loss of a representative government. O, then, do not let us stop to consider about party; "the country, the whole country, and nothing but the country" should be our motto. Let us do this. In the language of Webster, let this Union be preserved, "now and forever, one and inseparable." Let us stand equals in the Union, all upon an equality. Let peace and prosperity be restored to the land. May God bless this people; may God save the Constitution; and I know when I give utterance to this sentiment it comes from a heart that never yet beat false to the Constitution or to the country.

Mr. President, let us come up to this work forgetting what we have been heretofore. Let us lay aside our party feelings; let us lay aside our personalities, and come up to the Constitution of our country and lay it upon an altar and all stand around resolved that the Constitution shall be preserved.

I thank the President and the Senate for their kind indulgence and attention.

Mr. BOGY. Mr. President, I beg the attention of the Senate for a few moments so that I may explain the reasons which will guide my vote on the important subject now before the Senate. I fully realize the embarrassed position in which I am placed in speaking imme-

diately after the distinguished and able Senator from Tennessee, [Mr. JOHNSON.] I am very well aware that the large crowd now occupying the galleries did not come here to listen to me. I am very well aware that had they known that I was to address the Senate in all probability very few of them would have been here; but it is a duty that I have to perform. The majority of the Senate have presented to the consideration of this body a resolution, and, *nolens volens*, we are called upon to vote for or against that resolution. I owe it to myself as one of the Senators on this floor, and as representing in part one of the large States of this Union, to give to the Senate and to the country the reasons which compel me to record my vote against this, in my estimation, most important proposition. In my estimation, at no time heretofore in the whole history of this Government has a proposition been presented to this body pregnant not only with so much importance but pregnant with so much mischief as the resolution now before us.

I am opposed to its adoption for two reasons. First, I hold that it is not properly before this body. I hold that the Senate now has no legislative power whatsoever; that we are called here by the proclamation of the President to discharge what are called executive duties, and those duties alone; that if we have any power upon the subject at all, it is as a part of a Congress composed of both Houses and not as a Senate sitting in executive session.

For this reason, if I had no other, I could not vote for this resolution. I hold it is not competent for the Senate to do anything at all of a character which is in the slightest tendency of a legislative nature. But a few days ago the Senator from Arkansas [Mr. CLAYTON] introduced a resolution here authorizing a committee to sit during the recess for the purpose of visiting the Indian country and obtaining information which would lead of course to legislation in the future. That resolution was laid upon the table, many members voting to lay it on the table because it was thought to be beyond the jurisdiction of the Senate sitting as an executive body.

If we have any jurisdiction on this subject whatever, it is derived from the fourth section of the fourth article of the Constitution, which imposes upon the United States the duty of guaranteeing to every State in the Union a republican form of government; a duty imposed upon "the United States," not upon the Executive, not upon the Senate, not upon the lower House, but a duty imposed upon "the United States" as a whole. That duty therefore can only be discharged by the speaking organ of the United States, which is the legislative department, not the Executive, not the Senate. For this reason, I repeat, if for no other, I could not vote for this resolution, which might be a precedent for action hereafter.

But, sir, I have reasons beyond the mere question of jurisdiction. I hold that if this resolution be adopted by the Senate sitting now in executive session and be ultimately ratified by the people in their elections, this Government has thereby undergone an entire and fundamental change; that from being a representative republican government we shall have gone into an imperial government; that from being a representative government speaking through the legislative department, the Executive of the nation will have control of the elections of the States and in that way have the power to have just such a Congress as he may deem proper to have.

For two years the question of Louisiana has been before this body. It has been discussed with an ability on both sides, I think I may well say, that has never been surpassed in the history of the Senate from the very beginning of the Government. For two years has this Louisiana question in all its phases been before this body, and the best minds, the ablest men, on both sides of this Chamber have time and again expressed their opinions and their views on this important subject. Yet at no time heretofore has the question been presented in the shape that it is presented now. The whole is boiled down to one simple proposition, not whether the government of Louisiana has been wrongful or rightful heretofore, not whether General Sheridan may or may not have discharged his duty as an officer of the Government, not whether Durell was right or wrong in his decision, not whether all the ten thousand different transactions which have occurred in that country have been right or wrong, but we are called upon to say that the interference of the Executive in that State is sanctioned by the Senate of the United States. We are called upon to sustain him regardless of the fact whether he had the right or not under the Constitution to interfere as he did.

The history of these resolutions, for there are three, is remarkably singular. The first resolution introduced upon this subject was by the Senator from Indiana, [Mr. MORTON.] It was a bold, a manly, well-written, expressive resolution, partaking largely of the known characteristics of that Senator—bold, plain, decided, unmistakable. The Senator from Indiana introduced the following resolution on the 5th of March:

Resolved by the Senate, That the State government now existing in Louisiana, and represented by William P. Kellogg as governor, is the lawful government of said State; that it is republican in form; and that every assistance necessary to sustain its proper and lawful authority in said State should be given by the United States, when properly called upon for that purpose, to the end that the laws may be faithfully and promptly executed, life and property protected and defended, and all violators of law, State or national, brought to speedy punishment for their crimes.

This I say was a bold, plain, direct proposition, recognizing the action of the President, recognizing the government of Kellogg as the lawful government of that State, recognizing it as being republican in form: and it was plain and expressive. This resolution went I presume from this Chamber to what is commonly known as a caucus. Of course I am not prepared to say exactly what transpired in that caucus as I was not invited to attend it, and therefore do not exactly and precisely know what took place within that body; but report says that this bold proposition, manly in character, like the Senator who made it and who I commend, partaking of his own rugged, strong, and manly disposition, and partaking of the region of country whence he comes, the great West, with no prevarication, with no wincing at all—that, report says, went to a caucus and no doubt, as report says, it was discussed, sustained unquestionably by the Senator from Indiana with his known ability; but it was too bold, too plain, too decided, and the consequence was that another Senator was made to father another proposition, milder in form, subdued in words, but yet containing to a very large extent the same proposition though not so boldly expressed. On the 16th of March the Senator from New Jersey [Mr. FRELINGHUYSEN] offered the following resolution:

Resolved, That the Senate approve the action heretofore taken by the President of the United States in protecting Louisiana from domestic violence, and are of opinion that he should continue to recognize in that State the existing State government.

This resolution is much milder in words and means less than the resolution offered by the Senator from Indiana. That, report says, was also discussed in this caucus, and there it was, like the former resolution, strangled, there it was killed, and another bantam, fathered by my friend from Rhode Island, [Mr. ANTHONY,] was brought before this body and is now the resolution that we have to vote upon. It is in these words:

Resolved, That the action of the President in protecting the government in Louisiana, of which William P. Kellogg is the executive, and the people of that State against domestic violence, and in enforcing the laws of the United States in that State, is approved.

This is milder than the second, and the second was milder than the first; but all these resolutions mean one thing—they mean no more and no less—that it was, and that it is, competent for the Executive of the nation, for the President of the United States, to interfere in the domestic affairs of a State beyond the requirements of the Constitution. That it is competent for the Executive when called upon in a proper manner to interfere in the domestic affairs of a State there can be no doubt, because the fourth section of the fourth article of the Constitution says:

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the executive (when the Legislature cannot be convened) against domestic violence.

This is a duty imposed upon Congress and not upon the Executive. Nevertheless as I am anxious to argue the question fairly as a great constitutional question, I admit that an emergency might arise in some of the States of the Union when Congress was not in session, when Congress could not be convened speedily, for the Executive of the nation to maintain temporary peace in a State to prevent the State from being destroyed by anarchy and violence. It might be so, although the Constitution does not in words confer such a power on the Executive. It is a power conferred on "the United States;" and yet a case might possibly arise where the Executive of the nation under a full sense of his great obligation to the country might feel called upon to interfere temporarily with a view of preventing a State from being to some extent destroyed. Yet that would be beyond the words of the Constitution and could only be done in an emergency which required speedy action.

But this was not the case at any time in Louisiana. The interference of the Executive through the Departments of the Government, through the Attorney-General and other officers of the Government, has been from the beginning in anticipation, in their estimation, of domestic violence and of domestic trouble. It has been on their part purely a voluntary, uncalled-for interference, and the object of this resolution is to sanction that interference.

The democratic Senators on this floor have time and again disapproved of the conduct of the Executive, of the conduct of Judge Durell, of the conduct of the military, of the conduct of the Lynch board, of the conduct of all the persons in the employ of that government in Louisiana, and upon that we are committed and estopped, and at no time has the attempt been made to sustain the Executive in his interference. At no time heretofore has the proposition been made to the Senate that the Executive should be sustained in that interference. Why is it proposed at this day? What is the object and what will be the effect before the country? At the beginning of this Louisiana discussion—I think some time in January—I took occasion to say in a speech that I had the honor of making before this body that if it were competent for the President of the United States to control the Army at his will and pleasure and to concentrate the Army in this place or that place without any restraint of law, merely in virtue of the oath which he has taken to support the Constitution of the United States, this Government had ceased to be a republican government and was nothing more nor less than a military despotism. What I said then I believed honestly, and I believe it now. In my opinion, if the conduct of the Executive is sanctioned by this Senate and shall be sanctioned by the people in the election that is to come two years hence, this Government has ceased to be republican and is nothing more nor less than a military despotism. For if it be proper,

if it be competent, for the Executive of this nation to concentrate in any State the military force of this Government to interfere in the organization of its Legislature, to interfere in elections, to control the State machinery in any shape or in any way, the whole system of the Government is destroyed, and he becomes in point of fact a great military despot, having all power in his hands, and this Senate and the lower House will sink to nothing; Senators will be elected by Legislatures created by the President, members of Congress will be elected by constituencies influenced by the action of the President, and in that way this great conservative body will be destroyed and Senators will be sent here merely to register the edicts of the Executive, no matter what those edicts may be.

Viewing the question in this light, looking upon this as a great step toward individual government, I am compelled not only to vote against the resolution but to do all in my power to prevent its passage; and as the passage of it in my estimation is a foregone conclusion, all that I can do as a humble Senator on this floor is to awaken the people, to draw the attention of the people of the country to the great danger which now threatens them.

Mr. President, history is so full of warning on the subject that it requires some courage to refer to that which must be and no doubt is so well known to every Senator on this floor, but nevertheless it will do no harm to go back and to see and to state and to point out how faithfully we are traveling the same broad road which other nations have traveled heretofore. Cæsarism, a modern word, has become very common to express individual power. It does express it very well, because it is perfectly historical. Individual power in modern times is called Cæsarism. What is meant by Cæsarism? By it is meant power in the hands of one man, and it had its origin two thousand years ago. Cæsar himself attempted to establish Cæsarism. The "great Julius" himself attempted it, and if any man on the face of the earth was worthy of being a Cæsar certainly he was, for he was an ornament of our race, remarkable in everything which can distinguish human nature. In peace and in war, in the arts and the sciences, in eloquence and literature, he had not his peer at that day, has never had his superior from that day to this. He attempted to establish Cæsarism in Rome. He met with opposition and lost his life in the attempt. The dagger of Brutus stopped him in his career; but Cæsarism was born with him. The first attempt made by him, although he individually failed, went on growing, growing from one thing to another, until a line of Cæsars reigned on the throne of Rome for many, many generations. It was a growth. Look back at the history of Augustus. He did not want to be a Cæsar at the beginning. He professed to be a lover of liberty, a lover of the people, accepted the consulship with great diffidence, and at one time resigned it because he thought it better that the office should go back to the people that they might elect another person, designing all the time not only to maintain his consulship but to obtain augmented powers, which he did. It went on from one encroachment to another, from one concession of power from the great senate of Rome to him, until he became the absolute individual dictator of Rome and of the whole civilized world.

So it was in England. Cromwell first swayed the destinies of England only because he was the great military hero of that terrible revolution. With that title, merely as the commander of the army of England, he soon became protector by law. He was anxious to become the Cæsar of his country, to become king, and gradually, and rapidly too, powers were added to him from day to day, and had he lived he would have been crowned King of England.

But the most remarkable growth of Cæsarism perhaps was that in France under the first consulate. Three consuls were elected in France. Neither of them was elected to be first consul. Bonaparte was one, Sieyès, the great constitution-maker of that day, the great Sieyès in the work of making constitutions in that period, was another, and there was a third whose name at this moment does not occur to me. They were elected to be the consuls of France, and as consuls they met to decide what department should be devolved on each one. At the very first meeting Sieyès expected to be chosen the first consul on account of his age, on account of his admitted learning, on account of the fact that he had shown great ability in many legislative assemblies of France and in making constitutions for the whole of Europe; but at that very first meeting Bonaparte was selected. When they adjourned a friend of Sieyès met him as he came out of the room and asked him who was the first consul. "Why," said he, "General Bonaparte is the first consul." "Who is the second?" "Bonaparte." "Who is the third?" "Bonaparte." "Why," said Sieyès, "he knows all, he wants all, he dares all." "Well," said his friend, "what are you and your colleagues?" "*Nous sommes des imbéciles;*" in other words, "we are fools." Cæsarism was established. Yet that was a temporary thing. Bonaparte was to be consul only for a very short period of time; but it grew, and in a short time afterward he was made consul for ten years, and in a short time after that he was made consul for life with the right of transmitting the office to his legal heir, and in a very short time it grew and he became the Cæsar of his country.

Mr. President, so it will be here in a very short time. Although it pains me to know that a resolution of this kind can be entertained by the Senate of the United States, yet it may be a fortunate thing that it comes at this period of the world. It may be, and I think is the fact, that the people of the United States are not yet prepared to sanction Cæsarism. I know the extent of the dry-rot—if I may use the expression—which pervades a large portion of the people of the United States. I know how they are overcome by the blandishments of power, by the allurements of office, by rewards of various kinds, high official positions, great offices having enormous emoluments. I know that the country is covered over with eighty thousand office-holders, who are all the aiders and abettors of a one-man government if they can maintain their positions. I know it; and this resolution will present to the mind of the people at the very next election this great question: "Are you prepared, citizens of the United States, to sanction the exercise of power by the President of this nation such as is contemplated here? Are you prepared to say that the President has a right to send troops to any State of the Union to influence the organization of its Legislature? Are you prepared to say that it is competent for the Executive of the nation, acting alone on his oath of office, to command and to order the highest officers of this Government to travel over this country to obtain information to be communicated to him individually, regardless of the organization of the Army, making it a mere individual military power? Are you prepared for this?"

Mr. SARGENT. Will my friend allow me to ask him a question?

Mr. BOGY. Certainly.

Mr. SARGENT. I should like to ask the Senator if the same idea, the same argument, was not in the mind of Wilkes Booth when he flourished his bloody dagger on the stage at Ford's Theater and exclaimed "*Sic semper tyrannis!*"

Mr. BOGY. The question of my friend—for I will use that word—from California is altogether a very improper question. The word "impertinent" is not a word which should be used by a Senator. Therefore I cannot use that word, but his question is not pertinent.

Mr. SARGENT. If my friend will allow me a moment, I will say that I understand Booth's objection to the President there slain was that he was a tyrant. His words conveyed that allegation. I wish to know whether the Senator's argument does not go too far in the same direction; if it and his illustrations do not imply the right to remove the ruler who it is assumed tramples on the liberties of the country. That assumption is easily made, and, as it seems, acted upon. But shall each man judge for himself if the liberties of the country are trampled on, and apply the remedy by assassination? That is all I intended, and meant no offense.

Mr. BOGY. The question of the Senator from California is not pertinent; nevertheless I can give it a good answer. First, not having at all any sympathy with Booth on that occasion or at any time, I cannot exactly say what was in his mind. His was the act of an insane man. But this I can say, that the question of my friend from California suggests this idea: that all men in all ages of the world who have aimed at the destruction of the liberties of their country have first impressed upon the mind of the country that their person was in danger and therefore they had to be protected by guards to prevent their person from being assailed. Pisistratus, the tyrant of Athens, was surrounded by an army to prevent his life from being taken from him, and he conquered the liberties of Athens. His life was at no time in danger, but he used it as a mere excuse and became the tyrant of his country.

Sir, such arguments are part and parcel of the idea now dominating this land, that the Executive must be surrounded with extraordinary protection, and that he must be upheld in the exercise of power whether the power that he has exercised be within the limits of the Constitution or not. I say that the home of liberty is not in the executive department; it is in the legislative department; and it would be a great deal better for us to be protected in the discharge of our independent duties than to make any effort to protect the life of the President, without at the same time saying anything which can in any way be construed that I would encourage anything of the character to which the gentleman has alluded.

The tendency of the day is toward executive power. That is my argument. The tendency of the Government is in concentrating all power in the hands of the Executive, and I as an American citizen am profoundly convinced that that tendency, if not checked, will lead to the destruction of the liberties of this land, and that we cannot check it too soon. I do not speak of this as a party man; I speak of it in the higher position of an American citizen. Liberty and the spirit of liberty, freedom and the spirit of freedom, can only be maintained and can only be transmitted through the legislative department of the Government and not through the executive, and whenever the Executive of the people becomes the protector of the people in law, he is the protector in fact and he is in reality their master.

Not very many years ago this question was discussed in this very Chamber. It arose under the administration of General Jackson. Mr. Duane, Secretary of the Treasury, declined to remove the deposits from the Bank of the United States. He was removed by General Jackson from the office of Secretary of the Treasury and Roger B. Taney, who afterward became the Chief Justice of this country, was put in his place. He obeyed the mandate of the Executive, and that I think is the weakest part in all the history of the great Chief Justice. For doing so the Senate condemned him and passed a resolution condemnatory of the Executive, because it was thought then that there was a great tendency to executive usurpation and the concentration of power in the hands of the Executive.

Mr. SAULSBURY. Will the Senator from Missouri allow me to interpose right there?

Mr. BOGY. Certainly.

Mr. SAULSBURY. The Senator from Missouri has referred to the action of Mr. Taney as Secretary of the Treasury in removing the deposits from the United States Bank, and said that he considers that the weakest point in all the history of the late Chief Justice Taney. I wish to say to the Senator from Missouri that in acting in that manner the late Chief Justice of the United States only acted in accordance with what he believed to be right prior to his becoming Secretary of the Treasury. I believe it is stated in his biography that he had repeatedly urged upon General Jackson the necessity of the removal of the deposits from the United States Bank; so that when he became the Secretary of the Treasury and acted under the order of the President in making that removal he was but carrying out what he had previously urged upon General Jackson as his duty as President of the United States, and I do not join in the intimation of the Senator from Missouri that it was any blur whatever upon the character of the late Chief Justice Taney.

Mr. BOGY. I am much obliged to the Senator from Delaware for this little episode, for I did not desire to be understood as casting any reflection on the life of the late Chief Justice. I would say more: As Attorney-General of the United States he had advised the President that the deposits should be removed, and that were he Secretary of the Treasury he would remove them; but nevertheless he accepted office and removed the deposits and laid himself liable to the censure to which I have alluded. I have no doubt that he acted in accordance with his previous convictions; nevertheless, as it is the duty of the Secretary of the Treasury to report directly to Congress and not to the President—in other words, although he is one of the Cabinet he is supposed to be more the minister of Congress than of the President—it was thought at the time to be yielding to executive dictation beyond that which was believed to be proper at that day. But what then was supposed to be so highly improper and which called from Mr. Clay some of his most eloquent speeches would now be considered as amounting to nothing at all. The powers of the Executive from that day to this have grown so enormously, that an act of that kind would not be noticed at all at this day. That is the objection I have to this resolution; it is sanctioning the tendency of power into the hands of the Executive, while I would like to see a tendency toward the legislative department, I repeat. Not as a party man do I say, but I say it in my higher character of a citizen of this country, that I see with great regret that such is the tendency. No one can doubt that power is rapidly passing from this body to the other end of the avenue, and at the rate that we are going now it will be but a very few years till Congress will be a body without any power, till it will be impotent for good and only potential for mischief; powerless for any good whatsoever, but all powerful for a great amount of mischief.

If it is not the object to strengthen executive power, why is this resolution introduced at all? What motive could have impelled the Senator from Indiana to have introduced the strong and expressive resolution which he introduced on this subject? What motive could have dictated either of the other resolutions but one to sustain the Executive in the exercise of a power which in the estimation of many Senators on this floor he does not possess? The Senator from Vermont, [Mr. EDMUNDS,] one of the leading minds on the other side of the Chamber, speaking upon this subject but a few days ago, denied utterly the power of the Executive on this subject, and yet I presume he will himself vote for this resolution. He has either got to vote for it or against it. If he votes for it, he has to take back that which he said the other day denying to the President all power upon this subject. He said:

> But, sir, I will not waste your valuable time in further discussing that question. I am bound to say as a Senator of this body that the attitude of the President of the United States as President upon this subject is absolutely immaterial to me. I know of no clause in the Constitution or in the laws that gives the President of the United States any right whatever—

to interfere in this matter. The Senator from Vermont denied the absolute right of the President; it has been denied by many Senators on that side, and yet we are called upon now to face this thing and to record our votes for it or against it. If you sanction it now, where is it to end? Sir, there will be no end. Power is tending rapidly, rapidly indeed, into the hands of the Executive, and it will be a very short time till he will have all power. He is now commander of the Army, commander of the Navy, having the right to appoint all the sixty or seventy or I believe eighty thousand office-holders of the United States, having the power to remove them and appoint others in their stead, controlling the entire machinery of the Government. All that is needed is a subservient Congress. Let a Congress meet here at a future day that is subservient, and what becomes of the liberties of this country? And will not such a Congress come, if it has not yet come? I do not wish to be understood as saying that it has yet come, but will it not be sure to come if you permit the Executive to have any say-so in the elections of the States? Will he not so arrange it that none will be elected but men of his own way of thinking, and then this great and dignified body will have sunk into utter contempt?

I am opposed to it; yet, as I said awhile ago, it may be a fortunate thing that the question is presented at this day to the American people. These resolutions will play an important part in the next presidential election, and the question will be placed before the men of this country whether they are disposed to sanction a rapid accumulation of power in the hands of the Executive or whether they are not. And, sir, mind what I tell you, judging of the future by the past, a storm will sweep over this land the like of which has never yet been seen, and the party, Mr. President, [Mr. MORRILL, of Maine, in the chair,] of which you are so distinguished a member will be placed in the position where my party was placed a few years ago. The democratic party, in a spirit of perfect fidelity to the Constitution, became the pro-slavery party of the nation, because they believed, as I believed, that the institution of African slavery, no matter what might have been its character, was protected by the Constitution as it had been handed down to us by our fathers. Believing it to be a right protected by the Constitution, the democratic party maintained that right and were placed as a party in a position opposed to the great spirit of universal liberty and we could not help ourselves. Your party, sir, mounting the popular cry of universal liberty, the cry of emancipation, created a storm which for the time being swept us from the places of political power and you rode into power. The citizens of the Southern States acting in the same way, acting as they believed in obedience to a right guaranteed to them by the Constitution, attempted to maintain that unfortunate system of slavery in their own way, and they encountered the great popular storm which for the time being annihilated them.

There is in free countries—and thank God that there is and as long as it continues we shall see it—a spirit of liberty, a spirit of love of freedom, which is a part and parcel of the human organization. In all countries indeed, I may say it has existed and it has existed in all ages. The love of freedom, the love of liberty, exists in all animated nature. It is not confined to man. All animated nature seeks and sighs and struggles for freedom for itself. We will occupy the position before this nation that you occupied a few years ago as the party of freedom, when you will be placed where you ought to be placed as the party which sustains despotic power in the hands of one man, and you will not be able to shake off that shirt of Nessus, but you will wear it and wear it, I hope to your political destruction. Such will be the result. This question will go to the people. All over this land, on every hill, on every mountain, in every valley, along every river, from the North to the South, and from the East to the West, will the young men of this country appeal to the people of the Union whether they are in favor of putting all power in the hands of the Executive or not. Such will be the question, and you cannot avoid it.

Mr. President, viewing the question in that light, I am of course opposed to the resolution. I see no good even to the party of which you are a member that can result, but much mischief. What can be your object? What is the secret motive? What do you wish to attain by the passage of this resolution? It sanctions the one-man power and nothing else. What is the argument? Is there not something beyond? Is there not something that we do not see, something hidden, some great object to accomplish? There must be. When a resolution of this kind meets the approbation of a number of men of ability and of experience, men of known statesmanship, there must be a hidden purpose somewhere that we do not know. Why should you desire to strengthen the arm of the Executive? Is it only as a matter of personal compliment to him, soothing to his feelings? You have no power to do it as a Legislature. It is a mere expression of opinion on the part of the Senators on this floor, which at the same time will go far to proclaim to the world that this exercise of executive power is legitimate.

We talk, sir, of the rights of the States. I heard a gentleman speak most ably and most eloquently about "sovereign States" the night before last. Why, sir, what will become of the sovereignty of the States if all power is in the hands of the Executive; and indeed how far are States sovereign at the present day? My friend from Connecticut [Mr. EATON] claims that they were sovereign before they came into the Union, continued to be, and are so now. The Senator from Indiana [Mr. MORTON] and I might say the Senator from Massachusetts [Mr. BOUTWELL] deny the proposition. I say that if the people of the United States sanction the resolution which is presented to this body, there will be no sovereignty left in the States at all, if there be much left now. That the States at one time were sovereign I have no doubt. When the question of citizenship was one left with the States alone, when the United States Government had no citizens, we could not be a nation, because citizenship is essential to nationality. There cannot be a nation without a citizen. It is impossible; it is a simple absurdity. And as there could be no citizens of the United States separate and apart from State citizenship, it was rather difficult to comprehend that there could be such a thing as nationality in this Government. That might have been a matter to be deplored or a matter to be approved; but at the present day the reverse is the fact. Citizenship is created alone by the United States, and the States have no power over the subject at all. Under the fourteenth amendment it is a power which has been wrested from the States and given to the United States, and now there is such a thing as a citizen of the United States independent from a citizen of a State, and it may be that this now is a nation. In my estimation it is, and in my estimation it is a great nation, and my desire is that it shall continue to be not only a great nation but the greatest and the mightiest that has ever existed on the face of

the earth. But, sir, if you concentrate power in the hands of the Executive, your States will not amount to so much as a proconsulship of the Roman Empire. The great State of New York, having within its borders the large city of New York with a population of five millions of people, will not have as much sovereignty as the little kingdom of Hawaii has to-day. It would have no sovereignty at all, having no power, the President having the right to control its Legislature; for if he has a right in Louisiana he has in New York. Louisiana is as much a State as New York, or Vermont, or Maine, or any other State; and if he has a right to control a Legislature in the State of Louisiana and thereby shape the election of Senators, he has the same right in New York and in your own State, and the day will come when that right will be exercised, and then what becomes of your State sovereignty? It is now in my estimation—and I am very sorry to say it—but a very feeble sovereignty. I regret it, for I believe that the long duration of this Government, the security for freedom, the security for liberty, the security for all those great principles that form freedom and liberty, depends on securing to the States of the Union sovereign powers within the limits of the Constitution, or making them sovereign on their own territory at home without the power of the President to control them at all excepting in those matters which have been expressly delegated to the Government or which follow by necessary implication. But with an overgrown Executive at the head of the Army and the Navy and with the appointing power, all power has passed from the States, all power has passed from Congress, and all power is lodged in one man, and that is what in modern times is called Cæsarism, imperial power.

Sir, I call upon the Senate of the United States not to encourage such a tendency, to check it now; keep the power here and in the other House; keep the power where the States can exercise it through their Senators and the people through their members of the lower House; keep it there, and as long as you do that this Government will go on fulfilling its high mission; but put it in the hands of your Executive and its days are numbered and they will not be many.

Sir, I did not rise for the purpose of making a speech in regard to myself or for the purpose of indulging in declamation. I felt it to be my duty as a Senator, as a citizen of this country, to raise my feeble voice as a voice of warning upon this most important subject. Let us stop now. Let us stop where we are. Let us not encourage this tendency, which we all know is fact increasing from day to day. Let us stop it; and if we do that we shall have done more to perpetuate liberty and freedom than has been done in this country for many years.

Mr. President, I regret that I have detained you so long, and without further remarks I yield the floor.

Mr. WITHERS. Mr. President, with very limited legislative experience, all unused to discussions before so grave a deliberative body as this, all the experience I have had in the discussion of questions of state-craft being that derived from the rude assemblages of the hustings, I appear with great deference and with a profound feeling of distrust in my capacity properly to discharge the duties incident to my position, and attempt to discuss a question which has already been worn threadbare by the concentrated analyses of minds matured by legal experience, by enlarged statesmanship, and by thorough knowledge of the subject. I know that it would be presumptuous in me to suppose that I can say anything new upon a subject already so thoroughly discussed. But, Mr. President, when I remember that I stand here as the representative of one of the old thirteen States which originally composed this Union; a State which I undertake to say contributed as much to the construction of this Government as any other; a State which in times past has wielded as much influence upon the policy of this Government as any other; a State whose sages, whose soldiers, and whose statesmen surrounded the very cradle of our national existence and with firm hand steadied the reeling pillars of that infant State and fixed them on the firm basis of a free constitution; a State whose sons have ever been found first and foremost in defense of those great principles of constitutional liberty which underlie the foundation of our Government, I may well claim for that State a right to be heard on an occasion such as this, when the fundamental principles of republican liberty are assailed and when it seems to be the fixed purpose of the majority to establish a precedent which will forever break down the distinctive features of this National Government and establish upon its ruins a consolidated despotism.

If in the progress of this discussion I shall in any way transgress the rules which custom has decreed in the consideration of matters before this body I beg in advance to apologize therefor and to say that it is not my purpose in any sentiment that I utter, in any expression that I use, to derogate in the slightest degree from the dignity of this body or in any way to lower the high prestige of a body composed of the conscript fathers of this Republic.

In commencing my discussion of the resolution now pending I feel impelled to concur in the sentiment announced by several who have preceded me on this side of the question, and to deny utterly the power of the Senate to consider in executive session a measure so fraught with the most important interests, but utterly foreign to the business which we have been convened to consider; and while I do not presume to question the correctness under the rules of the Senate of the decision of our Presiding Officer in declaring that the question of admissibility could not be entertained by the Chair after a resolution is once introduced into this body, I yet must express my regret that when called in executive session the Senate should have transcended what I conceive to be the legitimate limits of the business in which it can properly engage to engage in the consideration of matters such as this.

By the introduction and passage of these resolutions we propose in advance to express an opinion and commit the Senate to the indorsation of the acts of the Executive in a manner which might hereafter embarrass and impede our action. Remember that under the Constitution the Senate in some cases becomes a court of last resort, whose duty it is to try and decide all allegations made of maladministration of power in the hands of the Executive. Whether the case under consideration be one which might properly be regarded as coming within this rule it is not for me to say; but the effect of acting upon the subject will be to establish a precedent which, if not in this, yet in some future case, may debar us from the proper exercise of those judicial functions which may devolve upon us. This I conceive to be a valid objection to the passage of such a resolution as this now pending.

The history of this measure is fraught with instruction. If public reports be true, and I have no disposition to question them, it has been carefully considered day after day in a party caucus and with much difficulty have conflicting views been harmonized. Something objectionable must have been embodied in the resolutions, some serious defect, either in the mode in which they were drawn or in principles to which they commit the majority, must have existed to require such mature and repeated deliberations before it was thought proper to lay them before this body; yet when they come before us the distinguished gentleman who presented the substitute now under consideration indicated a purpose to act upon it at once, without discussion upon that side of the Chamber, declaring in few words that argument on both sides was exhausted, that it had been debated for such a length of time that nothing new remained to be said upon it, and therefore he saw no motive, no reason, no object for more prolonged debate.

It appears to me that it would have been both opportune and appropriate had this distinguished Senator, or some other who approves the resolution, indicated to the Senate some of those reasons which proved sufficiently potent to induce them to abandon the views previously enunciated in this body, to recede from their refusal to indorse the acts of the Kellogg and Pinchback government of Louisiana and consent to an indorsation of every act done by the Executive in defense and maintenance of that government. It will be remembered that it was urged here during the discussion of the Pinchback resolution by several distinguished Senators of the majority that that government was a monstrous usurpation, that it had no legal existence, and consequently the applicant who had knocked so loudly at the doors of this Senate Chamber was rejected, or, what was tantamount to a rejection, his case was relegated to December next for further consideration. I assume, therefore, that some most cogent argument must have been used with Senators who thus refused to indorse the resolution for the admission of Pinchback to induce them to approve this resolution, which is based upon a recognition of the validity of the very government that sent Pinchback here.

Sir, I would have been pleased had it comported with their sense of propriety to have been enlightened on these subjects. I should have been pleased to know why it is that the President is thus fully, completely indorsed in his recognition of a government which distinguished Senators on this floor have on more than one occasion pronounced to be a usurpation and a fraud and no legal government at all. We were told during the discussion of the first resolution presented by the distinguished Senator from Indiana, [Mr. MORTON,] by that Senator and by several others who participated in the debate, that it was absolutely essential to the peace and prosperity of this country, for the preservation of good order in Louisiana, for the protection of life and property in that State, and for the vindication of the sovereignty of that State, that the question should be decided here and now; that Louisiana should no longer be permitted to remain with but one representative upon this floor; that the condition of chaos and confusion which existed there should be rectified by the *fiat* of this Senate; and one distinguished gentleman [Mr. LOGAN] went so far as to say that we ought, of necessity and propriety, to recognize either the one or the other of the claimants of a seat in the Senate from the State of Louisiana. He told us if we would not admit Pinchback we ought to admit McMillen and settle this vexed question, put an end to the confusion. Senators declared all this to be a necessity, and called upon us, by our sense of propriety, by our duty as Senators, by our patriotism, by our regard for the peace and safety and happiness of the people of Louisiana, to pronounce a decision. Yet when the time came and the vote was about to be taken which would decide this tremendous issue, a Senator [Mr. WEST] rose in his place, simply stating that because *the party* appeared not to be united in opinion, therefore all these grave considerations must be "whistled down the wind," and Pinchback's case postponed until December next, leaving these momentous issues all unsettled, these terrible dangers still imminent, these sacred rights yet unvindicated, lest forsooth the interests of *the party* might be jeopardized.

And here I take occasion to give expression to my full appreciation of all the high qualities of a parliamentary leader as exhibited by the distinguished Senator from Indiana [Mr. MORTON] during the prog-

ress of this discussion. Cool, watchful, and determined, with a clear and logical intellect which enables him to grasp at once the strong point of every question that is presented, of indomitable will, with a heart unquailing and a hand unflinching, he is prompt at all times to enforce party discipline whenever necessary. Wielding the whip of his party with relentless hand he lashes into subservience many who seem at first disposed to be a little recalcitrant. His action assimilates so closely those to which I have often been a witness, that I feel impelled to run the parallel, albeit a little out of place in this Chamber, but which I hope will be pardoned in consideration of the partialities of a distinguished official, not very remotely connected with this subject. So have I seen the skillful driver of a restive team, composed of horses of different tempers and different dispositions, when he comes to the pinch of the hill, find it necessary to wield with relentless hand the whip and lash the sluggish horses into obedience. The Conestogas respond promptly to the whip, but if there should be in that team any high-mettled thorough-bred the touch of the lash rouses him to resistance and he indignantly refuses to obey the demand of his driver; he rears, plunges, and finally "kicks out of the traces." Under such circumstances what does a good driver do? Precisely what was done in the instance before us. He no longer plies the lash, but substitutes the soothing process; he coaxes him with honeyed words; he pats him on the back, calls him a "good fellow," coaxes him into good humor, and when his docility is thus restored, at the word he presses forward and the obstruction is overcome.

But let us return to the consideration of the resolution now pending. Modified as it has been from the form in which it was originally presented, it still retains substantially the same elements in its composition. I do not, for example, see the advantage of the substitute offered by the distinguished Senator from Rhode Island for the original resolution inasmuch as it differs from it only in striking out that portion which authorizes the President to continue to recognize in the State of Louisiana the existing State government. If the existing State government be the lawful government, if it be the true government of that State, if the Executive has done nothing but what is right and proper in recognizing and sustaining it, what objection can there be to pledge in advance the support of the Senate in his future recognition of that government? I repeat therefore that I cannot see a substantial difference between the amendment which has been offered and the original resolution, but I have no doubt it is perfectly right and proper; only the distinguished gentleman who moved it has not thought proper to enlighten us as to what was desired to be accomplished thereby.

It has been intimated that this resolution has not the force of law, that it is a mere *placebo*, which the Chief Executive of this nation is anxious to have passed that his action in this respect may be indorsed by the Senate, as it has been already approved by the House of Representatives. Well, sir, I do not regard the resolution in that light. It is true that it is no specific enactment; it is true that it is a mere expression of the opinion of the Senate, which may be well assimilated, as has been done, to the action of a popular assembly or a political convention; but, my word for it, there is somebody behind the scene who is sufficiently astute to know that such action by the Senate *means something*, and if it be carried out it will bear fruit and such fruit probably as many of the gentlemen who now favor it will be sorry to see ripen.

The passage of this resolution is the indorsation of an act which those of us who have been trained in a stricter rule of constitutional construction than is now fashionable cannot admit was justified by the Constitution or the law. In fact, I regard the introduction of this resolution an admission that the acts which are here alluded to were *not* done in consonance with the Constitution or the laws of this country. I believe this to be the legitimate and logical deduction to be drawn from the introduction of the resolutions themselves. When before was it ever thought necessary in executive session to solicit the approval of the Senate of the United States of any act of the President which was performed in strict and known accordance with the Constitution and the laws? Never, so far as my knowledge of the action of this body extends. The necessity of this indorsation then, I repeat, implies the admission that those acts *need* indorsation, that they are in violation of the Constitution or of the laws of this country, and consequently should never receive the approval of this body.

I know that in many of the years which have passed—sad years to some of us—violations of the Constitution have been not infrequent. I know that its most sacred provisions have been ignored and trampled under foot on more than one occasion. I know that the reasons alleged in justification of these violations were evidently potent at the time, namely, that the safety of the nation and the "life of the nation" demanded that these constitutional restrictions and inhibitions should be ignored. It boots not now to discuss or deny this. But surely no such reason exists at present; surely no one can now assert that "the life of the nation" or the public weal would be in any way imperiled by refusing to give the sanction of this Senate to these acts of the President constituting such a wanton exercise of what we believe to be usurped power on the part of the Executive. I do not see that a single interest of the country would be damaged by our refusal; I do not see that any good can be effected by their passage. On the contrary I see that the precedent, once established, may become most potent for evil, and such I conscientiously and truly believe will be the effect of the indorsation by the Senate of these acts on the part of the Executive; and gentlemen who now press them upon us with such unyielding determination may find to their cost that, "like curses and chickens, they will ultimately come home to roost."

When we look at the various steps in this direction which have been taken by the Chief Executive of this Government during his incumbency in office, if we fail to see in them a fixed determination to exert, if not to usurp—I do not like to use a harsh term—but to exert and exercise powers not delegated by the Constitution, we must be dull scholars indeed. Trace his history from the time of his first assuming the presidential chair to the present moment, and you will find that repeated acts of aggression upon the other departments of the Government have marked his executive career. We find that time and again has he exercised powers and wielded authorities which were not delegated to him by the Constitution and the laws. In Alabama, in Mississippi, in Louisiana, in Arkansas, in Tennessee, has military usurped the place of civil law under the orders of the Executive, public rights and private liberties have fallen prostrate at the feet of arbitrary power, and the most sacred provisions of the Constitution been ignored and defied. Legislative assemblies have been constituted and destroyed without regard to the voice or wishes of the people. Governors have been made and unmade by the fiat of the Executive. Property, liberty, and life, no longer confiding in the protection of the Constitution, have been held by the frail tenure of the prejudice or caprice of a military commander, and now we are asked to ratify and indorse these acts.

Still more recently we find that he has asked for powers and petitioned the Congress to grant authority which, if conferred, would sweep from existence the most cherished provisions of our laws, and leave us a Constitution that would not be worth the snap of a finger. Fortunately for the country this "force bill" failed to become a law, but the fact remains no less startling and significant that the President anxiously desired to be clothed with these powers, which would have made him master of the situation in the coming presidential election, and enabled him to control and determine the electoral vote in four of the Southern States. Pass this resolution, and the President of the United States may very well hereafter assert and exercise the same powers which have proved so potent in Louisiana in any other State in this Union, and plead in extenuation and excuse that he has the authority and indorsation of both Houses of Congress for the act. Remember that the sole pretext on which his action in Louisiana is based is that it was necessary to preserve the public peace and protect the State from domestic violence. Is there any evidence to sustain the allegation? I have listened and looked in vain for it. On the contrary, nothing had occurred in this case but what had occurred repeatedly before in the history of this country—a division of sentiment on the part of the people as to who was the legally-elected governor and Legislature of the State of Louisiana. Threats of violence and possibility of collision may have existed; but there were no scenes of actual violence, so far as I am advised, at the time the armed minions of a military President marched through the halls of the Louisiana Legislature and hurled from their seats men who claimed to be elected by the people at an election held in accordance with law, and which we have the authority of a congressional committee composed of republicans in believing were thus legally elected and entitled to their seats. The claim of a usurping governor, holding his seat by the fiat of a Federal judge, whose decision was not had in accordance with law but in direct violation thereof, constituted the sole ground for this military interference.

I ask you, Mr. President, where is the State in which the same scene cannot be repeated, especially if you give it the stamp of your approval? Assuming for the sake of the argument that there shall ever be an Executive (whether this or some future Executive) who desired to concentrate in his own hands all the powers of the legislative and executive departments, to become absolute and supreme in his authority, what would be easier than for such a person, through his myrmidons and agents who were willing to follow out his wishes and aid him in compassing his designs, to simulate a rebellion in any State, and calling upon the Executive to sustain their action, substitute military for civil authority, or inaugurate into power officials notoriously not elected by the people but such as he knew would carry out his own purposes and wishes in defiance of all constitution and all law, thereby wiping out of existence the constitution of the State itself and every right and liberty which the people of that State possess. Nay, more, sir, we may go further; we may assume that at some future period in the history of this country, when a contest has been waged for the executive chair in some future presidential election, the *fiat* of the people may have been pronounced for or against the incumbent of the presidential chair; and if against him he, anxious to perpetuate his power, unwilling to surrender the reins of that government which he had so long held, may seize on some pretext, however trivial, to enable him to use the same appliances that were brought to bear in the State of Louisiana and upon the national theater play the game which was successfully enacted there.

I know Senators smile in derision at these suggestions. I know they scorn any intimation of danger coming from that source and view as the fancy of a distempered brain any allegation that the laws and institutions of this country are in the slightest danger from

any action of the present Executive. I do not charge it, but I do say that the indorsation of these acts would pave the way for such usurpations on the part of this or some future Executive and which would be fatal to the most cherished institutions of this country.

It is not my purpose to weary the Senate, and I have no idea therefore of going into an elaborate review of all the history of this Louisiana case. I shall not parade again before you the facts which have so often been demonstrated here as existing in the history of this Louisiana matter. I shall not go into an elaboration or presentation again of the facts which prove the illegality of the government which the President by the aid of his military power established in Louisiana. I shall not pretend to assert again and again the proofs of the usurpation which was practiced there by a governor who, under the influence of the returning board which was unauthorized by the constitution, declared his minions alone entitled to power. I shall not again review the judicial decisions upon this question. Able, learned, and distinguished lawyers have differed as to some of the points which are involved in this controversy; but none, so far as I have heard, have ever asserted on this floor that under any aspect of the question was this Kellogg legislature the true and constitutionally elected Legislature of the State of Louisiana. Why then should you indorse the action of the President recognizing as valid and legal a governor and a Legislature which have been time and again determined to have been illegally placed in power and never to have been elected, a governor who could not show a semblance of a return which would justify any board in giving him a commission?

The action of the Executive in sending down to the State of Louisiana a distinguished military officer must have in it something of peculiar significance when we recall the fact that he was selected from a large roll of officers as one specially fitted for the execution of this particular duty. One would have supposed, if it were designed simply to employ the military in aid of the civil power there to suppress rebellion or to keep the peace, that the military commandant of the particular division in which the disturbance was alleged to exist would have been selected to perform this duty, but in this case we find it far otherwise. An officer is taken from a distant post; he is notified in advance by the Secretary of War and not through the usual channel of communication, through his military superior, of the duty that was to be delegated to him. The very object and end of his mission was sought to be concealed by notifying him in advance that on this mission he had better assume that it was a mere private trip for pleasure and that it did not mean anything more. When this officer reaches the theater of his action, we find that violent scenes were at once inaugurated, that the whole military power of the Government was at once enlisted upon the side of Kellogg, and that the military has as literally and as truly driven from the halls of legislation in Louisiana men who had been duly elected by the suffrages of the people to their places in that body, as did the troops of Cromwell or Napoleon drive from the Parliament of England and from the Assembly of France the legislators assembled in deliberation in their day.

Instantly this officer seeks first from Congress and subsequently from the President that he may be invested with yet larger powers. Not content with usurping all the authority of the Legislature and of the governor by putting in only those who were committed to carry out their views, it is proposed that by the simple declaration that the people of Louisiana are banditti they may be turned over to the tender mercies of military courts-martial, with full authority to sit and try and condemn and execute any citizens between the rising and the setting of the sun. That is what was asked. Does any one suppose for a moment that there was no concert of action here, no understanding; that there was not a belief on the part of one if not both of the parties in this drama that such might be the result of this mission? I cannot know, no one can, but I think the circumstances that surround it justify the assumption that such was the course that was expected to be pursued, and that thus by this summary measure all opposition to the Kellogg government and to the administration of General Grant would be crushed out in the blood of its opponents in Louisiana. The telegrams which passed between these high officials exhibit a history which will yet be told in such words as will raise such a storm of indignation from one end of this great country to the other, from the Pacific to the Atlantic, and from the snows of Maine to the torrid clime of Texas, that those who justify and defend this action will cower and shrink from the consequences of their act. The purposes so thinly concealed in the telegrams that passed between these parties on that occasion flashed notes of warning that will yet be heard and I believe chronicled with such public reprobation of the acts proposed to be there enacted as will forever preclude a repetition, even by military gentlemen "not lawyers."

The disorders, the scenes of violence which have been here time and again recapitulated, are plead as excuses and reasons for this military interference, and this distinguished military leader with hot haste forwarded what purported to be a list of some three or four or five thousand men who have been murdered in Louisiana because of their political opinions. I have been looking over a little of the evidence in this case, for I was myself struck with horror at the alleged outrages described. I could not believe it possible that such scenes had been enacted and that so many acts of violence had been committed. I know and am ready to admit that many places throughout the South, ay, and throughout the North too, have witnessed scenes of violence; but I cannot believe one-half or one-tenth of the acts of violence alleged to have been committed in Louisiana or in any other southern State. In looking over the testimony presented with one of the official reports, my attention was directed especially to one parish—I do not recall the name at present as it is not important, and it lies on the table and can be referred to—in which it was alleged that nearly two hundred murders had been committed since 1868. I found there was the testimony of one sole witness to the fact, he averring that he had kept a record since 1868 of every murder that had been committed in that parish and that they amounted to so many; but when he was requested to produce his record, lo, it presented the names of twelve men specified, and the rest filled up in blank—no name, no place, no time indicated whatever, and he admitted that he had no knowledge on the subject except that he had been told that such was the case. The twelve names were subsequently brought before him consecutively in review, and after sifting him through the process of a rigid cross-examination it appeared that of his own knowledge he knew of *two* instances only in which men had been killed in that parish. The number of one hundred and eighty assassinations was reduced to *two*. The great dramatist of England has immortalized a scene in which certain men in buckram played a very important part; but not the genius of Shakespeare himself ever devised such a picture as that presented to that committee when they found that one hundred and eighty murdered ghosts by this process of elimination were reduced *to two*. *Ex uno disce omnes!*

I have no hesitation in asserting that most of the acts of violence which have been committed in the Southern States have been the result of private feuds, because it is demonstrated by the evidence which was taken by your own committee and by the committee of the other House that they were generally instances of murders of black men by black men or of white men by white men, in which politics played not the slightest part. They were private feuds gotten up to avenge private wrongs, or sudden quarrels, the result of accident or other cause, which led to these acts of lawless violence which I and those who act with me deprecate as much as any gentleman of the majority on the other side. But, sir, if acts of violence and of lawlessness justify an interference by the military authorities of the United States in the civil affairs of any State, why is it that we do not hear of some such interference where other States are concerned? Within the last week I have observed in the public journals the statement that a certain number of negroes have been assaulted and driven from their labor in the neighboring State of Ohio. Miners engaged in a peaceful occupation, laboring for their own subsistence, have been driven from their labor by armed and organized bands of white men, for no other reason than that they were black men and the whites did not mean that they should work in the mines. Did we hear of troops being ordered there? Has Sheridan or any military officer been ordered to assume command of the department north of the Ohio and see that the laws are faithfully executed and that violence and bloodshed are suppressed there? Do we hear of any telegram from that quarter, asking the Executive to proclaim as outlaws the people of Ohio because of these acts of violence? Yet here "the wards of the nation" themselves were the subjects of violence at the hands of white men, a distinction was drawn against them in consequence of their "race, color, or previous condition," and I have never heard that it has been prosecuted as a violation of the civil-rights bill. Now it seems to me a "bad rule that will not work both ways."

Mr. President, if I were to regard this question from a mere partisan stand-point, I should not regret the introduction and passage of these resolutions here. I do not pretend to question in any degree the astuteness and skill of the leaders of the majority on this floor. I presume they know what they are about. I know that they are fully informed, in their opinion, as to what the consequence of this action will be. But from the stand-point I occupy, I say as a partisan I cannot express regret at the action which is proposed to be taken and which I have no doubt will be taken in defiance of everything that can be said by the minority on this floor. But my opposition grows out of the fact that I am not willing to surrender for mere party advantages—for I believe this will insure to us that party advantage—a principle which I believe is so fraught with danger to the very foundation-stones of the Government on which we now stand. I believe, sir, when this question is submitted to the people themselves, when we go before them, that court of last resort to decide this question, we shall have a verdict which will satisfy both them and us.

I am glad, therefore, that this issue is to go before them in this shape. I am glad that an act in such flagrant violation of the Constitution and of the small remnant of rights that are yet reserved to the States will be brought before the whole people of this nation for decision. I am glad that the fight in the next presidential contest is to be narrowed down to so sharp an edge. I am glad to know that this nation will be called upon to decide then without complications, without side issues, without any disturbing influences, without questions of human slavery or human liberty, without tales of riot or bloodshed or murder, without any of these extraneous considerations which might tend to obscure the real question at issue; but the people will decide for themselves whether there are any rights reserved to the States which the General Government is bound to respect.

I do not fear the verdict of the people on such an issue. I know that if I were to draw my deductions from the lessons of past history

I should pause and perhaps doubt the correctness of my prediction or feel full confidence in the position which I have asserted. I know that when we look back to the history of all other great republics which have existed from time immemorial that one and all of them have traveled the same road which we are now pursuing. Each and every one of them, without a single solitary exception, has found its fate in the usurpation and consequent aggregation of political power in the hands of the executive and at the expense of the legislative and judicial departments of the government. I know therefore that if I were to draw my lessons from history I would not be warranted in making the assumptions which I do now make; but I hope better things of this Anglo-Saxon race and that they may prove an exception to this historic rule. I believe that love for the principles of constitutional liberty and republican government is so deeply embedded in the hearts of the people of this great country from one end of it to the other that they will rise in indignant reprobation at the effort to wrest these powers from them and vest them in the hands of an ambitious Executive. I look forward, therefore, with hope to the verdict of this grand jury of the nation.

When venality, when corruption, when usurpation mark the career of any President or of any Congress, of any legislative department, or of the legislative, executive, and judicial department of the Government combined, when the strong hand of military power is invoked to decide questions which should only be decided in judicial courts, when the united power of an Army and a Navy and eighty thousand office-holders can be wielded as a unit by the Executive of any country, I tell you that country is in danger and her institutions can only be rescued by a general upheaval and uprising of the people, who will assert their supremacy and their sovereignty in the premises.

Whatever may be said of State sovereignty and national sovereignty, (I do not now propose to discuss them,) none will deny that power has its origin in the hands of the *people* and that they alone can wield sovereign power. Their will is superior to that of States or nationalities, and when they choose, according to the principles of our own legislators, of our own forefathers, they can alter the Government or they can retain it in the form in which it best pleases them. I believe that such will be the verdict of the people at the next election. I believe that when they are again called upon to decide, the contest, narrowed down as it will be at that time to one point, whether the principles of the Constitution shall be maintained, whether republican government shall be preserved, or whether the Executive shall usurp and wield all the powers properly devolving upon both the legislative and the judicial department of the Government, the people will be true to themselves, true to the institutions of their fathers, and render such a verdict as will forever estop all further efforts at the aggrandizement of the executive at the expense of the other departments of the Government.

Mr. RANDOLPH. Mr. President, if I had not thought before of addressing the Senate on the Louisiana question the fact that one of my own political party [Mr. MCCREERY] now occupies the chair, which I expect to see occupied permanently by one of my own political faith in the near future, would be an inducement to me to begin remarks which will probably not consume thirty minutes of the time of the Senate. Perhaps this information will keep the galleries from being cleared and contribute to maintain a quorum on the floor.

There is another reason why I speak on this subject to-day; I should not like to go down to history as the single member of this body holding my political views who had not entered his protest against the Federal action in Louisiana.

Sir, I desire to ask if it is competent for this body, sitting in extraordinary session, to pass a resolution of this character if even by implication it is of a legislative nature? We have during the present session decided that very question and decided it in the negative. If, then, we are not competent to pass upon questions of a legislative character at this session, and if this resolution has no other force or effect than the expression of the opinion of individuals aggregated, why should my friend the Senator from Rhode Island [Mr. ANTHONY] have introduced a resolution that has detained the Senate these many days, the object of which perhaps could have been as well attained if he had attached the signatures of the members who are in political accord with him to a copy of the resolution under consideration?

If the resolution has more of force and effect than that to which I have alluded, if it has something more of effect than the mere expression of individual opinion aggregated, from whence is the authority derived? The House of Representatives at its recent session passed a resolution similar in character to the resolution now pending. That was not a joint resolution; it was not even a concurrent resolution; it was, as this purports to be, a mere expression of opinion of a certain number of members of a legislative body. Is the present resolution when passed to be attached to the resolution which passed the House of Representatives and both to have effect as the joint action of Congress? Are the two resolutions to be lovingly laid side by side, and when indorsed by the executive act and christened by the executive hand are they to be known to us hereafter as "law and authority?" Is that the object of these disjointed resolutions?

Why pass upon any resolution of approval? If the President of the United States has performed his duty, then his own conscience, like that of any executive officer, is the best approval he can obtain, and no number of resolutions passed by this or any other body will avail to help him if the public conscience be against him.

Does not the introduction of this resolution raise a question, does it not arouse a suspicion, that the gentlemen on the other side of the Chamber are not sure themselves about the propriety and legality of the President's action in Louisiana? We of the opposition have presented no formal resolution of condemnation. By no formal resolution of condemnation have we aroused this discussion. They who support the Executive have begged the question. They and not we have made the President an object of vindication and under the circumstances necessarily of attack? It is true that in speeches the gentlemen who are in accord with me in political opinion have entered their protest against the wrong, the usurpation, and what we believe to be the outrages inflicted upon the people of Louisiana; but, sir, we have been willing to let the whole question go to the American people and receive their condemnation, as our own, upon the Executive acts in Louisiana.

Does the approval of the President's acts include those of his agents? Is there any escape from the answer to this question? The retention of Durell in power; the use of the military force in removing members of the Legislature; the appointment and retention of Casey and Packard; the appointment of Sheridan as military commander, are presidential acts that we are called upon by the terms of this resolution to indorse and approve.

Sir, do I understand that a majority of the members of this body are ready to indorse and approve all the President's acts in Louisiana? If not, which are to be approved and which omitted? The resolution makes no distinction, has no reservations. Do I understand that the gentlemen on the other side of the Chamber who have objected, as we know some of them have, to the acts of usurpation, of wrong, of illegality in Louisiana, are now willing to give their sanction to this resolution, covering as it does all these acts and others no less objectionable? It has been said that there is no instance upon record of the Senate approving in advance the executive desires. You propose to "advise and consent" to what? Substantially we are to "advise and consent" to consummate acts; nay more, by the very terms of the resolution not only do we practically advise and consent to all that has been done in Louisiana, but if we pass this resolution we are to sanction all which may hereafter be done by the President in Louisiana matters. Sir, can subserviency go further than this?

Nor does the dangerous precedent halt in its effects within the limits of ascertained and defined power. These approving resolutions of the House of Representatives and of the Senate of the United States giving to the present Executive all the color of authority have none of the restraints which a decent respect for public opinion has ever thrown about even the worst of laws.

I am forced, by every process of reasoning that I am capable of, to believe what I certainly dislike to believe, that there lies behind the effort to pass this resolution some hidden reason, some concealed motive, the full effect of which we cannot now perceive, but which when fully revealed to us it may discover purposes too late to control.

Can we as Senators, holding as we do peculiar relations to the executive department of the Government, appropriately commit ourselves to resolutions either of full approval or even of condemnation of the President's acts in Louisiana? Have we the right to commit ourselves at this stage of the proceedings?

Let me suppose a case, one that I am free to say I do not think is likely to occur, and one I hope that will not occur, and yet a case that is entirely within the bounds of possibility. Should the next House of Representatives when it convenes in December next, acting upon its well known authority, prefer charges against the President of the United States and impeach him for misconduct in office, I should like to know what position we, who would then be his lawful and only judges in a court of impeachment, would occupy on those charges coming from the House of Representatives? Is it expedient, is it dignified, and do we maintain our self-respect and our proper position as members of a co-ordinate branch of the Government in committing ourselves in advance to an approval of conduct upon which we may hereafter have to sit in judgment? I do not say that I desire any such result to come. I am one of those who would rather trust to the good sense, to the patriotism, and to the certain and unerring judgment of the great majority of the American people than to resort except in extreme cases to the power of impeachment. But, sir, of the expediency of that primary action we are not to be the judges, and what the House of Representatives may do at its next session is not for us to discuss at this time. Our duty will be best fulfilled if, as judges, we hold ourselves ready to perform it when the occasion arises.

Mr. President, the resolution under consideration, like the resolution that was offered by my colleague, [Mr. FRELINGHUYSEN,] if liberally interpreted, might read about in this way: "That the people of the State of New Jersey and of all the other States save Louisiana agree to bear with Christian fortitude and humble resignation the wrongs and the sufferings that have been or may hereafter be inflicted upon the State of Louisiana." If my colleague and myself should upon returning to the capital of the State we love so well, a State that has honored us both so frequently, find in the executive

chair a person from the State of Illinois, a stranger unknown to us and most unfavorably known to those who knew him best, and if we should find in the chair of the president of our State senate a Chinaman or a Malay, and if we found in our legislative halls, where we had been accustomed to see our reputable citizens, men who had been picked up among the scavengers in the cities of New York and Philadelphia, would he and I deem it a matter of praise and of thanksgiving? And if we found our Federal judges and our United States marshals not only strangers to us but men whose deeds by day rendered justice a mockery and whose acts by nights blackened infamy itself, would we thank God that we lived under such a government? If, turning to our local officers, we found our county, our city, and our township offices filled with men not only strangers to ourselves, but hard, cruel, thieving, rapacious rulers, would we deem it a cause of personal congratulation, or would we deem it necessary that the American Senate should go out of its way to render pious thanks for such a monstrous condition of affairs in our old Commonwealth?

Mr. President, I do not believe the power of the Federal Government has been rightfully or righteously exercised in Louisiana for two years past; I do not believe that her rulers are those of her choice, that her representatives are those of her selection, that her laws are those of her making. I do believe that fraud and oppression have naturally wrought out wrong and cruelty. And now, sir, we are asked to give peace to Louisiana by commending her despoiler; we are asked to give her protection by placing manacles upon her limbs and laying her prostrate before her enemies. As a Jerseyman, loving the liberties which are mine, and which I wish all human kind to enjoy with me, I shall not indorse acts which I believe to have been foul wrongs upon the people of a State, generous, hospitable, warm-hearted, and patriotic, and I enter my protest against the approval about to be given by this resolution.

Mr. WHYTE. Mr. President, I agree with the Senator from New Jersey that no resolution of the character now under consideration ought to be adopted by this body; but as it seems to be the determination of the majority to pass such a resolution, I deem it proper to place before the country the specific acts of the President of the United States which the ambiguous language of the resolution offered by the Senator from Rhode Island seems to approve. I therefore propose the following amendment to the amendment of the Senator from Rhode Island: Strike out all after the word "President," in the first line of the amendment, and insert:

In the use of the Army of the United States to enforce the unwarrantable, *ex parte*, and private order of Judge Durell, issued on the 5th of December, 1872, directing the marshal to seize the building occupied as a State-house for the assembling of the Legislature of Louisiana; in installing and upholding as the executive of the government of that State William P. Kellogg, who was not elected to that office by the people of Louisiana; in forcibly reinstating the said Kellogg in the said office of governor after he had surrendered possession of the same; in permitting without censure or rebuke United States soldiers to invade the hall of the house of representatives of Louisiana and to eject therefrom persons claiming to be members thereof, and thus destroying the organization of that body, is contrary to the spirit of republican institutions, and cannot be approved by the Senate of the United States.

The PRESIDING OFFICER, (Mr. MCCREERY in the chair.) Is the Senate ready for the question?

Mr. THURMAN. If no one is prepared to speak this afternoon I have a suggestion to make. Is the Senator from Maryland disposed to speak?

Mr. WHYTE. No, sir.

Mr. JONES, of Florida, rose.

Mr. THURMAN. Does the Senator from Florida rise to speak?

Mr. JONES, of Florida. Yes, sir.

The PRESIDENT *pro tempore*. The Senator from Florida.

Mr. JONES, of Florida. Mr. President——

Mr. THURMAN. Would the Senator from Florida prefer to speak this evening or in the morning?

Mr. JONES, of Florida. I should prefer to speak to-morrow.

Mr. THURMAN. I think every one must perceiye that we shall soon come to a vote on this matter, and I believe we shall come to it sooner by pursuing the ordinary course of business in the Senate. I hope, therefore, it will be agreeable to Senators to adjourn now; and unless there is serious objection to that, I hope a motion to adjourn will be made from the other side of the Chamber.

Mr. ANTHONY. I have consulted with our friends on this side of the Chamber and our friends on the other side, *nos amis les ennemis*, and I understand that there is no probability that there will be more than about two speeches on the other side. Whether the Senators on this side will deem it necessary to make any reply to the very extraordinary speeches which we have heard upon the other side I am not advised; but I have an expectation, and I may say more than an expectation, founded upon representations made to me, that if we adjourn now we shall have the vote at a reasonable hour to-morrow; and so far as I am concerned I will assent to an adjournment, but with the understanding and giving notice that to-morrow I shall ask the friends of this resolution to remain here until it is disposed of. From all I learn on both sides of the Chamber I have no reason to doubt that it can be disposed of at an early hour; but at all events I wish to give notice that to-morrow I shall ask the Senate to remain until the question is finally disposed of. With that notice, I have no objection to an adjournment if Senators desire one.

Mr. SARGENT. We had better have an executive session.

Mr. ANTHONY. As you please.

Mr. WHYTE. Before the question is put, I would ask to have the amendment offered by me printed.

The PRESIDENT *pro tempore*. The order to print will be made, if there be no objection.

EXECUTIVE SESSION.

Mr. THURMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at four o'clock and forty minutes p.m.) the Senate adjourned.

IN SENATE.

TUESDAY, *March* 23, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

PAY OF PAGES OF THE SENATE.

Mr. MITCHELL. I move that the Senate proceed to the consideration of the resolution offered by me yesterday morning in relation to the pay of pages.

The motion was agreed to; and the Senate proceeded to the consideration of the following resolution:

Resolved, That the Secretary of the Senate be directed to pay to the pages of the Senate at the rate of $2.50 per diem pay to the 15th day of April, 1875.

Mr. DAVIS. I understand this is usual. Therefore I do not object to it, but I think it is in the wrong direction.

Mr. FRELINGHUYSEN. I am aware that the Senator from Vermont [Mr. MORRILL] had an amendment which he proposed to offer.

Mr. MITCHELL. If it is thought best to let the resolution lie over until he comes in, very well.

The PRESIDENT *pro tempore*. The resolution will be laid over.

CLERK OF COMMITTEE ON MILITARY AFFAIRS.

Mr. LOGAN. I desire to submit a resolution to the Senate, if consistent with their views:

Resolved, That the clerk of the Committee on Military Affairs be continued on duty during the adjournment of Congress for the purpose of preparing and revising articles of war to be presented to Congress in December next.

I will state to the Senate, so that they may understand it, that this last winter I reported a bill providing for new articles of war, making several changes; and during the recess I thought of getting an Army officer to go over it and leave the clerk, if we should agree to continue him here, to make a perfect revision, so that the articles of war might be presented to the next Congress. If the Senate do not think it is proper to do that, very well; I only say I think it well enough to do it.

The resolution was considered by unanimous consent, and agreed to.

Mr. LOGAN subsequently said: I have learned since the resolution passed in reference to continuing the clerk of the Military Committee that by a provision of law passed at the last session committee clerks can receive no pay whatever during the recess. If that be the case, I move to reconsider the resolution and I will withdraw it.

The motion to reconsider was agreed to.

Mr. LOGAN. I withdraw the resolution.

The PRESIDENT *pro tempore*. The resolution is withdrawn.

PRESIDENT'S ACTION IN LOUISIANA.

The Senate resumed the consideration of the resolution submitted by Mr. FRELINGHUYSEN on the 16th instant, the pending question being on the amendment of Mr. WHYTE to the amendment of Mr. ANTHONY.

Mr. JONES, of Florida. Mr. President——

Mr. ANTHONY. With the assent of the Senator from Florida, I would like to state that yesterday I said that after having conferred with Senators on both sides of the Chamber I arrived at the opinion that this debate was nearly exhausted, and that I had an expectation and something more than an expectation, from what I have learned, that it might be readily concluded to-day; and the few Senators who desired to speak preferred to speak in the hours usually devoted to the daily sessions of the Senate. Some Senators have been detained here, at great inconvenience on account of personal and domestic reasons which they readily subordinated to the public interest but which are entitled to our consideration; and it seemed that it would be fair to both sides and conformable to the courtesy that has always prevailed in this Chamber, and that I trust always will prevail, that we should allow those Senators to speak at the time most agreeable to themselves. Therefore we adjourned at the usual hour yesterday, with the understanding that this debate should close to-day. I repeat, therefore, that I shall ask the Senate to-day to remain in continuous session, without adjournment and without recess, until we reach a vote upon this question.

Mr. JONES, of Florida. I do not expect, Mr. President, to be able to throw any additional light on this subject which has been so extensively discussed by the many able gentlemen who have preceded me

in this debate. The few observations that I propose to make in regard to this resolution will be simply explanatory of my views and of the reasons why I cannot support the resolution. It declares:

That the action of the President in protecting the government in Louisiana, of which William P. Kellogg is the executive, and the people of that State against domestic violence, and in enforcing the laws of the United States in that State, is approved.

Something has already been said in regard to the right of this body sitting as a separate body to entertain this resolution, and I propose to give my views in the outset upon that subject. I do not think that the Senate sitting as it is under the call of the Chief Executive of the nation has any right to adopt this resolution. Looking at the question in any view, it is beyond the power of this body, in my opinion, to consider it. If it be intended to approve something which has been done by the Executive that was not entirely legal, (which is sometimes done by legislative bodies,) then surely it is objectionable. The language of the resolution is that the action of the President is approved. The very terms, the language employed, would seem to indicate that there was something in the action of the Chief Executive of the nation that this body is called upon to cure by legislative power. It has been not altogether uncommon in the Legislatures of the several States to pass what are known as indemnity bills, and I think that the legislative history of Congress will show that many acts have been passed curing or attempting to cure the illegal action of executive and ministerial officers. If therefore this resolution is intended to impart validity to something which the President has done, which without it would not be regarded as valid, then I contend that it is legislation, because with Congress alone rests the power of passing acts or resolutions of that description.

If, upon the other hand, the resolution is not intended to cure or render valid the action of the President, then it is equally objectionable in my view of the case, because the proceedings of the President in relation to the transactions in Louisiana are such as not, in my opinion, to command the favor or approval of the Senate.

It will not be denied by any Senator on this floor that under the Constitution of the United States all legislative power is vested in the Congress of the United States—"all legislative power;" not a part of it but the whole. This word "all" has received judicial construction when found in statutes of the United States conferring jurisdiction, and has been held to exclude jurisdiction in any other body than the one in which the power is conferred.

All legislative powers herein granted—

Says the Constitution—

shall be vested in a Congress of the United States—

And that Congress is defined by the Constitution itself in clear and unmistakable terms—

which shall consist of a Senate and House of Representatives.

I say therefore if this resolution is intended to cure some defect growing out of the irregularity of any proceedings on the part of the President in Louisiana, it is the exercise of legislative power on the part of the Senate acting separately from the House of Representatives. It may be well in this connection to refer to the Constitution in order to see what it provides in regard to the Senate when it acts in executive session. Section 2 of article 2 of the Constitution declares that the President—

Shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law.

Section 3 of the same article declares—

He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper.

Now, sir, in my opinion the only authority that the President has for calling this body together is derived from section 3 of the article of the Constitution that I have just read. There must exist an extraordinary occasion for calling either this or the other House together. I am not sufficiently informed of the usages of this body to be able to state what the practice is here; but it has been the practice in the several States when an extra session of the Legislature was called under provisions of the State constitution, for the chief magistrate to disclose distinctly in his message the purpose for which the body is convened. Up to this time we have had no distinct information upon that subject; and unless it can be claimed that the transaction of ordinary executive business constitutes an "extraordinary occasion" within the meaning of the clause that I have just read, then the call has not been made properly and we ought to confine ourselves strictly to executive business.

In this connection I am informed that the Chief Executive of the nation has already advised the Senate that he has no further business than what he has heretofore communicated. Then, sir, is the "extraordinary occasion" for which we are now assembled the adoption of this resolution? It is in my opinion a most extraordinary resolution indeed.

Another objection which occurs to my mind against the adoption of this resolution arises out of section 4 of article 4 of the Constitution, which has been very extensively commented upon by various Senators on this floor.

The United States—

Says this section—

shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the executive (when the Legislature cannot be convened) against domestic violence.

It will not be pretended, I think, by any legal gentleman who may occupy the position of Senator on this floor that this section of the Constitution can execute itself. I take it for granted that this section required legislation to give it effect, and that seems to have been the view of Congress upon the subject. Congress has legislated by virtue of this particular provision in the Constitution and has vested in the President of the United States authority to make it, or at least part of it, effective. Congress by the act of 1795 has clothed the President of the United States with the power in certain emergencies to employ the land and naval forces of the United States to suppress insurrection in the States of this Union. The only authority that the Executive of the nation had for what he did in Louisiana was under that law. Congress gave him power in clear and unmistakable terms to interfere if the facts existed there that required his interference.

Well, sir, he acted under that law; his proclamation shows it; and he derives his authority from the Congress of the United States to act. Is it competent then for the Senate alone to express any opinion in regard to his action? I am not a great parliamentarian; but it occurs to me that when the President of the United States exercises a given power under a law of Congress, it would be highly improper and unwise for either House of Congress alone to express any opinion in regard to the manner in which he discharged his duty under that law.

We know very well from the record in this case that there was no authority but the act of 1795 under which the President could have acted, and that act in conformity with section 4 of article 4 of the Constitution vested him with certain powers. If he has not acted in conformity with that law he is responsible alone to the authority that gave him the power. It is not for the Senate to approve or commend what he may have done under an authority conferred upon him by both Houses of Congress. That, in my opinion, would be arrogating to the Senate more than it has a right to arrogate to itself, to sit in judgment upon the action of an officer of the Government clothed with power under an act of Congress.

But, sir, there is a still further objection arising under this very law and the decision of the Supreme Court in 7 Howard, to which reference has frequently been made. I admit that the President under the act of 1795 is clothed with authority to determine for himself when the exigency exists that will justify him in employing the land or naval forces of the United States, and I agree that the Supreme Court of the United States in Luther *vs.* Borden decided that he is the sole judge of that exigency above and beyond every other department of the Government. The Constitution declares that the United States shall guarantee to each State in the Union a republican form of government, and Congress by the act of 1795 has delegated to the President the authority to interfere in certain cases; not the Senate, not the House of Representatives, but the Congress of the United States; and, as the court declared in that case, it would have been competent for Congress to have created a court and have invested it with power to determine this question. Congress therefore invested the President with authority to determine for himself when he shall interfere, and it has done it in the following language:

In case of an insurrection in any State against the government thereof it shall be lawful for the President, on application of the Legislature of such State, or of the executive when the Legislature cannot be convened, to call forth such number of the militia of any other State or States, which may be applied for, as he deems sufficient to suppress such insurrection; or, on like application, to employ for the same purposes such part of the land or naval forces of the United States as he deems necessary.

That is all that the Congress of the United States has done under this provision of the Constitution authorizing the United States to protect the States of this Union against domestic violence. There is no law on the statute-book with which I am acquainted which invests any authority or any officer with the power to see that the guarantee of the Constitution with respect to a republican form of government is carried out. That is a dormant authority still residing in the Congress of the United States, and which may be exercised whenever the emergency calls for it. Congress may provide by legislation for securing to a State a republican form of government; but up to this time it has not legislated upon the subject, and all it has done is embodied in the act of 1795, which confers upon the President the authority which I have just stated. The nature of that authority has been under discussion in this body for some time, and the decision of the Supreme Court of the United States has been read here repeatedly to show what the true nature of it is. While it has been referred to for another purpose, I will now refer to it for the purpose of showing that this Senate has no jurisdiction or authority to adopt the present resolution. Speaking of the act of Congress of which I have spoken, the Supreme Court in the case of Luther *vs.* Borden say:

By this act, the power of deciding whether the exigency had arisen upon which the Government of the United States is bound to interfere is given to the Presi-

dent. He is to act upon the application of the Legislature or of the executive, and consequently he must determine what body of men constitute the Legislature, and who is the governor, before he can act. The fact that both parties claim the right to the government cannot alter the case, for both cannot be entitled to it. If there is an armed conflict, like the one of which we are speaking, it is a case of domestic violence, and one of the parties must be in insurrection against the lawful government. And the President must, of necessity, decide which is the government, and which party is unlawfully arrayed against it, before he can perform the duty imposed upon him by the act of Congress. (Luther *vs.* Borden, 7 Howard, 43.)

Now, sir, if the President is the sole judge of the emergency, as the court say he is under this law, what authority has this body to express any opinion in regard to his action in that respect? The right to pass a resolution approving his course implies the right to pass one disapproving it. The moment you yield the question of jurisdiction, you must yield it for all purposes. By introducing a resolution in this body saying that you approve the action of the President under an act of Congress conferring upon him the sole authority in the case, you must necessarily admit that there exists authority here to disapprove of it if the body thinks proper to word the resolution in that way. How would a resolution disapproving the action of the President stand beside the decision of the Supreme Court under this law? If he is the sole judge and must take the responsibility upon himself, it is a matter resting upon his own conscience, with which the Senate has nothing whatever to do unless it undertakes to exercise another and more extraordinary power given by another provision of the Constitution.

This only shows that there is no jurisdiction in this body to pass upon the action of the President, first upon the ground stated that it is exercising legislative functions; and secondly that under the law conferring upon him this power he is made the sole judge of the emergency requiring his action, and he is responsible for that exercise of his judgment not to the Senate alone. In this connection I will read a portion of the speech delivered by the distinguished Senator from Indiana [Mr. MORTON] in the Pinchback case, when that question was before the Senate on a former day:

The President says the Kellogg government is the lawful government in Louisiana. He recognizes it by virtue of this authority. Now the proposition is this: Until that decision of his by virtue of this act of Congress is reversed by Congress itself, not by the Senate alone, it is binding upon the courts of the United States, as it is on the Senate and every branch of this Government, because otherwise we would have anarchy. We would have the President by virtue of the act of Congress recognizing one government and protecting it, the Senate of the United States, acting separately, recognizing another, and the House, if there were three, recognizing a third. That would be absurd on its face. Therefore, to carry out the theory and the harmony of the law, when the President, acting by our authority, says that the Kellogg government is the lawful government, it must be so received until by congressional authority, not senatorial alone, it has been reversed.

Read that in connection with the resolution now before the Senate and how can you reconcile them?

That the Senate approve the action heretofore taken by the President of the United States in protecting Louisiana from domestic violence.

The word "approve" implies the exercise of judgment and discretion; implies the exercise of free untrammeled will on the part of this body, while the argument of the Senator from Indiana in the case alluded to undertakes to show that this body has no option whatever but to follow the decision of the Executive. If the decision of the Executive, under this argument, is the law, if it is absolutely binding on this body, what warrant is there, I ask, for proceeding to give an expression of approval by the Senate? Your judgment is gone, you have none to render. The Senate has no opinion of its own. The authority which the law has vested with the power to decide has decided it, and according to this argument it is binding on every other department of the Government, not only upon the judiciary but upon the Senate and the House acting separately, and the decision of the President cannot be reversed, as the distinguished Senator argued, until it is done by an act of Congress. I only refer to this to show how difficult it is to reconcile the two arguments, the one that must go to support this resolution, and that made a few days ago by the Senator from Indiana.

When Pinchback's case was here the argument was that we were bound to admit him upon his credentials because the government from which he derived them had been recognized by the Executive of the Union. In this resolution we are called upon to approve that action. Look into the dictionary and ascertain the meaning of the word "approve." To approve, as I said awhile ago, implies the right to disapprove, and if you have jurisdiction over the question to do the one, you have to do the other. I am free to say that the decision of the Supreme Court in regard to the President being the sole judge of the emergency, when acting under the law of 1795, is the law of the land; but when I say that, I am not willing to admit that the Senate as now convened has any authority to express an opinion upon the subject.

This, sir, is my first objection to the resolution. The second objection is that it proposes to approve of everything which the President has thought proper to do in relation to Louisiana. It is most remarkable for its uncertainty, because it is couched in such language as to embrace everything which the Chief Executive of the nation has caused to be done in that unhappy State. It is most remarkable that this body should be called upon to "indorse the action of the President" "in enforcing the laws of the United States" when it is made his duty under his solemn oath of office "to see that the laws are faithfully executed," and if he did not do that he would be liable to impeachment. It is most unusual and uncommon, I think, for either House of Congress or either house of a State Legislature to pass a resolution approving or indorsing or commending the execution of the laws on the part of the Chief Magistrate. There is something more than that meant by this resolution

I object to it under this head of my argument because the government indorsed and upheld by the President in Louisiana was not the legal government of that State. As I said before, while he is responsible to himself and to his own conscience for what he has done, it is asking too much of me to approve and indorse him in a matter in which he erred very greatly in my judgment. It is not necessary for me, after the discussions which have taken place here, to enter into the history of the Kellogg government, for goodness knows we have had enough of discussion on this subject and it would be arrogance in me to undertake to explain to the Senate the facts connected with the establishment of that government. We have the record here to show that the Kellogg government was a usurpation and the chief business of the Executive appears to have been confined to the support of that government, commencing at the first day of its existence and extending down to the present time. The resolution relates to his action "in protecting the government of which William P. Kellogg is the executive." That means every branch of the government, as is shown by the argument of the distinguished Senator from Indiana in speaking of that subject when he used this language:

In three messages sent to Congress since that time the President of the United States has formally recognized the Kellogg government, not simply Kellogg himself but what is known as the Kellogg government.

There is a good deal of uncertainty, as I said before, in the language of this resolution, but I wish to show what it means according to the interpretation given by the distinguished Senator from Indiana. "What is known as the Kellogg government" embraces, said he, "all its departments;" that is, the executive, the legislative, and the judicial departments. That is the Kellogg government in Louisiana which we are called upon by this resolution indirectly to indorse; not the executive department alone, not the judicial department alone, but the legislative included. That constitutes the Kellogg government.

Now, sir, can we as a Senate, after all that we have heard, after the learned arguments that have been delivered here by the distinguished jurists on this floor showing the illegality of the Kellogg Legislature, at this day vote to indorse it? Enough has been said on that subject, not on this side of the House alone but on the other side, to show that the Legislature of Louisiana known as the Kellogg legislature never had the least claim to validity. And if, as I contend, that Legislature is included in the general designation here of "the government of which William P. Kellogg is the chief executive," then whoever votes for this resolution votes to indorse that Legislature in Louisiana as the legitimate law-making body of that State. Whatever doubts, if there were any, that there may have been in regard to the proceedings of Durell touching the case of Kellogg *vs.* Warmoth, there cannot be any doubt in regard to the illegality of his action in the case of Antoine. I ask the Clerk to read what the distinguished Senator from Indiana said in regard to his action in that case.

The Chief Clerk read from Mr. MORTON'S report made in 1873:

The conduct of Judge Durell, sitting in the circuit court of the United States, cannot be justified or defended. He grossly exceeded his jurisdiction, and assumed the exercise of powers to which he could lay no claim. The only authority he had in the matter grew out of the act of Congress of 1870 to enforce the fifteenth amendment, and the act amendatory of that, passed in 1871, which gave to the courts of the United States jurisdiction in all cases in law and equity arising under the former act. Under the first act two classes of cases might arise: first, actions to enforce the rights of those who had been illegally denied the right to vote upon the ground of race, color, or previous condition of servitude; and second, actions to enforce the rights of those who had been deprived of office by reason of the denial to persons of the right to vote on account of race, color, or previous condition of servitude; and suits in equity ancillary or in aid of these rights of action would come within the jurisdiction of the circuit court of the United States, among which would be a suit to perpetuate testimony. But the pretense that in a suit to perpetuate testimony the court could go beyond the natural and reasonable jurisdiction to decide who constituted the legal returning board under the laws of Louisiana, and to enforce the rights of such as it might determine to be members of that board and to enjoin others who were not, is without any foundation in law or logic.

In the Antoine case, Judge Durell not only assumed to determine who constituted the legal returning board, but to prescribe who should be permitted to take part in the organization of the Legislature and to enjoin all persons from taking part in such organization who were not returned by the Lynch board as elected; and this assumption of jurisdiction was made in the face of the express provision in the act of 1870 that its benefits should not extend to candidates for electors for Congress, or for the State Legislature. His order issued in the Kellogg case to the United States marshal to take possession of the State-house for the purpose of preventing unlawful assemblages, under which the marshal called to his aid a portion of the Army of the United States as a *posse comitatus*, can only be characterized as a gross usurpation.

It was not for the United States marshal or for the President to review the decisions and order of Judge Durell, and determine whether he had exceeded his jurisdiction. By the tenth section of the act of 1870, under which Judge Durell had assumed jurisdiction in the case, it is declared to "be the duty of all marshals and deputy marshals to aid and execute all warrants and precepts issued under the provisions of this act when to them directed;" and that they "shall have authority to summon and call to their aid the bystanders or *posse comitatus* of the proper county, or such portion of the land or naval forces of the United States, or of the militia, as may be necessary to the performance of the duty with which they are charged."

Mr. JONES, of Florida. That is the opinion of very high authority in regard to the power of Durell by whose order it is admitted this government in Louisiana was established. But a very nice distinction has been attempted in the argument hitherto had by some of the learned Senators who have spoken. It is this: that no matter how illegal the action of Durell was, the question turned upon the right

of the men who assembled in that Legislature to meet there and form themselves into a legislative body to govern the people of Louisiana. An illustration was resorted to of this kind: It was asked if a legal officer was assisted by a mob in the execution of legal process, could anybody say that the execution of the writ or the action of the officer was thereby rendered illegal? The action of Durell in this matter has been compared to the assistance which a mob might give to a legal officer in discharging his ordinary duty. Sir, I can see no resemblance in the cases. It may be owing to my dullness or want of comprehension, but I cannot see any resemblance between the case supposed and the case of Durell's action in Louisiana. Why, sir, he created the whole thing. He not only aided the intruders in getting possession of the State-house, but he actually decided that the Lynch board was the only legal board, and by his process of injunction he restrained and prevented the only legitimate board in Louisiana from making a legal canvass of the votes. He almost commanded the Lynch board to count in certain gentlemen as members of the Legislature and absolutely prohibited the De Feriet board from exercising any jurisdiction.

Then it is said that this action was only incidental, casual, and unimportant, and could not vitiate the right of those men to sit in that body. From whence, I ask you, sir, did they get their authority to go into the State-house? From whom did they procure their certificates of election? They procured them from the board that Durell had constituted by his order. At that door stood a file of soldiery, with crossed bayonets and an officer to receive the checks of the men designated by the judge who should enter to organize that body, and the men thus designated in that extraordinary judgment were the only men who who were permitted to take seats in that body. This was more than ordinary assistance. You may trace that government to its very foundation, and you will find that it has nothing to stand upon outside the arbitrary and illegal action of Judge Durell, supported by the executive authority of the United States. There were two boards. We know the history of them.

In this connection I wish to say a word in regard to the decisions of the supreme court of Louisiana in reference to which so much has been said. I have great respect for the judicial tribunals of my country. The habits of my mind and my profession naturally lead me to respect the judicial judgments of the courts of the land. I am not in the habit of speaking in unbecoming language of any constituted authorities. But I can hardly restrain myself when I am called upon to speak in reference to this Louisiana court. What has been the argument put forth here in regard to this government? It is that we are bound to regard it as the legal government of the State because the courts of Louisiana decided that it was the legal government. Sir, that is a very peculiar question for a court to decide, and I see no way in which it could have decided that question but one, in view of the lights which it had before it in regard to the fate of Warmoth. The manner in which Warmoth had been deposed in five hours by an impeachment was enough to satisfy that tribunal that no decision adverse to the Kellogg institution would be permitted, and I have very little doubt in my mind that if the court had attempted to decide otherwise than they did they would have been swept from that bench in the same way that Warmoth was swept from the executive office in the course of five hours after they got control of the State.

But look, sir, to the contradiction in their decisions. Bovee was the first secretary of state, elected in 1868, and when Warmoth removed him and appointed Herron the supreme court decided that the governor did possess that power. Afterward, when Herron deserted his friend and went over to Lynch, they decided just the reverse. It will be remembered Herron was removed and Wharton put in his place. Herron deserted Warmoth and went over to Lynch. Warmoth attempted to remove him, but he would not be removed, and the question came before the supreme court, and though they had decided in the first case that the governor could not remove Bovee they decided the reverse in Herron's case. Now, sir, to bring up the authority of a court like that for this body to be governed by does not strike me as very proper.

But, sir, the question whether there was a governor in Louisiana or not was not a judicial question; it was a political question. It was not a question for the courts of that State to determine; and in this I am sustained in a measure by the adjudication of the Supreme Court of the United States in the case of The State of Georgia *vs.* Stanton. The Supreme Court of the United States, in speaking of the jurisdiction of courts on political questions, used the following language:

> We are called upon to restrain the defendants, who represent the executive power of the Government, from carrying into execution certain acts of Congress, inasmuch as such execution would annul and totally abolish the existing State government of Georgia, and establish another and a different one in its place; in other words, would overthrow and destroy the corporate existence of the State, by depriving it of all means and instrumentalities whereby its existence might, and otherwise would, be maintained.
>
> That these matters call for the judgment of the court upon political questions and upon rights, not of persons or property, but of a political character, will hardly be denied. For the rights, for the protection of which our authority is invoked, are the rights of sovereignty, of political jurisdiction, of government, of corporate existence as a State, with all its constitutional powers and privileges. No case of private rights or private property infringed, or in danger of actual or threatened infringement, is presented by the bill, in a judicial form, for the judgment of the court. (6 Wallace, 50.)

That was a case in which political questions were presented by a bill in chancery, just as they were presented in the cases in Louisiana for the determination of the supreme court of that State. Every question presented in every case there was a political question, involving the legality of the Kellogg government. It was questions of that kind that the Supreme Court of the United States in the case of Georgia *vs.* Stanton said no court can undertake to decide. It has also been stated that the decisions of the courts of Louisiana are binding upon this body and upon every department of the Government of the United States, and the authority of the case of Luther *vs.* Borden has been relied upon in support of this argument. It has been admitted on all hands that unless the existing government of Louisiana derives validity in consequence of the judgments rendered by the local courts upholding and affirming it, or by the recognition of the President under the act of 1795, it has nothing to support it before this or any other body. Every argument that has been brought forth here for the purpose of sustaining this government as a legal institution is founded either upon one or the other of those propositions: First, that the government has been recognized by the courts of the State; and secondly, that it has been recognized by the Executive of the nation. This leaves out of view all the frauds that have been perpetrated, all the illegal means through which it has been established, and brings it down simply to a recognition by those tribunals. The position has been firmly taken that when the courts of the State decided that the Kellogg government was the legal government of Louisiana this body was bound, and the case of Luther *vs.* Borden was cited as an authority. I do not think that that case is any authority whatever for that proposition. The Rhode Island case was founded on a peculiar state of facts well known to every gentleman on this floor. The question presented for the decision of the court in that case from Rhode Island was a political question; it was not a judicial question. That was one of the propositions decided by the Supreme Court. Secondly, they decided that a circuit court of the United States sitting in a particular State was bound by the decisions of the State tribunals expounding the laws and the constitution of such State. Why is that so? Where does the rule find authority? In an express act of Congress, which relates only to the courts of the United States and indeed only to a peculiar class of cases. That rule does not apply to cases in equity; it does not apply to cases in admiralty; it does not apply to criminal cases; it applies only to civil cases at common law. The case before the circuit court in Rhode Island was a civil case at common law, and hence the Supreme Court of the United States held, and held properly, that the decisions of the Rhode Island court were bound to govern the circuit court in that case.

What does the Supreme Court of the United States in The United States *vs.* Reid *et al.*, 12 Howard, say on this subject in explaining this rule which has been relied upon? Speaking of the thirty-fourth section of the judiciary act of 1789, the court say:

> The language of this section cannot, upon any fair construction, be extended beyond civil cases at common law, as contradistinguished from suits in equity. So far as concerns rights of property, it is the only rule that could be adopted by the courts of the United States, and the only one that Congress had the power to establish. And the section above quoted was merely intended to confer on the courts of the United States the jurisdiction necessary to enable them to administer the laws of the States. (12 Howard, 363.)

But what application can that argument have to the Senate of the United States? We know that that ruling does not bind all the courts of the United States in a cause in equity; that the rule is, that the circuit court of the United States sitting in a particular State in equity or in chancery is not governed by the laws of the State. The rule is uniform throughout the entire Union. The same rule governs in New York that governs in Florida, and the same rule governs in Wisconsin that governs in Delaware. The local laws of the State have nothing to do with that jurisdiction, but the rule is confined strictly to civil cases at common law for the purpose stated in this decision.

How, therefore, can this Senate be bound by a decision of the supreme court of Louisiana upholding and maintaining that State government under that rule, for it was under that rule that the decision in Luther *vs.* Borden was made? But what say the committee of the Senate in their report in regard to those very decisions of the State court of Louisiana? The committee say:

> But it has been claimed before your committee that a decision of the supreme court of Louisiana, rendered since this investigation commenced, has determined that the Lynch board was the legal returning board at the time it pretended to canvass the votes; and it is urged that a wholesome regard for the rights of the State precludes the Senate from investigating this subject back of that decision. That the canvassers were a board of officers created by the State law, and that the decision of the supreme court having determined that the Lynch board was the legal board, the United States is estopped by that decision and the canvass made by that board. To this there are three answers:
>
> First. The supreme court in the case referred to is understood not to have had any testimony before it showing the character of the proceedings by the Lynch board, which testimony is before your committee very fully. Fraud vitiates everything, and it is certain that no court upon the testimony before your committee could hold the canvass by that board to be valid.

Again, speaking of the different boards, the committee uses the following language:

> In the opinion of your committee there can be no doubt—conceding the validity of the act of November 20—that it transferred the duty of canvassing the returns of the last election to the board to be elected under the provisions of the act. The act provided for such election by the senate, and, taking effect in the vacation of the Legislature, created offices to be filled thereafter by the senate. This is what is styled in that State an original vacancy, which, happening in the vacation of

the Legislature, the governor is authorized to fill by appointment; and it is said that the courts of that State have repeatedly recognized the right of the governor to make such appointments.

And then the committee says, speaking of the Lynch board:

There is nothing in all the comedy of blunders and frauds under consideration more indefensible than the pretended canvass of this board.

The following are some of the objections to the validity of their proceedings:

1. The board had been abolished by the act of November 20.

2. The board was under valid and existing injunctions restraining it from acting at all, and an injunction in the Armstead case restraining it from making any canvass not based upon the official returns of the election.

This is the board that created the Legislature which we are called upon to recognize by this resolution.

I have but one additional document to read in connection with this case (and then I will close my remarks) to show the character of this government and the motives that prompt me in not supporting this resolution. I read from a letter addressed by William P. Kellogg to the Attorney-General dated New Orleans, November 27, 1872. I think that this letter sufficiently explains the dispatch of the Attorney-General of December 3, 1872, about which so much has been already said in this discussion, but in regard to which no explanation has been yet vouched. That letter is as follows:

I can readily understand the delicacy of the President's position in this matter; but it must not be forgotten that this is a systematic and organized attempt to destroy the republican party in this State, to outrage every principle of justice, to override all constitutional and legal restraints, and to inaugurate a condition of things that will jeopardize the peace of the community and the security, hereafter, of the black as well as the white republicans of the city and State.

I say to you frankly that this fight is extremely distasteful to me, and I would be glad to get rid of the whole matter, but I feel bound, in the position in which I find myself, to do all I can to avert a condition of things such as will inevitably follow the accession of the democratic party to power in this State.

I therefore respectfully suggest that General Emory, who, I think, appreciates the necessity and sympathizes with the republican party here, be instructed to comply with any requisition that the United States courts may make upon him in support of its mandates and to preserve the peace. As at present advised, I think General Emory understands that he is to use the troops in no contingency without instructions from Washington.

I have dictated this communication very hurriedly, but although disconnected it may give you, together with the exhibits I inclose herewith, a tolerably correct idea of the situation of affairs here.

Should Mr. William E. Chandler or our members of the lower house call upon you regarding these matters, I wish you would confer with them as fully as you conveniently can.

In conclusion, let me say that should the United States courts hold with us, and if I count upon the co-operation and sympathy of the Federal Government, as far as it can be consistently given in aid of its firm and devoted friends in this State, who have done all they could to carry the State, and have really carried it by a large majority against organized fraud, the State may be saved to the republican party for the future, and I believe that under its auspices the State will become peaceful and prosperous, and no longer be a standing disgrace to the party and the people at large.

Very truly, yours,

WM. P. KELLOGG.

Hon. GEO. H. WILLIAMS,
Attorney-General United States.

This letter preceded in date the dispatch of the Attorney-General, about which so much has been said, dated December 3, the letter being dated November 27. The dispatch is:

DEPARTMENT OF JUSTICE, *December* 3, 1872

S. B. PACKARD,
United States Marshal, New Orleans, Louisiana:

You are to enforce the decrees and mandates of the United States courts no matter by whom resisted, and General Emory will furnish you with all necessary troops for that purpose.

GEORGE H. WILLIAMS,
Attorney-General.

There is the call; there is the reply. Who will say that that call was in conformity with the Constitution of the United States or with the act of 1795, authorizing the Federal Government to interfere in the affairs of a State? No, Mr. President, this government of Kellogg's has never been established by the voice of the people of Louisiana. It reminds me of an anecdote, which I remember grew out of a case from one of the local courts of my State. There was an illiterate judge on the bench who knew very little about law, and on one occasion he was called upon to try an action of ejectment, which the legal profession well know requires that the plaintiff shall always recover on the strength of his own title and never on the weakness of his adversary's. In that case the learned judge was called upon to instruct the jury. He had a confusion of ideas in regard to the law, and when he came to charge them, he coolly turned around and said: "Gentlemen, the defendant is entitled to your verdict upon the strength of the evidence that he did not produce." [Laughter.] In this case William P. Kellogg claims to be governor by the votes that he did not receive!

Having said much more than I anticipated in the outset, because I rose simply to give the reasons why I shall vote against the resolution, I shall no longer detain the Senate.

Mr. WALLACE. Mr. President, the resolution of the Senator from New Jersey, [Mr. FRELINGHUYSEN,] which was introduced into this body on the 16th of March, and which is in these words—

Resolved, That the Senate approve the action heretofore taken by the President of the United States in protecting Louisiana from domestic violence, and are of opinion that he should continue to recognize in that State the existing State government—

seems to mean a condonation of the past and a *carte blanche* for the future. This resolution was sent to a tribunal of this body composed of the members upon the other side of the Chamber, and it remained there until the 20th of March following, four days, submitted, as we must suppose, to the crucible and test of caucus heated by party discussion. When it returns to this Chamber, it returns under the auspices of the Senator from Rhode Island [Mr. ANTHONY] and from it is eliminated immunity for the future. The amendment proposed by the Senator from Rhode Island is in these words:

That the action of the President in protecting the government in Louisiana, of which W. P. Kellogg is the executive, and the people of that State against domestic violence, and in enforcing laws of the United States in that State, is approved.

What happened in the tribunal to which this resolution was originally submitted, as a matter of course, we are unable to determine; but in my brief experience I have learned to ascertain from those things that are omitted in documents discussed and that are not stated much that I cannot learn from those things that are stated. When we seek to contrast the resolution of the 16th of March with the resolution of the 20th of March we find that they differ in terms, differ in substance, differ in effect. Let us see. The resolution of the 16th of March approved the action of the President "in protecting Louisiana;" the resolution of the 20th of March approves the action of the President in "protecting the government in Louisiana of which W. P. Kellogg is the executive!" "Louisiana" is the State. The proposition in the former is general, is vague; the proposition in the latter, however, is distinct, emphatic, pointed—"in protecting the government in Louisiana of which W. P. Kellogg is the executive." Why this is, it is not for me to say. We may have our opinions and our views on this subject; the distinction is there. Is it that the latter is distinct and special because it is the source of wrongs in the past and the hope of things in the future? Is it that there is a hereafter in which "the State" is to be different from "the government of which William P. Kellogg is executive," or is it a mere difference in the way of stating the proposition?

Again, we find that in the one the term "to recognize" is used, "recognize in that State the existing State government;" in the other "to protect the government." The recognition of a State government implies pre-existence. It implies that there was a day and an hour in which there was a State government to recognize. The statement of protection implies tutelage, parentage, and care. The one indicates that there is a sovereign State, the other that there is a creature of paternal government. The one suggests that there is a State knocking at the doors of the Senate Chamber for admission here to her constitutional representation; the other suggests that Kellogg is simply the representative of a State government that is not the State. The whole question is begged in the difference between the resolutions. The one is recognition, the other paternal government and tutelage. Is this the doctrine of the majority in this Chamber? Is it the avowal of their doctrine that we are to tend toward paternal government in this country? If this be so, it is for us to meet that issue upon the threshold. We want no paternal government, but solely and simply the Government that the Constitution created; maintained and enforced, as it ought to be, by those who are placed in the places of power and trust under that Constitution.

If the power to recognize the State government or the State itself resides somewhere else than in the President, then the term "protect" is a very proper term. If it shall be found on a close analysis of the law, on an examination of the theory of our Government, that it resides not in the President but in Congress, then the term "protect" is a very proper and safe term. "Recognize" could not well be used by those who introduced this resolution if they hold the view I suggest. In the shadowy future that dawns upon us this distinction may be a difference important and vital, for there may be a State, there may be a government there that Louisiana and her people recognize that will differ from the government now controlled by William P. Kellogg, the present executive of the State of Louisiana. It may be that Mr. Kellogg, the executive of the State at the present time, who is to be protected and recognized under this resolution, may conduct this government beyond and through another election, and it may become important that William P. Kellogg thus being recognized and protected may maintain in the future some government that shall send here electoral votes, that shall send here Senators. Hence there seems to be a distinction with a difference.

In the first resolution the future is cared for; the President "should continue to recognize in that State the existing State government;" in the second resolution the future is abandoned, and it is not found within it. Why is this? What is the hidden purpose of this difference? To what ends and in what forum is this resolution to be pleaded? Are there possible dangers in the future? Does this condone the past, or is indemnity for the past regarded as immunity for the future; or does a ratification of the exercise of illegal power insure its repetition by the same mailed hand? Or is the logical result of its passage the admission of Pinchback as Senator from Louisiana who comes here representing the Kellogg government? If the latter be the reason, then we can understand and well understand why the admission of Pinchback has been postponed until December and why the resolution that is before us is submitted now for action. Why urge this resolution now if it be not to commit Senators to the logical sequence of that which the passage of this resolution necessarily implies? Can there be any answer?

In the first resolution there is no word as to the enforcement of the

laws of the United States. The second resolution approves the enforcement of the laws of the United States in Louisiana. What laws of the United States have been infringed? Is it the midnight order of a Federal judge, or is it the effort of a Legislature to organize itself? Or is this, too, to be indemnity for the past, immunity for the future, or a plea in bar in behalf of the subordinates of the man who is indorsed by the resolution itself?

In the substitute, special pleading and astuteness appear; but what is it? It is brief, and terse, and distinct, and in its closing phrase it rings like an army order: the action of the Executive "is approved!" When before in this body were resolutions of this character proposed? "Is approved"—this closing phrase implies our power to approve it. Whence comes our power to do this? Treaties under the Constitution are required to be approved by two-thirds of this body; officials must be confirmed by this body; but where within the lines of the Constitution are found any words under which, by any construction expressed or implied, this resolution can be indorsed and sustained? Is it necessary under section 4 of article 4, which provides that—

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the executive (when the Legislature cannot be convened) against domestic violence?

There seems to be no necessity here for this resolution. I do not find any hidden meaning there that can be tortured to require such an approval. If it be really necessary, then there should be added to the close of this section: "and when this power shall be exercised by the President it shall be approved by the Senate." No such words are there.

What is the purpose of this resolution? We hear no answer from our friends on the other side. Those who introduce it give us no sign or token as to what the purpose of this resolution is. What is its breadth and scope? No gentleman rises in his seat and says what the purpose is or what its breadth is or what its scope is; all our friends are silent. Is it the resolution of a town meeting, as the Senator from Tennessee asked yesterday, or is it the resolution of a party convention, or is it of graver moment and deeper purpose? If of a party convention, if it be a resolution of the majority in this body, which is intended to cohere and crystallize their organization and to make the issue upon this question itself, I can understand its purpose, its scope, and its breadth. Is that the determined purpose of the majority in this body, to force the issue upon the indorsement of the acts of the President? If this be so, I can understand what the resolution means and appreciate the party necessity that prompts it.

Is it possible to vote that the President is right in supporting the Kellogg government and the Senate right in rejecting Pinchback? I commend this question to the Senators on the other side who have had some qualms of conscience in regard to the seating of the would-be Senator from Louisiana. Is the resolution a recognition of a *de jure* government, as contended for by the Senator from Wisconsin, [Mr. HOWE,] or is it the recognition of a *de facto* government, as contended for by the Senator from Indiana, [Mr. MORTON,] or does it cure the vice pointed out by the Senator from Michigan, [Mr. CHRISTIANCY,] or is it intended to cure the legal defects named by the Senator from Vermont, the chairman of the Committee on the Judiciary, [Mr. EDMUNDS?] Is not the attitude of the President now material on this matter? These are questions for the gentlemen on the other side of the Chamber. I simply propound them. We have no answer. We are allowed to grope in the dark as to what the purpose of the resolution is, for Senators decline to enlighten us.

But what propriety is there in the Senate of the United States prejudging any case? No judge upon the bench will discuss with you the merits of a case that may even possibly come before him. Are we not in the attitude of judges in this body upon the acts of those who administer the laws? And yet by this action we will approve, in the teeth of the provisions of the Constitution, the acts of an official which acts we may be required to pass upon as judges and which by the Constitution itself we are not required to approve. Our action will be mere outside indorsement and have nothing whatever to do with the case, but it does serve to prejudge the case from our standpoint as Senators and possible judges.

Mr. President, I cannot hope to present anything new upon the issue involved in this resolution. I should much have preferred to remain a silent listener of the debates that have occurred in this Chamber since I came here and took my place upon this floor. But it has seemed when all others representing States upon this floor who came to this body on the 4th of March had spoken in behalf of their constituents that I, who represent the second State in point of population in the Union, would have failed in my duty to its people if I had not endeavored to present this question from their standpoint, if possible in a new form; and while I cannot hope to add anything new to what has been said on a subject so often and so ably discussed in the Senate, yet if I shall be able in what I say to arouse the attention of a single mind within the Commonwealth I have the honor in part to represent or anywhere else within the broad expanse of this Republic to the grievous departures from the great doctrines of civil liberty that lie at the very base of our institutions which are now almost daily made; if I shall cause but a single mind to hesitate and pause to investigate the real importance of those questions, I shall have accomplished all that I can hope to accomplish.

What is it that this brief, terse, and ringing army order asks the American Senate and the American people to approve? What is it?

First, the recognition by the President of the United States of one of two State governments in Louisiana when the power to do so resides solely in Congress.

Second, the use of troops in Louisiana without authority of law.

Third, blind obedience to or complicity with a void order made at midnight by a Federal judge.

Fourth, denial of the right of petition.

Fifth, armed interference by the Federal power with the right of a State Legislature to judge of the elections of its own members and to perfect its own organization.

Sixth, the maintenance of a government of force and fraud and a continuance of the rule of the sword over a people competent and anxious to govern themselves.

First, the recognition by the President of one of two State governments in Louisiana when the power so to do resides solely in Congress. On the 12th of December, 1872, there were two governments in Louisiana, each claiming to be the rightful one. The one was represented by John McEnery; the other by P. B. S. Pinchback. Of the one, it has been again and again said upon this floor and declared by every committee that has made a report to this body or to the House of Representatives that it was a government of force and fraud. Of the other it has been said by a committee of the House of Representatives as well as by a Senate committee that it was the rightful government of the State of Louisiana. There was no violence, no insurrection in the State of Louisiana on the 12th of December, 1872, and yet the President recognized and protected the government at the head of which was P. B. S. Pinchback without authority of law, without authority of the Constitution.

Under the provisions of section 4, article 4, of the Constitution it has been expressly ruled that "Congress alone can decide what government is the established one in a State;" and for this I refer to the case of Luther *vs.* Borden, 7 Howard. While this is true, I concede that under the act of 1795 it is equally the duty of the President, when there is insurrection within a State or domestic violence there, to recognize one or the other of the existing governments, as such, in order that he may efficiently aid the State under a call made under the provisions of the Constitution. Yet, as I shall prove in a few moments, I trust, on the 12th of December, 1872, there being neither insurrection nor domestic violence in the State of Louisiana, the President authorized this telegram to be sent:

DEPARTMENT OF JUSTICE, *December* 12, 1872.

Acting Governor PINCHBACK,
New Orleans, Louisiana:

Let it be understood that you are recognized by the President as the lawful executive of Louisiana, and that the body assembled at Mechanics' Institute is the lawful Legislature of the State, and it is suggested that you make proclamation to that effect, and also that all necessary assistance will be given to you and the Legislature herein recognized to protect the State from disorder and violence.

GEO. H. WILLIAMS,
Attorney-General.

Enough of this. My second proposition is that troops were used in Louisiana without authority of law; the President used them when there was neither domestic violence nor insurrection. The resolutions of the Louisiana Pinchback legislature are under date of 9th of December, 1872, and are in these words:

[Telegram.]

NEW ORLEANS, *December* 9, 1872.

We have the honor to transmit to your excellency the following concurrent resolution of both houses of the General Assembly and to request an early reply:

"Whereas the General Assembly is now convened, in compliance with the call of the governor, and certain evil-disposed persons *are reported* to be forming combinations to disturb the public peace, defy the lawful authority, and the State is threatened with violence: Therefore,

"*Be it resolved by the senate and house of representatives of the State of Louisiana in General Assembly convened*, That the President of the United States be requested to afford the protection guaranteed each State by the Constitution of the United States *when threatened with domestic violence*, and that the presiding officers of the General Assembly transmit this resolution immediately, by telegraph or otherwise, to the President of the United States.

"Adopted in General Assembly convened this 9th day of December, A. D. 1872."

P. B. S. PINCHBACK,
Lieutenant-Governor, and President of the Senate.
CHAS. W. LOWELL,
Speaker of the House of Representatives.

"When threatened with domestic violence." There is no such word within the lids of the book. Its language is, "Shall protect each of them against invasion; and on application of the Legislature, or the executive (when the Legislature cannot be convened) against domestic violence;" not "against threatened domestic violence." First there is the civil power, the great power of the law; next the *posse comitatus* of the State, under the control of the governor and the magistracy and those whose sworn duty it is to administer the law; and all of these must be exhausted before an application can legally be made to the President of the United States for troops. But here the resolution of the State Legislature itself declares that there is "threatened" violence and "reported" insurrection! We find also on looking back to the condition of affairs in New Orleans on that very day what the actual condition of things was. S. B. Packard,

United States marshal, in a dispatch dated the 9th of December, says:

NEW ORLEANS, *December* 9, 1872.

Hon. GEO. H. WILLIAMS,
Attorney-General United States:

General Assembly returned by legal board is now organized at State-house. Senate has present twenty republicans, eight democrats; house fifty republicans, and fourteen democrats; about half Warmoth's members participating. State supreme court has sent Elmore, Warmoth's usurping judge of the eighth district court, to jail ten days for contempt, and his clerk five days, and fifty dollars each. *All quiet.*

S. B. PACKARD,
United States Marshal.

Bear in mind that is under date of the 9th of December. Then too on the same day, December 9, "P. B. S. Pinchback, lieutenant-governor, acting governor of Louisiana," telegraphs the President as follows:

NEW ORLEANS, *December* 9, 1872.

President GRANT:

Having taken the oath of office and being in the possession of the gubernatorial office, it devolves upon me to urge the necessity of a favorable consideration of the request of the General Assembly as conveyed in the concurrent resolution of this day telegraphed to you requesting the protection of the United States Government. Be pleased to send the necessary orders to General Emory. This seems to me a necessary measure of precaution *although all is quiet here.*

P. B. S. PINCHBACK,
Lieutenant-Governor, Acting Governor of Louisiana.

Here we have Packard, the marshal, and Pinchback, the acting governor, who on that day demands troops, both of them telegraphing the President "all is quiet here." Then on the 11th, two days following, Casey, the collector, telegraphs the President and gives the situation. Does he say that there is domestic violence or armed insurrection? No, but the contrary; let me read his dispatch:

NEW ORLEANS, *December* 11, 1872.

President GRANT:

Parties interested in the success of democratic party, particularly the New Orleans Times, are making desperate efforts to array the people against us. Old citizens are dragooned into an opposition they do not feel, and pressure is hourly growing; our members are poor and adversaries are rich, and offers are made that are difficult for them to withstand. *There is danger that they will break our quorum.* The delay in placing troops at disposal of Governor Pinchback, in accordance with joint resolution of Monday, is disheartening our friends and cheering our enemies. If requisition of Legislature is complied with, all difficulty will be dissipated, *the party saved*, and everything go on smoothly. If this is done, the tide will be turned at once in our favor. The real underlying sentiment is with us, if it can but be encouraged. Governor Pinchback acting with great discretion, as is the Legislature, and they will so continue.

JAS. F. CASEY,
Collector.

On the following day, the 12th of December, Pinchback telegraphs to the President:

NEW ORLEANS, *December* 12, 1872.

President U. S. GRANT:

In view of the fact that H. C. Warmoth, assuming to act as governor after having been impeached and suspended from his office of governor in strict compliance with the constitution and laws of this State, has issued a proclamation declaring himself as still governor of the State, and has *assumed to convene an illegal body of men styling themselves a Legislature*, thus endangering the public peace and tranquillity and *threatening domestic violence*, I respectfully request that the commanding officer of this department be instructed, in compliance with the requisition of the Legislature, to aid and assist me in maintaining the public peace and protecting and sustaining the legal State government.

P. B. S. PINCHBACK,
Acting Governor of Louisiana.

That is on the 12th, three days after the demand of the Legislature, and still it is but a threat, still it is but a proclamation, still it is but the effort of Warmoth. Where are the armed troops? Where is the armed insurrection or the domestic violence against which the mailed hand of the President is to be raised? It is not to be found in these dispatches; and yet upon that very day the President telegraphs a recognition of the executive, Pinchback, and of the Legislature under his control, and guarantees to him troops.

Now, sir, as bearing on this question let us contrast the action of a President of the United States thirty-six years ago with the action of the President of to-day, and let us see, if we can, whither we are tending and how this question of protecting the rights of the people of this country according to the doctrines of civil liberty, is being turned to their injury and the deprivation of their most valued privileges. Let us see whether this is the normal or abnormal condition of this people. Let us learn, if we can, whether precedents are not being piled upon precedents that are *sui generis* but ought not to be used against this people, to take from them the great rights that are guaranteed to them under the Constitution of the United States and that came to them from the country from which they draw their laws and their liberties. Hear now what in the State that I have the honor to represent was said by the governor thereof at a memorable crisis in that State in regard to the condition of things there. This is under date of December 7, 1838:

SIR: It is my exceedingly unpleasant duty officially to inform you that such a state of domestic violence exists at this place as has put an end for the present to all the exercise of the regular functions of the State government. The senate of the State has been compelled by intimidation to break up in confusion. The duly appointed presiding officer of the house of representatives was prevented from calling the house to order at the hour to which it stood adjourned and was ejected from the hall by violence. The State department is closed, and I have not deemed it safe or prudent to proceed to the executive chamber since the first disturbance, which took place on the 4th instant.

* * * * * * *

JOS. RITNER.

To his Excellency MARTIN VAN BUREN,
President of the United States.

And under date of the 4th of December previous to that we find this proclamation of the governor of Pennsylvania:

Whereas a lawless, infuriated, armed mob from the counties of Philadelphia, Lancaster, Adams, and other places, have assembled at the seat of government, with the avowed object of disturbing, interrupting, and overawing the Legislature of this Commonwealth, and of preventing its proper organization and the peaceable and free discharge of its duties; and whereas the said mob have already on this day entered the senate chamber and in an outrageous and violent manner by clamoring, shouting, and threatening violence and death to some of the members of that body and other officers of the government, and finally by rushing within the bar of the senate chamber in defiance of every effort to restrain them, compelled the Senate to suspend business.

Here is the proclamation and the demand on the Federal Executive. Now I will ask the Clerk to read the answer authorized by the President of the United States, as marked in the book which I send to the desk.

The Chief Clerk read as follows:

WAR DEPARTMENT, *December* 11, 1838.

SIR: The letter addressed by your excellency to the President of the United States, under date of the 7th instant, was received yesterday and referred to this Department, where it has received that respectful and earnest consideration to which the high source whence it emanates and the importance of the subject entitle it.

In this communication your excellency informs the President that such a state of domestic violence exists at Harrisburgh as to put an end, for the present, to all the exercise of the regular functions of the State government, and renders it your duty to request the President, in accordance with the fourth section of the fourth article of the Constitution of the United States, to take measures to protect the State of Pennsylvania against the effects of the domestic violence which your excellency affirms to be then in existence.

The clause of the Constitution to which your excellency refers, and the act passed in pursuance thereof, authorize the President to call out the militia only on the application of the Legislature of a State, or of the executive of a State, when the Legislature cannot be convened. The nature of the President's duty being, therefore, discretionary, it is incumbent upon him to exercise the utmost care in examining into all the circumstances of the case, as well as to determine whether the occasion contemplated by the law has occurred.

The commotion which now threatens the peace of the Commonwealth of Pennsylvania does not appear to arise from any opposition to the laws; but grows out of a political contest between different members of the government, most, if not all of them, admitted to be the legal representatives of the people constitutionally elected, about their relative rights; and especially in reference to the organization of the popular branch of the Legislature. To interfere in any commotion growing out of a controversy of so grave and delicate a character, by the Federal authority, armed with the military power of the Government, would be attended with the most dangerous consequences to our republican institutions. In the opinion of the President, his interference in any political commotion in a State could only be justified by the application for it being clearly within the meaning of the fourth section of the fourth article of the Constitution, and of the act of Congress passed in pursuance thereof, and where the domestic violence brought to his notice is of such a character that the State authorities, civil and military, after having been duly called upon, have proved inadequate to suppress it.

* * * * * * *

Very respectfully, your most obedient servant,

J. R. POINSETT.

His Excellency JOSEPH RITNER,
Governor of Pennsylvania, Harrisburgh, Pennsylvania.

Mr. WALLACE. Mr. President, it will be noted that in the one case, that which occurred in 1838, armed violence had ejected the officers of the senate and of the house of a State Legislature from the halls of legislation. They were absolutely driven from the halls. The governor had issued a proclamation that domestic violence of the gravest character existed and that he could not suppress the insurrection there, and hence he made application to the President of the United States for assistance; who after consideration of the whole subject declined to furnish to him the troops of the United States because the power of the Commonwealth had not been exhausted, because the strong arm of the civil power that can command at will the assistance of the militia had not been invoked, and had not been used to its utmost extent. But in Louisiana in 1872, when there was no insurrection, when all was quiet, as both Packard and Pinchback telegraphed, when the whole question was one of "threatened" or "reported" insurrection, the President immediately telegraphs orders recognizing the control of the government of Louisiana in P. B. S. Pinchback and the Legislature assembled at Mechanics' Institute to be the rightful one.

The point I make here is, that, if there was neither domestic violence nor insurrection, then Congress alone can recognize the existing government in a State, and the President's recognition is without authority of law. It is only in the cases named in the act of 1795, the existence of domestic violence or of a condition of insurrection, in which his hand is to be intruded and he from the very necessity of the case is authorized to recognize the one or the other. Here in the law-making power, here among the representatives of the States and the people, this question of whether a State government is in existence or is not in existence is to be settled and determined. Determined how? Under the Constitution and the laws, by the precedents that the wisdom of the past has established and that are maintained and affirmed by all who believe in the form of government under which we live. The Constitution and the laws and the precedents that they warrant and sustain are our charts and guides, and not those that are *sui generis* and abnormal.

Third. Blind obedience to or complicity with a void order made at midnight by a Federal judge. It is not denied that this decree was an infamous decree. No Senator raises his voice in behalf of the order that this Federal judge made—made at midnight in a case in which he had no jurisdiction. It cannot be defended. The infamy of this order has not been excelled since the star chamber made its infamous decrees or Jeffreys took liberty and life from the people of England. It was a void order made in a case in which there was no jurisdiction,

at midnight, and to support and enforce it came the whole power of the Government of the United States, civil and military. And yet there has been no infringement of the Constitution, no breaking down of the laws of the Republic, no destruction of precedents! And we are asked here to blindly vote to indorse the action of the President in permitting—I will not say creating but in permitting—the destruction of the very essence of the doctrines that lie at the base of the institutions under which we live, the essential, the vital doctrines of a government of law and of civil liberty.

This decree was made on the 5th day of December, 1872. On the 3d day of December, 1872, the following telegram was sent by the Attorney-General to S. B. Packard, United States marshal:

DEPARTMENT OF JUSTICE, *December* 3, 1872.

S. B. PACKARD, Esq.,
United States Marshal, New Orleans, Louisiana:

You are to enforce the decrees and mandates of the United States courts no matter by whom resisted, and General Emory will furnish you with all necessary troops for that purpose.

GEO. H. WILLIAMS,
Attorney-General.

Forty-eight hours before the midnight decree was made the Department of Justice directs the enforcement of the decrees and mandates of the United States courts, which are to make a decree, as is shown by the subsequent action there. Forty-eight hours in advance power is given to use the whole of the military force of the United States in the State of Louisiana to enforce the mandates and decrees of the United States court there. On the 5th of December, at midnight, or about eleven o'clock, as the testimony is, the order was made by Durell for the seizure of the State-house. On the 6th of December, at two o'clock in the morning, or within three hours after the making of this void decree, the State-house was garrisoned by United States troops—the troops of the United States, not the civil power of Louisiana and the *posse comitatus* that accompanied it, but the troops of the United States—under the order that was made but three hours before; and for six weeks they garrisoned and held the State-house of Louisiana. On the 6th of December from the same infamous court comes the injunction and the *mandamus* to organize the Legislature. This injunction and this decree, void and infamous as it was, subverted the real government of Louisiana. Up to this hour there were two governments there, the one the government of the people, not the government of force and fraud, but the government of McEnery, the rightful government of the State of Louisiana. Up to that hour, in which the void decree of a Federal judge was promulgated and enforced by Federal bayonets, there were two governments in the State of Louisiana, one a rightful one and the other a government of fraud, but after the promulgation of that decree the rightful one was subverted and there comes into power the government of both force and fraud. Born of a midnight decree of a Federal judge, its natal place surrounded by Federal bayonets placed there by the orders of the Attorney-General, we have its necessary results. As a matter of course the Attorney-General did not alone perform this strange work, for the Department of Justice does not generally order troops of the United States to act as it pleases without other authority. This decree subverted the government of Louisiana. Upon this subject I read briefly from the report of the Committee on Privileges and Elections of this body, made by the late Senator from Wisconsin (Mr. Carpenter) and his colleagues, the majority of the committee:

Third. But for the interference of Judge Durell in the matter of this State election, a matter wholly beyond his jurisdiction, the McEnery government would to-day have been the *de facto* government of the State. Judge Durell interposed the Army of the United States between the people of Louisiana and the only government which has the semblance of regularity, and the result of this has been to establish the Kellogg government, so far as that State now has any government. For the United States to interfere in a State election, and, by the employment of troops, set up a governor and Legislature without a shadow of right, and then to refuse redress of the wrong upon the ground that to grant relief would be interfering with the rights of the State, is a proposition difficult to utter with a grave countenance.

And then the committee, on page 44, say:

It is the opinion of your committee that but for the unjustifiable interference of Judge Durell, whose orders were executed by United States troops, the canvass made by the De Feriet board, and promulgated by the governor, declaring McEnery to have been elected governor, &c., and also declaring who had been elected to the Legislature, would have been acquiesced in by the people, and that government would have entered quietly upon the exercise of the sovereign power of the State. But the proceedings of Judge Durell, and the support given to him by United States troops, resulted in establishing the authority *de facto* of Kellogg and his associates in State offices, and of the persons declared by the Lynch board to be elected to the Legislature. We have already seen that the proceedings of that board cannot be sustained without disregarding all the principles of law applicable to the subject, and ignoring the distinction between good faith and fraud.

So, too, the minority of that committee, of which the Senator from Indiana [Mr. MORTON] was a part, reported in these words:

The conduct of Judge Durell, sitting in the circuit court of the United States, cannot be justified or defended. He grossly exceeded his jurisdiction, and assumed the exercise of powers to which he could lay no claim. * * * His order issued in the Kellogg case to the United States marshal to take possession of the State-house for the purpose of preventing unlawful assemblages, under which the marshal called to his aid a portion of the Army of the United States as a *posse comitatus*, can only be characterized as a gross usurpation.

Thus am I sustained by the majority of the committee and the minority of the committee, all representatives of the other side of this Chamber, in my accusation that this was a void order and that the McEnery government was the rightful government and was supplanted by the void order of Judge Durell, enforced by Federal bayonets. Durell has been condemned and driven from office; he is no longer there in control of the administration of the law; and yet the Senate of the United States and the American people are asked to indorse the power that invited, sustained, and enforced this breach of the law. Am I not justified, am I not warranted in the proposition I make, that this is an indorsement of blind obedience to or complicity with a void order made at midnight by a Federal judge?

Fourth, denial of the right of petition. This may seem to be a trifling matter. Trifling though it is, it is one of those essential matters which were put into the amendments to the Constitution of the United States as a vital and important right, and it is found in the first article of the amendments:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Who is "the government" that is to be petitioned? Congress, when the subject-matter relates to the action of Congress; the judiciary, when the subject-matter relates to the control of the judiciary; the President of the United States, when the matter relates to a subject upon which he is authorized to act. This is "the government" for by this construction only can we find what "the government" means. When the subject is to be acted upon by Congress, we petition Congress for redress of grievances. If it is controlled by the judiciary, we petition the judiciary. When it is the President that has the right to act or assumes to act, we petition the President. In this case the Executive claimed the right to act and did act. On the 12th of December, 1872, Thomas A. Adams, chairman of a committee of citizens upon the authority of a mass meeting then recently held in New Orleans, telegraphed to the President:

NEW ORLEANS, *December* 12, 1872.

SIR: As chairman of a committee of citizens appointed under authority of a mass meeting recently held in this city, I am instructed to inform you that said committee *is about leaving here for Washington* to lay before you and the Congress of the United States the facts of the political difficulties at present existing in this State, and further earnestly to request you to delay executive action in the premises until after the arrival and hearing of said committee, which is composed of business and professional men without regard to past political affiliations.

THOMAS A. ADAMS,
Chairman.

His Excellency U. S. GRANT,
President of the United States.

John McEnery on the same day telegraphed:

NEW ORLEANS, *December* 12, 1872.

His Excellency U. S. GRANT,
President United States:

Claiming to be governor-elect of this State, I beg you, in the name of all justice, to suspend recognition of either of the dual governments now in operation here until there can be laid before you all facts, and both sides, touching legitimacy of either government. The people denying the legitimacy of Pinchback government *and its Legislature simply ask to be heard* through committee of many of our best citizens on eve of departure for Washington, before you recognize the one or the other of said governments. *I do not believe we will be condemned before we are fully heard.*

JNO. MCENERY.

And the memorial of one hundred citizens of the State of Louisiana was forwarded and is found in the report of these proceedings, dated the 13th of December. Here was a petition, a prayer to be heard; and yet on that very day, the 13th of December, the Department of Justice telegraphed to John McEnery as follows:

Hon. JOHN MCENERY,
New Orleans, Louisiana:

Your visit with a hundred citizens *will be unavailing so far as the President is concerned. His decision is made and will not be changed*, and the sooner it is acquiesced in the sooner good order and peace will be restored.

GEO. H. WILLIAMS,
Attorney-General.

Here was a refusal to hear. Here was a telegram from the petitioners couched in decorous language; here was a condition of things in that State in which the right of petition was one of the dearest rights to that people. They come with decorous language and lay their petition at the feet of him who has power to act and who does act, and yet superciliousness and absolute denial come to this petition of these citizens almost immediately upon the announcement that they ask a hearing of their petition, and they are denied the right to be heard; and they are turned away. No government under heaven, not even the most despotic government that exists either in Europe or in Asia, has ever denied the right of petition. It is a constitutional right; it is a primitive, a natural right. It is a right which is the result of free speech and deliberation. It belongs to us as freemen and citizens who live in a government of civil liberty and of law. The creature may petition the Creator and it is the medium of advancing Christianity. It gives information of rights and of wrongs; and it is a safety-valve that in a government of law may very frequently, while the petition be not granted, be made to be a means of escape for manifold evils. And yet, sir, he who occupies the place that John Quincy Adams occupied, who in his day was almost a martyr to his demand for the right of petition in the other branch of Congress, directs his subordinates to reply with supercilious denial. He refuses to hear their prayer, the modest petition of one hundred citizens headed by an executive. The rightful governor of the Commonwealth of Louisiana, who lowly bends his neck and asks to be

heard, is denied the right the Constitution gives us all and a supercilious subordinate tells him his petition will be unavailing and the sooner he bows to the inevitable the better!

Fifth. Armed interference by the Federal power with the right of a State Legislature to judge of the qualifications of its own members and to perfect its own organization. This right is one scarcely to be denied. It has never been successfully controverted in any place, and I think it will be scarcely denied by any one on this floor. The Senator from Indiana in his report on this subject to the Senate of the United States holds the language which I will read. This report was made on the 20th of February, 1873. It is found on page 71 of the report:

This principle that each house has the exclusive jurisdiction over all questions touching the election and qualification of its members, and is to determine *for itself* whether a lawful quorum is present to do business, is so well established that it has been holden by the courts in all the States in which the question has arisen, as well as by the Supreme Court of the United States, that the validity of a statute cannot be impeached by a plea that members took part in its enactment who were not lawfully elected, or that it was passed in the absence of a lawful quorum, or that its enactment was procured by bribery, or attended by other gross irregularity

It is a vital and essential right. It is not denied by any one. It enters into the constitution of every State in the Republic. It comes to us from the parliamentary law of Great Britain. It is in the Constitution of the United States. It is essential to the independence of the legislative branch of each of these governments that this right should exist; that it should exist sole, independent, and sovereign, and that it should not be interfered with by the judiciary, or by the Executive, or by any branch of the Federal Government. If the President can interfere at all, he is able to interfere with and control this right at any time, in any place, and under any circumstances.

On this subject I read from the report of the House committee, as follows:

We hold, therefore, that in November, 1874, the people of the State of Louisiana did fairly have a free, peaceable, and full registration and election, in which a clear conservative majority was elected to the lower house of the Legislature, of which majority the conservatives were deprived by the unjust, illegal, and arbitrary action of the returning board.

To the resolution reported to the House from the committee, as to the action of the returning board, we are all agreed.

We understand the committee to be unanimous in finding the fact that the action of the returning board has defeated the will of the people as expressed by them at the polls on the 3d of November, 1874. The people then elected to the lower house of their Legislature a majority of conservative members; a portion of the conservative members thus elected were refused their certificates. This is an act of great injustice to the individuals, of gravest danger to the State and free government, and ought to be immediately corrected by any power competent to correct it.

Yet the Legislature being organized, with this clear right and plain duty, going on with its business, armed soldiers intervened on the 4th of January, 1875, and dispersed them. The President says he knew nothing of it prior to this occurrence. Let us see. In the message of the President to this body on the 13th of January, 1875, he says:

Respecting the alleged interference by the military with the organization of the Legislature of Louisiana on the 4th instant, I have no knowledge or information which has not been received by me since that time and published. *My first information* was from the papers of the morning of the 5th of January. I did not know that any such thing was anticipated, *and no orders nor suggestions* were ever given to any military officer in that State upon that subject prior to the occurrence.

But under date of the 15th of December, 1874, we find this dispatch:

[Cipher telegram.]

NEW ORLEANS, LOUISIANA, *December* 15, 1874.
(Received December 16.)

TO ADJUTANT-GENERAL UNITED STATES ARMY:

The returning board and people representing opposing party differ on vital questions. Each avers against the other crime of such enormity that in the present excited state of the public mind violence is imminent. On the occasion of the 14th of September I was informed, in a dispatch dated 15th September, that the President directed you to say previous orders are not to be observed; in consequence of which my order to Colonel Brooke to recognize Governor Kellogg was revoked, and an interregnum intervened. To avoid future misunderstanding in the impending disturbance, which may happen at any moment or may not occur until *after the meeting of the Legislature* in January, I ask to be informed if the instructions contained in your dispatch of September 18 are to be considered in force, or if I am to await the result of another application from Governor Kellogg to the President?

W. H. EMORY,
Colonel and Brevet Major-General, Commanding.

On the day on which that was received we find this dispatch:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, December 16, 1874.

Colonel W. H. EMORY,
Commanding Department Gulf, New Orleans, La.:

The President directs that you make arrangements to be in readiness to suppress violence, and have it understood that you will do it.

Please acknowledge receipt.

By order of the Secretary of War.

E. D. TOWNSEND,
Adjutant-General.

Now, either on the 15th of December, 1874, the President did know of the existence of anticipated trouble in regard to the meeting of the Legislature and that orders had been sent to the troops to hold themselves in readiness in view of such difficulty, or the subordinates of the President kept him willfully and falsely in the dark. But again the President says:

I repeat that the task assumed by the troops is not a pleasant one to them; *that the Army is not composed of lawyers* capable of judging at a moment's notice of just how far they can go in the maintenance of law and order, and that it was impossible to give specific instructions providing for all possible contingencies that might arise.

"Ignorance of the law excuse thno one." Subaltern and Lieutenant-General, soldier and President, are alike bound by the fiat of the law that controls, regulates, and governs this country, and when they, whether in the highest or lowest place in this Republic, shall deny the order and command of the law; when they, whether they have epaulets upon them or have simply the warrant of a magistrate in their hands, shall not be amenable to the power and the control of the law, it will be a sorry day for this country. In a government of law no man can take the liberty or the life of his fellow-citizen in his hand; and, so long as it can be, the civil power must be held to be superior to the military power. In the exercise of these grave rights, technicalities become substance, forms become grave reality. The military are the mere agents of the civil power and cannot act, and dare not act, save under the order and control of the civil power. When they do, they act at their peril. When they do, they put themselves in jeopardy. When they do, they are liable to punishment, and the individual who is aggrieved can recover his damages from them. These are part of the liberties that came to us with the form of government we have. All who are vested with military power who assume original authority become offenders liable to the laws and liable to the citizen injured. More than two centures ago the Count de Lancaster, taken in open insurrection, was condemned to death by martial law. When it came to be determined in the courts what this was, the courts held that it was murder, for the courts were open; and although he was in open insurrection he was amenable to the law and could have been made liable there and punished for his crime. So, too, Senators will remember the case of Governor Wall in one of the West India islands, who under the authority of a military commission caused a soldier to be flogged until he died and twenty years afterward, having returned to England, he was arrested and tried for murder, and the single question tried there was, had the military control of the question or had they no jurisdiction, and this single point being determined in the negative, that the military power had no control over the question, Governor Wall was convicted of murder and executed.

Can the laws go further? Yet these are our laws. We may fail to find these in the written forms of government we have, but that branch of the Government that sits in another portion of this building, in *Ex parte* Milligan, ruled that these rights do not rest on written constitution, but have come to us as part of the liberties of the people, have descended to us as our rights, our inherent rights, and all the people are entitled to them, and whether the armed hand or the warrant of the officer attempts to take them away from us he is liable to the punishment that the law metes to the crime of which he has been guilty.

The Constitution provides that the President "shall take care that the laws be faithfully executed;" yet here is a palliation, an attempted palliation, of the act of the soldiery, an attempted excuse of the destruction of one of the gravest rights of the citizen. I need not refer to the trip of the Lieutenant-General South. I need not refer to what has occurred there since. It seems unnecessary that I should. It seems to me the proposition that I started out with is abundantly proved by the facts in the case, and I do affirm that since the days of Cromwell and his twelve major-generals, when he parceled the kingdom to each of them as a province, and there under alleged form of laws gave to each of those major-generals the power of life and death, of judgment and execution, no graver offense against civil liberty or law has ever occurred.

Sixth. The maintenance of a government of force and fraud and the continuance of the rule of the sword over a people competent and anxious to govern themselves. This proposition covers and embraces all the rest. For well-nigh a decade the foot of no armed foe has pressed upon the soil of the Republic; for nearly ten years no hostile drum-beat has been heard within all our borders; and yet the Federal bayonet in a large portion of the Republic suppresses the arts of peace and the people are prevented from attending to their domestic affairs. Ten years have passed. The Constitution and the laws ought to be in full force over every portion of the Republic; and yet the Federal bayonet controls and regulates as much of the Republic as was embraced within the original thirteen States. The industries of that portion of the Republic are paralyzed, taxation is doubled, productions are decreasing, their taxable values are lessened, their levees are unrepaired, and their lands are untilled. The breaking down of a levee permits the waters of the great Mississippi to pour upon the fertile soil that there lies and threatens ruin to the people, and there is no repairing it. The right of the people to take care of their own interests is denied them by the character of the government that exists there. The business of the people North is prostrated by the condition of the country South, and this is the vital and essential point to my constituents and from my stand-point as their representative in this whole question.

Sir, forms of law and written guarantees and reserved rights become vitalized, they become mighty, mighty agencies when they are infringed, and their infringement brings to the whole people financial distress. In one section of the Republic you may find the laws violated and a condition of wrong and outrage pervading, and yet this does not sweep over the whole Republic and bring the whole of the people within the influence of the wrong; but when you deprive the whole people of rights, when the infringement of grave constitutional rights brings into actual jeopardy, nay, into almost utter de-

struction, the financial interests of the people in other sections of the Republic, you find them looming up, you find these great rights and guarantees confronting you and the people proclaiming, "Let the law be obeyed; the Constitution is supreme; give us a condition of affairs under the laws and the Constitution, as well North as South, that will bring back to us peace and prosperity and financial success." The loss of a market has destroyed the business of the North. You are building a wall around the southern portion of this Republic; you are decreasing its capacity; its soil is untilled; its crops are lessened; its productions are decreased; taxation is increased; the people are in a condition of uncertainty; change and the fear of change is upon them; they cannot apply themselves to the production of the great staples of the Republic. They cannot go on as you and I in our section of the Republic may go on to give attention to our private affairs.

Sir, go to my own great State, the State that I have the honor to represent on this floor, and there you will find our coal, our iron, our oil, and our lumber lying in piles at the furnace, at the pit's mouth, or the oil at the tank, or the lumber at the mill. Artisans are unemployed; their families are starving; they seek employment; they ask to have from the men that have capital invested, support, daily support, daily toil, means to keep their children from starving. It is denied to them because the business interests and the business men of that portion of the Republic are prostrated. Prostrated why? Because their market is lost, because they can no longer sell their productions in the country in which they have been wont heretofore to sell them. Stimulated industries on the one hand in the North and a contracted market in the other section have brought this condition of affairs to the North. The pick and the drill of the miner lie idle at the mouth of the drift, the fire of the puddler is quenched, and the ax of the lumberman lies still at the foot of the tree. The hum of busy industry by the Lehigh and Schuylkill is no longer heard, and the spindle and the loom and the shuttle are no longer producing to make taxable values and wealth for the people. Artisans are thrown out of employment; the business interests of the people are suffering; there is no longer the market we had in the past; and they come to you by me and they assert to you that there is an abiding conviction there that this is largely due to the prostration of the business interests and the productions of the South; they come to you with the declaration that their interests are prostrated because you have deprived them of their market. The business interests of every section of the country are interwoven; strike one and you strike all; relieve one and you relieve all.

Financial difficulties and troubles that come from different sources are made to bear their share in this great and grave result; but the abiding conviction is settling down upon the people, at least in the section I represent, that the use of the Federal bayonet and the deprivation of the right to govern themselves to the people of the South is the grave and leading cause for this condition of things. They come to you and ask you to take away the Federal bayonet and allow the people to govern themselves, cease the effort to rule from above and replace it with the rule from beneath. Let the people do as they do with us in the North. We govern ourselves in our townships, control our road affairs, regulate our school matters, see that the men who is most competent is allowed to control the domestic concerns in the township—that form of Saxon civilization that came to us from those from whom we got our laws. Give them in the South the rule from beneath and not from above, and you will find that the men who can take care of their individual affairs and of their affairs in the township can control and regulate the affairs that grow out of those and that are the ruling and the controlling powers of the State. Cease the effort to rule from above and let us rule from beneath. Give these people the power and the opportunity to grow rich. In doing this you grow your great staple, you increase your resources and you reinvigorate the whole. Take away the Federal bayonet, replace it with the government of the people themselves; enforce the laws that you have; let all the rights of all the people in the South be protected under the guarantees of the laws that you have, but take away the Federal bayonet from the throat of the people of the South, and in restoring their industries, in making them wealthy, you bring back taxable values, you bring back property and business and prosperity to all the people of the North.

Is this the issue made up by this resolution? Is it the President and the bayonet against self-government and the law? Is it the President and the bayonet against local government and the law? Is this the issue that this resolution makes up; or is it simply that the logical result of its adoption shall be that Mr. Pinchback shall have his seat when we meet next December? If this resolution, however, means anything, it is an indorsement of a fatal policy, a policy that is destructive of civil liberty, that reverses our traditions, violates the organic law, perpetuates a government of fraud, decreases our revenues, and prostrates the business interests of the people. [Manifestations of applause in the galleries.]

Mr. THURMAN. Mr. President, on the 5th instant the Senator from Indiana [Mr. MORTON] introduced a resolution in these words:

Resolved by the Senate, That the State government now existing in the State of Louisiana, and represented by William P. Kellogg as governor, is the lawful government of said State; that it is republican in form; and that every assistance necessary to sustain its proper and lawful authority in said State should be given by the United States, when properly called upon for that purpose, to the end that the laws may be faithfully and promptly executed, life and property protected and defended, and all violators of law, State or national, brought to speedy punishment for their crimes.

However erroneous this resolution may be in its propositions, it has at least these merits: that it is courageous, clear, unambiguous, and apparently offered for a wise and proper purpose. There is nothing of flattery in it. There is nothing of sycophancy in it. There is no allusion in it to the action of any official, high or low. But the reasons for offering it are stated to be "to the end that the laws may be faithfully and promptly executed, life and property protected and defended, and all violators of law, State or national, brought to speedy punishment for their crimes."

Grave and excellent reasons are here given, if such necessity exists, for action on our part, if we have the power to act; and therefore I say that this resolution of the Senator from Indiana, clear, distinct, precise, unambiguous, founded upon an assumption of reasons that commend themselves to every man's mind and heart, was entitled to the gravest consideration of the Senate.

What has been its fate? Why has it not been considered? It is not given to us on this side of the Chamber to know. We only know that it has slept the sleep of death upon the table of our clerk. We only know that never in this Chamber has it been called up for a moment's consideration. We only know that if it has received consideration at all, it has been by an assemblage of men unknown to the Constitution, sitting not in the Senate Chamber of the country, but in the secret recesses of a party caucus. There may have been reasons given there why this resolution should not be even considered. There may have been reasons given there sufficient to the members of that assemblage why this resolution should not be even taken from the table for a moment; but, so far as the people know, so far as the Senators who were not admitted into that secret caucus are informed, they are wholly ignorant of the reasons that prevented the consideration of this resolution.

But, sir, we get a little light upon it, notwithstanding this secret consideration, by what subsequently took place. On the 16th instant, eleven days after the resolution of the Senator from Indiana was offered, the Senator from New Jersey on the other side of the Chamber [Mr. FRELINGHUYSEN] offered this resolution:

Resolved, That the Senate approve the action heretofore taken by the President of the United States in protecting Louisiana from domestic violence, and are of opinion that he should continue to recognize in that State the existing State government.

Mark what a change this is. The chief object of this resolution seems to be to approve the conduct of the President. It seems to assume that the President needs vindication. It seems to assume that the President is under a cloud and that cloud must be removed. It seems to assume that there is some reason for finding fault with the Executive, that the country is not satisfied with his action on the Louisiana question, and that therefore the Senate must come to his aid, dispel this cloud, wipe away this discontent, remove it from the minds of the people, and give the President a full, a free, and a perfect absolution. That looks like the animus and spirit of the resolution offered by the Senator from New Jersey. Contrast it with the sturdy language of the resolution offered by the Senator from Indiana. What does the Senator from Indiana say about this Kellogg government in Louisiana? He says:

That the State government now existing in the State of Louisiana, and represented by William P. Kellogg as governor, is the lawful—

Mark it—

the lawful government of said State.

No quibbling, no hesitating, no dodging, no talk about *de facto* in any sense of the term, nothing of that kind, but marching fairly and squarely up to the question the Senator from Indiana declares that the government of which William P. Kellogg is the executive is "the lawful government of the State of Louisiana." There is nothing of that in this smooth resolution of the Senator from New Jersey. On the contrary, he says simply that the Senate are of the opinion that the President "should continue to recognize in that State the existing State government." It may be a government *de jure* or only a government *de facto*. You can read the resolution one way or you can read it the other. It may be defended upon one ground or defended upon another. It may be defended upon the ground asserted by the late Attorney-General, Judge Black, that the President can deal only with the *de facto* government, whether it be *de jure* or not; or it may be defended on the ground that Kellogg is the *de jure* governor. It is neither one thing nor the other. The only thing in the resolution that is clear, precise, and unmistakable is that it whitewashes the President of the United States. There is nothing else in it but a good coat of whitewash for the occupant of the White House.

But, sir, even that appears to have been too strong; and hence, after much more labor, according to common report, in the caucus, the Senator from Rhode Island, [Mr. ANTHONY,] who is said to be, and I believe is admitted to be, the chairman of that august body, brings in a substitute for the resolution of the Senator from New Jersey, and it is presumable that when the chairman of the caucus brings forth a substitute to this resolution he does it by authority of the caucus.

Mr. EDMUNDS. May I ask the Senator a question?

Mr. THURMAN. Certainly.

Mr. EDMUNDS. Is it also presumable when the chairman of some other caucus opposes it, that he does it by the authority of the other caucus?

Mr. THURMAN. The Senator must appeal to the Senator from Kentucky, [Mr. STEVENSON,] not to me. I am chairman of no caucus.

Mr. EDMUNDS. I did not know about that.

Mr. THURMAN. No, sir; I am not. I can say, however, to the Senator from Vermont that the democratic Senators have held no caucus upon either of these resolutions and therefore there has been no caucus decision in respect to them.

Mr. ANTHONY. Then they have not dealt with us in good faith, for last Saturday we adjourned for one hour for the express purpose, as was stated, of allowing them to hold a caucus.

Mr. THURMAN. That was simply to confer upon the question of when the vote should be taken; that was all.

Mr. EDMUNDS. O!

Mr. THURMAN. But the question of what our vote should be on this resolution has never been considered for one moment.

We have then this caucus resolution, as I should have called it, and I do not suppose it is offensive so to call it. This seems to boil the matter down—no, not to boil it down, for a thing gets stronger by being boiled down, but to dilute it more and more, more water and less spirit—it preserves the absolution, if I may say that without offense, of the President. It uses the whitewash brush with great liberality. It assumes, just as the resolution of the Senator from New Jersey did, that the President needs some kind of absolution, and it proceeds to administer it; but it gets even further away from anything like certainty than was the resolution of the Senator from New Jersey. Let us see what it is:

That the action of the President in protecting the government in Louisiana, of which William P. Kellogg is the executive, and the people of that State against domestic violence, and in enforcing the laws of the United States in that State, is approved.

In the first place, I crave to know what action of the President is here alluded to. I would like to have a bill of particulars, to use a homely phrase. What action of the President is it that is alluded to? Is it his action in supporting the unlawful order of Durell by the troops of the United States? Is that part of his action that is alluded to? Is it his action in permitting, without censure or rebuke, troops of the United States to interfere on the 4th day of last January in the organization of the Legislature of that State? Is that his action? Pray tell us what is the action to which allusion is here made and which this Senate is called upon to approve? But again let us see:

That the action of the President in protecting the government in Louisiana, of which William P. Kellogg is the executive.

What is meant by the word "government?" It means something more, I suppose, than protecting Kellogg in the exercise of the office of governor, because it speaks of "the government of which" he is "the executive," as though he were only a part of that government. It is to be presumed that if gentlemen who know so well the use of their own language had intended simply to indorse the action of the President in recognizing Kellogg as governor they would have said so in plain and unambiguous words. What then is meant by this approval of the action of the President in protecting "the government in Louisiana of which William P. Kellogg is the executive?" Does it mean protection of the Legislature? Does it mean protection of the courts? What does it mean? I would like to know; and when you have stated what it means I would like to know the acts which are to be approved by it. But it does not stop there:

And the people of that State against domestic violence.

What is meant by that? The only violence that has occurred there has been created by executive interference instead of being prevented by it. That is the truth of it. I may with propriety read, although it has been read so often before, what your committee found on this very subject:

It is the opinion of your committee—

I read from Carpenter's report, page 44—

that but for the unjustifiable interference of Judge Durell, whose orders were executed by United States troops, the canvass made by the De Feriet board and promulgated by the governor, declaring McEnery to have been elected governor, &c., and also declaring who had been elected to the Legislature, would have been acquiesced in by the people, and that government would have entered quietly upon the exercise of the sovereign power of the State.

That is what your own committee found. There would have been no disorder if the law had been permitted to take its course. There would have been no disorder if there had been no unlawful orders of Durell and no unlawful interference by the troops of the United States. And now to say that there has been protection of the people of Louisiana against domestic violence by the President, and that his action is to be approved, when the whole violence that has occurred there has grown out of his unlawful action, is to my mind the most unfounded proposition that ever I heard in the course of my life.

But, furthermore, his action "in enforcing the laws of the United States in that State" is "approved." What action is here meant, I would like to know? What are your specifications? What has he done to enforce the laws of the United States in Louisiana which should be the subject of special approbation by the Senate? I thought it was part of his sworn duty to enforce the laws of the United States everywhere, in Ohio as well as in Louisiana. This will be the first time, I believe, in the history of this country, that the Senate of the United States or any branch of Congress has passed a resolution thanking the President for enforcing the laws. It is a new thing in this land that we are to have a sole resolution of the Senate thanking the President in effect for, or approving of his action in, enforcing the laws of the United States. Where has there been a violation of the laws of the United States that calls for the President to act and where has his action been such as to draw forth from the Senate a special mark of its approval? I would like to have, as I said before, in the homely phrase of lawyers, a bill of particulars of such actions.

I presume it was considered by some that this is a very cunning resolution, that it can be voted for by certain gentlemen of the republican party who disapprove of the acts by which Kellogg became governor *de facto* and the Pinchback legislature the Legislature *de facto* in the State of Louisiana; I use the words "*de facto*" not in the legal sense in which lawyers use them, but in the common and popular sense. We know that there are certain republican as well as democratic Senators on this floor who will never approve knowingly the action which seated Kellogg in the gubernatorial chair and the so-called Pinchback legislature in the legislative halls of the State of Louisiana. Therefore, this resolution for their benefit and for all other tender consciences in the United States is to be read, I suppose, as simply an approval of the action of the President in protecting the people of Louisiana and their government *de facto* against domestic violence, and I suppose it will be said, "How can you democrats vote against thanking the President or approving the action of the President in suppressing domestic violence?"

Now let us see if this resolution is really so thin and attenuated as that; whether there is no Greek in arms hidden in this horse, who is to be pressed into the gates of Troy. The President has power to protect a State against domestic violence only upon one of two conditions. He must be called upon by the executive of that State, if the Legislature is not in session, or he must be called upon by the Legislature if it is in session. Therefore, when the President recognizes the call made by the body calling itself the Legislature or by a man calling himself the governor, and responds to that call, he recognizes that body as the Legislature and he recognizes that man as the governor; so that before you can approve of the action of the President in what is called suppressing domestic violence there, you must find that he was called upon to exercise his power by the lawful authority in that State, for without a call upon him by the lawful authority he had no more right to move troops than I or than any other member on this floor had. Inasmuch then as nobody ever called upon him to suppress domestic violence there but the Pinchback legislature and William P. Kellogg, his recognition of that call and his use of the Army to suppress what was called "domestic violence" was a clear and distinct recognition on his part that Kellogg was governor and that that Legislature was the Legislature of Louisiana. Therefore, whoever votes for this resolution votes that the President was lawfully called upon; for, I repeat, if he were not lawfully called upon, how can you approve his action? If he were not lawfully called upon, he had no more right to interfere there than he had to interfere in the affairs of Great Britain; and hence, I repeat it once more and for the last time, if you vote for this resolution you vote in effect that Kellogg is the governor and that the Pinchback legislature was the lawful Legislature of the State of Louisiana.

That is the thing that is in the bosom of this resolution. It is not a simple resolution that it was right and proper to suppress domestic violence. It is not that at all; and he who votes against it does not vote in favor of violence, does not approve violence, does not sanction violence in any way whatsoever. He who votes against this resolution in no wise gives countenance to any violation of the law, to any tumult, to any disorder; but under pretense of thanking the President for simply keeping the peace, this resolution in effect recognizes the governor whom the President has recognized and recognizes the Legislature that the President has recognized.

I have no fear of meeting this question fairly and squarely in the face, and if any man says to me, "Are you in favor of violence and tumult and disorder in Louisiana, and if you are not, why do you not vote for this resolution," my first answer to him is, because this resolution involves falsehood in my view. It involves a recognition of Kellogg as governor and of the Pinchback legislature as the Legislature, and therefore I cannot vote for it; and, in the second place, as a means of preserving the peace, as a means of preventing tumult and disorder, the resolution is not worth the paper on which it is printed.

This being the case, I can very well vote against this resolution; but how any man who does not believe that Kellogg was lawfully elected governor, how any man who does not believe in the validity of the Pinchback legislature, so called, can be beguiled into voting for this resolution and thereby recognizing both Kellogg and the Pinchback legislature is a little past my comprehension. "Domestic violence" forsooth! Is there a man on this floor who believes that William P. Kellogg was elected governor of Louisiana? Yes, I must say that there are two. They are the only men I ever heard say so. There are men on this floor, more than two, I do not know but ten times two, who believe that Kellogg would have been elected if there had been no intimidation at that election and no contrivance to prevent a fair and full registration and a fair and full ballot. But that he would have been elected had everything been fair is one thing, and that he was elected is quite another and a different thing. Whether he was elected or not could only be determined by the votes that were cast. If he had a majority of them, he was elected. If he

had not a majority, he was not elected, but his adversary, McEnery, was elected. McEnery's election might have been voidable for the reasons that were alleged against him, on account of intimidation, on account of acts that prevented a fair and full registration or a fair and full ballot at the polls; but suppose that to be the case, by what mode could that fact be determined? Who was authorized to determine it? It is admitted on all hands that no Federal judge had a right to determine it. It could only be determined by a contest of McEnery's election according to the constitution and the laws of Louisiana. In that way it might have been shown that McEnery was not elected, that the election had not been fair, that intimidation had prevailed, or that contrivances had been resorted to which prevented a fair and a full registration and election, and that that vitiated the election. That would not have elected Kellogg, but that would have unseated McEnery. But the whole vice of the argument on the other side, from the beginning to end, is that the provisions of the constitution and laws of Louisiana are completely ignored. There was but one way known to a constitutional government by which McEnery could be deprived of that seat to which the returns of the election showed he was entitled, and that was by a contest under the laws and constitution of Louisiana. No such contest ever took place, but Kellogg became governor, and governor how? Governor by means of a void order of a Federal judge and by violence. And now this government of Kellogg, which had its origin in fraud and violence, the President is to be thanked for protecting against domestic violence! Ah, sir, this will not do. You cannot deceive the people of this country, and if I dared to have the presumption to advise my republican friends on the other side I would say to them, leave this little whitewashing business as quick as possible.

Mr. EDMUNDS. We will if you will only let us vote.

Mr. THURMAN. We will let you vote pretty soon now. Leave it just as soon as possible. Some of you may think that it will re-elect the President a second time, and may give it your support for that purpose. Others of you may think that it is such thin whitewash that it will not cover a spot, much less remove a tarnish. I do not. You may construe it the one way or the other; but construe it any way you will, it will deceive nobody. It is the thinnest gruel that ever was poured down the throat of a sick patient. [Manifestations of applause in the galleries.]

Mr. CHRISTIANCY. Mr. President, before the vote is taken on this question I wish to state my understanding of the question. I understand the substitute offered by the Senator from Rhode Island, first, as an implied recognition of the Kellogg government merely, as one in the actual exercise of the governmental power in Louisiana, without reference to the question of its rightful origin or legal validity, and in no way involving the propriety of its establishment; second, that it approves the President's action so far only as directed merely to the protection of that government and the people of the State against domestic violence and civil war and to the enforcement of the laws of the United States, without approving any interference of the military with a legislative body or in the creation of a State government.

Such being, as it seems to me, the most natural and obvious sense of the language and the sense in which it will be most naturally understood by the people, while I adhere to the principles and conclusions which I announced here in my remarks on the 12th instant and which I here adopt by reference without retraction or qualification, and while I hold that a recognition by the Senate or by Congress of a government thus initiated can give it no greater validity than it had in its inception, still, as domestic violence and civil war which may lead to a complete dissolution of society are not the best remedy for getting rid of even an illegitimate government, I can approve the action of the President directed to the humane purposes mentioned in the amendment or substitute offered by the Senator from Rhode Island.

And believing the recognition of this government for this purpose and to this extent is justifiable under the peculiar circumstances now existing in that State, until by a fair election a more legitimate government can be instituted, I can vote for the resolution in the sense I have here attributed to it. But in the enlarged and odious sense which has been attributed to it by some of the speakers on the other side I could not vote for it; and I must deliberately avow my conviction that in such enlarged sense or in any sense which would assert the validity of the action by which that government was originally set up and put in power it could not secure the votes of a majority of this body.

Mr. WHYTE. I offered an amendment yesterday to the amendment of the Senator from Rhode Island of my own motion, and it expresses the views which I entertain upon this subject; but suggestions have been made to me by other Senators that if that amendment were modified it would be more agreeable to them, and therefore, with that view, I ask the consent of the Senate to withdraw my amendment that I may offer a substitute for the amendment of the Senator from Rhode Island embodying views which I now desire to express.

The PRESIDENT *pro tempore*. The Senator has that right. He withdraws his amendment to the amendment.

Mr. WHYTE. Then I move to amend the amendment of the Senator from Rhode Island by substituting for it the following:

That the use of the Army of the United States to enforce the unwarrantable and void order of Judge Durell, issued on the 5th of December, 1872, and directing the United States marshal to seize the building occupied as a State-house for the assembling of the Legislature of Louisiana, and the employment of the soldiers of the United States on the 4th of January, 1875, to invade the hall of the house of representatives of Louisiana, and to eject therefrom persons claiming to be members thereof, are contrary to the spirit of republican institutions and cannot be approved by the Senate of the United States.

The PRESIDENT *pro tempore*. The question is upon this amendment to the amendment.

Mr. STEVENSON and Mr. THURMAN called for the yeas and nays; and they were ordered.

The Chief Clerk proceeded to call the roll.

Mr. BURNSIDE, (when his name was called.) I am paired with the Senator from Georgia, [Mr. GORDON;] and unless he is in the Hall I shall not vote.

Mr. MORRILL, of Maine, (when Mr. HAMLIN'S name was called.) On the question of the passage of this resolution and kindred questions my colleague [Mr. HAMLIN] is paired with the Senator from North Carolina, [Mr. MERRIMON.]

Mr. MORTON, (when Mr. MCDONALD'S name was called.) I am authorized to state that my colleague [Mr. MCDONALD] is paired, on this question and all others growing out of this resolution, with the Senator from Illinois, [Mr. OGLESBY.] On this amendment my colleague would vote "yea," and the Senator from Illinois would vote "nay."

Mr. RANSOM, (when Mr. MERRIMON'S name was called.) My colleague [Mr. MERRIMON] is paired with the Senator from Maine, [Mr. HAMLIN.] Mr. MERRIMON would vote "yea" and Mr. HAMLIN "nay" on this amendment.

Mr. RANSOM, (when his name was called.) On this question I am paired with the Senator from Pennsylvania, [Mr. CAMERON.] He would vote "nay" and I should vote "yea" on this amendment.

The roll-call was concluded.

Mr. WINDOM. I desire to state that the Senator from Virginia [Mr. JOHNSTON] is paired with the Senator from Florida, [Mr. CONOVER.] I make that announcement because I had previously been paired with Mr. JOHNSTON, and the pair has been transferred to Mr. CONOVER.

The result was announced—yeas 22, nays 33, as follows:

YEAS—Messrs. Bayard, Bogy, Caperton, Cockrell, Cooper, Davis, Dennis, Eaton, Johnson of Tennessee, Jones of Florida, Kelly, Kernan, McCreery, Maxey, Norwood, Randolph, Saulsbury, Stevenson, Thurman, Wallace, Whyte, and Withers—22.

NAYS—Messrs. Allison, Anthony, Booth, Bontwell, Bruce, Cameron of Wisconsin, Conkling, Cragin, Dorsey, Edmunds, Ferry of Michigan, Frelinghuysen, Hamilton, Harvey, Hitchcock, Howe, Ingalls, Jones of Nevada, Logan, McMillan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Paddock, Patterson, Robertson, Sargent, Sherman, Spencer, Wadleigh, West, and Windom—33.

ABSENT—Messrs. Alcorn, Burnside, Cameron of Pennsylvania, Christiancy, Clayton, Conover, Dawes, Ferry of Connecticut, Goldthwaite, Gordon, Hamlin, Johnston of Virginia, McDonald, Merrimon, Oglesby, Ransom, and Wright—17.

So the amendment to the amendment was rejected.

Mr. THURMAN. In order that I may find out what the resolution means, I offer the following amendment: Insert at the end of the amendment of the Senator from Rhode Island this proviso:

Provided, That nothing herein contained is meant to affirm that said Kellogg is *de jure* governor of Louisiana.

I have only to say in regard to the amendment, that there are Senators here who support this resolution and who have declared their own opinion again and again that William P. Kellogg is not *de jure* governor of Louisiana. The proviso that I have offered simply says that nothing in this resolution is meant to declare or affirm that he is *de jure* governor. I do not see that there can be any objection to the proviso.

Mr. EDMUNDS. I shall vote against this proviso because it obscures the sense of the original resolution and raises a negative pregnant, as the lawyers call it, on another part of the case.

Mr. ANTHONY. If Senators have voted as the Senator from Ohio says, that is sufficient evidence that the resolution does not imply what he says by his amendment it does not. If Senators who do not believe that Mr. Kellogg is governor *de jure* are for the resolution, it is quite unnecessary to put into the resolution that expression of opinion. I think it is a very good resolution as it is. I hope we shall pass it as it is without amendment.

Mr. THURMAN. Now, Mr. President, I am perfectly delighted that these gentlemen have opened their mouths at last, even if it was only to say a word. I had not the good fortune to hear one word of what was said by the Senator from Vermont except something about "negative pregnant." I did not catch what he said, but I did hear what the Senator from Rhode Island said. He said, as I understood him, that it is sufficient to interpret this resolution that certain Senators who do not believe that Kellogg is *de jure* governor have voted for it. That is an odd proposition. If the opinion of those Senators was confessedly the opinion of the whole republican side of the House, then the position of the Senator would be quite unanswerable; but when I recollect the vote on Pinchback, I cannot quite see that the opinion of those Senators is the opinion of the republican side of the House. On the contrary, I cannot forget, nor can any of us forget, how the Senator from Indiana [Mr. MORTON] used the party lash over the shoulders of those whom he treated as recusants. I cannot forget, nor can any of us forget, how they were treated as little better than deserters from the republican fold. Remembering that, and very vividly too, I cannot quite see how the fact that they can vote for this resolution is to settle the interpretation of the resolution. Let them vote for the proviso that I have

offered, and I venture to say that the resolution will be interpreted as that proviso declares.

Mr. EDMUNDS. I wish to say first to my honorable friend from Ohio that I for one do not know of any deserters from the republican fold—certainly among those to whom he refers—and to suggest to him in the second place that we think we are quite capable of taking care of ourselves.

Mr. THURMAN. Well, now, Mr. President, there was no necessity for that remark, for I am sure I did not volunteer to take care of them. [Laughter.] They are about the last people in this world that I would undertake to nurse and take care of. [Laughter.]

Mr. EDMUNDS. You are quite right about that.

Mr. THURMAN. We did not say they were deserters; but I fancy that the Senator from Indiana the other night even more than insinuated that they had fallen away from the true faith.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Ohio to the amendment of the Senator from Rhode Island.

Mr. THURMAN called for the yeas and nays, and they were ordered.

The Chief Clerk proceeded to call the roll.

Mr. BURNSIDE, (when his name was called.) I am paired with the Senator from Georgia, [Mr. GORDON.] If he were here he would vote "yea" and I should vote "nay" on this amendment.

Mr. RANSOM, (when his name was called.) On this question I am paired with the Senator from Pennsylvania, [Mr. CAMERON.] He would vote "nay," and I should vote "yea."

The roll-call was concluded.

Mr. CHRISTIANCY. If the Senate will permit me to say a word, as this amendment expresses precisely my view of the resolution as it now stands and implies that without the amendment such a construction would not be put upon it, I shall vote "nay."

Mr. BURNSIDE. I see that the Senator from Georgia [Mr. GORDON] has arrived. I vote "nay."

The result was announced—yeas 24, nays 33; as follows:

YEAS—Messrs. Bayard, Bogy, Caperton, Cockrell, Cooper, Davis, Dennis, Eaton, Gordon, Hamilton, Johnson of Tennessee, Jones of Florida, Kelly, Kernan, Mc-Creery, Maxey, Norwood, Randolph, Saulsbury, Stevenson, Thurman, Wallace, Whyte, and Withers—24.

NAYS—Messrs. Allison, Anthony, Booth, Boutwell, Bruce, Burnside, Cameron of Wisconsin, Christiancy, Conkling, Cragin, Dorsey, Edmunds, Ferry of Michigan, Frelinghuysen, Harvey, Hitchcock, Howe, Ingalls, Jones of Nevada, Logan, McMillan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Patterson, Robertson, Sargent, Sherman, Spencer, Wadleigh, West, and Windom—33.

ABSENT—Messrs. Alcorn, Cameron of Pennsylvania, Clayton, Conover, Dawes, Ferry of Connecticut, Goldthwaite, Hamlin, Johnston of Virginia, McDonald, Merrimon, Oglesby, Paddock, Ransom, and Wright—15.

So the amendment to the amendment was rejected.

Mr. THURMAN. I will now try to remove another ambiguity in the resolution. I offer this amendment as a proviso:

Provided, That nothing herein contained is meant to affirm that the body of men who assumed to elect P. B. S. Pinchback a Senator of the United States was the Legislature of the State of Louisiana.

On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. EDMUNDS. I wish to say that I shall vote against this amendment upon precisely the same grounds that I stated as to the other.

The Secretary proceeded to call the yeas and nays on the amendment to the amendment.

Mr. RANSOM, (when Mr. MERRIMON's name was called.) I will state again that my colleague [Mr. MERRIMON] is paired on all phases of this question with the Senator from Maine, [Mr. HAMLIN.] Mr. MERRIMON would vote yea and Mr. HAMLIN nay on this amendment.

Mr. RANSOM, (when his name was called.) I am paired on this question with the Senator from Pennsylvania, [Mr. CAMERON.] He would vote "nay" and I should vote "yea" on this proposition.

The result was announced—yeas 24, nays 31; as follows:

YEAS—Messrs. Bayard, Bogy, Caperton, Cockrell, Cooper, Davis, Dennis, Eaton, Gordon, Hamilton, Johnson of Tennessee, Jones of Florida, Kelly, Kernan, McCreery, Maxey, Norwood, Randolph, Saulsbury, Stevenson, Thurman, Wallace, Whyte, and Withers—24.

NAYS—Messrs. Allison, Anthony, Boutwell, Bruce, Burnside, Cameron of Wisconsin, Conkling, Cragin, Dorsey, Edmunds, Ferry of Michigan, Frelinghuysen, Harvey, Hitchcock, Howe, Ingalls, Jones of Nevada, Logan, McMillan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Patterson, Robertson, Sargent, Sherman, Spencer, Wadleigh, West, and Windom—31.

ABSENT—Messrs. Alcorn, Booth, Cameron of Pennsylvania, Christiancy, Clayton, Conover, Dawes, Ferry of Connecticut, Goldthwaite, Hamlin, Johnston of Virginia, McDonald, Merrimon, Oglesby, Paddock, Ransom, and Wright—17.

So the amendment to the amendment was rejected.

Mr. THURMAN. Mr. President, I will make one more effort to get at the meaning of this resolution. I offer this amendment:

Provided, That nothing herein is meant to approve the military interference by United States troops in the organization of the Legislature of Louisiana on the 4th of January last.

I ask for the yeas and nays.

The yeas and nays were ordered; and the roll-call was commenced.

Mr. RANSOM, (when his name was called.) I am paired with the Senator from Pennsylvania, [Mr. CAMERON.] He would vote "nay" and I should vote "yea" on this proposition.

The roll-call was concluded and the result announced—yeas 24, nays 32; as follows:

YEAS—Messrs. Bayard, Bogy, Caperton, Cockrell, Cooper, Davis, Dennis, Eaton, Gordon, Hamilton, Johnson of Tennessee, Jones of Florida, Kelly, Kernan, McCreery, Maxey, Norwood, Randolph, Saulsbury, Stevenson, Thurman, Wallace, Whyte, and Withers—24.

NAYS—Messrs. Allison, Anthony, Booth, Boutwell, Bruce, Burnside, Cameron of Wisconsin, Conkling, Cragin, Dorsey, Edmunds, Ferry of Michigan, Frelinghuysen, Harvey, Hitchcock, Howe, Ingalls, Jones of Nevada, Logan, McMillan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Patterson, Robertson, Sargent, Sherman, Spencer, Wadleigh, West, and Windom—32.

ABSENT—Messrs. Alcorn, Cameron of Pennsylvania, Christiancy, Clayton, Conover, Dawes, Ferry of Connecticut, Goldthwaite, Hamlin, Johnston of Virginia, McDonald, Merrimon, Oglesby, Paddock, Ransom, and Wright—16.

So the amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from Rhode Island [Mr. ANTHONY] as a substitute for the resolution, upon which the yeas and nays have been ordered.

Mr. BAYARD. Mr. President, the more I have reflected upon this proposition, without any respect to the merit of the facts or without any regard to my opinion of the facts which I have already given to the Senate at some length, I am more clear of its impropriety. The Senate of the United States is but one portion of the legislative branch of this Government. By itself it has no legislative power whatever; and only in conjunction with the other House of Congress and the action of the President of the United States can it have legislative power at all. The great aim of the founders of this Government was to separate the three branches and to render each co-ordinate branch independent of all others and of each other. Now what is to be the effect—I submit it to the judgment of Senators—of the Senate of the United States, acting as a separate body, undertaking to criticise with approval or disapproval the action of a co-ordinate and independent branch of the Government. Certainly to do so is stepping over the line of our true powers. To do so is intimating opinion in regard to that for which we have no responsibility and upon which we have no lawful power to express our opinion. What would be thought if the Senate, sitting to-day in executive session, should undertake to pass their opinion upon a judgment of the Supreme Court of the United States? The Supreme Court have passed opinions very distasteful to the present majority of this Senate. What would be thought of the action of the Senate in undertaking to express their opinion as a body in respect of the independent action of that co-ordinate branch of our Government? It would be thought impertinent. It would not only be thought a solecism in practice, but simply impertinent and totally without authority. The Senate, in former days, once undertook to pass upon the action of the Federal Executive, and resolutions of censure found themselves upon the Journal of the Senate, but staid there only a short time. They were expunged subsequently. When passions had somewhat cooled, when reason had regained her sway, they were expunged from the Journal for want of authority in the Senate to intermeddle with the action of a co-ordinate and distinct branch of the Government.

But, Mr. President, Senators in thus undertaking to pass upon the action of a co-ordinate branch of this Government, the Executive, in respect of high matters with which he has undertaken upon his own responsibility and at his own risk to deal, seem to have forgotten that there is a high judicial duty which may become incumbent upon them and in regard to which they are now hastily, improperly, without authority, undertaking to anticipate what may come hereafter. The Constitution of the United States provides that this body, sitting on oath or affirmation, shall be a tribunal to try all cases of impeachment, the other House of Congress having the power in their discretion, for any reason which in their opinion is satisfied by the language of the Constitution, to present here any officer of the Government for impeachment for high crimes and misdemeanors, including the Executive and every subordinate. Now, I ask what is the effect of a resolution like this? I say nothing of the facts connected with the present case; I intimate nothing connected with the facts of the present case; but I do mean to say that it is unbecoming, improper, in a body that may be convened as a court, to be undertaking to pass their opinion upon a broad case running over a period of nearly three years and involving the most grave questions connected with the administration and the lines of demarcation between our State and Federal Governments.

I am perfectly aware that after the votes we have seen, and after this one-sided debate which we have heard, in which no reason has been urged but that against the resolution, and not one word or half a reason in its favor, it is simply talking to the ears of adders to raise a voice in favor of a constitutional or a rational restriction upon the action proposed by the Senate to-day. It is perfectly clear that we may be called upon in the high discretion of another branch of Congress, over whom we have no control, to pass upon these very acts which we are condoning and approving in advance. It is a dangerous thing to prophesy, and, therefore, I shall not assume that dangerous function; but here, believing that but few years will pass before this body will find itself controlled by a majority differing in political sentiment from those who now control it, I now state that I believe this resolution, which may be found upon your journals after this adjournment, will be stricken out and rescinded by the action of a Senate to come hereafter. The principle involved is too dangerous; it leads too distinctly to confusion between the departments of the Government. We have no right to express our mere opinions of the propriety or impropriety of the action of other branches of the Government. They are responsible to the people; they are responsible to

the Constitution; they are responsible to their official oaths for what they may do within the limits of the powers assigned to them under our charter of government; and if we keep within our own limits and do our own duty, I think our powers will be fully taxed.

Therefore it is, sir, that I should prefer upon this question not to vote at all, neither to express approval nor disapproval; and here let me say that the last three roll-calls of the Senate have disclosed the fact that there is not a quorum present and voting to-day of the majority; and it has been and is at this moment in the power of the minority of this body to prevent the resolution from receiving the vote required by the Constitution to pass a law. We have known that for several days, and it was a question whether or not members who hold the views I do in regard to this resolution should not decline to vote upon it, totally irrespective of the right or the wrong of the actions which it proposes to approve, upon the ground that we are assuming functions of interference with another branch of the Government improper and not delegated to us.

I have thought it fit to make this statement and to put it on record, in order that the reason for my vote *pro* or *con* upon this resolution might be explained. I do not hold it proper for the Senate to censure or approve the acts of other branches of the Government. I think it is out of their power, and I think it is simply impertinent for them to do so. For that reason I would rather not vote at all, but I believe I can signify that by voting in opposition to this resolution without regard to the question of whether I would vote for it in case it expressed disapproval instead of approval. Frankly I say that I think we should express neither.

Mr. THURMAN. I have a word to say on this question. It might seem at first that the distinction between the resolution offered by the Senator from New Jersey and that offered by the Senator from Rhode Island is a distinction without a difference, or only the difference "'twixt tweedledum and tweedledee." It is not so, however, for the resolution offered by the Senator from New Jersey declares the opinion of the Senate that the President should continue to recognize in Louisiana the existing State government, by which is meant the Kellogg government, and I do not know but that would include the bogus Legislature that was organized there on the 4th of January last. I suppose it would, if that can be called any government at all or any part of that government. There is no such expression in the resolution of the Senator from Rhode Island. I am therefore very frank to say that as between these two I think the resolution offered by the Senator from Rhode Island is the least objectionable. But as I know, as we all know, that this resolution offered by the Senator from Rhode Island is to pass this body, that that has been decreed, I think we may as well vote against it from first to last, and therefore I shall vote against substituting it for the resolution offered by the Senator from New Jersey, I was going to say in the faint hope that it might not be substituted, and that if it were not substituted then the resolution offered by the Senator from New Jersey might be killed; but I have no such hope, even the faintest. The real question, therefore, is not the question on the substitution of one for the other, but the question is shall the resolution offered by the Senator from Rhode Island pass; and upon that, as I believe that is the question first and last, I think we might as well vote "no" all the time.

Mr. ROBERTSON. Mr. President, I shall vote for this resolution, because it approves of the action of the President in protecting the people of Louisiana from domestic violence, without committing myself as to the legality of the State government.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Rhode Island.

Mr. SHERMAN. I think the yeas and nays have not been ordered.

The PRESIDENT *pro tempore*. They were ordered a day or two ago, the Chair is advised.

Mr. ANTHONY. By unanimous consent we can give up the calling of the yeas and nays.

Mr. EDMUNDS. Let us have the yeas and nays.

The PRESIDENT *pro tempore*. The yeas and nays have been ordered, and the call cannot be revoked without unanimous consent.

Mr. THURMAN. There is no objection to withdrawing the call for the yeas and nays.

The PRESIDENT *pro tempore*. Is there objection?

Mr. EDMUNDS. Yes, sir; I object.

The Secretary proceeded to call the roll.

Mr. WINDOM, (when Mr. CONOVER'S name was called.) I desire to announce again that the Senator from Florida [Mr. CONOVER] is paired with the Senator from Virginia, [Mr. JOHNSTON,] and I make the announcement now for all the votes on this question.

Mr. MORTON, (when Mr. MCDONALD'S name was called.) On this vote I again state the pair between my colleague [Mr. MCDONALD] and the Senator from Illinois, [Mr. OGLESBY.] My colleague would vote "nay" and the Senator from Illinois would vote "yea" on this question.

The roll-call having been concluded, the result was announced—yeas 33, nays 23; as follows:

YEAS—Messrs. Allison, Anthony, Boutwell, Bruce, Burnside, Cameron of Wisconsin, Christiancy, Conkling, Cragin, Dorsey, Edmunds, Ferry of Michigan, Frelinghuysen, Harvey, Hitchcock, Howe, Ingalls, Jones of Nevada, Logan, McMillan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Paddock, Patterson, Robertson, Sargent, Sherman, Spencer, Wadleigh, West, and Windom—33.

NAYS—Messrs. Bayard, Bogy, Booth, Caperton, Cockrell, Cooper, Davis, Dennis, Gordon, Johnson of Tennessee, Jones of Florida, Kelly, Kernan, McCreery, Maxey, Norwood, Randolph, Saulsbury, Stevenson, Thurman, Wallace, Whyte, and Withers—23.

ABSENT—Messrs. Alcorn, Cameron of Pennsylvania, Clayton, Conover, Dawes, Eaton, Ferry of Connecticut, Goldthwaite, Hamilton, Hamlin, Johnston of Virginia, McDonald, Merrimon, Oglesby, Ransom, and Wright—16.

So the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the resolution as amended, which will be read.

The Chief Clerk read the resolution as amended, as follows:

Resolved, That the action of the President in protecting the government in Louisiana, of which W. P. Kellogg is the executive, and the people of that State against domestic violence and in enforcing laws of the United States in that State, is approved.

Mr. FRELINGHUYSEN called for the yeas and nays, and they were ordered.

The Chief Clerk proceeded to call the roll.

Mr. RANSOM, (when Mr. MERRIMON'S name was called.) On this question my colleague [Mr. MERRIMON] is paired with the Senator from Maine, [Mr. HAMLIN.] My colleague would vote "nay" and the Senator from Maine would vote "yea" on this question.

Mr. RANSOM, (when his name was called.) On this question I am paired with the Senator from Pennsylvania, [Mr. CAMERON.] If he were present he would vote "yea" and I should vote "nay" on this resolution.

The result was announced—yeas 33, nays 24; as follows:

YEAS—Messrs. Allison, Anthony, Boutwell, Bruce, Burnside, Cameron of Wisconsin, Christiancy, Conkling, Cragin, Dorsey, Edmunds, Ferry of Michigan, Frelinghuysen, Harvey, Hitchcock, Howe, Ingalls, Jones of Nevada, Logan, McMillan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Paddock, Patterson, Robertson, Sargent, Sherman, Spencer, Wadleigh, West, and Windom—33.

NAYS—Messrs. Bayard, Bogy, Booth, Caperton, Cockrell, Cooper, Davis, Dennis, Gordon, Hamilton, Johnson of Tennessee, Jones of Florida, Kelly, Kernan, McCreery, Maxey, Norwood, Randolph, Saulsbury, Stevenson, Thurman, Wallace, Whyte, and Withers—24.

ABSENT—Messrs. Alcorn, Cameron of Pennsylvania, Clayton, Conover, Dawes, Eaton, Ferry of Connecticut, Goldthwaite, Hamlin, Johnston of Virginia, McDonald, Merrimon, Oglesby, Ransom, and Wright—15.

So the resolution was agreed to.

PAPERS WITHDRAWN.

On motion of Mr. SAULSBURY, it was

Ordered, That L. J. Draper have leave to withdraw his petition and papers from the files of the Senate.

On motion of Mr. BOUTWELL, it was

Ordered, That Sallie E. Herrick have leave to withdraw her petition and papers from the files of the Senate.

CONTINUANCE OF COMMITTEES.

Mr. MORRILL, of Vermont. I have heretofore omitted to ask that the Committee on Public Buildings and Grounds have leave to sit during the recess. That is always accorded to them because by law they are required to make a disposition of the rooms in this wing of the Capitol to the various committees, and it has to be done after the session closes or before the next session begins, and there are various other things to be done. This is a very difficult duty, because, as President Lincoln said, there are more pegs than there are holes. [Laughter.]

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Vermont? The Chair hears none; and the order is made for the continuance during the recess of the Committee on Public Buildings and Grounds.

Mr. JONES, of Nevada. I desire to call up a resolution I offered a few days ago in regard to the Committee on Contingent Expenses having leave to sit during the recess.

The PRESIDENT *pro tempore*. The resolution will be reported.

The Chief Clerk read the resolution, as follows:

Resolved, That the Committee to Audit and Control the Contingent Expenses of the Senate be continued and authorized to sit during the recess of the Senate.

Mr. DAVIS. I should like to know the necessity of that. I do not know that I have any objection, but I wish to know the reason for it.

Mr. JONES, of Nevada. Because the fiscal year ending on the 30th of June, in order to pay the employés of the Senate it is necessary to have the Committee on Expenses sit to audit accounts.

Mr. DAVIS. I understand it is usual, and therefore I make no objection.

The resolution was agreed to.

Mr. ANTHONY. The Senate imposes certain duties upon the Committee on Printing which must be discharged in the recess, relative to the superintendence of certain matters. There are also certain duties committed to the Joint Committee on Printing which must be discharged in the recess, but there is now no Joint Committee on Printing. At the close of the first session of the last Congress the Joint Committee on Printing had leave to sit during the recess. It subjects the Government to no expense whatever.

Mr. SHERMAN. I think these motions are not necessary either in

the case of the Committee on Public Buildings and Grounds or the Committee on Printing, because the law itself provides for certain duties to be performed by them during the recess, and to that extent modifies the rule. However, if the Senator desires——

Mr. ANTHONY. Is there any Committee on Printing in the recess?

Mr. SHERMAN. I understand so, because the law itself requires them to perform certain duties during the recess; and so with the Committee on Public Buildings and Grounds, which is expressly required by law to do certain things and the law provides for its continuance. I will not interpose any objection, however.

Mr. ANTHONY. I think the Committee on Public Buildings have asked leave to sit during the recess sometimes.

Mr. MORRILL, of Vermont. Always.

Mr. SHERMAN. I will not make objection if the Senator thinks a motion necessary.

Mr. ANTHONY. I wish to state in making the motion that although leave has been granted several times the Government has not been subjected to a dollar of expense in connection with it. The Congressional Printer constantly writes to the Committee on Printing asking instructions, and we hardly know whether we have a right to give them or not.

Mr. SHERMAN. If there is any desire to have a formal order, let the Senator move that leave be given to the committee to sit during the recess. I think there is no necessity for it while the law imposes duty during the recess. It seems to me that is sufficient authority.

Mr. SARGENT. The clerk of that committee is a permanent clerk with an annual salary, so that it can be no expense.

Mr. ANTHONY. It involves no expense. I move that the Committee on Printing have leave to sit during the recess.

The motion was agreed to.

PAY OF COMMITTEE CLERKS AND PAGES.

Mr. JONES, of Nevada. I offer the following resolution:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to the clerks of the several standing committees of the Senate and to the pages of the Senate their usual per diem compensation from the 1st to the 15th of April, inclusive.

Mr. SARGENT. A clause was put in the legislative and executive appropriation bill at the last session that the pay of committee clerks should last only during the session. It is beyond our control. Neither House now has a right to expend money in the direction stated by this resolution. We cannot pay it out of the contingent fund. It is expressly provided that the pay of committee clerks shall be six dollars per diem, and during the session only. We have consequently no power to extend it.

Mr. JONES, of Nevada. This is an exact copy of the resolution passed two years ago, and was laid on my desk as a proper one to be introduced by the chairman of the Committee on Contingent Expenses. I paid no particular attention to it. I now desire to withdraw it on the statement made by the Senator from California.

The PRESIDENT *pro tempore*. The resolution is withdrawn.

EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and ten minutes spent in executive session the doors were reopened, and (at five o'clock and fifty-five minutes p. m.) the Senate adjourned.

IN SENATE.

WEDNESDAY, *March* 24, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

WITHDRAWAL OF PAPERS.

On motion of Mr. CONOVER, it was

Ordered, That David L. Palmer have leave to withdraw his papers from the files of the Senate.

Ordered, That J. W. Childs have leave to withdraw his papers from the files of the Senate.

EXECUTIVE SESSION.

On motion of Mr. HOWE, the Senate proceeded to the consideration of executive business. After four hours and thirty minutes spent in executive session the doors were reopened.

THANKS TO THE PRESIDENT PRO TEMPORE.

Mr. COOPER submitted the following resolution:

Resolved, That the thanks of the Senate are due, and hereby are tendered, to Hon. THOMAS W. FERRY, President *pro tempore* of the Senate, for the courtesy and impartiality with which he has presided over their deliberations.

The resolution was agreed to unanimously.

COMMITTEE TO WAIT ON THE PRESIDENT.

Mr. HOWE submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That a committee, consisting of two Senators, be appointed by the Chair to wait upon the President of the United States and inform him that unless he may have some further communication to make the Senate is ready to adjourn without day.

The PRESIDENT *pro tempore* appointed Mr. HOWE and Mr. BAYARD as the committee.

THANKS TO THE VICE-PRESIDENT.

Mr. RANSOM submitted the following resolution:

Resolved, That the thanks of the Senate are due to Hon. HENRY WILSON for the courtesy and impartiality with which he has presided over its deliberations.

The resolution was unanimously agreed to.

FINAL ADJOURNMENT.

Mr. HOWE, from the committee appointed to wait on the President of the United States and inform him that unless he has further communication to make the Senate is ready to adjourn without day, reported that they had performed the duty assigned them, and that the President had replied that he had no further communication to make.

On motion of Mr. BOUTWELL, the Senate proceeded to the consideration of the following resolution submitted by him on the 22d instant:

Resolved, That the Presiding Officer of the Senate be, and hereby is, directed to adjourn the Senate without day on the — day of ——, A. D. 1875, at —— o'clock.

On motion of Mr. BOUTWELL, the resolution was amended by filling the blanks with the words "24th March" and "five forty-five p. m." respectively.

The resolution, as amended, was agreed to.

The PRESIDENT *pro tempore*, (at five o'clock and forty-five minutes p. m.) Senators, in declaring the order of the Senate, permit me to thank you for the kind terms in which you have formally tendered me approval. Grateful for your uniform support and courtesy, and hoping that you may reach your several homes in safety and all be permitted to return again in December next with reinvigorated health and strength, I now declare the special session of the Senate of the Forty-fourth Congress adjourned *sine die*.

APPENDIX

TO THE

SPECIAL SESSION OF THE SENATE.

The Hawaiian Reciprocity Treaty.

SPEECH OF HON. J. H. MITCHELL,

OF OREGON,

IN THE UNITED STATES SENATE,

[In executive session, the injunction of secrecy having been removed by a vote of the Senate, March 23, 1875.]

March 17, 1875.

The Senate, in executive session, having under consideration the treaty of reciprocity in trade with the Sandwich Islands—

Mr. MITCHELL said:

Mr. PRESIDENT: One of the principal objections urged against the ratification of the pending treaty by the honorable Senator from Vermont [Mr. MORRILL] who has just addressed the Senate is, that in his opinion it is, to use his own language, "a put-up job, in the interest of the sugar-planters of the Sandwich Islands, and at the expense of the Government of the United States." Whatever weight should rightfully attach to this objection, I shall leave to the Senate to determine on a full consideration of the whole case. For the purpose, however, of showing that for one I am not a recent convert to the support of this measure, either from the consideration suggested by the honorable Senator or from any other, but that on the contrary I commenced very many years ago, long before I was a member of this body, to aid in my feeble way in "*putting up this job*," if job it is, as stated by the honorable Senator, I desire to call the attention of the Senate to this fact: Eleven years ago I had the honor of holding a seat in the senate of the State of Oregon. On the 17th day of October of that year, 1864, I introduced into that body a certain resolution having direct reference to a treaty of reciprocity in trade between the United States and the Hawaiian governments, and on the same day this resolution received the unanimous vote of both branches of the Oregon Legislature. It was in these words:

Whereas a treaty of reciprocity in trade between the United States and Hawaiian governments, by which the leading articles of export and the staple productions of the two countries, except the articles of wool and live stock, shall be admitted to the ports of either government free of duty, is highly desirable, not only in the interest of the Pacific States and Territories, but also as a measure strongly tending to promote the political and commercial interests of our nation, and which must add strength and vigor to those ligaments of interest, trade, and friendly feeling which now unite these gems of the ocean with the Government of the United States: Therefore,

Resolved by the senate, (the house concurring,) That our present Senators and Representative in Congress, and the Senator and Representative elect, be, and they are hereby, instructed to represent to the proper authorities at Washington the importance and necessity of such a treaty, and to use their influence to secure its negotiation at an early day by the two governments.

Mr. President, since this action was had in the Legislature of the State I have the honor in part to represent upon this floor nearly eleven years have passed away, and what with me then was little more than crude opinion, based upon comparatively superficial knowledge of the subject, has to-day become, through a more enlarged experience and a more thorough knowledge of the question, settled conviction; and I congratulate myself upon the fact that I have lived to see the treaty now under consideration presented to the Senate of the United States for its advice and consent; and especially is it a source of gratification to me that in the course of human events I am accorded the high privilege of casting one vote in its favor.

Were it not for the apparent apathy and indifference of many Senators in reference to the fate of a measure which to my mind is not only of peculiar and special interest to the Pacific coast but of incalculable national importance, and the open and earnest opposition of others, I should content myself with giving my vote, as I have done in most instances since I have been a member of the Senate, unaccompanied by any reasons or argument; but, sir, when I contemplate the loss that must in my judgment fall upon our Government in its political and commercial relations by a failure to ratify this treaty, I feel that as a member of this body, representing in part that portion of our Republic more directly interested than any other in the measure under consideration, I ought in justice to my constituents, and in the full performance of duty, to submit the reasons that shall influence my vote.

On account of the manifold and perhaps more important interests which affect this side of the continent, and which are constantly being pressed upon the attention of the Senate, it is so seldom that we hear anything urged in the interest of the commerce of the Pacific coast, that it is really encouraging to a representative from that portion of our Republic to listen, as we had the pleasure a few days since, to the able and statesman-like speech of the honored Senator from Maine, [Mr. HAMLIN,] while it is, I regretfully confess, equally discouraging to be compelled to listen to an argument such as has to-day fallen from the lips of the experienced and distinguished Senator from Vermont, [Mr. MORRILL,] wherein the growing and ever-increasing commerce of the Pacific coast, and especially of the Pacific Ocean, has, to my utter astonishment, been belittled and disparaged.

But what is the nature of the treaty under consideration? What benefits, commercially and politically, if any, may we reasonably expect to derive, presently or in the future, from its ratification; and what are the objections urged against it? With its character we are all perfectly familiar—it is ostensibly and in fact a treaty of commercial reciprocity, intended by the two governments to consolidate their commercial intercourse, and to strengthen and perpetuate the friendly relations which have heretofore uniformly existed between them; in other words, an ordinary treaty of reciprocity in trade whereby the principal productions of each country are admitted free of duty to the ports of the other. A reference to the articles specified in the two schedules will show at a glance how very far they fall short of coming into competition, respectively, with the productions of the countries into which they are admitted free of duty; and it is equally apparent from these schedules, as was stated by the honorable Senator from Maine, that our Government, if we regard it simply in its most limited commercial point of view, has much the best of the bargain.

This being then an ordinary treaty of reciprocity in trade between the United States of America and the King of the Hawaiian Islands, upon the face of which, considered solely with reference to a free interchange of commodities, our Government would seem to have a most decided advantage, we come to consider the inquiry as to the probable advantages and disadvantages, both commercially and politically, viewed in the most enlarged and comprehensive signification of these terms, which we may reasonably hope or fear from its final adoption, if I may so speak, by the two governments. And the consideration of this question necessarily compels us to look far beyond the mere specification of articles in the schedules of the pending treaty, and to consider something more, questions of higher interest, of graver importance, of more far-reaching significance than those which relate simply to those reciprocal advantages likely to result to the people from a free exchange of commodities. In the presence of such an inquiry by the Senate of the United States mere partisan feeling and private interest become, in the very nature of the case, subordinated to national interest and commercial security and advancement.

The geographical position of the Hawaiian Islands, their relation not only to our country but to the other nations of the world, their history, area, capabilities of production, the number and character of their population, the desires and sympathies of their people, the character of their harbors and their commerce, but, above all, the present and future commerce of the ocean that surrounds them, together with the probabilities that the day is not far distant when, no longer able to maintain their autonomy or hold their place as a separate nation, they must become absorbed by some other power—all these, and many others, are to my mind important items of consideration in determining the question as to the propriety of advising and consenting to this treaty.

And while I should favor the proposed treaty were it limited in its importance to those reciprocal commercial advantages which must

result from a free interchange of the articles specified in the respective schedules, I regard these as a mere bagatelle in comparison with those national advantages of a political and commercial character that our Government and our people will, in my judgment, ultimately attain through its operation.

CONSTITUTIONAL OBJECTION AS TO THE RIGHTS OF THE HOUSE OF REPRESENTATIVES TO PARTICIPATE IN MAKING TREATIES THAT AFFECT THE REVENUE CONSIDERED.

Before passing to a consideration of the benefits, commercial and political, which I believe to be in store for our Government in the event of the ratification of the pending treaty, I desire to notice certain constitutional objections which to my great surprise have been urged with apparent candor and earnestness by the honorable Senator [Mr. MORRILL] who has just taken his seat, and which I find are having an influence on the minds of some Senators.

The first of these, as urged by the honorable Senator, is that no power exists under the Constitution that enables the President of the United States, with the advice and consent of the Senate, to give vitality to a treaty of reciprocity in trade without the sanction of the House of Representatives. If I understand the honorable Senator correctly, the objection is based upon the fact that such treaties affect the revenue of the Government, and that under the Constitution of the United States, article 1, section 7, "all bills for raising revenue shall originate in the House of Representatives."

While it is true, Mr. President, that all *bills* for raising revenue *must* originate in the House of Representatives, it is equally clear that the treaty-making power of the Government, although it may *incidentally* affect the revenue of the Government, is in the very nature of the case under the Constitution supreme in the Executive and Senate, extending to every possible subject in reference to which they may be disposed to treat, save that of a change in or destruction of the Government itself.

Section 2 of article 2 of the Constitution of the United States provides that the President—

Shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur.

This grant of power, as I have said, is absolute, and not limited by any condition whatever; it is a power supreme in the Executive and Senate, extending to all subjects in reference to which it may be their pleasure to treat, subject only to the limitation I have just stated, and so long as a treaty does not effect any change in the Government itself, although it may incidentally affect its revenue and call for legislation to adjust to its requirements the tariff laws of the country, the House of Representatives has no constitutional right to complain. And although under section 8 of article 1 of the Constitution of the United States the right to regulate commerce belongs not to the President and Senate but to the Congress of the United States, still the treaty-making power, although in its legitimate exercise it may incidentally, or I may say even directly, affect commerce and in some sense *regulate* it with foreign nations, is, under the Constitution, clearly vested exclusively in the Executive and Senate; it is a power complete in itself, plenary in its character, and may be exercised to its utmost extent, and it acknowledges no constitutional or international limitation save that which would preserve intact the form and essence of our Government; therefore, when the Constitution of the United States declares that "Congress shall have power to regulate commerce with foreign nations," and that "all bills for raising revenue shall originate in the House of Representatives," it creates certain powers and prescribes certain rules that must be construed in connection with and held subordinate to the treaty-making power, which is in itself supreme and created by that same Constitution, and vested *exclusively* in the President and Senate.

Commercial treaties are as old almost as the recognition of international comity among civilized nations.

Chancellor Kent in speaking of their utility uses this language:

Treaties of commerce defining and establishing the rights and extent of commercial intercourse have been found to be of great utility, and they occupy a very important title in the code of national law.

He says further:

They were considered even two centuries ago to be so conducive to the public welfare as to overcome the bigotry of the times.

Lord Coke admitted them "to be one of the four kinds of national compacts that might lawfully be made with infidels."

The power to make treaties, it is true, in reference to commerce was under the Confederation restricted by a superior power reserved to the States respectively, whereby the right of their Legislatures to impose such imposts and duties on foreigners as their own people were subjected to, and the right to prohibit the exportation or importation of any species of goods or commodities whatsoever, should be preserved. In fact, under the Confederation, *Congress* and not the *Executive* and *Senate* possessed the *sole* and *exclusive* power of "entering into treaties and alliances," but it was these restrictions and limitations, together with many others in the articles of that government, which, in the language of Judge Story, "contributed to the prostration and utter imbecility of the Confederation."

Although the clause conferring power "to make treaties," as will be seen by a reference to the Federalist, was not in the original draught of the Constitution of the United States, but was subsequently to the draught of that instrument reported by a committee, it was nevertheless finally made a part of it, and that power is not restricted but general.

In speaking of this subject, and in defining the scope of this constitutional grant of power, Mr. Story says:

The power to make treaties is by the Constitution general; and of course it embraces all sorts of treaties, for peace or war; for commerce or territory; for alliance or success; for indemnity for injuries or payment of debts; for the recognition and enforcement of principles of public law; and for any other purposes which the policy or interests of independent sovereigns may dictate in their intercourse with each other.

He then states the only limitation or restriction upon this power in these words:

But though the power is thus general and unrestricted, it is not to be so construed as to destroy the fundamental laws of the state.

And again:

A treaty to change the organization of the government or annihilate its sovereignty, to overturn its republican form or to deprive it of its constitutional powers, would be void.

Rawle, in his work on the Constitution, declares that—

The power to make treaties is an essential attribute of a nation.

And, further, that under the Constitution of the United States—

It extends to all those matters which are generally the subjects of compact between independent nations. Such subjects are peace, alliance, commerce, neutrality, and others of a similar nature.

While then, Mr. President, the treaty-making power was, under the Articles of Confederation, vested in a restricted manner in Congress, and while in England the power is vested exclusively in the Crown, under the Constitution of the United States it is reposed *solely* and *exclusively*, not in the President alone, not in Congress, but in the Executive and Senate, and is general and plenary in its character.

I desire to attract the attention of the Senate to an extract from a message of President Washington, transmitted by him to the House of Representatives on the 30th of March, 1796, for the purpose of showing the views of the first President of the United States on this subject:

The course which the debate has taken on the resolution of the House leads to some observations on the mode of making treaties under the Constitution of the United States.

Having been a member of the general convention, and knowing the principles on which the Constitution was formed, I have ever entertained but one opinion on this subject, and from the first establishment of the Government to this moment my conduct has exemplified that opinion, that the power of making treaties is exclusively with the President, by and with the advice and consent of the Senate, provided two-thirds of the Senators present concur; and that every treaty so made and promulgated thenceforward becomes the law of the land. It is thus that the treaty-making power has been understood by foreign nations, and in all the treaties made with them we have declared and they have believed that when ratified by the President, with the advice and consent of the Senate, they become obligatory. In this construction of the Constitution every House of Representatives has heretofore acquiesced, and until the present time not a doubt or suspicion has appeared to my knowledge that this construction was not the true one. Nay, they have more than acquiesced; for until now, without controverting the obligation of such treaties, they have made all the requisite provisions for carrying them into effect.

There is also reason to believe that this construction agrees with the opinions entertained by the State conventions, when they were deliberating on the Constitution, especially by those who objected to it, because there was not required in commercial treaties the consent of two-thirds of the whole number of the members of the Senate instead of two-thirds of the Senators present, and because, in treaties respecting territorial and certain other rights and claims, the concurrence of three-fourths of the whole number of the members of both Houses respectively was not made necessary.

It is a fact, declared by the general convention and universally understood, that the Constitution of the United States was the result of a spirit of amity and mutual concession. And it is well known that, under this influence, the smaller States were admitted to an equal representation in the Senate with the larger States, and that this branch of the Government was invested with great powers; for on the equal participation of those powers the sovereignty and political safety of the smaller States were deemed essentially to depend.

If other proofs than these and the plain letter of the Constitution itself be necessary to ascertain the point under consideration, they may be found in the journals of the general convention, which I have deposited in the office of the Department of State. In those journals it will appear that a proposition was made "that no treaty should be binding on the United States which was not ratified by a law," and that the proposition was explicitly rejected.

As, therefore, it is perfectly clear to my understanding that the assent of the House of Representatives is not necessary to the validity of a treaty; as the treaty with Great Britain exhibits in itself all the objects requiring legislative provision, and on these the papers called for can throw no light; and as it is essential to the due administration of the Government that the boundaries fixed by the Constitution between the different departments should be preserved, a just regard to the Constitution and to the duty of my office, under all the circumstances of this case, forbid a compliance with your request.

G. WASHINGTON.

UNITED STATES, *March* 30, 1796.

The treaty-making power—

Says Chancellor Kent—

forms a distinct department of government, and belongs properly neither to the legislative nor the executive, though it may be said to partake of the qualities common to each. The President from his unity, promptitude, and facility of action is peculiarly well adapted to carry on the initiative processes; while the Senate, representing all the States, and engaged in legislating for the interests of the whole country, is equally well fitted to be intrusted with the power of ultimate ratification.

The House of Representatives, therefore, has no right or power whatever either to participate in the making of treaties, or to protest that the power of the President and Senate does not extend under the Constitution to treaties of reciprocity, because such treaties may in some sense affect the revenue, or "regulate commerce with foreign nations," &c.

As I have said, in England the king is the sole and absolute representative of the nation in reference to all treaty-making powers, just as the President and Senate are in this country; and although in England the same question has been raised that is urged to-day by the Senator from Vermont, the writer of the Federalist disposes of it in these words:

It has been insinuated that his authority in this respect is not conclusive, and that his (referring to the King of England) conventions with foreign powers are subject to the revision and stand in need of the ratification of Parliament; but I believe this doctrine was never heard of until recently. Every jurist of that kingdom, and every other man acquainted with its constitution, knows as an established fact that the prerogative of making treaties exists in the Crown in its utmost plenitude. * * * The Parliament, it is true, is sometimes seen employing itself in altering the existing laws to conform them to the stipulations in a new treaty, and this may possibly have given birth to the imagination that its co-operation was necessary to the obligatory efficacy of the treaty.

And concluding he says just what is true with reference to the right and duty of the House of Representatives in this country:

But this parliamentary interposition proceeds from a different cause: *from the necessity of adjusting a most artificial and intricate* system of revenue and commercial laws to the changes made in them by the operation of the treaty, and of adapting new provisions and precautions to the new state of things to keep the machinery from running into disorder

In the case of the British treaty of 1794 President Washington refused peremptorily to lay the papers before the House of Representatives when requested by them to do so.

Mr. Wheaton, in his work on international law, refers in the following strong language to the question growing out of the Zollverein treaty and as to the right of the treaty-making powers to affect duties on imports and to the opinion of Mr. Calhoun upon that subject:

A question as to the right of the treaty-making power to affect duties on imports was raised in the case of the convention negotisted by Mr. Wheaton with the Zollverein. Though recommended by the President in two successive annual messages and in submitting the treaty to the Senate, the Committee on Foreign Relations of that body reported that it was "an innovation on the ancient and uniform practice of the Government to change by treaty duties laid by law;" that "the Constitution in express terms delegates the power to Congress to regulate commerce and to impose duties, and to no other; and that the control of trade and the function of taxing belong without abridgment or participation to Congress." The Senate having omitted to give their assent to the treaty before the adjournment, the Secretary of State, Mr. Calhoun, in communicating to Mr. Wheaton the result of their proceedings, with a view to the extension of time for the exchange of ratifications, states that the objections of the committee were opposed to the uniform practice of the Government, and he refers to numerous treaties which contain stipulations changing the existing laws regulating commerce and navigation and duties laid by law. "So well," says he, "is the practice settled, that it is believed it has never before been questioned. The only question, it is believed, that was ever made was whether an act of Congress was not necessary to sanction and carry the stipulations making the change into effect."

This, Mr. President, was the opinion of John C. Calhoun, when Secretary of State, in reference to this question. And although the Senate of the United States at that time hesitated, the subsequent history of its proceedings, in the years that have elapsed since then, shows that the views then expressed by Mr. Calhoun have become the settled rule of action of this body. The objection then made to the Zollverein treaty, growing out of the treaty-making power of the Federal Government, soon passed away and was abandoned by the Senate as untenable; and accordingly, in 1854, the reciprocity treaty between the United States and the British Provinces, though it materially affected and changed the existing tariff, was promptly ratified by the Senate; and the Congress of the United States, recognizing the plenary and exclusive power of the President and Senate in the premises, passed a law, as of course, to conform the revenue laws of the Government to the various changes made in the tariff by the treaty.

THE "MOST FAVORED NATION CLAUSE" OBJECTION CONSIDERED.

Another objection urged to-day by the honorable Senator from Vermont is in reference to the clause known as the "most-favored-nation clause," which exists in our treaties with certain foreign powers. This clause it is claimed will enable those powers to demand of our Government the same or some of the same or similar privileges accorded to the Hawaiian government under the provisions of the pending treaty.

The answer to this objection is found in the fact that it is held by the highest authority in this and other countries that this "most-favored-nation clause" as used in treaties has no reference whatever, as its very terms would seem to indicate, to *purchased* privileges; or, if I may correctly speak, to *purchased favors*. In other words, that it cannot be construed as referring to or including within its scope privileges accorded to a nation by reason of reciprocal advantages given in return by such nation, and all of which are secured, *not* by the sole action of *one* government, but through the means of solemn treaty compact, including various articles of reciprocal pact and stipulation. The advantages which one nation obtains in respect of its commerce and navigation through treaty stipulations are, as a rule, not *favors granted* but *advantages purchased*, the consideration being the concession to such other nation of certain other privileges supposed to constitute a valuable and sufficient consideration.

The opinion of Hon. Caleb Cushing, as Attorney-General of the United States, in the case of the application of Denmark for the surrender of deserting seamen, (volume 6 Opinions of Attorneys-General,) states the rule of construction applicable to this character of treaty stipulations, and sustains it by cogent reasoning and unanswerable argument. In that case the question was whether the stipulation as to deserting seamen contained in treaties between the United States and sundry other governments, especially in that with Sweden and Norway, could in virtue of the "most-favored-nation clause" in our treaty with Denmark of April 26, 1826, be held to apply to Danish seamen? Mr. Cushing held that it could not, and President Pierce and his whole Cabinet concurred in that decision.

In that opinion Mr. Cushing uses this language:

The expressions in the first and eighth articles of the treaty with Denmark and similar expressions in other treaties as "favor" or "freely if the concessions were freely made," *or* "if the concessions were conditional on allowing the same compensation" are *not* applicable to advantages growing out of treaties containing various articles of reciprocal pact and stipulation; for such advantages are purchased upon consideration, upon mutual and correlative engagements, positively binding the good faith of the contracting parties with perfect reciprocal obligation in terms and manner as to the things to be done or suffered. Such treaty benefits are *not* favors, boons, or concessions. These expressions apply *only* to things proceeding from the mere will and pleasure of the state granting them in matters within its own *sole* jurisdiction, and which the other party, to whom they are proffered, may or may not in its own good pleasure accept.

And in further illustration of the correctness of the rule for which he was contending this eminent jurist said:

For example, if the United States should by their own law grant that iron in bars, bolts, or rolled, and iron prepared for railways, of the product and manufacture of Sweden, may be imported into the United States directly from Sweden, upon condition of paying a duty of 10 per cent. *ad valorem*, and that Swedish vessels laden solely with Swedish iron may enter the ports of the United States free of duty on tonnage, then Denmark might perhaps rightfully claim under its treaty with the United States that iron of like kind, of the product and manufacture of Denmark, imported into the United States directly from Denmark, should pay no other or higher duty than 10 per cent. *ad valorem*, and that Danish vessels laden solely with Danish iron should be permitted to enter the ports of the United States free from the duty on tonnage; because the grant to Sweden and Norway was of *favors*, upon condition as to the merchandise and freely as to the tonnage, and the same compensation could be paid by Denmark as was conditionally granted to Sweden. If, however, in a *treaty* between the United States and Sweden, the like terms as to Swedish iron and vessels to be admitted in the ports of the United States should be stipulated, and that cotton and manufactures of cotton and tobacco and manufactures of tobacco, of the growth and product of the soil or industry of the United States, should be admitted into the ports of Sweden and Norway and of the island of Saint Bartholomew, paying thereon no higher duties than at the rate of 15 per cent. *ad valorem*, with various other articles of mutual and reciprocal stipulations, in such case Denmark could *not* claim that the iron and iron manufactures of the product and industry of Denmark, and the vessels of Denmark, should be admitted into the ports of the United States upon the same terms as Swedish iron and Swedish vessels.

And Mr. Cushing, proceeding further, gives the reasons for this distinction in these words:

Because in the case supposed there would not be *favors* conceded by the United States to Sweden, but advantages *purchased* by Sweden of the United States, in consideration of the admission of cotton and tobacco and the manufactures thereof, of the product of the soil and industry of the United States, upon the terms mentioned in the treaty and of the other stipulations on the part of Sweden to be performed toward the United States; and because the advantages *to* the United States arising from the stipulations by Sweden and Norway could not be affirmed to be equally compensated by the like terms performed by Denmark toward the United States; and the difference of compensation due to the United States from Denmark for such like terms of commerce and navigation could not be determined by any certain standard, but could be adjusted only by a convention between the United States and Denmark.

In concluding this able opinion Mr. Cushing uses this language:

In fine, the assumed theory (referring to the claim of the Danish minister) proceeds on a series of fallacies, namely, that there is equality of political and commercial relations between all nations; and that every article of reciprocal treaty between any two nations is of equal weight and consideration, having an established, invariable value, so that it may be exchanged between any two nations at that fixed value; *all* which assumptions are contrary to the nature and truth of things.

From this, then, Mr. President, it follows, that whatever effect may be given to the "most-favored-nation clause," as generally in use in existing treaties between the United States and certain foreign powers, it cannot by any legitimate construction be held to draw in virtue of its office any benefit whatever to any such foreign power, or work any disadvantage whatever to the United States, by reason of any privileges, I care not how important or of how much value they are, that may be extended by the United States to some *other* power through the instrumentality of a treaty containing various articles of reciprocal pact and stipulation.

While then, Mr. President, in case *the Congress* of the United States should *by law* and in the absence of any reciprocity compact with the King of the Hawaiian Islands enact that such government should be favored with certain special privileges in our ports, superior in character and value to those possessed by any other power with which we stand in treaty relations, and which treaty contains the "most-favored-nation clause"—while, I say, in such case the office and legitimate effect of such clause would be to entitle such other power to all the special favors thus voluntarily conferred on the Hawaiian government by the *sole* action of the United States, yet, when these same or even greater privileges are conferred, *not* by the sole act of our Government, but by means of a treaty of reciprocity in trade, containing divers articles, in either schedule, of reciprocal pact and stipulation, no power on earth can rightfully question the validity of the compact or claim to itself any favor or privilege whatever by reason of any stipulation in its treaty to the effect that such government shall be entitled to all the rights and privileges of the most favored nation.

While then the United States *must* not, *cannot*, concede favors to any power superior in character to those possessed by other powers with which they stand in treaty relation and with which they have stipulated that they shall be entitled to all the rights and privileges of the most favored nation, without conceding *ipso facto* to such other powers the same or similar favors, yet, notwithstanding this, the right still remains to our Government, as one of the constitutional attributes of its sovereignty resulting from the treaty-making power which no nation can question, to *purchase* to its own use and benefit from any foreign power commercial privileges and advantages, granting in consideration thereof, through the instrumentality of treaty stipulation, special and superior commercial advantages to such foreign power. The treaty therefore to which we are asked to advise and consent being one of reciprocity in trade, containing various articles of reciprocal pact and stipulation, it follows as a necessary conclusion that no power in Christendom outside of the parties to the treaty has any right to claim any of its privileges or any similar or equivalent privileges, because, forsooth, such power may in virtue of its treaty, either with the United States or the Hawaiian government, be entitled to all the rights and privileges of the most favored nation.

I dismiss, then, this objection of the distinguished Senator as wholly untenable; as one that cannot be sustained by either constitutional or international law, reason, or argument; and in dismissing it I feel constrained to say that if the honorable Senator had been as diligent in investigating the principles of law involved in the constitutional objections urged as his labors in the Senate usually show him to be, he would not, I think, have pressed them with the zeal and apparent confidence that he has.

THE COMMERCIAL IMPORTANCE OF THE TREATY.

I now come to consider the proposed treaty with reference to its commercial and political importance, and to notice the further objections urged against it based solely on considerations of public policy. And in this connection I fear that the spirit of hostility to free trade and the twin idea of protection to American industry and home production, which constitute as a rule a portion of the political creed of one of the great political parties of the country, and to which as a rule I freely subscribe, stand to-day to some extent in the minds of some Senators as an objection to the ratification of this treaty. However this may be, it occurs to me that there are exceptions to all general rules, even in matters of great national policy; and whenever reason and argument and national interest and the present and future commercial and political security and prosperity of our nation unite in pointing to the *exception* rather than the rule as the true line of policy to be pursued, that then any party, and especially *that* party in whose hands are for the time being the destinies of this great nation, should not hesitate through any pride of opinion to adopt such course in the particular instance, although it may be opposed to the general policy of such party

This treaty, Mr. President, *is* exceptional in its character, whether considered with reference to its commercial or political bearings. The Sandwich Islands are, in one sense to-day, *not* a foreign power, but rather an American colony, whose interests and sympathies and desires and hopes and destiny all tend toward our Government. As the native population year after year has melted away through causes well understood and inevitable in their blighting results, its place has been to a certain extent supplied by earnest, enterprising, worthy, intelligent, daring Americans, who have planted the standard of civilization and progress upon these islands of the sea, surrounded their shores with a busy commerce, until they to-day, I concede, excite the cupidity and provoke the active rivalry of the maritime nations of the world. Their productions are not our productions, and yet they are to us not merely luxuries but the common necessaries of life; their sugars, sirups, melada, molasses, rice, and pulu are needed to assist in supplying the constantly-increasing wants of the farmer, the mechanic, the professional man, and the miner of the Pacific States and Territories. These, except in very limited quantities, cannot be produced on the Pacific coast; while, upon the contrary, those articles which the islanders have not but must have are produced in abundance on the Pacific coast—such as beef, bacon, pork, grain, flour, meal, bran, bricks, lime and cement, butter, cheese, bullion, coal, cordage, tar, pitch, fish, oysters, fruit, furs, skins, lumber, timber, shooks, staves, headings, and numerous other articles specified in the schedule of the pending treaty. Why then, Mr. President, not permit a free interchange of these productions, thus purchasing a small proportion of the actual necessaries of life consumed each year by the people of Oregon and California and of the whole Pacific coast, and paying for them not in *coin* as we do most other nations, but in the surplus productions of our own people? Why, I would inquire, should there be any objection to this? I have heard three objections stated and urged. I will give them in their order, and endeavor to answer each of them.

First. It is objected that to permit the importation of sugar free from these islands would be to affect injuriously the sugar interests of our own country in the Southern States;

Second. That it will injuriously affect the interests of sugar refiners on the Pacific coast; and

Third. The annual loss to the Treasury of about $500,000 in the shape of duties on the importations from these islands under existing revenue laws.

Now then in reference to the first objection, namely, that it will injuriously affect the interests of southern planters; and it requires little more than a statement of a few facts to show the fallacy of this objection.

In the first place the consumption of sugar on the Pacific coast in 1873, or rather on *that part* of the Pacific coast supplied from San Francisco, California, and Portland, Oregon, was 75,005,005 pounds, while of this amount but a little in excess of one-fifth, or 15,743,146 pounds, came from the Sandwich Islands, although this constituted two-thirds of the whole sugar production of the islands for that year, the whole amount being little in excess of 23,000,000 pounds. So that, even should the amount of sugar consumed on the Pacific coast annually not increase from year to year, which is far wide of the actual fact, it would be necessary that the annual production of the islands should be increased over fourfold, and, in addition to this, that instead of our coast getting but *two-thirds* it should get *every pound* of that production in order that the demand of the Pacific coast alone should be met; and until this is done, and a surplus remains to force its way into the free ports of the Atlantic or the Gulf, how, I would inquire, could the sugar interests of this country be affected?

But, Mr. President, this is not all. It is a fact that must be borne in mind that the annual increase in the consumption of sugar on the Pacific coast each year above the preceding is in itself almost equal in amount to the present importations to the ports of that coast from the Sandwich Islands. In the year 1862 the amount consumed was, or rather the *total* amount of importations was, 62,861,460 pounds; while in 1873, the year following, it was 75,007,005 pounds, or an excess of 12,145,545 pounds: while during the past year the importations were still greater in proportion. The Secretary of the Treasury, in speaking of this large annual increase and of the probable effect of this treaty on the interests and revenues of the Government, says:

> This increasing importation and consumption, therefore, causes the question to stand, *not* so much as one of diminution of present revenues, but rather as a check to their increase to the extent of the importation of sugar and other dutiable articles made free. The lack of natural facilities for developing the production of sugar in the islands embraced in the treaty would keep down the future proportions of this check.

"But," says the southern planter who has not informed himself properly on this subject, and who is perhaps somewhat befogged by interested and wild statements of the sugar refiners, "throw your American ports open to the producers of the islands and the annual productions will soon increase to 150,000,000 pounds, an amount *more* than necessary to supply the demands of the people of the Pacific States and Territories." This, Mr. President, I deny, and one principal reason why I deny it is because it is a physical impossibility; besides there are many other reasons of minor importance abundantly forcible to sustain my position. I will proceed to show why it is a physical impossibility.

According to the uniform statement of historians, supported by the census tables of the Hawaiian government, the whole area of tillable and grazing lands on all the islands does not exceed 500,000 acres, and of this amount not over 100,000 acres at the very most are susceptible of sugar cultivation, while a portion of this area is so destitute of water and means of irrigation as to render its profitable cultivation extremely problematical. To-day the whole number of acres in sugar cultivation is only about 23,000, producing on an average about 1,000,000 pounds to every 1,000 acres. It therefore follows that if every *foot* of soil on the islands capable of producing sugar was put in cultivation the production would fall far short of the estimate made by the refiners, and would not exceed even then the amount in pounds that will be consumed the present year on the Pacific coast alone.

But how improbable is the statement that the annual production of the islands will be doubled even during the next seven years, the limit of the proposed treaty. Where is the labor to come from sufficient to work such a revolution in the productions of these islands? It has been said from China, but is this within the range of probabilities, when the price of labor there is but little in excess of that in China, and not more than one-fourth that paid on the Pacific coast for Chinese labor? Will Chinese immigrants, who leave their own land in order to secure greater remuneration for their toil, be likely to stop at the half-way house, however much we of the Pacific coast might desire they should, when by proceeding to our own shores they can realize from three to four times the amount per month they could in the Sandwich Islands? Or will the simple release from the payment of an annual duty of less than $400,000 be sufficient to work such a revolution in the industry and material prosperity of these islands, so as to increase its productions to any very appreciable amount? The idea is preposterous, and cannot be sustained by either facts or argument; for with a population diminishing in numbers at the rate of over 2 per cent. per annum, and with wages much lower than California and Oregon, there is but little prospect of a large immigration, or of a greatly increased production. The total native population, which in 1832, when the first official census was taken, numbered 130,313, has dwindled down to 49,044 in 1872, the total population now being about 56,000, and made up in this wise:

Natives	49,044
Half-castes	2,487
Chinese	1,938
Americans	889
Hawaiians born of foreign parents	849
Britons	619
Portuguese	395
Germans	224
French	88
Other foreigners	364
Total in 1872	56,897

Is there then anything, I would inquire, to be rightfully deduced either from the number and character of the population, the productive area of the island territory, the present annual production, or the benefits that will inure to them from a release of duties now imposed, or from all these considerations together, that would for a moment justify the conclusion that the effect of the proposed treaty would be to affect injuriously the sugar-producing interests of this country in even the remotest degree? Most certainly not; and yet we are urged by certain private interests to oppose this treaty for this reason.

Why, the total importation of sugar into the United States in 1873 was 1,454,124,259 pounds, while of this amount but 15,743,146 pounds, or only about one-hundredth part of the whole, came from the Sandwich Islands; while the entire annual production of the Hawaiian Islands is less than 1½ per cent. of the sugar imported into the United States in one year, and less than one-third of the imports into San Francisco alone. When the sugar refiners, therefore, of San Francisco appeal to Senators from the South to oppose this treaty because its effect will be to bring Hawaiian sugars in competition with the sugar interests of this country, they are either wofully ignorant of or otherwise willfully misrepresent the facts. These interests are *not* jeopardized by this treaty; no, not to the extent even of the one-millionth part of a dollar.

But why should the refiners be so solicitous of southern interests? Is it not a fact that this opposition is made by those engaged in this particular industry not by reason of any fear to the general sugar-producing interests of this country, but rather from a belief that the adoption of the proposed treaty will in some way affect their individual interests as refiners of sugar? If the latter is the case, and if it is true that this branch of industry is to be stricken down or paralyzed, then they have, I concede, a right to be heard; a right to protest against any action upon the part of this Government the effect of which would be to strike down or seriously impair any legitimate industry, whether it be the refining of sugar or any other; and I take it the Senate of the United States would be slow to give its sanction to any measure if it were apparent that such would be the effect; but while this is so, no mere indirect and inconsiderable effect—falling far below any serious interference with private industrial enterprises—ought for a single moment to stand in the way of a measure of great national importance, as I conceive this to be.

And why, I would inquire, should the sugar refiners of San Francisco object to this treaty? How are their interests to be seriously prejudiced by its operation? The treaty does not empower the islands to import refined sugar. The language of the provision is "muscovado, brown, and all other *unrefined* sugar, meaning thereby the grades of sugar heretofore commonly imported from the Hawaiian Islands, and now known in the markets of San Francisco and Portland as 'Sandwich Island sugar.'"

Suppose the planters on the islands should erect refineries, they could not under the provisions of this treaty import their refined article into our ports free of duty. So that in this direction they have nothing to fear. Neither am I able to perceive anything in the probable workings of this treaty that will tend to the establishment of new refineries on our coast, and even were such to be the effect, I should regard it *not* as an objection to, but rather an argument in favor of its ratification.

I suppose the real ground of complaint, then, upon the part of the refiners is to be found, not from any fear of injury to or competition with their refined article, but rather through fear of a reduction of their profits on the residuum of their refineries, which at most cannot be very great; for it must be borne in mind that the refiners of San Francisco will have this advantage over those of the Atlantic coast; that they will under the provisions of the pending treaty obtain their raw material free of duty, while eastern refiners, in so far as they use the imported article, are compelled to pay duty. And while in respect to the sales of the residuum of their refineries their profits may to some extent be lessened, it cannot amount to any serious injury to this branch of industry, which to-day is perhaps something of a monopoly on the Pacific coast; it certainly will not either prostrate or paralyze it. And should this treaty have the effect of dividing to some extent the present immense profits of the refiners with the consumers of sugar in the Pacific States and Territories, I cannot see that there will exist any very great cause for complaint.

The farmer who tills the soil and earns his bread and other necessaries of life by "the sweat of his face;" the mechanic who from early morn to setting sun plies his vocation with axe and adze and plane and saw and plummet and line; the laborer with his hours and days of continuous toil with shovel and spade and hoe and hod; the merchant at his desk, the professional man in his office, the honest miner in his adventurous search for gold, the herder on the mountain side and in the green valley, and the fisherman by the golden waters of the distant sea—all these, scattered as they are up and down the shores of the Pacific, each in his proper and appropriate sphere, aiding, amid all the dangers and trials of pioneer life, in bearing onward into every nook and corner of this vast continent the sublime banner of American civilization and human progress—all these, with their wives and little children, have a right to be heard in reference to the questions involved in the treaty under consideration, equally with the refiner of sugar, whose coffers glitter with gold wrung in the shape of enormous profits on their productions from the daily consumers of sugar. I would not, Mr. President, as I have said, strike down or seriously impair this important branch of industry. I would, however, by the ratification of the pending treaty, divide the enormous profits of the refiner with the farmer, the laborer, the mechanic, the herder, the fisherman, the miner, the merchant, and the professional man, the consumers of sugar and molasses in Oregon and California and throughout the Pacific coast.

If the effect of the proposed treaty, as it unquestionably will be, is to give the people I have the honor in part to represent a free market and a better market than they now have for their surplus productions, and at the same time reduce to them the price on the sugar and molasses and rice and pulu and tropical fruits they consume; if it shall tend to build up, strengthen, and maintain a trade and commerce with our State and people, as I have no doubt it will, then, Mr. President, although these were the only considerations, I should feel indeed false to my duty, false to those implied pledges that always rest upon the people's representative in the councils of the nation, were I to sit idly in my seat pending the consideration of this question, or listen to or be influenced in my vote by the sordid voice of monopoly. I would not willingly deprive any corporation, however rich or great or powerful, of a single right; nor do I deem it necessary to do so; nor do I believe such will be the effect of the pending treaty. Should, however, the issue be presented, as it would seem to be in this instance, were their demands to be followed of promoting and advancing their pecuniary interests at the expense of and to the detriment of the masses of the people, then, sooner than bow to their dictation, I would see them sitting upon the wreck of ruined hopes, "childless and crownless," weeping over the desolation that surrounds them.

THE LOSS TO OUR REVENUE—ARE WE RECEIVING AN EQUIVALENT?

But it is said by the honorable Senator from Ohio [Mr. SHERMAN] and others that the loss to our Treasury of some $500,000 per annum is something we cannot afford, and that this fact of itself presents a sufficient reason for the rejection of this treaty. To my mind this objection vanishes into thin air when viewed in the light of the great advantages, commercial and political, that must follow the ratification of this treaty. It is true the loss to our revenue of a half million annually is an item worthy of serious consideration, especially in the cramped condition of the nation's purse; but, sir, what security, I would inquire, have we that in the event of our rejection of this treaty we will be able to retain the trade of these islands? They desire reciprocity of trade; they must have it. They desire this reciprocity with the United States. For this they have been struggling with unceasing energy for the past twenty years. This in my judgment is the final effort to secure it, and to become identified in a closer bond of unity, of interest, of commercial intercourse with our country. Should they fail now, have we not every reason to believe that they will reluctantly turn from us in disgust, and seek alliances of trade with some of the other great powers, who to-day stand ready to give them better terms? And then in that event what becomes of your revenue?

Leaving out of sight for the moment all political considerations, and viewing the proposed treaty solely in a commercial point of view, it seems to me we can well afford to remit the revenues we are now receiving from these islands in consideration of the commercial privileges accorded us in lieu thereof. Why, it is a fact, that the Hawaiian Islands, with their population of less than sixty thousand souls, are to-day larger consumers (with their tariff of 10 per cent. *ad valorem*) of the products and manufactures of America than the British West Indies and the Dutch East Indies and the Spanish possessions in the East all combined, though our imports annually from these countries amount to over $30,000,000, while we import from the Sandwich Islands only about $1,017,000; while China, with her 400,000,000 people and whose trade the United States *are* struggling to obtain, purchases from us only four times as much as do the Hawaiian Islands, and I doubt not but little more than twice as much as the islands *will* purchase of us should this treaty be ratified by the two governments; while Cuba, from whom we purchase annually to the amount of $77,469,826, or over seventy-five times as much as we do from Hawaii, is our consumer for only $1,397,729, or less than twice as much as we sell annually to the Sandwich Islands. These islands import now from the United States, under the existing revenue laws of the two governments, over 75 per cent. of the amount of her exports to this country, while our exports to Cuba do not amount to 2 per cent. of our imports from Cuba. Our exports to the British East Indies do not reach 1 per cent. of our imports; to the Dutch East Indies they are less than 4 per cent.; to China 7½ per cent; and other Spanish possessions, aside from those mentioned, less than ½ of 1 per cent.

Under these circumstances, Mr. President, our commerce with the Sandwich Islands stands out exceptionally favorably in comparison with that with the other sugar-growing countries in respect of its value to the American manufacturer and American producer.

What the opinion of the Secretary of the Treasury is, ever watchful as he is of the revenues of the Government, in reference to the remitting of present duties as provided in the pending treaty, is fully disclosed in his letter to Secretary Fish, and a copy of which is on our table. The facts and statistics stated in that communication constitute a complete answer to any objection to advising and consenting to the pending treaty by reason of present loss of duties. I commend its careful perusal to every Senator.

THE POLITICAL IMPORTANCE OF THE TREATY PARAMOUNT TO ALL OTHERS.

I pass, Mr. President, to a consideration paramount to all others, and which to my mind undermines and utterly dethrones every objection that ever has been urged, or that ever can be suggested, however plausible, against this treaty—a consideration in the presence and light of which the mere temporary loss of a few hundred thousand dollars of revenue pales into insignificance and becomes dwarfed in point of importance.

The geographical position of these islands with reference to our country and surrounding nations, in view of future military operations and naval conflicts along our Pacific shores, is one of incalculable importance, and of this fact England and France have not been nor are they now unmindful. Great Britain to-day through her colonies commands the South Pacific, and now, ever true to her history, she seeks to extend her empire, her influence, and her power by establishing a line of naval stations between those in the South Pacific and her possessions north of the strait of Fuca. Already she has possession of the Feejees, and now the only remaining station between this group and British Columbia are the Sandwich Islands. With them in her possession she would command the North Pacific as she already does the South.

A line run from the Feejee Islands, lately taken by the British, to British Columbia, on our northwest coast, runs through the Hawaiian Islands, and *these* once under British control they would complete a perfect chain of naval stations from Australia in the south, across the Golden Gate of San Francisco, the mouth of the Columbia River, and of Puget Sound—would command the harbor of San Diego, the termini of both the Northern and Southern Pacific Railroads, and would constitute a most formidable and standing menace to the future peace and commercial prosperity of the whole Pacific coast.

The commerce of the Pacific in the past decade, notwithstanding the statements of the honorable Senator from Vermont [Mr. MORRILL] in reference to the decline of the whale fisheries, has grown from what was then here and there a wandering ship into grand fleets, whose vessels are numbered by scores and hundreds. The Bay of San Francisco, the waters of the Columbia, and the harbors of the strait of Fuca and of Puget Sound, are the daily receptacles of ships of commerce from China, Japan, the eastern Indies, Liverpool, Mexico, Chili, Peru, and Australasia. Our merchant marine, our coasters, and our whaling fleets are constantly disturbing the waters of the northern Pacific. New York and China and Japan have been connected by one transcontinental railroad and steamship line, and soon will be, we hope, by at least one if not two more, connecting with lines of steamers across the Pacific; directly opposite the very harbors of this commerce of the Pacific coast, and directly in the track of that with China and Japan are the Sandwich Islands; midway in old ocean, between Asia and America, they stand as sentinels over what in my judgment will at no distant day be the highway of a commerce that will outstrip in value, importance, and grandeur that of the most renowned of ancient or modern times. Permit an enemy of that commerce to be planted there, with his fortifications and the protections of her harbors, even though he be the most insignificant of the maritime powers, and you permit that which will, if necessary to his purposes, seriously injure if not entirely annihilate it.

But if, instead of permitting this, we bend our energies and direct our policy toward converting these islands, in the legitimate and peaceful manner suggested by the pending treaty, into an outpost of American unity, a friendly and not a hostile sentinel over the destiny of American commerce in the North Pacific, we do much indeed toward insuring the present and future safety and security of that commerce, while the advantages of such a policy could only be exhibited in their real character, in their incalculable value to the Government of the United States and to the safety and security of the commerce of the Pacific States and Territories, in case of a foreign war; for in that event, with the islands under our control, where, I inquire, would a hostile power find a base of operations, save in barren British Columbia or among the sickly archipelagoes of the burning and distant tropics? The Pacific States and Territories have an interest in this question, it seems to me, that entitles them to be heard; an interest commensurate with the future peace and security of their people and their commercial and political welfare; but the interests of the Pacific coast are not alone involved in this question; the honor and influence of the United States as a nation, the safety of its commerce generally, and its political standing as a great maritime power among the nations of the world, are all involved in its consideration, and are to be affected by its decision.

How all-important Great Britain regards the control of these islands, in order to secure her undisputed supremacy in the waters of the Pacific, is disclosed in the fact that even now, while the Senate of the United States is considering and hesitating in reference to the propriety of advising and consenting to this proffered treaty, wherein, as if to escape the clutches of British power, we are offered all and even more that we could have reasonably asked, she through her New Zealand emissaries is engaged in pushing forward a scheme, the purpose of which is to confederate the Hawaiian Islands with others of the thousand islands of Polynesia, thus forming a grand colony under British rule. The American minister, Mr. Pierce, resident at Honolulu, in referring to this matter uses this pointed and startling language:

> Refuse the offered treaty, necessity will drive the islanders to seek for more intimate political and commercial relations with the British colonies of Columbia, New Zealand, Feejee, and Australia; and to eventuate in the Hawaiian Islands becoming also a colony of the British crown. * * * *The danger—*

Says he—

> *of our thus losing all control over the Hawaiian group is imminent.*

And again he says:

> Hitherto the Hawaiin archipelago has maintained its independence, but there are strong indications that it may not much longer retain its present status, for already a scheme has been set on foot and powerfully supported by the chief officials of New Zealand, by which the Hawaiian Islands may be confederated with the groups of the South Pacific under British rule; these and other considerations indicate that the present time is most opportune for the United States Government to enter into more intimate commercial and political treaty relations with those islands.

Can we then as Senators, regarding as we all do the future well-being of our country, desiring as we do to see it stand in the future as now pre-eminent and invincible among the nations of the earth, equal with if not superior in position and prowess to the most exalted, and subservient to none—can we, inspired with these sentiments of good-will for the future destiny of our common country, view with any other feelings than those of intense alarm the probability of this great naval station, the future base of naval operations and supplies in marine conflicts such perhaps as the world has never seen, and in which may be involved the very existence of our Government, passing into the control of such a formidable rival as Great Britain?

Shall we in the presence of such a danger, a danger which our own minister declares to us is imminent, a danger that threatens to disturb the peace, the security, the commercial and political prosperity of the whole Pacific coast, and in the event of a war with Great Britain that will place the commerce of that coast, her ships and her navies, virtually in her power—shall we, I inquire, in the presence of such a danger, which I believe to be imminent, and the evil and sad consequences of which have not been exaggerated or overdrawn, sit with folded arms and composed minds, and hesitate, and conjure objections, and finally fail to do that which may now be done rightfully to avert this great national calamity?

We *may* refuse to act; but if we do, the time in my judgment will surely come when millions of treasure, a prostrate commerce, and the blood of the slain will be offered up as the penalty of our mistake. The day is rapidly approaching when the people of these islands can no longer maintain their autonomy, and when they must come under the control of some foreign power; this is inevitable; they admit it themselves; their past history decrees it, and the glimmering, waning light of their star of destiny confirms the decree. I believe it to be equally true that by the ratification of the pending treaty by which we strengthen our ties of interest, of commerce, of trade, we not only take it out of the power of other nations to secure their control, but we virtually secure it to ourselves. Is it not, then, true statesmanship under all the circumstances to act while we have the opportunity? To ratify this treaty is but to follow in the footsteps and be guided by the counsels of some of our greatest statesmen of both political parties who have now crossed the dark river; men who were wiser in their day and generation than we; such as Webster, Seward, Marcy, Polk, Sumner, and others, all of whom regarded these island as invaluable in a political and commercial point of view as a base of naval operations and supplies.

In 1841 James Jackson Jarvis, of Boston, the historian, in his work on the Sandwich Islands, said:

> Should any of the great powers *seize* upon them it might be considered as holding the key to the North Pacific; for no trade could prosper *or even exist* while a hostile power possessing an active and powerful marine should send forth its cruisers to prey on commerce.

And speaking of the islands for defense he says:

> A military colony once fairly established on them might put at defiance any means of attack which could be brought to bear against them.

While Mr. Webster was Secretary of State the islanders apprehended that the French intended to take possession of them, which fact was communicated to Mr. Webster, when he replied by saying:

> If the French take possession of those islands they will be dislodged if my advice is taken, if it takes the whole military power of the government to do it.

Such has been the view of American statesmen generally in reference to the importance of these islands.

Mr. Marcy, when Secretary of State, negotiated a treaty similar to the one now before us. Mr. Seward directed the American minister to negotiate another, which was done; and now a *third* one has been presented to us by the present Administration.

It is in my judgment the third and last call, and as a last grand inducement, exceeding in value and importance all others. His Hawaiian Majesty solemnly stipulates and agrees that so long as the proposed treaty remains in force he "will not lease or otherwise dispose of any port, harbor, or other territory in his dominions, or grant any special privilege or rights of use therein, to any other power, state, or government."

Shall the Senate of the United States decline the proffered concession, and thus virtually say to that government, we do not desire to treat with you upon *any* terms whatever, even though you place at our disposal and under our control all you possess? Would France or England hesitate to accept such terms? They have long been looking down with an avaricious eye upon their wealth and position, nor are they uninformed or forgetful of the importance of these islands as a military foot-hold in future gigantic efforts for the further extension of empire.

Mr. President, I must not further detain the Senate. I hope this treaty may be ratified. As a question of policy. I will say, as I have said before, it reaches in my judgment far beyond the mere selfish considerations of present or prospective benefit to a special few; its direct tendency will be to countervail that spirit of foreign encroachment that would imperceptibly but surely sever the bonds that unite us with the governments of earth, and surround our nation with a wall of unfriendly power. It will eventuate in checking the further advance upon our Pacific shores of that spirit that actuated the French Emperor, under the false pretext of demanding payment of certain moneys alleged to be due his subjects, to invade a distracted Mexico, and by a system of treachery, aided by armed force, place or attempt to place a foreign prince upon a throne at our very door.

Is it not the part of wisdom, permit me to say in conclusion, to adopt and pursue such a policy toward those governments with which we are most nearly allied in political and commercial interest, that will tend to interweave their interests with ours in such a manner as to render them inseparable by the strong arm or the cunning device of unfriendly power—a policy not dictated by a desire of conquest, not originated by the unscrupulous and mercenary motives that induced a bloody Charles V to dispatch Hernando Cortez, that he might rob the golden treasure-house of the Montezumas, but a policy such as is enunciated in the treaty under consideration, one dictated by that enlightened spirit of the nineteenth century which, burning in the hearts and dwelling in the minds of the American people, impels them onward, as if by an irresistible and divine power, to strengthen, maintain, protect, and defend, by every legitimate means within their reach, the magnificent structure of republican government under which we live.

The Hawaiian Reciprocity Treaty.

SPEECH OF HON. JUSTIN S. MORRILL,

OF VERMONT,

IN THE UNITED STATES SENATE,

[In executive session, the injunction of secresy having been removed by a vote of the Senate, March 23, 1875.]

March 18, 1875.

The Senate (in executive session) having under consideration the treaty of commercial reciprocity between the United States and His Hawaiian Majesty—

Mr. MORRILL, of Vermont, said:

Mr. PRESIDENT: I have no prepared speech to make on the present occasion and the only advantage I shall have over those who have spoken in favor of the treaty will be, as I think, that I shall not be on the wrong side. The people of the State which I have the honor in part to represent have no local interest in the proposed reciprocity treaty with the King of the Sandwich Islands, and my conclusions upon its merits will be, therefore, wholly based upon national considerations. Let me say at the start to those who were firmly fixed in their opposition to Canadian reciprocity, that however insuperable might be the arguments against it, the arguments in its favor were tenfold stronger than any which can be brought to the support of reciprocity with the Sandwich Islands, and the precedent to be established is not less dangerous in the one case than the other. What may be done with King Kalakaua may be done with the Queen of Great Britain or the Autocrat of Russia.

For twenty years, or ever since 1855, the proposition for a reciprocity treaty with the Sandwich Islands has been kept before us and persistently urged, first by Mr. Harris, then by Mr. McCook, and recently by Mr. Allen, a gentleman of culture and character, who was first sent out there as our consul, came back as their minister, and now, I believe, holds the place of chief justice under King Kalakaua. He has been most assiduous in visiting and button-holing Senators here and at their homes, as many Senators have informed me. Doubtless he thinks he is right in asking for the surrender of what will be but little for us and much for those to whom he now owes allegiance. The most potent argument now offered is the same suggestion that has heretofore been most prominently presented, as in 1855 and 1869, namely, that if we do not make this arrangement—so feeble are their numbers, so lamentably deficient are their resources—they will be compelled to lean upon some other power. Great Britain or New Zealand will snatch them up and they will be lost to us forever. Allow me to say if we are to come forward to the support of the paupers of the world—to bolster up all the islands, peninsulas, and continents whose waning finances need a tonic, or whose tottering dynasties are shivering in the wind—we shall have no lack of this sort of national missionary work.

But who or what is it that figures on one side of this compact, dignified by the name of a reciprocity treaty? Why, sir, a veritable kingdom of Lilliput, the whole trade of which does not amount to a tithe of that of the city of Memphis, Tennessee, or of the city of Portland, Maine, each having about 40,000 inhabitants. The population of the Sandwich Islands in 1860 is stated to have been 120,000, but our intercourse with them, philanthropic and enterprising as it has been, seems to have sadly diminished their numbers, so that now their census shows only 56,897 inhabitants, of which 5,366 are foreigners and 2,487 half-castes. It is obvious that these people, living in a climate which exacts little labor for a bare subsistence from those without ambition for anything more, will never furnish a market for any considerable amount of manufactures or products of any kind. Their means and their wants are equally narrow and are at the lowest point of semi-civilization. But poor and dwindling as they are, it is expected that a closer commercial contact and a free reciprocal intercourse will soon extinguish throne and dynasty, as well as the last fleeting breath of their national existence. Once the natives of this waif in the ocean would have Cooked and eaten us up in a different way, but this is a reversal of the feast to which we are invited, and now our power of digestion is to be tested.

It has been claimed in the opening speech made here that the proposition before us is one in the *usual form of reciprocity treaties.* Pray what is meant by the term of "usual form of reciprocity treaties?" There is no such form. We have no such treaties, and never have had but one, and that one of so unsavory a sort that it was abrogated at the earliest possible moment. We have had several reciprocity abortions—notably two with these same islands, or the proposed treaty of 1855 and that of 1869, both of which were rejected, although urged with the same persuasive arguments used to-day, including the never-forgotten one, that, if we do not do this, somebody else will right away. Besides these abortions we have had also the proposed Zollverein treaty of 1844, and the proposed Canadian treaty of last year, each in its turn having been coldly and very properly rejected. If it was intended to say that the present proposition is in the form of the Canadian reciprocity treaty of 1854, then I deny it. That treaty provided for the full and complete assent, by the passage of the laws required, of all the legislative departments of the respective governments before it was to take effect. This Hawaiian treaty, however, by its terms is to go into operation "as soon as it shall have been approved and proclaimed by His Majesty the King of the Hawaiian Islands and shall have been ratified and duly proclaimed on the part of the Government of the United States, and the laws required to carry it into operation shall have been passed by the Congress of the United States of America."

It will be observed that the treaty is to take effect when proclaimed by His Majesty the King and by the Government of the United States—meaning the President of course—and the after-thought, tacked on at the end, about the laws required to carry it into operation is of little binding force if the arguments of some Senators are to be accepted as correct, that such a treaty as this, when advised and consented to by the Senate, will be the supreme law of the land, either by executing itself or by making it the duty of the House of Representatives or of Congress to consent to the passage of all laws required to carry it into operation. When Canadian reciprocity was before us, the form presented was very different and required the assent and action of Congress first and before ratification, but here, whether by accident or design, ratification stands foremost. Should Congress refuse or omit to pass any laws upon the subject, according to the extreme doctrines of some Senators here, none would be necessary and the treaty might still be proclaimed as the supreme law of the land without the co-operation of the House of Representatives. The Treasury Department would be able at once to order the sugar and rice and other articles received from Hawaii to be admitted free of duty, according to the treaty, and then might snap its fingers at Congress. In any event this part of the treaty should be amended,* for I will not assume that it is really intended to evade the future action of Congress as to the passage of the laws required.

I hope it will not be considered presumption in me once more to call the attention of the Senate briefly to what I hold to be the unconstitutional character of reciprocity treaties. The Senate itself has after elaborate reports twice decided against them, and has so

NOTE.—The Senate having passed a resolution authorizing the publication of all the speeches delivered on the Hawaiian treaty, it seems not inappropriate that something should appear from some one of those who argued against the treaty as well as from those who made carefully prepared speeches in its support. This is the substance of an extemporaneous speech, occupying when made about an hour and a half of time, and is as faithfully reproduced, after the lapse of some weeks, as it is possible by the author.

*This was subsequently amended.

repeatedly rejected them as to make them suspected and more than questionable as a class. Four have been squarely rejected and only one accepted. When the Senate Committee on Foreign Relations in 1844 made, through Mr. Choate, their well-considered report on the Zollverein treaty, the unconstitutionality of reciprocity treaties was so clearly demonstrated that the treaty was at once laid on the table as the most inoffensive way of getting rid of it. President Tyler, not being satisfied with this action, again urged further consideration of the measure at the next session, and then (1845) a final report by the chairman of the Committee on Foreign Affairs, Mr. Archer, of Virginia, was made, reaffirming the positions of the former report and re-enforcing them by additional arguments. There are few men whose indorsement would add much weight to the senatorial opinions of Mr. Choate, but his authority gives to me what I need, a very solid support. Mr. Archer, by virtue of his long service in the House of Representatives, was made chairman of the Committee on Foreign Relations of the Senate upon his first entrance here, and so continued to the end of his service. In the history of our country no man has had for a longer period a more controlling voice in the conduct of our foreign affairs than Mr. Archer. He claimed that the Zollverein treaty would have promoted our interests, and yet he rejected it on the higher constitutional grounds. If Mr. Archer and Mr. Choate, twice backed by a large majority of the Senate, found no warrant in the Constitution for such treaties, I hope to be excused for sharing their blindness.

Such a treaty as a reciprocity treaty was unknown at the time the Constitution was framed, and to-day there is not one existing in the world—between any nations here or elsewhere. It is wholly a new and modern invention. It may be claimed that the Cobden treaty between France and Great Britain was of this character, but such is not the fact. That treaty was for the reduction of duties and the removal of those of a prohibitory character. Its operation was not entirely satisfactory, having destroyed several flourishing branches of British trade, besides proving so detrimental to the revenues of France that President Thiers, at the close of the recent war with Germany, was compelled to ask for its abrogation.

The Constitution of the United States gives to Congress the whole power *to regulate commerce with foreign nations*. There is no residuum of power left to be exercised elsewhere. It is as exclusively belonging to Congress as any other of the provisions in the whole chapter, or as the power "to provide and maintain a navy," or "to establish post-offices and post-roads," or "to raise and support armies." What would be said of a treaty which should be made providing for a reciprocity in establishing post-roads—we to build one and Canada another? What of a treaty providing for doubling the number of our naval vessels or for reducing them one-half? What of a treaty that should reciprocally require a larger or a smaller standing army? And yet the treaty-making power is no more excluded from doing these things than from regulating commerce by making dutiable articles free to the subjects of the King of Hawaii. If any one of the distinct powers of Congress can be invaded, all may be. A reciprocity treaty is an instrument that may be made to do all sorts of work. It has the genius of adaptability for the big job of yesterday and for this little one of to-day.

Let me strip the husk off from these so-called reciprocity treaties, and that husk it will be seen is all in the word reciprocity. Look at the present treaty and from beginning to end there is nothing in it but a compact to regulate commerce with His Majesty the King of the Hawaiian Islands, from whence rice, sugar, and other articles are to be exempt, by the treaty, from the payment of all duties, while any other rice and sugar are not exempt. Congress regulates commerce only by the passage of general laws applicable to all the world alike, but here, under the guise of reciprocity, the treaty-making power undertakes to regulate commerce by a special bargain which grants favors to one kingdom that are denied everywhere else. How far and how long the Senate will advise the Executive to travel in this direction time will disclose, but to whatever extent it may go it will to that extent be a suspension of the legislative power of the nation.

Possibly it will be contended that all of our treaties more or less attempt to regulate commerce, but it will be found that not one of them attempts to make any compact as to the rates of duties to be imposed or not to be imposed upon the importations of produce or merchandise, the only object of commerce, and the point where alone it can be regulated. There is a difference in the comity and usage of nations as to the treatment of foreign vessels when visiting their ports, with freights or passengers, laden or unladen, for repairs or for stores, and our treaties very properly embrace such questions as salvage, pilotage, quarantine, consular duties and privileges, light-house and harbor dues, but these are mere incidents of our general intercourse with the world, and do not even pretend to touch the primary question of regulating commerce.

The Constitution explicitly declares that "all bills for raising revenue shall originate in the House of Representatives." One of the largest sources of revenue undoubtedly is the duty fixed by Congress on sugars, and this source of revenue the treaty is to step in and dry up so far as sugars from the Sandwich Islands are concerned. Of what value to the House of Representatives will be the power to originate revenue bills, if the treaty-making power should step by step leave nothing upon which such bills can operate? Will it be said that a treaty is not a "bill" and therefore is not inhibited? That would be merely a petty subterfuge. This is one of the popular privileges of the people—to tax or not to tax, when and how they please—confided to the sole guardianship of the House, and the House as long as it maintains its own self-respect must stand as a sentinel to resist attempts to exclude them from their full participation in the joint power of regulating commerce and especially to resist any diminution of their exclusive power to initiate all revenue measures—never intended to be initiated otherwise than by bills. The Constitution speaks in the imperative mood: they *shall originate in the House of Representatives*.

If reciprocity treaties are to become the settled policy of the country, then farewell to all stability in our revenue laws. The Executive will agitate these questions as well as Congress. We shall be subject to all the changes which foreign powers may successfully urge upon whoever may happen to be an able and influential Secretary of State. Our own interests will have to be bartered for the interests of foreigners, and reciprocal compromises will be the order of the day. There must be a pretense of equal sacrifices in order to give some meaning to the word reciprocity. In the present case we are to give up ten, if not twenty, times the revenue given up by King Kalakaua, and yet that is called "reciprocity!" It is obvious, if this policy shall be established, that any party when coming into power would find its first duty in a revision of reciprocity treaties. Free trade or protection could be established for twenty as well as for seven years, the limit of the present treaty, and long after any Administration responsible for such a treaty had been, it may be, driven from power by the verdict of the people.

These are no idle suggestions. Precedents for the exercise of power once established are seldom eradicated. Executive, legislative, and judicial bodies are prone to amplify and extend their jurisdiction and rarely practice self-abnegation by any restricted construction of their constitutional functions. I am sure that I do not desire to cripple the just power of the Senate, nor to diminish that affectionate respect so generally accorded and to which it has been so long historically entitled. But I trust I may be pardoned for avowing my deliberate convictions that reciprocity treaties are unconstitutional, and that they must be practically regarded as a serious invasion of the rights of the House of Representatives, and whether constitutional or not they will subject the Senate to popular criticism and jealousy that had much better be avoided. The exercise of legitimate power often excites detraction, but the exercise of doubtful power always excites execration.

I know that some of these objections are sought to be obviated by the proposition which looks to obtaining the assent of the House of Representatives. But the House, however, has no power to give its assent any more than it could delegate to the Executive the right to coin money or to declare war. The House of to-day cannot consent to waive its own right, much less to waive the right of the House of to-morrow. In spite of all treaties its functions and privileges must remain the same. No provision of the Constitution can be put out of sight and held in abeyance even for seven years by the forms of a treaty with His Majesty King Kalakaua, or any other foreign potentate.

Reciprocity treaties fly directly in the face of the "most favored nation clause," which exists in nearly all of our treaties with every nation in the world and bind us to admit the products and manufactures of one country on the same terms conceded to the products and manufactures of any other country. We have at least thirty-five of these treaties confronting us as an absolute bar to any special favors which shall not at once become common to all, or a bar to any treaty of reciprocity whatsoever. We have agreed over and over again not to do it, and the agreements being mutual were and are as much for our benefit as for that of others, being designed to prevent all discrimination either by ourselves or others, while reciprocity treaties have no other design than to establish discrimination. They are hostile and adverse to all other nations except the parties to the compact, and must be regarded as unfriendly by all whom its terms practically exclude.

It is true that I have sometimes pondered the question as to the propriety of making some discrimination in favor of republics, perhaps in favor of the South American governments, and certainly, if we were to have reciprocity anywhere, it would seem to be the part of broader statesmanship to make such compacts with Mexico, Buenos Ayres, the Argentine Republic, or Brazil—countries of sufficient population and wealth to give us some prospect of a larger market for our own products—rather than with the Hawaiian kingdom where our ambition must be satisfied with a prospect at zero or with a most pitiful and beggarly extension of commerce.

But, sir, on the whole, our ancient policy, handed down from the fathers, of holding all mankind "enemies in war; in peace, friends," is by far the wisest and safest national policy. Discrimination, by extending favors in one direction and withholding them from another, must in the end breed discord and arouse jealousies that will not tend to promote the interests of universal peace. Favoritism is ever odious. Should the policy of reciprocity treaties prevail to any extent it would create hateful "rings" among nations, quite as odious as any holy alliance of a by-gone age, and become the fruitful source of unnumbered fretful complications. Having promulgated the great American doctrine of the equality of mankind, let us not be the fore-

most to set the un-American example of granting special privileges to favored nations.

The Sandwich Islands include a small group, nearly midway in the Pacific Ocean, more than two thousand miles away from San Francisco, and about three thousand from China. But, although the most valuable, they are by no means the only islands of the Pacific, which is dotted all over with petty islands, forming a vast but very inconsequential archipelago. Among these are the Bonin, the Ladrone, the Marshall, the Mulgrave, and others, scattered far and wide, altogether too numerous to mention. Some geologists have supposed that in an earlier age there was a broad continent in the Pacific which has gradually sunk out of sight, leaving as islands only the higher elevations, and this sinking process, it has been affirmed, is still going on at Honolulu, but it is hardly probable that the islands will be submerged before the time named for the expiration of the proposed treaty, although this may be as much to be dreaded as the danger of which we have been forewarned, from their being gobbled up by the New Zealanders.

The financial question raised by this treaty, in proportion to its magnitude, will be a tough and unprofitable one for the Treasury of the United States. Measured by the past, it will deprive us of $500,000 of revenue. Measured by the whole amount of sugars annually produced in the Sandwich Islands, and this must be the actual test, it would at once be nearly double this amount, to be further augmented year by year until the utmost sugar-producing capacity of the islands shall have been reached. This capacity is variously estimated and will reach from three to five times the amount of the present production, which is stated to be from twenty-three to thirty million pounds. So that from one hundred to one hundred and fifty million pounds of Sandwich Island sugars may ultimately take the place of an equal amount coming from other places that is now subject to the payment of duties, averaging, for the class which will be received, not less than 3½ cents per pound, and may soon involve an uncompensated loss to the Treasury of two, three, or four million dollars annually.

The charming reciprocity for our loss is that His Majesty King Kalakaua will surrender about forty or fifty thousand dollars of revenue, as hard for him to bear very probably as our much larger surrender; but if the owners of the sugar-plantations, after having over 60 per cent. added to the value of their product, do not replace twice or thrice the amount of the king's loss of revenue, their sense of gratitude must be obtuse, and they will deserve the treatment they might have received from the hands of the king's hungry ancestors.

The duty we have charged upon sugars has been, when under No. 7 Dutch standard, 1¼ cent per pound; over that and not over No. 10, 2 cents per pound; over that and not over No. 13, 2¼ cents per pound; over that and not over No. 16, 2¾ cents per pound; over that and not over No. 20, 3½ cents per pound. By our recent legislation we have added 25 per cent. to all of these rates. Sugars of No. 13 Dutch standard are very passable common grocery sugars. The great bulk of the sugars from the Sandwich Islands will be brought up to or over No. 16 Dutch standard, and will compete with other sugars which would be charged with a fraction over 3½ cents per pound duty. They will make the most profit on the highest grades, and of course will prepare and send these exclusively. The highest grades are as legitimately Sandwich Island sugars as the lowest grades.

Our market for their sugars is the best they can possibly have, treaty or no treaty, charged with duty or not. The duty is a sheer loss to us and a sheer gain to the twenty-five owners of the sugar-plantations, whether they reside in Hawaii or elsewhere. It is an immense subsidy to these wholly private interests and far more obnoxious than any subsidy which has heretofore found congressional advocates. However honestly intended by the parties to the negotiation, I feel constrained to denounce it as a job, the chief result of which will be to put money into the purses of a few Hawaiian sugar-planters, who have captured a good enough king to march at the head of their triumphant procession through the country at our expense and who by and by is to issue his royal proclamation ratifying the treaty.

When the rejected Hawaiian treaty of 1869 was before us it was claimed as a merit that all of the owners but two of the twenty-five were foreigners and almost wholly Americans. There is no doubt they are so now. They may be called smart, whether we are or not. We are proposing to pay for their ventures at least 3½ cents upon every pound of sugar they may send to our market, which will nearly double their profits. No duty being imposed upon sugars imported there, whatever they require for their own consumption will hereafter be obtained from India and China, and it is quite possible their own crop will be miraculously re-enforced by these cheap oriental resources. If the sugar from the Indies takes another name, will it not be as sweet?

If we are to give such a bounty as this just at the time we have increased the duty 25 per cent. upon our own people to obtain more revenue, it seems to me that it would be far better to bestow it upon the home production of sugar rather than upon any foreign production. If we were to offer even one cent per pound bounty on home-made sugar, I cannot doubt but the increase of cane, beet, and maple sugars would soon far out-strip the whole product of the Sandwich Islands, and how much more it would contribute to the prosperity of our own people! California, not surfeited with the vast increase of Hawaiian sugars, produced most probably there by the employment of large numbers of Chinese laborers, would nobly strive with Louisiana for the mastery, and the gold to be sent abroad for sugars would be sensibly and profitably diminished. This was the policy of Napoleon in encouraging the culture of the sugar-beet, which at length, instead of requiring a bounty, was found to be so profitable as to be able to bear taxation when the cane sugars of French dependencies could not. The beet sugar of California now amounts to one million of pounds and is increasing. It deserves the tenderest encouragement instead of this neck-and-neck contest with the Hawaiian speculators. I would not unreservedly argue that a bounty on home-made sugars would be expedient, but I cannot hesitate to denounce the Sandwich Island bounty as wholly inexpedient.

The production of rice in our own Southern States and of the cane sugars of Louisiana and the Gulf States has been greatly depressed, and it is profoundly to be hoped that in spite of all obstacles they will, under the large protection offered by our present scale of duties, soon revive and pass any limits to which they have heretofore been confined. Surely our sugar-planters cannot look with any complacency upon the fact that they are to have the Sandwich Islands as equal competitors for a class of sugars similar to their own. In 1855 the objections of Louisiana Senators to a like treaty then proffered were thought to be very potential. Her interest in the question to-day is not less, but greater.

Will California and Oregon be benefited by this treaty? If they were to be, that might be claimed at least as a local benefit. But they will not obtain their sugar at any reduction from the market price, whatever may be exempt from duties at their ports. If that were otherwise the provision of the Constitution, that duties shall be *uniform throughout the United States*, would be indirectly violated. The only effect will be that the owners of Hawaiian sugars will obtain an advance in price just equal to the duties released, and the more we import of these, the less shall we import of other dutiable sugars. Our people on the Pacific coast will not be benefited in the slightest degree as to the cost of living, although it is not improbable their sugar refineries may be destroyed. Their occupation to a large extent will be superseded, and this will be a considerable local loss that will not be compensated by an increase of other trade. The poverty of the Hawaiians, their inferior state of civilization, and their deeply rooted habits of indolence, give no promise of enterprise, nor of any considerable expansion of trade. The removal of their 10 per cent. duties heretofore charged on some of our products will not be so great an advantage as to enable us to control their markets against all the world, and, if we could monopolize their whole trade, it would be a very small nugget in the commerce of the Pacific coast, or the merest trifle and wholly incapable of diverting attention from the vast field which lies beyond.

There was a time when Honolulu was of greater importance as a rendezvous of our whale fishermen than it is to-day. But the whale, that gigantic game of the ocean, seems to be disappearing. The hunchback, the sperm, and the right whale are no longer plentiful anywhere. The Greenland fisheries were thought to have been exhausted some years ago, although they have been so relentlessly pursued elsewhere that they have made their reappearance there, but in lessened numbers. The number of our whalers in the Pacific has been reduced from over two hundred and fifty to less than one hundred, and the catch, from an average of often one thousand barrels of oil for each vessel to less than six hundred. One-half of the whales taken near Alaska, or around the Aleutian islands, have also an unfortunate alacrity when struck by the harpoon of sinking beyond recovery and are lost.

The wonderful discovery of kerosene, or rock oil, has in a large measure superseded sperm oil. It no longer furnishes a cheap light. The vocation of whalemen no longer dazzles sea-going adventurers by its profits, and has ceased to be a world-wide necessity. Ocean-going steamers by their huge dimensions and rapid voyages absorb the freights of whole fleets of the smaller fry of sailing-vessels, and the bulk of the commerce of the Pacific Ocean, as elsewhere, will hereafter be carried by these steam leviathans of the great deep. The few whalemen we have left which may visit the Pacific will derive no advantages whatever by this treaty. Their interests are wholly untouched. They have always been allowed to deposit cordage and ship-stores there in bond and, upon returning to refit, to take what they wanted without payment of duties. Whatever flag covers the islands there will never be a government there so stupid as to deny such privileges to anybody. It is the chief link that connects them with the rest of mankind.

Once American statesmen might have felt disinclined to see these islands pass under the control of any other power, as it has been stated was the case with Daniel Webster. In that part of the message of President Tyler in 1842, supposed to have been written by Mr. Webster, it is true that he states such a condition of affairs "could not but create dissatisfaction," but he at the same time takes good care to say that the United States "seeks, nevertheless, no peculiar advantages; no exclusive control over the Hawaiian government, but is content with its independent existence and anxiously wishes for its prosperity and security." This was a position wholly at war with what we are now proposing to do. Webster sought no peculiar ad-

vantages then, and much less would he now, if he were living, with far less favoring circumstances, seek to give or take the peculiar advantages of a reciprocity treaty.

At the bottom of this scheme something more grave than this treaty it appears is impending. The superstructure of reciprocity might topple and fall if there was not something stronger at the base. The Hawaiian inhabitants are decreasing, it is declared, at the rate of 2 per cent. per annum. Soon they will be too few in numbers to support a monarchy or any other kind of national government. The government is a small drop in the ocean to be absorbed by the first larger drop with which it comes in contact. Their whole revenues from all sources are less, it is said, than two hundred thousand dollars. Already they are financially embarrassed, and must somehow borrow a million or two for immediate relief. They have no security to offer but their government and the islands. "Nor is the matter of much consequence," says Mr. Pierce, our minister resident, "inasmuch as the loan, if taken, can never be repaid." Whoever loans King Kalakaua a million or more, may exact the pound of flesh or the surrender of the islands whenever the loan shall become due, and we are teaching the king to lean upon us for such a loan as his most distinguished acquaintance. The treaty, if consented to, will diminish his revenues on imports forty or fifty thousand dollars, and how then, as we shall have been the latest cause of so much of his woe, can we refuse the loan? This is the tropical fruit the treaty will be expected to ripen and which we are to stand in readiness to catch when it drops. We are urged to make a reciprocity treaty because other nations will be eager, if we fail to do it, to make a loan that "can never be repaid." The next step in this little drama will be for us to tender the loan so greatly needed because New Zealand has already offered it, and King Kalakaua does not seek absorption in that direction, but prefers the honor of being the debtor of the United States. He prefers to take refuge when swallowed in a larger stomach. The ultimate object thus comes to the surface. It is to prepare the way for an island colony in the Pacific Ocean, not contiguous, but two thousand miles away from our shores. Should that be our American policy?

To Great Britain colonies have long been a necessity. First, to afford a market for her manufactures by which their dense population derive their only means of support; second, to afford an outlet for large numbers of the unemployed and more or less turbulent class of their people; third, to give official employment to the younger sons and lower ranks of their aristocracy. Colonies have therefore been the safety-valves through which the dangerous surplus of their population makes its exit, and by which political explosions and revolutions have been postponed or avoided.

The United States are under no such necessities. (1.) Our ample territory will afford our people room and verge enough for centuries to come. Our new States and Territories are panting for every soul they can induce to leave the older States. We have no surplus or turbulent population anywhere that we want to be rid of. The strength of a nation in peace or war lies not in dispersion but in concentration. (2.) Our manufactures yet fall far below what are required for home consumption, and we therefore have a better market at home than any we can create by means of colonies abroad. (3.) Nor do we desire to multiply places for official employments, and thus swell our already extravagant national expenditures.

The colonial system even to Great Britain has been an oppressive financial burden and the source of many wars as well as of bloody revolts on the part of the subjugated nations or other disputants. In these collisions it mattered little on which side the slaughter occurred, as in any event the disappearance of useless friends or dangerous foes could be dwelt upon with composure. In New Zealand these collisions have been constant and exhaustive. To-day the Canadian Dominions, Australia, and New Zealand might proclaim independence without a blow or a protest against it from the mother country. The colonial system is in its dotage. The discovery of new worlds no longer feeds this vanity of nations. The world will not long tolerate colonial monopolies, and the day is coming when no part of enlightened mankind will consent to remain the political underlings of any foreign rulers.

There is no attribute in the character of our people, and no principle in our form of government, that can give success to any system of American colonies. Our ambition has been properly limited to the desire that all nations should be free and independent. We have been trained to govern ourselves, not others. With all of our well-founded historic hatred of colonial systems, shall we, when all of its glories are becoming dim in the eyes of the world, start in the colonial business by an enterprise that will find its chief distinction not in its magnitude, but in its resplendent littleness? If we were to squat anywhere, or were disposed to add anything to the land-stealing fame of the Anglo-Saxon race, Cuba or Mexico might at least give some dignity and grandeur to a criminal blunder, but Hawaii is a mere speck that can only blot our record and make our eagerness for colonial appendages ridiculous.

There is one more notable argument, namely, that we need the Hawaiian Islands as a naval station, and this is as baseless as all the rest. It has been said that it is "due to the Pacific coast as a guard." Two thousand miles away from the Pacific coast, and yet to stand as a guard! This does not appear to me as a very substantial argument. The strong arms of the men of California and Oregon—and we have none worthier or stronger—are abundantly able to defend their own coasts. They need no other bulwarks to repel all assailants. Has Maine ever been afraid of Halifax or Quebec? Has she ever wanted any islands of the Atlantic to guard her coasts? No, sir! When in the progress of the negotiations for the settlement of our northwestern boundary Great Britain offered to give us Newfoundland for Oregon and Washington, the offer was at once refused. Distant islands must be defended and have no power to guard a continent.

To build up and maintain a naval station of any importance involves a large expenditure; and at the Sandwich Islands, if made entirely safe, it would be exceptionably large. All the harbors and coasts would have to bristle with forts, batteries, and martello towers. Wharfs, docks, and yards would have to be provided, and all the material for the purpose transported from our own shores. Men for garrison duty would have to be permanently stationed there, and naval vessels constantly sent and maintained to represent our flag. All this, however, would be of no consequence unless at the approach of peril we had at the instant more guns afloat there than our enemy. A stronger force than our own would capture the islands in half an hour, as we might do if they were in hostile hands and it was of any importance to us to possess them. In time of peace we can have all the privileges that are needful, as we have at Liverpool, Havana, or Bremen; and in time of war the islands would be a source of weakness by multiplying points of attack and by withdrawing from home the ships and men required for their defense. The rocks of Gibralter, Malta,* and Saint Helena are truly formidable and are very capable of defense, but if Great Britain should at last find her strength waning at home in comparison with other powers, all these would furnish to her own shores no security against an attack waged by an equal enemy and conducted according to the methods of modern warfare. But the Sandwich Islands have no resemblance to Malta and Gibralter, and could not themselves be made defensible much less capable of offense.

It will be seen that I am opposed to this treaty—

First. Because it seems to me to be in open and plain conflict with the provisions of the Constitution.

Second. Because it would establish a policy and a precedent of discrimination and favoritism in our intercourse with foreign nations—exposing us to the jealousies and ill-will of those less favored—and would be a broad departure from the true American policy of the fathers of the Republic.

Third. Because it offers financially little or no compensation to our Treasury or to our people for an extravagant subsidy, amounting to millions, bestowed upon a small number who own sugar-plantations in Hawaii.

Fourth. Because it is now, as it ever has been, a job of a few sugar-planters to enrich themselves at the expense of the United States.

Fifth. Because only on the most diminutive scale can it increase our commerce. The character of their population, small in numbers, destitute of property, little advanced in civilization, except in its vices, deplorably feeble in mechanic arts, education, science, and trade, forbids all ideas of an extensive or profitable commerce.

Sixth. Because we should not take any incipient steps toward the establishment of colonies which, if established, would be wholly incongruous and incompatible with the fundamental principles of our form of government.

Seventh. Because, if our full title to the islands were to be completed, we should have an elephant on our hands, costing large sums annually, of no practical use to ourselves in time of peace, and inspiring no dread among our foes in time of war.

Eighth. Because there is no general sentiment of the country in its favor, and because there is and ought to be a general sentiment in the House of Representatives against all so-called reciprocity treaties.

* Each of these stations (Gibralter and Malta) cost the British government annually over $2,000,000 to maintain.

The Hawaiian Reciprocity Treaty.

SPEECH OF HON. NEWTON BOOTH,

OF CALIFORNIA,

IN THE UNITED STATES SENATE,

[In executive session, the injunction of secrecy having been removed by a vote of the Senate, March 23, 1875.]

March 18, 1875.

The Senate (in executive session) having under consideration the treaty of commercial reciprocity between the United States and His Hawaiian Majesty—

Mr. BOOTH said:

Mr. PRESIDENT: I am exceedingly reluctant to intrude at this time upon the attention of the Senate, but as it is supposed the Pacific coast has an especial interest in the subject under consideration, justice to myself seems to require that I should briefly state the reasons

which will control my vote. I do not believe that the people of California desire any local interest of theirs to be advanced at the expense of the general good, nor do I believe they have any general interest which will be substantially promoted by the ratification of this treaty.

In listening to the very earnest and able speeches of the Senators from Oregon, I was almost persuaded into the belief that if we failed to conclude this treaty, the trade-winds of the Pacific Ocean would cease to blow, its currents be reversed, and the Sandwich Islands would sink; or, at least, that some mysterious line of political and commercial quarantine would be drawn around the islands, which no American vessel could ever cross, and that American intercourse with Hawaiians would be forever "tabooed." But, Mr. President, none of these things will happen. Whether we ratify this treaty or not, the Hawaiian Islands will remain where Captain Cook found them, they will still be landmarks in the ocean, their harbors will be open to American vessels in distress, for supplies, for trade, and the Hawaiians will be ready to sell us what we wish to buy of them, and to buy of us what they need when the terms are satisfactory.

It is fortunate there is so little dispute as to the commercial aspect of this treaty as to greatly simplify its consideration in that regard. The population of the islands is stated to be 56,000, of whom 2,000 are Americans or their immediate descendants, 2,000 Europeans, and 2,000 Chinese.

Their exports to the United States in 1874 amounted in round numbers to a million of dollars, of which sugar constituted something more than nine-tenths in value. The entire production of sugar in the islands in that year was about 28,000,000 pounds, of which the United States received more than one-half. Under the existing tariff, 14,000,000 pounds of "Sandwich Island sugar" would pay an average duty of three cents per pound, and the loss to the Treasury by admitting it duty free would be $420,000; but under the provisions of the treaty, we shall receive the entire crop of the islands, and the loss next year would be $840,000.

Mr. CONKLING. Why will the loss be increased? If we received 14,000,000 pounds last year, why shall we get double that under the treaty?

Mr. BOOTH. We shall get the whole amount exported by the islands, because it will have an advantage of three cents per pound over all other foreign sugars. We shall get it as certainly as we do the Louisiana crop, and for the same reason. We shall draw that much less from Manila and other sources of supply in the Pacific, whose sugars will pay duty. It was admitted, and even argued by the Senator from Maine, [Mr. HAMLIN,] in support of the treaty, that the production of the islands at their maximum capacity bore so small a proportion to the consumption in the United States, that its admission, duty free, would not influence the price of sugar in our markets. Last year the Hawaiians supplied us with less than 1 per cent. of our entire consumption, and under the most favorable circumstances could not send us more than 6 per cent. Last year the consumption of sugar in the United States was 1,600,000,000 pounds, and the estimated annual increase is 30,000,000 pounds. I believe this argument of the Senator was correct, and that this proposition would be found true, even if our importation from the islands should exceed the largest estimate: for sugar, like wheat, is an article of such universal consumption, that its price at any given time is determined by the relation of supply and demand throughout the world, and its price in the world's great commercial markets is simply an index to that relation.

Mr. HOWE. Will the Senator from California allow me to ask him if price is not regulated by cost of production?

Mr. BOOTH. Ultimately, yes; immediately, no. The farmer in Wisconsin does not make a calculation after he harvests his wheat as to how much it has cost him to raise it, and then fix the price. He does not refuse a profit; he sometimes sustains a loss. When he has raised his crop, he finds a market price fixed; the quotation at London determines the price in Milwaukee; and he must either hold or take that price. It is true that if raising wheat paid an unusual profit its production would be increased; if it involved a loss it would diminish, so that the price is always gravitating toward cost, and in a series of years, with free competition, average price is average cost. Granting the general principle, that average cost determines average price, and making an immediate application to the case in hand, the price of sugar in the United States will be the cost of producing and transporting it plus a duty of three cents per pound. That will be the price the Hawaiian planter will get for his, though he will not pay any duty. This is not free trade; it is simply extending the protective tariff of the United States over the Hawaiian Islands, and while the Government loses revenue the consumers receive no benefit. It is not protection, for American production is not fostered. It is simply a bounty paid by the United States to the owners of sugar plantations in the Sandwich Islands. The treaty itself provides that this bounty shall go to these men, and to no one else; for if the Senator from Maine [Mr. HAMLIN] was right in stating that removing the duty from Sandwich Island sugar would not affect the price, neither would it if the Hawaiian government should impose an export duty equal to that we take off; but this is prohibited by this treaty, which seems to be negotiated rather in the interest of the planters of the islands than of the governments which are parties to it.

This bounty of three cents per pound upon sugar the average cost of which is not to exceed five cents will stimulate the production to the highest capacity of the islands, and the loss to the Treasury will be determined by that as rapidly as the sugar lands can be brought under cultivation. The Senator from Oregon [Mr. MITCHELL] in his very able speech in support of the treaty estimated that there were 100,000 acres of sugar lands in the Hawaiian Islands.

Mr. MITCHELL. But a large portion of them not susceptible of irrigation.

Mr. BOOTH. I was about to add the qualification. He stated also that 1,000 pounds of sugar was about the production per acre. I regret that I have no exact information as to that, but the Senator from Louisiana informs me a good sugar plantation in Louisiana will yield more than 2,000 pounds to the acre, and as sugar-cane is indigenous in the Sandwich Islands, I do not know why the yield there with proper cultivation should be less, which would give 100,000,000 pounds as the product of 50,000 acres. The commissioners who represent the Hawaiian government estimate the probable production at 50,000,000 pounds, and certain gentlemen in San Francisco who are familiar with the subject estimate it at 135,000,000. The average annual production during the seven years this treaty is to continue would certainly not be less than 50,000,000 pounds, and the annual loss to our Treasury $1,500,000, (I think it would be much more,) without any advantage to consumers. What compensation are we to receive?

First. It is said by an increase of our exports to the islands. Why, Mr. President, the whole foreign trade of the Hawaiian Islands is less than $1,400,000. If we should get it all, it would simply be paying the planters a million and a half for the privilege of selling $1,400,000 worth of goods. If the profit on these exports were 20 per cent., we should pay something more that five dollars for one. I have no doubt we could buy the markets of the world upon the same terms, but the difficulty is that after paying for them we should have nothing left to sell.

Mr. EATON. Would not the foreign trade of the islands increase with increased production of sugar?

Mr. BOOTH. It would increase, but not in that proportion.

The mere diversion of labor to raising sugar would not largely increase the demands of a people who live in a tropical climate and do not know the artificial wants of high civilization. The planters, it is true, would be very ungenerous if they should not take a part of the annual subsidy it is proposed to give them "in trade."

The removal in our favor of the 10 per cent. duty imposed now by the Hawaiian government would by no means give us the exclusive control of that market. It would not open it to that large class of American goods which require a protection of from 30 to 50 per cent. to give them a market at the doors of the manufactories. If it would, a duty of less than 10 per cent. is all the protection American manufacturers require.

Why, Mr. President, there are less than forty of these Hawaiian sugar planters—not to exceed three thousand men employed, four-fifths of whom are natives, the remainder nearly all Chinese. Treble these and you have not a population for an eighth-class American city. Then take into consideration the limited wants, the primitive habits of the natives, the wages of labor but twelve dollars per month—and where is that magnificent market which captivates the imagination and is to induce us to conclude a treaty which disturbs the uniformity of our revenue system and infringes upon the constitutional prerogative of the House of Representatives to have a potential voice in matters of revenue?

But, Mr. President, it will not be seriously contended that this treaty with a nation which the Senator from Vermont [Mr. MORRILL] aptly styled the Kingdom of Lilliput has been negotiated upon our part for any commercial purpose. The object is political. It is assumed that by bringing ourselves into special relations with the Hawaiian Islands we shall acquire a protectorate over them, and eventually their sovereignty.

The means seem to me of doubtful success, the object of more than doubtful utility. the subject a matter of such grave importance that it ought not to be disposed of upon a mere assumption without that full discussion which is impossible in the short time left for its consideration.

About two years ago an eminent citizen of the United States went to the Hawaiian Islands with authority to open negotiations to obtain the possession of Pearl Harbor. This harbor is practically of no use to the Hawaiians, on account of the narrowness of its entrance, through an opening in the reef, and the Hawaiian government is not able to widen it. The Hawaiian government would not entertain the proposition, as it would certainly give offense to the sentiment of the people and possibly to foreign powers. Is it probable that government will be disposed to make greater concessions hereafter than it would when upon the verge of bankruptcy and dissolution—perils from which it hoped this treaty will save it?

But it is suggested that by creating a demand for American capital, enterprise, and labor, in extending our protective tariff over Sandwich Island sugar, an immigration will be drawn to the islands from the United States which will eventually control the Hawaiian government; that an American colony will be first established in sentiment, afterward in fact. If the limitations placed upon the capacity of the islands to produce sugar by the supporters of this treaty when they estimate loss of revenue are correct, this colony would be far too small to accomplish any such purpose. Be their capacity small or great, the demand for capital and labor will not necessarily be supplied from the United States. It is reasonable to suppose they would

go from the countries where they are cheapest. The Senator from Oregon who spoke last [Mr. KELLY] stated that the Chinese would not go to the islands, as they could get better pay in California. If that be true, the invitation to American labor is not very enticing.

The American element now in the population of the Sandwich Islands is due to two causes which have been so greatly modified as to be practically obsolete—the enterprise of American missionaries in taking possession of this field of missionary labor, and the convenience of Honolulu to the American whaling fleet in the Pacific before the settlement of California and Oregon and when the whale fisheries were important. If you attempt to substitute for these causes simply an invitation to capital by offering profitable investment, you will be quite as likely to find the European buying out the American planter as the American opening new plantations. Whoever may go on this open invitation to raise sugar immediately, and revolutionize a government remotely, will employ the labor he finds there—and that will not be American.

Finally, Mr. President, is it certain that we want the sovereignty of the Hawaiian Islands, if we could get it for the asking? Are we prepared to-day to enter upon a scheme of colonization? Heretofore, with the exception of Alaska, all the territory we have ever acquired has been contiguous, and has or will become a part of a homogeneous political plan. I suppose no one now expects to erect the Hawaiian Islands into a State, and the suggestion that they may become a dependency of California is at least more visionary than practicable. No, sir, this colonial idea means an innovation upon our general plan of government. It will be a government at Washington of islands 2,000 miles distant from our nearest port. It means that we are to become a great naval power, with distant possessions which it is a point of honor to defend, with all the additional expense and strengthening of the central government which that implies. It means that we, a continental republic, shall enter upon a colonial system like that of the insular kingdom of Great Britain, and which many of the wisest of British statesmen to-day regard as the great mistake in the policy of their government. It is only a beginning, but a beginning which in my judgment we should avoid.

To-day a commissioner of the United States is sailing upon a United States vessel to the Samoan Islands, bearing presents of peace and good-will in the shape of implements and munitions of war to barbarous chiefs of warlike tribes.

The Senator from Oregon [Mr. KELLY] urged that we ought to take steps to acquire these islands as they might become in unfriendly hands the base of naval attacks upon our Pacific coast, and instanced as an illustration the annoyance we suffered from the British islands in the West Indies in the war of the rebellion. Why, sir, these were under our shores, yet we refused San Domingo, and the Hawaiian islands are almost as distant from our Pacific as England is from our Atlantic coast.

It is one of the infirmities of our nature, Mr. President, that after we have mastered a specialty it masters us. It is probably almost impossible for a naval officer, an enthusiast in his profession, not to regard every island in the seas as a useful base for operations in naval warfare. So to the military engineer the value of a harbor is in its sites for fortifications. The physician may sometimes speak of a beautiful case of small-pox, the surgeon of a superb compound fracture.

It is possible that the possession of the Sandwich Islands might prove a convenience in the event of war between this nation and a naval power, but is it wise to change our political policy to secure so small an advantage for so remote a contingency? We have been a nation nearly a hundred years, and have had a war of three years with a naval power. It is said that the best way to preserve peace is to be prepared for war, but it is even more true that the best way to be prepared for war is to cultivate the arts and preserve the policy of peace.

I differ, Mr. President, with great diffidence upon this question from the other Senators of the Pacific coast States, but I can come to no other conclusion. I can see in the avowed commercial purposes of this treaty nothing but loss, in its real political object nothing but danger.

The problems of our Government are difficult enough without further complications, and there is room on this continent for our highest ambition.

FORTY-FOURTH CONGRESS, FIRST SESSION.

CONGRESSIONAL RECORD.

PROCEEDINGS AND DEBATES OF THE FORTY-FOURTH CONGRESS.

FIRST SESSION.

IN SENATE.

MONDAY, *December* 6, 1875.

The first Monday of December being the day prescribed by the Constitution of the United States for the annual meeting of Congress, the first session of the Forty-fourth Congress commenced this day, the Senators assembled in the Senate Chamber at the Capitol, in the city of Washington.

SENATORS PRESENT.

The following Senators were present: from the State of—

Maine—Hannibal Hamlin and Lot M. Morrill.
New Hampshire—Bainbridge Wadleigh.
Vermont—George F. Edmunds and Justin S. Morrill.
Massachusetts—George S. Boutwell and Henry L. Dawes.
Rhode Island—Henry B. Anthony and Ambrose E. Burnside.
Connecticut—William W. Eaton.
New York—Roscoe Conkling and Francis Kernan.
New Jersey—Frederick T. Frelinghuysen and Theodore F. Randolph.
Pennsylvania—Simon Cameron and William A. Wallace.
Delaware—Thomas F. Bayard and Eli Saulsbury.
Maryland—George R. Dennis and William Pinkney Whyte.
Virginia—John W. Johnston and Robert E. Withers.
North Carolina—Matthew W. Ransom.
South Carolina—John J. Patterson and Thomas J. Robertson.
Georgia—John B. Gordon.
Florida—Simon B. Conover and Charles W. Jones.
Alabama—George E. Spencer.
Mississippi—Blanche K. Bruce.
Louisiana—J. R. West.
Texas—Morgan C. Hamilton and Samuel B. Maxey.
Arkansas—Powell Clayton.
Missouri—Lewis V. Bogy and Francis M. Cockrell.
Tennessee—Henry Cooper.
Kentucky—Thomas C. McCreery and John W. Stevenson.
West Virginia—Allen T. Caperton and Henry G. Davis.
Ohio—John Sherman and Allen G. Thurman.
Indiana—Joseph E. McDonald and Oliver P. Morton.
Illinois—Richard J. Oglesby.
Michigan—Isaac P. Christiancy and Thomas W. Ferry.
Wisconsin—Angus Cameron and Timothy O. Howe.
Iowa—William B. Allison and George G. Wright.
Minnesota—Samuel J. R. McMillan and William Windom.
Kansas—James M. Harvey and John J. Ingalls.
Nebraska—Phineas W. Hitchcock and Algernon S. Paddock.
California—Newton Booth and Aaron A. Sargent.
Oregon—James K. Kelly and John H. Mitchell.

The PRESIDENT *pro tempore* (THOMAS W. FERRY, of Michigan) called the Senate to order at twelve o'clock m., there being a quorum of Senators present.

PRAYER.

Rev. BYRON SUNDERLAND, D. D., Chaplain to the Senate, offered the following prayer:

Almighty and everlasting God, we adore Thee as the Supreme King. May we believe and trust in Thee as our Father in heaven, the Author of every blessing. As we come into this place, yet dark with the shadow of national bereavement, as Thy servants assembled together here, and some who were with them last shall come no more, help us to realize the truth that we too are mortal; that our days are swift as arrows; that our work will quickly cease; that the sunset will be upon us ere ever we come to know it.

O, Lord our God, we thank Thee for the kindness shown to these Thy servants, in that Thou hast brought them together here from many distant points in health and safety. Remember them still for good. Bless Thy servant the President of the United States, and all in authority over us. Bless the Congress now convened to enter upon their labors. Bless this whole nation with the presence and the power of Thy Holy Spirit, and with a deeper faith in Thee, through Jesus Christ. Amen.

CREDENTIALS.

Mr. COOPER presented the credentials of David M. Key, appointed by the governor of the State of Tennessee a Senator from that State, to fill, until the next meeting of the Legislature thereof, the vacancy caused by the death of Andrew Johnson.

The credentials were read; and the oaths prescribed by law having been administered to Mr. KEY, he took his seat in the Senate.

NOTIFICATION TO THE HOUSE.

On motion of Mr. ANTHONY, it was

Ordered, That the Secretary inform the House of Representatives that a quorum of the Senate has assembled, and that the Senate is ready to proceed to business.

HOUR OF MEETING.

On motion of Mr. HAMLIN, it was

Ordered, That the hour of the daily meeting of the Senate be twelve o'clock m., until otherwise ordered.

NOTIFICATION TO THE PRESIDENT.

Mr. ANTHONY offered the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That a committee consisting of two members be appointed, to join such committee as may be appointed by the House of Representatives, to wait upon the President of the United States and inform him that a quorum of each House has assembled, and that Congress is ready to receive any communication he may be pleased to make.

By unanimous consent, the President *pro tempore* was authorized to appoint the committee; and Messrs. ANTHONY and THURMAN were appointed.

RECESS.

Mr. ROBERTSON, (at twelve o'clock and twelve minutes p. m.) I move that the Senate take a recess for thirty minutes.

The motion was agreed to; and at the expiration of the recess (at twelve o'clock and forty-two minutes p. m.) the Senate reassembled.

WITHDRAWAL OF PAPERS.

Mr. STEVENSON. Mr. President, I offer the following order:

Ordered, That the petition and papers of T. T. Garrard and others, of Kentucky, be taken from the files of the Senate and referred to the Committee on Claims.

The PRESIDENT *pro tempore*. The Chair will suggest to the Senator that no committees have yet been appointed.

Mr. STEVENSON. Let the order lie on the table, then, for the present.

The PRESIDENT *pro tempore*. The order will lie on the table until the committees are appointed.

DEATH OF THE VICE-PRESIDENT.

Mr. BOUTWELL. I rise to announce in the Senate the death of the Vice-President of the United States, and to say that at an early day resolutions relating to his life, character, and public services will be proposed for the consideration of the Senate.

ADJOURNMENT.

Mr. ANTHONY. I suppose that there is no probability of receiving a message from the House until very late, if at all, to-day, and I see no impropriety in the Senate adjourning.

Mr. CONKLING and others. Let us adjourn.

Mr. ANTHONY. If there be no objection, I will make that motion. I move that the Senate do now adjourn.

The motion was agreed to; and (at twelve o'clock and forty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *December* 6, 1875.

This being the day prescribed by the Constitution for the meeting of Congress, the members-elect of the House of Representatives for the Forty-fourth Congress assembled in their Hall, and at twelve o'clock m. were called to order by Hon. EDWARD MCPHERSON, Clerk of the last House of Representatives.

The CLERK. The hour for the meeting of the Forty-fourth Congress of the United States has arrived, and the Clerk of the House of Representatives of the Forty-third Congress will proceed, in conformity with law, to call the roll of Representatives-elect. Gentlemen will please answer as their names are called.

The roll was then called, and the following members answered to their names:

MAINE.

John H. Burleigh.
William P. Frye.
James G. Blaine.
Harris M. Plaisted.
Eugene Hale.

NEW HAMPSHIRE.

Frank Jones.
Samuel N. Bell.
Henry W. Blair.

VERMONT.

Charles H. Joyce.
Dudley C. Denison.
George W. Hendee.

MASSACHUSETTS.

William W. Crapo.
Benjamin W. Harris.
Henry L. Pierce.
Rufus S. Frost.
Nathaniel P. Banks.
Charles P. Thompson.
John K. Tarbox.
William Wirt Warren.
George F. Hoar.
Julius H. Seelye.
Chester W. Chapin.

RHODE ISLAND.

Benjamin T. Eames.
Latimer W. Ballou.

CONNECTICUT.

George M. Landers.
James Phelps.
Henry H. Starkweather.
William H. Barnum.

NEW YORK.

Henry B. Metcalfe.
John G. Schumaker.
Simeon B. Chittenden.
Archibald M. Bliss.
Edwin R. Meade.
Samuel S. Cox.
Smith Ely, jr.
Elijah Ward.
Fernando Wood.
Abram S. Hewitt.
Benjamin A. Willis.
N. Holmes Odell.
John O. Whitehouse.
George M. Beebe.
John H. Bagley, jr.
Charles H. Adams.
Martin I. Townsend.
Andrew Williams.
William A. Wheeler.
Henry H. Hathorn.
Samuel F. Miller.
George A. Bagley.
Scott Lord.
William H. Baker.
Elias W. Leavenworth.
Clinton D. MacDougall
Elbridge G. Lapham.
Thomas C. Platt.
Charles C. B. Walker.
John M. Davy.
George G. Hoskins.
Lyman K. Bass.

NEW JERSEY.

Clement H. Sinnickson.
Miles Ross.
Robert Hamilton.
Augustus W. Cutler.
Frederick H. Teese.
Augustus A. Hardenbergh.

PENNSYLVANIA.

Chapman Freeman.
Charles O'Neill.
Samuel J. Randall.
William D. Kelley.
John Robbins.
Washington Townsend.
Alan Wood, jr.
Hiester Clymer.
A. Herr Smith.
William Mutchler.
Francis D. Collins.
Winthrop W. Ketchum.
James B. Reilly.
John B. Packer.
Joseph Powell.
Sobieski Ross.
John Reilly.
William S. Stenger.
Levi Maish.
Levi A. Mackey.
Jacob Turney.
James H. Hopkins.
Alexander G. Cochrane.
John W. Wallace.
George A. Jenks.
James Sheakley.

DELAWARE.

James Williams.

MARYLAND.

Philip F. Thomas.
Charles B. Roberts.
William J. O'Brien.
Thomas Swann.
Eli J. Henkle.
William Walsh.

VIRGINIA.

Beverly B. Douglas.
John Goode, jr.
Gilbert C. Walker.
William H. H. Stowell.
George C. Cabell.
John Randolph Tucker.
John T. Harris.
Eppa Hunton.
William Terry.

NORTH CAROLINA.

Jesse J. Yeates.
John A. Hyman.
Alfred M. Waddell.
Joseph J. Davis.
Alfred M. Scales.
Thomas S. Ashe.
William M. Robbins.
Robert B. Vance.

SOUTH CAROLINA.

Joseph H. Rainey.
Edmund W. M. Mackey.
Solomon L. Hoge.
Alexander S. Wallace.
Robert Smalls.

GEORGIA.

Julian Hartridge.
William E. Smith.
Philip Cook.
Henry R. Harris.
Milton A. Candler.
James H. Blount.
William H. Felton.
Benjamin H. Hill.

ALABAMA.

Jere Haralson.
Jeremiah N. Williams.
Taul Bradford.
Charles Hays.
John H. Caldwell.
Goldsmith W. Hewitt.
Burwell B. Lewis.
William H. Forney.

MISSISSIPPI.

Lucius Q. C. Lamar.
G. Wiley Wells.
Hernando D. Money.
Otho R. Singleton.
Charles E. Hooker.
John R. Lynch.

LOUISIANA.

Randall L. Gibson.
E. John Ellis.
Chester B. Darrall.
William M. Levy.
Frank Morey.
Charles E. Nash.

OHIO.

Milton Sayler.
Henry B. Banning.
John S. Savage.
John A. McMahon.
Americus V. Rice.
Frank H. Hurd.
Lawrence T. Neal.
William Lawrence.
Earley F. Poppleton.
Charles Foster.
John L. Vance.
Ansel T. Walling.
Milton I. Southard.
Jacob P. Cowan.
Nelson H. Van Vorhes.
Lorenzo Danford.
Laurin D. Woodworth.
James Monroe.
James A. Garfield.
Henry B. Payne.

KENTUCKY.

Andrew R. Boone.
John Young Brown.
Charles W. Milliken.
J. Proctor Knott.
Edward T. Parsons.
Thomas L. Jones.
Joseph C. S. Blackburn.
Milton J. Durham.
John D. White.
John B. Clarke.

TENNESSEE.

William McFarland.
Jacob M. Thornburgh.
George G. Dibrell.
John M. Bright.
John F. House.
Washington C. Whitthorne.
John D. C. Atkins.
William P. Caldwell.
H. Casey Young.

INDIANA.

Benoni S. Fuller.
James D. Williams.
Michael C. Kerr.
Jeptha D. New.
William S. Holman.
Milton S. Robinson.
Franklin Landers.
Morton C. Hunter.
Thomas J. Cason.
William S. Haymond.
James L. Evans.
Andrew H. Hamilton.
John H. Baker.

ILLINOIS.

Bernard G. Caulfield.
Carter H. Harrison.
Charles B. Farwell.
Stephen A. Hurlbut.
Horatio C. Burchard.
Thomas J. Henderson.
Alexander Campbell.
Greenbury L. Fort.
Richard H. Whiting.
John C. Bagby.
Scott Wike.
William M. Springer.
Adlai E. Stevenson.
Joseph G. Cannon.
John R. Eden.
W. A. J. Sparks.
William R. Morrison.
William Hartzell.
William B. Anderson.

MISSOURI.

Edward C. Kehr.
Erastus Wells.
William H. Stone.
Robert A. Hatcher.
Richard P. Bland.
Charles H. Morgan.
John F. Phillips.
Benjamin J. Franklin.
David Rea.
Rezin A. DeBolt.
John B. Clark, jr.
John M. Glover.
Aylett H. Buckner.

ARKANSAS.

Lucien C. Gause.
William F. Slemons.
William W. Wilshire.
Thomas M. Gunter.

MICHIGAN.

Alpheus S. Williams.
Henry Waldron.
William B. Williams.
George H. Durand.
Omar D. Conger.
George Willard.
Allen Potter.
Nathan B. Bradley.
Jay A. Hubbell.

FLORIDA.

Josiah T. Walls.
William J. Purman.

TEXAS.

John H. Reagan.
David B. Culberson.
James W. Throckmorton.
Roger Q. Mills.
John Hancock.
Gustave Schleicher.

IOWA.

George W. McCrary.
John Q. Tufts.
Lucien Ainsworth.
Henry O. Pratt.
James Wilson.
Ezekiel S. Sampson.
John A. Kasson.
James W. McDill.
Addison Oliver.

WISCONSIN.

Charles G. Williams.
Lucien B. Caswell.
Henry S. Magoon.
William Pitt Lynde.
Samuel D. Burchard
Alanson M. Kimba...
Jeremiah M. Rusk.
George W. Cate.

CALIFORNIA.

William A. Piper.
Horace J. Page.
John K. Luttrell.
Peter D. Wigginton.

MINNESOTA.

Mark H. Dunnell.
Horace B. Strait.
William S. King.

OREGON.

Lafayette Lane.

KANSAS.

William A. Phillips.
John R. Goodin.
William R. Brown.

WEST VIRGINIA.

Benjamin Wilson.
Charles J. Faulkner.
Frank Hereford.

NEVADA.
William Woodburn.

NEBRASKA.
Lorenzo Crounse.

The following members failed to answer to their names:

SAMUEL A. DOBBINS, of New Jersey; ALBERT G. EGBERT, of Pennsylvania; ALEXANDER H. STEPHENS, of Georgia; and ADDISON OLIVER, of Iowa.

Mr. MACKEY, of Pennsylvania, stated that his colleague [Mr. EGBERT] had gone home on account of a death in his family.

When the thirty-third district of New York was reached,

The CLERK said: For the thirty-third district of New York the vacancy on the roll, caused by the death of the gentleman originally returned, has not been filled. The action of the State board of canvassers upon the returns of the late election has been received at the Clerk's office, but, being of unusual form, is submitted for the action of the House.

When the State of Louisiana was reached,

The CLERK said: Respecting Louisiana, the Clerk begs to say that he has received two sets of certificates as to the first five districts—one signed by William Pitt Kellogg as governor of Louisiana, the other signed by John McEnery as governor of Louisiana. The Kellogg certificates were all received by the Clerk prior to the adjournment of the Forty-third Congress. One of the McEnery certificates was also received during that session; the others at different dates during the last summer and fall. The two sets of certificates agree in declaring the same persons elected in the first, second, third, and fourth districts. In the fifth, the Kellogg certificate declares Mr. Frank Morey elected; the McEnery certificate declares Mr. William B. Spencer elected. As to the sixth district, no McEnery certificate has been presented. The Kellogg certificate declares Mr. Charles E. Nash elected. The Clerk has enrolled all the gentlemen bearing the Kellogg certificates as coming from the *de facto* governor recognized by the last House of Representatives.

At the close of the call,

The CLERK said: Two hundred and eighty-six members having answered to their names, and that being more than a quorum, the Clerk is now ready to receive a motion to proceed to the election of Speaker.

Mr. LAMAR. I move that the House do now proceed to the election of Speaker, preparatory to the organization of the House.

The motion was agreed to.

Mr. JONES, of Kentucky. Mr. Clerk, I hope the rules of the House as to the privileges of the floor will be rigidly enforced. There are a number of members-elect standing in the aisles who cannot obtain seats to which they are entitled.

The CLERK. The Doorkeeper of the House will enforce the rules, and all persons not entitled to the privileges of the floor will please retire from the Hall. The persistence of persons not entitled to the privileges of the floor who occupy places in the rear of the seats is a great impropriety, in violation of the rules of the House. They will please retire and give gentlemen having the right to the Hall their full privilege.

Mr. GARFIELD. Mr. Clerk, the trouble is that a number of seats are occupied by those not entitled to the floor, and that, too, while there are members-elect of this House who have no chairs in which to sit down.

The CLERK. That is a still grosser violation of the rules of the House than occupying places in the rear of the seats. Members-elect are entitled to occupy chairs in the Hall, which are limited to the number of Representatives-elect.

Nominations are now in order for Speaker.

Mr. LAMAR. I place in nomination for the office of Speaker of this House for the Forty-fourth Congress MICHAEL C. KERR, member-elect from the State of Indiana.

Mr. WHEELER. I nominate for the same position Hon. JAMES G. BLAINE, of Maine.

The CLERK. There being no further nominations, the Clerk requests that Mr. HOLMAN of Indiana, Mr. CLYMER of Pennsylvania, Mr. DANFORD of Ohio, and Mr. BANKS of Massachusetts, will please act as tellers. The tellers will please take their places.

The House then proceeded to vote *viva voce* for Speaker, with the following result, which was announced by Mr. HOLMAN on behalf of the tellers:

Whole number of votes cast, 282; necessary to a choice, 142; of which—

MICHAEL C. KERR received	173
JAMES G. BLAINE received	106
ALEXANDER CAMPBELL received	1
WILLIAM B. ANDERSON received	1
ALPHEUS S. WILLIAMS received	1

The following is the vote in detail:

For Mr. Kerr—Messrs. Ainsworth, Ashe, Atkins, Bagby, John H. Bagley, jr., Banning, Barnum, Beebe, Bell, Blackburn, Bland, Bliss, Blount, Boone, Bradford, Bright, John Young Brown, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Candler, Cate, Caulfield, Chapin, John B. Clarke, John B. Clark, jr., Clymer, Cochrane, Collins, Cook, Cowan, Cox, Culberson, Cutler, Davis, DeBolt, Dibrell, Douglas, Durand, Durham, Eden, Ellis, Ely, Faulkner, Felton, Forney, Franklin, Fuller, Gause, Gibson, Glover, Goode, Goodin, Gunter, Andrew H. Hamilton, Robert Hamilton, Hancock, Hardenbergh, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Hatcher, Haymond, Henkle, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Holman, Hooker, Hopkins, House, Hunton, Hurd, Jenks, Frank Jones, Thomas L. Jones, Kehr, Knott, Lamar, George M. Landers, Lane, Levy, Lewis, Lord, Luttrell, Lynde, Levi A. Mackey, Maish, McFarland, McMahon, Meade, Metcalfe, Milliken, Mills, Money, Morgan, Morrison, Mutchler, Neal, New, O'Brien, O'Dell, Parsons, Payne, Phelps, John F. Philips, Piper, Poppleton, Potter, Powell, Randall, Rea, Reagan, John Reilly, James B. Reilly, Rice, John Robbins, William M. Robbins, Roberts, Miles Ross, Savage, Sayler, Scales, Schleicher, Schumaker, Sheakley, Singleton, Slemmons, William E. Smith, Southard, Sparks, Springer, Stenger, Stevenson, Stone, Swann, Tarbox, Teese, Terry, Thompson, Thomas, Throckmorton, Tucker, Turney, John L. Vance, Robert B. Vance, Waddell, Charles C. B. Walker, Gilbert C. Walker, Walling, Walsh, Ward, Warren, Erastus Wells, Whitehouse, Whitthorne, Wigginton, Wike, Alpheus S. Williams, James Williams, James D. Williams, Jeremiah N. Williams, Willis, Wilshire, Benjamin Wilson, Fernando Wood, Yeates, and Young—173.

For Mr. Blaine—Messrs. Adams, George A. Bagley, John H. Baker, William H. Baker, Ballou, Bass, Blair, Bradley, William R. Brown, Horatio C. Burchard, Burleigh, Cannon, Cason, Caswell, Conger, Crapo, Crounse, Danford, Darrall, Davy, Dennison, Dunnell, Eames, Evans, Farwell, Fort, Foster, Freeman, Frost, Frye, Garfield, Hale, Haralson, Benjamin W. Harris, Hathorn, Hays, Hendee, Henderson, Hoar, Hoge, Hoskins, Hubbell, Hunter, Hurlbut, Hyman, Joyce, Kasson, Kelley, Ketcham, Kimball, King, Lapham, Lawrence, Leavenworth, Lynch, Edmund W. M. Mackey, Magoon, MacDougall, McCrary, McDill, Miller, Monroe, Morey, Nash, O'Neill, Packer, Page, William A. Phillips, Pierce, Plaisted, Platt, Pratt, Purman, Rainey, Robinson, Sobieski Ross, Rusk, Sampson, Scelye, Sinnickson, Smalls, A. Herr Smith, Starkweather, Strait, Stowell, Thornburgh, Martin I. Townsend, Washington Townsend, Tufts, Van Vorhes, Waldron, Alexander S. Wallace, John W. Wallace, Walls, G. Wiley Wells, Wheeler, White, Whiting, Willard, Andrew Williams, Charles G. Williams, William B. Williams, James Wilson, Alan Wood, jr., Woodburn, and Woodworth—106.

For Mr. Campbell—Mr. Anderson—1.

For Mr. Anderson—Mr. Campbell—1.

For Mr. A. S. Williams—Mr. Banks—1.

The Clerk announced that MICHAEL C. KERR, one of the Representatives from the State of Indiana, having received a majority of all the votes given, was duly elected Speaker of the House of Representatives for the Forty-fourth Congress.

Mr. RANDALL of Pennsylvania, and Mr. BLAINE of Maine, having been nominated by the Clerk for that purpose, conducted Mr. KERR to the chair amid applause, when he addressed the House, as follows:

Gentlemen of the House of Representatives:

I am heartily grateful for the honor you have conferred upon me in calling me to this exalted station. I profoundly appreciate the importance and delicacy of its duties. I shall doubtless many times need your patient indulgence. I pray that you will grant it; and, with nothing but kindly feelings toward every member of the House, I promise that in all my official acts I will divest myself, to the utmost of my ability, of all personal bias, and observe complete fairness and impartiality toward all, and toward all the great and diversified interests of our country represented in this House.

Mr. KELLEY, being designated by the Clerk as having served longest continuously as a member of the House, administered to the Speaker-elect the oath prescribed by law.

MESSAGE FROM THE SENATE.

A message from the Senate was announced, when Mr. GORHAM, its Secretary, said: I am directed by the Senate to inform the House that a quorum of the Senate has assembled and that the Senate is ready to proceed to business; also, that a committee has been appointed by the Senate, to join such committee as may be appointed by the House, to wait upon the President of the United States and inform him that a quorum of each House has assembled, and that Congress is ready to receive any communication he may be pleased to make; and that Mr. ANTHONY and Mr. THURMAN have been appointed as such committee on behalf of the Senate.

SWEARING IN OF MEMBERS.

The SPEAKER proceeded to administer to the members in attendance the oath of office. The members presented themselves, as their names were called, by States, and took respectively the "test-oath" prescribed by the act of July 2, 1862, or the special oath provided in the act of July 11, 1868, for those who, having participated in the recent rebellion, have had their legal disabilities removed by a vote of two-thirds of each House of Congress.

When the State of Louisiana was called,

Mr. WOOD, of New York, said: I ask that Mr. Morey, claiming the seat from the fifth district of Louisiana, stand aside.

When the State of Virginia was called,

Mr. GARFIELD said: I ask that Mr. John Goode, jr., from the second Virginia district, stand aside.

At the close of the swearing in of members,

Mr. HARRIS, of Virginia, said: I move that Hon. John Goode, jr., member-elect from the second district of Virginia, who holds the regular certificate according to the laws of the Commonwealth by which we have all taken our seats, be allowed to qualify now.

He has the *prima facie* case; and I believe it is the universal custom of the House in such cases to permit the party holding the *prima facie* evidence of the right to a seat to qualify, and then let the contest, if there be one, go on before the Committee on Elections. I will ask for the reading of the certificate of election of Mr. Goode.

Mr. GARFIELD. I make the point of order that the question must first be taken upon the member who was first called upon to stand aside. That question must first be decided.

The SPEAKER. The Chair sustains the point of order.

Mr. HARRIS, of Virginia. Very well, then; I will reserve the question for a moment.

FIFTH DISTRICT OF LOUISIANA.

Mr. WOOD, of New York. At my request Mr. Morey, of Louisiana, was required to stand aside. I objected to his being sworn in as a member of this House because he lacks the *prima facie* evidence of election; and I predicate my doubt as to that fact very much on the statement made by the Clerk with reference to the certificates from the governor of Louisiana when he called the Representatives from that State.

It will be recollected that he told the House that from the State of Louisiana gentlemen presenting themselves had filed certificates in his office from two persons both claiming to be governor of the State; but in this instance that I refer to, that of Mr. Morey, he presents but one certificate. And thus, sir, a very grave doubt is raised as to whether he has got that kind of credential which will entitle him to be sworn in and occupy the seat awaiting the decision of the question by the Committee on Elections. I offer, sir, the following preamble and resolution:

Whereas William B. Spencer and Frank Morey have each filed with the Clerk of this House a certificate of election as a member of the Forty-fourth Congress from the fifth congressional district of the State of Louisiana, both of said certificates being in due form as prescribed by law, and respectively signed by John McEnery and William P. Kellogg as governor of the State of Louisiana, with the seal of the State affixed thereto:

Be it resolved, That the credentials of said claimants and papers in the possession of the Clerk in relation thereto be referred to the Committee on Elections, when appointed, with instructions to report at as early a day as may be practicable which of said claimants should be sworn in as a member of this House.

Now, Mr. Speaker, I do not propose to raise the question at this time as to who is the legal governor of the State of Louisiana. It is not pertinent to this inquiry to determine that question. The sole and exclusive question is as to what form of credentials the claimant in this case presents.

If no gentleman desires to discuss the question I will move the previous question; but I will yield to any gentleman for a brief period, say five or ten minutes, who desires to discuss it.

I yield to the gentleman from Maine [Mr. BLAINE] for ten minutes.

Mr. BLAINE. I will be glad to have the resolution read.

The Clerk again read the resolution.

Mr. BLAINE. Mr. Speaker, if that resolution shall be adopted, it would put on the records of this House a statement of facts, or purporting to be facts, for which there is no possible ground. There is no more official ground for speaking of John McEnery as the governor of Louisiana than there is for so speaking of the gentleman from New York, [Mr. WOOD.] No department of this Government has ever recognized him as such. And this House of Representatives, by a very large vote, after Mr. Kellogg had been recognized by the executive department of the United States for years as the governor of Louisiana—this House of Representatives last winter, by a very large vote, to which many gentlemen on the other side of the House were consenting, and more of them anxious that the resolution should pass, solemnly recognized Kellogg as the governor of Louisiana.

And for the gentleman from New York to embody in a resolution the statement, and to commit this House to the statement, that the governorship of Louisiana is still a matter of doubt, is still in suspense, and that it is not an absolutely settled and adjudicated matter, is to place this House in a wrong position.

Any gentleman in the State of New York might send forward here a certificate giving the credentials of the district which the gentleman himself represents to some other man, and he would have precisely the same ground to arrest the swearing in of the gentleman from New York as had that gentleman to arrest the swearing in of the gentleman from Louisiana.

And the gentleman is mistaken in a matter of fact. The statement that all of the others sworn in from Louisiana had certificates from both the claimants of the office of governor of that State is not the fact. One gentleman has already been sworn in with only the certificate from Governor Kellogg.

Mr. WOOD, of New York. It was unchallenged.

Mr. BLAINE. Precisely. But if the governor of Louisiana is not competent to give a certificate, why should not it have been challenged? Why should the gentleman from New York, the watchful guardian of the interests of this House, permit a man to be sworn in upon the certificate of one whom he does not acknowledge to be the governor of Louisiana?

The Clerk of the House, from excess of care, and in the conscientious discharge of his duty, brings to the attention of the House these different certificates, which he does properly enough, perhaps, though I think the Clerk would have been entirely justified in tearing them up as waste paper and putting them into the waste basket. They are impertinent here; they have no ground to stand upon; and it would utterly disorganize all regular proceedings at the very threshold of this session, on a preliminary case of this kind, to attempt to introduce and revive the Louisiana question. I trust the gentleman from New York will not do that in this case. I therefore move to substitute for the resolution which has been read a motion that the gentleman holding the certificate from the governor of Louisiana be now sworn in.

The SPEAKER. Does the gentleman from New York yield for that motion?

Mr. WOOD, of New York. I do not. The papers in the case is the answer to the gentleman from Maine, [Mr. BLAINE.] If it really was, as assumed by my friend from Maine, that there is no possible question as to who is the legal governor of the State of Louisiana, why is it that his own friend and partisan from that State has deemed it necessary and proper to obtain the certificate of Governor McEnery? All of the gentlemen from that State, and there are six of them—all except one, about whose right to the seat there can be no question, whether McEnery or Kellogg be governor—have deemed it sufficiently important to come here clothed with certificates signed by each of these so-called governors.

Now I do not propose, as suggested by the gentleman from Maine, by the presentation of this question, to raise the great question involved, of who is or is not the governor of Louisiana. It is not necessary for our purpose now to raise that question. This is a preliminary inquiry, directed by the House to be made by the Committee on Elections, when appointed, as to who in the first instance is ostensibly entitled to the seat. That is all there is in it. We determine nothing by this reference; we settle no question. That is a matter to be determined by this House, after investigation by that committee; after the report of the committee; a question for this House to consider and determine. In this preliminary investigation and inquiry, the only question for us to determine is whether in the first instance this gentleman presents that kind of certificate which from its form entitles him to a seat until the inquiry shall be prosecuted and determined. I now renew the motion for the previous question.

Mr. WHEELER. Will my colleague yield to me for a few moments?

Mr. WOOD, of New York. Yes, sir, for a few moments.

Mr. WHEELER. Mr. Speaker, I had trusted that this question as to who is governor of Louisiana had been set at rest, at least until the next general election. I am surprised that, for the paltry advantage which is now sought, this question should now be raised here. I would state, in addition to what the gentleman from Maine [Mr. BLAINE] has said, that Mr. Kellogg has been recognized as the governor of the State of Louisiana, not only by the President of the United States and by this House, but also by the people of the State of Louisiana; by solemn enactment, by a statute passed by the Legislature at its extra session in April last. I state, further, that this man, Mr. Spencer, has precluded himself from the advantage of this motion by having made himself a contestant. The files of the Clerk's office afford proof of the fact that testimony has actually been taken in this case, Mr. Spencer having given notice as a contestant of Mr. Morey. The gentleman speaks of the form of the certificate. Why, sir, the certificate in the case of Mr. Nash, which has not been challenged here at all, is identical in form and substance with the certificate of Mr. Morey. There is no difference whatever.

You gentlemen of the opposition have the majority here. You will appoint through your Speaker the Committee on Elections and will have a majority there. You have the power any day to foreclose this question. Why should you break down all precedents and all rules of law? There is no better settled principle of law than that you cannot try the title to an office in the collateral way in which you are seeking to do it here. There is no better settled principle of law than that the acts of an officer *de facto* are valid as respects third persons. You seek by this line of action to break down all these principles of law and all these precedents, when you have it in your power on any day of the session to bring this matter to a termination and to decide who is entitled to this seat. I trust that the majority here will not take any such line of action as is here proposed.

Mr. FRYE. Will the gentleman from New York [Mr. WHEELER] yield for a question?

Mr. WHEELER. Yes, sir.

Mr. FRYE. Is there any record since the election of 1872 in the State of Louisiana of a single official act of Mr. McEnery except this single one of signing these certificates?

Mr. WHEELER. Not one. There is no man here who has the hardihood to assert that McEnery made any proclamation for an election in the State of Louisiana; that any returns were ever made to a returning board recognized by him. There is no solitary official act to be found in the archives of this whole Government which supports the claim of McEnery ever to have been elected governor of the State of Louisiana.

Mr. WOOD, of New York. In conclusion, I will say but one word in reply to my colleague, [Mr. WHEELER,] who, it will be recollected, was the chairman of the committee that the last House of Representatives sent down to Louisiana to investigate the condition of affairs there. In answer to the gentleman, it is only necessary to refer to the remarkable fact that in their report, and in the substance of the conclusions at which the committee arrived, they confined themselves entirely to the question as to the election of a Legislature, not taking into consideration the election of governor, which will be the question before this House at the proper time.

Mr. HOAR. I wish to call the attention of the gentleman from New York [Mr. WOOD] to something in the framing of his resolution which I think he does not mean.

Mr. WOOD, of New York. I should be very sorry to state anything I did not mean.

Mr. HOAR. The point which I think the gentleman does not design is that the resolution refers to the committee only the credentials and

the papers in possession of the Clerk connected with the credentials, and on them directs the committee to determine, not who has a *prima facie* case, but who is entitled to the seat; in other words, it requires the Committee on Elections to determine the final question upon merely these credentials and the attendant papers.

Mr. WOOD, of New York. I yield to the gentleman from Mississippi, [Mr. LAMAR.]

Mr. LAMAR. Mr. Speaker, I concur with the suggestion thrown out by the gentleman from Massachusetts, [Mr. HOAR,] that the only question presented in this case is the question of the *prima facie* right of the gentleman from Louisiana, [Mr. Morey,] to be seated upon this floor while the disputed question of permanent membership is pending. Mr. Speaker, what is a *prima facie* right? It is a right based upon a certificate of the proper authority of the State, formal, regular, and in accordance with law. By the act of Congress, the Clerk of the preceding House of Representatives is invested with the power of determining in the first instance this question in order to the organization of the House. He has decided the question, sir, in the first instance by putting the name of Mr. Morey upon the list of members. This is no mere nominal authority vested in the Clerk. It is a substantive power, and by virtue of its exercise Mr. Morey has participated in the organization of this House, voting for or against the present occupant of the Speaker's chair.

But, sir, while the Clerk has done this thing, (which it was his duty to do under the law), he has also, in accordance with his duty, put upon record and reported to this House the fact that there is a dispute as to the *prima facie* right of Mr. Morey. That is the point to which I would like to call the attention of the gentleman from Maine; that the Clerk of the House has made known to this body the existence of a controversy, not only with reference to the question of the election of Mr. Morey, but with reference to his *prima facie* right.

The House is in possession of the fact that there is such a controversy. It may be, in the estimation of gentlemen, based upon the previous action of this House, a very simple question; one which can be decided only in one way; but still, sir, it is a question of law as to whether this certificate is signed by the proper governor or not.

Now, sir, what is the practice of the House when the Clerk brings to its attention the fact that such a controversy exists; that there is a dispute as to the *prima facie* right? Its practice is uniform. The gentleman from Maine cannot show an instance to the contrary. When it is communicated officially to the House, by the Clerk, its official organ in such matters, that there is pending a contest as to the *prima facie* right, in every instance the question was referred to the Committee on Elections or to the Committee on the Judiciary, in order to determine, first, the *prima facie* right and, afterward, the right of permanent membership. It is a question, sir, which it is the practice of the House to refer to a committee, however strongly the different departments of the Government may be committed on the question in dispute or however clear may be our own duty when the question is appropriately before us.

It is not usual for questions like this to be thus summarily decided; for the decision might in some cases render the merits of the controversy *res adjudicata*. From the New Jersey cases down to the Virginia and Louisiana contested cases the practice has been uniform, without a single exception that I now recall—one which has been crystallized as it were into regular parliamentary law—to refer the question to a committee, as well that of the *prima facie* right as that of the merits of the controversy.

Mr. BLAINE. Will the gentleman from Mississippi permit me to ask him a question?

Mr. LAMAR. Yes, sir; but I do not pledge myself to answer it. [Laughter.]

Mr. BLAINE. That may be. Does the gentleman know of any precedent whatever in the history of this House of credentials, or pseudo credentials, of a pretended governor, who has never been recognized by any department of his own State or of the United States—I throw out of sight the election—who has never had any recognition, who speaks of the seal of the State which he never had in his possession, a fabricated seal; a seal which could be bought for two dollars and a half by any one—does the gentleman know of any instance in which there has ever come to this House a similar question? Does the New Jersey case involve any parallel to it? Does any case the gentleman can recall in his long service here, with his intimate acquaintance with the law of elections during his service on that committee—can he give us any case in the slightest degree parallel to it? Otherwise, if the precedent which gentlemen attempt to force upon this House is followed, any pretended governor, certifying to any pretended or presumptuous candidate, may delay the organization of this House by putting in any sort of manufactured credentials and testifying by any sort of factitious or fictitious seal. Tell me of a single precedent or a single parallel for it. I repeat again, with no disrespect either to the gentleman who now occupies the floor or to my friend who introduced the resolution, that the matter on the part of McEnery was an entire impertinence. He never had possession of a single return. He had nothing before him to base that upon any more than lies upon this empty desk. It was, so far as he is concerned, a bold, presumptuous fraud; and I trust, in the hot zeal of advent to power, my friend, with his well-known moderation, will restrain his party from placing on record such an outrage, not only upon State rights, of which he stands as such a great exemplar, but upon the rules of common decency as well.

Mr. LAMAR. I desire to respond to the gentleman's interrogatory. I beg pardon for calling it so; but I believe it was an interrogatory, into the stomach of which has been injected something like an argument and an exhortation besides. [Laughter.] Now, sir, the single question on which the gentleman from Maine hangs his speech is itself an adroit *petitio principii* of the logician. He asks me, sir, if I have known a single instance in which the certificate of a pretended, a sham governor, was ever referred to a committee. I answer, sir, and I do it with perfect confidence, that the question as to whether this is the certificate of a sham governor or not is the very question which is to be referred to the committee.

Mr. BLAINE. Then I understand the gentleman to mean that this is the formal re-opening of the Louisiana case, and not merely the question of the seat of Mr. Morey. Do I understand that?

Mr. LAMAR. The gentleman understands simply that a question which the Clerk of this House has remitted to the House (whether it involves the other question as to the legal authority of the gubernatorial contestants in Louisiana or not) is a question that ought not to be decided informally on the seating of a member, but ought to be formally referred to the committee and gravely and maturely decided upon, as has always been done in like cases.

There never has been an instance in which the validity of a credential involving a dispute as to a contested seat has ever been decided in this summary manner. Take the New Jersey case. There, sir, was a certificate of a governor for one set of claimants and the certificate of a secretary of state for the other. Now, sir, if the governor in that case was not authorized to give that certificate, the credentials bearing his signature and seal were just as much of a sham, was just as invalid, just as much of an unreality in law, as that of a pretended governor. The question presented to us by the Clerk's report is, who was authorized to issue that certificate, and it is simply following parliamentary usage to refer it.

Mr. BLAINE. Before the gentleman from Mississippi takes his seat, will he permit me to ask him, because he is the gentleman of all others to whom I desire to address the inquiry, if it is not a matter of history known outside—and, while I shall reveal nothing other than what is known outside, yet still better known inside the House—that last year in what was known as the Louisiana adjustment, when the Legislature was changed and the party relation within that State was changed, it was, upon this floor, a perfectly understood matter—the gentleman himself understanding it—that the vote of the House declaring Kellogg to be governor was considered to be the final settlement; and I ask him further whether, in order to get that question before the House, the very Nestor of the gentleman's party, the venerable gentleman who I regret is absent to-day, the invalid statesman from Georgia, [Mr. A. H. Stephens,] did not vote with the republicans, avowedly that that might be the settlement? And now the party of the gentleman having obtained all the advantage which was involved from their side of the question in Louisiana through the Legislature, do I understand my honorable friend that he comes here to head a movement to trample on the other side of that agreement; that the other side of the Louisiana agreement is to be stamped in the dust; that the republicans having obeyed, and to the last jot and tittle of honor's extreme demand, what they agreed to, a democratic House of Representatives in which the gentleman himself is a conspicuous leader shall trample on their side of it, and that they will in an incidental way of this kind attempt to reopen and dishonor the agreement that was made last year?

Mr. LAMAR. The gentleman from Maine has addressed to me a series of interrogations upon this subject, all of which I will answer if I can remember them. So far as I myself am concerned—I believe he has referred to my own knowledge of the matter—I will answer him cheerfully; for, with reference to the Louisiana contest and the compromise to which the gentleman alludes, I am perfectly willing to disclose both my relation to it and my understanding of its effect and obligation. That compromise did involve, in my opinion, the recognition of Mr. Kellogg as acting governor of that State. I think such was the spirit of that compromise when it was brought into this House. I admired the course of the gentleman from Massachusetts, and expressed my gratification at the fidelity with which he had brought the matter here. But, sir, when he appealed to me for my support I told him I could not vote for it, because, occupying my position, I could not give a vote which involved the recognition of Kellogg as governor. But in point of fact, sir, that resolution did pass, and its avowed and understood object and meaning were what the gentleman from Maine ascribes to it, and I acknowledge it has been carried out by the other side faithfully.

There will be no receding from that understanding so far as I am concerned. But when the Clerk raises a question here, neither the gentleman, nor I, nor this House can consistently, in the face of the unbroken usage of this body, decide the question in this summary manner. It should go to the Committee on Elections, where all questions of *prima facie* right presented by the Clerk have been hitherto decided. It is a pure question of parliamentary procedure, and involves no repudiation of bargains expressed or implied, and I undertake to say that he will hear of no repudiation from me.

Mr. HOAR. Will the gentleman from New York [Mr. WOOD] modify his motion in the way I have suggested?

Mr. LAMAR. I was about to propose, in deference to the suggestion of the gentleman from Massachusetts, an amendment which I think will meet his views. It is as follows:

That the credentials of Mr. Morey, of the fifth district of Louisiana, be referred to the Committee on Elections, with instructions to report as soon as possible upon his *prima facie* right to a seat on this floor.

Mr. WOOD, of New York. I accept that amendment.

Mr. LAMAR. Does that meet the views of the gentleman from Massachusetts?

Mr. HOAR. I do not agree that the question of the governorship should be referred, but the amendment is preferable to the original resolution.

Mr. WOOD, of New York. I desire to say a few words and then I shall move the previous question. I am somewhat surprised that my able and eloquent friend from Maine [Mr. BLAINE] should attempt thus early in the session to introduce merely partisan considerations with reference to a plain common-sense duty imposed upon the members of this House.

As I said before the report of the Clerk in reference to this district presented such a case that it is a proper subject of inquiry as to who is entitled to the seat until the further question of the contest shall be investigated by the appropriate committee. But, sir, I will remind my friend from Maine that in the Senate a committee of investigation on the Louisiana case, of which his friends had a majority, reported that Mr. Kellogg was not elected governor of Louisiana. I do not propose, however, that the House shall determine the question as to who is or who is not the governor of Louisiana. I only propose a preliminary inquiry as to the *prima facie* right to this seat. Unless some gentleman desires to be heard, I will now move the previous question.

Mr. HOLMAN. I ask my friend from New York to yield to me for a moment.

Mr. WOOD, of New York. I yield to my friend from Indiana.

Mr. HOLMAN. I ask that the credentials under the authority of which the Clerk has placed the name of Mr. Morey on the roll-call be read.

The Clerk read as follows:

STATE OF LOUISIANA, EXECUTIVE DEPARTMENT,
New Orleans, December 26, 1874.

Be it known that at an election begun and held on the 2d day of November, A. D. 1874, for members of Congress, Frank Morey received 12,279 votes and W. B. Spencer received 11,038 votes, according to the certificate of the returns of said election made, filed, and of record in the office of the secretary of state in the manner prescribed by law:

Now, therefore, I, William Pitt Kellogg, governor of the State of Louisiana, do hereby certify that Frank Morey, who received a majority of the votes cast at said election, is truly and lawfully elected to represent the fifth congressional district of Louisiana in the Forty-fourth Congress of the United States.

In testimony whereof I have hereunto signed my name and caused the seal of the State to be attached, this 26th day of December, A. D. 1874, and of the Independence of the United States the ninety-ninth.

WILLIAM P. KELLOGG.

By the governor:
P. G. DESLONDE,
Secretary of State.

Mr. GARFIELD. I call for the reading of any other credentials which may be supposed to relate to this matter.

The SPEAKER. The Clerk will read any other credentials on file.

Mr. HOLMAN. The gentleman from Ohio will allow me to say that under the law regulating the organization of this House the Clerk, in the first instance, is to determine what names shall be placed on the roll of members, who shall participate in the preliminary stages for the organization. He has, I have no doubt rightfully, upon the presumptive case before him, placed the name of Mr. Morey on the roll, for the credentials which have been read clearly make out a *prima facie* case in his behalf. The information furnished to the House by the Clerk, beyond the certificate which has been read, was certainly a matter entirely outside of his duty, but out of abundant caution. The Clerk of the House, in providing under the law for the primary organization of the House, places on the roll the person who has the *prima facie* right to the seat; there his duty terminates, and the person so entitled by virtue of his certificate is sworn in. We are told there is a contest in this case. Well, let the contest go on in the usual course; but no question in respect to that contest is before us. The question as to the person whose name is signed as governor of Louisiana is clearly unimportant, if the attestation is perfect, and no charge of fraud is raised; and yet the House knows that in fact the party whose name is signed to that certificate is the acting governor of Louisiana, and has been for three years the acting governor of that State, the governor *de facto*, the governor in fact, and this is sufficient. The question as to who is governor *de jure* is one which may well arise before the Committee on Elections. It may be a matter of important inquiry. I believe that it is in accordance with the better practice of the House, and at least with the often-affirmed views of this side of the House, and far better for the interests of the country, that the party holding such a certificate shall be held *prima facie* entitled to his seat and the matter of contest go in the usual course to the Committee on Elections and be determined by the evidence and law. Entertaining these views, I am confident that it is wiser and safer that the party whose name has been placed regularly and properly upon the roll of members and who appears here with the proper certificate, unchallenged for fraud, should be sworn in. I trust, sir, that such will be the action of the House. Let the party holding the certificate be sworn in and let the contest determine the ultimate right.

Mr. GARFIELD. I withdraw my request to have any other paper read.

Mr. WOOD, of New York. I now yield to the gentleman from Massachusetts [Mr. BANKS] for two minutes.

Mr. BANKS. To me the question as presented to the House from the Clerk's desk seems to be more simple than it is in the arguments of gentlemen on the one side or the other. If I understand this question, it is the fact that the evidence by which this gentleman from the State of Louisiana is accredited as a member of this House is different from that upon which other gentlemen from that State have been accredited as members. It is, in fact, a difference in the credentials—a difference in the evidence presented.

Mr. GARFIELD. No; the evidence is the same.

Mr. BANKS. I understand that the evidence is different; and if there be a difference, then it is a proper subject for inquiry and should be referred to the appropriate committee. That course would be consistent with the unbroken and uninterrupted precedents of this House. If the evidence upon which other members have been recognized by the Clerk as accredited to seats in this House is different from that upon which this gentleman is recognized by him as accredited, then that difference should be submitted to the committee without regard to this other question.

Mr. GARFIELD. The evidence in all the cases is absolutely the same, if the gentleman from Massachusetts [Mr. BANKS] will allow me to say so.

Mr. BANKS. If that be so——

Mr. HOLMAN. Allow me to ask the gentleman from Massachusetts if this certificate is not in the usual form, the form prescribed by act of Congress? As I understand it, it is in that form.

Mr. BANKS. If the evidence upon which the gentleman in question is accredited is not the same as in the other cases, then the proposition to refer the matter to the proper committee for inquiry is right and in accordance with the uninterrupted precedents of this House.

Mr. HOLMAN. If, in fact, this certificate differs from that prescribed by the act of Congress, then the case would be as suggested by the gentleman from Massachusetts. But, if I understood this paper when it was read, it is in conformity to the law.

Mr. WOOD, of New York. I desire to have read to the House the statement made by the Clerk two years ago in the case of Louisiana, when he refused to put upon the roll-call the names of three persons from that State because they presented a case precisely like this. In the one case they had certificates signed by Governor Warmoth and in the other case they had certificates signed by Lieutenant-Governor Pinchback. Not knowing which of them were entitled to have their names placed upon the roll-call, he refused them all. I desire to have the RECORD read at the Clerk's desk, that the House may know what was the action of the Clerk in that case as well as in this. I design by that no reflection upon the Clerk of this House, but only to show that this is an analogous case, and one which we should consider now.

The Clerk read as follows:

During the roll-call, when the State of Louisiana was reached,

The CLERK said: In Louisiana there are unchallenged certificates from the third and fifth districts only; in the remaining three districts and the Representative at large two conflicting sets of papers have been presented, each certifying the election of a different person and each purporting to have been issued by a proper State officer. There is no substantial difference in form; the one set of papers purports to have been executed on the 4th of December, 1872, and to have been signed by Governor Warmoth, though not transmitted by him to the Clerk's office; they were received, one of them early in March last, another later in that month, and two of them in the latter part of April, 1873. The other set of papers purports to have been signed by Acting Governor Pinchback, and transmitted by him to the Clerk's office by mail, and received early in January last. The Clerk accordingly enrolls the two unchallenged members, Hon. Chester B. Darrall and Frank Morey.

Mr. WOOD, of New York. I now call the previous question.

Mr. COX. Will the gentleman yield to me?

Mr. WOOD, of New York. I will yield to my colleague [Mr. COX] for two minutes.

The SPEAKER. The Clerk requests permission to make to the House a brief statement on this subject. The Chair supposes there will be no objection.

Mr. WOOD, of New York. I will not object.

Mr. RANDALL. I hope there will be no objection.

The SPEAKER. The Chair hears no objection, and the Clerk will proceed.

The CLERK. The controlling view which in the judgment of the Clerk of the House required him to accept the Kellogg certificates was that prior to the making up of the roll, on the 4th of March last, there had been a recognition of William P. Kellogg as the governor of Louisiana by the House of Representatives, and at that time he was *de facto* governor of the State. In view of the recognition of him by the executive branch of the Government of the United States, by all the departments of the Government, and by that branch of the legislative part of the Government to which the Clerk was responsible, he felt himself to be absolutely concluded, and therefore inserted those names returned by Governor Kellogg, without any reference whatever to any political aspect of the case.

Mr. COX. Mr. Speaker, I agree with my friend from Indiana [Mr.

HOLMAN] that where there is a *prima facie* case made, a certificate presented, and no doubt is raised as to the genuineness of that certificate, we ought not to hesitate in deciding according to our rule, laid down in all our books and digested lately by our friend from Iowa, [Mr. MCCRARY,] that the certificate should seat the member who holds it, if that certificate is in the form prescribed by the statute. This certificate is formal, legal. It certifies that the member is elected in pursuance of the laws of Louisiana and the laws of the United States. It is signed by the *de facto* governor. The Clerk testifies that his action was taken in view of the resolution passed on the 1st of March, 1875, by which this House agreed, by two resolutions, to recognize, first, the Legislature about to be constituted, and then that William Pitt Kellogg be recognized as the governor of the State of Louisiana until the end of the term of office fixed by the constitution of that State. All that is true, Mr. Speaker; but when those two resolutions came up here, Mr. Potter, at that time a Representative from my State, said "we shall vote against those resolutions only because of the second; we are not opposed to the first;" and in the vote which was taken parties divided on that issue. The first resolution declared—

That it is recommended to the house of representatives of Louisiana to take immediate steps to remedy said injustice, and to place the persons rightfully entitled in their seats.

I never believed in that second resolution. I would not have voted for it to the end of time. Gentlemen on that side and gentlemen on this, seeking pacification, brought about this compromise, which was consummated abnormally in some lawyer's office in New York, after our adjournment. The gentleman from Maine [Mr. BLAINE] and his party, at the last end of their session, recognized the McEnery government to some extent, by placing in their seats in this House the Democrats who had been elected, after you had kept in their places on this floor for two years the men that you yourself said were never elected.

Talk about fraud! The devil talking of piety! The gentleman from Maine talking of fraud in Louisiana! We never gave our consent to that Kellogg government. Why, in the Senate to-day there remain certificates from McEnery for McMillan, and from Kellogg for Pinchback. How, I ask the gentleman from Maine, was the question treated there? Both certificates were sent to the Committee on Elections. The late lamented Senator, Mr. Ferry, of Connecticut, made a speech in favor of sending both certificates to that committee, so that the *prima facie* case might be tried.

We are not responsible for the settlement in Louisiana. I would now—and I make this the conclusion of my speech—send this whole matter to the Committee of Elections, as the Senate has done, and let that committee make a prompt report on the subject, not to open up the Louisiana case again, (God forbid! they settled it themselves,) but to wind up this business of these double *prima facie* cases; for most *prima facie* cases seem to be bad in the rear while they may seem right in the front.

Mr. JONES, of Kentucky. If the gentleman from New York [Mr. WOOD] will allow me, there is a piece of information I would be glad to obtain. I wish to ask the gentleman whether I understood him correctly as stating that all of the Representatives, or assumed Representatives, from Louisiana, except one, thought it necessary to obtain the certificate of Mr. McEnery as well as Mr. Kellogg?

Mr. WOOD, of New York. I will answer the gentleman from Kentucky that there are six congressional districts in the State of Louisiana; that four of these six Representatives, and one of them a member of the dominant political party in this country, thought it proper to procure the certificate of Governor McEnery. One of them has not that certificate—the case in point has not that certificate—but four of them have.

Mr. JONES, of Kentucky. Certificates from both McEnery and Kellogg?

Mr. WOOD, of New York. Yes, sir.

Mr. JONES, of Kentucky. I should like to ask my friend from Maine, [Mr. BLAINE,] if it be true that McEnery was never recognized as governor—a mere myth—why his Representatives, or some of them, or rather the Representatives of his party from that State, deemed it necessary to obtain the name of Governor McEnery? If it be true, Mr. Speaker, what my friend from New York has asserted, I think they ought all to be turned over to the Committee on Elections, every man of them, as there seems to be a doubt in that State as to who is governor.

Mr. WOOD, of New York. I now call for the previous question.

The resolution was again read.

Mr. BLAINE. I desire to make a parliamentary inquiry, to which the gentleman will, of course, yield. He declines to allow me to substitute the motion that Mr. Morey be sworn in. I desire to ask if that motion will not be in order if his demand for the previous question be not seconded?

The SPEAKER. It is the opinion of the Chair it will.

Mr. BLAINE. If the House refuse to second the demand for the previous question, as asked by the gentleman from New York, I will then submit that motion, with the leave of the Speaker.

Mr. WOOD, of New York. If the House refuses to consent to my demand for the previous question, I ask if the effect will not be to let the discussion run on until the House finally determines my resolution? Then, if my resolution be voted down, the proposition of the gentleman from Maine will be in order in case the previous question be not sustained.

The SPEAKER. The question now is on sustaining the demand for the previous question.

Mr. LAMAR. There is some misunderstanding here. I proposed my resolution in lieu of the one offered by my friend from New York.

The SPEAKER. The amendment was accepted and became a part of the resolution of the gentleman from New York.

Mr. LAMAR. But that recital which is there is not a part of the resolution I offered.

The SPEAKER. In the opinion of the Chair it is, remaining a part of the resolution which the gentleman did not amend.

Mr. LAMAR. The way in which I wish to present it to the House is a clear reference of the question to the committee without any recital of facts.

Mr. WOOD, of New York. If it is not too late, as there is no substantial difference, I will accept the resolution of the gentleman from Mississippi as a substitute for my preamble and resolution.

The SPEAKER. The question is on seconding the demand for the previous question on the resolution, which will now be read.

The Clerk read as follows:

Resolved, That the credentials of Frank Morey from the fifth district of Louisiana be referred to the Committee on Elections, with instructions to report on his *prima facie* right to a seat on the floor.

Mr. LAMAR. The words "as soon as possible" should be inserted.

The SPEAKER. That will be done.

Mr. BLAINE demanded tellers on seconding the previous question.

Tellers were ordered; and Mr. GARFIELD and Mr. CLYMER were appointed.

The House divided; and the tellers reported—ayes 142, noes 111.

So the previous question was seconded.

Mr. WHEELER demanded the yeas and nays on ordering the main question to be now put.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 135, nays 134, not voting 17; as follows:

YEAS—Messrs. Ainsworth, Anderson, Ashe, Atkins, Bagby, John H. Bagley, jr., Banks, Barnum, Blackburn, Bland, Bliss, Blount, Boone, Bright, John Young Brown, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Candler, Cate, Caulfield, John B. Clarke, John B. Clark, jr., Clymer, Cochrane, Collins, Cook, Cowan, Cox, Culberson, Cutler, Davis, DeBolt, Dibrell, Douglas, Durham, Eden, Ellis, Faulkner, Felton, Forney, Franklin, Fuller, Ganse, Gibson, Glover, Gunter, Andrew H. Hamilton, Robert Hamilton, Hancock, Hardenbergh, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Hatcher, Henkle, Hereford, Abram S. Hewitt, Hill, Hooker, House, Hunton, Hurd, Jenks, Frank Jones, Thomas L. Jones, Knott, Lamar, George M. Landers, Franklin Landers, Lane, Levy, Lynde, Levi A. Mackey, Maish, McFarland, Meade, Metcalfe, Milliken, Money, Morgan, Morrison, Mutchler, New, Odell, Parsons, John F. Philips, Piper, Powell, Randall, James B. Reilly, Rice, John Robbins, William M. Robbins, Roberts, Miles Ross, Scales, Schumaker, Sculyer, Sheakley, Singleton, Siemons, William E. Smith, Southard, Sparks, Springer, Stenger, Stone, Terry, Thompson, Tucker, Turney, John L. Vance, Robert B. Vance, Waddell, Charles C. B. Walker, Walling, Walsh, Warren, Erastus Wells, Whitehouse, Whitthorne, Wigginton, Wike, James Williams, James D. Williams, Jeremiah N. Williams, Willis, Benjamin Wilson, Fernando Wood, Yeates, and Young—135.

NAYS—Messrs. Adams, George A. Bagley, John H. Baker, William H. Baker, Ballou, Banning, Bass, Blaine, Blair, Bradford, Bradley, William R. Brown, Buckner, Horatio C. Burchard, Burleigh, Cannon, Cason, Chittenden, Conger, Crapo, Cromwe, Danford, Darrall, Davy, Dennison, Dobbins, Dunnell, Durand, Eames, Ely, Evans, Farwell, Fort, Foster, Freeman, Frost, Frye, Garfield, Goodin, Hale, Harabson, Benjamin W. Harris, Hathorn, Haymond, Hays, Hendee, Henderson, Hoar, Hoge, Holman, Hoskins, Hubbell, Hunter, Hurlbut, Hyman, Joyce, Kasson, Kehr, Kelley, Ketchum, King, Lapham, Lawrence, Leavenworth, Lewis, Lord, Luttrell, Lynch, Magoon, MacDougall, McCrary, McDill, McMahon, Miller, Mills, Monroe, Nash, Neal, O'Brien, O'Neill, Packer, Page, Payne, Phelps, William A. Phillips, Pierce, Plaisted, Platt, Potter, Pratt, Purman, Rainey, Rea, Reagan, Robinson, Sobieski Ross, Rusk, Sampson, Savage, Sayler, Schleicher, Sinnickson, Smalls, A. Herr Smith, Starkweather, Strait, Stevenson, Stowell, Thornburgh, Throckmorton, Martin I. Townsend, Washington Townsend, Tufts, Van Vorhes, Waldron, Alexander S. Wallace, John W. Wallace, Walls, Ward, G. Wiley Wells, Wheeler, White, Whiting, Willard, Andrew Williams, Alpheus S. Williams, Charles G. Williams, William B. Williams, Wilshire, James Wilson, Alan Wood, jr., Woodburn, and Woodworth—134.

NOT VOTING—Messrs. Beebe, Bell, Campbell, Caswell, Chapin, Egbert, Goldsmith W. Hewitt, Hopkins, Kimball, Edmund W. M. Mackey, Poppleton, John Reilly, Swann, Tarbox, Teese, Thomas, and Gilbert C. Walker—17.

So the main question was ordered.

The question recurred on agreeing to Mr. WOOD's resolution, as modified; and being taken, the Speaker stated that in the opinion of the Chair the "noes" had it.

Mr. WOOD, of New York. I call for a division.

The "ayes" having risen, the Speaker stated that the motion was evidently not sustained by a majority.

Mr. BLAINE. I now submit the following resolution:

Resolved, That Hon. Frank Morey, holding a certificate from the governor of Louisiana, be sworn in as a member of this House.

Mr. RANDALL. I move to amend by striking out that portion of the resolution which recognizes Mr. Kellogg as governor of Louisiana, so that it shall be simply to swear in.

Mr. BLAINE. I am willing to modify the resolution in that way, and move that Hon. Frank Morey be sworn in. I do not want to raise the question of the recognition of the governor on the credentials presented.

The question was taken on Mr. BLAINE's resolution, as modified, and it was agreed to; and Mr. MOREY, having presented himself, was duly qualified by taking the oath prescribed by the act of July 2, 1862.

VIRGINIA CONTESTED ELECTION.

Mr. HARRIS, of Virginia. I now move that my colleague, Mr. John Goode, jr., Representative of the second district of Virginia, be sworn in. Mr. Goode holds the certificate of election provided by the laws of the Commonwealth of Virginia, which certificate I desire the Clerk to read. I have nothing further to say.

Mr. GARFIELD. I desire to make a request of the gentleman from Virginia. [Mr. HARRIS.]

Mr. HARRIS, of Virginia. I do not yield. I ask that the certificate be read.

The Clerk read as follows:

COMMONWEALTH OF VIRGINIA:

This is to certify that at a meeting of the board of State canvassers of Virginia, held at the office of the secretary of the Commonwealth, the fourth Monday in November, 1874, on an examination of the official abstracts of votes on file in that office, it was ascertained and determined that at an election held in said State, pursuant to law, the first Tuesday after the first Monday in November, 1874, for Representatives in the Forty-fourth Congress of the United States, John Goode, jr., was duly elected as Representative from the second district.

Given under my hand and seal of office at Richmond, this 25th day of November, 1874.

[SEAL] JAMES McDONALD,
Secretary of the Commonwealth.

Mr. HARRIS, of Virginia. I now call the previous question, believing that no debate is necessary upon this question. It is too plain to admit of debate.

Mr. GARFIELD. I appeal to the gentleman to concede to me what I supposed was my right when I demanded the floor, to state the ground of my objection to the resolution.

Mr. HARRIS, of Virginia. I will hear the gentleman's objection.

Mr. GARFIELD. The objection was wholly based upon the petition or demand by J. H. Platt, jr., which I will send to the Clerk's desk, and ask to be read. After it has been read I may desire to say a few words.

The Clerk read as follows:

WASHINGTON, D. C., *December* 6, 1875.

To the House of Representatives of the United States of America:

I, James H. Platt, jr., of Virginia, deny the right and title of John Goode, jr., to take his seat in the House of Representatives of the Forty-fourth Congress of the United States as Representative from the second congressional district of Virginia, upon the following grounds. I allege:

1. That the certificate which he holds as prima facie evidence of his right and title to the seat aforesaid is without authority of law, and is not supported by any record evidence, and is contradicted by the oath of the secretary of the Commonwealth, James McDonald, himself, who signed said certificate, and caused the same to be delivered to said Goode.

2. That said certificate could not be lawfully executed and issued by the secretary of the Commonwealth alone, without a statement of the whole number of votes given in the election in said second congressional district for a Representative therefrom, nor without an ascertainment and determination by the board of state canvassers as to the whole number of votes cast and the name of the person who had received the greatest number of votes given in said election.

3. The statement of the whole number of votes cast in the counties and corporations forming said congressional district in an election for a Representative in the Congress of the United States, held pursuant to law, on the first Tuesday after the first Monday of November, 1874, was made to the State board of canvassers, and laid before them on the 23d day of November, 1874, and the said board certified the said statement to be correct——

Mr. HARRIS, of Virginia, (interrupting the reading.) Would not the end of the gentleman from Ohio be better accomplished by having that document printed in the CONGRESSIONAL RECORD? I do not suppose that he desires to detain the House by a full statement of the facts, as the contestant proposes to prove them on the *prima facie* question.

Mr. GARFIELD. Certainly not.

Mr. RANDALL. I submit to the gentleman from Ohio [Mr. GARFIELD] that in no particular or form whatever does this partake of the nature of a credential.

Mr. GARFIELD. The gentleman can hardly say that till he has heard it.

Mr. RANDALL. I have heard enough to know that it is an argument and not in the nature of a certificate.

Mr. HARRIS, of Virginia. I did not yield the floor to the gentleman from Ohio for the purpose either of the gentleman himself or my former colleague, the contestant, [Mr. Platt,] injecting an argument upon the supposed facts of his case on my motion to admit the qualification of my colleague upon the papers he presents making a fair *prima facie* case according to the law of the Commonwealth of Virginia.

Mr. HOAR. If the gentleman has the law of the State of Virginia prescribing the form of credentials and what officer shall be authorized to give them, I trust he will have it read.

Mr. HARRIS, of Virginia. The law of the State of Virginia is in the Library, and the gentleman can send for it; but this gentleman holds the same certificate which every other member from Virginia held who has been sworn in, and it was made in due form of law, according to the method prescribed by the Legislature of Virginia.

Mr. HOAR. Will the gentleman have it read to the House?

Mr. HARRIS, of Virginia. Well, no. That is going behind the record; the certificate which this gentleman holds is *prima facie* evidence of his right to the seat.

Mr. GARFIELD. Would it be in order for me to have the residue of that paper read?

Mr. HARRIS, of Virginia. I do not yield for the reading of a paper in the form of an argument; and I am sure that my friend from Ohio will not take advantage of my yielding to him to have read that which does not appertain to the case now before the House. The paper which he presents bears upon the merits of the case, when, in fact, the only question now before the House is the *prima facie* case.

Mr. GARFIELD. As a matter of parliamentary courtesy, it was my right to have the floor, as I objected to the swearing in of this member. The gentleman rose and offered a resolution, and on my representation of my right to be heard on the question, he yielded to me. Now, if he chooses to withdraw his yielding, I suppose he can do it.

Mr. HARRIS, of Virginia. I yielded to hear what the gentleman had to say.

The SPEAKER. In the opinion of the Chair, the gentleman from Virginia has a right to resume the floor.

Mr. HARRIS, of Virginia. I resume the floor and move the previous question.

Mr. HOAR. I hope the gentleman will have the law of Virginia read.

Mr. HARRIS, of Virginia. I am willing that the gentleman from Ohio [Mr. GARFIELD] shall have the residue of the paper which he presented printed in the RECORD, if he desires it.

Mr. GARFIELD. I have no ambition to have papers printed that cannot be read here.

The question was upon seconding the previous question.

The previous question was seconded and the main question ordered, the question being upon the motion of Mr. HARRIS, of Virginia.

The question was taken, and the motion of Mr. HARRIS, of Virginia, was agreed to.

Mr. JOHN GOODE, jr., Representative-elect from the second district of Virginia, then appeared, and qualified by taking the oath prescribed by law.

THIRTY-THIRD DISTRICT, NEW YORK.

The SPEAKER. There remains a question of a vacancy in the thirty-third congressional district of New York.

Mr. WHEELER. Mr. Nelson I. Norton, Representative-elect from that district, is here. I ask that he be sworn in. He holds a certificate from the board of State canvassers, which I ask the Clerk to read.

Mr. COX. Is that a *prima facie* certificate?

The SPEAKER. The Clerk will read it.

Mr. COX. I want to have referred with it other papers in connection with the same case.

The Clerk read as follows:

United States of America, by Samuel J. Tilden, governor of the State of New York:

It is hereby certified that Diedrich Willers, jr., was, on the day of the date of the annexed certificate, secretary of state of the State of New York, and duly authorized to grant the same; that the same is in due form, and executed by the proper officer; that the seal affixed to said certificate is the seal of the secretary of state of the State of New York; that the signature thereto of the said the secretary of state is in his own proper handwriting, and is genuine; and that full faith and credit may and ought to be given to his official acts.

In testimony whereof the great seal of the State is hereunto affixed.

Witness my hand, at the city of Albany, the 3d day of December, in the year of our Lord 1875.

SAMUEL J. TILDEN.

Passed the secretary's office the 3d day of December, 1875.

DIEDRICH WILLERS, Jr.,
Secretary of State.

STATE OF NEW YORK, *ss:*

We, the secretary of state, comptroller, treasurer, attorney-general, and state engineer and surveyor, having formed a board of state canvassers for the purpose of canvassing the whole number of votes given in the thirty-third congressional district of said State, comprising the counties of Cattaraugus and Chautauqua, at the general election held in said State on the 2d day of November, 1875, for Representative in Congress in the Forty-fourth Congress of the United States, in the place of Augustus F. Allen, (who died January 20, 1875, as appears by certificate of county clerk of Chautauqua County, filed in the office of the secretary of state, before the commencement of his term of office,) do certify and state:

That the whole number of votes given for the office of Representative in Congress in said counties at said election was as follows, to wit:

	Cattaraugus.	Chautauqua.	Total.
Charles S. Cary	4,525	4,614	9,139
Nelson I. Norton	4,961		4,961
Flint Blanchard		72	72
Whole number of votes	9,486	4,686	14,172

That the whole number of votes given in said counties at said election for the office of member of Congress was as follows, to wit:

Cattaraugus County, none.

Chautauqua county, 5,818; of which Nelson I. Norton received 5,809 votes; George W. Patterson received 1 vote; Carry of Olean received 1 vote; Richard P. Marvin received 2 votes; W. L. Sessions received 1 vote; Orsell Cook received 1 vote; blank, 3 votes.

That the whole number of votes given for the office of Representative in the Forty-fourth Congress in said counties at said election was as follows, to wit:

Cattaraugus County, none,

Chautauqua County, Augustus N. Lowry received 5 votes.

That upon said canvass it appears that the greatest number of votes given in the counties comprising the thirty-third congressional district at the said general election held November 2, 1875, for the office of Representative in Congress were given for Charles S. Cary.

That at said election the whole number of votes given in said counties for Nelson I. Norton for member of Congress and for Representative in Congress combined exceeds the whole number of votes given to Charles S. Cary for Representative in Congress by 1,631 votes.

That this board has not canvassed 5 votes given in said counties at said election to Augustus N. Lowry for the office of Representative in the Forty-fourth Congress, for the following reasons:

First. The statutes of the United States provide that, in cases of vacancy, the time of filling the same may be prescribed by the laws of the several States.

Second. The laws of this State, governing elections, provide that vacancies in the office of Representative in Congress, occurring before the commencement of a term, unless filled at a special election, shall be filled at the general election next succeeding the happening of the vacancy, to wit, the late general election, held November 2, 1875.

Third. That the general election held November 2, 1875, was not a general biennial election for Representatives in Congress, such election having last occurred at the general election held November 3, 1874, and it was not therefore necessary to designate upon the ballot the Congress for which persons were voted for.

This board, in making the foregoing statement, makes no determination as to the result of the election for Representative in Congress at the said general election in the said thirty third congressional district, for the following reasons:

First. That Charles S. Cary did not receive a majority of all the congressional votes cast in said district both for Representative in Congress and member of Congress combined, although receiving a majority of votes for Representative in Congress in said district.

Second. That this board cannot determine, declare, and certify, pursuant to act of Congress of February 19, 1867, that Nelson I. Norton was by the greatest number of votes "regularly elected in accordance with the laws of this State" a Representative in Congress of the United States.

Dated at Albany, December 3, 1875.

DIEDRICH WILLERS, JR.,
Secretary of State.
NELSON K. HOPKINS,
Comptroller.
DANIEL PRATT,
Attorney-General.
THOMAS RAINES,
Treasurer.
S. H. SWEET,
State Engineer and Surveyor.

STATE OF NEW YORK,
Office of the Secretary of State, ss:

I certify that I have compared the foregoing with an original certificate filed in this office, and that the same is a correct transcript therefrom and of the whole of such original.

Given under my hand and seal of office, at the city of Albany, this 3d day of December, 1875.

DIEDRICH WILLERS, JR.,
Secretary of State.

Mr. WHEELER. For the purpose of getting some disposition made of this question I move that Mr. Norton be now sworn in.

Mr. COX. This is not a *prima facie* case, and I would move to amend so as to send the case to the Committee on Elections, when appointed. By the laws of New York, as my colleague very well knows, the votes have to be cast for Representative in Congress. I know it is a technical point, but the law of New York is specific on that point, and I think we had better refer the case to the Committee on Elections.

Mr. RANDALL. I would ask whether there is any antagonistic statement or any applicant for this seat as against this gentleman?

The SPEAKER. The Chair has not been advised of any.

Mr. HOSKINS. There is no contestant.

Mr. COX. There is no contestant. There is a desire to have the matter come before the Committee on Elections.

Mr. WHEELER. Every fact bearing upon the case is in the certificate which has just been read. There is no additional fact that can be adduced.

Mr. COX. Under the advice of gentlemen about me, and waiving all technicalities, I will withdraw any opposition to the gentleman being now sworn in, and will then ask that the subject be at once referred upon the statement made by the State board of canvassers.

Mr. WHEELER. There is no objection to that.

The SPEAKER. There being no opposition, the gentleman will now present himself and be sworn in.

Mr. NORTON then came forward and was sworn in, taking the test-oath of July, 1862.

Mr. COX. I suppose this paper will now be ordered to be referred to the Committee on Elections, when appointed.

The SPEAKER. The Chair hears no objection, and it will be so ordered.

SWEARING IN OF DELEGATES.

The SPEAKER. The Clerk will now call the roll of Delegates elected to this House, and those who are present will be sworn in.

The roll of Delegates was called, and the following gentlemen came forward and were sworn in, taking the test-oath of July, 1862:

New Mexico—Stephen B. Elkins.
Utah—George Q. Cannon.
Washington—Orange Jacobs.
Colorado—Thomas M. Patterson.
Dakota—Jefferson P. Kidder.
Arizona—Hiram S. Stevens.
Idaho—Thomas W. Bennett.
Montana—Martin Maginnis.
Wyoming—William R. Steele.

ORDER OF BUSINESS.

Mr. LAMAR. In order to facilitate the organization of this House and to save the time which would necessarily be consumed by the separate election of the remaining officers that are necessary to complete that organization, I have prepared a resolution which I believe is somewhat in accordance with usage. Before sending it to the Clerk's desk to be read, I am informed that the Clerk has some reports to make, which should be made before this part of the organization of the House is completed. I will therefore suspend for that purpose.

REPORTS FROM CLERK'S OFFICE.

Reports from the Clerk's office of the House of Representatives were then read, laid upon the table, and ordered to be printed, as follows:

Of payments and issues for the fiscal year ending June 30, 1875, classified in papers marked A, B, C, D, and E;

Of the receipts and expenditures of the Clerk's office from June 30, 1875, to the expiration of his term of office;

In reference to the erection of monuments in Congressional Cemetery to those Representatives who have died while in office;

An index and summary of the reports of the commissioners of southern claims in cases reported to Congress as disallowed;

Of payments made by the Clerk during the late recess of Congress to members elected to the Forty-fourth Congress;

In relation to the testimony taken before the Committee on Ways and Means upon the question of the corrupt use of money to procure the passage of an act providing for an additional subsidy in the China mail service.

ORGANIZATION OF THE HOUSE.

Mr. LAMAR. I now send to the Clerk's desk to be read the resolution I indicated a few moments since. I presume some gentleman on the other side will move an amendment, and of course the question will first be taken on the amendment. I ask, as a mere matter of information, if it is the wish of gentlemen on the other side to call for the yeas and nays?

Mr. WHEELER and Mr. GARFIELD. No.

Mr. LAMAR. We are willing to have them called, if required. I ask that my resolution be now read.

The Clerk read as follows:

Resolved, That Hon. George M. Adams, a citizen of the State of Kentucky, be and is hereby elected Clerk of the House of Representatives of the Forty-fourth Congress; that John G. Thompson, of the State of Ohio, be and is hereby elected Sergeant-at-Arms of the House of Representatives of the Forty-fourth Congress; that Lafayette Henry Fitzhugh, of the State of Texas, be and is hereby elected Doorkeeper of the House of Representatives of the Forty-fourth Congress; that James M. Stewart, of the State of Virginia, be and is hereby elected Postmaster of the House of Representatives of the Forty-fourth Congress; and that Rev. I. L. Townsend, of the District of Columbia, be and is hereby elected Chaplain of the House of Representatives of the Forty-fourth Congress.

Mr. WHEELER. I move to amend the resolution of the gentleman from Mississippi [Mr. LAMAR] by striking out the portion naming the candidates, with the respective offices for which they are nominated, and inserting in lieu thereof the following:

For Clerk of the House of Representatives, Forty-fourth Congress, Edward McPherson, of Pennsylvania; for Sergeant-at-Arms, Nehemiah G. Ordway, of New Hampshire; for Doorkeeper, Otis L. Baxton, of New York; for Postmaster, Henry L. Sherwood, of Michigan; for Chaplain, Rev. J. G. Butler, D. D., of the District of Columbia.

Mr. LAMAR. I move the previous question on the original resolution and the amendment.

The SPEAKER. The Chair would inquire of the gentleman from Mississippi [Mr. LAMAR] whether it is necessary to move the previous question.

Several MEMBERS. O, no.

Mr. LAMAR. I withdraw the call for the previous question.

The amendment of Mr. WHEELER was not adopted.

The resolution of Mr. LAMAR was then agreed to.

Mr. LAMAR moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The officers just elected, if in attendance, will now present themselves at the bar of the House to take the oath of office.

Mr. Adams, Mr. Thompson, Mr. Fitzhugh, and Mr. Stewart presented themselves, and were duly qualified, the two former taking the test-oath prescribed by the act of July 2, 1862; the two latter, the modified oath provided by the act of July 11, 1868.

NOTIFICATION OF ORGANIZATION.

Mr. HOLMAN. I move the adoption of the following resolution:

Resolved, That a message be sent to the Senate to inform that body that a quorum of the House of Representatives has assembled, and that MICHAEL C. KERR, one of the Representatives from the State of Indiana, has been chosen Speaker, and that the House is now ready to proceed to business.

Mr. GARFIELD. Allow me to suggest that this resolution ought to include a notification of the election of the Clerk. It is important the Senate should be informed of his election.

Mr. HOLMAN. That is not the usual form, although I see no objection to it.

The SPEAKER. The Chair understands it is usual to include a notification of the election of Clerk.

Mr. HOLMAN. The practice is not uniform; but I see no objection to the suggestion. Let the resolution be so modified.

The resolution, as modified, was adopted.

Mr. COX submitted the following resolution; which was read, considered, and agreed to:

Resolved, That a committee of three be appointed on the part of the House, to join such committee as may be appointed on the part of the Senate, to wait on the President of the United States and inform him that a quorum of the two Houses has assembled and that Congress is ready to receive any communication he may be pleased to make.

RULES OF THE HOUSE.

Mr. RANDALL. I submit the following resolutions:

Resolved, That the rules of the House of Representatives of the Forty-third Congress shall be the rules of the House of Representatives until otherwise ordered, except Rule 166 and Rule 167.

Resolved further, That a committee of five, to consist of the Speaker and four members, to be named by him, be appointed, to whom shall be referred the rules of the House, who shall report all such amendments or revisions of the same as they shall think proper, and such reports shall always be in order to be made.

Mr. GARFIELD. I rise to a point of order.

Mr. RANDALL. I demand the previous question.

Mr. GARFIELD. I rise to a point of order. I object to the resolution under the existing rules, which are our rules without a declaration of this sort.

Mr. RANDALL. I submit that both these resolutions are strictly in order. I propose that we adopt the rules of the last House, with the exceptions stated. As to the second resolution, I will say there is no rule providing for the appointment of a Committee on Rules. The gentleman from Ohio [Mr. GARFIELD] is therefore mistaken on this point.

Mr. GARFIELD. That particular point is not what I object to. I object to the first branch of the gentleman's resolutions, on the ground of immemorial usage.

Mr. RANDALL. The gentleman has a perfect right to object by voting against the resolutions, but in no other manner.

Mr. GARFIELD. I submit that this is not a privileged question.

The SPEAKER. Does the gentleman make that point of order?

Mr. GARFIELD. I do.

The SPEAKER. The Chair overrules it, on the ground that the Constitution clearly gives to each House the right to adopt its own rules. Whatever may have been the rules or orders of a preceding House in reference to this matter, they cannot supersede the constitutional right of this House to adopt its own rules.

Mr. RANDALL. The Speaker is clearly right.

Mr. GARFIELD. I submit that these resolutions should be referred to the Committee on Rules when appointed.

Mr. RANDALL. There is no rule of this House, and there was no rule of the last House, by which a Committee on Rules can be appointed. It is only by a resolution of this character that the Speaker can be authorized to appoint a Committee on Rules.

Mr. GARFIELD. The gentleman will find that immemorial usage is in itself a rule.

Mr. RANDALL. Immemorial usage will do for that side of the House, but we mean to have strict construction of the rules. [Laughter.] For the information of the House, let the rules excepted be read, and then I shall demand the previous question on the adoption of my resolution, unless some gentleman on that side of the House may desire to speak. I ask the Clerk to read the two excepted rules.

The Clerk read as follows:

166. All motions to suspend the rules, except when they may be suspended by a majority, shall, before being submitted to the House, be seconded by a majority, as in the case of the previous question.—*January* 20, 1874.

167. Whenever a question is pending before the House, the Speaker shall not entertain any motion of a dilatory character except one motion to adjourn and one motion to fix the day to which the House shall adjourn. But the previous question on the engrossment and third reading of any bill or joint resolution shall not be ordered during the first day of its consideration unless two-thirds of the members present shall second the demand: *Provided*, That this rule shall not apply to House resolutions offered in the morning hour of Monday: *And provided further*, That it shall not apply to any proposition to appropriate the money, the credit, or other property of the United States, except the regular annual appropriation bills.—*February* 1, 1875.

Mr. RANDALL. I now demand the previous question on the adoption of my resolution.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was adopted.

Mr. RANDALL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DRAWING FOR SEATS.

Mr. CLYMER. I beg leave to submit the following resolution:

The Clerk read as follows:

Resolved, That the Clerk of the House shall at one o'clock p. m. to-morrow place in a box the name of each Member and Delegate of the House of Representatives, written upon a separate slip of paper; that he proceed in the presence of the House to draw from said box, one at a time, the said slips of paper, and as each is drawn he shall announce the name of the member or Delegate upon it, who shall choose his seat for the present Congress: *Provided*, That before said drawing shall commence the Speaker shall cause each seat to be vacated, and shall see that every seat continues vacant until it is selected under this order; and that every seat, after having been selected, shall be deemed forfeited if left unoccupied before the call of the roll is finished.

Mr. SAYLER. I ask the gentleman from Pennsylvania to yield to me for a moment.

Mr. CLYMER. For what purpose?

Mr. SAYLER. I would suggest to the gentleman that the courtesy which has been always extended to the member of longest continuous service of selecting his own seat be extended in this instance, and for that purpose there ought to be an amendment of the resolution.

Mr. CLYMER. I make reply to the gentleman that it has never been done except by unanimous consent, which is always asked after the adoption of the resolution.

Mr. SAYLER. I think it has not been after the adoption of the resolution. It is certainly within my experience, which is to the extent of one time, the same exception was made, and I hope it will be made now. I make the further suggestion that the seat occupied by Mr. Stephens, of Georgia, be reserved for him, in view of the condition of his health.

Mr. CLYMER. In reply, I will remark that if the gentleman will examine the proceedings of the last Congress he will find a resolution precisely in form such as this was adopted, and that subsequent to its adoption the House, by unanimous consent, gave the gentleman from Massachusetts, [Mr. DAWES,] who had been longest in continuous service, choice of a seat, and by unanimous consent subsequently gave Mr. Stephens, of Georgia, the seat he occupied. I propose to ask for such indulgence both to the member of longest continuous service and to the gentleman from Georgia, [Mr. Stephens.] I move the previous question.

The SPEAKER. Does any one object to the motion being put without the previous question?

There was no objection.

The resolution was adopted.

COMMITTEE TO WAIT ON THE PRESIDENT.

The SPEAKER announced the following committee to wait upon the President of the United States under the resolution adopted this day: Mr. COX of New York, Mr. KNOTT of Kentucky, and Mr. BLAINE of Maine.

And then, on motion of Mr. HOLMAN, (at ten minutes to five o'clock p. m.,) the House adjourned.

IN SENATE.

TUESDAY, *December* 7, 1875.

AARON H. CRAGIN, a Senator from the State of New Hampshire, GEORGE GOLDTHWAITE, a Senator from the State of Alabama, and A. S. MERRIMON, a Senator from the State of North Carolina, appeared in their seats to-day.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

CREDENTIALS.

Mr. EATON presented the credentials of James E. English, appointed by the governor of the State of Connecticut a Senator from that State to fill, until the next meeting of the Legislature thereof, the vacancy caused by the death of Orris S. Ferry.

The credentials were read; and the oaths prescribed by law having been administered to Mr. ENGLISH, he took his seat in the Senate.

MESSAGE FROM THE HOUSE.

Mr. GEORGE M. ADAMS, Clerk of the House of Representatives, appeared below the bar of the Senate and said:

Mr. President, I am directed by the House of Representatives to inform the Senate that a quorum of the House of Representatives has assembled, and that MICHAEL C. KERR, one of the Representatives from the State of Indiana, has been chosen Speaker, and GEORGE M. ADAMS, of Kentucky, Clerk; and the House is ready to proceed to business.

I am further directed to inform the Senate that a committee of three has been appointed on the part of the House, to join such committee as may be appointed on the part of the Senate, to wait upon the President of the United States and to inform him that a quorum of the two Houses has assembled and that Congress is ready to receive any communication he may be pleased to make; and that Messrs. SAMUEL S. COX of New York, J. PROCTOR KNOTT of Kentucky, and JAMES G. BLAINE of Maine have been appointed as such committee on the part of the House.

RECESS.

Mr. FRELINGHUYSEN, (at twelve o'clock and fifteen minutes p. m.) I move that the Senate take a recess until one o'clock.

The motion was agreed to; and at the expiration of the recess the Senate reassembled.

PRESIDENT'S ANNUAL MESSAGE.

Mr. ANTHONY. Mr. President, the joint committee appointed to wait upon the President of the United States and inform him that the two Houses of Congress had organized for the transaction of business and were ready to receive any communication he might have to make to them have performed that duty, and the President replied that he would communicate to the two Houses immediately in writing.

At one o'clock and fifteen minutes p. m. the President's Secretary, Mr. LEVI P. LUCKEY, appeared below the bar and said:

Mr. President, I am directed by the President of the United States to deliver to the Senate a message in writing.

The PRESIDENT *pro tempore*. The Chair submits to the Senate the annual message of the President of the United States, which the Secretary will read.

The Secretary of the Senate, Mr. GEORGE C. GORHAM, read the message, as follows:

To the Senate and House of Representatives:

In submitting my seventh annual message to Congress, in this centennial year of our national existence as a free and independent people, it affords me great pleasure to recur to the advancement that has been made from the time of the Colonies, one hundred years ago. We were then a people numbering only three millions. Now we number more than forty millions. Then industries were confined almost exclusively to the tillage of the soil. Now manufactories absorb much of the labor of the country.

Our liberties remain unimpaired; the bondmen have been freed from slavery; we have become possessed of the respect, if not the friendship, of all civilized nations. Our progress has been great in all the arts; in science, agriculture, commerce, navigation, mining, mechanics, law, medicine, &c.; and in general education the progress is likewise encouraging. Our thirteen States have become thirty-eight, including Colorado, (which has taken the initiatory steps to become a State,) and eight Territories, including the Indian Territory and Alaska, and excluding Colorado—making a territory extending from the Atlantic to the Pacific. On the South we have extended to the Gulf of Mexico, and in the West from the Mississippi to the Pacific.

One hundred years ago the cotton-gin, the steamship, the railroad, the telegraph, the reaping, sewing, and modern printing machines, and numerous other inventions of scarcely less value to our business and happiness were entirely unknown.

In 1776 manufactories scarcely existed, even in name, in all this vast territory. In 1870 more than two millions of persons were employed in manufactories, producing more than $2,100,000,000 of products in amount annually—nearly equal to our national debt. From nearly the whole of the population of 1776 being engaged in the one occupation of agriculture, in 1870 so numerous and diversified had become the occupation of our people that less than six millions out of more than forty millions were so engaged. The extraordinary effect produced in our country by a resort to diversified occupations has built a market for the products of fertile lands distant from the seaboard and the markets of the world.

The American system of locating various and extensive manufactories next to the plow and the pasture, and adding connecting railroads and steamboats, has produced in our distant interior country a result noticeable by the intelligent portions of all commercial nations. The ingenuity and skill of American mechanics have been demonstrated at home and abroad in a manner most flattering to their pride. But for the extraordinary genius and ability of our mechanics, the achievements of our agriculturists, manufacturers, and transporters throughout the country would have been impossible of attainment.

The progress of the miner has also been great. Of coal our production was small; now many millions of tons are mined annually. So with iron, which formed scarcely an appreciable part of our products half a century ago; we now produce more than the world consumed at the beginning of our national existence. Lead, zinc, and copper, from being articles of import, we may expect to be large exporters of in the near future. The development of gold and silver mines in the United States and Territories has not only been remarkable but has had a large influence upon the business of all commercial nations. Our merchants in the last hundred years have had a success and have established a reputation for enterprise, sagacity, progress, and integrity unsurpassed by peoples of older nationalities. This "good name" is not confined to their homes, but goes out upon every sea and into every port where commerce enters. With equal pride we can point to our progress in all of the learned professions.

As we are now about to enter upon our second centennial—commencing our manhood as a nation—it is well to look back upon the past and study what will be best to preserve and advance our future greatness. From the fall of Adam for his transgression to the present day, no nation has ever been free from threatened danger to its prosperity and happiness. We should look to the dangers threatening us, and remedy them so far as lies in our power. We are a republic whereof one man is as good as another before the law. Under such a form of government it is of the greatest importance that all should be possessed of education and intelligence enough to cast a vote with a right understanding of its meaning. A large association of ignorant men cannot, for any considerable period, oppose a successful resistance to tyranny and oppression from the educated few, but will inevitably sink into acquiescence to the will of intelligence, whether directed by the demagogue or by priestcraft. Hence the education of the masses becomes of the first necessity for the preservation of our institutions. They are worth preserving, because they have secured the greatest good to the greatest proportion of the population of any form of government yet devised. All other forms of government approach it just in proportion to the general diffusion of education and independence of thought and action. As the primary step, therefore, to our advancement in all that has marked our progress in the past century, I suggest for your earnest consideration—and most earnestly recommend it—that a constitutional amendment be submitted to the Legislatures of the several States for ratification making it the duty of each of the several States to establish and forever maintain free public schools adequate to the education of all the children in the rudimentary branches within their respective limits, irrespective of sex, color, birthplace, or religions; forbidding the teaching in said schools of religious, atheistic, or pagan tenets; and prohibiting the granting of any school funds, or school taxes, or any part thereof, either by legislative, municipal, or other authority, for the benefit or in aid, directly or indirectly, of any religious sect or denomination, or in aid or for the benefit of any other object of any nature or kind whatever.

In connection with this important question I would also call your attention to the importance of correcting an evil that, if permitted to continue, will probably lead to great trouble in our land before the close of the nineteenth century: it is the accumulation of vast amounts of untaxed church property.

In 1850 I believe the church property of the United States which paid no tax, municipal or State, amounted to about $83,000,000. In 1860 the amount had doubled; in 1875 it is about $1,000,000,000. By 1900, without check, it is safe to say this property will reach a sum exceeding $3,000,000,000. So vast a sum, receiving all the protection and benefits of Government without bearing its proportion of the burdens and expenses of the same, will not be looked upon acquiescently by those who have to pay the taxes. In a growing country, where real estate enhances so rapidly with time, as in the United States, there is scarcely a limit to the wealth that may be acquired by corporations, religious or otherwise, if allowed to retain real estate without taxation. The contemplation of so vast a property as here alluded to without taxation may lead to sequestration, without constitutional authority and through blood.

I would suggest the taxation of all property equally, whether church or corporation, exempting only the last resting-place of the dead, and possibly, with proper restrictions, church edifices.

Our relations with most of the foreign powers continue on a satisfactory and friendly footing.

Increased intercourse, the extension of commerce, and the cultivation of mutual interests have steadily improved our relations with the large majority of the powers of the world, rendering practicable the peaceful solution of questions which from time to time necessarily arise, leaving few which demand extended or particular notice.

The correspondence of the Department of State with our diplomatic representatives abroad is transmitted herewith.

I am happy to announce the passage of an act by the General Cortes of Portugal, proclaimed since the adjournment of Congress, for the abolition of servitude in the Portuguese colonies. It is to be hoped that such legislation may be another step toward the great consummation to be reached, when no man shall be permitted, directly or indirectly, under any guise, excuse, or form of law, to hold his fellow-man in bondage. I am of opinion, also, that it is the duty of the United States, as contributing toward that end and required by the spirit of the age in which we live, to provide by suitable legislation that no citizen of the United States shall hold slaves as property in any other country or be interested therein.

Chili has made reparation in the case of the whale-ship Good Return, seized without sufficient cause upward of forty years ago. Though she had hitherto denied her accountability, the denial was never acquiesced in by this Government, and the justness of the claim has been so earnestly contended for, that it has been gratifying that she should have at last acknowledged it.

The arbitrator in the case of the United States steamer Montijo, for the seizure and detention of which the government of the United States of Colombia was held accountable, has decided in favor of the claim. This decision has settled a question which had been pending for several years, and which, while it continued open, might more or less disturb the good understanding which it is desirable should be maintained between the two republics.

A reciprocity treaty with the king of the Hawaiian Islands was concluded some months since. As it contains a stipulation that it shall not take effect until Congress shall enact the proper legislation for that purpose, copies of the instrument are herewith submitted, in order that, if such should be the pleasure of Congress, the necessary legislation upon the subject may be adopted.

In March last an arrangement was made through Mr. Cushing, our minister in Madrid, with the Spanish government for the payment by the latter to the United States of the sum of $80,000 in coin for the purpose of the relief of the families or persons of the ship's company and certain passengers of the Virginius. This sum was to have been paid in three installments, at two months each. It is due to the Spanish government that I should state that the payments were fully and spontaneously anticipated by that government, and that the whole amount was paid within but a few days more than two months from the date of the agreement, a copy of which is herewith transmitted. In pursuance of the terms of the adjustment I have directed the distribution of the amount among the parties entitled thereto, including the ship's company and such of the passengers as were American citizens. Payments are made, accordingly, on the application by the parties entitled thereto.

The past year has furnished no evidence of an approaching termination of the ruinous conflict which has been raging for seven years in the neighboring Island of Cuba. The same disregard of the laws of civilized warfare and of the just demands of humanity, which has heretofore called forth expressions of condemnation from the nations of christendom, has continued to blacken the sad scene. Desolation, ruin, and pillage are pervading the rich fields of one of the most fertile and productive regions of the earth, and the incendiary's torch, firing plantations and valuable factories and buildings, is the agent marking the alternate advance or retreat of contending parties.

The protracted continuance of this strife seriously affects the interests of all commercial nations, but those of the United States more than others, by reason of close proximity, its larger trade and intercourse with Cuba, and the frequent and intimate personal and social relations which have grown up between its citizens and those of the island. Moreover the property of our citizens in Cuba is large, and is rendered insecure and depreciated in value and in capacity of production by the continuance of the strife and the unnatural mode of its conduct. The same is true, differing only in degree, with respect to the interests and people of other nations; and the absence of any reasonable assurance of a near termination of the conflict must of necessity soon compel the states thus suffering to consider what the interests of their own people and their duty toward themselves may demand.

I have hoped that Spain would be enabled to establish peace in her colony, to afford security to the property and the interests of our citizens, and allow legitimate scope to trade and commerce and the natural productions of the island. Because of this hope, and from an extreme reluctance to interfere in the most remote manner in the affairs of another and a friendly nation, especially of one whose sympathy and friendship in the struggling infancy of our own existence must ever be remembered with gratitude, I have patiently and anxiously awaited the progress of events. Our own civil conflict is too recent for us not to consider the difficulties which surround a government distracted by a dynastic rebellion at home at the same time that it has to cope with a separate insurrection in a distant colony. But, whatever causes may have produced the situation which so grievously affects our interests, it exists, with all its attendant evils, operating directly upon this country and its people. Thus far all the efforts of Spain have proved abortive, and time has marked no improvement in the situation. The armed bands of either side now occupy nearly the same ground as in the past, with the difference, from time to time, of more lives sacrificed, more property destroyed, and wider extents of fertile and productive fields and more and more of valuable property constantly wantonly sacrificed to the incendiary's torch.

In contests of this nature, where a considerable body of people who have attempted to free themselves of the control of the superior government have reached such point in occupation of territory, in power, and in general organization as to constitute in fact a body politic, having a government in substance as well as in name, possessed of the elements of stability and equipped with the machinery for the administration of internal policy and the execution of its laws, prepared and able to administer justice at home as well as in its dealings with other powers, it is within the province of those other powers to recognize its existence as a new and independent nation. In such cases other nations simply deal with an actually existing condition of things, and recognize as one of the powers of the earth that body politic which, possessing the necessary elements, has, in fact, become a new power; in a word, the creation of a new state is a fact.

To establish the condition of things essential to the recognition of this fact, there must be a people occupying a known territory, united under some known and defined form of government, acknowledged by those subject thereto, in which the functions of government are administered by usual methods, competent to mete out justice to citizens and strangers, to afford remedies for public and for private wrongs, and able to assume the correlative international obligations and capable of performing the corresponding international duties resulting from its acquisition of the rights of sovereignty. A power should exist, complete in its organization, ready to take and able to maintain its place among the nations of the earth.

While conscious that the insurrection in Cuba has shown a strength and endurance which make it at least doubtful whether it be in the power of Spain to subdue it, it seems unquestionable that no such civil organization exists which may be recognized as an independent government, capable of performing its international obligations and entitled to be treated as one of the powers of the earth. A recognition under such circumstances would be inconsistent with the facts, and would compel the power granting it soon to support by force the government to which it had really given its only claim of existence. In my judgment, the United States should adhere to the policy and the principles which have heretofore been its sure and safe guides in like contests between revolted colonies and their mother-country, and, acting only upon the clearest evidence, should avoid any possibility of suspicion or of imputation.

A recognition of the independence of Cuba being in my opinion impracticable and indefensible, the question which next presents itself is that of the recognition of belligerent rights in the parties to the contest.

In a former message to Congress I had occasion to consider this question, and reached the conclusion that the conflict in Cuba, dreadful and devastating as were its incidents, did not rise to the fearful dignity of war. Regarding it now, after this lapse of time, I am unable to see that any notable success or any marked or real advance on the part of the insurgents has essentially changed the character of the contest. It has acquired greater age, but not greater or more formidable proportions. It is possible that the acts of foreign powers, and even acts of Spain herself, of this very nature, might be pointed to in defense of such recognition. But now, as in its past history, the United States should carefully avoid the false lights which might lead it into the mazes of doubtful law and of questionable propriety, and adhere rigidly and sternly to the rule which has been its guide, of doing only that which is right and honest and of good report. The question of according or of withholding rights of belligerency must be judged in every case in view of the particular attending facts. Unless justified by necessity, it is always and justly regarded as an unfriendly act and a gratuitous demonstration of moral support to the rebellion. It is necessary and it is required when the interests and rights of another government or of its people are so far affected by a pending civil conflict as to require a definition of its relations to the parties thereto. But this conflict must be one which will be recognized in the sense of international law as war. Belligerence, too, is a fact. The mere existence of contending armed bodies, and their occasional conflicts, do not constitute war in the sense referred to.

Applying to the existing condition of affairs in Cuba the tests recognized by publicists and writers on international law, and which have been observed by nations of dignity, honesty, and power, when free from sensitive or selfish and unworthy motives, I fail to find in the insurrection the existence of such a substantial political organization, real, palpable, and manifest to the world, having the forms and capable of the ordinary functions of government toward its own people and to other states, with courts for the administration of justice, with a local habitation, possessing such organization of force, such material, such occupation of territory as to take the contest out of the category of a mere rebellious insurrection, or occasional skirmishes, and place it on the terrible footing of war, to which a recognition of belligerency would aim to elevate it. The contest, moreover, is solely on land. The insurrection has not possessed itself of a single sea-port whence it may send forth its flag, nor has it any means of communication with foreign powers, except through the military lines of its adversaries. No apprehension of any of those sudden and difficult complications which a war upon the ocean is apt to precipitate upon the vessels, both commercial and national, and upon the consular officers of other powers, calls for the definition of their relations to the parties to the contest.

Considered as a question of expediency, I regard the accordance of belligerent rights still to be as unwise and premature as I regard it to be at present indefensible as a measure of right. Such recognition entails upon the country according the rights which flow from it difficult and complicated duties, and requires the exaction from the contending parties of the strict observance of their rights and obligations. It confers the right of search upon the high seas by vessels of both parties; it would subject the carrying of arms and munitions of war, which now may be transported freely and without interruption in the vessels of the United States, to detention and to possible seizure; it would give rise to countless vexatious questions; would release the parent government from responsibility for acts done by the insurgents, and would invest Spain with the right to exercise the supervision recognized by our treaty of 1795 over our commerce on the high seas, a very large part of which, in its traffic between the Atlantic and the Gulf States and between all of them and the States on the Pacific, passes through the waters which wash the shores of Cuba. The exercise of this supervision could scarce fail to lead, if not to abuses, certainly to collisions perilous to the peaceful relations of the two states. There can be little doubt to what result such supervision would before long draw this nation. It would be unworthy of the United States to inaugurate the possibilities of such result by measures of questionable right or expediency or by any indirection. Apart from any question of theoretical right, I am satisfied that while the accordance of belligerent rights to the insurgents in Cuba might give them a hope and an inducement to protract the struggle, it would be but a delusive hope and would not remove the evils which this Government and its people are experiencing, but would draw the United States into complications which it has waited long and already suffered much to avoid. The recognition of independence or of belligerency being thus, in my judgment, equally inadmissible, it remains to consider what course shall be adopted should the conflict not soon be brought to an end by acts of the parties themselves, and should the evils which result therefrom, affecting all nations, and particularly the United States, continue. In such event I am of opinion that other nations will be compelled to assume the responsibility which devolves upon them, and to seriously consider the only remaining measures possible, mediation and intervention. Owing perhaps to the large expanse of water separating the island from the peninsula, the want of harmony and of personal sympathy between the inhabitants of the colony and those sent thither to rule them, and want of adaptation of the ancient colonial system of Europe to the present times, and to the ideas which the events of the past century have developed, the con-

tending parties appear to have within themselves no depository of common confidence to suggest wisdom when passion and excitement have their sway, and to assume the part of peace-maker. In this view, in the earlier days of the contest, the good offices of the United States as a mediator were tendered in good faith, without any selfish purpose, in the interest of humanity and in sincere friendship for both parties, but were at the time declined by Spain, with the declaration, nevertheless, that at a future time they would be indispensable. No intimation has been received that in the opinion of Spain that time has been reached. And yet the strife continues, with all its dread horrors and all its injuries to the interests of the United States and of other nations. Each party seems quite capable of working great injury and damage to the other, as well as to all the relations and interests dependent on the existence of peace in the island; but they seem incapable of reaching any adjustment, and both have thus far failed of achieving any success whereby one party shall possess and control the island to the exclusion of the other. Under these circumstances the agency of others, either by mediation or by intervention, seems to be the only alternative which must sooner or later be invoked for the termination of the strife. At the same time, while thusimpressed, I do not at this time recommend the adoption of any measure of intervention. I shall be ready at all times, and as the equal friend of both parties, to respond to a suggestion that the good offices of the United States will be acceptable to aid in bringing about a peace honorable to both.

It is due to Spain, so far as this Government is concerned, that the agency of a third power, to which I have adverted, shall be adopted only as a last expedient. Had it been the desire of the United States to interfere in the affairs of Cuba repeated opportunities for so doing have been presented within the last few years, but we have remained passive, and have performed our whole duty and all international obligations to Spain with friendship, fairness, and fidelity, and with a spirit of patience and forbearance which negatives every possible suggestion of desire to interfere or to add to the difficulties with which she has been surrounded. The government of Spain has recently submitted to our minister at Madrid certain proposals which it is hoped may be found to be the basis if not the actual submission of terms to meet the requirements of the particular griefs of which this Government has felt itself entitled to complain. These proposals have not yet reached me in their full text. On their arrival they will be taken into careful examination, and may, I hope, lead to a satisfactory adjustment of the questions to which they refer, and remove the possibility of future occurrences such as have given rise to our just complaints. It is understood, also, that renewed efforts are being made to introduce reforms in the internal administration of the island. Persuaded, however, that a proper regard for the interests of the United States and of its citizens entitle it to relief from the strain to which it has been subjected by the difficulties of the questions, and the wrongs and losses which arise from the contest in Cuba, and that the interests of humanity itself demand the cessation of the strife before the whole island shall be laid waste and larger sacrifices of life be made, I shall feel it my duty, should my hopes of a satisfactory adjustment and of the early restoration of peace and the removal of future causes of complaint be unhappily disappointed, to make a further communication to Congress at some period not far remote, and during the present session, recommending what may then seem to me to be necessary.

The Free Zone, so called, several years since established by the Mexican government in certain of the states of that republic adjacent to our frontier, remains in full operation. It has always been materially injurious to honest traffic, for it operates as an incentive to traders in Mexico to supply without customs charges the wants of inhabitants on this side the line, and prevents the same wants from being supplied by merchants of the United States, thereby to a considerable extent defrauding our revenue and checking honest commercial enterprise.

Depredations by armed bands from Mexico on the people of Texas near the frontier continue. Though the main object of these incursions is robbery, they frequently result in the murder of unarmed and peaceably disposed persons, and in some instances even the United States post-offices and mail communications have been attacked. Renewed remonstrances upon this subject have been addressed to the Mexican government, but without much apparent effect. The military force of this Government disposable for service in that quarter is quite inadequate to effectually guard the line even at those points where the incursions are usually made. An experiment of an armed vessel on the Rio Grande for that purpose is on trial, and it is hoped that, if not thwarted by the shallowness of the river and other natural obstacles, it may materially contribute to the protection of the herdsmen of Texas.

The proceedings of the joint commission under the convention between the United States and Mexico of the 4th of July, 1868, on the subject of claims, will soon be brought to a close. The result of those proceedings will then be communicated to Congress.

I am happy to announce that the government of Venezuela has, upon further consideration, practically abandoned its objection to pay to the United States that share of its revenue which some years since it allotted toward the extinguishment of the claims of foreigners generally. In thus reconsidering its determination, that government has shown a just sense of self-respect, which cannot fail to reflect credit upon it in the eyes of all disinterested persons elsewhere. It is to be regretted, however, that its payments on account of claims of citizens of the United States are still so meager in amount and that the stipulations of the treaty in regard to the sums to be paid and the periods when those payments were to take place should have been so signally disregarded.

Since my last annual message the exchange has been made of the ratification of a treaty of commerce and navigation with Belgium; and of conventions with the Mexican republic for the further extension of the joint commission respecting claims; with the Hawaiian Islands for commercial reciprocity; and with the Ottoman empire for extradition; all of which have been duly proclaimed.

The court of commissioners of Alabama claims has prosecuted its important duties very assiduously and very satisfactorily. It convened and was organized on the 22d day of July, 1874, and by the terms of the act under which it was created was to exist for one year from that date. The act provided, however, that, should it be found impracticable to complete the work of the court before the expiration of the year, the President might, by proclamation, extend the time of its duration to a period not more than six months beyond the expiration of the one year.

Having received satisfactory evidence that it would be impracticable to complete the work within the time originally fixed, I issued a proclamation (a copy of which is presented herewith) extending the time of duration of the court for a period of six months from and after the 22d day of July last.

A report made through the clerk of the court (communicated herewith) shows the condition of the calendar on the 1st of November last and the large amount of work which has been accomplished. Thirteen hundred and eighty-two claims have been presented, of which six hundred and eighty-two had been disposed of at the date of the report. I am informed that one hundred and seventy cases were decided during the month of November. Arguments are being made and decisions given in the remaining cases with all the dispatch consistent with the proper consideration of the questions submitted. Many of these claims are in behalf of mariners, or depend on the evidence of mariners, whose absence has delayed the taking or the return of the necessary evidence.

It is represented to me that it will be impracticable for the court to finally dispose of all the cases before it within the present limit of its duration. Justice to the parties-claimant, who have been at large expense in preparing their claims and obtaining the evidence in their support, suggests a short extension, to enable the court to dispose of all of the claims which have been presented.

I recommend the legislation which may be deemed proper to enable the court to complete the work before it.

I recommend that some suitable provision be made, by the creation of a special court or by conferring the necessary jurisdiction upon some appropriate tribunal, for the consideration and determination of the claims of aliens against the Government of the United States which have arisen within some reasonable limitation of time or which may hereafter arise, excluding all claims barred by treaty provisions or otherwise. It has been found impossible to give proper consideration to these claims by the Executive Departments of the Government. Such a tribunal would afford an opportunity to aliens, other than British subjects, to present their claims on account of acts committed against their persons or property during the rebellion, as also to those subjects of Great Britain whose claims, having arisen subsequent to the 9th day of April, 1865, could not be presented to the late commission, organized pursuant to the provisions of the treaty of Washington.

The electric telegraph has become an essential and indispensable agent in the transmission of business and social messages. Its operation on land, and within the limit of particular States, is necessarily under the control of the jurisdiction within which it operates. The lines on the high seas, however, are not subject to the particular control of any one government. In 1869 a concession was granted by the French government to a company which proposed to lay a cable from the shores of France to the United States.

At that time there was a telegraphic connection between the United States and the continent of Europe, (through the possessions of Great Britain at either end of the line,) under the control of an association, which had, at large outlay of capital and at great risk, demonstrated the practicability of maintaining such means of communication. The cost of correspondence by this agency was great, possibly not too large, at the time, for a proper remuneration for so hazardous and so costly an enterprise. It was, however, a heavy charge upon a means of communication which the progress in the social and commercial intercourse of the world found to be a necessity, and the obtaining of this French concession showed that other capital than that already invested was ready to enter into competition, with assurance of adequate return for its outlay. Impressed with the conviction that the interests, not only of the people of the United States, but of the world at large, demanded, or would demand, the multiplication of such means of communication between separated continents, I was desirous that the proposed connection should be made, but certain provisions of this concession were deemed by me to be objectionable, particularly one which gave for a long term of years the exclusive right of telegraphic communication by submarine cable between the shores of France and the United States. I could not concede that

any power should claim the right to land a cable on the shores of the United States and at the same time deny to the United States, or to its citizens or grantees, an equal right to land a cable on its shores.

The right to control the conditions for the laying of a cable within the jurisdictional waters of the United States, to connect our shores with those of any foreign state, pertains exclusively to the Government of the United States, under such limitations and conditions as Congress may impose. In the absence of legislation by Congress, I was unwilling, on the one hand, to yield to a foreign state the right to say that its grantees might land on our shores while it denied a similar right to our people to land on its shores, and on the other hand I was reluctant to deny to the great interests of the world and of civilization the facilities of such communication as were proposed. I therefore withheld any resistance to the landing of the cable, on condition that the offensive monopoly feature of the concession be abandoned, and that the right of any cable which may be established by authority of this Government to land upon French territory, and to connect with French land lines and enjoy all the necessary facilities or privileges incident to the use thereof upon as favorable terms as any other company, be conceded. As the result thereof the company in question renounced the exclusive privilege and the representative of France was informed that, understanding this relinquishment to be construed as granting the entire reciprocity and equal facilities which had been demanded, the opposition to the landing of the cable was withdrawn. The cable under this French concession was landed in the month of July, 1869, and has been an efficient and valuable agent of communication between this country and the other continent. It soon passed under the control, however, of those who had the management of the cable connecting Great Britain with this continent, and thus whatever benefit to the public might have ensued from competition between the two lines was lost, leaving only the greater facilities of an additional line and the additional security in case of accident to one of them. But these increased facilities and this additional security, together with the control of the combined capital of the two companies, gave also greater power to prevent the future construction of other lines and to limit the control of telegraphic communication between the two continents to those possessing the lines already laid.

Within a few months past a cable has been laid, known as the United States Direct Cable Company, connecting the United States directly with Great Britain. As soon as this cable was reported to be laid and in working order the rates of the then existing consolidated companies were greatly reduced. Soon, however, a break was announced in this new cable, and immediately the rates of the other line, which had been reduced, were again raised. This cable being now repaired, the rates appear not to be reduced by either line from those formerly charged by the consolidated companies. There is reason to believe that large amounts of capital, both at home and abroad, are ready to seek profitable investment in the advancement of this useful and most civilizing means of intercourse and correspondence. They await, however, the assurance of the means and conditions on which they may safely be made tributary to the general good. As these cable telegraph lines connect separate states, there are questions as to their organization and control which probably can be best, if not solely, settled by conventions between the respective states. In the absence, however, of international conventions on the subject, municipal legislation may secure many points which appear to me important, if not indispensable, for the protection of the public against the extortions which may result from a monopoly of the right of operating cable telegrams or from a combination between several lines.

1. No line should be allowed to land on the shores of the United States, under the concession from another power, which does not admit the right of any other line or lines, formed in the United States, to land and freely connect with and operate through its land lines.

2. No line should be allowed to land on the shores of the United States which is not by treaty stipulation with the government from whose shores it proceeds, or by prohibition in its charter or otherwise to the satisfaction of this Government, prohibited from consolidating or amalgamating with any other cable-telegraph line, or combining therewith for the purpose of regulating and maintaining the cost of telegraphing.

3. All lines should be bound to give precedence in the transmission of the official messages of the governments of the two countries between which it may be laid.

4. A power should be reserved to the two governments, either conjointly or to each as regards the messages dispatched from its shores, to fix a limit to the charges to be demanded for the transmission of messages.

I present this subject to the earnest consideration of Congress.

In the mean time, and unless Congress otherwise direct, I shall not oppose the landing of any telegraphic cable which complies with and assents to the points above enumerated, but will feel it my duty to prevent the landing of any which does not conform to the first and second points as stated, and which will not stipulate to concede to this Government the precedence in the transmission of its official messages and will not enter into a satisfactory arrangement with regard to its charges.

Among the pressing and important subjects to which, in my opinion, the attention of Congress should be directed, are those relating to fraudulent naturalization and expatriation. The United States, with great liberality, offers its citizenship to all who, in good faith, comply with the requirements of law. These requirements are as simple and upon as favorable terms to the emigrant as the high privilege to which he is admitted can or should permit I do not propose any additional requirements to those which the law now demands. But the very simplicity and the want of unnecessary formality in our law have made fraudulent naturalization not infrequent, to the discredit and injury of all honest citizens, whether native or naturalized. Cases of this character are continually being brought to the notice of the Government by our representatives abroad, and also those of persons resident in other countries, most frequently those who, if they have remained in this country long enough to entitle them to become naturalized, have generally not much overpassed that period, and have returned to the country of their origin, where they reside, avoiding all duties to the United States by their absence, and claiming to be exempt from all duties to the country of their nativity and of their residence, by reason of their alleged naturalization. It is due to this Government itself, and to the great mass of the naturalized citizens who entirely, both in name and in fact, become citizens of the United States that the high privilege of citizenship of the United States should not be held by fraud, or in derogation of the laws and of the good name of every honest citizen.

On many occasions it has been brought to the knowledge of the Government that certificates of naturalization are held and protection or interference claimed by parties who admit that not only they were not within the United States at the time of the pretended naturalization, but that they have never resided in the United States; in others, the certificate and record of the court show on their face that the person claiming to be naturalized had not resided the required time in the United States; in others, it is admitted upon examination that the requirements of law have not been complied with; in some cases, even, such certificates have been matter of purchase. These are not isolated cases, arising at rare intervals, but of common occurrence, and which are reported from all quarters of the globe. Such occurrences cannot and do not fail to reflect upon the Government and injure all honest citizens. Such a fraud being discovered, however, there is no practicable means within the control of the Government by which the record of naturalization can be vacated, and should the certificate be taken up, as it usually is, by the diplomatic and consular representatives of the government to whom it may have been presented, there is nothing to prevent the person claiming to have been naturalized from obtaining a new certificate from the court in place of that which has been taken from him. The evil has become so great and of such frequent occurrence that I cannot too earnestly recommend that some effective measures be adopted to provide a proper remedy and means for the vacating of any record thus fraudulently made, and of punishing the guilty parties to the transaction.

In this connection I refer also to the question of expatriation and the election of nationality.

The United States was foremost in upholding the right of expatriation and was principally instrumental in overthrowing the doctrine of perpetual allegiance. Congress has declared the right of expatriation to be a natural and inherent right of all people; but, while many other nations have enacted laws providing what formalities shall be necessary to work a change of allegiance, the United States has enacted no provisions of law and has in no respect marked out how and when expatriation may be accomplished by its citizens. Instances are brought to the attention of the Government where citizens of the United States, either naturalized or native born, have formally become citizens or subjects of foreign powers, but who, nevertheless, in the absence of any provisions of legislation on this question, when involved in difficulties or when it seems to be their interest, claim to be citizens of the United States and demand the intervention of a Government which they have long since abandoned and to which, for years, they have rendered no service, nor held themselves in any way amenable. In other cases naturalized citizens, immediately after naturalization, have returned to their native country, have become engaged in business, have accepted offices or pursuits inconsistent with American citizenship, and evidence no intent to return to the United States until called upon to discharge some duty to the country where they are residing, when at once they assert their citizenship and call upon the representatives of the Government to aid them in their unjust pretensions. It is but justice to all *bona fide* citizens that no doubt should exist on such questions, and that Congress should determine, by enactment of law, how expatriation may be accomplished and change of citizenship be established.

I also invite your attention to the necessity of regulating by law the status of American women who may marry foreigners and of defining more fully that of children born in a foreign country of American parents who may reside abroad, and also of some further provision regulating or giving legal effect to marriages of American citizens contracted in foreign countries. The correspondence submitted herewith shows a few of the constantly occurring questions on these points presented to the consideration of the Government. There are few subjects to engage the attention of Congress on which more delicate relations or more important interests are dependent.

In the month of July last the building erected for the Department of State was taken possession of and occupied by that Department

I am happy to announce that the archives and valuable papers of the Government in the custody of that Department are now safely deposited and properly cared for.

The report of the Secretary of the Treasury shows the receipts from customs for the fiscal year ending June 30, 1874, to have been $163,103,833.69, and for the fiscal year ending June 30, 1875, to have been $157,167,722.35, a decrease for the last fiscal year of $5,936,111.34.

Receipts from internal revenue for the year ending the 30th of June, 1874, $102,409,784.90, and for the year ending June 30, 1875 $110,007,493.58; increase, $7,597,708.68.

The report also shows a complete history of the workings of the Department for the last year and contains recommendations for reforms and for legislation which I concur in, but cannot comment on so fully as I should like to do if space would permit, but will confine myself to a few suggestions which I look upon as vital to the best interests of the whole people, coming within the purview of "Treasury:" I mean specie resumption. Too much stress cannot be laid upon this question, and I hope Congress may be induced, at the earliest day practicable, to insure the consummation of the act of the last Congress, at its last session, to bring about specie resumption "on and after the 1st day of January, 1879," at furthest. It would be a great blessing if this could be consummated even at an earlier day. Nothing seems to me more certain than that a full, healthy, and permanent reaction cannot take place in favor of the industries and financial welfare of the country until we return to a measure of values recognized throughout the civilized world. While we use a currency not equivalent to this standard, the world's recognized standard, specie, becomes a commodity, like the products of the soil, the surplus seeking a market wherever there is a demand for it. Under our present system we should want none, nor would we have any, were it not that customs-dues must be paid in coin, and because of the pledge to pay interest on the public debt in coin. The yield of precious metals would flow out for the purchase of foreign productions and leave the United States "hewers of wood and drawers of water" because of wiser legislation on the subject of finance by the nations with whom we have dealings.

I am not prepared to say that I can suggest the best legislation to secure the end most heartily recommended. It will be a source of great gratification to me to be able to approve any measure of Congress looking effectively toward securing "resumption."

Unlimited inflation would probably bring about specie payments more speedily than any legislation looking to the redemption of the legal-tenders in coin; but it would be at the expense of honor. The legal-tenders would have no value beyond settling present liabilities, or, properly speaking, repudiating them. They would buy nothing after debts were all settled.

There are a few measures which seem to me important in this connection, and which I commend to your earnest consideration:

A repeal of so much of the legal-tender act as makes these notes receivable for debts contracted after a date to be fixed in the act itself, say, not later than the 1st of January, 1877. We should then have quotations at real values, not fictitious ones. Gold would no longer be at a premium, but currency at a discount. A healthy reaction would set in at once, and with it a desire to make the currency equal to what it purports to be. The merchants, manufacturers, and tradesmen of every calling could do business on a fair margin of profit, the money to be received having an unvarying value. Laborers and all classes who work for stipulated pay or salary would receive more for their income, because extra profits would no longer be charged by the capitalist to compensate for the risk of a downward fluctuation in the value of the currency.

Second. That the Secretary of the Treasury be authorized to redeem, say, not to exceed two million dollars monthly of legal-tender notes, by issuing in their stead a long bond, bearing interest at the rate of 3.65 per cent. per annum, of denominations ranging from $50 up to $1,000 each. This would in time reduce the legal-tender notes to a volume that could be kept afloat without demanding redemption in large sums suddenly.

Third. That additional power be given to the Secretary of the Treasury to accumulate gold for final redemption, either by increasing revenue, curtailing expenses, or both—it is preferable to do both; and I recommend that reduction of expenditures be made wherever it can be done without impairing government obligations or crippling the due execution thereof. One measure for increasing the revenue—and the only one I think of—is the restoration of the duty on tea and coffee. These duties would add, probably, $18,000,000 to the present amount received from imports, and would in no way increase the prices paid for those articles by the consumers. These articles are the products of countries collecting revenue from exports, and as we—the largest consumers—reduce the duties, they proportionally increase them. With this addition to the revenue many duties now collected, and which give but an insignificant return for the cost of collection, might be remitted, and to the direct advantage of consumers at home. I would mention those articles which enter into manufactures of all sorts. All duty paid upon such articles go directly to the cost of the article when manufactured here, and must be paid for by the consumers. These duties not only come from the consumers at home, but act as a protection to foreign manufacturers of the same completed articles in our own and distant markets.

I will suggest or mention another subject bearing upon the problem of "how to enable the Secretary of the Treasury to accumulate balances." It is to devise some better method of verifying claims against the Government than at present exists through the Court of Claims, especially those claims growing out of the late war. Nothing is more certain than that a very large percentage of the amounts passed and paid are either wholly fraudulent or are far in excess of the real losses sustained. The large amount of losses proven—on good testimony, according to existing laws, by affidavits of fictitious or unscrupulous persons—to have been sustained on small farms and plantations are not only far beyond the possible yield of those places for any one year, but, as every one knows who has had experience in tilling the soil and who has visited the scenes of these spoliations, are, in many instances, more than the individual claimants were ever worth, including their personal and real estate.

The report of the Attorney-General, which will be submitted to Congress at an early day, will contain a detailed history of awards made and of claims pending of the class here referred to.

The report of the Secretary of War, accompanying this message, gives a detailed account of Army operations for the year just passed, expenses for maintenance, &c., with recommendations for legislation to which I respectfully invite your attention. To some of these I invite special attention. First, the necessity of making $300,000 of the appropriation for the Subsistence Department available before the beginning of the next fiscal year. Without this provision, troops at points distant from supply production must either go without food or existing laws must be violated. It is not attended with cost to the Treasury. Second, his recommendation for the enactment of a system of annuities for the families of deceased officers by voluntary deductions from the monthly pay of officers. This, again, is not attended with burden upon the Treasury, and would for the future relieve much distress which every old Army officer has witnessed in the past—of officers dying suddenly or being killed, leaving families without even the means of reaching their friends, if fortunate enough to have friends to aid them. Third, the repeal of the law abolishing mileage, and a return to the old system. Fourth, the trial with torpedoes under the Corps of Engineers, and appropriation for the same. Should war ever occur between the United States and any maritime power, torpedoes will be among if not the most effective and cheapest auxiliary for the defense of harbors, and also in aggressive operations, that we can have. Hence, it is advisable to learn by experiment their best construction and application as well as effect. Fifth, a permanent organization for the Signal Service Corps. This service has now become a necessity of peace as well as war under the advancement made by the present able management. Sixth, a renewal of the appropriation for compiling the official records of the war, &c.

The condition of our Navy at this time is a subject of satisfaction. It does not contain, it is true, any of the powerful cruising iron-clads which make so much of the maritime strength of some other nations; but neither our continental situation nor our foreign policy requires that we should have a large number of ships of this character, while this situation and the nature of our ports combine to make those of other nations little dangerous to us under any circumstances.

Our Navy does contain, however, a considerable number of iron-clads of the Monitor class, which, though not properly cruisers, are powerful and effective for harbor defense and for operations near our own shores. Of these, all the single-turreted ones, fifteen in number, have been substantially rebuilt, their rotten wooden beams replaced with iron, their hulls strengthened, and their engines and machinery thoroughly repaired, so that they are now in the most efficient condition, and ready for sea as soon as they can be manned and put in commission.

The five double-turreted iron-clads belonging to our Navy, by far the most powerful of our ships for fighting purposes, are also in hand undergoing complete repairs, and could be ready for sea in periods varying from four to six months. With these completed according to the present design, and our two iron torpedo-boats now ready, our iron-clad fleet will be, for the purposes of defense at home, equal to any force that can readily be brought against it.

Of our wooden Navy, also, cruisers of various sizes to the number of about forty, including those now in commission, are in the Atlantic, and could be ready for duty as fast as men could be enlisted for those not already in commission. Of these, one-third are in effect new ships, and though some of the remainder need considerable repairs to their boilers and machinery, they all are, or can readily be made, effective. This constitutes a fleet of more than fifty war-ships, of which fifteen are iron-clad, now in hand on the Atlantic coast.

The Navy has been brought to this condition by a judicious and practical application of what could be spared from the current appropriations of the last few years and from that made to meet the possible emergency of two years ago. It has been done quietly, without proclamation or display, and though it has necessarily straightened the Department in its ordinary expenditure, and as far as the iron-clads are concerned has added nothing to the cruising force of the Navy, yet the result is not the less satisfactory, because it is to be found in a great increase of real rather than apparent force. The expenses incurred in the maintenance of an effective naval force, in all its branches are necessarily large, but such force is essential to our position, relations, and character, and affects seriously the weight of our principles and policy throughout the whole sphere of national responsibilities.

The estimates for the regular support of this branch of the service for the next year amount to a little less in the aggregate than those made for the current year; but some additional appropriations are asked for objects not included in the ordinary maintenance of the Navy, but believed to be of pressing importance at this time. It would, in my opinion, be wise at once to afford sufficient means for the immediate completion of the five double-turreted monitors now undergoing repairs, which must otherwise advance slowly and only as money can be spared from current expenses. Supplemented by these, our Navy, armed with the destructive weapons of modern warfare, manned by our seamen, and in charge of our instructed officers, will present a force powerful for the home purposes of a responsible though peaceful nation.

The report of the Postmaster-General, herewith transmitted, gives a full history of the workings of the Department for the year just passed. It will be observed that the deficiency to be supplied from the general Treasury increased over the amount required for the preceding year. In a country so vast in area as the United States, with large portions sparsely settled, it must be expected that this important service will be more or less a burden upon the Treasury for many years to come. But there is no branch of the public service which interests the whole people more than that of cheap and rapid transmission of the mails to every inhabited part of our territory. Next to the free school the post-office is the great educator of the people, and it may well receive the support of the General Government.

The subsidy of $150,000 per annum given to vessels of the United States for carrying the mails between New York and Rio de Janeiro having ceased on the 30th day of September last, we are without direct mail facilities with the South American states. This is greatly to be regretted, and I do not hesitate to recommend the authorization of a renewal of that contract, and also that the service may be increased from monthly to semi-monthly trips. The commercial advantages to be gained by a direct line of American steamers to the South American states will far outweigh the expense of the service.

By act of Congress approved March 3, 1875, almost all matter, whether properly mail matter or not, may be sent any distance through the mails, in packages not exceeding four pounds in weight, for the sum of sixteen cents per pound. So far as the transmission of real mail matter goes, this would seem entirely proper. But I suggest that the law be so amended as to exclude from the mails merchandise of all descriptions, and limit this transportation to articles enumerated, and which may be classed as mail matter proper.

The discovery of gold in the Black Hills, a portion of the Sioux reservation, has had the effect to induce a large emigration of miners to that point. Thus far the effort to protect the treaty rights of the Indians to that section has been successful, but the next year will certainly witness a large increase of such emigration. The negotiations for the relinquishment of the gold fields having failed, it will be necessary for Congress to adopt some measures to relieve the embarrassment growing out of the causes named. The Secretary of the Interior suggests that the supplies now appropriated for the sustenance of that people, being no longer obligatory, under the treaty of 1868, but simply a gratuity, may be issued or withheld at his discretion.

The condition of the Indian Territory, to which I have referred in several of my former annual messages, remains practically unchanged. The Secretary of the Interior has taken measures to obtain a full report of the condition of that Territory, and will make it the subject of a special report at an early day. It may then be necessary to make some further recommendation in regard to legislation for the government of that Territory.

The steady growth and increase of the business of the Patent Office indicates in some measure the progress of the industrial activity of the country. The receipts of the office are in excess of its expenditures, and the office generally is in a prosperous and satisfactory condition.

The report of the General Land Office shows that there were 2,459,601 acres less disposed of during this than during the last year. More than one-half of this decrease was in lands disposed of under the homestead and timber-culture laws. The cause of this decrease is supposed to be found in the grasshopper scourge and the droughts, which prevailed so extensively in some of the frontier States and Territories during that time as to discourage and deter entries by actual settlers.

The cash receipts were less by $690,322.23 than during the preceding year.

The entire surveyed area of the public domain is 680,253,094 acres, of which 26,077,531 acres were surveyed during the past year, leaving 1,154,471,762 acres still unsurveyed.

The report of the Commissioner presents many interesting suggestions in regard to the management and disposition of the public domain and the modification of existing laws, the apparent importance of which should insure for them the careful consideration of Congress.

The number of pensioners still continues to decrease, the highest number having been reached during the year ending June 30, 1873. During the last year 11,557 names were added to the rolls and 12,977 were dropped therefrom, showing a net decrease of 1,420. But, while the number of pensioners has decreased, the annual amount due on the pension rolls has increased $44,733.13. This is caused by the greatly increased average rate of pensions, which, by the liberal legislation of Congress, has increased from $90.26 in 1872 to $103.91 in 1875 to each invalid pensioner, an increase in the average rate of 15 per cent. in the three years.

During the year ending June 30, 1875, there was paid on account of pensions, including the expenses of disbursement, $29,683,116, being $910,632 less than was paid the preceding year. This reduction in amount of expenditures was produced by the decrease in the amount of arrearages due on allowed claims, and on pensions, the rate of which was increased by the legislation of the preceding session of Congress. At the close of the last fiscal year there were on the pension-rolls 234,821 persons, of whom 210,363 were Army pensioners, 105,478 being invalids, and 104,885 widows and dependent relatives; 3,420 were Navy pensioners, of whom 1,636 were invalids, and 1,784 widows and dependent relatives; 21,038 were pensioners of the war of 1812, 15,875 of whom were survivors, and 5,163 were widows. It is estimated that $29,535,000 will be required for the payment of pensions for the next fiscal year, an amount $965,000 less than the estimate for the present year.

The geological explorations have been prosecuted with energy during the year, covering an area of about forty thousand square miles in the Territories of Colorado, Utah, and New Mexico, developing the agricultural and mineral resources and furnishing interesting scientific and topographical details of that region.

The method for the treatment of the Indians adopted at the beginning of my first term has been steadily pursued, and with satisfactory and encouraging results. It has been productive of evident improvement in the condition of that race, and will be continued with only such modifications as further experience may indicate to be necessary.

The board heretofore appointed to take charge of the articles and materials pertaining to the War, the Navy, the Treasury, the Interior, and the Post-Office Departments, and the Department of Agriculture, the Smithsonian Institution, and the Commission of Food Fishes, to be contributed, under the legislation of last session, to the international exhibition to be held at Philadelphia during the centennial year 1876, has been diligent in the discharge of the duties which have devolved upon it; and the preparations so far made with the means at command give assurance that the governmental contribution will be made one of the marked characteristics of the exhibition. The board has observed commendable economy in the matter of the erection of a building for the governmental exhibit, the expense of which, it is estimated, will not exceed, say, $80,000. This amount has been withdrawn, under the law, from the appropriations of five of the principal Departments, which leaves some of those Departments without sufficient means to render their respective practical exhibits complete and satisfactory. The exhibition being an *international* one, and the Government being a voluntary contributor, it is my opinion that its contribution should be of a character, in quality and extent, to sustain the dignity and credit of so distinguished a contributor. The advantages to the country of a creditable display are, in an international point of view, of the first importance, while an indifferent or uncreditable participation by the Government would be humiliating to the patriotic feelings of our people themselves. I commend the estimates of the board for the necessary additional appropriations to the favorable consideration of Congress.

The powers of Europe, almost without exception, many of the South American states, and even the more distant Eastern powers have manifested their friendly sentiments toward the United States and the interest of the world in our progress by taking steps to join with us in celebrating the centennial of the Nation, and I strongly recommend that a more national importance be given this exhibition by such legislation and such appropriation as will insure its success. Its value in bringing to our shores innumerable useful works of art and skill, the commingling of the citizens of foreign countries and our own, and the interchange of ideas and manufactures will far exceed any pecuniary outlay we may make.

I transmit herewith the report of the Commissioner of Agriculture, together with the reports of the commissioners, the board of audit, and the board of health of the District of Columbia, to all of which I invite your attention. The Bureau of Agriculture has accomplished much in disseminating useful knowledge to the agriculturist, and also in introducing new and useful productions adapted to our soil and climate, and is worthy of the continued encouragement of the Government.

The report of the Commissioner of Education, which accompanies the report of the Secretary of the Interior, shows a gratifying progress in educational matters.

In nearly every annual message that I have had the honor of transmitting to Congress I have called attention to the anomalous, not to say scandalous, condition of affairs existing in the Territory of Utah, and have asked for definite legislation to correct it. That polygamy should exist in a free, enlightened, and Christian country without the power to punish so flagrant a crime against decency and morality seems preposterous. True, there is no law to sustain this unnatural vice, but what is needed is a law to punish it as a crime, and at the same time to fix the status of the innocent children, the offspring of this system, and of the possibly innocent plural wives. But as an institution polygamy should be banished from the land. While this is being done I invite the attention of Congress to another, though

perhaps no less an evil—the importation of Chinese women, but few of whom are brought to our shores to pursue honorable or useful occupations.

Observations while visiting the Territories of Wyoming, Utah, and Colorado, during the past autumn, convinced me that existing laws regulating the disposition of public lands, timber, &c., and probably the mining laws themselves, are very defective, and should be carefully amended, and at an early day. In territory where cultivation of the soil can only be followed by irrigation, and where irrigation is not practicable the lands can only be used as pasturage, and this only where stock can reach water, (to quench its thirst,) cannot be governed by the same laws as to entries as lands every acre of which is an independent estate by itself. Land must be held in larger quantities to justify the expense of conducting water upon it to make it fruitful, or to justify utilizing it as pasturage. The timber in most of the Territories is principally confined to the mountain regions, which are held for entry in small quantities only, and as mineral lands. The timber is the property of the United States, for the disposal of which there is now no adequate law. The settler must become a consumer of this timber whether he lives upon the plain or engages in working the mines. Hence every man becomes either a trespasser himself, or, knowingly, a patron of trespassers.

My opportunities for observation were not sufficient to justify me in recommending specific legislation on these subjects, but I do recommend that a joint committee of the two Houses of Congress—sufficiently large to be divided into sub-committees—be organized to visit all the mining States and Territories during the coming summer, and that the committee shall report to Congress at the next session such laws or amendments to laws as it may deem necessary to secure the best interests of the Government and the people of these Territories who are doing so much for their development. I am sure the citizens occupying the territory described do not wish to be trespassers, nor will they be if legal ways are provided for them to become owners of these actual necessities of their position.

As this will be the last annual message which I shall have the honor of transmitting to Congress before my successor is chosen, I will repeat or recapitulate the questions which I deem of vital importance, which may be legislated upon and settled at this session.

First. That the States shall be required to afford the opportunity of a good common-school education to every child within their limits.

Second. No sectarian tenets shall ever be taught in any school supported in whole or in part by the State, nation, or by the proceeds of any tax levied upon any community. Make education compulsory so far as to deprive all persons who cannot read and write from becoming voters after the year 1890—disfranchising none, however, on grounds of illiteracy, who may be voters at the time this amendment takes effect.

Third. Declare church and state forever separate and distinct, but each free within its proper sphere, and that all church property shall bear its own proportion of taxation.

Fourth. Drive out licensed immorality, such as polygamy and the importation of women for illegitimate purposes. To recur again to the centennial year: it would seem as though now, as we are about to begin the second century of our national existence, would be a most fitting time for these reforms.

Fifth. Enact such laws as will insure a speedy return to a sound currency, such as will command the respect of the world.

Believing that these views will commend themselves to the great majority of the right-thinking and patriotic citizens of the United States, I submit the rest to Congress.

U. S. GRANT.

EXECUTIVE MANSION, *December* 7, 1875.

Mr. CONKLING. Mr. President, I move that the message lie on the table and be printed; and I move also the customary resolution for the printing of extra copies, to go to the Committee on Printing.

The PRESIDENT *pro tempore*. The order for printing the message will be made, if there be no objection. The motion to print extra copies will lie on the table, to be referred to the Committee on Printing when appointed. The documents accompanying the message will also be submitted, and lie on the table, and be printed, if there be no objection. The Chair hears no objection.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of the Treasury, transmitting his annual report on the state of the finances; which was ordered to lie on the table and be printed.

He also laid before the Senate a letter of the Secretary of the Interior, communicating, in obedience to law, a complete inventory of all property belonging to the United States in the Department of the Interior November 30, 1875; which was ordered to lie on the table and be printed.

He also laid before the Senate a letter of the Comptroller of the Currency, transmitting his thirteenth annual report; which was ordered to lie on the table and be printed.

He also laid before the Senate a letter of the Secretary of the Senate, submitting, in obedience to law, a full and complete account of all property belonging to the United States in his possession to the present date; which was ordered to lie on the table and be printed.

He also laid before the Senate a letter of the Secretary of the Senate, transmitting a statement of the receipts and expenditures of the contingent fund of the Senate from July 1, 1874, to June 30, 1875; which was ordered to lie on the table and be printed.

He also laid before the Senate a letter of the Sergeant-at-Arms of the Senate, transmitting, in obedience to law, a statement of property belonging to the United States in his possession to the present date; which was ordered to lie on the table and be printed.

COURT OF CLAIMS.

He also laid before the Senate a report of the clerk of the Court of Claims, communicating, in obedience to law, a statement of all judgments rendered by that court for the year ending December 6, 1875, the amounts thereof, the parties in whose favor rendered, and a brief synopsis of the nature of the claims upon which said judgments have been rendered; which was ordered to lie on the table and be printed.

ADJOURNMENT.

Mr. SHERMAN. I move that the Senate do now adjourn.

The motion was agreed to; and (at two o'clock and thirty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December* 7, 1875.

The House met at twelve o'clock m. Rev. I. L. TOWNSEND, Chaplain of the House, offered the following prayer:

The Lord be with you. Let us pray. Our Father, who art in heaven, hallowed be Thy name. Thy kingdom come. Thy will be done on earth, as it is in heaven. Give us this day our daily bread. And forgive us our trespasses, as we forgive those who trespass against us. And lead us not into temptation; but deliver us from evil: for Thine is the kingdom, and the power, and the glory, for ever and ever. Amen.

O Lord, our heavenly Father, the high and mighty Ruler of the universe, who dost from Thy throne behold all the dwellers upon earth; most heartily we beseech Thee with Thy favor to behold and bless Thy servant the President of the United States, and all others in authority; and so replenish them with the grace of Thy Holy Spirit, that they may always incline to Thy will, and walk in Thy way. Endue them plenteously with heavenly gifts; grant them in health and prosperity long to live; and finally, after this life, to attain everlasting joy and felicity; through Jesus Christ our Lord.

Most gracious God, we humbly beseech Thee, as for the people of these United States in general, so especially for their Senate and Representatives in Congress assembled; that Thou wouldest be pleased to direct and prosper all their consultations to the advancement of Thy glory, the good of Thy church, the safety, honor, and welfare of Thy people; that all things may be so ordered and settled by their endeavors, upon the best and surest foundations, that peace and happiness, truth and justice, religion and piety, may be established among us for all generations. These and all other necessaries, for them, for us, and Thy whole church, we humbly beg in the name and mediation of Jesus Christ, our most blessed Lord and Savior.

Direct us, Lord, in all our doings with Thy most gracious favor, and further us with Thy continual help, that in all our works, begun, continued, and ended in Thee, we may glorify Thy holy name, and finally by Thy mercy obtain everlasting life; through Jesus Christ our Lord.

The grace of our Lord Jesus Christ, and the love of God, and the fellowship of the Holy Ghost, be with us all evermore. Amen.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. RANDALL. I move that the House take a recess until one o'clock, the hour fixed for the drawing of seats.

Mr. BLAINE. Will the gentleman from Pennsylvania yield to me for one moment? I desire, with the permission of the House, to make a brief personal explanation.

Mr. RANDALL. I yield to the gentleman for that purpose.

PERSONAL EXPLANATION.

Mr. BLAINE. I will not take over a minute. In the debate yesterday, the notes of which, except the earlier part of it, I did not have an opportunity to revise, I am reported as using this language:

> And that they will in an incidental way of this kind attempt to reopen and dishonor the agreement that was made last year.

I was speaking in reply to the gentleman from Mississippi, [Mr. LAMAR,] and some gentlemen have imagined that the word "dishonor" was used with some desire or design to direct it to that gentleman as a personal affront. I used it only in the sense of "nullify" and "disregard," as we often speak of paper being dishonored when it is not paid. I had not the remotest idea of offering an affront to the gentleman from Mississippi, who certainly knows that if our relations have not been intimate they have been none other than entirely cordial at all times; and it would be the furthest from my desire at any time to say anything to him that would be wounding or otherwise disagreeable to his feelings.

Mr. LAMAR. I desire to say just a single word.

The SPEAKER. Does the House consent to the request of the gentleman from Mississippi?

Several MEMBERS. Certainly.

The SPEAKER. The Chair hears no objection, and the gentleman from Mississippi will proceed.

Mr. LAMAR. I did not hear yesterday the word which the gentleman from Maine is reported as having used. Had I heard it, I would have felt assured that it had inadvertently dropped from his lips in the heat of debate; for I believe him incapable of personal discourtesy to myself or any other gentleman. To the kindly sentiments which he has just expressed I respond with unfeigned cordiality.

MEMBER SWORN IN.

Mr. ADDISON OLIVER, Representative-elect of the ninth district of Iowa, appeared at the bar and qualified by taking the oath prescribed by the law of July 2, 1862.

VIRGINIA CONTESTED ELECTION.

Mr. RANDALL. I now insist on my motion that the House take a recess until one o'clock.

Mr. GARFIELD. Will the gentleman yield to me to make a request in regard to the printing in the CONGRESSIONAL RECORD of the memorial of Mr. James H. Platt, jr., contestant from the second district of Virginia? The gentleman from Virginia [Mr. HARRIS] desired yesterday to have it printed in the RECORD.

The SPEAKER. It was the understanding of the Chair yesterday that that order was made, and if there be no objection it will be regarded as having been made.

There was no objection.

The memorial is as follows:

WASHINGTON, D. C., *December* 6, 1875.

To the House of Representatives of the United States of America:

I, James H. Platt, jr., of Virginia, deny the right and title of John Goode, jr., to take his seat in the House of Representatives of the Forty-fourth Congress of the United States, as Representative from the second congressional district of Virginia, upon the following grounds. I allege:

1. That the certificate which he holds as *prima facie* evidence of his right and title to the seat aforesaid is without authority of law, and is not supported by any record evidence, and is contradicted by the oath of the secretary of the Commonwealth, James McDonald, himself, who signed said certificate and caused the same to be delivered to said Goode.

2. That said certificate could not be lawfully executed and issued by the secretary of the Commonwealth alone without a statement of the whole number of votes given in the election in said second congressional district for a Representative therefrom, nor without an ascertainment and determination by the board of State canvassers as to the whole number of votes cast, and the name of the person who had received the greatest number of the votes given in said election.

3. The statement of the whole number of votes cast in the counties and corporations forming said congressional district in an election for a Representative in the Congress of the United States, held pursuant to law on the first Tuesday after the first Monday in November, 1874, was made out to the said board of canvassers and laid before them on the 23d day of November, 1874, and the said board certified the said statement to be correct, to wit:

Statement of the whole number of votes cast in the counties and corporations forming the second congressional district of Virginia in an election for a Representative in the Congress of the United States, held, pursuant to law, the first Tuesday after the first Monday in November, 1874:

	James H. Platt, jr.	John Goode, jr.	Robert Norton.	Joseph H. Platt.
Norfolk City	1,779	2,170	9	.....
Portsmouth	1,042	1,095	.....	.....
Norfolk County	2,065	1,856	9	1
Princess Anne	726	957	1	.....
Nansemond	943	1,384	.....	.....
Isle of Wight	618	1,198	.....	.....
Elizabeth City	1,013	381	1	.....
York	384	505	348	.....
Warwick	247	157	2	.....
James City	345	244	27	.....
Charles City	570	358	.....	.....
New Kent	462	405	6	.....
Sussex	1,150	640	4	.....
Southampton	1,315	1,574	26	.....
Surrey	607	488	.....	.....
Prince George*	.....	.....	.....	.....
Williamsburgh	124	107	11	.....
Aggregate	13,390	13,521	444	1

*Not counted, because of informality.

"We, the undersigned, a board of State canvassers, do hereby certify that the foregoing statement is correct.

"J. L. KEMPER, *Governor.*
"JAS. McDONALD, *Secretary of the Commonwealth.*
"WM. F. TAYLOR, *Auditor of Public Accounts.*
"R. M. T. HUNTER, *State Treasurer.*
"R. T. DANIEL, *Attorney-General.*"

And the said paper is without date.

4. The original of the foregoing paper shows on its face that in the county of Prince George James H. Platt, jr., received 987 votes and that John Goode, jr., received 562; and that the whole number of votes cast in said election in the whole district for a Representative in Congress was 14,377 for James H. Platt, jr., and 14,083 for John Goode, jr., 444 for Robert Norton, and 1 for Joseph H. Platt.

5. That said original statement was as to the returns from said county of Prince George erased; how or by what order does not appear in any record, except by a marginal entry on said statement, written on the face of the paper and marked at "Prince George" with an asterisk, in these words, to wit: "Not counted, because of informality."

6. That another paper was laid before the said board of State canvassers on the 23d day of November, 1874, in the words and figures following, to wit:

[Copy II.]

"Abstract of votes of the election held in the county of Prince George on the 3d day of November, 1874, for a Representative from the second congressional district of Virginia in the Forty-fourth Congress of the United States of America.

"James H. Platt, jr., received 987 votes.

"John Goode, jr., received 562 votes.

"Given under our hands this 5th day of November, 1874.

"B. J. PEEBLES,
"T. A. LEATH,
"WM. D. TEMPLE,
"CHARLES T. ROBERTSON,
"*Commissioners.*

"STATE OF VIRGINIA,
"*County of Prince George, to wit:*

"I, Robert Gilliam, sr., clerk of the county court of Prince George, in the State of Virginia, do certify the foregoing to be a true copy of the return of the election for a Representative from the second congressional district of Virginia to the Forty-fourth Congress of the United States.

"In testimony whereof I hereto set my hand and affixed the seal of the said court, this 5th day of November, A. D. 1874, and in the ninety-ninth year of the independence of the United States.

[SEAL.] "RO. GILLIAM, SR., *Clerk.*"

7. A third paper was found among the files of the said board of State canvassers which on its face shows that it appears by the returns made to the secretary of the Commonwealth that 14,377 votes were *given* for James H. Platt, jr., and 14,083 were *given* for John Goode, jr., *giving* to James H. Platt, jr., a majority of 294 votes in said district; but the board rejected the return made by the commissioners of election in Prince George county, and thus the votes were made to stand for James H. Platt, jr., 13,390, and for John Goode, jr., 13,521 votes, *making* a majority of 131 votes for said Goode. But this paper was not entered in any order or minutes of said board, and was not signed by said canvassers, and has no validity whatever as a statement and determination by said board, such as are required by the laws of Virginia.

8. The three papers above named and cited are the only papers touching the said election in said district produced and furnished in whole or in part by the secretary of the Commonwealth or by said board of State canvassers as existing on the 23d day of November, 1874; and they show on their face a mutilation of the original returns made to the secretary of the Commonwealth, by the erasure of the returns from Prince George County; and there was no ascertainment and determination of the board as to who received the greatest number of the votes given in said election for Representative as aforesaid.

9. That the said board of State canvassers, after having met and proceeded as before stated on the fourth Monday, the 23d day of November, 1874, adjourned, and never afterward assembled as a board in pursuance of law; and they have never made any determination as to who received the greatest number of votes at said election. They made and recorded no such determination at the time and place appointed by law; and on the 23d day of November aforesaid left the certificate of determination *blank*, not filled with the name of either James H. Platt, jr., or of John Goode, jr.

10. That afterward, to wit, on the 25th day of November, 1874, the secretary of the Commonwealth, James McDonald, being *ex officio* a member of the board of State canvassers, while said board was not in session and had not met according to law after its adjournment on the 23d day of November, did cause his clerk, William E. Binford, to take the following paper—

[Indorsement on Copy III.]

"COMMONWEALTH OF VIRGINIA,
"*Office Secretary of Commonwealth.*

"We, the undersigned, a board of State canvassers, created by an act of the General Assembly, do hereby certify that at a meeting held pursuant to law, at the office of the secretary of the Commonwealth, the fourth Monday in November, 1874, having examined the certified abstract, on file in that office, of votes given in the counties and corporations forming the second congressional district, at an election held the first Tuesday after the first Monday in November, 1874, for a Representative in the Congress of the United States, and having made statement of the whole number of votes so given, we ascertain and determine that John Goode, jr., having received the greatest number of votes cast in said election, was duly elected a Representative in the Congress of the United States from the second district of Virginia for the term prescribed by law.

"Given under our hands at Richmond, Virginia, this 23d day of November, 1874.

"J. L. KEMPER, *Governor,*
"JAS. McDONALD, *Secretary of the Commonwealth.*
"WM. F. TAYLOR, *Auditor of Public Accounts.*
"R. M. T. HUNTER, *State Treasurer.*
"R. T. DANIEL, *Attorney-General.*"

around to J. L. Kemper, governor; William F. Taylor, auditor of public accounts; R. M. T. Hunter, State treasurer, and to R. T. Daniel, attorney-general, when not in session as a board of State canvassers, and obtained their individual signatures to said paper apart from each other, while the said paper was in blank as to the name of the person who, "having received the greatest number of votes cast in said election, was duly elected a Representative" as aforesaid.

11. That the said James McDonald, after having obtained said signatures to said paper in blank as aforesaid, caused the said William E. Binford, on the 25th day of November, 1874, to insert in the blank space in said paper the name of John Goode, jr., without any order, resolution, or determination of said board of canvassers.

12. That said paper is false and fraudulent, in this:

First. It was not done at any meeting of the board of State canvassers held in pursuance of law.

Second. It was not done and executed on the fourth Monday in November, 1874, the day specially prescribed by law for the performance of such duty.

Third. The said board did not on that day, the 23d day of November, or at any other time, make statement of the whole number of votes given in said election.

Fourth. The said board have never ascertained that John Goode, jr., received the greatest number of the votes cast in said election, and have never determined that he was duly elected a Representative in the Congress of the United States from the second congressional district of Virginia as the law prescribes.

Fifth. Said paper, marked "Indorsement on Copy III," was signed, done, and executed on the 25th day of November, 1874, by the procurement of said James McDonald, through his clerk, as aforesaid, and was antedated as of the 23d day of November, 1874.

Sixth. It was not signed, done, and executed at the office of the secretary of the Commonwealth on the 23d day of November, 1874, (or on any other day,) as required by law, and as therein alleged.

13. Your petitioner refers to no evidence besides what is contained on the face of the record except the depositions under oath of the aforesaid James McDonald and his clerk, William E. Binford, lawfully taken after notice to Mr. Goode, and chiefly in his presence, and duly returned under seal to the Clerk of this House, which depositions I respectfully ask the House to have opened and read by the Clerk from his desk, to prove the facts herein alleged.

14. For further *prima facie* evidence to show how the official papers in this case have been tampered with, I respectfully ask the House to read and inspect the certificate of election now in the hands of Mr. Goode, to test whether the date has not been changed from the 23d to the 25th day of November, 1874.

For the reasons above set forth, some of which have come to my knowledge since my notice of contest was served, and during the taking of the depositions, I respectfully insist that the pretended "certificate of election" held by Mr. Goode is unlawful, null, and void, and of no effect, to all intents and purposes as fully as if the same were a forgery; that it was in fact an act of usurpation on the part of the secretary of the Commonwealth and an improper use of the seal of his office, and that it does not even *prima facie* confer upon Mr. Goode any right or title whatsoever to a seat in this House as a Representative.

Therefore I respectfully ask the House to refuse to permit Mr. Goode to be sworn in as a Representative, and to refer his credentials to the Committee on Elections, so that his *prima facie* right to a seat in this House may be speedily decided.

Respectfully,

JAMES H. PLATT, Jr.

RECESS.

The motion of Mr. RANDALL was agreed to; and accordingly (at twelve o'clock and twenty minutes p. m.) the House took a recess until one o'clock p. m.

The recess having expired, the House reassembled at one o'clock p. m.

DRAWING FOR SEATS.

Mr. RANDALL. I suggest to the Speaker that the floor be cleared, and left exclusively to those who are entitled to draw seats as members of the House.

The SPEAKER. That is precisely what the Chair desires to accomplish. It is very necessary to the orderly transaction of business that the floor be cleared of those who are not entitled to it. The Chair directs the Doorkeeper to see to it that all gentlemen who are not entitled to the privileges of the floor retire from the Hall at this time.

Mr. CLYMER. I ask unanimous consent that Hon. Alexander H. Stephens, of Georgia, be permitted to select his seat without reference to the drawing. His infirmities of health are such as are known to every member who served in the last Congress.

Mr. LUTTRELL. I suggest that he be allowed to occupy the seat that he occupied in the last Congress.

Mr. CLYMER. I would say to the gentleman from California that the gentleman from Georgia [Mr. Stephens] does not desire to occupy the same seat.

The SPEAKER. It is suggested that the honorable member from Georgia [Mr. Stephens] have his seat selected for him. Is there objection? The Chair hears none.

Mr. WOOD, of New York. There are three members of the House absent on a special committee to wait upon the President of the United States, and I submit that it would be unfair to those gentlemen to allow the drawing for seats to go on in their absence, without allowing them an opportunity to select their seats. I hope an exception will be made in their case.

The SPEAKER. What is the motion that the gentlemen submits?

Mr. WOOD, of New York. I will move that the drawing be delayed for ten minutes. [Cries of "Object!" "Object!"] I suggest, then, that the lobby be cleared of all persons not entitled to the privileges of the floor.

Mr. WILSON, of Iowa. I suggest that, in the case of these gentlemen, who are absent by order of the House, the Doorkeeper be authorized to select their seats for them.

Mr. GARFIELD. The Doorkeeper cannot know their wishes in regard to seats.

Mr. SOUTHARD. I was one of those who objected to a delay. I desire now to withdraw that objection.

The SPEAKER. Does any one object to delay in the drawing for ten minutes? The Chair hears no objection.

Mr. MAISH. I desire to state that my colleague, Mr. Egbert, was called home last evening by a death in his family, and I ask unanimous consent that leave be granted for a drawing of a seat for him by one of his colleagues.

There was no objection, and the leave was granted.

Mr. MILLIKEN. I make the same request in behalf of my colleague from Kentucky, Mr. DURHAM, who has been called home by the telegraphic announcement of the sickness of his wife. I ask unanimous consent that one of his colleagues be permitted to select a seat for him.

There was no objection, and the leave was granted.

Mr. SAYLER. I ask unanimous consent that the usual courtesy be extended to the member who has served longest continuously here, the gentleman from Pennsylvania, [Mr. KELLEY,] that he be allowed to select his seat before the drawing commences.

No objection was made, and the leave was granted; and Mr. KELLEY thereupon selected his seat.

The SPEAKER. A few minutes ago the Chair believes that it was understood by the House that that portion of the House outside of the bar should be absolutely cleared. There are some gentlemen here who under the regular rules of the House are entitled to admission upon the floor. Is it the intention of the House that during the selection of seats the rule entitling those gentlemen to admission shall be suspended?

Mr. RANDALL. That is the intention I had.

The SPEAKER. Then, no objection being made, the Hall will be cleared of all those not entitled to admission as members, during the drawing.

MESSAGE FROM THE PRESIDENT.

Mr. COX. The committee appointed to wait upon the President, and inform him that the House is organized and is ready to receive any communication he may desire to make, have discharged that duty, and report that the President states that he will send a message in writing forthwith to the House.

The SPEAKER. The Chair then asks whether it is the pleasure of the House that the drawing for seats shall be delayed until the message from the President shall be received and read. [Loud cries of "No!" "No!"] Then the drawing will proceed.

DRAWING FOR SEATS.

The Members and Delegates, in accordance with the resolution of the House, retired beyond the outer row of seats, and as their names were drawn came forward and selected their seats, the first name drawn being that of Mr. JOHN O. WHITEHOUSE, of New York, and the last, (at two o'clock and twenty-three minutes p. m.,) that of Mr. HENRY R. HARRIS, of Georgia.

ANNUAL MESSAGE OF THE PRESIDENT.

The annual message of the President of the United States, with accompanying documents, was then delivered to the House by LEVI P. LUCKEY, his Private Secretary.

The SPEAKER. The message of the President will be now read.

The message was then read.

[It will be found in the proceedings of the Senate.]

After the message, Mr. RANDALL submitted the following resolution:

Resolved, That the annual message of the President and accompanying documents be referred to the Committee of the Whole House on the state of the Union and printed.

Mr. HOAR. Allow me to make one suggestion in regard to printing the message in the RECORD; that is, that the House direct that it shall be printed but once.

Mr. RANDALL. I cannot yield for that purpose now.

Mr. BANKS. Allow me to offer this resolution:

Resolved, That the message of the President of the United States and the reports of the several Secretaries of the Executive Departments of the Government be printed in pamphlet form for the use of the House.

Mr. RANDALL. I would prefer not to have that resolution submitted until we can know exactly what the cost would be.

Mr. BANKS. It provides only for the usual number of copies, not for extra copies. These copies can be put upon the desks of members to-morrow morning, and we will not get them in the ordinary course of printing for many weeks. These documents embrace the whole operations of the Government, and I think the usual number of copies is not over twelve hundred.

Mr. RANDALL. I prefer not to yield for such a resolution at this time.

The question was upon adopting the resolution submitted by Mr. RANDALL, and being taken, the resolution was adopted.

Mr. RANDALL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDALL. I also submit the following resolution; which I believe goes under the law to the Committee on Printing:

Resolved, That 20,000 extra copies of the message and accompanying documents be printed.

The resolution was received and referred, under the law, to the Committee on Printing.

Mr. BANKS. I now ask permission to submit the resolution I indicated a few moments since, with a modification to restrict it to the usual number of copies.

The resolution, as modified, was read, as follows:

Resolved, That the usual number of copies of the message of the President of the United States and the reports of the several Secretaries of the Executive Departments of the Government be printed in pamphlet form for the use of the House.

Mr. RANDALL. I would inquire whether, under the law, this resolution should not be referred to the Committee on Printing?

The SPEAKER. In the judgment of the Chair it should be so referred.

Mr. BANKS. It does not provide for printing any extra copies; only the usual number.

Mr. RANDALL. We have already adopted a resolution which provides for printing the usual number of copies.

Mr. BANKS. We want these reports in order that we may fully comprehend the operations of the Government. In the ordinary course of printing documents we will not have them for weeks. If my resolution shall be adopted we will have them on our tables to-morrow or next day.

Mr. RANDALL. We already have the most of them in this form. [Holding up a pamphlet.]

Mr. BANKS. We do not get them all in that way.

The SPEAKER. In the judgment of the Chair this resolution, under the law, must go to the Committee on Printing.

The resolution was accordingly ordered to be referred to the Committee on Printing, when appointed.

THIRD CONGRESSIONAL DISTRICT OF SOUTH CAROLINA.

Mr. COX. I beg leave to present a resolution which pertains to the organization and constitution of this House.

The SPEAKER. To what does it relate?

Mr. COX. It relates to the right of representation of the congressional districts of South Carolina, and I want the Committee on Elections to pass upon it.

The resolution was read, as follows:

Resolved, That the memorial of William Henry Trescot, with reference to the right of representation from the third congressional district of South Carolina, be referred to the Committee on Elections when appointed, with instructions to examine and report thereon.

Mr. COX. By act of Congress it is required that congressional districts shall consist of contiguous territory. The Legislature of South Carolina have made a district in that State, for certain purposes which it is not now necessary to state, not of contiguous territory. The question raised by this memorial is not so much in relation to the right of the Representative from that district, for he was sworn in yesterday on the *prima facie* case, but it relates to the right of representation. I ask, on behalf of the memorialist and the people of South Carolina, that that question be considered by the Committee on Elections. If no one objects to the resolution, I will now call the previous question upon it.

Mr. LAWRENCE. I suggest to the gentleman from New York [Mr. COX] whether it would not be better to refer this resolution to the Committee on the Judiciary when appointed.

Mr. COX. No, sir.

Mr. LAWRENCE. The Committee on Elections is organized of course to hear contested elections; but this question is a purely legal or constitutional one, and it seems to me would more appropriately go to the Committee on the Judiciary.

Mr. COX. This question is a larger one than the gentleman supposes. It involves the right of representation. We have undertaken to pass here, by the gentleman's aid, a law whereby this temporary and miserable system of gerrymandering was to be suppressed. The Legislature of South Carolina ignored our law. I want to know whether or not a man can come here as a member from a district which is no district—which has no right of representation whatever.

Mr. HOLMAN. This is a question which may well come up at a later day much more appropriately than now. I move that when the House adjourns to-day it be to meet on Friday next.

Mr. COX. I do not yield for that purpose. I want this matter referred to the Committee on Elections. What objection can my friend from Indiana [Mr. HOLMAN] have to that course?

Mr. HOLMAN. There is no possible objection to it; but it is a subject which would more appropriately come up after we are more fully organized for the transaction of business.

The SPEAKER. Does the gentleman from New York [Mr. COX] desire longer to debate this question?

Mr. COX. No, sir, I do not. I ask for a vote. If the House chooses to vote down the resolution, let it do so.

The SPEAKER. Then the motion of the gentleman from Indiana is in order.

Mr. HOLMAN. I withdraw that motion until this question is disposed of.

The resolution of Mr. COX was adopted.

Mr. COX moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. COX. I ask unanimous consent that the memorial of Mr. Trescot be printed in the RECORD.

There being no objection, it was ordered accordingly.

The memorial is as follows:

To the honorable the House of Representatives of the United States of America:

This memorial of the undersigned, William Henry Trescot, a citizen of South Carolina and a resident and voter in the third congressional district of the said State, respectfully showeth:

1. That by an act approved ——, 1872, and entitled "An act for the apportionment of Representatives to Congress among the several States according to the ninth census," it was enacted—

"That, from and after the 3d day of March, 1873, the House of Representatives shall be composed of two hundred and eighty-three members, to be apportioned among the several States in accordance with the provisions of this act, that is to say:

* * * * * * *

To the State of South Carolina five.

* * * * * * *

2. That by the second section of said act it was further enacted—

"That in each State entitled under the law to more than one Representative the number to which said State may be entitled in the Forty-third and each subsequent Congress shall be elected by districts, *composed of contiguous territory*, and containing as nearly as practicable an equal number of inhabitants, and equal in number to the number of Representatives to which said State may be entitled in Congress, no one district electing more than one Representative.

3. That in pursuance of this act the General Assembly of the State of South Carolina, upon the 3d of March, 1874, passed an act entitled "An act to divide the State into five congressional districts," by which it enacted—

"That the State of South Carolina shall be, and the same is hereby, divided into five congressional districts, as follows, to wit:

* * * * * * *

The third congressional district to be composed of the counties of Richland, Newberry, Abbeville, Laurens, Anderson, Oconee, and Pickens.

* * * * * * *

4. That the said "third congressional district" is not, as required by the aforesaid act of Congress, "composed of contiguous territory," but that in palpable and intentional violation of said act the county of Richland, which (the capital of the State being situate therein) is in point of numbers and influence the most important county in the said district, is not contiguous to any portion of the other counties composing the said third congressional district, but is separated from them by counties forming portions of other congressional districts, as will more clearly appear by the map hereunto annexed.

5. That the third congressional district is therefore illegally constituted, and not entitled to representation.

6. The object of the act of Congress was to establish a sound and general public policy, by which the manipulation of congressional representation in the interest of temporary and varying partisan politics should be forever and everywhere prevented. If the State of South Carolina is allowed to defeat this policy by contemptuous disregard of a plain and explicit law, no other State can be required to obey it; and thus a wise and wholesome law will be practically repealed.

7. For this open violation of a supreme law of the land by a legislative body, whose character and office should make them especially the guardians of law, there is no remedy, except through the interposition of your honorable body, whose authority has been denied, whose will has been disregarded, and whose patriotic policy has been defeated by this action of the Legislature of the State.

8. And your memorialist therefore prays that your honorable body will, in the exercise of your undoubted constitutional power and in the discharge of your duty to the citizens of South Carolina declare that the third congressional district of that State is not entitled to representation until it is duly constituted according to the requirements of the act of Congress above recited.

Respectfully,

WILLIAM HENRY TRESCOT.

PRINTING OF PRESIDENT'S MESSAGE.

Mr. RANDALL. I desire to make a suggestion. I am credibly informed that the Senate has directed the printing of the President's message in the proceedings of that body. It is certainly unnecessary that it should appear also in the proceedings of the House; and this double publication would involve very considerable expense. I move, therefore, that the House reporters be directed to omit the President's message from the proceedings of the House.

The motion was agreed to.

ADJOURNMENT OVER.

Mr. HOLMAN. I now renew my motion that when the House adjourns to-day it adjourn to meet on Friday next.

Mr. BRIGHT. I move that the House adjourn.

Mr. HOLMAN. My motion takes precedence.

The SPEAKER. Before putting these motions, the Chair desires to lay before the House several communications.

REPORT OF SECRETARY OF TREASURY.

The SPEAKER, by unanimous consent, laid before the House a communication from the Secretary of the Treasury, transmitting, in compliance with law, his annual report on the subject of finance; which was ordered to be printed and to be referred to the Committee on Ways and Means when appointed.

PROPERTY IN CHARGE OF INTERIOR DEPARTMENT.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Interior, transmitting, in compliance with the act of July 15, 1870, a complete inventory of all property belonging to the United States in the buildings, rooms, offices, and grounds occupied by his Department; which was ordered to be printed and to be referred to the Committee on Public Buildings and Grounds when appointed.

JUDGMENTS OF COURT OF CLAIMS.

The SPEAKER also, by unanimous consent, laid before the House a communication from the clerk of the Court of Claims, transmitting, in compliance with the act of June 25, 1868, a statement of all judgments rendered by said court for the year ending December 6, 1875; which was ordered to be printed and to be referred to the Committee on Appropriations when appointed.

REPORT OF COMPTROLLER OF CURRENCY.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Comptroller of the Currency, transmitting his thirteenth annual report; which was ordered to be printed and to be referred to the Committee on Banking and Currency when appointed.

INVENTORY OF PUBLIC PROPERTY.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Clerk of the House of Representatives, transmitting, in compliance with the act of July 15, 1870, an inventory of public property belonging to the United States in his possession at this date; which was ordered to be printed and to be referred to the Committee on Public Buildings and Grounds when appointed.

CLAIM OF WILLIAM BROWN.

The SPEAKER also, by unanimous consent, laid before the House a letter from the First and Second Comptrollers of the Treasury, transmitting the report of the board of audit of the District of Columbia upon the claim of William Brown; which was ordered to be printed and to be referred to the Committee on Claims when appointed.

ADJOURNMENT OVER.

The question being taken on Mr. HOLMAN'S motion that when the House adjourns to-day it be to meet on Friday next, it was agreed to.

And then, on motion of Mr. BRIGHT, (at four o'clock and thirty minutes p. m.,) the House adjourned.

IN SENATE.

WEDNESDAY, *December* 8, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.
The Journal of the proceedings of yesterday was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Second Auditor of the Treasury, transmitting, in obedience to law, copies of the accounts of persons charged with the disbursement of moneys, goods, or effects for the benefit of the Indians, from July 1, 1873, to June 30, 1874, together with the names of persons to whom such moneys, goods, or effects for the benefit of the Indians were delivered, and showing the amount and object of the several disbursements so made; which was ordered to lie on the table.

He also laid before the Senate a letter of the Congressional Printer, transmitting the twenty-third annual report of his office; which was ordered to lie on the table and be printed.

He also laid before the Senate a letter of the Treasurer of the United States, transmitting, in obedience to law, copies of his accounts rendered to and settled with the First Comptroller for the fiscal years ending June 30, 1874, and June 30, 1875; which was ordered to lie on the table and be printed.

He also laid before the Senate a letter of the Treasurer of the United States, transmitting a copy of his annual report to the Secretary of the Treasury; which was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

Mr. ROBERTSON. Mr. President, I present the memorial of the Chamber of Commerce in behalf of the merchants and business men of Charleston, South Carolina, asking for an appropriation for the removal of the bar and for the improvement of that harbor. I shall propose the reference of this memorial to the Committee on Commerce when the committees shall have been appointed; for the present I move that it lie on the table.

The motion was agreed to.

Mr. PATTERSON presented a concurrent resolution of the Legislature of South Carolina, relative to the peddling of spirituous liquors within the limits of that State; which was ordered to lie on the table.

Mr. INGALLS presented the petition of Rosanna Leuker, guardian of Edward Hamel, minor heir of Edward Hamel, deceased, late private in Company C, Eighth Regiment Kansas Volunteers, praying for an increase of pension; which was ordered to lie on the table.

Mr. WRIGHT presented the petition of Samuel Merrill and sundry other citizens of Des Moines, Iowa, praying Congress to take early action for the repeal of the two-cent United States check-stamps; which was ordered to lie on the table.

He also presented the memorial of the yearly meeting of the religious Society of Friends of Illinois, Iowa, and Kansas, in favor of the calling of a national peace congress for the purpose of considering and adjusting national differences by arbitration instead of war; which was ordered to lie on the table.

Mr. STEVENSON presented the memorial of Cyrus W. Threlkeld, of Kentucky, asking the remission and repayment of the amount of a judgment paid by him into the Treasury of the United States; which was ordered to lie on the table.

Mr. JOHNSTON presented the petition of William Sharp, of Norfolk, Virginia, praying the removal of his political disabilities; which was ordered to lie on the table.

Mr. WITHERS presented the petition of Isaac Davenport, jr., and others, citizens of Virginia, praying compensation for the use of their property by the United States Army from April 9, 1865, to 1870, under an alleged contract with the commanding general of the Department of Virginia; which was ordered to lie on the table.

He also presented the petition of Mrs. Ann Atkinson, widow of Hopeful Toler, late of the United States Army, praying to be allowed a pension; which was ordered to lie on the table.

Mr. WINDOM presented a memorial of W. L. Oswald and 75 others, citizens of Crawford County, Wisconsin, asking an appropriation for the completion of the Fox River improvement, and also for the construction of an ample canal along the bank of the Wisconsin River from Portage City, Wisconsin, to the Mississippi River; which was ordered to lie on the table.

Mr. OGLESBY presented the memorial of the United States Centennial Commission and the centennial board of finance, praying an appropriation of one and a half million dollars to enable them to complete all their preparations for the opening of the centennial exhibition on the 10th of May, 1876; which was ordered to lie on the table.

Mr. CHRISTIANCY presented a resolution of the Legislature of Michigan, in favor of the admission of gilling-twine for fishing free of duty; which was ordered to lie on the table and be printed.

He also presented a resolution of the Legislature of Michigan, in favor of the granting of pensions to soldiers and the widows of soldiers of the war of 1812 who were honorably discharged after five days' service; which was ordered to lie on the table and be printed.

He also presented a resolution of the Legislature of Michigan, in favor of a survey of a ship-canal from Lake Michigan to Lake Erie; which was ordered to lie on the table and be printed.

He also presented a resolution of the Legislature of Michigan, in favor of amending the law for the entry of homestead lands so as to enable soldiers and sailors, their widows and orphans, to make entry of such lands through agents; which was ordered to lie on the table and be printed.

He also presented a resolution of the Legislature of Michigan, in favor of so amending the law in reference to homestead entries of lands by soldiers and sailors as to allow such as are disabled by the loss of limb or other equivalent disability to have the benefit of entering such lands without settlement thereon, as now required; which was ordered to lie on the table and be printed.

He also presented the petition of Ephraim P. Abbott, a citizen of the county of Wayne, Michigan, praying to be permitted to enter at the proper land office the back concession of private land claim No. 667 in Wayne County, Michigan; which was ordered to lie on the table.

He also presented a petition of citizens of Michigan, praying that a bounty of $200 be granted, in lieu of lands, to soldiers and sailors of the late war; which was ordered to lie on the table.

Mr. CONOVER presented the petition of Salvador Costa, of Apalachicola, Florida, praying relief for losses sustained by reason of the use and destruction of the sloop Mary Lawrence during the late war by United States troops; which was ordered to lie on the table.

He also presented the petition of Frank A. Page, late second lieutenant in the United States Army, who was dismissed from the Army by court-martial, praying the passage of a law by Congress retiring him on the rank of second lieutenant, with all the rights, privileges, and emoluments which he would have had if he had remained continuously in service; which was ordered to lie on the table.

WITHDRAWAL OF PAPERS.

On motion of Mr. WRIGHT, it was

Ordered, That the papers in the case of the heirs of Andrew White be taken from the files, and that they be referred to the Committee on Private Land Claims when that committee shall be appointed.

On motion of Mr. WRIGHT, it was

Ordered, That the papers relative to the claim of B. J. Everett, for depredations alleged to have been committed by Cheyenne Indians, be taken from the files, and that they be referred to the Committee on Indian Affairs when that committee shall be appointed.

On motion of Mr. WRIGHT, it was

Ordered, That the petition of John Pilmer, late of Company H, Ninth Iowa Cavalry, praying that the charge of desertion may be removed, and that he be allowed a pension, be taken from the files, and that it be referred to the Committee on Military Affairs when that committee shall be appointed.

On motion of Mr. WRIGHT, it was

Ordered, That the petition of W. H. H. Crandall, late captain and assistant quartermaster United States Volunteers, praying for the allowance of a pension, be taken from the files, and that it be referred to the Committee on Pensions when that committee shall be appointed.

On motion of Mr. CLAYTON, it was

Ordered, That the papers in relation to the claim of Frances A. Robinson, administratrix of John M. Robinson, deceased, be taken from the files, and that they be referred to the Committee on Claims when that committee shall be appointed.

On motion of Mr. CLAYTON, it was

Ordered, That the papers relative to the claims of Captain William Bowlin and Lieutenant Alvis Smith, late of the Second Arkansas Cavalry, be taken from the files, and that they be referred to the Committee on Military Affairs when that committee shall be appointed.

On motion of Mr. CLAYTON, it was

Ordered, That L. C. Obarr have leave to withdraw his papers from the files of the Senate.

On motion of Mr. JOHNSTON, it was

Ordered, That the petition and papers of Thomas W. White, of Alabama, be taken from the files of the Senate, and that they be referred to the Committee on Claims when that committee shall be appointed.

On motion of Mr. JOHNSTON, it was

Ordered, That the petition of F. W. E. Lohman, Charles M. Carter, and Samuel Ruth, for compensation for secret service during the late war, be taken from the files, and that it be referred to the Committee on Claims when that committee shall be appointed.

On motion of Mr. JOHNSTON, it was

Ordered, That the petition of Joseph Segar and C. C. Willard, asking compensation for the destruction of the Hygeia Hotel, at Fortress Monroe, be taken from the files, and that it be referred to the Committee on Claims when that committee shall be appointed.

BILLS INTRODUCED.

Mr. MORTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1) to provide for and regulate the counting of votes for President and Vice-President, and the decision of questions arising thereon; which was read twice by its title and ordered to be printed, to be referred to the Committee on Privileges and Elections when appointed.

Mr. CLAYTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 2) to repeal section 2303 of the Revised Statutes of the United States, making restrictions in the disposition of the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida; which was read twice by its title and ordered to be printed, to be referred to the Committee on Public Lands when appointed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 3) for the relief of Alvis Smith; which was read

twice by its title and ordered to be printed, to be referred to the Committee on Military Affairs when appointed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 4) for the relief of William Bowlin; which was read twice by its title and ordered to be printed, to be referred to the Committee on Military Affairs when appointed.

Mr. KELLY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 5) to provide for the construction of a canal at the Cascades of the Columbia River, in the State of Oregon; which was read twice by its title and ordered to be printed, to be referred to the Committee on Commerce when appointed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 6) for the sale of timber lands in the States of California and Oregon and in the Territories of the United States; which was read twice by its title and ordered to be printed, to be referred to the Committee on Public Lands when appointed.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 7) to establish a branch mint of the United States at Omaha, in the State of Nebraska; which was read twice by its title and ordered to be printed, to be referred to the Committee on Finance when appointed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 8) to provide for the sale of the Fort Kearney military reservation, in Nebraska; which was read twice by its title and ordered to be printed, to be referred to the Committee on Military Affairs when appointed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 9) to provide for the sale of the Otoe and Pawnee Indian lands; which was read twice by its title and ordered to be printed, to be referred to the Committee on Indian Affairs when appointed.

Mr. ROBERTSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 10) to secure depositors in the Freedman's Savings and Trust Company from ultimate loss; which was read twice by its title and ordered to be printed, to be referred to the Committee on Finance when appointed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 11) to remove the legal and political disabilities of all citizens of the United States subject thereto; which was read twice by its title and ordered to be printed, to be referred to the Committee on the Judiciary when appointed.

Mr. SPENCER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 12) granting W. Cornell Jewett and associates charter-rights for telegraph ocean-cable communication between the Pacific coast of the United States and Asia; which was read twice by its title.

Mr. SPENCER. I desire to say that I present this bill by request. I know nothing whatever of the merits of the bill, and do not commit myself to it. I move that it be printed, to be referred to the Committee on Foreign Relations when appointed.

The motion was agreed to.

Mr. FRELINGHUYSEN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 13) to amend the fourteenth section of the act to establish the judicial courts of the United States, approved September 24, 1789; which was read twice by its title and ordered to be printed, to be referred to the Committee on the Judiciary when appointed.

Mr. McMILLAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 14) to extend the time for the construction and completion of the Northern Pacific Railroad; which was read twice by its title and ordered to be printed, to be referred to the Committee on Railroads when appointed.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 15) to authorize the Secretary of the Interior to ascertain and certify the amount of land located with military warrants in the States described therein, and for other purposes; which was read twice by its title and ordered to be printed, to be referred to the Committee on Public Lands when appointed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 16) for the relief of Robert Coles; which was read twice by its title and ordered to be printed, to be referred to the Committee on Public Lands when appointed.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 17) in aid of the commerce of the North Pacific coast by the construction of a canal and locks at the Cascades of the Columbia River; which was read twice by its title and ordered to be printed, to be referred to the Select Committee on Transportation Routes to the Seaboard when appointed.

Mr. WEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 18) amendatory of and supplementary to the act entitled "An act to incorporate the Texas Pacific Railroad Company, and to aid in the construction of its road, and for other purposes," approved March 3, 1871, and the act supplementary thereto, approved May 2, 1872, and the act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific Ocean," approved July 27, 1866; which was read twice by its title and ordered to be printed, to be referred to the Committee on Railroads when appointed.

Mr. JOHNSTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 19) for the relief of Peters & Reed, naval contractors at the Norfolk navy-yard in the year 1860; which was read twice by its title and ordered to be printed, to be referred to the Committee on Naval Affairs when appointed.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 20) for the relief of Hortensia H. Cook; which was read twice by its title and ordered to be printed, to be referred to the Committee on Claims when appointed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 21) for the relief of Daniel T. Woods, of Frederick County, Virginia; which was read twice by its title and ordered to be printed, to be referred to the Committee on Claims when appointed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 22) for the relief of James H. Burgess, of Frederick County, in the State of Virginia; which was read twice by its title and ordered to be printed, to be referred to the Committee on Claims when appointed.

Mr. MAXEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 23) for the relief of Edwin Fairfax Gray, late lieutenant in the Texas navy; which was read twice by its title and ordered to be printed, to be referred to the Committee on Claims when appointed.

Mr. BAYARD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 24) regulating the salaries of the judges of the Court of Claims; which was read twice by its title and ordered to be printed, to be referred to the Committee on the Judiciary when appointed.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 25) granting the right of way to the Leavenworth Street Railroad Company across the Fort Leavenworth military reservation; which was read twice by its title and ordered to be printed, to be referred to the Committee on Military Affairs when appointed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 26) concerning the competency of witnesses in the courts of the United States; which was read twice by its title and ordered to be printed, to be referred to the Committee on the Judiciary when appointed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No 27) for the relief of First Lieutenant Henry Jackson, Seventh Cavalry, United States Army; which was read twice by its title and ordered to be printed, to be referred to the Committee on Military Affairs when appointed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 28) for the relief of D. S. Miller and G. W. Riley; which was read twice by its title and ordered to be printed, to be referred to the Committee on Post-Offices and Post-Roads when appointed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 29) for the relief of Alfred Thornburgh; which was read twice by its title and ordered to be printed, to be referred to the Committee on Military Affairs when appointed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 30) for the sale of the Black Bob Indian lands, in the State of Kansas; which was read twice by its title and ordered to be printed, to be referred to the Committee on Indian Affairs when appointed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 31) to carry into effect the tenth article of the treaty with the Pottawatomie Indians of February 27, 1867; which was read twice by its title and ordered to be printed, to be referred to the Committee on Indian Affairs when appointed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 32) conferring exclusive jurisdiction over Indian reservations upon the United States courts, and for the punishment of crimes committed by and against Indians; which was read twice by its title and ordered to be printed, to be referred to the Committee on the Judiciary when appointed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 33) for the relief of certain settlers upon homestead and pre-emption lands; which was read twice by its title and ordered to be printed, to be referred to the Committee on Public Lands when appointed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 34) to confirm pre-emption and homestead entries of public lands within the limits of railroad grants in cases where such entries have been made under the regulations of the Land Department; which was read twice by its title and ordered to be printed, to be referred to the Committee on Public Lands when appointed.

Mr. INGALLS. At the close of the last session there were upon the Calendar a large number of bills that had been reported favorably by the Committee on Pensions, but had remained unacted upon for want of time. The late chairman of the committee, the present Commissioner of Internal Revenue, [Mr. Pratt,] requested me at as early a day as possible at this session to have them reintroduced. I therefore ask leave without previous notice to introduce those bills, and move that they be printed and referred to the Committee on Pensions when created.

By unanimous consent, leave was granted to introduce the following bills; which were read twice by their titles and ordered to be printed, to be referred to the Committee on Pensions when appointed:

A bill (S. No. 35) equalizing the pensions of certain officers;

A bill (S. No. 36) amending the pension law so as to remove the disability of those who, having participated in the rebellion, have since its termination enlisted in the Army of the United States and become disabled;

A bill (S. No. 37) granting a pension to Abraham Ellis;

A bill (S. No. 38) granting a pension to Charles C. Daniels;

A bill (S. No. 39) granting a pension to James Ballard, a private in Company G of the Third Regiment of North Carolina Mounted Volunteers;

A bill (S. No. 40) granting a pension to Elmira E. Crarath;

A bill (S. No. 41) granting a pension to Frank Kendrick;

A bill (S. No. 42) granting a pension to Dickson Williams;

A bill (S. No. 43) granting a pension to Urial Bundy; and

A bill (S. No. 44) granting a pension to Jacob Nix.

Mr. MORTON asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 1) to amend the Constitution of the United States so as to elect the President and Vice-President by the direct vote of the people, and abolishing the electoral college; which was read twice by its title and ordered to be printed, to be referred to the Committee on Privileges and Elections when appointed.

THE POSTAL SERVICE.

Mr. MORRILL, of Maine, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Post-Offices and Post-Roads be instructed to inquire into the expediency of so amending the laws in relation to the postal service of the United States as to produce an annual revenue adequate to the support of said service.

OSAGE AGENCY AFFAIRS.

Mr. INGALLS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be requested to transmit to the Senate the report of the commissioners appointed to investigate the affairs of the Osage Indian agency, together with the evidence taken by the board and the separate findings of the individual members thereof.

Mr. SHERMAN. I move that the Senate do now adjourn.

The motion was agreed to; and (at twelve o'clock and thirty minutes p. m.) the Senate adjourned.

IN SENATE.

THURSDAY, *December* 9, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

COMMITTEES OF THE SENATE.

Mr. WRIGHT. Before entering on the morning business, I trust I shall have unanimous consent to a motion I now make, that the Senate proceed to the appointment of its standing and other committees for the present session.

The PRESIDENT *pro tempore*. The Senator from Iowa asks the unanimous consent of the Senate to offer at this time a proposition relative to the formation of the committees.

Mr. WRIGHT. By the thirty-fifth rule of the Senate it is provided that the appointment of these committees shall be by ballot. I ask unanimous consent that that rule be suspended for the present while we are appointing the standing and other committees, as contemplated by the order of the Senate just made.

The PRESIDENT *pro tempore*. The rule will be considered as suspended, if there be no objection.

Mr. WRIGHT. I now offer these resolutions:

Resolved, That the following be the standing committees of the Senate during the present session:

On Privileges and Elections—Messrs. Morton, (chairman,) Logan, Mitchell, Wadleigh, Cameron of Wisconsin, McMillan, Saulsbury, Merrimon, and Cooper.

On Foreign Relations—Messrs. Cameron of Pennsylvania, (chairman,) Morton, Hamlin, Howe, Frelinghuysen, Conkling, McCreery, Bogy, and Eaton.

On Finance—Messrs. Sherman, (chairman,) Morrill of Vermont, Ferry, Frelinghuysen, Logan, Bontwell, Jones of Nevada, Bayard, and Kernan.

On Appropriations—Messrs. Morrill of Maine, (chairman,) Windom, West, Sargent, Allison, Dorsey, Davis, Withers, and Wallace.

On Commerce—Messrs. Conkling, (chairman,) Spencer, Bontwell, Cameron of Wisconsin, Burnside, McMillan, Ransom, Dennis, and McDonald.

On Manufactures—Messrs. Robertson, (chairman,) Booth, Bruce, Wallace, and English.

On Agriculture—Messrs. Frelinghuysen, (chairman,) Robertson, Harvey, Davis, and Gordon.

On Military Affairs—Messrs. Logan, (chairman,) Cameron of Pennsylvania, Spencer, Clayton, Wadleigh, Burnside, Gordon, Randolph, and Cockrell.

On Naval Affairs—Messrs. Cragin, (chairman,) Anthony, Morrill of Maine, Sargent, Conover, Norwood, and Whyte.

On the Judiciary—Messrs. Edmunds, (chairman,) Conkling, Frelinghuysen, Wright, Howe, Thurman, and Stevenson.

On Post-Offices and Post-Roads—Messrs. Hamlin, (chairman,) Ferry, Dorsey, Jones of Nevada, Dawes, Paddock, Saulsbury, Maxey, and Key.

On Public Lands—Messrs. Oglesby, (chairman,) Windom, Harvey, Hamilton, Paddock, Booth, Kelly, McDonald, and Jones of Florida.

On Private Land Claims—Messrs. Thurman, (chairman,) Bayard, Bogy, Edmunds, and Christiancy.

On Indian Affairs—Messrs. Allison, (chairman,) Oglesby, Morrill of Maine, Ingalls, Clayton, Bogy, and McCreery.

On Pensions—Messrs. Ingalls, (chairman,) Allison, Hamilton, Booth, Bruce, McDonald, and Withers.

On Revolutionary Claims—Messrs. Stevenson, (chairman,) Johnston, Goldthwaite, Morrill of Vermont, and Wright.

On Claims—Messrs. Wright, (chairman,) Mitchell, Wadleigh, Christiancy, McMillan, Cameron of Wisconsin, Caperton, Cockrell, and Jones of Florida.

On the District of Columbia—Messrs. Spencer, (chairman,) Hitchcock, Dorsey, Ingalls, Robertson, Merrimon, and English.

On Patents—Messrs. Wadleigh, (chairman,) Windom, Dawes, Johnston, and Kernan.

On Public Buildings and Grounds—Messrs. Morrill of Vermont, (chairman,) Cameron of Pennsylvania, Paddock, Cooper, and Whyte.

On Territories—Messrs. Hitchcock, (chairman,) Cragin, Patterson, Christiancy, Sharon, Cooper, and Maxey.

On Railroads—Messrs. West, (chairman,) Hitchcock, Cragin, Howe, Hamilton, Mitchell, Dawes, Ransom, Kelly, Caperton, and Eaton.

On Mines and Mining—Messrs. Sargent, (chairman,) Hamlin, Alcorn, Harvey, Sharon, Goldthwaite, and Randolph.

On the Revision of the Laws of the United States—Messrs. Bontwell, (chairman,) Alcorn, Christiancy, Caperton, and Wallace.

On Education and Labor—Messrs. Patterson, (chairman,) Morton, Morrill of Vermont, Burnside, Bruce, Sharon, Gordon, Maxey, and Key.

On Civil Service and Retrenchment—Messrs. Clayton, (chairman,) Wright, Oglesby, Alcorn, Patterson, McCreery, and Randolph.

To Audit and Control the Contingent Expenses of the Senate—Messrs. Jones of Nevada, (chairman,) Dawes, and Dennis.

On Printing—Messrs. Anthony, (chairman,) Sherman, and Saulsbury.

On the Library—Messrs. Howe, (chairman,) Edmunds, and Ransom.

On Rules—Messrs. Ferry, (chairman,) Hamlin, and Merrimon.

On Engrossed Bills—Messrs. Bayard, (chairman,) Withers, and Anthony.

On Enrolled Bills—Messrs. Conover, (chairman,) Robertson, and Kelly.

Resolved, That the following select committees be appointed for the present session of the Senate:

On the Levees of the Mississippi River—Messrs. Alcorn, (chairman,) Clayton, Harvey, Cooper, and Cockrell.

To Examine the Several Branches of the Civil Service—Messrs. Bontwell, (chairman,) Conkling, Allison, Merrimon, and Eaton.

On Transportation Routes to the Seaboard—Messrs. Windom, (chairman,) Sherman, West, Conover, Mitchell, Burnside, Norwood, Davis, and Johnston.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolutions.

Mr. BAYARD. One word before the adoption of these resolutions. On behalf of the minority of the Senate, I desire to express our regret that upon the Committee on Finance, the number of which is nine members, we have not been allowed the same proportion which the sense of justice of the majority has given us upon the other committees. At this time, considering the importance of the duties of that committee, the number of the minority upon this floor, and their share of the public responsibility in molding the legislation of the country upon the subject intrusted to that committee, we consider the ratio deemed by the majority and ourselves a just one upon other committees should have prevailed especially upon this; but we also understand and we regret that in this case it was not adopted as in others. We understand, informally, however, that two of our colleagues, the Senator from Nevada [Mr. JONES] and the Senator from Illinois, [Mr. LOGAN,] are detained from their seats, and that it is quite possible, or probable, indeed, as has been stated to us, that there will be an amendment on this subject, which, on behalf of the minority, I venture to express the hope may be made at as early a day as may be considered convenient.

The PRESIDENT *pro tempore*. The question is on the resolutions.

The resolutions were agreed to.

Mr. WRIGHT. I am not certain, upon the presentation of petitions, bills, and resolutions yesterday, that all of them were ordered to be referred to the appropriate committees when appointed. If there should be any such omission, I ask that the general order be made for reference to the appropriate committees.

The PRESIDENT *pro tempore*. To cover such cases, a general order will now be made for a reference to the appropriate committees of all petitions and other papers heretofore presented.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of State, transmitting, in obedience to law, a statement of the expenses attending the visit of the King of the Hawaiian Islands and suite to the United States; which was ordered to lie on the table and be printed.

He also laid before the Senate a report of the Secretary of State, submitting, in obedience to law, a statement of fees collected and accounted for by various diplomatic and consular officers during the year ended December 31, 1874; which was ordered to lie on the table and be printed.

He also laid before the Senate a report of the Secretary of State, transmitting, in obedience to law, a statement of consular officers, not citizens of the United States, to whom salaries were paid during the fiscal year ended June 30, 1875; which was ordered to lie on the table and be printed.

He also laid before the Senate a letter from the First and Second Comptrollers of the Treasury, transmitting to Congress a certificate of board of audit for the District of Columbia in regard to the claim of William Bowen for abating certain nuisances; which was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

Mr. SHERMAN presented the petition of John McFarland, late a private in Company E, Sixty-fourth Regiment Ohio Volunteer Infantry, praying for an honorable discharge from his enlistment in that

regiment and for pay and allowances while a prisoner at Andersonville, Georgia; which was referred to the Committee on Military Affairs.

Mr. CONKLING. I present the memorial of the Atlantic Mutual Insurance Company at New York, pointing out the injustice, as they deem it, of excluding insurance companies, and especially mutual insurance companies, from participation in the distribution of the Geneva award, and asking that such companies be subrogated to the rights of those whose losses they paid. I move its reference to the Committee on the Judiciary.

The motion was agreed to.

Mr. CONKLING presented the petition of the New York Mutual Insurance Company of New York, praying for the repeal of the twelfth section of the act creating a court for the adjudication of claims to moneys received by the United States for losses caused by the Alabama; which was referred to the Committee on the Judiciary.

He also presented the petition of Thomas W. Phelps, of New Brighton, New York, praying to be allowed a pension on account of blindness; which was referred to the Committee on Pensions.

He also presented a resolution of the council of the Seneca Nation of New York Indians, in favor of an amendment of the act of February 19, 1875, authorizing the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservation, so as to cause all parties to conform thereto and to give to the courts power to enforce a compliance with the provisions thereof; which was referred to the Committee on Indian Affairs.

Mr. JONES, of Florida, presented the petition of Bayse N. Westcott, praying to be restored to active service in the Navy; which was referred to the Committee on Naval Affairs.

He also presented the petition of Benjamin Baker and other citizens of Key West, Florida, praying for a grant of land on the keys of Florida, as a partial reward to the said Baker for the introduction and cultivation of the pine-apple as an article of commerce; which was referred to the Committee on Public Lands.

He also presented the petition of George S. Hawkins, of Jackson County, Florida, praying the removal of his political disabilities; which was referred to the Committee on the Judiciary.

Mr. MERRIMON presented a resolution of the Legislature of North Carolina, asking an amendment to the pension laws, so as to grant pensions to the widows of soldiers of the war of 1812 without regard to the time at which they were married; also that pensions be granted to soldiers of the Mexican war, and that pensions be granted to the widows of confederate soldiers and officers who served in the Army of the United States prior to the rebellion; which was referred to the Committee on Pensions.

He also presented a memorial of E. J. Warren and other citizens of Beaufort County, North Carolina, praying for certain improvements in various rivers emptying into the Currituck and Albemarle Sounds, with a view to extend inland navigation from New York to Florida along the Atlantic coast; which was referred to the Committee on Commerce.

Mr. MAXEY. I present a memorial of the delegates of the people of Texas, in constitutional convention assembled, in relation to depredations committed upon the people of the Rio Grande frontier by armed bands of maranders organized beyond the limits of the State. The memorial presents other matters growing out of the depredations, but the matter of immediate concern at this time is protection for the future. I move the reference of the paper to the Committee on Military Affairs, reserving the right to ask the reference of the residue of the memorial beyond the point I have stated to the appropriate committees upon the reception of a report from the Committee on Military Affairs.

The motion was agreed to.

Mr. McCREERY presented the petition of Mrs. Eliza Smith, of Madison County, Kentucky, widow of the late John Speed Smith, an officer in the war of 1812, praying for a pension; which was referred to the Committee on Pensions.

Mr. BOUTWELL presented the petition of Isaac H. Fowler, of Dedham, in the county of Norfolk, Massachusetts, praying compensation for the destruction of buildings and fences on his farm in that county by United States troops in their occupation of it in 1864 and 1865; which was referred to the Committee on Claims.

He also presented the petition of Marie Louise Perrin and Trautmann Perrin, praying compensation for destruction of their property by the bombardment of Greytown, Central America; which was referred to the Committee on Claims.

Mr. SARGENT. I present a petition of citizens of California, praying for the establishment of a fog-signal on the South Farallones Island, off San Francisco harbor, and suggest that it be referred to the Committee on Appropriations.

Mr. SHERMAN. I ask that that be referred to the Committee on Commerce. It should not go to the Committee on Appropriations. I noticed last session that new legislation of that kind was sometimes referred to the Committee on Appropriations. It seems to me those matters ought to go to the Committee on Commerce first, and then on their report to the Committee on Appropriations.

Mr. SARGENT. The statement of the Senator as to the practice is by no means correct. The Committee on Appropriations for seven or eight years, to my knowledge, have taken jurisdiction of that kind of matter. They are in necessary correspondence with the Light-House Board, and refer all these matters to the board for report. The estimates of appropriations for new and old light-houses are all referred to the Committee on Appropriations, and reported by it.

Mr. SHERMAN. The statement of the Senator may be correct if it refers to the proceedings of the other House; I do not know about that; but in the Senate it has usually been the practice that the appropriate committee acts upon these measures; for instance, in regard to public buildings, the Committee on Public Buildings and Grounds first takes charge of all applications for the construction of public buildings; the Committee on Commerce, of all applications for light-houses, &c.; they act upon them, and then if their action is favorable they send them to the Committee on Appropriations to be included in the appropriation bills. Our rules are framed with that view. I trust that that course will be pursued in this instance, and I would say to the Senator from California that that was the course formerly adopted and followed, as I know, because I served for a long time upon the Committee on Finance when it had charge of the business now confided to the Committee on Appropriations. I think it would be a matter of convenience to the Committee on Appropriations that the respective committees should pass on these subjects of legislation and then refer them, under the rule, to the Committee on Appropriations, which they are bound to do. Indeed, the different committees cannot offer their amendments to the appropriation bills unless they be referred to the Committee on Appropriations; but we ought first to have the action of the respective committees upon these new items of appropriation.

The PRESIDENT *pro tempore*. Does the Senator from Ohio make a motion?

Mr. SHERMAN. Yes, sir. I move that the petition be referred to the Committee on Commerce.

Mr. SARGENT. I only desire that the usual course should be pursued in this matter. I am very well aware that during the last Congress the course I recommend was adopted. I know all these matters are directly passed upon by the Committee on Appropriations, to whom the estimates are referred. I prefer that this matter should go to the Committee on Appropriations as it has done before; but of course the Senate can decide it as it pleases.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Ohio to refer the petition presented by the Senator from California to the Committee on Commerce.

The motion was agreed to.

Mr. SARGENT. I present the memorial of Major James T. Turner, praying the payment of a sum of money equal to the travel-pay of a captain of volunteers from Washington, District of Columbia, to San Francisco, California. This memorial at the last session of Congress was referred to the Committee on Military Affairs and was favorably reported by them in the form of a bill which passed the Senate. I move that it be referred to the same committee.

The motion was agreed to.

Mr. INGALLS presented the petition of Celia C. Short, widow of Captain O. F. Short, late deputy United States surveyor, praying an appropriation of $10,000 as compensation for the loss of her husband and son who were killed by the Indians while surveying lands in Arkansas; which was referred to the Committee on Indian Affairs.

Mr. WHYTE presented the petition of F. O. Wyse, late lieutenant-colonel Fourth United States Artillery, praying the passage of a special act restoring him to his former rank and position in the United States Army, and placing him on the retired list; which was referred to the Committee on Military Affairs.

Mr. COOPER presented the petitions of book agents of the Methodist Episcopal Church South, praying compensation for the loss of property at Richmond, Virginia, and Louisville, Kentucky, during the late war; which was referred to the Committee on Claims.

WITHDRAWAL OF PAPERS.

On motion of Mr. COOPER, it was

Ordered, That the petitions and papers of M. G. L. Clarborn, of Nancy J. Turke, of Robert Lowry, and of Warren & Moore be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. McCREERY, it was

Ordered, That the petition and papers in the case of Lafayette Elder be taken from the files and referred to the Committee on Claims.

On motion of Mr. CONKLING, it was

Ordered, That the petition and papers in the case of W. H. De Groot be taken from the files and referred to the Committee on Claims.

On motion of Mr. WEST, it was

Ordered, That the petition and papers in the case of L. Madison Day and George E. Payne be taken from the files and referred to the Committee on Claims.

On motion of Mr. INGALLS, it was

Ordered, That Jonathan G. Lang have leave to withdraw his petition and papers from the files of the Senate, on leaving copies thereof.

On motion of Mr. WRIGHT, it was

Ordered, That the petition and papers of William N. Berkley be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. MERRIMON, it was

Ordered, That the petition and papers of Thomas H. Coats be taken from the files and referred to the Committee on Claims.

Mr. THURMAN. I ask that an order be made that the petition of Madeleine V. Dahlgren, Romaine de Overbeck, and Vinton Goddard, and the accompanying papers, presented at the last session of the Sen-

ate, be taken from the files and referred to the Committee on the Judiciary. No report was made in the case.

The PRESIDENT *pro tempore*. That order will be made.

On motion of Mr. MITCHELL, it was

Ordered, That the petition and papers in the case of Caroline M. Purviance be taken from the files and referred to the Committee on Claims.

On motion of Mr. SAULSBURY, it was

Ordered, That William S. Mitchell have leave to withdraw his petition and papers from the files of the Senate.

On motion of Mr. WADLEIGH, it was

Ordered, That the petition and papers in the case of Peaslee and McClary be taken from the files and referred to the Committee on Claims.

ADJOURNMENT TO MONDAY.

On motion of Mr. ANTHONY, it was

Ordered, That when the Senate adjourns to-day it be to meet on Monday next.

BILLS INTRODUCED.

Mr. CONKLING asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 45) to amend the act entitled "An act for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th day of May, A. D. 1871, between the United States of America and the Queen of Great Britain," approved June 23, 1874; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 46) granting the right of way for a railroad and telegraph line to the Walla Walla and Columbia River Railroad Company, across the Fort Walla Walla military reservation in Washington Territory; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 47) for the relief of John Cummins, late collector and disbursing agent of the United States internal-revenue district of Idaho; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. SHERMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 48) to extend the duration of the court for the adjudication of claims arising out of the Geneva award and to enlarge the jurisdiction of said court; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. JONES, of Florida, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 49) to confirm to the State of Florida the swamp and overflowed lands granted under the act of September 28, 1850; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 50) to amend the act entitled "An act to amend an act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 2, 1864; which was read twice by its title, referred to the Committee on Railroads, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 51) to organize the judicial district of Oklahoma, and to establish courts of the United States therein; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 52) for the relief of Celia C. Short; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 53) fixing the time for holding the circuit court of the United States in the districts of California, Oregon, and Nevada; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. BOUTWELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 54) for the relief of Luther Hall and S. S. Hemenway; which was read twice by its title, ordered to be printed, and, with the papers on file in the case, referred to the Committee on Patents.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 55) for the relief of Isaac H. Tower; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. JOHNSTON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 56) for the relief of loyal citizens of Loudoun County, Virginia, therein named; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

MODE OF PAYING CUSTOMS DUTIES.

Mr. BOGY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 57) authorizing the payment of duties on imports in legal-tender and national-bank notes; which was read twice by its title.

Mr. BOGY. I ask permission to explain the object of this bill, promising the Senate to consume but a minute or two of its time.

The PRESIDENT *pro tempore*. The Chair hears no objection. The Senator from Missouri will proceed.

Mr. BOGY. The bill is really a very important one, and the subject presented by it will at some time no doubt lead to a great deal of discussion. It is not my intention at this time to discuss the merits of the bill. I only desire to state that at the first session of the last Congress I presented the measure and had it referred to the Committee on Finance, by whom it was reported upon adversely, and that at the second session I brought up the subject again in another way, but the effort did not meet with success. I renew the proposition now, believing honestly that it is the only way that we can ever attain what we all appear so much to desire, the day when specie payment will be resumed.

It may be considered by many that this is a measure tending to inflation. I wish it distinctly understood that that is not my intention. I look upon it as a measure tending to resumption, and in my humble opinion this is the only way that we can ever attain resumption.

Mr. MORTON. What is the proposition?

Mr. BOGY. The proposition is to receive legal-tenders and bank-notes in payment of duties on imports.

Mr. MORTON. All the duties?

Mr. BOGY. All the duties on imports. I say all, sir, because I think the measure to be efficacious must provide for receiving all. But, so as to prepare the country for this radical measure, I give timely notice. It is to go into operation only on the 4th of July next. I think the only way we can ever resume specie payment in this country is by appreciating the paper now in circulation. I am not for an increase of paper money. I believe that the amount of paper now in circulation is about the amount that the trade and commerce of the country require. I am not for an augmentation, although that, in the estimation of many persons, particularly in my section of country, is rather a popular idea. I am not for an increase of paper money. I wish to appreciate the paper that is now in circulation.

It will be observed that my bill provides that duties may be paid in national-bank notes equally as in legal-tenders, and for this simple reason: as long as we have national-bank notes in existence, whether the system under which they are issued be a wise one or not, it seems to me to be the duty of Congress to give to that paper as much value as possible. And then, again, as the Government is equally responsible for the payment of the national-bank notes as it is for the payment of the legal-tenders, there can be no reason why the Government should not receive the former in payment of all debts due to it.

It is not my intention at this time, as I stated at the outset, to argue at length this measure. I will take the occasion to do so at a proper time. I advance these opinions with a great deal of diffidence, because I do know that gentlemen on this floor of great ability and great experience entertain, I may say, different views. Nevertheless, I have thought on the subject a good deal; I have presented the subject before to the Senate; it has become a part of the political platform of my own State; and time and experience, since I have had the honor of a seat on this floor, concur in satisfying me that the measure is right; and, in my estimation, it is the only one which can lead to resumption of specie payments unless it be by unlimited contraction. It is true that if you contract the paper money, or, in other words, if you call it all in, resumption will take place; but the remedy would be infinitely worse than the disease. I desire to present a measure by which contraction will be avoided, because I look upon contraction as the ruin of the entire country. I desire the legal-tenders now in existence to remain, and whenever the wants of trade or of commerce may require an augmentation of circulation, it will be supplied naturally by the national banks. At the proper time, when this measure report; I am inclined to think the report will be adverse—I will take shall be reported back by the committee—and I have great fears of that occasion to speak more at length on the subject.

Mr. MORRILL, of Vermont. Mr. President, of course I do not rise to discuss this subject at the present time; but after the statement of the Senator from Missouri, [Mr. BOGY,] which I have no doubt is an honest one, as he states himself, I deem it proper at least to make a counter-statement as to the probable effect of his proposed bill. The Senator seems to advocate the policy of receiving our customs duties in paper in order to avoid contraction and to promote a speedy return of specie payments. Why, Mr. President, it is perfectly obvious that the measure the Senator proposes would be one of contraction. It is not to increase the paper currency of the country, but it is at once to drive out of the country what little remnant of specie we now have. Of course, when we have no further use for any specie, it becomes merely a commodity to be exported, and it will certainly be exported the moment we have no longer any use for it at home.

Again, Mr. President, I do not know whether the Senator speaks in behalf of his party or not, but it is a proposition that comes from a distinguished Senator belonging to the other side of the Chamber, to do what? To violate the solemn pledge of the public faith that the customs duties, all of them, shall be collected in specie. That is the first proposition in relation to finance we have introduced into this Chamber, and it is to sweep out of existence the solemn pledges made at the time we first authorized the issue of the legal-tender currency.

Mr. President, there is another thing in relation to this matter. It is obvious to all of us that our revenues now are no more than sufficient, and indeed not even enough, to defray the annual expenses of the Government and to provide for the sinking fund to which we are pledged by law. What is this proposition? Why sir, it is to reduce the revenues at the rate at least of 14 per cent.—to diminish the amount of our resources by 14 per cent. certainly—amounting to not less than twenty or twenty-five millions; and if this proposition should prevail, very likely to reduce them 20 per cent. or 25 per cent.; for we do not know, after we strike away from this mooring, where our currency would land. The very salvation of the public credit of the country depends upon our observance of our plighted faith.

Mr. BOGY. Mr. President, I will not detain the Senate more than a moment, but I feel it due to the importance of the subject that a word of explanation should be said by me.

I repeat, sir, that my intention is to propose a measure which will lead to the resumption of specie payments and will not bring about contraction, and at the proper time I think the arguments advanced by the Senator from Vermont can be perfectly and satisfactorily answered.

He objects to the bill because it will amount to a virtual reduction of the duties by the amount of the premium on gold at the present day. If that premium remained, the argument of the Senator would be correct; but the logic of my bill is that this will bring up legal-tenders to the price of gold and that there will be no loss there.

Again, sir, he objects to it because it may be considered a violation of the plighted faith of this nation, given by former acts of Congress. I think that can be satisfactorily answered. I will introduce no measure, I will advocate no measure, as long as I retain a seat on this floor, which in any way, the remotest, will lower the credit of this nation or in any respect violate its plighted faith. I will do nothing of the kind. At a proper time I think that this measure can be explained and sustained as the only measure, among all the different measures which have been presented by the Executive and by the Treasury Department, and by Senators on this floor, which can by any possibility lead to the resumption of specie payments.

I will say one word further in answer to the Senator from Vermont. He suggested that I perhaps offered the bill which I have presented as a party measure. I wish it distinctly understood that I present it on my own responsibility. Party measures are offered generally by the leaders of the party. I have not the honor of being a leader. My leaders, although behind me, [pointing to the seats of some Senators in the outer row,] nevertheless speak for the party. I speak for myself individually. It is not a party measure at all.

The bill was referred to the Committee on Finance.

CUSTOM-HOUSE AT ROCKLAND, MAINE.

Mr. HAMLIN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Buildings and Grounds be directed to inquire into the expediency of authorizing the Secretary of the Treasury to sell a small piece of land from the custom-house lot in Rockland, Maine.

AMENDMENT OF RULES.

Mr. MORTON. I offer the following resolution, and ask that it may be acted upon at this time if there be no objection:

Resolved, That the twenty-fifth rule of the Senate be so amended that bills may be introduced without previous notice unless objection is made, and that it shall not be necessary to state in the minutes that leave was given to introduce a bill without previous notice.

Mr. President, I desire to say a word. A considerable part of the minutes every morning is occupied with stating that Senators have asked and obtained unanimous consent to introduce bills without previous notice. I have never known but one occasion in the Senate when the introduction of a bill was objected to, and that was by a Senator from Kentucky not now a member of the body. It costs hundreds, perhaps thousands, of dollars every long session to print these formal words, "asked and obtained unanimous consent to introduce a bill without previous notice." We hear these words read in the minutes every morning till we are tired of them. Their repetition in the Journal takes time and costs money, and I hope there will be no objection to the adoption of the resolution.

Mr. THURMAN. I think the resolution had better go to the Committee on Rules.

The PRESIDENT *pro tempore* If there be no objection, that reference will be made.

Mr. MORTON. Very well.

The resolution was referred to the Committee on Rules.

SENATOR FROM LOUISIANA.

Mr. WEST. I present the petition of William L. McMillen, claimant to a seat in this body, and I ask that it be read.

The Chief Clerk read as follows:

WASHINGTON, D. C., *December* 8, 1875.

To the honorable the President and members of the Senate of the United States:

The undersigned would respectfully ask permission to withdraw his credentials as Senator-elect by the McEnery legislature from the State of Louisiana.

Respectfully,

W. L. McMILLEN.

Mr. WEST. I have little doubt, Mr. President, but what the request of the gentleman who has indited that letter to the Senate will be granted. I understand from him that he has reasons for doing so which it would be quite agreeable to him to have the Senate listen to. They are expressed in a letter which is published in the morning papers, and if there be no objection I should like to have that letter read.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none.

The Chief Clerk read as follows:

An open letter to "Governor" McEnery from "Senator" McMillen.

WASHINGTON, D. C., *December* 8, 1875.

HON. JOHN MCENERY——

Mr. INGALLS. I object to that being read, Mr. President.

The PRESIDENT *pro tempore*. The Chair asked the Senate for objection, and no objection was raised. The time to object has passed. The reading will proceed.

The Chief Clerk continued the reading, as follows:

HON. JOHN MCENERY,
Governor-elect of Louisiana.

DEAR SIR: The political complications growing out of the general election of 1872 in Louisiana resulted, as you well know, in the formation of two legislative bodies, representing respectively the democratic, conservative, and liberal elements on the one part, and the radical republican on the other; the former body acting in conjunction with yourself as governor, and the latter with W. P. Kellogg.

As a sitting member of the State senate, although a republican, and yielding nothing of my convictions as such, my sympathies were in favor of the former body, as representing not only the popular will, but as giving the best guarantee for State reform and local self-government. This Assembly, at the extra session in December, 1872, did me the honor to elect me a Senator of the United States for the State of Louisiana, vice W. P. Kellogg, resigned. At the regular session in January they further honored me by an election as Senator for the term commencing March 4, 1873.

Accepting the trust imposed upon me and representing the will of the honorable body that elected me, I have appeared before the Senate of the United States in contest successively with Mr. John Ray for the unexpired term of W. P. Kellogg, and with Mr. Pinchback for the full term beginning March, 1873, and with such fidelity and efficiency as I could command have continued the contest to the present time.

Unlike ordinary rival claims to a seat in the Senate of the United States, this contest has directly involved the competency of the respective bodies represented by me and my opponents, as well as the title to office of the party giving each the credentials upon which the Senate has based its action—thus bringing in question the validity of the rival State governments of Louisiana. With so grave a problem at the foundation of this struggle involved, personal respect and fidelity to the people and body I represented forbade any abandonment of the contest so long as the issue between the respective claimants to executive power in Louisiana should be an open question. The Senate of the United States to date has held this question in abeyance, but, in my judgment, other and equally competent parties have practically and finally determined it.

In November, 1874, the successors to the General Assembly electing me were chosen, and after continued effort the difficulties in the way of organization of the Assembly were composed.

Under the auspices of a committee of congressmen, a plan of adjustment was agreed upon, the parties thereto embracing many of the gentlemen who honored me with their support in 1872-'73, and the settlement resulted in the formation of a General Assembly largely democratic and conservative in the lower house, and generally accepted as legitimate by both of the political parties of the State; and said Assembly, so constituted, at their extra session in April last, did formally recognize W. P. Kellogg as the executive of Louisiana. Further, the House of Representatives of the Congress of the United States, with a large democratic majority, following the action of the preceding republican House, did, on the 6th instant, recognize the final and determining action of the present Legislature of the State of Louisiana relative to the State government thereof by seating, *prima facie*, the six members of Congress elect from said State bearing the credentials of W. P. Kellogg, and refusing at the same time to recognize your competency to exercise executive functions for Louisiana.

The issues I represented having been thus substantially determined by parties and causes outside of and above my control, and the conservative people of the State and nation, through their representatives, having recognized the permanency of the existing State government, a further contest can have no practically beneficial result for the people of the State, but might serve to aggravate evils it would be powerless to relieve.

Profoundly impressed with this view of the situation, I deem it my duty at this time to withdraw my credentials from the Senate, and tender through you to the democratic, conservative, and liberal people of Louisiana the trust committed to my hands.

With sentiments of highest respect and esteem, I am, respectfully,

W. L. MCMILLEN.

Mr. WEST. I now ask that the following order be made:

Ordered, That the request of William L. McMillen, heretofore claiming a seat in the Senate from the State of Louisiana, for the return of his credentials be granted.

The PRESIDENT *pro tempore*. Is there objection?

Mr. DAVIS. Yes, sir. I think that had better go to the Committee on Privileges and Elections. I do not know exactly what bearing it has. There may be no objection to the proposition; but it had better be looked into, it seems to me.

Mr. THURMAN. Let the resolution lie over until to-morrow.

The PRESIDENT *pro tempore*. Objection being made to its present consideration, the resolution of the Senator from Louisiana [Mr. WEST] will lie over until to-morrow.

EXECUTIVE BUSINESS.

Several messages of an executive nature were received from the President of the United States by Mr. LUCKEY, his Secretary.

Mr. ANTHONY. Mr. President, as there seems to be no further legislative business, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-one minutes spent in executive session the doors were re-opened, and (at one o'clock and fifty-three minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *December* 10, 1875.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of Tuesday was read and approved.

ADJOURNMENT OVER.

Mr. RANDALL. Mr. Speaker, I move that when the House adjourns to-day it adjourn to meet on Tuesday next.

The SPEAKER. The Chair will entertain the gentleman's motion in a few moments. The Chaplain will please present himself at the bar of the House and take the oath of office.

SWORN INTO OFFICE.

Rev. I. L. Townsend, Chaplain of the House of Representatives, appeared at the bar and qualified by taking the oath of office prescribed by the act of July 2, 1862.

MEMBER SWORN IN.

Mr. SHEAKLEY. My colleague, Mr. Egbert, Representative from the twenty-seventh district of Pennsylvania, is present, and desires to be sworn in.

The SPEAKER. The gentleman will present himself at the bar.

Mr. EGBERT appeared at the bar and duly qualified by taking the oath prescribed by the act of July 2, 1862.

ADJOURNMENT OVER.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania [Mr. RANDALL] that when the House adjourns to-day it adjourn to meet on Tuesday next.

Mr. RANDALL. Pending that, I desire to yield to the gentleman from Louisiana, [Mr. GIBSON.]

The SPEAKER. The resolution of the gentleman from Louisiana can be entertained after the resolution to adjourn over is disposed of.

The question being taken on agreeing to Mr. RANDALL'S resolution,

The SPEAKER stated that in the judgment of the Chair the "ayes" had it.

Several MEMBERS. Divide.

The "ayes" having risen,

The SPEAKER stated that a manifest majority was in favor of the resolution.

So the resolution was agreed to.

Mr. HOLMAN. I move that the House do now adjourn; but pending that motion I yield to the gentleman from Louisiana, [Mr. GIBSON.]

MISSISSIPPI LEVEES.

Mr. GIBSON. I offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That a committee of eleven, to be known as the Committee on the Mississippi Levees, be added to the committees of the House.

Mr. GIBSON. On that resolution I move the previous question.

Mr. HOAR. That resolution should go to the Committee on the Rules. I make the point of order that it requires unanimous consent.

Mr. GIBSON. I do not yield for any motions, but call the previous question.

The SPEAKER. The Chair overrules the point of order of the gentleman from Massachusetts. The resolution has already been received as by unanimous consent, and is before the House.

Mr. GIBSON. I call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was agreed to.

Mr. GIBSON moved to reconsider the vote whereby the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CENTENNIAL CELEBRATION.

Mr. HOPKINS. I offer (at the request of the Pennsylvania delegation) the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That so much of the message of the President as relates to the proposed centennial celebration be referred to a select committee of thirteen members to be appointed by the Speaker.

Mr. HOAR. I make the point of order that the President's message has already been referred to the Committee of the Whole, and is not before the House.

Mr. RANDALL. This is one part of the President's message, and has the same rights that would pertain to it under the general resolution distributing the subjects treated of in the message.

Mr. WOOD, of New York. The practice is to go into Committee of the Whole, and to refer the message by subdivisions. It is not usual to do it in the House.

The SPEAKER. The Chair will suspend a moment, in order to refer to the order of the House in regard to the President's message.

Mr. GARFIELD. If the Chair will allow me, I would suggest that the matter can be reached by going into Committee of the Whole, when the action proposed would be in order.

The SPEAKER. The Journal shows that the entire message has already been referred to the Committee of the Whole.

Mr. HOAR. I make no objection to the House going into Committee of the Whole for this sole purpose.

Mr. RANDALL. We have already referred the entire message to the Committee of the Whole, but it appertains to the House to make such disposition of parts of it as they may see fit.

Mr. KASSON. I think there would be unanimous consent to discharge the Committee of the Whole from the consideration of that part of the message for the purpose of taking early action on this resolution. I think we all understand that the object of the gentleman from Pennsylvania is to get the committee to consider this as early as possible.

Mr. HOAR. I make no objection to that, but I think we are entitled to have the rules of the House observed.

Mr. WOOD, of New York. The resolution may be adopted by unanimous consent.

Mr. HOAR. I have no objection to discharging the Committee of the Whole from the consideration of so much of the message as relates to the centennial celebration, and referring that to a select committee to be appointed at once.

The SPEAKER. Is there objection to the resolution of the gentleman from Pennsylvania being entertained?

There was no objection.

The question being taken on Mr. HOPKINS'S resolution, it was agreed to.

Mr. HOLMAN. I now move that the House adjourn.

Mr. MACDOUGALL. Will the gentleman yield to me to offer a joint resolution?

Mr. HOLMAN. I will yield to have the resolution read.

POSTAGE ON THIRD CLASS MAIL-MATTER.

Mr. MACDOUGALL. I ask unanimous consent to submit for action at this time the following joint resolution.

The Clerk read as follows:

Be it resolved by the Senate and House of Representatives, &c., That so much of the act of March 3, 1875, as has been construed to cover postage on printed matter of the third class be, and the same is hereby, repealed.

Mr. HOLMAN. I yield for that, but it seems to me that it should be in the form of a bill rather than a joint resolution, and I suggest to the gentleman that he make that change.

Mr. MACDOUGALL. Very good; I will make it a bill.

Mr. GARFIELD. I desire to offer an amendment to the bill, that it may be printed with it.

Mr. STARKWEATHER. I have here a bill received from the Post-Office Department, which I desire to have read.

The SPEAKER. Does the gentleman from Indiana [Mr. HOLMAN] yield for the resolution of the gentleman from New York, [Mr. MACDOUGALL?]

Mr. HOLMAN. I do.

The SPEAKER. Does he yield to the gentleman from Connecticut [Mr. STARKWEATHER] to offer the bill he has indicated?

Mr. HOLMAN. I think the only proposition before the House is the proposition of the gentleman from New York.

Mr. STARKWEATHER. This is a bill which comes from the Post-Office Department, and I should like to have it read.

The SPEAKER. Does the gentleman from Indiana yield to have it read?

Mr. HOLMAN. I yield to have it read.

The Clerk read as follows:

A bill to amend the law relating to postage on articles of mailable matter of the third class.

Be it enacted, &c., That on and after the 1st day of January, 1876, postage shall be charged on pamphlets, transient newspapers, periodicals, magazines, handbills, posters, unsealed circulars and prospectuses, proof-sheets and corrected proof-sheets, at the rate of one cent for each two ounces or fraction thereof; and the postage on all other mailable matter of the third class shall be and remain as now provided by law.

Mr. HOLMAN. Mr. Speaker, I cannot withdraw my objection to this bill. I have no doubt the measure is exactly right, but I wish to say to my friend from Connecticut that it is an important measure, and ought to have the fullest consideration. I have no doubt the bill is right.

Mr. STARKWEATHER. It comes from the Post-Office Department. I was requested to have it offered, and moved it as a substitute to the proposition of the gentleman from New York.

Mr. HOLMAN. I cannot yield for that purpose. As I have said, I have no doubt it is all right.

Mr. STARKWEATHER. The gentleman has already yielded, and I have the right to offer it as a substitute.

Mr. HOLMAN. I only yielded to have it read for information.

Mr. STARKWEATHER. I believe I have the floor to offer it as a substitute.

Mr. HOLMAN. The gentleman ought to observe that I merely yielded to have the bill read for information. I think, perhaps, the bill should pass, but my friend's bill as originally offered is certainly a little too broad in its provisions. I suggest we take a moment's time for reflection on the subject, and accordingly press my motion for an adjournment of the House.

Mr. STARKWEATHER. The gentleman from Indiana yielded to the gentleman from New York to present his bill. He presented it, and I have now moved mine as a substitute, which I have the right to do. I claim the floor

Mr. HOLMAN. I renew my motion to adjourn.

Mr. STARKWEATHER. I hope the gentleman will not object. It is important this bill should pass.

Mr. HOLMAN. I have no doubt it is an important bill. I think, perhaps, it is exactly right; but we do not wish to act on it without a moment's time for examination and reflection.

Mr. STARKWEATHER. If the gentleman does not object, let it go over.

Mr. HOLMAN. They will be printed in the RECORD—the proposition of the gentleman from New York and the proposition of the gentleman from Connecticut—and we can see and understand them. I move the House do now adjourn.

Mr. GARFIELD. Will the gentleman consent to let it go over as unfinished business?

Mr. STARKWEATHER. He can do that, and save the bill before the House.

Mr. COX. The gentleman blundered last session about that, and I hope he will not insist on doing the same again.

Mr. STARKWEATHER. I did not blunder.

Mr. HOLMAN. That side of the House blundered.

Mr. STARKWEATHER. The gentleman blundered as much as anybody about it.

Mr. HOLMAN. We will correct your blunder if you will only give us time.

Mr. STARKWEATHER. This is the proper time.

Mr. HOLMAN. I wish to examine the bills. Both will be printed in the RECORD to-morrow. I move the House adjourn.

Mr. STARKWEATHER. Does the gentleman object to reduction of this postage?

Mr. HOLMAN. I do not. I have already said it as many times as I could that I think the measure is right; but we wish to examine it.

Mr. STARKWEATHER. Let it go over as unfinished business.

Mr. HOLMAN. You passed the measure, and we are anxious to correct your mistake.

Mr. STARKWEATHER. You voted for it, and made the mistake as much as anybody.

Mr. HOLMAN. The gentleman can at least afford to be gracious. We ought to have time to examine the bill.

Mr. RANDALL. This is not the only mistake in the law, and the whole subject should be carefully examined by the proper committee, and whatever shall be done should be rightly done.

Mr. BRIGHT. I demand the regular order of business.

Mr. BURCHARD, of Illinois. I wish to know whether the proposition of the gentleman from New York is pending?

The SPEAKER. It is not. Neither proposition is pending. They were both read to the House for information by consent of the gentleman from Indiana.

Mr. STARKWEATHER. I understood the gentleman from Indiana to admit the bill of the gentleman from New York.

Mr. HOLMAN. I did not.

Mr. STARKWEATHER. I offered mine as a substitute.

Mr. HOLMAN. I allowed it to be read for information of the House. They will both go into the RECORD, and in the morning we can see what the propositions exactly are.

DEAF AND DUMB INSTITUTE.

The SPEAKER. Under the law reorganizing the Institute for the Deaf and Dumb in this District it is made the duty of the Chair to appoint two trustees for that institution. The Chair now announces the appointment of the following gentlemen: Mr. HARRIS, of Virginia, and Mr. WHEELER, of New York.

STATE DEPARTMENT CONTINGENT FUND.

The SPEAKER laid before the House a letter from the Secretary of State, transmitting, in compliance with sections 193 and 209 of the Revised Statutes, a statement of the manner in which the contingent fund for the Department of State for the year ending June 30, 1875, has been expended; which was ordered to be referred to the Committee on Appropriations when appointed and be printed.

VISIT OF KING KALAKAUA.

The SPEAKER also laid before the House a letter from the Secretary of State, transmitting a statement of expenses attending the visit of His Majesty the King of the Hawaiian Islands and suite in the United States; which was ordered to be printed and to be referred to the Committee on Appropriations when appointed.

CONSULAR OFFICERS NOT CITIZENS.

The SPEAKER also laid before the House a letter from the Secretary of State, transmitting, in compliance with section 208 of the Revised Statutes, a statement of the names of the consular officers not citizens of the United States to whom salaries have been paid during the fiscal year ending June 30, 1875; which was ordered to be printed and to be referred to the Committee on Foreign Affairs when appointed.

CONSULAR FEES.

The SPEAKER also laid before the House a letter from the Secretary of State, transmitting, in compliance with section 208 of the Revised Statutes, a statement of such fees as have been collected, accounted for, and reported by the various diplomatic and consular officers of the United States during the year ending December 31, 1874, together with the rates or tariffs of fees and a full list of consular officers in office October 10, 1874; which was ordered to be printed and to be referred to the Committee on Foreign Affairs when appointed.

ACCOUNTS OF TREASURER.

The SPEAKER also laid before the House a letter from the Treasurer of the United States, transmitting a copy of his accounts rendered to and adjusted by the Sixth Auditor of the Treasury for the fiscal year ending June 30, 1875; which was ordered to be printed and to be referred to the Committee on Appropriations when appointed.

CONTINGENT EXPENSES OF INTERIOR DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a statement of expenditures of the contingent funds of the several Bureaus and offices of his Department for the fiscal year ending June 30, 1875; which was ordered to be printed and to be referred to the Committee on Appropriations when appointed.

RANCHO PANOCHE GRANDE, CALIFORNIA.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting the report of Richard P. Hammond on the Rancho Panoche Grande, California; which was ordered to be printed and to be referred to the Committee on Private Land Claims when appointed.

LEGISLATIVE BUILDING, NEW MEXICO.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting estimates of appropriations required for the repair of the Adobe Palace now occupied by the Legislative Assembly of the Territory of New Mexico; which was ordered to be printed and to be referred to the Committee on the Territories when appointed.

ANNA M. CLARK, FLORIDA.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting report of Commissioner of the General Land Office in relation to the private land claim of Anna M. Clark, Florida; which was ordered to be printed and to be referred to the Committee on Private Land Claims when appointed.

STAMP DUTY ON GOLD AND SILVER MANUFACTURES.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, in relation to fixing a stamp duty on manufactures of gold and silver in this country; which was ordered to be printed and to be referred to the Committee on Ways and Means when appointed.

ACCOUNTS OF TREASURER.

The SPEAKER also laid before the House a letter from the Treasurer of the United States, transmitting, in compliance with section 311 of the Revised Statutes of the United States, fair and accurate copies of the accounts rendered to and settled with the First Comptroller for the fiscal years ending June 30, 1874, and June 30, 1875; also a copy of his annual report to the Secretary of the Treasury, and full and perfect accounts of the state of the Treasury; which was ordered to be printed and to be referred to the Committee on Appropriations when appointed.

The question recurred upon the motion of Mr. HOLMAN that the House now adjourn.

The motion was agreed to; and accordingly (at twelve o'clock and thirty-two minutes p. m.) the House adjourned until Tuesday next.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. COX: The petition of Mary Ann Cornell, widow of Stephen Cornell, late private in Company I, One hundred and twenty-fifth New York Volunteers, for a pension, to the Committee on Invalid Pensions.

By Mr. FARWELL: The petition of William Wuthenow, for payment for services as second lieutenant Twenty-fourth Illinois Volunteers, to the Committee on Military Affairs.

Also, the petition of Clara Brosch, of Chicago, Illinois, for a pension, to the Committee on Invalid Pensions.

Also, the petition of citizens of Chicago, Illinois, for the restoration of the duty on imported prepared meats and Bologna sausages, to the Committee on Ways and Means.

By Mr. SAMPSON: Memorial of John J. Safely, of Iowa, in relation to strictures by the public press upon his adjustment of the weights of mails upon certain lines of western railways, to the Committee on Expenditures in the Post-Office Department.

By Mr. WALLACE, of South Carolina: Concurrent resolution of the Legislature of the State of South Carolina, praying the passage of a law to prohibit the issue of licenses by the Internal Revenue Department of the United States to retail liquors at large in contravention of State laws, to the Committee on the Judiciary.

IN SENATE.

MONDAY, *December* 13, 1875.

Hon. THOMAS M. NORWOOD, a Senator from the State of Georgia, appeared in his seat to-day.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Thursday last was read and approved.

PETITIONS AND MEMORIALS.

Mr. CAMERON, of Pennsylvania, presented the petition of Bayse N. Wescott, praying to be restored to the active list of the Navy; which was referred to the Committee on Naval Affairs.

Mr. ANTHONY. Mr. President, I present the memorial of Perez Peck and 2,325 others, members of the yearly meeting of the Society of Friends for New England, who state that they are solemnly impressed with a sense of the cruel and unchristian character of all wars, and respectfully and earnestly petition the Senate and House of Representatives in Congress assembled to enact such a law as shall make it the duty of the Government of the United States to negotiate with the governments of other nations for the establishment of an international court of arbitration, whereby all claims, differences, and grievances arising between nations entering into the compact shall be adjusted without appeal to the sword.

Mr. President, in presenting this petition, so very numerously signed by members of that religious society which by their peaceful and orderly bearing, by their obedience to law, by their temperance and frugality, and by their conscientious devotion to the truth, as it has been, from time to time, made known to them, have produced so deep an impression outside of their own organization, I should be false to the peaceful doctrines in which I was educated, if I did not bear my testimony to the truth of the statements of this memorial. It is, indeed, too much to hope that mankind will be prevented, entirely or mainly, from settling national disputes by the arbitration of the sword, but whatever goes in that direction is in the direction of humanity and civilization and of public and private virtue. A conspicuous and encouraging example of this was afforded by our own Government and England lately, very much to the advantage of both countries; and whatever nation attempts to walk in the ways of peace will promote its own prosperity and the civilization of the world, and we have divine authority that it will commend itself to the gracious favor of Almighty God. I move that this memorial be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. SPENCER presented the petition of Elizabeth E. Sinclair, of Alabama, praying indemnification for property destroyed by United States soldiers in the Creek Nation in 1833; which was referred to the Committee on Claims.

Mr. HOWE presented the memorial of the Green Bay and Minnesota Railroad Company, asking permission to construct a bridge across the Mississippi River at a point selected by the Legislatures of Wisconsin and Minnesota; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Wisconsin, praying that the law increasing the postage on merchandise, enacted at the last session, be repealed, and that a law be enacted authorizing the transmission thereof in packages of four pounds or less through the mails at a postage of one-half a cent per ounce; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WEST. I ask leave to present the memorial of quite a number of citizens of Louisiana, a thousand and odd, against the operations of what is known as "the little tariff bill," with respect to the duties upon wines, the memorialists claiming that they have been subjected to an onerous exaction under the provisions of that bill, and asking relief. I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. MERRIMON presented additional papers in support of the claim of Thomas H. Coates, of Raleigh, North Carolina, for property taken for the use of the United States Army; which were referred to the Committee on Claims.

Mr. INGALLS presented the petition of Jonathon G. Lang, late of Company B, First United States Dragoons, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the petition of Emily L. Herron, of Obion County, Tennessee, widow of George W. Herron, late private in Company I, Sixty-second Illinois Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the petition of Daniel Rodney King, late major of the Thirty-third Regiment Pennsylvania Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. INGALLS. I present also the memorial of sundry Pottawatomie Indians, praying payment, as provided by the tenth section of the treaty of 1867, for depredations committed upon their reservation in Kansas. Appended to this memorial are a large number of executive documents and communications from the heads of Departments, relating to the proof that has been taken in support of these claims. I move that the memorial be referred to the Committee on Indian Affairs and printed.

The motion was agreed to.

Mr. ENGLISH presented a petition of Morris Tyler & Co. and sundry other citizens of New Haven, Connecticut, praying for the repeal of the act establishing a system of bankruptcy throughout the United States; which was referred to the Committee on the Judiciary.

He also presented a petition of Dudley P. Ely and sundry other citizens of South Norwalk, Connecticut, praying the repeal of the bankrupt act; which was referred to the Committee on the Judiciary.

Mr. BOOTH presented the petition of Richard L. Law, commander United States Navy, praying to be restored to the original position in the Navy held by him prior to July, 1866; which was referred to the Committee on Naval Affairs.

Mr. GORDON. I am requested to present the petition of Mrs. Annie Wallingford, praying for remuneration for property alleged to have been taken by the United States Army during the late war. I move that it be referred to the Committee on Claims.

The motion was agreed to.

Mr. WITHERS presented resolutions of the Chamber of Commerce of Richmond, Virginia, in favor of an appropriation for the improvement of the James River; which were referred to the Committee on Commerce.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. FRELINGHUYSEN, it was

Ordered, That the petition and papers of Nathaniel G. Smith be taken from the files and referred to the Committee on Post-Offices and Post-Roads.

On motion of Mr. WEST, it was

Ordered, That the papers in the case of Catharine M. Pritchard, Daniel Edwards, and William F. Walsh be taken from the files and referred to the Committee on Claims.

On motion of Mr. MORRILL, of Vermont, it was

Ordered, That the memorial of Laban Heath & Co., praying compensation for damaged printing, be taken from the files and referred to the Committee on Claims.

On motion of Mr. BOUTWELL, it was

Ordered, That the petition and papers of J. R. D. Morrison be taken from the files and referred to the Committee on Claims.

On motion of Mr. EATON, it was

Ordered, That the papers in the case of Charles Pratt, Susan Dodge, and Daniel A. Dodge be taken from the files and referred to the Committee on Claims.

On motion of Mr. MITCHELL, it was

Ordered, That the petition and papers of W. L. Adams be taken from the files and referred to the Committee on Claims.

On motion of Mr. HITCHCOCK, it was

Ordered, That the petition and papers in the case of Albert Towle, postmaster at Beatrice, Nebraska, be taken from the files and referred to the Committee on Post-Offices and Post-Roads.

On motion of Mr. KEY, it was

Ordered, That Nancy Tipton have leave to withdraw her petition and papers from the files of the Senate.

On motion of Mr. STEVENSON, it was

Ordered, That the memorial, evidence, and all the accompanying papers of John Jay Anderson be taken from the files and referred to the Committee on Claims.

On motion of Mr. WINDOM, it was

Ordered, That the petition and papers of John R. Harrington be taken from the files and referred to the Committee on Patents.

On motion of Mr. COOPER, it was

Ordered, That the papers of Asa Faulkner, of Tennessee, be taken from the files and referred to the Committee on Claims.

On motion of Mr. COOPER, it was

Ordered, That the petition and papers of the Metropolitan police force of Washington, District of Columbia, praying authority to sue in the Court of Claims for additional compensation, &c., be taken from the files and referred to the Committee on the Judiciary.

On motion of Mr. CLAYTON, it was

Ordered, That the petition of William G. Ford, praying compensation for the use and occupancy by the Government of a certain building owned by him in Memphis, Tennessee, from 1862 to 1865, with the accompanying papers on the files, be referred to the Committee on Claims.

On motion of Mr. CLAYTON, it was

Ordered, That the petition of William G. Ford, praying to be allowed to prosecute before the Court of Claims a claim for certain cotton seized by the United States authorities in Alabama in 1865, with the accompanying papers on the files, be referred to the Committee on Claims.

BILLS INTRODUCED.

Mr. MORRILL, of Vermont, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 58) to pay the First National Bank of Saint Albans, at Saint Albans, in the county of Franklin and State of Vermont, the value of certain United States Treasury notes held by said bank as financial agent of the United States and forcibly taken therefrom by raiders from Canada in October, 1864; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. FRELINGHUYSEN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 59) to amend certain provisions of the Revised Statutes of the United States relating to the transportation of animals; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 60) declaring the true intent and meaning of

the Union Pacific Railroad acts approved July 1, 1862, July 2, 1864, and July 3, 1866, and for other purposes; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. WINDOM (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 61) for the relief of John R. Harrington; which was read twice by its title, referred to the Committee on Patents, and ordered to be printed.

Mr. EDMUNDS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 62) to authorize George B. Marsh to accept a certain present from the government of Switzerland and a present from the government of Italy; which was read twice by its title and, with the accompanying papers, referred to the Committee on Foreign Relations.

Mr. PADDOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 63) granting relief to Eva, Etta, Henry, and Guy Carleton, heirs of General James H. Carleton, deceased; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. HOWE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 64) to authorize the construction of a ponton bridge across the Mississippi River from some feasible point in Buffalo County, in the State of Wisconsin, to some feasible point in Winona County, in the State of Minnesota; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. KELLY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 65) conforming the boundaries of the State of Oregon to those fixed and defined in the constitution of that State as presented to Congress when applying for admission into the Union; which was read twice by its title, referred to the Committee on Territories, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 66) for the relief of the legal representatives of Chauncy M. Lockwood; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 67) attaching the Territory of Alaska to and making it a part of the Territory of Washington, and providing for a civil government therein; which was read twice by its title, referred to the Committee on Territories, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 68) for the improvement of the military wagon-road from Scottsburgh, Oregon, to Camp Stewart, Oregon; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. MERRIMON. Mr. President, very considerable sums of money are due persons in the Southern States and elsewhere in the Union for mail services rendered anterior to the late war, and for other services. The payment of such claims is prohibited by an act passed after the close of the war, and I ask leave to introduce a bill to provide for their payment.

By unanimous consent, leave was granted to introduce a bill (S. No. 69) to repeal so much of section 3480 of the Revised Statutes as forbids the payment of the accounts, claims, and demands therein named, and all laws and clauses of laws forbidding the payment thereof, and appropriating money to pay the same when duly established; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. SPENCER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 70) for the relief of Ana M. Rolas y Robaldo, widow of Francisco Robaldo, deceased; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 71) to protect persons of foreign birth against forcible constraint or involuntary servitude; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 72) to forfeit certain public lands granted to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast; which was read twice by its title, referred to the Committee on Railroads, and ordered to be printed.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 73) to extend the time for filing claims for additional bounty under the act of July 28, 1866; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 74) for the relief of Mark W. Delahay; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 75) to amend section 5138 of the Revised Statutes of the United States, permitting national banks to organize with a capital of $50,000 in towns irrespective of population; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. CONKLING (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 76) for the relief of David Ogden, Andrew Foster, and other ship-owners; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. MERRIMON. Section 4716 of the Revised Statutes prevents the payment of a class of pensioners who are rapidly passing away from the world. If the Government is going to do them any benefit, it ought to be done promptly and without any further delay. I ask leave, without previous notice, to introduce a bill repealing this clause.

By unanimous consent, leave was granted to introduce a bill (S. No. 77) to repeal section 4716 of the Revised Statutes; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. EDMUNDS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 78) to extend the duration of the court of commissioners of Alabama claims; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

EXTRADITION OF FUGITIVES FROM JUSTICE.

Mr. MORRILL, of Vermont. I offer the following resolution:

Resolved, That the Committee on Foreign Relations be instructed to inquire into the expediency of providing, by general law, for the extradition of fugitives from justice upon the proper application and proof by the governments from whence they may have escaped, and also as to the propriety of refusing asylum to fugitive criminals, and removing them from the country.

Mr. President, a few words only. I do not desire, of course, to have any law that will trench upon the general privilege of giving an asylum to foreigners in this country; but it seems to me that this is a matter of sufficient importance to be legislated upon generally by all nations of the world. Certainly I can conceive of no reason why we should desire to furnish an asylum for fugitives from justice from any quarter of the world. It seems to me that we ought to be willing to get rid of all the rascals that come to this country in the speediest manner possible.

Mr. President, there is another branch of the resolution. It is well known that we have a large number of criminals coming to our shores almost weekly, and it does appear to me that we ought to have some means by which we can prevent this country from becoming the general asylum for fugitive criminals. It seems to me that we can raise up enough of our own, without increasing the number by those coming from abroad.

The resolution was considered by unanimous consent, and agreed to.

CHANNEL OF CUMBERLAND SOUND.

Mr. CONOVER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be requested to communicate to the Senate his views as to the importance and practicability of improving the channel of the entrance to Cumberland Sound, with estimates of the probable cost of the construction.

REPORTS OF PUBLIC ACCOUNTS.

Mr. DAVIS. I offer a resolution, which I send to the desk.

The resolution was read, as follows:

Whereas by the second section of the act of Congress entitled "An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments," approved March 3, 1809, (2 Statutes at Large, page 536,) it was enacted that "the said Comptroller of the Treasury should also lay an annual statement before Congress, during the first week of their session, of the accounts in the Treasury, War, and Navy Departments which may have remained more than three years unsettled, or on which balances appear to have been due more than three years prior to the 30th of September then last past, together with a statement of the causes which have prevented the settlement of the accounts or the recovery of the balances due to the United States;" and whereas by section 13 of the act entitled "An act to provide for the prompt settlement of the public accounts," approved March 2, 1817, (3 Statutes at Large, page 368,) it was enacted "that it shall be the duty of the Secretary of the Treasury to cause all accounts of the expenditure of public money to be settled within the year, except where the distance of the places where such expenditures occur may be such as to make further time necessary; and in respect to expenditures at such places, the Secretary of the Treasury, with the assent of the President, shall establish fixed periods at which a settlement shall be required; and it shall be the duty of the First Comptroller to lay before Congress annually, during the first week of their session, a list of such officers as shall have failed in that year to make the settlement required by law;" and whereas it is asserted that no report to Congress pursuant to said statutes has been made since March 2, 1865: Therefore,

Be it resolved, That the Secretary of the Treasury is hereby requested to inform the Senate whether such reports have been made since March 2, 1865; and, if not, why not.

And whereas by section 272 of the Revised Statutes, approved June 22, 1874, page 44, it is enacted "that the First Comptroller shall make an annual report to Congress of such officers as shall have failed to make settlement of their accounts for the preceding fiscal year within the year, or within such further time as may have been prescribed by the Secretary of the Treasury for such settlement;" and whereas it is asserted that no report has been made pursuant to said last-named section and statute: Therefore,

Be it resolved, That the Secretary of the Treasury is hereby requested to inform the Senate whether any such reports have been made; and, if not, why not.

Mr. DAVIS. Mr. President, in offering the resolution which has just been read it is not my intention to reflect in any way or manner on the present able and efficient head of the Treasury Department; but, as I view it, the requirement of the law of 1809, and also of the Revised Statutes, has not been complied with, and, in my judgment, it is proper and right that it should be, so that the people of the country, as well as those who are to frame legislation, may know who are the defaulters to the Government. It is known that partial statements, called for by resolution of Congress, have been made from time to time, and I have before me one made in answer to a resolu-

tion of the House of Representatives in February, 1871, by which, in the Internal Revenue Department alone, over twenty million dollars appear to have been in default to the Government.

It was my intention to ask that this resolution lie on the table and be printed, so that every one can see just exactly what it is, and at an early day I will call it up for the action of the Senate.

Mr. SHERMAN. I think the resolution had better be referred. As a matter of course, if the law requires these reports to be made, they ought to be made; but this resolution is confessedly based upon assertions the authority for which has not been given to the Senate, and we ought not to pass a resolution of this kind until, by its committee, the Senate has some foundation for action. It ought to be informed of the nature of these assertions and the basis of them. I think the better way would be to refer the resolution to the Committee on Finance. If reports have not been made as required by law, I, for one, can assure the Senator there is no doubt about the disposition of the Senate to call for them; but I object to the passage of a resolution of this kind, or the consideration of it, based on assertions the authority or foundation for which is not given, without a reference to a committee. I suggest to the Senator from West Virginia that the better course would be to refer the resolution to the Committee on Finance, and if it shall appear that these reports have not been made according to law, as a matter of course there can be no objection to the passage of a resolution calling for them and inquiring the reason why they have not been made.

Mr. DAVIS. I did not ask for the present consideration of the resolution; I desired it to be printed so that the members of the Finance Committee and all others might see precisely what it called for. I shall have no special objection to its going to the Finance Committee, with the understanding that at an early day it shall be reported back. The chairman of the Finance Committee and the Senate will recollect that probably at two previous sessions I offered resolutions calling for a list of defaulters, and in each case my call was refused by the Senate from some cause; it was once reported against by the committee, and at another time the Senate laid the resolution on the table, not desiring to act upon it. Now I wish the law to be complied with and the country to have this information. I believe there are immense sums due the Government by defaulters which can and ought to be collected.

Mr. SHERMAN. The Senator is mistaken as regards the action of the Senate and of the committee in relation to the former resolutions. The Committee on Finance did promptly report back one resolution of his with a statement that all the information called for by it which was material had already been printed, and, if I remember correctly, I produced the documents and referred the Senator to them, in which in printed reports already sent from the Executive Departments to Congress we found all the information that he called for except matters of detail which, if given, would overload our tables and occupy the Public Printer for days. If this is the same resolution that was offered at the last session, I am prepared at once to vote against it.

Mr. DAVIS. It is not the same.

Mr. SHERMAN. But if it is different, as I inferred it to be from the reading of the resolution, as a matter of course it ought to be examined, and if the assertions contained in the paper are true these reports should be required to be made. But as the Senator himself does not make the assertion, and only says it is asserted so and so without giving the authority, as a matter of course the Committee on Finance ought to inquire into the truth of the assertions, and if they are true there will be no disposition to prevent the making of these reports.

Mr. DAVIS. Mr. President——

Mr. BOUTWELL. Will the Senator from West Virginia allow the resolution to be again reported from the Clerk's desk?

Mr. DAVIS. I have no objection at all.

The PRESIDENT *pro tempore*. The resolution will be again read.

The Chief Clerk read the resolution.

Mr. DAVIS. Mr. President, the reports called for by the resolution were made from 1809 annually until 1865. Since that time I have been unable to find any such report whatever. I hold in my hand one made in 1847, one made in 1856, one made in 1860, and one in 1865. Since 1865 I have been unable, from any source, to find a report made in pursuance of the laws quoted in the resolution. I inquired at the Treasury Department of the First Comptroller, whose duty it appears to be by the law to make them, and the answer was that he believed none had been made since. It is my belief, from a careful examination, that the reports have not been submitted.

Now, a word as to what the Senator from Ohio says in regard to the resolution of last year. I hold in my hand the report made by the Committee on Finance upon it. In that report the then Secretary of the Treasury is quoted as saying that he knew of no public necessity for such information. He further said that it would take from three to six months and cost $75,000 to give the information of who was indebted to the Government. If that be so, the greater the necessity at once for it. What would be thought of a business house, or of a corporation, or of any one who was doing any business whatever, who could not turn to his ledger as fast as he could call out the names and tell who was indebted to him? It would at once be said that there was a great necessity for examining into such a condition of affairs.

I have no disposition to call for any information that has been already furnished, and I think if the Senator from Ohio will examine the resolution and then see what it bears upon, he himself will agree that the information for which it calls has not been furnished. So far as I have been able to find, neither the Department of Justice nor the Freedmen's Bureau has made any report whatever of the defaulters in either since 1865, and there have been only partial reports from some of the other Departments as called for by a resolution of the House. The Senate, I believe, has not passed many resolutions of inquiry of this nature, but has always in some form or other voted them down or got rid of them.

Mr. THURMAN. Mr. President, this, as I understand from the reading of the resolution, is simply an inquiry. It is not an inquiry for the names of defaulters, to which objection was made before that it would take, I believe, six months or three months and a large expenditure of money to furnish that list. It is a very extraordinary and deplorable state of affairs if it would take three months and a large expenditure of many thousand dollars to furnish a list of the defaulters to the Government. It would be a very bad showing for the Government if the list of defaulters is so numerous that it would take three months and a large expenditure of money to furnish that list to Congress. But this resolution does not call for any list of defaulters. It presents, as I understand it, a specific inquiry, why certain reports required by law have not been made; an inquiry that can be answered in half an hour; an inquiry that it requires no time or no very considerable time to answer—that requires no expense to enable the Secretary to answer it. Why should this inquiry, then, be referred to the Committee on Finance? The only reason given by my colleague, who suggests its reference to that committee, is that the resolution says it is asserted that no such reports have been made since March 2, 1865. There is no doubt about the law. The laws are upon our statute-books. There is no question then as to what is or what has been the law; but the simple question is, have these reports been made? Now, why shall we not inquire of the Secretary of the Treasury? I take it that if the resolution were to go to the Finance Committee, the very first thing that committee would do would be to send a copy of it to the Secretary of the Treasury or the First Comptroller to know whether those reports had not been made. Why shall we not send it direct?

Surely we know in respect to one of these reports—that required by the Revised Statutes—that we have received no such report at this session, although the law requires it to be made in the first week of the session, but that week has just elapsed, and there may be good reasons why it has not been sent in pursuant to the requirement of the law. But in respect to the other, what is the statement of the Senator from West Virginia? That he has searched and can find no such report since March 2, 1865; and that he has been informed by the First Comptroller, whose duty it is to make this report, that it is his belief that no such report has been made since March 2, 1865. What more do you want on which to found the assertion in the resolution?

It seems to me, sir, that there is no propriety in sending this mere resolution of inquiry to any committee at all. Let it go at once to the Secretary of the Treasury, and if the reports have been made, or if there is sufficient reason why they have not been made, he can answer it, and he can answer it promptly, and without any expense whatsoever to the Government.

Mr. SHERMAN. Mr. President, I have but a word to say in reply to my colleague, and it is a word that will apply to all resolutions of this kind which are introduced into the Senate of the United States. Here is a resolution that recites several statutes, one as old as 1809, and which does not seem to have been carried into the Revised Statutes of the United States. It recites a number of other statutes, to which we have had no opportunity to refer. It also asserts three or four different propositions of fact, the truth of which is not vouched for even by the Senator from West Virginia, because he simply says that he asked a certain officer, the Comptroller, whether or not these reports had been sent in, and he was informed that he thought not. He therefore did not go to the proper source of information. It seems to me, under these circumstances, all such resolutions of inquiry involving expense, involving the examination of laws, ought to be sent in the first place to the appropriate committees; and my colleague would in a similar case, on behalf of a committee in which he was concerned, insist upon it that his committee charged with the particular matters should examine the allegations contained in the resolution before the action of the Senate should be had upon it. All I desire is to see whether or not the allegations contained in this resolution are true. If so, as a matter of course the reports ought to be made and the information furnished, unless some satisfactory reason be given to the contrary. It may be, and I think it is probably true, that the very first thing the Committee on Finances would do would be to send to the Treasury Department to ascertain whether these documents have been sent, whether the assertions contained in this resolution are true; and that is the proper course to be pursued. The Senate ought not to resolve upon an assertion until it has by its proper committee examined to see at least whether there is ground for that assertion. Therefore, in this as well as in all other cases of like kind where information is called for, wherever there is a doubt about any fact or statement in a resolution, that fact ought to be ascertained before the Senate passes the resolution and thus precludes to that extent the examination of the fact. I have no objec-

tion to the printing of the resolution as a matter of course; but I move that it be referred to the Committee on Finance in the ordinary way.

Mr. THURMAN. One word. I must dissent from the statement of my colleague, that wherever a question of fact arises the Senate is first to ascertain what the fact is. Why, sir, the very object of the resolution is to ascertain the fact by inquiring at the proper Department. If we knew the fact, there would be no necessity for inquiry. It is because there may be a question whether or not such is the fact that we respectfully inquire of the proper officer to state whether or not the reports have been made; and, if they have not been made, then the resolution gives him an opportunity to explain why they have not been made. I can see no earthly reason for a reference of this resolution.

Mr. MORRILL, of Vermont. Mr. President, I think it has been the general sentiment heretofore on all sides of the Chamber that resolutions of this kind, involving a large expenditure in the preparation of the information to be received——

Mr. DAVIS. Allow me to correct my friend. The resolution only asks the Secretary of the Treasury whether or not these reports have been made. It makes no inquiry as to whether they are proper or not. The simple question it presents is whether the reports have been made. It involves no expense whatever.

Mr. MORRILL, of Vermont. It seems to me that that does not change the aspect of the question very much. If they have not been made, of course that involves the second question, that they will be called for, and, therefore, will involve a large amount of expense. All of these resolutions asking for information ought to be based upon something more than the lack of information of a single member of the Senate. Such a proposition should go to a committee and be reported upon.

And now, in relation to this very matter, last year we had a statement of the accounts of the Treasury containing all these items; it was reported by the chairman of the Committee on Printing; a very bulky document, probably involving a larger amount of expense to print it than any other document that was presented. After lying here on the table several days, I think it was almost the unanimous consent of the Senate that the printing of that bulky document should not be asked for.

Mr. DAVIS. What report was that?

Mr. MORRILL, of Vermont. I do not know that the Senator from West Virginia saw it, but I certainly saw the document here and looked it over at my leisure, and it was of immense bulk. I have no objection to having the information that the Senator from West Virginia seeks, but I am not certain that it has not been already furnished in reports heretofore made. I think the Senate will be in an awkward position when it asks for this information if it has already been communicated to the Senate; and therefore I am in favor of referring the resolution to the Committee on Finance.

Mr. DAVIS. I could not catch what report it was that the Senator from Vermont referred to which was on the table.

Mr. MORRILL, of Vermont. A statement of the accounts of the Treasury Department.

Mr. DAVIS. Did that contain the defaulters? "No," some Senator says; and I say "no" too.

Mr. MORRILL, of Vermont. It did.

Mr. DAVIS. No; it was different information *in toto*. I was careful in drawing this resolution to avoid stating any fact; I merely said it was asserted to be so. I am confident, though, that no report of the defaulters has been made since 1865; I am confident that the law has been disregarded since that time, and this resolution is simply to ask the Secretary of the Treasury whether or not the reports have been made. He can answer yes or no; and that is the whole of the resolution—all it seeks for and all it asks for. I see no use whatever in referring it to any committee, unless you want it to die as others have done—unless the purpose is to strangle it.

Mr. ANTHONY. Mr. President, my recollection is that a very bulky volume, or several volumes—I think there were four or five—of the disbursements of the Treasury, and a statement of the accounts of the debtors of the Government, were presented here, and it was the opinion of some gentlemen on the other side that they ought to be printed. But, after examining the volumes, the Committee on Printing, I think, unanimously—my friend from Delaware [Mr. SAULSBURY] will correct me if I am mistaken—thought they had better not be printed. I brought them here and laid them on this desk, called the attention of the Senate to the fact that we thought they were not worth the cost of printing; that really they afforded no information; they gave no information except that which was merely technical; and as to figures——

Mr. DAVIS. The Senator from Rhode Island will allow me to say that my recollection is that that was a statement of the expenditures, not of defaulters; it did not touch them at all.

Mr. ANTHONY. I think there was a list of the defaulters, but I may be mistaken; it was some time ago.

Mr. THURMAN. Will the Senator allow me to correct him? I think I can bring the case to his recollection. There is a different statute from either of those recited in this resolution which requires a report to be made every year of the expenditures of the public money, giving the name of every individual to whom even a dime has been paid, with a reference to the act under which the money was appropriated for that payment. That is a very old statute, and it was complied with, I think, every year before the war; and you find each year a book called "Public Accounts"—that is the label on the back of the book which contains that itemized statement of the expenditures of the Government. For some reason or other, perhaps owing to the multitude of payments during the war, and the Department being occupied with such matters, that report was not made. Some years ago, perhaps as many as four, I introduced a resolution asking why that report had not been made. Some one requested, I think, that it might lie on the table—I am speaking from recollection alone—until some inquiry could be made at the Department. It was looked at, and the report was then made. It was a most voluminous affair. It was referred to the Committee on Printing of the Senate to know whether it should be printed. The chairman of the Committee on Printing, as I had moved in the matter, invited my attention to the subject. We examined it. I must say that the law had not been complied with strictly, and the fact was that the report, which would have made a volume nearly as large as the Revised Statutes, contained nothing in the world but the names of persons who had received money and the amount paid to them. It was really of no use whatever to print it. That had no reference whatever to defaulters; it was simply a report of the expenditures of the Government, itemized so as to give the name of each individual who had received any public money and the amount that he had received. It was on a wholly different subject, and was made under a wholly different statute from that which is now before the Senate.

Mr. ANTHONY. I may be mistaken, but my impression is very distinct that there was a list of the debtors of the Government there.

Mr. THURMAN. No.

Mr. SHERMAN. The very dispute here between Senators as to what are the contents of a report which was laid on our tables shows that this resolution, asserting a certain state of facts, ought to be referred before the Senate acts upon it. I am rather inclined to think that the law of 1809 has been repealed. It does not seem to be in the Revised Statutes.

Mr. THURMAN. I will say to my colleague that whenever he comes to investigate that subject, I think he will find a very curious state of affairs; that the most material provisions of the laws of 1809 and 1817 were left out of the Revised Statutes without ever having been repealed, although the Revised Statutes profess to be the laws in force on the 1st of December, 1873.

Mr. SHERMAN. Then, according to my colleague, the basis of this inquiry is a law of 1809, which, by the judgment of Congress in acting upon the Revised Statutes and by the judgment of the commissioners, has been repealed.

Mr. THURMAN. That did not obviate the necessity of making the reports while the law was in force.

Mr. SHERMAN. That may be so; but this resolution calls for a reason why the report has not been made at this session. The time for it has not yet come, nor will it until to-day or to-morrow; but, at all events, the allegation lying at the basis of this resolution is that the law which requires these reports is still in force, although, by the judgment of Congress and by the opinion of the various boards who prepared the volume of Revised Statutes, the law has been repealed. It seems to me that that is the best commentary on this class of resolutions. It seems to me that the Senate ought, in every case where a resolution is presented that involves a single matter of doubt, whether of fact or of law, to send it to a committee in order to ascertain whether the resolution itself, before it receives the sanction of the Senate, contains the true fact and the true law; and in this case as well as in all other cases committees are made to see that the Senate does not commit any mistake of that kind. Now, sir, it would be a very singular thing if the Secretary of the Treasury, or whoever may be the proper officer, in answering this resolution, should say to us that the law of 1809, on which the resolution is based, has been itself repealed, and then we should be put in the position of calling for information why a certain law has not been complied with that has been repealed.

But, Mr. President, I simply move that the resolution be referred to the Committee on Finance.

Mr. DAVIS. I understood the Senator from Ohio as saying that the law of 1809 had been repealed. While we might differ in that particular, he did not speak of the law of 1817, which specially called for this report, and that, we all know, has not been repealed, because it is copied in part into the Revised Statutes. The Revised Statutes require the report mentioned in the latter clauses of the resolution. The Senator from Ohio speaks of the present session of Congress——

Mr. BOUTWELL. Will the Senator from West Virginia refer to the section of the Revised Statutes which calls for a report of the defaulters to the Government?

Mr. DAVIS. The resolution refers to the law, on page 42 of the volume, section 272.

Mr. BOUTWELL. Now, if the Senator from West Virginia will listen, I think he will see that that section does not call for what he supposes it does.

SEC. 272. The First Comptroller shall make an annual report to Congress of such officers as shall have failed to make settlement of their accounts for the preceding fiscal year within the year, or within such further time as may have been prescribed by the Secretary of the Treasury for such settlement.

It does not refer to defaulters at all. It does not refer to the subject the Senator from West Virginia seems to have in mind.

Mr. DAVIS. The provision as to further time applies where officers live at a great distance, according to the act of 1817.

Mr. BOUTWELL. I take it for granted that this Senate would not infer that the law of 1817 is operative, or was operative previous to the passage of the Revised Statutes, unless it is found in the Revised Statutes; certainly not on the judgment of any single Senator, however learned in the law he may be.

Mr. DAVIS. When we come to examine this question more fully, we shall find a singular state of things existing, arising from that to which the Senator from Massachusetts has called our attention. But, Mr. President, I hold in my hand the reports made in 1865, in 1860, and in 1847. [Exhibiting documents.] These are the reports that the Senator speaks of as involving such an immense amount of printing and costing so many thousand dollars. They cover only a few pages each. I have taken these three as samples; and it will be seen that they did not involve any great amount of clerical labor. These reports were made regularly, as I understand and believe, up to 1865, but none since then. The Senator from Massachusetts, who has been Secretary of the Treasury, has read the section of the Statutes which speaks of such further time as the Secretary may direct. I will ask that Senator whether, during his period of service there, he directed the allowance of any further time? If not, the law required settlement to be made within the year.

Mr. BOUTWELL. The point I make is, that this provision of the statute does not refer to defaulters at all, but to persons who have not settled their accounts within the year or within such further time as may have been allowed by the Secretary of the Treasury; and we have no information upon it, as the Senator says. Therefore we are bound to infer that there are no such persons. There may be a great many defaulters; but nevertheless the statute does not require the Secretary of the Treasury or the Comptroller of the Treasury to furnish a list of the defaulters. It may be wise for the Senate to have such a list; I am in favor of having it; but what I wish to impress upon the Senator from West Virginia is, that he has misapprehended the provision of the statute, and that if it appears that the Secretary of the Treasury has not furnished a list of the defaulters, it nevertheless does also appear that he has not violated the statute to which the Senator refers.

Mr. DAVIS. The Senator from Massachusetts was Secretary of the Treasury at a time when the Revised Statutes were not in force, and when the law of 1817 was in force. Then it was clear, as I understand, by that law that these reports should be made.

Mr. BOUTWELL. The Senator must admit that the Revised Statutes are to be taken, until the contrary is shown, as being the embodiment of the laws which were in force at the time and previous to the time of the enactment of the Revised Statutes; and if we do not find in the Revised Statutes the law of 1817 re-enacted or reproduced, and he does not find a repeal of it within the time when the Senator from Massachusetts occupied the office of Secretary of the Treasury, it follows naturally, logically, and legally that the law of 1817 was not in force when he held the office of Secretary of the Treasury.

Mr. DAVIS. Senators may differ very much as to what the present law is as found in the Revised Statutes. I have consulted lawyers—at least one or two of prominence—and they construe the statute very differently from the Senator from Massachusetts. They believe it to be his duty now under that statute, as certainly it was under the law of 1817, to make these reports; but, as I understand, they have not been made for ten years.

Mr. EDMUNDS. May I ask the Senator from West Virginia to read to us the act of 1817 upon which he relies?

Mr. DAVIS. It is in the resolutions.

Mr. EDMUNDS. But I have tried to read the resolution, and I should think I had written it myself; it is so bad I cannot read it. [Laughter.]

Mr. DAVIS. The law referred to is sections 13 and 14, page 368, of the third volume of Statutes at Large.

Mr. EDMUNDS. I thank the Senator.

Mr. THURMAN. I do not want to take up further time with this matter, except to say only a word. I do not think we are to get away from the real point in this case by the observation of the Senator from Massachusetts that these acts of Congress do not relate to defaulters. I think they do relate to defaulters. The act required that the accounts of these officers should be settled within the year, unless, owing to the distance of the officer from the seat of Government, the Secretary of the Treasury for that special reason should extend the time within which he might settle his accounts; and if he has not settled his accounts within the year, or within the further time granted by the Secretary of the Treasury, he is a defaulter. But that is not the question really here, whether this is to be a report of the defaulters to the Government or not, or whether it is to be a report of those whose accounts have not been settled. There is no denying the fact that the law requires the report, whatever that report may be, and this resolution inquires whether the report has been made, and, if not made, why it has not been made; and that is all there is of it. It is not necessary at all to go into the character of what the report would be if made. It is sufficient that this Government from 1809 has considered this report to be a thing that ought to be made to Congress for good and sufficient public reasons; and now, if the acts have not been repealed and the reports have not been made for ten years, Congress ought to know why they have not been made. That is the whole of it.

Now, I do not undertake to say with absolute positiveness that there may not have been a repeal of the acts, or of some portion of them, of 1809 and 1817; although I am told by some who have examined the question that they can find no such repeal. But there is no presumption, as the Senator from Massachusetts seems to suppose, that because those acts are not found as a whole re-enacted in the Revised Statutes of 1874, therefore they were repealed as early as 1865——

Mr. BOUTWELL. The Senator from Ohio unintentionally leaves out one element of my statement. If it was not found that they were repealed after the Senator from Massachusetts took the office of Secretary of the Treasury, it is then to be presumed that they were previously repealed or not operative while he was in the office.

Mr. THURMAN. I do not know any presumption at all that arises from their not being found in the Revised Statutes of 1874, except that the commissioners did not consider them in force on the 1st day of December, 1873. That is all. There is no presumption that they were not in force in 1865, and 1866, and 1867, and 1868, and so on, unless a presumption should arise from the fact that the reports were not made; that could be the only thing. But when we come to look at the other fact which has been mentioned here this morning, that the law which was plainly in force, requiring a detailed statement of the expenditures of the Government, was not complied with for many years——

Mr. BOUTWELL. I think the Senator is in error about that. I have before me here a printed statement of the receipts and expenditures of the Government for the year ending the 30th June, 1872.

Mr. THURMAN. O, yes; but the Senator will find that some time elapsed, more than the law required, before there was any other report after 1872.

Mr. BOUTWELL. I cannot say about that; but I will say, however, that such reports have been made to Congress since 1872, but they may not have been printed.

Mr. THURMAN. One was made after I introduced a resolution calling for it.

Mr. BOUTWELL. If they were not printed, it was the fault of Congress.

Mr. THURMAN. One of them was made after a resolution was introduced calling for it. But I do not wish to prolong this discussion. The whole simple question is this: we ask the Secretary of the Treasury, who is most familiar with the laws governing his Department, two simple interrogatories: first, have these reports been made; secondly, if not, why not? If the laws have been repealed, his answer will be "They have not been made because the law requiring them was repealed." If the law is in force and the reports have not been made, then, I suppose, he will give the best reason he can; but what it will be I cannot foresee.

Mr. CONKLING. Will the Senator allow me to ask him a question?

Mr. THURMAN. Certainly.

Mr. CONKLING. Does he think it would be a becoming, I will not say a grave proceeding, for the Senate deliberately to pass a resolution asking the Secretary of the Treasury why he had not done such a thing, and receive answer from him that he had not done it because the law requiring it had been repealed? The Senator has heard sometimes in court of making vain or blank motions. Would it not be very odd for this body to pass a resolution asking the Secretary why he had not complied with a certain law without ever taking the trouble to find out whether there was such a law or not? I apprehend the honorable Senator would hardly advise us to do that: send to the Secretary to find out whether a law exists or not, by putting to him a question why he does not execute that law, and receive as an answer that there is not any such law!

Mr. THURMAN. I do not think myself there would be anything very strange in it. Here is a law on the statute-book. Those who have looked into the statute-book find no repeal. It may possibly be that, owing to imperfect indexing or the like, a repealing act has been overlooked. If the law has been repealed, the Secretary of the Treasury surely knows it; and, just as the Executive Department may ask the Attorney-General for a legal opinion, we may ask the Secretary of the Treasury whether these reports have been made, and if not, why not. I confess that, although I claim to know a little bit of law, I should not be very much ashamed to ask the Secretary of the Treasury that very question; and if this resolution goes to the Committee on Finance, the first thing that committee will do will be to ask that very question.

Mr. CONKLING. Would not the Senator accept, although he is not the mover of the resolution, an amendment inquiring first of the Secretary whether there is any such statute or not; and then, second, if there is, whether he has executed it; and, third, if he has not, why he has not? That I think would cover the whole ground in the view that the Senator suggests now.

Mr. THURMAN. I think the resolution is in very good form. I would not amend it at all.

The PRESIDENT *pro tempore*. The question is on the motion to refer the resolution to the Committee on Finance.

Mr. DAVIS. It appears to me that, when the resolution simply asks the Secretary of the Treasury whether or not these reports have been made, it is unnecessary to send it to the Finance Committee or

any other committee. When I introduced the resolution my intention was to let it be printed and lie on the table until to-morrow, and then call it up; but the Senator from Ohio has moved its reference to the Committee on Finance. I hope he will withdraw his motion or not insist upon it. The resolution asks for no printing, and would cause no delay. It will certainly cause some delay to send it to the Finance Committee. It is, I think, a fact—I believe it after examination—that no reports of this kind have been made since 1865. I said in my opening remarks that it was not my intention in any way or manner to reflect upon the present incumbent of the Treasury Department, for I believe he is doing his duty; and I had no thought about the present session. The present session has been named, and I referred to this practice that far only; but my thought was, why for the last ten years these reports have not been made; and whenever such resolutions have been offered here—I believe I have offered two or three myself in some way or other—they have been disposed of by the Senate so as not to get the information. Now, I hope that the chairman of the Finance Committee will withdraw his motion for reference. If not, I ask for the yeas and nays.

Mr. SHERMAN. If the Senator desires to have this matter go over until to-morrow, I have no objection; but I will not withdraw my motion to refer. I give notice, on the contrary, that I will offer this motion to refer all resolutions of inquiry where disputed questions of fact or law are involved.

Mr. CONKLING. Let it go over now.

Mr. SHERMAN. I am perfectly willing to let it go over until to-morrow.

The PRESIDENT *pro tempore*. The question is on the motion to refer the resolution to the Committee on Finance.

Mr. DAVIS. I ask for the yeas and nays.

Mr. STEVENSON. I hope the resolution will be printed, and let us look at it and see whether there has been a repeal of the law of 1809. If the resolution is printed every Senator will have an opportunity for himself to look at the Revised Statutes, and we can certainly then vote more advisedly upon the resolution itself or upon the motion to refer I hope it will be printed and laid on the table.

The PRESIDENT *pro tempore*. Does the Senator from Ohio insist on his motion to refer?

Several SENATORS. Let it go over.

Mr. SHERMAN. I do insist upon the motion, but I have no objection to letting it go over until to-morrow.

The PRESIDENT *pro tempore*. Objection being made, the resolution will lie over under the rule, and be printed.

Mr. EDMUNDS. Objection was not made to the resolution being received and considered. It was received and considered, and a motion is pending to refer it.

The PRESIDENT *pro tempore*. The Senator who made the motion has withdrawn it. The Chair asked the chairman of the Committee on Finance if he insisted on his motion, and he said he did not.

Mr. EDMUNDS. I understood him to say he did.

The PRESIDENT *pro tempore*. Then the Chair is misinformed.

Mr. SHERMAN. I said this: that I certainly would insist on the motion to refer, but whether the vote was taken to-day or to-morrow I was perfectly indifferent. The Senator from Kentucky desires to have the resolution printed, and I think there can be no objection to that.

Mr. EDMUNDS. The matter may be postponed until to-morrow.

The PRESIDENT *pro tempore*. By common consent. Is there objection to postponing it until to-morrow? The Chair hears none. The resolution will be ordered to be printed, if there be no objection.

DUTIES OF INDIAN AGENTS.

Mr. STEVENSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior inform the Senate, if not deemed incompatible with the public interest, whether the duty imposed upon each Indian agent by the tenth section of the act making appropriations for the current and contingent expenses of the Indian Department for the year ending 30th of June, 1876, and for other purposes, approved March 3, 1875, requiring each Indian agent to keep a book of itemized expenditures of every kind, with a record of all contracts, together with the receipts of money from all sources, has been complied with by the said agents.

EXECUTIVE BUSINESS.

Several executive messages were received from the President of the United States, by Mr. LUCKEY, his Secretary.

Mr. MORTON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were re-opened, and (at one o'clock and forty minutes p. m.) the Senate adjourned.

IN SENATE.

TUESDAY, *December* 14, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Attorney-General, transmitting the annual report of the operations of the Department of Justice; which, on motion of Mr. EDMUNDS, was referred to the Committee on the Judiciary, and ordered to be printed.

He also laid before the Senate a letter of the Secretary of War, transmitting, in obedience to law, the report of Major C. B. Comstock, Corps of Engineers, of his recent inspection of the work of improvement of the South Pass of the Mississippi River; which was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

Mr. CONKLING. Mr. President, I present a communication which may be termed a memorial to the two Houses of Congress by Mr. Thomas J. Durant, who had much to do with codifying the statutes, pointing out some imperfections in those statutes. I move its reference to the Committee on the Revision of the Laws.

The motion was agreed to.

Mr. CONKLING. I present a petition of the First Baptist church of Harlem, New York, signed by the pastor and others, asking for a commission of inquiry concerning the alcoholic liquor traffic; a like petition of the Grand Lodge of Good Templars of the State of New York, signed by the officers; and a similar petition from the Grand Temple of Honor and Temperance of the State of New York, signed by the proper officers. Such petitions, I think, went at the last session to the Committee on Finance. I move the reference of those I now present to that committee.

The motion was agreed to.

Mr. HAMLIN presented the petition of the Methodist Episcopal church of Newton, Massachusetts, signed by the pastor and officers, asking for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. FRELINGHUYSEN presented the petition of the South Park Presbyterian church and congregation of Newark, New Jersey, signed by the pastor and other officers, and the petition of the Supreme Council of Templars of Honor and Temperance, representing 17,000 members, asking for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which were referred to the Committee on Finance.

Mr. WRIGHT presented the petition and papers of Christopher Stucke, asking compensation for certain property taken and destroyed by the United States Army in Ascension Parish, Louisiana, in 1863; which were referred to the Committee on Claims.

Mr. SARGENT presented the petition of the Grand Lodge of Good Templars of the State of California, signed by the officers, representing 211 subordinate lodges and 10,132 members, asking for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. PATTERSON presented the petition of the mayor of the city of Charleston and of the Chamber of Commerce of that city, praying for an appropriation for the improvement of the harbor of Charleston; which was referred to the Committee on Commerce.

Mr. MORRILL, of Vermont, presented the petition of the Woman's Christian Temperance Union, of the city of New York, signed by the president and secretary, asking for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. WINDOM presented the memorial of E. P. Newell & Co. and 60 other citizens of Sauk, Wisconsin, praying an appropriation sufficient to complete the Fox River improvement, and also to construct an ample canal along the bank of the Wisconsin River from Portage City, Wisconsin, to the Mississippi River, in accordance with the third plan recommended by Major-General Warren, of the United States Engineer Corps; which was referred to the Select Committee on Transportation Routes to the Seaboard.

Mr. HOWE presented the petition of the Grand Lodge of Good Templars of the District of Columbia, signed by the officers, representing 230 members, asking for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. KERNAN presented the petition of Theodore Borcham, late master of the ship Areole, praying to be indemnified out of the Geneva award for the destruction of that ship by the rebel cruiser Tallahassee; which was referred to the Committee on the Judiciary.

Mr. SHERMAN presented the petition of the Grand Division of the Sons of Temperance of the State of Ohio, signed by the officers, representing 8,000 members, and the petition of Samuel B. Smith, Rev. E. F. Wells, and 6 other clergymen of Springfield, Ohio, asking for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which were referred to the Committee on Finance.

Mr. COOPER presented the petition of William L. Nance, of Tennessee, praying compensation for property taken and used by the Government; which was referred to the Committee on Claims.

Mr. BOGY. I present by request a petition of the Grand Division of the Sons of Temperance of Missouri, signed by several persons, asking for the appointment of a commission of inquiry to examine into the alcoholic liquor traffic. Although I am opposed to anything of this kind, I present the petition by request. I think such matters had better be left to the States. I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

Mr. JONES, of Florida, presented a memorial of the Fruit-Growers'

Association of Florida, praying Congress to set apart in that State a district where may be concentrated the different plants which might be favorably propagated on its soil, and that for this purpose skilled horticulturists may be employed to locate such grounds, and that sections of the garden be appropriated to the different classifications of the flora of the region of Florida; which was referred to the Committee on Agriculture.

Mr. BAYARD. I am requested by Mr. A. M. Powell, of Washington, to present the petition of Jabez Hodson and John R. Bayliss, on behalf of the Grand Division of the Sons of Temperance of Delaware, representing 535 members, asking for the appointment of a commission of inquiry concerning the alcoholic liquor traffic. I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. HITCHCOCK presented the petition of the Grand Lodge of Good Templars of Nebraska, signed by their officers, asking for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. MORRILL, of Maine, presented the petition of the Grand Lodge of Good Templars of Belfast, Maine, signed by the secretary, representing 14,000 members, and the petition of the Methodist church and congregation of Saxonville, Massachusetts, signed by the pastor and officers, asking for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which were referred to the Committee on Finance.

Mr. WALLACE presented the petition of the northern district convention of the Good Templars of Pennsylvania, signed by the officers, and the petition of the Central Congregational church of Philadelphia, Pennsylvania, signed by the pastor and officers, asking for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which were referred to the Committee on Finance.

Mr. INGALLS presented additional evidence in support of the petition of Lieutenant Abraham Ellis, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. OGLESBY presented the petition of the Chicago Woman's Christian Temperance Union, and the petition of the Galesburgh and Freeport (Illinois) Temperance Unions, signed by the officers, asking for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which were referred to the Committee on Finance.

Mr. BOUTWELL presented the petition of the Methodist Episcopal church of Riverdale, Gloucester, Massachusetts, and the petition of the Wesley Chapel church of Salem, Massachusetts, signed by the pastor and officers, asking for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which were referred to the Committee on Finance.

Mr. THURMAN presented the petition of J. R. Mower and other citizens of Springfield, Ohio, asking for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. ROBERTSON presented the petition of Elizabeth B. Thomas, widow of the late General Lorenzo Thomas, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. CLAYTON presented the petition of the Grand Lodge of Good Templars of Arkansas, signed by its officers, representing 1,000 members, asking for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HITCHCOCK, it was

Ordered, That the petition and papers in the case of C. H. Frederick be taken from the files and referred to the Committee on Military Affairs.

On motion of Mr. HITCHCOCK, it was

Ordered, That the petition and papers in the case of John S. Wood be taken from the files and referred to the Committee on Military Affairs.

On motion of Mr. KEY, it was

Ordered, That the petition and papers in the case of Cowan & Dickinson be taken from the files and referred to the Committee on Claims.

On motion of Mr. WALLACE, it was

Ordered, That the petition and papers of Henry C. Waterson be taken from the files and referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. CAMERON, of Pennsylvania, from the Committee on Foreign Relations, to whom was referred the bill (S. No. 62) to authorize George P. Marsh to accept a certain present from the government of Switzerland and a certain present from the government of Italy, reported it without amendment.

EXTENSION OF COURT OF ALABAMA CLAIMS.

Mr. EDMUNDS. I am instructed by the Committee on the Judiciary, to whom was referred the bill (S. No. 78) to extend the duration of the court of commissioners of Alabama claims, to report the same favorably, with some slight verbal amendments; and as it is very desirable that this bill should pass both Houses before the holidays, in order to keep the court in existence, I ask for its present consideration. I will state that the bill merely provides for continuing the court, with its present powers and organization, for six months, in order that it may complete the business it has before it. The bill does not open any of the disputed questions which surround other parts of the subject, and all the committee thought that it was better not to attempt to open those questions at this time, inasmuch as the chief object of the bill would be very likely to fail in that case. Therefore we report this bill without prejudice to any of these other questions surrounding the matter.

There being no objection, the bill (S. No. 78) to extend the duration of the court of commissioners of Alabama claims was considered as in Committee of the Whole. By its terms the court of commissioners of Alabama claims, created by the act of June 23, 1874, is to be extended to the 22d day of July next, and all the provisions of that act are to continue in full force during the extended period. The powers of the clerk of the court are extended for an additional period, not to exceed two months from and after the termination of the existence of the court, for the purpose of closing his accounts, depositing the records, documents, and all other papers in the possession of the court or its officers, in the office of the Secretary of State.

The bill was reported by the Committee on the Judiciary with amendments. The first amendment was in line 3, before the words "court of commissioners," to insert "existence of the;" so as to read:

That the existence of the court of commissioners of Alabama claims, created by the act entitled, &c.

The amendment was agreed to.

The next amendment was in line 11, before the word "extended," to insert "continued and;" so as to read, "and the same is hereby continued and extended to the 22d day of July next."

The amendment was agreed to.

The next amendment was to strike out lines 12 and 13, in the following words:

And all the provisions of said act shall continue in full force during said period.

And in lieu thereof to insert:

With the same effect, and no other, as if said last-named day had been named in said act for the termination of the powers of said court; and said act is hereby continued in force during said period.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

BILLS INTRODUCED.

Mr. ALLISON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 79) to amend section 10 of an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1876, and for other purposes," approved March 3, 1875; which was read twice by its title.

Mr. ALLISON. This bill is accompanied by a letter from the Secretary of the Interior; and as it relates to a subject about which a resolution was submitted by the Senator from Kentucky [Mr. STEVENSON] yesterday, I should be glad to have the letter read.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the letter will be read.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, December 11, 1875.

SIR: I have the honor to invite your attention to section 10 of the act making appropriations for the current and contingent expenses of the Indian Department for the year ending June 30, 1876, which is as follows:

"That hereafter the security or securities upon the bond required by the act of February 27, 1851, to be given by each Indian agent before entering upon the duties of his office, shall file a sworn statement with the Secretary of the Interior, setting forth the nature and kind of property owned by such security or securities, the value of the same, and where situated; and that no money appropriated by this act shall be paid to any Indian agent hereafter appointed until the security or securities shall have filed such statement. Each Indian agent shall keep a book of itemized expenditures of every kind, with a record of all contracts, together with the receipts of money from all sources; and the books thus kept shall always be open to inspection; and the said books shall remain in the office at the respective reservations, not to be removed from said reservations by said agent, but shall be safely kept and handed over to his successor; and true transcripts of all entries of every character in said books shall be forwarded quarterly by each agent to the Commissioner of Indian Affairs: *Provided*, That should any agent knowingly make any false entry in said books, or in the transcripts directed to be forwarded to the Commissioner of Indian Affairs, or shall knowingly fail to keep a perfect entry in said books as herein prescribed, he shall be deemed guilty of a misdemeanor, and, on conviction before any United States court having jurisdiction of such offense, shall be fined in a sum not less than five hundred nor more than one thousand dollars, at the discretion of the court, and shall be rendered incompetent to hold said office of Indian agent after conviction under this act."

The reference in the above-quoted section to the act of February 27, 1851, limits the application of the provision of the above section to a portion only of the Indian agents in the employ of the Government. I have required the Indian Office to extend the provisions of said section to all Indian agents, sub-agents, and special agents, so far as the preparation of their bonds and the keeping of the books of itemized expenses are concerned, but am without power to extend the penalties provided by said section to any other agents than those referred to therein. I therefore have the honor to request that the section may be so amended as to extend the provisions and penalties of said section to all agents in the Indian service; and an amendment is herewith submitted which it is believed will accomplish the object desired, if the same shall be enacted into a law.

Very respectfully, your obedient servant,

Z. CHANDLER,
Secretary.

Hon. W. B. ALLISON,
Chairman Committee on Indian Affairs, United States Senate.

Mr. ALLISON. I now move that the bill be referred to the Committee on Indian Affairs, with the accompanying letter, and be printed.

The motion was agreed to.

Mr. ALLISON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 80) to transfer Indian trust-funds to the Treasurer of the United States; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. DAVIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 81) making an appropriation for continuing the improvement of the Great Kanawha River, in the State of West Virginia; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. HARVEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 82) for the relief of Amos B. Ferguson; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. ANTHONY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 83) providing for the completion and location of the naval monument; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. PATTERSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 84) extending the time for the redemption of lands held by the United States under the several acts levying direct taxes; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. PADDOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 85) for the relief of J. W. Pearman; which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. CAMERON, of Wisconsin, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 86) to aid the Winnebago Indians of Wisconsin to obtain subsistence by agricultural pursuits and to promote their civilization; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 87) to repeal the last clause of an act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1874, and for other purposes, approved March 3, 1873; which was read twice by its title, referred to the Commitee on the Judiciary, and ordered to be printed.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 88) for the relief of the officers of the Fourth and Fifth Indian Regiments; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. MERRIMON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 89) to amend the act entitled "An act granting pensions to certain soldiers and sailors of the war of 1812, and the widows of deceased soldiers," approved February 14, 1871, and to restore to the pension-rolls those persons whose names were stricken therefrom in consequence of disloyalty; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 90) granting pensions to certain soldiers and sailors of the war with Mexico, and the widows of deceased soldiers; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. HAMILTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 91) for the relief of John N. Reed, which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. HITCHCOCK (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 92) to survey the Austin-Topolovampo Pacific route; which was read twice by its title, referred to the Committee on Railroads, and ordered to be printed.

Mr. CLAYTON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 93) for the relief of William G. Ford; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. CRAGIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 94) to regulate the pay of certain officers of the Navy; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

TREATMENT OF UNITED STATES PRISONERS.

Mr. CLAYTON submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Attorney-General be requested to furnish the Senate with any information that may be in his possession relative to the treatment of the United States prisoners confined in State penitentiaries, if not in his judgment incompatible with the public interest.

T. M. REES, DECEASED.

Mr. MORRILL, of Vermont, submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That there be allowed and paid out of the contingent fund of the Senate to the mother of T. M. Rees, deceased, late clerk to the Committee on Finance, three months' pay of his annual salary.

REPORTS OF PUBLIC ACCOUNTS.

The PRESIDENT *pro tempore*. If there be no further resolutions, the Chair will call the attention of the Senate, under the rules, to a resolution which lies on the table, and which will be stated by the Secretary.

The CHIEF CLERK. The resolution submitted by Mr. DAVIS, calling on the Secretary of the Treasury for the reasons why certain reports required by law to be made to Congress have not been made.

The PRESIDENT *pro tempore*. The resolution was read yesterday; and the pending question is on the motion of the Senator from Ohio [Mr. SHERMAN] to refer it to the Committee on Finance.

Mr. DAVIS. I did not understand that the motion to refer to the Committee on Finance was persisted in. I understood that motion was withdrawn for the purpose of letting the resolution lie on the table.

The PRESIDENT *pro tempore*. The Chair did so state, but was misinformed, and corrected the statement. The Senator from Ohio did not withdraw his motion, but only suspended it for the purpose of allowing the resolution to be printed and laid on the table, renewing it this morning.

Mr. DAVIS. Mr. President, the resolution is now printed and on our desks. It will be seen by every Senator that it simply asks the question whether certain reports required by law have or have not been made. It asks for no further information whatever. Of course, upon the answer coming in, other things may follow; but as it now only asks the question whether or not the reports have been made, and as I believe the law requiring them to be made is still in force, I see no reason why it should go to the Committee on Finance or any other committee.

The PRESIDENT *pro tempore*. The question is on the motion to refer the resolution to the Committee on Finance.

Mr. DAVIS. I ask for the yeas and nays on that motion.

The yeas and nays were ordered; and being taken, resulted—yeas 35, nays 25; as follows:

YEAS—Messrs. Allison, Anthony, Booth, Boutwell, Bruce, Cameron of Pennsylvania, Cameron of Wisconsin, Christiancy, Clayton, Conkling, Conover, Cragin, Dawes, Edmunds, Ferry, Frelinghuysen, Hamilton, Hamlin, Harvey, Hitchcock, Howe, Ingalls, McMillan, Mitchell, Morrill of Maine, Morton, Oglesby, Paddock, Patterson, Robertson, Sargent, Sherman, West, Windom, and Wright—35.

NAYS—Messrs. Bayard, Bogy, Cockrell, Cooper, Davis, Eaton, English, Goldthwaite, Gordon, Jones of Florida, Kelly, Kernan, Key, McCreery, McDonald, Merrimon, Norwood, Randolph, Ransom, Saulsbury, Stevenson, Thurman, Wallace, Whyte, and Withers—25.

ABSENT—Messrs. Alcorn, Burnside, Caperton, Dennis, Dorsey, Johnston, Jones of Nevada, Logan, Maxey, Morrill of Vermont, Spencer, and Wadleigh—12.

So the resolution was referred to the Committee on Finance.

SENATOR FROM LOUISIANA.

The PRESIDENT *pro tempore*. The Chair under the rules calls the attention of the Senate to an order lying over, which will be stated by the Secretary.

The CHIEF CLERK. Motion submitted by Mr. WEST, that the request of W. L. McMillen, heretofore claiming a seat in the Senate from the State of Louisiana, for the withdrawal of his credentials from the files of the Senate, be granted.

The PRESIDENT *pro tempore*. The question is on agreeing to the order.

Mr. SAULSBURY. I do not know that I have any special objection to the withdrawal of the credentials of this gentleman if he desires to withdraw them; but I cannot understand the object of a request of that kind, to withdraw the credentials, at this time. What is the object of introducing a resolution to withdraw the credentials of a gentleman who has had them presented here, but upon which there has been no action taken? The whole subject has been before the Committee on Privileges and Elections. If the party wishes to resign any right or claim that he may have to a seat in this body, I apprehend this is not the place to make his resignation. I do not, however, rise to interpose any objection, except that it is a very anomalous proceeding. I cannot understand why this application on the part of Mr. McMillen is made at the present session to withdraw his credentials, when they have not been noticed by this Senate except simply to refer them to the Committee on Privileges and Elections and that committee has taken no action upon them.

Mr. EDMUNDS. Mr. President, I wish to inquire of the Chair whether the credentials that it is proposed to withdraw are those which were submitted by a Senator as coming from Mr. McMillen or whether they are those which the law requires to be submitted by the executive authority of the State to the President of the Senate?

The PRESIDENT *pro tempore*. The Secretary will report the status of the case.

The CHIEF CLERK. The credentials were presented by Mr. MCCREERY, Senator from Kentucky.

The PRESIDENT *pro tempore*. The papers presented by the Senator from Kentucky it is proposed to withdraw.

Mr. EDMUNDS. Then I have no objection to their being withdrawn; not the slightest.

Mr. THURMAN. What was done with the motion of the Senator from Louisiana?

The PRESIDENT *pro tempore*. That is the motion now pending.

Mr. THURMAN. I only wish to say that it seems to me, without having reflected upon it much, that it is a matter of no consequence whatever whether those credentials be withdrawn or not. Undoubtedly their withdrawal and the acceptance by Governor McEnery of the resignation of Mr. McMillen, which I have seen in the papers, put an end to any claim of Mr. McMillen to a seat in this body; but that can have no effect whatsoever upon the claim of Mr. Pinchback to a seat in this body. His title does not in any manner depend upon what the Senate might decide in reference to the claim of Mr. McMil-

len. Indeed, our committee on this subject reported that neither the body that elected Mr. Pinchback nor the body that elected Mr. McMillen was the lawful Legislature of that State; so that it is very probable that the same Senators who would vote against the admission of Pinchback on the ground that the body that elected him was not the Legislature would also have voted against the seating of McMillen on the ground that the body that elected him was not a lawfully-constituted Legislature. I do not say that would have been the case, but it might have been the case; and I mention it only to show that whether these credentials remain on the Clerk's desk or whether they be withdrawn cannot in the slightest degree affect the question yet to be determined, whether Mr. Pinchback is entitled to a seat in this body.

Mr. MERRIMON. Mr. President, I confess that I know of no reason now that ought to weigh with me in opposing the passage of this resolution without a reference of it to some appropriate committee, but I make this point: By presenting these credentials to the Senate, this party submitted himself to the jurisdiction of the Senate. Whether he is in condition to make this application does not appear. He may be; he may not be. If the resolution were referred in the regular order of things, the committee could make proper inquiry on that subject, and report for or against it. It seems to me that is orderly, and that is the course it ought to take. He certainly is within the jurisdiction of the Senate. If he has done anything, or if anything has occurred which makes it unwise that he should be allowed to withdraw these papers simply on motion, the committee ought to report that fact.

Mr. DAVIS. I will inquire whether or not there are two sets of credentials of Mr. McMillen before the Senate, one from the governor and one from himself, and which it is he seeks to withdraw, if there be two.

The PRESIDENT *pro tempore*. The Chair will inform the Senator in a few moments, after an examination has been made. [After a pause.] There are two sets. This resolution relates to the set presented by the Senator from Kentucky, [Mr. McCREERY.]

Mr. MORTON. As far as I am concerned, I am perfectly indifferent as to whether this order is made by the Senate or not; I think it is a matter of no importance whatever; but I hope no committee will be troubled with it, as was suggested by the Senator from North Carolina. These credentials were always the merest sham, the merest pretext in the world. There never was such a Legislature as the McEnery legislature; there never was such a government as the McEnery government. There has been but one government in the State of Louisiana, now recognized by every department of this Government, and it has been recognized by the courts down there. This whole pretense of a McEnery government has been a fraud and a sham from the beginning; and, so far as these credentials are concerned, I am perfectly indifferent whether they are returned to Mr. McMillen, put on the table, or put under the table, or in a waste-basket. It is a matter of no importance whatever.

Mr. STEVENSON. Mr. President, I concur in a portion of what has fallen from the Senator from Indiana, [Mr. MORTON,] that so far as the pending motion affects the individual right of Mr. McMillen it amounts to very little; but upon a higher plane, affecting as it does the uniform practice of the Senate in parliamentary procedure, it may amount to a great deal. The Senate, therefore, cannot be too cautious in allowing a claimant for a seat in this body to withdraw his credentials, as it might hereafter become a bad precedent. I do not regard the right to withdraw the credentials of a Senator as purely a personal privilege. I do not admit that Mr. McMillen has a right to withdraw these credentials. They constitute a part of the records of the Senate, and are a muniment of title to a seat in this Chamber. These credentials are certified by the governor of each State to the Senate, informing us and designating the individual whom his State has elected as its representative in this Chamber. The governor sends the credentials of every Senator-elect to the Vice-President of the United States, who presents them to the Senate. The governor is the agent of his State in communicating the election of those who have been elected Senators to the Senate itself. The credentials become then the property of the Senate, and not the property of the Senator-elect. Suppose a claimant to a seat in this body desired, for personal or political reasons, to waive his title to a seat in this body, can he do so by asking to withdraw his credentials? Can he by any personal right or act waive the rights of the State which elected him by withdrawing the evidence of his election, committed by law to the custody of the Senate and becoming part and parcel of its records? Other rights than mere personal rights are involved in this motion. A claimant may resign his title, whether perfect or inchoate, to a seat in this Chamber. But I deny his right to withdraw his credentials, because instances may occur when such withdrawal might aid a claimant to a seat in this Chamber who was not elected by withdrawing the credentials which showed that another was the legally-elected Senator of the State. I do not mean to intimate that such is the case here. But this motion is of doubtful propriety. I think, when credentials, properly authenticated by the governor of a State, are received by and placed in the custody of the Senate, that they become a part of the archives of this body, which should not be withdrawn. Let the applicant take a copy, but let the original evidence of election remain where the law has placed it—in the custody of the Senate. I cannot understand why such a motion should be made. I may be in error. It is a question of first impression, and I should therefore have preferred, as it establishes a precedent, that it should have gone to the Committee on Elections. I must therefore vote against the motion. No reasons have been given why the motion is made. As to what the Senator from Indiana [Mr. MORTON] said about the utter invalidity and fraud of the McEnery government, I take issue with him on the facts. He says there was not a pretense, in law or fact, that McEnery was ever elected governor of Louisiana. He insists that Kellogg was the only valid and duly-elected governor of Louisiana at the period when the election of McMillen took place. I deny it. The statement of the Senator is contradicted by a report of his own leading political partisans in this Chamber. None know better than the Senator from Indiana [Mr. MORTON] that leading and among the ablest republican Senators in this Chamber—after weeks of patient investigation and labor and the examination of very many witnesses—reported to the Senate that the Kellogg government was the creature of the most unblushing usurpation and vilest fraud that ever disgraced and degraded the annals of a free people. Republicans and democrats were alike shocked by the monstrous iniquities under which the Kellogg government was sought, in defiance of the popular voice, to be forced upon the people of Louisiana. That government was the spawn of fraud and violence, no matter by whom it was recognized. Whatever may have been the irregularities or frauds in the McEnery government, they sank into insignificance when compared with those by which Kellogg was, through Federal power, made governor of Louisiana. McEnery was the duly-elected governor of Louisiana, although there may have been, and probably were, fraudulent votes cast for him; still, as between Kellogg and McEnery, we have the highest official republican testimony in this Chamber that the people of Louisiana would have, without Federal interference, acquiesced in McEnery's election. The Senator from Indiana is therefore unsupported by the record in stating that the McEnery government had never the semblance of existence, but was a mere figment of the imagination. It seems to me he is estopped by the report of his own party friends in the Senate on Louisiana affairs, and by the action of his own committee, and by all the history of Louisiana affairs touching the Kellogg election, from the broad statement that the McEnery government was a pretense, a fraud, a mere semblance, while the Kellogg was the only true, valid, legal government in Louisiana. In view of the past history of Louisiana, I wonder at the boldness of this statement. It has nothing solid to rest upon. The McEnery government was the *prima facie* government of Louisiana, as reported to us by republican Senators and democratic Senators alike; while the Kellogg government was the emanation of fraud, corruption, and violence unsurpassed in the history of any free people, a ribald and barefaced usurpation, which will be a stain upon American legislation so long as the American confederacy endures.

Mr. HOWE. Will the Senator allow me to inquire to what record he refers?

Mr. STEVENSON. I refer to the record of the Committee on Privileges and Elections of the Senate of the United States, of which the Senator from Indiana was then and is now the distinguished chairman.

Mr. HOWE. Does the Senator from Kentucky say that that committee decided that the McEnery government was the true government?

Mr. STEVENSON. I say that that committee reported that the Kellogg government was a fraud, a usurpation—born in iniquity and established by force! I repeat that the proofs of all this were patent and unanswerable. I say that the late Senator from Wisconsin, the former colleague of the distinguished gentleman who now interrogates me, [Mr. Carpenter,] made an argument in this Chamber—unswervable and unanswerable—in which he demonstrated that the whole Kellogg government was the emanation of a stupendous fraud and a bold, daring usurpation.

Mr. HOWE. I understood the Senator to say that that committee reported that the McEnery government was the true government of Louisiana.

Mr. STEVENSON. O, no; I did not say that. What I did say I repeat, that the Kellogg government was an open, unblushing fraud and usurpation, and that, while the McEnery government was *prima facie* the government, yet many frauds and irregularities had marked his election. That committee differed in their conclusions, and reached, as I remember, different results. But most of the committee, republicans and democrats, agreed that the Kellogg government, which the Senator from Indiana tells us to-day was the only true, valid government, was a fraud and usurpation. I think, too, a majority of the committee concurred that the McEnery government was the *prima facie* government of Louisiana.

Mr. HOWE. That the majority of the committee so reported?

Mr. STEVENSON. Such is my recollection. I do not know how the committee were divided. I repeat, however, that my remembrance is that the Senator's late colleague, [Mr. Carpenter,] so long a republican leader in this Chamber, reported ——

Mr. HOWE. Did my colleague say the McEnery government was valid?

Mr. STEVENSON. Your colleague, I think, reported that the McEnery government, so far as the returns went, was the *prima facie* elected government of Louisiana, and of course the valid govern-

ment until supplanted under the form of the constitution and laws of Louisiana, which was never done. But your colleague also reported that there were frauds in the election on the McEnery side, which induced him to recommend a new election.

Mr. HOWE. And therefore that that government was not entitled to represent the State of Louisiana.

Mr. STEVENSON. That is your deduction, not mine. The only point I thought of the Senator's interrogation was whether I declared that a committee of this Senate had ever declared in a report to the Senate the Kellogg government to be a fraud and usurpation. I answered that I did so declare upon republican testimony, that should estop the Senator from Indiana [Mr. MORTON] and his republican colleagues from impeaching that statement.

Mr. HOWE. Why, Mr. President, let me correct the honorable Senator from Kentucky on one or two points. First, I did not interrogate him anything about the character of the Kellogg government. I understood him to say that the McEnery government was declared by that committee to be the true government of Louisiana.

Mr. STEVENSON. Then you misunderstood the exact scope of my statement.

Mr. HOWE. Then I leave that matter as corrected. The Senator does claim on the authority of that committee, then, that the McEnery government was the true government of Louisiana——

Mr. THURMAN. Will the gentleman allow me to interrupt him a moment?

Mr. HOWE. Just as soon as I can ascertain the position of the Senator from Kentucky.

Mr. THURMAN. If the Senators will allow me to say one word both of those Senators will understand what that committee did do. That committee reported that the election of 1872 must be disregarded entirely, or, if it was not disregarded entirely, the only alternative was to sustain McEnery as the lawfully-elected governor. That was what the committee said. My impression is that they did not carry their declarations so far as to include what was called the McEnery legislature, but they did sustain McEnery and the others who ran with him on the State ticket.

Mr. STEVENSON. It has been some time since we went into this Louisiana matter, but I will answer the Senator from Wisconsin by a reference to the record. Here is what his late colleague, (Hon. Matt. H. Carpenter,) JOHN A. LOGAN, J. L. ALCORN, and H. B. ANTHONY said in their report in 1873 on Louisiana affairs:

> It is the opinion of your committee that, but for the unjustifiable interference of Judge Durell, whose orders were executed by the United States troops, the canvass made by the De Feriet board and promulgated by the governor, declaring McEnery to have been elected governor, &c., and also declaring who had been elected to the Legislature, would have been acquiesced in by the people, and that government would have entered quietly upon the exercise of the sovereign power of the State. But the proceedings of Judge Durell, and the support given to him by United States troops, resulted in establishing the authority *de facto* of Kellogg and his associates in State offices, and of the persons declared by the Lynch board to be elected to the Legislature. We have already seen that the proceedings of that board cannot be sustained without disregarding all the principles of law applicable to the subject and ignoring the distinction between good faith and fraud.
>
> Your committee are therefore led to the conclusion that, if the election held in November, 1872, be not absolutely void for frauds committed therein, McEnery and his associates in State offices, and the persons certified as members of the Legislature by the De Feriet board, ought to be recognized as the legal government of the State.

That is a satisfactory answer to the Senator from Wisconsin. His late colleague and three of his associates, leading republicans, did report that the *prima facie* returns showed McEnery to have been elected, and, as I stated before, that, if the frauds did not invalidate the election, it was the true government of Louisiana. On the same occasion a distinguished Senator, not now a member of this body, from Illinois, [Mr. Trumbull,] went into an elaborate argument to prove that the McEnery government was the true government of Louisiana. And yet the Senator from Indiana [Mr. MORTON] boldly tells us that the McEnery government was a fraud, a myth, never having any foundation in law or in fact.

But, Mr. President, I had no intention, when I arose, of being led into the threadbare discussion of Louisiana affairs. I hope they are settled forever. I only rose to correct the statement of the Senator from Indiana that the McEnery government never had the semblance of existence; that it was a thing without form, without pretense of right; a mere fiction in form, in law, and in right. I simply desired to correct that Senator, and, upon the highest republican authority, to deny the fact stated. I desired to recall to that Senator and to the Senate the report of his own party friends, from the committee of which he is chairman, that the Kellogg government, which he tells us to-day was the only valid government of Louisiana, was a fraud and a usurpation, and that the McEnery government, which he terms a fiction, was the *prima facie* government of Louisiana, and would have been acquiesced in by the people of Louisiana if it had not been overturned and supplanted by the most violent and unblushing usurpation of Federal power ever sanctioned by a free people—a usurpation inaugurated by a Federal judge, with the knowledge, if not with the sanction, of at least one member of the then existing Cabinet.

Mr. HOWE. Mr. President, the Senator from Kentucky and myself are getting nearer and nearer together every moment, and so I am disposed to persevere a little longer. My excellent friend from Vermont sitting near me, [Mr. EDMUNDS,] who is a lesson of prudence to us all, suggests to me that it will not do for me to get too near the Senator from Kentucky, for it might impugn my political character. Nevertheless I am not going to be deterred by that.

The only point upon which I wished in the first instance to take issue with the Senator from Kentucky was upon what I understood to be his statement, and which I think he reiterated just now, that the majority of the Committee on Privileges and Elections did declare that the McEnery government was the true government of Louisiana. My recollection of their conclusion was that that title, whether it was *prima facie* or anything else, which was set up by the McEnery government, was based upon palpable fraud, and for that reason the majority of the committee, and a large majority of the committee, recommended that it should be disregarded; and they also recommended for similar reasons that the Kellogg government should be disregarded. Of that I have nothing to say.

Now, a word upon another point. The Senator from Kentucky says that we are estopped by the report of that committee from disputing the title of the McEnery government. I think he is mistaken about that. He rather undertook to argue that I was estopped by the speeches that my late colleague made here. He is decidedly mistaken about that. I never felt myself entirely estopped by any speech from saying what I thought to be true myself in the Senate, upon the Louisiana or any other question; and certainly, if I were to be estopped by any speech, I should as readily be estopped by such speeches as the Senator from Kentucky makes as by any speeches I have ever listened to upon this floor; for he makes from his stand-point about as conclusive speeches as can be made. The simple fact I suppose is, if I understand the Constitution, that no one Senator has his mouth stopped absolutely, and in a constitutional sense, by the speech of any other Senator, nor even by the report of a majority of a committee.

Mr. WHYTE. Mr. President, without any reference to the merits of the discussion in regard to the State of Louisiana, it occurs to me that the credentials of any person claiming to be a Senator, after having once been placed in the possession of the Senate, cannot be withdrawn by him. He has no personal control over them whatever. They come to the Senate from the executive of the State, and that executive certifies that the State, through its Legislature, has acted upon the subject; and, though his name may be mentioned in the body of the certificate, he has no personal right to withdraw that certificate. It is the right of a sovereign State laying upon the table of the Senate of the United States a certificate certifying that it in its sovereign capacity has exercised a power which it has under the Constitution of the United States, that of electing a Senator. Without reference, therefore, to the question whether the McEnery government or the Kellogg government was the lawful government of Louisiana, it occurs to me that Mr. McMillen, who filed those papers or who had them filed through the instrumentality of a Senator—papers which merely expressed the voice of the State of Louisiana to this Senate—has no right to come here and ask to have those papers withdrawn from the Senate. In that view, I think that the question ought to be submitted to the Committee on Privileges and Elections to ascertain whether any Senator or any person claiming to be a Senator has a right, after his credentials have been presented to the Senate of the United States and referred to a committee, to withdraw them, whether he has any such personal claim to a certificate of election sent here by the governor of a sovereign State.

The PRESIDENT *pro tempore*. The question is on agreeing to the order proposed by the Senator from Louisiana, [Mr. WEST.]

Mr. WHYTE. I move its reference to the Committee on Privileges and Elections.

The PRESIDENT *pro tempore*. The Senator from Maryland moves that the order be referred to the Committee on Privileges and Elections.

Mr. THURMAN. The third section of the act in relation to the election of Senators, approved July 5, 1866, very much strengthens the argument we have just heard from the Senator from Maryland. The commission of a Senator, instead of being delivered personally to himself, as was the case before the passage of this act, is by this act required to be sent by the governor of the State to the President of the Senate. It is no longer treated as his private property. The section reads:

> That it shall be the duty of the governor of the State from which any Senator shall have been chosen as aforesaid to certify his election, under the seal of the State, to the President of the Senate of the United States, which certificate shall be countersigned by the secretary of state of the State.

It seems that the idea of its being a muniment of title to the office in the character of private property is ignored in this act, which requires it to be sent directly by the governor of the State to the President of the Senate, and it belongs to the archives of the Senate.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Maryland that the order be referred to the Committee on Privileges and Elections.

Mr. MORTON. I do not see what will be accomplished by troubling that committee with these credentials. They are confessed on all hands to be utterly worthless. What can the committee say about them? I am utterly indifferent, as I said before, whether they are returned to Mr. McMillen or what is done with them. They were always a sham and a fraud. But why trouble the committee with them? Why seek to give them importance? McMillen himself now abandons them, and it is quite time that they should be abandoned here. I did not intend by what I said to bring on a discussion of the Louisiana question. I have heard some strange doctrines of

estoppel advanced by the Senator from Kentucky this morning, that the report of a majority of a committee would estop the Senate, and that the speech of one Senator would estop his colleague——

Mr. STEVENSON. Allow me a single word. The gentleman misstates my position. The speech does not estop; but when a Senator rises and says that there is not a shadow of foundation in fact for the existence of a government, then I say that the report of a committee stating a fact that has not been contradicted as to the validity of a particular government ought to estop those who make such a sweeping assertion.

Mr. MORTON. The very report declared that the McEnery government had no existence. I did not say that there was anything of it; but said, on the contrary, that there was nothing of it, that the whole election was a fraud. The Senator falls back on a report which declares that the McEnery government had no existence, and sustains what I said, that these credentials are a mere sham and a mere fraud. The report stated other things that were not correct, that have since been admitted not to be correct by a majority of the men who signed the report. As I said before, every department of this Government, and every department of the State government, and all the courts have recognized that there was but one government of Louisiana, and that was the Kellogg government.

The PRESIDENT *pro tempore*. The question is on the motion to refer.

The motion was not agreed to.

The PRESIDENT *pro tempore*. The question recurs on the passage of the order proposed by the Senator from Louisiana.

The question being put, the Chair declared that the noes appeared to prevail.

Mr. HOWE called for the yeas and nays, and they were ordered.

Mr. HOWE. If it is seriously intended to refuse this gentleman the privilege of withdrawing his pretenses from the Senate, it occurs to me that we ought to inquire whether there is some power dormant in the Senate to prohibit him from doing this hereafter. Can we issue a writ of prohibition or something of that kind to prevent his coming in some other day when the Senate is not quite so full as it is now and doing this thing? If he is offending against public justice by this step, there ought to be some power in the Senate to prevent its being done at any time. I do not know but that we may perhaps issue a writ of prohibition, or perhaps a writ of *procedendo*, or something, requiring him to proceed on his credentials and fight, whether he will or no. Unless we have some jurisdiction, I think we had better let him retire, as he asks to retire. I have always thought he had been here too long.

Mr. THURMAN. I shall vote against this order, for these credentials belong to the archives of the Senate. They are not the private property of the individual named in them. Unless some good reason can be shown for withdrawing a paper that belongs to the archives of the Senate, I shall vote against it. I can see that it may be very proper, especially when it may become important to know the whole history of this transaction, to have this piece of evidence, and that the official papers, or those claimed to be official, which have become part of the files and archives of the Senate, should not be withdrawn. No prejudice to the individual can happen by refusing the motion, while it may, and very properly, be said that these papers, which belong to the files of the Senate, ought not to be taken from them. I shall therefore vote against the resolution of the Senator from Louisiana.

Mr. BAYARD. Mr. President, it perhaps is not very important, for the proper solution of this vexed question of the representation of Louisiana in this body, what may be the personal action of Mr. McMillen in the case. I do not think it is. As I apprehend, his individual conduct cannot change the right of his State or affect the rights of other claimants. But the question might be asked, and I think its answer will throw some light on the propriety of this motion, into whose custody are these credentials now to be delivered in case the Senate assents to the present motion? And who is the proper owner of these papers? Are they, or are they not, part of the record of the public proceedings in this body? To whom did the Senate make their order for the committal of the custody of these papers? We all know that where a private claimant comes here the order is constantly made, at the application of some member of the body, that his papers may be withdrawn, either for the purpose of renewing the application to another Congress or for any other reason; and the Senate permit it, because those papers go back to the hand which originated them and which is entitled again to receive them. But in the present case from whom did these papers come? They came from the State of Louisiana; they came from a person claiming to be the lawful governor of that State. I find that on the 22d day of January, 1873, by the Journal of the Senate—

Mr. West—

the sole Senator from Louisiana on this floor—

presented the credentials of W. L. McMillen, elected a Senator by the Legislature of Louisiana, to fill the vacancy occasioned by the resignation of William Pitt Kellogg; which were referred to the Committee on Privileges and Elections.

At the same time he—

presented the credentials of John Ray, elected a Senator by the Legislature of Louisiana, to fill the vacancy occasioned by the resignation of William Pitt Kellogg; which were referred to the Committee on Privileges and Elections.

On the 7th of March, 1873—

Mr. West presented the credentials of William L. McMillen, elected a Senator by the Legislature of Louisiana for the term of six years, commencing March 4, 1873; which were read.

Ordered, That they lie on the table and be printed.

I take it for granted the gentleman then representing the State of Louisiana, and the sole representative of that State upon this floor at that time, received them not from this individual, by whom they were not made, to whom they did not belong, but received them in due course of law from the proper authorities of that State. Now, it seems to me that, when the question is asked and when the question is answered which I have propounded, the conclusion ought to be satisfactory to us all that these records may not pass into the hands of any but those lawfully entitled to receive them. It is not Mr. McMillen; it is not the honorable Senator from Indiana. His custody of these papers is nothing more than that of any of us; but they are in his proper custody when committed to his charge as chairman of the committee. But I admit that neither he, nor I, nor any of us, have the right to the personal custody of these papers. They belong to the archives of this body. Mr. McMillen may have duplicates of his own; but the law under which Senators are sent to this body, the law of Congress, prescribes the mode of election and the mode of certification, and I believe part of that law requires that the credentials shall be sent to the Vice-President of the United States. That is the law. Therefore, when he receives them, they are presented to the Senate, they are filed, and they become part of the records; and, without any regard to what may be the effect of the presence or the absence of this particular paper, it would, as I understood my honorable friend from Ohio [Mr. THURMAN] just now to state, amount to an absolute mutilation of a public record to withdraw a paper which was sent here from the State of Louisiana, presented here by her authorized agent, the Senator who is now upon the floor, [Mr. WEST,] on the 7th of March, 1873. These papers are not the private property of Mr. McMillen or of the honorable Senator from Indiana, nor of any one of whom either Mr. McMillen or the honorable Senator from Indiana is the representative. They belong to the Senate of the United States, they belong to the people of the United States, whose representatives we are.

Mr. HOWE. Mr. President, I do not want to make an issue with any Senator on the other side upon the title to this valuable piece of property; and if such an issue is to be made, I want it to be tried before some judicial forum, because it is evidently too precious for us to pass upon in legislative form. But I conceive myself that the Senator from Delaware [Mr. BAYARD] is partially right in the remarks he has just submitted. Undoubtedly these papers have come here in a shape which has placed them upon our Journals, and has made them for the time being a part of our records; and if there is any private or any public interest to be subserved by keeping them here, it is the duty of the Senate to keep them here. But every day shows us gentlemen coming in who have presented claims of one sort or another, who have become tired of prosecuting those claims, and who ask leave to withdraw them from the Senate; and, so far as I remember, unless there has been a decision adverse to the claimant, he has been allowed to withdraw them; and if there has been a decision adverse to the claimant, we allow him, by the established usage of the Senate, to withdraw his papers, taking care to protect ourselves against the repetition of a fraudulent claim by retaining copies. Now, here were some papers presented as the foundation of a claim to a seat in this body. Well, if we see fit to retain those papers here we can. The claimant himself, the man who once preferred the claim, has become sick of it, disgusted with it. I want to emphasize the fact, because it is highly creditable to the individual. He asks to withdraw that pretense and the papers upon which it is based. We shall not do him any injustice if we allow him to do what he asks permission to do. Who will suffer by permitting it? The State of Louisiana? Why, what does Louisiana say about it? Who authorized to speak on behalf of Louisiana bases any sort of claim upon these papers? Certainly no one.

It is said that the law requires the governor of a State to send such papers—papers which are to be the foundation for a claim to a seat in this body—to the Presiding Officer of the Senate. I think such is the law. No governor of any State that I ever heard of has sent these papers here. I think I am quite right in point of fact. No governor of any State I ever heard of—I have not heard of all the states in the world, I suppose; but, so far as my reading goes, no governor of any State has sent these papers here.

Mr. THURMAN. I beg the Senator's pardon. He is mistaken about that.

Mr. HOWE. Am I?

Mr. THURMAN. It has been very common indeed for Senators to present the credentials of their colleagues who were elected; but they have been sent direct to the President of the Senate.

Mr. HOWE. Undoubtedly, repeatedly. The Senator misunderstood me. I say no governor of any State ever sent these papers here on which Mr. McMillen based a claim to a seat.

Mr. THURMAN. The Senator speaks of that.

Mr. HOWE. Yes; we certainly cannot injure Louisiana, because Louisiana does not send any such pretense here. Louisiana has too much regard for her own credit and her own character to set up such

a pretext. There is but one other party who can possibly be injured by allowing this withdrawal, and that is the party referred to just now by the honorable Senator from Delaware for the first time. That is the party known as the people of the United States. It was intimated by him, if I understood him, that the people of the United States had a right to insist upon keeping these credentials here. That is so; and, if I thought they would insist upon it, I should vote against giving permission to withdraw them; but I am satisfied that the people of the United States will condone the offense, will pardon the act, if we let Mr. McMillen take this spurious paper off our files this morning. So I shall vote to give him the permission he asks.

Mr. BAYARD. Mr. President, I wish it again distinctly understood that the effect of making this order upon the right of any other claimant to a seat in this body from Louisiana is, in my opinion, absolutely nothing. I wish it to be understood that I consider it can have nothing to do with it, one way or the other; but there is a question of regularity which, having been raised, I think should be decided correctly. Is this credential a private or a public paper? Is it an official document or is it the private paper of the individual claimant or of his individual friends? Is it, or does it not purport to be, the official certificate of State action in regard to so important a matter as membership in this body? Certainly all these inquiries must be answered in the affirmative. It is a public paper; it is a credential, made in accordance with law, and has been presented to this body by the proper agent of the State of Louisiana, the Senator who now sits upon the floor. He has presented it; he has had it ordered to be printed and laid on the table.

Now, in this case, to illustrate this question, suppose I, or any other member of the body, should ask leave to withdraw my credentials; what would the Senate say? The wisdom or the unwisdom of my request matters not; it is the propriety, or the contrary, of granting it that the Senate is to decide upon. My credentials are part of the records of this body, and the Senate has no right, either on my application or any other application, to change the truth of facts as they appear upon the records and by the Journal of the Senate.

I do not mean to intimate that any ulterior object is in view by the honorable Senator who has made this motion, because I will give him credit, with his well-known intelligence and ability, for comprehending that it would be impossible to affect the right of another claimant under a totally different government by the action of this individual, Mr. McMillen, who, as the Senator from Wisconsin says, has become disgusted and tired and weary of pursuing his rights before this body. Whether that shall be held hereafter a subject of reproach to this body or to him, is a question that the people of this country will decide; for, if he has come here with just rights, and they have been disregarded, then upon those who have disregarded them will rest the condemnation of justice, when justice shall be had and heard. But in this case it is plain that neither the credentials of the honorable Senator from Wisconsin, nor mine, nor those of any other duly and regularly elected member of this body can be withdrawn with propriety. As a matter of fact there are duplicates, and probably a duplicate in possession of the party, should he desire from curiosity or interest to hold it; or copies may be had by him if he desires to possess them; but the original papers belong to this body, that is to say, they belong to the Government of the United States, of which this body is a part, and we are the custodians, and we have no right to give them up, because they are public property.

Mr. SAULSBURY. Mr. President, in making the suggestion which I did at the commencement of this discussion, that there might be some impropriety in adopting the order proposed, I was not prompted by any desire to have Mr. McMillen seated as a member of this body. I believe I have never advocated his admission to a seat on this floor, either in this body or in the Committee on Privileges and Elections, of which I have the honor to be a member. But it did occur to me that there was some impropriety at least in allowing an applicant who has come here claiming a seat in this body to withdraw on his own petition the certificate of his election. I could not exactly see how it could affect in any way the rights of any other applicant to a seat, and I was not clear in my own mind at that time that there would be any great impropriety in permitting the order to pass; but I am now satisfied, after the discussion we have heard, that we should do injustice to the records of the Senate in mutilating them by permitting the withdrawal of the certificate of election of Mr. McMillen by the State of Louisiana.

I have no disposition to enter into the discussion of the Louisiana question; I had hoped that we were done with that question; but it does strike me as being highly improper that we should at this time permit this gentleman on his own petition to take from the files the certificate of his election as a member of this body. I shall therefore vote against this order.

Mr. BAYARD. I merely rise to ask leave to read the act of Congress on this subject of the certificate, to be found at page 312 of the Manual:

SECTION 3. That it shall be the duty of the governor of the State from which any Senator shall have been chosen as aforesaid to certify his election, under the seal of the State, to the President of the Senate of the United States, which certificate shall be countersigned by the secretary of state of the State.

In this case a certificate purporting to be the certificate of the governor of the State of Louisiana, under the seal of the State, countersigned by the secretary of state of the State, was presented to the Senate by the Senator from Louisiana, [Mr. WEST,] and it was then ordered to lie on the table and be printed, which was done; and therefore in that way, under a public law, it became part of the records of the Senate.

Mr. HOWE. It is upon that fact that the Senator from Delaware and myself are at issue. Undoubtedly it is the duty of the governor of a State to certify credentials. What I said, and what I repeat, was that no governor has ever certified these credentials.

Mr. BAYARD. Now the honorable Senator simply begs the question.

Mr. HOWE. I state the fact.

Mr. BAYARD. He begs the question, and he begs the whole question, and, without his being estopped in the least, he is perfectly aware that whether Mr. McEnery was or was not the governor of the State of Louisiana is a fact that this Senate have not yet settled, because they have certainly for two years past refused, in respect of that part of the case which the Senate can take cognizance of, to recognize the appointee of his opponent, Mr. Kellogg.

Mr. HOWE. The Senator is entirely right, I believe. This Senate has not settled the question whether McEnery is Governor of Louisiana or not. I do not know that this Senate has settled the question whether Taylor is governor of Wisconsin or not. There are several governors upon whose title this Senate has not passed; but I think the Senator will agree with me that, although the Senate has not settled the question, there is not a Senator on the floor who does not know that McEnery is not and never was governor of Louisiana.

Mr. BAYARD. I do not know, so far as personal knowledge goes; but I believe in my soul (and I know it so far as I know any fact which I believe from information) that that man was and is to-day the lawful choice of the people of that State, duly elected, and kept from his place by the usurpation of Federal power, under the order of the President of the United States.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution, upon which the yeas and nays have been ordered.

Mr. STEVENSON. Will the Chair state the exact question on which we are called to vote?

The PRESIDENT *pro tempore*. The question is on the passage of the resolution.

Mr. STEVENSON. I thought there was a motion made to refer these credentials to a committee. Has that been passed upon?

The PRESIDENT *pro tempore*. That motion was negatived. The question now recurs on the passage of the resolution. Does the Senator desire that it be read?

Mr. STEVENSON. No, sir. I only desire briefly to state that I utterly disavow any feeling of partisanship as to the past in regard to the contest in Louisiana. I shall vote against the withdrawal of these credentials because I believe them to be a part of the records of the Senate. I do not recognize and do not acquiesce in the legal proposition of the Senator from Wisconsin, that the credential of a sovereign State, in this Chamber of equals, rests upon the footing of a mere private claim.

The question being taken by yeas and nays, resulted—yeas 30, nays 28; as follows:

YEAS—Messrs. Allison, Boutwell, Bruce, Burnside, Cameron of Wisconsin, Christiancy, Clayton, Conkling, Conover, Cragin, Edmunds, Ferry, Frelinghuysen, Hamlin, Harvey, Hitchcock, Howe, Ingalls, McMillan, Morrill of Vermont, Morton, Paddock, Patterson, Robertson, Sargent, Sherman, Spencer, West, Windom, and Wright—30.

NAYS—Messrs. Bayard, Bogy, Caperton, Cockrell, Cooper, Davis, Dawes, Eaton, English, Goldthwaite, Gordon, Johnston, Jones of Florida, Kelly, Kernan, Key, McCreery, McDonald, Merrimon, Norwood, Randolph, Ransom, Saulsbury, Stevenson, Thurman, Wallace, Whyte, and Withers—28.

ABSENT—Messrs. Alcorn, Anthony, Booth, Cameron of Pennsylvania, Dennis, Dorsey, Hamilton, Jones of Nevada, Logan, Maxey, Mitchell, Morrill of Maine, Oglesby, and Wadleigh—14.

So the resolution was agreed to.

EXECUTIVE BUSINESS.

Mr. FRELINGHUYSEN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session the doors were re-opened, and (at two o'clock and five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December* 14, 1875.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of Friday last was read.

The SPEAKER. Unless objection be made, the Journal of Friday last will stand approved as read.

CORRECTION OF RECORD.

Mr. STARKWEATHER. I rise to a correction of the Journal.

The SPEAKER. Does the gentleman refer to the Journal just read?

Mr. STARKWEATHER. On the 11th of December, Friday last, I introduced a bill in regard to postage. A copy of the bill I have

before me, and will send it to the Clerk. It should read the "1st of January" instead of the "1st of June." As printed in the RECORD the bill reads "1st of June" instead of "1st of January."

The SPEAKER. The Chair learns from the journal clerk that the Journal as it stands is correct,

Mr. STARKWEATHER. Then I ask that the correction be made in the RECORD, and I give notice that on the first Monday on which we are in session I shall offer to put this bill upon its passage on the second call of the States, as I presume the gentleman will not yield to let me make that motion now.

CONSTITUTIONAL AMENDMENT.

Mr. BLAINE. I ask leave to offer the joint resolution which I send to the Clerk's desk.

Mr. RANDALL. I must ask for the regular order.

Mr. BLAINE. Does the gentleman object to my offering the joint resolution for reference?

Mr. RANDALL. I ask for the regular order of business. When the gentleman's State is called he can introduce the joint resolution and have it referred.

The SPEAKER. There being no committees to be called, it is in order to introduce resolutions upon a call of the States in their order. Upon the call it will also be in order to introduce bills on leave. Resolutions or bills are now in order from the State of Maine.

Mr. BLAINE introduced a joint resolution, H. R. No. 1; which was read a first and second time, and referred to the Committee on the Judiciary:

Resolved by the Senate and House of Representatives, That the following be proposed to the several States of the Union as an amendment to the Constitution:

ARTICLE XVI.

No State shall make any law respecting an establishment of religion or prohibiting the free exercise thereof; and no money raised by taxation in any State for the support of public schools, or derived from any public fund therefor, nor any public lands devoted thereto, shall ever be under the control of any religious sect, nor shall any money so raised or lands so devoted be divided between religious sects or denominations.

REGISTRY OF VESSELS.

Mr. HALE introduced a bill (H. R. No. 1) to provide for vessels of the United States hailing from places where they are owned; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

FREE IMPORTATION OF ANIMALS.

Mr. HALE also introduced a bill (H. R. No. 2) to amend the laws relating to the free entry of animals temporarily imported into the United States; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

REDUCTION OF POSTAGE ON MAILABLE MATTER.

Mr. EAMES introduced a bill (H. R. No. 3) to reduce the rates of postage; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

ALABAMA CLAIMS.

Mr. STARKWEATHER introduced a bill (H. R. No. 4) to extend the duration of the court of commissioners of Alabama claims; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. COX introduced a bill (H. R. No. 5) to amend the act entitled "An act for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration sitting by virtue of the first article of the treaty concluded at Washington the 8th day of May, A. D. 1871, between the United States of America and the Queen of Great Britain," approved June 23, 1874; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FUNDING OF LEGAL-TENDER NOTES.

Mr. CHITTENDEN introduced a bill (H. R. No. 6) to fund the legal-tender notes of the United States and to prepare the way for a resumption of specie payments as soon as may be practicable; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

SALE OF GOVERNMENT PROPERTY.

Mr. BLISS introduced a bill (H. R. No. 7) to provide for the sale or exchange of a certain piece of land on the Wallabout Bay, in the State of New York, to the city of Brooklyn; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

GENERAL MEIGS.

Mr. ELY submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of War be respectfully requested to transmit to this House copies of the orders and instructions under which Quartermaster-General M. C. Meigs is acting during his absence from the United States.

IMPROVEMENT OF HARLEM RIVER.

Mr. WILLIS introduced a bill (H. R. No. 8) to provide for the improvement of the Harlem River between Ward's Island and the Hudson River, in the State of New York; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

AMENDMENT OF THE CONSTITUTION.

Mr. RANDALL submitted a joint resolution, H. R. No. 2; which was read a first and second time, referred to the Committee on the Judiciary, and is as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein,) That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said Legislatures, shall be valid as part of the Constitution, namely:

ARTICLE XVI.

From and after the next election for the President of the United States the President shall hold his office during the term of six years, and, together with the Vice-President chosen for the same term, be elected in the manner as now provided or may hereafter be provided; but neither the President nor the Vice-President in the office of President, as devolved upon him, shall be eligible for re-election as President.

REPEAL OF TAX UPON BANK-CHECKS, DRAFTS, ETC.

Mr. TOWNSEND, of Pennsylvania, introduced a bill (H. R. No. 9) to repeal the tax upon bank-checks, drafts, orders, and vouchers for the payment of moneys; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

RATES OF POSTAGE.

Mr. TOWNSEND, of Pennsylvania, also introduced a bill (H. R. No. 10) to fix the rates of postage on mailable matter of the third class; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed

ELIZA JANE BLUMER.

Mr. MUTCHLER introduced a bill (H. R. No. 11) to grant a pension to Eliza Jane Blumer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BUREAU OF INTERNAL REVENUE.

Mr. O'BRIEN. I have a resolution which I ask unanimous consent to have adopted now. It merely calls for information from one of the Departments.

The resolution was read as follows:

Resolved, That the Secretary of the Treasury, if not incompatible with the public interests, be directed to communicate to this House, at the earliest practicable moment, in what manner, with due regard to economy and dispatch of public business, the various duties now assigned to the Bureau of Internal Revenue may be absorbed by the Bureau under the charge of the Commissioner of Customs.

Mr. HOAR. I desire to ask whether the rule does not prohibit the Speaker from asking unanimous consent during this call, to the interruption of the regular order of business.

The SPEAKER. The Chair does not so understand the rule; but if any gentleman rises to debate the resolution, it must go over.

Mr. KASSON. I rise to discuss it. Let it go over.

Mr. O'BRIEN. Very well; let it go over.

The SPEAKER. The resolution will go to the Speaker's table.

SINKING-FUND COMMISSIONERS, DISTRICT OF COLUMBIA.

Mr. DOUGLAS introduced a joint resolution (H. R. No. 3) to limit the sinking-fund commissioners of the District of Columbia in issuing bonds under the act of June 20, 1874, and changing the mode and time of paying the interest thereon; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

THOMAS W. TANSILL.

Mr. DOUGLAS also introduced a joint resolution (H. R. No. 4) authorizing the Secretary of the Treasury to adjust the accounts of Thomas W. Tansill, late quartermaster and commissary under the joint commission to run the boundary-line between the United States and Mexico; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ADVANCES BY STATES IN WAR OF 1812.

Mr. TERRY introduced a bill (H. R. No. 12) to re-open, state, and settle the claims of the several States against the United States for advances made in the war of 1812; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PORT OF ENTRY, WEST POINT, VIRGINIA.

Mr. DOUGLAS introduced a bill (H. R. No. 13) to establish a port of entry and delivery at the town of West Point, Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JAMES GREEN.

Mr. HUNTON introduced a bill (H. R. No. 14) for the relief of James Green, of Alexandria, Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

R. B. HACKNEY.

Mr. HUNTON also introduced a bill (H. R. No. 15) for the relief of R. B. Hackney, of the State of Virginia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DANIEL F. DULANY.

Mr. HUNTON also introduced a bill (H. R. No. 16) for the relief of Daniel F. Dulany; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EPISCOPAL THEOLOGICAL SEMINARY, VIRGINIA.

Mr. HUNTON also introduced a bill (H. R. No. 17) for the relief of the trustees of the Episcopal Theological Seminary, in Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TAX SALES IN INSURRECTIONARY STATES.

Mr. HUNTON also introduced a bill (H. R. No. 18) for the relief of owners and purchasers of lands sold for direct taxes in insurrectionary States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EPISCOPAL THEOLOGICAL SEMINARY, VIRGINIA.

Mr. HUNTON also introduced a bill (H. R. No. 19) for the relief of the trustees of the Episcopal Theological Seminary, in Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JUDICIAL COURTS OF UNITED STATES.

Mr. HUNTON also introduced a bill (H. R. No. 20) to amend the fourteenth section of the act to establish the judicial courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JUDICIAL DISTRICTS IN VIRGINIA.

Mr. HUNTON also introduced a bill (H. R. No. 21) supplementary to the third section of the act entitled "An act to divide the State of Virginia into two judicial districts;" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PAYMENT OF CLAIMS.

Mr. DAVIS introduced a bill (H. R. No. 22) to repeal so much of section 3480 of the Revised Statutes as forbids the payment of the accounts, claims, and demands therein named, and all laws and clauses of laws forbidding the payment thereof, and appropriating money to pay the same when duly established; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

OFFICIAL OATH FOR MEMBERS OF CONGRESS.

Mr. FELTON introduced a bill (H. R. No. 23) to prescribe and establish a form of oath or affirmation to be taken and subscribed by members of Congress before entering upon the duties of their office; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DISTRICT COURT IN MISSISSIPPI.

Mr. LYNCH introduced a bill (H. R. No. 24) to provide for the holding of an additional term of the United States district court for the southern district of Mississippi; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

TEXAS PACIFIC RAILROAD COMPANY.

Mr. DARRALL introduced a bill (H. R. No. 25) amendatory of, and supplementary to, the act entitled "An act to incorporate the Texas Pacific Railroad Company, and to aid in the construction of its road, and for other purposes," approved March 3, 1871, and an act supplementary thereto, approved May 2, 1872, and an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific Ocean," approved July 27, 1866; which was read a first and second time, referred to the Committee on the Pacific Railroad, and ordered to be printed.

FRANCIS T. NICHOLLS.

Mr. GIBSON introduced a bill (H. R. No. 26) to remove the disabilities of Francis T. Nicholls, of Louisiana; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REMOVAL OF POLITICAL DISABILITIES.

Mr. MOREY introduced a bill (H. R. No. 27) to remove the legal and political disabilities of all citizens of the United States subject thereto, and to prescribe an oath of office; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ALABAMA CLAIMS AWARD.

Mr. MONROE introduced a bill (H. R. No. 28) to amend an act entitled "An act for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, A. D. 1871, between the United States of America and the Queen of Great Britain," approved June 23, 1874; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FIRST LIEUTENANT HENRY JACKSON, UNITED STATES ARMY.

Mr. GARFIELD introduced a bill (H. R. No. 29) for the relief of First Lieutenant Henry Jackson, Seventh Cavalry, United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REPEAL OF SPECIE-RESUMPTION ACT.

Mr. SOUTHARD introduced a bill (H. R. No. 30) to repeal an act entitled "An act to provide for the resumption of specie payment," approved January 14, 1875; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

PATRICK GLACKIN.

Mr. VANCE, of Ohio, introduced a bill (H. R. No. 31) granting a pension to Patrick Glackin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC ANDREWS.

Mr. VANCE, of Ohio, also introduced a bill (H. R. No. 32) granting a pension to Isaac Andrews, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

THOMAS LEACH.

Mr. VANCE, of Ohio, also introduced a bill (H. R. No. 33) granting a pension to Thomas Leach; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REGULATION OF CERTAIN OFFICERS' PAY.

Mr. SAYLER introduced a bill (H. R. No. 34) to regulate the pay of certain officers; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

EQUALIZATION OF PENSIONS.

Mr. SAYLER also introduced a bill (H. R. No. 35) equalizing pensions of certain officers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAPTAIN EDWARD S. MEYER.

Mr. WOODWORTH introduced a bill (H. R. No. 36) to restore the name of Captain Edward S. Meyer to the active list of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM H. NESSLE.

Mr. WOODWORTH also introduced a bill (H. R. No. 37) for the relief of William H. Nessle; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. MARY A. DOYLE.

Mr. DANFORD introduced a bill (H. R. No. 38) granting a pension to Mrs. Mary A. Doyle, widow of David H. Doyle, late private of Company C, Thirty-second Regiment Ohio Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICK YOUNGBLUE.

Mr. DANFORD also introduced a bill (H. R. No. 39) granting a pension to Frederick Youngblue, of Company A, Twentieth Regiment Ohio Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

B. F. WEST & CO.

Mr. DANFORD also introduced a bill (H. R. No. 40) to re-imburse B. F. West & Co., of Martin's Ferry, Ohio, for internal-revenue stamps stolen from the Cambridge, Ohio, post-office; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WAGGONER, HOWELL & CO.

Mr. DANFORD also introduced a bill (H. R. No. 41) for the relief of Waggoner, Howell & Co., of West Wheeling, Ohio; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FRANCIS BERNARD.

Mr. FOSTER introduced a bill (H. R. No. 42) granting a pension to Francis Bernard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH A. NEIBLING.

Mr. FOSTER also introduced a bill (H. R. No. 43) granting a pension to Elizabeth A. Neibling; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RICHARD T. MORSELL.

Mr. FOSTER also introduced a bill (H. R. No. 44) for the relief of Richard T. Morsell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HANNAH M. DALEY.

Mr. FOSTER also introduced a bill (H. R. No. 45) granting a pension to Hannah M. Daley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SPECIE PAYMENTS.

Mr. JONES, of Kentucky, introduced a joint resolution (H. R. No. 5) for the repeal of the act of January 14, 1875, providing for the return to specie payments; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

Mr. BRIGHT introduced a bill (H. R. No. 46) to repeal the act of January 14, 1875, for the resumption of specie payments; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

FRANKING PRIVILEGE.

Mr. BRIGHT also introduced a bill (H. R. No. 47) to restore the franking privilege on the CONGRESSIONAL RECORD and public documents; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

TAX UPON TOBACCO.

Mr. WHITTHORNE introduced a bill (H. R. No. 48) to modify the tax upon tobacco; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CLAIMS OF MAIL CONTRACTORS.

Mr. WHITTHORNE also introduced a bill (H. R. No. 49) to pay the claims of certain mail contractors in Tennessee; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN E. TULLOSS.

Mr. WHITTHORNE also introduced a bill (H. R. No. 50) for the relief of John E. Tulloss, of Williamson County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM PARK.

Mr. WHITTHORNE also introduced a bill (H. R. No. 51) for the relief of William Park, of Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CLAIM FOR HORSES.

Mr. WHITTHORNE also introduced a bill (H. R. No. 52) to pay certain persons therein specified for horses illegally taken from them by officers of the United States; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

COLLECTION OF ABANDONED PROPERTY, ETC.

Mr. WHITTHORNE also introduced a bill (H. R. No. 53) to amend the third section of the act of Congress entitled "An act to provide for the collection of abandoned property and for the prevention of frauds in the insurrectionary districts within the United States;" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PAUL F. EVE.

Mr. WHITTHORNE also introduced a bill (H. R. No. 54) for the relief of Paul F. Eve, of Nashville, Tennessee; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. WHITTHORNE also introduced a bill (H. R. No. 55) directing the commissioners in charge of the Freedman's Savings and Trust Company to institute suit against the trustees, officers, and agents of said company, with a view of holding them personally liable to the depositors for deposits made in said company; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

PENSIONS TO SOLDIERS OF WAR OF 1812.

Mr. WHITTHORNE also introduced a bill (H. R. No. 56) to extend the provisions of the act of Congress approved February 14, 1871, granting pensions to certain soldiers and sailors of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

STATE OF TENNESSEE.

Mr. WHITTHORNE also introduced a bill (H. R. No. 57) for the relief of the State of Tennessee; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EQUALIZATION OF BOUNTIES.

Mr. THORNBURGH introduced a bill (H. R. No. 58) to equalize the bounties of soldiers who served in the late war for the Union; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN CLINTON.

Mr. CALDWELL, of Tennessee, by unanimous consent, introduced a bill (H. R. No. 59) for the relief of John Clinton, postmaster at Brownsville, Tennessee; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BETHEL COLLEGE, TENNESSEE.

Mr. ATKINS introduced a bill (H. R. No. 60) to re-imburse the trustees of Bethel College; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF JOHN EVANS.

Mr. ATKINS also introduced a bill (H. R. No. 61) for the relief of the minor heirs of John Evans, deceased; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NANCY H. BLACKNALL.

Mr. ATKINS also introduced a bill (H. R. No. 62) granting a pension to Nancy H. Blacknall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REPEAL OF RESUMPTION ACT.

Mr. LANDERS, of Indiana, introduced a bill (H. R. No. 63) relative to the repeal of the resumption act of January 14, 1875; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

MILEAGE OF MEMBERS OF CONGRESS.

Mr. BAKER, of Indiana, introduced a bill (H. R. No. 64) relating to the mileage of members of Congress; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SUBSIDIES.

Mr. BAKER, of Indiana, also introduced a resolution against subsidies and granting aid to railroads; which was read a first and second time, referred to the Committee on the Pacific Railroad, and ordered to be printed.

POSTAGE.

Mr. CASON introduced a bill (H. R. No. 65) to amend the law relating to postage on third-class mail matter; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

BOUNTIES.

Mr. CASON also introduced a bill (H. R. No. 66) in relation to bounties; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MILITARY CLAIMS.

Mr. CASON also introduced a bill (H. R. No. 67) for the relief of soldiers who have been in the service of the United States, and others having claims by, through, and under them; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LOUIS PELHAM.

Mr. CASON also introduced a bill (H. R. No. 68) for the relief of Louis Pelham; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BOUNTY.

Mr. CASON also introduced a bill (H. R. No. 69) to extend the time for filing claims for additional bounty under the act of July 28, 1866; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JACOB DICE.

Mr. CASON also introduced a bill (H. R. No. 70) for the relief of Jacob Dice, of Fountain County, Indiana; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SPECIE PAYMENTS.

Mr. HOLMAN introduced a bill (H. R. No. 71) to repeal the act for the resumption of specie payments; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

BANKRUPT LAW.

Mr. HOLMAN also introduced a bill (H. R. No. 72) to repeal the bankrupt law; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EQUALIZATION OF BOUNTIES.

Mr. HOLMAN also introduced a bill (H. R. No. 73) to equalize the bounties of soldiers who served in the late war for the Union; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

UNITED STATES NOTES.

Mr. HOLMAN also introduced a bill (H. R. No. 74) to substitute United States notes for the issues of national banking associations; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

SPECIE PAYMENTS.

Mr. FARWELL introduced a bill (H. R. No. 75) for the resumption of specie payments; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

JOSEPH M. M'CULLOUGH.

Mr. FORT introduced a bill (H. R. No. 76) for the relief of Joseph M. McCullough, late captain of Company C, Seventy-seventh Regiment Illinois Volunteer Infantry; which was read a first and second

time, referred to the Committee on Military Affairs, and ordered to be printed.

EMPLOYÉS OF THE HOUSE.

Mr. FORT. I submit the following resolution:

Resolved by the House of Representatives, That in all subordinate appointments, under any of the officers of this House, it is the judgment of this House that wounded Union soldiers, who are not disabled from performance of duty, should be preferred.

I ask that this resolution shall be now considered, and upon it I call the previous question.

Mr. RANDALL. I hope the call for the previous question will be voted down.

The question was then taken on seconding the call for the previous question; and upon a division there were—ayes 97, noes 134.

Before the result of this vote was announced,

Mr. FORT called for tellers on seconding the call for the previous question.

Tellers were ordered; and Mr. FORT and Mr. HARRISON were appointed.

The House again divided; and the tellers reported that there were—ayes 99, noes 126.

So the previous question was not seconded.

Mr. COX. I offer an amendment to the resolution of the gentleman from Illinois, [Mr. FORT,] and then I will move that both the resolution and the amendment be referred to the Committee on Accounts.

Mr. FORT. Has the gentleman the floor at this time?

Mr. COX. I think you are voted down.

The SPEAKER. The Chair recognizes the gentleman from New York, [Mr. COX,] the gentleman from Illinois [Mr. FORT] having surrendered the floor when he called the previous question.

Mr. FORT. The State of New York has been called and passed.

The resolution proposed by Mr. COX was then read, as follows:

Resolved, That inasmuch as the Union of the States has been restored, all the citizens thereof are entitled to consideration in all appointments to offices under this Government.

Mr. COX. I call the previous question on my motion to refer the resolution and amendment to the Committee on Accounts.

Mr. CONGER. On the motion to refer I call for the yeas and nays.

The SPEAKER. The first question is upon seconding the call for the previous question.

Mr. FORT. I would like to hear the gentleman from Ohio or from New York, whichever it is, [Mr. COX,] debate his resolution.

Mr. COX. We are now dividing on the call for the previous question.

Mr. HALE. Is the resolution of the gentleman from New York [Mr. COX] introduced as a substitute for the resolution of the gentleman from Illinois, [Mr. FORT?]

The SPEAKER. The Chair understands it to be offered as an amendment.

Mr. HALE. And therefore the House is voting on the resolution of the gentleman from New York as an amendment to the resolution of the gentleman from Illinois.

Mr. RANDALL. As I understand, the question is upon the motion to refer.

The SPEAKER. The question is upon the reference.

Mr. HOAR. Has the sense of the House been taken upon seconding the call for the previous question?

The SPEAKER. It has not; that is the first question to be submitted to the House.

Mr. STARKWEATHER. Can the gentleman from New York [Mr. COX] introduce a resolution at this time, the State of New York having been called and passed?

The SPEAKER. It is too late to raise that question now.

Mr. FORT. I submit whether that objection was not raised at the time.

The SPEAKER. The Chair thinks not.

Mr. COX. I object to anything except a division of the House.

Mr. STARKWEATHER. I understood the gentleman from Illinois [Mr. FORT] to raise that question.

The SPEAKER. The Chair did not so understand.

Mr. FORT. I tried to do so as soon as I could get on my feet.

Mr. HALE. Has the House acted on the question of amending?

The SPEAKER. It has not.

Mr. HALE. Should that not be acted on first?

The SPEAKER. That would be acting now on the subject-matter of the resolution, which is not the purpose of the gentleman from New York, [Mr. COX,] who moves to refer both resolutions to a committee; and the question is on the reference, upon which the previous question has been demanded.

Mr. HALE. As the House has not acted on the amendment, is it before the House?

The SPEAKER. The Chair understands that it is.

Mr. COX. I have called the previous question on the motion to refer. Gentlemen have acted *ad captandum* on this question. I propose now to test the matter. My proposition is in the nature of an amnesty.

The SPEAKER. The question is on sustaining the demand for the previous question.

Mr. HALE. On what?

The SPEAKER. On the motion to refer the resolutions to the Committee on Accounts. The Chair hopes there will be no further interruptions until this question is disposed of.

The previous question was seconded and the main question ordered.

The question recurring on the motion of Mr. COX to refer—

Mr. CONGER called for the yeas and nays.

The yeas and nays were ordered.

Mr. REAGAN. I desire to raise a question of order. It is that neither the resolution nor the amendment is a proposition to pass a law or to adopt a resolution directing any officer of this House or other officer of the Government to do any act; that the pending propositions present nothing which this House is authorized or required by law to do.

The SPEAKER. In the judgment of the Chair, if the objection of the gentleman from Texas [Mr. REAGAN] were ever tenable, it comes too late. The Chair therefore overrules it.

The question being taken on agreeing to the motion of Mr. COX, there were—yeas 168, nays 102, not voting 29; as follows:

YEAS—Messrs. Ainsworth, Anderson, Ashe, Atkins, Bagby, John H. Bagley, jr., Banning, Barnum, Beebe, Bell, Blackburn, Bland, Bliss, Blount, Boone, Bradford, Bright, John Young Brown, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Candler, Cate, Caulfield, Chapin, Chittenden, John B. Clarke, John B. Clark, jr., Clymer, Cochrane, Cook, Cowan, Cox, Culberson, Cutler, Davis, De Bolt, Dibrell, Douglas, Durand, Eden, Egbert, Ellis, Ely, Faulkner, Felton, Forney, Franklin, Fuller, Gause, Gibson, Glover, Goode, Gunter, Andrew H. Hamilton, Robert Hamilton, Hancock, Hardenbergh, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Hatcher, Haymond, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Holman, Hooker, Hopkins, House, Hunton, Hurd, Jenks, Frank Jones, Thomas L. Jones, Kehr, Knott, Lamar, Franklin Landers, George M. Landers, Lane, Levy, Lewis, Lord, Luttrell, Lynde, Maish, McFarland, McMahon, Meade, Metcalf, Milliken, Mills, Money, Morgan, Morrison, Mutchler, Neal, New, O'Brien, Odell, Parsons, Payne, Phelps, John F. Philips, Piper, Poppleton, Randall, Rea, Reagan, John Reilly, James B. Reilly, Rice, John Robbins, William M. Robbins, Miles Ross, Savage, Sayler, Scales, Schleicher, Schumaker, Seelye, Sheakley, Singleton, Siemons, William E. Smith, Southard, Sparks, Springer, Stenger, Stone, Swann, Tarbox, Teese, Terry, Thompson, Thomas, Throckmorton, Tucker, Turney, John L. Vance, Robert B. Vance, Waddell, Charles C. B. Walker, Gilbert C. Walker, Walling, Ward, Warren, Erastus Wells, Whitehouse, Whitthorne, Wigginton, Wike, Alpheus S. Williams, James Williams, James D Williams, Jeremiah N. Williams, Willis, Wilshire, Benjamin Wilson, Fernando Wood, Yeates, and Young—168.

NAYS—Messrs. Adams, George A. Bagley, John H. Baker, William H. Baker, Ballou, Blaine, Blair, Bradley, William R. Brown, Horatio C. Burchard, Burleigh, Cannon, Cason, Caswell, Conger, Crapo, Crounse, Danford, Darrall, Davy, Denison, Dobbins, Dunnell, Eames, Evans, Farwell, Fort, Foster, Freeman, Frost, Frye, Garfield, Goodin, Hale, Haralson, Benjamin W. Harris, Henderson, Hoar, Hoge, Hoskins, Hubbell, Hunter, Hurlbut, Hyman, Joyce, Kasson, Kelley, Ketchum, Kimball, King, Lapham, Lawrence, Lynch, Magoon, MacDougall, McCrary, McDill, Miller, Monroe, Nash, Norton, Oliver, O'Neill, Packer, Page, William A. Phillips, Pierce, Plaisted, Pratt, Purman, Rainey, Robinson, Sobieski Ross, Rusk, Sampson, Sinnickson, Smalls, A. Herr Smith, Starkweather, Strait, Stevenson, Stowell, Thornburgh, Martin I. Townsend, Washington Townsend, Tufts, Van Vorhes, Waldron, Alexander S. Wallace, John W. Wallace, Walls, G. Wiley Wells, Wheeler, White, Whiting, Willard, Charles G. Williams, William B. Williams, James Wilson, Alan Wood, jr., Woodburn, and Woodworth—102.

NOT VOTING—Messrs. Banks, Bass, Campbell, Collins, Durham, Hathorn, Hays, Hendee, Henkle, Leavenworth, Edmund W. M. Mackey, Levi A. Mackey, Morey, Platt, Potter, Powell, Roberts, Walsh, and Andrew Williams—29.

So the motion to refer was agreed to.

Mr. COX moved to reconsider the vote by which the resolution and amendment were referred to the Committee on Accounts; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIMITATION OF PRESIDENTIAL TERM.

Mr. HARRISON introduced a joint resolution (H. R. No. 6) for an amendment to the Constitution fixing one term for President of the United States and making him ineligible for future elections, but making him Senator for life for the United States at large on the expiration of his office as President; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. HARRISON subsequently said: I ask unanimous consent to have printed in full in the RECORD the joint resolution introduced proposing an amendment of the Constitution of the United States. I have been told that it will kill me politically, and I am satisfied if it is understood it will not have that effect.

No objection was made, and it was so ordered.

The joint resolution is as follows:

Resolved by the Senate and House of Representatives of the United States of America, (two-thirds of each House concurring therein,) That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said Legislatures, shall be valid as a part of the Constitution, namely:

ARTICLE XVI.

From and after the election for President of the United States next following the ratification of this article, the President shall hold his office during the term of six years, and, together with the Vice-President chosen for the same term, be elected in the manner as now provided or may hereafter be provided; but neither the President nor Vice-President, when the office of President is devolved upon him, shall be eligible for re-election as President, but shall be from and after the expiration of his office as President, unless the same be by impeachment, a Senator for life for the United States at large, and, as such Senator, shall have the same privileges as other Senators, (except that he shall not vote as Senator, nor shall he be President *pro tempore* of the Senate,) the same immunities, and compensation; but his attendance upon the sessions shall not be compulsory, nor shall his compensation be abridged by reason of his non-attendance.

CONFIRMED LANDS IN NORTHWESTERN AND INDIANA TERRITORIES.

Mr. EDEN introduced a bill (H. R. No. 77) for the relief of persons to whom the governors of the Northwestern and Indiana Territories confirmed lands; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

REDUCTION OF REGULAR ARMY.

Mr. SPRINGER submitted the following resolution, on which he demanded the previous question:

Resolved, That the Committee on Military Affairs be requested to inquire into the expediency of reducing the Regular Army to 10,000 men, or to such number as will insure an efficient public service at an expense of not exceeding $20,000,000 annually, and that said committee report by bill or otherwise.

Mr. KASSON. Is that a resolution to inquire into the expediency or a resolution of instruction?

The SPEAKER. It is merely a resolution to inquire into the expediency.

The resolution was again read.

Mr. CONGER. I wish to say a few words on that resolution.

The SPEAKER. The gentleman from Illinois introducing the resolution demands the previous question, and debate is not in order.

Mr. CONGER. Does he ask it to be put on its passage at this time?

Mr. STARKWEATHER. Is this a bill?

The SPEAKER. It is merely a resolution that the Committee on Military Affairs inquire into the expediency of what is suggested, and the gentleman introducing the resolution demands the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was adopted.

INELIGIBILITY OF PRESIDENT.

Mr. MORRISON introduced a joint resolution (H. R. No. 7) to fix the term of the presidential office at six years and to make the President ineligible for more than six years in any term of twelve years after the next presidential election; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PAYMENT OF IMPORT DUTIES IN LEGAL-TENDER TREASURY NOTES.

Mr. SPARKS introduced a bill (H. R. No. 78) authorizing the payment of duties on imports in legal-tender Treasury notes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

NATIONAL CURRENCY.

Mr. CAMPBELL introduced a bill (H. R. No. 79) to provide a national currency and to provide for the collection and disbursement of the public revenue, and for other purposes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

ELIZABETH B. DYER.

Mr. CLARK, of Missouri, introduced a bill (H. R. No. 80) granting a pension to Elizabeth B. Dyer, widow of Alexander B. Dyer, late brigadier-general and Chief of Ordnance United States Army; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SWAMP-LANDS.

Mr. CLARK, of Missouri, also presented concurrent resolutions of the General Assembly of the State of Missouri in regard to swamp-lands; which were read, referred to the Committee on the Public Lands, and ordered to be printed.

WILBER F. CHAMBERLAIN, LEWIS COUNTY, MISSOURI.

Mr. GLOVER introduced a bill (H. R. No. 81) for the relief of Wilber F. Chamberlain, of Lewis County, Missouri; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THIRD-CLASS MAIL MATTER.

Mr. GLOVER also introduced a bill (H. R. No. 82) to regulate postage on third-class mail matter; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

JAMES A. HILE, LEWIS COUNTY, MISSOURI.

Mr. GLOVER also introduced a bill (H. R. No. 83) for the relief of James A. Hile, of Lewis County, Missouri; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DEPARTMENT OF COMMERCE.

Mr. STONE introduced a bill (H. R. No. 84) to establish a Department of Commerce; which was read a first and second time, ordered to be printed, and referred to the Committee on Commerce.

Mr. STONE. I ask unanimous consent that this bill may also be printed in the CONGRESSIONAL RECORD.

There was no objection, and it was so ordered.

The bill is as follows:

A bill to establish a Department of Commerce.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be, and is hereby, established an Executive Department to be called the Department of Commerce. Said Department shall be charged with the supervision and care of the agricultural, commercial, manufacturing, and mining interests of the United States in so far as the same may be confided to the National Government by the Constitution.

SEC. 2. That said Department shall be charged with the execution of all laws of the United States relating to trade and commerce, both foreign and domestic; to rivers and harbors; to light-houses, port charges, quarantine, emigration, pilotage, tonnage, and the measurement, registry, enrollment, and licensing of vessels, and generally of all matters included in the navigation laws; and shall have the supervision and control of all the officers and agents appointed to carry all such laws into effect.

SEC. 3. That said Department shall also be charged with the execution of the laws of the United States imposing duties on imports, and taxes and excises pertaining to internal revenue, and shall have the supervision, direction, and control of the collectors and other officers employed under such laws.

SEC. 4. That said Department shall collect, collate, and tabulate statistics relating to the agriculture, commerce, manufactures, and mining of the United States, and publish and circulate the same in such way as may be provided by law.

SEC. 5. That said Department shall from time to time communicate to the other Executive Departments the information received by it from its correspondence and inquiries on matters under the care of said Department, accompanying the same with such suggestions as may be useful for correcting defects in treaties, laws, or regulations, or for the amendment of the same, for the protection of the persons and interests of the people of the United States.

SEC. 6. That said Department shall carefully examine and compare all State laws and regulations on the subjects of agriculture, manufactures, mining, trade, and commerce, and also all local usages, customs, and charges which affect commerce among the several States; and where the same shall be found solely under the control of the several States, endeavor, by correspondence with the State governments, to secure uniformity in the State laws on those subjects.

SEC. 7. That in so far as this act shall operate to transfer powers and duties from other Executive Departments to the Department hereby established, the Secretary of said Department shall, after conference with the Secretary of the Department from which such transfers are to be made, report to the President what transfers should be made, and on the approval thereof by the President, such transfers shall be carried into effect, and the clerks and other officers connected therewith shall be placed under the supervision and control of the Department of Commerce.

SEC. 8. That the officers of the said Department shall be a Secretary and Assistant Secretary, to be appointed by the President, by and with the advice and consent of the Senate. They shall hold their offices for the same time and under the same tenure, and receive the same compensation as may be payable to the Secretaries and Assistant Secretaries of the Treasury Department. In the absence or inability of the Secretary to act, the Assistant Secretary shall act *pro tempore*.

SEC. 9. That there shall be a chief clerk, and such additional clerks and other officers as may be provided by law, who shall be appointed by the Secretary, receive such compensation as may be fixed by law, and hold their offices at the pleasure of the Secretary.

SEC. 10. That the Secretary of said Department shall annually, in the month of October, make a report to the President, to be by him laid before Congress at its next session, which report shall contain an account of the operations of the Department for the year ending on the 30th day of June preceding said report; and in said reports the Secretary shall make such suggestions for the amendment and improvement of the laws and regulations that pertain to the matters confided to the care of the Department as from the information received by it, or from the experience of the practical working of such laws, he shall deem of importance to the public interest.

SEC. 11. That so much of any law as is hereby altered or supplied be, and the same is hereby, repealed.

ERRORS IN PRIZE-LISTS.

Mr. STONE also introduced a bill (H. R. No. 85) authorizing corrections to be made in errors in prize-lists; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

SOLDIERS AND SAILORS OF MEXICAN WAR.

Mr. STONE also introduced a bill (H. R. No. 86) granting a pension to certain soldiers and sailors of the war with Mexico, and the widows of deceased soldiers and sailors; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SALE OF LEAF-TOBACCO.

Mr. STONE also presented a joint and concurrent resolution of the General Assembly of the State of Missouri, in regard to the sale of leaf-tobacco as affected by the provisions of the revenue law of the United States enacted June 6, 1872; which was referred to the Committee on Ways and Means, and ordered to be printed.

SWAMP AND OVERFLOWED LANDS.

Mr. STONE also presented a concurrent resolution of the General Assembly of the State of Missouri, in regard to swamps and overflowed lands; which was referred to the Committee on the Public Lands, and ordered to be printed.

CESSION OF LAND IN NEBRASKA.

Mr. STONE also presented a concurrent resolution of the General Assembly of the State of Missouri, in regard to ceding a portion of Nemaha County, in the State of Nebraska, to the State of Missouri; which was referred to the Committee on the Public Lands, and ordered to be printed.

MINT AT SAINT LOUIS.

Mr. WELLS, of Missouri, introduced a bill (H. R. No. 87) to establish a mint for the coinage of gold and silver at Saint Louis, in the State of Missouri; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

HARLON J. PHELPS.

Mr. WELLS, of Missouri, also introduced a bill (H. R. No. 88) for the relief of Harlon J. Phelps; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TEXAS PACIFIC RAILROAD.

Mr. WELLS, of Missouri, also introduced a bill (H. R. No. 89) amendatory of, and supplementary to, the act entitled "An act to incorporate the Texas Pacific Railroad Company, and to aid in the construction of its road, and for other purposes," approved March 3, 1871, and the act supplementary thereto, approved May 2, 1872, and the act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific Ocean," approved July 27, 1866; which was read a first

and second time, referred to the Committee on the Pacific Railroad, and ordered to be printed.

DONATION OF CONDEMNED CANNON.

Mr. WELLS, of Missouri, also introduced a bill (H. R. No. 90) authorizing the Secretary of War to deliver to the commissioners of Forest Park, Saint Louis, Missouri, eight condemned cannon, to be used in constructing the base of the statue of Ex-Attorney-General Edward Bates; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

POSTAGE ON MATTER OF THE THIRD CLASS.

Mr. DE BOLT introduced a bill (H. R. No. 91) establishing the rate of postage on matter of the third class; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed,

VAN B. BOWERS.

Mr. DE BOLT also introduced a bill (H. R. No. 92) for the relief of Van B. Bowers, postmaster at Bucklin, Missouri; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

TAX ON TOBACCO.

Mr. DE BOLT also introduced a bill (H. R. No. 93) to regulate the tax on dealers in and producers of tobacco; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SWAMP-LAND SOLD BY THE UNITED STATES.

Mr. DE BOLT also introduced a bill (H. R. No. 94) granting indemnity to States for swamp-land sold by the United States; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PERNETTA HENDLEY.

Mr. DE BOLT also introduced a bill (H. R. No. 95) for the relief of Pernetta Hendley; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

TRANSFER OF LAND.

Mr. DE BOLT also introduced a bill (H. R. No. 96) detaching lands from the State of Nebraska and attaching the same to the State of Missouri; which was read a first and second time, and ordered to be printed.

Mr. DE BOLT. As there are but few States interested in this bill, I would ask that it be referred to a special committee, composed of the members from Missouri and Nebraska.

The SPEAKER. That can only be done by unanimous consent, under this call.

Mr. DE BOLT. I ask unanimous consent.

Mr. RANDALL. That is an unusual request.

The SPEAKER. Does the gentleman object?

Mr. RANDALL. I do.

The SPEAKER. The bill will then be referred to the Committee on Public Lands.

SAMUEL WARE.

Mr. PHILIPS, of Missouri, introduced a bill (H. R. No. 97) directing the Commissioner of the General Land Office to issue a certificate of relocation of six hundred and forty acres of land in the Territory of Missouri to the legal representatives of Samuel Ware; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

SALE OF LEAF-TOBACCO.

Mr. PHILIPS, of Missouri, also presented a joint resolution of the Legislature of the State of Missouri, in regard to the sale of leaf-tobacco; which was referred to the Committee on Ways and Means, and ordered to be printed.

JAMES SMITH.

Mr. MORGAN introduced a bill (H. R. No. 98) for the relief of James Smith, late first lieutenant Company F, Forty-sixth Missouri Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REVENUE LAWS.

Mr. REA introduced a bill (H. R. No. 99) to amend existing revenue laws; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

NEW MADRID LAND PATENTS.

Mr. BUCKNER introduced a bill (H. R. No. 100) granting legal titles to the New Madrid location in the State of Missouri for which patents have not heretofore been issued; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

JAMES B. ARMSTRONG.

Mr. BUCKNER also introduced a bill (H. R. No. 101) amendatory of an act entitled "An act for the relief of the heirs and next of kin of James B. Armstrong, deceased," approved March 3, 1873; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

REMOVAL OF EX-SENATOR HENDERSON.

Mr. BUCKNER. I submit the following resolution, upon which I call the previous question:

Resolved, That the President of the United States be requested to transmit to the House all correspondence in reference to the dismissal of Ex-Senator John B. Henderson, of Missouri, as one of the special counsel of the United States in the prosecution of the whisky-fraud cases before the United States court at Saint Louis.

Mr. LAWRENCE. Allow me to suggest that there should be incorporated into the resolution the words "if not incompatible with the public interest." That is the usual form of resolutions calling upon the President for information.

Mr. BUCKNER. I object to any modification of the resolution.

Mr. KASSON. I ask that the resolution lie over one day, under the rule relating to resolutions calling upon the Executive Departments for information.

The SPEAKER. Does the gentleman from Missouri [Mr. BUCKNER] call the previous question on his resolution?

Mr. BUCKNER. I do.

Mr. KASSON. I make the point of order that under the rule—Rule 53, I believe—all resolutions calling upon the Executive Departments for information must lie over one day if objection be made to their immediate consideration. That objection to this resolution I now make.

Mr. BUCKNER. If that is the rule I must submit to it.

The SPEAKER. The Chair sustains the point of order, and the resolution goes over.

EMMA A. PORCH.

Mr. DURAND introduced a bill (H. R. No. 102) for the relief of Mrs. Emma A. Porch, of Centre Town, Missouri; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

STEAMBOATS.

Mr. CONGER introduced a bill (H. R. No. 103) to revise, amend, and consolidate the laws relating to the security of life on board vessels propelled in whole or in part by steam, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MICHIGAN SHIP-CANAL.

Mr. WALDRON presented joint resolutions of the Legislature of the State of Michigan, asking an appropriation for survey of Michigan Ship-canal; which were referred to the Committee on Commerce, and ordered to be printed.

GILLING-TWINE.

Mr. WALDRON also presented joint resolutions of the Legislature of the State of Michigan, asking that gilling-twine be admitted free of duty; which were referred to the Committee on Ways and Means, and ordered to be printed.

EDWARD C. WHEELOCK.

Mr. W. B. WILLIAMS introduced a bill (H. R. No. 104) granting a pension to Edward C. Wheelock; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REPORTS OF RAILROAD COMPANIES.

Mr. W. B. WILLIAMS also introduced a bill (H. R. No. 105) to amend an act entitled "An act relative to filing reports of railroad companies," approved June 25, 1868; which was read a first and second time, referred to the Committee on the Pacific Railroad, and ordered to be printed.

JUDICIAL DISTRICTS IN MICHIGAN.

Mr. HUBBELL introduced a bill (H. R. No. 106) to divide the State of Michigan into three judicial districts and to establish the northern district of Michigan; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

W. W. VAN ANTWERP.

Mr. WILLARD introduced a bill (H. R. No. 107) for the relief of W. W. Van Antwerp, of Jackson, Michigan; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

POVERTY ISLAND LIGHT-HOUSE.

Mr. A. S. WILLIAMS introduced a bill (H. R. No. 108) for the relief of workmen employed in the construction of Poverty Island light-house, Lake Michigan; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PENSIONS FOR WAR OF 1812.

Mr. HANCOCK introduced a bill (H. R. No. 109) to amend an act entitled "An act granting pensions to certain soldiers and sailors of the war of 1812 and the widows of deceased soldiers," approved February 14, 1871, and to restore to the pension-rolls those persons whose names were stricken therefrom in consequence of disloyalty; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

HENRY WARREN.

Mr. HANCOCK also introduced a bill (H. R. No. 110) for the relief of Henry Warren; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

DAVID J. GARRETT.

Mr. KASSON introduced a bill (H. R. No. 111) granting a pension to David J. Garrett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

D. E. COOPER.

Mr. KASSON also introduced a bill (H. R. No. 112) for the relief of D. E. Cooper; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ROBERT COLES.

Mr. KASSON also introduced a bill (H. R. No. 113) for the relief of Robert Coles; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ARLOFF JOHNSON.

Mr. McCRARY introduced a bill (H. R. No. 114) for the relief of Arloff Johnson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ADAM HINE.

Mr. McCRARY also introduced a bill (H. R. No. 115) for the relief of Adam Hine; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DANIEL WORMER.

Mr. McCRARY also introduced a bill (H. R. No. 116) for the relief of Daniel Wormer; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

UTILIZATION OF WATER-POWER.

Mr. McCRARY also introduced a bill (H. R. No. 117) to provide for utilizing certain water-power; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

S. T. MARSHALL.

Mr. McCRARY also introduced a bill (H. R. No. 118) for the relief of S. T. Marshall; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

HEIRS OF O. H. BREWER.

Mr. McCRARY also introduced a bill (H. R. No. 119) for the relief of the heirs or legal representatives of O. H. Brewer, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

INTERNATIONAL ARBITRATION.

Mr. McCRARY also introduced a joint resolution (H. R. No. 8) concerning international arbitration; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

AMENDMENT TO THE CONSTITUTION.

Mr. McCRARY also introduced a joint resolution (H. R. No. 9) proposing an amendment to the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CHARLES M. BLAKE.

Mr. McCRARY also introduced a joint resolution (H. R. No. 10) for the relief of Charles M. Blake, late chaplain of the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. WILSON, of Iowa. I submit the following resolution, on which I demand the previous question:

Resolved by the House of Representatives, That it is the duty of Congress to regulate commerce on inter-state railroads by appropriate legislation, so that the agricultural, commercial, and other industrial interests of the country may be protected from extortion and discrimination.

Mr. HAMILTON. I raise the point of order on that resolution that it must lie over one day.

The SPEAKER. The Chair overrules the point of order, as the gentleman from Iowa moved the previous question on the resolution when he offered it.

Mr. WILSON, of Iowa. I call for tellers upon seconding the demand for the previous question.

Tellers were ordered; and Mr. KNOTT, and Mr. WILSON of Iowa, were appointed.

The House divided; and the tellers reported—ayes 77, noes 93.

So the call for the previous question was not sustained.

Mr. WILSON, of Iowa. I move, then, that the resolution be referred to the Committee on Railways and Canals; and on that motion I move the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was referred to the Committee on Railways and Canals.

Mr. WILSON, of Iowa, moved to reconsider the vote by which the resolution was referred; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONFIRMATION OF LAND CLAIMS.

Mr. McDILL introduced a bill (H. R. No. 120) to confirm pre-emption and homestead entries on public lands within the limits of railroad grants in cases where such entries have been made under the regulations of the Land Department; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

Mr. OLIVER introduced a bill (H. R. No. 121) providing for final proof of settlement and cultivation by homestead claimants in the counties in which the land is situated in certain cases; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

Mr. OLIVER. I offer the following resolution, upon which I move the previous question:

Resolved, That the Committee on Coinage, Weights, and Measures be instructed to inquire into the best method to be taken on the part of the United States with a view to the establishment of a uniform decimal system of weights, measures, and coinage throughout the civilized world, and report to this House by bill or otherwise.

The question was put upon seconding the call for the previous question; and on a division there were—ayes 73, noes 91.

So the previous question was not seconded.

Mr. OLIVER. I move, then, that the resolution be referred to the Committee on Coinage, Weights, and Measures.

The motion to refer was agreed to.

PONTON BRIDGE ACROSS THE MISSISSIPPI.

Mr. KIMBALL introduced a bill (H. R. No. 122) to authorize the construction of a ponton bridge across the Mississippi River from some feasible point in Buffalo County, in the State of Wisconsin, to some feasible point in Winona County, in the State of Minnesota; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

J. H. JONES.

Mr. KIMBALL also introduced a bill (H. R. No. 123) for the relief of J. H. Jones; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. T. C. WATSON.

Mr. LUTTRELL introduced a bill (H. R. No. 124) granting a pension to Mrs. T. C. Watson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DESERT LANDS IN CALIFORNIA.

Mr. LUTTRELL also introduced a bill (H. R. No. 125) to provide for the sale of desert lands in Modoc and Siskiyou Counties, California; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

INTERNAL-REVENUE TAX ON APPLE BRANDY, ETC.

Mr. LUTTRELL also introduced a bill (H. R. No. 126) to remove all internal-revenue taxes from apple, peach, grape, or fruit brandy manufactured in the United States; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PAYMENT OF IMPORT DUTIES IN CURRENCY.

Mr. LUTTRELL also introduced a bill (H. R. No. 127) authorizing payments for import duties to be made one-half in legal-tenders or national-bank notes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DUTIES ON GRAIN-SACKS, BAGGING, ETC.

Mr. LUTTRELL also introduced a bill (H. R. No. 128) repealing the duty on grain-sacks and bagging used for grain, cotton, and wool, and all burlaps and gunny-cloth; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

GRAZING LANDS IN CALIFORNIA.

Mr. LUTTRELL also introduced a bill (H. R. No. 129) to provide for the sale and pre-emption of the grazing lands in the State of California; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

HARBOR AT CRESCENT CITY, CALIFORNIA.

Mr. LUTTRELL also introduced a bill (H. R. No. 130) to appropriate money for the improvement of the harbor at Crescent City, California; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HARBOR AT HUMBOLDT BAY, CALIFORNIA.

Mr. LUTTRELL also introduced a bill (H. R. No. 131) to appropriate money to improve the harbor at Humboldt Bay, California; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

POST-OFFICE BUILDING, SAN FRANCISCO.

Mr. PIPER introduced a bill (H. R. No. 132) authorizing the construction of a post-office in the city of San Francisco, California; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

WAR EXPENSES OF PACIFIC STATES.

Mr. PIPER also introduced a bill (H. R. No. 133) to re-imburse the States of California, Oregon, and Nevada for expenses incurred in the

late rebellion; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

STEAM FOG-SIGNAL, CALIFORNIA.

Mr. PIPER also introduced a bill (H. R. No. 134) authorizing the construction of a steam fog-signal at the South Farrallones Islands, in California; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

INDIAN AFFAIRS.

Mr. PIPER also introduced a bill (H. R. No. 135) to transfer the Office of Indian Affairs from the Interior Department to the War Department; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. PIPER also introduced a bill (H. R. No. 136) to amend section 840, chapter 16, Title XIII, Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Revision of the Laws of the United States, and ordered to be printed.

G. HARRIS HEAP.

Mr. PIPER also introduced a joint resolution (H. R. No. 11) authorizing G. Harris Heap, United States consul at Tunis, to accept the trust of commissioner of the Bey of Tunis; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

WILMINGTON HARBOR, CALIFORNIA.

Mr. WIGGINTON introduced a bill (H. R. No. 137) to appropriate money for the improvement of the harbor at Wilmington, California; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SAN DIEGO HARBOR, CALIFORNIA.

Mr. WIGGINTON also introduced a bill (H. R. No. 138) to appropriate money for the improvement of the harbor at San Diego, California; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BREAKWATER AT SAN LOUIS OBISPO, CALIFORNIA.

Mr. WIGGINTON also introduced a bill (H. R. No. 139) to authorize the construction of a breakwater at San Louis Obispo harbor, California; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

FORFEITURE OF RAILROAD GRANT.

Mr. PAGE introduced a bill (H. R. No. 140) to forfeit certain public lands granted to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

TIMBER LANDS IN CALIFORNIA, OREGON, AND WASHINGTON.

Mr. PAGE also introduced a bill (H. R. No. 141) for the sale of timber lands in the States of California and Oregon, and in Washington Territory; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PLACER-MINING LANDS IN CALIFORNIA.

Mr. PAGE also introduced a bill (H. R. No. 142) relating to placer-mining lands in the State of California; which was read a first and second time, referred to the Committee on Mines and Mining, and ordered to be printed.

JOHN M. DORSEY AND WILLIAM SHEPEARD.

Mr. PAGE also introduced a bill (H. R. No. 143) for the relief of John M. Dorsey and William Shepeard; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHRISTOPHER GREEN AND HUGH C. TRAINOR.

Mr. PAGE also introduced a bill (H. R. No. 144) for the relief of Christopher Green and Hugh C. Trainor; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

NATURALIZATION.

Mr. DUNNELL introduced a bill (H. R. No. 145) to amend section 2165 of the Revised Statutes of the United States, relating to naturalization; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

HEIRS OF CHAUNCY M. LOCKWOOD.

Mr. DUNNELL also introduced a bill (H. R. No. 146) for the relief of the heirs of Chauncy M. Lockwood, contractor for carrying the United States mails; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

REPAYMENT OF INDIAN WAR EXPENSES.

Mr. LANE introduced a bill (H. R. No. 147) to authorize the Secretary of War to pay the expenses incurred by the State of Oregon and citizens of California in suppressing Indian hostilities in the States of Oregon and California in the years 1872 and 1873; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ESTATE OF JOHN S. WALKER, UNITED STATES ARMY.

Mr. LANE also introduced a bill (H. R. No. 148) for the relief of the estate of the late Paymaster John S. Walker, United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CANAL AT CASCADES OF COLUMBIA RIVER, OREGON.

Mr. LANE also introduced a bill (H. R. No. 149) to provide for the construction of a canal at the Cascades of the Columbia River, in the State of Oregon; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

EQUALIZATION OF BOUNTIES.

Mr. PHILLIPS, of Kansas, introduced a bill (H. R. No. 150) for the equalization of bounties; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RAILROAD FROM MISSOURI RIVER TO PACIFIC.

Mr. PHILLIPS, of Kansas, also introduced a bill (H. R. No. 151) to amend an act entitled "An act to amend an act to construct a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure the Government the use of the same for postal, military, or other purposes," approved July 2, 1864; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

INDIAN DEPREDATIONS.

Mr. PHILLIPS, of Kansas, also introduced a bill (H. R. No. 152) for the relief of certain persons, sufferers from Indian depredations; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PRE-EMPTION AND HOMESTEAD ENTRIES.

Mr. PHILLIPS, of Kansas, also introduced a bill (H. R. No. 153) to confirm pre-emption and homestead entries of public lands within the limits of railroad grants in cases where such entries have been made under the regulations of the Land Department; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

RAILROAD LAND-GRANT CLAIMS.

Mr. PHILLIPS, of Kansas, also introduced a bill (H. R. No. 154) to define and limit the claims of certain railroad companies to certain land grants; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PUBLIC BUILDINGS IN LEAVENWORTH.

Mr. PHILLIPS, of Kansas, also introduced a bill (H. R. No. 155) to provide for a Government building in the city of Leavenworth, in the State of Kansas; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

LEAVENWORTH STREET RAILWAY COMPANY.

Mr. PHILLIPS, of Kansas, also introduced a bill (H. R. No. 156) granting a right of way to the Leavenworth Street Railway Company across the Fort Leavenworth military reservation; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TREATY WITH THE POTTAWATOMIE INDIANS.

Mr. PHILLIPS, of Kansas, also introduced a bill (H. R. No. 157) to carry into effect the tenth article of the treaty with the Pottawatomie Indians of February 27, 1867; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JAMES W. CROWLEY.

Mr. PHILLIPS, of Kansas, also introduced a bill (H. R. No. 158) granting a pension to James W. Crowley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL B. HANWAY.

Mr. PHILLIPS, of Kansas, also introduced a bill (H. R. No. 159) for the relief of Samuel B. Hanway, late second lieutenant Company F, Third Regiment Indian Home Guards; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PAYMENTS TO POTTAWATOMIE INDIANS.

Mr. PHILLIPS, of Kansas, also introduced a bill (H. R. No. 160) to make certain payments to the Pottawatomie Indians; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

J. C. IRWIN AND W. PHILLIPS.

Mr. PHILLIPS, of Kansas, also introduced a bill (H. R. No. 161) for the relief of Joseph C. Irwin and William Phillips; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SHREWSBURY, SLEMMONS & CO.

Mr. PHILLIPS, of Kansas, also introduced a bill (H. R. No. 162) for the relief of the surviving partners of Shrewsbury, Slemmons & Co., Government transporters; which was read a first and second

time, referred to the Committee on Military Affairs, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McDONALD, its Chief Clerk, informed the House that the Senate had passed a bill (S. No. 78) to extend the duration of the court of commissioners of Alabama claims; in which the concurrence of the House was requested.

COURT OF ALABAMA CLAIMS.

Mr. STARKWEATHER. I ask unanimous consent that the bill just received from the Senate to extend the duration of the court of commissioners of Alabama claims may be read and put on its passage. The time is running out, and this legislation is necessary.

The SPEAKER *pro tempore*, (Mr. RANDALL.) After the present call is through, the Chair would suggest that a motion be entertained by unanimous consent to go to business on the Speaker's table. He supposes there would be no objection to that, and this bill would be immediately reached.

Mr. STARKWEATHER. Very well.

INDIAN LANDS IN KANSAS.

Mr. BROWN, of Kansas, introduced a bill (H. R. No. 163) providing for the sale of the Kansas Indian lands in Kansas to actual settlers, and for the disposition of the proceeds of the sale; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CONEBURG TOWN COMPANY.

Mr. BROWN, of Kansas, also introduced a bill (H. R. No. 164) providing for the repayment to the Coneburg Town Company, of Marion County, Kansas, of the purchase-money paid for the northeast fractional quarter and the northwest fractional quarter of section 4, township 22 south, of range 3 east; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

BENJAMIN P. M'DONALD.

Mr. GOODIN introduced a bill (H. R. No. 165) for the relief of Benjamin P. McDonald, of Kansas; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. O. F. SHORT.

Mr. GOODIN also introduced a bill (H. R. No. 166) for the relief of Mrs. O. F. Short, of Kansas; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SOLDIERS OF THE LATE WAR.

Mr. GOODIN also introduced a bill (H. R. No. 167) amendatory of an act entitled "An act providing for the benefit of soldiers and sailors of the late war, their widows and minor orphan children," approved June 8, 1872; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

J. F. JAVENS.

Mr. GOODIN also introduced a bill (H. R. No. 168) for the relief of J. F. Javens, of Kansas; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. W. THORNTON.

Mr. GOODIN also introduced a bill (H. R. No. 169) for the relief of J. W. Thornton, permanently disabled in the Quantrell raid at Lawrence, Kansas; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PAY OF GOVERNMENT OFFICERS.

Mr. HEREFORD introduced a bill (H. R. No. 170) to repeal joint resolution prohibiting payment by any officer of the Government to any person not known to have been opposed to the rebellion and in favor of its suppression; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

GOVERNMENT DEFAULTERS.

Mr. HEREFORD. I offer the following resolution, and upon it I move the previous question:

Resolved, That the Secretary of the Treasury is hereby directed to furnish the House of Representatives with the following information, namely: The names of the various persons or officers whose accounts have not been settled or who have been defaulters to the General Government since March 2, 1865, together with the amounts of each, and by whom appointed.

Mr. OLIVER. I must raise the point of order on that resolution; it must lie over one day under the rule.

The SPEAKER. Why?

Mr. OLIVER. It is a resolution calling for executive information, and under the rules of the House it should lie over.

Mr. HEREFORD. I think the objection comes too late.

The SPEAKER. In the judgment of the Chair it is but right that he should assume what he knows to be the fact; but the gentleman was struggling to gain his attention. It is therefore the duty of the Chair to sustain the point of order, and the resolution will lie over for one day under the rules.

UNITED STATES DISTRICT COURT FOR WEST VIRGINIA.

Mr. FAULKNER introduced a bill (H. R. No. 171) to provide for the holding of a district court of the United States at Martinsburgh, West Virginia, in the district of West Virginia; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EXTRA FEES TO DISTRICT ATTORNEYS OF THE UNITED STATES.

Mr. FAULKNER also offered the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of repealing all provisions of existing law which allow to the district attorneys of the United States extra fees and compensation for professional services, and to limit their compensation to the salaries prescribed by law, and that the said committee report by bill or otherwise.

FORT KEARNEY MILITARY RESERVATION.

Mr. CROUNSE introduced a bill (H. R. No. 172) providing for settlement upon the lands known as the Fort Kearney military reservation, in the State of Nebraska; which was read a first and second time, and ordered to be printed.

Mr. CROUNSE. I ask that this bill be referred to the Committee on the Public Lands.

Mr. CONGER. I think it should be referred to the Committee on Military Affairs, as it relates to a military reservation.

Mr. CROUNSE. The reservation has already been abandoned, and it is now, as I understand, a part of the public lands, and therefore the bill should be referred to the Committee on the Public Lands.

Mr. CONGER. That being the case, I have no objection to the reference proposed.

The bill was accordingly referred to the Committee on the Public Lands.

BRANCH MINT AT OMAHA.

Mr. CROUNSE also introduced a bill (H. R. No. 173) to establish a branch mint of the United States at Omaha, in the State of Nebraska; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

JOHN S. WOOD.

Mr. CROUNSE also introduced a bill (H. R. No. 174) for the relief of John S. Wood, late first lieutenant Seventh Pennsylvania Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PONTON RAILWAY BRIDGE.

Mr. CROUNSE also introduced a bill (H. R. No. 175) authorizing the Nebraska City Bridge Company to construct a ponton railway bridge across the Missouri River at Nebraska City, in Otoe County in Nebraska; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

GEORGE ARMSTRONG.

Mr. CROUNSE also introduced a bill (H. R. No. 176) for the relief of the heirs of the late George Armstrong; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

APPROVAL OF BILLS IN UTAH.

Mr. CANNON, of Utah, introduced a bill (H. R. No. 177) relating to the approval of bills in the Territory of Utah; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ADMISSION OF UTAH AS A STATE.

Mr. CANNON, of Utah, also introduced a bill (H. R. No. 178) to enable the people of Utah to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

LAND OFFICE AT COLFAX, WASHINGTON TERRITORY.

Mr. JACOBS presented a memorial of the Legislature of the Territory of Washington, relative to the establishment of a land office at Colfax, Washington Territory; which was referred to the Committee on the Public Lands, and ordered to be printed.

IMPROVEMENT OF COLUMBIA RIVER.

Mr. JACOBS also presented a memorial of the Legislature of the Territory of Washington, for the improvement of the navigation of the Columbia River; which was referred to the Committee on Commerce, and ordered to be printed.

ELECTION OF TERRITORIAL OFFICERS.

Mr. STEELE introduced a bill (H. R. No. 179) to enable the people of the Territories to elect their governors and all other territorial officers; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

MILITARY WAGON-ROAD IN WYOMING AND MONTANA.

Mr. STEELE also introduced a bill (H. R. No. 180) for the location and construction of a military wagon-road from Green River City, Wyoming Territory, to the Yellowstone National Park and to Fort Ellis, Montana Territory; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

CENTENNIAL EXPOSITION.

Mr. COX. I am requested by the United States Centennial Commission, and also the centennial board of finance, to present a memorial asking for an appropriation. I will not ask to have it read,

but, as it is short, I will ask for it the courtesy of being printed in full in the RECORD, and that it be referred to the Committee on the Centennial Exposition when appointed.

No objection was made.

The memorial is as follows:

Memorial of the United States Centennial Commission and centennial board of finance.

To the Congress of the United States:

The undersigned memorialists, a joint committee of the United States Centennial Commission and the centennial board of finance, respectfully represent:

That the commission was created by act of Congress dated March 3, 1871, and is composed of two commissioners from each State and Territory, nominated by the governors thereof and appointed and commissioned by the President. The board of finance was created by the act of Congress of June 1, 1872, and is composed of stockholders in the capital raised for the purposes of the commission.

Under the act, the duty of the commission is to "prepare and superintend the execution of a plan" for holding "an exhibition of American and foreign arts, products, and manufactures," "under the auspices of the Government of the United States," in Philadelphia, in 1876.

July 4, 1873, the President, in obedience to the act cited, made proclamation of the character, time, and place of the exhibition, and, "in the interest of peace, civilization, and domestic and international friendship and intercourse," commended the celebration and exhibition to the people of the United States, and "to all nations who may be pleased to take part therein."

A circular note of the same date, in like obedience to law, transmitted said proclamation and the general regulations of the commission "to the diplomatic representatives of all nations."

January 23, 1874, the President appointed a board of seven officers to prepare for the exhibition such articles, materials, and processes as will show the working of the Departments in peace and the resources of the nation in war. Congress appropriated half a million dollars for this purpose, and the board has erected its own buildings.

June 5, 1874, to settle certain questions of construction, Congress requested the President "to extend, in the name of the United States, a respectful and cordial invitation to the governments of other nations to be represented and take part in the international exhibition."

June 16, 1874, Congress authorized the Mint to furnish appropriate commemorative medals to the commission at cost.

June 18, 1874, Congress authorized the free importation of articles intended for exhibition—duties to be collected in case the articles should be disposed of in the United States.

And during the last session Congress appropriated $32,000 for the preparation by the Treasury Department of a certificate of stock for the board of finance.

The Centennial Commission formally organized March 4, 1872, the board of finance May 10, 1873; and, guided by the six several acts of Congress and the proclamation and orders of the Executive, they have diligently labored to prepare an exhibition worthy of the nation and the occasion. The law requires them to report from time to time. Two hundred and thirty acres have been inclosed within the three thousand acres of Fairmount Park. Within the inclosure will be not less than 150 buildings. The exhibition buildings proper will afford nearly 60 acres of flooring, the largest covering 21.47 acres. The machinery hall, 14 acres—an admirable structure—is finished. The three largest of the others are well advanced, and there is no doubt whatever that all will be ready in time.

Eight or nine foreign commissions will erect twelve or thirteen ornamental edifices for offices, reception-rooms, &c. Some of these are built. Sixteen or seventeen States have engaged to put up similar structures—in some cases large enough to hold exhibits of their resources and products.

We are obliged to treble the space intended for the fine arts, chiefly by reason of the contributions from abroad. Though our plans have all been enlarged, applications in general are much in excess of our room. The management is compelled to choose the best and reject many.

The transportation of men and goods to and about the grounds, lodging and feeding visitors, the facilities of travel about the city, and every other imaginable problem, have received full attention. The arrangements, having the benefit of others' errors, are deemed the best ever made on such an occasion.

Thirty-eight foreign governments, for themselves and their many provinces, colonies, and dependencies, have, in the spirit of true comity, signified in most friendly terms their purpose to participate. They have appointed commissioners of high social and scientific ranks, and, as we know unofficially, have made very liberal appropriations of money. Several nations are obviously making unusual efforts, and have more than once applied for additional space.

The National Government imposed upon us the honorable duty of conducting this great work, and likewise of procuring the money therefor. The appropriation for engraving and printing our stock certificate is the only direct pecuniary aid the Government has given.

Our financial condition (more in detail in the accompanying official statement of the board of finance) may be stated as follows:

Required to carry the work to the opening day, $6,724,850.	
Total stock subscriptions reliable, including New Jersey, $100,000; Delaware, $10,000; Connecticut, $10,000; New Hampshire, $10,000; Wilmington, Delaware, $5,000	$2,357,750
Gifts, concessions, and interest	230,000
Further concessions	100,000
Appropriated by Pennsylvania	1,000,000
Appropriated by Philadelphia	1,500,000
Deficiency	1,537,100
	6,724,850

It was justly argued that the exhibition should, as far as possible, be supported by the people. Struggling against a remarkably prolonged financial depression, the enterprise has arrived at a point whence we can predict for it a splendid success. In beauty, appropriateness, and convenience of situation; in the number, variety, extent, grace, and grandeur of the buildings; in the range of thought and industry exhibited; in the universality of foreign participation; in the attendance from all parts of the country, the exhibition will be greater than its promoters dare to predict.

We point to what has been done with a confident hope of your approbation. The expenditures have been made with economy and care; not a dollar of debt remains due and unpaid, and our estimates have never been exceeded; wherefore we think our judgment of future necessities may be received with trust.

It is our duty, under the law, to keep you advised of our progress. You know the condition of business among your constituents. Our efforts to raise money have never been relaxed to this day; but we need not explain why we have not quite reached our aim; the completion of our task through the aid of the people alone; subscriptions have slackened because of a prevalent belief that the time has arrived when Congress may justly and wisely assist.

Wherefore we pray your honorable body to appropriate to us one and a half million dollars, with which we can complete perfectly all our preparations, and open the exhibition on the appointed 10th of May, 1876, without debt, leaving the current expenses thereafter to be paid by receipts.

We are only the servants of the Government, carrying out its orders in celebrating the centennial anniversary of the national independence, and conducting, in the words of the law, "an exhibition of the natural resources of the country and their development, and of its progress in those arts which benefit mankind, in comparison with those of older nations."

The peculiar occasion attracts universal attention.

The best products of all nations will be here. American progress in art, science, and manufactures; American resources and capabilities; American life, education, and character, and the effect thereon of our soil, climate, and political institutions, will be the subjects of study and report by able men from all quarters. The great value of such exhibitions has been proved. Their purpose is the advancement of the people by the most direct methods of diffusing useful knowledge. They promote international fraternity and peace. The celebration and exhibition of 1876 afford a grand opportunity to renew among ourselves the bonds of brotherhood and patriotism.

Permit us to refer to the necessity of early action and to entreat your careful consideration of a question that appears to concern closely the pride and honor of the country.

In behalf of the United States Centennial Commission:

JOS. R. HAWLEY, *President.*
A. T. GOSHORN, *Director-General.*
D. J. MORRILL, *Chairman Executive Committee.*

In behalf of the board of finance:

JNO. WELSH, *President.*
HENRY WINSON, *Director.*

PHILADELPHIA, *December* 4, 1875.

Mr. SAYLER. I have here resolutions of the Cincinnati Chamber of Commerce and the Merchants' Exchange of Cincinnati, relative to an appropriation of money to the Centennial Commission. I ask that they be printed in the RECORD and referred to the Committee on the Centennial Exposition when appointed.

No objection was made.

The memorial is as follows:

CINCINNATI CHAMBER OF COMMERCE AND MERCHANTS' EXCHANGE,
December 11, 1875.

At a regular session of the Cincinnati Chamber of Commerce, held this day, the following preamble and resolution was adopted:

Whereas the United States Centennial Commission and centennial board of finance have petitioned Congress for aid in continuing the preparations for the Centennial Celebration and Exposition, to the amount of a million and a half of dollars; and whereas the city of Cincinnati has warmly espoused from the first the idea of celebrating the nation's one hundredth birthday in a grand and becoming manner, our citizens having, without any local jealousy, conceded the location of the celebration to be an eminently fitting one in a historical point of view: Be it therefore

Resolved, That this body renew their assurances of most cordial sympathy with the patriotic enterprise, and that our congressional representatives be earnestly requested to support the Centennial Commission in its petition for aid.

C. M. HOLLOWAY, *President.*

WASHINGTON, CINCINNATI AND SAINT LOUIS RAILROAD.

Mr. HARRIS, of Virginia, introduced a bill (H. R. No. 181) to aid the Washington, Cincinnati and Saint Louis Railroad Company to construct a narrow-gauge railway from tide-water to the cities of Saint Louis and Chicago; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

NEW AND VALUABLE FRUITS AND PLANTS.

Mr. HOSKINS introduced a bill (H. R. No. 182) to encourage the production of new and valuable fruits and plants; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

JOHN E. WUNDERLIN.

Mr. MACDOUGALL introduced a bill (H. R. No. 183) granting an increase of pension to John E. Wunderlin, late private Thirty-third New York Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PAY DEPARTMENT.

Mr. MACDOUGALL also introduced a bill (H. R. No. 184) to restore appointments and promotions to the Pay Department of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. EMILY MILLER.

Mr. SINGLETON introduced a bill (H. R. No. 185) for the relief of Mrs. Emily Miller; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

COMPENSATION FOR LANDS CEDED TO GREAT BRITAIN.

Mr. HARRIS, of Massachusetts, introduced a bill (H. R. No. 186) to provide for compensation to the owners of certain lands ceded by the United States to Great Britain in and by the treaty of Washington of July 9, 1842; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

COMMISSIONS TO POSTMASTERS.

Mr. PACKER introduced a bill (H. R. No. 187) to define the postal revenues upon which commissions to postmasters shall be allowed; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

MAIL CONTRACTS.

Mr. PACKER also introduced a bill (H. R. No. 188) to regulate the manner of bidding for, and awarding of, mail contracts; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

MAILABLE MATTER OF THIRD CLASS.

Mr. PACKER also introduced a bill (H. R. No. 189) to reduce the rate of postage upon mailable matter of the third class; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

NICHOLAS WHITEHALL.

Mr. CASON introduced a bill (H. R. No. 190) for the relief of Nicholas Whitehall, of Fountain County, Indiana; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

JOHN DALTON.

Mr. CASON also introduced a bill (H. R. No. 191) granting a pension to John Dalton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SALE OF LANDS AT VINCENNES, INDIANA.

Mr. WILLIAMS, of Indiana, introduced a bill (H. R. No. 192) authorizing the sale of certain lands at Vincennes, Indiana; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

ALASKA SEAL FISHERIES.

Mr. PAYNE, by unanimous consent, submitted the following resolutions; which were read, considered, and agreed to:

Resolved, That the Secretary of the Navy is hereby directed to furnish to the House of Representatives a copy of the report of Lieutenant Washburn Maynard, United States Navy, on the subject of the Alaska seal fisheries, made by that officer in compliance with the provisions of an act of Congress approved April 22, 1874.

Resolved, That the Secretary of the Treasury is hereby directed to furnish to the House of Representatives such information as he possesses touching the management of the Alaska seal fisheries by the Alaska Commercial Company of San Francisco, California, from the date of its lease from the United States to the present time.

LIQUOR PEDDLING IN SOUTH CAROLINA.

Mr. RAINEY, by unanimous consent, submitted a concurrent resolution of the Legislature of the State of South Carolina, relative to the peddling of spirituous liquors within that State; which was referred to the Committee on Ways and Means, and ordered to be printed.

WHISKY FRAUDS.

Mr. RANDALL. I desire to submit the following resolution, on which I demand the previous question:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to transmit to this House copies of all letters, telegrams, orders, and instructions relating to the organization and prosecution of the present movements against the so-called "whisky rings" at Saint Louis, Chicago, and Milwaukee.

Mr. KASSON. If I understand this resolution correctly, it calls for information from the Treasury Department, in which case I shall have something to say upon it. I ask, therefore, that it may go over under the rule. Any resolution on this subject should be very carefully worded to save the interests of the Government now pending.

Mr. RANDALL. I have no objection to the resolution lying over. I hope, however, that to-morrow the gentleman will not object to its adoption.

Mr. KASSON. I make no objection to anything consistent with the successful prosecution of proceedings now pending.

Mr. RANDALL. The first effort on the part of this House should be to be well informed.

Mr. HOAR. Is not the effect of this resolution to expose to the "whisky ring" the purposes of the Government?

Mr. RANDALL. No, sir.

Mr. HOAR. It appears to be.

The SPEAKER. Objection being made, the resolution goes over.

EZRA B. BARNETT.

Mr. MILLER introduced a bill (H. R. No. 193) for the relief of Ezra B. Barnett, postmaster at Norwich, New York; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

SAMUEL COOPER, JR., OF VIRGINIA.

Mr. HUNTON introduced a bill (H. R. No. 194) to remove the political disabilities of Samuel Cooper, jr., of Virginia; which was read a first and second time.

The bill, which was read, provides (two-thirds of each House concurring therein) that all the political disabilities imposed by the fourteenth amendment of the Constitution of the United States by reason of participation in the rebellion shall be removed from Samuel Cooper, jr., of Virginia.

Mr. CONGER. Has any request been made in the usual form asking for the removal of political disabilities?

Mr. HUNTON. I have a petition in writing, which, if called for, I will have read.

Mr. CONGER. I only wish to know there is such a petition in writing.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed; two-thirds voting therefor.

COURT OF COMMISSIONERS OF ALABAMA CLAIMS.

Mr. STARKWEATHER. Mr. Speaker, I move, by unanimous consent, to take from the Speaker's table an act (S. No. 78) to extend the duration of the court of commissioners of Alabama claims, for passage at this time.

There was no objection.

The bill, which was read, in the first section provides that the existence of the court of commissioners of Alabama claims, created by the act entitled "An act for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington May 8, A. D. 1871, between the United States of America and the Queen of Great Britain," shall be continued and extended to the 22d day of July next, with the same effect, and no other, as if said last-named day had been named in said act for the termination of the powers of said court, and said act is continued in force during said period.

The second section provides that the powers of the clerk of said court are extended for an additional period, not to exceed two months from and after the termination of the existence of the court, for the purpose of closing his accounts, depositing the records, documents, and all other papers in the possession of the court or its officers in the Office of the Secretary of State, as provided in said act; and all disbursements made by him during this period shall be under the direction of the Secretary of State.

Mr. STARKWEATHER. I demand the previous question on the passage of the bill. It merely extends the time for closing the business now before this court. I suppose there is no objection.

Mr. LUTTRELL. I hope the gentleman from Connecticut will withdraw his demand for the previous question to let me make a brief statement.

Mr. STARKWEATHER. I do not yield the floor, but will hear what the gentleman has to say.

Mr. LUTTRELL. Mr. Speaker, I have been recently in receipt of letters from prominent citizens of California who have claims which ought to be acted on by this court of commissioners, but which claims for some reason or other have not been submitted for adjudication. They desire to be heard; and I submit to the gentleman that he make this a special order for to-morrow at any hour he may please, so that I may have an opportunity to present the papers in these cases, which are now at my room, as I could not expect this bill would be called up to-day.

Mr. STARKWEATHER. The Secretary of State, who has this matter specially in charge, presented it fully in the papers accompanying the President's message. It appears the claims presented are in such number that this court cannot possibly consider and decide them before the 22d of January next, when the court expires by limitation of law. The Secretary of State and the court of commissioners are anxious the claims already submitted under the award shall be disposed of. If we go into the question whether we shall take up all cases of insurance and premium risks not now before the court, the time fixed for its existence will run out, and we shall then lose all it has already done. Let me suggest to the gentleman from California in regard to these claims which have not come in—the claims of sailors away at sea, and like cases which have not been presented for adjudication to this court—that I have no doubt this House will pass upon them effectually in some other form. In accordance with the recommendation of the Secretary of State, and of the President in his recent annual message, we must provide for the extension of the court beyond the 22d of January next, or else we shall lose what has been done for many months past. I hope, therefore, he will withhold objection to the passage of this bill at this time. At all events, I must insist on my demand for the previous question.

Mr. LUTTRELL. Will the gentleman from Connecticut answer me one question?

Mr. STARKWEATHER. I will hear the gentleman.

Mr. LUTTRELL. When will this act expire?

Mr. STARKWEATHER. On the 22d of January. There will probably be an adjournment in the course of a few days, and we may not be back in time to take up a new bill, or to amend this bill. That this bill may become a law, and that this class of claims may be passed upon, we must adopt it now.

Mr. LUTTRELL. Will it not do to take it up to-morrow?

Mr. COX. Will the gentleman from Connecticut yield to me for a moment?

Mr. STARKWEATHER. I yield to the gentleman from New York.

Mr. COX. I beg to state very briefly to the House that the amount received from Great Britain in July, 1873, to pay for the damage done by the Alabama, Florida, and Shenandoah, was, in gold, $15,500,000. Add interest at 5 per cent. to the 1st of January, 1876, $1,937,000, and premium on gold at 15 per cent., $2,325,000, and the present value in currency is $19,762,000. The judgments rendered by this commission to the 9th of December, 1875, amounted to $5,836,805.66; the claims that remain undecided amount to $3,400,000; together, $9,236,805.66; balance in Treasury, $10,426,194.34. As the gentleman from Connecticut [Mr. STARKWEATHER] has well said, all this work will go for nothing unless we extend the time. There are many claimants who cannot be here in time, and who cannot file their claims, without this extension of time. I hope there will be no objection to the passage of this bill.

Mr. STARKWEATHER. I call for the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. STARKWEATHER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TAX ON CHECKS.

Mr. RANDALL. I ask leave to present a petition for the repeal of the two-cent check-stamp tax, from 30,219 persons, resident in thirty-three States and five Territories. I do not ask for its printing. [Laughter.] I ask that it may be referred to the Committee on Ways and Means.

There was no objection, and it was so ordered.

EQUESTRIAN STATUE OF LAFAYETTE.

Mr. HOAR. I ask that the petition of B. H. Kinney, regarding the equestrian statue of Lafayette, be printed in the CONGRESSIONAL RECORD. It is very short; and, as this is an interesting historical matter, I hope there will be no objection.

There was no objection.

The petition is as follows:

Memorial of B. H. Kinney.

To the Senate and House of Representatives of the United States:

Your memorialist, a citizen of the United States, believes that a large majority of the inhabitants of this country desire to have a suitable national monument erected in honor of the timely and valuable services rendered by General Lafayette and other French officers, soldiers, and marines to these United States in their struggles for liberty during the war of the Revolution with Great Britain for Independence.

Therefore he respectfully requests that your honorable bodies appropriate the sum of $100,000, to be paid to him in annual installments, as the work progresses, to enable him to construct such a monument, consisting of an equestrian statue, of heroic size, of Lafayette, surmounting a massive pedestal, embellished with statues of other distinguished French officers and soldiers, and bas-relief panels representing important scenes in which they took part, all to be of bronze metal, upon a base of granite.

He would further represent that this is a renewal of a memorial addressed by himself to the Thirty-sixth Congress on the same subject, and not renewed on account of the unsettled condition of the affairs of the country until the present time, and that the difficulties and expenses of obtaining the likenesses and other accurate details for this monument are rapidly increasing.

B. H. KINNEY, *Sculptor.*

WORCESTER, MASSACHUSETTS, *December* 11, 1875.

ORDER OF BUSINESS.

Mr. RANDALL. I move that the House adjourn, but I waive that motion for the present that an opportunity may be given to clear the Speaker's table.

The SPEAKER. The gentleman from Louisiana [Mr. MOREY] has been recognized and has the floor.

ERROR OF ENROLLMENT.

Mr. MOREY introduced a bill (H. R. No. 195) to correct an error of enrollment; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

AMENDMENT TO REVENUE LAWS.

Mr. ATKINS introduced a bill (H. R. No. 196) to repeal the act of February 8, 1875, entitled "An act to amend existing customs and internal-revenue laws, and for other purposes;" which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

LEAVE OF ABSENCE.

The SPEAKER. The Chair desires to ask leave of absence for the gentleman from Kentucky, Mr. DURHAM, who by reason of sickness in his family has been necessarily absent from the House since the day of its organization, and may be absent some ten days longer. He asks that the leave of absence may be made retroactive to the extent indicated.

There was no objection, and it was so ordered.

The SPEAKER. The gentleman from Alabama [Mr. CALDWELL] asks leave of absence for his colleague, Mr. HAYS, who has been called home on account of sickness in his family.

There was no objection.

MATILDA BARNETT.

The SPEAKER. The gentleman from Virginia, Mr. HUNTON, asks permission for Mrs. Matilda Barnett to withdraw from the files of the House papers filed by her relative to the revolutionary claim of James Barnett.

Mr. CONGER. Has there been any adverse report?

Mr. HUNTON. I think not.

The SPEAKER. Is there objection to the request being granted?

Mr. WILSON, of Iowa. Let it be with the understanding that there has been no adverse report.

The SPEAKER. With that understanding the request is granted.

TREADWELL S. AYRES.

The SPEAKER. The gentleman from New York [Mr. COX] asks leave to withdraw, under the rules, from the files of the House papers in the case of Treadwell S. Ayres, of Memphis, Tennessee.

Mr. HOLMAN. I suppose the object of this is to have the papers referred to the proper committee. If so, it is not necessary to ask action from the House.

Mr. COX. The object is to send them to the Senate; that is all.

Mr. HOLMAN. This is a matter which has been pending in the House for some time. The rule requires that when papers are withdrawn copies be left.

The SPEAKER. The request is for leave to withdraw the papers under the rules.

There being no further objection, the request was granted.

CHARLES A. BLAKE.

The SPEAKER. The gentleman from Iowa [Mr. MCCRARY] asks leave to withdraw from the files of the House papers in the case of Charles A. Blake, late chaplain United States Army. The notice says that there has been no adverse report thereon.

There was no objection.

ANNE C. LIVINGSTON.

The SPEAKER. The gentleman from New York, Mr. SCHUMAKER, asks that Mrs. Anne C. Livingston be permitted to withdraw her petition from the Committee on War Claims.

Mr. CONGER. Wherever there has been an adverse report in any of these cases, I should object to the withdrawal.

The SPEAKER. Is there objection to this request being granted on condition that there has been no adverse report?

There was no objection.

SOUTH PASS OF MISSISSIPPI RIVER.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting, in compliance with the fourth section of the river and harbor act of March 5, 1875, a report of the recent inspection of the work done on the South Pass of the Mississippi River; which was referred to the Committee on Commerce, and ordered to be printed.

TRANSFER OF INDIAN FUNDS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, recommending the transfer of certain funds now held by him for the benefit of Indian tribes to the custody of the Treasury Department; which was referred to the Committee on Indian Affairs, and ordered to be printed.

REGISTERED SEAMEN.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of State, transmitting, in compliance with section 207 of the Revised Statutes, an abstract of returns of collectors of customs showing the number of seamen registered as having received certificates of seamanship during the last fiscal year; which was referred to the Committee on Commerce, and ordered to be printed.

AMENDMENT OF INDIAN APPROPRIATION BILL.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, recommending an amendment to the Indian appropriation bill for 1876; which was referred to the Committee on Appropriations, and ordered to be printed.

REPORT OF ATTORNEY-GENERAL.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Attorney-General, transmitting his annual report in compliance with the act of March 3, 1873; which was referred to the Committee on Appropriations, and ordered to be printed.

SUSPENDED ENTRIES ON THE PUBLIC LANDS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting a list of suspended entries on the public lands for the year ending June 30, 1875; which was referred to the Committee on the Public Lands, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. PHILIPS, of Missouri, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Joseph W. McClurg.

LEAVE OF ABSENCE.

On motion of Mr. WALLACE, of South Carolina, leave of absence was granted to Mr. MACKEY, of South Carolina, for ten days.

COLUMBIA LYING-IN ASYLUM.

The SPEAKER. Under the law for the organization of the Columbia Hospital for Women and Lying-in Asylum, it is the duty of the Chair to appoint two trustees or directors. The Chair announces the re-appointment of the following gentlemen, who have been trustees for the past two years: Hon. SAMUEL J. RANDALL of Pennsylvania, Hon. JAMES A. GARFIELD of Ohio.

REGENTS OF THE SMITHSONIAN INSTITUTION.

The SPEAKER. The law organizing the Smithsonian Institution makes it the duty of the Speaker of the House to appoint three Regents for that institution. The Chair announces the following appointments: Hon. HIESTER CLYMER of Pennsylvania, Hon. BENJAMIN H. HILL of Georgia, Hon. GEORGE W. MCCRARY of Iowa.

JULIA A. SCHUTT.

Mr. LAPHAM, by unanimous consent, introduced a bill (H. R. No. 197) granting a pension to Julia A. Schutt, widow of Martin Schutt, a deceased soldier; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT TANSILL.

Mr. DOUGLAS, by unanimous consent, introduced a bill (H. R. No. 198) to relieve the disabilities of Robert Tansill, of Prince William County, Virginia; which was read a first and second time.

Mr. CONGER. I would suggest that the bill should be amended by the insertion of the word "political" before "disabilities." He may be under disabilities from which the House does not desire to relieve this man.

Mr. DOUGLAS. I supposed that that would be inferred, but I will accept the amendment.

The amendment was accordingly made; and the bill, as amended, received its several readings and was passed, two-thirds voting in favor thereof.

THOMAS W. TANSILL.

Mr. DOUGLAS, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the petition of Thomas W. Tansill for settlement of his accounts, and the accompanying papers, be withdrawn from the files of the Clerk's office and referred to the Committee on Claims.

Mr. RANDALL. I now insist on my motion that the House adjourn.

The motion was agreed to; and thereupon (at three o'clock and ten minutes) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. AINSWORTH: The petition of H. G. Rogers, for pay as chargé d'affaires to Sweden in the year 1839, to the Committee on Foreign Affairs.

By Mr. BAKER, of Indiana: The petition of Charles C. Reynolds, of Kosciusko County, Indiana, for relief, to the Committee on Claims.

Also, the petition of John B. Chapman, of Indiana, for relief, to the Committee on Claims.

By Mr. BLISS: The petition of Thomas Shannon, for a pension, to the Committee on Invalid Pensions.

By Mr. BRADFORD: The petition of citizens of Clay and Randolph Counties, Alabama, for the establishment of a post-route from Delta to Blake's Ferry, Alabama, to the Committee on the Post-Office and Post-Roads.

By Mr. CALDWELL, of Tennessee: The petition of citizens of Brownsville, Tennessee, for the passage of a bill for the relief of John Clinton, postmaster at Brownsville, Tennessee, to the Committee on the Post-Office and Post-Roads.

By Mr. COCHRANE: The petition of citizens of Allegheny County, Pennsylvania, for the restoration of former rates of postage upon mail matter of the third class, to the Committee on the Post-Office and Post-Roads.

Also, the petition of citizens of Allegheny County, Pennsylvania, that no appropriation be made for the distribution of seeds through the Bureau of Agriculture, to the Committee on Agriculture.

By Mr. COX: Memorial of the Chamber of Commerce of New York City and others, for the establishment of a signal station on Block Island, to be connected with the main shore by a telegraphic cable, to the Committee on Military Affairs.

Also, the petition of the Atlantic Mutual Insurance Company of New York, for the repeal of the twelfth section of the act creating a court for adjudicating the Alabama claims, to the Committee on the Judiciary.

Also, the petition of 72 veteran soldiers of the National Soldiers' Home, (Virginia,) for the equalization of bounties, to the Committee on Military Affairs.

Also, the petition of George C. Jenks, of New York City, to be compensated for his safety drop-letter box, to the Committee on Claims.

Also, the petition of George S. Hawkins, of Florida, for the removal of political disabilities, to the Committee on the Judiciary.

By Mr. DE BOLT: The petition of Louis Benecke, for compensation as lieutenant, to the Committee on Military Affairs.

Also, the petition of Louis Benecke to be compensated for arms furnished Company I, Forty-ninth Missouri Volunteers, to the Committee on Claims.

By Mr. DENISON: Petitions of E. F. Blodgett and 35 others, of Stannard, Vermont; of A. M. Reynolds and 66 others, of Royalton; of H. H. Wheeler and 39 others, of Jamaica; of J. B. Danforth and others, of Barnard, Vermont, for the transmission by mail of merchandise in packages of four pounds or less at a rate of postage of one-half cent. an ounce, to the Committee on the Post-Office and Post-Roads.

By Mr. FAULKNER: Memorial of E. S. Zevely, of Marion County, West Virginia, asking compensation for a violation by the Post-Office Department of a contract with him in regard to stamps, to the Committee on the Post-Office and Post-Roads.

Also, the petition of William M. Morrison, of Jefferson County, West Virginia, for compensation for the destruction of his property on the 4th of February, 1861, by the Ottoe and Missouria Indians in the Territory of Nebraska, to the Committee on Indian Affairs.

Also, the petition of John Chapman, of Jefferson County, West Virginia, for compensation for the destruction of his mill by an order from the Federal officer commanding that department in September, 1864, to the Committee on War Claims.

Also, the petition of Edmund I. Lee and Henrietta, his wife, of Jefferson County, West Virginia, for compensation for the destruction of their dwelling-house and out-buildings in July, 1864, by order of Major-General Hunter, to the Committee on War Claims.

By Mr. FORT: The petition of Randolph Grimes and others, for the repeal of the law increasing the rates of postage on third-class matter, to the Committee on the Post-Office and Post-Roads.

Also, memorial of the Illinois State Medical Society, praying that the Medical Corps of the Army be placed on equal footing with other staff corps of the Army and with the medical corps of the Navy, to the Committee on Military Affairs.

By Mr. GARFIELD: The petition of O. T. Letcher, postmaster at Bryan, Ohio, to be re-imbursed for stamps destroyed by fire, to the Committee on the Post-Office and Post-Roads.

Also, the petition of Almon F. Mills, of Ohio, for a pension, to the Committee on Invalid Pensions.

By Mr. GOODIN: The petition of Benjamin P. McDonald, for relief, to the Committee on War Claims.

Also, papers relating to the claim of Mrs. O. F. Short, for relief, to the Committee on War Claims.

By Mr. HOAR: Memorial of B. H. Kinney, of Worcester, Massachusetts, relative to a memorial statue of Lafayette, to the Committee on Public Buildings and Grounds.

By Mr. HUNTER: The petition of R. L. Law, to be restored to his former position in the Navy, to the Committee on Naval Affairs.

By Mr. KASSON: Memorial of D. E. Cooper, of Winterset, Iowa, for relief, to the Committee on Claims.

Also, the petition of L. F. Smith and others, of Madison County, Iowa, for the repeal of the stamp tax on checks, to the Committee on Ways and Means.

By Mr. LAPHAM: A paper for the establishment of a post-route between Canandaigua, Ontario County, and Palmyra, Wayne County, New York, to the Committee on the Post-Office and Post-Roads.

By Mr. LUTTRELL: A paper for the establishment of a post-route from Bald Hills to Klamath Bluffs, in Humboldt County, California, to the Committee on the Post-Office and Post-Roads.

By Mr. LYNDE: The petition of citizens of Milwaukee, Wisconsin, for the restoration of the duty on imported prepared meats and Bologna sausages, to the Committee on Ways and Means.

By Mr. McCRARY: Papers relating to the claim of Chester M. Blake for relief, to the Committee on Foreign Affairs.

Also, memorial of the yearly meeting of Friends, of Illinois, Iowa, and Kansas, praying Congress to favor the calling of a peace congress of nations, to the Committee on Foreign Affairs.

By Mr. McFARLAND: The petition of Martha J. Brown, widow of William C. Brown, private Company H, Thirty-second Kentucky Volunteers, for a pension, to the Committee on Invalid Pensions.

Also, the petition of John Calhoon, guardian of George W. Calhoon, minor heir of Jacob Calhoon, private Eighth Tennessee Cavalry, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Mrs. Jennette McClelland, widow of William D. McClelland, private Third Tennessee Mounted Volunteers, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Penelope C. Brown, widow of Stephen C. Brown, private Eighth Tennessee Cavalry, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Mary S. Greenlea, widow of George W. Greenlea, private Eighth Tennessee Cavalry, for a pension, to the Committee on Invalid Pensions.

By Mr. MONROE: The petition of citizens of West Salem, Ohio, for the repeal of the law increasing the rate of postage on third-class matter, to the Committee on the Post-Office and Post-Roads.

Also, the petition of citizens of Wadsworth, Medina County, Ohio, for the repeal of the two-cent check-stamp tax, to the Committee on Ways and Means.

By Mr. MORGAN: The petition of Mrs. Jane Jamason, of Greene County, Missouri, for relief, to the Committee on Military Affairs.

By Mr. PARSONS: The petition of Bland Ballard, John W. Barr, and others, of Louisville, Kentucky, for an appropriation to purchase and provide a suitable building for the uses and necessities of the circuit and district courts of the United States holden at Louisville, to the Committee on Public Buildings and Grounds.

Also, the petition of C. T. Vennigerholz, of Louisville, Kentucky, for compensation for the steamer St. Mary, taken by the Quartermaster's Department, to the Committee on War Claims.

By Mr. PAYNE: The petition of James M. Coffinberry, for relief, to the Committee on Claims.

By Mr. PHILLIPS, of Kansas: The petition of the surviving partners of the firm of Shrewsbury, Slemmon & Co., to be reimbursed for certain erroneous deductions made from earnings of their transportation trains, to the Committee on Military Affairs.

Also, the petition of Joseph C. Irwin and William Phillips, to be paid for eighty cavalry horses, to the Committee on Military Affairs.

By Mr. ROBBINS, of North Carolina: The petition of citizens of

Iredell and Alexander Counties, North Carolina, for a mail-route from Rock Cut to Taylorsville, North Carolina, to the Committee on the Post-Office and Post-Roads.

By Mr. SPRINGER: The petition of the Illinois State Medical Society that the Medical Corps of the Army be placed on an equal footing with other staff corps of the Army and the Medical Corps of the Navy, to the Committee on Military Affairs.

Also, resolutions of the General Assembly of the State of Illinois, soliciting an appropriation for the survey of the Mississippi River from the Gulf of Mexico to Cairo, to the Committee on Commerce.

By Mr. WADDELL: The petition of A. J. McDonald, of Bladen County, North Carolina, for relief, to the Committee on War Claims.

Also, the petition of C. S. McDaniel, an invalid soldier of the Mexican war, for a pension, to the Committee on Invalid Pensions.

By Mr. WARD: The petition of Mrs. Martha E. Fitz, of Saint Louis, Missouri, to be compensated for cotton taken by the United States, to the Committee on Claims.

By Mr. WELLS, of Missouri: The petition of Harlow J. Phelps, to be refunded tax illegally exacted and collected, to the Committee on War Claims.

Also, the petition of citizens of Saint Louis, Missouri, for the restoration of the duty on imported prepared meats and Bologna sausages, to the Committee on Ways and Means.

By Mr. YEATES: Memorial of citizens of North Carolina and Virginia, for an appropriation to improve the navigation of Chesapeake Bay and Albemarle, Pamlico, and Currituck Sounds, to the Committee on Commerce.

IN SENATE.

WEDNESDAY, *December* 15, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of the National Temperance Society, signed by the president and secretary, asking for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. CONKLING presented the petition of the Central Baptist church of Brooklyn, New York, signed by the pastor and officers, asking for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. HAMLIN presented the petition of the Methodist Episcopal church of Highlandville, Massachusetts, signed by the officers, asking for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. DAWES presented the petition of the Methodist Episcopal church of Russell, Massachusetts, signed by the pastor and officers; the petition of the First Methodist church and congregation of Chelsea, Massachusetts, signed by the pastor and officers; and the petition of the Methodist Episcopal church of Turner's Falls, Massachusetts, signed by the pastor and officers, asking for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which were referred to the Committee on Finance.

Mr. WRIGHT presented the petition of the Woman's Temperance League of Bloomington, Illinois, signed by the officers, asking for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. BOUTWELL presented the petition of the Methodist Episcopal church of South Wilbraham, Massachusetts, signed by the pastor and officers, asking for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. KERNAN presented the petition of the Grand Lodge session of Good Templars of the State of New York, signed by the officers; the petition of the New York State Temperance Society, signed by the president and secretary; and the petition of Martin Smythe, F. H. Carpenter, and other citizens of Rensselaer County, New York, asking for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which were referred to the Committee on Finance.

Mr. CAMERON, of Wisconsin, presented the petition of T. W. Brown and sundry other citizens of Outagamie County, Wisconsin, praying for the completion of the Fox River improvement and the construction of a canal along the bank of the Wisconsin River from Portage City, Wisconsin, to the Mississippi River; which was referred to the Committee on Commerce.

Mr. CLAYTON presented the petition of John N. Curtis, praying the passage of an act authorizing and directing the southern-claims commissioners to reopen and reconsider his claim (No. 5776) for property taken and appropriated by the Union Army; which was referred to the Committee on Claims.

Mr. JOHNSTON presented the petition of the Grand Division of the Sons of Temperance of Virginia, signed by the officers, asking for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. HITCHCOCK presented the petition of J. F. Beale, M. G. Emery, and other citizens of the District of Columbia, praying the passage of a bill authorizing the board of audit of the District to receive and adjust claims for damages sustained by property by reason of the change of the grade of Pennsylvania avenue at the time that avenue was paved under the provisions of the act of Congress approved July 8, 1870; which was referred to the Committee on the District of Columbia.

Mr. INGALLS presented the petition of Joseph C. Irwin and William Phillips, praying payment for eighty cavalry horses furnished the quartermaster at Fort Leavenworth, in 1871 and 1872; which was referred to the Committee on Claims.

He also presented the petition of Emanuel Slifer, on behalf of James Eli Butts and Malinda Frances Butts, minor heirs of Joseph Butts, deceased, late a private in the Seventh Regiment of Maryland Volunteers, praying that an act may be passed granting a pension to the heirs of Joseph Butts; which was referred to the Committee on Pensions.

Mr. WINDOM presented the petition of G. W. Spaulding and 210 other citizens of Outagamie County, Wisconsin, praying an appropriation sufficient to complete the Fox River improvement, and also to construct an ample canal along the bank of the Wisconsin River from Portage City, Wisconsin, to the Mississippi River, in accordance with the third plan recommended by Major-General Warren, of the United States Engineer Corps; which was referred to the Select Committee on Transportation Routes to the Seaboard.

Mr. EDMUNDS presented the petition of the Congregational church of Alburgh, Vermont, signed by the pastor and other officers and by a large number of members, asking for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. MORRILL, of Vermont, presented the petition of the Order of Sons of Temperance of the State of Vermont, signed by the officers, asking for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. THURMAN presented the petition of Florence J. O'Sullivan, late captain Company D, Sixty-seventh Regiment Ohio Volunteer Infantry, praying to be granted a pension from the 26th day of June, 1865, to the 8th day of December, 1873; which was referred to the Committee on Pensions.

Mr. MORRILL, of Maine, presented the petition of the Methodist church of Allston, Massachusetts, signed by the pastor and officers, asking for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. STEVENSON presented the petition of Bland Ballard, John W. Barr, and others, of Louisville, Kentucky, praying an appropriation for the purpose of purchasing and providing a suitable building for the uses and necessities of the circuit and district courts of the United States holden at Louisville; which was referred to the Committee on Public Buildings and Grounds.

Mr. WRIGHT. John E. Woodward, of Kentucky, had at the last session of Congress a claim for certain tobacco seized by Brigadier-General E. A. Paine, a military officer of the United States, during the war of the rebellion. This claim was referred to the Committee on the Judiciary and reported upon adversely by them. I now present some additional papers in the case, which, it is claimed, help out the point on which the case was ruled before. I move that the papers on file in the office of the Secretary be taken from the files and referred to the Committee on the Judiciary, with the petition which I now present.

The motion was agreed to.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. CRAGIN, it was

Ordered, That the petition and papers of William Wheeler Hubbell be taken from the files and referred to the Committee on Naval Affairs.

On motion of Mr. WALLACE, it was

Ordered, That the petition and papers of John Montgomery and Thomas E. Williams be taken from the files and referred to the Committee on Claims.

On motion of Mr. CLAYTON, it was

Ordered, That the petition and papers of William G. Ford, administrator of the estate of John S. Robinson, deceased, be taken from the files and referred to the Committee on Claims.

On motion of Mr. CONOVER, it was

Ordered, That the petition and papers of Egbert Thompson be taken from the files and referred to the Committee on Naval Affairs.

On motion of Mr. COOPER, it was

Ordered, That the petition and papers of M. S. Stewart, administrator, &c., be taken from the files and referred to the Committee on Claims.

On motion of Mr. COOPER, it was

Ordered, That the petition and papers in the case of the Catholic church property at Chattanooga, Tennessee, be taken from the files and referred to the Committee on Claims.

On motion of Mr. MORRILL, of Maine, it was

Ordered, That the petition and papers of Oliver Moses and others, owners of the ship John Carver, be taken from the files and referred to the Committee on Naval Affairs.

Mr. WRIGHT. Seeing a great many applications this morning for

the withdrawal of papers and their reference to the Committee on Claims, as well as to other committees, I wish to make one suggestion. Very many of those cases were reported upon at the last Congress. In some of the cases the committee was discharged from the further consideration of the bill or the matter referred to it, upon some technical ground; in other instances, however, there were adverse reports, and those reports were adopted. Now, by a rule of the Senate, there cannot in strictness be a re-reference of those matters unless there be additional testimony presented. I call attention to this matter. I do not refer to the cases of my friend from Tennessee [Mr. COOPER] at this time, but generally. In all these cases, of course it is next to impossible that Senators can know whether there be additional testimony; and perhaps they have not the time nor the opportunity to look up and ascertain what is the condition of the record; but I beg of them, in behalf of the Committee on Claims, that there shall at least not be a re-reference of these matters indiscriminately to the committee where there have been adverse reports, and where such reports have been adopted. We have enough upon us in all conscience without being burdened with those matters which have been investigated and re-investigated and which are again referred to us without additional testimony.

Mr. WINDOM. I ask that the following order be entered. I make the motion by request. I know nothing of the case:

Ordered, That the heirs of Colonel David Hopkins have leave to withdraw from the files of the Senate the petition and accompanying papers in the claim of said Hopkins, and that they be referred to the Committee on Revolutionary Claims, provided no adverse report has been made.

The order was agreed to.

PAY OF CLAIMANTS FROM LOUISIANA.

Mr. WEST. I ask for the reference of the following order:

Ordered, That the Committee on Contingent Expenses be instructed to report what amounts of compensation, if any, are, in their opinion, due to the respective contestants, William L. McMillen and John Ray, claimants to a seat in the Senate for the unexpired term of William P. Kellogg; and to William L. McMillen as claimant heretofore to a seat in the Senate for the term commencing March 4, 1873.

I move the reference of this order to the Committee to Audit and Control the Contingent Expenses of the Senate.

The motion was agreed to.

DEATH OF SENATOR JOHNSON, OF TENNESSEE.

Mr. COOPER. I wish to give notice that on Wednesday of next week I will ask the consideration of the Senate to some resolutions in memory of my deceased colleague, [Mr. Johnson.]

REPORTS OF COMMITTEES.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the petition of Thomas W. White, praying to be paid an amount of money received and receipted for by Major-General Curtis, as the proceeds of the sales of eighty-six bales of cotton seized, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from its further consideration.

He also, from the same committee, to whom was referred the petition of Thomas H. Coates, of Raleigh, North Carolina, praying for a reconsideration and allowance of his claim for property taken for the use of the armies of the United States, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from its further consideration.

BILLS INTRODUCED.

Mr. CLAYTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 95) for the relief of Charles W. Preddy; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 96) for the relief of William G. Ford, administrator of John G. Robinson, deceased; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 97) authorizing the construction of a post-office in the city of San Francisco, California; which was read twice by its title, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. WEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 98) granting a pension to Mrs. Janet Scott West, widow of Cato C. West, deceased; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 99) for the relief of Daniel Brown and James Robinson; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. WRIGHT (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 100) to establish an insurance department, and to provide for the incorporation and regulation of insurance companies in the District of Columbia; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. ALLISON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 101) explanatory of the act passed June 20, 1874, relating to the District of Columbia; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. WHYTE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 102) for the relief of Francis O. Wyse, late lieutenant-colonel of the Fourth Regiment of United States Artillery; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. MERRIMON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 103) for the relief of Lewis Goodwin, late keeper of the light-vessel at Brant Island Shoal, in the State of North Carolina; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 104) for the relief of John W. Watson, of the State of North Carolina; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 105) for the relief of Dickson Shinault, late assistant keeper of the light-vessel at Wolf Trap light-station, in the State of Virginia; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 106) for the relief of Joseph C. Irwin and William Phillips; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. CLAYTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 107) to withhold from sale a portion of the Fort Smith military reservation, in the State of Arkansas, and to prescribe the manner in which the remainder of said reservation shall be sold, and for other purposes; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. BOUTWELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 108) for the relief of Lieutenant Isaac S. Lyon; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. SPENCER (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 109) for the relief of the estate of J. M. Micaw, of the State of Alabama; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 110) to ratify and confirm the paving, parking, and footways as now constructed by the board of public works at the intersection of Sixteenth and K streets northwest, and for other purposes; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. WALLACE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 111) for the relief of John Montgomery and Thomas E. Williams; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. CRAGIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 112) authorizing the President to nominate Henry S. Wetmore a lieutenant in the Navy upon the retired list; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. JOHNSTON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 113) for the relief of the heirs of James Barnett, deceased; which was read twice by its title, referred to the Committee on Revolutionary Claims, and ordered to be printed.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 114) for the relief of Anthony Lawson and Thomas A. Brewis, and their heirs; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. ANTHONY asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 2) authorizing Rear-Admiral John J. Almy, United States Navy, to accept a decoration from the King of the Hawaiian Islands; which was read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed.

NATIONAL AND STATE RIGHTS.

Mr. MORTON submitted the following concurrent resolutions; which were read:

1. *Resolved by the Senate, (the House of Representatives concurring.)* That the people of the United States constitute a nation, and are one people in the sense of national unity.

2. *Resolved*, That the Government of the United States is not a compact between the States in their municipal and corporate characters, but was formed by the people of the United States in their primary capacity; that the rights of the States are defined and guaranteed by the Constitution, and not by any outside theory of State sovereignty; and that the rights of the States cannot be enlarged or diminished except by an amendment to the Constitution.

3. *Resolved*, That the rights of the States have the same sanction and security in the Constitution as the rights and powers of the National Government; and that local domestic government by the States within the limits of the Constitution is an essential part of our free republican system.

4. *Resolved*, That the doctrine that a State has the right to secede from the Union is inconsistent with the idea of nationality, is in conflict with the spirit and structure of the Constitution, and should be regarded as having been forever extinguished by the suppression of the rebellion.

Mr. MORTON. I move that the resolutions be printed and lie on the table, and at some convenient season I will ask the Senate to take them up with a view of voting upon them.

The motion was agreed to.

THE MISSISSIPPI ELECTION.

Mr. MORTON. I offer the following Senate resolution:

Whereas it is alleged that the late election in Mississippi for members of Congress, State officers, and members of the Legislature was characterized by great frauds, violence, and intimidation, whereby the freedom of the ballot was in a great measure destroyed, a reign of terror established, ballot-boxes stuffed, spurious tickets imposed upon voters, so that a popular majority of more than twenty-five thousand was overcome, and in its place was given an apparent, but fraudulent, majority of more than twenty-five thousand; and whereas the Legislature thus chosen will have the election of a Senator to represent that State in this body; and whereas, if these allegations are true, a great number of the citizens of the United States will have had their rights under the Constitution and laws of the United States wickedly violated: Therefore,

Resolved, That a committee of five Senators be appointed by the Chair to investigate the truth of the said allegations and the circumstances attending said election, with power to visit said State to make their investigations, to send for persons and papers, and to use all necessary process in the performance of their duties; and to make report to the Senate, before the end of this session, of their investigation and findings.

Mr. BAYARD. Let the resolution lie over and be printed.

The PRESIDENT *pro tempore*. The resolution will lie over and be printed.

JOINT RULES.

Mr. EDMUNDS. I offer the following resolution about re-adopting the joint rules, and ask that it be referred to the Committee on Rules, to inquire into the matter:

Resolved, That the joint rules of the Senate and House of Representatives in force at the close of the last session of Congress be, and the same are hereby, adopted as the joint rules of the two Houses for the present session.

I move that the resolution be referred to the Committee on Rules. I think the subject needs inquiry and investigation as to the present condition of the rules between the two Houses.

Mr. BAYARD. I ask the honorable Senator, as his experience in the body is greater than my own, if this is the customary method of extending the rules from Congress to Congress, or whether it be necessary to adopt such a resolution.

Mr. EDMUNDS. That, as a celebrated Englishman said, is past finding out. The object of this resolution is to ascertain from the proper Committee on Rules whether the joint rules that were in force at the last session of Congress are in force now without any vote; and, if so, upon what principle of law or joint proceeding; and, if not, of course to take some steps to have some joint rules between the two Houses.

Mr. BAYARD. Is this resolution to be referred?

Mr. EDMUNDS. That is my motion, that it be referred to the Committee on Rules for inquiry.

The PRESIDENT *pro tempore*. The resolution will be referred, if there be no objection. The Chair hears none.

INFRACTIONS OF INTERNAL-REVENUE LAWS.

Mr. STEVENSON. I offer the following resolution:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to transmit to the Senate copies of all letters, telegrams, orders, and instructions relating to the organization and prosecution of alleged infractions of the internal-revenue laws at Saint Louis, Chicago, and Milwaukee, if not deemed incompatible with the public interest.

Mr. EDMUNDS. That had better lie over.

Mr. SHERMAN. But before it lies over, as it would on the objection of any Senator, I wish to appeal to the Senator from Kentucky, to his good sense, to his desire to promote the investigations which are now being made into the whisky frauds, and to his desire to facilitate the exposure and punishment of all guilty persons, whether he does not see, on reflection, the impolicy of calling for information that will enable every guilty man who is not yet indicted and arrested to escape the punishment of his crime. I have noticed that in another place resolutions have been offered calling for information as to criminal prosecutions now going on and as to criminal prosecutions now being zealously pushed by the officers of the Government. Why should this information, obtained in secret, so necessary to be preserved in secret, be called for by either House of Congress, to be printed and exposed, I will not say for the purpose—for I know such is not the purpose of the Senator from Kentucky—but with the manifest effect of enabling every man suspected or accused of crime to escape the country and avoid punishment?

Now, sir, of all the information that could be called for from the Executive Departments, there is none that should be withheld for stronger reasons than the information called for here. Why, sir, if the information now called for by this resolution were sent to the Senate, there would be the end of all the prosecutions against the whisky ring, against men who are violating the revenue laws. I know that my friend from Kentucky does not desire this, but that he is serious and earnest in wishing to punish all offenses against the United States, and I hope that he will withdraw this resolution, and not even allow it to lie on our table. If he does not withdraw it, I shall object to its consideration at the present time, and shall object to its passage; for I believe its passage would be unwise. It is sufficient to know—the Senator from Kentucky knows it, because a distinguished citizen of his own State is now taking the active lead in punishing these offenses with an energy and vigor that demand our admiration, and not our suspicion—that every officer of this Government, from and including the President down, who is charged with this duty, is now pursuing it against friend and foe; and I trust they will all pursue it until every guilty man is punished.

Mr. STEVENSON. Mr. President, I have as much confidence in the present Secretary of the Treasury as any Senator in this Chamber. I cordially concur in all that has been said by the Senator from Ohio as to his integrity and his intrepid zeal in the prosecution and exposure of fraud wherever it exists. I have no fear but that he will continue to bring to light all violations of the revenue laws of the United States, whenever or wherever he has reason to believe they exist. I have also great faith in the wisdom of the present Secretary of the Treasury; and therefore the resolution I have offered leaves it to his discretion to submit such information as he deems proper. I am quite sure that the Secretary will submit to the Senate no information that would at all militate against the public interest or retard for one moment his earnest, manly efforts in bringing to justice recently discovered violators of the internal-revenue laws at Saint Louis and Chicago. If I thought my inquiry would have that effect, I would instantly withdraw the resolution. If the Senator from Ohio thinks so, I will move the reference of the resolution to the Committee on Finance, so that he and his colleagues on that committee may have an opportunity of consulting with the Secretary, and thus all the danger which he seems to apprehend will be avoided.

I can well imagine that a great deal of information interesting to us and to the country might be laid now before the Senate which would not tend in the slightest degree to retard or embarrass pending investigation. Far, very far be it from me to weaken or impede the praiseworthy efforts of the Secretary of the Treasury in exposing and bringing to justice all violators of law. On the contrary, the whole country honors him for what he has done and what he is still doing in this particular, and none more than myself. Honesty in the public service is the crying popular need of the hour, and, so far from retarding, I would rather do all in my power to strengthen and support the Secretary in his earnest efforts in that direction. I do not think my resolution will have that effect, and I hope it will be referred to the Committee on Finance. I am sure the Senator from Ohio will not object to that.

Mr. SHERMAN. I have no objection to its being referred to the Committee on Finance if any Senator desires such a reference, but it is apparent from the reading of the resolution that it ought not to be adopted. It calls on the Secretary to disclose all that he has gathered together, all the threads, and webs, and criminal ends and aims, and objects and steps of the various conspirators who have entered into a combination against the Government. Such a disclosure would be the worst step that could be taken if, as I know is the case, the Senator desires the whisky ring to be prosecuted and punished. And the reason I spoke so promptly about it was that I happened to learn this morning that the Secretary of the Treasury, if called upon for information of this kind and required to give it, even under the limit that is now put on the resolution of the Senator from Kentucky, would be exceedingly embarrassed, and indeed he could not perform the duty imposed on him by the resolution without violating his sense of public duty. I may say that much as from him without violating any confidence. How can he get this information without recalling it from the cities named, where it is about to be used in the trial of pending cases? How can he discriminate and select alone such information for us as will not be incompatible with the public interests? That which appears of no importance may prove to be the key of the whole conspiracy.

Sir, this "whisky ring" will be prosecuted to the end by all the power of the Government, and every man connected with it, I believe, will be punished who can be reached by the ordinary course of the civil and criminal law. But it seems to me that it is wise to let it rest with the executive authorities, unless the Senate is suspicious that the powers of the Government will not be duly used in pursuing these transactions, and I do not believe that any Senator here has any doubt about that. I do not care to have the resolution referred to the Committee on Finance, because I think it ought to be disposed of by the Senate.

Mr. STEVENSON. I am somewhat surprised at the Senator from Ohio. The resolution only asks for information which the Secretary of the Treasury deems it compatible with the public interest to communicate. The Senator from Ohio seems to think that the Secretary of the Treasury will, under this resolution, be compelled to communicate information which would defeat his plans and weaken the prosecutions at Saint Louis and elsewhere. The resolution contemplates no such thing. It asks for no information which, in the judgment of the Secretary of the Treasury, would be incompatible with the public interests. All who know that officer know that he would communicate not one jot or tittle of information which would embarrass him or weaken the prosecution. The resolution leaves to his discretion how much, if any, he will send to the Senate. If the public interest requires that no information shall be communicated, then the Secretary will give us none. If he thinks certain information can be sent without embarrassment or public detriment, why then he will send it to us. The resolution contains a simple request for information on certain subjects, and confides to the Secretary of the Treasury whether any or how much shall be sent in. That is the whole of it. If the resolution be referred to the Committee on Finance the Secretary of the Treasury will have the aid of that committee in determining what information and how much he shall communicate.

Mr. EDMUNDS. Mr. President, it occurs to me that this whole resolution—and I say it with great respect to my friend from Ken-

tucky—proceeds upon a misapprehension. It is true it contains the limitation that we are not to have any papers and evidence touching crimes which, in the opinion of the Secretary of the Treasury, it may not be wise, for the public interests, to produce; but I submit to the Senate, with some considerable confidence, in respect to every controversy of the Government with any criminal or violator of the laws, that until he is tried it is not compatible with the public interest to make public a single paper or document or particle of evidence. No Secretary of the Treasury, no Attorney-General, no Senator, no district attorney having the matter in charge can with certainty say in advance whether it is safe to make public one paper or another paper, one piece of information or another piece of information, until he sees what connection that may have, when all the threads are brought together upon the trial, with the guilt or innocence of the accused person. It might be that the communication to us of a paper by the Secretary of the Treasury or any other Department of the Government, which at this moment would appear to be perfectly free from objection in respect to carrying on these prosecutions with success and safety, would be the key that would unlock the means of escape to the parties who are implicated in this great whisky conspiracy, and whom, of course, the Senator from Kentucky would be as sorry as I to see get away.

There is no safety at all, therefore, as it seems to me, for the public interests in making public any of the papers and documents of the Government connected with its administrations in executing the laws against persons accused of crime. What would be thought of a resolution proposed here by any of us calling upon the Secretary of the Treasury to give us all the evidence he has got in some suit upon a bond against a surety where some pretended defense was set up, or against some counterfeiter, or against any other one of the ten thousand instances of persons breaking the laws? You cannot carry on business in that way. I do not think in any State the public authorities ever thought of making public the evidence which was being accumulated by the prosecuting officers against criminals, in advance of the trial, because I repeat that it is impossible to know, as it appears to me, in advance of the trial, whether a particular piece of evidence or a particular paper may not be of great injury to the public interest if it be made public before the time that it is brought into connection with the other circumstances in the case.

I should hope, then, although there is no objection to this reference, that we should all vote against this resolution on the spot, and take the risk of the good people of the United States thinking that we belong to the "whisky ring," or any other ring, on that account. I think we are sometimes getting a little too sensitive in doing our duty lest somebody outside of this Chamber, with good motives or ill motives, should think that we were proceeding upon some effort to screen some party friend or to expose some party enemy, rather than proceeding upon our sense of public good and in the exercise of a public duty. So proceeding, I am ready to vote against this resolution now.

Mr. THURMAN. I was not in the Senate when the resolution was offered. I ask that it be reported.

The PRESIDENT *pro tempore*. The resolution will be read.

The resolution was read.

Mr. STEVENSON. Mr. President, I have seen in the papers some telegrams touching these prosecutions, and touching gentlemen employed by the Government to conduct them. Their publication does not seem to have been deemed incompatible with the public interest. But as there seems to be an opinion with Senators for whom I have great respect, and in whose experience I have great confidence, that this might embarrass the Secretary, I move the reference of the resolution to the Committee on Finance. There, I am sure, there can be no doubt that the subject will receive that consideration that it ought to receive; and the chairman, on communication with the Secretary of the Treasury, can let us call for just so much as he shall deem not incompatible with the public interest, and no more.

Mr. CONKLING. I should not be willing to vote to refer such a resolution as this to any committee of this body even if it did not relate to undetermined prosecutions for crime, and for a reason which appears on the face of the resolution itself. I submit to my honorable friend from Kentucky, that he has entirely confounded two things in this resolution which do not belong to each other at all. He addresses a resolution to the Secretary of the Treasury. Who is he? Not one of the branches of the Government, not one of the three departments of the Government, but an executive officer, created by the appointment of the Senate as well as by the appointment of the President. He is an executive officer of the Government; and the Senate and the House of Representatives, by custom immemorial, direct him, not request him, to send to either House such information, such facts as the respective Houses deem to be valuable and suitable for publicity. On the other hand, when we address a resolution to the President, he being one of the three branches of the Government and having in this regard equal dignity and equal privileges of judging with one or both Houses of Congress, we, in the language of this resolution, request him and at the same time commit to him a measure of discretion by saying, as the Senator has said in this resolution, that we confide to him the question whether the transmission of the information sought will or will not consist with the public interest. Everybody, I think, upon the bare statement can see the propriety of this. The President addresses a communication to us. He leaves something to our discretion. It is a request if he could call upon us for information. We address a communication to him for information. It is a request we confide to his discretion in the measure that I have indicated.

But now, the Senator from Kentucky feeling, and naturally feeling, the hazard I will not say the impropriety of directing to be uncovered to the public view the facts pertaining to untried issues and undetermined criminal prosecutions, undertakes in the resolution to request the Secretary of the Treasury to determine for himself and for us whether or not it would be proper to make known to us this information, and then to send it to us with such measure and with such stint as he, one of the executive officers of the Government, may determine for the Senate as well as for himself.

I submit that such a resolution never ought to be passed. It is not only in discord with precedents and usage, but it is in discord with the manifest reason of the thing. The Senate should not direct one of the officers of the Government to do an act or to send information until the Senate is willing to take the responsibility of saying that the act should be done or the information should be sent.

Mr. BAYARD. How can they judge of that until they get the information?

Mr. CONKLING. The Senator asks me a very pertinent question, admitting of a very conclusive answer, I submit to him. They can do it, when a case arises, by simply addressing the President of the United States in the language employed in this resolution, which is appropriate to him, as I have endeavored to explain, he being one of the branches of the Government, and not addressing it either to the Secretary of the Treasury or to any other executive officer, whatever his official stature may be, for nevertheless, as the Senator from Delaware knows without my reminding him of it, be his dignity what it may, he is not one of the co-ordinate branches of the Government, and is not to be treated as if he were. Therefore, I would submit in the line of the suggestion made by the Senator from Delaware, that if this resolution were worth while at all, it should go to the President, and commit to him the privilege of judging—undoubtedly the Secretary of the Treasury would participate with him in judging—whether this information should come here or not.

But, passing beyond this objection, I am quite willing to stand with the Senator from Vermont and determine this question as we may as lawyers and legislators we ought to determine it, and not to determine it in view of the fact that some individual or some *coterie* of individuals somewhere may indulge in a fling suggestive of the idea that the Senate did not want to turn on the lights and unmask to the great American eye all the facts about "the whisky ring." Any man who ever acted as public prosecutor—I see more than one Senator who did—knows, without information from me, the folly at any time before the trial and the last trial is concluded in which evidence is involved, of spreading it unnecessarily before the public. It can do no good; it may do much harm; and I submit to the honorable Senator from Kentucky that the only reason which could exist for this resolution he himself has emphatically disclaimed. If he doubts, or if he disbelieves that each officer charged with this duty, from the highest to the lowest amenable to us, is doing all that he can do, with rigor, with diligence, with fidelity in this regard, then and only then, I submit, is it worth while for him to summon him to account in order that we may, as a court of review, consider and pass upon his suspected dereliction. There is no such thing in this case, and no Senator can have that excuse for voting for this resolution. As my friend from Vermont suggests, and I hardly think too strongly, it is in virtue and effect directing the Secretary of the Treasury upon pain, if not of public displeasure, at least of public censure in the way of criticism, to turn over all the evidence and all the papers that he has; for the idea with the fever that there is in the country on this subject of expecting the Secretary of the Treasury to sit down and examine critically every telegram and ravel out the threads and send just so much as can safely come here, withholding all the rest, is to impose upon him an undertaking which we ought not to impose; which he could not execute, which he would not undertake to execute, and which, I think, were the Senator from Kentucky in his place, he would avoid by taking the Senate at its word and sending in lump the information which we seemed to have called for. Therefore, I hope, Mr. President, this resolution will not be referred to a committee. I think if the Senator wishes it to be voted upon, we had better vote upon it now.

The PRESIDENT *pro tempore*. It is moved that the resolution be referred to the Committee on Finance.

Mr. MORTON. Mr. President, there must be some purpose entertained by the Senator from Kentucky in offering this resolution. The Senator must be under the impression that there has been some information withheld from the public by the Secretary of the Treasury or by the President of the United States which it is important that the public should have; that the ends of justice require that some publication should be made of correspondence or telegrams. Now, sir, I do not believe that there is any foundation for this suspicion, but for one I am perfectly willing that the fullest and largest publication shall be made which does not interfere with the ends of justice, which will not have the effect to defeat prosecutions which have been commenced or which are yet to be instituted. I believe that any publication that can be made will show to this country that the Secretary of the Treasury and all his subordinate officers have displayed the clearest and the strongest purpose to bring guilty men to justice and to break up and punish these frauds. I believe that this

publication will vindicate the Administration from all the charges that have been made of an attempt to cover up or protect criminals or men who have been engaged in violating the revenue laws. I believe this publication will have the effect of vindicating the President of the United States from all charges that have been made against him, and showing that he has given the fullest support, that he has given his aid and countenance in every respect to these prosecutions without sparing friend or foe, but treating all alike, without regard to personal association, political friendship, or any connection whatever that may have existed in the past. I believe my friend could not do the Administration a greater service than to have this publication made, and so far as I am concerned I am willing to vote for this resolution, leaving the matter to the discretion of the Secretary of the Treasury to withhold from publication such documents or papers the publication of which would be premature and might prevent the administration of justice. I am willing to leave that to the discretion of the Secretary of the Treasury; and with that understanding I shall vote for the resolution.

Mr. STEVENSON. Mr. President, it seems to me that this discussion is 'much ado about nothing." The resolution is not dangerous. It is one of simple inquiry; one which, as I have already said, leaves it entirely to the discretion of the Secretary of the Treasury just how much information he thinks the public interest will allow him to communicate. I know of no man to whose judgment I could more safely intrust this discretion than to the Secretary himself. It is a simple request. I want no information which might tend to weaken or embarrass the Secretary. All who know me know that; and, in order to make this sure, I agreed that the resolution should be referred to the Committee on Finance. Hence I am surprised at all this opposition to a simple inquiry, and especially surprised to deny even a reference of the resolution to a committee. Gentlemen seem indisposed to submit the simple inquiry for information to the discretion of the Secretary of the Treasury or to refer it to the Committee on Finance. It is a very usual inquiry.

Mr. EDMUNDS. May I ask the Senator a question?

Mr. STEVENSON. Certainly.

Mr. EDMUNDS. The Senator says he does not think it an unusual resolution. I should like him to inform the Senate if he knows any precedent for it, where evidence has been called for by this body, which is in effect turning it over to the persons accused or suspected, in respect of any criminal prosecution contemplated or in progress.

Mr. STEVENSON. I think I might turn to many precedents requesting the Secretary of the Treasury to give the Senate official information; I will not say in cases where prosecutions were pending, because I cannot recall at this moment such a case.

Mr. EDMUNDS. That is the very point.

Mr. STEVENSON. But let me tell the Senator from Vermont that his inquiry begs the question; because the resolution offered by me asks for no information which the judgment of the Secretary of the Treasury thinks it would be impolitic to communicate. The Senator from Vermont assumes that the Secretary of the Treasury will give us information or make public facts that might or would weaken his hands in the prosecutions now pending in Saint Louis. I have a higher opinion of the wisdom and ability of the Secretary of the Treasury than to believe he will do any such thing. I have no fears on that subject. I apprehend that General Bristow knows better than anybody else can exactly the status of these prosecutions. He knows whether he can safely communicate or not. His judgment is the sole standard of what he will communicate. The resolution asks for no information which he believes should be withheld. It seeks for nothing that would embarrass him or impede the criminal prosecutions now pending. But if the Secretary had information which without detriment might be communicated, Senators seem to desire that it should not be done. They seem unwilling that the resolution should be referred either to the Secretary or to the Committee on Finance. I have heard of no possible objection to the reference of the resolution to the Committee on Finance and can conceive of none. Surely that committee and the Secretary of the Treasury together could determine what information was proper or not to be communicated.

I desire, in conclusion, to say that I have no feeling on this subject. I have seen certain telegrams in the papers touching the dismissal of a distinguished advocate who had successfully aided the district attorney in successfully prosecuting certain violators of the revenue laws. It seems that the publication of these telegrams was not deemed impolitic. Whether such dismissal was judicious or impolitic cannot be determined without the facts. I thought that certain information might be transmitted without detriment to the public interest. Hence my resolution. I was willing to confide the extent and character of the information to the Secretary of the Treasury. But gentlemen seem to think that it might possibly impede the prosecutions; that it might embarrass the Secretary of the Treasury. Desiring to do neither, I will withdraw the resolution.

The PRESIDENT *pro tempore*. The resolution is withdrawn.

EXECUTIVE SESSION.

Mr. SHERMAN. If there is no other legislative business, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After an hour and two minutes spent in executive session the doors were re-opened, and (at two o'clock and seven minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December* 15, 1875.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

The SPEAKER. There being no committees to be called to-day, it is now in order again to call the States and Territories in their order for resolutions, under which call bills also may be introduced upon leave for reference to their appropriate committees.

WITNESSES IN UNITED STATES COURTS.

Mr. FRYE introduced a bill (H. R. No. 199) to make persons charged with crimes and offenses competent witnesses in the United States courts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

OWNERS OF SHIP JOHN CARVER.

Mr. FRYE also introduced a bill (H. R. No. 200) for the relief of Oliver Moses, Frank O. Moses, Galen C. Moses, Charles Owen, and Robert P. Manson, all of Bath, and George W. Edge, of Richmond, Maine, owners of the ship John Carver; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SPECIE PAYMENTS.

Mr. HALE submitted the following preamble and resolution, upon which he called the previous question:

Whereas the country is suffering under the evils of an irredeemable currency, which causes uncertainty in business and stimulates speculation, to the prejudice of legitimate business and labor; and whereas both political parties in the United States stand committed against repudiation and in favor of a speedy return to specie payment; and whereas Congress established a like policy in the act of March 16, 1869, which was followed by the act of January 14, 1875, providing for the resumption of specie payments on the 1st day of January, 1879: Therefore,

Resolved, That, in the judgment of this House, prompt legislative measures should be taken to render the said act of January 14, 1875, effective, by placing in the hands of the Secretary of the Treasury whatever power may be necessary to that end.

The question was upon seconding the previous question.

Mr. HOLMAN. If the call for the previous question shall not be sustained, will it be in order to move the reference of this resolution to the appropriate committee?

The SPEAKER. That motion will then be in order.

Mr. HOLMAN. I will make that motion.

Mr. HALE. This is not a bill for legislation, but merely an expression of opinion. Gentlemen on the other side may consign it to the limbo of a committee if they choose, but I think it important to have action upon it at the present time. I hope the previous question will be seconded.

Mr. JONES, of Kentucky. Is it in order to move that this resolution be laid on the table?

The SPEAKER. That motion is in order.

Mr. JONES, of Kentucky. I make the motion.

Mr. HALE. And I call for the yeas and nays upon it.

Mr. WOOD, of New York. I rise to make a parliamentary inquiry.

The SPEAKER. The Chair will hear the gentleman.

Mr. WOOD, of New York. I would inquire of the Chair whether this resolution is not of that peculiar character that necessarily should be considered by a committee, as it directs legislation?

The SPEAKER. The Chair does not regard that as a proper parliamentary inquiry.

Mr. HALE. In other words, the gentleman wants to put it off.

Mr. WOOD, of New York. I do not wish to put it off. I am ready to meet this question as thoroughly as the gentleman from Maine, [Mr. HALE,] but I am opposed to mere empty, vain declarations; I want the subject to be considered by the appropriate committee.

Mr. HALE. I call for the yeas and nays on the motion of the gentleman from Kentucky [Mr. JONES] to lay my resolution on the table.

Mr. JONES, of Kentucky. I withdraw the motion.

Mr. HALE. I object to the withdrawal of the motion. It is a very good motion to test the question upon.

Mr. JONES, of Kentucky. I am ready myself to meet this question at once.

The SPEAKER. The gentleman from Kentucky has the right to withdraw his motion.

Mr. JONES, of Kentucky. I will not withdraw it. [Laughter, and cries of "Withdraw!" "Withdraw!"] So far as I am concerned, gentlemen know my opinion: I am ready to meet this question now; but, under the advice of friends, I would prefer that the resolution be referred to a committee; and hoping some gentleman will make that motion, I will withdraw my motion to lay the resolution on the table.

The SPEAKER. The motion to lay on the table having been withdrawn, the question now is upon seconding the call for the previous question upon the adoption of the resolution of the gentleman from Maine, [Mr. HALE.]

Mr. HALE. And upon that question I call for tellers.

Tellers were ordered; and Mr. HALE, and Mr. JONES of Kentucky, were appointed.

The House divided; and the tellers reported that there were—ayes 75, noes 143.

So the previous question was not seconded.

Mr. HOLMAN. I move that this resolution be referred to the Committee on Banking and Currency when appointed.

The motion was agreed to.

BANKRUPTCY.

Mr. JOYCE introduced a bill (H. R. No. 201) to repeal the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," and all acts amendatory thereof; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WILLIAM LAMB.

Mr. JOYCE also introduced a bill (H. R. No. 202) for the relief of William Lamb, late a private in Company C, Eleventh Vermont Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MAILABLE MATTER OF THIRD CLASS.

Mr. JOYCE also introduced a bill (H. R. No. 203) fixing the rate of postage on all mailable matter of the third class at one cent for each two ounces or fraction thereof; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

JOHN R. HARRINGTON.

Mr. JOYCE also (by request) introduced a bill (H. R. No. 204) for the relief of John R. Harrington; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

DAVID OGDEN AND OTHERS.

Mr. JOYCE also (by request) introduced a bill (H. R. No. 205) for the relief of David Ogden, Andrew Foster, and other ship-owners; which was read a first and second time, referred to the Committee on Claims, with accompanying papers, and ordered to be printed.

SETH BONNEY.

Mr. TARBOX introduced a bill (H. R. No. 206) to amend the record of military service of Seth Bonney; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NATIONAL CURRENCY.

Mr. EAMES introduced a bill (H. R. No. 207) to amend the several acts providing a national currency, and for other purposes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

MARVIN H. AMESBURY.

Mr. PHELPS introduced a bill (H. R. No. 208) for the relief of Marvin H. Amesbury; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE F. SELLECK.

Mr. PHELPS also introduced a bill (H. R. No. 209) for the relief of George F. Selleck, late lieutenant Fifth Regiment Connecticut Volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MAILABLE MATTER OF THIRD CLASS.

Mr. STARKWEATHER introduced a bill (H. R. No. 210) to amend the law relating to postage on articles of mailable matter of the third class; which was read a first and second time.

Mr. STARKWEATHER. I move that the rules be suspended and this bill put on its passage.

Mr. RANDALL. I believe the motion for a suspension of the rules cannot be entertained on this day. It requires unanimous consent for the consideration of the bill now.

Mr. STARKWEATHER. The introduction of bills is in order under this call.

Mr. RANDALL. Does the gentleman demand the previous question on the bill?

Mr. STARKWEATHER. I demand the previous question on the passage of the bill.

Mr. RANDALL. I hope the previous question will be voted down, and that the bill will receive the consideration of a committee.

Mr. STARKWEATHER. I ask for the reading of the bill. I should not demand the previous question but for the fact that there is a universal desire that transient newspapers shall, as soon as possible, be placed where they were before the change of the law.

Mr. RANDALL. In reply to the gentleman I will say that I am quite as willing as he is to place such newspapers back where they were before, by a mistake on his side of the House, the law was changed.

Mr. STARKWEATHER. A mistake on both sides.

Mr. RANDALL. There are other objectionable features in the law to which this bill refers. That law increased, in the interests of a monopoly, the postage on packages of merchandise, &c., passing through the mails. I wish to have the law in that respect also restored.

Mr. STARKWEATHER. I am with the gentleman in favor of all measures of reform. He says that we made a mistake. He did the same; and he is now making a mistake in objecting to the repeal of an enactment which he says was passed by mistake.

Mr. RANDALL. No, sir; I want that law reviewed by this side of the House, and put in proper shape by a committee, so that we may pass a measure curing all the abuses of your legislation.

Mr. STARKWEATHER. This bill comes from the Post-Office Department.

Mr. RANDALL. I am not quite certain whether the Post-Office Department did not assist in that very infamous legislation.

Mr. STARKWEATHER. I am quite certain they did not.

Mr. LAWRENCE. Does this bill restore the law to where it was?

Mr. STARKWEATHER. It does in regard to transient matter. I demand a suspension of the rules.

The SPEAKER. The Chair sustains the point of order raised by the gentleman from Pennsylvania.

Mr. STARKWEATHER. What is it?

The SPEAKER. That a motion to suspend the rules is not in order under this call.

Mr. STARKWEATHER. I call the previous question on the passage of the bill, and on that motion demand a division of the House.

The House divided; and there were ayes 85, noes not counted.

Mr. STARKWEATHER. I call for tellers.

Tellers were ordered; and Mr. RANDALL and Mr. STARKWEATHER were appointed.

Mr. CONGER. The bill has not been read, and we are proceeding out of order until it has been read.

Mr. STARKWEATHER. I wish to have the bill read. It simply repeals——

Mr. RANDALL. Is debate in order?

The SPEAKER. It is not.

Mr. CONGER. I want to have the bill read.

Mr. RANDALL. The House is dividing, and the gentleman is not in order.

The SPEAKER. This kind of proceeding is very irregular, but the Chair will ask whether there is objection to the present reading of the bill?

Mr. CLYMER. I object.

Mr. CONGER. I rise to a point of order. I make this point of order——

The SPEAKER. The gentleman from Michigan is not in order.

Mr. CONGER. I rise to a point of order.

The SPEAKER. What is it?

Mr. CONGER. That the reading of a bill must be granted once at least on the demand of any member.

The SPEAKER. Not pending a division of the House by tellers.

Mr. CONGER. But the demand for the reading of the bill was made before the previous question was called.

The SPEAKER. The Chair did not hear any demand for the reading of the bill until it was made by the gentleman from Michigan.

Mr. HOAR. The demand was made on that side of the House.

The SPEAKER. The demand comes too late.

The House divided; and there were—ayes 69, noes 128.

So the previous question was not seconded.

Mr. RANDALL. I now move to refer the bill to the Committee on the Post-Office and Post-Roads when appointed.

Mr. HOAR. I now ask for the reading of the bill.

The bill was read.

Mr. STARKWEATHER. I ask that the bill be ordered to be printed.

Mr. RANDALL. I move to refer the bill to the Committee on the Post-Office and Post-Roads when appointed, and that the bill be printed.

The motion was agreed to.

Mr. RANDALL. I move to reconsider the vote by which the bill was referred; and also move that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

GENEVA AWARD.

Mr. STARKWEATHER introduced a bill (H. R. No. 211) to extend the duration of the court for the adjudication of claims arising out of the Geneva award and to enlarge the jurisdiction of said court; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SAMUEL H. CANFIELD.

Mr. STARKWEATHER also introduced a bill (H. R. No. 212) for the relief of Samuel H. Canfield, postmaster at Salem, Connecticut; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SENECA INDIANS.

Mr. NORTON presented a resolution of a council of the Seneca Nation of New York Indians, asking for an amendment of the act of February 19, 1875, relating to the survey and leasing of certain lands on their reservation; which was referred to the Committee on Indian Affairs, and ordered to be printed.

OFFICERS' RANK.

Mr. MACDOUGALL introduced a bill (H. R. No. 213) to fix the brevet and real rank of officers of the regular and volunteer Army, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SURPLUS REVENUE.

Mr. HAMILTON, of New Jersey, presented resolutions of the New Jersey Legislature in relation to the surplus revenue; which were referred to the Committee on Ways and Means, and ordered to be printed.

He also introduced a joint resolution (H. R. No. 12) in regard to the surplus revenue; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

GENERAL M. C. MEIGS.

Mr. HEWITT, of New York. I offer the resolution which I send to the desk, and on it call the previous question:

Resolved, That the Secretary of War be directed to furnish this House with a list of claims pending in the Quartermaster-General's Department at the time when leave of absence was granted to General M. C. Meigs, which have since that date been passed and allowed, with the date and amount of such allowances; and also any report or statement in regard thereto made by General Meigs or by the Acting Quartermaster-General.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was adopted.

Mr. HEWITT, of New York, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REMOVAL OF DISABILITIES.

Mr. RANDALL introduced a bill (H. R. No. 214) to remove the disabilities imposed by the third section of the fourteenth article of the amendments to the Constitution of the United States; which was read a first and second time.

Mr. RANDALL. I ask that the bill may be read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein,) That all disabilities imposed and remaining upon any person by virtue of the third section of the fourteenth article of the amendments of the Constitution of the United States be, and the same are hereby, removed, and each and every person is hereby forever relieved therefrom.

SEC. 2. Whenever any persons from whom disabilities are removed by this act shall be elected or appointed to any post or office of honor or trust under the Government of the United States he shall take the oath prescribed by section 1757 of title 19 of the Revised Statutes of the United States or such other official oath as may be hereafter prescribed in such cases by any future act of Congress.

Mr. RANDALL. If there be no serious objection to this bill on the other side of the House, I will demand the previous question on its passage.

Mr. BLAINE. I hope the gentleman from Pennsylvania will permit a reference of that bill. I do not know—and I am not prepared to speak for this side of the House as to that—that any combined opposition will be made to it; but there are certain observations in regard to the subject of the bill which some gentlemen on this side of the House may desire to submit; and I am disposed to ask the gentleman from Pennsylvania, upon the general proprieties of legislation in regard to a bill of this magnitude, to allow it to be referred. I can assure the gentleman that no factious opposition in any shape will be made to its having a fair vote.

Mr. GARFIELD. There is something in the language which I think ought to be corrected.

Mr. RANDALL. It is not my purpose to press this proposition with any undue haste. My excuse for having asked that it be proceeded with and acted upon at this time is this: At the last session of Congress, upon the motion of a gentleman from Tennessee, Mr. Maynard, the House unanimously passed this bill. I did not suppose that, in consequence of the change of a political character which the House has undergone, there would be any objection from that side. But it is enough for me to know that gentlemen desire to discuss it or that they desire delay. I will therefore consent to the reference, or, if the gentleman from Maine prefers, I will ask that it be made a special order for consideration on Thursday morning immediately after the reading of the Journal.

Mr. BLAINE. I would be glad if the gentleman would assign it for a day after the holidays.

Mr. RANDALL. I want to have the holidays sincere, so that every man in this country may feel that he is relieved from all past disabilities.

Mr. BLAINE. I should dislike very much to do anything that would deprive the gentleman from Pennsylvania of the most joyous holidays; but I think he has had several pleasant holidays since I have known him with these gentlemen under disabilities.

Mr. RANDALL. I have enjoyed them always, but some have been debarred from their enjoyment. I want this to be a centennial holiday in fact and in spirit.

Mr. BLAINE. I would be very glad, if the gentleman would consent to its going over, to agree to the earliest day in January he chose to assign for it.

Mr. RANDALL. I do not consent to that.

Mr. BLAINE. Will the gentleman then indicate some day next week?

Mr. RANDALL. I will indicate Tuesday of next week, immediately after the reading of the Journal.

Mr. GARFIELD. That is satisfactory.

The SPEAKER. Is there objection to this bill being made a special order for Tuesday next, immediately after the reading of the Journal?

There was no objection, and it was so ordered.

JOHN G. PARR.

Mr. JENKS introduced a bill (H. R. No. 215) granting a pension to John G. Parr; which was a read first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY SCHUETBERG.

Mr. JENKS also introduced a bill (H. R. No. 216) granting a pension to Henry Schuetberg, of Indiana, Pennsylvania; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DONATION OF CONDEMNED CANNON.

Mr. COCHRANE introduced a bill (H. R. No. 217) donating condemned cannon and cannon-balls to the Ladies' Monumental Association of Allegheny County, Pennsylvania, for monumental purposes; which was read a first and second time.

Mr. COCHRANE. I ask the previous question on the passage of this bill.

The bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. THORNBURGH. I make the point of order that the bill must go to the Committee of the Whole.

The SPEAKER. The point of order is made too late.

The bill was read a third time, and passed.

SURVEY OF PACIFIC RAILROAD.

Mr. TOWNSEND, of Pennsylvania, introduced a bill (H. R. No. 218) to survey the Austin-Topolovampo Pacific route; which was read a first and second time, referred to the Committee on the Pacific Railroad, and ordered to be printed.

RETIREMENT OF UNITED STATES JUDGE.

Mr. HOPKINS introduced a bill (H. R. No. 219) to permit the judge of the district court of the United States for the western district of Pennsylvania to retire; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BANKRUPT LAW.

Mr. HOPKINS also introduced a bill (H. R. No. 220) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," and a supplement thereto; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PORTS OF ENTRY.

Mr. HOPKINS. I offer the following resolution, upon which I move the previous question:

Resolved, That the Secretary of the Treasury be requested to furnish this House with a list of the ports of entry in this country at which the amount of duties received is less than the expense of maintaining such ports of entry, together with a statement of the distance from such several ports of entry to the nearest port which is self-sustaining.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was agreed to.

ELIZABETH R. M'CRACKEN.

Mr. O'BRIEN introduced a bill (H. R. No. 221) granting a pension to Elizabeth R. McCracken, widow of Dr. Robert McCracken, late acting assistant surgeon of the United States Army; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TRADE OF BALTIMORE.

Mr. SWANN. I offer the following resolution, upon which I move the previous question:

Resolved by the House of Representatives, That the Secretary of the Treasury, the Postmaster-General, and Supervising Architect, a commission heretofore appointed under the direction of this House, be requested to transmit to this House at an early day the report upon the amount alleged to be required by the commercial position and growing trade of the city of Baltimore.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was agreed to.

NAVIGATION OF VIRGINIA RIVERS.

Mr. DOUGLAS. I offer the following resolution, upon which I move the previous question:

Resolved, That the Committee on Commerce, when appointed, be instructed to inquire into the propriety of recommending an appropriation to improve the navigation of the Mattapony and Pamunkey Rivers, in Virginia, and that they report by bill or otherwise.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was agreed to.

LIFE-SAVING STATIONS.

Mr. DOUGLAS. I offer the following resolution, upon which I move the previous question:

Resolved, That the Committee on Commerce, when appointed, be instructed to inquire into the propriety of amending the third section of chapter 344 of an act for the establishment of life-saving stations and houses of refuge on the sea and lake waters of the United States so as to increase the compensation of keepers of stations, with leave to report by bill or otherwise.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was agreed to.

REMOVAL OF POLITICAL DISABILITIES.

Mr. HARRIS, of Virginia. I ask consent to introduce for consideration at this time a bill to remove the political and legal disabilities of George Watson Carr.

The SPEAKER. Is there a personal application for relief from this party on file?

Mr. HARRIS, of Virginia. I am not prepared to say that his application is on file. His application was made to me during the last Congress, and I know that it was filed.

The SPEAKER. Does the gentleman from Virginia, in the absence of such application, desire the present consideration of this bill?

Mr. HARRIS, of Virginia. The application was made to me and was in my custody during the last session of Congress, but I cannot lay my hand on it at this time.

Mr. HURLBUT. I must object to the consideration of the bill until the application is before the House.

SIGNAL-SERVICE.

Mr. HUNTON introduced a bill (H. R. No. 222) to extend the observations of the Signal-Service of the Army so as to benefit the public health; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REMOVAL OF POLITICAL DISABILITIES.

Mr. HUNTON. I present and ask the immediate passage of a bill to relieve D. B. Conrad, of Virginia, from his political disabilities. I hold in my hands his petition asking for the removal of his disabilities.

No objection being made, the bill (H. R. No. 223) received its several readings and was passed, two-thirds voting in favor thereof.

PHILIP ROHR.

Mr. TERRY introduced a bill (H. R. No. 224) for the relief of Philip Rohr; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JURISDICTION OF CIRCUIT COURTS.

Mr. HARRIS, of Virginia, introduced a bill (H. R. No. 225) to give the circuit courts a supervisory jurisdiction over the district courts in certain criminal cases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CONSOLIDATION OF UNITED STATES BONDED DEBT.

Mr. WALKER, of Virginia, introduced a bill (H. R. No. 226) to consolidate the bonded debt of the United States and to reduce the interest thereon; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

LONGEVITY ALLOWANCE OF ARMY OFFICERS.

Mr. WADDELL introduced a bill (H. R. No. 227) to equalize the credits of officers of the Army in computing longevity allowances of pay; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PAYMENTS TO DISLOYAL PERSONS, ETC.

Mr. VANCE, of North Carolina, introduced a bill (H. R. No. 228) to repeal a joint resolution of March 2, 1867, and the act of February 4, 1862, prohibiting payments to any person not known to be opposed to the rebellion; which was read a first and second time.

Mr. VANCE, of North Carolina. I ask that this bill be considered at this time, and upon it I call the previous question.

Mr. LAWRENCE. Let the bill be reported at length.

The bill was read. It repeals the joint resolution of March 2, 1867, prohibiting all payments to any person not known to be opposed to the war between the States, generally called the rebellion, and the act of February 4, 1862, authorizing the Secretary of the Interior to strike from the pension-rolls the names of such persons as have taken up arms against the Government, and all other laws of similar character and purport.

Mr. HOLMAN. That bill is very broad in its provisions. I trust that it will be referred to the proper committee.

Mr. KASSON. Certainly it ought to be referred; it involves millions.

Mr. VANCE, of North Carolina. The substance of this bill has already passed the House several times, once in the form of a bill providing for the restoration to the pension-rolls of the soldiers of 1812.

Mr. HOLMAN. Only one feature of this bill was contained in the bill to which my friend refers, the feature relating to persons who have been on the pension-roll. This bill goes far beyond that. It not only repeals the joint resolution of 1867, but all laws bearing upon the subject. I do not think it safe to legislate upon such a matter without examination by a committee.

Mr. VANCE, of North Carolina. I will then move that the bill be referred to the Committee on the Judiciary, and be printed.

The motion was agreed to.

PENSIONERS OF WAR OF 1812.

Mr. VANCE, of North Carolina, also introduced a bill (H. R. No. 229) to amend the act granting pensions to certain soldiers and sailors of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

TAX ON TOBACCO.

Mr. ROBBINS, of North Carolina, submitted the following preamble and resolution, upon which he called the previous question:

Whereas the tobacco trade is liable to derangement by reason of uncertainty in regard to the possible legislation of this Congress concerning the tax on that commodity, and it is desirable to quiet injurious apprehensions on this subject: Therefore,

Resolved, That this House declares its purpose to allow no legislation which may in any way modify the existing internal-revenue tax on tobacco to go into operation prior to July 1st, 1876.

Mr. COX. Is that a joint resolution?

The SPEAKER. It is a House resolution.

Mr. COX. Does it come in conflict with any existing law?

The SPEAKER. It simply declares the purpose of this House on the subject referred to.

Mr. ROBBINS, of North Carolina. It merely proposes to postpone until the 1st of July next the operation of any law which may be passed upon the subject. I hope the resolution will be adopted.

Mr. REAGAN. I would renew upon this the question of order I raised yesterday upon another subject: whether this resolution does not propose to direct or affect the action of some officer or Department of the Government. It is an expression of opinion which might be proper for a town meeting, but not for Congress.

The SPEAKER. The Chair understands this resolution to be simply declaratory of the judgment of this House.

Mr. ROBBINS, of North Carolina. I hope I may be allowed to say one word. The only purpose of this resolution is to assure those engaged in the tobacco trade that we will not interfere with the tax upon that commodity until July next, and that they can be certain that any legislation we may pass modifying the tax shall not go into operation till then, and they can go ahead without fear. There is no harm in the resolution; but it will enable everybody to know what to calculate upon.

The SPEAKER. The question is upon seconding the previous question upon the adoption of the resolution.

Mr. COX. I think the resolution should go to a committee. I do not propose to tie my hands in regard to future legislation.

The question was taken, and the previous question was not seconded.

Mr. COX. I move that the resolution be referred to the Committee on Ways and Means.

The motion was agreed to.

COMMITTEE ON FREEDMEN'S AFFAIRS.

Mr. RAINEY submitted the following resolution; which was referred to the Committee on the Rules:

Whereas the reasons that governed former Congresses in the creation and organization of the Committee on Freedmen's Affairs have ceased to exist: Therefore,

Be it resolved, That the Committee on Freedmen's Affairs be, and the same is hereby, abolished.

PUBLIC BUILDING, GREENVILLE, SOUTH CAROLINA.

Mr. WALLACE, of South Carolina, introduced a bill (H. R. No. 230) to provide for the erection of a public building at Greenville, South Carolina; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ROBERT ERWIN.

Mr. HARTRIDGE introduced a bill (H. R. No. 231) for the relief of Robert Erwin; which was read a first and second time, referred to the Committee on the Judiciary, with accompanying papers, and ordered to be printed.

REFUNDING OF TAX ON COTTON.

Mr. COOK introduced a bill (H. R. No. 232) to refund certain taxes collected by the United States on raw cotton during the years 1863, 1864, 1865, 1866, 1867, and 1868; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PAYMENT FOR COTTON SEIZED.

Mr. COOK also introduced a bill (H. R. No. 233) authorizing payment for all cotton seized after May 29, 1865; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JAMES BUCHANAN.

Mr. HILL introduced a bill (H. R. No. 234) restoring to the pension-rolls the name of James Buchanan, of Blakely, Early County, Georgia, first lieutenant of Georgia militia in the Florida Indian war of 1836, and whose name was dropped from the rolls under the act of February 4, 1862; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MODIFICATIONS OF REVENUE LAWS.

Mr. HILL also presented, by unanimous consent, a memorial of citizens of Union County, Georgia, for a modification of the revenue laws; which was referred to the Committee on Ways and Means, ordered to be printed, and also ordered to be printed in the RECORD.

The memorial is as follows:

STATE OF GEORGIA, UNION COUNTY:

To the honorable the Senate and House of Representatives of the United States Congress:

The undersigned, citizens of Union County, Georgia, respectfully represent that they are suffering grievously from the present mode of enforcing the internal-revenue laws, which laws they respectfully petition your honorable bodies to repeal or

so modify as to relieve the people from the evils from which they so sorely suffer. These laws, as now enforced, are impoverishing the people and enriching corrupt officials, without any commensurate benefit to the Government. For alleged frivolous violations of these laws hundreds of poor men, who are unable to buy their way out of prison, are being torn from their families and incarcerated for months in felons' cells, thereby suffering what we think is "cruel and unusual punishment" for such offenses. Should the repeal of these laws be deemed inexpedient, as one modification, which would tend greatly to the relief of the people from unnecessary suffering and injury, we respectfully ask a change of the statutory period of limitation for the prosecution of offenses against these laws from five to two years. This, with such other modifications of the existing law as will readily occur to wise legislators, would relieve the country from many of the evils from which it now suffers, and to this end we invoke the consideration of our Representatives in Congress to this question.

I. M. ROGERS, *Justice of the Peace,*
ELLIOTT BOLING, *Coroner,*
and many others.

AMENDMENT OF REVISED STATUTES.

Mr. HEWITT, of Alabama, introduced a bill (H. R. No. 235) to amend sections 2290 and 2291 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SALE OF SWAMP AND OVERFLOWED LANDS.

Mr. LEWIS also introduced a bill (H. R. No. 236) to give the consent of the United States to the appropriation of certain proceeds arising from the sale of the swamp and overflowed lands in Alabama, for the purpose of furnishing other and additional accommodations for the indigent insane and idiotic persons resident in said State; which was read a first and second time, referred to the Committee on Freedmen's Affairs, and ordered to be printed.

AMENDMENT OF HOMESTEAD LAW.

Mr. LEWIS also introduced a bill (H. R. No. 237) to amend the homestead law approved May 20, 1862; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

RESTRICTIONS IN DISPOSITION OF PUBLIC LANDS.

Mr. MOREY introduced a bill (H. R. No. 238) to repeal section 2303 of the Revised Statutes of the United States, making restrictions in the disposition of the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

OATH OF OFFICE.

Mr. MOREY also introduced a bill (H. R. No. 239) to prescribe an oath of office, and for other purposes; which was read a first and second time.

Mr. MOREY. I desire action on this bill now. Let it be read in full, and then I shall ask the previous question.

The bill was read. It provides in the first section that hereafter every person elected or appointed to any office of honor or profit under the Government of the United States shall, before entering upon the duties of said office and before being entitled to any of the salary or emoluments thereof, take and subscribe the following oath or affirmation: "I, A B, do solemnly swear (or affirm) that to the best of my knowledge and ability I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this oath freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God." Which said oath, so taken and signed, shall be preserved among the files of the court, House of Congress, or Department to which the said office may appertain; and any person who shall falsely take the said oath shall be guilty of perjury, and, on conviction, in addition to the penalties now prescribed for that offense, shall be deprived of his office and rendered incapable forever after of holding any office or place under the United States.

The second section provides that no other oath shall be required; but nothing in the act is to be construed to relieve any person now laboring under disabilities imposed by the fourteenth amendment of the Constitution from the penalty or penalties imposed by any law for holding or attempting to exercise the functions of any office contrary to law.

Mr. KASSON. This bill ought to go to a committee. There is too much in it to permit its being properly acted on in this way.

Mr. MOREY. I call the previous question.

The previous question was not seconded.

Mr. MOREY. I move the reference of the bill to the Committee on the Judiciary.

The motion was agreed to.

JOHN A. GOEDFREY.

Mr. BANNING introduced a bill (H. R. No. 240) granting a pension to John A. Goedfrey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN O'HEA.

Mr. BANNING also introduced a bill (H. R. No. 241) granting a pension to John O'Hea; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH R. HULL.

Mr. BANNING also introduced a bill (H. R. No. 242) granting a pension to Elizabeth R. Hull; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATIONAL IRON-MOLDERS' UNION.

Mr. BANNING also introduced a bill (H. R. No. 243) to incorporate the National Iron-Molders' Union; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

BRANCH MINT, CINCINNATI, OHIO.

Mr. BANNING also introduced a bill (H. R. No. 244) to establish a branch of the Mint of the United States at Cincinnati, Ohio; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

JOHN W. REYNOLDS.

Mr. WALLING introduced a bill (H. R. No. 245) granting a pension to John W. Reynolds; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. MARY ANN M'DONALD.

Mr. WALLING also introduced a bill (H. R. No. 246) granting a pension to Mrs. Mary Ann McDonald; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES M. COFFINBERRY.

Mr. PAYNE introduced a bill (H. R. No. 247) for the relief of James M. Coffinberry, of Cleveland, Ohio, to refund taxes on his salary as judge; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DISALLOWED CLAIMS.

Mr. LAWRENCE submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That two thousand extra copies of the index and summary of the reports of the commissioners of claims in cases reported adversely to Congress be, and the same are hereby, ordered to be printed for the use of the House and five hundred for the use of the commissioners of claims.

JAPANESE INDEMNITY FUND.

Mr. LAWRENCE also submitted the following resolution; which was referred to the Committee on Foreign Affairs, and ordered to be printed:

Resolved, That the Committee on Foreign Affairs be, and are hereby, instructed to inquire into the expediency of restoring to the government of Japan so much of the fund known as the "Japanese indemnity fund" as may not be necessary to meet those claims for damages and expenses properly chargeable upon that fund, and that the committee have leave to report by bill or otherwise.

Mr. LAWRENCE. Mr. Speaker, I have a statement here in reference to the Japanese indemnity fund which I ask be printed in the RECORD.

The SPEAKER. The Chair hears no objection, and it will be ordered accordingly.

The statement is as follows:

DEAR SIR: I have taken the liberty of sending you some documents relating to a fund known as the Japanese indemnity fund, which is now in the custody of the State Department at Washington.

At a time of great political excitement in Japan, this indemnity was exacted from the government of that nation for alleged "damages and expenses" arising out of the forcible obstruction of the Straits of Simonoseki in 1863-'64, by a rebellious vassal of the empire. For this act, which the Japanese government neither aided nor countenanced, and for which it expressed the deepest regret—an act which moreover caused insignificant damage and inconvenience—an indemnity of $3,000,000 was demanded by the governments of Great Britain, France, the Netherlands, and the United States, and such indemnity has been paid. The share of the United States in this fund was $750,000. The actual damages and expenses arising out of the transaction above referred to have all been paid, and amounted to less than $50,000. The unexpended balance has been invested in United States bonds, and now, with its accumulations of interest, amounts to more than one and a quarter million dollars.

Up to the present time Congress has taken no action in regard to the disposal of this fund, and it still remains in the charge of the State Department. The circumstances connected with its exaction, its excessive amount, together with the present liberal and progressive attitude of Japan, have given rise to much discussion, and have justified Congress in hesitating to appropriate this money to our own uses. In 1872, when one-half of this indemnity was still unpaid, a bill was unanimously passed by the House of Representatives, authorizing the President to release the government of Japan from further payments. This bill was not reached in the Senate, and thus failed to become a law. As indicated by the debates on this subject in the House of Representatives, by the discussions in the press, and by the memorials addressed to Congress, the sentiment of the nation plainly demands the restoration to Japan of that part of this indemnity not actually required to pay just claims for damages and expenses. Our sense of national justice and magnanimity resents the thought of enriching our Treasury by taking from the scanty resources of Japan the means she so much requires for the education and development of her people. Since the opening of the ports of Japan by Commodore Perry's treaty, she has entered upon a career of self-development which is unprecedented in the history of nations. We have always professed the deepest interest in her national welfare, and a desire to render her substantial aid. It must seem a bitter commentary on such professions of good-will that we are ready to take advantage of a technical offense to exact from her the very means by which her progress can be secured.

My residence of almost three years in that empire, and my participation in the work of establishing a national system of education for the Japanese, enable me to testify to the genuine earnestness with which their career of progress is pursued. I have the most satisfactory grounds for knowing that in the event of the return of this fund it will be devoted exclusively to the promotion of education. While on our own behalf, therefore, we are performing an act of justice, we will at the same time be doing most to secure the permanent well-being of Japan.

From the geographical positions of the two countries, the industrial development of Japan is of the greatest importance to the commercial interests of the United States; it is, therefore, the part of a wise statesmanship to offer not moral encouragement only, but also, as we can in this instance, the material aid so essential at this crisis to the continued progress of Japan.

I earnestly request that you will give attentive consideration to this subject, and in furtherance of the best interests of the two countries that you will render your assistance in securing a restoration of this fund, with all its accumulations. It is hoped that the prompt attention of Congress may be gained, and to this end I trust that you will, through the press and in other public and private ways, aid in awakening public interest.

I shall be pleased to furnish any further information, and will also be obliged to you for suggestions in reference to the promotion of this object. For this purpose my address will be at this place or at Philadelphia, in care of the Japanese commission to the centennial exhibition.

Very respectfully,

DAVID MURRAY.

NEW BRUNSWICK, NEW JERSEY, *December* 1, 1875.

FINANCIAL POLICY.

Mr. LAWRENCE. I also submit the following resolution, on which I demand the previous question.

The Clerk read as follows:

Resolved, That it is the sense of this House that the policy of finance should be steadily pursued which without unnecessary shock to business will ultimately equalize the purchasing power of the gold and paper dollar.

Mr. LAWRENCE. That embodies in substance the words of the Ohio republican platform.

Mr. HOLMAN. I trust there will be no objection to referring this to the Committee on Banking and Currency when appointed.

Mr. LAWRENCE. I would rather have it acted on now.

Mr. HOLMAN. I prefer to have it go to a committee.

The SPEAKER. Does the gentleman from Ohio consent to its reference?

Mr. LAWRENCE. I do not object.

The resolution was referred to the Committee on Banking and Currency, and ordered to be printed.

REMOVAL OF CAUSES FROM STATE TO UNITED STATES COURTS.

Mr. WOODWORTH introduced a bill (H. R. No. 248) to prohibit the removal of causes from State to United States courts upon application by parties after appearance in State courts, except in certain cases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ANIMALS IN TRANSIT.

Mr. WOODWORTH also introduced a bill (H. R. No. 249) to amend an act entitled "An act to prevent cruelty to animals while in transit by railroad or other means of transportation within the United States," approved March 3, 1873; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

COMMERCE AMONG THE STATES.

Mr. PARSONS introduced a bill (H. R. No. 250) to regulate commerce among the several States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

B. F. SCATES.

Mr. CALDWELL, of Tennessee, introduced a bill (H. R. No. 251) for the relief of B. F. Scates, postmaster at Union City, Tennessee; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

J. C. RICHARDS.

Mr. CALDWELL, of Tennessee, also introduced a bill (H. R. No. 252) granting a pension to J. C. Richards, of Obion County, Tennessee; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUBSIDIES, ETC.

Mr. HOLMAN. I submit the following resolution and on it demand the previous question:

Resolved, That in the judgment of this House, in the present condition of the financial affairs of the Government, no subsidies in money, bonds, public lands, indorsements, or by pledge of the public credit, should be granted by Congress to associations or corporations engaged or proposing to engage in public or private enterprises; and that all appropriations from the public Treasury ought to be limited at this time to such amounts only as shall be imperatively demanded by the public service.

The previous question was seconded; ayes 138, noes not counted.

The main question was ordered.

The SPEAKER. The main question having been ordered, the question is, Will the House adopt the resolution?

Mr. HUBBELL. I ask that the resolution may be again read.

The resolution was again read.

Mr. HOAR. I should like the gentleman from Indiana [Mr. HOLMAN] to inform the House whether he intends to cut off the appropriation for the Centennial?

Mr. HOLMAN. I do not suppose that that is covered by the word "subsidies," although I should be willing to have it so construed.

Mr. RANDALL. There is a saving clause in favor of the Centennial.

Mr. BEEBE. I call for the yeas and nays on agreeing to the resolution.

The yeas and nays were ordered.

The question was taken; and there were—yeas 223, nays 33, not voting 33; as follows:

YEAS—Messrs. Adams, Ainsworth, Anderson, Ashe, Bagby, George A. Bagley, John H. Bagley, jr., John H. Baker, William H. Baker, Ballou, Banning, Beebe, Bell, Blackburn, Blaine, Blair, Bland, Bliss, Blount, Boone, Bradford, Bradley, John Young Brown, William R. Brown, Horatio C. Burchard, Samuel D. Burchard, Burleigh, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cannon, Cason, Caswell, Cate, Caulfield, Chapin, Chittenden, John B. Clarke, of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Conger, Cook, Cowan, Cox, Crapo, Crounse, Culberson, Cutler, Danford, Davis, Davy, De Bolt, Denison, Dibrell, Dobbins, Durand, Eames, Eden, Egbert, Ellis, Ely, Evans, Faulkner, Felton, Forney, Fort, Foster, Franklin, Freeman, Frost, Frye, Fuller, Garfield, Gause, Gibson, Glover, Goodin, Gunter, Hale, Andrew H. Hamilton, Robert Hamilton, Haralson, Hardenbergh, Benjamin W. Harris, Henry R. Harris, Harrison, Hartridge, Hartzell, Hatcher, Haymond, Henderson, Henkle, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Hoar, Holman, Hooker, Hopkins, Hoskins, Hubbell, Hunter, Hurd, Jenks, Frank Jones, Joyce, Kasson, Ketchum, Kimball, King, Knott, Franklin Landers, George M. Landers, Lapham, Lawrence, Leavenworth, Levy, Lewis, Lord, Luttrell, Lynch, Lynde, Levi A. Mackey, Magoon, Maish, MacDougall, McCrary, McDill, McFarland, McMahon, Metcalfe, Miller, Milliken, Money, Monroe, Morgan, Morrison, Mutchler, Nash, Neal, New, Norton, O'Brien, Odell, Oliver, Packer, Page, Payne, John F. Phillips, William A. Phillips, Pierce, Piper, Plaisted, Poppleton, Potter, Rainey, Randall, Rea, James B. Reilly, Rice, John Robbins, William M. Robbins, Roberts, Robinson, Miles Ross, Rusk, Sampson, Savage, Sayler, Scales, Schumaker, Seelye, Sheakley, Singleton, Sinnickson, A. Herr Smith, William E. Smith, Southard, Sparks Springer, Starkweather, Stenger, Stevenson, Stowell, Tarbox, Teese, Thompson, Thomas, Thornburgh, Martin I. Townsend, Tufts, Turney, Van Vorhes, Vance, Waddell, Waldron, Charles C. B. Walker, Alexander S. Wallace, Walling, Ward, Warren, Wheeler, Whiting, Whitthorne, Wigginton, Wike, Willard, Alpheus S. Williams, Charles G. Williams, James Williams, James D. Williams, Jeremiah N. Williams, William B. Williams, Willis, Benjamin Wilson, James Wilson, Alan Wood, jr., Fernando Wood, and Woodworth—223.

NAYS—Messrs. Cabell, Darrall, Douglas, Dunnell, Goode, Hancock, John T. Harris, House, Hunton, Hyman, Thomas L. Jones, Kelley, Lamar, Mills, Morey, O'Neill, Parsons, Reagan, John Reilly, Slemons, Smalls, Strait, Stone, Terry, Throckmorton, Tucker, Robert B. Vance, John W. Wallace, Erastus Wells, G. Wiley Wells, White, Yeates, and Young—33.

NOT VOTING—Messrs. Atkins, Banks, Barnum, Bass, Bright, Buckner, Durham, Farwell, Hathorn, Hays, Hendee, Hoge, Hurlbut, Kehr, Lane, Edmund W. M. Mackey, Meade, Phelps, Platt, Powell, Pratt, Purman, Sobieski Ross, Schleicher, Swann, Washington Townsend, Gilbert C. Walker, Walls, Walsh, Whitehouse, Andrew Williams, Wilshire, and Woodburn—33.

So the resolution was adopted.

During the reading of the roll-call,

Mr. TOWNSEND, of Pennsylvania, said: I heard my name read among those voting in the affirmative. I was not in the House when the roll was called. If I had been present, I should have voted in the negative.

The result of the vote was then announced as above recorded.

AMENDMENT TO RULES.

Mr. HOLMAN submitted the following resolution; which was read and referred to the Committee on the Rules:

Add to Rule 120:

Nor shall provisions in any such bill, or amendments thereto, changing existing law, be in order, except such as, being germane to the bill, retrench expenditure.

JOSEPH B. LANE.

Mr. HOLMAN introduced a bill (H. R. No. 253) granting a pension to Joseph B. Lane; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GIDEON WALKER.

Mr. HUNTER introduced a bill (H. R. No. 254) for the relief of the heirs of Gideon Walker, deceased, late of Indiana; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM J. ALEXANDER.

Mr. HUNTER also introduced a bill (H. R. No. 255) for the relief of William J. Alexander, of Bloomington, Monroe County, Indiana; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HERMAN HULMAN.

Mr. HUNTER also introduced a bill (H. R. No. 256) for the relief of Herman Hulman, of Terre Haute, Indiana; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN F. SUTHERLIN AND BROTHER.

Mr. HUNTER also introduced a bill (H. R. No. 257) for the relief of John F. Sutherlin & Brother, of Indiana; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

WILLIAM H. H. ANDERSON.

Mr. HUNTER also introduced a bill (H. R. No. 258) granting a pension to William H. H. Anderson, late a private of Company B, First Heavy Artillery Indiana Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES W. LOVE.

Mr. NEW introduced a bill (H. R. No. 259) for the relief of James W. Love, postmaster at Patriot, Indiana; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PRESIDENTIAL TERM.

Mr. SPRINGER. I offer the following resolution, upon which I move the previous question:

Resolved, That, in the opinion of this House, the precedent established by Washington and other Presidents of the United States, in retiring from the presidential office after their second term, has become, by universal concurrence, a part of our republican system of government, and that any departure from this time-honored custom would be unwise, unpatriotic, and fraught with peril to our free institutions.

The question was put upon seconding the previous question; and on a division there were—ayes 144, noes 2.

So the previous question was seconded. The main question was then ordered to be put, being upon the adoption of the resolution.

Mr. CLYMER. Upon the question of the adoption of the resolution I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MACDOUGALL moved that the House do now adjourn.

The question was taken, and the House refused to adjourn.

The question was taken on the resolution offered by Mr. SPRINGER; and there were—yeas 233, nays 18, not voting 38; as follows:

YEAS—Messrs. Adams, Ainsworth, Anderson, Ashe, Atkins, George A. Bagley, John H. Bagley, jr., John H. Baker, William H. Baker, Ballou, Banning, Beebe, Bell, Blackburn, Blair, Bland, Blount, Boone, Bradford, Bright, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cason, Cate, Caulfield, Chapin, Chittenden, John B. Clarke, John B. Clark, jr., Clymer, Cochrane, Collins, Conger, Cook, Cowan, Cox, Crapo, Crounse, Culberson, Cutler, Danford, Darrall, Davis, Davy, De Bolt, Dibrell, Douglas, Dunnell, Durand, Eames, Eden, Egbert, Ellis, Ely, Evans, Faulkner, Felton, Forney, Fort, Foster, Franklin, Freeman, Frost, Frye, Fuller, Garfield, Gause, Gibson, Glover, Goode, Goodin, Gunter, Hale, Andrew H. Hamilton, Robert Hamilton, Hancock, Hardenbergh, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Hatcher, Haymond, Henderson, Henkle, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Hoar, Holman, Hooker, Hopkins, Hoskins, House, Hunter, Hunton, Jenks, Frank Jones, Thomas L. Jones, Joyce, Kasson, Kelley, Ketchum, Knott, Franklin Landers, George M. Landers, Lane, Lapham, Lawrence, Leavenworth, Levy, Lewis, Lord, Luttrell, Lynde, Levi A. Mackey, Maish, McCrary, McDill, McMahon, Metcalfe, Miller, Milliken, Mills, Money, Monroe, Morgan, Morrison, Mutchler, Neal, New, Norton, O'Brien, Odell, Oliver, O'Neill, Packer, Parsons, Payne, John F. Philips, William A. Phillips, Pierce, Piper, Poppleton, Potter, Powell, Randall, Rea, Reagan, John Reilly, James B. Reilly, Rice, John Robbins, William M. Robbins, Roberts, Robinson, Miles Ross, Sobieski Ross, Sampson, Savage, Sayler, Scales, Schumaker, Seelye, Sheakley, Singleton, Sinnickson, A. Herr Smith, William E. Smith, Southard, Sparks, Springer, Starkweather, Stenger, Stevenson, Stone, Swann, Tarbox, Teese, Terry, Thompson, Thomas, Throckmorton, Martin I. Townsend, Washington Townsend, Tucker, Tufts, Turney, Van Vorhes, John L. Vance, Robert B. Vance, Waddell, Waldron, Charles C. B. Walker, Gilbert C. Walker, John W. Wallace, Walling, Walsh, Ward, Warren, Erastus Wells, Wheeler, Whitehouse, Whitthorne, Wigginton, Wike, Willard, Alpheus S. Williams, Charles G. Williams, James Williams, James D. Williams, Jeremiah N. Williams, William B. Williams, Willis, Benjamin Wilson, James Wilson, Alan Wood, jr., Fernando Wood, Woodworth, Yeates, and Young—233.

NAYS—Messrs. Bradley, Denison, Haralson, Hoge, Hubbell, Hyman, Lynch, MacDougall, Nash, Page, Plaisted, Pratt, Smalls, Alexander S. Wallace, Walls, G. Wiley Wells, White, and Whiting—18.

NOT VOTING—Messrs. Bagby, Banks, Barnum, Bass, Blaine, Bliss, Cannon, Caswell, Dobbins, Durham, Farwell, Hathorn, Hays, Hendee, Hurd, Hurlbut, Kehr, Kimball, King, Lamar, Edmund W. M. Mackey, Magoon, McFarland, Meade, Morey, Phelps, Platt, Purman, Rainey, Rusk, Schleicher, Siemons, Strait, Stowell, Thornburgh, Andrew Williams, Wilshire, and Woodburn—38.

Before the reading of the roll-call,

Mr. BEEBE called for the reading of Rule 31.

The rule was read as follows:

Every member who shall be in the House when the question is put shall give his vote, unless the House shall excuse him. All motions to excuse a member from voting shall be made before the House divides or before the call of the yeas and nays is commenced; and the question shall then be taken without debate.

Mr. BEEBE. It was my purpose to insist upon the enforcement of the rule just read. I will not do so, however, for the reason that I think we have had a sufficient declaration of the sentiments of this House.

The SPEAKER *pro tempore*, (Mr. COX.) Debate is not in order. There is no way of enforcing that rule, as was sufficiently tested at the last session of Congress.

Mr. HOAR. I ask that the reading of the names on the roll be dispensed with.

The SPEAKER *pro tempore*. That requires unanimous consent.

Objection was made, and the roll-call was read, as above recorded.

Accordingly the resolution was adopted.

ADJOURNMENT FOR THE HOLIDAYS.

Mr. RANDALL. I desire to submit a concurrent resolution for the action of the House at this time.

Mr. CONGER. Has the call of the States been concluded?

Mr. RANDALL. This resolution, under the rule, is always in order.

The resolution was read, as follows:

Resolved by the House of Representatives, (the Senate concurring therein,) That when the two Houses adjourn on Monday next they stand adjourned until twelve o'clock on Tuesday, January 4, 1876.

Mr. RANDALL. I desire to state that this resolution is offered after conference with gentlemen on both sides of the House. I will modify it, however, by saying Tuesday instead of Monday next, as I find it will cut off the amnesty bill that has been assigned for that day.

Mr. BLAINE. I hope the gentleman will not modify it in that respect.

Mr. RANDALL. Why not?

Mr. BLAINE. The resolution in the form the gentleman has offered it has been concurred in; and, besides, I should prefer that the amnesty bill be considered by a full House.

Mr. RANDALL. I do not want to do anything which the other side of the House seem to think may oppress them or interfere with their convenience. I will adhere to the resolution in the form I have offered it.

The resolution was then adopted.

Mr. RANDALL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The call of States for resolutions, &c., will be resumed. The call now rests with the State of Illinois.

PENSIONS FOR SOLDIERS AND SAILORS IN MEXICAN WAR.

Mr. SPARKS introduced a bill (H. R. No. 260) granting pensions to certain soldiers and sailors of the war of 1846 with Mexico, and the widows of deceased soldiers and sailors; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IMPROVEMENT OF MISSISSIPPI RIVER.

Mr. MORRISON introduced a bill (H. R. No. 261) for the improvement of the Mississippi River and the harbors between the mouths of the Missouri and Illinois Rivers; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JOHN W. GALL.

Mr. MORRISON also introduced a bill (H. R. No. 262) for the relief of the legal representatives of John W. Gall, deceased, late of Company A, One hundred and thirtieth Regiment Illinois Volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEADS OF EXECUTIVE DEPARTMENTS ON FLOOR OF THE HOUSE.

Mr. CAULFIELD introduced a bill (H. R. No. 263) to provide that the heads of Executive Departments may occupy seats on the floor of the House of Representatives; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SINGLE TERM FOR PRESIDENT.

Mr. CAULFIELD also introduced a joint resolution (H. R. No. 13) amending the Constitution of the United States so that no person shall be eligible to the presidency for more than a single term; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

THOMAS W. SEGAR.

Mr. HARTZELL introduced a bill (H. R. No. 264) for the relief of Thomas W. Segar; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SWAMP LANDS.

Mr. HARTZELL also introduced a bill (H. R. No. 265) granting certain swamp lands to the county of Randolph, State of Illinois; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

MARGARET M. LAMB.

Mr. HENDERSON introduced a bill (H. R. No. 266) for the relief of Margaret M. Lamb, postmaster at Annawan, Illinois; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

REVENUES AND EXPENDITURES.

Mr. ANDERSON submitted the following resolution; upon which he called the previous question:

Resolved, As the sense of this House, that, instead of increasing the revenues of the National Government to meet its expenditures, we are in favor of reducing the expenditures to meet the revenues.

The previous question was seconded and the main question ordered; and under the operation thereof the motion was adopted.

CURRENCY.

Mr. ANDERSON also submitted the following resolution; which was referred to the Committee on Banking and Currency, and ordered to be printed:

Resolved, That the Committee on Banking and Currency be instructed to report a bill repealing the national banking law, and substituting for national-bank currency a national paper money issued directly from the Treasury, made a legal tender for all debts, public and private, including duties on imports, and to be interchangeable for registered bonds bearing 3.65 per cent. interest.

Mr. GARFIELD. I move that the resolution just read be laid on the table.

The SPEAKER. The resolution has already been disposed of by being referred to the Committee on Banking and Currency.

IMPROVEMENT OF MISSOURI RIVER.

Mr. CLARK, of Missouri, introduced a bill (H. R. No. 257) to appropriate $1,000,000, to be expended in deepening and permanently locating the channel of the Missouri River, with a view of securing a navigable depth of five feet during low water from Sioux City to

the mouth of Red river; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

APPEALS FROM DISTRICT COURTS.

Mr. PHILIPS, of Missouri, introduced a bill (H. R. No. 268) providing for appeals from United States district courts to United States circuit courts in cases of a criminal nature; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOHN G. K. HAYWARD AND OTHERS.

Mr. GLOVER introduced a bill (H. R. No. 269) for the relief of John G. K. Hayward, Amos Stilwell, and Goodwin O. Bishop, of Hannibal, Missouri, for transporting United States mails; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ROBBERY OF POST-OFFICES.

Mr. DE BOLT introduced a bill (H. R. No. 270) to authorize and empower the Postmaster-General to inquire into and determine losses by robbery or larceny of post-offices and credit postmasters with the amount, if found to be without fault or negligence; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

J. M'LAUGHLIN AND W. SOUTH.

Mr. BLAND introduced a bill (H. R. No. 271) for the relief of John McLaughlin and William South, late privates Company H, Twenty-sixth Regiment Missouri Volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HELIA A. COOKSEY.

Mr. BLAND also introduced a bill (H. R. No. 272) granting a pension to Helia A. Cooksey, of Dent County, Missouri; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AUGUSTUS A. FLEMING.

Mr. HATCHER introduced a bill (H. R. No. 273) for the relief of Augustus A. Fleming, a citizen of Missouri; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CAROLINE COLLIER.

Mr. HATCHER also introduced a bill (H. R. No. 274) for the relief of Caroline Collier, widow of the late Samuel C. Collier, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BRANCH MINT AT SAINT LOUIS.

Mr. STONE introduced a bill (H. R. No. 275) to establish a branch mint of the United States at Saint Louis, Missouri; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

TAX ON MATCHES.

Mr. STONE also introduced a bill (H. R. No. 276) to repeal the stamp duty or tax on matches; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

COGSWELL AND CO.

Mr. STONE also introduced a bill (H. R. No. 277) for the relief of Cogswell & Co., of Saint Louis, Missouri; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PAYMENT OF DUTIES IN LEGAL TENDERS.

Mr. STONE also introduced a bill (H. R. No. 278) making United States Treasury notes a legal tender for duties on imports; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ABOLITION OF CHECK STAMPS.

Mr. STONE also introduced a bill (H. R. No. 279) to repeal all acts of Congress that require stamps to be affixed to checks, drafts, and orders for the payment of money; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

LANDS FOR SUPPORT OF SCHOOLS.

Mr. BUCKNER introduced a bill (H R. No. 280) to amend the act to appropriate lands for the support of schools in certain townships and fractional townships not before provided for, approved May 20, 1826; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SALARY OF PRESIDENT.

Mr. BUCKNER also introduced a bill (H. R. No. 281) reducing the salary of the President of the United States after the 4th of March, 1877, and repealing section 153, chapter 2, Revised Statutes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ADJOURNMENT OVER.

Mr. CLYMER. I move that when the House adjourns to-day it adjourn to meet on Friday next.

The motion was agreed to.

RECONSIDERATION.

Mr. BLAINE. I desire to enter a motion to reconsider the vote by which the joint resolution introduced by me yesterday, proposing an amendment to the Constitution of the United States, was referred to the Committee on the Judiciary.

The SPEAKER. The motion will be entered.

Mr. RANDALL. Will the gentleman be kind enough to give us due notice when he intends to call up this motion for discussion?

Mr. BLAINE. Not until a considerable period after the holidays.

ORDER OF BUSINESS.

Mr. CLYMER. I move that the House now adjourn.

Mr. BLAINE. I ask unanimous consent to make a statement.

Mr. MILLS. I hope the call of States for the introduction of bills, &c., will be concluded before we adjourn.

The SPEAKER. The Chair will state that when the House next meets this call will be resumed, beginning with the State of Arkansas, the call of the State of Missouri having just been concluded; so that it is very fair to assume that before the holidays every member will have ample opportunity to introduce such bills as he may desire.

SPECIE PAYMENTS.

Mr. HALE. I wish to make a privileged motion. I give notice I will move to reconsider the vote whereby the resolution introduced by me this morning was referred to the Committee on Banking and Currency.

The SPEAKER. Do you enter the motion to reconsider now, or only give notice of it?

Mr. HALE. I enter the motion to reconsider.

The SPEAKER. The motion will be entertained.

RECIPROCITY.

Mr. CLYMER. I will yield now to the gentleman from New York.

Mr. WARD. I desire, not being present when the State of New York was called this morning, to introduce a joint resolution for reference to the Committee on Commerce.

The SPEAKER. The Chair hears no objection.

Mr. WARD introduced a joint resolution (H. R. No. 14) to authorize the appointment of commissioners to ascertain on what terms a mutual beneficial treaty of commerce between the people of the United States and the Dominion of Canada can be negotiated; which was read a first and second time.

The joint resolution, which was read, authorizes the President of the United States to appoint three commissioners, by and with the advice of the Senate, to confer with other commissioners duly authorized by the government of Great Britain, or whenever it shall appear to be the wish of that government to appoint such commissioners, to investigate and ascertain on what basis a treaty of reciprocal trade, for the mutual benefit of the people of the United States and the Dominion of Canada, can be negotiated.

Mr. WARD. I move the resolution be referred to the Committee on Commerce and ordered to be printed.

The motion was agreed to.

FREEDMEN'S AFFAIRS.

Mr. CLYMER. I insist on my motion to adjourn.

Mr. BLAINE. I hope the gentleman will yield to me for one moment, as I desire to make a brief statement.

Mr. CLYMER. I will yield to the gentleman for the purpose of explanation.

Mr. BLAINE. The gentleman from South Carolina [Mr. RAINEY] this morning offered a resolution that in making up the committees of the House the Committee on Freedmen's Affairs, which has existed for some years as a standing committee, be omitted. The request was made in the last Congress, but not until after the committees had been appointed. The gentleman, on behalf of those whom he more especially represents, feels, as circumstances have entirely changed since that committee was called for and organized, that it is a needless reflection, if you please, upon the class to whom it refers; that there is no longer any distinction between American citizens; that we are all equal before the law; and that all legislation respecting the rights of any person should go through the ordinary standing committees. If the resolution be of any value, it must be passed before the honorable Speaker shall have announced his committees. It is, therefore, on his behalf that, instead of having the resolution rest in the Committee of the Rules, I was about to ask unanimous consent that the Committee on Freedmen's Affairs be struck from the list of standing committees.

Mr. RANDALL. I will say to the gentleman from Maine that, when the gentleman from South Carolina submitted his proposition, under the rules it had to go to the Committee on the Rules.

Mr. BLAINE. It requires unanimous consent, of course.

Mr. RANDALL. I merely make the statement to show there was no intention to cut off the gentleman from South Carolina.

Mr. BLAINE. I perfectly understood that.

Mr. COX. There is no objection to it.

The SPEAKER. Is there any objection to the proposition of the gentleman from Maine?

There was no objection, and it was ordered accordingly.

R. C. SAWYER.

Mr. CLYMER. I now insist upon my motion to adjourn.

The SPEAKER. The Chair desires on the part of members to submit several requests to the House before the question is taken on the motion to adjourn.

The gentleman from Ohio [Mr. BANNING] asks leave to withdraw from the files of the House the papers in the case of R. C. Sawyer, administrator of John Akin, deceased.

Mr. CONGER. I make no objection, but only ask the usual statement shall accompany the withdrawal, that there has been no adverse report in the case.

The SPEAKER. It will be understood in all these cases that the withdrawal is under the rules of the House.

Mr. HOLMAN. I also ask that copies of the papers be left on file in the Clerk's office.

There was no objection; and leave was granted for the withdrawal of the papers.

The SPEAKER. Several requests have been addressed to the Chair for leave to withdraw papers from the files of the House and refer them to committees. It is unnecessary to consume the time of the House by making these requests, because they can all be granted under the rules by application to the proper subordinate officers of the House. The Chair therefore must decline to present such requests.

FORT HARKER MILITARY RESERVATION.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, in relation to the Fort Harker military reservation; which was referred to the Committee on Military Affairs, and ordered to be printed.

CONTINGENT FUND OF POST-OFFICE DEPARTMENT.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Postmaster-General, transmitting, in compliance with the act of June 8, 1872, a statement of the expenditures made from the contingent fund of his Department for the fiscal year ending June 30, 1875; which was referred to the Committee on Appropriations, and ordered to be printed.

And then, on motion of Mr. CLYMER, (at three o'clock and twenty minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. ADAMS: The petition of Horace L. Emery, of Albany, New York, for extension of letters-patent for improvement in cotton-ginning machines, to the Committee on Patents.

By Mr. ANDERSON: The petition of Francis B. Thompson, late surgeon Fifty-sixth Illinois Volunteers, for relief, to the Committee on Military Affairs.

By Mr. BAGBY: The petition of citizens of McDonough County, Illinois, for the establishment of a post-route from Bushnell, via Pennington's Point, to Industry, McDonough County, Illinois, to the Committee on the Post-Office and Post-Roads.

Also, the petition of citizens of McDonough and Henderson Counties, Illinois, for extension of post-route No. 23197, from Kirkwood, via Raritan, to Blandinsville, to the Committee on the Post-Office and Post-Roads.

By Mr. J. H. BAGLEY: The petition of David M. Hamilton and 54 others, for the repeal of the stamp tax on checks, to the Committee on Ways and Means.

By Mr. BANNING: The petition of Eliza J. Fracker, of Cincinnati, Ohio, with accompanying papers, for increase of pension, to the Committee on Invalid Pensions.

Also, the petition of John O'Hea, of the Soldiers' Home, Dayton, Ohio, for a pension, to the Committee on Invalid Pensions.

By Mr. BELL: The petition of John G. Dickey and 40 others, of Hillsborough, New Hampshire, for the repeal of the law increasing postage on merchandise and the enactment of a law authorizing the transmission of merchandise in packages of four pounds or less through the mails at a postage of one-half cent an ounce, to the Committee on the Post-Office and Post-Roads.

Also, the petition of William A. Davis and others, of New Hampshire, of similar import, to the same committee.

By Mr. BLACKBURN: The petition of Harriet C. Jones, of Lexington, Kentucky, for compensation for destruction of property while in the possession of the United States Army, to the Committee on War Claims.

By Mr. BRADLEY: The petition of citizens of Gratiot County, Michigan, for the passage of a bill for the relief of Leverett N. Town, to the Committee on Military Affairs.

Also, the petition of citizens of Oscoda and Au Sable, Michigan, for reduction of postage on merchandise passing through the mails, to the Committee on the Post-Office and Post-Roads.

By Mr. BUCKNER: Paper for the establishment of a postal route from New London to Mexico, Missouri, to the Committee on the Post-Office and Post-Roads.

By Mr. BURLEIGH: Petitions of Bela Townsend and 80 others, of Newfield, Maine; of Stephen S. Welch and 40 others, of Casco, Maine; and of Mark C. Hurd and 30 others, of Acton, Maine, for repeal of the law increasing the postage on merchandise transmitted through the mails, to the Committee on the Post-Office and Post-Roads.

By Mr. CRAPO: The petition of Edward C. Wheeler and 33 other American seamen, to be allowed to participate in the Geneva award, to the Committee on the Judiciary.

By Mr. DAVIS: The petition of Thomas H. Coates, of Raleigh, North Carolina, for rehearing and allowance of his claim, No. 9056, for property taken for the use of the United States Army, to the Committee on War Claims.

By Mr. DUNNELL: Petition for the establishment of certain post-routes in Minnesota, to the Committee on the Post-Office and Post-Roads.

By Mr. HARTRIDGE: Papers relating to the claim of Robert Erwin, for relief, to the Committee on the Judiciary.

By Mr. HARRIS, of Virginia: The petition of Horace L. Kent, for a rehearing of his claim before the commissioners of claims, to the Committee on War Claims.

Also, the petition of Isaac Davenport, jr., and 25 other citizens of Richmond, Virginia, for payment of rent for use of their property in the years 1865 and 1866, to the Committee on War Claims.

By Mr. HARRISON: The petition of Leon Frank, for compensation for tobacco and cotton taken from him in Louisiana by United States forces, to the Committee on War Claims.

By Mr. HOAR: The petition of Ruth Ellen Greland, for a pension, to the Committee on Invalid Pensions.

By Mr. HOLMAN: The petition of Hon. John R. Craver, Hon. J. Y. Allison, Captain N. Powell, and other citizens of Madison, Indiana, to have the remains of the late Admiral Napoleon Collins removed to that city, to the Committee on Naval Affairs.

By Mr. HOUSE: The petition of book agents of the Methodist Episcopal Church South, for compensation for property taken during the war, to the Committee on War Claims.

By Mr. HUBBELL: The petition of citizens of Custer, Michigan, for a post-route from Mancelona to Eastport, to the Committee on the Post-Office and Post-Roads.

Also, the petition of citizens of Antrim County, Michigan, for a post-route from Mancelona to South Arm post-office, to the Committee on the Post-Office and Post-Roads.

By Mr. HUNTON: The petition of laboring-men employed upon the public parks in the District of Columbia, praying an appropriation to compensate them in accordance with the law, to the Committee on the District of Columbia.

By Mr. HUNTER: The petition of J. A. Foote, and others, of Indiana, that no further appropriation be made for the distribution of seeds through the Agricultural Bureau, to the Committee on Agriculture.

Also, the petition of J. A. Foote and others, of Indiana, for restoration of former rates of postage on third-class mail matter, to the Committee on the Post-Office and Post-Roads.

By Mr. JENKS: The petition of John G. Parr, late lieutenant-colonel One hundred and thirty-ninth Pennsylvania Volunteers, to be placed on the pension-rolls, to the Committee on Invalid Pensions.

Also, the petition of Henry Schuetberg, late private Second Pennsylvania Volunteers, for a pension, to the Committee on Invalid Pensions.

By Mr. JONES, of Kentucky: The petition of Lieutenant James M. Ranton, of Grant County, Kentucky, for relief, to the Committee on Military Affairs.

By Mr. JOYCE: The petition of Mrs. Lucia Green Brown, of Montpelier, Vermont, and 1,000 others, praying for the appointment of a commission to inquire and report as to the results of the traffic in alcoholic liquors in connection with crime, pauperism, and the public health, and to recommend what additional legislation, if any, would be beneficial to suppress in the sphere of national authority the traffic in alcoholic liquors as beverages, to the Committee on the Judiciary.

Also, the petition of William Lamb, of Poultney, Vermont, for a pension, to the Committee on Invalid Pensions.

Also, petitions of citizens of Clarendon and Shoreham, Vermont, for repeal of increase of postage on packages of merchandise, to the Committee on the Post-Office and Post-Roads.

By Mr. KIMBALL: Memorial of the Green Bay and Minnesota Railroad Company, asking authority to construct a ponton bridge across the Mississippi River from Buffalo County, Wisconsin, to Winona County, Minnesota, to the Committee on Commerce.

By Mr. LAWRENCE: Paper for the establishment of certain post-roads in Ohio, to the Committee on the Post-Office and Post-Roads.

By Mr. LEWIS: The petition of sundry citizens of Alabama, for the establishment of certain post-routes in said State, to the Committee on the Post-Office and Post-Roads.

By Mr. MAISH: Memorial of Commander William Gibson, asking to be restored to the active list from the retired list, to the Committee on Naval Affairs.

By Mr. McCRARY: The petition of A. B. Chittenden and others, of Keokuk, Iowa, for abolition of stamp duty on bank-checks, to the Committee on Ways and Means.

By Mr. O'BRIEN: The petition of Elizabeth R. McCracken, widow of Dr. Robert McCracken, for a pension, to the Committee on Invalid Pensions.

By Mr. PARSONS: The petition of Blanton Duncan, trustee, praying compensation for use of property in Louisville, Kentucky, and in Columbia, South Carolina, appropriated by the United States Army, to the Committee on War Claims.

By Mr. RANDALL: The petition of Robert M. Barr, father of William B. Barr, deceased, late private Company E, Seventy-third Pennsylvania Volunteers, for a bounty, to the Committee on Invalid Pensions.

By Mr. ROBBINS, of Pennsylvania: The petition of Adam Bear, for a pension, to the Committee on Invalid Pensions.

By Mr. ROBBINS, of North Carolina: The petition of sundry citizens of North Carolina, for a mail-route from Little Yadkin to Jefferson, North Carolina, to the Committee on the Post-Office and Post-Roads.

By Mr. ROBERTS: The petition of F. O. Wyse, late lieutenant-colonel Fourth United States Artillery, requesting the restoration of certain rights which he avers were denied to him in 1862, to the Committee on Military Affairs.

By Mr. TUFTS: Petition of citizens of Jackson County, Iowa, for the relief of Martin Raff, to the Committee on Invalid Pensions.

By Mr. TERRY: The petition of Philip Rohr, for relief, to the Committee on War Claims.

By Mr. WARD: The memorial of B. G. Arnold & Co., Sheldon, Banks & Co., and 20 others, importers and wholesale grocers in New York City, asking restoration of former rates of postage on merchandise, samples, and miscellaneous printed matter, to the Committee on the Post-Office and Post-Roads.

By Mr. WHITTHORNE: The petition of citizens of Williamson and Marshall Counties, Tennessee, for the establishment of a post-route from Indian Store to Farmington, Tennessee, to the Committee on the Post-Office and Post-Roads.

By Mr. YEATES: Memorial of citizens of North Carolina and Virginia, for an appropriation to deepen the channels of certain rivers tributary to the Albemarle and Chesapeake Canal, to the Committee on Commerce.

IN SENATE.

THURSDAY, *December* 16, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

Mr. STEPHEN W. DORSEY, a Senator from the State of Arkansas, appeared in his seat to-day.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of Jackson Stricker and 37 other citizens of Deedsville, Indiana, praying that the law increasing the postage on merchandise be repealed, and a law enacted authorizing the transmission of merchandise in packages of four pounds or less through the mails at a postage of one-half cent an ounce; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of the Central Baptist church and congregation of Brooklyn, New York, signed by the pastor and other officers and by a large number of members, asking for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. SHERMAN presented the petition of the First Baptist church and congregation of Cincinnati, Ohio, signed by the pastor and officers, asking for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. HAMLIN presented the petition of the Methodist Episcopal church of West Farms, New York, signed by the pastor and officers, asking for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. WALLACE presented the petition of W. W. McKinney and other citizens of Finleyville, Pennsylvania, asking for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. HARVEY presented the petition of a number of citizens of Kansas, praying for the repeal of the law imposing the two-cent United States check-stamp tax on bank-checks; which was referred to the Committee on Finance.

Mr. KERNAN presented the petition of the Reformed church of West Farms, New York, signed by the pastor and officers, asking for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. OGLESBY. I present a petition of settlers on lands in the State of Kansas embraced in the Kansas Indian reservation, praying that said lands be reappraised. The impression of the petitioners in sending the petition to me was that the matter properly belonged to the Committee on Public Lands, and a letter of the governor also accompanied the petition upon that supposition. I presume the proper reference would be to the Committee on Indian Affairs. I move that the petition take that direction, as it relates specially to an Indian reservation.

The motion was agreed to.

Mr. OGLESBY also presented the petition of the Grand Division of Sons of Temperance of the State of Illinois, signed by the officers, asking for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. FRELINGHUYSEN presented the petition of the Park Presbyterian church of Newark, New Jersey, signed by the pastor and officers; the petition of the Grand Division of Sons of Temperance of New Jersey, signed by the officers; and the petition of the First Presbyterian church of Elmira, New York, signed by the pastor and the officers of the church, asking for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which were referred to the Committee on Finance.

Mr. BOUTWELL presented a petition of the Trinity church and congregation of Neponset, Massachusetts, signed by the pastor and officers, asking for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. JOHNSTON presented the memorial of Agnes De Leon and Maria L. De Leon, heirs of Mrs. R. L. De Leon, asking compensation for injury to their property in Albuquerque, New Mexico, burned by United States troops; which was referred to the Committee on Claims.

Mr. CLAYTON presented the petition of the heirs of the late William K. Sebastian, formerly a Senator from Arkansas, praying that the resolution of expulsion of that Senator be rescinded and that his rights be restored; which was referred to the Committee on Privileges and Elections.

Mr. CONKLING. I present a petition signed by a large number of practical steamboat men and navigators, designating certain amendments in the steamboat laws which they think should be made. I beg leave to say that I take great pleasure in presenting this petition for two reasons; first, because it indicates with somewhat of particularity the changes sought in the steamboat laws, and second because it seems to come from those who have some regard for the safety and security of the men who navigate steamboats and the passengers who travel upon them. I move the reference of the petition to the Committee on Commerce.

The motion was agreed to.

Mr. CONKLING presented the petition of Samuel Pierce, Daniel Mapes, and other citizens of West Farms, New York, asking for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. MITCHELL presented the petition of Treadwell S. Ayres, praying compensation for the use and occupancy of his property at Memphis, Tennessee, by the United States Army during the late war; which was referred to the Committee on Claims.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. WEST, it was

Ordered, That the petition and papers in the case of P. W. Woodlief be taken from the files and referred to the Committee on Claims.

On motion of Mr. MERRIMON, it was

Ordered, That Eliza Shelton have leave to withdraw her petition and papers from the files of the Senate on leaving copies of the same with the Secretary.

On motion of Mr. MERRIMON, it was

Ordered, That the petition and papers of Delilah Kelley be taken from the files and referred to the Committee on Military Affairs.

On motion of Mr. McMILLAN, it was

Ordered, That the petition and papers of A. Merninger be taken from the files and referred to the Committee on Military Affairs.

Mr. DAVIS. I offer an order to withdraw the papers in the case of Hans W. Phillips and have them referred to the Committee on Claims. The papers have not been acted upon, as I understand, by the committee, but were in the hands of the committee at the end of the last session.

The PRESIDENT *pro tempore*. That order will be made.

BILLS INTRODUCED.

Mr. HAMLIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 115) to provide for the payment of expenses of district judges in certain cases; which was read twice by its title.

Mr. HAMLIN. Mr. President, I ask the indulgence of the Senate a moment while I explain the provisions of this bill.

The Senate is aware that the salaries of our various district judges are regulated by law. Those various salaries were fixed upon a very careful examination by Congress, and it was designed that they should be somewhat relative to the duties they performed. Hence the different grades of salary. The law regulating the judicial system provides also that for various causes and reasons a district judge of one district may be designated to do duty in another. In some cases, if I am right in my recollection of the law, and I believe I am, it is provided that the expenses of a district judge when doing duty in a district other than his own shall be paid to him; but it is not a uniform rule. This bill provides that, in all cases where a district judge shall be designated to do the duties of a district judge in another district, in addition to his salary he shall have his expenses refunded.

I make these suggestions for the purpose of inviting the Judiciary Committee to the consideration of the subject. I think they have had the matter before them; indeed, I know they have, though I think they have never come to any conclusion upon it. It seems to

me to be a case of eminent justice. I commend the bill to their careful consideration, and I know it will receive it. I move that it be printed and referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. SHERMAN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 116) to restore the name of Captain Edward S. Meyer to the active list of the Army from the retired list; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. WITHERS (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 117) to aid the Washington, Cincinnati and Saint Louis Railroad Company to construct a narrow-gauge railway from tide-water to the cities of Saint Louis and Chicago; which was read twice by its title, referred to the Committee on Railroads, and ordered to be printed.

Mr. McDONALD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 118) granting a pension to James H. Woodward; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. JONES, of Florida, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 119) to authorize the Secretary of the Interior to sell at public auction lands no longer required for military purposes; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 120) to authorize the appointment of special agents to investigate frauds under the pension laws of the United States; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 121) granting a pension to John Pierson; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. CLAYTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 122) donating the military reservation of Fort Smith, Arkansas, to the city of Fort Smith for free schools; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. CRAGIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 123) for the relief of Philip S. Wales, medical inspector in the United States Navy; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. HOWE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 124) to provide for a commission on the subject of the alcoholic liquor traffic; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. MORRILL, of Vermont, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 125) to incorporate the Mutual Protection Fire Insurance Company of the District of Columbia; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. BURNSIDE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 126) to restore appointments and promotions to the Pay Department of the Army; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. ROBERTSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 127) for the relief of John F. Porteus, of the State of South Carolina; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. MORTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 128) granting a pension to Frederick Vogel; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. ANTHONY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 129) for the relief of the heirs of Asbury Dickins; which was read twice by its title.

Mr. ANTHONY. Mr. President, I wish to make a statement with regard to this bill, which has had a very unfortunate history. The bill was passed in the House of Representatives and sent here, I think, at the first session of the last Congress. Here it passed after a long debate, and upon the yeas and nays. It was then held up on a motion to reconsider, and was held over the first session and into the second session of the Congress, and was finally taken up and passed on the very last day of the session; passed after a struggle of which everybody was notified and in which many Senators took part. It was then sent to the House to be enrolled, but it was so late that the enrollment did not reach the Senate in time to be signed by the Vice-President.

It seems to me that, as the bill was lost merely by an accident, the Senators who felt it their duty to oppose it (and I am sure that no one opposed it unless he felt it to be his duty, because the sympathy of everybody was for the destitute heirs of this venerable and faithful servant of the Senate for so many years) would do a graceful act, and nothing more than would be just, if they would allow it to take the same course which it would have taken but for that accident and put it on its passage now.

Mr. EDMUNDS. It would have been vetoed, or ought to have been.

Mr. ANTHONY. It can be vetoed now. We do not propose to pass it over the President's veto.

Mr. EDMUNDS. I suggest that probably it will not be vetoed until it is passed.

Mr. ANTHONY. It has passed once; it has passed twice; and I should like to try it now. If the Senator objects, we shall try it by and by.

Mr. WRIGHT. That bill was reported from the Committee on Claims. A majority of the committee reported against the bill.

Mr. ANTHONY. But a majority of the Senate voted for it.

Mr. WRIGHT. I remember that very well. I trust the Senator will not insist on the bill being put on its passage now. It should take the usual course and go to the committee.

Mr. ANTHONY. I cannot insist against two such objectors; I would if I could. I move that the bill be printed and referred to the Committee on Claims.

The motion was agreed to.

Mr. RANSOM asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 3) authorizing the acceptance by G. Harris Heap, consul of the United States at Tunis, of the trust of commissioner of the Bey of Tunis at the international exhibition of 1876 at Philadelphia; which was read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the bill (S. No. 78) to extend the duration of the court of commissioners of Alabama claims.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 223) to relieve D. B. Conrad, of Virginia, of all political disabilities;

A bill (H. R. No. 217) donating condemned cannon and cannon-balls to the Ladies' Monumental Association of Allegheny County, Pennsylvania, for monumental purposes;

A bill (H. R. No. 198) to remove the political disabilities of Robert Tansill, of Virginia; and

A bill (H. R. No. 194) to remove the political disabilities of Samuel Cooper, jr., of Virginia.

The message further announced that the House had passed a concurrent resolution, providing that when the two Houses adjourn on Monday next they stand adjourned until twelve o'clock on Tuesday, January 4, 1876.

SENATOR FROM ALABAMA.

Mr. SPENCER. Mr. President, at the last session of the Legislature of the State of Alabama a resolution of that body was passed raising a committee charged to inquire whether corrupt practices had entered into my election by a previous Legislature as a Senator in Congress. A committee was appointed, constituted of political antagonists save one member, and he was well known to be inimical to me. Since the adjournment of the Legislative Assembly, this committee has, as I learn, held sessions from time to time and has taken testimony. The Legislature taking this action was not the one by which I was elected, but was subsequently chosen; and for this and other reasons, implying no disrespect to the Legislature or to the committee, I have not appeared in any way, in person or by counsel. Hence the testimony so far taken is entirely *ex parte*.

The Senate of the United States being the body empowered to pass on my right to a seat here, I feel warranted in asking of it a full scrutiny of my election and my conduct, contenting myself now with denying the charge that my election was fraudulent or impure.

I will offer a resolution of inquiry presently, but first beg to say one word touching a cognate inquiry, which may, I trust, be made.

Mr. President, the election in the State of Alabama by which the Legislature referred to claims to have been chosen was the result of fraud, open and flagrant, perhaps equaled by the recent election in Mississippi. Like the late Mississippi election, it was but a constituent part of a conspiracy, existing then and now, aimed at the overthrow of republican majorities in the Southern States, whether by fair means or foul.

This conspiracy, in furtherance of its purpose, follows me with charges of corrupt practices. I sincerely hope the committee will find occasion to probe the doings whereby the election in Alabama was carried last year.

I now offer the following resolution:

Resolved, That the Committee on Privileges and Elections are hereby instructed to investigate into and inquire whether GEORGE E. SPENCER, a Senator in Congress from the State of Alabama, did use or cause to be used and employed corrupt means or corrupt practices to secure his election to the seat he now holds; and that said committee be empowered to administer oaths, to send for persons and papers, to take testimony, and employ stenographers and such clerical assistants as they may deem necessary, and to sit during the recess of Congress if considered advisable, and to report the result of their investigations as soon as practicable.

Mr. DAVIS. I think that resolution had better lie over until to-morrow and be printed.

The PRESIDENT *pro tempore*. The Senator from West Virginia objects to its consideration, and the resolution will lie over.

Mr. CONKLING. Mr. President, I appeal to the Senator from West Virginia not to make objection. If a Senator has been assailed or aspersed and asks an investigation by a committee, a standing com-

mittee of which he is not a member, I think my honorable friend from West Virginia would hardly ask to postpone it even for a day. Surely when a Senator asks that he may be cleansed of an accusation, or convicted if he be guilty, it is so much a question for him, and so little in that respect a question for the other members of the Senate, that I think my friend from West Virginia will not insist upon its lying over.

Mr. DAVIS. I heard only a part of the resolution and I did not catch exactly what it was; but after the explanation of the Senator from New York I withdraw my request that the resolution lie over.

Mr. THURMAN. I know nothing whatsoever of this case. I have not seen the report of the committee of the Legislature of Alabama spoken of, nor any of the testimony taken; but it struck me, on hearing the resolution read, that it is probably not drawn as broad as the mover would wish, if the matter were called to his attention. The resolution, as drawn, if I heard it correctly, limits the inquiry to the question whether the Senator himself was guilty of any corrupt practices in procuring his election.

Mr. SPENCER. Or "caused to be used."

Mr. THURMAN. As I understood it, that is the same thing. The broader question, whether the election was procured by fraud and corruption, is not covered by the resolution. I do not know whether the Senator proposes to limit the inquiry to his own personal conduct, or whether he proposes to have his election fully and thoroughly investigated, whoever may have been corrupt and whoever may have been guilty of fraudulent practices, if any such things took place, upon which I express no opinion at all.

Mr. SPENCER. I have no objection to the Senator from Ohio amending the resolution as he suggests.

Mr. THURMAN. I do not wish to take any part in this business. I only make the suggestion for the Senator himself to consider whether he had not better modify it, if that meets his view, to extend the inquiry to the question whether that election was the result of any fraud or not.

Mr. SPENCER. I will modify the resolution in any words or in any manner that the Senator from Ohio may suggest, and shall be very happy to do so.

Mr. THURMAN. The Clerk can make the change.

The PRESIDENT *pro tempore*. The Secretary will modify the resolution accordingly, and will read it as modified.

The Chief Clerk read the resolution as modified, as follows:

Resolved, That the Committee on Privileges and Elections be hereby instructed to investigate into and inquire whether, in the election of GEORGE E. SPENCER as a Senator in Congress from the State of Alabama, there were used and employed corrupt means or corrupt practices to secure his election to the seat he now holds; and that the said committee be empowered to administer oaths, to send for persons and papers, to take testimony, to employ stenographers and such clerical assistants as they may deem necessary, and to sit during the recess of Congress if considered advisable, and to report the result of their investigations as soon as possible.

The resolution was agreed to.

DEATH OF SENATOR JOHNSON, OF TENNESSEE.

Mr. COOPER. I gave notice yesterday, sir, that during the next week I would ask the consideration of the Senate to certain resolutions in memory of my late colleague, now deceased; but I see from a message from the House of Representatives that they have agreed to adjourn on Monday. While I desire to bring that matter at as early a day as practicable before the Senate, yet, not to embarrass the Senate in voting on the resolution which has reached us from the House, I ask leave to withdraw that notice; and I now give notice that I will move those resolutions on Tuesday, the 11th of January.

ADJOURNMENT FOR THE HOLIDAYS.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution from the House of Representatives:

Resolved by the House of Representatives, (the Senate concurring therein.) That when the two Houses adjourn on Monday next they stand adjourned until twelve o'clock on Tuesday, January 4, 1876.

Mr. THURMAN. I have been requested by some members of the other House to say that the railroad facilities will not enable them to get here by the usual hour of meeting on Tuesday, because there are no trains leaving their places of residence on Sunday, and to move an amendment to the resolution to make the adjournment to Wednesday, January 5, instead of Tuesday, January 4. To gratify them I make that motion. It does not concern me at all; I can be here readily enough on Tuesday; but there are some gentlemen from whose places of residence there are no Sunday trains, and they desire that the time of reassembling should be changed to Wednesday.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Ohio, to strike out "Tuesday, January 4," and insert "Wednesday, January 5."

The amendment was agreed to.

The resolution, as amended, was concurred in.

HOUSE BILLS REFERRED.

The following bills of the House of Representatives were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. No. 223) to relieve D. B. Conrad, of Virginia, of all political disabilities;

A bill (H. R. No. 198) to relieve the disabilities of Robert Tansill, of Virginia; and

A bill (H. R. No. 194) to remove the political disabilities of Samuel Cooper, jr., of Virginia.

The bill (H. R. No. 217) donating condemned cannon and cannon-balls to the Ladies' Monumental Association of Allegheny County, Pennsylvania, for monumental purposes, was read twice by its title.

Mr. WALLACE. I ask the courtesy of the Senate to take up this bill and pass it at once by unanimous consent. It is to donate some condemned cannon and cannon-balls to a monumental association for the erection of a monument over certain Federal dead. I suppose there will be no objection to taking it up at this time.

Mr. MORRILL, of Vermont. I hope that bill will be referred. My impression is that we have carried this policy of giving away the bronze that is necessary to remanufacture into new cannon quite far enough, and of course there are very few, if any, cannon that are now covered by the description as "condemned" in this proposed bill. At all events, whether covered or not, it involves a vast expense to the Government of the United States to contribute the amount of bronze cannon that is annually called for, worth perhaps forty or fifty cents per pound, and it seems to me that it is time for us to begin to husband our resources. A large proportion of the cannon that we have now is not of the latest manufacture, and it will be necessary that we should incorporate all the improvements which have been made in those that we make hereafter, and this indiscriminate giving away of the raw material which is necessary to make these cannon, it appears to me, is the very worst kind of policy. If it were proposed to give in dollars and cents to any of these associations, I should not object; but I do object to giving away all of the raw material we have, and which may be indispensable to the best interests of the Government itself.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks for the present consideration of the bill.

Mr. MORRILL, of Vermont. Let it go over.

The PRESIDENT *pro tempore*. The Senator from Vermont objects, and the bill will go over under the rule.

MILITARY ARRESTS IN ALASKA.

Mr. MITCHELL. I ask for the adoption of the following resolution calling for information:

Resolved, That the President be requested to furnish the Senate, if not incompatible with the public service, with a statement of the number of military arrests made in the Territory of Alaska during the past five years, together with the date of each, the charge on which made in each case, the names of the persons arrested, and the period and character of the imprisonment of each in that Territory before trial or surrender to the civil authorities for trial.

Mr. BOUTWELL. That resolution had better go over until to-morrow.

Mr. DAVIS. And let it be printed.

The resolution was ordered to be printed.

MISSISSIPPI ELECTION.

Mr. MORTON. I move that the Senate proceed to the consideration of the resolution for the appointment of a committee to investigate the late election in Mississippi.

The motion was agreed to; and the Senate proceeded to consider the following resolution, submitted by Mr. MORTON yesterday:

Whereas it is alleged that the late election in Mississippi for members of Congress, State officers, and members of the Legislature was characterized by great frauds, violence, and intimidation, whereby the freedom of the ballot was in a great measure destroyed, a reign of terror established, ballot-boxes stuffed, spurious tickets imposed upon voters, so that a popular majority of more than 25,000 was overcome, and in its place was given an apparent but fraudulent majority of more than 25,000; and whereas the Legislature thus chosen will have the election of a Senator to represent that State in this body; and whereas if these allegations are true a great number of the citizens of the United States have had their rights under the Constitution and laws of the United States wickedly violated: Therefore,

Resolved, That a committee of five Senators be appointed by the Chair to investigate the truth of the said allegations and the circumstances attending said election, with power to visit said State to make their investigations, to send for persons and papers, and to use all necessary process in the performance of their duties, and to make report to the Senate before the end of this session of their investigation and findings.

Mr. MORTON. Mr. President, I shall make a very brief statement of the reasons for offering this resolution. I have in my possession a large number of documents, affidavits, letters, and statements made by persons living in Mississippi, some of an official character, stating the circumstances attending the recent election.

The brief statement that I shall give of the character of this election of course is not from my own knowledge, and I do not vouch for the truth of these allegations any further than to say that they have been made to me by people some of whom I know to be respectable in their character, and that I am assured the outline I shall make can be proved if a committee shall be appointed by Congress.

The first fact to which I shall call the attention of the Senate is in reference to the total vote in Mississippi at the late election and the total vote in 1869, 1872, and 1873. The total vote of Mississippi in 1869 was 114,283. That was at the time of the adoption of the constitution. The total vote in 1872 in the presidential election was 125,463. The total vote in 1873, the previous congressional election to this, was 117,948. At the last election the total vote was 163,565, being an increase of 38,000 over the highest vote that had been given before. The republican majority in the State in 1869, on the adoption of the constitution, was 38,089 votes. In 1872, at the presidential election, it was 34,887 votes. In 1873 it was 22,976 votes. At the recent election the democratic majority was 30,147 votes.

The total democratic vote in 1869 was 38,097 votes. In 1872 it was 47,286 votes. In 1873 it was 47,488 votes, being 202 votes more than it was in 1872. In 1875, at the last election, it was 96,806. It is alleged on the part of those who have made these statements that this vote is in large part spurious and fraudulent. The enormous increase of itself gives rise to great suspicion, especially when it is considered that the republican vote, though it fell off somewhat, did not fall off in any corresponding ratio.

I have an outline statement of the facts attending the recent election in Mississippi, made out by a prominent gentleman of that State of highly respectable character, occupying an official position; and I am assured that this statement will be sustained by the evidence if an investigation is ordered, and that the proof will probably be stronger than the statement. I give this on the authority of others; I am not now testifying myself at all.

First. As to the manner in which the canvass was conducted.

In a large number of the counties in the State, particularly in the eastern and central parts, the democrats purchased cannon. These were fired often early in the morning and in the evening. Frequently they were carried through the country to places of appointment for public meetings and speaking and fired there and on the way, passing by plantations and along the public roads. This was especially the case in Monroe, Chickasaw, Colfax, and Lowndes Counties, in the east; in Hinds, Rankin, and other counties, in the central part of the State; in Amite, Claiborne, and other sections of the southwestern portion, in all of which there is a large population of colored men and heavy republican majorities. In some of the counties in East Mississippi the boom of the cannon could be distinctly heard in as many as three counties adjoining at the same time. In Hinds County, at Jackson, the capital of the State, Major Allyn, the United States officer commanding the post, loaned the democrats one of the cannon used at the barracks. This was carried in procession through the town and fired, among other places, immediately in front of the governor's mansion, shattering the glass in the building. It was also carried to an adjoining county. This officer, I understand, is now being court-martialed for his conduct.

In some of the counties these cannon were drawn along in processions, on days of public speaking, in charge of men in the usual uniform of an artillery company.

In addition to this, the purchase of Winchester rifles and other guns and pistols of every description, and their exhibition in such way as to make the fact notorious through the country, was another means of inciting terror in the minds of the larger mass of the people. In some parts of the State bodies of men, fully armed, rode through the country in the day-time and at night frequently firing off small-arms.

During the canvass, in three or more counties rows were made at public meetings, at which numbers of colored men were killed. At one place, in Monroe County, a public meeting of republicans was broken up and dispersed by the appearance of a large body of white democrats, fully armed, riding by, and afterward coming into the meeting, though no violence was offered or threatening language used.

In Colfax County such a state of feeling prevailed that late in October, just before the election, three or more of the leading white republicans were so threatened as that one was ordered to leave the county *instanter;* another, the secretary of the county executive committee of the republican party, was compelled, under threats, to leave his boarding-house; a third, an old man, superintendent of education for the county, and chairman of the republican executive committee of the county, was compelled, by threats of violence, to leave the streets of West Point, and go home, on a day of public meeting. The same was true in other counties.

In some parts of the State, especially in Monroe County, the democratic papers and public speakers announced publicly that they would not employ or rent land to any man who voted the republican ticket. Such action was also announced by democratic clubs in many places.

I am informed otherwise that that method of influencing and intimidating was extensively employed; and I have at least one democratic newspaper published in Mississippi, issued after the election, in which the members of the party in the county were called upon to make good the pledge they had given not to lease any land or to employ or to recognize in business any man, white or black, who had voted the republican ticket.

It is stated in this outline that in Columbus, Lowndes County, on Monday night, November 1, preceding the election next day, an alarm of fire was made early in the night, and the charge made that the negroes had fired the town. The facts in the case show a conspiracy to fire some dilapidated buildings of little value to give color to such charge as stated. A serious riot was the immediate consequence. Four negroes were killed whose bodies were found next day, several wounded, and a number missing whose whereabouts have not yet been ascertained. Prominent white republicans were threatened in presence of their families, by armed men, the same night. The consequence was that the large mass of the colored voters fled for their lives, and white republicans did not dare to take any part in the election next day. Where there was a usual poll of over a thousand republican voters there were only 17 regular republican tickets voted next day.

There was a large number of armed men from Alabama in the town of Columbus the same night, before the election, who remained next day, said to be one hundred and fifty to two hundred.

In Noxubee, a large republican county, open threats of violence were frequently made during the canvass. Only a few days before the election, Dr. Allgord, a white republican and candidate for sheriff, came near being assassinated in the public streets at noon, during a public meeting, and was only saved by resolute men pulling him into a house. At the same time and place, Richard Gray, colored republican, candidate for county treasurer, while attempting to speak, was shot four times. It was supposed he was killed or would certainly die, but he is now recovering. This was in the presence of a large crowd of people.

Second. Management on election-day.

In several places the cannon were carried near the voting-places, so as to be publicly seen.

Small-arms were fired in hearing distance of places where people were voting in one or more counties.

A very general means used to prevent free voting was for democrats, generally white men, to crowd around the voting-places, make side remarks, curse "niggers" in an audible, though covert way, eye voters with intense expression, and the like.

One instance is vouched for by two of the registrars at the court-house box in Columbus, Lowndes County, where a young white man locked arms with a colored man, formerly a slave of the family, and marched to the ballot-box, *the white man having a musket at shoulder-arms.* On reaching the box, the young white man brought his musket, *with emphasis, to order-arms,* presented the colored man a *democratic ticket,* which he voted.

The instances of like management in the State are simply innumerable.

In the counties bordering on the State of Alabama large numbers of men from that State were present on election day to aid in these means.

Third. The use of false tickets and manipulation of ballot-boxes.

This means of "controlling things" was freely practiced. By shrewd management the democrats, under the State laws, obtained appointments of registrars and officers of election who would carry out their plans. It has been suggested that perhaps they had really a majority of the actual officers of election in the State; that, however, I do not know. I merely take what has been sent to me.

In many places tickets were counterfeited; ballot-boxes were taken in charge by democrats in republican counties; and, when the result was announced, false tickets were made to answer for republican votes. This is patent and indisputable in a large number of counties in the State.

In many counties it has been distinctly developed that ballots were so manipulated in this way as that one man could cast five votes or more, according to the number of small tickets incased in a larger one as an outside wrapper, and shrewdly shaken into the ballot-box by persons trained for the purpose.

The result of this programme was that in several counties more votes were counted than there were ballots cast; and the general returns of the election in the counties, the congressional districts, and the State show such an increase in the popular vote as cannot be accounted for by any rational theory of registered voters or actual immigration since the last State election in 1873.

There is a registration law in the State, whereby all voters are registered by name and certificates given. The statement was publicly made at a meeting of the State republican executive committee that the general-election returns showed that 24,000 more votes had been polled in the State than there were registered voters.

I have now given the outline statement that has been furnished to me. As a single illustration, I want to refer to the county of Yazoo. Other counties approximate it, but this perhaps is the most striking instance. It is said of the city of Columbus, where the republicans usually poll 1,000 votes, that, owing to the means employed, they only polled 17. In the county of Yazoo, one of the strongest republican counties in the State, the vote stood in 1873, two years ago—I have not the vote for 1872 and 1869—2,427 republican and 411 democrat. At the last election it stood 7 republican, 4,044 democrat; and it is said that those seven republicans were compelled to vote the republican ticket to show that republicans could vote!

There are many other things that I might say; but I do not design to enter into any further statement than a mere outline of what I am informed can be proved.

Mr. BAYARD. Mr. President, I should like to ask the honorable Senator from Indiana under what clause of the Constitution of the United States does he find authority for the Senate of the United States to make the present inquiry in a case of this kind? [A pause.] Perhaps the honorable Senator did not hear my question addressed to him through the Chair.

Mr. MORTON. I will listen.

Mr. BAYARD. As this is a resolution, so far as I know, without any precedent whatever, I would ask the honorable Senator under what clause of the Constitution of the United States does he find authority for this proposed action?

Mr. MORTON. I do not propose now to go into a constitutional argument upon that question. I can only say that the question has been considered heretofore, and that similar committees have been appointed and investigations have been made. The question as to the character of the Louisiana election, I believe, was investigated with the consent and approval of the Senator from Delaware, and I think the Senator has in times past relied somewhat largely on the report of

the majority of the committee made in that case. But if the statements I have made are true, or only partially true, it is very obvious to the Senator from Delaware that the rights of citizens of the United States under the Constitution and laws of the United States have been grossly violated; the enforcement law, as it is called, has, among others, been violated. This has operated largely upon the colored people of Mississippi, and was intended to affect them.

Mr. BAYARD. Mr. President, I am not at all surprised that the honorable Senator from Indiana has not given a plain answer to a very plain question, because he has too much respect for his position as a constitutional lawyer to state false law to the Senate on a subject so grave as this. He answers me that I have cited in debates in this body the conclusions of fact found by a committee of the body. Why, the Senator knows that the committee upon affairs of Louisiana was the standing Committee of Privileges and Elections of this body, acting under that clause of the Constitution which makes the Senate the sole judge of the elections, returns, and qualifications of its members; and when the Legislature of Louisiana, or two bodies each claiming to be the lawful Legislature of Louisiana, sent here proofs of their relative action by the election of members, then the Senate, being called upon to exercise its exclusive functions under the Constitution of determining the membership of this body, referred that question to the Committee on Privileges and Elections, of which the honorable Senator was and is chairman, and their report was made in regular accordance with precedent.

Mr. MORTON. Will the Senator permit me to interrupt him?

Mr. BAYARD. Certainly.

Mr. MORTON. I think the Senator is not quite accurate in regard to the origin of that investigation. If my memory is correct, that investigation was ordered and begun before any senatorial credentials came here. After the credentials came, they were then referred to that committee. I think I am correct in that statement.

Mr. BAYARD. I will not place my memory against that of the honorable Senator on that point, but I will merely state that, so far as my recognition and use of any action of one of the committees of this body has been concerned in argument, it has been action taken in due course of law and the regular proceedings of the Senate. I merely mean to say that the present case has no precedent. If it has, it is unknown to me, and I shall assume that it has none, when the author of it is unable to point out that such a precedent exists.

The honorable Senator has stated, in support of this resolution and in reply to me, that the legal rights of certain citizens of this country have been violated. The enforcement law is one of the acts to which he referred as having been violated. Well, Mr. President, is not this a government of laws? How are violations of the law to be met? Has the law no power, no majesty? Are our courts without jurisdiction and powers of legal enforcement? What is the remedy in any case where a man has sustained loss of rights, either of property, or person, or reputation? Application to the courts of law. The Senator, surely, has not at least been remiss in providing law to meet every supposable case where the United States can be imagined to have power. Our statute-books are filled with such remedies. They bristle with penalties of the very highest and most excessive character against the violators of laws which the Senator and his party associates in the two Houses of Congress have made. Therefore, if there be wrong, there can be no lack of remedy; and if these alleged violations of legal and constitutional rights have occurred, I submit that the courts of the country are open to every one who has been wronged; open for the presentation of indictments against the offenders; open for the recovery of damages for any injury that any party may have sustained. Under a government of laws this is the only proper mode of proceeding; and it is no answer, but on the contrary it is the confession of inability to make reply, when the Senator tells me that there are legal rights of parties in Mississippi which have been violated, and for that reason his resolution should be passed.

Now, sir, there can be no suggestion which can have weight with any man in this country that the political or party friends of the Senator in the State of Mississippi have not at least a full and equal chance of justice before the laws either of the United States or of the State of Mississippi. The State of Mississippi is wholly, has been almost hopelessly, in the hands of that Senator's political associates and friends. There is not in the wide borders of that State, except it may be under this last election, a single official of the political party opposed to that Senator. From the governor down to the constable, all over the State, every judge, every justice, every judicial, every ministerial, every executive officer has been of his political faith; and such men have had the making of the State laws and the execution of those State laws. How is it in regard to the laws of the United States? There is not a man holding any Federal office, judicial or executive, high or low, in the State of Mississippi, who is not thoroughly in accord with the honorable Senator. Therefore, if these wrongs have been committed toward any individual or any class of individuals, there is the amplest remedy fully furnished by the statute-books, both Federal and State, by the representatives of public justice, both Federal and State. The juries are chosen wholly, both in the Federal and State courts, by officials of his own party. The entire control of this question in the State is wholly and solely in the hands of those who sympathize with the political views and action of the honorable Senator; and if there there may not be found a remedy, what a confession either of incompetence or of corruption on the part of those in whose hands he would have again placed power for the purposes of public government?

But, Mr. President, this resolution contains a claim of power which it seems to me should be entirely fatal to its consideration or acceptance by the Senate, when it proposes by anticipation to interfere with the result of a senatorial election in a State. How can this body take cognizance of any fact connected with a State election? How far can it proceed? In one case, and in one case only—in determining the elections, qualifications, and returns of persons who claim seats in this body as members. If there be any other case imaginable, I will thank any gentleman of the opposite party to rise here and state it. There is the sole constitutional ground—the sole pretext; and we know how that question regularly arises. When the Senator whose future election by the Legislature of Mississippi it is contemplated by the Senator from Indiana to interfere with arrives here from Mississippi, when he comes here with his credentials, if there shall be grounds which justify the Senate, sitting as a judicial body, to determine that he is not qualified under the law, that his returns are irregular, or that from any cause he is not entitled under the Constitution to admission here, then we would sit as judges and determine that fact, and take just such testimony as would properly enable us to discharge our duty faithfully. But until that time comes are we by anticipation to do this, no one asserting any proper ground for this unprecedented exercise of power?

But, Mr. President, it does not stop here. When before, in the history of this Government, has the Senate of the United States undertaken to deal in advance, by anticipation, with the examination of testimony in respect to the election and returns of members of the co-ordinate branch of Congress? When, before, did any Senator of the United States propose that we should send out a roving commission into any State to examine, upon the vaguest charges of disorder, into the election of members of the House of Representatives of the Congress of the United States? Yet that is what the honorable Senator has expressly recited as one of his grounds for urging this resolution. "Each house shall be the judge of the elections, returns, and qualifications of its own members;" and now we have a proposition that the Senate, acting as a separate body, taking proof which is not cognizable before the other House, shall undertake, in disregard of the laws relating to contested elections in the House, to usurp the functions of the House, and declare in advance that certain testimony shall be used to seat or unseat persons who may be returned as elected members of that body! Why, sir, the statement of this case is enough; argument is certainly superfluous upon it. And the man who will hear the facts stated, and read the proposition, and then vote for it, is beyond any argument that I can adduce or imagine to be possible.

Mr. President, there is another clause of the Constitution which it occurred to me, in thinking over under what imaginable power the Senator was proceeding in this case, might possibly be relied on. It is that which provides that "The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the Legislature, or of the executive, (when the Legislature cannot be convened,) against domestic violence." Is it under any color of authority there, under the suggestion of past domestic violence that has wrought its evil effect, that the Senate is called upon as a separate body now to interfere? Is not such a proposition absurd? Is it not a matter of public cognizance? Is it not a matter of which the Senate will take judicial notice that during the last fall, pending the Mississippi canvass, the governor of that State, alleging that there was proposed intimidation which he thought would be efficient to destroy the freedom of election, did, after his custom, as he himself was officially the creation of military violence, (and that was his sole and his immediate resource in every case of opposition to his will,) send communications to the President of the United States calling for troops to hold that State in awe, or, to use his own words, "to keep the public peace?" The correspondence between the head of the Department of Justice, the present Attorney-General of the United States, and the governor of Mississippi, Mr. Ames, is well known to the Senate and the country. They know that he presented no case which an officer mindful of constitutional obligations was entitled to consider and respond to favorably. On the contrary, he was told that when he showed a condition of facts in which military force could be lent by the General Government to sustain a State and its executive in the absence of the Legislature it would be furnished; and, when the governor failed to respond, he virtually confessed his inability to present such a state of facts, and he did not press his inquiry, nor were troops sent there under his requisition. That has passed away.

I do not care to enter the lists with the honorable Senator from Indiana in bandying assertions. I do not propose ever to raise with him an issue of fact unless there is some means of arbitration between us. It would be an easy thing for me to repeat the statements of men of character, intelligence, and integrity as to the general history of the late election in Mississippi. I could assure him, and assure the Senate and the country, that men as intelligent, as upright, as reliable as any would aver and have averred to me, of their own personal knowledge, that all over that State there was an absence of intimidation, there was a regularity, there was an honest and warm public concurrence in the result which has not been known in that State since the period of reconstruction.

I saw a private letter, written to a gentleman in the North and having large interests in Mississippi, that the result of the election had everywhere advanced the price of property in that country.

But, as I have said, I do not propose to enter into a controversy of mere assertions. I have no right to make a controversy in regard to the affairs of the State of Mississippi when I disclaim and deny entirely the lawful authority of this body to interfere with her local and domestic affairs in the manner proposed by the honorable Senator.

But, sir, there was no subject with which both Houses of Congress more constantly were occupied, none in regard to which the President of the United States took greater personal and official interest, than the condition of the Southern States during the last winter. We heard from him by way of special message; we heard from him by way of applications for new and excessive power over those portions of the country; we members in this body and the other House of Congress had the fullest discussion, the largest and most particular inquiry, into the social and political condition of that portion of the Union known as the South; and yet here is the fact that, well-informed though he must be, perfectly apprised though we know him to be, in his late message, not yet even printed by order of this body or not yet circulated among the members, there is not one word of reference to what may be called the southern question. The Department of Justice, it is commonly understood, has had its agents in the southern country, and in this very State of Mississippi, gathering information for the guidance of that Department, and from that Department comes not one word by way of report or suggestion. If the things recited in this resolution had occurred; if they were of a kind to have merited this extraordinary and active interference by Congress, I submit to the Senate, is it not remarkable that the President of the United States should have maintained dead silence on the subject, and that the officer into whose hands this peculiar question had been committed, and who, as we all know, had his attention so strongly drawn to it, should never have communicated a single word or fact in relation to the subject? It comes from the ever-bubbling spring of knowledge which the Senator from Indiana seems to possess on such subjects, his desire to bring up this question, always having a hostile feeling or intent toward the peace of the Southern States. It comes here before the Senate from him, and from him alone; not an affidavit, not a petition is presented; there is no regularity in the matter; it comes through no legal channel, but is a spontaneous effort on his part to light anew some brand of discord, and arouse some assault of a general, unspecific character, without facts, against a whole people, and embracing in the jurisdiction that he claims powers exclusively belonging to a co-ordinate branch of this Congress, with which we have not and cannot have any right of interference at all. Even had this been a joint resolution; even had it required the co-operation of the other House of Congress, the rights of whose members are proposed here to be inquired of, and the evidence touching whose right to their seats in that body it is proposed by this commission to establish, it would have been irregular, unconstitutional, and unwarranted. But, standing as it does now, what is this resolution? It comes before us from no quarter recognized by law or by the Constitution as even having the right to claim the interposition of Congress for any purpose whatever. As I said before, if there have been infractions of law, the law has power to remedy them, and the officers of the law are delinquents if they do not set that law in force.

No, Mr. President, the country will see, and the Senate may see, that this is a revolutionary proposition. It is but one further step in the march toward consolidation of power, which the people of this country must see, and which, if they know their own safety, they will sternly check and arrest. It is the first time in the history of this country that the Senate of the United States has sought to invade the privileges of the other House of Congress, and to take testimony concerning the proper election of its members. It is not, however, the first time in the history of "reconstruction." We are now witnessing an attempt to carry out a threat of the honorable Senator that four or five years ago was darkly shadowed forth upon this floor. At the time when he and his party friends were seizing these communities at the South by the throat, compelling them in advance to consent to changes in the Constitution of the country which were to affect us all; at a time when they were bound, helpless and bleeding, at the feet of him and his party, we asked, "Is there no time to come when these States shall be rehabilitated and have coequal existence as States within this Union?" He was asked that question, although he gave no decided answer, any more than now he gives when he is asked where is his power as a Senator, obeying a written Constitution, to find warrant for such action as this; and he still sits silent, and is unable to give it.

Suppose these States to have been rehabilitated, suppose "reconstruction" to have been complete, and that they stand forth at last fashioned as your will hath made them, but at least with a confessed autonomy, you still claim the right over them that you shall inquire into their local and domestic affairs, and treat Mississippi, or Louisiana, or Alabama differently from New Jersey or New York. His answer then was and still is that he claimed the right to "*deal with the States.*" Such ambiguous phrase he then used; and to-day we have an illustration of what he meant by "dealing with a State." Now, Senators, see what is the effect of his proposition, which is, that where an election has been conducted in a State, before the question of contest as to membership of this body arises, before a contest in regard to membership of the other body arises, when no application from the governor of the State to the Executive, the Executive being certainly in all respects favorable to his application, has been made to show that there was either duress or such intimidation as paralyzed the will of the people of that State and made their election no free election, and therefore no election at all, we have a claim made that the Congress of the United States, or even one branch of Congress, shall, of its own motion, take up and examine these questions of contested election; because, of course, this application for information would be idle unless it is to be followed by an exercise of power to remedy the wrong that is said to have occurred. The Senator surely would not take up the time or money of the people of this country in an examination that was to be empty and have no fruits. On the contrary, this is to be a preliminary inquiry to an exercise of power to remedy the wrongs which the Senator suggests have occurred. This is the claim of power. Let us contemplate it. Let the people of this country contemplate it. Elections unsatisfactory to the minority are very apt to occur. Changes in public sentiment are very apt to occur. Strong indications of that have been felt in the State which the honorable Senator himself represents in part upon this floor. The presence of his colleague is a proof to him and to us that there was a vast change in the popular sentiment of his State a very short time ago.

Mr. MORTON. And that is very likely to occur in the Senator's State.

Mr. BAYARD. It may occur in the State that I have the honor in part to represent, but God forbid that when my people shall express their opinion against me and my party at the ballot-box I shall come here and ask Congress to revolutionize my State government for the sake of giving me party advantage. [Manifestations of applause in the galleries.]

The PRESIDENT *pro tempore*. The Chair will take occasion to announce to those persons occupying the galleries that if there is applause again he will order the Sergeant-at-Arms to clear them.

Mr. BAYARD. I did not cite the case of the Senator's State with any intent to do so small a matter as to be personally disrespectful to him. I merely did it for the purpose of showing that which every Senator knows is one of the incidents of a popular government, the ebb and flow of popular opinion, the ebb and flow of political power. It is well for us it should be so. So long as that ebb and flow can take place, so long the freedom and liberty of this people will remain; and it is in the attempts to put arbitrary congressional checks upon that ebb and flow that I see great danger. Our hope is, and our safety is, in the instinctive sense of self-preservation of our people and their capacity and power to express it by their votes at the polls. But what is the use of voting, what is the use of this change of opinion, when men have suffered, when communities have suffered, and instinctively have sought to right and relieve themselves, if the veto of Congress shall be put upon the change, and a Senator, simply by alleging that a majority of 25,000 one way has been succeeded by a majority of 25,000 the other way, can induce the Senate of the United States, with no case before it for adjudication, with no one claiming a seat, with no law alleged which binds it in judging as to its membership, to undertake virtually to change it? For I tell you if you do not mean to assume power to act upon the case alleged by way of recital in this resolution, then this inquiry is idle and futile. It must be meant as preliminary to the exercise of power in one way or the other. Otherwise it would be a fruitless and useless inquiry and expense for the Senate to go to. When the Senate shall anticipate that this is the preliminary to action, and will look at it sensibly and justly, then they will see that by giving assent to a proposition of this kind they will have declared that the elections in the States, so far as membership in this body and perhaps in the other House is concerned, are to be judged by the Senate of the United States upon the report of one of its committees, and that committee one of investigation generally into the circumstances attending a popular election throughout a State.

Mr. President, I am sorry that the honorable Senator introduced the resolution. It is so grave and dangerous a question, that I am sorry he did not allow more time to pass before he called it up, or that he has not done us the favor to give some justification for his attempted exercise of power in this case.

There are many other views to be taken of it which in a discussion so hasty and unpremeditated as this I have failed to express. The Senate have often in its consideration of the elections and returns of members said that they would halt upon the threshold of the legislative chambers of the State; that they would not try the title of members of a Legislature. I think I have even heard the honorable Senator from Indiana say as much. It is not important whether I am mistaken as to his view; but such I know has been the accepted opinion of this body, and I am disposed to say that it has been the invariable action of the body to hold that the Legislature of a State is just as exclusively the judge of the elections, qualifications, and returns of the membership of its own bodies as is this Senate of its own membership, and that we may not lawfully interfere with or usurp their just functions; when there has been regularity upon the face of their proceedings we do not try the title of members of the Legislature to their respective seats. Yet this resolution goes much further. This is not only a claim of the right to try the title of members of the Legislature to their seats in the Legislature, but

also that broader claim to determine the question of the popular vote, which lies at the basis of popular representation in the choice of members of the other House of Congress. Here is a grave and dangerous question and a long stride in favor of consolidated power, which it seems to me ought to be as full of warning to those who may be soon in the minority, although now in the majority. There is no safety for any of us except in standing by the law; there is no safety for any of us in the heyday of accidental and temporary power in stepping over those bounds which the wisdom of our fathers implanted in the limitations of the written charter of government they confided to our hands and which our solemn oaths should compel us to respect.

Mr. THURMAN. Mr. President, the Senator from Delaware has spoken so forcibly and admirably in opposition to this resolution that I almost feel that an apology is necessary for adding a word to what he has so well said. But there is something more to be said upon it that in my judgment ought to be said. What is this resolution? Let us look at it, and analyze it, and find out, not simply whether there is any constitutional power for the investigation which is proposed, but whether there is any foundation to the investigation even were the constitutional power conceded.

This resolution was introduced by the Senator from Indiana yesterday, and he did not see fit to refer it to any committee. He has moved no reference. He has asked us to take it up to-day for consideration, and we have done so: and so far, not having moved its reference to any committee, the presumption is that he expects it to be put to a vote in the Senate without any such reference, and consequently without any report upon it. Now, let us look at it. It has a preamble:

Whereas it is alleged that the late election in Mississippi for members of Congress, State officers, and members of the Legislature was characterized by great frauds, violence, and intimidation, &c.

"Whereas it is alleged." Alleged by whom? Alleged by the President? No. Alleged by the governor of that State in any official paper? No. Alleged in any petition to Congress? No. Alleged in any petition to the Senate? No. Alleged in any paper that is before us which we can officially consider? No. Alleged how, then? Alleged in affidavits, we are told, whose direction is, whose address is, and whose receptacle is the private pocket of the Senator from Indiana. Are we to act upon allegations of that kind, with no official statement, no petition, no evidence before us, with not one single thing in the shape of evidence, or petition, or message, or official representation? Are we to go into the work of appointing, as has been alleged, a roaming commission over Mississippi to find whether the election there last fall was peaceably and fairly conducted?

It is but a day or two since my friend the Senator from West Virginia [Mr. DAVIS] introduced a resolution to inquire whether certain reports had been made from the Treasury Department to Congress which the plain statutes of Congress required should be made, and he recited in a preamble to his resolution of inquiry of the Secretary of the Treasury that it was asserted that those reports had not been made since March 2, 1865. What did my friends on my right say then? They objected to the passage of that resolution upon a bare assertion, although the Senator from West Virginia stated to the Senate that the officer whose duty it was to make those reports had said to him that he believed no such reports had been made since the 2d of March, 1865. It was objected that it was stated simply in the preamble that "it is asserted that no such reports have been made;" and yet in the case of a plain simple resolution like that, of mere inquiry of one of the heads of Department whether reports required by law from that Department had been made, and if not, why not, the Senate would not act upon that assertion, but required that the resolution should be sent to the Committee on Finance. But now, when it is proposed to interfere with the election of a State and send a roaming commission into a State to traverse it up and down and try and find some political capital, it is to be done simply upon the assertion of men who are nameless, and whose representations find lodgment only in the pockets of the Senator from Indiana! That is the first thing that strikes me about this resolution.

But now upon the question of constitutional power, forsooth, where is it? Is it in the election of the Legislature of the State? Will the Senator from Indiana claim that he has any right to go into that State with his commission to investigate whether the Legislature of that State was lawfully elected or not? Will he claim that he has any right to go into an inquiry whether the members of the House of Representatives in Congress were lawfully elected, and thus usurp a power that belongs exclusively to the House of Representatives? Certainly he will make no such pretense as that. Will he then say that because a Senator may be elected by that Legislature that fact gives us a right to pass this resolution and institute this inquiry? What a proposition is that! That refers the power to that provision in the Constitution which makes us the judge of the elections, qualifications, and returns of Senators; and whoever heard of going into that question before the Senator was elected at all? Does the Senator want to forestall the judgment of the Senate? Does he want, without any party here to such an inquiry, without any election of Senator, much less the presentation of his credentials, to go into an inquiry as to the election in Mississippi which shall forestall the Senate on the 4th of March, 1877, when it comes to decide upon the credentials of the person who shall then present himself here claiming a seat in this body? What right have you to forestall judgment in that case? The Senate then will be constituted differently from what it is now. The men who will have to pass on that question will not be precisely the men who now occupy seats in this Chamber. Some will have left this Chamber, and others will have taken their places. What right have we, forsooth, now to go into any inquiry which will forestall the judgment of that Senate to whom will belong the right to pass upon the credentials of the person who will claim a seat in this body under the election of the Legislature of Mississippi? A judge who would thus forestall judgment and prejudge a case would be impeached in any country in God's world in which the remedy of impeachment exists; and what would be infamous in a judge cannot be justifiable in the Senate of the United States.

The Senator from Indiana was exceedingly unfortunate in referring to the Louisiana investigation to justify this resolution. What was the Louisiana case? In 1872 there was an election in Louisiana. The official returns showed that John McEnery was elected governor and his associates to the heads of the various departments of the State. By an illegal order of Judge Durell and the armed intervention of Federal troops those official returns were utterly disregarded and a flagrant usurpation of that government took place in the person of William Pitt Kellogg. Then there were two persons claiming to be governor of that State. Each of them qualified. Kellogg qualified and McEnery qualified. There were two bodies also claiming to be the Legislature of that State—what was known as the Pinchback or Kellogg legislature, and what was known as the McEnery legislature. That was the state of affairs when Congress assembled in December, 1872. In the mean time, however, the President had recognized the Kellogg government. His recognition, as was admitted on all hands, was only, to use a legal phrase, good *de bene esse;* it could be overruled by Congress. Called on to act in the vacation of Congress, he was compelled to recognize one or the other as the lawful government of Louisiana, or thought himself compelled to do so; and if the necessity existed for Federal recognition then he was justified in recognizing one or the other. But his recognition was not binding on us; it was not binding on Congress. He, himself, in his message, recognized our right to overrule his decision, and expressed a desire that Congress should recognize the one government or the other, and thus guide his footsteps. The question then was fairly before us; a question that constitutionally belonged to us: Is there a government in Louisiana, and if so, what is that government—Kellogg and his legislature, or McEnery and his legislature? There was no escaping the question. It had to be examined; for this Government must recognize a State government as existing if there is a State government in existence; and where there are two bodies claiming to be the State government, of necessity we are compelled to decide which is the true one. That being the case, what was done? While the McEnery legislature was yet in existence and holding session; while McEnery was claiming to be governor, and was exercising as far as possible the functions of governor; while, on the other hand, Kellogg and his associates and his legislature were performing the like functions, this resolution was introduced:

Resolved, That the Committee on Privileges and Elections be instructed to inquire and report to the Senate whether there is a legal State government in Louisiana, and how and by whom it is constituted.

That resolution was adopted on the 16th day of January, 1873, having been introduced some time before that day. It referred the matter to the Committee on Privileges and Elections. It was a perfectly proper resolution. It was taking jurisdiction of nothing which did not belong to us. We were to inquire whether or not there was a government in the State of Louisiana; and, if we found two ostensible governments there, we were to ascertain which was the true government of that State. We did not go then one step beyond our jurisdiction. But the resolution did not stop there. There was something more referred to that committee at the same time. I read now from the report:

The Committee on Privileges and Elections, to whom was referred Senate resolution of January 16, 1873, as follows:

"*Resolved*, That the Committee on Privileges and Elections be instructed to inquire and report to the Senate whether there is a legal State government in Louisiana, and how and by whom it is constituted"—

And to which committee were also referred the credentials of John Ray and W. L. McMillen, both claiming the seat supposed to have been made vacant by the resignation of William Pitt Kellogg, a Senator of the United States from the State of Louisiana, respectfully submit the following report.

There that committee had the foundation for its jurisdiction. It was not simply the question whether there was any State government in Louisiana; but they had before them the credentials of two men each claiming the seat that was made vacant by Kellogg's resignation.

Mr. MORTON. The credentials were referred to them after the investigation was ordered.

Mr. THURMAN. I do not care when they were referred. The election took place at the time prescribed by the act of Congress. I think the Senator is entirely mistaken, for the election must have taken place on the second Tuesday of January of that year, and that could not have been later than the eighth day of that year, and this resolution that was sent to that committee did not pass until eight days afterward, the 16th. I think it will be found by reference to the Journals of this body that the credentials of Mr. Ray, who claimed

under the Kellogg legislature, and of Mr. McMillen, who claimed under the McEnery legislature, were referred about the same time that this resolution was passed. Certain I am of one thing, and every member of that committee will bear me out in the assertion, that not one particle of testimony was taken by that committee until Ray and McMillen both appeared, and that they with their counsel were in prompt attendance on that committee from the beginning of the taking of the testimony until it was closed. That was no *ex parte* proceeding. That was no forestalling of judgment. That was no prejudging the case. That was no inquiring two years before a case could arise. That was an inquiry of which this body had complete jurisdiction and in which all the parties interested were duly represented. How different is this proposition! Here is a proposition to go into an investigation of the power in Mississippi to hold an election two years before we shall have to pass upon the right of any Senator who may be elected by the Legislature of that State, two years before any man can present himself here with his credentials as a Senator from that State. That cannot be justified for one moment. It would not do for me to say that here is to be an attempt to get up an electioneering document at the public expense, a repetition of what some people think has taken place in times gone by. It would not do for me certainly to impute that to the honorable Senator from Indiana, and I do not; but when he comes to ask himself what right has the Senate to institute this investigation, what good is to come of it, who is it to affect, he will find it impossible to give himself an answer that will be satisfactory to his own mind.

The Senator suggested that the enforcement law had not been complied with. The answer to that, given by the Senator from Delaware, is conclusive. The sanctions of that law are judicial punishments. The courts in Mississippi are competent to try every offender against that law. It is nowhere asserted in the preamble of this resolution that there is no government in Mississippi, as was alleged in the case of Louisiana. It is nowhere alleged in the preamble of this resolution that the judiciary is disturbed in the exercise of its functions in Mississippi. It could not be truly asserted. There is a State peaceable, now, at least, in which all the departments of government are in the free and undisturbed exercise of their functions, and if there has been a violation of any statute of the United States, the courts are the place in which to enforce that statute by visiting upon the offenders the penalties that it provides.

I must say, Mr. President, that in all the investigations that have been ordered—going very far, I admit, going sometimes beyond what I thought was the constitutional power of this body—I do not recollect any case that is at all parallel to this. The Ku-Klux investigation affords no justification for this. In that case we had petition after petition; in that case we had message after message of governors of Southern States; in that case we had something upon which to act; but here there is nothing of that sort. Here there is nothing whatsoever to lay the foundation for the exercise of any power that belongs to the Senate of the United States, and there is no constitutional power whatever to make this inquiry at this time in the manner which is proposed.

Mr. MORTON. I shall occupy the attention of the Senate for but a very few minutes. In my opinion this debate this morning on the part of our friends on the democratic side of this Chamber is simply extraordinary. It is, in my judgment, in conflict with the whole line of their argument in the Louisiana case. If my memory is not at fault, my distinguished friend from Delaware has argued in the Louisiana case—I may not be right as to him, but I am sure nearly all his friends around him have, and I think he has; he will correct me if I am wrong—that we were not bound to stop at the limits of the State-house; we were not bound by the decisions of State tribunals in regard to elections; we were not bound by the action of the State courts; we were not bound by the action of State tribunals especially authorized to decide all questions of State election, whether in regard to members of the Legislature or in regard to State officers, but that the Senate could go behind all of those decisions, go behind the recognition of the State government, of the Legislature, or of the State executive, by the President, by the House of Representatives, and even by the Senate itself, and inquire whether a member of the State Legislature had been elected, whether Representatives or Senators had been elected or obtained their seats by fraud; and a man has been knocking at the door of this Chamber for nearly three years who holds the twice-repeated credentials of a State Legislature, recognized by every forum of the State tribunals, by the highest and lowest courts of the State, a Legislature that has made innumerable laws now in force, that has been recognized by the President as the Legislature, that has been substantially recognized by the House of Representatives, and these gentlemen have insisted on going behind everything and keeping that man out of doors. It is true there were grave objections to him in their opinion; but it was a question of constitutional right and of legal right to a seat on this floor, and now we are told we cannot even investigate the election.

The preamble recites that at this election members of the other House were chosen, and also members of the State Legislature, and that Legislature is to choose a Senator, and will in the course of a few days, and that rights of citizens of the United States were violated, grossly violated. Why, sir, Congress is required to guarantee to each State a republican form of government. How can we do that unless we know the condition of the State? And we have a right to find out in repard to the condition of the State. Besides, the fourteenth amendment provides that no State shall deprive a citizen of the equal protection of the laws, and we have adopted laws to carry that out; and the fifteenth amendment guarantees the right of suffrage to colored men upon the same conditions that white men enjoy it, and we have enacted a law to carry that out. And yet we now have no right to appoint a committee to investigate! I say that these arguments are in hostility to the whole line of argument which my friends have made on the Louisiana case. They have this morning, in my judgment, substantially taken back all they have said in regard to that.

In the case of Louisiana, the committee to investigate the Louisiana election was instructed to investigate that election, I think, on the 16th of January, 1873, and the credentials of the Senators were referred to that committee, as the memorandum which has been made out by the Clerk shows, first, on the 22d of January, 1873, a week after the appointment of the committee—I know it was after the investigation began—and again on the 7th of March. The investigation was ordered without reference to the credentials of Senators, as I distinctly recollect and as the record shows.

Mr. BAYARD. Will the Senator pardon me if I ask him just here, if that was the case, how comes it that the report of the committee concludes with three resolutions, of which the first is that there is no State government at present existing in Louisiana, and the second that neither John Ray nor William L. McMillen is entitled to a seat in the Senate, neither having been elected by the Legislature of the State of Louisiana?

Mr. MORTON. My friend is entirely right. That investigation lasted until nearly the end of the session, until after the credentials had been submitted, and when the committee made their report they covered the whole ground. But the point I make is that the investigation was ordered before the credentials had been submitted with the approbation of my friend from Delaware and the Senator from Ohio likewise. Now it has been discovered in the case of Mississippi that there is no power to investigate. It is a very recent discovery, Mr. President.

The Senator from Ohio used a remarkable argument. He said that in the case of the Ku-Klux investigation, where elections were investigated very fully, where the question was investigated whether the fourteenth amendment had been complied with or had been violated——

Mr. THURMAN. In elections?

Mr. MORTON. Yes, sir; it embraced elections as well as conduct outside of elections. My friend from Ohio says that in that case there were petitions for it, and there were messages of governors of States invoking an investigation, just as if our right here to order an investigation depends on a petition sent in or depends upon the message of the governor of a State. Why, this is truly a new idea. It is sometimes said that there is nothing new, but really there are new things, and this is one of them, that our right to investigate depends on petitions that may be sent here or on the messages of governors of States.

Mr. President, this is a very grave matter. If it is true, as alleged in the preamble of this resolution, that the people of Mississippi have been stricken down by the means that are referred to, that a majority of twenty-five thousand, no difference whether it is republican or democratic, has been stricken down by these fraudulent and violent means, and another set up in its place of twenty-five or thirty thousand, that is a very important matter. It affects this whole Commonwealth; it affects the rights of the people. If elections can be carried, if presidential elections, if elections of Senators of the United States, if the governments of States can thus be seized and controlled by violence, by fraud, by the most enormous, as I am advised and believe—by the most enormous and successful system of ballot-box stuffing ever practiced in the United States—if that thing can be done and we cannot afford to investigate, and have no power to investigate, although we are bound to secure to all men the equal protection of the laws, although we are bound to guarantee republican forms of government, to what a sad extremity are we reduced? I say, sir, that the power to order this investigation is in several clauses of the Constitution.

It is said by the Senator from Delaware that Ames demanded aid from the Government, and the Government refused it. True. My friend from Ohio asks where is there a petition demanding this investigation; where is the evidence? Well, sir, the air has been pretty full of it. Has the Senator forgotten the massacre at Clinton, in Mississippi, I think in September, upon which occasion the aid was demanded by the governor of Mississippi? A republican meeting was held, a conflict took place, three white men were killed and four negroes; and then the hunt began; and, according to the statement which I have seen, and I believe it has never been contradicted, before that hunt was over from sixty to seventy colored men were killed. But when the governor of that State demanded aid the perpetrators of that crime had dispersed—all was peace; and telegrams came from Mississippi "All is quiet; no ground for the interference of the Government." The dead were not making any fuss about it, and those who had performed the deed had gone to their homes; all was quiet! We get news of a massacre, but before we get the news the assassins have dispersed, and all is peace and quiet again; there are no threats of overturning the government, and there is no ground of interference!

My friend from Delaware says that this is a revolutionary proposition. No, Mr. President, it is not revolutionary; it is a guard against revolutions. The revolution comes in when it is made possible for twenty-five or thirty thousand people in the majority to be beaten down and overwhelmed by fraud, by violence, and intimidation. There is where the revolution comes in.

The Senator from Delaware says that if the republicans should carry his State he would not come here for relief. Well, Mr. President, if the republicans should carry his State by the means by which it is alleged that the State of Mississippi has been carried by the democratic party, I am sure we should never hear the end of it in this country. We should hear of it here; we should hear of it in their press; we should hear of it in every form and by every channel that is open.

The Senator says that this is an effort to light anew the fires of discord. Certainly; let these outrages be practiced, these great wrongs be done; and then, if you make any fuss about it and say a word about it, "you are trying to light the fires of discord; you had better silently submit; let it be practiced next year in South Carolina; let it be practiced next year again in Louisiana or any other State where it is necessary, and do not say anything about it, because you are lighting anew the fires of discord!" The best way to preserve the peace is to avoid the practices which are charged to have taken place in the State of Mississippi; not by keeping silence and not by submitting in silence to these great wrongs. This is very bad advice. When monster wrongs of this kind, revolutionizing a State government and threatening our institutions themselves, are committed, you must not say anything about them, because if you do you are making up an electioneering document or you are lighting anew the fires of discord; submit to these great wrongs in silence, and let the parties who have perpetrated them have the benefit of them in peace and quietness! Do not disturb them!

Mr. President, I believe I have said all that is necessary, certainly all that I care about saying now.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the passage of the resolution.

Mr. GORDON. I had hoped to correct to some extent the impressions which I presume the Senator received from the newspaper reports he has detailed to the country, because of my own personal knowledge of some of the facts in question here, as it was my fortune to be in Mississippi at the time; but as I was unable to catch what the Senator was saying at the time, I hope the debate may go over until I can read his remarks in the RECORD.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to.

PROPOSED ADJOURNMENT TO MONDAY.

Mr. CAMERON, of Pennsylvania. I move that when the Senate adjourns to-day it be to meet on Monday next.

Mr. EDMUNDS called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 29, nays 32; as follows:

YEAS—Messrs. Bayard, Bogy, Cameron of Pennsylvania, Caperton, Cockrell, Cooper, Dennis, Frelinghuysen, Goldthwaite, Gordon, Hitchcock, Ingalls, Johnston, Jones of Florida, Kelly, Kernan, Key, McCreery, McDonald, Merrimon, Mitchell, Randolph, Ransom, Robertson, Saulsbury, Stevenson, Thurman, Wallace, and Withers—29.

NAYS—Messrs. Allison, Anthony, Booth, Boutwell, Bruce, Burnside, Cameron of Wisconsin, Christiancy, Clayton, Conkling, Cragin, Dorsey, Eaton, Edmunds, English, Ferry, Hamilton, Hamlin, Harvey, Howe, McMillan, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Paddock, Patterson, Sargent, Sherman, Spencer, West, and Wright—32.

ABSENT—Messrs. Alcorn, Conover, Davis, Dawes, Jones of Nevada, Logan, Maxey, Norwood, Wadleigh, Whyte, and Windom—11.

So the motion was not agreed to.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After one hour and fifty-five minutes spent in executive session the doors were re-opened, and (at four o'clock and ten minutes p. m.) the Senate adjourned.

IN SENATE.

FRIDAY, *December* 17, 1875.

Prayer by the Chaplain, Rev. BRYON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a communication from Rutger B. Miller, a citizen of Utica, New York, in relation to the finances of the country; which was referred to the Committee on Finance.

Mr. PADDOCK. I present the petition of George W. Bly, commissioner, and other officers of Knox County, Nebraska, stating that the Santee Sioux Indians are occupying a part of that county, and praying that they may be removed from there during the coming spring or summer, and thus open to settlement some of the most desirable lands in that State. In fact, the removal of all the Indians upon reservations within the State to the Indian Territory south of Kansas is demanded by the unanimous voice of the people thereof. The Santee removal has been delayed long beyond the time fixed upon by the treaty, to which I have on another occasion called the attention of the Senate, and should now be undertaken at once. I hope the Committee on Indian Affairs will give the subject early and favorable consideration. I move that the petition be referred to that committee.

The motion was agreed to.

Mr. ALLISON presented the petition of Thaddeus S. Stewart, of Iowa, asking to be restored to the pension-rolls; which was referred to the Committee on Pensions.

He also presented additional papers in support of the claim of the heirs and legal representatives of John Rice Jones, deceased, relative to a private land claim in Illinois; which, together with the papers in that case on the files of the Senate, were referred to the Committee on Private Land Claims.

He also presented a petition of citizens of Iowa, praying for the repeal of the act imposing a United States two-cent stamp tax on bank-checks; which was referred to the Committee on Finance.

Mr. ENGLISH presented the petition of B. H. Douglass & Sons, of New Haven, Connecticut, praying for an amendment of the internal-revenue laws with reference to peddlers of tobacco; which was referred to the Committee on Finance.

He also presented the petition of John W. Brooks and other citizens of Wolcottville, Connecticut, praying for the repeal of the act to establish a uniform system of bankruptcy throughout the United States; which was referred to the Committee on the Judiciary.

Mr. DAWES presented the petition of the Congregational church of Ashland, Massachusetts, signed by the pastor, asking for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

He also presented the petition of William Renne and others, of Pittsfield, Massachusetts, praying for the repeal of the tax on proprietary medicines; which was referred to the Committee on Finance.

Mr. MORRILL, of Maine, presented the petition of Nicholas Williams and other citizens of West Farms, New York, asking for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

He also presented the petition of George W. Lawrence, of Damariscotta, Maine, praying for compensation for extra labor and materials required in building certain gunboats for the Government in consequence of changes made in the contract; which was referred to the Committee on Naval Affairs.

Mr. CONKLING presented the petition of William F. Pratt, late acting master United States Navy, praying to be placed on the retired list of the Navy; which was referred to the Committee on Naval Affairs.

PAPERS WITHDRAWN AND REFERRED.

Mr. HAMLIN. I move that the memorial and accompanying papers of Daniel Stickney, of Maine, be withdrawn from the files of the Senate and referred to the Committee on Post-Offices and Post-Roads. There has been no adverse report. The case was favorably considered by the committee, though I think no report was made.

The motion was agreed to.

Mr. STEVENSON. I ask leave to have this order made:

Ordered, That the memorial of General T. T. Garrard and others, praying compensation for the destruction of the Goose Creek Salt Works, with the accompanying testimony and documents, be withdrawn from the files and referred to the Committee on Claims.

Mr. BOUTWELL. I would like to know if there was not an adverse report in that case.

Mr. STEVENSON. So far from it, there have been two bills passed, one of which was vetoed by the President, and a unanimous report favoring the compensation. These works were destroyed by the Federal Army fearing the approach of the confederates, General Garrard himself being in the field in the Federal Army.

The PRESIDENT *pro tempore*. The order will be made, if there be no objection.

On motion of Mr. DAWES, it was

Ordered, That the petition and papers of William Mason be taken from the files and referred to the Committee on Claims.

On motion of Mr. CLAYTON, it was

Ordered, That the petition and papers of Mary C. Thompson be taken from the files and referred to the Committee on Pensions.

BILLS INTRODUCED.

Mr. SARGENT, asked and by unanimous consent obtained, leave to introduce a bill (S. No. 130) for the relinquishment of the interests of the United States in city lands to the city and county of San Francisco, in the State of California; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. SARGENT. This bill was reported favorably last year, and passed the Senate at that time. There were certain papers, regulations of the War Department, in reference to this matter before the Committee on Military Affairs, which I presume are on the files of the Senate. I move that they be withdrawn and referred to the Committee on Military Affairs with this bill.

The motion was agreed to.

Mr. ALLISON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 131) to indemnify the heirs and legal representatives of John Rice Jones, deceased, for the lands sold and otherwise appropriated by the United States within the limits of certain confirmed private land claims in the State of Illinois, and to quiet titles; which was read twice by its title, referred to the Committee on Private Land Claims, and ordered to be printed.

Mr. CAMERON, of Wisconsin, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 132) to repeal the tax upon bank-checks, drafts, orders, and vouchers for the payment of money; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. PADDOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 133) to sell certain public lands to the Beatrice and Denver City Railroad Company, and for other purposes; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

MISSISSIPPI ELECTION.

The PRESIDENT *pro tempore*. If there be no resolutions to be offered, the Chair will lay before the Senate the resolution pending at the close of yesterday's session.

The Chief Clerk read the following resolution, submitted by Mr. MORTON on the 15th instant:

Whereas it is alleged that the late election in Mississippi for members of Congress, State officers, and members of the Legislature was characterized by great frauds, violence, and intimidation, whereby the freedom of the ballot was in a great measure destroyed, a reign of terror established, ballot-boxes stuffed, spurious tickets imposed upon voters, so that a popular majority of more than 25,000 was overcome, and in its place was given an apparent but fraudulent majority of more than 25,000; and whereas the Legislature thus chosen will have the election of a Senator to represent that State in this body; and whereas if these allegations are true a great number of the citizens of the United States have had their rights under the Constitution and laws of the United States wickedly violated: Therefore,

Resolved, That a committee of five Senators be appointed by the Chair to investigate the truth of the said allegations and the circumstances attending said election, with power to visit said State to make their investigations, to send for persons and papers, and to use all necessary process in the performance of their duties; and to make report to the Senate before the end of this session of their investigation and findings.

Mr. THURMAN. I ask the Senator from Indiana if he will allow the resolution to lie over informally, so that I may move that when the Senate adjourns to-day it be to meet on Monday next?

Mr. MORTON. Yes, sir.

Mr. THURMAN. I move that when the Senate adjourns to-day it be to meet on Monday next.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Ohio.

Mr. CONKLING. I presume there will be no objection ultimately to that motion, but I can assign some reasons to the Senator from Ohio why he should let it lie for the present, making it desirable, I think, that we should not agree to it at this moment. There are some things, I am informed, that ought to be done before we adjourn over, and I presume they will be done; but if any occasion should occur to make it necessary to sit in the morning, I think the Senator from Ohio will see clearly, as I think I do, that we had better not at this moment pass the order.

Mr. THURMAN. I do not know to what business the Senator from New York refers. I think we might as well come to an understanding at once. I hardly think it probable that the Senator from Indiana can get a vote on his resolution to-day unless we are to make a night of it; and it might as well go over until Monday. I speak now more to the ear of the Senator from Indiana, and I would like to know whether he intends to keep us here until midnight or not.

Mr. MORTON. I hoped that we might vote on and dispose of this matter and end the debate this evening. I would be glad to do so if those who desire to speak will be here and are prepared on the subject. I did not expect the Senate to sit so late as to have the vote taken at night.

Mr. THURMAN. I cannot speak with the Senators with whom I wish to consult, but I think I know enough to know that debate on this resolution will not be ended to-day. We cannot take a vote to-day unless we have a night session. There is no disposition that I have seen among Senators to waste time upon the resolution at all, but I think there is here a disposition to discuss it at a reasonable length, and therefore, unless we are prepared to "sit it out," it would be just as well to let it go over until Monday.

Mr. BAYARD. It might also be said that a number of members of the Senate some days ago, long before the resolution of the honorable Senator from Indiana was introduced, were invited by those in charge of the centennial celebration in Philadelphia to visit that city to-day. I am not one of those going; but I do not know that an arrangement has been made to be here by those going in case such a resolution as this is to be brought before the Senate to-day for its decision. I submit that to the Senator from Indiana as being one reason. I am sure that he desires the deliberation of all and the deliberate discussion of all. As a number of gentlemen arranged to go by a special train to Philadelphia this afternoon, on invitation of the centennial committee, opportunity should be given them to be present there and also be present at the Senate when this resolution is considered. I am not one of those, however; I am not affected by it, and therefore do not speak for myself.

Mr. MORTON. I have been spoken to by several Senators who have made arrangements to go to Philadelphia this afternoon, and who would be somewhat disappointed if anything prevented their going. It would be disagreeable to me to interfere with the personal convenience or pleasure of any Senator in this body in that respect; and my experience in the Senate has taught me the difficulty of holding the Senate together under such circumstances. If we can have a vote within an hour, I should be glad to have it; but if there is a purpose to debate this resolution and carry it over to-day, I shall not undertake to press it under the circumstances, much as I desire to have the resolution passed to-day. I shall, however, endeavor to call it up and have it disposed of on Monday.

Mr. THURMAN. Then I move that the Senate proceed to the consideration of executive business.

Mr. EDMUNDS. I hope the Senator will withdraw that motion for a moment.

Mr. THURMAN. Certainly.

ELECTION OF PRESIDENT PRO TEMPORE.

Mr. EDMUNDS. Mr. President, I offer a resolution; which I ask may be read.

The Chief Clerk read the resolution, as follows:

Whereas since the last session of the Senate the Vice-President of the United States has deceased: Therefore,

Resolved, That on the 7th day of January next, at one o'clock p. m., the Senate will proceed to the election of a President *pro tempore*.

Mr. EDMUNDS. Mr. President, I offer this resolution, and ask that it lie over and be printed, in order that during the recess Senators may look up the precedents and consider the important question which has been raised in the newspapers and otherwise in respect of the Speaker of the House of Representatives and the President of the Senate in the event of what in the course of life is a possible contingency. Although I have no doubt that the present Presiding Officer of the Senate is the President *pro tempore* under the Constitution, my own present opinion is that it is advisable, if there is any possible doubt about it or difference in the precedents, that the Senate should put the question absolutely at rest. For that reason I introduce this resolution and ask to have it laid over for consideration.

The PRESIDENT *pro tempore*. The resolution will be printed and laid over.

Mr. THURMAN. I suggest to the Senator from Vermont the propriety of referring the resolution to some appropriate committee and having a report upon it—either his own committee, the Committee on the Judiciary, or the Committee on Privileges and Elections, if that is the proper one—some committee that will examine it. If it is left to everybody, nobody will do it, unless it is the Senator from Vermont himself; but if it is referred to a committee we can have a report, and I think we ought to have a report upon it.

Mr. EDMUNDS. The Senator from Ohio knows that I never do anything unless I am forced to do it; but I am entirely willing that the resolution should be referred to any committee suggested by the Senator from Ohio or any other Senator, so that we can have an early report on it and have it disposed of.

Mr. BOUTWELL. I suggest that the Judiciary Committee would be the proper committee.

Mr. THURMAN. I move that it be referred to the Committee on Privileges and Elections.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the resolution be referred to the Committee on Privileges and Elections.

Mr. SAULSBURY. I am a member of the Committee on Privileges and Elections. I do not seek to avoid any proper duties belonging to that committee; but it strikes me that this is a question which more properly belongs to the Judiciary Committee. I therefore move to substitute for the "Committee on Privileges and Elections" the "Committee on the Judiciary."

The PRESIDENT *pro tempore*. The question is on the amendment offered by the Senator from Delaware to refer the resolution to the Committee on the Judiciary.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The resolution will be printed and referred to the Committee on the Judiciary.

Mr. SAULSBURY subsequently said: I move to reconsider the vote by which the Senate, on my motion, referred the resolution offered by the Senator from Vermont [Mr. EDMUNDS] to the Committee on the Judiciary.

The motion to reconsider was agreed to.

Mr. SAULSBURY. Now I move that the resolution be referred to the Committee on Privileges and Elections.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. THURMAN. Now I renew my motion to proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eighteen minutes spent in executive session, the doors were re-opened.

ADJOURNMENT TO MONDAY.

On motion of Mr. THURMAN, it was

Ordered, That when the Senate adjourns to-day it adjourn to meet on Monday next.

Mr. SARGENT. I move that the Senate do now adjourn.

The motion was agreed to; and (at twelve o'clock and forty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *December* 17, 1875.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of Wednesday was read.

CORRECTION OF THE JOURNAL.

Mr. BLAIR. I rise to make a correction of the Journal. On the resolution introduced on Wednesday, relating to a third term of the presidential office, I voted in the affirmative on the call of yeas and nays. I am recorded as not voting.

The SPEAKER. The Journal will be corrected.

The Journal, as amended, was approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCDONALD, its Chief Clerk, informed the House that the Senate had passed the concurrent resolution of the House, that when the two Houses adjourn on Monday next they adjourn to meet on Tuesday, January 4, with an amendment, striking out "Tuesday, January 4," and inserting "Wednesday, January 5;" in which amendment the concurrence of the House was requested.

CHANGE OF REFERENCE.

The SPEAKER. On Wednesday last there was introduced a bill (H. R. No. 236) to give the consent of the United States to the appropriation of certain proceeds arising from the sale of swamp and overflowed lands in Alabama, which was ordered to be printed and referred to the Committee on Freedmen's Affairs. Subsequently that committee was abolished by order of the House. The Chair now inquires whether there is any objection to the change of the reference of the bill to the Committee on the Public Lands, its subject-matter relating to public lands.

There was no objection; and the bill was referred to the Committee on the Public Lands.

ENROLLED BILLS.

The SPEAKER. There is one bill, and possibly there may be more, that will require the action of the President before Monday next. There is as yet no Committee on Enrolled Bills. The Chair asks the House to indulge him in the appointment, somewhat irregular, of one gentleman as a Committee on Enrolled Bills for the present, to whom these bills may be referred for report to the House. Is there objection to such an appointment?

There was no objection.

The SPEAKER. The Chair then appoints as such committee the gentleman from North Carolina, Mr. WADDELL.

ADJOURNMENT FOR THE HOLIDAYS.

Mr. RANDALL. I ask that by unanimous consent the resolution as to the adjournment over the holidays, returned by the Senate with an amendment, be taken from the Speaker's table for action.

There was no objection.

The Clerk read the Senate amendment, as follows:

In line 5 strike out "Tuesday, January 4," and insert "Wednesday, January 5;" so that it will read:

Resolved by the House of Representatives, (the Senate concurring,) That when the two Houses adjourn on Monday next they stand adjourned until twelve o'clock on Wednesday, January 5, 1876.

Mr. RANDALL. I move that the House concur in the Senate amendment.

The motion was agreed to.

Mr. RANDALL moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POST-ROAD IN KENTUCKY.

Mr. KNOTT. I ask unanimous consent to introduce a bill and have the same read three times and passed now. After it has been read I will call the previous question, and will ask the indulgence of the House for a few minutes' explanation why it should receive immediate action.

The Clerk read the bill, as follows:

A bill to declare the road leading from Concordia, Kentucky, to Mooleyville, Kentucky, a post-road.

Be it enacted, &c., That the road leading from Concordia, or Flint Island post-office, in Kentucky, to Mooleyville, in Kentucky, be, and the same is hereby, declared to be and established as a post-road.

Mr. KNOTT. Mr. Speaker, Concordia is situated on the Ohio River, and the town of Mooleyville is four and a half miles from it.

Mr. CONGER. I understood the gentleman to call the previous question, and I believe debate is not in order.

Mr. KNOTT. I asked leave to make a very brief explanation.

Mr. CONGER. I grant the gentleman leave.

Mr. KNOTT. I was remarking that these towns are four and a half miles apart. The town of Concordia is on the Ohio River and Mooleyville is four and a half miles in the interior. Notwithstanding this, the mails which are intended for Mooleyville are carried eighteen miles from there down the river to Stephensport, where they lie over from a day to two and a half days, and are then carried out into the interior of the county, where they lie over two other days, and are then carried seven and a half miles back; so that it is apparent to the House that there is as much circumlocution required to supply the people of Mooleyville with their mail matter as is ordinarily required to run down a claim in the Treasury Department. [Laughter.] I have laid this matter before the Post-Office Department, and the Department heartily concurs in the measure, and desires to have the bill passed at the earliest possible moment, in order that, if the route is established, it may go into the advertisements in March. I will ask the Clerk to read a communication from the Assistant Postmaster-General which I send up.

The Clerk read as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF THE SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., December 15, 1875.

SIR: You are respectfully informed that the change of service petitioned for by residents of Mooleyville and recommended by you is approved by the Postmaster-General, but no steps can be taken by the Department until the road from Mooleyville to Flint Island has been declared a post-road by act of Congress.

Should Congress take action in time, the route petitioned for would be inserted in the advertisement of March next, and, if let, service would begin July 1, 1876.

Very respectfully,

J. C. SLATER,
Acting Second Assistant Postmaster-General.

Hon. J. PROCTOR KNOTT,
House of Representatives.

The SPEAKER. Is there objection to the passage of this bill without the formality of the previous question?

Mr. HOLMAN. I do not rise to object to this bill, but inasmuch as it is exceedingly important for the safety of legislation that the regular order should be observed, after this I shall insist upon the regular order.

The bill (H. R. No. 282) received its several readings, and was passed.

Mr. KNOTT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HOLMAN. I call for the regular order of business.

ORDER OF BUSINESS.

The SPEAKER. The call of States for resolutions, &c., will be resumed. The call now rests with the State of Missouri.

CHANGE OF NAME OF STEAMER.

Mr. WELLS, of Missouri, introduced a bill (H. R. No. 283) to change the name of the steamer Tom Jasper, of Saint Louis, Missouri; which was read a first and second time.

Mr. WELLS, of Missouri. I desire to have this bill put upon its passage, and will ask for the previous question.

The bill was read. It gives authority to the owner of the steamboat Tom Jasper, of Saint Louis, to change the name of said vessel to that of Centennial, by which name the said steamboat shall be hereafter known.

Mr. HOLMAN. That is a bill that ought to go to the Committee on Commerce.

Mr. WELLS, of Missouri. I ask permission to explain the object of the bill.

Mr. HOLMAN. I will hear the gentleman's explanation.

Mr. WELLS, of Missouri. The steamboat Tom Jasper was an upper-river steamboat, a small vessel of five hundred tons, built in 1857. It has been enlarged to one thousand tons, and has had new boilers, and its cabin has been enlarged, so that it may run upon the lower river. I am informed that it will be ready to run in thirty days, and it is necessary to have an act of Congress passed to change the name. As I have stated, there has been a large increase in the dimensions of the vessel, and it is very important to the owner that the bill should pass at this time. I presume there can be no objection to it.

The SPEAKER. Is there objection to the passage of this bill without the formality of the previous question?

Mr. CONGER. I must object to the passage of the bill now.

Mr. WELLS, of Missouri. Then I must insist upon the previous question.

The question was put on seconding the demand for the previous question; and on a *viva voce* vote the Speaker declared it seconded.

Mr. CONGER. I ask the gentleman from Missouri to let there be a little discussion on so novel a proposition as this. I hope he will not insist upon the previous question.

Mr. WELLS, of Missouri. I have already stated to the gentleman that I am advised by the owner of the vessel that she will be ready to take her course on the river within thirty days, and the vessel has been changed throughout.

Mr. CONGER. Congress has refused for a number of years to give a new name to an old vessel. They have refused it, because under the new name the traveling public may be enticed on board an old and unsafe vessel, and a large number of lives have been lost by just such changes of names. There has been no instance for the last six years where the name of a steamboat or commercial vessel has been changed; Congress has steadily refused to do it.

Mr. WELLS, of Missouri. The gentleman's argument cannot hold good in this case, for the reason that the hull of this vessel has been enlarged and made nearly new throughout; new boilers have been put in, the cabin has been extended and enlarged, and the tonnage of the vessel raised from five hundred to one thousand.

Mr. HOLMAN. I trust the gentleman from Missouri will allow this bill to be referred to the Committee on Commerce.

Mr. WELLS, of Missouri. I have here letters from the owner of the vessel, and if there is no objection I ask that they be read.

The Clerk read the letters, as follows:

SAINT LOUIS, *December* 6, 1875.

DEAR SIR: I amthe owner of the steamer Tom Jasper, built in the year 1867, at Madison, Indiana, for the Saint Louis and Quincy Packet Company, and am at present rebuilding her for the Saint Louis and New Orleans trade, increasing her dimensions and carrying capacity fully five hundred tons, retaining the cabin, machinery, and boilers of the old boat, and as much of the hull as the inspector of the board of underwriters will allow me to use, and it is my desire, on account of the trade that I am building for, to have her name changed. The person whom she was named after lives in Quincy, Illinois, and is not known below Saint Louis, and consequently gives her no prestige in the trade contemplated. The maritime laws of our country require a special act of Congress for that purpose, and I take the liberty, being a citizen of Saint Louis, and having the work done here, to ask you to get an act through Congress granting me that privilege. Should anything be necessary on my part, please advise me at your earliest convenience, as I expect to have her completed and ready for business in the next forty-five days. An early reply will very much oblige,

Yours, respectfully,

THOS. L. DAVIDSON.

Hon. ERASTUS WELLS, M. C.,
Washington, D. C.

SAINT LOUIS, *December* 14, 1875.

DEAR SIR: Your valued favor of December 8 received. The name desired is Centennial.

Yours, respectfully,

THOS. L. DAVIDSON.

Hon. ERASTUS WELLS, M. C.,
Washington, D. C.

Mr. HOLMAN. I again ask the gentleman from Missouri [Mr. WELLS] to consent that this bill take the usual course and be referred to the Committee on Commerce. For many years past, except under very peculiar circumstances, no changes of names of vessels have been made, for manifest public reasons.

Mr. WELLS, of Missouri. My experience for the last six years is that there never has been a bill presented to this House asking for a change in the name of a vessel but what it has been granted; at least that has been the case so far as my memory goes.

Mr. HOLMAN. If my friend had been upon the Committee on Commerce for the past six years, he would be aware that this subject of changing the names of vessels is one of the most embarrassing subjects that committee has been called on to consider, and that it has received more attention than perhaps any other subject connected with the commerce of this country. I call for tellers on seconding the call for the previous question.

Tellers were not ordered; and the previous question was accordingly seconded.

The question was upon ordering the main question.

The question was taken; and upon a division there were—ayes 69, noes 61; no quorum voting.

Tellers were ordered; and Mr. WELLS, of Missouri, and Mr. CONGER were appointed.

The House again divided; and the tellers reported there were—ayes 88, noes 69.

So the main question was ordered; which was upon ordering the bill to be engrossed and read a third time.

Mr. CONGER. I consider this a very important question to be decided at the beginning of this session; and therefore I call for the yeas and nays upon the engrossment and third reading of this bill.

The question was taken; and there were—yeas 123, nays 96, not voting 70; as follows:

YEAS—Messrs. Ainsworth, Ashe, Atkins, Bagby, Blackburn, Bland, Bradford, Bright, Buckner, Horatio C. Burchard, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Collins, Cook, Culberson, Darrall, Davis, De Bolt, Dibrell, Douglas, Dunnell, Durand, Eden, Faulkner, Forney, Fort, Foster, Franklin, Fuller, Gause, Gibson, Glover, Goode, Goodin, Gunter, Haralson, Hardenbergh, John T. Harris, Harrison, Hartridge, Hartzell, Hatcher, Henkle, Hereford, Hopkins, House, Hunton, Thomas L. Jones, Kehr, Ketchum, King, Knott, Lamar, Franklin Landers, Levy, Lewis, Lo d, Luttrell, Edmund W. M. Mackey, MacDougall, McDill, McFarland, McMahon, Metcalfe, Milliken, Morey, Morgan, Mutchler, Nash, O'Neill, Page, Parsons, John F. Philips, William A. Phillips, Poppleton, Powell, Randall, Rea, Reagan, James B. Reilly, John Robbins, William M. Robbins, Roberts, Sayler, Scales, Schleicher, Singleton, Slemons, William E. Smith, Southard, Sparks, Springer, Strait, Stevenson, Swann, Terry, Thomas, Throckmorton, Tucker, Turney, Robert B. Vance, Waddell, Gilbert C. Walker, Ward, Erastus Wells, Wheeler, Whitehouse, Whitthorne, Wigginton, Jeremiah N. Williams, Wilshire, Benjamin Wilson, Fernando Wood, Yeates, and Young—123.

NAYS—Messrs. George A. Bagley, John H. Bagley, jr., John H. Baker, William U. Baker, Ballou, Blaine, Blair, Bradley, William R. Brown, Burleigh, Cannon, Chapin, Chittenden, Cochrane, Conger, Cowan, Cox, Crapo, Crounse, Cutler, Danford, Davy, Denison, Dobbins, Eames, Egbert, Freeman, Frye, Garfield, Andrew H. Hamilton, Robert Hamilton, Benjamin W. Harris, Haymond, Henderson, Abram S. Hewitt, Hoar, Holman, Hunter, Hurlbut, Jenks, Frank Jones, Joyce, Kasson, Kelley, Kimball, Lapham, Lawrence, Leavenworth, Lynch, Levi A. Mackey, Magoon, Malsh, Monroe, Neal, New, O'Brien, Oliver, Piper, Plaisted, Platt, Potter, Pratt, Purman, Robinson, Sobieski Ross, Rusk, Sampson, Savage, Seelye, Sinnickson, Smalls, A. Herr Smith, Starkweather, Stenger, Stowell, Tarbox, Thompson, Thornburgh, Martin I. Townsend, Washington Townsend, Tufts, Van Vorhes, John L. Vance, John W. Wallace, Walls, Warren, White, Wike, Willard, Andrew Williams, Alpheus S. Williams, James D. Williams, William B. Williams, Willis, James Wilson, and Alan Wood, jr.—96.

NOT VOTING—Messrs. Adams, Anderson, Banks, Banning, Barnum, Bass, Beebe, Bell, Bliss, Blount, Boone, John Young Brown, Cason, Caswell, Cate, Durham, Ellis, Ely, Evans, Farwell, Felton, Frost, Hale, Hancock, Henry R. Harris, Hathorn, Hays, Hendee, Goldsmith W. Hewitt, Hill, Hoge, Hooker, Hoskins, Hubbell, Hurd, Hyman, George M. Landers, Lane, Lynde, McCrary, Meade, Miller, Mills, Money, Morrison, Norton, Odell, Packer, Payne, Phelps, Pierce, Rainey, John Reilly, Rice, Miles Ross, Schumaker, Sheakley, Stone, Teese, Waldron, Charles C. B. Walker, Alexander S. Wallace, Walling, Walsh, G. Wiley Wells, Whiting, Charles G. Williams, James Williams, Woodburn, and Woodworth—70.

So the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question was upon the passage of the bill; and being taken, upon a division there were—ayes 121, noes 82.

So the bill was passed.

Mr. WELLS, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADJOURNMENT TILL MONDAY.

Mr. BRIGHT moved that when the House adjourns to-day it be to meet on Monday next.

The motion was agreed to.

ENROLLED BILL SIGNED.

Mr. WADDELL reported that he had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (S. No. 78) to extend the duration of the court of commissioners of Alabama claims.

PUBLIC BUILDING IN KANSAS CITY, MISSOURI.

Mr. FRANKLIN introduced a bill (H. R. No. 284) for the construction of a public building at the city of Kansas, State of Missouri; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

THOMAS PLANT.

Mr. PHILIPS, of Missouri, introduced a bill (H. R. No. 285) for the relief of Thomas Plant, of Boonville, Cooper County, Missouri; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOSEPH W. M'CLURG.

Mr. PHILIPS, of Missouri, also introduced a bill (H. R. No. 286) for the relief of Joseph W. McClurg and others, of Camden County, Missouri; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. BUCKNER introduced a bill (H. R. No. 287) to amend section 190 of the Revised Statutes, and for other purposes; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

ALVIS SMITH.

Mr. WILSHIRE introduced a bill (H. R. No. 288) for the relief of Alvis Smith; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM BOWLIN.

Mr. WILSHIRE also introduced a bill (H. R. No. 289) for the relief of William Bowlin; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. CHARLOTTE WEISE.

Mr. WILSHIRE also introduced a bill (H. R. No. 290) for the relief of Mrs. Charlotte Weise, widow of John W. Weise, late of Company L, Second Arkansas Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LANDS FOR SCHOOLS IN ARKANSAS.

Mr. WILSHIRE also introduced a bill (H. R. No. 291) donating the public lands in the State of Arkansas to that State for the purpose of supporting public free schools and the establishment and maintaining a State university, &c.; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

ANTONIO PELLETIER.

Mr. WILSHIRE also introduced a joint resolution (H. R. No. 15) to authorize the President of the United States to request the Republic of Hayti to indemnify Antonio Pelletier; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

JAMES P. OWEN.

Mr. GUNTER introduced a bill (H. R. No. 292) for the relief of James P. Owen; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANTONE NEIS.

Mr. GUNTER also introduced a bill (H. R. No. 293) for the relief of Antone Neis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

UNITED STATES COURT IN ARKANSAS.

Mr. GUNTER also introduced a bill (H. R. No. 294) providing for four terms yearly of the United States court for the western district of Arkansas; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SPECIAL COMMISSIONER FOR INDIAN TERRITORY.

Mr. GUNTER also submitted the following resolution; which was referred to the Committee on Indian Affairs:

Resolved, That the Committee on Indian Affairs be instructed to report to this House if there is any law authorizing the appointment of a special Indian commissioner for the Indian Territory; and if so, how much salary is or has been paid to such Indian commissioner, and if the necessity for such officer still exists.

Mr. O'BRIEN. I move that the House now adjourn.
The motion was not agreed to.

IMPROVEMENT OF SALINE RIVER.

Mr. SLEMONS introduced a bill (H. R. No. 295) for the improvement of the navigation of the Saline River, in the State of Arkansas; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

TAX ON LEAF-TOBACCO.

Mr. SLEMONS also introduced a bill (H. R. No. 296) to repeal so much of section 3244 of the Revised Statutes as requires a tax to be paid on leaf-tobacco; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DISPOSITION OF PUBLIC LANDS.

Mr. SLEMONS also introduced a bill (H. R. No. 297) to repeal section 2303 of the Revised Statutes making restrictions in the disposition of the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

UNITED STATES PRISONERS IN STATE PRISONS.

Mr. SLEMONS also introduced the following resolution; which was read, considered, and agreed to:

Resolved, That the Attorney-General of the United States be, and he is hereby, requested to transmit to this House at the earliest practicable moment the number of prisoners held by authority of the United States Government in the different State prisons, together with the annual expense of keeping the same.

ELMIRA E. CRAVATH.

Mr. WILLARD introduced a bill (H. R. No. 298) granting a pension to Elmira E. Cravath; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAPTAIN CHARLES E. GREBLE.

Mr. WILLARD also introduced a bill (H. R. No. 299) for the relief of Captain Charles E. Greble; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to to be printed.

HOWELL H. TRASK.

Mr. WILLARD also introduced a bill (H. R. No. 300) for the relief of Howell H. Trask; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FRED W. SMITH.

Mr. WILLARD also introduced a bill (H. R. No. 301) granting a pension to Fred W. Smith, of Jackson, Michigan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL GREEK.

Mr. W. B. WILLIAMS introduced a bill (H. R. No. 302) for the relief of Samuel Greek; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN RENTZ.

Mr. W. B. WILLIAMS also introduced a bill (H. R. No. 303) for the relief of John Rentz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BETTER PROTECTION OF IMMIGRANTS.

Mr. CONGER introduced a bill (H. R. No. 304) for the better protection of immigrants, and to prevent the importation of criminals to the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

TIMOTHY BAKER.

Mr. DURAND introduced a bill (H. R. No. 305) for the relief of Timothy Baker, of Saint John's, Michigan; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

PERFECTING TITLE TO HOMESTEADS.

Mr. DURAND also introduced a bill (H. R. No. 306) to enable certain soldiers and sailors of the United States to perfect title to homesteads under the homestead laws of the United States without entry, occupation, or improvement thereof; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JOSEPH SAWYER.

Mr. A. S. WILLIAMS introduced a bill (H. R. No. 307) for the relief of Joseph Sawyer, of Detroit, Michigan, late an acting master in the Navy of the United States; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. A. WARREN.

Mr. REAGAN introduced a bill (H. R. No. 308) for the relief of J. A. Warren, of Tyler County, Texas, for property taken for the use of the United States during the late war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF L. R. WORTHAN.

Mr. MILLS presented a joint resolution of the Legislature of the State of Texas, in favor of the passage of a law for the relief of the heirs of L. R. Worthan, deceased; which was referred to the Committee on Claims, and ordered to be printed.

THEODORE PILLARD.

Mr. SAMPSON introduced a bill (H. R. No. 309) granting a pension to Theodore Pillard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM H. HARRISON.

Mr. SAMPSON also introduced a bill (H. R. No. 310) granting a pension to William H. Harrison; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. CATHERINE LEWIS.

Mr. SAMPSON also introduced a bill (H. R. No. 311) granting a pension to Mrs. Catherine Lewis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARTIN RUFF.

Mr. TUFTS introduced a bill (H. R. No. 312) granting a pension to Martin Ruff, late a private in Company C, Second Kentucky Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIDGE ACROSS MISSOURI RIVER.

Mr. OLIVER introduced a bill (H. R. No. 313) to authorize the construction of a bridge across the Missouri River at or near Sioux City, Iowa; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CAPITAL PUNISHMENT.

Mr. OLIVER also introduced a bill (H. R. No. 314) to abolish capital punishment; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUBLIC BUILDING AT LA CROSSE, WISCONSIN.

Mr. RUSK introduced a bill (H. R. No. 315) to authorize the construction of a building suitable for a court-house and for the use of the officers of the United States at La Crosse, Wisconsin; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

DATE OF PENSIONS.

Mr. RUSK also introduced a bill (H. R. No. 316) to provide that all pensions on account of death, wounds received, or disease contracted in the service of the United States since March 4, 1861, which have been granted or which shall hereafter be granted on application filed previous to January 1, 1876, shall commence from the date of death or discharge, and for the payment of the arrears of pensions; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS FOR SOLDIERS, ETC., OF MEXICAN WAR.

Mr. RUSK also introduced a bill (H. R. No. 317) granting pensions to certain soldiers and sailors of the war of 1846 with Mexico, and the widows of deceased soldiers and sailors; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANNIE FARLEY.

Mr. RUSK also introduced a bill (H. R. No. 318) granting a pension to Annie Farley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IMPROVEMENT OF FEATHER RIVER, CALIFORNIA.

Mr. LUTTRELL introduced a bill (H. R. No. 319) to appropriate money for the improvement of the navigation of Feather River, California; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT OF SACRAMENTO RIVER.

Mr. LUTTRELL also introduced a bill (H. R. No. 320) to appropriate money to improve the navigation of the Sacramento River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LANDS IN CALIFORNIA.

Mr. LUTTRELL also introduced a bill (H. R. No. 321) confirming certain lands to purchasers from the State of California; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

THE PRESIDENTAL OFFICE.

Mr. PAGE. I offer the following preamble and resolution, upon which I ask the previous question:

Whereas the Constitution of the United States, as framed by the fathers of the Republic, imposes no limit upon the eligibility of any citizen to the office of President further than that he shall be native born and of a certain age and time of residence: Therefore be it

Resolved, That in the judgment of this House the right of selecting candidates for the office of President can only be lawfully exercised by the people under existing constitutional restrictions, and has never been delegated by the people to the House of Representatives or to any members of the same, and that any attempt by the House of Representatives to limit or forestall the public will on a question of such importance is an invasion of powers reserved to the people at large, to be freely exercised by them without any interference from any legislative body whatever.

On seconding the previous question, there were ayes 30, noes 89.

So the previous question was not seconded.

The SPEAKER *pro tempore*, (Mr. WHEELER.) Does the gentleman desire to have the resolution referred?

Mr. PAGE. No. Let it lie on the table.

LANDS IN CALIFORNIA.

Mr. PIPER introduced a bill (H. R. No. 322) to relinquish the interest of the United States in certain lands to the city and county of San Francisco, California; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SURVEY AND SALE OF TIMBER LANDS.

Mr. DUNNELL introduced a bill (H. R. No. 323) to regulate the survey and sale of the timber lands of the United States; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

EQUALIZATION OF BOUNTIES.

Mr. DUNNELL also introduced a bill (H. R. No. 324) to provide for the equalization of bounties to soldiers who served in the war for the suppression of the rebellion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SUPPLIES FURNISHED THE SIOUX INDIANS.

Mr. DUNNELL also introduced a bill (H. R. No. 325) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux, or Dakota, Indians of Minnesota, subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

REPORT OF THE COMMISSIONER OF AGRICULTURE.

Mr. DUNNELL also submitted the following resolution; which was read, and referred under the law to the Joint Committee on Printing:

Resolved, That there be printed two hundred and fifty thousand copies of the report of the Commissioner of Agriculture for the year 1874; two hundred thousand copies for the use of the House of Representatives and fifty thousand for the use of the Senate.

EDWARD B. JOHNSON.

Mr. STRAIT introduced a bill (H. R. No. 326) for the relief of Edward B. Johnson; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM H. POWELL AND F. A. M'DOWELL.

Mr. PHILLIPS, of Kansas, introduced a bill (H. R. No. 327) for the relief of William H. Powell and F. A. McDowell; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

TRANSPORTATION OF ARMY SUPPLIES.

Mr. PHILLIPS, of Kansas, also introduced a joint resolution (H. R. No. 16) directing the Secretary of War to determine distances of transportation of Army supplies on routes 1 and 2, west of the Missouri River, in 1864 and 1865; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SHEPHERD AND ROHRBAUGH.

Mr. GOODIN introduced a bill (H. R. No. 328) for the relief of Shepherd & Rohrbaugh; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

GEORGE JACKSON.

Mr. WILSON, of West Virginia, introduced a bill (H. R. No. 329) to relieve from political disabilities George Jackson, of West Virginia; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

Mr. WILSON, of West Virginia. I ask that this bill be acted on now. I hold in my hand the petition of Mr. Jackson for relief.

The bill was then read a third time and passed; two-thirds voting in the affirmative.

ABIJAH DOLLY.

Mr. FAULKNER introduced a bill (H. R. No. 330) for the relief of Abijah Dolly; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GERMAN EVANGELICAL CHURCH, MARTINSBURGH, WEST VIRGINIA.

Mr. WILSON, of West Virginia, introduced a bill (H. R. No. 331) for the relief of the trustees of the German Evangelical church of Martinsburgh, West Virginia; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

Mr. WILSON, of West Virginia. I ask that this bill be now considered.

Mr. RANDALL. Let it be read.

The bill was read. It directs the Secretary of the Treasury to pay to the trustees of the German Evangelical church of Martinsburgh, West Virginia, the sum of $2,500, on account of the destruction of their church building and furniture February 17, 1863, while the same was in possession of a portion of the military forces of the United States, and through their carelessness.

Mr. HOLMAN. That bill ought to go to the Committee on War Claims.

The bill was referred accordingly.

Mr. FAULKNER also introduced a bill (H. R. No. 332) for the relief of the German Evangelical church of Martinsburgh, West Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ABRAHAM H. HERR.

Mr. FAULKNER introduced a bill (H. R. No. 333) providing for the relief of Abraham H. Herr; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILDEY LODGE, INDEPENDENT ORDER OF ODD-FELLOWS.

Mr. FAULKNER also introduced a bill (H. R. No. 334) for the relief of the trustees of Wildey Lodge, Independent Order of Odd-Fellows; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DANIEL BEDINGER.

Mr. FAULKNER also introduced a bill (H. R. No. 335) for the relief of the legal representatives of Daniel Bedinger, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RED CLOUD AGENCY.

Mr. FAULKNER submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Secretary of the Interior be requested to transmit to this House a copy, in print, of the report and evidence of the special Indian commissioners recently appointed to investigate the affairs of the Red Cloud agency.

ALLEGANY COLLEGE, WEST VIRGINIA.

Mr. HEREFORD introduced a bill (H. R. No. 336) for the relief of Alleghany College, Greenbrier County, West Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

METHODIST EPISCOPAL CHURCH, CHARLESTON, WEST VIRGINIA.

Mr. HEREFORD also introduced a bill (H. R. No. 337) for the relief of the Methodist Episcopal Church South, at Charleston, Kanawha County, West Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

UNITED STATES COURTS IN NEVADA.

Mr. WOODBURN introduced a bill (H. R. No. 338) to change the place of holding the circuit and district courts of the United States for the district of Nevada; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CREDENTIALS OF PATRICK O. HAWES.

Mr. CROUNSE presented the credentials of Patrick O. Hawes, member of Congress contingent from the State of Nebraska; which was referred to the Committee on the Judiciary, with leave to report at any time.

E. D. FRANZ.

Mr. ELKINS introduced a bill (H. R. No. 339) for the relief of E. D. Franz; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC BUILDINGS AT SANTA FÉ, NEW MEXICO.

Mr. ELKINS also introduced a bill (H. R. No. 340) providing for the repair and completion of public buildings at Santa Fé, New Mexico; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

LOUIS ROSENBAUM.

Mr. ELKINS also introduced a bill (H. R. No. 341) for the relief of Louis Rosenbaum; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WAR EXPENSES OF NEW MEXICO.

Mr. ELKINS also introduced a bill (H. R. No. 342) authorizing the Secretary of War to ascertain and report the amount necessarily expended by the Territory of New Mexico in organizing, equipping, and maintaining the militia forces during the rebellion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES PRESTON BECK.

Mr. ELKINS also introduced a bill (H. R. No. 343) for the relief of James Preston Beck; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PRIVATE LAND CLAIMS IN NEW MEXICO.

Mr. ELKINS also introduced a bill (H. R. No. 344) to confirm certain private land claims in the Territory of New Mexico; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

PAYMENT FOR INDIAN DEPREDATIONS.

Mr. ELKINS also introduced a bill (H. R. No. 345) authorizing payment to certain citizens of New Mexico for Indian depredations; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. ELKINS also introduced a bill (H. R. No. 346) authorizing payment to certain citizens of New Mexico for Indian depredations; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ANASTACIO SANDOVAL.

Mr. ELKINS also introduced a bill (H. R. No. 347) for the relief of Anastacio Sandoval; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

PAYMENT OF NEW MEXICO VOLUNTEER COMPANIES.

Mr. ELKINS also introduced a bill (H. R. No. 348) to provide for the payment of certain volunteer companies in the service of the United States in the war with Mexico and in the suppression of Indian disturbances in New Mexico; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ROBERT H. STAPLETON.

Mr. ELKINS also introduced a bill (H. R. No. 349) for the relief of Robert H. Stapleton; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FORT BUTLER MILITARY RESERVATION.

Mr. ELKINS also introduced a bill (H. R. No. 350) to release the Fort Butler military reservation; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LAND OFFICE IN WASHINGTON TERRITORY.

Mr. JACOBS introduced a bill (H. R. No. 351) to create an additional land office at Colfax, in Whitman County, Washington Territory; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

IMPROVEMENT OF SKAGIS RIVER.

Mr. JACOBS also introduced a bill (H. R. No. 352) to remove the raft at the mouth of Skagis River, Washington Territory; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. JACOBS also introduced a bill (H. R. No. 353) to amend section 1911 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LIEUTENANT GEORGE D. HILL.

Mr. JACOBS also introduced a joint resolution (H. R. No. 17) to correct the Army record and register of Lieutenant George D. Hill; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

STEAMER ISABELLE.

Mr. JACOBS also introduced a bill (H. R. No. 354) to give an American register to the steamer Isabelle; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

COLORADO CONSTITUTIONAL CONVENTION.

Mr. PATTERSON introduced a bill (H. R. No. 355) making an appropriation for the expenses of the constitutional convention of Colorado Territory; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

BANKRUPTCY CASES IN THE TERRITORIES.

Mr. PATTERSON also introduced a bill (H. R. No. 356) concerning cases in bankruptcy commenced in the supreme courts of the several Territories prior to the 22d day of June, 1874, and now undetermined therein; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

AMENDMENT OF RULES.

Mr. PATTERSON also submitted the following resolution; which was read, and referred to the Committee on the Rules:

Resolved, That the rules of the House be so amended as to permit the Speaker to appoint from among the Delegates from the Territories an additional member on each of the following committees: Mines and Mining, Indian Affairs, Public Lands, and Post-Office and Post-Roads, who shall have the same privileges only as in the House.

PROPOSED TERRITORY OF PEMBINA.

Mr. KIDDER introduced a bill (H. R. No. 357) to establish the Territory of Pembina and to provide a temporary government therefor; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

ARMY OFFICERS COMMISSIONED FROM THE RANKS.

Mr. KIDDER also introduced a bill (H. R. No. 358) in relation to Army officers who have been commissioned from the ranks; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NAVIGATION OF COLORADO RIVER.

Mr. STEVENS, of Arizona, introduced a bill (H. R. No. 359) for the improvement of navigation of the Colorado River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PORT OF ENTRY AT TUCSON.

Mr. STEVENS, of Arizona, also introduced a bill (H. R. No. 360) to establish a port of entry for the collection of duties on imports at Tucson, Arizona Territory; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

FORT LARAMIE MILITARY RESERVATION.

Mr. STEELE introduced a bill (H. R. No. 361) to reduce the area of the military reservation at Fort Laramie, Wyoming Territory; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM T. SIMMS.

Mr. STEELE also introduced a bill (H. R. No. 362) granting a pension to William T. Simms; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The call of States and Territories for resolutions and bills is now completed.

Mr. RANDALL. I move that the House adjourn.

Mr. ATKINS. Before that motion is put, I ask unanimous consent to introduce a bill.

There was no objection.

RELIEF OF MAIL-CONTRACTORS.

Mr. DIBRELL, by unanimous consent, introduced a bill (H. R. No. 363) for the relief of the mail-contractors on route No. 19319 in Tennessee; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

WILLIAM S. BURGESS.

Mr. DIBRELL, by unanimous consent, also introduced a bill (H. R. No. 364) for the relief of William S. Burgess and others; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES M. HINTON.

Mr. HOUSE, by unanimous consent, introduced a bill (H. R. No. 365) for the relief of James M. Hinton, of Davidson County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NATURALIZATION PROVISIONS OF TREATY WITH GERMANY.

Mr. COX, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Foreign Affairs:

Resolved, That the Committee on Foreign Affairs inquire into and report upon the expediency and justice of giving to the German Empire the notice required by the fifth article of the treaty with the North German Empire, signed on the 22d of February, 1868, for the termination of said treaty, or so much thereof, and the protocol of June 12, 1871, as relates to citizens of the United States, their renunciation of naturalization, and their political condition in Germany under said treaty and protocol.

TERM OF UNITED STATES DISTRICT COURT, TENNESSEE.

Mr. ATKINS, by unanimous consent, introduced a bill (H. R. No. 366) authorizing the holding of a term of the United States district court at Jackson, Tennessee; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ARMY MEDICAL CORPS.

Mr. HARRISON submitted the following resolution; which was read, and referred to the Committe on Military Affairs:

Resolved, That the Committee on Military Affairs be, and it is hereby, instructed to report—if in its opinion the same be proper—a bill to place the Medical Corps of the Army on an equal footing with the officers of the other staff corps of the Army and of the Medical Corps of the Navy.

AMENDMENT OF THE RULES.

Mr. LAWRENCE introduced the following resolution; which was read, and referred to the Committee on the Rules:

Whereas the incorporation of general legislation on appropriation bills sometimes requires either the support of objectionable provisions or opposition to necessary appropriations; and whereas every measure should stand on its own merits: Therefore,

Resolved, That the Committee on the Rules be and are directed to report an amendment to the rules, which shall exclude from appropriation bills all general legislation either on the report of conference committees or otherwise.

ORDER OF BUSINESS FOR MONDAY.

Mr. HOLMAN. I desire to make a suggestion. Both Houses of Congress have determined to adjourn on Monday next for the holidays, and many gentlemen upon the adjournment to-day are intending to visit Philadelphia. I therefore suggest that it be understood by unanimous consent that no business shall be transacted on Monday with the exception of such communications as the Speaker may see proper to lay before the House, if any.

Mr. LAWRENCE. Or the introduction of bills.

Mr. HOLMAN. No; I suggest that it be confined to communications from the Chair.

The SPEAKER. Is there objection to the suggestion made by the gentleman from Indiana? The Chair hears none, and that will be the order of business on Monday.

INCREASE OF PENSIONS.

Mr. JAMES B. REILLY introduced a bill (H. R. No. 367) to increase pensions in certain cases; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY C. PARRY.

Mr. JAMES B. REILLY also introduced a bill (H. R. No. 368) for the relief of Henry C. Parry, M. D., late an assistant surgeon in the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

UNITED STATES COURTS IN ILLINOIS.

Mr. HARTZELL introduced a bill (H. R. No. 369) to divide the State of Illinois into three judicial districts, and to provide for holding courts therein; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

THOMAS F. ALEXANDER.

Mr. HARTZELL also introduced a bill (H. R. No. 370) for the relief of Thomas F. Alexander; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

IMPROVEMENT OF THE MISSISSIPPI RIVER.

Mr. HARTZELL also introduced a bill (H. R. No. 371) for the improvement of the Mississippi River, and to prevent abrasion and destruction of its banks between the foot of Dickey Island and the mouth of the Ohio River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

R. D. SALMANS.

Mr. MILLIKEN introduced a bill (H. R. No. 372) to reimburse R. D. Salmans, of Kentucky, for cotton taken by the Army officers of the United States in the State of Tennessee in the year 1863 and the proceeds of sale paid into the Treasury of the United States; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. C. HANNUM.

Mr. CASON introduced a bill (H. R. No. 373) for the relief of J. C. Hannum; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GENEVA AWARD.

Mr. PIERCE introduced a bill (H. R. No. 374) to amend an act in relation to the disposition of the Geneva award; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

NAVAL MONUMENT.

Mr. PIERCE also introduced a bill (H. R. No. 375) for the completion and location of the naval monument; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

POST-OFFICE LAWS.

Mr. BAKER, of Indiana, introduced a bill (H. R. No. 376) to amend section 3855 of the Revised Statutes of the United States, relating to the Post-Office Department; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

C. T. VENNIGERHOLZ.

Mr. PARSONS introduced a bill (H. R. No. 377) for the relief of C. T. Vennigerholz; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SOLOMON BOOKS.

Mr. STENGER introduced a bill (H. R. No. 378) to provide for the payment of Solomon Books for services as mail-route agent; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ALLEN WHITE.

Mr. MONEY introduced a bill (H. R. No. 379) for the relief of Allen White, of Chickasaw County, Mississippi; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PENSION LAWS.

Mr. HEWITT, of Alabama, introduced a bill (H. R. No. 380) to repeal certain sections of the Revised Statutes of the United States relating to pensions therein mentioned, and for other purposes; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. HOAR until January 10; to Mr. SCALES from the session of Monday to the 20th instant; and to Mr. BOONE, Mr. BROWN of Kentucky, and Mr. EGBERT until January 5.

Mr. SOUTHARD. My colleague, Mr. WALLING, was called home last night by a telegram announcing the serious illness of a member of his family. I ask indefinite leave of absence for him.

There was no objection, and leave was granted.

And then, on motion of Mr. BURCHARD, of Illinois, (at two o'clock and fifteen minutes p. m.,) the House adjourned until Monday.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BLACKBURN: The petition of D. W. Price, for relief, to the Committee on Claims.

By Mr. CALDWELL, of Alabama: The petition of citizens of De Kalb County, Alabama, for a post-route from Crossville, Alabama, to Rising Fawn, Georgia, to the Committee on the Post-Office and Post-Roads.

By Mr. COX: The petition of Elizabeth B. Thomas, widow of Brigadier-General Lorenzo Thomas, for a pension, to the Committee on Invalid Pensions.

By Mr. CULBERSON: A paper for the establishment of a post-route in Texas from Canton to Athens, to the Committee on the Post-Office and Post-Roads.

By Mr. DANFORD: The petition of citizens of Harrison County, Ohio, for the repeal of the law increasing the rates of postage on third-class mail matter, to the Committee on the Post-Office and Post-Roads.

By Mr. DE BOLT: The petition of Frank M. Lewis, to be reimbursed money illegally paid to the Union National Bank, New York, by the assistant treasurer of the United States, to the Committee on War Claims.

By Mr. DIBRELL: Memorial of citizens of Tennessee, in regard to transmission of merchandise through the mails, to the Committee on the Post-Office and Post-Roads.

By Mr. DOUGLAS: Papers relating to the accounts of Thomas W. Tansill, late commissary and quartermaster under the joint commission to run the boundary line between the United States and Mexico, to the Committee on Claims.

By Mr. FAULKNER: Papers relating to the claim of Abijah Dolly, to the Committee on Claims.

Also, papers relating to the claim of the trustees of the Methodist Episcopal church at Martinsburgh, West Virginia, to the Committee on War Claims.

By Mr. FORT: The petition of citizens of Onarga, Illinois, for the passage of a law authorizing the transmission of small packages of merchandise by the mails at reasonable rates of postage, to the Committee on the Post-Office and Post-Roads.

By Mr. FREEMAN: The petition of Catharine Strubling, praying an adjustment in regard to certain land improperly taken and withheld from her by the Government of the United States, to the Committee on Private Land Claims.

Also, the petition of Catharine Strubling, to be compensated for services rendered by her father and her husband in the revolutionary war, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. FROST: The petition of Lucius R. Eastman, Marshall P. Wilder, and 85 others, of Massachusetts, for a joint high commission to settle by arbitration all disputes between nations, to the Committee on Foreign Affairs.

Also, the petition of the Massachusetts Horticultural Society, the American Pomological Society, and others, for reduction of rates of postage on all third-class mail matter, and also for a law forbidding the opening of packages of seeds, bulbs, grafts, and small plants until they reach the post-office of destination, to the Committee on the Post-Office and Post-Roads.

By Mr. FRYE: The petition of Hannibal Belcher and others, for reduction of postage rates on third-class mail matter, to the Committee on the Post-Office and Post-Roads.

By Mr. FULLER: The memorial of Charles H. Mason, late deputy collector of internal revenue for third division of second collection district of Indiana, praying that the value of two hundred and ten cigar stamps, alleged to have been stolen, be refunded to him, to the Committee on Claims.

Also, the petition of James F. Blunt, for compensation for military services, to the Committee on War Claims.

Also, the petition of Edward Winchell, of Spencer County, Indiana, for compensation for military services, to the Committee on War Claims.

Also, the petition of Daniel Crosswell, of Spencer County, Indiana, a soldier of the war of 1812, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

Also, the petition of John V. Miller, late a private in Company A, Fifty-eighth Ohio Volunteers, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Catherine Johnson, widow of Zachariah Johnson, late a private in Company C, Sixtieth Indiana Volunteers, for a pension, to the Committee on Invalid Pensions.

Also, the petition of the heirs at law of Kenneth D. Rowe, late second lieutenant One hundred and forty-fourth Indiana Volunteers, for a pension, to the Committee on Invalid Pensions.

By Mr. GOODIN: Papers relating to the claim of Shepherd & Robaugh, to the Committee on Appropriations.

By Mr. GIBSON: The petition of Mrs. Cora Ann Slocomb, of New Orleans, to be reimbursed for property taken by United States forces during the war, to the Committee on War Claims.

Also, the petition of Caroline Augusta Slocomb, of New Orleans, of similar import, to the same committee.

Also, the petition of Mrs. Ida A. Richardson, of New Orleans, of similar import, to the same committee.

Also, the petition of Mrs. E. E. Hebert, of similar import, to the same committee.

Also, memorial of Berein and Desmet, and 48 other wine merchants of New Orleans, for reduction of tariff on wines, to the Committee on Ways and Means.

By Mr. GOODE: Memorial of the Dismal Swamp Canal Company, for Government aid to repair and improve its works, to the Committee on Commerce.

Also, the petition of William H. Wilson, for compensation for use of property known as the Macon House, in Portsmouth, Virginia, by United States authorities, for hospital and other purposes, from August 7, 1862, to January 31, 1866, to the Committee on War Claims.

By Mr. HAMILTON, of New Jersey: Papers relating to the claim of David Ogden, Andrew Foster, and other ship-owners, to be refunded moneys paid to collectors of customs for constructive permits, to the Committee on Claims.

By Mr. HENDERSON: The petition of Margaret M. Lamb, postmaster at Annawan, Illinois, to be credited the sum of $93.13, being the value of postage-stamps stolen from said post-office, to the Committee on Claims.

By Mr. HILL: Memorial of citizens of Union County, Georgia, in favor of a modification of the revenue laws, to the Committee on Ways and Means.

By Mr. HOUSE: Memorial of the agent of the publishing house of the Methodist Episcopal Church South, asking compensation for property taken by the Government during the war, to the Committee on War Claims.

Also, papers relating to the claim of William L. Nance, of Nashville, Tennessee, for property taken and used by the Government during the war, to the Committee on War Claims.

Also, the petition of James M. Hinton, for relief, to the Committee on War Claims.

By Mr. HUNTER: Memorial of R. L. Law, commander United States Navy, asking restoration to his proper rank in the naval service, to the Committee on Naval Affairs.

Also, the petition of William H. H. Anderson, late a private of company B, First Heavy Artillery Indiana Volunteers, for a pension, to the Committee on Invalid Pensions.

Also, papers relating to the claim of William J. Alexander, of Bloomington, Indiana, for compensation for services in the secret service, to the Committee on War Claims.

By Mr. HUNTON: Papers relating to the claim of Anthony Lawson and Thomas A. Brewis, their heirs, assigns, or personal representatives, to be refunded the amount of the proceeds of the sale for direct taxes due to the United States of certain parcels of real estate situated in the city of Alexandria, Virginia, to the Committee on Ways and Means.

Also, the petition of Hortensia H. Cook, for relief, to the Committee on Claims.

Also, papers relating to the claim of Daniel T. Woods, of Frederick County, Virginia, to be paid the amount due to him on a contract for the occupation of his lands by the military forces of the United States, to the Committee on War Claims.

Also, papers relating to the claim of James H. Burgess, for rent of buildings used by the Ordnance Department, United States Army, to the Committee on War Claims.

Also, papers relating to the claim of the heirs at law of Captain James Barnett, deceased, to the Committee on War Claims.

By Mr. KNOTT: Papers relating to the claim of Henry A. Miles, to be refunded distillery tax erroneously collected, to the Committee on Claims.

Also, papers relating to the claim of Pias Booth, of Marion County, Kentucky, for damages to his property by the Federal Army in 1861, to the Committee on War Claims.

By Mr. LEVY: Papers relating to the claim of A. J. Carroll, to the Committee on Claims.

By Mr. McCRARY: Papers relating to contract of Daniel Wormer, for delivery of cavalry horses, to the Committee on War Claims.

By Mr. McFARLAND: The petition of citizens of Greene County, Tennessee, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

Also, the petition of citizens of Rogersville, Tennessee, for the repeal of the act increasing postage rates on third-class mail matter, to the Committee on the Post-Office and Post Roads.

Also, the petition of Mary Thornhill, for arrears of pay and bounty due her son, John A. Thornhill, to the Committee on Military Affairs.

Also, the petition of Melvina Ingle, for arrears of pay and bounty due her deceased husband, Henry Ingle, to the Committee on Military Affairs.

Also, the petition of Nancy M. Staples, widow of John Y. Staples, for relief, to the Committee on Military Affairs.

Also, the petition of James Woolsey, of Greene County, Tennessee, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Nancy Tipton, widow of Samuel Tipton, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Minerva B. Thornhill, mother of Jesse D. Thornhill, for arrears of pension, to the Committee on Invalid Pensions.

Also, the petition of Annie Johnson, widow of Willis Johnson, for arrears of pension, to the Committee on Invalid Pensions.

By Mr. METCALFE: The petition of David G. Floyd and others, of Greenport, Suffolk County, New York, for the establishment of a signal-station on Block Island, to be connected with the main shore by a telegraphic cable, to the Committee on Commerce.

By Mr. MILLIKEN: A paper for the establishment of a post-route from Edmonton, Metcalfe County, Kentucky, to Breedings, to the Committee on the Post-Office and Post-Roads.

By Mr. MONROE: The petition of Theodore Borcham, to be indemnified for losses sustained by confederate cruiser Tallahassee, to the Committee on the Judiciary.

By Mr. NEW: The petition of Caroline Vogle, of Brownstown, Indiana, for arrears of pension, to the Committee on Invalid Pensions.

Also, the petition of Huldah Smith, of Madison, Indiana, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Mary Kavanaugh, of Madison, Indiana, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Eliza A. Blaze, of Madison, Indiana, for a pension, to the Committee on Invalid Pensions.

By Mr. OLIVER: Paper for the establishment of a post-route from Fonda to Rolfe, Iowa, to the Committee on the Post-Office and Post-Roads.

By Mr. PARSONS: The petition of John S. Nay, for relief, to the Committee on War Claims.

By Mr. PHILIPS, of Missouri: Papers relating to the claim of surviving partners of Torbert & Co., for supplies furnished officers and men employed in the Western Department of Missouri in the summer and fall of 1861, to the Committee on War Claims.

By Mr. PHILLIPS, of Kansas: The petition of W. H. Powell & Co., for relief, to the Committee on Ways and Means.

By Mr. PIERCE: The petition of Charles Brewer & Co., of Boston, that an American register be granted the Hawaiian bark Arctic, to the Committee on Commerce.

Also, the petition of the Equitable Safety Insurance Company of Boston, for a portion of the Geneva award, to the Committee on the Judiciary.

By Mr. PLATT: The petition of citizens of Schuyler County, New York, for the substitution of greenbacks for national-bank notes and for the repeal of the specie-resumption law, to the Committee on Banking and Currency.

Also, the petition of J. Thompson, for abolition of stamp tax on checks, to the Committee on Ways and Means.

By Mr. SLEMONS: A paper for the establishment of a post-route from Eagle Creek to Mora Bay, in Arkansas, to the Committee on the Post-Office and Post-Roads.

By Mr. STARKWEATHER: The petition of William H. Potter and others, of Mystic Bridge, Connecticut, asking for the establishment of a signal-station on Block Island, to be connected with the main shore by telegraph-cable, to the Committee on Appropriations.

Also, the petition of J. M. Huntington & Co. and others, of Norwich, Connecticut, on the same subject, to the same committee.

Also, the petition of Colonel Thomas G. Kingsley, of the Twenty-sixth Regiment of Connecticut Volunteers, asking for increase of pension, to the Committee on Invalid Pensions.

Also, the petition of William R. Thurber & Co. and others, of Brooklyn, Connecticut, asking a reduction of postage on newspapers, books, and seeds and plants, and other third-class matter, to the Committee on the Post-Office and Post-Roads.

Also, petition of said William R. Thurber & Co. and others, that no further appropriations of public money be made for the distribution of seeds through the Agricultural Bureau, to the same committee.

By Mr. TOWNSEND, of Pennsylvania: The petition of Hoopes Brother and Thomas, Philip P. Shenples, and 83 others, of West Chester, Pennsylvania, for the repeal of the amendment to the postal law by the last Congress concerning third-class mail matter, to the Committee on the Post-Office and Post-Roads.

Also, the petition of Jacob B. Morgan, Henry Loucks, Caswell & Moore, and 120 others, of Phœnixville, Pennsylvania, for the repeal of the two-cent stamp tax on checks, drafts, &c., to the Committee on Ways and Means.

By Mr. WALKER, of Virginia: Memorial of Joseph Segar, of Old Point Comfort, Virginia, and Caleb C. Willard, of Washington, District of Columbia, asking indemnity for the destruction of the Hygeia Hotel at Fortress Monroe by United States authorities during the rebellion, to the Committee on War Claims.

Also, the petition of F. W. E. Lohman and others, for compensation for secret service during the rebellion, to the Committee on War Claims.

By Mr. WHITTHORNE: The petition of James Henderson, of Columbia, Tennessee, for services rendered the United States Army at that place, to the Committee on War Claims.

By Mr. WILLIAMS, of Michigan: The petition of Archange M. Brodhead, widow of Brevet Brigadier-General Thornton F. Brodhead, for increase of pension, to the Committee on Invalid Pensions.

Also, the remonstrance of sundry citizens of Detroit, Michigan, against further appropriations of public money for the distribution of seeds through the Agricultural Bureau, to the Committee on Agriculture.

By Mr. WILLIAMS, of Indiana: The petition of the widow and heirs at law of John C. Clark, deceased, late of Vincennes, Indiana, for compensation for services of deceased in transporting the mails, to the Committee on Claims.

Also, the petition of William Green, for relief, to the Committee on Claims.

Also, the petition of Lemuel C. Risley, for relief, to the Committee on War Claims.

By Mr. WILSHIRE: The petition of Charlotte Weise, of Crawford County, Arkansas, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Seminole Indians, for the payment of awards made to them by the treaty of 1866, to the Committee on Indian Affairs.

By Mr. WOOD: The petition of Mrs. Hattie D. McKain, widow of William A. McKain, deceased, late coal-passer on the United States steamer Nyack, for a pension, to the Committee on Invalid Pensions.

By Mr. ——: Papers relating to the claim of Ezra B. Barnett, postmaster at Norwich, New York, for relief, to the Committee on Claims.

IN SENATE.

MONDAY, *December* 20, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Friday last was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with the resolution of the Senate of the 8th instant, the report of the commissioners appointed to investigate the affairs of the Osage Indian agency, together with the evidence taken by the board and the separate findings of the individual members thereof; which, on motion of Mr. INGALLS, was ordered to lie on the table and be printed.

SENATOR FROM LOUISIANA.

Mr. BAYARD. I ask leave to present a paper, and request that it be read and lie upon the table.

The Chief Clerk read as follows:

THE UNITED STATES OF AMERICA, STATE OF LOUISIANA.

By John McEnery, governor of the State of Louisiana.

In the name and by the authority of the State of Louisiana:

Know ye that I have nominated, constituted, and appointed, and by these presents do nominate, constitute, and appoint, Robert H. Marr United States Senator from the State of Louisiana, in accordance with section 3876 Revised Statutes of Louisiana, to fill a vacancy created by the resignation of Hon. William L. McMillen; and I do authorize and empower him to execute and fulfill the duties of that office according to law, and to have and to hold the said office, and all the powers, privileges, and emoluments to the same, from and after the date hereof.

In witness whereof I have hereunto signed my name and caused the great seal of the State to be affixed, at the city of New Orleans, this 16th day of December, in the year of our Lord 1875, and of the Independence of the United States of America the ninety-ninth.

[SEAL.] JOHN McENERY.

By the Governor:

Y. A. WOODWARD,
Assistant Secretary of State.

The PRESIDENT *pro tempore*. The paper will lie on the table.

PETITIONS AND MEMORIALS.

Mr. HITCHCOCK presented two petitions of members of the bar of the United States circuit and district courts in the State of Nebraska, praying for the passage of a bill providing for the holding of one or more terms per year of the United States circuit and district courts at the city of Lincoln, the capital of that State; which were referred to the Committee on the Judiciary.

Mr. WINDOM presented five petitions, signed by Aaron Burlingame and 625 other citizens of Sauk County, Wisconsin, praying for the extension and speedy completion of the Fox River improvement and for the construction of a canal along the bank of the Wisconsin River from Portage City, Wisconsin, to the Mississippi River; which were referred to the Committee on Commerce.

Mr. INGALLS presented the petition of Jules L. Williams, late second lieutenant Company C, Forty-second Regiment United States Colored Infantry, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. DAWES presented the petition of the Equity Safety Insurance Company of Boston, praying for an amendment of the act providing for the distribution of the Geneva award; which was referred to the Committee on the Judiciary.

Mr. CONKLING presented the petition of Timon Wagenhauser, late private of Company D, Fifty-ninth Regiment New York State Volunteers, praying to be allowed a bounty which he claims was disallowed by a strict construction of the law; which was referred to the Committee on Military Affairs.

He also presented a resolution of the common council of the city of Rochester, New York, in favor of the passage of a law authorizing the erection of a suitable building in that city to meet the requirements of the United States courts and other Government offices; which was referred to the Committee on Public Buildings and Grounds.

He also presented the petition of Theodore Löwe, a crippled soldier of the late war, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. HARVEY presented a petition of a large number of citizens of Kansas, praying for the repeal of the amendment to the postal law which increased the rate of postage on all third-class matter, and fixing the rate of postage on that class of mail matter at one cent for each two ounces; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ENGLISH presented a petition of Morford and Truhee and 80 others, doing business in Bridgeport, Connecticut, praying for the repeal of the act establishing a uniform system of bankruptcy throughout the United States; which was referred to the Committee on the Judiciary.

Mr. ANTHONY. I introduced a joint resolution the other day authorizing Rear-Admiral John J. Almy, United States Navy, to accept a decoration from the King of the Hawaiian Islands. I now present in connection therewith a copy of an autograph letter of the King of the Hawaiian Islands. I move its reference to the Committee on Foreign Relations.

The motion was agreed to.

PRINTING OF PRESIDENT'S MESSAGE.

Mr. ANTHONY. The Committee on Printing, to whom was referred a resolution to print extra copies of the President's message, have directed me to report back the same and ask to be discharged from its further consideration. It has been customary until within a few years to print extra copies of the President's message, but since it has been sent by telegraph, or certainly in advance by mail, it is entirely useless to do so. The message was read by the whole country, and, I may add, approved and admired, of course, by us, and it is not considered necessary to print extra copies now.

The PRESIDENT *pro tempore*. The committee will be discharged from the further consideration of the resolution, if there be no objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had concurred in the amendment of the Senate to the concurrent resolution of the House providing for an adjournment of both Houses until Tuesday, the 4th of January next.

The message also announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 282) to declare the road leading from Concordia, Kentucky, to Mooleyville, Kentucky, a post-road;

A bill (H. R. No. 283) to change the name of the steamer Tom Jasper, of Saint Louis, Missouri; and

A bill (H. R. No. 329) to remove the political disabilities of George Jackson, a citizen of West Virginia.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. No. 78) to extend the duration of the court of commissioners of Alabama claims; and it was thereupon signed by the President *pro tempore*.

BILLS INTRODUCED.

Mr. DAWES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 134) to amend the act entitled "An act for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th day of May, A. D. 1871, between the United States of America and the Queen of Great Britain," approved June 23, 1874; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. DAVIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 135) making an appropriation for continuing the improvement of the Monongahela River, in the State of West Virginia; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 136) to transfer the Indian Bureau from the Interior Department to the War Department; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. DENNIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 137) to provide for the settlement of the claims

of the officers of the revolutionary army and of the widows and children of those who died in the service; which was read twice by its title, referred to the Committee on Revolutionary Claims, and ordered to be printed.

Mr. BOUTWELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 138) to increase the efficiency of the Navy and to promote the maritime interests of the United States; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 139) to reimburse the State of Oregon for moneys paid by said State in the suppression of Indian hostilities during the Modoc war, in the years 1872 and 1873; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 140) for the relief of B. P. Patterson; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. SPENCER, it was

Ordered, That the memorial and papers of George Hubbell be taken from the files and referred to the Committee on Claims.

Ordered, That the Milwaukee and Rock River Canal Company have leave to withdraw from the files of the Senate their memorial and papers on leaving copies of the same with the Secretary.

Ordered, That the memorial of McCoudry and others, merchants, of San Francisco, be taken from the files and referred to the Committee on Claims.

Ordered, That the memorial of E. Basse be taken from the files and referred to the Committee on Claims.

Ordered, That the memorial of James B. Campbell be taken from the files and referred to the Committee on Claims.

On motion of Mr. BAYARD, it was

Ordered, That the petition and papers in the case of Major Lawrence A. Williams be taken from the files and referred to the Committee on Military Affairs.

On motion of Mr. McDONALD, it was

Ordered, That the petition and papers of Gallus Kirchner be taken from the files and referred to the Committee on Claims.

NATIONAL AND STATE RIGHTS.

Mr. McDONALD. I desire to give notice that when the question comes up I shall offer resolutions, and move their adoption, as a substitute for the resolutions offered by my colleague [Mr. MORTON] on the 15th instant on the subject of national and State rights.

The PRESIDENT *pro tempore*. The Senate takes notice.

Mr. MORTON. I suggest to my colleague to introduce his resolutions now and let them be printed.

Mr. McDONALD. I desire to introduce them hereafter when the subject shall be properly before the Senate.

Mr. MORTON. We do not want to be taken by surprise. [Laughter.]

ELECTION OF PRESIDENT PRO TEMPORE.

Mr. EDMUNDS. I have a resolution to submit, and before I offer it, or in connection with it, I wish to state, referring to a resolution that I introduced on last Friday touching the President of the Senate, that a further consideration of the subject, and some discussion of it, have led me to think that the public interests require that the question should not be open to any doubt during the interval between this day and the day of our next assembling. I therefore offer the following resolution and ask its present consideration:

Resolved, That Mr. THOMAS W. FERRY, a Senator from the State of Michigan, be the President of the Senate until January 7, 1876, and until a fresh appointment shall be made.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) Is there objection to the present consideration of the resolution? The Chair hears none, and the question is on its passage.

Mr. SAULSBURY. I do not rise to interpose any objection to the consideration of the resolution, but it seems to me this resolution involves one of the questions which are now committed to the Committee on Privileges and Elections, namely, whether, the present incumbent of the chair having been appointed at the last session of the Senate of the United States, and having been in possession of the office of President *pro tempore* upon the happening of the death of the Vice-President, that does not perforce continue him. That I understand to be one of the questions involved in the inquiry directed to the Committee on Privileges and Elections. This resolution assumes that such is not the fact, and I call attention to it, without, however, making any objection whatever to the resolution offered by the Senator from Vermont.

Mr. EDMUNDS. I have drawn this resolution in such a way as not to assume that we do not have a President *pro tempore* of the Senate at this very moment. The resolution does not declare in terms that he is appointed; it declares that he shall be; he may continue to be; he is already. If there is any legal quibble upon which he is not already the President of the Senate in the constitutional and legal sense, then this resolution cures it for the time being until inquiry shall be made and any step be taken upon this subject that the Senate chooses. I think, therefore, that we do not commit ourselves to anything except to the fact and the law that, pending this recess and until the Senate does act, we have a President of the Senate in the full constitutional and legal sense.

Mr. BAYARD. Mr. President, I ask that the resolution of the Senator from Vermont be again read.

The resolution was read by the Chief Clerk.

Mr. BAYARD. Mr. President, I move to substitute the name of "ALLEN G. THURMAN, of Ohio;" and upon that I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Delaware moves to amend the resolution by substituting for the name of "THOMAS W. FERRY, of Michigan," the name of "ALLEN G. THURMAN, of Ohio;" and upon that amendment the yeas and nays are requested.

The yeas and nays were ordered; and the Chief Clerk called the roll.

Mr. ALLISON. I desire to say that my colleague [Mr. WRIGHT] was called suddenly home by illness in his family. I also desire to say that for this day I am paired with the Senator from North Carolina, [Mr. MERRIMON.] Regarding this as a political question, I decline to vote.

Mr. PADDOCK. I desire to state that on this question I am paired with the Senator from North Carolina, [Mr. RANSOM,] who, if present, would vote for the amendment, and I against it.

Mr. KELLY, (who had at first voted in the affirmative.) I ask leave to withdraw my vote, as I am paired with the Senator from New Hampshire [Mr. WADLEIGH] upon all political questions.

The PRESIDING OFFICER. The vote will be withdrawn, if there be no objection.

Mr. CRAGIN, (who had at first voted in the negative.) I ask leave to withdraw my vote. I am paired with the Senator from Georgia [Mr. NORWOOD] upon all political questions. I was not aware that this question would arise or that the pair went so far.

The PRESIDING OFFICER. The vote will be withdrawn, if there be no objection.

Mr. STEVENSON, (who had at first voted in the affirmative.) I voted under a misapprehension. The Senator from Pennsylvania [Mr. CAMERON] and I agreed to pair, though it was rather confined to the pending resolution offered by the Senator from Indiana, [Mr. MORTON;] but inasmuch as the Senator from Pennsylvania is not here, I desire to withdraw my vote. This question was not contemplated at all; but still, as he may believe that I am paired with him, I prefer to respect his wishes, and I therefore withdraw my vote.

The PRESIDING OFFICER. The vote will be withdrawn, if there be no objection.

The result was announced—yeas 21, nays 24, as follows:

YEAS—Messrs. Bayard, Bogy, Caperton, Cockrell, Cooper, Davis, Dennis, Eaton, English, Gordon, Johnston, Jones of Florida, Kernan, Key, McCreery, McDonald, Maxey, Randolph, Saulsbury, Wallace, and Withers—21.

NAYS—Messrs. Anthony, Booth, Boutwell, Burnside, Cameron of Wisconsin, Conkling, Dawes, Edmunds, Frelinghuysen, Hamilton, Hamlin, Harvey, Hitchcock, Howe, Ingalls, McMillan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Sherman, Spencer, West, and Windom—24.

ABSENT—Messrs. Alcorn, Allison, Bruce, Cameron of Pennsylvania, Christiancy, Clayton, Conover, Cragin, Dorsey, Ferry, Goldthwaite, Jones of Nevada, Kelly, Logan, Merrimon, Norwood, Oglesby, Paddock, Patterson, Ransom, Robertson, Sargent, Stevenson, Thurman, Wadleigh, Whyte, and Wright—27.

So the amendment was not agreed to.

The PRESIDING OFFICER. The question recurs on the original resolution.

The resolution was agreed to.

Mr. MORTON. In voting for this resolution, I desire not to be understood as expressing any opinion upon the question as to whether we had a President *pro tempore* before this resolution passed. I voted for the resolution in the spirit in which it was offered, as a mere matter of precaution.

Mr. MORRILL, of Vermont. I desire to offer a resolution.

The PRESIDENT *pro tempore*. Senators, permit me to interrupt the business of the Senate by tendering my thanks for the renewal of your courtesy and confidence.

STEAMBOAT INSPECTORS.

Mr. MORRILL, of Vermont. I offer the following resolution:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of reporting, by bill or otherwise, some measure to increase the efficiency of the service of steamboat inspectors.

I desire merely to say that if the accounts published in the newspapers in relation to a recent loss on the Pacific coast are true, there has been a shameful neglect on the part of inspectors, by which a large number of lives have been lost. I therefore desire to call the attention of the Committee on Commerce to this subject, so that, if possible, the service of inspectors may be made more efficient.

The resolution was considered by unanimous consent, and agreed to.

CHANGE OF STEAMER'S NAME.

Mr. BOGY. I ask to have a bill, passed by the other House and sent here this morning, to change the name of the steamer Tom Jasper, of Missouri, now put on its passage by the Senate.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill which the Senator has named?

Mr. SHERMAN. It is rather unusual to do such a thing. I should like to hear the bill read before we are called on to vote upon it.

The PRESIDENT *pro tempore*. With the permission of the Senate, the Chair will lay before the Senate bills from the House of Representatives.

The bill (H. R. No. 283) to change the name of the steamboat Tom Jasper, of Saint Louis, Missouri, was read twice by its title.

Mr. BOUTWELL. I think that ought to go to the Committee on Commerce.

Mr. BOGY. I will state for the information of the Senate that the bill was passed by the House after having been discussed and examined. The boat is ready to be launched. This is the case of a small boat of very limited tonnage which has been enlarged, and indeed built as a new boat. She is now taking in her freight at Saint Louis, and there is no time to be lost. It is important the thing should be done now, if it be done at all. The matter was thoroughly examined and understood in the House last week, as will be seen by reference to the CONGRESSIONAL RECORD, and the bill passed there after debate. This was formerly a steamboat called the Tom Jasper, running on the Upper Mississippi, which has been changed and made into a large boat, with new boilers and new machinery, and inspected by the Government officers. It is in point of fact a new boat, and yet enough of the old boat remains, the cabin, for instance, to compel the owner to retain the name of the old boat unless it be changed by Congress.

Mr. BOUTWELL. With that explanation I withdraw any objection.

By unanimous consent, the bill was considered as in Committee of the Whole. It gives authority to the owner of the steamboat Tom Jasper to change the name to that of Centennial.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOUSE BILL REFERRED.

The bill (H. R. No. 329) to remove the political disabilities of George Jackson, a citizen of West Virginia, was read twice by its title, and referred to the Committee on the Judiciary.

POST-ROAD IN KENTUCKY.

The bill (H. R. No. 282) to declare the road from Concordia, Kentucky, to Mooleyville, Kentucky, a post-road was read twice by its title.

Mr. McCREERY. Mr. President, since the meeting of Congress I have occupied less than one minute of the time of the Senate. I hope, therefore, that members will repress their inclination to object, at least till they understand what I want. [Laughter.] I move for the present consideration and passage of the bill. It has been acted upon by the House and recommended by the Postmaster-General, and meets the approbation of the chairman of the Committee on Post-Offices and Post-Roads of the Senate.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. EDMUNDS. Let us have it read for information.

The PRESIDENT *pro tempore*. The bill will be read for information.

The Chief Clerk read the bill. It declares the road leading from Concordia, or Flint Island post-office, in Kentucky, to Mooleyville, Kentucky, to be a post-road.

Mr. HAMLIN. I will state for the consideration of the Senate, that the present post-road which reaches those points is very much in the nature of a triangle. They are at the Department very soon to relet the mail service on those routes. If this amendment shall pass, they will cut across a point of the angle, and will perform the service which they now perform with about four miles of distance saved; and as they will very soon be preparing their advertisements, and as this will save transporting the mail over four or five miles of route that we are now transporting it over, I think it as well that the bill should pass.

Mr. EDMUNDS. You will add more transportation instead of making it shorter.

Mr. HAMLIN. O, no.

Mr. EDMUNDS. I fear the mail will be run both ways.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MISSISSIPPI ELECTION.

The PRESIDENT *pro tempore*. If there be no further resolutions the Chair will call up the unfinished business, which is the resolution of the Senator from Indiana, which will be read.

The Chief Clerk read the resolution submitted by Mr. MORTON on the 15th instant, providing for the appointment of a special committee to inquire as to the recent election in Mississippi.

Mr. EATON. I rise to ask the Senator from Indiana whether he will not consent to postpone the resolution to a future day. I should like to have it go over until after the holidays.

Mr. MORTON. I will state that I have been advised that there will be further debate on this resolution, and I am also advised that a number of Senators want to leave the city this afternoon. I should be very glad myself to have the resolution disposed of, but I shall not attempt to press it under the circumstances if Senators desire to have it go over. A number of Senators are absent, and others, I am told, are just ready to leave; and if the discussion were prolonged I should expect to find the Senate without a quorum this afternoon.

Mr. THURMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session the doors were reopened, and (at one o'clock and five minutes p. m.) the Senate adjourned, the adjournment being by the concurrent resolution of the two Houses to the 5th of January, 1876.

HOUSE OF REPRESENTATIVES.

MONDAY, *December* 20, 1875.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of Friday last was read and approved.

LONGEVITY ALLOWANCE OF PAY.

The SPEAKER laid before the House a communication from the Secretary of War, inclosing the petition of 100 officers of the Army, asking that the laws may be so amended as to permit officers who have served as regulars or volunteers to count that service; which was referred to the Committee on Military Affairs, and ordered to be printed.

WAGES AND SUBSISTENCE OF WORKING CLASSES.

The SPEAKER also laid before the House a communication from the Secretary of the Treasury, transmitting a special report of Mr. Edward Young, Chief of the Bureau of Statistics, on the rates of wages, cost of subsistence, and the condition of the working classes in Great Britain, Germany, France, Belgium, and other countries in Europe, also in the United States and British America; which was referred to the Committee on Ways and Means, and ordered to be printed.

RED CLOUD AGENCY.

The SPEAKER also laid before the House a communication from the Acting Secretary of the Interior, transmitting, in compliance with a resolution of the House passed December 17, 1875, a printed copy of the report of the special commission appointed to investigate the affairs of the Red Cloud Indian agency, together with the testimony and accompanying documents; which was referred to the Committee on Indian Affairs.

LEAVE OF ABSENCE.

Mr. GOODIN was granted indefinite leave of absence on account of sickness in his family.

COMMITTEES OF THE HOUSE.

The SPEAKER announced the following committees of the House for the Forty-fourth Congress:

Committee on Elections—Messrs. Harris of Virginia, Thompson, Blackburn, Beebe, House, De Bolt, Poppleton, Hoar, Wells of Mississippi, Baker of Indiana, and Brown of Kansas.

Committee on Ways and Means—Messrs. Morrison, Wood of New York, Hancock, Thomas, Hill, Chapin, Tucker, Blaine, Kelley, Garfield, and Burchard of Illinois.

Committee on Appropriations—Messrs. Randall, Holman, Wells of Missouri, Atkins, Hamilton of New Jersey, Blount, Singleton, Wheeler, Hale, Foster, and Waldron.

Committee on Banking and Currency—Messrs. Cox, Payne, Goode, Gibson, Haymond, Burchard of Wisconsin, Wike, Townsend of Pennsylvania, Kasson, Eames, and Hubbell.

Committee on the Pacific Railroad—Messrs. Lamar, Atkins, Luttrell, Walker of Virginia, Lynde, Throckmorton, Thomas, Philips of Missouri, Garfield, Kasson, Platt, O'Neill, and Blair.

Committee on Claims—Messrs. Bright, Neal, Brown of Kentucky, Robbins of North Carolina, Tarbox, Cochrane, Philips of Missouri, Pratt, Bass, Bradley, and Cason.

Committee on War Claims—Messrs. Eden, Milliken, Warren, Cabell, Ellis, New, Caldwell of Alabama, Conger, Smith of Pennsylvania, Wilson of Iowa, and Hoskins.

Committee on Commerce—Messrs. Hereford, Ward, Durand, Reagan, Piper, Kehr, Pierce, Felton, Hunter, Ross of Pennsylvania, and Dunnell.

Committee on the Public Lands—Messrs. Sayler, Goodin, Fuller, McFarland, Walling, Gause, Lane, Hathorn, McDill, Morey, and Crounse.

Committee on the Post-Office and Post-Roads—Messrs. Clark of Missouri, Waddell, Luttrell, Ainsworth, Walker of New York, McMahon, Slemons, Cannon of Illinois, Miller, Stowell, and Wallace of South Carolina.

Committee on Manufactures—Messrs. Stone, Dibrell, Ross of New Jersey, Williams of Alabama, Hopkins, Money, Burchard of Wisconsin, Farwell, Ballou, Williams of New York, and Hyman.

Committee on Agriculture—Messrs. Caldwell of Alabama, Harris of Georgia, Maish, Davis, Rea, Goodin, Anderson, Smith of Pennsylvania, Rusk, Van Vorhes, and Smalls.

Committee on Indian Affairs—Messrs. Scales, Wilshire, Boone, Sparks, Hooker, Morgan, Lane, Seelye, Page, Van Vorhes, and Tufts.

Committee on Military Affairs—Messrs. Banning, Glover, A. S. Williams, Terry, Cook, John Reilly, Hardenbergh, MacDougall, Thornburgh, Hurlbut, and Strait.

Committee on the Militia—Messrs. Cowan, Hereford, Bell, Scales, Candler, Walsh, Tarbox, Ross of Pennsylvania, Darrall, Crounse, and King.

Committee on the District of Columbia—Messrs. Buckner, Neal, Phelps, Cate, Hartridge, Henkle, Stevenson, McCrary, Willard, Hendee, and Phillips of Kansas.

Committee on the Judiciary—Messrs. Knott, Hunton, Ashe, Lynde, Lord, Hurd, Caulfield, McCrary, Lawrence, Frye, and Starkweather.

Committee on Public Expenditures—Messrs. Milliken, Hatcher, Terry, Cowan, Dibrell, James B. Reilly, Campbell, Whiting, Norton, Wood of Pennsylvania, and Haralson.

Committee on Private Land Claims—Messrs. Gunter, Buckner, Parsons, Powell, Candler, Levy, Ainsworth, Ketchum, Joyce, Cannon of Illinois, and Lapham.

Committee on Naval Affairs—Messrs. Whitthorne, Lewis, Mills, Jones of New Hampshire, Willis, Williams of Delaware, Robbins of Pennsylvania, Burleigh, Harris of Massachusetts, Hays, and Danford.

Committee on Foreign Affairs—Messrs. Swann, Faulkner, Banks, Barnum, Ely, Hamilton of Indiana, Springer, Forney, Monroe, Williams of Wisconsin, and Packer.

Committee on the Territories—Messrs. Southard, Caldwell of Tennessee, Mutchler, Franklin, Meade, Culberson, Wigginton, Fort, Mackey of South Carolina, Freeman, G. A. Bagley, and Patterson.

Committee on Revolutionary Pensions and War of 1812—Messrs. Hunton, Bland, Phelps, Clarke of Kentucky, Hurd, Davis, Schumaker, Townsend of New York, Dobbins, Henderson, and Williams of New York.

Committee on Invalid Pensions—Messrs. Jenks, Bagby, Wilson of West Virginia, Bliss, Hewitt of Alabama, Rice, Yeates, Rusk, Sinnickson, Furman, and Rainey.

Committee on Railways and Canals—Messrs. Jones of Kentucky, Stone, Savage, Meade, Schleicher, Mackey of Pennsylvania, Landers of Indiana, Davy, Henderson, Frost, and Hoge.

Committee on Mines and Mining—Messrs. Bland, Turney, Durham, Potter, Odell, Gibson, Campbell, Evans, Woodburn, Caswell, and Lynch.

Committee on Education and Labor—Messrs. Walker of Virginia, Lamar, Faulkner, Cutler, Stenger, Clark of Missouri, Springer, Hoar, Magoon, White, and Nash.
Committee on Revision of the Laws of the United States—Messrs. Durham, Southard, Bell, Metcalfe, Teese, Douglas, Sparks, Crapo, Denison, Oliver, and Robinson.
Committee on Coinage, Weights, and Measures—Messrs. Stephens of Georgia, O'Brien, Potter, Sayler, Parsons, Levy, Maish, Willard, Williams of Wisconsin, Chittenden, and Seelye.
Committee on Patents—Messrs. Vance of North Carolina, J. H. Bagley, Douglas, Landers, Hartzell, Clarke of Kentucky, Smith of Georgia, Conger, Dobbins, Sampson, and Hoge.
Committee on Public Buildings and Grounds—Messrs. Holman, Wells, Harrison, Cook, Hewitt of New York, Walsh, Young, W. B. Williams, Woodworth, Plaisted, and Kimball.
Committee on Reform in the Civil Service—Messrs. Whitehouse, Brown of Kentucky, Throckmorton, Payne, Collins, De Bolt, Cutler, Hurlbut, Harris of Massachusetts, Foster, and Leavenworth.
Committee on Mileage—Messrs. Egbert, Bradford, Odell, Caswell, and Walls.
Committee on Accounts—Messrs. Williams of Indiana, Roberts, Powell, Hoskins, and Fort.
Committee on Expenditures in the State Department—Messrs. Springer, Thompson, Caldwell of Tennessee, Wallace of Pennsylvania, and Leavenworth.
Committee on Expenditures in the Treasury Department—Messrs. Ely, Bright, Hartzell, W. B. Williams, and Plaisted.
Committee on Expenditures in the War Department—Messrs. Clymer, Robbins of North Carolina, Blackburn, Bass, and Danford.
Committee on Expenditures in the Navy Department—Messrs. Beebe, Mills, Sheakley, Burleigh, and Baker of New York.
Committee on Expenditures in the Post-Office Department—Messrs. Stone, Reagan, Walker of New York, Stowell, and Adams.
Committee on Expenditures in the Interior Department—Messrs. Mutchler, Boone, Anderson, Woodworth, and Tufts.
Committee on Expenditures in Department of Justice—Messrs. Caulfield, Candler, House, Starkweather, and Joyce.
Committee on Expenditures on Public Buildings—Messrs. Metcalfe, Wilson of West Virginia, Bagby, Pratt, and Townsend of New York.
Committee on the Rules—The Speaker, Messrs. Randall, Cox, Blaine, and Banks.
Select Committee on the Mississippi Levees—Messrs. Ellis, Hatcher, Wilshire, Money, Roberts, Young, Sheakley, Dunnell, Whiting, Morey, and Wallace of Pennsylvania.
Joint Committee on Printing—Messrs. Vance of Ohio, Singleton, and Ballou.
Joint Committee on the Library—Messrs. Clymer, Waddell, and Monroe.
Joint Committee on Enrolled Bills—Messrs. Harris of Georgia, Hamilton of Indiana, and Darrall.
Select Committee on the Centennial Celebration and the proposed National Census of 1875—Messrs. Hopkins, Hancock, Barnum, Banks, Harrison, O'Brien, A. S. Williams, Hardenbergh, Kelley, Blaine, Lawrence, Baker of New York, and Rainey.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced to the House that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. No. 282) to declare the road leading from Concordia, Kentucky, to Mooleyville, Kentucky, a post-road; and

A bill (H. R. No. 283) to change the name of the steamer Tom Jasper, of Saint Louis, Missouri.

ADJOURNMENT.

Mr. RANDALL. In pursuance of an agreement unanimously entered into on the last day the House was in session I move that the House now adjourn.

The motion was agreed to; and accordingly (at one o'clock and five minutes p. m.) the House adjourned pursuant to concurrent resolution of the two Houses to Wednesday, January 5, 1876.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BEEBE: The petition of Henry Theysohn, late corporal Company H, Fifty-sixth New York Veteran Volunteers, for arrears of pension, to the Committee on Invalid Pensions.

By Mr. BLAND: The petition of citizens of Missouri, for the establishment of a post-route in Crawford County, Missouri, from Cherryville to Cotewa, to the Committee on the Post-Office and Post-Roads.

By Mr. COX: The memorial of the School-Book Publishers' Board of Trade of New York City, in regard to postage on bound books, to the Committee on the Post-Office and Post-Roads.

By Mr. GIBSON: The petition of William W. Handlin, formerly judge of the third district court of New Orleans, for relief, to the Committee on the Judiciary.

By Mr. HENDEE: Joint resolution of the Legislature of Vermont, in relation to the so-called Saint Albans raid claims, to the Committee on War Claims.

Also, the petition of the Vermont Board of Agriculture, Manufactures, and Mining, for the repeal of the amendment to the postal laws which increased postage rates on third-class mail matter, to the Committee on the Post-Office and Post-Roads.

Also, the memorial of ladies of Vermont, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. McCRARY: The petition of Thomas F. Cochran, late private Company F, Twenty-fifth Iowa Volunteers, for a pension, to the Committee on Invalid Pensions.

Also, the petition of N. Strite, late private Company I, Eighteenth Iowa Volunteers, for a pension, to the Committee on Invalid Pensions.

Also, the petition of David McDonald, late private Company B, Sixth Kansas Cavalry, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Emma A. Tuttle, widow of Charles H. Tuttle, late private Company I, Twenty-seventh Ohio Volunteers, for a pension, to the Committee on Invalid Pensions.

Also, the petition of citizens of Davis County, Iowa, for the abolition of the stamp tax on bank-checks, to the Committee on Ways and Means.

By Mr. MACDOUGALL: The petition of citizens of Port Byron, New York, for the abolition of the stamp tax on bank-checks, to the Committee on Ways and Means.

By Mr. OLIVER: Resolutions of the Iowa Fine-Stock Breeders' Association, in favor of a reduction of postage rates on third-class mail matter, to the Committee on the Post-Office and Post-Roads.

By Mr. WOOD, of New York: The petition of Mrs. Annie M. Dudley, to have the charge of desertion removed from the record of her deceased husband, William H. Voorhies, *alias* William J. Brown, late of Company F, One hundred and fifty-ninth New York Volunteers, to the Committee on Military Affairs.

Also, the petition of Henry Weldon, for compensation for stores burned at Gaines's Hill, Virginia, June, 1862, to the Committee on Claims.

Also, papers relating to the claim of the heirs of Samuel P. Todd, to have certain moneys refunded alleged to have been illegally and unjustly collected by the Government, to the Committee on Claims.

By Mr. ——: The petition of Nathan Wharton, late of Company D, Ninety-second Ohio Volunteers, for a pension, to the Committee on Invalid Pensions.

IN SENATE.

WEDNESDAY, *January 5*, 1876.

Prayer by Rev. JOSEPH CROSS, D. D., of the Episcopal Church.

The Journal of the proceedings of Monday, December 20, 1875, was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of War, inviting attention to his letter of December 18, 1872, in relation to the military reservation at Fort Ransom, Dakota Territory; which was ordered to lie on the table and be printed.

He also laid before the Senate a letter of the Secretary of War, transmitting a report of the Chief of Engineers, dated December 30, 1875, and accompanying papers, in compliance with a resolution of the Senate of January 21, 1875, in relation to the amounts appropriated since 1870 for the improvement of the mouth of the Mississippi River, Fort Jackson, and Fort Saint Philip, giving the name, amount paid to each person, date of payment, and for what service; which was ordered to lie on the table and be printed.

He also laid before the Senate a report of the Secretary of War, in relation to the preparation of the official records of the war of the rebellion, both Union and confederate; which, on motion of Mr. SARGENT, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a letter of the Secretary of War, inviting attention to his letter of December 20, 1873, in relation to the military reservations at Camp Crittenden and Old Camp Grant, Arizona Territory; which was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of Charles K. Radcliffe and 75 others, citizens of Lake County, Michigan; the petition of Amaziah Jay and 12 others, citizens of Benzie County, Michigan; the petition of George W. Ayers and 20 others, citizens of Benzie County, Michigan; the petition of John D. Chandler and 21 others, citizens of Oceana County, Michigan, and the petition of J. G. Gardner and 55 others, citizens of Montcalm County, Michigan, asking that a bounty of $200 be allowed to each Union soldier and sailor, in lieu of homestead donations without actual settlement; which were referred to the Committee on Military Affairs.

He also presented a joint resolution of the Legislature of Michigan, in favor of an appropriation to construct a light-house and fog-bells at the west bar of Mackinaw Island, Michigan; which was referred to the Committee on Commerce.

He also presented a concurrent resolution of the Legislature of Michigan, in favor of amending the homestead law so that soldiers and sailors, who by the loss of limb or equivalent disability are prevented from making settlement, shall be entitled to an amount of land equal to that which they would have obtained with settlement; which was referred to the Committee on Public Lands.

He also presented a joint resolution of the Legislature of Michigan, in favor of amending the homestead law so that soldiers and sailors, their widows and orphan children, may obtain perfect title on complying with the requirements of that law as to settlement and cultivation through agents; which was referred to the Committee on Public Lands.

He also presented a concurrent resolution of the Legislature of Michigan, in favor of granting pensions to soldiers and widows of deceased soldiers of the war of 1812 who have been honorably dis-

charged after five days' service; which was referred to the Committee on Pensions.

He also presented a joint resolution of the Legislature of Michigan, asking Congress for an appropriation for the improvement of the harbor at Holland, Michigan; which was referred to the Committee on Commerce.

Mr. HAMLIN presented the petition of Sarah E. Bowden, of Castine, Maine, widow of Lorenzo D. Bowden, late a private in Company K, Sixteenth Regiment Maine Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the petition of A. A. Haynes, praying for an amendment to the fifteenth section of the act to revise, consolidate, and amend the laws of the United States in relation to pensions, extending the time in which to file applications for pensions; which was referred to the Committee on Pensions.

Mr. CONKLING presented the petition of certain citizens of the city of New York, praying an amendment to the Constitution of the United States inhibiting the appropriation of money for any religious body or sect; which was referred to the Committee on the Judiciary.

He also presented the petition of David Ogden and other shipowners of New York, praying the return of certain moneys paid as "permit money" on the entrance of ships owned by them at the port of New York; which was referred to the Committee on Commerce.

Mr. SARGENT. I present the petition of Henry C. Bateman, of California, representing that he was the owner of property destroyed on board the ship Commonwealth by the rebel cruiser Florida, which was wholly lost. He states that by some misinformation he was misled as to the time in which to present the claim, and asks that the law may be so amended as to extend the time during which such claims may be filed. I move the reference of the petition to the Committee on the Judiciary.

The motion was agreed to.

Mr. SARGENT. I also present a copy of a petition (the original having been presented in the other House, the copy being certified by a United States commissioner) of a large number of officers and seamen upon American ships, praying payment for clothing, outfit, and property of every kind destroyed by the rebel cruiser Shenandoah, stating that by reason of absence in the pursuit of their avocation and for other causes they have not been able to file their claim in time, and asking that there may be an extension of time during which such claims may be filed. I move that this paper be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. FRELINGHUYSEN presented the petition of George W. Hunt, of Jersey City, New Jersey, administrator of and one of the heirs to the estate of Walter Hunt, deceased, praying the extension of letters-patent granted to Walter Hunt for the invention of a machine for the manufacture of paper and cloth collars; which was referred to the Committee on Patents.

Mr. PADDOCK presented four petitions of lawyers and others, citizens of Nebraska, praying Congress to provide by law for the holding of one or more terms of the United States circuit and district courts per year at the city of Lincoln, the capital of that State; which were referred to the Committee on the Judiciary.

Mr. DAWES presented the memorial of Mrs. Sarah J. Spencer and others of the board of trustees of the Girls' Reform School of the District of Columbia, praying the passage of a bill providing for the purchase of a site and the construction of buildings for the use of that school; which was referred to the Committee on the District of Columbia.

Mr. MITCHELL presented the memorial of the Board of Trade of Portland, Oregon, praying an appropriation for the construction of a canal and locks at the Cascades of the Columbia River; which was referred to the Committee on Commerce.

He also presented the petition of St. Julian Hugh Edwards, a citizen of the United States and a resident of Amoy, China, praying restitution of fine and costs and damages for imprisonment imposed by a consular court in Amoy, China; which was referred to the Committee on Foreign Relations.

Mr. CHRISTIANCY presented a joint resolution of the Legislature of Michigan, in favor of an appropriation for the improvement of the harbor at Holland, Michigan; which was referred to the Committee on Commerce.

He also presented a joint resolution of the Legislature of Michigan, in favor of an appropriation for a light-house and fog-bells at West Bar, off Mackinaw Island; which was referred to the Committee on Commerce.

He also presented two petitions of citizens of Michigan, praying that each Union soldier may be allowed $200 in greenbacks instead of one hundred and sixty acres of the public lands; which were referred to the Committee on Public Lands.

Mr. HOWE presented a memorial of citizens of Brown County, Wisconsin, praying an appropriation sufficient to complete the Fox River improvement and also to construct an ample canal along the bank of the Wisconsin River from Portage City, Wisconsin, to the Mississippi River; which was referred to the Committee on Commerce.

Mr. WITHERS presented the petition of Mary W. Jones, widow of the late Commodore Thomas Ap C. Jones, United States Navy, praying for an increase of pension; which was referred to the Committee on Pensions.

Mr. KEY presented the petition of Michael W. Brock, a citizen of Meigs County, Tennessee, praying the allowance of his claim against the Government of the United States for services as private in Company D, Tenth Tennessee Volunteers, and for relief from an erroneous charge of $225 for a horse, horse equipments, carbine, pistols, and saber never received by him; which was referred to the Committee on Claims.

Mr. KERNAN presented the petition of Albert Fuller, of New York, praying for the extension of a patent granted to him for a water faucet; which was referred to the Committee on Patents.

Mr. MORRILL, of Maine, presented the memorial of James N. Carpenter, paymaster United States Navy, praying for the passage of an act authorizing the accounting officers of the Treasury Department to credit him in the settlement of his accounts with certain amounts lost in consequence of the embezzlement of his clerk and the failure of Jay Cooke & Co.; which was referred to the Committee on Naval Affairs.

Mr. HARVEY presented a copy of resolutions of the Kansas State Horticultural Society, asking Congress to provide for an investigation as to the habits of the Rocky Mountain locusts or so-called grasshoppers; which was referred to the Committee on Agriculture.

Mr. BOUTWELL presented the memorial of Henry A. Brown, of Wareham, Massachusetts, late special agent of the United States Treasury Department, praying for a hearing on the subject of revenue frauds by undervalutions and other practices; which was referred to the Committee on Finance.

Mr. STEVENSON presented additional papers in the case of Thomas M. Redd, of Paducah, Kentucky, praying compensation for property taken and destroyed by the United States troops in 1864; which, together with his petition and papers now on the files of the Senate, were referred to the Committee on Claims.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. SHERMAN, from the Committee on Finance, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the commissioners of the Freedman's Savings and Trust Company of the District of Columbia are hereby directed to communicate to the Senate a detailed statement of the assets of said company remaining undistributed and of the assets collected or changed in any way since the day of their report transmitted to the House of Representatives on the 14th of December, 1874.

BILLS INTRODUCED.

Mr. SHERMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 141) to amend an act entitled "An act amending the charter of the Freedman's Savings and Trust Company, and for other purposes," approved June 20, 1874; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. DAWES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 142) providing for the purchase of a site and the construction of buildings for a girls' reform school in the District of Columbia; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 143) providing for the removal of the Walla Walla, Cayuse, and Umatilla tribes and bands of Indians onto a permanent reservation, and to open to settlement the Umatilla reservation in Oregon; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 144) to provide for the construction of a telegraph line from Fort Canby, via Fort Stevens and Astoria, to Portland, Oregon; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 145) for the further improvement of the Willamette River, Oregon; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 146) extending the time for the completion of the Oregon Central Railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon; which was read twice by its title, referred to the Committee on Railroads, and ordered to be printed.

Mr. STEVENSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 147) to refund to William Watts, of the county of Boone and State of Kentucky, the sum of $5,610, illegally taken and received from him and paid into the Treasury of the United States by the collector of internal revenue for the sixth Kentucky district, in excess of the amount of lawful tax collected upon the sale of 28,031 pounds of manufactured tobacco on the 28th day of June, 1864; which was read twice by its title.

Mr. STEVENSON. I ask that the bill be referred to the Committee on Finance.

Mr. WRIGHT. I suggest to the Senator from Kentucky that that bill should go to the Committee on Claims, unless there is some special reason why it should be referred to the Committee on Finance.

Mr. STEVENSON. The Committee on Finance is the proper committee. All claims growing out of revenue have gone to the Committee on Finance. This is a claim for an illegal tax exacted on the article

of tobacco contrary to law, which has already gone into the Treasury of the United States. The usage of the Senate, so far as my experience goes, has always been to refer such bills to the Committee on Finance.

Mr. SARGENT. I ask for the reading of the title.

The title of the bill was read.

Mr. SHERMAN. That is simply to pay a private claim, and it seems to me it ought to go to the Committee on Claims. The mere fact that the claim grows out of the collection of revenue ought not to control its reference.

Mr. EDMUNDS. It evidently is not a bill to raise revenue.

Mr. SHERMAN. It is a mere private bill.

Mr. STEVENSON. I have not the slightest objection to the reference of the bill to the Committee on Claims. I am sure, however, that the archives of the Senate will bear me out in saying that such bills have been referred to the Committee on Finance since I have been in the Senate. I know I have seen reports on bills precisely like this from the Finance Committee, both adverse and favorable; but if the chairman of the Committee on Finance thinks it ought to go to the Committee on Claims I have no objection, and will move its reference to that committee.

Mr. SHERMAN. I ought to remark, though I do not now recall a case, that claims made by officers of the internal revenue have been sent to the Committee on Finance, but even then it is very doubtful whether that reference was proper. Certainly I do not now recall any cases of claims of private citizens which have been referred to that committee and reported by it, though perhaps there may have been such cases.

Mr. BAYARD. I think the Senator from Kentucky is quite correct as to the custom of the Committee on Finance taking cognizance of claims of this character, which are based upon an error by the collection officers of the Government. Since I have been upon that committee a great many claims of that character have been submitted to me, and reports have been made upon measures for the relief of persons claiming sums which were paid through error or under a misconstruction of law by the revenue officers. I merely say that as matter of fact, though as the Senator from Kentucky has amended his motion the subject is of no great importance.

Mr. WRIGHT. I wish to say one word. I think there have been instances where cases of this kind have been referred to the Committee on Finance without objection. I can myself recall cases, however, where references have been made to the Committee on Finance, and they have reported them back to the Senate, and they have then gone to the Committee on Claims. I think as a rule they have gone to the Committee on Claims, where in my opinion they more properly belong.

Mr. STEVENSON. As to the precedent, I think claims of this character have always been referred to the Committee on Finance. So claims strictly military in their character, arising purely out of transactions with the Army, or asking for compensation touching military reservations, have always been referred to the Committee on Military Affairs. Such has been the action of the Senate for twenty years; but if it is proposed now to refer everything to the Committee on Claims, and that no claim which is private in its nature shall go to any other committee, I acquiesce with pleasure and agree that such bills shall go that way.

The PRESIDENT *pro tempore*. If there be no objection, the bill will be referred to the Committee on Claims. The Chair hears none, and it will be so referred.

Mr. CONKLING, (by request,) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 148) authorizing the President of the United States to nominate William Welch to the grade of commander in the United States Navy; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 149) to amend the act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. KELLY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 150) to provide for the removal of the Walla Walla, Cayuse, and Umatilla Indians from the Umatilla reservation in Oregon and for the sale of their lands; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. DORSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 151) to define certain crimes and the punishment thereof; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 152) relating to the promotion of commodores on the retired list of the Navy; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 153) to grant the right of way for railroad purposes through the United States arsenal grounds near Benicia, California; which was read twice by its title.

Mr. SARGENT. In the last Congress there were some papers—memorials and maps—relating to this matter which were before the Committee on Military Affairs. I presume they are now on the files of the Senate. I move that these papers be referred, with the bill, to the Committee on Military Affairs, and that the bill be printed.

The motion was agreed to.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 154) for the relief of Lewis Rose and other persons, claiming title to lands within the lines of the military reservation at San Diego, California; which was read twice by its title.

Mr. SARGENT. This bill was introduced at the last session by my then colleague, (Mr. Hager,) and was sent to the Committee on Public Lands. I move that this bill be referred to that committee and that the papers on file in the case be withdrawn to accompany it, and that the bill be printed.

The motion was agreed to.

Mr. CLAYTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 155) to amend sections 533, 556, and 572 of the Revised Statutes of the United States; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 156) authorizing terms of the United States district court to be held at Fort Gibson, Indian Territory; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. MORRILL, of Vermont, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 157) to further provide for the redemption of legal-tender United States notes in accordance with existing law; which was read twice by its title.

Mr. MORRILL, of Vermont. It is perhaps proper to state that I introduce this bill on my own responsibility solely. I assume that there are no Senators here who propose to repeal the law for the resumption of specie payments passed at the last session; and it is only my purpose in introducing this bill to make that law easier of execution, and to remove any apprehension as to its derangement of the business interests of the country. I shall to-morrow, after the morning hour, ask leave to submit some remarks in explanation of the bill and in relation to the general financial topics involved. I move that it lie on the table and be printed.

The motion was agreed to.

Mr. HARVEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 158) to provide for an investigation as to the habits of the Rocky Mountain locusts or so-called grasshoppers; which was read twice by its title, referred to the Committee on Agriculture, and ordered to be printed.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 159) for the relief of Joseph Dunlap, a settler on the Kansas Indian lands in Kansas; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 160) for the relief of S. K. Thompson; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 161) supplementary to the several acts relating to pensions and bounty lands; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. ALLISON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 162) to divide the State of Iowa into two judicial districts; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. CRAGIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 163) for the relief of J. M. Thompson, late captain First South Carolina Volunteers, afterward Thirty-third United States Colored Troops; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. BOOTH asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 164) in relation to fruit-brandy, and to punish frauds regarding the same; which was read twice by its title.

Mr. BOOTH. As this bill relates to the collection of the tax on brandy, I move that it be referred to the Committee on Finance and be printed.

The motion was agreed to.

Mr. KEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 165) for the relief of Michael W. Brock, of Meigs County, Tennessee, late a private in Company D, Tenth Tennessee Volunteers; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 166) to amend section 1225 of the Revised Statutes of the United States; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. HOWE (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 167) for the relief of Sarah E. Wedelstedt, of Manitowoc, Wisconsin; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

DEATH OF THE VICE-PRESIDENT.

Mr. BOUTWELL. I take this occasion, Mr. President, to say that on Thursday of next week I propose to submit to the Senate, for con-

sideration then, a resolution relating to the services and public character of the late Vice-President of the United States.

HYDROGRAPHIC SURVEY OF ARKANSAS RIVER.

Mr. DORSEY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Select Committee on Transportation Routes to the Seaboard be, and the same is hereby, directed to inquire and report whether the interests of the General Government do not demand that a complete hydrographic survey be made of that portion of the Arkansas River between Fort Smith, in the State of Arkansas, and Pueblo, in the Territory of Colorado, to determine whether that portion of said river is now, or can be made, navigable by the removal of any obstruction that may be in existence.

Mr. DORSEY. I move that the resolution be printed.

The motion was agreed to.

IMPROVEMENT OF WHITE RIVER.

Mr. DORSEY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Select Committee on Transportation Routes to the Seaboard be, and the same is hereby, directed to inquire into, and report upon, the feasibility of improving the navigation of White River, by removing the obstructions at Buffalo Shoals; and, further as to the practicability of deepening the channel and removing such other obstructions as may exist in said river, so as to open it for navigation by light-draught steamers from Newport, Arkansas, to the town of Forsyth, in the State of Missouri.

MILITARY ARRESTS IN ALASKA.

The PRESIDENT *pro tempore*. If there be no further resolutions, the Chair will lay before the Senate the resolutions lying on the table. The first is one submitted by the Senator from Oregon [Mr. MITCHELL] on the 16th of December; which will be read.

The Chief Clerk read as follows:

Resolved, That the President be requested to furnish the Senate, if not incompatible with the public service, with a statement of the number of military arrests made in the Territory of Alaska during the past five years, together with the date of each, the charge on which made in each case, the names of the persons arrested, and the period and character of the imprisonment of each in that Territory before trial or surrender to the civil authorities for trial.

Mr. SHERMAN. I have no objection to the resolution; but as it calls for a large amount of information, which may be voluminous or may not be—I do not know which—I think it had better be referred to the Committee on Military Affairs. If they report it back I certainly shall vote for it; but I think all these resolutions of inquiry, calling for a large amount of work to be done by the Departments, ought to be referred to the proper committees. I therefore make the motion to refer the resolution to the Committee on Military Affairs.

The PRESIDENT *pro tempore*. The Chair will observe to the Senator from Ohio that the Senator who offered the resolution is not in his seat.

Mr. SHERMAN. Let it lie on the table then.

The PRESIDENT *pro tempore*. The resolution will lie on the table for the present, if there be no objection.

NATIONAL AND STATE RIGHTS.

The PRESIDENT *pro tempore*. The Chair will call up the next resolution on the table, which is the concurrent resolution submitted by the Senator from Indiana [Mr. MORTON] on the 15th of December.

Mr. MORTON. Mr. President, I understand that my colleague [Mr. MCDONALD] desires to offer certain resolutions as a substitute for mine, and he is not present to-day. I am also advised that other Senators desire to debate the question; therefore I ask to have it lie over.

The PRESIDENT *pro tempore*. The resolution will lie over, if there be no objection.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HAMLIN, it was

Ordered, That the petition and papers in the case of Josiah Wardwell be taken from the files and referred to the Committee on Claims.

On motion of Mr. HAMLIN, it was

Ordered, That the petition and papers in the case of Lucy J. Thomas be taken from the files and referred to the Committee on Claims.

On motion of Mr. PADDOCK, it was

Ordered, That the petition and papers of Frederick F. Baury be taken from the files and referred to the Committee on Naval Affairs.

On motion of Mr. ANTHONY, it was

Ordered, That the petition and papers in the case of Asbury Dickins be taken from the files and referred to the Committee on Claims.

On motion of Mr. ANTHONY, it was

Ordered, That the petition and papers in the case of Charles B. Phillips be taken from the files and referred to the Committee on Claims.

On motion of Mr. CONKLING, it was

Ordered, That the petition and papers of John Cummins be taken from the files and referred to the Committee on Claims.

On motion of Mr. COOPER, it was

Ordered, That the petition and papers of William H. Oliver be taken from the files and referred to the Committee on Pensions.

Mr. COOPER. I offer the following order:

Ordered, That the papers in the case of William D. Dorris be taken from the files and referred to the Committee on Military Affairs.

Mr. WRIGHT. I desire to inquire whether that case was before the Committee on Military Affairs before?

Mr. COOPER. Yes, sir.

Mr. WRIGHT. And whether there has or has not been an adverse report?

Mr. COOPER. There has been no adverse report.

The order was agreed to.

MISSISSIPPI ELECTION.

The PRESIDENT *pro tempore*. The business of the morning hour having expired, the Chair will call up the unfinished business, which is a resolution submitted by the Senator from Indiana [Mr. MORTON] on the 15th of December.

Mr. MORTON. Mr. President, that is the Mississippi resolution, is it not?

The PRESIDENT *pro tempore*. It is.

Mr. MORTON. Unless some Senator desires to debate that resolution to-day, I ask to have it go over until Monday.

The PRESIDENT *pro tempore*. The resolution will be passed over, if there be no objection.

EXECUTIVE SESSION.

Mr. SARGENT. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eleven minutes spent in executive session the doors were re-opened, and (at one o'clock p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January* 5, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of Monday, December 20, 1875, was read and approved.

ADDITIONAL MEMBER SWORN IN.

The credentials of H. T. Riddle, member-elect from the fourth congressional district of the State of Tennessee for the unexpired term of S. M. Fite, deceased, were read by the Clerk, and Mr. RIDDLE presented himself and qualified by taking the modified oath of July 11, 1868.

STONINGTON, CONNECTICUT.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, relative to a small brick structure erected in 1813 at Stonington, Connecticut, and asking for its sale; which was referred to the Committee on Military Affairs, and ordered to be printed.

BOIS BLANC ISLAND, MICHIGAN.

The SPEAKER also laid before the House a letter from the Secretary of War, inviting attention to his letter of December 7, 1874, in reference to the military reservation on Bois Blanc Island, Michigan, and renewing the recommendation therein made; which was referred to the Committee on Military Affairs, and ordered to be printed.

FORT CUMMINGS, NEW MEXICO.

The SPEAKER also laid before the House a letter from the Secretary of War, recommending the transfer of the Fort Cummings buildings and reservation to the custody of the Secretary of the Interior; which was referred to the Committee on Military Affairs, and ordered to be printed

CAPE FEAR RIVER.

The SPEAKER also laid before the House a letter from the Chief of Engineers, recommending an appropriation for the prosecution of work at the mouth of Cape Fear River; which was referred to the Committee on Commerce, and ordered to be printed.

DETROIT RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the report of Major Weitzel, board of engineers, on the improvement of the Detroit River, and inviting attention to the suggestion of the Chief of Engineers, that an appropriation be made for the improvement of the same at the Lime Kilns; which was referred to the Committee on Commerce, and ordered to be printed.

HOSPITAL FOR FORT LEAVENWORTH PRISON.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting an estimate for a hospital for Fort Leavenworth military prison, and asking an appropriation; which was referred to the Committee on Appropriations, and ordered to be printed.

CAMP BROOKE MILITARY RESERVATION, CALIFORNIA.

The SPEAKER also laid before the House a letter from the Secretary of War, inviting attention to his letter of January 4, 1875, (House Executive Document No. 80, Forty-third Congress, second session,) relative to the Camp Brooke military reservation, in Shasta County, California, and renewing the recommendation contained therein; which was referred to the Committee on Military Affairs, and ordered to be printed.

INDEMNITY OF ARMY OFFICERS FOR LOSS BY FIRE.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a petition of six officers of the Third Artillery for indemnity for loss by fire at Fort Hamilton, New York; which was referred to the Committee on Military Affairs, and ordered to be printed.

IMPROVEMENT AT FORT BROWN, TEXAS.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to jetties to protect the river banks at Fort Brown, Texas; which was referred to the Committee on Commerce, and ordered to be printed.

RELIEF OF SUFFERERS BY GRASSHOPPERS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting reports of the Quartermaster General and Commissary General of Subsistence, made in compliance with the act of February 10, 1875, for the relief of sufferers by grasshoppers; which was referred to the Committee on Agriculture, and ordered to be printed.

CHANNEL BETWEEN STATEN ISLAND AND NEW JERSEY.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, in compliance with section 3 of the river and harbor act of March 3, 1875, a copy of the report and map of the board of engineers on the plan for the improvement of the channel between Staten Island and New Jersey; which was referred to the Committee on Commerce, and ordered to be printed.

MILITARY ROAD FROM ASTORIA TO SALEM, OREGON.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting correspondence relative to the military road from Astoria to Salem, Oregon; which was referred to the Committee on Military Affairs, and ordered to be printed.

LIEUTENANT JAMES B. SINCLAIR.

The SPEAKER also laid before the House a communication from James B. Sinclair, first lieutenant United States Army, (retired,) asking that he be retired as a captain; which was referred to the Committee on Military Affairs, and ordered to be printed.

HARLEM RIVER—STURGEON BAY SHIP-CANAL.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the report of the Chief of Engineers and a copy of the report of Major D. C. Houston on the improvement of Harlem River, New York, and the condition of the harbor of refuge at the mouth of Sturgeon Bay ship-canal, Wisconsin; which was referred to the Committee on Commerce, and ordered to be printed.

GOVERNMENT BUILDINGS AT BALTIMORE.

The SPEAKER also laid before the House the report of the special commission, composed of the Secretary of the Treasury, Postmaster-General, and the Supervising Architect, on the Government buildings at Baltimore; which was referred to the Committee on Appropriations, and ordered to be printed.

SOUTHERN WAR CLAIMS.

The SPEAKER also laid before the House a letter from the commissioners of claims, transmitting eleven special reports, in addition to their fifth general report; which was referred to the Committee on War Claims, and ordered to be printed.

ALASKA SEAL FISHERIES.

The SPEAKER also laid before the House a letter from the Secretary of the Navy, transmitting, in compliance with the resolution of the House of December 14, 1875, a copy of the report of Lieutenant Washburn Maynard, United States Navy, on the subject of the Alaska seal fisheries; which was referred to the Committee on Commerce, and ordered to be printed.

SISSETON AND WAHPETON INDIANS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting the draught of a bill providing for a modification of the requirement of the fifth article of the treaty of February 19, 1867, with the Sisseton and Wahpeton bands of Sioux Indians, and recommending the same to the consideration of Congress; which was referred to the Committee on Indian Affairs, and ordered to be printed.

CORRECTION OF REVISED STATUTES.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting reports of heads of Bureaus of the War Department showing inaccuracies and omissions in the Revised Statutes; which was referred to the Committee on Revision of the Laws of the United States, and ordered to be printed.

CAMP CADY MILITARY RESERVATION.

The SPEAKER also laid before the House a letter from the Secretary of War, inviting attention to his letter of April 22, 1874, relative to the Camp Cady military reservation, in California, and asking authority to relinquish the same to the custody of the Secretary of the Interior; which was refefred to the Committee on Military Affairs, and ordered to be printed.

REBELLION RECORDS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report of the work and progress on the rebellion records and the amount of appropriation on hand January 1, 1876; which was referred to the Committee on Appropriations, and ordered to be printed.

NEW BARRACKS, FORT MONROE, VIRGINIA.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting plans for the erection of new barracks at Fort Monroe, Virginia, and asking an appropriation; which was referred to the Committee on Military Affairs, and ordered to be printed.

CLERKS IN WAR DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a list of clerks employed in the War Department from December 1, 1874, to November 30, 1875, inclusive; which was laid upon the table, and ordered to be printed.

IMPROVEMENT OF CHICAGO HARBOR, ILLINOIS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the report of Major Gillespie, Corps of Engineers, upon modification of plans for the improvement of the harbor at Chicago, Illinois, and asking an appropriation; which was referred to the Committee on Commerce, and ordered to be printed.

ARMY DISBURSING OFFICERS.

The SPEAKER. The Chair also lays before the House a letter from the Secretary of War, transmitting, in compliance with the act of April 20, 1874, reports of inspections of money accounts of disbursing officers of the Army. Accompanying this communication is an extremely voluminous document, and, unless especially ordered by the House, the Chair will direct its reference to the Committee on Military Affairs without an order to print.

There was no objection, and it was ordered accordingly.

CONTESTED-ELECTION CASE OF COX VS. STRAIT.

Mr. COX. I rise to a privileged question. I move to refer the papers in the contested-election case of E. St. Julien Cox *vs.* Strait, in the second congressional district of Minnesota, to the Committee on Elections. They are now on file in the Clerk's office.

The motion was agreed to.

CALL OF COMMITTEES.

The next business in order being the call of committees of the House for reports, the call was gone through with, commencing with the Committee on Elections, without any report being submitted.

PRESIDENT'S ANNUAL MESSAGE.

The SPEAKER. The next business in order is the call of States for resolutions, under which call bills may be introduced for reference.

Mr. MORRISON. Mr. Speaker, for the purpose of appropriate reference of the subjects embraced in the President's annual message, I move the House do now resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union (Mr. WHEELER in the chair) on the President's annual message.

Mr. MORRISON. Mr. Chairman, I offer for adoption the following resolutions:

Resolved, That so much of the annual message of the President of the United States to the two Houses of Congress at the present session, together with the accompanying documents, as relates to finances and taxation, to the redemption of United States notes, to the repeal in part of the legal-tender act and to provide for the gradual redemption of legal-tender notes, to the receipts into the Treasury, to deficiencies in the revenue, to the restoration of tea and coffee to the dutiable list and the remission of duties on certain articles imported from foreign countries, to the increase of the revenues from imposts and internal taxation, to taxing church property, to the necessary legislation for carrying into effect the treaty of reciprocity concluded between the King of the Hawaiian Islands and the Government of the United States, to the public debt and public credit, and to the ways and means of supporting and meeting the liabilities of the Government, be referred to the Committee on Ways and Means.

Resolved, That so much of said message and documents as relates to the necessary appropriations for carrying on the Government in its several departments, to deficiencies in appropriations and to deficiencies in the revenue for the maintenance and support of the Post-Office Department, to appropriations for special mail service between the South American states and the United States, to appropriations in aid of the centennial exhibition, and to special appropriations for the Army and Navy of the United States, be referred to the Committee on Appropriations.

Resolved, That so much of said message and documents as relates to banks and banking and currency and to the subject of the resumption of specie payments by the national banks be referred to the Committee on Banking and Currency.

Resolved, That so much of the said message and documents as relates to the Pacific Railroad be referred to the Committee on the Pacific Railroad.

Resolved, That so much of said message and documents as relates to claims against the Government, not including claims growing out of any war in which the United States has been engaged, be referred to the Committee on Claims.

Resolved, That so much of said message and documents as relates to claims growing out of any war in which the United States has been engaged be referred to the Committee on War Claims.

Resolved, That so much of said message and documents as relates to commerce be referred to the Committee on Commerce.

Resolved, That so much of said message and documents as relates to the public domain be referred to the Committee on the Public Lands.

Resolved, That so much of said message and documents as relates to the Post-Office Department, to ocean-mail service, to cheap and rapid transmissions of the

mails, and to a modification of the postal laws relating to the transmission of other than real mail matter through the mails, be referred to the Committee on the Post-Office and Post-Roads.

Resolved, That so much of said message and documents as relates to manufactures be referred to the Committee on Manufactures.

Resolved, That so much of said message and documents as relates to agriculture and the Department of Agriculture be referred to the Committee on Agriculture.

Resolved, That so much of said message and documents as relates to the management of Indian affairs be referred to the Committee on Indian Affairs.

Resolved, That so much of said message and documents as relates to the Army of the United States, and to providing sufficient military force to protect the citizens of Texas residing near the Texas frontier from the depredations of armed bands of Mexicans, be referred to the Committee on Military Affairs.

Resolved, That so much of said message and documents as relates to the militia be referred to the Committee on the Militia.

Resolved, That so much of said message and documents as relates to the Territory of the District of Columbia be referred to the Committee on the District of Columbia.

Resolved, That so much of said message and documents as relates to the courts and the judiciary, to the court of commissioners of Alabama claims for a further extension of time in which to complete their work, to the creation of a special court of commissioners to consider and determine upon the claims of aliens against the Government of the United States, to an additional amendment to the Constitution of the United States for the establishment and maintenance by the several States of free public schools, to defects in the laws allowing fraudulent naturalization and providing for its punishment, and for the necessary legislation in cases of expatriation and the election of nationality, to making proper provision for regulating the rights of American women when married to foreign subjects and of their issues when born in a foreign country, and to the abolition of polygamy in Utah, be referred to the Committee on the Judiciary.

Resolved, That so much of said message and documents as relates to the public expenditures be referred to the Committee on the Public Expenditures.

Resolved, That so much of said message and documents as relates to private land claims be referred to the Committee on Private Land Claims.

Resolved, That so much of said message and documents as relates to the Navy of the United States be referred to the Committee on Naval Affairs.

Resolved, That so much of said message and documents and the accompanying correspondence as relates to foreign affairs, to ocean telegraphs, and to the injurious effects of the Free Zone, so called, of the Mexican government, operating to defraud the United States Government of its revenues and depriving the merchants residing near the Texas frontier of their rightful trade, be referred to the Committee on Foreign Affairs.

Resolved, That so much of said message and documents as relates to the Territories of the United States be referred to the Committee on the Territories.

Resolved, That so much of said message and documents as relates to revolutionary pensions and the pensioners of the war of 1812 be referred to the Committee on Revolutionary Pensions and War of 1812.

Resolved, That so much of said message and documents as relates to pensions and the Pension Bureau be referred to the Committee on Invalid Pensions.

Resolved, That so much of said message and documents as relates to railways and canals be referred to the Committee on Railways and Canals.

Resolved, That so much of said message and documents as relates to mines and mining be referred to the Committee on Mines and Mining.

Resolved, That so much of said message and documents as relates to education and labor and to the Bureau of Education be referred to the Committee on Education and Labor.

Resolved, That so much of said message and documents as relates to the revision of the laws of the United States be referred to the Committee on Revision of the Laws of the United States.

Resolved, That so much of said message and documents as relates to coinage, weights, and measures, and to the mints of the United States, be referred to the Committee on Coinage, Weights, and Measures.

Resolved, That so much of said message and documents as relates to patents and the Patent Office be referred to the Committee on Patents.

Resolved, That so much of said message and documents as relates to public buildings and grounds be referred to the Committee on Public Buildings and Grounds.

Resolved, That so much of said message and documents as relates to expenditures in connection with the State Department be referred to the Committee on Expenditures in the State Department.

Resolved, That so much of said message and documents as relates to expenditures in connection with the Treasury Department be referred to the Committee on Expenditures in the Treasury Department.

Resolved, That so much of said message and documents as relates to expenditures in connection with the War Department be referred to the Committee on Expenditures in the War Department.

Resolved, That so much of said message and documents as relates to expenditures in connection with the Navy Department be referred to the Committee on Expenditures in the Navy Department.

Resolved, That so much of said message and documents as relates to expenditures in connection with the Post-Office Department be referred to the Committee on Expenditures in the Post-Office Department.

Resolved, That so much of said message and documents as relates to expenditures in the Department of the Interior be referred to the Committee on Expenditures in the Interior Department.

Resolved, That so much of said message and documents as relates to expenditures in connection with the Department of Justice be referred to the Committee on Expenditures in the Department of Justice.

Resolved, That so much of said message and documents as relates to expenditures on public buildings be referred to the Committee on Expenditures on Public Buildings.

Resolved, That so much of said message and documents as relates to the centennial celebration be referred to the Committee on the Centennial Celebration and the proposed National Census of 1875.

Mr. MORRISON. I move the adoption of these resolutions.

The motion was agreed to.

Mr. MORRISON. I move that the committee rise and report the resolutions.

The motion was agreed to.

So the committee rose; and, the Speaker having resumed the chair, Mr. WHEELER reported that the Committee of the Whole on the state of the Union had had under consideration the condition of the Union generally, and particularly the message of the President of the United States, and had directed him to report certain resolutions in relation thereto.

The SPEAKER. The question is on the adoption of the report of the Committee of the Whole on the state of the Union.

Mr. KASSON. Before the report is adopted I should be glad to have again read the resolution referring matters to the Committee on Ways and Means, especially the part relating to the greenback issue.

The SPEAKER. The gentleman from Iowa requests the reading of the resolution disposing of so much of the message as relates to the subject of the currency commonly called greenbacks. The Clerk will again read the resolution.

The resolution referring portions of the President's message to the Committee on Ways and Means was again read.

Mr. KASSON. I should like to call the attention for a moment of the chairman of the Committee on Banking and Currency as well as that of the chairman of the Committee on Ways and Means to the question, which seems always to be left a little in doubt, as to which committee is to take charge of that part of the message which relates to the legal-tender currency. By virtue of the terms of its organization the Committee on Banking and Currency has jurisdiction of all that relates to the currency of the country as well as banking. I desire to call the attention of the chairmen of those two committees to this point, in order that, if possible, they may avoid any conflict on the question, and come to some understanding as to the disposition of those portions of the President's message which relate to the legal-tenders.

Mr. MORRISON. In the division of labors the duties upon this subject of the two committees sometimes necessarily lap. The subjects are so near akin to each other, that in the discharge of the duty of separating the labors of the committees it is almost impossible to separate them so that they shall not clash in some respects; but we have followed the precedents, and kept within the line of duties of the respective committees as they are prescribed by the rules of the House. I move the previous question on the adoption of the resolutions.

Mr. BANKS. Before the gentleman presses the previous question I will ask that, before the House is called to vote upon these resolutions, that part of the resolutions referring to the portion of the message relating to the subject of expatriation and the rights of American citizens in foreign states, proposed to be referred to the Committee on the Judiciary, shall be read. We have a right to have it read before being called upon to vote upon it.

The resolution with reference to the Committee on the Judiciary was again read.

Mr. BANKS. I desire to call the attention of the chairman of the Committee on Ways and Means, who reported this resolution, to the fact that the legislation of this country which relates to the rights of American citizens abroad and the subject of expatriation has come in every instance heretofore from the Committee on Foreign Affairs. It is not a question of domestic legislation, but it is a question of foreign interests in connection with foreign governments; and such subjects have always been referred to the Committee on Foreign Affairs, and that committee reported the first and most important legislation on this subject ever adopted by any parliamentary assembly. I hope the gentleman from Illinois will listen to the chairman of the Committee on Foreign Affairs, and allow the matter to be referred to that committee.

Mr. SWANN. I desire only to say with reference to this resolution that it did not arrest my attention at the time it was read in committee. It seems to me that the subject belongs properly to the Committee on Foreign Affairs. It involves a great many questions of importance connected with our foreign relations, and I believe the custom has been heretofore to refer all questions relating to foreign relations to the Committee on Foreign Affairs. I trust, therefore, that the gentleman from Illinois will allow that subject to be referred to the Committee on Foreign Affairs instead of sending it, as now proposed, to the Committee on the Judiciary.

The SPEAKER. Does the gentleman from Illinois yield to admit the motion of the gentleman from Maryland, the chairman of the Committee on Foreign Affairs, who proposes that the question of expatriation and the rights of American citizens abroad be referred to that committee?

Mr. MORRISON. This subject was very fully considered by the Committee on Ways and Means, and it was by them considered that it embraced a legal proposition which would very properly go to the Committee on the Judiciary. The Committee on Ways and Means have no preference as to which committee shall take charge of it, and as the chairman of the Committee on Foreign Affairs thinks that it more properly belongs to his committee, if the House has no objection, I say for the Committee on Ways and Means that they have none. I therefore admit the amendment.

The SPEAKER. The gentleman from Illinois consents to admit an amendment, so far to amend the report of the Committee on Ways and Means as to refer so much of the message and documents as relates to the subject of expatriation and the rights of American citizens abroad to the Committee on Foreign Affairs.

Mr. COX. My friend from Illinois, by his resolutions, has indicated to what committee certain matters connected with the currency should go. Of course we all know that it is the most delicate question connected with our legislation. Many currency bills have already been referred to the Committee on Banking and Currency. They relate to both greenbacks and national-bank notes. If the resolutions now reported to the House from the Committee of the Whole on the state of the Union should be passed, they cannot and do not change the rule of the House. We have had this discussion here before. I have the rule in my hand, and in behalf of the committee of which I am chairman I beg simply to read it in protest against any wrong

interpretation when we hereafter refer bills. That rule is as follows:

152. It shall be the duty of the Committee on Banking and Currency to take into consideration all propositions relative to banking and the currency as shall be presented or shall come in question, and be referred to them by the House, and to report thereon by bill or otherwise.

I suppose it lies, therefore, within the pleasure of the House hereafter to send what bills may be presented on the currency to either of these committees, irrespective of resolutions which come from the Committee of the Whole.

Mr. TOWNSEND, of Pennsylvania. I desire to say that there is nothing in the rule which prevents the subject of legal-tenders from being referred to the Committee on Banking and Currency. They are a part of the currency of the country. In the last Congress they were referred to the Committee on Ways and Means, while the Committee on Banking and Currency took charge of the bill which provided for the resumption of specie payments. But we all know very well that those two committees were at cross-purposes with regard to that great matter of the currency, when it would have been best for them to be entirely in accord. Therefore I say that I trust the gentleman from Illinois, the chairman of the Committee on Ways and Means, [Mr. MORRISON,] will so far consent to a modification of this resolution as to permit the matter of legal-tenders to be referred to the Committee on Banking and Currency.

Mr. WOOD, of New York. Mr. Speaker, I do not regret that this question has been raised. It has been raised before, and been discussed very fully and freely in the House. As the gentleman from Pennsylvania [Mr. TOWNSEND] has correctly stated, during the last Congress the Committee on Ways and Means did consent, in a spirit of conciliation and kindness to the Committee on Banking and Currency and against its own conviction of right in the premises, to permit this question of greenbacks to go to that committee. But I think it is well for the House to understand precisely the relative powers of those two important committees of the House.

It will be remembered that originally the Committee on Ways and Means comprehended within its jurisdiction not only everything pertaining to the ways and means of the Government but also appropriations and also matters in reference to the Pacific railroads and matters with reference to every question of a fiscal character, whether State or national. In 1865, after the passage of the national banking act and after the duties which had been imposed upon the Committee on Ways and Means became so numerous and impossible of performance by that committee, it was suggested by the Committee on Ways and Means that there be a division of the duties which had been devolved upon that committee. The Committee on the Rules took that question into consideration, and my honored friend and colleague [Mr. COX] was the chairman of the subcommittee on the Rules which made the report to the House. That report provides for taking from the Committee on Ways and Means everything pertaining to appropriations and making a new standing committee for the purpose of considering those matters; also everything pertaining to banking and currency to be referred to a Committee on Banking and Currency; and everything relating to the Pacific railroad companies and to the credit of the Government which had been loaned to them, and the establishment of a Committee on the Pacific Railroad to consider those subjects.

Now, that the House may more distinctly understand precisely what the Committee on Rules understood to be referred to the Committee on Banking and Currency and what my colleague understood to be the limitation upon the functions of that committee, I ask the Clerk to read from the report made at that time by Mr. COX, of New York.

The Clerk read as follows:

Mr. COX. I rise to a privileged question. I call up and withdraw the motion to reconsider the vote by which the report of the Select Committee on the Rules of the House of Representatives was ordered to be printed, in order that it may be brought before the House for action. I do not think that it will detain the House long, and may be disposed of now as well as at any other time. I ask the Clerk to read the report.

The Clerk read as follows:

The Select Committee on the Rules of the House of Representatives report the following resolutions:

"*Resolved*, That Rule 74 be amended so as to add to the standing committees to be appointed at the commencement of each Congress, and to consist of nine members each:

"Committee on Appropriations.

"Committee on Banking and Currency.

"Committee on the Pacific Railroad.

"Said amendment to take effect from and after the close of the present Congress.

"*Resolved*, That the following be added to the standing rules of the House from and after the close of the present Congress:

"Rule —. It shall be the duty of the Committee on the Pacific Railroad to take into consideration all such petitions and matters or things relative to railroads or telegraph lines between the Mississippi Valley and the Pacific coast as shall be presented or shall come in question and be referred to them by the House, and to report their opinion thereon, together with such propositions relative thereto as to them shall seem expedient.

"Rule —. It shall be the duty of the Committee on Ways and Means to take into consideration all reports of the Treasury Department and such other propositions relative to raising revenue and providing ways and means for the support of the Government as shall be presented or shall come in question and be referred to them by the House, and to report their opinion thereon by bill or otherwise, as to them shall seem expedient.

"Rule —. It shall be the duty of the Committee on Banking and Bank Currency to take into consideration all propositions relative to banking and the currency as shall be presented or shall come in question and be referred to them by the House, and to report thereon by bill or otherwise.

"*Resolved*, That from and after the close of the present Congress Rule 76 be amended as follows: Strike out all after the word 'consideration,' in line 2, to and including the word 'expenditure,' in line 6, and insert in lieu thereof 'all executive communications and such other propositions in regard to carrying on the several Departments of the Government as may be presented and referred to them by the House.'

"Strike out in line 1 the words 'Ways and Means' where they occur, and insert in lieu thereof the words 'on Appropriations.'

"*Resolved*, That from and after the close of the present Congress Rule 77 be amended by striking out the words 'of Ways and Means,' and inserting in lieu thereof the words 'on Appropriations.'"

Mr. COX. I have nothing to say in relation to the Committee on the Pacific Railroad, for I think that will recommend itself to the House at once.

In relation to the division of the Committee on Ways and Means, I desire to show the importance and immensity of the labor imposed upon that committee, with a view to a division of the labor. It is not proposed, as seems to be inferred by some gentlemen, to strike out the Committee on Ways and Means, although it might appear so on a superficial reading. We still preserve the Committee on Ways and Means *eo nomine;* and if the rules are properly read with the amendments it will so appear.

We divide the Ways and Means into three committees. The Ways and Means are still preserved and their future duty is to provide "ways and means," that is, raise revenue for carrying on the Government. This includes, of course, the tariff, the internal revenue, the loan bills, legal-tender notes, and all other matters connected with supporting the credit and raising money.

* * * * * * *

As to the Committee on National Banks and Currency, that is not necessarily connected with the other committee. They have a different province. They have in charge all the bank interests of the country. These interests are so connected by the relation of exchanges and currency with back issues and banking capital in the States, that it is as much as one committee can well do to study these questions properly. It is utterly impossible in the present condition of our finances that one committee can do all this labor, and do it as well as these interests demand.

Mr. WOOD, of New York. Mr. Speaker, it will be observed that the chairman of the subcommittee on the rules which made this report to the House gave a construction to the rule itself; that he distinctly declared that it was not intended or designed to take from the Committee on Ways and Means control over the question of the United States notes, commonly called legal-tenders; and with that construction put upon it the House adopted the report of the Committee on the Rules. Hence we have this standing committee.

Now, sir, as I understand the proposition of the Committee on Ways and Means now presented to the House by the chairman, it proposes to give to the Committee on Banking and Currency everything appertaining to the question of currency so far as the banks are concerned. But the legal-tender note is simply a debt of the Government of the United States; those notes constitute the non-interest-bearing debt of the Government, and that question is reserved in terms to be considered by the Committee on Ways and Means, who have exclusive jurisdiction over everything appertaining to the question of the public debt. Hence the committee in considering this question, anticipating that probably some gentlemen might deem that there was an attempt to interfere with the proper functions of the Committee on Banking and Currency, have in my judgment appropriately and properly provided for the reference to the Committee on Banking and Currency of that which legitimately belongs to them, and have reserved to themselves simply what was designed originally to be left to them.

Mr. BURCHARD, of Illinois. Mr. Speaker, I desire to call attention to the action of the House at the last session on the distribution of the President's message. The honorable gentleman from New York [Mr. WOOD] is, I think, mistaken in stating that the resolutions then adopted conceded the jurisdiction of this question to the Committee on Banking and Currency.

Mr. WOOD, of New York. No, sir. If the gentleman will pardon the interruption, he has misunderstood me. Mr. DAWES, then chairman of the Committee on Ways and Means, conceded to Mr. Maynard, the chairman of the other committee, that that committee might have the subject.

Mr. BURCHARD, of Illinois. It was conceded that they should have jurisdiction of the question of specie resumption by or through the national banks. That was our understanding, and I think the understanding of the House, at that time. To show that such was the understanding, let me call attention to the fact that the President in his message discussed specie resumption and recommended to the consideration of Congress two measures; one the retirement and cancellation of legal-tender notes, the other as an accompanying measure for free banking. The consideration of the question of free banking was conceded by the Committee on Ways and Means and by the House to the Committee on Banking and Currency; but the question of retiring legal-tenders was by the resolutions reported by the Committee on Ways and Means and adopted by the House referred to the Committee on Ways and Means, language being adopted which was satisfactory to the chairmen of both those committees.

I ask for the reading of the resolutions distributing the last annual message of the President of the United States.

The Clerk read as follows:

Resolved, That so much of the annual message of the President of the United States to the two Houses of Congress at the present session, together with the accompaning documents, as relates to finance and taxation, to the receipts into the Treasury, to deficiencies in the revenue, to the public debt and the public credit, the revision of the tariff and internal-revenue laws, to retiring and funding United States notes, and to the ways and means of supporting and meeting the liabilities of the Government, be referred to the Committee on Ways and Means.

* * * * * * *

Resolved, That so much of said message and documents as relates to banks and banking, to the currency, and resumption of specie payments be referred to the Committee on Banking and Currency.

Mr. BURCHARD, of Illinois. The House will notice that by the first resolution just read that portion of the message relating to the United States notes—legal-tender notes—was referred to the Committee on Ways and Means, while in the subsequent resolution so much as related to currency and specie resumption was referred to the Committee on Banking and Currency. In the pending resolution it is proposed, in like manner, that so much of the annual message of the President as relates to specie resumption through the national banks be referred to the Committee on Banking and Currency, while so much as relates to legal-tender notes shall be referred to the Committee on Ways and Means. The precedents are all in accord with the resolutions as reported by the committee, and therefore it seems to me the House should adopt them.

Mr. COX. Mr. Speaker, when this point was raised it was not my intention in any way to antagonize the resolution offered by the honorable chairman of the Committee on Ways and Means, [Mr. MORRISON.]

When that amendment of the rules was reported from the Committee on Rules on the 2d of March, 1865, the idea was to divide the labor, so that the Committee on Ways and Means should take charge of measures to bring money in; the Committee on Appropriations, measures to pay it out; the Committee on Banking and Currency, measures relating to the kind of money. That was the general division. Hence, when I gave an interpretation to that rule, I included in the matter of ways and means that which pertained to the credit of the Government. "Greenbacks" was understood to be a part of their functions. But it is generally impossible to separate the Banking and Currency Committee from their duties with reference to the currency, and it is utterly impossible to separate the Ways and Means from that which raises the credit—the issuing of notes. Hence, as we have had in our past experience so in the future, these two committees are bound more or less to confer, and they will confer in the future as in the past.

I propose not to make any amendment to the resolution of my friend from Illinois; but when these various bills come up in the House for reference the House will determine under the rule which of the bills will go to one committee and which to the other. I have no more to say.

Mr. KELLEY. Mr. Speaker, in connection with what the gentleman from New York [Mr. COX] has just said, I would like to call his attention and that of the House to the fact that the distinction made in the successive distributions of the President's message is a philosophic one. They refer all questions relating to the greenback to the Committee on Ways and Means. As was suggested by the other gentleman from New York, [Mr. WOOD,] the greenback is a part of the national debt. But it is more than that, sir. It is money. It is the current money of the realm. It is the legal-tender with which all private debts and almost all public debts may be paid. It is the substance of which currency is the shadow. Checks, drafts, bills of exchange, bank-notes, are liquidated in money, and therefore propositions touching that which is at once part of the debt of the country and the legal-tender money of the country have always been referred to the Committee on Ways and Means, charged with the provision of revenues for the support of the Government; while questions relating to currency, to that which circulates as a medium of exchange, to that which may be received in payment of debt, but which is not money because it is not a legal tender and therefore may be refused by creditors, but which is not money more than gold was in India, or is to-day, or than silver is in England beyond the sum of forty shillings. The greenback, though without intrinsic value, is money, as the credits of the Bank of Venice were for nearly five hundred years, ruling steadily at from 10 to 30 per cent. above the par of gold and silver. Bank-notes are its shadows, for they are redeemable in greenbacks. They are connected with the system of banking, with private currency, and the philosophic distinction between money and private or corporate currency has always been maintained. The House has always referred that which related to the current money of the realm to the Committee on Ways and Means, and that which related to currency to the "Committee on Banking and Bank Currency," as one of the resolutions quoted phrases it, which committee is charged specially with the consideration of questions of banking and those forms of currency which, though they perform many of the functions of money, are not money, but currency—evidences of corporate or private credit subject to liquidation in money which is always legal-tender in payment of debts.

Mr. MORRISON took the floor.

Mr. TOWNSEND, of Pennsylvania. Will the gentleman from Illinois allow me a few minutes before debate is closed on this subject?

Mr. MORRISON. I will yield to the gentleman from Pennsylvania for a few minutes.

Mr. TOWNSEND, of Pennsylvania. Mr. Speaker, the Committee on Banking and Currency, I am very sure, does not want to draw to itself any more questions concerning this most vital subject now before Congress, in various bills already presented, than it can possibly help; but there are some members of the committee who consider the currency of the country as the life-blood of the commerce of the nation, and that it should be homogeneous in its character. I know very well that to the Committee on Ways and Means, in former sessions, was assigned the question as to emission of legal-tenders for the payment of current national debts.

Part of the duty that that committee were bound to inquire into was as to the best means of paying off the national debts then arising and meeting the expenses of the war. They came to the conclusion that it would be well to issue what are now called legal-tenders. They not only did that for the payment of accruing debts, they not only made them a debt of the country, but they went beyond that and gave them another character, almost precisely similar with that of the national-bank-note currency, with the exception that they are made a legal tender in payment of all debts except for duties on imports. I say these were part of the functions of the Committee on Ways and Means. When they made the provision in the law that the legal-tenders should become the currency of the country, they then, almost necessarily, referred it over to the jurisdiction of the Committee on Banking and Currency. Such was the logical result.

The rule of the House says that the Committee on Banking and Currency shall have charge of the consideration of all measures concerning the currency of the nation; and the legal-tenders are as much the currency of the nation to-day as are the bank-notes, the bank-notes, however, being superior to them in some respects, in having three securities to the legal-tender's one.

I say, then, Mr. Speaker, that it is the proper and appropriate function of the Committee on Banking and Currency to take into consideration all the mediums of currency of the country. Suppose, for instance, that this should be referred to the Committee on Ways and Means, and they should report in favor of contraction; suppose, on the other hand, that the Committee on Banking and Currency should be in favor of expansion, or *vice versa;* here would be two committees pulling in contrary directions on this most important subject, and there would be no homogeneousness given to the consideration of what is the life-blood of the commerce, external and internal, of the nation, its currency, in whatever it may consist. I therefore submit to the House that it is right and proper that this subject should be committed to a single committee; that that committee should be the Committee on Banking and Currency, and that that committee should go over the whole field, study the whole question in all its bearings and relations, and make its report to the House, by bill or otherwise, when the proper time should arrive.

Mr. MORRISON. I now yield for a moment to my colleague on the committee, the gentleman from Ohio, [Mr. GARFIELD,] after which I give notice that I will call the previous question.

Mr. GARFIELD. We have had this debate, Mr. Speaker, at the opening of every session, when the distribution of the President's message was under consideration; and the fact is that down at the bottom of the subject there is a real collision between the functions of the two committees. No man can mark off the boundary-line which separates the two jurisdictions and say everything falls naturally on the one side or the other. The legal-tender note, in its origin and character, is a bond, a debt, and again it is currency; so that so long as we have this form of money, as my friend from Pennsylvania [Mr. KELLEY] prefers to call it, we shall always have this collision. I hope we may avoid any bitterness or even any irritation about it by means of the suggestion so wisely made by the gentleman from New York. Let the resolutions stand as they are, and let the House use its own sense whenever a bill is introduced to determine where the bill ought to go. For instance, when the question was resumption by free banking, that very naturally went to the Committee on Banking and Currency, which had charge of what was the chief instrument proposed as a method of resumption. But if resumption is proposed by redeeming legal-tender notes—that is, by paying the public debt—it properly goes to the Committee on Ways and Means. When the question is the accumulation of gold to make the resumption, that is a question of ways and means.

If gentlemen will look over the President's message, they will find that the three suggestions made by the President in reference to the resumption of specie payments all refer to methods connected with the ways and means of the Government, so that, so far as the President's message is concerned, that part of it which relates to specie payments should go to the Committee on Ways and Means, because of the character of the recommendation. I say this, agreeing perfectly with the suggestion of the gentleman from New York, [Mr. COX,] the chairman of the Committee on Banking and Currency. I wish, however, to remark that we seem in our print of the Digest to have left out one word in the original rule as passed by the House in 1867. The committee was there designated as the "Committee on Banking and Bank Currency." For some reason or other, we seem to have dropped out the word "Bank." If that word were in, as it doubtless ought to be in an authentic print of the rule, it would throw a good deal of light on the spheres of the two committees. It is the Committee on Banking and Bank Currency, and does not by its title have jurisdiction of currency generically, but only of that particular kind.

Mr. KASSON. I ask permission of the chairman of the Committee on Ways and Means to say a single word. It is this: That if this resolution is adopted, as I presume it will be, (and I do not oppose it,) I desire it may be distinctly understood by the House and the country that original legislation touching the payment or redemption of the notes known as legal-tender or greenback will be with the Committee on Ways and Means, and not with the Committee on Banking and Currency. I distinctly wish to have that understood—for one at least, and for others around me here—that the question will be with that committee.

Mr. MORRISON. I now demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the amendment of Mr. SWANN was adopted.

The resolutions, as amended, were then agreed to.

Mr. MORRISON moved to reconsider the vote by which the resolutions were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMMITTEE SERVICE.

The SPEAKER. The Chair desires to make a very brief statement and upon it to base a request to the House. The gentleman from New York, Mr. HEWITT, now a member of the Committee on Public Buildings and Grounds, desires to be relieved from service on that committee, because, arising out of his private relations and business, there will frequently come up, if he remains on that committee, conflicts between duty and interest; wherefore he very properly desires to be relieved from service on that committee. His colleague, Mr. ELY, who is now on the Committee on Foreign Affairs, is willing and desires to exchange places with his colleague, Mr. HEWITT; they can thereby adjust themselves to the business of the House with more satisfaction to both. The Chair therefore requests that the House permit this exchange to be made. It is somewhat out of order, but it seems to be an entirely proper thing to do. If the Chair hears no objection, the places of the gentlemen on the committees will be transposed. The Chair hears no objection, and it is so ordered.

The next business in order is the calling of States and Territories for resolutions, under which call bills on leave may be introduced for reference. The call commences with the State of Maine.

RELIEF FROM PILOT FEES.

Mr. HALE introduced a bill (H. R. No. 381) to relieve certain ships and vessels from compulsory pilot fees; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ALABAMA CLAIMS PAYMENTS.

Mr. FRYE introduced a bill (H. R. No. 382) to provide for the payment of the judgment of the court of Alabama claims as soon after the 22d day of January next as may be; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EQUESTRIAN STATUE OF GENERAL TAYLOR.

Mr. FRYE also introduced a joint resolution (H. R. No. 18) for the erection of an equestrian statue in the city of Washington, District of Columbia, in honor of General Zachary Taylor, twelfth President of the United States; which was read a first and second time, referred to the Joint Committee on the Library, and ordered to be printed.

SPECIE PAYMENTS.

Mr. BLAIR presented a joint resolution of the Legislature of the State of New Hampshire, instructing the Senators and requesting the Representatives of that State to use all honorable means to procure the enactment of such laws at this session of Congress as shall bring about specie payment at the earliest day practicable; which was referred to the Committee on Ways and Means, and ordered to be printed.

JOHN L. BRITTON.

Mr. BLAIR also introduced a bill (H. R. No. 383) granting a pension to John L. Britton, late drum-major of Second New Hampshire Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES H. FORRISTALL.

Mr. BLAIR also introduced a bill (H. R. No. 384) for the relief of Charles H. Forristall, late private Company F, Second Regiment United States Sharpshooters; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDGAR A. BEACH.

Mr. HENDEE introduced a bill (H. R. No. 385) to pay Edgar A. Beach, of Essex, Vermont, the sum therein named; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

NATIONAL BANK OF SAINT ALBANS.

Mr. HENDEE also introduced a bill (H. R. No. 386) to pay the First National Bank of Saint Albans, at Saint Albans, in the county of Franklin, State of Vermont, the sum therein named; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALCOHOLIC LIQUOR TRAFFIC.

Mr. JOYCE introduced a bill (H. R. No. 387) to provide for the appointment of a commission on the subject of the alcoholic liquor traffic; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

IMPROVEMENT OF STONINGTON HARBOR.

Mr. STARKWEATHER introduced a bill (H. R. No. 388) for continuing the improvement of Stonington Harbor, Connecticut; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WILLIAM CARRUTHERS.

Mr. STARKWEATHER also introduced a bill (H. R. No. 389) for the relief of William Carruthers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BANKRUPTCY.

Mr. WILLIS introduced a bill (H. R. No. 390) to repeal an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 21, 1867, and all laws and parts of laws amendatory thereof; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. WILLIS also introduced a bill (H. R. No. 391) to amend section 5108 of the Revised Statutes of the United States relating to bankruptcy; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JERUSHA H. GOODRICH.

Mr. WILLIS also introduced a bill (H. R. No. 392) granting a pension to Jerusha H. Goodrich, widow of Elisha Goodrich, colonel Eighty-eighth United States Colored Troops; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MAGDALENA STAETZER.

Mr. WILLIS also introduced a bill (H. R. No. 393) for the relief of Magdalena Staetzer, of New York; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS.

Mr. WILLIS also introduced a bill (H. R. No. 394) to provide that all pensions on account of death, wounds received, or disease contracted in the service of the United States since March 4, 1861, which have been granted, or which shall hereafter be granted on application for them previous to January 1, 1877, shall commence from the date of death or discharge, and for the payment of arrears of pensions; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS FOR WAR OF 1812.

Mr. HOSKINS introduced a bill (H. R. No. 395) to extend the provisions of existing law relating to soldiers and sailors of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

WITNESSES IN FEDERAL COURTS.

Mr. DAVY introduced a bill (H. R. No. 396) to allow all persons charged with the commission of crimes or offenses when on trial in any of the Federal courts to be competent witnesses; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

COINAGE DEPARTMENT, ASSAY OFFICE, NEW YORK.

Mr. WARD introduced a bill (H. R. No. 397) to establish a coinage department in the United States assay office in the city of New York; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

OSCAR F. STANTON.

Mr. METCALFE introduced a bill (H. R. No. 398) to restore Oscar F. Stanton, of the United States Navy, to the position on the Navy Register which he formerly occupied; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

EAST ROCKAWAY CHANNEL, NEW YORK.

Mr. METCALFE also introduced a bill (H. R. No. 399) for the appropriation of money for the improvement of the navigation in the East Rockaway channel, in the county of Queens, in the State of New York; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

COMPETENCY OF WITNESSES.

Mr. LAPHAM introduced a bill (H. R. No. 400) to simplify and secure uniformity in the practice of the courts of the United States and of the several States relative to the rules of evidence and the competency of parties as witnesses; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MRS. FLORA A. DARLING.

Mr. WOOD, of New York, introduced a bill (H. R. No. 401) for the relief of Mrs. Flora A. Darling, of New Hampshire; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARK DAVIS.

Mr. WOOD, of New York, also introduced a bill (H. R. No. 402) for the relief of Mark Davis; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELEANOR FILLIS.

Mr. BLISS introduced a bill (H. R. No. 403) granting a pension to Eleanor Fillis, widow of Private George F. Fillis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADMINISTRATOR OF MOSES B. BRAMHALL.

Mr. HARDENBERGH introduced a bill (H. R. No. 404) for the relief of Moses B. Bramhall's administrator; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FITZ JOHN PORTER.

Mr. HARDENBERGH also presented a joint resolution of the Legislature of the State of New Jersey, relative to General Fitz John Porter; which was referred to the Committee on Military Affairs, and ordered to be printed.

CENTENNIAL CELEBRATION.

Mr. HARDENBERGH also presented a joint resolution (H. R. No. 19) relative to the centennial celebration in the several counties of the several States, and asked the unanimous consent of the House that the resolution be now adopted.

The SPEAKER *pro tempore*. The gentleman from New Jersey demands the previous question on the passage of the resolution, which, as the Chair understands, provides merely for a reference to a committee.

Mr. HOLMAN. The proposition of the gentleman, as I understand, is to adopt the resolution, which seems to me a very proper one, as I think the House will see when it understands the nature of it.

Mr. HARDENBERGH. Allow me just one moment in order to say——

Mr. HOLMAN. Let the resolution be read.

The Clerk read as follows:

Resolved, That it be and is hereby recommended by the Senate and House of Representatives to the people of the several States that they assemble in their several counties on the approaching centennial anniversary of our national independence, and that they cause to have delivered on such day a historical sketch of said county from its formation, and that a copy of said sketch may be filed in manuscript in the clerk's office of the said county, and an additional copy in manuscript be filed in the office of the Librarian of Congress, to the intent that a complete record may thus be obtained of the progress of our institutions during the first centennial of our existence.

Mr. TOWNSEND, of Pennsylvania. I ask the gentleman from New Jersey to allow the resolution to be amended so as to provide that these historical sketches may be filed in print or manuscript. I presume that they will generally be printed.

Mr. HARDENBERGH. I accept the suggestion of the gentleman from Pennsylvania, [Mr. TOWNSEND,] and modify the resolution in the manner he has proposed. In order to save time I withdraw the demand for the previous question, and ask that the resolution be printed in the RECORD and referred to the Committee on the Centennial Celebration; though, if the House would act on the resolution now, I would much prefer it, because the States everywhere throughout the country are taking action relative to the Centennial.

Mr. ATKINS. I rise to a question of order. Is debate in order?

The SPEAKER *pro tempore*. It is not unless the gentleman from New Jersey withdraws his demand for the previous question.

Mr. HARDENBERGH. I believe I must insist on that demand.

Mr. BANKS. I hope the gentleman will not ask the House to adopt this resolution. It is certainly imperfect in its form, and will not produce the effect desired. I should be glad to say a word on the subject, if permitted. I hope the resolution will be referred.

Mr. HARDENBERGH. I move, then, that the resolution be referred to the Committee on the Centennial Celebration, and be ordered to be printed.

The motion was agreed to.

PORT OF ENTRY AT JERSEY CITY.

Mr. HARDENBERGH introduced a bill (H. R. No. 405) constituting Jersey City a port of entry; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ELIZA H. POWERS.

Mr. CUTLER introduced a bill (H. R. No. 406) for the relief of Eliza H. Powers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY C. HAMILTON.

Mr. HAMILTON, of New Jersey, introduced a bill (H. R. No. 407) for the relief of Mary C. Hamilton, executrix of William Kendall, deceased; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GEORGE H. FAIRFIELD.

Mr. SINNICKSON introduced a bill (H. R. No. 408) to authorize George H. Fairfield to file a petition in the court of commissioners of Alabama claims; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES R. THOMPSON.

Mr. SINNICKSON also introduced a bill (H. R. No. 409) for the relief of James R. Thompson, of Penn's Grove, New Jersey, and late of Virginia, for supplies furnished the Union Army; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. G. FELL AND OTHERS.

Mr. TOWNSEND, of Pennsylvania, introduced a bill (H. R. No. 410) for the relief of J. G. Fell, Edward Hoopes, and George Burnham, trustees; which was read a first and second time, referred to the Committee on Indian Affairs, and, with the accompanying testimony, ordered to be printed.

WILLIAM C. EDMONDSON.

Mr. MUTCHLER introduced a bill (H. R. No. 411) granting a pension to William C. Edmondson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES EDWARDS.

Mr. MUTCHLER also introduced a bill (H. R. No. 412) for the relief of Charles Edwards; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JURORS IN UNITED STATES COURTS.

Mr. HOPKINS introduced a bill (H. R. No. 413) to regulate the selection of jurors for the United States courts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FRANCES C. ELLIOTT.

Mr. MAISH introduced a bill (H. R. No. 414) restoring the pension of Frances C. Elliott, widow of Commodore Jesse D. Elliott, late of the United States Navy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN C. COMFORT.

Mr. MAISH also introduced a bill (H. R. No. 415) for the relief of John C. Comfort, of Shiremantown, Cumberland County, Pennsylvania; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WITNESSES IN NAVAL COURTS.

Mr. RANDALL introduced a bill (H. R. No. 416) to secure the attendance and payment of witnesses in naval courts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ROBERT BURTON RODNEY, UNITED STATES NAVY.

Mr. WILLIAMS, of Delaware, introduced a bill (H. R. No. 417) for the transfer of Paymaster Robert Burton Rodney from the retired list to the active list of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

HANSOM HARMON.

Mr. WILLIAMS, of Delaware, also introduced a bill (H. R. No. 418) for the relief of Hansom Harmon; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ABOLITION OF MARINE CORPS.

Mr. O'BRIEN submitted the following resolution, on which he demanded the previous question:

Resolved, That the Committee on Naval Affairs be authorized and directed to investigate the disbursements for the support of the Marine Corps; also to inquire into the expediency of abolishing said corps or transferring it to the Army, and to inquire into the value of real estate now occupied by the corps which could be sold for the benefit of the public Treasury, and that said committee shall have power to send for persons and papers.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was adopted.

NAVAL OFFICERS OVER SIXTY-TWO YEARS OF AGE.

Mr. O'BRIEN also submitted the following resolution, on which he demanded the previous question:

Resolved, That the Secretary of the Navy be requested to inform this House whether there are any officers of the Navy and the Marine Corps over the age of sixty-two years still retained on the active list; and, if so, why they have not been retired, as have been other officers of the same service.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was adopted.

NATIONAL SANITARY COMPANY OF THE DISTRICT OF COLUMBIA.

Mr. O'BRIEN also introduced a bill (H. R. No. 419) incorporating; the National Sanitary Abattoir Company of the District of Columbia which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

WORKINGMEN OF THE DISTRICT OF COLUMBIA.

Mr. O'BRIEN. Mr. Speaker, I have here a petition signed by fourteen thousand of the workingmen of the District of Columbia, as I am informed, asking that the Committee on the District of Columbia may make certain inquiries in regard to the late action of the board of public works, and as it is a very important document, out of the usual course, I ask it may be referred to the Committee on the District of Columbia and ordered to be printed.

The motion was agreed to.

Mr. O'BRIEN. I also ask that it be printed in the CONGRESSIONAL RECORD.

Mr. KASSON. The gentleman does not want all the names printed in the RECORD?

Mr. O'BRIEN. I merely ask that the memorial be printed in the RECORD without the names.

There was no objection, and it was ordered accordingly.

The petition is as follows.

Petition of the workingmen of the District of Columbia, praying Congress for relief, and asking for an investigation; also showing amount still due to each laborer for daily labor performed in the District.

The undersigned, your petitioners, the workingmen of the District of Columbia, respectfully represent that they are residents of the cities of Washington and Georgetown and of the other towns, suburbs, and localities included in said District of Columbia; that they have been employed under the late board of public works of said District to work on inaugurated improvements under said board of public works and superintendents of said board.

Your petitioners further represent that the said superintendents, when returning the time of your petitioners, neglected to return the full number of days that your petitioners worked and were legally entitled to.

Your petitioners further represent that numbers of them were entirely left off the rolls as returned by the superintendents to the commissioners of the District of Columbia for payment; and your petitioners, the workingmen of the District of Columbia, who worked under the late board of public works proper, have not been paid in full by the commissioners of the District of Columbia or by any of the said superintendents of the said late board of public works of the District of Columbia.

Your petitioners further represent that some of the superintendents of the late board of public works aforesaid are non-residents of the District of Columbia, and during the time they were engaged as superintendents under said board of public works kept no record of your petitioners' time. Said superintendents cannot now be found in said District, and your petitioners in consequence have not received adequate remuneration for work performed under said superintendent or superintendents, as aforesaid stated.

Your petitioners further represent that the old corporation of the city of Washington passed the following resolution, fixing by law the pay of laborers of the city of Washington at $2 per day, and for horses and carts not less than $3 per day. Said resolution reads as follows:

"The pay of laborers of this corporation shall be not less than $2 per day, and for horses and carts not less than $3 per day, from and after the passage of this resolution."

Said resolution became a law of said city of Washington on the 27th day of March, A. D. 1867, and the successors in office of the late corporation of the city of Washington, to wit, the late board of public works of the District of Columbia, usurped the law made and provided in the premises. Said law fixing the pay of laborers having never been repealed by the Legislature of the District of Columbia, or by the Congress of the United States, was in full force during the administration of affairs in the District by the board of public works and also by the commissioners of the District.

Your petitioners further represent that the board of public works of said District, contrary to the above law made to adequately compensate your petitioners for daily labor, arbitrarily reduced your petitioners' wages to $1.50 per day, and horses and carts to $2.50 per day; and your petitioners have presented for payment their claims for the extra fifty cents per day illegally withheld from your petitioners by the board of public works, and also by the commissioners of the District of Columbia, and the commissioners referred the matter to their attorney, who declined to consider the claims of your petitioners; and your petitioners, knowing full well the power of the late Washington "ring," deemed it advisable to wait until Congress convened and present the matter in full to them, instead of having or commencing a lawsuit against the commissioners as the successors in office of the late board of public works, which lawsuit could be prolonged for an almost indefinite period, and the costs of feeing counsel accumulating upon your petitioners until they would be absolutely compelled to abandon the suit for want of means to further continue it.

Your petitioners therefore pray an appropriation from your honorable body adequate to pay your petitioners the fifty cents per day illegally withheld, and also a positive law compelling the commissioners or their successors in office to pay the amount to each of your petitioners whose names shall appear on the pay-rolls of the late board of public works, or on any of the pay-rolls of the commissioners, or of any of the pay-rolls of the District of Columbia, including Georgetown and all other localities included in said District, from the 27th day of March, A. D. 1867, down to the present day.

Your petitioners further represent that Congress passed an act, which act was approved on the 23d day of June, A. D. 1874, in which act is incorporated a proviso as follows:

"*And provided further*, That the sum of $75,000 of said sum hereby appropriated shall be used for the payment of workingmen employed on public improvements on the streets and excavations of Washington under the board of public works of the District of Columbia or the contractors of the same; and the commissioners are hereby authorized and ordered to retain from the several contractors who are indebted to the workingmen, and whose accounts have not been settled by the board of public works, the several sums due the workingmen."

Your petitioners further represent that said proviso has not been liberally construed and fully carried into effect by the commissioners of the District of Columbia, and your petitioners have suffered to the amounts of hundreds of dollars each; and that your petitioners' counsel, John Pope Hodnett, called the attention of the commissioners to the law, but your petitioners and their counsel could get no satisfaction from the said commissioners of the District of Columbia.

Your petitioners further represent that they several times called the attention of the board of audit of said District of Columbia to the act of Congress ordering the commissioners to stop amounts due to the workingmen from each contractor before a final adjustment of the contractor's account by said board of audit, but your petitioners could get no satisfaction, and they and their counsel were grossly insulted and most of their papers showing the indebtedness of each contractor to your petitioners were destroyed; and powers of attorney duly attested and acknowledged have been stolen from the office and have never since been found, or, if in the office, have never been produced and have been totally abrogated.

Your petitioners further represent that, in consequence of the connivance or collusion of the contractors with the clerks of said board of audit of the District of Columbia, your petitioners, the workingmen of the District of Columbia, have been defrauded by the contractors for whom your petitioners worked, and who have been paid or certificates of indebtedness issued to them by the said board of audit; which certificates have been sold by the contractors without payment in full being made to your petitioners.

Your petitioners further represent that the late Hon. Henry T. Blow, late commissioner for the District of Columbia, went, in behalf of your petitioners, to the board of audit and protested against any certificates being issued to any contractor without first deducting the amounts due your petitioners; but still the action of Mr. Blow availed but little, for the contractors were paid without payment in full being made to your petitioners by the said contractors.

Your petitioners, the workingmen of the District of Columbia, further represent that they cannot get the warrants of the District of Columbia cashed, either at the Treasury of the United States or at the collector's office of the District of Columbia, and they are put to the greatest inconvenience and often hardship, sometimes having to pay a large percentage to the banks to cash the warrants of the treasurer of the District.

Your petitioners therefore respectfully request the passage of a law ordering the treasurer or collector of the District of Columbia to cash the warrants of the treasurer of the District of Columbia when indorsed and witnessed according to law and presented by the party to whom the warrant is made payable or the party or party's legal representative; also imposing a fine on any of the banking-houses of the District of Columbia who refuse to cash the warrants of the District when properly indorsed.

Your petitioners feel it their duty to call the attention of Congress to the disgraceful and unlawful manner in which the affairs of the District are conducted, and to ask Congress to place the affairs of the workingmen of the District in the hands of a labor bureau, as they are satisfied they can receive no justice from the commissioners, the board of audit, or the contractors.

Your petitioners further represent that they are dependent upon their daily wages for the support of their families, and if they are defrauded and robbed continually, and the laws set at defiance by those placed in power to see them faithfully executed, they must follow the example of the workingmen of France and New York, and by this means save themselves and their families from starvation, ruin, and annihilation.

Your petitioners pray Congress for an adequate appropriation to pay all the laborers of the District who worked under the board of public works proper, and also under the contractors, subcontractors, their agents and legal representatives.

Your petitioners therefore earnestly ask for the appointment of a select committee of the House of Representatives of five members to inquire into the affairs of the contractors of the late board of public works of the District of Columbia; of the paymaster, auditor, and comptroller of the late board of public works of the District of Columbia, and also into the affairs of the commissioners and board of audit of said District.

Your petitioners believe that they can prove to the satisfaction of Congress and the country the most shameless abuse of power, usurpation, fraud, bribery, and corruption on the part of the commissioners and the board of audit of the District of Columbia.

The wholesale and lawless manner in which your petitioners have been robbed and defrauded out of their wages compels them to demand an investigation that will thoroughly search and probe this whole thing to the bottom and expose the wrong-doers.

Your petitioners call the attention of Congress to the numerous mass-meetings held and resolutions passed on this question alone in the District of Columbia within the last two years, and ask that said resolutions and petitions be made part of this petition, and that they be printed with this petition for the action of Congress and the information of the people.

Your petitioners have reliance on Congress to do them justice, to grant an investigation as prayed, and put an end to the Washington "ring" once and forever.

Signed on behalf of the workingmen of the District of Columbia.

JOHN I. THOMAS.

Mr. WALSH introduced a bill (H. R. No. 420) for the relief of John I. Thomas, postmaster at Hancock, Washington County, Maryland; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

C. H. WALKER.

Mr. WALSH also introduced a bill (H. R. No. 421) for the relief of C. H. Walker, postmaster at Frostburgh, Alleghany County, Maryland; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

WILLIAM M'INDOE.

Mr. WALSH also introduced a bill (H. R. No. 422) for the relief of William McIndoe, postmaster at Lonaconing, in Alleghany County, Maryland; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

THOMAS MACCUBBIN.

Mr. WALSH also introduced a bill (H. R. No. 423) for the relief of Thomas Maccubbin; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LOUISA F. STONE.

Mr. HENKLE introduced a bill (H. R. No. 424) for the relief of Louisa F. Stone, widow of Dr. Thomas J. Stone; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM LAVERY.

Mr. GOODE introduced a bill (H. R. No. 425) for the relief of William Lavery, of Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

STEAM WAR-VESSELS AUTHORIZED BY ACT OF FEBRUARY 10, 1873.

Mr. GOODE also submitted the following resolution, on which he demanded the previous question:

Resolved, That the Secretary of the Navy be respectfully requested, if not incompatible with the public interest, to inform the House of Representatives whether the eight steam-vessels of war authorized by the act of February 10, 1873, have been constructed, and, if so, what has been the cost of the construction of each of said vessels, and the aggregate cost of the same.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was adopted.

MANAGEMENT OF THE NAVY-YARDS.

Mr. GOODE also submitted the following resolution, on which he demanded the previous question:

Resolved, That the Committee on Naval Affairs be, and they are hereby, instructed to inquire and report whether any material belonging to the Government has been fraudulently or wrongfully removed from the navy-yards, or any of them, and whether there has been any unlawful combination for the purchase of the same; also, whether the public money appropriated for the construction of the eight steam-vessels of war authorized by the act of February 20, 1873, or any part thereof, has been misapplied for political purposes, or was in any manner used to promote the success of the republican party; and especially whether any portion of said money, or any other money appropriated for the use of the Navy Department, has been paid to incompetent persons, possessing no mechanical skill, who have been employed

in the Government navy-yards upon the condition, expressed or implied, that they would vote for the nominees of the republican party; and that said committee have power to send for persons and papers.

Mr. KASSON. Will the gentleman from Virginia [Mr. GOODE] object to substituting for the words "republican party" the words "either political party?" If we were to go back for a few years, the doings of the other party might perhaps be found worth investigating.

Mr. GOODE. That was before the deluge. I prefer the resolution in its present form.

Mr. LAPHAM. I desire to offer an amendment.

The SPEAKER *pro tempore*, (Mr. WOOD, of New York.) An amendment is not in order.

Mr. LAPHAM. Let the amendment be read.

The amendment was read, as follows:

After the word "republican," wherever it occurs in the resolution, insert the words "or democratic."

Mr. GOODE. I rise to a question of order. I had moved the previous question, and submit that an amendment is not in order.

The SPEAKER *pro tempore*. The Chair sustains the point of order. The amendment is not in order.

Mr. WILSON, of Iowa. I desire to make a parliamentary inquiry. If the House shall refuse to second the demand for the previous question, would the amendment then be in order?

The SPEAKER *pro tempore*. Unquestionably.

Mr. LAWRENCE. I desire to make an inquiry of the gentleman who offers the resolution. As I understood the reading of it, the resolution provides for ascertaining what property has been fraudulently abstracted from the navy-yard. It does not specify what navy-yard.

The SPEAKER *pro tempore*. Debate is not in order.

Mr. LAWRENCE. If the resolution is designed to apply to the navy-yard in the gentleman's own district, it should so state.

Mr. GOODE. I specify all the navy-yards of the Government.

Mr. STARKWEATHER. I ask that the resolution be again read.

The Clerk again read the resolution.

Mr. HOLMAN. I ask the gentleman from Virginia to consent to a modification of that resolution so as to strike out the words "the republican party" and insert the words "any political party."

Mr. GOODE. I have no objection to that amendment.

Mr. HALE. In that case there will be no objection to the resolution on this side of the House.

Mr. KASSON. Is that amendment agreed to?

The SPEAKER *pro tempore*. The Chair understands that the modification is accepted.

Mr. KASSON. Then there is no objection to the resolution.

Mr. CONGER. Has the same alteration been made in the last clause of the resolution?

The SPEAKER *pro tempore*. The Chair so understands.

The question was taken, and the resolution was agreed to.

ONANCOCK CREEK, VIRGINIA.

Mr. DOUGLAS submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of the survey and examination of Onancock Creek, Virginia, with a view to the improvement of the navigation thereof.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. DOUGLAS. I submit the preamble and resolution which I send to the Clerk's desk, and I ask the previous question.

The Clerk read the preamble and resolution, as follows:

Whereas the failure of the Freedman's Savings and Trust Company, chartered by act of Congress approved March 3, 1865, has resulted in great loss and injury to large numbers of freedmen depositors therein; and whereas the causes of and responsibility for such failure have never been fully inquired into or ascertained by any committee or by any order of Congress; and whereas said failure is believed to have been caused by gross mismanagement of the officers and agents of said company and by unauthorized and illegal employment and use of the funds of the corporation:

Be it resolved, That a committee of seven members be appointed by the Speaker to investigate the affairs of said Savings and Trust Company and its several branches, and to ascertain and report to the House all matters relating to the management of the same, the cause or causes of failure, the parties responsible therefor, and the nature, character, and value of all collaterals and other securities held by said company and its branches for loans or investments of the funds of the same; that said committee also ascertain and report the names and residence of all debtors of said Savings and Trust Company, with the amount respectively due by them, the time when the debts were severally contracted, and the kind, description, and value of the securities given by said debtors respectively, with such other facts relating thereto as the committee may deem important and necessary to a full understanding and elucidation of the subject-matter of the investigation.

And be it further resolved, That said committee and any sub-committees thereof shall have power to send for persons and papers, to summon witnesses, and to administer oaths. And the said committee or sub-committees may sit during the recess of Congress, and may at any time report progress in their investigation, and shall have leave to employ a clerk and such other experts as may be required to aid therein.

Mr. STARKWEATHER. What is the number of the committee?

The SPEAKER *pro tempore*. The number named in the resolution is seven members.

Mr. STARKWEATHER. I suggest to the gentleman that he make it the ordinary number on committees, so that all parties shall have a representation thereon. If the number is so small, members may be detained or absent, and only one side would have representation. I trust that he will make the committee the usual number.

Mr. DOUGLAS. I have no objection to such a modification of the resolution.

The SPEAKER *pro tempore*. What number does the gentleman desire to have inserted?

Mr. DOUGLAS. I suggest nine.

Mr. BURCHARD, of Illinois. I suggest to the gentleman from Virginia that he change the phraseology of the preamble by substituting the word "alleged" for "believes."

Mr. DOUGLAS. I was going to make that change, and will so modify it, and also change the number of the committee from seven to nine.

Mr. RANDALL. I would further suggest to the gentleman from Virginia that he should modify the resolution by striking out that part which gives the committee authority to sit during the recess of Congress. If it should appear hereafter necessary that they should sit during the recess, well and good; we can then give them that authority; but, with the gentleman himself, I believe that this investigation should be speedy and prompt, and therefore suggest to him that he strike out that part of the resolution. I hope that before we adjourn this terrible corruption and terrible fraud committed upon the colored people throughout the country will be exposed, and the guilty men given to the public gaze.

Mr. DOUGLAS. If the resolution will be made more acceptable by striking out that provision, I certainly have no objection; for, like the gentleman from Pennsylvania, [Mr. RANDALL,] I believe this investigation should be prompt, and the result of the investigation should be given to the country; and since he suggests that the power to sit during the recess may be hereafter given if necessary, I will accept the modification suggested.

The resolution, as modified, was then adopted.

Mr. DOUGLAS moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM W. MATHEWS.

Mr. TERRY introduced a bill (H. R. No. 426) for the relief of William W. Mathews; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WEDDERBERN & NEWBERRY.

Mr. TERRY also introduced a bill (H. R. No. 427) for the relief of Wedderbern & Newberry, of Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NATURALIZATION.

Mr. TERRY also introduced a bill (H. R. No. 428) to establish a uniform rule of naturalization; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CHARLES C. CAMPBELL.

Mr. TERRY also introduced a bill (H. R. No. 429) for the relief of Charles C. Campbell, of Washington County, Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

M. D. NEWMAN.

Mr. HUNTON introduced a bill (H. R. No. 430) for the relief of the personal representative of M. D. Newman; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM A. GRAHAM.

Mr. TUCKER introduced a bill (H. R. No. 431) for the relief of the heirs of William A. Graham; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

MOSES LACY.

Mr. TUCKER also introduced a bill (H. R. No. 432) for the relief of Moses Lacy; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES W. BUTTON.

Mr. TUCKER also introduced a bill (H. R. No. 433) to pay to Charles W. Button the cost of advertising property levied on by the collector of United States internal revenue in the fifth district of the State of Virginia; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PENSIONERS OF MEXICAN WAR.

Mr. HARRIS, of Virginia, introduced a bill (H. R. No. 434) to restore to the pension-rolls the names of invalid pensioners of the Mexican war stricken therefrom for disloyalty; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LICENSE LAW.

Mr. HARRIS, of Virginia, also introduced a bill (H. R. No. 435) to so modify the license law as not to require a new license upon the change of the name of the firm by death or addition of names; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

G. W. ROSENBERGH.

Mr. HARRIS, of Virginia, also introduced a bill (H. R. No. 436) for the relief of G. W. Rosenbergh, of Rockingham County, Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS A. NICHOLSON.

Mr. ROBBINS, of North Carolina, introduced a bill (H. R. No. 437) for the relief of Thomas A. Nicholson, of North Carolina; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BANKS AND BANKERS.

Mr. SMITH, of Georgia, introduced a bill (H. R. No. 438) for the relief of banks and bankers; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

TROOPS IN SOUTHERN STATES.

Mr. CALDWELL, of Alabama, submitted the following resolution, on which he called the previous question:

Resolved, That the Secretary of War be, and is hereby, directed to furnish to the House an accurate statement of the number of United States troops that were stationed and on duty in the States of Alabama, Mississippi, Arkansas, and Louisiana on the 6th day of December, 1875, and the distribution of such troops in said States—whether in regiments, companies, or squads—as well as the names and rank of the officers, commissioned or non-commissioned, commanding such soldiers.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was adopted.

HOMESTEAD SETTLERS.

Mr. CALDWELL, of Alabama, also introduced a bill (H. R. No. 439) to allow settlers under the homestead laws to make final affidavit before any officer legally authorized to administer oaths; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JAMES L. LEWIS.

Mr. CALDWELL, of Alabama, also introduced a bill (H. R. No. 440) for the relief of the heirs of James L. Lewis, deceased, late of Alabama; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN H. WISDOM.

Mr. CALDWELL, of Alabama, also introduced a bill (H. R. No. 441) to compensate John H. Wisdom for carrying the United States mails; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HOMESTEAD LAWS.

Mr. SINGLETON introduced a bill (H. R. No. 442) to amend the homestead laws; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

GRANT-PEMBERTON MONUMENT, VICKSBURGH.

Mr. HOOKER introduced a bill (H. R. No. 443) authorizing the Secretary of War to purchase and attach to the national cemetery at Vicksburgh the Grant-Pemberton monument at Vicksburgh, Mississippi; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HOMESTEAD LAWS.

Mr. HOOKER also introduced a bill (H. R. No. 444) to amend section 2294, title 32, chapter 5, of the Revised Statutes of the United States in relation to the homestead laws; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ALABAMA CLAIMS COMMISSIONERS.

Mr. MOREY introduced a bill (H. R. No. 445) to amend the act creating the court of commissioners of Alabama claims; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

W. A. HYDE AND T. G. MACKIE.

Mr. MOREY also introduced a bill (H. R. No. 446) for the relief of William A. Hyde and Thomas G. Mackie, of the State of Louisiana; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PETITIONS IN THE COURT OF CLAIMS.

Mr. MOREY also introduced a bill (H. R. No. 447) authorizing petitions to be filed in the Court of Claims in certain cases; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

IMPROVEMENT OF THE MISSISSIPPI RIVER.

Mr. MOREY also submitted the following resolution; which was referred, under the law, to the Committee on Printing:

Resolved, That in compliance with the request of the Chief of Engineers, United States Army, to be found on page 537 of his report, there be printed 10,000 copies of the report of the commissioner of engineers appointed to investigate and report a permanent plan for the reclamation of the alluvial basin of the Mississippi River subject to inundation.

RIPARIAN PROPRIETORS.

Mr. LEVY introduced a bill (H. R. No. 448) to determine the rights of riparian proprietors; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

LOUISIANA ELECTION CONTEST—DAVIDSON VS. SMITH.

Mr. LEVY also submitted the following resolution, on which he demanded the previous question:

Resolved, That the Committee on Elections be instructed to inquire into and report upon the amount to which E. C. Davidson, contestant, is entitled for expenses in the case of Davidson *vs.* Smith, in which said Davidson contested the seat of George L. Smith as member of the House of Representatives from the fourth congressional district of Louisiana.

Mr. HARRIS, of Virginia. I think that this resolution ought not to be adopted without a reference to the Committee on Elections.

Mr. LEVY. Then I withdraw the demand for the previous question, and ask that the resolution be referred to that committee.

The resolution was so referred.

RE-IMBURSEMENT OF STATES FOR MILITARY SUPPLIES.

Mr. SOUTHARD introduced a bill (H. R. No. 449) for the relief of States for arms and ordnance stores furnished to the Government; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

A. W. HICKS.

Mr. SAYLER introduced a bill (H. R. No. 450) for the relief of A. W. Hicks, of Ohio; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

COURT OF CLAIMS.

Mr. LAWRENCE introduced a bill (H. R. No. 451) to enlarge the jurisdiction of the Court of Claims, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PACIFIC RAILROAD SUBSIDY BONDS.

Mr. LAWRENCE also submitted the following resolution, on which he demanded the previous question:

Resolved, That the Judiciary Committee be and are instructed to inquire what legislation, if any, may be necessary, just, and proper to secure indemnity to the United States for advances of interest paid and to be paid by the Treasury Department on account of subsidy bonds issued to the several so-called Pacific railroad companies, and to secure indemnity against liability to pay the principal of such bonds, either by requiring the creation of sinking funds or otherwise, as may be proper; and that the committee report by bill or otherwise.

The SPEAKER *pro tempore*. Has not the gentleman made a mistake in the reference? Should not this subject go to the Committee on Ways and Means?

Mr. LAWRENCE. No, sir; it should go to the Judiciary Committee; it involves judicial questions purely.

I will state that by the recent decision of the Supreme Court, as I understand it, it is determined that the Government is, in the first instance, bound to pay the interest on the subsidy bonds issued to the so-called Pacific railroad companies. At the maturity of the bonds the railroad companies will owe the Government for advances of interest. There is no earlier means of re-imbursement except that the Government is entitled to apply one-half of the freight charges on freight carried by these companies for the Government as credits on advances of interest. But when the subsidy bonds mature the railroad companies may be worthless, and the Government may not be able to collect a dollar. If I understand the argument of the Attorney-General correctly, this decision of the Supreme Court involves a liability of about $200,000,000 on the part of the Government, including the interest on advances. All this may be lost to the Government unless provision now be made to secure it against loss.

The SPEAKER *pro tempore*. Does the gentleman withdraw his demand for the previous question? He has no right to debate the proposition in its present stage.

Mr. LAWRENCE. I did not wish to debate further than to make this statement. I will ask, however, to incorporate in the RECORD the statement I hold in my hand. I believe there will be no objection to the adoption of the resolution. It merely directs the Committee on the Judiciary to report legislation which may be appropriate. I think there can be no objection to that.

The statement, which I take from one of the ablest newspapers of the country, is as follows:

The main facts in the condition of the Union Pacific Railway Company merit more attention than they are receiving from the public. The contest of the company against applying its earnings from Government freight to pay a small part of the current interest on the United States bonds lent to it brings its condition into prominence. This company received from the United States over twenty-seven millions in bonds. The company refuses to pay the interest, save so much as one-half its charges on Government freight amount to, and it is not laying by any sinking fund to meet interest or bonds. By the maturity of the bonds the interest will amount to over thirty-two millions. If we make the large allowance of one-third as paid in freight, the balance of arrears of interest will be over twenty-one millions, making the principal and arrears of interest of the United States loan forty-eight millions.

The company issued its own bonds for thirty millions, and made these a first mortgage. This will make, on the maturity of the United States bonds, a bonded indebtedness of over seventy-eight millions. The road is one thousand and thirty-two miles long; therefore it will have a bonded debt of over $75,000 per mile. No one believes it cost $40,000 a mile to build and equip the road. Besides this, there was issued stock to the amount of forty-five millions. This raises the liabilities to one hundred and twenty-three millions. That is to say, they will amount to this at the maturity of the United States bonds, which were for twenty years. This is over $119,000 per mile, being treble what it cost to build the road. In addition,

the company received 12,000,000 acres of land. The location of the road made some of these immediately valuable, and the company realized on them. They are selling what are worth anything of the rest, and putting the money in their pockets.

When the twenty years shall have expired, dating from 1864, what is valuable of the lands will be gone, and there will be left on the worn-out road a load of one hundred and twenty-three millions of liabilities, of which over seventy-eight millions will be in bonded debt, namely, forty-eight millions to the United States, and thirty millions in first-mortgage bonds. Does any one fancy that any set of managers would try to carry along the road with such a load? Honest management, which came into possession under such circumstances, would at once declare the road bankrupt. What shall we expect from such managers as it has? How easy to default on the first-mortgage bonds, and have the road sold, and buy it, thus wiping out the Government loan and all its arrears of interest and the stock? The wonder is that, with this robber game so plainly displayed, the stock sells for anything at all, save as a means of getting control of the plunder. Yet it is quoted at about eighty. Shares of moonshine would be about as safe for investment.

This only relates to one of the railroad companies, but it may be well to know the condition of all. The investigations already made by Congress show the necessity for this.

I present also the following statement, illustrative of this subject, from the last annual report of the Secretary of the Treasury:

TABLE N.—*Statement of thirty-year 6 per cent. bonds (interest payable January and July) issued to the several Pacific railway companies under the acts of July 1, 1862, (12 Statutes, 492,) and July 2, 1864, (13 Statutes, 359.)*

Railway companies.	Amount of bonds outstanding.	Amount of interest accrued and paid to date, as per preceding statement.	Amount of interest due, as per Register's schedule.	Total interest paid by the United States.	Repayment of interest by transportation of mails, troops, &c.	Balance due the United States on interest account, deducting repayments.	Balance of accrued interest due the United States on interest account.	Total amount of interest due the United States from Pacific railway companies.
On July 1, 1865:								
Central Pacific	$1,258,000 00		$37,740 00	$37,740 00				$37,740 00
Kansas Pacific								
Union Pacific								
Central Branch Union Pacific								
Western Pacific								
Sioux City and Pacific								
	1,258,000 00		37,740 00	37,740 00				37,740 00
On January 1, 1866:								
Central Pacific	2,362,000 00	$37,740 00	55,056 83	92,796 83				92,796 83
Kansas Pacific	640,000 00		6,417 53	6,417 53				6,417 53
Union Pacific								
Central Branch Union Pacific								
Western Pacific								
Sioux City and Pacific								
	3,002,000 00	37,740 00	61,474 36	99,214 36				99,214 36
On July 1, 1866:								
Central Pacific	3,002,000 00	92,796 83	83,169 03	175,965 86				175,965 86
Kansas Pacific	1,360,000 00	6,417 53	33,026 56	39,444 09				39,444 09
Union Pacific	1,680,000 00		19,917 09	19,917 09				19,917 09
Central Branch Union Pacific								
Western Pacific								
Sioux City and Pacific								
	6,042,000 00	99,214 36	136,112 68	235,327 04				235,327 04
On January 1, 1867:								
Central Pacific	3,962,000 00	175,965 86	111,837 51	287,803 37				287,803 37
Kansas Pacific	2,080,000 00	39,444 09	55,186 84	94,630 93				94,630 93
Union Pacific	4,320,000 00	19,917 09	97,755 65	117,672 74				117,672 74
Central Branch Union Pacific	640,000 00		10,099 74	10,099 74				10,099 74
Western Pacific								
Sioux City and Pacific								
	11,002,000 00	235,327 04	274,879 74	510,206 78				510,206 78
On July 1, 1867:								
Central Pacific	4,602,000 00	287,803 37	136,534 50	424,337 87	22,849 07	401,488 80		401,488 80
Kansas Pacific	3,360,000 00	94,630 93	78,654 29	173,285 22	27,414 40	145,840 82		145,840 82
Union Pacific	5,520,000 00	117,672 74	147,826 87	265,499 61		265,499 61		265,499 61
Central Branch Union Pacific	960,000 00	10,099 74	22,408 75	32,508 49		32,508 49		32,508 49
Western Pacific	320,000 00		8,206 03	8,206 03		8,206 03		8,206 03
Sioux City and Pacific								
	14,762,000 00	510,206 78	393,630 44	903,837 22	50,293 47	853,543 75		853,543 75
On January 1, 1868:								
Central Pacific	6,074,000 00	424,337 87	145,613 83	569,951 70	29,899 07	540,052 63		540,052 63
Kansas Pacific	4,880,000 00	173,285 22	122,580 26	295,865 48	148,935 26	146,930 22		146,930 22
Union Pacific	8,160,000 00	265,499 61	210,562 28	476,061 89	249,191 98	226,869 91		226,869 91
Central Branch Union Pacific	1,280,000 00	32,508 49	30,325 50	62,833 99		62,833 99		62,833 99
Western Pacific	320,000 00	8,206 03	9,600 00	17,806 03		17,806 03		17,806 03
Sioux City and Pacific								
	20,714,000 00	903,837 22	518,681 87	1,422,519 09	428,026 31	994,492 78		994,492 78
On July 1, 1868:								
Central Pacific	7,020,000 00	569,951 70	185,641 16	755,592 86	36,949 07	718,643 79		718,643 79
Kansas Pacific	6,080,000 00	295,865 48	165,258 16	461,123 64	266,367 71	194,755 93		194,755 93
Union Pacific	12,957,000 00	476,061 89	288,593 86	764,655 75	524,853 03	243,802 72		243,802 72
Central Branch Union Pacific	1,600,000 00	62,833 99	46,974 27	109,808 26		109,808 26		109,808 26
Western Pacific	320,000 00	17,806 03	9,600 00	27,406 03		27,406 03		27,406 03
Sioux City and Pacific	1,112,000 00		19,603 76	19,603 76		19,603 76		19,603 76
	29,089,000 00	1,422,519 09	715,671 21	2,138,190 30	828,169 81	1,314,020 49		1,314,020 49
On January 1, 1869:								
Central Pacific	16,684,000 00	755,592 86	347,193 73	1,102,786 59	46,158 10	1,056,628 49		1,056,628 49
Kansas Pacific	6,303,000 00	461,123 64	184,599 45	645,723 09	368,406 97	277,316 12		277,316 12
Union Pacific	24,078,000 00	764,655 75	549,109 77	1,313,765 52	719,214 87	594,550 65		594,550 65
Central Branch Union Pacific	1,600,000 00	109,808 26	48,000 00	157,808 26		157,808 26		157,808 26
Western Pacific	320,000 00	27,406 03	9,600 00	37,006 03		37,006 03		37,006 03
Sioux City and Pacific	1,112,000 00	19,603 76	33,360 00	52,963 76	16 27	52,947 49		52,947 49
	50,097,000 00	2,138,190 30	1,171,862 95	3,310,053 25	1,133,796 21	2,176,257 04		2,176,257 04
On July 1, 1869:								
Central Pacific	22,789,000 00	1,102,786 59	616,429 59	1,719,216 18	72,666 99	1,646,549 19		1,646,549 19
Kansas Pacific	6,303,000 00	645,723 09	189,090 00	834,813 09	546,569 10	288,243 99		288,243 99
Union Pacific	25,998,000 00	1,313,765 52	768,104 37	2,081,869 89	906,446 11	1,175,423 78		1,175,423 78

TABLE N.—*Statement of thirty-year 6 per cent. bonds (interest payable January and July) issued to the several Pacific railway companies, &c.*—Continued.

Railway companies.	Amount of bonds outstanding.	Amount of interest accrued and paid to date, as per preceding statement.	Amount of interest due, as per Register's schedule.	Total interest paid by the United States.	Repayment of interest by transportation of mails, troops, &c.	Balance due the United States on interest account, deducting repayments.	Balance of accrued interest due the United States on interest account.	Total amount of interest due the United States from Pacific railway companies.
Central Branch Union Pacific	$1,600,000 00	$157,808 26	$48,000 00	$205,808 26	$3,490 79	$202,317 47	.....	$202,317 47
Western Pacific	320,000 00	37,606 03	9,600 00	46,606 03	.....	46,606 03	.....	46,606 03
Sioux City and Pacific	1,628,320 00	52,963 76	43,514 93	96,508 69	16 27	96,492 42	.....	96,492 42
	58,638,320 00	3,310,053 25	1,674,768 89	4,984,822 14	1,529,189 26	3,455,632 88	.....	3,455,632 88
On January 1, 1870:								
Central Pacific	25,881,000 00	1,719,216 18	772,528 08	2,491,744 26	116,765 86	2,374,978 40	.....	2,374,978 40
Kansas Pacific	6,303,000 00	834,813 09	189,090 00	1,023,903 09	631,224 99	392,678 10	.....	392,678 10
Union Pacific	27,075,000 00	2,081,869 89	809,859 96	2,891,729 85	1,107,427 54	1,784,302 31	.....	1,784,302 31
Central Branch Union Pacific	1,600,000 00	205,808 26	48,000 00	253,808 26	5,301 92	248,506 34	.....	248,506 34
Western Pacific	1,648,000 00	46,696 03	26,692 73	73,288 76	.....	73,288 76	.....	73,288 76
Sioux City and Pacific	1,528,320 00	96,508 69	48,849 60	145,358 29	369 40	144,988 89	.....	144,988 89
	64,135,320 00	4,984,822 14	1,895,010 37	6,879,832 51	1,861,089 71	5,018,742 80	.....	5,018,742 80
On July 1, 1870:								
Central Pacific	25,881,000 00	2,491,744 26	770,023 58	3,261,767 84	164,054 17	3,097,713 67	$155,730 40	3,253,444 07
Kansas Pacific	6,303,000 00	1,023,903 09	189,090 00	1,212,993 09	684,359 12	528,633 97	28,717 58	557,351 55
Union Pacific	27,075,000 00	2,891,729 85	821,641 20	3,713,371 05	1,289,576 87	2,423,794 18	67,767 69	2,491,561 87
Central Branch Union Pacific	1,600,000 00	253,808 26	48,000 00	301,808 26	7,401 92	294,406 34	17,857 43	312,263 01
Western Pacific	1,970,000 00	73,288 76	57,908 60	131,197 36	.....	131,197 36	4,274 71	135,472 77
Sioux City and Pacific	1,628,320 00	145,358 29	48,849 60	194,207 89	396 08	193,811 81	5,154 20	198,966 07
	64,457,320 00	6,879,832 51	1,935,512 98	8,815,345 49	2,145,788 16	6,669,557 33	279,502 01	6,949,059 34
On January 1, 1871:								
Central Pacific	25,881,000 00	3,261,767 84	776,430 00	4,038,197 84	241,638 70	3,796,559 14	326,995 81	4,123,554 95
Kansas Pacific	6,303,000 00	1,212,993 09	189,090 00	1,402,083 09	768,148 66	633,934 43	56,879 25	690,813 68
Union Pacific	27,236,512 00	3,713,371 05	817,095 36	4,530,466 41	1,434,952 33	3,095,514 08	194,389 56	3,289,903 64
Central Branch Union Pacific	1,600,000 00	301,808 26	48,000 00	349,808 26	7,401 92	342,406 34	35,410 83	377,817 17
Western Pacific	1,970,000 00	131,197 36	59,100 00	190,297 36	8,281 25	182,016 11	10,598 09	192,614 20
Sioux City and Pacific	1,628,320 00	194,207 89	48,849 60	243,057 49	396 08	242,661 41	15,762 43	258,423 84
	64,618,832 00	8,815,345 49	1,938,564 96	10,753,910 45	2,460,818 94	8,293,091 51	640,035 97	8,933,127 48
On July 1, 1871:								
Central Pacific	25,881,000 00	4,038,197 84	776,430 00	4,814,627 84	343,266 90	4,471,360 94	449,753 57	4,921,114 51
Kansas Pacific	6,303,000,00	1,402,083 09	189,090 00	1,591,173 09	857,330 93	733,842 16	76,932 82	810,774 98
Union Pacific	27,236,512 00	4,530,466 41	817,095 36	5,347,561 77	1,755,303 15	3,592,258 62	289,874 27	3,882,132 89
Central Branch Union Pacific	1,600,000 00	349,808 26	48,000 00	397,808 26	9,276 92	388,531 34	46,725 32	435,256 66
Western Pacific	1,970,000 00	190,297 36	59,100 00	349,397 36	8,281 25	241,116 11	16,376 52	257,492 63
Sioux City and Pacific	1,628,320 00	243,057 49	48,849 60	291,907 09	401 88	291,505 21	23,515 13	315,020 34
	64,618,832 00	10,753,910 45	1,938,564 96	12,692,475 41	2,973,861 03	9,718,614 38	903,177 63	10,621,792 01
On January 1, 1872:								
Central Pacific	25,881,000 00	4,814,627 84	776,430 00	5,591,057 84	422,556 33	5,168,501 51	595,968 12	5,764,469 63
Kansas Pacific	6,303,000 00	1,591,173 09	189,090 00	1,780,263 09	927,829 30	852,433 79	100,272 17	952,705 96
Union Pacific	27,236,512 00	5,347,561 77	817,095 36	6,164,657 13	1,964,850 08	4,199,807 05	402,429 22	4,602,236 27
Central Branch Union Pacific	1,600,000 00	397,808 26	48,000 00	445,808 26	9,276 92	436,531 34	59,783 02	496,314 36
Western Pacific	1,970,000 00	249,397 36	59,100 00	308,497 36	9,350 25	299,147 11	24,078 92	323,226 03
Sioux City and Pacific	1,628,320 00	291,907 09	48,849 60	340,756 69	401 88	340,354 81	32,965 74	373,320 55
	64,618,832 00	12,692,475 41	1,938,564 96	14,631,040 37	3,334,264 76	11,296,775 61	1,215,497 19	12,512,272 80
On July 1, 1872:								
Central Pacific	25,885,120 00	5,591,057 84	777,318 23	6,368,376 07	527,025 39	5,841,350 68	766,898 68	6,608,249 36
Kansas Pacific	6,303,000 00	1,780,263 09	189,090 00	1,969,353 09	973,904 69	995,448 40	128,292 25	1,123,740 65
Union Pacific	27,236,512 00	6,164,657 13	817,095 36	6,981,752 49	2,181,969 43	4,799,763 06	537,973 22	5,337,736 28
Central Branch Union Pacific	1,600,000 00	445,808 26	48,000 00	493,808 26	15,839 42	477,968 84	74,538 53	552,507 37
Western Pacific	1,970,560 00	308,497 36	59,181 98	367,679 34	9,350 25	358,329 09	33,775 70	392,104 79
Sioux City and Pacific	1,628,320 00	340,756 69	48,849 60	389,606 29	825 60	388,780 69	44,165 12	432,945 81
	64,623,512 00	14,631,040 37	1,939,535 17	16,570,575 54	3,708,934 78	12,861,640 76	1,585,613 50	14,447,254 26
On January 1, 1873:								
Central Pacific	25,885,120 00	6,368,376 07	776,553 60	7,144,929 67	614,057 06	6,530,872 61	963,723 26	7,494,595 87
Kansas Pacific	6,303,000 00	1,969,353 09	189,090 00	2,158,443 09	1,067,179 03	1,091,264 06	160,631 78	1,251,895 84
Union Pacific	27,236,512 00	6,981,752 49	817,095 36	7,798,847 85	2,296,875 90	5,501,971 95	696,737 82	6,198,709 77
Central Branch Union Pacific	1,600,000 00	493,808 26	48,000 00	541,808 26	17,714 42	524,093 84	91,093 42	615,187 26
Western Pacific	1,970,560 00	367,679 34	59,116 80	426,796 14	9,350 25	417,445 89	45,538 84	462,984 73
Sioux City and Pacific	1,628,320 00	389,606 29	48,849 60	438,455 89	825 60	437,630 20	57,153 49	494,783 69
	64,623,512 00	16,570,575 54	1,938,705 36	18,509,280 90	4,006,002 35	14,503,278 55	2,014,878 61	16,518,157 16
On July 1, 1873:								
Central Pacific	25,885,120 00	7,144,929 67	776,553 60	7,921,483 27	725,037 15	7,196,446 12	1,186,138 37	8,382,584 49
Kansas Pacific	6,303,000 00	2,158,443 09	189,090 00	2,347,533 09	1,082,195 36	1,265,337 73	197,874 38	1,463,212 11
Union Pacific	27,236,512 00	7,798,847 85	817,095 36	8,615,943 21	2,383,019 67	6,232,923 54	881,268 16	7,114,191 70
Central Branch Union Pacific	1,600,000 00	541,808 26	48,000 00	589,808 26	18,651 92	571,156 34	109,529 94	680,686 28
Western Pacific	1,970,560 00	426,796 14	59,116 80	485,912 94	9,367 00	476,545 94	59,428 02	535,973 96
Sioux City and Pacific	1,628,320 00	438,455 89	48,849 60	487,305 49	4,869 72	482,435 77	71,947 61	554,383 38
	64,623,512 00	18,509,280 90	1,938,705 36	20,447,986 26	4,223,140 82	16,224,845 44	2,506,186 48	18,731,031 92
On January 1, 1874:								
Central Pacific	25,885,120 00	7,921,483 27	776,553,60	8,698,036 87	808,671 30	7,889,365 57	1,437,486 68	9,326,852 25
Kansas Pacific	6,303,000 00	2,347,533 09	189,090 00	2,536,623 09	1,206,033 28	1,330,589 81	240,274 81	1,570,864 62
Union Pacific	27,236,512 00	8,615,943 21	817,095 36	9,433,038 57	2,613,354 34	6,819,684 23	1,090,997 23	7,910,681 46
Central Branch Union Pacific	1,600,000 00	589,808 26	48,000 00	637,808 26	21,893 27	615,914 99	129,863 46	745,778 45
Western Pacific	1,970,560 00	485,912 94	59,116 80	545,029 74	9,367 00	535,662 74	75,507 24	611,169 98
Sioux City and Pacific	1,628,320 00	487,305 49	48,849 60	536,155 09	6,735 54	529,419 55	88,557 31	617,976 86
	64,623,512 00	20,447,986 26	1,938,705 36	22,386,691 62	4,666,054 73	17,720,636 89	3,062,686 73	20,783,323 62

TABLE N.—*Statement of thirty-year 6 per cent. bonds (interest payable January and July) issued to the several Pacific railway companies, &c.*—Continued.

Railway companies.	Amount of bonds outstanding.	Amount of interest accrued and paid to date, as per preceding statement.	Amount of interest due, as per Register's schedule.	Total interest paid by the United States.	Repayment of interest by transportation of mails, troops, &c.	Balance due the United States on interest account, deducting repayments.	Balance of accrued interest due the United States on interest account.	Total amount of interest due the United States from Pacific railway companies.
On July 1, 1874:								
Central Pacific	$25,885,120 00	$8,638,036 87	$776,553 60	$9,474,590 47	$1,099,542 23	$8,375,048 24	$1,712,114 30	$10,087,162 54
Kansas Pacific	6,303,000 00	2,536,623 09	189,090 00	2,725,713 09	1,291,592 26	1,434,120 83	286,568 96	1,720,689 79
Union Pacific	27,236,512 00	9,434,038 57	817,095 36	10,250,133 93	2,816,174 10	7,433,959 83	1,325,779 64	8,759,739 47
Central Branch Union Pacific	1,600,000 00	637,808 26	48,000 00	685,808 26	27,549 50	658,258 76	152,132 79	810,391 55
Western Pacific	1,970,560 00	545,029 74	59,116 80	604,146 54	9,367 00	594,779 54	93,842 34	688,621 88
Sioux City and Pacific	1,628,320 00	536,155 09	48,849 60	585,004 69	7,811 29	577,193 40	107,084 60	684,278 00
	64,623,512 00	22,386,691 62	1,938,705 36	24,525,396 98	5,252,036 38	19,073,360 60	3,677,522 63	22,750,883 23
On January 1, 1875:								
Central Pacific	25,885,120 00	9,474,590 47	776,553 60	10,251,144 07	1,164,814 98	9,086,329 09	2,013,565 89	11,099,894 98
Kansas Pacific	6,303,000 00	2,725,713 09	189,090 00	2,910,803 09	1,327,722 26	1,587,080 83	337,269 08	1,924,349 91
Union Pacific	27,236,512 00	10,250,133 93	817,095 36	11,067,229 29	3,060,155 48	8,007,073 81	1,585,863 94	9,592,937 75
Central Branch Union Pacific	1,600,000 00	685,808 26	48,000 00	733,808 26	31,924 50	701,883 76	176,395 13	878,278 89
Western Pacific	1,970,560 00	604,146 54	59,116 80	663,263 34	9,367 00	653,896 34	114,501 00	768,397 34
Sioux City and Pacific	1,628,320 00	585,004 69	48,849 60	633,854 29	7,853 90	626,000 39	127,612 51	753,612 90
	64,623,512 00	24,325,396 98	1,938,705 36	26,264,102 34	5,601,838 12	20,662,264 22	4,355,207 55	25,017,471 77
On July 1, 1875:								
Central Pacific	25,885,120 00	10,251,144 07	776,553 60	11,027,697 67	1,166,667 51	9,861,030 16	2,346,542 93	12,207,573 09
Kansas Pacific	6,303,000 00	2,914,803 09	189,090 00	3,103,893 09	1,463,884 21	1,700,008 88	393,877 82	2,093,886 70
Union Pacific	27,236,510 00	11,067,229 29	917,095 36	11,884,324 65	3,504,826 14	8,379,498 51	1,868,193 03	10,247,691 54
Central Branch Union Pacific	1,600,000 00	733,808 26	48,000 00	781,808 26	39,424 50	742,383 76	202,655 14	945,038 90
Western Pacific	1,970,560 00	663,263 34	59,116 80	722,380 14	9,367 00	713,013 14	137,552 91	850,566 05
Sioux City and Pacific	1,628,320 00	633,854 29	48,849 60	682,703 89	10,141 93	672,561 96	150,200 39	822,762 35
	64,623,612 00	26,264,102 34	1,938,705 36	28,202,807 70	6,134,311 29	22,068,496 41	5,099,022 22	27,167,518 63

I hope the resolution will be adopted. I now demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was adopted.

Mr. LAWRENCE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PROTECTION OF POSTAL RIGHTS OF THE INSANE.

Mr. MONROE introduced a bill (H. R. No. 452) to protect the rights of the inmates of asylums for the insane; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

SUPERVISING SURGEON-GENERAL OF THE MARINE-HOSPITAL SERVICE.

Mr. MONROE also introduced a bill (H. R. No. 453) extending the privilege of the Library of Congress to the Supervising Surgeon-General of the Marine-Hospital Service; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

EDUCATION.

Mr. MONROE. I submit the following resolution, which I ask be referred to the Committee on Education and Labor and ordered to be printed in the RECORD.

The Clerk read as follows:

Whereas it is commonly admitted that the general education of the people is indispensable to the prosperity and even to the continued existence of a republic in which the responsibilities of suffrage are universal; and whereas the last census reveals the alarming fact that more than one-fifth of the population of the United States above the age of ten years is unable to read or write, and that nearly one-fourth of all the legal voters of the nation is in this condition of illiteracy; and whereas this want of the rudiments of knowledge among those who elect the officers of the State and nation exists largely by the act of the National Government through the extension of the right of suffrage and in States which are disabled by the waste and impoverishment of war from making adequate provision for the support of common schools; and whereas our soundest jurists have held, with Judge Story, that the Constitution confers the power upon Congress, in the exercise of a sound discretion and with proper regard to the just autonomy of the States, to apply the money raised by taxation to the promotion of the general welfare of the United States: Therefore,

Resolved, That the Committee on Education and Labor be requested to inquire in regard to the expediency of making moderate appropriation from the Treasury, upon the ratio of illiteracy, for the voluntary acceptance of States which have established or will establish a permanent system of common schools for the education of all their youth, and supported, in fair proportion, by the taxation of their own people; and that the said committee report by bill or otherwise.

Mr. RANDALL. I would like to hear that resolution read again, as it seems to be a very important one.

Mr. MONROE. It is only offered for reference, and not for adoption.

Mr. RANDALL. If only offered for reference, I have no objection. It should be referred for consideration by one of the committees. If the gentleman desires to pass the resolution at this time, then I have something to say on the subject.

Mr. MONROE. I would like to say a word too, but I do not think I can be allowed just now. I merely offer the resolution for reference.

Mr. O'BRIEN. Would it be proper to include in the reference of this resolution to the committee that it shall never come back again? [Laughter.]

Mr. BUCKNER. I object to its going in the RECORD, as requested.

The SPEAKER *pro tempore*. It must go in the RECORD, as it has been read from the Clerk's desk.

Mr. MONROE. I introduced the resolution with the whereases simply for the purpose of reference to a committee. It will be printed in the RECORD, and gentlemen can read it there.

Mr. RANDALL. It simply goes on the RECORD on the authority of the gentleman who offers it.

The resolution was referred to the Committee on Education and Labor.

JOHN FORDYCE AND OTHERS.

Mr. DANFORD introduced a bill (H. R. No. 454) for the relief of John Fordyce and others; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BANKRUPTCY.

Mr. MILLIKEN introduced a bill (H. R. No. 455) to repeal an act entitled "An act to establish a uniform system of bankruptcy throughout the United States and all other acts amendatory thereto;" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SALES OF TOBACCO.

Mr. MILLIKEN also introduced a bill (H. R. No. 456) to authorize producers of tobacco to sell the same by retail in the leaf to consumers in any amount not exceeding $100 in value, of any one year's produce, free of tax or other restriction; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ROBERT ISHERWOOD'S HEIRS.

Mr. MILLIKEN also introduced a bill (H. R. No. 457) for the relief of Robert Isherwood's heirs; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ARCHIBALD B. RUE.

Mr. DURHAM introduced a bill (H. R. No. 458) for the relief of Archibald B. Rue; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHRISTIAN CHURCH IN DANVILLE, KENTUCKY.

Mr. DURHAM also introduced a bill (H. R. No. 459) for the benefit of the Christian church in Danville, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MADISON FEMALE ACADEMY AT RICHMOND, KENTUCKY.

Mr. DURHAM also introduced a bill (H. R. No. 460) for the benefit of the Madison Female Academy, located at Richmond, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MAJOR JOHN A. MORRISON.

Mr. DURHAM also introduced a bill (H. R. No. 461) for the benefit of Major John A. Morrison, of Russell County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF JAMES BARNETT.

Mr. DURHAM also introduced a bill (H. R. No. 462) granting additional pay to the heirs of James Barnett, captain in the revolutionary war; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

PENSIONS.

Mr. WHITE introduced a bill (H. R. No. 463) to provide that all pensions on account of death, wounds received, or disease contracted in the service of the United States since March 4, 1861, which have been granted, or which shall hereafter be granted, on application filed previously to July 4, 1876, shall commence from the date of death or discharge, and for the payment of the arrears of pension; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COLLECTION OF REVENUE ON DISTILLED SPIRITS.

Mr. WHITE also introduced a joint resolution (H. R. No. 20) to economize in the collection of the internal revenue on distilled spirits in remote and out-of-the-way localities; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

INTERNATIONAL EXHIBITION AT PHILADELPHIA.

Mr. WHITE also introduced a joint resolution (H. R. No. 21) to insure the success of the international exhibition to be held at Philadelphia and to maintain the honor of the nation; which was read a first and second time, referred to the Select Committee on the Centennial Celebration and the proposed National Census of 1875, and ordered to be printed.

BOUNTY LANDS.

Mr. WHITE also introduced a joint resolution (H. R. No. 22) to pay soldiers and sailors who are yet entitled to bounty lands $1 per acre for those lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PRESBYTERIAN CHURCH AT MURFREESBOROUGH, TENNESSEE.

Mr. BRIGHT introduced a bill (H. R. No. 464) making appropriation for the benefit of the Presbyterian church at Murfreesborough, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM PHILLIPS.

Mr. BRIGHT also introduced a bill (H. R. No. 465) for the relief of William Phillips, of Nashville, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM PARK.

Mr. BRIGHT also introduced a bill (H. R. No. 466) for the relief of William Park, of Nashville, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS HORD, DECEASED.

Mr. BRIGHT also introduced a bill (H. R. No. 467) for the relief of the estate of Thomas Hord, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EULOGIES ON EX-PRESIDENT JOHNSON.

Mr. BRIGHT. I wish to give notice that on Tuesday next, at two o'clock, I will move the House to have suitable memorial proceedings in relation to the late ANDREW JOHNSON, late a Senator of the United States from Tennessee.

H. JOHNSON AND OTHERS.

Mr. ATKINS introduced a bill (H. R. No. 468) to refund to H. Johnson and certain other citizens of Tennessee taxes illegally collected from them; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NAVIGATION OF TENNESSEE RIVER.

Mr. ATKINS also introduced a bill (H. R. No. 469) to improve the navigation of the Tennessee River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SALE OF LEAF-TOBACCO.

Mr. ATKINS also introduced a bill (H. R. No. 470) authorizing the sale of leaf-tobacco in limited quantities; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

POSTAGE UPON LEGAL MATTER.

Mr. ATKINS also introduced a bill (H. R. No. 471) fixing the rate of postage upon written legal matter, and for other purposes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

TEXAS PACIFIC RAILROAD.

Mr. ATKINS also introduced a bill (H. R. No. 472) amendatory of and supplementary to the act entitled "An act to incorporate the Texas Pacific Railroad Company, and to aid in the construction of that road, and for other purposes," approved March 3, 1871, and the act supplementary thereto, approved May 2, 1872, and the act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific Ocean," approved July 27, 1866; which was read a first and second time, referred to the Committee on the Pacific Railroad, and ordered to be printed.

HENRY S. FRENCH.

Mr. WHITTHORNE introduced a bill (H. R. No. 473) for the relief of Henry S. French, Nashville, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PENSIONS TO THE SOLDIERS OF THE WAR WITH MEXICO.

Mr. WHITTHORNE also introduced a bill (H. R. No. 474) to provide for pensions to soldiers of the war with Mexico, and the Seminole war of 1836; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY ANN HALL.

Mr. McFARLAND introduced a bill (H. R. No. 475) granting a pension to Mary Ann Hall, widow of James Hall, Company K, Fifth Tennessee Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID BRITTON.

Mr. McFARLAND also introduced a bill (H. R. No. 476) replacing on the pension-roll the name of David Britton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM GOUGE.

Mr. McFARLAND also introduced a bill (H. R. No. 477) for the relief of William Gouge, late private of Company B, Twelfth Tennessee Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANDREW J. DUNCAN.

Mr. HOUSE introduced a bill (H. R. No. 478) for the relief of Andrew J. Duncan, of Nashville, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALFRED FLY.

Mr. HOUSE also introduced a bill (H. R. No. 479) for the relief of Alfred Fly, (colored,) of Stewart County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PATRICK J. O'ROURKE.

Mr. HOUSE also introduced a bill (H. R. No. 480) for the relief of Patrick J. O'Rourke, late first lieutenant Company E, First Regiment Pennsylvania Reserve Corps; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

D. W. GLASSIE AND OTHERS.

Mr. HOUSE also introduced a bill (H. R. No. 481) for the relief of D. W. Glassie, Minnie H. Glassie, and James C. Nash; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. SARAH A. TURNER.

Mr. HOUSE also introduced a bill (H. R. No. 482) for the relief of Mrs. Sarah A. Turner, of Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELIHU S. MARSHALL.

Mr. HOUSE also introduced a bill (H. R. No. 483) for the relief of Elihu S. Marshall, of Nashville, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. MARTHA A. STEVENS.

Mr. HOUSE also introduced a bill (H. R. No. 484) for the relief of Mrs. Martha A. Stevens, of Tennessee; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

E. H. CHILDRESS AND THOMAS CHADWELL.

Mr. HOUSE also introduced a bill (H. R. No. 485) for the relief of E. H. Childress, deceased, and Thomas Chadwell, of Nashville, Tennessee; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DUNCAN MARR.

Mr. HOUSE also introduced a bill (H. R. No. 486) for the relief of Duncan Marr, of Montgomery County, Tennessee; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

TENNESSEE AND HIAWASSEE RIVERS.

Mr. DIBRELL introduced a bill (H. R. No. 487) for the improvement of the Tennessee and Hiawassee Rivers in Tennessee and Alabama; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

DISTRICT COURT IN TENNESSEE.

Mr. DIBRELL also introduced a bill (H. R. No. 488) to establish a district court at Chattanooga, Tennessee; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOHN EASTWOOD.

Mr. DIBRELL also introduced a bill (H. R. No. 489) for the relief of the heirs of John Eastwood, deceased, of Warren County, Tennessee; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

B. T. MARTIN.

Mr. DIBRELL also introduced a bill (H. R. No. 490) for the relief of B. T. Martin, of Charlestown, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS CLIFT.

Mr. DIBRELL also introduced a bill (H. R. No. 491) for the relief of Thomas Clift, late captain in the Union Guards; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM G. FORD.

Mr. YOUNG introduced a joint resolution (H. R. No. 21) for the relief of William G. Ford, of Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

He also introduced a bill (H. R. No. 492) for the relief of William G. Ford, of Tennessee; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EDGAR M'DAVITT.

Mr. YOUNG also introduced a bill (H. R. No. 493) for the relief of Edgar McDavitt, of Memphis, Tennessee; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SAMUEL H. DUNSCOMB.

Mr. YOUNG also introduced a bill (H. R. No. 494) for the relief of Samuel H. Dunscomb, of Memphis, Tennessee; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC BUILDING, MEMPHIS, TENNESSEE.

Mr. YOUNG also introduced a bill (H. R. No. 495) to further provide for the building of a custom-house, post-office, court-rooms, &c., in the city of Memphis, Tennessee; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

L. M. BLACKMAN.

Mr. THORNBURGH introduced a bill (H. R. No. 496) for the relief of L. M. Blackman, late major Fourth Tennessee Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

J. H. AND GEORGE WORTHY.

Mr. THORNBURGH also introduced a bill (H. R. No. 497) for the relief of J. H. and George Worthy, of Monroe County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE W. HILL.

Mr. THORNBURGH also introduced a bill (H. R. No. 498) for the relief of George W. Hill, of New Market, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS HILTON.

Mr. THORNBURGH also introduced a bill (H. R. No. 499) for the relief of the heirs of Thomas Hilton, deceased, of South Carolina; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM R. DUNCAN.

Mr. THORNBURGH also introduced a bill (H. R. No. 500) to place William R. Duncan, late a private in Company G, Tennessee Volunteer Infantry, on the pension-rolls; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HARRISON MITCHELL.

Mr. HAYMOND introduced a bill (H. R. No. 501) granting a pension to Harrison Mitchell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES D. C. WILLIAMS.

Mr. HAYMOND also introduced a bill (H. R. No. 502) for the relief of Charles D. C. Williams, late a captain of marine artillery; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BOUNTIES TO SOLDIERS AND SEAMEN.

Mr. CASON introduced a bill (H. R. No. 503) giving land warrants or Treasury certificates to the soldiers and seamen in the late war of the rebellion in the Southern States; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CLAIMS OF UNION SOLDIERS.

Mr. CASON also submitted the following resolution, on which he demanded the previous question:

Whereas the people of the United States have lately passed through an internecine war, in which one section of the country has been arrayed against the other, brother against brother and father against son; and whereas we owe the preservation of the Union, the establishment of peace, and the enforcement of law and order to the bravery and patriotic devotion of the loyal soldiers of the Union and its cause: Therefore,

Be it resolved by the House of Representatives, That we recognize the brave and gallant services rendered by the loyal soldier to his country in the time of its greatest need and peril, and that we do earnestly recommend to the people of our common country the utmost care and watchfulness over the rights and interests of these brave men, securing to each one in need employment, and to such and their families the necessaries and common comforts of life; and in all cases of public employment and in the bestowment of the emoluments of office, that, all other things being equal, the soldier should have the preference over the civilian; and, as one branch of the legislative department of this Government, we are in favor of laws being enacted by Congress giving liberal pensions to the diseased and crippled soldiers, and to the widows and children and dependent fathers and mothers of those who have died of wounds or diseases contracted while in the service of the Union Army, and to each living soldier, and to the widows and heirs of those dead, such bounties and homesteads as a generous Government can afford to those who have won and preserved to the nation its unity and Constitution.

Mr. HARRISON. May I offer an amendment?

The SPEAKER. It is not in order. The gentleman offering the resolution demands the previous question.

The question being taken on seconding the demand for the previous question, there were—ayes 116, noes 7; no quorum voting.

Tellers were ordered; and Mr. CASON and Mr. FAULKNER were appointed.

The House divided; and the tellers reported—ayes 142, noes 9.

So the previous question was seconded.

The main question was then ordered.

The question being on agreeing to the resolution,

Mr. STARKWEATHER called for the yeas and nays, but subsequently withdrew the call.

Mr. LUTTRELL. I renew the call.

The yeas and nays were not ordered.

The resolution was adopted.

Mr. CASON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADMINISTRATIVE ECONOMY AND REFORM.

Mr. MORRISON. I send to the Clerk resolutions which I ask to have read and referred to the Committee on Ways and Means.

The Clerk read as follows:

Resolved, That the several committees of this House having in charge matters pertaining to Indian affairs, military affairs, naval affairs, post-office and post-roads, public lands, public buildings and grounds, claims and war claims, be, and they are hereby, instructed to inquire, so far as the same may properly be before their respective committees, into any errors, abuses, or frauds in the administration and execution of existing laws affecting said branches of the public service, with a view to ascertain what change and reformation can be made so as to promote integrity, economy, and efficiency therein; that the Committees on Expenditures in the State Department, in the Treasury Department, in the War Department, in the Navy Department, in the Post-Office Department, in the Interior Department, in the Department of Justice, and on Public Buildings, be, and they are hereby, instructed to proceed at once, as required by the rules of the House, to examine into the state of the accounts and expenditures of the respective Departments submitted to them, and to examine and report particularly whether the expenditures of the respective Departments are justified by law; whether the claims from time to time satisfied and discharged by the respective Departments are supported by sufficient vouchers, establishing their justness both as to their character and amount; whether such claims have been discharged out of funds appropriated therefor, and whether all moneys have been disbursed in conformity with appropriation laws; whether any, and what, provisions are necessary to be adopted to provide more perfectly for the proper application of the public moneys and to secure the Government from demands unjust in their character or extravagant in their amount; whether any, and what, retrenchment can be made in the expenditures of the several Departments, without detriment to the public service; whether any, and what, abuses at any time exist in the failure to enforce the payment of moneys which may be due to the United States from public defaulters or others; and to report, from time to time, such provisions and arrangements as may be necessary to add to the economy of the several Departments and the accountability of their officers; whether any offices belonging to the branches or Departments, respectively, concerning whose expenditures it is their duty to inquire, have become useless or unnecessary; and to report, from time to time, on the expediency of modifying or abolishing the same; also to examine into the pay and emoluments of all offices under the laws of the United States; and to report, from time to time, such a reduction or increase thereof as a just economy and the public service may require. And for the purpose of enabling the several committees to fully comprehend the workings of the various branches or Departments of Government, respectively, the investigations of said committees may cover such period in the past as each of said committees may deem necessary for its own guidance or information, or for the protection of the public interests, in the exposing of frauds or abuses of any kind in said Departments; and said committees are authorized to send for persons and papers, and may report by bill or otherwise.

Resolved further, That the Committee on Public Expenditures be instructed to investigate and inquire into the matters set forth in the foregoing resolution in the legislative department of the Government, except in so far as the Senate is exclu-

sively concerned, and particularly in reference to the public printing and binding, and shall have the same authority as is conferred upon the other committees aforesaid.

The motion was agreed to; and the resolutions were referred to the Committee on Ways and Means.

APPOINTMENT OF UNION SOLDIERS.

Mr. FORT submitted the following resolution, on which he demanded the previous question.

The Clerk read as follows:

Resolved, That the doctrine just announced by the House in the resolution of the gentleman from Indiana (Mr. CASON) is so wise and just that in the judgment of this House it should be followed by officers of the House in filling subordinate places under their authority, and that in all such cases they are hereby instructed to give to well-qualified Union soldiers preference over soldiers of the late confederate army.

Mr. MORRISON. I hope my colleague will allow that to be referred to the Committee on Ways and Means, to inquire whether "things are equal," in accordance with the terms of the resolution of the gentleman from Indiana, [Mr. CASON.]

Mr. FORT. I demand the previous question, and want the resolution voted on exactly as it is.

Mr. MORRISON. Then we will vote it down for you.

The House divided; and there were—ayes 57, noes 88.

Mr. FORT demanded tellers on seconding the demand for the previous question.

Mr. WOOD, of New York. Mr. Speaker, would it be in order to move to refer that resolution to the Committee on the Centennial Celebration?

The SPEAKER. It will, if the demand for the previous question be not seconded.

Mr. WOOD, of New York. When in order, I make that reference.

Mr. FORT. That cannot be done during my demand for the previous question. I have called for tellers on seconding the demand for the previous question.

The SPEAKER. It is competent for the House to follow its own pleasure in reference to this resolution.

Tellers were ordered; and Mr. FORT and Mr. SPRINGER were appointed.

The House divided; and there were—ayes 78, noes 103.

So the previous question was not seconded.

Mr. WOOD, of New York. Now, Mr. Speaker, I believe it is in order to move the reference of this resolution.

The SPEAKER. It is.

Mr. WOOD, of New York. As this is the centennial year, the year in which we are to forget all our past dissensions, and difficulties, and controversies, I move to refer this to the Committee on the Centennial Celebration.

Mr. HALE. Let us have the yeas and nays on that.

Mr. WOOD, of New York. I demand the previous question on my motion to refer.

Mr. FORT. I wish to make a suggestion.

Mr. RANDALL. Is debate in order?

The SPEAKER. It is not.

Mr. RANDALL. I object to debate.

Mr. FORT. We have had debate from that side on this question.

Mr. RANDALL. I object to debate. I do not think we ought to be detained any longer by this resolution.

Mr. WOOD, of New York. We want to get to the business of the House. We want no more buncombe resolutions.

Mr. FORT. I hope the gentleman from New York will allow the committee to be instructed to report at any time.

The SPEAKER. Debate is not in order.

Mr. FORT. I know it is not.

Mr. ROBBINS, of Pennsylvania. I move the House adjourn.

ENROLLED BILLS.

The SPEAKER. Before taking the sense of the House on the motion to adjourn, the Chair will allow a report to be made from the Committee on Enrolled Bills.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 282) to declare the road leading from Concordia, Kentucky, to Mooleyville, Kentucky, a post-road; and

An act (H. R. No. 283) to change the name of the steamboat Tom Jasper, of Saint Louis, Missouri.

LEAVE OF ABSENCE.

Leave of absence was granted to Mr. COLLINS, of Pennsylvania, for six days.

APPOINTMENT OF UNION SOLDIERS.

The House refused to adjourn.

Mr. FORT. I hope the gentleman from New York will allow the committee to be authorized to report at any time.

The SPEAKER. Does the gentleman from New York yield to the gentleman from Illinois?

Mr. WOOD, of New York. No. I demand the previous question on my motion to refer.

The previous question was seconded and the main question ordered.

Mr. FORT. I demand the yeas and nays on the motion to refer.

The yeas and nays were ordered.

Mr. COX. I ask that the resolution be again read. It is a big thing.

Mr. FORT. It is a big thing. That is exactly what I want.

The resolution was again read.

Mr. MILLS. Is it in order to move an amendment to that resolution?

The SPEAKER. The motion is not amendable, as the main question has been ordered.

Mr. FORT. It is well understood that this motion to refer is made by the other side to kill my resolution.

The SPEAKER. Debate is not in order.

The question was taken; and there were—yeas 122, nays 93, not voting 75; as follows:

YEAS—Messrs. Ashe, Atkins, Bagby, John H. Bagley, jr., Bland, Blount, Boone, Bradford, Bright, John Young Brown, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Candler, Chapin, John B. Clark, jr., of Missouri, Clymer, Cochrane, Cook, Cowan, Cox, Culberson, Cutler, Davis, De Bolt, Dibrell, Douglas, Durham, Eden, Egbert, Faulkner, Felton, Forney, Franklin, Fuller, Gause, Glover, Goode, Andrew H. Hamilton, Robert Hamilton, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hereford, Abram S. Hewitt, Hill, Hooker, Hopkins, House, Hunton, Jenks, George M. Landers, Lane, Levy, Lord, Lynde, Levi A. Mackey, Maish, McFarland, McMahon, Metcalfe, Milliken, Mills, Money, Morrison, Mutchler, New, O'Brien, Parsons, Phelps, John F. Philips, Piper, Poppleton, Powell, Randall, Rea, Reagan, John Reilly, James B. Reilly, Riddle, John Robbins, William M. Robbins, Roberts, Miles Ross, Sayler, Schleicher, Sheakley, Singleton, Slemons, William E. Smith, Southard, Springer, Stenger, Stone, Tarbox, Terry, Thompson, Throckmorton, Tucker, Turney, John L. Vance, Waddell, Walling, Walsh, Ward, Warren, Erastus Wells, Whitthorne, Wike, James Williams, James D. Williams, Jeremiah N. Williams, Willis, Wilshire, Benjamin Wilson, Fernando Wood, Yeates, and Young—122.

NAYS—Messrs. Ainsworth, Anderson, John H. Baker, William H. Baker, Ballou, Banks, Blaine, Blair, William R. Brown, Horatio C. Burchard, Burleigh, Cannon, Cason, Caulfield, Chittenden, Conger, Crapo, Crounse, Danford, Davy, Denison, Dobbins, Dunnell, Eames, Farwell, Fort, Freeman, Frost, Frye, Garfield, Goodin, Hale, Haralson, Benjamin W. Harris, Hartzell, Hendee, Henderson, Holman, Hoskins, Hubbell, Hurlbut, Hyman, Joyce, Kasson, Kelley, Kimball, Lapham, Lawrence, Leavenworth, Lynch, McCrary, McDill, Monroe, Morey, Neal, Norton, Oliver, O'Neill, Page, William A. Phillips, Pierce, Plaisted, Purman, Rainey, Robinson, Sobieski Ross, Rusk, Sampson, Savage, Seelye, Sinnickson, Smalls, A. Herr Smith, Starkweather, Stevenson, Thornburgh, Martin I. Townsend, Washington Townsend, Tufts, Van Vorhes, Waldron, Wheeler, White, Whiting, Willard, Andrew Williams, Alpheus S. Williams, Charles G. Williams, William B. Williams, James Wilson, Alan Wood, jr., Woodburn, and Woodworth—93.

NOT VOTING—Messrs. Adams, George A. Bagley, Banning, Barnum, Bass, Beebe, Bell, Blackburn, Bliss, Bradley, Campbell, Caswell, Cate, John B. Clarke of Kentucky, Collins, Darrall, Durand, Ellis, Ely, Evans, Foster, Gibson, Gunter, Hardenbergh, Hartridge, Hathorn, Haymond, Hays, Henkle, Goldsmith W. Hewitt, Hoar, Hoge, Hunter, Hurd, Frank Jones, Thomas L. Jones, Kehr, Ketchum, King, Knott, Lamar, Franklin Landers, Lewis, Luttrell, Edmund W. M. Mackey, Magoon, MacDougall, Meade, Miller, Morgan, Nash, Odell, Packer, Payne, Platt, Potter, Pratt, Rice, Scales, Schumaker, Sparks, Strait, Stowell, Swann, Teese, Thomas, Robert B. Vance, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Walls, G. Wiley Wells, Whitehouse, and Wigginton—75.

So the motion was agreed to.

During the roll-call,

Mr. DAVIS said that his colleague, Mr. SCALES, was confined to his bed by sickness, and had requested him to make that statement.

The result of the vote was then announced as above recorded.

Mr. FORT. And so the resolution goes to its long home.

Mr. WOOD, of New York, moved to reconsider the vote by which the motion referring the resolution to the Select Committee on the Centennial Celebration and the proposed National Census of 1875 was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MORRISON. I move that the House do now adjourn.

Mr. COX. I ask the gentleman from Illinois to yield to me for a moment, that I may offer a resolution.

Mr. PAGE. I call for the regular order.

Mr. COX. This is regular.

The SPEAKER. The question is on the motion that the House do now adjourn.

The question was taken; and the motion was not agreed to.

Mr. PAGE. I call for the regular order.

The SPEAKER. The regular order of business being demanded, the call still rests on the State of Illinois.

STAMP TAX ON BANK CHECKS AND DRAFTS.

Mr. SPRINGER introduced a bill (H. R. No. 504) to repeal section 3418 of the Revised Statutes imposing a stamp tax on bank checks and drafts; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CLAIMS FOR ADDITIONAL BOUNTY.

Mr. SPRINGER also introduced a bill (H. R. No. 505) to extend the time for filing claims for additional bounty under the act of July 28, 1866; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DISTRIBUTION OF PATRONAGE.

Mr. HARRISON submitted the following resolution, on which he demanded the previous question:

Resolved, That in the distribution of the patronage under the House of Representatives and in the Government generally those duly elected, and who by law have the appointment of subordinates, should regard the Jeffersonian test—is he honest; is he faithful; is he capable?—and that recent events in Federal administration give peculiar emphasis to this democratic sentiment.

The previous question was seconded and the main question ordered, which was on agreeing to the resolution.

Mr. COX. Perhaps the gentlemen on the other side of the House would like the yeas and nays on that.

The question being taken, the resolution was agreed to.

GEORGE HUSTON.

Mr. EDEN introduced a bill (H. R. No. 506) granting a pension to George Huston, late a corporal in Company E, Sixty-sixth Regiment Illinois Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL D. PARKS.

Mr. EDEN also introduced a bill (H. R. No. 507) granting a pension to Samuel D. Parks, late in the Fifth Illinois Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING IN CHICAGO.

Mr. CAULFIELD submitted the following preamble and resolution, on which he demanded the previous question:

Whereas certain charges have been publicly made implying fraud and mismanagement in the construction of the custom-house and post-office building in the city of Chicago: Therefore,

Be it resolved, That the Committee on Public Buildings and Grounds be, and are hereby, instructed to enter upon an investigation of such charges and report to this House as early as practicable; and that they further report any changes or substitution of the persons in charge of its construction and any alterations that have been made or are now contemplated in the original plan of said building, and the reasons therefor, together with any proof touching improper conduct on the part of persons employed in its construction; and that said committee shall have power to send for persons and papers necessary in such investigation.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was agreed to.

CLERKS OF COMMITTEES.

Mr. CAULFIELD. I offer the following resolution, on which I demand the previous question:

Resolved, That the Committee on Accounts report at an early day what committees of the House should have authority to employ clerks.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was agreed to.

CARROLL COUNTY, ILLINOIS.

Mr. BURCHARD, of Illinois, introduced a bill (H. R. No. 508) granting to the county of Carroll, in the State of Illinois, certain unsurveyed and overflowed lands in said county; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JUDICIAL DISTRICT IN ILLINOIS.

Mr. BURCHARD, of Illinois, also introduced a bill (H. R. No. 509) to create a western judicial district in the State of Illinois, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WILLIAM C. SNYDER.

Mr. BURCHARD, of Illinois, also introduced a bill (H. R. No. 510) for the relief of William C. Snyder, of Illinois; which was read a first and second time, and, with the accompanying papers, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

REPORT ON COMMERCE AND NAVIGATION.

Mr. BURCHARD, of Illinois, also submitted the following resolution; which was read and referred, under the law, to the Committee on Printing:

Be it resolved by the House of Representatives, That there be printed six hundred extra copies of the home-consumption and import statement, being numbers 21 to 29 inclusive of the annual report on commerce and navigation for the fiscal year ending June 30, 1875; three hundred for the use of the House, one hundred for the use of the Senate, and two hundred for the Treasury Department.

DUTIES ON IMPORTED FRUITS.

Mr. BURCHARD, of Illinois. I ask leave to present a memorial from merchants of New York, Philadelphia, and Baltimore, engaged in handling imported fruit, and of the growers and shippers of such fruit in Havana and the Bahama Islands, in regard to the duties thereon, that it may be printed and referred to the Committee on Ways and Means.

The SPEAKER. That can only be done by unanimous consent.

Mr. RANDALL. What is the request? I object until I know.

The SPEAKER. Objection is made.

Mr. BURCHARD, of Illinois. I ask then that the memorial be referred to the Committee on Ways and Means.

The SPEAKER. That can be done under the rules.

NAME OF STEAMBOAT.

Mr. HENDERSON introduced a bill (H. R. No. 511) to change the name of a steamboat; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

NORMAN H. RYAN.

Mr. HENDERSON also introduced a bill (H. R. No. 512) for the relief of Norman H. Ryan; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

Mr. HENDERSON. I also ask leave to withdraw from the files of the House papers relating to the last bill I introduced, for the purpose of referring them to the same committee.

The SPEAKER. That may be done under the rules.

J. W. BURBRIDGE AND OTHERS.

Mr. HURLBUT introduced a bill (H. R. No. 513) for the relief of J. W. Burbridge and Co. and Robert H. Montgomery; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

Mr. STEVENSON. I move that the House do now adjourn.

The SPEAKER. Before submitting that motion the Chair will ask leave of absence for two gentlemen.

LEAVE OF ABSENCE.

Leave of absence was granted until Monday next to Mr. BANNING, on account of sickness in his family, and to Mr. BLACKBURN.

The question was then taken on Mr. STEVENSON'S motion, and it was agreed to; and accordingly (at four o'clock and ten minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ADAMS: The petition of J. V. L. Pruyn and other citizens of New York, for a reduction of rates of postage on third-class mail matter to one cent for every two ounces, to the Committee on the Post-Office and Post-Roads.

By Mr. BALLOU: The petition of Dr. Seth Arnold and 9 other physicians and druggists, for the repeal of the law requiring stamps on medicines and other proprietary articles, to the Committee on Ways and Means.

By Mr. BEEBE: The memorial of Stewart Sanderson, relating to a new mode of naval warfare, to the Committee on Naval Affairs.

By Mr. BLAINE: The petition of citizens of Bingham, Maine, for the repeal of the amendment to the postal laws which increased postage rates on third-class mail matter, to the Committee on the Post-Office and Post-Roads.

Also, the petition of citizens of Waldoborough, Maine, of similar import, to the same committee.

Also, the petition of Henry Boynton, of Augusta, Maine, for the enactment of a law providing a means of enforcing the orders and decrees and judgments of Federal courts against municipal corporations that seek to repudiate their just debts by means of the resignation of municipal officers, to the Committee on the Judiciary.

Also, the petition of soldiers of National Soldiers' Home, Fogus, Maine, who have lost a leg below the knee or an arm below the elbow, for an equal pension with those who have lost limbs at the knee or elbow, to the Committee on Invalid Pensions.

Also, the petition of Fannie E. Records, widow of A. B. Records, formerly of Company E, Fifteenth Maine Volunteers, for a pension, to the same committee.

By Mr. BLAIR: The petition of Stephen Kimbrell and 84 citizens of Alstead, New Hampshire, for the repeal of the amendment to the postal laws which increased postal rates on third-class mail matter, to the Committee on the Post-Office and Post-Roads.

By Mr. BUCKNER: The petition of citizens of Saint Charles County, Missouri, for the repeal of the stamp tax on checks, to the Committee on Ways and Means.

By Mr. BURCHARD, of Illinois: A memorial of merchants of New York, Philadelphia, and Baltimore engaged in handling imported fruits, and of the growers and shippers of such fruits in Havana and the Bahama Islands, in regard to the duties thereon, to the same committee.

By Mr. COX: The memorial of Mary Rothschild and 15 other citizens of New York City, as to religious and civil liberty, to the Committee on the Judiciary.

Also, the memorial of Harry Crittenden, relating to the pensioners of the war of 1812, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. DE BOLT: The petition of Sarah Knox, widow of Joseph Knox, deceased, a soldier of the war of 1812, for a pension and land warrant, to the same committee.

Also, the petition of J. J. Gordon, and other citizens of Missouri, for a post-route from Chillicothe, Livingston County, Missouri, by way of Gordonville, to Scottsville, in Sullivan County, Missouri, to the Committee on the Post-Office and Post-Roads.

By Mr. DENISON: The petition of Frank A. Page, to be relieved from the disabilities imposed by reason of his having been cashiered while a United States officer and restored to his former rank, to the Committee on Military Affairs.

By Mr. DOUGLAS: The petition of W. C. Callahan, for re-imbursement of money paid on demand of Post-Office Department, to the Committee on Claims.

Also, the petition of William Tabb, for indemnity for losses growing out of the late war, to the Committee on War Claims.

By Mr. DURHAM: The petition of Daniel Suddarth, for relief, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. EDEN: The petition of William Young, for a pension, to the same committee.

Also, the petition of citizens of Brownsville, Tennessee, for the relief of John Clinton, postmaster at Brownsville, to the Committee on Claims.

By Mr. FAULKNER: The petition of Louis Frey, late captain Company D, Twenty-eighth Ohio Volunteers, for his arrears of pay paid the wrong person by a paymaster of the United States Army, to the Committee on Military Affairs.

By Mr. FRYE: Papers relating to the claim of L. W. Tibbetts, owner of the brig Tornado, for compensation for damages sustained by the seizure by the United States Government authorities at New York of the cargo of powder, heretofore referred to the Committee on Claims January 26, 1874, to the Committee on Claims.

By Mr. HAMILTON, of New Jersey: The petition of citizens of Hunterdon County, New Jersey, for additional post-roads, to the Committee on the Post-Office and Post-Roads.

Also, the petition of George W. Hunt, of New Jersey, administrator of Walter Hunt, deceased, for an extension of patent for collars, &c., to the Committee on Patents.

By Mr. HANCOCK: The petition of John Alexander and others, of Washington, Texas, for the repeal of the amendment to the postal laws which increased postage rates on third-class mail matter, to the Committee on the Post-Office and Post-Roads.

Also, the petition of S. L. McFarland and others, of Burnet, Texas, of similar import, to the same committee.

By Mr. HARRIS, of Virginia: The petition of Thomas P. Crawford and 64 other citizens of Virginia, asking compensation for stock driven off by order of General Sheridan in 1864, to the Committee on War Claims.

By Mr. HARRISON: The petition of Mrs. Mary J. Sears, widow of W. J. Sears, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. HAYMOND: The petition of citizens of Indiana, for the granting of a pension to Harrison Mitchell, to the Committee on Invalid Pensions.

Also, papers relating to the claim of Charles D. C. Williams, late captain of artillery, to the Committee on Military Affairs.

By Mr. HENDEE: The petition of G. H. Cody and other citizens of Cambridge, Vermont, for the repeal of the amendment to the postal laws which increased postage rates on third-class mail matter, to the Committee on the Post-Office and Post-Roads.

Also, the petition of Vincent St. Vrain, administrator of Colonel C. St. Vrain, deceased, of Mora, New Mexico, for re-imbursement of $950, freight paid by him on account of orders received from the Quartermaster's Department, to the Committee on War Claims.

Also, the petition of Vincent St. Vrain, for compensation for use of buildings at El Paso, Texas, by the United States Quartermaster's Department, to the Committee on Claims.

Also, the petition of L. L. Dutcher and 14 other citizens of Franklin County, Vermont, for a repeal of the law requiring stamps on medicines and proprietary articles, to the Committee on Ways and Means.

By Mr. HENDERSON: The petition of Norman H. Ryan, for compensation as store-keeper, to the Committee on Claims.

By Mr. HOPKINS: The petition of Finley Patterson, for compensation for the erection of the capitol building in the Territory of Kansas, to the same committee.

By Mr. HEREFORD: The papers relating to the claim of Charles H. Wittberger, for property taken and used by the United States Army, to the Committee on War Claims.

Also, the papers relating to the claim of Charles Gordon, for services as draughtsman to the House of Representatives, to the Committee on Claims.

By Mr. HEWITT, of New York: The petition of G. Morris, executor of S. J. Morris, deceased, for re-imbursement of certain funds paid by him at a sale by the United States marshal under a confiscation proceeding against Dr. Orlando Fairfax, to the Committee on War Claims.

By Mr. HUNTON: The petition of Christian Burging, for compensation for property and supplies taken and used by military authorities of the United States Government, to the same committee.

Also, the petition of Felicia Adams, of similar import, to the same committee.

Also, the petition of B. C. Shacklett, of similar import, to the same committee.

Also, the petition of J. D. Morrison, of similar import, to the same committee.

By Mr. HYMAN: Papers relating to the claim of Mary E. Purnell for compensation for cotton used in the construction of batteries at Port Hudson in 1863, heretofore referred to the Committee on War Claims December 17, 1873, to the same committee.

Also, petition of Henry Ware, for redress for seizure of cotton by military authorities in Louisiana and its detention and damage, heretofore referred to the Committee on Claims December 1, 1873, to the Committee on Claims.

Also, papers relating to the claim of Sarah B. Morrison for compensation for damages from experimental firing at Fort Hamilton, heretofore referred to the Committee on Claims December 14, 1873, to the same committee.

Also, papers relating to the claim of Peter and Anson Nodine for repayment of moneys received by the United States as revenue for use of ferry at Charleston, West Virginia, 1862 to 1865, heretofore referred to the Committee on War Claims December 17, 1873, to the Committee on War Claims.

Also, papers relating to the claim of Joseph Clymer for compensation for expenses under transportation contract, heretofore referred to the Committee on Claims December 14, 1873, to the Committee on Claims.

Also, papers relating to the claim of Lee & Dunbar for labor done in the harbor of Ashtabula, Ohio, heretofore referred to the Committee on Claims May 22, 1874, to the same committee.

Also, petition of J. C. Lewis, asking compensation for property taken and used by Quartermaster's Department, United States Army, 1862 and 1863, heretofore referred to the Committee on War Claims December 17, 1873, to the Committee on War Claims.

Also, the petition of Susan P. Vance, for compensation for property used and destroyed by United States authorities in Kentucky in 1862-'65, and for services, heretofore referred to the Committee on on War Claims December 17, 1873, to the same committee.

Also, the petition of Charles W. Adams, for compensation for seizure of his vessel, cargo, and coin by military authorities of the United States at Brazos Santiago, Texas, in 1863, heretofore referred to the Committee on War Claims December 15, 1873, to the same committee.

By Mr. KASSON: The petition of certain citizens of Dallas County, Iowa, for the repeal of the amendment to the postal laws which increased postage rates on third-class mail matter, to the Committee on the Post-Office and Post-Roads.

Also, the petition of certain citizens of Adair County, Iowa, of similar import, to the same committee.

By Mr. KELLEY: A memorandum of Thomas J. Durant, in relation to certain imperfections in the volume of the Revised Statutes, to the Committee on Revision of the Laws of the United States.

Also, the petition of A. H. Von Lenthritz, asking that his claim for pay as a lieutenant of cavalry may be referred to the Court of Claims, to the Committee on Military Affairs.

Also, the petition of James Nimick, asking that his claim for property seized may be referred to the Court of Claims, to the Committee on War Claims.

By Mr. KNOTT: The petition of James A. Middleton and Thomas Chesler, for compensation for use of steam flour-mill by the United States Government, to the same committee.

Also, the petition of Samuel Haycroft and Jane E. Shean, for compensation for house burned while occupied by United States forces, to the same committee.

By Mr. LAPHAM: The petition of R. G. Springstead and certain citizens of New York, asking that no appropriation be made for the distribution of seeds through the Agricultural Bureau, to the Committee on Agriculture.

Also, the petition of Edward A. Wood and certain other citizens of New York, of similar import, to the same committee.

Also, the petition of R. G. Springstead and other citizens of New York, for the repeal of the amendment to the postal laws which increased postal rates on third-class mail matter, to the Committee on the Post-Office and Post-Roads.

Also, the petition of Edward A. Wood and certain other citizens of New York, of similar import, to the same committee.

By Mr. LEVY: The papers relating to the claim of James B. Sullivan, for cotton taken by General BANKS's command in 1864, to the Committee on War Claims.

By Mr. LYNDE: The petition of citizens of Oconomowoc, Wisconsin, for the repeal of the check-stamp tax law, to the Committee on Ways and Means.

By Mr. MACKEY, of South Carolina: The petition of Mrs. Martha A. Ashburn and the papers relating to the claim of her late husband, George Ashburn, for a moiety as an informer, to the Committee on Claims.

Also, the petition of David Risley, of Georgetown, South Carolina, for the restitution of certain records of which he was deprived by a United States Government official, or indemnity for the same, to the same committee.

By Mr. MAISH: The petition of John C. Comfort, for compensation for damages and losses sustained by him in the construction of lodges and walls at the national cemeteries at Danville, Virginia, and other places, by reason of the action of the Government, to the same committee.

By Mr. McCRARY: The petition of S. Pollock & Co. and others, of Keokuk, Iowa, for the abolition of the stamp tax on bank-checks, to the Committee on Ways and Means.

Also, the petition of Theodore F. Miller, late a private of Company G, Third Regiment Iowa Cavalry Volunteers, for a bounty, to the Committee on Military Affairs.

Also, the papers relating to the claim of Adam Hine, for balance due for steamer Island City, lost while in Government service by impressment, to the Committee on War Claims.

Also, the petition of George A. Herring, to be honorably discharged from the military service of the United States, to the Committee on Military Affairs.

Also, the petition of Eleanor McGugin, widow of Dr. David L. McGugin, for a pension, to the Committee on Invalid Pensions.

Also, the petition of George McNeeley, for a pension, to the same committee.

By Mr. MILLIKEN: The petition of R. D. Salmons, for compensation for cotton taken by United States Army officers in Tennessee in 1863, to the Committee on War Claims.

By Mr. McFARLAND: The petition of A. B. Keel, guardian of Maggie A. Nobles and Daniel G. Nobles, minor children of the late Daniel G. Nobles, late captain Fourth Tennessee Volunteers, for a pension, to the Committee on Invalid Pensions.

Also, the petition of citizens of Sullivan County, Tennessee, for the repeal of the amendment to the postal laws which increased postal rates on third-class mail matter, to the Committee on the Post-Office and Post-Roads.

Also, the petition of David Britton, to have his name placed on the pension-rolls as an invalid pensioner of the war with Mexico, to the Committee on Invalid Pensions.

Also, the petition of citizens of Grainger and Hamilton Counties, Tennessee, for the establishment of a post-route from Morristown to Turley's Mills, to the Committee on the Post-Office and Post-Roads.

By Mr. MILLIKEN: The petition of citizens of Kentucky, for the repeal of the "resumption act," to the Committee on Banking and Currency.

By Mr. MONROE: The petition of Andrew Johnson and 67 other citizens of Paint Valley, Holmes County, Ohio, that the road from Shreve, in Wayne County, via Paint Valley, to Millersburgh, in Holmes County, be established as a post-route, to the Committee on the Post-Office and Post-Roads.

By Mr. MOREY: The petition of Gaines Lawson, late captain in the Fourth Regiment Tennessee Volunteer Infantry, for relief, to the Committee on Military Affairs.

Also, the petition of O. D. Green and Samuel P. Heintzelman, for authority to file certain claims in the Court of Claims, to the same committee.

Also, the petition of Frank W. Hess, of the United States Army, asking that the proper accounting officers audit the claims of officers of the United States Army whose property was damaged by reason of a fire in the casemates of Fort Hamilton, New York Harbor, in March, 1875, to the same committee.

Also, the petition of James A. Payne, for compensation for coal furnished to the iron-clad gunboat Essex, at Baton Rouge, Louisiana, in the month of July, 1862, to the Committee on War Claims.

By Mr. O'BRIEN: Papers relating to the claim of the corporation of the Roman Catholic clergymen of Maryland, for compensation for the occupancy and use by the military forces of the United States Government of its property, to the same committee.

Also, the petition of C. A. Middleton, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. OLIVER: The petition of citizens of Sac and Carroll Counties, Iowa, for a mail-route from Arcadia to Sac City, to the Committee on the Post-Office and Post-Roads.

Also, the petition of citizens of Osceola County, Iowa, for the repeal of the amendment to the postal laws which increased postage rates on third-class mail matter, to the same committee.

By Mr. PIERCE: The memorial of the superintendent of the public library at Boston, Massachusetts, for an amendment of the tariff laws, so that books imported for branches of a public library shall be free of duty, to the Committee on Ways and Means.

Also, the petition of J. Baker and others, for the establishment of a signal-station on Block Island, to be connected with the main shore by a telegraphic cable, to the Committee on Commerce.

Also, the petition of the Grover and Baker Sewing-machine Company for admission of their claim for damages under the Geneva award, to the Committee on the Judiciary.

By Mr. PIPER: The petition of Henry M. Naglee, for re-imbursement for United States revenue-stamps destroyed by fire, to the Committee on Claims.

By Mr. PURMAN: Papers relating to claim of B. B. Connor, for re-imbursement of $4,420.32, the proceeds of the sale of certain land seized by the United States Government and paid into the United States Treasury, to the Committee on War Claims.

By Mr. RAINEY: The petition of David K. Tenny, for relief, to the same committee.

Also, papers relating to the claim of James L. Barnwell for re-imbursement for property sold for taxes, to the Committee on Claims.

Also, the petition of Daniel Brown and James Robinson, for relief, to the same committee.

By Mr. RANDALL: The petition of Abbie Devine, widow of Michael Devine, late a private in Company B, afterward Company D, Nineteenth Regiment Pennsylvania Cavalry Volunteers, for a pension, to the Committee on Invalid Pensions.

Also, the petition of James Kreps, for the removal of the disabilities incurred by reason of his having been officially reported a deserter from the United States military service, to the Committee on Military Affairs.

Also, the petition of Lydia Peak, widow of William Peak, late a private in Company I, One hundred and tenth Pennsylvania Volunteers, transferred to Company 59, Second Battalion Veteran Reserve Corps, for a pension, to the Committee on Invalid Pensions.

Also, the petition of John Pope, late private Company K, Eighty-eighth Pennsylvania Volunteers, for a pension, to the same committee.

Also, the petition of Elizabeth Dougherty, widow of Charles Dougherty, late sergeant Company C, Sixty-ninth Pennsylvania Volunteers, for a pension, to the same committee.

Also, the petition of 20 veterans of the war of 1861 who enlisted in 1861, asking the passage of the equalization bounty law, to the same committee.

Also, the petition of Theodore F. Hollock, for the removal of the disabilities incurred by reason of his having been officially reported a deserter from the United States military service, to the Committee on Military Affairs.

By Mr. SINGLETON: The petitions of Robert P. Chambers, Ira A. Sprouse, R. B. A. Meador, Ruth Summers, Charles H. Johnson, Turner Bobbitt, W. B. Coates, C. W. Day, W. A. Pullen, and James B. Box, for compensation for property taken by the United States Army during the late war, to the Committee on War Claims.

Also, the petition of James K. Hamblen, for relief, to the same committee.

By Mr. SOUTHARD: The petition of David Kelly, for a pension, to the Committee on Invalid Pensions.

By Mr. STRAIT: Papers relating to the application of Edward P. Johnson for relief, to the Committee on Military Affairs.

By Mr. THORNBURGH: The petition of Wright French, late a private in Company H, Thirteenth Tennessee Cavalry, for a commutation of rations while a prisoner of war, to the Committee on War Claims.

Also, the petition of Elizabeth Rose, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Margaret May, for a pension, to the same committee.

Also, the petition of Wesley McNew, late a private in the Eighth Missouri Cavalry, for a pension, to the same committee.

Also, the petition of John Foster, for payment for services rendered and supplies furnished while acting as a recruiting officer of the Federal Army, to the Committee on War Claims.

Also, the petition of D. C. Senter, for payment for attendance as a witness before a committee of the Forty-first Congress, to the Committee on Claims.

By Mr. THROCKMORTON: The petition of citizens of Ellis and Dallas Counties, Texas, for the repeal of the amendment to the postal laws which increased postage rates on third-class mail matter, to the Committee on the Post-Office and Post-Roads.

By Mr. TUCKER: The petition of James L. Hubbard, for the passage of a new banking law, to the Committee on Banking and Currency.

Also, the petition of Mrs. Ann Atkinson, widow, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

Also, the petition of Mrs. Eliza J. White, for relief, for losses sustained from Federal troops when in Lexington, Virginia, to the Committee on War Claims.

By Mr. TUFTS: The petition of James Witham and other citizens of Iowa, for the repeal of the amendment to the postal laws which increased the rates on third-class mail matter, to the Committee on the Post-Office and Post-Roads.

By Mr. WARREN: The petition of the New England Mutual Marine Insurance Company, to amend the act relating to the Alabama claims, to the Committee on the Judiciary.

Also, the petition of George W. Stacy and others, of Milford, Massachusetts, for a mail-route, to the Committee on the Post-Office and Post-Roads.

By Mr. WELLS, of Mississippi: The petition of Dr. Alfred C. Post and others, for the appointment of dental surgeons in the Army and Navy, to the Committee on Military Affairs.

By Mr. WELLS, of Missouri: The petition of Coggswell & Co., to be re-imbursed for taxes erroneously assessed and collected, and for money erroneously withheld from them on commissary stores furnished at Saint Louis, to the Committee on Claims.

Also, the petition of certain merchants of Saint Louis, relating to discrimination against dealers in wine, liquors, and fruits by present law, to the Committee on Ways and Means.

Also, the petition of S. V. Bennett, for a rehearing before the Commissioner of Patents, to the Committee on Patents.

By Mr. WHEELER: The petition of citizens of New York, for a post-route from Madrid to Chase's Mills, New York, to the Committee on the Post-Office and Post-Roads.

By Mr. WHITE: The petition of citizens of Kentucky, to establish a post-route from Stanton to Compton, Kentucky, to the same committee.

Also, the petition of citizens of Kentucky, to establish a post-route from McPherson to Robinson Creek Post-Office, Kentucky, to the same committee.

Also, the petition of citizens of Kentucky, to establish a post-route from McKee to Manchester, Kentucky, to the same committee.

By Mr. WHITTHORNE: The petition of D. Y. Harrison and others, of Lawrence County, Tennessee, to establish a post-route from Lawrenceburgh to Mockeson, to the same committee.

Also, the petition of certain citizens of Tennessee to establish a post-route from Columbia to Cortlett's Cross-Roads, in Tennessee, to the same committee.

By Mr. WILLARD: Papers relating to the claim of the heirs of Richard W. Meade for $373,879.80, amount claimed to have been assumed by the United States for the Spanish government.

By Mr. WILLIAMS, of New York: The petitions of H. W. Stetson and others, of Black Brook; H. D. Graves and others, R. M. Little and others, of Glen's Falls; A. W. Morehouse and others, M. Sowles and others, F. P. Allen and others, H. W. Cady and others, M. H. O'Brien and others, of the State of New York, for the repeal of the amendment to the postal laws which increased postal rates on third-class mail matter, to the Committee on the Post-Office and Post-Roads.

Also, the petition of C. E. Cady and others, for the repeal of the stamp tax on checks, to the Committee on Ways and Means.

By Mr. WILLIS: The petition of Peter Cooper, Cyrus W. Field, James Gordon Bennett, Royal Phelps, Morris Ketchum, Edward Mollineux, praying for an exploration of Venezuela, to the Committee on Commerce.

By Mr. WILSHIRE: The petition of Nancy True, for a pension, to the Committee on Invalid Pensions.

By Mr. WOOD, of New York: The petition of Mark Davis, for compensation for losses sustained by the seizure of his private property by United States officials, to the Committee on War Claims.

Also, the petition of Flora A. Darling, for re-imbursement for losses sustained while under a United States flag of truce, to the same committee.

Also, a memorial from J. E. Robert, asking relief in case of certain imported goods stolen while in transit from the steamer Santiago de Cuba to the public stores in New York City, to the Committee on Ways and Means.

By Mr. YOUNG: The petition of Mrs. Mary Geary, for compensation for use of dwelling-house and loss of stock, &c., at Chickasaw City, July 31, 1862, to the Committee on War Claims.

Also, the petition of James G. Williams, for pay as a scout and guide for United States military forces and for property taken by them, to the same committee.

By Mr. ——: Memorial of W. S. Mitchell, praying to correct a mistake in his account for furnishing the Executive Mansion, to the Committee on Claims.

IN SENATE.

THURSDAY, *January* 6, 1876.

Mr. JOHN A. LOGAN, a Senator from the State of Illinois, appeared in his seat to-day.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of War, transmitting reports from the heads of Bureaus of the War Department showing inaccuracies and omissions that, upon careful examination, have been found to exist in the Revised Statutes; which, on motion of Mr. WEST, was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a letter of the Secretary of War, transmitting a copy of the detailed report of the commanding general of the Department of the Columbia (Brigadier-General O. O. Howard) of his tour in Alaska Territory in June, 1875, and calling attention to that part of the report in which General Howard recommends that Alaska be attached as a county to Washington Territory, or in some other way be furnished with such a government as the treaty with Russia in the transfer plainly contemplated; which was referred to the Committee on Territories, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of Merit Allman, of Isle of Wight County, Virginia; of John Tyres, of Isle of Wight County, Virginia; of Miles Holly, of Perquimans County, North Carolina; of W. J. Porter, of Perquimans County, North Carolina; of Nancy Bowser, of Isle of Wight County, Virginia; of Sylvanus Humphries, of Perquimans County, North Carolina; of Atkinson W. Turner, of Nansemond County, Virginia; of William Jackson, jr., of Nansemond County, Virginia; of George R. Humphries, of Perquimans County, North Carolina; and of George Holloway, of Isle of Wight County, Virginia, praying compensation for property seized during the late war of the rebellion; which were referred to the Committee on Claims.

Mr. SHERMAN. I am requested to present five hundred and ninety-six petitions, signed by 29,896 names, praying for the abolition of the bank-check stamp tax. I am also informed that petitions similar in character, but greater in number, have been presented to the House of Representatives. I move that these be referred to the Committee on Finance.

Mr. CONKLING. Are those petitions from different localities and signed by different names?

Mr. SHERMAN. Different names entirely. The petitions are in character distinct; I am so informed.

The PRESIDENT *pro tempore*. The petitions will be referred to the Committee on Finance.

Mr. WINDOM presented the petition of A. B. Huntly and 36 other citizens of Dodge County, Minnesota, and the petition of Chadburn Brothers and 26 other citizens of the city of Rochester, Minnesota, praying for the repeal of the two-cent United States stamp tax on bank-checks; which were referred to the Committee on Finance.

He also presented the petition of Thomas Simpson and 138 citizens of Winona, Minnesota, praying for the passage of an act dividing the State of Minnesota into two judicial districts, to be known as the northern and southern districts of Minnesota, and that the location of the offices of the court for the southern district be fixed at Winona; which was referred to the Committee on the Judiciary.

Mr. MORTON presented the petition of Elizabeth Rice, widow of Marcus B. Rice, late a private in Company M, Seventh Kentucky Cavalry, praying for a pension; which was referred to the Committee on Pensions.

He also presented two petitions of citizens of Indiana, praying for the appointment of a commission to inquire into the effects of the alcoholic liquor traffic on health, intelligence, industry, &c., in the United States; which were referred to the Committee on Finance.

Mr. WRIGHT presented resolutions of the Iowa Fine Stock Breeders' Association, in favor of a reduction of postage on transient mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. WRIGHT. On the 17th of December last the petition and papers of Thaddeus S. Stewart, praying for a pension, were presented and referred to the Committee on Pensions. I have now the honor to present some additional testimony, special evidence on the same subject, and I move that it be referred to the same committee.

The motion was agreed to.

Mr. MITCHELL presented the petition of A. B. Meacham, praying compensation for injuries received in the Modoc Indian massacre, while acting as chairman of a peace commission in treating with the Modocs under a flag of truce; which was referred to the Committee on Claims.

Mr. ENGLISH presented the petition of Messrs. Clark & Given, coal merchants of Washington City, District of Columbia, praying compensation for fuel furnished the public schools of Washington; which was referred to the Committee on the District of Columbia.

Mr. INGALLS presented the petition of J. S. Fennimore, a soldier of the war of 1812, aged seventy-nine, praying that the law of 1871 may be amended so that parties who served less than sixty days may be entitled to a pension; which was referred to the Committee on Pensions.

He also presented the petition of Indians of the Great Nemaha agency of Nohart, Nebraska, in behalf of the Sac and Fox Indians of Missouri, praying for permission to sell ten western sections of their reservation; which was referred to the Committee on Indian Affairs.

Mr. JONES, of Florida, presented the petition of citizens of Indian River, Florida, praying for an appropriation by Congress to deepen the canal connecting Indian River with Mosquito Lagoon, in the State of Florida; which was referred to the Committee on Commerce.

He also presented the petition of George M. Cooper, United States Navy, praying to be restored to his original position on the Naval Register next after Commodore J. M. B. Clitz; which was referred to the Committee on Naval Affairs.

Mr. CLAYTON presented the memorial of the Choctaw Nation of Indians, asking for the settlement of its claims; which was referred to the Committee on Indian Affairs.

ELECTION OF PRESIDENT PRO TEMPORE.

Mr. MORTON. The Committee on Privileges and Elections, to whom was referred the following resolution—

Whereas, since the last session of the Senate, the Vice-President of the United States has deceased: Therefore,

Resolved, That on the 7th day of January next, at one o'clock afternoon, the Senate will proceed to the election of a President *pro tempore*—

beg leave to submit a report on the subject; and I ask that it be printed and lie on the table.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) That order will be made.

Mr. COOPER. As one of the Committee on Privileges and Elections, I am unwilling, differing as I do from some of the conclusions arrived at by the majority of the committee, to permit the report to be presented to the Senate without entering my dissent to certain conclusions of the committee. I refer especially to the conclusion that the President *pro tempore* of the Senate holds his position at the will of the Senate. I think the power to elect that officer is alone vested in the Senate by the Constitution upon the happening of certain contingencies therein specified; that the exercise of such power exhausts it so long as the contingency remains upon which the power to act was given.

Mr. MERRIMON. I also desire to say that I dissent from so much of the report as asserts the power of the Senate to remove the President *pro tempore* at the will and pleasure of the Senate. At the proper time I shall ask the Senate to indulge me in submitting my views upon the subject.

BILLS INTRODUCED.

Mr. HOWE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 168) for the relief of the legal representatives of George Schwartz, deceased, late a private in Company F, Fifth

Regiment Wisconsin Volunteer Infantry; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. ALLISON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 169) giving the consent of the United States to the county of Dubuque, in the State of Iowa, to construct county buildings in Washington square, in the city of Dubuque, and for other purposes; which was read twice by its title and, with the accompanying petition, referred to the Committee on Public Buildings and Grounds.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 170) providing for final proof of settlement and cultivation by homestead claimants in the county in which the land is situated in certain cases; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 171) granting a pension to John S. Corlett; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 172) fixing the salary of the President of the United States; which was read twice by its title, referred to the Committee on Civil Service and Retrenchment, and ordered to be printed.

Mr. PADDOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 173) to provide for the appointment of Frederick F. Baury on the retired list of the Navy; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. STEVENSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 174) for the relief of Dr. J. Milton Best, of Kentucky; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. CAMERON, of Wisconsin, (by request,) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 175) authorizing the commissioners of the District of Columbia to erect a market on square 446, in the city of Washington, District of Columbia; which was read twice by its title, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 176) to authorize the Northwestern Improvement Company, a corporation organized under the laws of the State of Wisconsin, to enter upon the Menomonee Indian reservation and improve the Oconto River, its branches and tributaries; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. GORDON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 177) to authorize the Secretary of War to adjust and settle claims of the State of Georgia against the Government on account of the Western and Atlantic Railroad; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. JONES, of Florida, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 178) to extend the provisions of an act entitled "An act for the final adjustment of private land claims in the States of Florida, Louisiana, and Missouri, and for other purposes," approved June 22, 1860; which was read twice by its title, referred to the Committee on Private Land Claims, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 179) to authorize settlers on the public lands in the States of Alabama, Mississippi, Arkansas, Louisiana, and Florida to acquire titles thereto; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. DORSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 180) authorizing the sale and disposition of the Hot Springs reservation in the State of Arkansas, and for other purposes; which was read twice by its title.

Mr. DORSEY. I move that the bill be referred to the Committee on Public Lands, and printed.

Mr. WRIGHT. I suggest to the Senator from Arkansas that the bill should go to the Committee on the Judiciary. I believe that bill was before that committee at the last session, and I think it appropriate that it should go there.

Mr. DORSEY. I think that the Senator is mistaken in regard to this bill, which is for the sale and disposition of the Hot Springs reservation.

Mr. WRIGHT. I understand that; but I think that question was before the Committee on the Judiciary at the last session.

Mr. DORSEY. I think not, Mr. President. I do not think it has ever been before Congress in any shape.

Mr. WRIGHT. If the Senator insists that the bill shall be referred to the Committee on Public Lands, I shall not make objection now; but I think the bill was before the Committee on the Judiciary at the last session, and I think it appropriately ought to go there.

Mr. DORSEY. I do not know that any bill on this subject was ever before any committee of the Senate.

Mr. MORRILL, of Vermont. I suggest to the Senator to let the bill lie upon the table until to-morrow morning, and meanwhile he can ascertain whether it has been before the Committee on the Judiciary heretofore or not.

Mr. DORSEY. Very well; let the bill lie on the table.

The PRESIDING OFFICER. That order will be entered by unanimous consent. The Chair hears no objection. The order to print will also be made.

Mr. DORSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 181) to amend section 533 of the Revised Statutes relating to the District of Columbia, and for other purposes; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 182) for the relief of James A. Jackson, John Hussey, Eli Rogers, Iverson L. Brooks, and W. F. Slemons, securities of George R. Horton, late postmaster at Monticello, Arkansas; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. KEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 183) to authorize a topographical survey of the channels, bayous, and passes for water parallel with, along, or from the Mississippi River; which was read twice by its title, referred to the Select Committee on the Levees of the Mississippi River, and ordered to be printed.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 184) to increase the pension of C. W. Beamenderfer, of Lebanon, Pennsylvania; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. MORTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 185) declaring the effect of permits to purchase products of the insurrectionary States in certain cases granted by the President of the United States; which was read twice by its title.

Mr. MORTON. I present this bill by request, not understanding its merits nor wishing to be regarded as indorsing it. I move that it be referred to the Committee on Claims and printed.

The motion was agreed to.

Mr. MORTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 186) for the relief of Andrew Johnson, of Logansport, Indiana; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 187) granting a pension to Joseph Jones; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 188) granting a pension to Patterson McNutt; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 189) placing the name of Captain C. G. Freudenberg upon the retired list of the United States Army; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. STEVENSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 190) to make good certain promises of the United States; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. WRIGHT, it was

Ordered, That the petition and papers of Francis J. Comstock, of Iowa, be withdrawn from the files of the Senate and referred to the Committee on Claims.

Ordered, That the petition and papers of J. M. Irwin, of Kent, Ohio, be withdrawn from the files of the Senate and referred to the Committee on Claims.

Ordered, That the petition and papers in the case of William H. Manning, of Iowa, be withdrawn from the files of the Senate and referred to the Committee on Military Affairs.

On motion of Mr. HARVEY, it was

Ordered, That the papers in the case of James Streeter against the United States be withdrawn from the files of the Senate and referred to the Committee on Claims.

Ordered, That the papers in the case of W. H. Powell and F. A. McDonald be withdrawn from the files of the Senate.

On motion of Mr. INGALLS, it was

Ordered, That the papers in the case of S. K. Thompson be withdrawn from the files and referred to the Committee on Military Affairs.

Ordered, That the petition and papers of George Bagnall be withdrawn from the files and referred to the Committee on Pensions.

Ordered, That the papers in the case of Mary Jane Pyle be withdrawn from the files and referred to the Committee on Pensions.

Ordered, That the papers in the case of the Six Nations of New York Indians, for indemnity for lands taken from them in Kansas by the Secretary of the Interior, be withdrawn from the files and referred to the Committee on Indian Affairs.

Ordered, That the papers in the case of the Peoria, Kaskaskia, Piankeshaw, and Wea Indians, including the special report of the Secretary of the Interior of 19th January, 1874, be withdrawn from the files and referred to the Committee on Indian Affairs.

On motion of Mr. PADDOCK, it was

Ordered, That the papers in the case of T. J. Brook be withdrawn from the files for the purpose of reference to the War Department.

On motion of Mr. WALLACE, it was

Ordered, That the petition of Nathan Kunkle be taken from the files and referred to the Committee on Military Affairs.

On motion of Mr. HOWE, it was

Ordered, That the papers in the case of George Schwartz be taken from the files of the Senate and referred to the Committee on Military Affairs.

On motion of Mr. MITCHELL, it was

Ordered, That the petition and papers of F. G. Schwatka be taken from the files of the Senate and referred to the Committee on Claims.

IMPROVEMENT OF HARBOR AT CHARLEVOIX.

Mr. FERRY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and hereby is, requested to report to the Senate upon the importance of improving the harbor of Charlevoix, in the State of Michigan, and to transmit a revised estimate of the amount necessary to complete the same.

DEATH OF THE VICE-PRESIDENT.

Mr. MORRILL, of Vermont. If there is no further business, I ask that Senate bill No. 157 be taken up.

Mr. BOUTWELL. If the Senator from Vermont will allow me, I wish to state that, upon consultation with my colleague, I desire to qualify the notice which I gave yesterday in the Senate in regard to the announcement of the death of the Vice-President, and to say that, in consequence of the illness of one of our colleagues in the other House, I am not prepared at present to name a day when the resolutions will be proposed.

RESUMPTION OF SPECIE PAYMENTS.

Mr. MORRILL, of Vermont. I now move that Senate bill No. 157, to provide for the redemption of legal-tender United States notes in accordance with existing law, be taken up.

The motion was agreed to.

Mr. MORRILL, of Vermont. As it is very brief, I ask that the bill be read.

The Chief Clerk read as follows:

A bill to further provide for the redemption of legal-tender United States notes in accordance with existing law.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to further enable the Secretary of the Treasury to provide for the redemption of the legal-tender United States notes, in accordance with existing law, he is authorized to issue, sell, or dispose of, at not less than par in legal-tender United States notes, either of the descriptions of the bonds of the United States, bearing interest at a rate of not exceeding 4½ per cent. per annum, described in the act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt," with like qualities, privileges, and exemptions, to the extent necessary to carry into full effect the act of Congress approved January 14, 1875, entitled "An act to provide for the resumption of specie payments," and to use the proceeds thereof for the purposes aforesaid. And the said legal-tender notes so obtained upon the issue of said bonds shall be held and considered as a part of the final redemption of such notes provided for in the act of Congress herein last mentioned, and shall be treated accordingly and canceled: *Provided*, That the principal of the bonds herein authorized may be made redeemable at any time after not less than thirty nor exceeding forty years from the date of issue.

SEC. 2. That all contracts entered into or made after the 1st day of January, A. D. 1878, shall be payable in accordance with the legal-tender standard of gold and silver, unless otherwise provided at the time of the contract.

SEC. 3. That all national banking associations shall be, and hereby are, required to hold in coin as part of their lawful money reserve, on and after the 1st day of January, 1877, one-fourth; after the 1st day of January, 1878, one-half; and after the 1st day of October, 1878, three-fourths.

Mr. MORRILL, of Vermont. The bill to aid the resumption of specie payments, which I have introduced, follows the original idea, that the issue of legal-tender notes was a temporary war measure, not to be indefinitely protracted in time of peace.

The complex interests and the large stock of facts and figures surrounding, but not embellishing, financial questions deter most persons from giving them that full attention required for their just comprehension. It is also rare that any speaker on these dry questions can be so fortunate as to obtain a patient hearing even in the legislative bodies where they are to be determined, and which it may be sometimes a duty as well as a privilege to address. Having myself spoken early and late on these topics, the Senate may dread lest I am about to repeat some thrice-told tale; but although the subject is old, and although I cannot hope that it will borrow from me any fresh attractions, time has given to it some new phases, and I shall endeavor also neither to repeat myself, nor to abound in stale quotations from others.

It is hardly necessary for me to say that I am not an ardent lover of inconvertible paper money, but an inflexible supporter of a speedy return to specie payments, sincerely believing the dearest interests of our country imperatively require it, and I shall briefly indicate the policy which I am persuaded would aid that measure. Then I propose, while making such comments as the aspects of the various questions involved in resumption would seem to demand, to consider some of the objections, as well as some of the competitive propositions, which have been presented here and elsewhere; including among the awkward squad of alternatives, if I may be pardoned for calling them so, that of the overthrow of the national banks.

MEASURE PROPOSED.

The 1st of January, 1879, is the time fixed by law, and none too early, for a resumption of specie payments. This law, it will be granted, will not be repealed; but it can be disencumbered of some objections and have freer sailing by such supplemental legislation as will allow us to meet resumption by gradual approaches, or somewhat by anticipation. As the law now stands, the Secretary of the Treasury may possibly be compelled to exchange United States bonds for gold with which to redeem the outstanding circulation of United States notes. Instead of doing this, it would appear to be better and far cheaper—much less likely to derange the money market—to sell or exchange 4 or 4½ per cent. bonds, running thirty years or more, for the legal-tender notes, redeeming them as it was originally proposed to redeem them; by which process of returning to specie payments we shall gain rather than lose, as these notes would be more readily obtainable and at cheaper rates than gold. If we should allow this to be done, the currency would gradually approach to that volume required by the wants of trade and of specie resumption. Nor do we need to be compelled to keep in circulation any fixed amount of legal-tenders at par with specie. This would throw upon the Government the whole duty and cost of maintaining specie payments, which ultimately must mainly belong to the national banks, and this duty, it is fairly to be presumed, unless the banks mean to commit suicide, they will cheerfully assume and prepare for just so soon as the Government no longer seeks to crowd gold out of the country by maintaining in its place United States notes.

By the 1st of January, 1878, it may fairly be anticipated that the difference between the value of paper money and gold will be much less than what now prevails. Therefore something in the direction of the suggestion in the President's message may be properly adopted as the forerunner of actual specie resumption, or to provide that contracts after January, 1878, shall be upon a specie basis unless otherwise provided. This would accustom and educate our people to the coming change, bring more specie into actual circulation, and leave all those who may prefer to adhere to paper currency until the last moment at full liberty to do so. All parties would be entirely safe on this basis to buy and sell on the standard of coin or paper as they might choose, and the advantage is that it would serve not only as a warning, but to make less abrupt the approach of the paper currency to the par of specie.

There is a section of the bill offered by me which provides that the national banks shall hold a share of their reserve in coin, to the amount, in addition to what they already hold, of about the sum they will receive for interest upon their bonds between now and the 1st of January, 1879, or in all $75,000,000. This would be the prudent course for the banks, and to some extent diminish the sudden demand upon the Treasury of the United States which might otherwise be apprehended. The legal-tenders added to the volume of currency in circulation would most likely be quickly funded.

The late war ended without obliterating any of the ancient liberties of the people, and with the acquirement of liberty by a large and unfortunate class to whom it was before unknown, but to whom, as it had been foreseen by the framers of our Government, it could not forever be denied. There is now remaining no foundation for sectional prejudice, or for any antagonism of races, to perpetuate discord in the councils of the nation. All portions of our land, even that so fearfully scarred by the recent wounds of hostile armies, bring forth their wonted products in greater abundance than in the most fruitful of former seasons. Our relations with the world are altogether peaceful, and we need not be embarrassed in our course onward by anything save the labor of reaching just and wise conclusions upon the ordinary subjects of legislation, where for the most part our path has been illuminated by the wisdom and experience of centuries.

We have but to remember that we are to-day the custodians of the destiny of a great people, in whose prosperity, honor, and life we all hold an equal interest, and which must be preserved whatever may become of us individually, or whatever may be the fate of parties with which we are most in sympathy. We feel some pride, as the greatest off-shoot of the Anglo-Saxon race, covering a mighty empire, in our rank among nations, and cannot afford to impeach our own intelligence, nor to create a suspicion as to our ability or integrity; but if we are to seek financial refuge solely in a paper currency, and make the voyage of life upon that frail craft where every crew that has hitherto embarked has been speedily shipwrecked, the "model republic" will be known to have lost its ancient guidance of far-sighted and sure-footed statesmen. The names of Hamilton and Jefferson, of Webster and Benton, will hardly be allowed to twinkle in the presence of the burning and shining lights of the more flexible paper-money financiers. However earnestly our position of to-day merits attention, we cannot, as national legislators bound to look ahead, wholly keep out of view the position we may occupy in the immediate future relative to other nations. Great Britain has now a population of 31,857,000, and by her rate of increase, if the sea-girt islands can bear a greater density, should double in fifty years, when they would have a population of 63,714,000. But the United States, unconfined by any possible lack of territory, doubles its population in half of the time, or in about twenty-five years, and consequently our numbers in fifty years from 1870 ought to be 154,000,000 of people. The great loss of young men during the war may, however, require a few years more to make this estimate entirely reliable.

The population of Germany and of Italy doubles much more slowly and that of France in hardly less than one hundred and thirty-five years. It follows that the weight of our numbers, the activity and ambition of our people, and our geographical position, if not prophetic of a preponderance over all the leading powers, will certainly, and that very shortly, bring us at least into the foremost rank among all the nations of the earth.

How should we appear in commerce and the arts, in literature and science, in peace or in war, clinging to what we call money that is utterly destitute of any intrinsic value, and hugging the delusion that an inconvertible currency is a blessing to a people neither insane nor

savage? Paper money not exchangeable for specie at the will of the holder has no right to exist. It is a pretender, disowned by commerce and shunned by solvent States. Valueless in itself, it is also a sham as a substitute. The proudest point in the character of a strong and vigorous nation should be its public credit, the chasteness of its honor—tolerating no fraudulent devices among its own citizens, nor winking at any in their intercourse with foreigners—and then its people may well labor for absolute independence, knowing that freedom from debt is even more essential to the independence of nations than of individuals, and also knowing that wealth is only created by labor. So long as the currency in daily circulation proclaims the fact that we do not pay our debts, and shows no evidence that we ever mean to pay them, we shall continue to dwindle in business energy as well as to sink in moral tone. Our national greatness will be greatness at a discount—having inflated pretensions, which serve only to display littleness—and however promising our start for a grand career, yet suddenly baffled by a paper-money monomania destructive to growth and confidence at home as well as respect abroad.

3.65 INTERCONVERTIBLE BONDS.

There are some persons who persist in harping upon a redemption of greenbacks with an interconvertible 3.65 per cent. interest-bearing bond, reconvertible into greenbacks at the will of the holder. "Pay your money and you can take your choice," and, as the inquirer was told about the two roads of equal length, "take whichever you please and you will be incontrovertibly sorry you had not taken the other." This is a scheme whose paternity has been claimed by several fathers—rather badly fixing the maternal character—by which the Government is to take all it can get of the temporary floating capital of the country and pay interest thereon until called for, and for which the Government can have no use whatever, but must idly hold in instant readiness all of either sort of paper to redeem the other. The interest to be paid would be a total loss to the Government, with no possible benefit, as the revenues of the Government accrue as fast as they are needed to pay out, and whatever is paid out is not loaned but when paid out is gone forever. The scheme appears wholly unsusceptible of any public or private advantage, unless there is an ulterior purpose to allow the Government to loan out the deposits of greenbacks and become the great banking-house of the country, so as to recover the amount of interest which it becomes liable to pay upon the issue of 3.65 per cent. bonds. Whether such a banking-house, managed by inflation financiers, would husband or squander their resources, we hardly need to wait for any experiment to disclose. If the Government were to offer to take and keep all the horses thrown out of employment at the commencement of winter, promising to return them sleek and fat in the spring, it would exhibit precisely the same sort of economic science that has been so persistently thrust forward by the interchangeable bond and greenback theorists.

It has been attempted to sugar-coat this interconvertible scheme by calling it a self-regulating system, one that can be set agoing much as an inflation orator does his tongue, and then, going away, leave it accountable to nobody; but a balloon, sent aloft without ballast and without human control, the sport of the winds, might be expected to furnish an equally admirable self-regulating system. Instead of extricating us from the present evils of a depreciated paper currency, this scheme, the great double-ender of inflation, would manifestly plunge us into deeper and wilder extravagancies. It is more than likely that the 3.65 per cent. bonds would circulate as currency as well before as after conversion into greenbacks, and for the purposes of inflation would amount to just what United States legal-tender notes would be if they bore 3.65 per cent. interest.

A further and insuperable objection to 3.65 per cent. exchangeable bonds is that they would start by the issue of slippery bonds worth in our markets, as bonds pure and simple, no more than from sixty-seven to seventy cents currency, instead of one hundred cents on the dollar. This is abundantly proven by the market rates of the bonds of the District of Columbia, with the interest guaranteed on their face by the Government of the United States, which have been hawked about the country, among not over-eager buyers, at sixty-eight cents and less, in a paper currency worth but eighty-six cents on the dollar, which is less for the bonds than 60 per cent. of their face value upon a gold standard. We could force the contractors and other creditors of the District of Columbia, as their last resort, to accept of such bonds, but can we in time of peace obtain a voluntary loan on such securities? Any new series of bonds set afloat at the low figure indicated would depress the value of all other bonds and greatly tend to the subversion of the public credit. By reducing the value of the only thing with which it is proposed ever to redeem the legal-tender notes, we should at the same moment depreciate the value also of legal-tender notes to the lowest level of the never-to-be-paid slippery 3.65 per cent. bonds.

It is very arrogantly claimed that this wonderful scheme would reduce the rate of interest to the borrower; but men who are able to own bonds of any sort rarely want to borrow money. Obviously the only mode of reducing the current rate of interest is by an increase of loanable capital or by lessening the demand for it. The Government can hardly be supposed, while it is one of the neediest and largest borrowers in the world at 5 per cent. interest, to have any genuine capital to loan at 3.65 per cent. Money with some blemish, or a little rickety, might be so obtained for an indefinite length of time, but not sound cash. Under such circumstances to issue promises to pay interest on the principal of debts never intended to be paid, except by the issue of another equal debt without interest, and style the latter a legal-tender, is a double-faced romance, a legal fiction of most melancholy proportions. If interest were to be paid, where and by whom can it be paid? By indorsement or by coupons? There are some practical difficulties about this scheme that financiers of "quick conception and easy delivery" do not seem to have considered.

But it is claimed that this mysterious interchangeability is to benefit poor people, who now make their deposits, to the extent of several hundred millions, in savings-banks, where they obtain 5 per cent., often 6 per cent., for the use of their surplus earnings, and all these, it is claimed, might be had and held under lock and key by the Government at the much lower rate of 3.65 per cent. Should this turn out to be true, would it not be a robbery of the poor to the extent of 1.35 per cent. of all the interest they now receive on their deposits? And yet this is the way some silver-tongued orators propose to benefit the poor; that is to say, by robbing them of more than one-quarter part of the interest they now receive! The claim as to reducing the rate of interest to temporary borrowers is equally unfounded. Temporary loans, or loans on call, are made upon a pledge of unquestioned securities, with an ample margin, and then frequently made at 3 or even 2 per cent. interest, which is lower than it is proposed the Government should offer loans. An unsound theory often discloses, even upon a cursory examination, many of its faults; but practical experience is sure to bring many more to light, and the unsoundness of the interconvertible bond and greenback theory, of conversion that will not stay converted, is too visible to require any further illustration. It was dead when born.

CUSTOMS DUTIES IN PAPER.

One of the most aspiring financial propositions yet broached cannot be wholly overlooked, and I refer to that which proposes that all duties on foreign goods, now paid in coin, may hereafter be paid in paper money, which would virtually repeal the old established democratic doctrine that all duties on imports shall be paid in cash, as well as the later law of 1862, containing the pledge that such duties shall be paid in gold and set apart to pay the public debt.

Singularly enough, this is smilingly regarded by a few who are willing to wound but not ready to strike the tariff, as well as by those who have wholly cut loose from coin, determined to sink or swim with paper money alone, and also by six or seven honest men who really feel, if we show how much we despise gold and how little we care for it at the custom-house, that everybody will adopt the same opinion, and that gold will then at once drop so low in value that all who have it will be in haste to exchange it for paper. With much gravity they even claim this as the swiftest mode of returning to specie payments. By our flattering declaration that black is white, we are to make silly bullionists, following the example of the crow in the fable, drop their gold, and then, like Æsop's fox, we are to stand ready to snatch it up. If these honest men are not mistaken, here is to be found a real resumptive boomerang, which, though sent off in an opposite direction, is to whirl round and at last smite the rocks, from which will pour a flood of the precious metals. I confess to an entire want of faith in the boomerang movement.

When our books were opened round the world to obtain subscriptions for bonds and notes, we made a pledge that our revenues from duties on foreign goods should be collected in coin and dedicated to the payment of the interest upon the public debt, with 1 per cent. each year set apart as a sinking fund. This was done for a double purpose: first, to insure stability to the rates of duty prescribed by law; second, to offer the greatest elements of strength to our public credit. Thus far it has supported the ends for which it was designed. If it was needful in war it is almost equally so in peace. Such pledges, when violated by weak nations, as not very long since by Mexico, have sometimes been sternly enforced by the superior power of other governments, whose citizens had become interested as creditors. Texas, prior to annexation, had contracted debts for which she pledged her tariff revenues, and the United States was notified, pending annexation, that we should be held responsible to pay the Texas debts; and we did pay them. Any clamor of foreign creditors, even with intervention looming up in the background, we might possibly feel a bullying propensity to ignore, but we could not brave our own loss of self-respect, nor the crushing weight of the judgment of mankind, that would surely follow any infraction of the nation's plighted faith.

Let me recite precisely what we have solemnly declared should be done if the world would only trust us. By the act of Congress, approved by the President, of February 25, 1862, it was proclaimed that all duties on imported goods should be paid in coin, and then that the coin "so paid shall be set apart as a special fund, and shall be applied as follows:"

First. To the payment in coin of the interest on the bonds and notes of the United States.

Second. To the purchase or payment of 1 per cent. of the entire debt of the United States, to be made within each year, which is to be set apart as a sinking fund, and the interest of which shall in like manner be applied to the purchase or payment of the public debt, as the Secretary of the Treasury shall from time to time direct.

Third. The residue to be paid into the Treasury.

Is it possible to select language more explicit? A similar pledge of the public faith decorates several pages of our public statutes. To

change this pledge by the ninth part of a hair would be to unbar the gates leading to repudiation. But, it may be asked, are these provisions to last forever? Certainly, they must be maintained until the uttermost farthing of the debts contracted under such terms shall have been extinguished, and it includes both bonds and legal-tender notes. Nor is it any hardship. It is not only honest, but politic. It is the sole ballast of the ship with crowded sails. We cannot with much grace get onto our knees in a storm, and then, when the winds are hushed, take the defiant attitude of an infidel backslider. Our honor, if not our religion, is at stake.

But if there were no sacred obligations to fulfill, it would, as it appears to me, be extreme folly to change the law. It is as essential now to have a stable tariff as it has ever been, and the payment of any part of the duties on foreign goods in depreciated paper would subject such duties to the daily fluctuations in the value of depreciated paper. Beyond this, it would be a sweeping, blindfold reduction of the rate of duties to just the extent of the difference between the value of paper money and coin, with a tantamount loss of revenue, at a time when we ought to have more instead of less, if we are in earnest about a resumption of specie payments. The depressed condition of manufactures throughout the world also more than ever makes it a duty to shield our own industry from exceptional competition. A prosperous condition of the industry of the country is what is most sought by a return to specie payments, and this ought not to be checked at the outset by a measure that would affect it adversely. It is to be presumed that when honorable Senators choose to propose a reduction of duties they will not be content with a flank attack, but will present direct and frank propositions.

More than half of the two hundred millions or more of specie in the country is retained here and kept in motion by the payment of duties on foreign importations, and the remainder is either hoarded or in circulation. To give importers the option of paying duties in paper or coin would be such an advantage as would at once banish from the country our present stock of gold. It would be sold here only for whatever it might be worth to send abroad, and having no available value here, when the time for resumption arrives there would be a contraction, and a contraction of our resources instead of our liabilities.

It is not possible to keep out of mind the fact that by law we have undertaken to resume specie payments three years hence, and that we shall then want coin to redeem our outstanding United States notes. Common sense would seem to point out the necessity of providing resources for that purpose; but instead it is proposed, as we have seen, to refuse all coin for revenue, and then be forced into the market to buy not only whatever coin may be required to redeem our legal-tender notes, but to pay the interest on bonds and to sustain the sinking fund. When we shall presently need a large surplus of coin, it is proposed to have none whatever. Of course all this would result in an ignominious failure to fulfill our obligations. Perhaps some of those who would favor this interference with the customs revenue might not revolt at such a result. I cannot believe, however, that any considerable number of our people would fail to scorn so great a departure from all sound principles and of so flagrant a violation of public faith.

NON-EXPORTABLE MONEY.

It has been promulgated in some unexpected quarters that we must not only keep and maintain a volume of currency equal to the wants of trade, but that it must be "a non-exportable currency." This new-fangled word is as unsupportable as the doctrine it is intended to gloss, or as would be the analogous term *non-importable*. It is doubtless intended to describe a currency which shall neither go nor be smuggled out of the country, and it is very properly assumed that paper money, divorced from specie and subject to a heavy discount, fulfills this requirement, or will fulfill it by such additional inflation as the fluctuating wants of trade from time to time may prompt.

If such paper was worth anything to export, it is obvious that all laws to prevent its exportation would be practically nugatory. This catch-word, therefore, means some quality inherent in the kind of currency to be maintained which is to make or keep it as forbidden fruit to the touch of foreigners, so worthless that nobody will take it but ourselves, or so tainted as to provoke its exclusion by sanitary measures from all healthy ports abroad; or possibly, as a matter of strict ethics, it is to be held that gold, being the root of all evil, profane and unclean, shall be wholly excluded from our own country, where it is produced in the greatest abundance, in order that it may enrich and curse those who know no better than to handle and covet this glittering "relic of barbarism," while we grow lean and happy in the supremacy of a "non-exportable" and irredeemable paper currency equal to all the ups and downs of trade.

Whether this non-exportable currency shall be kept at home by its virtues or its vices, our gold and our bonds will be sure to quit the country. The difficulty of making gold "non-exportable" will continue to puzzle even a "Philadelphia lawyer," and it is not to be wondered at that the difficulty has been recognized. But for home use we are to prop up paper money by the imagination, by the evidence of things not seen, no matter if a faithless world looks on and laughs, and whatever paper bears the governmental stamp of a dollar is to be a dollar, a non-exportable dollar, to all intents and purposes, and is on no account to gad abroad. Foreigners who come here to buy a cargo of wheat must first exchange their gold for a cargo of "non-exportable currency," and then they will have secured a lawful tender for all American products. We are to be gold-proof, and forever renounce gold, because it is exportable. However abundant depreciated paper may be, there is no danger of its escape, nor of any demand for it abroad; a prejudice rather exists against it. Some people are supposed to derive as much satisfaction in staring at the pictorial showbills of a menagerie as in viewing the menagerie itself. To all such, it may be presumed, the "non-exportable" paper pictures are good enough, and anything more would involve useless expense, to be indulged in only by bullionists or by the only animal ever known to have spoken; but the homely common-sense of our people has not yet been wholly weaned from the sight of the precious metals, and of all pictures they prefer "gold in pictures of silver."

It is not enough, it seems, that our present paper currency is almost non-ponderous, often *non est inventus*, and always non-redeemable, but it must be "non-exportable!" It might be suspected, perhaps, that this invention was hatched out as a sly satire on the doctrine of protection, but its simplicity and solemn absurdity forbid the idea of any joke. The statesmanship exhibited must be credited to American and not to Oriental genius, because it is a bold attempt, not indeed to shut out an invasion of the Tartars, but to shut out an invasion of foreign coal and pig-iron—worse, I admit, than that of Tartars—by offering nothing as pay that can be carried away. Who is really entitled to the honors of this great discovery is disputable; but like the discovery of some of the planets, or of electric telegraphy and of photography, it seems to have been simultaneously hit upon by several learned investigators of economic science, all alike amazed that the world had not found out before that paper was lighter, more stable in value than gold, and, to cap the climax, was "non-exportable." Whoever was ahead in this great discovery, the others will not be content to stay behind, and the honor may be possibly great enough for all even when subdivided.

Can it be argued by sane expounders of political economy that a "non-exportable currency" would be the equivalent of a Chinese wall to restrain, or to stop altogether, the invasion of foreign importations? Ten years and more have afforded a pretty effectual trial of any paper-wall theory, and the result does not support the conceit but quite the reverse. Our importations of foreign merchandise, since the introduction of legal-tender paper money, have been of unexampled magnitude. Notwithstanding our large exports of cotton, petroleum, wheat, corn, and tobacco, the balance of trade has been generally largely against us. Even with our rich product of gold and silver added, exceeding, as it does, that of any other country, we still often fail to square the account, and the consequent increase of our foreign indebtedness now exceeds all former examples in our history. This is the foretaste we have already had of a "non-exportable currency;" and yet it is gravely proposed that for all coming time we shall have nothing else for our national diet! We are to teach the world a grander policy—how to deposit the precious metals in the "tomb of exploded traditions," and to live without labor and without taxes, by the issue of paper money equal to the wants of everybody, equal to the wants of trade!

Ten years ago it was thought to have been a great achievement when by treaty four governments of Europe, all having a decimal coinage based upon the franc, formed a "monetary union," by which their moneys should circulate and be a legal tender in France, Italy, Belgium, and Switzerland. Common money was thought to be better than alien coinage. The theory of a non-exportable currency evidently had not been heard of in Europe, and its prophets must now be content with such honor as they find in their own country, and when found it will most assuredly be non-exportable.

If it had been possible it might have been well to have had non-exportable bonds, but the sovereignty of paper money here threw them into the hands of foreigners upon more advantageous terms than were open to our own people, who are even now exposed, if they make any investments in bonds, to be flatteringly remembered as "bloated bondholders," worthy of crucifixion. Owning no bonds myself, and never expecting to own any, I yet should be glad to have Americans hold them all.

WAITING FOR THE COUNTRY TO GROW.

Not unfrequently it has been argued, especially by those who seem unaccountably blind to the fact that there is never any standing room on the top rail of the fence, that our only remedy for a currency largely inflated and below par is to wait and let the country grow up to it. The philosopher who waited on the banks for the river to run by was hardly more profound or patient. Our experience when the panic of 1873 caused an out-rush of $26,000,000 of currency, and later when a large share of the reserve of the banks was unloosed, shows that the growth of the country, great as it may be, will not overtake the more prolific growth of a paper currency—growing if the country prospers, but growing most if it does not prosper—and in such a race the country will always be hopelessly distanced.

Singularly enough, however, this sedentary waiting idea is one of the most plausible opinions, amounting to no opinion, which has ever found respectable backers, and, when sustained on the argument that Congress will never apply any other remedy, if that has any basis of truth, then Congress, rather than those who anchor to this argument, most deserves criticism; but if the idea is put forth as the best and only solution of the evils involved in a redundant paper currency, it may be proper to give it some examination, as there are many, like

Hudibras, who have much wit but are shy of using it, and who therefore more readily adopt the stolid advice to stand still than any which costs a greater effort to follow. They trust the Spanish motto, "Time and I, gentlemen, against any two."

The recommendation of the policy of indefinite waiting for the growth of the country to overtake the volume of currency now afloat is simply a recommendation of non-action, and commits our escape from the present degraded condition of our monetary affairs to all the perturbations of time and chance, to the fluctuations of political parties and the vicissitudes of trade, and at last to other and more virtuous generations, if such, through natural selection of the fittest, ever come forth. The adherents of this financial gospel, like the Laodiceans, seem to be neither cold nor hot, and in great danger of being spewed out.

But the first question that naturally arises is, how long is the very shortest period we must wait for the country to grow up to the present amount of paper currency? There is no way, it has been well said, to judge of the future but by the past. The bank or paper circulation in 1860, with a population of 31,429,891, was $207,802,000, and at no time had been more than five millions above that sum. For all the wants of trade $6.58 *per capita* appears to have been enough. It was not then dreamed that there was any deficiency, and, if there had been, it was only necessary to ask for more to get it; but no more was asked for. If the amount of paper money then was sufficient for our normal condition, the amount we now have is evidently vastly too much. Our population in 1870 was 38,555,983, and the amount of legal-tender and national-bank notes in August, 1875, was $767,533,323. Assuming the standard of 1860 and of years prior thereto as equal to the fair requirements of financial health and stability—with the country no larger, unless made larger by the ice of Alaska—we have now such an excess of currency that, if we wait until the country grows up to it, we must postpone specie resumption until our population rises to 116,646,401, with a corresponding increase of the wants of trade! This illustrates the grand expansion for which it has been proposed to wait, and for which the only preparation needed would be to have those who wait properly embalmed by the undertaker. Will it not test the endurance of the sedentary financiers a little too long? They seek to alarm us by affirming that we shall surely sink by any contraction of the bladder which buoys us up, but can they not perceive that the danger is equally great if the dimensions of the body to be supported are with equal pace allowed to expand?

In the present calculations the probable amount of gold in the country in 1860 and at the present time is hardly a factor to be considered, as the difference is not great, and a proportionate amount, probably more, will inevitably return to the country whenever and as rapidly as it may be wanted. We have for nearly fifteen years treated gold as a relic of barbarism, just as it must be treated in a paper age, and our whole product since 1850 is gone; the commercial nations of the world are gorged with it; and the moment we begin to appreciate it, that moment in will return to stay, and we shall begin to hold a reasonable share of what we produce.

It may be claimed that we are now doing more business according to the ratio of population than we were doing in 1860. Before the panic of 1873 this might have been true, though not since; but it is also true that less general credit is now conceded in business affairs, and this, with the present mode of making payments, largely diminishes the amount of currency required. Less, instead of more, does the work. In all the chief business places bank-checks are used instead of currency in the payment of bills and accounts. Only petty purchases are made with bank-notes. All persons having a bank account issue more or less of their own circulating medium.

The national banks, savings-banks, and private banking-houses are so much more numerous now than they were formerly that their aggregate deposits make a greater figure than all the paper money of the country, and they are actively employed. Business men, after depositing their funds in banks, for all disbursements, issue checks, which are practically more serviceable than bank-bills or legal-tender notes. They are payable to order, exact in amount, and hasten the dispatch of business. The amount of checks, certificates of deposit, drafts, and bills of exchange in daily circulation is enormous. Wherever banks are established, no more than from 6 to 8 per cent., often no more than from 3 to 5 per cent., of business transactions are adjusted by the use of currency. Except for the small retail trades, checks supply the place of money for the greatest part of all daily settlements. This method of doing business, though by no means new, has more recently been so rapidly and widely extended, in connection with clearing-houses, as to supersede in a large measure the necessity of keeping and paying out currency. But the system of postal orders and of transfers by telegraph is entirely new, and figures largely also as a substitute for money. If we are doing more business now in proportion to population, far less currency is called for, with our present facilities and habits, than was very recently supposed to be indispensable. The conclusion is inevitable, as it appears to me, that less currency is now really needed in proportion to population or to business than what was required fifteen years ago. The methods of business have not grown clumsy, but more facile.

Moreover, if we were to wait all the days of our appointed time, there is the constant peril, while the appetite is growing upon what it feeds, of the exigencies of parties, or of the accidental preponderance of majorities, which may lead us into deeper mire instead of out. Every panic which overtakes the business of the country brings forth a brood of financial doctors, who, to cure inflation, prescribe a little more inflation, *similia similibus curantur*, which means, I believe, that a hair of the same beast cures. Homeopathic remedies may be excellent, but I protest against their financial application. The goal of specie payments will not be attained in this way. There should be no waiting for a generation to pass away and for another to come with more ability and courage than we ascribe to ourselves or than must be ascribed to our forefathers in every similar crisis. Those who never start are most unlikely ever to reach the end of the journey.

DEBTORS.

It is fair to consider the injury, if any, which might fall upon debtors by raising the value of the paper dollar to the par of specie. Because debts incurred on a gold basis were once paid on a paper basis, those who contend for "honest money" cannot afford to cover up any wrong which is likely to ensue from the policy they advocate. Supposing that some injustice may be inevitable, it should not be forgotten that the remaining step to the par of gold cannot be so great as occurred in each one of four successive months—January, February, March, and April—of 1865, and often before and since, when the value of paper money suffered violent changes. The recurrence of these changes cannot be avoided so long as an exclusive paper standard shall be maintained. It is this very evil which it is sought to avoid, and, if the remedy is bitter in the mouth, it is some consolation to know that it will have to be tasted but once instead of being presented to unwilling lips every day in the year.

But is it not at least doubtful whether debtors would suffer any injury or not? They might be compelled to pay debts in better money and yet at no greater cost. It is nearly certain that property would not generally shrink much in value by a return to the specie standard, and such a return, promising so much of permanence and solidity, might cause such a revival of business, such a restoration of confidence, as to even more than counterbalance any depression arising from the dismissal of a false legal-tender standard from the future financial records of the country. The entire earnings of industry, it cannot be doubted, would be far greater, and the liquidation of debts, therefore, would be made much more easily.

There is a great delusion prevailing as to the effect which either contraction or inflation would have upon the rich and the poor, as it is frequently assumed that contraction would benefit the rich and fall heavily upon the poor, while inflation would benefit the poor and deprive the rich of some undue advantages. It would be much nearer the truth to say the effect would be exactly the reverse. The rich and poor assumption is resorted to by those who pretend to have more tenderness than any others for debtors, and who strive to cultivate their prejudice and ignorance in order to curry favor and rule them long. But such would-be leaders are short lived, and inspire no respect for their memories, as they themselves have no respect for the true dignity of manhood. The wrath of debtors deceived subsides very slowly, and the deceivers, the elastic friends of an exclusively paper currency, will have a fearful account to settle with contemporaries as well as with posterity. Is it not manifest that most men of wealth own large masses of property which would be increased in nominal value by inflation and which would be subject to all the perils of contraction? Take, for example, the Astors of New York; they are free from debt and own acres of real estate covered with costly tenements. Contraction might shrink the valuation represented by their last inventory, as inflation might swell it and make them figuratively richer, but they would hold the same property and their riches would relatively stand untouched. What is true of them is true of most men of wealth in this country. Their chief assets are held in the form of real or personal property, debts excepted, and their income is derived from rentals and dividends. What, then, becomes of the cry of the inflationists against making the rich richer and the poor poorer? It is not only not true, but it is not even respectable clap-trap. Men destitute of property can suffer nothing as property-holders from its diminution in value, as they can gain nothing by inflation; but those who have property, with their good fortune, must bear its alcamities, bear contraction, if that should be a calamity. The strong swimmer with empty pockets reaches the shore, but those whose pockets are overloaded go down. Men destitute of property, however, labor for their living, and necessarily suffer most from fictitious values put upon property. They are the foremost victims of inflated prices or of the diminution of the purchasing power of money.

The credit system of the world during the present century has been greatly curtailed by the better habit of cash payments. Governments no longer give credit for duties on foreign importations; the farmer no longer mortgages his crops in advance for his yearly support; mechanics no longer give a long year's credit, but are paid at the end of every job. It is true that many importing merchants owe foreign debts, but they are all gold contracts, where inflation would be to the detriment of the debtors; and, besides, they have debts supposed to be equivalent in paper due to them from jobbers. Jobbers in turn have an equal amount due to them on short-time paper from retailers, who now sell nothing, or very little, on credit, and this credit is extended, not to the poor man, but to those able to respond on demand; in fact, very few workingmen ask or obtain more than one month's credit upon anything they buy, but they are almost uniformly in the

habit of paying as they go or when they receive their monthly wages; otherwise they might not be able to get trusted, as non-payment is often accounted as evidence of idleness or of bad habits. How are any of these classes to be injured by the gradual approach of specie resumption whole years hence?

The savings of the workingman or his reserve funds for a wet day are usually in the form of a debt from some savings-bank, and, instead of being injured, he is to be the gainer by specie resumption. His dollar in the bank is to be a better dollar, and those who are much better off as to property will be compelled to bear the burden, if there is to be a burden. What now becomes of the cry about making the poor poorer by contraction? It is inflation which most pinches the poor man, because he alone never gets inflated.

To provide in advance—whatever might be done at the last moment—that all time contracts shall be adjusted according to the price of gold when the contract was made would prevent all requisite preparation for a return to specie payments; few would have their lamps trimmed and burning, and would be very likely to imperil the success of resumption. But with time and ample notice everybody will be ready, except the man who is always left behind.

All of our countrymen by the action of the last Congress will have had four years' notice that resumption of specie payments was to be brought about in 1879. Ever since that notice and now debtors have had some slight advantage in the liquidation of debts. Paper has drooped in value. The hostility of a class of exasperated statesmen has, perhaps, thrown some doubt over the practical realization of the measures of the last Congress, and this may have retarded that legitimate appreciation of paper money we are likely hereafter to more fully realize. No one can complain that ample notice has not been given; and, if there should be any who have entered upon bargains to be consummated years hence, it is to be presumed that they have been properly guarded, or that they proceeded on the gambler's calculation of the chances of profit rather than of loss. If they bleed, they will themselves have planted the thorns; but if they have been wise, and now patriotically stand up to the laws and the honor of their country, they will not bleed. I have thus arrived at the conclusion that the sum of the wrong to debtors from a resumption of specie payments will be very small—never to be any less; and, whatever it may amount to, it is inevitable not only to any resumption, but much more to the continued use of an exclusively paper currency, and that the universal compensation of a fixed measure of values must be regarded as fully covering any possible sacrifice.

INFLATION.

The injustice of inflation never seems to trouble the consciences of those who once get their eyes fixed upon it. There is a communistic idea possibly lurking around this banner that no wrong can be done to men of property, and, though their substance may have been acquired in the struggle of a log-cabin and pioneer life, or by long years of industry and economy, the owners are frequently visited by the frantic inflationists with all the outlawry of hatred. A different distribution, it may be, is what is really but vainly sought by inflation. But it is our glory to have institutions calculated to make poor men rich, not to make rich men poor—institutions which make no distinctions, treating all, however unequal in capacity or industry, as equal before the law; and our whole republican theory would tumble to the ground were we to make any distinction either of favor or disfavor to persons or classes. Fortunately most men in our country have some property, with more or less prospect of more, and many with only a small property have larger debts due to them than what they owe. The increase of individual deposits in national banks from 1870 to 1875 was $155,000,000, showing some prosperity, if not all we could wish. If it would be wrong to make men pay more than the contract when made was supposed to call for, as unquestionably it would be, it would be equally wrong to authorize them to pay less; and yet this is what is really sought to be done by that mysterious inflation which only professes to be equal to the wants of trade. The selfishness and greed of those who may be debtors, or able to become debtors, for a larger amount than is or will be due to them as creditors, are adroitly invoked in behalf of a cheap paper contrivance with which to pay debts, a contrivance equaled in beauty and surpassed in cheapness by the colored beads of Africa and the shells of the ancient Rhode Island savages.

Is it not the case of the unjust steward over again? "So he called every one of his lord's debtors unto him, and said unto the first, How much owest thou unto my lord? And he said, A hundred measures of oil. And he said unto him, Take thy bill, and sit down quickly, and write fifty." Whatever of popularity may be won in any quarter for inflation will be won from the limited number of those who chuckle with delight at the words, "Take thy bill, and sit down quickly, and write fifty." The propagandists of this doctrine, wiser than the children of light, cannot dig, to beg they are ashamed, and they have resolved what to do in order to have somebody receive them into their houses or to shelter them with an office; but they will be likely to find a hospitality as deficient as their own morality, and be met with the words, "Knock as you please; there is nobody at home."

THREE-FOURTHS NOT IN DEBT TO ONE-FOURTH.

There are some philanthropists who seem to rest their good name not upon charities or other good works, but upon fervidly proclaiming that the miseries of other people are worse than what they seem, and their generosity culminates in wordy overstatements about hard times, the extent of calamities, and the woes of universal poverty. Their history of the world is a catalogue of grievances offset by no blessings. The people would never know half their sorrows but for these swift witnesses; and our sluggish gratitude is overdue to one of these for the statement that three-fourths of our people are in debt to the other fourth, although the assertion is nothing more than a monstrous libel. If the author had added that he himself was never happy except when he was perfectly wretched, the story would have been more pathetic and the exaggeration perhaps no worse.

The American people, gauging their possessions upon the inflated standard of a depreciated currency, have no doubt indulged in a more lavish rate of expenditure than they could afford, but it is not true that they are generally in debt. They have only been getting rid of their paper money as fast as they got it, saving little. Those having more due to them than what they owe belong in fact to the creditor class. It would be far too much to admit that one in ten of the people owe more than they have due to them. While they may not have been as prudent and may not be as well off as they would have been but for their long endurance of an exclusive and depreciated paper currency, they are not relatively poor, and have no idea of becoming paupers, nor of asking for inflation with which to scale or cancel any honest debts. Nearly all of the farmers in the old and long-settled States own their farms, and many of them, beyond this, have a handsome surplus. Professional men have little occasion to contract debts; they obey the scriptural injunction, "owe no man anything," and all but those just starting in their career are free from debt. Mechanics and merchants almost invariably have more due to them than the amount standing against them. These mutual claims offset each other, and the indebtedness is only nominal which stands at ninety dollars debit against one hundred dollars credit.

Where there are large numbers of workmen employed in mines, or workshops, or factories, there are some who run in debt for their daily living and pay at the end of the month; but even here the majority give evidence of thrift, knowing that the "borrower is servant to the lender," and have on hand, or safely deposited in some savings-bank, the American antidote for pauperism, much more than a month's wages. In the new States great numbers have secured bounty lands and homesteads free, amounting to over one hundred million acres, without money and without price, and where any of these have bought additional acres, or have bought land of railroads or of speculators, to hold for tillage or for a rise in value, there is undoubtedly some indebtedness; but the prices paid, or agreed to be paid, have been so moderate that the rise in the lapse of time protects them, and one good crop on fertile prairies very often suffices to extinguish all indebtedness. Besides this, the price of all the crops raised for market by farmers is now regulated entirely by the gold price abroad, and it will not therefore be any injury to the owners to have what is consumed by themselves at home valued according to the gold standard. Flour, corn, and beef are no dearer now than they were on a coin basis in 1860, and it would be no disadvantage to the producers of flour, corn, and beef to have all other articles of consumption brought to the same level. To say that three-fourths of our people are in debt to the other fourth is as absurd as to assert that three out of every four are poor and "servants to the lender" because they do not wear their best clothes every day but put on a garb suitable to their work.

The country is largely in debt, it is true, but mainly for debts which must be paid in gold or its equivalent, whatever currency we may tolerate for domestic uses. That is to say, the national debt, some share of the debts of States, much of the bonded debts of railroads and of other large corporations, and all of the debts of importers of foreign merchandise, are payable absolutely upon the coin standard. Honor and good faith require this no less than the terms of the contracts. We cannot avoid the gold standard if we would. Legislation can no more abolish it than it can abolish the equator. Nor is the hardship unendurable, because it was foreseen and predestinated. The old standard of gold duties on all imports was pledged for the extinguishment of our national debt; this was a condition-precedent; and all we now receive for our exports, amounting annually to between five and six hundred million dollars, is paid to us in coin or its equivalent. Individual indebtedness, whatever its amount may be, in view of a fixed period for resumption, will mainly mature in advance and be rapidly extinguished, but with any glimmering prospect of a continued or increased debasement of the currency all such indebtedness will be indefinitely expanded by all the motive power of selfishness among a people already too much demoralized by paper money. However heavily non-personal debts may press upon us, we cannot throw off the burden by any fanatical denunciation of the inherent value of gold—which is not only a measure of value but is value itself—nor by any shallow pretense that of the two paper is the most precious and the last to be parted with. Any and all of these subterfuges point to nothing less discreditable than ultimate repudiation, and cannot be accepted by any who are not prepared to bid farewell to all the character for virtue and verity our fathers lived and died to obtain.

The loud averment that three out of four of our people are in debt is a very harmless scarecrow, in the face of the fact that the amount of individual deposits in the national banks is $664,000,000, and the amount of such deposits with banks and bankers other than national is $1,346,000,000, making a total of $2,010,000,000, or almost enough of

deposits—and very largely the deposits of workingmen and working-women—to pay off the whole of our national debt. If there are any people who can make a better exhibit, where there are more standing midway between wealth and poverty, they have yet to be heard from.

NATIONAL BANKS.

It is often declared—generally by those who jump at conclusions or by partisans who echo caucus-made resolutions—that the national banks should be abolished, or that the currency issued by them should be withdrawn and an equal amount should be issued by the Government of the United States. The argument for this change is, that if there is any profit in the circulation the Government may as well monopolize it as to allow it to remain with the banks. It is roundly asserted that the Government pays them $20,000,000 annually for issuing notes which in case of failure the Government must redeem. Of course all this is a perverse misstatement of the facts, and, though a thousand times refuted, must be again and again refuted. Up to this time the failed banks have deposited over a million dollars in excess of the amount redeemed by the Government. Not one of them is in default.

Let it be ever borne in mind that there is no attribute of the National Government or of the State governments which can be safely trusted with any branch of banking business. Governments may grant the power to corporations or to individuals for banking purposes, and impose taxes, as well as other salutary restrictions, upon them, but they have no more apt functions for the management of banking business than for mining or manufacturing enterprises.

But let us examine the possible loss of the banks, or the possible profits to be gained by the United States by transferring to the latter the issue of $347,900,082, that being the amount of the national-bank currency. Of this sum, the banks were required to hold in lawful money, on the 1st of October, 1875, as a reserve, $151,000,000, and they actually held more, or $234,000,000; but, deducting the reserve of paper money or gold which *by law* they were required to hold and could not use, there could not have been an actual profit on their own circulation upon any greater sum than $196,000,000. The interest upon this sum—being the gain or loss—is easily computed. The Government now obtains money at 5 per cent., and therefore the possible gain by depriving the banks of circulation and issuing legal-tenders instead would be less than $10,000,000; but even this sum must be further reduced by the amount of taxes imposed upon the national banks, which in 1875 amounted to $7,260,758, and the net gain of seizing the profits of the national-bank circulation would foot up only $2,500,000, while the indirect loss in the support given by the national banks to the credit of the Government would be serious and far more than counterbalance this inconsiderable saving. From 1864 to July 1, 1875, the amount of taxes collected by the United States Treasurer of the national banks was $75,841,353. So much they have actually paid for banking privileges. The large amount of additional taxes imposed by the States and paid by the banks have yet to be considered. In the report of the Comptroller of the Currency, December, 1874, I find this statement:

> The average amount of taxation assessed upon the capital of the national banks of the country is estimated at from 3 to 3½ per cent. Real estate and personal property generally are assessed at not more than one-third of their value, but bank shares are usually assessed at their full value, and there is no doubt that the ratio of taxation of the national banks is greater than that of any other species of property.

Accepting this statement, based upon very full returns, as moderate and just, it shows that the States are receiving probably more taxes from the national banks than they would receive had they been chartered by State authority, or at least 3 per cent. on a gross capital of $504,829,769, amounting annually to $15,144,893. It would be thoroughly bad policy, as all must admit, to compel the States to forego so large an item of revenue without any equivalent or even the smallest advantage to the National Government.

The profits of the national banks are not derived so much from their circulation as from their deposits, amounting to $664,579,619, which are much larger than all of their capital, and nearly twice as much as their circulation.

A gross error has been propagated about the liability of the Government to redeem the notes of defaulting banks. Any bank which fails must already have deposited ample securities in the form of bonds with the Government for the redemption of its outstanding circulation, and the Government, paying nothing itself, merely acts as the agent of the bank in summarily disposing of the bonds in sufficient amount to redeem the notes of the bank. This is the whole extent of the liability of the Government; but the share-holders, in their individual capacity, are still further holden for all debts of the bank to the extent of the par value of their stock in addition to the amount of their shares. The public, beyond all peradventure, is secure, but wholly without exposing the Government to any expense or to the slightest risk, except that arising from paying out moneys previously received in trust.

Originally I did not favor the destruction of the State banks, nor the establishment of the national banks on their ruins. It seemed to be a great and sudden change of interests, deeply imbedded in every State, at a time when our people were being tried by the severest tests; and I only yielded my own views after an assurance from very high authority that our bonds could not be disposed of and their credit maintained without the active co-operation of all the banking capital of the country. This perhaps enables me to look upon the questions involved with something of impartiality; and while the legal-tender notes, so easily invited and so hard to be dismissed, have proved rather worse hangers-on than was anticipated even when all manner of evil had been predicted, I must also confess that the national banks have turned out on the whole better than was over expected, and if they were now circulating a currency convertible at par into specie nearly all of their defects would vanish.

If there can be a better banking system devised I should be glad to see it, and certainly shall not have any difficulty in properly estimating the merits of any plan which may be offered as a substitute. It is easy to suggest change, but not always so easy to suggest anything better. One of the chronic evils we have to endure at home, and the one most criticised abroad, is the inconstancy of American legislation and the consequent perplexing fear of change. Parties feel bound to signalize their accession to power by carrying out some cunning novelty of the latest party platform as the potent medicine for all political complaints. Among all parties we have those who behold in every whirling change captivating reform, and they are so giddy with some expected fame as reformers, that they cannot stand upright unless, like a top, they keep turning round. It follows from this lack of adherence to any permanent policy that the business interests of the country have no tranquil time when they can take root. The eagerness of parties to trample upon everything which has been done by their opponents overmasters all other policy, and the ambition of bustling leaders, painfully laboring to give birth to something which they can claim as their own, tends to make them reckless as to whether the new measure will really prove good or bad, provided they can at once be credited with its paternity. They love a monster baby better than sterility.

Because the United States Bank, with a capital of only $50,000,000, was uprooted, or because the suspended State banks were uprooted, it does not follow that it would be wise to uproot the much more numerous national banks, and that long before we have placed them where they might be able to do their best, nor does it follow that the uprooting process could be continued with the former facility, and with no greater strain upon the country. The capital involved may be scouted by demagogues, and I owe it very little reverence, but it is part of the property of the country, and the business interests at stake are not unworthy of some consideration by legislators. The cry of "down with the banks" by the financial doctors might "kill more patients than they have cases."

It will not cheapen capital nor money to destroy a part of it, and a change of the $980,000,000 loan account of the banks to new parties would be attended by a severe struggle, and to both debtors and creditors would be productive of a greater or less sacrifice. The old institutions would have to be wound up in order to surrender the field to new occupants. Their debtors would be called upon to meet their debts at once, and their bonds would be forced upon markets from whence they are now wholly withdrawn. We have passed through the ordeal of getting rid of the State banks, and, being rid of them, it will be proper to seriously consider whether or not anything can be gained by their restoration. Thirty-seven distinct systems of State banking, all with a circulation of unequal value, and none at par except within their own limited precincts, would not at the outset offer a favorable comparison with our present system. The jargon of exchanges would be unendurable. The petty discounts on the currency of the State banks to which we were formerly everywhere subjected, amounting in the annual aggregate to many millions, does not very strongly urge their re-establishment.

Our people were invited to invest their capital in Government bonds with which to establish a permanent system of national banks, and many of these bonds for this purpose have been paid for and are now in the custody of the Government, permanently taken out of the market, to secure the public against loss on account of any failure on the part of the banks to redeem their circulating notes. They started upon the terms offered, pushed by all the strongest arguments of the Government, and a public pledge, through the solemn enactment of Congress, was given to each bank (see section 5736 of the Revised Laws) that it should "have succession from the period of twenty years from its organization, unless it is sooner dissolved according to the provisions of its articles of association or by the acts of its shareholders owning two-thirds of its stock, or unless its franchise become forfeited by some violation of law." Here is an impassable barrier to any present repeal of the existing charters of these associations, as well as against the resumption on the part of the Government of their chartered rights. Few of them have lived out even half of their chartered time, and some have just started. Any repeal could have no legal effect for ten years to come, and then it would be partial and only operative by dribbling installments as each bank reached the period of twenty years from the date of its organization. During this time the national banks must linger as public institutions, although branded and paralyzed as discarded public servants. We can put a rope around the necks of the national banks, but we cannot choke the life out of them all at once; and when their shareholders, among whom will be found many executors, administrators, guardians, and trustees, shall have redeemed their circulating notes and call upon the Treasurer of the United States for their deposited bonds, they must be given back, to be again thrown upon the market or paid for in gold, as we have promised. The indebtedness of the country will not have been diminished by a single dollar, and the same round sum

of interest must be paid, whether the bonds are held by banks or by individuals. Nor have we any legal or moral right to assail their value while held by the Government as the property of the banks. If they were the property of an enemy, we should be ashamed to undermine the value of our own obligations. We may, it is true, offer to pay all of our own bonds by a further issue of legal-tender notes, if a majority of Congress should be so minded and the Supreme Court in time of peace should not intervene to prevent it; but this would be such a reckless stride toward the abyss of repudiation that the end of the Republic could not be far off, and we might well prepare for shooting Niagara! But if such a measure, based upon the execrable Macchiavelian doctrine that "a thing may be politically right, though morally wrong," could be carried, and the Government should limit the new issue of legal-tenders to the amount now outstanding, with only the addition of an amount equal to the present circulation of the national banks, how could the Government bring about the exchange of a non-interest-bearing debt for any part of our interest-bearing debt? We might easily expand the public debt by increasing our expenditures, or by withholding all revenues, and at the same time paying out the legal-tenders; but legal-tenders in the hands of the Government could not be exchanged at par for interest-bearing bonds in the hands of the public until after a resumption of specie payments, or until they become equal in value, either by raising the one or by depressing the other. The proposed increase of legal-tenders to the amount of seven or eight hundred million dollars means a great reduction of their value, a postponement of specie resumption forever, and a swift entrance upon the road to ruin, whence there is no return.

The notes of the national banks circulate from Maine to California, from Minnesota to Texas, without even a shade of discount. No other currency ever secured this supreme advantage, and the country will not now be contented with less. The holders of these notes have never lost a dollar, and never will, by any bank failures. Whether a bank-note is good or not nobody ever stops to inquire, and the vile business of counterfeiting, it is likely, will soon be numbered among the lost arts.

It is true that the national banks have banking privileges, and without them there would be no banks. Among these privileges comes the right to a limited circulation, much less in volume than any to which national or State banks have been heretofore restricted. For these privileges the banks pay to the General Government a fixed and, what is supposed to be, an equitable tax, and then in addition they are subject to all the taxation to which any other personal property is liable in the States where they may be established, from which bonds not used for banking purposes are exempt. It would seem that no arrangement could be more just to the nation and none more acceptable to the States or to the people.

It may be that the banks keep in circulation something more than would be possible if their notes had to be redeemed in specie whenever demanded, and it may be true, also, that the premium on gold received as interest on their bonds swells their profits; but it is very clear that the resumption of specie payments would prove an adequate remedy for all such anomalies. It may also be true that many prosperous banks too largely expand their line of discounts based upon deposits, regardless of all just proportion to their capital; and, if so, further legislation to control the maximum amount of loans made wholly upon deposits, and in excess of actual capital, may be had by the imposition of a higher tax or by the requirement of a larger reserve.

A large line of deposits is evidence of confidence, and needs no restriction; but a bank with a small capital which makes large loans, relying upon the stability of deposits as its main resource, and paying interest thereon, is engaged in the business of direct inflation, with the highest probability of succumbing to the first breath of any financial storm, and deserves to have fixed metes and bounds beyond which it may not go.

The system of national banks may require further legislation for the removal of defects and to make it more acceptable; but, standing on the broadest basis of security and freedom, it has already been so much perfected as to surpass any other we have ever subjected to a practical test, and it is now wholly free. Wherever sufficient capital can be gathered for the purpose, there a national bank may be organized. There is no monopoly; and yet the eagerness to multiply them is not commensurate with the recent wailings as to their rarity in many hungry and "more money" loving districts of the country. With such improvements as experience may from time to time suggest, it is doubtful whether we shall soon find anything which will better promote the public welfare; but it is not doubtful, if we confess our inability now to redeem the United States legal-tender notes, that to double the amount would double our inability.

CAPITAL.

What we most need after specie resumption to completely remedy our financial condition is more real and absolute capital. All the financial tinkering in the world will not supply that. The magnificent extent of our various enterprises has absorbed much of the unemployed wealth we had left after the waste of the war. The national debt; the immense amount invested in railroads, now floating on a troubled sea of bonded debt; the banking capital, represented mainly by the debt of the Government; the exhaustive drain of prodigal expenditures, public and private, all combined have brought a heavy strain upon our country, from which we cannot wholly recover except by years of frugality and a more universal industry. All of the cheap expedients for making money plenty without earning it, or without giving anything in exchange for it, or of obtaining tickets gratis in a lottery wholly of capital prizes, will result in disreputable failure. The sooner we learn that money cannot be invented, but must be earned, the better for the country. Even inflation on the grandest scale will not inflate those having nothing to inflate, nor will it help a breadless man to a bushel of wheat or give a brand-new hat to a man with a shocking bad one. It will only enable the owner of the wheat to get two dollars for the bushel when he only got one before, but the two dollars will be worth only half price. If with his dollar he could only pay for a cocked-up old hat, he will find that his two dollars will only pay for an old cocked-up hat.

NOT THE AMERICAN SYSTEM.

It is not enough that all the delusive witchcraft of inconvertible paper money has long ago been exposed and that the witches and wizards hang gibbeted on every page of history, but we have some later enthusiasts who are ambitious to have a new era of paper money with which to pay all debts, conduct all commerce and trade, and permanently fasten it upon the country as "the American system." But, if this should be the crowning work of American statesmen, who would covet the name? Our solemn pledges of the public faith would be wholly disregarded, and our country, with all its thrift and solid sense, consigned to the pitiful degredation of paper-money idolatry. The prostitution of the American name to a system so foreign—the branded outcast of nations—shows audacity and does not conceal its rascality. There are many things honest and of good report of which Americans may well be proud, but we ought to protest against having our name attached to that which would forever be cast in our teeth as a national reproach.

A DEBASED CURRENCY DEMORALIZING.

The degradation of whatever circulates as money below the recognized standard of the civilized world degrades not only commerce, but the people who in their daily business come in contact with the false standard imposed upon them. They feel that the Government to which they owe their highest allegiance and reverence has cheated them in a sensitive point by diminishing the measure, diluting the value of the money which should flow into their pockets; and, thus provoked, they are most unlikely not to profit by the instruction as to what may be used as lawful tender. Is it any worse for the people than for the Government to scrimp in measure? Can they be expected to carry their wool to market white as snow when they are likely to receive nothing in return but shoddy? Are they to be honest and pay one hundred cents on the dollar while the Government prevaricates and pays but eighty-five cents? What is bought will be sold. It is too apparent that trade is now demoralized and there is no venture warrantable in the world of traffic unaccompanied by a wide margin of profit. It is seen that no bargain even on the shortest time can be squarely fulfilled, as the fluctuation of paper legal-tender always calls for more or less than what was nominated in the bond, and transfers the profit or loss of the transaction from the right side to the wrong side, to the confusion of all legitimate trade and of all exact limits to pending contracts. Stable business now often leads to ruin, and prodigal adventurers here and there suddenly wake up famous as millionaires. Discretion is robbed of its merit, and chance, the blindest of goddesses, rules the day. Bulls and bears among stock gamblers revel in their millennium. Is it strange that sound morality should be confounded; or that, instead of golden virtues, we too often find in their place nothing but the cheapest pinchbeck, impudently asserting itself to be better than gold tried by fire? Certainly this is not the safest training for the young men of America.

Public and private expenditures are now too largely based upon inflation; and so long as payments are made in the cheapest substitute for money nothing in return but cheap equivalents and cheap service can be obtained. Since the close of the war the aggregate losses from the uncalculating, headlong use of a debased currency have been enormous. Public works as well as private have been shingled over by millions of greenbacks, and represent more in cost than in real value. Manufacturers are not making a new dollar for an old one. Laboring-men have been discontented, grudgingly employed, and, like Charles Lamb, go to work late, and to make amends retire early. All that has been bought and paid for or run in debt for is already rated at a large percentage less than the nominal cost. Financial investments all have symptoms of the rickets—swollen heads and small legs—and the reductions which may come with returning health are wholly incomputable except where such reductions to a large extent have already been realized. No permanent restoration of industrial prosperity, no permanent employment of workingmen, no safety to working capital, can be expected until the Government permits its own operations, the labor of our people, and the business enterprise of the country to be based upon the solid foundations represented by gold and paper at par with gold, represented by restored peace and morality, in accordance with the unbroken experience of the wise among nations and in harmony with the instincts of a high-spirited people ashamed of the exploded devices of paying debts by a renewal of broken promises and ashamed of a vacillating standard of mercantile honor worthy only of a bankrupt people half maniac and half knave.

May I not invoke the aid of all earnest men in behalf of a measure

designed to sustain the policy of a return to a sound currency, or of a return to the money of the Constitution?

Mr. President, I move that the bill be referred to the Committee on Finance.

The PRESIDENT *pro tempore*. The reference will be made, if there be no objection.

Mr. BOGY. Mr. President——

The PRESIDENT *pro tempore*. Will the Senator from Missouri yield the floor for a moment to allow the Chair to lay before the Senate some papers on his table?

Mr. BOGY. Certainly.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a message from the President of the United States, in response to the resolution of the Senate of 27th of February last, requesting the President to institute inquiries as to the proper place for the establishment of a branch mint at some point in the Western States or Mississippi Valley, transmitting the report and accompanying papers of the Director of the Mint, who was charged with the duty of making the inquiries called for by the resolution; which was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Attorney-General in response to the resolution of December 14, 1875, transmitting copies of the papers and documents on file in his Department relative to the treatment of United States prisoners confined in State penitentiaries; which, on motion of Mr. CLAYTON, was ordered to lie on the table and be printed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. LEVI P. LUCKEY, his secretary, announced that the President had, on the 24th of December, 1875, approved and signed the act (S. No. 78) to extend the duration of the court of commissioners of Alabama claims.

PACIFIC RAILROAD SUBSIDIES.

Mr. SARGENT. Before the order for the introduction of resolutions expired this morning the Senator from Vermont [Mr. MORRILL] rose and requested that his bill might be taken up in order that he might speak upon it. At that time I desired to introduce a resolution, but yielded out of courtesy to him. I now ask leave to offer a resolution for consideration at this time.

There being no objection, the following resolution was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Judiciary are instructed to inquire what legislation, if any, is necessary to secure indemnity to the United States for advances of interest paid and to be paid by the Government on account of subsidy bonds issued to the several Pacific railroad companies, and to secure indemnity against liability to pay the principal of such bonds by requiring the creation of sinking funds, or otherwise. Also, whether the issues of the companies' mortgage bonds under the act of 1864 were in excess of the amount necessary for the completion of said roads; and, if so, whether such issues are a first lien upon the roads. Also, whether any of the bonds of the United States issued in aid of said roads are a first lien on the same. And that the committee report by bill or otherwise.

COURTS IN THE INDIAN COUNTRY.

Mr. CLAYTON submitted the following resolution:

Whereas it is well known that large sums of money are annually expended for the administration of justice in the western district of Arkansas; and whereas a very large proportion of such expense is incurred in the trial of persons arrested for minor offenses against the laws of the United States committed in the Indian Territory; and whereas the cases of the class above mentioned are so numerous that it is impossible for the court in all cases to give such persons a speedy trial, thus causing great hardship to them by reason of their being taken long distances from their homes and denied such speedy trial as they have the right to demand; and whereas the several treaties between the United States and the Cherokee, Choctaw, Chickasaw, Creek, and Seminole Nations of Indians, concluded in 1866, provide for the establishment of a United States court in the Indian country commonly known as the Indian Territory, as follows, namely: The Cherokee treaty, article 13: "The Cherokees also agree that a court or courts may be established by the United States in said Territory, with such jurisdiction and organized in such manner as may be prescribed by law: *Provided*, That the judicial tribunals of the Nation shall be allowed to retain exclusive jurisdiction in all civil and criminal causes arising within their country in which members of the Nation by nativity or adoption shall be the only parties, or where the cause of action shall arise in the Cherokee Nation, except as otherwise provided in the treaty." The Choctaw and Chickasaw treaty, article 8, section 8: "The Choctaws and Chickasaws also agree that a court or courts may be established in said Territory, with such jurisdiction and organization as Congress may prescribe: *Provided*, That the same shall not interfere with the local judiciary of either of said nations." The Creek treaty, article 10: "The Creeks agree to such legislation as Congress and the President of the United States may deem necessary for the better administration of justice and the protection of the rights of persons and property within the Indian Territory: *Provided, however*, That said legislation shall not in any manner interfere with or annul their present tribal organization, rights, laws, privileges, and customs." "The Creeks also agree that a court or courts may be established in said Territory, with such jurisdiction and organized in such manner as Congress may by law provide." The Seminole treaty, article 7: "The Seminole Nation agree to such legislation as Congress and the President deem necessary for the better administration of the rights of the person and property within the Indian Territory: *Provided, however*, That said legislation shall not in any manner interfere with or annul their present tribal organization, rights, laws, privileges, and customs." "The Seminoles also agree that a court or courts may be established in said Territory, with such jurisdiction and organized in such manner as Congress may by law provide:" Therefore,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of establishing one or more inferior courts in the Indian Territory for the trial of all minor offenses committed in said Territory in cases where the Federal court now has jurisdiction, and shall embrace all offenses of petit larceny where the property stolen shall not exceed $25 in value, and all offenses arising from the introduction and sale of spirituous liquors in said Indian country.

Mr. CLAYTON. Mr. President, I ask the Senate to consider this resolution now. I do not think it will probably lead to any debate. This is a resolution calling upon the Judiciary Committee to inquire into the propriety of establishing minor courts in the Indian Territory; and I can illustrate the necessity for such an inquiry. Take the case of a minor offense, say where a person in the Indian Territory has stolen a cow at Fort Sill. Under the present law that person must be arrested by a United States marshal, carried some three hundred miles across the Territory; a preliminary investigation must be had before a commissioner; witnesses must attend that investigation; if the commissioner binds him over, and if he is not able to give bond, he must lie in jail, frequently for months, awaiting a trial; when the court assembles it becomes necessary to send out three or four hundred miles to bring in the witnesses in the case; when they get there perhaps other business is before the court, and these witnesses must remain at Fort Smith from day to day for days; and when the case is finally disposed of, there is probably a fine of twenty-five or thirty dollars imposed, and an expense has been incurred of from five hundred to a thousand dollars.

Mr. SARGENT. Which is paid by the Government of the United States.

Mr. CLAYTON. Paid by the Government of the United States. You will therefore readily see, Mr. President, that there ought to be some way whereby such cases could be disposed of summarily and at once in the vicinity where the offense is committed. This resolution is merely to have the Judiciary Committee inquire into the propriety of establishing courts for that purpose in the Indian Territory. I hope, therefore, that the Senate will proceed to consider the resolution at once.

Mr. BOUTWELL. I observed, from the reading of the resolution, that the resolution itself fixes the jurisdiction of this court, and does not leave it to the discretion of the committee to decide upon the jurisdiction or to report to the Senate what it should be.

Mr. CLAYTON. I shall be glad if the Senator will make any suggestion of amendment in that respect, and I will accept it.

Mr. BOUTWELL. I would leave out all after the word "jurisdiction."

Mr. CLAYTON. Let it be read the way the Senator proposes to amend it.

Mr. THURMAN. I suggest, if the Senator from Arkansas will allow me, that this preamble contains a number of recitals that perhaps the Senate, not having looked into the matter, are not able to say are strictly correct, as they would do by adopting the resolution.

Then there is another very material question, as to our power, under the Constitution of the United States, to establish courts in the way that is proposed in the resolution, if I understand it rightly. I make the suggestion to him that, instead of asking the adoption of the resolution, he move to refer the resolution itself to the Committee on the Judiciary. That course has been taken frequently, and the committee has never failed to consider a subject so referred and to report such a resolution as they think the exigencies of the case require.

Mr. CLAYTON. The force of this proposition is for the Committee on the Judiciary to inquire into the propriety of legislation.

Mr. THURMAN. I know it is.

Mr. CLAYTON. And of course, if this resolution is adopted, it will still be proper for the Committee on the Judiciary to determine whether the legislation proposed is constitutional or not. If they report back that the legislation is not according to the Constitution or the treaties, that is an end of the whole thing.

Mr. THURMAN. The Senator, I think, does not take exactly the point. Here is a resolution, with a long preamble, reciting that the facts are thus and so and that the laws are thus and so——

Mr. CLAYTON. I am perfectly willing to strike out the preamble.

Mr. THURMAN. Then the resolution would be meaningless, because it refers to the matters recited in the preamble. Again and again the Senate has referred a resolution itself to a committee, and the committee has always then, when it found the subject was a proper one for inquiry either reported that resolution with a recommendation that it pass, or reported it with modifications, and as modified it passed; and then the committee is instructed. I think that is the better course and is the safer mode. It will occasion no delay. The Senator is entirely right in saying that the subject ought to be inquired into; but I think it would be the safer course to refer the resolution itself to the Committee on the Judiciary; and I make that motion.

Mr. SHERMAN. I will state to my colleague that the proposition is very well worded as an independent proposition without the preamble. It is a proposition that the Judiciary Committee be directed to inquire into the propriety of establishing certain courts. Let it be read.

Mr. CLAYTON. Let the resolution itself be read.

Mr. EDMUNDS. I should like to have the resolution read as it stands.

Mr. SHERMAN. Read the resolution first, and then the preamble.

Mr. EDMUNDS. Very well; read the resolution first, and then the preamble, if you like.

The Chief Clerk read the resolution.

Mr. EDMUNDS. Now let us have the preamble read, and then I shall have something to say.

The Chief Clerk read the preamble.

Mr. EDMUNDS. Mr. President, it is altogether unwise, I should think, for the Senate to adopt that preamble without consideration by a committee, or in some way to ascertain precisely whether it is justified by the history of the event, and the treaties, and so forth, in that region. The preamble assumes as being positive facts a great variety of circumstances. I have no reason to suppose that my friend from Arkansas has misunderstood them, and that the preamble may not be perfectly correct; but we might just as well pass a bill which contained a variety of propositions *instanter*, without time for investigation, as to bind ourselves by an absolute declaration of this body to that preamble.

My friend from Arkansas says he is willing to strike out the preamble; but if the preamble be stricken out, the committee will have nothing to guide it (and certainly the preamble is very valuable for that purpose) in respect of the lines of investigation the Senator desires us to enter upon and the state of the case which he thinks warrants our proceeding in the way he desires. Therefore I suggest to him—indeed I believe the Senator from Ohio has already suggested—that the best way to get action on the whole subject would be to refer the entire preamble and resolution, without adopting them, to the committee, which we shall of course take as an instruction to consider the subject embodied in the resolution; and if we are of opinion that there ought to be legislation, of course we shall report it.

Mr. CLAYTON. I am perfectly willing that that course shall be adopted, if the Committee on the Judiciary do consider, when the resolution is referred to them, that they shall take action if they find that this preamble is as is set forth. What I want, and the only thing I want, is that the attention of the Senate through its proper committee should be brought to this question. I think that it is very important. I think you never will decrease the expense of holding courts in the Indian country for the administration of justice there without some such legislation as is looked for in this resolution. It is very clear to my mind that there must be more courts there that will be able summarily, as these minor cases arise in the Indian Territory, to sweep them away, and thus prevent the enormous expense which is incurred nearly every day in the carrying from distant points in the Indian country to Fort Smith, hundreds of miles, persons who have committed offenses of a very trifling character.

Now, of course, if the reference of this resolution to the Judiciary Committee will enable these results to be reached and procure speedy action, I am willing that it shall take that course.

The PRESIDENT *pro tempore*. Is there objection to the reference of the resolution to the Committee on the Judiciary?

Mr. BOGY. Mr. President, I entirely agree with the Senator from Arkansas as to the importance of this subject. For a great many years the Government has been subjected to a very large expenditure of money in the trial of the offenses spoken of by him. It is really a matter which needs legislation, and is a subject of very great importance. I think it is much better presented by letting the whole resolution, preamble and all, go to the Committee on the Judiciary, who will investigate the matter thoroughly. If that be done, the whole subject then will be before the committee, and I know from my individual knowledge that it is a matter which deserves investigation, and that at an early day.

The PRESIDENT *pro tempore*. The question is on the motion to refer the resolution to the Committee on the Judiciary.

The motion was agreed to.

RESUMPTION OF SPECIE PAYMENTS.

Mr. BOGY. Mr. President——

Mr. ALLISON. I ask the Senator to give way for a motion to proceed to the consideration of executive business.

Mr. BOGY. I do not intend to occupy the floor more than a few minutes. But first I will inquire of the Chair what disposition has been made of the bill offered by the Senator from Vermont, [Mr. MORRILL.] Has it been referred?

The PRESIDENT *pro tempore*. It has been referred to the Committee on Finance.

Mr. BOGY. I move that that vote be reconsidered; my intention being then to move the postponement of the subject until some time in February, when I shall desire to speak upon the subject. I wish to say a few words now, if it be proper to do so, in answer to a few of the positions taken by the Senator from Vermont; but, in doing so, I shall occupy the attention of the Senate only a few moments.

Mr. MORRILL, of Vermont. I make no objection.

The motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the motion to refer Senate bill No. 157 to the Committee on Finance.

Mr. BOGY. My intention now is to move that the subject be postponed until the first Tuesday in February.

Mr. MORRILL, of Vermont. That I should object to. I understood the Senator only desired to address the Senate now or to-morrow; but I should not be willing to have the bill postponed until February. I desire to have it immediately considered by the Committee on Finance.

Mr. BOGY. I did not exactly hear the Senator from Vermont.

Mr. MORRILL, of Vermont. I said to the Senator that I understood he desired to address the Senate now.

Mr. BOGY. Not now.

Mr. MORRILL, of Vermont. I would have no objection to allowing the bill to remain on the table for a day or two; but I should not like to consent to have the consideration of it postponed until February, for I desire to get it before the Committee on Finance.

Mr. BOGY. I am not anxious for a long postponement, and yet I desire to speak on the subject and I am not prepared to do so now, nor can I be prepared within a very few days, having other matters to attend to.

Mr. MORRILL, of Vermont. I can say to the Senator that there will be abundant opportunity for him to address the Senate on the same topic, if not upon this bill, and therefore it is not necessary to retain this bill on the table.

Mr. BOGY. This bill, in my estimation, presents the subject perhaps in a wider scope than any bill which can be presented. It is the marrow of the whole thing. It is a bill which must engage not only the attention of the Senate but the attention of the entire country; for the effects of it, if I understand the measure correctly—of course I have not yet had time to study it—will be most sweeping; and I would much prefer, if the matter should be postponed, to speak on this bill.

The Senator from Vermont also has, by way of anticipation, answered the bill which I presented a few days ago proposing that the duties on imports should be payable in legal-tenders and national-bank notes. A large portion of his speech to-day was devoted to that subject. I listened to his argument with a great deal of attention and at a proper time should like to answer the argument he advanced, but I am not prepared to do so now. I can do so, however, in the course of a week or two, as soon as I have time to prepare myself.

I will say this while I am up, that the bill proposed by the Senator from Vermont, which is intended to lead to resumption, in my opinion does not resume at all. The effect of the bill is merely to cancel and destroy all the legal-tender notes now in existence and to substitute in lieu of those notes an equal amount of 4½ per cent. bonds payable in coin, and the result would then be to have no legal-tenders at all, but to have in their place bonds. That would not be resumption. It is true there would be no necessity of resuming payment of that which would no longer exist. The legal-tenders being no longer in existence, resumption would not be necessary. But nevertheless it would not be resumption. That is, gold would not be provided for the purpose of effecting resumption, but the subject to be resumed would have been destroyed or canceled by an equivalent amount of bonds. That, if I understand the bill of the Senator correctly, would be the effect. Now, this subject of resumption is presented in different ways. First, it is presented by the bill that was passed here in January last, which provides that bonds shall be sold for gold, and that the gold, of course, shall be brought to this country to pay the legal-tenders. I objected to the bill at the time, believing then, as I believe now, that it was not feasible; that the gold could not be obtained in Europe; that, although it does exist in sufficient quantities there, yet for many reasons familiar to Senators here, the gold could not be obtained there for the purpose of being brought here. Again, if the gold was brought here, unless there were reasons of a financial character based upon great commercial facts, the gold would not remain here, as gold will remain nowhere in the world unless its remaining be in accordance with the laws of commerce and the laws of finance affecting that nation.

The President in his message says the resumption bill of last January will not effect the purpose unless it be modified. The Secretary of the Treasury in his report says the resumption bill will not effect its purpose unless it be modified. The Senator from Vermont says the resumption bill will not effect its purpose unless it be modified in the way that he proposes.

Mr. MORRILL, of Vermont. I think the Senator does not intend to misinterpret what was said by the President or the Secretary, or what has been said by myself. I have not certainly said any such thing. I do not understand that it has been said by anybody. My own belief is that the power given under the law of last year is abundant; but I think it can be supplemented by legislation such as I have proposed, or somewhat similar, that will make it less a burden upon the people to resume. For instance, I have already argued that it would be less expense to the Government, and more easily applied, for the Government to retire some of the surplus legal-tenders than it would be to go into the market and buy gold.

Mr. BOGY. Mr. President, of course I have no disposition to give a wrong construction to what has been said in the President's message, or a wrong construction to what has been said in the Secretary's report, or to the speech of the gentleman from Vermont, or to his bill. I may misunderstand all those things. I have tried to make a study of the message and of the report. This, however, is not the time, nor the occasion, to go into this discussion. All I desire now to say is that I have no disposition to do either of those parties any injustice.

I am, and I wish it distinctly understood, in favor of specie resumption. The Senator from Vermont said a great deal, and said it well, with regard to the disastrous effects of inflation. I am not an inflationist; I do not stand here as the advocate of inflation *per se*; but I oppose now, and will continue to oppose, any attempt at resumption which can in the remotest degree bring about the slightest contraction of the paper money of this country. Not that I am in love with paper money, but I acknowledge the fact of the existence of paper money; I acknowledge the fact that the business of this country is now greatly based upon that existing fact. I had nothing to

do with its creation; even the party with which I have the honor and the pleasure to act had nothing to do with its creation. That whole system was the work of your own party, sir, of the party with which you are acting. But the fact is nevertheless true that this paper money exists to the amount of seven hundred and odd million dollars in this country, and I will myself support no measure which leads to contraction. I look upon the measure of the gentleman from Vermont as one of contraction to the very highest degree, because it leads to the annihilation of the $382,000,000 of legal-tenders now provided by law—the entire annihilation of that vast sum; and although I am not in favor of an unlimited amount of legal-tender notes, and although I am not in favor of the issue of legal-tender notes so as to supersede the national-bank notes, nevertheless I am opposed to their contraction. I believe that the legal-tender notes now outstanding should remain out, and be used as a medium of exchange by the people of this country in all their commercial transactions to an amount equal to the wants of the Treasury of the United States. Let that amount be limited by the very wants of the Treasury.

Mr. President, it is not my intention at this time to bring on a debate upon the subject or to engage in that debate myself. I look upon this measure as one of the very greatest importance; it may be the most important measure that can be brought before Congress at this session; and without being disposed to do the Senator from Vermont any injustice, even the slightest, I must say that his bill strikes me as something terribly bad, leading to the annihilation of the legal-tender notes, providing not for one dollar of gold when the legal-tenders shall be annihilated, and at the same time requiring that in a very short period the national banks shall redeem their own circulation in coin. The amount of national-bank notes now, I presume, is about $370,000,000; and yet, on the 1st of January, 1878, two years from this time, those banks will be required, under the Senator's bill, to resume specie payment to the extent of one-fourth, which will require $92,500,000. In a year later they are required to have on hand one-half of the amount, which will be $185,000,000—an amount in excess of the gold in the country; and in a year later they are required to have three-fourths of the amount of their circulation on hand, which will be $277,000,000.

Mr. THURMAN. Reserve, not circulation.

Mr. MORRILL, of Vermont. The Senator from Missouri evidently does not intend to misrepresent the bill before the Senate, and yet he has fallen into a very serious mistake. If he will look at the cash reserve, or the lawful money reserve, he will find that it is only $105,000,000; and this bill proposes merely that a fourth part of that sum, a year hence, shall be retained in gold. It does not propose any more than about the same sum which will be paid to the banks by the Government itself as the interest on the bonds the Government holds for the banks.

Mr. BOGY. I have not had time to study the bill, of course, for it has only been printed and laid on our tables during the morning; but I see now on looking at it that the proportion of gold required to be held on hand by the banks at the times mentioned applies only to the reserve, and I am very happy to correct the remark I made in that respect; but even then where is the gold to come from? You have not provided by your bill for a dollar of gold to be brought here; you have not provided in any way for getting gold; and yet you require this thing and impose this great burden on the banks.

Now, sir, while I favor resumption, believing that it is necessary that at some day or other we should go back to the hard-pan, believing that there is nothing but gold and silver which can properly be made a legal-tender; agreeing with the Senator from Vermont entirely upon that subject, I shall be opposed to any measure which is intended to effect that object by the way of contraction. Hence I proposed the other day in good faith, not as a democrat, humble though I be in the party, but merely on my individual responsibility, a bill providing for the payment of duties in legal-tenders and national-bank notes, my object being to appreciate the paper money but not to contract it. The Senator from Vermont at that time took occasion to reply to the few remarks I made, as I have taken occasion to reply to his speech to-day, and said that the Government was under obligation to provide for the payment of both the interest on the bonds and the principal from the gold received through the custom-house. That argument can be answered.

I repeat, however, Mr. President, that it is not my intention at this time to go at length into this subject. I would like, at a proper time, to say something more at length; and I therefore move that the bill be postponed. I should prefer to have it postponed to some time in February, but I will make the time shorter if that be preferred. I move now that the bill be postponed until the first Tuesday in February.

Mr. MORRILL, of Vermont. I hope the Senator will not ask for so long a delay. A Senator so ready as he is to leap into debate and conduct himself handsomely upon any subject certainly does not require so long a time to consider the question now before the Senate, and it seems to me that it is important that the bill should go to the Committee on Finance at an early day. I therefore move to amend the proposition made by the Senator by proposing that this bill be postponed until next Monday.

Mr. THURMAN. Mr. President, I think this bill had better go to the Finance Committee at once, or it had better be postponed, as the Senator from Missouri suggests, to some time in February, because I imagine that it is not very politic and will not be a very wise thing in the Senate to enter next week, or at any time earlier than some time in February, upon a discussion of the subject-matter of this bill and the much broader field of inquiry suggested by the speech of the Senator from Vermont. It requires some time to study the reports that have been made at this session—the report of the Secretary of the Treasury, the report of the Comptroller of the Currency, the message of the President of the United States, all of which ought to be carefully studied and considered, as well as any suggestions that may be made by the Finance Committee, and, above all, any reports that may come from that committee—before we enter upon the discussion of so important a subject as this.

Two years ago we witnessed three months of the time of this body taken up in nothing but speech-making upon the currency. I hope we are not to have any such exhibition now, but that whatever we do shall have a practical bearing and be marked by practical good sense. Now, so far as referring this bill to the Finance Committee is concerned, such reference is not necessary in order to give that committee full jurisdiction over the subject. By the very constitution of that committee it is authorized to report, by bill or otherwise, upon this entire subject without any reference to it whatsoever. I think I am not mistaken in that respect.

Mr. HAMLIN. The Senator is mistaken entirely.

Mr. THURMAN. Am I?

Mr. HAMLIN. Yes.

Mr. THURMAN. Well, if I am mistaken in that, I certainly am not mistaken in one thing, that the reference of so much of the President's message as relates to this subject, the reference of the bill of the Senator from Missouri, [Mr. BOGY,] gives that committee complete and ample jurisdiction. There is no question about that.

The report of the Secretary of the Treasury, I am reminded, has also been referred to the committee, which gives it charge of the subject. There is no doubt, then, of the complete jurisdiction of that committee, and the distinguished Senator from Vermont is a prominent member of that committee, and can press his views upon it whenever he sees fit, as certainly he will consider it proper for him to do.

There is, then, practically, Mr. President, no necessity for an immediate reference of this bill, and yet I should prefer an immediate reference of it to having a debate precipitated upon the Senate in a few days upon this great measure. I for one want to act with great consideration in whatever step I take. I have some ideas that I think are pretty clear to myself—they may not be to other persons—and I want time to consider, as others may want time to consider, before we are precipitated into a debate upon a question so important as this.

Now, sir, if this bill be postponed—and I should prefer that the postponement be to the second Tuesday in February, if it occur at all—that will not delay the Committee on Finance from considering the subject, and it will give time for those who are disposed earnestly to study this question to come prepared to give to the Senate the benefit of their reflections and of their investigations.

Mr. BOGY. I will agree to its being referred now.

Mr. THURMAN. As the Senator from Missouri now says he has no objection to its being referred, I certainly have none. Whenever the Senate is prepared to discuss this question I have no doubt it will be easy enough to find a means of discussing it. Before, however, this bill is referred I wish to call the attention of the Senator who introduced it, and the committee to whom it is to be referred, to one thing. The third section provides—

> That all national banking associations shall be, and hereby are, required to hold in coin as part of their lawful money reserve, on and after the 1st day of January, 1877, one-fourth; after the 1st day of January, 1878, one-half; and after the 1st day of October, 1878, three-fourths.

This is a proposition that the banks shall hold in coin ultimately three-fourths of that reserve which by law they are required to keep. That reserve, so far as they were bound to keep a reserve as a security for their circulation, as the Senator knows, has been repealed. In other words, the reserve of 15 per cent. for country banks and 25 per cent. for banks in the redemption cities for circulation was repealed two years ago. Then the only reserve the banks are now required to keep is the reserve of 15 per cent. of their deposits in the country and 25 per cent. in the redemption cities, if my memory is correct, unless the Senator calls the 5 per cent. redemption-fund here in the Treasury a part of their reserve, and I believe they are authorized so to consider it. Then, what is the proposition of the Senator from Vermont? It is that the reserve which is to be kept for the security of the depositors shall in the future be three-fourths in gold. For whose benefit? The object of the Senator is to arrive at specie payment—at payment of the circulating notes of the bank; and, if I understand his proposition, he proposes to divert three-fourths of the reserve which the law now requires to be kept for the benefit of depositors to a wholly different purpose: a resumption of specie payments on the circulating notes of the bank.

Now, Mr. President, I wish to say that I quite agree with the Senator that the national banks ought to prepare for specie payment, and they ought to prepare for it, in my judgment, by holding coin; and I think it would be no more than just that they should be required to hold every dollar of interest which we pay to them upon the bonds on deposit in the Treasury, from year to year, until they do resume specie payment. I believe that that would be a wise meas-

ure, and I believe that it would gradually and certainly bring them into that condition when they could with safety not only resume but maintain specie payment. But I am not prepared to divert the security which the depositors have to a wholly different purpose.

Mr. EDMUNDS. May I ask the Senator from Ohio a question?

Mr. THURMAN. Certainly.

Mr. EDMUNDS. How can a bank resume specie payments so long as the notes of the United States are out, which by law are a legal tender for the redemption of bank-notes as well as anything else?

Mr. THURMAN. If I should go into that, I would have to do exactly the thing I said I did not want to do—that is, go into a discussion. I think it is practicable for both the Government and the banks to resume, and I am in favor of both resuming.

Mr. EDMUNDS. But the Senator does not answer my question; and that is, how the banks are to resume until the Government does; in short, so long as by law the bank may tender a United States note for its own bill when presented?

Mr. THURMAN. I have said that I was not going into a discussion of this matter at this time. When the proper time comes I shall endeavor to show to the Senate, in my poor way, how I think both the Government and the banks can resume; it will be time enough then, if my argument should be so defective as the Senator thinks it is, for him to put his question, but not now.

The only thing I wished to say now was simply to call the attention of the Senator from Vermont to what seemed to be the effect of his third section, and to ask him if it was not really diverting a security which the law now gives to the depositor to a wholly different purpose? If that be his intention, well and good; but if that be not his intention, it is a matter worth his consideration.

Mr. MORRILL, of Vermont. It seems to me astonishing that so clear a head as the Senator from Ohio has should not see that having a portion of the reserve held in coin instead of legal-tenders is no diversion from the object. If the bill which I have presented should pass in the shape in which I have presented it, it would still leave the banks with a reserve, but it would be a reserve of a quarter at one time, and a half at a subsequent time, and three-fourths at a later time, in coin instead of legal-tenders. Now, one of the great difficulties we have about a resumption of specie payments is the vast amount of deposits held by the banks, which are sure to be called for whenever specie resumption takes place. There is another thing that is intended to be obviated by the bill presented by me. I seek to obviate any possibility by which the banks could take the whole sum of their legal-tenders, amounting to-day to two hundred and thirty-four millions, and present them *instanter* whenever the Government should resume.

The bill introduced to-day is supplementary to the first bill. The first bill prepares the way by providing the means by which the Secretary of the Treasury can obtain any amount of gold to redeem the legal-tenders. This supplements it, by allowing the Secretary, instead of doing it all in that way, to receive legal-tenders by the issue of a low-interest-bearing bond. It seems to me that it is not a bill so "terribly bad" as the Senator from Missouri apprehends. But as the Senator from Missouri has withdrawn his objection to having it immediately referred, I hope the reference will take place at once; and as I certainly think he can at any time address the Senate upon various propositions that have been presented, or will be presented perhaps by some report from the Committee on Finance, there is no difficulty in his having the ear of the Senate at any time he chooses.

Mr. EDMUNDS. I only wish to say a word, not about this bill, but about the act to which this is a supplementary provision. The Senator from Missouri has said that the bill of my colleague does not provide for accumulating coin in the Treasury, or words to that effect; that it contains no provision to enable the United States to accumulate coin to pay specie for its United States notes on the 1st of January, 1879. I beg leave to call the attention of my friend from Missouri to the law that we already have upon the statute-book, the act of January 14, 1875. It is true that this act did not receive the votes of our brethren of the democratic party in the Senate—I believe not any of them—and I must suppose, therefore, that all it contains is contrary to their notions of finance and of the public welfare. This act does provide that—

> On and after the 1st day of January, anno Domini 1879, the Secretary of the Treasury shall redeem in coin the United States legal-tender notes then outstanding on their presentation for redemption at the office of the assistant treasurer of the United States in the city of New York in sums of not less than $50.

And it further provides:

> And to enable the Secretary of the Treasury to prepare and provide for the redemption in this act authorized or required, he is autnorized to use any surplus revenues from time to time in the Treasury not otherwise appropriated, and to issue, sell, and dispose of, at not less than par, in coin, either of the descriptions of bonds of the United States described in the act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt," with like qualities, privileges, and exemptions, to the extent necessary to carry this act into full effect, and to use the proceeds thereof for the purposes aforesaid.

Now, Mr. President, if it is possible for human language in the way of legislation to give absolute power without limitation to the finance officer of this Goverment to take all of its revenues and all of its credit to redeem this promise that we have made to our citizens and to our bill-holders, that on the 1st of January, 1879, and afterwards whenever presented, we will pay these United States notes in coin, then I do not know what the meaning of language is. All the surplus revenue of the Government from this time forth is devoted to this purpose.

Mr. BOGY. There is no surplus revenue.

Mr. EDMUNDS. That depends, Mr. President—it depends upon how successful the Government is in collecting the tax upon whisky in the Western States. It depends upon how successful this Government is in diminishing large appropriations for rivers and harbors in the East and in the West.

Mr. BOGY. Will the gentleman excuse me for suggesting that if you will appoint honest men from your party to go there it will be honestly collected; we will consume the article and pay the tax, if you will appoint proper men to collect it.

Mr. EDMUNDS. That begs another question. Probably if we were to appoint honest men, we should be obliged to appoint them from our party. [Laughter.] I agree to that. But that is not all the question, Mr. President. Honest men! A single collector of internal revenue and a single inspector, and whatever the machinery is, cannot collect the revenues in any part of the country unless they are sustained by the good sense and public sentiment of the people. Every infraction of law must be reached and punished by a judicial proceeding, and every judicial proceeding, under our system, must depend upon the judgment of twelve men as to the facts, selected from the neighborhood where the offense is supposed to have been committed. Therefore we cannot say that the selection of honest officers, as important as it is—of primary and indispensable importance, I agree—is enough to insure the collection of the revenues. But I am glad to say also, for the honor of the State which my friend in part represents, that so far we have no reason to complain of the body of the community in that State in respect of doing its duty when the facts are presented in bringing to punishment people who have been guilty of violating these laws. But this is a digression.

I repeat, Mr. President, that all the revenues of the Government, from the date of the passage of this act, not otherwise appropriated, are pledged for carrying out this promise, thus made in spite of the vote of my democratic friends, that the United States will keep its plighted faith and pay its legal-tender notes finally and forever. They are done with, if we can only keep up the credit of this Government to the standard which will enable the Secretary of the Treasury between now and that time to borrow money at 5 per cent. to pay off this floating debt, as it may justly be called, I think, that we have issued, and when paid off there is the end of it. You may abolish the national banks, if you please, and set up State banks; that is another question; but, so far as we are concerned—we having for fourteen years been under protest in the respect of not paying the dollar which we have promised to pay, in what is called the greenback, to the honest citizen who has earned it by his hard labor, but compelling him to take another piece of paper of the same character, neither of which has had the purchasing power it ought to have—we have now entered upon a fresh promise, to which we have devoted, so far as our votes can go, all the revenues and all the credit of the Government. Therefore, Mr. President, I shall not be greatly concerned, so long as the administration of the finances of this country is in the honest hands that it is now, and so long as the General Government of this country shall continue in the sincere hands of the real friends of specie payments, as it is now, we shall redeem this promise.

But, sir, when we passed this bill, although great fault was suggested, though there were doubts and shakings of heads, no Senator on the other side offered any substitute. None of them had any plan that he was willing to present. None of them was for any thing that he was willing to tell us of in the shape of legislation; but he was for everything besides the actual and straightforward measure which was presented and passed by republican, and not by democratic, votes.

Mr. BOGY. Mr. President, in answer to the remarks made by the Senator from Vermont nearest me, [Mr. EDMUNDS,] I will say that there is no surplus revenue now, and we have no right to expect between this and the 1st day of January, 1879, any surplus revenue.

Mr. EDMUNDS. Then may I ask my friend to unite with us in providing a surplus revenue which will enable us to still further fortify ourselves and keep our promise?

Mr. BOGY. That depends upon how the thing is to be provided. I cannot pledge myself in advance. The Senator's mode of doing it may not suit me.

Mr. SHERMAN. My friend will allow me to say that I am very sorry to hear him state that there will be no surplus revenue. There has been even this last year, the very hardest year we have had in our finances, a surplus revenue of from ten to fifteen million dollars, and we have been promised—I know from personally hearing the promises made by representatives of the people—that there will be a saving of somewhere between one and fifty million dollars, which will be more than sufficient (even half of it if nothing more be done) to leave a large surplus revenue between now and January, 1879. When the Senator says there is no longer any hope of a surplus revenue in the next two or three years, he as much as says that these representatives will not fulfill the pledges they have made to reduce our expenses by a careful and methodical investigation of all sources of expenditure. If they fulfill their pledges, the expenditures will be reduced sufficiently, without any increase of revenue, to enable us to redeem our pledges.

Mr. BOGY. I have no doubt, Mr. President, that if the very measures which will be inaugurated by the democratic House of Represen-

tatives, and passed there, shall be passed by the Senate, there will be a surplus revenue. [Laughter.] I have not the least doubt of it; but I have no such hope; I have no such expectation. Therefore I say that there is now no surplus revenue, and I am very sorry to say that in my opinion there will be none by January, 1879.

Mr. EDMUNDS. May I ask my friend, if I do not interrupt him, what the measures thus inaugurated are? I am a little behind the times.

Mr. BOGY. At the proper time I will take great pains and pleasure to explain those measures to my friend, hoping, from what I know of his patriotic disposition, that he may be an exception to his party, and vote for some of them. [Laughter.]

Mr. EDMUNDS. I dare say I shall if they are economical.

Mr. BOGY. The Senator from Vermont spoke of surplus revenue, and he objected to the remark I made in answer to the speech and the bill of the other Senator from Vermont, because, he says, there is a measure now on the statute-book providing for doing so and so. I say the measure is there in words, but it will be a dead-letter. First, there will be no surplus revenue, although the Senator from Ohio says there is now a surplus revenue. Without placing myself in a position to contradict that Senator, I do say that, according to the report of the Secretary of the Treasury, there is no surplus revenue, when the matter is properly understood and properly analyzed. Again, some millions have accumulated there by the sale of gold, which is a part of the revenue at the present day. I believe that the measure now before the Senate, if adopted, will virtually supersede the law already on our statute-book, and that measure is not intended or calculated to bring to this country a single dollar in gold. That will necessarily be the effect of the bill; because we do know—every Senator must know—that it is next to an impossibility to bring gold from Europe here to a large amount. Capitalists in Europe will not buy your bonds if it is known that the gold is to be brought here from England, or France, or Germany. It cannot be done; gold cannot be moved from one nation to another in that way. Those are not the currents which float gold, if gold can float at all; they are not the currents which carry gold to any part of the world. The currents that carry gold are great commercial currents, that sweep around the globe, and not these forced measures. War now and then, as the war between Prussia and France, may force gold from one country to another; but those same great laws of trade will bring the gold back to the place where the laws of trade found it at first. We are struck with the spectacle to-day that, though France was conquered and subjugated but yesterday, Prussia, which was victorious, and levying a tribute upon France of a thousand millions of dollars, and having that gold brought from France to Prussia, is now denuded of gold, and the gold has got back to France, and Prussia is in a state of great distress while France is flourishing. Hence I believe that the effect of the measure of the Senator from Vermont will be to supersede the present law, and that we shall be left with no gold in the country, with no legal tenders, bad as they may be, yet answering a useful purpose, and with the national banks very much oppressed; and, if I am correct in that, it will bring the country to a state of perfect financial annihilation. I am opposed to it. But, sir, I do not wish to discuss the question at this time. After all that has been said, I am willing that the bill shall be referred to the Committee on Finance.

Mr. EATON. Mr. President, I do not propose to engage in the discussion of the financial question at this time, nor do I think my friends on the other side of the House can taunt this side because we did not vote in a particular way a year ago. Sir, I have the honor in part to represent on this floor a people who are in favor of the resumption of specie payments honestly, and not, I trust, as a party measure for any party. I beg to say that this great question of finance ought not to be the foot-ball of parties. It is not anywhere else in any civilized country on the face of the earth. Go to England to-day, and Gladstone and Disraeli, differing on everything else, agree upon this one important question, that the precious metals form the only basis for the currency of a people. I have no doubt that both my friends from Vermont and myself agree upon this, that the only basis known to intelligent civilized nations for the currency of a people is the precious metals. There is no other. It is possible that the Senators from Vermont and myself may differ somewhat as to how we shall arrive at this point; but let us all, let Senators from every section of the country, arrive at this one point, that the only true basis of the currency of a people is gold and silver, and we shall have taken a long step in advance to the right.

Mr. MORRILL, of Vermont. I hope my friend from Connecticut will acquit me of making any party speech on this question.

Mr. EATON. I did not charge upon any gentleman on the other side the making of a partisan speech on the question; I have heard none. I simply said, and I certainly did not intend to wound the feelings of the other honorable Senator from Vermont when I said, that it struck me that little taunts ought not to be thrown from one side of the Chamber to the other with regard to a great question of this character. At all events, I shall not be led into a discussion of the subject-matter at this time. I am not prepared to say that I am in favor of the bill which has been presented by the Senator from Vermont, [Mr. MORRILL,] and upon which he has made, doubtless, a very able speech, all of which I have not heard, but shall be glad to read hereafter. But I desire to say this one word in reply to what the senior Senator from Ohio [Mr. SHERMAN] has said in regard to there being a surplus revenue this year. In my judgment, and I desire it to go out to the country, there is no surplus, and there will be found none, this year, no matter what figures may say. We will look into those figures. I have looked at them somewhat, and I say that there will be no surplus found. Of course men may write a surplus. Men have written that the debt of the country on a certain occasion was a thousand million dollars, when I knew it was eleven hundred million dollars. We will look into these figures by and by. I will let this Roland go with the gentleman's Oliver to the country. There will be no surplus found when the examination comes to be made at the proper time hereafter. I desire to have a surplus.

I do not agree with my friend from Missouri, [Mr. BOGY.] He says he would not contract the currency. I would. I will show my friend before I get through the discussion of this question, when we come to take it up at the proper time hereafter, that five hundred millions of currency appreciated to coin value will have one hundred million more purchasing power than the seven hundred and fifty millions of currency there is to-day afloat or seeking market. What we require for the benefit of the country is to appreciate the paper dollar to the gold dollar, and the very moment that you do that you increase $100,000,000 a year the purchasing power of the paper money, even if it does not pass but once in a year. The best educated financiers and merchants in the United States are of the opinion that money passes from hand to hand from three to six times a year. The lowest estimate is three times; the highest is six times. Suppose we have five hundred millions of currency only, instead of seven hundred and fifty millions; suppose that currency is appreciated to the gold standard, and suppose it passes three times a year only: how much is the purchasing power of the paper increased? It is increased $225,000,000, and there is a saving to the people of the United States of $225,000,000 every year that the sun rolls around three hundred and sixty-five times.

Now, I say to my own side of the Chamber, I say to Senators upon the other side of the Chamber, that it is our duty to approximate paper to gold, to so legislate—not as partisans, but as Americans, as men having only one interest in view—not to put up the republican party or to put down the democratic party, or to put up the democratic party and put down the republican party, but to legislate for the well-being of all of the people of this broad land. At all times, upon this question, without regard to politics and without regard to where my friend from Vermont may be, or where my friend from Delaware may be, I shall be prepared to legislate so as to bring paper up to gold. That is what we desire to do, and that is all that it is necessary to do. I have my own views upon this subject, and at the proper time I shall submit them. I have no doubt that we can legislate so as to resume specie payments before 1879 and not use the guide-post of the gentleman from Ohio at all. My own impression is that we ought to resume before that year, and we ought to begin to legislate now to do it. I am very frank to say that I would not have voted last year to resume specie payments in 1879, but I would have legislated in 1875 so as to resume in 1877, if possible. France is our example. She has paid specie when the law did not demand it, because her commercial men, her financial men, bent every energy toward specie payments without being ordered by law to do it.

Mr. President, I did not mean to detain the Senate so long at this time.

Mr. SHERMAN. Mr. President, I was very happy to hear the Senator from Connecticut, [Mr. EATON;] but he is the first gentleman of his party who has promised to aid us in the resumption of specie payments. If he will submit to the Senate a proposition in the form of a bill which in his judgment will bring us to resumption in 1877, or 1878, or 1879, he will be the most welcome gentleman of his party, I think, in the United States of America. In all the long debates which we have had upon currency and specie payment, we have never yet had an affirmative proposition from any member of that party looking to the resumption of specie payments; and when my friend from Connecticut submits his bill I shall hail him with the most hearty congratulation.

I do not intend to be led into a discussion of the financial question at this time. It is too serious a matter to be dealt with in an off-hand way at the end of an afternoon's debate. I welcome every speech that is made on this subject and every proposition that is offered. I hope all the propositions will be sent to the proper committee, and have a full and fair consideration, and that we may approach this question, not in the spirit of democrats or republicans, but in the spirit of men interested in a common country, desiring to bring about the best results to the whole people. That certainly is the spirit in which I think we should act. I consider ourselves bound by the highest obligation of duty and honor to bring about resumption on the 1st day of January, 1879. If any measure is proposed that will aid in bringing that about or tend in that direction, I will vote for it, I do not care whence it comes. If, on the other hand, any measure of a doubtful tendency is offered that will not tend in that direction, I will certainly vote against it. Whether any measure is necessary at all or not is an open question for debate. You have the President's views and the views of the Secretary of the Treasury. We are promised now the views of the Senator from Connecticut and his plan. When they are all before us, no doubt the Senate of the United States will come to conclusions satisfactory to it.

But, sir, I only rose to correct a misapprehension into which Senators have fallen in regard to the public debt and the condition of our finances. We are too much in the habit of crying down everything. To use a slang phrase of the brokers in Wall street, we are "bearing down" everything. No doubt we have had hard times. We have had a panic. I remember to have read recently in the memoirs of John Quincy Adams a description of affairs in 1819 and 1820, when everybody took a very gloomy view of affairs, when we had paper money which was good for nothing, broken-bank paper money, scattered all over the country, when the Government was embarrassed, when the revenues were difficult of collection, and the gloomiest of prophecies were made of failure and disaster and distress, and I remember a striking remark made by Mr. Calhoun, assented to by Mr. Adams, in which he thought everything was going by the board; and two or three years after that the tone was entirely changed and we had prosperity and happiness. Even now, when people are talking about disasters and hard times, (and no doubt people are feeling them in all parts of the country,) things are not so bad as they are represented to be.

The Senator from Connecticut says that we have not decreased the public debt; but even in the midst of all our troubles, even in the darkest days of our financial difficulties, he is entirely mistaken. We must rely upon our official reports. We know that the debt is constantly decreasing. We know that bonds are being bought up and canceled; and if the Senator wants to see the operation being done let him go to the Treasury Department, where he will see bonds canceled, destroyed, and burned. We have a statement of the public debt made under the highest sanction of law, made under the oaths of many officers. This statement, made in the ordinary course of official communication, published to the world and made monthly during the last six months, shows that from the 1st of July last our debt has decreased $8,856,531.05, or at the rate of over $17,000,000 a year. Do you not believe that? Do you pretend to say that document is not true? It is the strangest thing in the world that Senators should make such an assertion. There it is; and the statement gives the interest accrued up to the time that it was made and published, and no one has ever questioned the accuracy of this statement. Even last year during the stormy times, the hard times, the "hard year," as it was commonly called, we reduced the public debt $13,376,658. It is true we did not decrease it as much as we agreed to do, because we agreed to maintain a sinking fund of about $30,000,000, and we failed in that particular; but still the debt has been reduced every year. This republican administration, which now has the charge of the Government, paid off of the public debt in seven or eight years of its administration more than any government in the world ever undertook to pay off. We have reduced the public debt between four and five hundred million dollars by the application of the surplus revenue; and, sir, every year, even in these hard times, we are gradually reducing our public debt, until it has ceased to be a matter of alarm. Now, when it is said in the Senate of the United States that our debt is not diminishing, that these tables are not to be relied upon, and these words go out to add alarm to real distress, it seems to me it is time to check such things, if possible. Sir, the public debt is diminishing and will continue to diminish. It ought to diminish at the rate of thirty or thirty-one million dollars a year. That is not done, but still it is diminishing, and, I trust, will continue to diminish; and if gentlemen will carry out their pledges by striking off unreasonable expenditures, if there are any such, we shall reduce it more and more.

Now, sir, to show that affairs are improving rather than getting worse, I will refer to the fact that last year, when the estimates were made for the current fiscal year, the Secretary of the Treasury estimated the surplus during this year at about $9,000,000.

Mr. DAVIS. What report do you read from?

Mr. SHERMAN. I have before me the report of this year, and I will read:

> By reference to the last annual report, page 6, it will be observed that the estimate then made was that the revenues for this fiscal year would reach the sum of $284,318,285.99, and that the expenditures would amount to $275,315,489.42.

That would make a surplus revenue of $9,000,000 for the fiscal year which commenced last July and will end next June. A year ago the Secretary estimated that under existing laws the surplus would only be $9,000,000 during the whole year, and yet I show you, by the statement made on the 1st of January, that we have reduced the debt nearly $9,000,000 already in six months of the fiscal year, and the best six months of our revenue are yet to come, including the spring months. During the last month, which is the worst month in the year for the revenues and expenditures of the Government, our debt increased nearly two millions, and it is always so in December. A year ago it increased from three to four millions in the month of December. I have no doubt now—and I will venture this prophecy—that, instead of reducing the debt under existing laws $9,000,000, we shall, without any benefit from the proposed reduction of expenditures by the democratic party, have a surplus revenue of at least twenty or twenty-one million dollars under the present laws, based upon the present estimates of expenditure; and if gentlemen on both sides and all sides will join in an honest effort not to cripple the Government, not to destroy this branch or that branch of the service, but to make a practical reduction of public expenditures by sensible and practical economy, by stopping a leak here and stopping a leak there, cutting off an office here and an office there, we shall have a surplus revenue of $40,000,000 during the next fiscal year, and that $40,000,000 surplus revenue is more than enough, without any other agency or any other means, to enable us to carry out the promise we have made in regard to specie resumption.

Sir, we ought to take a hopeful view of things in this centennial year of our great country. Look at the aggregate of results. A century ago we were three million people; now forty millions; then we had a little border on the Atlantic; we are now extended to the Pacific. See what has been accomplished in a hundred years. During that time there have been periods of darkness and doubt. Every seven or ten or twelve years, periodically, there have been times of financial distress. We have lived through them all. I believe, and I trust in God, that this very year is the beginning of another period of prosperity, and that all these dark clouds, which gentlemen are trying to raise up from the misery of the past two or three years and from their own clouded imaginations, will entirely disappear. I believe that even now we are in the sunshine of increasing prosperity, and that every day and every hour will add to our wealth and relieve us from our distresses.

Sir, things are not so unhopeful as Senators seem to think. We have made a promise to be executed three years hence, and every step of our legislation, if any is had, should look in that direction. We may not adopt any measure or may not deem that any is necessary; but, if any be adopted, it ought to look to the execution of that promise, and we ought to enter on the performance of this duty with hopeful trust in the continued prosperity of our country. All this gloom and doubt, all this arraignment of official statements, this doubt of our sufficient revenues, this doubt of our ability to meet and advance our destiny, always falls upon my ear with painful surprise. Senators, the task we have before us may be a difficult one, as it has always proved to be difficult to resume the specie standard whenever for any reason a nation has fallen from it, but it is a duty that must be executed, and it ought to be executed without the spirit of party warfare, without these appeals directly or indirectly to party tactics. The pledges made one year ago, although not voted for by the democratic party, are pledges binding upon their honor and their faith as they are upon mine, and I trust in God that we shall join together in all the proper steps to carry out those pledges.

Mr. EDMUNDS. Mr. President, I do not wish to occupy time at this hour in the afternoon, but I think I ought to say a word in reply to my honorable friend from Connecticut, [MR. EATON,] who seems to imagine that I have taunted the democratic party in this body with voting against the bill for the resumption of specie payments. I did not intend to taunt them. They undoubtedly acted under a sense of duty. I supposed they were sincere in their votes and were against doing that thing.

Mr. President, I think there is another reason perhaps that might be stated why he should not have taunted me with that taunt, if it be one. The Senator must have forgotten that it was only last spring, since we passed this bill, that my friend from Indiana [Mr. MORTON] and my friend from Wisconsin [Mr. HOWE] dismissed me from the republican party, not with their blessing even, on the Pinchback question, and he ought to have faith enough to suppose that I might speak a little independently just now. But, of course, we will not waste time in pleasantries on this occasion.

Mr. President, this question is a party question; it will be a party question, like every other great question that divides opinions among citizens in this country or any other. If this had not been a party question, when the act of 1875 passed we should have found some gentleman of the democratic party who thought he could see merit enough in the bill which we did pass to vote for it. When we get outside of the range of party questions, there is scarcely a question that does not on one side or the other receive votes of gentlemen of both parties. But there is a set of questions (and this is one of them) where, when the lines are drawn upon the yeas and nays, the parties vote very solid indeed. It cannot help being a party question, as I say, because we all know that opinions in this country differ; and whether you call it a democratic party question or a republican party question is perfectly immaterial. Everything will be a party question until, when one party brings in a bill as this that we passed was brought in, somebody can be found in the other party who will either vote for it or propose to amend it in some substantial way, providing another and a different scheme to accomplish the same object. Therefore I think I am justified in saying that, if our brothers on the other side of this Chamber had been in favor of resuming specie payments on the 1st of January, 1879, or earlier, they would have proposed a measure, taking different methods, if they did not like this, to reach that result; but they did not do it.

No, Mr. President, you cannot escape this being a party question. If my honorable friend thinks the democratic party are in favor of resuming specie payments, as he is, I think he will find, when it comes to the test, that that party occupies the same attitude that it was said to have done during the war against the rebellion: it was very much in favor of putting down the rebellion and very much opposed to taking any steps to do it.

Mr. THURMAN. Mr. President, it is not necessary to answer that stale and miserable joke, the last remark of the Senator from Vermont, [Mr. EDMUNDS.] I should think the Senator, who is distin-

guished for his wit and the fertility of the brain, could do a little better than repeat the poor Joe Millerism of his party.

I have one word to say about this question of the resumption of specie payments being a party question. If the Senator means that the bill of last January was a party bill, I fully agree with his statement. For the first time, I think, in the history of this or any other government, a bill of so much moment, upon so important a question, never saw the light in the body that was to pass it until it was fully matured in the caucus of a party, and then it was brought forth from that caucus, laid upon our tables one day, printed, and taken up the next, and, before the sun sat, passed without one single word of discussion from the majority of the body by which it was passed, except, now and then, a statement extorted from the chairman of the Committee on Finance. Yes, sir, that was a party bill. It was a bill which we were never allowed on this side of the Chamber to consider, which the most of us, and perhaps every one of us but one —and I do not know that he is an exception—never saw until the very day it was taken up, and the very day upon which it was passed; a bill which received no discussion whatever from those who favored it, which they did not recommend to us by one single argument, or by any statement that would show how the bill would operate; a bill that went to the other House, where the previous question was moved, and not one word was allowed to be said in favor of or against the bill. That was a party measure; that was a caucus compromise of conflicting opinions; that was a bed made in which the distinguished Senator from Indiana [Mr. MORTON] and my friend from Vermont [Mr. EDMUNDS] could lie down in a close and an amiable embrace. That was a party measure sure enough; and it does not become the Senator from Vermont to say that that creation of a caucus, that thing which was meant to bridge over the difficulties of the situation until after 1876, for the benefit and behoof of the republican party, was voted against by every democrat on this side of the Chamber. Yes, sir, it was; and I venture to say now that the men who voted against that bill are as true friends of a sound currency, and of a return to specie payments, as soon as it can be reasonably done, as is the Senator from Vermont or any of his associates on that side of the Chamber; and it will not do for him to say that because we do not swallow whole anything that a republican caucus may see fit to adopt, therefore we are opposed to a sound currency. That will not do at all, sir. There is no sound logic in any such proposition as that. The Senator's colleague brings in a bill to supplement this thing, this renowned specie payment act of January last, and which has proved to be precisely what it was said on this side of the Chamber it would prove to be, a bill to resume specie payment without one single reasonable, practical provision in it to achieve that purpose. What are we told now about this bill? It is not yet a year old, but the President tells us "you must supplement it;" the Secretary of the Treasury tells us "you must supplement it;" the Senator from Vermont, [Mr. MORRILL,] the colleague of the Senator nearest me, says "you must supplement it," and he introduces a bill for that purpose. Every Senator says "you must supplement it." Every one acknowledges that it is insufficient, unless, indeed, my friend from Vermont, who sits nearest me, [Mr. EDMUNDS,] be an exception. He relies on the tremendous power which he finds vested in the Secretary of the Treasury to do whatever he pleases with the surplus revenue of the Government and with the credit of the Government; this despotic one-man-power in a subordinate officer of this Government; and unless he thinks that that is sufficient for all purposes, then I must say that no man pretends that the law of January last is a perfect law, and that it does not need amendment. Its insufficiency is acknowledged on all hands, by your President, by your Secretary of the Treasury, by Senators, and by Representatives. Everywhere it is acknowledged that the great thing is to find out how its defects shall be cured, how a better mode than is provided in that bill can be adopted to arrive at the result of a return to specie payments.

That is the great problem. It is a difficult one, as every man knows who has honestly tried to solve it, and no man is to be reproached because he cannot agree with the majority of the Senate in reference to this or to that particular measure for the purpose of resumption. Why, sir, take the very bill of January last. I venture to say—stating simply, of course, my opinion, for it is matter of opinion—that there is not one man on this floor who foresaw the practical effect of that bill. I believe that the inflation wing of the republican party thought they had whipped the hard-money wing in the caucus. I believe that the inflation wing of the republican party thought that the provision for issuing $5 in national-bank notes for $4 in greenbacks retired was inflation. They did not foresee that if that law went into effect the banks would find it to their interest to surrender their currency. They did not foresee that there would be surrendered up to the 1st of November in the past year $33,000,000 of bank currency. They did not foresee that if the banks became convinced that that law was to be rigidly executed, that it would be in no respect modified at all, in twelve months from this date the surrender of bank currency would reach more than $100,000,000 in all human probability. The inflationists in the republican caucus, I think, did not see that. They did not see it, or that bill never would have been born of that caucus, and there is no greater proof of the viciousness of such modes of legislation. No greater proof could be given of the unwisdom of preparing such a measure as this in a caucus, instead of subjecting it to the discussion of all parties in the Senate, than has been given by the history and practical working of this very same bill.

Sir, there are other matters connected with this bill that will require the attention of the Senator from Vermont when they come to be presented to the Senate, and which he cannot put down with a witticism, which he cannot put down by an accusation, but which he must consider, and which I know he will consider in the common interest of our common country.

But, sir, I am not going, as I said before, into a discussion of the financial question. In the remarks I first submitted I did not utter one word that had the least party bias in it or allusion to party in it; but my friend from Vermont saw fit to taunt us over here that we had voted against the bill, and to talk about his side of the Chamber as the true friends of resumption, as if we were shams and humbugs on this side. There never was a greater mistake in the world than to suppose that. It only proves that the Senator is not capable of forming a correct judgment at all. He saw fit to throw that in, and finally to make a most extraordinary confession; and that I want to put at him. Which is the truer friend of the resumption of specie payments—the Senator or myself? I am in favor of a resumption of specie payments in a reasonable time, and by a reasonable mode, and of seeing that it will have the effect. But the Senator says, if I understand him, that we cannot resume until the republican party appoints honest officers, who will collect the whisky tax. My God, sir, if that is the case, resumption of specie payments is postponed forever! [Laughter.]

Mr. EDMUNDS. Mr. President, I am very sorry, and apologize for the Joe Millerism, because I see that it has touched my friend in a tender point.

Mr. THURMAN. That is a worse Joe Millerism than the other. [Laughter.]

The PRESIDENT *pro tempore*. The Chair will remind the galleries that no disorder is tolerated by the rules of the Senate.

Mr. EDMUNDS. I did not know that my chickens were going to roost in that quarter, or I should not have made any such remark. I had always supposed, of course, that my friend not only was vigorous in opinion for putting down the rebellion, but that he voted and fought for it on all occasions.

Mr. THURMAN. By proxy.

Mr. EDMUNDS. By proxy, of course. But we will leave that, Mr. President. The honorable Senator from Ohio seems to say that he did not vote for this bill a year ago, because, he says, it was born of a caucus. I do not know whether it was born of a caucus or not. I believe it was born of some good and patriotic impulse, and that it was designed, as it appears on its face, for what I believe to be a good and patriotic end. And, by the way, it is a little amusing that every time a broad measure, which looks toward doing something to get out of the difficulty we are in, is proposed we find our friends talking about caucuses, though, according to common report in parts of this Capitol and elsewhere, even the opposition is not in such a condition as to allow one of its members to blow his nose without they have a caucus upon it. They cannot distribute the smallest offices or do anything, in a certain place where recently they have come into power, without the solemn conclave of a caucus, if common report is true; and I have seen it stated in a newspaper, and I believe truly, that it is under serious consideration whether everything that one branch of this Government is to do of all kinds is not first to be submitted to a junta appointed by a caucus, to deal out to the faithful the measures and the men they shall go for and appoint from beginning to end. But here is the great head of the party in this Chamber preaching long homilies to us about caucus consideration of a great public measure. I leave that, Mr. President, to all my friend can make out of it.

But we come back again to the question that is thus opened here: what is the attitude of that honorable party that voted against this bill that was passed? Have you found out from the remarks of their acknowledged leader? Do you know where he is and what he is for? No. He says he is in favor of resuming specie payments in a reasonable time and in a reasonable way. Will that satisfy the people of the United States, Mr. President? Will it satisfy anybody? Here was this measure, proposed if you please by the republican party, which received, I believe, the vote of every Senator of that party. It was not forced through this body. There is no such thing as forcing a measure through this body. It was open to inspection; it was open to criticism; it was open to debate; it was open to every species of amendment. If the democratic party had any policy, or measure, or idea on the subject that they were willing to put forward to the world, why, in the name of all that is reasonable, did they not propose a good measure as an amendment to that? Ah, no, Mr. President; it is best to keep in the dark or to say "no."

Sir, I do not believe people can be deceived by that kind of talk. This saying that we are in favor of doing something at a reasonable time and in a reasonable way, and never making any proposition or taking any step, where debate is free and every species of amendment is open, will not go down with the intelligent citizens of this country. The Senator says that the majority did not debate it. We did not need to. It speaks for itself; there is no misunderstanding it, and it is not so long as to require explanation of details. It is a

simple proposition pledging the faith of the Government that we will do by a certain time a thing which we ought to have done long ago, and authorizing the only officer of the Government that ever has been authorized to take steps on this subject to take the necessary measures to do it.

The Senator speaks of "one-man power" as given to the Secretary of the Treasury. How does he propose to redeem? That every Senator shall be authorized and required to redeem whenever anybody presents money to him? He must delegate this power to and impose this duty upon somebody. Has he any fault to find with the officer upon whom this bill devolves it? I take it not. That is a flourish of speech. No, Mr. President, we cannot disguise this business. If men are in favor of specie payments, if they do not like one measure that is proposed, they must propose another or people will not believe that they are.

Mr. HOWE. Mr. President, I do not rise for the purpose of saying a word upon this financial question, which of course I understand thoroughly, like every other citizen of the United States; but I rise to repel an accusation preferred against me by my friend from Vermont, [Mr. EDMUNDS,] the gravest I think ever made against me in my short life. In these days of universal villification and crimination I should not take any notice of an ordinary accusation. If I was charged with anything like arson, or robbery, or burglary, I would let it pass; but I understand the Senator to have informed the Senate and the country that something like a year ago I dismissed him from the republican party. Now, that is too grave an offense to impute to me, and I cannot consent to let that go to the country, in connection with the very excellent and very sound republicanism which the Senator has uttered here this afternoon, without a plain, flat contradiction. I therefore undertake to say for the satisfaction of the country that I never did dismiss the Senator from the republican party. I know it for two reasons: first, I know I never had the power to do anything of the kind; and, secondly, because, if I had ever been clothed with the most absolute power in that behalf, I know of a great many men in the United States that I should dismiss from the republican party before I should the Senator from Vermont.

Mr. EDMUNDS. I shall consider myself back again.

Mr. BAYARD. Mr. President, this financial debate is ill-omened. The tone of the speeches we have just heard from leading members of the Administration party in the Senate, and they who have the control of the business of this body, and whose party has had the control of the business of the country in both Houses of Congress, is not, I fear, very hopeful for a proper settlement of this question. There is scarcely a Senator among us who did not come to the present meeting of Congress heavily burdened with the consideration of this question and the great difficulties that surround us. The distresses from which the people of this country to-day are suffering are greater, I believe, than at any former period of their history. I believe there is a more fearful proportion of debt to property than ever before in the history of this country. I believe the American people never were so poor as now; and they have been made poor, in part, by having the truth kept from them by trumpetings of false prosperity, such as we have just listened to, and which we have heard for these last ten years in Congress from the leaders of the party who now see fit to assail the minority in this Chamber for want of fidelity to sound financial principles.

Now, Mr. President, there is but one way in which this country and its people can be extricated. It is not by crimination or recrimination as to who or what caused our present distress, but by a hearty, kindly, united feeling among right-minded men of all parties to redeem the standard of the national currency and to regard sedulously every pledge of the public faith. And how is this to be gone about? Is it by such narrow party flings as the Senator from Vermont has just indulged in? By intimating that members of the minority in this Chamber will make professions of their desire for a sound currency or a restoration of specie payments and then vote against every measure that leads to it? Why, sir, the charge is so absurd as to be scarcely worth while to refute. To my ear it soudds strangely. I was assigned by the pleasure of the Senate to a place on the Committee on Finance in 1869, and every vote and every measure that tended to specie payments has had my hearty concurrence; and the many attempts that I have made directly to reach it have been put down either in committee or on the floor of the Senate by the vote of the majority.

As to this miserable sham of last year called a bill to resume specie payments, a bill "how not to do it," a bill that was a mere party-caucus measure, that never was suffered to undergo public debate, a bill that meant anything to please any man, no matter what view he might take of it, a bill which we saw professed specie-payment men rushing to vote for and then saw the professed and avowed inflationists at the same time voting for. What did it mean? It meant nothing but a party coalition for a party end. It was not treating a great subject of profound national interest in a respectful way. It was in name only "a measure to resume specie payments," when the chairman who introduced it did not venture to give his own opinions on the subject of the bill and could not give plain answers to plain questions when they were asked in open Senate. It depended not at all upon the provisions of the bill, but upon the personal opinions and action of the Secretary of the Treasury. His views on finance, I believe, were sound. He was in favor of what must precede specie payments—contraction of the volume of the currency. And so he has acted upon such a construction of the bill that when greenback notes were retired in the ratio of 80 per cent. of the national-bank notes issued, they should not be re-issued again by him again to swell the volume. Upon that view he has acted; and yet, when the question was asked as to what his power was, when it was asked of the chairman of the Committee on Finance whether it would or would not be done, he said he could not tell. He sat here unwilling to bind the Administration or his party to any construction of the bill, and could give no answer and left gentlemen to make what construction they pleased. It was to be a measure of inflation to suit inflationists, and it was to be a measure of contraction to suit the contractionists.

Mr. EDMUNDS. I wish to ask my friend from Delaware, in respect of this redemption and extinguishment of greenbacks that have been redeemed by the Secretary of the Treasury, whether, in his opinion, the construction that the Secretary of the Treasury has put upon the bill is not the true one?

Mr. BAYARD. I do not know whether the language of that law can be so correctly construed or not. I only express my great satisfaction that he is acting under such a construction. But I do mean to say that the law is open equally to an opposite construction.

Mr. EDMUNDS. O, no.

Mr. BAYARD. And as the President of the United States in the origin of his administration of this Government's affairs chose first for Secretary of the Treasury a gentleman of well-known and decided financial views one day and the next chose another almost his direct opposite in matters of revenue and finance, it may perfectly well be that, if the country shall be unfortunate enough to lose Mr. Bristow's services as Secretary of the Treasury, we may have him replaced by some inflationist, who would have equal law to sustain him.

Mr. SHERMAN. I trust my friend from Delaware will allow me to correct a mistake that I think he has fallen into through perhaps a misapprehension. I remember very well that he or some one put to me the question whether the notes that were redeemed in the process of redemption down to the $300,000,000 could be re-issued, and I answered distinctly and definitely that they could not be re-issued. The law was perfectly plain on that subject. Then gentlemen pressed me on another point, whether, after the reduction had been actually accomplished, after the 1st of January, 1879, then the notes that were redeemed in the ordinary course of the operations of the Treasury Department could be re-issued. I declined to answer, because there was a difference of opinion about it; but if the Senator will look at the RECORD he will find that I specifically answered the question he now says I did not answer. He is in error in regard to that. I said specifically that there could be no question under the first section of the bill; that in the process of reducing the greenbacks down to three hundred millions the notes redeemed could not be reissued. They were to be canceled and retired.

Mr. BAYARD. The record of the debate of last January will speak for itself, and it will do the honorable Senator justice. Certainly I am not disposed to do him injustice; but I will refer him now to the fact that I asked him, in open Senate, whether he would permit the word "destroyed" to be interpolated in that bill, so as to prevent the possibility of the construction which the Senator from Vermont says now cannot be put upon it, saying at the time that I would vote for the bill if I could be shown that the 80 per cent. of the greenbacks which were to be retired upon the issue of 100 per cent. of national-bank currency under that bill should be destroyed when they were retired, and we should not have this wretched business played over again that we had witnessed under the act of 1868—the careful contracting of $28,000,000 of Treasury notes—and then having it rushed out again without law, to swell the volume of currency, and in one month to do away with all the savings of some six years. When I asked whether a single word could be interpolated in the bill, and offered to give my consent and vote for the bill if it should be, the Senator distinctly declined to allow the word to be put in. There was not an amendment of any kind permitted. There were, I believe, amendments offered, but all rejected. I mean to say plainly, from first to last, it has been and is my object to restore the currency of this country to a specie basis; that directly and indir ctly. at all times, I have anxiously endeavored to effect that object, never withholding a vote that would do it, made every motion that would help it, both in committee and in the Senate; and therefore it is that I resent the injustice, coming from any Senator, of a suggestion that there has been a profession simply, and not a profession backed by practice, by the democratic party in regard to a restoration of sound finance to the country.

But, Mr. President, I did not rise to prolong this debate, or, indeed, to take any part in it, but to express the sense of deep regret that I have in seeing so great a question as this approached in the temper in which it has been by some of the leaders on the other side. This country is in great trouble. It will need all the ability, and all the honesty, and all the integrity and intelligence our people or their representatives possess, to bring us into an honorable prosperity; and, surely, we are not to be furthered in such an object by treating such a subject and so high a duty in a petty partisan spirit and tone of discussion. That man is a foe to the public credit who endeavors to make either the people of this country or the people of other coun-

tries, who are our creditors, believe that there exists a great party in the United States opposed to sound finance, and therefore tending to the risks of repudiation.

No, sir; I will give credit to any man who furthers sound finance. will aid him, if I can, so far as I may; but I do say that a most fatal step is to degrade the subject by treating it as a mere party measure and legislating in regard to it upon mere party feeling. I had hoped that at this session there would be a better, a more worthy mode of approaching the subject than was done by this wretched, tricky measure of January last—a measure that is admitted to be utterly incompetent to produce any good results, a measure that every department of the Government declares must undergo important amendments in order to make it efficient; and instead of approaching this measure as we should do, the very first echoes in this Chamber, on the opening of the debate, are an unwarranted assault on party faith; and even more than party faith, upon personal faith.

Mr. EDMUNDS. May I inquire who admits that the act of January, 1875, is perfectly incompent to accomplish the end?

Mr. BAYARD. I thought that every sensible man admitted it. I did not know that, after the experience of the last twelve months, anybody would be found who would say that the act of 1875 was not a sham upon its face as it stood, perfectly inefficient to produce the result which its title proclaimed. It is a bill calling for specie payments in 1879 and taking no step for it, but on the contrary long steps away from it. Its practical effect has been different from that which may have been augured from its language. Its practical effect has been produced by the judicious and wholesome manner in which the law has been construed and administered by the present Secretary of the Treasury, but it is the mere accident of his personal opinions on the subject and of his personal conduct. Death or other cause might remove him from office, and then our chances would be whether the gentleman who succeeded him in office held the hard-money views of Mr. Bristow or whether he held the soft-money views of Mr. Somebody else.

Mr. EDMUNDS. The Senator says he supposed every sensible man admitted that this act of 1875 was wholly incompetent to the end in view. I must suppose that he speaks for himself, because I believe him to be a sensible man, but I do not know anybody else who has admitted anything of the kind. On the contrary, I know of a great many men who pass for sensible, a considerable majority of the members of this body, who believe now, as they believed then, that instead of being perfectly incompetent to that end it was a competent and wise measure to that end; one that, if it was not supplemented by any legislation at all, would accomplish it; and it will.

Mr. SHERMAN. So the Secretary says.

Mr. EDMUNDS. And so the Secretary says. I think the Senator from Delaware believes the Secretary to be a sensible man. He has said so in this very debate. No, Mr. President, it will not do for my friend, if I may allude to him, or for any Senator, to whatever party he belongs, to undertake to damn this measure that has already become a law in spite of their votes. Of course in a political point of view—I cannot suppose it has any party view—it would be rather the thing for the democratic party now to cry "No eggs in that basket," and to make as many simple people as possible believe that the legislation which we had effected against their votes was not really a substantial and valuable step to the end that they believe themselves to have in view, although taking the results in the State of my friend from Ohio who sits furthest from me as a guide I could suppose they had not. However, I did not rise to prolong this debate, but to ascertain who it is that admits such a proposition.

Mr. SHERMAN. In the face of the declaration made by the Senator from Delaware, and to let this matter stand right in the presence of the Senate, I will read, and confine myself to reading, what the Secretary of the Treasury says as to this act; and the Senator will find that the Secretary, whom he eulogizes, places a very different estimate upon it. I read from the report of the Secretary of the Treasury.

Mr. BOGY. What page?

Mr. SHERMAN. Page 20. The Secretary says:

> The faith of the Government now stands pledged to resumption on and after January 1, 1879, and to the final redemption and removal from the currency of the country of the legal-tender notes as fast as they shall be presented for redemption, according to the provisions of the act of January 14, 1875. To resume on the 1st of January, 1879, without further legislation, would require the accumulation of a large amount of gold in the Treasury, in order to avert the possibility of failure of the plan. Such an amount of gold can be procured with difficulty, and not without more or less embarrassing effect upon the trade and commerce of our own and other countries. The present abundance and cheapness of both currency and capital present a favorable opportunity for the withdrawal and redemption of a considerable part of the outstanding legal-tender notes, thereby making easy and effectual the redemption now pledged. Such withdrawal of legal-tender notes, thus dispensing with the necessity for accumulating gold in the Treasury in proportion to the amount withdrawn, would tend to appreciate those remaining outstanding, and make it easier to protect and keep in circulation the silver coin now authorized to be issued.
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> The act last referred to is an express recognition of the duty and obligation of the Government to resume specie payment at the day therein named; and, however widely different may be the views of intelligent persons upon the means adopted by Congress, it is gratifying to know that the end sought to be reached has met the concurrence of the country, and that a majority of the people, wherever the matter has been publicly and fully discussed, have signified their approval of the determination of Congress to be faithful to its pledges and to relieve them of the ills of an irredeemable paper currency.
>
> The act in question not only makes express provision for resumption at a fixed date, but commits the Government to the use of all such means as may be needful to that end.

So that the Secretary not only says that the act can be executed, but that it will require a large accumulation of gold as the time approaches; and to remove the necessity of that large accumulation he asks that a portion of the greenbacks may be periodically retired. That is the criticism of the Secretary upon the law; very different indeed from the opinion expressed by my colleague and by the Senator from Delaware.

Mr. BAYARD. Just so, Mr. President. The Secretary of the Treasury finds that the law as it stands will not enable the Treasury to resume specie payment by 1879, and therefore he wants amendments made to make such result practicable. But I do not propose to discuss this enactment of 1875 now. I presume it will come before us hereafter, and I do not care to prolong this debate; but if any man can show how we may return to specie payments otherwise than by a contraction of the volume of the currency, then he will show me something that I never yet have been able to see; and when you show me a bill which provides for the issuing of currency to the national banks *ad libitum*, and only the retiring of 80 per cent. of that which now exists, and that only to a fixed minimum of $300,000,000, I must regard that as a measure of expansion, which makes specie payments every day more impossible, provided you carry out the present law according to its letter; and for that reason I regard the act of January, 1875, as a sham, and that resumption under its provisions is an impossibility.

Mr. BOGY. I will detain the Senate but a moment. In reading the report of the Secretary of the Treasury, I came to the conclusion that he was of opinion that this law would not be sufficient to resume specie payment, and I will read from page 21 of the report. The Secretary says:

> It may, perhaps, be doubted whether the process of accumulating a large amount of gold by a given time could go on without meeting opposition from the financial powers of the world. It is safe to say that so large an amount of gold as would be required to carry out the purpose and direction of the act cannot be suddenly acquired. It can be done only by gradual processes, and by taking advantage of favorable conditions of the money market from time to time.

That being so, the bill not providing in that way, it is perfectly plain that the bill, as it stands now, would not be sufficient to effect the purpose.

Mr. SHERMAN. The bill authorizes the accumulation of coin between now and the time. That is precisely what the bill does do.

Mr. BOGY. The Secretary here proposes an amendment to the bill, which the Senator calls supplemental, with a view of effecting the object; but the bill, as it stands now, will not accumulate gold sufficient to effect the purpose. The whole tenor of the report, when well analyzed, according to my reading, is simply this: that the bill by itself will not accomplish that purpose.

In answer to the remarks made by the Senator from Ohio awhile ago as to the surplus revenue, I say now, as I said then, that there is no surplus revenue. It is true that in the estimate made by the Secretary the debt appears to have decreased, and no doubt is decreased to the amount of $8,000,000. I do not doubt the correctness of that statement as far as it goes. But I do know that the accumulation of the revenue of the Government through the customs amounts to only $157,000,000, being a very large diminution; that the internal revenue amounts to only about $110,000,000, which is also a diminution, and which has much diminished since the frauds have been exposed in the Western States, in Milwaukee, Chicago, and Saint Louis—diminished to the amount of many millions. We diminish the revenue and do not diminish the appropriations, and where do you get your surplus? We were told last year by the Secretary of the Treasury that there would be an excess of $9,000,000, and this has been referred to by the Senator from Ohio. The Secretary said in his report at the beginning of the last session that there would be an excess of $9,000,000. In less than thirty days we were called upon to increase the tariff, which we did by restoring the 10 per cent. diminution which had been taken awdy a year or two before, by increasing the tax upon whisky from seventy to ninety cents a gallon and by increasing the tax upon tobacco. We were told then that it was an absolute necessity to do so, otherwise there would not be a sufficient accumulation to meet the needs of the sinking fund. Yet a short time before we were told that there would be an excess of revenue. So it will appear now, and so we shall be called upon to provide additional means of revenue to meet the expenses of the Government.

Mr. President, I do not wish to discuss the subject at length. I am willing that the bill shall be referred to the Committee on Finance, believing, however, that this discussion has done some good.

The PRESIDENT *pro tempore*. The question is on the motion to refer the bill to the Committee on Finance.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at four o'clock and fifty-nine minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January* 6, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND, D. D.

The Journal of yesterday was read and approved.

CORRECTION.

Mr. HARDENBERGH. On yesterday I offered a joint resolution relating to the Centennial. It is stated here in the RECORD that it was a joint resolution of the Legislature of New Jersey. I desire to have that correction made. Also upon the vote on the resolution of the gentleman from Illinois [Mr. FORT] I am reported as absent. I was present and voted against the reference of the resolution to the Centennial Committee.

The SPEAKER. The Chair is informed by the Clerk that the correction has already been made in the RECORD and the Journal.

The morning hour begins at twenty-three minutes before one o'clock, and the first business in order is the call of committees for reports.

PAY AND ALLOWANCES OF ARMY OFFICERS.

Mr. RANDALL. I am instructed by the Committee on Appropriations to report the following resolution, and move its reference to the Committee on Military Affairs:

Resolved, That the Committee on Military Affairs be requested to take into immediate consideration the pay and allowances of the officers of the Army, and to report at the earliest practicable day whether in any and what cases said pay and allowances should be reduced.

It is proper for me to say in this connection that while the Committee on Appropriations are in favor of reducing the expenses of the Government as far as possible consistent with entire justice to all the branches of the Government, it is not their wish in the least degree to interfere with any business of the House which may properly belong to other committees. I can say, therefore, that wherever the Committee on Appropriations may desire to reduce or to change in any degree the pay or the number of employés of the Government, they will do so only after the fullest conference with the various committees of the House having charge of those subjects. I introduce this resolution by instruction of the Committee on Appropriations for reference only, that being considered the most proper mode of reaching the result in view.

The resolution was received, read, and adopted.

PERSONAL EXPLANATION.

Mr. O'BRIEN. I desire to ask unanimous consent of the House to make an explanation in relation to a matter in the CONGRESSIONAL RECORD.

The SPEAKER. That is not in order during the morning hour, but the Chair will entertain the request of the gentleman when it will be in order. The business now in order is reports from committees.

CENTENNIAL CELEBRATION.

Mr. HOPKINS. I am instructed by the Committee on the Centennial Celebration to report the bill which I send to the Clerk's desk, accompanied by a report in writing, and to move that the bill and report be printed and referred to the Committee of the Whole on the state of the Union. I desire also to give notice that on Monday next, after the morning hour, I will move that the House proceed to the consideration of this bill.

The bill (H. R. No. 514) relating to the centennial celebration of American independence was then read a first and second time.

Mr. HOLMAN and Mr. FORT asked that the bill be read in full.

The preamble of the bill states that by an act of Congress entitled "An act to provide for the celebrating the one hundredth anniversary of American independence by holding an international exposition of arts, manufactures, and products of the soil and mines in the city of Philadelphia and State of Pennsylvania in 1876," approved March 3, 1871, provision was made for the celebration of the centennial anniversary of the Declaration of American Independence by an exhibition of American and foreign arts, products, and manufactures, to be held under the auspices of the Government of the United States, in the city of Philadelphia, in the year 1876; that by an act of Congress entitled "An act relative to the centennial international exhibition to be held in the city of Philadelphia, State of Pennsylvania, in the year 1876," approved June 1, 1872, the centennial board of finance was incorporated, with authority to raise the capital necessary to carry into effect the provisions of the said act of March 3, 1871; that the President of the United States, in compliance with a joint resolution of Congress approved June 5, 1874, did extend, in the name of the United States, a respectful and cordial invitation to the governments of other nations to be represented and to take part in the international exposition to be held at Philadelphia under the auspices of the Government of the United States, and the governments so invited, to the number of thirty-eight, have accepted such invitation, and many of them are making extensive preparations to embrace the courtesies so extended to them, thereby rendering proper arrangements for the coming ceremonies on the part of the Government of the United States a matter of honor and good faith; and that the preparations designed by the United States Centennial Commission, and in part accepted by the centennial board of finance, are in accordance with the spirit of acts of Congress relating thereto, and are on a scale creditable to the Government and people of the United States.

The bill appropriates the sum of $1,500,000 for completing the centennial buildings and other preparations, which shall be paid on the drafts of the president and treasurer of the centennial board of finance, one-third immediately after the passage of the act and the remaining two-thirds in four equal monthly parts, provided that in the distribution of any moneys that may remain in the treasury of the centennial board of finance after the payments of its debts, as provided for by the tenth section of the act of Congress, and approved June 1, 1872, incorporating said centennial board of finance, the appropriation herein made shall share equally with the holders of the said centennial stock, and the like percentage be paid into the Treasury of the United States as may be paid to the holders of said stock; and provided further that the Government of the United States shall under no circumstance be liable for any debt or obligation of the United States Centennial Commission or centennial board of finance, or any payment in addition to the foregoing sum.

The bill with the accompanying report was ordered to be printed and referred to the Committee of the Whole on the state of the Union.

Mr. HOLMAN. I believe that under the rules this bill cannot be brought back into the House on a motion to reconsider. If it can be, I will make a motion to reconsider the vote referring it to the Committee of the Whole, and also move that the motion to reconsider be laid on the table.

Mr. RANDALL. It is not the intention at all to bring this bill into the House on a motion to reconsider; though the motion of the gentleman from Indiana is a very proper one to be made.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The call of committees for reports having been concluded, the next business in order during the morning hour is the calling of States and Territories for resolutions, under which call bills may be introduced on leave for reference.

RESTORATION OF FRATERNAL FEELING.

Mr. NEW submitted the following resolution, on which he called the previous question:

Resolved, That the fraternal feeling and good-will now existing in all sections of the United States, and the manifest disposition and purpose of the men who battled against each other, in the late civil war, to join hands as one people in the future is a most auspicious ushering in of the centennial year; and while the people are thus making an honest effort to live together in peace and uphold the same flag for an undivided country, their representatives in Congress should do no act which will unnecessarily disturb the patriotic concord now existing and increasing, or wantonly revive the bitter memories of the past.

Mr. KASSON. I rise to a point of order. Yesterday a good many of the States were not called; and a number of gentlemen are now waiting for an opportunity to introduce bills. I submit that Indiana had been called yesterday and is not now in order to be called. Am I right?

The SPEAKER. The gentleman's point would have been good if he had made it a little earlier. But the resolution has been received and read.

Mr. KASSON. I waited to hear what the proposition was before I objected. I will not insist on my point if the gentleman desires action on this resolution now; but I desire very much that the call of States for the introduction of bills, &c., shall be resumed.

Mr. RANDALL. Let us adopt this resolution, and then we can proceed as the gentleman from Iowa [Mr. KASSON] suggests.

Mr. KASSON. I give notice that I shall call for the regular order as soon as this resolution is disposed of.

The SPEAKER. The Chair will enforce the regular order after the House has disposed of this resolution. The gentleman from Indiana [Mr. NEW] demands the previous question on the adoption of the resolution.

The previous question was seconded and the main question ordered.

The question being on the adoption of the resolution,

Mr. NEW called for the yeas and nays.

The yeas and nays were ordered.

Mr. KASSON. I appeal to the gentleman from Indiana to ascertain, before the roll be called, whether the House is not unanimous in favor of the resolution. If it is, we may save time by dispensing with the yeas and nays.

Mr. NEW. I am not free from doubt as to whether the House is unanimous. I hope it may so transpire.

The question was taken; and there were—yeas 248, nays 0, not voting 43; as follows:

YEAS—Messrs. Adams, Ainsworth, Anderson, Ashe, Atkins, Bagby, George A. Bagley, John H. Bagley, jr., John H. Baker, William H. Baker, Ballou, Banks, Beebe, Blaine, Blair, Bland, Bliss, Blount, Boone, Bradford, Bradley, Bright, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cannon, Cason, Caswell, Cate, Caulfield, Chapin, Chittenden, John B. Clark, jr., of Missouri, Clymer, Cochrane, Conger, Cook, Cowan, Cox, Crapo, Crounse, Culberson, Cutler, Danford, Davis, Davy, De Bolt, Denison, Dibrell, Dobbins, Douglas, Dunnell, Durand, Durham, Eames, Eden, Egbert, Ely, Farwell, Faulkner, Felton, Forney, Fort, Franklin, Freeman, Frost, Frye, Fuller, Garfield, Gause, Gibson, Glover, Goode, Goodin, Gunter, Hale, Andrew H. Hamilton, Robert Hamilton, Hancock, Haralson, Hardenbergh, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hartzell, Hatcher, Hathorn, Haymond, Hendee, Henderson, Henkle, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Holman, Hooker, Hopkins, Hoskins,

House, Hubbell, Hunter, Hunton, Hurlbut, Hyman, Jenks, Frank Jones, Thomas L. Jones, Joyce, Kasson, Kehr, Kelley, Kimball, King, Franklin Landers, George M. Landers, Lane, Lapham, Lawrence, Leavenworth, Levy, Lewis, Lord, Luttrell, Lynde, Leei A. Mackey, Maish, MacDougall, McCrary, McDill, McFarland, McMahon, Metcalfe, Milliken, Mills, Money, Monroe, Mutchler, Neal, New, Norton, Oliver, O'Neill, Page, Parsons, Payne, Phelps, John F. Philips, Pierce, Piper, Plaisted, Platt, Poppleton, Potter, Powell, Rainey, Randall, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Robinson, Miles Ross, Sobieski Ross, Rusk, Sampson, Savage, Sayler, Scales, Schleicher, Scelye, Sheakley, Singleton, Sinnickson, Slemons, A. Herr Smith, William E. Smith, Southard, Sparks, Springer, Strait, Stenger, Stevenson, Stone, Stowell, Swann, Tarbox, Teese, Terry, Thompson, Thomas, Thornburgh, Throckmorton, Washington Townsend, Tucker, Tufts, Turney, Van Vorhes, John L. Vance, Robert B. Vance, Waddell, Waldron, Charles C. B. Walker, Gilbert C. Walker, John W. Wallace, Walling, Walsh, Ward, Warren, Ernstus Wells, G. Wiley Wells, Wheeler, White, Whiting, Whitthorne, Wike, Willard, Andrew Williams, Alpheus S. Williams, James Williams, James D. Williams, Jeremiah N. Williams, William B. Williams, Willis, Wilshire, Benjamin Wilson, James Wilson, Alan Wood, jr., Fernando Wood, Woodburn, Woodworth, Yeates, and Young—248.

NOT VOTING—Messrs. Banning, Barnum, Bass, Bell, Blackburn, John B. Clarke, of Kentucky, Collins, Darrall, Ellis, Evans, Foster, Hartridge, Hays, Hoar, Hoge, Hurd, Ketchum, Knott, Lamar, Lynch, Edmund W. M. Mackey, Magoon, Meade, Miller, Morey, Morgan, Morrison, Nash, O'Brien, Odell, Packer, William A. Phillips, Pratt, Purman, Schumaker, Smalls, Starkweather, Martin I. Townsend, Alexander S. Wallace, Walls, Whitehouse, Wigginton, and Charles G. Williams—43.

So the resolution was unanimously adopted.

UNION SOLDIERS IN THE EMPLOY OF THE HOUSE.

Mr. FORT. I offer the following resolution, on which I demand the previous question:

Resolved, That in consideration of the existence of the suspicious harmony expressed in the resolution of the gentleman from Indiana, just passed, wounded Union soldiers ought not to be removed from positions in this House which they may be qualified to fill.

The SPEAKER *pro tempore*, (Mr. CLYMER.) This same resolution, substantially, has already been offered during this call by the same gentleman.

Mr. FORT. I do not understand the ruling of the Chair.

Mr. RANDALL. The gentleman has already introduced a resolution under this call, and has no right to offer another.

Mr. FORT. I have offered no such resolution as this.

The SPEAKER *pro tempore*. The Chair decides the resolution of the gentleman from Illinois [Mr. FORT] not to be in order for the reason that he has heretofore on this call offered a resolution, whereby his privilege was exhausted. As an additional reason, it may be stated that the resolution offered by him yesterday on this same call was almost identical with the one he now proposes, that the House by a yea and nay vote referred it to the Committee on the Centennial, before which it is now pending.

SARAH E. GARLAND AND F. M. HOPPIN.

Mr. SPRINGER introduced a bill (H. R. No. 515) for the relief of Sarah A. Garland and Frank M. Hoppin; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FLOYD C. BABCOCK.

Mr. STEVENSON introduced a bill (H. R. No. 516) for the relief of Floyd C. Babcock, formerly a deputy United States marshal in the Indian country; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

J. W. PARISH & CO.

Mr. STEVENSON also introduced a bill (H. R. No. 517) for the relief of J. W. Parish & Co., of Illinois; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

IMPROVEMENT OF MISSOURI RIVER.

Mr. BUCKNER introduced a bill (H. R. No. 518) for the improvement of the Missouri River between the city of Saint Charles, in the State of Missouri, to its mouth; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

REDUCTION OF TAX ON TOBACCO.

Mr. BUCKNER also introduced a bill (H. R. No. 519) to impose a tax on sales of stocks and bonds and to reduce the tax on tobacco; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SHARE-HOLDERS IN NATIONAL BANKS.

Mr. BUCKNER also submitted the following resolution, on which he demanded the previous question:

Resolved, That the Secretary of the Treasury be directed to furnish to this House a copy of the lists required to be filed in the office of the Comptroller of the Currency under the provisions of section 5210 of the Revised Statutes, showing the names and residences of all share-holders in national-bank associations, and the number of shares held by each on the first Monday of July last.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was adopted.

Mr. BUCKNER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RELIEF OF TOBACCO-GROWERS.

Mr. HATCHER introduced a bill (H. R. No. 520) for the relief of tobacco-growers; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

M. M. LYNCH.

Mr. HATCHER also introduced a bill (H. R. No. 521) for the relief of M. M. Lynch, of Washington County, Missouri; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

TAX ON FERMENTED, OR MALT LIQUORS.

Mr. KEHR introduced a bill (H. R. No. 522) to define the tax on fermented, or malt liquors; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

FOREIGN-BUILT VESSELS BELONGING TO UNITED STATES CITIZENS.

Mr. KEHR also introduced a bill (H. R. No. 523) authorizing vessels built abroad, but belonging wholly to citizens of the United States, to be registered as vessels of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CUSTOM-HOUSES WHICH DO NOT PAY EXPENSES.

Mr. DE BOLT submitted the following resolution; on which he demanded the previous question:

Resolved, That the Secretary of the Treasury, in his reply to the resolution of this House introduced by Mr. HOPKINS on December 15, 1875, be, and is hereby, requested to furnish the House of Representatives with the following additional information, to wit: The points and location of all ports of entry, ports of delivery, and custom-houses of the United States the collections of which for the year last past do not amount to sufficient to defray the expenses of the same; the amount of goods examined and collections made at each of the several points named; together with the number, salary, and compensation otherwise received by each officer and employé thereof.

Mr. CONGER. I suggest to the gentleman to say "fiscal year last past."

Mr. DE BOLT. I accept the modification of the resolution.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution, as modified, was adopted.

Mr. DE BOLT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

W. W. WALDEN.

Mr. DE BOLT also introduced a bill (H. R. No. 524) to pay W. W. Walden for buildings destroyed by fire while occupied by United States soldiers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BOUNTY.

Mr. DE BOLT also introduced a bill (H. R. No. 525) to extend the time for filing claims for additional bounty under the act of July 28, 1866, which expired by limitation on January 30, 1875, until March 4, 1877; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REPEAL OF THE BANKRUPT LAW.

Mr. DE BOLT also introduced a bill (H. R. No. 526) repealing the bankrupt law, with all the amendments and supplements thereto; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

GEORGE PENDLETON.

Mr. DE BOLT also introduced a bill (H. R. No. 527) granting a pension to George Pendleton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. PERNETA HENDLEY.

Mr. DE BOLT also presented a joint resolution of the Legislature of the State of Missouri, in favor of the payment to Mrs. Perneta Hendley, of Richmond, Ray County, Missouri, of her pension stopped in the year 1861; which was referred to the Committee on Invalid Pensions, and ordered to be printed.

PRESENTATION TO M. D. LEGGETT.

Mr. PHILIPS, of Missouri, submitted the following preamble and resolution, and moved that they be referred to the Committee on Reform in the Civil Service:

Whereas section 1784 of the Revised Statutes, act of February 1, 1870, reads as follows: "No officer, clerk, or employé in the United States Government employ shall at any time solicit contributions from other officers, clerks, or employés in the Government service for a gift or present to those in a superior official position; nor shall any such officials or clerical superiors receive any gift or present offered or presented to them as a contribution from persons in Government employ receiving a less salary than themselves; nor shall any officer or clerk make any donation as a gift or present to any official superior. Every person who violates this section shall be summarily discharged from the Government employ."

And whereas information is had that in the month of October, 1874, Ellis Spear, then one of the examiners-in-chief in the United States Patent Office, but at present Assistant Commissioner of Patents, did contribute the sum of $35 in part payment for a silver tea-set and cane to be presented to M. D. Leggett, then Commissioner of Patents, and said silver tea-set, &c., was presented to said Leggett by said Spear and others, and said Spear does now hold, and has continued to hold, the said office of Assistant Commissioner of Patents since November 1, 1874, in violation of the law above quoted: Therefore,

Be it resolved by the House of Representatives, That the Committee on Reform in the Civil Service be, and are hereby, directed to make investigation of the matters aforesaid, and to report to this House the facts touching the same, with or without suggestions or resolutions, as to the said committee may seem proper in the premises.

The preamble and resolution were referred to the Committee on Reform in the Civil Service, and ordered to be printed.

Mr. CONGER. It strikes me that the description of this present is not as perfect, perhaps, as it ought to be. I make the suggestion that——

The SPEAKER. The gentleman's suggestion is too late. The resolution has been referred.

REMOVAL OF CAUSES FROM STATE TO UNITED STATES CIRCUIT COURTS.

Mr. PHILIPS, of Missouri, also introduced a bill (H. R. No. 528) to amend chapter 137 of the United States Statutes, passed March 3, 1875, relating to removal of causes from State to United States circuit courts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

IMPROVEMENT OF OSAGE RIVER.

Mr. PHILIPS, of Missouri, also introduced a bill (H. R. No. 529) for the improvement of the Osage River, in the State of Missouri; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JOSEPH DIEHL.

Mr. PHILIPS, of Missouri, also introduced a bill (H. R. No. 530) for the relief of Joseph Diehl, of Moniton County, Missouri; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REINHART BREINNEISS AND OTHERS.

Mr. PHILIPS, of Missouri, also introduced a bill (H. R. No. 531) for the relief of Reinhart Breianeiss, John N. Moas, Henry W. Kolkmeyer, Frank Breinneiss, and Louis Tompkins; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

COMPULSORY PROCESS FOR WITNESSES, ETC.

Mr. PHILIPS, of Missouri, also introduced a bill (H. R. No. 532) providing for compulsory process for witnesses, and taxing their fees in the event of a defendant's discharge or acquittal under indictments in any United States court; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

COLONEL NAPOLEON B. GIDDINGS.

Mr. REA introduced a bill (H. R. No. 533) for the relief of Colonel Napoleon B. Giddings, of Savannah, Missouri; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ROSETTA HERT.

Mr. REA also introduced a bill (H. R. No. 534) for the relief of Rosetta Hert (late Rosetta Scoville) and others, half-breed Indians; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

GREEN T. SIMPSON.

Mr. REA also introduced a bill (H. R. No. 535) granting a pension to Green T. Simpson for services rendered in the war of 1812 as a teamster and civil employé in the Quartermaster's Department; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

JAMES A. SAUNDERS.

Mr. REA also introduced a bill (H. R. No. 536) granting a pension to James A. Saunders, a soldier in the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

ADDITIONAL TERMS OF COURTS, WESTERN DISTRICT OF MISSOURI.

Mr. REA also introduced a bill (H. R. No. 537) to provide for holding additional terms of the circuit and district courts of the United States in the western district of the State of Missouri; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BOUNDARY LINE BETWEEN MISSOURI AND NEBRASKA.

Mr. REA also introduced a bill (H. R. No. 538) to change a portion of the boundary line between the States of Missouri and Nebraska and to cede a portion of the State of Nebraska to the State of Missouri; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

He also presented a joint resolution of the Legislature of the State of Missouri, asking to have a portion of the State of Nebraska ceded to the State of Missouri; which was referred to the Committee on the Public Lands, and ordered to be printed.

THE CURRENCY.

Mr. REA also submitted the following resolution; on which he demanded the previous question:

Resolved, That in the opinion of this House the contraction of the currency in the manner and to the extent it has been done has been detrimental to the business of the country, and that in the present financial condition of the country no further contraction of the currency ought to be had.

Mr. COX. I hope that that resolution may be referred to one or the other of the committees of the House in charge of this important business.

The SPEAKER. Debate is not in order unless by the consent of the gentleman from Missouri.

Mr. COX. Then I hope the demand for the previous question will not be sustained. This is a matter that ought to be referred.

Mr. HOLMAN. I ask for the reading of the resolution again.

The resolution was again read.

Mr. HOLMAN. I call for tellers upon seconding the demand for the previous question.

Tellers were ordered; and Mr. REA and Mr. CONGER were appointed.

The House divided; and the tellers reported—ayes 54, noes 122.

So the motion for the previous question was not seconded.

Mr. COX. I now move that the resolution be referred to the Committee on Ways and Means.

Mr. KELLEY. I call for the yeas and nays on that motion.

The question was put on ordering the yeas and nays; and only 18 members voted therefore, not one-fifth of a quorum.

Mr. HOLMAN. I call for tellers on the yeas and nays.

Tellers were not ordered, only 19 members voting therefor.

So the yeas and nays were not ordered.

The motion of Mr. COX was agreed to.

Mr. COX moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HARLOW J. PHELPS.

Mr. WELLS, of Missouri, introduced a bill (H. R. No. 539) for the relief of Harlow J. Phelps; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

UNITED STATES COURTS IN MISSOURI.

Mr. FRANKLIN introduced a bill (H. R. No. 540) authorizing the holding of a term of the United States district court at the city of Kansas, State of Missouri; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JAMES BRICE.

Mr. FRANKLIN also introduced a bill (H. R. No. 541) for the relief of James Brice, of Jackson County, Missouri, for depredations committed by the Arapahoe Indians; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MINOR T. SMITH.

Mr. FRANKLIN also introduced a bill (H. R. No. 542) granting a pension to Minor T. Smith, of Jackson County, Missouri, for services in the Mexican war; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REPEAL OF AN ACT.

Mr. FRANKLIN also introduced a bill (H. R. No. 543) to repeal section 14 of an act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1871, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

STERLING CROWDER.

Mr. GLOVER introduced a bill (H. R. No. 544) for the relief of Sterling Crowder, of Schuyler County, Missouri; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

TAX SALES IN THE DISTRICT OF COLUMBIA.

Mr. GLOVER. I offer the following resolution, upon which I ask the previous question:

Resolved, That the commissioners of the District of Columbia be instructed to report to this House what is the aggregate assessed value of the real estate offered at auction at the general tax sale on the 29th of June, 1875, for arrears of taxes; what were the dues thereon; what is the aggregate value of the real estate bought in by the District authorities and how much of such real estate has since been redeemed by the citizens; further, that they shall transmit the same information as to the real estate bought in by the First National Bank of New York and others for arrears of special-improvement taxes; also, how much, if any, of such real estate has been sold more than once, namely, for general and for special taxes, since the term of office of the District commissioners. That they shall report separately the total sum of money realized as well as the expenses incurred in the tax sales of each for advertising, collector, and other expenses; also, whether there is any suit now pending in any court of the District of Columbia for further claims for advertising those tax sales, and, if so, transmit certified copies of the bill of particulars filed in said court relating to them, and, finally, state what have been the total expenses of advertising, of printing, and of engraving done under the District commissioners from their accession to office to this date, to whom and in what amounts the money expended has been paid, and, further, the money involved in unpaid bills, if any, to whom they are due.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was agreed to.

Mr. GLOVER moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ARMY OFFICERS IN FOREIGN SERVICE.

Mr. GLOVER. I also offer the following resolution, upon which I ask the previous question:

Resolved, That the Secretary of War be, and is hereby, requested to inform this House at an early day whether officers holding commissions and receiving pay in the United States Army are now, or have been since the year 1870, in the military

service and pay of foreign governments; if so, by what authority; what are their names; what their respective rank in said home and foreign governments, and what the period of service of each under said foreign government and their pay.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was agreed to.

Mr. GLOVER moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INDIAN AFFAIRS.

Mr. WILSHIRE submitted the following preamble and resolution, upon which he called the previous question:

Whereas there have been made, through the public press and by individuals, numerous complaints and serious charges as to the manner in which the Indian affairs of the Government have been conducted in the past years; and whereas it has been charged, and by many believed, that in the distribution of the annuities and supplies to the several tribes of Indians authorized to be furnished by Congress great frauds upon the Government and wrongs to the Indians have been perpetrated by the officers, agents, and contractors of the Government; and whereas large sums of money have heretofore been appropriated by Congress for the purpose of civilizing and educating certain Indian tribes, which, it is believed, have been misapplied and injudiciously used, and as used, instead of serving the purpose for which such appropriations were made have only tended to encourage idleness among the Indians and render them more dissolute and barbarous than before; and whereas large claims are continually being presented to Congress, growing out of the mismanagement of the various Indian agencies by contractors and others; and whereas a full and correct knowledge of all the transactions of the Indian Department of the Government and the conduct of the officers and agents thereof is necessary to enable the Committee on Indian Affairs to report and this House to determine what action, if any, may be required to correct the existing evils, and to provide a more just and economical system of managing the Indian affairs of the Government: Therefore,

Be it resolved, That the Committee on Indian Affairs, or a subcommittee of the same, be authorized and directed to investigate the effect and operations of the treaties heretofore made with any of the Indian tribes and the conduct of any officer, agent, commissioner, or contractor of the Government in any way connected with the Indian Department for furnishing and distributing supplies to any Indian tribe or disbursing funds appropriated by Congress for the purpose of civilizing and educating certain Indians, and to inquire into the origin and validity of any claim presented or that may be presented to Congress, growing out of Indian affairs, and to report to this House at as early a day as practicable; and to that end such committee shall be authorized to send for persons and papers.

Mr. GARFIELD. I desire to make an inquiry of the gentleman from Arkansas, [Mr. WILSHIRE.] I presume he will find no objection at all to his resolution. But I ask him not to require the House to say, as he does in the preamble of the resolution, that the policy adopted for civilizing these people is one that is ruining the morals of the people and that the money is being squandered. That is a thing to be found out; if it be so, let us find it out. If the gentleman will modify his preamble and say that it is so alleged, I think there will be no objection to it.

Mr. WILSHIRE. To accommodate the gentleman from Ohio, [Mr. GARFIELD,] I will substitute "it is alleged" for "it is believed."

The previous question was seconded and the main question ordered; and under the operation thereof the preamble, as modified, and the resolution were adopted.

Mr. WILSHIRE moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EMPLOYÉS IN THE INDIAN SERVICE.

Mr. WILSHIRE also submitted the following resolution, upon which he called the previous question:

Resolved, That the President is hereby requested, if not incompatible with the public interest, to inform this House of the number of Indian agents, regular and special clerks, and other employés in the Indian service, except those on duty in the office of the Secretary of the Interior, and the amount paid to each as salaries and expenses.

Mr. STARKWEATHER. I would suggest to the gentleman that he can find the information he calls for in the Blue Book.

The SPEAKER *pro tempore*, (Mr. RANDALL.) Debate is not in order, the previous question having been called.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was adopted.

Mr. WILSHIRE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAMES A. JACKSON AND OTHERS.

Mr. WILSHIRE also introduced a bill (H. R. No. 545) for the relief of James A. Jackson and others, securities for G. R. Horton, late postmaster at Monticello, Arkansas; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

INDIAN CITIZENS OF THE UNITED STATES.

Mr. WILSHIRE also introduced a bill (H. R. No. 546) to enable Indians to become citizens of the United States; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

T. J. NEWBER.

Mr. WILSHIRE also introduced a bill (H. R. No. 547) for the relief of T. J. Newber; which was read a first and second time, referred to the Committee on Expenditures in the Department of Justice, and ordered to be printed.

F. X. COINCON.

Mr. WILSHIRE also introduced a bill (H. R. No. 548) for the relief of F. X. Coincon; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

MRS. MISSOURI HOUSTON.

Mr. WILSHIRE also introduced a bill (H. R. No. 549) for the relief of Mrs. Missouri Houston; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

F. X. COINCON.

Mr. WILSHIRE also introduced a bill (H. R. No. 550) for the relief of F. X. Coincon; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JAMES CLIFFORD.

Mr. WILSHIRE also introduced a bill (H. R. No. 551) for the relief of James Clifford, of Arkansas; which was read a first and second time, referred to the Committee on Expenditures in the Department of Justice, and ordered to be printed.

RESTORATION OF PENSIONERS TO PENSION-ROLLS.

Mr. WILSHIRE also introduced a bill (H. R. No. 552) to repeal section 4716 of the Revised Statutes of the United States in relation to pensions to persons whose names have been stricken from the pension-rolls for disloyalty; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUPPLIES FOR USE OF THE ARMY.

Mr. WILSHIRE also introduced a bill (H. R. No. 553) to facilitate settlements of claims of citizens of the United States for stores and supplies taken or furnished during the rebellion for the use of the Army and other purposes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

INSURANCE DEPARTMENT.

Mr. WILSHIRE also introduced a bill (H. R. No. 554) to establish an insurance department, and to provide for the incorporation and regulation of insurance companies in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. GAUSE introduced a bill (H. R. No. 555) to amend section 856 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

3.65 DISTRICT OF COLUMBIA BONDS.

Mr. SLEMONS submitted the following resolution, on which he demanded the previous question:

Whereas an act of Congress, approved June 20, 1874, authorizing the sinking fund commission of the District of Columbia to issue bonds of the District payable in fifty years from date, bearing interest at the rate of 3.65 per cent. per annum, for the payment of which, interest and principal, the faith of the nation is pledged, does not limit the amount of said issue: Therefore,

Be it resolved, That the House Committee on the District of Columbia be, and they are hereby, instructed to report as early as practicable what legislation is necessary to the protection of the United States and the District of Columbia against loss on account of the unlimited power of said sinking-fund commission in the premises.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was adopted.

Mr. SLEMONS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALEXANDER ST. BERNARD.

Mr. CONGER introduced a bill (H. R. No. 556) granting a pension to Alexander St. Bernard, of Saint Clair County, Michigan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RICHARD HAWLEY & SONS.

Mr. WALDRON introduced a bill (H. R. No. 557) for the relief of Richard Hawley & Sons; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHANCY C. POORE.

Mr. W. B. WILLIAMS introduced a bill (H. R. No. 558) for the relief of Chancy C. Poore, late a private in Battery G, First New York Light Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALMERON E. CALKINS.

Mr. W. B. WILLIAMS also introduced a bill (H. R. No. 559) for the relief of Almeron E. Calkins, late a second lieutenant in the Eighth Michigan Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MICHIGAN SHIP-CANAL.

Mr. W. B. WILLIAMS also introduced a bill (H. R. No. 560) providing for the survey of a ship-canal across the State of Michigan for military, naval, and commercial purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT OF WHITE RIVER HARBOR, MICHIGAN.

Mr. W. B. WILLIAMS also introduced a bill (H. R. No. 561) making appropriation for the improvement of the harbor at White River, Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT OF MUSKEGON HARBOR, MICHIGAN.

Mr. W. B. WILLIAMS also introduced a bill (H. R. No. 562) making appropriation for the improvement of the Muskegon Harbor, Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

GRAND HAVEN HARBOR, MICHIGAN.

Mr. W. B. WILLIAMS also introduced a bill (H. R. No. 563) making appropriation for the improvement of the Grand Haven Harbor, Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BLACK LAKE HARBOR, MICHIGAN.

Mr. W. B. WILLIAMS also introduced a bill (H. R. No. 564) making appropriations for the improvement of the harbor at Black Lake, Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SAUGATUCK HARBOR, MICHIGAN.

Mr. W. B. WILLIAMS also introduced a bill (H. R. No. 565) making appropriation for the improvement of Saugatuck Harbor, Saugatuck, Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MICHIGAN SHIP-CANAL.

Mr. WILLARD presented a joint resolution of the Legislature of the State of Michigan, asking Congress for an appropriation for the survey of the ship-canal from the mouth of Kalamazoo River, on Lake Michigan, to the mouth of the river Raisin, on Lake Erie; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ASSESSMENTS FOR POLITICAL PURPOSES.

Mr. DURAND submitted the following resolution, on which he asked the previous question:

Resolved, That in the opinion of this House the practice of making assessments against clerks, employés, and officers of the Government for political purposes or for the purpose of obtaining means to assist any person or political party in conducting a political campaign is wrong in principle, demoralizing in tendency, disastrous in effect, is opposed to purity and honesty in the public service and economy in the administration of the Government, is fruitful of higher salaries in order to provide money with which to pay such demands, and is in every way antagonistic to the best interests of the country. Therefore, in view of these facts, it is further the opinion of this House that the Committee on the Judiciary should at an early day report to the House a bill to prohibit all such demands or assessments, as well as to prohibit the payment thereof if made.

The previous question was seconded, and the main question ordered; and under the operation thereof the resolution was adopted.

Mr. DURAND moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MRS. SARAH SPAULDING, BAY CITY, MICHIGAN.

Mr. BRADLEY introduced a bill (H. R. No. 566) granting relief to Mrs. Sarah Spaulding, of Bay City, Michigan; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

LEVERETT H. TOWN.

Mr. BRADLEY also introduced a bill (H. R. No. 567) granting relief to Leverett H. Town, late a private in Company A, First New York Mounted Rifles; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

IMPROVEMENT OF MOUTH OF THUNDER BAY RIVER, MICHIGAN.

Mr. BRADLEY also introduced a bill (H. R. No. 568) making an appropriation for the improvement of the mouth of Thunder Bay River, in Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

RANGE LIGHTS, CHEBOYGAN RIVER, STATE OF MICHIGAN.

Mr. BRADLEY also introduced a bill (H. R. No. 569) making an appropriation for range lights at the mouth of Cheboygan River, in the State of Michigan; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

ARCHANGE M. BROADHEAD.

Mr. A. S. WILLIAMS introduced a bill (H. R. No. 570) to authorize the Secretary of the Interior to place the name of Archange M. Broadhead, widow of Brevet Brigadier-General Thornton F. Broadhead, on the pension-rolls at the rate of $50 per month; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREEDMAN'S SAVINGS-BANK, JACKSONVILLE, FLORIDA.

Mr. WALLS introduced a bill (H. R. No. 571) authorizing the Secretary of the Treasury of the United States to purchase or cause to be purchased the building known as the Freedman's Savings Bank, situated in the city of Jacksonville, to be used as a United States custom-house, post-office, and other public offices of the United States; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

RAILROAD GRANTS TO FLORIDA.

Mr. WALLS also introduced a bill (H. R. No. 572) extending the limitations of the grants of land made to the State of Florida in aid of certain lines of railroads; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

IMPROVEMENT OF INSIDE PASSAGE, FERNANDINA AND SAINT JOHN'S RIVER, FLORIDA.

Mr. WALLS also introduced a bill (H. R. No. 573) making appropriation for the improvement and dredging out the inside passage between Fernandina and the Saint John's River, Florida; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

INDEMNITY OF CITIZENS IN FLORIDA AND LOUISIANA.

Mr. WALLS also introduced a bill (H. R. No. 574) for the relief of persons entitled to indemnity under the treaty with Spain ceding Florida and the treaties with France ceding Louisiana to the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

IMPROVEMENT OF THE SAINT JOHN'S RIVER, FLORIDA.

Mr. WALLS also introduced a bill (H. R. No. 575) making appropriation for the improvement of the Saint John's River, Florida, and to connect the waters of the said river and Indian River, in the State of Florida; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

RE-IMBURSEMENT OF TEXAS FOR FRONTIER DEFENSES.

Mr. REAGAN introduced a joint resolution (H. R. No. 23) authorizing and directing the Secretary of the Treasury to pay to the State of Texas $1,536,417.62 on account of moneys paid out by the said State for frontier defenses; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BALANCE DUE CREDITORS OF LATE REPUBLIC OF TEXAS.

Mr. REAGAN also introduced a joint resolution (H. R. No. 24) authorizing the Secretary of the Treasury to pay over to the State of Texas the balance remaining of the fund appropriated by the acts of September 9, 1850, and February 10, 1855, for the payment of the creditors of the late Republic of Texas; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

IMPROVEMENT OF SABINE PASS, TEXAS.

Mr. REAGAN also introduced a bill (H. R. No. 576) to appropriate money for the improvement of the navigation of the harbor and bar of Sabine Pass, Texas; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

NAVIGATION OF THE NECHES RIVER.

Mr. REAGAN also introduced a bill (H. R. No. 577) for the improvement of the navigation of the Neches River, in the State of Texas; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT OF NAVIGATION OF SABINE RIVER, TEXAS, ETC.

Mr. REAGAN also introduced a bill (H. R. No. 578) appropriating money for the improvement of the navigation of the Sabine and Trinity Rivers, Cypress Bayou, and the construction of a canal connecting Sabine Lake with Galveston Bay, in the State of Texas; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

COLLECTION DISTRICT OF SABINE PASS.

Mr. REAGAN also introduced a bill (H. R. No. 579) to establish the collection district of Sabine Pass, Texas; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JILES S. BOGGISS.

Mr. REAGAN also introduced a bill (H. R. No. 580) for the relief of Jiles S. Boggiss, of Rusk County, Texas, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

PENSIONS OF WAR OF 1812.

Mr. REAGAN also introduced a bill (H. R. No. 581) to amend an act entitled "An act granting pensions to certain soldiers and sailors of the war of 1812, and the widows of deceased soldiers," approved February 14, 1871; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

TEXAS SENATORS AND REPRESENTATIVES IN 1866.

Mr. REAGAN also introduced a bill (H. R. No. 582) for the relief of two Senators and four Representatives elected to Congress from the State of Texas in 1866; which was read a first and second time, referred to the Committee on Elections, and ordered to be printed.

PUBLIC BUILDING AT TYLER, TEXAS.

Mr. REAGAN also introduced a bill (H. R. No. 583) to provide a suitable building for the United States courts, post-office, and internal-revenue officers in the city of Tyler, in the State of Texas; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ACTS TO PROVIDE INTERNAL REVENUES.

Mr. REAGAN also introduced a bill (H. R. No. 584) to repeal so much of the act entitled "An act to provide increased revenue from imports to pay interest on the public debt, and for other purposes," approved August 5, 1861, and the acts amendatory thereof, approved June 7, 1862, and February 6, 1863; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PAYMENTS BY OFFICERS OF THE GOVERNMENT.

Mr. REAGAN also introduced a joint resolution (H. R. No. 25) to amend the joint resolution "prohibiting payments by any officer of the Government to any person not known to have been opposed to the rebellion and in favor of its suppression," approved March 2, 1867; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

AMENDMENTS TO THE CONSTITUTION.

Mr. REAGAN also introduced a joint resolution (H. R. No. 26) proposing amendments to the Constitution of the United States; which was read a first and second time.

The joint resolution was read at length, as follows:

Resolved by the Senate and House of Representatives, (two-thirds of each House concurring therein,) That the following amendments be proposed to the Legislatures of the several States as amendments to the Constitution of the United States, which, when ratified by three-fourths of the Legislatures, shall be valid amendments to the Constitution, namely:

First. That the words "and direct taxes," where they occur in the first line of clause 3, section 2, article 1, of the Constitution, be striken out.

Second. That the following words be added to the end of clause 1, section 8 of article 1, of the Constitution: "And direct taxes, when levied by the United States, shall be apportioned between the several States and Territories and the District of Columbia in proportion to the value of the property in each, and each State, Territory, and the District of Columbia shall have the right to collect its portion of the same, if it elect to do so, by its own officers, and from subjects of taxation provided by its own laws, and pay the same over to the United States, as may be provided by law. And on the refusal or failure of any State, Territory, or the District of Columbia to collect and pay over its portion of any of such tax, the same shall be collected as may be provided by the laws of the United States."

The joint resolution was referred to the Committee on the Judiciary, and ordered to be printed.

JOSEPH E. WILSON.

Mr. HANCOCK introduced a bill (H. R. No. 585) for the relief of Joseph E. Wilson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ADOLPH VAN HAACKE.

Mr. HANCOCK also introduced a bill (H. R. No. 586) for the relief of Adolph Van Haacke; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

R. TALFOR AND H. C. RIPLEY.

Mr. HANCOCK also introduced a bill (H. R. No. 587) for the relief of R. Talfor and H. C. Ripley; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

INDIAN AND MEXICAN DEPREDATIONS IN TEXAS.

Mr. HANCOCK also introduced a bill (H. R. No. 588) to provide for ascertaining the losses sustained by citizens of Texas by reason of Indian and Mexican depredations; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

INCURSIONS IN TEXAS.

Mr. HANCOCK also introduced a bill (H. R. No. 589) to authorize the Secretary of War to ascertain the necessary expensions incurred by the State of Texas for arms, equipments, military stores, and all other expenses in repelling hostile incursions in said State in the years 1870, 1871, 1874, and 1875; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SUSAN E. RHEA.

Mr. HANCOCK also introduced a bill (H. R. No. 590) for the relief of Mrs. Susan E. Rhea, widow of Dr. J. Burrows Gardiner; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

BILLINGTON SMALLEY AND HENRIETTA A. BOYLE.

Mr. CULBERTSON introduced a bill (H. R. No. 591) for the relief of Billington Smalley and Henrietta A. Boyle, of Marshall, Texas; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARY E. PURNELL.

Mr. CULBERTSON also introduced a bill (H. R. No. 592) for the relief of Mary E. Purnell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

E. J. GORLEY.

Mr. MILLS introduced a bill (H. R. No. 593) for the relief of E. J. Gorley, of McLennan County, Texas; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

Mr. SCHLEICHER. I offer the following resolution:

Resolved, That the portion of the President's message which refers to the inroads, robberies, and murders along the Mexican border, in Texas, be referred to a special committee of five members, with instructions to inquire into the cause and the nature and extent of those depredations, and the measures that might prevent their continuance, and to report at as early a day as practicable.

Mr. HOLMAN. Does the gentleman demand the previous question on the resolution?

Mr. SCHLEICHER. I do not demand the previous question for the reason that it is necessary to explain the object of the resolution.

The SPEAKER *pro tempore*. The gentleman can only debate by unanimous consent. If there is no objection the gentleman will be allowed to proceed. The Chair hears none.

Mr SCHLEICHER. By the action of the House of yesterday, adopting the report of the Committee on Ways and Means, the matters relating to the troubles on the Mexican frontier have been referred to two committees; a portion to the Committee on Foreign Affairs and another portion to the Committee on Military Affairs. There are, it is true, connected with this subject matters that go before the Committee on Military Affairs properly and also such as go to the Committee on Foreign Affairs. But besides such matters as go to these committees there are others that would not properly come before either of them. These disturbances in Texas have a long history, beginning as far back as 1858. The people there have had to take action themselves. There are matters which do not properly belong to either of the committees. Then, if the matter is referred to several committees, the Representatives from Texas will be under the necessity of taking their evidence before two or three different committees. It subdivides what is hardly capable of subdivision. Then, too, the measures recommended by these committees might be clashing. I think the House can readily see that it would be much more proper to have a committee appointed especially for this purpose, which can take cognizance of the whole and every portion of the subjects belonging to this question and every branch of it; and therefore I propose that a special committee of five be appointed, although I have no special preference as to the number of the committee, and if the House prefer a larger number I am perfectly willing.

Mr. MILLS. I would suggest to my colleague that he amend the resolution so as to give the committee power to send for persons and papers.

Mr. SCHLEICHER. I will accept the suggestion.

Mr. HOLMAN. I do not wish to antagonize a proposition coming from the State especially interested in this subject, but it seems to me that this subject ought to go to one of the standing committees of the House. The Committee on Military Affairs seems to me to be the most appropriate committee. That committee can be invested with all the powers with which the gentleman contemplates investing this committee. It is certainly not a desirable policy to increase the number of the committees of the House. I therefore feel constrained to make a motion that the subject be referred to the Committee on Military Affairs. If hereafter it shall be found desirable, on account of the duties of the Committee on Military Affairs, that a special committee should be organized, there will be time perhaps sufficient for that purpose.

Mr. WOOD, of New York. This question of the disturbances on our southern border, as presented to the House, has two aspects. It relates to a frontier bordering on a friendly nation with which we have diplomatic relations. It also presents itself in a military aspect, in reference to the suppression of certain outrages, which can only be accomplished by the military power; and we have referred, as was said by the gentleman from Texas, [Mr. SCHLEICHER,] a portion to the Committee on Military Affairs and a portion to the Committee on Foreign Affairs. Now, it is quite impossible that these two committees can jointly consider any question of this character, and I therefore agree with the gentleman from Texas that it presents itself in such a peculiar aspect, that it should be referred to a special committee to consider the whole question, and report what remedy Congress can devise in the premises. I trust therefore that the proposition of the gentleman from Texas will be adopted.

Mr. REAGAN. It is known to the country that considerable disturbances have existed upon the Mexican border along the Rio Grande for some years past. From the nature and character of those disturbances, if not prevented and arrested, we cannot tell but they may lead to serious international trouble. It is a subject which, as suggested by the gentleman from New York [Mr. WOOD] would naturally fall within the scope and consideration partly of the Committee on Foreign Affairs and partly of the Committee on Military Affairs.

These disturbances are of a character and an extent that deserve the consideration of this Congress, if it wishes to give protection to the people of that border and to prevent the danger of a collision between the Governments of the United States and of Mexico, or at least between the people of Texas and of Mexico. We have the assurance of the governor of that State that if measures cannot be adopted which will be effective in preventing the continuance of these border

disturbances that are continually occurring there, preventing the murders and robberies that are occurring there every week, and that have occurred to such an extent as to nearly devastate the country along the line of the Rio Grande—if that is not done he will be unable to restrain the people much longer from attempting to vindicate their own rights and to secure by their own arms their own protection. And this would be greatly to be deplored, for the State of Texas has not sufficient finances to undertake, without great injustice to the State, the defense of the people and property along that extended border.

Taking into consideration the danger of international complication, taking into consideration the extent and alarming character of the depredations upon that border, it seems to me that some committee ought to be charged with the consideration of the whole question of what provision should be made by Congress to alleviate the troubles of that section of our country. By the appointment of a select committee, as suggested by my colleague [Mr. SCHLEICHER,] the whole question can be considered in all its aspects, in its foreign aspect, in its military aspect, and with reference to the spoliations and depredations upon our people. And that committee will be able to recommend to the House such measures as may meet the necessities of the case and as may form a proper predicate for the action of the regular committees, if it shall be made to appear that that action is required.

I trust, therefore, that, in view of the important questions arising out of the condition of that frontier, the House will consent to the appointment of a select committee for the purpose of considering this whole subject and of pointing out the mode of giving security and peace to the people there, and to avert war between the two countries.

Mr. HANCOCK. I do not feel that I can add anything to what my colleagues [Mr. REAGAN and Mr. SCHLEICHER] have said, except in one point of view. I would like to be a little more explicit as to the necessity of some action as probably may not be taken by either of the committees to which has been referred that portion of the President's message relating to the condition of affairs on our Mexican frontier.

It is a subject that must be considered in somewhat of a duplex aspect. The President alludes to the fact of the insufficient means in his power to give that protection which the citizens may rightly look to this Government to afford them. He also refers to conditions existing on the other side of the Rio Grande River, caused by legislation and orders of the federal government of the Republic of Mexico, which are exceedingly detrimental to the revenue interests of this country, and may contribute very largely to the disturbed condition that exists there at the present time, and which has existed there for a considerable time in an aggravated form, ever since the *Zona Libre*, or Free Zone, has been established.

Now, to go properly into this investigation will require an enlargement of powers that neither the Committee on Military Affairs nor the Committee on Foreign Affairs can properly exercise, and would seem to justify the raising of a special committee as asked for by my colleague, [Mr. SCHLEICHER.] I am sure the importance of this question is not fully comprehended by those whose attention has not been particularly called to it. And just here I will remark that there probably may be another misconception as to the feeling entertained by those who advocate and urge this special and marked action and recognition on the part of the House of this disturbed condition of our frontiers. The desire is to avoid complications, to avoid collision and war, to maintain peace. And in order to maintain that peace, it becomes a necessity that we should have better neighborhood than we have enjoyed for the last five years.

A district of country is rendered insecure larger in area than an average sized State of this Union. It is a district that is devoted mainly to stock raising, and the boundary there being of such a character as to be easily crossed at any time, a class of marauders pass in in small parties of two or three, who have their places of rendezvous. They come in, and, taking advantage of the sparseness of the population and the insufficiency of the military force there, carry off cattle and other stock by the hundred. This has continued until a large portion of the country there has become uninhabitable by the American population, and has to a degree been given up to the Mexicans, who have come in on the American side of the Rio Grande and settled there.

Mr. KASSON. How far have they penetrated into the country?

Mr. HANCOCK. They have penetrated the country for fifty or seventy-five miles, and in some instances for one hundred and twenty-five miles. They make their escape with almost perfect security. There have been but few instances where they have been intercepted by the military, as gentlemen will find by reference to the records of the military authorities.

It is alleged that the character of the cavalry is such that they are not adequate to the duty required to be performed; and it is likely that they cannot perform the duty in such a way as to guarantee the arrest of the marauders, even though they are frequently promptly notified of the incursions by the rancheros, as the stock-raisers are termed out there. But the marauders understand the country well, and are able to take advantage of their knowledge to evade the pursuit of the military. They do evade it; and as soon as they are on the other side of the river, then of course our forces are generally obliged to stop. Sometimes they have crossed over; and I do not object to that; yet I would rather such occurrences should not take place, and that some action should be taken that would render such a thing unnecessary.

I wish to remark further that I am not complaining so much as my remarks might seem to imply of the government of Mexico. I realize the comparative inability of that government to preserve peace and order upon her borders, and we are disposed to act with the greatest forbearance toward that government. But there are certainly means by which the offending parties could be reached without any encroachment on our part that could be justly complained of if the Mexican government would make adequate provision for our doing so.

This is a question that would properly come before such a committee as is now proposed, and upon its report the House will be better prepared to act understandingly. And perchance other Departments of the Government may be enabled to take such steps as will place this portion of the country in a better condition than it is at present, so that it may be habitable and enjoyable—the very reverse of its present condition.

Mr. HALE. Mr. Speaker, I have been a good deal impressed by the fair and candid presentation of the case of this border line by the gentleman from Texas [Mr. HANCOCK] who has just taken his seat. But I want to call the attention of the House to a danger that always attends special committees and the supposed need of such a committee in this case.

This matter has been for years before Congress and before the Government; and owing to the depredations on the Mexican border a commission has been established, which, carefully selected, (both sides being represented,) has sat and heard the claims of citizens of both countries who have suffered losses by incursions from one side or the other. That commission has reported; so that the subject-matter of complaint presented by my friend from Texas is already before Congress. It is naturally then before the regular committees of Congress.

Now, Mr. Speaker, I do not see any difficulty in the Committee on Military Affairs and the Committee on Foreign Affairs dealing with this matter.

Mr. HANCOCK. Will the gentleman permit me to ask to what commission he referred when he spoke of both sides being represented?

Mr. HALE. The Mexican border commission.

The Committee on Foreign Affairs will naturally take charge of all the delicate relations arising in diplomacy between the two governments. There is no conflict between that committee and the Committee on Military Affairs, the latter being called upon to deal with the question of the force necessary to be maintained on that border for the protection of our citizens; and for one I should be glad to see that whole question go before the Military Committee—all the more because to-day we are confronted by many resolutions and bills providing for a decrease of the Army of the United States—a subject-matter which is before the Military Committee. One of the first questions to be considered by that committee in connection with this proposed reduction of the Army is the need of force and the proper extent of force upon the Mexican border. It is cognate to their work. They alone, in my view, can deal with that question broadly and largely, and I repeat that on this subject, so interesting to the people of Texas, there is no conflict between that committee and the Committee on Foreign Affairs, the latter committee dealing with the diplomacy of the question.

I wish that I could agree with the gentleman from Texas in believing that a special committee will tend to avert trouble rather than bring it on. Such is not my experience. A special committee, having but one subject-matter to deal with, naturally exaggerates the importance of that subject-matter. It draws all other things into it as tributary; it does not look at the question broadly and largely in connection with all matters relating to the subject, as a general committee does. For one I should fear that any special committee upon this subject, drawing to itself entire jurisdiction of it, would, instead of averting difficulty, complicate us in trouble with a neighboring state. For that reason, and for that alone, I hope that the special committee asked for may not be granted, but that the regular committees of the House may deal with this subject-matter as they do with other questions of equal importance.

I am reminded, Mr. Speaker, that on the reference of the different subject-matters contained in the annual message of the President of the United States this very subject has already been referred to the Committee on Military Affairs.

Mr. SCHLEICHER. I want to say only a few words in reply to the gentleman from Maine, who has just taken his seat. In what he has said he made some mention of claims that would be brought in under this special reference. Now, in this proceeding this subject of claims is one that we do not regard; we only want war avoided and peace preserved if possible. It is not the intention in the remotest degree to base any claims upon this reference to this committee.

I will repeat what I said before, that we have voluminous evidence on this subject and will be forced to run from one committee to another to plead our case before one of the regular committees and then plead it before another, perhaps leaving some documents needed by one committee in the possession of the other. It is impossible to draw exactly the line between the duties assigned under the rules to one of the regular committees and those assigned to another.

But we have not the least desire, as I have already stated, to bring about a war between this and a neighboring state. I believe that any committee which would be appointed by the Speaker of this House will not, as seemed to be intimated by the gentleman from Maine, wish to increase the present difficulties or stir up additional troubles on that frontier, but would, on the contrary, recognize the urgent necessity of doing away with the troubles and difficulties which unfortunately now exist. It is only for the purpose of preserving peace on that border that this resolution has been introduced.

Mr. MILLS. Mr. Speaker, I hope this matter will not be referred to one of the regular committees of this House. I believe it is a rule of parliamentary law that every measure ought to be committed to the custody of its friends. This question has been submitted to a regular committee of this House for years, and what has been the result? In the last session of Congress I presented the same question before the Committee on Military Affairs. I went and took upon myself the trouble to get the General of the Army of the United States to go before that committee and himself to testify that, by personal inspection of that territory, the frontier had been driven back two hundred miles. What did they do? He told them that he had seen the old rocks where the chimneys stood, and he had seen fields desolated by the enemy, both Mexicans and Indians. But the committee did nothing.

We have a frontier a thousand miles in extent which has been in a state of constant warfare, and what have the regular committees done? Have they been frightened by the questions of diplomacy, those delicate questions about which we have heard? They have done nothing for that frontier, which has been pleading for years, under all administrations of this Government, democratic and republican. They have not discharged their duties to our State. Th-y have not protected our people. I myself have carried the testimony before the Military Committees of this House, and I suppose the same thing will occur before the present Military Committee.

In the distribution of the committees of this House, it has not been thought necessary to place a member from Texas on the Military Committee, while she has a thousand miles of border that is exposed to the raids of Mexicans and Indians. It has not been thought necessary to appoint a member from Texas upon the Committee on Indian Affairs, when, sir, the scalps of our people are being taken, and have been for years, by the Kiowas and Comanches; and I now ask this House in the spirit of justice to our people to appoint a committee which will grapple with this subject and bring the testimony before the House that they may act on it.

Mr. FRYE. I should like to ask the gentleman a question before he sits down.

Mr. MILLS. I will hear the gentleman with pleasure.

Mr. FRYE. I wish to inquire whether the proposition to reduce the Army is for the purpose of protecting this frontier?

Mr. MILLS. I will reply with great pleasure to the gentleman from Maine that that proposition will not get a vote in Texas.

Mr. HOLMAN. Mr. Speaker, there is certainly no objection on the part of any gentleman on the floor of the House that these matters should be inquired into. Indeed, sir, Representatives upon this floor from every State of the Union cannot fail but feel the same degree of interest in this subject of inquiry as do the gentlemen from the State of Texas. It is a question affecting the interest of the whole country, and the gentlemen from Texas ought not to indulge in the assumption that an organized standing committee of this House will not fully perform its duties. All the duties that would devolve upon this committee manifestly would be such as might be appropriately referred to the Committee on Military Affairs. I say nothing of the Committee on Foreign Affairs. I say that the matters of inquiry are of that character that undoubtedly belong properly to the Committee on Military Affairs, and I do not think it is wise or safe that any legislation upon matters of great concern such as affect the relations of nations should go out of the ordinary beaten and well-established rules of legislative law. I think it is far safer and better for the State of Texas and for the whole Union that questions like this should go to the regular standing committees of the House.

Now, sir, no member can object to the Committee on Military Affairs being charged with every duty which this special committee would perform if it were organized. That committee will make these investigations, and will make its report to the House; and the gentleman cannot prejudge the action of that committee; he has no right to assume that the committee will fail to fully perform its duties as directed by the resolutions of this House. I have never seen any very satisfactory results springing out of special committees—and that for the reason suggested by the gentleman from Maine. We are naturally inclined to exaggerate the importance of a subject-matter which embraces the whole scope of a committee's action, whereas the general committee considers the subject in all its various bearings without reference to the motives which sometimes actuate us in connection with special committees. Whether it be from that or from other causes, the results of such special investigations have never been valuable as laying the foundations for legislative action.

It is manifest, and I desire to make that suggestion to the House, that many gentlemen from all sections of the country will think that upon particular subjects special committees should be organized. One has already been appointed, and others have been suggested. While the multiplication of special committees ought to be very carefully guarded against, if this committee were necessary, if the standing committee could not properly perform all the duties required, I should at once yield the point. But I insist that this subject properly belongs to one of the standing committees of the House, and that the gentleman from Texas may devolve upon the Military Committee the whole duty of making this investigation. If this is done, I feel very confident that that committee will comply with the reasonable expectations of the House in performing all the duties assigned to it.

Mr. REAGAN. I rise to a question of order. Is not the motion of the gentleman from Indiana out of order when my colleague has moved the previous question?

The SPEAKER *pro tempore*, (Mr. RANDALL.) The gentleman from Texas by unanimous consent was allowed to debate the resolution. The previous question was not demanded. Debate having been allowed, the Chair subsequently recognized the gentleman from Indiana who made the motion to refer. The object of the gentleman from Texas can be reached by voting down the demand for the previous question on the question of reference.

Mr. TOWNSEND, of New York. Though residing in a part of the Union far removed from Texas, I have been long satisfied that there was a condition of affairs upon the Mexican border such as needed immediate examination and immediate relief. It is said that this question has already been referred to the Committee on Military Affairs, and that the Committee on Military Affairs are properly in charge of it. Now, I understand that the duties of the Military Committee are exceedingly onerous, and I believe that this question is one that needs and should receive immediate investigation.

As I understand it, Mr. Speaker, the first duty of government is the protection of person and property, and when any government fails to discharge the duty of protecting person and property it ought to abdicate its functions. Indeed it has done so already. If, then, the action of this Government is not such as to furnish protection to the west border of Texas, it is time, ample time, that this subject should be investigated, and that we know exactly the condition of affairs in that portion of our country. If it turns out that the condition of affairs is such as the Representatives from that State have described upon this floor, we ought to know it at an early day of this session, to the end that the emergency may be provided for. It is a matter that ample time should be taken to provide for.

I do not stand here to pronounce a eulogium on the British government; but there is one thing in the action of the British government which I am compelled to admire, and that is the promptness with which every portion of the empire feels an insult or injury to one of its citizens, and the readiness with which it avenges it. In talking of avenging, I do not apply that expression to the Republic of Mexico. I believe the Republic of Mexico is very little to blame in intention as to the state of affairs existing upon the Texan border. But I believe that the existence of these disorders on her extreme frontier is due to the weakness of the Government power in those regions. If a condition of affairs exists there such as is represented, we cannot understand it a day too quick; and for that reason I, for one, am in favor of granting to the people of Texas an early examination of this matter, to the end that the evil may be promptly corrected.

Mr. JONES, of Kentucky. Mr. Speaker, I am glad to hear the remarks of the gentleman from New York [Mr. TOWNSEND] on this subject. I am a little surprised to find objection on this side of the House to the appointment of the special committee desired by the delegation from Texas. I can see no objection whatever to it. It costs nothing, and it will give us all the information necessary to form correct views with regard to the outrages which have been perpetrated in Texas much more readily than we can obtain it from any other source. The general subject has been referred to the Committee on Foreign Affairs and the Committee on Military Affairs, and it may be months before either of those committees can report on this subject. This is no matter of small importance. It is one of the greatest importance, as I understand it, to the people of Texas; and the request of the delegates from that State unanimously, as I understand, is that a special committee shall be appointed, so that the House may understand at once the difficulties existing on the border. The gentleman from Maine speaks of the jurisdiction of the committee, and that it may involve serious questions and commit the House and the Government to matters to which, in their view, they would object; but the committee will have no jurisdiction whatever except to send for persons and papers and to give us accurate information in regard to the difficulties on that border. Sir, it seems to me that there can be no objection to the appointment of this special committee, and I hope that the House will grant the request of the delegation from Texas and appoint a special committee for the purposes indicated.

The question was taken upon Mr. HOLMAN'S motion, and it was not agreed to.

The question recurred upon Mr. SCHLEICHER'S resolution; and, being put, the resolution was agreed to.

Mr. SCHLEICHER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOSEPH CLYMER.

Mr. THROCKMORTON introduced a bill (H. R. No. 594) for the relief of Joseph Clymer, of Collin County, Texas; which was read a

first and second time, referred to the Committee on Claims, and ordered to be printed.

JOSEPH C. LEWIS.

Mr. THROCKMORTON also introduced a bill (H. R. No. 595) for the relief of Joseph C. Lewis, of the District of Columbia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

COMPENSATION OF AGENTS AND ATTORNEYS.

Mr. KASSON introduced a bill (H. R. No. 596) to regulate the appearance and compensation of agents and attorneys prosecuting claims or demands before Congress and the Executive Departments of the Government, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ANDERSON J. SMITH.

Mr. KASSON also introduced a bill (H. R. No. 597) for the relief of Anderson J. Smith; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RE-ORGANIZATION OF THE JUDICIARY.

Mr. McCRARY introduced a bill (H. R. No. 598) to re-organize the judiciary of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

INTERSTATE COMMERCE.

Mr. McCRARY also introduced a bill (H. R. No. 599) to regulate commerce by railroads among the several States, and to establish a bureau of commerce; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

LANDS LOCATED WITH MILITARY WARRANTS.

Mr. McCRARY also introduced a bill (H. R. No. 600) to authorize the Secretary of the Interior to ascertain and certify the amount of lands located with military warrants in the States described therein, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JOSEPH KARHOFF.

Mr. McCRARY also introduced a bill (H. R. No. 601) granting a pension to Joseph Karhoff; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

UNITED STATES COURTS.

Mr. OLIVER introduced a bill (H. R. No. 602) to extend the jurisdiction of the district and circuit courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LAND GRANTS TO IOWA.

Mr. OLIVER also introduced a bill (H. R. No. 603) to declare the meaning of an act approved June 2, 1864, entitled "An act to amend an act entitled 'An act making a grant of lands to the State of Iowa in alternate sections to aid in the construction of certain railroads in said State,' approved May 15, 1856;" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SETTLERS ON RAILROAD LANDS.

Mr. OLIVER also introduced a bill (H. R. No. 604) to amend an act entitled "An act for the relief of settlers on railroad lands," approved June 22, 1874; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

LEVY HAYWARD.

Mr. OLIVER also introduced a bill (H. R. No. 605) granting a pension to Levy Hayward; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONSTITUTIONAL AMENDMENT.

Mr. OLIVER also introduced a joint resolution (H. R. No. 27) proposing an amendment to the Constitution of the United States so as to elect a President and Vice-President thereof by a direct vote of the people thereof; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. OLIVER. I ask unanimous consent that that resolution be printed in the RECORD.

There was no objection, and it was so ordered.

The joint resolution is as follows:

Joint resolution proposing an amendment to the Constitution of the United States so as to elect the President and Vice-President thereof by a direct vote of the people thereof.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein,) That the following article is hereby proposed as an amendment to the Constitution of the United States, which, when ratified by the Legislatures of three-fourths of the States, shall be valid as a part of the Constitution, to wit:

ARTICLE —.

After the year 1876 the President and Vice-President of the United States shall be elected by a direct vote of the people of the several States, and the electors in each State shall have the same qualification as the electors of the most numerous branch of the State Legislature.

The person receiving the greatest number of votes for President shall be the President and the person receiving the greatest number of votes for Vice-President shall be the Vice-President; but if two or more persons shall each receive an equal and the greatest number of votes for President, then the House of Representatives shall from such persons immediately choose the President; and if two or more persons shall each receive an equal and the greatest number of votes for Vice-President, then the Senate shall from such persons immediately choose the Vice-President. In such elections each House shall vote *viva voce*, and each member shall have one vote, and the person receiving a majority of the votes cast shall be elected; and in case of a tie the presiding officer shall determine it.

The election for President and Vice-President shall be held at the time now provided by law for choosing the electors of such officers, but Congress may prescribe a different time, which shall be the same in all the States; and Congress shall prescribe the manner of holding and conducting such elections and making the returns thereof; and in case of failure so to do, that duty shall devolve in the order named, first, on the President of the United States; second, on the Legislature of each State within that State; and, third, upon the chief executive of each State within that State.

The returns shall be canvassed at the time and in the manner now provided or which may be hereafter provided by the joint rules of the two Houses or by law, by and in the presence of both Houses of Congress, who shall be the judges (each House voting separately) of the returns and election; but in case the two Houses shall not agree, then the matter of disagreement shall be referred to the Supreme Court of the United States, which shall forthwith decide the same; and such decision shall be final.

ELECTION OF SENATORS BY THE PEOPLE.

Mr. OLIVER also introduced a joint resolution (H. R. No. 28) to amend the Constitution of the United States so as to elect United States Senators by a direct vote of the people of the several States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. OLIVER. I ask that this joint resolution be printed in full in the RECORD.

No objection was made, and it was so ordered.

The joint resolution is as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring,) That the following article is hereby proposed as an amendment to the Constitution of the United States, and, when ratified by the Legislatures of three-fourths of the States, shall be valid to all intents and purposes as a part of the Constitution, to-wit:

ARTICLE —.

The Senate of the United States shall be composed of two members from each State, who shall hereafter be elected by a direct vote of the people for six years; and the electors in each State shall have the same qualifications as the electors of the most numerous branch of the State Legislature; but the Congress may by law provide for conducting and holding the election and canvassing the vote.

JOHN ROSS.

Mr. TUFTS introduced a bill (H. R. No. 606) granting a pension to John Ross, of Captain Bechler's company, Pennsylvania Militia, of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

CHIPPEWA RIVER, WISCONSIN.

Mr. RUSK introduced a bill (H. R. No. 607) for the improvement of the Chippewa River, Wisconsin; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

OCONTO RIVER, WISCONSIN.

Mr. KIMBALL introduced a bill (H. R. No. 608) to authorize the Northwestern Improvement Company, a corporation organized under the laws of the State of Wisconsin, to enter upon the Menomonee reservation, and to improve the Oconto River and its branches and tributaries; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BETSY PARTRIDGE.

Mr. CATE introduced a bill (H. R. No. 609) granting a pension to Betsy Partridge; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SETH W. HOMESTEAD.

Mr. CATE also introduced a bill (H. R. No. 610) granting a pension to Seth W. Homestead; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANKLIN PHILLIPS.

Mr. CATE also introduced a bill (H. R. No. 611) granting a pension to Franklin Phillips; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WINNEBAGO AND POTTAWATOMIE STRAY BANDS.

Mr. CATE also submitted the following preamble and resolution, upon which he called the previous question:

Whereas, by chapter 148, laws of 1864, it was enacted that the proportion of the annuities to which certain stray bands of Winnebago and Pottawatomie Indians, who were then residing in the State of Wisconsin, would be entitled if they were settled upon their reservations with their respective tribes shall be retained in the Treasury to their credit from year to year, to be paid to them when they shall unite with their said tribes, or be used by the Secretary in defraying the expenses of their removal or in settling and subsisting them on any reservation which may hereafter be provided for them; and whereas, since the passage of said act, the sum of $35,000 has been appropriated to enable the Secretary of the Interior to take charge of said stray bands of Winnebago and Pottawatomie Indians in the State of Wisconsin; and whereas the sum of $76,000 has been appropriated and the sum of $36,000 has been re-appropriated for the removal of the said stray bands of Indians out of the State of Wisconsin; and whereas the Secretary of the Interior has decided that under the laws of the United States, these stray bands of Indians are entitled to their just proportion of the tribal fund, and that the same should be paid to them; and whereas Congress, on the 3d day of March, 1875, passed what is known as

the enabling act, which provides that any Indian may abandon his tribal relation, take up a homestead, and yet be entitled to a share in the tribal fund; and whereas, under and in virtue of the provisions of said act, a large number of the said stray bands of Winnebago and Pottawatomie Indians have renounced their tribal relations, made and filed in the proper courts declarations of intention to become citizens of the United States, and taken up and settled upon homesteads on the public lands in the counties of Jackson, Marathon, and Portage, in the State of Wisconsin, and are greatly in need of any fund remaining in the Treasury to which they are or may be entitled: Therefore,

Be it resolved, That the Secretary of the Interior report to this House without unnecessary delay, first, what amount of annuities or tribal funds said stray bands of Winnebago Indians would have been entitled to if they had been living with their tribes, and what sum or sums of said annuities or tribal fund have been retained in the Treasury from year to year and placed to their credit; second, if any part thereof has been expended, under what authority and for what purpose, and the amount thereof, giving the same in detail; the amount expended in taking care of said stray bands of Indians in Wisconsin since the passage of the said act and prior to the year 1871; how expended and to whom paid, giving details thereof.

The previous question was seconded and the main question ordered; and under the operation thereof the preamble and resolution were adopted.

Mr. CATE moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TREATY WITH HAWAIIAN ISLANDS.

Mr. LUTTRELL introduced a bill (H. R. No. 612) to carry into effect a convention between the United States of America and His Majesty the King of the Hawaiian Islands, signed the 30th day of January, 1875; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

FRUIT BRANDY.

Mr. LUTTRELL also introduced a bill (H. R No. 613) relating to the production of fruit brandy, and to punish frauds connected with the same; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ALABAMA CLAIMS COMMISSION.

Mr. LUTTRELL also introduced a bill (H. R. No. 614) to extend the duration of the court for the adjudication of claims arising out of the Geneva award, to extend the time for filing claims, and to enlarge the jurisdiction of said court; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SURVEY OF SACRAMENTO RIVER.

Mr. LUTTRELL also introduced a bill (H. R. No. 615) to appropriate money for the survey of the Sacramento River between Tehama and the mouth of Spring Creek; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CALIFORNIA CENTRAL NARROW-GAUGE RAILROAD.

Mr. LUTTRELL also introduced a bill (H. R. No. 616) granting to the California Central Narrow-Gauge Railroad Company certain rights upon the lands of the United States at Benicia, California; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

W. L. PARVIN AND H. A. GREENE.

Mr. LUTTRELL also introduced a bill (H. R. No. 617) for the relief of Washington L. Parvin and Henry A. Greene, late captains of California Volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SUPPRESSION OF CHINESE IMMIGRATION.

Mr. PIPER introduced the following joint resolution, (H. R. No. 29,) to modify existing treaties with the Chinese Empire; which was read a first and second time, referred to the Committee on Foreign Affairs, ordered to be printed, and also to be published in the RECORD:

Whereas the large immigration to the Pacific States and Territories of the United States of Mongolians, who are by nature, disposition, and habits incapable of assimilating with our laws and customs, tends to establish a foreign colony in the Republic, and directly brings American free labor in competition with that which is semi-servile, disturbing the harmony of our political system, and detrimental to the spirit of manly independence which should be its highest result and best security: Therefore,

Be it resolved by the Senate and House of Representatives, &c., That the President be, and is hereby, requested to use all means that he may deem expedient to have the existing treaties of the Government of the United States with the government of the Chinse Empire so modified as to prevent any further immigration of the subjects of that empire to the United States.

HENRY M. NAGLEE.

Mr. PIPER also introduced a bill (H. R. No. 618) for the relief of Henry M. Naglee; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SEA-WALL AT SAN FRANCISCO.

Mr. PIPER also introduced a bill (H. R. No. 619) to aid in the construction of a sea-wall at the city of San Francisco; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

REDICK M'KEE.

Mr. PIPER also introduced a bill (H. R. No. 620) for the relief of Redick McKee; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ALFRED BRIGGS.

Mr. PAGE introduced a bill (H. R. No. 621) authorizing the Secretary of the Treasury to settle the account of Alfred Briggs, late collector of internal revenue of the fourth district of the State of California; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

OFFICE RENT IN LAND DISTRICTS.

Mr. PAGE also introduced a bill (H. R. No. 622) authorizing the Secretary of the Interior to make an allowance for office rent for the different land districts; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

IMPROVEMENT OF SAN JOAQUIN RIVER.

Mr. PAGE also introduced a bill (H. R. No. 623) making an appropriation for the improvement of the San Joaquin River, in the State of California; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HEIRS OF GENERAL J. H. CARLETON.

Mr. PAGE also introduced a bill (H. R. No. 624) granting relief to Eva, Etta, Henry, and Guy Carleton, heirs of General James H. Carleton, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LAND ENTRIES UNDER HOMESTEAD LAW.

Mr. PAGE also introduced a joint resolution (H. R. No. 30) in reference to certain entries of land under the homestead law; which was read, as follows:

Whereas it is alleged that under the act of Congress approved March 3, 1873, entitled "An act to amend an act entitled 'An act to enable honorably discharged soldiers and sailors, their widows and orphan children, to acquire homesteads on the public lands of the United States,'" and the amendments thereto, large numbers of fraudulent entries have been made by and for the benefit of speculators and others not entitled under said act: Therefore,

Be it resolved by the Senate and House of Representatives, &c., That the Commissioner of the General Land Office be, and he is hereby, directed to suspend all entries of lands under the said acts; and the said Commissioner of the General Land Office is hereby further directed to investigate such entries in such manner as may seem to him most practicable and expeditious; and if upon such investigation it shall appear to his satisfaction that any or all of said entries are based upon original entries invalid for any cause, or that they are in any other way fraudulent, then that he shall forthwith cancel such fraudulent original or additional entries and at once restore the land covered thereby to the condition it occupied before such entries were made.

The joint resolution having been read a first and second time,

Mr. PAGE. I ask unanimous consent that this resolution be referred to the Committee on the Public Lands, with authority to report at any time.

The SPEAKER. That will require unanimous consent.

Mr. MORRISON. I object to the permission to report at any time.

The joint resolution was referred to the Committee on the Public Lands, and ordered to be printed.

GROWTH OF TIMBER ON WESTERN PRAIRIES.

Mr. DUNNELL introduced a bill (H. R. No. 625) to amend an act entitled "An act to amend the act entitled 'An act to encourage the growth of timber on western prairies,'" approved March 13, 1874; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

NATURALIZATION.

Mr. DUNNELL also introduced a bill (H. R. No. 626) to amend the Revised Statutes of the United States relating to naturalization; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JAMES M. LEE.

Mr. DUNNELL also introduced a bill (H. R. No. 627) for the relief of James M. Lee; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ISAAC SLOCUM.

Mr. DUNNELL also introduced a bill (H. R. No. 628) for the relief of Isaac Slocum; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JONATHAN WHITE.

Mr. DUNNELL also introduced a bill (H. R. No. 629) for the relief of Jonathan White; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BOUNDARIES OF OREGON.

Mr. LANE introduced a bill (H. R. No. 630) conforming the boundaries of Oregon to those fixed and defined in the constitution of that State as presented to Congress when applying for admission into the Union; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

MISSION-LAND CASES, OREGON.

Mr. LANE also introduced a bill (H. R. No. 631) providing for the adjudication and issue of patents in mission-land cases in the State of Oregon and the Territories of Washington, Idaho, and Montana; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

HOMESTEADS.

Mr. LANE also introduced a bill (H. R. No. 632) to amend section 2307 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

IMPROVEMENT OF COQUILLE RIVER, OREGON.

Mr. LANE also introduced a bill (H. R. No. 633) to appropriate money for the improvement of the harbor at the mouth of the Coquille River, in Coos County, Oregon; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT OF COOS BAY, OREGON.

Mr. LANE also introduced a bill (H. R. No. 634) to appropriate money for the improvement of the harbor at Coos Bay, in Coos County, Oregon; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

FORT HARKER MILITARY RESERVATION, KANSAS.

Mr. PHILLIPS, of Kansas, introduced a bill (H. R. No. 635) to donate a portion of the military reservation at Fort Harker, Kansas, for the establishment of a normal school, and to open the remainder of the said reservation to settlement; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JUDICIAL DISTRICT OF OKLAHOMA.

Mr. PHILLIPS, of Kansas, also introduced a bill (H. R. No. 636) to establish the judicial district of Oklahoma; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

S. K. THOMPSON.

Mr. PHILLIPS, of Kansas, also introduced a bill (H. R. No. 637) for the relief of S. K. Thompson, late second lieutenant Twenty fifth Kansas Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ELKANAH HUDDLESTON.

Mr. GOODIN introduced a bill (H. R. No. 638) for the relief of Elkanah Huddleston, first lieutenant Company A, First Regiment of Kansas Colored Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ABSENT WITNESSES IN LAND-OFFICE CASES.

Mr. GOODIN also introduced a bill (H. R. No. 639) to provide for the taking of depositions of absent witnesses in cases pending in the United States Land Office; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SALE OF SHAWNEE INDIAN LANDS.

Mr. GOODIN also introduced a bill (H. R. No. 640) for the sale of certain Shawnee Indian lands and to provide homes for the Black Bob and Absentee Shawnee Indians; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CLAIMS OF CERTAIN CITIZENS OF KANSAS.

Mr. GOODIN also introduced a bill (H. R. No. 641) authorizing the appointment of a commissioner and the settlement of the claims of certain citizens of Kansas named therein; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GRASSHOPPER RAVAGES IN THE WESTERN STATES.

Mr. GOODIN. I also hold in my hand the resolutions adopted by the Kansas State Horticultural Society on the subject of grasshopper ravages in the western States. I ask, in view of the importance of the subject, and in view of the fact also that the immediate constituents of a large number of the members on the floor of this House are concerned in the subject-matter of these resolutions, that they be printed in the CONGRESSIONAL RECORD, and that they be referred to the Committee on the Public Lands.

The SPEAKER. Are they lengthy?

Mr. GOODIN. They are not lengthy.

There being no objection, the resolutions were ordered to be printed in the CONGRESSIONAL RECORD, and were referred to the Committee on the Public Lands. They are as follows:

Copy of resolutions unanimously recommended by action of the Kansas State Horticultural Society at its ninth annual meeting, held at Manhattan, Riley County, December 14-16, 1875.

Whereas it is the opinion of those who have paid the most attention to the haunts of the Rocky Mountain locust, or so-called grasshopper, that the vast swarms which occasionally devastate the fertile fields of Kansas, Iowa, Nebraska, Minnesota, and Missouri have their origin and breeding-place in the Rocky Mountain region of the northwest portion of the country; and whereas the injuries of this insect are at times so great as to prove a national calamity; and whereas there is hope that a thorough study of the pest in its native breeding-places may show how to prevent its irruptions into the fertile country to the southeast, either by some more extended system of irrigation, to destroy the eggs, or by other means; and whereas the ravages of this insect are the principal hinderance to the settlement of a vast portion of the public domain lying immediately east of the Rocky Mountains: Therefore,

Resolved, That we, the fruit-growers of Kansas, earnestly urge upon the national Congress the advisability and desirability of causing the proper investigations to be made

Resolved, That the importance of the subject not only warrants but requires the appointment of a competent commission to make these investigations; and further,

Resolved, That the secretary is hereby instructed to forward an authentic copy of the foregoing resolutions to each of our Representatives and Senators in Congress and to the chairman of the Committee on Agriculture.

I hereby certify that the foregoing is a true copy of the original on file in the secretary's office of the Kansas State Horticultural Society, this 29th December, 1875.

G. C. BRACKETT,
Secretary.

LAWRENCE, KANSAS.

WITNESSES IN CONTESTED LAND CASES.

Mr. GOODIN also submitted the following resolution; which was referred to the Committee on the Public Lands:

Resolved, That the Committee on the Public Lands be directed to inquire into the expediency of conferring authority upon registers and receivers of United States land offices to issue process for and to compel the attendance of witnesses in contested land cases before them, said committee to report by bill or otherwise.

SALINE LANDS.

Mr. BROWN, of Kansas, introduced a bill (H. R. No. 642) granting saline lands to the States in which they may be situated; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

TIMBER-CULTURE ACTS.

Mr. BROWN, of Kansas, also introduced a bill (H. R. No. 643) explanatory of the timber-culture acts; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SAMUEL J. CRAWFORD.

Mr. BROWN, of Kansas, also introduced a bill (H. R. No. 644) for the relief of Samuel J. Crawford; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

INDEMNIFICATION FOR DESTRUCTION OF ROADS AND BRIDGES.

Mr. WILSON, of West Virginia, introduced a bill (H. R. No. 645) to indemnify the State of West Virginia for the destruction of a road and bridges thereon from Fairmount to Gauley Bridge by the transportation over the same of armies and Army supplies by the authorities of the United States during the late war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

He also presented a joint resolution of the Legislature of the State of West Virginia, asking an appropriation from the Federal Government for the repair of the turnpike from Fairmount to Gauley Bridge; which was referred to the Committee on War Claims, and ordered to be printed.

IMPROVEMENT OF GREAT KANAWHA RIVER.

Mr. HEREFORD introduced a bill (H. R. No. 646) to continue the improvement of the Great Kanawha River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JAMES S. CADDALL.

Mr. HEREFORD also introduced a bill (H. R. No. 647) for the relief of the estate James S. Caddall, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ANDREW J. BARRETT.

Mr. HEREFORD also introduced a bill (H. R. No. 648) for the relief of Andrew J. Barrett; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

REV. JOHN R. HAMILTON.

Mr. FAULKNER introduced a bill (H. R. No. 649) for the relief of Rev. John R. Hamilton, of West Virginia; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES ALLENDER.

Mr. FAULKNER also introduced a bill (H. R. No. 650) for the relief of James Allender, of Preston County, West Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

RELIEF OF RANDOLPH COUNTY WEST VIRGINIA.

Mr. FAULKNER also introduced a bill (H. R. No. 651) for the relief of Randolph County, in the State of West Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EMPLOYÉS AT HARPER'S FERRY, NATIONAL ARMORY.

Mr. FAULKNER also submitted the following resolution; which was referred to the Committee on Military Affairs:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of making provision by law for the payment to the mechanics and laborers employed at the national armory at Harper's Ferry of their wages, still due and unpaid, for the months of March and April, 1861, said payments having been postponed by the difficulties then existing at that place, and the balance of the appropriation made for that purpose having since been carried to the surplus fund is in no manner applicable to the payment of the said demands without further legislation.

GOVERNMENT PROPERTY AT HARPER'S FERRY.

Mr. FAULKNER also offered the following resolution:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of directing the Secretary of War, when the special commissioner

appointed by the district court of the United States for the district of West Virginia shall proceed to make a resale of the Government property at Harper's Ferry resulting from the inability of the purchaser to comply with his contract, to repurchase the same in the name of the Government, provided the same can be had, in his opinion, at a fair and reasonable price, and for a less sum than is due to the Government for purchase-money; and also to inquire into the expediency of re-establishing a national armory at that point; and that they have leave to report by bill or otherwise.

Mr. RANDALL. I object to that part of the resolution which allows the committee to report at any time.

The SPEAKER. The resolution is merely for reference; it gives no power to the committee.

The resolution was agreed to.

IMPROVEMENT OF THE MONONGAHELA RIVER.

Mr. FAULKNER also presented a joint resolution of the Legislature of the State of West Virginia, requesting the Senators and Representatives in Congress from that State to use their best efforts to obtain an appropriation sufficient to continue the improvement of the Monongahela River to the head thereof; which was referred to the Committee on Commerce.

IMPROVEMENT OF THE MONONGAHELA AND KANAWHA RIVERS.

Mr. FAULKNER introduced a bill (H. R. No. 652) to aid in the improvement of the Monongahela and the Great Kanawha Rivers, in the State of West Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BUILDING IN VIRGINIA CITY.

Mr. WOODBURN introduced a bill (H. R. No. 653) for the construction of a public building at Virginia City, Nevada; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

The SPEAKER. The call of the States is now complete.

MERCHANT SEAMEN.

Mr. WARD, by unanimous consent, introduced a bill (H. R. No. 654) to amend title 53 of the Revised Statutes of the United States, relating to merchant seamen; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LAND CLAIMS.

Mr. LAWRENCE, by unanimous consent, submitted the following resolution; which was read and referred to the Committee on the Judiciary:

Resolved, That the Committee on the Judiciary be, and are instructed to inquire into the expediency of providing by law that in cases of conflicting claims to land, pending in the General Land Office or before the Secretary of the Interior, or where a claim is made which may defeat a right to make homestead or pre-emption entry, the contest or controverted questions may be transferred to some proper court with a right of appeal to the Supreme Court of the United States; also, providing that any claimant of land may appeal from any decision in the Interior Department to the Attorney-General.

ADJOURNMENT OVER.

Mr. RANDALL. I move that when the House adjourns to-day it adjourn to meet on Monday next, and I desire to state in this connection that I make the motion at the instance of the Committee on Appropriations. The Committee on Appropriations desire two full days of this week for the purpose of maturing one or two bills to report next week, and I do not doubt that various other committees of the House are in like condition. I suppose the chairman of the Committee on Ways and Means will corroborate my statement as to his own committee.

Mr. MORRISON. What the gentleman from Pennsylvania has said in regard to the Committee on Appropriations is true, though probably not to the same extent, of all the other committees of the House. We have seen the evidence of it when the committees were called and none were ready to report. I therefore trust that the motion of the gentleman from Pennsylvania will prevail.

I desire, however, if the gentleman from Pennsylvania will allow me, to say that there are a number of gentlemen who have speeches to deliver on subjects embraced in the President's message, and I therefore ask unanimous consent that Saturday next be set aside for that purpose, no business to be done on that day.

Mr. WOOD, of New York. I do not like to antagonize these two gentlemen, but during my experience I have never yet been a member of this House when, after it has been in session a full month it has not been ready to consider the business which devolved upon it. Now, I do think that we have had vacation and delay enough. We will certainly be obliged during this long session to take a vacation to prepare this Hall for occupation during that portion of the summer we may be here. It is probable that we will be compelled to take many other recesses during this session. We should now proceed to the performance of our duties, or we will be compelled to sit here until mid-summer. I for one hope we will proceed to perform the duties devolving upon us. If any committee, that on appropriations for instance, wants time to mature its business, let it have the privilege of sitting during the sessions of the House, so that the House itself may be able to proceed and consider the subjects of legislation already before us.

Mr. RANDALL. My answer to the gentleman from New York [Mr. WOOD] is this: The experience of every old member here is that nothing is lost by allowing adequate time to the committees to prepare legislation. While I was authorized by the Committee on Appropriations to make this motion, we felt at the same time that other committees of the House were in a like situation with ourselves. I maintain that all our experience shows that adjournments at the beginning of a session have uniformly been taken for this purpose from Thursday until the following Monday.

Mr. WOOD, of New York. My experience teaches me that, after a holiday vacation of two weeks, the committees having been appointed before the vacation, they have generally been prepared to report. I will go further than that and say that I know of no instance when the Committee on Appropriations have been ready to report before six or eight weeks after the beginning of the session. And while I fully appreciate the efforts of the chairman of that committee——

The SPEAKER. The rule imperatively requires the Committee on Appropriations to report the general appropriation bills within thirty days after their appointment.

Mr. WOOD, of New York. I am aware that there is a rule to that effect, but I am also aware that heretofore that rule has not been maintained by the action of that committee, except in the case of a few unimportant appropriation bills. I do not desire to antagonize these gentlemen; I only wish to say that we must sooner or later proceed to the business before us; and I am ready to sit here every day in the week for the purpose of performing our duty.

Mr. HALE. Allow me to correct the gentleman from New York, [Mr. WOOD,] for I know he has no desire to do injustice.

Mr. WOOD, of New York. Certainly not.

Mr. HALE. I will say that former Committees on Appropriations of this House have been ready to report and have reported important appropriation bills, the naval appropriation bill for instance, before the holiday adjournment. That has slipped the memory of the gentleman undoubtedly, but such is the case; and now that I correct him, I think his memory will bear me out in that statement.

Mr. WOOD, of New York. Before the holiday vacation?

Mr. GARFIELD. Yes.

Mr. WOOD, of New York. That had escaped me; I had no idea before that it had been done. That is only an additional reason why we should proceed at once to consider the measures before us, and to receive reports from committees.

Mr. RANDALL. One word more. The committees were not appointed until the morning of the day of the adjournment for the holidays. The Committee on Appropriations did at once proceed, on the next day, to distribute among its members the various bills, with a view to bringing the appropriation bills before the House at the earliest practicable moment. But we have to examine these appropriation bills with a great deal of care and scrutiny, with a view to reducing, if possible, without doing any injustice, the appropriations for carrying on the Government. I hope, then, that this proposition will be deemed so manifestly right that it will not be objected to.

The SPEAKER. Does the gentleman from Pennsylvania [Mr. RANDALL] accept as a part of his motion the proposition of the gentleman from Illinois, [Mr. MORRISON,] that a session of the House be had on Saturday for debate only?

Mr. RANDALL. I myself have no objection to that proposition. But it will require unanimous consent, and of course if there be any objection to it I cannot accept it without destroying my original motion.

The SPEAKER. Then the question is, will the House when it adjourns to-day adjourn to meet on Monday next?

Mr. HEREFORD. I desire to say but a word or two. This is the first time I have spoken upon this question of adjournment. I agree with my friend from New York [Mr. WOOD] that we should go to work, and since I have been here my experience has been that when the House takes a recess the committees likewise take a recess. I think that will be the result in this case. I think that when the House is in working order and doing its daily work the committees then do more work than they do when the House has taken a recess. If we take a recess until Monday, two-thirds of the members of this House will absent themselves and go home. That is the result of my experience here, and therefore I hope the motion will not prevail.

The question was taken upon the motion of Mr. RANDALL that when the House adjourns to-day it be to meet on Monday next; and upon a division there were—ayes 111, noes 72.

So the motion was agreed to.

Mr. RANDALL moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The motion was agreed to.

Mr. MORRISON. I now renew my request that unanimous consent be given for a session of the House on Saturday next for debate only. It is hardly necessary for me to say that I have no speech to make; but I make this request in behalf of other gentlemen who have speeches to make. For myself, I am indifferent whether the request be granted or not.

AMNESTY.

Mr. BLAINE. I desire to ask the gentleman from Pennsylvania, the chairman of the Committee on Appropriations, [Mr. RANDALL,] when it is his intention to bring the House to a vote on the amnesty bill?

Mr. RANDALL. On Monday next.

Mr. BLAINE. I desire, then, to have printed an amendment in the nature of a substitute which I propose to offer to his bill.

Mr. MAGINNIS. I rise to a question of order. Has the call of States and Territories been finished?

The SPEAKER. It has not; but this matter has been going on by consent, and the Chair cannot stop it now. The gentleman from Maine [Mr. BLAINE] sends to the desk a proposition which he gives notice he will present on Monday next as an amendment to the bill of the gentleman from Pennsylvania [Mr. RANDALL] on the subject of amnesty.

Mr. RANDALL. I am willing it shall be read; but I do not now say that I will allow a vote upon it.

Mr. BLAINE. The gentleman has no assignment for his bill as yet.

Mr. RANDALL. There is a special assignment.

Mr. BLAINE. I think the gentleman is in error; but the fact of course will be determined by the Journal.

Mr. RANDALL. The Journal, I think, will show that I am right.

The Clerk read the proposed amendment of Mr. BLAINE as follows:

Be it enacted, &c., That all persons now under the disabilities imposed by the fourteenth amendment to the Constitution of the United States, with the exception of Jefferson Davis, late president of the so-called Confederate States, shall be relieved of such disabilities upon their appearing before any judge of a United States court and taking and subscribing in open court the following oath, to be duly attested and recorded, namely: I, A. B., do solemnly swear, or affirm, that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that, to the best of my knowledge and ability, I will well and faithfully discharge the duties of a citizen of the United States.

Mr. BLAINE. I ask that my proposed amendment be printed.

The SPEAKER. The Chair is informed, upon a reference to the Journal, that the point made by the gentleman from Maine [Mr. BLAINE] is correct.

Mr. RANDALL. Does not the Journal show——

The SPEAKER. The Clerk will read the entry in the Journal.

The Clerk read as follows:

By Mr. RANDALL: A bill to remove the disabilities imposed by the third section of the fourteenth article of the amendments of the Constitution of the United States; which was read a first and second time, and made a special order for Tuesday next, after the reading of the Journal.

Mr. RANDALL. The order does not contain the words "and from day to day until disposed of?"

The SPEAKER. Those words are not embraced in the order.

Mr. RANDALL. Then I give notice that I shall move to suspend the rules——

Mr. BLAINE. With a view of cutting off debate? The gentleman cannot do that on the plea that there will be objection to bringing up the bill for consideration. No one on this side will object.

Mr. RANDALL. I will move to suspend the rules to make it a special order.

Mr. BLAINE. There is no necessity for doing that.

Mr. RANDALL. I am willing to allow debate.

Mr. BLAINE. I desire to get an understanding about this matter. Does the gentleman propose to suspend the rules so as not only to make the bill a special order, but to cut off the privilege of amendment? Because, if he proposes to allow that privilege, there is no necessity for suspending the rules. Unanimous consent will undoubtedly be given that the gentleman may choose his day and make his assignment. But if the gentleman's intention is to suspend the rules with the view of cutting off debate, then possibly he may find some difficulty in getting the assignment made. If, however, he merely desires to have the bill assigned for consideration, with liberty to offer amendments, I have no doubt he will receive unanimous consent.

Mr. RANDALL. When the bill comes up, I could at once demand the previous question and cut off amendment.

Mr. BLAINE. If the gentleman's design be to preclude any opportunity for amendment, he may meet with some difficulty, unless I mistake the temper of the House. By unanimous consent he may have the bill made a special order, provided liberty of discussion and amendment be permitted; but if he undertakes to cut that off he will require a suspension of the rules, for which, of course, a two-thirds vote will be necessary. If the gentleman chooses to raise that issue, then I think he will block his bill at the very threshold.

Mr. RANDALL. Well, sir, the responsibility for that will not be with me, but with you.

Mr. BLAINE. Of course; and that is a responsibility which we are quite willing to assume.

Mr. RANDALL. If that side of the House does not want to grant amnesty, I cannot help it.

Mr. BLAINE. Then I understand, Mr. Speaker, the gentleman will ask a suspension of the rules with the intention that there shall be neither debate nor amendment.

Mr. RANDALL. The gentleman has no right to undertake to state my intentions further than I may choose to disclose them.

Mr. BLAINE. Of course the gentleman can get unanimous consent to have the bill made a special order, with opportunity for discussion and amendment; and, therefore, if that is the purpose, there is no necessity for a suspension of the rules.

Mr. COX. I demand the regular order of business.

Mr. RANDALL. I am quite willing to have the discussion go on, and to meet the gentleman from Maine.

Mr. HOLMAN. I demand the regular order of business.

The SPEAKER. The regular order of business is the motion of the gentleman from Illinois, that by unanimous consent a session be held on Saturday next, as in Committee of the Whole on the state of the Union, for debate only, no business whatever to be transacted.

Mr. BAKER, of Indiana. I object.

Subsequently Mr. BAKER withdrew his objection to a session on Saturday for debate only.

The SPEAKER. The Chair again asks whether there is objection to the proposition of the gentleman from Illinois for a session on Saturday for debate only, no business whatever to be transacted?

Mr. WILLIAMS, of New York. I object.

Mr. BLAINE. I understand the amendment I propose to offer has been ordered to be printed.

The SPEAKER. Such order has not been entered.

Mr. RANDALL. I do not think there can be any objection to allowing the amendment to be printed.

The SPEAKER. The Chair hears no objection, and it will be ordered accordingly.

RECEIVERS OF NATIONAL BANKS.

Mr. COX. I wish to introduce a bill (H. R. No. 655) authorizing the appointment of receivers of national banks, and for other purposes, and to state that it has been drawn by the Comptroller of the Currency, who is alone responsible for its provisions.

The bill was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

PURCHASE OF GOLD DUST AT DENVER BRANCH MINT.

Mr. PATTERSON introduced a bill (H. R. No. 656) authorizing the purchase of gold dust and bullion at the branch mint at Denver and the payment therefor in drafts or certificates of deposit; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

COINAGE AT BRANCH MINT, DENVER.

Mr. PATTERSON also introduced a bill (H. R. No. 657) to provide for coinage at the branch mint of the United States at Denver, in the Territory of Colorado; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

PURCHASE OF THE BLACK HILLS.

Mr. KIDDER submitted the following resolution; on which he demanded the previous question:

Resolved, That the Committee on Indian Affairs be, and is hereby, requested to inquire into the expediency of opening the Black Hills, so called, or so much thereof as may be deemed necessary, for the purpose of general settlement, by purchase of the Indians who may have title thereto or otherwise, securing proper rights of way to the same through the Indian country which it may be necessary to pass over to reach them, and report at their earliest convenience by bill or otherwise.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was adopted.

Mr. BRIGHT. I move that the House do now adjourn.

Mr. HOLMAN. I trust the gentleman from Tennessee will allow the call of Territories to be concluded. The call has been completed so far with the exception of a few Territories, the Delegates from which desire to present bills for reference.

Mr. BRIGHT. I withdraw the motion to adjourn, for the purpose of allowing the call to be completed.

AMENDMENT TO COINAGE ACT OF 1873.

Mr. MAGINNIS introduced a bill (H. R. No. 658) to amend the coinage act of 1873; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT OF THE UPPER MISSOURI RIVER.

Mr. MAGINNIS also introduced a bill (H. R. No. 659) for the improvement of the Upper Missouri River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SALE OF TIMBER LANDS IN THE TERRITORIES.

Mr. MAGINNIS also introduced a bill (H. R. No. 660) for the sale of timber lands in the Territories; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

EDUCATION IN THE TERRITORIES.

Mr. MAGINNIS also introduced a bill (H. R. No. 661) to promote education in the several Territories; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

IMPROVEMENT OF YELLOWSTONE RIVER.

Mr. MAGINNIS also introduced a bill (H. R. No. 662) for the survey and improvement of the Yellowstone River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PETITION OF WORKINGMEN OF THE DISTRICT.

Mr. BRIGHT. The call of States and Territories having been finished, I renew my motion that the House do now adjourn.

Mr. O'BRIEN. I ask the gentleman to yield to me a moment for a question of privilege.

Mr. BRIGHT. I yield to the gentleman.

Mr. O'BRIEN. I ask by unanimous consent an order of the House to strike out from the permanent form of the CONGRESSIONAL RECORD some five or ten pages of extraneous matter attached to the petition which I asked permission of the House yesterday to have printed, those pages of extraneous matter having been printed by mistake along with the petition.

The SPEAKER. The gentleman from Maryland asks that all of the memorial yesterday presented by him and which was ordered to be printed in the RECORD be stricken out of the RECORD, except the memorial itself. The Chair hears no objection, and it is so ordered.

Mr. BRIGHT. I yield for a moment to my colleague to introduce a bill.

IMPROVEMENT OF THE CUMBERLAND RIVER.

Mr. HOUSE introduced a bill (H. R. No. 663) to continue the improvement of the Cumberland River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CUSTOM-HOUSE AT NASHVILLE, TENNESSEE.

Mr. HOUSE also introduced a bill (H. R. No. 664) making appropriations for the purchase of additional ground for the custom-house at Nashville, Tennessee; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

Mr. TOWNSEND, of Pennsylvania. I ask the gentleman from Tennessee [Mr. BRIGHT] to yield to me for a moment.

Mr. GARFIELD. I demand the regular order.

Mr. BRIGHT. I decline to yield further.

PAPERS IN CONTESTED-ELECTION CASES.

The SPEAKER. Before the question is taken on the motion to adjourn, the Chair desires to lay before the House a very voluminous amount of matter, testimony, records, and other things pertaining to contested-election cases now pending before the House, a list of which the Clerk will read. The Chair may remark that to read at length the proper indorsements upon each of these records would probably consume an hour.

The Clerk read as follows:

J. A. Breux *vs.* C. B. Darrall, Louisiana.
W. B. Spencer *vs.* Frank Morey, Louisiana.
C. W. Buttz *vs.* E. W. M. Mackey, South Carolina.
Samuel Lee *vs.* Joseph H. Rainey, South Carolina.
Frederick G. Bromberg *vs.* Jere Haralson, Alabama.
J. T. Rapier *vs.* J. N. Williams, Alabama.
J. G. Abbott *vs.* R. S. Frost, Massachusetts.
J. J. Finley *vs.* Josiah T. Walls, Florida.
R. N. Baskin *vs.* George Q. Cannon, Utah.
E. St. Julian Cox *vs.* H. B. Strait, Minnesota.
S. S. Fenn *vs.* T. W. Bennett, Idaho.
J. H. Platt, jr., *vs.* John Goode, jr., Virginia.
Roderick Seals *vs.* John R. Lynch, Mississippi.
Thomas B. Florence *vs.* Chapman Freeman, Pennsylvania.
J. V. Le Moyne *vs.* Charles B. Farwell, Illinois.
J. G. W. Mills *vs.* Milton A. Candler, Georgia.
G. N. White *vs.* John A. Hyman, North Carolina.

Mr. HARRIS, of Virginia. The papers in those contested-election cases will go to the Committee on Elections.

The SPEAKER. Yes; and they are so referred.

CATHARINE JACKSON.

On motion of Mr. WELLS, of Missouri, by unanimous consent, leave was given to withdraw from the files of the House the papers in the case of Catharine Jackson, on which there had been no adverse report.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. ODELL until Tuesday next, on account of important business, and to Mr. WIGGINTON until next Monday, on account of personal sickness.

The motion of Mr. BRIGHT was then agreed to; and the House accordingly (at four o'clock and thirty minutes p. m.) adjourned until twelve o'clock on Monday next.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BAGBY: A petition for the establishment of a post-route from Bushnell via Pennington Point to Industry, Illinois, to the Committee on the Post-Office and Post-Roads.

By Mr. BAKER, of New York: The petition of A. Ford, G. Morse, Rice & Co., and J. A. Curtiss, for the repeal of the proprietary stamp act, to the Committee on Ways and Means.

By Mr. BANKS: The petition of 17 veteran soldiers, for an equalization of soldiers' bounty, to the Committee on Military Affairs.

Also, the petition of Seth Driggs, for relief, to the Committee on Foreign Affairs.

By Mr. BRADLEY: The petition of citizens of Wood Lake, Montcalm County, Michigan, for the repeal of the amendment to the postal laws which increased postage rates on third-class mail matter, to the Committee on the Post-Office and Post-Roads.

Also, a paper relating to a post-route from Farnville via Greenwood and Summerfield to Roscommon, Michigan, to the same committee.

By Mr. BROWN, of Kansas: The petition of soldiers in the war of the rebellion, for a change in the pension laws, to the Committee on Invalid Pensions.

Also, resolutions of Kansas Horticultural Society, relative to the Rocky Mountain locust, to the Committee on Agriculture.

Also, the petition of Samuel J. Crawford, for payment for hay furnished the United States, to the Committee on Claims.

By Mr. CANNON, of Utah: Papers relating to the claim of Leonard S. Smith, for indemnity for depredations upon his property by the Shoshone Indians in 1864, to the Committee on Indian Affairs.

By Mr. CATE: A paper relating to a post-route from Eau Claire to Rice Lake, Wisconsin, to the Committee on the Post-Office and Post-Roads.

Also, the petition of citizens of Marathon County, Wisconsin, for a post-route from Masinee to Marshfield, Wisconsin, to the same committee.

By Mr. CONGER: The petition of Alexander St. Bernard, for a pension, to the Committee on Invalid Pensions.

By Mr. CROUNSE: A paper relating to certain post-routes in the State of Nebraska, to the Committee on the Post-Office and Post-roads.

By Mr. DE BOLT: The petition of George Pendleton, late private Company C, Forty-first Illinois Infantry, to the Committee on Invalid Pensions.

By Mr. FARWELL: The petition of Jotham Sewell, for relief, to the Committee on the Public Lands.

By Mr. FRANKLIN: The petition of citizens of Jackson County, Missouri, for the repeal of section 14 of an act making appropriations for sundry civil expenses of the Government for 1871, to the same committee.

By Mr. GARFIELD: Papers relating to the claim of William Wheeler Hubbell, for compensation for use of his explosive-shell and fuse patents by the United States authorities, to the Committee on Naval Affairs.

By Mr. HANCOCK: The petition of A. von Haacke, for relief, to the Committee on War Claims.

By Mr. HARRIS, of Georgia: A paper relating to the establishment of a post-route from Woodberry, via Jenkensville, Jordan's Store, and Old Union, to Barnesville, in the State of Georgia, to the Committee on the Post-Office and Post-Roads.

By Mr. HARRIS, of Massachusetts: Papers relating to the claim of Norman Wiard, for work and labor done, materials furnished and supplied to, and for damages and losses sustained by breaches of contracts with, and on the part of, the United States, during the war and hitherto, to the Committee on War Claims.

By Mr. HAYMOND: Papers relating to the granting of a pension to Harrison Mitchell, to the Committee on Invalid Pensions.

By Mr. HENDEE: The petition of Alger J. Baldwin, Company D, Fifth Vermont Volunteers, for restoration to the invalid pension-rolls, to the same committee.

By Mr. HILL: Papers relating to the claim of Rosetta Rachel Wyatt, for compensation for supplies, &c., taken by United States, to the Committee on War Claims.

By Mr. HOLMAN: Paper relating to the claims of Joseph Anderson, for compensation for supplies, &c., taken by United States, to the same committee.

By Mr. HUBBELL: The petition of John M. Whitmore, George Bailey, and 32 other citizens of Cedar Run, Grand Traverse County, Michigan, for the repeal of the amendment to the postal laws which increased postage rates on third-class mail matter, to the Committee on the Post-Office and Post-Roads.

Also, the petition of John E. Fisher, Willard Heath, and 25 other citizens of Salanon County, Michigan, of similar import, to the same committee.

By Mr. HUNTON; Papers relating to the claim of Amelia H. Richards, administratrix of Felix Richards, for compensation for property used by the United States, to the Committee on War Claims.

By Mr. HYMAN: The petition of the heirs of Benjamin Moore, for relief, in consideration of certain valuable inventions and improvements said to have been made by him in the manufacture of small-arms at Harper's Ferry armory, to the Committee on Military Affairs.

Also, papers relating to the claim of Roger A. Francis, for damages for violation of contract by the Quartermaster's Department for five hundred thousand yards of cloth, to the Committee on War Claims.

By Mr. JONES, of Kentucky: The petition of Joseph Wilson, for relief on account of his loss of ninety mules after they had been tendered to the United States under contract, to the same committee.

By Mr. LANE: The petition of D. L. Watson and 700 citizens of Southern Oregon, praying for the improvement of Coos Bay Harbor, in Coos County, Oregon, to the Committee on Commerce.

By Mr. LORD: The petition of J. A. Sherman and others, for the repeal of the check stamp tax, to the Committee on Ways and Means.

By Mr. McCRARY: The memorial of Asa Reynolds, asking payment in full on a contract to furnish oats to the United States Quartermaster's Department, to the Committee on War Claims.

Also, the memorial of Sweet & Allen, asking to be paid interest on moneys alleged to have been wrongfully withheld from them by United States authorities, to the same committee.

Also, the petition of Mary Desbrow, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. MacDOUGALL: Resolutions from the Grand Army of the

Republic of the department of New York, signed by John Palmer, department commander, and William H. Terrell, assistant adjutant-general, relating to a modification of the pension laws, so that the time to make original application may be extended to July 1, 1877, to the Committee on Invalid Pensions.

By Mr. MOREY: Papers relating to the petition of Gains Lawson, late a captain in the Fourth Tennessee Infantry, for relief, to the Committee on Military Affairs.

By Mr. NASH: The petition of Frances C. Elliott, widow of Commodore Jesse D. Elliott, United States Navy, for restoration of pension at the rate of $50 per month from September 4, 1869, to the Committee on Invalid Pensions.

Also, the memorial and other papers in the matter of the claims of Edmund Wolf and others, citizens of Pennsylvania, for damages for destruction of their property by fire by order of Major-General Couch, of the United States Army, to the Committee on War Claims.

By Mr. NORTON: The petition of Mrs. Josephine C. Owen and 52 others, for the relief of Josephine C. Owen, postmaster at Randolph, New York, to the Committee on the Post-Office and Post-Roads.

By Mr. PAGE: The petition of Major Junius T. Turner, for relief, to the Committee on War Claims.

By Mr. PATTERSON: A memorial from R. Q. Tenny and 600 other Patrons of Husbandry in Colorado, asking that Congress perfect the title of railroads to lands in Colorado granted to them by Congress, and to render all such lands subject to taxation as other property, to the Committee on Railways and Canals.

By Mr. PHELPS: The petition of heirs of S. S. Hartshorn, for the extension of letters-patent, to the Committee on Patents.

By Mr. PHILIPS, of Missouri: The petition of Joseph Diehl, for relief, to the Committee on War Claims.

Also, papers relating to the claim of Messrs. Sharp and Shaw, for compensation on account of alleged depredations by Cheyenne Indians and for damages resulting from said depredations, to the Committee on Indian Affairs.

Also, papers relating to the claim of Albert D. Pierce, for compensation on account of alleged depredations by Cheyenne and Arapahoe Indians January 12, 1869, to the same committee.

By Mr. PHILLIPS, of Kansas: Papers relating to the claim of the heirs of W. M. Chenault, of Carthage, Missouri, for property alleged to have been taken by the United States, to the Committee on War Claims.

By Mr. PIERCE: The petition of Turner Merritt, for pay for supplies, &c., taken by the United States, to the same committee.

Also, papers relating to the claim of Miss Annie Watson, for pay as nurse, to the same committee.

Also, the petition of H. A. Brown, late special agent of the United States Treasury Department, for an investigation in relation to alleged frauds in the payment of duties on imported merchandise, to the Committee on Ways and Means.

By Mr. PLATT: The petition of Edwin Weller and other citizens of New York, for a repeal of the check-stamp tax, to the same committee.

By Mr. RAINEY: The petition of W. S. McComb, for compensation for rent of buildings, to the Committee on War Claims.

Also, the petition of N. H. Guyton, to have claims Nos. 20242 and 17323 re-examined, to the same committee.

Also, papers relating to the claim of John W. Watson, for services on board United States light-ship at Brant Island Shoal, North Carolina, to the Committee on Claims.

Also, papers relating to the petition of Thomas Christian and Z. De Bow, to bring suit in the Court of Claims for compensation for the use of their improved wagon-brake by the United States, to the same committee.

By Mr. RANDALL: The papers relating to the claim of Henry L. Clok, for compensation for services as veterinary surgeon and for medicines furnished United States cavalry forces, to the Committee on War Claims.

Also, the petition of John Stainthorpe, for extension of patent-right, to the Committee on Patents.

By Mr. REA: The petition of residents of the northeast corner of Nemaha County, Nebraska, to be attached to the State of Missouri, to the Committee on the Public Lands.

By Mr. SAYLER: Papers relating to the claim of William Fletcher for compensation for loss of steamer Delta, to the Committee on War Claims.

By Mr. SLEMONS: A paper relating to the establishment of a post-road from Rocky Comfort to Texarkana, Arkansas, to the Committee on the Post-Office and Post-Roads.

By Mr. STARKWEATHER: The petition of Charles Osgood & Co. and others of Harwick, Connecticut, for the repeal of the proprietary-stamp tax, to the Committee on Ways and Means.

Also, the petition of Charles P. Williams and others, of Stonington, Connecticut, for the establishment of a signal station on Block Island, to be connected with the main shore by a telegraphic cable, to the Committee on Commerce.

By Mr. STEVENSON: The papers relating to the claim of Joseph W. Parish & Co., arising from the annulment of their contract with the United States for the delivery of ice to the Department of the Gulf during the year 1864, to the Committee on War Claims.

By Mr. TERRY: A paper relating to the establishment of a post-route from Liberty Hill to the mouth of the Indian, in the county of Tazewell, Virginia, to the Committee on the Post-Office and Post-Roads.

By Mr. THORNBURGH: The petition of Captain James A. Doughty, for pay for services as a colonel of cavalry, to the Committee on Military Affairs.

By Mr. THROCKMORTON: The petition of J. D. Boyd, for the payment to him of $2,600, with interest thereon from April 14, 1836, for loss sustained by the invasion of the Mexican army into the State of Texas, to the Committee on War Claims.

By Mr. WALDRON: The petition of William Dalton, W. W. Bruce, and 200 others, bankers and business men of Adrian, Michigan, for the repeal of the stamp tax on bank-checks, to the Committee on Ways and Means.

By Mr. WALLS: Papers in the case of Captain C. B. Wilder, superintendent of negro affairs in the Department of Virginia for 1863 and 1864, for the re-imbursement of moneys advanced to freedmen, to the Committee on Claims.

Also, papers relating to the petition of Dickson Shinault for relief, to the same committee.

Also, papers relating to the claim of John N. Reed, to the same committee.

By Mr. WARREN: The petition of Hovey & Co. and other citizens of Massachusetts, for the repeal of the amendment to the postal laws which increased postage rates on third-class mail matter, to the Committee on the Post-Office and Post-Roads.

By Mr. WELLS: The petition of M. A. Thompson, for compensation for supplies, &c., taken by the United States, to the Committee on War Claims.

Also, the petition of Josiah N. Walton, for permission to have his claim for supplies, &c., taken by the United States reconsidered by the commissioners of claims, to the same committee.

Also, the petitions of G. E. Wilder, Robert Murray, Mrs. Anna C. Donalson, R. O. Woodson, Angelina Floyd, G. W. West, administrator, and Mrs. Sarah West, administratrix of the estate of Ezekiel West, deceased, Mrs. Julia Quinn, Patrick McDermot, Mrs. Eliza Cox, W. V. Potts, guardian, &c., W. W. Clayton, Cyrus McEwen, Elisha R. Johnson, Mrs. Ellen D. Lea, Nathan Quick, Patrick Madden, Preston Chavis, John Russell, Lewellen Price, John C. Julian, Aaron Royston, Thede Nelms, and E. P. Ward, of similar import, to the same committee.

By Mr. WHITTHORNE: The petition of J. B. Stacy, for compensation for the use, &c., of his property by United States, to the same committee.

By Mr. WILLIAMS, of New York: Papers relating to the claim of workmen for labor done on Poverty Island light-house, Lake Michigan, to the Committee on Claims.

Also, papers relating to the pension of Chancy J. Poore, to the Committee on Invalid Pensions.

Also, papers relating to the application for relief of A. E. Calkins, late second lieutenant Eighth Michigan Cavalry, to the Committee on Military Affairs.

By Mr. WOOD, of Pennsylvania: The petition of citizens of Montgomery County, for the granting of aid by Congress to the Southern Pacific Railroad, provided the iron to be used is purchased from American manufacturers, to the Committee on the Pacific Railroad.

By Mr. ———: The petition of T. L. Norval and other citizens of Nebraska, asking that terms of the United States circuit and district courts may be held annually at Lincoln, Nebraska, to the Committee on the Judiciary.

IN SENATE.

FRIDAY, *January* 7, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. KELLY presented the petition of O. S. Savage, C. N. Thornbury, and other citizens of Oregon, praying that an appropriation be made to construct a canal at the Cascades of the Columbia River in that State; which was referred to the Committee on Commerce.

Mr. EATON presented the petition of Ezra G. Cone, of East Hampton, Connecticut, praying the extension of his patent for a new and useful design for a sleigh-bell; which was referred to the Committee on Patents.

Mr. CLAYTON. I present certain papers bearing upon the case of the representatives of William K. Sebastian, late a Senator from Arkansas, for whose relief there is a bill now pending before the Committee on Privileges and Elections. I move that these papers be referred to the Committee on Privileges and Elections, and, in connection with the other papers now before that committee relative to the claim, be printed.

The motion was agreed to.

Mr. INGALLS presented the petition of John Turbett, of Douglas County, Kansas, late a private in Company B, Fourth Light Artillery, United States Army, praying that he be allowed a pension; which was referred to the Committee on Pensions.

Mr. GORDON presented a copy of resolutions passed by the Grocers' Protective Association of Atlanta, Georgia, remonstrating against the restoration of the tariff on tea and coffee; which was referred to the Committee on Finance.

He also presented the petition of S. D. Lee, late lieutenant-general in the confederate army, praying the removal of his political disabilities; which was referred to the Committee on the Judiciary.

Mr. MITCHELL presented the petition of John Cummins, late collector of internal revenue of Idaho, praying to be re-imbursed certain sums paid to clerks in the office of the assessor of the district of Idaho; which was referred to the Committee on Claims.

Mr. CAMERON, of Wisconsin, presented the petition of J. R. Lyford and sundry other citizens of Prescott, Wisconsin, praying for the appointment of a commission to take testimony as to the results of the use of intoxicating liquors; which was referred to the Committee on Finance.

Mr. DORSEY presented the petition of Julia Scroggin, of Lewisburgh, Conway County, Arkansas, widow of Humphrey Scroggin, late soldier in the Georgia Volunteers, war of 1812, praying that she may be allowed a pension; which was referred to the Committee on Pensions.

He also presented the memorial of the General Assembly of the State of Arkansas, in favor of an appropriation for the improvement of the navigation of the White River; which was referred to the Select Committee on Transportation Routes to the Seaboard, and ordered to be printed,

He also presented the memorial of the General Assembly of the State of Arkansas, praying that an act be passed for the relief of the widow and heirs of the late Peter T. Crutchfield, setting forth that in 1861 Peter T. Crutchfield, then United States depositary, had certain moneys seized belonging to him, and asking that the United States district attorney at Little Rock, Arkansas, be directed to examine into the facts and make an equitable settlement under the direction of the Solicitor of the Treasury; which was referred to the Committee on Finance.

He also presented the memorial of the General Assembly of the State of Arkansas, asking the construction of national levees to reclaim the alluvial lands of the Mississippi River; which was referred to the Select Committee on the Levees of the Mississippi River, and ordered to be printed.

Mr. WINDOM. I present the memorial of the State Grange of Minnesota in convention assembled the 16th day of December, 1875, at the city of Minneapolis, stating that the farming interests of Minnesota have added to the wealth and prosperity of the country by 30,000,000 bushels of wheat, 16,000,000 bushels of oats, 8,000,000 bushels of corn, 2,000,000 bushels of barley, and 1,000,000 tons of hay within the last year, and asking, in view of the burdensome charges by rail, and of the evils resulting therefrom, and of the cheapness of shipment by water, that Congress make an appropriation, at this session sufficient to complete the work now in progress on the Fox River, and also to construct an ample canal along the banks of the Wisconsin River from Portage City to Prairie du Chien, Wisconsin, in accordance with the recommendation of General Warren.

I beg to call the especial attention of the committee to this memorial, which expresses the wishes of the farmers not only of my own State, but also of the entire Northwest. State Legislatures and commercial conventions have for many years memorialized Congress for the completion of this great work of internal improvement. At the last session I had the honor to present the petition of 50,000 farmers of Iowa, Minnesota, Wisconsin, Nebraska, and other Western States, urging its speedy completion. Almost every mail this session has brought hundreds of names of petitioners praying for the same thing. I know of no public work which will, for so small an amount of money, so largely relieve the people from the burdens of transportation, and add so much to the development and wealth of the country.

I move the reference of the memorial to the Committee on Commerce.

The motion was agreed to.

Mr. CLAYTON presented the memorial of the General Assembly of the State of Arkansas, in favor of the passage of an act refunding the cotton tax; which was referred to the Committee on Finance.

He also presented the memorial of the General Assembly of the State of Arkansas, in favor of an appropriation for the improvement of the navigation in Bayou Bartholomew; which was referred to the Select Committee on Transportation Routes to the Seaboard.

Mr. WHYTE presented the memorial of the Maryland Society of the Cincinnati, praying for an equitable settlement of the claims of officers of the revolutionary army; which was referred to the Committee on Revolutionary Claims.

He also presented the petition of Francis A. Gibbons, asking to be indemnified for losses incurred by him because of the violation of a contract made on the 15th of November, 1863, between him and the United States for the delivery of 200,000 bushels of oats; which was referred to the Committee on Claims.

He also presented the memorial of D. F. Chandler, late major and brevet lieutenant-colonel United States Army, praying the removal of his political disabilities; which was referred to the Committee on the Judiciary.

Mr. CRAGIN presented the petition of Nancy True, praying to be allowed a pension on account of the services and loss of her three sons in the Army during the late war; which was referred to the Committee on Pensions.

Mr. CAMERON, of Pennsylvania, presented the petition of John Stainthorp, praying for an extension of his patent-right for an improvement in molding candles; which was referred to the Committee on Patents.

He also presented the petition of William Gibson, commander, on the retired list, praying to be restored to the active list of the Navy; which was referred to the Committee on Naval Affairs.

Mr. THURMAN presented the petition of James S. Elliott, of Ohio, late of Company H, Fourth Regiment Ohio Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the bill (S. No. 63) granting relief to Eva, Etta, Henry, and Guy Carleton, heirs of General James H. Carleton, deceased, reported it with an amendment.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the petition of Lafayette Elder, praying compensation for a wharf-boat destroyed for want of protection by the United States Government, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

Mr. CHRISTIANCY, from the Committee on Claims, to whom was referred the petition of Peasley & McClary, of Nashua, New Hampshire, praying compensation for transporting the mails and mail agent from the depot of the Worcester and Nashua Railroad to that of the Wilton Railroad, in the city of Nashua, New Hampshire, submitted a report thereon, accompanied by a bill (S. No. 191) for the relief of Peasley & McClary, of Nashua, New Hampshire.

The bill was read and passed to the second reading, and the report was ordered to be printed.

Mr. MITCHELL, from the Committee on Claims, to whom was referred the petition of Caroline M. Purviance and Francis Wyeth, praying compensation for the use and occupation as well as for the destruction of their property at Saint Joseph, Missouri, by the military authorities of the United States, submitted a report thereon, accompanied by a bill (S. No. 192) for the relief of Caroline M. Purviance and Francis Wyeth.

The bill was read and passed to the second reading, and the report was ordered to be printed.

Mr. COCKRELL, from the Committee on Claims, to whom was referred the petition of L. Madison Day, of New Orleans, Louisiana, praying to be re-imbursed for property purchased by him from the Government, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

Mr. BOOTH, from the Committee on Pensions, to whom was referred the petition of W. H. H. Crandall, praying to be allowed a pension, submitted an adverse report thereon; which was agreed to.

REFERENCE OF A BILL.

Mr. DORSEY. I move that the bill (S. No. 180) authorizing the sale and disposition of the Hot Springs reservation in the State of Arkansas, and for other purposes, introduced by me yesterday, be taken from the table and referred to the Committee on Public Lands.

The motion was agreed to.

BILLS INTRODUCED.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 193) for the relief of H. Clay Wood, major and assistant adjutant-general United States Army; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. DAVIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 194) to authorize the accounting officers of the Treasury to settle the accounts of J. J. S. Hassler, late Indian agent for the Chippewa Indians of Minnesota, on the grounds of equity and justice; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 195) granting pensions to the officers of the war with Great Britain of 1812, and those engaged in Indian wars during that period; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. ALLISON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 196) for the sale of certain Shawnee Indian lands, and to provide homes for the Black Bob and Absentee Shawnee Indians; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. KEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 197) for the relief of Charles W. Biese, late second lieutenant of the Eighty-second Regiment Illinois Volunteers; which was read twice by its title.

Mr. KEY. This bill has heretofore been before the Committee on Claims of this body and received a favorable report. It passed the Senate, but failed in the other House. I move that it be referred to the Committee on Claims and printed, and also that the original

petition and papers on file be withdrawn and referred to the same committee.

The PRESIDENT *pro tempore*. That order will be made if there be no objection. The Chair hears none.

Mr. KELLY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 198) providing for the adjudication and issue of patents in mission-land cases in the State of Oregon and the Territories of Washington, Idaho, and Montana; which was read twice by its title, referred to the Committee on Private Land Claims, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 199) for the relief of the estate of the late paymaster Major John S. Walker, United States Army; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. DORSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 200) granting a pension to Julia Scroggin, widow of Humphrey Scroggin, late soldier in Georgia Volunteers, war of 1812; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ENGLISH asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 201) to amend the laws with respect to wills, to regulate the transaction of probate business in the supreme court of the District of Columbia, and for other purposes; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. CRAGIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 202) to secure the attendance and payment of witnesses before military courts; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. CLAYTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 203) for the relief of John L. Buck, of Pine Bluff, Arkansas; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. CLAYTON, it was

Ordered, That the petition and papers in the case of J. L. Buck be taken from the files of the Senate and referred to the Committee on Military Affairs.

On motion of Mr. CRAGIN, it was

Ordered, That the petition and papers in the case of Henry S. Wetmore be taken from the files of the Senate and referred to the Committee on Naval Affairs

On motion of Mr. WADLEIGH, it was

Ordered, That the petition and papers in the case of Moses Marshall be taken from the files and referred to the Committee on Patents.

On motion of Mr. DENNIS, it was

Ordered, That S. V. L. Finley have leave to withdraw his petition and papers from the files of the Senate.

ELECTION OF PRESIDENT PRO TEMPORE.

The PRESIDENT *pro tempore*, (having called for resolutions.) The Chair understands there is nothing pending within the morning hour and no special order. What is the pleasure of the Senate?

Mr. SHERMAN. Mr. President, the Senator from Indiana [Mr. MORTON] yesterday made a report from the Committee on Privileges and Elections in regard to a matter involving an officer of the Senate, or his right to be an officer of the Senate. It seems to me the Senate ought to take some action upon the proposition submitted by that committee; and, if it is now in order, I will move that the resolution offered during the last month by the Senator from Vermont [Mr. EDMUNDS] be now taken up with a view to offer a substitute.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the resolution which he has named be taken from the table for consideration.

Mr. EDMUNDS. I have not had time to examine the report.

Mr. SHERMAN. Until the Senator from Vermont can read the report more fully, I will offer, as a substitute for his pending resolution, the proposition reported by the Committee on Privileges and Elections.

Mr. EDMUNDS. I think that this had better go over probably until to-morrow, as the report has just been laid upon our table. I dare say I shall agree to everything that the committee have reported, but I have not had an opportunity to read the report; and if it is agreeable to the Senator and the Senate, I should prefer to have it go over until Monday or to-morrow, if we sit to-morrow.

Mr. SHERMAN. I have no objection to that, but we seemed to have no business to-day, and I presumed this matter could be disposed of, as it certainly ought to be.

Mr. EDMUNDS. We have some executive business. I have not had time to look over this report.

Mr. SHERMAN. I have no objection to a postponement.

Mr. THURMAN. I hope this will go over until Monday, so as to give us an opportunity to examine the report.

Mr. EDMUNDS. There is no objection to that.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The Chair hears no objection, and the matter will lie over.

MILITARY ARRESTS IN ALASKA.

Mr. MITCHELL. On the 16th of last month I introduced a resolution calling for information simply, which was laid over for the time being. I move to take it up now.

The motion was agreed to; and the Senate proceeded to consider the following resolution:

Resolved, That the President be requested to furnish the Senate, if not incompatible with the public service, with a statement of the number of military arrests made in the Territory of Alaska during the past five years, together with the date of each, the charge on which made in each case, the names of the persons arrested, and the period and character of the imprisonment of each in that Territory before trial or surrender to the civil authorities for trial.

Mr. MITCHELL. I will state that this resolution substantially was introduced at the last session, referred to the Military Committee, and reported back favorably. I hope there will be no delay now. I see no necessity for another reference.

The PRESIDING OFFICER. The question is on the adoption of the resolution.

The resolution was agreed to.

FINANCIAL CONDITION OF THE GOVERNMENT.

Mr. DAVIS. I desire to give notice that on Wednesday morning next I will ask the indulgence of the Senate to permit me to make some remarks on the questions of the expenses of the Government, the revenue, and the public debt.

EXECUTIVE SESSION.

Mr. CONKLING. Mr. President, unless some Senator has some business to propose, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to.

COURTS IN THE INDIAN COUNTRY.

Mr. CLAYTON. Although the galleries have been cleared, I ask unanimous consent to consider the doors open for the purpose of presenting a question of reference. I desire to move a reconsideration of the vote by which the resolution introduced by me yesterday with regard to the propriety of establishing minor courts in the Indian country was referred to the Committee on the Judiciary; and if that motion prevails, I shall move to refer it to the Committee on Indian Affairs. I have consulted with the members of the Judiciary Committee, and they make no objection. I therefore move now to reconsider the vote by which that resolution was referred to the Committee on the Judiciary.

Mr. EDMUNDS. Let me suggest to the Senator that it is much easier to merely discharge the Committee on the Judiciary and refer the papers to the Committee on Indian Affairs.

Mr. ALLISON. I think that subject is now in the hands of the proper committee—the Committee on the Judiciary.

Mr. CLAYTON. I do not want to raise any discussion at this time; but the Committee on Indian Affairs have two bills before them now, which they are considering, providing for the establishment of courts in the Indian country, and I do not think it wise to divide this labor between two committees. Either those bills which the Committee on Indian Affairs now have ought to go to the Committee on the Judiciary or this matter should go to the latter committee. I think the chairman of the Judiciary Committee will readily see that it is not well to have this business divided up between two committees.

Mr. ALLISON. I quite agree to that; but it occurs to me that, if this is a matter relating to the establishment of courts, it properly belongs to the Judiciary Committee. I have no preference about it, however.

Mr. EDMUNDS. Of course, on the face of it this is purely a judicial question, or substantially so; but as the Senator from Arkansas who introduced the resolution desires it to go to the Committee on Indian Affairs, I have consulted the members of the Judiciary Committee mostly, and they have not the slightest personal objection to its taking any course which the Senator prefers, and therefore, so far as we are concerned, we assent to being discharged from the consideration of the subject and to its going to the Indian Committee or anywhere else.

The PRESIDING OFFICER. This debate proceeds by general consent, the doors being closed.

Mr. CLAYTON. I understand that the Committee on the Judiciary consents to be discharged from the further consideration of the subject. That being the case, I move that that committee be discharged from the consideration of the resolution offered by me yesterday and that it be referred to the Committee on Indian Affairs.

The motion was agreed to.

ADJOURNMENT TO MONDAY.

On motion of Mr. INGALLS, it was

Ordered, That when the Senate adjourns to day it be to meet on Monday next.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business; and after twenty minutes spent in executive session the doors were re-opened, and (at twelve o'clock and fifty-five minutes p. m.) the Senate adjourned.

IN SENATE.

MONDAY, *January* 10, 1876.

Mr. JAMES L. ALCORN, a Senator from the State of Mississippi, appeared in his seat to-day.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Friday last was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the War Department, transmitting, in compliance with law, a statement of the expenditures and operations of the Springfield armory, and the arms, components of arms, and appendages fabricated, altered, and repaired there during the fiscal year ending June 30, 1875; which was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

Mr. SARGENT. I present the petition of the State Vinicultural Society of California, signed by J. R. Snyder, as president, setting forth some very valuable facts in reference to the culture of the vine and the manufacture of brandy, and asking for certain relief.

I beg the permission of the Senate to call the attention of the Committee on Finance and of the Senate, very briefly, to one or two considerations in connection with this petition. In France the amount of wine produced annually is 1,500,000,000 gallons, which is valued at $300,000,000. It employs annually 5,000,000 happy, prosperous people, and it is stated that two vintages of the grape in France paid off the enormous demand which was made by Germany upon France upon the conclusion of the late war, which was $1,000,000,000. Now, California presents about the same area of land in its boundaries as France. One-half of it is mountain land, well adapted to the culture of the grape, and only fit for that. There are at the present time 30,000,000 vines in California. There is very little general sale of California wines, for the reason that those same wines sent to New York, or even making a voyage to Europe and there "cut" with an inferior German or French wine with a foreign label put upon them, have a charge of 400 per cent. over the cost in California at which they may be furnished, and the foreign article has the preference in trade over California wine, and the prejudice in favor of foreign wines excludes the more wholesome article which is produced in California. The result is that we feed our grapes to hogs in enormous quantities, and that large areas of land lie waste which might be cultivated usefully by this industry.

The only method by which a remedy can be applied, at present, is by a relaxation of the rules with reference to the taxation of brandy. Brandy is not palatable under six years of age, and is not generally marketable under twelve years, for it does not reach its full value until that time. The Government tax levied upon it, with the interest which is paid in California, amounts to $1.80 per gallon, which is prohibitory of the production of a good article. What these memorialists particularly desire, and what is needed for the interest of this product, is, that there be a species of Government warehouse provided, or some other regulation of that kind, in which the brandy can be stored and the tax be paid to the Government at the time it goes to the market, and, if necessary, security be taken from the vineyards and the other property of the persons who manufacture the brandy. The Government pays bounties to fishermen; it makes discrimination in favor of ship-building in its tariff, and encourages domestic productions in a variety of ways. I have no objection to that policy. I only say it is fair that it should be extended to California—a State which is struggling to build up an industry that is capable of reaching the vast sum of $300,000,000 annually. I trust that this proposition will be well considered by the Finance Committee and by the Senate. I am very well aware that no bill can be originated in the Senate relating to this matter, but it is probable that some revenue bill will reach us from the House of Representatives, and at that time I shall ask to be still further heard upon the matter.

I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. SARGENT. I also ask leave to present a memorial of officers and seamen on vessels which were captured by rebel cruisers and their property destroyed, they being, during the time which was allowed to file their claims before the Alabama commission, absent in the pursuit of their avocation. They pray that the time may be extended during which such claims can be filed. The court of Alabama claims, I believe, remarked of this that it was a most meritorious class of cases, which it unquestionably is. I move the reference of the petition to the Committee on the Judiciary.

The motion was agreed to.

Mr. SARGENT. I present a petition, by request, of 22,626 women of Utah, which, on account of the magnitude of the petition and the sex from which it comes, I ask may be read at the Clerk's desk. It is not very lengthy. In presenting this petition, I beg leave to say that I do not concur in the objects of the petitioners; I do not desire to commit myself to vote for any measure carrying out their wishes; but I do believe in the right of petition, and therefore I have cheerfully complied with the request which they have made to me that this petition should reach the Senate. I ask that it may be read.

The PRESIDENT *pro tempore*. The petition will be reported if there be no objection.

The Chief Clerk read as follows:

MEMORIAL OF THE WOMEN OF UTAH TO THE CONGRESS OF THE UNITED STATES.

To the Senate and House of Representatives of the United States of America in Congress assembled:

We, your memorialists, women of Utah, prompted by a due sense of justice, and in consideration of those equal rights so long the proud boast of American citizens, hereby appeal to your honorable body, praying you to grant our petition as shall be herein specified.

We, as a people, are willing to submit to and do strictly obey the Constitution and laws of the United States, as handed down to us by the fathers of our country; and we do earnestly pray that you will repeal the anti-polygamy law of 1862, also the bill known as the Poland bill, both being special and unconstitutional measures directed against the people of Utah, holding the peace and happiness of our lives in constant jeopardy, by imperiling the safety of our husbands and fathers, by daily and hourly subjecting them to danger of arrest and imprisonment, which would deprive us not only of their society, but also of their support and protection. To you, the executives of a great and powerful nation, we appeal for protection against these cruel and oppressive measures, which have shorn our glorious Constitution of its efficacy, and us of every protection but the overruling power of God.

We ask to be relieved from the unjust and law-breaking officials forced upon us by the Government, that we may have the jurisdiction of our own courts and the selection of our own officers, as we had in the past, when our cities were free from dram-shops, gambling-dens, and houses of infamy. As mothers and sisters we earnestly appeal to you for help, that our sons and brothers may be saved from drunkenness and vice, and our daughters from the power of the seducer. Also that all laws shall be repealed that will restrict us in our religious faith, inasmuch as the Constitution emphatically says, "*Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;*" also, "*No religious test shall ever be required as a qualification to any office or public trust under the United States.*"

And, in accordance with our sacred Constitution, which was bequeathed as a protective boon by our forefathers, guaranteeing the right of conscience, we, your memorialists, do humbly pray that no bill or act shall have the sanction of your honorable body that shall in any way conflict or interfere with the belief in and practice of plural marriage as it is practiced by many of the citizens of Utah, and which most of your petitioners have adopted as a portion of their religious faith, in all sincerity believing it to be necessary not only in remedying evils and producing good in our present existence, but that without it man cannot hereafter attain to a fullness of exaltation.

We also ask that each married woman in Utah be granted the right to homestead or pre-exempt one hundred and sixty acres of land in her own name; also, that the citizens of Utah have the right to use for their own benefit the timber growing on Government land in Utah, which has been forbidden by the Government officials, to our great detriment, thereby depriving us of necessary material for building habitations and otherwise improving our homes.

And furthermore, we do most earnestly pray that Utah be admitted as a State, with all the rights and privileges guaranteed to every State in this great Republic.

That God in his mercy will so direct the legislation of your honorable body that we may promptly receive the aid we solicit at your hands, your memorialists will ever pray.

Mr. SARGENT. I move that the memorial be referred to the Committee on Territories.

The motion was agreed to.

Mr. BOUTWELL presented the petition of the Methodist Episcopal church of Lynn, Massachusetts, signed by the pastor and officers, asking for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. THURMAN. I have been requested to present several petitions from citizens of Mahoning County, in the State of Ohio, praying Congress to repeal the resumption act, and also to enact a law providing (as soon as practicable) for the retirement of the national-bank notes, substituting therefor the legal-tender notes of the United States; also, for an enactment that the Treasurer of the United States be directed to prepare a bond, bearing interest at the rate of 3.65 per cent., payable semi-annually, convertible at the option of the holder into legal-tender notes of the United States, principal and interest payable in currency, and running such length of time as in your judgment may seem best, the proceeds from the sale of said bonds to be applied, first, to the redemption of our 6 per cent., and, second, to the redemption of our 5 per cent. gold-bearing bonds.

In accordance with the request of the signers, I present these petitions, and I move their reference to the Committee on Finance.

The motion was agreed to.

Mr. CAMERON, of Pennsylvania, presented the petition of John T. Pickett and Joseph J. Stewart, on behalf of the French spoliation claimants, praying the return from France of evidence of the losses sustained by American citizens through the illegal capturing of their vessels and cargoes by the French between 1792 and July 31, 1801, which evidence was sent to France by the United States; which was referred to the Committee on Foreign Relations.

He also presented the memorial of the San Francisco Land Association, of Philadelphia, praying that certain records of grants of land in the mission of Dolores, in and near the city of San Francisco, California, may be admitted, and that a bill may be passed for their relief granting to them indemnity for the lands contained in the Santillan grant, and which were wrested from them by a decree of the Supreme Court of the United States; which was referred to the Committee on Private Land Claims.

Mr. CAMERON, of Wisconsin, presented the petition of G. Van Steenwyk and numerous other citizens of La Crosse, Wisconsin, praying for the repeal of the act imposing a two-cent stamp tax on bank-checks; which was referred to the Committee on Finance.

Mr. DORSEY presented the memorial of the Legislature of Arkansas, in favor of the appointment of a competent corps of engineers to

make a topographical survey of the Upper Arkansas River; which was referred to the Select Committee on Transportation Routes to the Seaboard.

He also presented the memorial of the Legislature of Arkansas, in favor of an act donating unsold public land in that State for educational purposes; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. CONKLING. I present the memorial of Leicester A. Sawyer, a citizen of the State of New York, a man of learning, asking a change and reformation of the Gregorian year as now observed, and giving his reasons for it. I move the reference of the memorial to the Committee on Education and Labor.

The motion was agreed to.

Mr. CONKLING presented the petition of the Greenwood Baptist church of Brooklyn, New York, signed by the appropriate officers, asking for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

He also presented the petition of Daniel G. Fort, in behalf of the widow of the late David Richie, praying that she may be allowed a pension on account of services rendered by her husband during the late war; which was referred to the Committee on Pensions.

The PRESIDENT *pro tempore* presented a joint resolution of the Legislature of Michigan, in favor of admitting gilling-twine for fishing free of duty; which was referred to the Committee on Finance.

He also presented a joint resolution of the Legislature of Michigan, in favor of an appropriation for the survey of the Michigan ship-canal from the mouth of the Kalamazoo River, on the eastern shore of Lake Michigan, to the mouth of the River Raisin, on Lake Erie; which was referred to the Committee on Commerce.

He also presented the petition of James R. Odell and 86 others, citizens of Newaygo County, Michigan, the petition of H. J. Leonard and 120 others, citizens of Belding, Ionia County, Michigan, and the petition of H. B. Bennett and 40 others, citizens of Michigan, asking Congress to give a bounty of $200 in money to each Union soldier and sailor in lieu of homestead donation without actual settlement; which was referred to the Committee on Military Affairs.

Mr. INGALLS presented an additional petition of Ann Atkinson, widow of the late Hopeful Toler, a soldier of the war of 1812, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. CLAYTON. I move that the memorial of the Choctaw Nation of Indians, asking for the settlement of its claims, presented by myself on last Thursday, be printed.

The motion was agreed to.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 282) to declare the road leading from Concordia, Kentucky, to Mooleyville, Kentucky, a post-road; and

A bill (H. R. No. 283) to change the name of the steamboat Tom Jasper, of Saint Louis, Missouri.

REPORTS OF COMMITTEES.

Mr. EDMUNDS, from the Committee on the Judiciary, to whom was referred the petition of George S. Hawkins, of Jackson County, Florida, praying for the removal of his political disabilities, incurred by reason of his participation in the rebellion, reported a bill (S. No. 204) to remove the political disabilities of George S. Hawkins, of Florida; which was read and passed to the second reading.

Mr. HAMILTON, from the Committee on Pensions, to whom was referred the bill (S. No. 44) granting a pension to Jacob Nix, reported adversely thereon, and the bill was postponed indefinitely.

JOINT RULES OF THE TWO HOUSES.

Mr. HAMLIN. I am directed by the Committee on Rules to report back the resolution introduced by the Senator from Vermont [Mr. EDMUNDS] to adopt the joint rules of the two Houses in force at the last session of Congress, with an amendment. It may be as well perhaps to consider it at this time, if there be no objection.

The PRESIDENT *pro tempore.* The Chair hears none, and the resolution, with the amendment, will be reported.

The CHIEF CLERK. The resolution as originally introduced was as follows:

Resolved, That the joint rules of the Senate and House of Representatives in force at the close of the last session of Congress be, and the same are hereby, adopted as the joint rules of the two Houses for the present session.

The committee propose to amend the resolution by inserting after the word "*Resolved*" the words:

By the Senate, (the House of Representatives concurring.)

Mr. MORTON. If it is in order, I move to amend by striking out the twenty-second joint rule.

Mr. HAMLIN. That will be in order after the Senate shall have acted on the amendment proposed by the committee.

The PRESIDENT *pro tempore.* The amendment proposed by the committee has precedence. The question is on the amendment of the committee making this a concurrent resolution instead of a Senate resolution.

The amendment was agreed to.

Mr. HAMLIN. Mr. President, from what is said to me by Senators around me, I apprehend that the scope of the resolution and the subject to which it relates may not be familiar to all the Senate. I will state very briefly what the resolution is. It is a novel proposition. It is such a one as I have never before known in the Senate. I have made some investigation in relation to the matter, and I do not find that from the commencement of the Government to the present time the attention of the Senate has ever been called to the precise point which the resolution raises and brings before us.

The Senate has its rules. The Senate is an existing body, and its rules exist with the body. The House of Representatives is a body which expires once in two years, and its rules expire, of course, with each expiring Congress. We have besides what we call the joint rules for the arrangement of business between the two Houses—rules that have been concurrently agreed upon by both the House and the Senate; and I think that from the commencement of the Government to the present time—certainly within my recollection—there has been no instance when the Senate or the House has been asked to act at the commencement of any session of Congress upon the joint rules. Occasionally new joint rules are proposed and agreed to; amendments are suggested and agreed to. But what is the condition of things? The House, in its constitutional limit, expires, and with it its joint rules must expire; and if they expire upon the part of the House, they must necessarily expire upon the part of the Senate; and it is only by acquiescence in long years that they have been treated and regarded as rules, and not by an affirmative vote either of the House or of the Senate.

But the Senator from Vermont now brings the matter to the notice of the Senate, and on looking at it carefully, and critically, and in a legal point of view, the committee are unanimously of opinion that the point which he has suggested is one which the Senate certainly should take notice of, at least when it is brought to its attention. To illustrate its necessity, some action of the body is desired under a joint rule to-day, and the Senator rises in his place and interposes an objection that there is no joint rule existing to-day between the House and the Senate to which either the Senate or the present House has agreed, and it would seem to me that in a parliamentary sense that objection would be well taken. True, we may acquiesce in the adoption of such rules as the House may adopt; they may adopt these several rules; but I suggest that in their action this year they have not done so, and I think in the ruling of the Speaker of the House in a very few words he has placed the matter so clear and so plain that no man can misunderstand it. I call the attention of the Senate to what took place in the other House in relation to adopting rules at the commencement of the session. A member from Pennsylvania [Mr. RANDALL] submitted the following resolution:

Resolved, That the rules of the House of Representatives of the Forty-third Congress shall be the rules of the House of Representatives until otherwise ordered, excepting Rule 166 and Rule 167.

I will state that the first of those rules is one in relation to suspending the rules of the House, with which we have nothing to do; and the other is in relation to dilatory motions, and that was a rule of the House with which the Senate have nothing to do. The same gentleman [Mr. RANDALL] also submitted another resolution—there were two of them—authorizing the Speaker of the House to appoint four Representatives, the Speaker himself to be the fifth member, who should constitute a Committee on Rules in that body. A gentleman from Ohio [Mr. GARFIELD] raised a question of order, that there was no necessity for adopting the rules of the House. He did not state why, but he said:

I rise to a point of order. I object to the resolution under the existing rules; which are our rules without declaration of this sort.

I inferred instantly that they had adopted previously some general rule to extend the rules of the House from one Congress to another; and on looking I find that precisely that thing was done, and that was exactly what Mr. GARFIELD meant.

Mr. MORTON. Will the Senator state that point again?

Mr. HAMLIN. The gentleman from Ohio raised the question of order that the resolution submitted by the gentleman from Pennsylvania, Mr. RANDALL, was not necessary, inasmuch as "the existing rules are our rules without declaration of this sort." Why did Mr. GARFIELD say so? He used no explanatory language; I have read all he said; but on referring to the records of the House we find that in 1869 the House did adopt a resolution declaring that the rules should be the rules of that House and of succeeding Houses until otherwise ordered. That was the question raised, and now I will read the ruling of the Speaker upon it, so clear, so plain, that it seems to me there can be no doubt about it:

The Chair overrules it, on the ground that the Constitution clearly gives to each House the right to adopt its own rules. Whatever may have been the rules or orders of a preceding House in reference to this matter, they cannot supersede the constitutional right of this House to adopt its own rules.

Upon that the resolutions were unanimously agreed to in the House, and the rules of the House were agreed to; but there is no suggestion in that resolution that they shall apply to or that they are meant to apply to the joint rules; and I repeat again that the joint rules of the two Houses have never been adopted at the commencement of any Congress; at least I have been able to find no such case; but they have been operative only by acquiescence.

That being the case, and the Senator from Vermont presenting the resolution to the Senate recommending the agreement of the Senate to the joint rules as they stand, the committee were of opinion that if there were a necessity that the Senate should at this session agree to joint rules there was an equal necessity that the House should also agree to them, and therefore we recommend the amendment of the resolution by making it a concurrent resolution.

My friend from New York [Mr. CONKLING] inquires of me if the committee gave any attention to the twenty-second joint rule. It was a matter of consideration by the committee, but we did not regard it as embraced within the scope of the resolution committed to us to make any suggestion upon it. That is a matter for the consideration of the Senate, and the Senator from Indiana [Mr. MORTON] has already submitted a motion to exclude that joint rule. If the Senate shall agree to that amendment, the Senate then will have agreed to the joint rules as they stand, except the twenty-second joint rule.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Indiana, [Mr. MORTON,] excepting the twenty-second joint rule.

Mr. CONKLING. Let it be read.

The CHIEF CLERK. After the word "Congress" in the fourth line, it is proposed to insert "excepting the twenty-second joint rule;" so as to make the resolution read:

Resolved by the Senate, (the House of Representatives concurring.) That the joint rules of the Senate and House of Representatives in force at the close of the last session of Congress, excepting the twenty-second joint rule, be, and the same are hereby, adopted as the joint rules of the two Houses for the present session.

Mr. THURMAN. Mr. President——

Mr. SARGENT. I should like to suggest to the Senator from Ohio that, if this is likely to lead to debate, it might be well to proceed with the regular morning business first or let the resolution go over until to-morrow.

Mr. THURMAN. I rose for the purpose of asking that it might go over. It will be recollected that when a bill on the subject of this twenty-second joint rule, in regard to the counting of the votes for President and Vice-President, was introduced by the Senator from Indiana, [Mr. MORTON,] it gave rise to quite an exciting debate, but no action was taken upon it.

Mr. MORTON. It passed the Senate.

Mr. THURMAN. But it did not pass the House.

Mr. MORTON. No.

Mr. THURMAN. The Senator from Delaware, who is not in his seat to-day, [Mr. BAYARD,] but will be, I presume, to-morrow, took a very active part in that debate, and I am quite certain that he would wish to be here when the subject shall be considered. I therefore suggest that this business had better lie over at any rate until he returns. I imagine he will be in his seat to-morrow. I move that the further consideration of the resolution be postponed until to-morrow.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Ohio to postpone the consideration of the resolution until to-morrow.

The motion was agreed to.

BILLS INTRODUCED.

Mr. CONKLING asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 205) authorizing the Commissioner of Pensions to place upon the pension-roll the name of the widow of Captain David Ritchie; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 206) granting a pension to Catherine Ferry; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. HAMILTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 207) to secure the speedy completion of the Texas Pacific Railroad from a point at or near Marshall, county of Harrison, State of Texas, to the southeastern boundary line of the State of California, and to authorize the Southern Pacific Railroad Company to aid in building the same, and also to build a branch of its road to San Diego; which was read twice by its title, referred to the Committee on Railroads, and ordered to be printed.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 208) to restore lands conditionally granted, the conditions of which have lapsed, to the public domain; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 209) to amend and supplemental to an act creating the court of commissioners of Alabama claims, and for the disposition of certain moneys, approved June 23, 1874; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. HARVEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 210) granting a pension to Austin R. Mills; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. SHERMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 211) authorizing the appointment of receivers of national banks, and for other purposes; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 212) to provide for the issuance of patents to certain Indian lands in Kansas; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. DORSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 213) to organize the Territory of Oklahoma, and for the better protection of the Indian tribes therein, and for other purposes; which was read twice by its title, referred to the Committee on Territories, and ordered to be printed.

Mr. WEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 214) for the relief of James Rainey, Michael B. Brady, and E. G. De L'Isle; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. CAMERON, of Pennsylvania, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 215) relative to the Santillan grant, a private land claim in the State of California; which was read twice by its title, referred to the Committee on Private Land Claims, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 216) for the relief of Lieutenant James B. Sinclair, United States Army; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. CHRISTIANCY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 217) to amend an act in relation to the survey of lands granted to the Northern Pacific Railroad Company; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. SPENCER (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 218) restoring Major George P. Ihrie to the Army of the United States; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 219) for the relief of Robert Johnston, late collector of internal revenue for the third district of Alabama; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. WITHERS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 220) appropriating $100,000 for continning the improvement of James River at and below Richmond; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. WADLEIGH, it was

Ordered, That the papers relating to the petition of Luther Hall be taken from the files of the Senate and referred to the Committee on Patents.

On motion of Mr. COCKRELL, it was

Ordered, That the papers in the case of Daniel Duffy be taken from the files of the Senate and referred to the Committee on Naval Affairs.

On motion of Mr. McCREERY, it was

Ordered, That the petition and papers of J. S. Hubbard be taken from the files and referred to the Committee on Claims.

On motion of Mr. WITHERS, it was

Ordered, That the petition and papers in the case of John E. Kirwan be taken from the files and referred to the Committee on Claims.

On motion of Mr. HOWE, it was

Ordered, That Margaret B. Franks have leave to withdraw her petition and papers from the files of the Senate.

On motion of Mr. BURNSIDE, it was

Ordered, That the petition and papers in the case of Mrs. Eliza Potter be taken from the files of the Senate and referred to the Committee on Military Affairs.

On motion of Mr. CONOVER, it was

Ordered, That the petition and papers of W. S. Mitchell be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. DAWES, it was

Ordered, That the petition and papers of Frederick A. Holden be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. DAWES, it was

Ordered, That the petition and papers of E. Stillman Dix be taken from the files of the Senate and referred to the Committee on Pensions.

On motion of Mr. HAMILTON, it was

Ordered, That the petition and papers of Francis Guilbeau be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. WEST, it was

Ordered, That the petition and papers of Mrs. Z. Lambert and James Raney be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. WADLEIGH, it was

Ordered, That the petition and papers of Sarah Sutton and Sarah J. Grooms be taken from the files of the Senate and referred to the Committee on Military Affairs.

Mr. WADLEIGH submitted the following order:

Ordered, That the papers relative to the claim of Norman Wiard be taken from the files of the Senate and referred to the Committee on Military Affairs.

Mr. EDMUNDS. Have there not been a great many adverse reports about Norman Wiard in this body?

Mr. WADLEIGH. None.

Mr. EDMUNDS. I had an impression that there had been. I think that order had better lie over for inquiry.

Mr. WADLEIGH. There has been no adverse report. The matter was submitted to me at the last session, and I examined the reports that had been made, and they were all favorable so far as made.

Mr. EDMUNDS. Very well.

The PRESIDING OFFICER. The order will be made.

On motion of Mr. ENGLISH, it was

Ordered, That the petition in the case of Glover & Mather be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. ENGLISH, it was

Ordered, That the petition and papers in the case of the Houston and Trinity Railroad Company of Texas be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. BAYARD, it was

Ordered, That Samuel S. Hawkins have leave to withdraw his petition and papers from the files of the Senate.

LIBRARIAN'S REPORT.

Mr. HOWE presented the annual report of the Librarian of Congress for the year 1875; which was referred to the Committee on the Library.

Mr. HOWE submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That five hundred extra copies of the annual report of the Librarian of Congress for the year 1875 be printed, with paper covers, for distribution by the Librarian.

NEUTRALITY BETWEEN SPAIN AND CUBA.

Mr. CONOVER submitted the following concurrent resolution; which was ordered to lie on the table and be printed:

Resolved by the Senate, (the House of Representatives concurring,) That, in compliance with the will of the people, the precedents of history, the best-established principles of international law, the precepts of Christian rule and morality, and the requirements of the commercial and political interests of the United States, and taking into consideration the relations existing between the United States and Spain, and that it is desirable that the reciprocal sentiments of good understanding between the two peoples and governments should not be changed by reason of the grave events which for seven years have taken place in the island of Cuba, the President of the United States be, and he is hereby, authorized and requested to declare and maintain the strictest neutrality between the government of Spain and the people of Cuba.

And be it further resolved, That in making the declaration through the usual form of a proclamation, and in order to protect citizens of the United States and merchants and navigators in general from injury in any way for want of precise and clear regulations to govern them in this matter, the President of the United States be, and he is hereby, authorized and requested to place in full force and operation the same provisions made and enacted by the government of Her Majesty the Queen of Spain June 17, 1861, on the occasion of the outbreak of the civil war in the United States.

MONUMENTS TO DECEASED MEMBERS.

Mr. ANTHONY. I offer the following resolution, and ask for its present consideration:

Resolved, That the Committee on Public Buildings and Grounds be, and is hereby, instructed to inquire and report whether the monuments erected by order of the Senate to the memory of deceased Senators have been placed over the remains of those Senators and suitably inscribed, and also whether there are any deceased Senators not honored by the erection of monuments.

Mr. President, it was the custom long before my recollection to place over the graves of members of Congress who died in Washington and were buried in the Congressional Cemetery uniform monuments, and I believe when members of Congress have died in office, and have not been buried there, their cenotaphs have been erected. I received not long since a letter from the son of a Senator who died in office, and who was buried at the Congressional Cemetery, informing me that the monument to his father was placed at the side of the grave and was not inscribed, owing, probably, to the absence of the proper dates; and, upon inquiry of the proper officer charged with the duty of erecting the monuments and inscribing them, I could find neither the statute under which that practice had been established nor the officer who was charged with the execution of it. If the practice is to prevail, it certainly should be uniform, and I have thought it better that the Committee on Public Buildings and Grounds inquire into the whole matter.

The resolution was considered by unanimous consent, and agreed to.

OFFICE OF PRESIDENT PRO TEMPORE.

Mr. MORTON. Mr. President, it has been suggested to me by several Senators that the report of the Committee on Privileges and Elections in regard to the tenure of office of the President *pro tempore* of the Senate should properly have been accompanied by a resolution or resolutions embracing the conclusions of the committee. I now, therefore, offer the following resolutions:

Resolved, That the tenure of office of the President *pro tempore* of the Senate elected at one session does not expire at the meeting of Congress after the first recess, the Vice-President not having appeared to take the chair.

Resolved, That the death of the Vice-President does not have the effect to vacate the office of President *pro tempore* of the Senate.

Resolved, That the office of President *pro tempore* of the Senate is held at the pleasure of the Senate.

Resolved, That Hon. THOMAS W. FERRY, a Senator from Michigan, who was elected President *pro tempore* of the Senate at the last session, is now the President *pro tempore* of the Senate by virtue of said election.

Mr. CONKLING. I inquire whether those resolutions are to be printed? Is that part of the Senator's motion?

Mr. MORTON. If the Senator desires their printing, I certainly have no objection.

Mr. CONKLING. I think they had better be printed if we are ever to act upon them.

The PRESIDING OFFICER, (Mr. ALLISON in the chair.) The resolutions of the Senator from Indiana will be printed and laid on the table.

Mr. MORTON. If it is desired by the Senator from New York or anybody else that they shall go over, very well; but I would prefer to have them disposed of.

Mr. EDMUNDS. We ought to have an executive session.

Mr. MERRIMON. I inquire whether it is in order to debate the resolutions offered by the Senator from Indiana? I dissented from one feature of the report made by the Committee on Privileges and Elections, and desire to have an opportunity to express the grounds of my dissent. I am prepared to do so now, unless it is very desirable to go into executive session. I shall detain the Senate but a few minutes.

Mr. EDMUNDS. I suggest to the Senator that it will be much more convenient probably to all of us, who would like to hear the Senator, that we hear his remarks when the matter comes up to-morrow or next day for action.

Mr. MERRIMON. Very well, sir; I am content to take that course.

EXECUTIVE SESSION.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were re-opened.

NATIONAL AND STATE RIGHTS.

Mr. WHYTE. I desire to give notice that when the resolutions offered by the Senator from Indiana [Mr. MORTON] in relation to the structure of our Government shall come up for consideration I shall at the proper time present a substitute therefor, which I ask may be now read for information and printed.

The Chief Clerk read as follows:

Resolved by the Senate, (the House of Representatives concurring,) That the people of the several States, acting in their highest sovereign capacity as free and independent States, adopted the Federal Constitution and established a form of government in the nature of a confederated republic, and for the purpose of carrying into effect the objects for which it was formed delegated to that Government certain rights enumerated in said Constitution, but reserved to the States respectively, or to the people thereof, all the residuary powers not delegated to the United States by the Constitution nor prohibited by it to the States.

The resolution was ordered to be printed.

EXPENDITURES FOR CERTAIN CAPTIVE INDIANS.

Mr. INGALLS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be requested to report to the Senate what amounts have been expended under the appropriation of $300,000 for the support, education, and civilization of three thousand captive Cheyenne, Arapahoe, Kiowa, and Comanche Indians; for what purposes the money has been spent; to whom it has been paid; and whether any Indians have received the benefit of said expenditure.

OFFICE OF PRESIDENT PRO TEMPORE.

Mr. MORTON. If no Senator desires to have the resolutions which I offered a few minutes ago go over until to-morrow, I will ask the Senate to proceed to the consideration of them now. If any Senator desires a postponement, of course they will go over under the rule.

Mr. MERRIMON. What resolutions are those?

Mr. MORTON. In regard to the President *pro tempore*.

Mr. MERRIMON. I am ready to go on.

The PRESIDENT *pro tempore*. The Senator from Indiana moves to take up the resolutions which he proposed this morning.

Mr. MORTON. They are before the Senate now.

Mr. THURMAN. Does a single objection carry the resolutions over to to-morrow?

The PRESIDENT *pro tempore*. It does.

Mr. THURMAN. I think they had better go over till to-morrow.

The PRESIDENT *pro tempore*. The Senator from Ohio objects.

Mr. MORTON. Then let the resolutions be printed.

The PRESIDENT *pro tempore*. They have already been ordered to be printed.

Mr. SPENCER. I move that the Senate adjourn.

Mr. THURMAN. I made objection to the consideration of the resolutions of the Senator from Indiana, thinking they related to a wholly different subject from that which I am now informed they affect. The Senator from Indiana informs me now that the resolutions which he offered to take up were those in relation to the President *pro tempore*. I have no objection to the present consideration of that subject, and therefore I beg leave to withdraw my objection.

Mr. SPENCER. I withdraw the motion to adjourn. I thought there was no business.

The PRESIDENT *pro tempore*. There being no objection, the resolutions of the Senator from Indiana are before the Senate, and will be read.

The Chief Clerk read the resolutions.

Mr. MERRIMON. Mr. President, I entertain the opinion that when the Senate elects a President *pro tempore*, the Senator so elected may

rightfully continue to hold his office, unless his term as Senator shall sooner terminate or he shall be removed for cause, until the Vice-President shall return to preside over the Senate, and in case he shall fail to so return because of death or other cause, then until a new Vice-President shall be elected and qualified; and I ask the indulgence of the Senate while I state briefly the reasons that have brought me to this conclusion.

The Senate is a perpetual body; it is created, its powers are conferred, defined, and limited by the Constitution. The general laws of parliamentary bodies are applicable to it only so far as the same are not modified by and not inconsistent with the Constitution. It cannot rightfully exercise powers not so conferred; it is not a body possessed of arbitrary powers; it must be governed in all things by the spirit of the Constitution. That it has the physical power to remove at will the President *pro tempore* I do not deny, because there is no tribunal to review its action, but whether it has the right without reasonable cause to make such removal may well be questioned; indeed, I cannot suppose there could exist any disposition to exercise such arbitrary power. It therefore appears that the Senate is thus governed by the Constitution.

The Vice-President is President of the Senate and he is beyond the control of that body, because the Constitution makes him so. It provides in terms no less definite and no less binding another officer to supply his place in his absence. The clause containing that provision is in these words:

> The Senate shall choose their other officers, and also a President *pro tempore* in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

This clause is mandatory; the Senate must choose its officers, other than its president, and a President *pro tempore* as well and as surely as any other, when the contingency requiring one shall arise. This officer is not at the option of the Senate; he is essential, as absolutely so as any other known to our system of government. If the Vice-President shall be absent, the Senate cannot proceed lawfully with business for one hour without this officer, and plainly because the Constitution commands that in that case such officer shall be elected. The Senate may determine what other officers it will have, but this officer it must have; he is designated. He may be not improperly styled an officer provided by the Constitution.

What, then, is the term of his office? The words "shall choose * * * also a President *pro tempore*" plainly and necessarily imply for during the time of the absence of the Vice-President from the Senate for any cause. The term or phrase *pro tempore*, has a very general meaning. It implies, generally, for the time, the occasion, the exigency; as if the president of the national convention of one of our political parties should be temporarily absent, in that case, by the general law of parliamentary bodies, a temporary presiding officer would be appointed or elected to supply his place during such absence. Such officer would be styled president or presiding officer *pro tempore*, and he would continue to preside until the return of the regular president, and an adjournment to a day certain would not displace him unless he should be removed. The time of the absence of the president in that case is the time, the occasion, the exigency, to be supplied. This rule, as thus stated, applies to all deliberative bodies governed by general parliamentary law. But the special meaning of the term *pro tempore* must be ascertained by its use in a particular case, and so in the case now under consideration.

The Senate is required to have always a presiding officer, and the Constitution provides that "in the absence of the Vice-President, or when he shall exercise the office of President of the United States," the Senate shall make one which is designated by name as President *pro tempore*—that is, for the time of such absence. To say that the power conferred to appoint *pro tempore*, may be for one sitting of the Senate, for one hour, a day, a month, a session, or at the will of the Senate, does not meet the case provided for: the purpose is to supply a certain, fixed presiding officer for the time the regular officer shall be absent, whether that be long or short. He may be absent for a day, for a whole session, or for his whole term of office, and that absence is the measure of time to be supplied by the President *pro tempore*. The term of such an officer could not be fixed by more definite terms; no other words could describe or fix his term more aptly; it is as certain as if it had provided for a year or four years, and nothing is left to discretion. If this view is not correct, then what is the true measure of time? And who shall determine it? If it is said the Senate, then whence the power? The power is expressly given to elect and the term is fixed as definitely as language can make it: no power is given to limit the term, either in words or by necessary implication. To say that the Senate can determine the term of office thus fixed by the Constitution, and that without cause, is shocking to the legal mind! If the office were one created by the Senate, then it may fix the term and determine it; but that is not the case: here the office is fixed, designated, and the term limited by the Constitution itself.

The President *pro tempore* is an officer in the sense of the Constitution; he is, in the Senate, in the place of the Vice-President. He exercises the same power. He is clothed with important powers; grave duties devolve upon him, and he enjoys privileges which necessarily imply duration; he is amenable to the Senate for the just and proper exercise of these powers, and great responsibility attaches to him as such officer. The Constitution makes him an officer in the full sense of that term: in point of time, power, opportunity, privilege, and, indeed, in every respect pertinent and lawful. He is not a mere occupant of the chair by the courtesy or will of the Senate; he is more than that; he presides not by courtesy, but by right; he exercises high powers, not by the toleration of a majority, but by the sanction of the Constitution; his official character is recognized by the other branch of Congress, by the Executive and Judicial Departments of the Government, and his official acts are good to all intents and purposes whenever or wherever called in question.

The framers of the Constitution well understood that by the general parliamentary law, the Senate could make a temporary presiding officer, who would be subject to its will and pleasure. Then the significant question presents itself, why the provision in question? Was it mere surplusage—only in affirmance of the general parliamentary law? By no rule of construction can it be so construed, if it can have another reasonable meaning; indeed, a purpose and different meaning must be assigned, if this can reasonably be done. Can this be done? It is manifest that it can. The plain purpose was to provide a different officer from the one allowed by the general parliamentary law: one not at the will and pleasure of the Senate, but one like the Vice-President, beyond its arbitrary control, one free and independent, one not subject to the whim of the hour, or the caprice and changing intrigues of political parties. The manifest object was to provide an officer as nearly independent as might be. The same conservative spirit that dictated the nature, character, form, and independence of the Senate suggested the wisdom of making the presiding officer of that body as free and independent as possible. It was deemed unwise to make an officer so dignified and important the mere tool of a party or a majority, by making him subject to their will and pleasure. This view makes the provision of the Constitution in question operative, and answers a wholesome, indeed, a necessary, purpose, in view of the nature and purposes of the Senate. Any other makes it nonsensical and nugatory.

One or two supposed and not impossible cases will serve to illustrate how reasonable and very appropriate is such an officer in the view just submitted. Suppose the party majority here were two; that three of that majority should die, how would it comport with the dignity of this body, its character, its nature, and its purposes, and our system of government, for the minority, thus turned into a majority, at once and without cause to turn out the President *pro tempore* and put in one to suit their will and pleasure? Again, suppose in the faithful discharge of duty, the President *pro tempore* should feel constrained to make a ruling distasteful to the majority, how would it appear to see him turned out of office by the arbitrary will of a furious majority? A President *pro tempore* thus at the will and pleasure of a party or factious majority would have a high temptation to prostitute his office to base and ignoble purposes. The object was to place him above temptation by placing him above the general parliamentary rule, by making him an officer of the Constitution with a fixed term. The purpose of the Constitution is not to subserve the ends and purposes of parties and party intrigues or an occasion, but to secure wholesome government for the benefit of the whole people.

The objection to this view, that the Senate, like other parliamentary bodies, ought to have absolute control of its presiding officer, weighs little or nothing, because the Constitution has placed the Vice-President, the President of the Senate, beyond its control. In this there is a manifest purpose to depart from the general parliamentary law, and I have endeavored to show that this purpose was kept up and further secured, by providing a presiding officer *pro tempore*. This provision is in aid of a fixed policy to place the presiding officer of this body beyond factious or partisan control. And this is both reasonable and wise.

It may be asked, What would be the condition of the Senate if both the President and the President *pro tempore* should be absent? I submit, in reply, that it was supposed by the framers of the Constitution that the provision made was sufficient for all practical purposes, and so a long experience has proved it to be. If such a case should arise, then the general law would necessarily apply, and the Senate could appoint an occasional presiding officer, who would vacate the chair on the return of either of the regular ones.

One such case, and I believe only one, did happen. In that case, on the return of the President *pro tempore*, the occasional officer vacated the chair and the Senate re-elected the President *pro tempore*; but there was no necessity to do so. This must have been done out of abundant caution. The matter was not questioned or debated, and, like all such precedents, passes for very little.

Mr. Jefferson says in his Manual that—

> In the Senate, a President *pro tempore* in the absence of the Vice-President is proposed and chosen by ballot. His office is *understood*—

I emphasize that word—

> to be determined on the Vice-President's appearing and taking the chair, or at the meeting of the Senate after the first recess.

It will be observed that this is only a note, and can scarcely be regarded as expressing his own opinion, for he says it is "*understood*," &c. It is known that he wrote his Manual between 1797 and 1800, and prior to that time in two instances, the President *pro tempore* at the last session was present at the beginning of the next succeeding session and in the then absence of the Vice-President he did not take the chair, but a new President *pro tempore* was then elected. The note of Mr. Jefferson is, it seems, based upon these precedents. There were two similar cases: one in 1802 and one in 1803. These four cases are

all of that kind. No question was made and there was no debate in any one of them; the action was taken without objection or examination, and it cannot be claimed that they have much, if any, weight. The researches of our very able and excellent Chief Clerk, Mr. McDonald, show that from 1803 down to the present time, the uniform practice has been that the President *pro tempore* continues in office at a succeeding session in the absence of the Vice-President without re-election, and he cites forty-nine cases of this kind; and there are but four of the first kind, which happened at an early period in the Government and without question or consideration.

It is a fact worthy of note that in no case has the Senate ever exercised the power to remove the President *pro tempore*, and I venture with confidence to say, that no authority for it can be cited outside of the general parliamentary law, and we have seen that this does not apply.

It is provided by section 9 of the act of March 1, 1792—

> That in case of removal, death, resignation, or inability both of the President and Vice-President of the United States, the President of the Senate *pro tempore*, and in case there shall be no President of the Senate, then the Speaker of the House of Representatives for the time being shall act as President of the United States until the disability be removed or a President shall be elected.

Here is a strong legislative declaration of opinion at least, that the President *pro tempore* is not only an officer of the Government, but that he is an officer recognized and established by the Constitution, because the act was passed to carry into effect clause 5, of article 2, of that instrument, which provides:

> In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

That act has remained upon the statute-book to this day without modification or alteration, and has received, at least, the implied sanction during all that time of the American people, Congress, and all political parties that have from time to time controlled the fortunes of the Government.

By the act of August 16, 1856, the President *pro tempore*, when there shall be no Vice-President or when he shall act as President of the United States, shall receive the compensation provided by law for the Vice-President, and thus is there a further legislative recognition of the permanency of this office.

Can it be that it ever was contemplated that such an officer should be at the will and pleasure of the Senate? Nay, at the beck and bidding of party intrigue and furious factions? The language, the spirit, the policy of the Constitution forbid it; the practice of the Senate and the legislation of Congress, so far as these bear on the subject, alike forbid it. Suppose the case, that pending the term of the President *pro tempore* the Vice-President should die, what a shameful spectacle might be presented by party or faction trying to turn him out of office, to the end that some favorite of the majority or a faction in the Senate might become the President of the United States in case of the death of the President? If the incumbent should be a man of nerve, spirit, and great popularity, such an attempt might lead to disastrous public disturbance and revolution. It will be fortunate for the country if the law shall be so settled as to forbid and prevent such unhappy contingencies. There is no reason why it should not be so determined; there are the gravest reasons why it should be; and I have hastily glanced at some of them.

Then, by the terms and spirit of the Constitution, upon sound principle and wise policy, sanctioned more or less directly and indirectly by the practice of the Senate and Congress, the President *pro tempore* is an officer of the Constitution, having a fixed and continuous term, depending on the presence or absence of the Vice-President, which the Senate has no power to determine except for lawful cause.

Mr. SAULSBURY. Mr. President, I do not propose to occupy more than a few moments of the time of the Senate, but I cannot concur entirely with the views which have just been expressed by the Senator from North Carolina, and I desire to say in the commencement of the remarks which I have to make that I regard this not as a question appertaining at all to the present incumbent of the chair, but as a question purely of a legal character, involving the rights and powers of this body. It rises above any considerations of a private character, because it affects the dignity and powers of the Senate itself. If it were a question involving any personal rights, I should take it on myself to say that so far as I have observed the action of the present incumbent of the office no man could have discharged the duties more satisfactorily to the body; no one could have acted with greater courtesy and urbanity to all; and he has displayed an impartiality and ability that entitle him to the regard and consideration of every member of the Senate.

But, sir, it is not a question affecting private rights, but a question involving, as I before said, the rights of the Senate—the right of this body to change at its pleasure the Presiding Officer of the body.

The only provision in the Constitution which refers to it is found in the fifth clause of the third section of the first article, which was quoted by the Senator from North Carolina. The Senator infers, from the fact that there is a specific authority given to elect a President *pro tempore*, that the Speaker *pro tempore* is named, that it was intended thereby that he was to be distinguished from other officers in respect to the tenure of his office and the power and authority of the Senate over such officer. I dissent from that view. The reason why he is specifically named in that clause is very apparent from the face of the clause of the Constitution referred to.

The Constitution had provided in the preceding clause for the Senate a presiding officer, the Vice-President of the United States; and unless there had been a special provision of the Constitution as to who should preside over this body in the absence of the Vice-President there would have been no authority whatever in the Senate of the United States to choose its presiding officer. I hold that but for the provision here inserted in the Constitution the death or absence of the Vice-President would have left this body entirely without a presiding officer, and incapable from any inherent power in the Senate as a deliberative body to provide one. It would have been in the precise condition that the House of Commons in England is, which to-day cannot elect a Speaker *pro tempore* except by the consent and approval of the Crown. And so, but for this special provision authorizing the Senate of the United States to provide a President *pro tempore* in case of the death or absence of the Vice-President, this body would have had no power to select its own presiding officer; and hence it is that that clause is specifically inserted delegating authority to the Senate in case of the absence or death of the Vice-President, or when he shall exercise the office of President of the United States, to provide a presiding officer. For this reason he is specifically named in the Constitution, while the "other officers" are not named.

Now, I differ from the conclusions of the honorable Senator as to the results which would follow provided the Senate had not the power to choose. I cannot concur in the view entertained by some, that when we have once elected a President *pro tempore* we have exhausted the power which is conferred by the provision of the Constitution authorizing the selection of a President *pro tempore*. If that view is correct, what is the consequence? Then, if your President *pro tempore* should die, you have no inherent power to select a successor to him, and you have no authority in the Constitution, and you see at once that the consequence would be that the business of the Senate must stop. Or, to trace that doctrine out to its logical consequences: suppose you elect a President *pro tempore* and he fails to discharge the functions of his office—it is not probable that he would do so, but it is within the possibilities—suppose he should refuse to receive any communication from the House of Representatives; suppose he should refuse to receive any message from the President of the United States; suppose he should refuse to sign the bills that were passed by Congress, you have no power of removal by electing another President *pro tempore* to supersede him, because according to this doctrine, having executed the power granted, the power is exhausted and you can go no further.

Mr. MERRIMON. I beg to interrupt my friend. He misapprehends my position entirely. I said that the Senate had power to remove him for cause—lawful cause. The case put would be a case where there would be cause. I maintain that his office as Senator while he is a member of the Senate remains intact, and for any act that he might commit he might be dealt with as a Senator though he be the presiding officer.

Mr. SAULSBURY. My answer to that is that, so far as I read the Constitution, it was not absolutely necessary that the Senate should have chosen a President from its own body. There may be a provision of law to that effect somewhere, but the Constitution is silent as to who may be chosen. It distinctly says that the Senate may choose a President *pro tempore;* but it does not say that it shall select him out of its own body. Suppose the President *pro tempore* should not be also a Senator, how then would you reach him for failure to perform the duties of his office? But suppose it to be true that there is a provision which requires that the President *pro tempore* shall be selected from among the Senators; suppose that the Senator presiding as President *pro tempore* should discharge every duty incumbent on him as a Senator; suppose he votes and discharges his duties as a Senator, but fails to discharge his duties as President *pro tempore*, how would you reach him? The only manner in which you could affect him, according to the doctrine that I think is here contended for, is by his removal from this body as a Senator, by expelling him, and in that way reaching him as President *pro tempore*.

Well, sir, if he had discharged his duties faithfully as a Senator, conducted himself with perfect propriety, performed the duties and functions pertaining to his office as a Senator, I see not how you are to reach him, because it is not to be presumed that the Senate would act unjustly, and for the purpose of removing a President *pro tempore*, whose office is entirely distinct and separate from his office as Senator. It is not to be supposed that in order to reach him in that capacity you would be unjust and turn him out of the Senate if he had discharged his duties as a Senator; for let it be observed that the function of his office as President *pro tempore* is not a function pertaining to his office as a Senator of the State he represents.

Mr. MERRIMON. I will interrupt my friend a moment to explain further my dissent from that view, and will do it in aid of the view I submitted a while ago. I insist that a part of the duty of a Senator under the Constitution is that if he shall be designated by the Senate to preside as President *pro tempore* he shall so act; it is one of the duties that devolve upon him as a Senator, and therefore, if any Senator on this floor were designated to-day to preside in the chair and should obstinately refuse to do it, that would be ground for dealing with him as a Senator. The Constitution devolves the obligation

on him to discharge that duty as much as any other, if the Senate shall assign it to him.

Mr. SAULSBURY. I differ entirely from the view of the Senator from North Carolina. I was proceeding to say that you have no power, according to the argument of the Senator, traced to its logical results, to reach him for any cause whatever; for, according to his argument, the Senate having exercised the grant of power contained in the Constitution to choose a President *pro tempore*, your power becomes exhausted, and you cannot again exercise that power in any respect.

But let us trace this still further in its consequences. He is an officer of the Senate. He is not a civil officer; and for the proper discharge of his duties, you cannot reach him except as an officer of the Senate. You cannot reach him by impeachment. The House of Representatives has no right to prefer articles of impeachment against a Senator, and you cannot try him, therefore, upon any articles of impeachment. He is, therefore, not a civil officer of the Government in the ordinary and usual acceptation of that term, but his office is one purely as an officer of the Senate, elected by its votes, exercising his functions alone for the orderly transaction of the business of the Senate, responsible to the Senate, removable at the will and pleasure of the Senate. Being an officer of the Senate alone, his relation to the Senate differs from that of the other officers of this body only in its greater dignity and the nature of the duties it enjoins.

Now, sir, in submitting these remarks, which have been very hastily thrown out, and I am sure are very crude, I only want to maintain and uphold the authority of the body, so that, when it shall have either an inefficient officer or one who fails to discharge properly the function of his office in the chair, the power may be asserted in this body to provide another officer who will discharge his duties; and I am sure that no one who knows me will attribute any remarks which I utter as being intended to apply to the present very efficient and very able Presiding Officer of this body. My sole purpose is to maintain what I conceive to be indispensably and absolutely necessary: the right of this body to change its officers whenever in its pleasure it becomes proper to do so.

These are all the remarks which I propose at the present time to submit on this question.

Mr. JONES, of Florida. Mr. President, I agree in all that has been said by the committee in the report except what is stated in their last conclusion, and I concur entirely with the Senator from North Carolina [Mr. MERRIMON] in the views he has expressed in regard to this case.

Whatever might have been the construction of the Constitution before the act of March 1, 1792, was passed, it is very clear that that act must have great weight in the consideration of the question before us. It is not enough to show, therefore, by the terms of the Constitution, that the President *pro tempore* of the Senate is an officer of the Senate, and under those provisions alone would be removable at the pleasure of the Senate. It is possible that such a construction would have been warranted before the act of 1792 was passed; but the Constitution gave to Congress the right to say, and that body has said, what officers shall succeed to the office of President in the event of the death of the President and Vice-President. While it may be true, therefore, that the Constitution intended to place the President of the Senate under the control of this body and make him removable at its pleasure, if no legislation was had under the first section of the second article of the Constitution, which empowers Congress to provide for filling the office of President when the two first officers in the Government are dead or are removed, still, the last provision in the Constitution gives Congress the power to change the tenure of the office of the President of the Senate when it gives it authority to say that the person who fills it in a certain exigency shall be President of the United States.

If the power conferred upon Congress touching the filling of the office of President of the United States be in conflict with that which is supposed to exist on the part of this body to remove its presiding officer, then reasonable construction must decide the question at issue. It is not enough to say that the President *pro tempore* of the Senate, like the Sergeant-at-Arms of the Senate, is an officer of this body, and because the Sergeant-at-Arms may be removed by the Senate, so may the President *pro tempore* be removed. This mode of reasoning would be admissible if Congress under the Constitution had not pointed out duties beyond the Senate for the one officer in a certain contingency which it has not prescribed for the other.

This is the great point, in my opinion, upon which this debate must turn.

If Congress has the right (which no one will deny) to cast upon the President *pro tempore* of the Senate the office of President of the United States when the President and Vice-President are dead, and in order to guard against doubts and uncertainties in a matter of so much importance, it becomes necessary that the tenure of office of the President of the Senate should be fixed, can it be said that the right to remove such officer on the part of the Senate should supersede the right of Congress to designate him as heir expectant of the presidency? Or, to put the proposition in another shape, if Congress under an express provision of the Constitution has the right to cast upon the President of the Senate duties and powers, either *in presenti* or in expectantcy, which are in conflict, or which may come in conflict, with the right of the Senate to remove such officer, derived by implication, which power shall prevail? The right of this body to remove this officer is a right derived by implication, while the other right exercised by Congress is in virtue of an express power given by the Constitution. The Constitution made it the duty of Congress to declare by law what officer shall exercise the executive office of the nation when left vacant by both the President and Vice-President. Congress accordingly has provided that in such a contingency the office shall be filled by the President of the Senate or the Speaker of the House for the time being. Congress was not invested with the general power to fill the office; but the Constitution requires that it shall provide by law what officer shall act as President in such an exigency. Law, as defined by a great master of jurisprudence, is a rule of action, prescribed by the supreme power in the state commanding what is right and forbidding what is wrong. It is distinguishable from a sudden and transient order proceeding from the whims and caprices of despots. It implies permanency and uniformity, and is prescribed or published in order that all may know the duties it enjoins and the penalties which its violation will incur.

The law then designates the President *pro tempore* of the Senate as the officer who shall succeed to the presidency in the contingency mentioned. How will this law operate with the right asserted in behalf of this body to remove that officer at its pleasure? Remember that the law provides that if there be no President *pro tempore* of the Senate the Speaker of the House shall act as President. All experience teaches us that nothing is more dangerous to the peace and security of nations than those conflicts which arise out of disputes about the right to the chief office in the State.

Nothing can be more important to the safety of the Republic and liberties of the people than the removal of all doubt, or the means of creating doubt, as to the persons entitled to the office of President of the United States. Persons with doubtful titles may, and often do, get into the local or subordinate offices; but let any man enter the office of President of the United States whom a majority of the people of this country believe is not entitled to it, and they would be tempted to remove him by force. There was a time in the history of the country when it was not considered sound to reason from the existence of a power to the abuse of it. We have all seen enough in our day and time to convince us that the only real danger to which this grand fabric of government is exposed is the excitement, passion, and conflicts resulting from party spirit.

I am not unaware that as a member of the minority of this body, entertaining hopes that a change will take place in the political complexion of the majority, my interest and the interests of those with whom I act here lies in a different direction from the one in which my argument leads me; but, sir, while feeling, as all do, the influence of party attachment and principles, I think, sir, I feel more strongly at this time the necessity of using the little power at my command in strengthening every rampart which the Constitution has erected for the protection and security of our liberties. This body we know is subject to change. It has changed in the past and it will change in the future. It has never yet happened, I believe, that a President of this body was called to the office of President; but it may happen at any time. True wisdom requires that we should always be prepared for what is possible to occur.

We know that occasions may arise when this body and the other House will feel the force of excitement sure to result from a vacancy in the executive office. We are without a Vice-President to-day. There is but one step from the chair of the Senate to that of the nation. Who can tell what a day may bring forth? There is no greater security for the life of a prince than exists for the life of a beggar.

> Within the hollow crown,
> That rounds the mortal temples of a king,
> Keeps death his court; and there the antic sits,
> Scoffing his state, and grinning at his pomp;
> Allowing him a breath, a little scene
> To monarchize, be fear'd, and kill with looks;
> Infusing him with self and vain conceit,—
> As if this flesh, which walls about our life,
> Were brass impregnable; and humor'd thus,
> Comes at the last, and with a little pin
> Bores through his castle wall, and—farewell king!

With the absolute power of removal over the officer who is designated by law to fill the office of President, if the occasion should arise, which I pray it may not, for putting in practice this part of our Constitution, to what intrigue and political excitement would not this power lead in the Senate when it was within its competency to designate the man who should occupy the first place in the nation! The power given in the Constitution to the Senate to choose its own President would in that event be converted into a power to elect a President of the United States. But, sir, this is the body which has the power to remove from office by impeachment. A large partisan majority here and in the other House may remove both the President and Vice-President, and they may be prompted to do this by the hope of getting some favorite into the presidential office. Mark you that in case of the removal of both the President and Vice-President the Senate, under the rule insisted upon on the other side, would elect the President. Is it wise to give to that tribunal which alone has the power under the Constitution of removing the President and Vice-President absolute power to name their successor? Need it be said, sir, that little checks like the one we advocate in this case might prove sufficient to save the state? This very power of the Senate to elect or remove a President at pleasure might lead to combinations and conspiracies to promote the fortunes of particular men. I do not argue

now from the virtues or vices of any party, but I argue from the known passions, weaknesses, and imperfections of human nature itself. True, there are some powers I would not give to any party, and all that I say on this subject I intend to apply to all political organizations.

Why is it that the question now under debate has been brought before us? No complaint has ever been made against the gentleman in the chair on account of the manner in which he has performed his duties. No one supposes that this subject would now be agitated had we not lost the Vice-President. And what does this show? It shows that the Senate is looking beyond the office of President of the Senate, and, recognizing the uncertainties of life, is anxious about the person who might be called to the first office in the Government. And this, in my opinion, is not what the Constitution intended. It did not mean that the Senate should say who should be President in the exigency stated. If it did, very strange language has been employed to convey this meaning. But the Constitution gave Congress the power to decide this question, and that body has designated the officer. According to our view the President of the Senate, selected without reference *to* any higher duties than belong to that office, would in the emergency mentioned succeed to the Presidency. In the other case the Senate would have the power while complying with the letter of the law, and furnishing an officer for the vacancy filling the description in the statute, to exercise in its choice as to the person who should be placed at the head of the Government. Let the present situation illustrate the question. The present Presiding Officer was elected at a time when no thought was entertained of the death of the Vice-President. He was liable to be superseded at any moment by the latter officer. If during the absence of the Vice-President he and the President died, were removed, or resigned, Mr. FERRY would have become President. In that case there would have been no opportunity for the Senate to engage in a contest about the succession under one view of the law. But how would the case stand under the other view? Should sickness or accident imperil the life of the Chief Magistrate, then the Senate would have the power to exercise a choice as to the person who might be called to the Presidency. The selection of a President *pro tempore* of the Senate under such circumstances would become a selection of a President of the United States. And will any man say, or can he say, that with such a momentous issue cast upon this body there would not be much of the feeling, the acrimony, passion, and excitement, and with them much of the danger attending an ordinary election for that high officer?

But, sir, this is not all. As I said awhile ago, the Constitution provides that if there be no President *pro tempore* of the Senate the Speaker of the House, in the emergency stated, shall act as President. Remember now that while this body may bind its own members by its decision respecting the capacities and powers of its own Presiding Officer, so far as these relate to his ordinary duties in this body, it cannot claim the right to bind, and it cannot bind by any decision it may make, the other House of Congress in regard to this right of removal, in so far as that right involves the question of title to the Presidency. The House of Representatives being equally interested in this question with the Senate, has a right to decide for itself. And while this body may confirm this report and affirm that the Speaker of the House is removable at the will and pleasure of that body, and that therefore the President of the Senate is removable at the pleasure of this. And I would say here, by way of parenthesis, that the conclusion arrived at is because the Speaker of the House is removable at the will and pleasure of that body the President *pro tempore* is likewise removable by this.

Mr. MERRIMON. What authority is there for saying that the Speaker of the House may be removed at the will of the House?

Mr. JONES, of Florida. None. The people's Representatives may possibly come to a different conclusion, and they may say, as they have the right to say, that their Speaker holds his office for two years and is not removable at pleasure, and that the presiding officer of this body holds his office by a like tenure. It is hardly necessary for me to say what conclusion this reasoning will justify. If the Senate should act upon the theory of this report and displace their President when in the judgment of the House they had no right to do so, and a vacancy occurred in the office of President, the House might be found claiming the office of President of the United States for their Speaker and the Senate for their President. This condition of things could never result from the law as we understand it; for, although the House might believe in the power of removal as set up in this report and the Senate in a fixed tenure of office, no harm could come from such a difference. This is all I have to say on this part of the case.

I contend that by the very words of the Constitution the power of removal does not exist. The Constitution gives to the Senate the right to elect a President *pro tempore* in the absence of the Vice-President. Upon the appearance of the latter officer the right of the former to the chair terminates. The language is:

> The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

The language in regard to the Speakership is:

> The House of Representatives shall choose their Speaker and other officers.

No one who has studied the Constitution can fail to detect the pointed difference in the language employed in the two cases. The Senate is not to choose their President *pro tempore* and other officers, but their own officers and a President *pro tempore*.

It is not denied in the report of the committee that the Vice-President, when presiding over the Senate, holds his position independent of our pleasure. He is not liable to be displaced at the will of a majority. He is entitled to preside as long as he holds his office. And who can say that the framers of the Constitution, in providing for a permanent presiding officer of this body, did not consider it important that he should be clothed with independence in that important station? Every parliamentary body is composed of partisans, and these are divided into a majority and minority numbers. The rules or constitution of all such bodies are intended in a great measure to protect the rights of the minority. The majority can always protect itself. Nothing is more important to the fair and just application or enforcement of these rules than a presiding officer who can hold with an even hand the scales of justice between the majority and the minority. He is to some extent a judge. He is expected to decide many questions affecting the parties in the house, and all agree that he ought to decide fairly. How is this object to be attained? or is it so unimportant that no provision should be made to secure it? If it is an end worthy of attention, can anything be more plain than that the complete independence of the presiding officer, if not absolutely essential, will contribute very greatly in securing fairness and impartiality in the discharge of his duties? This is the more important in the Senate because of the long tenure of our offices. Under our system the great corrective power is with the people, and in the other House if any man abuses his power he may be brought to account before his constituents in two years. But here it is necessary to have some safeguards for the rights of the minority outside of the people. In the case of the President of the Senate it is to be found in the independence with which he is clothed. If it is wise and proper that the permanent presiding officer of this body should be independent, is it not equally so that the President *pro tempore* should be? It is possible that an officer of the latter character might preside over this body for four years. A President *pro tempore* must preside when the Vice-President acts as President, and this has already occurred more than once in our history, and for nearly the whole term of the office.

Mr. President, it is well known that there was but one parliamentary body in the world at the time of the adoption of our Constitution whose history was looked to as an example by the men who devised the organization of this and the other House of Congress. That was the English House of Commons. Upon this subject none of the ancient republics afforded any light. They were governed by no fixed laws; indeed they were rude democracies, where violence and tumult often reigned supreme. The English Commons was at that time a model parliamentary body. Some of the most extraordinary statesmen and orators of the world had, before the time I speak of, rendered it famous by the display of their genius and eloquence. Besides, it was the body in which the great questions that drove the American Colonies into revolution were discussed, and it attracted for many years the most intense interest on this continent. Throughout the Federalist it is constantly referred to, which shows that it had been well studied by the leading men of the revolutionary era. All the Colonial Legislatures were formed after this great model, and it can hardly be doubted that when this body and the other House were created it was expected that the powers and duties of the officers who should fill these respective offices would be similar to those of the officers of the English House. That body always had a speaker and a sergeant-at-arms. The speaker was always elected from among the returned members. Our Constitution, in providing for the election of a Speaker, did not deem it necessary to say that he should be selected from among the members of the House. The English practice, like the great source of light in judicial difficulties, the common law, settled the question. Now what was the law governing the subject under debate in the English House of Commons at the time of the adoption of our Constitution? The report of the committee says that the speaker of the other House holds his office at the pleasure of that body; and the same rule must prevail here in regard to the President *pro tempore*. The Constitution is silent upon the subject, and reason and authority are all that we have to guide us. The law in force in the House of Commons then and now is that the speaker shall hold his office during the whole Parliament, unless by resignation or death a vacancy arises.

One more point and I will conclude. The Constitution gives to the Senate the right to choose a President *pro tempore* in the absence of the Vice-President. This is an express power, limited to a particular case. From whence does the power of removal come? It is not written in the Constitution. Where does the Senate obtain the right to exercise an implied power, for such the power of removal is in this case? Are there any implied powers vested by the Constitution in Congress? Yes. But in whom or what department? The Constitution declares that—

> The Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

Congress, and Congress alone, is the authority which the Constitution has invested with the right to carry into execution all implied powers. And if Congress should say that the Senate might remove its President it would bind the other House, and thus avoid the difficulties pointed out in the forepart of my argument.

With these observations, Mr. President, I yield the floor.

The PRESIDING OFFICER, (Mr. CRAGIN in the chair.) The question is on the passage of the resolutions.

Mr. MERRIMON. I move to amend by striking out the third and fourth resolutions.

Mr. EDMUNDS. I suggest to the Senator from North Carolina, as these are separate resolutions and may be voted upon separately, that it is much more convenient to take the question as each resolution comes up.

Mr. MERRIMON. On that suggestion I withdraw my motion, and ask for a division of the question upon the resolutions.

The PRESIDING OFFICER. A division is called for. The question is on the first resolution; which will be reported.

The Chief Clerk read as follows:

Resolved, That the tenure of a President *pro tempore* of the Senate elected at one session does not expire at the meeting of Congress after the first recess, the Vice-President not having appeared to take the chair.

The resolution was agreed to.

Mr. SHERMAN. I want to emphasize the matter. This resolution is adopted unanimously. It is a resolution that affects the organization of the body for all time to come and establishes a precedent. I intended to call for the yeas and nays, but I will not do so as the resolution has passed unanimously.

The PRESIDING OFFICER, (Mr. CRAGIN in the chair.) As far as the Chair could distinguish, it was passed unanimously. The second resolution will be read.

The Chief Clerk read as follows:

Resolved, That the death of the Vice-President does not have the effect to vacate the office of President *pro tempore* of the Senate.

Mr. SHERMAN. Merely to have the precedent settled, I venture to call for the yeas and nays.

Mr. THURMAN. By unanimous consent we can have the yeas and nays on the first as well as the second resolution.

Mr. SHERMAN. I speak of the first.

Mr. THURMAN. We have got to the second, but we could go back to the first by unanimous consent and take the yeas and nays on that, and then on the second.

The PRESIDING OFFICER. If there be no objection, the yeas and nays will be taken on the first resolution. The Chair hears no objection.

Mr. WHYTE. Let the first resolution be read.

The PRESIDING OFFICER. It will be again read.

The Chief Clerk read as follows:

Resolved, That the tenure of a President *pro tempore* of the Senate elected at one session does not expire at the meeting of Congress after the first recess, the Vice-President not having appeared to take the chair.

The question being taken by yeas and nays, resulted—yeas 59, nays none; as follows:

YEAS—Messrs. Alcorn, Allison, Anthony, Bayard, Bogy, Booth, Boutwell, Bruce, Burnside, Cameron of Wisconsin, Christiancy, Clayton, Cockrell, Conkling, Conover, Cooper, Cragin, Davis, Dawes, Dennis, Dorsey, Eaton, Edmunds, Frelinghuysen, Goldthwaite, Gordon, Hamilton, Hamlin, Harvey, Howe, Ingalls, Jones of Florida, Kelly, Kernan, Key, McCreery, McDonald, McMillan, Merrimon, Mitchell, Morrill of Vermont, Morton, Norwood, Oglesby, Patterson, Randolph, Ransom, Sargent, Saulsbury, Sherman, Spencer, Stevenson, Thurman, Wadleigh, Wallace, West, Whyte, Withers, and Wright—59.

ABSENT—Messrs. Cameron of Pennsylvania, Caperton, English, Ferry, Hitchcock, Johnston, Jones of Nevada, Logan, Maxey, Morrill of Maine, Paddock, Robertson, and Windom—13.

So the resolution was adopted unanimously.

The PRESIDING OFFICER. The next question is on the second resolution; which will be read.

The Chief Clerk read as follows:

Resolved, That the death of the Vice-President does not have the effect to vacate the office of Pr sident *pro tempore* of the Senate.

Mr. THURMAN. I ask for the yeas and nays for the same reason they were had on the other resolution.

The yeas and nays were ordered; and being taken, resulted—yeas 62, nays none; as follows:

YEAS—Messrs. Alcorn, Allison, Anthony, Bayard, Bogy, Booth, Boutwell, Bruce, Burnside, Cameron of Wisconsin, Caperton, Christiancy, Clayton, Cockrell, Conkling, Conover, Cooper, Cragin, Davis, Dawes, Dennis, Dorsey, Eaton, Edmunds, English, Frelinghuysen, Goldthwaite, Gordon, Hamilton, Hamlin, Harvey, Howe, Ingalls, Jones of Florida, Kelly, Kernan, Key, McCreery, McDonald, McMillan, Merrimon, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Norwood, Oglesby, Patterson, Randolph, Ransom, Sargent, Saulsbury, Sherman, Stevenson, Thurman, Wadleigh, Wallace, West, Whyte, Windom, Withers, and Wright—62.

ABSENT—Messrs. Cameron of Pennsylvania, Ferry, Hitchcock, Johnston, Jones of Nevada, Logan, Maxey, Paddock, Robertson, and Spencer—10.

So the resolution was adopted unanimously.

Mr. ENGLISH. I was not in my seat when my name was called on the first resolution. I ask leave to vote.

Mr. EDMUNDS. That is against the rule.

The PRESIDING OFFICER. After the result has been declared the rule does not allow a name to be recorded. The question is now on the third resolution.

Mr. THURMAN. I wish to say a very few words on this resolution; but first let it be reported.

The PRESIDING OFFICER. The third resolution will be read.

The Chief Clerk read as follows:

Resolved, That the office of President *pro tempore* of the Senate is held at the pleasure of the Senate.

Mr. THURMAN. The solution of this question is perhaps somewhat difficult, although it is within a narrow compass; and it depends, I imagine, upon the inquiry whether the words "*pro tempore*," in the clause of the Constitution that has been read, are used in that instrument in a technical parliamentary sense or whether their meaning is fixed by the context of the clause in which they occur. If they are used in a technical parliamentary sense, then it seems to be admitted on all hands that the President *pro tempore* is subject to removal like the Speaker *pro tempore* of the House, in case there should be such an officer there, or any other *pro tempore* official. In other words, according to the technical parliamentary sense of the words "*pro tempore*" in relation to the tenure of an officer, they mean the same as "*durante bene placito*"—during our good pleasure.

But it is said and argued with great force by the Senator from North Carolina [Mr. MERRIMON] and the Senator from Florida [Mr. JONES] that these words are not used in a mere technical parliamentary sense, but that their meaning is fixed by the context of the clause in which they occur; and that is, "The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States." It is argued with force that it is not said that the Senate shall choose a President *pro tempore*, to hold his office during the good pleasure of the Senate; that there is no such limitation as that "during the pleasure of the Senate;" and it is said further that the "*tempus*" that is contemplated here is the absence of the Vice-President, or his discharge of the duties of President, which necessitates his absence, or is another case of absence; and it must be admitted that, looking at the clause, giving it a natural construction, there is great force in that argument. They shall choose also a President *pro tempore* in the absence of the Vice-President or when he shall exercise the office of President of the United States. Whenever the Vice-President shall exercise the office of the President of the United States the Senate shall choose "a President *pro tempore*," not a President to-day and another to-morrow and another the day after, to hold merely during the pleasure of the Senate, but a President *pro tempore* for that occasion, for that time. There certainly is very great force in this view of the Constitution, and there is also very great force in the reasons that have been suggested of a more enlarged and general nature. Nevertheless, Mr. President, I cannot say that I am perfectly clear in my own mind which construction ought to prevail; and inasmuch as the question as now before us is a mere abstract question; as it is not necessary for us to determine it at all, and it cannot become necessary for us to determine it after the passage of the first and second resolutions unless somebody shall move to proceed to the election of a President *pro tempore*, and thus to displace the present incumbent; as we have unanimously voted that he is rightfully President *pro tempore* now, and nobody has yet moved to displace him by proceeding to another election, it is very obvious that any decision we might make upon this third resolution at this time would be what lawyers call *obiter dictum*. I therefore, in order that the matter may undergo further reflection and consideration before we decide upon it, move to lay the third resolution upon the table.

Mr. MORTON. And cut off debate?

Mr. THURMAN. If anybody wishes to debate, I will not do it.

Mr. CONKLING. Move to postpone it indefinitely.

Mr. THURMAN. Well, I move to postpone the third resolution; but perhaps a motion to postpone indefinitely looks like deciding against it.

Mr. CONKLING. Not more than laying it on the table.

Mr. THURMAN. If it is laid on the table, it can be taken up again. But, however, wishing it understood that I do not consider that a vote to postpone it indefinitely is necessarily a vote against the resolution of the committee, as we may postpone it indefinitely for the reason which I have given, that there is no case now before the Senate requiring our action upon this resolution because there is no motion made to proceed to the election of a President *pro tempore*, I move that the resolution be postponed indefinitely.

The PRESIDING OFFICER. The Senator from Ohio moves to postpone the resolution now under consideration indefinitely.

Mr. EDMUNDS. Mr. President, the Senator from Ohio has so much surprised me by his expression of a doubt upon this subject that in order that I may reflect upon the matter I move that the Senate adjourn.

The motion was agreed to; and (at two o'clock and forty-two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *January* 10, 1876.

The House met at 12 m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of Thursday last was read and approved.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order is the calling of the States and Territories, beginning with the State of

Maine, for the introduction of bills on leave, for reference only, without debate and not to be brought back upon motions to reconsider. Under this call joint resolutions of State and Territorial Legislatures may be presented for reference and printing; but simple House resolutions cannot. The morning hour begins at sixteen minutes before one o'clock.

ALCOHOLIC LIQUOR TRAFFIC.

Mr. FRYE introduced a bill (H. R. No. 665) to provide for a commission on the subject of the alcoholic liquor traffic; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOHN DEERING, JR.

Mr. BURLEIGH introduced a bill (H. R. No. 666) granting a pension to John Deering, jr.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAPTAIN EGBERT THOMPSON.

Mr. BLAINE (by request) introduced a bill (H. R. No. 667) for the relief of Captain Egbert Thompson; which was read a first and second time, referred to the Committee on Naval Affairs, and, with the accompanying papers, ordered to be printed.

DR. T. S. VERDI.

Mr. HALE (by request) introduced a bill (H. R. No. 668) to authorize the settlement by the board of audit of the District of Columbia of the claim of Dr. T. S. Verdi, special sanitary commissioner to Europe for the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

HENRY S. WETMORE.

Mr. JONES, of New Hampshire, introduced a bill (H. R. No. 669) authorizing the President to nominate Henry S. Wetmore, a lieutenant in the Navy upon the retired list; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JOHN CLARK.

Mr. JONES, of New Hampshire, also introduced a bill (H. R. No. 670) for the relief of John Clark; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SPECIE PAYMENT.

Mr. JONES, of New Hampshire, also presented a joint resolution of the Legislature of the State of New Hampshire, in favor of specie payments; which was referred to the Committee on Ways and Means, and ordered to be printed.

MARKET IN WASHINGTON.

Mr. HENDEE (by request) introduced a bill (H. R. No. 671) authorizing the commissioners of the District of Columbia to erect a market on square 446, in the city of Washington; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

T. D. WEAD.

Mr. HENDEE also introduced a bill (H. R. No. 672) to re-imburse T. D. Wead, postmaster at Sheldon, Vermont, for United States stamps and money stolen from him December 31, 1873; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HORACE GLOVER.

Mr. HENDEE also introduced a bill (H. R. No. 673) to re-imburse Horace Glover for property unlawfully seized and sold by the United States Government; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ADRIAN S. LEE.

Mr. HENDEE also introduced a bill (H. R. No. 674) granting a pension to Adrian S. Lee; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

H. G. BOARDMAN.

Mr. HENDEE also introduced a bill (H. R. No. 675) for the relief of H. G. Boardman, postmaster at Milton, Vermont; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN CHASE.

Mr. HENDEE also introduced a bill (H. R. No. 676) granting a pension to John Chase, of Essex, Vermont; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DE FOREST W. CARPENTER.

Mr. HENDEE also introduced a bill (H. R. No. 677) for the relief of De Forest W. Carpenter, postmaster at Richmond, Vermont; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ELIZABETH WARNER.

Mr. HENDEE also introduced a bill (H. R. No. 678) for the relief of Elizabeth Warner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL M. BLAIR.

Mr. BANKS introduced a bill (H. R. No. 679) for the relief of Samuel M. Blair, of Boston, Massachusetts; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PAY OF COLLECTORS OF CUSTOMS.

Mr. CRAPO introduced a bill (H. R. No. 680) establishing the salaries to be paid to the collectors of customs of Plymouth, Nantucket, and Gloucester, Massachusetts; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ALABAMA CLAIMS COMMISSION.

Mr. CRAPO also introduced a bill (H. R. No. 681) to amend an act creating the court of commissioners of Alabama claims, approved June 23, 1874; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MORRIS DWIGHT.

Mr. SEELYE introduced a bill (H. R. No. 682) granting a pension to Morris Dwight; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SALE OF CADET RIFLES.

Mr. HOAR introduced a bill (H. R. No. 683) authorizing the sale of cadet rifles; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LIEUTENANT ISAAC S. LYON.

Mr. HOAR also introduced a bill (H. R. No. 684) for the relief of Lieutenant Isaac S. Lyon; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ISAAC TAYLOR.

Mr. WARREN introduced a bill (H. R. No. 685) to adjudicate the losses incurred by Isaac Taylor, owner of the bark Alvarado, of Boston, Massachusetts; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH W. FOWLE.

Mr. WARREN also introduced a bill (H. R. No. 686) to extend letters-patent heretofore issued to Joseph W. Fowle; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

AMENDMENTS OF THE REVISED STATUTES.

Mr. EAMES introduced a bill (H. R. No. 687) to amend chapter 7 of title 34 of the Revised Statutes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SYDNEY F. OVIATT.

Mr. PHELPS introduced a bill (H. R. No. 688) for the relief of Sydney F. Oviatt, postmaster of Orange, Connecticut; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MILFORD HARBOR, CONNECTICUT.

Mr. PHELPS also introduced a bill (H. R. No. 689) for continuing the improvements in Milford Harbor, in the State of Connecticut; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ROBERT C. NARRAMORE.

Mr. PHELPS also introduced a bill (H. R. No. 690) for the relief of Robert C. Narramore, late postmaster at Derby, Connecticut; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SAYBROOK, CONNECTICUT.

Mr. PHELPS also introduced a bill (H. R. No. 691) for continuing the improvements at the mouth of the Connecticut River, Saybrook, Connecticut; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BRIDGEPORT, CONNECTICUT.

Mr. BARNUM introduced a bill (H. R. No. 692) to continue improvements in the harbor of Bridgeport, Connecticut; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

NORWALK, CONNECTICUT.

Mr. BARNUM also introduced a bill (H. R. No. 693) to continue improvements in the harbor of Norwalk, Connecticut; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SOUTHPORT, CONNECTICUT.

Mr. BARNUM also introduced a bill (H. R. No. 694) to repair and complete the harbor of Southport, Connecticut; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

FAIRFIELD, CONNECTICUT.

Mr. BARNUM also introduced a bill (H. R. No. 695) to change the port of entry and the port of delivery in the district of Fairfield,

Connecticut, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PUBLIC BUILDINGS AT HARTFORD, CONNECTICUT.

Mr. LANDERS, of Connecticut, introduced a bill (H. R. No. 696) to continue the construction of a custom-house and post-office at Hartford, Connecticut; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

CONDEMNED CANNON FOR SOLDIERS' MONUMENTS.

Mr. STARKWEATHER introduced a bill (H. R. No. 697) donating condemned cannon and cannon-balls to the Ledyard Monument Association of Ledyard, Connecticut, for monumental purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

He also introduced a bill (H. R. No. 698) donating condemned cannon and cannon-balls to Colchester Monument Association of Colchester, Connecticut, for monumental purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RESUMPTION OF SPECIE PAYMENT.

Mr. WOOD, of New York, introduced a bill (H. R. No. 699) to repeal in part the act entitled "An act to provide for the resumption of specie payments," approved January 19, 1875, and to facilitate the resumption of specie payments without contraction of the currency; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MUTUAL PROTECTION FIRE-INSURANCE COMPANY.

Mr. WOOD, of New York, also introduced a bill (H. R. No. 700) to incorporate the Mutual Protection Fire-Insurance Company of the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

CAPTAIN JOSHUA CHAMBERLAIN.

Mr. HOSKINS introduced a bill (H. R. No. 701) for the relief of the heirs of Captain Joshua Chamberlain, deceased; which was read a first and second time, referred to the Committee on War Claims, with accompanying papers, and ordered to be printed.

STEAM-PROPELLER SENATOR MIKE NORTON.

Mr. CHITTENDEN introduced a bill (H. R. No. 702) for changing the name of the steam-propeller Senator Mike Nortion to America; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CATHARINE FERRY.

Mr. ELY introduced a bill (H. R. No. 703) granting a pension to Catharine Ferry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PORT OF GENESEE, NEW YORK.

Mr. DAVY introduced a bill (H. R. No. 704) to extend to the port of Genesee, in the State of New York, the privileges of section 2990 of the Revised Statutes; which was read a first and second time, referred to the Committee on Revision of the Laws, and ordered to be printed.

JAMES B. HANOLY.

Mr. DAVY also introduced a bill (H. R. No. 705) for the relief of James B. Hanoly, of Rochester, New York; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS ALLCOCK.

Mr. DAVY also introduced a bill (H. R. No. 706) granting a pension to Thomas Allcock, of Rochester, New York; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. MARY A. THAYER.

Mr. DAVY also introduced a bill (H. R. No. 707) for the relief of Mrs. Mary A. Thayer; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

IMPROVEMENT OF SAUGERTIES CREEK.

Mr. J. H. BAGLEY introduced a bill (H. R. No. 708) to appropriate money for the improvement of the Saugerties Creek, a tributary of the Hudson River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

REPEAL OF STAMP TAX.

Mr. J. H. BAGLEY also introduced a bill (H. R. No. 709) repealing the stamp duties on checks, bank-receipts, vouchers, and bills of exchange; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

REVENUES OF PATENT OFFICE.

Mr. J. H. BAGLEY also introduced a bill (H. R. No. 710) to protect the revenues of the Patent Office; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

ROBERT L. MAY.

Mr. MACDOUGALL introduced a bill (H. R. No. 711) for the relief of Robert L. May, late of the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

ADOLPH JOSEPH.

Mr. MACDOUGALL also introduced a bill (H. R. No. 712) for the relief of Adolph Joseph, late a first lieutenant of the Sixty-eighth Regiment New York Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HENRY OSTERHELD.

Mr. MACDOUGALL also introduced a bill (H. R. No. 713) for the relief of Henry Osterheld, late a first lieutenant of the Sixty-eighth Regiment New York Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FRANK SIPPELIUS.

Mr. MACDOUGALL also introduced a bill (H. R. No. 714) for the relief of Frank Sippelius, late a first lieutenant of the Sixty-eighth Regiment New York Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FORT HILL CEMETERY ASSOCIATION OF AUBURN, NEW YORK.

Mr. MACDOUGALL also introduced a bill (H. R. No. 715) directing the Secretary of War to deliver to the Soldiers' Fort Hill Cemetery Association of Auburn, New York, condemned brass cannon and cannon-balls, to be used for monumental purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES M'INTYRE.

Mr. TOWNSEND, of New York, introduced a bill (H. R. No. 716) granting a pension to James McIntyre, of Fort Edward, Washington County, New York, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

W. L. ROBINSON.

Mr. TOWNSEND, of New York, also introduced a bill (H. R. No. 717) to re-imburse W. L. Robinson, late postmaster at Galesville, New York; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GIRLS' REFORM SCHOOL, DISTRICT OF COLUMBIA.

Mr. COX introduced a bill (H. R. No. 718) providing for the purchase of site and construction of buildings for the Girls' Reform School in the District of Columbia; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

WILLIAM C. STEVENS.

Mr. BAKER, of New York, introduced a bill (H. R. No. 719) for the relief of the heirs of William C. Stevens; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

SALARIES OF UNITED STATES JUDGES.

Mr. LORD introduced a bill (H. R. No. 720) to regulate the salaries of the judges of the circuit and district courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

COMMISSIONERS OF UNITED STATES COURTS.

Mr. LORD also introduced a bill (H. R. No. 721) to provide for the appointment of commissioners for the taking of affidavits, &c., for the courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MARY P. ABULL.

Mr. LORD also introduced a bill (H. R. No. 722) directing additional pension to be paid to Mary P. Abull; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BOUNTY TO DRAFTED MEN.

Mr. LORD also introduced a bill (H. R. No. 723) directing the payment of the same bounty to drafted men as to volunteers, under section 12 of the act making appropriations, passed July 28, 1866; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

EQUALIZATION OF TAXES.

Mr. CUTLER introduced a bill (H. R. No. 724) equalizing taxes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DEPARTMENT OF AGRICULTURE.

Mr. CUTLER also introduced a bill (H. R. No. 725) declaring the Department of Agriculture to be one of the Executive Departments; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

CHANGE OF NAME OF STEAMBOAT.

Mr. COCHRANE introduced a bill (H. R. No. 726) to change the name of the steamboat Charles W. Mead; which was read a first and second

time, referred to the Committee on Commerce, and ordered to be printed.

REPAIR OF PIERS AT CHESTER, PENNSYLVANIA.

Mr. TOWNSEND, of Pennsylvania, introduced a bill (H. R. No. 727) making an appropriation for the repairs of the Government Piers at Chester, Pennsylvania, in the State of Pennsylvania; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

FRANK SMITH.

Mr. TOWNSEND, of Pennsylvania, also introduced a bill (H. R. No. 728) granting a pension to Frank Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DISCOUNTS, LOANS, AND DEPOSITS.

Mr. TOWNSEND, of Pennsylvania, also introduced a bill (H. R. No. 729) relating to discounts, loans, and deposits in national banking associations; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

LIGHT-BOAT IN DELAWARE BAY.

Mr. O'NEILL introduced a joint resolution (H. R. No. 31) directing the removal of the light-boat from Cross Ledge to near Joe Flogger's Shoals, in the Delaware Bay; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

LAWRENCE W. GROSS.

Mr. STENGER introduced a bill (H. R. No. 730) granting a pension to Lawrence W. Gross; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM TALBERT.

Mr. HENKLE introduced a bill (H. R. No. 731) for the relief of William Talbert; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

OWNERS OF THE SCHOONER FLIGHT.

Mr. O'BRIEN introduced a bill (H. R. No. 732) for the relief of Mrs. Catharine Thrush and William B. Stone, owners of the schooner Flight; which was read a first and second time, referred to the committee on Naval Affairs, and ordered to be printed.

RELIEF OF FREDERICK CITY.

Mr. WALSH introduced a bill (H. R. No. 733) for the relief of Frederick City and the banks thereof for losses occasioned by the confederate army, July 9, 1864; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF NATHANAEL HEARD.

Mr. WALSH also introduced a bill (H. R. No. 734) for the relief of the heirs of Nathanael Heard; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

P. PENDLETON.

Mr. WALSH also introduced a bill (H. R. No. 735) for the relief of P. Pendleton; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

Mr. STOWELL introduced a bill (H. R. No. 736) to amend section 133 of the Revised Postal Code, approved June 8, 1872; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

MATHEW O'BRIEN AND OTHERS.

Mr. HUNTON introduced a bill (H. R. No. 737) for the relief of Mathew O'Brien, Moses Lackey, and Daniel Minor; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM A. MUSGROVE.

Mr. HUNTON also introduced a bill (H. R. No. 738) for the relief of William A. Musgrove, a Cherokee Indian; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

OVERSEERS OF THE POOR, FAIRFAX COUNTY, VIRGINIA.

Mr. HUNTON also introduced a bill (H. R. No. 739) for the relief of the overseers of the poor of Fairfax County, Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM BUSHBY.

Mr. HUNTON also introduced a bill (H. R. No. 740) for the relief of William Bushby; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS L. SANBORN.

Mr. HUNTON also introduced a bill (H. R. No. 741) for the relief of Thomas L. Sanborn; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ROBERT J. EDELEN.

Mr. HUNTON also introduced a bill (H. R. No. 742) for the relief of Robert J. Edelen, of Alexandria, Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES M. DOWNEY.

Mr. HUNTON also introduced a bill (H. R. No. 743) for the relief of James M. Downey, of Loudoun County, Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY W. JONES.

Mr. HUNTON also introduced a bill (H. R. No. 744) to increase the pension of Mary W. Jones; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

REPRESENTATIVES OF AQUILLA LOCKWOOD, DECEASED.

Mr. HUNTON also introduced a bill (H. R. No. 745) for the relief of the legal representatives of Aquilla Lockwood, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

UNION RAILWAY COMPANY.

Mr. HUNTON also introduced a bill (H. R. No. 746) to incorporate the Union Railway Company of Washington, Georgetown, and Northern Virginia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

SEPTIMUS BROWN.

Mr. HUNTON also introduced a bill (H. R. No. 747) for the relief of Septimus Brown, of Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EDUCATION.

Mr. WALKER, of Virginia, introduced a bill (H. R. No. 748) to apply the proceeds of sales of public lands to the education of the people; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

IMPROVEMENT OF THE JAMES RIVER.

Mr. WALKER, of Virginia, introduced a bill (H. R. No. 749) making appropriation to continue the improvement of the James River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PETERS & REED.

Mr. GOODE introduced a bill (H. R. No. 750) for the relief of Peters & Reed, naval contractors of the Norfolk navy-yard in the year 1860; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

COLLEGE OF WILLIAM AND MARY.

Mr. GOODE also introduced a bill (H. R. No. 751) to re-imburse the College of William and Mary, in Virginia, for property destroyed during the late war; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

RELIEF OF POSTMASTERS.

Mr. HARRIS, of Virginia, introduced a bill (H. R. No. 752) to authorize the Postmaster-General to credit the postmasters in the States lately in rebellion for all stamps and stamped envelopes taken from them by paramount force, or lost or destroyed without the fault of the said postmasters, and to refund any money since paid for the same so taken, lost, or destroyed; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RICHARD H. BUCKNER.

Mr. HARRIS, of Virginia, also introduced a bill (H. R. No. 753) for the relief of Richard H. Buckner; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC BUILDINGS AT ASHEVILLE, NORTH CAROLINA.

Mr. VANCE, of North Carolina, introduced a bill (H. R. No. 754) to provide for the erection of public buildings for the United States at Asheville, North Carolina; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JACKSON T. SORELLS.

Mr. VANCE, of North Carolina, also introduced a bill (H. R. No. 755) for the relief of Jackson T. Sorells; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES M. ROANE.

Mr. VANCE, of North Carolina, also introduced a bill (H. R. No. 756) for the relief of James M. Roane; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

A. B. & J. J. WELCH.

Mr. VANCE, of North Carolina, also introduced a bill (H. R. No. 757) for the relief of A. B. & J. J. Welch; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALEXANDER COOPER AND OTHERS.

Mr. VANCE, of North Carolina, also introduced a bill (H. R. No. 758) for the relief of Alexander Cooper and others, of North Carolina; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM SHELTON AND WYLIE GASNELL.

Mr. VANCE, of North Carolina, also introduced a bill (H. R. No. 759) for the relief of William Shelton and Wylie Gasnell; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HIRAM B. RIDDLE.

Mr. VANCE, of North Carolina, also introduced a bill (H. R. No. 760) for the relief of Hiram B. Riddle; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ANSON B. SAMS.

Mr. VANCE, of North Carolina, also introduced a bill (H. R. No. 761) for the relief of Anson B. Sams; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM M. MOORE.

Mr. VANCE, of North Carolina, also introduced a bill (H. R. No. 762) for the relief of William M. Moore; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MORRIS GASNELL.

Mr. VANCE, of North Carolina, also introduced a bill (H. R. No. 763) for the relief of Morris Gasnell, Company B, Thifd North Carolina Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PINKNEY ROLLINS.

Mr. VANCE, of North Carolina, also introduced a bill (H. R. No. 764) for the relief of Pinkney Rollins, collector of internal revenue for the seventh district of North Carolina; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

J. C. CLENDENNIN.

Mr. VANCE, of North Carolina, also introduced a bill (H. R. No. 765) for the relief of J. C. Clendennin, of North Carolina; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

RELIEF OF MAIL CONTRACTORS.

Mr. VANCE, of North Carolina, also introduced a bill (H. R. No. 766) to provide for the payment of mail contractors to the 31st of May, 1861; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

SAMUEL B. STAUBER.

Mr. ROBBINS, of North Carolina, introduced a bill (H. R. No. 767) for the relief of Samuel B. Stauber and others; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

NAVAL OFFICERS ON MERCHANT-VESSELS.

Mr. WADDELL introduced a bill (H. R. No. 768) to prohibit naval officers from serving on merchant-vessels for compensation; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

LEXINGTON, NORTH CAROLINA.

Mr. SCALES introduced a bill (H. R. No. 769) to provide for payment for the court-house in Lexington, North Carolina, destroyed by fire while occupied by United States officers and soldiers in the fall of 1865; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ELI PENRY.

Mr. SCALES also introduced a bill (H. R. No. 770) for the relief of Eli Penry; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WALTER F. LEAKE.

Mr. ASHE introduced a bill (H. R. No. 771) for the relief of Walter F. Leake; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. DAVIS introduced a bill (H. R. No. 772) to repeal sections 3412 and 3414 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

THOMAS K. FEAGAN.

Mr. YEATES introduced a bill (H. R. No. 773) for the relief of Thomas K. Feagan, of North Carolina; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ÉMILE LEPAGE.

Mr. YEATES also introduced a bill (H. R. No. 774) for the relief of Émile Lepage; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF REBECCA L. DE LEON.

Mr. WALLACE, of South Carolina, introduced a bill (H. R. No. 775) granting relief to Agnes and Maria De Leon, heirs of Rebecca L. De Leon, for rent of house used by United States troops; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES I. WARING.

Mr. HARTRIDGE introduced a bill (H. R. No. 776) for the relief of James I. Waring, of Savannah, Georgia; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

INTERNAL IMPROVEMENTS IN GEORGIA.

Mr. FELTON introduced a bill (H. R. No. 777) to appropriate money for the improvement of the navigation of the Etowah River from Rome, Georgia, to the mouth of Little River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

Mr. FELTON also introduced a bill (H. R. No. 778) to appropriate money for the improvement of the navigation of the Coosa River from Rome, Georgia, to Wetumpka, Alabama; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

Mr. FELTON also introduced a bill (H. R. No. 779) to appropriate money for the continuance of the improvement of the navigation of the Oostanaula and Coosawattee Rivers, Georgia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

Mr. FELTON also introduced a bill (H. R. No. 780) to appropriate money for the survey of the Etowah River from the mouth of Little River to the point of nearest approach of said Etowah River to the city of Dahlonega, Georgia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MACON, GEORGIA.

Mr. BLOUNT introduced a bill (H. R. No. 781) for the relief of the city of Macon, Georgia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ANTHONY L. MAXWELL.

Mr. BLOUNT also introduced a bill (H. R. No. 782) for the relief of Anthony L. Maxwell, of Macon, Georgia, for ordnance stores and supplies taken at Knoxville, Tennessee, for use of United States Army; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WAR ADVANCES BY STATE OF GEORGIA.

Mr. BLOUNT also introduced a bill (H. R. No. 783) to refund to the State of Georgia certain money expended by said State for the common defense in 1777; which was read a first and second time, and, with an accompanying memorial of the Legislature of the State of Georgia in reference to the same subject, referred to the Committee on Claims, and ordered to be printed.

SOLDIERS OF SEMINOLE AND FLORIDA WARS.

Mr. COOK introduced a bill (H. R. No. 784) granting pensions to the soldiers of the Seminole and Florida wars; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STAMPING UNSTAMPED INSTRUMENTS.

Mr. COOK also introduced a bill (H. R. No. 785) to extend the time for stamping unstamped instruments; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

NATHANIEL B. HARBEN.

Mr. COOK also introduced a bill (H. R. No. 786) for the relief of Nathaniel B. Harben; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES L. DUNNING.

Mr. CANDLER introduced a bill (H. R. No. 787) to authorize an allowance of $6,842.15 in the settlement of the accounts of James L. Dunning, deceased, late postmaster at Atlanta, Georgia; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and, with an accompanying memorial, ordered to be printed.

INTERNAL IMPROVEMENT IN GEORGIA.

Mr. HARRIS, of Georgia, introduced a bill (H. R. No. 788) making an appropriation for continuing the improvement of the Chattahoochee and Flint Rivers, in the State of Georgia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

V. RICHARDS & BROTHERS.

Mr. SMITH, of Georgia, introduced a bill (H. R. No. 789) for the relief of V. Richards & Brothers for one hundred and eighty-three barrels of flour for the use of the Union Army; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TAX ON UNDIVIDED REAL-ESTATE INTERESTS.

Mr. BRADFORD introduced a bill (H. R. No. 790) to allow owners of undivided interests in real estate in the District of Columbia to pay taxes on their respective interests and to redeem the same when sold for taxes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

HOMESTEAD ENTRIES.

Mr. BRADFORD also introduced a bill (H. R. No. 791) for the relief of holders of lands under homestead entries in the State of Alabama; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

COMPETENT JURORS IN UNITED STATES COURTS IN ALABAMA.

Mr. BRADFORD also introduced a bill (H. R. No. 792) to secure competent jurors in the United States courts in Alabama; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ABUSE OF UNITED STATES PROCESS IN ALABAMA.

Mr. BRADFORD also introduced a bill (H. R. No. 793) to prevent abuse of United States process in Alabama; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

AMENDMENT OF HOMESTEAD LAW.

Mr. HEWITT, of Alabama, introduced a bill (H. R. No. 794) to amend the homestead law; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

DISPOSAL OF PUBLIC LANDS.

Mr. HEWITT, of Alabama, also introduced a bill (H. R. No. 795) to repeal section 2303 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ADMINISTRATION OF JUSTICE IN ALABAMA.

Mr. HEWITT, of Alabama, also introduced a bill (H. R. No. 796) to secure impartial administration of justice in the United States courts in Alabama; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

W. P. VAN DERVEER.

Mr. FORNEY introduced a bill (H. R. No. 797) for the relief of W. P. Van Derveer, assignee and trustee of Charles P. May; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LANDS FOR SCHOOL PURPOSES IN ALABAMA.

Mr. WILLIAMS, of Alabama, presented memorial of the constitutional convention of Alabama, asking for an additional section of land in each township in the State for school purposes; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

JOSEPH R. SHANNON, OF LOUISIANA.

Mr. SINGLETON introduced a bill (H. R. No. 798) for the relief of Joseph R. Shannon, of Louisiana; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM D. BIBB, OF MISSISSIPPI.

Mr. HOOKER introduced a bill (H. R. No. 799) for the relief of William D. Bibb, of Mississippi; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

COMMODORES ON THE RETIRED LIST OF THE NAVY.

Mr. WELLS, of Mississippi, introduced a bill (H. R. No. 800) relating to the promotion of commodores on the retired list of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

ADDITIONAL BOUNTY.

Mr. WELLS, of Mississippi, also introduced a bill (H. R. No. 801) to extend the time of filing claims for additional bounty under the act of July 28, 1866; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HEIRS OF COLORED SOLDIERS.

Mr. WELLS, of Mississippi, also introduced a bill (H. R. No. 802) to place the heirs of colored persons who enlisted in the Army on the same footing as other soldiers as to bounty and pension; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ARMISTEAD BURWELL.

Mr. WELLS, of Mississippi, also introduced a bill (H. R. No. 803) for the relief of Armistead Burwell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

He also introduced a bill (H. R. No. 804) for the relief of Armistead Burwell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PASCAGOULA RIVER.

Mr. LYNCH introduced a bill (H. R. No. 805) making an appropriation for the improvement of the Pascagoula River, in the State of Mississippi; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MILTON S. SHIRK.

Mr. LYNCH also introduced a bill (H. R. No. 806) for the relief of Milton S. Shirk, of Osyka, Mississippi; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JULIA A. NUTT.

Mr. LYNCH also introduced a bill (H. R. No. 807) for the benefit of Julia A. Nutt, widow and executrix of Haller Nutt; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The morning hour has now expired. The next business in order is the calling of States and Territories for resolutions, at which time bills on leave may be introduced, and all resolutions that give rise to debate shall lie over for one day.

AMNESTY.

Mr. RANDALL. I move to suspend the rules and proceed to consider the bill on the Speaker's table known as the amnesty bill.

Mr. BLAINE. I do not think there is any such bill on the Speaker's table.

The SPEAKER. The Chair does not understand that the bill referred to by the gentleman from Pennsylvania is properly on the Speaker's table.

Mr. RANDALL. The Speaker will remember that the bill was read at length but was not referred. But, to obviate any objection on that account, I move that the rules be suspended and that the House proceed to the consideration of the bill which I send to the desk.

The SPEAKER. The Clerk will read the bill.

The bill, entitled "A bill to remove the disabilities imposed by the third section of the fourteenth article of the amendments of the Constitution of the United States" was read. It proposes (two-thirds of each House concurring) in its first section to remove all the disabilities imposed and remaining upon any person by virtue of the third section of the fourteenth article of the amendments of the Constitution of the United States and relieves therefrom forever each and every person.

It provides in its second section that whenever any person from whom disabilities are removed by this act shall be elected or appointed to any post or office of honor or trust under the Government of the United States, he shall take the oath prescribed by section 1757 of title 19 of the Revised Statutes of the United States, or such other official oath as may be hereafter prescribed in such cases by any future act of Congress.

Mr. BLAINE. I desire to ask the gentleman from Pennsylvania [Mr. RANDALL] a question. I understood that the chairman of the Select Committee, of which I am a member, on the Centennial Celebration desires the House to go into Committee of the Whole on the bill reported by that committee.

Mr. RANDALL. My answer is that the gentleman has not made that motion; and if he did, I desire to say that my bill was prior in introduction, and that its consideration has only been interrupted by technicalities.

Mr. BLAINE. The gentleman from Pennsylvania does not mean that there is anything in the rules that compels the House to consider this in advance of the centennial bill?

Mr. RANDALL. I do not propose to discuss that point on a motion to suspend the rules.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania [Mr. RANDALL] that the rules be suspended, that the House may proceed to the consideration of the amnesty bill.

The question being taken, the rules were suspended, (two-thirds voting in the affirmative.)

Mr. RANDALL. Mr. Speaker——

Mr. BLAINE. I desire to offer what I send to the desk as an amendment in the nature of a substitute.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] has the floor.

Mr. RANDALL. I now demand the previous question.

Mr. BLAINE. Does the gentleman desire to cut off amendments?

Mr. RANDALL. I desire to demand the previous question and to have it sustained, and I then propose to give to gentlemen on that side one-half of the time which may be allowed for discussion.

Mr. BLAINE. Does the gentleman propose not to admit any amendment?

Mr. RANDALL. I will listen, after the previous question is sustained, to an amendment.

Mr. BLAINE. The gentleman knows well enough that sustaining the previous question cuts off amendments; cuts off everything.

Mr. RANDALL. I am quite aware of the effect of it. I have for twelve years learned its effect in adversity under the direction of yourself and that side of the House.

The question being taken on seconding the demand for the previous question,

The Speaker stated that in the judgment of the Chair the "ayes" had it.

Mr. BLAINE. I call for tellers.

Tellers were ordered; and Mr. BLAINE and Mr. RANDALL were appointed.

The House divided; and the tellers reported—ayes 159, noes 95.

So the previous question was seconded.

Mr. RANDALL. I now have one hour for debate. I propose——

Mr. GARFIELD. Under what rule?

Mr. RANDALL. I propose to take it.

Mr. GARFIELD. Under what rule?

Mr. RANDALL. Because I have the floor.

Mr. GARFIELD. How does the gentleman hold the floor? This is not a report from a committee, and under the operation of the previous question there is no hour for debate.

Mr. RANDALL. I have the floor and under the rules I have one hour for discussion.

Mr. GARFIELD. I ask again, under what rule?

Mr. BANKS. I desire the yeas and nays upon ordering the previous question; the House has voted under a misapprehension.

Mr. BLAINE. The gentleman from Pennsylvania [Mr. RANDALL] will observe that the bill does not come from any committee, and therefore he has no right to an hour.

Mr. GARFIELD. The gentleman has invoked the rigor of the rules, and he must abide by them. This bill does not come from any committee, and therefore, under the rules, he is not entitled to an hour for debate.

The SPEAKER. The Chair will state to the gentleman from Massachusetts [Mr. BANKS] that he thinks the call for the yeas and nays comes too late.

Mr. BANKS. No, sir. The House evidently voted under a misapprehension.

The SPEAKER. The last vote was only upon seconding the previous question.

Mr. BANKS. I am aware of that; but we have a right to the yeas and nays upon ordering the main question?

The SPEAKER. The gentleman desires the yeas and nays on ordering the main question?

Mr. BANKS. I do, sir.

Mr. BLAINE. The gentleman from Massachusetts [Mr. BANKS] is of course correct in stating that the yeas and nays can be had upon ordering the main question. The gentleman from Ohio [Mr. GARFIELD] has raised a point of order which I would not have raised myself, but which, being raised, is entirely incontrovertible, that this bill, not coming from a committee, the previous question if sustained cuts off all debate. The rule allowing an hour for debate after the previous question is seconded applies only to reports from committees, and therefore this motion of the gentleman cuts off absolutely every moment of debate.

The SPEAKER. The Chair sustains the point of order raised by the gentleman from Ohio, [Mr. GARFIELD.]

Mr. RANDALL. Allow me one minute. Does that side of the House object to debate?

Mr. BLAINE. This side of the House does not desire any unreasonable time, although, as Congress has been in session for five weeks and the House has held sessions about two days in a week, it might be considered reasonable that an hour or two should be allowed for debate upon a subject of this importance.

Mr. RANDALL. I want to know of the gentleman if anybody on that side of the House objects to debate?

Mr. GARFIELD. No. But we want consideration of the subject, which means debate and amendment.

Mr. RANDALL. I propose to give every kind of consideration to the bill.

Mr. BLAINE. I told the gentleman in perfect good faith and perfect good feeling that it would be impossible to pass this bill without some discussion. The vote just taken reveals the fact that considerably more than one-third of the House object to the bill going through under the gag.

Mr. RANDALL. I do not propose to put it through under the gag. On the contrary, I propose to allow debate; but if any one objects to debate we must come to a direct vote. You yourselves have it within your province to have debate.

Mr. BLAINE. Of course the gentleman from Pennsylvania knows, as Mr. Benton left on record, that the very essence of the legislative power is the power to amend; and he confesses the weakness of his cause when he attempts to deprive the minority of the ordinary legislative right to offer amendments.

Mr. RANDALL. I am glad to see light at last dawning upon the gentleman, for during many years you were blind to any such consideration. [Laughter.]

Mr. BLAINE. The gentleman will in vain search the Globe, for the twelve years that he and I have been members of the House, for any bill of this magnitude that was attempted to be put through without discussion or amendment. I defy him to cite an instance.

Mr. RANDALL. Was not this very bill passed last year by an introduction from the Committee on the Rules, of which you were a member?

Mr. BLAINE. And to which I objected.

Mr. RANDALL. Never; neither in the House nor in the committee did you object to this bill.

Mr. BLAINE. Being in the chair, and unable to interpose an objection myself, I endeavored to get several gentlemen to object. There is upon this floor a gentleman whom I asked to object to the bill. I asked the gentleman from South Carolina [Mr. RAINEY] to stop it; but, with a delicacy which does honor to his position and his race, he said he would be misunderstood if he objected, although he thought the bill ought not to go through.

Mr. RANDADL. I say that this very bill, in almost these identical words, came from the committee of which you were a member without objection

Mr. BLAINE. I differ with the gentleman in point of fact; I did object to it. The gentleman does not sustain or maintain the parliamentary rules when he refers to anything that took place in the committee.

Mr. RANDALL. I say that neither in the committee nor in this House, in any way, as a member of this body or as its Presiding Officer, did you object. On the contrary, I say more, that at that time, so far as I was able to see or know, you facilitated the passage of this bill.

Mr. GARFIELD. I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. GARFIELD. My point of order is that the gentleman from Pennsylvania [Mr. RANDALL] must address the Chair, and not the various members of the House as "you," or otherwise.

Mr. RANDALL. You are getting very fastidious.

Mr. GARFIELD. I have called the gentleman to order for the same reason several times in former sessions.

The SPEAKER. The Chair sustains the point of order.

Mr. BLAINE. I endeavored to object to the bill, but I was not able, being in the chair. Had I been upon the floor I should have done it.

The SPEAKER. The question before the House is, Shall the main question be now put? upon which the gentleman from Massachusetts [Mr. BANKS] asks for the yeas and nays.

Mr. BLAINE. I desire it to be distinctly understood that the parliamentary effect of ordering the main question at this time is to cut off all debate whatever.

Mr. RANDALL. I desire to have it equally as well understood that such is not the purpose of this side of the House. If debate is cut off, it will be upon objection from the other side. This side of the House will divide the time that is allowed, or offered, or wasted, with the other side.

Mr. BURCHARD, of Illinois. I would ask the gentleman if, under the rules, the minority can have the privilege of debate?

Mr. RANDALL. By unanimous consent they can; and the objection, mark you, must come from your side of the House.

Mr. GARFIELD. How does the gentleman know that?

Mr. RANDALL. Because I speak advisedly; therefore I know.

The yeas and nays were then ordered.

The question was then taken upon ordering the main question; and there were—yeas 164, nays 100, not voting 27; as follows:

YEAS—Messrs. Ainsworth, Anderson, Ashe, Atkins, Bagby, John H. Bagley, jr., Barnum, Beebe, Blackburn, Bland, Blount, Boone, Bradford, Bright, John Young Brown, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Caulfield, Chapin, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Cook, Cowan, Cox, Culberson, Cutler, Darrall, Davis, De Bolt, Dibrell, Douglas, Durand, Durham, Eden, Egbert, Ely, Faulkner, Felton, Forney, Franklin, Fuller, Gause, Gibson, Glover, Goode, Goodin, Gunter, Andrew H. Hamilton, Robert Hamilton, Hancock, Hardenbergh, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Hatcher, Haymond, Henkle, Hereford, Goldsmith W. Hewitt, Hill, Holman, Hooker, Hopkins, House, Hunton, Jenks, Frank Jones, Thomas L. Jones, Knott, Franklin Landers, George M. Landers, Lane, Levy, Lewis, Lord, Luttrell, Lynde, Maish, McFarland, McMahon, Meade, Metcalfe, Milliken, Mills, Money, Morey, Morgan, Morrison, Mutchler, Nash, Neal, New, O'Brien, Parsons, Phelps, John F. Philips, Piper, Poppleton, Powell, Randall, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Miles Ross, Savage, Sayler, Scales, Schleicher, Schumaker, Sheakley, Singleton, Siemons, William E. Smith, Southard, Sparks, Springer, Stenger, Stevenson, Stone, Tarbox, Teese, Terry, Thompson, Thomas, Throckmorton, Tucker, Turney, John L. Vance, Robert B. Vance, Waddell, Charles C. B. Walker, Gilbert C. Walker, Walling, Walsh, Ward, Warren, Erastus Wells, Whitthorne, Wike, Alpheus S. Williams, James Williams, James D. Williams, Jeremiah N. Williams, Willis, Wilshire, Benjamin Wilson, Fernando Wood, Yeates, and Young—164.

NAYS—Messrs. Adams, George A. Bagley, John H. Baker, William H. Baker, Ballou, Banks, Blaine, Blair, Bradley, William R. Brown, Horatio C. Burchard, Burleigh, Cannon, Cason, Caswell, Cate, Chittenden, Conger, Crapo, Crounse, Danford, Davy, Denison, Dunnell, Eames, Evans, Fort, Foster, Freeman, Frost, Frye, Garfield, Hale, Haralson, Benjamin W. Harris, Hathorn, Hendee, Henderson, Hoar, Hoskins, Hubbell, Hunter, Hurlbut, Hyman, Joyce, Kasson, Kehr, Ketchum, Kimball, King, Lapham, Lawrence, Leavenworth, Lynch, Edmund W. M. Mackey, Magoon, MacDougall, McCrary, McDill, Miller, Monroe, Norton, Oliver, O'Neill, Packer, Page, William A. Phillips, Pierce, Plaisted, Platt, Potter, Pratt, Robinson, Sobieski Ross, Rusk, Sampson, Seelye, Sinnickson, Smalls, A. Herr Smith, Starkweather, Strait, Stowell, Thornburgh, Martin I. Townsend, Washington Townsend, Tufts, Van Vorhes, Waldron, Alexander S. Wallace, John W. Wallace, Wheeler, White, Whiting, Willard, Charles G. Williams, William B. Williams, James Wilson, Alan Wood, jr., and Woodworth—100.

NOT VOTING—Messrs. Banning, Bass, Bell, Bliss, Collins, Dobbins, Ellis, Farwell, Hays, Abram S. Hewitt, Hoge, Hurd, Kelley, Lamar, Levi A. Mackey, Odell, Payne, Purman, Rainey, Swann, Walls, G. Wiley Wells, Whitehouse, Wigginton, Andrew Williams, and Woodburn—26.

So the main question was ordered.

Mr. RANDALL. I now ask unanimous consent for one hour's debate prior to the taking of the vote on the final passage of the bill.

Mr. GARFIELD. I join with the gentleman, and add a request that by unanimous consent the bill may be considered open for amendment. I think there will be no objection to that.

Mr. RANDALL. I have not heard any one object to having debate upon the bill.

Mr. GARFIELD. I desire that the sense of the House may be taken on my suggestion.

Mr. RANDALL. I ask unanimous consent that one hour's debate be allowed on this bill before taking the vote on the final passage.

The SPEAKER. Is there objection?

Mr. GARFIELD. With the privilege of amendment. That is the way I understand the offer.

Mr. RANDALL. The gentleman does not understand any such thing.

Mr. GARFIELD. Then I object, unless there is to be an opportunity for amendment.

The SPEAKER. The gentleman from Ohio [Mr. GARFIELD] objects.

Mr. RANDALL. Then I ask the previous question on the passage of the bill.

Mr. BLAINE. Will you allow me a single word?

Mr. RANDALL. Certainly—thirty minutes' "word."

Mr. BLAINE. The indications of the vote just taken are plainly that the bill in its present shape cannot pass without the liberty of some discussion and amendment. If it should fail to be passed I shall immediately move, with the recognition of the Speaker, that the rules be suspended and the gentleman's bill brought before the House for consideration. I shall then offer as a substitute the amendment which I have endeavored to submit; and the House can choose between the two propositions.

The only object on this side is to have a fair vote; there is no disposition whatever to block the question or to evade it, but merely to have an opportunity to make a record on it. The gentleman will see that he will evidently save time, and probably create better feeling and more harmony, by allowing the bill to take that course, because this side of the House has power to enforce that course.

Mr. RANDALL. One word. As the gentleman from Maine [Mr. BLAINE] has asked an opportunity to speak, I may be allowed to say something. This bill is exactly the bill—word for word, with but a single addition of no importance—that a republican House passed without a call of the yeas and nays. Twice have republican Houses passed this bill, and twice has it been strangled in the Senate. I do not know what has come over the spirit of the republican party or what is the motive or purpose of the gentleman from Maine.

Mr. BLAINE. The gentleman will not allow me to state it. That is the very point.

Mr. RANDALL. I asked for one hour's debate, that the gentleman might have an opportunity to state it. I do not know what has come over the gentleman from Maine. I do not understand why he should want to change the bill in any particular from the bill as passed a year ago when he was Speaker and had in part the control of the majority of the House.

Mr. BLAINE. The gentleman says he does not see what has come over my spirit. I want an opportunity to state it, but he does not allow me.

Mr. RANDALL. I have asked unanimous consent that the other side of the House should have thirty minutes for debate. The gentleman can go on now if he chooses. Let him go on. I will not object.

Mr. BLAINE. I do not want to talk unless I talk to some purpose. I want to talk to an issue. I want to talk in favor of my amendment, and do not want to be confronted with a blank statement that that amendment cannot even have the poor privilege of being voted down. I suppose it will be voted down; but I want it at least to go upon the Journals of the House; and if permitted to speak, I want to speak on something.

Mr. RANDALL. The amendment is on the Journals of the House; that is just what I have permitted, that it should go upon the record of the House; so that the gentleman is thoroughly committed before the country.

Mr. BLAINE. O, no; it is not on the Journal of the House.

Mr. RANDALL. It is on the RECORD of the House.

Mr. BLAINE. But not on the Journal. The gentleman will please correct himself on that point.

Mr. RANDALL. The gentleman's object is already accomplished, if he wants to go before the country as an obstructionist to amnesty.

Mr. BLAINE. The gentleman is obstructing amnesty; he is withholding it from every man in the South now under disabilities, because he will not even allow a vote on the proposition to except Jefferson Davis.

Mr. RANDALL. Did you allow the minority of this House to offer amendments to the civil-rights bill?

The previous question was seconded and the main question ordered.

Mr. HALE demanded the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 175, nays 97, not voting 18; as follows:

YEAS.—Messrs. Ainsworth, Anderson, Ashe, Atkins, Bagby, John H. Bagley, jr., Banks, Barnum, Beebe, Bell, Blackburn, Bland, Blount, Boone, Bradford, Bright, John Young Brown, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cate, Caulfield, Chapin, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Cook, Cowan, Cox, Culberson, Cutler, Davis, De Bolt, Dibrell, Douglas, Durand, Durham, Eden, Egbert, Ely, Faulkner, Felton, Forney, Franklin, Fuller, Gause, Gibson, Glover, Goode, Goodin, Gunter, Andrew H. Hamilton, Robert Hamilton, Hancock, Hardenbergh, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Hatcher, Haymond, Henkle, Hereford, Goldsmith W. Hewitt, Hill, Holman, Hooker, Hopkins, House, Hunton, Hurd, Jenks, Frank Jones, Thomas L. Jones, Kehr, Kelley, Knott, Franklin Landers, George M. Landers, Lane, Levy, Lewis, Lord, Luttrell, Lynch, Lynde, Edmund W. M. Mackey, Maish, McFarland, McMahon, Meade, Metcalfe, Milliken, Mills, Money, Morey, Morgan, Morrison, Mutchler, Neal, New, O'Brien, Parsons, Payne, Phelps, John F. Philips, Pierce, Piper, Poppleton, Potter, Powell, Randall, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Miles Ross, Savage, Sayler, Scales, Schleicher, Schumaker, Sheakley, Singleton, Siemons, William E. Smith, Southard, Sparks, Springer, Stenger, Stevenson, Stone, Swann, Tarbox, Teese, Terry, Thompson, Thomas, Throckmorton, Tucker, Turney, John L. Vance, Robert B. Vance, Waddell, Charles C. B. Walker, Gilbert C. Walker, Walling, Walsh, Ward, Warren, Erastus Wells, G. Wiley Wells, Whitthorne, Wike, Alpheus S. Williams, James Williams, James D. Williams, Jeremiah N. Williams, Willis, Wilshire, Benjamin Wilson, Fernando Wood, Yeates, and Young—175.

NAYS—Messrs. Adams, George A. Bagley, John H. Baker, William H. Baker, Ballou, Blaine, Blair, Bradley, William R. Brown, Horatio C. Burchard, Burleigh, Cannon, Cason, Caswell, Chittenden, Conger, Crapo, Crounse, Danford, Davy, Denison, Dobbins, Dunnell, Eames, Evans, Foster, Freeman, Frost, Frye, Garfield, Hale, Harlson, Benjamin W. Harris, Hathorn, Hendee, Henderson, Hoar, Hoskins, Hubbell, Hunter, Hurlbut, Hyman, Joyce, Kasson, Ketchum, Kimball, King, Lapham, Lawrence, Leavenworth, Magoon, MacDougall, McCrary, McDill, Miller, Monroe, Nash, Norton, Oliver, O'Neill, Packer, Page, William A. Phillips, Plaisted, Platt, Pratt, Purman, Rainey, Robinson, Sobieski Ross, Rusk, Sampson, Seelye, Sinnickson, Smalls, A. Herr Smith, Starkweather, Strait, Stowell, Thornburgh, Martin I. Townsend, Washington Townsend, Tufts, Van Vorhes, Waldron, Alexander S. Wallace, John W. Wallace, Walls, Wheeler, White, Whiting, Willard, Charles F. Williams, William B. Williams, James Wilson, Alan Wood, jr., and Woodworth—97.

NOT VOTING—Messrs. Banning, Bass, Bliss, Collins, Darrall, Ellis, Farwell, Fort, Hays, Abram S. Hewitt, Hoge, Lamar, Levi A. Mackey, Odell, Whitehouse, Wigginton, Andrew Williams, and Woodburn—18.

So (two-thirds not having voted in the affirmative) the bill was not passed.

During the vote,

Mr. PURMAN said: For the purpose of enabling the gentleman from Maine to offer his amendment I will change my vote to "no."

Mr. RANDALL. Debate is not in order.

The SPEAKER. The gentleman can change his vote, but debate is not in order.

Mr. PURMAN. I change my vote from "ay" to "no."

Mr. WHITE. I change my vote to "no."

The vote was then announced as above recorded.

The SPEAKER. Two-thirds not having voted in favor of the bill, it is rejected.

Mr. BLAINE. Mr. Speaker, I rise to a privileged question. I move to reconsider the vote which has just been declared. I propose to debate that motion, and now give notice that if the motion to reconsider is agreed to it is my intention to offer the amendment which has been read several times. I will not delay the House to have it read again.

Every time the question of amnesty has been brought before the House by a gentleman on that side for the last two Congresses, it has been done with a certain flourish of magnanimity which is an imputation on this side of the House, as though the republican party which has been in charge of the Government for the last twelve or fourteen years had been bigoted, narrow, and illiberal, and as though certain very worthy and deserving gentlemen in the Southern States were ground down to-day under a great tyranny and oppression, from which the hard-heartedness of this side of the House cannot possibly be prevailed upon to relieve them.

If I may anticipate as much wisdom as ought to characterize that side of the House, this may be the last time that amnesty will be discussed in the American Congress. I therefore desire, and under the rules of the House, with no thanks to that side for the privilege, to place on record just what the republican party has done in this matter. I wish to place it there as an imperishable record of liberality, and large-mindedness, and magnanimity, and mercy far beyond any that has ever been shown before in the world's history by conqueror to conquered.

With the gentleman from Pennsylvania, [Mr. RANDALL,] I entered this Congress in the midst of the hot flame of war, when the Union was rocking to its foundations, and no man knew whether we were to have a country or not. I think the gentleman from Pennsylvania would have been surprised when he and I were novices in the Thirty-eighth Congress, if he could have foreseen, before our joint service ended, we should have seen sixty-one gentlemen, then in arms against us, admitted to equal privileges with ourselves, and all by the grace and magnanimity of the republican party. When the war ended, according to the universal usage of nations, the Government, then under the exclusive control of the republican party, had the right to determine what should be the political status of the people who had been defeated in war. Did we inaugurate any measures of persecution? Did we set forth on a career of bloodshed and vengeance? Did we take property? Did we prohibit any man all his civil rights? Did we take from him the right he enjoys to-day, to vote?

Not at all. But instead of a general and sweeping condemnation the republican party placed in the fourteenth amendment to the Constitution only this exclusion; after considering the whole subject, it ended in simply coming down to this:

That no person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

It has been variously estimated that this section at the time of its original insertion in the Constitution included somewhere from four-

teen to thirty thousand persons; as nearly as I can gather together the facts of the case, it included about eighteen thousand men in the South. It let go every man of the hundreds of thousands—or millions if you please—who had been engaged in the attempt to destroy this Government, and only held those under disability, who in addition to revolting, had violated a special and peculiar and personal oath to support the Constitution of the United States. It was limited to that.

Well, that disability was hardly placed upon the South until we began in this Hall and in the other wing of the Capitol, when there were more than two-thirds republicans in both branches, to remit it, and the very first bill took that disability off from 1,578 citizens of the South; and the next bill took it off from 3,526 gentlemen—by wholesale. Many of the gentlemen on this floor came in for grace and amnesty in those two bills. After these bills specifying individuals had passed, and others, of smaller numbers, which I will not recount, the Congress of the United States in 1872, by two-thirds of both branches, still being two-thirds republican, passed this general law:

That all political disabilities imposed by the third section of the fourteenth article of amendments of the Constitution of the United States are hereby removed from all persons whomsoever, except Senators and Representatives of the Thirty-sixth and Thirty-seventh Congresses, officers in the judicial, military, and naval service of the United States, heads of Departments, and foreign ministers of the United States.

Since that act passed a very considerable number of the gentlemen which it still left under disability have been relieved specially, by name, in separate acts. But I believe, Mr. Speaker, in no single instance since the act of May 22, 1872, have the disabilities been taken from any man except upon his respectful petition to the Congress of the United States that they should be removed. And I believe in no instance, except one, have they been refused upon the petition being presented. I believe in no instance, except one, has there been any other than a unanimous vote.

Now, I find there are widely varying opinions in regard to the number that are still under disabilities in the South. I have had occasion, by conference with the Department of War and of the Navy, and with the assistance of some records which I have caused to be searched, to be able to state to the House, I believe with more accuracy than it has been stated hitherto, just the number of gentlemen in the South still under disabilities. Those who were officers of the United States Army, educated at its own expense at West Point and who joined the rebellion, and are still included under this act, number, as nearly as the War Department can figure it up, 325; those in the Navy about 295. Those under the other heads, Senators and Representatives of the Thirty-sixth and Thirty-seventh Congresses, officers in the judicial service of the United States, heads of Departments, and foreign ministers of the United States, make up a number somewhat more difficult to state accurately, but smaller in the aggregate. The whole sum of the entire list is about—it is probably impossible to state it with entire accuracy, and I do not attempt to do that—is about 750 persons now under disabilities.

I am very frank to say that in regard to all these gentlemen, save one, I do not know of any reason why amnesty should not be granted to them as it has been to many others of the same class. I am not here to argue against it. The gentleman from Iowa [Mr. KASSON] suggests "on their application." I am coming to that. But as I have said, seeing in this list, as I have examined it with some care, no gentleman to whom I think there would be any objection, since amnesty has already become so general—and I am not going back of that question to argue it—I am in favor of granting it to them. But in the absence of this respectful form of application, which since May 22, 1872, has become a sort of common law, as preliminary to amnesty, I simply wish to put in that they shall go before a United States court, and in open court, with uplifted hand, swear that they mean to conduct themselves as good citizens of the United States. That is all.

Now, gentlemen may say that this is a foolish exaction. Possibly it is. But somehow or other I have a prejudice in favor of it. And there are some petty points in it that appeal as well to prejudice as to conviction. For one I do not want to impose citizenship on any gentleman. If I am correctly informed, and I state it only on rumor, there are some gentlemen in this list who have spoken contemptuously of the idea of their taking citizenship, and have spoken still more contemptuously of the idea of their applying for citizenship. I may state it wrongly, and if I do I am willing to be corrected, but I understand that Mr. Robert Toombs has, on several occasions, at watering-places both in this country and in Europe, stated that he would not ask the United States for citizenship. Very well; we can stand it about as well as Mr. Robert Toombs can. And if Mr. Robert Toombs is not prepared to go into a court of the United States and swear that he means to be a good citizen, let him stay out. I do not think that the two Houses of Congress should convert themselves into a joint convention for the purpose of embracing Mr. Robert Toombs and gushingly request him to favor us by coming back to accept of all the honors of citizenship. That is the whole. All I ask is that each of these gentlemen shall show his good faith by coming forward and taking the oath which you on that side of the House and we on this side of the House and all of us take, and gladly take. It is a very small exaction to make as a preliminary to full restoration to all the rights of citizenship.

In my amendment, Mr. Speaker, I have excepted Jefferson Davis from its operation. Now I do not place it on the ground that Mr. Davis was, as he has been commonly called, the head and front of the rebellion, because on that ground I do not think the exception would be tenable. Mr. Davis was just as guilty, no more so, no less so, than thousands of others who have already received the benefit and grace of amnesty. Probably he was far less efficient as an enemy of the United States; probably he was far more useful as a disturber of the councils of the confederacy than many who have already received amnesty. It is not because of any particular and special damage that he above others did to the Union, or because he was personally or especially of consequence, that I except him. But I except him on this ground: that he was the author, knowingly, deliberately, guiltily, and willfully, of the gigantic murders and crimes at Andersonville.

A MEMBER. And Libby.

Mr. BLAINE. Libby pales into insignificance before Andersonville. I place it on that ground, and I believe to-day that so rapidly does one event follow on the heels of another in the rapid age in which we live, that even those of us who were contemporaneous with what was transpiring there, and still less those who have grown up since, fail to remember the gigantic crime then committed.

Sir, since the gentleman from Pennsylvania [Mr. RANDALL] introduced this bill, last month, I have taken occasion to reread some of the historic cruelties of the world. I have read over the details of those atrocious murders of the Duke of Alva in the Low Countries which are always mentioned with a thrill of horror throughout Christendom. I have read the details of the massacre of Saint Bartholomew, that stand out in history as one of those atrocities beyond imagination. I have read anew the horrors untold and unimaginable of the Spanish Inquisition. And I here, before God, measuring my words, knowing their full extent and import, declare that neither the deeds of the Duke of Alva in the Low Countries, nor the massacre of Saint Bartholomew, nor the thumb-screws and engines of torture of the Spanish Inquisition begin to compare in atrocity with the hideous crime of Andersonville. [Applause on the floor and in the galleries.]

Mr. ROBBINS, of North Carolina. That is an infamous slander.

The SPEAKER. If such demonstrations are repeated in the galleries the Chair will order them to be cleared.

Mr. BLAINE. Thank God, Mr. Speaker, that while this Congress was under different control from that which exists here to-day, with a committee composed of both sides and of both branches, that tale of horror was placed where it cannot be denied or gainsaid.

I hold in my hand the story written out by a committee of Congress. I state that Winder, who is dead, was sent to Andersonville with a full knowledge of his previous atrocities; that those atrocities in Richmond were so fearful, so terrible, that confederate papers, the Richmond Examiner for one, stated when he was gone that, "Thank God, Richmond is rid of his presence." We in the North knew from returning skeletons what he had accomplished at Belle Isle and Libby. And fresh from those accomplishments he was sent by Mr. Davis, against the protests of others in the confederacy, to construct this den of horrors at Andersonville.

Now, of course it would be utterly beyond the scope of the occasion and beyond the limits of my hour for me to go into details. But in arraigning Mr. Davis I undertake here to say that I will not ask any gentleman to take the testimony of a single Union soldier. I ask them to take only the testimony of men who themselves were engaged and enlisted in the confederate cause. And if that testimony does not entirely carry out and justify the declaration I have made, then I will state that I have been entirely in error in my reading.

After detailing the preparation of that prison, the arrangements made with hideous cruelty for the victims, the report which I hold in my hand, and which was concurred in by democratic members as well as republican members of Congress, states this—and I beg members to hear it, for it is far more impressive than anything I can say. After, I say, giving full details, the report states:

The subsequent history of Andersonville has startled and shocked the world with a tale of horror, of woe, and death, before unheard and unknown to civilization. No pen can describe, no painter sketch, no imagination comprehend its fearful and unutterable iniquity. It would seem as if the concentrated madness of earth and hell had found its final lodgment in the breasts of those who inaugurated the rebellion and controlled the policy of the confederate government, and that the prison at Andersonville had been selected for the most terrible human sacrifice which the world had ever seen. Into its narrow walls were crowded thirty-five thousand enlisted men, many of them the bravest and best, the most devoted and heroic of those grand armies which carried the flag of their country to final victory. For long and weary months here they suffered, maddened, were murdered, and died. Here they lingered, unsheltered from the burning rays of a tropical sun by day and drenching and deadly dews by night, in every stage of mental and physical disease, hungered, emaciated, starving, maddened; festering with unhealed wounds; gnawed by the ravages of scurvy and gangrene; with swollen limb and distorted visage; covered with vermin which they had no power to extirpate; exposed to the flooding rains which drove them drowning from the miserable holes in which, like swine, they burrowed; parched with thirst and mad with hunger; racked with pain or prostrated with the weakness of dissolution; with naked limbs and matted hair; filthy with smoke and mud; soiled with the very excrement from which their weakness would not permit them to escape; eaten by the gnawing worms which their own wounds had engendered; with no bed but the earth; no covering save the cloud or the sky; these men, these heroes, born in the image of God, thus crouching and writhing in their terrible torture and calculating barbarity, stand forth in history as a monument of the surpassing horrors of Andersonville as it shall be seen and read in all future time, realizing in the studied torments of their prison-house the ideal of Dante's Inferno and Milton's hell.

I undertake to say, from reading the testimony, that that is a moderate description. I will read but a single paragraph from the testimony of Rev. William John Hamilton, a man I believe who never was in the North, a Catholic priest at Macon. He is a southern man and a democrat and a catholic priest. And when you unite those three qualities in one man you will not find much testimony that would be strained in favor of the republican party. [Laughter.]

This man had gone to Andersonville on a mission of mercy to the men of his own faith, to administer to them the rites of his church in their last moments. That is why he happened to be a witness. I will read his answer under oath to a question addressed to him in regard to the bodily condition of the prisoners. He said:

Well, as I said before, when I went there I was kept so busily engaged in giving the sacrament to the dying men that I could not observe much; but of course I could not keep my eyes closed as to what I saw there. I saw a great many men perfectly naked—

Their clothes had been taken from them, as other testimony shows—

walking about the stockade perfectly nude; they seemed to have lost all regard for delicacy, shame, morality, or anything else. I would frequently have to creep on my hands and knees into the holes that the men had burrowed in the ground, and stretch myself out alongside of them to hear their confessions. I found them almost living in vermin in those holes; they could not be in any other condition but a filthy one, because they got no soap and no change of clothing, and were there all huddled up together.

Let me read further from the same witness another specimen:

The first person I conversed with on entering the stockade was a countryman of mine, a member of the Catholic church, who recognized me as a clergyman. I think his name was Farrell. He was from the north of Ireland. He came toward me and introduced himself. He was quite a boy; I do not think, judging from his appearance, that he could have been more than sixteen years old. I found him without a hat and without any covering on his feet, and without jacket or coat. He told me that his shoes had been taken from him on the battle-field. I found the boy suffering very much from a wound on his right foot; in fact the foot was split open like an oyster; and on inquiring the cause they told me it was from exposure to the sun in the stockade, and not from any wound received in battle. I took off my boots and gave him a pair of socks to cover his feet and told him I would bring him some clothing, as I expected to return to Andersonville the following week. I had to return to Macon to get another priest to take my place on Sunday. When I returned on the following week, on inquiring for this man Farrell, his companions told me he had stepped across the dead-line and requested the guards to shoot him. He was not insane at the time I was conversing with him.

Now, Mr. Speaker, I do not desire to go into such horrible details as these for any purpose of rousing bad feeling. I wish only to say that the man who administered the affairs of that prison went there by order of Mr. Davis, was sustained by him; and this William John Hamilton, from whose testimony I have read, states here that he went to General Howell Cobb, commanding that department, and asked that intelligence as to the condition of affairs there be transmitted to the confederate government at Richmond. For the matter of that, there are a great many proofs to show that Mr. Davis was thoroughly informed as to the condition of affairs at Andersonville.

One word more and I shall lay aside this book. When the march of General Sherman, or some other invasion of that portion of the country, was under way, there was danger or supposed danger that it might come into the neighborhood of Andersonville; and the following order, to which I invite the attention of the House—a regular military order—Order No. 13, dated headquarters Confederate States military prison, Andersonville, July 27, 1864, was issued by Brigadier-General John H. Winder:

The officers on duty and in charge of the battery of Florida artillery at the time will, upon receiving notice that the enemy have approached within seven miles of this post, open fire upon the stockade with grape-shot without reference to the situation beyond these lines of defense.

Now, here were these 35,000 poor, helpless, naked, starving, sickened, dying men. This Catholic priest states that he begged Mr. Cobb to represent that if they could not exchange those men, or could not relieve them in any other way, they should be taken to the Union lines in Florida and paroled; for they were shadows, they were skeletons. Yet it was declared by a regular order of Mr. Davis's officer that if the Union forces should come within seven miles the battery of Florida artillery should open fire with grape-shot on these poor, helpless men, without the slightest possible regard to what was going on outside.

Now, I do not arraign the southern people for this. God forbid that I should charge any people with sympathizing with such things. There were many evidences of great uneasiness among the southern people about it; and one of the great crimes of Jefferson Davis was that, besides conniving at and producing that condition of things, he concealed it from the southern people. He labored not only to conceal it, but to make false statements about it. We have obtained, and have now in the Congressional Library, a complete series of Mr. Davis's messages—the official imprint from Richmond. I have looked over them, and I have here an extract from his message of November 7, 1864, at the very time that these horrors were at there acme. Mark you, when those horrors of which I have read specimens were at their extremest verge of desperation, Mr. Davis sends a message to the confederate congress at Richmond, in which he says:

The solicitude of the Government for the relief of our captive fellow-citizens has known no abatement, but has on the contrary been still more deeply evoked by the additional sufferings to which they have been wantonly subjected by deprivation of adequate food, clothing, and fuel, which they were not even permitted to purchase from the prison sutler.

And he adds that the—

Enemy attempted to excuse their barbarous treatment by the unfounded allegation that it was retaliatory for like conduct on our part.

Now I undertake here to say that there is not a confederate soldier now living, who has any credit as a man in his community and who ever was a prisoner in the hands of the Union forces, who will say that he ever was cruelly treated; that he ever was deprived of the same rations that the Union soldiers had—the same food and the same clothing.

Mr. COOK. Thousands of them say it—thousands of them; men of as high character as any in this House.

Mr. BLAINE. I take issue upon that. There is not one who can substantiate it—not one. As for measures of retaliation, although goaded by this terrific treatment of our friends imprisoned by Mr. Davis, the Senate of the United States specifically refused to pass a resolution of retaliation, as contrary to modern civilization and the first precepts of Christianity. And there was no retaliation attempted or justified. It was refused; and Mr. Davis knew it was refused just as well as I knew it or any other man, because what took place in Washington or what took place in Richmond was known on either side of the line within a day or two thereafter.

Mr. Speaker, this is not a proposition to punish Jefferson Davis. There is nobody attempting that. I will very frankly say I myself thought the indictment of Mr. Davis at Richmond, under the administration of Mr. Johnson, was a weak attempt, for he was indicted only for that of which he was guilty in common with all others who went into the confederate movement. Therefore, there was no particular reason for it. But I will undertake to say this, and, as it may be considered an extreme speech, I want to say it with great deliberation, that there is not a government, a civilized government on the face of the globe—I am very sure there is not a European government—that would not have arrested Mr. Davis, and when they had him in their power would not have tried him for maltreatment of the prisoners of war and shot him within thirty days. France, Russia, England, Germany, Austria, any one of them would have done it. The poor victim Wirz deserved his death for brutal treatment, and murder of many victims, but I always thought it was a weak movement on the part of our Government to allow Jefferson Davis to go at large and hang Wirz. I confess I do. Wirz was nothing in the world but a mere subordinate, a tool, and there was no special reason for singling him out for death. I do not say he did not deserve it—he did richly, amply, fully. He deserved no mercy, but at the same time, as I have often said, it seemed like skipping over the president, superintendent, and board of directors in the case of a great railroad accident and hanging the brakeman of the rear car. [Laughter.]

There is no proposition here to punish Jefferson Davis. Nobody is seeking to do it. That time has gone by. The statute of limitations, common feelings of humanity, will supervene for his benefit. But what you ask us to do is to declare by a vote of two-thirds of both branches of Congress that we consider Mr. Davis worthy to fill the highest offices in the United States if he can get a constituency to indorse him. He is a voter; he can buy and he can sell; he can go and he can come. He is as free as any man in the United States. There is a large list of subordinate offices to which he is eligible. This bill proposes, in view of that record, that Mr. Davis, by a two-thirds vote of the Senate and a two-thirds vote of the House, be declared eligible and worthy to fill any office up to the Presidency of the United States. For one, upon full deliberation, I will not do it.

One word more, Mr. Speaker, in the way of detail, which I omitted. It has often been said in mitigation of Jefferson Davis in the Andersonville matter that the men who died there in such large numbers (I think the victims were about fifteen thousand) fell prey to an epidemic, and died of a disease which could not be averted. The record shows that out of 35,000 men about 33 per cent died, that is, one in three, while of the soldiers encamped near by to take care and guard them only one man in four hundred died; that is, within half a mile only one in four hundred died.

As to the general question of amnesty, Mr. Speaker, as I have already said, it is too late to debate it. It has gone by. Whether it has in all respects been wise, or whether it has been unwise, I would not detain the House here to discuss. Even if I had a strong conviction upon that question, I do not know that it would be productive of any great good to enunciate it; but, at the same time, it is a very singular spectacle that the republican party, in possession of the entire Government, have deliberately called back into public power the leading men of the South, every one of whom turns up its bitter and relentless and malignant foe; and to-day, from the Potomac to the Rio Grande, the very men who have received this amnesty are as busy as they can be in consolidating into one compact political organization the old slave States, just as they were before the war. We see the banner held out blazoned again with the inscription that, with the united South and a very few votes from the North, this country can be governed. I want the people to understand that is precisely the movement; that that is the animus and the intent. I do not think offering amnesty to the seven hundred and fifty men who are now without it will hasten or retard that movement. I do not think the granting of amnesty to Mr. Davis will hasten or retard it, or that refusing it will do either.

I hear it said, "We will lift Mr. Davis again into great consequence by refusing amnesty." That is not for me to consider; I only see before me, when his name is presented, a man who by a wink of his eye, by a wave of his hand, by a nod of his head, could have stopped the atrocity at Andersonville. Some of us had kinsmen

there, most of us had friends there, all of us had countrymen there, and in the name of those kinsmen, friends, and countrymen I here protest, and shall with my vote protest, against their calling back and crowning with the honors of full American citizenship the man who organized that murder.

Mr. COX obtained the floor.

Mr. BLAINE. I desire to state that if this motion to reconsider shall prevail, I shall then offer my substitute for the bill of the gentleman from Pennsylvania.

Mr. COX. Mr. Speaker, the honorable gentleman from Maine, who under some dispensation of Providence or of the people is no longer our Speaker, has seen proper at the beginning of this centennial year to tear away the plasters of prudence over the green and bloody wounds of our civil conflict. He has seen proper to justify his conduct in the light of history. I venture to say that there is no precedent in history and no canon in political philosophy which the party in the minority on this floor have not outraged.

The annals of American amnesty furnish a record of republican wrong. Our civil conflict came out of sectional animosity. Our mutual grievances might have been assuaged by the spirit of conciliation. That spirit was wanting, and the red storm was upon us. During those long and bloody years the radical party sought with tigerish appetite not for peace and union so much as for revenge and conquest. It even sought by unconstitutional confiscation to despoil the innocent children of the South of their inheritance for the deeds of their sires. At that time I was compelled to appeal to a higher law for the vindication of constitutional humanity. In January, 1864, to answer the proscriptive nature of the radical argument, I said:

> Truly, sir, we have fallen on evil times, when, to bolster up a bill of penalty like this, upon the children of the guilty, the beautiful and sacred relations of the family are to be disrupted. I am shocked, that in this age, and in this country, and in this House—and after England, following our example, has reformed her old and barbarous law forfeiting estates in fee—I am required to stand up before the American people, and, as a matter of pure philanthropy and common decency, portest against the cruel and remorseless character of bills of this kind, and to defend the rights of those who have committed no crime, but upon whom it is proposed to visit, after the death of the parent, the crimes of the ancestor. I protest against such bills as contrary to the gentle and loving spirit of the Savior, who, while upon His trancendent mission to this attainted and corrupted world, shielded in His arms the little ones of Judea. His words have a tender and sweet significance which it would not be unbecoming us as Christian legislators to heed: "Inasmuch as ye have done it unto the least of these, ye have done it unto Me." Would that these words were graven upon our memories and hearts when we come to vote upon this harsh and vengeful measure against the little children of the South! Such words interpret the Constitution by a liberal canon of kindness—more potent than ever Grotius, Vattel, or Story conceived or expressed, or than ever modern philanthropy practiced!

Instead of lenity, radicalism broke codes and established tyranny. Instead of building the Roman bridge of gold for the returning recusant, it made the rickety bridge of reconstruction.

Ten years after the termination of the war it proposed the bad rule of force and the bravado of brigadiers to coerce States and upturn established institutions. During the long period since the war it has often babbled of concord. It has made festive speeches about centennial and fraternal feeling, only to return to the low instincts of party advantage and discordant legislation.

At last the people of all sections by an immense majority rose against these policies. They would no longer worship the Nemesis of republicanism; they had read the promise that "good tidings should bind up the broken-hearted, and to them that mourn there should be given beauty for ashes." They felt as they hoped, that the old wastes should be rebuilded and the former desolations be raised up; and they cast up a highway and lifted up a standard for the people! They have sent us here to restore and bless with a grace that knows no grudging, and with a general and generous law that makes no invidious exception, and which will leave no bitterness in its execution.

How have we been met by the other side? By insectiverous attempts to foster fresh hate, about a few Union soldiers here, and that, too, without a foundation of truth or a spark of human generosity toward their sixty peers from the South, who sit courteously and quietly in our midst, intent on the same sentiment of patriotic devotion.

When, therefore, the gentleman from Pennsylvania [Mr. RANDALL] proposes again the bill which was passed by this branch in the last Congress and defeated by the Senate, we may well understand how it is met by the same spirit of reluctance. Priding itself on some superior virtue and patriotism, it cannot allow the mercy of amnesty to go through without party spite. It forgives, but hopes in some way still to punish by fixing a brand on the leader of the revolt. It forgets the grand spirit of Sir Thomas Browne. That spirit teaches that partial forgiveness was not oblivion; that the curtain of night should be shut upon injuries; that they should be as if they had not been, and that reserved forgiveness is not to forgive at all.

Let this sentiment be set in gold for all nations, races, and ages:

> Let not the sun in Capricorn go down on our wrath. Let us write our wrongs in ashes; draw the curtain of night upon injuries; shut them up in the tower of oblivion, and let them be as though they had not been. To forgive and yet hope that God will punish our enemies is not to forgive enough. To forgive and not pray God to forgive, is a partial piece of charity. Forgive thine enemies totally, and without any reserve.

The wisest men have advised not to answer in wrath nor on the spur of fury; not to be prodigal in revenges. The old adage of an eye for an eye is not the maxim of generous natures. It is the soft tongue, the heaping of coals of fire on the enemy's head, and the charm of conquest by kindness that makes retaliation grateful and leaves no hatred after it. The sagacious thinkers among men, who have redeemed incivism and made order out of chaos, teach that our wrongs should not be written on marble, but in water.

It is reserved for the gentleman to impress upon his party the inglorious and unreasoning policies of hate. To him the "dead enemy smells well," and he finds musk and amber in revenge. His amendment, couched in the spirit of partial amnesty, is designed to re-inspire wrath and capture the ear of his willing partisans. He would rake over the dead embers of hate to relight the fires of persecution and punishment.

The gentleman has referred to the Duke of Alva. He is no doubt familiar, and his party since the war, at least, have been familiar with that history. The history of the Netherlands under the Duke of Alva is the history of the radicalism, spoliation, murder, death, and tyranny in the South since 1865. The gentleman says there is no precedent in history for general amnesty. There is a precedent two thousand years ago, and all history is filled with precedents to the point that nations should not make monuments to vengeance; that nations should not build monuments except to foreign conquest—never monuments to domestic calamity. This was the advice of Tiberius to the Roman senate when that body begged Tiberius to erect a monument to vengeance, to commemorate the death of one who fell in civil strife. It has been reserved to the gentleman from Maine to fly in the face of all history, pagan history, Hebraic history, Christian history, and Christian doctrine. Now, in this year of grace and jubilee, he issues his anathema maran-atha against the South. What is his peculiar purpose?

It is not for one member to challenge the motives of another on this floor. Whatever may be the intention of the gentleman, whether led like Macbeth by the dangerous vision of the crown or the hope of reviving the life and vigor of his party; whether this, like other political devices, is meant to divert the public scrutiny from maladministration and whelm in sectional emotion the better feelings of our people, which has sent this majority here; whether he fears that the approaching era of national revolutionary memories may run counter to the narrow ostracism of his limited politics, it is sure that the gentleman has himself not only received new light upon this subject, but that this light leads astray, and is not the light of heaven.

I take issue with the honorable gentleman from Maine when he says that his party is clement and amnestical. It is not true. It was not true during the war. It has not been true since. It is not true to-day. And whenever his party has tried to seem clement, it has been sure to spoil the clemency by a small, partisan policy.

The history of amnesty is not long; nor is it a fresh theme of mine. My first pleading for it was during the war. Out of its spirit sprang the joint resolution which I offered and which was passed for the exchange of prisoners. It was a partial truce, to soften the horrors of war.

How did the party of the gentleman even then act upon this peculiar question? Is the administration record all right as to the exchange of prisoners during the war? I say on the authority of sixty and odd gentlemen here, many of them having been in the service of the confederacy during the war, that no order was issued at any time in the South relative to prisoners who were taken by the South as to rations or clothing that did not apply equally to their own soldiers; and any *ex parte* statements taken by that humbug committee from which the gentleman has quoted, all that can be raked and scraped together in the shape of these miserable *ex parte* affidavits, cannot controvert the facts of history which will be determined on a fair issue made. So far as the southern government was concerned, whatever may have been the bad conduct of certain persons under them, their orders at least were couched in the spirit of fairness and humanity.

But the gentleman from Maine goes further. He defends the action of the republican party during and since the war because it was so magnanimous, so grand. Why, it allowed you gentlemen of the South to come back here to the American Congress! God bless us all! [Laughter.] The republican party, by the grace of the gentleman from Maine and others, elected you men of the South by removing your disabilities. Down on your knees, gentlemen of the South, before his majesty of Maine! [Laughter.]

In the spirit of generosity, and with a view to the restoration of peace and union, I have pleaded here for the laws of natural justice: I pleaded for it on sea, to stop predatory and barbarous practices, to enable combatants to make peace, unimbittered by cruelties to helpless women and children, to non-combatants, and to men of productive industry and peaceful occupations in private life; in fine, to make laws for war, and to make them respected and not silent amid the very clangor of conflict. I protested against illegal seizures of property and person, and against punishing and desolating the regions invaded. The very number of the delinquents who fail in patriotism has been held by Vattel and other publicists as the incentive to clemency. Where there are two distinct societies or bodies, and where rebellion rises into civil war, and the insurgency is suppressed, the duty toward the conquered is that of the conquering nation toward its equal in national independence and autonomy. For a stronger reason, those who are engaged in lacerating their common country, the laws of war and the maxims of moderation and humanity obtain. Is it fair to pillage the home of the widow and the heritage of the orphan? Is it just to fire the hospital and the library?

Is it human to hang prisoners or poison wells? Then and in such cases, to suppress rebellion, you only intensify and re-invigorate, and you close the door to conciliation.

Any movement looking to the consorting affections of the people, and which decks the sword with the olive, is of the highest statesmanship. Is it not patriotism also? Does it not bring forth the idea or sentiment of oneness in a nation? Does it not blaze out a path in the wilderness of battle to the roof-tree of home? When, therefore, it was sought, in the fell spirit of this amendment, to inspire more hate, by the confiscation of the estates of the innocent, was I not right in interpreting our Constitution by the canons of kindness? And by a parity of reasoning, when it is sought again and now to perpetuate hate by the continued proscription of the chief of the insurgency, may I not again appeal to the spirit of Him who, when He spake to little children and bade them come to Him, also stood upon the nameless mountain and gave us the great lessons of forgiveness to one another, even to the love of our enemies and persecutors.

When the war was drawing to its close, and States were rescued and reconstruction with the military was proposed by one-tenth of the population of such States by legislation here, it became my duty again to warn against that mistake so often fatal to governments, which confounds the pervading taint of disaffection with mere local isolation. At that time President Lincoln had begun to show that magnanimity which aided our conquering armies. He proposed amnesty. It was the first adventure beyond the line of force into the field of conciliation.

When the amnesty of Mr. Lincoln was proposed—proposed in a spirit O, how different from that exhibited by the gentleman from Maine!—he said that he was actuated by malice toward none and charity toward all, Jefferson Davis included. There was no exception, no restriction, no odious test-oaths, which are the odium of history and the derision of all governments—such oaths as we have had—the ironclad and others. Why, sir, the gentleman from Maine could not have been raised in a Christian church, or in any church which teaches the gospel of Him that "spake as never man spake." I cannot tell—the nation does not know, in what church he was raised, [laughter;] but one thing I do know, that if he had read the spirit of the Sermon on the Mount aright, he never would have made the vindictive speech which came from him to-day. "Forgive your enemies. Bless those who persecute you." [Ironical laughter on the republican side.]

The bugles of President Lincoln sounded a truce, though ever so remotely and faintly, but its echoes were as undying as his motto for charity and against malice. He had endeavored to reform the Union, but his fatal error was that his republicanism was based upon the small apex of his political pyramid. It was held that the States were destroyed; only a *tabula rasa* remained to write the future codes of the many by the sword. The equal dignity of the States was destroyed, and no persuasive measures followed on which to construct anew. The cry was that the "penitentiary of hell" was the prison for the recusants. What followed we know. Cessation of hostilities after the surrender to Sherman on honorable terms; the old ties renewed; a common feeling of fellowship in the Union on the part of the South. What on the part of the North? Moral treason and social anarchy; political proscription and adventurous rapacity; a licentious, uncivic soldiery, and revengeful appetite for pillage? The enchantments of the old associations, almost renewed, were torn to pieces. Poison, not oil, was poured into the unhealed wounds of war. It was the Saturnian revel, in which the father devoured his own offspring. Contentment fled before ignorance and spoliation. Anarchy, secret societies, undisciplined ravage, and reprisals of fraud were followed by rancor and unrest. The friends of the radicals talked extermination, and the better angels of our nature fled aghast from the spectacle.

When a great scholar wrote to the conquering Charlemagne how to treat the subjugated Huns, what was his advice? First. Send gentlemannered men among them. Second. Do not require the tithe. Better lose the tithe than prejudice the people. "Mortal! Treat mortals with kindness. One sacred streams flows for us all." But when the Congress sent its decrees South and the emissaries of discord to execute them, it was a question which was the worst curse, the agents of the Government or the fraudulent taxes! No forgiveness to the enemy; no hope to the desponding; no protection to the oppressed; no measures of moderation. We neither fortified our strength with liberality nor gave courage to despair. Discontent grew, and with it provocations to revolt. But the South remained patient, forbearing, waiting, like the soul of the Psalmist, "more than they that watch for the morning." Did that morning dawn! Ah! how slowly to the weary watcher.

Then came juggling pretenses of amnesty; now and then, for treachery and party service, individual disabilities were removed; now and then some generous impulse would cross the popular mind, led by the better men of the Republican party, only to be suppressed by the iron hand of revenge. When Mr. Sumner proposed to erase the names of victories from the battle-flags, Massachusetts drew black lines around his honored name. When Horace Greeley proposed to reconcile all by amnesty, and even proposed to bail Jefferson Davis and enlarge him from Fortress Monroe, he was hunted as the tiger hunts the lamb. When Chase, and Trumbull, and men of their large mold proposed honorable and responsible governments for the South and peace through all our borders the counter-cry went up, even from this Hall, for funerals, outlawries, and all other schemes of vulgar despotism. When States were smitten, as Georgia, Alabama, Mississippi, Arkansas, and Louisiana; when usurpation went hand in hand with the greedy minions of fraud and the supple tools of force, the cry grew louder for an unrelenting subjugation!

During this decade of wrong, outraging every lesson of history and every tenet of political philosophy, every code of humane law and every attribute of divine mercy, most of the leading men of the stricken South remained disabled. If they received their ability, it was with niggard acquiescence, without an element of graciousness.

I will proceed to give you the amnesty which was proposed. Perhaps there will not be so many thorns crackling under the pot, which is called the laughter of a certain class, [laughter,] and which I have just heard from the other side of the House. Many particular and partial amnesties were engineered and carried through the House by these republican gentlemen. What for? In a spirit of gracious Christian kindness? No. They were the rewards which you paid for partisan services and base treachery to recruit your failing ranks.

Mr. BLAINE. How did the gentlemen on the other side of the House get here?

Mr. COX. I will tell you that directly.

Mr. BLAINE. Did they betray their cause?

Mr. COX. I will come to that directly. They came here because the South wanted honest representatives, and your representatives from the South were not honest. [Applause on the floor and in the galleries.]

Mr. BLAINE. Will the gentleman tell us how they got amnesty?

Mr. COX. They got amnesty by force of a popular sentiment which enabled a few good men on your side to join the good men on this side and compel amnesty. I will show you where that comes in directly. [Renewed applause.]

Scarcely a general scheme for amnesty was entertained by the party in power until 1869. Many particular cases were passed for special partisan reasons. But in 1869–'70 I offered a resolution for general and unexceptional amnesty. Every effort was made to conceal the record on that subject. The gentleman from Pennsylvania [Mr. RANDALL] at last, to get an open vote, moved to lay it on the table, voting against his own motion. The motion was lost—yeas 84, nays 87. Some twenty republicans joined the democrats in this liberal vote, and along with them many colored members, for on that day the colored troops fought nobly. [Laughter.] This is a pretty commentary on the white side of that part of the House. [Laughter.] But the body of your party at once referred it to the sepulcher called a committee on reconstruction, with only 56 negative votes, where it slept the sleep that knows no waking. [Laughter.]

Then an emergency arose, and at the last session of the Forty-first Congress, on December 15, 1870, General Butler's bill was introduced. A curious bill it was. I think the gentleman from Maine [Mr. BLAINE] must have modeled his bill a little on that, for Butler's bill was modeled on a bill of the English Parliament against the Pretender's friends in Scotland. In that long bill of General Butler there was one conspicuous exception, the Rob Roy McGregor. And the gentleman from Maine has picked out his Rob Roy McGregor so as to imitate the persecuting spirit of England toward Scotland two hundred years ago.

That bill was entitled "A bill for full and general grace, amnesty, and oblivion of all wrongful acts, doings, and omissions of all persons engaged in the war of the late rebellion." It was the first step outside of particular personal amnesty. It was outside of partial reprieval. That bill was a measure of proscription in the guise of clemency. Its mercy was as meager as its title was misnamed. It was almost a joke and a solecism. The exceptions gave memory to oblivion and punishment in pardon. It was Lethe, all alive and rushing like a western river in a freshet. [Laughter.] It was a plan of salvation based on a scheme of damnation. It eternized hate. It made healing impossible. What was its design? It quieted nothing. It was a bill of pains, penalties, and litigation. But it had an insidious object. It was an act of oblivion for the agents and officers of the United States engaged in reconstruction!

What a commentary! This kind of mercy was not strained. It dropped like the gentle dew of heaven upon the tools and parasites who had harassed and oppressed a conquered people.

What had they been doing, your sweetly-scented agents of reconstruction, that you should have amnestied them? Had they been stealing? Had they been tyrannizing? Had they been upturning Legislatures? Had they been running riot among a helpless and conquered people? The unconscionable scoundrels, who were sunk in the sloughs of a general degradation, were allowed vitally to bubble from their Lethe!

That is one chapter of your amnesty. I wonder the gentleman from Maine [Mr. BLAINE] did not have that section inserted with his other exceptions in his amendment to this bill. That bill, however, was too bad to pass. Even this House could not stand it, and they sent it to a committee; they postponed it on a certain day, on the 11th of January, 1871. It came back, however, in March, 1871, on a motion to reconsider, and it finally passed as amended on motion of Judge Poland, of Vermont. But then the amendment was full of exceptions as to Army and naval officers and those who had voted for ordinances of secession. When that bill passed by 120 to 82, it went to the Senate, and there also it was choked to death like all the others.

Then came the Forty-third Congress; then came the lifting up of

the voice of the people. Then you found that the people were demanding that a highway should be cast up and a standard be lifted for them! Then came the moral power of the people. And, although we had kukluxes, and investigations, and all sorts of provocations, and troubles, and atrocities, and recriminations, and threats, yet one day, all at once, to the astonishment of my honored colleague who sits before me, on the Committee on Rules, [Mr. RANDALL,] and myself, it was proposed in the presence of a full committee (and I know where they met) to introduce a general amnesty bill.

This bill was unincumbered with litigations and punishments. It was couched in the language of liberality. It had the grace of all religions and the philosophy of all political eras. It was the product of goodness!

I do not think the House ever instructed the Committee on Rules on that subject. But no matter for that. There was something going on that I could not understand nor did my colleague, [Mr. RANDALL.] It was found out that your policy was arousing hate and losing you what little respect you had in the South. You proposed in that committee to bring in a bill of general amnesty. It was proposed that Mr. Maynard should draw up that bill without any exceptions. I do not say the gentleman from Maine [Mr. BLAINE] proposed it, but it was proposed, and he was present and made no objection to it. And if you appeal here to your God, I appeal to my colleague and to my God and to the RECORD. [Laughter.]

Mr. BLAINE. I observe that the gentleman, following the example of Dogberry, puts his colleague first. [Laughter.]

Mr. COX. I will give you enough of the dog before I get through. [Renewed laughter.] Then I would appeal not merely to Providence, nor to my colleague, but I will appeal to the RECORD to show that a bill almost identical with the one now opposed by the honorable and distinguished gentleman from Maine [Mr. BLAINE] then received his acquiescence. I read from the RECORD:

Mr. MAYNARD. I am instructed by the Committee on Rules, acting upon a resolution submitted to them the other day—

There was a resolution—

To report the bill which I send to the desk.

Now that shows that there was some solemn concord among our republican brethren to bring this general amnesty about at that time for some purpose.

This bill which I now send to the desk has met the unanimous approval of the Committee on Rules.

Who constituted that committee at that time? JAMES G. BLAINE, Speaker, and, *ex officio*, chairman of the Committee on Rules. JAMES A. GARFIELD. He still stands out nobly, as I am told, for an unexceptional amnesty. I see it in his benignant smile. [Laughter.] Horace Maynard, SAMUEL J. RANDALL, and another, who perhaps is not so good as some of the others of the committee.

How can I picture the scene of the new transfiguration! I was rejoiced in my heart of hearts. It looked like the good old times again. I wanted something of that kind. My heart had been yearning for these men who had been erring. I wanted them back in the track of the Government. When Mr. Maynard made the proposition his swart features and tall figure shone as it were with a supernal light. The other gentleman [Mr. GARFIELD, of Ohio] seemed to have an aureole around his brow. [Laughter.] And as for the gentleman from Pennsylvania, my colleague, why he was illumined with a sort of centennial halo. [Great laughter.] As for the gentleman from Maine, I can recall how he looked on that occasion. Instinct with some patriotic light, he reminded me of the Apocalyptic angel, which shone so bright and beautiful it was impossible to look upon him. [Great laughter.]

Alas! alas! I was afraid then that there was some party emergency, and that it would pass away as the bill passed to the Senate. Alas! alas! that the grace with which my colleague [Mr. RANDALL] and myself yielded the direction and management of this democratic bill to our republican colleagues should have been so little appreciated. Ah, then I knew that the honorable member from Maine had been perusing history. He had read of Claverhouse and his merry men of blood, and of Hoche and his conciliation of La Vendée. He had read of Ireland, Poland, and what not of woes to conquered people.

That Maynard bill was reported to the House. What then? Where was my friend, the Ex-Speaker, then? In the chair? At home? No; he sent down to a member to do something that he did not want to do himself. Why, I am surprised and mortified at the gentleman from Maine sending down to another member—a colored member, too, I believe it was—to do what he had not the courage to do himself; and that was to have Jefferson Davis excluded from the operation of that bill. Is that the statement? Is that correct?

Mr. BLAINE. As the gentleman puts the question to me, I desire to make a little explanation for just a moment. Will the gentleman allow me?

Mr. COX. Certainly.

Mr. BLAINE. What the gentleman states is in the main correct. I can state it more fully. Mr. Maynard was especially anxious to report the amnesty bill. He had certain reasons which I do not fully know, and if I did I should not feel at liberty to disclose them. He asked me personally in committee not to urge my objections to it. I had great respect and friendship for him, and I was willing that he might report it. But I had a conversation with several gentlemen on the floor in regard to the inexpediency of allowing it to pass. But there was at that time—and I know the gentleman will thank me for this piece of information——

Mr. COX. We are always thankful for anything from you.

Mr. BLAINE. I found there was an expectation on our side that the gentleman from New York [Mr. COX] and his associates would be very kindly disposed toward the civil-rights bill if general amnesty should be passed. I asked the gentleman from South Carolina [Mr. RAINEY] to offer the ammendment referred to; and he will oblige me by stating whether his recollection agrees with mine as to his reply.

Mr. RAINEY. I remember the circumstances perfectly well. I declined, for fear that my motives might be misrepresented in the South.

Mr. BLAINE. He said he would not like to do it for many reasons, and among other things because it might prejudice the civil-rights bill, in which he felt a very deep interest. I thought then, as I have already stated, that the bill in such a form as to include Mr. Davis ought not to have gone through. I was in the chair; I could not myself object to the bill; and it took the course which the gentleman himself has indicated. Now will the gentleman please state to me whether there was any little understanding that he and his colleagues would be lenient toward the civil-rights bill, and whether they kept faith on that point?

Mr. RANDALL. There was no such understanding; none in the world.

Mr. COX. Never! never! never!

Mr. RANDALL. And my subsequent conduct when the bill was under consideration gives a contradiction to it.

Mr. BLAINE. I do not accuse the gentleman of violating such an understanding. The subsequent conduct of that side of the House showed very plainly that if there had been such an understanding they did not observe it.

Mr. COX. Now, I think the gentleman from Maine has only made the matter worse. He has said that he had one object in committee and another outside of the committee. He had some secret political purpose. Is that the statesmanship that aspires to the Presidency? [Laughter.] That is to say, while he was ready to acquiesce from personal regard for our present minister to Constantinople, Mr. Maynard; while he would not make trouble in the committee; yet when he is outside of the committee, he seeks a colored member and through him tries to make an objection. Yet, sir, the gentleman sat here then in this House as the guardian of honor and honesty. And while Mr. Maynard says "I am authorized to report this bill unanimously," the gentleman from Maine was as dumb as an oyster.

Mr. BLAINE. The gentleman confuses all distinctions. I was perfectly willing that the bill should come before the House; and I have moved to reconsider the vote on this bill in order to bring it before the House.

Mr. RANDALL. Did the gentleman ever offer in committee any amendment to except Jefferson Davis?

Mr. BLAINE. No, sir, I did not; but——

Mr. COX. That is enough.

Mr. BLAINE. But I was willing to bring the bill before the House, as I am willing to bring this bill before the House.

Mr. COX. Now I want to give the gentleman a little more of this. If he would not undertake to interrupt me quite so much, he would feel a good deal better. He is somewhat like the little boy down in Memphis who undertook to take a twist with a mule's tail; his father said to him afterward, "You don't look so pretty as you did, my boy, but you have learned something." [Great laughter.]

Mr. BLAINE. Does the gentleman from New York [Mr. COX] represent the mule in that illustration? [Renewed laughter.]

Mr. COX. Now, Mr. Speaker, I did not hear the last remark of the gentleman from Maine, but I suppose it was one of the soft and yielding speeches which he is capable of making. [Laughter.]

Mr. BLAINE. Does the gentleman want me to repeat it? [Laughter.]

Mr. COX. O, no! I have the floor. [Laughter.]

Then Mr. Maynard rose. There never was such an opportunity (and I would seize it if I were not a little merciful and did not feel amnestically) in which to run a knife quietly into the gentleman from Maine and turn it round. But I am inclined to deal gently with him. [Laughter.] This is an amnestical occasion.

Mr. Maynard then arose and moved the previous question. Mr. LAWRENCE inquired, would not that admit Jefferson Davis to a seat upon this floor. I remember that Mr. LAWRENCE, of Ohio. [Laughter.] No wonder he got alarmed when he found that the whole committee were unanimous, including the gentleman from Maine. Mr. LAWRENCE said: "I object to it." Mr. HOAR then made an inquiry and a point of order. Mr. Butler, of Massachusetts, insisted on the point of order. Mr. Maynard said:

I move to suspend the rules, so as to allow the committee to report this bill and to pass it. And in answer to the question propounded by the gentleman from Ohio, [Mr. LAWRENCE,] I tell him frankly that this bill will, if enacted, admit the president of the southern confederacy, just as the vice-president has been already admitted, to a seat in either House of Congress, provided the people where he lives shall think proper to send him here. It is general amnesty as recommended by the President.

Mr. COX. Is there any objection to passing it unanimously? The President recommends amnesty; and let us unanimously wind up this foolish business of taking the test-oath.

There was no question then, no clamor then to adopting the amendment from that side. Gentlemen perfectly understood that Jefferson Davis was in the bill.

What magic had worked this wondrous change? The thought of it affected my sensibilities. At once, my mind received a repulsion. I was ashamed of my own poor political intolerance. All my life I had been a partisan. Democracy to me had been a delusive glory. I was almost persuaded that my service in Congress had been a mistake. I should have been a republican. That after all the kukluxism, not to speak of the rebellion and all the recriminations against the proscriptive party, including the soldierly GARFIELD and the belligerent BLAINE, to find them, *them* in a moment—as it were, in the twinkling of an eye—and out of some great patriotic purpose, yielding so sweetly to the claims of clemency, with such magnificent magnanimity—this was much. But when the tall, gaunt form of Maynard seemed to my new vision like one of the "better angels of our nature," it was for a moment too, too much for me. Catching the contagion of kindness, thus illustrated by this committee, we authorized the noble Maynard to take our united thought and crystallize it into the form of this bill of my colleague, [Mr. RANDALL.] We allowed him to present it to the House. The proceedings when this was done are beautiful to read. They are found immortalized on page 91 of the RECORD of the first session of the Forty-third Congress, December 8, 1873. It was, he said, "the unanimous report of the committee." I think I see his tall form now as he is calling the previous question. With a pinch of snuff between his thumb and forefinger, extended into the glowing light shed through these escutcheons of our independent States, he is about to say that President Grant favored the general amnesty, when the gentleman from Ohio [Mr. LAWRENCE] inquired "if the bill admits Jeff. Davis to a seat on this floor." Did Mr. Maynard shrink from such terrific inquisition? He did not. The bill passed—ayes 141, noes 29. Was there no Speaker, to spring from his exalted seat, to scream out, like a Robespierrean, "Jefferson Davis *à la lanterne?*" Was there no stentorian voice from the gentleman from Maine, "Down, down forever, with the toad-spotted traitor?" Justice compels me to say there was not. Silently acquiescing with dignity and pride in the action of his committee, the bill passed, from the House to the Senate, where ruthless proscription killed it to keep alive the saddest of memories and the very embers of despair!

Now what a change have we here to-day, and for what purpose? Why do you oppose now your own measure? Why make exception? Why not breathe the old spirit of Sir Thomas Browne, which I once quoted here: "You should draw the curtain for the purpose of hiding injury." No partial pardon, for that is no pardon at all. Gentlemen will find that out, if not in this world, in the other. [Laughter.] Why give a partial amnesty? It is not amnesty if it is partial. It is exceptional, and therefore not in any sense clemency.

It is not difficult to attribute motives to gentlemen on this floor, but I will not do it. The gentleman from Maine is known to be a candidate for the presidency, but that is no reason why he should be a mean man. [Laughter.] He is not; but, on the contrary, a kind-hearted, generous, noble citizen of Pennsylvania and of the State of Maine, representing, as I do here sometimes, two States all at once. [Laughter.] He is the last man to whom I would attribute any bad motives.

But one thing is curious, that he has antagonized President Grant on this subject. I do not like the look of that. [Laughter.] I call upon the republican gentlemen, especially that godly little knot of colored people who voted so nobly for the third term, to vote down this exceptionally obnoxious proposition of the gentleman from Maine. For did not the President of the United States in his message of December, 1873, say this:

> I will renew my previous recommendation to Congress for general amnesty. The number engaged in the rebellion still laboring under disabilities is very small, but enough to keep up a constant irritation. No possible danger can accrue to the Government by restoring them to eligibility to hold office.

This was general amnesty. Why General Grant even did not favor any exception! He was a soldier. He was not a "scurvy politician." General Grant fought in the war, and made a report in 1865 that you southern men were all right then, contented, acquiescent in the Government. He never believed in this revengeful system. True, he has made some little trouble down South in Arkansas and Louisiana and other places, despoiled a few States with his bayonets, and made a good deal of trouble with these gentlemen here around me But he never proposed this exceptional, partial amnesty.

Must we of the opposition, who are observing the coming conflict in the republican party, conclude from this and other signs that this amnestical expression of the President has driven his competitor from Maine into the arms of Jefferson Davis? Must we infer that, to raise a spirit against Cæsar, he is compelled to give Jefferson Davis the crown of martyrdom? Is it here that we find the solution? The generous pursuit of arms has made our Cæsar tender to the South. Must we compare the politician with the soldier? Both are ambitious; the one is as obdurate as the rock-bound coasts of Maine to the claims of mercy; while we are told that—

> The warrior's heart, when touched by her,
> Can as downy, soft, and yielding be
> As his own white plume, that high amid death
> Through the field hath shone, yet moveth with a breath.

How shall I contrast the conduct of the honorable gentleman from Maine with that of General Grant without giving my views on the presidential question? [Laughter.]

Now, in conclusion, I wish to recall one thought to the gentleman from Maine and to this House. We have come together here by some tidal wave; these gentlemen from the South have been sitting here taking your little contemptible insults about our organization and our conduct when you knew or you might have known that, in the organization of this House, more maimed Union soldiers have been appointed under democratic administration here this winter according to the number of those appointed than were appointed by your radical Mr. Buxton in the last Congress. [Applause.] And yet you have sent your slanders all over the country. To do what? To prejudice this body of men here, who have quietly taken your taunts and your insults. If you want the facts on that subject, go to Colonel Fitzhugh, our Doorkeeper. You will find that, according to the number appointed, in proportion to the service, fewer Union soldiers were appointed by you than we have this year. There is no reason why you should send out to the country the cry this is the "ex-confederate congress." Many of you will be "*ex's*" yourselves before you get through with this business. [Laughter.]

Mr. Speaker, I like to speak of amnesty. It is a favorite theme. I was delighted at the idea of getting a majority of 3 five years ago. But here, after ten years of struggle, after ten years of contempt, after every faithful expression possible from southern gentlemen and statesmen, including Jefferson Davis; after all that can be said by them of their adherence to the sentiments of patriotism and union, we have, in this year of jubilee, 1876, the distinguished member from Maine raking up again the embers of dead hates for some bad purpose—I may as well tell all I think about it, [laughter,]— a bad, mischievous, malicious purpose, which will never elect him to the Presidency if he lives a thousand years. [Applause.] I do not ask anybody to applaud these sentiments. They will speak for themselves without applause. But I remember, and the gentleman from Maine may recall the fact, when a member of this House, a distinguished gentleman from Pennsylvania, now deceased, Judge Woodward, once sent to my desk to be read the one hundred and twenty-sixth Psalm. I think I will read it for the benefit of the gentleman. It was after Cyrus had relieved the Hebrews from captivity. The Psalmist touched his harp, and broke forth in the lyric loftiness of gratulation:

> 1. When the Lord turned again the captivity of Zion, we were like them that dream.
> 2. Then was our mouth filled with laughter, and our tongue with singing: then said they among the heathen, The Lord hath done great things for them.
> 3. The Lord hath done great things for us; *whereof* we are glad.
> 4. Turn again our captivity, O Lord, as the streams in the south.

There is an annotation by Dr. Clarke to this psalm which in connection with it may very well be pondered. It recites that once when the Roman general had overcome Philip of Macedon and conquered Greece, and had put all the cities of Greece under taxation and tyranny, there was a gathering of the people in the circus at the Isthmian games, and without the previous knowledge of any one except the general in command of the city, the herald, as he proclaimed the games, was authorized to proclaim in behalf of the Roman senate and the general of the army to the citizens that their taxes should remain forever abolished, and that no record or rule should remain of the tyranny which had been exercised by the Romans over the Greeks. All the people listened as if it had been an illusion. They were in a dream, like the Jews when relieved from captivity. They turned one to another, and said: "What means this; what did the herald say after he blew the trumpet? Have we been given our liberty?" One said to the other, "Did you hear what was said?" And they went to the herald, and cried, "Repeat to us what you have said;" and he repeated it, and their hearts were full of gladness. Says Livy, "They lifted up their hearts and rejoiced, for the year of their deliverance had come." It was the year of Grecian jubilee. And now, when our jubilee has come in this year of 1876, I would like to have a herald from Philadelphia, or from this Capital, to sound the trumpet and proclaim deliverance to the South from republican exactions, from bad rule, and the establishment of autonomy all through the South. Then a glorious, blessed light coming from above—the white radiance of eternity itself—will shine upon architrave, pillar, and dome of the temple of our American freedom! [Applause.]

Mr. KELLEY obtained the floor.

Mr. BLAINE. Will the gentleman from Pennsylvania allow me to ask the gentleman from New York [Mr. COX] one question?

Mr. KELLEY. I will yield for a moment for that purpose.

Mr. BLAINE. The gentleman from New York said something in the course of his remarks about his having spoken here against the policy of poisoning wells, and other things of that kind.

Mr. COX. I was trying to illustrate the moderation and humanity of the law as it should obtain among civilized countries.

Mr. BLAINE. Then the gentleman did not mean to imply in so speaking that the Government had pursued any such policy?

Mr. COX. I was speaking of the rules prevailing among civilized nations.

Mr. BLAINE. Did the gentleman mean to imply by the remotest implication that the Government of the United States was resorting to any such measures as that?

Mr. COX. I never had such an idea in my life, and I will correct it in the CONGRESSIONAL RECORD if I expressed myself wrongly.

Mr. KELLEY. Mr. Speaker, I voted for the bill of my colleague, [Mr. RANDALL,] and not to have done so would have shown me false to cherished and often-expressed convictions. I appreciate my temerity in dissenting from my distinguished friend, the gentleman from Maine, [Mr. BLANIE,] and in attempting to temper the influence of his fervid, eloquent, and magnetic speech and the terrible array of facts with which it was charged. Yet, sir, I feel it due to myself and to the republican party to appeal to my friends on this side of the House to vote for amnesty, general and unqualified. [Loud applause on the floor and in the gallery.] My life as a member of this House is a little longer than that of my distinguished friend. I was here throughout the war. Abraham Lincoln's summons brought me here to the extra session of July 4, 1861, which was convened for the purpose of providing means for the preservation of the Union; and while the war lasted I voted for the most urgent and the harshest measures as in my judgment those characterized by the highest degree of benevolence. Nothing is so cruel as protracted and slow-wasting war.

The first time my voice was heard in this Hall to utter more than "yea" or "nay" was to complain of the gloved war then being waged by General McClellan. When Mr. Vallandigham, of Ohio, had taunted the Government with its weakness, as he called it, in surrendering the Trent prisoners, I made my maiden speech in an impromptu reply and said that I did not fear war with England from that recognition of international law, but that I did fear it from our want of courage, military capacity, or power. I remember this then important incident in my life as though it were but yesterday, and that I said "Let England hear the rattle of musketry and the roar of cannon and read the lists of the killed and wounded in battle, and thus learn that we are really engaged in war, and she will not interfere, for England respects power, however much she may be inclined to disregard the requirements of international law when dealing with feeble powers;" and when the war had closed I would not have grieved, but might have shouted for joy, had I learned that Jeff. Davis's person had adorned the branch of a "sour-apple tree." I never in his best estate regarded his character as a lovely one, and therefore I do not speak for him, but for my country and its honor.

The report from which the eloquent gentleman from Maine read the terrible story of the horrors of Andersonville was made in 1867. The Government knew then all that he has recited to-day in order to harrow our feelings and sway our judgment. Jefferson Davis was its prisoner. I do not remember just how long he was held in confinement. Then he was bailed, Horace Greeley and other men like him in the North being his bondsmen and amply responsible for his production for trial at any time. If he were guilty of crime beyond all others, why was he not tried? When Wirz was tried and executed the Government that sentenced and executed him knew this whole story of Jefferson Davis's relation to his crimes? Why did they not try him then? Shall we republicans to-day reflect by an implied vote of censure upon those who have administered the Government through all the intervening years from the close of the rebellion until now by attempting to punish him for that which they, day by day, week by week, month by month, and year by year, have condoned? Do not let this country convey to foreigners the idea that any one man within the broad limit of our country, any one man among the forty millions of our people, is so powerful for evil that we dare not grant him amnesty. The gentleman says that that is not the reason why he would except him. Why, the story he read from the report of the Committee on the Conduct of the War came to us all almost as news. Many of us had not heard it, and those who had had forgotten it. The incidents so shocking to humanity had passed into oblivion.

How, then, can you expect foreigners, who never before heard of these revolting details, to understand your subtle motive? And if they were spread before them they would say, "How illogical to have let a man who had caused such crimes to be perpetrated enjoy immunity for ten years, and now to constructively punish him for them." They would all believe that the chief of the confederacy was deemed so powerful for evil that the American Government dared not formally invest him with rights which he had forfeited in common with the entire white population of the South and which it had practically restored to him by the force of the reasons which underlie statutes of limitations; knowing that the second officer of the confederacy can be here and be honored Congress after Congress with the right to select his seat before the drawing for seats is begun, they would believe that this other man is believed to possess such power for evil, is so satanic in his power—and when I use that word I accept it as representing the one power which all the world regards as able to compete in evil with Omnipotence itself—for if his power be not of that kind then we may well admit him. To thus distinguish Jefferson Davis is to honor him overmuch.

Sir, I have not thrown myself into this controversy voluntarily. On the 5th of May, 1873, I enjoyed the ear of this House. My health and strength were prostrated; and, in order that the words I was to utter might be heard by southern members, I, for the first time in my fourteen years' service here, spoke from the other side of the Hall. I was pleading for means with which to prepare for a year of jubilee. I was pleading with Congress to appropriate a small amount of money, but to so apply it that all the world might see that the Union had been restored and might contemplate the power and resources of that restored Union.

And I ask leave to bring to the attention of the House a few words that I uttered on that occasion; and those of you who may chance to remember them and those who hear them now for the first time will believe that I have not rushed into this controversy, but have come into it to make good my words, and because consistency demanded such action at my hands. I was pleading for a centennial celebration, and was pointing out the material advantages that would result to us as a people. I had referred to its effect in bringing us immigrants, capital, skill, and I turned from these themes and said:

> But I desire to say that, while this bill appeals to our cupidity and our hope of the development of our national resources, it appeals to me with far higher, more noble motives. Let us once more remind ourselves and show the world that our old motto "*E pluribus unum*" still has a vital significance. The American States, as States, have never appeared in an international exhibition. At London, at Paris, at Vienna there was an "American department," containing a few specimens from a few of our States. There was nothing there to tell the people of Europe that we were thirty-seven States in one Union. There was nothing there to tell the visitors at those exhibitions anything of our vast territories and their boundless wealth out of which more States are yet to be carved. It was the "American department."
>
> Here on our own soil, if generous emulation animates us, if we shall be stimulated by that wholesome rivalry which gives warmth to fraternal affection, he who comes from another land will see our political organization and our geography written in the very form and construction of the building. Let us, forgetting all past differences, rally together, breast to breast and heart to heart, as a united people, challenging the world to generous controversy. Let us ally ourselves, men of the North and of the South, as our fathers did for war a century ago, and win a peaceful triumph that shall redound to the honor of our country as grandly and enduringly as did the victories achieved in war by our fathers. Let us also make this centennial year a year of jubilee, in which we shall proclaim to the world that, though when the century began slavery was co-extensive with our whole country, to-day no slave can breathe our atmosphere; that at the close of the bloodiest internecine struggle that history records, or within ten years after its close, there is no state prisoner within our limits, no citizen under banishment, no citizen disfranchised for aught else than crime not of a political character, after conviction by his peers and the judgment of a court of competent jurisdiction. Let us thus prove to them that republicanism is peace and order and liberty, and that a single century of it, though it has not erased the word "treason" from our statute-book, has rendered it an obsolete term in the estimation of every American jurist.

In repeating these words, I implore this side of the House to disregard all excitement and all feeling, and make the centennial year a year of jubilee, proclaiming to the world that no man stands disfranchised for any political conduct or for any political crime for which he might have been tried ten years ago, but in full recognition of which he has been allowed to walk unchallenged during the long interval.

Mr. HILL obtained the floor.

Mr. WOOD, of New York. If the gentleman from Georgia [Mr. HILL] will yield to me I will move that the House now adjourn.

Mr. HILL. I will yield for that purpose.

Mr. WOOD, of New York. I submit that motion.

SELECT COMMITTEES.

The SPEAKER. Before taking the sense of the House on the motion to adjourn, the Chair will announce the appointment of two select committees ordered by the House.

The following are the committees:

On the Texan Frontier Troubles—Messrs. Schleicher, A. S. Williams, Lamar, Banks, and Hurlbut.

On Freedmen's Banks—Messrs. Douglas, Bradford, Stenger, Riddle, Hooker, Bliss, Farwell, Frost, and Rainey.

LEAVE OF ABSENCE.

Mr. MACKEY, of Pennsylvania, was granted leave of absence for two days.

Mr. WIGGINTON was granted indefinite leave of absence on account of ill health.

Mr. BANNING was granted leave of absence till Friday next on account of a death in his family.

SPECIE PAYMENTS.

Mr. MORRISON, by unanimous consent, introduced a bill (H. R. No. 808) preparatory to the redemption of United States notes and the resumption of specie payments; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

Mr. PAYNE, by unanimous consent, introduced a bill (H. R. No. 809) to provide for the gradual resumption of specie payments; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

Mr. HURLBUT. I call for the regular order.

The SPEAKER. The regular order being called for, the vote must be taken on the motion to adjourn.

The motion was agreed to; and accordingly (at five o'clock and ten minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BLACKBURN: Papers relating to the claim of Mrs. Rosa V. Jeffrey, for use and occupation of her house by the United States, to the Committee on War Claims.

Also, the petition of Rosa V. Jeffrey, for cotton seized by the United States, to the same committee.

By Mr. BLAINE: The petition of F. & J. Rives, for the United States Government to purchase the volumes and stereotype plates of the Congressional Globe, to the Committee on Printing.

Also, the petition of C. H. Bliss, for the payment of a claim against the District of Columbia, to the Committee on the District of Columbia.

By Mr. BRADFORD: A paper to declare the road from Delta, in Clay County, to Blake's Ferry, in Randolph County, Alabama, a post-route, to the Committee on the Post-Office and Post-Roads.

Also, a paper to declare the road leading from Roanoke, in Randolph, County, to Dudleyville, in Tallapoosa County, Alabama, a post-route, to the Committee on the Post-Office and Post-Roads.

By Mr. BRADLEY: The petition of citizens of Alpena, Michigan, for an appropriation to improve Thunder Bay River, Michigan, to the Committee on Commerce.

By Mr. BURLEIGH: The petition of E. A. Bragdon and 200 others, for a pier to be built in York Harbor, Maine, to the Committee on Commerce.

By Mr. CABELL: Petitions of citizens of Virginia and North Carolina, for a post-route from Old Town, Grayson County, Virginia, by way of Hampton's Cross-Roads, to Gap Civil, in Alleghany County, North Carolina, to the Committee on the Post-Office and Post-Roads.

By Mr. CAMPBELL: The petition of O. Baker and other citizens of Saratoga Township, Grundy County, Illinois, for the repeal of the specie resumption act and national banking law, to the Committee on Ways and Means.

By Mr. CANDLER: Petition for rehearing in case of Andrew P. McCaal, to the Committee on War Claims.

Also, the petition of Nancy Hutchinson, for rehearing in case of her claim against United States, to the same committee.

By Mr. CONGER: The petition of Madeline Vinton Dahlgren, widow of the late Rear-Admiral Dahlgren, for compensation for the adoption and use by the United States Navy of certain inventions of Rear-Admiral Dahlgren relating to ordnance, to the Committee on Naval Affairs.

By Mr. COOK: Memorial of James Johnson, late collector of customs at the port of Savannah, Georgia, for relief, to the Committee on the Judiciary.

By Mr. COX: The petition of M. Somers, private Company D, Seventy-first Regiment, New York Volunteers, for a pension, to the Committee on Invalid Pensions.

By Mr. CRAPO: The petition of Atkins Nickerson and other citizens of Massachusetts, for the establishment of a signal station at Block Island, to be connected with the main shore by a telegraphic cable, to the Committee on Commerce.

By Mr. DAVY: The petition of J. M. Cornell and 85 other citizens of Albion, New York, for the repeal of the bank-check stamp tax, to the Committee on Ways and Means.

Also, the petition of citizens of Rochester, New York, for the repeal of the amendment to the postal laws which increased postage rates on third-class mail matter, to the Committee on the Post-Office and Post-Roads.

By Mr. DE BOLT: The petition of citizens of Davies County, Missouri, for the repeal of the amendment to the postal laws increasing postage rates on third-class mail matter, to the same committee.

By Mr. DOUGLAS: The petition of citizens of Virginia, to extend a post-route from Glenora, Spottsylvania County, to Verdiersville, in Orange County, Virginia, and to establish post-offices along said route, to the same committee.

Also, papers and petition in the case of C. W. C. Dunnington, to the Committee on Claims.

Also, the petition of Mrs. Triffy Evans, for compensation for damages sustained by reason of the seizure by the United States of the sloop Georgianna and schooner Sea Flower, to the Committee on War Claims.

Also, the petition of Thomas H. Hunton, for compensation for sails taken by order of commander of United States gunboat Satellite in 1863, to the same committee.

Also, the petition of Eliza C. Weaver, for compensation for property taken and destroyed by the United States, to the same committee.

Also, the petition of W. K. Lee, of similar import, to the same committee.

Also, the petition of Wat H. Tyler, of similar import, to the same committee.

By Mr. DUNNELL: The petition of Alfred Brown and 40 others, for the repeal of the bank-check stamp tax, to the Committee on Ways and Means.

By Mr. EVANS: The petition of Arthur F. Dexter and others, for the establishment of a signal station on Block Island, &c., to the Committee on Commerce.

By Mr. ELY: The petition of John C. Eisele and 340 cigar-makers in New York, for relief, to the Committee on Ways and Means.

By Mr. FARWELL: The petition of H. Kreisman, consul of the United States at Berlin, to be credited in the settlement of his accounts with $397.72, amount stolen from him, to the Committee on Claims.

By Mr. FELTON: The petition of citizens of Georgia, for a post-route from Summerville to Valley Store, Teloga, Broomtown, and Alpine, Georgia, to the Committee on the Post-Office and Post-Roads.

By Mr. FORNEY: The petition of Bryant Cobb, administrator of W. R. W. Cobb, deceased, for a rehearing in the case of his claim against the United States, to the Committee on War Claims.

By Mr. FOSTER: The petition of S. O. Dimmick and Minerva H. Baker, for compensation for goods captured by confederate cruiser Alabama, to the Committee on the Judiciary.

Also, the petition of Francis Cooley, for a pension, to the Committee on Invalid Pensions.

Also, the petition of certain druggists of Ohio, for the repeal of the proprietary stamp tax, to the Committee on Ways and Means.

By Mr. FRYE: The petition of the Grand Lodge of Good Templars of the State of New Hampshire, signed by the officers, representing 1,200 members, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

Also, the petition of the Grand Division of the Sons of Temperance of the State of Virginia, signed by the officers thereof, of similar import, to the same committee.

Also, the petition of the Woman's Christian Union of Chicago, Illinois, signed by the officers thereof, of similar import, to the same committee.

Also, the petition of the Supreme Council of the Temple of Honor and Temperance of Philadelphia, Pennsylvania, signed by the officers thereof, representing over 17,000 members, of similar import, to the same committee.

Also, the petition of the Grand Division of the Sons of Temperance of Delaware, signed by the officers thereof, representing 535 members, of similar import, to the same committee.

Also, the petitions of the Methodist Episcopal churches of Newton, Massachusetts; Gloucester, Massachusetts, and the Central Congregational church of Philadelphia, signed severally by their pastors and others, of similar import, to the same committee.

By Mr. FROST: The petition of Joseph B. Eaton, for payment for supplies to the United States Army during the Mexican war, to the Committee on Military Affairs.

By Mr. GARFIELD: The petition of 40 citizens of Ohio, for the payment of bounty at the rate of $8.50 per month for the time actually served by each soldier or sailor of the United States Army or Navy during the late war, to the same committee.

Also, the petition of T. P. McCoy, late a private of the Sixth Ohio Cavalry, to be relieved from the sentence of a court-martial, to the same committee.

By Mr. GOODIN: The petition of D. B. Hadley and other citizens of Kansas, for the repeal of the banking law and for the substitution of legal-tenders for national-bank notes, to the Committee on Banking and Currency.

By Mr. GUNTER: A memorial from the General Assembly of the State of Arkansas, asking for an appropriation for the purpose of the improvement of the navigation of the White River, to the Committee on Commerce.

Also, a memorial from the General Assembly of the State of Arkansas for the appointment of a competent corps of engineers to make a topographical survey of the Upper Arkansas River, to the same committee.

By Mr. HALE: The petition of E. A. Barnard and other citizens of Maine, for the repeal of the check-stamp tax, to the Committee of Ways and Means.

Also, petition of H. B. Eaton and other citizens of Maine, for the establishment of a signal station on Block Island, to the Committee on Commerce.

Also, the petition of Dr. T. S. Verdi, for compensation for services rendered the District of Columbia as special sanitary commissioner to Europe, to the Committee on the District of Columbia.

By Mr. HAMILTON, of Indiana: Papers relating to application of W. F. Bryson for relief, to the Committee on Military Affairs.

By Mr. HARRIS, of Massachusetts: The memorial of Mrs. E. A. Y. Ernst, for property destroyed by the United States, with accompanying papers, to the Committee on War Claims.

By Mr. HARRIS, of Georgia: The petition of Mary Jane Boro, for compensation for damage to her property by the United States, to the same committee.

By Mr. HARTRIDGE: The petition of Henry Myers, that his claim for property taken by the United States Army be referred to the Court of Claims, to the Committee on Claims.

Also, a memorial of the Chamber of Commerce of Savannah, Georgia, asking an appropriation for the improvement of the Savannah River, to the Committee on Commerce.

By Mr. HATCHER: The memorial of Augustus A. Flemming, with accompanying papers, for compensation as mail contractor in Missouri, to the Committee on Claims.

Also, four several papers, asking for the establishment of mail-routes in the State of Missouri, to the Committee on the Post-Office and Post-Roads.

By Mr. HATHORN: The petition of citizens of New York, for the repeal of the check-stamp tax, to the Committee on Ways and Means.

By Mr. HENDEE: Papers relating to the claim of Horace Glover for pay for property seized and sold by the United States, to the Committee on Claims.

Also, papers relating to claim of D. D. Wead for pay for stamps stolen from him while postmaster at Sheldon, Vermont, to the same committee.

Also, papers relating to petition for relief of De Forest W. Carpenter, postmaster at Richford, Vermont, to the same committee.

Also, papers relating to claim of Ebenezer Whitney for loss of postage-stamps stolen from him, to the same committee.

Also, the petition of Elizabeth W. Warner, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Mrs. John H. Peck, for compensation on account of the imprisonment of her husband by the United States during the late war, to the Committee on War Claims.

By Mr. HENKLE: The petition of David McComb, for a pension, to the Committee on Invalid Pensions.

By Mr. HEWITT, of Alabama: A paper relating to the establishment of certain post-routes in the counties of Walker, Fayette, Sanford, Jefferson, and Tuskaloosa, Alabama, to the Committee on the Post-Office and Post-Roads.

By Mr. HOSKINS: The petition of 130 citizens of Lockport, New York, and vicinity, for the repeal of the proprietary stamp tax, to the Committee on Ways and Means.

By Mr. HOUSE: The petition of W. M. Nonce, for relief, to the Committee on War Claims.

By Mr. JENKS: The petition of Frederick Hoch, for a pension, to the Committee on Invalid Pensions.

By Mr. JONES, of New Hampshire: The petition of Gilman Marston and other citizens of Exeter, New Hampshire, for an appropriation for the improvement of the Swamscot River, New Hampshire, to the Committee on Commerce.

By Mr. KASSON: The petition of citizens of Polk County, Iowa, for the repeal of the check-stamp tax, to the Committee on Ways and Means.

Also, the petition and claim of A. J. Smith, for compensation for services rendered while a prisoner of war as a surgeon, to the Committee on Military Affairs.

By Mr. KNOTT: The petition of certain citizens of Breckinridge and Grayson Counties, Kentucky, for establishment of a post-road from Hardinsburgh to Litchfield, Kentucky, to the Committee on the Post-Office and Post-Roads.

Also, the petition of Arena Johnson, for arrears of pension, to the Committee on Invalid Pensions.

Also, the petition of Thomas Childress, for arrears of pension, to the same committee.

Also, papers relating to the application of Pat. O. Haines, for a seat in the Forty-fourth Congress from the State of Nebraska, to the Committee on the Judiciary.

By Mr. LAMAR: A memorial from the Board of Trade of the City of Portland, for an appropriation for the removal of obstructions from the Upper Columbia River, to the Committee on Commerce.

Also, the petition of Ladd & Bush and other citizens of Oregon, for the repeal of the bank-check stamp-tax, to the Committee on Ways and Means.

By Mr. LORD: The petition of Major P. Abeel, for a pension, to the Committee on Invalid Pensions.

Also, the petition of S. B. Stevens and 119 others of Rome, New York, for a repeal of the check-stamp tax, to the Committee on Ways and Means.

By Mr. MacDOUGALL: The petition of Captain John Lee Davis, of the United States Navy, to participate in sharing the prize money for destroying confederate vessels, to the Committee on Naval Affairs.

By Mr. MACKEY, of South Carolina: Memorial of the Charleston Chamber of Commerce and citizens of the city of Charleston, South Carolina, for an appropriation for the improvement of the harbor of Charleston, to the Committee on Commerce.

By Mr. McFARLAND: The petitions of Catharine J. Solomon, William Phillips, Mary J. Phillips, and others, as brothers and sisters of Stephen Phillips, deceased, for arrears of pension, to the Committee on Invalid Pensions.

Also, the petitions of Mary E. Cogburn, John R. Hann, and Lucinda Starnes, for pensions, to the same committee.

Also, the petitions of James Hale, Hannah Dawson, and others, heirs of Richard Hale, for a pension due at the death of their father, to the Committee on Revolutionary Pensions and War of 1812.

Also, the petition of Greene County, Tennessee, for a change of mail-route No. 19120, to the Committee on the Post-Office and Post-Roads.

By Mr. McMAHON: The petition of various ex-United States soldiers, for a change in the bounty laws, to the Committee on Military Affairs.

Also, the petition of various ex-United States soldiers, of similar import, to the same committee.

Also, the petition of Michael O'Brien, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Benjamin Penny, of similar import, to the same committee.

Also, the petition of Michael Mock, of similar import, to the same committee.

Also, the petition of Charles D. Pastill, for relief, to the same committee.

Also, the petition of E. Weaver, for relief, to the same committee.

Also, the petitions of John Rowney and Robert Cavanaugh, of similar import, to the same committee.

By Mr. MORGAN: The memorial of R. J. Henderson, for balance alleged to be due for wood furnished the United States, to the Committee on War Claims.

By Mr. NEAL: The petition of Peter McIntyre, for the vacation of certain portions of Back street, in the city of Georgetown, District of Columbia, to the Committee on the District of Columbia.

By Mr. O'NEILL: The petition of Ruth Isabella Naylor, for a pension, to the Committee on Invalid Pensions.

By Mr. O'BRIEN: The petition of Mrs. Catharine Thrush, for compensation for loss of the schooner Flight by collision with the United States steamer Tallapoosa, October 8, 1873, to the Committee on Naval Affairs.

By Mr. PIERCE: The petition of E. B. Sampson, agent, &c., and others, of Boston, Massachusetts, for the establishment of a signal station on Block Island, to the Committee on Commerce.

Also, the petition of David N. Skillings and other citizens of Boston and vicinity, for a repeal of the amendment to the postal law which increased postage rates on third-class mail matter, to the Committee on the Post-Office and Post-Roads.

By Mr. PHELPS: The petition of John E. Rockwell and other citizens of Connecticut, for the establishment of a signal station on Block Island, to the Committee on Commerce.

By Mr. PIPER: Papers relating to the claim of Redick McKee, to the Committee on Indian Affairs.

By Mr. RANDALL: Petition of the stockholders of the Seaboard and Roanoke Railroad Company, for relief, to the Committee on War Claims.

Also, the petition of George Crooks, of Taunton, Massachusetts, for relief, to the same committee.

Also, the petition of Edward W. Power, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Mary Swift, of similar import, to the same committee.

By Mr. REA: Papers and petition for relief of Rosetta Hert, Charles C. Benoist, Emily Benoist, and Logan Fanfan, half-breed Indians, to the Committee on Indian Affairs.

Also, papers and petition for relief in the case of Fred. Weddle, to the same committee.

Also, papers and petition in the case of Napoleon B. Giddings, to the Committee on Military Affairs.

By Mr. REAGAN: Joint resolution of the Legislature of the State of Texas, asking an appropriation for the improvement of the navigation of Soda Lake and Cypress Bayous, to the Committee on Commerce.

Also, the petition of J. A. Warren, for compensation for property taken by the United States, to the Committee on War Claims.

Also, memorial of citizens of Texas, asking for an appropriation for the improvement of Sabine Pass and Harbor, to the Committee on Commerce.

By Mr. JAMES B. REILLY: The petition of citizens of Pennsylvania, for aid to be extended the Texas Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. JOHN REILLY: The petition of citizens of Pennsylvania, for the repeal of the check-stamp tax, to the Committee on Ways and Means.

By Mr. ROBBINS: Papers in the case of J. J. Lints, asking compensation for services as custodian War Department United States, to the Committee on Claims.

By Mr. SCALES: The petition of Hon. Lewis Haynes and others, for compensation for salaries due them as members of the Thirty-ninth Congress, to the Committee on the Judiciary.

By Mr. SEELYE: The petition of Benjamin Winter, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

Also, papers relating to the petition of Morris Dwight, for a pension, to the Committee on Invalid Pensions.

By Mr. SHEAKLEY: Petition for a post-route from Hilliard Mills to Petrolia, Pennsylvania, to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Crawford County, Pennsylvania, for the repeal of the check-stamp tax, to the Committee on Ways and Means.

Also, the petition of citizens of Mercer County, of similar import, to the same committee.

By Mr. SLEMONS: A memorial from the Legislature of the State of Arkansas, asking for an appropriation for the improvement of Bayou Bartholomew, to the Committee on Commerce.

Also, a memorial from the General Assembly of Arkansas, asking for the refunding of the cotton tax, to the Committee on Ways and Means.

Also, a memorial of the General Assembly of Arkansas, in relation to the public domain, to the Committee on the Public Lands.

By Mr. SMITH, of Pennsylvania: The petition of Emanuel B. Herr, for a pension, to the Committee on Invalid Pensions.

By the SPEAKER: The petition of Rebecca S. Allen, for a pension, to the same committee.

By Mr. SPRINGER: The memorial of William A. DeRohan, a citizen of the United States, asking redress from the government of Italy, to the Committee on Foreign Affairs.

By Mr. STARKWEATHER: The petition of E. E. Rice, for relief, to the same committee.

By Mr. STEVENS: The petition of citizens of Arizona Territory, for an appropriation for the construction of military roads, to the Committee on Military Affairs.

By Mr. SWANN: The petition of George N. Hollins, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

Also, the petition of W. C. Spencer, for re-instatement in the United States Army as chaplain, to the Committee on Military Affairs.

Also, petition of Henry J. Rogers, in regard to copyright of a book known as Commercial Code of Signals, to the Committee on Commerce.

Also, the petitions of Fred. W. Alexander and Elizabeth T. Beall, for a pension, to the Committee on Invalid Pensions.

Mr. TERRY: The petition of Mr. Terry, for the establishment of certain post-routes in Virginia, to the Committee on the Post-Office and Post-Roads.

By Mr. THOMAS: The petition of Captain W. C. Spencer, of Maryland, and accompanying papers, asking to be restored to the United States Army, to the Committee on Military Affairs.

By Mr. THORNBURGH: The petitions of Susan R. Choat, Margaret Allcock, Sarah Armstrong, William R. Duncan, for pensions, to the Committee on Invalid Pensions.

Also, the petition of Elizabeth Caldwell, mother of Alex. Caldwell, deceased, late a private in Company F, Third Regiment Tennessee Volunteers, for arrears of pension, to the same committee.

Also, the petition of Margaret A. Cox, widow of Joseph Cox, late a private in Company C, Second Regiment Tennessee Volunteer Cavalry, for pension to date from the time of the death of her husband, to the same committee.

Also, papers relating to claim of Benjamin S. Weller, for compensation for goods destroyed by the United States Army, to the same committee.

Also, the petition of W. L. S. Dearing, a soldier of the war of 1812 and also of the Seminole war, for an increase of pension, to the Committee on Revolutionary Pensions and War of 1812.

Also, petition for the relief of the trustees of the Mossy Creek (East Tennessee) College, to the Committee on Education and Labor.

Also, petition of Crawford M. Hull, late district attorney for the eastern district of Tennessee, to be allowed to retain his fees of office, &c., to the Committee on the Judiciary.

Also, papers relating to the petition of N.P. Green, for the payment of a debt certificate of the State of Texas barred by limitation, to the Committee on Claims.

Also, papers relating to cla'm of George Kenney, for payment for property used and destroyed during the late war between the States by confederate troops and sympathizers, to the same committee.

Also, papers relating to claim of Mary E. Seay, for compensation for loss and damage caused by the use of her premises as a small-pox hospital, at Knoxville, Tennessee, by the United States Army, to the same committee.

Also, papers relating to the claim of George Kenney, for compensation for losses sustained on account of loyalty and devotion to the United States Government during the late war between the States, to the same committee.

Also, papers relating the claim of John Turner, for compensation for services as guide during the late war, to the same committee.

Also, papers relating to claim of W. Y. Elliott, for compensation for goods shipped to Cincinnati and seized by military authorities, to the same committee.

Also, papers relating to the claim of Mrs. Susan Mathews, of similar import, to the same committee.

Also, papers relating to the claim of Jacob Gray, of similar import, to the same committee.

Also, papers relating to the claim of Robert D. Jouralman, of similar import, to the same committee.

Also, papers relating to claim of Strawberry Plains High School, East Tennessee, for compensation for destruction of the buildings and furniture of said institution by the United States Army, to the same committee.

Also, papers relating to claim of the trustees of Holston College, for compensation for rent and for fuel and supplies furnished the United States Army, to the same committee.

Also, papers relating to claim of Benjamin Fahnstock, for compensation for damage done to his property by the United States Army, to the same committee.

Also, papers relating to claim of Moses Hughes, for quartermaster stores furnished the United States Army, to the same committee.

Also, the petitions of John Dever, Dr. G. R. Brandon, and N. R. and W. C. Carsons, for compensation for property taken by United States forces during the late war, with accompanying papers, to the Committee on War Claims.

Also, papers relating to the claim of H. L. Bradley for compensation for dwelling-house torn down by order of Major-General BURNSIDE in 1873, to the same committee.

Also, the petition of Lieutenant R. M. Denning, for compensation for loss of horses and equipments at Chickamauga, to the same committee.

Also, papers relating to the claim of Joseph Burt, for compensation for dwelling-house in Knoxville, torn down by order of General BURNSIDE, to the same committee.

Also, the petition of Mrs. Cynthia Spradlin, for arrears of pay and bounty due Jacob M. Spradlin, deceased, private Company G, Sixth Tennessee Volunteers, to the same committee.

Also, the petition of Solomon Bogart, for compensation for services of Columbus Bogart, deceased, as second lieutenant Fifth Regiment, Tennessee Volunteers, to the same committee.

Also, the petition of Colonel Robert K. Byrd, First Regiment Tennessee Volunteers, for pay for a horse lost while in service of the United States Army, to the same committee.

Also, the petition of Mrs. Altamirah Bronson, for arrears of pay and bounty due her deceased husband, Enoch Bronson, of Company D, First Tennessee Light Artillery, to the same committee.

Also, the petition of John T. Burchell, for compensation as hospital steward United States Army, to the same committee.

Also, the petition of Thomas F. Carter, for pay for services rendered the United States Army, to the same committee.

Also, the petition of George L. Maloney, first lieutenant of Company C, Sixth Tennessee Volunteers, for arrears of pay, to the same committee.

Also, the petition of William K. Griffith, guardian of minor children of John Morgan, late a private in Company K, First Regiment Tennessee Volunteers, for additional bounty, to the same committee.

Also, the petition of W. A. Buckner, late second lieutenant Company B, Third North Carolina Volunteers, for pay as second lieutenant from August 16, 1864, to December 3, 1864, to the Committee on Military Affairs.

Also, the petition of R. F. Newman, for additional compensation as an officer in the United States Army, to the same committee.

Also, the petition of S. E. Rankin, of similar import, to the same committee.

Also, the petition of William M. Burnett, of similar import, to the same committee.

Also, the petition of Elijah Cuddington, of similar import, to the same committee.

Also, the petition of Thomas Rains, of similar import, to the same committee.

Also, the petition of John C. Griffin, of similar import, to the same committee.

Also, the petition of R. R. Hood, of similar import, to the same committee.

Also, the petition of Caroline McGhee, of similar import, to the same committee.

Also, the petition of Frances H. Murphy, of similar import, to the same committee.

Also, the petition of Coudace McMillen, of similar import, to the same committee.

Also, the petition of Samuel P. Evans, to be pensioned as of the rank of captain, to the same committee.

Also, the petition of Caroline Erwin, for arrears of pension, to the same committee.

Also, the memorial of Elijah Jones, setting forth the immense frauds practiced upon the Government in the drawing of pensions and suggesting remedies whereby it is proposed to save millions of dollars to the Government, to the same committee.

Also, the petition of Mrs. Kihsey Williams, for a pension, to the same committee.

Also, the petition of George W. Wells, of similar import, to the same committee.

Also, the petition of Eliza Webb, of similar import, to the same committee.

Also, the petition of Mary D. Williams, of similar import, to the same committee.

Also, the petition of W. H. Edwards, of similar import, to the same committee.

Also, the petition of William H. Rogers, of similar import, to the same committee.

Also, the petition of Mary Patton, of similar import, to the same committee.

Also, the petition of Godfrey Hunter, of similar import, to the same committee.

Also, the petition of Gilbert Reed, of similar import, to the same committee.

Also, the petition of Millie Staples, of similar import, to the same committee.

By Mr. TOWNSEND of Pennsylvania: The petition of Captain Frank Smith, for a pension, to the Committee on Invalid Pensions.

By Mr. VANCE, of North Carolina: Papers relating to the claim of N. G. Allman, to the Committee on War Claims.

Also, the petition of Jeremiah Buckner, for a pension, to the Committee on Invalid Pensions.

Also, papers relating to claim of J. C. Clendenin, for carrying the mails in North Carolina, to the Committee on Appropriations.

Also, papers relating to application of William Shelton and Wiley Gosnell, to be placed on the muster-rolls of Company E, Second North Carolina Mounted Infantry, to the Committee on Military Affairs.

By Mr. WALDRON: The petition of J. K. Boies and 60 citizens of Hudson, Michigan, for a pension for Lemuel Hennon, to the Committee on Invalid Pensions.

By Mr. WALLACE, of South Carolina: The petition of Battle Howard, for relief, to the Committee on War Claims.

By Mr. WALKER, of Virginia: A memorial from the Chamber of Commerce of Richmond, Virginia, asking for an appropriation to continue the improvement of James River, to the Committee on Commerce.

Also, the petition of W. B. Isaacs & Co., of Richmond, Virginia, for the restoration of certain coin belonging to them now in the Treasury of the United States.

By Mr. WALLING: The petition of J. H. Creighton and others, asking legislation to facilitate the distribution of seeds from the Agricultural Department, to the Committee on the Post-Office and Post-Roads.

By Mr. WELLS, of Pennsylvania: The petition of Captain Samuel Adams, for services rendered in exploring the Colorado River of the West and of the country drained by the same, to the Committee on Claims.

Also, the petition of Childs, Fox & Pratt, for relief, to the Committee on War Claims.

Also, the petition of John Kiernan, for compensation for his book, entitled "Hints on horseshoeing," to the Committee on Claims.

Also, a memorial, signed by all the druggists of Saint Louis, Missouri, asking a repeal of the proprietary-stamp tax, to the Committee on Ways and Means.

By Mr. WHITE: The petition of A. S. Bloom, for an allowance of pay as major United States Army from January 24, 1864, to November 1, 1864, to the Committee on Military Affairs.

By Mr. WHITTHORNE: The memorial of A. Weeks, for compensation for the use by the Government of his invention for constructing, operating, and exploding torpedoes, to the Committee on Naval Affairs.

By Mr. WILSHIRE: The petition of Timothy D. Crook, for compensation for forage furnished the United States, to the Committee on Claims.

Also, the petition of Thomas D. Bumgardner, for a pension, to the Committee on Invalid Pensions.

Also, a memorial of the Legislature of Arkansas, asking for the refunding of the cotton tax, to the Committee on Appropriations.

Also, a memorial of the Legislature of Arkansas, in relation to the public domain, to the Committee on the Public Lands.

Also, the petition of Captain W. P. Berry and others of the Fourth Arkansas Mounted Infantry, for relief, to the Committee on Military Affairs.

Also, the petition of the heirs of Peter T. Crutchfield, deceased, for relief, to the Committee on the Judiciary.

Also, the papers relating to the claim of Watt Grayson, for compensation for depredations of whites upon the Indians, to the Committee on Indian Affairs.

By Mr. WOOD, of New York: The petition of Heinmann, Payson & Morgan, of New York, for a refund of duties alleged to have been illegally exacted of them, to the Committee on Ways and Means.

By Mr. YEATES: The petition of citizens of North Carolina, for a post-route, to the Committee on the Post-Office and Post-Roads.

Also, the petition of Sophia B. Moore, for compensation for rosin and turpentine taken by the United States, to the Committee on War Claims.

By Mr. ———: The petition of Maria K. Williams, for relief, to the same committee.

IN SENATE.

TUESDAY, *January* 11, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

CREDENTIALS.

Mr. WITHERS presented the credentials of John W. Johnston, chosen by the Legislature of Virginia a Senator from that State for the term beginning March 4, 1877; which were read, and ordered to be filed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the memorial of the governor, lieutenant-governor, judges of the supreme court, State treasurer, and four other State officers of the State of Nevada, protesting against the removal of the United States courts from Carson City to Virginia City, in that State; which was referred to the Committee on the Judiciary.

He also presented a resolution of the New York Produce Exchange of New York City, in favor of the proposition now before Congress to appropriate $1,500,000 for the purposes of the centennial exhibition to be held in the city of Philadelphia during the coming summer; which was referred to the Committee on Appropriations.

Mr. CLAYTON presented a memorial of citizens of New York, praying Congress to propose an amendment to the Constitution prohibiting any appropriation of money or property by the United States to any religious body or sect; which was referred to the Committee on the Judiciary.

Mr. EDMUNDS. I present the petition of Louisa G. Chandler, of Vermont, accompanied by a large number of letters and papers and testimonials, asking Congress to pass a law which shall have the effect to remove the charge of cowardice upon which her husband was tried during the war and for which he was cashiered. He is now dead. This lady and her friends believe that the court-martial was not fairly conducted, and that the charge was entirely groundless, and she thinks she proves it by the testimony which she submits herewith. I commend the case to the careful consideration of the Committee on Military Affairs, to which committee I move its reference.

The motion was agreed to.

Mr. PADDOCK presented the petition of Captain John Lee Davis, United States Navy, on behalf of himself, the officers and crew of the United States steamship Colorado, praying to be allowed a just share of prize-money for the destruction of property in the capture of New Orleans in 1862; which was referred to the Committee on Naval Affairs.

Mr. WITHERS presented the petition of Charles G. Bennett, of Manassas, Virginia, late of Company D, Fiftieth New York Engineers, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. JOHNSTON presented the petition of William Bushby, of Alexandria, Virginia, praying compensation for cooking for military prisoners from April 1, 1863, to July 31, 1865; which was referred to the Committee on Claims.

Mr. OGLESBY presented the petition of William Standiford and other citizens of Saratoga, Grundy County, Illinois, praying the repeal of the specie-resumption act of January 14, 1875, the repeal of the national banking act, and that legal-tender currency be substituted and made interchangeable for Government bonds, as the best policy for the present time; which was referred to the Committee on Finance.

Mr. BOGY presented the petition of Joseph N. Lewis, praying to be re-imbursed for certain moneys expended by him in and about the seizure of the American bark Amelia, at Port au Prince, Hayti, while he was acting as United States commercial agent at that point in 1855; which was referred to the Committee on Claims.

Mr. BOUTWELL presented the petition of the First Congregational church of Chelsea, Massachusetts, signed by the pastor and officers, asking for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. BOUTWELL. I also present the petition of George B. Loring, president of the Massachusetts senate, and many other citizens of Massachusetts, Rhode Island, New Hampshire, and New York, in regard to the transportation of cattle upon the railways of the country, and I ask its reference to the Committee on Commerce. I wish to say that the petitioners desire to preserve the original paper and to file a copy with the committee, if there be no objection.

The PRESIDENT *pro tempore*. The Chair hears no objection. The petition will be referred to the Committee on Commerce.

Mr. DAWES presented the petition of the Congregational church of Shrewsbury, Massachusetts, signed by the pastor and officers, and the petition of the Methodist church of Swampscott, Massachusetts, signed by its pastor and officers, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which were referred to the Committee on Finance.

Mr. WINDOM presented the petitions of S. A. Pease and 75 others, citizens of Marquette County, Wisconsin; of Wright Underwood and 74 others, citizens of Marquette County, Wisconsin; and of Thomas Eubanks and 75 others, citizens of Marquette County, Wisconsin, praying for the speedy completion of the Fox River improvement and the construction of an ample canal along the bank of the Wisconsin River from Portage City, Wisconsin, to the Mississippi River, in accordance with the third plan recommended to the Government by Major-General Warren, of the United States Engineer Corps; which were referred to the Committee on Commerce.

Mr. WALLACE presented additional papers in support of the petition of Henry C. Watterson, praying to have the amount of certain internal-revenue stamps paid by him refunded to him; which were referred to the Committee on Claims.

Mr. EATON presented the petition of George S. Kausler, praying compensation for use and occupancy of property at New Orleans by United States troops during the late war; which was referred to the Committee on Claims.

He also presented the petition of the New Orleans Gas-light Company, praying that certain moneys taken by United States troops during the late war and covered into the Treasury be refunded; which was referred to the Committee on Claims.

He also presented the petition of the Mechanics and Traders' Bank of New Orleans, praying that certain money taken by United States troops in 1862 and covered into the Treasury be refunded; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. HARVEY. The Committee on Public Lands, to whom was referred the bill (S. No. 34) to confirm pre-emption and homestead entries of public lands within the limits of railroads in cases where such entries have been made under the regulations of the Land Department, have had the same under consideration, and directed me to report the bill back without amendment and recommend its passage. As the subject-matter of this bill is of great importance, and as several Senators have indicated a desire to debate it, I wish now to give notice that on next Tuesday, or as soon thereafter as I can obtain the floor, I shall call the bill up for consideration, hoping to reach a vote upon it at an early day.

LIBRARIAN'S REPORT.

Mr. ANTHONY, from the Committee on Printing, to whom was referred the following resolution, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved, That five hundred extra copies of the annual report of the Librarian of Congress for the year 1875 be printed, with paper covers, for distribution by the Librarian.

NAVAL MONUMENT.

Mr. ANTHONY. The Committee on Naval Affairs, to whom was referred the bill (S. No. 83) providing for the completion and location of the naval monument, have instructed me to report back the same without amendment and recommend its passage. This bill substantially passed at the last session, and is to provide for the erection of a monument in memory of their brethren who fell in defense of the Union, the expense of which has been paid by the officers of the Navy. I see no reason why it should not be put on its passage now, and I hope there will be no objection.

By unanimous consent, the bill was considered as in Committee of the Whole.

The preamble recites that the officers of the Navy propose to procure a fitting monument to the memory of the officers, seamen, and marines of the Navy who gave up their lives in the defense of their country during the late civil war, and for this purpose have raised by voluntary subscription a sum sufficient to pay Franklin Simmons, the sculptor, therefor; and that it appears, from a communication from Admiral Porter, that the officers of the Navy would be willing that the monument referred to should be placed on some suitable part of the public grounds in Washington, provided the Government will assume the cost of finishing a small portion and erecting the work.

The bill appropriates $25,000, or so much thereof as may be necessary, to be expended, under the direction of the Secretary of the Navy, for the purpose of completing the statue of "Peace," platform, steps, and circular basin of the naval monument contracted for by the officers of the Navy with Franklin Simmons, and placing the same on some appropriate part of the public grounds in Washington. The Secretary of the Navy, the chairman of the Committee on Public Buildings and Grounds of the Senate, the chairman of the Committee on Public Buildings and Grounds of the House of Representatives, and Frederick Law Olmsted are appointed a committee to select and designate such place upon the public grounds for the erection of the monument as in their judgment shall be most appropriate.

Mr. MORRILL, of Vermont. I happen to know something about this undertaking, and have examined the plan and design of the monument; and I must say that, in my judgment, it will be a very elegant monument, something like forty feet high. It has been gotten up entirely at the expense of the officers of the Navy. I think it is a very generous gift on their part. I wish the officers of the Army would do a similar thing, and I have no doubt there are places on the public grounds that would be very much adorned by either or both of such monuments.

The bill was reported to the Senate without amendment, ordered to to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF RULES.

Mr. MERRIMON. The Committee on Rules, to whom was referred the resolution introduced by the Senator from Indiana [Mr. MORTON] to amend the twenty-fifth rule of the Senate, so that bills may be introduced without previous notice, have instructed me to report the same back adversely.

I beg to say that originally there were no standing committees in the Senate; when a bill was introduced it was by leave, and a committee was raised to prepare a bill which would embody the motion. The first rule on the subject was this, adopted April 7, 1789:

Every bill shall be introduced by motion for leave or by an order of the House on the report of a committee, and in either case a committee to prepare the same shall be appointed. In cases of a general nature, one day's notice at least shall be given of the motion to bring in a bill, and every such motion may be committed.

November 13, 1794, this rule was adopted:

Every bill shall be introduced by motion for leave or by an order of the House on the report of a committee, and in either case a committee to prepare the same shall be appointed. In cases of a general nature one day's notice at least shall be given of the motion to bring in a bill, and every such motion may be committed.

In the Annals of Congress, first volume, page 21, the action of the Senate upon the subject will be found. The rule was subsequently amended to read:

RULE 12. One day's notice at least shall be given of an intended motion for leave to bring in a bill.

Here is an extract from the Journal showing how the proceedings were had:

December 6, 1799.—"Mr. Dexter notified the Senate that he should, on Monday next, ask leave to bring in a bill to revive the act entitled 'An act for the relief of persons imprisoned for debt.'"

* * * * * * *

December 9, 1799.—"Agreeably to notice given, Mr. Dexter had leave to bring in a bill to revive the act entitled, &c., * * * which was read; and by unanimous consent the bill was read the second time.

"*Ordered*, That it be referred to Messrs. Dexter, Lawrence, and Tracy, to consider and report thereon to the Senate."

The object of the present rule was twofold: first, to give notice to the Senate that a bill of a particular nature was about to be introduced, so that any Senator who desired to speak to it at the moment of introduction might be prepared to do so; and, next, to prevent any Senator from introducing a bill and having whatever action he might see fit to take in connection with his motion spread upon the Journal when such a bill or such a motion might be distasteful to the Senate. The committee, upon consideration, regard this feature of the rule as having a very conservative tendency. If any one should desire to speak to the merits of a bill at the time of its introduction, another Senator might suggest that the rule must be observed, that notice should be given, and this would afford an opportunity to present any objections or to say what he might see fit in that connection.

But there is another important feature. Although one can scarcely conceive that a Senator would do so, it might be that in times of high excitement or for purposes of malignity a Senator would introduce a paper that might be insulting to the Senate or to a large body of it. In that case the Senate would have the notice of such a motion, and proper action might be taken in order to prevent its presentment to the Senate or prevent it from going upon the Journal or appearing at all.

I repeat that the committee have instructed me to say (and I believe the committee were unanimous in that) that this rule is regarded as having a very conservative influence, and they think it would be unwise to modify it in the respect proposed by the Senator from Indiana.

Mr. MORTON. I take it, from the remarks of the Senator from North Carolina, that the committee has totally misapprehended the object of my resolution. I did not introduce a resolution to take away the right to make an objection to the introduction of a bill where one day's notice had not been given, but my resolution was simply to dispense with the idle formality of saying, "I ask leave to introduce a bill without having given previous notice," a thing that is never refused, and yet it is printed sometimes fifty times in the proceedings of one morning, requiring a large space in the minutes, costing hundreds of dollars to print it in the course of a session, and absolutely without any sort of use. I propose to dispense with this idle formality and at the same time to leave to Senators the right to object to the introduction of a bill where previous notice has not been given, reserving the right to require the bill to lie over one day in that case. I will read my resolution:

Resolved, That the twenty-fifth rule of the Senate be so amended that bills may be introduced without previous notice unless objection is made, and that it shall not be necessary to state in the minutes that leave was given to introduce a bill without previous notice.

My object was simply to dispense with that idle formality. We hear the minutes read here every morning. For twenty minutes the Secretary is kept saying "the Senator from North Carolina," or "the Senator from Missouri," "asked leave to introduce a bill without previous notice, and leave was given to introduce the bill." But it is not only the time taken here; it is the cost of printing. This custom as it exists I think is absolutely without any use; but if I offer to introduce a bill which the Senator from North Carolina or any other Senator thinks is not of a proper character, he can then make his objection.

At the same time I will say, Mr. President, that the reason for this rule in the first place has entirely passed away. My friend from North Carolina has shown that the rule was introduced at a time when there were no standing committees of this body and when every bill that was considered had to be referred to a special committee. Every bill was therefore a far more troublesome matter than it is now. As each bill had to go to a special committee, it was considered proper that no bill should be introduced without giving previous notice, and objection was sometimes then made to a bill on its first introduction—a thing that is never done now.

I submit to my friend from North Carolina that the committee has entirely mistaken the object I had in view.

The PRESIDENT *pro tempore*. The question is on the indefinite postponement of the resolution, as recommended by the committee.

Mr. MORTON. I suggest that this matter be recommitted to the committee. I desire the committee to act upon it in the sense in which the resolution was introduced. I do not, and did not, ask to take away the right to object to the introduction of a bill, but to dispense with this idle formality here on the floor of the Senate, which is afterward reproduced in the minutes sometimes fifty times a day.

Mr. EDMUNDS. May I ask the Senator whether, by retaining the right to object, he means the right of a single individual to postpone the question of introducing a single bill until the next day on objection, or merely to raise the question then and have it passed upon instantly?

Mr. MORTON. Whatever the effect of the rule is now by requiring leave to introduce, I am willing to reserve that right. I do not propose to dispense with that, but simply to get clear of what has been a bore to us, I think, ever since I have been in the Senate, and, probably, for a great many years before.

Mr. EDMUNDS. I think, and I have observed it to be useful as well, that the substance of the present rule—I am not speaking as to how it should be entered in the Journal or in the RECORD—but the substance of the present rule is very wholesome. The theory of it, as I understand, is that no member shall have a right to force the

Senate into the reception of a bill without a day's previous notice; so that Senators who may be interested on the other side, or if it is something that they think ought not to be brought in at all, may have fair notice, and be here. Now, if you change the rule so that a majority of the body can, without any previous knowledge of the other Senators who may not be present on that particular day, bring in a bill and pass it to its first stage, then you lose the benefit of this security against surprise which the present rule gives us. But, if I now understand my friend from Indiana, he does not propose to change the substance of the rule.

Mr. MORTON. Will my friend allow me one moment to explain? I would make the rule what I think it is in regard to Senate resolutions. A resolution is introduced here, and if no objection is made it may be considered on the same day; but if any one wants it to lie over until to-morrow, it goes over. I would have the same rule in regard to bills, and not make it necessary to go over the "ask leave to introduce" in speech or in print.

Mr. EDMUNDS. I cannot concur in that view as to bills. It often happens as to bills that a bill is proposed which a majority of this body does not think ought to be brought in at all—which ought not to be considered. As to Senate resolutions, the scope of which of course is very narrow, usually relating to some right or proceeding of the Senate itself, the rule is otherwise, I take it, and anybody has a right to introduce a resolution. It cannot be considered on that day, but it is in the possession of the Senate, and goes over when objection is made. Now, as to a bill, the present rules do not allow that, and I do not think they ought to. We have had a notable instance within my recollection and that of my friend from Indiana, where a very large majority of this body thought it was unfit that a bill, or a joint resolution, which is of course substantially the same thing, should be brought in at all. I think it was a joint resolution offered by one of the Senators from Kentucky, looking to the disposal of Arlington, where the Union soldiers are buried, and in strict accordance with the rules objection was made when he asked unanimous consent to its being brought in at all. Notice was accordingly given that on the next day he would move for leave to bring it in. He did move, and the question came up whether he should have leave to bring in the bill for consideration at all; and the Senate, by a large majority, and as I thought rightly, declined to grant him that leave. I wish to preserve the substance of that rule for just such cases.

Mr. MORTON. There is no difference between me and my friend from Vermont upon this question. The rule in substance now is just as I would leave it. A member asks leave to introduce a bill without previous notice. It is an idle formality, and has never been refused but once since I have been in this body, and I remember that was on an objection made by Mr. Davis, of Kentucky. I would dispense with this formal asking of leave; I would dispense with the formal granting of leave in the minutes, and if I introduce a bill leave it as the right of every Senator to have the bill go over until to-morrow.

Mr. MERRIMON. I do not think that the remarks of the Senator from Indiana cover the whole case, and particularly the merits of one feature of it. If I rise to introduce a bill I say, "I ask unanimous consent of the Senate to introduce a bill." At once it is sent to the Clerk's desk; the Clerk reads the bill by the title, and it goes upon the Journal. It is obliged to go there under the rule. If I am bound to give notice of that bill one day, I state that I give notice that I will introduce a bill to-morrow, or at some future day, for a particular purpose. If some one, thinking that bill is not one fit to be introduced, shall look into the matter, when I come to offer it to-morrow he says, "I object to the introduction of that bill, and I assign this reason, and the other reason, and another reason why it ought not to be introduced at all; it ought not to have place upon the Journals of this body at all; it is not a bill fit to go upon the Journals." In that case nothing would appear except the notice of the bill. Under the plan that the Senator proposes, every Senator introduces a bill as a matter of course, unless somebody who is not on the alert, not expecting such a thing, rises in his place and says, "I object to that bill being introduced."

This rule has been in existence for a long period of time, and, for one, I am not disposed to unsettle that which is settled, and which has proved beneficial by a long course of practice in the Senate. The Senator says there was a time when it was more difficult to introduce a bill and get it before the Senate than now. I beg to say to him and to the Senate that I think it would be very wise and well if bills could not be brought before the Senate so easily as they are now. We know by experience—I know by my little experience in this body—that scores of bills are introduced which had much better never have been introduced.

I do not care to debate this matter. I have no personal interest in it. The report I have made is the unanimous opinion of the committee. One of the committee, a gentleman who has been in the Senate for a long time, who presided in this body as Vice-President of the United States, and who has had large experience in administering the rules, is decidedly of opinion that it is wholesome—that it exerts a wholesome influence. As to the cost, that is a mere drop in the ocean; it is as nothing compared with the conservative influence that this rule exerts over our deliberations and proceedings.

Mr. MORTON. Mr. President, I care nothing about this matter. I offered the resolution to avoid some expense, but the Senator says the expense is trifling. Perhaps it may not be over a thousand dollars a session, and that, he says, is a mere drop in the bucket. I agree to that; but still these drops in the bucket sometimes make the bucket full, and in these days of democratic retrenchment and reform I think even the saving of a thousand dollars a year is not a matter to be sneezed at. But my suggestion was to recommit the resolution because the committee did not seem to understand its purpose at all. They seem to have supposed that I was proposing to do away with the right to object to the introduction of a bill. I had no such idea. I think the committee had better take it again.

Mr. ANTHONY. There seems to be such misapprehension as to the effect of the rule and the amendment that certainly I think the matter should be recommitted to the committee. I hope that will be done.

Mr. HAMLIN. Mr. President, I have listened to the Senator from Indiana, and I fail to see that I misapprehended the scope of his resolution. If I understand him now, I certainly did not fail to apprehend it in committee. The objection to changing the rule is this: As the rule now stands, no Senator, as a matter of right, can put a bill before this body—introduce it without notice. The Senator virtually proposes to do away with that. That is the reason why, in my judgment, what he proposes should not be done. You may presume extreme cases where bills offensive to the body are offered. Although I may have a right to offer such a bill, as I offer a resolution or a memorial, while parliamentary law says neither of those things shall be done in a manner offensive to the body, yet such a thing may be; and it is certainly within my knowledge that the right to present many bills has been refused. It is a little troublesome to observe in all respects this rule, I grant, but it is conservative in its action; it serves to protect the body, if you please, against extreme cases, and I think we had better keep the rule as it is.

Mr. MORTON. Mr. President, I have been very unfortunate, or else the Senator from Maine does not comprehend the purpose of my motion. As the rule now stands, if I introduce a bill I must "ask the leave of the Senate to introduce a bill without having given previous notice." If no objection is made it is understood that that leave is granted, and all this is printed in the minutes the next morning. Now, I would dispense with asking that leave; I would dispense with printing the permission; but I would leave the right to any member to object to the introduction of a bill to-day and require it to go over till to-morrow. It amounts to the same thing precisely. Unless somebody does object when I ask leave, the bill is introduced; and if I offer to introduce a bill without asking leave, but still give the right to object, I ask if it is not just the same thing precisely? To save my life I cannot see the difference.

Mr. MERRIMON. May I ask the Senator a question?

Mr. MORTON. Certainly.

Mr. MERRIMON. The Senator rises to introduce a bill, and he does it as a right; he does not ask any permission; he sends it to the table and the Clerk reads the title. After the Clerk has read the title and it goes upon the Journal, another Senator then sees that that is a bill which ought not to be introduced, and then he says, "I object." It goes over then, as he would have us provide; but it goes over after the title of the bill at least has gone upon the Journal.

Mr. MORTON. It amounts to precisely the same thing. If I proposed to introduce a bill now without previous notice, my friend from North Carolina would under no circumstances object unless he knew what the bill was and that it was offensive. He would wait, therefore, until he heard the title read, and then he would say "I object," and thereupon the bill would go over to the next day. But if I have the right to introduce a bill without asking leave formally, after he hears the title read I still leave him the right to object, and it goes over to the next day. The substance of the rule is observed, but we get clear of this idle formality. That is all there is about it.

Mr. MERRIMON. But if he gives notice, and the rule requires him to give notice, and he says "To-morrow I will introduce a bill" for a particular purpose, then I may, if I wish, ascertain that purpose; I may communicate with him; I may learn the scope of his bill; I may learn its nature; I may learn that it is offensive; and then, when to-morrow comes, and he offers to introduce it, so that it shall take its place on the Journal, I submit to the Senate such considerations as induce me to believe that it ought not to be introduced, and thereupon he is not allowed to introduce it; it has no status on the Journal at all.

The PRESIDENT *pro tempore*. The Senator from Indiana has moved to recommit the resolution, but the motion to postpone indefinitely has precedence. The first question is on the motion to postpone indefinitely.

The motion was not agreed to.

The PRESIDENT *pro tempore*. The question recurs on the motion to recommit the resolution to the Committee on Rules.

The motion was agreed to.

BILLS INTRODUCED.

Mr. MERRIMON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 221) to refund to the State of North Carolina certain moneys therein named; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 222) to authorize persons of foreign birth who have declared their intention of becoming citizens to be regis-

tered as owners or part owners of registered American vessels; which was read twice by its title, and ordered to be printed.

Mr. MITCHELL. I desire to make one remark in regard to this bill. Under the law as it exists at present, no person except citizens of the United States can be registered as owner or part owner of an American registered vessel. This bill does not propose in any respect to change the naturalization laws. It does propose, however, to so change the existing law that a person who has been a resident of the United States for ten years, and who is of foreign birth, who has filed his declaration of intention to become a citizen, may be registered as owner or part owner of an American vessel. Although it proposes a somewhat radical change in the law, I think the amendment will commend itself to the favorable consideration of the Committee on Commerce. I move the reference of the bill to that committee, and would ask its early consideration by the committee.

The motion was agreed to.

Mr. MORTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 223) granting a pension to Ira Foster, a private in the war of 1812; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. KELLY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 224) enabling claimants to lands within the limits of the Territories of New Mexico, Colorado, and Arizona to institute proceedings to try the validity of their claims; which was read twice by its title, referred to the Committee on Private Land Claims, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 225) granting six hundred and forty acres of land to the widow and heirs of James Sinclair, deceased; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 226) to make persons charged with crimes and offenses competent witnesses in the courts of the United States; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 227) for the relief of John M. Dorsey and William Shepeard; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. PADDOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 228) to authorize the payment of prize-money to the captors of the steamboat New Era No. 5 and cargo; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 229) to enable the people of New Mexico to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States; which was read twice by its title, referred to the Committee on Territories, and ordered to be printed.

Mr. BOGY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 230) to establish a branch of the Mint of the United States at Saint Louis, Missouri; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 231) for the relief of Heartt, Waite & Dodge; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. DORSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 232) to authorize the construction of a bridge across the Mississippi at Memphis, Tennessee; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 233) amendatory of, and supplementary to, the act entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes," approved March 3, 1871, and the act supplementary thereto, approved May 2, 1872, and the act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific Ocean," approved July 27, 1866; which was read twice by its title, referred to the Committee on Railroads, and ordered to be printed.

Mr. COCKRELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 234) to amend section 4698 of the Revised Statutes of the United States so as to allow a pension of $37 per month to soldiers who have lost both an arm and a leg, in lieu of $24 per month now allowed; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. ANTHONY asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. No. 4) authorizing Captain Temple and Lieutenant-Commander Whiting, of the Navy, to accept a decoration from the King of the Hawaiian Islands; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. JOHNSTON, it was

Ordered, That the petition and accompanying papers of Samuel N. Governeur, administrator and heir at law of James Monroe, be taken from the files of the Senate and referred to the Committee on Revolutionary Claims.

On motion of Mr. JOHNSTON, it was

Ordered, That the memorial and accompanying papers of Jonathan R. and Sarah A. J. Hodges, of Norfolk, Virginia, heirs at law of Charles Jones, be taken from the files of the Senate and referred to the Committee on Revolutionary Claims.

On motion of Mr. McDONALD, it was

Ordered, That the petition and papers of Andrew Johnson be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. WHYTE, it was

Ordered, That the petition and papers of Richard Hall, of Maryland, be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. CRAGIN, it was

Ordered, That the petition and papers of Commander R. F. R. Lewis, United States Navy, be taken from the files of the Senate and referred to the Committee on Naval Affairs.

DEATH OF SENATOR JOHNSON.

Mr. COOPER. Mr. President, upon me devolves the sad duty of formally announcing to the Senate the death of Hon. ANDREW JOHNSON, late a Senator from the State of Tennessee.

On the 31st day of July, 1875, near his mountain home in East Tennessee, surrounded by family and friends, he passed from earth to meet his reward. The event was a shock to the people of the State who had so recently honored him by an election through their representatives to a seat in this body; it was a shock to the nation, whose highest offices he had filled.

The conflicts of party in which he freely mingled are too recent not to have left deep scars; but throughout our mighty Republic everywhere there were those who delighted to do him honor. The greater part of his life was passed in the public service; much of that time in the councils of the nation; and having almost reached his threescore years and ten, the scriptural limit of human life, he has passed the portals of the tomb, been claimed by the insatiate archer, his spirit summoned to God who gave it, and his body consigned to the place appointed for the dead.

He will no more go in and out before us. No more will his voice be heard in this Chamber. No more will expectant friends crowd these galleries, to hang upon his words and catch the inspiration which he was accustomed to impart to them by the fervor of his utterances. Nor will the Senate again be edified or instructed by his exposition of the Constitution, or the enunciation of his opinions, lucid and mature as they always were. Life is ended. The mortal has put on immortality, and what he has accomplished for the good of mankind alone remains to us of this tribune of the people.

Senators, how frequent of late have been these visits of death to this Chamber! Since our separation in March last, once and again, and yet again, has he accomplished his mission, and three of our associates been called from our assemblies here to meet the realities of the future and eternal life. The genial smile and friendly greeting of our honored and revered friend, the late Vice-President, will no more be seen and felt by us. His generous heart has ceased to be affected by earthly woes.

Nor shall we again be permitted to listen to the words of wisdom and instruction with which the late Senator from Connecticut [Mr. FERRY] was accustomed to edify and enlighten the Senate. He, too, has been called to a higher sphere and a nobler work. Well may we exclaim, in the language of the righteous man of Uz, "Have pity upon me, O ye my friends; for the hand of God hath touched me."

Few men have been more prominent or commanded to a greater extent the attention of the people than Mr. JOHNSON.

After his entrance upon public life his career was marked by warm friendships and fierce antagonisms. He courted controversy and shrank not when the contest came. In this and the other House he was reckoned among those who contended for the mastery. He was often in the fiercest of the conflict, and was not wanting in success. During his terms of service he participated in most of the debates which took place upon the questions then agitated in Congress. He also engaged as a public speaker before the people in all the canvasses which were waged after he became a public man. Few speakers excelled him in depth of conviction or in earnestness of utterance. He exercised in an eminent degree the faculty of attracting the attention of his hearers and retaining it with unflagging interest to the end. Many of his speeches have been preserved, but will fail to give to those who may read them in the future an adequate idea of their power upon those who heard them.

His state papers while President will be the most lasting monument of his claim to greatness as a statesman. Many of them are productions which have seldom, if ever, been excelled.

But this is neither a suitable nor proper occasion to pass them in review, or to discuss their merits, or to compare them with the productions of others, or to speak of the principles advocated. All this belongs to those who may come after us, to those who will write history, and who will assign each contestant for the world's honor his proper niche in the temple of fame.

Mr. JOHNSON was conspicuous in every position in which he was placed. Whether in the halls of legislation or in the executive departments of government he commanded attention. Whether as governor, directing the affairs of a single State, or in the presidential chair, superintending the affairs of this great nation, the mass of his countrymen award him the highest praise and insist that his conduct will bear favorable comparison with the purest and best of those who preceded him in office.

His aim in the discharge of the high duties devolving upon him in his exalted office, so far as we can know it from official action, was to know the Constitution and to follow it. A firm believer himself in the capacity of man for self-government, and that our form of government furnished the best model that has ever been devised for proving the truth of the theory, he sought earnestly to carry into practice its every precept. In his opinion the people may always be trusted to do right. They will never do wrong intentionally. And if they do err, it will be through the influence of trusted leaders, and but momentarily; "their second sober thought" will always bring them back to the path of safety, rectitude, and progress. To them he confidently looked for the remedy of any fault which might be developed in the working of our system of government. He trusted the people implicitly, and never doubted that they would see and prevent any subversion of their liberties or restraint of their rights and privileges.

He was indeed a tribune of the people. In his care their dearest rights and interests were secure, so far as intentional injury upon his part was concerned. He was one of the people, felt for them, sympathized with them, and they believed was ready to do all in his power for their political advancement. Hence the devotion of the masses for him. The theater of his power and greatness was before the masses. He swayed them by the earnestness of his eloquence and the conviction which he aroused in them of the sincerity of his beliefs and purposes. Few men have shown greater power in arousing the people and attaching them to their fortunes than did Mr. JOHNSON. The secret lay in his own firm convictions and his unwavering belief in the patriotism, good sense, and integrity of the masses, that they desired to do right and would do so in the end, together with the faculty, which he possessed in an eminent degree, of impressing the truthfulness of these convictions upon his hearers. But why should I dwell upon that which is so familiar to all who knew him; and who is there to whom he was unknown?

His public life is known to all the people. The most trying scenes in it are of too recent occurrence and too important in their effects upon the nation to be easily forgotten. I will not enter upon the vain task of attempting to add anything to his fame. In this place, where he was so well known, amid those many of whom were actors in the most important event of his eventful life, why portray the past? Why dwell upon his merit, which will now be so readily admitted?

But he will no more be seen among us. He has been called to meet the Judge of all the earth. The places which knew him here will know him no more forever. Another has been called to fill his vacant chair and charged with the performance of the duties which so recently devolved upon him. "Alas, how soon we are forgotten" is a truth felt by all who have lived to man's estate. Yet there are some the memory of whose deeds will long survive and whose names the world will not willingly forget. May we not hope that our lamented colleague will be one in this roll of honor. Death has purified his fame. His faults will be forgotten and his virtues cherished. In this spirit I lay my wreath upon his tomb.

Mr. President, I offer for present consideration the following resolutions:

Resolved, That the Senate has received with profound sorrow the announcement of the death of Hon. ANDREW JOHNSON, late a Senator of the United States from the State of Tennessee.

Resolved, That as a mark of respect for the memory of Mr. JOHNSON, the members of the Senate will go into mourning by wearing crape upon the left arm for thirty days.

Resolved, That, as an additional mark of respect for the memory of Mr. JOHNSON, the Senate do now adjourn.

Ordered, That the Secretary communicate these resolutions to the House of Representatives.

Mr. MORTON. Mr. President, as a member of this body, in the discharge of what I regarded as a high official duty, I voted for the impeachment of ANDREW JOHNSON. I believed he had violated the law; and for that vote I have no excuse or apology to offer; but, sir, I would let the memory of what I regarded as his faults be buried with him, and choose to remember only his virtues and his services to his country. I would exercise for him the same charity that I would ask to have extended to myself in the inevitable hour.

Mr. JOHNSON was a man of remarkable traits of character. He was distinguished for his tenacity of purpose, perhaps for his impatience of opposition. He was combative in his temperament; and that quality of his mind, I have no doubt, led him to do many of those things to which objection was taken. He was born in the humble walks of life; he lived in poverty, and had no advantages of early education. I have heard it said that his wife taught him to read. But he was distinguished for his thirst for knowledge and for an honorable ambition, and he went up step by step; first, holding an office in the town in which he lived, and afterward in the Legislature of Tennessee; then a member of the other House of Congress, and then a member of this body. In every position in life he showed himself to be a man of ability and of courage, and I believe it is proper to say of ANDREW JOHNSON that his honesty has never been suspected: the smell of corruption was never upon his garments.

As a member of this body, in 1858 he introduced a bill granting a homestead of one hundred and sixty acres of land to every actual settler. He was far in advance of the statesmen of his own section, and even of those of the North, upon that question. It was a measure that was not popular in the South, for reasons which we can all understand, but which it is not necessary to advert to now. That measure did not become a law then, though it did afterward; but Mr. JOHNSON was entitled to none the less credit for his early and bold advocacy of it. The establishment of the homestead was almost an era in the history of this country. It was one of the greatest blessings that was ever conferred by a single act of Congress.

When the storm of secession swept over the South and through this Hall, ANDREW JOHNSON was the only member of Congress from the South in either House, so far as I remember, who resisted that wave and stood faithfully to the Union. In introducing this matter, of course I desire to arouse no partisan feeling here, but simply to do justice to his history. It cost something to be a Union man in the South. These southern Senators can testify to that. It required courage and daring that were not required to take a similar position in the North. Mr. JOHNSON understood full well that it would cost him the friendship of his life-long neighbors in Tennessee; that it would, at least for a time, make him an outcast from their society; that he might even become an exile from the State in which he had lived and which he had so long and so ably served; but he stood in this Chamber and declared his devotion to the Union, turned his back upon those seductive influences to go with the South in that terrible controversy, defied their threats, hurled back with indignation the epithets that had been launched upon him. He made a speech here on the 5th and 6th days of February, 1861, which I have taken the pains to hunt up. I remember the effect of those words as they rang through the North. In the course of that speech Mr. JOHNSON said:

Sir, I intend to stand by that flag, and by the Union of which it is the emblem. I agree with Mr. A. H. Stephens, of Georgia, "that this Government of our fathers, with all its defects, comes nearer the objects of all good governments than any other on the face of the earth."

And again he said:

I have been told, and I have heard it repeated, that this Union is gone. It has been said in this Chamber that it is in the cold sweat of death; that, in fact, it is really dead, and merely lying in state waiting for the funeral obsequies to be performed. If this be so, and the war that has been made upon me in consequence of advocating the Constitution and the Union is to result in my overthrow and in my destruction, and that flag, that glorious flag, the emblem of the Union, which was borne by Washington through a seven years' struggle, shall be struck from the Capitol and trailed in the dust; when this Union is interred, I want no more honorable winding-sheet than that brave old flag and no more glorious grave than to be interred in the tomb of the Union.

Those were brave words to be uttered by ANDREW JOHNSON under the circumstances. I admired and honored him at the time; I do so now, and ever shall. He was a brave man, and he encountered risks and subjected himself to dangers which we of the North scarcely knew anything about. Perhaps no man in Congress exerted the same influence on the public sentiment of the North at the beginning of the war as ANDREW JOHNSON.

Afterward, in the spring of 1862, I think it was in March, Mr. Lincoln appointed him military governor of the State of Tennessee. He went there at the imminent risk of his life. He was subjected to violence, I think at Lynchburgh, on the road; and when he arrived at Nashville he was threatened with assassination on the streets and in public assemblies; but he went on the streets; he defied those dangers; he went into public assemblies, and on one occasion went into a public meeting, drew his pistol, laid it on the desk before him, and said: "I have been told that I should be assassinated if I came here. If that is to be done, then it is the first business in order, and let that be attended to." No attempt having been made, he said: "I conclude the danger has passed by;" and then he proceeded to make his speech. His conduct as military governor was distinguished for courage, for devotion to the interests of the Union; and the admiration created by his conduct throughout the North led to his nomination for Vice-President upon the republican ticket in 1864. He was elected, and afterward became President of the United States by the assassination of Mr. Lincoln.

We were personal friends. The first time I met Mr. JOHNSON was in this Chamber. I was on a casual visit here, and heard the debate in which Mr. Breckinridge made his final speech before leaving to join the confederate army. I was introduced to Mr. JOHNSON then, and from that time we were friends. After I had voted for his impeachment, and met him accidentally, he wore the same kindly smile as in times before, and offered me his hand. I thought it showed nobility of soul. There were not many men who could have done that.

He has gone! We are all soon to follow him. If he had his faults, let them be buried with him. Let us remember the great services he rendered to his country. He was faithful to his country in a time of great trial, and let that fidelity and those great services always be remembered.

Mr. MCCREERY. Mr. President, the Senator from Indiana [Mr. MORTON] introduced his remarks by a reference to the impeachment trial. I will say that I had the honor to be one of the Senators who voted for acquittal on that occasion. Like him, I have no apologies to make for that vote.

Death has stricken a great name from the roll of the Senate. The providence of God is over us, and we bow reverently to the dispensation, even though the bonds of brotherhood are broken. The mortal

remains of ANDREW JOHNSON lie buried under the soil of Tennessee. His record as a statesman is finished. His career, with its toils, its struggles, and its anxieties is completed. We turn for a few moments from the discharge of our ordinary duties to make this last sad offering to the memory of that extraordinary man, and his name and his fame are ready for history. He was plain and simple in his manners and tastes, and if it were possible for him to exert a controlling influence over the solemn exercises of this hour, he would prefer the words of soberness and truth to the exaggeration and extravagance of eulogy. In the walks of private life he was considered a good citizen. He spoke the truth, paid his taxes, settled his just debts; he was an honest man. So well was he established in that regard, that where he was best known his bitterest enemy would resent even an insinuation that he had been guilty of duplicity, falsehood, or fraud in any of his business transactions. Senator Brownlow has never been conspicuous for moderation in controversy, neither has he been extravagant, but, on the contrary, exceedingly economical and frugal in the use of compliment toward his adversaries; but that Senator, in the long years of their fierce antagonism, not only never assailed, but he never failed on proper occasion, before or after the death of JOHNSON, to vindicate his integrity. Integrity was the foundation upon which he reared the superstructure of his political fortune. He enjoyed more of the confidence and respect than he did of the personal regard and esteem of his fellow-citizens. He had not the dash which sometimes elevates an empty-headed demagogue to great popularity, which leaves him as suddenly and perhaps as unexpectedly as it was acquired. He wore a sad expression, and his conversation was neither witty nor brilliant, but direct and to the point. If it possessed any charm, it was due in a measure to the modulations of a clear, mellow voice, the tones of which rose and fell as passion, interest, or indifference predominated at the moment. These, however, were not even elements of his strength. The people believed he was honest, they knew he was capable, and that was enough for them.

If the departed Senator belonged to any church, it must have been to the church militant, for life with him was a warfare from beginning to end. He was aggressive, unyielding, uncompromising. When smitten, he forgot the injunction and smote the smiter, and the battle was measured by resource and endurance. Christian or Moslem stood by the symbol of his faith with no more tenacity and resolution than he displayed in defense of his principles. He enjoyed triumph with moderation, but it cannot be said that he bore defeat with true philosophy. If he had reflected that position was as desirable to others as to himself, it might have turned the edge of his resentment. The champion of popular rights had little respect even for a popular verdict adverse to himself, and a new trial and a re-argument of the cause were demanded.

Justice to ANDREW JOHNSON requires at least an allusion to his humble origin, to his early orphanage, and to his poverty at the outset of life. He had learned the trade of a tailor, and the work on the board might be said to constitute the boundary of his useful knowledge. But an angel had taken her place by his side to share his joys and his sorrows, and to cheer and to bless and to enlighten him by her counsel and instruction. He labored diligently for her support, and she more than canceled the obligation by gently dispelling the dark shadows and imparting light and life and energy to his understanding. She prepared him to stand forth in the stature and strength of manhood, and to discharge the highest and most responsible duties of an American citizen. He was not the creature of accident nor the offspring of chance, but a self-reliant man, of steady purpose and iron will, who started from the bottom, and from a village alderman rose rapidly through the different grades of the public service to the most exalted position upon earth. After a few years of private life he was returned by his State to the Senate under circumstances peculiar in some respects. He was the first ex-President who had entered the Senate, and it was understood that he acknowledged no special fealty and no particular partiality to any political organization. Much was expected from him. Whether the highest hopes and expectations of his friends and admirers would have been realized or not is a matter of conjecture concerning which every man will enjoy his own opinion.

I never heard a speech from him until a short time before our final separation. That speech was published as delivered, without revision or correction. Critics may discover redundancy and repetition, but we who heard it know that it was a powerful appeal in behalf of the Constitution. Other speakers may have been as logical and as eloquent, but no man spoke with more earnestness than he did. He related no anecdotes, and aimed at no pleasantries; but voice, manner, and diction rose to the level of the great question he was considering, and Senate and galleries listened with profound attention. The unvarying earnestness of his delivery may have been the secret of his power and the key to his strong hold upon the confidence of the people of Tennessee. But speculation is idle; we only know that from a most unpromising beginning he accomplished surprising and wonderful results. When he went to Greeneville he was a stranger, and a tailor's "kit," his thimbles and his needles, were probably the sum-total of his earthly possessions; at his death, the hills and the valleys and the mountains and the rivers sent forth their thousands to testify to the general grief at the irreparable loss.

I honor him for that manly courage which sustained him on every occasion, and which never quailed in presence of opposition, no matter how imposing. I honor him for that independence of soul which had no scorn for the lowly and no cringing adulation for the exalted. I honor him for that sterling integrity which was beyond the reach of temptation, and which, at the close of his public service, left no blot, no stain upon his escutcheon. I honor him for that magnanimity which, after the war cloud had passed and the elements had settled, would have brought every citizen under the radiant arch of the bow of peace and pardon.

It is the province of patriotism to guard the ashes and to cherish and perpetuate the memories of the mighty dead. Every locality has its particular treasures. Jackson, Polk, and JOHNSON! Will these names be forgotten in Tennessee? The sun and the stars will shine in their seasons, but revolving years will neither quench nor dim the light of their great examples.

Mr. MERRIMON. Mr. President, it seems to me appropriate that the voice of North Carolina should join in these solemn ceremonies. There our late associate, the late Ex-President JOHNSON, was born, and there he began his remarkable career which rendered him famous in this and other lands. The people of that State watched with more than ordinary interest his eventful life—sometimes approvingly and at others with disapprobation; they recognized his marked ability, his industry and self-reliance, his courage and fortitude, his firmness and integrity, his successes and his triumphs; they condemned his faults, but over them they have cast the mantle of charity and forgetfulness, and they have shared largely and sincerely in the general sorrow occasioned by his sudden death.

My personal acquaintance with Mr. JOHNSON began shortly after I became a member of the Senate; it was brief and agreeable, and served to strengthen my impressions of his character derived from a general knowledge of him for a long while as a prominent public man. He was not only a distinguished citizen, but in many respects he was one of the great men of his country and of the age in which he lived. His cast of mind, his character, and successes in life present an interesting study in connection with our political institutions and their peculiar workings in the development of the talents and virtues of men in every class and condition of society. He did what few have accomplished in the course of time. From a birth, a boyhood, and circumstances the most humble and untoward, without aid and without extraordinary advantages at any period of his life, often under the frowns of the great and powerful, by the exercise of his own powers and his own efforts, he passed gradually, and always with distinction, through stations small and great until he reached and filled with striking ability, and under circumstances the most trying, one of the most exalted on earth.

Without intending here to approve or disapprove his general course of action, if we consider fairly the extraordinary, perilous, and revolutionary circumstances that surrounded the country at the time he filled the high station of President, it may well be doubted whether any of the great men who at different periods filled that place could have ruled and subdued the storm of passion and partisan fury that threatened to ingulf the Government, more successfully than he did. Whatever the unfriendly critic may say, all disinterested men will agree that he filled most of the many stations he occupied with great acceptability, and all of them with great credit to himself. I think it may be fairly said of him that in all the responsible places he filled he never failed to prove himself equal to the duties devolved upon him. Doubtless he did not discharge them acceptably to all; but all must admit that he did so with distinguished ability. For his elevation and distinction he was not indebted to any sudden freak of fortune in arms or civil life, but to his native talents, his efforts, and his persistency in sunshine and storm alike. He lacked the polish of high culture and training, but he possessed in a large degree the moral, intellectual, and physical power to command fortune. This epitome of his life marks him one of the strong and great men of his age.

Mr. JOHNSON possessed a strong, logical, and aggressive mind and a powerful will. He had stern integrity, which he carried into all the relations of life; indeed, this was one of his leading and striking characteristics; he was remarkable for his honesty, and

> To be honest, as this world goes, is to be one man picked out of ten thousand.

His moral and physical courage were unbending, often rising to heroism. The adverse circumstances of his early life deprived him of the essential advantages of youthful education and training, but he overleaped this obstacle; he was self-educated; he had not the finish of systematic culture, nor could he claim great learning, but he thought, wrote, and spoke strongly and intelligently on all subjects that engaged his attention. Some of his state papers will compare favorably with the best. He had an extensive and correct knowledge of human nature and large insight into the motives of men. He measured them at a glance mentally and morally, and generally with singular accuracy. He had administrative capacity of no ordinary mold or measure.

He was always thoroughly and honestly in sympathy with the masses of the people and popular government. He was essentially a man of the people; and however he may sometimes have erred in judgment looking to that end, he zealously desired their welfare and happiness. He made them believe so, and this may be reckoned one of the strongest elements of his power with, before, and over the masses of his fellow-countrymen.

He made mistakes, some of them grave ones; but who is free from error? He had faults; he may have had serious ones; it were strange indeed if, under the conflicts and temptations of his life, he were free from them. And let me ask what man of us is free from them? His virtues and patriotism far outweighed and outmeasured his errors and follies. Let us keep fresh in our memory the former and over the latter let the mantle of charity be cast.

I well remember how, on the 4th of March last, when he entered this Chamber to take his seat again as a member of the Senate, his countrymen, crowding the galleries and corridors, saluted him with loud and spontaneous applause, and how they did a second time, when he stepped forward to be sworn. Admiring, tasteful, and delicate friends had richly adorned his desk with beautiful and expressive flowers, and when that day the Senate adjourned hundreds of his friends, and men, too, who had in the past been unfriendly toward him, hurried to his seat to tender him respect and sincere congratulations. That was a grand occasion for him, and his heart was glad!

He was not an aged man. His friends had hoped that he would be spared to his country many years to come to do much and noble service for that country. But his work is done; his labors are ended. Death suddenly snatched him away from the scenes, the conflicts and sorrows, the pleasures and the honors of this life, and he is gone to try the realities of eternal things. May his countrymen remember and emulate his virtues and his noble deeds.

Mr. PADDOCK. Mr. President, it is with no ordinary diffidence that I arise to address the Senate upon an occasion of so much interest as the present. The fear that I, who have so recently come among you, may commit an offense against the proprieties which should be as a law unto us all in this Chamber, almost overwhelms me. Indeed, sir, so much has already been so appropriately, so eloquently said by my seniors here, whose fame is the very fame of the Republic itself, that my poor words, however fitly spoken, will, I doubt not, be considered presumptuous. But, sir, I am impelled by a sense of duty to the State I have the honor to represent, in part, upon this floor, to briefly express, on the behalf of all the people thereof, of whatever party, sect, or class, the universal sorrow occasioned there by the death of ANDREW JOHNSON. Especially, sir, do I offer here for the memory of the departed Senator the gratitude and the unselfish reverence, homely though it be, of the thousands in my State who to-day occupy farms of broad fertile acres secured to them through the beneficent provisions of the homestead law. They, sir, and the generations that are to come after them, will ever hold in grateful remembrance his manful advocacy of the principles of that law long before its enactment; at a time, sir, when it had few if any friends but himself, and seemingly but little to hope from the future, ANDREW JOHNSON pointed the way; and the republican party, to its honor and its glory be it said, afterward followed therein until this great boon for the homeless and the landless was secured.

Mr. President, I recall to-day a reminiscence of unusual interest to myself, at least. Will you indulge me while I refer to it? On the sixth day of next month fifteen years will have passed since, in company with another gentleman, both of us citizens of the then sparsely-settled Territory of Nebraska, I sat in yonder gallery, electrified by the patriotic eloquence of ANDREW JOHNSON. That, as I remember, was my first visit to this Chamber; certainly his great speech for the Union, delivered upon that occasion, was the first to which I ever listened here. On the 5th day of last March I met ANDREW JOHNSON upon this floor, after his long absence from the Senate. We met here then as Senators-elect, and when, together, we swore to uphold the Constitution of our country, my memory went back over the eventful interval of time that had elapsed, and the patriot statesman, who, alone of all his section, had stood bravely up from out the very ranks of secession on yonder side, and, with firm but tearful utterance, proclaimed his unalterable fealty to the Union and the old flag, was again before me. My companion, too, of the gallery was here; I meet him now as my colleague upon this floor; we were here together to represent a State containing nearly a half million of people, a sovereignty which did not exist when, upon that memorable occasion to which I have adverted, ANDREW JOHNSON denounced secession and disunion with so much power and vehemence; the rebellion had come and gone, bearing its full fruition of direful consequences, as he did then predict; a river of blood had carried between its full banks, upon a resistless tide, the worn and battered hulk of slavery far into the sea of perdition. The Union was restored, re-invigorated by the rich draughts it had drawn fresh from the fountain of liberty, and the great army of American civilization, with "standards full high advanced," was moving forward to new centenary conquests. That, sir, was a moment of intensest interest to my whole nature for the reflections it induced, as this is one of profoundest sorrow for the memories that, crowding mournfully each upon the other, have taken full possession of us all.

Mr. President, I believe, sir, notwithstanding the fact that a painful chapter of history relating to the official acts of ANDREW JOHNSON was made in this very Chamber, that no Senator here present will refuse to-day to join me in the declaration that he was essentially an honest man; ay, sir, a patriot in the fullest sense of the term. It is true, indeed, sir, that he possessed his full share of the weakness by which human nature, wherever found, in its highest as well as its lowest estate, is always beset. And yet, sir, who among *us* will undertake to exalt himself above his fellows in respect of his freedom therefrom? Speaking for myself alone I do frankly admit that upon sudden impulse, under great excitement, I have spoken words and performed acts which I would gladly expunge from life's record, and thank my God upon bended knees for the opportunity so to do. Who of you, brother Senators, will say less than this for himself? Who of you will undertake to say *more* than this of ANDREW JOHNSON?

To-day, sir, the voice of party is hushed, and the war of factions and of policies is forgotten, while, as mourners as of a common brotherhood, we all do pause before the new-made grave of ANDREW JOHNSON to drop the tear of sad remembrance. His ashes now mingle with the soil of the State he loved so well and served so faithfully in the Union he helped to save; but his spirit has gone, with that of WILSON and of FERRY, to unite with those of Lincoln and Seward and the other immortal patriots who went before in that invisible spiritual aggregation, whence we are to draw the inspiration which shall quicken here the development and the growth of a higher, a purer civilization, and a stronger, a nobler nationality. God speed the day, sir, when, by the aid of this inspiring influence, the popular sentiment of our country, as well as its ethics, shall demand of politicians, of statesmen, of parties, and that political power the press the exercise of the broadest and the fullest Christian charity in all their intercourse each toward the other!

Mr. BOGY. Mr. President, having held an important position under Mr JOHNSON while he was President of the United States, I was frequently brought in contact with him, and I had for this reason a good opportunity to form an estimate of his abilities and to study the main characteristics of his mind and the great outlines of his general character. A sense of duty, growing out of this official connection, impels me to say a few words on this occasion. I do this with great diffidence, not only because of my inability to do justice to the subject, but also because I follow other Senators who have spoken with much more eloquence than I pretend to possess.

That our late brother was a remarkable man is a fact which is beyond all doubt, and which no one will contest; indeed, his singularly remarkable career is enough to establish this. In my opinion, it is not extravagant to say that this career has no parallel in history in this or any other country, nor in this or any other age of the world. For, although history has preserved and transmitted to us the names of many men born in obscurity and in the humblest station in life who attained the very highest positions in their country, yet in most instances, if not in every one, these men were thrown up, as it were, by the force of great events with which they were in some way connected, and in most cases these remarkable ascents of men from obscurity to distinction were of military characters. History informs us that several of the emperors of Rome, when it was the mistress of the civilized and barbarian world, were born in slavery. Pizarro, a hog-driver, became the conqueror of Peru, and his name will live in the annals of history forever. And yet it is not difficult to understand the rise of the Roman slave or of the young hog-driver; great events with which they were connected, and which they had the genius to control, made them what they were. But in the case of Mr. JOHNSON his rise from obscurity to distinction through a long gradation of offices and to a seat in this body was the work of his own hands and the legitimate results of his own unaided exertions and great native ability. He was truly the sole architect of his own fortunes. No fortunate or singular circumstances favored his election as alderman of his village nor as mayor, or his election as a member of the Legislature of his State, or to a seat in the House of Representatives of the United States, nor as governor of his State, and finally to a seat in this body as an American Senator. Up to this time it can be truly said that he carved his own fortunes alone and unaided by any adventitious circumstances of any kind. Will, pluck, and ability were the weapons he wielded to accomplish his purposes; and we are informed from his well-known history that he attained the ends which he aimed to accomplish, not by intrigue or cunning, but by a stern and manly course, meeting his opponents and all opposition boldly and defiantly, and so far from attempting to avoid opposition, inviting it. Indeed, his combative temper always brought about very great opposition. This he seemed to enjoy. He loved the excitement of a warm political contest, and for it he was most singularly adapted—a ready debater, quick at repartee, a naturally close reasoner, having a profound knowledge of the heart of the people among whom his lot was cast, ready and able to take advantage of any favorable circumstance which presented itself. He went before the people with views and opinions of his own, advocating them boldly and ably, and was always willing and ready to stand or fall with them, and, although a democrat, very seldom, if ever, in line with his party. He was not a demagogue, but he always presented himself as the friend of the people, and particularly of the poor and humble. That in presenting himself on all occasions as the friend of the poor and humble he was honest and sincere, admits of no doubt. His own humble birth and the circumstances surrounding his early years were enough of themselves to impart to his peculiar nature a feeling of sincere love and sympathy for this portion of his fellow-men. He was one of them, and his sympathy for them was natural. And this sympathy he exhibited during his long political life. Yet this by itself would not be sufficient to account for his extraordinary success.

I said at the outset that my official position while he was President

of the United States enabled me to form an estimate of his abilities and of his general character. While his abilities, in my opinion, were not of the very highest order, yet they were very far above the common run of men, and indeed, when his want of early training is considered, they might well be considered as extraordinary. I did not think that his perceptive faculties were very quick, but he possessed great natural power of elaboration and he worked out his conclusions by serious and laborious thinking. He made the impression on me of a great thinker, and was willing to do a great deal of hard work in this way. When his mind was fully made up he was as firm as a rock, and nothing on earth could shake him. It may be that he indeed carried this too far, and he was in consequence of this considered by some as headstrong and stubborn. His moral courage was great, was, indeed, sublime. I well remember that during the darkest period of his life, when he appeared to be abandoned by all, he never expressed a doubt of his final triumph; and that this was not assumed but was really felt was shown by his deportment and bearing. I have reason to believe that his physical courage was as great as his moral. Hence he was truly and essentially a brave man, willing and ready to risk his life and political fortunes to carry out his object; and in my opinion this had much to do in securing his long life of success.

It is said that he never was at school, not even for a day, and that his wife, who survives him, was his first instructor. If this be true, his long and successful career must have been a source of great happiness to her, and she must have shared his great and long-continued honors with most singular satisfaction. That his education was under the circumstances imperfect is easily understood; yet he did much to repair this by very general reading. I had occasion to spend many evenings with him, and I then observed that his reading was pretty extensive, although desultory. To say that his memory was good is not enough. At the time I speak of it was truly remarkable, and, as he had served many years in Congress during the days of Calhoun, Clay, Webster, Benton, Grundy, and many others of the distinguished men of that most brilliant period of our history, he could relate many very interesting events connected with them, some of a political nature, some social, and others anecdotical. On such occasions he was extremely genial and amiable, enjoying a hearty laugh as much as any one I ever knew. He possessed good powers of relating past events or anecdotes. I observed one thing, that in speaking of those great men with whom he had become acquainted in this city during his long congressional career, he did so kindly and respectfully, doing full justice to their abilities and to their motives.

Mr. President, it is singular, but it is true, that he filled every office which a man can fill in this country, municipal, State and Federal, civil and military, judicial, (as mayor,) legislative, and executive, from the lowest to the highest, from alderman of a small village to the governorship of his State, major-general in the Army during the war, and finally Vice-President and President of the United States. The last two offices, however, were not the result, like the others, of his own individual labors. Circumstances growing out of the war had no doubt much to do with his selection as a candidate for the Vice-Presidency, and we all know that a circumstance with which he was in no way connected made him President. But his last election to a seat on this floor as Senator was the work of his own hands, brought about by his own indomitable will and pluck, the reward of a long and terrible contest, continuing for some years, unsuccessful for a time, and appearing to all the world besides himself as utterly hopeless; nevertheless, finally he was triumphant. From what I have learned from those who are familiar with this his last contest, he exhibited more openly his true and peculiar nature than at any other period of his life—which was to fight with all his might and all his ability, asking for no quarter and granting none; and although like bloody Richard now and then unhorsed, still to fight and never surrender until victory perched on his banner. Under all the circumstances connected with his previous life—particularly while he was the Chief Executive of this country—this last triumph must have given him more sincere and deeply felt gratification than any other of his life. He is the only one of the number of distinguished men who have held the office of President who afterward became a member of this body. Even in this his fortune appeared to be singular.

I have thus, Mr. President, in a brief and imperfect manner given an outline of the character of this remarkable man. On an occasion like this, and in this body, criticism would be out of place. One of his acts I condemned; but, I repeat, this is neither the occasion nor the place to indulge in criticism. This belongs to history; and his name will be written on its pages and be transmitted to posterity as one of the remarkable characters of our epoch, and as the most perfect type of our republican institutions. His death at this time I consider a public misfortune, as he occupied a position to render great service to his section of our common country.

Distinguished as he was, great as he was, too, his career is ended, and forever; and we again are reminded of the solemn truth that—

The paths of glory lead but to the grave.

Mr. JONES, of Florida. When the minister of God on the last day of the previous session of this body invoked the Divine protection over each of its assembled members, I well remember, as I looked over this Chamber, how the thought suggested by the prayer of the holy man came to my mind, shall we all ever meet again on this floor? That mental interrogatory has been answered in the negative, for since our last meeting in this Chamber at the previous session it has pleased Divine Providence to remove from his earthly sphere, from his family, his country, and his usefulness, our distinguished brother member, ANDREW JOHNSON.

It would not be proper for me, Mr. President, an inexperienced member of this body and a comparative stranger to the deceased, to attempt anything like an encomium upon his character and services, or to enlarge upon the just tributes of honor and praise which have been bestowed upon him by those Senators around me who are so well qualified by their talents and their knowledge of his worth and achievements to perform that sad service. Nor is it from a vain desire to have it said that my humble voice has been raised in these most melancholy services to genius and integrity, that I presume to address you now. But, sir, I feel that to be silent on this occasion would be to refuse to the heart the agency of the tongue to relieve it from the emotions of sadness and regret with which the loss of our honored companion has filled me. Not that that loss is to me so personal as to create the pangs of common grief or affliction. There was no tender personal tie between us to be broken. There is nothing in my feelings of regret on this occasion to mark them from those ordinary emotions which the loss of any good man would produce, except, sir, the uncommon fervency and depth which the public character of the misfortune has occasioned. I feel, sir, that, situated as the country is and as this Senate is, the loss of Mr. JOHNSON is great, if not irreparable, and that if he could have lived through the period for which he was elected to this body, the country would have derived great benefit from his services.

In a country like ours, sir, there is no safer or surer way to measure the usefulness or value of a public man than by a consideration of the influence and power which he wields over the minds and hearts of the people. Under other systems this influence and power do not produce the same results which they do here. The mysterious councils of despotism seldom consider the temper or the affections of the people; and where the latter take no part in the business of government, except to toil to support its aggressions, there is no field for popular leadership or the operation of that sympathy and influence which we have seen binding the people of this country to their rulers with more than despotic force. It has fallen to the lot, sir, of but few men even in this country to command for any great length of time the pure and unselfish love of the people. Great talents and attainments have always exercised, as they should do, a proper influence over the minds of our citizens, and have ever received the highest favors that the people could bestow. But, sir, in all the tributes and honors bestowed upon the many great intellects of the country, there was very little evidence of affectionate attachment or heartfelt devotion on the part of the people.

But it was not the only merit of Mr. JOHNSON that his mind was distinguished for those qualities which ranked him with men of eminence. Gifted as he was in this respect, he had also that which all men of eminence aim to acquire and but few possess, the power to command and the virtue to merit the love and respect of the people. When we contemplate the career of this wonderful man, commencing at the lowest and rising to the highest stratum of society, by means, and by means only, of his own untiring will and talents, it should afford us great satisfaction and pride to have even this example (if it were all, which it is not) of the good effect of our system of government in opening up to the whole people all the honors and emoluments of the State.

In reviewing the tedious and slow progress of governmental reform, with its relapses and conflicts, sometimes attended with tears and blood and at others breaking down the barriers of time and prejudice with the force of truth and reason, there are no facts which appear more striking in the long march of improvement than the tenacity, the mistrust, and jealousy which were ever exhibited by the enemies of the people in their efforts to withhold from society all interest and influence in its own government.

You cannot but remember the terrible conflict so long maintained at Rome for exclusive privileges by the patricians, and the despair and apprehension with which they ultimately yielded to their fellow-citizens a voice in the management of public affairs. It seems to have been claimed at the very dawn of civilization that the imperfect constitution of man would never be made to harmonize with the principles of regular government, unless the persons who administered it could succeed in deluding the people by a show of authority emanating from some mysterious or divine source. And those grand epochs in the history of human liberty, so often pointed to with pride, only attest the slavery and degradation which surrounded those champions of freedom who looked for the foundation of their rights and privileges in the concessions and charters of kings.

Melancholy and sad as this occasion is, it brings to our minds in the most vivid light the true genius of our own free institutions. The grand figure which surmounts this Capitol may be the work of some man whose conceptions of liberty were inspired by the surroundings of despotism. Nothing attests the purity and correctness of imagination more than those pictures of art which are drawn with fidelity by one who has never seen the originals. But still they are only pictures. In the life and character and services of him we mourn to-day we have more than a picture. We see reflected before us not the "watery," but the full and living "image" of a free constitution.

It was quite natural for Mr. JOHNSON to feel more than an ordinary

attachment for the Union and Constitution of these States. That he did entertain the most sincere devotion for the principles of this Government no one the least disposed to fairness can deny. He felt too strongly the benefits it conferred to be willing to risk its advantages for any other system, and with an honesty and sincerity which commanded even the respect of his foes he clung to it through all its fortunes. If he favored those measures of war which were adopted by the North when war was a real issue, he also favored the cultivation of kindly sentiments toward the South, when it was not popular to sympathize with that war-wasted section. In the unhappy condition of the southern people, this man of bitter prejudices and strong hatred found abundant opportunity to display the bad passions which were said to have possessed him. But, sir, history does not show, Christian charity and meekness the world over do not exhibit, an instance of greater fidelity to principle, a more sublime example of self-abnegation, or a more complete disregard of all selfish interests, than were made manifest in the humane policy of ANDREW JOHNSON toward the South at a time when he had it in his power to oppress her people.

What motives, think you, prompted him to rise, as he did rise, far above the current of sectional hate and prejudice which for years had carried upon their surface the brightest minds and purest hearts in the country? As a southern man, he was true to the Union; as a lover of the Union, he was true to the Constitution. In maintaining his consistency, he was frequently misrepresented and oftener misunderstood. While supporting the Government, he was accused of having deserted his section; while supporting the Constitution, he was charged with infidelity to the Union and partiality toward the South. He received alternately the praises and condemnation of both sections, and his efforts to serve the country were applauded or denounced as they met the views or crossed the purposes of contending parties. But, regardless of what was thought or said of him, he followed his own stern convictions of duty, and clung to his opinions with more than an eastern devotion. Among the mountains of Tennessee, imperiled by dangers, he proclaimed his adhesion to the Union. From his high position as President of the United States he had the courage to speak a kind word for the South and recommend moderation toward her people. If he sought popularity, as it is said he did, he could say with Lord Mansfield that it was not the popularity which is run after, but that which follows in the train of duty fearlessly performed.

For a time he seemed to be lost in the obscurity of popular neglect. The great party which had elevated him to the first position in the Government pursued him with a bitterness and hatred not often exhibited toward political foes.

Who would have supposed that the State whose interests and fortunes he was said to have deserted would again honor him with the highest position in her gift? This was indeed a victory; but it was a victory of fairness and candor over prejudice; of truth over error; of intelligence over ignorance; and of principle over policy. The reentry of Mr. JOHNSON into this body was a triumph seldom seen in these degenerate days. I speak not now of the *éclat* and popular applause which accompanied it; but I speak of the moral grandeur exhibited in the return to public service of a worthy servant of the people, who, because he would not follow his party when he thought it was in error, was saved by the justice of his former enemies from the condemnation of his friends. A very eminent member of this body, who also, to the great loss of the country, lies cold in death, once said on this floor, while speaking on an occasion like this, that in a celebrated town of Italy there was a fine collection of paintings open to public view. Between two of the most attractive pictures in the room was a large vacant space, evidently intended for some noble work of art, but which was shrouded in deep mourning, which none could penetrate. This veiled mystery attracted more attention than all the paintings in view. So let it be with that part of the history of the illustrious deceased which for his own and the sake of his country, we could wish should never be written.

Let us hope, sir, that, while his example of patience, industry, and success may continue forever to illustrate the greatness of his own virtues and encourage the youth of our country to emulate his fame, his, as it is the first, may remain the last case in our annals in which a President of this great Republic ever appeared as a defendant at your bar.

If any additional sanction were needed to bind us to the strict performance of our high duties here, surely the uncertainty of life and the certainty of death, as shown by the sudden departure of our deceased friend, ought to be sufficient warning to us all to profit well by the hours at our command ere we are overtaken by that night wherein no man can labor.

Mr. BAYARD. Mr. President, with the exception of the few weeks of the last special session of the Senate, I had personally no public service in connection with our late associate, ANDREW JOHNSON, of Tennessee; nor had there been at any time intimacy between us, nor had our habits of life been sympathetic. Yet, feeling that his career must be of interest to every American, and his personal qualities and public conduct so full of what was useful to the country and honorable to himself, I have to-day a sad pleasure in bearing testimony above his bier to his worth, and in recalling to his surviving countrymen some of the true lessons of his life, although, perhaps, the full and interesting remarks to which we have listened may make mine superfluous. His career notably illustrated a just and generous feature in our institutions. I mean that very essence of freedom, "*freedom of opportunities*," that "fair field and no favor," upon which every American youth starts in the race of life for success in any profession, for wealth, for fame, for political position and power. In other and less favored lands, of "just and old renown" there is what the poet has well termed the "invidious bar" of humble and obscure birth, which obstructs the timid and inexperienced youth as with unpracticed step he enters upon the rough path of life, and sometimes embarrasses him sadly even to his journey's end. Happily in America this does not exist. Nay, may it not rather be doubted whether the repute of superior fortune and social position is not a weight in the race for popular favor, subjecting their possessor to detraction at the hands of the inconsiderate many?

The man of whom we now speak in his youth was poor, unlettered, and obscure. He had native vigor of mind and body, and the unfettered opportunity afforded by our institutions of government to test freely his capacities in any direction he saw fit. His necessities compelled him to seek employment as a mechanic, and by the labor of his hands he earned his bread; but in all those years of toil he omitted no opportunity or effort to supply the deficiencies in his early education and mental culture. He presented himself as a candidate for public station, and by the suffrages of his fellow-citizens he rose step by step until he became a member of the co-ordinate House of Congress, then of this body, and afterward its presiding officer; then by an event whose dreadful tragedy shocked the whole country he became President of the United States.

We live too near the times in which his official action became so important in its influences upon the country to attempt its history. He came to power and place in a stormy period, the excitements of which have not yet entirely subsided, and the serenity and judicial calmness that should mark the page of history will be those of a future generation, whose pulses never thrilled on one side or the other with the passions of the times in which he lived and died.

But part of his life and example may now be properly examined, and examined only to be approved. Friend and foe alike must admit his steady, unshaken love of country; his constant industry; his simple integrity and honesty; his courage of conviction, that never faltered. All these are worthy examples for the emulation of American youth and the youth of all lands. These home-bred virtues induced a life of simplicity and thoughtful economy; kept his hand clean from even the suspicion of improper gain, and in a long public career preserved him from the many temptations that so often warp men of strong passions and vigorous character like his from the path of duty. He possessed and cherished the fine old-fashioned sense of propriety that prevented his acceptance of gifts from any source or of any nature during his tenure of high official power and patronage, even though proffered in the guise of warm personal and patriotic friendship. His performance of public and official duties was marked by industry and constant care.

Qualities and habits such as these surely are entitled to thankful recognition, and being admirable and wholesome, are always examples needed by a people; by none more than those living under a republican form of government; never more than in the times in which we live.

ANDREW JOHNSON'S rise and success in life will ever be an encouragement and incentive to the poor and friendless among his countrymen to cultivate their intellectual faculties; to neglect no opportunity for the best and most important education—*self-education*; to be industrious and frugal, that they may be, and continue to be, honest men; to avoid those extravagant modes of living which create temptations so difficult to resist; to be steadfast in adversity, and ever faithful to the government which protects them.

Such habits and qualities will almost certainly bring success; but if not success, then something far better and higher than success—self-respect and the respect and esteem of their fellow-men, the consciousness of duty fulfilled to themselves and their country, whose best hopes largely depend upon the formation of such habits and in the exercise of such virtues by its public men.

Mr. KEY. Mr. President, ANDREW JOHNSON was a very remarkable man. The qualities of his mind and disposition were so unique and peculiar as to lead those acquainted with him to entertain different opinions as to their composition and tendencies.

As is well known, Mr. JOHNSON'S birth was in the midst of poverty and obscurity. His father died when Andrew was but four years old. The son never passed a day in school. At the age of ten years he was apprenticed to a tailor. This species of servitude galled the spirit of the proud boy, and he escaped from it by flight. Unable subsequently to come to terms with his master, he left North Carolina, the State of his nativity, and, crossing its mountains, came to East Tennessee, then a sort of *terra incognita*. In September, 1826, in his eighteenth year, Mr. JOHNSON arrived at Greeneville, Tennessee, accompanied by his mother. An old wooden cart, drawn by a worthless horse, carried all their wordly goods. He could scarcely read and could not write. Unpromising as the prospect appeared, this youth was destined to address listening Senates, to preside over the destinies of the grandest and greatest Republic the world has ever seen, at a most critical period of its history, and to send his name and fame to the farthest limits of civilization.

Born and reared under the most adverse circumstances, it was not possible that the features and general contour of his mind should be shaped in complete harmony or perfect regularity. Something of ruggedness and angularity of mental, moral, and social characteristics must result from such surroundings as encompassed his early life. His poverty and want of education fettered a bold and ambitious spirit, capable of the highest aspirations. The very unequal distribution of advantages doubtless appeared to him in the aspect of a wrong. A restless and longing mind, shackled and imprisoned, is not apt to be always reasonable and just when it discovers, in the pathway through which its aspirations lead, obstacles which seem to be insurmountable, and beholds beyond them those who have been favored by fortune.

Mr. JOHNSON'S associations from his birth to his manhood were with the poor and unlearned. Rising thence by his unaided exertions, he was under no obligation to those who had moved in a sphere superior to his, and felt none. His sympathies were and they remained with the class of society in which he had been trained. He had not in youth fallen under the refining influences which do so much to soften, enlarge, and diversify man's habitudes and tendencies. His prejudices in favor of the feebler ranks of population became a mental habit before he was able to raise himself into more liberal and enlightened companionship. Of this kinship with the humble he was never ashamed, but it produced in him a distrust of the leaders of society and parties, and led him to the utterance of sentiments on some occasions which were charged to be agrarian in tendency and caused many to allege that he was a demagogue. Mr. JOHNSON was neither an agrarian nor a demagogue. He never put his trust in princes or courted the favor of party leaders, nor was he loved by them. His whole life was a scene of conflict and his triumphs were in spite of leaders. His faith was in the people. Them he loved and trusted. He reposed upon their honor, honesty, patriotism, and virtue. His tribunal of last resort was the people, and to them he appealed. When parties and platforms displeased him he turned his back upon them and rallied his countrymen around him. They loved him, and whether he followed party or not they followed him in multitudes.

On the day of his funeral, if one had stood by the grave of our late President, and had seen the procession which came to it with the body of the dead statesman, among the thousands there he would have discovered not many of earth's great ones; not many in office; no display of "pomp and circumstance." A plain hearse carried the remains of the great dead. Two or three carriages held the members of his family. In that vast procession there was no other vehicle. But the people whom Mr. JOHNSON had loved were there. They had gathered from the fields and workshops, from the mountains and the valleys, their faces browned by the sun and their hands hardened by toil. They had all come; the old, those of middle age, the youthful, and the children. There was none of the pageantry and display which usually follow earth's great ones to sepulture, but in their stead were sad faces and tears, such as go only with loved ones to the tomb. In the solemnity of that hour the mountains, which had stood the sentinels of Mr. JOHNSON'S home and now look down upon his sepulcher, seemed to join in the general sorrow.

In the beginning of our recent civil struggle Mr. JOHNSON'S influence, courage, and activity contributed most powerfully to carry with him a majority of the people of his section of the State in favor of the Federal Union. The authorities of his State, with armies to enforce obedience, were against him, and he had no support at hand but his unarmed and undisciplined multitude; still, unintimidated by threats and unawed by danger, he held aloft the banner of the Union and appealed to the people to uphold it. We know something of the fearful animosities engendered in a community divided in civil war; how the passions are turned loose to deeds of horror at which the blood freezes. Power is used with a remorseless hand, and he who stands in its way is in constant peril.

It was from such a condition of affairs as this, with its hate, revenge, and scenes of blood fresh in his mind, that Mr. JOHNSON entered the presidential chair. I remember well the alarm of the people of the South when the sad news was borne to them of President Lincoln's assassination. Mr. JOHNSON'S denunciations of those who had opposed the Federal Government, and the punishment and penalties he had invoked and threatened, justified the gravest apprehensions. But when he came to be President; when his enemies had laid down their arms and furled their flag, and after the power to pardon as well as to punish had passed into his hands, satisfied, as he must have been, that the great mass of the southern people had been honest, though mistaken, as he believed, in the motives which had impelled their action, all his bitterness and acrimony toward them were dissipated. The man sank himself out of sight, and the President of a powerful nation shielded his late foes by his clemency, though the liberal policy he exercised toward them contributed powerfully to lose him the support of the party which had placed him in office. He who could exercise such magnanimity under such circumstances had a great heart and unflinching fortitude. Those who think Mr. JOHNSON was cold and very selfish never understood his inner nature.

In many respects he was strange and peculiar, so that it is no matter of surprise that many who did not fully comprehend him had an unfavorable estimate of some of the qualities of his mind and heart. He was combative and always armed and equipped for the fray. He did not wait to be assailed, but was usually the first to enter the lists, and no matter how great the odds against him, or how formidable the antagonist, he was eager for the contest. He was also aggressive. He chose to carry the war into the enemy's territory, and it was hard to drive him to a defensive attitude; nor would he leave the field until he had won a complete victory or had suffered a decisive defeat. His life was a contest, and his love of fight sometimes precipitated him into controversies which had been better avoided. He was fearless, self-reliant, and bold, and never bent "the pregnant hinges of the knee where thrift may follow fawning."

Mr. JOHNSON was an honest man. He was never accused of duplicity or unfair dealing. His errors resulted from his convictions of right. Though for forty years he was in the public service, and often in situations in which gratuities and bribes might have been accepted or public funds appropriated with little fear of detection, yet no stain of official corruption had soiled his hands or life. Frugality was a habit with him, and yet out of his salaries in public life he saved only a fair competence.

There were two central ideas around which all his political views revolved and to which his actions were subordinated. He regarded the Constitution, State and Federal, with a veneration and devotion of kin to fanaticism. He appealed to the Constitution on all occasions and under all circumstances, was constantly in apprehension of its violation, and everywhere held it up before the assemblies and tribunals of the nation and, demanded that every jot and tittle of it be observed. With him it was the ark of our safety, as sacred and privileged as was that ark of Israel which could not be touched by profane hands. No measure, howsoever great in its expediency or utility, could receive his support or sanction unless it had certain warrant in the Constitution. His other grand idea was confidence in the people and a strict regard for the protection and security of their interests and the preservation of their liberties. Amplify his theory as he might, these ideas composed its substance. He feared the encroachments of the Government upon the rights of the people. The times of the Cæsars, when the Republic of Rome was transformed into an empire, and of the Charleses of England, when the prerogatives of the crown were extended and enlarged at the expense of the liberties of the people, were with him favorite fields of history, which he carefully explored and often referred to as exhibiting the dangers which threaten a civilized free government.

Mr. JOHNSON'S skill was not so much in construction as in resistance to the schemes and measures of others. His great desire and aim were to maintain and preserve what our fathers had handed down to us. He was afraid that change might mar their work.

Mr. JOHNSON will be a marvel in history. His ascent from the lowest station in society, without adventitious aids or fortunate accidents, and with surroundings the most unpromising, to the grand elevation he attained, cannot be understood and appreciated in any land but ours, and it is an astonishing consummation in it, furnishing splendid evidence of the value, power, and glory of our institutions. He will be held up to the ages to come as an illustrious example of what the poorest and obscurest boy may accomplish if he but have perseverance, pluck, and capacity. Another shining example of this class is found in him who so lately, Mr. President, filled with so much distinction the chair in which you sit to-day.

Mr. JOHNSON has gone from this presence and this Chamber, and will return no more. The "insatiate archer" has no respect for persons, station, or rank. The king and the peasant, the President and the beggar alike become his victims; but, among all the country's dead, this Government has never lost, and never will lose, a more loyal and fearless defender or its people a more devoted friend than ANDREW JOHNSON.

The resolutions were adopted unanimously, and the Senate (at two o'clock and thirty-eight minutes p. m.) adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January* 11, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

ADMISSION TO THE FLOOR.

Mr. HOLMAN. I rise to a question of order. I ask that rule 134 be read.

The SPEAKER. It is very desirable that this rule should be heard, not alone by members, but also by persons inside the Hall who are not members.

The Clerk read as follows:

134. No person except members of the Senate, their Secretary, heads of Departments, the President's private secretary, foreign ministers, the governor for the time being of any State, Senators and Representatives elect, judges of the Supreme Court of the United States and of the Court of Claims, and such persons as have by name received the thanks of Congress, shall be admitted within the Hall of the House of Representatives, or any of the rooms upon the same floor or leading into the same; provided that ex-members of Congress who are not interested in any claim

pending before Congress, and shall so register themselves, may also be admitted within the Hall of the House; and no persons except those herein specified shall at any time be admitted to the floor of the House.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. HAMILTON, of New Jersey, from the Committee on Appropriations, reported a bill (H. R. No. 840) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1877; which was read a first and second time.

Mr. HAMILTON, of New Jersey. I move that this bill be referred to the Committee of the Whole on the state of the Union, ordered to be printed, and made a special order for Thursday morning next, after the morning hour, and from day to day until disposed of.

Mr. GARFIELD. I desire to reserve all points of order on the bill.

The motion of Mr. HAMILTON, of New Jersey, was agreed to.

REPORTS OF COMMISSIONERS OF CLAIMS.

Mr. VANCE, of Ohio, from the Committee on Printing, presented the following report; which was ordered to be printed and laid on the table:

The Committee on Printing, having had under consideration a resolution providing for the printing of two thousand extra copies of the index and summary of the reports of the commissioners of claims in cases reported to Congress as disallowed for the use of the House and five thousand copies for the use of the commissioners of claims, respectfully report that, after considering the cost of printing and binding, it is the opinion of the committee that said extra copies be not ordered.

COMMITTEE CLERKS.

Mr. WILLIAMS, of Indiana. I present a report from the Committee on Accounts on a subject referred to that committee. I ask that the report may be considered at this time and adopted.

The Clerk read as follows:

The Committee on Accounts, to whom was referred the following resolution—

Resolved, That the Committee on Accounts report at an early day what committees of the House shall have authority to employ clerks—

—having considered the same, make the following report:

That the Committee on Revolutionary Pensions and War of 1812 and Invalid Pensions be allowed one clerk jointly; Committee on Agriculture and the Committee on Manufactures one jointly; Committee on Elections one, Committee on Accounts one; Committee on Territories one; Committee on Commerce one; Committee on the District of Columbia one; Committee on Post-Offices and Post-Roads one; Committee on Expenditures in the Post-Office Department one; Committee on Indian Affairs and Mines and Mining one; Committee on Military Affairs one; Committee on Education and Labor and Committee on Private Lands Claims one jointly; Committee on the Revision of the Laws of the United States one; Committee on Banking and Currency one; Committee on Patents one; Committee on Judiciary one; Committee on Foreign Affairs one; Committee on Pacific Railroad and Railways and Canals one jointly; Committee on Public Buildings and Grounds and Expenditures of the Treasury and War Departments one jointly.

And the compensation shall be fixed as follows:

Committee on Elections, $5 per day; Committee on Banking and Currency, $5; Committee on Pacific Railroad and Railways and Canals, $4; Committee on Commerce, $5; Committee on Post-Offices and Post-Roads, $4; Committee on Manufactures and Agriculture, $4; Committee on Indian Affairs and Mines and Mining, $4; Committee on Military Affairs, $5; Committee on District of Columbia, $4; Committee on Judiciary, $4; Committee on Private Land Claims and Education and Labor, $4; Committee on Naval Affairs, $4; Committee on Expenditures in the Post-Office Department, $5; Committee on Foreign Affairs, $5; Committee on Territories, $4; Committee on War of 1812 and Invalid Pensions, $5; Committee on Revision of Laws, $5; Committee on Patents, $4; Committee on Public Buildings and Grounds and the Expenditures of the Treasury and War Departments, $5; Committee on Accounts, $5.

Respectfully submitted,

J. D. WILLIAMS,
Chairman Committee on Accounts.

Mr. KASSON. Will the gentleman who submits this report be good enough to state how many additional clerks this resolution authorizes; how many more than are customary?

Mr. RANDALL. I was about to ask what is the reduction which this resolution proposes in the number of clerks.

Mr. KASSON. The same information will be obtained in either form.

Mr. WILLIAMS, of Indiana. This report provides for twenty clerks in addition to the five provided for by law.

Mr. KASSON. Making twenty-five in all?

Mr. WILLIAMS, of Indiana. Yes, sir.

Mr. KASSON. How many were there in the last Congress?

Mr. WILLIAMS, of Indiana. In the last Congress I believe there were thirty-five—thirty receiving *per diem* pay and five provided for by the general appropriation bill; six perhaps.

Mr. GARFIELD. I desire to ask the gentleman from Indiana whether in this report the Committee on Accounts has followed the law in regard to the pay to be allowed clerks of committees?

Mr. WILLIAMS, of Indiana. We have kept within the law which intended that the per diem allowance to clerks of committees should not in any case go beyond $6. In this report from the Committee on Accounts now before the House we have not allowed the clerk of any committee higher than $5 a day.

Mr. GARFIELD. In this connection let me say in addition that for many years there has been a difference in the pay of the clerks to committees in the two Houses, which has worked injustice to the clerks of committees in this House. Each House being allowed to fix the pay of its own clerks to committees, we found the other branch of Congress paying their clerks some two or three dollars a day more than the clerks received in this House for precisely similar services. Therefore, last winter, in one of the appropriation bills—I think in the legislative appropriation bill—there was a limit fixed beyond which the pay of clerks to committees in the Senate or the House should not go. I hope that has not been overpassed in any case, because, if it has, it will be followed on the other side of the Capitol.

Mr. RANDALL. I would suggest to the gentleman from Ohio that these clerks to committees are paid out of the contingent fund of the respective Houses, and therefore we have no mode of reaching the clerks of the Senate except by a general law fixing the maximum pay. We have not any control, except as the gentleman from Indiana has indicated.

This is, in fact, Mr. Speaker, a reduction of ten clerks to committees from the number allowed in the last House, while, in addition, it provides for the reduction of the per diem allowed to these clerks.

Mr. KASSON. Will the gentleman from Indiana state whether we ever before had a clerk for the Committee on Expenditures in the Post-Office Department?

Mr. RANDALL. As I understand the report of the gentleman from Indiana, there have been consolidations and re-arrangements of these committee clerks.

Mr. KASSON. But I should like to know whether we ever before have had any clerks to committees on expenditures in the Executive Departments?

Mr. WILLIAMS, of Indiana. You will find that a clerk was allowed to the Committee on the Post-Office and Post-Roads last year. I understand the per diem allowance was $4.80.

Mr. KASSON. The gentleman is correct, no doubt, in that regard, but I do not speak of a clerk to the Committee on the Post-Office and Post-Roads, but whether any clerk has ever before been allowed to the Committee on Expenditures in the Post-Office Department. I do not know of any clerk ever being allowed to any of these committees on expenditures in the various Executive Departments.

Mr. WILLIAMS, of Indiana. I can say to the gentleman from Iowa that this clerk was allowed $4.80 a day last year.

Mr. KASSON. Does not the gentleman from Indiana confuse the Committee on Expenditures in the Post-Office Department with the Committee on the Post-Office and Post-Roads?

Mr. WILLIAMS, of Indiana. I do not.

Mr. KASSON. I think, if the record were examined, it would be found that none of these committees on expenditures in the several Departments were ever allowed clerks.

Mr. CANNON, of Illinois. I wish to ask the gentleman from Indiana a question.

Mr. WILLIAMS, of Indiana. I yield to a question.

Mr. CANNON, of Illinois. I should like to know what propriety there is in only allowing to the clerk to the Committee on the Post-Office and Post-Roads $4 a day, while the same report allows to the clerk to the Committee on Expenditures in the Post-Office Department $5 a day. I have had some experience in this matter, and I know the clerk to the Committee on the Post-Office and Post-Roads has ten times more work to do than the clerk to the Committee on Expenditures in the Post-Office Department can have.

Mr. GUNTER. It ought not to be forgotten that one clerk is provided for in this report to committees jointly.

Mr. HOLMAN. Let me say in regard to the Committee on Expenditures in the Post-Office Department that in the last House of Representatives there was a clerk allowed for a portion of the session, as is shown by the report up to the month of June. Generally, when investigations have been required to be made, a clerk has been deemed necessary for the committee required to make the investigation.

Mr. HOSKINS. Mr. Speaker, as a member of the Committee on Accounts in the last Congress, and of this Congress, I desire to say a single word on this subject. My attention has not been called directly and distinctly to the point of the number of clerks given to committees in this House during the last Congress, but I will be very much disappointed to find that the statement of the chairman of the Committee on Accounts that thirty-five clerks to committees were appointed during the last Congress could be substantiated by the facts. My recollection is that that statement is not correct. The clerks, so far as I remember, were confined to the number allowed by law by the last Congress. So far as this clerk to the Committee on Expenditures in the Post-Office Department is concerned, I know one or two of the committees charged with investigation of Departments had a clerk jointly; but, according to my present recollection, no committee having charge of investigation into any one of the Executive Departments had a clerk singly and alone. As to clerks being assigned generally to committees of this character, I am entirely clear that they were not. I ask the gentleman who states that there were thirty-five clerks to committees allowed in the last Congress to give the names of the committees to which clerks were assigned.

Mr. WILLIAMS, of Indiana. The law provided for clerks for five regular committees, such as the Committees on Ways and Means, Appropriations, War Claims, &c. Those five were provided by law, and I find in addition there were thirty clerks allowed to other committees, making thirty-five clerks in all.

Mr. STARKWEATHER. I desire to ask the gentleman who made the report, why he put down the clerk of the Committee on the Judiciary, which is one of the most important committees of the House, having a vast amount of business, at $4 a day, while he places the clerk of the Committee on the Revision of the Laws, which has very little business, at $5 a day?

Mr. WILLIAMS, of Indiana. I can only say that that was the action of the committee by a majority.

Mr. STARKWEATHER. The Committee on the Revision of the Laws has no business. The Committee on the Judiciary is full of business. Yet the clerk of the Committee on the Revision of the Laws is to have $5 a day, and the clerk of the Committee on the Judiciary only $4 a day.

Mr. JONES, of Kentucky. I do not object to a reduction in the expenses for clerks of committees, because I am for economy in all respects. But I do object to giving but one clerk to two very important committees. I understand that the number of clerks, as compared with the number during last Congress, has been cut down ten; that whereas the number was then thirty-five, it is now only twenty-five. I desire to say for my own committee, that of Railways and Canals, that we object to being put with the Committee on the Pacific Railroad, so as to have but one clerk for the two committees. We have already conceded to the suggestion of the Speaker that the two committees should occupy but one room. This is as far, I think, as concession ought to go, because even to that extent it will involve serious inconvenience as regards the transaction of the business of these committees. But to give one clerk to these two very important committees is, I think, very unjust, and I hope the chairman of the Committee on Accounts will agree that one shall be given to the Committee on Railways and Canals as well as one to the Committee on the Pacific Railroad; and if he gives to each but $4 a day, I am satisfied with that. But let us have a sufficient number of clerks for these committees, that they may properly and speedily discharge their duties to this House and to the country. If the gentleman will not agree to that, I shall move an amendment or endeavor to effect the object by a resolution that my committee shall have a clerk.

Mr. WILLIAMS, of Indiana. I desire to say in reference to the statement that the Committee on Expenditures in the Post-Office Department had not a clerk last year that I find in the contingent expenses of that year this item:

P. M. Clark, clerk to the Committee on Expenditures in the Post-Office Department, &c., additional compensation, act of March 3, 1875, three hundred and one days, at seventy-two cents per day, $216.72.

Mr. KASSON. I desire to say to the gentleman from Indiana that I wish to correct his error as to the facts in this case. I have obtained from the Clerk's office a statement of the number of committee clerks in the last House, and I find that the number was twenty-six. I hold the statement for the last session in my hand, subject to the gentleman's inspection. After that appointment of clerks was made there was, for special services, an assignment of two or three clerks for temporary service, but not to the number which the gentleman has stated. But the number authorized at the beginning of the session was twenty-six. I do not make any point on the propriety of the gentleman's recommendation; that is for his side of the House to determine. I only desire to correct an error in the statement of the facts which he made to the House.

Mr. FORT. I desire to state in explanation of this matter that in the last Congress there were clerks employed by the committees that were charged with investigating the expenditures of the Departments. It is true that they were not employed during the entire session. I have here, and, if any gentleman desires it, will send to the Clerk's desk to have read, the names of those clerks, and the amounts they received, that the House may know what clerks were appointed during a portion of the time for those committees.

Let me say further that it was deemed proper by the Committee on Accounts that when a committee is charged with investigating the affairs of the Post-Office Department they should have a clerk of their own. Formerly those committees were in the habit of asking the Department to furnish them a clerk. Then the clerk so assigned was supposed to be in accord with the committee; but it is manifestly improper now that a committee about to investigate a Department on charges of corruption should go to a Department and ask that Department to furnish them a clerk to investigate their own affairs. A clerk so appointed might reasonably be expected to side with the Department, and to cover up anything wrong, if wrong there be there. For my part, sir, as one member of the Committee on Accounts, I deem it proper that the Committee on Expenditures in the Post-Office Department should be authorized to employ their own clerk, and not have to go to the Post-Office Department and ask that one be detailed from that Department to serve on this committee. If there be wrong in that Department, I bid this committee Godspeed in finding it out; and I think they should be authorized to employ their own clerk, and not depend on the Post-Office Department to furnish a clerk to do their business. Miscellaneous Document No. 10, Forty-third Congress, second session, shows the fact that the several committees on the expenditures of the Departments were allowed and were furnished clerks by the respective Departments, and paid up to and including the month of June, 1874—J. C. Rowe, J. D. Laciar, and P. M. Clark acting for the respective Department Committees of Expenses of Justice, Treasury, and Post-Office.

Mr. HARDENBERGH. I desire to offer an amendment that the clerk of the Committee on Agriculture shall also be instructed to act as clerk of the Select Committee on the Centennial Celebration.

Mr. RANDALL. I do not understand that the gentleman from Indiana [Mr. WILLIAMS] yields for an amendment.

The SPEAKER. Does the gentleman from Indiana yield, that the amendment of the gentleman from New Jersey may be offered?

Mr. WILLIAMS, of Indiana. If other committees express a desire to have clerks, I shall be willing that action shall be taken upon that at another time and by another report. I call the previous question.

Mr. KELLEY. Before the gentleman calls the previous question, I ask him to allow an amendment to move to strike out the Committee on the Revision of the Laws. It is a palpable mistake. That committee has done its work. It is a merely nominal committee now. The laws have been revised, a report has been made, and there is nothing for the committee to do, and yet it is given a clerk, at the pay of $5 a day, when the place must be an absolute sinecure. I therefore hope that the gentleman will admit an amendment to strike out the clerk for that committee.

The SPEAKER. Does the gentleman from Indiana [Mr. WILLIAMS] yield for any amendment?

Mr. WILLIAMS, of Indiana. I do not. I ask the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the report of the Committee on Accounts was agreed to.

Mr. WILLIAMS, of Indiana, moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PENSION APPROPRIATION BILL.

Mr. ATKINS, from the Committee on Appropriations, reported a bill (H. R. No. 811) making appropriation for the payment of invalid and other pensions of the United States for the year ending June 30, 1877; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and ordered to be printed and made a special order for consideration immediately after the Military Academy bill.

Mr. STARKWEATHER. I desire to reserve all points of order upon that bill.

ALABAMA CONTESTED ELECTION.

Mr. HOAR. I rise to a question of privilege. I present the certificate of the secretary of state of Alabama, in relation to the contest for the seat from the fourth congressional district of Alabama, and I ask that it be referred to the Committee on Elections.

The motion was agreed to.

AMNESTY.

The SPEAKER. The business now in order is the unfinished business of yesterday, which is the motion to reconsider the vote by which the amnesty bill was rejected, and upon that question the gentleman from Georgia [Mr. HILL] is entitled to the floor.

Mr. HILL. Mr. Speaker, the House will bear witness that we have not sought this discussion. Nothing can be farther from our desire and purpose than to raise such discussion.

Mr. ATKINS. I rise to a point of order. The whole House desires to hear the gentleman from Georgia, but it is impossible for them to do so unless gentlemen retain their seats.

The SPEAKER. The point of order is well taken, and gentlemen will retain their seats; and order must be preserved not only within the bar but outside the bar, and the Chair directs the Doorkeeper to give especial attention to the maintenance of order outside the bar.

Mr. HILL. I say, Mr. Speaker, that nothing could have been farther from the desires and purposes of those who with me represent immediately the section of country which on yesterday was put upon trial, than to re-open this discussion of the events of our unhappy past. We had well hoped that the country had suffered long enough from feuds, from strife, and from inflamed passions, and we came here, sir, with a patriotic purpose, to remember nothing but the country and the whole country, and, turning our backs upon all the horrors of the past, to look with all earnestness to find glories for the future.

The gentleman who is the acknowledged leader of the republican party on this floor, who is the aspiring leader of the republican party of this country, representing most manifestly the wishes of many of his associates—not all—has willed otherwise. They seem determined that the wounds which were healing shall be re-opened, that the passions which were hushing shall be re-inflamed. Sir, I wish this House to understand that we do not reciprocate either the purpose or the manifest desire of the gentlemen on the other side, and while we feel it our imperative duty to vindicate the truth of history as regards the section which we represent, feeling that it is a portion of this common country, we do not intend to say anything calculated to aid the gentlemen in their work of crimination and recrimination and of keeping up the war by politicians after brave men have said the war shall end. The gentleman from Maine on yesterday presented to the country two questions which he manifestly intends to be the fundamental principles of the republican party, or at least of those who follow him in that party. The first is what he is pleased to term the magnanimity and grace of the republican party; the second is the brutality of those whom he is pleased to term "the rebels." Upon the first question I do not propose to weary the House to-day. If with the history of the last fifteen years fresh in the memory of this people the country is prepared to talk about the grace and magnanimity of the republican party, argument would be wasted. With masters enslaved, intelligence disfranchised, society disorganized, industry paralyzed, States subverted, Legislatures dispersed by the bayonet, the people can accord to that party the verdict of grace and

magnanimity, may God save the future of our country from grace and magnanimity.

I advance directly to that portion of the gentleman's argument which relates to the question before the House. The gentleman from Pennsylvania [Mr. RANDALL] has presented to this House, and he asks it to adopt, a bill on the subject of amnesty which is precisely the same as the bill passed in this House by the gentleman's own party, as I understand it, at the last session of Congress. The gentleman from Maine has moved a reconsideration of the vote by which it was rejected, avowing his purpose to be to offer an amendment. The main purpose of that amendment is to except from the operation of the bill one of the citizens of this country, Mr. Jefferson Davis.

He alleges two distinct reasons why he asks the House to make that exception. I will state those reasons in the gentleman's own language. First, he says that "Mr. Davis was the author, knowingly, deliberately, guiltily, and willfully, of the gigantic murder and crime at Andersonville." That is a grave indictment. He then characterizes in his second position what he calls the horrors of Andersonville. And he says of them:

And I here, before God, measuring my words, knowing their full extent and import, declare that neither the deeds of the Duke of Alva in the Low Countries, nor the massacre of Saint Bartholomew, nor the thumb-screws and engines of torture of the Spanish Inquisition, begin to compare in atrocity with the hideous crimes of Andersonville.

Sir, he stands before the country with his very fame in peril if he, having made such charges, shall not sustain them. Now I take up the propositions of the gentleman in their order. I hope no gentleman imagines that I am here to pass in eulogy upon Mr. Davis. The record upon which his fame must rest has been made up, and he and his friends have transmitted that record to the only judge who will give him an impartial judgment—an honest, unimpassioned posterity. In the mean time, no eulogy from me can help him, no censure from the gentleman can damage him, and no act or resolution of this House can affect him. But the charge is that he is a murderer, and a deliberate, willful, guilty, scheming murderer of "thousands of our fellow-citizens." Why, sir, knowing the character of the honorable gentleman from Maine, his high reputation, when I heard the charge fall from his lips I thought surely the gentleman had made a recent discovery, and I listened for the evidence to justify that charge. He produced it; and what is it? To my utter amazement, as the gentleman from Pennsylvania [Mr. KELLEY] has well stated, it is nothing on earth but a report of a committee of this Congress, made when passions were at their height, and it was known to the gentleman and to the whole country eight years ago.

Now, I say first in relation to that testimony that it is exclusively *ex parte*. It was taken when the gentleman who is now put upon trial by it before the country was imprisoned and in chains, without a hearing and without an opportunity to be heard. It was taken by enemies. It was taken in the midst of fury and rage. If there is anything in Anglo-Saxon law which ought to be considered sacred, it is the high privilege of an Englishman not to be condemned until he shall be confronted with the witnesses against him. But that is not all. The testimony produced by the gentleman is not only *ex parte*, not only exclusively the production of enemies, or at least taken by them and in the midst of passion, but the testimony is mutilated, ingeniously mutilated, palpably mutilated, most adroitly mutilated. Why, sir, one of the main witnesses is Dr. Joseph Jones, a very excellent gentleman, who was called upon to give his testimony in what is called the Wirz trial, and which is produced before this House and attention called to it by the gentleman. The object of the gentleman was to prove that Mr. Davis knew of these atrocities at Andersonville, and he calls the attention of the House to the report of this committee, and thanks God that it has been taken in time to be put where it can neither be contradicted nor gainsaid, as a perpetual guide to posterity to find out the authors of these crimes.

One of the most striking and remarkable pieces of evidence in this whole report is found in the report made by Dr. Jones, a surgeon of fine character, and sent to Andersonville by the confederate authorities to investigate the condition of that prison. That gentleman made his report, and it is brought into this House. What is it? The first point is as to the knowledge of this report going to any of the authorities at Richmond. Here is what Dr. Jones says:

I had just completed the report, which I placed in the hands of the judge-advocate, under orders from the Government, when the confederacy went to pieces. That report never was delivered to the surgeon-general, and I was unaware that any one knew of its existence until I received orders from the United States Government to bring it and deliver it to this court in testimony.

Now, he was ordered by the United States Government, the first time this report ever saw the light, to bring it and deliver it on the trial of Wirz. In accordance with that order he did bring it and deliver it to the Judge-Advocate-General. And when the report itself, or that which purported to be the report, was presented to him while he was a witness he discovered that it was mutilated, and he asked permission to state that fact. Hear what he says on that subject:

I beg leave to make a statement to the court. That portion of my repor which has been read is only a small part of the report. The real report contains the excuses which were given by the officers present at Andersonville, which I thought it right to embody with my report. It also contains documents forwarded to Richmond by Dr. White and Dr. Stevenson, and others in charge of the hospitals. Those documents contained important facts as to the labors of the medical department and their efforts to better the condition of things.

All that part of the report is suppressed; and with that suppression this magnificent receptacle of truth is filed away in the document-room for the information of posterity!

The committee ask him:

Question. Are your conclusions correctly stated in this extract?
Answer. Part of my conclusions are stated—not the whole. A portion of my conclusions, and also my recommendations, are not stated.
Q. Well, touching the subject of exchange?
A. Yes, sir; the general difficulties environing the prisoners and their officers.
Q. What became of your original report?
A. This is my original report.

That is, he had there the extract as far as it went.

Q. Did you make this extract yourself?

The committee seem to suspect that he was the man that simply made the extract and brought it before the committee. Now, here is his answer:

I did not. My original report is in the hands of the judge-advocate. I delivered it into his hands immediately upon my arrival in Washington.

And this committee of Congress to which the gentleman refers absolutely tells us that this mutilated report was the one introduced in evidence against this man Wirz, and it is the one incorporated in this book.

Now I want to call attention to another extract from that original report—a part not included in this book. There are a great many such omissions; I have not been able to get all of them.

Dr. Jones in his report is giving an account of the causes of the sickness and mortality at Andersonville; and he says, among other things:

Surrounded by these depressing agents, the postponement of the general exchange of prisoners and the constantly receding hopes of deliverance through the action of their own Government depressed their already desponding spirits and destroyed those mental and moral energies so necessary for a successful struggle against disease and its agents. Homesickness and disappointment, mental depression and distress, attending the daily longing for an apparently hopeless release, are felt to be as potent agencies in the destruction of these prisoners as the physical causes of actual disease.

Ah! why that homesickness, that longing and the distress consequent upon it, and its effect in carrying those poor, brave, unfortunate heroes to death? I will tell this House before I am done.

Now, sir, there is another fact. Wirz was put on trial, but really Mr. Davis was the man intended to be tried through him. Over one hundred and sixty witnesses were introduced before the military commission. The trial lasted three months. The whole country was under military despotism; citizens labored under duress; and quite a large number of confederates were seeking to make favor with the powers of the Government. Yet, sir, during those three months, with all the witnesses they could bring to Washington, not one single man ever mentioned the name of Mr. Davis in connection with a single atrocity at Andersonville or elsewhere. The gentleman from Maine, with all his research into all the histories of the Duke of Alva and the massacre of St. Bartholomew and the Spanish inquisition, has not been able to frighten up such a witness yet.

Now, sir, there is a witness on this subject. Wirz was condemned, found guilty, sentenced to be executed; and I have now before me the written statement of his counsel, a northern man and a Union man. He gave this statement to the country, and it has never been contradicted.

Hear what this gentleman says:

On the night before the execution of the prisoner Wirz a telegram was sent to the northern press from this city, stating that Wirz had made important disclosures to General L. C. Baker, the well-known detective, implicating Jefferson Davis, and that the confession would probably be given to the public. On the same evening some parties came to the confessor of Wirz, Rev. Father Boyle, and also to me as his counsel, one of them informing me that a high Cabinet officer wished to assure Wirz that if he would implicate Jefferson Davis with the atrocities committed at Andersonville his sentence would be commuted. The messenger requested me to inform Wirz of this. In presence of Father Boyle I told Wirz next morning what had happened.

Hear the reply:

Captain Wirz simply and quietly replied: "Mr. Schade, you know that I have always told you that I do not know anything about Jefferson Davis. He had no connection with me as to what was done at Andersonville. I would not become a traitor against him or anybody else even to save my life."

Sir, what Wirz, within two hours of his execution, would not say for his life the gentleman from Maine says to the country to keep himself and his party in power. Christianity is a falsehood, humanity is a lie, civilization is a cheat, or the man who would not make a false charge for his life was never guilty of willful murder.

He who makes a charge must produce his witnesses. They must be informed witnesses. They must be credible witnesses. The gentleman from Maine makes his charge, but produces no witnesses. He says that men sent by Jefferson Davis to Andersonville were his officers, executing his orders, commissioned by him, and he therefore charges Mr. Davis with these atrocities by inference. It was only when the gentleman reached that portion of his argument that I thought I began to discover the real purpose of his movement. I will not charge him with it, but a suggestion came immediately to my mind.

What was the proposition which the gentleman proposes to establish? It is that those high in authority are to be charged with the sins and treacheries of their agents, commissioned by them and acting under their orders. Is the gentleman artfully—I beg pardon—

under the cover of the prejudice and passion against Jefferson Davis, seeking to assault President Grant? If Jefferson Davis sent General Winder to Andersonville, why President Grant sent McDonald and Joyce to Saint Louis. [Laughter.] Nay, more, sir; is not the very secretary of the White House, the private confidential secretary, indicted to-day for complicity in these frauds? Does the gentleman want to establish a rule of construction by which he can authorize the country to arraign General Grant for complicity in the whisky frauds? [Laughter.]

Sir, is General Grant responsible for the Credit Mobilier? Was he a stockholder in the Sanborn contracts? Was he copartner in the frauds upon this District? With all his witnesses, the gentleman never can find a single man who was confidential secretary of Mr. Davis and charged with complicity in crime, that Mr. Davis ever indorsed any man as fit for office who was even gravely charged with any complicity in fraud. Yet the gentleman's President, as I understand it, absolutely sent to the Senate of the United States for confirmation to a high office the very man who stood charged before the country with the grossest peculations and frauds in this District, and that, too, after these charges were made and while the investigation was pending.

Sir, I am neither the author nor the disciple of such political logic. And I will not, nor would I for any consideration, assume the proposition before this House to punish an enemy which would implicate the president of the United States in the grossest frauds. Yet if the gentleman's proposition be true, General Grant, instead of being entitled to a third Presidential term, is entitled to twenty terms in twenty penitentiaries. But, sir, he is not guilty. The argument is false. It is a libel upon the American rule of law and English precedent. You cannot find its precedent anywhere in any civilized country. I acquit General Grant of complicity in the whisky frauds and revenue frauds, and the facts acquit Mr. Davis of complicity in any atrocity anywhere.

Now, Mr. Speaker, I pass from the construction of that question to the real facts about Andersonville. First, I want to call the attention of the House to the law of the confederate government on the subject of the treatment of prisoners. I read from the act of the confederate congress on that subject; it was very simple, and directed—

The rations furnished prisoners of war shall be the same in quantity and quality as those furnished to enlisted men in the army of the confederacy.

That was the law; that was the law Mr. Davis approved, and that was the law that he, so far as his agency was concerned, executed.

The gentleman in his speech has gone so far as to say that Mr. Davis purposely sent General Winder to Andersonville to organize a den of horrors and kill Federal soldiers. I do not quote exactly his language, but I know it is "to organize a den of horrors;" but I am sure I cannot use any language more bitter than the gentleman used himself. Therefore the next thing I will read is the order given for the purpose of locating this prison at Andersonville, or wherever it should be properly located. The official order for the location of the stockade enjoins that it should be in a "healthy locality, with plenty of pure water, with a running stream, and, if possible, with shade trees, and in the immediate neighborhood of grist and saw mills." That does not look like the organization of a den of horrors to commit murder. That was the official order. That was not all. These prisoners at Andersonville were not only allowed the rations measured out to confederate soldiers both in quantity and quality in every respect, but they were allowed also to buy as much outside as they desired; a privilege, I am reliably informed, which was not extended to many of the confederate prisoners. I do not know how that is.

I do not wish to charge it if the facts were otherwise. But in the book which the gentleman from Maine himself produces we find this testimony, given by a Union soldier. He says:

We never had any difficulty in getting vegetables; we used to buy almost anything that we wanted of the sergeant who called the roll mornings and nights. His name was Smith, I think; he was Captain Wirz's chief sergeant. We were divided into messes, eight in each mess; my mess used to buy from two to four bushels of sweet potatoes a week, at the rate of $15 confederate money per bushel.

They got $20 of confederate money for $1 of greenbacks in those days.

Turnips we bought at $20 a bushel. We had to buy our own soap for washing our own persons and clothing; we bought meat and eggs and biscuit. There seemed to be an abundance of those things; they were in the market constantly. That sergeant used to come down with a wagon-load of potatoes at a time, bringing twenty or twenty-five bushels at a load sometimes.

Now, sir, Mr. Davis himself alluded to that privilege which was allowed to the Federal soldiers. The confederate authorities not only allowed them to purchase supplies as they pleased outside, in addition to the rations allowed them by law—the same rations allowed to confederate soldiers—but he says:

By an indulgence perhaps unprecedented, we have even allowed the prisoners in our hands to be supplied by their friends at home with comforts not enjoyed by the men who captured them in battle.

The confederate government gave Federal prisoners the same rations that confederate soldiers in the field received. Federal prisoners had permission to buy whatever else they pleased, and the confederates gave their friends at home permission to furnish them the means to do so. And yet, Mr. Speaker, it is true that, in spite of all these advantages enjoyed by these prisoners, there were horrors, and great horrors, at Andersonville. What were the causes of those horrors? The first was want of medicine. That is given as a cause by Dr. Jones in his testimony; that is given by this very Father Hamilton, from whom the gentleman from Maine read. In the very same testimony which the gentleman read Father Hamilton says:

I conversed with Dr. White with regard to the condition of the men, and he told me it was not in his power to do anything for them; that he had no medicine, and could not get any, and that he was doing everything in his power to help them.

Now, how was it that medicines and other essential supplies could not be obtained? Unfortunately they were not in the confederacy. The Federal Government made medicine contraband of war. And I am not aware that any other nation on the earth ever did such a thing before—not even the Duke of Alva, sir. The confederate government, unable to introduce medicines according to its right under the laws of nations, undertook to run the blockade, and whenever possible the Federal Navy captured its ships and took the medicines. Then, when no other resource was left, when it was suspected that the women of the North—the earth's angels, God bless them—would carry quinine and other medicines of that sort, so much needed by the Federal prisoners in the South, Federal officers were charged to capture the women and examine their petticoats, to keep them from carrying medicines to confederate soldiers and to Federal prisoners, and they were imprisoned. Surely, sir, the confederate government and the southern people are not to be blamed for a poverty in medicines, food, and raiment enforced by the stringent war measures of the Federal Government—a poverty which had its intended effect of immeasurable distress to the confederate armies, although it incidentally inflicted unavoidable distress upon the Federal prisoners in the South.

The Federal Government made clothing contraband of war. It sent down its armies and they burned up the factories of the South wherever they could find them, for the express purpose of preventing the confederates from furnishing clothes to their soldiers, and the Federal prisoners of course shared this deprivation of comfortable clothing. It was the war policy of the Federal Government to make supplies scarce. Dr. Jones in his testimony and Father Hamilton in his testimony, which I will not stop to read to the House, explained why clothing was so scarce to Federal prisoners.

Now then, sir, whatever horrors existed at Andersonville, not one of them could be attributed to a single act of legislation of the confederate government or to a single order of the confederate government, but every horror of Andersonville grew out of the necessities of the occasion, which necessities were cast upon the confederacy by the war policy of the other side. The gentleman from Maine said that no confederate prisoner was ever maltreated in the North. And when my friend answered from his seat "a thousand witnesses to the contrary in Georgia alone," the gentleman from Maine joined issue, but as usual produced no testimony in support of his issue. I think the gentleman from Maine is to be excused. For ten years unfortunately he and his have been reviling the people who were not allowed to come here to meet the reviling. Now, sir, we are face to face, and when you make a charge you must bring your proof. The time has passed when the country can accept the impudence of assertion for the force of argument or recklessness of statement for the truth of history.

Now, sir, I do not wish to unfold the chapter on the other side. I am an American. I honor my country, and my whole country, and it could be no pleasure to me to bring forward proof that any portion of my countrymen have been guilty of willful murder or of cruel treatment to poor manacled prisoners. Nor will I make any such charge. These horrors are inseparable, many of them and most of them from a state of war. I hold in my hand a letter written by one who was a surgeon at the prison at Elmira, and he says:

The winter of 1864,1865 was an unusually severe and rigid one, and the prisoners arriving from the Southern States during this season were mostly old men and lads, clothed in attire suitable only to the genial climate of the South. I need not state to you that this alone was ample cause for an unusual mortality among them. The surroundings were of the following nature, namely: narrow, confined limits, but a few acres in extent—

And Andersonville, sir, embraced twenty-seven acres—

and through which slowly flowed a turbid stream of water, carrying along with it all the excremental filth and *débris* of the camp; this stream of water, horrible to relate, was the only source of supply, for an extended period, that the prisoners could possibly use for the purpose of ablution and to slack their thirst from day to day; the tents and other shelter allotted to the camp at Elmira were insufficient and crowded to the utmost extent; hence small-pox and other skin diseases raged through the camp.

Here I may note that, owing to a general order from the Government to vaccinate the prisoners, my opportunities were ample to observe the effects of spurious and diseased matter, and there is no doubt in my mind but that syphilis was ingrafted in many instances; ugly and horrible ulcers and eruptions of a characteristic nature were, alas! too frequent and obvious to be mistaken. Small-pox cases were crowded in such a manner that it was a matter of impossibility for the surgeon to treat his patient individually; they actually laid so adjacent that the simple movement of one would cause his neighbor to cry out in an agony of pain. The confluent and malignant type prevailed to such an extent and of such a nature that the body would frequently be found one continuous scab.

The diet and other allowances by the Government for the use of the prisoners were ample, yet the poor unfortunates were allowed to starve.

Now, sir, the confederate regulations authorized ample provision for Federal prisoners, the same that was made for confederate soldiers, and you charge that Mr. Davis is responsible for not having those allowances honestly supplied. The United States made provision for confederate prisoners, so far as rations were concerned, for

feeding those in Federal hands; and yet what says the surgeon? "They were allowed to starve."

But "why?" is a query which I will allow your readers to infer and to draw conclusions therefrom. Out of the number of prisoners, as before mentioned, over three thousand of them now lay buried in the cemetery located near the camp for that purpose—a mortality equal if not greater than that of any prison in the South. At Andersonville, as I am well informed by brother-officers who endured confinement there, as well as by the records at Washington, the mortality was twelve thousand out of, say, forty thousand prisoners. Hence it is readily to be seen that the range of mortality was no less at Elmira than at Andersonville.

Mr. PLATT. Will the gentleman allow me to interrupt him a moment to ask him where he gets that statement?

Mr. HILL. It is the statement of a Federal surgeon published in the New York World.

Mr. PLATT. I desire to say that I live within thirty-six miles of Elmira, and that those statements are unqualifiedly false.

Mr. HILL. Yes, and I suppose if one rose from the dead the gentleman would not believe him.

Mr. PLATT. Does the gentleman say that those statements are true?

Mr. HILL. Certainly I do not say that they are true, but I do say that I believe the statement of the surgeon in charge before that of a politician thirty-six miles away. Now will the gentleman believe testimony from the dead? The Bible says, "The tree is known by its fruits." And, after all, what is the test of suffering of these prisoners North and South? The test is the result. Now I call the attention of gentlemen to this fact, that the report of Mr. Stanton, the Secretary of War—you will believe him, will you not?—on the 19th of July, 1866—send to the Library and get it—exhibits the fact that of the Federal prisoners in confederate hands during the war only 22,576 died, while of the confederate prisoners in Federal hands 26,436 died. And Surgeon-General Barnes reports in an official report—I suppose you will believe him—that in round numbers the confederate prisoners in Federal hands amounted to 220,000, while the Federal prisoners in confederate hands amounted to 270,000. Out of the 270,000 in confederate hands 22,000 died, while of the 220,000 confederates in Federal hands over 26,000 died. The ratio is this: More than 12 per cent. of the confederates in Federal hands died, and less than 9 per cent. of the Federals in confederate hands died. What is the logic of these facts according to the gentleman from Maine? I scorn to charge murder upon the officials of northern prisons, as the gentleman has done upon confederate prison officials. I labor to demonstrate that such miseries are inevitable in prison life, no matter how humane the regulations. I would scorn, too, to use a newspaper article, unless it were signed by one who gave his own name and whose statement, if not true, can be disproved, and I would believe such a one in preference to any politician over there who was thirty-six miles away from Elmira. That gentleman, so prompt to contradict a surgeon, might perhaps have smelled the small-pox but he could not see it, and I venture to say that if he knew the small-pox was there he would have taken very good care to keep thirty-six miles away. He is a wonderful witness. He is not even equal to the mutilated evidence brought in yesterday. But, sir, it appears from the official record that the confederates came from Elmira, from Fort Delaware, and from Rock Island and other places with their fingers frozen off, with their toes frozen off, and with their teeth dropped out.

But the great question is behind. Every American, North or South, must lament that our country has ever impeached its civilization by such an exhibition of horrors on any side, and I speak of these things with no degree of pleasure. God knows if I could hide them from the view of the world I would gladly do it. But the great question is, at last, who was responsible for this state of things? And that is really the only material question with which statesmen now should deal. Sir, it is well known that, when the war opened, at first the authorities of the United States determined that they would not exchange prisoners. The first prisoners captured by the Federal forces were the crew of the Savannah, and they were put in chains and sentenced to be executed. Jefferson Davis hearing of this, communicated through the lines, and the confederates having meanwhile also captured prisoners, he threatened retaliation in case those men suffered, and the sentences against the crew of the Savannah were not executed. Subsequently our friends from this way—I believe my friend before me from New York [Mr. COX] was one—insisted that there should be a cartel for the exchange of prisoners. In 1862 that cartel was agreed upon. In substance and briefly it was that there should be an exchange of man for man and officer for officer, and whichever held an excess at the time of exchange should parole the excess. This worked very well until 1863. I am going over the facts very briefly.

Mr. STARKWEATHER. I do not wish, and none on this side wishes to interrupt the gentleman. I believe he has spoken over his hour. We desire that he shall speak as long as he chooses, but we wish to have a free discussion and want a little time on this side.

The SPEAKER. The gentleman from Georgia has not exhausted his hour yet.

Mr. HILL. I was reciting briefly the facts. In 1863 this cartel was interrupted; the Federal authorities refused to continue the exchange. Now commenced a history which the world ought to know, and which I hope the House will grant me the privilege of stating, and I shall do it from official records. This, I say frankly to the gentlemen on the other side, was in truth one of the severest blows stricken at the confederacy, this refusal to exchange prisoners in 1863 and continued through 1864. The confederates made every effort to renew the cartel. Among other things, on the 2d of July, 1863, the vice-president of the confederacy, the gentleman to whom the gentleman from Maine [Mr. BLAINE] alluded the other day in so complimentary terms, Mr. Alexander H. Stephens, was absolutely commissioned by President Davis to cross the lines and come to Washington to consult with the Federal authorities, with a broad commission to agree upon any cartel satisfactory to the other side for the exchange of prisoners. Mr. Davis said to him, "Your mission is simply one of humanity, and has no political aspect." Mr. Stephens undertook that work. What was the result? I wish to be careful, and I will state this exactly correctly. Here is his letter:

CONFEDERATE STATES STEAMER TORPEDO,
In James River, July 4, 1863

SIR: As military commissioner, I am the bearer of a communication in writing from Jefferson Davis, commander-in-chief of the land and naval forces of the Confederate States, to Abraham Lincoln, Commander-in-Chief of the land and naval forces of the United States. Hon. Robert Ould, Confederate States agent of exchange, accompanies me as secretary, for the purpose of delivering the communication in person and conferring upon the subject to which it relates. I desire to proceed to Washington in the steamer Torpedo, commanded by Lieutenant Hunter Davidson, of the Confederate States navy, no person being on board but Hon. Mr. Ould, myself, and the boat's officers and crew.

Yours, most respectfully,

ALEX. H. STEPHENS.

To S. H. LEE, *Admiral.*

This was directed to S. H. Lee, admiral. Here is the answer:

Acting Rear-Admiral S. H. LEE, *Hampton Roads:*

The request of Alexander H. Stephens is inadmissible. * * *

GIDEON WELLES,
Secretary of the Navy

You will acknowledge that Mr. Stephens's humane mission failed. The confederate authorities gave to that mission as much dignity and character as possible. They supposed that of all men in the South Mr. Stephens most nearly had your confidence. They selected him to be the bearer of messages for the sake of humanity in behalf of the brave Federal soldiers who were unfortunately prisoners of war. The Federal Government would not even receive him; the Federal authorities would not hear him.

What was the next effort? After Mr. Stephens's mission failed, and after the commissioner for the exchange of prisoners, Colonel Ould, having exhausted all his efforts to get the cartel renewed, on the 24th January, 1864, wrote the following letter to Major-General E. A. Hitchcock, agent of exchange on the Federal side:

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Virginia, January 24, 1864

SIR: In view of the present difficulties attending the exchange and release of prisoners, I propose that all such on either side shall be attended by a proper number of their own surgeons, who, under rules to be established, shall be permitted to take charge of their health and comfort. I also propose that these surgeons shall act as commissaries, with power to receive and distribute such contributions of money, food, clothing, and medicines as may be forwarded for the relief of the prisoners. I further propose that these surgeons shall be selected by their own government, and that they shall have full liberty, at any and all times, through the agents of exchange, to make reports not only of their own acts, but of any matters relating to the welfare of the prisoners.

Respectfully, your obedient servant,

ROBERT OULD,
Agent of Exchange.

Major-General E. A. HITCHCOCK,
Agent of Exchange.

The SPEAKER. The hour of the gentleman has expired.

Mr. RANDALL. I move the gentleman from Georgia be allowed to proceed.

Mr. BLAINE. I do not object; but before the gentleman from Georgia passes from the subject upon which he is now speaking, I would be glad to know——

The SPEAKER. If there be no objection the gentleman from Georgia will have leave to proceed.

There was no objection.

Mr. BLAINE. I believe the gentleman from Georgia [Mr. HILL] was a member of the confederate senate. I find in a historical book of some authenticity of character that in the confederate congress Senator Hill, of Georgia, introduced the following resolution, relating to prisoners——

Mr. HILL. You are putting me on trial now, are you? Go ahead.

Mr. BLAINE. This is the resolution:

That every person pretending to be a soldier or officer of the United States who shall be captured on the soil of the Confederate States after the 1st day of January, 1863, shall be presumed to have entered the territory of the Confederate States with the intent to incite insurrection and abet murder; and, unless satisfactory proof be adduced to the contrary before the military court before which the trial shall be had, shall suffer death. This section shall continue in force until the proclamation issued by Abraham Lincoln, dated at Washington on the 22d day of September, 1862, shall be rescinded, and the policy therein announced shall be abandoned, and no longer.

Mr. HILL. I will say to the gentleman from Maine very frankly that I have not the slightest recollection of ever hearing that resolution before.

Mr. BLAINE. The gentlemen does not deny, however, that he was the author of it?

Mr. HILL. I do not know. My own impression is that I was not the author; but I do not pretend to recollect the circumstances. If

the gentleman can give me the circumstances under which the resolution was introduced, they might recall the matter to my mind.

Mr. BLAINE. Allow me to read further:

October 1, 1862.—The judiciary committee of the confederate congress made a report and offered a set of resolutions upon the subject of President Lincoln's proclamation, from which the following are extracts:

2. Every white person who shall act as a commissioned or non-commissioned officer commanding negroes or mulattoes against the Confederate States, or who shall arm, organize, train, or prepare negroes or mulattoes for military service, or aid them in any military enterprise against the Confederate States, shall, if captured, suffer death.

3. Every commissioned or non-commissioned officer of the enemy who shall incite slaves to rebellion, or pretend to give them freedom under the aforementioned act of Congress and proclamation, by abducting or causing them to be abducted or inducing them to abscond, shall, if captured, suffer death.

Thereupon Senator Hill, of Georgia, is recorded as having offered the resolution I have read.

Mr. HILL. I was chairman of the judiciary committee of the senate.

Mr. BLAINE. And this resolution came directly from that committee?

Mr. HILL. It is very probable that, like the chairman of the Committee on the Rules at the last session, I may have consented to that report. [Laughter.]

Mr. BLAINE. The gentleman then admits that he did make that report?

Mr. HILL. I really do not remember it. I think it very likely.

A MEMBER, (to Mr. BLAINE.) What is the book?

Mr. BLAINE. The book from which I have read is entitled "Republicanism in America," by R. Guy McClellan. It appears to be a book of good credit and authenticity. I merely want it settled whether the gentleman from Georgia was or was not the author of that resolution.

Mr. HILL. I say to the gentleman frankly that I really do not remember.

Mr. BLAINE. The gentleman does not say he was not the author.

Mr. HILL. I do not. I will say this: I think I was not the author. Possibly I reported the resolution. It refers in terms to "pretended," not real soldiers.

Mr. BLAINE. I thought that inasmuch as the gentleman's line of argument was to show the character of the confederate policy, this might aid him a little in calling up the facts pertinent thereto. [Laughter and applause.]

Mr. HILL. With all due deference to the gentleman, I reply he did not think any such thing. He thought he would divert me from the purpose of my argument and break its force by——

Mr. BLAINE. O no.

Mr. HILL. He thought he would get up a discussion about certain measures presented in the confederate congress having no relation to the subject now under discussion, but which grew out of the peculiar relation of the Southern States to a population then in servitude—a population which the confederate government feared might be incited to insurrection—and measures were doubtless proposed which the confederate government may have thought it proper to take to protect helpless women and children in the South from insurrection. But I shall not allow myself to be diverted by the gentleman to go either into the history of slavery or of domestic insurrection, or, as a friend near me suggests, "John Brown's raid." I know this, that if I or any gentleman on the committee was the author of that resolution, which I think more than probable, our purpose was not to do injustice to any man, woman, or child North or South, but to adopt what we deemed stringent measures within the laws of war to protect our wives and children from servile insurrection and slaughter while our brave sons were in the front. That is all, sir.

But, sir, I have read a letter from the confederate commissioner of exchange, written in 1864, proposing that each side send surgeons with the prisoners; that they nurse and treat the prisoners; that the Federal authorities should send as many as they pleased; that those surgeons be commissioned also as commissaries to furnish supplies of clothing and food and everything else needed for the comfort of prisoners. Now, sir, how did the Federal Government treat that offer? It broke the cartel for the exchange of prisoners; it refused to entertain a proposition, even when Mr. Stephens headed the commission, to renew it; and then, sir, when the confederates proposed that their own surgeons should accompany the prisoners of the respective armies, the Federal authorities did not answer the letter. No reply was ever received.

Then, again, in August, 1864, the confederates made two more propositions. I will state that the cartel of exchange was broken by the Federal authorities for certain alleged reasons. Well, in August, 1864, prisoners accumulating on both sides to such extent, the Federal Government having refused every proposition from the confederate authorities to provide for the comfort and treatment of these prisoners, the confederates next proposed, in a letter from Colonel Ould, dated the 10th of August, 1864, waiving every objection the Federal Government had made, to agree to any and all terms to renew the exchange of prisoners, man for man and officer for officer, as the Federal Government should prescribe. Yet, sir, the latter rejected that proposition. It took a second letter to bring an answer to that proposition.

Then, again, in that same month of August, 1864, the confederate authorities did this: Finding that the Federal Government would not exchange prisoners at all, that it would not let surgeons go into the confederacy; finding that it would not let medicines be sent into the confederacy; meanwhile the ravages of war continuing and depleting the scant supplies of the South, which was already unable to feed adequately its own defenders, and much less able to properly feed and clothe the thousands of prisoners in confederate prisons, what did the confederates propose? They proposed to send the Federal sick and wounded prisoners without equivalent. Now, sir, I want the House and the country to understand this: that in August, 1864, the confederate government officially proposed to the Federal authorities that if they would send steamships or transportation in any form to Savannah, they should have their sick and wounded prisoners without equivalent. That proposition, communicated to the Federal authorities in August, 1864, was not answered until December, 1864. In December, 1864, the Federal Government sent ships to Savannah. Now, the records will show that the chief suffering at Andersonville was between August and December. The confederate authorities sought to avert it by asking the Federal Government to come and take its prisoners without equivalent, without return, and it refused to do that until four or five months had elapsed.

That is not the only appeal which was made to the Federal Government. I now call the attention of the House to another appeal. It was from the Federal prisoners themselves. They knew as well as the southern people did the mission of Mr. Stephens. They knew the offer of January 24, for surgeons, for medicine and clothing, for comforts and food, and for provisions of every sort. They knew that the confederate authorities had offered to let these be sent to them by their own Government. They knew that had been rejected. They knew of the offer of August 10, 1864. They knew of the other offer, to return sick and wounded without an equivalent. They knew all these offers had been rejected. Therefore they held a meeting and passed the following resolutions; and I call the attention of the gentlemen on the other side to these resolutions. I ask if they will not believe the surgeons of their hospitals; if they will not believe Mr. Stanton's report, if they will not believe Surgeon-General Barnes's report, I beg from them to know if they will not believe the earnest, heart-rending appeal of those starving, suffering heroes? Here are the resolutions passed by the Federal prisoners the 28th of September, 1864:

Resolved, That while allowing the confederate authorities all due praise for the attention paid to our prisoners, numbers of our men are daily consigned to early graves, in the prime of manhood, far from home and kindred, and this is not caused intentionally by the confederate government, but by the force of circumstances.

Brave men are always honest, and true soldiers never slander. They say the horrors they suffered were not intentional, that the confederate government had done all it could to avert them. Sir, I believe this testimony of gallant men as being of the highest character, coming from the sufferers themselves.

They further resolved:

The prisoner is obliged to go without shelter, and in a great portion of cases without medicine.

Resolved, That whereas in the fortune of war it was our lot to become prisoners, we have suffered patiently, and are still willing to suffer, if by so doing we can benefit the country; but we would most respectfully beg to say that we are not willing to suffer to further the ends of any party or clique to the detriment of our own honor, our families, and our country. And we would beg this affair be explained to us, that we may continue to hold the Government in the respect which is necessary to make a good citizen and soldier.

Was this touching appeal heeded? Let any gentleman who belonged to the "clique or party" that the resolutions condemn answer for his party.

Now, sir, it was in reference to that state of things exactly that Dr. Jones reported, as I have already read to the House, in his report which was mutilated before that committee of Congress and in the trial of Wirz—it was in consequence of that very state of things that Dr. Jones said that depression of mind and despondency and homesickness of these poor prisoners carried more to their graves than did physical causes of disease. That was not wonderful at all.

But, Mr. Speaker, why were all these appeals resisted? Why did the Federal authorities refuse to allow their own surgeons to go with their own soldiers, and carry them medicine and clothing and comfort and treatment? Why? Why did they refuse to exchange man for man and officer for officer? Why did they refuse to stand up to their own solemn engagements, made in 1862, for the exchange of prisoners? Who is at fault? There must be a reason for this. That is the next point to which I wish to call the attention of the House. Sir, listen to the reading. The New York Tribune, referring to this matter in 1864, said—I suppose you will believe the Tribune in 1864, if you do not believe it now:

In August the rebels offered to renew the exchange man for man. General Grant then telegraphed the following important order: It is hard on our men held in southern prisons not to exchange them, but it is humanity to those left in the ranks to fight our battles. Every man released on parole or otherwise becomes an active soldier against us at once, either directly or indirectly. If we commence a system of exchange which liberates all prisoners taken, we will have to fight on till the whole South is exterminated. If we hold those caught, they amount to no more than dead men. At this particular time to release all rebel prisoners North would insure Sherman's defeat and would compromise our safety here.

Mr. GARFIELD. What date is that?

Mr. HILL. Eighteen hundred and sixty-four.

Mr. GARFIELD. What date in that year.

Mr. HILL. I do not note the day or month. I have read the telegram which is taken from the New York Tribune, after August, 1864.

Here is General Grant's testimony before the committee on the exchange of prisoners, February 11, 1865. You believe him, do you not?

Question. It has been said that we refused to exchange prisoners because we found ours starved, diseased, and unserviceable when we received them, and did not like to exchange sound men for such men.

That was the question propounded to him. His answer was:

Answer. There never has been any such reason as that. That has been a reason for making exchanges. I will confess that if our men who are prisoners in the South were really well taken care of, suffering nothing except a little privation of liberty, then, in a military point of view, it would not be good policy for us to exchange, because every man they get back is forced right into the army at once, while that is not the case with our prisoners when we receive them; in fact, the half of our returned prisoners will never go into the Army again, and none of them will until after they have had a furlough of thirty or sixty days. Still, the fact of their suffering as they do is a reason for making this exchange as rapidly as possible.

Q. And never has been a reason for not making the exchange?

A. It never has. Exchanges having been suspended by reason of disagreement on the part of agents of exchange on both sides before I came in command of the armies of the United States; and it then being near the opening of the spring campaign I did not deem it advisable or just to the men who had to fight our battles to re-enforce the enemy with thirty or forty thousand disciplined troops at that time. An immediate resumption of exchanges would have had that effect without giving us corresponding benefits. The suffering said to exist among our prisoners South was a powerful argument against the course pursued, and so I felt it.

There is no disputing the fact that, with the knowledge that his prisoners were suffering in the South, he insisted that the exchange should not be renewed, because it would increase the military power of the enemy. Now, that may have been a good military reason. I do not quote it for the purpose of reflecting upon General Grant in the slightest. I am giving the facts of history. I insist that the confederacy shall not be held responsible for the results of the war policy of the Federal Government, especially when the record proves that the confederate authorities made every possible effort to avert these results. Nor do I allege inhumanity on the part of General Grant or the Federal Government. I give you the facts, and I have given you General Grant's interpretation of those facts. Let the world judge.

Now, sir, we have other authority upon that subject. Here is a letter by Junius Henri Browne. I do not know the gentleman. He signs his name to the letter. He writes like a scholar. He is a northern gentleman, and I am not aware that his statement has ever been contradicted. Now, what does he say?

NEW YORK, *August* 8, 1865.

Moreover, General Butler, in his speech at Lowell, Massachusetts, stated positively that he had been ordered by Mr. Stanton to put forward the negro question to complicate and prevent the exchange. * * * Every one is aware that when the exchange did take place not the slightest alteration had occurred in the question, and that our prisoners might as well have been released twelve or eighteen months before as at the resumption of the cartel, which would have saved to the Republic at least twelve or fifteen thousand heroic lives.

That they were not saved is due alone to Mr. Edwin M. Stanton's peculiar policy and dogged obstinacy; and, as I have remarked before, he is unquestionably the digger of the unnamed graves that crowd the vicinity of every southern prison with historic and never-to-be forgotten horrors.

That is the testimony of a northern man against Mr. Stanton. And he goes on:

I regret the revival of this painful subject, but the gratuitous effort of Mr. Dana to relieve the Secretary of War from a responsibility he seems willing to bear, and which merely as a question of policy independent of all considerations of humanity must be regarded as of great weight, has compelled me to vindicate myself from the charge of making grave statements without due consideration.

Once for all, let me declare that I have never found fault with any one because I was detained in prison, for I am well aware that that was a matter in which no one but myself and possibly a few personal friends would feel any interest; that my sole motive for impeaching the Secretary of War was that the people of the loyal North might know to whom they were indebted for the cold-blooded and needless sacrifice of their fathers and brothers, their husbands and their sons.

I understand that Mr. Browne is a contributor to Harper's Monthly, and was then. The man, so he tells you, who was responsible for these atrocities at Andersonville was the late Secretary of War, Mr. Stanton.

Now, Mr. Speaker, what have I proven? I have proven that the Federal authorities broke the cartel for the exchange of prisoners deliberately; I have proven that they refused to re-open that cartel when it was proposed by Mr. Stephens, as a commissioner, solely on the ground of humanity; I have proven that they made medicine contraband of war, and thereby left the South to the dreadful necessity of treating their own prisoners with such medicines as could be improvised in the confederacy; I have proven that they refused to allow surgeons of their own appointment, of their own Army, to accompany their prisoners in the South, with full license and liberty to carry food, medicine, and raiment, and every comfort that the prisoners might need; I have proven that when the Federal Government made the pretext for interrupting the cartel for the exchange of prisoners, the confederates yielded every point and proposed to exchange prisoners on the terms of the Federal Government, and that the latter refused it; I have proven that the confederates then proposed to return the Federal sick and wounded without equivalent in August, 1864, and never got a reply until December, 1864; I have proven that high Federal officers gave as the reason why they would not exchange prisoners that it would be humanity to the prisoners but cruelty to the soldiers in the field, and therefore it was a part of the Federal military policy to let Federal prisoners suffer rather than that the confederacy should have an increase of its military force, and the Federal Government refused it, when by such exchange it would have received more prisoners than it returned to the confederates.

Now, what is the answer to all this? Against whom does the charge lie, if there are to be accusations of any, for the horrors of Andersonville?

Mr. BRIGHT. What was the percentage of deaths in the prisons?

Mr. HILL. I have already given it. I have proved also that, with all the horrors at Andersonville, the gentleman from Maine has so ostentatiously paraded, and for an obvious partisan purpose of exciting upon this floor a bitter sectional discussion, from which his party, and perhaps himself, may be the beneficiary, greater sufferings occurred in the prisons where confederate soldiers were confined, and that the percentage of death was 3 per cent. greater among confederate troops in Federal hands than among Federal soldiers held by the confederates. And I need not state the contrast between the needy confederacy and the abundance of Federal supplies and resources.

Now, sir, when the gentleman rises again to give breath to that effusion of unmitigated genius without fact to sustain it, in which he says—

And I here, before God, measuring my words, knowing their full extent and import, declare that neither the deeds of the Duke of Alva in the Low Countries, nor the massacre of Saint Bartholomew, nor the thumb-screws and engines of torture of the Spanish inquisition, begin to compare in atrocity with the hideous crime of Andersonville,

let him add that the mortality at Andersonville and other confederate prisons falls short by more than 3 per cent. the mortality in Federal prisons.

Sir, if any man will reflect a moment he will see that there was reason why the confederate government should desire exchange of prisoners. It was scarce of food, pinched for clothing, closed up with a blockade of its ports; it needed troops; its ranks were thinning.

Now, Mr. Speaker, it is proper that I should read one or two sentences from the man who has been arraigned as the vilest murderer in history. After the battles around Richmond, in which McClellan was defeated, some ten thousand prisoners fell into the hands of the confederacy. Victory had perched upon its standard, and the rejoicing naturally following victory was heard in the ranks of the confederate army. Mr. Davis went out to make a gratulatory speech. Now, gentlemen of the House, gentlemen of the other side, if you are willing to do justice, let me simply call your attention to the words of this man that then fell from his lips in the hour of victory. Speaking to the soldiers, he said:

You are fighting for all that is dearest to man; and, though opposed to a foe who disregards many of the usages of civilized war, your humanity to the wounded and the prisoners was a fit and crowning glory of your valor.

Above the victory, above every other consideration, even that victory which they believed insured protection to their homes and families, he tells them that at last their crowning glory was their humanity to the wounded and prisoners who had fallen into their hands.

The gentleman from Maine yesterday introduced the Richmond Examiner as a witness in his behalf. Now it is a rule of law that a man cannot impeach his own witness. It is true the Examiner hated Mr. Davis with a cordial hatred. The gentleman could not have introduced the testimony of perhaps a bitterer foe to Mr. Davis. Why did it hate him? Here are its reasons: "The chivalry and humanity of Jefferson Davis will inevitably ruin the confederacy." That is your witness, and the witness is worthy of your cause. You introduced the witness to prove Mr. Davis guilty of inhumanity, and he tells you that the humanity of Mr. Davis will ruin the confederacy. That is not all. In the same paper it says: "The enemy have gone from one unmanly cruelty to another." Recollect, this is your witness. "The enemy have gone from one unmanly cruelty to another. Encouraged by their impunity till they are now and have for some time been inflicting on the people of this country the worst horrors of barbarous and uncivilized war." Yet in spite of all this the Examiner alleged "Mr. Davis in his dealing with the enemy was as gentle as a sucking dove."

Mr. GARFIELD. What volume is that?

Mr. HILL. The same volume, page 531, and is taken from the Richmond Examiner—the paper the gentleman quoted from yesterday. And that is the truth. Those of us who were there at the time know it to be the fact. One of the persistent charges brought by that paper and some others against Mr. Davis was his humanity. Over and over again Mr. Davis has been heard to say, and I use his very language, when applied to to retaliate for the horrors inflicted upon our prisoners, "The inhumanity of the enemy to our prisoners can be no justification for a disregard by us of the rules of civilized war and of Christianity." Therefore he persisted in it, and this paper cried out against him that it would ruin the confederacy.

I am sure I owe this House an apology for having detained it so long; I shall detain it but a few moments longer. After all, what should men do who really desire the restoration of peace and to prevent the recurrence of the horrors of war? How ought they to look at this question? Sir, war is always horrible; war always brings hardships; it brings death, it brings sorrow, it brings ruin, it brings devastation. And he is unworthy to be called a statesman, looking to the pacification of this country, who will parade the horrors inseparable from war for the purpose of keeping up the strife that produced the war.

I do not doubt that I am the bearer of unwelcome messages to the gentleman from Maine and his party. He says that there are confederates in this body, and that they are going to combine with a few from the North for the purpose of controlling this Government. If

one were to listen to the gentlemen on the other side he would be in doubt whether they rejoiced more when the South left the Union, or regretted most when the South came back to the Union that their fathers helped to form, and to which they will forever hereafter contribute as much of patriotic ardor, of noble devotion, and of willing sacrifice as the constituents of the gentleman from Maine. O, Mr. Speaker, why cannot gentlemen on the other side rise to the height of this great argument of patriotism? Is the bosom of the country always to be torn with this miserable sectional debate whenever a presidential election is pending? To that great debate of half a century before secession there were left no adjourned questions. The victory of the North was absolute, and God knows the submission of the South was complete. But, sir, we have recovered from the humiliation of defeat, and we come here among you and we ask you to give us the greetings accorded to brothers by brothers. We propose to join you in every patriotic endeavor and to unite with you in every patriotic aspiration that looks to the benefit, the advancement, and the honor of every part of our common country. Let us, gentlemen of all parties, in this centennial year indeed have a jubilee of freedom. We divide with you the glories of the Revolution and of the succeeding years of our national life before that unhappy division—that four years' night of gloom and despair—and so we shall divide with you the glories of all the future.

Sir, my message is this: There are no confederates in this House; there are now no confederates anywhere; there are no confederate schemes, ambitions, hopes, desires, or purposes here. But the South is here, and here she intends to remain. [Enthusiastic applause.] Go on and pass your qualifying acts, trample upon the Constitution you have sworn to support, abnegate the pledges of your fathers, incite rage upon our people, and multiply your infidelties until they shall be like the stars of heaven or the sands of the seashore, without number; but know this, for all your iniquities the South will never again seek a remedy in the madness of another secession. [Continued applause.] We are here; we are in the house of our fathers, our brothers are our companions, and we are at home to stay, thank God. [Much applause.]

We come to gratify no revenges, to retaliate no wrongs, to resent no past insults, to re-open no strife. We come with a patriotic purpose to do whatever in our political power shall lie to restore an honest, economical, and constitutional administration of the Government. We come charging upon the Union no wrongs to us. The Union never wronged us. The Union has been an unmixed blessing to every section, to every State, to every man of every color in America. We charge all our wrongs upon that "higher law" fanaticism, that never kept a pledge nor obeyed a law. The South did seek to leave the association of those who, she believed, would not keep fidelity to their covenants; the South sought to go to herself; but, so far from having lost our fidelity for the Constitution which our fathers made, when we sought to go we hugged that Constitution to our bosoms and carried it with us.

Brave Union men of the North, followers of Webster and Fillmore, of Clay and Cass, and Douglas—you who fought for the Union for the sake of the Union; you who ceased to fight when the battle ended and the sword was sheathed—we have no quarrel with you, whether republicans or democrats. We felt your heavy arm in the carnage of battle; but above the roar of the cannon we heard your voice of kindness, calling, "Brothers, come back!" And we bear witness to you this day that that voice of kindness did more to thin the confederate ranks and weaken the confederate arm than did all the artillery employed in the struggle. We are here to co-operate with you; to do whatever we can, in spite of all our sorrows, to rebuild the Union; to restore peace; to be a blessing to the country, and to make the American Union what our fathers intended it to be: the glory of America and a blessing to humanity.

But to you, gentlemen, who seek still to continue strife, and who, not satisfied with the sufferings already endured, the blood already shed, the waste already committed, insist that we shall be treated as criminals and oppressed as victims, only because we defended our convictions—to you we make no concessions. To you who followed up the war after the brave soldiers that fought it had made peace and gone to their homes—to you we have no concession to offer. Martyrs owe no apologies to tyrants. And while we are ready to make every sacrifice for the Union, even secession, however defeated and humbled, will confess no sin to fanaticism, however bigoted and exacting.

Yet, while we make to you no concession, we come even to you in no spirit of revenge. We would multiply blessings in common for you and for us. We have one ambition, and that is to add our political power to the patriotic Union men of the North in order to compel fanaticism to obey the law and live in the Union according to the Constitution. We do not propose to compel you by oaths, for you who breed strife only to get office and power will not keep oaths.

Sir, we did the Union one great wrong. The Union never wronged the South; but we of the South did to the Union one great wrong; and we come, as far as we can, to repair it. We wronged the Union grievously when we left it to be seized and rent and torn by the men who had denounced it as "a covenant with hell and a league with the devil." We ask you, gentlemen of the republican party, to rise above all your animosities. Forget your own sins. Let us unite to repair the evils that distract and oppress the country. Let us turn our backs upon the past, and let it be said in the future that he shall be the greatest patriot, the truest patriot, the noblest patriot who shall do most to repair the wrongs of the past and promote the glories of the future. [Applause on the floor and in the galleries.]

Mr. GARFIELD took the floor.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. McDONALD, its Chief Clerk, which informed the House of the proceedings in that body upon the announcement of the death of Hon. ANDREW JOHNSON, late a Senator from the State of Tennessee.

DEATH OF ANDREW JOHNSON.

The SPEAKER. The Clerk will read the resolutions just received from the Senate.

The Clerk read as follows:

Resolved, unanimously, That the Senate has received with profound sorrow the announcement of the death of Hon. ANDREW JOHNSON, late a Senator of the United States from the State of Tennessee.

Resolved, unanimously, That as a mark of respect for the memory of Mr. JOHNSON the members of the Senate will go into mourning by wearing crape upon the left arm for thirty days.

Resolved, unanimously, That as an additional mark of respect for the memory of Mr. JOHNSON the Senate do now adjourn.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Mr. McFARLAND. Mr. Speaker, the duty devolves on me, as the Representative of the first congressional district of Tennessee, to announce to the House the death of a distinguished citizen of Tennessee, whose home, from his first appearance in that State in 1826 to the day of his death, was in the congressional district I have the honor to represent in this House. I allude to the death of Hon. ANDREW JOHNSON, late a Senator from Tennessee, Ex-President of the United States, and for ten years a member of this House, which occurred at the residence of his daughter, Mrs. Brown, in Carter County, Tennessee, on the morning of the 31st of July last.

Mr. JOHNSON was called to his final account and closed his connection with time and earthly things without that protracted sickness and suffering which gives premonition of approaching dissolution. He was stricken with paralysis a day or two previous to his death, and almost as soon as his sickness was known the melancholy tidings were flashed to the most distant parts of our country that ANDREW JOHNSON was dead. Not to our country only, but to the whole civilized world abroad, was the sad intelligence carried with lightning speed that the "Great Commoner" was no more.

His remains were interred on a lofty eminence west of the town of Greeneville, a spot selected by himself, commanding an extended view of the surrounding country, and there amid those mountain heights all that is mortal of ANDREW JOHNSON is crumbling into dust. The voice that has been so often heard in this Chamber is silenced forever. The form that was so familiar in these Halls has disappeared, and will be seen no more. Shrouded in the flag of his country, beneath the shadow of which he fought the great political battles of his life, and whose triumphant folds were ever to him an object of adoration which he worshiped with an unswerving devotion, far from the din and strife and turmoil of the outer world he quietly sleeps that last, long, peaceful sleep which knows no waking.

ANDREW JOHNSON'S career as a public man is the most remarkable and wonderful in all our history, and is perhaps unprecedented in modern times. It cannot be expected in the few brief remarks we are to submit to the House now that justice can be done to Mr. JOHNSON'S public life, or that we can take more than a glance at a few of the prominent facts in his history.

Mr. JOHNSON was born in Raleigh, North Carolina, on the 29th day of December, 1808. His father died when he was a child, leaving the future statesman to the care of a widowed mother in poverty and obscurity. At ten years of age he was apprenticed to a tailor in his native town. He was then unable to read, and his first efforts to learn were made during this apprenticeship. A gentleman read to him some sketches from an old book known as "The American Speaker." These extracts aroused the attention of the poor apprentice and first fired his ambition. He determined and did learn to read them for himself. That book was presented to him, and is still preserved in the library of Mr. JOHNSON.

In the fall of the year 1826, on the evening of a dark, gloomy day, a two-wheeled cart, drawn by a blind pony, was driven into the village of Greeneville, East Tennessee, from the direction of the mountains of North Carolina. With it were two men and a woman. The younger of the two, who drove the pony, stopped at the house of a citizen whose sons are now living in that town, and asked for forage to feed his horse, which he procured, and then inquired for suitable camping-ground for the night to which he drove and encamped, near where now stands the mansion of the Johnson family. In a little less than forty years from that night that homeless wanderer, then about eighteen years of age, shrouded in obscurity and poverty, a stranger in a strange land, without the rudiments of a common education, camping out under the broad canopy of the heavens in the village of Greeneville, became the occupant of the building at the far end of this avenue, and the chief executive officer of a great confederacy of States numbering 40,000,000 of people! That youth was ANDREW JOHNSON. Such was his first appearance in Tennessee, and thus the first night ANDREW JOHNSON passed in Greeneville, which became his future home.

Mr. JOHNSON established himself in business as a tailor. By his industry, energy, unswerving integrity, and promptness he was suc-

cessful. As a mechanic, that fidelity to duty and unquestioned honesty which characterized him in every period of his history won for him the confidence and respect of the people, and made him, even then, a power in the community. He was married shortly after he settled in Greeneville, where his widow survives him. She taught him to write; she aided him by her intelligence and instruction in his efforts to acquire the rudiments of an education, and thus laid the foundation of his future greatness. Conscious of his powers and with unfaltering confidence in himself, identified in interest and sympathy with the laboring masses, he applied himself with untiring industry, under disadvantages of a most extraordinary character, to the acquisition of an education and to preparation for his future wonderful career.

In 1828 he was elected an alderman of the village; was re-elected in 1829 and 1830; and was elected to the office of mayor in 1830. He was appointed a trustee of Rhea Academy about 1831; was a member of the lower house of the Tennessee Legislature in 1835. Being defeated in 1837, he was re-elected in 1839. He was elected State senator in 1841, and a member of this House in 1843, to which position he was re-elected for the four succeeding terms. He was elected governor of Tennessee in 1853, re-elected in 1855, and in 1857 was chosen as a Senator in Congress from the State of Tennessee for the term ending March 3, 1863; was appointed military governor of Tennessee during the late civil war in 1862; was a candidate for Vice-President on the ticket with Mr. Lincoln in 1864, to which office he was elected, and by an event never to be forgotten in the history of the country Mr. JOHNSON, on the 15th of April, 1865, became President of the United States.

Of the events of Mr. JOHNSON's administration I shall not speak. The history of his administration is now part of the history of the country. Posterity will do him justice. The great statesmen of the past have been called to the administration of public affairs in times of peace, when the ship of state was sailing over a calm, unruffled sea. Mr. JOHNSON took the helm in the midst of a storm lashed into fury unprecedented in the history of our country by the angry passions, the bitterness, and strife of a long and bloody civil conflict. To say that he committed no errors would be to say that he was more than human. Now that he has passed away none can gainsay the honesty and integrity of ANDREW JOHNSON, or doubt his unfaltering fidelity to the great principle of constitutional liberty.

After the close of his term as President, in 1869, Mr. JOHNSON returned to his home in Tennessee. He became a candidate for Senator, but was defeated. In 1872, at the demand of a large number of his people, he became a candidate for Congress from the State at large, but was for the third time in the whole course of his public life again defeated. In January, 1875, at the demand of the people, he was elected by the Legislature of Tennessee a Senator in Congress for six years. His last and only appearance in that body after his election was at the extra session in March, 1875, and with the close of that session terminated ANDREW JOHNSON's public services.

Such is a brief statement of the public positions held by Mr. JOHNSON. He was continuously in the public service for almost forty years.

It may be well said that his career was the most wonderful in our history. Who, indeed, was ever like him? Who ever, as he did, proved his honesty, his aims, and his ambitions by conquering for them their indisputable vindication? Taking the history of the three-score and seven years of ANDREW JOHNSON, the poverty of his childhood, the neglect of his youth, his humble origin, his growth to manhood without even the rudiments of education, his humble mechanical pursuit, and then looking to his subsequent remarkable career, and we have the outlines of a great man struggling against misfortune, battling against fate, with bitter opposition at every step of his progress, finally conquering every adverse element, and at last elevating himself to the highest position in the Republic.

The poor, uneducated youth became a Senator in Congress, the governor of a great State, and the Chief Executive of a proud nation; and, dying, has embalmed his memory in the grateful hearts of millions of his countrymen; and, though his form has disappeared, ANDREW JOHNSON lives and will ever live in the affections of the people while the principles of constitutional liberty are cherished, and honesty, integrity, and patriotism, and abilities of the highest order are venerated by men. Of him it may be said

> *These* shall resist the empire of decay
> When Time is o'er and worlds have passed away;
> Cold in the dust the perish'd heart may lie,
> But that which warmed it once can never die.

ANDREW JOHNSON was but a man; he had his faults; he committed errors; but, looking to the unfavorable circumstances by which his youth was surrounded, the bitter and continuous political battles in which he was engaged from early life down to his death, the wonder is that he committed so few.

He had his enemies, and his life and history furnish most striking evidence of the truth of the poet's sentiment:

> He who ascends to mountain tops shall find
> The loftiest peaks most wrapt in clouds and snow;
> He who surpasses or subdues mankind
> Must look down on the hate of those below.
> Though high above the sun of glory glow,
> And far beneath the earth and ocean spread,
> Round him are icy rocks, and loudly blow
> Contending tempests on his naked head,
> And thus reward the toils which to those summits led.

But Mr. JOHNSON had his friends and admirers, who adhered to him through every vicissitude of his political fortunes, and with the laboring masses of the people of the country perhaps no public man of his day had more influence and power than did he. He was one of them; knew their wants, and sympathized with their struggles.

The life of ANDREW JOHNSON is an example of the lasting fame that surely awaits the honest statesman. His unswerving integrity; his bold, independent, and candid declaration of his opinion on public questions; his confidence in the people, and the absence of disguise in all his acts were his master-key to the popular heart. The country was never in doubt as to his opinions and purposes, and, victorious or defeated, he remained firm in his belief. In all the contests of his time his position on great public questions was as clear as the sun in a cloudless sky.

Sirs, standing by the grave of ANDREW JOHNSON, and looking back over the history of his life and considering these things, how insignificant and contemptible appear the labor and ambition of the mere politician! What a reproach is his life on that false policy which would trifle with a great people! If I were to write the epitaph of ANDREW JOHNSON, I would inscribe on the stone which shall mark his resting-place, as the highest eulogy, "Here lies the man who was in the public service for forty years, who never tried to deceive his countrymen, and died, as he lived, 'an honest man, the noblest work of God.'" While the youth of America should imitate his noble qualities, they may take courage from his example, and note the high proof it affords that under our equal institutions the avenues to the highest position are open alike to all.

Mr. JOHNSON rose by the force of his own genius, indomitable will, and untiring energy, unaided by power, prestige, or wealth. At an age when our young men are usually in pursuit of education at institutions of learning, he, in ignorance and poverty, made his way from the "Old North State" toward the West, and, amid the rude collisions incident to East Tennessee at that day, commenced his early struggle, and in less than fifty years matured a character the highest exhibitions of which were destined to mark eras in his country's history. Beginning in the mountains of East Tennessee in 1826, brought into antagonism with the power, influence, and wealth of old citizens of the country, supported by the consciousness of his own powers and by the confidence of the people, he surmounted all the barriers of adverse fortune and won a glorious name in the annals of his country.

Let the generous youth fired with an honorable ambition remember that our American system of government offers on every hand and opens wide the doors to the most exalted position and the grandest reward to merit. If, like ANDREW JOHNSON, orphanage, obscurity, and poverty shall oppress him; yet, if like him, he feels the Promethean spark within, let him remember that his country, like a generous mother, opens wide her arms to welcome every one of her children whose genius may promote her prosperity or add to her renown. Mr. Speaker, I offer the following resolutions:

The Clerk read as follows:

Resolved, That the House of Representatives of the United States has received with the deepest sensibility and profound sorrow the intelligence of the death of Hon. ANDREW JOHNSON, late a Senator from the State of Tennessee, ex-President of the United States and long a member of this House.

Resolved, That the proceedings of this House in relation to the death of Hon. ANDREW JOHNSON be communicated to the widow and family of the deceased by the Clerk of this House.

Resolved, That as a further mark of respect for the memory of the deceased this House do now adjourn.

Mr. WADDELL. I have been struck since these proceedings commenced with the peculiar circumstances of this occasion. There is to a man who believes in special providences food for reflection in the fact that just as we have reached the climacteric of a debate upon the question whether the American people shall live together as brothers, whether there shall be a Government of love or hate, we are suddenly arrested by the remembrance that there is a time appointed for all men once to die. Mr. Speaker, when that supreme hour comes for you and me and for each of us, I know nothing will give us more consolation than the memory of deeds of charity and good-will.

The very remarkable man whose death has just been formally announced to this House was, like many other men who obtained eminence in other States, a native and, until his early manhood, a resident of North Carolina. It is therefore meet, sir, that in this hour dedicated to his memory the voice of that State should be heard, and the duty of uttering it has been assigned to me.

My personal acquaintance with Mr. JOHNSON was very limited and merely formal. I will not therefore undertake to portray his character as a private citizen, nor shall I attempt any sketch of his public life and his varied and distinguished public services, because that has been already done by my friend who has just taken his seat, and is familiar to all more or less.

But he exhibited throughout his public career some qualities upon which brief comment may justly be made, and perhaps not unprofitably at this time. His education, socially and politically, differed in almost every respect from my own. Indeed I might say they were almost antipodal, and never until his memorable struggle, when President, for the preservation of constitutional liberty, as I believe, had any portion of his career attracted my sympathy. But aside from the characteristics which he developed in that struggle he exhibited certain virtues as a public man which must always command respect

and admiration—virtues which, if they are not rare nowadays, are certainly not the commonest attributes of those who occupy distinguished station.

Mr. JOHNSON was an honest man, a truthful man, and incorruptible. He obstinately adhered to the opinion which ought to be, but is not, universally accepted and acted upon, that personal integrity and political dishonesty are absolutely irreconcilable in the same person. In all the bitter contests through which he passed, (and his career in this respect is almost without a parallel,) his worst enemy, so far as I know, never attempted to prove, if he ever charged, that ANDREW JOHNSON was a corrupt man.

Whatever his faults, or vices, if you please—and, I presume, like all other men, he had his full share of them—he unquestionably had intense convictions, to which he clung with fearless devotion and for which he battled with manly courage. Among these, sir, none were more conspicuous than his faith in the doctrines of the fathers touching the limitations of the Constitution and his firm belief in the maxim that purity of administration is essential to the life of free government.

If his almost fanatical love of the Union caused him at times to assent to the use of arbitrary power, he still always proclaimed the supremacy of the Constitution. If corruption in administration occurred during his presidency, no one ever accused him of being even remotely connected with it. He at least understood the principles and sympathized with the spirit of republican institutions. He did not think that personal comfort and pecuniary benefit were the chief ends to be aimed at in seeking public offices. He did not accept them at the hands of his countrymen as a debt due to him and did not administer them, as small men always do, in accordance with his personal feelings and interests. He considered himself the servant of the people, bound by his oath to be careful and diligent in looking out, not for his own, but for their interests. He never was one of those who were called, and aptly called in the civil-service commission report, "the banditti of politics and the pawnbrokers of patronage."

He may not have been a broad-minded statesman, in the ordinary acceptation of that term, but it is to be remembered that in his youth there was no opportunity afforded him for broad culture, and that he did not even have a patron to secure for him education at the public expense. He certainly was not a classical scholar. It would seem that he did not even know what *nepos* meant and was utterly insensible to the charm that lies hidden behind the words *dona ferentes*. But in practical ability, in power as a debater, whether before popular assemblies or legislative assemblies, and in extensive information in the domain of politics, he was by no means deficient. His long and active public service in association with some of the wisest and ablest statesmen of this land, improved, enlarged, and liberalized his naturally powerful intellect to a degree which may perhaps justify his assignment to a place among the ablest of our Chief Magistrates, and certainly to one very far above some of them.

After his death some pious investigator, I believe, claimed to have discovered that he was an infidel. I have very good evidence to disprove that; but while personally I know not how that may have been, I do know that while he was alive and in office he was too good a patriot to seek to excite a religious persecution against any portion of his fellow-citizens. If he had religious views of any kind, it is safe to say that they were his own, and were arrived at after mature deliberation and reflection; but whatever they were, sir, he never sought to make political capital out of them.

Mr. Speaker, ANDREW JOHNSON has gone to his long rest, as sooner or later each and all of us must go. After a long and laborious career, begun in poverty, ignorance, and friendlessness, but crowned throughout its course with earthly honors, he now confronts the mysteries of eternity. It may possibly be some consolation to his friends to believe that if for his deeds done in the body he be impeached in his new state of existence, he will at least have angels for his prosecutors, and the Merciful One for his judge. That is the only consolation that is left to any of us in contemplating the events of a future life.

I do not hold up Mr. JOHNSON as an exemplar either in morals or in politics. Very few are the men to whom I could pay that tribute. But, sir, the qualities which I have ascribed to him, and which he possessed, may well be emulated by some of his contemporaries upon whom fortune or an inscrutable Providence has devolved the duties and responsibilities of public office. Upon many of them have more brilliant gifts been bestowed. They have been more learned, more eloquent, more popular, than he. But not of every one of them can it be said, as of him, he was honest, he was truthful, he was incorruptible. These are traits, sir, which his native State of North Carolina will never cease to honor in any American statesman, whether born within her borders or not. And therefore, as a tribute to them, as developed in ANDREW JOHNSON, she now lays her wreath upon his tomb.

Mr. THORNBURGH. Mr. Speaker, representing in part that section of the State of Tennessee which was the home of ANDREW JOHNSON, I desire to express my respect for his character and veneration for his memory. My colleague has mentioned the incidents of the early life and the long public career of ANDREW JOHNSON with an interesting completeness that renders unnecessary further recital. Yet an expression of sorrow for his loss, and appreciation for the great virtues he, as a man and a statesman, possessed, cannot be inappropriate, coming from one who, though differing upon political questions, enjoyed his friendship from childhood.

My earliest recollection of political contests and public discussions is connected with the conflicts and triumphs which so characterized his history. There was a period of his life when I had almost daily opportunities to study his character and observe the manner in which he performed important and arduous duties that devolved upon him. This was when Mr. JOHNSON was military governor of Tennessee. It was the stormiest day of our national history. The country was in the midst of civil war, and there are few of us here who have forgotten what civil war means. In this important and responsible position he exhibited many of those great qualities which made him a fit ruler in times of disorder and turbulence. He was fertile in resources, zealous, earnest, and faithful. There were no precedents to guide him in the arduous duties of his office. His vigorous mind, resolute purpose, strong will, were necessary in the work required, while that work itself illustrated his love of justice, his courage, energy, and patriotism. War had almost obliterated all traces of government in Tennessee. The State was a chaos, out of which he was to bring order. The desolation of contending armies made it necessary for him to create supplies, house the homeless, clothe the naked, feed the poor. The courts were closed to the redress of grievances, and justice was to be administered by him. Thousands of Union people flocked to him, begging for supplies and arms. And yet he proved equal to the task before him. He was civil chief magistrate, a general, judge, and quartermaster, and a benefactor of the poor. He worked with constant, tireless energy, bringing order out of confusion, re-instating the courts of justice, redressed grievances, and fed, sheltered, and clothed the homeless poor, without regard to the Army in which their natural protectors might be found. From the Union men around him he raised an army and sent them to the field, where they did gallant service for the Government; and when the capture of his capital was threatened, he refused to abandon it with our retreating Army, but, stern and unfaltering, stood a bulwark for its defense.

But all this has become a part of the history of the country. ANDREW JOHNSON never faltered in his devotion to the Union. With unsurpassed earnestness he devoted every faculty of body and mind to a successful re-establishment of a united republic, looking forward anxiously to the hour when he could bring his State back into the Union and could see her star once more emblazoned on his country's banner. The most notable features in ANDREW JOHNSON'S life and character were his humble origin, his utter want of early education, his faithful devotion to the principles he espoused, his great courage and indomitable will. To these circumstances in his history and these traits in his character can be traced, in my opinion, the two most important events in his life. Without these characteristics he might not have stood on the floor of the Senate the solitary representative from the seceding States, and have made that memorable speech on the 27th of July, 1861, which was so full of the deepest political research and the most thorough and unselfish patriotism. Starting with the maxim that "*Salus respublicæ suprema lex*," he said:

> The time has come when the Government should put forth its entire power and sustain the supremacy of the Constitution and laws made in pursuance thereof. If we have no government, let the delusion be dispelled, let the dream pass away, and let the people of the United States and the nations of the earth know at once we have no government. If we have a government based on the intelligence and virtue of the American people, let that great fact be now established; and when once established, this Government will be on a more enduring and permanent basis than it ever was before. I still have confidence in the integrity, the virtue, the intelligence, and the patriotism of the great mass of the people; and so believing, I intend to stand by the Government of my fathers to the last extremity.

Sentiments like these, coming at that peculiar crisis in the country's history from a Southern Senator, re-echoed through the land, and gave rebuke to those who could find no power in the Constitution for national self-preservation, and infused new confidence and courage to those preparing for the great conflict that was so soon to follow.

But while ANDREW JOHNSON was resolute in war, no sooner had the echoes of the last battle died away than he became an earnest advocate of a re-united people. He sought to bury all past animosities, and to cultivate the nobler feelings of kindness, forgiveness, and fraternal love. Few men in history could have held the reigns of government as its chief executive at that time, when human passions had become inflamed by the memories of this recent terrible war, and have determined the novel and anomalous questions presented without encountering the antagonism of some leading statesmen, and inviting that bitter denunciation of calumny and villification which now seems to be visited upon all who have attained to exalted position, and who have rendered great services to their country and to mankind. His marked individuality, great tenacity of purpose, and iron will, brought him his full measure of honest opposition and malignant aspersion. But even the genius of slander itself had not the audacity to charge ANDREW JOHNSON with dishonesty in any act of his long and eventful public life.

I shall leave it for others, his contemporaries and associates, to speak more in detail of his career while in the two Houses of Congress and while President of the nation.

A great leader of the people, an orator possessing peculiar power to inspire, persuade, convince, and control the honest masses of the

country, has passed the opening portals of the grave, and none feel his loss more keenly or lament his death more sincerely than the humbler classes, from whose ranks he sprang and whose peculiar champion he never ceased to be. His dust now mingles with that of Jackson and Polk in the bosom of Tennessee. Peace to his ashes, honor to his memory.

Let him rest; it is not often
That his soul hath known repose;
Let him rest; they rest but seldom
Whose successes challenge foes.
He was weary, worn with watching,
His life-crown of power hath pressed
Oft on temples sadly aching—
He was weary, let him rest.

Mr. CONGER. Mr. Speaker, in this age of the world the development and character of the individual man is the result of generations of human growth. The victories of the warrior, the achievements of the statesman, and the fanciful creations of the poet are made possible by the existing conditions of society, and are so evoked from and commingled with the innumerable circumstances of human progress as to render it uncertain to what extent they originate in the individual intellect and will, and how far they are the result of myriad unseen agencies.

In the dawn of human existence man, himself a new-wrought miracle, without revelation or tradition, wandered amid the marvels of a new creation to wonder, admire, and adore. We can scarcely realize through what centuries he must have passed from that primitive period of child-like simplicity and instinctive adoration, through the slow development of the idea of the heroic, the beautiful, the religious, and the practical, until he could comprehend the laws of the physical and intellectual world, and tower among millions of the human race the type and representative of the marvelous civilization of the nineteenth century! Every age has marked man's progress, and every great advance in mental and moral culture has had some typical representative of the aggregate development of his social and moral attributes.

On this occasion we pause for a moment in the busy avocations of life to pay the tribute of our respect to the memory of one of our distinguished compeers, who, having exemplified almost every vicissitude of earthly fortune, having attained the highest place of power, and having afterward entered upon a pathway untrodden by any predecessor, has obeyed the inexorable mandate—to rest from his labors on earth.

I have thought, sir, while other gentlemen portrayed his life and character more accurately and eloquently than I have the ability to do, it might not be inappropriate for me to refer to some peculiarities in the life and character of this distinguished citizen which illustrate conditions of fortune that could only exist in American civilization and under American institutions.

Sir, I have believed from early youth, with emotions of pride and gratitude which I have no language to express, that we live in an age and are citizens of a country whose laws, policy, and free institutions, in their true intention and result, opened to every child of the Republic alike the royal road to education, culture, distinction, and honor—the royal highway that leads to everything and all things that are garnered in our grand inheritance of freedom to which the immortal soul might honorably aspire, across which arrogance should build no barricade and ignorance no trench; where wealth should never jostle the poor nor pride override the humble; where virtue might pass with fearless step and devotion might worship at every way-side shrine!

With such reflections, Mr. Speaker, I commend to my countrymen the study of the life and character of ANDREW JOHNSON as illustrating more distinctly than any other example which now occurs to my memory the spirit, the tendencies, and the possibilities of American institutions.

Neither the occasion nor my own inclination will permit more than a brief reference; but the American citizen may inquire with pride, Where else could the child of poverty and ignorance, under like circumstances, have risen to the highest honors of the State? In what other land and under what other civilization could woman have become at once the wife and the teacher of the wandering mechanic, and, accompanying and encouraging his upward progress to honor and power, could have imparted to her daughters such delicate culture and gentle training, that even amid the splendors of the capital and the throngs of beauty they could disarm envy by their virtues and excite admiration by their simplicity?

Under what other division of power between the General Government, the States, and the people could the subject of an impeachment and prosecution the most remarkable and determined ever witnessed in our land have undergone so fiery an ordeal, and afterward so far commanded the respect of political friends and foes that his return to the Senate should meet with general approval?

That he was gifted with remarkable powers none will deny. With a strong intellect, untiring industry, an indomitable will, and an ambition that gathered intensity alike from defeat and success; with little of that personal sympathy which could control the multitude by its electric influence, and with a directness and obstinacy arising in part from physical organization, but more from the mental habitudes peculiar to the varied circumstances of his condition, his life exhibits a greater variety of the phases of character that spread all the way from unworthy littleness to moral grandeur than that of any other statesman whose name illustrates American history.

He was considerate in his friendships, vindictive in his enmities, unforgiving of injury, but moderate in victory. With a blunt honesty of purpose and acknowledged integrity of character, he marshaled his forces, and controlled the situation more through an involuntary respect and an undefined fear than from personal favor and affection.

Remembering his early life, he was ever the friend of the poor, from whose ranks he had risen, yet lacked the loftiness of soul which would have prevented his taking an unworthy pride in humbling the pretensions of wealth and the ostentation of birth.

His zeal for the homeless and landless poor never flagged, and his indomitable love of the Union and struggles for the perpetuity of free institutions challenge the admiration of the world; and even his ceaseless reiterations of his love of the Constitution, although exciting the ridicule of political opponents, were in harmony with his life-long actions and professions.

Sir, there were occasions in his life, rendered sublime by his heroic courage and indomitable zeal for the honor, the Union, and the Constitution of his country, which history will emblazon upon its pages; and when the prejudices and passions of the hour shall have passed away, posterity will inscribe them upon his monument.

Even-handed justice will attribute his foibles and faults to his early struggles with poverty and toil, the imperfection of early culture and education, and to the anomalous condition of the social organization in the midst of which he lived; while the memory of his countrymen will linger around those nobler manifestations of his courage and patriotism in preserving those glorious institutions that invited him from the depths of ignorance and want to the high places of usefulness and honor.

His illustrious example will quicken the genius and stimulate the energy of ten thousand children of poverty and toil to strive for higher culture and search for nobler fields of usefulness and honor, and it may admonish the patriot and statesman, with renewed emphasis, that in the more perfect education and virtue of all the people lies the only safe reliance for the perpetuity of our free institutions and the future glory of our country.

Sir, there are nobler things in life than wealth and power; there are far richer treasures for the citizen than lie hidden in the mine, for neither the vast outlines of our domain nor the illimitable wealth within its borders, neither the grandeur of our encircling mountains nor the beauty of our silver streams, neither rapidly multiplying States, populous cities, nor the unrivaled expanse of rural cultivation, can awaken in the breast such emotions of pride and patriotism as the unfaltering belief that through all and over all this glorious land are established such laws and such institutions as will preserve forever, as the irreversible inheritance of the American people, "the absolute equality of manhood and the universal enjoyment of equal rights."

Mr. YOUNG. Mr. Speaker, in the hour of grief, in the ministrations of affliction, when the sable drapery of mourning is drawn in heavy folds around us and the mind is overshadowed with gloom, silence is sometimes more eloquent and impressive than the chaste rhetoric of the scholar or the flowing declamation of the orator.

In the ceremonies of sorrow, in the expressions of regret and honor to the dead, the downcast face and drooping eye sometimes speak the emotions of the heart in language more touching and truthful than the studied and polished utterances of the eulogist or the glowing phrases clothed in the beautiful imagery of the poet.

After what has been so fittingly and eloquently said by my colleagues who have just spoken, I might with propriety keep my place among the silent spectators of these solemn and impressive ceremonies without by speaking incurring the risk of detracting aught from the beauty of the tributes which they have offered to the memory and public services of the distinguished citizen of our State whose death has just been formally announced to this body; and, indeed, I should have stood reverently, sadly, but in silence before the altar of the people's sorrow, this day unveiled in the council chamber of the nation, but for the reason that had I done so I should not have reflected the wishes nor met the expectations of a large number of those who clothed me with the honors of an American legislator and sent me here to speak in their name.

But in the little which I shall say expressive of their and my own estimate of the character of the distinguished man whose fortunes they followed with equal courage in the gloom of defeat and the brightness of success, I shall not exaggerate his virtues by the extravagant laudations of the friendly eulogist, nor unveil his faults with the hostile hand of the carping critic. The one is the task of the orator upon the rostrum, the poet in song, and the enthusiast in history, while the other is the congenial work of those who forget the good, and remember only the evil that men do, and never learn to cast the mantle of charity even over the graves of those with whom they have struggled in life.

Of great men, whether living or dead, the truth may be fitly spoken. The scales in which their character is weighed may be held with an impartial hand, no matter whether good or evil disturb the equal poise.

ANDREW JOHNSON when living was not wont to shrink from any combat, nor quail before any foe; and now that he is dead, and the

story of his checkered life is passing into history, there is perhaps but little cause to invoke the eulogy of his friends or to supplicate the forbearance of his enemies. To say that he was a perfect man, that no fault marred the symmetry of his character, that no error of action, no weakness or vice of nature dimmed the lustre of his fame, would be to raise him above the level of humanity and clothe him with attributes not found in the history of mankind. But as the purest gold is alloyed with baser metal, as some ingrain flaw dims the sparkling light of the rarest jewel, so the fame of the most exalted human character is shadowed by some human frailty.

The page upon which the future historian shall record the career and achievements of ANDREW JOHNSON will be fraught with deeper interest to the thoughtful mind than almost any other in the great volume of American history. The story of his life from the time he laid aside the implements of the humble artisan through all the gradations of political preferment until the day, only a little while ago, when he was laid in the grave, is a record of bold conception, high aims, grand struggles, and marvelous triumphs.

To relate his struggles and his successes, his combats and his victories, would fill the pages of many volumes; to even group together without comment the grander and more dramatic events of his wonderful career, from the humble work-shop of the country village to the stately mansion of the nation's rulers, would extend my remarks beyond the limits fixed by the proprieties of this occasion.

Reaching the period of manhood and entering upon the journey of life without fortune or friends, unlearned in the lore of books, not even acquainted with the simple characters which make their silent pages speak the thoughts of others and reveal to the mind the rich treasures of human learning, he grappled with and overcame these obstacles to greatness with the same tireless energy and persistent courage which he brought to the accomplishment of every undertaking of his future life.

Endowed by nature with a manhood that knew no fear, an energy that knew no rest, a mind original and unique in its cast, which no system of ethics, no school of learning could fetter or control, his character stands among the figures of American history without a model, grand and striking as the rugged mountains which girdle his beautiful Tennessee home.

In no country on earth, save in this land of free speech, free thought, and free institutions, could there have been such a career as ANDREW JOHNSON's. Making his first appearance as a legislator and representative of the people in the village council and then as a delegate to the Legislature of his State, he evinced at that early period the same inflexible integrity, stern devotion to duty, and strict adherence to the delegated powers of a public servant which governed him in his future political life.

Growing in public favor and recognized by the people as the champion of their rights, the fearless defender of their interests, he was elected a member of the national Congress, and then scarcely known, save by the sturdy yeomenry that dwelt among the mountains and in the green valleys of East Tennessee, he entered this hall and took his place among the counselors of the nation. Here he found a fitting field for the exercise of those wonderful powers with which nature had gifted him; here he entered an arena in which he could display all the prowess of the mighty athlete which he was soon to become.

Elected chief magistrate of his State, he filled the seat once held by a Sevier, a Carroll, and a Polk, with an ability equal to his illustrious predecessors, and reflected renewed honor upon the great Commonwealth over which he presided.

Fortune still smiling upon her chosen favorite, he was elected by the Legislature of Tennessee a Senator in the Congress of the nation, where he grappled in equal combat with the great orators and statesmen who then composed that august body.

Still moving onward in the fulfillment of the high destiny allotted him by nature, he was called by the voice of the people to the second highest office in their gift; and before its mantle had scarcely been adjusted the providence of God placed in his hand the scepter wielded by the chief ruler of our great Republic.

This brief sketch of a single character, this short story, so plainly told, of a single life, covers events so strange and developments so startling, one might well suppose that the hand of the romancer had seized the pen of the historian and written upon a page swept by the wand of the magician. The unlettered youth, the country rustic, becoming by his own unaided exertions a polished orator, a learned legislator, a great leader of the people, and finally the ruler of his nation, presents a picture seldom drawn by the pen of the sober historian.

The name of ANDREW JOHNSON will go into history coupled with the great events which attracted the interest and attention of mankind during the age in which he lived.

Many of his public acts, as well as the general tenor of his life, endeared him in a peculiar manner to the hearts of the people, the humble masses of his countrymen. They followed and trusted him with a confidence and affection rarely ever accorded before to an American politician, and in the strength of their devotion and exuberance of their enthusiasm they crowned him the people's sovereign.

Early in his public career, there sprang into existence, as the offering and product of that restless spirit which has always pervaded American politics, ever seeking changes and innovations, a party organization teaching hostility to a large class of our people, and making the character of their religion, and the place of their birth the test of political preferment. Gathering strength by the novelty of its teachings, and crossing the border of surrounding States, it was spreading over Tennessee like a rushing wave, sweeping away all opposition, until it met in ANDREW JOHNSON a stern, relentless foe, under whose stalwart blows it was shattered to atoms, and it now only lives in the history of the past.

No marvel, then, that every man of foreign birth, who has found a home upon American soil, shelter and protection under the broad banner of our free government, honors and reveres the name and memory of the enlightened statesman, the bold and generous champion who battled so gallantly to maintain for them the rights of American citizenship.

Identified with the people in all their feelings and sympathies, having an intuitive perception of their wants and interests, he was ever active in the furtherance of those measures of legislation peculiarly calculated for the protection of their rights and the advancement of their happiness.

While his unbending will and strong combative nature made him smite rudely and wrestle fiercely with rival leaders whom he encountered, sometimes bringing upon him the enmity of the great and the powerful, yet the weak and defenceless were always his friends.

Studying profoundly our theory of government, so congenial to his nature and instinctive convictions, he became one among the ablest expounders of that palladium of our liberties, the safeguard of our rights, the Constitution of our country. To this, as he construed it, he adhered with unyielding firmness during all his long official life; by this he was guided in all his public actions. That which fell short of its requirements or went beyond its limits received from him no mild rebuke, no gentle touch, but was the signal of instant combat.

Once fixed in his convictions he followed them with an energy that never relaxed, an industry that never tired, a vigilance that never slept, and a courage that never faltered or deserted him.

In the great historical events which transpired during his busy, eventful life his nature rose to the dignity of the occasion, and in all the changing vicissitudes of his career he lost none of that fixedness of purpose and persistency of will which carried him over so many obstacles, from the obscurity of the village artisan to the world-wide fame of the great commoner.

Whether basking in the sunshine of popular favor as the idol of the hour or battling against the storm of party proscription, he remained steadfast in his faith of the final triumph of the principles for which he contended, the measures which he advocated.

When the folly and madness of the American people had culminated in a fierce storm of civil war; when millions of armed men rushed to battle; when our whole social and political structure reeled and trembled in the terrible convulsion, he had the firmness to resist the entreaties of his friends, the allurements of the highest ambition which their partiality could have gratified, and to pursue the convictions which led him in a different direction.

When, in the heat of partisan zeal, before the quiet dignity of the statesman and the calm reflection of the patriot had taken the place of the frenzied passions and vindictive enmities engendered by the war, he was arraigned for trial before hostile judges, charged with a violation of that instrument which he had made the study and guide of his life, here he appalled his accusers and won the plaudits of the world by a dignity and moral grandeur of deportment that might have saved Charles of England from the scaffold and a monarch of France from dying by the guillotine.

Firm and unbending before the fickle storm of public opinion, which was for the time beating against him, and making no effort to change its current, he retired from his high office with the dignity of a Roman senator and the unpretending patriotism of a Cincinnatus, and returned to the home in the mountains from which he had so often been called by the voice of the people.

He presented the spectacle—all too rare in modern history—of a man spending an entire life-time in his country's service, filling the highest station in its gift, holding in some measure both its purse and its sword, going back in the evening of his days to private life poorer than most of those who give only ordinary talents to the usual avocations of life.

No bribe ever found its way into his hand; no corruption ever stained his record; and it was the pride of his life, the boast of his friends, that even his enemies have borne willing testimony to the purity of his private and the honesty of his public life.

It is yet too soon to write impartially the history of this remarkable man. His combats are too recent; too many of the foemen with whom he contended are still living; the blows he dealt are yet too keenly felt. The snows of a single winter have not yet fallen upon his new-made grave in the village church-yard. In it let him rest until a future generation, unbiased by the friendship or enmity of the present, shall sit in judgment upon his actions and accord him that place in history to which he shall be entitled.

The thoughts, feelings, and aspirations which have occupied great minds in life have sometimes been the burden of their last whisper as they were being forever enveloped in the gathering shadows of death.

When the great Napoleon lay dying in exile, long after his splendid career had closed, his mind wandered back to the days of his glory,

when he was the leader of those invincible armies whose marches over Europe were lighted with the constant blaze of victory: he whispered with failing breath the same martial words which had rung over so many fields of battle.

When the great English admiral, the heroic Nelson, had fought his last fight, had won his last great victory, and was being borne bleeding, dying, from the bloody deck, he uttered those words which have gone into history and been inscribed beside his name high up upon the roll of naval heroes.

ANDREW JOHNSON, when about to step across the narrow stream which divides us from the broad ocean of eternity which spreads out beyond, when the sound of its rushing waters was falling upon his ear, unmindful of the terrors of the grim specter whose shadowy outline was drawing near, said to those around him: "Let my body be shrouded in the flag of the nation and my head be pillowed upon the Constitution of my country." What grander thought, what higher aspiration, could fill the mind of an American patriot and statesman in the hour of death!

No wonder, then, that those antagonisms growing out of party differences and bitter political strifes should have been softened or forever obliterated from the minds of his most relentless enemies, and that all over the civilized world men should feel that a great spirit had fallen when the lightning's flash, flying over valleys, along mountains, and under the billows of the ocean, brought the silent message, "ANDREW JOHNSON is dead!"

The aphorism that "republics are ungrateful" can no longer hold a place in truthful history. What king or potentate ever received higher honors from slaves and courtiers than the American people have conferred upon this untitled republican leader, making him the chief ruler of their nation while living, and now that he is dead the representatives of fifty millions of freemen pause in the business of legislation to do honor to his memory?

Every people, since the day the Romans planted their great empire upon the banks of the Tiber and the Greeks spread their civilization along the shores of the Mediterranean, have done honor to the fame and achievements of the great and illustrious of their countrymen after they were dead, whatever judgment they awarded them when living, and they have filled their galleries with paintings and studded their cities thick with monuments in commemoration of their deeds and in honor of their memory.

Nor have we been less generous to our illustrious dead than other and older nations of the world. The canvas upon which their features have been portrayed hangs from the pillars and decorates the walls of the Capitol, while their forms, cast in bronze or sculptured in marble, stand in the alcoves of the Rotunda like silent sentinels guarding the citadel of free institutions and American liberty. And though the glowing canvas may fade, the brass corrode, and the beautiful marble crumble into dust, yet their memory will live in story and song as long as tradition shall dwell in the human mind and until the stream of human history shall be lost in the waveless sea of oblivion. Death has of a verity been hurling its shafts at shining marks and taking its victims from the circle of the nation's great men.

Massachusetts has just buried HENRY WILSON, her own great commoner, who, like his distinguished compeer, rose from the humblest origin to the highest stations and most distinguished honors, and the emblems of mourning that festoon this Hall and droop with the half-mast flag of our country attest the nation's sympathy with the ancient Commonwealth of the East.

In the performance of these ceremonies, it would be well if we would forever forget the differences, growing as well out of the providence of God as the folly of men, which have so long and so unhappily divided those whom the interest of civilization and the destiny of their race require to be brothers not only in political relations but in social feeling.

It were better if we could consecrate this hour to the service of the living as well as to the honor of the dead by burying in the graves of ANDREW JOHNSON and HENRY WILSON the bitterness and hatreds which have so long burned in the hearts of our people. Let Massachusetts and Tennessee join hands over the tombs of their great statesmen and renew that broken bond of political union and fraternal affection which once bound them so nearly together.

Though they have entered the valley of the shadow of death, let us emerge from the shadow of our past misfortunes into the full brightness of that day the coming dawn of which already begins to gild with golden azure the heavy clouds which have so long hung upon our political horizon.

Now, in the opening of the centennial year of our national life, before the coming spring shall spread its vernal robe over the graves of our illustrious dead, let the yawning chasm rent by the throes of a horrid civil war be forever closed and the blessings of prosperity, good government, and perpetual peace be vouchsafed to a people who have made themselves worthy to receive them.

Mr. THROCKMORTON. Mr. Speaker, being a native of Tennessee and having had official relations with Mr. JOHNSON, I feel it to be a melancholy duty to join in seconding the resolutions now being considered. In doing so I desire to say Mr. JOHNSON by what he was, and by what he did, by his qualities, his fortunes and his work, is entitled to prominent mention among the great leaders of his age and his country.

He is notably a representative of the common people of the land; of that class to whom the Republic must look for defense against foreign foes, upon whose broad shoulders the great industrial enterprises that minister so essentially to the necessities, comforts, and civilization of the nation rest; and who furnish the common sense from which the overruling sober second thought, so necessary to the preservation of our political equipoise, comes, and the sterling integrity that prompts all sacrifices and impels all great endeavors for patriotic purposes against either domestic or foreign foes. Without the advantages of wealth, social or influential aids; embarrassed by abject poverty; with the burdens of a dependent family, this child of the people, by sturdy toil, won his honorable success. He achieved competency, acquired knowledge, gained public notice and confidence; and from the humblest beginning arose step by step to the highest and most influential positions attainable by the most gifted and favored of the Republic, illustrating most fully in his career the beneficent and elevating effects of our free and liberal institutions. His success in life is not more noteworthy in the magnitude of difficulties surmounted and the honorable ends it compassed than by the simple and ordinary method by which it was accomplished. No magician preceded or accompanied him, by wand or lamp, to destroy his foes, build his palaces, or win his castles; but, living under institutions that furnished equal facilties for all and gave equal motives to well-doing for each, under the movings of a great nature he recognized the dignity of labor and contemplated the victory as much and as certainly as the resultant thereof as does the farmer regard the harvest as the result of his toil. Not by trick, nor by fortune, nor by favor, nor by fortuitous circumstances, but by painstaking labor, he conquered competency, knowledge, public confidence, influence, position, and all the distinguishing qualities and successes that make up the record of his remarkable career; and he leaves as a legacy, not the least valuable of those bequeathed to his country in his example, that not only may the humblest citizen aspire to a career as honorable as that of ANDREW JOHNSON, but that none are so poor as not to possess the same homely appliances of success, the diligent use of which rendered him so distinguished.

He is a remarkable instance of that type of our great men who have been distinguished for the persistency with which they have adhered to their political convictions. Born in the native State of Jackson, and resident in Tennessee where the hero of New Orleans lived, and coming into public life when this great leader was prominent in the councils that governed the nation, his political views belonged to the school of that great man rather than to either those of Calhoun or Clay, antagonizing in some sort the extremes of each on the question then vexing the public mind relative to the supremacy of the State or national authority. He believed in the sanctity of the local governments, because guaranteed in their functions by the Constitution of the sisterhood of States; yet as to the political relations of the States to each other he recognized the Federal authority as supreme. When in 1861 his section embraced the Calhoun theory rather than the Jacksonian view, he remained steadfast to his convictions, notwithstanding the violent and overwhelming opposition of his section. When his party, while he was President, went to the other extreme, and so far pressed the national idea into legislation as to substantially destroy the constitutional rights and authority of the local governments, he refused to follow their leadership, and stood by his early convictions.

Again, he recognized in his early public life the supremacy of the civil authority over the military, as guaranteed by the Constitution. In later life, amid the distempers and passions bred by civil war, no partisan considerations, no persuasion of political friends, no provocation of political foes, could induce him to ignore or violate this cardinal principle of our institutions. Still another belief of his youth and of his mature years, was one taught him when he was poor and friendless, and which he did not forget when he attained prosperity and distinction, that the people are not only the original depositaries of all power, under our form of government, but that they, in the exercise of the ballot and formation and influence of an intelligent and wholesome public opinion, are the conservators of free institutions. He was a man emphatically of the people, feeling that his personal citizenship exceeded in dignity any official position that he might hold; and he retained through life a profound confidence in the popular integrity and judgment. And when any great exigency was upon the country he looked not to cliques, nor to caucuses, nor to political conventions for relief or a wise solution of pending problems, but he always felt that with free speech and a free press the popular reference was the wisest, and always awaited the settlement by the people of the gravest questions with perfect confidence. He believed that not only the patriotism but the common sense of the people would be equal to any demand the country might make upon them, his consistency appearing not in uniform affiliation with any of the great parties, but in his persistent adherence to his convictions, despite party changes and party considerations.

Finally, ANDREW JOHNSON deserved well of the whole country, and especially so of the South: not only because a citizen and an efficient representative of the interests of that section in the highest councils of the nation, but particularly because of the policy pursued by him pending the existence of the trying ordeal to which that section was subjected in the process of political rehabilitation.

When the country, by the very crash of the conflict through which its unity and integrity were preserved, seemed to have been bewil-

dered and cut loose from its moorings, and constitutional methods of restoration were deemed inadequate and were abandoned as insufficient, and peace and restoration were sought by proscription, he stood firm amid the general strife and wild confusion, imbued with the generous spirit, and proposing to carry out the catholic and brave measures of his great and lamented predecessor. He, by counsel and message, by act and deed, while appreciating the fact that we were brethren separated from each other because of radically varying conceptions of the Constitution, honestly entertained, and not that either party was essentially vicious, or recreant to the traditions of the country or the memory of the fathers, perceived that political restoration brought privileges as broad as the duties that it imposed, and that no re-adjustment could be real that did not proceed on the basis of mutual respect, and did not conclude and culminate in mutual good-will; and that these great ends could only be attained and secured by constitutional methods. He abated nothing in his demand for obedience to law, yielded nothing of his love of country, but made, or endeavored to make, reconstruction as little humiliating to the defeated people of my section, and as little onerous, as the facts and necessities of the great occasion would permit.

A man of strong will, sometimes he seemed arbitrary; of positive convictions, he seemed dogmatic; of comprehe sive views, looking not only at the beginning but to the end, h seemed impracticable; of profound convictions, and not swayed by considerations of expediency, he seemed unreasonable. With life's victory won by a struggle so sternly earnest that the nature developed by the very discipline that made it large and imposing became somewhat indurated, yet in simple manliness, sturdy integrity, and a personal fidelity to friend and country that never wavered his was a grand character; and, take him all in all—his beginning, his work, and the end—he has not left his peer, and we shall scarcely in this generation look upon his like again.

His messages to Congress, in my judgment, rank among the ablest of American state papers, and will be regarded in the future as among the strongest vindications of the rights of the citizen and the States that have been produced by the statesmanship of our country.

When that auspicious day shall come, as I trust it will at no distant period, that the passions and prejudices engendered by the late sectional strife have been b nished from the hearts of our people forever; when the American mind, North and South, East and West, can regard the prowess of the soldiery of both sections and the grand achievements of the military leaders on both sides and do justice alike to all, regardless of the cause or section represented, as representative types of American character and American greatness; when that time comes, and the popular heart is moved but by one impulse of devotion to the Union and the Constitution, then will the memory of Mr. JOHNSON live in the hearts of the masses of our countrymen, and then his faults, from which none are exempt, shall cease to be remembered.

The question being taken on the resolutions offered by Mr. MCFARLAND, they were agreed to unanimously.

And accordingly (at four o'clock and thirty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BALLOU: The petition of W. G. Barnard, for relief, to the Committee on Claims.

By Mr. BELL: The petition of citizens of Manchester, New Hampshire, for a repeal of the proprietary stamp-tax, to the Committee on Ways and Means.

By Mr. CATE: Petition for mail-routes in Benton, Marquette, and other counties in Wisconsin, to the Committee on the Post-Office and Post-Roads.

By Mr. CROUNSE: The papers in the case of Chauncey M. Lockwood, for compensation for carrying mails, to the same committee.

By Mr. DOBBINS: The memorial of George R. Wilson, for additional compensation for the use by the Government of his inventions, to the Committee on Claims.

Also, the petition of Allen B. Wilson, for an extension of his patent on sewing-machines, to the Committee on Patents.

By Mr. FELTON: The petition of Allen Humphries, for a reconsideration of a rejected claim, to the Committee on War Claims.

Also, the petition of Andrew P. McCool and others, for a reconsideration of rejected claims, to the same committee.

By Mr. FORT: The petition of John Norton and 103 other citizens of Varna, Illinois, for a repeal of the amendment to the postal law increasing postage rates on third-class mail matter, to the Committee on the Post-Office and Post-Roads.

By Mr. FRANKLIN: Papers relating to claim of James Brice for damages sustained by Indian depredations, to the Committee on Claims.

By Mr. GARFIELD: The petition of W. W. Burns, for pay due him as royalty on tents of Sibley's patent, to the Committee on War Claims.

By Mr. GIBSON: The petition of Peter F. Kindale, for pay for raising steamship Porter in Mobile Bay, &c., to the same committee.

Also, the petition of Juliette Perkins and Marie Perkins, for pay for cotton seized by United States authorities, to the same committee.

By Mr. GOODIN: The petition of Harry Fones, that his commission as second lieutenant, United States Army, be dated back to June 7, 1853, to the Committee on Military Affairs.

Also, the petition of W. C. O'Brien, for compensation for the destruction of his grist-mill, &c., by the United States, to the Committee on War Claims.

Also, the petition of Celia C. Short, relative to Indian depredations, to the Committee on Claims.

Also, the petitions of L. A. Thrasher and Mrs. C. C. Short, of similar import, to the same committee.

Also, the petition of Nicholas White, for compensation for occupation and destruction of property by the United States, to the same committee.

By Mr. HARDENBERGH: Papers relating to the claim of Fred. W. Pasthoff, for pay for damages sustained by reason of detention of goods by the United States, to the Committee on War Claims.

By Mr. HENDEE: The petition of Mrs. Fanny B. White, for a pension, to the Committee on Invalid Pensions.

By Mr. HOLMAN: The petition of Bartholomew County Agricultural Society of Indiana, for pay for use and occupation of the fair grounds of said association by the United States, to the Committee on War Claims.

By Mr. LYNCH: The petition of M. J. Shirk, for pay for property destroyed by the United States, to the Committee on War Claims.

Also, the petition of citizens of Natchez, Mississippi, for an appropriation for the payment of certain hospital claims against the United States, to the same committee.

Also, papers in relation to the claim of Julia Nutt, for quartermaster stores furnished the United States, to the same committee.

By Mr. MCCRARY: The petition of Andrew B. Battelle, for relief, to the same committee.

By Mr. MILLS: The memorial of Marcus Radich, a subject of Montenegro, for relief, to the Committee on Foreign Affairs.

By Mr. MOREY: The petition of George F. Brott, (assignee,) for compensation for loss of the cargo of the Sea Lion, seized and condemned as a prize of war in 1853, to the Committee on War Claims.

Also, the petition of Isaac Bloom, for relief, to the same committee.

By Mr. MORGAN: The petition of W. H. Phelps and others, citizens of Missouri, for repeal of check-stamp tax, to the Committee on Ways and Means.

By Mr. NEAL: The petition of M. M. Murphy, for relief, to the Committee on Claims.

By Mr. O'BRIEN: The petition of Isaiah Dowling, United States Navy, for relief, to the Committee on Naval Affairs.

By Mr. O'NEILL: The petition of Samuel N. Danielly, for a pension, to the Committee on Invalid Pensions.

By Mr. PAGE: The petition of Green & Trainor, for pay for loss on beef contracts, to the Committee on Claims.

Also, the papers in relation to the claim of John M. Dorsey and William Shepeard, to the same committee.

By Mr. PARSONS: The petition of Richard B. & Richard Kitchen, for relief, to the Committee on War Claims.

Also, the petition of John Gault, for pay as major in the United States Army, to the Committee on Military Affairs.

By Mr. PIERCE: The petition of Thomas Niles, for pay for use of land by the United States, to the Committee on War Claims.

By Mr. ROBBINS: The memorial of Peter Wright & Sons, for a refund of duties alleged to have been wrongfully assessed, to the Committee on Ways and Means.

By Mr. ROBERTS: The petition of Stark, Stanfer & Co., for pay for property taken by order of General Butler, to the Committee on War Claims.

Also, the petition of Moses Lacy, for pay for rent of house by United States quartermaster, to the same committee.

Also, the claim of G.W. Ford, for relief, to the Committee on Claims.

Also, the petition of Thomas W. Jones, for pay for damages done his schooner by the United States transport Star, to the Committee on Naval Affairs.

By Mr. RUSK: The petition of G. W. La Pointe, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Annie Farley, of similar import, to the same committee.

Also, papers relating to the claim of Harvey & Livesey, for labor, materials, and damages under contract to build masonry work at Rock Island, to the Committee on Claims.

By Mr. SINGLETON: The petition of Selmar Siebert, for pay for making copper plate of chart of Straits of Mackinac, to the Committee on Appropriations.

By Mr. SMITH, of Pennsylvania: The petition of Catharine Barnes, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Thomas McBride, for compensation for a barge lost while in the United States service, to the Committee on War Claims.

By Mr. SWANN: The petition of John T. Bristow, for the remission of a fine imposed by United States courts, to the Committee on Claims.

Also, the petition of J. E. Montell & Brother, for a refund of stamp tax on snuff declared to be free of tax, to the Committee on Ways and Means.

By Mr. THORNBURGH: The petition of William Horner, for a pension, to the Committee on Invalid Pensions.

By Mr. VANCE, of North Carolina: The petition of Mrs. J. Elder, for arrears of pension, to the same committee.

Also, the petition of A. M. Gudger, for pay for property taken by the United States, to the Committee on War Claims.

Also, the petition of Stephen M. Honeycutt, for relief, to the Committee on Military Affairs.

Also, the petition of W. H. Moore, for pay for property taken by the United States, to the Committee on War Claims.

Also, the petition of Wiley G. Woody, for a pension, to the Committee on Invalid Pensions.

Also, a paper relative to a post-route in Buncombe County, North Carolina, to the Committee on the Post-Office and Post-Roads.

By Mr. WADDELL: The petitions of W. T. Atkinson, Kinchen Britt, Penelope Ham, James Deans, Stephen Howell, E. D. Robinson, and Needham Smith, for a rehearing of their cases rejected by the Court of Claims, to the Committee on War Claims.

By Mr. WALLS: The petition of Lewis Goodwin, for pay for services in Government light-house, to the Committee on Claims.

Also, a petition for the relief of J. M. Micou, to the Committee on Claims.

By Mr. WARREN: The petition of Samuel M. Blair, for a rehearing in the case of his claim against the United States, to the Committee on War Claims.

By Mr. WILLIAMS, of Wisconsin: The petition of W. P. Stow, for relief, to the Committee on Claims.

By Mr. WILLIAMS, of Michigan: The petition of Henry A. Sangar, for relief, to the same committee.

By Mr. WILSHIRE: Papers relating to the claim of Wall Grayson, to the Committee on Indian Affairs.

IN SENATE.

WEDNESDAY, *January* 12, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. WINDOM presented the petition of J. A. Wilcox and 164 other citizens of Green Lake County, Wisconsin, praying for the speedy completion of the Fox River improvement and the construction of an ample canal along the banks of the Wisconsin River from Portage City, Wisconsin, to the Mississippi River, in accordance with the third plan recommended to the Government by Major-General Warren, of the United States Engineer Corps; which was referred to the Committee on Commerce.

Mr. CHRISTIANCY presented the petition of Frank J. Darling and 33 others, citizens of Michigan, praying that the name of John S. Clay may be placed upon the pension-roll; which was referred to the Committee on Pensions.

He also presented the petition of John S. Clay, of Shiawassee County, Michigan, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. KERNAN presented the petition of Henry Cunningham, praying the enactment of a special law granting him a pension on account of the loss of his son, James Cunningham, late a private in Company B, First United States Cavalry; which was referred to the Committee on Pensions.

He also presented fourteen petitions of citizens of New York, soldiers in the late war, praying for an amendment to the act of March 3, 1875, as to pensions, extending the time of limitation for obtaining arrears until July 4, 1876; which were referred to the Committee on Pensions.

Mr. DORSEY presented the petition of citizens of Fort Smith, Arkansas, praying for an appropriation for the improvement of the Arkansas River by removing the sand-bar opposite that city; which was referred to the Committee on Commerce.

He also presented a letter and memorial of the mayor and common council of Fort Smith, praying an appropriation for the improvement of the Arkansas River by the removal of the sand-bar opposite that city; which were referred to the Committee on Commerce.

The PRESIDENT *pro tempore* presented a memorial of the Legislature of Arkansas, in favor of the passage of an act refunding the cotton tax; which was referred to the Committee on Claims.

Mr. CONKLING presented thirteen petitions of citizens of New York, members of different regiments of New York troops in the late war, praying an amendment to the fifteenth section of the act to revise, consolidate, and amend the laws relating to pensions, approved March 3, 1873, to the end that they may receive pensions; which were referred to the Committee on Pensions.

He also presented a petition of citizens of the city of New York, praying the adoption of a resolution proposing an amendment to the Constitution of the United States prohibiting appropriations of money or property, directly or indirectly, to any religious body or sect; which was referred to the Committee on the Judiciary.

Mr. WHYTE presented the petition of Julius S. Bohrer, late master, United States Navy, praying to be restored to his position in the Navy as master as of January, 1856; which was referred to the Committee on Naval Affairs.

REPORTS OF COMMITTEES.

Mr. WRIGHT. The Committee on Claims, to whom was referred the petition of George R. Humphries, praying compensation for property seized by the United States during the late war of the rebellion, have had the same under consideration, and instructed me to report adversely thereon, and ask to be discharged from its further consideration.

I will state in this connection that I report back this case, as also the petition of Sylvanus Humphries praying compensation for like property, and also the petition of William J. Porter praying compensation, the petition of William Jackson, jr., praying compensation, the petition of John Tynes praying compensation, the petition of Atkinson W. Turner praying compensation, the petition of Meritt Alman praying compensation, the petition of Nancy Bowser praying compensation, the petition of Miles Holley, the petition of Sarah E. Wedelstedt, and the petition of George Holloway; and I wish to say with reference to all these claims that they seem to be of the same character, the petitions evidently drawn by the same person. In many instances they are signed by the petitioners with their mark. There is no testimony whatever in support of the petitions, and, the claims originating some ten years since, many, if not all, of them were cognizable by the southern claims commission. There is no reason shown why the petitioners did not apply before this to Congress, nor yet any reason why they did not go before the southern claims commissioners. Under these circumstances I ask that the report of the committee adverse to these claims be concurred in by the Senate by a vote that the report be adopted.

Mr. WITHERS. I could not hear the Senator over the way. What is the character of those claims exactly?

Mr. WRIGHT. The petitioners all ask compensation for property destroyed by the United States troops in 1862 and 1863. There is no evidence whatever in support of the petitions. Many, if not all, of them could have gone to the southern claims commission. There is no reason shown why they did not go there, nor is there any reason shown why they have not applied to Congress before this, the claims dating nearly fourteen years since.

The PRESIDENT *pro tempore*. The question is on concurring in the report that the prayer of these petitions be not granted.

The report was agreed to.

Mr. MITCHELL, from the Committee on Claims, to whom was referred the petition of Frances A. Robinson, administratrix of the estate of John M. Robinson, deceased, praying compensation for property taken possession of and used by United States troops at Independence, Missouri, during the late war, submitted a report thereon, accompanied by a bill (S. No. 237) for the relief of Frances A. Robinson, administratrix of the estate of John M. Robinson, deceased.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. CAMERON, of Wisconsin. The Committee on Claims, to whom was referred the petition of William F. Walsh, of New Orleans, Louisiana, praying to be paid a certain judgment of the United States provisional court of Louisiana out of the proceeds of sequestrated property of Trasimon Landry in the Treasury, have instructed me to report adversely. This case was reported adversely at the last session. No additional evidence is now offered to the committee, and the committee decline to review the conclusion reached by the committee of the last session, and they ask that the report be adopted.

The report was agreed to.

Mr. COCKRELL. The Committee on Claims, to whom was referred the petition of Cyrus W. Threlkeld, a citizen of Kentucky, praying to have refunded to him out of the United States Treasury the sum of $609, being the proceeds of the sale of eighty-six acres of land situated in that State and confiscated and sold by the judgment and decree of the district court of the United States for the district of Kentucky, rendered on the 24th day of February, 1865, reported adversely thereon, and the committee were discharged from the further consideration of the petition.

CUSTOM-HOUSE LOT AT ROCKLAND.

Mr. MORRILL, of Vermont, from the Committee on Public Buildings and Grounds, who were directed by resolution of the Senate of the 9th of December to inquire into the expediency of authorizing the Secretary of the Treasury to sell a small piece of land from the custom-house lot in Rockland, Maine, reported a bill (S. No. 235) providing for the sale of part of the custom-house lot in Rockland, Maine; which was read and passed to a second reading.

Mr. HAMLIN. I think that the bill may as well be acted upon now, for there can be no objection to it.

By unanimous consent, the bill (S. No. 235) was read the second time and considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to sell and convey a strip of land from the easterly side of the custom-house lot in Rockland, Maine, being that part of the lot lying easterly of the proposed street running through the lot, being about 18.6 feet wide at the northerly end and running southerly 121.4 feet to a point, and containing about

1,122 square feet, at public auction or private sale; but the land is to be sold for not less than the original cost to the Government.

Mr. HAMLIN. This is a little strip of land that lies on the opposite side of the street from the custom-house and that is of no earthly value to the Government; but it can be sold under the limitation in the bill that it shall not be sold for less than it cost, or at public auction, as the Secretary shall see proper. I think it is a thing most eminently fit to be done.

Mr. EDMUNDS. Would it not be well to add a proviso that the power to sell shall terminate in two years?

Mr. HAMLIN. I have no objection to that, but I will say one year. I move to amend the bill by adding the following additional proviso:

Provided, That the sale of said land shall be made in one year from the approval of this act.

Mr. CLAYTON. Is there any reason why this property should not be sold by public auction alone? I see the bill requires it to be sold at public or private sale. I suggest to the Senator from Maine that he strike out the words "private sale" and let it be sold at public sale.

Mr. HAMLIN. The answer to that is that this is a little strip of land that lies on the opposite side of the street from the custom-house and in the rear of certain buildings on another street. It is worth nothing to anybody in the world except to the owners in front of it. Now, if you sell it at public auction there may be a combination and you may get nothing for it, whereas, if you sell it at private sale and limit the sale to what it cost the Government, those men who own the buildings in front will purchase the property at a fair value.

Mr. CLAYTON. Would it not be better to offer it first at public sale, and, if not sold in that way, then sell it at private sale?

Mr. HAMLIN. That is a matter for the regulation of the Department. It is left to the option of the Secretary of the Treasury.

Mr. CLAYTON. I think it ought to be offered at public sale first, and I suggest an amendment to that effect.

Mr. MORRILL, of Vermont. I would say that this is a very small strip of land, a very acute triangle, only 18 feet 6 inches at one end, and running to a point at the other, and the whole amount of it is 1,122 feet, and not very valuable anyhow.

Mr. CLAYTON. Where is it located?

Mr. HAMLIN. In Rockland, Maine.

Mr. CLAYTON. I do not see any objection to offering it at public sale first. It certainly cannot interfere with the disposition of this property. If it be offered at public sale everybody has a right to bid, and if it does not bring what the Secretary thinks it should bring it can be withdrawn from public sale.

Mr. MORRILL, of Vermont. We have a communication from the Secretary of the Treasury approving of the proposition to have it sold.

Mr. CLAYTON. Very well; I withdraw all objection.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Maine.

The amendment was agreed to.

The bill was reported to the Senate as amended; and the amendment was concurred in.

It was ordered that the bill be engrossed for a third reading.

The bill was read the third time, and passed.

PAPER CONTRACTS FOR PRINTING.

Mr. ANTHONY. I am instructed by the Committee on Printing to report a bill (S. No. 235) to amend section 3367 of the Revised Statutes in relation to the purchase of paper for the public printing, which I would like to have passed this morning, as the intention of it is to save some money in some advertisements which are obliged to be put out immediately. It has met the unanimous approbation of the Committee on Printing of both Houses.

The PRESIDENT *pro tempore*. The bill will be reported in full if there be no objection.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That section 3367 of the Revised Statutes of the United States be, and the same is hereby, amended so that it will read:

"The Joint Committee on Public Printing shall fix upon standards of paper for the different descriptions of public printing, and the Congressional Printer shall under their direction advertise in two newspapers published in each of the cities of Boston, New York, Philadelphia, Baltimore, Washington, and Cincinnati, for sealed proposals to furnish the Government with paper as specified in the schedule to be furnished to applicants by the Congressional Printer, setting forth in detail the quality and quantities required for the public printing; and all acts and parts of acts inconsistent with this act are hereby repealed."

Mr. ANTHONY. This, Mr. President, enables the Congressional Printer to shorten an advertisement without any detriment to the public service or business, and that is the only object of it.

By unanimous consent the bill was read three times, and passed.

WITNESSES BEFORE MILITARY COURTS.

Mr. CRAGIN. I am directed by the Committee on Naval Affairs, to whom was referred Senate bill No. 202, to secure the attendance and payment of witnesses before military courts, to report it without amendment, and, as there are certain reasons for immediate action in this case, I ask that the bill may be considered at the present time if there be no objection.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks the present consideration of the bill. It will be read for information.

The Chief Clerk read the bill; which grants to every judge-advocate of a military court in the Army or Navy power to issue the like process to compel witnesses to appear and testify before such court which courts of criminal jurisdiction within the State, Territory, or District where such court shall be ordered to sit may lawfully issue; and that civilian witnesses in such military or naval courts shall be allowed the same fees as are allowed for travel and attendance in the civil courts of such State, Territory, or District; which fees shall be paid by any paymaster of the Army or Navy respectively, upon the certificate of the president and the judge-advocate of such court.

Mr. CRAGIN. This bill is precisely word for word like the present law, to be found on page 213 of the Revised Statutes under the chapter "Army," with the mere addition in the first clause of the words "or Navy." The last clause of the bill provides for the payment of civilian witnesses the same fees that are allowed them by the States or Territories wherever courts-martial may be held, and authorizing the paymaster of the Army and Navy to pay these civilian witnesses. There is a particular case now pending where it is doubtful whether a judge-advocate in the Navy has authority to subpœna witnesses, especially civilian witnesses, outside of the officers of the Navy. It is desirable that that question should be settled, and as this bill only adds the words "or Navy" to the present law and provides for the payment of the witnesses, I apprehend there will be no objection to it. If there is, let the bill go upon the Calendar.

Mr. EDMUNDS. I would like to ask the Senator, reserving the right to object, what he understands this bill will mean if it be enacted into a law? It says—

That every judge-advocate of a military court in the Army or Navy shall have power to issue the like process to compel witnesses to appear and testify, &c.

Now, does the Senator mean by that that a judge-advocate is to bring a witness up for contempt on his own order, if he does not appear to testify, and punish him for contempt of his authority?

Mr. CRAGIN. I suppose, if this bill is enacted into a law, it will have the same effect, so far as compelling the attendance of witnesses before naval courts, that now exists in regard to military courts. The Senator from Vermont is a good lawyer, and knows what the present statute is, and this is simply, word for word, the present statute with the addition of the words "or Navy."

Mr. EDMUNDS. My friend from New Hampshire is mistaken in two things. In the first place, I am not a good lawyer; and, in the second place, I do not know what the statute means. The statute as it now exists is very ambiguous indeed, and my suggestion is that we ought not to pass another just like it without putting it in language so clear that there will not be any misapprehension. It is true the present law says that a judge-advocate of the Army in any court-martial shall have power to issue process to compel the attendance of witnesses; but what is the true construction of the present statute which applies to the Army is to my mind a question of a great deal of doubt. I should be indisposed, for one, to repose in any one single officer, the prosecuting officer before a military court, the power to issue process to compel witnesses to attend, and to punish them because he thought they were in contempt of his authority; in other words, to direct his orderly, or whatever the military officer may be, to go and arrest a citizen and bring him by force before him. There is no clause in the statute that I know of which gives military courts power to punish contempt committed by civilians; but this is an authority in the Revised Statutes as it stands now, not to the court-martial, which I could readily understand—and that is the way it ought to be—not an authority to the court-martial through its judge-advocate to issue process to compel the attendance of witnesses before it by bringing them up bodily if they do not choose to come on an ordinary subpœna, but it confers power alone upon the judge-advocate, a particular officer. If the witness does not obey his summons has he authority to issue another mandate to bring up the witness and punish him himself by a fine or imprisonment for contempt? If he has that authority, in my opinion he ought not to have it. If he has not that authority, where do we raise the presumption that a court-martial has any such authority? This section of the Revised Statutes does not confer it; it is not conferred in fact upon a court-martial at all; and therefore, this present statute being in so much doubt as to its proper construction, as it does use the terms "compel the attendance of a witness," not merely to issue a subpœna, it appeared to me that we ought to put this fresh statute, which covers all the ground of the present one and of the Navy as well, into plain words that would either confer upon a court-martial the power to punish witnesses for contempt if not appearing, or else put it so clearly that neither the court nor the judge-advocate should have the power.

It is plain to my mind, and I think every Senator will agree with me, that we ought not to confer any such power upon a single judge-advocate of anybody's court any more than we would upon the district attorney in any of our civil proceedings. That is what has led me to make these inquiries. It does not appear to me that we ought to pass a statute which is so open to doubt and misconstruction. We ought to make it plain one way or the other; and so I think the bill had perhaps better go over for consideration.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. WHYTE. I desire merely to state, for the information of the Senator from Vermont, that naval courts-martial have power now by the Revised Statutes to punish witnesses for contempt in refusing to

testify. I rather think that this bill contemplates the payment of witnesses rather than anything else. The power is lodged now with naval courts-martial to punish witnesses who refuse to testify before them.

Mr. LOGAN. Witnesses who belong to the Navy, not civilians.

Mr. WHYTE. It does not limit it.

Mr. THURMAN. What is the question before the Senate?

The PRESIDENT *pro tempore*. The Senator from New Hampshire [Mr. CRAGIN] asked for the consideration of a bill reported by him from the committee of which he is chairman, and the Senator from Vermont [Mr. EDMUNDS] having objected to its present consideration, it goes on the Calendar according to the rules.

Mr. CRAGIN. On reflection I move that this bill be referred to the Committee on the Judiciary on account of the importance of the subject. I suggested that course to the Senator from Vermont at the time I introduced the bill; but he, evidently wishing to be modest, suggested that it be referred to the Committee on Naval Affairs. The bill, as I said before, is designed especially for a particular case, and an important case, where it is necessary that civilian witnesses should be summoned to testify before a court-martial, and some of them have already raised the question that there is no authority on the part of the judge-advocate to summon them. I move that the bill be referred to the Committee on the Judiciary, and I hope they will very speedily consider the subject and report the bill.

Mr. EDMUNDS. I do not think it is necessary to refer the bill. It is a simple point, and an amendment can be prepared without the formality of a reference. I do not believe it is worth while to do that. Let it stay on the table.

Mr. CRAGIN. Then I withdraw the motion.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

BILLS INTRODUCED.

Mr. WHYTE (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 238) to restore Julius S. Böhrer to the Navy of the United States; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. CLAYTON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 239) authorizing the Secretary of War to correct an Army officer's record; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. CONKLING asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 240) relating to the jurisdiction of the circuit courts of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. HARVEY asked, and by unanimous consent obtained, leave to introduced a bill (S. No. 241) to equalize the bounties of soldiers who served in the late war for the Union; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduced a bill (S. No. 242) to abolish capital punishment; which was read twice by its title, and ordered to be printed.

Mr. WRIGHT. I introduce the bill without committing myself to its provisions. I move its reference to the Committeee on the Judiciary.

The motion was agreed to.

Mr. DORSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 243) to place all colored troops who enlisted in the Army on an equality with other soldiers as to bounty and pensions; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 244) to establish the collection district of Arkansas; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. CONKLING, it was

Ordered, That the petition and papers in the case of Annie E. Paige be taken from the files and referred to the Committee on Claims.

Mr. OGLESBY. I ask the adoption of the following order:

Ordered, That the petition and papers of Joseph Robbins, of Quincy, Illinois, praying additional compensation for services rendered the United States as examining surgeon of applicants for invalid pensions, be taken from the files and referred to the Committee on Claims.

Mr. WRIGHT. I wish to inquire of the Senator from Illinois and also of the Senator from New York, who ask for the withdrawal of papers, whether there have been adverse reports in either of these cases?

Mr. OGLESBY. I will state to the Senator from Iowa that there has been no adverse report in this case, because the Committee on Claims, in reply to my urgent solicitation, said they could not find time to act upon it at all at the last session, and they thought it better to let it go over to this session and start afresh with a new Congress. I have taken their suggestion.

Mr. WRIGHT. There has been an adverse report in the case?

Mr. OGLESBY. None at all.

Mr. WRIGHT. I should like to inquire about the other case, whether there was an adverse report.

Mr. CONKLING. Without knowing personally, my information is that there was not.

The order was agreed to.

On motion of Mr. COOPER, it was

Ordered, That the petition and papers of B. & D. W. Fenton be taken from the files and referred to the Committee on Claims.

On motion of Mr. CLAYTON, it was

Ordered, That the petition and papers of William G. Ford be taken from the files and referred to the Committee on Claims.

TREASURY ACCOUNTS.

Mr. DAVIS. A few days ago I gave notice that on to-day I should ask the Senate to permit me to make some remarks on the public expenditures, the revenue, and the public debt of the Government. I now offer a resolution, which I wish to have read for information, and printed, and laid on the table until to-morrow morning, when I will ask the Senate to take it up, and to allow me to submit some remarks upon it.

The Chief Clerk read the resolution, as follows:

Whereas there appear to be material alterations and discrepancies in the official finance reports of the Treasury Department as to the annual expenditures, receipts of the Government, and public debt, and particularly in the reports of 1869 to 1872, inclusive, which discrepancies and changes and alterations involve large amounts, and no satisfactory explanation appears on the face for the same: Therefore,

Be it resolved, That a committee of five be appointed to investigate the books and accounts of the Treasury Department, particularly with reference to discrepancies and alterations in amounts and figures that have been made in them, especially in the annual statements of the expenditures of the Government, revenue collected, and the public debt, contained in said reports, and if any such discrepancies and alterations be found to exist, to report the same and the extent and nature thereof, the years wherein they occur, by what authority made, if any, the reasons that induced them, and to report generally such other and further information bearing upon the subject as to them may seem best, and that said committee have power to send for persons and papers.

The resolution was ordered to be printed and lie on the table.

OFFICE OF PRESIDENT PRO TEMPORE.

The PRESIDENT *pro tempore*. If there be no further resolutions the morning hour has expired, and the Chair will lay before the Senate the unfinished business, being the resolutions of the Senator from Indiana [Mr. MORTON] in regard to the tenure of office of the President *pro tempore* of the Senate. The question is on the motion of the Senator from Ohio [Mr. THURMAN] to postpone indefinitely the third resolution.

Mr. EDMUNDS. Let it be read.

The Chief Clerk read as follows:

3. *Resolved*, That the office of President *pro tempore* of the Senate is held at the pleasure of the Senate.

Mr. EDMUNDS. Mr. President, I am so much surprised at the doubt my friend from Ohio [Mr. THURMAN] expressed about this thing that I think it necessary for me to say a few words upon the subject for my own satisfaction, if not for that of anybody else.

The power of the Senate to elect a President *pro tempore* is one which is named in the Constitution. It is there provided—

The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

I think it obvious, from the well-known course of law existing at the time the Constitution was formed, that this clause empowering the Senate to choose a President *pro tempore* was inserted merely to rebut an implication that would arise from the statement that the Vice-President shall be President of the Senate. If that clause had not been put into the Constitution there would have been no need to insert the other, that the Senate should have power to choose a President *pro tempore*, any more than there would have been to insert in the powers of the House of Representatives a power on the part of that body to choose a Speaker *pro tempore;* and no such clause is introduced into it because, as I say, it was well known, from the constitution of all parliamentary or other deliberative bodies, that it is one of their inherent powers, in order that they may act at all, in order that they may exist in any active sense, that they shall select some person to preside over their deliberations.

Therefore it appears to me plain, in the first place, that this clause touching the power of the Senate to elect a President *pro tempore* was merely put in to exclude the presumption which might otherwise have arisen from the preceding clause which states that the Vice-President of the United States shall be the President of the Senate—to exclude the presumption that that was an exclusion of the power of the Senate to have a President *pro tempore* in his absence, and the Senate in that case, of course, would be obliged to wait until he should come, just as for a long time in England the House of Commons were totally unable to do any business at all, according to their precedents and usages, when the speaker was absent or sick or unable to take the chair; for they had no power, as they then understood, growing up as they did, to select anybody to act as speaker *pro tempore*. They got over that delusion, however, I will add, a good while ago; but that used to be the first impression.

Inasmuch as this first clause would be a direct declaration that the Vice-President of the United States, and he alone in a legal sense, should be the President of the Senate, in order to guard against any question that might arise as to the ordinary power of the Senate to

exercise what would otherwise be one of its inherent functions, this additional clause was inserted, that in the absence of the Vice-President, or while he exercised the duties of President of the United States, the Senate should choose a President *pro tempore*.

Then the question is what is a President *pro tempore*? The Constitution does not say "they shall choose a President to fill the vacancy caused in the presidency of the Senate when the Vice-President exercises the office of President of the United States," which is for a fixed period, when the President dies, during the whole period of his unexpired term. So I conclude that if the Constitution-makers had intended that the President *pro tempore* of the Senate, in spite of the very meaning of those words, should be an officer who had a title to an office which was continuous, determined either by the efflux of time or by some external contingency, they would have said so and would have declared, when they were regulating the office of the President *pro tempore* of the Senate, that this officer should hold his office until the Vice-President should again take the chair or until the expiration of the term of the Vice-President who had been transferred to the performance of the duties of President of the United States. That would have most naturally occurred to everybody who had intended that the Presiding Officer of the Senate should be an officer irremovable at the pleasure of the Senate, as upon all principles it is agreed that but for this clause he would have been. I think that was admitted in the debates by gentlemen on the other side. It would have been easy for them to have said so; and had it been in their minds there can be but very little question that they would have said so, as it appears to me.

But what does "President *pro tempore*" mean? It has never been held, that I know of, until this discussion, that "*pro tempore*" means during the period of the absence of the Vice-President or during the period that he is exercising the functions of President of the United States; "*pro tempore*" does not mean that, or it never did until now. It has always been understood to mean—and I believe there is as little question about its uniformity of construction as of any words that ever appear in proceedings—"for the time being;" that is, the instant, the present time, and not for any future time, either to-morrow or next day. A president or an officer, anything "for the time being" is for the present time, and to-morrow would be another time; and, but for the construction that we have put upon this clause of the Constitution, and which we have affirmed by the resolutions we have already adopted, I should have had no doubt that it would have been the duty of the Senate every morning during the absence of the Vice-President to elect a President *pro tempore* for that day. I should have had no doubt about it at all; but we have construed by a long course of usage the duration of the office of our President *pro tempore* not to terminate with the particular day of our session upon which he is called to the chair; and so we have affirmed it now to be our law, and I believe it to be.

I am fortified in this opinion completely by the state of the English law upon the subject at the time the Constitution was made, and, indeed, ever since, until quite recently. Of course everybody knows that the Senate was constituted upon the model of the House of Lords. Senators do not hold their offices for life, as the Lords do, but they hold them independent of direct elections by the people. They are selected by other bodies than the people—by the Legislatures of the States—and they have a limited term. Like the Lords, they have regularly a Presiding Officer who is not one of their body, but who is an independent and external officer, if I may use that phrase. The Lord Chancellor in England, or, if he be dead, the Lord Keeper of the Great Seal, is the regular presiding officer of the House of Lords, not a member of the body, having no vote. In the practice of the House of Lords and under its immemorial proceedings, when the Lord Chancellor was absent, just as we say "when the Vice-President is absent," the Lords chose a speaker of the Lords *pro tempore*, the very phrase being used in all the journals and proceedings, as well known a parliamentary common law in England as any other law that existed in England at the time our Constitution was made. But you will find, when you look at the journals of the Lords, that although their standing order reads, as it appears in May's book on parliamentary law—I cannot find the original order—that they are to choose a speaker *pro tempore* "during the vacancy," which is a much stronger term than simply "*pro tempore;*" yet every morning they choose a fresh speaker *pro tempore*, usually the same gentleman, of course; but I am speaking of the officer. He only holds by virtue of the standing orders of the Lords from day to day, and the first thing after prayers are said and the house is counted, in the absence of the Lord Chancellor, is to elect a speaker *pro tempore*, and he holds through that day. The next day, the Chancellor not appearing, the same ceremony is gone through with, until the Lord Chancellor appears.

I say that the wise men who framed the Constitution and who were modeling it in this respect somewhat upon the methods and proceedings and characteristics of the government with which they were most familiar, in providing for this President *pro tempore* of the Senate in the absence of the Vice-President, must have expected that those words would have the same construction that they were known to have by the immemorial practice and common law of the House of Lords in Great Britain. So then our historic knowledge, as well as the words of the Constitution, clearly proves to my mind that the President *pro tempore* holds his office at the pleasure of this body, and that every day, if we like, we may select another officer, and but for our long practice—a very convenient one, too, indeed—I should have said, if the question were a new one, that he would only hold his office from day to day, without an order of the Senate, which it would be perfectly competent to make, of course, that he should hold for any definite length of time or until the re-appearance of the regular presiding officer.

But certainly, Mr. President, whatever may be said upon this topic, the Constitution does not fix the term of the President *pro tempore*. The most that can be said is that it leaves it open to doubt and dispute. It does not define how long he shall exercise the powers of that office. Now, then, the law in this country is perfectly well settled, (and every lawyer I suppose is familiar with it,) decided by the Supreme Court of the United States more than once, that where the Constitution does not fix—that is the language of the Court—the term of an officer appointed under the Constitution, he is removable at any time at the pleasure of the appointing power. I am not now discussing the question of removals by the President, whether with or without the consent of the Senate. That is open to dispute, as we all understand. But as the Supreme Court say, in the case of Hennen in 13 Peters's Reports, (which I have brought in for any gentleman to read if he likes,) whether the assent of the Senate be necessary to a removal by the President of an officer appointed under the Constitution, all parties agree, and it is clear law, that the appointing power, the whole body of the appointing power, has the clear right to remove at its pleasure any officer appointed under the Constitution whose term of office is not fixed by it. The Constitution confessedly does not fix the term, by any definite language of any sort, during which this officer shall exercise his functions. It does not say that he shall hold until the end of the term of the Vice-President who is exercising the office of President of the United States or that he shall hold until the Vice-President returns. It says he shall hold "*pro tempore.*" Now it is said to be open to doubt whether "*pro tempore*" means for the time being or for some future time to be determined by some subsequent event; but in any case, as the Constitution has not defined how long this officer shall hold, the law is clear, as with every other officer of the United States whose term is not fixed, that the power of appointment includes the power of removal and change. When, therefore, the Senate of the United States has power to appoint a President *pro tempore* and other officers, as the committee so well state in their report, there is carried in that grant of power also the right to change those officers at pleasure. So it appears clear to me that this third resolution declares a plain principle of law, which is binding upon us, and which it is our duty for the benefit of the future to declare.

Then, sir, when we look at the serious inconveniences that would arise if you were to take the other construction, I am sure, if we had any doubt upon the language of the Constitution and the history of the subject and the decisions of the Supreme Court, we should solve that doubt in favor of the constant power of the Senate to choose its presiding officer *pro tempore* at any time it pleases. Where should we find ourselves if the construction is correct that the power of the Senate once exercised is exhausted, and cannot be again exercised until there is a new absence of the Vice-President? Then, if the President *pro tempore* were to be sick or to die, where would be our power? The Constitution, under the peculiar circumstances that it was made, gives us an express power to do a particular thing, and that is to elect a President *pro tempore* in the absence of the Vice-President. It does not give us power to elect a President *pro tempore* in the absence of the preceding President *pro tempore*. It is only "in the absence of the Vice-President" by name. Now, if this power is to be exercised only once, then, when the Vice-President is absent and the President *pro tempore* already elected is absent, we must be adjourned from day to day by the Secretary until we can find one or the other of these gentlemen. That would never do. If you hold, on the other hand, that the power is not exhausted, and that you may exercise it in the absence of the President *pro tempore*, you exercise it in his absence not by the force of the Constitution which says you may do it then, but you exercise it by force of the Constitution which says that in the absence of the Vice-President you may elect a President *pro tempore*. The Vice-President being absent, although you have one President *pro tempore*, he is gone, and then you have another. So that it is either the whole thing or nothing, as it appears to me. If the power is exhausted when once exercised, there is no power to supply a vacancy existing in the office of President *pro tempore* by the Constitution which we are now speaking of. If the power is not exhausted by its exercise in one case, it is a constant power, which the Senate may exercise on any occasion that it deems fit. One fit occasion would be the absence of the President *pro tempore*. Another fit occasion might be his becoming unfit to discharge the duties of his office. Another fit occasion might be as I should say instead of being contrary to propriety, in all propriety the case that was mentioned the day before yesterday, when the parties of this body being responsible for the exercise of governmental powers and for the course of legislation should change; and when parties should change and one party should find itself brought into power with a President *pro tempore* of the other party in the chair, exercising the great powers that the President of the Senate does exercise, I should say it would be the duty of that party, instead of a wrong, to change the President *pro tempore*, because he is the organ of the responsible body, and without his being in harmony with the political views of the gentlemen in the majority their will might often be

frustrated. He appoints special committees; he does a thousand things which are of the greatest importance to the political interests of the country; and to say that one party may saddle another for the time being with a President *pro tempore*, and that that other party, when the times shall change, and they become responsible for the administration of affairs, cannot oust him and have a presiding officer of their own, would, in my opinion, be contrary to the principles of republican government. A party cannot get on that way, and it ought not to get on that way.

So I say, Mr. President, that not only the Constitution itself as it reads, the history to which I have referred and which is indisputable, and what is known to be the regular course of practice and the settled law in England when the Constitution was made, but the decisions of the Supreme Court of the United States upon the general subject of removals from office, and the extreme inconvenience of any other construction of the Constitution, make it plain, as it appears to me, that we ought to adopt this resolution.

Mr. WALLACE. Will the Senator from Vermont permit me to ask him whether this resolution would cover the case of the devolving of the Presidency of the United States on the incumbent of the chair, the President of the Senate *pro tempore?* In other words, does he hold that the Senate would have the power to change the President *pro tempore* of the Senate after the Presidency of the United States had been cast upon him by the operation of the act of 1792?

Mr. EDMUNDS. This resolution does not refer to that question at all. We are merely asserting the general power of the Senate. Whether the Senate would have power to change its President *pro tempore* after he by law should be required to perform the duties of President of the United States is of course entirely another question. If it is of any advantage to my friend from Pennsylvania to know my opinion, although it is entirely outside of this debate, I will state it frankly. I think the power of the Senate over its President *pro tempore*, which exists in the nature of its own body and under the Constitution, cannot be cut short by any act of Congress whatever.

Mr. WALLACE. Mr. President, I have given this question a very cursory examination, and I regret to say that from that examination I am compelled to differ with the opinion of the majority of the committee. I shall briefly give my views to the Senate, if they will hear me.

The tenure of the office of President *pro tempore* of the Senate is not, I think, as the committee say it is, like that of the Secretary or the Sergeant-at-Arms or the Chief Clerk of the Senate. He is, in my view, an officer of the United States as well as of the Senate. The fifth clause of section 1 of article 2 of the Constitution provides as follows:

> In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

The obvious meaning of the word "officer" here is an officer of the United States, and I assume that neither the Senator from Vermont nor any other lawyer will dispute that the meaning of the word "officer," as used in this clause of the Constitution, is not an officer of the Senate, but an officer of the United States. This obvious meaning of the word "officer" is confirmed when we refer to the proceedings of the convention that framed the Constitution. The latter part of this clause first appears in a motion made September 7, 1787, to insert these words:

> The legislature may declare by law *what officer of the United States* shall act as President in case of the death, resignation, or disability of the President and Vice-President; and *such officer* shall act accordingly, &c.

This motion was adopted by a vote of States, and this and the other provisions adopted were on the 8th referred to a committee to revise the style, who were to arrange the articles agreed on. Of this committee Messrs. Hamilton and Madison were two. A report came in on the 12th, and the words now in the Constitution are found therein.

It is thus seen that the intention of the framers of the Constitution to place the possible succession to the presidency only upon an officer of the United States is plain and manifest.

We next find that the contemporaneous interpretation of this clause of the Constitution is in accord with the position I assert. The act of March 1, 1792, which was framed by many of those who were in the federal convention, points out the President *pro tempore* of the Senate as an officer of the United States upon whom the succession may fall. Is it reasonable to suppose that Madison and Sherman and Gerry would have clothed with such grave possibilities an official whose tenure and dignity were no greater than those of a Sergeant-at-Arms.

But we are not left to conjecture on this subject, for in the debates during the passage of the act of 1792 this very question was mooted. Pending the debate upon the bill it was both asserted and denied that the President *pro tempore* was an officer of the United States within the meaning of clause 5 of section 1 of article 2, but after a prolonged struggle the question was settled affirmatively, and the bill became a law. Both Roger Sherman and Elbridge Gerry asserted the position that the President *pro tempore* was an officer of the United States, and the latter declared that the Speaker of the House had equal dignity. Madison objected to the selection of the President *pro tempore* or Speaker for the succession, not because he was not an officer, but because if he became President he would be both Senator and President, and might be instructed by his State.

The express words in the text, the intention of the framers of the Constitution as shown by the adoption of the clause referred to the committee on revision of style, contemporaneous legal interpretation—the words of the men who framed the Constitution themselves—unite in affirming the position that the President *pro tempore* of the Senate is an officer of the United States; and, unless we utterly and completely nullify and ignore the term "officer" in the clause that I have read from the Constitution, no other conclusion is possible. It is as plain as that two and two make four. If the legislation of 1792 be worth anything at all, it interprets the provision of the Constitution to which I have referred, and the adoption by that act of 1792 of the President *pro tempore* of the Senate, and confirms the position I have taken.

That he was in those days regarded as more than a mere official of the Senate is shown by the practice then originated at his election to officially inform both the President and the House of Representatives thereof. This occurred in April, 1792, in March, 1793, and has been continued since. If he be a mere officer of the Senate, why should we dignify him by sending information of his election to the House of Representatives and to the President? That these views have had support in the past is found from what Mr. Seward said in the Senate in December, 1854, and I will read what he said. Pending a motion to proceed to the election of a President *pro tempore*, he said:

> MR. SEWARD. Before we proceed with this election, I should like to have the views of Senators in regard to the effect of the appointment—whether it is to be an absolute appointment of a President *pro tempore*, and what the tenure of his office is to be. I will state very freely my own opinion in going into this election, and it is this: that there can be but one person at the same time holding the office of President *pro tempore* of the Senate of the United States, and that that person will hold his office until it shall again constitutionally become vacant; so that in the case of a vacancy occurring in the office of the President of the United States the person now to be chosen to fill the office of President *pro tempore* of the Senate would succeed to that high trust, and become the Chief Executive Magistrate of the United States.—*Congressional Globe*, Thirty-third Congress, second session, page 4.

Thus affirming a constitutional tenure on the part of the President *pro tempore* of the Senate. Now, if he be an officer of the United States holding this place, it remains to discover the tenure by which this officer of the United States holds his place. This can only be reached by learning the true meaning of clause 5, of section 3, of article 1, of the Constitution. It is in these words:

> The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

The Senate is a perpetual and is intended to be a conservative body, and that construction which will produce stability and permanence in its organization, and exclude uncertainty, passion, or party prejudice, is to be preferred. While I concede that the subject is not free from doubt, yet, in considering the purpose to be attained, the evils to be avoided, the ordinary meaning of the words used, and the rights and privileges of the incumbent under the act of 1792, and as an officer of the Government, my mind reaches the conclusion that the words *pro tempore* ought not to be construed so narrowly as to reduce the tenure of the official from a term held until the Vice-President shall return, or the term of office of the incumbent shall expire, to a term held at the mere will of the majority of this body. The words "*pro tempore*" are a designation of the official in my view, and do not measure his official term. Or, if they are to be used for that purpose, then they relate to and are synonymous with the words which follow, a President *pro tempore*, or for the time being; that is to say, for the time during which the Vice-President is absent, or while he exercises the office of President.

This seems plainly apparent from the action had in the Federal convention. The report of the committee of eleven contained the clause in these words:

> The Vice-President shall be, *ex officio*, President of the Senate, except when they sit to try the impeachment of the President, in which case the Chief Justice shall preside, and excepting, also, when he shall exercise the powers and duties of President, *in which case, and in case of his absence*, the Senate shall choose a President *pro tempore*.

This was adopted by the convention, and referred to the committee of revision and style. It came back substantially in the form in which it is now in the Constitution, and was adopted with the single exception that the words "*ex officio*" were stricken out. In the original clause the words "*pro tempore*" can only relate to one of the two cases named, and cannot be used to measure his tenure of official place.

> And excepting, also, when he shall exercise the powers and duties of President, in which case, and in case of his absence, the Senate shall choose a President *pro tempore*.

Here is a plain designation of the official by the term "*pro tempore*;" here is plain reference to the case of the absence of the Vice-President or his occupancy of the presidential chair.

The dignity of the place, as shown by the plain words of the fifth clause of section 1, of article 2, and by contemporaneous legal interpretation, the necessity for certainty in the official upon whom the succession may fall, the conservative character of the Senate, the plain intent of the framers of the Constitution, and the meaning of the words used constrain me to the conclusion that the office of President *pro tempore* of the Senate is an office as well of the United States as of the Senate, and that his official term is ended only by the ex-

piration of his service as Senator, by the return of the Vice-President, by impeachment and conviction for offenses committed as President *pro tempore*, or by expulsion from the Senate.

It is asked whether we could appoint a second President *pro tempore* in the absence of the President *pro tempore* elected under the Constitution? The answer to that is found in the practice of the body. Richard Henry Lee was elected the first President *pro tempore* of the Senate. At the succeeding session of the Senate he did not return, or he resigned subsequently to the meeting of the Senate, and they then elected as President *pro tempore* for the occasion John Langdon, who sat in his place until the expiration of the succeeding session. So there is no difficulty in that question.

It seems to me, Mr. President, that the whole question resolves itself, not upon parliamentary law, but upon the plain interpretation and meaning of our own Constitution. It is found here. The constitution of this body, as well as the Constitution of the United States, seems to me to clothe this officer with dignity and with power, and that he ought not to be limited.

Mr. MORTON. Mr. President, until this question was brought before the committee I had never heard a suggestion from any source that the President *pro tempore* of the Senate was not removable at the pleasure of the Senate. I have no doubt that the reason for saying anything about the Senate having power to elect a President *pro tempore* grew out of the clause suggested by the Senator from Vermont, [Mr. EDMUNDS.] The fourth clause of the third section of the first article says:

> The Vice-President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided.

Now, to rebut the presumption that he was the only President of the Senate and that the Senate could not hold a session in his absence, the next clause provides that in his absence the Senate may elect a President *pro tempore*. When the Vice-President is absent the Senate is then on the same footing with every other deliberative body; that is, it has the power to elect its own presiding officer. The Constitution makes the Vice-President *ex officio* the President of the Senate. The Senate has no control over him except by impeachment, articles being preferred by the House of Representatives. That is an arbitrary provision, not common to most deliberative bodies. Then, to rebut any presumption that in the absence of the Vice-President the Senate could not hold a session, but must wait until he came back, it provides that the Senate may elect a President *pro tempore*. In other words, it simply puts the Senate then on the footing of other deliberative bodies that elect their own presiding officer.

What is the law in regard to deliberative bodies that elect their own presiding officer? The general law established by parliamentary usage, not only in England, but in this country and every other country, in State Legislatures, in city councils, whatever may be the grade or character of the presiding officer or of the body, is that in the absence of any provision giving to them another person as a presiding officer they may elect their own presiding officer and remove him at pleasure. The common parliamentary law is that a presiding officer elected by the body itself holds at the pleasure of the body. I will read from Cushing's Treatise on Parliamentary Law:

> It is essential, also, to the satisfactory discharge of the duties of a presiding officer, that he should possess the confidence of the body over which he presides, in the highest practicable degree. It is apparently for the purpose of securing this necessary confidence that the presiding officer is required to be chosen by the assembly itself, and by an absolute majority of votes; that he is removable by the assembly at its pleasure; and that he is excluded from all participation in the proceedings as a member. Each of these particulars requires to be briefly considered.

Again—

> The presiding officer, being freely elected by the members, by reason of the confidence which they have in him, is removable by them, at their pleasure, in the same manner, whenever he becomes permanently unable, by reason of sickness or otherwise, to discharge the duties of his place, and does not resign his office; or whenever he has in any manner, or for any cause, forfeited or lost the confidence upon the strength of which he was elected.

That is the common law applicable to all deliberative bodies who elect their presiding officers; and the reason is just as strong here as it is anywhere else. Now, let me consider for a moment the arguments that have been offered on the other side. First, the argument offered by my friend from North Carolina, [Mr. MERRIMON.] He admits that the Senate can remove a President *pro tempore* for cause. Am I right?

Mr. MERRIMON. Yes, sir.

Mr. MORTON. On articles of impeachment being preferred by the House?

Mr. MERRIMON. By dealing with him as a Senator.

Mr. MORTON. The Senate, according to his admission, may of its own motion change this officer; he says "for cause." Who is to judge of that cause? The Senate. Whether it be good cause or bad cause, indifferent cause or no cause at all, the Senate is the exclusive judge of it. It may be because he has committed high crimes and misdemeanors, or it may be that he does not represent the sentiments of a majority of the body, or that he is not satisfactory as a Presiding Officer, or for any other reason. The Senate may remove him, he says, for cause. Well, as the Senate is the exclusive judge of that cause, it seems to me that admits the whole case. When the Senate comes to make the removal it is not bound to assign a cause; it is not bound to give any reason for it. It is presumed there must be some cause, but whether the cause is sufficient, reasonable, or unreasonable, the Senate is the exclusive judge. Therefore it amounts simply to this, that the Senate, according to his own admission, may change the Presiding Officer at pleasure. Where is the law that requires the Senate to prefer charges against the Presiding Officer? Where is the law that specifies the character of the cause that must be assigned? There is no law of that kind. The cause is the pleasure of the Senate. Whatever reason there may be sufficient to move a majority of the Senate to make a change, that is all the cause that is required; and the Senate is not required to state it, to put it in writing, or to have it expressed verbally upon the floor. Take my friend's own doctrine and it amounts simply to this, that the President *pro tempore* holds at the pleasure of the Senate.

Mr. NORWOOD. Will the Senator allow me to ask a question?

Mr. MORTON. Certainly.

Mr. NORWOOD. Suppose the President of the United States were to die to-day; would not our present President *pro tempore* be President of the United States to-morrow; and, if so, could we change him and elect another man to that office to-morrow morning? Would he not become instantly upon the death of the President of the United States the occupant of the executive office? Could we then to-morrow by a vote here change that officer?

Mr. MORTON. I think I comprehend the question of the Senator from Georgia, and that it is this: When the duties of President of the United States are devolved upon the President *pro tempore* of the Senate by the death of the President of the United States, can the Senate then change the President *pro tempore* at pleasure, and thus in effect change the Executive of the nation? That is the question. Upon that point I am not prepared to answer. I do not know what would be the effect of the law of 1792; whether that law would have the effect to fix the tenure of the President *pro tempore* or not; but that it can have no effect upon his office before the contingency happens is perfectly clear. Until that time comes the question suggested cannot be raised. The idea that, because, in a certain contingency, the President *pro tempore* may have the duties of President of the United States devolved upon him, therefore the tenure of his office is changed in advance of that contingency, it seems to me cannot be sustained by argument. If the act of 1792 is to have this effect upon the tenure of the President *pro tempore* before the contingency happens, it has the same effect upon the tenure of the Speaker of the House, because in a certain contingency the Speaker of the House may become the acting Executive. Therefore, according to this argument, the Speaker of the House, as soon as he is elected, must hold for the Congress, and he cannot be removed. Has that ever been the understanding? If that construction is correct, not only has the President *pro tempore* of the Senate now a fixed term until after the next Presidential election and a new Vice-President shall be elected, but the Speaker of the House has a fixed term for two years, and cannot be changed. That certainly has never been the understanding. Nothing of that kind was ever contemplated. But when the contingency happens, when the duties of the President in office are devolved either upon the President *pro tempore* of the Senate or upon the Speaker of the House, whether he is after that contingency under the operation of the act of 1792 still removable by the Senate or the House is a different question. Certainly there can be no sound pretense that the act of 1792 would have an effect upon the tenure either of the President *pro tempore* of the Senate or of the Speaker of the House in advance of the contingency happening.

Mr. KERNAN. Will the Senator allow me to ask a question?

Mr. MORTON. Yes, sir.

Mr. KERNAN. Supposing the President of the United States dies and the President *pro tempore* of the Senate enters upon the functions and is acting as President, could not the Senate appoint a new President *pro tempore*?

Mr. MORTON. That is precisely one of the difficulties surrounding this question. That contingency has never yet happened. It was seriously discussed among Senators when the impeachment of President Johnson was pending, whether, in case the President *pro tempore* of the Senate should have the duties of the President of the United States devolved upon him, he would have to leave this Chamber and we elect another. That was a question which was then considered; and it is not free from doubt. My own impression is that he is still the President of the Senate, and that he has the duties of President of the United States devolved upon him in addition thereto; and I am informed, in regard to the president of the senate in one of the States upon whom the office of governor devolved, the governor having been impeached and removed from office, that the construction there was given to a similar provision that the president of the senate was still presiding officer of the body, and came into the senate every day and called the body to order, and then called a member to the chair. I believe that was the case in Arkansas.

Mr. CLAYTON. Yes, sir.

Mr. CONKLING. There was a case of the same kind in Illinois.

Mr. MORTON. The Senator from New York says that a similar case occurred in Illinois. I think myself the law was erroneous in the beginning. Such a provision ought not to have been made.

Mr. STEVENSON. What law?

Mr. MORTON. The law devolving the duties of President of the United States on the President *pro tempore* of the Senate. It was an error in the beginning.

Mr. NORWOOD. The act of 1792 is one which provides for the succession to the Presidency of the United States. It provides that the President *pro tempore* of the Senate may become President of the United States.

Mr. MORTON. Yes, sir.

Mr. NORWOOD. That is an act of Congress.

Mr. MORTON. Yes, sir.

Mr. NORWOOD. We are now construing a clause in the Constitution which gives us power over the President *pro tempore* to make and unmake him, as I understand the Senator from Indiana to contend. Now, if his position be correct, would it not follow that the act of Congress would divest the Senate of a constitutional power? The act provides for this officer becoming President of the United States, and in that event we should lose control of him. In that event the act of Congress would supersede a power vested in the Senate by a provision of the Constitution, which would be a legal impossibility.

Mr. MORTON. I said that that was a question about which there was doubt; but my impression off-hand is that he would still be President *pro tempore* of the Senate, even after the duties of President of the United States had been devolved on him under the act of 1792. But I say this in answer to my friend from Georgia, that the effect of the Constitution, what this provision means, certainly cannot be changed by the subsequent passage of a law. The act of 1792 can have no effect upon the construction of this provision of the Constitution.

Mr. NORWOOD. Now, then, if I understand the Senator from Indiana, his position is that notwithstanding the President might die to-day and the President *pro tempore* of the Senate become President of the United States to-morrow by operation of the act of 1792, we still could exercise our constitutional power over that officer as the President of this body and change him.

Mr. MORTON. That is my impression; but that case has not occurred. I simply mean to say that whatever may be the effect of the act of 1792 in fixing the term of the President *pro tempore*, it can have no such effect until the contingency takes place, even if the Senator is right about it. It cannot have that effect in advance of the happening of the contingency.

Mr. NORWOOD. Would it not follow then, I will ask the Senator, by the exercise of the power for which he contends, that the Senate of the United States would have the constitutional power to elect a President of the United States?

Mr. MORTON. No, sir; not the President of the United States.

Mr. NORWOOD. If the President *pro tempore* of the Senate becomes President of the United States *eo instanti* on the death of the President, and we the next day can change that officer, an officer of this body, and put another in the chair, would we not virtually elect the President of the United States?

Mr. MORTON. We would not elect a President of the United States at all, I submit to my friend. The President *pro tempore* of the Senate does not become Vice-President; he simply is the presiding officer of the Senate. He does not lose any of his functions as Senator; he votes on every question; his name is called on the roll; and he has a right to call any other member to the chair and come down and take part in the debates. He is in no sense the Vice-President of the United States; and when the duties of President of the United States are devolved upon the President of the Senate *pro tempore*, he does not become President of the United States, but he is simply performing the duties of that officer for the time being under the law.

A little further, Mr. President. My friend from Pennsylvania [Mr. WALLACE] read some remarks by Mr. Seward in the Senate of the United States to which I want to call the attention of the Senate, inasmuch as I put a directly different construction upon the effect of that speech from that contended for by the Senator from Pennsylvania. This was in 1854:

> The Secretary called the Senate to order. * * *
>
> Mr. JONES, of Iowa. I offer the following resolution:
>
> "*Resolved*, That the Senate do proceed forthwith to the choice of a President *pro tempore*."
>
> Mr. SEWARD. Before we proceed with this election, I should like to have the views of Senators in regard to the effect of the appointment—whether it is to be an absolute appointment of a President *pro tempore*, and what the tenure of his office is to be. I will state very freely my own opinion in going into this election, and it is this: that there can be but one person at the same time holding the office of President *pro tempore* of the Senate of the United States, and that that person will hold his office until it shall again constitutionally become vacant; so that in the case of a vacancy occurring in the office of the President of the United States the person now to be chosen to fill the office of President *pro tempore* of the Senate would succeed to that high trust and become the Chief Executive Magistrate of the United States.

I agree with that entirely. There can be but one President *pro tempore* at a time. Now suppose the President *pro tempore* has a fixed term until the Vice-President comes here; to-morrow morning he is sick; he cannot get here. Cannot the Senate hold a session? Can we not call another Senator to the chair? What is he? Is he not President *pro tempore*? My friend from North Carolina says no; he is only an occasional officer.

Mr. MERRIMON. I say this: he is not the President *pro tempore* recognized and provided for in the Constitution.

Mr. MORTON. I think I know what my friend said; I have it written down here. He said that we could elect in the absence of the first President *pro tempore* another, but that the second President *pro tempore* is an occasional officer. I think he is rather occasional; but that he is President *pro tempore* within the meaning of the Constitution is very clear. That thing occurred precisely in the history of the Senate, and I want to refer the Senate to the case.

On the 9th day of June, 1856, Jesse D. Bright was President of the Senate *pro tempore*, (the Vice-President, William R. King, being dead,) and addressed the following note to Hon. Charles E. Stuart, a Senator from Michigan:

> SIR: Do me the favor to take the chair to-day.
>
> Yours truly, J. D. BRIGHT.

Mr. Stuart appeared in the Senate, took the chair, and called the Senate to order. The power of Mr. Bright, as President *pro tempore*, to depute Mr. Stuart to take the chair and preside over the Senate was denied by several Senators, whereupon Mr. Stuart was by resolution elected President *pro tempore* of the Senate. Afterward, on the 11th of June, Mr. Stuart resigned his office as President *pro tempore*, and, on motion, Jesse D. Bright was re-elected President *pro tempore*. The idea that Mr. Bright continued to hold his office as President *pro tempore* by virtue of his first election was not suggested by anybody.

Mr. Bright was President *pro tempore*, the Vice-President being dead. He went away, and Mr. Stuart was elected President *pro tempore*. When Mr. Bright came back, Mr. Stuart, as a matter of courtesy, resigned his position, and then the Senate re-elected Mr. Bright. The idea that Mr. Bright had a fixed term and could take the chair by virtue of his first election did not occur to anybody.

Mr. MERRIMON. There was no debate about it.

Mr. MORTON. There was no debate about it. The Senator's point did not suggest itself to anybody at that time. I have sometime said that while there were new inventions, there were no new discoveries in constitutional law; but I presume I was mistaken in that.

One argument made, I think by my friend from Florida, [Mr. JONES,] and perhaps by my friend from North Carolina [Mr. MERRIMON] also, was that the President *pro tempore* of the Senate ought to be independent of the body; that if he is removable or holds at the pleasure of the body he is not independent. Why should he be independent? He ought not to be independent. He is the mere agent of the body; he is there for the purpose of presiding over the body, and he ought to be subject to the will of the body just like the presiding officer of every other deliberative body; and that is the precise reason given in the general law why the presiding officer can be changed at any time, that the majority of the members have a right to have a presiding officer that suits them.

Mr. MERRIMON. May I suggest to my friend that the Constitution provides expressly that the regular presiding officer of the Senate shall be beyond the control of the Senate, to wit, the Vice-President of the United States.

Mr. MORTON. Certainly, in that case the Vice-President is beyond our control. He is made President of the Senate by the Constitution. We have no control over him; but when we call in a temporary presiding officer he does not become Vice-President; he has no casting vote; he is simply a presiding officer, just like the presiding officer of the House of Representatives, or of any house of a legislative body in one of the States; and there is the same reason for giving the Senate the control of him that there is for giving the House of Representatives the control of their Speaker. Does anybody doubt that the House can to-morrow change the Speaker and put a new one in the chair?

Mr. MERRIMON. I do.

Mr. MORTON. My friend says he does, but it is the first time I ever heard that doubt expressed by anybody. It is laid down expressly by Mr. Jefferson, and I may say by all works upon parliamentary law, that the Speaker can be changed by the House at its pleasure. The Senator from Massachusetts, [Mr. DAWES,] who has long been a distinguished member of the House, tells me that that has always been the understanding in the House. Although they have had no occasion to exercise the power, it has always been the understanding that the Speaker could be changed at the pleasure of the House.

Mr. MERRIMON. Mr. Jefferson stated the general law. He did not undertake to discuss how far the Constitution controlled that particular officer. I think it very questionable whether the House has the power under the Constitution to remove at pleasure the Speaker.

Mr. MORTON. I understand that my friend thinks so.

"The House of Representatives shall choose their Speaker and other officers," says the Constitution. It has the same power to choose the Speaker as to choose the other officers, and to choose the other officers as to choose the Speaker. If the House has not power to change the Speaker, it has not power to change the Clerk and the Sergeant-at-Arms; and, once elected, they must hold throughout the Congress, however distasteful that may be to the House. Will the Senator contend for that? And yet the power of the House to choose the Speaker is just the same as it is to choose their other officers; and if the Speaker cannot be removed at pleasure, their other officers cannot be; and so it is here in regard to the Senate. "The Senate shall choose their other officers, and also a President *pro tempore*." It is put upon the same footing precisely; and if the Senate has not the power to change the President *pro tempore*, it has not the power to change the Sergeant-at-Arms. The Senate has the same power to elect these officers in either case, and the tenure is left precisely the same.

I believe, Mr. President, I have no occasion to say more.

Mr. STEVENSON. Mr. President, I desire to say that the usage of the Senate upon the question of the tenure of the President *pro tempore* for seventy years has been directly opposed to the argument of the Senator from Indiana. I confess frankly that precedents in legislation are not necessarily conclusive evidence of what the law is. But when there has been, as in this case, a long unbroken series of precedents, always in one direction, it is strongly persuasive that their construction of this clause of the Constitution is the true one. This argument finds additional support when we ascertain such jurists as Judge Collamer, of Vermont, and James A. Bayard, of Delaware, able and honored members of the legal profession, opposed in political sentiment, concurring in opinion that the office of President *pro tempore* of the Senate is one of fixed tenure, and is not subject to removal at the mere pleasure of the Senate. The debates in 1861 show that Senators Collamer and Bayard differed—not upon the point of the permancy of the tenure of the President *pro tempore*, not upon the point that that officer did not hold his appointment at the mere pleasure of the Senate, as the pending resolution asserts. No, sir; they differed alone upon the point upon the duration of the appointment. Mr. Collamer held that the President *pro tempore* continued to hold his position during the absence of the Vice-President, during the senatorial term of such officer, and that the return of the Vice-President to the Senate did not terminate the tenure of the appointment of President *pro tempore;* while Mr. Bayard, upon the other hand, argued that the true limitation of the tenure of the President *pro tempore* during his term as Senator was the return of the Vice-President. In other words, as soon as the Vice-President took his place in the Senate the office of President *pro tempore* ceased and another election became necessary.

Both these eminent legal minds concurred in opinion that it was not competent for the Senate to remove the President *pro tempore* at their whim and pleasure. The views of each were in direct opposition to the report of the committee and to the conclusions reached by them.

There was no difference of opinion between them on the point that the office of President *pro tempore* was fixed by the Constitution, although they reached different results as to its duration.

I concur in the opinion of Mr. Bayard, so ably vindicated by the masterly argument of the Senator from North Carolina [Mr. MERRIMON] in the Senate on yesterday. I could, I am sure, add nothing to what was so forcibly and well said by him in support of his views of this question, and in which I so heartily concur, and I should say nothing but for the construction so earnestly insisted upon by the Senator from Indiana [Mr. MORTON] in his argument to-day, and which, if it prevail, may lead to pernicious results, foreseen by the framers of the Constitution and intended to be avoided and guarded against by this clause of the Constitution creating the office of President *pro tempore* of the Senate.

The honorable Senator from Indiana insists that the act of 1792, declaring that the President *pro tempore* shall upon the happening of certain contingencies become President of the United States, cannot change the Constitution. I admit it. But that Senator will not deny that an act of Congress passed so shortly after the adoption of the Constitution as this act of 1792 constitutes a strong contemporaneous implication as to what the framers of the Constitution intended in creating the office of President *pro tempore* of the Senate, and as to what that Congress thought as early as 1792 was the true construction of that clause of the Constitution creating that office.

Examine the clause itself:

> The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Constitution creates this office. The incumbent is not elected by the Senate. He holds his office independently of the body over which he presides. This is an exception to usages of parliamentary law, which allows deliberative bodies to choose their presiding officers. There is no disagreement or doubt on this point. The Constitution then proceeds:

> The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

The Senator from Vermont [Mr. EDMUNDS] says that nobody questions the right of the Senate to choose its officers. That is a canon in parliamentary law disputed by nobody. Let that be admitted. Let it further be conceded that the framers of the Constitution were well and thoroughly versed in parliamentary law, and being so versed, none knew better than they that the Senate possessed the right under that law to choose a presiding officer in the absence of the Vice-President. With this knowledge of parliamentary usage the pertinent question arises, Why did they insert this latter clause and create the President *pro tempore* of the Senate a constitutional officer? It was wholly unnecessary, as argued by the Senator from Vermont. The Senate possessed the right to elect a President *pro tempore*. Why should the Constitution create this office? Why did the wise men who framed that instrument create an office and define its duties? They surely had an object in its creation. What was it? In the legal construction of any instrument no canon of the law is more strongly established or better recognized than that you shall so construe it as to make all its provisions harmonize, if possible, and that effect shall be given to every expression contained therein.

The first question which arises in the clause of the Constitution is, What was the intention of the framers of this Constitution in creating the President *pro tempore* of the Senate a constitutional officer? The Senate would have had the right to choose him without it. It will not do to say that this is an unnecessary provision; it would be disrespectful to the memory of those wise men to say that this clause is mere surplusage. You must therefore so construe this clause as to give to it some definite effect. You must search for the intendment of the framers in creating this office of *pro tempore* President of the Senate. When you do so, I am clearly persuaded that their purpose was to make him a permanent officer. Permanent how long? Clearly during the absence of the Vice-President. But is that the entire limitation? No, sir! The Constitution says in addition during the period the Vice-President is discharging the duties of President of the United States in the event of the death or removal by impeachment of the latter-named officer. I admit that the tenure of the President *pro tempore* is of uncertain duration. Still its tenure is fixed and determined, not by the Senate, but by the Constitution; not for any specified time, but during the absence or death of the Vice-President or while he is discharging the duties of President. If the Vice-President returns to the Senate and takes the chair, the tenure of the President *pro tempore* is determined and ceases, and a new election is legal. If the Vice-President never returns, then the President *pro tempore* continues until his term of Senator expires; hence the act of 1792 by its provisions recognizes this construction of the clause as the true intendment of the framers of that instrument. Hence a uniform series of precedents for seventy years in recognizing the President *pro tempore* of the Senate during the absence of the Vice-President and until his return as its permanent presiding officer, not removable except for cause.

Mr. President, if I am not in error some members of the convention which adopted the Constitution of the United States were members of the Congress which passed the act of 1792. If this be true it only strengthens the construction of this clause insisted on by me. If any members of that convention were in Congress in 1792, (of which I am not positive,) the act is persuasive evidence of what they thought upon this subject. That act declares:

> That in case of removal, death, resignation, or inability, both of the President and Vice-President of the United States, the President of the Senate *pro tempore*, and in case there shall be no President of the Senate, then the Speaker of the House of Representatives for the time being shall act as President of the United States until the disability be removed, or a President shall be elected.

That Congress clearly legislated upon the assumption that the President *pro tempore* was a permanent officer during the absence of the Vice-President.

Mr. CONKLING. Will the Senator allow me to ask him a question?

Mr. STEVENSON. With great pleasure.

Mr. CONKLING. Suppose, in such an event as has been suggested, the President *pro tempore* of the Senate should enter upon the execution of the duties of President of the United States and his term as Senator should expire before the end of the presidential term, is it the opinion of the Senator from Kentucky that he would continue to be acting *ex officio* as President of the United States, although the term of his senatorship, by virtue of which he came to be President *pro tempore*, had expired?

Mr. STEVENSON. I should think that he would continue to be President until the governors of the several States had, after being notified by the Secretary of State of the death of the President, caused an election of an electoral college and a new election of President had taken place under the provisions of the act of Congress. The strongest answer against the argument of the Senator from Indiana, [Mr. MORTON,] as I think, is to be found in the extraordinary results which might practically follow his construction.

The act of 1792, in the event of the death of the President and Vice-President, makes the President *pro tempore* President of the United States until a new election can be held in accordance with the provisions of that act.

Does the Senator from Indiana sincerely believe that the Senate of the United States could remove at its pleasure the President *pro tempore* of the Senate after he became President of the United States? If the argument in favor of the right of the Senate to remove the President *pro tempore* at its pleasure be correct, the right to remove him after he was President would follow. If not, why not? Indeed, I understood the honorable Senator to claim that this right of the Senate to remove its President *pro tempore* would extend to him even if he was President of the United States. In support of that postulate, he insisted that in some of the States a lieutenant-governor who had become governor still presided over the senate of the State when the State constitution contained provisions somewhat similar to that which we are now considering. He cited Arkansas, and was sustained in his statement by the Senator from Arkansas that such was the usage in his State. I shall certainly take no issue with the Senator from Arkansas as to what the provision of the constitution of that State is, or what has been the usage under it. But I think I can say, both to the Senate and to the country, if the Arkansas constitution contains such a provision, and the president *pro tempore* of the Arkansas senate after being governor still presided over the senate, that out of the thirty-seven States which constitute this Union Arkansas is the solitary State where such an anomaly exists. The case cited by the Senator from Indiana of the president of the senate becoming governor of the State occurred in Kentucky. Indeed, it

occurred while I discharged the executive duties of that Commonwealth. I was elected lieutenant-governor on the State ticket in 1867 with Hon. John L. Helm, who was elected governor. Governor Helm died within a few days after taking the oath, at his own home in Hardin County, and without ever reaching the seat of government. By his death I as lieutenant-governor became acting governor of the Commonwealth of Kentucky and acted as such for one year, when I was elected governor. There was then no lieutenant-governor, the law having made no provision for the election of one. The lieutenant-governor, by the terms of the constitution of Kentucky, is elected by the people and presides over the senate. When I was elected governor the senate of Kentucky elected Hon. P. H. Leslie president of that body, who, when I was elected to this body, was qualified as governor and served out my unexpired term. Had the people of Kentucky been informed that Governor Leslie after qualifying as governor could still have presided in the senate, or that he was subject to removal from the office of governor except for cause, I am sure they would have been confounded.

Mr. President, any construction of any clause of the Constitution of the United States, or of the constitution of any State, which would confer upon the Senate of the United States the right to remove at its pleasure the President *pro tempore* after he had become President of the United States, without cause and at its pleasure, or which would in a State authorize the senate to remove the president *pro tempore* after he had become invested with the executive duties as governor or acting governor, must be erroneous. Such a construction carries its own refutation. It would lead to mischief which could not be estimated. It was against such results that the Federal Constitution, in my judgment, intended to provide.

The intimation of the Senator from Indiana that the President *pro tempore* of the Senate, after becoming President of the United States, might still preside in the Senate is novel and extraordinary. It seems to me unsupported by law and unsustained by usage. Such a doctrine finds no support in the usage of the State governments, unless in Arkansas.

Mr. THURMAN. If it does not interrupt the argument of my friend from Kentucky, I can name two instances in my own State in which the governorship of the State devolved on the speaker of the senate, and in each of those cases it was decided that the speaker accepting the office of governor vacated his seat as senator.

Mr. CONKLING. Does the constitution devolve the duties on him?

Mr. THURMAN. In the very words of the Constitution of the United States.

Mr. CONKLING. That he shall act as governor?

Mr. THURMAN. Yes, sir; the words are copied from the Constitution of the United States. It was so held for a plain reason, too plain for argument, that it is impossible that the legislative and executive powers or the judicial and executive powers of government can be vested in the same individual.

Mr. STEVENSON. I have already cited the provision of the Kentucky constitution upon this subject and the uniform usage under it. I had never supposed that in any State where by the provisions of the constitution and laws the president of the senate became acting governor he could exercise at the same time his functions as senator. Without an examination of the constitutions of the several States, I hazard the opinion that Arkansas is the only State that tolerates the exercise of the office of governor and senator at one and the same time. I have no doubt it will be found that most of the constitutions of the States contain provisions on the subject similar to the clause of the Constitution of the United States which we are now discussing, and I have as little doubt that where the provisions are the same in the State as in the Federal Constitution the same uniform construction and usage have prevailed in all the State governments as to the office of lieutenant-governor and president of the senate that have for seventy years prevailed under the Federal Government.

Mr. MORTON. Will my friend allow me to interrupt him for a moment?

Mr. STEVENSON. Certainly.

Mr. MORTON. I would call the attention of the Senator to a case which perhaps he has not heard of, but nevertheless the authority of it will not be the less because it is strange to him. The constitution of Louisiana declares in so many words that in case of the death of the lieutenant-governor the president of the senate shall become lieutenant-governor. A gentleman by the name of Pinchback was president of the senate when the lieutenant-governor died. He became the lieutenant-governor, as it was understood, and afterward became the governor of the State upon the impeachment of the governor. In the mean time his term as senator expired, but he continued to act as governor after that time until Governor Kellogg was installed.

The democratic party of Louisiana, who were generally sound upon constitutional law, [laughter,] took the ground that when Pinchback's time as a Senator expired he was out of office, and had no right any longer to act as governor. On the other side it was contended that, inasmuch as the constitution of Louisiana had not simply devolved the duties of lieutenant-governor on the president of the senate but had said in so many words that he should become lieutenant-governor, therefore he was lieutenant-governor, and no reference could be had to the expiration of his office as senator. The case went before the supreme court of Louisiana, and that court decided, if I remember correctly, in favor of Pinchback, putting it upon the ground that the constitution had not simply devolved the duties of lieutenant-governor, but had thrown the office upon him, and therefore his tenure as lieutenant-governor no longer depended upon his tenure as senator of the State. If these facts are not familiar to my friend from Kentucky, I can refresh him by reference to the documents.

Mr. STEVENSON. I thank the Senator for his kindness, but I am exceedingly familiar with Pinchback's case. [Laughter.] I sincerely trust that we have done with Pinchback and that the Senate is about to have a Louisiana Senator—regularly and legally chosen—a Senator of pure gold, not Pinchback. Will the Senator from Indiana allow me to ask him just here which he thinks was the true construction in the case cited by him, the democratic or the republican construction, as to Pinchback's tenure of office? I should like to hear his answer.

Mr. MORTON. I will answer my friend. I think the republican construction there was right, as it generally is, [laughter,] because it proceeded expressly upon the ground that the constitution of Louisiana had not simply devolved the duties of the lieutenant-governor upon the president of the senate, but had in express terms made him lieutenant-governor, and after that he was lieutenant-governor without reference to the fact that he had ceased to be a member of the senate.

Mr. STEVENSON. If that construction was right in the case cited in Louisiana, why should not the same construction prevail now? The attempted distinction between devolving on the lieutenant-governor the duties of the office and investing him with the office in the event of death or resignation is more specious than solid. Besides, the President *pro tempore* of the Senate, on the death of the President and Vice-President, becomes President, and so remains until the election provided for by the act takes place. I insist, therefore, that the Pinchback case is directly against the construction contended for by the Senator from Indiana.

Mr. EDMUNDS. May I ask the Senator a question?

Mr. STEVENSON. If the Senator will allow me to continue for a moment the line of thought I am now on, I will hear and answer his question with pleasure. As to the citation of any opinion of the supreme court of Louisiana in the time of the oppression and wrong and revolution by the Kellogg government, I regard it of no judicial force whatever. If right in the instance alluded to, it was by accident. The judges were mere puppets and instruments of the Kellogg and Durell usurpation—the *quasi* judicial apologists for fraud and usurpation. In support of this statement I have only to refer to a judicial decision of the Supreme Court of the United States, where a railroad sale was set aside, in an elaborate opinion by Mr. Justice Strong, for fraud and perfidy committed by a man who was one of the judges of the supreme court of Louisiana at the period alluded to.

Mr. President, all that I desire is to ascertain and adopt the true construction of this clause of the Constitution as understood by its framers, irrespective of party. I will hear from the Senator from Vermont the question he desires to propound.

Mr. EDMUNDS. The Senator says, referring to the constitution of Louisiana, that that is precisely what he contends about this provision. I was about to ask him if his attention had been drawn to the difference in language between the two constitutions?

Mr. STEVENSON. No, sir. I did not refer to the constitution of Louisiana. The Senator from Indiana [Mr. MORTON] interposed the construction of the constitution of Louisiana in the Pinchback case, which I did not refer to as an authority and which I had not recently examined.

But, Mr. President, the implication arising from the law of 1792, already referred to, which makes the President *pro tempore* of the Senate in certain contingencies President of the United States, is strong presumptive evidence that the Congress who passed it regarded the office of President *pro tempore* of the Senate a fixed and continuing one. At a later period, in 1861, Senator Collamer construed this clause in the same way. Hear him:

> With these views, I have prepared the resolution declaring that the President *pro tempore* of the Senate elected in the absence of the Vice-President shall, while a Senator, remain President *pro tempore*, and officiate from time to time whenever the Vice-President is absent, until another is elected. I think that is the true exposition of the Constitution, necessarily implied by the law that I have referred to, and the only practicable method of getting along so as to avoid going without a President *pro tempore* in vacation, and having constant elections and re-elections every time the Vice-President goes out and in.

Mr. EDMUNDS. What did the Senate do about the proposition of my predecessor? They did not agree to it at all.

Mr. STEVENSON. The resolution was not acted on. I am, however, citing the opinion of an eminent judge and a good lawyer from Vermont in support of my construction and against that of the committee. I refer to the legal opinion of so eminent a jurist as Hon. James A. Bayard for the same purpose. There was no dissent to the opinions of these distinguished gentlemen on the construction of this clause of the Constitution, and their construction was opposed to that of the committee. Both Judge Collamer and Mr. Bayard agreed that the office of President *pro tempore* was a continuing one. They differed only as to the point of time when the duration of the office ceased.

Now, Mr. President, I come to another fact which has had some influence upon my mind. I observe, in the past usages of the Senate for a period of seventy years, that toward the close of every session of the Senate the Vice-President would notify this body that on a certain day named he would vacate the chair, and thereupon the Sen-

ate proceeded to elect a President *pro tempore*. If the Senate could elect at any time, this would seem to have been unnecessary. Why? I will tell you. Because the Senate believed that the Constitution intended that the office of President *pro tempore* was a continuing one, and provided against any hiatus or interregnum in the Government of the United States. They intended that in the event of the death of the President and Vice-President, the President *pro tempore* of the Senate should be a continuing officer. Such has been the practice, such has been the law, and such should be the construction, so invariably adhered to for so many years.

No Senator respects more than I do the present Presiding Officer of the Senate; I believe him competent and impartial. When I heard of the death of the Vice-President I had not supposed that the question would ever be raised that Senator FERRY was not the continuing Presiding Officer of the Senate, and would continue so long as his term of Senator continued. Had the President died before Congress convened, I had as little doubt that Senator would have been President of the United States. If so, how can it be that the Senate of the United States could have possessed any power to have displaced him? And yet, if the construction now insisted upon be the correct one, the Senate would possess that power, and the President *pro tempore* of the Senate, after being invested with the office of President of the United States, might have been displaced by the Senate.

Mr. MORTON. Will my friend allow me a moment?

Mr. STEVENSON. Certainly.

Mr. MORTON. I beg to call the attention of my friend to the fact that Judge Collamer's remarks do not bear out his position, and that the question he was discussing was not the question now before the Senate. Judge Collamer offered the following resolution:

Resolved, That the President *pro tempore* of the Senate, elected in the absence of the Vice-President, holds his office, while a member of the Senate, until another is elected, and executes the duties thereof whenever the Vice-President is absent.

He wanted to fix the rule so that when once a President *pro tempore* was elected his office should not be vacated by the Vice-President coming back, but that he should continue, and when the Vice-President went away again he should take the chair by virtue of the first election. He did not pretend that that was the law, but he wanted to make an order of the Senate fixing it so that they would not have to elect a new President *pro tempore* every time the Vice-President was absent; and he said:

The object of this resolution is to declare what I have understood to be really the law. It has been the practice of late years to understand that when a President *pro tempore* is elected in the absence of the Vice-President, those words "elected in the absence of the Vice-President" limit not only the occasion of his election, but the term and tenure of his office; and that when the particular absence of the Vice-President on which occasion he was elected ceases his election ceases also.

He states what had been the understanding and what had been the law, and he thought it expedient to provide that when once a President *pro tempore* was elected he should continue to hold the office notwithstanding the return of the Vice-President, thus rendering a new election unnecessary; but he never intimated for one moment that it was not in the power of the Senate to change the presiding officer. That is the point here.

Mr. STEVENSON. I am so often interrupted I fear I shall never get through. The Senator from Indiana insists that Judge Collamer never intimated that the Senate did not possess the power to displace the President *pro tempore* at pleasure. I beg the Senator's pardon. I appeal to the debate to bear me out. I now turn to it. Judge Collamer said:

The object of this resolution is to declare what I have understood to be really the law.

If he believed, with the Senator from Indiana, that the Senate already possessed that power of removal at pleasure, why any declaratory resolution on the subject? Especially, how could he with such an opinion offer his resolution?

Mr. MORTON. I will say to my friend that Judge Collamer intimated that he thought the President *pro tempore* could hold, notwithstanding the Vice-President returned, and be the President *pro tempore* during his second absence, just as we have held that the beginning of a new session does not vacate the office of President *pro tempore*, but he continues to hold until his successor is chosen. But he does not intimate there that the Senate cannot make a change; at least, he does not in that part of the speech the Senator read.

Mr. STEVENSON. I did not pretend to read the whole speech. I only referred to the opinion and position of Judge Collamer in support of the construction I mentioned. The Senator from Indiana would be better prepared to know what Judge Collamer's position was by reading his whole speech, instead of authoritatively insisting what his views were before reading it, and I think I can show that it is the logical sequence from what Judge Collamer did say that he utterly disbelieved in the power of the Senate to displace a President *pro tempore* without cause and at its own pleasure. But that the Senator from Indiana and myself may not differ, I will again refer to what Judge Collamer did say.

I quote from the debate:

The object of this resolution is to declare what I have understood to be really the law. It has been the practice of late years to understand that when a President *pro tempore* is elected in the absence of the Vice-President, those words "elected in the absence of the Vice-President" limit not only the occasion of his election but the term and tenure of his office; and that when the particular absence of the Vice-President on which occasion he was elected ceases, his election ceases also.

That is done and can be done only upon one construction of the language of the Constitution. After speaking in the previous clause of the Vice-President's presiding over the Senate, the Constitution provides that "the Senate shall choose their other officers, and also a President *pro tempore* in the absence of the Vice-President." Observe the words. The pending question is upon their construction.

It arose in the Collamer debate as it does now. The Senator from Indiana cannot misunderstand that. What, then, is the true purport of the words in the Constitution which Judge Collamer cited? Hear him: "The question arises on the construction of those words, that 'the Senate shall choose their other officers, and also a President *pro tempore* in the absence of the Vice-President.'"

He goes on to say:

Undoubtedly the Senate must elect the President *pro tempore* in the absence of the Vice-President. That settles the occasion of the election; but the question still remains, does the office cease when that occasion passes away? In order to test this, I have looked into the early practice.

It seems to me that if an election be made to last only while the Vice-President is at that time absent, the election to the office must cease with the session. It is an absurdity to talk about—

Let the Senator from Indiana listen and tell me what Judge Collamer meant. It is an absurdity even to intimate—

the absence of the Vice-President when the Senate is not sitting.

Mr. MORTON. The Senator asks what Senator Collamer meant by that. Now, if the Senator from Kentucky has shown anything in this Collamer discussion of the power of the Senate to make the change, I have not heard it. It does not so far; it may further on; but it has not come yet.

Mr. STEVENSON. I do not know that anything Judge Collamer would or did say or anything I can cite would convince the Senator from Indiana; but certainly he can never doubt the opinion of Judge Collamer upon the continuance of the office of President *pro tempore* from one session to another in the absence of the Vice-President. But let me continue the quotation from Judge Collamer's speech. He continues:

No man can with propriety say that a member or the vice-president of a body is absent when owing to the adjournment of the body he cannot be present. Absence from a body implies that the body is sitting. It cannot be said that a man is absent when the body itself is not present. If the Vice-President chooses, he has a right to put an end to the time of holding the office by the President *pro tempore* by coming back and taking the chair, which it is said he may do at any day during the session. He cannot come back to do that in the vacation. You deprive him of the power of coming here then. The truth is, as I view it, that the absence must be an absence from the sitting body; and the moment the body ceases its session no one can be said to be absent from it after that. It is to me a sort of paradox to talk about the Vice-President being absent or any member being absent after we have adjourned. Neither the Vice-President nor anybody else can be absent from the Senate when the Senate is not sitting.

That this is not the practical construction of the Constitution (that is to say, that when a President *pro tempore* is appointed his office ceases with the session, as it must if it is limited to the time of the absence) is shown by the uniform practice of the Senate for the last seventy years. The practice has been to make an election near the close of the session, and the Vice-President retires for the purpose of allowing a President *pro tempore* to be elected. What for? That the office may continue in vacation, and, with two exceptions, the uniform practice has been, as appears by the journals, that when the next session commences, if the Vice-President is not here, the President *pro tempore* takes the seat. There have been two exceptions where the Senate elected a different person. That proves nothing, because the Senate, no doubt, can elect a new one at any time.

Again, sir, the law which provides, in accordance with the Constitution, who shall perform the duties of President of the United States in case of the death or resignation of both the President and Vice-President, declares that the President *pro tempore* of the Senate shall officiate; or, if there be no President *pro tempore*, the Speaker of the House of Representatives. It is very observable that that law necessarily implies that the Congress which passed it understood the place of President *pro tempore* to be a continuing office—

That is not the rule at present—

That, when elected, he remained in until another was elected. True, it might fall out that he might die; and so provision was made for the Speaker of the House of Representatives; but the necessary implication from the law is that the office of President *pro tempore* of the Senate is a continuing office. It was so understood then, and I wish it merely to be so understood now.—*Congressional Globe*, first session, Thirty-seventh Congress, pages 436, 437.

I want it put in black and white that this office is a continuing office. Yet the gentleman tells the Senate that Mr. Collamer did not believe that this was a continuing office.

Mr. MORTON. I think I have heard the reading correctly, and I ask the Senator if Mr. Collamer does not, while speaking about its being a continuing office, recognize the power of the Senate to make a change at any time?

Mr. STEVENSON. I have read what Judge Collamer said, and the Senate comprehends it. I continue the quotation.

He said, in reply to Mr. Bayard:

But, to my mind, the gentleman's argument is what we lawyers call the *petitio principii*. He assumes, to begin with, that the limitation of the time and term of the office is the same as the occasion of appointment. The Constitution provides that the Senate may appoint a President *pro tempore* in the absence of the Vice-President. Now, the Senator assumes that he ceases to be President *pro tempore* when the Vice-President comes back.

That was what Mr. Bayard insisted upon and what Mr. Collamer denied—the latter urging that the term of the President *pro tempore* continued on the death or absence of the Vice-President during his entire term as Senator, covering the entire term of the office.

Mr. EDMUNDS. May I ask the Senator a question?

Mr. STEVENSON. Certainly.

Mr. EDMUNDS. I would like to ask the Senator whether the office of a judge of one of the United States courts is not a continuing office, and yet whether that office may not be changed? not at the

pleasure of the President, to be sure. But take another case, which is more to the point; take any one of the thousands of internal-revenue officers. The office continues all the time, but at the pleasure of the President of the United States, with that of the Senate; I will say, together. It may be without, but I will pass that question. The person who occupies the office may be changed every week if we like; the office continues; but the right of a particular person to hold it is quite a different thing, I submit to my friend.

Mr. STEVENSON. My opinion is that this Senate can no more touch the President *pro tempore* when he becomes President than it could displace President Grant; and I utterly repudiate the statement of the honorable Senator from Indiana, made, perhaps, in the absence of the Senator from Vermont, that after the President *pro tempore* becomes President of the United States he can still preside over the Senate; that the Senate can still remove him. No, sir; the absurd consequences to which the proposed construction of the committee might and does lead seem to me to be an unanswerable argument against its correctness.

I think it is a matter of the highest moment that the Senate should adopt some uniform construction of this clause and act under it. This report utterly repudiates the construction and practice which have prevailed for seventy years. I think it a wise practice and the correct one. I shall regret to see a new usage prevail. Still, if the majority have determined on it, like other innovations of recent years, I acquiesce.

I can see possible mischief and danger in the new construction; none has ever occurred during the old usage. I venerate this Constitution of our fathers, and I desire it to stand. I want all its guards of protection and of public and individual liberty of defense to remain unimpaired. It has been assailed and violated and its effective power almost paralyzed amid the fires and blood of civil revolution. But that has passed away

I devoutly thank God that a soberer and a steadier feeling in the popular heart is being aroused to guard it from further violation. The people are beginning to feel that there is no power above the Constitution and no protection outside of it. It is the only ark of their political and social safety.

The PRESIDING OFFICER, (Mr. OGLESBY in the chair.) The question is on the motion of the Senator from Ohio [Mr. THURMAN] to indefinitely postpone the third resolution.

Mr. MORTON. I wish to say one word on the particular character of the motion. An indefinite postponement of this resolution would be a declaration that the doctrine of it is not recognized by the Senate, or at least that there is a doubt about it. This resolution being now before the Senate, and growing up out of the inquiry submitted to the Committee on Privileges and Elections, in my opinion it ought to be decided. We have decided two other points, and those decisions will be quoted as precedents hereafter, and I think it is important now that we should pass fairly and squarely upon this resolution.

Mr. EDMUNDS. No dodging. Do not let us have any evasion about it now.

Mr. MORTON. Let us have no evasion nor leave any doubt about it.

Mr. THURMAN. Mr. President, I think I should not have risen again upon this question but for that word "evasion." What "evasion" is there in indefinitely postponing a resolution when there is no case before the Senate giving rise to any such resolution and requiring us to pass it? We have passed two resolutions very properly, because the case had arisen; but as to this resolution there is no case before the Senate making it necessary to express any opinion upon it one way or the other.

Mr. EDMUNDS. May I ask the Senator how a case arises under the first and second resolutions any more than under this one?

Mr. THURMAN. Because a question had been made in respect to the right of the President *pro tempore* of the Senate to take the chair at this session. The question was made and submitted to the committee, and it was very proper that we should know whether the officer who is presiding over us, or he who assumed to be an officer, had authority so to preside.

Mr. EDMUNDS. But my friend has forgotten that since the introduction of the original resolution upon the subject the Senate by a unanimous vote declared, after rejecting an amendment which was offered to a resolution—

That Mr. THOMAS W. FERRY, a Senator from the State of Michigan, be the President of the Senate until January 7, 1876, and until a fresh appointment shall be made.

So that no more question existed yesterday respecting the right of the Senator from Michigan to exercise the duties of President *pro tempore* than there can exist respecting the right of my friend and mine to exercise our duties to-day.

Mr. THURMAN. I think if I were to go into the history of this question it would be seen that there is a very material difference. The Senator from Vermont introduced a resolution to go into an election of President *pro tempore* on the 7th day of January. I think that was the first movement. That I suggested should be referred to the Committee on Privileges and Elections. It was so referred ultimately. After that, and before the recess took place, the Senator from Vermont, out of abundant caution, it seems, introduced another resolution, that the Senator from Michigan should continue to be President of the Senate until another election, or something of that kind; and it was passed to gratify him, I believe, for I am quite sure some of the Senators thought it was wholly unnecessary, as, for instance, the chairman of the Committee on Privileges and Elections, who declared that he considered it wholly unnecessary. Yet, if any Senator had any doubts on that subject, there seemed to be no objection to the resolution being passed, and it was passed without any debate or discussion whatsoever. I do not think that alters the case. Now, we have decided that the Senator from Michigan continued to be President *pro tempore* of the Senate notwithstanding the session at which he was chosen had expired. We have settled that question. We have settled the question also that the death of the Vice-President did not put an end to the duration of the office of the President *pro tempore*. Those are all the questions we need settle in order to affirm the right of the President *pro tempore* to hold his office; but how long he is entitled to hold it is another question, and cannot come up properly before the Senate unless a motion be made to go into another election. That is the point which I make. It is very easy to bring this question before the Senate. If the Senator from Vermont desires it, he can very easily bring it before the Senate by a resolution to go into an election. Then we shall be compelled to decide the question; but until that be done, whatever we may say now is deciding the question before the case arises.

This is my reason for moving to indefinitely postpone the third resolution. I think it is a good and a sufficient reason. I have no desire to evade this question. I am ready to vote upon it. I said the day before yesterday that I was in some doubt about it. I cannot say that I am entirely free from doubt now. I am willing to confess that my impression was, without having examined the question, in favor of the report of the committee; but subsequent reflection, a more critical examination of the Constitution, and the arguments that have been adduced by those who have spoken against the report, have changed my opinion. I think that the weight of argument is against the power of the Senate to make the change. And although this matter has been argued already, perhaps as long as the Senate desires to hear argument upon it, I venture to trespass upon the attention of the Senate for a few moments while I very briefly state the reasons that bring me to this conclusion.

In doing so I may notice another question that has been mooted here, although it is wholly outside of the question before the Senate, or at least there is no necessity for deciding it, but upon which my views are perfectly clear; and that is, what would be the status of the President *pro tempore* of the Senate if the duties of the presidential office should devolve upon him under the law of 1792? Upon that question I do not really see how there can be any two opinions. I think it is as clear as anything can be, that if such an event were to take place and he were to accept the discharge of the duties of President of the United States, he would cease to be a Senator. I cannot conceive anything more incongruous, more opposite to the genius and spirit and provisions of the Constitution, which separate the departments of the Government into executive, legislative, and judicial, than to suppose a man could at one and the same time exercise the functions of President of the United States and be the President of the Senate of the United States, entitled to all the rights and privileges of a Senator. That would be vesting in one and the same individual powers wholly different and wholly inconsistent with each other, legislative powers as a Senator, presiding powers as the President of the Senate, and executive powers as the Executive of the United States.

It is against the rules of this body to allude to an opinion of the President of the United States unless it has been officially communicated to us; or at least it is against the rules of this body to say what the President will or will not do in regard to a matter of legislation before us upon which he has not officially expressed an opinion. Why so? Because the executive power should not be felt in this Senate to influence the votes of its members. The same rule obtains in the other House. And yet there are some Senators who seem to suppose that the very man clothed with the office of President can come into the Senate, preside over its deliberations, take part in its debates, say what he will do and what he will not do in his executive character. I cannot conceive of anything more inconsistent than that. No, sir; if the duties of the office devolve upon the President *pro tempore* of the Senate and he sees fit to accept them, then he ceases to be a Senator. If he does not cease to be a Senator, one of two things must happen: either that he can at one and the same time discharge legislative functions as a Senator and be the supreme Executive of the United States, or if he cannot discharge his legislative functions as a Senator then his State is shorn of one-half of its representation upon this floor. That is the effect of it. You must say that he can come here and act as Senator, take part in our debates, vote on the question of passing a bill over his own veto, preside over our deliberations, influence us by his opinion as the Executive of the nation, or you must say that he cannot do that; he must leave this Chamber; he must take no part in its deliberations. If you say at the same time that he continues to be a Senator, then by an act of the Congress of the United States you have deprived his State of one of its Senators on this floor. This view will not bear examination at all.

Mr. CONKLING. May I ask the Senator from Ohio a question?

Mr. THURMAN. Certainly.

Mr. CONKLING. The act of Congress which is under discussion, like the Constitution on which it is founded, if it is founded on the Constitution, provides not only for the death and removal of the Pres-

ident and Vice-President, but for the inability of both those officers to act. Now I beg to put to the Senator from Ohio this question: Suppose the acting President, the Vice-President who has come to be, were ill for a time, or insane for a time, which, I take it, would be one of the cases of inability here, and the President of the Senate *pro tempore* should enter upon the discharge of the duties of President and continue and complete that discharge in one week, and the President, himself, resumes his health and the duties of his office, does the Senator from Ohio say that that week of service would have put an end to the tenure of office of the Senator?

Mr. THURMAN. If the Senator had not interrupted me, I should have noticed that.

Mr. CONKLING. I did not mean to interrupt my friend, but I am seeking light, and as I have interrupted him, if he will pardon me one moment, suppose——

Mr. THURMAN. I heard all the arguments the Senator can make on this question thirty years ago in this Chamber.

Mr. CONKLING. I did not know the Senator was here thirty years ago. Had I known that, my respect for venerable men would have prevented me from interrupting him. [Laughter.]

Mr. THURMAN. I thank the Senator for his respect, and I will modify my remark by saying that it was thirty-five years ago.

Mr. CONKLING. Thirty-five years ago! The Senator's age is as great as his discretion. But now, if he will pardon me, does he mean to tell us that, if these duties had been devolved upon the Chief-Justice of the United States and he should have discharged them for a week during the inability of the President, he would cease to be Chief-Justice by so doing? I do not know that he is not right; but I am seeking, in genuine good faith, light on the subject.

Mr. THURMAN. Undoubtedly so; I did not intend to be discourteous to the Senator when I told him that he had interrupted me by asking a question which I would have considered, although this whole debate on this question is really aside from the resolution before us; and I should not have said anything about it, but that I did not wish to sit in silence and hear opinions such as those expressed by the Senator from Indiana on this question without entering my dissent. I do say, in answer to the Senator from New York, that a man cannot be a Senator of the United States and at the same time discharge the duties of President of the United States one minute; he cannot be Chief Justice of the United States and discharge the duties of President one minute, consistently with the Constitution of the United States. That is what I mean to say.

I said that thirty-five years ago I heard this question discussed; discussed by great men, and discussed in the Senate of the United States. I was not in the Senate. I was too young, or the people had not discovered my merits then. [Laughter.] It was on the occasion of the death of General Harrison, and the question was whether Mr. Tyler had become President of the United States. When a motion was made in the Senate to appoint a committee—the usual motion on the commencement of the session—"to wait upon the President of the United States, and inform him that both Houses of Congress had assembled, and were ready to receive any communication that he might be pleased to make," a Senator from Ohio moved to amend instead of saying "the President of the United States" by saying "the Vice-President of the United States acting as President." That gave rise to a very interesting discussion; and the result of that discussion was, I believe, a vote, by a large majority, to retain the resolution in its original form, upon the ground that upon the death of the President the Vice-President became actually President of the United States. It was argued in support of the amendment that there was a distinction between the case of the death of the President and a temporary disability, and that it could not be said that the Vice-President became President of the United States where the actual President was only under temporary disability, because that would be to have two Presidents of the United States at one and the same time. It is precisely the same argument that the Senator from New York now suggests. It was said then that this clause in regard to the powers and duties devolving on the Vice-President is precisely the same in respect to death or to inability to serve. Let me turn to that clause:

> In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

They are all put in the same clause, and the language is "what officer shall then act as President." I am speaking now from recollection, for I do not think I have read that debate for many years; but it made a great impression on my young mind at that time. The opinion expressed by leading Senators who took part in that debate was that in the case of death it is plain, and in the case of removal from office it is plain, and in the case of resignation it is plain; all those cases put an end to the official character of the President; and it was only in case of his inability to serve (it might be from insanity, or from imprisonment, or from some temporary cause—sickness a Senator suggests, and that might well be) that there could be any question. The weight of opinion, as I recollect it, expressed then was that in such a case of inability, as in case of captivity and imprisonment—if, for instance, Mr. Lincoln had been captured and imprisoned by the confederates during the late civil war, his powers would have been in abeyance during that captivity, and the Vice-President for the time being would have been the President of the United States; and no order given by Mr. Lincoln from his dungeon in a Southern State, if he had been in one, or in some fortress there, could be obeyed as the order of the President of the United States; but, the powers of the real President being in abeyance by reason of imprisonment or inability to discharge his duties, the Vice-President for the time being would have been the President of the United States.

Mr. MORTON. I want to call the attention of my friend from Ohio, because I am interested in this part of the discussion; although it is not involved in the passage of this resolution; and as he has brought it here——

Mr. THURMAN. I did not.

Mr. MORTON. Or rather, he brought it here before. His argument is that the President *pro tempore* of the Senate in the case of the death of the President of the United States would become the President of the United States in fact and in law. Now, I dissent from that. The argument in the case of the Vice-President, where the President should die or become disabled, is not in point. The Constitution makes the difference:

> In case of removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same—

that is, the office—

> shall devolve on the Vice-President.

Mr. THURMAN. O no! the last antecedent is "duties"—"powers and duties."

Mr. CONKLING. The Senator supposes now that the office itself devolved and not the powers and duties.

Mr. MORTON. I will read it just as it is.

Mr. THURMAN. "To discharge the powers and duties of the said office."

Mr. MORTON. "The same;" that is, I take it, the office. That is what the Senator himself argues.

Mr. EDMUNDS. That is the grammatical argument of the Senator.

Mr. MORTON. I wish to point out the difference in the language of the Constitution:

> The same shall devolve on the Vice-President; and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President.

That is what it is. We have very frequent illustrations of this kind. I believe the law provides that when a Secretary of one of the Departments shall be disabled or absent an Assistant Secretary, or some other officer, shall act as Secretary. He does not cease to be assistant, but for the time being, under the law, he performs the duties of the chief office and acts in that capacity. For example, the charter of a city provides that when the mayor is sick or otherwise disabled or absent, the first justice of the peace in the city may act as mayor. The justice does not become mayor, but the duties of the office are temporarily devolved upon him, and he acts in that capacity. The other man does not cease to be mayor. In the absence of the Secretary of the Treasury, the assistant performs his duties, but the one does not cease to be Secretary of the Treasury nor does the other become Secretary; and in this case the Constitution says that Congress may provide what officer shall act as President. That may be temporarily or it may not be.

Mr. THURMAN. I do not find much light on this question from the illustration of mayors of cities and corporate villages in the State of Indiana or the State of Ohio. It seems to me that it is a question which depends on the Constitution of the United States, and is quite irrespective of any of those municipal laws to which the Senator has referred. I did not rise, however, to argue that question, but only to say that I, for one, dissent from the views expressed by the Senator from Indiana in the first remarks which he submitted this morning on this question. I think when the office devolves on the President *pro tempore* he ceases to be Senator, becomes President, and holds the office of President until the expiration of the term or until another President is elected. I may be wrong about it; I only state my opinion. That is my judgment, because I cannot in any way reconcile it to my mind that a man can at one and the same time discharge the duties of President of the United States and be a Senator in Congress, entitled to take a seat on this floor and to participate in our deliberations with all the powers of a Senator; nor can I reconcile it to myself to say that any act of Congress can deprive a State of one-half of its representation on this floor by making a Senator President of the United States, and at the same time leaving him a Senator in name but without power to act as a Senator. That is all that I desire to say upon that branch of the subject.

Upon the question that is immediately before the Senate, and as to which I have said that I was not entirely clear, but that the impression of my mind was in favor of the views of the minority of the committee, I wish to say a very few words indeed.

> The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

I wish the attention of the Senator from Indiana for one moment. The Senator says that the power conferred in this clause is precisely the same in respect to the President of the Senate that it is in respect to "the other officers," and that if it is competent for the Senate to

remove its Secretary, or its Chief Clerk, or its Sergeant-at-Arms, it follows necessarily that it has a like power to remove the President *pro tempore*. I submit to him that he is entirely mistaken in that. There is not one word in this clause that by any implication whatever fixes the duration of the office of any officer of the Senate except the President *pro tempore*. There is not one word in the clause which, either expressly or by any implication, fixes the term of office of the Secretary of the Senate, of the Chief Clerk of the Senate, of the Sergeant-at-Arms, or of any of those officers who are strictly officers of the Senate. But when you come to the President *pro tempore*, there are most pregnant words that do intimate, that do raise a fair implication, if they do not express it in fact, that he is to hold during the entire absence of the Vice-President, and, if that absence be caused by death, as in the case now before us, that then he must continue to hold as long as he is a member of the body, unless, in the mean time, another Vice-President has been chosen. Let us see how this matter is:

The Vice-President of the United States shall be President of the Senate, but shall have no vote, &c.

The Senate shall choose their other officers.

Why was the clause "the Senate shall choose their other officers" put in at all? The reason of it is very obvious. You will find a like provision in regard to the House of Representatives. It was to give each body the absolute power to choose its own officers. Just for the same reason that each House is made the sole judge of the election, returns, and qualifications of its own members, so the choice of its own immediate servants is vested in each House, and it is to prevent the choice of officers of the Senate, or officers of the House being made a subject-matter of legislation, being governed by law, or being conferred upon any executive authority. It is for that reason alone that the clause is put in here that "the Senate shall choose their other officers." Then the Constitution goes on and says: "And also a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States."

If the Senator from Indiana is right, why was not this clause condensed so as to say "the Senate shall choose their other officers, and when necessary a President *pro tempore*?" Why was it not put in those few words? Where was the necessity of putting in words that import a term for which that President is to hold his office? If the Senator from Indiana and the majority of the committee are correct, the whole object would have been accomplished by saying: "The Senate shall choose their other officers, and also a President *pro tempore* when necessary." That would have left him in the power of the Senate. But, instead of saying in those few words that the Senate should have the power to elect a President *pro tempore*, they go on to say "and a President *pro tempore* in the absence of the Vice-President." And that is not all: "Or when he shall exercise the office of President of the United States."

It does look as if the plain import of this language was that there is to be such an officer, and it is admitted he is an officer, for, if he is not, he could not become President under the act of 1792, and that act would be unconstitutional. There is to be such an officer as a President *pro tempore* of the Senate, and that officer is elected for an absence of the Vice-President, and if that absence is to be continuous, as in the case of his becoming President of the United States upon the death, resignation, or removal from office of the President, then that Senator, thus President *pro tempore*, is to hold for the whole term.

That is the natural import of this language, as it seems to me upon further reflection. In view of the language of the Constitution and in view of the fact that it seems to have been the idea of the framers of the Constitution that the presiding officer of this body should have a certain independent status, a certain permanency of tenure of office, and with the strong reasons which have been given favoring this permanency of tenure, I cannot bring myself ultimately to the conclusion that this is an office held *durante beneplacito;* that we are to turn our presiding officer out one day and put somebody else in; and that, owing to some casual change of majority or change of feeling in the Senate, we are to reverse the thing the next day and re-instate the old officer. I know that there is very little to be gained by supposing extreme cases. There is very little to be gained by supposing that the Senate would do so improper a thing; and yet it might be done in times of high party excitement.

Then, I think, Mr. President, that there is great force in what was said by the Senator from Florida, [Mr. JONES.] If you say that the President *pro tempore* can be changed at the will of the Senate, and the House of Representatives should take the opposite view of it, and the office of President of the United States should devolve on the President of the Senate, you might have a conflict between the two Houses as to who was the Chief Executive Magistrate. If, for instance, we were to change our President *pro tempore*, elect some one else in his stead, and (this not being a matter of the special privileges of the Senate, upon which our judgment is conclusive—for upon it depends who shall be President of the United States) if the House of Representatives should take the opposite view and say, "You have improperly elected a man; you have violated the Constitution by electing a man when there was no vacancy and when you had no power to change your presiding officer," we can see that there would be a conflict immediately between the two Houses. That may be an extreme case, too—that is to say, a case not very likely to occur—and yet it is a case so likely to occur that it has been thought necessary to provide by law for the event of the death of both the President and Vice-President of the United States, and it is provided for in the Constitution also. The Constitution contemplates that both President and Vice-President may die or their offices become vacant, and it requires Congress to provide for such a contingency, and Congress has provided for it; so that it is not reasoning from extreme cases or improbable hypotheses to say such a case may arise; and, seeing that it may arise, it is possible there may be this conflict between the two Houses if the opinion advocated by the majority of the committee shall prevail. The other opinion, that which makes the office of President *pro tempore* permanent as long as the Vice-President is absent, removes any possibility of danger of a conflict.

Mr. ALCORN. Mr. President, I have very few words to offer the Senate, but I have some thoughts which have occurred to me during the progress of this discussion which I feel disposed to present. The question is whether an officer chosen by this body *pro tempore*, for the time, is an officer for all time. I find no difficulty in coming to a conclusion upon this point; and it is for the reason that I find no difficulty in reaching a conclusion upon several points suggested that I desire now to offer what I have to say.

If the President *pro tempore* of this body was called to discharge the duties of President of the United States by reason of the death of the President to-day, at this moment, he would at once have gone beyond the reach of this body, to discharge duties devolving upon him under the law; his responsibility to the Senate would have been enlarged; he would have become at once responsible to the people of the United States, who have provided by law that this officer, upon a certain contingency, shall assume certain other duties and discharge a certain other office. He could then only be reached through the avenue and under the law that had been provided for reaching the President of the United States in case he failed to discharge his duties faithfully. He could not be removed by this body, for the good reason that he was no longer responsible to this body; but, under the operation of the Constitution and the law, he would have succeeded to the discharge of higher and more important duties; he would have succeeded to the discharge of the functions of a separate and independent branch of the Government; he would be no longer dependent on the legislative department of the Government or on either branch of the legislative department of the Government, but he would have become responsible to the people of this nation, and could only be removed in the mode pointed out by the Constitution and the law. What then would be the duty of the Senate? Being without a Presiding Officer, to elect its President *pro tempore*, who holds just as long as this body sees proper to continue him in office, and if the President *pro tempore* who has now succeeded to the office of President of the United States should die—a contingency not likely to happen, but which might happen nevertheless—where then would come, if there were no other provisions of law than these, the President of the United States? The President *pro tempore* would simply succeed to the position again; I mean in the absence of other legislation on the subject.

In Mississippi, I remember once, under a precisely similar clause in the constitution of that State, our governor, General Quitman, resigned the office of governor. Judge John I. Glihon, a very distinguished lawyer indeed, a man who had presided with great distinction as judge, being at that time president of the senate, at once made his obeisance to that body and assumed the discharge of the duties of governor of the State, and the senate immediately proceeded to elect its president *pro tempore*, who continued to preside for the residue of the term.

Recently in Mississippi, under the constitution of the State adopted since the reconstruction acts, it was provided that thirty days after the election of the governor and State officers under the new constitution, all the offices of the State should be vacated and that the governor should appoint, by and with the advice of the senate, the various officers provided by law. By and with the advice and consent of the senate, mark you, he was to appoint the various officers to discharge their duties in the State. There were some three thousand of these. The governor went forward to appoint, and he appointed, among others, members of the board of supervisors in a certain county. They were by the senate confirmed. The constitution provided that this class of officers should hold their offices until they should be filled by election. The governor undertook to remove a board of supervisors that he had appointed and that had been confirmed by the senate. This teaches now a branch of the subject that is under discussion here to-day. I desire to offer to the Senate an opinion of the supreme court of the State of Mississippi touching the power of the governor to remove an officer provided for in the constitution, and an officer that had been appointed by him and confirmed by the senate of the State—a strong case—no definite time being fixed when the terms of this class of officers should expire, but simply that they should expire at the will of the Legislature, when the Legislature should provide for an election. I will send the book to the Secretary and ask that he read what the supreme court of a State say upon that subject, and they take a rather comprehensive view, as the Senate will observe.

The Chief Clerk read as follows:

It is contended by counsel for appellees that the term of office for which the appellants, Newson, Mason, and Acree, were appointed was not fixed and definite, and, therefore, the power of removal was incident to that of appointment. It was once a vexed question whether the President of the United States had the right and power in any case to remove an incumbent from office, but it was well settled that, prior to the tenure of office act, where no tenure of office was prescribed by

the Constitution or laws of the United States, it was held at the pleasure of the appointing power, and that the power of removal, in such cases, was incident to that of appointment; that the President, anterior to that act, possessed the power of removing all officers, civil and military, except those in the judicial department, or where Congress had given some other duration to their office. In the absence of all constitutional provision, or statutory regulation, it would seem to be a sound and necessary rule to regard the power of removal as incident to the power of appointment. This power of removal from office was a subject of much dispute, and upon which a great diversity of opinion was entertained in the early history of the Federal Government. This, however, related to the power of the President to remove officers appointed with the concurrence of the Senate, and the great question was, whether the removal was to be by the President alone, or with the concurrence of the Senate—both constituting the appointing power. No one denied the power of the President and Senate jointly to remove where the tenure of office was not fixed by the Constitution or act of Congress. This was a full recognition of the principle that the power of removal was incident to the power of appointment in all such cases. But it was very early adopted as the practical construction of the Constitution that this power was vested in the President alone. And this doctrine has been recognized by the Supreme Court of the United States in the case of *ex parte* Hennen, 13 Peters, 225, and acquiesced in by every department of the Government from that time down to the administration of President Johnson, when the tenure of office act was passed by Congress. (44 Mississippi Reports, pages 360, 361.)

Mr. ALCORN. I have nothing further to say upon this point. It occurs to me that there can be no question but that the power to appoint includes the power to remove, there being no period fixed at which the occupant is to hold the office. The Senator from Ohio asked why the Constitution did not say "for the day," why it was not more definite? The framers of the Constitution at the time evidently had not the contingency of the death of the President of the United States in their minds. I might ask why did not the Constitution of the United States say that this President *pro tempore* should preside in the absence of the Vice-President of the United States; should discharge the duties in case of his absence? Why did not the Constitution go on and say "and in case he shall become President he shall continue to discharge the duties during the term for which the Vice-President was elected?" Why did not the Constitution say that? Simply because the framers of the Constitution did not desire to confer any such power, any such independent authority, upon a mere President *pro tempore* of this body. The framers of the Constitution gave authority to the Senate to appoint their own President *pro tempore* and the Constitution has authorized Congress to provide that in a certain contingency he may inherit—if I may be allowed the expression—the Presidency, or, in other words, that the duties of President may devolve upon him. That was doubtless meant to provide for the vacation of the Senate, when that body was not in its place, when the President might die at a time when there would be no one at the capital to take charge of and discharge the duties of the office of President. It was to avoid the possibility of an interregnum; it was to avoid the possibility of that confusion which would arise in case doubt were left upon that subject; and if that contingency should occur and the President *pro tempore* should go forward to discharge the duties devolved upon him under the law and the Constitution, who is it that would deny the authority of this body, coming together, to choose its presiding officer for the time being? What other officer could they choose except a President *pro tempore?*

The PRESIDING OFFICER, (Mr. ALLISON in the chair.) The question is on the indefinite postponement of the third resolution.

Mr. MORTON. I ask for the yeas and nays.

Mr. BOGY. Let it be reported.

The Chief Clerk read the resolution, as follows:

3. *Resolved*, That the office of President *pro tempore* of the Senate is held at the pleasure of the Senate.

The PRESIDING OFFICER. The question is on the indefinite postponement of this resolution, on which the Senator from Indiana calls for the yeas and nays.

The yeas and nays were ordered.

Mr. ENGLISH. On this question I am paired with the Senator from Arkansas, [Mr. DORSEY.] If he were here he would vote "nay" and I should vote "yea" on this motion.

Mr. JONES, of Florida. On this question I am paired with the Senator from Illinois, [Mr. LOGAN.] If he were present he would vote "nay" and I should vote "yea" on this motion.

The question being taken by yeas and nays, resulted—yeas 18, nays 36; as follows:

YEAS—Messrs. Bogy, Caperton, Cockrell, Cooper, Davis, Eaton, Goldthwaite, Harvey, Johnston, Kelly, Kernan, McCreery, Merrimon, Randolph, Stevenson, Thurman, Wallace, and Whyte—18.

NAYS—Messrs. Alcorn, Allison, Anthony, Booth, Boutwell, Bruce, Cameron of Pennsylvania, Cameron of Wisconsin, Christiancy, Clayton, Conkling, Cragin, Dawes, Edmunds, Frelinghuysen, Hamilton, Hamlin, Ingalls, Key, McDonald, McMillan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Paddock, Patterson, Sargent, Saulsbury, Spencer, Wadleigh, West, Windom, Withers, and Wright—36.

ABSENT—Messrs. Bayard, Burnside, Conover, Dennis, Dorsey, English, Ferry, Gordon, Hitchcock, Howe, Jones of Florida, Jones of Nevada, Logan, Maxey, Norwood, Ransom, Robertson, and Sherman—18.

So the motion was not agreed to.

The PRESIDING OFFICER. The question recurs on the adoption of the resolution.

Mr. EDMUNDS. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. WHYTE. Mr. President, I voted for the indefinite postponement because I do not think any practical question is now pending before the Senate. I had intended to vote for the resolution of the committee, because, to a certain extent, I believe it enunciates the true principle in regard to the power of the Senate over the President *pro tempore;* and had it not been for the remarks which fell from the Senator from Vermont immediately opposite me [Mr. EDMUNDS] in regard to the extension of that power, I should still be willing to vote for the resolution as it came from the committee; but I desire to offer an amendment to make it clearer than it seems to me now to be, and if the amendment be adopted I shall then with pleasure vote for the resolution; if it be not, I shall vote against it. The amendment is to add to the resolution these words:

Until the happening of the contingency provided for in the ninth section of the act of Congress approved March 1, 1792, when he is authorized to act as President of the United States.

Mr. MORTON. I should have no objection to that amendment if it did not carry with it an implication that perhaps the Senator from Maryland does not intend. I think as it is now framed it would carry the implication that, after the contingency had happened, the President *pro tempore* could not then be changed by the Senate. That may be the law, but I am not prepared now to say that it is; and if my friend will just frame his proposition so as to state that it only applies until that time, leaving the question open after that time, I shall be willing to accept it so far as I am concerned.

Mr. EDMUNDS. But the effect of that would be to leave the original resolution in substance just as it stands now. The present resolution declares in general terms, without looking forward to a question which may arise, that this officer holds his office at the pleasure of the Senate. I think that is perfectly consistent with the idea that by a certain event he may cease to be an officer of the Senate and become something else, as some gentlemen maintain. This resolution stands just as well then; so that there is no occasion, in my opinion, for this addition proposed by the Senator from Maryland, because I do not think this resolution raises the question. If the argument in favor of the future is sound that has been advanced, (and whether it is sound or not it is not now necessary to go into a discussion of,) certainly we all ought to be able to agree. I think, now, as the Senator from Maryland I believe expresses his satisfaction with it, that, taking the resolution in its general and parliamentary sense, speaking not of future contingencies but of the daily exercise of our functions as a Senate, we can all affirm this resolution as it stands. I should hope, therefore, that the amendment would not be pressed.

Mr. WHYTE. I have but a word to say, and am very reluctant even to trespass on the time of the Senate to say that word. The very difficulty which we would all like to avoid, that is of any trouble arising after the contingency contemplated by the act of 1792 shall take place, will not be avoided by the expression of opinion limited as it is limited in the resolution of the Committee on Privileges and Elections. I meant the very thing which the Senator from Indiana referred to. I meant to say if the Senate is to express an opinion—and I wish to concur in that opinion—that after the duties of President of the United States had devolved on the President *pro tempore* of the Senate we had no power or control over him then at all. The law passed in 1792, to which the Senate of that day gave its concurrence, divested us of power and control over him pending the period that he was exercising and discharging the functions of President of the United States. Therefore, unless the Senate means merely to limit its power over the President *pro tempore* until the period when by operation of law he assumes higher and more important functions than those of Senator, I shall certainly not vote for the resolution.

Mr. ALCORN. I shall not support the amendment, for the reason that it is a mere *obiter dictum;* and if we pass it here and the contemplated contingency should arise, while my mind is very clear to-day, still it might be that after having other lights on the subject and hearing from those who have studied the subject and when I have studied it more myself than I have done, I might change my opinion. I propose simply to go so far as it is necessary to go to-day; and when the further contingency arises, as we trust it never will arise, then we will discuss that question; and I have no doubt if the President *pro tempore* who is now enjoying the office should be then enjoying the office that he would be very patient in listening to it, and would not care very much how long the discussion should be prolonged.

Mr. MORTON. On a second reading of the amendment offered by the Senator from Maryland I am clear that it would carry with it the implication that after the contingency had happened the President *pro tempore* was no longer under the control of the Senate. That may be the law, but I am not prepared to say so by my vote at this time, and I think that amendment, read hereafter when the understanding that exists here to-day shall have passed away or be not fully recorded, will carry with it that implication. I do not understand the Senator from Maryland intends that, but simply intends to except the tenure of the office after that contingency from the effect of the resolution. If he would so frame it as to make it distinct on that point, I should have no objection; but I think the resolution as it stands now does not carry with it any force or implication which would be binding after the contingency had happened. I think it is merely a declaration that now the office of President *pro tempore* is held at the pleasure of the Senate, and what might be the tenure of the office after that contingency had happened I do not think is embraced in the present resolution.

Mr. SAULSBURY. Mr. President, I do not think that it is necessary to adopt the amendment of the Senator from Maryland; nevertheless I shall vote for it, because I cannot see what possible harm it

can do. I see very well that the Senator from Maryland has had this idea suggested to him from remarks thrown out in the debate. I do not concur in the view which has been expressed, that after the duties of the office of President of the United States have been devolved on the President *pro tempore* of the Senate the Senate has then any control whatever over him. I think that the moment the duties of the office of President of the United States are devolved on the President *pro tempore, eo instanti* he ceases to be a member of the Senate if he accepts the other office, and he is beyond the control or the reach of this body in any respect except through the constitutional mode of impeachment for the non-performance or for the manner in which he discharges his duties as President of the United States. I do not think, therefore, that the amendment of the Senator from Maryland is necessary, but I can see no harm to arise from it; and, as that amendment has been suggested by reason of remarks thrown out in debate, I shall concur in the amendment by my vote. I shall vote for the resolution, however, whether it is amended or not amended.

Mr. WRIGHT. I regret very much to have to ask once more that the resolution be reported with the amendment. I wish to call the attention of the Senator from Maryland to a suggestion that I think there is in connection with his amendment, when it shall be reported.

The PRESIDING OFFICER. The resolution and amendment will be reported.

The Chief Clerk read the resolution and the amendment.

Mr. WRIGHT. I understand the original resolution as offered by the committee to assert that the office of President *pro tempore* of the Senate is held at the pleasure of the Senate. Now, the Senator from Maryland proposes to amend it by adding "until the contingency arises under the act of 1792." The inevitable implication from that in my mind is that he is still the President of the Senate *pro tempore* after this contingency arises. Now, the Senator certainly does not wish to raise that implication nor to so state. The original resolution, in other words, says that the office of President *pro tempore* of the Senate is at the pleasure of the Senate. He says "until a certain contingency arises." Then it is not at the pleasure of the Senate, but he is still the President *pro tempore* of the Senate according to the amendment. I am sure the Senator from Maryland does not intend to assert that, nor does he want to have it understood that he means that. I suggest, therefore, that the amendment is vicious. First, because, as the Senator from Indiana says, it is subject to the implication that he states, and I think it is subject to the implication that I have stated. In view of what it seems to me must be the clear sentiment of the Senate on this subject and must be the clear law, I suggest that it is better to withdraw the amendment and let us take the question simply on the resolution as offered by the committee.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Maryland.

Mr. WHYTE. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. THURMAN. Mr. President, I am very forcibly impressed by what has just been said by the Senator from Iowa, that, in view of the imperfection of human language, we ought to try to express our ideas so that there shall be no ambiguity. His argument is, that if we adopt the amendment there will be an implication that after the Presidency devolves on the President *pro tempore* of the Senate the power to change him shall cease; which would be an implication that he continued to be a member of this body. I think he would cease to be a member of this body; and while I quite concur with the Senator from Maryland that when the Presidency devolves upon him he cannot be ousted of that by any action of the Senate whatsoever unless he were impeached. I am a little afraid that the amendment does carry the implication that he continues to be a member of this body after the Presidency has devolved upon him.

Mr. STEVENSON. The great desire I have is that we should arrive at something fixed and definite, so that everybody may understand what the real character of the appointee is. I will take this case: suppose the President of the United States were to die to night; I take it that the distinguished Presiding Officer of the Senate would be President; but suppose he were to die, then would the temporary President of the Senate or would the Speaker of the House be the President of the United States? If Senator FERRY were to become to-morrow the President of the United States, and a week after that were to die, what would be the consequence? The law says that if there be no President *pro tempore* of the Senate the Speaker of the House shall succeed; but we in the mean time would have selected another President *pro tempore*. Can any Senator say at once what the construction would be, whether the President *pro tempore* who took Senator FERRY's place would be, in the event of his death, the President, or would the Speaker of the House be? These are matters too important, it seems to me, to go unsettled. I have no feeling on the subject whatever, except that we shall take such action as to provide for every contingency that may occur, so that the Senate itself, when it elects a President *pro tempore*, shall know by the law as fixed what his responsibilities are, and, in the event of his death, who will succeed him.

Mr. EDMUNDS. Mr. President, it is perfectly impossible for the Senate to settle the question that the Senator from Kentucky speaks of except by participating in the passage of a law. We can settle who our presiding officer is to be, and how long he shall be presiding officer, because the Constitution gives us that power; but when it comes to duties that are imposed upon him or upon anybody else by law, if the law is constitutional at all, we as a Senate cannot determine who, or how, or in what way he shall exercise those duties that the law speaks of. Now, this resolution of the Senator from Indiana is directed to our privileges as an independent body acting for ourselves. Beyond that we cannot express any opinion that is of any value except as evincing the view of the individuals who express it, and that is one reason why I am opposed to this amendment.

Mr. STEVENSON. I agree to what the honrable Senator says, but I propose, when this subject is disposed of, to offer a resolution instructing the Judiciary Committee to look into this matter, and by necessary and proper legislation to provide for every emergency which may occur. I think it is exceedingly uncertain now, and I think that the most honest minds, the ablest legal minds, may well differ as to what construction should be put upon it. I do not think we ought to leave the matter unsettled. Though it is not determined by the pending resolution, yet the Judiciary Committee, it seems to me, might by proper legislation provide for every contingency, so as to leave no hiatus in the event of the death of any of these high functionaries.

Mr. THURMAN. When the Senator from Vermont said that the third resolution now under consideration merely called upon us to exercise our independent power as a Senate in a matter with which no other body has anything to do, it is a begging of the question; for if the Constitution is correctly interpreted by the Senator from North Carolina and the Senator from Florida, then it is a question what the Constitution means, and upon that the other House has as much right to decide as the Senate. We are not clothed with any exclusive jurisdiction over the subject if, as those Senators think, the Constitution fixes the term of the office of our Presiding Officer.

But you see, Mr. President, that we are getting into a great deal of constitution-making or constitution-expounding here, and deciding a question that has not yet arisen in the Senate. If we are to expound the Constitution, to give the weight of the opinion of the Senate to any particular interpretation of the Constitution, it ought to be had with very great deliberation; and although I do not wish to prolong this discussion and have nothing more to say, as far as I know, I should like to consider this amendmtnt which has been offered by the Senator from Maryland, and in order to have time to do so I move that the Senate proceed to the consideration of executive business.

Several SENATORS. No! No!

Mr. CHRISTIANCY. I agree fully with the report of the committee as far as this resolution is concerned. I think it is correct as it stands. At the same time, as to the question of the power of the Senate to elect a President *pro tempore* in the contingency of the death of the President of the United States after the duties of President are cast on that President *pro tempore*, I agree fully with the Senator from Ohio. But agreeing with him in that proposition, and that the office of President *pro tempore* becomes vacant, and that the senatorial office of the President *pro tempore* becomes vacant, I can still vote for this resolution, because with that idea when he succeeds to the duties of the Presidency there is a vacancy and we may still go on and elect a President *pro tempore*, so that the resolution as it now stands is correct in either view upon that point.

Mr. McMILLAN. I understand the resolution of the Senator from Indiana, if it shall be passed, will express the opinion of the Senate upon the facts as they now exist, nothing further; and, entertaining those views, I vote upon the question.

The PRESIDING OFFICER. The Senator from Ohio moves that the Senate proceed to the consideration of executive business.

The motion was not agreed to.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Maryland, [Mr. WHYTE,] upon which the yeas and nays have been ordered.

The Chief Clerk proceeded to call the roll.

Mr. ENGLISH, (when his name was called.) I am paired with the Senator from Arkansas [Mr. DORSEY] on all propositions connected with this subject.

The result was announced—yeas 18, nays 33; as follows:

YEAS—Messrs. Bogy, Caperton, Cockrell, Cooper, Davis, Eaton, Goldthwaite, Hitchcock, Johnston, Kernan, McCreery, Merrimon, Randolph, Saulsbury, Stevenson, Wallace, Whyte, and Withers—18.

NAYS—Messrs. Alcorn, Allison, Anthony, Booth, Boutwell, Bruce, Cameron of Pennsylvania, Cameron of Wisconsin, Christiancy, Clayton, Conkling, Conover, Cragin, Dawes, Edmunds, Frelinghuysen, Hamilton, Hamlin, Ingalls, Key, McDonald, McMillan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Paddock, Patterson, Sargent, Wadleigh, West, and Wright—33.

ABSENT—Messrs. Bayard, Burnside, Dennis, Dorsey, English, Ferry, Gordon, Harvey, Howe, Jones of Florida, Jones of Nevada, Kelly, Logan, Maxey, Norwood, Ransom, Robertson, Sherman, Spencer, Thurman, and Windom—21.

So the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the adoption of the resolution, on which the yeas and nays have been ordered.

The Chief Clerk proceeded to call the roll.

Mr. McDONALD, (when Mr. BURNSIDE's name was called.) The Senator from Rhode Island [Mr. BURNSIDE] is paired with the Senator from Delaware, [Mr. BAYARD.]

Mr. JONES, of Florida, (when his name was called.) I am paired with the Senator from Illinois, [Mr. LOGAN.] He would vote in the affirmative and I in the negative, if he were here.

Mr. KELLY, (when his name was called.) Upon this question I am paired with the Senator from Vermont, [Mr. MORRILL.] If he were present he would vote for the resolution and I should vote against it.

The roll-call having been concluded, the result was announced—yeas 34, nays 15; as follows:

YEAS—Messrs. Alcorn, Allison, Anthony, Booth, Boutwell, Bruce, Cameron of Wisconsin, Christiancy, Clayton, Conkling, Cragin, Dawes, Edmunds, Frelinghuysen, Hamilton, Hamlin, Ingalls, Kernan, Key, McDonald, McMillan, Mitchell, Morrill of Maine, Morton, Oglesby, Paddock, Patterson, Sargent, Saulsbury, Spencer, Wadleigh, West, Windom, and Wright—34.

NAYS—Messrs. Bogy, Caperton, Cooper, Davis, Eaton, Goldthwaite, Johnston, McCreery, Merrimon, Randolph, Stevenson, Thurman, Wallace, Whyte, and Withers—15.

ABSENT—Messrs. Bayard, Burnside, Cameron of Pennsylvania, Cockrell, Conover, Dennis, Dorsey, English, Ferry, Gordon, Harvey, Hitchcock, Howe, Jones of Florida, Jones of Nevada, Kelly, Logan, Maxey, Morrill of Vermont, Norwood, Ransom, Robertson, and Sherman.—23.

So the resolution was agreed to.

The PRESIDING OFFICER. The next resolution will be read.

The Chief Clerk read as follows:

4. *Resolved*, That Hon. THOMAS W. FERRY, a Senator from Michigan, who was elected President *pro tempore* of the Senate at the last session, is now the President *pro tempore* by virtue of said election.

Mr. EDMUNDS. I suggest to the Senator from Indiana that he withdraw that resolution, inasmuch as in view of what we have declared the resolution as it is drawn is inconsistent with that declaration, as since his election at the last session he has been again appointed under an order of the Senate to hold until a fresh appointment should be made; and as this resolution states that his present title is on the old election and not on the new one, it seems to me to be inconsistent with the declaration we have made. Therefore I suggest that it is entirely unnecessary and had better be withdrawn.

Mr. MORTON. We have declared that Mr. FERRY continued to act by virtue of his election before the end of the last session. I suppose that the suggestion of the Senator from Vermont reaches this point, that although he was the legal President *pro tempore* when the resolution offered by the Senator from Vermont passed, yet technically his present term dates from that resolution.

Mr. EDMUNDS. Exactly.

Mr. MORTON. That I understand to be the Senator's point.

Mr. EDMUNDS. If he were commissioned as another officer would be, his commission would be under his present election at this session.

Mr. MORTON. I understand the Senator's point to go to this, that although he was at the time the President *pro tempore* holding legally, the same man being again re-elected his present term dates from that last election.

Mr. EDMUNDS. Certainly, the office being held at our pleasure.

Mr. MORTON. It occurs to me that the Senator from Vermont is technically right. I know the resolution offered by him was simply intended to cover a doubt. It was not intended to affect the office.

Mr. McMILLAN. Will the Senator from Indiana allow me to ask him a question?

Mr. MORTON. Certainly.

Mr. McMILLAN. Would it make any difference by what election he held? If this resolution is passed it declares the fact that the President *pro tempore* is such.

Mr. EDMUNDS. It declares that he holds under the old title, which is entirely inconsistent with the resolution we have just adopted that he holds at our pleasure.

Mr. McMILLAN. Does it so declare?

Mr. EDMUNDS. Yes; it says that by virtue of the old election he now holds, when holding by our pleasure he holds by virtue of the new election.

Mr. McMILLAN. I should like to hear the resolution read.

The PRESIDING OFFICER. The Secretary will again report the resolution.

The resolution was read.

Mr. MORTON. I think that the resolution technically is not correct. I think that technically he holds from the election the other day and not from the election of last session, and, entertaining that view, I withdraw the resolution.

The PRESIDING OFFICER. The resolution is withdrawn.

EXECUTIVE SESSION.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-two minutes spent in executive session the doors were re-opened, and (at four o'clock and twelve minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January* 12, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

PUBLIC BUILDING AT SAINT LOUIS, MISSOURI.

Mr. WELLS, of Missouri, by unanimous consent, introduced a bill (H. R. No. 812) to provide an appropriation for the construction of a post-office and custom-house at Saint Louis, Missouri; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

JOHN KIERNAN.

Mr. WELLS, of Missouri, also, by unanimous consent, introduced a bill (H. R. No. 813) for the relief of John Kiernan; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHILD, PRATT & FOX.

Mr. WELLS, of Missouri, also, by unanimous consent, introduced a bill (H. R. No. 814) for the relief of Child, Pratt & Fox; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

INTEREST ON THE 3.65 BONDS.

Mr. WELLS, of Missouri, also, by unanimous consent, introduced a bill (H. R. No. 815) for the payment of the interest on the 3.65 bonds issued under the act of Congress approved June 20, 1874, entitled "An act for the government of the District of Columbia, and for other purposes;" which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

MINT AT COLUMBUS, OHIO.

Mr. WALLING, by unanimous consent, introduced a bill (H. R. No. 816) to establish a mint at Columbus, in the State of Ohio; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

WILLIAM H. DAVIS.

Mr. PAGE, by unanimous consent, introduced a bill (H. R. No. 817) for the relief of William H. Davis; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL GROVE.

Mr. BUCKNER, by unanimous consent, introduced a bill (H. R. No. 818) for the relief of Samuel Grove, postmaster at Mexico, Missouri; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

LAND CLAIMS.

Mr. BUCKNER also, by unanimous consent, introduced a bill (H. R. No. 819) to confer certain land claims in the State of Missouri; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

MISSION OF SAINT JAMES.

Mr. BUCKNER also, by unanimous consent, introduced a bill (H. R. No. 820) for the relief of the mission of Saint James, in Washington Territory; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

BONDED DEBT OF THE DISTRICT OF COLUMBIA.

Mr. BUCKNER also, by unanimous consent, introduced a bill (H. R. No. 821) to provide for and control the management of the bonded debt of the District of Columbia and of the sinking fund for the redemption of the same, and for other purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

D. W. M'CLUNG.

Mr. FOSTER, by unanimous consent, introduced a bill (H. R. No. 822) for the relief of D. W. McClung, of Woodsdale, Ohio; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HARBOR OF VERMILLION.

Mr. FOSTER also submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of War be, and he is, requested to transmit to this House a copy of the report of Colonel Blount, made since the date of his last annual report, in relation to the harbor of Vermillion, Ohio.

CONTESTED-ELECTION CASE IN ALABAMA.

Mr. CALDWELL, of Alabama. I rise to a privileged question. I present certain papers in the contested-election case of Bromberg *vs.* Haralson, from the first district of Alabama, and move that they be referred to the Committee on Elections.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. HOLMAN. I suggest that by unanimous consent the call of the States and Territories for bills and joint resolutions be completed this morning; otherwise gentlemen representing the States that were cut off on the last call will be deprived of the opportunity to present their bills. I hope there will be no objection to allowing the call to be completed.

The SPEAKER. The gentleman from Indiana suggests that the House unanimously consent that the call of States and Territories for resolutions and bills shall be now completed.

Mr. BURCHARD, of Illinois. Let it be for bills only.

The SPEAKER. The Chair would inquire of the gentleman from Indiana whether he means the call to proceed and be completed as if it were within the morning hour of Monday?

Mr. HOLMAN. Yes. That is what I proposed.

Mr. RUSK. Let bills be introduced for reference only.

Mr. HOLMAN. Yes, for reference only.

The SPEAKER. Is there objection to the suggestion of the gentlemen from Indiana? The Chair hears none, and the call of the States and Territories for the introduction of bills and joint resolutions, not to be brought back by a motion to reconsider, will be completed. At the close of the morning hour on Monday the call rested with the State of Mississippi.

GRADE OF ARMY OFFICERS.

Mr. GIBSON introduced a bill (H. R. No. 823) to repeal section 16 of the act approved July 15, 1870, and to construe section 34 of the act approved July 28, 1866, relative to the grade and privileges of officers of the Army; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

UNITED STATES DISTRICT COURT.

Mr. GIBSON also introduced a bill (H. R. No. 824) authorizing the designation of a judge of the district court in case of a vacancy, to hold the court, and the appointment of a clerk *pro tempore;* which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

COMMERCE WITH MEXICO.

Mr. GIBSON also introduced a joint resolution (H. R. No. 32) authorizing the appointment of commissioners to ascertain on what terms a mutually beneficial treaty of commerce with Mexico can be arranged; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

RED RIVER.

Mr. LEVY introduced a bill (H. R. No. 825) for the removal of obstructions in the Red River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

Mr. LEVY also introduced a bill (H. R. No. 826) to improve the navigation of the Red River by closing the mouth of Toue's Bayou; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

RANDAL L. GIBSON.

Mr. LEVY also submitted the following resolution; which was read, and referred to the Committee on Elections:

Resolved, That the Committee on Elections is hereby instructed to inquire into and report upon the amount to which Randal L. Gibson is entitled for expenses and compensation as contestant of the seat of Lionel A. Sheldon, a member of the Forty-third Congress from the second district of the State of Louisiana, the contest of said seat not having been reported upon by the said committee of the Forty-third Congress.

UNITED STATES DISTRICT COURTS IN LOUISIANA.

Mr. MOREY introduced a bill (H. R. No. 827) for the better organization of the district courts within the State of Louisiana; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ERROR OF ENROLLMENT.

Mr. MOREY also introduced a bill (H. R. No. 828) to correct an error of enrollment; which was read a first and second time, referred to the Committee on Enrolled Bills, and ordered to be printed.

LOCATION OF LAND SCRIP.

Mr. MOREY also introduced a bill (H. R. No. 829) defining the manner in which certain land scrip may be located; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

HOT SPRINGS, ARKANSAS.

Mr. MOREY also introduced a bill (H. R. No. 830) extending the time for filing suits in the Court of Claims to establish title to the Hot Springs reservation, in Arkansas; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

RELIEF TO RECONSTRUCTED STATES.

Mr. MOREY also introduced a bill (H. R. No. 831) to strengthen the credit of the reconstructed States and to afford them financial relief, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JOHN THOMPSON.

Mr. McMAHON introduced a bill (H. R. No. 832) granting a pension to John Thompson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NICOLAS LIEBLER.

Mr. McMAHON also introduced a bill (H. R. No. 833) granting a pension to Nicolas Liebler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM A. KINDERDINE.

Mr. McMAHON also introduced a bill (H. R. No. 834) granting a pension to William A. Kinderdine; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM ANDERSON.

Mr. McMAHON also introduced a bill (H. R. No. 835) granting a pension to William Anderson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY C. CASSAD.

Mr. McMAHON also introduced a bill (H. R. No. 836) granting a pension to Henry C. Cassad; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES M'MULLIN.

Mr. McMAHON also introduced a bill (H. R. No. 837) granting a pension to James McMullin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH ODELL.

Mr. McMAHON also introduced a bill (H. R. No. 838) granting a pension to Joseph Odell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COLLECTION DISTRICT, NEW JERSEY.

Mr. SAYLER introduced a bill (H. R. No. 839) to make a collection district in the State of New Jersey; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

TRADING IN INSURRECTIONARY STATES.

Mr. SAYLER also introduced a bill (H. R. No. 840) declaring the effect of permits to purchase products of the insurrectionary States in certain cases granted by the President of the United States; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

A. G. COLLINS.

Mr. SAYLER also introduced a bill (H. R. No. 841) for the relief of A. G. Collins; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM WELCH.

Mr. SAYLER also introduced a joint resolution (H. R. No. 33) authorizing the President of the United States to nominate William Welch to the grade of commander in the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

ORDER OF BUSINESS.

Mr. SAYLER. I have a resolution which I wish to offer for adoption at this time.

The SPEAKER. That is not now in order.

Mr. SAYLER. I ask unanimous consent.

The SPEAKER. The Chair cannot ask unanimous consent during the call.

Mr. SAYLER. I would inquire of the Chair when I can offer the resolution.

The SPEAKER. It is impossible for the Chair to tell; that will depend entirely upon the transaction of business by the House.

JOHN H. FERRY.

Mr. SOUTHARD introduced a bill (H. R. No. 842) for the relief of John H. Ferry, late captain and assistant quartermaster; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

F. LEE AND C. F. DUNBAR.

Mr. GARFIELD introduced a bill (H. R. No. 843) for the relief of Franklin Lee and Charles F. Dunbar; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LAND PATENTS.

Mr. LAWRENCE introduced a bill (H. R. No. 844) relating to land patents; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. LAWRENCE. I ask leave to have printed in the RECORD a brief statement in regard to this bill.

The SPEAKER. That can only be done by unanimous consent, which the Chair cannot ask during this call.

CONDEMNED ORDNANCE FOR A SOLDIERS' MONUMENT.

Mr. DANFORD introduced a bill (H. R. No. 845) condemning two pieces of brass ordnance for a soldiers' monument at Caldwell, Ohio; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PENSIONS TO SOLDIERS OF WAR OF 1812.

Mr. DANFORD also introduced a bill (H. R. No. 846) amending the laws granting pensions to soldiers of the War of 1812 and their widows; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

NATHAN WHARTON.

Mr. DANFORD also introduced a bill (H. R. No. 847) granting a pension to Nathan Wharton, late a private of Company D, Ninety-

second Regiment Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONDEMNED CANNON FOR SOLDIERS' MONUMENTS.

Mr. MONROE introduced a bill (H. R. No. 848) donating condemned cannon and cannon-balls to the corporate authorities of the town of Oberlin, Ohio, for monumental purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. WOODWORTH introduced a bill (H. R. No. 849) granting four condemned cannon and cannon-balls to the Soldiers' Monumental Association of Salem, Ohio, for monumental purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SIDNEY J. WOOD.

Mr. WOODWORTH also introduced a bill (H. R. No. 850) for the relief of Sidney J. Wood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

N. N. MURPHY.

Mr. NEAL introduced a bill (H. R. No. 851) for the relief of N. N. Murphy, of Brown County, Ohio; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

INTERNAL TAXES, ETC., ERRONEOUSLY PAID.

Mr. PARSONS introduced a bill (H. R. No. 852) to provide for the recovery of internal taxes and penalties erroneously assessed and paid in certain cases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. MILLIKEN introduced a bill (H. R. No. 853) to repeal certain words and lines of chapter 6, title 35, section 3369, of the United States Statutes at Large; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. KNOTT introduced a bill (H. R. No. 854) to amend the first clause of the eight hundred and forty-eighth section of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MRS. LOT C. READ.

Mr. KNOTT also introduced a bill (H. R. No. 855) for the benefit of Mrs. Lot C. Read, of Kentucky, giving her a pension; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

H. R. FRAMPTON.

Mr. KNOTT also introduced a bill (H. R. No. 856) for the relief of H. R. Frampton; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

IMPROVEMENT OF BIG SANDY RIVER.

Mr. CLARKE, of Kentucky, introduced a bill (H. R. No. 857) making appropriation for the improvement of Big Sandy River, in Kentucky and West Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HARRISON GILL.

Mr. CLARKE, of Kentucky, also introduced a bill (H. R. No. 858) for the relief of Harrison Gill, of Bath County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ANDREW WILLIAMS, WEAKLEY COUNTY, TENNESSEE.

Mr. BOONE introduced a bill (H. R. No. 859) for the benefit of Andrew Williams, of Weakley County, Tennessee; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

IMPROVEMENT OF CUMBERLAND RIVER.

Mr. WHITE introduced a bill (H. R. No. 860) to appropriate money for the improvement of the Cumberland River from the Cumberland River Falls to Harlan Court-house, Kentucky; which was read a first and second time.

The SPEAKER. What reference does the gentleman propose to give the bill?

Mr. WHITE. I move that it be referred to the Committee on Commerce and ordered to be printed.

Mr. JONES, of Kentucky. I ask whether the bill presented by the gentleman from Kentucky, and which he asks be referred to the Committee on Commerce, should not under the rules be referred to the Committee on Railways and Canals? I think under the ninety-fourth rule it should be so referred.

The SPEAKER. In the judgment of the Chair it has been the custom of the House to refer all such bills to the Committee on Commerce.

Mr. JONES, of Kentucky. Will the Speaker let the ninety-fourth rule be read by the Clerk?

The SPEAKER. Certainly.

The Clerk read as follows:

94. It shall be the duty of the Committee on Roads and Canals to take into consideration all such petitions and matters or things relating to roads and canals, and the improvement of the navigation of rivers, as shall be presented, or may come in question, and be referred to them by the House; and to report thereupon, together with such propositions relative thereto as to them shall seem expedient.

Mr. JONES, of Kentucky. As I understand, this bill relates to the improvement of a river, and under that rule should be referred to the Committee on Railways and Canals.

The SPEAKER. The Chair will now direct the Clerk to read the rule relating to the Committee on Commerce.

The Clerk read as follows:

79. It shall be the duty of the Committee on Commerce to take into consideration all such petitions and matters or things touching the commerce of the United States as shall be presented, or shall or may come into question, and be referred to them by the House; and to report from time to time their opinion thereon.

The SPEAKER. The uniform ruling of the Chair heretofore has been that bills of this kind, relating to the water communication of the country, should be referred to the Committee on Commerce.

Mr. JONES, of Kentucky. Does this bill refer to the commerce of the United States or to navigation within the lines of the States?

The SPEAKER. The Chair cannot make such a distinction.

Mr. JONES, of Kentucky. The ninety-fourth rule provides expressly that all bills for the improvement of rivers shall go to the Committee on Railways and Canals.

Mr. HEREFORD. But the uniform practice in this House heretofore has been the reverse.

Mr. JONES, of Kentucky. Then the universal practice has been in violation of a rule of this House. I do not particularly desire that these bills shall be referred to the committee of which I am chairman, but I do desire this rule and every other rule of this House shall be obeyed strictly. I ask the ruling of the Chair on my point.

The SPEAKER. In the judgment of the Chair this bill should be referred to the Committee on Commerce.

Mr. JONES, of Kentucky. I dislike to take an appeal from the decision of the Chair; and I now give notice that I shall offer a resolution, when in order, to refer all these bills to the Committee on Railways and Canals.

REMOVAL OF DISTINCTION IN SALARIES.

Mr. WHITE also introduced a bill (H. R. No. 861) to abolish the distinction in the salaries between first, second, third, and fourth class clerks; which was read a first and second time.

The SPEAKER. To what committee does the gentleman wish the bill to go?

Mr. WHITE. To the Committee on Ways and Means.

The SPEAKER. In the judgment of the Chair this should be referred to the Committee on Appropriations, within whose jurisdiction it is to fix these salaries. Does the gentleman insist on reference to the Committee on Ways and Means?

Mr. WHITE. I do not.

The bill was referred to the Committee on Appropriations, and ordered to be printed.

E. B. HEAD.

Mr. DURHAM introduced a bill (H. R. No. 862) for the relief of E. B. Head, postmaster at Harrodsburgh, Kentucky; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EXEMPTION OF GROWERS OF TOBACCO.

Mr. DURHAM also introduced a bill (H. R. No. 863) to permit the growers of tobacco to sell to consumers $500 worth of their own growth without license; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

IMPROVEMENT OF SMITH'S SHOALS, KENTUCKY.

Mr. DURHAM also introduced a bill (H. R. No. 864) for the improvement of Smith's Shoals, in the Cumberland River, Pulaski County, Kentucky; which was read a first and second time.

Mr. DURHAM. I had desired to have this bill referred to the Committee on Railways and Canals, on the ground taken by my colleague, [Mr. JONES,] but, bowing to the decision of the Chair, I shall move to have it go to the Committee on Commerce.

The SPEAKER. It is so ordered.

ADDITIONAL CIRCUIT-COURT COMMISSIONERS.

Mr. CALDWELL, of Tennessee, introduced a bill (H. R. No. 865) to provide for the appointment of additional circuit-court commissioners and to prevent oppression; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOSEPH ANDERSON.

Mr. BRIGHT introduced a bill (H. R. No. 866) for the relief of Joseph Anderson, of Nashville, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ANN P. JAMES.

Mr. BRIGHT also introduced a bill (H. R. No. 867) for the relief of Ann P. James, of Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN E. BAUMAN.

Mr. BRIGHT also introduced a bill (H. R. No. 868) for the relief of John E. Bauman, of Nashville, Tennessee; which was read a first and

second time, referred to the Committee on War Claims, and ordered to be printed.

R. TOPP AND W. L. VANCE.

Mr. BRIGHT also introduced a bill (H. R. No. 869) for the relief of Robertson Topp and William L. Vance; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RELIEF OF SUNDRY PERSONS.

Mr. BRIGHT also introduced a bill (H. R. No. 870) for the relief of sundry persons therein named; which was read a first second time, referred to the Committee on War Claims, and ordered to be printed.

JURISDICTION OF COURT OF CLAIMS.

Mr. RIDDLE introduced a bill (H. R. No. 871) to amend an act restricting the jurisdiction of the Court of Claims, and for other purposes, approved July 4, 1864; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TORRANCE KIRBY.

Mr. RIDDLE also introduced a bill (H. R. No. 872) granting a pension to Torrance Kirby, of Sumner County, Tennessee, from 1815 to 1854; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

He also introduced a bill (H. R. No. 873) for the relief of Torrance Kirby; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SOUTHERN CLAIMS COMMISSION.

Mr. McFARLAND introduced a bill (H. R. No. 874) to authorize the southern claims commission, established by the act of 3d March, 1871, to grant a rehearing in certain cases and on certain conditions; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PRISONERS UNDER WRITS OF HABEAS CORPUS.

Mr. DIBRELL introduced a bill (H. R. No. 875) to compensate State and county officers for carrying prisoners under writs of *habeas corpus*; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ELECTION FUNDS.

Mr. DIBRELL also introduced a bill (H. R. No. 876) making it a misdemeanor for any person in the employ of the United States to demand or contribute election funds; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

J. M. BRAGG ET AL.

Mr. DIBRELL also introduced a bill (H. R. No. 877) for the relief of J. M. Bragg and others, in Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SMITH I. WALLING.

Mr. DIBRELL also introduced a bill (H. R. No. 878) for the relief of Smith I. Walling, of McMinnville, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH I. CUMMING.

Mr. DIBRELL also introduced a bill (H. R. No. 879) for the relief of Joseph I. Cumming, of White County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TRIBUTARY STREAMS OF THE TENNESSEE RIVER.

Mr. THORNBURGH introduced a bill (H. R. No. 880) making appropriations to improve the navigation of tributary streams of the Tennessee River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WILLIAM RULE.

Mr. THORNBURGH also introduced a bill (H. R. No. 881) for the relief of William Rule, postmaster at Knoxville, Tennessee; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. JAMES K. POLK.

Mr. HOUSE introduced a bill (H. R. No. 882) for the relief of Mrs. James K. Polk, of Nashville, Tennessee; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES H. CHARLTON.

Mr. HOUSE also introduced a bill (H. R. No. 883) for the relief of James H. Charlton, of Davidson County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ANDREW MORRISON.

Mr. HOUSE also introduced a bill (H. R. No. 884) for the relief of Andrew Morrison, of Davidson County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGETTE E. WILKINSON.

Mr. HOUSE also introduced a bill (H. R. No. 885) for the relief of Georgette E. Wilkinson, of Nashville, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

COUNTY OF DAVIDSON, TENNESSEE.

Mr. HOUSE also introduced a bill (H. R. No. 886) for the relief of the county of Davidson, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

M. H. HOWARD.

Mr. HOUSE also introduced a bill (H. R. No. 887) for the relief of M. H. Howard, of Davidson County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SHELBY MEDICAL COLLEGE.

Mr. HOUSE also introduced a bill (H. R. No. 888) for the relief of Shelby Medical College, of Nashville, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAINT CECELIA'S ACADEMY.

Mr. HOUSE also introduced a bill (H. R. No. 889) for the relief of Saint Cecelia's Academy, of Nashville, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RANDALL BROWN.

Mr. HOUSE also introduced a bill (H. R. No. 890) for the relief of Randall Brown, of Nashville, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ESTATE OF C. B. CLUSKEY, DECEASED.

Mr. HOUSE also introduced a bill (H. R. No. 891) for the relief of the estate of C. B. Cluskey, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

THE BANKRUPT LAW.

Mr. YOUNG introduced a bill (H. R. No. 892) to amend the bankrupt law; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REEDER B. SHEPPARD.

Mr. YOUNG also introduced a bill (H. R. No. 893) for the relief of Reeder B. Sheppard, of Memphis, Tennessee; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN T. STRATTON.

Mr. YOUNG also introduced a bill (H. R. No. 894) for the relief of John T. Stratton, of Memphis, Tennessee; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOSEPH TAGG.

Mr. YOUNG also introduced a bill (H. R. No. 895) for the relief of Joseph Tagg, of Memphis, Tennessee; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. ANN E. CONNELL, EXECUTRIX.

Mr. YOUNG also introduced a bill (H. R. No. 896) for the relief of Mrs. Ann E. Connell, executrix of the estate of Hiram D. Connell, deceased, of Memphis, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PENSIONS FOR SOLDIERS OF THE WAR OF 1812.

Mr. HAYMOND introduced a bill (H. R. No. 897) to amend an act entitled "An act granting pensions to certain soldiers of the war of 1812," approved February 14, 1871; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES F. RYAN AND CHARLES J. KNIGHTON.

Mr. LANDERS, of Indiana, introduced a bill (H. R. No. 898) for the relief of James F. Ryan and Charles J. Knighton; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MINT AT INDIANAPOLIS.

Mr. LANDERS, of Indiana, also introduced a bill (H. R. No. 899) to establish a mint for the coinage of gold and silver at Indianapolis, in the State of Indiana, and appropriating certain Government grounds and buildings to the use of the same, as also money for the purchase of the necessary machinery; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

EQUALIZATION OF BOUNTIES.

Mr. LANDERS, of Indiana, also introduced a bill (H. R. No. 900) to equalize the bounties of soldiers who served in the late war for the Union, and to provide money for the payment of the same; which

was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

J. E. ROBERTSON & CO.

Mr. LANDERS, of Indiana, also introduced a bill (H. R. No. 901) for the relief of J E. Robertson & Co., of Indianapolis; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ABEL M. LEWIS.

Mr. LANDERS, of Indiana, also introduced a bill (H. R. No. 902) for the relief of Abel M. Lewis; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PAY OF ARMY AND NAVY OFFICERS.

Mr. BAKER, of Indiana, introduced a bill (H. R. No. 903) to equalize the pay of the officers of the Army and Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

SUSAN A. CHASE.

Mr. FULLER introduced a bill (H. R. No. 904) granting a pension to Susan A. Chase; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM M. DRAKE.

Mr. ROBINSON introduced a bill (H. R. No. 905) granting a pension to William M. Drake; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE A. ARMES.

Mr. ROBINSON also introduced a bill (H. R. No. 906) to authorize the restoration of George A. Armes to the rank of captain; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MINT AT CHICAGO.

Mr. CAULFIELD introduced a bill (H. R. No. 907) to establish a mint for the coinage of gold and silver at Chicago, Illinois; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

HEARTT, WAIT & DODGE.

Mr. CAULFIELD also introduced a bill (H. R. No. 908) for the relief of Heartt, Wait & Dodge, of Chicago, Illinois; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

REPEAL OF BANKRUPT LAW.

Mr. STEVENSON introduced a bill (H. R. No. 909) for the repeal of the bankrupt law and all of the amendments thereto; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

UNITED STATES GEOLOGICAL AND GEOGRAPHICAL SURVEY.

Mr. STEVENSON also introduced a joint resolution (H. R. No. 34) to print forty-five hundred copies of the annual report of the United States Geological and Geographical Survey of the Territories; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

SPECIE PAYMENTS.

Mr. BURCHARD, of Illinois, introduced a bill (H. R. No. 910) to require national-bank associations to prepare for specie payments; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

ANNA GODBOLD.

Mr. BURCHARD, of Illinois, also introduced a bill (H. R. No. 911) authorizing the payment of arrears of pension to Anna Godbold, the widow of a deceased United States soldier; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL RHEA.

Mr. FARWELL introduced a bill (H. R. No. 912) to give the Court of Claims jurisdiction to hear and determine the claim of the heirs of Samuel Rhea; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

OFFICERS OF VESSELS.

Mr. HARRISON introduced a bill (H. R. No. 913) to define who are officers of vessels; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

REGULATION OF STEAM-VESSELS.

Mr. HARRISON also introduced a bill (H. R. No. 914) to amend section 4450, title 52, of the Revised Statutes, for the regulation of steam-vessels; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

F. M. BLOUNT.

Mr. HARRISON also introduced a bill (H. R. No. 915) for the relief of F. M. Blount, of Chicago, Illinois; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CHARLES VALIER.

Mr. MORRISON introduced a bill (H. R. No. 916) for the relief of Charles Valier, late of Company M, Seventh Regiment Illinois Cavalry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PATENTS.

Mr. HARTZELL introduced a bill (H. R. No. 917) to amend section 4898 of the Revised Statutes, in relation to patents; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

JOHN B. TUCKER.

Mr. ANDERSON introduced a bill (H. R. No. 918) granting a pension to John B. Tucker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES E. FAHNESTOCK.

Mr. WHITING introduced a bill (H. R. No. 919) for the relief of Charles E. Fahnestock, postmaster at Glasford, Peoria County, Illinois; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JUDICIAL DISTRICTS IN ILLINOIS.

Mr. WHITING also introduced a bill (H. R. No. 920) to divide the State of Illinois into three judicial districts, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ACCOUNTS OF OHIO, INDIANA, AND ILLINOIS.

Mr. WIKE introduced a bill (H. R. No. 921) to settle certain accounts between the United States and the States of Ohio, Indiana, and Illinois; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PUBLIC BUILDING, QUINCY, ILLINOIS.

Mr. WIKE also introduced a bill (H. R. No. 922) to authorize the construction of a public building at Quincy, Illinois; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

HENRY HEAD.

Mr. WIKE also introduced a bill (H. R. No. 923) for the relief of Henry Head, of Quincy, Illinois; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BANK CHECKS AND DRAFTS.

Mr. SPRINGER introduced a bill (H. R. No. 924) to repeal section 3418 of the Revised Statutes, and all amendments thereto, in relation to bank checks and drafts; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

THOMAS ZEILER.

Mr. SPRINGER also introduced a bill (H. R. No. 925) granting a pension to Thomas Zeiler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN SPICER.

Mr. SPRINGER also introduced a bill (H. R. No. 926) for the relief of John Spicer, of Ottawa, Illinois; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL CRARY.

Mr. SPARKS introduced a bill (H. R. No. 927) for the relief of Samuel Crary; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES L. ALLEN.

Mr. BLAND introduced a bill (H. R. No. 928) for the relief of Charles L. Allen; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES L. ALLEN.

Mr. BLAND also introduced a bill (H. R. No. 929) for the relief of Charles L. Allen; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. E. W. HATCH.

Mr. BLAND also introduced a bill (H. R. No. 930) for the relief of Mrs. E. W. Hatch, of Phelps County, Missouri; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

IMPROVEMENT OF GASCONDE RIVER.

Mr. BLAND also introduced a bill (H. R. No. 931) for the improvement of the Gasconde River, in Missouri; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LAND GRANTS FOR EDUCATIONAL PURPOSES.

Mr. BLAND also introduced a bill (H. R. No. 932) granting to the State of Missouri all public lands therein for educational purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

WILLIAM D. COBAUGH.

Mr. CLARK, of Missouri, introduced a bill (H. R. No. 933) granting a pension to William D. Cobaugh; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MANNER OF INSTRUCTING JURIES IN UNITED STATES COURTS.

Mr. PHILIPS, of Missouri, introduced a bill (H. R. No. 934) regulating the practice in United States circuit and district courts as to the time and manner of instructing juries and arguing a cause; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

AMENDMENT OF BANKRUPT LAW.

Mr. PHILIPS, of Missouri, also introduced a bill (H. R. No. 935) to amend sections 5059 and 5060 of the Revised Statutes of the United States, title "bankruptcy;" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MRS. MATILDA KING.

Mr. GLOVER introduced a bill (H. R. No. 936) for the relief of Mrs. Matilda King, of Lewis County, Missouri; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BONDSMEN OF WILLIAM J. BODENHAMER.

Mr. MORGAN introduced a bill (H. R. No. 937) for the relief of the bondsmen of William J. Bodenhamer, late receiver of land office at Springfield, Missouri; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

TIMOTHY J. HURLBUT.

Mr. MORGAN also introduced a bill (H. R. No. 938) for the relief of Timothy J. Hurlbut; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL C. PUTMAN.

Mr. MORGAN also introduced a bill (H. R. No. 939) for the relief of Daniel C. Putnam; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD EBERT.

Mr. MORGAN also introduced a bill (H. R. No. 940) for the relief of Edward Ebert; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HEIRS OF JOHN A. STEPHENS.

Mr. MORGAN also introduced a bill (H. R. No. 941) for the relief of the widow and heirs of John A. Stephens, deceased, of Springfield, Missouri; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS P. MADDEN.

Mr. STONE introduced a bill (H. R. No. 942) for the relief of Thomas P. Madden, assignee of R. K. Dodge; which was read a first and second time, and referred to the Committee on Indian Affairs.

OKLAHOMA.

Mr. FRANKLIN introduced a bill (H. R. No. 943) to provide for the organization of the Territory of Oklahoma, and for the better protection of the Indian tribes therein; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

NORTHWESTERN ARKANSAS RAILROAD.

Mr. GUNTER introduced a bill (H. R. No. 944) donating public lands in certain counties in Arkansas, together with the Fort Wayne reservation, to the State of Arkansas, to aid in the construction of the Northwestern Arkansas Railroad; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JOSEPH C. SCHADER.

Mr. GUNTER also introduced a bill (H. R. No. 945) for the relief of Joseph C. Schader, of Little Rock, Arkansas; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REFUNDING OF COTTON TAX.

Mr. GAUSE presented a memorial of the Legislature of the State of Arkansas, asking Congress to pass an act refunding the cotton tax; which was referred to the Committee on Ways and Means, and ordered to be printed.

RECLAMATION OF ALLUVIAL LANDS.

Mr. GAUSE also presented a memorial of the Legislature of the State of Arkansas, for the reclamation of the alluvial lands on the Mississippi River; which was referred to the Select Committee on the Mississippi Levees, and ordered to be printed.

WASHINGTON MONUMENT.

Mr. GAUSE also introduced a bill (H. R. No. 946) to provide for completing the Washington Monument; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

WALTER J. LEE.

Mr. WILLARD introduced a bill (H. R. No. 947) for the relief of Walter J. Lee, late a second lieutenant in the Twenty-eighth Michigan Infantry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RIVER AND HARBOR AT SAINT JOSEPH, MICHIGAN.

Mr. POTTER introduced a bill (H. R. No. 948) making an appropriation for the improvement of the river and harbor of Saint Joseph, in the State of Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HARBOR AT SOUTH HAVEN, MICHIGAN.

Mr. POTTER also introduced a bill (H. R. No. 949) making an appropriation for the improvement of the harbor of South Haven, Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HARBOR OF NEW BUFFALO, MICHIGAN.

Mr. POTTER also introduced a bill (H. R. No. 950) for the improvement of the harbor of New Buffalo, in the State of Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

GRANT OF GROUNDS AT MICHILIMACKINAC.

Mr. HUBBELL introduced a bill (H. R. No. 951) to amend an act granting to the borough of Michilimackinac certain grounds for public purposes, approved March 3, 1835; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

DUTY ON GILLING-TWINE.

Mr. HUBBELL also presented a joint resolution of the Legislature of the State of Michigan, asking Congress to admit gilling-twine for fishing free of duty; which was referred to the Committee on Ways and Means, and ordered to be printed.

IMPROVEMENT OF M'CARGO'S COVE, MICHIGAN.

Mr. HUBBELL also introduced a bill (H. R. No. 952) appropriating money for the improvement of the entrance to McCargo's Cove, Lake Superior, Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HARBOR AT CHARLEVOIX, MICHIGAN.

Mr. HUBBELL also introduced a bill (H. R. No. 953) to appropriate money for the improvement of the harbor at Charlevoix, Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HARBOR AT ONTONAGON.

Mr. HUBBELL also introduced a bill (H. R. No. 954) to appropriate money for continuing the improvement of the harbor at Ontonagon, Lake Superior; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

EAGLE HARBOR.

Mr. HUBBELL also introduced a bill (H. R. No. 955) to appropriate money for continuing the improvement of Eagle Harbor, Lake Superior; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT OF SAINT MARY'S RIVER, ETC.

Mr. HUBBELL also introduced a bill (H. R. No. 956) to appropriate money for continuing the improvement of the Saint Mary's River and Saint Mary's Falls Canal; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

STATION AND STEAM FOG-SIGNAL AT MACKINAW.

Mr. HUBBELL also introduced a bill (H. R. No. 957) to appropriate money for the erection of a station and steam fog-signal at Mackinaw, Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

KEEPER'S DWELLING AT PERE MARQUETTE.

Mr. HUBBELL also introduced a bill (H. R. No. 958) to appropriate money for the erection of a keeper's dwelling for the light-house at Pere Marquette, Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LIGHT-HOUSE ON STANNARD'S ROCK.

Mr. HUBBELL also introduced a bill (H. R. No. 959) to appropriate money for the erection of a light-house and steam fog-signal on Stannard's Rock, Lake Superior; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

KEEPER'S DWELLING, PENT WATER, MICHIGAN.

Mr. HUBBELL also introduced a bill (H. R. No. 960) to appropriate money for the erection of a keeper's dwelling for the light-house at Pent Water, Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LIGHT-HOUSE AT LITTLE TRAVERSE, MICHIGAN.

Mr. HUBBELL also introduced a bill (H. R. No. 961) to appropriate money for the erection of a station and steam fog-signal at Little Traverse, Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT OF CHEBOYGAN RIVER, MICHIGAN.

Mr. BRADLEY introduced a bill (H. R. No. 962) making appropriation for the completion of the improvement at the mouth of the Cheboygan River, in the State of Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT OF SAGINAW RIVER.

Mr. BRADLEY also introduced a bill (H. R. No. 963) making appropriation for the continuance of the improvement of the Saginaw River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT OF PINE RIVER, MICHIGAN.

Mr. BRADLEY also introduced a bill (H. R. No. 964) making appropriation for the improvement of the mouth of Pine River, State of Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PUBLIC WORKS AT AU SABLE RIVER, MICHIGAN.

Mr. BRADLEY also introduced a bill (H. R. No. 965) making appropriation for keeping in repair the public works at the mouth of Au Sable River, Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

DISTRICT AND CIRCUIT COURTS, EASTERN DISTRICT OF MICHIGAN.

Mr. BRADLEY also introduced a bill (H. R. No. 966) to provide for holding additional terms of the district and circuit courts of the United States in the eastern district of Michigan; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LAND SURVEY.

Mr. BRADLEY also introduced a bill (H. R. No. 967) authorizing the survey of certain townships in Michigan, and making appropriation therefor; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ALLEN EDDEY.

Mr. BRADLEY also introduced a bill (H. R. No. 968) granting a pension to Allen Eddey, a soldier in the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

CHARLES H. JOHNSON.

Mr. WALDRON introduced a bill (H. R. No. 969) for the relief of Charles H. Johnson, late first lieutenant of the Fifteenth Michigan Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

IMPROVEMENT OF HARBOR AT MONROE, MICHIGAN.

Mr. WALDRON also introduced a bill (H. R. No. 970) making appropriation for the improvement of the harbor at Monroe, Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

AUGUSTUS SPRAGUE.

Mr. A. S. WILLIAMS introduced a bill (H. R. No. 971) for the relief of Augustus Sprague, late a private in Company B, Second Michigan Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHARLES M. LUM.

Mr. A. S. WILLIAMS also introduced a bill (H. R. No. 972) for the relief of Charles M. Lum, late colonel of Michigan Volunteers; which was read a first and second time, referred to the Commitee on Military Affairs, and ordered to be printed.

ESTATE OF HENRY K. SAUGER.

Mr. A. S. WILLIAMS also introduced a bill (H. R. No. 973) for the relief of the estate of Henry K. Sauger, late United States designated depositary of Detroit, Michigan, and for other purposes; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BRIDGES ACROSS THE DETROIT RIVER.

Mr. A. S. WILLIAMS also introduced a bill (H. R. No. 974) to authorize the construction of railroad bridges across the Detroit River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ADMIRAL JOHN H. DAHLGREN.

Mr. CONGER introduced a bill (H. R. No. 975) for the settlement of the claims of the estate of the late Rear-Admiral John H. Dahlgren; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

SOLDIERS' MONUMENT AT PORT HURON.

Mr. CONGER also introduced a bill (H. R. No. 976) authorizing the Secretary of War to deliver to the city of Port Huron, Michigan, certain condemned cannon and balls for the soldiers' monument in Lake Side Cemetery; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LIGHT-HOUSE AT MOSQUITO INLET, FLORIDA.

Mr. WALLS introduced a bill (H. R. No. 977) making an appropriation for the re-establishment of a light-house at Mosquito Inlet, on the east coast of Florida; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

NON-INTEREST-BEARING DEBT.

Mr. SCHLEICHER introduced a bill (H. R. No. 978) to provide for the payment of the non-interest-bearing debt of the United States, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MRS. ELLA P. MURPHY.

Mr. SCHLEICHER also introduced a bill (H. R. No. 979) for the relief of Mrs. Ella P. Murphy, widow of Patrick Murphy, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

COTTON CLAIMS.

Mr. MILLS introduced a bill (H. R. No. 980) authorizing the Secretary of the Treasury to pay to the owner the value of all cotton seized by the officers of the Treasury since May 30, 1865; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

POST-OFFICE BUILDING AT HOUSTON, TEXAS.

Mr. MILLS also introduced a bill (H. R. No. 981) authorizing the construction of a post-office in the city of Houston, Texas; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

REFUNDING COTTON TAX.

Mr. MILLS also introduced a bill (H. R. No. 982) refunding the cotton tax to the producer of the cotton; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

TRANSFER OF INDIAN OFFICE TO WAR DEPARTMENT.

Mr. MILLS also introduced a bill (H. R. No. 983) to transfer the Office of Indian Affairs from the Interior Department to the War Department; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

GALVESTON BAY SHIP-CHANNEL.

Mr. MILLS also introduced a bill (H. R. No. 984) making an appropriation to continue the work on the ship-channel in Galveston Bay, Texas, and to remove the obstructions at the mouth of the San Jacinto River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

TEXAS JUDICIAL DISTRICTS.

Mr. MILLS also introduced a bill (H. R. No. 985) to change the eastern and western judicial districts of Texas, and to fix the times and places of holding courts in the same; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

L. R. WORTHAN.

Mr. MILLS also introduced a bill (H. R. No. 986) for the relief of the heirs of L. R. Worthan, deceased, late of Freestone County, Texas; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

TRANSFER OF INDIAN AFFAIRS TO WAR DEPARTMENT.

Mr. HANCOCK introduced a bill (H. R. No. 987) to transfer the conduct of Indian affairs from the Interior Department to the War Department; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TEXAS BORDER DEPREDATIONS.

Mr. THROCKMORTON presented a resolution and memorial of the constitutional convention of the State of Texas, asking the attention of Congress to the condition of the Texas frontier, and praying compensation for losses sustained by the people of Texas by reason of the incursions of Indians and Mexicans, and re-imbursement for sums of money expended by that State in defending the frontier, which were referred to the Select Committee on the Texan Frontier Troubles, and ordered to be printed.

A. K. EATON AND JAMES D. JENKINS.

Mr. PRATT introduced a bill (H. R. No. 988) for the relief of Ariel K. Eaton and James D. Jenkins, of Mitchell County, Iowa; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

C. L. QUACKENBUSH.

Mr. WILSON, of Iowa, introduced a bill (H. R. No. 989) for the relief of C. L. Quackenbush, of Benton County, Iowa; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. S. ALEXANDER.

Mr. WILSON, of Iowa, also introduced a bill (H. R. No. 990) for the relief of J. S. Alexander, of Marion, Iowa; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ROBERT HENNE.

Mr. TUFTS introduced a bill (H. R. No. 991) to increase the pension of Robert Henne, late lieutenant Company I, Twelfth Regiment

Missouri Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SALE OF AGRICULTURAL LANDS.

Mr. OLIVER introduced a bill (H. R. No. 992) to limit the sale of agricultural lands to settlers under the homestead and pre-emption laws; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

E. W. DODSON.

Mr. OLIVER also introduced a bill (H. R. No. 993) for the relief of E. W. Dodson; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

PENSIONS.

Mr. RUSK introduced a bill (H. R. No. 994) to increase pensions in certain cases; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

G. W. LA POINTE.

Mr. RUSK also introduced a bill (H. R. No. 995) granting a pension to G. W. La Pointe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REV. W. P. STOWE.

Mr. WILLIAMS, of Wisconsin, introduced a bill (H. R. No. 996) for the relief of Rev. William P. Stowe, late a chaplain of the Twenty-seventh Regiment of Wisconsin Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

T. C. HAWKINS.

Mr. BURCHARD, of Wisconsin, introduced a bill (H. R. No. 997) granting a pension to T. C. Hawkins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. BROWER.

Mr. BURCHARD, of Wisconsin, also introduced a bill (H. R. No. 998) for the relief of George W. Brower; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NATURALIZATION AND CITIZENSHIP.

Mr. CATE introduced a bill (H. R. No. 999) in regard to naturalization and rights of citizenship; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

COULTERVILLE AND YOSEMITE TURNPIKE COMPANY.

Mr. WIGGINTON introduced a bill (H. R. No. 1000) granting to the Coulterville and Yosemite Turnpike Company a right of way through the public lands for a wagon-road; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PRE-EMPTORS ON PUBLIC LANDS.

Mr. DUNNELL introduced a bill (H. R. No. 1001) to extend the time to pre-emptors on the public lands in certain counties of the State of Minnesota; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ELIZA ROOT.

Mr. DUNNELL also introduced a bill (H. R. No. 1002) for the relief of Eliza Root; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ANNA W. OSBORNE.

Mr. DUNNELL also introduced a bill (H. R. No. 1003) for the relief of Anna W. Osborne; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

REMOVAL OF INDIANS ON UMATILLA RESERVATION.

Mr. LANE introduced a bill (H. R. No. 1004) to provide for the removal of the Walla Walla, Cayuse, and Umatilla Indians from the Umatilla reservation in Oregon, and for the sale of their lands; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

AMENDMENT OF APPROPRIATION ACT OF 1872.

Mr. PHILLIPS, of Kansas, introduced a bill (H. R. No. 1005) to amend the act entitled "An act making appropriation for the service of the Government for the fiscal year ending June 30, 1872, and for former years, and for other purposes," approved May 18, 1872; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

OTOE INDIAN RESERVATION.

Mr. PHILLIPS, of Kansas, also introduced a bill (H. R. No. 1006) to provide for the sale of the Otoe Indian reservation in Nebraska and Kansas; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

FOURTH AND FIFTH INDIAN REGIMENTS.

Mr. PHILLIPS, of Kansas, also introduced a bill (H. R. No. 1007) for the relief of officers of the Fourth and Fifth Indian Regiments; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM C. O'BRIEN.

Mr. GOODIN introduced a bill (H. R. No. 1008) for the relief of William C. O'Brien; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HARRY FONES.

Mr. GOODIN also introduced a bill (H. R. No. 1009) for the relief of Harry Fones, late a second lieutenant in Company I, One hundred and twelfth Regiment of Illinois Infantry Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHIPPEWA AND MUNSEE INDIANS, KANSAS.

Mr. GOODIN also introduced a bill (H. R. No. 1010) for the relief of the united bands of Swan Creek and Black River Chippewa and Munsee or Christian Indians in the State of Kansas; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

NICHOLAS WHITE.

Mr. GOODIN also introduced a bill (H. R. No. 1011) for the relief of Nicholas White; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. J. S. HASSLER.

Mr. HEREFORD introduced a bill (H. R. No. 1012) authorizing the accounting officers of the Treasury to settle the property accounts of J. J. S. Hassler, late agent for the Chippewa Indians of Minnesota, on the principles of equity and justice; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

IMPROVEMENT OF BIG SANDY RIVER, WEST VIRGINIA.

Mr. HEREFORD also introduced a bill (H. R. No. 1013) appropriating money for the improvement of Big Sandy River, in Kentucky and West Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, notified the House that that body had passed bills of the following titles; in which the concurrence of the House was requested:

An act (S. No. 83) providing for the completion and location of the naval monument;

An act (S. No. 235) providing for the sale of part of custom-house lot in Rockland, Maine; and

An act (S. No. 236) to amend section 3767 of the Revised Statutes in relation to the purchase of paper for the public printing.

The message further stated that the President had notified that body that he had, on December 24, 1875, signed an act (S. No. 78) to extend the duration of the court of commissioners of Alabama claims.

METHODIST EPISCOPAL CHURCH, NEW CREEK, WEST VIRGINIA.

Mr. FAULKNER introduced a bill (H. R. No. 1014) for the relief of the trustees of the Methodist Episcopal church at New Creek, West Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MEMBERS OF CONGRESS AS COUNSEL.

Mr. FAULKNER also introduced a bill (H. R. No. 1015) to prohibit Senators, Representatives, and Delegates in Congress from acting as counsel or otherwise in suits or proceedings against the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

VIRGINIA E. WHITE, OHIO COUNTY, WEST VIRGINIA.

Mr. WILSON, of West Virginia, introduced a bill (H. R. No. 1016) for the relief of Virginia E. White, of Ohio County, West Virginia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

IMPROVEMENT OF LITTLE KANAWHA RIVER.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. No. 1017) for the improvement of Little Kanawha River, in West Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CUSTOM-HOUSE AT PARKERSBURGH, WEST VIRGINIA.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. No. 1018) for the completion of the custom-house at Parkersburgh, West Virginia, and to furnish the same; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PAWNEE INDIAN RESERVATION, NEBRASKA.

Mr. CROUNSE introduced a bill (H. R. No. 1019) to provide for the sale of the Pawnee Indian reservation, in Nebraska; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

MANUEL CHAVEZ AND LORENZO LABIDI.

Mr. ELKINS introduced a bill (H. R. No. 1020) for the relief of Manuel Chavez and Lorenzo Labidi for Indian depredations; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

PRIVATE LAND CLAIMS IN NEW MEXICO, ETC.

Mr. ELKINS also introduced a bill (H. R. No. 1021) enabling claimants to lands within the limits of the Territories of New Mexico, Colorado, and Arizona to institute proceedings to try the validity of their claims; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

ADMISSION OF NEW MEXICO.

Mr. ELKINS also introduced a bill (H. R. No. 1022) to enable the people of New Mexico to form a constitution and State government and for the admission of the said State into the Union upon an equal footing with the original States; which was read a first and second time, referred to the Committee on Territories, and ordered to be printed.

A. D. FISHER.

Mr. JACOBS introduced a bill (H. R. No. 1023) for the relief of A. D. Fisher for his lands and improvements included in Skokamish Indian reservation; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JOHN G. PARKER.

Mr. JACOBS also introduced a bill (H. R. No. 1024) for the relief of John G. Parker for carrying United States mails in Washington Territory; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

R. H. LANSDALE AND S. D. HOWE.

Mr. JACOBS also introduced a bill (H. R. No. 1025) for the relief of Richard H. Lansdale and Samuel D. Howe; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

THOMAS VAN DUZEN.

Mr. JACOBS also introduced a bill (H. R. No. 1026) for the relief of Thomas Van Duzen and his assigns for lands; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

EXPENSES OF SUPPRESSING INDIAN HOSTILITIES.

Mr. JACOBS also introduced a bill (H. R. No. 1027) to amend an act entitled "An act to provide for the payment of expenses incurred by the Territories of Washington and Oregon in the suppression of Indian hostilities therein in the years 1855 and 1856;" which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HOMESTEAD ABANDONMENTS.

Mr. JACOBS also introduced a bill (H. R. No. 1028) to amend section 2297 of the Revised Statutes as to homestead abandonments; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

THOMAS T. BARTLETT.

Mr. PATTERSON introduced a bill (H. R. No. 1029) for the relief of Thomas T. Bartlett; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

E. R. SIZER.

Mr. PATTERSON also introduced a bill (H. R. No. 1030) for the relief of Eben R. Sizer; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

MAMIE SPENCER.

Mr. PATTERSON also introduced a bill (H. R. No. 1031) for the relief of Mamie Spencer, administratrix of Warren Favor; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DAKOTA AND MONTANA RAILROAD COMPANY.

Mr. KIDDER introduced a bill (H. R. No. 1032) to incorporate the Dakota and Montana Railroad Company; which was read a first and second time, referred to the Committee on the Pacific Railroad, and ordered to be printed.

RESTORATION OF LANDS TO PUBLIC DOMAIN.

Mr. PIPER, by unanimous consent, introduced a bill (H. R. No. 1033) to restore lands conditionally granted, the conditions of which have lapsed, to the public domain; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ORDER OF BUSINESS.

Mr. WOOD. I demand the regular order.

The SPEAKER. The regular order being called for, the House resumes the consideration of the unfinished business of yesterday, which is the motion of the gentleman from Maine [Mr. BLAINE] to reconsider the vote by which the amnesty bill was rejected. But before the gentleman from Ohio [Mr. GARFIELD] takes the floor in that debate, the Chair desires to lay before the House some communications that have been accumulating for several days, and which ought to be referred.

FIRE AT FORT LINCOLN.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting a copy of the proceedings of a board of survey for the investigation of the fire at Fort Lincoln, Dakota Territory, November 10, 1874, and recommending a gratuitous issue of clothing to sufferers therein named; which was referred to the Committee on Military Affairs, and ordered to be printed.

REPORT OF QUARTERMASTER-GENERAL, ETC.

The SPEAKER also laid before the House a letter from the Secretary of War, in compliance with House resolution of the 15th ultimo, report of the Acting Quartermaster-General and statements of claims passed upon by the Quartermaster-General's Office; which was referred to the Committee on Claims, and ordered to be printed.

CONTESTED ELECTION—BUTTZ VS. MACKEY.

The SPEAKER also laid before the House the certificate of the secretary of state of South Carolina in the contested-election case of C. W. Buttz, contestant, *vs.* E. W. Mackey, contestee; which was referred to the Committee on Elections.

PATRICK NOONAN.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a copy of the proceedings of a board of survey at Fort Leavenworth, Kansas, in the case of Patrick Noonan, and recommending a gratuitous issue of clothing to the same; which was referred to the Committee on Military Affairs, and ordered to be printed.

SPRINGFIELD ARMORY.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, in compliance with the act of April 2, 1794, a statement exhibiting expenditures at the Springfield Armory for the the fiscal year ending June 30, 1875; which was referred to the Committee on Military Affairs, and ordered to be printed.

PAY OF ENLISTED MEN.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, with disapproval, a plan for a change in the present system of pay of enlisted men by Captain O. W. Pollock, of the Twenty-third Infantry, United States Army; which was referred to the Committee on Military Affairs, and ordered to be printed.

DEPOSITS WITH PAYMASTERS

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a petition of officers for legislation to enable officers of the Army to make deposits with paymasters; which was referred to the Committee on Military Affairs, and ordered to be printed.

CLOTHING SUPPLY.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the affidavit of Sergeant Herman Thrune, and recommending a gratuitous issue of clothing to the same in lieu of that destroyed by a fire at Fort Whipple, Arizona, November 13, 1874; which was referred to the Committee on Military Affairs, and ordered to be printed.

CAMP DOUGLAS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a copy of a report by the commanding officer at Camp Douglas, Dakota, on House bill No. 4301, Forty-third Congress, second session, on the right of way through the Government reservation at that post; which was referred to the Committee on the Public Lands, and ordered to be printed.

NAVIGATION.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report of the Chief Engineer upon the extension of navigation from Chesapeake Bay to Pamlico Sound; which was referred to the Committee on Commerce, and ordered to be printed.

J. G. LEEFE.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting papers in the case of Lieutenant J. G. Leefe, Nineteenth Infantry, who asks relief from responsibility for the loss of subsistence funds stolen from him November, 1873; which was referred to the Committee on Military Affairs, and ordered to be printed.

UNITED STATES TROOPS IN SOUTHERN STATES.

The SPEAKER also laid before the House a letter from the chief clerk of the War Department, transmitting a statement showing the distribution of United States troops in the States of Alabama, Mississippi, Arkansas, and Louisiana on December 1, 1875; which was referred to the Committee on Military Affairs, and ordered to be printed.

DEPOSITS WITH PAYMASTERS.

The SPEAKER also laid before the House a letter from the Secretary of War, reporting a proposed system of deposits by officers with Army paymasters; which was referred to the Committee on Military Affairs, and ordered to be printed.

CHARLES HOWE.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a report of the private land claim of Charles Howe's legal representative, of Gainesville, Florida; which was referred to the Committee on Private Land Claims, and ordered to be printed.

SIOUX INDIAN.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting an estimate of an appropriation to subsist the Sioux Indians at the Red Cloud and Whetstone agencies, &c.; which was referred to the Committee on Appropriations, and ordered to be printed.

CATHARINE AND SOPHIA GERMAINE.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, presenting a further communication from the War Department upon the subject of the destitute condition of Catharine and Sophia Germaine, two Cheyenne captives; which was referred to the Committee on Indian Affairs, and ordered to be printed.

NORTH AMERICAN LINE OF STEAMSHIPS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting copies of correspondence between the Departments of State and Treasury, relative to a claim of the North American line of steamships for the refunding of a sum of money therein specified, payment of which is urged by the minister of Sweden and Norway, under certain treaty provisions also named; which was referred to the Committee on Claims, and ordered to be printed.

CLAIMS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting, in compliance with the second section of the act of Congress, June 16, 1874, a schedule of three hundred and fifty-five claims arising under act of July 4, 1864, examined and allowed; which was referred to the Committee on Claims, and ordered to be printed.

CONTINGENT FUND OF NAVY DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Navy, transmitting, in compliance with section 193 of the Revised Statutes, a detailed statement of expenditures of the contingent fund for the Navy Department and Bureaus and offices therein; which was referred to the Committee on Appropriations, and ordered to be printed.

CIVIL EMPLOYÉS OF NAVY DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Navy, transmitting, in compliance with section 11 of an act of Congress approved August 26, 1842, a statement of the number of civil employés of the Navy Department, together with the time each was employed and the sum he received for the year ending December 31, 1875; which was referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC PROPERTY IN CAPITOL, ETC.

The SPEAKER also laid before the House a letter from the architect of the Capitol, transmitting, in compliance with section 1833 of the Revised Statutes, an inventory of public property in and about the Capitol, Botanic Garden, and the President's House, exclusive of books and fuel; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

REPORT OF COMMISSIONERS OF CLAIMS.

The SPEAKER also laid before the House a letter from the commissioners of claims, transmitting their fifth annual report; which was referred to the Committee on War Claims, and ordered to be printed.

UNITED STATES CONVICTS IN STATE PRISONS.

The SPEAKER also laid before the House a letter from the Attorney-General, transmitting, in response to a resolution of the House passed December 17, 1875, a copy of a letter of the First Comptroller of the Treasury giving a statement of the number of convicts held in State prisons by authority of the United States and the annual expense of keeping the same; which was referred to the Committee on Appropriations, and ordered to be printed.

JAMES G. HARRISON.

Mr. HOLMAN, by unanimous consent, introduced a bill (H. R. No. 1034) for the relief of James G. Harrison; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

AMNESTY.

The SPEAKER. The business now in order is the unfinished business of yesterday, which is the motion to reconsider the vote by which the amnesty bill was rejected, and upon that question the gentleman from Ohio [Mr. GARFIELD] is entitled to the floor.

Mr. WOOD, of New York. If the gentleman from Ohio will yield to me for a minute, I desire to make an inquiry with reference to the continuance of this debate.

Mr. GARFIELD. I will yield for that purpose.

Mr. WOOD, of New York. We have now introduced into this House and appropriately referred more than one thousand bills; we have passed almost none. Twenty-three gentlemen have indicated at the Speaker's desk their desire to speak upon this question. I submit whether it will not be desirable, in the interest of the country, to terminate this debate at the earliest practicable period, so that we can proceed to the necessary legislation now laid out and before us. My object is to inquire, before the gentleman from Ohio [Mr. GARFIELD] proceeds, whether there is any understanding or arrangement or conclusion reached by the gentlemen who have charge of this measure as to the time when this debate shall terminate.

Mr. RANDALL. It is my intention, at an appropriate time this morning, to call the previous question upon the motion of the gentleman from Maine, [Mr. BLAINE.] I propose to do it one hour after the gentleman from Ohio shall have concluded what he may have to say, for the reason that the time may equitably be divided between the friends and the opponents of the proposition.

Mr. BLAINE. By what right, under the rules, does the gentleman from Pennsylvania, [Mr. RANDALL,] observing the courtesies of debate, announce that he will call the previous question on my motion?

Mr. RANDALL. I do not mean to violate in any particular the courtesies of debate. I claim the right, just as the gentleman did, he being of the prevailing side, to move a reconsideration. The gentleman will observe that the motion for the previous question is a majority motion, which I have the right to make.

Mr. BLAINE. Why?

Mr. RANDALL. Because otherwise the minority side of this House might continue the debate without limit, contrary to the wish of the majority, of which I am one.

Mr. BLAINE. That is no reason at all. That might be done by other gentlemen. Do I understand the gentleman to say that he will call the previous question one hour after the gentleman from Ohio shall have concluded? What does he propose to do with that hour?

Mr. RANDALL. I propose to give any portion of that hour I can to you, so much as you wish.

Mr. BLAINE. I desire more especial attention to this point.

Mr. RANDALL. If I cannot secure to that side any portion of that hour, then I will postpone calling the previous question until such time as will allow the gentleman from Maine to make any reply he may see fit.

Mr. BLAINE. Do I understand the gentleman from Pennsylvania, then, that I am to be indebted to his courtesy for that hour?

Mr. RANDALL. Undoubtedly.

Mr. BLAINE. Very well; then, Mr. Speaker, I will ask your ruling. Rule 63 of this House says:

> No member shall speak more than once to the same question without leave of the House—*April* 7, 1789—unless he be the mover, proposer, or introducer of the matter pending; in which case he shall be permitted to speak in reply, but not until every member choosing to speak shall have spoken.—*January* 14, 1840.

Now, the gentleman from Pennsylvania [Mr. RANDALL] introduced the amnesty bill and brought the House to a vote upon it. It was utterly defeated; it was dead; he had lost all control of it. I was "the mover, the proposer, the introducer" of the motion to reconsider.

Mr. RANDALL. Yes, and the gentleman had his hour.

Mr. BLAINE. I have the right to reply.

Mr. RANDALL. That I propose to give you.

Mr. BLAINE. You propose to give it to me by your courtesy. I propose to have it under the rule of the House or not at all.

Mr. RANDALL. That is for the Speaker to determine.

Mr. BLAINE. I want the Speaker to rule on that point.

The SPEAKER. The Chair will rule on the point when it arises.

Mr. BLAINE. It arises upon the notice given by the gentleman from Pennsylvania.

The SPEAKER. The Chair thinks not. The gentleman from Ohio [Mr. GARFIELD] is entitled to the floor.

Mr. REAGAN. I wish to call attention to a portion of the rules in regard to the point made by the gentleman from Maine.

The SPEAKER. That question is not now before the House.

Mr. GARFIELD. Mr. Speaker, no gentleman on this floor can regret more sincerely than I do the course that the debate has taken, especially that portion which occurred yesterday. To one who reads the report of that discussion it would be difficult to discover the real question at issue and to learn from the RECORD itself the scope and character of the pending measure. I regret that neither the speech of the gentleman from New York [Mr. COX] nor that of the gentleman from Georgia [Mr. HILL] has yet appeared in the RECORD. I should prefer to quote from the full report, but, replying now, I must quote them as their speeches appeared in the public journals of yesterday and to-day. But they are here, and can correct any inaccuracy of quotation. Any one who reads their speeches would not suspect that they were debating a simple proposition to relieve some citizens of political and legal disabilities incurred during the late war. For example, had I been a casual reader and not a listener, I should say that the chief proposition yesterday was an arraignment of the administration of this Government during the last fifteen years. If I had been called upon to pick out those declarations in the speech of the gentleman from Georgia [Mr. HILL] which embody the topic of debate, I should have said they were these:

> The history of the last fifteen years is yet fresh in the minds of the world. It is useless to speak of the grace and magnanimity of the republican party. With the master enslaved, with intelligence disfranchised, with society disordered, with States subverted, with Legislatures dispersed, people cannot afford to talk of grace and magnanimity. If that is grace and magnanimity, I pray God to spare the country in the future from such virtues.

I should say that the propositions and arguments arrayed around that paragraph were the center and circumference of his theme. Let me then in a few words try to recall the House to the actual topic of this debate.

A gentleman on the other side of the House, a few days ago, introduced a proposition in the form of a bill to grant amnesty to the remaining persons who are not yet relieved of their political disabilities under the Constitution. That is a plain proposition for practical legislation. It is a very important proposition. It is a proposition to finish and complete forever the work of executing one of the great clauses of the Constitution of our country. When that bill shall have become a law, a large portion of the fourteenth amendment will have ceased to be an operative clause of the Constitution.

Whenever so great and important a matter is proposed a deliberative body should bring to its consideration the fullest and most serious examination. But what was proposed in this case? Not to deliberate, not to amend, not even to refer to a committee for the ordinary consideration given even to a proposition to repeal the tax on matches. No reference to anybody; but a member of the House, of his own motion and at his own discretion, proposes to launch that proposition into the House, refusing the privilege of amendment and the right to debate, except as it might come from his courtesy, and pass it, declaring, as he does so, the time has come to do justice to an oppressed people.

Under circumstances like these, Mr. Speaker, a large number of gentlemen on this floor felt that they had a right, under the rules of the House and in the forum of justice and fair dealing, an undoubted right to deliberate on the proposition; that it should be open for amendment and debate. Every expression on this side of the House showed that we were earnestly in favor of so closing this last act in the drama of war so far as it relates to disabilities; that it should be closed forever—closed in good faith and with good feeling. We deeply regretted that the attempt was made to cut us off from deliberation and amendment, and we therefore threw ourselves back upon our rights; and it is by virtue of those rights that we debate this question to-day.

The gentleman from Maine [Mr. BLAINE] offered a criticism on the bill. He suggested that there were two points in which the bill ought to be changed. One was that the seven hundred and fifty persons who are still forbidden to hold office under the Constitution should have free and absolute amnesty whenever they declare, by taking the oath of allegiance in open court, that they want it; that, like God's mercy and perfect pardon, amnesty should be granted by asking for it. It was suggested that we should follow the rule that we have followed hitherto in all cases similarly situated. That was the first point.

Another point suggested was, that there is one person, and only one, who ought to be excepted from the operation of the proposed law. Now that may have been wise or it may have been unwise, as a matter of statesmanship, but it was a question deserving debate, deliberation, and answer.

The proposition of the gentleman from Pennsylvania [Mr. RANDALL] is an affirmative one, and should be supported by affirmative reasons. If we allege any reason against it, we ought to be answered. Two allegations have been made: first, that there ought to be an oath of allegiance before a court; and, second, that one man ought to be excepted. How have these propositions been met? How have these suggestions been answered? The first response was a speech full of brilliant wit and personalities. It was like joking at a funeral to joke on such an occasion. They have been answered, in the second place, by the speech of yesterday, who arraigns not the republican party alone, but arraigns twenty-five million of people, arraigns the history of the Republic for fifteen years, arraigns everything that is glorious in its record and high and worthy in its achievement. I was deeply pained that such an arraignment should have been made on such a subject. If the gentleman had confined himself to a reply to the argument which had been offered to show why the exception should be made, it would have been a response pertinent to the subject-matter in controversy.

While I occupy the attention of the House, I shall endeavor to confine myself to the question and to the speech of the gentleman from Georgia, [Mr. HILL.]

Let me say in the outset that, so far as I am personally concerned, I have never voted against any proposition to grant amnesty to any human being who has asked for it at the bar of the House. Furthermore, I appeal to gentlemen on the other side who have been with me in this Hall many years, whether at any time they have found me truculent in spirit, unkind in tone or feeling toward those who fought against us in the late war. Twelve years ago this very month, standing in this place, I said this: "I believe a truce could be struck to-day between the rank and file of the hostile armies now in the field. I believe they could meet and shake hands together, joyful over returning peace, each respecting the courage and manhood of the other and each better able to live in amity than before the war."

I am glad to repeat word for word what I said that day. For the purposes of this speech I will not even claim the whole ground which the Government assumed toward the late rebellion. For the sake of the present argument I will view the position of those who took up arms against the Government in the light least offensive to them. Leaving out of sight for the moment the question of slavery, which evoked so much passion, and which was the producing cause of the late war, there were still two opposing political theories which met in conflict. Most of the southern statesmen believed that their first obedience was due to their State. We believed that the allegiance of an American citizen was due to the National Government, not by the way of a State capital, but in a direct line from his own heart to the Government of the Union. Now, that question was submitted to the dreadful arbitrament of war, to the court of last resort—a court from which there is no appeal, and to which all other powers must bow. To that dread court the great question was carried, and there the right of a State to secede was put to rest forever. For the sake of peace and union, I am willing to treat our late antagonists as I would treat litigants in other courts, who, when they have made their appeal and the final judgment is rendered, pay the reasonable costs and bow to its mandates. But our question to-day is not that, but is closely connected with it. When we have made our argument and the court has rendered its judgment, it may be that in the course of its proceedings the court has used its discretion to disbar some of its counsellors for malpractice, for unprofessional conduct. In such a case a motion may be made to restore the disbarred members. Applying this illustration to the present case, there are seven hundred and fifty people who are yet disbarred before the highest authority of the Republic—the Constitution itself. The proposition is to offer again the privileges of official station to these people; and we are all agreed as to every human being of them save one.

I do not object to Jefferson Davis because he was a conspicuous leader. Whatever we may believe theologically, I do not believe in the doctrine of vicarious atonement in politics. Jefferson Davis was no more guilty for taking up arms than any other man who went into the rebellion with equal intelligence. But this is the question: In the high court of war did he practice according to its well-known laws—the laws of nations? Did he, in appealing to war, obey the laws of war, or did he so violate those laws that justice to those who suffered at his hands demands that he be not permitted to come back to his old privileges in the Union? That is the whole question; and it is as plain and fair a question for deliberation as was ever debated in this House.

Now, I wish we could discuss it without any passion—without passionate thoughts, such as we heard yesterday. The words were eloquent, for the gentleman from Georgia well knows how to utter passionate thoughts with all the grace and eloquence of speech.

What answer has been made to the allegations of the gentleman from Maine to the reasons he offered why a full amnesty should not be offered to Jefferson Davis? The gentleman from Georgia denies, and so also apparently did the gentleman from New York, [Mr. COX,] the authenticity of the charges of atrocities at Andersonville.

The gentleman from New York [Mr. COX] spoke of the committee from whose report the gentleman from Maine [Mr. BLAINE] read as a "humbug committee." The gentleman from Georgia [Mr. HILL] spoke of it as an *ex parte* and partisan committee—a committee that wrote and reported out of its fury and rage. Now, Mr. Speaker, I am unwilling that this case shall turn upon the mere authority of a committee, however high; but I want to say now, without arguing the merits, that whether the charge was just or unjust, it was a charge made by the Government of the United States. I mean to place the responsibility of the charges on the high ground of the authority of the Government, which no self-respecting man can call trivial and unworthy of his serious attention.

On the 4th day of May, 1864, the Secretary of War, speaking by the authority of the executive department of the National Government, addressed a communication to a committee of Congress, which I will read. It is found in a volume of reports of committees of the first session of the Thirty-eighth Congress, volume 1, 1863–'64, and is as follows:

WAR DEPARTMENT, *Washington City, May 4, 1864.*

SIR: I have the honor to submit to you a report made to this Department by Colonel Hoffman, commissary general of prisoners, in regard to the condition of Union soldiers who have until within a few days been prisoners of war at Richmond, and would respectfully request that your committee immediately proceed to Annapolis to take testimony there and examine with their own eyes the condition of those who have been returned from rebel captivity. The enormity of the crime committed by the rebels toward our prisoners for the last several months is not known or realized by our people, and cannot but fill with horror the civilized world when the facts are fully revealed. There appears to have been a deliberate system of savage and barbarous treatment and starvation, the result of which will be that few, if any, of the prisoners that have been in their hands during the past winter will ever again be in a condition to render any service or even to enjoy life.

Your obedient servant,

EDWIN M. STANTON,
Secretary of War.

Hon. B. F. WADE,
Chairman of Joint Committee on Conduct of the War.

On the receipt of this letter a joint committee of the two Houses, known as the Committee on the Conduct of the War, was sent to Annapolis, to hold their sessions in the presence of the thousands of returned prisoners who had just been landed, and as the result of their deliberations and after taking testimony on the spot from officers and men who had just returned, they reported not only their opinions but the testimony in full in the volume which I hold in my hand. That committee was composed of republicans and democrats, and its report is unanimous. The democrats on the committee were among the foremost members of the Senate and House. One of them was Mr. Odell, of New York, a gentleman not now living, who was one of the best men that party has had on the floor of this House since I have been a member. Another was Senator Harding, of Oregon. That committee made an elaborate report, from which I will read a few paragraphs.

The evidence proves beyond all manner of doubt a determination on the part of the rebel authorities, deliberately and persistently practiced for a long time past, to subject those of our soldiers who have been so unfortunate as to fall in their hands to a system of treatment which has resulted in reducing many of those who have survived and been permitted to return to us to a condition, both physically and mentally, which no language we can use can adequately describe. Though nearly all the patients now in the Naval Academy hospital at Annapolis and in the West hospital in Baltimore have been under the kindest and most intelligent treatment for about three weeks past, and many of them for a greater length of time, still they present literally the appearance of living skeletons, many of them being nothing but skin and bone; some of them are maimed for life, having been frozen while exposed to the inclemency of the winter season on Belle Isle, being compelled to lie on the bare ground without tents or blankets, some of them without overcoats or even coats, with but little fire to mitigate the severity of the winds and storms to which they were exposed. * * * *

It will be observed from the testimony that all the witnesses who testify upon that point state that the treatment they received while confined at Columbia, South Carolina, Dalton, Georgia, and other places, was far more humane than that they received at Richmond, where the authorities of the so-called confederacy were congregated, and where the power existed, had the inclination not been wanting, to reform those abuses and secure to the prisoners they held some treatment that would bear a public comparison to that accorded by our authorities to the prisoners in our custody. Your committee, therefore, are constrained to say that they can hardly avoid the conclusion expressed by so many of our released soldiers, that the inhuman practices herein referred to are the result of a determination on the part of the rebel authorities to reduce our soldiers in their power by privation of food and clothing and by exposure to such a condition that those who may survive shall never recover so as to be able to render any effective service in the field.

I am not now discussing the merits of the charge at all, but am showing that such is, and for twelve years has continued to be, the authoritative official charge of the executive department of the Government and of a joint committee of the two Houses. So much for the responsible character of the charge. To this I should add that this charge is believed to be true by a great majority of the people whom we represent on this floor.

I now inquire is this charge true?

The gentleman from Georgia denies generally the charge that atrocities were practiced upon our prisoners at Andersonville. He makes a general denial, and asserts that Mr. Davis did observe the humane rules of modern warfare. As a proof he quotes the general order issued by the president of the confederate government under which the prison was to be established, an order providing that it should be located on healthy ground, where there was an abundance of good water, and trees for healthful and grateful shade. That is a perfect answer so far as it goes. But I ask how that order was executed? To whose hands was committed the work of building the Andersonville prison? To the hands of General Winder, an intimate and favorite friend of Mr. Davis. And who was General Winder? He was a man of whom the Richmond Examiner used these words the day he took his departure from Richmond to assume command of the proposed prison:

Thank God that Richmond is at last rid of old Winder. God have mercy upon those to whom he has been sent!

He was, as the testimony in the Wirz trial shows, the special and intimate friend of Jefferson Davis, and by the president of the confederacy he was detailed on this business, and detailed with such a send-off as I have read you from a paper of his own city warmly in the interest of the rebel cause.

What next? How did General Winder execute the order after he went there? I turn to the Wirz trial, and read from it only such authorities as the gentleman from Georgia recognizes—officers of the rebel army. The gentleman stated yesterday that there was nothing in this book connecting the head of the confederate government with the Andersonville atrocities. Before I am through we will see. On the 5th day of January, 1864, a report was made by D. T. Chandler, a lieutenant-colonel of the confederate army. This report was offered in evidence in the Wirz trial, and Colonel Chandler was himself a witness at that trial, and swears that the report is genuine. I quote from page 224:

ANDERSON, *January* 5, 1864.

COLONEL: Having, in obedience to instructions of the 25th ultimo, carefully inspected the prison for Federal prisoners of war and post at this place, I respectfully submit the following report:

The Federal prisoners of war are confined within a stockade fifteen feet high, of roughly hewn pine logs about eight inches in diameter, inserted five feet into the ground, inclosing, including the recent extension, an area of five hundred and forty by two hundred and sixty yards. A railing around the inside of the stockade, and about twenty feet from it, constitutes the "dead line," beyond which the prisoners are not allowed to pass, and about three and one fourth acres near the center of the inclosure are so marshy as to be at present unfit for occupation, reducing the available present area to about twenty-three and one-half acres, which gives somewhat less than six square feet to each prisoner. Even this is being constantly reduced by the additions to their number. A small stream passing from west to east through the inclosure, at about one hundred and fifty yards from its southern limit, furnishes the only water for washing accessible to the prisoners. Some regimen of the guard, the bakery, and the cook-house, being placed on the rising grounds bordering the stream before it enters the prison, renders the water nearly unfit for use before it reaches the prisoners. * * *

D. T. CHANDLER,
Assistant Adjutant and Inspector-General.

Colonel R. H. CHILTON,
Assistant Adjutant and Inspector-General.

Here is an official exhibit of the manner in which the officer detailed by Jeff. Davis chose the place for health, and running water, and agreeable shade. He chose a piece of forest-ground that had a miasmatic marsh in the heart of it and a small stream running through it; but the troops stationed outside of the stockade were allowed to defile its pure water before it could reach the stockade, and then, as if in the very refinement of cruelty, as if to make a mockery of the order quoted by the gentleman from Georgia, he detailed men to cut down every tree and shrub in the inclosure, leaving not a green leaf to show where the forest had been. And subsequently, when the burning sun of July was pouring down its fiery heat upon the heads of these men, with but six square feet of ground to a man, a piteous petition was made by the prisoners to Winder to allow these poor men to be detailed to go outside under guard and cut pine from the forest to make arbors under which they could shelter themselves, and they were answered with all the loathsome brutality of malignant hate, that they should have no bush to shelter them; and thus, under the fierce rays of the southern sun, they miserably perished.

These last statements are made on the authority of Ambrose Spencer, a planter of Georgia, who resided within five miles of Andersonville. I quote from his testimony, (Wirz's trial, p. 359:)

Between the 1st and 15th of December, 1863, I went up to Andersonville with W. S. Winder and four or five other gentlemen, out of curiosity, to see how the prison was to be laid out. * * * I asked him if he was going to erect barracks or shelter of any kind. He replied that he was not; that the damned Yankees who would be put in there would have no need of them. I asked him why he was cutting down all the trees, and suggested that they would prove a shelter to the prisoners, from the heat of the sun, at least. He made this reply, or something similar to it: "That is just what I am going to do; I am going to build a pen here that will kill more damned Yankees than can be destroyed in the front." Those are very nearly his words, or equivalent to them.

So much for the execution of the president's order to locate the prison.

But I am not yet done with the testimony of Colonel Chandler. A subsequent report was made by him in the month of August. He went back and re-examined the horrors of that pen, and as the result of his examination he made a report, from which I quote the last few sentences, (Wirz's trial, p. 227:)

ANDERSONVILLE, *August* 5, 1864.

COLONEL: * * *

My duty requires me respectfully to recommend a change in the officer in the command of the post, Brigadier-General J. H. Winder, and the substitution in his place of some one who unites both energy and good judgment with some feeling of humanity and consideration for the welfare and comfort (so far as is consistent with their safe-keeping) of the vast number of unfortunates placed under his control; some one who at least will not advocate deliberately and in cold blood the propriety of leaving them in their present condition until their number has been sufficiently reduced by death to make the present arrangement suffice for their accommodation; who will not consider it a matter of self-laudation and boasting that he has never been inside of the stockade, a place the horrors of which it is difficult to describe and which is a disgrace to civilization, the condition of which he might, by the exercise of a little energy and judgment, even with the limited means at his command, have considerably improved.

D. T. CHANDLER,
Assistant Adjutant and Inspector-General.

Colonel R. H. CHILTON,
Assistant Adjutant and Inspector-General C. S. A., Richmond, Virginia.

Mr. HALE. What is the date of that report?

Mr. GARFIELD. August 5, 1864.

Mr. HALE. How long after that was Winder retained there in command?

Mr. GARFIELD. I will come to that in a moment.

Now, what do honorable gentlemen suppose would naturally be done with such a report as that? Remember that Colonel Chandler was a witness before the court that tried Wirz and re-affirmed every word of this report. If he is living I would make a pilgrimage to see him and thank him for the humanity and tenderness with which he treated my unfortunate comrades. So anxious was he that the great crime of Winder should be rebuked that he went to Richmond, and in person delivered his report to the secretary of war, a member, of course, of the cabinet of Jefferson Davis. If I am not correct in this I believe there is a member of that cabinet now on this floor who can correct me. Of course, being a soldier, Colonel Chandler first delivered his report to the adjutant-general, and that officer, General Cooper, on the 18th of August, 1864, wrote upon the back of the report these words:

ADJUTANT AND INSPECTOR-GENERAL'S OFFICE,
August 18, 1864.

Respectfully submitted to the secretary of war. The condition of the prison at Andersonville *is a reproach to us as a nation.* The engineer and ordnance departments were applied to, and authorized their issue, and I so telegraphed General Winder. Colonel Chandler's recommendations are coincided in.

By order of General Cooper.

R. H. CHILTON,
Assistant Adjutant and Inspector-General.

Not content with that indorsement, Colonel Chandler went to the office of the secretary of war himself; but, the secretary being absent at the moment, the report was delivered to the assistant secretary of war, J. A. Campbell, who wrote below General Cooper's indorsement these words:

These reports show a condition of things at Andersonville which calls very loudly for the interposition of the department, in order that a change be made.

J. A. CAMPBELL,
Assistant Secretary of War.

Mr. REAGAN. Does not the gentleman know that the adjutant-general could only have made such an order by direction of the president?

Mr. GARFIELD. I do not know what the habit was in the confederacy. It is not so in this Government.

Mr. REAGAN. The gentleman will allow me to say that all persons familiar with the business of that office know that the adjutant-

general executes direct orders made by the president, but has not himself authority to make such orders.

Mr. GARFIELD. That may have been the rule in the confederate government, but it was never the rule here. The Adjutant-General of our Army signs no order except by order of the Secretary of War. The Adjutant-General is the clerk of the Secretary of War, and the Secretary of War is in turn the clerk of the President. But the gentleman from Texas [Mr. REAGAN] will soon see that he cannot defend Davis by the indorsement of General Cooper. The report did not stop with the adjutant-general. It was carried up higher and nearer to Davis. It was delivered to Assistant Secretary Campbell, and he wrote the indorsement I have just read. The report was lodged with the department of war, whose chief was one of the confidential advisers of Mr. Davis—a member of his official family. What was done with it? The record shows, Mr. Speaker, that a few days thereafter an order was made in reference to General Winder. To what effect? Promoting him! Adding to his power in the field of his infamy! He was made commissary-general of all the prisons and prisoners throughout the confederacy. That was the answer that came as the result of this humane report of Colonel Chandler; and that new appointment of Winder came from Mr. Seddons, the confederate secretary of war.

A MEMBER. By order of the President.

Mr. GARFIELD. Of course all appointments were by the President, for the gentleman from Georgia says that they carried our Constitution with them and hugged it to their bosoms. But that is not all. The testimony of the Wirz trial shows that at one time the secretary of war himself became shocked at the brutality of Winder, and in a moment of indignation he relieved him from command. For authority upon this subject I refer to the testimony of Cashmyer, a detective of Winder's, who was called before the Wirz court. That officer testified that when Mr. Seddon, secretary of war, wrote the order relieving Winder, the latter walked over with it to Jefferson Davis, who immediately wrote on the back of it, "This is entirely unnecessary and uncalled for." Winder appears to have retained the confidence and approval of Davis to the end, and continued on duty until the merciful providence of God struck him dead in his tent in the presence of the witness who gave this testimony.

Now, who will deny that in the forum of law we do trace the responsibility for these atrocities to the man whose name is before us to be relieved of all his political disabilities? If not, let gentlemen show it. Wipe out the charge, and I will be the first man here to vote to relieve him of his disabilities.

Winder was allowed to go on. What did he do? I will only give results, not details. I will not harrow my own soul by the revival of those horrible details. There is a group of facts in military history well worth knowing which will illustrate the point I am discussing. The great Napoleon did some fighting in his time, as did his great antagonist the Iron Duke. In 1809 was fought the battle of Talavera, in 1811 the battle of Albnera, in 1812 the battle of Salamanca, in 1813 Vittoria, in 1815 the battles of Ligny, Quatre Bras, Waterloo. Wavre, and New Orleans, and in 1854 the battles of the Crimea. The number of men in the English army who fell in battle or who were killed or died of wounds received in all these battles amounted in the aggregate to 12,928. But this Major-General Winder, within his horrible arena of death, from April, 1864, to April, 1865, tumbled into the trenches of Andersonville the dead bodies of 12,644 prisoners—only two hundred and eighty-four less than all the Englishmen who fell in or died of wounds received in the great battles I have named.

Now, Mr. Speaker, I have simply given these results. Percentages pale and fade away in the presence of such horrible facts.

And the gentleman from Georgia denies the charge of atrocities at Andersonville and charges us with greater ones. I will give his words as they are quoted in the morning papers:

> When the gentleman from Maine speaks again let him add that the atrocities of Andersonville do not begin to compare with the atrocities of Elmira, of Fort Douglas, or of Fort Delaware, and of all the atrocities, both at Andersonville and Elmira, the confederate government stands acquitted from all responsibility and blame.

I stand in the presence of that statement with an amazement that I am utterly incapable of expressing. I look upon the serene and manly face of the gentleman who uttered it, and I wonder what influence of the supernal or nether gods could have touched him with madness for the moment and led him to make that dreadful statement. I pause, and I ask the three democrats on this floor who happen to represent the districts where are located the three places named if there be one of them who does not know that this charge is fearfully and awfully untrue? [A pause.] Their silence answers me. They are strangers to me, but I know they will repel the charge with all the energy of their manhood.

Mr. PLATT. I hold in my hand a telegraphic communication from General B. F. Tracy, late commandant of the military post of Elmira, and I beg permission to read that communication.

Mr. GARFIELD. I will yield for that purpose.

Mr. PLATT. The communication is as follows:

BROOKLYN, NEW YORK, *January* 12, 1876.

To Hon. T. C. PLATT,
House of Representatives, Washington, District of Columbia:

The facts justify your denial of cruelty, inhumanity, or neglect in the treatment of prisoners at Elmira. There was no suffering there which is not inseparable from a military prison. First, there was no dead-line. No prisoner was ever shot for attempting to escape. Second, the food was ample and of the best quality. Thousands of dollars were expended in the purchase of vegetables, in addition to the Army ration. No congressman in Washington eats better bread than was given daily to the prisoners. The beef was good, and of the same quality and quantity as that distributed to our own soldiers guarding the camp. Third, the dead were not buried in trenches, but the remains were placed in neat coffins and buried in separate graves, with a head-board bearing the name, company, and regiment, and time of death, and all were buried in the public cemetery at Elmira. Fourth, there was no better supplied military hospital in the United States than the hospital in the prison camp. Fifth, all the prisoners were comfortably quartered in new wooden barracks, built expressly for them. From the time I took command, in September, all the saw-mills in the vicinity of Elmira were kept constantly running to supply lumber for buildings, &c. The barracks for prisoners were first built, and in the extreme cold weather of winter the prisoners were all in barracks, while the soldiers guarding them were still in tents. I was criticised for this in the Army and Navy Journal, I think it was, at the time, by an officer of our Army. Sixth, the camp and all the buildings were well policed, and kept scrupulously clean. Seventh, the mortality which prevailed was not owing to neglect or want of sufficient supplies or medical attention, but to other and quite different causes.

B. F. TRACY,
Late Commandant Military Post Union.

Mr. WALKER, of New York. Mr. Speaker, as the member from the district in which Elmira Depot is located, I take pleasure in indorsing every word of Colonel Tracy's dispatch. I was almost daily at Elmira during the war, and I know that confederate prisoners had the same care and treatment that the Union soldiers had, and I never heard a complaint. [Great applause.]

Mr. GARFIELD. Mr. Speaker, the lightning is our witness. From all quarters of the Republic denials are pouring in upon us. Since I came to the House this morning I have received the following dispatch from an honored soldier of Ohio, which tells its own story:

CLEVELAND, OHIO, *January* 12, 1876—10.33 a. m.

To GENERAL GARFIELD, *House of Representatives:*

By authority of Secretary of War I furnished 15,000 rebel prisoners at Elmira with the same rations—coffee, tobacco, coal, wood, clothing, barracks, medical attendance—as were given to our own soldiers. The dead were decently buried in Elmira cemetery. All this can be proved by democrats of that city.

General J. J. ELWELL.

Mr. HILL. By permission of the gentleman from Ohio, I desire to say that there was no purpose on my part by any of my remarks on yesterday to charge inhumanity upon anybody at Elmira or anywhere else. I only read the evidence from official sources as I understood it.

Mr. BLAINE. A letter in a newspaper.

Mr. HILL. Let me get through, if you please. Do not be uneasy. Keep quiet, and I will not hurt you. [Laughter.]

Mr. MACDOUGALL. That is what you told us in 1861.

Mr. HILL. I simply say that I was reading the evidence of cruelties, in the language of that letter, "inseparable from prison life." Then I read of the small-pox epidemic at Elmira and its character. But the remark which the gentleman is now commenting on was not connected with any charge of inhumanity upon any person in the world. I wish it distinctly understood that I meant to charge inhumanity upon nobody. I was simply speaking of those horrors that are inseparable from all prison life; and I wound up my statement by saying that the official reports of Secretary Stanton, on the 19th of July, 1866, after the war was over, gave the relative mortality of prisoners in Federal hands and prisoners in confederate hands, and that the mortality of confederate prisoners in northern prisons was 12 per cent., while the mortality of Federal prisoners in confederate hands was less than 9 per cent. Now, I simply said that judging by that test there was more atrocity (if you please to call it so)—I meant, of course, mortality—in the prisons of the North than in those of the South. Let the gentleman take the benefit of that statement. I simply referred to the report of Secretary Stanton.

Mr. BAKER, of Indiana. Does the gentleman mean to charge that the amount of mortality in northern prisons was owing to any cruelty or neglect of the Federal officers?

Mr. HILL. I do not undertake to say to what special cause the mortality on either side was attributable. I say it was attributable to those horrors inseparable from prison life everywhere; and I simply entered my protest against gentlemen seeking to stir up those old past horrors on either side, to keep alive a strife that ought to be buried. That is all. [Applause.]

Mr. GARFIELD. I am glad to hear what the gentleman says, and to give it more force by contrast I quote again the words he used as reported in the newspapers this morning:

> When the gentleman from Maine addresses the House again let him add to it that the atrocities of Andersonville do not begin to compare with the atrocities of Elmira, of Fort Douglas, or of Fort Delaware; and of all the atrocities, both at Andersonville and Elmira, the confederate government stands acquitted from all responsibility and blame.

I refer to it to show why I could not——

Mr. HILL. I have no doubt the gentleman's motive is good; but he will permit me to remind him that what he has just read was said by me after reading Secretary Stanton's report; and, of course, while I mentioned prison places at the North I did not mean to charge inhumanity upon any one as a class.

Mr. GARFIELD. But let me say another word to close this branch of the subject. The authority introduced as to the atrocity at Elmira was an anonymous letter printed in the New York World. The Roman soldiers who watched at the sepulcher of the Savior of mankind attempted to disprove his resurrection by testifying to what happened while they were asleep. Bad as this testimony was, it was

not anonymous; but in this case the testimony was that of a shadow—an initial—nobody. *Stat nominis umbra.* What the substance was we know not. But even as to this anonymous authority, it would have been well for the cause of justice if the gentleman had been kind enough to quote it all. I read, I believe, from the very book from which the gentleman quoted—The Life of Davis—a sentence omitted by him, but which I hope he will have printed in his speech. It is this:

The facts demonstrate that in as healthy a location as there is in New York, with every remedial appliance in abundance, with no epidemic, &c.

So that even this anonymous witness testifies that we planted our Elmira prison in as healthy a place as there was in the State of New York. It ought to be added that the small-pox broke out in that prison very soon after the date of this letter, and the mortality that followed was very much greater than in any other prison in the North.

How we have kept alive our vindictiveness will be seen by the fact that Congress, at its last session or the session before last, passed a law making the rebel cemetery at Elmira a part of the national-cemetery system; and to-day this malignant Administration, this ferocious Constitution-hating and South-hating Administration is paying an officer for tenderly caring for the inclosure that holds the remains of these outraged soldiers!

Mr. MACDOUGALL. And a Union soldier, Captain Fitch, is building at his own expense a monument at Elmira to the confederate dead.

Mr. GARFIELD. I did not know that.

At another place, Finn's Point, in Virginia, we have within the past few months embraced another cemetery of rebel soldiers under the law and the protection of our national-cemetery system. All this out of the depths of our wrath and hatred for our southern brethren!

Mr. HILL. Will the gentleman allow me to say a word on that point?

Mr. GARFIELD. Certainly.

Mr. HILL. In response to what the gentleman has said, I desire to state as a fact what I personally know, that on the last occasion of decorating soldiers' graves in the South, our people, uniting with northern soldiers there, decorated in harmonious accord the graves of the fallen Federals and the graves of the fallen confederates. It is because of this glorious feeling that is being awakened in the country that I protest against the revival of these horrors about any prison.

Mr. GARFIELD. So do I. Who brought it here? [Cries from the Democratic side of the House, BLAINE! BLAINE!] We will see as to that. I wish this same fraternal feeling could come out of the graveyard and display itself toward the thirty or forty maimed Union soldiers who were on duty around this Capitol, but who have been displaced by an equal number of soldiers on the other side. [Applause.]

There was another point which the gentleman made which I am frank to say I am not now able to answer.

Mr. REAGAN. Mr. Speaker, I wish to call attention (with the permission of the gentleman from Ohio) to the exact state of facts in reference to the allegation just made by him. This is not the first time the statement has been made that there have been thirty or forty crippled Federal soldiers removed from office under this House and their places filled by confederate soldiers. I was shown yesterday morning by the Doorkeeper of the House (and the information is as accessible to the gentleman from Ohio and all others as to myself) a roll showing there were eighteen Federal soldiers appointed by the Doorkeeper of the House during the last Congress, while twenty-four Federal soldiers have been appointed by the Doorkeeper of the present Congress; while at the same time the aggregate number of appointments allowed to the Doorkeeper of the House of the last Congress was very much larger than that allowed to the Doorkeeper of the present Congress. Besides that, more than three-fourths of those appointed by the present Doorkeeper have taken what is popularly denominated as the iron-clad oath.

Mr. GARFIELD. I shall be glad to know that the gentleman from Texas is correct, but such is not my understanding.

Mr. SOUTHARD. The gentleman from Texas has referred to a list which I have here before me.

Mr. GARFIELD. My time is fast running out, and I do not want it all taken up by these explanations; but I will hear my colleague.

The SPEAKER. Does the gentleman from Ohio yield?

Mr. GARFIELD. I yield to my colleague.

Mr. RANDALL. Your time will be extended.

Mr. SOUTHARD. The statement which I have before me, and to which the gentleman from Texas referred, is that, of the one hundred and fifty-three appointments made by the Doorkeeper in the last House of Representatives, there were eighteen Union soldiers; while, out of the eighty-five appointments allowed to the Doorkeeper of the present House, twenty-six Union soldiers have been appointed. [Applause.]

The SPEAKER. These demonstrations are entirely out of order.

Mr. JONES, of Kentucky. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. JONES, of Kentucky. My point is this: I do not know whether it is a point of order or not, but I do request that the Speaker will in the most determined manner suppress any applause in this House. I regret this debate, and especially these details; but this applause is unbecoming the gravity of the question, however unfortunately it may have come up here; and I do request that on this side of the House there shall be no applause of any member who speaks for the South or any demonstration against any one speaking on that side of the House. I hope courtesy and decorum will be observed. [Cries of "Good!" "Good!"] It is unbecoming the House and unbecoming the country, and I hope it will be stopped.

The SPEAKER. The suggestion of the gentleman from Kentucky is well made. These things are not in order, and the Chair earnestly requests the House will set an example to those outside of the bar and in the galleries by stopping all such demonstrations. And the Chair takes occasion to say to the galleries that if these things are continued it will be his duty to have them cleared.

Mr. GARFIELD. I regret as much as any one the discussion of this question. I did not intend to refer to it at all. I hope what my colleague has presented as a statistical table will turn out to be correct. I shall be glad if it does. I know he thinks it is correct. However, there has been put into my hand a statement about a single office of the House in which the names of the old and new rolls are given. I speak of the post-office of the House, in which it is claimed that while nine Union soldiers were on the rolls during the last year, nine confederate soldiers have replaced them on the roll of this year; and that of the thirteen employés there but two took the oath that they had not borne arms against the Government. If the statement be correct which I have had put into my hands, it would seem to throw some shadow of doubt on what we have just heard. But let both statements go in together.

This is the list handed to me:

POST-OFFICE OF THE HOUSE.

The old force.—Norman Crane, Vermont; A. M. Legg, New York, two years in Union Army; F. A. Wardell, Massachusetts, four years in Union Army and permanently disabled at Winchester; J. H. Paine, Ohio, was in Union Army; O. M. Thomas, Iowa; R. P. Bishop, Michigan, lost an arm in the Union Army; R. S. McMichael, Wisconsin, nearly lost his sight in Union Army; D. B. Bradley, Wisconsin, three years in Union Army; J. H. Lytle, New York; W. B. Sessions, New York; J. D. Severn, Pennsylvania; D. F. Bishop, Pennsylvania; W. Tudge, District of Columbia; Cripti Palmoni, District of Columbia.

The new force.—George W. Rock, Virginia, in confederate army; Henry Cook, Virginia, in confederate army; Richard Allen, Virginia; S. W. Kennedy, Virginia, in confederate army; A. W. C. Nowlin, Virginia, in confederate army; Edward C. Sloss, Virginia; W. H. Robinson, Virginia, in confederate army; J. R. Fisher, Virginia, in confederate army; P. S. Goodsill, W. B. Lowery, Virginia, in confederate army; Joseph M. Taylor, Edwin Este, Virginia, in confederate army; Thomas Kirby, Connecticut, in Union Army.

Mr. Speaker, I was about to refer to another point made by the gentleman from Georgia in his statement of the number of prisoners taken by us and taken by them and the relative number of deaths. I have this morning received from the Surgeon-General references to all the pages of official reports on that subject, but I have not been able, in the hurried moments of the session since I arrived here, to examine the figures. The gentleman from Illinois [Mr. BURCHARD] has made up a part of the statement which I am now able to present. That statement shows that during the war we took 476,169 prisoners, while on the other side they took 188,145 prisoners from us.

This is a statement to which the Surgeon-General referred me in a note received since I took my seat in the House this morning, and is in a printed report on the treatment of prisoners of war by the rebel authorities, third session Fortieth Congress, page 228, which gentlemen can examine at their leisure.

It ought to be added in this connection that the conscription laws of the confederate congress forced all able-bodied citizens between the ages of seventeen and fifty into the service, while our laws limited the conscription to the usual military ages. This, of course, put into their army a large number of immature boys and broken-down old men, among whom the mortality would naturally be greater than in an army made up of men of the ordinary ages.

I turn now to another point. The gentleman makes another answer concerning these atrocities.

The SPEAKER. The gentleman's hour has expired.

Mr. HILL. I hope the gentleman from Ohio will be permitted to go on.

There being no objection, Mr. GARFIELD's time was extended indefinitely.

Mr. GARFIELD. I am very grateful for this courtesy, and will not abuse it.

The gentleman from Georgia makes another answer, that whatever was suffered by the prisoners for at least a considerable portion of the time was in consequence of our refusal to make an exchange of prisoners, because we would not give them their fresh men in our prisons and take our shadows and skeletons that came back from theirs.

This is a part, and an important part, of a great history, which must not be omitted in this debate; and I will very briefly refer to its leading points. There was much trouble about the exchange of prisoners between the two belligerents; first, because for a long time we did not acknowledge the confederates as belligerents. We hoped under the ninety-days theory of Mr. Seward to get through without their recognition, but that hope failed. Our enemies were as gallant a people as ever drew the sword, and the fulfillment of that hope was delayed for months and for years. But finally an arrangement was made under which it was possible to make a cartel for the exchange

of prisoners, and on the 22d of July, 1862, a cartel was agreed upon between the belligerents, which provided that within ten days after a prisoner was taken he should be paroled and sent home, and whenever it was announced by either side that a certain number was relieved from the parole a corresponding number should be released from the other side, and in that way the exchange was effected.

There were two points of delivery of prisoners. One was at Vicksburgh. Another was at a point near Dutch Gap, in Virginia. And the exchange went on for some time until a series of events occurred which interrupted it. To those events I desire to call attention for a moment. The first in order of time was a proposition which was read before the House yesterday, and which I incorporate here in my remarks, not for the sake of making any personal point, but to preserve the continuity of the history.

In October, 1862, a resolution was introduced into the confederate senate by Senator Hill, of Georgia—

That every person pretending to be a soldier or officer of the United States who shall be captured on the soil of the Confederate States after the 1st of January, 1863, shall be presumed to have entered the territory of the Confederate States with intent to excite insurrection and to abet murder, and that unless satisfactory proof be adduced to the contrary before the military court before which his trial shall be had he shall suffer death.

That was the first step in the complication in regard to the exchange of prisoners of war. That resolution appears to have borne early fruits.

On the 22d day of December, 1862, Jefferson Davis, the man for whom amnesty is now being asked, issued a proclamation, a copy of which I hold in my hand. I read two paragraphs:

First. That all commissioned officers in the command of said Benjamin F. Butler be declared not entitled to be considered as soldiers engaged in honorable warfare, but as robbers and criminals deserving death; and that they, and each of them, be, whenever captured, reserved for execution.

Mr. HILL. A reason is stated for that.

Mr. GARFIELD. The reason is in the preamble. I am not discussing the reasons for this extraordinary proclamation, but its effects upon the exchange of prisoners.

Third. That all negro slaves captured in arms be at once delivered over to the executive authorities of the respective States to which they belong, to be dealt with according to the laws of said States.

Fourth. That the like orders be executed in all cases with respect to all commissioned officers of the United States when found serving in company with said slaves in insurrection against the authorities of the different States of this confederacy.

Two great questions were thus raised: first, that a certain class of officers, merely because they served under General Butler, should be declared not entitled to the rights of prisoners of war, but should be put to death when taken. These men were serving, not Benjamin F. Butler, but the Union. They did not choose him as their general. They were assigned to him, and by this proclamation that assignment consigned them to death at the hands of their captors. But the second question was still more important. It was an order that all men who had been slaves and had enlisted under the flag of the Union should be denied all the rights of soldiers, and when captured should be dealt with as runaway slaves under the laws of the States where they formerly belonged, and that commissioned officers who commanded them were to be denied the rights and privileges of prisoners of war. The decision of the Union people everywhere was that, great as was the suffering of our poor soldiers at Andersonville and elsewhere, we would never make an exchange of prisoners until the manhood and the rights of our colored soldiers were acknowledged by the belligerent power. And for long weary months we stood upon that issue, and most of the suffering occurred while we waited for that act of justice to be done on the other side.

To enforce this proclamation of Mr. Davis a law passed on the 1st of May, 1863, by the confederate congress, reported, doubtless, from the judiciary committee by the gentleman who spoke yesterday, and in that law the principles of the proclamation I have just read were embodied and expanded. Section 4 of the law reads as follows:

SEC. 4. That every white person, being a commissioned officer or acting as such, who, during the present war, shall command negroes or mulattoes in arms against the Confederate States, or who shall arm, train, organize, or prepare negroes or mulattoes for military service against the Confederate States, or who shall voluntarily aid negroes or mulattoes in any military enterprise, attack, or conflict in such service, shall be deemed as inciting servile insurrection, and shall, if captured, be put to death or be otherwise punished, at the discretion of the court.

SEC. 5. Every person, being a commissioned officer or acting as such in the service of the enemy, who shall during the present war excite, attempt to excite, or cause to be excited, a servile insurrection, or who shall incite or cause to be incited a slave to rebel, shall, if captured, be put to death or be otherwise punished, at the discretion of the court.

SEC. 7. All negroes and mulattoes who shall be engaged in war or be taken in arms against the Confederate States, or shall give aid or comfort to the enemies of the Confederate States, shall, when captured in the Confederate States, be delivered to the authorities of the State or States in which they shall be captured, to be dealt with according to the present or future laws of such State or States.

Approved May 1, 1863.

Now, Mr. Speaker, I am here to say that this position taken by the head of the confederacy, indorsed by his congress and carried into execution by his officers, was the great primal trouble in all this business of the exchange of prisoners. There were minor troubles, such as claims by both sides that paroles had been violated. I think General Halleck reported that a division of four brigades, Stevenson's division, which had not been properly exchanged, fought us at Lookout Mountain; but that may have been a mistake. It was one of the points in controversy. But the central question was that of the Government of the United States having committed itself to the doctrine that the negro was a man and not a chattel, and that being a man he had a right to help us in fighting for the Union, and being a soldier we would perish rather than that he should not be treated as a soldier.

To show that I am not speaking at random I will read from a report which I hold in my hand, a report of the Secretary of War on the difficulty of the exchange of prisoners. This paper is dated August 24, 1864. I think it is a misprint for 1863, from what surrounds it; but no matter as to that. It was in August General Meredith reported:

To my demand "that all officers commanding negro troops, and negro troops themselves, should be treated as other prisoners of war, and be exchanged as such," Mr. Ould declined acceding, remarking that they (the rebels) would "die in the last ditch" before giving up the right to send slaves back to slavery as property recaptured.

* * * * * * * * *

I am, general, very respectfully, your obedient servant,

S. A. MEREDITH,
Brigadier-General and Commissioner for Exchange.

Major-General E. A. HITCHCOCK,
Commissioner for Exchange of Prisoners, Washington, D. C.

Thus it appears that in the negotiation, as late as the month of August, 1863, the refusal of the rebel authorities to treat the negro as a man and a soldier prevented the exchange of prisoners.

One other point in that connection and I will leave this subject. I have here a letter, dated March 17, 1863, written by Robert Ould and addressed to that man of "bad eminence," General Winder, in which Mr. Ould, speaking of his arrangement for the exchange of prisoners, says:

The arrangements that I have made work largely in our favor. We get rid of a set of miserable wretches and receive some of the best material I ever saw.

Now in that single line, in a communication between two men, not *par nobile fratrum* but *par turpe diabolorum*, is proof that the object of this outrageous treatment at Andersonville was to make our men so that their exchange would be valueless to us, and it throws light upon the charge about our treatment of prisoners held in the North.

Now, Mr. Speaker, I return from all this to the direct discussion bearing immediately upon Jefferson Davis. It seems to me incontrovertible that the records I have adduced, lay at his door the charge of being himself the author, the conscious author, through his own appointed instrument, of the terrible work at Andersonville, for which the American people still hold him unfit to be admitted among the legislators of this nation.

Before I leave that subject let me say another word on another point. I see around me here a large number of gentlemen who did not hesitate to take the oath of allegiance to the Government of the United States, who did not hesitate to ask to be relieved of their political disabilities; and I ask if any one of them, in the years they have served here with us, has been ever taunted with the fact that he has been thus relieved of disabilities at his own request? Can any one of them recall a discourteous remark that has ever been made here in debate because he has asked and accepted the amnesty of the Government? Do you want us to say that the remaining seven hundred and fifty need not ask as you did? Do the honorable gentlemen who are here to-day want easier terms on which the others may come in than the terms on which they themselves came back?

Mr. HILL. I desire to ask a question for information, for I want the facts, and my recollection differs from that of the gentleman from Ohio, [Mr. GARFIELD.] The act of 1872, granting a partial amnesty to quite a large number, does not, as I understand it, make any such requisition as is contained in the amendment of the gentleman from Maine, [Mr. BLAINE.]

Mr. GARFIELD. The gentleman is right.

Mr. HILL. It was an unconditional amnesty like that contained in the bill of the gentleman from Pennsylvania, [Mr. RANDALL.] It required no oath or anything of the sort.

Mr. GARFIELD. Certainly not.

Mr. HILL. I am very sure that it was under that act that I was relieved. And I never applied for any amnesty at all, but I would not have felt it any loss of pride had I done so.

Mr. GARFIELD. Certainly not. I remember very well that we relieved a large number of soldiers in one act. But we did not relieve those who, at the time the rebellion broke out, held offices and commissions under the Government which they had sworn before God they would protect and defend, and afterward went into the rebellion. Those are the people that we have required to ask for amnesty.

Mr. HILL. Allow me to call the attention of the gentleman to a correction of his statement. The act of Congress of 1872 relieved all persons, as I understand it, from disabilities who had been members of any State Legislature, or who had been an executive or judicial officer of any State, and relieved all in civil or military service, or who had even been in the Congress of the United States, excepting the Thirty-fifth or Thirty-sixth Congress.

Mr. GARFIELD. The Thirty-sixth and Thirty-seventh Congresses.

Mr. HILL. Well, one or the other. It relieved all those who were not in Congress at the time of secession, all members of State Legislatures, all civil and military officers, except the few remaining, some seven hundred and fifty. You granted them relief without any condition whatever.

Mr. GARFIELD. The gentleman will observe that those to whom

he refers did not, at the time the war broke out, hold commissions as United States officers.

Mr. HILL. Yes.

Mr. GARFIELD. We excepted from amnesty all those who held in their hands a commission from the Federal Government, and who had sworn to be true to their commission; and we did this because they had added to rebellion—I must use words—the crime of perjury in the eyes of the law.

Mr. TUCKER. Will the gentleman allow me to interrupt him?

Mr. GARFIELD. Certainly.

Mr. TUCKER. Do I understand the gentleman from Ohio, speaking here to-day of kindness to gentlemen on this side of the House, to say that any man who held a commission under the United States at the time the war broke out, and who went into secession, was guilty of perjury?

Mr. GARFIELD. I will repeat precisely the measured words I used. I said "the crime of perjury in the eyes of the law." In view of the fact of flaming war, I do not say those men should be regarded as ordinary perjurers; I never said that. But what will the gentleman call it? By what other name does the law know it? I did not make the dictionary, nor did I make the law. The gentleman certainly knows me well enough to know that I am incapable of making a reference to any personal matter in this discussion. He must see that I am using the word in its technical meaning as used in the law.

Mr. TUCKER. Mr. Speaker——

The SPEAKER *pro tempore*, (Mr. SPRINGER in the chair.) Does the gentleman from Ohio yield further to the gentleman from Virginia, [Mr. TUCKER?]

Mr. GARFIELD. Certainly.

Mr. TUCKER. I do not ask to interrupt the gentleman that I may excuse myself, but to excuse some of the noblest men that I have ever known, and of whom the gentleman might be proud to claim to be a peer.

Mr. GARFIELD. There were some passages in the speech of yesterday which make me less reluctant to speak of breaking oaths. He said:

> We charge all our wrongs to that "higher law" fanaticism which never kept a pledge or obeyed a law. We sought to leave the association of those who would not keep fidelity to covenant. We sought to go by ourselves; but, so far from having lost our fidelity to the Constitution, we hugged it to our bosoms and carried it with us. * * * But you gentlemen who persecuted us by your infidelities until you drove us out of the Union, you who then claimed to be the only friends of the Union, which you had before denounced as a "league with hell and a covenant with death," you who follow up the war when the soldiers who fought it have made peace and gone to their homes, to you we have no concessions to make. Martyrs owe no apology to tyrants.

There is a certain sublimity of assumption in this which challenges admiration. Why, the very men of whom we are talking who broke their oaths of office to the nation—when we are speaking of relieving them we are told that they went out because we broke the Constitution and would not be bound by oaths Did we break the Constitution? Did we drive them out? I invoke the testimony of Alexander H. Stephens, now a member of this House, who standing up in the secession convention of Georgia declared that there was no just ground for Georgia's going out; declared that the election of a President according to the Constitution was no justifiable ground for secession, and declared that if under the circumstances the South should go out she would herself be committing a gigantic wrong and would call down upon herself the thunders and horrors of civil war.

Thus spoke Alexander H. Stephens in 1860. Over against anything that may be said to the contrary I place his testimony that we did not force the South out; that they went out against all the protests and the prayers and the humiliation that a great and proud nation could make without absolute disgrace.

Mr. DAVIS. Will the gentleman from Ohio yield to me a moment?

Mr. GARFIELD. Certainly.

Mr. DAVIS. The gentleman has used a term that touches the honor of more men than one in this House and in the South. I desire, therefore, to ask him this question: Whether the war did not result from a difference of views between gentlemen of the North and gentlemen of the South with regard to what was the true construction of the Constitution? That being so, I desire to ask him further whether the oath of fidelity to the Constitution was best observed by those people of the section which he represents, those of his own party, who declared that there was a law higher than the Constitution and declined to obey that instrument, or by those who observed faithfully their constitutional obligations, and who, when raids were made upon them, merely defended themselves, as they understand it, from unconstitutional aggression?

I wish to say further for myself and for those who are here with me that, the Constitution having been amended—the "higher law" party having incorporated in that instrument the abolition of slavery and certain other features which we have now sworn to support along with the rest of the instrument—if in the future we fail to observe that oath before high Heaven, then we may be declared perjured; then we may be declared rebels; then we may be declared traitors.

Mr. GARFIELD. If the gentleman has understood me he cannot fail to see that I have not used the word in any offensive sense, but in its plain and ordinary acceptation, as used in the law. We held that the United States was a nation, bound together by a bond of perpetual union; a union which no State or any combination of States, which no man or any combination of men, had the right, under the Constitution, to break. The attempt of the South to overthrow the Union was rebellion against the Government. It can be described by no other name. It is so known to the laws of nations. It is so described in the decisions of the Supreme Court.

The gentleman from North Carolina calls the war on our side a raid. I will never consent to call our war for the Union "a raid," least of all a raid upon the rights of any human being. I admit that there was a political theory of State rights—a theory held, I have no doubt, by gentlemen like the gentleman of Virginia [Mr. TUCKER] who spoke a moment ago—believed in as sincerely as I believe the opposite—which led them to think it was their duty to go when their State went. I admit that that greatly mitigates all that the law speaks of as a violation of an oath. But I will never admit (for history gives the lie to the statement in every line) that the men of the Union were making a "raid" upon the rights of the South.

Read the republican platform of 1856 and of 1860. What did we contend for in those years? Simply that slavery should not be extended into any Territory already free. That was all. We forswore any right or purpose on our part in time of peace to touch slavery in any State. We only claimed that in the Territories, the common heritage of all the Union, slavery should never travel another inch; and thank God it no longer pollutes our soil or disgraces our civilization.

Now that slavery, the guilty cause of the rebellion, is no more, and that, so far as I know, nobody wants it restored—I do not believe these gentlemen from the South desire its restoration——

Mr. HILL. We would not have it.

Mr. GARFIELD. They would not have it, the gentleman from Georgia says. Then let us thank God that in the fierce flames of war the institution of slavery has been consumed; and out of its ashes let us hope a better than the fabled phœnix of old will arise—a love of the Union high and deep, "as broad and general as the casing air," enveloping us all, and that it shall be counted no shame for any man who is not still under political disabilities to say with uplifted hand, "I will be true to it and take the proffered amnesty of the nation." But let us not tender it to be spurned; if it is worth having, it is worth asking for.

And now, Mr. Speaker, I close as I began. Toward those men who gallantly fought us on the field I cherish the kindest feeling. I feel a sincere reverence for the soldierly qualities which they displayed on many a well-fought battle-field. I hope the day will come when their swords and ours will be crossed over many a door-way of our children, who will remember the glory of their ancestors with pride. The high qualities displayed in that conflict now belong to the whole nation. Let them be consecrated to the Union and its future peace and glory. I shall hail that consecration as a pledge and symbol of our perpetuity.

But there was a class of men referred to in the speech of the gentleman yesterday for whom I have never yet gained the Christian grace necessary to say the same thing. The gentleman said that amid the thunder of battle, and through its dun smoke, and above its roar they heard a voice from this side saying, "Brothers, come." I do not know whether he meant the same thing, but I heard that voice behind us. I heard that voice, and I recollect that I sent one of those who uttered it through my lines—a voice owned by Vallandigham. [Laughter.] General Scott said, in the early days of the war, "When this war is over it will require all the physical and moral power of the Government to restrain the rage and fury of the non-combatants." [Laughter.] It was that non-combatant voice behind us that cried "halloo!" to the other side, that always gave cheer and encouragement to the enemy in our hour of darkness. I have never forgotten and have not yet forgiven those democrats of the North whose hearts were not warmed by the grand inspirations of the Union, but who stood back finding fault, always crying disaster, rejoicing at our defeat, never glorying in our victory. If these are the voices the gentleman heard, I am sorry he is now united with them.

But to the most noble men, democrats and republicans, who fought together for the Union, to them I commend all the lessons of charity that the wisest and most beneficent men have taught.

I join you all in every aspiration that you may express to stay in this Union, to heal its wounds, to increase its glory, and to forget the evils and bitternesses of the past; but do not, for the sake of the three hundred thousand heroic men who, maimed and bruised, drag out their weary lives, many of them with horrible memories of what they suffered in the prison pen—do not ask us to vote to put back into power that man who was the cause of their suffering—that man still unaneled, unshrived, unforgiven, undefended. [Great applause.]

Mr. SEELYE. Mr. Speaker, I have no desire to continue this discussion in the line already taken, upon which line, it seems to me, quite sufficient has been said to satisfy the desire of either side. I only wish to refer to two points—and will occupy at the farthest not more than three minutes time—bearing upon this case. The first relates to the general question of amnesty, respecting which I take it there is no dispute. That question has been already settled; settled by previous votes of Congresses, and by the unmistakable voice of the people which those votes have expressed. Whether any one here might or might not object to the principle upon abstract grounds is of no consequence so far as relates to the point before the House, for we are all agreed that its establishment as the settled policy of the nation is now irreversible.

There is also, Mr. Speaker, no dispute respecting the actual fact of the horrors of Andersonville. One of the most striking, indeed I think I may say the most striking fact in the exhaustive speech of the gentleman from Georgia, [Mr. HILL,] to which we listened yesterday, in which everything which could possibly be presented was brought forth in rebuttal of the awful charges of the gentleman from Maine, [Mr. BLAINE]—one of the most startling things in that speech to me was the entire absence of a single word disproving the terrible story of horrors of that prison. We are agreed that that story has not been exaggerated, and I think we are agreed also that exaggeration thereof is impossible.

But, Mr. Speaker, with all deference to the distinguished gentlemen who have preceded me—and novice as I am I would much prefer to sit at their feet than attempt to give instruction here—with all deference, I say, to their line of argument and opinion, yet as I look upon it the horrors of Andersonville have nothing to do with the precise matter before the House. That question, as I take it, does not involve a judicial decision, but a legislative enactment. What we are called upon to pronounce is not, as I understand it, the judgment of a court respecting a crime, but the decree of a legislature respecting the political rights of its subjects, and between these two there is a broad distinction and one sufficiently clear in its bearing upon the present issue.

I do not, Mr. Speaker, palliate the crime. God grant his mercy to the guilty author of it in his dreadful need! Neither would I extenuate or excuse any remissness of either the executive or the judicial departments of the Government in their treatment of this case. But I contend that the question before us does not relate to the punishment due for the crime of Andersonville. The amnesty upon which we have to decide, and which by section 3 of the fourteenth amendment of the Constitution of the United States a vote of two-thirds of each House of Congress alone can confer, is expressly referred by the same section to those—

> Who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof.

"Shall have engaged in insurrection or rebellion against the same." These are the clear lines beyond which I hold we have no right in a measure of this kind to go; and since within these lines the offense of the individual against whom exception is sought to be taken is no greater than that of others whose disabilities have been or are to be removed, I cannot agree to the existence of any proper exception in his case.

I was obliged Monday to vote against the resolution of the gentleman from Pennsylvania, [Mr. RANDALL,] as I should be compelled to do again if presented in the same form, not because I object to the subjects whom he would include in his offer of amnesty, but because the terms in which that offer is made seem very far from meeting the just requirement. The boon we are ready to confer is surely worth the asking, and both for this reason and also out of respect for those who have already asked and received it, representatives from whom I for one welcome on this floor, I believe that the amnesty, if granted, should be received under some such conditions and in some such form as the resolution of the gentleman from Maine embodies. That is all I have to say at present.

Mr. RANDALL. Will the gentleman allow me to state this fact in connection with the second branch of the amendment of the gentleman from Maine: This proposition of amnesty seeks to remove disabilities from holding office. It will occur instantly to his mind that when those disabilities against his holding office are removed from any one and he should be chosen to an office, before he could enter upon that office he would of necessity be required to take an oath to support the Constitution.

Mr. SEELYE. Is not that the case at present?

Mr. RANDALL. Not as to those that are embraced in the third section of the fourteenth article of amendment to the Constitution. That is the reason why we have considered unnecessary and continued to resist that branch of the amendment.

Mr. FRYE. Suppose he should not be elected to office?

Mr. RANDALL. Then your removal of his disabilities does no good.

Mr. FRYE. Then he is restored to equal citizenship in every respect without asking for it.

Mr. RANDALL. The gentleman will understand that the disability in the third section of the fourteenth article of amendments applied to his holding office. That we proposed to remove by the amnesty. Now when he shall come to be elected he will of necessity have to take an oath to support the Constitution.

Mr. FRYE. But he can go into a nominating convention and be the nominee of his party without taking an oath.

Mr. RANDALL. He can do that now under the reconstruction acts.

Mr. BANKS. I desire to put a question to the gentleman from Pennsylvania, the gentleman who introduced this question of amnesty, which will bring him to consider a point which is omitted in his statement. He says to us that if the general amnesty is passed as proposed by him it will have no effect unless one who is amnestied be elected to office, when he must then take the oath to support the Constitution of the United States. That is very well. But let me suppose this case: that Mr. Jefferson Davis shall be included in the amnesty; that Mr. Jefferson Davis has taken a solemn oath to support a government hostile to the United States, and, accepting that amnesty, he becomes possessed of the highest rights that any man can enjoy in this country, without ever having taken any oath to support the Constitution of the United States, and still, with that oath upon his lips, to support a government hostile to the United States. Now, Mr. Speaker, I ask the gentleman from Pennsylvania, and I ask any member of the House, if Jefferson Davis has, under the different laws passed by the Congress of the United States and under the proclamation of President Johnson, if under any of these measures, he has taken an oath to support the Constitution of the United States?

Mr. RANDALL. I do not know; but I do know, and if am not correct I can be informed, that Jefferson Davis to-day can exercise every privilege of an American citizen excepting those from which he is debarred by the third section of the fourteenth amendment to the Constitution of the United States.

Mr. REAGAN. If the gentleman from Pennsylvania will allow me, I will try to answer the gentleman from Massachusetts. I do not know as a fact whether Mr. Davis has taken an oath to support the Constitution of the United States or not. But I know this, which induces me to suppose that he has done so: that no men, so far as I am informed, (and I know of the cases of many,) who were held as prisoners by the Federal Government, were at any time released from that imprisonment without being required to take an oath to support the Constitution of the United States. And I presume it is a fact that Mr. Davis was not accorded immunity on that subject which was not accorded to others.

Mr. BANKS. I do not see that the gentleman from Texas meets my point. Under a proclamation of President Johnson and under an act of Congress of 1866, I think it was, and the act of 1867, for the reconstruction of the Government, every man who assumed or obtained any rights under those acts was required to take an oath to support the Constitution of the United States. So far as I am able to ascertain, and I shall be glad to be corrected if I am misinformed, no man connected with the rebellion enjoys any political rights now excepting such as he has obtained under one of those acts, where, as a condition-precedent, he was required to take an oath to support the Constitution of the United States.

Now, if we pass a general amnesty bill—and I voted for the bill of the gentleman from Pennsylvania [Mr. RANDALL] the other day, although not entirely satisfied with it—we give amnesty to Jefferson Davis; and he has not taken an oath to support the Constitution of the United States, but he has taken an oath to support a government hostile to the United States; and, never having abjured that oath, he is still under fealty to that government in enmity to the United States.

Mr. JONES, of Kentucky. I wish to ask the gentleman a question:

Mr. BANKS. Well, sir, I got up to ask a question myself.

Mr. JONES, of Kentucky. I simply wish to ask the gentleman one question.

Mr. ATKINS. I rise to a point of order. I inquire who has the floor?

The SPEAKER. The gentleman from Pennsylvania, [Mr. RANDALL.]

Mr. ATKINS. I would ask the gentleman from Pennsylvania to accept the amendment of the gentleman from Maine, [Mr. BLAINE,] so far as that part of it which provides for the taking of the oath is concerned.

Mr. RANDALL. I have not the power to accept an amendment now, but I may have hereafter.

Mr. BANKS. I intend, if I have an opportunity, to propose to amend the amendment of the gentleman from Maine so as to strike out the words relating to Jefferson Davis, and I shall ask the House that that portion of the amendment which will require Jefferson Davis to take an oath to support the Constitution of the United States shall be incorporated in the bill.

Mr. HILL. I see the point of the gentleman from Massachusetts, for whom I have great respect. His point is that Jefferson Davis took an oath to support the confederate government, and that of course, until he takes an oath to support the Constitution of the United States, he is bound by that oath. The gentleman is analogizing his case to the case of naturalization into citizenship. Now, I desire to ask him, can the obligation to support a government continue after the government is dead?

Mr. BANKS. Jefferson Davis can so understand it. [Laughter.]

Mr. HILL. Well, I undertake to say this: that if Jefferson Davis does so understand it he is the only man in the South who does so. The confederate government is dead, and we intend it to be dead forever.

Mr. RANDALL. I now demand the previous question on the motion of the gentleman from Maine, [Mr. BLAINE,] but I will withdraw it so as to enable him to have one hour in reply. Of course, if the previous question were sustained, I could not allow that to the gentleman.

Mr. BLAINE. I cannot agree, as the gentleman will readily perceive, to speak under any other condition than that which gives me a right to do so under the rules.

Mr. RANDALL. Then I submit that question to the Chair to be decided under the rules.

Mr. BLAINE. I desire again to call the attention of the Speaker to the sixty-third rule of the House. I have either the right to speak or not. With the Speaker's leave, I will read the rule.

No member shall speak more than once to the same question without leave of the House, unless he be the mover, proposer, or introducer of the matter pending; in which case he shall be permitted to speak in reply, but not until every member choosing to speak shall have spoken.

Now, the "matter pending" is the motion to reconsider, and I was "the mover," the "proposer," and the "introducer" of that motion.

Mr. REAGAN. I desire to call the attention of the Chair to page 86 of Barclay's Digest.

Mr. BLAINE. That is the very page from which I was reading.

Mr. RANDALL. And I would also call the attention of the Speaker to Rule 60.

The SPEAKER. The Chair is ready to rule on this point. In the judgment of the Chair it is not competent for a member upon such a motion as this to make it impossible for this House to terminate debate——

Mr. BLAINE. O no! I do not claim so, Mr. Speaker.

The SPEAKER. Except with his consent.

Mr. BLAINE. I do not claim any such thing.

The SPEAKER. The gentleman will have the kindness to hear the Chair. If the position assumed by the gentleman from Maine be sound, it appears to the Chair that this House would be deprived of power to terminate debate except upon his motion.

Mr. BLAINE. Not at all; far from it.

Mr. BANKS. I rise to a question of order.

Mr. BLAINE. I beg to entirely dissent from that view of the Chair.

The SPEAKER. The gentleman from Massachusetts will state his point of order.

Mr. BANKS. I want the decision of the Chair to be stated without interruption.

The SPEAKER. The point of the gentleman is well taken. [Laughter.] It is claimed that, because the motion in this case to reconsider the vote by which the amnesty bill was defeated was made by the gentleman from Maine, therefore he is entitled to open and close the debate, practically to control it. The Chair invites the attention of the House to the sixtieth rule, on page 88 of the Digest, a part of which the Chair will read:

No member shall occupy more than one hour in debate on any question in the House or in committee; but a member reporting the measure under consideration from a committee may open and close the debate.

The gentleman from Maine did not report this measure from a committee. A ruling is given on page 86 of the Digest, which is as follows:

The right of the "member reporting the measure" to open and close debate is not affected by an order either for the previous question or that debate shall cease in committee.

Now the Chair is very reluctant to hold that in this case the gentleman from Maine is not of right entitled to close this debate. The Chair would prefer to hold that under this ruling, which relates to Rule 60, the right of the gentleman to close the debate is clear, notwithstanding the House may have sustained the previous question; that, in other words, he would be entitled, after the previous question is sustained, to close the debate. But upon the peculiar attitude of this question, the Chair feels compelled to rule that, inasmuch as the gentleman from Maine did not report this bill to the House from any committee or in any other way, he has no right to close the debate or to speak after the previous question shall have been demanded by another member, as in this case.

Mr. BLAINE. Will the Chair be good enough to allow me to address him?

The SPEAKER. Most certainly, with great pleasure.

Mr. BLAINE. The Chair very correctly states that I do not have the relation to this measure of having reported it from a committee, and the Chair will observe that no other gentleman has that relation to it; the gentleman from Pennsylvania [Mr. RANDALL] does not have that relation to the measure. It does not come from a committee. Therefore, if the Chair will observe, Rule 88, which regulates the order of debate upon any measure reported from a committee, has no pertinency whatever to this case. With all due respect to the Chair, it does not apply to it at all. We all know that in the regular morning hour, when committees are reporting, that rule applies specifically as to the conduct of debate.

Now, this being a measure not reported from a committee, the gentleman from Pennsylvania has no more relation of authority in regard to it than I myself. He merely proposed it by the grace of the Speaker giving him the floor. Therefore he has not so much relation to it as myself, because his obtaining the floor was entirely *ex gratia* from the Speaker, while I took the floor because I was entitled to it under the rule upon a question so highly privileged that nothing but a motion to adjourn could take me from the floor. I hold the floor under the rules of the House. I am "the mover," I am "the introducer," I am the "proposer"—I like to adhere to the very language of the rule—"of the matter pending," and this Rule 63, if the Chair will observe, was made to regulate precisely that kind of business which does not come from a committee. The Chair is quite correct in quoting Rule 88 as applicable to business which comes from a committee; but this regulates the respective and relative rights of members with regard to that class of business which does not come from committees.

Now, it does not do, of course, to confuse the majority side of the House and the minority side. Under the rules of the House we are all equal. I have not the remotest possible desire to continue this debate beyond the wish of the other side. I went myself to the honorable gentleman from Pennsylvania [Mr. RANDALL] this morning and told him that I would entirely consult his wishes, recognizing that the majority have the right——

Mr. RANDALL. Did you not find me in quite the same temper?

Mr. BLAINE. Certainly, sir. The gentleman from Pennsylvania, like myself, is always, unless excited a little, a man of amiable temper and generous impulses. [Laughter.]

Mr. Speaker, the last thing I should desire, as the Chair himself knows, would be to come into conflict with the Chair upon anything. There are personal reasons, there are official reasons, that render me reluctant to have a discussion of this kind with the Chair. I would much prefer if the point could be avoided. I desire to address the House to-morrow morning for one hour, or possibly a little longer, if the grace of the House will permit. I beg the Speaker not to rule me out of that privilege, for his sake as well as mine.

Mr. BANKS. Mr. Speaker, I desire to say a word on this question of order, because it is a very important one. The rule which gives a member the right to open and close the debate upon a measure which he has reported from a committee was adopted from an extreme necessity, which long experience showed to exist. The chairman of a committee, reporting a measure and not having the right to close the debate, was liable to encounter an argument or an onslaught from an opponent of the measure who might accidentally get the floor, and thus defeat, for want of proper opportunity of reply, a measure of absolute importance which had come from a committee. For this reason, and in view of this absolute necessity, the rule was adopted. If it were abrogated we could not carry on the business of the Government. But no rule has ever been adopted which would give to a member who with the consent of the House may present a resolution or other proposition the right to open and close the debate, just the same as if he were reporting a measure from a committee—an appropriation bill, for instance, necessary for the support of the Government; because in such a case the necessity does not exist. Therefore upon that ground the Speaker is perfectly right. But there is another answer to the claim of the gentleman from Maine.

Mr. HOAR. Will my colleague [Mr. BANKS] be kind enough to state to what class of cases Rule 63 does apply?

Mr. BANKS. It applies——

Mr. JONES, of Kentucky. I rise to a point of order. I submit that this discussion is all out of order. I understand the Chair to have decided the point, and the only way to oppose the decision is by an appeal to the House.

Mr. BANKS. I will not occupy long.

The SPEAKER. The gentleman from Massachusetts [Mr. BANKS] has the floor by consent; and it is the request of the Chair that he may not be interrupted.

Mr. JONES, of Kentucky. I did not intend to interrupt the gentleman from Massachusetts. I thought he had yielded the floor. I only wished to stop the indefinite continuance of this debate.

Mr. BANKS. Mr. Speaker, the only rule relating to this subject applies to reports from committees made by the chairman or any other member.

Mr. HOAR. This is an important point; and I hope my colleague will state to what cases Rule 63 applies. The rule about reports from committees is another rule. But here is a rule that must apply to some other cases.

Mr. BANKS. But it is the same subject. That, however, is not the point. Sir, the Chair is sustained upon another ground. The proposition of the gentleman from Maine is not a measure; it is a motion—a subsidiary and incidental motion. It is not a measure—it is not his measure—but a privilege or right belonging to any member of the majority to make that motion, and therefore he cannot claim the right to open and close upon the ground that the motion is a measure. A motion which belongs to every other member of the majority is not a measure like that reported by the chairman of a committee or presented to the House by a member.

More than that, the motion to reconsider is in its nature subject to exactly the same rules as a motion to postpone a question indefinitely. Now, a member has a right to move to postpone a measure indefinitely. That is a motion such as a motion to reconsider, but making that motion does not give him the right to open and close the debate on that motion. Upon these grounds the Chair is perfectly right, and no sounder decision was ever given in the House.

Mr. BLAINE. The gentleman from Massachusetts makes a mistake when he speaks of this thing being a "measure." The sixty-third rule does not use the word "measure." It reads "upon any matter pending." More than that, the gentleman from Massachusetts makes another mistake. The sixty-third rule does not give, nor have I arrogated, the right to close debate—not at all. There is where the gentleman confuses the sixty-third with the eighty-eighth rule. The eighty-eighth rule gives the right to the member who reports a measure from a committee, the right absolutely, to close debate. I have claimed no such right. I have only claimed what the sixty-third rule gives me, the right to reply. Whether I am to be the last man who speaks is quite another thing. I have not under the sixty-third rule asked for that which the eighty-eighth rule gives to a member report-

ing a measure from a committee. The gentleman from Massachusetts, at whose feet I have gladly sat in the past, will observe those two vital and important distinctions in reference to which he has unintentionally fallen into error. The sixty-third rule does not refer to measures at all. It does not give the right to close debate at all. It gives the right to a member introducing or the mover; and the "mover" refers to the "motion," the gentleman will observe, and not to the "measure."

Mr. BANKS. The mover of the matter.

Mr. BLAINE. The "mover," but not the "matter pending." Of course you do not speak of the "mover of a measure." No, sir; the mover is the one who makes the motion.

I have not claimed the right, Mr. Speaker, to close this debate. I have claimed the right to reply, and the rule says that I can come in. The rule says—I will read the whole of it:

> No member shall speak more than once to the same question without leave of the House, unless he be the mover, proposer, or introducer of the matter pending; in which case he shall be permitted to speak in reply, but not until every member choosing to speak shall have spoken.

Now, Mr. Speaker, if any other gentleman who has not spoken claims the floor at the same moment with myself you are bound under the rules to give the floor to that member. But no other member claiming it, I here claim the floor, and on that ask the decision of the Chair.

Mr. RANDALL. The decision has been made. I want to direct the attention of the gentleman from Maine [Mr. BLAINE] to one point, and it is this: That his right to make the motion to reconsider came only from the fact that he voted on the prevailing side.

Mr. BLAINE. Certainly.

Mr. RANDALL. Nevertheless he voted with the minority in this House.

Mr. BLAINE. But it was the majority then or the prevailing side, which is a parliamentary majority.

Mr. RANDALL. He has the right under the rule precisely as any member on this side of the House has, and no further logical right. He cannot control debate.

Mr. BLAINE. I never claimed the slightest right to close the debate, but I claim under the rules the right to reply.

Mr. RANDALL. And upon that the decision of the Chair has been made.

The SPEAKER. Will the gentleman from Pennsylvania allow the Chair to settle this question at once?

Mr. RANDALL. Certainly.

The SPEAKER. The Chair overrules the point of order raised by the gentleman from Maine, [Mr. BLAINE.] The Chair desires only in addition to say, and he is glad to be able to say it, that in this ruling he is upon all points sustained by the venerable journal clerk of this House, the author of our Digest, who has had experience of twenty-eight years.

Mr. BLAINE. That I have no right now to the floor?

The SPEAKER. No right to the floor to close this debate.

Mr. BLAINE. It is not on that ground that I have claimed the floor, Mr. Speaker. That decision must not go on record as if I had claimed the floor to close this debate. No, sir.

Mr. BEEBE. I call the gentleman to order. The gentleman from Maine, having presided here for many years, is setting a bad example, an example unworthy of him and his reputation.

Mr. BLAINE. What I have claimed is the right to reply.

Mr. BEEBE. I insist on the order of the House being preserved.

The SPEAKER. Order must be restored. [After a pause.] The gentleman from Pennsylvania rose in his place, and, having been recognized by the Chair, demanded the previous question on the pending motion. Thereupon the gentleman from Maine claimed the right to be heard. The Chair decides he has no right to be heard, and that is all the Chair decides.

Mr. RANDALL. Now, in the abundance of caution, with a disposition to permit no fault to be found in any particular, I say to the gentleman from Maine who has asked that I shall give him one hour for debate——

Mr. BLAINE. He has done no such thing. He has refused to take it in that way.

Mr. RANDALL. The gentleman did at his desk ask me, or suggest that I should co-operate with him in asking this House to hear him for one hour to-morrow morning; and I, in the same spirit in which the gentleman made that request, met him. And I say to him now that I am willing to make a motion to adjourn, and if he will give me an assurance that at the end of his hour to-morrow he will again yield the floor to me to move the previous question, I will ask this House now to grant him that hour to-morrow. Or if he will do this——

Mr. BLAINE. If the gentleman from Pennsylvania will consider it, he will see that the request he makes of me, although I wish to speak with perfect respect, is absurd. He must think I have the disposal of the floor. He asks me if, at the end of the hour, I will give him the floor. During the last six years I could have answered that question. It is for you, Mr. Speaker, to answer it now. I give him the floor! If I am off the floor, what control have I of it? But I will say to the gentleman this: I will to-morrow accept the floor for a speech of one hour, and at the end of my speech I will move the previous question. I understood the request of the gentleman from Pennsylvania to be an alternative one, one branch of which was that I should speak one hour and at the end of it move the previous question. I accept that.

Mr. RANDALL. My proposition was that you should yield the floor to me at the end of the hour to move the previous question. But I will go further. If you will, at the end of your hour, move the previous question, I will give you that hour.

Mr. BLAINE. Agreed.

Mr. RANDALL. I move that the House adjourn.

The motion was agreed to; and accordingly (at four o'clock and thirty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. ATKINS: The petition of W. F. Doherty, for a pension, to the Committee on Invalid Pensions.

By Mr. BANKS: The petition of Ellen Greland, for a pension, to the same committee.

By Mr. BLACKBURN: The petition of Silas Wolverton, for compensation for horses captured by the confederate army on a mail-route, to the Committee on War Claims.

By Mr. BLISS: The petition of Raphael C. Stearns, for arrears of pension, to the Committee on Invalid Pensions.

By Mr. BRADLEY: The petition of Sarah Spaulding, for relief, to the Committee on the Public Lands.

By Mr. BROWN, of Kansas: The petition of Captain A. W. Bolenius and other officers and soldiers of the Fiftieth Regiment Pennsylvania Volunteers, for compensation for property lost through alleged negligence of officers in charge of same, to the Committee on Claims.

By Mr. BUCKNER: The petition of Maria Fitzhugh and Ann C. Carroll, for pay for damages to their property by the board of public works and the commissioners of the District of Columbia, to the Committee on the District of Columbia.

By Mr. CAMPBELL: The petition of George Woodruff and other citizens of Will County, Illinois, for the repeal of the check-stamp tax, to the Committee on Ways and Means.

By Mr. CASON: Papers relating to the petition of Louis Pelham, for relief, to the Committee on the Judiciary.

Also, the petition of Francisco Quesada, for a pension, to the Committee on Invalid Pensions.

By Mr. CATE: The petition of G. W. Cate, for the establishment of a daily mail-route from Marion to Osceola Mills, in Missouri, to the Committee on the Post-Office and Post-Roads.

By Mr. CLARKE, of Kentucky: The petition of James Clarke Smith, of Dundee, Scotland, for pay for goods illegally seized in New York by United States custom-house officers, to the Committee on Foreign Affairs.

Also, papers relating to the memorial of Antonio Pelletier, for relief, to the same committee.

By Mr. CROUNSE: The petition of W. W. Wilson and others, of Nebraska, for terms of the United States circuit and district court to be held annually at Lincoln, in said State, to the Committee on the Judiciary.

By Mr. ELY: The petition of 1,150 seamen, against the shipping-commissioners act, to the Committee on Commerce.

By Mr. FORNEY: The petition of W. M. Weaver, for compensation alleged to be due under the second proviso of section 25 of the internal-revenue act of June 30, 1874, to the Committee on Claims.

By Mr. FRYE: The petition of the Grand Division of the Sons of Temperance of Wisconsin, signed by its officers, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

Also, the petition of the Grand Lodge of Good Templars of Rhode Island, signed by its officers, of similar import, to the same committee.

Also, the petition of the Good Templars of Indiana, signed by officers representing nearly thirteen thousand members, of similar import, to the same committee.

Also, the petition of the Good Templars of the Territory of Montana, signed by officers representing a membership of seven hundred, of similar import, to the same committee.

Also, the petition of the Methodist church of Swampscott, Massachusetts, signed by its pastor and officers, of similar import, to the same committee.

Also, the petition of the Methodist Episcopal church at Natick, Massachusetts, signed by its pastor and officers, of similar import, to the same committee.

By Mr. FULLER: The petition of Susanna Chase, for a pension, to the Committee on Invalid Pensions.

Also, a paper relating to a post-road from Newburgh to Boonville, Indiana, to the Committee on the Post-Office and Post-Roads.

By Mr. HARRISON: The petition of W. G. Ford, administrator of John Y. Robinson, deceased, for relief, to the Committee on Claims.

By Mr. HENDEE: The petition of Charles L. Hart and other citizens of Burlington, Vermont, for the repeal of the bankrupt law, to the Committee on the Judiciary.

By Mr. HENDERSON: The petition of T. J. Robinson and 55 other citizens of Illinois, for the repeal of the check-stamp tax, to the Committee on Ways and Means.

By Mr. HENKLE: The petition of Joseph Forrest, for pay for use of property by the United States, to the Committee on War Claims.

Also, the petition of citizens of the District of Columbia, for the incorporation of the Suburban Railway Company of the District of Columbia, to the Committee on the District of Columbia.

By Mr. HEREFORD: The petition of F. E. Hassler, for relief, to the Committee on Claims.

Also, the petition of Sarah Wilson, for relief, to the Committee on the Judiciary.

By Mr. HEWITT, of New York: The petition of ship-owners, for an amendment to the shipping act, to the Committee on Commerce.

Also, the petition of Henry Holt, in reference to his publication of the abridgement of the CONGRESSIONAL RECORD, to the Committee on Printing.

By Mr. HOUSE: The petition of H. and B. Douglas, for compensation for use of property by United States, to the Committee on War Claims.

By Mr. JACOBS: The petition of citizens of Walla Walla, Washington Territory, for the disapproval by Congress of certain acts passed by the territorial Legislature of said Territory at its last session, to the Committee on the Judiciary.

Also, the memorial of the territorial Legislature of Washington Territory, asking for compensation for John G. Parker for carrying United States mails, to the Committee on Claims.

By Mr. JENKS: The petition of James Washington, for arrears of pension, to the Committee on Invalid Pensions.

Also, the petition of Francis M. Whiteman, for a pension, to the same committee.

Also, the petition of W. C. Shimoneck.

By Mr. JONES, of Kentucky: The petition of Captain J. H. Estes, for relief, to the Committee on Claims.

By Mr. KASSON: The petition of citizens of Iowa, for the repeal of the check-stamp tax, to the Committee on Ways and Means.

By Mr. KIDDER: The petition of Governor Pennington and other citizens of Dakota, in reference to the non-construction of a branch of the Pacific Railroad, to commence at or near Sioux City, Iowa, to the Committee on the Pacific Railroad.

By Mr. KNOTT: A paper relating to a post-route from Hardinsburgh to Litchfield, Kentucky, to the Committee on the Post-Office and Post-Roads.

By Mr. LANE: The petition of F. S. Matterson and 600 other citizens of Southern Oregon, for the improvement of the mouth of the Coquille River, to the Committee on Commerce.

By Mr. LAWRENCE: The petition of Charles C. Hill, for relief, to the Committee on Military Affairs.

By Mr. LYNCH: The petition of Milton S. Shirk, for property taken by the United States, to the Committee on War Claims.

By Mr. McCRARY: The petition of citizens of Des Moines County, Iowa, for the repeal of the check-stamp tax, to the Committee on Ways and Means.

Also, the petition of Friends at Ohio yearly meeting on the subject of international arbitration, to the Committee on Foreign Affairs.

By Mr. McMAHON: The petition of H. Flavell and 125 Union soldiers, to give those soldiers who have lost an arm below the elbow or a leg below the knee the same pension as those who have lost it above, to the Committee on Invalid Pensions.

By Mr. MILLIKEN: The petition of Charles E. Hovey, for relief, to the Committee on Claims.

Mr. MUTCHLER: A petition from citizens of Lehigh Valley, Pennsylvania, for Congress to grant aid to the Southern Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. NEAL: the petition of A. E. McGoffin, for relief, to the Committee on Claims.

By Mr. O'BRIEN: The petition of Benjamin B. Miles, for relief, to the Committee on Military Affairs.

By Mr. PAYNE: The petition of Charles Paine, for an amendment to the act to prevent cruelty to animals while in transit by railroads or other means of transportation within the United States, to the Committee on Railways and Canals.

By Mr. PIERCE: The memorial of the trustees of the Boston Public Library and of all the principal libraries in the United States, asking for aid in the printing of an index to the congressional documents of the United States, to the Joint Committee on the Library.

By Mr. PHELPS: Papers relating to the petition of Robert C. Narramore, late postmaster at Derby, Connecticut, for relief, to the Committee on Claims.

Also, papers relating to the claim of Susan Dodge and Charles Pratt, for pay for destruction of their ship Finland by the United States naval forces, to the Committee on War Claims.

By Mr. ROBBINS: The petition of John News, to enter Soldiers' Home at Washington, District of Columbia, to the Committe on Military Affairs.

By Mr. ROBERTS: The petition of Jane E. Slamm, for a pension, to the Committee on Invalid Pensions.

By Mr. SAYLER: The petition of Abel M. Lewis, for relief, to the Committee on Claims.

Also, the petition of William and George S. B. Tait and Georgiana Lee Tait, for relief, to the same committee.

Also, the petition of A. B. Merriam & Co., and other manufacturers and druggists, to repeal the proprietary stamp tax, to the Committee on Ways and Means.

Also, the petition of Rev. A. Ritchie, corresponding secretary of the American Tract Society, for an amendment of the postal-law, to the Committee on the Post-Office and Post-Roads.

Also, the petition of William Welsh, for re-instatement in the United States naval service, to the Committee on Naval Affairs.

By the SPEAKER: The petition of Francis Armstrong, for relief, to the Committee on Military Affairs.

By Mr. SPRINGER: Memorial of the Illinois State Horticultural Society, for the repeal of the amendment to the postal laws increasing postage rates on third-class mail matter, to the Committee on the Post-Office and Post-Roads.

By Mr. STEVENSON: A resolution of the State Horticultural Society of Illinois, to the same committee.

By Mr. SCHLEICHER: The petition of J. H. Giddings, for relief, to the same committee.

By Mr. STONE: The petition of 55 boatswains, 62 gunners, 50 carpenters, and 38 sail-makers, all warrant officers of the United States Navy, for relief, to the Committee on Naval Affairs.

By Mr. THORNBURGH: The petition of Thomas B. McClun, for cotton taken by the United States, to the Committee on War Claims.

By Mr. TUCKER: The petition of John J. Robinson, for a postal route from Texarkana Depot to Snowsville, Virginia, to the Committee on the Post-Office and Post-Roads.

By Mr. VANCE, of North Carolina: Paper relating to a mail-route from Franklin, North Carolina, to Walhalla, South Carolina, to the same committee.

Also, the petition of Robert Hume, for a pension, to the Committee on Invalid Pensions.

By Mr. WALKER: The petition of Christian Burging, for relief, to the Committee on War Claims.

By Mr. WARREN: The petition of Isaac H. Tower, for relief, to the same committee.

By Mr. WHITTHORNE: The petition of John G. Todd, to be recognized as a captain in the United States Navy, to the Committee on Naval Affairs.

Also, papers relating to the petition of John H. Russell, for relief, to the Committee on War Claims.

By Mr. WILLIAMS, of Alabama: A paper relating to a post-route from Clayton to Classton, in Alabama, to the Committee on the Post-Office and Post-Roads.

Also, to change post-route 17291 in Alabama, so as to include Monterey, in Butler County, to the same committee.

By Mr. WILLIAMS, of Michigan: The petition of Charles M. Lang, for relief, to the Committee on Military Affairs.

By Mr. YOUNG: Paper relating to the petition of W. S. Ford, for relief, to the Committee on Claims.

IN SENATE.

THURSDAY, *January* 13, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of the Interior, transmitting, in compliance with a resolution of the Senate of the 10th instant, a statement of the amounts that have been expended under the appropriation of $300,000 for the support, education, and civilization of three thousand captive Cheyenne, Arapahoe, Kiowa, and Comanche Indians, &c.; which was ordered to lie on the table, and be printed.

PETITIONS AND MEMORIALS.

Mr. BOUTWELL presented the petition of Uriah Smith, of Millbury, Massachusetts, praying for an amendment to the pension laws so as to extend the time for making application for arrears of pensions to July 4, 1876; which was referred to the Committee on Pensions.

Mr. DORSEY presented the memorial of the executive committee of the State Grange of the Patrons of Husbandry of the State of Arkansas, praying for an appropriation for the improvement of the navigation of the Mississippi River and for the continuation of the work of improving the delta of that stream; which was referred to the Committee on Commerce.

He also presented a petition of citizens of Arkansas, praying Congress to pass the bill introduced by Senator DORSEY for the establishment of a regular territorial government in the Indian Territory; which was referred to the Committee on Territories.

He also presented a petition of citizens of Jefferson County, Arkansas, praying Congress to consider favorably and pass a bill providing for the establishment of a territorial government in the Indian Territory; which was referred to the Committee on Territories.

Mr. WINDOM presented the petition of 2,082 citizens of various places in Minnesota, Wisconsin, Iowa, Illinois, and Missouri, praying for an appropriation of $100,000 for the improvement of the Upper Mississippi River; which was referred to the Committee on Commerce.

Mr. JOHNSTON presented the petition of Robert Tansill, of Virginia, praying for the removal of his political disabilities; which was referred to the Committee on the Judiciary.

Mr. BURNSIDE presented the petition of the Ohio yearly meeting of Friends, held at Salem, Ohio, in favor of the adjustment of international difficulties by peaceable arbitration rather than by the sword; which was referred to the Committee on Foreign Relations.

Mr. WEST presented the petition of Miss Lizzie Dickson, of New Orleans, administratrix of the estate of A. D. Palmer, deceased, praying remuneration for cotton seized by United States forces during the late war; which was referred to the Committee on Claims.

Mr. SPENCER presented the petition of Ann C. Carroll and Maria C. Fitzhugh, of Washington, District of Columbia, praying compensation for the use of their land occupied by the United States for the Botanical Garden; which was referred to the Committee on the Library.

Mr. HAMILTON presented the petition of Reuben M. Potter, captain and military store-keeper, United States Army, a native of the State of New Jersey, praying the passage of a law placing all officers of the Army upon the retired list who shall have reached the age of seventy, regardless of the number of incumbents now on that list; which was referred to the Committee on Military Affairs.

He also presented the petition of George H. Giddings, of San Antonio, Texas, praying compensation for losses sustained by him while carrying the mails, and also for balance due him for the same, on route No. 8076, from San Antonio, Texas, via El Paso, San Diego, and Los Angeles, California, in the year 1861; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SARGENT presented the petition of James R. Roche, late disbursing clerk of the War Department, praying extra compensation for services rendered as disbursing clerk in that Department from July 1, 1871, to March 1, 1875; which was referred to the Committee on Claims.

Mr. ANTHONY presented the petition of Catharine D. Hunt, of Bristol, Rhode Island, praying compensation for services rendered during the war as nurse of sick and wounded soldiers; which was referred to the Committee on Claims.

SARAH E. WEDELSTEDT.

Mr. WRIGHT. Yesterday in making a report from the Committee on Claims, a number of cases were reported back adversely, and I find that among my papers by mistake I had a bill (S. No. 167) for the relief of Sarah E. Wedelstedt, of Manitowoc, Wisconsin. It was reported back by mistake adversely and indefinitely postponed. I ask that that order be reconsidered, by unanimous consent, and that the bill be recommitted to the Committee on Claims.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and the bill will be recommitted.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. CHRISTIANCY, it was

Ordered, That the petition and papers relating to the case of Spink & Wolf be taken from the files and referred to the Committee on Claims.

On motion of Mr. SARGENT, it was

Ordered, That the petition and papers in the case of John M. Dorsey and William Shepeard be taken from the files and referred to the Committee on Claims.

On motion of Mr. HAMILTON, it was

Ordered, That the petition and papers in the case of the late James C. Pickett be taken from the files and referred to the Committee on Foreign Relations.

On motion of Mr. JOHNSTON, it was

Ordered, That the memorial and accompanying papers relating to the claim of the Albemarle and Chesapeake Canal Company against the United States for tolls be taken from the files and referred to the Committee on Naval Affairs.

On motion of Mr. ALCORN, it was

Ordered, That the petition and papers in the case of the heirs of Colonel David Hopkins be taken from the files and referred to the Committee on Revolutionary Claims.

On motion of Mr. ALCORN, it was

Ordered, That the petition and papers in the case of Mrs. Clementine J. Lake be taken from the files and referred to the Committee on Claims.

On motion of Mr. ALCORN, it was

Ordered, That the petitions and papers in the following cases be taken from the files and referred to the Committee on Claims: John W. Johnson, David J. Browne, Consider Parish, Nelson Potter, John Cleary, James M. Lyles, Samuel W. Lancaster, John G. Miller, Mrs. Hannah M. Waters, and Walter L. Campbell, of Mississippi.

On motion of Mr. WINDOM, it was

Ordered, That the petition and papers of Nathaniel P. Harbin be taken from the files and referred to the Committee on Claims.

On motion of Mr. WHYTE, it was

Ordered, That the papers in the case of Francis A. Gibbons be taken from the files and referred to the Committee on Claims.

On motion of Mr. WRIGHT, it was

Ordered, That the petition and papers of Madame Octavia Le Vert be taken from the files and referred to the Committee on Claims.

On motion of Mr. WEST, it was

Ordered, That the papers in the case of Mrs. Angela Danzat, wife of Eugene Brochard, be taken from the files and referred to the Committee on Claims.

On motion of Mr. CONKLING, it was

Ordered, That the petition and papers of Albricht & Flagge be taken from the files and referred to the Committee on Claims.

On motion of Mr. COCKRELL, it was

Ordered, That the petition and papers of Duran H. L'Bell, of Kansas City, Missouri, be taken from the files and referred to the Committee on Claims.

On motion of Mr. BOGY, it was

Ordered, That the petition and papers in the case of the State university of Missouri, for the destruction of college buildings and for rent, be taken from the files and referred to the Committee on Claims.

On motion of Mr. WRIGHT, it was

Ordered, That the petition and papers of Louis Sterne be taken from the files and referred to the Committee on Claims.

BILLS INTRODUCED.

Mr. WEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 245) to amend chapter seven of the Revised Statutes of the United States concerning actions and suits of foreclosure of mortgages in certain cases; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 246) for the relief of Miss Lizzie Dickson, administratrix of A. D. Palmer: which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. HAMLIN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 247) authorizing the extension of the patent granted to Horace Woodman, August 1, 1854, for a new machine for stripping cards; which was read twice by its title, referred to the Committee on Patents, and ordered to be printed.

Mr. KELLY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 248) to appropriate money for the improvement of the harbor at Coos Bay, in Coos County, Oregon; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. DORSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 249) making an appropriation for the improvement of the Arkansas River by removing the bar opposite Fort Smith; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. MORRILL, of Maine, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 250) for the payment of the interest on the 3.65 bonds issued under the act of Congress approved June 20, 1874, entitled "An act for the government of the District of Columbia, and for other purposes;" which was read twice by its title, referred to the Committee on Appropriations, and ordered to be printed.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 251) for the relief of William White; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 252) donating the military road running from Astoria to Salem, in the State of Oregon, to the several counties through which it passes; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. CLAYTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 253) for the relief of Mary Thompson; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. FERRY asked, and by unanimous consent obtained, leave to introduced a bill (S. No. 254) granting a pension to Frank Kendrick; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. FRELINGHUYSEN asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 5) authorizing First Lieutenant Henry Metcalfe, of the Ordnance Department, United States Army, to accept a decoration from the Sultan of Turkey; which was read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed.

ARMY REGISTER.

Mr. ANTHONY submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That five hundred copies of the Army Register for 1876 be printed for the use of the Senate.

NAVY REGISTER.

Mr. ANTHONY also submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That five hundred copies of the Navy Register for 1876 be printed for the use of the Senate.

HAYDEN'S ANNUAL REPORT.

Mr. ANTHONY also submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate, (the House of Representatives concurring,) That there be prepared 4,500 copies of Professor Hayden's annual report of the geological and geographical survey of the Territories for 1873, three thousand copies of which shall be for the use of the House of Representatives, one thousand for the use of the Senate, and five hundred copies for the use of the Smithsonian Institution.

ADJOURNMENT TO MONDAY.

On motion of Mr. ANTHONY, it was

Ordered, That when the Senate adjourns to-day it be to meet on Monday next.

GEORGE P. MARSH.

On motion of Mr. FRELINGHUYSEN, the bill (S. No. 62) to authorize George P. Marsh to accept a certain present from the government of Switzerland, and a certain present from the government of Italy, was considered as in Committee of the Whole. It empowers George P. Marsh, the minister of the United States to the Kingdom of Italy, to accept a chronometer tendered him by the Republic of Switzerland, and a table tendered him by the Kingdom of Italy, in recognition of his services to those governments as arbitrator in a disagreement between them touching a question of boundary.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HAND-BOOK FOR THE USE OF CONGRESS.

Mr. MERRIMON. I offer the following resolution, and ask its present consideration:

Resolved, That the Joint Committee on Printing be, and they are hereby, instructed to inquire into the propriety and expediency of preparing a hand-book for the use of Congress embodying a brief account of the several Executive Departments of the Government, classifying and designating the several Bureaus, officers, and placemen connected therewith, and a brief account of the purposes and duties of each, and also a like account of the Senate and House of Representatives, and report by bill or otherwise.

Mr. WEST. I do not think the Senate paid much attention to the reading of the resolution.

The PRESIDENT *pro tempore*. The Chair will call the attention of the Senate to the resolution of the Senator from North Carolina. It will be reported.

The Chief Clerk read the resolution.

Mr. WEST. I have no objection to that.

Mr. CONKLING. Let me understand. Is this a resolution instructing a committee?

Mr. MERRIMON. A resolution instructing the Committee on Printing to inquire into the expediency of preparing a hand-book for the use of Congress.

Mr. CONKLING. I have no objection to it.

Mr. MERRIMON. I desire to say that one of the great difficulties a new member of Congress experiences in the discharge of his duties here is to know how and where to find the information he needs. I have experienced this difficulty myself, and I think some of the older members have. The various Departments are very complex. It is important to know not only the various Departments, but the various Bureaus and offices, and the duties which each discharges. The object of the resolution is simply to instruct the Committee on Printing to inquire into the expediency of preparing a hand-book which shall afford this information readily, and which could be obtained by any new member of Congress in a week, instead of having to look through the various statutes and the various orders of the several Departments and the practice of the Departments, to get information which he is a long time in securing, and which he ought to have promptly at hand.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

PRESIDENTIAL SUCCESSION.

Mr. CHRISTIANCY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Judiciary be directed to inquire and report to the Senate whether the act of March 1, 1792, (I Statutes at Large, page 240,) is not defective, and if so, in what particulars, in making the necessary provisions for the various contingencies which may arise "in case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of said office;" and if, in their opinion, such defects exist, what further or other legislation is best calculated to remedy such defects, and in that event that they report such bill or joint resolution as in their opinion the case may require.

TREASURY ACCOUNTS.

The PRESIDENT *pro tempore*. If there be no other resolutions the morning hour has expired, and the Chair will lay before the Senate a resolution submitted yesterday by the Senator from West Virginia, [Mr. DAVIS.]

The Chief Clerk read the resolution, as follows:

Whereas there appear to be material alterations and discrepancies in the official finance reports of the Treasury Department as to the annual expenditures, receipts of the Government, and public debt, and particularly in the reports of 1869 to 1872, inclusive, which discrepancies and changes and alterations involve large amounts, and no satisfactory explanation appears on the face for the same: Therefore,

Be it resolved, That a committee of five be appointed to investigate the books and accounts of the Treasury Department, particularly with reference to discrepancies and alterations in amounts and figures that have been made in them, especially in the annual statements of the expenditures of the Government, revenue collected, and the public debt contained in said reports; and if any such discrepancies and alterations be found to exist, to report the same and the extent and nature thereof, the years wherein they occur, by what authority made, if any, the reasons that induced them, and to report generally such other and further information bearing upon the subject as to them may seem best; and that said committee have power to send for persons and papers.

Mr. MORRILL, of Vermont. I suggest to the Senator from West Virginia, as the chairman of the Committee on Finance is necessarily absent to-day, that he postpone the consideration of the resolution until to-morrow.

Mr. DAVIS. I do not hear the Senator.

Mr. MORRILL, of Vermont. The chairman of the Committee on Finance is necessarily absent to-day, and I therefore merely suggest to him the propriety of allowing this resolution to lie over until to-morrow.

Mr. DAVIS. If I knew that the Senator from Ohio desired to hear me I would certainly not go on, but it will be remembered that I have given notice that I would address the Senate to-day in support of the resolution just read. It is true that the Senator from Ohio, as I understand, has been unavoidably detained from the Senate to-day; but the senior Senator from Massachusetts, [Mr. BOUTWELL,] who appears to have taken some interest in this matter, has, on perhaps three occasions, conferred with me, and knows that I am to submit my remarks to-day, and I also gave him notice of the line of argument which I expected to pursue. Unless it is insisted upon, notwithstanding the absence of the chairman of the Committee on Finance, I would prefer going on now. The Senator from Massachusetts is in the building and spoke with me this morning, asking me if I expected to make my remarks to-day. I told him I did. I have no objection to waiting until the Senator from Massachusetts comes in.

Mr. WEST. He is here now.

Mr. MORRILL, of Vermont. I think if the Senator from West Virginia knew the facts of the case he would wait until the chairman of the Committee on Finance is present, which will probably not be to-day.

Mr. BOUTWELL. The Senator from West Virginia has some remarks to submit, and he can go on and make his speech now.

Mr. MORRILL, of Vermont. If the Senator desires to make his speech to-day and then let the question go over for further action until to-morrow, I have no sort of objection.

Mr. DAVIS. Mr. President, in support of this resolution I beg to state that, in examining the finance reports of the Secretary of the Treasury that have been made for previous years, I have been astonished to find changes and alterations of figures in many of them, involving large amounts, causing them to differ widely from each other as to the transactions of the Treasury Department in the same years. These changes I am prepared to show from the reports increase the expenditures and public debt after the amounts thereof have been ascertained, officially reported, and stood upon the books of the Treasury Department for years, in the aggregate many millions of dollars, while in other years they decrease these amounts; and that they also decrease to the amount of millions the revenue collections that have been likewise ascertained, reported, and stood upon the books for years. If I am correct in my conclusions, I do not hesitate to declare that for certain years little confidence can or should be placed in the statements of the Treasury Department; and this fact becomes a serious question, demanding the earnest and best consideration of the Senate. And in the remarks I am about to make, which will be brief, feeling my position strong, my information accurate, being entirely from official sources, I shall thank any Senator if he has reason to question them, and feels that he can throw light upon the subject, to interrupt and correct me.

At the expense of being tedious to those not interested in such matters, I propose to deal almost exclusively with figures and facts as officially reported; comparisons I expect to make, with changes and alterations such as I expect to show, may compel unfavorable conclusions as to the management of the Treasury Department during certain years, but I disclaim all desire to reflect on the present efficient head of the Treasury Department or any of his predecessors.

CHANGE OF FIGURES AS TO EXPENDITURES.

I find on examination that all of the finance reports of the Treasury Department previous to the year 1870 substantially agree as to the total annual receipts and expenditures of the Government; but taking the finance report for 1870, I find that it differs as to the total annual receipts and expenditures from all like previous reports as to the years included between 1860-'61 and 1865-'66. For instance, in the finance report for 1869, on page 321, it will appear, commencing with the year 1860-'61, the total annual expenditures are stated as follows:

1860-'61	$85,387,313 08
1861-'62	570,841,700 25
1862-'63	895,796,630 65
1863-'64	1,298,144,656 00
1864-'65	1,897,674,224 09
1865-'66	1,141,172,666 09
Total	5,888,917,190 16

Now, taking the finance report for 1870, at page 275, we find, commencing with the year 1860-'61, that the total annual expenditures are stated as follows:

1860-'61	$85,387,363 08
1861-'62	565,667,358 08
1862-'63	899,815,911 25
1863-'64	1,295,541,114 86
1864-'65	1,906,433,331 37
1865-'66	1,139,344,081 95
Total	5,892,189,160 59
Difference or increase	3,271,970 43

By comparing the above figures it will be seen that the total annual expenditures during the years named differ materially; for instance, in the report of 1869 the total annual expenditures for the year 1864-'65 are stated at $1,897,674,224.09. Now, in the report of 1870 the total annual expenditures for the same year, 1864-'65, are stated at $1,906,433,331.37, showing not only a wide difference, but, what is worse, an increase in the amount of nearly $900,000. That is, the report of 1870 increases the expenditures for the year 1864-'65 over

the report for 1869 and previous reports for the same year about $9,000,000.

Mr. BOUTWELL. I would ask the honorable Senator from West Virginia whether the two classes of figures to which he now refers are both drawn from the report of the Register of the Treasury, or whether one class of figures is drawn from the Register of the Treasury and the other from the report of the Secretary of the Treasury?

Mr. DAVIS. Mr. President, the Senator is anticipating somewhat my remarks, but I will answer his question directly. I do not want to speak of the Secretary's table at present, further than to say that the first time it appears in any report is in 1870; and consequently I could not go back beyond that date for the Secretary's report.

Mr. BOUTWELL. That was all I desired to learn now.

Mr. DAVIS. The figures I am speaking from, so as to answer correctly, are taken from the report of the Register of the Treasury, whose official duty I understand has been from the organization of the Government to the present day to make up this table of annual statements and report it to Congress through the Secretary of the Treasury.

Taking the year 1862-'63, it will be seen that the report of 1870 increases the total annual expenditures of that year over the report for 1869 for the same year over $4,000,000. It will be further found that, taking all the years above named together, they are at times increased and then decreased; but the report of 1870 increases the average total expenditures of the Government during these years over the report of 1869 above $3,000,000. How it can be possible for the Secretary of the Treasury, or any other officer, after the total annual expenditures of the Government have been ascertained, fixed, and officially reported to Congress for several years in the finance reports for a certain year, to go back, as in some instances eight or ten years, and change this amount to a greater or less one, is something I cannot understand. It appears that the Register's reports for the years 1871 and 1872 differ materially as to the total annual expenditures of the Government for certain years, while the reports for 1872 and years following agree with each other. But I will not detain the Senate to note the difference in these two reports, but will confine myself to changes made in those of 1869 and 1870, and the years preceding.

The net ordinary expenditures of the Government for the year 1865, as stated in the finance report for 1869, are $1,212,911,270.41. The same expenditures for the same year, as stated in the finance report for 1870, is $1,214,349,195.43, showing an increase of $1,437,925.02. In other words, the finance reports of 1865, 1866, 1867, 1868, and 1869, which agree with each other, show that the net ordinary expenditures of the Government were nearly one and one-half millions less than the report of 1870 shows them to have been for that year.

Taking the Navy, War, pension, and Indian expenditures especially from 1860 to 1866, it will be seen that many of the figures have been changed in the finance report of 1870, after having been officially reported for many years.

PENSION EXPENDITURES.

In the report of 1870 the expenditures for pensions are stated for the year 1864-'65 at	$16,347,621 34
In the report of 1869 the same expenditures for the same year are stated at	9,291,610 48
Showing an increase in the report of 1870 over the figures in the report of 1869 of	7,056,010 86
In the report of 1870 the pension expenditures for the year 1863-'64 are stated at	4,985,473 90
In the report of 1863-'64 the same expenditures for that year (1863-'64) are stated at	4,979,633 17
Showing an increase in the report of 1870 over the figures stated in the report of 1869 of	5,840 73
In the report of 1870 the expenditures for pensions in the year 1870 are stated at	28,340,202 17
In the report of 1874 the same expenditures for the same year (1870) are stated at	28,402,241 20
Showing an increase in the report of 1874 over 1870 of	62,039 03

NAVAL EXPENDITURES.

In the finance report for 1871 the expenditures in the Naval Department are put down for the year 1865 at	122,617,431 07
In the report for 1869 these same expenditures are stated for the same year at	122,567,776 12
Showing an increase in the report of 1871 over the report of 1869 in the naval expenditures for the year 1865 of	49,657 95

WAR DEPARTMENT.

In the report of 1871 the expenditures of the War Department are put down in the annual statement of Government expenditures for the year 1862-'63 at	603,314,411 82
In the report of 1869 the same expenditures for the same year, as appears in the annual statement of expenditures, is stated at	$599,298,600 83
Showing an increase in the figures of the report of 1871 over the report of 1869 for the year 1863 of	4,015,800 99

EXPENDITURES IN INDIAN DEPARTMENT.

In the report for the year 1870 the expenses in the Indian Department for the year 1863 are reported in the statement of annual expenditures at	3,152,032 70
While in the report for the year 1868 these same expenses are reported for the same year at	1,076,326 35
Showing an increase in the figures of the report of 1870 over the report of 1868 in the Indian expenditures for the same year of	2,075,706 35

Mr. BAYARD. May I ask the Senator, as a matter of explanation, whether the errors he now points out consist of discrepant repetitions of the same expenditures?

Mr. DAVIS. Yes, sir.

Mr. BAYARD. I understand the Senator to state that by the official accounts of the Treasury he finds that an amount is stated for one year at such a sum, and then when the same account for the same year is to be recited it is recited differently, and these are the discrepancies he is pointing out.

Mr. DAVIS. The Senator from Delaware is correct. What I am now endeavoring to point out is that the reports made previous to 1870 especially, and the reports made subsequently to that time do not agree. There appear to have been changes after the figures had been given to the public, in some cases for eight or ten years. These changes occur in the official reports that succeed 1870, and in some cases come down even as far as 1874, as in a case I have just cited.

I come next to the discrepancies in the statements of revenue collected.

REVENUE COLLECTED.

In the finance report for 1863, in the annual statement of revenue collected for that year, we find the internal revenue stated at	$37,640,787 95
The total revenue, exclusive of loans and treasury notes, at	132,889,746 95
And the total receipts from all sources stated for the same year at	889,379,652 52
Now, in the report of 1864 for the same year the internal revenue is stated at the same figures	37,640,787 95
Total revenue, exclusive of loans and treasury notes, at	112,687,290 95
And the total receipts from all sources at	889,379,652 52

That is to say, the Treasury Department makes the total receipts the same, although there is a wide difference in the amount of the total revenue, exclusive of loans and treasury notes.

And in the report of 1870 of the annual statement of revenue collected for the year 1863 we find that no internal revenue is stated as having been collected during that year whatever, and the total receipts, exclusive of loans and treasury notes, at $74,448,157.55, and the total receipts from all sources, $889,373,652.51; showing that in the year 1863, although no internal revenue appears in the report for that year, and the net revenue is stated at a less sum by more than $30,000,000, yet the total receipts from all sources, as in the report of 1863 and 1864, is nearly the same, $889,373,652.51.

Now, it seems to me that large amounts are increased and decreased, as occasion may require in the annual statements, under the head of loans and treasury notes. When a sum is required to make the total receipts agree as to the same year, it is added to or subtracted from "loans and treasury notes," as the case may be.

The loans and treasury notes for the year 1863 are stated as follows in the various finance reports of the annual statements of revenue collected:

In the report of 1863	$756,489,905 57
In the report of 1864	776,682,461 57
In the report of 1870	814,925,494 96

In these reports, in order to make the grand total, or total receipts from all sources, the same for the year 1863, it became necessary to add to the "loans and treasury notes," which seems to be the column in which to merge all differences, increase or decrease all amounts, so as to make the balances the same, no matter what changes and manipulations may have been made under other heads, and, if there be errors or frauds, giving an opportunity to attempt to cover them up under that head.

I have cited these differences in the reports as to the year 1863 to show how glaring they appear and how irregular the system of bookkeeping and statement of accounts has been in the Treasury Department, for I am aware that the greater portion of this amount re-appears in later reports, but I feel very certain that there are other changes, and especially those I have referred to, which cannot be so satisfactorily explained.

If Senators will take the trouble they will find many more instances of changes of figures in the finance reports of revenue collected from

different sources after they had been reported for several years, and particularly the years commencing with 1860 and ending with 1872. But the greatest changes in the figures in the finance reports seem to have been in the annual statements of the public debt, my attention having been first called to them by the able senior Senator from Connecticut, [Mr. EATON;] and I will now refer to them.

But before doing so, I desire to state that, in the comparisons just made as to receipts and expenditures, I have taken the figures from the Register's reports in the various finance reports made by the Secretary of the Treasury.

I find that up to 1870 the Register is the only officer that incorporated in his report statements and tables showing the annual revenue collected, annual expenditures, and public debt from the organization of the Government. In the year 1870, and following up to the present time, it seems that, accompanying the Secretary's report in each of the finance reports, these same tables are to be found, giving an annual statement of the revenue collected, expenditures, and public debt, notwithstanding the Register, whose official duty it is, continues these same tables in his report.

These tables and statements accompanying the Secretary's report, and, commencing in the finance report of 1870, differ from the Register's tables in many respects, but seem to be copies of them, except as to the public debt; and here the differences in figures are the most marked.

How these tables have been made, from what sources, and the necessity for them, I have been unable to ascertain, because to make these annual statements and tables seems to have been the official duty of the Register, and they have always been found in his reports.

CHANGES IN THE PUBLIC-DEBT STATEMENT.

By examining the Register's reports for 1870 and 1871, it will be seen that great changes have been made in the statement of the public debt, particularly for the years between 1862 and 1870, inclusive. For instance, in the report of 1871 the statement of the public debt is, commencing with the year 1862, as follows:

1862	$524,176,412 13
1863	1,119,772,138 63
1864	1,815,784,370 57
1865	2,680,647,869 74
1866	2,773,236,173 69
1867	2,678,126,103 87
1868	2,611,687,851 19
1869	2,588,452,213 94
1870	2,480,672,427 81
Total	19,272,555,561 57

In the report for 1871 for the same years the public debt is stated as follows:

1862	$514,211,371 92
1863	1,098,793,181 37
1864	1,740,690,489 49
1865	2,682,593,026 53
1866	2,783,425,879 21
1867	2,692,199,215 12
1868	2,636,320,964 67
1869	2,489,002,480 58
1870	2,386,358,599 74
Total	19,023,595,208 63
Difference, or increase	248,960,352 94

From the above nine years it will be seen that in the report of 1871 the public debt for the years named is increased over the same years in the report of 1870, in the aggregate, $248,960,352.94; and that in the single year of 1870 the report of 1871 increases the public debt over the report of 1870 for that year over $94,000,000 and for the year 1869 over $99,000,000; and for the year 1864 the increase is more than $75,000,000 and for the year 1863 more than $21,000,000.

In the report of 1871 the years in which the public debt is increased over the report of 1870 are—

1862	$524,176,412 13
1863	1,119,772,138 63
1864	1,815,784,370 57
1869	2,588,452,213 94
1870	2,480,672,427 81
Total	8,528,857,563 08

In the report of 1870 these same years are put down as follows:

1862	$514,211,371 92
1863	1,098,793,181 37
1864	1,740,690,489 49
1869	2,489,002,480 54
1870	2,386,358,599 74
Total	8,229,056,123 06

Showing an aggregate increase in these years of $299,801,440.02.

In the report of 1871 the years in which the public debt is decreased, as compared with the report of 1870, are—

1866	$2,773,236,173 69
1867	2,678,126,103 87
1868	2,611,687,851 19
Total	8,063,050,128 75

In the report of 1870 these same years are stated—

1866	$7,283,425,879 21
1867	2,692,199,215 12
1868	2,636,320,964 67
Total	8,111,946,059 00

Showing the aggregate decrease in these years to be $48,895,930.25.

The aggregate increase in the other years named has been ascertained to be $299,801,440.02.

There are a few other years in which the figures have been changed, but these changes, when compared with those just stated, are so slight as to amounts that they will not materially affect the aggregate increase ascertained.

In the finance report for 1874 the public debt is stated for the years—

1872	$2,253,251,078 78
1873	2,234,482,743 20
Decrease for that year	18,768,335 58

On page 5 of the finance report for 1873 the Secretary says the decrease for that year was $43,667,630.05, making a difference of $24,899,324.47.

In the finance report for 1874 the public debt for 1874 is stated at	$2,251,690,218 43
In the same report the public debt for 1873 is stated at	2,234,482,743 20
Increase, according to these figures, in 1874 over 1873	17,207,475 23

These figures are from the Register's report of 1874, page 496. The Secretary's new table, page 9, differs very slightly from the above. It will be seen by this statement that the debt has increased over seventeen millions between 1873 and 1874, instead of decreased, as claimed. It is true that there is a foot-note explaining this, but it is my opinion that if the debt is actually decreased the figures and annual statements should show it without necessity of explanation of any kind.

It seems that the new table or annual statement of the public debt from 1789 accompanying the Secretary's report, which made its first appearance with the report of 1870, as I have before stated, makes the public-debt statement agree, but the figures and statements seem to be arbitrary, because they not only differ from the tables and statement of the public debt put down in the Register's tables from 1870 to 1875, but also from the tables preceding 1870.

These new tables change materially the public-debt statement, as put down by the Register for the year 1869 and before. Congress and the country, until 1870, took the tables and statements of the public debt of the Register to be entirely correct from the organization of the Government. They could not do otherwise; they had no other information, and no doubt all confidence was placed in them; but now we see this new table accompanying the report of the Secretary for 1870, and succeeding reports, changes the figures reported by the Register before 1870, and does not agree as to the statement of the public debt with the Register since. For instance, in the Register's report of the public debt for the year 1863 it is stated at $1,098,793,181.37; and in the new table of the Secretary, in the finance report for 1870, page 13, the public debt for the same year is put down at $1,119,772,138.63, showing a great difference and an increase of over $20,000,000.

This is one of many changes. Now, by what authority did the Secretary of the Treasury, in his new table in 1870, go back and change the Register's report for that year, which had been reported, taken, and accepted for years as an undisputed fact? But this is not all.

In the finance report for 1862, Mr. Chase, the Secretary of the Treasury, at pages 2 and 44 of his report, states the public debt on July 1 of that year at $514,211,371.92. The Register in his table, at page 213 of same report, records the public debt for the same year at the same figures; and this stood on the books, with no other contradicting report, until 1870, a period of eight years, and must have been relied on as accurate, when the Secretary, in the new table of the statement of the public debt, for some reason that I cannot understand, states the public debt for the same year, 1862, at $524,176,412.43, showing an increase of near $10,000,000.

Here this new table stands impeached by both Mr. Chase and the Register.

Then, Mr. President, my position, reduced down and expressed more clearly, is this: That the books, figures, and annual statements of the Treasury Department, after having been reported to Congress for a number of years, have been changed; at times decreased, but generally increased, as to amounts. I am aware that it is claimed that headings and foot-notes explain some of the changes by stating that some of the annual statements are made up from "warrants paid," and others from "warrants issued," &c.; but why not continue one system, so that when the receipts and expenditures are determined they can be relied on? Why change from one plan of keeping the books and making statements to another? If you allow an expert to change the manner of stating accounts or statements of magnitude, he can produce results to suit objects in view. And no matter if these officers have different systems of book-keeping, there can be no satisfactory way in which to explain or answer why official reports made to Congress and published to the country, and repeated year after year—reports upon which Congress, the people, and the public creditors relied and acted—should years afterward be changed in the manner I have shown. For example, how is it that the Register of the Treasury in his official report for 1864 states the public debt for that year at $1,740,690,489.49, the total expenditures at $1,298,144,656, the total receipts at $1,385,758,614.58, and these sums remain of record in the Treasury Department as fixed and determined for years, and

until 1870, and are accepted as correct, there being no other source of information; and then the Secretary, in the finance report of 1870, goes back and states for the same year, 1864, different sums entirely; as, for instance: Public debt, $1,815,784,370.57; total expenditures, $1,295,541,114.86; total receipts, $1,393,461,017.57? If the amounts determined in 1864 were correct they should remain so, and no power should change them. It is a remarkable fact that the different Secretaries' and Registers' reports previous to 1860 substantially agreed, after which year the difference amounts to many millions in a single year.

I am aware there may and ought to be made some explanation as to these changes and differences; but this explanation, whatever it may be, must and will bring to light why, by what authority, and what necessity induced the change of figures I have cited, and many more not referred to, that exist in the books and statements, and no doubt the willing aid of the officers of the Treasury Department will be given to any Senator who may think my remarks worthy of reply.

The figures and changes I have referred to in official reports are so very large and the amounts so enormous that I can hardly believe them myself, but after careful and earnest examination of the facts in reference thereto, and such information as I could obtain after consultation with different officers of the Treasury Department, I am forced to declare that I can find no satisfactory explanation of them. If there is one, I should be glad to have it. If there is a Senator upon this floor, or an officer of the Government, who can make plain and satisfactory explanation of these changes and discrepancies, I hope he will lose no time in making himself heard; for, in my judgment, if it is incapable of explanation it is more dangerous than any default, no matter what the amount.

In the face of the above comparisons, the conclusion cannot be avoided that the official statements of the Treasury Department have been changed, especially in the report of 1870, from former reports as to the "revenue collected" and "expenditures," and in the report of 1871 from former reports as to the public debt, these changes involving large amounts, for some object that is not apparent upon their face. This power to go back and change figures and entries on the books, which have been ascertained and reported for years and been the subject of official and public confidence, has not been conferred upon any officer or set of officers in the Government service, and, in my judgment, cannot be. If it should be, however, it would be a dangerous innovation, destroying all confidence and certainty in the financial affairs of the Government. If these changes and alterations are permitted to be made and to pass unnoticed, what safety has the Government as to the public funds, and what value can be attached to statements in reference thereto? If the principle be acknowledged as a correct one, that an officer or set of officers can change the books of the Treasury Department, either to increase or decrease them for any cause, even for a single penny, they can do it for tens of millions, as has been the case, and instantly there ceases to be a proper check or safeguard thrown around the funds or records of the Government.

The largest railroad corporations, commercial and manufacturing establishments in the country, whose accounts reach tens of millions, when managed upon proper business principles, have no difficulty in making intelligible their books and being able to make a statement of the exact condition of their business at any time. And while I concede that the Government is on a larger scale, yet its management should be such that its financial affairs may be readily understood; and, indeed, the larger the operations the greater the necessity for rigid, prompt, and accurate accountability, and careful and regular statements, which should always agree and, when once rendered, should be, like the laws of the Medes and Persians, not subject to change.

I will here remark, as I notice the senior Senator from Massachusetts [Mr. BOUTWELL] is paying attention, that in one of the reports made by him when he was Secretary of the Treasury he says that the Government is managed on the principle of a business house, though on a much larger scale. That principle I agree to; and, therefore, I have been unable to find out why such great discrepancies occur in the reports of the different years.

Mr. MERRIMON. I beg to ask the Senator from West Virginia if there is no note or word of explanation of such discrepancies?

Mr. DAVIS. Mr. President, there are in some instances, as I have stated, foot-notes and headings which state in effect that some of the years have been made up from warrants issued and others from warrants paid. There are a few explanations noted in the annual statement of the public debt, but they will not explain the discrepancies I have pointed out in the years named; but I am unable to see how any system of book-keeping can change amounts after they have been once officially determined and reported to Congress. I have no objection to any question whatever upon this subject, for every figure that I have used and every change that I have referred to is of official record and taken from the official reports.

It will be recollected that the able chairman of the Finance Committee [Mr. SHERMAN] said in debate the other day, while reading from one of the reports of the Secretary of the Treasury and referring to a monthly statement of the public debt made by that officer: "We have a statement of the public debt made under the highest sanctionof law, made under the oaths of many officers. * * * Do you pretend to say that document is not true? It is the strangest thing in the world that Senators should make such an assertion. There it is, and this statement gives the interest accrued up to the time that it was made and published, and no one has ever questioned the accuracy of this statement." I have not referred to nor have I examined the report my distinguished friend from Ohio read from, but from his statement he certainly had great confidence in the accuracy of reports and statements of the Treasury Department; but I submit now, in face of the facts I have shown from other finance reports, ought any one to place full confidence in these statements as to the transactions of the financial affairs of Government?

I have no suitable words to express my condemnation of anything that looks like a change in the books and statements of the Departments of the Government, and *there is no escape from the fact that changes in the books and statements of the Treasury Department have been made.* In all private corporations, banks, and commercial establishments, it is an established fact that the first step toward criminality and defalcation on the part of their officers and servants is to tamper with, manipulate, and change the books. Could or would any confidence be placed in any banking institution or corporation in the country if it could be shown that its books and annual statements, from time to time, had been changed, and the figures and entries did not agree with each other in the different departments of their business? Certainly no one would or ought to trust such an institution or individual; and how much more important is it to avoid anything of the kind on the part of the Government. The facts and figures stated justify, in my opinion, the appointment of a special committee of the Senate to look into the changes in and the condition of the books and accounts of the Treasury Department; and I therefore ask the passage of the resolution.

Mr. BOUTWELL. Mr. President, I have been a good deal attracted by the observations made by the honorable Senator from West Virginia toward the conclusion of his remarks upon the moral aspect of the business of accounting, and indeed I have thought it rather surpassed the intellectual presentation of the case.

There is nothing new in the statements made by the honorable Senator from West Virginia. As to the figures presented, drawn from the reports of the Treasury Department, I have no observation to make. I venture to say, however, that an accurate knowledge of the business of the Treasury Department will dissipate all the difficulties under which the honorable Senator from West Virginia now labors; and it occurs to me that in his position as a Senator, dealing with a great public question, as he evidently thinks he is, it might have been well to have called upon the present Secretary of the Treasury, who has very little interest in the transactions that are now under consideration here, and have unfolded to him these difficulties, and asked him whether or not they were capable of a fair solution. I know not but that that course has been taken; but I am quite sure that it was in the power of the head of that Department, and I am equally sure that it would have been in his disposition, to have given to any member of this body an opportunity for understanding all the difficulties to which the honorable Senator from West Virginia has referred.

It is one of the chief objects in a great system of accounting to be able to test the truthfulness of the statements that appear upon the record; and incidentally I make this observation, that nothing which the honorable Senator from West Virginia has presented this morning goes at all to the point that the books of the Treasury Department have been tampered with or changed by anybody.

Mr. DAVIS. Will the Senator allow me to ask him whether I am to understand him as saying that the books have not been changed, or the statements?

Mr. BOUTWELL. The statements that are presented to Congress and to the country are different statements, but they are statements prepared for the very purpose of enabling any person who chooses to investigate the affairs of the Treasury Department to ascertain whether those statements concur when they are analyzed and the material of which they are composed are ascertained.

Mr. DAVIS. I have stated that the figures in the different reports did not correspond. I ask the Senator, and I would thank him for a direct answer, whether or not I am to understand him as saying that the figures as reported to Congress and the country in the official reports sent to us year after year have not been changed?

Mr. BOUTWELL. Have or have not been changed?

Mr. DAVIS. Yes, sir.

Mr. BOUTWELL. The different statements are different, but what I mean to say is that the books of the Treasury Department, which the honorable Senator from West Virginia distinctly asserted had been changed, have not been changed. The statements to which the honorable Senator has referred are different statements, some of them made by the Secretary of the Treasury and representing that branch of the business which is specially under his control, the other statements drawn from the reports of the Register of the Treasury and representing upon the basis on which his accounts are kept the business under his control; and it is possible and easy for an accountant to take these separate statements and, by pursuing them to the bases on which they rest, ascertain whether they are true or not.

Mr. DAVIS. May I asked the honorable Senator whether or not the statements of the public debt or of the revenues or the expenditures, it is immaterial which, previous to 1869 or 1870, and subsequent to 1870, as reported to Congress, agree in figures?

Mr. BOUTWELL. Agree in figures! No, sir.

Mr. DAVIS. Then do I understand that the reports previous to 1870 and subsequent to 1870 are different? In other words, do I under-

stand that in 1870 the figures of the expenditures of the Government for 1862, previously reported at so many millions, had been changed and raised to a higher figure?

Mr. BOUTWELL. Not at all.

Mr. DAVIS. Well, that is the case according to the official reports. I do not know that it is the fact, but I took the figures from the reports.

Mr. BOUTWELL. I shall be obliged, Mr. President, against my disposition, to say something of myself—a most unwelcome subject, and more unwelcome to everybody else. When I took charge of the Treasury Department in 1869, one of the first things I discovered was that the books of the Department did not represent the actual amount of the public debt outstanding, as we knew it to be; that is to say, that the loan account could not be balanced when on the debit side was placed the amount of the debt outstanding; and this arose from a succession of events commencing with the very inauguration of the Treasury Department under Mr. Hamilton. The General Government assumed of the debts of the States the sum of $76,000,000, which was not represented by anything in the Treasury. No money was received into the Treasury of the United States for the $76,000,000. A loan account was opened. The debt when it became due was paid. The loan account was debited with the payment; but there was no credit upon the credit side because nothing had been entered. It had been an assumption of the indebtedness of the various States, to which were added smaller sums, making an aggregate of $76,000,000. Following that there were various transactions by the Government which increased this apparent discrepancy to the extent of $116,000,000. Of these I may mention the indemnity to Texas, for which there was nothing upon the books of the Department in the nature of a credit to set off the debit when the bonds were due.

Again, in 1861, Mr. Chase was authorized to make a loan which is now called the loan of 1881, the twenty-year loan, at a rate of interest not exceeding 7 per cent. Bonds were prepared at 6 per cent. When he came to negotiate these bonds he found he could not negotiate them at par at less than 7 per cent. The consequence was, and Mr. Chase explained it all in his report to Congress in the year 1861, that he was obliged to put accountants to work to ascertain the present value of a 6 per cent. bond payable twenty years hence, at the rate of 7 per cent. interest. The consequence was that he issued $50,000,000 bonds which bore upon their face 6 per cent. interest, on which he actually paid 7 per cent., and of course received into the Treasury something more than $45,000,000, but less than $46,000,000, for $50,000,000 of bonds. The consequence was that upon the credit side of the loan account there was to be entered only the amount of money received for these bonds, and not the amount which the bonds themselves represented.

There were various transactions of that sort from the beginning of the Government, and I found that there was a discrepancy of $116,000,000. A portion of the accounts of the Government from the beginning in regard to the receipts and expenditures in cash had been examined, but not thoroughly. We commenced an examination of these accounts to ascertain whether the cash receipts and expenditures of the Government could be balanced, and we found in the end that they could be balanced exactly to a cent from the beginning of the Government. There was nothing which could be traced in the Treasury in money which could not be accounted for. This was a considerable work, but nevertheless it was accomplished in the year 1870.

We commenced the pursuit of the various items making up the aggregate of $116,000,000, and most of them have been traced out so that the explanation is perfectly clear. I do not know but that at the present time all of them have been disposed of; but Congress was from time to time informed of this proceeding and of the success of the undertaking.

Then, up to 1869, the Register had kept the account of the debt of the United States, as by law he was required to do. No account of it had ever been kept in the office of the Secretary of the Treasury, and in a certain sense, therefore, there were no present checks upon the accounts of the Register. To be sure, the books of the Department furnished the means by which the statements made by the Register could be substantiated or invalidated, but there were no present means at hand by which the accuracy of the reports made by the Register of the Treasury could be established.

I do not know how I shall be able to suggest to the honorable Senator from West Virginia an explanation of the business of the Treasury Department in these particulars; but I suppose he may comprehend very easily that if a railway agent at a particular station has deposited with him tickets to be sold having a certain value and he should be called upon to account to the managers of the railroad for the value of those tickets and they should demand of him the cash representing them, he might very well say "I have not the cash on hand that represents the amount of these tickets, because I have sent by the messenger this morning to headquarters a pocket-book containing money which was a portion of the receipts from the sale of these tickets; I have other tickets on hand;" and therefore it would follow that if you went to headquarters to know the amount of the indebtedness of this railroad agent to the corporation it would be impossible to ascertain it in equity. There would be upon the books of the establishment an appearance of truth but not the truth itself.

It is only by exploring, by understanding, by investigation, or by knowledge derived from practical experience that you are able to test a system of accounting. If you were to go to a bank to ascertain the balance to the credit of any depositor and were to go to the depositor's own books, the probability is that they would be different. They might agree, but if the depositor were a man doing an active business they would certainly differ. But it is quite apparent that when you have the books of the bank, when you have the books of the depositor, and when you ascertain the checks outstanding, you can arrive at the truth.

Now, then, the business of the Register of the Treasury in reference to the public debt is this: he keeps an account on the credit side of all the issues of obligations by the Government, whether bonds or United States notes, or any other form of evidence of public indebtedness. He keeps also an account upon the debit side of the payments made for the redemption of these various securities; and the difference between the two sides of the ledger shows the amount of public indebtedness. That was the account kept by the Register of the Treasury from the beginning of the Government until now. It is, so far as I know, a true account. It has not come to my knowledge, and it will never, I think, come to the knowledge of the honorable Senator from West Virginia, that those figures have by anybody, either with or without official authority, been changed; but they do not state the exact truth. When large operations were carried on by the Government and loans were making at the rate of many hundred million dollars a year, these accounts of indebtedness of the Government were very far from the actual truth; but nevertheless they contained the means by which any competent person could ascertain what the truth was, and they stand so to-day. No suggestions that they differ from other accounts from the Treasury Department will invalidate in the least the statement I make.

But consider the processes. Suppose that there is an opportunity to negotiate a loan of $10,000,000. Bonds are printed. They pass through the loan division; they are delivered to the Register of the Treasury; he signs those bonds as Register of the Treasury, and immediately he credits the amount of the public debt with the par value of those bonds; and if at that moment you go to the Register's Office and ask for the public debt of the United States, it stands really $10,000,000 more than it is. So, on the other hand, the Treasurer of the United States may at the same moment, or at a corresponding period of time, have redeemed a portion of the public debt. It has been paid. He has credited himself with the amount he has so paid upon the books of the Treasurer's Office; but before he can be allowed finally for that item the bonds, with the evidence of their payment, must pass through the First Auditor's Office and the First Comptroller's Office of the Treasury; and days, even weeks, may elapse before those bonds reach the Register's Office canceled and in condition for him to debit the public debt account of the country so as to show exactly the effect of that transaction. So, then, it would happen that the debt of the country might appear larger, probably would appear larger at the Register's Office at any moment of time than it actually was.

These accounts, so far as this particular transaction is concerned, have not been changed. But what was done? In 1869 and 1870, when we found that there was no present means of checking the accounts of the Register of the Treasury, we instituted a public-debt account in the office of the Secretary of the Treasury, and we went back. It might not have been necessary, but we thought it expedient to ascertain, upon the basis on which the accounts are kept in the office of the Secretary of the Treasury, the debt of the United States at various periods of time; and in 1870 a statement was published of the debt of the United States at various periods of time, made up from the records in the office of the Secretary of the Treasury. In the office of the Secretary of the Treasury the public debt is credited with the receipts when they are actually paid in and a warrant is drawn covering the receipts into the Treasury, and the public-debt account is debited with payments on account of the public debt when warrants are issued for the payment of the public debt. The consequence is that at any particular moment of time the apparent debt of the Government as represented in the Register's Office and as represented in the office of the Secretary of the Treasury will be different. But when you have these two statements, different as they are, you have the means of following out the items which are included in one statement and excluded from the other, just exactly as you can ascertain the actual balance to a depositor in a bank when you have the books of the bank and the books of the depositor and know the amount of outstanding checks not paid. And therefore this system, of which so much complaint is made now, was instituted in 1869 and 1870 as a check upon the Register's Office and for the purpose of enabling the Senator from West Virginia to ascertain whether the accounts of the Treasury were accurate or not.

This statement explains in a general way, because I do not propose to go into the details, these differences. Whether his figures are right or wrong I cannot say, but I admit that there are differences. They are differences inherent in the business of accounting; differences which, if they did not exist, would show collusion and fraud between the different branches of the Treasury Department.

There are some other differences in the Register's statements of receipts and expenditures which explain another class of difficulties to which the honorable Senator from West Virginia has referred. The accounts in the office of the Secretary of the Treasury, as I have

said, are kept by warrants; that is, when money is covered into the Treasury, not always when it is actually in the Treasury, (because sometimes there are moneys in the Treasury that are not covered into the Treasury, because for the moment it cannot be ascertained to what account they should be sent,) there are others that are in the nature of special deposits, that are the property of somebody else, or possibly may be the property of somebody else, and, if covered into the Treasury, could not be taken out without a warrant; and therefore there are always, I suppose, moneys actually in the Treasury that have not been covered in by warrants.

Mr. EDMUNDS. In the time of McCulloch there was more than $15,000,000.

Mr. BOUTWELL. More than $15,000,000, of which many gentlemen in the South enjoyed the benefit. I have said that the accounts in the office of the Secretary of the Treasury are kept by warrants. When the Treasurer settles his accounts, once in three months, he claims credit for the warrants that have been issued; as, for example, a paymaster may get a warrant for $20,000; there may be drafts against that draft; the Treasurer will claim for the entire amount of that warrant; but when his accounts are settled once in three months he is allowed by the Auditor and Comptroller not the amount of those warrants, but the amount of drafts drawn under those respective warrants which have been actually paid; and the difference is set off against him. The Register makes up his account, not upon the nominal value of the warrant, but upon the amount that has been actually paid upon it.

Now, it does happen that when the fiscal year approaches its closing warrants are adjusted at the office of the Register against which there are outstanding drafts, and the Treasurer is not allowed of course for drafts which he has not met. Those drafts represent expenses incurred perhaps in the year just then closing; possibly they may represent expenses that should be charged against the appropriations of a preceding year, or even the one before that, as my friend from Vermont [Mr. EDMUNDS] suggests. These drafts ultimately are paid, sometimes in a year; often persons thinking them most excellent property, not caring to use the money, keep them in their pockets, others are lost for a period of time and recovered; but finally, when they are presented to the Department and paid and the Treasurer is allowed for the payment of them, the Register of the Treasury does go back and assign these drafts so paid to the expenses of the current year against which the drafts were drawn, as he is bound to do by law, I think, although I am not sure as to that; but I know it is the universal practice.

Mr. EDMUNDS. That is the law. There is no doubt about it.

Mr. BOUTWELL. The consequence is that, if you look this year at the expenses as reported by the Register of the Treasury for the current year, next year very likely the items will be changed; and that explains another class of difficulties to which the honorable Senator from West Virginia has referred.

Mr. THURMAN. May I ask the Senator a question right there?

Mr. BOUTWELL. Certainly.

Mr. THURMAN. How does it come that precisely the same amounts in regard to both expenditures and receipts for a particular year were repeated year after year, not corrected the next year, but the identical sums to a mill repeated year after year in some instances for four or five years?

Mr. BOUTWELL. The honorable Senator from Ohio is not quite as definite in his question as he should be to enable me to answer it. If he means to say that the statements made by the Register in different years are different as regards particular items of expenditure or receipts in previous years, I should explain that difference in the manner to which I have last called the attention of the Senate; but if the honorable Senator from Ohio refers to the fact that the report of the Secretary of the Treasury as to receipts and expenditures—a report first presented to the Congress in the year 1870—is different in regard to previous years from the report previously presented by the Register of the Treasury, that difference is to be explained by the view that I was taking of the subject some minutes ago.

Mr. THURMAN. If I do not interrupt the Senator I will say that that is not the point. Why is it that these reports of previous years corresponded; that it was reported, for instance, in 1862-'63 that the expenditures were so much; that in the report of 1864 the expenses of 1862-'63 were put down at precisely the same amount; that the same thing was repeated in 1864-'65; and so on, until we come to the report of 1870?

Mr. BOUTWELL. But it is not the Register's report of 1870 that was different from the Register's report of 1864; but it is the report of the Secretary of the Treasury, made up, as I have before stated, from the warrant account both of receipts and expenditures—not from the report of the Register.

Mr. DAVIS. My understanding is, I will say to the Senator, that the Register's and the Secretary's tables differ. For instance, as the Senator from Ohio has said, take 1860; the accounts run along agreeing substantially up to 1870, and then there is a large change, not only as to 1860, but as to all the different years from that time. The amount reported by the Register has also been changed, as well as the amount reported by the Secretary. While I am up I will say further that I am at a loss to know how the Secretary's table was made up, as I understand the Register's Office is the final resting-place of all warrants, and from the warrants he makes up his statement.

Mr. BOUTWELL. I have already said that there were exceptions. The Register does not make up his statement from warrants; he makes up his statement from warrants so far as the warrants have been met by drafts paid; but he does not allow the Treasurer of the United States a credit on account of a warrant to which the Treasurer has not responded.

I understood the honorable Senator from West Virginia to refer to a discrepancy in the statements of the public debt. The explanation which I have already made in regard to the mode of keeping accounts in the office of the Register of the Treasury and the mode of keeping accounts in the office of the Secretary of the Treasury will explain the difference between the statement as to the amount of the public debt at a particular time by the Register and the statement made by the Secretary of the Treasury, because they proceed upon a different basis, as I have already explained; but an analysis of the two statements will never fail to show that the facts on which they are based are the same.

Some persons have been led into an error in regard to the public-debt statement as it appears finally in the financial report submitted to Congress in December, and the monthly statement made on the 1st of July, which is understood to be the close of the financial year. Those differences arise from two circumstances. In the first place, the financial report that is made to Congress in the month of December represents the financial condition of the country at the close of business on the 30th day of June. The monthly statement given to the public is given on the 1st day of July. Oftentimes, generally you may say, there are receipts and expenditures that day which affect the statement, and which account for any difference there may be between the monthly statement of the 1st of July and the annual statement made to Congress as of the close of business on the 30th day of June.

Then another difference exists in this: The statement made to Congress, according to law, of the public debt covers only the principal of the public debt; the monthly statements made on the first day of each month since April, 1869, include also, as a part of the public debt, the interest earned up to the day the statement is made. That interest is included as a part of the public debt, because it is an item for which the Government is as much liable as it is for the principal of the public debt. These explanations account for all the differences that have been found in the various statements concerning the public debt.

I noticed that the honorable Senator from West Virginia referred to what he thought was an error in a change made in the pension account of a particular year, 1863 perhaps. I have not had time since his statement to go over the account to ascertain what the truth is; but I have no doubt as to the accuracy of the explanation I now make. If he will examine the account of that year, the year when the pension account appears to be the largest, he will find that the heading is "on account of pensions, including trust funds." In one of those years about $7,000,000 were derived from prizes, or from some other returns of naval undertakings. That had been carried to the pension account in the Treasury Department at a time when Congress by legislation provided that these sums of money which had been so accumulated in the Treasury Department should be set aside and invested as a fund for naval pensions. You see in the account $14,000,000 outstanding liability of the Government, the income of which is appropriated to naval pensions. It so happened that year that when the money was transferred a charge was made on the pension account of about $7,000,000, which was paid into this permanent fund; but nevertheless it appeared for the time as a payment on account of pensions. Afterward the two items were separated, and the actual amount paid for pensions was less than had appeared in a previous statement.

Mr. DAVIS. Will the Senator allow me a moment?

Mr. BOUTWELL. Certainly.

Mr. DAVIS. The statement I made as to pensions was, that in 1865, the expenditures for pensions are put down at $9,000,000, in round numbers. It so ran along in the annual statements until 1870 or 1871—I forget which, for I have not the figures before me—and it then changed from $9,000,000 to $16,000,000. This amount, which was reported for several years at $9,000,000 as the pension expenditure for 1865, is altered and changed in the reports and tables made since 1870 to $16,000,000. Now, if it had been $16,000,000 in 1865, and had afterward been transferred, put into some other fund, then I could see very well how it would be reduced, but I cannot see how it should be increased for the same year.

Mr. BOUTWELL. Whether the Senator from West Virginia is right or I am right, the $7,000,000 to which he refers was derived from prize-money or the result of naval operations, credited for a time to the pension account and afterward transferred. There was a time when it was charged to the pension account, although as a matter of fact it was merely a transfer to the pensions of a sum of money from one account to another. No pensions were paid out of it at the time, but the $7,000,000 became a part of the $14,000,000 which the Government now holds and on which it pays 3 or 4 per cent. interest for the benefit of naval pensions. That is the explanation of that transaction.

Mr. DAVIS. Does the Senator recollect that there were three or four different items in different reports? It was not one particular item as he would infer, but these changes occur in the accounts of the Indian Department, the War and the Navy, as well as in regard to pensions.

Mr. BOUTWELL. The Senator will find that they are all traceable to the same fact, the trust funds, which were held for a time and placed to a particular account, and afterward transferred from that account, as the officers by law were required to do. I did not observe whether the honorable Senator referred to any other matter in connection with the Treasury than those I have already noticed or not.

Mr. DAVIS. Yes, Mr. President, I referred to several others, although I do not wish to annoy the Senator from Massachusetts.

Mr. BOUTWELL. No, sir; not at all.

Mr. DAVIS. If I do I will not ask any further question or attempt to refresh his memory in regard to what I said.

Mr. BOUTWELL. Not at all.

Mr. DAVIS. Then, Mr. President, the revenue collected for several years has been changed, in a few instances increased, but generally decreased. For instance, the receipts into the Treasury, after having been reported at a given amount for five or six years, have been changed. In some instances they have been increased to a limited amount, but they have been generally decreased, I believe. I cited one notable case which was afterward explained. But the point in that was that when the $37,000,000 was dropped, the column which contains "Treasury notes and loans" was increased to make the total amount come out right; and so when it was put back that same column of "Treasury notes and loans" was decreased to get in the $37,000,000 again. In that year, 1863, dropping the $37,000,000, calling that only irregular—because I am ready to admit there was an error somewhere—there are one or two millions, my recollection is, which are unaccounted for. In other words, after a number of years have passed, the amount of receipts of revenue for 1863 has been decreased to the extent, according to my recollection, of perhaps one or two million dollars.

Mr. BOUTWELL. I have no idea that there has been any change which cannot be explained, and I think the statement I have made probably explains the particular matter to which the honorable Senator refers. In regard to the difference in the statements of the receipts and expenditures for a particular year, there will always be a difference, arising from the fact that on the 30th of June, when the fiscal year closes, a statement is made of the amount of money received into the Treasury during that year; but that statement represents only the amount of money of which official knowledge has reached the office of the Secretary of the Treasury here. The books are kept open for forty-five days for the purpose of receiving returns from all parts of the country where payments have been made. The consequence is that at the end of forty-five days the receipts are usually considerably larger than they were on the 30th of June. This is particularly true in regard to the Internal Revenue Office. The Internal Revenue Office keeps an account of its annual receipts and they are published, but those receipts represent the amounts of money paid of which evidence reaches the Internal Revenue Commissioner between the 1st day of July of one year and the 30th day of June of the succeeding year. Those receipts in part are of moneys actually collected and paid in to the designated depositaries previous to the 1st day of July. At the commencement of the year, that is, in 1875, for example, the Commissioner of Internal Revenue, on the 1st day of July, will say that he has received a certain sum of revenue, $300,000, for example; but it is revenue paid into the Treasury actually the preceding fiscal year. Now, then, when he comes to the close of the year he closes his account on the night of the 30th of June, but for days and weeks afterward he will be receiving certificates, vouchers of deposits of revenue actually collected by the officers of the Government and paid into the Treasury previous to the 1st day of July.

Mr. THURMAN. May I interrupt the Senator?

Mr. BOUTWELL. Certainly.

Mr. THURMAN. But let whatever system be adopted of keeping the books which show the amount of receipts for a particular year, when you have followed that system and settled upon the amount for that particular year, then there ought to be no alteration in the statement of that account in the subsequent reports.

Mr. BOUTWELL. There has been no alteration.

Mr. THURMAN. There have certainly been alterations. I do not say there have been alterations on the books, but the fact was stated by the Senator from West Virginia.

Mr. BOUTWELL. It is only because in 1870 a statement was made, which has been continued from year to year, of the state of the finances as represented by the books in the office of the Secretary of the Treasury, and previous thereto and since that time there have been statements made by the Register which rest upon different facts, but when the two statements are compared and the facts included in the one and not included in the other are considered, they will agree. That is the truth.

Mr. DAVIS. I can understand very well how the receipts in the manner the Senator from Massachusetts has described can be increased after the 30th of June, but I cannot understand how they can be decreased by revenue coming in. It would certainly increase them and not decrease them; yet this is the case in more than one instance.

Mr. BOUTWELL. I did not observe any such statement made by the Senator from West Virginia in his remarks submitted to the Senate some time ago.

Mr. EDMUNDS. If the Senator from Massachusetts will give way, as there are some messages from the President of the United States, I will move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER, (Mr. MORRILL, of Vermont, in the chair.) Does the Senator from Massachusetts yield to the Senator from Vermont?

Mr. BOUTWELL. Yes, sir.

Mr. DAVIS. May I ask whether the resolution now pending will be the unfinished business to-morrow?

The PRESIDING OFFICER. As a matter of course if we adjourn upon this question to-day it will be the unfinished business to-morrow.

EXECUTIVE BUSINESS.

Mr. EDMUNDS. I now move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-seven minutes spent in executive session the doors were re-opened, and (at two o'clock and thirty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January* 13, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

GOVERNMENT PRINTING OFFICE.

Mr. COX, by unanimous consent, offered the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Printing of this House be, and they are hereby, instructed to inquire into and ascertain the cost of and charges made for work done for Congress and the Executive Departments by the Government Printing Office, and what similar work costs and can be done for in other offices; that they ascertain the cost of printing the CONGRESSIONAL RECORD and the cost of having it printed by responsible private parties; that they ascertain whether the printing for Congress and the Executive Departments is done as economically as it should be or as it may be done by contract or otherwise by private parties; that they inquire into the extent of publications and printing ordered by the Executive Departments, and whether any limit should be made upon such publication and printing beyond what is expressly authorized by law; that they make thorough examination into the operations of the Government Printing Office, with a view to learn whether a different arrangement may be made or plan adopted to lessen the expenses of the Government for the various items of printing required; and that the committee be instructed to make to this House a full report of their investigations, together with the testimony taken by them; and to that end the said committee shall have power to send for persons and papers, and to use a short-hand reporter.

TEXAS PACIFIC RAILROAD.

Mr. LUTTRELL, by unanimous consent, introduced a bill (H. R. No. 1035) to secure the speedy completion of the Texas Pacific Railroad from a point at or near Marshall, County of Harrison, State of Texas, to the southeastern boundary-line of the State of California, and to authorize the Southern Pacific Railroad Company to aid in building the same, and also to build a branch of its road to San Diego; which was read a first and second time, referred to the Committee on the Pacific Railroad, and ordered to be printed.

Mr. LUTTRELL. I desire to say that I have introduced this bill by request. On next Monday I will introduce another bill on the same subject.

BOARD OF ADMIRALTY.

Mr. LUTTRELL also, by unanimous consent, introduced a bill (H. R. No. 1036) for the appointment of a board of admiralty, and for other purposes; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

IMPROVEMENT AT MARE ISLAND NAVY-YARD.

Mr. LUTTRELL also, by unanimous consent, introduced a bill (H. R. No. 1037) to appropriate $136,597 for the necessary improvements at Mare Island navy-yard, Vallejo, California; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

PETALUMA CREEK.

Mr. LUTTRELL also, by unanimous consent, introduced a bill (H. R. No. 1038) to appropriate money to improve the navigation of Petaluma Creek; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

NAVIGATION OF SONOMA CREEK, CALIFORNIA.

Mr. LUTTRELL also, by unanimous consent, introduced a bill (H. R. No. 1039) to appropriate money to survey and improve the navigation of Sonoma Creek, California; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

NAVIGATION OF NAPA RIVER, CALIFORNIA.

Mr. LUTTRELL also, by unanimous consent, introduced a bill (H. R. No. 1040) to appropriate money for the survey and improvement of the navigation of Napa River, California; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CLAIMS OF CHOCTAW NATION.

Mr. HANCOCK, by unanimous consent, presented a memorial of the Choctaw Nation, asking for a settlement of its claims; which was referred to the Committee on Indian Affairs, and ordered to be printed.

AMENDMENT OF THE RULES.

Mr. MORRISON, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Rules be, and they hereby are, instructed to inquire into the expediency of so amending the rules of the House as to prevent hereafter the publication in the CONGRESSIONAL RECORD of matters not forming part of the proceedings of the House.

COUNSEL EMPLOYED BY THE ATTORNEY-GENERAL.

Mr. PARSONS, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Expenditures in the Department of Justice be, and they are hereby, instructed to inquire into the employment of special counsel by the Department in cases where the United States is a party, and to report to this House the number of special counsel so employed, the nature of the cases, and amount of fees paid them for services, also the amount of extra fees, if any, paid to district attorneys of the United States in similar cases; and this investigation the committee are directed to extend as far back as may be necessary to a full knowledge of what has been done and is being done by said Department in the way of paying fees for services in the character of cases mentioned.

Mr. PARSONS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WIDOW OF L. H. ROUSSEAU.

Mr. PARSONS also, by unanimous consent, introduced a bill (H. R. No. 1041) for the relief of the widow of L. H. Rousseau, late brigadier-general and brevet major-general of the United States; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MONUMENT AT YORKTOWN.

Mr. PIERCE, by unanimous consent, presented a memorial of the city of Boston, Massachusetts, asking that Congress will fulfill its pledge to erect at Yorktown, Virginia, a marble column commemorative of the last and crowning battle of the Revolution; which was referred to the Committee on Military Affairs, and ordered to be printed, and, by unanimous consent, ordered to be printed in the RECORD.

The memorial is as fellows:

EXECUTIVE DEPARTMENT,
City Hall, Boston, December 21, 1875.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The undersigned, the mayor of the city of Boston, in Massachusetts, in compliance with the order of the city council of said city, a copy of which is appended, respectfully petitions your honorable bodies to carry out the resolution adopted by Congress on the 29th of October, 1781, and cause to be erected at Yorktown, in Virginia, a marble column commemorative of the last and crowning battle of the Revolution.

SAML. C. COBB,
Mayor.

EXECUTIVE DEPARTMENT,
City Hall, Boston, June 24, 1875.

To the honorable the City Council:

GENTLEMEN: I have the honor to transmit herewith a communication from Hon. George Bancroft, a son of Massachusetts, and formerly a citizen of Boston, suggesting the propriety of some action at this time on the part of the city government to redeem the pledge made by Congress on the 29th of October, 1781, to build a monument at Yorktown, Virginia, commemorative of the great victory which secured the recognition of our independence.

I cannot but think that, in the national enthusiasm attending this centennial period, the people of this country will expect Congress to redeem the pledge solemnly given in 1781. And it would seem to be fitting that Boston, as having within its limits the monument commemorating the first pitched battle of the Revolution, at Bunker Hill, should be foremost and earnest in its endeavors to secure the erection of a like memorial of the last and crowning battle at Yorktown, Virginia. The most obvious method would appear to be a petition to Congress, with the expectation that other cities and the whole country will cordially unite with us in such an effort to secure an object so appropriate and desirable. Some action on our part in this direction, whether in the manner proposed or any other, I should regard as a natural sequel to our own recent celebration, in which we had the happiness of uniting fraternally with our fellow-citizens from all sections of the country in commemorating the illustrious deeds of our fathers and theirs a hundred years ago.

I commend the subject to your respectful consideration.

SAMUEL C. COBB,
Mayor.

NEWPORT, RHODE ISLAND, *June* 22, 1875.

MY DEAR MR. MAYOR: The ceremonies for the centennial celebration of the battle of Bunker Hill have been appropriately closed by a solemn and affectionate farewell to the military guests from Virginia. It brings to mind the years when, during the severe trials of Massachusetts, that ancient Commonwealth always and ever at the right moment gave to her sister colony her heartiest and firmest and most needed support, and when the two were bound together by the undying patriotism that springs from the love of freedom and of man.

You have renewed with her representatives the old and intimate union between the States; but the flowers which profusely decorated your streets while they were with you have faded away; your living words of friendship were intrusted to the air; but the memory of what you have done ought to be perpetuated by an enduring monument. The counterpart of the battle of Bunker Hill is found at Yorktown. Our people retired from Bunker Hill after a glorious and effective resistance; the victory at Yorktown, achieved by the united forces of Virginia, New England, and the intermediate States, and our heroic and generous allies, was the signal for the enemy to retire from the unnatural conflict which they had provoked; so that the giving up of the sword of the British commander and the surrender of his army to the great Virginian, the great American, the best representative of his country and his century, was happily the perfected triumph of peace. The one great event was completed by the other. On Bunker Hill you have raised the commemorative column and statues. On the 29th of October, 1781, Congress pledged to the victorious army, to France, to America, to the world, that the nation should build at Yorktown a monument of marble, with emblems of our great alliance, to keep fresh in memory the all-decisive successes which had been achieved.

Let the occasion of your centennial be taken to redeem that pledge, by which you and all of us, every village and every city and every State, are engaged.

Bunker Hill is now within the precincts of Boston. How the Union would respond to your city government if it would request Congress to redeem the public faith by fulfilling the promise of our fathers! A shadow will be thrown over the coming centennial at Yorktown, if, when we meet on that spot, their word shall not yet have been honored.

If I need to offer any apology for addressing you on this occasion, I can only plead that I am a native of Massachusetts; that I was for many years a citizen of Boston; and that of those who were commissioned to speak, whether at the semi-centennial of Bunker Hill battle, or the laying the corner-stone, or the completion of the monument, I (selected, to be sure, only as a reserve) alone remain alive to express what would have been the prayer of them all not less than my own.

I remain, my dear Mr. Mayor, most sincerely yours,

GEORGE BANCROFT.

The MAYOR OF THE CITY OF BOSTON.

IN COMMON COUNCIL, *June* 24, 1875.

The foregoing message was referred to Messrs. David P. Kimball, Francis H. Peabody, and J. Augustus Felt, with such as the board of aldermen may join. Sent up for concurrence.

IN BOARD OF ALDERMEN, *June* 28, 1875.

Referred in concurrence, and Aldermen Samuel M. Quincy and Clinton Viles were joined on said committee.

IN BOARD OF ALDERMEN, *November* 30, 1875.

The joint special committee to whom was referred a communication from his honor the mayor, inclosing a letter from Hon. George Bancroft, suggesting a petition to Congress for the erecting of the promised memorial column at Yorktown, Virginia, having considered the subject, beg leave to submit the following report:

"By reference to the Journals of Congress for that year, it appears that on the 29th of October, 1781, the following action was taken in relation to a commemoration of the important and decisive success of the allied armies at Yorktown.

[*Extract from Journal of Congress, October* 29, 1781.]

"'On a report of the committee, consisting of Mr. Randolph, Mr. Boudinot, Mr. Varnum, Mr. Carroll, to whom were referred the letters of the 16th and 19th, from General Washington—

"'*Resolved*, That the United States in Congress assembled will cause to be erected at York, in Virginia, a marble column adorned with emblems of the alliance between the United States and His Most Christian Majesty; and inscribed with a succinct narrative of the surrender of Earl Cornwallis to His Excellency General Washington, commander-in-chief of the combined forces of America and France; to His Excellency the Count de Rochambeau, commanding the auxiliary troops of His Most Christian Majesty in America, and His Excellency the Count de Grasse, commanding in chief the naval army of France in the Chesapeake.'"

Your committee are of the opinion that the desirability and appropriateness of an appeal by our city government for the redemption of the foregoing pledge at the present time cannot be better expressed than in the words in which his honor the mayor comments upon the suggestion of the distinguished historian which is referred to us. "It would seem to be fitting," he says, "that Boston, as having within its limits the monument commemorating the first pitched battle of the Revolution, should be foremost and earnest in its endeavors to secure the erection of a like memorial of the last and crowning battle of the Revolution at Yorktown, Virginia." "How the Union would respond to your city government," writes Mr. Bancroft, "if it would request Congress to redeem the public faith by fulfilling the promise of our fathers!" These views being fully shared by your committee, they would respectfully recommend the passage of the accompanying order.

For the committee,

S. M. QUINCY,
Chairman.

Ordered, That his honor the mayor be authorized to petition the National Congress, at its present session, in behalf of the government of the city whose limits now include the first pitched battle-field of the Revolution, for a fulfillment of the pledge given to the world October 29, 1781, for an appropriate commemoration of the last and crowning battle-field of the same Revolution, at Yorktown, Virginia; and that in aid of the petition the assistance of the various city governments of our sister State of Virginia be, and the same hereby is, confidently solicited.

A true copy of order passed by the city council of Boston, December 21, 1875.

Attest:

S. F. MCCLEARY,
City Clerk.

OBITUARIES OF ANDREW JOHNSON.

Mr. HARDENBERGH, by unanimous consent, submitted the following resolution; which was read, considered, and referred under the the law to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring.) That there be printed three thousand copies for the use of the Senate and five thousand copies for the use of the House of Representatives of the addresses made in the Senate and in the House of Representatives upon the death of Hon. Andrew Johnson, and that the Secretary of the Treasury have printed the portrait of Mr. Johnson to accompany the same.

NAVAL APPROPRIATIONS.

Mr. WHITTHORNE, by unanimous consent, submitted from the Committee on Naval Affairs the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of the Navy be, and he is hereby, directed to report to this House in what manner and to what extent the various appropriations made by Congress since July 1, 1869, to test the usefulness of patents and inventions and also to carry on the experiments in ordnance, and other matters pertaining to the naval service, have been expended and to whom any part of said appropriations have been paid, and particularly as to payments made out of the sum of $40,000 appropriated by act of Congress approved May 23, 1872, to enable the Secretary of the Navy to carry on the experiments toward converting heavy smooth-bore guns into rifled guns, with a view to obtain a combination gun possessing the qualities of both smooth-bore and rifled.

POSTAGE ON THIRD-CLASS MATTER.

Mr. CLARK, of Missouri, by unanimous consent, from the Committee on the Post-Office and Post-Roads, reported a bill (H. R. No. 1042) fixing the rate of postage on third-class mail matter; which was read a first and second time, recommitted to the Committee, and ordered to be printed.

He also entered a motion to reconsider the vote by which the bill was recommitted.

WOMEN OF UTAH.

Mr. CANNON, of Utah. I ask unanimous consent to present a petition, signed by 22,626 women of Utah, asking for the repeal of certain laws, the enactment of others, and the admission of Utah as a State, and that it be referred to the Committee on the Judiciary and printed.

Mr. PAGE. I object to the printing of the memorial, but not to its reference.

Mr. CANNON, of Utah. Does the gentleman object to the printing of the memorial without the names?

Mr. PAGE. I do not object to the memorial without the names being printed.

Mr. CANNON, of Utah. The memorial is very short. I ask that it be printed, with a statement of the number of names affixed.

There was no objection; and the memorial was accordingly referred to the Committee on the Judiciary, and ordered to be printed.

WIDOW OF JAMES J. GIBSON, JR.

Mr. WELLS, of Mississippi, submitted the following resolution; which was read and referred to the Committee on Accounts:

Resolved, That there be paid out of the contingent fund of the House to the widow of James J. Gibson, jr., late an employé of the House, a sum equal to his pay for three months, and also pay his proper funeral expenses.

ORDER OF BUSINESS.

Mr. HOLMAN. I shall not object to this irregular proceeding of business this morning. But it is so important to the proper conduct of the business of the House that the regular order shall be enforced. I desire to state that I shall have to insist upon the regular order after this morning.

VOTING FOR PRESIDENT AND VICE-PRESIDENT.

Mr. BENNETT submitted the following preamble and resolution; which were referred to the Committee on the Judiciary, and ordered to be printed:

Whereas several propositions for amendments to the Constitution of the United States in relation to the manner of the election of President and Vice-President have been submitted to the House and referred to the Committee on the Judiciary: Therefore,

Be it resolved, That in the consideration of such propositions the Committee on the Judiciary be, and hereby is, requested to inquire into the expediency of incorporating into such constitutional amendments a provision granting to the citizens residing in the organized Territories the same privileges of voting for President and Vice-President as may be granted to such citizens residing in the States.

J. R. MAUREAU AND OTHERS.

Mr. MACKEY, of South Carolina, introduced a bill (H. R. No. 1043) for the relief of J. R. Maureau, J. D. Price, Henry Norris, and others; which was read a first and second time, and, with the papers on the subject now on file in the Clerk's office, referred to the Committee on Claims, and ordered to be printed.

COMMITTEE ON PATENTS.

Mr. VANCE, of North Carolina. I am instructed by the Committee on Patents to report the following resolution for action at this time:

Resolved, That the chairman of the Committee on Patents and the acting chairman of any subcommittee thereof be authorized and empowered to administer oaths when deemed by them necessary in any and all investigations before them.

The SPEAKER. The Chair desires to inquire if that is not the law now?

Mr. VANCE, of North Carolina. A resolution of a similar character was passed in the last Congress.

The SPEAKER. Without examination, it is the opinion of the Chair that the committee possesses that power now.

The resolution was adopted.

MARGARET E. WEST.

Mr. TOWNSEND, of Pennsylvania, introduced a bill (H. R. No. 1044) granting a pension to Margaret E. West; which was read a first and second time, and, with the accompanying papers, referred to the Committee on Invalid Pensions, and ordered to be printed.

CENTENNIAL.

Mr. ELY presented the following memorial; which was read, and referred to the Special Committee on the Centennial Celebration:

In the name of justice and honesty we do most solemnly protest against the proposition to tax the women of this Republic in aid of the centennial exhibition of this year. It is proposed that Congress shall pass a bill giving a million and a half of the people's money to an occasion which celebrates the freedom of only one-half of that people. It is admitted that women pay one-third of the whole amount of the revenues of the country, and yet they are to-day suffering under the same slavery which oppressed our ancestors a century ago. They are taxed without representation and governed without their consent. In the face of this flagrant injustice a Republic that calls itself free proposes by its Congress, where not one woman's voice is heard, to impose upon a disfranchised and unrepresented sex the enormous burden of half a million of dollars, to be given to the dominant sex to help them in their rejoicings over a liberty from which these tax-payers are excluded. In plain English, the men of the nation will rob the women of $500,000 in honor of the centennial of our forefathers' great contest against taxation without representation. We indignantly protest against the outrage, in behalf of the New York Woman's Suffrage Society.

INDIAN CONTRACTS.

Mr. COCHRANE submitted the following preamble and resolutions, upon which he called the previous question:

Whereas, on the 27th day of March, 1875, the Department of the Interior, Office of Indian Affairs, solicited proposals for the transportation of Indian goods and supplies; and whereas, in pursuance thereof, divers bids were made for such transportation; and whereas it is alleged that the contract awarded was fraudulently procured and let at prices far in excess of those proposed by other responsible bidders: Now

Be it resolved, That a committee of seven be appointed to investigate the letting of such contract and to ascertain and report to the House whether there was fraud in the procuring of the same and the letting thereof, said committee to have power to compell the attendance of witnesses, the production of books and papers, to administer oaths or affirmations, and to do any and all act or acts by said committee deemed necessary for the purpose aforesaid.

Mr. HOAR. I object to the consideration of that resolution, and I think it should be referred to the some committee. After the adoption of the rule that all standing committees might make such investigations, it seems to me we should not authorize special committees for the purpose.

The SPEAKER. When this order of business was entered upon this morning it was done by general consent of the House. When the gentleman from Pennsylvania [Mr. COCHRANE] rose and introduced this resolution he demanded the previous question. It is not now in the power of the gentleman from Massachusetts [Mr. HOAR] by objection to take this resolution out of the possession of the House.

Mr. HOAR. I desire to make a parliamentary inquiry of the Chair for the information of the House. Does the Chair hold that the House cannot hear a resolution read for information, and then determine whether to object or not after hearing it? I think the practice of the House has been otherwise.

The SPEAKER. It is the universal practice of the House whenever it pleases to hear resolutions for information; but where such an understanding is not had, then it is understood that the resolution is received without any condition, especially when it is regularly offered and the previous question is demanded. The Chair therefore overrules the point raised by the gentleman from Massachusetts, [Mr. HOAR.]

Mr. HOAR. Then we shall have to object to everything for which unanimous consent is asked. I submit, of course, with great deference to the ruling of the Chair; but I am quite sure the practice of the House for many years has been otherwise.

Mr. MORRISON. Will the gentleman from Pennsylvania [Mr. COCHRANE] allow me a word? I trust that this matter will go to the Committee on Indian Affairs. It seems to me that these special committees should not be multiplied in this way.

The SPEAKER. Does the gentleman from Pennsylvania insist on his demand for the previous question?

Mr. COCHRANE. I deem it proper in many cases that these matters should be submitted to special committees, and not sent to the regular committees of the House. I believe that the matter which this resolution proposes to investigate can be more satisfactorily inquired into by a special committee than by a standing committee.

The SPEAKER. Does the gentleman from Pennsylvania insist on his demand for the previous question?

Mr. COCHRANE. Yes, sir.

Mr. HOAR. I ask the gentleman whether the Committee on Indian Affairs is not already pursuing this very investigation?

Mr. COCHRANE. I insist on the demand for the previous question.

Mr. HOLMAN. Mr. Speaker, I believe it is in order to move to amend this resolution by substituting the Committee on Indian Affairs for a select committee as the body to make this inquiry. I trust the gentleman from Pennsylvania will consent to that. I make that motion.

The SPEAKER. The motion cannot be made unless the demand for the previous question be withdrawn.

Mr. HOLMAN. Is the previous question demanded?

The SPEAKER. Yes, sir.

Mr. HOLMAN. I trust the gentleman from Pennsylvania will allow this subject to go to the regular standing committee with these instructions. It is certainly not desirable that we should increase the number of special committees.

Mr. COCHRANE. If instructions be given to the committee to report as speedily as practicable, I have no objection to the reference to the Committee on Indian Affairs.

Several MEMBERS. There is no objection to that.

The SPEAKER. Does the Chair hear any objection to the reference of the resolution to the Committee on Indian Affairs with instructions to report on the subject at an early day?

Mr. HOLMAN. Striking out the select committee and inserting the Committee on Indian Affairs.

The SPEAKER. The Chair hears no objection; and it is so ordered.

Mr. COCHRANE. I have a bill which I wish to introduce.

The SPEAKER. The Chair a moment ago somewhat misunderstood the suggestion of the gentleman from Indiana, [Mr. HOLMAN.] The suggestion, as the Chair now understands, was that the making of this investigation be referred to the standing Committee on Indian Affairs. If there be no objection, that order will be made.

There was no objection.

CHARLES GEARING.

Mr. COCHRANE introduced a bill (H. R. No. 1045) for the relief of Charles Gearing; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC BUILDING AT ROCHESTER, NEW YORK.

Mr. DAVY introduced a bill (H. R. No. 1046) to provide for a building suitable for the custom-house, post-office, internal-revenue

offices, United States courts, and marshal's office at Rochester, New York; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

FREDERICK HEIDELMAN.

Mr. WIKE introduced a bill (H. R. No. 1047) for the relief of Frederick Heidelman, late a private in Company F, Forty-fifth Regiment New York Volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM J. POLLOCK.

Mr. FREEMAN introduced a bill (H. R. No. 1048) for the relief of William J. Pollock, late collector of internal revenue of the second district of Pennsylvania; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ARTIFICIAL LIMBS FOR DISABLED SOLDIERS, ETC.

Mr. FREEMAN also introduced a bill (H. R. No. 1049) to regulate the issue of artificial limbs to disabled soldiers and seamen and others; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REDUCTION OF ALL SALARIES TWENTY PER CENT.

Mr. WHITE introduced a bill (H. R. No. 1050) to reduce the salaries of public officials receiving more than $1,500 per annum; which was read a first and second time.

Mr. HOLMAN. I should like to hear that bill read.

Mr. WHITE. I ask that the bill be read in full.

The Clerk read the bill, as follows:

Whereas the cry of hard times comes from all quarters of our common country, and not without cause; and whereas the honor of this nation and the business interests of this country demand an early resumption of specie payment; and whereas it becomes us as legislators to manifest our faith in economy and reform by adapting ourselves to the depressed condition of affairs: Therefore,

Be it enacted, That the salaries of all public officials whose salaries severally exceed $1,500 per annum be, and the same are hereby, reduced 20 per centum, this act to be in force on and after the 1st day of July, 1876.

The SPEAKER. Does the gentleman from Kentucky desire action on this bill at this time?

Mr. WHITE. Certainly.

Mr. HOLMAN. Let us take action on it now.

Mr. WHITE. I demand the previous question.

Mr. BRIGHT. I move the reference of the bill to its appropriate committee.

The SPEAKER. That is not in order pending the demand for the previous question.

Mr. HOLMAN. The subject is before us now, and let us act on it.

Mr. GARFIELD. How does it come before us?

Mr. HOLMAN. I hope the House will come to a direct vote on the bill and pass it.

Mr. BRIGHT. I hope the House will refer it to the committee where it appropriately belongs.

Mr. WHITE. I shall demand the yeas and nays on the passage of the bill.

The SPEAKER. Does the gentleman from Tennessee object to the introduction of the bill?

Mr. BRIGHT. I do.

Mr. HOLMAN. The gentlemen's objection comes too late.

The SPEAKER. The Chair will direct the Clerk to again report the bill, and he hopes the House will give attention, as it is an important measure.

The bill was again read.

Mr. KASSON. In view of the fact that this bill seems to violate in part the Constitution of the United States, I suggest the propriety of referring it to some committee, for it involves the Supreme Court judges as well as the President. The motive of the bill of course is excellent and its object is admirable. [Laughter.]

The SPEAKER. The pending motion is the demand of the gentleman from Kentucky for the previous question.

Mr. BEEBE. What is the question on which the previous question is desired?

The SPEAKER. On the third reading and engrossment of the bill.

The House divided; and there were—ayes 27, noes 95.

Mr. WHITE. I demand tellers on the seconding of the previous question.

Tellers were not ordered.

So the previous question was not seconded.

Mr. MORRISON. I move that the bill be referred to the Committee on Appropriations and ordered to be printed

Mr. BRIGHT. Would it not more properly be referred to the Committee on Banking and Currency, as I think that is the main question involved in that bill?

Mr. MORRISON. I insist the bill be referred to the Committee on Appropriations and ordered to be printed.

The motion was agreed to.

Mr. PHILLIPS, of Kansas. I demand the regular order of business.

MRS. MARTHA E. FITCH.

The SPEAKER. The Chair begs leave of the House, before the regular order of business proceeds, to dispose of a few matters on the Speaker's table.

The petition of Mrs. Martha E. Fitch, of Saint Louis, Missouri, for payment for cotton taken by the United States, having been erroneously referred to the Committee on Claims, that committee will be discharged from the further consideration of the matter and it will be referred to the Committee on War Claims, where it belongs.

3.65 DISTRICT BONDS.

The SPEAKER laid before the House a communication from the commissioners of the District of Columbia, asking the consideration of Congress to the necessity for legislative provisions for the payment of the interest on the 3.65 bonds authorized by act of Congress of June 30, 1874; which was referred to the Committee on the District of Columbia, and ordered to be printed.

NAVAL OFFICERS OVER SIXTY-TWO YEARS OF AGE.

The SPEAKER also laid before the House a letter from the Secretary of the Navy, in response to a resolution of inquiry, adopted by the House on the 5th instant, whether there is in the Navy or Marine Corps any officers over the age of sixty-two; which was referred to the Committee on Naval Affairs and ordered to be printed.

EMPLOYÉS OF THE STATE DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of State, transmitting, in compliance with section 194 of the Revised Statutes, the names of clerks and other employés in the Department or any of its offices during the year 1875, with the time they were actually employed and the sum paid to each; which was referred to the Committee on Appropriations, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, indefinite leave of absence was given to Mr. GOODE on account of sickness in his family.

AMNESTY.

The SPEAKER. The business now in order is the unfinished business of yesterday, which is the motion of the gentleman from Maine [Mr. BLAINE] to reconsider the vote by which the amnesty bill was rejected; and upon that the gentleman from Maine has the floor.

Mr. BLAINE. Mr. Speaker, before proceeding with the remarks which I shall address to the question before the House, I desire to say that in the discussion on the point of order that was raised just prior to the adjournment last evening, I did not intend to be understood and hope no gentleman understood me as implying that the honorable Speaker intended in any way to deprive me of the right to speak. I did not so understand the Speaker, nor did I understand it to be the motive or object of the gentleman from Pennsylvania [Mr. RANDALL.] I say this much in justice to myself and in justice to the honorable incumbent of the chair.

From the tone of the debate on the opposite side of the Chamber, Mr. Speaker, one would certainly imagine that the republican party, as represented in Congress, was trying to inflict some new punishment or add some fresh stigma to the name of Jefferson Davis, as well indeed as to lay some additional burden on those other citizens of the South who are not yet fully amnestied. It may therefore not be unprofitable just to recall to the attention of the House the precise question at issue, and how it came here, and who it was that brought it here.

The gentleman from Pennsylvania introduced a bill to confer special honor on Jefferson Davis; for what honor can be higher than the full panoplied citizenship of the United States of America? He has lost it by his crimes, and the gentleman from Pennsylvania proposes in hot haste, without debate, without amendment, to drag every gentleman up to say "Ay" or "No" upon a bill declaring him to be entitled now and henceforth to all the rights and all the honors of American citizenship. From that we dissent. We did not bring the question here. We are not seeking to throw any fresh element of an inflammatory kind into any discussion or difference that may be between two parties or two sections, and whatever of that kind has grown from this discussion lies at the door of the gentleman from Pennsylvania and those who stand with him.

Remember, Mr. Speaker, it is no proposition to punish but a proposition to honor, and while we disclaim any intention or desire to punish Jefferson Davis, we resist the proposition to honor him. And right here, as a preliminary matter, I desire to address myself for a moment to the constitutional point suggested by the honorable gentleman from Massachusetts, [Mr. SEELYE,] who addressed the House last evening. He sees and appreciates the magnitude of the crime laid at the door of Jefferson Davis, and he clearly pointed out that neither the gentleman from New York nor the gentleman from Georgia had palliated or dared to palliate the crimes with which I charged him. But he is bothered by the scruple that because we are permitted to punish for participancy in insurrection or rebellion we cannot make any discrimination or distinction. Why the honorable gentleman must have forgotten that this is precisely what we have been doing ever since the disability was imposed. We first removed the disabilities from the least offensive class; then in the next list we removed those next in order of guilty participancy, and so on, until in 1872 we removed the disability from all, except the Army and Navy officers, members of Congress, and heads of Departments. Why, sir, are we not as much justified to-day in except-

ing Jefferson-Davis as we were in 1872 in excepting the seven hundred and fifty, of whom he constitutes one? Therefore I beg to say to my honorable friend, whose co-operation I crave, that that point is *res adjudicata* by a hundred acts upon the statute-book. We are entirely competent to do just what is proposed in my amendment.

Now, Mr. Speaker, on the question of the treatment of our prisoners and on the great question as to who was to blame for breaking exchange, the speech of the honorable gentleman from Ohio [Mr. GARFIELD] has left me literally nothing to say. He exhausted the subject. His speech was unanswerable, and I undertake to say that as yet no gentleman has answered one fact that he alleged—no gentleman in this House can answer one fact presented by him. I shall not therefore at any length dwell upon that. But in connection with one point in history there is something which I should feel it my duty not merely as a member of the republican party which upheld the administration that conducted the war, but as a citizen of the American Union, to resist and resent, and that is the allegations that were made in regard to the manner in which confederate prisoners were treated in the prisons of the Union. The gentleman from Georgia says:

> I have also proved that with all the horrors you have made such a noise about as occurring at Andersonville, greater horrors occurred in the prisons where our troops were held.

And I could not but admire the "our" and the "your" with which the gentleman conducted the whole discussion. It ill comported with his later profession of Unionism. It was certainly flinging the shadow of a dead confederacy a long way over the dial of the National House of Representatives. And I think the gentleman from New York fell into a little of the same line. Of that I shall speak again. The gentleman from Georgia goes on to say that—

> The atrocities of Andersonville do not begin to compare with the atrocities of Elmira, of Camp Douglas, of Fort Delaware; and of all the atrocities both at Andersonville and at Elmira the confederate authorities stand acquitted.

Mr. HILL. Will the gentleman allow me a moment?

Mr. BLAINE. I yield for a moment.

Mr. HILL. I certainly said no such thing. I stated distinctly that I brought no charge of crime against anybody. But I also stated distinctly that according to the gentleman's logic that result followed.

Mr. BLAINE. But that is not the reported speech at all.

Mr. HILL. I stated distinctly that I was following the gentleman's logic.

Mr. BLAINE. I am quoting the gentleman's speech as he delivered it. I quote it as it appeared in the Daily Chronicle and the Associated Press report. I do not pretend to be bound by the version which may appear hereafter, because I observed that the gentleman from New York [Mr. COX] spoke one speech and published another, [great laughter,] and I suppose the gentleman from Georgia will do the same. I admit that the gentleman has a difficult *rôle* to play. He has to harmonize himself with the great northern democracy and keep himself in high line as a democratic candidate for Senator from Georgia; and it is a very difficult thing to reconcile the two. [Laughter.] The "baru-burner democrats" in 1853 tried very hard to adhere to their anti-slavery principles in New York and still support the Pierce administration; and Mr. Greeley, with that inimitable humor which he possessed, said that they found it a very hard road to straddle, like a militia general on parade on Broadway, who finds it an almost impossible task to follow the music and dodge the omnibuses. [Laughter.] And that is what the gentleman does. The gentleman tries to keep step to the music of the Union and dodge his fire-eating constituency in Georgia. [Great laughter.]

Then here is another quotation:

> We know our prisoners suffered in Federal hands, and we know how, if we chose to tell. Thousands of our poor men came home from Fort Delaware and other places with their fingers frozen off, with their toes frozen off, with their teeth fallen out.

Mr. HILL. The gentleman will allow me to answer. I said that these things were necessary incidents of the horrors of all prisons.

Mr. BLAINE. But the gentleman states that that was a fact? I do not understand him to back down from that assertion?

Mr. HILL. No, sir. I saw it with my own eyes.

Mr. BLAINE. Now, the gentleman from the Elmira district, [Mr. WALKER,] and I honor him for it, was not held in leash as his colleague from New York [Mr. COX] was by party fidelity and Southern sympathy, and came out like a man and vindicated his constituents. The gentleman from Georgia makes this charge of ill-treatment of confederate prisoners at Camp Douglas. There are upon the other side of the Chamber two gentlemen who represent districts that surround Camp Douglas. I refer to Hon. Mr. CAULFIELD and Hon. Mr. HARRISON. I ask those gentlemen whether, to their best knowledge and belief, there was any maltreatment of prisoners at Chicago. I yield them the floor for that purpose.

Mr. CAULFIELD. The gentleman has seen fit to call upon me for my testimony in regard to the treatment of prisoners at Camp Douglas. I do not wish him to suppose from my silence that I would fully acquiesce in what he has stated.

Mr. BLAINE. In what who has stated: the gentleman from Georgia?

Mr. CAULFIELD. In Camp Douglas.

Mr. BLAINE. In whose statement do you not acquiesce?

Mr. CAULFIELD. In what the gentleman from Maine has stated.

Mr. BLAINE. O!

Mr. CAULFIELD. I rise to say that there were hardships in Camp Douglas which were experienced by the prisoners from the South. But those hardships I say were incidental to the climate and to the emergencies of their imprisonment.

Mr. HILL. That is right.

Mr. CAULFIELD. I do however say that there were certain instances of cruelty which occurred in that camp to my knowledge. But they were not of such a number or of such character as to justify a general charge of cruelty against the officers of the camp.

Mr. HILL. That is right. I made none.

Mr. CAULFIELD. I remember some instances myself. I happened to be one of the visitors appointed to ameliorate the sufferings of those prisoners when they were put in Camp Douglas. They were brought there in the winter. I think the first batch of prisoners we had were from Fort Donelson. The weather was cold. It was impossible in the hurry to make them perfectly comfortable, and as a matter of course there was a good deal of suffering. But I regarded it that the suffering was incidental entirely to the circumstances that surrounded them at the time. Every effort was made to make them comfortable, both upon the part of the citizens and upon the part of the Government. But there were some cruelties inflicted there to my knowledge, but I do not think it would be fair to charge the Government with them. They were chargeable to the inhumanity of certain individuals who were in charge of the prison.

Mr. BLAINE. Now, before the gentleman sits down let him state whether the prisoners who came from Fort Donelson did not occupy and share the same quarters and have exactly the same accommodations that the Illinois troops did who left Camp Douglas, which was their camp, and went down to Donelson and changed places with the prisoners.

Mr. CAULFIELD. My memory on that point does not serve me.

Mr. BLAINE. O, the gentleman does not remember that Camp Douglas was made for Union soldiers; that Camp Douglas was the great recruiting camp of northern Illinois.

Mr. CAULFIELD. Now that you call it to my recollection, I think it was so.

Mr. BLAINE. O my, what a recollection! [Laughter.] That is equal to the recollection of the gentleman from Georgia, [Mr. HILL,] who did not recollect the other day the resolution I called to his attention.

Mr. CAULFIELD. My dear sir; I beg the Speaker's pardon. I want the gentleman to understand that when I state that my recollection is to a certain point I do not wish him to stand upon this floor and question my veracity.

Mr. BLAINE. I stated it was an astonishing recollection; I did not question the gentleman's veracity at all.

Mr. CAULFIELD. Then, if it is an astonishing recollection, I am not responsible for it.

Mr. BLAINE. I say this: that if the gentleman does not recollect that Camp Douglas was the recruiting station from which these great, noble, gallant regiments went out that represented Illinois on so many battle-fields, he is the only man in Illinois who does not recollect it.

Mr. CAULFIELD. Now, Mr. Speaker——

Mr. BLAINE. That is sufficient; that is all I desire.

Mr. CAULFIELD. The gentleman called me to the witness-stand, and he cannot discredit me, because I do not discredit myself. I have the right to answer his question fully. I say to the gentleman that when he first asked the question of me as to whether these atrocities had been committed in Camp Douglas my attention was naturally directed to the time when these men were prisoners there, and his question not being directed to that point my attention was not drawn to the point whether that camp was first occupied by Federal soldiers or not. But now that he has drawn my attention to the fact, I say that I think it was so, and this I may be permitted to say; probably the argument which he makes against my recollection is about as strong as any of the arguments that the gentleman adduces to the House today, or adduced a day or two ago.

Mr. BLAINE. I should not wish them to be stronger.

Mr. HARRISON. Being called upon, I think my colleague [Mr. CAULFIELD] is in error in one respect. I think that Camp Douglas, as the camp where the prisoners were contained, was not the same Camp Douglas where the volunteers were.

Mr. CAULFIELD. I think it was.

Mr. HARRISON. Not so. Many of the buildings were erected on an emergency. When the Fort Donelson prisoners were brought there the weather was exceedingly cold; there were not sufficient houses. But the people of Chicago came forward and gave to them aid and comforts that the Government could not give to them. I will state further that there were charges made, charges in papers, charges that probably an *ex parte* witness would have sworn to, that there were cruelties practiced at Camp Douglas. But we do not believe those *ex parte* statements, nor do we believe the *ex parte* statements brought up by any person here. Some of the prisoners at Camp Douglas suffered from the severity of the weather. It was charged upon the Government——

Mr. BLAINE. I did not yield to the gentleman for a speech.

Mr. HARRISON. You have asked me a question, and I want to answer it.

Mr. BLAINE. The gentleman is not answering it at all; he is going into a long rigmarole that does not touch the question at all.

Mr. HARRISON. The gentleman has asked me a question, and my silence would be an acknowledgement——

Mr. BLAINE. I asked the gentleman whether he knew of cruelties at that camp.

Mr. HARRISON. No, sir.

Mr. BLAINE. That is enough.

Mr. HARRISON. I have said that I knew of no cruelties.

Mr. BLAINE. Now I wish to ask a gentleman on this side of the House.

Mr. HENDERSON. I wish to say that my colleague [Mr. HARRISON] is mistaken in the assertion he has just made. I know of my own personal knowledge that the prisoners confined in Camp Douglas were confined in the same camp which our own soldiers had left when they went in the field.

Mr. HARRISON. But not always the same buildings.

Mr. BLAINE. No; for they were increased, were enlarged for the rebel prisoners.

Mr. HENDERSON. I want to say further that I had occasion many times to visit that camp while the rebel prisoners were confined there, and especially because one of my own blood and kindred, from my native State, was a prisoner in that camp. I went there to see him at his own request. I sent him money, for he stated to me that he had no money with which to purchase anything in addition to the rations which were furnished him. He told me that he was well treated; that he had no complaint to make; that he believed the prisoners there were well treated. And I have no sort of doubt but what the rebel prisoners there were as well treated as any prisoners ever were on God's green earth.

Mr. BLAINE. I do not care of course to conduct this case as though it were a case in court. If I did, I could produce a cloud of witnesses. There are honorable gentlemen on that side of the House whom I will not indelicately mention, but who know that personally their relations and mine are most kindly and friendly, who have been in Union prisons in the North, and unless they contradict me I shall assume that their silence assents to the statement.

Mr. JONES, of Kentucky. Mr. Speaker——

Mr. BLAINE. Was the gentleman one of them?

Mr. JONES, of Kentucky. I was; and I have been a friend of the gentleman from Maine. I now ask his courtesy for a moment.

Mr. BLAINE. Yes, I will hear the gentleman.

Mr. JONES, of Kentucky. Mr. Speaker, I had the honor of being a prisoner——

Mr. BLAINE. Where and in what fort?

Mr. JONES, of Kentucky. I will tell you if you will allow me two or three minutes. I was not a prisoner of war.

Mr. BLAINE. O!

Mr. JONES, of Kentucky. But a citizen prisoner, taken to Camp Chase.

Mr. BLAINE. I am not dealing with that class.

Mr. JONES, of Kentucky. You are asking for the facts of history.

Mr. BLAINE. No; I am not dealing with that class. The gentleman will excuse me.

Mr. JONES, of Kentucky. I deprecate this most unfortunate debate; but when the gentleman from Maine rises and especially appeals to gentlemen on this side of the House for the facts of history, can he object to hearing them?

Mr. BLAINE. If the House will agree to extend my time, I will hear the gentleman.

Mr. JONES, of Kentucky. I shall be guilty of no discourtesy.

Mr. BLAINE. The gentleman from Pennsylvania, [Mr. RANDALL,] as I understood, declines to extend the time.

Mr. RANDALL. I will not consent to extend the time.

Mr. BLAINE. Then I decline to yield.

Mr. JONES, of Kentucky. You will not hear me?

Mr. BLAINE. No, sir; I will not yield to any remarks of this kind.

The SPEAKER. The gentleman from Kentucky is not in order.

Mr. JONES, of Kentucky. I appeal to the gentleman from Pennsylvania [Mr. RANDALL] to do justice by allowing us to be heard when we are appealed to for facts.

The SPEAKER. The gentleman is not in order.

Mr. RANDALL. If the gentleman from Kentucky desires to do justice he shall have part of my time in which to do it.

Mr. BLAINE. I must resume the floor. I have given away enough of my time. I was not referring at all to the gentleman from Kentucky; I did not know he had ever been a prisoner.

Mr. MILLS. I ask the gentleman from Maine to withdraw the remark he made that if gentlemen on this side of the House who as confederates had been prisoners did not rise up and contradict him their silence should be construed as an acknowledgment of his assertion.

Mr. BLAINE. If any gentleman on that side of the House——

Mr. DAVIS. I will answer for one, if the gentleman will allow me. I was a prisoner—a prisoner of war; and I know in my own person that there were cruelties at Fort Delaware.

Mr. BANKS. I rise to a question of order.

Mr. DAVIS. They ask for facts and then they will not hear them!

The SPEAKER. The gentleman from Massachusetts [Mr. BANKS] will state his point of order.

Mr. BANKS. My point of order is this: The gentleman from Maine said that if gentlemen on the other side of the House did not express their dissent he should assume that they admitted certain conclusions. Now I think he has no right to make such a declaration unless he intends to give gentlemen the floor to reply, and that he ought in justice to withdraw the remark.

Mr. BLAINE. They can get up and dissent. How else are we to know their dissent? Let them all rise and dissent; I do not object. But I do not intend to yield the whole of my hour.

Mr. MILLS. I ask for just three minutes for the purpose of saying——

Mr. JONES, of Kentucky. I object if the gentleman from Maine does not yield to me. [Laughter.]

Mr. BLAINE. No, sir; I am not going to yield.

Mr. MILLS. It is not the desire on this side of the House to open up that question.

Mr. BLAINE. Mr. Speaker, have I the floor?

Mr. MILLS. I have sat here and listened to the charges the gentleman has made; and I do not feel that I am called upon to say anything in reply, but I trust we are not to be put on the record as assenting by our silence to such a falsehood.

The SPEAKER. The point suggested by the gentleman from Massachusetts does not, in the judgement of the Chair, constitute a question of order to be ruled upon by the Chair.

Mr. BANKS. I yield with deference to the ruling of the Chair.

The SPEAKER. The gentleman from Maine has the floor and will proceed.

Mr. COOK. I want to say——

Mr. BLAINE. If I am entitled to the floor, Mr. Speaker, I want to have it.

Mr. COOK. I was a prisoner, wounded and crippled, in your hands; and I want to say——

The SPEAKER. Does the gentleman from Maine yield further?

Mr. BLAINE. I do not.

Mr. CAULFIELD. Then ask no more questions.

Mr. COOK. Take back the statement that our silence gives consent.

Mr. BLAINE. Yes, if that will do you any good, and if you want all to stand up and dissent I will wait for you to do that. [Laughter.]

Mr. RANDALL. We are not at school now. [Laughter.]

Mr. BLAINE. Now, Mr. Speaker, I desire to call attention to the remark of the gentleman from New York, who, as I said, delivered one speech and published another.

Mr. COX. I did not change anything in my speech or in my colloquy with you.

Mr. BLAINE. The gentleman will have time to answer. I say the gentleman from New York delivered one speech and printed another.

Mr. COX. Go on with your talk; you are getting used up on this side. [Laughter.]

Mr. BLAINE. The gentleman from New York stated that "he had it on the authority of sixty and odd gentlemen here, many of them having been in the service of the confederacy during the war, that no order was issued at any time in the South relative to prisoners who were taken by the South as to rations or clothing that did not apply equally to their own soldiers, and that any *ex parte* statements taken by that humbug committee on the conduct of the war could not controvert the facts of history." The gentleman therefore stands up here as denying the atrocities of Andersonville. He seconds the gentleman from Georgia, and gives the weight of whatever may be attached to his word to denying that fact. Now, the gentleman himself did not always talk so. I have here a debate that occurred on the 21st of December, 1864, in which, while the proposition was pending in the House for retaliation, the gentleman, then from Ohio, said:

> This resolution provides for inflicting upon the rebel orisoners who may be in our hands the same *inhumane, barbarous, horrible* treatment which has been inflicted upon our soldiers held as prisoners by the rebels.
>
> Now, Mr. Speaker—

Continued the enraged gentleman at that time—

> it does not follow that because the rebels have made *brutes and fiends of themselves* that we should do likewise.

Mr. COX. That is good sense.

Mr. BLAINE. "There is," he says, "a certain law of retaliation in war, I know; but," continued the gentleman, "no man will stand up here and say, after due deliberation, that he would reduce these prisoners, thrust into our hands, into the same condition exhibited by these skeletons, these pictures, these anatomies brought to our attention and laid upon the desks of members of Congress." Then the gentleman says: "It does not follow because our prisoners are treated in the way represented, and no doubt truthfully represented." That is what the gentleman said in 1864; but when a solemn committee of Congress, made up of honorable gentlemen of both sides of the House, bring in exactly the statements which verify all this, then the gentleman states "that the authority was a humbug committee."

Mr. COX rose.

Mr. BLAINE. Wait; you will have plenty of time.

Mr. COX. I did not get up to interrupt the gentleman.

Mr. BLAINE. Now the gentleman takes his side among the great defenders of Andersonville, and states there has been nothing made out against Andersonville except upon *ex parte* statements.

Now, Mr. Speaker, while I do not wish to be interrupted, I would like, by a nod, if the gentleman from Georgia [Mr. HILL] will be good enough to tell me—for he is a well-practiced lawyer and I am not one at all; and when witnesses are in doubt they are allowed

time to reflect and refresh their memory—I ask him to tell me after reflection whether he recollects having introduced this resolution into the confederate senate.

Mr. HILL. Which?

Mr. BLAINE. The following:

Senator Hill, of Georgia, introduced the following resolution in the confederate congress in October, 1862: "That every person pretending to be a soldier or officer of the United States who shall be captured on the soil of the confederate States after the first day of January, 1863, shall be presumed to have entered the territory of the Confederate States with intent to incite insurrection and to abet murder; and, unless satisfactory proof be adduced to the contrary before the military court before which the trial shall be had, he shall suffer death. And this section shall continue in force until the proclamation issued by Abraham Lincoln, dated Washington, September 22, 1862, shall be rescinded."

Did the gentleman introduce that resolution?

Mr. HILL. Do you want an answer?

Mr. BLAINE. Yes.

Mr. HILL. I will say this: I state precisely and frankly, as I stated to the gentleman day before yesterday, that I do not recollect being the author of that resolution. I have no doubt the resolution was introduced, and I will state this: that at the time there was a belief in the confederacy——

Mr. BLAINE. I did not yield for a speech. I only wanted to know that.

Mr. HILL. Mr. Speaker——

Mr. BLAINE. I decline to be interrupted in that way.

Mr. HILL. I have a right to answer the gentleman's question.

Mr. BLAINE. The gentleman has no right whatever in my hour. If my hour is extended I have no objection to his speaking.

Mr. HILL. That resolution applies only to spies.

Mr. BLAINE. O! Nonsense. It says, "Every person pretending to be a soldier or officer," and now the gentleman says it applies only to spies.

Mr. HILL. "Pretending to be."

Mr. BLAINE. O, my! [Laughter.] Well, Mr. Speaker, what does this mean? What did the gentleman from Georgia mean when, from the committee on the judiciary, he introduced the following?

2. Every white person who shall act as a commissioned or non-commissioned officer, commanding negroes or mulattoes against the Confederate States, or who shall arm, organize, train, or prepare negroes or mulattoes for military service, or aid them in any military enterprise against the Confederate States, shall, if captured, suffer death.

Was that a spy, too?

Mr. HILL. Will you allow me to answer that?

Mr. BLAINE. You will have your time.

Mr. HILL. Will you allow me now?

Mr. BLAINE. No, sir. I have no time to spare, and cannot yield the floor.

3. Every commissioned or non-commissioned officer of the enemy who shall incite slaves to rebellion, or pretend to give them freedom, under the aforementioned act of Congress and proclamation, by abducting, or causing them to be abducted, or inducing them to abscond, shall, if captured, suffer death.

Now, Mr. Speaker, I have searched somewhat, but in vain, for anything in the world that rivals this. I did find, and have here in my minutes, the proclamation of Valmeseda, the captain-general of Cuba, who was recalled by Spain because of his atrocious cruelties to the inhabitants of that island; and the worst thing in all the atrocities laid to his charge was that he proclaimed "that every man or boy over fifteen years found away from his house, not being able to give a satisfactory reason therefor, should suffer death." He copied it from the resolution of the gentleman from Georgia.

Mr. HILL. That is not true. There is no resemblance whatever.

Mr. BLAINE. Now, Mr. Speaker, I hold in my hand a copy of the Atlanta Constitution, printed on the 24th of January, 1875. We are told that all these allegations against Jefferson Davis should be forgiven because they are all of the dead past.

Mr. HILL. I am alive. Put me on trial.

Mr. BLAINE. We are told that we should not revive them, that there should be nothing in the world brought up in any way to disturb the beautiful serenity of the centennial year, and that to make any allusion to them whatever is to do an unwelcome and unpatriotic act. The very last declaration we have from Jefferson Davis authentically, in the life which the gentleman from Georgia held the other day as a text-book, reads thus:

Time will show, however, the amount of truth in the prophecy of Jefferson Davis—

Says the biographer, made in reply to the remark that the cause of the confederacy was lost. Mr. Davis said:

It appears so, but the principle for which we contended is bound to re-assert itself, though it may be at another time and in another form.

Now I have here, of the date of January 24, 1875, a speech by Hon. B. H. HILL, in the Atlanta Constitution, and it is said to have been the "grandest speech" he ever delivered.

Mr. HILL. O, that is a mistake.

Mr. BLAINE. The gentleman says it is a mistake. I know he has delivered some very grand speeches, but the editor characterizes this as the grandest of them all. I quote from him:

Fellow-citizens, I look to the contest of 1876 not only as the most important that ever occurred in American history, but as the most important in the history of the world; for if the people of the country cannot be aroused to give an overwhelming vote against this republican party it will perpetuate itself in power in the United States by precisely the same means that the President has taken in Louisiana, and the people will be powerless to prevent it *except they go to war.* [Applause.] If we fail with the ballot-box in 1876 by reason of force, a startling question will present itself to the American people. I trust we will not fail. I hope the northern people have had a sufficient subsidence of passion to see this question fairly.

Then the gentleman goes on to say—

If we must have war—

why his voice is always for war.

Mr. HILL. Never, never!

Mr. BLAINE. The gentleman says—

If we must have war; if we cannot preserve this Constitution and constitutional Government by the ballot; if force is to defeat the ballot; if the war must come—God forbid that it should come—but if it must come; if folly, if wickedness, if inordinate love of power shall decree that America must save her Constitution by blood, let it come; I am ready.

[Laughter.]

Mr. HILL. Will the gentleman allow me one word?

Mr. BLAINE. Not now. There will be plenty of time. And then the gentleman said in another speech of May 12:

He impressed upon the colored men of the country the truth that, if the folly and wickedness were consummated in war, they would be the greatest sufferers. If peace was preserved they were safe, but as sure as one war had freed them, just as sure another war would re-enslave them.

Now that was precisely the kind of talk we had here by folios and reams before the rebellion. O, yes; you were for war then. The gentleman in his speech says that the Union now is an unmixed blessing, providing the democratic party can rule it, but that if the republican party must rule it he is for war. Why, that is just what Jefferson Davis said in 1861.

Mr. HILL. If brought on by force.

Mr. BLAINE. O, you call the predominance of the republican party force!

Mr. HILL. I say it is, if you force it against the will of the people.

Mr. BLAINE. Ah, that is "paltering in a double sense."

Mr. HILL. Against the will of the people as expressed at the ballot-box.

Mr. BLAINE. I repeat, that is "paltering in a double sense." What the gentleman means, if he means anything, is that if the South can come back to rule this country with the aid of the northern democracy, he is in favor of the Union; but if the republican party is to hold power, he is in favor of war.

Mr. HILL. No, sir; I am for the Union all the time.

Mr. BLAINE. Then you take back what you said at Atlanta?

Mr. HILL. No; I stand by what I said, that if you force war upon us we will fight for the Constitution and the Union.

Mr. BLAINE. Who is talking about war?

Mr. HILL. You.

Mr. BLAINE. It was the gentleman who was preparing the hearts of his people for war.

I have here very much more of the same kind. I have been supplied with very abundant literature emanating from the gentleman, more, indeed, than I have had time to read. He seems to have been as voluminous as the Spanish chroniclers. In one speech he says:

I must say a word about this list of disabilities removed. I would rather see my name recorded in the Georgia penitentiary than to find it on a list of the removal of disabilities. Why, my friends, do you not know that when you go to that Congress and ask for a removal of disabilities you admit that you are a traitor?

Mr. HILL. What do you read from?

Mr. BLAINE. From a report in the Cincinnati Daily Gazette, giving an account of a great meeting in 1868 at which Howell Cobb, Robert Toombs, and the Hon. B. H. HILL made speeches. And there the gentleman declared that he would rather have his name on the list of the Georgia penitentiary than on a list of the removal of disabilities.

Mr. Speaker, I do not desire to stir up more needless ill-blood, but the gentleman from Ohio [Mr. GARFIELD] yesterday, apparently without much thought, spoke of a class of men in the Southern States who had committed perjury, and I would like to address the gentleman a question that he can answer when he gets the floor.

Mr. HILL. Will you not allow me to answer it now?

Mr. BLAINE. No, sir; not now. Suppose you inaugurate a great war if the republican party retains power, and you and all these gentlemen who sympathize with you upon this floor, and who had taken an oath to bear true allegiance to the Government of the United States, and that you took that oath without mental reservation, then revolt against the country; what would that be? Would it have any relation to perjury?

Mr. HILL. I should stand up for the Constitution against you, who are trying to destroy it.

Mr. BLAINE. And go out of the Union.

Mr. HILL. O, no. We are not going out any more. No, sir. [Laughter.] We are in, and we are going to stay in.

Mr. BLAINE. But, Mr. Speaker, you see the effect of the speeches of the gentleman from Georgia. They are very tremendous down there. The very earth quakes under him. One of his organs says:

We assert without fear of contradiction that Mr. HILL in his bitter denunciation of scalawags and carpet-baggers has deterred thousands of them from entering the ranks of the radical party. They dare not do so for fear of social ostracism, and to-day the white population of Georgia are unanimous in favor of the democratic party.

And when he can get the rest of the States to the same standard he is for war.

Now, Mr. Speaker, the gentleman cannot, by withholding his speech here and revising it and adapting it to the northern democracy, erase his speeches in Georgia. I have quoted from them. I have quoted from democrat papers. There is no accusation that there is any perversion in republican papers or that he was misrepresented. But the gentleman deliberately states that in a certain contingency of the republican party having power he is for war; and I undertake here to say that, in all the mad, hot wrath in the Thirty-sixth Congress that precipitated the revolt in this country there is not one speech to be found that breathes a more determined rebellion against lawful authority or a guiltier readiness to resist it than the speech of the gentleman from Georgia.

Mr. Speaker, I have not much time left. I said briefly in my first speech that God forbid I should lay at the door of the southern people, as a people, these atrocities. I repeat it. I lay no such charge at their door. Sir, I have read in this "*ex parte* humbug report" that there were deep movements among the southern people about these atrocities; that there was a profound sensibility. I know that the leading officers of the confederacy protested against them; I know that many of the subordinate officers protested against them. I know that an honorable gentleman from North Carolina, now representing his State in the other end of the Capitol, protested against them. But I have searched the records in vain to find that the gentleman from Georgia [Mr. HILL] protested against them. They were known to the confederate congress; they were known at the doorway of your senate and along the corridors of your capitol. The honorable and venerable gentleman in my eye at this moment who served in the confederate congress, and who had before served in the Senate of the United States, himself brought them to the attention of the confederate congress, and I class him with great gladness among those whose humanity was never quenched by the fires of the rebellion. I allude to Hon. Henry S. Foote.

Now, to show how entirely these matters were known among us, I want to read from the Journal of the House for the 7th day of January, 1864. I beg the attention of the House to the following:

> Whereas a large number of our brave and patriotic soldiers and officers are now incarcerated in prisons in the Southern States, and are there exposed to the peril of famine, diseases of different kinds, and hardships whereby they are daily dying without aid or comfort; and whereas the rebel prisoners now confined in the United States are not exposed to these hardships, nor to the diseases incident to an unhealthy climate, by means whereof there is no reciprocity between the condition of our officers and privates taken prisoners and confined and the rebel prisoners in our possession; and whereas this state of things is most oppressive and unequal, and fatal to the lives and health of those who have been captured fighting for the Constitution and Union, and is impoverishing the strength of our armies, &c., &c.

That is the preamble of a certain resolution relating to the exchange of prisoners. I call attention to the recital in that preamble as a summing at that time of the knowledge obtained by the American Congress of the condition of prisoners on both sides of the line. And the gentleman who offered that resolution, I take pleasure in saying, was Mr. SAMUEL J. RANDALL, of Pennsylvania. It is not with the same pleasure that I recall the fact that a resolution offered by Mr. Washburn, of Illinois, was opposed by the gentleman from New York, [Mr. COX.] That resolution is:

> That this House approve of the constant, statesmanlike, and humane efforts of the Administration to secure an exchange of our prisoners now in the hands of the rebels, and that it is hereby recommended that such efforts be continued to secure an exchange of all our prisoners now in southern prisons.

Among those who voted against the resolution was Hon. SAMUEL S. COX, then of Ohio.

Mr. COX. The gentleman interrupted me five times day before yesterday.

Mr. BLAINE. I will not be interrupted. I will state that the honorable gentleman——

Mr. COX. The honorable gentleman from Maine interrupted me five times, and I let him in.

Mr. BLAINE. Yes, but the gentleman from Pennsylvania [Mr. RANDALL] has notified me that I cannot have the courtesy of having my time extended.

Mr. RANDALL. I have already extended all manner of courtesies to the gentleman.

Mr. COX. Well, howl away; you are a hyena.

Mr. BLAINE. The gentleman first offered a resolution demanding that all the papers on the subject should be sent to Congress, which in itself was an unpatriotic resolution, because the War Department did not wish to have them made public. Mr. Washburn offered the one I have read as a substitute, and the gentleman from New York, then from Ohio, not only voted against substituting the resolution but also voted against it after it was substituted.

My time is running and I have very little left. I confess—and I say it to the gentleman from Georgia with no personal unkindness—I confess that my very blood boiled, if there was anything of tradition, of memory, of feeling, it boiled, when I heard the gentleman, with his record, which I have read, seconded and sustained by the gentleman from New York, arraigning the administration of Abraham Lincoln, throwing obloquy and slander upon the grave of Edwin M. Stanton and demanding that Jefferson Davis should be restored to full citizenship in this country. Ah! that is a novel spectacle; the gentleman from Georgia does not know how novel; the gentleman from New York ought to know. The gentleman from Georgia does not know, and he cannot know how many hundred thousands of northern bosoms were lacerated by his course.

Mr. HILL. I never said it, Mr. BLAINE; you are mistaken.

Mr. BLAINE. O, no; you accused the administration of Mr. Lincoln with breaking the cartel and violating the honor of the Government, and a thousand other things; the speech as published in the papers show it. And as soon as he made it the gentleman from New York run to him in hot haste to congratulate him, sympathizing, I suppose, with the assault.

Mr. HILL. Upon that subject I read nothing but published letters and documents, and of northern origin at that.

Mr. BLAINE. I repeat, that proposition strikes—I might say almost terror into northern hearts; that here, in an American Congress, the gentleman who offered that resolution in the confederate congress, who in his campaign for a seat in this House comes here breathing threatenings and slaughter, who comes here telling you that in a certain contingency he means war, advising his people to be ready for it—that gentleman, profaning the very altar of patriotic liberty with the speech that sends him here, arraigning the Administration that conducted the war and saved the Union—that gentleman asks us to join with him in paying the last full measure of honor that an American Congress can pay to the arch-enemy of the Union, the arch-fiend of the rebellion.

Suppose Jefferson Davis is not pardoned; suppose he is not amnestied. O! you cannot have a centennial year without that! No man on this side has ever intimated that Jefferson Davis should be refused pardon on account of any political crimes; it is too late for that; it is because of a personal crime.

If you ask that there may be harmonious and universal rejoicing over every forgiven man, release all your criminals; set free every man who has been sentenced for piracy or for murder by your United States courts; proclaim the jubilee indeed.

Mr. TOWNSEND, of New York. Forgive men who have committed other murders!

Mr. BLAINE. Yes, as my friend from New York suggests, remit all the penalties for the commission of other murders less numerous and less cruel.

Mr. HEREFORD. And the whisky convicts!

Mr. BLAINE. Mr. Speaker, that reminds me of one thing which in the haste and pressure of my hour I might have forgotten. The gentleman from Georgia aimed to be very humorous about General Grant, and said that the logic which I had presented the other day in regard to Jefferson Davis made General Grant responsible for McDonald and Joyce. The gentleman might have thought that he was witty, but I could not see it.

Mr. HILL. I know you could not.

Mr. BLAINE. It was not so witty as the remarks of the gentleman from New York, [Mr. COX.] It was more grim. If Jefferson Davis, the moment the crimes of Andersonville had been brought to his attention, had arraigned the offenders with all competent authority, and had issued an order that "no guilty man should escape," there would be some little consistency in the gentleman's position. It was therefore ill-conceived levity, and in very bad taste, for the gentleman to introduce General Grant's name in that connection.

But I am authorized, if the gentleman desires it—not authorized especially to mention it here, but I mention it on the authority of General Grant, whom the gentleman from Georgia impugned in connection with the exchange of prisoners——

Mr. HILL. No, sir.

Mr. BLAINE. To say that one thing touching the exchange of prisoners was that the Davis government observed no honor in regard to it; and General Grant states that the brigade of Carter L. Stephenson, that was dislodged at Chattanooga, was made up of paroled prisoners from Vicksburgh, and that Stephenson himself was one of them. He states that the paroled prisoners of one day in front of his line were taken the next. But in stating this he was careful to say that, as to Lee and the two Johnstons and Pemberton, and the other leading confederate generals, their word was honor itself; but that for the Davis executive government there was no honor in it—none whatever. The gentleman has got enough of General Grant by this time, I hope.

Now, in regard to the relative number of prisoners that died in the North and the South, respectively, the gentleman undertook to show that a great many more prisoners died in the hands of the Union authorities than in the hands of the rebels. I have had conversations with surgeons of the Army about that, and they say that there were a large number of deaths of rebel prisoners, but that during the latter period of the war they came into our hands very much exhausted, ill-clad, ill-fed, diseased, so that they died in our prisons of diseases that they brought with them. And one eminent surgeon said, without wishing at all to be quoted in this debate, that the question was not only what was the condition of the prisoners when they came to us, but what it was when they were sent back. Our men were taken in full health and strength; they came back wasted and worn—mere skeletons. The rebel prisoners, in large numbers, were, when taken, emaciated and reduced; and General Grant says that at the time such superhuman efforts were made for exchange there were 90,000 men that would have re-enforced your armies the next day, prisoners in our hands who were in good health and ready for fight. This consideration sheds a great deal of light on what the gentleman states.

The gentleman from Illinois [Mr. HURLBUT] puts a letter into my hands. I read it without really knowing what it may show:

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Virginia, March 21, 1863.

MY DEAR SIR: If the exigencies of our army *require* the use of trains for the transportation of corn, pay no regard to the Yankee prisoners. I would rather they should *starve* than our own people *suffer*.

I suppose I can safely put it in writing: "Let *them* suffer." The words are memorable, and it is fortunate that in this case they can be applied properly and without the intervention of a lying quartermaster.

Very truly, your faithful friend,

ROBT. OULD.

Colonel A. C. MYERS.

That is a good piece of literature in this connection. Mr. Ould, I believe, was the rebel commissioner to exchange. When the gentleman from Georgia next takes the floor I want him to state what excuse there was for ordering the Florida artillery, in case General Sherman's army got within seven miles of Andersonville, to fire on that stockade.

Mr. HILL. That was just to keep your Army from coming. That is all.

Mr. BLAINE. Upon this point letters have flowed in upon me—letters which, without pretending to any extraordinary tenderness, I say in this presence I could not read without unbecoming emotion.

Mr. HILL. Will the gentleman allow me to say——

Mr. BLAINE. I have a letter which states that at Andersonville they had stakes put up with flags in order that the line of fire might be properly directed from the battery of Florida artillery.

Mr. HILL. O, that is not so.

Mr. BLAINE. There is that order.

Mr. HILL. That is said to be a forgery. I do not know whether it is genuine or not. You have the records; we have not; you will not let us see them. You merely say what they are. Let us see the whole of them.

Mr. BLAINE. Let us take one single case. I suppose the gentleman would deny that they ever used bloodhounds at Andersonville.

Mr. HILL. O, no; though I do not myself know the fact.

Mr. BLAINE. Did the gentleman ever hear of Colonel James H. Fannin, of the First Georgia reserves, who was on duty at Andersonville?

Mr. HILL. O, yes.

Mr. BLAINE. He says "that Surgeon Turner, the owner of the dogs, belonged to the first regiment of reserves of my company? Then he goes on to tell how the dogs were obtained and how used; and here is one of the returns made by Wirz:

Twenty-five men more escaped during the month, but they were taken by the dogs before the daily returns were made out.

The gentleman is a very able lawyer——

Mr. JONES, of Kentucky. Has not the time of the gentleman from Maine expired?

The SPEAKER *pro tempore*, (Mr. HOSKINS in the chair.) The time of the gentleman from Maine has not expired.

Mr. HANCOCK. He commenced ten minutes before one o'clock.

Mr. JONES, of Kentucky. I ask that the fifty-seventh rule of the House be read. I should like to have it read, because the gentleman from Maine is constantly violating the rules of this House.

Mr. BLAINE. In what respect?

The SPEAKER *pro tempore*. The gentleman from Kentucky is out of order.

Mr. JONES, of Kentucky. I rise to a point of order.

Mr. BLAINE. I hope it will not be taken out of my time.

The SPEAKER *pro tempore*. The Speaker of the House set the dial exactly at the time the gentleman from Maine commenced his speech, showing exactly when his hour will expire, and the present occupant of the chair when that time is reached will notify the House.

Mr. BLAINE. How much time have I left?

The SPEAKER *pro tempore*. About two minutes.

Mr. BLAINE. The gentleman is inconsistent. I should like to get him to admit something. He does not deny that bloodhounds were used at Andersonville.

Mr. HILL. I understood they were; I do not know; farm dogs, not bloodhounds.

Mr. BLAINE. Here are four or five Georgia witnesses. I conclude in the two minutes left me by saying that in all the evidence I have adduced, I have never asked to bring in one piece of Union testimony; the whole of it is from confederate prisoners.

Why, Mr. Speaker, the administration of Martin Van Buren, that went down in a popular convulsion in 1840, had no little of obloquy thrown upon it because it had ventured to hunt the Seminoles in the swamps of Florida with bloodhounds.

A MEMBER. No bloodhounds there.

Mr. BLAINE. Blood-thirsty dogs were sent after the hiding savages, and the civilization of the nineteenth century and the Christian feeling of the American people revolted at it. And I state here, and the gentleman from Georgia [Mr. HILL] cannot deny it, that upon the testimony of witnesses as numerous as would require me all day to read bloodhounds were used; that large packs of them were kept, and Georgia officers commanded them; that they were sent after the poor unfortunate, shrinking men who by any accident could get out of that horrible stockade. I state, sir, that the civilization of the world stands aghast at what was done at Andersonville. And the man who did that was sustained by Jefferson Davis, and promoted. Yet the gentleman says that was analogous to General Grant sending McDonald to the penitentiary and found a striking analogy in that.

Mr. Speaker, in view of all these facts I have only to say that if the American Congress, by a two-thirds vote, shall pronounce Jefferson Davis worthy to be restored to the full rights of American citizenship, I can only vote against it and hang my head in silence, and regret it. [Applause.]

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. BLAINE. I move the previous question on the motion to reconsider. I do that by agreement.

Mr. RANDALL. It was given to you as a boon.

Mr. BLAINE. Well, then I give it back if you want it.

Mr. RANDALL. You insisted on it as a right.

Mr. BLAINE. Very well; you can take it back.

The previous question was seconded and the main question ordered; and under the operation thereof the motion to reconsider was agreed to.

The question then recurred on the passage of the bill.

Mr. RANDALL. I now take the floor and will yield thirty minutes of my time to the gentleman from Massachusetts, [Mr. BANKS.]

The SPEAKER *pro tempore*. Before the gentleman from Massachusetts proceeds, the Chair will state that all interruption by way of applause is entirely inconsistent with the dignity and gravity of the House of Representatives and the discussion of this important question, and hopes the remarks of the gentleman from Massachusettts [Mr. BANKS] will be received without applause on either side of the House. The galleries must be quiet.

Mr. BANKS. Mr. Speaker, I gave notice yesterday that if I had an opportunity I should move an amendment to the bill before the House, proposing that some declaration or oath should be made in case the amnesty was granted to the persons who are now resting under political disabilities; and as the honorable gentleman from Pennsylvania has yielded me the floor, I understand it will not be an impropriety on my part or an invasion of the privilege which he has granted me, if I propose such an amendment. It is to strike out all after the seventh line of the first section of his bill, and insert, instead of the part stricken out, these words:

And shall be forever relieved therefrom upon their appearing before a judge of any court of the United States or any court of record of the State in which they are resident, and taking and subscribing the following oath, to be duly attested and recorded, to wit: I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same, and obey all laws made in pursuance thereof; and that I take this obligation freely, and without any mental reservation or purpose of evasion whatever.

I send my amendment to the Clerk's desk.

Mr. HALE. I object to the gentleman's amendment, unless the amendment of my colleague [Mr. BLAINE] be admitted.

The SPEAKER *pro tempore*. The amendment has merely been read for the information of the House, and is not pending.

Mr. BANKS. I have the floor for the purpose of moving at the proper time this amendment.

The SPEAKER *pro tempore*. The Chair does not consider that the amendment is now in order.

Mr. BLAINE. Of course not.

Mr. RANDALL. If the Chair will permit me I will state how I can allow that amendment to be brought in. The gentleman from Maine, perhaps unwittingly, in arguing yesterday that he should be allowed to speak to-day, and taking that right, has lost the opportunity to move a reconsideration of the engrossment of this bill, so that any amendment could come in. The gentleman from Maine perhaps forgot that after the second day a motion to reconsider the engrossment of a bill is not in order.

Mr. BLAINE. Well, how are you going to get your amendment in at all?

Mr. RANDALL. I will suggest that, if you will allow me. Just be easy. I propose to ask the unanimous consent of this House that the gentleman from Massachusetts may have the opportunity of offering that amendment, and I do not expect the gentleman from Maine to object.

Mr. BLAINE. I do object.

Mr. RANDALL. Perhaps I can find out some other avenue by which the object can be reached, and you are only exposing the insincerity of your conduct here.

The SPEAKER *pro tempore*. The Chair rules that the amendment as now offered by the gentleman from Massachusetts is not now in order.

Mr. RANDALL. We shall manage it, I think, so as to make it in order—unless the gentleman from Maine prevents.

Mr. BANKS. It is not my purpose, sir, to engage in the discussion of the subjects which have occupied the attention of the House for most of this week. The amendment which I have read embodies my views of the question, and it is my purpose to confine myself to that subject. I am not opposed to the passage of a general amnesty bill, and, if compelled, very likely I should vote for such a bill as this, without any declaration or condition connected with it. The last House of Representatives, I am informed, passed a bill to the same effect if not in the exact words of the bill proposed by the gentleman from Pennsylvania. But there is one consideration that bears upon this question to which I think gentlemen will give their assent.

Sir, without any intention of casting personal reflections upon anybody, I take one person as an illustration of the principle I have stated, and that is one whose name has been continually mentioned in this debate as the head of the confederacy lately at war with the United States—Mr. Jefferson Davis. Mr. Davis has, I understand, abjured his allegiance to the United States. He took upon himself an oath of fealty to a government hostile to that of the United States, and I do not understand that he has since taken any oath of allegiance to the United States or the Constitution thereof as it now exists.

Sir, other men who have received pardon of the Government of the United States and have been restored to their political rights have, more or less of them, taken the oath of allegiance to the Constitution as it now exists under the proclamation of President Lincoln or the proclamation of President Johnson or under the several acts relating to the reconstruction of the Government, most if not all of which required the taking of an oath by the parties who accepted the privileges conferred by those acts.

Gentlemen have said to me as a reason why this proposition should not be embodied in the bill before the House that all these men have at one time or another taken an oath of allegiance. But I think, sir, from what occurred yesterday, the probability is that Jefferson Davis has not.

Now, if he should be embraced in this amnesty, he stands in the position of having abjured his allegiance to the United States, having taken the oath of fealty to a government hostile to the United States, and then of being restored to the same political rights that any other citizen of the United States has, with the right of election and of being elected to office, with the obligation of an oath to support a hostile government resting upon him.

But gentlemen say that he will have to take an oath if he is elected to office; but that is not sufficient. There are perhaps in the United States under the General Government and that of the several States, from two hundred and fifty to three hundred thousand office-holders, most of whom must have taken the oath of allegiance to the United States; there are also about eight millions of men who by right of birth or naturalization owe an undisputed allegiance to the United States, and who are invested with the privilege of electing or being elected to office, and this is one of the highest privileges conferred upon or enjoyed by American citizens. It is not right that this one man should be admitted to this privilege without having made, as these men did in one form or another, a direct declaration of intention to support the Constitution—obey the laws of the Government. Sir, I trust the gentlemen on the other side of the House who are so earnest in support of this bill will not refuse a proposition of this character, so manifestly proper in itself as applicable to this case.

Now the difference between my amendment and that of the gentleman from Maine [Mr. BLAINE] is that it does not, as his does, except Jefferson Davis from the operation of the general amnesty proposed. He has stated as the ground on which he makes his objection to the extension of amnesty to Mr. Davis that he was guilty of individual crime against the United States; that he was responsible, and should be held responsible, for the atrocities committed at Andersonville and other places during the war. For myself, I do not hold him responsible for these atrocities. I believe that any man who has been connected with executive government will be ready to concede that every executive officer, every man charged with the chief executive direction of any form of government, is compelled by virtue of and in consequence of his position to do many things absolutely disapproved by his judgment. This is one of these concessions constantly made in order to secure the support and co-operation of opponents to measures deemed indispensable. I do not hold that the President of the United States is at this moment responsible for all or any of the acts of his subordinates, no matter how near may be their connection with him or how closely they may be allied to him by personal or political relationship.

Nor do I hold Jefferson Davis responsible for all that occurred under the government of which he assumed to be the head. In regard to the atrocities of Andersonville I have this to say: It is impossible for the people of the loyal States to believe that great cruelties did not occur in this and other prisons. It is very likely impossible for gentlemen who were in some measure connected with the affairs of the confederate government to believe that the representations made here as to occurrences at Andersonville are truthfully made, or that they can be held responsible for such charges as are freely thrown out against them. Now, before this question can be settled by the people of the country or the Congress of the United States, all of these parties must be heard. Men cannot be convicted of crime or cruelty in the nature of crime unless we give them a fair, just, and full hearing, nor can Jefferson Davis be held responsible by us here in our action on this subject, according to my belief, for this crime until he shall have been heard. He has the right to be heard before he is condemned. Therefore I assent with my whole heart to the declaration of my honorable colleague [Mr. SEELYE] yesterday, that these matters of crime do not belong to the question before the House. They are a part of the history of the country, and it is impossible yet for us to unite in any declaration on the subject which shall express the honest sentiment of all classes of the people and all sections of the country. It belongs to another and totally different series of events, and not to this great question of universal amnesty which is before the House. The record which has been read of the report of the congressional committee, very carefully prepared and undoubtedly with a definite purpose before the minds of those who prepared it, we must believe to be substantially true. I cannot say that I disbelieve it, but I can say that it is not history; still more, it is not the judgment of history. It is what the French call materials to serve for history. Nor can I believe entirely the representations which are made by gentlemen on the other side, nor can I believe they are false or dishonest or disloyal in their representations. They are in their estimation absolute facts the consideration of which is indispensable to a correct understanding of the matter. They are materials which are to serve for the future history of the country.

The history of the war has not been and cannot yet be written. It cannot be written in regard to those who were opposed to the existence of the Union. It has not been and it cannot be written in regard to the officers and soldiers of the Army who periled their lives in the defense of the Union. There is too much of passion, too much of prejudice, too little regard for truth, too little regard for the great principle upon which our Government rests, too little regard for individual and general justice, to allow us to make a careful and a just survey of the circumstances of the occasion, to give a verdict which will be accepted by the world as a complete vindication of the truth and the whole truth. There are too many tempting prizes before us, and we are too deeply interested in our efforts to grasp them, to be able to concede all that one side may demand, or grant all that may be due to the other. The history of the war is not yet written. The history of Mr. Davis's participation in it is not written. There is yet no recognized, accepted, and final judgment upon these questions except that connected with the result of the war.

The opinions of gentlemen who have participated in this debate on either side are not yet so firmly established that their assertions cannot be gainsaid. Who will make that history? I do not know, but it will be done faithfully and all parties will receive justice. Lord Bacon said that he left his name and reputation to after ages and to foreign nations. It is quite possible that the history of this bloody episode in the history of our country to which reference is so constantly made will in the end be written, and judgment pronounced that will be accepted by the world as a true verdict in the case, by citizens of a foreign state. I am perfectly sure that we cannot do it now or here. I dismiss from my mind all consideration of the declarations and denunciations, the criminations and recriminations, which for a week past we have so constantly heard in this Chamber.

I do not doubt that the soldiers of the confederacy in the North may have suffered, nor do I doubt that the soldiers of the Union when in the South may have suffered terribly. That was incident to the condition of things. For the guilty, whoever they may be, I pray forgiveness; for the suffering, whoever they may have been and wheresoever they are, I invoke the blessing of God; and for the crimes themselves, I say let the earth hide them. [Applause.] Let us shut them from our sight. Let us believe that these questions will hereafter be properly weighed and all parties receive whatever of credit or honor may be justly due them; that the judgment of the country and of the world will be satisfied thereby.

I prefer to turn as a guide for myself in my action here as a member of this House to other considerations. I leave the past and look to the future. I turn my attention to that which is before us. It is impossible for me to decide or to settle that which is past. If I should follow the counsel of the gentleman from Maine and his friends, I could change nothing of the past; not one of the dead could be raised to life; not one wound assuaged; not one sorrow or one sigh be diminished by anything that can now be done. Let that which is past and gone, not to be changed and affected by anything within the scope of human power, remain for the impartial investigation which is to come hereafter—which must come hereafter; let it stand for those who will be able and capable of ascertaining and pronouncing that judgment.

Let us look at the present condition of the country. There is one thing more especially desirable than any other in the present condition of affairs. That is peace, general peace, peace in all sections and with all parties, with all classes and with all races. The depression which rests upon the country, which is taking from men their property, from laborers their employment, from women and children their bread, which is destroying not only the welfare of the present but imperiling the hopes of the future, arises from the disturbance of the peace of this country. Now, I do not know but these gentlemen on one side and the other can restore that prosperity by proceeding indefinitely with the remarks with which we have been entertained for three or four days past, but I do not believe it. They cannot come to any conclusion on these questions of the past. They cannot agree among themselves, with the official records in their hands, how many Union soldiers have been removed from positions about this House within the last two or three weeks, or how many have been appointed. They cannot agree among themselves even as to words spoken here in our very presence within the last hour and of which the record is scarcely dry. How is it possible, then, that we can come to any conclusion as to the facts of the last fifteen years, of the greater part of which we know only one side, and that side consistent with their interests and wishes? No, sir; we cannot do it.

But we can look to the condition of the country. We want peace. I suppose that the best way to establish the peace of the country is to cease controversy upon that which is past. The honorable gentleman from Pennsylvania [Mr. RANDALL] has introduced here a bill

looking to the peace of the country. He says that it is in the exact terms of a bill passed by the last republican House of Representatives a year or more ago. It is for that reason that I accept it; it is for that reason I have already given it my support. It is for the peace of the country, and it comes at a time when nothing else will give peace to the country. This is the first step that is to be taken in that regard; nothing else will answer in the place of it. All the propositions of the gentleman from Maine or other gentlemen on this side of the House, or of those who have combated him on the other, will not give peace to the country. We want this identical declaration on the part of the Government, that the legal existence of the cause of offense between the two sections shall be removed from the statute-books of the country.

That is what we want. Sir, the people want it. Gentlemen have said that the republican party or the democratic party is entitled to great credit for having introduced from time to time these measures ameliorating the condition of those who were engaged in war against the country. Sir, whoever has done this has been compelled to do it by the people of the country. The very first act of reconstruction—I think the thirteenth amendment of the Constitution, which gave to the States that had been engaged in insurrection the opportunity to return upon certain conditions therein specified—was forced upon Congress as a preliminary preparation before the congressional election of 1866 by the public sentiment of the country. So with all of these measures.

Now, sir, I speak in part for New England; I speak rather in part for Massachusetts. Lexington and Bunker Hill are in the district I represent. I believe I can truthfully say (and I would say nothing except what I can say with truth according to my judgment) that the whole people of Massachusetts desire that this measure—the first step necessary to peace—shall be adopted. They exhibited this desire at Lexington and Concord on the one-hundredth anniversary of the first battles of the Revolution and at Bunker Hill on the hundredth anniversary of the battle of the 17th of June, 1775. Those who had been the enemies of the country, who came there with the uniforms of their respective States and with arms in their hands, were welcomed by the whole people with the same greetings, the same acclamations, the same joy with which they welcomed the sons of Massachusetts who had been fighting the battles of the country in arms against them. [Applause.] Let me say, Mr. Speaker, that this was no pre-arranged demonstration for private or public purposes. It was not made by committees or candidates for office, nor by men who had any political aspirations whatever; but it came from the hearts of the people—men, women, and children—representing all classes, all interests, all opinions. Individually and separately they might have hesitated, as we do here, to express our honest feelings; but when they found themselves together, and all animated by the same thought and the same aspirations—that of reconciliation and peace—they gave such an utterance to their universal joy as the world never witnessed before. It was an inspiration gathered from the amicable union of hitherto hostile members of the same family, from the day that brought and the great events that it commemorated.

The men from South Carolina or Virginia or Maryland could not have been more surprised at this universal demonstration of joy and welcome in the streets of Boston than were the people of Massachusetts. It was an honest sentiment. A purer exhalation never rose from the human race than that which ascended to heaven from the hearts of the people on that day. [Applause.]

Now, sir, I hope, that Massachusetts will give a vote approaching unanimity upon this question. If Jefferson Davis has been guilty of crime, let him be tried and punished. Why should we plead the statute of limitations for him? We have had him in our custody; we have had him under indictment, with all the information against him that is now in the possession of the Government. Yet we did not press his case to a trial, still less to a conviction. Sir, at this very desk where I now stand, the counsel of the Government of the United States in the prosecution against Jefferson Davis came to me and advised me, as they advised other Representatives from Massachusetts, that it was not wise for the Government to proceed with the trial in that case. In the face of such a fact, why shall we stand up here and mar the great act of this century, that of universal amnesty and peace, by a reference to the errors or crimes which we may believe Davis to have committed?

The act of amnesty, sir, is not a mere congressional act. It is not the act of Congress alone: it is the act of a great people. It will stand in history as the great event of this century. This is the first time in the history of the world that a great nation, with its millions of people, after having gone through a terrible struggle of civil war, has risen in its majesty and said, "Let those who have been the enemies of the country be forgiven!" No record, no declaration on the part of any government from the creation of the world will compare in majesty and sublimity with this act if it shall be passed. To take this majestic declaration of the people, demanded by them and believed by them to be just, and plaster it with citations and proofs more or less conclusive of crimes that may be charged against any individual is to

> Blur the grace and glow
> Of clemency; to take the rose
> From the fair forehead of a Godlike act,
> And stick a blister there.

[Applause.]

These crimes, these cruelties, these atrocities which have been so constantly named here are in the line of criminal procedure. This House is no place for their discussion, still less for their adjudication, still less for the verdict of truth and justice upon them. The penalty, if it shall be enforced, is ineffably inadequate to the punishment for the crime if it shall have been found to be true. This is no place then, sir, for its consideration. We must leave it to other tribunals; we cannot master it. But it is the place and this is the hour for that declaration in the name of the people of this country that gives pardon, grace, and amnesty, that seeks to draw the veil of oblivion over all the horrors of that terrible contest through which we have triumphantly passed. I hope gentlemen on this side of the House, as well as gentlemen on the other, if they can make a bill that shall be at all adequate to the expression of this idea, will give their unanimous support to it. It ought to come from the House of Representatives in order to do justice to the sentiment of the people, and with such unanimity as to command the respect and admiration of the world. I think it can be so made and I hope it will be so done.

Mr. Speaker, when the people of other nations visit us during the present year they will come to witness the achievements of republican government after the expiration of a century. They have said for a long time that no republican government could endure for a great while; that our own system was a very good one for such men as Washington and Franklin and Adams and Jefferson, but to give unbridled liberty to the mass of the people would make all stable or just government absolutely and forever impossible. They will come here to witness the great achievements which have been brought about during this period, remembering as they do, even better than ourselves, the events of this great war, and to hear the shouts at the close of this first grand centenary of our country of a whole people in joyous congratulation for the restoration of peace and with it the restoration of prosperity, and with both a restoration of hope in the hearts of oppressed nations elsewhere, for the ultimate and universal liberty of the human race.

Mr. RANDALL. I now yield ten minutes to the gentleman from Louisiana, [Mr. MOREY.]

Mr. MOREY. Mr. Speaker, I desire first to refer briefly to the effect of a provision of the reconstruction acts of Congress which created the necessity for the various measures of relief from political disabilities which have since followed. I refer to the provision prohibiting those who had held office prior to the war from holding office, while they were clothed with the fullest power as voters. If it was proper that those lately in rebellion should be made voters, there should have been no disability to hold office. If they were dangerous as office-holders, they were dangerous as voters; for the power is in the ballot. The reconstruction measures, to become operative, supposed and required the presence of a loyal political element in the South, and contemplated that only this element, in the initial stages of reconstruction, should exercise political functions; hence political disabilities were imposed upon parties believed to be devoid of the feeling of loyalty to the Government and institutions of the country. The specifications of causes of disability were more thorough and far-reaching in their effect than many supposed, and kept out of political life not only the leaders in the rebellion but a multitude of thoughtful men who, under the circumstances which surrounded them, gave the rebellion their support after the war commenced, many, however, giving no more support than that involved in the sympathy felt for relatives and neighbors in the field, with the exception of that very very few who remained steadfast in their loyalty to the Union; and all honor be to that gallant little band. There were in those portions of the South continuously within the lines of the confederacy almost nobody who did not give aid, comfort, or sympathy to the rebellion in some shape or other. Many prominent citizens of that portion of the South to which I refer were Union men at the outbreak of the rebellion. They opposed by vote and voice the secession of their States and exerted all their power and influence to prevent the precipitation of those States into rebellion. That they failed in their efforts is a matter of history; and after the war commenced and as it progressed, their sympathies very naturally went out to their sons, brothers, and friends who were in the field battling for what they thought was a righteous cause.

Now, this class of men, whose services would have been of great value in the work of reconstruction in the South because of their experience in the affairs of government, were disabled through the fact that *they had held office prior to the war.*

This was a singularly unfortunate provision of the reconstruction acts, enacted by a Congress actuated, in my judgment, by the very best of motives, but having a scant knowledge of the results to be obtained from a practical application of these provisions.

In attempting to apply these measures in the establishment of local governments in the South, we found this provision of the law to be not only unpopular and singularly unfortunate in its application, but very hurtful to good government, and calculated to obstruct rather than facilitate the object contemplated in these measures of re-adjustment. We found that those who were deprived of political privileges were not and had not been more disloyal than others whom subordinate positions in southern politics had protected from disabilities, who had less general intelligence and experience in affairs, but were eligible to any office to which they might be elected. I think I can safely state that as a rule we found the class laboring under disabilities to be the more thoughtful and conservative element in southern communites; that they were not only more influential

and intelligent than the young or new political leaders, who under the operation of the provision of the law referred to had obtained prominence and leadership, but that they more heartily and intelligently than any other class appreciated and accepted the settled results of the war, and could be most helpful and useful in securing good order in society and the return of fraternal feelings between the people of the two sections of country so lately in conflict.

A still further embarrassment resulted from the restlessness and discontent engendered by the proscription of this class in the minds of the people of the South generally, and furnished an opportunity for the display of the most mischievous arts of the demagogues who began to come into political power or prominence.

To those of us who have had to deal with this question practically the difficulties of the situation presented themselves, and have continued to force themselves upon our attention, and have challenged whatever ambition we may have had in the direction of practical statesmanship in dealing with this question. The republicans of the South early foresaw the irritation that had been produced and that would continue to plague the body-politic so long as these disabilities remained imposed upon certain classes of the people of the South. From daily contact and asssociation with the people in the various relations of life, those who like myself had made their homes in the South since the war had the conviction forced upon us at an early day that the sooner all distinctions then existing in the country and created by the provisions of the reconstruction acts should be swept away, the better it would be for the good of the whole country.

We found that, with the exception of the very small number of people who had remained loyal in sentiment in the cotton States, the very best element of the male population of the South—mark you, I say the very best element of that population—was the "soldier" element, the men who had gone to the tented field, believing as religiously in the majority of cases that they were right as we believed them to be wrong; those who had been bred in any political school having been from childhood deeply inoculated with the doctrine of "States rights"—these men, I say, who had braved the perils of the field, the march, disease, and hunger, and who fought as only Americans can fight, with the exception I have named, were the best element of the southern people.

The balance of the male population besides the colored people was composed, first, of those too old for war; second, of those too cowardly to fight, who were known as "mossy-backed rangers" during the war, but came out fully-fledged "Union men" after the war, ready to take the "iron-clad" or any other oath so they got office thereby, and who have been a greater plague to the republican party of the South than almost all other evils combined; third, of those pestiferous demagogues who invited secession and rebellion, promised to put down the war in ninety days, to drink individually all the blood that might be shed, and who when the conflict came had such urgent business at home that they had no leisure to go to the field. This being the condition of things, we came to the conclusion that, even viewed from the narrow stand point of party, it was desirable to go to the extremest limit of liberality in blotting from existence all provisions of law which gave to demagogues any opportunity for creating or perpetuating strife by sympathetic appeals in behalf of those who were proscribed; while, viewed from the broad national stand-point of a desire to cultivate a spirit of forgetfulness of the bitterness and the sorrow that was the legacy of the war, it seemed to us to be the only course dictated by wisdom and patriotism.

Hence it will be found that the republicans of the South are in favor of, and have been the earliest and most earnest advocates of, the removal of all disabilities and in favor of repealing all legislation, so far as it can be done safely, that serves as a reminder of the era of war.

It may be said, it has been said, that, notwithstanding the magnanimity shown to those lately in rebellion, the South has been turbulent; proscription and ostracism, yea, violence and assassination of republicans, both white and black, have been rampant throughout some portions of the South. While I am bound to admit that this is only too true, and while I would invoke the fullest extent of the power of this nation to punish crime and protect its humblest citizen in the fullest enjoyment of all his civil and political rights, I respectfully submit that it is bad policy and worse statesmanship to attempt by any plan of substitution to make one man or one class of men bear the punishment for crimes committed by others.

It may be thought by some of those around me that the policy of magnaminity has borne but little fruit in the South. Let us not, though admitting this to be true, jump to the conclusion that the seed sown has fallen upon a rock; it has borne some good fruit, and I believe will soon bear more. Setting aside the abstract question of the right or wrong of the rebellion, let us not forget that thousands of hearts at the South as well as at the North have been made to bleed by the results of the war; wives, mothers, fathers, sisters, and brothers, as innocent of all responsibility for the war as the same number of mourners at the North, will mourn for the balance of their days amid broken hearth-stones and ruined fortunes for the loved ones and the lost who will never, never return.

The President of the United States in a late message pronounces for amnesty. The first Legislature that sat in Louisiana since reconstruction, overwhelmingly republican, proposed and placed before the people of the State, at the first general election thereafter, a constitutional amendment removing all political disabilities to hold office imposed by our State constitution. That Legislature, composed largely of colored men, passed unanimously a bill, which I had the honor to introduce, appropriating $5,000 to the Ladies' Monumental Association of Fredericksburgh, Virginia, that being estimated as the share properly due by Louisiana, estimated by the number of dead confederates buried there who went to the war from Louisiana for the purpose of erecting a monument to the confederate dead who fell in Virginia. These colored men knew that these men died while battling for a confederacy "the corner-stone of which was to be human slavery." I quote the illustrious gentleman from Georgia, late vice-president of the confederacy. But they were willing to forgive and to try to forget. The republican party of Louisiana, and I think also of Mississippi, Alabama, Florida, and South Carolina, has pronounced through its State conventions for general amnesty. My republican colleagues, with myself, in the Forty-first, Forty-second, and Forty-third Congresss, have voted for general amnesty.

Mr. Speaker, I believe that a new era of prosperity is about to dawn on the South in common with the rest of the country. I believe the best minds of the South already comprehend that its future prosperity depends on its being in harmony with the balance of the country by the development of its manufactures as well as of its agriculture; by its procuring a fair share of the internal improvements of the country, prosecuted at the national expense; by the building of railroads and the development of its mines. This, coupled with an invitation to capital and immigration through a determination to give the amplest protection to life, property, and free opinion, will give new life and new growth to the South. I am glad that I am able to say that this is the belief of a large majority of the republican Representives from the South in this House, and that they see no reason to turn back in the path they have hitherto trod in dealing with this question.

Believing that the results will vindicate my judgment, I shall vote for the removal of all disabilities now imposed, so that even the last officially connecting link with the bitter memories and sorrows of the late civil war may be broken, and the memories and sorrows, so far as may be possible, forgotten in the fullness of the glory and good-will of the centennial year of the Republic.

Mr. RANDALL. I now yield for ten minutes to the gentleman from Massachusetts. [Mr. TARBOX.]

Mr. TARBOX. Mr. Speaker, I had wished to speak in this debate, in order that the old State of Massachusetts, front of the foremost to enter the field for the Union, should not fail to utter here her aspiration for a universal amnesty to every son of America. But, sir, after that message of Massachusetts had been spoken to this House and to the country so eloquently, so justly, by my distinguished colleague, [Mr. BANKS,] it would have been my pleasure to have kept silent. Why, sir, he has sent back to their infernal abode, rebuked, the gaunt and gory specters which the gentleman from Maine, like some magician of the black art, with devilish incantation, had called up here from the political inferno to mar the fair form of the festal cheer of the Republic.

Only a few months ago a scene transpired in the streets of Boston which was as potent in its spell upon the conscience and heart of Massachusetts as was the light that shone upon Saul in his journey to Damascus. On the 17th of June of immortal, ever-precious memory, through the streets of Boston, amid the acclaims of countless thousands, marched shoulder to shoulder, as brothers sworn, the soldiers of Maryland, of Virginia, of South Carolina, the honored and welcome guests of the old Commonwealth, with the soldiers of Massachusetts, to the patriot shrine of Bunker Hill, and there, under the shadow of that shaft which lifts its head to heaven, they consecrated anew the union of the Republic [Applause.] And by the side, sir, of the palmetto tree which the soldiers of South Carolina brought from its native soil and planted beside the pine, on that sacred spot, an emblem of re-union, the people of the North struck hands with the people of the South in pledge of eternal amity and declared on that altar sacred to a common glory that not alone from the statute-book of the nation, but equally from the hearts of the people, should be razed forever all memorials of our unhappy feud.

That, sir, is the voice of Massachusetts to-day. We come here to make offer of no partial amnesty, that shall spoil the grace and the nobility of it, but amnesty full, complete, universal, like that illimitable grace which God gives to the sinful children of his infinite love.

Now, sir, to the question itself. The gentleman from Maine confuses the significance of the amnesty this bill intends. What is it? It does not contemplate any condonation of murder. It is not a pardon of any offense which he charges singularly upon Jefferson Davis. We do not forgive murder, if murder is done. Amnesty, sir, and the terms of the bill clearly express it, is simply the removal of disabilities imposed upon Jefferson Davis by reason of his having engaged in insurrection. It forgives no other crime. It relieves from no penalty the law may inflict. What justifies the imposing of political disabilities in a republic? Only one thing justifies it, and that, sir, is the public safety; and I would have had the gentleman from Maine tell us what peril to the public safety is menaced by the imposition of the political disability that rests upon Jefferson Davis. He says he would not punish him. But he says, what? That he would refuse this amnesty, because by it this body declares that he is worthy to fill the highest offices of the Republic. Sir, the gentleman knows, or

ought to know, that this bill has no such significance. It pronounces no opinion upon his worthiness. Suppose, sir, the gentleman from Maine was under some legal disability to hold office from any cause and a proposition was submitted here to remove that disability, would he like that test applied? Would he ask that this body should refuse relief unless it judged him fit, capable, and worthy to be President of these United States? Such a test might, sir, somewhat imperil his chances of the amnesty he sought. [Laughter.]

It is not, sir, of great importance in a personal sense whether Jefferson Davis is or is not excluded from the benefits of this perpetual pledge of peace, but it is to the country. It is important in this aspect that upon the statute-books of the nation shall remain no monument to perpetuate memories that the patriotic genius of the nation would shroud in the oblivion of a generous forgetfulness. And the hope thrills the great popular heart that, when the nation assembles under the old flag, on which every star is set in its place, to enter upon its new century of life, under the shadow of its folds shall stand no slave, and no man who does not stand erect with no brand on his brow, clothed in the full panoply of American citizenship and manhood, with privileges commensurate with its responsibilities.

Mr. RANDALL. The gentleman from Maine in opening his remarks this morning held me to a responsibility in having introduced this bill which, if true, is a grave one. He charges that I am responsible for all this discussion which has engendered so much bad feeling. Let us for a moment examine the truth or falsity of that assertion. In doing so I have to state that in introducing this bill I introduced a bill identical in its entire substance, word for word, with that which I find the gentleman from Maine himself had concurred in as a member of the Committee on Rules at the last session of Congress. At that time he did not come to the front with his hate and venom. At that time, perhaps, he occupied a relatively different position from what he occupies now. During the entire period of the war, while I was a member of this House with him, I was his peer in urging every measure which proposed to prosecute the war for the restoration of the Union and to secure peace throughout the length and breadth of this land. We began, however, to diverge subsequently to the date of the surrender at Appomattox Court-house. I began from that moment to look for the enactment of measures having for their object the peace of the country and the restoration of harmony throughout all the States, while he pursued a course of legislation calculated to irritate and to keep alive the hate and the passions of the civil war.

And to-day I present this measure and ask its adoption in the spirit of the resolution offered the other day by the gentleman from Indiana, [Mr. NEW]—

Resolved, That the fraternal feeling and good-will now existing in all sections of the United States, and the manifest disposition and purpose of the men who battled against each other, in the late civil war, to join hands as one people in the future is a most auspicious ushering in of the centennial year; and while the people are thus making an honest effort to live together in peace and uphold the same flag for an undivided country, their representatives in Congress should do no act which will unnecessarily disturb the patriotic concord now existing and increasing, or wantonly revive the bitter memories of the past—

which, on a call of the yeas and nays, the gentleman from Maine voted for, although he has so signally failed to show the sincerity of that vote. Amnesty, to be of any value, must be sincere. It has, to my mind, an unimportant effect upon the individuals immediately benefited. I want that this amnesty shall touch the heart and enter the mind of every man throughout the length and breadth of our country. I want that we shall have an end of war, and of these political warfares. I want peace too. And, unlike the gentleman from Maine, who rubs the sore when he should bring the plaster, I ask in the words of General Grant, and I commend these words to the gentleman with emphasis, "Let us have peace."

I know not what is the object of the gentleman from Maine, for it is not my province to inquire into his motives, but his conduct leads to but one conclusion in my mind, and that is that his ambition makes it necessary that he shall ride into some higher place upon the bad feelings which may be excited among the people of this country. An appeal to the bad passions of men is unworthy of the gentleman and unworthy of this representative body.

I have in no particular sought to do in this debate anything that would either cut off debate or prevent a fair expression of sentiment, but if I had, I am reminded of the conduct of the gentleman from Maine himself when, as the author of the two infamous rules, he crushed this side and forced upon the statute-book the civil-rights bill; nay, more, when in the adoption of those rules he sought to enable and did succeed in enabling this House to pass the infamous force bill, calculated not to give amnesty to anybody but to allow the iron tread of the soldier to subjugate four sovereign Commonwealths of this Union.

Now, it does not become the gentleman in that particular to say aught here. Nay, more, the gentleman here to-day, in attempting to hold me in the least degree responsible for this bad feeling, knows perfectly well when he utters such a sentiment that he in no manner expresses either my feelings or any words which have ever passed my lips.

I desire, in conclusion, to say that I bring this measure forward in no spirit of partisanship. I believe, if ever I had in my life a patriotic emotion, that it is a patriotic emotion alone which prompts me now in offering amnesty in this centennial year to all the people. I tell the gentleman from Maine that he little understands the sentiment of the people if he again in any way attempts to interfere with their wish and their will in this respect. And if he does it he will have an opportunity, as he expressed it a moment ago, of hanging his head before the American people.

Mr. BLAINE. Will the gentleman allow me a moment? [Cries of "No! "No!" on the democratic side of the House.]

Mr. RANDALL. Certainly, I yield to the gentleman.

Mr. BLAINE. What are the two "infamous rules" to which you refer?

Mr. RANDALL. I allude to the rules adopted by the last House, and which this House, to its honor in contrast with the conduct of the last House, repealed.

Mr. BLAINE. What are the rules?

Mr. RANDALL. Crushing out the rights of the minority on this floor.

Mr. BLAINE. Name the rules.

Mr. RANDALL. Rules 166 and 167.

Mr. BLAINE. What did they provide?

Mr. RANDALL. Read them. [Laughter and applause.] You know them, for you wrote them yourself.

Mr. BLAINE. The first of those rules the gentleman is on record as supporting and helping to pass. The first rule you supported yourself, sir.

Mr. RANDALL. I now ask unanimous consent for the gentleman from Massachusetts [Mr. BANKS] to offer his amendment.

Mr. BLAINE. I object to that, and for this reason——[Cries of "Order!" "Order!"] I object.

Mr. RANDALL. I ask to have the amendment read.

Mr. PAGE. I object.

Mr. RANDALL. Then I send it up to the Clerk's desk and ask to have it read as a part of my remarks.

Mr. BLAINE. I thought the gentleman's hour had expired.

Mr. RANDALL. Not quite. I always give myself a margin. [Laughter.]

The Clerk read the amendment, as follows:

Strike out all after the seventh line of the first section of his bill and insert instead of the words stricken out these words:

"And shall be forever relieved therefrom upon their appearing before a judge of any court of the United States or any court of record of the State in which they are resident and taking and subscribing the following oath, to be duly attested and recorded, to wit: I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same, and obey all laws made in pursuance thereof, and that I take this obligation freely and without any mental reservation or purpose of evasion whatever."

Mr. KASSON. Will the gentleman from Pennsylvania allow me to make a proposition, which I think will meet with no objection on this side?

Mr. RANDALL. After mine is disposed of I will hear you.

Mr. KASSON. That, I understand, is disposed of by the objection.

Mr. BLAINE. I object to it.

Mr. RANDALL. Then I will hear you.

Mr. KASSON. With the gentleman's permission I suggest, in order to arrive at a result which I think the gentleman will foresee, that he accept the amendment already offered by the gentleman from Maine as a substitute for the bill with the privilege of moving to strike out the objectionable words in that proposition, then a vote of the House may be taken on that clause, which a simple majority will determine. That being done, he can bring the House to a vote upon the general amnesty substantially as proposed by the gentleman from Massachusetts, [Mr. BANKS,] and the whole question can be disposed of to-day.

Mr. RANDALL. I have met the only serious objection—the only one that is of any possible value—from that side of the House in accepting the proposition of the gentleman from Massachusetts, [Mr. BANKS.] I am now, by the act of the gentleman from Maine, who has precipitated this discussion, or the angry part of it, upon this House, driven to the sole resource of moving to commit the bill to the Committee on the Judiciary with instructions to report it, back with the amendment of the gentleman from Massachusetts, [Mr. BANKS.]

Mr. KASSON. It was to avoid that necessity that I made my proposition, and also I desire to amend one clause of the proposition of the gentleman from Massachusetts.

Mr. RANDALL. I demand the previous question on my motion.

The SPEAKER *pro tempore*. The question before the House is upon the passage of the bill which was rejected and reconsidered. Pending which the gentleman from Pennsylvania [Mr. RANDALL] moves to commit the bill to the Committee on the Judiciary, with instructions to report it back with the amendment proposed by the gentleman from Massachusetts, [Mr. BANKS;] and upon that motion he moves the previous question.

The previous question was seconded and the main question ordered.

The SPEAKER *pro tempore*. The question is on committing the bill to the Committee on the Judiciary with instructions to report it back with the amendment at as early a day as practicable.

Mr. RANDALL. No, sir; I did not say that.

The SPEAKER *pro tempore*. It is necessary that the Chair should understand the gentleman's motion. It would be manifestly impossible for a committee to report it back forthwith.

Mr. RANDALL. That is, unless by unanimous consent. But I propose, after the House has carried this motion, to appeal again to the gentleman from Maine [Mr. BLAINE] and ask him to allow it to be reported back forthwith.

Mr. BLAINE. No one cares about the reference to a committee; the gentleman need not make any point on that; no one cares about it at all.

The SPEAKER *pro tempore*. The Chair understands the question now before the House is the motion to commit the pending bill to the Committee on the Judiciary, with instructions to report the same back with the amendment proposed by the gentleman from Massachusetts, [Mr. BANKS.]

The motion to refer was agreed to.

Mr. RANDALL. I now ask unanimous consent that the Committee on the Judiciary be permitted to report that bill and amendment forthwith.

Mr. BLAINE. The gentleman from Pennsylvania [Mr. RANDALL] has persistently refused to allow this side of the House to offer any amendment. His proposition now I would say, if I did not feel so kindly disposed toward him, seems to be trifling with the House.

Mr. RANDALL. I think you are trifling with the House.

Mr. BLAINE. Of course I object to the whole proceeding; it is evasive.

Mr. STARKWEATHER. This bill has been referred to the Committee on the Judiciary. As one member of that committee, I desire that we should have at least a few minutes' opportunity to consider the subject.

Mr. RANDALL. I never classified you with the opponents of amnesty.

Mr. STARKWEATHER. I am not an opponent of amnesty; but I object to pushing any measure through the House after it has been r ferred to a committee without giving that committee an opportunity to consider and report it properly.

Mr. BLAINE. I move to reconsider the vote referring this bill to the Committee on the Judiciary; and I also move that the motion to reconsider be laid on the table.

Mr. RANDALL. I have no objection to that. The Committee on the Judiciary will have an opportunity to report the next time committees are called, which will probably be to-morrow.

The motion to reconsider was laid on the table.

ORDER OF BUSINESS.

Mr. RANDALL. I now call for the regular order of business.

The SPEAKER. The regular order being called for, the morning hour begins at sixteen minutes past three o'clock.

Mr. COX. I move that the House now adjourn.

The SPEAKER. Before submitting the motion to adjourn, the Chair will submit several requests for the withdrawal of papers, &c.

WITHDRAWAL OF PAPERS.

Leave was asked, and obtained, to withdraw papers from the files of the House, as follows:

By Mr. HOSKINS: The papers in the case of Thomas R. Hardwicke.

By Mr. COX: The papers in the case of Evan S. Jeffries.

By Mr. LANE: The papers in the cases of J. D. Holman and H. Clay Wood.

By Mr. MOREY: The papers in the case of Maria Waits.

By Mr. HATCHER: The papers in the case of W. B. Lewis.

CHANGE OF REFERENCE.

Mr. CALDWELL, of Tennessee, asked, and obtained, leave to have the petition and papers in the case of John Clinton withdrawn from the Committee on the Post-Office and Post-Roads and referred to the Committee on Claims.

LEAVE OF ABSENCE.

Mr. WILLIAMS, of New York, was granted leave of absence for ten days on account of important business.

LEAVE TO PRINT.

Mr. JONES, of Kentucky, asked, and obtained, leave to have printed in the RECORD, as a portion of the debates, some remarks prepared by him on the subject of amnesty. (See Appendix.)

Mr. COX. I now insist on my motion to adjourn.

The motion was agreed to; and accordingly (at three o'clock and twenty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BARNUM: The petition of Seth Driggs, for relief, to the Committee on Foreign Affairs.

By Mr. BRIGHT: Papers relating to the claim of William Phillips, for property taken by the United States, to the Committee on War Claims.

By Mr. COCHRAN: The petition of Charles Gearing, for compensation for property belonging to him seized and sold by the United States, to the Committee on Claims.

By Mr. CROUNSE: The petition of Barnes & Tyrrell, bankers, and other citizens of Nebraska, for repeal of the check-stamp tax, to the Committee on Ways and Means.

By Mr. DANFORD: The petition of Mary A. Doyle, for a pension, to the Committee on Invalid Pensions.

By Mr. DOUGLAS: Papers relating to the claim of A. F. Yerley, for property taken by the United States, to the Committee on War Claims.

By Mr. ELY: The memorial of David Klein, in reference to a ponton bridge across the Missouri River, to the Committee on Commerce.

By Mr. FORT: The petition of Hon. E. A. Wilcox and 63 other citizens of Woodford County, Illinois, for the repeal of the check-stamp tax, to the Committee on Ways and Means.

Also, the petition of M. H. Peters, of similar import, to the same committee.

Also, the petition of the State Horticultural Society of Illinois, for the repeal of the amendment to the postal law which increased postage on third-class mail matter, to the Committee on the Post-Office and Post-Roads.

Also, the petition of Richard Love and others, for a post-route from Sherburnville to Grant Park, Illinois, to the same committee.

By Mr. GIBSON: The petition of John A. Kranz, of the firm of J. B. Smith & Co., of New Orleans, for compensation for property used and taken by the United States, to the Committee on War Claims.

By Mr. HARRIS: The answer of E. W. M. Mackey in the matter of the contested-election case of C. W. Baltz vs. E. W. M. Mackey, of the second congressional district of South Carolina, to the Committee on Elections.

By Mr. HUNTON: The petition of Margaret Stonnel, for compensation for property taken by the United States, to the Committee on War Claims.

By Mr. JONES, of New Hampshire: Papers relating to claim of Charles H. Ladd, for compensation for use of real estate by the United States, to the same committee.

By Mr. MAISH: The petition of 303 citizens of York County, Pennsylvania, favoring the extension of the national credit to the completion of the great southern line to the Pacific, to the Committee on the Pacific Railroad.

By Mr. O'BRIEN: The petition of Laura C. Nicholson, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Catharine A. Gallagher, of similar import, to the same committee.

By Mr. O'NEILL: The memorial of the Philadelphia Board of Trade, suggesting certain modifications of the bankrupt laws, especially in reference to the lien of mortgages, &c., to the Committee on the Judiciary.

Also, the memorial of the Philadelphia Board of Trade, asking that the transportation of merchandise samples through the mail may be restored as formerly under the postal laws, to the Committee on the Post-Office and Post-Roads.

Also, the memorial of the Wholesale Grocers' Association of Philadelphia, of similar import, to the same committee.

Also, the petition of Philip J. Sanger, jr., formerly a second assistant engineer of the United States Navy, for restoration and to be placed upon the retired list, to the Committee on Naval Affairs.

By Mr. PARSONS: The petition of E. T. Ward, E. M. Stone, and other veterans of the Mexican war, for certain legislation for their benefit, to the Committee on Invalid Pensions.

By Mr. RAINEY: The papers in the case of the claim of John Kelly, for use of property by the United States, to the Committee on War Claims.

Also, the petition of S. L. Anderson, for relief, to the same committee.

By Mr. SCHUMAKER: The petition of Edward Heinzel, for a pension, to the Committee on Invalid Pensions.

By Mr. WELLS, of Missouri: The petition of H. J. Phelps, for a refund of money illegally collected by the United States, to the Committee on Claims.

By Mr. WHITTHORNE: The petition of C. B. Davis and others, to be relieved of a judgment obtained against them by the United States as sureties of Samuel W. Smith, to the same committee.

Also, the petition of C. H. B. Day, for relief, to the same committee.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January* 14, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

CORRECTION OF RECORD.

Mr. MILLS. I rise to a question of privilege, and I hope I may be heard at this time, as I certainly was not yesterday.

The SPEAKER. The gentleman will state his question, and the House will preserve order.

Mr. MILLS. On yesterday, when I interrupted the gentleman from Maine [Mr. BLAINE] in his remarks, the reporter failed to catch either my words or the idea I intended to convey. The language attributed to me might justly be regarded by the gentleman from Maine as offensive to him. It is not the language I used. I am reported as saying "I trust we are not to be put upon record as assenting by our silence

to such a falsehood." The imputation would seem to be that I was charging the gentleman from Maine with uttering a falsehood. What I intended to say and what I did say was that the gentleman from Maine had no right to infer from our silence, as he had said in his previous remarks he would, that if we did not interrupt him he would assume that we assented to his proposition, because such silence on our part might be construed as an assent to what might be a falsehood; that is what I said.

PAPER FOR PUBLIC PRINTING.

Mr. VANCE, of Ohio. I ask unanimous consent that the bill (S. No. 236) to amend section 3767 of the Revised Statutes of the United States, in relation to the purchase of paper for the public printing, be taken from the Speaker's table and considered at the present time.

Mr. HOAR. I desire to give notice that I shall object to every request for unanimous consent unless we can first have the privilege of hearing the matter proposed to be brought up for consideration.

The SPEAKER. The suggestion of the gentleman from Massachusetts [Mr. HOAR] is very proper. The bill will be read for information, after which objection may be made.

The bill was read. It provides that section 3767 of the Revised Statutes of the United States be amended so that it will read as follows:

The Joint Committee on Public Printing shall fix upon standards of paper for the different descriptions of public printing; and the Congressional Printer shall, under their direction, advertise in two newspapers published in each of the cities of Boston, New York, Philadelphia, Baltimore, Washington, and Cincinnati, for sealed proposals to furnish the Government with paper as specified in the schedule to be furnished to applicants by the Congressional Printer, setting forth in detail the quality and quantities required for the public printing; and all acts and parts of acts inconsistent with this act are hereby repealed.

Mr. VANCE, of Ohio. Mr. Speaker, this bill has been considered by two committees: the committee of the Senate and the committee of the House; and it has met with the unanimous approval of those committees. It has for its object the saving of money which the committees think has been unnecessarily expended in publishing long advertisements in twelve newspapers in six different cities. I ask unanimous consent that the bill be now considered and passed.

Mr. HOLMAN. I think there will be no objection to the passage of the bill.

The SPEAKER. Unless the Chair hears objection this bill will be considered as read three times and passed.

There being no objection, it was ordered accordingly.

ORDER OF BUSINESS.

Mr. RANDALL. I call for the regular order.

The SPEAKER. The regular order is the call of committees for reports of a private nature.

A number of the committees having been called, and no reports presented,

The SPEAKER. Without calling through all the other committees in detail, the Chair will take the liberty of asking whether any gentleman from any committee has any private bill to report?

Mr. RUSK. The Committee on Invalid Pensions has some business to report.

The SPEAKER. That committee will be heard now.

ALEXANDER ST. BERNARD.

Mr. RUSK, from the Committee on Invalid Pensions, reported back, with a recommendation that it pass, the bill (H. R. No. 556) granting a pension to Alexander St. Bernard, of Saint Clair County, Michigan; which was referred to the Committee of the Whole on the Private Calendar.

ADMINISTRATIVE ECONOMY AND REFORM.

The SPEAKER. There being no further reports of private bills, the next business in order is the call of committees for general business.

Mr. MORRISON. The Committee on Ways and Means, to whom were referred sundry resolutions in relation to inquiry into abuses which may exist in the several departments of the public service, have instructed me to report a substitute for those resolutions and to ask its adoption.

The Clerk read as follows:

Resolved, That the several committees of this House having in charge matters pertaining to appropriations, foreign affairs, Indian affairs, military affairs, naval affairs, post-office and post-roads, public lands, public buildings and grounds, claims and war claims, be, and they are hereby, instructed to inquire, so far as the same may properly be before their respective committees, into any errors, abuses, or frauds that may exist in the administration and execution of existing laws affecting said branches of the public service, with a view to ascertain what change and reformation can be made so as to promote integrity, economy, and efficiency therein; that the Committees on Expenditures in the State Department, in the Treasury Department, in the War Department, in the Navy Department, in the Post-Office Department, in the Interior Department, in the Department of Justice, and on Public Buildings, be, and they are hereby instructed, to proceed at once, as required by the rules of the House, to examine into the state of the accounts and expenditures of the respective Departments submitted to them, and to examine and report particularly whether the expenditures of the respective Departments are justified by law; whether the claims from time to time satisfied and discharged by the respective Departments are supported by sufficient vouchers, establishing their justness both as to their character and amount; whether such claims have been discharged out of funds appropriated therefor, and whether all moneys have been disbursed in conformity with appropriation laws; whether any, and what, provisions are necessary to be adopted to provide more perfectly for the proper application of the public moneys and to secure the Government from demands unjust in their character or extravagant in their amount; whether any, and what, retrenchment can be made in the expenditures of the several Departments, without detriment to the public service; whether any, and what, abuses at any time exist in the failure to enforce the payment of moneys which may be due to the United States from public defaulters or others, and to report from time to time such provisions and arrangements as may be necessary to add to the economy of the several Departments and the accountability of their officers; whether any offices belonging to the branches or Departments, respectively, concerning whose expenditures it is their duty to inquire, have become useless or unnecessary; and to report from time to time on the expediency of modifying or abolishing the same; also to examine into the pay and emoluments of all officers under the laws of the United States and to report from time to time such a reduction or increase thereof as a just economy and the public service may require. And for the purpose of enabling the several committees to fully comprehend the workings of the various branches or Departments of Government, respectively, the investigations of said committees may cover such period in the past as each of said committees may deem necessary for its own guidance or information or for the protection of the public interests, in the exposing of frauds or abuses of any kind that may exist in said Departments; and said committees are authorized to send for persons and papers, and may report by bill or otherwise.

Resolved further, That the Committee on Public Expenditures be instructed to investigate and inquire into the matters set forth in the foregoing resolutions in the legislative departments of the Government, except in so far as the Senate is exclusively concerned; and particularly in reference to the public printing and binding, and shall have the same authority that is conferred upon the other committees aforesaid.

Mr. MORRISON. I move the previous question on the adoption of the resolutions.

Mr. BURCHARD, of Illinois. I ask the chairman of the Committee on Ways and Means whether this is a substitute for the resolutions originally referred to the Committee on Ways and Means?

Mr. MORRISON. The original resolutions referred to the Committee on Ways and Means did not include the Committee on Appropriations and the Committee on Foreign Affairs among the committees ordered to make these investigations, and in the resolutions now before the House reported from the Committee on Ways and Means those two committees are included.

Mr. BURCHARD, of Illinois. This, then, is a substitute for those resolutions, containing amendments suggested by the Committee on Ways and Means?

Mr. MORRISON. The resolutions include the Committee on Appropriations and the Committee on Foreign Affairs among the committees ordered to institute these investigations. I demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the substitute was agreed to, and then the resolutions, as amended, were adopted.

Mr. MORRISON moved to reconsider the vote by which the resolutions were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REDUCTION OF THE PRESIDENT'S SALARY.

Mr. WOOD, of New York. I am instructed by the Committee on Ways and Means to report back bill (H. R. No. 281) reducing the salary of the President of the United States after the 4th of March, 1877, and repealing section 153, chapter 2, Revised Statutes, which was inadvertently referred to that committee, and to move that it be referred to the Committee on Reform in the Civil Service.

The motion was agreed to.

CHARLES W. BUTTON.

Mr. TUCKER. I am instructed by the Committee on Ways and Means to report back bill (H. R. No. 433) to pay to Charles W. Button the costs of advertising property levied on by the collector of United States internal revenue in the fifth district of the State of Virginia, which had been inadvertently referred to that committee. I may say that the committee would have found no difficulty in reporting back the bill favorably but for the question of jurisdiction. I move that it be referred to the Committee on Claims.

The motion was agreed to.

Mr. RANDALL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. SYMPSON, one of its clerks, notifying the House that that body had passed a bill (S. No. 62) to authorize George P. Marsh to accept a certain present from the government of Switzerland and a certain present from the government of Italy; in which the concurrence of the House was requested.

REGISTERED VESSELS.

Mr. WARD, of New York, from the Committee on Commerce, reported a bill (H. R. No. 1051) to provide for vessels of the United States hailing from places where they are owned or built; which was read a first and second time.

The bill, which was read, provides that the hailing-place of every registered, enrolled, or licensed vessel of the United States, as provided in section 4178 and section 4334 of the Revised Statutes of the United States may hereafter be the town or city where said vessel is built, or where the husband or managing owner of said vessel shall reside; and the name of such town or city shall be painted on the stern of said vessel in the manner and subject to the penalties provided in said sections.

Mr. WARD. Mr. Speaker, I ask that this bill be put on its passage

at this time. By section 4178 of the Revised Statutes of the United States it is provided that—

The name of every registered vessel, and of the port to which she shall belong, shall be painted on her stern, on a black ground, in white letters, of not less than three inches in length. If any vessel of the United States shall be found without having her name and the name of the port to which she belongs so painted, the owner or owners shall be liable to a penalty of $50; recoverable one-half to the person giving the information thereof; the other half to the use of the United States.

Section 4334 provides that—

Every licensed vessel shall have her name, and the port to which she belongs, painted on her stern, in the manner prescribed for registered vessels; and if any licensed vessel be found without such painting, the owner thereof shall be liable to a penalty of $20.

Now, sir, a custom has grown up under those sections of the Revised Statutes by which the owners of many vessels have simply painted the name and place where the vessel was built. Recently, however, a construction has been given by the Treasury Department that the place should be the port of entry. The subject has been brought to the attention of the Committee on Commerce, and after careful consideration we see no objection to the passage of this bill. In order, however, to be certain that the custom has existed, and ascertain whether any objection exists to this proposed change, I addressed a letter to the Secretary of the Treasury, to which he made the following reply:

TREASURY DEPARTMENT, *January 8*, 1876.

SIR: I have the honor to acknowledge the receipt of a communication of the 7th instant from Hon. Elijah Ward, transmitting, by direction of the committee, bill No. 1, to provide for vessels of the United States hailing from places where they are owned. And the Department is asked what has been the custom under and the construction given to the section of the Revised Statutes of the United States referred to in the bill, and if any objection exists to the form of the bill and its passage by Congress.

Under section 4178 of the Revised Statutes, the section which the bill cites, a practice had grown up in some customs districts of painting the name of the hailing-place on the stern of vessels, which was the place where the vessels had been built; and it was held to be a substantial compliance with the law. The Department only enforced the penalty in cases where there had been an omission to put on the vessel her name and hailing-place. But it was decided recently that the name of the port where the ship's papers were issued is the proper hailing-place and should appear on the vessel's stern.

The Department has, however, in compliance with the request of the committee, carefully considered the bill submitted. Another section of the Revised Statutes, 4334, has been added, and the amendments suggested, as shown in the accompanying draft of a bill, are designed to accomplish the object in view, namely, to enable owners to have painted on the stern of their vessels either the name of the hailing-place or home port, whichever may be preferred; and to this I see no objection. The title of the amended bill is: "To provide for vessels of the United States hailing from places where they are owned or built."

I have the honor to be, sir, your obedient servant,

B. H. BRISTOW,
Secretary.

Hon. FRANK HEREFORD,
Chairman of the Committee on Commerce, House of Representatives.

Now, Mr. Speaker, the committee see no objection to the passage of the bill. The custom having grown up and having prevailed, it would be much more satisfactory to sections of the country where the vessels are built or where the owners reside to have that place on the vessel rather than to have the port of entry. Therefore, if no one desires to speak on the subject, I will move the previous question on the passage of the bill.

Mr. CONGER. I ask that the bill may be again reported.

The bill was again read.

Mr. WARD. I move the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WARD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CORRECTION OF ERROR IN REVISED STATUTES.

Mr. SAYLER. I am directed by the Committee on the Public Lands to report a bill to correct an error in the Revised Statutes of the United States, and for other purposes, and to recommend its passage. It is a mere correction of a clerical error in section 2403 of the Revised Statutes, in which section 2401 is quoted as "section 2407," and there is added a saving clause as to the rights of settlers.

The bill (H. R. No. 1052) was read a first and second time.

The bill provides that for the purpose of correcting an error in the act entitled "An act to revise and consolidate the statutes of the United States in force on the 1st December, 1873," so as to make the same truly express such laws, the following amendment is thereby made therein:

Section 2403 is amended by striking out in the second line the word "seven" and inserting the word "one;" and all credits to settlers for moneys deposited by them for surveys of lands as provided by section 2401 allowed since the date of the approval of the Revised Statutes of the United States are hereby declared to be legal.

Mr. KASSON. I have not understood the object of the bill from the reading of it. I hope there will be some explanation given.

Mr. SAYLER. The purpose of the bill is to correct an error on page 443, in section 2403, of the Revised Statutes. In the second line of that section occur the words "section two thousand four hundred and seven." It should read section "two thousand four hundred and one," section 2407 having no reference whatever to the purpose of section 2403. Then there is a saving clause appended, which simply protects the rights of settlers in the payments they have made during the time that this error has existed in the revision. That is all there is of the bill. It is a mere correction of a clerical error.

Mr. HOLMAN. I ask that the bill may be again reported.

The bill was again read.

Mr. SAYLER. In further explanation of the bill I ask that a letter from the Commissioner of the General Land Office may be read.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., December 21, 1875.

SIR: I have the honor to call your attention to a manifest error in the Revised Statutes of the United States, on page 443, section 2403. In the second line of this section occur the words "section twenty-four hundred and *seven*," which should read "section twenty-four hundred and *one*," section 2401 being the section that provides for the depositing by settlers of the expenses of the survey of the lands settled upon by them, and section 2407 being entirely inapplicable to the case.

I therefore submit herewith a bill to correct this apparent error, and at the same time provide for relieving this office from any embarrassment by legalizing its action in continuing to allow deposits by settlers for surveys to go in part payment for their lands before said error in the revision was discovered.

Without such a curative act it would become necessary for this office to call on those settlers who have been allowed credits for deposits for survey since the approval of the Revised Statutes to pay over to the Government again the amounts thus allowed before patents could be issued to them.

I have the honor to be, very respectfully, your obedient servant,

S. S. BURDETT,
Commissioner.

Hon. MILTON SAYLER,
Chairman of Committee on the Public Lands, House of Representatives.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SAYLER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MILITARY RESERVATION AT FORT KEARNEY.

Mr. CROUNSE, from the Committee on the Public Lands, reported back, with a recommendation that it do pass, a bill (H. R. No. 172) providing for settlement upon the lands known as the Fort Kearney military reservation in the State of Nebraska.

The bill, which was read, sets forth in its preamble that the military reservation at Fort Kearney, in the State of Nebraska, has been formally abandoned by the military authorities, and provides that the Secretary of the Interior be authorized and instructed to cause said reservation to be surveyed, and the same shall be open to pre-emption and homestead entry, under the conditions, restrictions, and stipulations contained in the laws relating to pre-emption and homestead entry, respectively.

Mr. CROUNSE. I have to say in respect to this bill that it relates to a small piece of land away in the interior of Nebraska which formerly formed a military reservation. It is distant two hundred miles from the Missouri River. It has been turned over formally by the military authorities to the jurisdiction of the Land Office. It has on it no buildings of account, and has no more value than the surrounding lands. This bill provides that this reservation shall be open to entry in the same way as other public lands in Nebraska. I presume there will be no objection to it. If any occurs to any gentleman I will give opportunity to state it.

Mr. HOLMAN. I trust the gentleman from Nebraska will consent to strike out the words "pre-emption and," leaving only the provisions of the homestead law to apply.

Mr. KASSON. I had risen to call the attention of the gentleman from Nebraska to precisely that point.

Mr. HOLMAN. This pre-emption system is favorable to speculators and against the rights of *bona fide* settlers, and ought not to be perpetuated. I hope the gentleman will allow a motion to strike out the words I have indicated.

Mr. CROUNSE. The amendment proposed by the gentleman from Indiana would meet with my entire approbation so far as I am personally concerned; but having been instructed by the committee to report the bill in its present shape, I do not feel authorized to consent to that amendment being made.

Mr. KASSON. Will the gentleman not allow it to be offered and voted upon?

Mr. CROUNSE. Unless some member of the committee objects, I will undertake to speak for it, and allow the amendment to be offered or accepted.

Mr. GOODIN. As one member of the committee I have no objection.

Mr. HOLMAN. I move to amend the bill by striking out, wherever they occur, the words, "pre-emption and."

Mr. CROUNSE. I accept that amendment.

Mr. KASSON. I ask that the bill as now amended be again reported.

The SPEAKER. If there be no objection, the amendment suggested by the gentleman from Indiana [Mr. HOLMAN] will be regarded as agreed to by the House.

The Chair hears none; and the Clerk will now read the bill as amended.

The Clerk read as follows:

Whereas the military reservation at Fort Kearney, in the State of Nebraska, has been formally abandoned by the military authorities: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby author-

ized and instructed to cause said reservation to be surveyed, and the same shall be open to homestead entry, under the conditions, restrictions, and stipulations contained in the law relating to homestead entry.

Mr. FORT. I would like to hear the gentleman from Nebraska [Mr. CROUNSE] explain to the House how large this reservation is and how near any large town. If it is near any large town, it will be better to have it surveyed and sold at auction. If only two or three settlers can get upon it, it will be very valuable land.

Mr. CROUNSE. I said before that this land is in the interior of Nebraska, about two hundred miles from the Missouri River. It is surrounded by lands which have been lately settled upon under the pre-emption and homestead laws. I do not understand that any portion of it is more valuable than the lands surrounding it. It is not of the most valuable lands we have in Nebraska. Some portions of it are quite sandy, and I know of nothing which renders it more valuable than any of the public lands lying open to pre-emption and homestead entry in the State of Nebraska.

Mr. FORT. How large is the tract?

Mr. CROUNSE. About ten miles square.

Mr. RUSK. Are there any settlers on the land now?

Mr. CROUNSE. I do not know about that.

Mr. RUSK. If there be any on there their rights should be protected.

Mr. CONGER. I would ask if there are any buildings on the land—any fort?

Mr. CROUNSE. I understand that there are none of any value. This land has not been used as a military reservation for many years, and there is nothing on it, as I understand, of any value whatever.

Mr. FORT. I would like to know if the Committee on Military Affairs have any objection to the bill or not.

Mr. SAYLER. The Committee on Military Affairs have nothing to do with it.

Mr. CROUNSE. This reservation, as will be seen by a letter of the Secretary of War to Congress of December, 1874, has been abandoned by the Military Department and turned over to the Interior Department.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CROUNSE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DISPOSITION OF PUBLIC LANDS IN CERTAIN STATES.

Mr. MOREY, from the Committee on the Public Lands, reported back, with the recommendation that it do pass, the bill (H. R. No. 238) to repeal section 2303 of the Revised Statutes of the United States, making restrictions in the disposition of the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida.

The bill was read. It provides that section 2303 of the Revised Statutes of the United States, confining the disposal of the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida to the provisions of the homestead law, be repealed; and that the act shall take effect at the expiration of ninety days from the date of its passage.

Mr. MOREY. Mr. Speaker, I will make a brief explanation of the necessity of the passage of this bill. In the year 1866 an act was passed providing that lands in these States mentioned in the bill—Alabama, Mississippi, Louisiana, Arkansas, and Florida—should be subject to the pre-emption and homestead acts only. I do not think that any good reason has ever existed why lands in these States should be subject to rules as to their disposal that lands in other States are not subject to. That is the view of the delegations from those States respectively, and it is the unanimous opinion of the Committee on the Public Lands. And this bill merely proposes to repeal that special legislation which places those lands in a different position from any other public lands in the country. I yield for a moment to the gentleman from Iowa, [Mr. KASSON.]

Mr. KASSON. Mr. Speaker, I desire very much that no distinction shall exist between these five States and the other States and Territories of the Union on this subject; but I desire the law applicable to these five States to be spread over the entire landed property of the Union. The reason why I beg the attention of the House to this question now is that repeated efforts have been made on this floor—among others, I have introduced a bill heretofore in the last Congress which was referred to the Committee on the Public Lands—proposing that the homestead law may be the exclusive authority by which lands of the United States may be acquired.

Mr. WILSON, of Iowa. Did not such a bill pass the last House?

Mr. KASSON. I do not now remember, but gentlemen around me assure me that it did pass the House at the last session. And I beg permission of the House, as many gentlemen are here now who were not present in the discussion on that question, to call attention to the fact that we have endeavored persistently for years to so arrange the remaining lands of the United States that the men who will till and cultivate them shall alone be entitled to acquire them from the United States.

As I have already stated, and repeat now, speculators of great wealth in the East have for forty or fifty years been absorbing the best lands in the country, so that the immigrant, when he endeavors to find a new home for himself and his children, finds that the title is held at a great distance, inaccessible to him, and at a price beyond his means. That ought to be amended. As good lands are rapidly disappearing from the power of the immigrant, I appeal to the House to take no step backward from the position that has already been taken, but rather that we may hope from this Committee on the Public Lands a favorable report which shall extend the homestead law exclusively as a means of acquiring public lands from the United States. Hence I beg we may not remove that principle from the four States named in this bill, but rather extend it over every State in the Union.

One single word more for the consideration of my friend from Louisiana, [Mr. MOREY.] It is well known that in those States there is a population which everybody desires to make industrious, which everybody wishes to see as soon as possible adding to the productive wealth of that region of the country. Let these freedmen, then, who have not so much means, and in regard to whom the desire exists to so great a degree that they may have settled rights and property interests to protect—let them continue to have the right to obtain possession of these lands under the simple provisions of the homestead law and for the slight expense involved in that law. For these reasons I greatly hope that this report of the committee will not be adopted by the House, but that we will wait further consideration from that committee of a proposition to extend the same principle over the whole United States.

Mr. MOREY. I think I am authorized to say that the sentiment of the Committee on the Public Lands is this: They are in favor of going to the fullest extent for the protection of the rights of the settlers upon the public lands. We have now in the hands of a subcommittee a measure prepared with a view of throwing still greater restrictions about the disposal of the public lands of the country. That was a part of a general bill that passed this House in the last session of Congress by an almost unanimous vote. First, it removes all restrictions imposed by special legislation; then it repeals the pre-emption acts, and throws greater safeguards around the homestead act.

But while the committee are disposed to protect fully the rights of the settler, they see no good reason, nor has the gentleman from Iowa [Mr. KASSON] advanced any good reason, why these States should be subject to any special legislation in this regard.

In regard to the protection of the newly-enfranchised citizens, I desire to say that there are large bodies of public lands which are and have been open to their entry under the homestead act, and they have availed themselves of it to some slight degree. They will still have power, under the provisions of the general law which still remains in force, to avail themselves, equally with all other classes of citizens, of the provisions of the homestead act. But in the interest of the Government, which we should seek to protect in this matter, we have thought the passage of this bill necessary.

In the southwestern portion of the State of Louisiana notably there are large tracts of heavily-timbered land. Under the operation of this special legislation, this act of 1866, the Government cannot sell that timbered land; it cannot be pre-empted. The consequence is this: speculators engaged largely in the lumbering business have erected saw-mills upon that Government land, and by the aid of their employés have made entries under the homestead act. The fee required for a homestead I think is $15. Before three months have passed after that entry is made, that land, so valuable for timber, is thoroughly despoiled of every stick of timber on it, and it is then abandoned. There is no effort to prove up title by the settler, and it is an invitation to perjury and the procuration of perjury on the part of those whose cupidity leads them to despoil the lands of the Government for their private gain.

Now, while the Committee on the Public Lands is, I think, disposed, as this House is, to throw every safeguard upon the disposition of the Government land and to go to the fullest extent in the protection of the rights of the settler, still I fail to see any reason why the disposition of the lands in these four States should be left under the operation of any special law. A general law that applies to the disposition of the lands of all the other States is good enough for us in those States. We do not ask any special legislation for our benefit. There is nobody from those States, so far as I am aware, asking for it. There never has been any protest from those States against the passage of this bill. On the contrary, within my knowledge, we have had repeatedly within the last four years petition after petition asking that this legislation which we now propose should be had. I will now ask the previous question on the passage of the bill.

Mr. WALLS. I ask the gentleman from Louisiana [Mr. MOREY] to yield to me for a few minutes.

Mr. MOREY. I will yield first to my colleague on the committee, the gentleman from Kansas, [Mr. GOODIN,] and then I will yield to the gentleman from Florida, [Mr. WALLS.]

Mr. GOODIN. I am not willing, Mr. Speaker, as a member of the committee which reports this bill, to rest under any implied imputation that the Committee on the Public Lands is opposed to the opening up of the remaining undisposed public domain of the country through the beneficent operations of the homestead laws to actual settlers. In reporting this bill, which seems to apply to but a small area of territory in the South, it was not deemed proper by the committee to ingraft in it any provision or to report at this time any measure in

reference to the opening of the public domain under the operation of the homestead law.

With my friend from Iowa [Mr. KASSON] I too am in favor, so far as the remaining public lands of the United States are concerned, be they situated where they may, of opening them up for entry under the homestead laws. But gentlemen will remember that, so far as the recommendations of this committee are concerned and so far as the provisions of this bill extend, we propose only that the public lands in the South shall be disposed of in the same manner that the public lands in the West and elsewhere in the United States are disposed of.

Mr. HOLMAN. Will the gentleman allow me to interrupt him for a question?

Mr. GOODIN. Certainly.

Mr. HOLMAN. Has not the tendency of legislation for a number of years been so to arrange our land laws that the whole of the public lands remaining shall come under the provision of the homestead law for actual settlers, instead of being subject to claims, either fraudulent or not, and to spoliation by speculators? And would not the repeal of this limitation apply to the homesteading of forty acres of land in the States named, and open up the land in those States to pre-emption instead of reserving them as now, and as we propose to do with reference to all the States and Territories, for the exclusive benefit of settlers? Is not this a step away from the system of homestead settlement and in favor of the system of speculation in the public lands, which should not be the subject of speculation under any circumstances whatever?

Mr. GOODIN. Such was not the purpose of the committee. I have no doubt in the world (though I am not authorized on this point to speak for the committee) that the Committee on the Public Lands will report favorably a bill opening the remaining portion of the public domain to the operation of the homestead law. But so far as the provisions of this bill go, it provides only that there shall be no exception in favor of the lands in the South. The next step forward, so far as the committee are concerned, will be to declare that all the public lands in the United States shall be opened up to entry under the provisions of the homestead law. If I thought for a moment that the effect of the passage of this bill would be to take us further away from the policy which secures to settlers on the public lands the right of entry under the provisions of the homestead law, most certainly I should not be in favor of it.

Mr. HOLMAN. Would it not be wiser policy, in the interest of the landless people of the country, now and for the future, to extend these laws to all the States and Territories, instead of repealing them as far as they go?

Mr. KASSON. That is the point.

Mr. GOODIN. I am certainly in favor of that; and if the gentleman will suggest any wiser method by which to reach the desired end, I would be glad to co-operate with him.

Mr. HOLMAN. I would apply this rule to all the lands of the United States, offering them in small quantities for the benefit of the landless people.

Mr. GOODIN. Does the gentleman propose an amendment to the bill?

Mr. HOLMAN. I do not think I could at once frame an amendment that would accomplish the purpose.

Mr. GOODIN. I feel confident there will be no opposition on the part of the Committee on the Public Lands to such an amendment. No, sir; since millions of acres of the public domain have been given away to enrich railway corporations, I think it high time that proper measures be adopted for the liberal disposal of what remains of them to actual settlers upon the sole condition of occupancy and cultivation, but I want the same rule of disposition of the public lands to apply equally in all parts of the Union; and in this spirit the pending bill was reported favorably by the committee. I would further add, that when any measure looking to the results indicated by the gentleman from Indiana [Mr. HOLMAN] shall be proposed it shall have my hearty co-operation as well as that of the committee of which I am a member.

Mr. HOLMAN. Unless it be objected to by the gentlemen composing the committee, I would move to recommit this bill to the Committee on the Public Lands, with instructions to inquire as to the policy of extending the provisions of the homestead laws to all the lands of the United States—the exclusive appropriation of those lands under the provisions of the homestead laws.

The SPEAKER. Does the gentleman from Louisiana [Mr. MOREY] yield to allow the motion of the gentleman from Indiana, [Mr. HOLMAN?]

Mr. MOREY. Not at present. I have promised to yield to the gentleman from Mississippi [Mr. LYNCH] and some other gentlemen who wish to speak on this subject; and I propose to keep control of the bill myself.

Mr. BRIGHT. Will the gentleman allow to be read an amendment which I desire to offer?

Mr. MOREY. Yes, sir.

The SPEAKER. It will be read for information.

The Clerk read as follows:

Provided, That the Hot Spring lands, in the State of Arkansas, shall be excepted from the operation of this act.

Mr. MOREY. I have no objection whatever to that amendment being incorporated in the bill.

Mr. CLYMER. I wish to ask the gentleman whether the provisions of this bill were not embraced in the general homestead act which the Committee on the Public Lands reported last year and which was passed by this House?

Mr. MOREY. Exactly and in terms.

Mr. CLYMER. So I understand; and therefore as special legislation is always objectionable when it can be avoided, and as we ought to be careful to maintain in all particulars the policy of our homestead laws, I ask the gentleman to allow this bill to be recommitted, that the committee may report the same general measure which received the favorable action of the House at the last session.

Mr. MOREY. I now yield to the gentleman from Florida, [Mr. WALLS.]

Mr. WALLS. Mr. Speaker, I have much admiration for the sentiment so often expressed in this House that in our legislation here all the States ought to be placed upon a like footing, and I concur in the wish of the gentleman from Louisiana [Mr. MOREY] that all the States should be treated alike in our laws affecting the public lands.

But the gentleman has further stated that the Representatives from the States of Mississippi, Florida, and Louisiana were present before the committee and that no one objected; that they all agreed this bill should be reported. I say, Mr. Speaker, that when this bill was read at the desk to-day it was the first time I had ever heard of it. Representing in part, as I do, nearly two million acres of Government land which have been especially set aside for the poor people of this country, and having no information in regard to this measure except what I have heard to-day on this floor, I cannot vote intelligently for the passage of the bill.

I heartily concur with the gentleman from Indiana [Mr. HOLMAN] in the motion to recommit, so that we may understand it. I do not know that I will offer any opposition to the bill if I can properly understand it; but, as I have already said, representing in part two million acres of public land, which a large number of my constituents have taken the benefit of and which another large portion expect hereafter to take the benefit of, I cannot vote for a bill which has for its purpose, in my opinion, to place the States of Florida, Mississippi, and Louisiana upon the same footing with other States which have no public lands whatever.

Mr. MOREY. I now yield to the gentleman from Kansas, [Mr. PHILLIPS.]

Mr. PHILLIPS, of Kansas. Mr. Speaker, let us examine precisely what the pending bill involves. In 1866, at the close of the war, Congress passed a bill limiting the action of the homestead law in these four States of Louisiana, Alabama, Florida, and Mississippi, the design being to give the colored people and the poor white people of these Southern States the exclusive right to take these public lands as homesteads, guarding them so that no foot of them could go into the hands of speculators. Under the homestead law the settler must pay a $16 fee and reside upon the land five years, while under the pre-emption law he only pays $1 fee for filing at the land office; and by holding for six or twelve months, making certain unimportant improvements, may thus be enabled to go on, cut timber from the land, and then at pleasure abandon or pre-empt it, (and may do the latter for the benefit of any speculator who furnishes him the money.) You will readily see the necessity of preserving the timber upon these lands, (which are chiefly valuable for the timber,) and that its preservation is very much jeopardized under this operation of the pre-emption law. Under that law the length of time to stay on the land is much shorter and the means of putting lands into the hands of speculators much greater. I think this limitation which secures all our lands for settlers' homesteads ought to extend to all the States; but while it does not, I do not think we can open first to pre-emption settlement and then under the proclamation of the President and the Department to which if we pass this bill these lands would be subject, also to sales at reduced rates. I do not think we can judiciously do anything of the kind, and I hope therefore the bill will be referred.

Mr MOREY. Mr. Speaker, I yield now to the gentleman from Ohio, [Mr. LAWRENCE.]

Mr. LAWRENCE. Mr. Speaker, this bill is a measure of very considerable importance. It ought not to be hastily passed or without due consideration. It proposes to reverse the policy adopted by Congress in 1866 after deliberate consideration. That policy grew out of a desire to secure homes for a large class of people in the South who had a right to ask recognition and favor from Congress. And now what are the reasons urged by the gentleman who reports this bill for its passage? In the first place he tells us we ought to consult the interest of the Government. By that he means, as I understood him, that the Government will, if this bill becomes a law, derive a profit from the sale of these lands under the pre-emption law. I conceive the interest of the Government would be much better promoted by securing settlement on the lands than by any pecuniary consideration it would receive from their sale. It is the interest of the Government that the lands should be settled upon and that our citizens should have homes. The Government is not a money-making partnership; it is a beneficial organization, designed to promote the general welfare. I conceive there is nothing, therefore, in that point made by the gentleman from Louisiana, [Mr. MOREY.]

But he tells us homestead entries are made upon these lands without any intention of perfecting them, and that in the mean time the

timber is sold, and thus the Government is injured. He seems to forget that precisely the same evil would result under the pre-emption law if this bill should be passed. A party makes his pre-emption entry long before he is required to make payment for the land, and he may in the mean time sell the timber; so that precisely the evil he points out will result if this bill should become a law. Therefore no good in that respect can be secured by the passage of this bill.

If these evils exist under the homestead law, or can exist under the pre-emption law, that is a reason why the Committee on the Public Lands should report a bill to prevent that evil hereafter, for it is not beyond legislation. But this bill does not meet the difficulty at all. It does not remove one evil to which the gentleman has referred.

I agree with the gentleman from Iowa [Mr. KASSON] that it is our policy not to restore the lands in the States named in the bill to the condition of other public lands. Our policy is to bring all of our public lands capable of settlement within the operation of the homestead law. If there be any exception which ought to be made in regard to lands valuable for timber only, let a provision be made for the sale of those lands, as was proposed in the last Congress in reference to timber lands upon the Pacific coast. But this bill proposes a means by which the millions of acres of public lands in the States named in it may be "gobbled up" under the pre-emption law and pass into the hands of speculators, so that those who may hereafter desire homesteads will be entirely deprived of the opportunity to acquire them.

Mr. GAUSE. How are lands in the other States prevented from being "gobbled up" by speculators?

Mr. LAWRENCE. They are being "gobbled up" by speculators, but in many States there are special provisions made which exempt lands from the operation of the pre-emption law. It is because they have been "gobbled up" in other States we see the necessity for some provision here.

Mr. GAUSE. There is a provision in this bill for homestead entry.

Mr. LAWRENCE. Certainly; but under the operation of the pre-emption law the lands will all be soon taken up and homesteads can no longer be secured. There are in these States a large number of people, both colored and white, whose interest it is to secure homesteads. Many of them have not yet been able to do so; many of them have not learned how to do so; many of them have remained in ignorance of their rights. I speak in behalf of all these. I speak in behalf of homes for the people. I speak in behalf of that improved condition of the people and of society which the secure possession of homes will bring. Will any gentleman tell me why the policy of the act of 1866 should be reversed? Why should we cease to care for those who may need and desire to secure homesteads hereafter? I do not say it is the purpose, but the effect of the bill will be to deprive a deserving and large class of people from acquiring homesteads hereafter. Sound policy, justice, and humanity require us to encourage and aid permanent settlement upon these lands, as the homestead law will, securing a permanent population, a permanent society. This is vastly better than to give the lands over to speculators under the pre-emption laws, the effect of which will be that the timber may be taken off, and then neither the Government nor people at large will derive any benefit at all.

Mr. SAYLER. I would like to ask my colleague a question, with his consent.

Mr. LAWRENCE. I will hear it.

Mr. SAYLER. I desire to ask him whether the pre-emption laws do not require settlement, and whether they do not also protect timber? I desire, also, that he will allow me to say in this connection that the Committee on the Public Lands has no disposition whatever to take a position against the fullest and most efficient homestead law, and that they are maturing such an act now. The only trouble about it is, that that act of 1866 seemed to be passed upon the principle of "forty acres and a mule." And the result has been that they have been cut down into such small quantities that the lands in Arkansas and other States are practically not settled at all. Now this same provision was ingrafted in the homestead bill, which passed the House during last session in the same form. I have no particular concern, as a member of the Committee on the Public Lands, whether it shall pass in a distinct form, or whether the bill shall be recommitted and it be ingrafted again in a general bill. But it is all wild for gentlemen to talk as they do here about the pre-emption laws. They are not so bad as represented.

Mr. LAWRENCE. My colleague seems to forget that if the existing law be objectionable because it does not allow a sufficient amount of land to be taken for homesteads, that may form a reason why the amount should be enlarged; but it is no reason why we should adopt a system which cuts off homesteads entirely.

Mr. SAYLER. Certainly not. The committee does not propose that, and the bill does not propose it.

Mr. DUNNELL. I hope the bill will be recommitted with the instructions suggested by the gentleman from Indiana [Mr. HOLMAN] with some slight amendment. It is well known that we have a large amount of timber lands in the country. Those timber lands are really of three distinct classes, the distinction growing, out in part, from the location of those lands. The pine-timber lands in Michigan, in Wisconsin, and Minnesota may be considered as constituting one class. Then the pine lands of the South may be considered as constituting another class; and the pine and timber lands of the Pacific coast constitute a third class.

I am informed by the Commissioner of the General Land Office that he is at the present time preparing a bill to be presented to Congress, providing for a proper disposition of these different classes of the pine and other timber lands of the country. Now I have great confidence in the gentleman from Louisiana, [Mr. MOREY,] and I am very certain that he would not bring forward a bill here that should not be, in his judgment, fully right. But at the same time I trust and hope that this bill will be recommitted under the circumstances, and that we may have passed in this session, first, the bill which has been suggested by the gentleman from Indiana repealing the pre-emption laws of the country, and opening up all the tillable lands of the country to homestead entry, and homestead entry alone. Then along with that general and generous legislation there should be a timber act, specifying the different classes of timber land, and providing for the disposition of them.

We have very valuable timber lands, especially in my own State. Those lands ought not to be offered to pre-emption. They are too valuable, and are not fit for the purposes of cultivation. They therefore should be held under the provisions of a special law, to be disposed of for the benefit of the country, because they are timber lands, and because they are not agricultural lands. As I understand it a large proportion of the public lands in the South consists of this timber land. Now it is of no advantage to the people in the South that these lands be thrown open to homestead entry, because they are not tillable lands. The Commissioner of the General Land Office has told me within the last few days that he is at work preparing a bill that shall cover the disposition of the timber lands of the whole country, and there is already pending before the Committee on the Public Lands a bill, which I had the honor to introduce, relating to the timber lands of the West.

It is about time that the Congress of the United States protected the timber of the country—the pine timber, and the other kinds of timber. The time has come when there should be a stop put to speculating in the public timber lands of the country. I am very fully and thoroughly committed to the policy of homesteading all the public lands that are fit for cultivation. All that the Government wants of those lands is that they shall become the homes of producers. I hope that this bill will be recommitted, not for the purpose of the two contracted amendments suggested by the gentleman from Indiana, but for an amendment that shall include the timber lands of the country as well as the tillable lands.

Mr. MOREY. I now yield to the gentleman from Pennsylvania, [Mr. TOWNSEND,] chairman of the Committee on the Public Lands of the Forty-third Congress.

Mr. TOWNSEND, of Pennsylvania. Mr. Speaker, it became my duty as a member of the Committee on the Public Lands during the last Congress to report a general bill to secure homesteads to settlers on the public domain; and in that bill we made this provision:

That an act to secure homesteads to actual settlers on the public domain, approved May 20, 1862, and the acts amendatory thereof, and the act entitled "An act for the disposal of the public lands for homestead actual settlement in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida," approved June 21, 1866, be, and the same are hereby, repealed: *Provided*, That this act shall not be construed as repealing the act entitled "An act to amend an act relating to soldiers' and sailors' homesteads," approved June 8, 1872, nor the act entitled "An act to encourage the growth of timber on western prairies," approved March 3, 1873, and any amendments to said acts.

We reported a bill that contained precisely the same principle as that contained in the bill which is advocated by the gentleman from Louisiana, [Mr. MOREY.] It was passed by this House almost unanimously; it went over to the Senate, and that body not having time to reach it, it did not become a law. For considerations which were then sufficiently weighty with us, we recommended its passage to the House. We did not desire that any portion of the public lands should be singled out for exceptional legislation, and the repeal provided in that bill, as in this, placed all the lands of the country in exactly the same position with regard to homestead and pre-emption entry.

I therefore think that this bill ought to pass; but I do not ask that it should pass now. I do ask the member of the committee who has it in charge to allow it to be recommitted to the Committee on the Public Lands, with a view to incorporating in a general bill what will apply to all the public lands in the country.

Mr. MOREY. I now yield for a few minutes to the gentleman from Michigan, [Mr. CONGER,] and then I shall ask the previous question.

Mr. CONGER. Mr. Speaker, as the gentleman from Minnesota [Mr. DUNNELL] remarked, the timber lands in the North and South are fast decreasing in quantity. Those that are of any valuable use, and should be preserved to the country by some such law as it is desired now to repeal, are almost entirely and absolutely in the hands of a few capitalists in the country.

Now there are organizations of capitalists awaiting the time—and I speak partly from my own knowledge—when this bill which is proposed here to-day becomes a law who have already made their explorations of the pine lands of the South, those of the Northwest having been almost entirely taken up already; they have made their explorations and their estimates, and are ready whenever Congress shall open the door for their onward movement to take and absorb the large bodies of pine lands in all the Southern States.

Mr. FORT. Will the gentleman state that these lands will then come in to be sold at twelve and a half cents per acre under the existing law?

Mr. CONGER. I was coming to that. Under the laws as they now exist these lands could be purchased if this bill passes and becomes a law, and before the restraining law which the gentleman seems to desire could be passed, to extend this beneficent provision over all the States, I venture to say that, if there was an interval of but two weeks between the time of the taking effect of the two laws, there would be an entry of nearly the whole body of valuable pine lands in the South by gentlemen who have their maps made and who have prepared their lists and already formed their organization to purchase them.

Now, if it be the desire of this Congress to open a gate that would lead to the accumulation of large masses of the pine lands of the South, as they have been to some extent accumulated in the three northwestern pine-land States, the passage of this bill is desirable as it is. It repeals the only protection which the whole country has that the remaining pine lands of the United States shall not be given into the hands of speculators, and that these lands shall not be stripped for the immediate profit of those who purchase them, as I believe to the great detriment of the great body of the people and to the special detriment of the States in which those lands exist, and to the deprivation of the Government of timber for its fortifications and naval construction.

If I am correctly informed, Mr. Speaker, the pine lands of the South are not like the pine lands of Michigan, Wisconsin, and Minnesota—very valuable agricultural lands in many cases after the pine has been taken off, as is the case in these States. I know of my own knowledge that in each of these States some of the best lands in the State—the best white wheat-growing lands of Michigan—are among pine lands. There are lands in the States of Michigan, Wisconsin, and Minnesota that are called sand pine lands which are unfit for cultivation. These sand lands are confined to narrow strips on the borders of the lake or running through sections of the country. The white-pine lands of Michigan are mainly clothed with hard timber—beech, maple, and other timbers—and the land is of the best quality. It also produces in the State of Michigan white winter wheat. These lands are cultivated to-day, and are valuable for agricultural purposes after the pine is removed; whereas, if I am correctly informed, the pine lands of the Southern States are unfit for any purpose of cultivation; their only value consists in the pine upon them, and that pine is of as much value to the settler on the adjoining land as is the land itself, to enable him to build his houses, barns, and fences, and to construct his agricultural implements.

Now, to say nothing of the humanitarian view of this question, of preserving these lands for the freedmen who have not yet acquired even sufficient money perhaps to pay the small fee required for a homestead, or at least the means to go upon wild and uncultivated lands and support a family there, I think it is a great mistake to allow these lands, reserved for a humane as well as for an economical purpose, to be thrown open for two weeks, or even two months, to the grasp of the speculator. Let those gentlemen who in former Congresses have been the advocates of preserving the lands of the United States for the homeless and the landless examine the provisions of this bill, and they will see that, with the view that is taken of it, it must be injurious to the States in which those lands are situated and injurious to the homestead settlers who go upon those lands.

I agree with the gentleman from Minnesota [Mr. DUNNELL] that there should be special laws in regard to the timber lands of the United States that still remain in the possession of the Government, and I wish to say in this connection that I believe most if not all of the timber lands of the South to-day would come under the operation of the graduating laws, so that the Government would receive but twelve and a half or twenty-five cents, or at the most fifty cents, an acre for lands which ought most of them to bring to-day $25 or $30 an acre.

Mr. MOREY. I now yield five minutes to the gentleman from Iowa, [Mr. MCDILL.]

Mr. CONGER. I ask the gentleman to yield to me for a moment longer.

Mr. MOREY. I cannot, for my hour is fast running out.

Mr. CONGER. I wish merely to call attention to the following, from the report of the Commissioner of the General Land Office, of this session:

> It is among the traditions of this Office—certified indeed by its records—that from a very early day eagerness to acquire title from the Government to these exceptionally valuable lands for speculative purposes has led to the perpetration of innumerable frauds. It is notorious that, as a rule, the soil itself of these lands possesses but limited fertility; and it is equally certain that such of them as are entered upon under the pre-emption and homestead laws are not generally so taken with a purpose of adding value to the tract by cultivation, but rather with the expectation of profiting by the after-sale of the timber growing upon it. Through the facilities furnished by that provision of the pre-emption laws which, for unoffered lands, extends to applicants a credit of thirty-three months, opportunity is found, under cover of the "declaratory statement," which gives to the pre-emptor protection, in his possession of the tract, to strip the lands of their timber and thereupon to abandon them without even the payment of the minimum price.

Mr. MCDILL. As a member of the committee reporting this bill to the House for consideration, I desire to say a word or two in reply to some remarks that have been made in opposition to this measure. There is no question that has so long and so favorably commended itself to my mind as the proposition that all the public lands fit for use for agricultural purposes shall be reserved for actual settlers. And while I am not authorized to speak for the Committee on Public Lands, yet I think I am violating no confidence and saying nothing that would be deemed improper when I say there is an evident disposition on the part of the Committee on Public Lands of this House to carry out that principle to probably its fullest extent.

The measure now before the House proposes simply to remove certain restrictions, to place, as far as possible, all the people of this country under one general law. Now, I think we ought all to be opposed to special laws, and so far as possible in all our legislation establish a general rule, which shall apply alike to every citizen and to every subject of this nation.

Suggestions have been made, and particularly by the gentleman who has just taken his seat, [Mr. CONGER,] that commend themselves to me in a very favorable point of view. It may be possible that while the Committee on Public Lands are considering and preparing a measure that shall preserve the public lands for actual settlers, and that shall properly dispose of the public timber lands, yet in the short space of time that will elapse between the passage of this bill, if passed now, and the passage of those measures, the speculators to whom he refers may come in and take advantage of our delay in regard to those other measures. In view of that suggestion, I hope this bill will be recommitted to the Committee on Public Lands, and that we may be allowed to consider it further. So far as I am concerned, I have no objection to the instructions proposed by the gentleman from Indiana, [Mr. HOLMAN,] except that I would suggest to him to insert the word "agricultural" before the word "land," so that his instructions would not bind us to provide that all lands shall be subject to homestead entry. Let us have an opportunity to provide some means by which the Government may derive some benefit from its timber land.

It is becoming an important question what generations after us are to do for timber. No one who has not examined the subject has any idea how our forests are disappearing before the ax of those engaged in the lumbering business. I was told last summer that but a few years ago the pine lands extended to the very borders of the city of Minneapolis, while now there are no pine lands within less than one hundred and fifty miles of that city. This has been accomplished in a very few years. And unless we protect our timber lands there will be no timber for the coming generation. Besides that, the Government is being defrauded of revenue to which it is entitled.

Under all the circumstances, I hope this bill will be recommitted. So far as I am concerned I have no objection to the instructions proposed by the gentleman from Indiana, [Mr. HOLMAN,] with the modification I have suggested.

Mr. MOREY. I now yield for five minutes to the gentleman from Alabama, [Mr. HEWITT.]

Mr. HEWITT, of Alabama. It seems to me the House misapprehends entirely the object of this bill. The only object of it is to place the States named in it upon the same footing with the other States of the Union. It does not propose to interfere in the least with the homestead law, but simply to repeal an act that was passed some six or seven years ago, placing the States of Alabama, Louisiana, Arkansas, and Florida upon a different footing as to the public lands from the other States. Now if this bill shall pass, it will only place those States just where Minnesota and Ohio and the other States are placed, from which come the gentlemen who have spoken in opposition to this bill.

Now, sir, I know that I represent the sentiment of the people of Alabama of both political parties when I say that they are almost unanimously in favor of the passage of this bill. Upon this point I do not think there will be a dissenting voice from any Representative from Alabama. Republicans and democrats are alike in favor of it. A reference of the bill will, I fear, kill it; in may never be heard of again at this session. I hope, therefore, that the bill will be passed now.

Mr. MOREY. Mr. Speaker, I move that this bill be recommitted to the Committee on the Public Lands. In submitting this motion, I would like to occupy two or three minutes by an explanation in reply to some remarks that have been made on this measure.

Mr. Speaker, I do not think that any scheme for the purpose of controlling bodies of the public lands in the interest of corporations has ever passed this House except upon the plea that it was for encouraging settlement and in the interest of the settler. Now, I undertake to say that the prevention of legislation in this direction will simply continue what has occurred for a number of years—the despoiling of the most valuable lands in the States named and under the operation of the homestead law. The pre-emption act is the only act now on the statute-book which punishes the despoiling of timber upon the public lands. The homestead law contains no provision for such punishment. But, sir, out of deference to the wishes of many gentlemen on this floor—friends of the bill as well as those opposed to it—who wish to examine its provisions, I have made this motion.

While upon the floor, I wish to repel the insinuation which has been made here that the Committee on the Public Lands is not prepared to go as far as legislation may be able to go in the interest of the settler. Any safeguard which may be suggested to them as proper to be thrown around the disposal of the public lands will be met by the committee in a spirit of cordial attention and approval. If this bill is not properly guarded, if there is the least possible danger that the land rings, of which the gentleman from Michigan [Mr. CONGER] seems to know so much, and who have gobbled up the valuable timber lands of Michigan and other Western States, may

make a raid upon the southern timber lands, then I am most heartily in favor of recommitting the bill that it may be so guarded as to render such raids impossible.

Mr. HOLMAN. Will the gentleman allow the bill to be recommitted, with instructions to the committee to inquire into the policy of the repeal of all laws authorizing the disposal of all the public lands adapted to agriculture, except the homestead laws for the benefit of actual settlers, and to report by bill or otherwise?

Mr. MOREY. My only objection to admitting that proposition is that I am unwilling this House or the country should suppose for a moment that the committee is not aware of the public sentiment on this subject. I can say that they are fully informed as to the sentiment of the country in regard to homesteads; and for that reason I do not think the proposed instruction necessary.

The SPEAKER. Does the gentleman from Louisiana [Mr. MOREY] understand that the gentleman from Indiana [Mr. HOLMAN] proposes not a peremptory instruction to the committee, but merely that they inquire into the expediency of doing certain things?

Mr. SAYLER. The Committee on Public Lands has that very subject under consideration; a subcommittee is giving it special attention. I do not think there is any need for instructions.

Mr. HOLMAN. I withdraw the proposition, as gentlemen of the committee seem averse to it.

The motion of Mr. MOREY to recommit the bill was adopted.

PERSONAL EXPLANATION.

Mr. GARFIELD. Mr. Speaker, my speech of the other day embraced a list of members of the present force in the House post-office; and that list (which was cut from the New York Times and handed to me as I stood here) embraced the name of Mr. Edmund Este as coming from Virginia and as having been in the confederate army. The gentleman from New York [Mr. WILLIS] informs me that Mr. Este is a citizen of New York, not Virginia, and was never in the confederate army. I take great pleasure in making this correction upon the gentleman's information.

AMNESTY.

Mr. KNOTT. Mr. Speaker, the Committee on the Judiciary, to which was referred House bill No. 214, with an accompanying amendment, have instructed me to report the bill and amendment back to the House in pursuance of the instructions of the House; and I now demand the previous question upon the bill and amendment.

Mr. McCRARY. Let me say a word before the gentleman demands the previous question. I do not desire to discuss the bill.

The SPEAKER. The gentleman from Iowa will withhold his request until the bill as amended, reported by the Committee on the Judiciary, has been read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein,) That all the disabilities imposed and remaining upon any person, by virtue of the third section of the fourteenth article of the amendments of the Constitution of the United States, be, and the same are hereby, removed; and each and every person is and shall be forever relieved therefrom upon their appearing before a judge of any court of the United States or any court of record of the State in which they are resident and taking and subscribing the following oath, to be duly attested and recorded, to wit: "I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same, and obey all laws made in pursuance thereof, and that I take this obligation freely and without any mental reservation or purpose of evasion whatever."

Mr. McCRARY. I ask the gentleman from Kentucky to yield to me to say a word before the previous question is called.

Mr. KNOTT. It would afford me a great deal of pleasure to yield to my colleague on the committee and to a number of other gentlemen on that side as well as on my own side of the House, but I feel, sir, that neither the peace of the country nor the harmony of the House requires any further discussion of this proposition.

Mr. McCRARY. The chairman of the committee will allow me to say just this, that as a member of the committee which has reported the bill it seems to me I should be allowed to say to the House very briefly what we desire in reference to this matter. That is all we ask, except we desire to have a vote on the amendment.

Mr. KNOTT. I will say to my colleague on the committee that I cannot conceive the members of the Judiciary Committee ought to have any more privileges in that direction than any other gentleman in the House, and for the purpose of stopping all further debate I insist on my demand for the previous question upon the bill and amendment.

Mr. FRYE. I desire to ask the gentleman a question.

Mr. RANDALL and Mr. COX. I object to any debate.

The SPEAKER. Objection is made.

Mr. BLAINE. The gentleman from Kentucky will allow me without one word of debate to have a letter read?

Mr. COX. I object to debate. The gentleman shut us off yesterday.

Mr. KNOTT. I will not open the gate at all. I insist on my demand for the previous question on the bill and amendment.

Mr. FRYE. I wish to ask whether the republican minority of the Committee on the Judiciary concurred in this report?

Mr. COX. I call the gentleman to order.

Mr. BLAINE. I understand the gentleman declines to yield to me.

Mr. COX. I object to debate.

Mr. RANDALL. You know better than to do this. [Laughter.]

The previous question was seconded.

Mr. FRYE demanded the yeas and nays on ordering the main question.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 183, nays 92, not voting 16; as follows:

YEAS—Messrs. Ainsworth, Anderson, Ashe, Atkins, Bagby, John H. Bagley, jr., Banks, Barnum, Beebe, Bell, Blackburn, Bland, Bliss, Blount, Boone, Bradford, Bright, John Young Brown, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cate, Caulfield, Chapin, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Cook, Cowan, Cox, Culberson, Cutler, Davis, De Bolt, Dibrell, Douglas, Durand, Durham, Eden, Egbert, Ellis, Ely, Faulkner, Felton, Forney, Franklin, Fuller, Ganse, Gibson, Glover, Goodin, Gunter, Andrew H. Hamilton, Robert Hamilton, Hancock, Haralson, Hardenbergh, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Hatcher, Henkle, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Holman, Hooker, Hopkins, House, Hunton, Hurd, Jenks, Frank Jones, Thomas L. Jones, Kehr, Knott, Lamar, Franklin Landers, George M. Landers, Lane, Levy, Lewis, Lord, Luttrell, Edmund W. M. Mackey, Levi A. Mackey, Maish, McFarland, McMahon, Meade, Metcalfe, Milliken, Mills, Money, Morey, Morgan, Morrison, Mutchler, Neal, New, O'Brien, Odell, Parsons, Payne, Phelps, John F. Philips, Pierce, Piper, Poppleton, Potter, Powell, Rainey, Randall, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Miles Ross, Savage, Sayler, Scales, Schleicher, Schumaker, Seelye, Sheakley, Singleton, Siemons, William E. Smith, Southard, Sparks, Springer, Stenger, Stevenson, Stone, Swann, Tarbox, Teese, Terry, Thompson, Thomas, Throckmorton, Tucker, Turney, John L. Vance, Robert B. Vance, Waddell, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wallace, Walling, Walsh, Ward, Warren, Erastus Wells, Whitehouse, Whitthorne, Wigginton, Wike, Alpheus S. Williams, James Williams, James D. Williams, Jeremiah N. Williams, Willis, Wilshire, Benjamin Wilson, Fernando Wood, Woodburn, Yeates, and Young—183.

NAYS—Messrs. George A. Bagley, John H. Baker, William H. Baker, Ballou, Blaine, Blair, Bradley, William R. Brown, Horatio C. Burchard, Burleigh, Cannon, Cason, Caswell, Conger, Crapo, Crounse, Danford, Darrall, Davy, Denison, Dobbins, Dunnell, Eames, Evans, Fort, Foster, Freeman, Frost, Frye, Garfield, Hale, Benjamin W. Harris, Hathorn, Haymond, Hendee, Henderson, Hoar, Hoskins, Hunter, Hurlbut, Hyman, Joyce, Kasson, Ketchum, King, Lanham, Lawrence, Leavenworth, Lynch, Magoon, MacDougall, McCrary, McDill, Miller, Monroe, Nash, Norton, Oliver, O'Neill, Packer, Page, William A. Phillips, Plaisted, Platt, Pratt, Robinson, Sobieski Ross, Rusk, Sampson, Sinnickson, Smalls, A. Herr Smith, Starkweather, Stowell, Thornburgh, Martin I. Townsend, Washington Townsend, Tufts, Van Vorhes, Waldron, John W. Wallace, Walls, G. Wiley Wells, Wheeler, White, Whiting, Willard, Charles G. Williams, William B. Williams, James Wilson, Alan Wood, jr., and Woodworth—92.

NOT VOTING—Messrs. Adams, Banning, Bass, Chittenden, Farwell, Goode, Hays, Hoge, Hubbell, Kelley, Kimball, Lyndo, Purman, Strait, and Andrew Williams—15.

So the main question was ordered.

During the roll-call,

Mr. HUNTON said: My colleague, [Mr. GOODE,] who was called home by extreme sickness in his family, has not yet appeared in his seat. If here he would vote "ay."

The result of the vote was then announced as above recorded.

The SPEAKER. The main question having been ordered, the question is on the passage of the bill reported from the committee.

Mr. SEELYE. I ask that the bill be again read.

The bill was again read.

Mr. SEELYE. Will the chairman of the Committee on the Judiciary allow me to call his attention to what is evidently a clerical error, but which ought to be rectified at this time? I notice that the bill reads in this way: "each and every person shall and is hereby declared to be free," &c., from "their" disabilities. The word "their" should of course be "his."

The SPEAKER. That correction will be made.

Mr. HALE. I call for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was then taken; and there were—yeas 184, nays 97, not voting 9; as follows:

YEAS—Messrs. Ainsworth, Anderson, Ashe, Atkins, Bagby, John H. Bagley, Banks, Barnum, Beebe, Bell, Blackburn, Bland, Bliss, Blount, Boone, Bradford, Bright, John Young Brown, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cate, Caulfield, Chapin, John B. Clarke, of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Cook, Cowan, Cox, Culberson, Cutler, Davis, De Bolt, Dibrell, Douglas, Durand, Durham, Eden, Egbert, Ellis, Ely, Farwell, Faulkner, Felton, Forney, Franklin, Fuller, Ganse, Gibson, Glover, Goode, Goodin, Gunter, Andrew H. Hamilton, Robert Hamilton, Hancock, Haralson, Hardenbergh, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Hatcher, Henkle, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Holman, Hooker, Hopkins, House, Hunton, Hurd, Jenks, Frank Jones, Thomas L. Jones, Kehr, Kelley, Knott, Lamar, Franklin Landers, George M. Landers, Lane, Levy, Lewis, Lord, Luttrell, Edmund W. M. Mackey, Levi A. Mackey, Maish, McFarland, McMahon, Meade, Metcalfe, Milliken, Mills, Money, Morey, Morgan, Morrison, Mutchler, Neal, New, O'Brien, O'Dell, Parsons, Payne, Phelps, John F. Philips, Pierce, Piper, Poppleton, Potter, Powell, Randall, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Miles Ross, Savage, Sayler, Scales, Schleicher, Schumaker, Seelye, Sheakley, Singleton, Siemons, William E. Smith, Southard, Sparks, Springer, Stenger, Stevenson, Stone, Swann, Tarbox, Teese, Terry, Thompson, Thomas, Throckmorton, Tucker, Turney, John L. Vance, Robert B. Vance, Waddell, Charles C. B. Walker, Gilbert C. Walker, Walling, Walsh, Ward, Warren, Erastus Wells, Whitehouse, Whitthorne, Wigginton, Wike, Alpheus S. Williams, James Williams, James D. Williams, Jeremiah N. Williams, Willis, Wilshire, Benjamin Wilson, Fernando Wood, Woodburn, Yeates, and Young—184.

NAYS—Messrs. George A. Bagley, John H. Baker, William H. Baker, Ballou, Blaine, Blair, Bradley, William R. Brown, Horatio C. Burchard, Burleigh, Cannon, Cason, Caswell, Conger, Crapo, Crounse, Danford, Darrall, Davy, Denison, Dobbins, Dunnell, Eames, Evans, Fort, Foster, Freeman, Frost, Frye, Garfield, Hale, Benjamin W. Harris, Hathorn, Haymond, Hendee, Henderson, Hoar, Hoge, Hoskins, Hubbell, Hunter, Hurlbut, Hyman, Joyce, Kasson, Ketchum, King, Lapham, Lawrence, Leavenworth, Lynch, Magoon, MacDougall, McCrary, McDill, Miller, Monroe, Nash, Norton, Oliver, O'Neill, Packer, Page, William A. Phillips, Plaisted, Platt, Pratt, Purman, Robinson, Sobieski Ross, Rusk, Sampson, Sinnickson, Smalls, A. Herr Smith, Starkweather, Strait, Stowell, Thornburgh, Martin I. Townsend, Washington Townsend, Tufts, Van Vorhes, Waldron, Alexander S. Wallace, John W. Wallace, Walls, G. Wiley Wells, Wheeler, White, Whiting, Willard, Charles

G. Williams, William B. Williams, James Wilson, Alan Wood, jr., and Woodworth—97.

NOT VOTING—Messrs. Adams, Banning, Bass, Chittenden, Hays, Kimball, Lynde, Rainey, and Andrew Williams—9.

So (two-thirds not having voted in favor thereof) the bill was not passed.

During the roll-call the following proceedings occurred:

Mr. HOSKINS. My colleague, Mr. BASS, is detained at home by sickness. If present he would vote "no."

Mr. RUSK. My colleagues, Mr. LYNDE and Mr. KIMBALL, are both unavoidably absent. If here Mr. LYNDE would vote "ay" and Mr. KIMBALL "no."

Mr. WHITE. I am in favor of amnesty, but I desire it to come from this side of the House. I vote "no."

Mr. WELLS, of Mississippi. I am in favor of the passage of a bill including Mr. Davis, but I shall vote "no" in order to allow the gentleman from Maine to present his amendment, on which I should vote "no."

Mr. COX. I object to debate.

Mr. LYNCH. I desire to say that I am in favor of this bill in its present shape. I only vote in the negative to allow the gentleman from Maine to offer his amendment, which when offered I will vote against. I vote "no."

The result of the vote was then announced as above recorded.

Mr. BLAINE. I move to reconsider the vote just taken.

Mr. RANDALL. I move to lay that motion on the table.

Mr. BLAINE. I do not yield the floor. The motion I have made is debatable.

The SPEAKER. For what purpose does the gentleman from Maine retain the floor?

Mr. BLAINE. To move to reconsider the vote just taken. I do not desire to occupy much time; do not be alarmed.

Mr. RANDALL. O, we are not alarmed.

Mr. MILLS. I rise to a parliamentary question. Has the gentleman from Maine the right to take the floor on a privileged question and then to hold the floor and debate that question? I know when that gentleman presided during the last Congress he made qualified recognitions of gentlemen on the floor. If that is the rule of the House, I insist that it be observed.

Mr. BLAINE. I am strictly within the rules of the House, as the Chair well knows.

The SPEAKER. If the subject-matter upon which the motion to reconsider is based is debatable, then the motion is debatable; and therefore the gentleman from Maine is in order in demanding the right to debate.

Mr. MILLS. Can he claim the floor to exercise that right?

Mr. BLAINE. Certainly. I have got the floor for an hour, and you cannot prevent it.

Mr. MILLS. I did not ask the gentleman from Maine a question, but the Speaker.

The SPEAKER. The gentleman from Maine is in order.

Mr. BLAINE. Mr. Speaker, the object of this side of the House is not to become obstructive, is not to delay legislation by those means with which in the last Congress we were made so familiar. We have no desire to filibuster, although the civil-rights bill, which was designed to give the rights of manhood to the colored members, was ordered to be reported regularly from a committee, and for seventeen consecutive Monday mornings filibustering cut off the chance to report it; and one of the chief parliamentary glories of my honorable friend from Pennsylvania [Mr. RANDALL] was that by extreme use of this power he prevented the consideration of that bill. We design no such process. We simply desire to have a vote upon the question whether Jefferson Davis shall be included in this general amnesty; and in addition to that, if my friend from Massachusetts, [Mr. BANKS,] who smiles with that winsome smile to which I am always ready to respond, will allow me, he will observe that my amendment is better than his in another respect. I will read it in the original terms in which I offered it:

That all persons now under disabilities imposed by the fourteenth amendment to the Constitution of the United States, with the exception of Jefferson Davis, late president of the so-called Confederate States, shall be relieved of such disabilities upon their appearing before any judge of the United States and taking and subscribing, in open court, the following oath, duly attested:

Now the gentleman's amendment makes it necessary that an oath be taken in any court in any State, a court of probate for instance—any small court. I think that this is a matter with which the United States is dealing. It is a governmental matter between the Government of the United States and some of its erring children. They are coming back to the United States to be reclothed and rehabilitated with the full rights and glories of American citizenship. I think that important transaction should be cognizable only in the courts of the United States. In that respect I claim that my amendment is better than that of the gentleman from Massachusetts. As to the oath proposed in the two amendments, there is no difference between them, or if there is any difference it is merely verbal.

Mr. KASSON. I would suggest to the gentleman from Maine that there is a difference in this, that the last part of the oath required by the amendment of the gentleman from Massachusetts includes all laws made under the Constitution. Yours does not.

Mr. BLAINE. Then his is better than mine.

Mr. KASSON. No, sir.

Mr. HOAR. The gentleman from Maine will allow me to say that it is the only instance in history where a man has ever been required to take an oath to support all the laws.

Mr. BLAINE. Then he is harder on them than I am.

Mr. KASSON. Of course he is.

Mr. BLAINE. Well, I do not propose to be harder; I want to be generous and liberal. The gentleman from Massachusetts [Mr. HOAR] says that, if his colleague's amendment passes, a man who failed to put a two-cent stamp on a check after he has sworn to obey the laws will have violated his oath.

Mr. BANKS. The gentleman will understand that we intend to obey all the laws.

Mr. BLAINE. Yes; but at the same time there should be no pitfalls for the unwary in our legislation.

Mr. BANKS. There are no unwary men on our side.

Mr. BLAINE. Which is the gentleman's side? [Great laughter.]

Mr. BANKS. It is the side of the Constitution of the United States and the laws made in pursuance thereof. [Applause.]

Mr. BLAINE. If there is any better place to have that subject adjudicated than in the courts of the United States I have never found it.

Mr. BANKS. Mr. Speaker, if the laws of the United States could be considered or administered in any other courts than those of the United States there might be some justification for it. The amendment that I offered places these men upon precisely the same basis as that upon which aliens stand when they apply for admission to citizenship under the Government. I did not see that there was any necessity of making a distinction between men in this country who are laboring under political disabilities and aliens or strangers or foreigners who come here and ask to be admitted to citizenship.

Mr. BLAINE. Now, Mr. Speaker, I hold in my hand a letter which I endeavored to have this morning the poor privilege of reading, and which I could not get, but again under the rules of the House, always beneficent, and which I have no doubt will always be beneficent as administered by the honorable occupant of the chair, I have that privilege. This morning I received a letter which I commend to gentlemen from the South. With that fascinating eloquence which my friend from Massachusetts [Mr. BANKS] possesses, he called your attention to the great value in this centennial year of having no man in the length and breadth of the land under the slightest political disabilities, and why except poor Jefferson Davis! I have here a letter written to me without any request and, so far as I know, without any expectation that it would be made public; but I am sure that even if it be a private letter the gentleman writing it will pardon me for reading it. It is as follows:

RALEIGH, NORTH CAROLINA, *January* 12, 1876.

MY DEAR SIR: I observe there is excitement in the House on the amnesty proposition.

In 1870 I was impeached and removed from office as governor of this State solely because of a movement which I put on foot according to the Constitution and the law to suppress the bloody Ku-Klux. This was done by the democrats of this State, the allies and the echoes of northern democrats. I was also disqualified by the judgment of removal from holding office in this State. The democratic legislature of this State and its late constitutional convention were appealed to in vain by my friends to remove this disability. The late convention, in which the democrats had one majority by fraud, refused by a strict party vote to remove my disabilities thus imposed; and I am now the only man in North Carolina who cannot hold office.

I think these facts should be borne in mind when the democrats in Congress clamor for relief to the late insurgent leaders. Pardon the liberty I have taken in referring to this matter, and believe me, truly, your friend,

W. W. HOLDEN.

HON. JAMES G. BLAINE.

Now, gentlemen, what have you to say to that? It is purely a political impeachment.

Mr. HAMILTON, of New Jersey. He is not the first criminal in the land debarred from office.

Mr. BLAINE. O! it is purely a political impeachment; not prosecution, but persecution; persecution of a man for opinion's sake. And it is to-day within the design of the democratic party to remove Governor Ames, of Mississippi, from his chair by impeachment, and to disqualify him from holding office. The legislation proposed here has this end, that two friends of the Union, one a Union man of North Carolina and the other as gallant a Union soldier as ever tied sash around his body, are to be disfranchised and disabled men, and poor Jefferson Davis is to be let free to enjoy the centennial at Philadelphia. [Laughter.]

Mr. SOUTHARD. Will the gentleman allow me to ask him a question?

Mr. BLAINE. No, sir.

Mr. SOUTHARD. We would like to know where Governor Holden was during the late war?

Mr. BLAINE. There is no use in asking any questions about this thing. These facts do not require any questions; there is no doubt about them.

Now, I desire to offer my bill, and I will yield to any gentleman on the other side of the House to move to strike out the exclusion of Jefferson Davis, and they can, such is the temper of this House, probably have the bill passed within thirty minutes.

Mr. ASHE. I desire to make a remark.

Mr. BLAINE. No; I do not think there is any need of it that I can see. If the gentleman from North Carolina [Mr. ASHE] will get up and say he is for universal amnesty, including Governor Holden, I will give him the floor to do so.

Mr. VANCE, of North Carolina. I, speaking for North Carolina, will say that I am for it.

Mr. BLAINE. O, yes; but why did not your constitutional convention do that when it had the power in North Carolina.

Mr. ROBBINS, of North Carolina. Mr. Speaker, I desire to be heard.

Mr. DAVIS, Mr. WADDELL, Mr. SCALES, and Mr. YEATES rose.

Mr. BLAINE. O, gentlemen, come here yourselves with clean hands, and not come here as persecutors of men who never rebelled against the Government of the United States.

A MEMBER. Holden did.

Mr. BLAINE. But General Ames never did. You come here intending to disable men who fought gallantly for the Union. You come here with the intent to drive from the executive chair of Mississippi Adelbert Ames and to disqualify him in this centennial year from holding office. You come here refusing to remove the disabilities of William W. Holden. Now I will say that if gentlemen on the other side are willing to let this bill come to a vote I will yield without any further words.

Mr. RANDALL. I raise the point of order that the gentleman has no right to offer his amendment.

Mr. BLAINE. Then the gentleman objects.

Mr. RANDALL. I object to any proceeding not in order.

Mr. BLAINE. Do I understand the gentleman to object to my bill being offered?

Mr. RANDALL. When I have the right to speak in reply to you you will hear what I have to say.

Mr. BLAINE. Very well. I ask unanimous consent to offer this bill, and then I will yield the floor at the same time to any gentleman who desires to move to strike out the exclusion.

Mr. RANDALL. I object.

Mr. BLAINE. You object!

Mr. BANKS. It is not in order.

Mr. BLAINE. It is in order by unanimous consent.

Mr. BANKS. The bill is not before the House.

Mr. BLAINE. I ask unanimous consent to offer this bill.

Mr. BANKS. It is not in order by unanimous consent.

Mr. BLAINE. O, nonsense. What is to prevent it?

Mr. BANKS. The rules of the House.

The SPEAKER. The pending business before the House is the motion to reconsider.

Mr. BLAINE. I ask unanimous consent——

Mr. RANDALL. The gentleman knows very well that after I have objected he is out of order.

Mr. BLAINE. Out of order for what?

Mr. RANDALL. You have no right to offer an amendment.

Mr. BLAINE. I have a right to talk about it.

I again wish to make this proposition that I may bring the bill before the House by unanimous consent, and I will yield to any gentleman to move an amendment to it. I will give to that side of the House all I have asked for this side. Now, if it be the case that gentlemen will refuse that proposition, then it is because they do not want any bill passed. I am for a practicable amnesty. I am for an amnesty that will go through.

Mr. RANDALL. O, you are not sincere in the least degree.

Mr. BLAINE. Mr. Speaker, I again desire to submit that question. I ask unanimous consent to offer this bill.

The SPEAKER. Is there objection?

Mr. ROBBINS, of North Carolina. I object.

Mr. MILLS. I desire to understand the proposition of the gentleman from Maine. If we will vote to remove the disabilities of Governor Ames and Governor Holden, will he vote to remove the disabilities of Jefferson Davis? [Laughter.]

Mr. BLAINE. Mr. Speaker, if gentlemen on the other side decline my proposition and want no further debate, I will give the gentleman from Pennsylvania [Mr. RANDALL] an opportunity to bring up the centennial bill, which has been postponed an entire week by this amnesty bill occupying the attention of the House.

Mr. RANDALL. The time consumed and the consequent postponement of the centennial bill are wholly chargeable to your side of the House.

Mr. BLAINE. No, sir. Now, Mr. Speaker, I will end this matter, which I have within my power. I withdraw the motion to reconsider.

Mr. RANDALL. I hope the gentleman will renew that motion a moment in order to give me an opportunity to say a word.

Several MEMBERS. Regular order!

Mr. BLAINE. No, sir; the gentleman refused me the poor privilege of offering my amendment.

Mr. RANDALL. I only want to say that I have no desire to make Jefferson Davis a hero or a martyr.

Several MEMBERS. Regular order!

Mr. ASHE. Mr. Speaker——[Cries of "Order!"]

Mr. MAISH. I rise to a point of order. The gentleman from Maine having made a motion to reconsider, and it having been considered by the House, can he withdraw it?

The SPEAKER. Certainly. The motion has not been considered by the House.

ORDER OF BUSINESS.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole for the purpose of considering the pension appropriation bill.

Mr. BURCHARD, of Illinois. I rise to a point of order, that this is private-bill day.

The SPEAKER. But being private-bill day, this motion is in order.

Mr. RANDALL. Pending the motion to go into Committee of the Whole, I move that all general debate in Committee of the Whole on the pension appropriation bill be limited to thirty minutes.

The motion was agreed to.

PENSION APPROPRIATION BILL.

The motion of Mr. RANDALL that the House resolve itself into Committee of the Whole on the pension appropriation bill was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. SAYLER in the chair,) and proceeded to the consideration of the bill (H. R. No. 811) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1877.

Mr. COX. I ask unanimous consent that the first reading of the bill be dispensed with.

There being no objection, it was ordered accordingly.

Mr. ATKINS. Having had the honor to report this bill, there are some statistics to which I will briefly allude bearing upon the subject-matter. It will be observed that the appropriation for Army pensions is $29,000,000, being less by $500,000 than the estimate for the preceding fiscal year ending June 30, 1876.

This does not result from any decrease in the rate of pensions, for rather it has been increased by recent legislation; but it is to be attributed to a decrease in the whole number of pensioners on the roll. In 1871 the average rate of pensions paid to Army invalids was $89.18 per annum; in 1872 it was $90.26; in 1873 it was $96.46; in 1874, $98.14; and in 1875 the average rate reached to $103 91, or $8.65 per month, being a gradual annual increase. Of Army invalids on the roll on the 30th of June, 1875, there were 105,408, or 3,021 more than there were at the end of the fiscal year 1874. But the losses upon the balance of the pension-roll of all classes were 4,526 for the same year, or a net loss upon the whole roll of 1,420.

The increasing rate and the increased number of Army invalids swelled the general aggregate sum for that class of pensioners by $344,733.14 for the last fiscal year over that of the preceding year of 1874. A brief *résumé* of the amounts paid for pensions of all kinds and the number upon the whole roll since the fiscal year ending June 30, 1873, may be of interest, as it will reasonably indicate or approximate the future charge upon the Treasury of this branch of the public service.

On the 30th of June, 1873, the whole number of pensioners of all classes was 238,411; the amount expended was $29,185,289.62. For 1874 the whole number was 236,241; the amount expended was $30,593,749.56. For 1875 the whole number was 234,821; the amount expended was $29,683,116.63. For 1876 the entire number is not yet known, and the whole amount to be expended can be only estimated. The amount appropriated is $29,500,000.

The estimate for the fiscal year ending June 30, 1877, upon which this bill is based, is $29,000,000, being $683,116.63 less than the actual expenditures of the past fiscal year, and $500,000 less than the amount appropriated for the present fiscal year, as will appear by reference to the last report of the Commissioner of Pensions, page 7.

Upon the whole roll of Army pensions there is a gradual decrease both in number and the annual sums paid to the pensioners. While the Army invalids are gradually increasing, their widows, minors, dependant relatives, and the survivors and widows of the war of 1812 are decreasing in a greater ratio, thus diminishing the annual amount of appropriation for the whole number. And yet it must be admitted that this ratio of reduction is modified or counterbalanced in some degree by the annual increase of pension rates. Altogether, it is gratifying to know that the annual charge upon the Treasury for Army pensions has reached its highest figures.

A comparison of the annual aggregate of Navy pensions for the few past years shows a different result. Instead of decreasing, it is slowly increasing. For the year ending June 30, 1874, the amount expended was $474,000; for the year ending June 30, 1875, the amount expended was $520,348.47; for this fiscal year $500,000 was appropriated, and the Commissioner informs us that it will prove insufficient. The estimate for next year is $533,500. The reason of this increased amount for Navy pensions is attributable to the "steady gain of the invalid-roll, both in numbers and average rates," and to the "increase of the aggregate annual amount of the widows' roll." And yet upon the whole aggregate roll of Army and Navy pensions—that is, the roll embracing every class of pensions—the number of pensioners and the amount annually paid them are both diminishing, and will doubtless continue to do so in the future.

Of course it is the duty of every government to pension the disabled soldiers and seamen and their officers who have lost their limbs or health in the service of their country. To this end general laws have been enacted and certain rates prescribed. Guided by these laws and rates, the committee have scrutinized the estimates of the Commissioner with reasonable care, and although the sum seems large, nevertheless with the number of names now standing upon the rolls and the rates fixed by law they cannot see how the amount can be properly reduced. No doubt there are many persons—hundreds, perhaps thousands—who are annually drawing this succor from the public treasury who really are not justly entitled to this bounty, but

who through fraud and chicanery have managed to deceive the judgment and elude the vigilance of the officers of the Government. The number of frauds, however, is growing less every year, I believe.

With certain amendments to the pension laws, it is believed that these fraudulent combinations or rings to plunder the Treasury under the sacred guise of a soldier's honor and in the exalted name of patriotism can be in the main broken up and prevented. But, sir, all will admit that it is better that impositions now and then should be submitted to and become an unjust burden upon the Treasury than that one single soldier or sailor who is entitled to this stipend under the laws of the land and through an enlightened and humane public policy should be denied his right to the same by a failure in Congress to make the necessary appropriation.

Mr. Chairman, if any gentleman desires to speak on this bill, they can now have the opportunity to do so. If no one desires to do so, I move that the committee rise and report the bill to the House with the recommendation that it do pass.

The CHAIRMAN. The bill will be read for amendment.

Mr. DUNNELL. I wish to ask the gentleman from Tennessee [Mr. ATKINS] having charge of this bill a question, or rather to call his attention to certain provisions in the bill for explanation. I see on the second page of the bill these words: "Compensation to pension agents and the expenses of the several pension agencies, $200,000, as provided under the act of June 6, 1874, and of March 3, 1873;" and further on in the bill, beginning with line 30, these words: "Compensation to pension agents, $2,500, including such contingent expenses as may be authorized by the Commissioner of Pensions." I presume one has reference to Army pension agents and the other to Navy pension agents.

Mr. ATKINS. Yes, sir.

Mr. DUNNELL. But I desire to ask further whether the gentleman has any information of the amount of contingent expenses which have been paid out in the Pension Bureau under the law of Congress which authorizes the Commissioner of Pensions to detail clerks to make investigations?

Mr. ATKINS. I cannot say that my attention has been called to that particular point. These contingent expenses are for safes and stationery in addition to what is expressed upon the face of the bill. I move, if there be no amendment proposed, that the committee rise and report the bill.

Mr. SPARKS. I ask the gentleman to withhold that motion for the present. I would like to have this bill recommitted, and for a purpose which I will indicate in a moment. Now, Mr. Chairman, I have had occasion to examine somewhat into this pension business, and formed the opinion that an item which is in this appropriation bill just reported has been made, and unnecessarily made, for the purpose of furnishing offices for greedy officials to fill. I am as respectful as I can be in speaking of greedy officials; but in the State of Illinois there has been a great desire, not only for the offices, but to extend the number so as to get enough for all to fill. I refer to these pe sion agencies.

The CHAIRMAN. The gentleman must speak to some motion.

Mr. SPARKS. Very well: I move to strike out the appropriation of $200,000 for compensation to pension agents and the expenses of the several pension agencies.

Now, Mr. Chairman, I do not propose to make a speech. I have never conceived, in my experience of wagoning, that it was necessary for a wagon to have five wheels; and it has struck me likewise to be just about as important that one should have five wheels as that we should have what is known as a pension agency. The result is, as I will state: in the State of Illinois, where we have nineteen pension agents, generally officious ward politicians where they are in cities, and working, active political tricksters in the rural districts. Now what is the result of these agencies? At a certain period a draft is sent to one of these pension agents for the payment of pensioners within his district. He has a friend who is a banker. It is so in my district, and I confine it to my district. He deposits this money in his friend's bank, of which, perhaps, he is one of the owners of stock, and communicates by letter throughout the rural districts through the rural post-offices.

Mr. FORT. Allow me to ask the gentleman a question.

Mr. SPARKS. Not in my five minutes; you can make your speech afterward.

Mr. FORT. Very well.

Mr. SPARKS. I prefer not to be interrupted. I am not afraid of the gentleman, but do not want to be interrupted.

After he gets his draft, we will say, for instance, that it is for $50,000, he will put it in a bank discounting paper daily. He then addresses a note to the various post-offices throughout his district, when he has leisure to do it, perhaps a month afterward. This goes by slow mail. The pensioner receives a letter to this effect: "Please sign the within receipt and return to me, and I will address you a communication inclosing a draft for the amount due you for the quarter." That is the sense of it. It takes about six weeks to get it into the hands of the pensioner. Of course he signs the receipt and returns it to the pension agent, who at leisure sends him a check upon this bank. The pensioner gets that check in due course of mail, (and it does not run fast in the country,) and he goes to some banker in his locality to get his money upon it. These bankers, as I am informed, invariably charge from a quarter to fifty cents——

[Here the hammer fell.]

Mr. RANDALL. I rise to oppose the amendment. I concur in all that the gentleman from Illinois says, and I would seek to give a remedy. But the gentleman will observe that this bill is made up in obedience to law. What he complains of is a maladministration of existing law; and I might just as well say here that the enormous number of frauds that have been practiced do not spring out of the amount appropriated at all, but spring from an indifferent administration of the law. The Committee on Appropriations felt that they were unable to remedy that, but they desire to call the attention of the appropriate committee, namely, the Committee on Invalid Pensions, to the matter, that they may at this session introduce some general law which will prevent this enormous fraud that has been practiced upon the pension fund.

I am not able to say what amount is annually lost to the Government by this description of fraud, but I am led to believe that it is not short of a million dollars. But gentlemen will see at once that the Committee on Appropriations did not dare to cut down this amount, for the reason that if they did so they would punish the innocent along with the guilty, and you know the old maxim of the law in that respect. Now if the gentleman from Illinois——

Mr. SPARKS. Will the gentleman allow me to interrupt him for a moment?

Mr. RANDALL. Certainly.

Mr. SPARKS. The gentleman will understand that the amendment I offered touches simply the amount that goes to the pension agent, not what goes to the pensioner. I want the pensioner to have every cent.

Mr. RANDALL. I am running somewhat in the direction of what is the gentleman's wish. But this is not the place nor is this the manner of reaching the remedy. If you cut off all pay to these pension agents, you will not have the pensions distributed to the pensioners. I agree with the gentleman that there ought to be a remedy and a better plan introduced for the distribution of pensions. I believe, for instance, that if the Pension Bureau for the distribution of pensions was handed over to the War Department, where it formerly was, we should have more integrity of administration than we now have. I believe, further, that if the payment was handed over to the postmasters of the country the result would be great economy, and that the thirty thousand and odd postmasters in the various cities and towns throughout the Union could be made a detective force as against these frauds. I do not want while the present law exists, and while it is the only means for the distribution of the pension fund to those who have honestly earned their right to it, to have these agencies stricken out. But if the gentleman introduces a bill which will prevent these frauds, these enormous frauds that are now being practiced, he will find me urgent in pressing it.

The CHAIRMAN. Debate is exhausted on the pending amendment. Does the gentleman from Illinois insist on his amendment?

Mr. SPARKS. I withdraw it.

Mr. FORT. I renew it. Mr. Chairman, I certainly concur in the effort to reduce the expenses of paying the pensions to the pensioners. During last Congress we did, as we thought, all we could in that direction; but if there can be anything else done it certainly shall have my humble support upon this floor. I am now upon my feet, however, to be set right in this debate. I understood the gentleman who has just taken his seat to concur in all that the gentleman who preceded him had said. I understood the gentleman who preceded him to say that in Illinois there were nineteen pension agents. If that be so, Mr. Chairman, I think it high time that something should be done to rid Illinois of about fifteen or sixteen greedy office-holders.

Mr. RANDALL. I did not say there were nineteen.

Mr. FORT. I do not wish to be interrupted.

Mr. RANDALL. I want to correct your statement.

Mr. FORT. You said you concurred in all that the gentleman from Illinois [Mr. SPARKS] stated.

Mr. RANDALL. I meant in his general principles, of course.

Mr. FORT. The gentleman in his magnanimity would not be interrupted by me, and I do not desire now to be interrupted myself. I have only this to say, that if a remedy can be reached which will rid Illinois and relieve the tax-payers of this country of these nineteen office-holders I am in favor of it. Certainly no more than two or three are necessary to pay the pensions in that State. The less there are the better, and I will co-operate with any gentleman on that side who will bring forward a measure by which we can reduce the number, or a measure by which we can pay the pensions without the interposition of a pension agent at all.

Mr. HOLMAN. Are there nineteen pension agents in Illinois?

Mr. FORT. I understood the gentleman to say there are nineteen. I do not know myself of more than two or three in the State.

Mr. MORRISON. My colleague [Mr. FORT] knows very well that there is not anything like nineteen. What is the use of saying it?

The amendment was withdrawn.

Mr. JENKS. I offer the following amendment:

In line 12 strike out the words "authorized by the Commissioner of Pensions" and insert the words "provided by law;" so that it will read: "For survivors of the widows of the war of 1812, $1,500,000, including such contingent expenses as may be provided by law."

Mr. Chairman, I offer this amendment in order that I may lay before the House what to me seems to be of some importance. I inquired of the gentleman who reported this bill what those contingent expenses were. He replied that one of those contingent expenses was

the providing of safes for certain agents who lived in towns of not sufficient importance to have a bank. Now, as a matter of fact, we know that all the pension moneys are kept in banks; and, if there are pension agents in towns so small that they have not any banks, those agencies should be stopped at once.

I have sent to the Commissioner of Pensions for information, inquiring how many pensioners there are, at each rate, in order that in future I may lay before the House what per cent. of the money expended by the Government goes into the hands of pensioners and what into the hands of officers. If we are furnished with the exact number of pensioners and the amount each one receives, then we shall be enabled to know what per cent. of the amount we appropriate is consumed by friction in the hands of the officers and how much actually passes into the hands of the pensioner. Hence I make the motion that this contingent fund should not be appropriated until we know these facts.

Mr. ATKINS. A very small portion of the amount appropriated in the clause which the gentleman proposes to strike out would be for the contingent fund. How much does the gentleman suppose of this amount goes to the contingent fund?

Mr. JENKS. I have nothing to suppose; I observe that the aggregate amounts to $500,000.

Mr. ATKINS. The amount that goes to the contingent fund is only $10,000.

Mr. JENKS. Well, that is worth taking out.

Mr. ATKINS. To be sure it is; but the Commissioner of Pensions thinks it necessary to have this contingent fund for stationery and for the purpose of obtaining safes.

Mr. JENKS. I would like to know how much of it is lost by friction in the hands of officers and how much of it goes into the hands of pensioners.

Mr. ATKINS. This bill was drawn in accordance with existing laws and in accordance with the recommendation of the Commissioner of Pensions. It is very much in form with the bills which have preceded it for many years; and after an investigation, as far as I could go into the very voluminous papers of the Pension Office—and they are indeed very voluminous—my judgment was that there was no friction, to use the gentlemen's term, that I could see, at least in this bill. I inquired into these contingent funds and asked what they were for, and was told that they were for safes, stationery, and matters of that kind.

Now, sir, I do not think that the objection that the gentleman is making particularly applies to this bill, but it may apply to existing laws upon the statute-book. And let me submit most respectfully to the gentleman that this is not the time to change existing laws. We are upon an appropriation bill, and I aver that this appropriation bill is in accordance with existing laws.

Now, if the honorable gentleman who is chairman of the Committee on Invalid Pensions desires to reform the laws on the subject of pensions let him bring forward a bill, and for one, being one of the humblest members of the House, I will co-operate with him by giving it my vote, provided there is real reform in it. I have no doubt, sir, that there are abuses, and very many abuses, in the administration of the pension laws. I have no doubt that there are many frauds perpetrated. But this is not the place to detect them, nor is it the place to prevent them, because in attempting to prevent them in this way you may prevent the soldiers and seamen of the country who have lost limbs or health in the service of the country from receiving this stipend which the laws and the public policy of the country provide they shall have.

Mr. JENKS. I withdraw the amendment which I offered, and I now move to strike out, in line 14, the word "fifty" and insert in lieu thereof "forty-nine;" so that the clause will read:

Fees for preparing vouchers and administering oaths, $249,000.

Mr. Chairman, the very question which we are now considering is whether this be in accordance with existing laws. How do we know that all of this large fund is expended in accordance with existing laws which it is necessary to carry out? I am certainly far from desiring that any soldier or seaman should be deprived of one cent of the amount due him. I am in favor of extending to them this, which is not a gratuity, but a debt which the Government owes to those who have served their country. But that this large fund should be appropriated without knowing to what purpose it is to be applied is not in accordance with the wisdom that this House should display.

Now, the inquiries I have made at the Pension Office will bring forward information which will enable the House to judge upon this question. I have made inquiries as chairman of the Committee on Invalid Pensions, asking the Commissioner to state how many pensioners there are at each rate and how many persons entitled to artificial limbs or entitled to commutation therefor. When he gives us that information it will then be a matter of mathematical calculation how many dollars and cents go into the hands of the pensioners and how much is worn off as it passes through the hands of officers. If we find that a large amount is worn off we have a right to say that the appropriation is larger than is provided for by the provisions of existing laws, and therefore I think that this bill ought not to pass until we have this information. If we find that the great mass of the appropriation is correctly appropriated, even though some be misappropriated, well and good; but if the friction is large, then the amount is certainly too large. I say therefore that the bill ought not to be pressed to its final passage until we have received this information.

[Here the hammer fell.]

Mr. HURLBUT. I understand this bill has been carefully prepared by the Committee on Appropriations to carry out well-known provisions of existing laws. The appropriations are reasonably limited and the bill is complete in itself. The objections which are taken by the gentleman from Pennsylvania [Mr. JENKS] are wholly within the control of the committee of which he is chairman, and not within the control of the Committee on Appropriations, nor this Committee of the Whole, because all points of order have been reserved on this bill, which cuts off all new legislation; and whatever objections the gentleman may find to the existing system, either in the pension-laws or their administration, must be remedied by some separate independent measure looking to that end. He has no right, under the rules of the House, to embarrass this bill with any vague surmises.

We have been told by the chairman of the Committee on Appropriations, [Mr. RANDALL,] in whom I have the greatest confidence, that this bill, in the judgment of that committee, (and its members are all careful men,) appropriates simply the exact amount necessary for the purpose of carrying out existing laws. It would be graceful for us, after that statement, to pass this bill as rapidly as we can, and leave to be passed hereafter whatever measures the keen vision of the gentleman from Pennsylvania [Mr. JENKS] may discover to be necessary.

Mr. JENKS. I withdraw my amendment.

Mr. SPRINGER. I move to amend line 19 of this bill by inserting after "1873" the words, "but no pension agent shall receive more than $3,000 per annum for his services."

Mr. HURLBUT. I raise the point of order that that is new legislation; the compensation of pension agents is provided by existing law.

The CHAIRMAN. The point of order is well taken; the amendment is not in order.

Mr. BAKER, of Indiana. For the purpose of making an inquiry, I move to strike out the words "fees for procuring vouchers and administering oaths, $250,000." So far as my observation goes, the various pension agents in actual practice send blanks to the pensioners, who are required to go before a clerk of a court of record, or before some notary public whose seal has been or shall be authenticated by the seal of a court of record, and make out the requisite affidavit required by law. And I further understand that in point of practice these pensioners are required to pay the fees that are charged for this class of services under existing State laws. Now I do not understand what particular vouchers and what particular oaths are required that would necessitate the expenditure of $250,000; and the motion I make, to strike out this clause, is for the purpose of enabling the honorable gentleman who has charge of this bill [Mr. ATKINS] to explain to the House, so that we may vote understandingly on this proposition.

Mr. WOOD, of New York. It is now after four o'clock, and it is evident I think that we cannot get through with this bill to-day. I therefore move that the committee now rise.

Mr. RANDALL. I hope the committee will not rise.

Mr. HOLMAN. I trust the gentleman from New York will withdraw that motion.

Mr. WOOD, of New York. If gentlemen will stop this long debate, I will withdraw the motion for the present.

Mr. HOLMAN. I rise to oppose the amendment of my colleague, [Mr. BAKER.] This bill from the Committee on Appropriations is drawn in the exact words of the estimates furnished to the House by the Commissioner of Pensions. The Committee on Appropriations have adopted the exact language of the exact estimates furnished by the Commissioner. We all can see that there may be important reforms that ought to be made in our system of paying pensions, not only to secure economy on the part of the Government, but for the purpose of increasing to the pensioners themselves their facilities for receiving their quarterly pensions from the Government. But I trust there will be no effort made to embarrass this bill. Let us in regard to this bill pursue the policy heretofore pursued, and let the Committee on Pensions report to us a general bill correcting the various abuses which are now believed to exist, and we can consider the bill by itself.

Mr. BAKER, of Indiana. I desire to ask a question.

Mr. HOLMAN. Certainly.

Mr. BAKER, of Indiana. I desire to ask a question, as I believe the gentleman will be able to answer it. I wish him to explain the purpose of appropriating $250,000 for preparing vouchers and administering oaths. Now will he tell us what particular class of vouchers and oaths come under that provision?

Mr. HOLMAN. My friend must perceive that this item of $250,000 has not special reference to the preparing of vouchers. The whole paragraph must be considered together. It is for the preparation of vouchers, the administering of oaths, and the expenses of the Pension Bureau in connection with all the matters to which it refers.

Mr. BAKER, of Indiana. What oaths?

Mr. HOLMAN. Oaths that are administered to the pensioners themselves.

Mr. BAKER, of Indiana. By whom?

Mr. HOLMAN. By whoever administers oaths, those that are administered especially by the pension agents. I agree with my colleague that important reforms ought to be made; and I will say to him further that this is the only bill that will come before this House this session that will not be the subject of thorough and critical examination with a view to retrenchment in the expenditures of the Government. For one I am not willing to risk any legislation that may by possibility affect the interests of that great body of men who have such strong claims upon us in connection with the justice of the Government.

Mr. BAKER, of Indiana. I desire to disclaim any intention or purpose to place any obstacle in the way of the prompt and full payment of this most deserving class of our citizens at the earliest practicable moment, but I do want to know what the $250,000 is to be expended for before I vote for it.

Mr. ATKINS. Debate is exhausted on the pending amendment.

Mr. BAKER, of Indiana, by unanimous consent, withdrew his amendment.

Mr. ATKINS. I move that the committee rise and report the bill to the House with the recommendation that it do pass.

The motion was agreed to; and the committee accordingly rose, and (the Speaker having resumed the chair) Mr. SAYLER reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the bill (H. R. No. 811) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1877, and had directed him to report the same back to the House with the recommendation that it do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. ATKINS demanded the previous question on the passage of the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was passed.

Mr. ATKINS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING CONTESTED-ELECTION PAPERS.

Mr. HARRIS, of Virginia, from the Committee on Elections, moved the printing of papers in the contested-election cases from the first congressional district of Alabama, Bromberg *vs.* Haralson; the fourth congressional district of Massachusetts, Abbott *vs.* Frost; and the South Carolina contested election of Buttz *vs.* Mackey.

The motion was agreed to.

JUDGMENTS OF ALABAMA CLAIMS COMMISSIONERS.

Mr. LORD. I am instructed by the Committee on the Judiciary to report back a substitute for the bill (H. R. No. 382) providing for the payment of the judgments of the court of commissioners of Alabama claims as soon after the 22d day of January, 1876, as may be.

The SPEAKER. The substitute will be taken as an original bill.

The Clerk read as follows:

A bill (H. R. No. 1053) providing for the payment of judgments rendered and to be rendered pursuant to section 11 of chapter 459, of the laws of the Forty-third Congress.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the court of commissioners of Alabama claims, as soon after the 22d day of January, A. D. 1876, as may be practicable, report to the Secretary of State the several judgments which before or on that day shall be rendered by the said court pursuant to section 11 of chapter 459 of the Laws of the Forty-third Congress.

SEC. 2. That the said court, after the 22d day of July, 1876, in like manner report to the Secretary of State the several judgments it shall render pursuant to said section 11, from the said 22d day of January to and including said 22d day of July.

SEC. 3. That when a report is made under this act to the Secretary of State he transmit the same, or a copy thereof, to the Secretary of the Treasury, who shall without unnecessary delay proceed pursuant to said chapter 459 to pay the judgments specified therein, with interest on the principal at the rate of 4 per cent. per annum, from the date of loss as certified, until the Secretary of the Treasury shall give notice for payment as provided by section 14 of such act.

The bill was read a first and second time.

Mr. LORD. I now ask that the report accompanying the bill be read.

The Clerk read as follows:

To the House of Representatives:

The Committee on the Judiciary, to whom was referred certain bills relating to the payment of the judgments of the court of commissioners of Alabama claims, respectfully reports—

That the aggregate of claims presented to the court of commissioners of the Alabama claims, under section 11 of chapter 459 of the Laws of the Forty-third Congress, is	$12,673,451 44
Of this aggregate the court had disposed of, before January 1, 1876.	9,704,608 65
Leaving unadjudicated	2,968,842 79
The court has rendered judgments amounting—	
Of principal to	4,393,522 11
Of interest	2,051,070 72
Aggregate of judgments and interest	6,444,592 83

Assuming that the claims upon which the judgments are yet to be rendered will be reduced in the ratio of less than one-half of claims already passed upon, the whole amount, including interest to be paid under section 11, and allowing $1,300,000 for claims not proved, (should the Congress allow any further proof under said section 11,) will not exceed $10,000,000.

The present value of the Alabama fund in currency is about $20,000,000.

No question is made in any quarter but that the debts provable under section 11 of said act have precedence over any other claims; and if it should hereafter be held that the United States is not controlled in the disposition of the sum awarded by the tribunal of arbitration by the views expressed by such tribunal, then it would of course follow that the disposition made by said act, and by the act herewith reported, of a portion (or, if it should prove to be, the whole of the sum so awarded) would be within the power of the Congress.

The priority of the claims provable under said section 11 being thus conceded and established and the duration of the court having been from time to time extended, it would seem to be unjust to require the claimants in whose favor judgments are rendered to wait until "the conclusion of the business of the said court," as provided in the original act.

Your committee therefore recommends that the bill herewith submitted be enacted as a substitute for House bill No. 382, introduced by Mr. FRYE.

Mr. HOAR. Let me ask the gentleman from New York a question. This bill provides for the payment at the rate of 4 per cent. interest from the date of the loss. Of course that 4 per cent. should not be allowed if it has already been included in the judgment. I ask the gentleman simply to state to the House what has already been stated to me by a member of the committee: first, whether the judgment is so framed as to include interest, and, next, whether the judgment in each case fixes the date of loss?

Mr. LORD. Yes, sir.

Mr. BURCHARD, of Illinois. Is this bill reported for immediate consideration and passage?

Mr. LORD. It is. I will answer the gentleman from Massachusetts that the original act provides the judgment shall not include the interest, but the interest is reported in this bill. The aggregate of $6,444,000 includes the amount of interest awarded, which was not provided in the original law. The bill provides that the interest shall be paid from the date of loss certified by the court.

Mr. HOAR. I so understood, but I desired that it should go on the record.

Mr. GARFIELD. As I understood from the reading of the bill, all the settled claims up to the present time are to be paid off in full. Suppose the fund should give out and the last settlements should get nothing? It occurs to me there should be some arrangement by which the payments should be made *pro rata* unless we can be perfectly sure that there will be enough to pay all.

Mr. LORD. I will answer the gentleman by stating that, after the settlement of all the claims that could be proved, there will be a surplus of $10,000,000. That fact I have ascertained from the reports of the court: that in any case there will be that surplus.

Mr. LAWRENCE. That is, after paying the claims authorized to come in under existing law?

Mr. LORD. Yes.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LORD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. LORD. The Committee on the Judiciary instruct me to report another bill, to the passage of which I think there will be no objection when it is read.

The bill (H. R. No. 1054) to extend the time for claimants, under section 11 of chapter 459 of the laws of the Forty-third Congress, to prove their claims was received, and read a first and second time.

The bill was read at length.

Mr. HOLMAN. This bill has not been printed.

Mr. LORD. This is a substitute for a bill which has been printed, the bill H. R. No. 681, and simply provides that claimants who are on the ocean and have claims in the aggregate certainly under half a million dollars shall not be debarred from presenting their claims on account of their absence.

Mr. HOLMAN. Inasmuch as the bill has not been printed, I hope the gentleman will consent to its being recommitted.

Mr. LORD. I consent.

The bill was accordingly recommitted to the Committee on the Judiciary, and, with the accompanying report, ordered to be printed.

ADJOURNMENT OVER.

Mr. PAGE. I move that the House do now adjourn.

Mr. CLYMER. I rise to a motion of greater privilege. I move that when the House adjourns to-day it be to meet on Monday next.

The motion was agreed to.

Mr. CLYMER. I ask that by unanimous consent the House shall meet to-morrow as in committee for debate only. I ask this that several gentlemen who are prepared to do so may be allowed to make speeches. I do not ask it for myself, as I will not be here.

Mr. PAGE. I object.

ROOMS FOR COMMITTEES.

The SPEAKER. The question is on the motion that the House do now adjourn, but the Chair asks the House to tarry a moment that he may make a personal request, as well as dispose of some matters on the Speaker's table. The rules of the House make it the duty of the Chair to regulate the assignment of the committee-rooms to the service of the respective committees of the House. There are twenty-

eight rooms now subject to the uses of these committees, while there are very nearly fifty committees now organized and working in this House. The labor of attending to this duty is now, and necessarily will continue to be, considerable. The Chair frankly says that he desires to avoid that labor, and the request he makes is that the House will do him the personal favor to order that this duty during the remainder of this Congress be assigned to the Committee on Accounts.

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence on account of important business was granted for one week to Mr. JAMES B. REILLY, for one week to Mr. LOAD, and for ten days to Mr. MACKEY of South Carolina.

WITHDRAWAL OF PAPERS.

On motion of Mr. DENISON, by unanimous consent, leave was given to withdraw from the files of the House the papers in the case of Frank A. Page, on which there was no adverse report.

NEWPORT BARRACKS, KENTUCKY.

Mr. JONES, of Kentucky, by unanimous consent, introduced a bill (H. R. No. 1055) to authorize the Secretary of War to convey to the city of Newport, Kentucky, the grounds at the confluence of the Licking with the Ohio River, in Campbell County, Kentucky, known as Newport Barracks; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHANGE OF REFERENCE.

Mr. HOLMAN. Last Monday, on my motion, there was referred, by unanimous consent, a bill for the relief of Mr. Harrison, to the Committee on War Claims. I understand that it should go to the Committee on Claims. I ask that that change may be made.

There was no objection; and it was so ordered.

CONSTITUTIONAL PREROGATIVES OF THE DEPARTMENTS.

Mr. WILLARD, by unanimous consent, introduced a bill (H. R. No. 1056) to maintain the constitutional prerogatives of the several Departments of the Government; which was read a first and second time, referred to the Committee on Reform in the Civil Service, and ordered to be printed.

W. M. PLEAS AND F. S. JONES.

Mr. GOODIN, by unanimous consent, introduced a bill (H. R. No. 1057) for the relief of William M. Pleas and F. S. Jones; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

The motion to adjourn was agreed to; and accordingly (at four o'clock and fifty minutes p. m.) the House adjourned until Monday.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BARNUM: The petition of John Brooks and 50 other citizens of Bridgeport, Connecticut, for an appropriation for the erection of a breakwater near Black Rock, Connecticut, to the Committee on Commerce.

By Mr. BLACKBURN: The petition of James Laffell, of Kentucky, for compensation for horses and other property lost while in the mail service of the United States, to the Committee on War Claims.

By Mr. CABELL: The petition of citizens of Virginia, for the repeal of the check-stamp tax, to the Committee on Ways and Means.

By Mr. CALDWELL, of Tennessee: The petition of citizens of Dyer and Crockett Counties, Tennessee, for a post-route from Bell's Depot to Chestnut Bluffs, Tennessee, to the Committee on the Post-Office and Post-Roads.

Also, the petition of Wilkins W. Waggoner, for pay for property taken by the United States, to the Committee on War Claims.

By Mr. CHAPIN: The petition of West, Stone & Co. and 74 others, of Springfield, Massachusetts, for the repeal of the bankrupt acts, to the Committee on the Judiciary.

By Mr. CLYMER: The petition of 118 citizens of Pennsylvania, for the repeal of the check-stamp tax, to the Committee on Ways and Means.

By Mr. COCHRANE: The petition of Union soldiers of Allegheny, Pennsylvania, for bounty, to the Committee on Invalid Pensions.

By Mr. CONGER: The petition of A. E. Mather and 45 other business men of Detroit, G. R. Robinson and 30 other business men of Allegan, and Edgar Weeks and 40 other business men of Mount Clemens, Michigan, for a repeal of the check-stamp tax, to the Committee on Ways and Means.

By Mr. COX: The petition of Stanley Bagg and others, for the repeal of the check-stamp tax, to the same committee.

By Mr. CROUNSE: A paper relating to a post-route from Salem to Sabetha, Nebraska, to the Committee on the Post-Office and Post-Roads.

By Mr. DURHAM: The petition of Archibald B. Rue, for additional pay for services in the United States Army, to the Committee on War Claims.

By Mr. ELKINS: Papers relating to funds expended by New Mexico in organizing, equipping, and maintaining militia forces during the late war, to the same committee.

Also, papers referring to the Fort Butler, New Mexico, military reservation, to the Committee on Military Affairs.

Also, papers relating to the payment of certain volunteer companies in the service of the United States in the war with Mexico and in the suppression of Indian disturbances in New Mexico, to the same committee.

Also, papers relating to the repair and completion of public buildings at Santa Fé, New Mexico, to the Committee on Public Buildings and Grounds.

Also, papers relating to the petition of Louis Rosenbaum, for the payment of the amount of a check alleged to have been lost by him, to the Committee on Claims.

Also, papers relating to the petition of E. D. Franz, of similar import, to the same committee.

By Mr. FARWELL: The petition of Mrs. Eliza Patter, for reimbursement of moneys expended in aid of Union soldiers prisoners of war and for losses incurred, to the Committee on Military Affairs.

By Mr. FORNEY: The petition of Lemuel J. Standifer, for property taken by the United States, to the Committee on War Claims.

By Mr. FREEMAN: The petition of Mrs. R. A. Kenner, for pay for supplies furnished the United States, to the same committee.

Also, the petition of A. B. Trepler, of similar import, to the same committee.

By Mr. HATHORN: A paper relating to post-routes in New York, to the Committee on the Post-Office and Post-Roads.

By Mr. HENDEE: The petition of Ephraim Hunt, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

Also, the petition of W. R. Hewitt, for pay for property destroyed by Pawnee Indians, to the Committee on Indian Affairs.

Also, the petitions of Russell G. Sherman and Harvy A. Lincoln, for re-imbursement for money wrongfully paid for exemption from draft, to the Committee on War Claims.

Also, the petitions of James F. Early, Charles Arnois, James G. Anderson, William Clift, and Allen Gunter, for compensation for services rendered the United States during the late war, to the same committee.

Also, the petitions of L. N. Andrews, S. R. Durfey, Samuel S. Dennis, and Horace D. Mead, for property taken and used by the United States, to the same committee.

Also, the petitions of Enoch Burnett, Robert Scott, and Henry Stock, for arrears of pension, to the Committee on Invalid Pensions.

Also, the petition of Sallie T. Burton, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

Also, the petitions of Theresa K. Burnett, Eliza J. Campbell, A. Evans, Ann Griffin, Ann Humphries, and E. S. Jones, for pensions, to the Committee on Invalid Pensions.

By Mr. HOAR: The petition of Samuel A. Knox, for an extension of a patent on plows, to the Committee on Patents.

By Mr. HUNTON: Petitions of Thomas C. Banks, John E. Febrey, James M. Lee, Patrick McDermott, and C. P. Thorp, for pay for property taken and used by the United States, to the Committee on War Claims.

By Mr. JONES, of New Hampshire: The petition of W. H. Sise and other citizens of Portsmouth, New Hampshire, for a survey of the mouth of the Piscataqua River, to the Committee on Commerce.

By Mr. MACKEY, of Pennsylvania: The petition of Thomas J. Fox, for a pension, to the Committee on Invalid Pensions.

By Mr. MOREY: The petition of Dennis T. Kirby, to be allowed to resign before the date of an order of the War Department approving the sentence of a court-martial in his case, to the Committee on Military Affairs.

By Mr. O'BRIEN: The petition of Magdaline Bodine, for a pension, to the Committee on Invalid Pensions.

By Mr. O'NEILL: The petition of the presidents of the national banks of Philadelphia, for the abolition of the tax on deposits and capital, and to so amend the bank acts as to put the expense of the redemption agency on the fund derived from the tax on circulation, to the Committee on Ways and Means.

Also, the petition of citizens of Pennsylvania, for the repeal of the check-stamp tax, to the same committee.

By Mr. PLAISTED: The petition of George Stetson and others, for relief from taxation, &c., to the same committee.

Also, the petition of P. W. Whitcomb, for additional pay as an employé of the Treasury Department, to the Committee on Claims.

Also, the petition of Thatcher & Co. and others, for the establishment of a signal-station on Block Island, to the Committee on Commerce.

By Mr. JAMES B. REILLY: The petition of citizens of Schuylkill County, Pennsylvania, for aid in the construction of the Texas Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. ROBBINS, of Pennsylvania: The petition of 117 citizens of Pennsylvania, for the repeal of the check-stamp tax, to the Committee on Ways and Means.

By Mr. SAVAGE: The petition of W. C. Margedant, for additional pay as United States Army officer, to the Committee on Military Affairs.

Also, the petition of Charles Cline, for a pension, to the Committee on Invalid Pensions.

By Mr. SHEAKLEY: The petition of citizens of Mercer County, Pennsylvania, for the repeal of the resumption act, the passage of an

act substituting legal-tender for national-bank notes, and the funding of the United States bonded debt in 3.65 bonds, convertible into legal-tender notes at pleasure of holder, and the granting of aid to the Southern Pacific Railroad, to the Committee on Ways and Means.

By Mr. SLEMONS: The petition of William Moss, for pay for preserving the records of the United States land office at Washington, Arkansas, to the Committee on Claims.

By Mr. TARBOX: The petition of Charles Watson, of Lowell, Massachusetts, for compensation for services rendered Union soldiers in Libby prison, to the Committee on War Claims.

By Mr. WALLS: The petition of F. Heidelman, for relief, to the Committee on Military Affairs.

Also, the petition of John F. Porteus, for an abatement of taxes, to the Committee on Claims.

By Mr. WARD: The petition of John Wyherd, for pay for goods furnished United States Navy, to the Committee on Naval Affairs.

By Mr. WELLS, of Mississippi: The petition of J. R. Bowles, for cotton taken by United States, to the Committee on War Claims.

By Mr. WHEELER: The petition of citizens of New York, for the repeal of the check-stamp tax, to the Committee on Ways and Means.

Also, papers relating to a post-route from North Stockholm to Brookdale, New York, to the Committee on the Post-Office and Post-Roads.

By Mr. WIKE: The petition of Dr. Joseph Robbins, for relief, to the Committee on Claims.

By Mr. WILLIS: The petition of Dr. William Parker and other dental surgeons, for the appointment of dental surgeons in the Army and Navy, to the Committee on Military Affairs.

By Mr. WILLIAMS, of Delaware: The petitions of D. Pingree and 26 citizens of Delaware; George Adgate, and 42 citizens, and Erastus Rogers, and 36 citizens of the same State, for the repeal of the check-stamp tax, to the Committee on Ways and Means.

By Mr. WILSHIRE: The petition of citizens of Arkansas for a mail route from Boughton to Antoine, Arkansas, to the Committee on the Post-Office and Post-Roads.

IN SENATE.

MONDAY, *January* 17, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND., D. D.

The Journal of the proceedings of Thursday last was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of the Treasury, transmitting the report of the Superintendent of the United States Coast Survey for the year ending June 30, 1875; which was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

Mr. OGLESBY. I desire to present the petition of 47 persons of Illinois, praying for the repeal of the two-cent United States check-stamp tax. This petition comes to me from Delaware in a circular signed by J. T. Heald. I have no other evidence or anything from the State of Illinois except that certificate with it, but supposing it to be genuine, I present it and move its reference to the Committee on Finance.

The motion was agreed to.

Mr. KERNAN. I desire to present a similar petition that comes to me in the same way, and I have only the same information in regard to it. It is signed by some 200 persons representing themselves to be of the State of New York, praying for the repeal of the law imposing a two-cent United States stamp-tax on bank-checks. I move that it be referred to the Committee on Finance.

The motion was agreed to.

Mr. KERNAN presented the petition of the State Temperance Society of New York, signed by J. Stearns, president, and J. H. Bronson, secretary, asking for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. BOUTWELL presented the petition of Karl Heinzen and others, citizens of Massachusetts, praying an amendment to the Constitution of the United States so that every member of Congress shall be directly responsible to the electors of his district, who may at any time recall him if he does not justify their confidence in him; which was referred to the Committee on the Judiciary.

Mr. WINDOM presented the petition of J. T. Jones and 100 other citizens of Green Lake County, Wisconsin, praying for the speedy completion of the Fox River improvement and the construction of an ample canal along the banks of the Wisconsin River from Portage City, Wisconsin, to the Mississippi River in accordance with the third plan recommended to the Government by Major-General Warren, of the United States Engineer Corps; which was referred to the Committee on Commerce.

Mr. McMILLAN presented the petition of citizens of Ramsey County, Minnesota, praying Congress to allow Anson Northup, a citizen of Minnesota, six hundred and forty acres of land for long, perilous, and valuable services rendered the Government by him during the late war; which was referred to the Committee on Public Lands.

He also presented a petition of numerous citizens and residents of New Ulm, Brown County, Minnesota, praying for compensation to Hans C. Peterson, of New Ulm, for property destroyed and taken by the Sioux Indians in the Indian outbreak in Minnesota in 1862; which was referred to the Committee on Claims.

Mr. CAMERON, of Pennsylvania, presented six petitions of citizens of Pennsylvania, manufacturers of and workers in iron and coal, praying Congress to grant a subsidy to aid in the construction of a southern line of railway to the Pacific Ocean; which were referred to the Committee on Railroads.

He also presented the petition of Alexander Montgomery, lieutenant-colonel United States Army, praying to be allowed pay between the 24th of July, 1863, and the 14th of June, 1864, the time between his dismissal from and restoration to the Army; which was referred to the Committee on Claims.

He also presented a petition of citizens of Pennsylvania, praying Congress to take early action in repealing the two-cent United States check-stamp tax; which was referred to the Committee on Finance.

He also presented a resolution of the General Assembly of the State of Pennsylvania, in favor of the bill now pending making an appropriation of $1,500,000 for the centennial exhibition to be held in the city of Philadelphia; which was referred to the Committee on Appropriations.

Mr. INGALLS presented the petition of Dr. E. G. Macy, late assistant surgeon of the Seventy-ninth Regiment United States Colored Troops, praying for compensation from the 1st of August, 1862, to the 26th of January, 1863; which was referred to the Committee on Claims.

He also presented a statement of facts in the case of Alfred Thornburgh, late second lieutenant Company A, Sixteenth Kansas Cavalry, for arrears of pay; which was referred to the Committee on Military Affairs.

Mr. INGALLS. I also present additional evidence and testimony in support of the claim of Samuel K. Thompson, who asks a re-appointment to the United States Army, and in whose behalf Senate bill No. 160 has been introduced and referred to the Committee on Military Affairs. I move that these papers go to the same committee.

The motion was agreed to.

Mr. CONKLING. I present a joint resolution of the Legislature of the State of New York, and ask that it be read under the rule, and referred to the Committee on Commerce.

The PRESIDENT *pro tempore*. The resolution will be reported.

The Chief Clerk read as follows:

STATE OF NEW YORK, IN ASSEMBLY,
Albany, January 11, 1876.

Whereas the transportation and business interests of the United States and the commerce of the city and State of New York require the prompt completion of the improvement of the navigation of the Harlem River and Spuyten Duyvil Creek, from the East River, through the Harlem Kills to the Hudson River, pursuant to the surveys and estimates already made under the authority of the United States.

Resolved, (if the senate concurs,) That the Congress of the United States be respectfully requested to make such appropriations as are requisite for the vigorous prosecution and early completion of the improvement of the navigation of the Harlem River and Spuyten Duyvil Creek, from the East River through the Harlem Kills to the Hudson River.

Resolved, (if the senate concurs,) That a copy of these resolutions be forwarded to the Senators and Representatives in Congress from this State.

By order.

EDWD. M. JOHNSON,
Clerk.

In Senate, January 12, 1876.
Passed without amendment.
By order.

H. A. GLIDDEN,
Clerk.

The PRESIDENT *pro tempore*. The resolutions will be referred to the Committee on Commerce.

Mr. CONKLING presented five several petitions of citizens of New York, members of various regiments of that State in the late war, praying an amendment of the fifteenth section of the act to revise, consolidate, and amend the laws relating to pensions, approved March 3, 1873; which were referred to the Committee on Pensions.

Mr. WRIGHT presented three several petitions of citizens of Iowa, praying for the repeal of the laws which provide for the United States stamp-tax on bank-checks; which were referred to the Committee on Finance.

Mr. GORDON presented the petition of G. T. Beauregard, of New Orleans, Louisiana, praying for the removal of his political disabilities; which was referred to the Committee on the Judiciary.

He also presented the petition of James L. Dunning, late postmaster at Atlanta, Georgia, praying to be re-imbursed to the amount of $5,058.63, which sum was embezzled by a money-order clerk under him; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of William Kelley, of Decatur County, Virginia, formerly private in the cavalry service, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. NORWOOD presented the memorial of Richard W. Adams, executor of Thomas M. Newell, deceased, praying to be paid interest on the sum of $1,455 from October, 1836, to March, 1857, that sum having been withheld from the pay of said Newell as commandant in the United States Navy by the Treasurer of the United States upon the judgment of a court-martial suspending him for the period of two years; which was referred to the Committee on Claims.

Mr. ALCORN presented the petition of citizens of Mississippi, praying for an extension of the time within which claims for losses suffered during the war and supplies furnished to the Army of the United States may be filed and prosecuted before the southern claims commission, or that a law be passed for their relief similar to the one passed for the relief of citizens of Tennessee who furnished supplies to the Army or suffered losses by the war; which was referred to the Committee on Claims.

Mr. COOPER presented the petition of the Grand Lodge of Good Templars of the State of Tennessee, signed by the officers, asking for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. MERRIMON presented the petition of J. W. Brank, praying that his name be placed on the muster-roll of Company B, Second North Carolina Mounted Infantry; which was referred to the Committee on Military Affairs.

He also presented the petition of John E. Barrett, praying to be allowed pay as second-lieutenant of Company B, Second North Carolina Mounted Infantry, from March 1, 1864, to September 11, 1864; which was referred to the Committee on Military Affairs.

Mr. COCKRELL. I present the petition of John L. Sheppard, of Missouri, for relief, claiming damages for false imprisonment. I presume it should go either to the Committee on Claims or the Committee on the Judiciary. I am not particular as to which committee it be referred to. It is a peculiar claim. This citizen was arrested for another party who was guilty of a crime in the State of Missouri—the murder of one of the United States marshals. There was a question of identity; he was not the man, and on satisfactorily proving that to the court he was discharged on a writ of *habeas corpus*.

The PRESIDING OFFICER (Mr. MORRILL, of Vermont, in the chair.) The memorial will be referred to the Committee on Claims, if there be no objection.

Mr. COCKRELL presented a memorial of Captain Theodore Higgins, late of Company D, Twentieth Regiment Illinois Volunteers, praying for the compensation of captain of that company from April 10, 1863, to July 4, 1863, while acting as captain thereof; which was referred to the Committee on Military Affairs.

Mr. EDMUNDS. I present three petitions, signed by people whom I do not know, on the subject of the pension laws. I will remark, while I move their reference to the Committee on Pensions, that there is a marvelous similarity in this last edition of pension petitions which make them look to me as if they were the work of some claim-agent more interested than the pensioners are.

The motion was agreed to.

THE MISSISSIPPI ELECTION.

Mr. MORTON. I desire to give notice that I will, on the day after to-morrow, (Wednesday,) ask the Senate to proceed to the consideration of the resolution in regard to the Mississippi election.

REPORTS OF COMMITTEES.

Mr. SHERMAN. I am directed by the Committee on Finance, to whom was referred the bill (S. No. 141) to amend the act entitled "An act amending the charter of the Freedman's Savings and Trust Company and for other purposes," approved June 20, 1874, to report it with an amendment, and I give notice that to-morrow I will call up the bill for consideration.

Mr. KELLY, from the Committee on Railroads, to whom was referred the bill (S. No. 14) to extend the time for the construction and completion of the Northern Pacific Railroad, reported it with amendments; and, on his motion, the bill was recommitted to the committee.

Mr. EDMUNDS, from the Committee on the Judiciary, to whom was referred the bill (S. No. 26) concerning the competency of witnesses in the Federal courts, reported adversely thereon; and the bill was postponed indefinitely.

Mr. SPENCER, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 110) to ratify and confirm the paving, parking, and footways as now constructed by the board of public works at the intersection of Sixteenth and K streets, northwest, Washington, District of Columbia, and for other purposes, asked to be discharged from its further consideration, and that it be referred to the Committee on Public Buildings and Grounds; which was agreed to.

BILLS INTRODUCED.

Mr. CAMERON, of Pennsylvania, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 255) to incorporate the Inventors' Protective and Benevolent Association of the United States; which was read twice by its title, referred to the Committee on Patents, and ordered to be printed.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 256) to confirm certain school-indemnity selections of public lands by the State of Nebraska; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 257) for the relief of James R. Porter; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 258) to amend the charter of the Capitol, North O Street and South Washington Railway Company; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. STEVENSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 259) for the benefit of the Louisville Baptist Orphans' Home; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Finance.

Mr. ROBERTSON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 260) for the relief of Mrs. Mary A. Thayer, of Washington, District of Columbia; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. WHYTE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 261) to remove the political disabilities of Daniel T. Chandler, of Baltimore, Maryland; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 262) to establish a mail-route therein named; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 263) to amend the laws relating to legal tender of silver coin; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 264) authorizing the city and county of San Francisco to use the Presidio reservation as a park and highway; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. CONOVER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 265) authorizing the Secretary of the Treasury to purchase the building known as the Freedman's Savings Bank, situated in the city of Jacksonville, to be used as a custom-house and post-office; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 266) making an appropriation for the improvement and dredging out of the inside passage between Fernandina and the Saint John's River, Florida; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 267) for the relief of Egbert Thompson; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. SPENCER (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 268) to authorize the construction of a railway in the District; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. CLAYTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 269) for the relief John A. Torrence; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. BOOTH asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 270) relating to pre-emption claims; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 271) in relation to lands heretofore granted to railroad companies; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. MERRIMON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 272) for the relief of John E. Barrett; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 273) for the relief of J. W. Brank; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. WEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 274) for the relief of the registry of the circuit court of the United States for the fifth judicial circuit and district of Louisiana; which was read twice by its title.

Mr. WEST. I suggest that the bill be printed and referred to the Committee on Claims, and that the accompanying petition from the owners of the bark Grapeshot be referred to the same committee.

Mr. EDMUNDS. I would like to hear the bill read at length.

The PRESIDENT *pro tempore*. The bill will be reported.

The Chief Clerk read as follows:

A bill for the relief of the registry of the circuit court of the United States for the fifth judicial circuit and district of Louisiana:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to return to the registry of the circuit court of the United States for the fifth judicial circuit and district of Louisiana the sum of $15,861.51, gold, the said sum being now on deposit in the Treasury to the credit of said registry, with 6 per cent. interest per annum thereon from July 1, 1862, to be by said court distributed in accordance with its decree rendered in the matter of the bark Grapeshot.

Mr. EDMUNDS. It strikes me that that bill ought to go to the Committee on the Judiciary. It involves an inquiry into judicial proceedings.

Mr. WEST. That reference will be quite acceptable to me. I move that the bill be referred to the Committee on the Judiciary, with the accompanying papers, and be printed.

The motion was agreed to.

Mr. WEST. I now ask permission to introduce a bill, which I feel it incumbent upon me to make some little explanation of, as its import will scarcely be demonstrated by its title. It is a bill amendatory of the several Pacific Railroad acts, the acts of 1862 and 1864, incorporating railroad companies and granting subsidies for the construction of a line from the Missouri River to the Pacific Ocean.

When the recent decision of the Supreme Court of the United States was rendered, the Congress of the United States and the interests of the people were confronted with the proposition that not only was the magnificent donation of bonds that was made to those companies involved irretrievably to the loss of the Government, but that the accruing interest for thirty years would so accumulate, according to the admission of the companies themselves, as to jeopardize and eventually involve entire loss. It would seem an appropriate occasion, therefore, that the legislative body of the Government should step in and adopt some measure which would have a tendency to prevent such a result.

I beg leave, therefore, Mr. President, to introduce a bill, and will explain its provisions in a few words. The act of 1862 originally stipulated that the entire earnings of the roads for Government business should be reserved as against the payment of interest and the principal of the bonds. By the subsequent act of July, 1864, one-half of that amount that was intended to be reserved was remitted, and at present the companies only derive the one-half of their earnings on Government business, and the other half is retained by the Government. Under the original provisions of the bill Congress was authorized at any time to alter or amend its provisions. Under the subsequent bill also, which granted a half of this amount of transportation, a like reservation was made on behalf of the Government. Evidently there is to be an accumulated loss, not counting compound interest, according to the argument of the Attorney-General of the United States, which would make $300,000,000; but, according to the admissions of the companies themselves, the Government of the United States, unless it interposes its power to protect itself, is to be mulcted in a loss of $180,000,000 by these companies. It is with that view and to check somewhat this irreparable ruin and to protect the Government of the United States that this bill is to be introduced.

By unanimous consent, leave was granted to introduce a bill (S. No. 275) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and to amend an act amendatory thereof, approved July 2, 1864, which was read twice by its title.

Mr. WEST. I ask that the bill be referred to the Committee on Railroads.

Mr. MORRILL, of Vermont. May I ask the Senator from Louisiana whether there is any provision in this bill that whatever amount is saved from these railroads shall be given to the Southern Pacific?

Mr. WEST. I have not heard anything about the Southern Pacific in connection with this bill.

Mr. SARGENT. I would like to have the bill read at length.

The PRESIDENT *pro tempore*. The Secretary will report the bill at length.

The Chief Clerk read as follows:

A bill to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and to amend an act amendatory thereof, approved July 2, 1864

Be it enacted, &c., That so much of section 5 of the act of which this is amendatory as provides that only one-half of the compensation for services rendered for the Government by said companies shall be required to be applied to the payment of the bonds issued by the Government in aid of the construction of said roads be, and the same is hereby, repealed,

SEC. 2. That from and after the passage of this act all compensation for services rendered for the Government of the United States by the Pacific Railroad Companies shall be applied to the payment of the bonds issued to and the interest paid and to be paid for said companies until the whole amount is fully re-imbursed to the United States.

Mr. SARGENT. What reference is proposed to be given to this bill?

Mr. WEST. I suggested that it be referred to the Committee on Railroads.

Mr. SARGENT. Unquestionably that is a very good committee, but by a resolution adopted by the Senate the other day the Committee on the Judiciary were required to examine into this matter to ascertain if the Government had any rights left whatever, and, if so, what measures should be adopted in order to secure those rights. The subject is one of very great importance. As the Senator states, there are over a hundred millions of money depending upon it; dividends are being declared by the companies; they have contested in the courts, and absolutely deny their liability to pay even the 5 per cent. reserved, declaring that they have made no net earnings, and in every way have placed themselves in a defiant attitude against the Government, who is their creditors; and, by the aid of low and prostituted papers, if an attempt is made by a Senator or a member of the House, or a movement by an organized committee, to bring these parties to account, it is denounced as simply the result of blackmailing efforts. It seems to me, in view of this condition of things, and the attitude of these parties, and the vast interests of the Government, and the fact that we should use, so far as we know, all means to procure a remedy of this condition of things, the Judiciary Committee ought to have charge of this whole matter, and ought to prosecute the investigation with the zeal which characterizes them, and bring some safety to the Treasury of the United States. I therefore suggest to my friend that the bill should go where the resolution did, to the Judiciary Committee, who have the matter fully in charge.

Mr. WEST. I can have no objection to that reference. My only object in asking the reference of the bill to the Committee on Railroads was that the Senate might have the advantage of the experience of that committee with reference to the subject, and perhaps bring more enlarged information before the Senate than otherwise; but at the same time it will suit my purpose equally well, which is to accomplish the same idea suggested by the Senator from California, should the bill be referred to the Committee on the Judiciary. I therefore move that it be printed, and referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. WEST. Mr. President, in this connection I desire also to introduce another bill relating to these companies, and I shall be excused, I think, if I reply to the inquiry of the Senator from Vermont [Mr. MORRILL] whether these propositions are intended in the interest of the Southern Pacific Railroad. They are intended in the interest of the Government of the United States to protect it against what I think will be discovered eventually to be one of the most gigantic spoliations that ever was perpetrated upon it. I ask leave to introduce a bill now for the recovery from these companies of the amount of $3,000,000 of bonds of the United States, issued in violation of the limitation prescribed by law that no amount in excess of $50,000,000 should be granted to them.

There has been granted to the Central Pacific and to the Union Pacific Railroad Companies the sum of fifty-three million three hundred and odd thousand dollars in bonds, when the act itself specifically provided that no more than $50,000,000 should be given to them. In the mean time the Government of the United States has not only given them those bonds to that excess, but it has been paying the interest upon them since 1868, I believe, which is about the average of the issue, and it is bound to pay that interest up to the period of 1890. Consequently the Government has, by an erroneous construction of the law, first been deprived of $3,000,000 principal, and is now paying interest on that amount, and will continue to pay it until principal and interest shall accumulate to the amount of $10,000,000.

I believe, sir, that the case is perfectly clear, and that the provisions of the bill will commend themselves to the good sense of the Senate. I ask that the bill be read by its title. I had expected that it would be referred to the Committee on Railroads; but if it is desirable that it shall take the course of the other, be it so; but it is a somewhat different proposition. It is for the recovery of money and upon the construction of a railroad law, and I would prefer that it should go to the Committee on Railroads, and therefore I make that motion.

Mr. MORRILL, of Vermont. I desire to say to the Senator from Louisiana that I am most decidedly in favor of the bill that he has introduced in relation to recovering any interest that was paid by the Government of the United States from the Union and Central Pacific Railroad Companies; but I did not desire to be committed—as I understood there was to be a proposition introduced here and was not certain whether this was it or not—that any amount which might be recovered from these railroad companies should be devoted to a subsidy to another railroad further south.

Mr. WEST. "Sufficient unto the day is the evil thereof."

By unanimous consent, leave was granted to introduce a bill (S. No. 276) to recover from the Central and Union Pacific Railroad Companies bonds and coupons issued to them in excess of the limitation prescribed by law; which was read twice by its title, referred to the Committee on Railroads, and ordered to be printed.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 277) supplementary to the several acts relating to pensions and to provide for the more thorough and perfect examination of claimants for pension; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 278) to amend the pension laws respecting the pensions of imbeciles and inebriates; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 279) to establish a land office in the southern part of Utah Territory to be known as the Beaver district, and for other purposes; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. WHYTE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 280) for the relief of Jacob A. Conover; which was read twice by its title, referred to the Committee on Patents, and ordered to be printed.

Mr. STEVENSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 281) for the relief of John B. Davis for mail service from Memphis, Tennessee, to White River, Arkansas, in

1868, 1869, and 1870; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

Mr. ALCORN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 282) authorizing the Harrison Arbor Company to excavate a channel and harbor in Mississippi Sound, and to construct docks and breakwaters in connection therewith; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 283) to amend an act entitled "An act granting pensions to the officers of the war with Great Britain of 1812, and those engaged in Indian wars during that period;" which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. THURMAN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 284) to amend certain sections of titles 48 and 52, "Regulation of Commerce" and "Navigation and Regulation of Steam Vessels," Revised Statutes of the United States, pages 800 and 857; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. ALCORN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 285) for the relief of Lewis D. Allen, of Mississippi; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. INGALLS, it was

Ordered, That the petition and papers in the case of Mrs. Elizabeth O'Neil, mother of John O'Neil, be withdrawn from the files of the Senate and returned to the petitioner, copies being retained.

On motion of Mr. GOLDTHWAITE, it was

Ordered, That the petition and papers in the case of the steamer Gray Cloud be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. MITCHELL, it was

Ordered, That the petition and papers of R. B. Markle be taken from the files of the Senate and referred to the Committee on Revolutionary Claims.

On motion of Mr. JOHNSTON, it was

Ordered, That the petition and papers in the case of the Richmond Female Institute be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. HOWE, it was

Ordered, That the petition and papers in the case of Sarah C. Wedelstedt be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. PADDOCK, it was

Ordered, That the petition and papers in the case of the steamboat New Era No. 5 be taken from the files of the Senate and referred to the Committee on Naval Affairs.

On motion of Mr. SHERMAN, it was

Ordered, That the petition and papers in the case of Thomas Worthington be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. WEST, it was

Ordered, That the petition and papers in the case of Wakeman W. Edwards be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. GORDON, it was

Ordered, That the petition and papers in the case of John B. Garrison be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. STEVENSON, it was

Ordered, That the petition and papers of Mrs. Fanny S. Conway, of Louisville, Kentucky, be taken from the files of the Senate and referred to the Committee on Naval Affairs.

On motion of Mr. McCREERY, it was

Ordered, That the petition and papers in the case of Tyler and Luckett be taken from the files of the Senate and referred to the Committee on Claims.

Mr. COCKRELL. I move that the papers in regard to the claim of the widow and heirs of John A. Stevens be withdrawn from the files of the Senate so that they may be presented to the Committee on Claims of the House. There has been no adverse report.

The motion was agreed to.

On motion of Mr. KEY, it was

Ordered, That the petition and papers in the case of Gideon W. Hazen be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. KEY, it was

Ordered, That the petition and papers in the case of L. S. Levi be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. DAVIS, it was

Ordered, That the petition and papers relating to the claim of the Wildey Lodge Independent Order of Odd Fellows, of Charlestown, West Virginia, be withdrawn from the files of the Senate.

On motion of Mr. ALCORN, it was

Ordered, That the petition and papers of John W. Robinson and John Kelly, of Mississippi, be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. THURMAN, it was

Ordered, That the petition and papers relating to the claim of Thomas H. Yeatman be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. NORWOOD, it was

Ordered, That the petition and papers in the case of Susan L. Harvey and others, heirs of Augustus Ford, be taken from the files of the Senate and referred to the Committee on Naval Affairs.

Mr. KELLY. I move the following order:

Ordered, That the petition and papers in the case of C. W. Denton, of Oregon, be taken from the files of the Senate and referred to the Committee on Claims, upon leaving copies.

There was an adverse report in this case.

The PRESIDENT *pro tempore*. Then the order cannot be made without unanimous consent of the Senate.

Mr. KELLY. I ask for the withdrawal upon leaving copies.

Mr. EDMUNDS. That makes no difference.

The PRESIDENT *pro tempore*. The rule excludes it unless there is additional evidence.

Mr. SARGENT. I understand my friend from Oregon simply desires to withdraw the papers, leaving copies. There is no rule, I understand, against withdrawing papers on leaving copies.

Mr. EDMUNDS. I fear my friend from California is correct.

The PRESIDENT *pro tempore*. There is an adverse report in this case. The Secretary will read the rule.

Mr. SARGENT. I ask pardon of the Chair.

Mr. CONKLING. Let us hear the rule read anyway. It is a good thing to do.

The Chief Clerk read Rule 49, as follows:

Whenever a claim is presented to the Senate and referred to a committee and the committee report that the claim ought not to be allowed and the report be adopted by the Senate, it shall not be in order to move to take the papers from the files for the purpose of referring them at a subsequent session, unless the claimant shall present a memorial for that purpose, stating in what respect the committee have erred in their report, or that new evidence has been discovered since the report, and setting forth the new evidence in the memorial.

The PRESIDENT *pro tempore*. It is clearly out of order. Does the Senator from Oregon withdraw his motion?

Mr. KELLY. Yes, sir.

The PRESIDENT *pro tempore*. The motion is withdrawn.

COMMON UNIT WITH GREAT BRITAIN.

Mr. SHERMAN presented a concurrent resolution proposing a common unit of money and accounts for the United States of America and the United Kingdom of Great Britain and Ireland; which was referred to the Committee on Finance, and ordered to be printed.

The resolution is as follows:

Whereas the magnitude of the transactions in commerce and the intimate social relations between the people of the United States and of Great Britain and Ireland combine to recommend the importance of uniformity in the gold coins and moneys of account of the respective countries; and whereas, in existing circumstances, a change in the standard of the gold coins of the United States could be introduced without serious inconvenience, and the United States are willing to make such change, to the end of securing such uniformity: Therefore,

Resolved by the Senate, (the House of Representatives concurring,) That the President be requested to propose a convention between the United States and Her Majesty the Queen of Great Britain and Ireland, having for its object to secure uniformity in the coins and moneys of account of the respective countries on the following bases, namely:

1. The money of account in each country shall be the dollar, which shall be represented by a coin formed of standard gold, whereof the pure metal shall be nine-tenths parts and the alloy one-tenth part, which alloy shall be of copper or of copper and silver, the silver not to exceed one-tenth of the alloy. The weight of the dollar of such standard gold shall be twenty-five grains and one-ninth of a grain troy, and shall contain twenty-two grains and six-tenths of a grain troy in pure gold. Gold coins of two and one-half, five, ten, and twenty dollars proportioned in weight, may also be issued, of like standard; and the convention shall provide what variations may be allowed from the exact standard of weight and fineness for such gold coins.

2. Subsidiary coins of silver, copper, or alloys of base metal may be issued within each country, of such standard and weight as may be provided by their respective laws, and representing cents or hundredth parts of a dollar, and other convenient decimal subdivisions thereof.

3. All accounts, representing transactions to be settled in coin, shall be kept in dollars and cents, or fractional parts of a cent. Sterling money shall be converted into dollar money by computing the pound sterling as equivalent to five dollars, the shilling to twenty-five cents, the sixpence to twelve and one-half cents, the penny to two cents, and the farthing to one-half cent.

4. All such gold coins conformed to standard, within the allowed limits of variation, shall be a legal tender within each country for debts and obligations payable in gold coin, excepting such as may have been incurred within the United States payable in gold coins of a former standard. The coins subsidiary to the dollar shall not be a legal tender or circulate as money beyond the limits of the country within which they are issued.

DEATH OF THE VICE-PRESIDENT.

Mr. BOUTWELL. I take this occasion to give notice to the Senate that on Friday next resolutions in honor of the late Vice-President will be offered for the consideration of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bills, in which the concurrence of the Senate was requested:

A bill (H. R. No. 172) providing for settlement upon the lands known as the Fort Kearney military reservation, in the State of Nebraska;

A bill (H. R. No. 811) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1877;

A bill (H. R. No. 1051) to provide for vessels of the United States hailing from places where they are owned or built;

A bill (H. R. No. 1052) to correct an error in the Revised Statutes of the United States, and for other purposes; and

A bill (H. R. No. 1053) providing for the payment of judgments rendered under section 11 of chapter 459 of the laws of the Forty-third Congress.

The message also announced that the House had passed without

amendment the bill (S. No. 236) to amend section 3767 of the Revised Statutes in relation to the purchase of paper for the public printing.

JOINT RULES OF THE TWO HOUSES.

On motion of Mr. HAMLIN the Senate proceeded to consider the following concurrent resolution reported by him from the Committee on Rules, originally submitted by Mr. EDMUNDS as a Senate resolution:

Resolved by the Senate, (the House of Representatives concurring,) That the joint rules of the Senate and House of Representatives in force at the close of the last session of Congress be, and the same are hereby, adopted as the joint rules of the two Houses for the present session.

The pending question being on the amendment of Mr. MORTON, after the word "Congress" to insert the words "excepting the twenty-second joint rule."

Mr. BAYARD. Mr. President, the effect of a joint rule is a question of exceeding interest, and I confess, for one, my want of knowledge of the precedents of the body on this subject. The effect of the present amendment to this resolution, so far as I have heard it, is to abrogate by the action of the Senate one of the present joint rules of the two Houses, adopted on the 6th of February, 1865. It relates to the exceedingly important subject of the count of the electoral votes. I am one of those who have always believed that this joint rule was unwarranted by the Constitution; that by it powers are assumed distinctively by the two Houses of Congress which are not only not expressly given, but which I do not think are fairly to be implied by the very scant language of the Constitution on the subject. At the last session of Congress the honorable Senator from Indiana [Mr. MORTON] proposed an amendment of this joint rule. I think it was in the shape of a new joint rule, or perhaps it may have been a bill.

Mr. MORTON. The first movement was a rule and afterward a bill was presented.

Mr. BAYARD. The subject then underwent consideration in very little proportion to its importance. I said then, and I think still, that no time would be so fortunate for the settlement of joint rules between the two Houses of Congress as when the two Houses should be under the control of different parties. A subject like this should rise far beyond the possibility of partisan heats, and the propositions in regard to it and the settlement of those propositions should be made free from anything like the color of party advantage. That can be secured better where the two Houses are influenced relatively by different party feelings, and I do not see why a joint rule should not at least be proposed on this important subject and submitted to a joint committee of the two Houses to see whether or not a subject so full of grave importance as this cannot be mutually settled upon some acceptable basis not open to the objections which I think the present rule is open to.

Independent, however, of the question of the power of the two Houses of Congress over this counting of the votes comes at once the question whether a joint rule adopted by the two Houses falls and becomes void by the expiration of the Congress in which that rule was adopted. So far as the Senate is concerned it will not, I think, be suggested, because this is a continuing body; there is always and at all times a quorum continuing from one Congress to another. It is not so with the House of Representatives, the termination of whose legal existence is at the end of every two years. I should like to learn from those who have examined this subject, and are therefore much more competent to speak to it than I am, whether this has been the understanding or the action of the Senate; because from custom invariable, long-continued, reasonable, and just, the force of law almost is obtained. Certain it is that under this rule adopted in 1865 the electoral votes for President and Vice-President have three times been counted; and therefore it is a question of great importance for the Senate and the other House to settle whether a joint rule has a longer life than the Congress in which it is adopted, and whether upon the expiration of that Congress *ipso facto* the rule dies. So far as the Senate is concerned, we all know that the Senate's rules continue, but the question is what effect the different constitution of the other House of Congress has upon a joint rule. It is true that there is a very customary resolution of the House, made, I believe, at the opening of each new Congress, respecting the rules, and I believe at the present session of Congress the usual resolution was passed adopting the rules of the former Congress with two exceptions; but in the Senate I have no knowledge of any such practice, and the peculiar constituency of this body would make such a practice unnecessary, if not irregular.

I therefore trust that in this discussion gentlemen of longer experience in this body than I will state what has been the rule of the Senate upon this subject, and by what authority it is proposed that we should, on the incoming of a new Congress, consider that we have no joint rules at all without adoption. I would ask the honorable Senator from Indiana whether he has any precedent for the motion which he has now made, because by the precedents we may be instructed. In the term of service I have had here I know of no such case, and I only speak of it now as being a matter of importance that it should be settled correctly.

As to what we shall seek to substitute for this twenty-second joint rule, that is a matter for further and still more important consideration. But if it be true that, *ipso facto*, upon the expiration of the term of a Congress, the joint rules are all abrogated, then certainly we have been acting under a very different impression, because these rules have guided us from the time of their adoption, which has been years, running some from 1843 before my eye, and I find in the list a joint rule adopted on June 10, 1790—Rule 15. If there has been since 1790 no necessity, on the opening of each new Congress, to re-adopt the joint rules that guided the preceding Congress, then we should be making a very remarkable innovation upon the practice of the Senate, and I, for one, always prefer to know that a change, when it is to be made, is to be a reform before the change shall be adopted. I would ask the honorable Senator from Indiana if he will not favor us with some explanation in regard not only to the custom of the Senate but that which has become under custom the unbroken practice of the Senate on the subject of joint rules.

Mr. MORTON. In answer to the question of the Senator from Delaware, I will say that I have made no examination so far as that point is concerned.

Mr. BAYARD. Then, Mr. President, it scarcely seems to me well that we should in the absence of examination proceed to the affirmance of a proposition for which, as yet, no authority in the way of precedent has been suggested.

I have expressed my disapproval of the twenty-second joint rule. I did it at the last Congress, and gave my reasons more at length then than now. I feel that it is a subject of very grave importance, that should be deliberately settled, and no time was ever more fortunate for that settlement than the present. The relative differences of political opinion between the two Houses of Congress render it especially the time when we should adopt a rule which shall be beyond the suspicion of party feeling or party advantage. It touches one of the gravest questions in our Government, and one in regard to which there is a silence on the part of the Constitution that, in my opinion, is very much to be regretted. The importance of establishing a tribunal which shall be capable of lifting itself beyond the excitement and the heats that follow a vigorous political contest in a popular Government like ours cannot be overestimated. Where precisely to find such a tribunal is a subject of difficulty. As the Constitution now stands, there is a conspicuous absence of provision to guide the two Houses on this subject. The question whether the duty of the Vice-President in opening and counting in the presence of the two Houses the electoral votes that shall be sent here is one purely ministerial, or whether it has in it a judicial discretion scarce lower than any confided in any officer of the Government, or whether the two Houses in whose presence he is to count these votes are simply to be silent witnesses, merely in their turn ministerial officers, for the purpose of throwing around his count a protecting formality—these are questions which the Constitution has not wholly solved, and with regard to which very different opinions may well be entertained.

For these reasons I propose to submit a motion for the postponement of the consideration of this subject for one week, until next Monday, not at all for the purpose of delaying action, but for the purpose of treating a subject of this kind with the gravity which I think its importance demands. We ought to know more of the effect of joint rules; we ought to know more of the term in which they are operative, because in the very hasty consideration which I have given this subject I have shown that rules existing to-day were joint rules at the very foundation of the Government, as far back as 1790, and have remained without re-adoption from that time to this. It is a question whether it be necessary to have a re-affirmance of those rules at each session, and what the powers of the Senate are in retiring from a joint rule without the coincident action of the other House. It is to have time for consideration that I submit the motion to the Senate now that this resolution be postponed for one week.

The PRESIDENT *pro tempore*. The question is on the motion to postpone.

Mr. MERRIMON. Mr. President, I do not rise to join in this discussion——

The PRESIDENT *pro tempore*. The morning hour has expired. Is there objection to continuing the discussion of this question?

Mr. BOUTWELL. I was about to suggest that the officers of the Treasury Department are preparing statements in explanation of the points made by the honorable Senator from West Virginia, [Mr. DAVIS,] and that they will not be ready for use in the Senate until to-morrow, and therefore I prefer that the resolution of that Senator, which was under consideration at the last day's session, shall lie over.

The PRESIDENT *pro tempore*. Is there objection to the Senator from North Carolina continuing his remarks on the resolution called up by the Senator from Maine? The Chair hears none.

Mr. MERRIMON. I simply wish to say that the Committee on Rules were unable to ascertain that there was any departure on the part of the Senate from the uniform custom of continuing the joint rules from Congress to Congress. The long experience of our Chief Clerk, embracing about thirty-eight years, knows of no exception, and as far as he has been able to learn, on examination, there has been no exception.

Mr. MORTON. No exception to what?

Mr. MERRIMON. No exception to the practice that the joint rules continue from Congress to Congress on the part of the Senate. But when the matter was brought to the attention of the Committee on Rules we could not see how any rule, whether joint or otherwise, of

one Congress could be binding upon a subsequent Congress, for the Congress as a Congress lasts but two years. As a legal proposition, if a joint rule is not binding upon the House, how could it be binding upon the Senate? We thought one House of Representatives could not by its own mere construction imply an engagement on the part of a subsequent Congress. The committee went on the ground that if a joint rule was not binding on a subsequent House it could not be binding upon the Senate in connection with a subsequent House, for an engagement with one Congress is no engagement with another Congress. It seems, as the venerable Senator from Maine [Mr. HAMLIN] stated on a former occasion, that this matter has passed uniformly from the beginning of the Government down to this time without question. The question is now raised, and if to-day some action of Congress should be required under the joint rules, and a Senator should rise and say "I object," there would be the end of it. It is only by common consent that the practice to which I have referred has prevailed.

Mr. FRELINGHUYSEN. Mr. President, it seems to me very clear that these joint rules must fall, as has been stated, with the end of the Congress. I suppose that they have been continued for a course of years by acquiescence; that if business occurs, and both Houses recognize these rules, the Chair would recognize them as if they had been adopted by the two Houses. Therefore it is important that this subject be considered now, or within a few days, so that Congress shall not, by acting under these joint rules, be committed to them again.

I agree with the Senator from Delaware that the twenty-second joint rule is very objectionable. Therefore it seems to me to be the part of wisdom to adopt the joint rules, leaving out the twenty-second, which is not agreeable generally, I think, to the Senate, and then adopt some rule as a substitute for it. If we leave the rule as it is, everything is unsettled; we must have another rule. It is uncertain, as the matter is left in the twelfth article of amendment to the Constitution, whether the President of the Senate acts merely ministerially or whether he acts judicially. The law says he is to open the certificates, and the votes then, in the presence of the two Houses, are to be counted. Counted by whom? Who is to determine whether a vote is lawful or not? Does it require both Houses of Congress acting separately to admit a vote, or are they to be presumed to be lawful votes, so as to require both Houses to reject them? There are a great many questions involved, and it seems to me that this is a propitious time and that it is our duty to fix this question, so that that danger to the country resulting from the present uncertainty shall be removed. I therefore, while I have personally no objection to a postponement for a day or two, think the true policy of the Senate is to adopt the joint rules excepting the twenty-second rule, and then address ourselves to supplying the great deficiency that exists.

Mr. THURMAN. Mr. President, the Senate knows very well, so far as it takes any interest in my opinions, that I do not think well of the twenty-second joint rule, and at the last session of Congress I stated what I thought were valid objections against it. But I do not propose at this moment to go into that discussion. That will more properly arise when some substitute for it shall be offered, for a substitute might be offered that would be worse than the rule itself. I rise simply for the purpose of expressing one idea that has occurred to me, and that seems to me worthy of consideration.

The resolution now before the Senate rests upon the assumption that the joint rules of the two Houses fall at the end of what is called every Congress, and that they must necessarily do so upon the theory that the House of Representatives expires at the end of every Congress, while it is said that the Senate is a perpetual body. Why is it said that the Senate is a perpetual body? I know of no reason except one, and that is that only one-third of its members go out every two years, so that there is always a sufficient number of Senators in office to constitute a quorum of the Senate.

Mr. HAMLIN. Will the Senator allow me to make a suggestion, for I want really the information he may be able to give me in reply to it?

Mr. THURMAN. Very well.

Mr. HAMLIN. Congress expires upon the 3d day of March, and the Executive convenes the Senate upon the 4th day of March, while the succeeding session of the House may not commence until the December following. Now does not that necessarily make the Senate a perpetual body? Is it not a body liable to be convened for some of its duties, for executive duties, at any day, at any hour, when the Executive shall have occasion to convene it?

Mr. THURMAN. If the Senator from Maine had waited, he would have found that I should have considered that very question.

Mr. HAMLIN. Very well.

Mr. THURMAN. The Senate is said to be a perpetual body, because it can be convened at any instant. I say, in reply to the Senator from Maine, that the Congress of the United States can be convened at any moment. In the contemplation of our Constitution there is never one moment of time when there is not a Congress of the United States which can be convened upon the call of the President, and in point of fact it is so; for although some of the States have been accustomed to elect after the 4th of March, as the State of Connecticut, and perhaps the State of Kentucky, yet the great majority of the States elect before the 4th of March, in the fall preceding the 4th of March of the odd year; and I believe that, under an act of Congress which we have passed, and which will go into effect after 1876, all the members of the House of Representatives will be elected before the 4th of March of the year when a Congress expires. But there never has been one day, I believe, since the inauguration of this Government when a quorum of the House of Representatives has not been elected and a Congress could not have been convened upon the call of the President; and I say the theory of our Government is that all the departments of the Government, executive, judicial, legislative, are in existence at every moment of time. A department of Government is not the less in existence because some seat may be vacant in it. There is no less a Supreme Court because there may be a vacancy on the bench of that court. There is no less a Chief Executive because the President may die. There is no less a Congress because seats on this floor or in the other House may be vacant. No, sir; the theory of our Government is that there is a Congress always in existence, and the fact is that there is such a Congress; that at no time, perhaps in all our history has there been a single moment when, upon a call of the President, a lawful Congress of the United States could not have been assembled.

It therefore does seem to me that this division into Congresses, the Forty-first, the Forty-second, the Forty-third, and the like, is simply for convenience, and arbitrary. It follows the old English idea of a Parliament. There was a time when all the statutes passed at a session of Parliament were considered as one statute, no matter how long the session lasted.

Mr. EDMUNDS. They are given by the years of the reign of the king.

Mr. THURMAN. Yes, by the years of the reign; and we call our Congresses the First, Second, Third, Fourth, Fifth, and the like, though the British Parliament is not so called; but that is simply for convenience. It is convenient for reference; it is convenient for purposes of speech; it is convenient for other purposes perhaps; but the fact remains that upon the theory of our Government and according to the actual history of the Government there has always been a Congress in existence. There is none the less a Congress in existence because the members of the House of Representatives who are elected may not come here and take their seats. They are members of Congress. They draw their pay as members of Congress long before they are qualified. They are entitled to certain privileges as members of Congress long before they are qualified. They are entitled to privilege from arrest in coming to the seat of Government to take their seats. They were, when the franking privilege was in existence, entitled to frank long before they were sworn in. They are, in contemplation of the Constitution, members of Congress; and therefore it is true as I said, and said perhaps too often, that, in contemplation of the Constitution and in the real truth of history, we have always had a Congress.

Mr. CONKLING. I am listening to what the Senator says with interest, and I beg to suggest to him that the Constitution and the law date the term from the 4th of March.

Mr. THURMAN. I thank the Senator for the suggestion. It shows that there is no such hiatus as is supposed, and therefore no necessity whatever for the theory that the House of Representatives has died the death and been buried, so that there is a time when there is no House of Representatives, and hence that it is necessary to re-enact the joint rules.

Nor does this idea of mine at all impinge upon the right of each House to make its rules to suit itself. That was relied upon very much, and some remarks of the distinguished Speaker of the House of Representatives were read by the Senator from Maine [Mr. HAMLIN] the other day, in which it was supposed that to allow the rules of the House of Representatives to continue in force without a re-adoption would be to infringe the rights of the present House of Representatives. With great respect for that authority—and no man respects it more than I do—I must say that it is not satisfactory to me.

The Senate is said to be a continuing body. Cannot we change our rules whenever we please? The House can change its rules, no matter whether the rules of the last House continue in force until altered or not. In respect to the joint rules, the same authority that made them can change them. They were made by the joint authority of the two Houses, and, in my judgment, they remain until the joint authority of the two Houses alters them.

Mr. MERRIMON. Will the Senator allow me to ask him a question, not by way of combating his argument, but a question the answer to which may throw some light on this subject? I beg to ask the Senator whether the present House is in any sense a continuation of the old House for any purpose?

Mr. THURMAN. I do not know that I quite understand the argument. If the judges of the Supreme Court were all to die to-day, and their successors should be appointed to-morrow, it would be still the same Supreme Court, although the individuals would be changed. The members of the House of Representatives are in a great measure different from those of the last House of Representatives, but still it is the House of Representatives of the Congress of the United States. Its character does not depend on its *personnel*; its character does not depend on the individuality of its members; it is the House which, according to the true idea of the Constitution, is a perpetual House, whoever may constitute the individual members of that House.

These ideas have occurred to me in regard to this subject, and I throw them out for what they are worth. If they are sound, (and it

seems to me they are,) then the joint rules remain until they are altered by the authority that made them. What gives great strength to this view of the subject is that I understand from those who have spoken before me that that has been the practice of Congress from the first day of its existence down to this time. I am told—I do not know how true it is, for I have not looked into it—that it never has been considered necessary to re-adopt the joint rules. Certain I am that under this very Rule 22 the electoral votes were counted once since I have been a member of the Senate, and immediately before I took my seat in the Senate. At the last election they certainly were counted, and the rule was enforced, and enforced with very singular results, and very unsatisfactory ones, too, as we all know—enforced to the exclusion of the votes of States which one branch of Congress thought ought to be received, and the other thought not, and decisions were rendered that were contradictory in themselves it must be admitted. And the fact that no time whatever was allowed for discussion, no opportunity for information; that you could not even read a paper for the purpose of enlightening the Senate as to how it should vote; that we were not permitted even to read the constitution of the State of Arkansas to show what was the great seal of that State these facts are quite sufficient to show how that rule operated. But yet the rule was enforced, for it entered into the mind of no man to suppose that that rule had been abrogated; and yet, if the position that is now taken be true, that rule was not in force, and all our action rejecting certain votes in Arkansas, and in Texas I believe, and certain votes in Georgia, was wrong, and all that was unconstitutional, and our action was void.

Certainly upon a question of this kind, such long usage, such an interpretation of the Constitution as has obtained for over eighty years, from the end of the first Congress to this time, ought not to be overturned unless we be most clearly convinced by argument that is totally unanswerable that that interpretation was wrong. I think that interpretation was right. I think this idea that there is a dead House of Representatives every two years is all a mistake. I think the House of Representatives is as permanent a body as the Senate. The fact that we hold our offices for six years and they for only two makes no manner of difference between the two Houses as to the permanent nature of the body. You might as well say that there was a difference because some members hold for shorter terms than others. That makes no difference at all.

In view of these facts I hope, in order that this subject may receive a graver consideration, a more thorough consideration than it is likely to do if we vote upon it at once, that the suggestion of the Senator from Delaware will prevail and that the resolution will go over until next Monday, so that the subject may be more thoroughly considered.

Mr. SHERMAN. Mr. President, I have no objection to the proposition of my colleague that action on this subject may go over to a future time, but I think it would be very well to debate it now; and my impression is that the more it is considered the plainer the Senate will find its path to agree without any material difference upon the solution of this question. It seems to me rather a simple one.

The rules of the House of Representatives, I believe it is conceded on all hands, expire with the Congress. There can be no doubt about that; because that has been the universal practice of the Government, I believe, from the beginning. While I was a member of the House there were two or three important occasions when, before the House was organized, it was held that there were no rules. The hour rule, so necessary in the government of the House, was abandoned during at least two periods of stormy contest; and it was agreed on all hands that the rules of the House of Representatives expired with the Congress, and that no law, no act of Congress even, could prevent it. An act of Congress cannot extend the rules of one House to another, because the Constitution, the supreme law of the land, declares that each House shall make its own rules. In the famous interval that occurred between the meeting of the House by which Mr. BANKS was elected Speaker and the time when he was elected the question was raised whether the rules at the last House were in force; and it was held, without an objection, that they were not—that they fell with the expiration of the Congress adopting them; and for nine weeks any member could speak nine days, if he had the power to do it; and one or two members did speak for one or two days, many for four or five hours. There were two cases of that kind; so that, by the established practice of the Government from the beginning to this hour, it has been held that the rules of the House of Representatives expire with the Congress, and that no law can operate to extend the rules from one Congress to another; because that would be to violate the Constitution itself. In this respect the rules of each House are precisely alike. The rules of the Senate are no more operative than the rules of the House of Representatives. We have the power to change them at any moment. It is said that this body is a continuous body; but these rules need not be written out in the form of rules prescribed in set phrases. The great body of the rules of all parliamentary bodies are unwritten law; they spring up by precedent and custom; these precedents and customs are this day the chief law of both Houses of Congress, and they continue from time to time by acquiescence, but at all times within the control of either House.

It was held in one case by common consent that, when there were no prescribed rules, the general parliamentary law, as laid down in Jefferson's Manual, was the rule of the House of Representatives. This was in the absence of all written rules; and perhaps certain customs that had sprung up in parliamentary practice in this and in all other countries where there are deliberative bodies would be held to be rules even in a town meeting convened anywhere and at any time. So there are hundreds, and I may say thousands, of rules in every parliamentary body that continue from time to time by acquiescence and consent; but those customs or precedents may at any time be changed either by the Senate or the House.

I have come, therefore, to the conclusion that it is not necessary, so far as the joint rules or the rules of the Senate are concerned, to take any action at the beginning of each Congress, simply because the joint rules expire by the expiration of Congress. It is not necessary for us, to continue any of our rules, to adopt the usual resolution of the House at the beginning of every Congress. I believe the joint rules will be continued without any such action. The Senate itself is a permanent body, and all the rules which affect the Senate continue until changed by the action of the Senate. But the Senate at any time can change its rules. Is there any doubt that the Senate can change any existing rule of the Senate? Not at all. Now, can the Senate change the joint rules of the two Houses? I have not the least doubt of it.

Mr. BAYARD. Without the co-operation of the House?

Mr. SHERMAN. Yes, sir. I would not have engaged in this debate, not having examined the question critically, but that I heard my colleague say that these joint rules had some power or weight or influence which the rules of the House or the rules of the Senate had not. The joint rules of the two Houses are but the concurrence of the two Houses upon a mode of proceeding to conduct the public business. They depend upon the continuous consent of the two Houses, and either House can withdraw its assent at any moment from one of these joint rules. The joint rules only prescribe the mode of doing business when the two Houses are brought in contact with each other, when they are passing bills backward and forward; but still there is no power in Congress to prescribe a rule either for the Senate or for the House. Each House must prescribe its rules; and, sir, we have just as good a right to change a joint rule at any moment as we have to change the simplest rule of the Senate; and so the House of Representatives have a right at any time to withdraw their concurrence to any joint rule of the two Houses.

"Each House," in the language of the Constitution, "may determine the rules of its proceedings, punish its members for disorderly behavior," &c. The Senate has said that in a certain stage of a bill when we send it to the House of Representatives we may ask for a committee of conference, and has prescribed the mode in which that conference shall be had. We can at any time withdraw our assent to that mode of holding a conference with the House and propose another, and that is the end of the joint rule, because these joint rules must not only be adopted by the concurrent votes of the two Houses, but that concurrence must be continuous, perpetual, and constant; and either House may at any time withdraw its assent. Otherwise there is a power in the two Houses in Congress assembled to prescribe rules, and not the power in each House to prescribe its own rules. If we do not choose to hold a conference with the House in the mode pointed out by the joint rule, we have a right to change that rule and adopt our own mode of conducting business between the two Houses, and ask again at any time, and every day if we choose, the assent of the House to some modification of the joint rule.

That is the view I take of this question. Now, in regard to the resolution of the Committee on Rules, I do not think it is absolutely necessary to renew our assent to the joint rules at all. But since this question has been presented in such a way that we are able now to withdraw our consent to the twenty-second joint rule, I am perfectly willing to vote to continue all the other joint rules, and I think we ought now by common consent to avail ourselves of this opportunity of withdrawing the assent of the Senate to a rule that may revolutionize our Government at the will of a mere party faction. I say this without the slightest partisan or political feeling in this matter, for there ought to be none. The joint rule is so framed that any factious majority of either House, impelled alone by political feeling, may destroy the Government, as I understand the rule. It has been read so often by my friend from Indiana that it is not necessary for me to read it again. By it, either House, without debate, without inquiry, without any chance whatever for protest, may prevent the counting of the vote of any State that it chooses. That is the operation of it. Either House may object to the counting of the vote of a State on a mere informality of a seal or the like, and in this way a majority of either House, if they will be governed by factious motives, may defeat the election of a President of the United States, and may create in this country a civil war.

Sir, a rule of that kind or that may have that effect, that would have that effect if there was any party bad enough to do such a thing, ought not to stand in our book of rules. It seems to me it is a great deal better to avail ourselves of this opportunity now presented to get rid of the twenty-second joint rule and then let the Judiciary Committee or some other committee report some method by which we may conduct the business of examining the election of President of the United States without endangering the very safety and stability of our Government. I shall therefore vote for the amendment of the Senator from Indiana, on the ground not that these joint rules are not now in force just as much as they ever were, but on the ground that we have a right now and at every hour of our session to with-

draw our assent to a rule improvidently passed, and thus break the concurrence which gives force and vitality to a joint rule. I shall therefore vote for the amendment of the Senator from Indiana and shall vote for the proposition as amended, although I do not think the original resolution was necessary to continue in force the joint rules.

Mr. KELLY. Mr. President, since this resolution was reported on the 10th of this month I have taken occasion to examine the Journals both of the Senate and House of Representatives, commencing with the second session of the First Congress, and I find that during that long lapse of time the Senate has never considered it necessary to adopt the rules of a previous Congress, probably for the reason which has been stated, that it is always an organized body; that is, it always has a quorum to do business. Being an organized body it has never since 1789 adopted the rules of a previous Congress. On the other hand, the House of Representatives at the Second Congress, in 1791, adopted a resolution continuing in force the rules of the preceding Congress until such time as they might be changed; and so the uniform practice of the House of Representatives continued to be from that time down to 1869. The resolution adopted at every Congress was similar to the one adopted the other day by the House, in some such words as these:

Resolved, That the rules of the House of Representatives of the last Congress shall be the rules of the House of Representatives until otherwise ordered.

The House of Representatives at every Congress down to 1869 adopted a similar resolution. It was first omitted in 1869; it was also omitted in 1871; it was again omitted in 1873. During the three Congresses beginning in those years the customary resolution was not passed. It was proposed on the organization of the present House of Representatives that the old rules should be continued in force. The resolution was in these words:

Resolved, That the rules of the House of Representatives of the Forty-third Congress shall be the rules of the House of Representatives until otherwise ordered, except Rule 166 and Rule 167.

A member from Ohio [Mr. GARFIELD] raised a question of order whether it was necessary to adopt the old rules, holding, as I presume he did, that the action of the previous House of Representatives had so far abrogated the ancient usage that it was unnecessary to adopt them. Having made the point of order, the Speaker overruled it, stating that each House had a right to adopt its own rules and that the rules of the preceding House all fell with the Congress. Now, with all due deference to the ruling of the Speaker, I think it was erroneous. I cannot see why the rules of the House of Representatives of a preceding session may not continue at the organization of a new House. Their continuance does not preclude that House on organizing from changing the rules. It can do it just as easily as a court of justice can. Every man who has practiced in courts knows how it is there. The laws of Congress provide that the several courts, the district court, the circuit court, the Supreme Court of the United States, may make rules regulating their proceedings when not inconsistent with the laws of Congress. Can it be presumed that those rules expire whenever the court may adjourn, or in case a district judge or a circuit judge dies and a new judge is appointed? Do not the rules continue from one term to another? Their continuance does not preclude the court from changing its rules. No more does it preclude the House of Representatives from changing the rules of the preceding House whenever it may choose to do so. The Constitution certainly gives to "each House" the right to "determine the rules of its proceedings," and until action is had the rules of the preceding House, like Jefferson's Manual, are part of the law of the House, which continue until they are changed.

Mr. DAWES. May I interrupt the Senator for a moment?

Mr. KELLY. Certainly.

Mr. DAWES. The Senator from Oregon has called the attention of the Senate to the fact that since 1869 the House of Representatives has never by express vote re-adopted its rules. Has his attention been called to the fact that, I think in 1868, an attempt was made by a rule to make the rules of the preceding House binding upon the subsequent House until otherwise ordered? There was such a rule adopted about 1868, according to my recollection, and from that time until the present session of Congress there has been no action taken by the House, but *sub silentio* the old rules have been considered in force. I do not think there can be any great binding effect in that rule adopted about 1868; but under the operation of that rule of the House of Representatives the rules of the preceding House have been considered as the rules of the next House until some express action has abrogated them. I infer from reading the RECORD that it was the design of the present House to do away with the rules which were excepted in the resolution there adopted. The object of it was to do away with the effect of those two rules, and I should infer that the mover of that resolution was of opinion that unless such a resolution was adopted, excepting those particular rules, all the rules of the last House would continue under the rule adopted, as I say in 1868, or when the rules of the House of Representatives were submitted to a new committee and revised. The inference I draw from the movement in the present House is that even the mover of the resolution there supposed that without an express exception of the two rules which he desired to abrogate, they would like the rest be binding upon the present House of Representatives.

Mr. KELLY. My attention was not called to the rule which has been stated by the Senator from Massachusetts. I only examined the Journals of the House, and I found, as I stated, that the customary resolution was not passed for the three Congresses before this, that the rules of the preceding House should be considered in force and obligatory upon the House until they were abrogated. With all due deference to the opinions which have been expressed on the other side, and with all due deference to the ruling of the present Speaker of the House of Representatives, my own judgment is that the rules continue in force until they are abrogated or annulled or otherwise determined by the existing House of Representatives. It is one House of Representatives; it is a continuous body; that is to say, the House of Representatives is the co-equal of this portion of the legislative power. It never falls. It is true the members come and go; it is true that at each Congress new members appear; but still the House of Representatives as a part and parcel of the Government is as existing as the Senate itself. As I view it, the principle applicable is the same that applies to a court of justice. Adjournment does not annul it. A new judge coming to sit on the bench does not abrogate the court or its rules. Neither does the expiration of the terms of members of the House of Representatives abrogate the rules so far as the new House is concerned.

Mr. MERRIMON. Will the Senator from Oregon permit me to ask him a question?

Mr. KELLY. Certainly.

Mr. MERRIMON. To test the rule on which he claims to predicate his argument, I beg to inquire of the Senator whether he goes the length of saying that it would be competent for the present Congress, including both branches, to continue the business pending in the two Houses at the close of the late Congress in this, and act upon it as pending business?

Mr. KELLY. No, sir; for a very different reason. Each House may determine the rules of its proceeding, but each House cannot legislate of itself. Each House has unquestionably the power to determine the rules of its own proceeding; but I contend that the House of Representatives having established certain rules, reason says that they should continue in force until the succeeding House shall change them, and that succeeding House may change them at any time, at any day, at any hour of the day, conforming of course to its rules in making the change.

But, Mr. President, as I said, the almost unbroken usage of the House of Representatives seems to have been to adopt a resolution continuing in force the rules of the House of the preceding Congress. That is eighty years of usage, and perhaps that ought to go for something; but if usage does amount to anything, if it expounds a law, if it establishes a rule, why should it not do so in this case? As I said before, neither the Senate nor the House of Representatives in eighty-six years has considered it necessary to re-adopt the joint rules. Nay, more, we are practicing under these joint rules every day; we have been acting under them at this session of Congress.

Mr. DAWES. Will the Senator allow me to refer him to the rule which I stated had been adopted by the House about 1868?

These rules shall be the rules of the House of Representatives of the present and succeeding Congress, unless otherwise ordered.

Mr. KELLY. Very good; but I consider that that really did not continue them in force. I contend that no House has a right to prescribe rules for a subsequent House which shall be binding on it. I consider that they are in force without any rule. But, as I said, if usage does establish anything it ought to establish that it is unnecessary for us now to adopt this resolution, because here are certain joint rules adopted on the 6th day of August, 1789, and we are practicing under these rules every day, although they have never been re-adopted by either House of Congress. Look at the first one:

When a message shall be sent from the Senate to the House of Representatives, it shall be announced at the door of the House by the Doorkeeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

Is that not done every day? Has it not been done at this very session? Is it not in force now?

Again:

The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Senate.

Again:

Messages shall be sent by such persons as a sense of propriety in each House may determine to be proper.

We send them by our Sergeant-at-Arms.

Again:

When bills are on their passage between the two Houses they shall be on paper and under the signature of the Secretary or Clerk of each House, respectively.

We have been practicing on that. We cannot get along without it. We must have some rules of this kind, in order to communicate with the other House. Now, pray how are we to adopt even a simple resolution unless we have the right to communicate with the other House? And if we do so we do it by virtue of these joint rules. The very necessity of the case shows that they are in continuous operation and ought to be. As I said, if unbroken usage from the commencement of the Government down to this day can establish anything, it ought to establish that it is not necessary for either House to re-adopt the joint rules in order to continue them in force for the present Congress.

Mr. MORTON. Mr. President, I have always understood the theory of the two Houses to be this: first, that the Senate is a continuing body. That results from the nature of its organization, and also because it is a part of the executive department of the Government. We have had some discussion here within a few days involving that very question. When the Senate adjourns from one session to another it is nothing more than a recess of the Senate. It does not differ in point of law from an adjournment from Thursday over to Monday. The officers all continue. We have just decided that a President *pro tempore* of the Senate elected at a former session continues to be President *pro tempore* when the Senate meets in a new Congress. In that way we have recognized the continuous character of the Senate; but I believe I have never before heard it said that the House of Representatives was a continuing body. The Senator from Ohio says that in that respect it is precisely like the Senate. The organization of the Senate is never lost; all the officers continue. If we have a Vice-President he continues during his term. We have a President *pro tempore*, a Sergeant-at-Arms, and a Secretary, and they continue until the Senate itself makes a change. Therefore the organization of the body is not lost, and every adjournment of the Senate is simply in the nature of a recess. But, Mr. President, that is not the case with the House of Representatives at all. In the House it is just the reverse. The Senator from Ohio [Mr. THURMAN] says that a member of the House is elected for two years. So he is. That is the term prescribed by the Constitution. He says that he is paid when Congress is not in session. First he was paid a per diem only when Congress was in session; afterward it was changed to a salary by the year; but that certainly does not affect the question of the legal existence of the House. We speak in general of "Congress," two years. But so far as the legal existence of the House of Representatives is concerned, how can we conceive of that when the members have never come together, their credentials have never been examined, and they have no officers elected? There is no House of Representatives until it is organized. There may be the elements of organization; the members may have been elected, but that has not been officially ascertained, and cannot be until their credentials have been examined by the proper officers. It occurs to me that it is illogical to talk about the House of Representatives being in existence before it is organized. It has no Speaker; it has no officers; it is utterly incapable of doing anything, while the organization of the Senate continues. Therefore, Mr. President, from the 4th of March last until the first Monday of December there was no House of Representatives; there was only one House of Congress in existence, and that was the Senate of the United States. There can be no joint rules unless there are two Houses. It is absurd to talk about a joint rule when the House of Representatives is not in existence. A joint rule implies the existence of both Houses. How a joint rule can be binding on the Senate when there is no House for it to be binding upon I cannot understand.

The Senator from Oregon [Mr. KELLY] says that it has been the unbroken custom for eighty years for the House to enact its own rules at the beginning of every Congress. Undoubtedly. They have taken it for granted that when one Congress expires, and the House goes out, the new House comes in just as if there had never been a House of Representatives before. This House is just as independent of the House that went before it as if it was the first House in the First Congress. It is a new House; it has to make its own rules and I will suggest to my friend from Massachusetts [Mr. DAWES] that, although the House did once adopt a rule extending the rules of one House to the next House, clearly it had no power to do that.

Mr. DAWES. I did not mean to intimate myself that I thought it had.

Mr. MORTON. I did not so understand the Senator.

Mr. DAWES. I suppose they meant when they made that rule to suggest that by common consent and acquiescence the old rules should be considered as continuing.

Mr. MORTON. We have an evidence of what the understanding of Congress was in regard to that in the fact that Congress provided by law for the organization of the new House, declaring that the Clerk of the old House should make out the roll and call the House to order and organize it. It is not competent for one House alone to prescribe the method for organizing the next House. Therefore Congress passed a law providing for the organization of the new House; and when the House is organized, then its rules are entirely within its own control. It may make new ones just as if there had never been a House of Representatives.

The argument of my friend from Ohio, [Mr. THURMAN,] I submit to him, defeats itself. He says the House of Representatives is a perpetual body, just like the Senate. Well, the House of Representatives has always assumed that it made its own rules; it has adopted rules at the beginning of each Congress, showing that in its judgment the rules of the former House were not binding upon it. The two Houses stand upon the same footing, and that would be the law also in the Senate; the rules of the Senate at a former session are not binding at the next session, and the Senate consequently must adopt its rules at the beginning of every session. It seems to me, if the Senator's reasoning is good, it precisely repels the conclusion that he wants to draw, for, if the two Houses are perpetual and both stand upon the same footing, and the House of Representatives must re-enact its rules at the beginning of every session, then the Senate must re-enact its rules at the beginning of every session, and there is no such thing as acquiescence.

Now, Mr. President, the Senate may acquiesce in these rules. It has acquiesced in them. That is one method of adoption; but it must be an acquiescence in each particular rule. Acquiescence in one rule, I submit to my friend from Oregon, is not acquiescence in all of them. Acquiescence in a simple rule in regard to the performance of the duty of the Clerk of the House in coming here to announce the passage of bills by the House is not acquiescence in the twenty-second joint rule. The Senate may acquiesce in a particular rule, but that is not acquiescence in the whole body of them.

This resolution brought forward by this committee repels the idea of acquiescence. It is proposed to put the acquiescence of the Senate in the form of an affirmative resolution, and in that resolution I propose to strike out the twenty-second joint rule. In my judgment, that rule is unconstitutional. It is a monstrosity. It is the most dangerous machine for the purpose of bringing revolution upon the country that was ever invented. What is it? It provides that, when the two Houses come together to count the votes for President and Vice-President, if any Senator or Representative gets up and makes an objection to counting the vote of the State of Kentucky, for instance, though it may be of the most frivolous character—actually contemptible in its nature; it may be technical only—but if the objection is made, the two Houses then separate, and each House votes upon the objection. If the objection is sustained in one House and overruled in the other, the vote of the State is thrown out. It gives one House the power to disfranchise a State, and in fact to disfranchise all the States in the Union.

Do you believe that it is in the power of the two Houses by a joint rule to confer the authority upon either House to reject the electoral votes of every State in this Union upon objections the most frivolous or contemptible? We had an illustration of that at the last time the votes were counted. Some member of the House, I believe, objected to counting the vote of Arkansas, upon the ground that the certificate showing the election of the electors and how they voted did not bear the great seal of the State. We separated and voted on it. The House of Representatives overruled the objection, as it ought to have done. In the Senate we had no opportunity of discussion. There could not be a word said. It was not even in order to read a provision from the constitution of Arkansas, and the Senate sustained the objection, upon the ground that the seal was not the great seal of the State. The certificate did bear a seal, but, as near as we could see—it was somewhat dim—it appeared to be the seal of the secretary of state of Arkansas. There could not be a word of explanation made, and consequently we disfranchised half a million of people in about ten minutes. I learned upon inquiry afterward that that seal was all the great seal the State of Arkansas ever had; but under this rule no explanation could be made, and the Senate without consideration—if it was respectful, I would say without sense—disfranchised the State of Arkansas. Therefore I think it is that we ought not to acquiesce in this respect. It is a question, as remarked by the Senator from Delaware, [Mr. BAYARD,] above all party considerations.

Mr. SAULSBURY. I wish to ask the Senator a question in regard to the origin of this rule. There must have been some reason for the adoption of such a joint rule by the two Houses of Congress. I had not the honor of a seat in this body at that time, and know nothing about the considerations presented to the Senate, and I should like to know what were the considerations presented for the adoption of this joint rule.

Mr. MORTON. I once undertook to examine the history of this rule, and found it was adopted in both Houses without a word of debate, without any consideration. My friend from Oregon [Mr. KELLY] remarks that that shows the importance of debate. It was adopted in 1865, in a stormy time, to meet an exigency that it was thought then might occur. I do not justify the adoption of the rule under any circumstances. There was a somewhat curious incident connected with it, and without mentioning any names, I will state it. I was talking to a distinguished Senator, not now a member of this body, about the rule, and I called his attention to its dangerous character. He agreed with me; he denounced it as strongly as I could possibly do, and after he had made his statement in full I called his attention to the fact that he was the author of it. He had entirely forgotten it.

Mr. SAULSBURY. Mr. President, I do not concur in all that I have heard on this question. I differ from the views expressed by the Senator from Ohio, [Mr. THURMAN.] I do not regard the House of Representatives as being at all times an organized body. While it is true that the House of Representatives is one of the departments of this Government, yet there are periods when there is no organization of the body, according to the view which I take, and the members of the House of Representatives in each Congress have the right to adopt their own rules, and the rules provided by the previous Congress are not obligatory upon them. But I do not concur in the views expressed by the other Senator from Ohio [Mr. SHERMAN] that it is competent for this body to annul, at pleasure, any joint rule between the two Houses. The view which I take of these joint rules is that, as they require the concurrent action of both Houses, they partake of the nature of a statute, and that neither House may annul a joint rule without the concurrence of the body that helped enact it. I therefore do not believe that it is competent for the Senate of the United States to annul the twenty-second joint rule, nor do I believe that it is competent for the House, after its having been enacted or ordered by the concurrent action of both Houses, without the concurrent action of

both Houses to render it null and void. This is the view I take of the joint rules.

Mr. MERRIMON. Does it not require the enactment of each branch of Congress to renew the joint rules?

Mr. SAULSBURY. I do not think it requires it. I think they stand on the statute-book binding and obligatory upon both Houses of Congress, however they may be constituted, until by the concurrent action of both Houses they be made null and void.

Now, with reference to the dangerous character of the twenty-second joint rule, I do not hesitate to say, after so me reflection, that in my opinion that joint rule ought never to have been adopted. I believe that the interests of the people of this country were safer under the constitutional provision referring to the count of electoral votes for President and Vice-President than they have ever been under the twenty-second joint rule, and I can well conceive how by its operation it may produce much trouble in the country at some future time. It is therefore obligatory upon Congress, and there is no more appropriate time than the present session of Congress, to provide some more eligible mode for ascertaining the wish of the people of this country in reference to their President than is done through the operation of this rule. But while that is true, and while my judgment in reference to this rule is that it is most dangerous, and ought to be superseded by something more equitable and fair and less dangerous in its operation, I do not hold that the Senate by simply striking it from among the joint rules can make such action have the effect of a joint rule, unless their action is concurred in by the other House of Congress, remarking, as I before did, that it was adopted by the concurrent action of the two Houses, and it must be repealed by the same authority that enacted it.

With these views, Mr. President, while I am ready to strike it out at any time whenever there is a substitute provided by both Houses, I do not believe that it is incumbent upon us to proceed with the subject at this moment; but, if I could make a suggestion that could reach the ear of the Senate, I think the whole question ought to be referred to a joint committee composed of members of both Houses, to provide some substitute for this joint rule, or to take some action in reference to the joint rules generally.

Mr. COCKRELL. Will the Senator from Indiana permit me to ask him a question in regard to this matter? This joint rule was passed in February, 1865. Was it ever signed by the President, or was it simply passed by the action of both Houses?

Mr. MORTON. It was not adopted as a joint resolution. It was simply adopted as a joint rule by concurrent resolution. It did not require, I will say to the Senator from Missouri, the concurrence of the President. It was adopted as one of the joint rules of the two Houses by concurrent resolution.

Mr. COCKRELL. And never was signed by the President?

Mr. MORTON. No, sir.

Mr. COCKRELL. Has it been approved directly since, or simply acquiesced in?

Mr. MORTON. It has simply been acquiesced in by action upon it on three occasions.

Mr. COCKRELL. Am I to understand that there has been no objection made to it, and no action taken in reference to it?

Mr. MORTON. No action taken in reference to it at all.

Mr. COCKRELL. In regard to repealing it or continuing it; but it has been acted under?

Mr. MORTON. Yes, sir. The Senate passed a bill here at the last session, which I had the honor to introduce, changing the rule; in other words, making it a law requiring the concurrent votes of both Houses to reject an electoral vote. That passed the Senate but did not pass the House.

Mr. BAYARD. Mr. President, I hope the motion I have submitted will prevail. The discussion we have listened to has shown the importance of further consideration of the subject. I hope the consideration of the question will be postponed for a week. I will only say now in response to the Senator from Indiana that I do regard the present power which has been assumed by the action of Congress over this subject as utterly unwarranted by the Constitution. Virtually as we are now acting under this joint rule and as Congress has acted for the last ten years, a veto founded in nothing but caprice is vested in the Senate or vested in the House, to defeat the result of the popular vote for President and Vice-President. Such has been the state of affairs under which the people of this country have lived for eleven years, and it is in the power of the Senate or of the House under the assumptions of this rule to throw the election into the House by refusing to have the votes counted for any pretext whatever. Such a state of things is simply monstrous; such a state of things has been monstrous all the time it has continued. The people of this country have held their elections three times for President and Vice-President with the power under this rule vested in either House of Congress to defeat the popular will indirectly by creating the other House of Congress the electoral college itself. That has been the effect of it. I say it ought never to have been the rule; it was a violation of the spirit and intent of this form of government that such a rule ever should have been adopted or acted under. I have no doubt of that and that such power ought not to be given; and I will ask it no more for a House of Representatives with whom I have political sympathy than I would for those to whom I was entirely opposed.

This shows me the necessity of approaching a subject that has been dealt with so unwisely and so unwarrantably with great gravity and with a desire to place it beyond the possible reach of influence of political ambition or political design. Our duty in respect to counting the electoral vote is a constitutional duty. The Constitution is very scant in the phrase that conveys it and unsatisfactory in its silence; but it does seem to me that, when you are to make the Constitution operative, it should be by the forms of legislation, by a law duly passed by each House of Congress and which the Constitution requires shall be presented to the President of the United States.

"The President of the Senate," under article twelve of the amendments to the Constitution, "shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted." There is the beginning and the end of constitutional provision on the subject of the count of the electoral votes; but that it ever was intended to submit that count to the control of either House of Congress, so that either could substitute the House of Representatives for the will of the people, I do not think can be contemplated by any one who desires to be just in his construction of the Federal Constitution.

Mr. MORTON. Will the Senator allow me a word?

Mr. BAYARD. Certainly.

Mr. MORTON. I wish to call the Senator's attention to a fact. In 1857, when the two Houses met to count the vote for President and Vice-President, objection was made to the counting of the vote of Wisconsin, upon the ground that it was not cast on the day prescribed by law. The Constitution expressly requires that the electoral votes shall be cast on the same day in every State. The debate showed that that was regarded at the time as material to prevent collusion between different electoral bodies. In the State of Wisconsin a snow-storm prevented the electors from meeting on the day fixed by law to cast their votes; and it would appear that the objection ought to have been good; but the President of the Senate *pro tempore*, Mr. Mason, of Virginia, refused to entertain any motion upon the subject and declared that the only thing in order was to count the votes, and the votes were counted. The two Houses separated. A very animated discussion took place in each upon the question of this power. It was assumed by some Senators that the two Houses had the right to determine upon the legality of the vote; by others that the President of the Senate had the whole matter in his hands. No conclusion was come to, and the question was dropped.

Mr. BAYARD. All that confirms what I have attempted to state—the embarrassment which surrounds this subject owing to the silence of the Constitution and owing to the fact that the Congress of the United States has not seen fit to provide machinery for making the Constitution operative according to its limitations. Instead of that we ran along under the act of Congress providing for the day of election to which the Senator has just referred, passed, I think, in 1845, providing for the election taking place on the same day all over the country to avoid fraud; we ran along without anything to regulate the count until 1865; and then this rule which has been so justly stigmatized by the honorable Senator from Indiana was adopted. It has been acted under; and its evil effects have not been sufficiently considered until the present time. I am not to be restricted in my condemnation of a constitutional act by any of the accidental circumstances in which party relations may be found between the two Houses. If the time shall come that, in the face of an admitted election by the people of the men of their choice for President and Vice-President, the action of any House of Congress or of both Houses of Congress shall seek to forestall and defeat it by throwing the election into the House of Representatives, I trust in God that the people of this country will not submit to it. The question is a very dreadful one, and I do not believe, I cannot believe that any man's fortunes politically would be so desperate as to invite such dishonest action as could lead to any such result. It is enough to suggest such a thing to make us all start back in horror from it; and as we shrink from it, so I think we should provide laws that will make such things impossible, so far as we can.

But, sir, I have said already more upon this subject than I meant to say. What I have said was in the most unprepared way. I think this subject needs discussion, grave discussion, high discussion, and therefore I trust the Senate will allow it to pass over for another week until gentlemen shall not only have made up their minds in regard to the abrogation of this rule, about which I have no question, but also in regard to the settlement of the other matter which gentlemen of ability here have differed about, as to the power of the Senate to recede from a joint rule. I confess, in opposition to some gentlemen whose opinions I do always give great weight to, I cannot read the language of the fifth section of the first article of the Constitution without considering that it is in the power of either House, at its will, in accordance with its own rules, to determine those rules. The force of the language used in the Constitution is fully to be regarded: "Each House may determine the rules of its proceedings." "Determine," from the very force of the word used, is to "put an end to the rules of its proceedings." No one doubts its power in regard to its rules for its separate action. How can it be doubted in regard to the share of action which we take conjointly with another body; for if the rule was to be permanent ought it not to have received the sanction of the President or have been presented to him for his concurrence under the seventh section of the same article which requires that "every order, resolution, or vote, to which the concurrence of the

Senate and House of Representatives may be necessary, (except on a question of adjournment,) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill." If, therefore, a joint rule does require the concurrence of the Senate and of the House of Representatives, it should be presented to the President. If it does not require that, then it is not passed under any authority of the Constitution. There is in the Constitution, so far as I know, no provision whatever on the subject of joint rules; and in reasoning upon it we must reason by analogy. Nor has there been, so far as I have been able to discover, any legislation on the subject of joint rules. It has been simply the construction that under the power given to each House to determine the rules of its proceedings it may consider its proceedings in connection with the other House as well as its own separate proceedings; and if it may, under the language of the Constitution, determine those rules, it seems to me it may put an end to those rules; otherwise the language would lose much of its force. I am sure there were no idle words placed in the Constitution.

I hope, sir, that this matter may be continued that we may approach it with more knowledge and more reflection. Therefore I ask for the postponement.

Mr. CONKLING. Mr. President, the Senator from Ohio, usually seated farthest from me, [Mr. THURMAN,] affirmed, if I understood him, that the Government of the United States in all its branches does not exist occasionally but always. Pointing the statement as he did, the legislative branch of the Government of the United States always exists, and one House, as well as the other of the two Houses composing that branch of the Government, always exists. For one, I see no occasion to dissent from that statement, or that opinion if it be an opinion. I think the history of the Constitution and the statutes passed under the Constitution warrant the Senator in that declaration. It is true that the House of Representatives, in one sense, comes into existence on the 4th of March in every alternate year. I did not remember, when the Senator began speaking, the origin of that. Had I trusted to my recollection I should have misstated it probably. On looking, I find in the history of the Constitution that on the 17th of September, 1787, in convention at Philadelphia, resolutions were adopted which, among other things, committed to the Congress, then being the Congress of the Confederation, the duty of determining the day on which "proceedings should begin"—that, I believe, was the phrase—"under the Constitution," when the Constitution should be ratified. That resolution provided that upon Congress taking action and making publication, the electors should be appointed and the Senators and Representatives elected; that the electors should meet on the day fixed for the election of President and should transmit their votes certified, signed, &c., as the Constitution requires, "to the Secretary of the United States in Congress assembled; that the Senators and Representatives should convene at the time and place assigned; that the Senators should appoint a President of the Senate for the sole purpose of receiving, opening, and counting the votes for President; and that after he shall be chosen, the Congress, together with the President, should without delay proceed to execute this Constitution." Under that authority, derived from the convention, the Congress on the 13th of September, 1788, adopted a preamble, which I omit, and this resolution:

Resolved, That the first Wednesday in January next be the day for appointing electors in the several States which, before the said day, shall have ratified the said Constitution; that the first Wednesday in February next be the day for the electors to assemble in their respective States and vote for a President; and that the first Wednesday in March next be the time, and the present seat of Congress the place, for commencing proceedings under the said Constitution.

That Wednesday in March happened to be the 4th day of March, and a meeting took place, of Congress, under that resolution. One of the first acts passed was what we came afterward to call an apportionment act, and I believe all the acts have followed each other in this phraseology: that after the 3d day of March of such a year "the House of Representatives shall be composed as follows," and then the acts proceed to declare so many members from this State, so many from that, and so on, thus taking always the 4th of March as the initial point (it having been established in the mode to which I have referred) and as commencing the existence of each particular House of Representatives, speaking now of the personal composition of that House. Thus it comes to be true, as I ventured to suggest to the Senator from Ohio, that, by operation of the Constitution and of the statutes, every Representative in Congress, no matter when he may be elected, whether in August in Kentucky or previously in some other State, holds his office from the 4th of March and holds a term which by law begins on the 4th of March, and it begins at twelve o'clock on that day. I see, looking at the Manual, that on one occasion a Senator from Virginia, Mr. Mason, the hour having passed midnight on the 3d of March, doubted his right to continue to sit; and, his credentials showing his re-election having been presented, he presented himself and asked to be sworn, and the Senate resolved that by the operation of the Constitution—that was the language of the resolution—his term of office, and of course the term of other members expiring at the same time, expired at twelve o'clock meridian on the 4th of March. Thus it seems to have been established that every member of the House of Representatives holds from the 4th of March till the 4th of March two years, and thus it comes to be that in fact, in reality, the House of Representatives in its personal composition is dissolved once in two years; but that fact, as I understand, does not in any way interfere with the legal intent, the theory of law, the constitutional fact that the House of Representatives, as one-half of one of the departments of this Government never dies while the Government lives.

Now, Mr. President, I do not think that that conclusion influences particularly the power of the Senate upon the question before us. It certainly does not lead me to think that the joint rules which have prevailed between the two Houses continue to prevail without action and in spite of either House. I do not stop to discuss the question suggested by some Senator whether either House of its own motion pending the life-time of the joint rules can put an end to those joint rules. I should say, however, as an impression derived from analogy in other cases, that, if it be true that when the House of Representatives, upon the meeting of what we call a new Congress, adopts rules it adopts them for two years, and some of those rules are concurrent rules and the Senate concurs in them, that compact, that action, read in the light of its implications and surrounding circumstances, very clearly implies that two years is the term for which that concurrent action is to continue, that that is what both parties mean, and that that is the whole vigor and effect of the action which they place in their book of rules. If that be so, it is a little difficult to see how either House upon its own motion, any more than either party to a contract upon his own motion, without the assent of the other party to that covenant or contract, can turn around and break it.

That question is not important for the vote I may be called upon to give now. I dispose sufficiently of the whole question as it presents itself to me by turning to the Constitution and finding that "the House of Representatives shall be composed of members chosen every second year by the people of the several States," and so on, and by seeing further that "the Congress shall assemble at least once in every year; and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day," as it in the beginning was determined by law and as it has been since. I find my way sufficiently clear when I see that once in two years the members of the House of Representatives are rechosen, not some of them but all of them, thus supplying anew the whole *personnel*, the whole incarnation (if I may so speak) of that House. Now, by settled usage in that case, in analogous cases, and by usage, as it seems to me very clearly within the attributes and within the prerogatives of the House, each Congress (as it is called for convenience, as the Senator from Ohio says) proceeds to take its own orders, to make its own rules under the express permission of the Constitution of the United States. When the Senate concurs in a joint rule, a concurrent rule, the Senate assents to the making of rules by the House, if they proceed from the House, extending as to those rules to this body. It assents by adopting them as a part of its own rules. Should any House undertake to make rules to govern a succeeding House, I conceive the action would be entirely nugatory; and, if so, it follows as a matter of course that a rule made by one House, although the Senate may be a party to it, if it is designed to bind a succeeding House, is as void as it would be were it a rule for the House alone. Certainly the House would have no greater prerogative, no more far-reaching prerogative in the establishment of a rule, if it happens to be a rule to which some other body is to be a party, than it would have were it a rule for the government of itself, supposing all the time that it be a rule in the strict sense of that word as distinguished from a statute or from that kind of joint resolution which a Senator over the way had in mind when he inquired whether the signature of the President had ever been attached to this rule.

If I be right in that, Mr. President, it is very clear that in every Congress as it is called, (adopting again this term for convenience) the House of Representatives is obliged to adopt rules in some form for its government; and it is very clear that the resolution referred to by the Senator from Oregon, adopted by the House at the commencement of the session, was an expedient, competent, and orderly proceeding. If that resolution covered, as perhaps it did, the joint rules of the two Houses, it brings to us the question whether we will adopt those joint rules. Now, undoubtedly it would be competent for the Senate, *sub silentio*, (as the Senator from Massachusetts said touching another matter,) by acquiescence, by that silence which implies consent, to go on and observe the joint rules. That it seems has been done repeatedly, perhaps usually, before. It would have happened now very likely but for the fact that every Senator who has regarded this subject at all cannot have failed to feel that we were called upon to take some action touching the twenty-second joint rule, which it has been said by the Senator from Delaware and by other Senators involves very grave dangers. A resolution was offered by the Senator from Vermont—for what reason of course I cannot know—bringing to our attention the question not whether if we simply by silence allowed these rules to drift they would be for all purposes of convenience and for all purposes of technical regularity an authority, and, if you please, the rules of the Senate, but whether, if we saw fit to abstain from adopting them or to insist that they be changed as a condition to adopting them, that power resides in the Senate.

Now, I cannot see how there can be any question in that regard. I cannot see how the fact that the legislative branch of the Government, like the judicial and executive branches, never dies until the Government itself expires, but is, in theory of law, ceaselessly in existence, bears at all upon the question whether we can change or impairs

our right to change, if we see fit to do so, the concurrent rules of the two Houses on every one of those periodical occasions when the House of Representatives must speak if it wishes to have rules or must by some mode of action adopt the rules which existed, or else be left entirely without anything to govern its proceedings except the general rules of parliamentary law which pertain to all assemblies and of course to all deliberative bodies.

I therefore shall vote to adopt all those joint rules to which no objection has been pointed out. That includes them all, I believe, except the twenty-second joint rule. It seems to me we should have joint rules on other subjects; and the fact that we have them in no way delays or embarrasses our action touching that. I am very clear myself that that rule should be changed, and some Senator or some committee will no doubt be prepared, when we get to it, to suggest some substitute for it.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Delaware to postpone the further consideration of the subject until Monday next.

Mr. MAXEY. Mr. President, in the close of the very able discussion of this question by the Senator from Indiana, [Mr. MORTON,] he referred to a conversation had by him with a distinguished gentleman who had been, as I understood, a member of the Senate, and in that conversation he presented his objections to the twenty-second joint rule, and the gentleman with whom he was conversing, and whose name he did not give, objected as seriously to the twenty-second joint rule as he did, and on being informed that he was the author of it he was perfectly astonished. Further, during the course of this debate it has appeared that a measure of the utmost consequence, a measure by which a whole State may be disfranchised, a measure by which many States may be disfranchised, a measure which may, by fraud or otherwise, turn the entire effect of a presidential election, and therefore revolutionize the Government, passed through both Houses of Congress without discussion and was denounced most bitterly by the very man who drew it. That was a singular presentation of the case. It shows me the importance of discussing all questions of this character with care and patience.

Sir, there can be no question whatever that each House is the judge of its own rules of proceeding; and, being the judge of its own rules of proceeding, it necessarily has the right to change those rules of proceeding without the concurrent action of any other body. But there is an additional class of rules, over and above this, which affect the Senate alone, and affect the House alone, and which are called joint rules. About them, how is it? It is contended that without action of the Senate whatever, without re-adopting the joint rules by acquiescence, they become for all purposes joint rules binding on both Houses. That is a question which may perhaps admit of serious controversy. This, however, is true: that, while you have joint rules such as we are now discussing, those joint rules, to be effective as rules, must have legal action by each of the bodies to be bound by them. That is clear.

It is said that the House of Representatives is a continuous body; and that reason is assigned by a Senator for whose legal judgment I have great respect; but I do not concur in it; I do not think it is true. I believe that there is a cessation of the organization of the House of Representatives every two years. The very fact that this body requires the President of the Senate (whoever that may be) to call the Senate together, that it is a perpetual body, that it never ceases to exist, that while one-third goes out every second year one-third comes in at the same time, makes it a perpetual body; and the history of the Parliament of Great Britain on that question is precisely carried out in the Constitution of the United States. As far as the House of Representatives is concerned, the whole of that body goes out every two years. No one whatever is left in. There never is a time, there never has been a time since the organization of this Government, that two-thirds of the Senate were not in existence. It is, therefore, a perpetual body, so laid down in all the works on the subject. The House is not so. It is true of the House of Lords; it is not true of the House of Commons. Precisely what is true of the House of Lords is true of the Senate; precisely what is true of the House of Commons is true of the House of Representatives here. If, then, the House of Representatives goes out every two years, as each House has the right to make rules for its own proceedings, how is it possible that one House may make rules for its successor? If one House cannot make rules for its successor, if it has not the power legally under the Constitution to make rules for its successor, I ask how it can make rules for its successor in conjunction with this body? I cannot understand how that can be done.

Now, in so far as the question as to the joint rules, with the exception of the twenty-second, is concerned, I have not one word to say. In so far as this twenty-second joint rule is concerned, I have sufficient knowledge from this debate for myself to say that there may be a dangerous power to the existence of this Union by granting to one or the other of these two Houses the power to destroy the political interests and the elective franchise of an entire State, and not only of one, but of many.

If that be true, it is clear that this question should be submitted to a committee appointed on behalf of the Senate, with a request that a corresponding committee be appointed on behalf of the House of Representatives, and let that committee be composed, as far as this body is concerned, of its best men, and let them adopt a system which will obviate all of the dangers which have been spoken of by all sides. So far as I am concerned personally, it is a question above and beyond all political parties. It is a question that involves the very integrity of the Union, for here is a function which may confer unjustly and improperly the power to strike down the power in the electoral college of a State or of many States; and what may be of value temporarily for one party may be destructive to the entire country.

I regret that I have consumed so much time of the Senate, but the question is so important that I hope I shall be excused. I trust a committee will be appointed consisting of experienced Senators, of such number as may be thought proper, to take the subject into consideration and to join a committee to be appointed by the House of Representatives, and when their report comes in we may perhaps get a rule which will be without danger.

Mr. THURMAN. Mr. President, I have listened with great pleasure and instruction to the remarks of my friend from Texas; but there is one of his propositions to which I cannot assent. If I understand him, he says that the House of Commons and the House of Representatives stood precisely alike in regard to their duration, and that the House of Lords and the Senate are precisely alike; that both the Senate and the House of Lords are perpetual bodies, and that the House of Commons and the House of Representatives are not. There is this difference between the House of Commons and the House of Representatives: it very seldom happens that the term of office of the members of the House of Commons expires by efflux of time. In the last two or three hundred years, very seldom indeed has a House of Commons sat its whole seven years, since the Parliaments have been septennial, or its three years when there were triennial Parliaments. The usual mode of ending the House of Commons is by dissolution, and that where there is the most perfect concurrence between the Throne and the House of Commons. Prorogation does not put an end to the House; dissolution does.

The point of difference between the House of Commons and the House of Representatives is this: the House of Commons is really dissolved and then writs go out for a new election. There is at the end of each House of Commons a period of time when there are no members of the House, and when therefore the Queen cannot convene Parliament on any day whatsoever when she might be pleased to do so. But that is not the case with the House of Representatives. There never has been, I believe, one day since the organization of our Government in 1789 up to this time when there was not a House of Representatives that might be convened. That makes the difference, it seems to me.

While I am on my feet I will say that I think there is great force in the suggestion made by the Senator from Texas. I do not know but it is the wisest thing that can be done to have a joint committee of the two Houses on the subject of these joint rules, and then it can be determined whether or not to bring in a bill to regulate this matter and make it an act of Congress, or whether we can agree upon a joint resolution that shall remove all dangers which we think are pressing upon us.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Delaware to postpone the further consideration of the subject until next Monday.

Mr. HAMLIN. Mr. President, I do not desire to interpose any objection to a proper delay and a proper discussion of this subject, but Senators all know that at so late a day in the session certainly we have never before known so few legislative matters brought to our attention. We have done less than has ever before been done at a session up to this period, and every Senator must see that in a very brief period of time there will come before us various subjects which will demand and must receive our consideration; and it is wise and well that we make all proper progress in the settlement of this discussion now before us. I do not believe it best to postpone it for a whole week when it may be crowded out by other matters of public moment which will demand our time. I have no objection that this question shall go over to to-morrow. I know of nothing very particularly demanding the attention of the Senate then. I am aware that the question in which the Senator from Massachusetts [Mr. BOUTWELL] is participating is one that will come up; yet I think we had better keep this matter distinctly before the Senate, and if we can settle it fairly to-morrow let us settle it; if not, let us continue its discussion until we shall close it and determine what shall be the judgment of the Senate.

Now comes the Senator from Ohio [Mr. SHERMAN] to me and suggests that there is a bill that he wants to bring up to-morrow. I shall co-operate with him. It only illustrates the position which I take, that there will come upon us continually various measures from various committees demanding our attention, and it is wise and best that we dispose of this question at this time. When I say "this time" I do not mean this day, but that we do not postpone it for a whole week; that we consider it to-morrow, and if to-morrow be not sufficient time then continue its discussion until next day, and until it is settled and determined. These are my general views in relation to the postponement.

Mr. SHERMAN. I venture to suggest that it be postponed to Wednesday.

Mr. HAMLIN. Well, Mr. President, if there be no further matter before the Senate to be offered here to-day, I will move that the Senate proceed to the consideration of executive business and let this resolution remain as the unfinished business for to-morrow.

Mr. SHERMAN. If the Senator will give way to-morrow in order to pass the bill of which I gave notice this morning, very well.

Mr. HAMLIN. My motion has precedence, I believe.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-eight minutes spent in executive session the doors were re-opened, and (at three o'clock and thirty-three minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *January* 17, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND, D. D.

The Journal of Friday last was read and approved.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order during the morning hour is the calling of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back into the House by motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for printing and reference. The morning hour now begins, at fifteen minutes after twelve o'clock.

HONORS TO NAVAL OFFICERS.

Mr. HALE introduced a joint resolution (H. R. No. 35) authorizing Captain William G. Temple and Lieutenant-Commander William H. Whiting, of the United States Navy, to accept decorations from the King of the Hawaiian Islands; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

HENRY B. BROWN.

Mr. BELL introduced a bill (H. R. No. 1058) for the relief of Henry B. Brown; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WARREN F. WOOD.

Mr. JOYCE introduced a bill (H. R. No. 1059) granting a pension to Warren F. Wood, late a private in Company E, Eleventh Vermont Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and, with the accompanying papers, ordered to be printed.

DUTIES UPON MEDICINES, ETC.

Mr. JOYCE also introduced a bill (H. R. No. 1060) to repeal all stamp duties upon medicines and proprietary articles required under section 3437, Schedule A, Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

IMPROVEMENT OF VERGENNES BASIN AND OTTER CREEK.

Mr. JOYCE also introduced a bill (H. R. No. 1061) making appropriations for improvements in Vergennes Basin and Otter Creek, in the State of Vermont; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LIQUOR AT THE CENTENNIAL.

Mr. JOYCE also introduced a bill (H. R. No. 1062) to prevent the traffic in spirituous and intoxicating liquors in the centennial buildings and grounds during the exhibition; which was read a first and second time, referred to the Select Committee on the Centennial, and ordered to be printed.

REMOVAL OF POLITICAL DISABILITIES.

Mr. BANKS introduced a bill (H. R. No. 1063) to remove the disabilities imposed by the third section of the fourteenth article of amendments to the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ROLLIN WHITE.

Mr. TARBOX introduced a bill (H. R. No. 1064) for the relief of Rollin White; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

OATH OF MEMBERS OF CONGRESS.

Mr. STARKWEATHER introduced a bill (H. R. No. 1065) to prescribe and establish a form of oath or affirmation to be taken and subscribed by members of Congress before entering upon the duties of their office; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

NORWICH AND NEW YORK TRANSPORTATION COMPANY.

Mr. STARKWEATHER also introduced a bill (H. R. No. 1066) for the relief of the Norwich and New York Transportation Company; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RALPH KING.

Mr. CHITTENDEN introduced a bill (H. R. No. 1067) for the relief of Ralph King; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

W. M. VAN BENSCHOTEN.

Mr. WHITEHOUSE introduced a bill (H. R. No. 1068) to re-imburse William M. Van Benschoten, postmaster at Boston Corners, Columbia County, New York, for postage-stamps stolen from the office the 15th of August, 1874; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ENTRY OF GOODS.

Mr. WOOD, of New York, introduced a bill (H. R. No. 1069) to provide for the entry of single packages from a bill of lading, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

INTERNAL IMPROVEMENTS IN NEW YORK.

Mr. WOOD, of New York, also presented joint resolutions of the State of New York, asking appropriations for certain improvements; which were referred to the Committee on Commerce, and ordered to be printed.

ROBERT L. MAY.

Mr. WALKER, of New York, introduced a bill (H. R. No. 1070) for the relief of Robert L. May, late of the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JAMES B. SINCLAIR.

Mr. ODELL introduced a bill (H. R. No. 1071) for the relief of Lieutenant James B. Sinclair, of the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JURISDICTION OF UNITED STATES CIRCUIT COURTS.

Mr. COX introduced a bill (H. R. No. 1072) relating to the jurisdiction of circuit courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

GUSTAVUS A. SCROGGS.

Mr. BASS introduced a bill (H. R. No. 1073) for the relief of Gustavus A. Scroggs, late provost-marshal of the thirtieth district of New York; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SACKETT'S HARBOR, NEW YORK.

Mr. G. A. BAGLEY introduced a bill (H. R. No. 1074) providing for the repair and preservation of the public property at Sackett's Harbor, State of New York; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JOHN AMMAHAIE OR AMMAHE.

Mr. MACDOUGALL introduced a bill (H. R. No. 1075) directing the Second Auditor to settle the pay and bounty of John Ammahaie or Ammahe; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

O. B. & O. S. LATHAM.

Mr. MACDOUGALL also introduced a bill (H. R. No. 1076) for the relief of Obadiah B. Latham and Oliver S. Latham, of Seneca Falls, New York; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM A. MANN.

Mr. TOWNSEND, of New York, introduced a bill (H. R. No. 1077) for the relief of William A. Mann, late acting assistant paymaster in the United States Navy; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WIDOW OF DAVID RITCHIE.

Mr. TOWNSEND, of New York, also introduced a bill (H. R. No. 1078) authorizing the Commissioner of Pensions to place upon the pension-rolls the name of the widow of Captain David Ritchie; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NAVIGABLE WATERS OF THE UNITED STATES.

Mr. HEWITT, of New York, introduced a bill (H. R. No. 1079) for the protection and preservation of the navigable waters of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JOHN ROSECRANTS.

Mr. DAVY introduced a bill (H. R. No. 1080) for the relief of John Rosecrants, of Rochester, New York; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT JERSEY CITY.

Mr. HARDENBERGH introduced a bill (H. R. No. 1081) relating to the erection of a public building for a post-office and for other United States offices at Jersey City, New Jersey; which was read a first and second time, referred to the Committee on Public Building and Grounds, and ordered to be printed.

HENRY M. MEADE.

Mr. HARDENBERGH also introduced a bill (H. R. No. 1082) for the relief of Henry M. Meade, late paymaster United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

SUPPORT OF FREE SCHOOLS.

Mr. CUTLER introduced a bill (H. R. No. 1083) applying the proceeds of the public lands to the support of free schools; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

EDWARD W. POWER.

Mr. RANDALL introduced a bill (H. R. No. 1084) granting a pension to Edward W. Power, late a captain in the Buena Vista Rangers, First Regiment Washington Guards, Pennsylvania Militia; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES ARMOR.

Mr. ROSS of Pennsylvania, introduced a bill (H. R. No. 1085) granting a pension to James Armor, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

GEORGE SMITH.

Mr. ROSS, of Pennsylvania, also introduced a bill (H. R. No. 1086) granting a pension to George Smith, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

WILLIAM COLE.

Mr. ROSS, of Pennsylvania, also introduced a bill (H. R. No. 1087) granting a pension to William Cole, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

ROBERT A. M'MURRAY.

Mr. ROSS, of Pennsylvania, also introduced a bill (H. R. No. 1088) for the relief of Robert A. McMurray, of Pennsylvania; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

THOMAS I. FOX.

Mr. MACKEY, of Pennsylvania, introduced a bill (H. R. No. 1089) granting a pension to Thomas I. Fox, late a private Company C, Sixty-second Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLOTHING FOR ENLISTED MEN AND BOYS OF NAVY.

Mr. O'NEILL introduced a bill (H. R. No. 1090) to provide for an outfit and yearly allowance of clothing to enlisted men and boys of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

MEDICAL AND PAY DIRECTORS OF NAVY.

Mr. O'NEILL also introduced a bill (H. R. No. 1091) to amend section 1588 of the Revised Statutes of the United States relative to pay of medical and pay directors; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

MARIA V. BROWN.

Mr. O'NEILL also introduced a bill (H. R. No. 1092) for the relief of Maria V. Brown, assignee of J. F. Brown; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DAVID M'CLELLAND AND OTHERS.

Mr. O'NEILL also introduced a bill (H. R. No. 1093) for the relief of David McClelland and others; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES MILLINGER.

Mr. O'NEILL also introduced a bill (H. R. No. 1094) for the relief of James Millinger, of New Jersey; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BERTRAM LEINS.

Mr. O'NEILL also introduced a bill (H. R. No. 1095) for the relief of Bertram Leins; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CENTENNIAL EXPOSITION.

Mr. PACKER presented a joint resolution of the General Assembly of the State of Pennsylvania, in relation to an appropriation of $1,500,000 for the Centennial Exposition; which was referred to the Select Committee on the Centennial Celebration and the proposed National Census of 1875, and ordered to be printed.

NATIONAL-BANK CURRENCY.

Mr. TOWNSEND, of Pennsylvania, introduced a bill (H. R. No. 1096) to repeal the act providing for the redistribution of the national-bank currency, and for other purposes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

PROCESS IN UNITED STATES COURTS.

Mr. FREEMAN introduced a bill (H. R. No. 1097) to secure service of process in United States courts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CHARLES H. FRANK.

Mr. FREEMAN also introduced a bill (H. R. No. 1098) for the relief of Charles H. Frank; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

REDUCTION OF SALARIES.

Mr. JENKS introduced a bill (H. R. No. 1099) to reduce the salaries of all executive and legislative officers of the Government; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

REDEMPTION OF UNUSED STAMPS.

Mr. HOPKINS introduced a bill (H. R. No. 1100) relative to the redemption of unused stamps; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

WILLIAM HARPER, JR.

Mr. WOOD, of Pennsylvania, introduced a bill (H. R. No. 1101) for the relief of William Harper, Jr.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DORCAS P. WILKINS.

Mr. SHEAKLEY introduced a bill (H. R. No. 1102) granting a pension to Dorcas P. Wilkins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CATHERINE BURNES.

Mr. SMITH, of Pennsylvania, introduced a bill (H. R. No. 1103) granting a pension to Catherine Burnes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB LEIBY.

Mr. PACKER introduced a bill (H. R. No. 1104) for the relief of Jacob Leiby, of Dauphin County, Pennsylvania; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC IMPROVEMENTS IN DISTRICT OF COLUMBIA.

Mr. RANDALL introduced a bill (H. R. No. 1105) directing the discontinuance of work on the streets, avenues, and roads of the District of Columbia, and to prevent the further issue of certificates of the board of audit; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

PUBLIC BUILDINGS AT BALTIMORE, MARYLAND.

Mr. O'BRIEN introduced a bill (H. R. No. 1106) to provide for the purchase of a site suitable for the erection thereon of a building for the accommodation of the post-office, internal-revenue offices, United States courts and marshal's offices at Baltimore, Maryland; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

J. W. RAILEY.

Mr. O'BRIEN also introduced a bill (H. R. No. 1107) for the relief of J. W. Railey; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE L. RAILEY.

Mr. O'BRIEN also introduced a bill (H. R. No. 1108) for the relief of George L. Railey; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

AMENDMENT OF THE CONSTITUTION.

Mr. O'BRIEN also introduced a joint resolution (H. R No. 36) proposing an amendment to the Constitution of the United States; which was read a first and second time.

Mr. O'BRIEN. I ask that the resolution be read so it may go into the CONGRESSIONAL RECORD.

The Clerk read as follows:

Resolved by the Senate and House of Representatives in Congress assembled, That the following be proposed to the several States as an amendment to the Constitution:

ARTICLE XVI.

SECTION 1. No State shall make any law respecting an establishment of religion or prohibiting the free exercise thereof; and no minister or preacher of the gospel or of any religious creed or denomination shall hold any office of trust or emolument under the United States or under any State; nor shall any religious test be required as a qualification for any office or public trust in any State, or under the United States.

SEC. 2. No money received by taxation in any State for the support of public schools, or derived from any public fund therefor, nor any public lands devoted thereto shall ever be under the control of any religious sect, nor shall any money so raised nor lands so devoted be divided between religious sects or denominations; nor shall any minister or preacher of the gospel or of any religious creed or denomination hold any office in connection with the public schools in any State, nor be eligible to any position of trust or emolument in connection with any institution, public or private, in any State or under the United States which shall be supported in whole or in part from any public fund.

Mr. O'BRIEN. Is it in order to have entered at this time a motion to reconsider?

The SPEAKER. It is not.

Mr. O'BRIEN. Then I wish to give notice that at the proper time I shall call this resolution up for action.

The SPEAKER. Debate is not in order.

Mr. O'BRIEN. I move that the joint resolution be referred to the Committee on the Judiciary, and ordered to be printed.

The motion was agreed to.

SUBURBAN RAILWAY COMPANY.

Mr. HENKLE introduced a bill (H. R. No. 1109) to incorporate the Suburban Railway Company of the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

SOUTHERN MARYLAND RAILROAD.

Mr. HENKLE also introduced a bill (H. R. No. 1110) to aid in the construction of the Southern Maryland Railroad, and for other purposes; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

JANE E. SLAMM.

Mr. ROBERTS introduced a bill (H. R. No. 1111) granting a pension to Jane E. Slamm, widow of Levi D. Slamm, deceased, late a paymaster in the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JULIUS S. ROHRER.

Mr. ROBERTS also introduced a bill (H. R. No. 1112) for the relief of Julius S. Rohrer, late master in the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

FRANCIS O. WYSE.

Mr. ROBERTS also introduced a bill (H. R. No. 1113) for the relief of Francis O. Wyse, late lieutenant-colonel of the Fourth Regiment of United States Artillery; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WAR CLAIMS.

Mr. WALSH introduced a bill (H. R. No. 1114) relating to proof of claims before the Quartermaster-General and Commissary-General; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

F. N. FLETCHER.

Mr. HUNTON introduced a bill (H. R. No. 1115) for the relief of F. N. Fletcher; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HEIRS OF GEORGE FISHER.

Mr. HUNTON also introduced a bill (H. R. No. 1116) for the relief of the heirs of George Fisher; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ANN S. M'KINZIE.

Mr. HUNTON also introduced a bill (H. R. No. 1117) for the relief of Ann S. McKinzie; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. JANE DULANEY.

Mr. HUNTON also introduced a bill (H. R. No. 1118) granting a pension to Mrs. Jane Dulaney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SEWELL B. CORBETT.

Mr. HUNTON also introduced a bill (H. R. No. 1119) for the relief of Sewell B. Corbett, of Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LOTT W. CROCKER.

Mr. HUNTON also introduced a bill (H. R. No. 1120) for the relief of Lott W. Crocker, of Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BRIDGE ACROSS THE POTOMAC.

Mr. HUNTON also introduced a bill (H. R. No. 1121) to authorize the Secretary of War to construct a bridge across the Potomac River at or near the Three Sisters Islands, and appropriating $140,000 for the purpose; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

WASHINGTON AND LEE UNIVERSITY.

Mr. TUCKER introduced a bill (H. R. No. 1122) to compensate the Washington and Lee University for the damage and injury done to the said corporation, then known as the Washington College, by the Army of the United States in June, 1864; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

SALE OF TOBACCO.

Mr. TERRY introduced a bill (H. R. No. 1123) to authorize producers to sell $100 worth of leaf-tobacco without requiring a license therefor; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

NEW RIVER.

Mr. TERRY also introduced a bill (H. R. No. 1124) for the improvement of New River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

A. F. & N. C. ST. JOHN.

Mr. TERRY also introduced a bill (H. R. No. 1125) for the relief of A. F. & N. C. St. John, of Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

IMPROVEMENT OF RIVERS AND HARBORS IN VIRGINIA.

Mr. DOUGLAS introduced a bill (H. R. No. 1126) making appropriations for continuing the improvement of certain rivers and harbors in the first congressional district of Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MATAPONY AND PAMUNKEY RIVERS.

Mr. DOUGLAS also introduced a bill (H. R. No. 1127) making appropriations for the improvement of the Matapony and Pamunkey Rivers, in the first congressional district of Viriginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SURVEY OF ONANCOCK, VIRGINIA.

Mr. DOUGLAS also introduced a bill (H. R. No. 1128) authorizing the survey of Onancock, Accomac County, Virginia, and providing an appropriation; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT OF NEABSCO BAY, VIRGINIA.

Mr. DOUGLAS also introduced a bill (H. R. No. 1129) appropriating money for the improvement of Neabsco Bay, in Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

AMENDMENT OF PENSION LAW.

Mr. CABELL introduced a bill (H. R. No. 1130) to amend an act granting pensions to certain soldiers and sailors of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

EDWARD BOOKER.

Mr. CABELL also introduced a bill (H. R. No. 1131) restoring to the pension-rolls the name of Edward Booker, of the county of Henry, State of Virginia, a soldier of the war of 1812, whose name was dropped from the rolls under the act of February 4, 1862; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SEIZURE OF COTTON AND TOBACCO.

Mr. CABELL also introduced a bill (H. R. No. 1132) to authorize the Secretary of the Treasury to pay to the owners thereof the value of all cotton and tobacco seized under the direction of the Treasury or any other Department of the Government since April, 1865; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PUBLIC BUILDING AT DANVILLE, VIRGINIA.

Mr. CABELL also introduced a bill (H. R. No. 1133) to provide for the erection of a public building in the town of Danville, Virginia; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

USE OF LICORICE BY TOBACCO MANUFACTURERS.

Mr. CABELL also introduced a bill (H. R. No. 1134) to authorize the manufacturers of tobacco and snuff to transfer to their factories licorice and other ingredients used in the preparations of tobacco and snuff free of duties; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DEBTS DUE BY UNITED STATES BEFORE THE WAR.

Mr. HARRIS, of Virginia, introduced a joint resolution (H. R. No. 37) repealing joint resolution of March 2, 1867, prohibiting payment of debts due by the United States before the war unless loyalty is proved; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PENSION ACT OF FEBRUARY 14, 1874.

Mr. HARRIS, of Virginia, also introduced a bill (H. R. No. 1135) to so amend the pension act of February 14, 1871, as to allow pensions to the widows of soldiers of the war of 1812 without regard to date of marriage; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

THOMAS BURKE.

Mr. HARRIS, of Virginia, also introduced a bill (H. R. No. 1136) for the relief of Thomas Burke, of Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARIA B. LEMMON.

Mr. STOWELL introduced a bill (H. R. No. 1137) for the relief of Maria B. Lemmon, widow of the late John C. Lemmon, late of the Tenth New York Cavalry Volunteers; which was read a first and sec-

ond time, referred to the Committee on Military Affairs, and ordered to be printed.

LIEUTENANT LEVY JONES.

Mr. VANCE, of North Carolina, introduced a bill (H. R. No. 1138) for the relief of Lieutenant Levy Jones, Company B, Second North Carolina Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WIDOW OF CHRISTOPHER LEDFONT.

Mr. VANCE, of North Carolina, also introduced a bill (H. R. No. 1139) for the relief of the widow of Christopher Ledfont; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HEIRS OF EPHRAIM J. AMMONS.

Mr. VANCE, of North Carolina, also introduced a bill (H. R. No. 1140) for the relief of the heirs of Ephraim J. Ammons; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HIRAM R. RHEA.

Mr. VANCE, of North Carolina, also introduced a bill (H. R. No. 1141) for the relief of Hiram R. Rhea, Company G, Third North Carolina Mounted Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NAVIGATION OF THE FRENCH BROAD RIVER, NORTH CAROLINA.

Mr. VANCE, of North Carolina, also introduced a bill (H. R. No. 1142) to open the navigation of the French Broad River, in the State of North Carolina; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SOLDIERS OF THE MEXICAN WAR.

Mr. SCALES introduced a bill (H. R. No. 1143) granting pensions to the soldiers of the Mexican war; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PRESIDENT'S SALARY.

Mr. SCALES also introduced a bill (H. R. No. 1144) to reduce the President's salary from and after the 4th of March, 1877; which was read a first and second time, referred to the Committee on Reform in the Civil Service, and ordered to be printed.

INTERNAL-REVENUE LAWS.

Mr. DAVIS introduced a bill (H. R. No. 1145) to repeal sections 19, 20, and 21 of the act to amend the existing customs and internal-revenue laws, and for other purposes, approved February 8, 1875; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

CLAIMS OF NORTH CAROLINA.

Mr. SCALES also introduced a bill (H. R. No. 1146) to refund to the State of North Carolina certain moneys therein named; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES KEENAN.

Mr. RAINEY introduced a bill (H. R. No. 1147) for the relief of James Keenan for loss of property; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WALTER PLOWDEN.

Mr. RAINEY also introduced a bill (H. R. No. 1148) for the relief of Walter Plowden; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC BUILDINGS AT BEAUFORT, NORTH CAROLINA.

Mr. SMALLS introduced a bill (H. R. No. 1149) making appropriation for the purpose of the necessary buildings for a custom-house, post-office, and other public buildings in Beaufort, North Carolina; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

AMENDMENT OF A LAW.

Mr. HARTRIDGE introduced a bill (H. R. No. 1150) to amend section 3, chapter 120 of the Statutes at Large, volume 12; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WILLIAM BATTERSBY.

Mr. HARTRIDGE also introduced a bill (H. R. No. 1151) for the relief of William Battersby; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CHARLES MULKEY.

Mr. COOK introduced a bill (H. R. No. 1152) for the relief of Charles Mulkey, late postmaster at Butler, Georgia; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

JAMES A. STEWART.

Mr. CANDLER introduced a bill (H. R. No. 1153) for the relief of James A. Stewart, of Fulton County, Georgia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JEREMIAH A. HOWARD.

Mr. FELTON introduced a bill (H. R. No. 1154) for the relief of Jeremiah A. Howard, of Bartow County, Georgia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. SUE BRADLEY JOHNSON.

Mr. CALDWELL, of Alabama, introduced a bill (H. R. No. 1155) increasing the pension of Mrs. Sue Bradley Johnson, widow of General G. M. L. Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN B. READ.

Mr. LEWIS introduced a bill (H. R. No. 1156) for the relief of John B. Read; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOEL BILLUP, EXECUTOR.

Mr. HILL introduced a bill (H. R. No. 1157) for the relief of Joel Billup, executor of the estate of John Billup, deceased, late of Clarke County, Georgia, which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PROTESTANT ORPHAN ASYLUM, NATCHEZ, MISSISSIPPI.

Mr. LYNCH introduced a bill (H. R. No. 1158) making appropriations to re-imburse the trustees of the Protestant Orphan Asylum of the city of Natchez, in the State of Mississippi, for the destruction of certain property and the use of the asylum building by the United States authorities during the recent war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SIMON M. PRESTON.

Mr. LYNCH also introduced a bill (H. R. No. 1159) for the relief of Simon M. Preston, late collector of internal revenue for the first district of Mississippi; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AMENDMENT OF A LAW.

Mr. MONEY introduced a bill (H. R. No. 1160) to amend the fifth section of the act of May 18, 1872, chapter 172, Statutes at Large; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PRACTICE IN UNITED STATES COURTS.

Mr. HOOKER introduced a bill (H. R. No. 1161) to amend the laws in regard to practice in the circuit and district courts of the United States, and regulating appeals from the same to the Supreme Court; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DATE OF PENSIONS.

Mr. WELLS, of Mississippi, introduced a bill (H. R. No. 1162) to provide that all pensioners on account of death, wounds received, or disease contracted in the service of the United States since March 4, 1861, which have been granted or which shall hereafter be granted on applications filed previous to January 1, 1875, shall commence from the date of death or discharge, and for the payment of arrears in pensions; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPHENE D. THOMAS.

Mr. WELLS, of Mississippi, also introduced a bill (H. R. No. 1163) granting a pension to Josephene D. Thomas; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CIVIL ENGINEERS IN NAVY.

Mr. LEVY introduced a bill (H. R. No. 1164) fixing the rank and pay of civil engineers in the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

ASSAY OFFICE IN NEW ORLEANS.

Mr. GIBSON introduced a bill (H. R. No. 1165) to authorize an assay office to be conducted in the mint at New Orleans; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

NEW ORLEANS MINT ASSAY OFFICE.

Mr. GIBSON also introduced a bill (H. R. No. 1166) to defray the expenses of the mint and assay office at New Orleans, and making an appropriation therefor; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

TREATY OF COMMERCE WITH CENTRAL AMERICAN STATES.

Mr. GIBSON also introduced a joint resolution (H. R. No. 38) authorizing the appointment of commissioners to ascertain on what terms a mutual beneficial treaty of commerce with Central American States can be arranged; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

STATE NATIONAL BANK OF LOUISIANA.

Mr. ELLIS introduced a bill (H. R. No. 1167) for the relief of the State National Bank of Louisiana, successor to the Fourth Louisiana State Bank of New Orleans; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MRS. E. W. CHEVIS.

Mr. DARRALL introduced a bill (H. R. No. 1168) for the relief of Mrs. E. W. Chevis, of Saint Landry Parish, State of Louisiana; which was read a first and second time, and referred to the Committee on War Claims.

MRS. EMILIA BERNARD.

Mr. DARRALL also introduced a bill (H. R. No. 1169) for the relief of Mrs. Emilia Bernard, of Lafayette Parish, Louisiana; which was read a first and second time, and referred to the Committee on War Claims.

JOHN B. BROUSSARD.

Mr. DARRALL also introduced a bill (H. R. No. 1170) for the relief of John B. Broussard, of Lafayette Parish, Louisiana; which was read a first and second time, and referred to the Committee on War Claims.

LESSEN BROUSSARD.

Mr. DARRALL also introduced a bill (H. R. No. 1171) for the relief of Lessen Broussard, of Lafayette Parish, Louisiana; which was read a first and second time, and referred to the Committee on War Claims.

BELIZAIRE CARRNIER.

Mr. DARRALL also introduced a bill (H. R. No. 1172) for the relief of Belizaire Carrnier, of Lafayette Parish, Louisiana; which was read a first and second time, and referred to the Committee on War Claims.

BAYOU LAFOURCHE.

Mr. DARRALL also introduced a bill (H. R. No. 1173) to provide for the improvement of the navigation of the Bayou Lafourche, in the State of Louisiana; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. DARRALL also introduced a bill (H. R. No. 1174) to amend section 2665 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LEVEES OF THE MISSISSIPPI.

Mr. MOREY introduced a bill (H. R. No. 1175) appropriating the sum of $3,000,000 for the purpose of repairing and in part rebuilding the levees of the Mississippi River, providing for its expenditure, and for other purposes; which was read a first and second time, referred to the Select Committee on the Mississippi Levees, and ordered to be printed.

THOMAS CURRAN.

Mr. McMAHON introduced a bill (H. R. No. 1176) granting a pension to Thomas Curran, of the Thirteenth Indiana Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TIMOTHY TURNEY.

Mr. McMAHON also introduced a bill (H. R. No. 1177) granting a pension to Timothy Turney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN GRAPPER.

Mr. McMAHON also introduced a bill (H. R. No. 1178) granting a pension to John Grapper; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES RILEY.

Mr. McMAHON also introduced a bill (H. R. No. 1179) granting a pension to James Riley, Company D, Fourth United States Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS PARRY.

Mr. DANFORD introduced a bill (H. R. No. 1180) granting a pension to Thomas Parry, late private Company F, Thirtieth Regiment Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LYMAN H. KELLOGG.

Mr. FOSTER introduced a bill (H. R. No. 1181) to place Lyman H. Kellogg on the list of retired officers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BENJAMIN D. LAKIN, OHIO.

Mr. SAVAGE introduced a bill (H. R. No. 1182) for the relief of Benjamin D. Lakin, of Point Pleasant, Clermont County, Ohio; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS WORTHINGTON.

Mr. SAVAGE also introduced a joint resolution (H. R. No. 39) for the relief of Thomas Worthington, of Ohio; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DAVID W. STOCKSTILL.

Mr. RICE introduced a bill (H. R. No. 1183) for the relief of David W. Stockstill, of Sidney, Ohio; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FRANK A. M. KREPS.

Mr. RICE also introduced a bill (H. R. No. 1184) for the relief of Frank A. M. Kreps, of Lima, Allen County, Ohio; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM D. L. STANLEY.

Mr. VAN VORHES introduced a bill (H. R. No. 1185) for the removal of the charge of desertion from Private William D. L. Stanley, Company I, Ninety-second Ohio Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BUREAU OF TRANSPORTATION.

Mr. WOODWORTH introduced a bill (H. R. No. 1186) to establish a bureau of transportation and to regulate the management of railroad and transportation companies employed in interstate commerce; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

WESLEY JAMES.

Mr. WOODWORTH also introduced a bill (H. R. No. 1187) granting a pension to Wesley James; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RESUMPTION OF SPECIE PAYMENT.

Mr. HURD introduced a bill (H. R. No. 1188) to restore to gold and silver their monetary uses in the United States from and after January 1, 1877, and to repeal an act entitled "An act to provide for the resumption of specie payment; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

WILLIAM J. DRAKE.

Mr. NEAL introduced a bill (H. R. No. 1189) granting a pension to William J. Drake; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REGULATION OF COMMERCE, ETC.

Mr. SAYLER introduced a bill (H. R. No. 1190) to amend certain sections of titles 48 and 52, regulation of commerce and navigation and regulation of steam-vessels, Revised Statutes of the United States, pages 800 and 857; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SALE AND SURVEY OF TIMBER LANDS.

Mr. SAYLER also introduced a bill (H. R. No. 1191) to regulate the sale and survey of the timber lands of the United States; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

EXECUTION OF CUSTOM-HOUSE BONDS.

Mr. SAYLER also introduced a bill (H. R. No. 1192) relating to the execution of custom-house bonds; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CIRCUIT COURTS OF THE UNITED STATES.

Mr. SAYLER also introduced a bill (H. R. No. 1193) relating to the jurisdiction of the circuit courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ENTERPRISE INSURANCE COMPANY.

Mr. SAYLER also introduced a bill (H. R. No. 1194) for the relief of the Enterprise Insurance Company of Cincinnati, Ohio; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AMNESTY.

Mr. WHITE. The morning hour having expired, I offer the following resolution:

Resolved, That the rules be suspended so as to enable the House to proceed forthwith to vote on the passage of the following bill:

A bill to remove the disabilities imposed by the fourteenth amendment to the Constitution of the United States.

Be it enacted, &c., That all persons now under the disabilities imposed by the fourteenth amendment to the Constitution of the United States, with the exception of Jefferson Davis, late president of the so-called Confederate States, shall be relieved of such disabilities upon their appearing before any judge of a United States court, and taking and subscribing, in open court, the following oath, to be duly attested and recorded, namely:

I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that, to the best of my knowledge and ability, I will well and faithfully discharge the duties of a citizen of the United States.

The House first, however, voting on the following amendment thereto:

Strike out the following words: "with the exception of Jefferson Davis, late president of the so-called Confederate States."

Mr. RANDALL. I make the point of order that there cannot be a vote on a bill and amendment under a suspension of the rules; that the vote must be on the final passage of a proposition intact.

Mr. WHITE. I call for the yeas and nays on the resolution.

Mr. RANDALL. Not just yet.

Mr. KASSON. I ask that the point of order made by the gentleman from Pennsylvania [Mr. RANDALL] may be distinctly stated. I have not exactly understood it.

Mr. RANDALL. My point of order is that, while it would be in order to suspend the rules and pass the bill, it is not in order to move to suspend the rules to proceed to vote on an amendment to a bill.

Mr. GARFIELD. I think the gentleman from Pennsylvania must remember that we have many and many a time so suspended the rules that an order could be executed in a particular way, and then the order was given. That is the motion in this case; that we so suspend the rules as to take two votes: first, on an amendment striking out certain words and, secondly, on the whole bill, whether the amendment is stricken out or not.

Mr. KASSON. In other words, the point of order is made under a rule when the resolution is to suspend the rule and declare a certain thing in order which is not so under the rule.

Mr. RANDALL. I make the point before the rule is suspended.

Mr. KASSON. That cannot be done.

Mr. WOOD, of New York. I submit that it is not regular or according to the rules of this House that a gentleman can offer a bill and move to suspend the rules upon that bill and an amendment to his own bill, at the same time including them in one motion. The gentleman from Kentucky [Mr. WHITE] offers a bill and an amendment to his own bill together, which I submit is not in order.

Mr. HALE. What is there that the House cannot do under a suspension of the rules, if two-thirds choose to do it?

Mr. WOOD, of New York. The gentleman must move one distinct proposition on which he asks the House to suspend the rules. He cannot move two propositions at the same time.

Mr. HALE. He can make a motion to regulate the order of proceedings, and that, I apprehend, is precisely what the gentleman from Kentucky is doing. He proposes a certain order of proceedings, and moves that the rules be suspended that that order may be adopted.

Mr. WOOD, of New York. I beg the gentleman's pardon. The gentleman from Kentucky introduces a proposition to amend the Constitution of the United States. Then he proposes to amend his own proposition, and moves to suspend the rules upon that. I submit that that has never been done in this House.

Mr. BANKS. The gentleman who introduces this bill evidently intends this purpose: that the rules be suspended so that the House shall vote, if they are suspended for the introduction of this bill, on two propositions: first, to strike out certain words which stand in a printed bill of the House and, secondly, on the passage of the bill, whether the words are stricken out or not. That is certainly competent to present in a motion to suspend the rules.

Mr. BLAINE. No doubt of it.

The SPEAKER. In the judgment of the Chair, without making any criticisms upon the form in which the gentleman from Kentucky has put his resolution, it is not competent to exclude any part of his proposition from the consideration of the House. The Chair must therefore regard the latter words of the resolution as it is introduced as constituting in fact a part of the preliminary words, and as in substance therefore stating that the desire of the gentleman from Kentucky is to introduce this bill for two purposes: first, that there shall be a vote upon a proposed amendment, and, second, that there shall be a vote upon the bill itself, whether amended or not. It is suggested that it is not competent for the gentleman to do this under a suspension of the rules; but in response to that the Chair will suggest that the very purpose of a suspension of the rules is to get rid of all rules and to let the House run as freely as it pleases. The Chair overrules the point of order and holds that the motion is in order.

Mr. RANDALL. If the rules are not suspended, I shall make a motion to refer the bill to the Committee on the Judiciary.

The SPEAKER. The question is on the suspension of the rules so as to bring the bill before the House.

Mr. WHITE and Mr. KASSON called for the yeas and nays.

The yeas and nays were ordered.

Mr. WHITE. Before the question is taken, I would like to make a statement by unanimous consent.

Mr. EDEN, and Mr. WOOD of New York, and others objected.

Mr. WHITE. I only desire to say that I would vote for the amendment.

The question was taken; and there were—yeas 163, nays 111, not voting 16; as follows:

YEAS—Messrs. Adams, Ainsworth, Anderson, Bagby, George A. Bagley, John H. Baker, William H. Baker, Ballou, Banks, Bass, Beebe, Bell, Blaine, Blair, Bland, Bliss, Bradley, William R. Brown, Horatio C. Burchard, Samuel D. Burchard, Burleigh, William P. Caldwell, Campbell, Cannon, Cason, Caswell, Cate, Chittenden, Cochrane, Conger, Cox, Crapo, Crounse, Danford, Darrall, Davy, DeBolt, Denison, Dobbins, Dunnell, Durand, Eames, Egbert, Evans, Farwell, Faulkner, Fort, Foster, Freeman, Frost, Frye, Fuller, Garfield, Goodin, Hale, Haralson, Hardenbergh, Benjamin W. Harris, Harrison, Hartzell, Hathorn, Haymond, Hendee, Henderson, Abram S. Hewitt, Goldsmith W. Hewitt, Hoar, Hoge, Holman, Hoskins, Hubbell, Hunter, Hurd, Hurlbut, Hyman, Jenks, Frank Jones, Thomas L. Jones, Joyce, Kasson, Kelley, Ketchum, Kimball, King, Lapham, Lawrence, Leavenworth, Levy, Lynch, Magoon, MacDougall, McCrary, McDill, Meade, Miller, Monroe, Morey, Morgan, Mutchler, Nash, Neal, New, Norton, Odell, Oliver, O'Neill, Packer, Page, Payne, Phelps, William A. Phillips, Pierce, Piper, Plaisted, Platt, Potter, Powell, Pratt, Purman, Rainey, John Reilly, Robinson, Sobieski Ross, Rusk, Sampson, Savage, Seelye, Sinnickson, Smalls, A. Herr Smith, Springer, Stark, weather, Strait, Stevenson, Stowell, Tarbox, Thompson, Thornburgh, Throckmorton, Martin I. Townsend, Washington Townsend, Tufts, Van Vorhes, Robert B. Vance, Waldron, Charles C. B. Walker, Alexander S. Wallace, John W. Wallace, Walls, Warren, G. Wiley Wells, Wheeler, White, Whiting, Willard, Charles G. Williams, James D. Williams, William B. Williams, Benjamin Wilson, James Wilson, Alan Wood, jr., Woodburn, and Woodworth—163.

NAYS—Messrs. Ashe, Atkins, John H. Bagley, jr., Blackburn, Blount, Boone, Bradford, Bright, John Young Brown, Buckner, Cabell, John H. Caldwell, Candler, Caulfield, Chapin, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Collins, Cook, Cowan, Cutler, Davis, Dibrell, Douglas, Durham, Eden, Ellis, Felton, Forney, Franklin, Gause, Gibson, Glover, Goode, Gunter, Andrew H. Hamilton, Robert Hamilton, Hancock, Henry R. Harris, Hartridge, Hatcher, Henkle, Hereford, Hill, Hooker, Hopkins, House, Hunton, Kehr, Lamar, Franklin Landers, George M. Landers, Lane, Lewis, Luttrell, Levi A. Mackey, Maish, McFarland, McMahon, Metcalfe, Milliken, Mills Money, Morrison, O'Brien, Parsons, John F. Philips, Poppleton, Randall, Rea, Reagan, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Miles Ross, Sayler, Scales, Schleicher, Sheakley, Singleton, Siemons, William E. Smith, Southard, Sparks, Stenger, Stone, Swann, Terry, Thomas, Tucker, Turney, John L. Vance, Waddell, Gilbert C. Walker, Walling, Walsh, Ward, Erastus Wells, Whitehouse, Whitthorne, Wigginton, Wike, Alpheus S. Williams, Jeremiah N. Williams, Wilshire, Fernando Wood, Yeates, and Young—111.

NOT VOTING—Messrs. Banning, Barnum, Culberson, Ely, John T. Harris, Hays, Knott, Lord, Lynde, Edmund W. M. Mackey, James B. Reilly, Schumaker, Teese, Andrew Williams, James Williams, and Willis—16.

So (two-thirds not voting in favor thereof) the rules were not suspended.

During the roll-call the following announcements were made:

Mr. MILLS. I desire to say that my colleague Mr. CULBERSON is detained from the House by sickness.

Mr. COOK. Mr. WILLIS, of New York, requested me to state to the House that he has been called home unexpectedly.

The result of the vote was announced as above recorded.

Mr. RANDALL. I call for the regular order of business.

REDEMPTION OF UNITED STATES LEGAL-TENDER NOTES.

Mr. HOLMAN. I move to suspend the rules for the consideration of the following resolution:

Resolved, That it is unwise and inexpedient at this time that a specific and arbitrary period should be prescribed by law at which legal-tender notes of the United States should be paid by the Secretary of the Treasury in coin; and therefore the act entitled "An act to provide for the resumption of specie payment," approved January 14, 1875, ought to be repealed; and the Committee on Banking and Currency is instructed at as early a period as may be practicable to report to this House a bill for that purpose.

Mr. COX. Would it be in order to move to refer that resolution to the Committee on Banking and Currency?

Mr. RANDALL. The gentleman has not the floor for that purpose. I move a suspension of the rules.

The SPEAKER. The gentleman has moved to suspend the rules.

Mr. HALE. Upon that motion I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WOOD, of New York. Would it be in order for me to inquire of the Chair the effect of this resolution, and whether it would not be the most politic and wise course for this House to refer it to a committee and defer action until we have had a report on this important question?

Mr. HOLMAN. The resolution is not open for debate.

The SPEAKER. Debate is not in order. The resolution is in the form of an imperative instruction to the Committee on Banking and Currency.

The question was taken; and there were—yeas 112, nays 158, not voting 20; as follows:

YEAS—Messrs. Ainsworth, Anderson, Ashe, Atkins, John H. Bagley, jr., Blackburn, Bland, Blount, Boone, Bradford, Bright, John Young Brown, Buckner, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Cason, Cate, John B. Clarke, of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Cook, Cowan, Davis, De Bolt, Dibrell, Dobbins, Douglas, Durham, Eden, Egbert, Evans, Faulkner, Felton, Forney, Franklin, Fuller, Gause, Glover, Goode, Goodin, Gunter, Andrew H. Hamilton, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Hatcher, Haymond, Hereford, Goldsmith W. Hewitt, Hill, Holman, Hopkins, House, Hunton, Jenks, Thomas L. Jones, Kelley, Knott, Franklin Landers, Lewis, Levi A. Mackey, McFarland, McMahon, Milliken, Morgan, Neal, New, Oliver, Phelps, John F. Philips, William A. Phillips, Piper, Poppleton, Rea, John Reilly, Rice, Riddle, William M. Robbins, Roberts, Robinson, Savage, Sayler, Scales, Sheakley, Siemons, William E. Smith, Southard, Sparks, Springer, Stenger, Stevenson, Stone, Terry, Tucker, Turney, John L. Vance, Robert B. Vance, Waddell, Gilbert C. Walker, Walling, Whitthorne, James D. Williams, Jeremiah N. Williams, Benjamin Wilson, Yeates, and Young—112.

NAYS—Messrs. Adams, Bagby, George A. Bagley, John H. Baker, William H. Baker, Ballou, Banks, Bass, Beebe, Bell, Blaine, Blair, Bliss, Bradley, William R. Brown, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Candler, Cannon, Caswell, Caulfield, Chapin, Chittenden, Conger, Cox, Crapo, Crounse, Cutler, Danford, Darrall, Davy, Denison, Dunnell, Durand, Eames, Ellis, Ely, Farwell, Fort, Foster, Freeman, Frost, Frye, Garfield, Gibson, Hale, Robert Hamilton, Hancock, Haralson, Hardenbergh, Benjamin W. Harris, Hathorn, Hendee, Henderson, Henkle, Abram S. Hewitt, Hoar, Hoge, Hooker, Hoskins, Hubbell, Hunter, Hurd, Hyman, Frank Jones, Joyce, Kasson, Kehr, Ketchum, King, Lamar, George M. Landers, Lane, Lapham, Lawrence, Leavenworth, Levy, Luttrell, Lynch, Magoon, Maish, MacDougall, McCrary, McDill, Meade, Metcalfe, Miller, Mills, Money, Monroe, Morrison, Mutchler, Norton, O'Brien, Odell, O'Neill, Packer, Page, Parsons, Payne, Pierce, Plaisted, Platt, Potter, Powell, Pratt, Rainey, Randall, Reagan, John Robbins, Miles Ross, Sobieski Ross, Rusk, Sampson, Schleicher, Seelye, Singleton, Sinnickson, Smalls, A. Herr Smith, Starkweather, Strait, Stowell, Tarbox, Thompson, Thomas, Thornburgh, Throckmorton, Martin I. Townsend, Washington Townsend, Tufts, Van Vorhes, Waldron, Charles C. B. Walker, Alexander S. Wallace, John W. Wallace, Walls, Walsh, Ward, Warren, Erastus Wells, G. Wiley Wells, Wheeler, White, Whitehouse, Whiting, Wigginton, Wike, Willard, Alpheus S. Williams, Charles G. Williams, James Williams, William B. Williams, James Wilson, Alan Wood, jr., Fernando Wood, and Woodburn—158.

NOT VOTING—Messrs. Banning, Barnum, Culberson, Hays, Hurlbut, Kimball, Lord, Lynde, Edmund W. M. Mackey, Morey, Nash, Purman, James B. Reilly, Schumaker, Swann, Teese, Andrew Williams, Willis, Wilshire, and Woodworth—20.

So (two-thirds not voting in favor thereof) the motion to suspend the rules was not agreed to.

AMENDMENT OF RULES—APPROPRIATION BILLS.

Mr. COX. The Committee on the Rules have directed me to report, in response to a resolution of the House, the following amendment to the rules:

That Rule No. 120 be so amended that all after the word "progress" be stricken out and there be added the following:

Nor shall any provision in any such bill or amendment thereto, changing existing law, be in order except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

If there be no objection to this rule, I will call the previous question.

Mr. KASSON. Is this reported for immediate action?

Mr. COX. It is presented as the report of the Committee on the Rules.

Mr. KASSON. I object to its being acted on without debate and consideration of the clauses to which the proposition refers.

Mr. HOAR. I rise to a question of order. I raise the question whether this is in obedience to any resolution of the House.

Mr. COX. I will say to the gentleman that a resolution embracing a proposition of this kind was sent by the House to the Committee on the Rules.

Mr. HOAR. I think we are entitled to have that point determined by the Chair.

The SPEAKER. According to the understanding of the Chair, the Journal shows that an amendment of this kind was offered by the gentleman from Indiana [Mr. HOLMAN] and referred to the Committee on the Rules, with a direction to report at an early day. This report is a response to that reference.

Mr. BURCHARD, of Illinois. I would like to have Rule 120 read as it now stands.

The Clerk read as follows:

No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress, and for the contingencies for carrying on the several departments of the Government.

Mr. COX. Now I ask the Clerk to read the paragraph which in the Digest immediately follows this rule, and gives an interpretation to a portion of the rule which the committee have thought proper to strike out.

The SPEAKER. The Clerk will read from the Digest the construction which has been placed on this by previous Speakers of the House.

The Clerk read as follows:

It has been decided that under this rule it is not in order to propose an amendment to a general appropriation bill which changes an existing law. But it was also decided that the latter branch of the rule not only permitted amendments increasing salaries, but was framed for that very purpose.

Mr. COX. I yield to my colleague on the committee, the gentleman from Pennsylvania, [Mr. RANDALL.]

Mr. RANDALL. I can state to the House in a very few words the object of this amendment as I understand it. We propose to modify this rule because, as the Committee on the Rules believe, or at least as I think, a forced construction was put upon a portion of the rule, under which any salary was allowed to be increased, though the opportunity was never given to decrease a salary. Now the committee propose to go "right about face" and adopt a rule that will make it in order at any time to reduce salaries, or to retrench the expenditures of money by Congress if the object of reduction or retrenchment is germane to the bill itself.

Mr. HURLBUT. Under the modification of the rule now proposed, will not entire control of appropriations for the Army, and in effect the control of the whole military establishment and all the laws relating to it, be placed in the hands of the Committee on Appropriations?

Mr. RANDALL. I will explain that. The opportunity will be given to the Committee on Appropriations to submit to the House propositions looking to retrenchment, but the adoption of those propositions will be subject to the will of the majority of the House. And why not?

Mr. HURLBUT. The proposed rule will practically abolish all committees except the Committee on Appropriations.

Mr. RANDALL. The majority of this House is responsible in connection with the expenditures of the Government. I will say (for I have no concealment to make) that my object in assisting to report this amendment was to retrench the expenditures of the Government in every direction.

Mr. HOLMAN. Will the gentleman from Pennsylvania [Mr. RANDALL] allow me a word? The gentleman from Illinois [Mr. HURLBUT] misapprehends this matter somewhat. As Rule 120 now stands and as it has always been interpreted, the Committee on Appropriations have had the same power in one direction which it is now proposed by this amended rule to give them in another direction. Heretofore the committee might under the rule increase salaries—whether salaries in the military or naval establishment or salaries of civil officers. The only effect of the proposition now submitted is that we shall be able to retrench expenditures on an appropriation bill.

I sought the opportunity to get a proposition of this kind before the Committee on the Rules in the last Congress; and it was then considered I understood that quite a number of gentlemen on the committee then thought that such a rule ought to be adopted, or at least that the existing rule should be so modified as to operate in both directions—not only to allow increase of expenditures in a general appropriation bill, but also to permit retrenchment. Certainly the rule ought not to be a one-sided one, allowing the increase of expenditures but not permitting retrenchment.

Mr. GARFIELD. Mr. Speaker, the point which has been made in regard to the existing rule that it allows an increase of salaries to be in order but not a decrease, is a point well taken; and I have long thought that the rule ought in that respect to be changed. On this point I agree entirely with the gentleman from Indiana, [Mr. HOLMAN.] During the last four years I have felt very much embarrassed by the fact that here on the floor amendments increasing salaries must necessarily under that rule be declared in order, while any amendment to reduce salaries would be ruled out.

I think, however, that the rule as now proposed to be amended goes very far beyond that; and if it be properly understood, I do not believe the House will be willing to adopt it in its whole scope. For instance, suppose a bill making appropriations for the consular and diplomatic expenses of the Government is before the House and some one proposes to abolish ten or fifteen missions. Now, by all custom at all times in the history of this House, such a motion would be ruled out of order, because it would change the law in so far as there was any law to regulate that matter. But as I understand the rule now proposed, it will allow the Committee on Appropriations to re-organize the Army, to re-organize the Navy, to re-organize the Treasury Department, in short to recast all the legislation concerning the public service, not merely as to the amount of money to be appropriated, but as to the size and conditions of that service.

At the last Congress complaint was made by many members here that the Committee on Appropriations had altogether too large a jurisdiction. Gentlemen will remember the proposition was submitted to refer the Army appropriation bill to the Committee on Military Affairs and the Navy appropriation bill to the Committee on Naval Affairs, because it was said this Committee on Appropriations covered everything and rendered obsolete the other committees of the House. At any time, if we propose to change the law, any of these committees, or indeed any member of the House, can make the point of order and have the provision ruled out, and that was urged as a reason why our power was not so great as it was charged. Of course we were not shorn of power, as was proposed last winter, and we ought not to have been. But, sir, to give this added power to the Committee on Appropriations would, in my judgment, be a bad thing.

Mr. Speaker, what can we do as the rules now stand? Exactly what we have done year by year. Let the Committee on Appropriations, as they will frequently have occasion to do, say "We think this or that part of the service should be changed," report a certain change in the law, and then on Monday ask that provision be made in order to one of the appropriation bills under a suspension of the rules. In this way you bring before the House the specific thing you wish to change in the law, and the House authorizes you to do it. But to give this Appropriation Committee such a general sweeping power now is substantially to render obsolete the power of all the other committees of the House.

Of course the gentleman from Pennsylvania [Mr. RANDALL] will see I do not say this in any possible sense to oppose retrenchment of expenses. I will join him most cheerfully in all genuine retrenchment.

Mr. BANKS. Will the gentleman from Pennsylvania [Mr. RANDALL] allow me to say a word?

Mr. RANDALL. Certainly.

Mr. BANKS. Mr. Speaker, the object of the proposition now before the House, as it has been stated, seems to me to be right. The purpose is that, as the rule, or the construction of the rule, now gives the House the privilege of amending an appropriation bill by increasing salaries, it shall likewise give to the House the privilege of decreasing salaries. That is stated to be the object, and so far it is a good one. Am I right in stating that to be the object?

Mr. RANDALL. It is.

Mr. BANKS. Now it seems to me the amendment goes a little further than that. Here is a word which admits of a very dangerous interpretation. I refer to the word "germane." "Nor shall any provision in any such bill, or amendment thereto, changing existing law, be in order except as being germane."

Mr. RANDALL. That is right.

Mr. BANKS. I know it is right if it is understood.

Mr. RANDALL. It is a technical word.

Mr. BANKS. But suppose the appropriation be for a consulate. As it is now in order to increase the appropriation, it should be equally in order, as the gentleman contends, to decrease the appropriation if the House thinks that should be done. But will it be in order to add other consulates and other parts of the diplomatic service to that one under the idea that they are germane, as I think they would be?

Mr. RANDALL. Any increase, I admit, would have to come in under a suspension of the rules.

Mr. BANKS. Why should not the rule be stated in this way——

Mr. RANDALL. We want to give it one push in the way of retrenchment.

Mr. BANKS. And that you shall have. We will push you as far as you choose to go, even—as I hear suggested behind me—to cut down the salaries of members.

Mr. RANDALL. We will meet that issue at the proper time.

Mr. BANKS. Why should not this bill say that when an appropriation bill is before this House for consideration it shall be in order either to increase or diminish that specific appropriation? That will remove all doubt about the interpretation and give the power which the gentlemen seem to ask.

Mr. HOLMAN. Allow me to say a word in this connection. Of course rules are adopted and interpreted with reference to the particular condition of things at the time of their adoption. It is manifest that it is desirable the rules shall be so applied that legislation under them asking for increase of expenditures shall only be allowed to come in when a two-thirds vote has been obtained for that purpose. Such restriction is imposed upon legislation in many of the States, so that increase of expenditure in certain directions can only be allowed where a two-thirds vote has been given in its favor. This simply proposes in so many words that an existing law shall not be changed except by a proposition germane to a general appropriation bill which shall retrench expenditures. As the gentleman from Massachusetts [Mr. BANKS] will perceive, that leaves the question of increasing expenditures as the question of retrenchment existed heretofore. It leaves the committee or members of the House to move a suspension of the rules on Monday to bring the subject up for consideration. This, as gentlemen perceive by close examination of the proposition, while it carefully avoids going beyond the subject-matter of the bill to consider subjects or to treat them as amendments, at the same time proposes only to consider such amendments, such original propositions as, being germane to the bill itself and to the subject-matter of the bill, shall retrench expenditures, leaving all questions of increase to come in under suspension of the rules as heretofore propositions came in to decrease salaries. It just exactly reverses the practice heretofore existing for so many years under the one hundred and twentieth rule of the House.

Mr. BANKS. The apprehension of the House, and what I feel is the danger, is that this amendment will scoop all legislation into the Committee on Appropriations; and that I believe the Committee on Appropriations do not claim. If the rule as reported is changed in the way I suggest it will stand as the committee wanted, and gives the power which I think they ought to possess:

Nor shall any provision in any such bill, or amendment thereto, changing existing law, be in order, except it be to retrench, to increase, or to diminish the appropriation that is recommended.

Will not that satisfy the gentleman?

Mr. HOLMAN. The gentleman from Massachusetts certainly will recognize the fact that, so far as a particular appropriation is concerned, you may increase or diminish always in Committee of the Whole. So far as that specific appropriation is concerned the question whether you can or not is not involved here.

Mr. BANKS. The proposition will then be to give the committee the power to increase or to diminish, to enlarge or retrench, expenditures. That ought to be done.

Mr. COX. I suggest that the gentleman from Massachusetts draw up his amendment to the rule and have it referred and considered. I yield to the gentleman from Massachusetts, [Mr. HOAR.]

Mr. HOAR. I desire to call the attention of the Committee on Appropriations to another point which I think, unless I am wrong in making the point, may induce them to adopt a different method of reaching the result they have in view. It is this: that they strike out altogether the last sentence of the existing rule. The existing rule says:

No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law unless in continuation of appropriations for such public works and objects as are already in progress.

Then the rule, as it at present stands, goes on to say:

And for the contingencies for carrying on the several departments of the Government.

Now, if they strike out that sentence, it is not in the power of this House to make any appropriation, either originally reported or as an amendment, for the contingencies for carrying on the several departments of the Government, unless it is for an expenditure previously authorized by law. Take the case of the contingent fund of this House. A great many of the expenditures which are made from our contingent fund are expenditures previously authorized by law. But the committee authorized to do so report in an appropriation bill under that clause that this is one of the contingencies for carrying on this department of the Government. And so in a great many similar cases. Now the committee, instead of striking out that sentence and substituting what they propose, ought to add either what they propose or what my colleague [Mr. BANKS] proposes, but to leave that clause as it stands in the rule, so that Congress may not be at the mercy of a single committee in providing for the contingent fund of the House or for the large number of contingencies for carrying on the Departments of the Government not provided for by existing law——

Mr. KASSON. Will the gentleman from New York who has charge of this resolution before he replies allow me to call his attention to the effect of the language of the amendment? The proposition leaves Rule 120, with the exception of the clause in regard to the "contingencies," as it is, and then adds the words:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditure.

Now, the danger that I see in that is that it goes beyond the whole question of amounts appropriated and covers all laws upon which expenditures may be incurred. For example, the Committee on Ways and Means have under consideration a number of custom-houses and offices to be abolished. Under this provision the Committee on Appropriations may take from the Committee on Ways and Means the whole of that subject, because they may so change the law that authorizes the various parts of the customs service as to abolish the law upon which the expenditures are to be incurred.

Mr. RANDALL. The committee have nothing but a recommendatory power.

Mr. KASSON. At the same time they have authority to bring their propositions before the House if this rule is adopted. And in the Committee of the Whole the matter may be hastily acted upon after a chance debate, without being thoroughly examined or considered by the proper committee and without the aid of the recommendations of the Committee on Ways and Means. So in respect to the Committee on the Public Lands. It may be a question of abolishing a certain land office; but the Committee on Appropriations may not only refuse appropriations for that land office, but may abolish the law which authorizes the existence of that and several other offices. And so with the Committee on Commerce. In recommending the diminution of certain appropriations for the improvement of rivers and harbors they may repeal all the laws that have emanated from that committee.

The objection we take to this proposition is, that it deprives the House of the benefit of the deliberations of the committees that have specific portions of our jurisdiction committed to them, and practically gives to one committee the whole of that jurisdiction.

I desire to say one word more. The action of the House heretofore has been in the reverse direction. The gentleman from New York [Mr. COX] will recollect that when he and I were here first the Committee on Ways and Means had charge of appropriations, of coinage, weights and measures, of the Pacific Railroad, and of banking and currency. All were committed to the charge of that one committee. The House desired to put more committees at work to protect itself against the great power of one committee, and consequently five committees now exist where one existed formerly.

You are now proposing to go back upon that plan and to take away incidentally, as the effect of this proposition, that careful consideration of particular committees and enable one committee to bring the whole subject before the House without the aid and advice of these other committees.

Now, sir, if the gentleman sees that there is force in these considerations, I hope there will be no objection at least that the Committee on Rules shall consider once more the proposition of the gentleman from Massachusetts [Mr. BANKS] and the propositions of other gentlemen, so that the rule shall be so modified that the House shall not be deprived of the benefit of careful consideration by separate committees of measures which now belong to them.

Mr. RANDALL. The gentleman from Iowa presents the difficulty that this amendment gives too much power to the Committee on Appropriations. I submit that it only relates to appropriations that entirely pertain to the duties of that committee. I would say in addition that this proposition in no manner cuts off amendments or debates as allowed in Committee of the Whole, so that the objection presented by the gentleman from Iowa cannot exist. Any amendment that is proper in Committee of the Whole must have full and deliberate consideration and discussion.

Mr. KASSON. But my objection is that the proper committee will have no chance to consider the change of law.

Mr. RANDALL. Now, I want to be entirely frank about this matter, and I want to say this: that anything that the Committee on Appropriations do in connection with retrenchment is only in the nature of a recommendation. We must have the judgment upon it of a majority of the House. The majority of the House are alone responsible for the expenditures of money, but if we of the majority present a case requiring a reduction, it requires a vote of more than two-thirds of the House, and unless the other side authorize it it is never in our power to retrench.

Mr. KASSON. Let me say right there that it is in the power of the other committees to present the questions, by a report from their proper committee, for retrenchment by change of law.

Mr. RANDALL. We can only procure the necessary two-thirds once a week—that is on Monday. The present rule places it in the power of any single member to prevent the majority of the House from carrying out retrenchment.

Mr. KASSON. But the gentleman does not understand my point; it is that your regular committees can now present those subjects for the consideration of the House.

Mr. RANDALL. There is to-day a point of order pending against the Military Academy bill, which would prevent our reducing in the least degree the expenditures of that institution. We think we may be able to reduce the expenditures of that military establishment from $380,000 down to $231,000 a year. Yet under the rules, as they now stand, we have not the power to report a provision for that purpose, because any one gentleman in this House can raise against it the point of order that it will change existing law.

Mr. HALE. Will the gentleman yield to me for a few minutes?

Mr. COX. I will yield to the gentleman for five minutes, and then

I will call the previous question. I hold the floor now by the courtesy of the gentleman from Pennsylvania [Mr. HOPKINS] who desires to call up the centennial appropriation bill.

Mr. HALE. I will be very brief. The majority of the Committee on Rules have reported this very important change of the rules, and of course the majority upon the other side can adopt it and embody it in the rules of this House. But if that is done I hope that hereafter nobody will be found finding fault with the tremendous and stupendous additional power that will thereby be poured into the already full lap of the Committee on Appropriations.

Mr. RANDALL. It is merely giving that committee power to reduce expenditures; further than that the additional power the gentleman ascribes to it is imaginary.

Mr. HALE. The gentleman from Pennsylvania, [Mr. RANDALL,] the chairman of the Committee on Appropriations, has said that all that his committee can now do is to bring in or recommend to the House provisions of law, and the House can out vote them. That is true of every other committee. Does not the gentleman see that when he intrusts all this immense power to the Committee on Appropriations he gives to that committee practically the only power of previous examination and dissection, and that when that committee submits its reports to the House it will be the only committee that comes with the authority of having examined and dissected the different subject-matters embraced in its bills? And that committee has a right, which no other committee has, to report at any time.

Mr. HOLMAN. I trust the gentleman will modify that statement; it has the power to report at any time only appropriation bills.

Mr. HALE. Certainly; I was going to state that. With four years experience on the Committee on Appropriations I believe that if you give to that committee the power that is here sought to be given, the power to change existing laws in their general appropriation bills, which they have the right to report at any time, the whole framework of the Government may be revolutionized by that committee so far as its reports may go, there is nothing it may not do. The restraining power on the Committee on Appropriations at the present time is that it cannot change existing law. Now the gentleman from Indiana, [Mr. HOLMAN,] who introduced this resolution, the gentleman from New York, [Mr. COX,] who reports it back from the Committee on Rules, and the chairman of the Committee on Appropriations, [Mr. RANDALL,] who sustains it, are all actually and honestly in favor of retrenchment. I have no doubt about that. I give them the credit for it. But if they adopt this rule they will run into what is a more enormous evil. My experience has been that the most dangerous legislation that ever goes out of the halls of Congress is in appropriation bills. And I will not vote for anything that in any way, under whatever guise it may be urged, or however honestly it may be urged, will increase the power to legislate upon appropriation bills. Now if it be said that I seek to obstruct retrenchment——

Mr. RANDALL. The committee now possess the power to increase salaries and expenditures, and this is to enable them to have the power to diminish or reduce them.

Mr. HALE. Everybody sees that the power to increase should be taken from the committee; and I agree to that. If I am told that I would block retrenchment by opposing this rule, the answer to that is that every branch of the public service is now intrusted to a competent committee. The war branch of the service is intrusted to a competent committee, which may report a bill for reduction, and that bill may be debated and considered, not in Committee of the Whole where there is no record, but in the House, where there is a record. There is an additional evil that occurs to my mind. All this legislation, which is so dangerous, is ingrafted upon appropriation bills in Committee of the Whole, where there is no record. The Committee on Naval Affairs is an able and competent committee. It can at any time, when it is called for reports, bring in a bill abolishing the Marine Corps, and that bill may be discussed at length in the open House, where there is a record. So can the Indian Committee, and the Printing Committee. The Committee on Ways and Means has its special jurisdiction. The committee of my friend who reports this rule, [Mr. COX,] that of Banking and Currency, has its jurisdiction. All that they report can be considered openly, publicly with the yeas and nays on the record. But while this proposed amendment of the rule comes as a retrenchment measure, it involves an enormous evil. If gentlemen pass it, I ask that hereafter there shall be no fault found with the tremendous power thus given to the Committee on Appropriations.

Mr. HOLMAN. I desire a single moment.

Mr. COX. I will yield a minute, and then I will call the previous question.

Mr. HOLMAN. My friend from Maine [Mr. HALE] is alarmed at the tremendous power which this new rule, as proposed, will give to the Committee on Appropriations. Now, does not the gentleman know that under the rule as it now stands, and as it has been interpreted for years, the Committee on Appropriations have just exactly the same tremendous power, but a power in another direction, a power to increase the expenditures and not the power to reduce them?

Mr. HALE. Only to increase salaries. The gentleman will bear in mind that the committee has power now to reduce expenditures in other respects.

Mr. HOLMAN. Certainly. My friend is alarmed at the thought that this tremendous power of reduction should be vested in the Committee on Appropriations. But I do not think my friend has raised the point against the present rule, that it confers upon the committee the tremendous and dangerous power to increase the expenditures of the Government by increasing salaries without limit. The gentleman has never made such a point.

Mr. HALE. I have always believed that that decision ought to be changed. I believe now that there ought to be no power either to increase or decrease salaries by a change of existing laws upon an appropriation bill.

Mr. HOLMAN. I regret that my friend from Maine has never heretofore brought his views on this subject to the attention of the House.

Now, it is very clear that this vast increase of expenditure during the last twelve years has been effected by means of appropriation bills under the operation of the rules of the House. It is proposed now to go backward along the same road that we have traveled and by means of a modification of the rules retrench the expenditures of the Government. We must do it; and no man can be more conscious of that than my friend from Maine.

Mr. LAWRENCE. Mr. Speaker——

Mr. COX. With no wish to be discourteous to the gentleman from Ohio, [Mr. LAWRENCE,] I must insist upon the call for the previous question.

The previous question was seconded and the main question ordered.

The question being on agreeing to the report of the Committee on Rules,

Mr. HURLBUT. I ask that the rule as it will read with the proposed amendment be read.

The Clerk read as follows:

No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress; nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

Mr. RANDALL. I call for the yeas and nays on agreeing to the report of the committee.

The yeas and nays were ordered.

The question was taken; and there were—yeas 156, nays 102, not voting 32; as follows:

YEAS—Messrs. Ainsworth, Anderson, Ashe, Atkins, John H. Bagley, jr., John H. Baker, Blackburn, Bland, Bliss, Blount, Boone, Bradford, Bright, John Young Brown, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cate, Caulfield, Chapin, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Cook, Cowan, Cox, Cutler, Danford, Davis, De Bolt, Dibrell, Douglas, Durand, Durham, Eden, Egbert, Ellis, Ely, Faulkner, Felton, Forney, Fort, Franklin, Fuller, Gause, Gibson, Glover, Goode, Goodin, Gunter, Andrew H. Hamilton, Robert Hamilton, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Hatcher, Haymond, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Holman, Hopkins, House, Hunton, Hurd, Jenks, Frank Jones, Thomas L. Jones, Knott, Lamar, Franklin Landers, George M. Landers, Lane, Levy, Lewis, Luttrell, Levi A. Mackey, Malsh, McMahon, Meade, Metcalfe, Milliken, Mills, Money, Morgan, Morrison, Mutchler, Neal, New, O'Brien, Odell, Parsons, Payne, Phelps, John F. Philips, Piper, Poppleton, Powell, Randall, Rea, Reagan, John Reilly, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Savage, Sayler, Scales, Schleicher, Sheakley, Singleton, Siemons, William E. Smith, Southard, Sparks, Springer, Stenger, Stevenson, Stone, Swann, Tarbox, Terry, Thomas, Throckmorton, Tucker, Turney, John S. Vance, Robert B. Vance, Waddell, Charles C. B. Walker, Gilbert C. Walker, Walling, Walsh, Ward, Erastus Wells, Whitthorne, Wigginton, Wike, James Williams, James D. Williams, Jeremiah N. Williams, Wilshire, Benjamin Wilson, Yeates, and Young—156.

NAYS—Messrs. Adams, Bagby, George A. Bagley, William H. Baker, Ballou, Banks, Blaine, Blair, Bradley, William R. Brown, Horatio C. Burchard, Burleigh, Cannon, Conger, Crapo, Crounse, Darrall, Davy, Denison, Dobbins, Dunnell, Eames, Farwell, Foster, Freeman, Frost, Frye, Garfield, Hale, Haralson, Benjamin W. Harris, Hathorn, Hendee, Henderson, Hoar, Hoskins, Hubbell, Hunter, Hurlbut, Hyman, Joyce, Kasson, Kehr, Kelley, Ketchum, Kimball, King, Lapham, Lawrence, Leavenworth, Lynch, Magoon, MacDougall, McCrary, McDill, Miller, Monroe, Morey, Nash, Norton, Oliver, O'Neill, Packer, Page, William A. Phillips, Pierce, Plaisted, Platt, Pratt, Rainey, Robinson, Miles Ross, Sobieski Ross, Rusk, Sampson, Seelye, Sinnickson, Smalls, A. Herr Smith, Starkweather, Strait, Stowell, Thompson, Thornburgh, Martin I. Townsend, Washington Townsend, Tufts, Van Vorhes, Waldron, Alexander S. Wallace, John W. Wallace, G. Wiley Wells, Wheeler, White, Whiting, Willard, Alpheus S. Williams, Charles G. Williams, William B. Williams, James Wilson, Alan Wood, jr., and Woodworth—102.

NOT VOTING—Messrs. Banning, Barnum, Bass, Beebe, Bell, Cason, Caswell, Chittenden, Culberson, Evans, Hancock, Hardenbergh, Hays, Henkle, Hoge, Hooker, Lord, Lynde, Edmund W. M. Mackey, McFarland, Potter, Purman, James B. Reilly, Schumaker, Teese, Walls, Warren, Whitehouse, Andrew Williams, Willis, Fernando Wood, and Woodburn—32

So the report of the Committee on Rules was adopted.

Mr. COX moved to reconsider the vote just taken, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CENTENNIAL CELEBRATION OF AMERICAN INDEPENDENCE.

Mr. HOPKINS. I move that the rules be suspended and that the House resolve itself into Committee of the Whole on the state of the Union, for the purpose of considering the centennial appropriation bill.

The question being taken on agreeing to the motion, there were—ayes 123, noes 16—no quorum voting.

Tellers were ordered; and Mr. HOPKINS and Mr. DURHAM were appointed.

The House divided; and the tellers reported—ayes 139, noes 27.

So the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. WOOD, of New York, in the chair.)

The CHAIRMAN. The first business in order is the Military Academy appropriation bill, which is the special order.

Mr. RANDALL. I move for the present that be laid aside.

The motion was agreed to.

The CHAIRMAN. The next business in order is a bill (H. R. No. 514) relating to the centennial celebration of American independence.

Mr. HOPKINS. Let the bill be read.

The Clerk read as follows:

Whereas by the act of Congress entitled "An act to provide for the celebrating the one-hundredth anniversary of American independence by holding an international exhibition of arts, manufacture, and products of the soil and mine, in the city of Philadelphia, and State of Pennsylvania, in the year 1876," approved March 3, 1875, provision was made for the celebration of the centennial anniversary of the Declaration of Americna Independence by "an exhibition of American and foreign arts, products, and manufactures," to be "held under the auspices of the Government of the United States, in the city of Philadelphia, in the year 1876; and whereas by the act of Congress entitled "An act relative to the centennial international exhibition to be held in the city of Philadelphia, State of Pennsylvania, in the year 1876," approved June 1, 1872, the centennial board of finance was incorporated, with authority to raise the capital necessary to carry into effect the provisions of the said act of March 3, 1871; and whereas the President of the United States, in compliance with a joint resolution of Congress approved June 5, 1874, did "extend, in the name of the United States, a respectful and cordial invitation to the governments of other nations to be represented and take part in the international exposition to be held at Philadelphia, under the auspices of the Government of the United States," and as the governments so invited, to the number of thirty-eight, have so accepted such invitation, and many of them are making extensive preparations to embrace the courtesy so extended to them, thereby rendering proper arrangements for the coming ceremonies on the part of the Government of the United States a matter of honor and good faith; and whereas the preparations designed by the United States centennial commission, and in part executed by the centennial board of finance, are in accordance with the spirit of the acts of Congress relating thereto, and are on a scale creditable to the Government and people of the United States: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of $1,500,000, to complete the centennial buildings and other preparations, be, and the same is hereby, appropriated out of any moneys in the United States Treasury not otherwise appropriated, which shall be paid on the drafts of the president and treasurer of the centennial board of finance, one-third immediately after the passage of this act, and the remainder in four equal monthly payments: *Provided*, That in the distribution of any moneys that may remain in the treasury of the centennial board of finance after the payment of its debts, as provided for by the tenth section of the act of Congress, approved June 1, 1872, incorporating said centennial board of finance, the appropriation hereinbefore made shall share equally with the holders of the said centennial stock, and a like percentage thereon be paid into the United States Treasury as may be paid to the holders of the said stock: *Provided, also*, That the Government of the United States shall not, under any circumstances, be liable for any debt or obligation of the United States centennial commission or the centennial board of finance, or any payment in addition to the foregoing sum.

Mr. HOPKINS. It is, I believe, customary for a gentleman reporting a bill to open the discussion; but inasmuch as I do not feel well to-day I propose to postpone any remarks I may have to make on this bill till to-morrow, and now yield the floor to my colleague on the committee, the gentleman from New Jersey, [Mr. HARDENBERGH.]

THE RELATIONS OF THE GOVERNMENT TO THE CENTENNIAL.

Mr. HARDENBERGH. Mr. Chairman, it would be strange if in the discussion which this bill may evoke the voice of New Jersey found no expression in this audience chamber of the nation.

Earliest of those by whom was conceived the idea of giving to our centennial year a grandeur and a dignity beyond a mere local or State celebration, she has by the voice of her executives, by the solemn sanction of her senate and General Assembly, and by the approval of her people laid her gift of $110,000 upon the common altar as the tribute of her patriotism and her love. Should occasion require she will do more than this. To-day her one hundredth legislative council sits to frame anew for her entrance upon her second centennial her code of laws in accordance with the new constitution accepted during the year past by her people. Upon her soil are the plains of Trenton, of Princeton, and of Monmouth, around whose sacred memories the historian loves to linger as he recounts the story of the revolutionary era. Enshrined within the memories of her people, no less than of the Union, are many of her children, who in all the diversified professions and pursuits of life upon the land and upon the sea have worn the victor's wreath with no doubtful title to respect and confidence.

I feel it a distinguished honor in the discharge of my duty, though with unskilled language, yet firm in my convictions of right and faithful as I desire to be to those by whose consent I am this day their Representative, when I speak for New Jersey I speak for my country, not war-worn, weary, broken, and distracted, but as again bound together by the mystic ties of a common brotherhood, moving forward in the procession of States distinct as the billows but one as the sea, with no purpose but the common advancement and animated by no wish but the security of those blessings which are inseparable from our Union. She bids you to believe, representatives of America, that to insure success the Centennial must be a national endeavor. Foreign governments will not commit themselves to its support unless encouraged by active demonstration on the part of our own. Individual effort will be greatly promoted by the action of this Government, because such action will concentrate the patriotic impulses of the citizens.

The Centennial is in spirit a national celebration. As the Government is representative in all its branches, this idea must also be represented as a unit to give it dignity and effect. An appropriation by the Government will embody the national idea.

The money appropriated will enlarge the area upon which the nation is to be exhibited to the world. What is the Centennial but an exhibition to mankind of the development in manufactures and art of the principles of self-government? It is the Constitution working through the people into the manifold forms of utility and beauty which will be then presented.

Logically the Centennial would be a failure unless the Government was acting in and through it, because it is the system of government which is here to be manifested in its fruits and results. Inventors, manufacturers, sculptors, poets, painters, artists, all who contribute have a right to expect their own Government first to recognize their merit and share in the glory of their achievements; afterward the appeal may be made to the world. It is to be a family reunion, where each child is to exhibit what he has accomplished, and who will take pride in the result if the mother who directed the education of each shall withhold herself from participation in the occasion and decline to approve their conduct? If it be true that foreign nations have refused to co-operate without the sanction of our Government, then the participation of the Government must be on a scale commensurate with its dignity and such as will insure success. The United States must be no party to a celebration which may be considered a failure. It is believed the history of the world can furnish no such example of progress in all that relates to human welfare during the space of one hundred years as our own. The application of steam and electricity to practical purposes has been a great factor in our prosperity. Should not the Government recognize this fact?

One object to be gained by the Centennial is to revive the patriotic feeling which existed during the Revolution. It was there this Government was born. It should cherish these principles by a liberal expression toward the people.

The great republic of antiquity, at the close of the Trojan war, in order to heal the wounds occasioned by it and in obedience to the Delphic oracle, established upon the plains of Olympia those games adapted to the lively and flexible character of the Greeks which became a permanent national institution and attracted the admiration of surrounding nations. All thoughts of hostility were immediately laid aside in the general preparation for the splendid festival. The Olympic games were frequented by an assemblage of the nations, and to be a conqueror there inflamed the ambition of mankind more than the honors of war or government. Chronology was reckoned from the first Olympiad. May not the Centennial have its origin in the same principle? Let it be to us the close of all hostilities—the healing of all the wounds of war, the gathering of the nations in friendly competition, not in athletic or muscular exhibitions but in the higher and nobler display of intellect and genius—the triumphs of art, in painting and poetry, in music and sculpture, in mechanical inventions, and all the thousand forms in which it will be visible.

Encouraged and sustained by the Government, I believe it will announce an era of prosperity; it will give confidence to our people; it will revive the stroke of busy industry; it will spread to the winds of every sea the long-folded sails of commerce. Nations are moving in vast procession to lay their offerings of peace upon the altars of our progress. Sheathed be the sword forever. Let them be greeted as a nation of freemen alone can greet them. Fidelity to our Union is assured by the North and the South, the East and the West. The pageant will indeed be strange. One hundred years have rolled away and we have attained the highest rank of empire within this year. The peaceful navies of the world will ride at anchor in our harbors freighted with the contributions of the ancient masters, and the wonderful treasures of the Orient be poured into our lap. Princes of royal blood, as they came before, will come again and on bended knee at Mount Vernon's sacred shades render homage to the virtues and the memory of Washington.

> Such graves as his are pilgrim-shrines,
> Shrines to no code or creed confined—
> The Delphian vales, the Palestines,
> The Meccas of the mind.

Such is the genius of our Government, and such the glory of our institutions. Let no one seek to mar its destiny or arrest its progress. We shall be true to ourselves. The coming years, in the providence of God, will bind us yet stronger by the ties of concord and affection; but should perils from without, from whatever cause, arise to threaten our weal, then from the summit of that monument, now rearing here to attest the virtues of the Father of his Country, shall wave a flag which may bid defiance to a world in arms. I ask for New Jersey that this bill may pass.

Mr. HOPKINS. As it is late in the afternoon, I now move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WOOD reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration a bill (H. R. No. 514) relating to the centennial celebration of American Independence, and had come to no conclusion thereon.

CORRESPONDENCE BETWEEN SPAIN AND THE UNITED STATES.

Mr. MORRISON, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the President be requested to furnish to this House all correspondence between the Government of the United States and Spain in relation to the island of Cuba which is not incompatible with the public interest.

Mr. WADDELL. I ask the gentleman from Illinois to include in his resolution a call for correspondence with any other government

than that of Spain, because there has been correspondence with other governments.

The SPEAKER. Does the gentleman accept the modification of his resolution?

Mr. MORRISON. I do not. The gentleman will excuse me, but those who want the correspondence with other governments can introduce a separate resolution to that end.

The resolution was adopted.

Mr. MORRISON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN ELLER.

Mr. TERRY, by unanimous consent, introduced a bill (H. R. No. 1195) for the relief of John Eller, of Tennessee, for service in the late war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALASKA COMMERCIAL COMPANY.

Mr. WOOD, of New York, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Ways and Means be requested to examine into and to report whether the lease from the United States to the Alaska Commercial Company of the right to take fur-seals in Alaska, signed and executed by William A. Richardson, acting Secretary of the Treasury, in behalf of the United States, and John F. Miller, in behalf of said company, was made and executed in pursuance of law, and whether said lease was made to the best advantage of the United States according to the offers of other bidders; and also whether the interests of the United States were properly protected by the stipulations of said lease; and whether the Alaska Commercial Company have complied with its terms and conditions, and with the provisions, requirements and limitations of the act of Congress approved July 1, 1870; with power to send for persons and papers, administer oaths, and to report at any time.

OFFICERS OF THE ARMY DETAILED TO CIVIL DUTY.

Mr. WOOD, of New York, also, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Military Affairs be directed to inquire and report:

1. Whether, since the end of the rebellion, any officer of the Army on the active list has held or exercised the functions of a civil officer; and, if so, the name of such officer, by whom appointed, ordered, or detailed to such office, and copies of such appointment, order, or detail.

2. Whether, since the end of the rebellion, any officer of the Army has accepted or held any office in the diplomatic or consular service of the Government, or has been ordered, or detailed, or received leave of absence to carry on any negotiation or arrangement in behalf of the United States with any foreign government or people; and, if so, the name of such officer, by whom ordered, or detailed, or granted leave, together with copies of such order, or detail, or leave.

3. Whether, since the end of the rebellion, any officer of the Army on the active list has, contrary to the statutes of the United States, been detailed for the performance of duties of a civil nature which interfered with the performance of his military duties proper; and, if so, the name of such officer.

4. Whether any officer of the Army, since the close of the rebellion, has been appointed, or detailed, or assigned to duty as clerk or secretary of the President, or to any civil duties in or about executive office in Washington; and, if so, the name of such officer, the character of his duties, the period of service therein, by whom appointed, detailed, or assigned, together with copies of all such orders and the section of the statutes of the United States authorizing or permitting such service.

5. What additional legislation, if any, is needed to confine officers of the Army on the active list to the performance of military duties proper, and to prevent their interference, by assignment or otherwise, in the performance of civil functions.

Mr. MACDOUGALL. By leave of my colleague I move to amend by substituting the word "revolution" for "rebellion."

Mr. WOOD, of New York. I decline to accept any amendment.

The resolution was adopted.

ANACOSTIA AND POTOMAC RIVER RAILROAD.

Mr. HENDEE, by unanimous consent, introduced a bill (H. R. No. 1196) to amend an act entitled "An act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad, and to regulate its construction and operation;" which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

SPEECHES IN CONGRESS.

Mr. HENDEE also, by unanimous consent, introduced a bill (H. R. No. 1197) providing for the printing of the speeches and remarks of members of Congress and United States Senators in the language in which they were delivered; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOHN D. M'GILL.

Mr. HENDEE also, by unanimous consent, introduced a bill (H. R. No. 1198) for the relief of John D. McGill, of Georgetown, District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

REFUND OF INTERNAL-REVENUE TAXES.

Mr. HENDEE also, by unanimous consent, introduced a bill (H. R. No. 1199) authorizing the refunding in certain cases of internal-revenue taxes illegally assessed and collected; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ALMONT BARNES.

Mr. HENDEE also, by unanimous consent, introduced a bill (H. R. No. 1200) for the relief of Almont Barnes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

AMENDMENT TO THE CONSTITUTION.

Mr. NEW, by unanimous consent, introduced a joint resolution (H. R. No. 40) proposing an amendment to the Constitution; which was read a first and second time.

Mr. NEW. I ask that the joint resolution be read at length.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, &c., (two-thirds of each House concurring therein,) That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said Legislatures, shall be valid as a part of the Constitution, namely:

ARTICLE XVI.

From and after the next election for the President of the United States the President shall hold his office during the term of four years, and together with the Vice-President chosen for the same term, be elected in the manner now provided by law, or as may hereafter be provided. But neither the President, the Vice-President, nor any other person in the office of President, as devolved upon him by law, shall be eligible to the office of President a third time.

The joint resolution was referred to the Committee on the Judiciary, and ordered to be printed.

LAWS OF LIBEL IN THE DISTRICT.

Mr. KNOTT, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved by the House of Representatives, That the Committee on the Judiciary be instructed to take into consideration all laws now in force in the District of Columbia relating to libel, and report thereon by bill or otherwise.

HEIRS OF JOHN RICE JONES.

Mr. AINSWORTH, by unanimous consent, introduced a bill (H. R. No. 1201) to indemnify the heirs and legal representatives of John Rice Jones, deceased, for the lands sold and otherwise appropriated by the United States within the limits of certain confirmed private land claims in the State of Illinois; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

ORDER OF BUSINESS.

Mr. HOLMAN. In consequence of the large number of bills to be offered, I ask that it be ordered that by unanimous consent, after the call of committees to-morrow morning, the call of the States and Territories for bills and joint resolutions for reference only shall be completed.

There was no objection, and it was so ordered.

And then, on motion of Mr. HOLMAN, (at four o'clock and twenty-five minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule and referred as stated:

By Mr. ADAMS: The petition of R. H. Pruyn, A. P. Palmer, C. P. Williams, A. Van Allen, and other bankers of Albany, New York, that taxes upon capital and deposits in national banks may be repealed.

By Mr. ANDERSON: The petition of John B. Tucker, for a pension, to the Committee on Invalid Pensions.

By Mr. G. A. BAGLEY: The petition of citizens of New York, for an appropriation for the removal of a bar across the channel of Sacket's Harbor, to the Committee on Commerce.

By Mr. BELL: The memorial of H. B. Brown, for compensation for services rendered as acting secretary of the legation at Rome, to the Committee on Claims.

By Mr. BLAIR: The petition of the national banks of Kearsage and Warner, New Hampshire, for the repeal of the check-stamp tax, to the Committee on Ways and Means.

By Mr. BROWN, of Kentucky: The petition of Miss Alice Park, for compensation for use and occupation of her property by the United Sfates, to the Committee on War Claims.

By Mr. BROWN, of Kansas: The papers relating to the claim of Spencer & Mead against the Kansas tribe of Indians for goods sold to them during the years 1866 and 1867, to the Committee on Indian Affairs.

Also, the papers relating to the claim of Ledwick & Whittaker, for depredations alleged to have been committed by Cheyenne Indians in 1867, to the same committee.

By Mr. CALDWELL, of Tennessee: The petition of Needham Branch, for a reconsideration of his claim against the United States, to the Committee on War Claims.

Also, the petition of Z. C. Nolen, of similar import, to the same committee.

By Mr. CASON: The petition of engineer employés, for pay for property lost while in the United States service, to the Committee on Claims.

By Mr. CHAPIN: The petition of Julia E. Seeley, postmaster at Great Barrington, Massachusetts, for relief, to the same committee.

Also, the petition of E. W. Blackinton, of similar import, to the same committee.

Also, the petition of Henry L. James, of similar import, to the same committee.

By Mr. DAVIS: The petition of Tod. R. Caldwell, for a refund of cotton tax, to the same committee.

By Mr. DURAND: The petition of Emma A. Porch, for pay as a scout during the late war, to the Committee on War Claims.

By Mr. DANFORD: The petition of Thomas Perry, for a pension, to the Committee on Invalid Pensions.

By Mr. DURHAM: The petition of Margaret C. Bell, for an increase of pension, to the same committee.

By Mr. ELLIS: The petition of J. A. Breaux, contestant in the contested-election case of J. A. Breaux *vs.* C. B. Darrall, for an extension of time within which to take testimony, to the Committee on Elections.

Also, the petition of James Graham, for a refund of money paid by him to the United States for property sold under the confiscation acts, to the Committee on Claims.

Also, the petition of L. M. Day, of similar import, to the same committee.

Also, the petition of Octave L. Blanchard, for payment for property destroyed by the United States, to the Committee on War Claims.

By Mr. FELTON: The petition of 198 citizens of Walker and Dade Counties, Georgia, for a semi-weekly mail-route from Rising Fawn to Howard's Farm, Georgia, to the Committee on the Post-Office and Post-Roads.

By Mr. FRYE: The petitions of the Pennsylvania State Temperance Union, signed by James Black, president, and D. C. Babcock, secretary; of 12,000 lodges of Good Templars, representing 850,000 members, signed by J. J. Hickman, right worthy grand templar, and W. S. Williams, right worthy secretary; of Joel D. Thompson, A. J. Cornish, and other citizens of Gillette, New Jersey; of Plymouth church, Philadelphia, signed by the pastor and officers, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

Also, the petition of N. W. Swanton *et al.*, for an appropriation to improve the channel in Black River, to the Committee on Commerce.

By Mr. GLOVER: The papers in the application of W. F. Chamberlain, for relief, to the Committee on Military Affairs.

Also, the petition of James Hill, for a pension, to the Committee on Invalid Pensions.

By Mr. GOODE: The petition of John A. Parker, for relief, to the Committee on Claims.

By Mr. GOODIN: The petition of J. B. Anderson and other citizens of Kansas, for the repeal of the check-stamp tax, to the Committee on Ways and Means.

By Mr. HENKLE: The memorial of Samuel Smoot, president of the Southern Maryland Railroad Company, for relief, to the Committee on Railways and Canals.

Also, the petition of Mrs. Magdalina Sinz, for pay for property used by the United States, to the Committee on Claims.

By Mr. HEWITT, of New York: The petition of citizens and merchants of New York, in regard to the duties on tea and coffee, to the Committee on Ways and Means.

By Mr. HOLMAN: The petition of Captain Henry A. Neff, for additional compensation as United States Army officer, to the Committee on War Claims.

Also, the petition of Rev. Samuel Morrison, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

Also, the petition of James G. Harrison, for compensation as acting assessor of internal revenue, to the Committee on Claims.

Also, the petition of John S. Smith, for a pension, to the Committee on Invalid Pensions.

By Mr. HOPKINS: The petition of 58 citizens of Allegheny County, Pennsylvania, who were soldiers in the late war, for an increase of pensions, to the Committee on Invalid Pensions.

Also, the protest of Pittsburgh druggists, against the repeal of the proprietary stamp tax, to the Committee on Ways and Means.

Also, the petition of other Pittsburgh druggists, for the repeal of the proprietary stamp tax, to the same committee.

Also, resolutions of the New York Produce Exchange, favoring an appropriation of $1,500,000 in aid of the centennial celebration, to the Select Committee on the Centennial Celebration and the proposed National Census of 1875.

Also, the petition of Thomas Hunter, for compensation in money for a lost land warrant and for increase of pension, to the Committee on Invalid Pensions.

By Mr. HOUSE: The papers in the case of John E. Bauman & Co., for use of mill by the United States, to the Committee on War Claims.

By Mr. HUBBELL: The petition of J. W. Wilkinson and other citizens of Marquette, Michigan, for the repeal of the check-stamp tax, to the Committee on Ways and Means.

By Mr. JOYCE: The petition of J. H. Guild and other citizens of Vermont, for the repeal of the proprietary stamp tax, to the Committee on Ways and Means.

Also, the petition of W. F. Wood, for a pension, to the Committee on Invalid Pensions.

By Mr. LEAVENWORTH: The petition of Kenyon, Potter & Co., for the repeal of the proprietary stamp tax, to the Committee on Ways and Means.

By Mr. LYNCH: The petition of the board of trustees of the Protestant Orphan Asylum and citizens of Natchez, Mississippi, for an appropriation for the use and destruction of the asylum building by the United States, to the Committee on War Claims.

By Mr. McCRARY: Papers relating to bill for the relief of S. T. Marshall, to the Committee on Indian Affairs.

By Mr. McDILL: The petitions of A. W. Street, cashier of Council Bluffs Savings Bank, and 51 citizens; of J. W. Edgerly and 46 citizens; of William Bates and 34 citizens; of P. Jackson and 57 citizens; of W. S. Silliman and 46 citizens; of the Plymouth County Bank, Lamars, Iowa; for the repeal of the check-stamp tax, to the Committee on Ways and Means.

By Mr. McFARLAND: The petition of William Gouge, for removal of charge of desertion from the United States Army and for bounty, to the Committee on Military Affairs.

By Mr. McMAHON: The petition of Capt. Jasper M. Whitty, John E. Ayers, and John Brady, for a pension, to the Committee on Invalid Pensions.

By Mr. MEADE: The petition of twenty national banks of New York City, for the abolition of the tax on deposits and capital; and, also, to charge the expenses of the redemption agency to the fund derived from taxation on circulation, to the Committee on Ways and Means.

By Mr. MONEY: The petitions of William Bell, Solomon D. Sessums, and Mary P. Irby, for compensation for cotton seized by the United States, to the Committee on War Claims.

By Mr. MORRISON: The petition of Jacob Gall, for relief, to the same committee.

Also, the petition of Charles Vailer, for additional compensation as a United States Army officer, to the Committee on Military Affairs.

By Mr. PAGE: The petition of the West San Joaquinn Grange, California, for the repeal of the tariff on bagging, to the Committee on Ways and Means.

Also, resolutions of the Newcastle Grange, California, asking the repeal of the tariff on bagging, to the Committee on Ways and Means.

By Mr. PARSONS: The petition of John B. Davis, for relief, to the Committee on the Post-Office and Post-Roads.

Also, the petition of Alexander Hoogland, for pay as internal-revenue detective, to the Committee on Claims.

By Mr. Phelps: The petition of James B. Armstead, jr., and 70 other citizens of New Haven, Connecticut, for the repeal of the resumption act, to the Committee on Banking and Currency.

By Mr. PHILLIPS, of Kansas: The petition of citizens of Kansas, for the repeal of the check-stamp tax, to the Committee on Ways and Means.

Also, the petition of 92 citizens of Kansas, for a mail-route from Beloit to Russell, Kansas, to the Committee on the Post-Office and Post-Roads.

By Mr. PIERCE: The petition of James Swords and other citizens of Massachusetts, for the establishment of a signal station at Block Island, to the Committee on Commerce.

By Mr. RAINEY: The petition of James Keenan, for indemnity for loss of property, to the Committee on War Claims.

By Mr. RANDALL: The petition of S. A. Harvey, for a pension, to the Committee on Invalid Pensions.

Also, the petition of the heirs of Captain Lambert Wicker, claimants for prize-money, pay, &c., during the war of the Revolution, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. ROBBINS, of North Carolina: The petition of citizens of North Carolina, for a post-route from Soda Hill to Blowing Rock, North Carolina, to the Committee on the Post-Office and Post-Roads.

By Mr. ROBERTS: The petition of Julius S. Bohrer, to be restored to the rank of master in the United States Navy, to the Committee on Naval Affairs.

By Mr. RUSK: The petition of certain survivors of the Black Hawk war, to be placed on the pension-rolls at the rate of eight $8 per month, to the Committee on Invalid Pensions.

By Mr. SMITH, of Pennsylvania: Two petitions from citizens of Marietta, Pennsylvania, for Congress to extend the credit for the completion of the Southern Pacific Railroad, provided the iron to be used is purchased from American manufacturers, to the Committee on the Pacific Railroad.

By Mr. SOUTHARD: The petition of William Wolfe and 50 citizens of Ohio, for the repeal of the check-stamp tax, to the Committee on Ways and Means.

By Mr. SPRINGER: The petition of 374 citizens of Illinois, for the repeal of the check-stamp tax, to the same committee.

Also, the petition of Susan A. Lusk, for the return of a fine of $500 exacted from her deceased husband during the late war, at Natchez, Mississippi, to the Committee on War Claims.

By Mr. SWANN: The petitions of the national banks of Baltimore, relative to abatement of taxation on deposits and capital, to the Committee on Ways and Means.

By Mr. TERRY: The petition of citizens of Virginia, to establish a post-route from Harrisburgh to Holly Creek, Virginia, to the Committee on the Post-Office and Post-Roads.

By Mr. THOMPSON: The petition of F. W. Nichols and others that Brown's type setting and distributing machine be tried in the Government Printing Office, at Washington, to the Joint Committee on Printing.

By Mr. THROCKMORTON: Papers relating to the claims of Charles Baskerville and Henry B. Whitfield, to the Committee on Claims.

By Mr. TOWNSEND, of New York: The petitions of 119 citizens of New York, and of citizens of Troy, New York, for the repeal of the check-stamp tax, to the Committee on Ways and Means.

Also, the petition of citizens of Troy, New York, for an amendment of the banking laws, to the Committee on Banking and Currency.

Also, the petition of Margaret E. West, for a pension, to the Committee on Invalid Pensions.

By Mr. VANCE, of North Carolina: The petition of Levi Jones, for additional compensation as United States Army officer, to the Committee on Military Affairs.

Also, the petition of Hiram R. Rhea, that his name be placed upon the muster-rolls of Company G, Third North Carolina Mounted Infantry, to the Committee on Military Affairs.

Also, the petition of William A. Henderson, for a pension, to the Committee on Invalid pensions.

Also, the petition of Anson B. Sams, of similar import, to the same committee.

Also, the petition of Leonard W. Henderson, for additional pay as a United States Army officer, to the Committee on Military Affairs.

By Mr. VAN VORHES: The petition of Hon. Jere Williams and 25 citizens of Monroe County, Ohio, for the repeal of the check-stamp tax, to the Committee on Ways and Means.

Also, the petition of Henry M. Davis, for relief, to the Committee on War Claims.

By Mr. WALLING: The petition of citizens of Fairfield County, Ohio, for a post-route, to the Committee on the Post-Office and Post-Roads.

Also, papers in the case of Peter M. Ward, to the Committee on Military Affairs.

By Mr. WALLS: Additional papers in the case of W. H. Daniels, to the Committee on Claims.

By Mr. WHITTHORNE: The petition of S. C. Moffett, for relief, to the same committee.

Also, the petition of William Simonton, for relief against a judgment of the southern claims commission, to the Committee on War Claims.

By Mr. WHITE: The petition of L. C. Dells, for pay while held as a prisoner of war by the confederate authorities, to the Committee on Military Affairs.

By Mr. WIGGINTON: A paper relative to a post-route in Fresno County, California, to the Committee on the Post-Office and Post-Roads.

By Mr. WIKE: The petition of the Board of Supervisors at Quincy, Illinois, for the construction of public buildings at that place, to the Committee on Public Buildings and Grounds.

By Mr. WILLIAMS, of New York: The petition of Butler, Miller & Co. and Hawkes, Miller & Co., for pay for cotton claims originating at Nashville, Tennessee, in 1863, to the Committee on War Claims.

Also, the petition of James L. Henry, for pay for the use by the Government of his improvement in cannon, to the same committee.

Also, the petition of Edward Gallagher, for pay for the use of buildings by the United States, to the same committee.

Also, resolutions relating to the Metropolitan police of the District of Columbia, to the Committee on the Judiciary.

By Mr. WILSHIRE: The petition of Elias Rector, for relief, to the Committee on War Claims.

Also, the petition of citizens of Arkansas, for right of way and ground for depot purposes for the Hot Springs Railroad Company, to the Committee on the Public Lands.

By Mr. WILSON, of Iowa: The petition of citizens of Benton County, Iowa, for the repeal of the check-stamp tax, to the Committee on Ways and Means.

By Mr. WOOD, of New York: Two petitions from citizens of New York, for the repeal of the check-stamp tax, to the same committee.

By Mr. YOUNG: Papers relating to the bill for relief of Thomas G. Neal, to the Committee on War Claims.

Also, the petition of R. C. Brinkley, for pay for lumber furnished the United States, to the same committee.

By Mr. ——: The petition of citizens of New London, Connecticut, for the repeal of the proprietary stamp tax, to the Committee on Ways and Means.

By Mr. ——: The petition of citizens of East Donegal, Pennsylvania, for aid to be extended to the Southern Pacific Railroad, provided the iron to be used is purchased from American manufacturers, to the same committee.

By Mr. ——: The petition of citizens of Troy, New York, for a signal station at Block Island, to the Committee on Commerce.

IN SENATE.

TUESDAY, *January* 18, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of the Interior, transmitting, in compliance with a resolution of the Senate of December 13, 1875, statements showing the names of Indian agents who have complied with the law requiring them to keep an itemized account of all receipts and expenditures, together with a record of all contracts; which was ordered to lie on the table and be printed.

He also laid before the Senate a report of the commissioners of the Freedman's Savings and Trust Company, transmitting, in compliance with a resolution of the Senate of the 5th instant, statements showing the balance due on the assets of the Freedman's Savings and Trust Company at the time of their transfer, the action taken to collect the same, and their present status; also, the receipts and expenditures from July 13, 1874, to December 31, 1875; which, on motion of Mr. SHERMAN, was ordered to lie on the table and be printed.

SENATOR FROM LOUISIANA.

Mr. THURMAN. I present the credentials of James B. Eustis, claiming a seat in the Senate as Senator-elect from the State of Louisiana, and ask their reference to the Committee on Privileges and Elections.

The PRESIDENT *pro tempore*. They will be so referred, if there be no objection.

Mr. THURMAN. I suppose they ought to be read; it is customary.

The PRESIDENT *pro tempore*. The credentials will be read by the Secretary.

The Chief Clerk proceeded to read the papers presented by Mr. THURMAN.

The PRESIDENT *pro tempore*. The Senator from Ohio moves the reference of these papers to the Committee on Privileges and Elections.

Mr. CONKLING. Mr. President, is the reading completed?

Mr. THURMAN. As the documents are somewhat voluminous, they may be considered as read without actually being read.

Mr. CONKLING. I should like to know, if they are not to be read, who certifies those papers beyond the certificate which the Secretary has already read?

Mr. THURMAN. They are certified by the proper officers of the General Assembly; that is to say, by the speaker and clerk of the house of representatives and by the senator who presided at the joint meeting, and their signatures are attested by the certificate of the secretary of state and the seal of the State. This is the usual verification of legislative proceedings. They are a transcript from the journal.

Mr. CONKLING. These papers are not presented as transcripts of legislative proceedings; they are presented as the credentials of one claiming a seat in the Senate. An act of Congress has described what credentials must be, as I understand. Among other things, they must be certified by the governor of the State; and it is such credentials, and only such, that the Senate knows.

Mr. HOWE. Are not these certified by the governor?

Mr. CONKLING. My friend on my right inquires whether these are certified by the governor. It was that inquiry that I made of the Chair, and the Senator from Ohio answers that they are not. Therefore, I submit that *prima facie* they are not credentials.

The PRESIDENT *pro tempore*. The Chair so understands, and he will state to the Senator from Ohio that they are not certified to by the governor.

Mr. CONKLING. I was therefore about to suggest that, not being credentials, they ought not to be received as credentials. The Senate ought not to advance at all in regard to them until it knows more than it can know, if the papers are not to be read. We have heard them in part, and there yet seems to be a large roll of unread papers at the desk of the Secretary. I began, however, this suggestion in the absence of the chairman of the committee to which the Senator from Ohio proposes to refer these papers, and as the matter pertains to him rather than to me I rose rather to save the Senate a false position, if we should get into a false position by receiving as credentials papers which appear not to be credentials, than for any other purpose. Now that the Senator from Indiana is here, I call his attention as chairman of the committee, suggesting to him, as to the Senate, that these papers ought not to be received until they have been read or some opportunity given to Senators to know whether they are in any sense credentials.

Mr. MORTON. I was not in the Senate when these papers, purporting to be credentials, were presented, and I will ask to have the matter passed over till to-morrow morning, so that I may have an opportunity to examine them. Let them lie on the table.

Mr. THURMAN. I have no particular objection to that, but I wish to say, in reply to the observations of the Senator from New York, that I do not suppose he, upon reflection, would state as his opinion that, if the governor of a State refuses to give the certificate which the law requires him to give, the elected Senator loses his place.

Mr. CONKLING. That would be another question.

Mr. THURMAN. It would be a question, I think, so easily answered that I should anticipate a unanimous vote in the Senate upon such a question as that. There is no mode provided by law to coerce the governor of a State to give a certificate. He may withhold it ever so wrongly; he may withhold it under a mistaken idea of his duty. There is no sanction in the law which puts the mandate upon him to give that certificate, none whatsoever; and certainly the requisition of our statutes cannot be considered as constituting the certificate of the governor the only evidence of the election of a Senator by a State Legislature.

Besides, the practice of the Senate has been in accordance with

what I suggest. The credentials of Mr. MCMILLEN, when presented, were referred to the committee; and they consisted of a transcript of the proceedings of the Louisiana Legislature. There was another case: the case of Mr. Sykes, of Alabama, where his credentials consisted of a transcript of the proceedings of the Legislature of that State, where there was no governor's certificate whatsoever, because the governor refused to grant him a certificate. In each of those cases the Senate received them as the title-papers of the party, evidencing whatever right he had to a seat in this body, and it never was imagined that he could lose his right because the governor of the State saw fit to refuse a certificate. That is the state of the practice in the Senate. In both those cases the so-called credentials—and I think they were properly called credentials; I do not care, though, what you call them; by any other name they will do as well——

Mr. CONKLING.—

That which we call a rose,
By any other name would smell as sweet.

Mr. THURMAN. I do not say anything about odors. By any other name they are quite as effective. They manifest the title of the party whatever you call them, if he has a title. I propose not to have the Senator-elect sworn in upon them, but to refer them to the committee. If I had asked that the Senator-elect should be sworn in on these papers, then the objections of the Senator from New York would be well taken, perhaps; but it is not well taken when I offer them as evidence of the title of this gentleman to a seat in this body and ask that they go to the proper committee for investigation.

Mr. CONKLING. Mr. President, I can agree to very much that the Senator from Ohio has said, although I am not able to see the distinction he makes between a case of presenting certain papers as credentials to be referred to the appropriate committee, and presenting them as evidence on which the claimant may be sworn in if no objection is made. With the exception of that distinction, very likely I might agree to what the Senator has said. He has answered an objection which I did not make. I did not intend to imply that if there were no governor in the State, or if the governor should refuse to certify, no substituted evidence might answer the purpose. That is not this case. Here come papers with no allegation that the governor has refused to give the ordinary certificate, but they are papers which *prima facie* are not those which alone are described in the statute as the papers upon which we are to rely in such an instance.

Therefore I say that *prima facie* they are not credentials as credentials are described in the statute. When a case comes here showing that a governor has refused to certify, we will pass upon that case. "Sufficient unto the day is the evil thereof." It is enough for me now to know, without going beyond these papers, although we do know something more about the case, that a proceeding alleged on one side to be wholly irregular and culminating in a package of papers irregular—I speak now according to the statute—comes before us. I do not know but that it may be right to receive and refer these papers. For one, before I vote for that motion I want an opportunity to hear the papers read or to read them myself. Therefore I concur in the request that they may lie over a day until some member of the Senate may know exactly what they contain.

Mr. THURMAN. One word more. The papers were being read when the Senator addressed the Chair.

Mr. CONKLING. I did not interrupt the reading, I beg my friend's pardon; he interrupted it himself by saying they were too voluminous to be read.

Mr. THURMAN. They were being read at that time.

I wish to say one word, though, in regard to the remark of the Senator from New York as to the irregularity of this proceeding. There is no irregularity at all, unless the absence of the usual certificate of the governor constitutes an irregularity, and that certainly does not. The absence of that certificate certainly requires that other proof of the title of the party to a seat here shall be produced. That is all the absence of that evidence requires. In answer to the suggestion upon the subject of irregularity, it will be found on examining these papers—I have read them carefully—that the act of Congress has been strictly complied with in the election of Mr. Enstis to the Senate in the fullest manner in which it could be complied with.

Mr. CONKLING. May I make an inquiry of the Senator?

Mr. THURMAN. Certainly.

Mr. CONKLING. Do the papers show that the two houses, thereby meaning a quorum of the two houses, met in joint convention for this election?

Mr. THURMAN. I will tell the Senator what they show. They show exactly that case which induced the passage of our act in relation to the election of Senators.

Mr. CONKLING. Do they show the case I have put?

Mr. THURMAN. I will tell you in a moment what they do show. The reason for the passage of that act was that twice in the history of this country, once in my own State and I believe the other case was in the State of Indiana, one of the houses of the Legislature, the two houses being of different politics, had refused to go into an election; and it was to prevent any house from defeating an election of a Senator of the United States that that act was passed; and hence its provisions are that on the second Tuesday after the meeting and organization of the Legislature, or in case of a vacancy on a day specified in the act, each house shall ballot for Senator, and that on the next day they shall meet and compare their journals, and if it appear that any individual has received a majority in each branch of the Legislature he shall be declared to be elected Senator; but if no such thing appears, then they shall proceed in joint assembly to vote, and it only requires that in that joint assembly there shall be a majority of all the members elected to the Legislature, of both houses considered as an aggregate body. It was for the very express purpose of preventing a majority of one branch defeating an election that the authority was conferred on that joint assembly to proceed to the election of a Senator, although a majority of one of the branches might be absent. It is sufficient to constitute a constituent body to elect a Senator that there is there present and voting a majority of the aggregate number of the two houses of the Assembly.

In this case these papers do show, not only that there were present a majority of the aggregate number of the two houses, but they also show that a majority actually did vote in the election; that there were more who actually cast their votes for the different candidates (for there were three candidates voted for) than constituted a majority of the whole number of the General Assembly of the State; so that it is precisely the case provided for in the statute, and for which the statute was passed There is no irregularity, therefore, in that.

The whole question turns, and it will be found to turn—I say it now—not upon a technicality at all, but upon a substantial point. It all turns upon the question whether there was a vacancy. If the Senate shall decide that Mr. Pinchback is entitled to a seat on this floor, that is an end. Then there was no vacancy. If it decides that he is not entitled to a seat on this floor, then there was a vacancy, and this election is perfectly regular. That is the whole of the case.

I have no objection to its lying over, if the gentleman desires that, although the usual course has been to refer such papers; but certainly, in respect to the governor's refusing to give a certificate, if the committee or the Senate desires any proof on that point, it can be produced.

Mr. CONKLING. I asked the Senator from Ohio whether it was true that a quorum of each house participated in the proceedings; and I wish, first of all, to make my acknowledgments to the Senator for the very frank and explicit answer which he gave to that question. We all know, after hearing him, whether a quorum of each house did participate in this proceeding or not.

Now, with the statute in my hand, I venture to dissent from the statement of the meaning of it made by the Senator from Ohio. He says it was passed, among other things, to provide for the very case he states, to wit, the case of one house not proceeding to the election of a Senator. That I deny; and I put to him, as such a case which the statute was not intended to provide for, the instance in which one house denies that there is any vacancy, denies that it is competent to proceed to the election of a Senator; as, for example, if to-morrow in the State of Ohio it should be moved in one or other of the houses of its Legislature to proceed to the election of a Senator in place of my honored friend from Ohio, even though the other house should persist in objecting to it, and though they might assemble in joint convention a majority of the members of the two houses, I deny that the case would have arisen which this statute was intended to touch.

I do not say that that is the case before us, but I do say that it is an answer to the sweeping observation of the Senator from Ohio that this statute is intended to cover all cases whatsoever (for that is what he means,) where one House refused upon a motion being made to go into the election of a Senator. If there be a vacancy in the office, if it be the duty of the two Houses to proceed to elect a Senator and one House refuses, it is quite likely that the case has arisen which the honorable Senator from Ohio adverts to.

Mr. THURMAN. Will the Senator allow me to interrupt him?

Mr. CONKLING. Yes, sir.

Mr. THURMAN. The Senator puts a hypothetical case. He supposes that one branch of the Legislature of Ohio should propose to elect somebody else in my place, which would be a very unwise thing in that Legislature. [Laughter.]

Mr. CONKLING. It would be a monstrous thing. [Laughter.]

Mr. THURMAN. And the other branch says "There is no vacancy, and therefore we will not go into an election;" and he asks if that does not prove that that statute does not apply to a case like this. It proves nothing of the sort. If both branches of the Legislature of Ohio were to assemble—they being now in session—and elect two Senators in the place of my colleague and myself, although every member concurred in the election and concurred in it upon the idea that there were vacancies in the Senate, the whole proceeding would be void, absolutely void, because there is no vacancy; and therefore the question whether there is a vacancy or not is a question that lies at the foundation of the whole thing. The proceeding is regular enough if there is a vacancy. If there is no vacancy, then the proceeding goes for nothing, although every member of both houses has concurred in it.

Mr. CONKLING. The Senator from Ohio is unusually fond this morning of answering objections which nobody has made. I did not say at all "does not such a case as I supposed in Ohio prove that the statute does not apply to this case." I made no such suggestion. I have refrained from making any observation upon the merits of this case. The statute may apply to this case; it may not, for aught I have said, or indeed for aught I know, in any sense which would

enable me to vote or to act on what I know. I was only, at the moment answering the broad declaration of the Senator from Ohio that whenever one House refuses to go into an election of Senator the case had arisen which this statute provides for, and which enables both houses by a majority in joint convention to act.

I do not say—I repeat that again—that the statute does not apply to this case. I do not say that it was not the duty of both these houses to elect. I do not know whether it was or not. That is a question that I want to ascertain hereafter. I do not conclude myself upon that at all. If I have an impression upon it, it is founded upon information too vague to be appropriate as the basis of any vote I may be called upon to give. I am merely testing the broad phraseology of the Senator in which he describes and interprets this statute, and I say it is much too broad. Now whether it was the duty of one house in Louisiana to proceed to elect, which house refused to do so, is a question which we are going to ascertain, I take it. I do not anticipate that question at all; I express no opinion upon it. I only say that these papers are irregular, and that if it be true, as the Senator implies, although he does not admit, that one of these two houses as a house did not participate but refused to participate in this election, that is a second irregularity which may be cured by evidence *dehors* the papers here or evidence within the papers if it turns out that being the duty of both houses to proceed, one refused to proceed. That may be; but I say on the face of the papers they themselves are irregular, and if the truth be that a quorum of one house did not participate, that on its face is irregular; and if it is to be answered at all it must be answered by evidence and by that which will bring the case, as the Senator insists the case is, within the statute. Let us see. If it is, I take it we shall all vote according to the statute. If it is not until they do elect another Senator in place of my friend, I shall count on two votes from Ohio.

Mr. THURMAN. Mr. President, it seems that my friend from New York this morning has expended all his force simply for the purpose of convicting me of making too broad a statement in respect to the statute.

Mr. CONKLING. That would be an event so extraordinary that if I could establish that, it would be well.

Mr. THURMAN. It would be, undoubtedly; but I must even take that little consolation from my friend. He is too good a lawyer not to know that a lawyer, or even a judge, and I hope the Senator, when he uses language, uses it, as the lawyers say, *secundum subjectam materiam*, according to the subject, to be limited to the case which is in hand. When I say that this is a case exactly within the statutes, I of course speak of an election when there is a vacancy or when there is some one to be elected in anticipation of a vacancy. I was using language that is restrained by the subject-matter. That is all; and I submit to my friend that, although I am perfectly willing to be convicted of using too broad a statement, if I did so, in this case I spoke judicially.

Mr. BAYARD. I would inquire whether the reading of the papers was interrupted or whether the entire proceedings have been read to the Senate?

The PRESIDENT *pro tempore*. They have not been read wholly; only a portion of them.

Mr. BAYARD. Was the reading concluded?

The PRESIDENT *pro tempore*. The papers have not been entirely read.

Mr. BAYARD. Then I would ask that the reading be continued.

The PRESIDENT *pro tempore*. Objection was raised to the reading, but the Chair did not submit the question to the Senate. If the objection is persisted in, the Chair will now submit the question to the Senate, under the rule.

Mr. BAYARD. I ask that the papers be read.

Mr. SHERMAN. I was about to submit to the Senate that my colleague suggested that, as the papers were very voluminous, they be considered as read without being read in full, and therefore perhaps they had better be printed in the RECORD, and let us go on with the morning business.

Mr. BAYARD. I have no objection to that.

The PRESIDENT *pro tempore*. Is there objection to these papers being printed in the RECORD? The Chair hears none, and the order is made.

Mr. CONKLING. Let the motion to refer lie over until to-morrow morning.

Mr. THURMAN. Very well.

The PRESIDENT *pro tempore*. The Chair understands that the reference has not been made. The Senator from New York objected to the reference. The order is that the papers be printed in the RECORD.

Mr. CONKLING. And that the matter lie over until to-morrow morning.

The PRESIDENT *pro tempore*. It is so understood.

The papers are as follows:

SENATE CHAMBER, STATE OF LOUISIANA,
Secretary's Office, New Orleans, January 15, 1876.

Extract from the official journal of the senate of the State of Louisiana for the session held on Tuesday, January 11, 1876.

By Mr. White:

Senate bill No. 8, an act to amend and re-enact an act entitled "An act to amend article 644 of the Code of Practice," approved 23d of April, 1872, being act No. 17 of the session of 1874.

The constitutional rules being suspended by a four-fifths affirmative vote of the senate, the bill was placed on its second reading, and referred to the committee on the judiciary.

Senator Blackburn offered the following motion and moved its adoption:

Inasmuch as there seems to be a vacancy in the Senate of the United States from Louisiana, and it being very important that our State should be fully and ably represented in that branch of our National Government, I move that this senate shall now proceed to co-operate in an election to fill said vacancy or assumed vacancy, to the end that there may no longer be any excuse or shadow of reason for depriving Louisiana of her proper representation in the councils of the nation.

Senator Burch asked for a division of the question.

Senator Masicot called for executive session.

Executive session having been raised, on the call of the roll the following Senator answered to their names:

PRESENT—Messrs. Alexander, Allain, Anderson, Blackburn, Blunt, Breaux, Brewster, Burch, Cage, Chadbourn, Eustis, George, Goode, Gla, Greene, Grover, Harper, Herwig, Kelso, Kelly, Landry, Ogden, Pollard, Robertson, Stamps, Steven, Sypher, Wharton, White, Whitney, Young—31.

ABSENT—Masicot, Detiege, Dumont, Twitchell, Weber—5.

Senator Anderson moved to lay the motion offered by Senator Blackburn on the table.

At the request of Senator Blackburn he withdrew this motion to allow debate.

Senator Whitney offered the following substitute:

I move that it is the sense of the senate that there is not at present a vacancy in the United States Senate of a Senator-elect from the State of Louisiana.

Senator Sypher moved to lay the whole subject-matter on the table.

Senator Whitney then asked and obtained leave to withdraw his substitute.

Senator Blunt moved to indefinitely postpone the motion offered by Senator Blackburn.

Senator Allain called for the yeas and nays, with the following result:

YEAS—Messrs. Allain, Anderson, Blunt, Breaux, Brewster, Burch, Cage, Chadbourn, Detiege, Dumont, Gla, Harper, Kelso, Landry, Masicot, Pollard, Stamps, Sypher, Twitchell, Young—20.

NAYS—Messrs. Alexander, Blackburn, Eustis, George, Goode, Greene, Grover, Kelly, Ogden, Robertson, Steven, White, Whitney—13.

ABSENT—Messrs. Herwig, Weber, Wharton—3.

And the motion to indefinitely postpone was adopted.

Senator Whitney offered the following motion and moved its adoption:

I move that it is the sense of this senate that there is not at this time a vacancy in the Senate of the United States of a Senator-elect from the State of Louisiana.

Senator Blackburn called for the yeas and nays.

YEAS—Messrs. Allain, Anderson, Blunt, Breaux, Brewster, Burch, Cage, Chadbourn, Detiege, Dumont, Gla, Harper, Merwig, Kelso, Landry, Masicot, Pollard, Stamps, Sypher, Twitchell, Whitney, Young—22.

NAYS—Messrs. Alexander, Blackburn, Eustis, George, Goode, Greene, Grover, Kelly, Ogden, Robertson, Steven, and White—12.

ABSENT—Messrs. Weber, Wharton—2.

And the motion was adopted.

The president submitted the following report:

ATTORNEY-GENERAL'S OFFICE, STATE OF LOUISIANA,
New Orleans, January 11, 1876.

To the honorable members and president of the senate:

I inclose herewith my report, giving detailed statement of the business of my office for the last three years, with a request that you will lay the same before the senate.

With high respect, your obedient servant,

A. P. FIELD,
Attorney-General.

The report was referred to the committee on judiciary.

I certify that the above is a correct extract of the minutes of the senate of the State of Louisiana of January 12, 1876.

PETER E. BECHTEL,
Secretary of Senate.

STATE OF LOUISIANA.

I certify the above is the signature of Peter E. Bechtel, secretary of the senate.

[SEAL.] P. G. DESLONDE,
Secretary of State.

SENATE CHAMBER, STATE OF LOUISIANA,
Secretary's Office, New Orleans, January 15, 1876.

Extract from official journal of the Senate of the State of Louisiana for the session held Wednesday, January 12, 1876.

SENATE CHAMBER, *New Orleans, January* 12, 1876.

The senate met, pursuant to adjournment, at twelve o'clock m., Hon. C. C. Antoine, lieutenant-governor and president of the senate, in the chair. On call of the roll the following senators answered to their names:

PRESENT—Messrs. Allain, Blunt, Beaux, Brewster, Burch, Cage, Chadbourn, Detiege, Gla, Harper, Kelso, Landry, Masicot, Pollard, Stamps, Sypher, Twitchell, Weber, Wharton, Whitney, Young—21.

ABSENT—Messrs. Alexander, Anderson, Blackburn, Dumont, Eustis, George, Goode, Greene, Grover, Herwig, Kelly, Ogden, Robertson, Steven, White—15.

Prayer was offered by Rev. Mr. Chambers.

The journal was read, corrected, and approved.

The chief clerk of the house of representatives was announced with the following message:

HOUSE OF REPRESENTATIVES,
New Orleans, January 12, 1876.

To the honorable president and members of the senate:

I am ordered by the house of representatives to inform your honorable body that the house, in accordance with the requirements of the law, on yesterday balloted for a United States Senator with the following result: Hon. J. B. Eustis received 61 votes, Hon. J. G. Taliaferro received 1 vote, Hon. H. N. Ogden received 1 vote. The speaker declared Hon. J. B. Eustis the choice of the house for the position of Senator, and that the house is now ready to proceed in joint session to the election of Senator from the State of Louisiana.

PETER J. TREZEVANT,
Chief Clerk.

Senator Wharton, as chairman of the committee on railroads, and as a member of the committees on federal relations, finance, drainage, and elections, tendered his resignation.

I certify that the above is a correct extract of the minutes of the senate of the State of Louisiana of January 12, 1876.

PETER E. BECHTEL,
Secretary of Senate.

STATE OF LOUISIANA.

I certify the above is the signature of Peter E. Bechtel, secretary of the senate.

[SEAL.] P. G. DESLONDE,
Secretary of State.

Proceedings of the house of representatives of the 11th and 12th of January, 1876.

HOUSE JOURNAL.

Sixth day's proceedings.

HOUSE OF REPRESENTATIVES,
New Orleans, January 11, 1876.

The house met pursuant to adjournment, and was called to order by Hon. E. D. Estilette, its speaker.

On call of the roll the following members answered to their names, to wit:

Speaker Estilette, and Messrs. Aldige, Armstead, Booth, Byrne, Bayley, Blaffer, Butler, Baker, Beasly, Billieu, Brice, Carville, Collins, Carmouche, Cousin, Carloss, Dupré, De Blanc, Dugas, Durr, Davidson, Dewees, Dickenson, Delhommer, Dunn, Edwards of Tangipahoa, Edwards of Richland, Elliott, Guichard, Grant, Gracien, Gilmore, Hill of Ascension, Hahn, Hubeau, Hill of Ouachita, Honoré, Hammond, Jeffries, Jourdain, Johnson of Caddo, Johnson of La Fourche, Koontz, Kummel, Keating, Kelly, Keyes, Kidd, Lane, Lowell, Levissee, Lafargue, Maginnis, Meredith, Mitchell, Matthews of Franklin, Martin, Murrell, Milon, Matthews of Tensas, McCollam, McAlpine, Magee, Nunez, Pascal, Parker, Piles, Pipes, Roman, Richardson, Ridgely, Ray, Raby, Smith, Sutton, Self, Snaer, Sartain, Souer, Seaman, Sibilski, Schenck, Stafford, Stewart, Scales, Schuler, Thomas, Voorhies, Vidrine, Walker, Wiltz, Wilson, Woods of Ouachita, Walters, Wells, Webb, Yorke, Young—99.

The proceedings were opened with prayer, offered by Rev. Father Hubert, of the Roman Catholic Church.

The journal of yesterday was read, and pending which, on motion of Mr. Pipes, the further reading of the same was dispensed with; and, on motion of Mr. Dupré, it was approved.

STANDING COMMITTEES OF THE HOUSE.

The speaker announced the following standing committees of the house for the present session, to wit:

Committee on judiciary—Messrs. Young, Koontz, B. Edwards of Tangipahoa, Elliott, Billieu, Scales, Voorhies, Hahn, and Levissee.

Committee on ways and means—Messrs. Jeffries, Martin, Roman, Pascal, Carmouche, Beasley, Snaer, Matthews of Tensas, and Ray.

Committee on banks and banking—Messrs. Aldigé, Voorhies, Gilmore, Schuler, McCollam, Souer, and Guichard.

Committee on public education—Messrs. Pipes, Collins, Schenck, Edwards of Richland, Walker, Hahn, Baker, Gracien, and Woods of West Baton Rouge.

Committee on charitable and pubic institutions—Messrs. Gibilski, Blaffer, McAlpine, Vidrine, Young, Grant, Ray, Hill of Ouachita, and Levissee.

Committee on appropriations—Messrs. Stafford, Bower, Kidd, Nunez, Hahn, Lane, and Martin.

Committee on enrollment—Messrs. Kidd, Lafargue, Martin, Stafford, Nunez, Vidrine, DeBlanc, Brice, Elliot, Hahn, and Demas.

Committee on public printing—Messrs. Hammond, Stafford, Lafargue, Sibiliski, Byrne, Souer, and Thomas.

Committee on contingent expenses—Messrs. Hall, Bower, Smith, Martin, Carville, Levissee, and Hubeau.

Committee on public lands and levees—Messrs. McCollam, G. W. R. Bayley, Beasley, Walters, Dewees, Milon, and Woods of Ouachita.

Committee on corporations—Messrs. Meredith, Carmouche, Schuler, Gilmore, Matthews of Tensas, Demas, and Woods of West Baton Rouge.

Committee on claims—Messrs. Mitchell, Carmouche, Dugas, Maginnis, J. Ross Stewart, Lowell, and Davidson.

Committee on retrenchment and reform—Messrs. Wiltz, Booth, Self, Dunn, Schuler, Snaer, and Baker.

Mr. Jeffries asked that he be excused from serving on committee on census.

Mr. Wiltz also asked to be excused from serving on committee on retrenchment and reform.

On motion, Mr. Dupré asked to be excused from serving on all committees on which he had been appointed.

ELECTION OF UNITED STATES SENATOR.

Mr. Kidd moved that the house do now proceed to the election of a United States Senator.

Mr. Lowell asked, and obtained, leave to present the following protest; which was read and ordered to be spread upon the minutes:

"We, the undersigned, members of the house of representatives of the State of Louisiana, entertaining the belief that there is no vacancy in the United States Senate from this State; the General Assembly elected in 1872, on the second Tuesday after the organization of its first regular session, to wit, January 3, 1873, according to the forms of law, having elected Hon. P. B. S. Pinchback United States Senator for the term ending March 4, 1879, cannot consistently participate in an attempt to elect a United States Senator; we therefore submit this our formal protest against this proposed action.

"William Murrel, of Madison; J. S. Wilson, of East Baton Rouge; W. F. Keyes, of Terrebonne; L. W. Baker, of Bossier; J. E. Parker, of Jefferson; T. M. Grant, of Morehouse; Cain Sartain, of Carroll; J. B. Jourdain, seventh representative district; E. A. Hubeau, of Jefferson; Isaac Sutton, of Saint Mary; P. Jones Yorke, of Carroll; Milton Jones, of Pointe Coupee; G. W. Hill, of Ascension; Louis Butler, of Ascension; James S. Matthews, of Tensas; Charles W. Lowell, of Jefferson; J. M. Carville, of Iberville; H. Raby, of Natchitoches; J. Ross Stewart, of Tensas; A. J. Cousin, of Tammany; S. R. Piles, of Saint Mary; W. G. Lane, of East Baton Rouge; Robert Guichard, of Saint Bernard; E. W. Dewees, of Red River; N. E. Milon, of Plaquemines; T. J. Johnson, of Caddo; E. D. Triplett, of East Baton Rouge; James W. Armstead, of West Feliciana; J. W. Woods, of Ouachita; D. C. Hill, of Ouachita; George Gracien, of Orleans; V. Dickenson, of Saint James; J. S. Davidson, of Iberville; L. A. Snaer, of Iberia; L. Souer, of Avoyelles; T. H. Woods, of West Baton Rouge; Charles W. Keating, of Caddo; Emelia Honoré, of Pointe Coupee; A. B. Levissee, of Caddo; William Ridgely, of Concordia; R. R. Ray, of East Feliciana; Henry Demas, of Saint John the Baptist; Oscar F. Hunsaker, of Saint James."

Mr. Walker moved the following as an amendment to Mr. Kidd's motion, to wit:

"That it be adopted that whereas the question of election of United States Senator has arisen in this house, that while this house recognizes the fact of an existing vacancy in the office of Senator of the United States for the State of Louisiana, it is the sense of this house of representatives that it is not proper, and at the same time would be unjust to the people of the State of Louisiana, for a Senator now to be chosen by the suffrages of a senate and house not entirely representative of the people, and in part composed in contradiction to the popular will as expressed in the general elections. And further, that this house at present sits and recognizes the present composition as in part *de facto* and not *de jure*, and only for the purpose indispensable proceeding for the relief of the State."

Mr. Lowell arose to a point of order, to wit, that under the rules of the house Mr. Walker's motion had to lie over one day.

The chair ruled Mr. Lowell's point of order not well taken, for the following reasons, to wit: The gentleman from Jackson having moved that this house do now proceed to the election of a United States Senator, and the gentleman from Orleans having offered a substitute to the motion of the gentleman from Jackson, the chair rules that the substitute offered by the gentleman from Orleans can be entertained without a suspension of the rules.

Mr. Mathews, of Tensas, inquired from the speaker whether there was any official information received in relation to a vacancy of the United States Senator from this State.

The speaker answered in the negative.

Mr. Lowell arose to a point of order, that inasmuch as Mr. Walker's motion amending Mr. Kidd's motion was sent in writing to the desk and read to the house, it came in the form of an order, and consequently had to lie over under the rules.

The speaker ruled the point of order of Mr. Lowell well taken, for the following reasons: Mr. Lowell, of Jefferson, raised the point of order that the substitute offered by Mr. Walker, of Orleans, being in the nature of an order or resolution, could not be entertained without a suspension of the rules. The chair ruled the point well taken, because it was evident from the document presented by Mr. Walker that it came under rule No. 32, and could not be entertained on the day presented, unless by a vote of two-thirds of the members present.

Mr. Kidd moved that the house take a recess until three p. m.

Mr. Lowell moved to adjourn until twelve o'clock m. to-morrow, and on that motion Mr. Wilson called for the yeas and nays; which resulted as follows:

YEAS—Messrs. Armstead, Butler, Baker, Carville, Cousin, Davidson, Dewees, Demas, Guichard, Gracien, Hill of Ascension, Hahn, Hubeau, Hill of Ouachita, Honore, Jourdain, Johnson of Caddo, Jones of Pointe Coupeé, Keeting, Keyes, Lane, Lowell, Murrel, Milon, Mathews of Tensas, Parker, Piles, Ridgeley, Raby, Sutton, Snear, Sartain, Souer, Stewart, Thomas, Wilson, Woods of West Baton Rouge, Woods of Ouachita, Yorke—39.

NAYS—Messrs. Aldigé, Booth, Byrne, Bayley, Blaffer, Bower, Beasley, Billieu, Brice, Collins, Carmouche, Carloss, Dupré, DeBlanc, Dugas, Durr, Delhomer, Dunn, Edwards of Tangipahoa, Edwards of Richland, Elliott, Grant, Gilmore, Hammond, Jeffries, Johnson of La Fourche, Jones of Lincoln, Koontz, Kummel, Kelly, Kidd, Luckett, Levisee, Lafargue, Maginnis, Meredith, Mathews of Franklin, Martin, McCuilam, McAlpin, Magee, Nunez, Pascal, Pipes, Roman, Richardson, Ray, Smith, Self, Seaman, Sibilski, Schenck, Stafford, Scales, Schuler, Voorhies, Vidrine, Walker, Wiltz, Walters, Wells, Webb, Young—63.

So the house refused to adjourn.

On motion of Mr. Mathews, of Tensas, leave of absence was granted him until to-morrow.

On motion of Mr. Demas, the house took a recess until 2.30 p. m.

At 2.30 p. m. the house was called to order by Hon. E. D. Estilette, speaker.

On a call of the roll the following members answered to their names, to wit:

Speaker Estilette, and Messrs. Aldigé, Booth, Byrne, Bayley, Blaffer, Bower, Beasley, Billieu, Brice, Collins, Carloss, Dupré, De Blanc, Dugas, Durr, Dunn, Edwards of Tangipahoa, Edwards of Richland, Elliott, Gilmore, Hahn, Hammond, Jeffries, Johnson of La Fourche, Jones of Lincoln, Koontz, Kummel, Kelly, Kidd, Luckett, Lafargue, Maginnis, Meredith, Mitchel, Mathews of Franklin, Martin, McCullam, McAlpine, Magee, Nunez, Pascal, Pipes, Roman, Richardson, Smith, Self, Seaman, Sibilski, Schenck, Stafford, Scales, Schuler, Voorhies, Vidrine, Walker, Wiltz, Walters, Webb, Young—60.

On motion of Mr. Kidd, the house proceeded to the election of a United States Senator, and he nominated Hon. J. B. Eustis, of Orleans.

Mr. Hahn nominated the Hon. J. G. Taliaferro, of Catahoula.

On a call of the roll the following was the result of the vote, namely:

For Hon. J. B. Eustis—Speaker Estilette, and Messrs, Aldigé, Booth, Byrne, Bayley, Blaffer, Bower, Beasley, Billeu, Brice, Collins, Carmouche, Carloss, Dupré, De Blanc, Dugas, Dunn, Durr, Delhommer, Edwards of Tangiphahoa, Edwards of Richland, Elliott, Gilmore, Hammond, Jeffries, Johnson of La Fourche, Jones of Lincoln, Koontz, Kummel, Kelly, Kidd, Luckett, Lafargue, Maginnis, Meredith, Mitchell, Matthews of Franklin, Martin, McCullom, McAlpin, Magee, Nunez, Pascal, Pipes, Roman, Richardson, Smith, Self, Seaman, Sibiliski, Schenck, Stafford, Scales, Schuler, Voorhies, Vidrine, Wiltz, Walters, Wells, Webb, Young—61.

For Hon. J. G. Taliaferro—Mr. Hahn—1.

For Hon. H. N. Ogden, of Orleans—Mr. Walker—1.

When Mr. Walker's name was called, and before voting, he asked leave to explain his vote, and while he was proceeding in so doing he was called to order by Mr. Dupré.

The speaker announced that Hon. J. B. Eustis, of New Orleans, having received an absolute majority of the votes of the members of this house, was declared to be the choice of this house for United States Senator.

On motion of Mr. Wiltz, the house adjourned until to-morrow at 11.30 a. m.

E. D. ESTILETTE,
Speaker House of Representatives, State of Louisiana.

PETER J. TREZEVANT,
Chief Clerk.

Seventh day's proceedings.

HOUSE OF REPRESENTATIVES,
New Orleans, January 12, 1876.

The house met pursuant to adjournment, and was called to order by the Hon. E. D. Estilette, speaker, in the chair.

On the call of the roll the following members answered to their names, to wit:

Speaker Estilette, and Messrs. Aldigé, Booth, Byrne, Burkhardt, Bayley, Blaffer, Bower, Butler, Beasley, Billieu, Brice, Carville, Collins, Carmouche, Cousin, Carloss, Dupré, De Blanc, Dugas, Durr, Davidson, Dickenson, Demas, Delhommer, Dunn, Edwards of Tangipahoa, Edwards of Richland, Elliott, Grant, Gracien, Gilmore, Hubeau, Hahn, Hill of Ouachita, Honoré, Hammond, Jeffries, Johnson of Caddo, Johnson of La Fourche, Jones of Lincoln, Jones of Pointe Coupei, Koontz, Kummel, Keating, Kelley, Keyes, Kidd, Lane, Luckett, Levisee, Lafargue, Maginnis, Meredith, Mitchell, Matthews of Franklin, Martin, Murrell, Milon, Mathews of Tensas, McCollam, McAlpine, Magee, Nunez, Pascal, Parker, Piles, Pipes, Roman, Richardson, Smith, Sutton, Self, Snaer, Sartain, Seaman, Sibiliski, Stafford, Schenck, Stewart, Scales, Schuler, Thomas, Voorhies, Vidrine, Walker, Wiltz, Wells, Webb, Young—90.

On motion of Mr. Snaer the reading of the journal was dispensed with, and it was adopted.

Mr. Dupré explained that his request, as published in the journal of the 11th, to have his name erased from all standing committees, was ironical, the speaker having appointed on none.

On motion of Mr. Kidd, the clerk of the house was directed to inform the senate of the vote given on yesterday by the house for United States Senator, and that, under the requirement of the law, the house of representatives was ready to receive the senate at twelve o'clock m. on this day to proceed on joint ballot to the election of United States Senator.

The clerk then proceeded to the senate chamber, and, having returned to the house, reported that he had informed the senate of the vote given on yesterday by the house for United States Senator under the requirements of the law, and that the house of representatives was now ready to proceed in joint session to the election of a United States Senator; that no answer had been returned by the senate.

APPOINTMENT OF COMMITTEES.

The speaker announced the following standing committees, to wit:

Committee on federal relations—Messrs. Webb, Edwards of Tangipahoa, Dunn, Carloss, Sartain, Yorke, and Johnson of Caddo.

Committee on State library—Messrs. Lafargue, Carmouche, Johnson of La Fourche, Kummel, Matthews of Franklin, Kunsaker, and Jourdain.

Committee on constitution—Messrs. Billieu, Koontz, Lowell, Gilmore, Walker, Kunsaker, and Kidd.

Committee on immigration—Messrs. Martin, Self, Seaman, Webb, Cousin, Honoré, and Triplett.

Committee on agriculture—Messrs. Jones of Lincoln, Durr, Nunez, Pipes, Armstead, Dickenson, and Murrell.

Committee on retrenchment and reform—Messrs. Bayley, Booth, Self, Dunn, Schuler, Snader, and Baker.

Committee on census—Messrs. Walker, Carmouche, Baker, Young, Demas, Sibiliski, and Dupré.

OFFICIAL COMMUNICATIONS.

The speaker also laid before the house a communication from the Hon. A. P. Field, attorney-general of this State, transmitting a detailed statement of the business of his office for the last three years, the reading of which was dispensed with, and it was ordered to be referred to the judiciary committee.

The speaker also laid before the house the report of the register of the land office of the State for the year ending the 31st day of December, 1875, the reading of which was dispensed with, and it was ordered to be referred to the committee on judiciary.

On motion of Mr. Young, the speaker was requested to invite the members of the senate of this State who were willing to meet the members of the house in joint session, for the purpose of proceeding to the election of United States Senator, to seats in the hall of the house of representatives.

The speaker stated that inasmuch as the lieutenant-governor of the State, *ex officio* president of the senate thereof, and the secretary of the senate had failed to appear in the hall of the house of representatives for the purpose of participating in the election of United States Senator, he should call upon the Hon. W. Jasper Blackburn, senator from the twentieth senatorial district, to preside in the absence of the lieutenant-governor; and the Hon. W. Jasper Blackburn assuming the duties of presiding officer of the General Assembly, directed the clerk of the house to call the roll of the members of the senate, when it appeared that the following members of the senate answered to their names, to wit: Messrs. Alexander, Blackburn, Eustis, George, Goode, Greene, Grover, Kelly, Ogden, Robertson, Steven, and White—12.

The speaker directed the clerk of the house to call the roll of the house; when the following members answered to their names:

Speaker Estilette and Messrs. Aldigé, Booth, Byrne, Burkhardt Bayley, Blaffer, Bower, Butler, Baker, Beasley, Billieu, Brice, Collins, Carmouche, Carloss, Dupré, DeBlanc, Dugas, Durr, Dunn, Edwards of Tangipahoa, Edwards of Richland, Elliott, Grant, Gilmore, Hahn, Hubeau, Hammond, Jeffries, Johnson of Lafourche, Jones of Lincoln, Jones of Pointe Coupée, Koontz, Kummel, Kelly, Kidd, Luckett, Lowell, Levisee Lafargue, Maginnis, Meredith, Mitchell, Matthews of Franklin, Martin, Murrell, Milon, Matthews of Tensas, McCollom, McAlpine, Magee, Nunez, Pascal, Parker, Pipes, Roman, Richardson, Ray, Smith, Self, Snaer, Soner, Seaman, Sibiliski, Schenck, Stafford, Stewart, Scales, Schuler, Voorhies, Vidrine, Walker, Wiltz, Walters, Wells, Webb, Young—78.

Total number of members of the General Assembly present, 90.

On motion of Mr. Kidd, of the house, the clerk was directed to read to the joint assembly the journal of the house of yesterday in relation to the election of United States Senator; which was done.

The speaker also directed the clerk of the house to read from the New Orleans Republican, the official journal of the State, the journal of the senate of the State, of the 11th instant, in relation to the election of United States Senator.

SENATE JOURNAL.

NEW ORLEANS, *January* 11, 1876.

(Extract from the journal.)

"Senator Blackburn offered the following motion and moved its adoption:

"'Inasmuch as there seems to be a vacancy in the Senate of the United States from Louisiana, and it being very important that our State should be fully and ably represented in that branch of our National Government, I move that this senate shall now proceed to co-operate in an election to fill said vacancy, to the end that there may no longer be any excuse or shadow of reason for depriving Louisiana of her proper representation in the councils of the nation.'

"Senator Burch asked for a division of the question.

"Senator Massicot called for executive session.

"Executive session having been raised, on the call of the roll the following senators answered to their names:

"Alexander, Allain, Anderson, Blackburn, Blunt, Breaux, Brewster, Burch, Cage, Chadbourn, Eustis, George, Goode, Gla, Greene, Grover, Harper, Herring, Kelso, Kelly, Landry, Ogden, Pollard, Robertson, Stamps, Steven, Sypher, Wharton, White, Whitney, Young—31.

"ABSENT—Brewster, Detiege, Dumont, Twitchell, Weber—5.

"Senator Anderson moved to lay the motion offered by Senator Blackburn on the table.

"At the request of Senator Blackburn, he withdrew his motion to allow debate.

"Senator Whitney offered the following substitute:

"'I move that it is the sense of the senate that there is not at present a vacancy in the United States Senate of a Senator-elect from the State of Louisiana.'

"Senator Sypher moved to lay the whole subject-matter on the table.

"Senator Whitney then asked and obtained leave to withdraw his substitute.

"Senator Blunt moved to indefinitely postpone the motion offered by Senator Blackburn.

"Senator Allain called for the yeas and nays, with the following result:

"YEAS—Allain, Anderson, Blunt, Breaux, Brewster, Burch, Cage, Chadbourn, Detiege, Dumont, Gla, Harper, Kelso, Landry, Massicot, Pollard, Stamps, Sypher, Twitchell, Young—20.

"NAYS—Alexander, Blackburn, Eustis, George, Goode, Greene, Grover, Kelly, Ogden, Robertson, Steven, White, Whitney—13.

"ABSENT—Herwig, Weber, Wharton—3.

"And the motion to indefinitely postpone was adopted.

"Senator Whitney offered the following motion and moved its adoption:

"'I move that it is the sense of this senate that there is not at this time a vacancy in the Senate of the United States of a Senator-elect from the State of Louisiana.'

"Senator Blackburn called for the yeas and nays.

"YEAS—Allain, Anderson, Blunt, Breaux, Brewster, Burch, Cage, Chadbourn, Detiege, Dumont, Gla, Harper, Herwig, Kelso, Landry, Massicot, Pollard, Stamps, Sypher, Twitchell, Whitney, Young—22.

"NAYS—Alexander, Blackburn, Eustis, George, Goode, Greene, Grover, Kelly, Ogden, Robertson, Steven, White—12.

"ABSENT—Weber, Wharton—2.

"And the motion was adopted."

The two houses having met for the purpose of electing a United States Senator, nominations were declared to be in order.

Mr. Kidd, of the house, nominated Hon. J. B. Eustis.

Mr. Lowell, of the house nominated the Hon. R. H. Marr, of Orleans.

And Mr. Hahn, of the house, nominated the Hon. J. G. Taliaferro, of Catahoula.

On a call of the roll the following was the result of the vote, to wit:

Senators Alexander, Blackburn, Eustis, George, Goode, Greene, Grover, Kelly, Ogden, Robertson, Steven, and White; and Speaker Estilette, and Messrs. Aldigé, Booth, Byrne, Burkhardt, Bayley, Blaffer, Bower, Beasley, Billieu, Brice, Collins, Carmouche, Carloss, Dupré, De Blanc, Dugas, Durr, Delhommer, Dunn, Edwards of Tangipahoa, Edwards of Richland, Elliott, Gilmore, Hammond, Jeffries, Johnson of Lafourche, Jones of Lincoln, Koontz, Kummel, Kelly, Kidd, Luckett, Lafargue, Maginnis, Meredith, Mitchell, Matthews of Franklin, Martin, McCollum, McAlpine, Magee, Nunez, Pascal, Pipes, Roman, Richardson, Smith, Self, Seaman, Sibiliski, Schenck, Stafford, Scales, Schuler, Voorhies, Vidrine, Walker, Wiltz, Walters, Wells, Webb, Young, of the house, voted for the Hon. J. B. Eustis—75 votes.

Mr. Hahn, of the house, voted for the Hon. J. G. Taliaferro.

And Hon. J. B. Eustis, having received an absolute majority of the votes of the members of the General Assembly in joint session convened, (a majority of all the members elected to both houses being present and voting,) was declared and proclaimed duly elected United States Senator from the State of Louisiana for the term commencing March 4, 1873.

On motion of Mr. Robertson, of the house, the members of the senate were allowed to withdraw from the joint assembly.

Mr. Demas moved to adjourn, which was lost.

NOTICE OF BILLS.

The hereinafter-named members respectively gave notice of their intentions to introduce, at some future day, the following-entitled bills, to wit:

Mr. Kummel: An act relative to the assessment of the fourth municipal district, the eleventh and twelfth assessment districts of the city of New Orleans.

Mr. Jeffries: An act to amend and re-enact act No. 23, first session of the fourth Legislature, entitled "An act to incorporate the city of Natchitoches and provide for the government of the same."

Mr. Booth: An act to repeal an act entitled "An act to increase the revenue of the State, and to authorized the incorporation and establishment of the Louisiana State Lottery Company."

Mr. Voorhees: An act relative to the jurisdiction of courts in matters of attachments, sequestrations, and provisional seizures.

BILLS INTRODUCED ACCORDING TO NOTICE.

The hereinafter-named members, in accordance with previous notices given, asked and obtained leave to introduce the following bills; which underwent their first and second reading by their respective titles, and were referred as indicated below, to wit:

Mr. Hubeau: An act to authorize and empower the police jury of the parish of Jefferson, right bank, to issue interest-bearing bonds in liquidation of the outstanding indebtedness and floating debt of said parish, and to provide for the redemption thereof.

Mr. Jones, of Lincoln: An act to incorporate the town of Vienna, Lincoln Parish, Louisiana.

Mr. Guichard: An act to amend the bribery act of December 26, 1872.

Mr. Pipes: An act relative to private sale of property of interdicted persons to affect partition.

Mr. Bower: An act to determine the mode of filling vacancies in all parishes and municipal offices in the State for which provision is not made in the constitution.

Mr. Elliott: An act to legitimate Louise Celina Duvigneaud, Joseph Gaston Duvigneaud, Marie Therese Julie Duvigneaud, Louise Duvigneaud, Pierre Duvigneaud, and Marie Juden Odette Duvigneaud, children of Joseph Duvigneaud and his wife, Marie Julia Freid.

All of which bills were referred to the committee on the judiciary.

Mr. Wiltz: An act to repeal an act entitled "An act to establish a hospital for small-pox and other contagious diseases;" which bill was referred to the select committee on city affairs.

Mr. Pipes: An act to amend an act entitled "An act to incorporate the town of Clinton, parish of East Feliciana, approved May 9, 1852, and to provide for the better police and government of said town, and to exempt the citizens thereof from the payment of parish taxes and license;" which was ordered to be referred to the committee on corporations.

Mr. Edwards, of Richland: An act for the building of the levees in the parish of Richland; which was ordered to be referred to the committee on lands and levees.

And, on motion of Mr. Levisee, the house adjourned until to-morrow at twelve o'clock m.

W. JASPER BLACKBURN,
President pro tempore of Joint Assembly Louisiana.
E. D. ESTILETTE.
Speaker of the House of Representatives.
PETER I. TREZEVANT,
Clerk of the House of Representatives.

OFFICE OF SECRETARY OF STATE
OF THE STATE OF LOUISIANA.
New Orleans, January 14, 1876.

I, P. G. Deslonde, secretary of state for the State of Louisaina, do hereby certify that Hon. E. D. Estilette was speaker of the house and P. J. Trezevant clerk of the house of representatives of the State of Louisiana; that Hon. W. J. Blackburn was a member of the State senate on the 11th and 12th of January, 1876, and that their respective signatures hereto appended are genuine.

[SEAL.] P. G. DESLONDE,
Secretary of State.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the memorial of the democratic conservative convention of the State of Louisiana, held at New Orleans, January 6, 1876, concerning the elections and the condition of the State of Louisiana; which was referred to the Committee on Privileges and Elections.

Mr. CAMERON, of Pennsylvania, presented three petitions of citizens of Pennsylvania, praying that aid be extended in the construction of the Texas Pacific Railroad by the United States Government; which were referred to the Committee on Railroads.

Mr. CONKLING. I present a petition signed by a number of citizens of the State of New York and of the State of Massachusetts. These petitioners are, and those dead whom they represent were stockholders in the Columbian Insurance Company of New York. I venture to state at the length of only a moment the contents of this petition for a reason the pertinency of which will occur to some members of the Senate, I am sure. They state that being stockholders in this company, during the war of the rebellion very extensive risks were taken; that large payments were made for losses sustained by the depredations of the Shenandoah, the Alabama, and other cruisers; that the sum of these losses paid by the company was $600,000; and that in consequence of the payment of these losses the company failed and all of these petitioners became losers to the amount of their interest in it. They ask such an amendment of the fifteenth section of an act heretofore adopted as will submit to the commission of Alabama

claims the question whether this insurance company, among others, is or is not entitled to be subrogated to the rights of those who lost, and whose losses it paid. I move that the petition be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. WEST presented the petition of Nolan S. Williams, executor of Alfred A. Williams, deceased, late a citizen of Louisiana, praying compensation for property belonging to the estate of the decedent taken and appropriated to the use of the United States Army during the late war; which was referred to the Committee on Claims.

Mr. WITHERS presented the petition of D. B. Conrad, a citizen of Virginia, praying the removal of his political disabilities; which was referred to the Committee on the Judiciary.

He also presented the petition of Samuel Cooper, jr., of Fairfax County, Virginia, praying the removal of his political disabilities; which was referred to the same committee.

Mr. BOGY presented a petition of bankers of Missouri, and a petition of other citizens of Missouri, praying for the repeal of the law imposing a two-cent United States stamp on bank-checks; which were referred to the Committee on Finance.

Mr. GOLDTHWAITE presented the memorial of Matilda Barnett and others, heirs of Lieutenant James Barnett, Second Virginia Regiment, continental establishment, during the revolutionary war, praying the allowance of a claim for back pay with interest; which was referred to the Committee on Revolutionary Claims.

He also presented the petition of Elizabeth M. Dittor, praying for a grant of one hundred acres of land for her father's service in the Maryland Line in the revolutionary war, in which he served as corporal from the beginning to the end of the war; which was referred to the Committee on Revolutionary Claims.

He also presented a memorial of the constitutional convention of Alabama, asking for an additional section of land in each township in the State for school purposes; which was referred to the Committee on Public Lands.

He also presented the petition of Martha A. Ashburn, widow of George W. Ashburn, deceased, praying compensation for certain property seized and condemned by the United States Government in the year 1863; which was referred to the Committee on Claims.

Mr. DAWES presented the petition of Alpheus Currier and other citizens of the city of Haverhill, Massachusetts, praying the continuation of the post-office recently established at Ayers Village, Massachusetts, and an increase in the salary of the postmaster thereat; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CLAYTON presented the petition of Elias Rector, of Arkansas, late superintendent of Indian affairs for the southern superintendency, praying that he and his sureties may be released from payment of certain sums of money charged against him on the books of the Treasury Department as such superintendent; which was referred to the Committee on Indian Affairs.

Mr. WHYTE presented the petition of W. E. Wysham, of Baltimore County, Maryland, praying for the removal of his political disabilities; which was referred to the Committee on the Judiciary.

Mr. HARVEY presented two petitions of citizens of Kansas, praying for the repeal of the two-cent United States stamp-tax on bank-checks; which were referred to the Committee on Finance.

Mr. WINDOM presented the petition of Alexander W. Hope and 125 other citizens of Alton, Illinois, and the petition of Laird Norton & Co. and other citizens of Winona, Minnesota, asking an appropriation of $100,000 for the improvement of the Upper Mississippi River; which were referred to the Committee on Commerce.

He also presented the petition of Delor Curtis and 107 other citizens of Columbia County, Wisconsin, praying for the speedy completion of the Fox River improvement and the construction of an ample canal along the banks of the Wisconsin River from Portage City, Wisconsin, to the Mississippi River, in accordance with the third plan recommended to the Government by Major-General Warren, of the United States Engineer Corps; which was referred to the Committee on Commerce.

Mr. BOUTWELL presented the petition of R. P. Eaton & Co., publishers of the New England Farmer, and others, praying that the postage on third-class matter be reduced to one cent for every two ounces; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BAYARD. I present the petition of Thomas Mackey & Co. and others, praying the repeal of the stamp-tax on bank-checks. I do not know of what State the petitioners are residents. The petition is sent to me by Mr. Heald, of Delaware. I therefore present it and move its reference to the Committee on Finance.

The motion was agreed to.

Mr. ALCORN presented the memorial of Rees B. Edmondson, praying remuneration for certain cotton alleged to have been seized and taken possession of by the United States officials, and afterward sold, and the proceeds covered into the Treasury; which was referred to the Committee on Claims, and ordered to be printed.

Mr. HAMLIN presented the petition of Augustus Watson, praying compensation for the use of his self-sealing stamped newspaper-wrappers; which was referred to the Committee on Post-Offices and Post-Roads.

SENATOR FROM ALABAMA.

Mr. GOLDTHWAITE. I found the bundle which I hold in my hand on my desk this morning, and it has this indorsement: "This bundle came by express this morning. It contains pamphlets in the Spencer case."

I feel some delicacy in presenting it as it is mere newspaper testimony at the best; but as it has been presented to furnish reading matter to the committee probably, I ask that that disposition be made of it, that it be referred to the same committee which now has charge of the Spencer case—the Committee on Privileges and Elections.

The PRESIDENT *pro tempore*. Will the Senate receive the papers and refer them to the Committee on Privileges and Elections? The Chair hears no objection.

Mr. EDMUNDS. What are the papers?

The PRESIDENT *pro tempore*. The Senator has not stated. They relate to what he terms the Spencer case. Is there objection to their being received and so referred? The Chair hears none.

REPORTS OF COMMITTEES.

Mr. SHERMAN, from the Committee on Finance, to whom was referred the bill (S. No. 244) to establish the collection district of Arkansas, asked to be discharged from its further consideration, and that it be referred to the Committee on Commerce; which was agreed to.

He also, from the same committee to whom was referred the bill (S. No. 219) for the relief of Robert Johnson, late collector of internal revenue for the third district of Alabama, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

He also, from the same committee to whom was referred the memorial of the Legislature of Arkansas, in favor of the passage of a law authorizing the district attorney of the United States for the eastern district of Arkansas to investigate and settle, on legal and equitable terms, under the direction of the Solicitor of the Treasury, the accounts between the United States and the sureties of the late Peter T. Crutchfield, of Little Rock, formerly United States designated depositary, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. MITCHELL, from the Committee on Railroads, to whom was referred the bill (S. No. 146) extending the time for the completion of the Oregon Central Railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon, reported it without amendment.

G. HARRIS HEAP.

Mr. CAMERON, of Pennsylvania. The Committee on Foreign Relations, to whom was referred the joint resolution (S. R. No. 3) authorizing the acceptance by G. Harris Heap, consul of the United States at Tunis, of the trust of commissioner of the Bey of Tunis at the international exhibition of 1876 at Philadelphia, have directed me to report it back with an amendment. As the joint resolution is very short, I ask the Senate to take it up at once.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It authorizes G. Harris Heap, consul of the United States at Tunis, to accept the trust of commissioner of the Bey of Tunis at the international exhibition of 1876 at Philadelphia, and for this purpose it grants him a leave of absence for one year from the 1st of January, 1876.

The amendment reported by the Committee on Foreign Relations was to add to the joint resolution the following proviso:

Provided, That during his absence from his post he shall receive no compensation from the United States.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were read twice by their titles and referred as indicated below:

The bill (H. R. No. 172) providing for settlement upon the lands known as the Fort Kearney military reservation, in the State of Nebraska, to the Committee on Military Affairs.

The bill (H. R. No. 811) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1877, to the Committee on Appropriations.

The bill (H. R. No. 1051) to provide for vessels of the United States hailing from places where they are owned or built, to the Committee on Commerce.

The bill (H. R. No. 1052) to correct an error in the Revised Statutes of the United States, and for other purposes, to the Committee on Revision of the Laws.

The bill (H. R. No. 1053) providing for the payment of judgments rendered under section 11 of chapter 459 of the laws of the Forty-third Congress, to the Committee on the Judiciary.

BILLS INTRODUCED.

Mr. NORWOOD (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 286) for the relief of W. S. McComb, of the State of Georgia; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. DAVIS (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 287) to amend the act entitled "An act relating to the Alexandria Canal," approved July 27, 1868; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. ALCORN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 288) granting the right of way to the Birmingham and Saint Louis Railroad Company through the public domain, and for other purposes; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. HARVEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 289) to extend the provisions of the act entitled "An act to settle certain accounts between the United States and the State of Mississippi and other States," approved March 3, 1857, to States admitted into the Union since that date; which was read twice by its title.

Mr. HARVEY. I move that the bill be printed and referred to the Committee on Public Lands.

Mr. EDMUNDS. Is that the bill which has given rise to so much discussion hitherto; which was considered by the Judiciary Committee a year or two ago, and reported upon?

Mr. HARVEY. I cannot identify it by that description.

Mr. EDMUNDS. Let it be read at length.

The bill was read, as follows:

Be it enacted, &c., That the provisions of the act entitled "An act to settle accounts between the United States and the State of Mississippi and other States," approved March 3, 1857, be, and they are hereby, extended, with the same restrictions and limitations, to all the States, as fully as if now re-enacted.

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to pay any sum or sums of money found to be due to any of said States; and a sum sufficient for that purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. EDMUNDS. I cannot tell certainly from the reading of this bill whether it involves the same question of law as the bill which I had in mind.

Mr. HARVEY. If the Senator will permit me, I can state what it does involve. It is that in the adjustment made by the Commissioner of the General Land Office with the different States as to their percentage on the money derived from the sales of public lands, Indian reservations shall be included, and that the States admitted since the time that Mississippi and other States were so settled with shall have the same allotment. It applies to permanent Indian reservations, extending over a period of twenty years, if I remember the act to which this refers. I have not the act at hand now.

Mr. EDMUNDS. I assume then that it does not present the question which was referred to the Judiciary Committee two or three years ago and reported upon as to what the legal rights of certain States are under existing law. If on the report of the Committee on Public Lands or from inquiry it should appear that it does involve that question, then it will be open to us to have it referred to the Law Committee afterward, and so I make no opposition to the Senator's motion.

The PRESIDENT *pro tempore*. The bill will be printed and referred to the Committee on Public Lands.

Mr. WINDOM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 290) to amend section 2165 of the Revised Statutes of the United States; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 291) for the relief of Francisco V. DeCoster; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 292) for the relief of Thomas Belew; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. CRAGIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 293) authorizing the commissioners of the District of Columbia to cancel and annul the condemnation of ground in square 762, in the city of Washington, for a public alley, and for other purposes; which was read twice by its title.

Mr. CRAGIN. I ask that the bill be printed and referred to the Committee on the District of Columbia.

Mr. INGALLS. I suggest that that bill ought to go to the Committee on Public Buildings and Grounds.

Mr. CRAGIN. It has no reference to public grounds whatever. The square referred to is owned by private individuals. The alley was condemned and never has been built. The majority, and almost the entire number of owners of land in the square ask that it may be annulled.

The PRESIDENT *pro tempore*. The bill will be printed and referred to the Committee on the District of Columbia if there be no objection.

Mr. ALLISON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 294) for the relief of Charles E. Hedges; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 295) to amend an act entitled "An act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad and to regulate its construction and operation;" which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. DORSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 296) to equalize fees allowed attorneys for collecting pay or bounty; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 297) appropriating money to erect a building at Little Rock, Arkansas; which was read twice by its title, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. CLAYTON, it was

Ordered, That the petition and papers in the case of Charles P. Redmond be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. CRAGIN, it was

Ordered, That the petition and papers in the case of Peters & Reed be taken from the files of the Senate and referred to the Committee on Naval Affairs.

On motion of Mr. WALLACE, it was

Ordered, That the petition and papers in the case of James Glover be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. HARVEY, it was

Ordered, That the petition and papers in the case of Mrs. Ruth Vanx, widow of Thomas Hatton, be taken from the files of the Senate and referred to the Committee on Pensions.

On motion of Mr. RANSOM, it was

Ordered, That the petition and papers in the case of Hannah L. Lloyd be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. JOHNSTON, it was

Ordered, That the memorial of the citizens and tax-payers of the County of Washington, District of Columbia, be withdrawn from the files of the Senate.

On motion of Mr. PATTERSON, it was

Ordered, That the papers in the case of John S. Ryan, late of Charleston, South Carolina, be taken from the files of the Senate and referred to the Committee on Claims.

Mr. KERNAN. I was requested to move that Jonas P. Levy have leave to withdraw his papers as to which there was an adverse report. I ask that he have leave to withdraw the papers on leaving copies. They are voluminous papers I am told.

The PRESIDENT *pro tempore*. The Chair hears no objection. The order will be made.

CENTENNIAL CELEBRATION.

Mr. EDMUNDS submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the President be requested to communicate to the Senate (if in his opinion not incompatible with the public interests) copies of any correspondence had under his authority with any other government or its representatives on the subject of the centennial celebration to be held at Philadelphia in the year 1876.

RESTORATION OF THE FRANKING PRIVILEGE.

Mr. DORSEY submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Committee on Post-Offices and Post-Roads is requested to make inquiry, and report whether the restoration of the franking privilege would increase the cost of mail service, and, if so, to what extent, and whether it is expedient to restore the same.

WITNESSES BEFORE MILITARY COURTS.

Mr. CRAGIN. I move that we proceed to the consideration of Senate bill No. 202. It is a little matter which I think it is important should be acted upon, and I think there will be no objection now.

Mr. DAVIS. It will be recollected that when we adjourned on Thursday last the senior Senator from Massachusetts [Mr. BOUTWELL] had the floor, and yesterday morning he gave notice that to-day he would have a communication from the Treasury Department which he wished to lay before the Senate. Now, as I understand the resolution offered by myself last week requiring the appointment of a committee is the business regularly in order, I hope the Senator from New Hampshire will not interfere with the regular order.

Mr. CRAGIN. I ask unanimous consent to take up this bill if it is necessary. It is quite an important bill, but it will take only a few minutes. I am sure that the Senator will not object if he listens to it.

The PRESIDENT *pro tempore*. The Chair will observe to the Senator from West Virginia that the morning hour having expired the Senator from New Hampshire asked unanimous consent for the consideration of the bill which he has named. If objection is made, the morning hour has expired, and the unfinished business of yesterday comes up, which is the resolution relative to the joint rules.

Mr. DAVIS. I shall not object to the consideration of the bill proposed by the Senator from New Hampshire; but I understood yesterday that by unanimous consent the resolution offered by myself, looking to the appointment of a committee, was laid over until this morning at the request of the senior Senator from Massachusetts.

The PRESIDENT *pro tempore*. The Chair understood that that was the general understanding; but pending that, during the session of the Senate yesterday, another question was taken up and the Senate adjourned while that was pending, leaving it the unfinished business. The rule is that the unfinished business takes precedence.

Mr. DAVIS. While I do not so understand, yet I give notice now that after the bill of the Senator from New Hampshire is acted upon I shall ask the Senate to take up the resolution offered by me.

Mr. HAMLIN. I think it wise and much for the best to consider and to determine one question at a time, and not alternate questions. I think we shall dispose of very much more business by pursuing that course; and, inasmuch as the resolution relative to the joint rules is now before the Senate and is in order, if the Senator from Massachusetes, who I believe is entitled to the floor to-day on another matter, does not desire to go on, I hope the Senate will proceed with the consideration of the question before it regularly. If, however, the Senator from Massachusetts desires to go on I shall feel it my duty to yield, but from no other consideration.

Mr. BOUTWELL. Mr. President, I think that, under the circumstances, and especially in view of the suggestion made by the honorable Senator from West Virginia, the subject of his resolution might as well be disposed of at once as to have the consideration of it delayed longer. As far as I am concerned personally, I have no preference in the matter; but, as the Senator from West Virginia seems to desire that the subject should be disposed of, I am entirely content that it should be, as far as I am concerned.

Mr. DAVIS. Of course I shall defer to the wishes of the Senator from Massachusetts, as he is entitled to the floor; but I understood him yesterday to state that he wished to go on this morning.

Mr. BOUTWELL. I have no feeling about it. I am prepared to go on; but if it would be more consistent with the public business that some other matter should be taken up, I am content with that.

The PRESIDENT *pro tempore*. The Senator from New Hamsphire asks for the present consideration of the bill which he has named. Is there objection to its consideration? The Chair hears none.

Mr. HAMLIN. Subject to a call for the regular order.

The PRESIDENT *pro tempore*. Subject to call.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 202) to secure the attendance and payment of witnesses before military courts.

Mr. CRAGIN. I propose to amend, in the fourth line, after the word "power" by inserting "under the direction of such court;" so as to read:

That every judge-advocate of a military court in the Army or Navy shall have power, under the direction of such court, to issue the like process, &c.

The amendment was agreed to.

Mr. CRAGIN. I move, further, to amend by adding to the bill:

And every such court shall have the same power to punish a witness for refusing obedience to such process or refusing to give evidence when lawfully thereto required possessed by the circuit court of the United States; but the order or judgment of such military court fining or committing any civilian witness shall be subject to review, upon *habeas corpus* or otherwise, by the circuit or district judge of the United States for the circuit or district in which such commitment may be made, and also by the circuit court of such district.

Mr. WHYTE. I think that amendment ought to go to some committee for examination. A court-martial, if I remember correctly, has power only to commit an officer or a private in the Army for two months for a contempt or refusal to answer. The time is limited.

Mr. CRAGIN. The Senator will observe that this applies to civilians only.

Mr. WHYTE. I know it does; but it gives greater power over civilians than over military men. There is no limit to the period for which the imprisonment may be ordered by the military court with regard to civilians, while under the Articles of War, if I remember correctly, no court-martial can imprison a witness for more than two months. I think there ought to be some limit. I hope that the bill will be sent to the Judiciary Committee, in order that it may be prepared in such form as will protect the rights of witnesses who may be summoned before courts-martial.

Mr. CRAGIN. I would say to the Senator from Maryland that this amendment has been prepared by the chairman of the Committee on the Judiciary, and submitted to several other gentlemen, and is believed to be correct. There is special reason why this bill should be passed at as early a time as possible. I believe it is correct, and I hope that there will be no further delay. My own judgment is that there is not the objection to this amendment that the Senator from Maryland supposes.

Mr. EDMUNDS. The Judiciary Committee has not had anything to do with this amendment; but I myself, having made objection to the bill the other day, prepared this amendment, submitted it to some other gentlemen who were interested in protecting the rights of civilians, and then suggested it to the Senator from New Hampshire. It is true that a military court has no authority under the Articles of War to imprison for a military offense beyond a particular period of time, but they might continue to renew that and imprison as long as they liked until the court should be dissolved, which would be the upshot of it. But the answer to the suggestion of the Senator from Maryland, I think, is this: that civilian witnesses in these courts are put upon precisely the same ground that they stand in any other court, in a civil court. There is no limitation in respect of time to the power of a civil court to punish a witness for contempt, either in not obeying the subpœna or in refusing to give evidence, or otherwise misconducting himself. It is left to the sound discretion of the tribunal.

I agree that in one view there would be great force in what my friend from Maryland says as to committing this unlimited power to a military tribunal, which is temporary, and therefore may commit a party so much longer than its own existence that there would be no way of getting him out but by a pardon, provided their commitment would not fall at the expiration of their existence, as probably it would. But the Senator will perceive that the judgment of a military court in respect of a civilian witness, in fining or committing him for contempt, is the subject of review by a civil judge of that locality, so that if a witness feels that he has had too heavy a sentence imposed upon him for his misconduct, or that the sentence is wrong in any other respect, he has only to apply to the judge of the United States court for that district, and he can be brought up and the civil judge can determine whether the sentence is just or not. The civilian has by that step all the protection and in fact rather more than a civilian witness has in a civil court. But of course I shall have no objection to an amendment which limits it, if the Senator thinks that desirable.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from New Hampshire.

Mr. SAULSBURY. There is great force in what the Senator from Vermont says in reference to the right of a party who might be committed for contempt to appeal to the judge of the district court, and have his remedy by *habeas corpus*. That is true in time of peace, but we all know that in time of war that remedy might be wanting to the civilian.

Mr. EDMUNDS. Yes; but I would suggest to my friend that in time of war that remedy would be wanting to the civilian and the military man and everybody else, if we had all the laws on the subject in the world, as we have found out in the last ten years. The statute does not help him then.

Mr. SAULSBURY. It is very unfortunate that precedents for the violation of the *habeas corpus* act have been so frequent in this country as they have been. That is the great writ which protects the rights and liberties of the people, and the precedents for its violation have been entirely too numerous in the recent history of this country; but I cannot consent that the liberties of this country should be placed at the discretion of military courts-martial, as they have been known to be constituted of late years. They are not always composed of regular officers of the Army, men who have been accustomed to military life and who know the obligations imposed upon military men, but very frequently courts-martial are composed, in part at least, of men who have not had that experience either in civil or military life which renders them competent judges to pass on the rights of others. I shall, therefore, not consent by my vote to the amendment, and I think the suggestion of the Senator from Maryland a very wise one, that it should be referred to the Judiciary Committee, in order that it may be so guarded that the rights of all may be protected.

Mr. WHYTE. I am not willing, without making some protest at least, that a civilian witness before a court-martial shall be in a worse position than a military witness. According to my recollection courts-martial are limited, as I said before, in punishing military witnesses to a period of two months. I therefore propose this amendment to be added to the pending amendment, so that a civilian at least shall stand upon a like footing:

Provided also, That no imprisonment imposed on such civilian for contempt in refusing to give evidence shall continue for more than two months.

Mr. FRELINGHUYSEN. I should like to know whether there is not an implication from that amendment that such witnesses may be imprisoned for two months. Now, according to my notions on this subject, a civilian cannot be imprisoned longer than the court continues if that proviso be not inserted. If that proviso be added to it, and that by implication gives the power to keep a civilian imprisoned for two months, he might be imprisoned for six weeks when there was no power to discharge him, though he was prepared to purge himself of the contempt. I think it is a pretty well established rule that a court will not punish for contempt without giving an opportunity to purge from the contempt.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Maryland [Mr. WHYTE] to the amendment of the Senator from New Hampshire, [Mr. CRAGIN.]

The amendment to the amendment was agreed to; there being, on a division—ayes 22, noes 18.

The PRESIDENT *pro tempore*. The question recurs on the amendment as amended.

The amendment as amended was agreed to.

Mr. SHERMAN. There is no one in the Senate, I imagine, who objects to the general purpose or object of the Senator from Maryland; but I think he can change his amendment so that everybody may agree to it. Certainly no one can desire to put a civilian witness in a worse position than a military witness before a court-martial. If a civilian is summoned as a witness and refuses to testify, he ought to stand on the same footing as a soldier or sailor who refuses to testify—no more, no less. It seems to me that the wording of the amendment ought to be made more satisfactory to the Senate. It has been already adopted, but it may be amended. I suggest to him that, instead of reading as it does, "*Provided also*, that no imprisonment imposed on such civilian for contempt in refusing to give evidence shall continue for more than two months," it should read: "Such imprisonment shall only extend or continue as long as that of a soldier or sailor under like circumstances," or words to that effect.

That avoids the controversy. I am inclined to think that, on the expiration of the court-martial summoning him, a witness is discharged; and also that, whenever the witness comes forward and purges himself of the contempt, he is entitled to be discharged. That is my idea. I simply want to place the civilian on precisely the same footing with the soldier or sailor under the same circumstances.

Mr. WHYTE. The language which I used in my amendment was drawn hurriedly here at my desk. The language used is the language used in all criminal procedure. It is a limit. The period shall not exceed two months, but of course the whole of it is within the discretion of the court, and if the military court is about to adjourn it has only to have the party brought before it, give him an opportunity of purging himself of the contempt, and allow him to testify. It is only putting the civilian in like position with the military offender who refuses to give evidence; and, according to my recollection—I cannot lay my hand on the statute at this moment—I have used the very words employed in regard to military witnesses. There is no provision of this kind in the Revised Statutes in regard to the Navy, but, according to my recollection, it applies only to the Army.

Mr. EDMUNDS. This is probably the Article of War for the Navy, to which the Senator from Maryland refers, to be found on the two hundred and eighty-third page of the Revised Statutes, article 42:

> Whenever any person refuses to give his evidence, or to give it in the manner provided by these articles, or prevaricates, or behaves with contempt to the court, it shall be lawful for the court to imprison him for any time not exceeding two months.

Mr. SHERMAN. The langnage seems to be the same, but perhaps some such phraseology as this might meet the idea better:

> Such imprisonment shall not be for a longer period than that imposed on a soldier or sailor for a similar offense.

I suppose, as the Senator from Vermont has read the law now, it does not make much difference. The language already in the amendment conforms to the law, and I withdraw the suggestion I made.

Mr. EDMUNDS. The objection is to the law. It ought not to have any limit.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

ORDER OF BUSINESS.

Mr. HARVEY. A week ago I gave notice that I should to-day ask the Senate to proceed to the consideration of Senate bill No. 34, to confirm pre-emption and homestead entries of public lands within the limit of railroad grants in cases where such entries have been made under the regulations of the Land Department. I hope I shall now be able to have the bill taken up.

Mr. DAVIS. I shall be glad to know the wishes of the Senator from Massachusetts [Mr. BOUTWELL] before another bill is taken up.

The PRESIDENT *pro tempore*. The Senator from Kansas asks for the present consideration of the bill which he has named. Is there objection?

Mr. BOUTWELL. I think perhaps the resolution introduced by the Senator from West Virginia might as well be considered. It will take no more of our time now than at some future period.

Mr. HAMLIN. The resolution of the Senator from Vermont [Mr. EDMUNDS] has precedence by the action of the Senate yesterday; but inasmuch as the Senator from Massachusetts now desires to proceed to the consideration of the resolution of the Senator from West Virginia and as it has been before the Senate, I do not interpose any objection; but I desire to give notice to the Senate that immediately upon closing the question upon which the Senator from Massachusetts is to speak I shall ask the Senate to take up the resolution submitted by the Senator from Vermont, and shall insist upon its consideration and settlement.

Mr. HARVEY. Inasmuch as the matters of which the Senator from Massachusetts and the Senator from Maine speak have precedence under the rules, if the Senator from Massachusetts desires to proceed now, of course I have no remedy; but I desire to renew the notice given a week ago that at the earliest opportunity I shall ask the Senate to proceed to the consideration of Senate bill No. 34.

TREASURY ACCOUNTS.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the unfinished business be laid aside for the purpose of taking up the resolution introduced by the Senator from West Virginia [Mr. DAVIS] on the 12th instant.

Mr. EDMUNDS. Subject to a call for the regular order.

The PRESIDENT *pro tempore*. Subject to a call for the regular order. The question is upon agreeing to the motion.

The motion was agreed to; and the Senate resumed the consideration of the following resolution:

> Whereas there appear to be material alterations and discrepancies in the official finance reports of the Treasury Department as to the annual expenditures, receipts of the Government and public debt, and particularly in the reports of 1869 to 1872, inclusive, which discrepancies and changes and alterations involve large amounts, and no satisfactory explanation appears on the face for the same: Therefore,
>
> *Be it resolved*, That a committee of five be appointed to investigate the books and accounts of the Treasury Department, particularly with reference to discrepancies and alterations in amounts and figures that have been made in them, especially in the annual statements of the expenditures of the Government, revenue collected, and the public debt contained in said reports; and if any such discrepancies and alterations be found to exist, to report the same and the extent and nature thereof, the years wherein they occur, by what authority made if any, the reasons that induced them, and to report generally such other and further information bearing upon the subject as to them may seem best; and that said committee have power to send for persons and papers.

Mr. BOUTWELL. Mr. President, when I addressed the Senate on Thursday last I stated the general principles by which I supposed all the explanations necessary to a full answer to the specifications made by the honorable Senator from West Virginia [Mr. DAVIS] in his remarks could be furnished. I have nothing to add to-day to that statement in that respect. I wish now to say that, as well from the circumstance that the honorable Senator from West Virginia has thought proper to bring these alleged discrepancies to the attention of the Senate as from the circumstance that at various times and in various ways the attention of the country has been called to them, I have not only no disposition to oppose the examination suggested by the resolution, but I am in favor of such an examination, either by a special committee or by one of the standing committees of the Senate, as shall seem most expedient to those who are to pass upon the question.

It may not be out of place for me to repeat the statement I made on a former occasion, because I observe in reading the remarks, as they appear, which were then submitted to the Senate by the honorable Senator from West Virginia, he does leave the impression that in his mind not only were different statements of the affairs of the Treasury presented to Congress and to the country, but that the books of the Department had from time to time been changed for the purpose of furnishing the basis on which these different statements could be made; that there is no foundation, not even the least, for any such suggestion, and I have to say to the honorable Senator from West Virginia that if he will take the pains to examine the processes by which the accounts are kept in the Treasury Department, he will find that it would be so difficult a matter to change the accounts or the records of the accounts, after they have been made, that it may be said to be an impossibility.

I did give the Senate to understand that I should be able to furnish in detail the explanation of all the particular matters alleged by the honorable Senator from West Virginia for insertion in the CONGRESSIONAL RECORD; but I find that the details in figures are so voluminous that it would not be expedient to publish them in the extent required, and that they would furnish upon the whole very little information to the general inquirer. I shall content myself, then, with stating the particulars in reference to each, as I believe, of the allegations made, and leave for the committee, when it shall be constituted or authorized, to explore the details for the purpose of ascertaining whether the statements are true.

The first definite statement made by the honorable Senator from West Virginia related to the annual expenditures from 1861 to 1866, including two statements, one drawn from the reports previous to 1870 and the other drawn from the report of 1870, showing a difference or increase in the latter report of the sum of $3,271,970.43. This difference is made up from many items. The entire amount of the difference shows an increase in the expenditures during the years mentioned of the sum of $3,271,970.43; and a summary explanation may be stated thus: In the finance report for 1869, page 321, are included outstanding warrants to the amount of $4,018,091.91 which do not appear in the report for 1870. In the report for 1870, page 275, are included trust funds to the amount of $7,290,062.54 which do not appear in the report for 1869. The difference between the two, the sum of $3,271,970.43, is the exact difference claimed to be an increase of expenditures, as shown by the statement. The difference is merely a difference in the manner of preparing the statements. In the one case the warrants were estimated at their full value, and in the other case by the amount that had actually been paid under or by authority of those warrants at the time the account was stated. The sum of seven millions and more of trust funds was originally kept in the Department as a separate account, not included in the annual expenditures of the Government; but when the latter statement was prepared this sum was included in the annual expenditures of the Government, and the difference is the amount of the increase as stated by the honorable Senator from West Virginia.

I may here remark, *en passant*, that it is one of the difficulties of administration which can, I submit, never be entirely overcome, that there will be a difference of opinion among subordinates—indeed, there would be a difference of opinion among superiors if their opinion could be had—as to the method or rule of tabulating the different expenditures of the Government. Sometimes, by a clerk in a given year, a particular expenditure is put under a definite head, and at another time this same clerk even, or a different clerk, may put the same expenditure under the miscellaneous head or under a different specific head. We have a most notable instance of that, which has existed without observation, but is known to most persons acquainted with the affairs of the Government. There is a trust fund of $14,000,000, the income of which is devoted to the payment of naval pensions. It stands upon the books of the Department and is reported to Congress in the monthly debt statements made by the Secretary of the Treasury as a debt of the United States; but, as a matter of fact, the principal is never to be paid. There is also a large sum of money, the precise amount of which I cannot state, received by the Government for the support of the Smithsonian Institution, on which, as I under-

stand, the Government is bound perpetually to pay a certain sum. There is no real difference in these two items of expenditure by the Government. Different persons might very well come to different conclusions as to whether this income or this expenditure should be capitalized and the amount charged as a debt against the Government, while others might be of the opinion that the annuity is merely an annual expenditure of the Government, like the payment of the President's salary, which is to continue probably as long as the Government lasts. This is only an instance of the differences which arise; it is a notable instance; and when you come to the mere details in the Treasury Department, it is exceedingly difficult to go on year after year and to require and secure compliance with the requisition of carrying on all sorts of expenditure under precisely the same head.

The next specific statement by the honorable Senator from West Virginia is this. He says:

> The net ordinary expenditures of the Government for the year 1865, as stated in the finance report for 1869, are $1,212,911,270.41. The same expenditures for the same year, as stated in the finance report for 1870, are $1,214,349,195.43, showing an increase of $1,437,925.02.

In the preparation of these two statements different data are included under the head of "net ordinary expenditures." For instance, in the finance report of 1869 there was included an item for the purchase of gold coin authorized by the first section of the act of March 17, 1862, amounting to $5,072,900.11. Under the same head there was also a payment of $735,416.93 of outstanding warrants which belonged to previous years, these two items amounting to $5,808,304.04. In the report for 1870 the items of trust funds, namely, Chickasaw and Choctaw and Navy pension fund, amounting to $7,242,242, are included under the head of "net ordinary expenses," precisely as I before stated in reference to a similar matter under the head of expenditures. The difference between these two accounts represents the discrepancy referred to, $1,433,937.96.

The next item relates to pension expenditures. In the report of 1872, as stated by the honorable Senator from West Virginia—and his statement I believe is correct—the expenditures for pensions are stated for the year 1864-'65 at $16,347,621.34. In the report of 1869 the same expenditures for the same year are stated at $9,291,610.48. The latter, a small sum, represents the amount of pensions actually paid to persons authorized to receive pensions under the laws of the United States. There had accumulated in the Treasury Department an amount of money, $7,000,000 and more, arising from naval operations or forfeitures under the laws, which had been placed on the books of the Department to the credit of the pension appropriations, whether wisely or not I cannot say. It was a transaction that occurred many years before I had anything to do with the Treasury; but, nevertheless, it was placed there. By an act of Congress this amount was set out from that appropriation and made a part of the capital of the naval-pension fund, on which interest at the rate of 3 per cent. is paid by the Government, this being a part of the $14,000,000 of which I have before spoken. When this change was made, which was merely a transfer on the books of the Department, there was a charge made against the pension-appropriation account of $7,000,000, and transferred and credited as a part of the capital of the $14,000,000 of the naval-pension fund. When the accounts were revised in 1870, this individual thing was not a matter of which the Secretary had any knowledge at the time; but the chief clerk, Mr. Saville, of whom I think I may say here that he is without a rival in the country for his capacity in the matter of accounting, saw fit to place that as a charge against the pension account. Whether it was wise or not I cannot say; but it was necessary to dispose of it in some way, and unless gentlemen can show some other and better way the time has not come to complain of that way.

The next item shows a discrepancy of $5,840.73. That is explained by the circumstance to which I have referred, that warrants drawn had not been paid in full, and when the analysis was made there was a difference of that amount.

> In the report of 1870—

Says the honorable Senator from West Virginia—

> the expenditures for pensions in the year 1870 are stated at $28,340,202.17.
> In the report of 1874—

The last report preceding that which we now have—

> the same expenditures for the same year (1870) are stated at $28,402,241.20, showing an increase in the report of 1874 over 1870 of $62,039.03.

This is explained in the same way: warrants drawn in prior years and paid that year.

The next item is naval expenditures, showing an increase in the report of 1871 over the report of 1869, in naval expenditures for the year 1865, of $49,657.95, the amount of outstanding warrants paid, including the naval and hospital fund.

The next item relates to the War Department. The honorable Senator says:

In the report of 1871 the expenditures of the War Department are put down in the annual statement of Government expenditures for the year 1862-'63 at	$603,314,411 82
In the report of 1869 the same expenditures for the same year, as appears in the annual statement of expenditures, is stated at	599,298,600 83
Showing an increase in the figures of the report of 1871 over the report of 1869 for the year 1863 of	4,015,890 99

Now, it happens that at the close of that year there were outstanding warrants, that is, warrants on which the full amount had not been paid, amounting to $5,306,612.24, and at the end of the year there were still outstanding warrants which had been drawn previous to the commencement of that year amounting to $1,290,801.25, showing $4,015,810.99, being within $10 of the precise amount, according to the statement made by the Senator from West Virginia. That $10 thus far has not been explained.

The expenditures of the Indian Department for the year 1870 are stated by the Senator from West Virginia as follows:

In the report for the year 1870 the expenses in the Indian Department for the year 1863 are reported in the statement of annual expenditures at	$3,152,032 70
While in the report for the year 1868 these same expenses are reported for the same year at	1,076,326 35
Showing an increase in the figures of the report of 1870 over the report of 1868 in the Indian expenditures for the same year of	2,075,706 35

Somebody has to plead guilty to an error there. If the honorable Senator from West Virginia will look at the statement he will observe that the Indian expenses and the pension expenses are in parallel columns, one following the other. It happened that one year, 1868, the compositor set up the figures which should have been placed under the head of "Indian expenses" under the head of "pensions." They were exactly reversed. The next year each was put in its proper place, and the country is indebted to the honorable Senator from West Virginia for compelling us to make this discovery.

Mr. DAVIS. Will the Senator allow me a moment?

Mr. BOUTWELL. Certainly.

Mr. DAVIS. I wish simply to ask whether I am to understand from the Senator that the discrepancy which he has spoken of exists only in the reports of 1870 and 1868?

Mr. BOUTWELL. I have not looked at the accounts myself but the years are 1870 and 1868, according to the statement made by the Senator from West Virginia. One account was made in 1870 and the other in 1868. I should say, however, that when the accounts were investigated in 1870 and 1871 there was a difference of seven or eight thousand dollars in the amount of one of these items due to the circumstance of which I have often spoken, that warrants had been drawn and were outstanding not paid; but otherwise the statement I believe is true.

Mr. DAVIS. Of course I have not the figures before me, but my impression is that the Senator will find a different state of things. I think there is a discrepancy in several reports.

Mr. SHERMAN. The first statement is correct?

Mr. BOUTWELL. They were transposed one year.

Mr. SHERMAN. Which is the correct one?

Mr. BOUTWELL. I am not prepared at this moment to say which is the correct one, but they were transposed, so that what the Senator from West Virginia says, that there appeared to be that change, actually did appear. That is, the pension expenses one year were put under the head of the Indian expenses and the Indian expenses at the same time were put under the head of pension expenses.

Mr. EDMUNDS. That was done by the printer.

Mr. BOUTWELL. By the printer. It was not discovered in time, but the change was made back again the next year with an alteration of about $8,000 finally, in consequence of warrants drawn and not paid; so that one of those accounts was changed.

Mr. CONKLING. The transposition was not on the books of the Department?

Mr. BOUTWELL. It did not touch the books of the Department. It was merely a mistake in the printing office, which was not observed by the proof-reader. The Senator from West Virginia says:

> I come next to the discrepancies in the statements of revenue collected.
> In the finance report for 1863, in the annual statement of revenue collected for that year, we find the internal revenue stated at $37,640,787 95

Then he goes on to say—it is not a very definite statement, as I understand it—that afterward this sum one year, or a sum equal to this, disappeared from the receipts and afterward re-appeared. The simple truth about it is this that a clerk in the Treasury Department, the public-debt account standing upon the sheet from which he prepared his statement for the printer immediately below the receipts of internal revenue for that year, added the receipts from internal revenue into the public debt. It was a gross mistake, inexcusable; but that is the fact. It was afterward explained in the reports, but I suppose it escaped the observation of the honorable Senator from West Virginia. The error was corrected in a subsequent report.

Mr. DAVIS. I hope I do not interfere, but the Senator should do me the justice to state whether I did not say myself that it afterward appeared. I made a statement to that effect.

Mr. BOUTWELL. Then it was rather uncalled for to ask me to make the explanation. I admit very freely that I did see something in the remarks made by the honorable Senator from West Virginia which led me to think that he suspected that his statement as originally made was not entirely accurate, but as I was not sure whether he had reached that conclusion I felt bound to remark upon it.

Mr. DAVIS. In justice to myself, I must ask the Senator whether he finds a single statement or a single figure in the remarks which I made the other day to be incorrect?

Mr. BOUTWELL. That is the business I am engaged in.

Mr. DAVIS. Perhaps I have not made myself understood. I ask the Senator again whether he finds that I stated any figures that the financial reports do not bear me out in?

Mr. BOUTWELL. I am bound to say that, so far as I have observed, the figures employed or used by the Senator from West Virginia are to be found in the reports of the Treasury Department.

I come now to the gravest part of the case as presented by the honorable Senator from West Virginia. He brings together from the reports of the Register of the Treasury a statement of the public debt for each year from 1862 to 1870, as contained in the report of 1870–71, aggregating $19,272,555,561.57, and he also brings together the statement of the debt of the United States by years for the same years, as reported in 1871, amounting to $19,023,595,208.63, showing a difference or increase of $248,960,352.94. Now, then, before I proceed to state more in detail the explanation of this difference I have to say that this is the most extraordinary use of figures I have ever observed in order to reach a conclusion. Here are eight years, I think. If, as was the case, the public debt appeared to be greater in one year on account of the mode of keeping books in the Register's office, to which I have already referred, by the sum of $20,000,000 or $30,000,000, and though it might remain precisely at that figure or a similar figure each year, yet by bringing together eight years, in each of which there was a statement authoritatively and fairly made according to the method of keeping books, yet you can see that the aggregation of these differences would present a state of facts very different from the actual truth. I must say I was a good deal puzzled, and I do not know but that I ought to recognize the skill of the honorable Senator from West Virginia in this particular. I have no doubt that he thought it a proper way of presenting the case, but I think, after all, it was calculated to produce an erroneous impression.

The explanation in detail of these differences involves a great deal of work. At the Treasury Department they have been over two or three of the years to which the attention of the Senate was called, and I am prepared to state in sufficient detail to enable Senators to comprehend the facts in regard to two of those years, and I think I am justified in saying that in substance the explanation will be the same in regard to the others.

The later report does show an increase of the public debt, and there is one admission to be made in all frankness, and I do not know but that it is an admission of a fact which ought to be condemned. It is this: The Register of the Treasury, certainly without my knowledge, for two years, and perhaps three, reported the debt of the United States according to the statements made by the Secretary of the Treasury, in which the cash on hand was deducted from the outstanding liabilities on hand. I refer to the monthly statement, with which everybody is familiar, and the mode by which it is prepared is perfectly well understood. I agree entirely that the Register of the Treasury should have taken his own figures, either by the books of issue or by the warrants of receipts and expenditures, both of which were at his command, and should not have adopted the report of the Secretary of the Treasury, and especially have adopted it so as to have deducted the cash on hand from the outstanding liabilities of the Government. He ought to have stated according to his own books. I make that admission, and take whatever responsibility belongs to me, although I was ignorant of the fact until my attention was now called to the subject.

In the report for 1871, which is one of the years to which the attention of the Senate has been called, the statement of the public debt represents the principal of the debt as made from receipts and expenditures. That for the year 1870 is made up from entirely different data, principally from the loan accounts. Other items are included, however, as will be made apparent from the following analysis:

The statement in the report of 1870 of the amount for the year appears as given, $2,386,358,591.74. The data from which this was made up are as follows:

Principal of the debt	$2,601,675,127 83
To which is added interest accrued	50,607,556 52
Making total debt, principal and interest	2,652,282,684 35
From this amount were deducted—	
Coin in the Treasury	112,776,048 88
Currency in the Treasury	28,945,067 19
Sinking fund in United States coin-interest bonds with accrued interest thereon, and other coin-interest bonds purchased with accrued interest thereon	124,202,968 54
Leaving the amount of the debt as above stated, less cash in the Treasury and bonds with interest thereon	2,386,358,599 74

The amount of the debt in the report of 1871, which of course was larger for the fiscal year 1870, is stated at $2,480,672,427.81, and represents the exact principal of the debt after deducting the principal of the bonds purchased on sinking-fund account, and excluding the item of accrued interest as above stated, and also the entire amount of cash in the Treasury.

The statement for the fiscal year 1869 was prepared in precisely the same manner and with the same results. The chief difficulty in regard to these accounts arose from the circumstances that the Register used the statement of the public debt made by the Secretary of the Treasury, which included accrued interest on the one hand, and from the aggregate so obtained the cash in the Treasury was deducted. This was an erroneous proceeding on his part.

Mr. SHERMAN. I should like to ask the Senator from Massachusetts when it was that the Government commenced issuing the monthly statement of the public debt, including the accrued interest?

Mr. BOUTWELL. The first monthly statements which contained the interest were issued probably in July, 1869. I had a statement made up representing the debt of the United States with the accrued interest as it stood on the 1st day of March, 1869; that was when my predecessor was in office; but the first regular statement in which interest earned was considered as a part of the public debt was made up, I think, on the 1st of July, 1869; and it was that circumstance that gave rise to this difficulty.

Mr. SHERMAN. The reason I ask the question is this: I notice that these apparent but not real discrepancies occured mostly in 1869 and 1870.

Mr. BOUTWELL. They did.

Mr. SHERMAN. And grew out of the fact that the statement of the public debt then included interest and also the money on hand.

Mr. BOUTWELL. Yes. That was, I agree, an error and misfortune, although no harm has come to anybody.

The next specific item of complaint is in this: The honorable Senator from West Virginia says:

In the finance report for 1874 the public debt is stated for the years—	
1872	$2,253,251,078 78
1873	2,234,482,743 20
Decrease for that year	18,768,335 58

On page 5 of the finance report for 1873 the Secretary says the decrease for that year was $43,667,630.05, making a difference of $24,899,324.47.

In the finance report for 1874 the public debt for 1874 is stated at	$2,251,690,218 43
In the same report the public debt for 1873 is stated at	2,234,482,743 20
Increase, according to these figures, in 1874 over 1873	17,207,475 23

These figures are from the Register's report of 1874, page 496. The Secretary's new table, page 9, differs very slightly from the above. It will be seen by this statement that the debt has increased over seventeen millions between 1873 and 1874, instead of decreased, as claimed. It is true that there is a foot-note explaining this, but it is my opinion that if the debt is actually decreased the figures and annual statements should show it without necessity of explanation of any kind.

And the foot-note was this:

NOTE.—It will be seen that the increase of the principal of the public debt, as shown by this statement, appears to be $17,207,475.23. Congress, by act of June 8, 1872, (17 Statutes, 336,) provided that national banking associations might deposit United States legal-tender notes in the Treasury of the United States and receive therefor certificates of deposit bearing no interest, and that the notes so deposited should be set apart and held as a special deposit for the redemption of said certificates. The certificates outstanding on the 1st day of July, and included in the outstanding principal of the debt, amounted to $58,760,000, and the notes held as a special deposit for their redemption were included in the cash balance in the Treasury on that day. It will be seen, therefore, that while these certificates, as a matter of accounts, are treated as a part of the public debt, they do not in reality form any portion of it, in the usual sense of the word, for the reason that no revenue is required to be provided for their payment, the notes which they represent always being in the Treasury as a special deposit for their redemption and those notes being included in the outstanding legal-tender notes. Omitting these certificates of deposits as offset by the notes held on deposit for their redemption, the actual reduction of the principal of the debt was $41,552,524.77.

With this foot-note before him I do not understand the process of reasoning or the principle in morals by which the honorable Senator from West Virginia could state to the Senate that, instead of there having been a reduction of over $41,000,000 in the public debt, there was an actual increase of over $17,000,000.

Mr. DAVIS. The Senator asks my explanation. The statement made by me as printed shows that I said it was so according to the figures. I did not say it was the case in fact. I said, on the contrary, that there was a foot-note explaining this.

Mr. BOUTWELL. Well, Mr. President, for what purpose are figures except to enable people to ascertain some fact, not to support a theory which has no foundation in reason or in law or in justice? Did not the Senator, when he read that foot-note, know that for $58,000,000 of the so-called public debt there was in the Treasury $58,000,000 of United States notes which were held to re-imburse the owners of those certificates whenever they called for them, and that the aggregate of the public debt could only be increased by adding those certificates to the principal of the public debt, and refusing to consider the offset in the Treasury of the United States?

Mr. President, I have, I believe, considered every one of the specific allegations made in the speech of the honorable Senator from West Virginia. I not only assent to the reference of this resolution to a committee, but I think it proper that it should go to a committee.

Mr. DAVIS. Mr. President, there have been a great many figures produced in the course of this debate, and it is impossible for me to carry them in my mind. I cannot therefore say whether or not the explanations made as far even as the Senator went are complete. I take it that it is probable they are, but there are still two or three hundred million dollars, according to the figures I gave the Senator, and he says they ought to be facts, which are unaccounted for. When he says that the figures ought to tell the truth I agree with him. If so, then I say according to the figures, taken in his own way, there are discrepancies to the amount of two or three hundred million dol-

lars yet to be explained. I have never said, nor do I believe now, that anything like that amount has gone astray. Certainly there may be explanations, as the Senator has stated, but the Senator, as I understand him, has all the way through admitted that every single figure that I produced is correct, and has been taken from the regular reports. He has said, however, that there has been no change in the books. He admits that there has been change in the annual statements to Congress year after year. Now, sir, is it possible that reports are made to Congress which the books do not sustain? Is it possible that we have been receiving reports from year to year, and for eight or ten years in succession, which do not agree with the books? That is a still worse state of things than I supposed could exist. If Congress and the country receive reports stating one set of facts and the books state another, then, indeed, it is time for examination. I understand the Senator to admit that fact.

I should also be glad to know how this new table of 1870 was made up. It seems to have made its first appearance in 1870; it seems to have changed the annual reports, if not the books, to a very considerable extent, and I take it the annual reports should be made from the books whether they are or not. The new table makes material changes, and those changes are nearly always to advanced figures. It has been the duty of the Register of the Treasury, as I understand, it, from the beginning of the Government, to make up statements of the public expenditures, of the revenue, and of the public debt, and he has made his regular annual reports, and up to 1870 they agreed very well, there being but slight differences. Sometimes some few figures differed; but between 1869 and 1870, and certainly between 1869 and 1871, this new table of the Secretary of the Treasury, as the Senator himself has called it, appears, and that table changes the figures in the Register's report very materially.

Mr. EDMUNDS. May I ask the Senator a question for information?

Mr. DAVIS. Certainly.

Mr. EDMUNDS. I should like to have the Senator tell us whether it is not true, as a matter of business necessity, that there is no day in the year when the amount of the public debt would appear on the books of the Register to be the same for that year that it does on the books in the Secretary's office, from the very necessity of business?

Mr. DAVIS. I understand the Senator's question, and I will answer it as near as I can. I understand from the Senator from Massachusetts that up to 1870 there was no table kept in the Secretary's office. Since 1870 there has been. I understand, too, that before a statement is made up at the end of the year, no matter what the debt may be during the year on a particular day, there are forty-five days allowed to get in all outstanding warrants, and regulate all differences that may occur between the two offices, and that not only are those forty-five days generally taken, but sometimes they go even up to November, I am told. If such is the case there are two or three or four months to get in the differences, if there are differences, between the Secretary and the Register. But I cannot understand, I will say to the Senator from Vermont, when the Register once makes up his table and reports it to Congress, and puts down $10,000,000 or $1,000,000,000—it makes no difference what the amount—how, five years after that, or one year after, those figures can be changed. I do not understand how that can be done.

Mr. EDMUNDS. Does the Senator mean to say that the figures on the books of the Register's office have been changed in any instance, to his knowledge or belief?

Mr. DAVIS. The facts are stated as I find them without my belief, for I have not much belief in this matter yet. I hope, though, there will finally be some one who will get the real facts in the case. Take the report of 1862, if you please. Mr. Chase reported that the debt was $516,000,000; I speak in round numbers. The Register stated, that it was $514,000,000, and so reported to Congress. Mr. Chase, in discussing the situation of the country, said it was $514,000,000. Each annual report of the Register from that day up to 1871—I think certainly up to 1870—continued to say it was $514,000,000; but the report of 1870 or 1871 said it was $524,000,000, a difference of $10,000,000.

Mr. EDMUNDS. Now the Senator has not answered my question; perhaps he has forgotten it. The question which I put to my honorable friend was this: when he speaks about changes being made in the books of the Register's Office, does he mean to say that he has understood or believed that any change of entries has been made, like striking out a standing entry and putting something else in its place? That was my question.

Mr. DAVIS. I have not had an opportunity of examining the books, and have not asked for it. I take the finance reports, and I believe they ought to, if they do not, represent the books from which they purport to be taken. When a report is made to Congress or to the country, I believe it represents the books; and if that be so, I say the reports which have been sent to Congress from year to year have been changed. Now, whether the books have or have not been changed, I cannot say. I hope they have not been; but the statements that have been sent to Congress certainly have been; and if the statements are not taken from the books, where are they taken from?

Mr. EDMUNDS. I guess they are taken from the books.

Mr. DAVIS. If they are, they have been changed, for the finance reports have been changed, as the honorable Senator from Massachusetts has admitted.

Mr. EDMUNDS. Does the Senator mean, in the sense in which he is wishing to have the country understand, that if he, as my counsel in a lawsuit—and I certainly could not have a better one—last term charged me with $500 for attending to a motion and next term finds that he has paid since the last term $50 for clerk's fees, and he adds that to my account, he has been changing his books?

Mr. DAVIS. No, sir, I do not mean that; but I mean that if I should go back and change the original entry to a different amount that would be changing it.

Mr. EDMUNDS. Decidedly; and yet when the Senator reported to me a statement of the account he would report it as it stood each time and the two statements would differ just as these do.

Mr. SHERMAN. It is clear that there has been no change of the books.

Mr. DAVIS. Now the Senator from Vermont and the Senator from Ohio both say the books have not been changed. Of course they speak with knowledge. I take it they would not say so unless they knew it. Then will either of these Senators tell me how it is that the reports to Congress have been changed if they are not taken from the books?

Mr. EDMUNDS. It is amazing that my friend and I cannot understand each other. I have no doubt at all that the books in the Register's Office, in the sense of having additional entries made in them, are changed every day. They ought to be if there is any business going on in the Treasury Department. If those entries are made as entries in books of account generally are, by putting figures into columns where there are already some, when you foot them up again there will be a change in the footing. Therefore, I take it to be true that the entries in the Register's books are changed from day to day in that sense. But the Senator certainly is not making this great display over the country for the sake of having the people know that business is going on in the Register's Office. The point, if there is any point about it at all, is to have people understand or suspect or fear that the Register's books have been tampered with. That is the proposition, if there is anything to it at all. I happen to know, from a personal examination of several months, made with the assistance of the then honorable Senator from Pennsylvania, Mr. Buckalew, one of the most honored members of my friend's own party, and deservedly so, that this notion of any of the books of the Treasury ever having been tampered with at all is an entire error, and there is nothing of the kind. And yet, as I say, you can see from the very fact of there being three or four departments in the Treasury through which accounts must go, and go for the very purpose of having checks upon each other and for the safety of the people, that you can never on a given day make those respective accounts agree, and you never ought to. If they did agree, you would suspect at once from the course of business that there was collusion.

Mr. DAVIS. Will the Senator allow me to say that I have not stated at any time but what the amounts on the books ought to change from day to day? On the contrary, I know they ought to change from day to day; but after they have been made up and reported for five or six or more years to Congress, they ought not to be changed. That is my position.

Mr. THURMAN. Now, will the Senator from West Virginia allow me to interrupt him a moment?

Mr. DAVIS. Certainly.

Mr. THURMAN. Is it true that after 1870 the Register's account and the account kept in the office of the Secretary of the Treasury do agree for a series of years?

Mr. DAVIS. I was just coming to that.

Mr. THURMAN. If that is so, then, according to the remark of the Senator from Vermont, there must have been some collusion or fraud.

Mr. DAVIS. My friend from Ohio has anticipated me, and very properly anticipated me. If the Senator from Massachusetts, or the Senator from Vermont, or any other Senator will take the trouble to look, he will find that previous to 1860 the reports of the Register agreed very well, from the beginning of the Government down; but between 1860 and 1870 they do not agree by large amounts; and between 1871 and the present day they agree again. They run along very well and very regularly. How is it that between the ten years I have named they change constantly and for two, three, or four years afterward they do not change? I admit that changes ought to take place during the year, and I had attempted to state that the law has given forty-five days, and practice has taken three or four months, to close up the accounts after the end of the fiscal year; and after that the statements ought not to disagree; yet it is a fact that they do.

Mr. EDMUNDS. The Senator now wishes to know how it is to be accounted for, then, that in the very last three or four years the statements do agree pretty well. In speaking of figures, I suppose figures either agree as a positive and absolute term or disagree. If the Senator means to say that the footings in the Register's books, of the statement of the public debt for illustration, or any other of the accounts of the business of the Government, on any given day in the last three or four years, agree exactly; that is, agree—there is no need of the word "exactly" about it—with the statement in the books of the auditor and in the warrant division of the Secretary's Office, and so on, then I must beg leave to differ with him; because I do not believe they do. But if by "very well" he means that they come within forty rows of apple-trees—that is, they disagree in greater or less sums from year to year, which in these years do not happen to be so large—that I can understand; and it fortifies what I was saying, that they never do agree.

Mr. DAVIS. My recollection is that since 1871 they agree to a cent; that is, after the figures are once reported to Congress in the annual report, there are no changes since that time. But in 1870 the debt was reported as such an amount, and when the report of 1871 or 1875 comes in it is changed, and made a larger or a smaller amount. Since 1871 the figures agree, as I believe, and no changes have occurred.

Mr. EDMUNDS. That is because I do not think the Register of the Treasury has made any report in the year 1873, for instance, about the year 1870. He made a report in 1870 about the preceding year, and then in 1871 he made a report about that year; but this report to which the Senator is referring of the Secretary of the Treasury respecting the state of things in what is called his office, that branch of the Treasury Department, as has been stated by the Senator from Massachusetts, was a revisory report; not a revision of facts or of wrongs, but a revision of double-entry book-keeping, by which certain things which had been charged to one set of accounts were turned over and charged to another, and so on.

Now, if the Senator thinks that that is a very large ground of criticism, he and I entirely disagree. I am bound to say, although the Senator from Massachusetts is present now, that I think one of the good things he did while he was Secretary of the Treasury—and he did a great many—was to go through all these very accounts and endeavor to simplify and bring them more into harmony and unison, if it were possible, by having items which were proper items in the expenditures of the Government changed from one account to another where they more properly belonged; and that, of course, under particular heads would change the amounts of the public expenditures for that year, and under the other heads in the way that has been already so well stated by the Senator from Massachusetts. That is not the point. The real point between the Senator from West Virginia and the rest of us is that what he has said would lead people who did not understand it to believe as a fact from his statement (and that is an important and a serious thing) that the affairs in the Treasury Department had been conducted to the robbery of the public treasury—that is the short of it—and that money had been received which had not been accounted for or that money had been paid out which had not been charged for, or something of that kind—some real wrong. If we are really taking up the time of the Senate only in a consideration of the best methods of keeping double-entry accounts and of checks and balances, as a mere matter of form, then I confess I do not care much about engaging in it.

But what struck me in the remarks of the Senator from West Virginia and gave me some pain—because I was sure he was wrong in his facts; I mean in the facts to be deduced from what he said—was that he suggested that there had been a tampering with the books, or false entries, or false payments, or unaccounted-for receipts, which, if true, would do great injury to the credit of the country and to the respect which honest men ought to have for an honest administration of affairs. If that is not the substantial point he is driving at, then I have no quarrel with him or his criticisms as to whether an expenditure on one account should be charged to account A or account B.

Mr. DAVIS. The Senator has spoken of double-entry book-keeping twice, I believe. I understand that there is no such thing in the Department.

Mr. EDMUNDS. It is triple or quadruple, I should have said, perhaps.

Mr. DAVIS. I understand that there is not what is known as double-entry book-keeping in the Department. I believe I am correct. The Senator from Massachusetts knows whether he inaugurated it or not; but I do not think he will say that what is commonly known as double-entry book-keeping prevails in the Department.

Mr. EDMUNDS. In order to get at the proper solution of this fresh ground of difficulty for this country, I must ask the Senator what he understands double-entry book-keeping to be?

Mr. DAVIS. I have not talked of double-entry book-keeping further than the Senator has named it, and I state what I believe to be the fact in regard to its use in the Treasury Department.

The Senator, without intending it I think, has drawn a conclusion as to what he imagines was my object in citing the figures I have presented. I know that Senator too well to believe that he would misrepresent myself or any other gentleman. The Senator cannot put his finger on a single sentence in anything that I have said which spoke about robbery or collusion. The Senator from Massachusetts and the Senator from Vermont, as I understand, have both admitted that my figures are correct, and not in a single instance incorrect. They both have admitted, at least the Senator from Massachusetts has, that part of my ground was well taken. He has gone over very many of the figures from a statement prepared, as I am led to believe, for him by the Treasury Department. The answer, then, that the Senator from Massachusetts has made is the answer of the Treasury Department, as I understand from him.

Now, Mr. President, I wish here to state, for I did not think it was necessary previously, that I have had no intention whatever, no desire whatever, to throw discredit on any particular person, or even to bring discredit upon the nation in any manner or to injure the credit of the nation. If there are abuses in the Treasury Department, I think they ought to be corrected; the Senator from Vermont thinks they ought to be corrected; and certainly no Senator here will state that I have misrepresented anything. The Senator from Massachusetts has admitted over and over again that I was correct in my figures. He has admitted the figures in the annual reports to Congress have been changed years after they have been reported here, but he says the books have not been tampered with, and so says the Senator from Vermont. My question was, if that be so, how did the statements come to Congress? Is it possible that statements come here which the books do not bear out? I have asked two or three times, without an answer, how that new table of 1870 was made, and from what data it was made. Was it made from the Register's books, or was it made from some other division that I know not of? Certainly the first time it appeared was in 1870, and when it did appear, it appeared to increase the public debt very largely.

Now, by way of illustration, let me say that this is not only true of the public debt and the expenditures, but the figures of the revenue collected from year to year, after having been reported to Congress for a number of years, have been changed and the amounts made less. If Senators will take the trouble to look, as I have done, to the tables themselves, they will see that in the year 1862 the gross revenue as collected was reported at $51,939,000. If we take the report of 1871, we find that it says that in 1862 there were $51,907,000 of revenue collected, making a difference and decrease of $32,000,000. I suppose the first report was of the revenue collected after it had been covered into the Treasury. It was so reported for a number of years, and yet ten years afterward it was reported there was a less amount of revenue collected in that year than the report for that year showed. For the next year, 1863, you will find that there was a difference of $38,000,000. That was the year that the $37,000,000 disappeared connected with the internal revenue, which is but a million less, and that re-appeared in the report a year or two afterward; but let me say that when that disappeared the line that contained the Treasury notes and loans was raised so as to make the grand total about the same.

Mr. BOUTWELL. Does not the Senator understand what has been already explained, and which I believe he had the means of knowing before he brought the matter to the notice of the Senate, that it was a clerical error, which was corrected as soon as it was discovered; that the thirty-seven millions disappeared one year as an internal-revenue receipt and the aggregate of the public debt was swollen to the same extent, and the next year, when the error was corrected, the public-debt account was diminished just to that extent, and the internal-revenue item re-appeared? It was before my time. I am not in any way responsible for it. Does not the Senator understand that that was the error of a subordinate clerk in the Department, and did not really involve any responsibility upon any other person? It was a mistake by which no harm came to anybody.

Mr. DAVIS. I have so stated each time I have referred to it. For each amount that I have given if I could find an explanation I have always stated it. Just here let me say to my friend the Senator from Massachusetts that certainly on one occasion in public, and it is the only one I will speak of, he has said to me that I should have gone to the Treasury Department and had these discrepancies explained. I wish now to tell that Senator that I did all in my power in that direction, and I so stated in words and in effect to the Senator before he made his public statement of what I ought to have done. I thought it did not come very well from him, after I had in personal conversation intimated to him that I had done so, to tell me in public what my duty was. It is true I had done just what he intimated I should have done, and what I have no doubt he was correct in saying if I had not done I should have done. But this thirty-eight millions of dollars the Senator says he knew about; it was about thirty-seven millions in round numbers when it disappeared from the internal revenue, but it came back thirty-eight millions. What I complain of in that particular is that when it did disappear it was made up in loans and Treasury notes.

Mr. BOUTWELL. Does the Senator suppose that there was any intention to make it up in the aggregate of the loans? Was there any motive existing on the part of anybody in the midst of a perilous war to increase the aggregate of the public debt thirty-seven millions? It was a mistake by a clerk, who was adding up the public debt on his sheet, and right above it was the item of thirty-seven millions of internal revenue, which probably was not separated by a distinct line, and he added it into the public debt, and it disappeared as an internal-revenue receipt. There could not have been any intention on the part of anybody to deceive the country.

Mr. DAVIS. I have not stated that there was any intention to deceive. I have gone over this thirty-seven millions item to show how easy it was to drop thirty-seven millions, such a small amount, and pick it up again when it was necessary. That was the only motive, and I have so stated a half-dozen times.

Mr. EDMUNDS. I might suggest to my friend from West Virginia that a good illustration of what he is now impressing on the Senate is in the story—I have no doubt it is true—of the Scotch merchant who told his friend that his balance-sheet made up by his clerk made him £1,790 richer than he knew he was; he had made it that year, and that the rascal did it by adding the year of our Lord at the top when he started on his column of figures. And this "bad boy" in the Treasury Department seems to have done something of the same sort.

Mr. DAVIS. There appear to be a good many bad boys in the Treasury Department, and I hope some of them will be found out. [Laughter.]

Mr. MORTON. They evidently will in this way.

Mr. DAVIS. I tell you, Mr. President, that while this item of $37,000,000 is explained, and while the Senator from Massachusetts and the Senator from Vermont are very ready to take up what I admit, it is to be noticed that the other decrease in the revenue-figures after they had been reported for ten years neither of the Senators has said anything about; and now I am going to bring to your attention another year in which the revenue decreased, and I will thank either of the Senators to correct me in it, or to say "bad boy" about that.

In 1864 the report of that year says there was collected of revenue $264,626,000. The report of 1871 says it was not $264,626,000, but $262,000,000, $2,000,000 less, and you will notice that years afterward there was a decrease in that revenue which is said to have been covered into the Treasury. These things may be explained perhaps; I can see how warrants paid and warrants unpaid may make a difference in the statements; but you cannot explain, as I think, why it is that the internal-revenue receipts have thus decreased. If you take the next year the same thing is true. In 1865 there was a change of nearly $10,000,000, and all of it made in this new table of 1870. Recollect now that the Register went straight along. It is this table of 1870 that makes these changes.

Mr. EDMUNDS. Is the Senator now on internal-revenue receipts?

Mr. DAVIS. I am speaking of internal revenue alone.

Mr. EDMUNDS. Will the Senator, then, be good enough to tell us in what way the expenditures of the Internal Revenue Department were paid down to the year 1865 or 1866; out of what fund?

Mr. DAVIS. Of course out of the general fund of the Government, out of the general Treasury. All the receipts, I understand, were covered in and the expenses paid out on warrants. If that is not so, I should like the Senator to tell me how it is that the reports ran along for six years before this change took place. Did those gentlemen wait five or six years for their money? Were they not paid at the time when the receipts were covered in?

Mr. EDMUNDS. The Senator says that he understands that down to 1865 or 1866 the expenses of collecting the internal revenue were paid out of the Treasury of the United States, and so by appropriation of course; but the money must have been in the Treasury that was expended, and all the money collected of course ought to have been covered into the Treasury. Now, if the Senator should discover, on looking at the law, that that was not the way the law provided, and that the expenditures of the Internal-Revenue office were paid by that office and by its various officers over the country out of their collections and the balance accounted for, then he might possibly suspect, with his general sympathy for and belief in honesty in men in general, that a difference might appear by money being reported as it is in the course of business to the Internal-Revenue office as so much collected and afterward when the accounts of expenditures came to be settled by that office a larger sum would be charged against that money collected than the estimates of the Treasury as to what the probable expense would be would have made. When you have taken it over thirty millions of people and over thirty-four States and over two hundred and fifty internal-revenue districts, it would be very easy perhaps—I do not say it is so, the Senator is the one who possesses the inquiring mind; let him look—to find that every dollar of his two millions and every dollar of his ten millions did not arise from any fault in the Treasury Department, from any error in book-keeping or any other error whatever; but it simply being the duty of the internal-revenue collectors to report the money that they had got, and then when their accounts were settled there would be allowed out of that such and such sums as should seem to be lawful and right for their services and expenses, and if a report happened to be made upon the returns of the internal-revenue agents, as it must be, fixing any day, no matter whether the first day of Congress or the first day of the year, the report of all moneys collected would not show and could not show the actual net balance that would finally go into the Treasury of the United States.

Mr. DAVIS. I have stated that there were several months between the 30th of June, to the making up of each of these statements from which I have taken the figures, to be reported to Congress. That, in the first place, would be sufficient time to know and see whether or not there were any expenses coming against the revenue that had been paid in; but, were that not so, how is the lapse of six years to be accounted for? This revenue was collected in 1865 and the amount reported to Congress—and it is so reported in each annual report, year after year—at a given sum; but in 1871 it is changed; it is made $10,000,000 less, if that is the amount, or certainly some millions less. I do not understand that process of reduction, nor do I understand the theory of the Senator from Vermont, that the gentlemen who collected the revenue waited five or six or seven or eight years for their pay.

However, Mr. President, I have said much more than I expected to say, but I have been led on by questions. What I desire is to look over the statement made by the Senator from Massachusetts, or through the Senator from Massachusetts, by the Treasury Department; to make some comparisons; and at no distant day I will have something to say in that connection.

The Senator from Massachusetts, I understand, has said that he has taken up, item after item, the figures that I submitted in my remarks the other day. He overlooked several, perhaps a dozen, of the different statements wherein I showed that they differed. I take it that he admits all that he has overlooked and passed by and said nothing about. For instance the Army, the Navy, the Indian accounts, and so on. I take it that those he passed by and took no notice of are admitted to have been correctly stated by myself.

Mr. BOUTWELL. I do not desire by my silence to admit as true anything which the Senator has said. I do not deny the truth of anything he said, except so far as I have denied and explained in the remarks I have submitted to the Senate. But, if there are other matters which have escaped my observation or to which I have not this morning called the attention of the Senate, I by no means admit that what has been said by the Senator from West Virginia is true.

Mr. DAVIS. At least there has been no explanation of a part of the statements I presented. I am not aware of the Senator's reasons for overlooking them.

Mr. SHERMAN. Before the Senator from West Virginia concludes, I suggest to him whether we had not better pass the resolution and let the debate await the report of the committee. I have no objection for one, certainly, to voting for this resolution. I would not vote for the preamble because I do not think it is true, as I believe when he explores the Treasury Department in all its branches he will find out. Instead of there being anything very wrong, I think it will all turn out to be very right. Therefore I think the best way would be to have the resolution adopted without the preamble, the committee appointed, and let the matter rest until the report.

Mr. EDMUNDS. So do I; but I hope the Senator from Ohio does not mean to say that he thinks we ought to have a special committee on this subject. We have a Committee on Finance, of which the Senator himself is chairman, and which contains, I can say without being in the least invidious, as many gentlemen of the opposition who might be supposed to be patriotic enough to wish to discover any wrong, if there be any, as good as there are in this Chamber. Now, if we are in the economic mood, as I understand we are, the idea of spending four or five thousand dollars for a special committee, while the standing committee, with all its organization, all its clerks, and all its powers, is going to excuse itself from this work, I do not agree to. I am in favor of this and of every other investigation that any Senator upon his responsibility, pointing out anything that needs explanation, desires to have; but I am not, for one, in favor, when we have so many standing committees, including all the Senators of this body, of creating special committees which we all know are of great public expense. If there is any ground to suspect that the Finance Committee, composed as it is of gentlemen acquainted with these subjects on both sides of the House, will not do its duty and explore this thing to the very bottom—as was done in respect of the public bond debt and legal-tenders of the United States, &c., a few years ago—then there would be reason for a special committee, or better reason for re-organizing the standing committee; but as it is, I should hope that all sides would agree that the proper committee to make this inquiry is the standing committee that we have for that very purpose.

Mr. THURMAN. Mr. President, I must dissent from the suggestion just made by the Senator from Vermont. He supposes that this inquiry, which everybody admits it is proper to make if for no other reason for our own satisfaction and that of the country, ought to be made by the Committee on Finance, and he repeats that both sides are represented on that committee, meaning by that both parties in the Senate. That is very true. The democratic party is very ably represented on that committee; but we have but one member on it.

Mr. FRELINGHUYSEN, and others. Two.

Mr. THURMAN. We had but one, but now I am told we have two. The two members that we have on that committee have not devoted any particular attention to this subject, as I understand, and I do not see from anything they have said that they have made the subject a study, as has the Senator from West Virginia [Mr. DAVIS] or the Senator from Connecticut, [Mr. EATON,] and I think that those Senators who have devoted time to this business ought to be appointed on the committee to investigate this matter.

As to expense, I cannot see how it entails one dollar more expense to have this matter referred to a special committee than to one of the standing committees. I do not see how it involves us in one dollar of expense that would not be otherwise incurred. If it is necessary to send for persons and papers, the expense of sending for them is precisely the same whether they are sent for by a standing committee or by a special committee. If it is necessary to employ experts or accountants to assist in this business, the expense is precisely the same whether they are employed by a standing committee or a special committee. In my ignorance I cannot see how committing the investigation to a special committee adds to the expense a cent.

I think that it would be unjust or at least impolitic to refer this to the Finance Committee. I think it ought to be referred to a special committee, and those Senators who have devoted considerable time to the consideration of the subject ought to be members of that committee.

Mr. EDUMNDS. I am glad to hear my honorable friend from Ohio admit that the gentlemen in the opposition are ably represented on the Finance Committee, so that, so far as that committee is concerned, it will not be, even with the worst possible suspicions of the honor of the republican members of that committee, a smothering committee. The simple point, then, so far as he is concerned, between a standing committee and this proposed special committee, is that

the gentleman who has given the most attention to the subject does not happen to be a member of the Finance Committee. Well, that is a misfortune, or rather it would be a misfortune were it not for the fact, as I must suppose it is a fact, that the Senator who has said the most upon this subject, and has brought these figures to our attention, has stated to us all that he knows upon the subject at present. We have had the benefit of the investigations made by my honorable friend from West Virginia, and he seems to have "petered out," so far as present explorations are concerned. Let us, therefore, take this contribution that he has so manfully made to our stock of knowledge about the management of the Treasury Department and turn it over to our fresh brethren of the democratic party, who may take hold of it with renewed eagerness. No, Mr. President, I must suggest to my friend from Ohio, seriously speaking, that that argument does not appear to me to have any weight at all.

As my friend says, if we are to have experts, they will not be members of the committee in a technical sense. If we are to have an intelligent and business-like examination of the points named by the Senator from West Virginia, then the Finance Committee is quite competent to attend to it; and with some little experience here in regard to expense, I think I can safely say that the expense of every investigation and inquiry made by a special committee is double what it would be were it made by a standing committee. It has to have a clerk and a fresh stenographer and a fresh room, fresh messengers, and ten thousand things. If you will only look at the accounts of the disbursements of the cashier of the Senate for our committees, you will see very readily how the expenses of special committees run up, I do not mean to say wrongfully and improperly, but from the very nature of the case when you get to it, above what the expenses of the standing committees, who have to have all this standing organization, amount to

Therefore, Mr. President, inasmuch as there can be no difference in respect of the urgency and fidelity of this investigation between the standing committee to which the subject properly belongs and a special committee, I, for one, when the proper time comes, shall move to amend the resolution by striking out "special" and inserting "Finance."

Mr. SHERMAN. As a matter of course I am indifferent as to what committee this matter shall be sent; but I am quite sure that when the Senator from West Virginia comes to examine it deliberately he will find that all these discrepancies, as he calls them, will be amply and fully explained. I listened to the statement made by the Senator from Massachusetts, and it was perfectly obvious that in every case he touched the explanation was perfectly satisfactory without going into the necessary details for a fuller explanation. That sometimes the expenses of a particular year may not at the end of that year be shown by the Treasury books is perfectly plain, because there are outstanding Treasury warrants, unsettled accounts chargeable to that fund, and many other things which would explain much larger sums than are shown here by the statements of the Senator from West Virginia.

Then again, the $248,000,000 difference between the statement of the public debt on the Register's books and the Treasury books has been explained over and over again. For two years the accounts of the Register and the accounts of the Secretary's office differed in the important elements of the mode of stating the account. In the years 1869 and 1870, as we all know, the Secretary of the Treasury insisted upon including in the report of the public debt in the annual statement made by him the amount of money on hand and the accruing interest on the bonds of the United States. That was right. It was a very great improvement made by the then Secretary of the Treasury, and for two years, owing to this change, showing a nominal increase of the public debt by adding to it the accrued interest and then deducting from the total the amount of cash on hand, thus presenting the exact condition of the Treasury as a private individual would state his own book account, necessarily the Secretary's statements differed from the Register's account, which only showed the actual public debt outstanding. It was perfectly right for the Secretary to exhibit the statement he did; it was perfectly right for the Register to exhibit the statement he did; and because the Register of the Treasury afterward adopted the same mode of stating the account for and since the year 1871, the discrepancy between the two accounts is not so great. It is well understood and has been commented on in the Senate Chamber over and over again. Now, to require the Committee on Finance to go over these figures, to go over these statements, and explain these matters that we must be familiar with from the nature of our positions, it seems to me, is to require of us a work of supererogation. On the other hand, it may be that the Senator from West Virginia has impressed upon the minds of some persons in the United States of America, his own constituents or some portion of the people, the idea that by some means or other there is an attempt here to alter or change the accounts (because he speaks of alterations and changes in the accounts) for the purpose of throwing some doubt around the correct statement of the public debt or the correct statements of our expenditures. I for one would like to have the Senator from West Virginia detailed to examine this matter himself, as a member of a special committee, and let him satisfy his own mind, with a perfect confidence in his sense of justice that when he explores these figures in all their details, and is satisfied, he will so report to the Senate. Therefore, for one I shall vote for a special committee.

I have no doubt that a committee can be formed of five members, without any expense at all, to perform this duty; and I do not see any reason for sending for persons and papers. It would be wrong to allow any committee to send to the Treasury Department for papers to be brought from the Treasury Department here or anywhere else. Indeed, the committee ought to go to the Treasury Department, right to the offices, to the places where these books and papers are kept, and look at them; and I can say to the Senator that it seems to me that he would have no difficulty in going himself as an individual and seeing these books and figures. I have never had any. I do not understand why he was refused. He might have asked for elaborate documents and been refused; but it seems to me he could go and examine all these documents and papers as a member of the Senate of the United States. That is usually a matter of courtesy. I do not think it necessary, therefore, to give a committee power to send for persons and papers, but a committee can go there with the power of the Senate and examine these books and make out a statement. While I think the Senator will only by the investigation remove some of the doubts he may have on his own mind, in regard to these items, I would much prefer that he should do it than I be called upon to act in the case.

Mr. EDMUNDS. I ask to have the resolution read, so that I can move an amendment.

The PRESIDENT *pro tempore*. The resolution will be read.

Mr. EDMUNDS. Without the preamble.

The Chief Clerk read the resolution.

Mr. EDMUNDS. I move to strike out "a committee of five be appointed to," and insert "the Committee on Finance."

Mr. BAYARD. I am very sorry that the Senator from Vermont has offered the amendment. In every respect, for every reason, it is much more satisfactory that the matters embraced in this inquiry should be sent to a special committee. The Committee on Finance has already quite enough, both in the importance and great variety of the subjects referred to it, to keep its time constantly occupied. Besides all that, the gentlemen who have examined this question more than others in the body are not members of that committee. I agree with the Senator from Ohio [Mr. THURMAN] that it is important that there should be no doubt whatever in regard to the correctness of the public accounts. I am very sure that the best way to strengthen our credit is to have our accounts at all times open to investigation and their correctness sustained by the intelligence and character of every member of a committee to whom the subject was committed. I trust this matter will not go to the Committee on Finance, because from the very composition of that committee the Senate and the country will be aware that the gentlemen who have given this subject the most attention are excluded from the investigation proposed.

I agree with the Senator from Ohio [Mr. SHERMAN] that no man would be more prompt than the Senator from West Virginia [Mr. DAVIS] to state that the doubts which have been created in his mind by those obvious discrepancies have all been removed by explanation. I am very sure that the present head of the Treasury Department will lend every aid in his power. But, now that the subject has been mooted, I do submit to the Senate that it ought to be settled, and that any investigation that is fairly asked should be liberally accorded, and that the gentlemen who have taken the pains and trouble to present this apparently entangled and unexplained, I will not say inexplicable, condition of accounts are the proper persons in part to whom such an investigation should be confided.

As to the composition of the Committee on Finance, it has, as far as the minority of this body is concerned, as yet a lower ratio than any other committee of the body. It is plain that, when this especial subject has been considered and brought before the Senate as elaborately and intelligently as it has been by the Senator from West Virginia, the exclusion of the mover of such a resolution from taking part in the investigation would be unwise and irregular. I should certainly desire the investigation, and I have no doubt that the investigation would be facilitated by the gentleman in charge of the Treasury Department, who will of course be desirous to learn how these singular or abnormal irregularities which have been stated could have occurred. As yet no good reason has been advanced for them on the other side, and when I say "the other side," I mean in reply; I do not take it to be a question of sides. These accounts are common to us all; the credit of our country is common to us all. The regularity of the accounts belongs as much to one as to the other. We are equally interested in this matter. Therefore, I think, that where such irregularities are alleged, which are to my mind as yet unexplained, they should be inquired into. Why should not an item fixed and passed be recited in the identical amount from one year to another, when the elements composing it have all been reduced in arithmetical precision to a certain sum? Why should that sum arbitrarily be changed and we be told that millions grow unaccountably upon millions? When that is the case it is time, if this arises from an erroneous system of recital or of book-keeping, that, for the credit of the country, it should be changed. Our accounts ought to be; they are meant for the people. They are not meant for skilled accountants alone. They are not meant for gentlemen who have the balances of the Treasury at their fingers' ends. They should be clear, and simple, and explicit, so that any man in this land who can add and subtract and multiply may be able to understand them; and if the system has been faulty in making up or in presenting or in recit-

ing these accounts it should be changed. Everything should be done to give, not only the people of this country, but those who are our creditors elsewhere, complete and absolute confidence in the accounts of our business as published to the world.

I cannot believe that in this there will not be a hearty and a sincere co-operation of every member of the Senate, and I do trust the Senator from Vermont will permit this special committee to be raised for the reasons I have given, and allow those who have taken an interest in this subject, and who are recognized as the peculiarly fitting persons to be intrusted with its consideration, to take part with and become members of the committee. No member of the Committee on Finance has taken this matter much into consideration. There are but two members of the minority on that committee, and neither of them has had these subjects brought before him for his attention half so much as other gentlemen of the body. If I were to-morrow or to-day to be appointed a member of the special committee, I should ask to be excused, from the fact of other occupation and from the fact that other men who had considered the question more carefully were here in the Senate and subject to service upon the committee. The Committee on Finance has its regular business, and that is very abundant already. The honorable Senator who is chairman of that committee certainly knows that he gives his committee full opportunity to perform its duties by frequent meetings, and that its members respond very fairly to his summons. Therefore, as he has expressed his wish, I join him in it, and I trust the honorable Senator from Vermont will permit this resolution to be adopted.

Mr EDMUNDS. The Senator from Delaware has confirmed my conviction in what he has said, that this inquiry ought to be made by the Finance Committee. If there is any prejudice about it, any preconceived opinion, then his own statement of the fact that this ought to be a most impartial investigation should lead us to send it to a committee which has not expressed itself on the points, but the nature of whose organization implies, from year to year, that it must have a general knowledge, as a judge is supposed to have of the law, of the laws relating to the Treasury Department and of its actual operation. They, therefore, with this general knowledge, their peculiar fitness for the station to which they are appointed, implying that they do have it, leads me to believe that of necessity the correct committee is the Committee on Finance. It is their constant business to study the laws regulating the Treasury Department. It is their constant business to know its operations in a general way; I do not mean to descend into details over it; so that that committee is familiar, as a judge is with the law, of all the general means of getting at the truth about this business which are in existence; and of course perfect means are in existence.

Therefore, Mr. President, it is much more suitable, if our object is a fair and impartial and intelligent investigation, that we should send it to that body of men whose special duty it has been to make themselves familiar with the general principles and the general facts that bear upon such a question. There is no need of having a Finance Committee if this, one of its most appropriate subjects of action, is not to be sent to it. We might just as well, when we have a tax bill come in from the other House or a resumption bill or whatever it may be proposed here, have a special committee upon that; and yet nobody would think of it, for the reason that the selection of standing committees is based upon the idea that we are to have committees enough in the Senate, standing all the time, to cover all the subjects of investigation and action which we are called upon to consider. This is confessedly, intrinsically, necessarily one of the very subjects that belong to the cognizance of that committee, and I cannot persuade myself that my honorable friend from Delaware will fail to do his whole duty in that careful and impartial and diligent investigation which is so much to be desired.

But my honorable friend says that the gentlemen in the opposition have not a very large representation upon that committee. My honorable friend also says that this is not a party question in any sense; that we are all equally interested in it, as is perfectly true. It is just as much the interest of the party to which I belong to correct even an error in book-keeping, if there be one, as it is the interest of the gentleman's party. He is quite right about that. The circumstance, therefore, that there are only two gentlemen of his party upon the Finance Committee should not, on his own correct statement of the situation of this question, weigh a single moment in considering to what committee it ought to be sent. If, as I say, we have a standing committee covering these subjects, appointed for the purpose of considering them, then where is the necessity of setting up a special committee to take away from that standing committee a part of the very duties that it ought to perform?

Mr. THURMAN. Although this discussion is becoming perhaps a little tedious, I must say a few words more on the question. It seems to me that we are in danger of coming to a wrong conclusion about it. I ask that the resolution may be read.

The PRESIDENT *pro tempore*. The Secretary will report the resolution.

The Chief Clerk read as follows:

Be it resolved, That a committee of five be appointed to investigate the books and accounts of the Treasury Department, particularly with reference to discrepancies and alterations in amounts and figures that have been made in them, especially in the annual statements of the expenditures of the Government, revenue collected, and the public debt contained in said reports; and if any such discrepancies and alterations be found to exist, to report the same and the extent and nature thereof, the years wherein they occur, by what authority made if any, the reasons that induced them, and to report generally such other and further information bearing upon the subject as to them may seem best; and that said committee have power to send for persons and papers.

Mr. THURMAN. Mr. President, it will be seen by the resolution that this is not necessarily an inquiry to find out whether the public Treasury has been robbed. This is not to be an inquiry into the misconduct of officers. It is founded on certain discrepancies that appear in reports made to the Congress of the United States that have been repeated year after year, that have gone to the public, that have been relied on by the people and by the public creditors, and which are found by comparison with other reports made from the same source to involve discrepancies amounting to several million dollars. I was going to say many millions, for the discrepancy in a single year with reference to the amount of the public debt, the year 1864 I think it is, is $75,000,000. It has properly been said there is no party question about this. The Senator from West Virginia in the speech which he made uttered not one word of party accusation. He criminated nobody; but he called the attention of the Senate to the fact of these discrepancies between these reports. They were matters calculated to strike the mind of any one unacquainted with any explanation that might be made. Now what answer has been given?

It has been said, and first by the Senator from Massachusetts, that if the Senator from West Virginia had called upon the Secretary of the Treasury peradventure all his difficulties would have been removed by an explanation made by that officer. That was intimated at least by the Senator from Massachusetts. Is that any answer at all? Are the official reports made to Congress, upon which the people, the business men of the country, and the public creditors act, so uncertain, so unreliable, that a man has to go to the Treasury Department to find out whether they are correct or not? The Senator from Massachusetts admits in his speech that the records of the Register and the reports of the Register of the Treasury as to the amount of the public debt cannot be relied upon; that they are untrue. The Senator says that in so many words.

Mr. BOUTWELL. I do not imagine that the honorable Senator from Ohio pretends to misrepresent me.

Mr. THURMAN. I will read the Senator's own words. Then he cannot say that I misrepresent him.

Mr. BOUTWELL. I have not admitted, I think, that they were untrue. If I have, it was a slip of the tongue. I admitted that they were based upon a different state of facts, and did not represent the exact condition of the country with reference to the debt.

Mr. THURMAN. I want to use exactly the language of the Senator, and I will read it:

Then, up to 1869, the Register had kept the account of the debt of the United States, as by law he was required to do. No account of it had ever been kept in the office of the Secretary of the Treasury, and in a certain sense, therefore, there were no present checks upon the accounts of the Register.

Now I wish first to stop there a moment and call the attention of he Senate to the admission that up to the year 1869——

Mr. BOUTWELL. The word the Senator from Ohio used was "untrue;" he said that I had admitted that the statements made by the Register were "untrue."

Mr. THURMAN. I will come to that. I want to call the attention of the Senate to the admission that "up to 1869" "there were no present checks" in the Treasury Department; of course he means "upon the accounts of the Register."

To be sure—

The Senator goes on to say—

the books of the Department furnished the means by which the statements made by the Register could be substantiated or invalidated, but there were no present means at hand by which the accuracy of the reports made by the Register of the Treasury could be established.

This is what the Senator admits was the state of the Treasury accounts up to 1869. I say, if that is the case, it is time a remedy was provided. Now we will go on further. In a subsequent paragraph of the Senator's speech he says:

Now, then, the business of the Register of the Treasury in reference to the public debt is this: he keeps an account on the credit side of all the issues of obligations by the Government, whether bonds or United States notes, or any other form of evidence of public indebtedness. He keeps also an account upon the debit side of the payments made for the redemption of these various securities; and the difference between the two sides of the ledger shows the amount of the public indebtedness.

That is what the Senator says in regard to the Register's account. Then he goes on to say:

That was the account kept by the Register of the Treasury from the beginning of the Government until now. It is, so far as I know, a true account. It has not come to my knowledge, and it will never, I think, come to the knowledge of the honorable Senator from West Virginia, that those figures have by anybody, either with or without official authority, been changed; but they do not state the exact truth.

That is what I said was the admission of the Senator from Massachusetts.

Mr. BOUTWELL. Very well. Now I bring the Senator from Ohio to his own statement, that I alleged that the accounts of the Register were untrue. He has read the record of what I did say.

Mr. THURMAN. The Senator cannot undertake to cavil about words with me.

Mr. BOUTWELL. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Ohio yield to the Senator from Massachusetts?

Mr. THURMAN. I said precisely what I say now, and what I intended to say. The Senator seems to be sensitive about this matter. He assumed a peculiar air in the close of his speech toward the Senator from West Virginia, and undertook to deliver a moral lecture in a tone unusual to the Senate of the United States. The Senator will do best to preserve his equilibrium. I did not say that the accounts of the Register were false; I did not say that the Senator from Massachusetts admitted that they were false; but what I did say, and what I offered to read, so that the Senator's exact words might be used, was that "they do not state the exact truth;" and I was going on to state, when the Senator was so quick to jump up and interrupt me——

Mr. BOUTWELL. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Ohio yield to the Senator from Massachusetts?

Mr. THURMAN. Certainly.

Mr. BOUTWELL. The Senator has taken a reasonable time now in making his statement, and I hope I may be pardoned for an observation. It was quite immaterial to me personally, but it was material to the place, whether or not I had admitted that the statements of the Register were untrue. So far from my having admitted anything of that sort, I said—

It is—

speaking of the account kept by the Register of the Treasury—

so far as I know, a true account.

That is what I said. I do not wish to discuss words with the honorable Senator from Ohio. I only wish to be relieved from the impression that would be produced by his remark that I admitted that the accounts of the Register of the Treasury were untrue. That they did not in those years state the exact truth as to the amount of the public debt outstanding, I stated to the Senate in various forms; but the accounts, I insisted then, and I insist now, were true.

Mr. THURMAN. If the Senator had not interrupted me right in the middle of a sentence, he would have found that I would have read his exact words, and that when I said he admitted that the accounts of the Register were not true, if that was my language, I only meant to say that those accounts did not present the true state of the public debt. That is the main question. The rest is all sticking in the bark, like this talk about whether the figures have been changed in the Register's accounts. The main question is this: Are the reports that are made to the Congress of the United States, that are published by our authority, that are sent abroad to this whole country, that are sent to foreign countries, upon which the people rely, upon which Congress relies, upon which the public creditors rely—are these statements as to the amount of the public debt, the amount of our revenue, the amount of our expenditure, to be really relied upon? We are told distinctly that they are not. We are told distinctly by the Senator from Massachusetts, who was so long at the head of the Treasury, that the Register's accounts upon which we have relied up to the year 1870 without alteration or change—I will use his exact language—

Do not state the exact truth.

That is what we are told. For eighty long years, at least, the people, Congress, and the public creditors thought they did state the exact truth. They relied upon the statements; nobody ever doubted the statements; and now we are told that all that time Congress, the people, and the public creditors were under an illusion, for "they do not state the exact truth," and when the Senator from Massachusetts became Secretary of the Treasury he set somebody else to work to find out the truth. I do not blame him for that. It was his duty to do it, if he found that these reports did not state the exact truth; and the result of his investigation is that these reports are far from stating the exact truth. In one single year, for example, in the statement of the public debt there was a discrepancy to the extent of $75,000,000, and it was time to find some "present checks" for the accounts of the Register of the Treasury. It was time to find some means of making true and accurate reports to Congress; and if the Senator from Massachusetts has accomplished that purpose, it will be one of his claims to the public gratitude and one which his countrymen will very freely admit. But, sir, the Senator went on and said: "It is, so far as I know, a true account," &c.; "but they do not state the exact truth." Now I wish the Senate to listen further to what he said:

When large operations were carried on by the Government and loans were making at the rate of many hundred million dollars a year, these accounts of indebtedness of the Government were very far from the actual truth.

That is the statement of the Senator.

Mr. BOUTWELL. Will the Senator just read the next paragraph?

Mr. THURMAN. I will read the whole sentence; I am not accustomed to garble anything:

But, nevertheless, they contained the means by which any competent person could ascertain what the truth was, and they stand so to-day.

That is to say, when the Government was seeking loans from the citizens of Ohio and was saying the public debt is so much, the public liabilities are so much, the interest to be paid is so much, our revenue is so much, our expenditures are so much, and you can safely subscribe at the highest figure, these facts will justify you and make the creditors secure, then comes the Senator from Massachusetts and says, "Why, Mr. Ohioan, you were a very simple man; those reports upon which you acted were very far from the truth; but if you were a competent man, if you were an expert in book-keeping, if you were a good statistician, if you knew all about the laws that govern the collection and expenditure of the public revenue, if you were a good accountant and book-keeper and familiar with the laws of the Treasury, then, if you had come to the Treasury, you would have found the means there, by investigation, to ascertain"—what? To ascertain whether the official reports of the Government in regard to the public debt were true or were "very far from the truth." That is what the Senator from Massachusetts tells us. That is the admission that he makes; and if there were nothing else in all this case, I say that he has demonstrated by his speech the necessity of an inquiry whether there is no better means of keeping the books of that Department, so that reports shall not be made to Congress which are very far from the truth and which we see in a single year were $75,000,000 from the truth in the single item of the public debt.

Now, Mr. President, it is not a question whether or not a most expert accountant could go into the Treasury and with sufficient aid find out, with the means which are there, what the state of the public debt is. The question is, is there no mode of keeping the accounts of the Treasury so that the public can know through the official reports what is the amount of public debt, what is the amount of public expenditure, what is the amount of public revenue, so that we can understand all these subjects? We all know that Congress acts upon these reports from year to year. We make them the basis of our legislation. The people act upon them, the public creditors act upon them, and it is high time that the inquiry is made, is there no system of book-keeping by which the reports made to Congress in regard to the revenues of the Government, the expenditures of the Government, and the public debt of the Government can be absolutely relied upon? That is the main question. I say that the thanks of the Senate and the country are due to the Senator from West Virginia for calling our attention to this subject, not in a partisan spirit at all, but in the spirit of a business man, in the spirit of a Senator anxious to protect and promote, and not to injure, much less to destroy, the public credit. Not a word was said by him or by any other Senator who has spoken on this resolution calculated to destroy or to impair the public credit. Every one has hoped that there is an explanation of this business, but every one can see that unless there shall be an explanation and unless some system shall be adopted that in the future shall render such explanations unnecessary, shall remove such discrepancies, shall assure the public that the reports made to Congress can be relied upon—unless something of that kind shall be done the public credit will suffer damage; it will be impaired.

I say again, as has been said, that this is no party question. There is nothing of party in it. It was not inaugurated, I believe, in any spirit of party. It was not inaugurated to criminate anybody at all. It was inaugurated for the legitimate purpose, for the true and loyal purpose, of ascertaining whether or no the accounts of the Treasury cannot be kept as well as the accounts of a great railroad company or of a great mercantile firm. They ought to be kept in a better way. I do not say that anybody is to blame, or who is to blame for it, but it is a fair subject of inquiry, to say the least. I have heard things stated, but I will not repeat them, because I will not repeat things upon mere rumor. I do not expect in this investigation, probably, to implicate anybody. I do not know any such thing as that. I have no such object as that to be promoted. What I want is that some system shall be devised, if it can be, (and, if it cannot be, let us know the fact,) by which we can know whether the reports made to us are the truth, for, in the language of the Senator from Massachusetts, they are very far from the truth.

One word more, sir, as to the committee to whom this shall go. Certainly no one has more confidence than I have in the Finance Committee; but for the reasons stated by the chairman of that committee and by the Senator from Delaware and reasons stated by others, it does seem to me it is but fair and right that this should go to a special committee. I do not believe that will involve any additional expense. None has been suggested that I know of except the expense of a clerk and stenographer.

Mr. EDMUNDS. I suggested to my honorable friend, or I will now suggest if he is referring to me, that this is one of the essential and appropriate duties of the Finance Committee and belongs to them.

Mr. THURMAN. I was going to notice that. Certainly it would be a very appropriate duty of that committee. I do not deny that. That committee would be a very appropriate committee to make the examination if it had nothing else to do, if it had plenty of time to do it, and if there is no better mode of making the investigation; but it is not necessarily the business of standing committees to make investigations at all. We often raise special committees for that purpose if there is any reason, and I admit there ought to be some special reason why a special committee should be raised. If there is a good reason in this instance, then the resolution as originally proposed ought to prevail. I think there is. I think there is in the fact that has been stated. I think there is in the examination that two of the Senators on this floor have given to this subject, not with any prejudices, not to establish any theory, but merely to arrive at the truth. I think they ought to be on the committee, and then Mr. President can

compose it as he pleases and put three members of the Finance Committee upon this special committee, if he will, so that that committee will have all the benefit of the learning and experience of the Finance Committee on the subject of the Treasury Department.

Mr. President and Senators, I have taken up more of your time than I ought to have done in speaking on this subject. I felt that it was misunderstood, that it was looked upon as a party attempt; at least some Senators seemed to think so. I know of nothing of that kind in respect to it, and I think that it was offered in perfect good faith, and it ought to be voted for in the same way.

Mr. MORTON. I am very glad to hear my friend from Ohio disclaim any party purpose or intention in this proposed investigation, for if he had not done so, and the debate should progress much longer, I am very much afraid that impression would prevail. I think this investigation ought to be made, and I am of the opinion that there is more material at present for an impassioned speech than there will be after the investigation is made. I think that this investigation ought to be made by the Finance Committee if a fair and honest report is what is desired, and I have no doubt that that is what is desired by my friend from West Virginia. Many of the members of the Finance Committee have been on that committee for years, and it has been made their special duty to become familiar not only with the general character but with the details of the business of the Treasury Department. It is a very complicated machine, and it will take any committee some time, perhaps weeks, to acquire the preliminary knowledge of the general working of that Department, as to the modes in which the accounts are kept, which the Finance Committee have already obtained by years of experience. Therefore, it ought to be intrusted to a committee that has a general familiarity and acquaintance with the Treasury Department.

What advantage is there in having it go to a special committee? What can a special committee do that the Finance Committee cannot do? Will it be more energetic? Will it be more determined? The Senator from Ohio himself expresses his perfect confidence in the Finance Committee. But he says three members of the Finance Committee can be appointed on the special committee. If the special committee is to be made up in that way, then what is the advantage of having a special committee over the Finance Committee? If the members of the Finance Committee have not the time to attend to it, how much more time will they have if placed on the special committee?

In any point of view the argument is against a special committee. This investigation ought to be left with that committee which by its nature and by its long experience is best qualified to make the examination and to make a fair and honest report. As I said before, the Treasury Department is a complicated machine. If I were appointed on a special committee to investigate it I think it would take me a long time to make myself acquainted with the general machinery of the Treasury Department and the way in which accounts are kept and rendered from time to time, and at the end of two or three weeks' study I would only be where the Finance Committee are at the beginning. I am inclined to think that my friend from West Virginia, with all his knowledge of business and of accounts—and I have no doubt that he is a good business man—will find in the end that some of the difficulties in his mind arise from the fact that he is not familiar with the manner in which accounts are kept in the Treasury Department. This regular committee, the Finance Committee, will, I have no doubt, avail itself of the investigations made by my friend from West Virginia, and he will not only be permitted to go before the committee and give any information he may have or give any direction of examination, but the committee will be glad to have him do so, and he will have every opportunity that he would have if he were on the committee himself. For that reason, because of a desire for a full and fair examination by the committee best qualified to make it, I shall vote for the amendment of the Senator from Vermont.

Mr. EATON. Mr. President, as I have been alluded to by my friend from Ohio [Mr. THURMAN] as having made some investigation in regard to the accounts in the Treasury Department it is not improper that I should say that last summer I discovered not seeming but absolute discrepancies in the accounts. I gave a great deal of attention to the matter. I called upon the Secretary of the Treasury, as I thought I ought to do, before the holidays, and said to him that there were discrepancies in the accounts sent to Congress and the people. He said he would examine into the matter and talk to me about it when I returned from home after the holidays. Upon getting back here the Senator from West Virginia, who had also gone into an examination of this subject, proposed to offer certain resolutions, and therefore I did not see the Secretary of the Treasury again in relation to the matter.

In my judgment, Mr. President, this investigation ought to be intrusted to a special committee. As a business man, as a man having some knowledge of accounts, I undertake to say that here are months of labor. Can the Finance Committee perform that labor? The Senator from Ohio [Mr. SHERMAN] is a skilled financier, I doubt not; but can he devote his attention to this matter and abandon the business of his committee? In my judgment he cannot do it. If a special committee shall be raised I ask that I may not be placed upon that committee. For certain reasons I should decline any position there under any circumstances. But still I say it should be a special committee, because the Finance Committee has in charge all the financial interests of this people and cannot give their attention to this business. I have devoted a month's time to the matter myself, and I undertake to say here that the explanation, or the pretended explanation, of the Senator from Massachusetts is not an explanation. He does not undertake to explain the difference of $100,000,000 in one year. I know he can explain the difference of two and a half millions; but this he cannot. I cannot do it. There is no explanation that I can see to be offered, and yet there may be.

Mr. SHERMAN. I ask the Senator what year he refers to?

Mr. EATON. I do not quite remember; 1869, perhaps.

Mr. SHERMAN. If the Senator will allow me, I can explain that.

Mr. EATON. Very well.

Mr. SHERMAN. I think the Senator from Massachusetts has made it so plain that no further explanation is necessary. The old form of making the statement of the public debt was simply to put down the amount of principal of the public debt and carry it out and add it up. I sent a moment ago to the Secretary to have a statement of the year 1868 brought to me, and I have it here. In 1869, when the Senator from Massachusetts became Secretary of the Treasury, he adopted a new form of statement of the public debt which has since been followed by the Department; and that statement contains not only what the former did, but the interest computed up to the day the statement is made for all items of public debt. Then, adding these together, he deducts the amount of money on hand, which at that time was a balance of one hundred to two hundred million dollars, as was stated a moment ago. The difference, therefore, is between these two statements, and it is still preserved. The Register made up his statement in 1869 and 1870 from his books showing the principal of the public debt, just as was done in all time past; but the statement of the Secretary of the Treasury would show it nearly $100,000,000 less, because from the amount of public debt to which he would add the accrued interest there would be deducted the amount of gold and currency on hand. That is the explanation of the statement in 1869 and 1870. In 1871, however, the Register adopted the same plan of stating the public debt as was adopted by the Secretary of the Treasury, and that removed this discrepancy. Now, that is all there is of it in those two years. If I had the statements before me I could point it out fully. There would always be some discrepancy between these two statements, but the statements for those two years explain the way it occurred. Perhaps I have not been more fortunate than the Senator from Massachusetts in making myself clear to the Senator from Connecticut.

Mr. EATON. I understand perfectly the explanation extended by the Senator from Ohio; but it is not an explanation. Let me show the Senator from Ohio in one moment how false his theory is. He says that the cash on hand, which was $150,000,000, is deducted. It cannot be so, for it is not $150,000,000; it is $99,000,000; and that statement of the gentleman shows that he has not made a thorough examination. I have made this observation myself from figures to which the Senator from Ohio refers, and he is incorrect, in my judgment.

That is not all. In my judgment this committee, whether it be the Finance Committee or a special committee, if the committee does its duty, will find that the interest account of the Government is not right. I have been through the figures with regard to the interest account of the Government, and, if this matter goes to that committee, I commend the examination of the interest account of the Government to that committee. I do not undertake to say that there has been fraud here, but I do undertake to say that there are errors.

Again, the best and most expert accountants in this land cannot take the reports of the Treasury Department, their monthly reports, the reports of the Secretary of the Treasury, the reports of the Register of the Treasury, and come within fifty millions of the amount of the public debt. They do not agree. No two accounts of the Government agree.

This examination is to be had. It is not to be laughed down. The telling of a story here will not stop examination into the Treasury accounts of the Government. That examination is to be had. There are gross errors, in my judgment. I hope I am wrong; I believe I am right.

Now, I should like to know by what process of book-keeping—I should be very glad to know, whether it be by single-entry or double-entry—you subtract from the public debt of the country the cash on hand. Suppose I owe $100,000, and have my property mortgaged for $100,000, in ten notes of $10,000 each, but I have $5,000 cash on hand. What has that to do with my indebtedness? I owe $100,000. What has the $5,000 cash I have to do with my indebtedness? The public indebtedness of the country ought to be found out without subtracting the cash on hand in the Treasury. In the first place, what is that cash on hand? It is greenbacks; it is coin; it is national-bank notes. It may be called out to-morrow. Appropriations are made by the Congress of the United States that will reduce in one day the $150,000,000 of cash on hand to $50,000,000 of cash on hand. Is that the way, do you mean to say, that the people of the country ought to be told what the general indebtedness of the country is?

My friend from Vermont asked my friend from West Virginia what double-entry book-keeping was. Well, it is not that sort of book-keeping that the Treasury Department adopts. Theirs is single-entry. There is no general stock account, as there must be a general account in double-entry book-keeping where the debit and credit

can be shown every day. There is no such thing. It is not done. I am not about to say that it ought not to be done, but it is not done in the Treasury Department. Theirs is a system of single entries, and a system under which the people of this country cannot take the reports of the Secretary of the Treasury and the Register of the Treasury and arrive at the debt of the Government within $50,000,000. There is not a Senator upon this floor who can take the reports of the Secretary of the Treasury and arrive at the absolute amount of the public debt within $50,000,000. The present Secretary of the Treasury reports that there has been a diminution of the public debt in the last two years of $20,000,000 in round numbers. Make a thorough examination of the report of the Secretary of the Treasury which I hold in my hand, and you will find that the reduction of the public debt in that time is $5,907,557.88. Those are my figures. I think the Secretary of the Treasury is entirely wrong in his last report, and it is because he manipulates the cash on hand that he arrives at the twenty millions of which he speaks. There is something to look at here. The people ought to know what the condition of their monetary affairs is.

I do not wish to go into any lengthy argument on this subject now. I remember a remark which was made by some Senator on the other side—I think it was the Senator from Indiana—that the speeches had better be made now rather than after the report of the committee. I think not. Let the committee examine thoroughly; let the committee report to this body; and then if our views are wrong we shall rejoice, and no speech need be made.

I hope, Mr. President, that a special committee will be raised. I hope so because I have given so much attention to this matter that in my judgment the general committee of this body on finance have not the time to devote to it. No matter whether I be right or wrong in my views, no matter how erroneous my opinion may be with regard to the condition of the accounts of the Treasury, an examination will take a great deal of time. It is not to be done in a day, or a week, or a month. It will take a great deal of time. Therefore I think it should go to a special committee.

I do not care to detain the Senate any longer upon this matter at this time. I trust that the motion of the Senator from Vermont will not obtain.

Mr. EDMUNDS. As this debate is going on I will now make a motion which I hope will be agreeable to everybody, and that is that we proceed to the consideration of executive business.

Mr. DAVIS. One minute before that, if the Senator from Vermont will give way.

Mr. EDMUNDS. Very well.

Mr. DAVIS. Several Senators, especially my friend from Ohio, the chairman of the Finance Committee, have said to-day, as the Senator from Massachusetts did the other day, that I ought to have gone to the Treasury Depar ment to have the discrepancies, or alterations, or changes in the statement explained. Now I want to say to Senators that I did go to the Treasury Department more than once, and I sought everbody there who I supposed could give me information; and to this time we have not——

Mr. EDMUNDS. I suggest to the Senator whether it would not be just as agreeable to him to go on in the morning, as it is getting late.

Mr. DAVIS. I do not want to make a speech, but only to say a few words in explanation. I did go to the Treasury Department to seek information, and it seems that the Senator from Massachusetts has gone to the Treasury Department and sought information and he has got it in writing; but the Senate will bear me out that only a portion, if any, of the changes that I submitted in my remarks has been touched upon by the Senator from Massachusetts; and I say now, as I understand from the Treasury Department, they cannot explain them, nor have they done so.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session, the doors were re-opened, and (at four o'clock and five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January* 18, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

ELECTION IN THIRD DISTRICT OF ALABAMA.

Mr. HOAR, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the reports of the supervisors of election appointed under laws of the United States in the first congressional district of Alabama, and now in the hands of the Clerk of the House of Representatives, with other papers touching the election held in said district on the 3d day of November, 1874, now in the hands of said Clerk, be taken therefrom and referred to the Committee on Elections, and printed at the discretion of the committee.

REPORT OF DISTRICT BOARD OF HEALTH.

Mr. SAYLER. I ask unanimous consent to submit a resolution for reference to the Committee on Printing. I introduce it at the request of the board of health of the District of Columbia.

The Clerk read the resolution, as follows:

Resolved, That the board of health of the District of Columbia be furnished with fifteen hundred extra copies of their annual report for 1874, constituting a part of the documents accompanying the President's late annual message.

There was no objection; and the resolution was received, and referred under the law to the Committee on Printing.

ARMY OFFICERS ENTERING FOREIGN SERVICE.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting, in compliance with House resolution of the 6th instant, a statement of the names of officers of the Army who have signified their intention of entering foreign military service; which was referred to the Committee on Military Affairs, and ordered to be printed.

MURPHY & GOOD.

The SPEAKER also laid before the House a letter from the chief clerk of the War Department, transmitting papers on the claim of Messrs. Murphy & Good for $791.33 for laying sidewalks in front of the arsenal grounds at Indianapolis, Indiana; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SURVEY OF THE CHIPPEWA RIVER, WISCONSIN.

The SPEAKER also laid before the House a letter from the chief clerk of the War Department, transmitting, in compliance with the provisions of the act of March 3, 1875, the report of Major Francis W. Farquhar, Corps of Engineers, of the survey of the Chippewa River, Wisconsin; which was referred to the Committee on Commerce, and ordered to be printed.

CLAIMS BEFORE QUARTERMASTER-GENERAL'S DEPARTMENT.

The SPEAKER also laid before the House a letter from the chief clerk of the War Department, transmitting, in connection with the report of the Acting Quartermaster-General, sent to the House the 6th instant, claims passed upon by the Quartermaster-General's Office since the Acting Quartermaster-General has had charge thereof; which was referred to the Committee on Military Affairs, and ordered to be printed.

FIRE IN A MILITARY CAMP.

The SPEAKER also laid before the House a letter from the chief clerk of the War Department, transmitting the proceedings of the board of survey held in camp on the Wachita River, Texas, April 15, 1875, to investigate the cause of the fire at the same place and date, and recommending that a gratuitous issue of clothing be made to soldiers of Company C, Sixth Cavalry, in place of that destroyed by the fire; which was referred to the Committee on Military Affairs, and ordered to be printed.

SURVEYS OF HARBORS, ETC.

The SPEAKER also laid before the House a letter from the chief clerk of the War Department, transmitting, in compliance with the act of March 3, 1875, copies of the report of Lieutenant-Colonel Thorn, Corps of Engineers, of surveys of Matinicus Bay and Harbor and Belfast Bay and Harbor, Maine, and Ipswich Bay and Harbor, Massachusetts; which was referred to the Committee on Commerce, and ordered to be printed.

HIGH-SERVICE RESERVOIR.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a letter from the Chief of Engineers, reporting a leak in the high-service reservoir and recommending an appropriation of $4,000 for immediate repairs of the same; which was referred to the Committee on Appropriations, and ordered to be printed.

SURVEY OF THE ELK RIVER, WEST VIRGINIA.

The SPEAKER also laid before the House a letter from the chief clerk of the War Department, transmitting, in compliance with the act of March 3, 1875, a copy of the report of Major W. P. Craighill on the survey of the Elk River, West Virginia, between the mouth and Charleston and Brackston Court-House; which was referred to the Committee on Commerce, and ordered to be printed.

LOUISVILLE AND PORTLAND CANAL.

The SPEAKER also laid before the House a letter from the chief clerk of the War Department, transmitting, in compliance with the provisions of the act of May 11, 1874, the report of Major G. Weitzel, Corps of Engineers, showing the receipts and expenditures for the year ending December 31, 1875, of the Louisville and Portland Canal; which was referred to the Committee on Commerce, and ordered to be printed.

NARRAGANSETT BAY.

The SPEAKER also laid before the House a letter from the chief clerk of the War Department, transmitting, in compliance with the provisions of the act of March 3, 1875, a report of Major G. K. Warren, Corps of Engineers, on the survey of Little Narragansett Bay, Rhode Island and Connecticut; which was referred to the Committee on Commerce, and ordered to be printed.

GEORGE WRIGHT.

The SPEAKER also laid before the House a letter from the chief clerk of the War Department, transmitting the claim of George Wright for use of his patent by the Government; which was referred to the Committee on Claims, and ordered to be printed.

SIGNAL SERVICE.

The SPEAKER also laid before the House a letter from the chief clerk of the War Department, transmitting, in compliance with section 228, section 6, Revised Statutes, a report of the Chief Signal Officer, showing the amount of funds appropriated for and expended by the Signal Department during the fiscal year ending June 30, 1875; which was referred to the Committee on Appropriations, and ordered to be printed.

REPORT OF COAST SURVEY.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting the report of the Superintendent of the United States Coast Survey for the year 1875; which was referred to the Committee on Commerce, and ordered to be printed.

PAWNEE INDIANS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting correspondence upon the subject of the present necessities of the Pawnee Indians in Nebraska; which was referred to the Committee on Indian Affairs, and ordered to be printed.

POST-OFFICE DEPARTMENT.

The SPEAKER also laid before the House a letter from the Postmaster-General, transmitting, in compliance with the act of June 8, 1872, a report of clerks and others employed in the Department, their time and compensation, for the year ending December 31, 1875, and an inventory of the United States property in the offices of the Department for the same year; a statement of mail equipments and contracts for the year ending June 30, 1875, and copies of stationery contracts made for the same year; which was referred to the Committee on Expenditures in the Post-Office Department, and ordered to be printed.

PAY OF CUSTOM-HOUSE OFFICERS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting, in compliance with the requirements of section 2539 of the Revised Statutes, a statement of the official emoluments and fees received by custom house officers during the fiscal year ending June 30, 1875; which was referred to the Committee on Ways and Means, and ordered to be printed.

WITHDRAWAL OF PAPERS.

The SPEAKER. The Chair will submit to the House the requests of sundry members for leave to withdraw papers from the files of the House.

Mr. CONGER. In all cases where there have been adverse reports the leave should not be granted to withdraw the papers.

The SPEAKER. It is always subject to that order.

Mr. CONGER. There is no rule upon the subject.

The SPEAKER. That is the understanding.

Leave was accordingly granted, as follows:

Mr. FREEMAN: Papers in the case of Charles H. Franks, to be referred to the Committee on Claims.

Mr. COX: Petition of messengers of the Supreme Court of the United States for back pay, to be referred to the Committee on Claims.

Mr. WALLACE, of South Carolina: Papers in the claims of Charles Roberts, A. B. Woodruff, J. D. P. Duncan, Robert C. Poole, and John L. Young.

Mr. DARRALL: Memorial and papers in the cases of Mrs. Maria Waits, of New Orleans, Louisiana; J. B. V. Richards, of Saint Landry Parish, Louisiana; John Miller and John Smith, of Louisiana, to be referred to the Committee on War Claims.

Mr. SINGLETON: Papers in the case of Horace D. Meade.

Mr. MacDOUGALL: Papers in the case of Ellen J. Brosman, from the Committee on War Claims.

PRINTING OF TESTIMONY IN ELECTION CASES.

Mr. HARRIS, of Virginia. I am instructed by the Committee on Elections to ask the House for an order to have printed the papers in the case of Cox *vs.* Strait, from the second congressional district of Minnesota.

No objection was made, and it was ordered accordingly.

Mr. HARRIS, of Virginia. I am also instructed by the same committee to ask an order to have printed the papers in the case of Spencer *vs.* Morey, from the fifth congressional district of Louisiana.

Mr. MOREY. Does that refer to the evidence now in or that which is to be agreed upon?

Mr. HARRIS, of Virginia. That which you and your competitor may agree upon and present to the clerk.

There was no objection, and it was ordered accordingly.

ORDER OF BUSINESS.

The SPEAKER. The morning hour now begins at fifteen minutes before one o'clock, and the first business in order is the call of committees for reports of a public nature, beginning with the Committee on the Judiciary.

TERM OF PRESIDENT.

Mr. KNOTT. The Committee on the Judiciary, to which was referred the joint resolution of the House No. 2, entitled "A joint resolution proposing an amendment to the Constitution," have had the same under consideration, and have directed me to report the same back with a substitute (H. R. No. 41) and move that the substitute be printed, and that the bill be made a special order for Tuesday next after the morning hour.

The substitute was read, as follows:

ARTICLE XVI.

No person who has held or may hereafter hold the office of President shall ever again be eligible to said office.

Mr. FRYE. I was instructed by the minority of the committee, with the consent of the committee, to offer a substitute for that report from the committee. I have not, by reason of the absence of one of the minority, prepared that substitute. I will ask consent to offer it at the time this report of the committee may come before the House for consideration.

The SPEAKER. That can be done by unanimous consent.

Mr. GARFIELD. Ask also that it be printed before that time.

Mr. FRYE. And that it be printed as soon as ready.

There was no objection, and it was so ordered.

The SPEAKER. The question is on the motion of the gentleman from Kentucky [Mr. KNOTT] to make this joint resolution a special order for Tuesday next after the morning hour.

Mr. RANDALL. And from day to day until disposed of.

Mr. HOAR. I object to that.

Mr. RANDALL. It will be necessary to have some discussion upon the subject, and if the gentleman objects to its being considered from day to day until disposed of, that may cut off discussion.

Mr. HOAR. The Committee on the Judiciary is entitled to their two hours.

The SPEAKER. The motion is to make it a special order for Tuesday next after the morning hour.

The motion was agreed to.

NATURALIZATION.

Mr. ASHE, from the Committee on the Judiciary, reported back without amendment the bill (H. R. No. 626) to amend the Revised Statutes relating to naturalization, with a recommendation that the same do pass.

The bill, which was read, provides that the declaration of intention to become a citizen of the United States, required by section 2165 of the Revised Statutes of the United States, may be made by an alien before the clerk of any of the courts named in said section, and that all such declarations heretofore made before any such clerks shall be legal and valid as if made before one of the courts named in said section.

Mr. ASHE. I will now move the previous question on the bill.

Mr. PAGE. I would like to hear some explanation of the provisions of this bill. In what way does it propose to amend the Revised Statutes?

Mr. ASHE. In this particular: It authorizes an alien to file his declaration before a clerk of any of the courts named in the section of the Revised Statutes referred to. Before the adoption of the Revised Statutes that was the law, but in the revision of the statutes the word "clerk" was omitted. A number of immigrants in the Northwestern States especially, supposing there had been no change in the law, have filed their declarations before the clerks of the courts. This bill is simply to put back the law to where it was before the revision of the statutes was made.

Mr. HOLMAN. I wish to ask the gentleman whether this bill goes to the extent of curing the defect in the declarations already made?

Mr. ASHE. Yes, sir; it cures all such defects.

Mr. PAGE. If that is the only change proposed by this amendatory bill, I have no objection to it.

The SPEAKER. If there be no objection, the Chair will regard the previous question as unnecessary.

There being no objection, the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. ASHE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JUDICIAL PROCEEDINGS IN WASHINGTON TERRITORY.

Mr. HUNTON. The Committee on the Judiciary, to whom was referred the bill (H. R. No. 353) to amend section 1911 of the Revised Statutes, have unanimously directed me to report back the same with an amendment, and recommend its passage.

The bill, with the amendment of the committee proposing to insert the word "and," provides that section 1911 of the Revised Statutes of the United States be amended by inserting the words "and the laws of the United States" after the word "Constitution" in the latter clause of said section.

Mr. HUNTON. I desire to say a word in explanation of this bill. The section which it proposes to amend confers upon the district courts of Washington Territory jurisdiction in all cases arising under the Constitution of the United States and the laws of the Territory.

The design of the amendment is to give jurisdiction to those courts in all cases arising under the Constitution and laws of the United States and the laws of the Territory, thus conforming the law in regard to Washington Territory to the laws originally adopted in regard to Kansas and Nebraska.

Mr. GARFIELD. Does this bill make the same provision for the other Territories that it does for Washington Territory?

Mr. HUNTON. So far as I know, Washington is the only Territory in this condition.

Mr. GARFIELD. I have had some occasion recently to look into this question, and I find an anomaly in the law. In the Territory of Washington a case can be taken up to the Supreme Court from the highest courts there, if the sum in controversy amounts to $2,000, or if the laws or Constitution of the United States are drawn in question. But the same provision does not apply to any other Territory. In the other Territories there must be either a money consideration to the amount named, or a personal right under the writ of *habeas corpus* must be involved. Thus a whole class of cases of vital importance, involving perhaps the construction of the very organic law of the Territories, cannot be taken up to the Supreme Court. If this bill conforms the law as to all the Territories to that proposed in regard to Washington Territory, it certainly ought to pass. I hope this amendatory bill is broad enough to do that.

Mr. HUNTON. No, sir; the bill under consideration applies only to Washington Territory, the Territory referred to in section 1911 of the Revised Statutes.

Mr. GARFIELD. The provision ought to be general; there is no reason why Washington Territory should have this exceptional privilege over all the other Territories.

Mr. HUNTON. Section 1911, which it is proposed to amend, applies to Washington Territory alone. That being the section to be amended, we can only make the amendment apply to that section.

Mr. GARFIELD. But the same provision ought to apply to all the Territories.

Mr. HUNTON. I suggest, then, that the gentleman introduce a bill to that effect and have it referred to the committee.

Mr. JACOBS. I would like to make a statement in regard to the condition of the laws of Washington Territory. The ninth section of the organic act, which relates especially to the judiciary, gives the district courts of the Territory jurisdiction in all cases arising under the Constitution and laws of the United States and the laws of the Territory, thus corresponding with the jurisdiction given to the circuit and district courts of the United States. In section 1909 of the Revised Statutes, all the Territories of the United States are enumerated with the exception of Washington Territory, and the cases in which an appeal or writ of error from the Supreme Court of those Territories will lie are defined. In section 1910 of the Revised Statutes the jurisdiction of the district courts of those Territories is stated, it being declared that the district courts of those Territories shall have jurisdiction of all cases arising under the Constitution and laws of the United States and of said Territories. Then section 1911, for the amendment of which I have introduced this bill, refers to the jurisdiction of the courts of Washington Territory and declares that the district courts shall have jurisdiction of all cases arising under the Constitution of the United States and the laws of said Territory, thus leaving it a very grave and doubtful question whether the district courts of Washington Territory have jurisdiction over cases arising under the laws of the United States.

The repealing clause in section 5596 seems to draw two distinctions, that the incorporation into said revision of any general and permanent provision taken from an act making appropriations, or from an act containing other provisions of a private, local, or temporary character, shall not repeal or in any way affect any appropriation or any provision of a private, local, or temporary character contained in any of said acts, but the same shall remain in force. That cannot be said of the laws of a Territory or the organic act of a Territory, especially those provisions which pertain to its judiciary, which are otherwise local and temporary. Hence, as the law stands at the present time, it is a doubtful question whether the district courts of the Territory have jurisdiction over cases arising under the laws of the United States. I wish to have this thing fully understood, because it is a matter of the first importance in that Territory. In nearly every case in which the United States has been a party the objection has been raised in our courts that the district courts of the Territory have no jurisdiction.

Mr. HUNTON. I demand the previous question.

Mr. HURLBUT. Let me point out to the gentleman before he demands the previous question that he has dropped a word which is absolutely necessary to the sense of his bill.

The SPEAKER. Does the gentleman refer to the word "and?"

Mr. HURLBUT. Yes.

The SPEAKER. By unanimous consent the word "and" will be inserted. It is a mere clerical omission.

Mr. HUNTON. I have written the word "and" in the bill reported back.

The SPEAKER. There being no objection, the word "and" will be inserted.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HUNTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COLLECTION OF ABANDONED PROPERTY, ETC.

Mr. ASHE, from the Committee on the Judiciary, to which was referred the bill (H. R. No. 53) to amend the third section of the act of Congress approved March 12, 1863, entitled "An act to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary districts within the United States," reported the same back with a substitute.

The SPEAKER. Unless objection be made the Chair will direct the substitute alone to be read.

The Clerk read as follows:

A bill to amend section 1069 of the Revised Statutes of the United States relating to claims for abandoned property.

Be it enacted by the Senate and House of Representatives, &c., That section 1069 of the Revised Statutes be, and hereby is, so amended that jurisdiction shall be taken and exercised by the Court of Claims over the claims of all persons who were infants, married women, idiots, lunatics, insane persons, or persons beyond the seas at the time of the seizure of any abandoned or captured property: *Provided*, That said claims are already filed in said court or may be filed within a period of two years from the passage of this act.

Mr. ASHE. I demand the previous question on the passage of the bill.

Mr. LAWRENCE. I make the point of order that the bill should go to the Committee of the Whole on the state of the Union, under Rule 112, as it will require appropriations to be made to pay the judgments to be rendered under it if it should become a law.

The SPEAKER *pro tempore*, (Mr. WHEELER in the chair.) The point of order is well taken; and the bill is referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

ROBERT ERWIN.

Mr. CAULFIELD, from the Committee on the Judiciary, reported back a bill (H. R. No. 231) for the relief of Robert Erwin, with the recommendation that it do pass.

The bill, which was read, provides that the Court of Claims may take jurisdiction of the claims of Robert Erwin, of Savannah, Georgia, for property taken from him, which claims were by accident or mistake of his agent not filed in season to save the term of limitation, without fault or neglect on his part.

Mr. HOLMAN. I make the point of order that that bill must have its first consideration in the Committee of the Whole House on the Private Calendar.

The SPEAKER *pro tempore*. The point of order is well taken; and the bill will be so referred.

STAMPING OF UNSTAMPED INSTRUMENTS.

Mr. FRYE, from the Committee on the Judiciary, reported back a bill (H. R. No. 785) to extend the time for stamping unstamped instruments, with the recommendation that it do pass.

The bill, which was read, provides that the provisions of the act entitled "An act to provide for the stamping of unstamped instruments, documents, or papers," approved 23d of June, 1874, shall be extended to the 1st day of January, 1877.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FRYE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COURT OF ALABAMA CLAIMS.

Mr. FRYE. I am also instructed by the Committee on the Judiciary to report back, with the recommendation that it do pass, the bill (H. R. No. 1054) to extend the time for claimants under section 11, chapter 459 of the laws of the Forty-third Congress, to prove their claims. I wish to state that this bill was reported by the gentleman from New York [Mr. LORD] on Friday, and was ordered to be printed and recommitted. In the absence, the necessary absence of that gentleman, I have been requested by the committee to bring it back to the House and to ask its passage.

The bill was read. It provides that it shall be the duty of the court of commissioners for the Alabama claims to receive, examine, and pass upon all claims that may be admissible under the provisions of chapter 459 of the laws of the Forty-third Congress, which may be presented and filed within three months after this act shall take effect; provided that it shall appear by the claimants' petition that, by reason of the absence of the claimants from the United States, or their ignorance of the time limited for the filing of petitions by such claimants, or for other reasons satisfactory to the court, such claims have not been previously presented to said court within the time limited by said act; and such claims, in cases where the claimants shall be absent from the United States at the time of presenting the petition, may be presented and verified by the attorney-in-fact of such claimants; and their evidence, in support of their respective claims, may be taken, if abroad, before any officer authorized to administer an oath by the authorities of the country where they reside, to be authenticated in due form of law.

Mr. FRYE. I desire to say but a word or two in explanation of this bill. It does not extend the jurisdiction of the court over any new matter whatever. The old law provided that all claims should

be filed within six months from the approval of the law. Now all of the large claimants, the merchants and the ship-owners, filed within the six months their claims, and all parties who had employed attorneys to look after their interests filed their claims. But it has been found that some few sailors on the Pacific coast, and some few sailors on the Massachusetts coast, whalemen, and perhaps a few others elsewhere, ignorant of the law or absent from home, failed to file their claims within the six months. As nearly as can be ascertained, these claims do not in all amount to $200,000. The claimants are of the poorer class, the class who need help, if any one does; and it was thought unanimously by the committee that it would be highly proper and just that those men should have an opportunity to appear before that court.

Mr. MOREY. I desire to offer an amendment to the bill.

Mr. FRYE. I will hear the amendment read.

The Clerk read as follows:

Add to the bill the following sections:

SEC. —. That the following words, at the end of the twelfth section of the act entitled "An act for the creation of a court for the adjudication and disposition of certain moneys paid into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, A. D. 1871, between the United States of America and the Queen of Great Britain," approved June 23d, 1874, to wit: "nor arising in favor of any person who did not at all times during the late rebellion bear true allegiance to the United States," be, and the same are hereby, stricken out and repealed; and the court of commissioners of Alabama claims are hereby authorized and empowered to hear and determine upon all claims presented and falling within the provisions of said act whenever it shall be shown that at the time of the loss the claimant was entitled to the protection of the United States in the premises.

SEC. —. That the time for filing claims in said court is hereby extended to the 1st day of September, 1876.

Mr. FRYE. I do not admit the amendment.

The SPEAKER *pro tempore*, (Mr. WHEELER.) The amendment is not before the House.

Mr. MOREY. Will the gentleman from Maine yield to me two or three minutes, that I may explain what I have in view in offering this amendment?

Mr. FRYE. I desire that an amendment so important as that shall be considered by the Judiciary Committee before it is considered by the House. I therefore refuse to admit it.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FRYE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CAPITAL PUNISHMENT.

Mr. LAWRENCE, from the Committee on the Judiciary, reported back the bill (H. R. No. 314) to abolish capital punishment, with the recommendation that the committee be discharged from its further consideration; and the same was laid on the table.

THOMAS PLANT.

Mr. GUNTER, from the Committee on Private Land Claims, reported back the bill (H. R. No. 285) for the relief of Thomas Plant, of Booneville, Cooper County, Missouri, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on War Claims.

The motion was agreed to.

JURISDICTION OF COMMITTEE ON RAILWAYS AND CANALS.

Mr. JONES, of Kentucky. I am instructed by the Committee on Railways and Canals to report the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That all bills, petitions, and matters or things relating to roads and canals and the improvement of the navigation of rivers, which during this Congress have been referred to the Committee on Commerce or which may hereafter be offered, shall be referred to the Committee on Railways and Canals, and such shall be the order of this House.

Mr. HOAR. I rise to a question of order. This resolution changes the rule.

The SPEAKER *pro tempore*. The point of order is well taken. The resolution is not now in order.

Mr. JONES, of Kentucky. Is not this in the nature of a bill?

The SPEAKER *pro tempore*. It is not in the nature of a bill. Has there been any paper or petition referred to the committee on which such a resolution can be based?

Mr. JONES, of Kentucky. There has not.

The SPEAKER *pro tempore*. The resolution is not in order.

WIDOW OF THE LATE JAMES J. GIBSON, JR.

Mr. POWELL, from the Committee on Accounts, reported back the following resolution, with the recommendation that it do pass:

Resolved, That there be paid out of the contingent fund of the House to the widow of the late James J. Gibson, jr., late an employé of the House, a sum equal to his pay for three months, and also to pay his proper funeral expenses.

The resolution was adopted.

Mr. POWELL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The list of committees having been gone through, the Chair will now, pursuant to the order of the House yesterday, continue the call of States for bills on leave and joint resolutions for reference, commencing with the State of Ohio.

Mr. HOAR. I rise to a point of order. The call of committees began to-day with the Committee on the Judiciary, and I submit that the call should proceed until it reaches the committee where it began this morning.

The SPEAKER *pro tempore*. The Chair would inform the gentleman from Massachusetts that the morning hour has nearly expired.

Mr. HOAR. I understand the morning hour runs all day until otherwise ordered by the House.

The SPEAKER *pro tempore*. The gentleman desires that the call of committees shall be resumed, and the Chair will resume that call, as there are about fifteen minutes of the morning hour remaining.

AGENTS AND ATTORNEYS.

Mr. TUCKER, from the Committee on Ways and Means, reported back the bill (H. R. No. 595) to regulate the appearance and compensation of agents and attorneys prosecuting claims or demands before Congress and the Executive Departments of the Government, and for other purposes.

Mr. TUCKER. While the Committee on Ways and Means favor this bill they have considered that its consideration would more properly belong to the Committee on the Judiciary, and therefore they report it back with the recommendation that it be referred to that committee.

The motion was agreed to.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. COX. I am directed by the Committee on Banking and Currency to report back House bill No. 55, directing the commissioners in charge of the Freedman's Savings and Trust Company to institute suits against the agents of said company with a view of holding them personally responsible to the depositors for deposits made to said company, with the recommendation that it be referred to the special committee on that investigation. I move that it be referred to the committee of which Hon. Mr. DOUGLAS, of Virginia, is chairman.

The motion was agreed to.

CHANGE OF REFERENCE.

Mr. BRIGHT. The Committee on Claims have examined sundry petitions, memorials, and bills, and they find them improperly referred. They have therefore directed me to report the same back to the House and move that our committee be discharged from their further consideration and that they be referred to the Committee on War Claims.

The Clerk read the petitions and bills, as follows:

A bill for the relief of Henry Ware, of Louisiana;

The petition of Nicholas White, of Washington City, District of Columbia, for compensation for losses sustained by him in consequence of the occupation, use, and partial obstruction of certain property owned by him at Newport News, Virginia, during the rebellion, by the military authorities of the United States;

The bill (H. R. No. 893) for the relief of Reeder B. Sheppard, of Memphis, Tennessee;

The bill for the relief of Mary E. Whitehead, of Helena, Arkansas, for the estate of Alexander G. Clements, deceased;

The bill (H. R. No. 894) for the relief of John T. Stratton, of Memphis, Tennessee;

The bill (H. R. No. 485) for the relief of the estate of E. H. Childress, deceased;

The bill (H. R. No. 457) for the relief of Robert Isherwood's heirs;

The bill (H. R. No. 770) for the relief of Ely Penry;

The bill (H. R. No. 769) to provide for an appropriation for a court-house in Lexington, North Carolina, destroyed by fire while occupied by United States officers and soldiers in the fall of 1865;

The bill (H. R. No. 624) granting relief to Eva, Etta, Henry, and Guy Carleton, heirs of General James H. Carleton, deceased;

The bill (H. R. No. 1045) for the relief of Charles Gearing;

The bill (H. R. No. 300) for the relief of Howell H. Trask;

The bill (H. R. No. 486) for the relief of Duncan Marr;

The bill (H. R. No. 484) for the relief of Mrs. Martha A. Stevenson, of Tennessee;

The petition of Cogswell & Co., for refunding taxes erroneously collected;

The petition of Henry Weldon, asking for compensation for damages for loss of stores burned at Gaines' Mills, Virginia, June, 1862;

The petition of Vincent St. Vrain, for compensation for use of buildings at El Paso, Texas;

The petition of Louis Bruecke, for relief;

The bill (H. R. No. 493) for the relief of Edgar McDavitt, of Memphis, Tennessee;

A petition for the relief of Brown and James Robinson;

Papers for the relief of Abijah Dolly;

The petition of Charles B. Wylie, for refunding of moneys paid to freedmen; and

The bill (H. R. No. 494) for the relief of Samuel H. Donscomb, of Memphis, Tennessee.

Mr. BRIGHT'S motion was agreed to.

D. E. COOPER.

Mr. PHILIPS, of Missouri, from the Committee on Claims, made an adverse report upon the memorial of D. E. Cooper; and the same was laid upon the table, and the report ordered to be printed.

JAMES M. COFFINBERRY.

Mr. NEAL, from the same committee, reported back, with a recommendation that the same do pass, the bill (H. R. No. 247) for the relief of James M. Coffinberry, of Cleveland, Ohio; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

COMMERCIAL RECIPROCITY WITH CANADA.

Mr. WARD. The Committee on Commerce, to which was referred House joint resolution No. 14, authorizing the appointment of commissioners to ascertain on what terms a mutually beneficial treaty of commerce with Canada can be arranged, have had the same under consideration. The subject was referred to a subcommittee with instructions to examine and report thereon to the full committee. The subcommittee has submitted its report to the committee; but as there is some considerable difference of opinion in the committee in relation to the subject, and as the report cannot very well be properly considered until printed, I am instructed by the committee to submit to the House the report of the subcommittee, and ask that it be printed and recommitted to the Committee on Commerce.

The motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The call of committees is now concluded and the morning hour has expired.

ELECTION CONTEST—COX VS. STRAIT.

Mr. BAKER, of Indiana. I rise to a privileged question.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BAKER, of Indiana. I move that the certificates of the election commissioners of the county of Lyon, Minnesota, in the contested election of Cox *vs.* Strait be referred to the Committee on Elections.

The motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. By order of the House made on yesterday the next business in order is the call of States and Territories for bills and joint resolutions for reference only, not to be brought back on motions to reconsider. At the close of the morning hour of yesterday the call rested with the State of Ohio.

CURRENCY.

Mr. SOUTHARD. I ask unanimous consent to have printed in the RECORD the memorial of William Welsh and others, of Cadiz, Ohio, in relation to the currency. It is a very brief memorial.

There was no objection, and it was so ordered.

The memorial is as follows:

To the honorable the Congress of the United States:

The Legal-Tender Club of Cadiz, Ohio, consisting of over two hundred members, who have each subscribed to the following:

"We are in favor of—

"1. The immediate repeal of the 'forced' resumption act, desiring to reach specie payments naturally, by reviving and building up the business and industries of the country.

"2. Retiring the currency of private corporations as soon as it can be conveniently done and the substituting greenbacks therefor.

"3. A legal-tender currency commensurate with the business interests of the country, and interchangeable at par with 3.65 United States bonds.

"4. Equal and just legislation and action by the Government, sustaining, and not discrediting, the currency of the people.

"5. The payment of all debts, public and private, in good faith, according to the contract."

At its regular meeting, held 18th December, 1875, by a unanimous vote, resolved that the club petition and request the Congress of the United States to repeal what is known as the specie-resumption act, believing said act to be prejudicial to the business interests of the country; and that the officers of said club, in the name of the club, sign this resolution and present it to Congress.

Therefore we, the officers of said club, respectfully submit the above.

WILLIAM WELSH,
President.
EDWARD HALL,
Treasurer.
W. S. CESSNA,
Secretary.

HORACE WOODMAN.

Mr. FOSTER introduced a bill (H. R. No. 1202) authorizing an extension of patents granted to Horace Woodman August 1, 1874, for a new machine for stripping cards; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

E. G. ALLEN.

Mr. POPPLETON introduced a bill (H. R. No. 1203) for the relief of E. G. Allen, of Marion County, Ohio; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HENRY H. WHARFF.

Mr. VAN VORHES introduced a bill (H. R. No. 1204) granting a pension to Henry H. Wharff, Company C, Eighteenth Regiment Ohio Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. R. BOICE.

Mr. DURHAM introduced a bill (H. R. No. 1205) for the benefit of W. R. Boice, of Danville, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN WITHERSPOON AND JAMES SUFFELL.

Mr. DURHAM also introduced a bill (H. R. No. 1206) for the relief of John Witherspoon and James Suffell, of Kentucky; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BEDOW & WILSON.

Mr. DURHAM also introduced a bill (H. R. No. 1207) for the relief of Bedow & Wilson, of Danville, Kentucky; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. DURHAM also introduced a bill (H. R. No. 1208) to correct a mistake in and amend section 4130 of the Revised Statutes; which was read a first and second time, referred to the Committee on Revision of the Laws, and ordered to be printed.

AMENDMENT OF THE RULES.

Mr. DURHAM also submitted the following resolution; which was read, and referred to the Committee on Rules:

Resolved by the House of Representatives of the United States, That the following be, and the same is hereby, added to and made a part of Rule 130 of the House, namely:

And if all the States and Territories cannot be called in any one day, then on the next call of said States and Territories under this rule the Speaker shall commence the call where he left off on the preceding call, and thus continue the call until all the States and Territories have been called.

JOHN B. DAVIS.

Mr. PARSONS introduced a bill (H. R. No. 1209) for the relief of John B. Davis for mail service from Memphis, Tennessee, to White River, Arkansas, in 1868, 1869, and 1870; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

DEATHS RESULTING FROM WRONGFUL ACTS.

Mr. LAWRENCE introduced a bill (H. R. No. 1210) authorizing actions in cases of death resulting from wrongful act, neglect, or default; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DATE OF PENSIONS.

Mr. WHITE, by unanimous consent, reported back, from the Committee on Revolutionary Pensions and War of 1812, House bill No. 463, to provide that all pensions on account of death, wounds received, or disease contracted in the service of the United States since March 4, 1861, which have been granted or which shall hereafter be granted on application filed previous to July 4, 1876, shall commence from the date of death or discharge, and for the payment of arrears of pension; and moved that the committee be discharged from its further consideration, and that it be referred to the Committee on Invalid Pensions.

The motion was agreed to.

Mr. WHITE. I have a bill for which I ask immediate action by the House.

The SPEAKER. This call proceeds as during the morning hour of Monday; and bills are introduced merely for reference, not for debate or consideration and not to be brought back on a motion to reconsider.

Mr. WHITE. I ask unanimous consent to have the bill considered now.

The SPEAKER. The Chair cannot ask unanimous consent during this call.

WILLIAM PARK.

Mr. HOUSE introduced a bill (H. R. No. 1211) for the relief of William Park, of Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PENSIONERS OF 1812 AND MEXICAN WAR.

Mr. HOUSE also introduced a bill (H. R. No. 1212) to restore to the pension-roll the soldiers of the war of 1812 and of the Mexican war whose names were stricken therefrom for disloyalty; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACKSON COUNTY, TENNESSEE.

Mr. RIDDLE introduced a bill (H. R. No. 1213) for the relief of Jackson County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

W. H. FUQUA.

Mr. RIDDLE also introduced a bill (H. R. No. 1214) for the relief of W. H. Fuqua, of Rome, Smith County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PAYMENT OF IMPORT DUTIES IN LEGAL-TENDERS.

Mr. RIDDLE also introduced a bill (H. R. No. 1215) in relation to duties on imports, directing that one-half of the same shall be collected in lawful money of the United States; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PAYMENT OF UNITED STATES BONDS.

Mr. RIDDLE also introduced a bill (H. R. No. 1216) in relation to the interest-bearing obligations of the United States, declaring the same payable according to the proper legal construction of the laws under which they were issued; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ALBERT GRANT.

Mr. WHITTHORNE introduced a bill (H. R. No. 1217) for the relief of Albert Grant; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PAYMENT OF CLAIMS.

Mr. WHITTHORNE also introduced a bill (H. R. No. 1218) making appropriations for the payment of claims reported to Congress under section 2 of the act approved June 16, 1874, by the Secretary of the Treasury; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

D. P. ROWE AND BROWN & CROWELL.

Mr. McFARLAND introduced a bill (H. R. No. 1219) for the relief of D. P. Rowe and Brown & Crowell, of Morristown, Tennessee; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

TAX ON LEAF-TOBACCO.

Mr. McFARLAND also introduced a bill (H. R. No. 1220) allowing farmers and planters to sell $100 worth of leaf-tobacco raised by themselves without the payment of any tax, special or otherwise, and to modify the internal-revenue laws of the United States in other respects; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CLAIMS OF F. W. DOVE AND OTHERS.

Mr. McFARLAND also introduced a bill (H. R. No. 1221) authorizing the claims commissioners to re-open, examine, and consider the claims of F. W. Dove, administrator to C. Brasher, deceased, and others, and to make report thereon; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MOSES CUNNINGHAM.

Mr. DIBRELL introduced a bill (H. R. No. 1222) granting a pension to Moses Cunningham, of McMinn County, Tennessee, a private in Captain Trimble's company in the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

JAMES P. THOMPSON.

Mr. DIBRELL also introduced a bill (H. R. No. 1223) granting a pension to James P. Thompson, of Warren County, Tennessee; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

WILKINS W. WAGGONER.

Mr. CALDWELL, of Tennessee, introduced a bill (H. R. No. 1224) for the relief of Wilkins W. Waggoner, of Haywood County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

COMPENSATION OF MEMBERS OF CONGRESS.

Mr. BAKER, of Indiana, introduced a bill (H. R. No. 1225) providing compensation of members of Congress; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

LEGAL RATE OF INTEREST.

Mr. HUNTER introduced a bill (H. R. No. 1226) to fix the legal rate of interest on national money throughout the United States at not exceeding 6 per cent. per annum, and affixing penalties for its violation; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

SOUTHERN JUDICIAL DISTRICT OF INDIANA.

Mr. FULLER introduced a bill (H. R. No. 1227) to establish the southern district of Indiana, and to provide for the holding of circuit and district courts therein; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SAMUEL ORR AND PHILIP HARNBROOK.

Mr. FULLER also introduced a bill (H. R. No. 1228) donating condemned cannon and cannon-balls to Samuel Orr and Philip Harnbrook for monumental purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM JUSTICE.

Mr. HAYMOND introduced a bill (H. R. No. 1229) granting a pension to William Justice, late a private of Company H, Fifty-fifth Regiment Indiana Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SOLDIERS OF 1812.

Mr. HOLMAN introduced a bill (H. R. No. 1230) supplementary to an act granting pensions to certain soldiers and sailors of the war of 1812 and the widows of deceased soldiers, approved February 14, 1871; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANTIETAM NATIONAL CEMETERY.

Mr. HOLMAN also introduced a bill (H. R. No. 1231) for the relief of the board of trustees of the Antietam National Cemetery; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HARVEY BURK, BROWNSTOWN, INDIANA.

Mr. HOLMAN also introduced a bill (H. R. No. 1232) granting a pension to Harvey Burk, Brownstown, Jackson County, Indiana; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COMPENSATION OF MEMBERS OF CONGRESS.

Mr. ANDERSON introduced a bill (H. R. No. 1233) regulating the compensation of members of Congress; which was read a first and second time.

Mr. WOOD, of New York. That bill should go to the Committee on Civil Service Reform.

Mr. ANDERSON. I move it be referred to the Committee on Ways and Means.

The SPEAKER. In the judgment of the Chair it should be referred to the Committee on Appropriations.

Mr. ANDERSON. Let it take that direction.

The bill was referred to the Committee on Appropriations, and ordered to be printed.

CARTER WILKEY.

Mr. ANDERSON also introduced a bill (H. R. No. 1234) granting a pension to Carter Wilkey for services in the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

ROSE MILLER.

Mr. EDEN introduced a bill (H. R. No. 1235) granting a pension to Rose Miller, widow of Reason F. Miller, deceased, late private in Company E, One hundred and twenty-third Illinois Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HARRIS B. LOVELL.

Mr. WIKE introduced a bill (H. R. No. 1236) granting a pension to Harris B. Lovell, late private in Company C, One hundred and twenty-second Illinois Infantry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENJAMIN F. REYNOLDS.

Mr. SPARKS introduced a bill (H. R. No. 1237) for the relief of Benjamin F. Reynolds; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ESTHER P. FOX.

Mr. SPRINGER introduced a bill (H. R. No. 1238) granting a pension to Esther P. Fox; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

OBSCENE BOOKS AND CIRCULARS.

Mr. CANNON, of Illinois, introduced a bill (H. R. No. 1239) to amend sections 3893 and 3894 of the Revised Statutes, providing a penalty for mailing obscene books, and other matters therein contained, and prohibiting lottery-circulars passing through the mails; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

WILLIAM H. CARMEN.

Mr. CANNON, of Illinois, also introduced a bill (H. R. No. 1240) for the relief of William H. Carmen; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EQUALIZATION OF PENSIONS.

Mr. CANNON, of Illinois, also introduced a bill (H. R. No. 1241) equalizing the pensions of certain officers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATENTS.

Mr. HARTZELL introduced a bill (H. R. No. 1242) to amend sections 4910 and 4916 of the Revised Statutes, in relation to patents; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

PAYMENT OF DUTIES IN LEGAL-TENDER NOTES.

Mr. HARTZELL also introduced a bill (H. R. No. 1243) authorizing the payment of part of the duties on imports in legal-tender notes;

which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ILLINOIS AND MISSISSIPPI CANAL.

Mr. HENDERSON introduced a bill (H. R. No. 1244) to provide for the construction of the Illinois and Mississippi Canal and to cheapen transportation; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

JAMES W. THOMPSON.

Mr. HENDERSON also introduced a bill (H. R. No. 1245) granting a pension to James W. Thompson, late of Company H, Forty-seventh Illinois Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANNA BRASEL.

Mr. HENDERSON also introduced a bill (H. R. No. 1246) to correct the date of the commencement of the pension of Anna Brasel, widow of David Brasel, late a sergeant in Captain Gordon's company of Mounted Illinois Volunteers; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

BRINTON LEVIS.

Mr. WHITING introduced a bill (H. R. No. 1247) granting a pension to Brinton Levis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TAXES ON DEPOSITS.

Mr. WHITING also introduced a bill (H. R. No. 1248) for the repeal of taxes on deposits with persons, banks, associations, companies, or corporations engaged in the business of banking; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

IMPROVEMENT OF MISSISSIPPI RIVER.

Mr. HATCHER introduced a bill (H. R. No. 1249) making an appropriation for the improvement of the Mississippi River between Saint Louis, Missouri, and Cairo, Illinois; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JURISDICTION OF CIRCUIT COURTS.

Mr. GLOVER introduced a bill (H. R. No. 1250) extending the jurisdiction of the circuit courts of the United States in suits against corporations; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MINING RESOURCES OF THE UNITED STATES.

Mr. BLAND introduced a bill (H. R. No. 1251) to exclude the State of Missouri from the provisions of the act of Congress entitled "An act to promote the development of the mining resources of the United States," approved May 10, 1872; which was read a first and second time, referred to the Committee on Mines and Mining, and ordered to be printed.

FREE SALE OF TOBACCO.

Mr. BLAND also introduced a bill (H. R. No. 1252) to authorize the free sale of tobacco by the producers thereof; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SWAMP AND OVERFLOWED LANDS.

Mr. BLAND also introduced a bill (H. R. No. 1253) granting to the State of Missouri all lands therein selected as swamp and overflowed lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

BRANCH MINT AT KANSAS, MISSOURI.

Mr. FRANKLIN introduced a bill (H. R. No. 1254) to provide for the establishment of a branch mint of the United States at the city of Kansas, in the State of Missouri; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ELECTIVE GOVERNMENT FOR THE DISTRICT.

Mr. BUCKNER introduced a bill (H. R. No. 1255) to provide an elective government for the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

DUTIES OF CONSTABLES IN THE DISTRICT.

Mr. BUCKNER also introduced a bill (H. R. No. 1256) to regulate the duties of constables and marshals in the District of Columbia where property is claimed to be exempt from execution; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

RELIEF OF PROPERTY-OWNERS IN THE DISTRICT.

Mr. BUCKNER also introduced a joint resolution (H. R. No. 42) reviving and continuing the provisions of certain acts herein named, for the relief of certain property-owners in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

LAWSON MOORE.

Mr. REA introduced a bill (H. R. No. 1257) for the relief of Lawson Moore; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CLINTON COUNTY, MISSOURI.

Mr. REA also introduced a bill (H. R. No. 1258) for the relief of Clinton County, Missouri; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

He also introduced a bill (H. R. No. 1259) for the relief of Clinton County, Missouri; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS B. WALLACE.

Mr. CLARK, of Missouri, introduced a bill (H. R. No. 1260) for the relief of Thomas B. Wallace, of Lexington, in the State of Missouri; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC BUILDING FOR JEFFERSON CITY, MISSOURI.

Mr. PHILIPS, of Missouri, introduced a bill (H. R. No. 1261) providing for the erection of a public building at Jefferson City, Missouri, for the use and accommodation of the United States courts and other Government offices; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MARY A. SILVEY.

Mr. PHILIPS, of Missouri, also introduced a bill (H. R. No. 1262) for the relief of Mary A. Silvey; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THOMAS D. BUMGARNER.

Mr. WILSHIRE introduced a bill (H. R. No. 1263) for the relief of Thomas D. Bumgarner; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FOURTH ARKANSAS INFANTRY.

Mr. WILSHIRE also introduced a bill (H. R. No. 1264) explaining and amending the provision of joint resolution passed by Congress March 18, 1870, for the benefit of the Fourth Arkansas Mounted Infantry Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PHILIP J. SHAW.

Mr. WILSHIRE also introduced a bill (H. R. No. 1265) granting a pension to Philip J. Shaw, late private in Company G, Twenty-sixth Illinois Infantry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DISTRICT OF OKLAHOMA.

Mr. WILSHIRE also introduced a bill (H. R. No. 1266) to establish the judicial district of Oklahoma; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

TERRIBA A. GREGG.

Mr. GAUSE introduced a bill (H. R. No. 1267) for the relief of Terriba A. Gregg; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WASHITA RIVER, ARKANSAS.

Mr. SLEMONS introduced a bill (H. R. No. 1268) making appropriation for the improvement of the Washita River, in the State of Arkansas; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

NELSON AINSLIE.

Mr. HUBBELL introduced a bill (H. R. No. 1269) granting a pension to Nelson Ainslie; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES WILKINSON.

Mr. CONGER introduced a bill (H. R. No. 1270) granting a pension to James Wilkinson, Company G, One hundred and twenty-seventh Regiment New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COLUMBIA RAILWAY COMPANY.

Mr. WILLARD introduced a bill (H. R. No. 1271) amendatory of the act to incorporate the Columbia Railway Company of the District of Columbia, approved May 24, 1871; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

HENRY ROMEYA.

Mr. WILLIAMS, of Wisconsin, introduced a bill (H. R. No. 1272) for the relief of Henry Romeya, late captain in the Fourteenth United States Colored Troops; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SAVINGS-BANKS.

Mr. MILLS introduced a bill (H. R. No. 1273) to repeal that part of section 37 of the act of June 6, 1872, exempting deposits in savings-banks from taxation; which was read a first and second time, re-

ferred to the Committee on Ways and Means, and ordered to be printed.

JOHN LARNES.

Mr. HANCOCK introduced a bill (H. R. No. 1274) for the relief of John Larnes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

SUSANNA MARBLE AND OTHERS.

Mr. HANCOCK also introduced a bill (H. R. No. 1275) for the relief of Susanna Marble and others, heirs of Abel S. Lee; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JOHN JACKSON.

Mr. HANCOCK also introduced a bill (H. R. No. 1276) for the relief of John Jackson; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

HENRY C. SMITH.

Mr. HANCOCK also introduced a bill (H. R. No. 1277) for the relief of Henry C. Smit ; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JEROME M'ALLISTER.

Mr. HANCOCK also introduced a bill (H. R. No. 1278) for the relief of Jerome McAllister; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

W. A. WESTOVER.

Mr. HANCOCK also introduced a bill (H. R. No. 1279) for the relief of W. A. Westover; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

Z. W. RAINS.

Mr. HANCOCK also introduced a bill (H. R. No. 1280) for the relief of Z. W. Rains; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

A. V. NEELEY.

Mr. HANCOCK also introduced a bill (H. R. No. 1281) for the relief of A. V. Neeley; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JAMES J. RHODES.

Mr. HANCOCK also introduced a bill (H. R. No. 1282) for the relief of James J. Rhodes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JULIA V. SOUTHWICK.

Mr. HANCOCK also introduced a bill (H. R. No. 1283) for the relief of Julia V. Southwick; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DAVID G. BURNET.

Mr. HANCOCK also introduced a bill (H. R. No. 1284) for the relief of the legal representatives of David G. Burnet, deceased, late of the State of Texas; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SANTIAGO DE LEON.

Mr. HANCOCK also introduced a bill (H. R. No. 1285) to compensate Santiago de Leon for certain property taken for the use of the Government; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

UNIFORM CURRENCY.

Mr. OLIVER introduced a bill (H. R. No. 1286) to reduce the interest-bearing debt, provide a uniform currency for the United States, limit the amount thereof, and make it equal to specie in value; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

UNIFORM COINAGE, WEIGHTS, AND MEASURES.

Mr. OLIVER also introduced a joint resolution (H. R. No. 43) to invite a joint convention of all civilized nations for the purpose of establishing a uniform system of weights, measures, and coinage throughout the civilized world; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

J. E. PARKINS.

Mr. KASSON introduced a bill (H. R. No. 1287) for the relief of J. E. Parkins; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JONATHAN ROBERTS.

Mr. WILSON, of Iowa, introduced a bill (H. R. No. 1288) granting a pension to Jonathan Roberts, of Marietta, Ohio; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INTERNAL IMPROVEMENTS IN WISCONSIN.

Mr. WILLIAMS, of Wisconsin, introduced a bill (H. R. No. 1289) making an appropriation for continuing the improvement of the harbor at Kenosha, in the State of Wisconsin; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

Mr. WILLIAMS, of Wisconsin, also introduced a bill (H. R. No. 1290) making an appropriation for continuing the improvement of the harbor at Racine, in the State of Wisconsin; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SOLDIERS OF THE WAR OF 1812.

Mr. WILLIAMS, of Wisconsin, also introduced a bill (H. R. No. 1291) for the relief of the soldiers of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

MARY HALL.

Mr. WILLIAMS, of Wisconsin, also introduced a bill (H. R. No. 1292) for the relief of Mary Hall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALBERT G. PEABODY, JR.

Mr. WILLIAMS, of Wisconsin, also introduced a bill (H. R. No. 1293) for the relief of Albert G. Peabody, jr., second lieutenant of Company B, Fifty-first Regiment of Wisconsin Volunteer Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

UNSECTARIAN DISTRIBUTION OF PUBLIC MONEY.

Mr. WILLIAMS, of Wisconsin, also introduced a joint resolution (H. R. No. 44) proposing an amendment to the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. WILLIAMS, of Wisconsin. This resolution is offered by way of amendment to that of the gentleman from Maine, [Mr. BLAINE.]

ISAIAH ROBINSON.

Mr. CASWELL introduced a bill (H. R. No. 1294) granting a pension to Isaiah Robinson, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

THOMAS SMITH.

Mr. KIMBALL introduced a bill (H. R. No. 1295) granting a pension to Thomas Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WINNEBAGO INDIANS OF WISCONSIN.

Mr. CATE introduced a bill (H. R. No. 1296) to aid the Winnebago Indians of Wisconsin to obtain subsistence by agricultural pursuits and to promote their civilization; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

TIMBER ON INDIAN RESERVATIONS.

Mr. CATE also introduced a bill (H. R. No. 1297) prohibiting the cutting of pine timber on any Indian reservation or lands to which the Indian title or right of occupancy has not been extinguished; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed a bill and a joint resolution of the following titles; in which the concurrence of the House was requested:

Bill (S. No. 202) to secure the attendance and payment of witnesses before military courts; and

Joint resolution (S. No. 3) authorizing the acceptance by G. Harris Heap, consul of the United States at Tunis, of the trust of commissioner at the international exhibition of 1876 at Philadelphia.

INTERNAL IMPROVEMENTS IN WISCONSIN.

Mr. BURCHARD, of Wisconsin, introduced a bill (H. R. No. 1298) for continuing the improvement of the harbor at Manitowoc, in the State of Wisconsin; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

He also introduced a bill (H. R. No. 1299) for continuing the improvement of the harbor at Two Rivers, in the State of Wisconsin; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

He also introduced a bill (H. R. No. 1300) for continuing the improvement of the harbor at Sheboygan, in the State of Wisconsin; which was read a first and second time, referred to the Committe on Commerce, and ordered to be printed.

PRESIDIO RESERVATION, SAN FRANCISCO.

Mr. PIPER introduced a bill (H. R. No. 1301) authorizing the city and county of San Francisco to use a portion of the Presidio reservation as a park and highway; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LEGAL-TENDER OF SILVER COIN.

Mr. PIPER also introduced a bill (H. R. No. 1302) to amend the law relating to the legal-tender of silver coin; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

NATURALIZATION OF CHINESE AND MONGOLIANS.

Mr. LUTTRELL introduced a bill (H. R. No. 1303) to prevent the naturalization of Chinese and Mongolians; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LAWS RELATING TO POST-OFFICE DEPARTMENT.

Mr. LUTTRELL also introduced a bill (H. R. No. 1304) to amend section 251 of an act to revive, consolidate, and amend statutes relating to the Post-Office Department, approved June 8, 1872, as amended by the twelfth section of an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1875, and for other purposes, approved June 23, 1874; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

TEXAS PACIFIC RAILROAD COMPANY.

Mr. LUTTRELL also introduced a bill (H. R. No. 1305) amendatory of an act entitled "An act to incorporate the Texas Pacific Railroad Company, and to aid in the construction of its road, and for other purposes," approved March 3, 1871, to secure the speedy completion of the Texas Pacific Railroad from a point at or near Marshall, county of Harrison, State of Texas, to the southern boundary-line of the State of California, and to authorize the Southern Pacific Railroad Company to aid in building the same, and also to build a branch of its road to San Diego, California; which was read a first and second time, referred to the Committee on the Pacific Railroad, and ordered to be printed.

PRE-EMPTION CLAIMS.

Mr. WIGGINTON introduced a bill (H. R. No. 1306) relating to pre-emption claims; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

LOUIS ROSE.

Mr. WIGGINTON also introduced a bill (H. R. No. 1307) for the relief of Louis Rose and other persons claiming title to lands within the lines of the military reservation at San Diego, California; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

CORRECTION OF BOUNDARIES, SAN MATEO COUNTY, CALIFORNIA.

Mr. WIGGINTON also introduced a bill (H. R. No. 1308) to authorize the correction of boundaries of certain lands in San Mateo County, California; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

RELIEF OF SETTLERS IN CALIFORNIA.

Mr. WIGGINTON also introduced a bill (H. R. No. 1309) for the relief of settlers on certain lands in the State of California; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

MAIL SERVICE FROM CALIENTE TO LONE PINE, CALIFORNIA.

Mr. WIGGINTON also presented a joint resolution of the Legislature of the State of California, relative to the mail service from Caliente to Lone Pine, California; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

DESTRUCTION OF FORESTS, ETC.

Mr. DUNNELL introduced a bill (H. R. No. 1310) for the appointment of a commissioner for inquiry into the destruction of forests and into the measures necessary for the preservation of timber; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

WILLIAM H. WHITING.

Mr. STRAIT introduced a bill (H. R. No. 1311) for the relief of William H. Whiting; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

HEIRS OF ALFRED FRY.

Mr. STRAIT also introduced a bill (H. R. No. 1312) for the relief of the heirs of Alfred Fry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN C. FEUSCKE.

Mr. STRAIT also introduced a bill (H. R. No. 1313) granting a pension to John C. Feuscke; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IMPROVEMENT OF YAM HILL RIVER, OREGON.

Mr. LANE introduced a bill (H. R. No. 1314) for the improvement of the Yam Hill River, in Oregon; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT OF WILLAMETTE RIVER, OREGON.

Mr. LANE also introduced a bill (H. R. No. 1315) for the further improvement of the Willamette River, Oregon; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

KLAMATH INDIAN RESERVATION.

Mr. LANE also introduced a bill (H. R. No. 1316) to adjust the claim of the owners of lands within the limits of the Klamath Indian reservation, in the State of Oregon; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ARMY OFFICERS' RECORD.

Mr. PHILLIPS, of Kansas, introduced a bill (H. R. No. 1317) to amend the Army officers' record; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RELIEF OF DELAWARE INDIANS.

Mr. PHILLIPS, of Kansas, also introduced a bill (H. R. No. 1318) for the relief of the Delaware Indians in accordance with treaty stipulations; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

AWARD TO DELAWARE INDIANS.

Mr. PHILLIPS, of Kansas, also introduced a bill (H. R. No. 1319) to authorize the payment to the Delaware Indians of the amount awarded to them under the provisions of the treaty of July 4, 1866; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

WILLIAM H. SMALLWOOD.

Mr. GOODIN introduced a bill (H. R. No. 1320) for the relief of William H. Smallwood; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REPEAL OF SECTION 3489 REVISED STATUTES.

Mr. HEREFORD introduced a bill (H. R. No. 1321) to repeal section 3489 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SAMUEL C. BARTLETT.

Mr. FAULKNER introduced a bill (H. R. No. 1322) for the relief of Samuel C. Bartlett, of Taylor County, West Virginia; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT TO CONSTITUTION OF UNITED STATES.

Mr. FAULKNER also introduced a joint resolution (H. R. No. 45) proposing an amendment to the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PHINEAS GANO.

Mr. WILSON, of West Virginia, introduced a bill (H. R. No. 1323) granting a pension to Phineas Gano, of Doddridge County, West Virginia, late a first lieutenant in the Twenty-fifth Regiment Ohio Veteran Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID DILLON.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. No. 1324) granting a pension to David Dillon, late a private of Company F, West Virginia Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS NEWMAN.

Mr. CANNON, of Utah, introduced a bill (H. R. No. 1325) for the relief of Thomas Newman, late lieutenant Thirteenth Infantry, United States Army; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ANSON CALL.

Mr. CANNON, of Utah, also introduced a bill (H. R. No. 1326) for the relief of Anson Call; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MINERAL LANDS.

Mr. PATTERSON introduced a bill (H. R. No. 1327) to amend section 2324 of the Revised Statutes of the United States concerning mineral lands; which was read a first and second time, referred to the Committee on Mines and Mining, and ordered to be printed.

ADMISSION OF COLORADO.

Mr. PATTERSON also introduced a bill (H. R. No. 1328) to amend an act entitled "An act to enable the people of Colorado to form a constitution and State government, and for the admission of said State into the Union on an equal footing with the original States," approved March 3, 1875; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

COLORADO CONSTITUTIONAL CONVENTION.

Mr. PATTERSON also presented a memorial from the constitutional convention of the Territory of Colorado, asking for an appropriation; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PATTERSON. I also ask that the memorial may be printed in the CONGRESSIONAL RECORD.

There was no objection, and it was so ordered.

The memorial is as follows:

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The memorial of the convention assembled for the purpose of framing a constitution for the State of Colorado respectfully represents: That under and by virtue of an act of Congress approved March 3, A. D. 1875, entitled "An act to enable the people of Colorado to form a constitution and State government," &c., the members of this convention were elected and have duly assembled at Denver, in said Territory, and are now engaged in the work for which they were so elected under said act; that said act fixed the number of representatives, and it was and is out of the power of said Territory to diminish said number or provide any other mode of framing such constitution than that specified in said law; that by an act of Congress entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes," approved March 3, 1875, the following sums and no more were appropriated for the legitimate expenses of said Territory, to wit: For per diem and mileage of members and per diem of officers, $13,000; for printing, $4,000; for rent of halls and rooms, $600; for fuel, lights, labor, and incidentals, $1,800; total, $19,400; which amount is all that now remains in the hands of the territorial secretary for the payment of the legislative expenses, all prior appropriations for that purpose having been exhausted; that said amount is barely sufficient to defray the expenses of the Legislative Assembly now about to convene, leaving no funds which can be applied to the purpose of defraying the expenses of this convention; so that this body is now sitting without any means whatever of meeting even ordinary contingent expenses, to say nothing of the compensation of its members and officers, while the convention has no power in any way to raise funds for any purpose.

Your memorialists further show that the Territory of Colorado is of great extent, embracing more than one hundred and five thousand square miles, being over three hundred miles from north to south and near four hundred miles from east to west, traversed by numerous ranges of snow-covered mountains, many of them passable only at widely-separated points, so that many of the members are obliged to travel from four hundred to ten hundred and sixty miles, crossing several ranges of mountains at the line of perpetual snow in coming to and returning from this convention; while the labor and expense of such journeys are enhanced to more than fourfold that which would attend journeys of like distance in the older States by reason of the want of suitable means of conveyance through such wide and unimproved regions. At the same time, the great extent of territory and the diverse character of the productions and industries of the different portions thereof give rise to varied and complicated interests which must be of vital importance in the future, and which should be cared for now, or the welfare of the great State we purpose to establish will be seriously jeopardized. On this account this convention is called upon to exercise great deliberation in its work, which must be thoroughly done in order to effect the intention of the law of your honorable body which called us to act in this responsible capacity. As this convention is wholly the creation of the Congress of the United States, and is now engaged in carrying out in part the wise purposes of the National Government in building up free and self-supporting States in this great central region of the continent, your memorialists feel they may justly expect that the request herein made will be readily granted.

In consideration of the premises and in view of the important and complicated interests confided to this convention, and of the length of time it may require to complete the work with which it is charged by the act aforesaid, your memorialists pray that your honorable body will enact a law appropriating the sum of $40,000 as an addition to the legislative appropriation for this Territory for the purpose of defraying the expenses of this convention.

Done in convention this 6th day of January, A. D. 1876.

J. C. WILSON,
President.

Attest:
W. W. COULSON,
Secretary

E. A. WILLIAMS.

Mr. KIDDER introduced a bill (H. R. No. 1329) for the relief of E. A. Williams; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REUBEN WRIGHT.

Mr. STEVENS, of Arizona, introduced a bill (H. R. No. 1330) for the relief Reuben Wright against the Chickasaw Indians; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

IMPROVEMENT OF SNAKE RIVER, IDAHO.

Mr. BENNETT introduced a bill (H. R. No. 1331) to appropriate money for the improvement of the Snake River from its mouth to the city of Lewiston, in the Territory of Idaho; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MILITARY AND POST ROAD IN IDAHO.

Mr. BENNETT also introduced a bill (H. R. No. 1332) to appropriate money for the construction of a military and post road from the Weiser River to the Salmon River, in the Territory of Idaho; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

CAPITOL BUILDINGS AT BOISE CITY, IDAHO.

Mr. BENNETT also introduced a bill (H. R. No. 1333) to appropriate money for the purpose of erecting capitol buildings for the Territory of Idaho, at Boise City; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

WILLIAM WHEELER.

Mr. MAGINNIS introduced a bill (H. R. No. 1334) for the relief of United States Marshal William Wheeler; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LANDS IN WYOMING.

Mr. STEELE introduced a bill (H. R. No. 1335) to declare the country north of the North Platte River and east of the summits of the Big Horn Mountains, in the Territory of Wyoming, open to exploration and settlement, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

NEW LAND DISTRICT.

Mr. STEELE also introduced a bill (H. R. No. 1336) to establish a new land district in the Territory of Wyoming; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

The SPEAKER *pro tempore*. The call of the States and Territories is now completed.

NELSON TIFFANY.

Mr. HOAR, by unanimous consent, introduced a bill (H. R. No. 1337) for the relief of Nelson Tiffany; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CENTENNIAL CELEBRATION OF AMERICAN INDEPENDENCE.

Mr. HOPKINS. I move that the rules be suspended, and that the House resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. WOOD, of New York, in the chair, and resumed the consideration of the Centennial appropriation bill.

Mr. HOPKINS. Mr. Chairman, I do not know that any argument is needed to secure the passage of this bill; but, inasmuch as I am, to some extent, intrusted with its advocacy, I beg leave to submit some of the reasons which I think not only justify but imperatively demand the granting of this appropriation.

Our aid is invoked in behalf of an international exhibition conceived by patriotic men as a fit way to commemorate the first centenary of American Independence. This undertaking was commenced when the busy hum of cheerful industry echoed throughout the land, when wealth and prosperity abounded in the North, and returning cheerfulness illumed the hitherto desolate South. But the storm of 1873 which swept over the country left its pathway black with general ruin and universal gloom. The wheels of industry stood still, trade became lifeless, the human energies were palsied because confidence and hope were crushed. From that day until this there has been no break in the overhanging clouds. The enterprise under consideration, begun under such happy auspices, could not escape the mildew which blighted all things. Under adverse circumstances its officers and managers have struggled on with unflagging zeal, untiring energy, and recognized discretion and ability, to complete the original designs in a manner worthy of the grand event. The treasury of the commission is almost empty; individual effort has been exhausted; the centennial year has already dawned; but a few months remain until the exposition should be opened, and yet the buildings are not completed. In this extremity the Government is asked to lend its helping hand to save the undertaking from failure and the country from disgrace.

If it can be shown that the national honor is involved in the success of this exhibition, I apprehend all opposition will be silenced and this bill will receive a unanimous and cordial support. Surely, no gentleman upon this floor would stop to calculate the cost of preserving the good name of his country. Millions of money have been promptly voted, and lives, of far more value than all those millions, have been freely given in various wars to preserve the dignity and integrity of the nation; and there can be no extremity of financial distress which will cause a Congress of the United States to falter in appropriating money to save the Government from reproach. National unity is valueless without national honor. Would it not be better that these States should be dismembered, that this great and beautiful fabric of government should crumble into utter and irretrievable ruin, than the Union should be preserved unbroken and be subject to the well-deserved sneers of sister-nations? Are we liable to stand dishonored before the world by the failure of the centennial exposition? To answer that question we must examine the history of the enterprise.

The first legislative act relative to this exhibition was passed March 3, 1871, and from the title to the concluding section the General Government is recognized as its sponsor and the guarantor of its success. The act is entitled "An act to provide for celebrating the one hundredth anniversary of American Independence by holding an international exhibition of arts, manufactures, and products of the soil and mine in the city of Philadelphia and State of Pennsylvania in the year 1876."

Here the object and the method are clearly indicated. The object is national, the mode of celebrating it is international. No act of Congress was needed to cause a spontaneous outburst of patriotic enthusiasm upon the part of American citizens during this eventful year. But in the exuberance of our pride we wanted all the nations of the world to come and compare their products and their progress with ours, and then go home filled with amazement and admiration. That seems to be the spirit which pervades this act. The very nature of the contemplated celebration made it subject to governmental control and entitled to Government aid.

The first section of the act provides—

That an exhibition of American and foreign arts, products, and manufactures shall be held under the auspices of the Government of the United States.

Here again the international character of the celebration appears; and it is distinctly stated under whose auspices it will take place.

Section 2 provides for commissioners "to prepare and superintend the execution of a plan for holding the exhibition."

Section 3, 4, and 5 provide that these commissioners "shall be appointed by the President of the United States, and shall hold their meetings in the city of Philadelphia."

Section 6 enacts that this commission shall report to Congress, among other things, "a plan or plans of buildings" for the exhibition. Here then we have a commission created by Congress, required to report to Congress, appointed by the President, and charged with the duty of preparing buildings and regulations for the reception and exhibition of foreign as well as domestic products. In addition to all this, the President is directed to notify all nations of the time and place for holding the exhibition.

It seems to me that it would be impossible to frame a statute whereby the United States Government could be more fully identified with and made responsible for any enterprise than is done by the language of this act.

Nor is its force weakened by the only section to which I have not yet referred. It is therein provided—with amazing inconsistency—that "the United States shall not be liable for any expenses attending such exhibition or by reason of the same." This act, in a spirit of exultation which was natural and proper, had declared in its preamble that "it behooves the people of the United States to celebrate, by appropriate ceremonies, the centennial anniversary of this memorable and decisive event which constituted the 4th day of July, A. D. 1776, the birthday of the nation;" and, having determined what would be a fitting celebration of the great event, having appointed agents to prepare a world's fair, and having secured to the Government exclusive control thereof, it reaches this feeble and petty anticlimax that the Government shall bear none of the burden. All of the glory, but none of the expense! A national anniversary to be celebrated within our borders by all the nations of the earth, and this great Government inaugurating and controlling it, and yet refusing to contribute to the necessary expense! The spectacle is indeed humiliating.

Following up the history of this celebration, we find an act relative to the centennial international exhibition was passed on June 1, 1872, by which a board of finance was incorporated. The Secretary of the United States Treasury was required to prepare certificates of stock for this corporation, and counterfeiting these certificates was made a crime of equal enormity with counterfeiting the currency of the United States. This act also requires that reports of the progress of the work, from time to time, shall be made to the President of the United States. Here again we encounter the guardian angel of the Treasury, with drawn sword, declaring that we shall have an international celebration of a national event, but that no money shall be taken from the National Treasury to defray the necessary expense thereof. The Government will sanction this enterprise gotten up for its glory and for its benefit, but not a dollar of its funds shall be expended in the cause. It seems impossible to reconcile such inconsistencies and harmonize such parsimony with a spirit becoming to this great commemoration.

The act of June 5, 1874, contains this same inharmonious provision, which is made utterly nugatory by the context. That act directs the President "to extend, in the name of the United States, a respectful and cordial invitation to the governments of other nations to be represented and take part in the international exposition to be held at Philadelphia under the auspices of the Government of the United States."

The international character of the exhibition is again affirmed; the jurisdiction of the General Government over it is again distinctly avowed; provision is made for invitations to foreign powers "in the name of the United States."

Still further, Congress directed that an appropriate medal should be struck at a Government mint for the centennial board of finance. It also provided for the free importation of goods intended to be placed on exhibition.

Mr. Chairman, in view of all this legislation, can Congress escape from the responsibility which it has again and again assumed in regard to this international exhibition? Will the mere declaration of a purpose to withhold pecuniary aid relieve it from the odium which a failure would incur, especially in view of all it has done to encourage and patronize the enterprise and give it a national character at home and abroad?

The success or failure of this exposition would not be so grave a matter if its effects could be confined to our own citizens and their relations to our own Government. But the dignity and honor of the United States among other nations is involved. In July, 1873, the President issued his proclamation that "an international exhibition" would be held, and "in behalf of this Government and people cordially" commended it to all nations. The Secretary of State promptly communicated the proclamation to foreign powers, and conveyed to each one the President's hope that an active interest would be aroused, and that the occasion would be improved by "the interchange of national sentiment and friendly intercourse."

This diplomatic circular and presidential proclamation were construed by some into an invitation, which a number of foreign governments accepted promptly, heartily, and, as one of the greatest and most powerful of them said, "with sincerest thanks." When the more cordial invitation of 1874 went out by authority of Congress it awakened an interest which hitherto had languished; and now thirty-eight foreign governments have declared their purpose of participating in this our national anniversary. Commissioners have been appointed from among their most distinguished men, and several of these governments have made generous appropriations, that they may be creditably represented.

These are nations from all parts of the habitable globe; some of them almost older than history; many of them venerable with the gray of centuries; most of them habituated to and believing in monarchical government; but all coming to do honor to the young Republic. From the Orient and the Occident, from the Arctic and the Antarctic, they will come. But of them all there will be no sublimer spectacle than the presence of Great Britain, with the most amazing and most admirable magnanimity, joining in the celebration of an event which lost her these vast possessions. The benignant mother comes to honor the refractory child and to rejoice in her growth and prosperity. Second only to this will be the presence of the mighty monarchy of Russia, whose august and liberal-minded emperer boldly declares to all the world that he regards the event which we are about to celebrate as "one of the grandest facts in the history of humanity."

All of these thirty-eight nations will come bearing in their hands the "cordial invitation" of the United States. This being so, is not this Government bound by every consideration of hospitality, of honor, and of self-respect to make suitable provision for their entertainment? When they come with their multitudinous products of the soil and mine, with their varied achievements of skilled labor, and with their rare treasures of art, can we in common decency turn them into unfinished and perhaps roofless halls? Imagine, if you please, these foreign nations, whose friendly regards and high respect for the United States prompted them to come, arriving on our shores, and our Government, instead of giving them a cordial and joyous greeting, stands abashed and silent, and points to the uncompleted structures, upon which she has refused to spend a dollar, and thus manifests the pride she feels in her one hundredth anniversary, and her appreciation of the courtesy of foreign powers! I cannot believe that there will be any such sad commentary upon the generous patriotism of this people.

Mr. Chairman, the question has been asked, Where do we derive the power to make this appropriation? I answer by asking, Where did Congress derive the power to embellish and decorate the grounds and buildings of the Government? Where did it derive the power to purchase the works of art which adorn these Halls and add to their attractiveness? Where did it derive the power to purchase the magnificent library of which we boast? Where did it derive the power to fit out expeditions to explore the polar seas and to travel to foreign countries to observe the transit of Venus? Where did it derive the power to appropriate money on three different occasions to promote international exhibitions held in other countries? Where did it derive the power to encourage art, to promote science, to advance practical and useful industry, to maintain an Agricultural Department or a horticultural garden, a National Observatory or a Signal Corps?

I might further answer this question by asking one which was frequently suggested during the recent eventful years of our country's history, and whose most satisfactory answer was found in the patriotic impulses of the people. Many things have been done perhaps not within the strict letter of the Constitution; but we have high authority for saying "The letter killeth, the spirit giveth life." The power which saved a nation's life can save a nation's honor.

But, Mr. Chairman, I do not admit there is the slightest doubt about the constitutional power to make this appropriation. I do not propose to go into any extended argument on that point, but I hold in my hand a volume containing the messages of the early Presidents of this country, the fathers and founders of the Republic, the men whose great brains conceived and whose hands draughted this Constitution and transmitted it to us as the most priceless legacy they could leave to posterity. These men were familiar with the powers delegated to Congress and the extent and scope of those powers, and yet we find that Washington, who presided over the Constitutional Convention, Madison, who of all others was most conspicuous in draughting it, and Jefferson, who understood it quite as well as either, all concurred in asking and recommending to Congress appropriations analogous to this. I will not weary the House by quoting any lengthy extracts, but will refer simply to the fact that Washington in his first annual message said:

> I cannot forbear intimating to you the expediency of giving effectual encouragement, as well to the introduction of new and useful inventions from abroad as to the exertions of skill and genius in producing them at home.

An object which would unquestionably be subserved by holding an international exhibition of foreign as well as of domestic art. Jefferson and Madison, without quoting their language, both recommended the establishment of a national university. As I claim the appropriation asked for in this case is entirely analogous to that, I am content to rest the constitutional question upon such high authority.

Mr. Chairman, we cannot escape our responsibility by attempting to dwarf this celebration into a purely local one. Its character and scope are irrevocably settled. They are beyond our power of control. In the judgment of some the National Capital, and of others the great commercial metropolis of the country, would have been more suitable for holding this exhibition. But there seemed to be a

peculiar propriety in celebrating the birthday at the birthplace of the nation. It is too late now to cavil about that. The simple fact with which we are confronted is the result of the success or failure of the enterprise on hand. Will any gentleman pretend that Philadelphia alone will bear the shame of holding a world's fair in unfinished halls? Will any gentleman pretend that the sneers and scorn of disappointed and ill-treated foreign nations will fall on that city only? Philadelphia did not invite them here; they are not her guests. But they will turn with indignant anger to the Government of the United States and say, "We accepted your respectful and cordial invitation; we came here to unite in commemorating your national birthday, and we go home insulted and disgusted with your incivility and inattention?" Who here is prepared to help drag America from the proud position she holds among sister-powers and lay her prostrate in humiliation and shame?

I do not forget, Mr. Chairman, that this Government is groaning under an oppressive debt. But I have already said that its good name is worth infinitely more than accumulated treasures. I go further, and affirm that this appropriation would be a judicious expenditure without any reference to the point of international honor. The universal maintenance of local fairs and industrial institutes is, I think, conclusive evidence of their beneficial effects. For the same reason and to a greater extent the world's fairs manifest their advantages.

The peace society of Great Britain was one of the chief instrumentalities in inaugurating the first great exhibition held in London. The industries of different nations united under one roof for the purpose of comparing the progress which each has made, each teaching something to and learning much from all the others, cannot but inspire mutual respect. And the contributions which each thus makes to the general knowledge give new impetus to science and art, and lift all humanity to a higher plane of civilization. As nations are brought into more intimate intercourse, as they learn to know each other, to respect each other, to engage in friendly and honorable rivalry, the stronger become the bonds of peace, the larger and fuller the measure of individual happiness and of general prosperity.

If this be true of intercourse between nations, how much truer and how much more important are the effects upon people of the same government. In all the wide range of wants and of desires there is nothing so much needed by the people of these United States as mutual sympathy and affection. Nothing can produce these feelings half as well as an intermingling of the people of different sections. Exaggeration and misrepresentation lose their power for mischief when our citizens are brought into frank and friendly intercourse.

There is a story told of a traveler who in the heavy fog of an early morning saw the dim figure of what he supposed to be a dangerous monster. As the mists gradually lifted he saw that it was a man. The sunlight drove away the gloom; he drew nearer, and found it was his brother. So, I apprehend, Mr. Chairman, if we draw nearer to those whom we have not clearly seen through the clouds of prejudice and passion, we will find them to be neither Dukes of Alva nor Spanish inquisitors, but not only men, but brethren. The memorable year upon which we have entered will bring all the sections of this country into close relationship. The very presence of foreigners will make our national family more compact. The necessary comparison of other institutions with ours will warm all hearts with a patriotic enthusiasm. But, more than that, the spirit of '76 will breathe its influence upon our people, and make us feel that we have a common inheritance of glorious memories. Under that influence all animosities, all angry memories, must fade away as an unpleasant and to-be-forgotten dream. That result alone will be worth incalculable millions to this land. The passage of this bill by the aid of those the sincerity of whose patriotism has been unjustly questioned will conduce to that "consummation so devoutly to be wished;" for an appropriation out of the National Treasury in aid of this enterprise will give each individual throughout the country a right to feel a personal interest in the celebration. It then becomes not a celebration of a stock company nor of a city nor of a State alone, but the people's money will have made it the people's cause. And then when the ark of the covenant, amid the universal joy, shall have been set up anew, upon foundations which cannot be shaken, all citizens can kneel around the common altar and renew their vows of fraternal affection.

I rejoice, Mr. Chairman, in the fact this is not and cannot be made a party question. It is a happy thing that there are times in our lives when party walls are broken down and we mingle as fellow-citizens anxious for our country's glory. Most questions presented for legislative action, whether we will it or not, assume a party aspect and draw us by party affiliations. But this one presents no conflict between patriotism and party fealty, but appeals solely to our pride as American citizens.

It is said that when the first ship bearing at its mast-head the Stars and Stripes sailed into the port of Canton, the Chinese flocked to the shores, filled with surprise and delight. They said the flag was as beautiful as a flower, and they called the country which it symbolized the flower-flag country. Mr. Chairman, to them and to all the world who may visit us during this auspicious year let us present the mysterious unfolding and wonderful development of the century plant. And while in our pride we exhibit the many-tinted glories of a hundred years, may there arise from grateful hearts an incense richer in perfume than all the gardens of the world exhale. This can be so, this will be so, if cherishing only our common memories, realizing only our common interests, we march onward with a common hope. Then all the peoples of the earth, beholding the unity, prosperity, fraternity, and happiness of the indivisible Republic, will unite with us, and with equal earnestness and sincerity, in exclaiming *Esto perpetua!*

Mr. WADDELL. Mr. Chairman, I have listened with very great pleasure for the first time to my friend the chairman of the committee who has just presented his views on this question to the House. The House has heard the argument upon the constitutionality as well as upon the necessity and propriety of this measure. It is not my purpose after his argument to address myself to that part of the question.

It is very well known, Mr. Chairman, to my constituents, to my colleagues upon this floor of the last Congress, and to the friends of this measure everywhere, I believe, that I have been an unwavering supporter of an appropriation to this centennial exhibition ever since it was first proposed. I have spoken for it upon this floor and before my constituents in the last canvass, and they indorsed me. I now rise, sir, to say a few words only in its favor.

Mr. Chairman, if it was supposed that the irritating discussion of the past few days would drive southern men from their support of this measure, I hope, I sincerely trust, that the result of the vote will only add another illustration to the many which we have given of how utterly impossible it is for some people to understand and appreciate the spirit which animates us. We acquit our northern countrymen of all responsibility for that discussion; we know that they did not desire it any more than we did. Understanding fully, seeing through it clearly, (for it was very transparent,) the motive for the introduction of it upon this floor and attaching to that motive its exact value, we simply wish to look down upon and pass by this whole subject. We wish to act in regard to that melancholy chapter in American history as Noah's sons did to him in the hour of his humiliation. We would, sir, with averted looks and backward steps cast the mantle of oblivion over it. We wish the disturbers of the public peace to understand that notwithstanding the spirit exhibited toward us we are too good patriots and too sincere men to allow that spirit either to control us or to serve as an example to us on this occasion. We wish to maintain the honor and character of the American Union, and we will do it if we are allowed to.

Mr. Chairman, there is one element on this floor to which frequent allusions have been made in the recent debate—an element more interested in the result of these discussions than any other upon this floor, and which has not yet been heard from. I mean the soldiers of the South in the late war by whatever title gentlemen may call them, and of whom I am one. They have sat in silence, sir, and taken the fire which the gentleman from Maine [MR. BLAINE] has opened upon them, with no other feeling than that of gratitude for having escaped from so terrible an enemy as he must have been in battle during the late war. [Laughter.] If now, when his hair is silvering and his natural force perceptibly abating, he can develop such an intense and bitter spirit, how must his plume have waved in the forefront of that conflict which was carried on when he was young and strong, and healthy!

This element to which I allude have not yet spoken—they could not be goaded into the discussion. On the contrary, they have exhibited a spirit which the American people, I believe, will not soon forget, that of men who met the storm of hate and persecution as the swan meets the billows, with a breast of down, and who have lifted above its wild discord only the calm voice of peace.

Now, in regard to this appropriation, I wish to say that I know gentlemen upon this floor from my section of the country, who were engaged in the same cause that I was engaged in, who did not intend to vote for this measure until this discussion to which I have alluded occurred, but who are now determined to support it, in order that they may set an example of patriotism which they wish to see followed. I cannot speak for all of them, I have no authority to do so. But now, my friends—and I am talking to you southern men exclusively—I appeal to you, if there are any of you who still oppose this bill, to unite with me in doing an act which can only promote the honor and advance the interests of this country and the peace and happiness of its people.

There is one subject upon which I can speak for them. It is a subject in regard to which they have not always received justice, and I ask the House to listen to my words. This is not the first time I have uttered them either in private or in public. They and I recognize fully, we appreciate to its utmost extent, the fact that in no other country but our own could there be or has there ever been such a sight possible as that of men who, within five years of the time when they were arrayed in battle against a government, have been restored under the beneficence of free institutions not only to the rights of citizenship but to equal representation and participation in the control of that government. They not only fully realize that, they not only appreciate it to its utmost extent, but they have an abiding sense of the sublimity of such a spectacle, and they are proud of their country for having presented that spectacle to the astonished gaze of mankind.

This bill, my friends, to whom I am particularly addressing myself, furnishes you an opportunity to illustrate again and testify in the highest form the desire, the anxious desire which I know possesses you, to aid in every way in your power to advance the material inter-

ests, to elevate the character, and to add to the glory and the honor of this Republic. And I again appeal to you, my southern friends, not to miss this opportunity, but take advantage of it.

Now one word in conclusion. I hope I may be pardoned for thanking my honorable friend from Massachusetts in front of me [Mr. BANKS] and my honorable friend from Massachusetts in rear of me [Mr. TARBOX] for the eminently patriotic and statesmanlike speeches which they uttered on this floor a few days ago. I thank them for them as an American citizen. They sounded to my ears like the old voice of Massachusetts in the early days when the southern colonies proclaimed that the "cause of Boston was the cause of all." And I can only say for one that I trust their sentiments may be echoed and re-echoed throughout the borders of this land, from the North to the South, and from the East to the West. And I once more appeal to my southern friends upon this floor, if any of them are disposed to oppose this bill, to wheel into line and do what I believe to be an act of genuine high patriotism, and to vote for this bill.

Mr. WILLIS. I will yield to the gentleman from Pennsylvania, [Mr. SHEAKLEY,] who desires to move an amendment.

Mr. SHEAKLEY. I move to amend the pending bill by adding the following:

Provided, That entrance to the centennial grounds and exhibition shall be free on the 4th day of July, 1876, and also on each and every Thursday during the continuance of the said centennial exposition; and no fee shall be demanded or accepted from any person or persons for the privilege of entering upon and viewing the said centennial grounds and exhibition or any part thereof on the day or days herein specified.

Mr. WILLIS. I have received numerous petitions and memorials entreating me to vote for the pending measure and they have been supplemented by personal entreaties. I cannot comply with such requests. My official oath, as I understand it, is the gauge of my official action. As a trustee of the people I wish to do nothing beyond that which the letter of their authority justifies. Believing the appropriation asked for unwarranted by the Constitution, I oppose it without hesitation and without reluctance.

There lives not under the shadow of the flag a citizen more exultant than I that in 1876 this Republic shall have attained the one hundredth year of its existence as an independent nation, or who more proudly than I recalls its glorious birth, its fidelity to those principles which gave it life, its unequalled achievements in war and peace, or who would more zealously than I contribute to the success of its centennial anniversary.

That the Government has hitherto uniformly and unequivocally expressed its unwillingness to become responsible for the cost of this exhibition in nowise concerns me or affects my judgment. If the measure were right, if it were constitutional, I should vote for it cheerfully, any former reservation to the contrary notwithstanding. The object is grand; it appeals to all that is patriotic and just in the human soul. The place where the celebration is to be held is justly hallowed as a shrine in the hearts of millions.

But while we are celebrating the birth of the Republic let us take care lest we contribute to its burial; let us take care lest in celebrating its foundation upon the enduring principles of justice we are not in reality undermining its foundation. Tacitus, the historian, far back in the centuries, wrote for the instruction of his heathen countrymen what every intelligent citizen of this Republic should well know: that the desire of rule is the most powerful affection of the human mind.

The same author instructs us further that in the state which is most corrupt the laws are the most numerous. Our fathers were warned by these admonitions. They established our Constitution upon a complete and thorough recognition of the only just and legitimate purpose of human government, that every citizen should have the right to exercise his faculties and enjoy the fruit of such exercise by the enforcement of certain conditions and restraints and burdens which should operate equally on all, be borne equally by all, and equally benefit all.

Any government which recognizes any purpose other than this and beyond this is unrepublican, undemocratic, and should not be tolerated by an enlightened people. Our Government does recognize such a purpose, though it has been frequently ignored, frequently departed from, sometimes flagrantly violated and assailed. But it occurs to me that in this centennial year it is a befitting time to resolve that henceforth this purpose shall be severely respected and amply vindicated.

Taxation is authorized only for the purpose of carrying on the functions of government. The functions of government can be employed only in the enforcement of the law of equal freedom. Is self-jollification one of these functions? Is getting up a grand, magnificent exposition one of these functions? How do moneys appropriated for such a purpose in any measure make the people more secure in the possession of their absolute rights? There is no clause in the Constitution which justifies this appropriation. Here is the rule of construction which has been accepted by all the courts:

> Powers not granted by the Constitution cannot be exercised by Congress; and certainly all must agree that no powers are granted, except what are expressed as such or are fairly applicable as requisite means to attain the end of a power which is granted; or in other words, which are necessary and proper to carry out those which are expressed, in execution.

There is nothing in the Constitution which justifies this appropriation or authorizes taxation for any such purpose. It is only by virtue of that loose construction, that broad interpretation which twists and stretches and tortures the Constitution according to fancy or caprice—which, whenever a new human want finds expression, discovers a new governmental purpose—that the authority for making this appropriation can be found.

Here are some of the arguments urged, some of the reasons set forth in favor of making this appropriation.

First, that the governmental faith has been pledged to secure the success of the enterprise.

Second, that humiliation and disgrace will ensue in the event of failure, and that the enterprise will fail unless the Government comes to the rescue.

Third, that it is national, and every citizen is interested in its success.

Fourth, that it is an affair which cannot occur again in the lifetime of living men—but once in a century.

Fifth, that like appropriations have been heretofore made without any express grant in the Constitution to warrant them.

Mr. Chairman, if all these reasons were sound—if all the facts taken together were actual, as alleged—we still should be strangely indifferent to our sense of duty if we deemed them sufficient to control our action in the premises. But it is untrue that the governmental faith has been pledged for any such purpose. Every official act, as the records show, was accompanied with a guarded disclaimer of pecuniary responsibility; and if such a pledge had been made in contravention of law it would be entitled to neither observance nor respect. It is undoubtedly true that if this enterprise should fail humiliation and disgrace would follow, but not to the Government, for the Government and this enterprise, by virtue of the organic law of the nation, are strangers to each other. Rather to the men who have acquired surplus wealth and can well afford to contribute a part in behalf of an enterprise so praiseworthy. It is true that it is a national affair and every citizen is interested in its success. So is every citizen interested in the diffusion of knowledge, in the growth of virtue, in the spread of religion, in every material undertaking. Shall the Government, therefore, become a co-worker in all the moral movements of the age and contribute to the success of every business undertaking of the century?

It is true, likewise, that this affair cannot occur again in the lifetime of this generation unless, happily, we are to be blest with a new providential dispensation. But if an exposition is good every one hundred years, if a celebration is good every hundred years, why are they not equally good every fifty years, and every twenty-five years, and every ten years? Will the advocates of this measure intelligently respond to this inquiry?

How shall we deal with their last argument, the mightiest of all, that which is based upon precedents, to the effect that heretofore appropriations of like character have been made for like purposes but less consequential and less deserving. We shall attempt no refutation of this fact. We sadly acknowledge it to be true; we confess to the guilt which the existence of this fact implies. But will gentlemen plead for the commission of a new wrong because like wrongs have been perpetrated before? Does wrong become sanctified by frequent repetition? For my part, the duty of opposing this appropriation is more commanding for this very reason. It is time this wandering and this drifting from original land-marks should be checked. It is time this spirit of restlessness and discontent, which despises restraint and mocks at the doctrine of strict construction, should be rebuked.

O! gentlemen, do not exclaim with an air of triumph in your voices that such things have been done. True, too true, such appropriations have been made all through our history, made with wanton disregard of the Constitution; but the people never aquiesced in them until absorbed by the grand problems of war and debauched by the poison of speculation, when they became nonchalant and indifferent. Rulers exercised prerogatives and employed arbitrary excesses of power with impunity; they fattened upon the patronage which such custom yielded them. A noxious plant, in obedience to its nature, brought forth a poisonous, deadly fruit.

The simplicity and purity of our earlier history are no longer visible in the administration of the Government. Its functions have been indefinitely multiplied. It has built railroads; become parent, schoolmaster, banker; and now it proposes to go into the show business. Scarcely any one stops to inquire, what the fundamental law prescribes.

The people in their capacity as sovereigns have determined to dam up this current upon which the Republic has floated well-nigh to irrecoverable ruin. They insist that the Government shall be confined within its appropriate sphere. They demand that their rulers shall regard their oaths. They say to them, "Step not one foot beyond your constitutional limit, or you will find death." Heeding this voice, it is befitting that we should recognize it and vote against this appropriation.

The expense of this celebration should be borne by the thousands and tens of thousands of men whose wealth is the product of our free institutions; by those who have harvested ample fortunes from their country's woes, or who have acquired it by inheritance. If these classes are not unintelligent, unpatriotic, and short-sighted, they will swell the centennial fund to a full, well-rounded measure and secure the success of the centennial enterprise. Let it be proclaimed that

this exposition, where all the nations of the earth are invited to participate, is the free-will offering of a great people who have grown rich and mighty and intelligent under the auspices of a Government where written law is respected, where no force is exerted save to protect person and property, where no tribute is exacted save for the same just and necessary end.

Mr. Chairman, taxation means that the sweat of the toilsmen shall pay the expense of the proposed celebration. The few rich men will escape, while the poor people will wear the yoke. The millions who consume those articles upon which, according to our iniquitous tariff, duties are imposed and levied are the men whose purses will be emptied that the nation may have a grand jubilee in celebrating its one hundredth birthday. These poor people will not figure in the celebration. They will read of it perhaps, but their limited means will not enable them to make a pilgrimage to the spot and rejoice in the pageantry that their hard earnings shall have paid for. Thank God, such a wrong as this is not tolerated by the Constitution of my country!

Mr. Chairman, the people long since would have secured the absolute success of this enterprise had it not been for the belief that Congress, when the time came for the purpose of self-glorification, would make lavish contribution; a belief engendered by the false notions of government which have prevailed during the last decade; a belief which is the natural outgrowth of a legislative history redolent with credit mobiliers, with paving frauds, with steamship subsidies, with frauds immeasurable and innumerable.

Mr. Chairman, what a sad spectacle that this great Republic, just emerging from behind the black clouds of war, exulting in the salvation of the Union and the emancipation of a race, should encounter a peril yet mightier than rebellion in this disposition to override all constitutional limitations. But the people a year ago bestirred themselves. They recognized the peril when for the first time in fifteen years they made this House democratic. And now we find ourselves subjected to a test. We are to determine whether the people wisely confided to us the work of reform; whether we are wedded to that rigid, old-fashioned faith of which Jefferson and Jackson were the most conspicuous exponents and exemplars. In vain we call ourselves democrats if we vote for this appropriation. Party names are of slight consequence. Professions of party allegiance will be deemed as idle boasts, unless we make our party an agency through which constitutional limitations are restored, just principles maintained, and an honest policy of administration carried out.

Mr. Chairman, let us not be betrayed by the plausible pretense that adding just one more to the appropriations already made will work but slight harm. If we refuse the prayer of Philadelphia in this particular instance, an instance so conspicuous, we emphasize the resolve.

Mr. KELLEY. Let me say that Philadelphia has no prayer in this matter. The gentleman is talking about an international exhibition ordained by Congress and the executive commission in charge of which was appointed by the President of the United States.

Mr. WILLIS. If we refuse, then, the prayer of those men who ask that the Government shall, despite the Constitution, make this appropriation for an exposition to be held in Philadelphia in 1876, we emphasize our resolve to restore constitutional limitations; we invoke to return the spirit of liberty, without which the Republic cannot endure; we heed the exclamation which history sadly utters: alas, by what slight causes the mightiest states are overthrown!

Mr. Chairman, government supplies a need. That need results from man's depravity. His disinclination to obey the moral law renders necessary the restraint of man's law. The measure of such government, the extent of such restraint, depends upon the measure of such need and the extent of such depravity.

Therefore should we be warned at every assumption of power; at every governmental excess. Either bespeaks danger and reveals a backward tendency. To keep society intact is the sole office of government; any need beyond this the genius and energy of man can compass. A governmental agency is always less economical and efficient than private enterprise. This appropriation belongs to that species of special legislation which has transformed our legislative halls into auction houses, which has cursed this nation with monopolies, and brought democracy into disrepute.

Mr. Chairman, I have spoken more warmly and fully perhaps than has been pleasant to this House, in order that my motive for opposing this appropriation should be fully and completely understood. I have repeated familiar truths. I have done so, believing with Seneca "that cannot be too often repeated which is never sufficiently learned." I have done so, believing that rather than expend money for a jubilee in 1876 we should by an example of reverent love for the Constitution bequeath to our posterity the privilege of celebrating the continued existence of the Republic in 1976.

Mr. HEWITT, of New York. Mr. Chairman, while I admire the remarks which my colleague from New York [Mr. WILLIS] has addressed to the committee, I am sorry that he has felt constrained to make his speech, for it compels me to violate two good resolutions, in which I have no doubt I had the concurrence of every new member of this House: the first, that we the new members ought to sit here patiently and learn wisdom at the feet of those older members, who can teach us the ways of experience and of wisdom. And during the last week, Mr. Chairman, I confess I thought I was making considerable progress. I learned with what address and with what vigor a question can be debated in this House, and I felt that in the course of time I might probably begin to comprehend what was the nature of unanimous consent and several other things which have puzzled me very much since I have had a seat on this floor. [Laughter.] The other resolution, which no doubt I formed in common with most of my fellow-members, was that nothing short of a surgical operation would extract a vote from me for any new appropriation from the public Treasury, not imperatively necessary, for any purpose whatever until after the presidential election.

But the speech of my colleague [Mr. WILLIS] compels me to give up these half-formed resolutions. He is the representative of a district that is conterminous with my own in the city of New York for a distance of four or five miles. Upon his side of the line reside the wealthiest capitalists in this country. He has the honor upon this floor to represent the richest and, it is to be presumed, the most cultivated and cultured constituency in the United States. Upon the other side of the line is the district which I represent, filled with the honest sons of toil. There is scarcely a corner of it in which there is a man who does not earn his daily bread by the labor of his hands. Mr. Chairman, I do not believe that the gentleman represents the sentiments of his constituents in the position which he has taken upon this floor, and I am sure that when he speaks of the oppressive weight of taxation that the passage of this measure will impose upon the laboring classes of this country, I speak the honest sentiments of my own constituents when I say that there is not a man of them that will not gladly stand the three and a half cents which the passage of this bill will impose upon his individual head.

Mr. Chairman, the position of the gentleman suggests a scene which I witnessed a few years ago at a great meeting in New York, held for the reception of Red Cloud and his associated Indians, who, you will remember, came to Washington to explain their grievances to their great father and get redress. When they came back to New York a great meeting was held, crowded beyond any meeting that I have ever seen in that city; and these untutored sons of the forest came upon the stage, and, first of all, Red Cloud, wrapping himself in his blanket, tall, gaunt, meager, told that assembled crowd the sufferings of his race and the wrongs which they had sustained from the management of the Indian affairs of this country. Tears came into the eyes of all as they looked upon the stately form of this noble son of the forest, and the impression made was of so solemn a character that it was positively necessary to get some relief from the effect. And so as he sat down the medicine-man of the tribe, and I believe the medicine-man is always the funny man—some of the doctors in this House undoubtedly will confirm what I say [laughter]—the medicine-man stood out. He was a large and portly man, beyond the ordinary dimensions even of white men whose lot has fallen in pleasant places. Looking for a moment upon this great crowd, which comprised the intelligence, the wealth, the philanthropy, and much of the beauty of the city of New York, he stood still, and then slowly beginning to speak, he said, "Look at me"—and his dimensions seemed to be double what they were when he first came upon the platform [laughter]—"look at me; once I was young, I was slender and tall and graceful as the gazelle that travels my native plains. That was before the Indian agent came among us. [Laughter.] Look at me now," and he spread his blanket—I was going to say to the four winds of heaven—"see what proportions I have achieved; it is not what I have eaten and drunk! See the lies they have stuffed me full of!" [Laughter.]

Now, Mr. Chairman, I do not mean to insinuate that it is pabulum of that sort which has developed my colleague into the pleasant and goodly proportions which he presents to this House. [Laughter.] But I think, if I may be permitted the comparison, that when we are contrasted together the difference between daily contact with men of millions which he from his position and representation enjoys and my contact with men of toil may possibly account for the difference which you see in our relative proportions and possibly the divergent views which we take of this subject before the committee. [Renewed laughter.].

Now, Mr. Chairman, I have a word to say as to the amendment, which I believe was offered by an honorable gentleman from Pennsylvania. If I correctly understand the purport of that amendment, it is to open the Centennial on the 4th day of July, 1876, free to all citizens of the United States; and, further, that on one day of the week it shall be open free to all comers. Now, it will occur to the gentlemen of this House that while any body of managers charged with the conduct of such an exhibition will only be too glad to commend themselves to the confidence and general favor of the people of this country by opening the doors upon the 4th day of July—and they will surely do so provided it can be done with safety to human life—I think the gentleman who offers the amendment will scarcely be inclined to press it when he reflects upon the nature of the celebration which the people of the country mean to make on the 4th day of July, 1876. There may be a million of people pressing for entrance at the doors of the building; and I, who have seen these great crowds at foreign exhibitions, beg to call the gentleman's attention to the fact that what he proposes is simply a physical impossibility.

As to the other portion, it is simply a benefaction to the city of Philadelphia. It provides that the doors shall be opened one day in a week free, and the people who will avail themselves of that privilege will be mainly population of Philadelphia, who will crowd in then to escape paying their fair proportion of the expenses of the exhibition.

I do not mean to impugn at all the liberality or munificence of the people of Philadelphia in saying this, for when I come to deal with that subject I shall do their public spirit full justice. But I call attention to the fact that what the gentleman intends for the people of the United States will only be a boon to the people of Philadelphia for which they do not ask and which I venture to say they would decline.

Mr. KELLEY. Against granting which, in their name and as one of their Representatives, I protest. They do not want to be treated as an eleemosynary institution.

Mr. HEWITT, of New York. If, Mr. Chairman, I venture to address the House upon this bill when other members from my own State longer in the public service are silent, it is because I am the only member of this body who is also a member of the centennial board of finance, created and charged by the act of Congress with the duty of raising the means, erecting the buildings, and distributing the proceeds of the international exhibition of 1876, to be held in the city of Philadelphia.

NATIONAL AND NOT STATE CORPORATION.

And for the same reason let me correct at the outset an erroneous impression which I have found to prevail in the minds of some of the members of this House that the centennial board of finance is a private corporation created by the State of Pennsylvania. It derives its existence solely under the act of Congress approved June 1, 1872, has no corporate relations whatever derived from or depending upon the State of Pennsylvania, is in no wise accountable to the Commonwealth, but is bound to make report from time to time to the President of the United States of the progress of the work, and in a final report present a full exhibit of the result of the United States centennial celebration and exhibition of 1876.

PUBLIC AND NOT A PRIVATE CORPORATION.

Neither is it a private corporation in any fair sense of that term. It is an agency created by the authority of the National Government for the accomplishment of a great public purpose, as declared in the preamble of the original act of Congress, passed March 3, 1871, to wit, "that the completion of the first century of our national existence shall be commemorated by an exhibition of the natural resources of the country and their development, and of its progress in those arts which benefit mankind in comparison with those of older nations." The essence of a private corporation is that it is created for private gain. The essence of a public corporation is that it exists solely for the public good. The centennial board of finance is strictly a corporation of the latter class. No idea or possibility of private or personal advantage enters or can enter into its composition. It can only result in a heavy personal loss to those who, from motives of patriotism only, have subscribed to its stock. Under no conceivable circumstances can there be any distribution of profits. The best result that can be expected from it is that some small portion of the capital invested in it may be returned to the subscribers, and to the Government in case this bill is passed. I am thus careful to explain the true nature of this so-called corporation, (a corporation which is in reality a commission created by the United States to collect the free-will offerings of the people for a public purpose, to administer them with fidelity and return to the subscribers whatever proportion may be realized from the sale of the property after the exhibition is closed,) in order to distinguish the case from subsidies to private corporations organized for private profit, against which this House has committed itself by a formal resolution, the force of which I am not willing to impair even if it should cost the failure of this bill, which has nothing in common with private interests.

HONEST, ECONOMICAL, AND ABLE ADMINISTRATION OF THE CENTENNIAL BOARD OF FINANCE.

As a member of the centennial board of finance not residing in Philadelphia, and therefore not engaged in the actual expenditure of the funds which have been provided by subscription or otherwise, but responsible to the country for their honest expenditure, I take this occasion to bear testimony to the singular ability, rigid economy, and absolute integrity with which the trust confided to the board has been executed by the committee of management, at the head of which stands the honored name of John Welsh. A grateful country will do honor to him and his self-sacrificing coadjutors when it comes to realize the fruits of their labors in the creation of the greatest wonder of the ages without having allowed a dollar to be wasted or stolen from the fund confided to them by the patriotism of their fellow-citizens.

IS THIS APPROPRIATION THE RIGHT THING TO DO?

An undertaking of this nature, so inaugurated and so conducted, must and does commend itself to the confidence and favorable consideration of this House. We all desire to promote its full and successful completion, provided we have the constitutional right to do so and provided it is the right thing to do. I address myself first to the last point. Is it the right thing to do to vote a million and a half of dollars from the public Treasury in order that the international exhibition may be opened to the world free and clear of any debt? The country is suffering from stagnation in business; the taxes, national, State, and municipal, are getting to be well-nigh intolerable; the laboring classes are in distress from want of adequate employment; and capital is shrinking back into the secret recesses where it fancies itself secure from the dangers of inflation on the one hand and of contraction on the other. Is it a time, then, to spend a large sum of the people's money for any purpose not strictly required to maintain the existence and good faith of the Government? The answer must be in the negative, unless it can be shown that this expenditure will tend to relieve rather than aggravate the general distress, or unless the good faith of the Government is so pledged that our honor will be imperiled by the refusal to provide the means for the completion of the preparations indispensable for the success of the undertaking. But I think that it can be demonstrated that we are not only bound in honor to make the necessary appropriation, but that it will be profitable to the country to do so.

OBLIGATION OF HONOR.

And first as to the matter of honor. On the 5th of June, 1874, Congress passed an act to the effect—

That the President be requested to extend, in the name of the United States, a respectful and cordial invitation to the governments of other nations, to be represented and take part in the international exposition to be held at Philadelphia, under the auspices of the Government of the United States, in the year 1876: *Provided, however*, That the United States shall not be liable, directly or indirectly, for any expenses attending such exposition or by reason of the same.

Here is an express disclaimer of all pecuniary liability on the part of the Government, and yet the President of the United States did, in accordance with this act, as it was his duty to do, invite foreign governments to take part in the exposition, and these governments have accepted the invitation to the number of thirty-eight.

SPACE ASSIGNED TO FOREIGN EXHIBITORS.

Their subjects who have decided to become exhibitors have been awarded space in the buildings now being erected by the centennial board of finance. The total cost of these buildings will be $6,724,000. Of the space which they cover, 36½ per cent. has been assigned to these foreign exhibitors.

COST.

The actual money cost of this space is therefore over $2,400,000. Somebody must pay for this space. The foreign exhibitors cannot be asked to pay this sum; for they are here, already at great cost to themselves, on the invitation of the President of the United States, as the guests of the nation.

WHO SHALL PAY THE DEFICIENCY?

The United States has made no provision for these guests, relying upon the public spirit of the people to provide the necessary funds. Owing mainly to the depressed condition of business, the people have fallen short in their contributions to the extent of $1,500,000. Who is to make good this deficiency? Shall it be the people of Pennsylvania?

ACTION OF PENNSYLVANIA.

Of the $5,187,000 already raised the people of that State have contributed $4,700,000 and the remainder of the United States have subscribed $500,000. Pennsylvania has thus paid for every foot of space that will be occupied by American exhibitors, so that the other States will be the guests of Pennsylvania alone. Every dollar subscribed outside of that State has been appropriated to paying for the accommodation assigned to the foreign exhibitors, and if the other States had subscribed, as they should have done, enough to pay for this foreign space no application would have been necessary to Congress. With a delicacy as rare as it is generous, Pennsylvania has refrained from referring to the fact that at her own cost and charge she has made ample provision for her sister States, proving by this act of self-denial that she is altogether worthy of the singular honor which she enjoys in being the birthplace of American Independence thus to be celebrated within her borders in its centennial year by all the people of the United States and all the nations of the world, including even the mother country from whom the memorable Declaration separated us politically forever.

POSITION OF OTHER STATES.

If we impose upon Pennsylvania the obligation to provide at her own charge not only for our people but for the foreign guests of the nation, munificent as she has already been, I have no doubt that her generosity will be equal even to this unreasonable request, in order that the nation may not be disgraced in the eyes of the world. But how will the other States feel when they know now for the first time that Pennsylvania has already defrayed the entire cost of the American portion of the exhibition, leaving only to the country at large the provision required for the guests of the nation? Surely no State in our Union, and certainly not the State of New York, will be willing thus to impose upon the magnanimity of a sister State already extravagant in the exercise of liberality.

AMERICAN HOSPITALITY.

It has been the boast of Americans that in this country the "latch-string hangs outside," and I very much mistake the temper of this people if, having asked the guests, they desire either to give them scant courtesy or to avoid footing the bill or to transfer the burden of it to the State of Pennsylvania. We may be poor, but we are not yet so poor that we cannot spare three and a half cents per head in order to discharge the sacred duties of national hospitality. We expended over $100,000,000 last year in alcoholic drinks in the State of New York alone. Surely the whole United States will not be impoverished by devoting $1,500,000 to the proper reception of the goods of the strangers whom we have invited to our shores for our profit and enjoyment.

WHAT SHALL WE SAY TO OUR GUESTS?

Are we to tell these guests of the nation that we made an express reservation against pecuniary liability in the act of Congress authorizing the invitation? Did we make it in the invitation which we extended to foreign nations? And if we had made such a reservation, would it not have been the essence of meanness, at which every American would have hung his head in shame? The conclusion, then, in my mind is irresistible that, having given the invitation and the invitation having been accepted, the Government is bound to pay so much of the cost of the space occupied by foreigners as has not been and cannot now be raised by private subscription.

A PAYING INVESTMENT.

But, Mr. Chairman, aside from the question of honor and duty, I am quite clear that the expenditure of this money, and indeed of the entire cost of the exposition, will be largely reproductive to the country, and that its salutary effects will not only be immediate, but permanent. The country is in the condition of a man who has just turned the crisis of a violent fever. It is exhausted by long sickness and low diet. The system must be built up anew, and it must begin with stimulants.

EXPENDITURES OF FOREIGN VISITORS.

The strangers who will come from abroad will be consumers of our products, spending money brought into the land from the outside.

EXPENDITURES OF AMERICANS.

Our own people will necessarily put into rapid circulation money that is now reserved for just such opportunities as this exposition will afford. Our railways, who are large customers for the staple manufactures of the country, will be crowded with passengers, our hotels with guests, and our shops with customers.

EFFECT ON BUSINESS.

The channels of business will thus be re-opened, and once started, we all know cannot again be clogged except by the *débris* of another financial convulsion. The first effect will be felt in the employment of the large army of laborers now standing idle, consuming without producing wealth. The country will feel better, confidence will be restored, and the enterprise and energy of our people once more assert themselves in opening new highways of communication, and redeeming from desolation the still boundless territory of the West and South open to settlement. The second century of the Republic will be inaugurated by a resurrection of industry from the seeming paralysis in which its first century appears to be passing out of existence.

RESULTS OF FOREIGN EXAMINATION OF OUR RESOURCES.

But these immediate benefits, necessary as they are for the relief of the country, will be slight in comparison with the permanent advantages which we shall derive from the influx of foreign visitors, mostly men engaged in manufactures or men of wealth, who will take this occasion to study the resources and the institutions of the United States.

EXPOSITION BUILDINGS.

The very sight of the exposition buildings, so much larger and finer than the structures which were the pride of Great Britain in 1851 and 1862, of France in 1855 and 1867, and of Austria in 1872, will impress them with an idea of the greatness of this country which no other agency could effect.

PRODUCTS.

The study of our raw materials and our manufactured products and the examination of our labor-saving machinery, in which we undoubtedly surpass the world, will give them new and suggestive ideas of the forces, natural and artificial, which reside in the American people, and do more to preserve amicable relations with foreign powers than any peace societies or congresses in behalf of international arbitration.

FOREIGN CAPITAL INVESTED.

The capital of the world will be attracted to the development of our boundless resources in coal, iron, and the precious metals.

OUR DEBT.

Our ability to meet our national obligations will be so manifest, that we shall be able to negotiate our new loans at the lowest rate of interest, and thus raising our credit to a level with that of Great Britain, and removing a heavy annual burden of taxation from the productive industry of the country.

SAVING IN ANNUAL INTEREST.

A difference of 1 per cent. in the rate of interest on our national debt will effect an annual saving of over $20,000,000, and the way to save this vast sum is to inspire capitalists with confidence that we are certain to pay our debts, because we have abundant resources for the purpose. This result can surely be effected provided foreign capitalists can be satisfied that our sense of honor is proportioned to our ability to pay, and to produce this conviction we must not begin by violating the laws of hospitality, which lie at the foundation of all social confidence.

WHAT WE SHALL LEARN FROM THE FOREIGN PRODUCTS EXHIBITED.

But these results, valuable and enduring as they will be, will still be inferior to the lessons which our own people will derive from the comparison of our products with those of other nations. Only these favored few who have carefully studied the several foreign expositions can understand how inferior we are in certain departments of industry and art to the more advanced European and even some of the oriental nations. The coming international exposition will make this inferiority apparent to all the people of this country, and it has only to be made apparent in order to be overcome.

RESULTS OF FOREIGN EXHIBITIONS ON THEMSELVES.

The English exhibition of 1851 had the effect to demonstrate that Great Britain was far inferior to continental nations in the arts of design, just as it demonstrated to the continental nations their inferiority to Great Britain in agricultural implements, in machinery, and in all branches of iron and steel industry. The English government at once established schools of design throughout the empire, while the continental nations took steps to improve their iron works and machinery and develop their mineral resources. The exhibition of 1862 in London demonstrated the remarkable fact that in all the textile industries, in pottery, and in metal-work, requiring esthetic training and knowledge, Great Britain had overtaken if not gone ahead of her continental rivals, while she was beaten by Germany in her own stronghold by castings in steel so far in advance of her best results that Krupp's guns and wheels and tires were regarded with wonder and admiration approaching to incredulity. It is impossible to estimate the enormous pecuniary value of this progress to England and to Germany.

BESSEMER STEEL.

Again, at the date of the French exposition of 1867, the manufacture of Bessemer steel had begun to assume great prominence in Europe, but was only introduced into one establishment in this country, where its practice was comparatively rude and unprofitable. I had the honor to be one of the ten scientific commissioners appointed by the United States to study and report upon the exposition, and to me was assigned the subject of iron and steel. As commissioner every private establishment in England and France was opened to me, and I was thus enabled carefully to study the processes of manufacture, now so familiar but then so unknown to our metallurgists, and by the introductions which I was able to secure for our mechanical beginners to bring back the knowledge required for the successful establishment of this business. The result may be briefly stated, that we have now ten first-class establishments for the manufacture of Bessemer steel, capable of producing 500,000 tons per annum, enough to supply the demand of the country, and that the price of steel rails, which was then $140 per ton, has now fallen to $65 per ton, making an annual saving of $37,500,000 per annum. And, what is more remarkable, steel rails are now made and sold in this country as cheaply as they could be imported from abroad, and laid down west of the Alleghenies even if the duty were altogether removed.

VIENNA EXPOSITION—LEATHER.

I could adduce other marked instances of similar benefits derived from the careful study of the French exposition of 1867 made by the American commissioners at a cost of $300,000, a wise productive expenditure of money, but content myself with reciting upon the authority of my friend Jackson S. Schultz, esq., one effect of the Vienna exposition which has resulted in the establishment of a large export trade in American leather, steadily growing, and adding to our ability to resume specie payments, which we can do whenever the balance of trade will enable us to draw for coin instead of shipping our product of precious metals, as we now do.

We may safely conclude, therefore, that we shall not only rapidly assimilate the artistic skill of our foreign exhibitors, but that they in turn will find many things among our productions which they will need, and that will largely increase our exports.

I think, therefore, from the considerations which I have so hastily adduced, we may safely assert that to make the proposed appropriation, in order that the exposition may be a success, is a good thing to do, as well from considerations of interest as of honor.

CONSTITUTIONAL POWER.

But there are many things good to do which Congress has no constitutional right to do. Is this appropriation one of them? The question has heretofore been argued, and members are probably familiar with the discussion. In the presence of a body so largely composed of able lawyers I approach the subject with great diffidence and would altogether refrain from touching upon it if I did not think that there is a view of the subject, conclusive to my mind, which has hitherto escaped notice. The argument heretofore has mainly referred to the question of the right of Congress to appropriate money for the centennial celebration of the Declaration of Independence. The real question seems to me to be whether Congress has a right to appropriate money for the establishment of an international exhibition of industry.

And what I have to say further is in reply to the constitutional argument of my colleague, [Mr. WILLIS.] I am no lawyer; he is eminent in that profession, and I am very reluctant to take issue with him. Still he has not touched upon the essential point in the discussion of this constitutional question, nor, so far as I know, has it been properly touched upon by any one. The argument of my colleague refers mainly to the right of Congress to appropriate money for a centennial celebration of the Declaration of Independence. It seems to me that is not the real point in issue. The question is whether Congress has the right to appropriate money for the establishment of an international exhibition of industry.

Mr. WILLIS. If my colleague will allow me to interrupt him for a moment, I will say that he has mistaken my argument. It was against the constitutionality of making the appropriation named in the pending bill.

Mr. HEWITT, of New York. I accept the gentleman's explanation, and still repeat what I said, that such was the line of his argument. I took down his words, and he spoke of this as "money appropriated for a jollification."

Mr. WILLIS. That is the way I characterized it.

Mr. HEWITT, of New York. Yes; and in that respect I say there was an entire failure to comprehend the true nature of this question. In other words, the occasion on which this exhibition is to be made should not be confounded with the exhibition itself.

ARGUMENT AS TO RIGHT TO CELEBRATE THE CENTENNIAL.

On the question of the right of Congress to provide money for the celebration of American Independence, I shall leave the argument where it stands, and confine myself to showing that appropriations for an exhibition of art and industry are quite within the powers given to Congress under the Constitution, and that it is in its discretion whether it shall establish or aid such exhibitions, and to what extent.

INTERNATIONAL EXHIBITIONS ARE IN REALITY INDUSTRIAL UNIVERSITIES.

As I have endeavored briefly to show in what I have heretofore said, these exhibitions are the most potent agencies yet discovered for the education of the masses of the people in art and industry. They are in fact the industrial universities of the people, in which the skill, and labor, science, capital of the world, are united for the express and sole purpose of general instruction.

THE PRINCE CONSORT A BENEFACTOR OF THE HUMAN RACE.

The time at my disposal will only allow me to state that among philanthropists, publicists, and statesmen there is no difference of opinion on this subject, and that it is generally conceded that the late prince consort of England, to whom belongs the merit of having originated these international exhibitions, enrolled himself among the great benefactors of the human race, as well by the results already achieved throughout the civilized world, as by the continuing influence of these admirable inventions for the dissemination of the knowledge "of those arts which benefit mankind."

NO QUESTION AS TO RIGHT TO PROMOTE EDUCATION.

Now I presume no one questions the power of the National Government to promote the education of the people. Differing, as constitutional lawyers may well do, as to the proper limitations to be applied to that clause of the Constitution which authorizes Congress to "provide for the general welfare," no one has ever seriously questioned that the education of the people falls within the power thus granted. Precedents without number can be cited, beginning with the very foundation of the Government and coming down to our own day.

LAND FOR COMMON SCHOOLS.

The granting of every thirty-sixth section of the public lands to the new States as an educational endowment can only be justified under this clause, for, although express authority is given to dispose of the public lands, no one will contend Congress can dispose of them for any purpose not clearly indicated by the Constitution itself.

AGRICULTURAL AND MECHANICAL COLLEGES.

The grant of lands to the several States for the purpose of securing the foundation of agricultural and mechanical colleges is a case directly in point, because the same end is aimed at in these institutions as in the international exhibition, namely, the diffusion of practical knowledge in branches of industry essential to the comfort and progress of the nation.

MILITARY AND NAVAL SCHOOLS.

The maintenance of the special military and naval schools, and of the National Observatory, are only to be justified on the same theory, that they give education or knowledge essential to the general welfare, and in the same spirit money was appropriated to defray the expenses of the commissions sent out by the United States to study and report upon the several great European exhibitions of art and industry.

RIGHT TO STUDY FOREIGN EXHIBITIONS AT PUBLIC EXPENSE IMPLIES RIGHT TO HAVE THEM AT HOME.

Surely if any right existed to make such appropriations merely to bring back useful knowledge from foreign countries, it must exist to put the whole people in a position to study a similar exhibition at home for themselves under circumstances far more promising of useful and permanent results.

MISSION OF THIS CONGRESS.

I trust that I have thus shown that Congress has the right to make the proposed appropriation and that it is the right thing to do. I recognize fully that if this Congress has any special duty and mission to perform it is to reduce the burden of taxation by retrenchment in the expenditures of the Government, and to adopt such legislation as will tend to give activity to the stagnant and depressed industries of the country.

DEVELOPMENT OF THE FIRST CENTURY.

I understand clearly that as the first century of the Republic has been mainly and necessarily devoted to the development of the resources of the country and the opening of channels of communication, so its second century must necessarily be an era of production far in excess of the wants of our people, and needing foreign markets for their consumption.

FOREIGN MARKETS—COMPETITORS.

I understand that in these markets we shall have to meet with competitors whose energy, skill, and capital have given them a precedence and a preference which we cannot hope to overcome if we are deadweighted either by artificial impediments to trade, or by want of skill, or ignorance in the work of production. Our people need this opportunity to study their merits and our own defects.

EFFECT ON THE COMMERCIAL LEGISLATION OF THE COUNTRY.

The effect of this study will be felt, not only on the industry but upon the commercial legislation of the country. The shackles of commerce will be stricken off, and no prohibitory measures can survive the conviction which this exhibition will produce in the public mind that we must have the markets of the world for our products, or else that the career of progress in which we have hitherto moved forward so triumphantly must come to an end permanently as it has been temporarily checked with the first century of our existence. Hence, feeling convinced that the immediate and permanent results of the proposed exposition will be precisely those which the people intended to effect when they sent here a body of representatives taken fresh from their midst and largely new to public life, I am constrained to vote for this bill, and have no doubt that in so doing I shall be fully justified by the voice of my constituents and the general judgment of the country; and I venture to predict that when the American people and the members of this House shall have witnessed the magnificent display of industrial products which this exposition will contain, and have begun to measure its beneficent effects upon the destinies of the nation, the only persons throughout the land who will have reason to regret the passage of this bill will be those who, having failed to comprehend the intense spirit of patriotism, the honorable pride in the good name of the American people which distinguishes our people, just as the event itself which we propose to celebrate is distinguishable from all others in the history of man, shall not have put themselves on the record in its favor.

Mr. PHILLIPS, of Kansas, obtained the floor.

Mr. HOPKINS. If the gentleman will yield I will move that the committee now rise.

Mr. PHILLIPS, of Kansas. I will yield for that purpose.

Mr. KELLEY. I hope the gentleman from New York [Mr. CHITTENDEN] will be allowed a moment before the committee rises.

Mr. HOPKINS. Certainly. I yield for a moment to the gentleman from New York.

Mr. CHITTENDEN. It is my misfortune, Mr. Chairman, to be called away from the further consideration of this question, which I regret extremely. But as the representative here of a populous district in the most populous city in this country next to Philadelphia, it becomes my duty to say that within an hour or two I have received a telegraphic dispatch from the chief executive officer of the city of Brooklyn, who also states that he represents the common council of the municipal government of that city, urging the Representatives from Brooklyn to favor the measure now before this committee.

It is not more my duty to give utterance here to the sentiments of the government of my city than it is my pleasure cordially to express my approbation of this measure and my hope that it will pass, and not only pass, but by a unanimous vote. We have heard already a great deal about this centennial year. If there is anything for which the representatives of this great nation should cordially, freely, and unanimously vote, in my judgment it is for this appropriation. I have listened to the constitutional objections; but they are answered by multitudinous cases of departure hitherto. But this is a case that no one of us shall ever see repeated; our children will not see it repeated. There is something sublime and magnificent in calling the nations of the earth here to meet us on this great occasion.

But I did not intend, when I began, to say a word, except simply to state that the city of Brooklyn urges this appropriation; and I will repeat, because it is not generally known in this House, that Brooklyn is the third city in the Union in population, in intelligence, in enterprise, and perhaps in wealth. And that city sends a cordial greeting to Philadelphia and urges her Representatives to favor the bill under consideration.

Mr. HOPKINS. I now move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WOOD, of New York, reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration a bill (H. R. No. 514) relating to the centennial celebration of American Independence, and had come to no conclusion thereon.

Mr. CAULFIELD. I move that the House adjourn.

The motion was agreed to; and accordingly (at five o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. ANDERSON: The petition of Carter Wilkey, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. BARNUM: The petition of Harvy Osborne and 60 other citizens of Danbury, Connecticut, for the repeal of the amendment to the postal law which increased postage rates on third-class mail matter, to the Committee on the Post-Office and Post-Roads.

By Mr. BLAINE: The petition of S. Burnham and 49 other citizens of Maine, for the repeal of the check-stamp tax, to the Committee on Ways and Means.

Also, the petition of Fannie E. Record, for a pension, to the Committee on Invalid Pensions.

By Mr. BRADFORD: The petition of Spencer Smith, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. BURCHARD, of Illinois: The petition of Anna Godbold, for arrears of pension, to the Committee on Invalid Pensions.

By Mr. COX: The petition of the book-agents of the Methodist Episcopal Church South, for payment for property taken and used by the United States, to the Committee on War Claims.

Also, the petition of Benjamin L. Brittins, for pay for cotton taken by the United States, to the same committee.

By Mr. CUTLER: The petition of citizens of Cape May City, New Jersey, for the repeal of the check-stamp tax, to the Committee on Ways and Means.

By Mr. DIBRELL: The petition of the heirs of James W. Eastwood, for re-imbursement of moneys taken from him by United States forces at Gallatin, Tennessee, in January, 1863, to the Committee on War Claims.

Also, a paper relating to a post-route along the line of the Cincinnati Southern Railroad in Tennessee, to the Committee on the Post-Office and Post-Roads.

By Mr. DOUGLAS: The petition of David A. Flipkins, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Warner Eubank, for compensation for use and occupation of land by United States troops, to the Committee on War Claims.

By Mr. ELKINS: The petition of Manuel Chavez, for compensation for services rendered the United States as lieutenant-colonel of volunteers, to the Committee on Military Affairs.

By Mr. FAULKNER: The petition of citizens of Preston County, Virginia, for the prohibition of the manufacture or importation of intoxicating liquors, to the Committee on Ways and Means.

By Mr. FOSTER: The petition of R. T. Morsell, for compensation for grounds used by the United States as Sedgwick Barracks, in Washington City, to the Committee on War Claims.

By Mr. GARFIELD: The petition of E. W. Hansell, for compensation for injuries received in the defense of William H. Seward, Secretary of State, at the time of the attempt to assassinate him, April 14, 1865, to the Committee on Claims.

Also, the petition of R. K. Paige and 92 other citizens of Lake County, Ohio, for Congress to grant aid to the Southern Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. HANCOCK: The petition of Susan E. Rhea, for pay as widow of a surgeon in the Texan navy, to the Committee on Naval Affairs.

By Mr. HAMILTON, of New Jersey: The petition of citizens of New Jersey, for the repeal of the check-stamp tax, to the Committee on Ways and Means.

By Mr. HENDERSON: Preamble and resolutions of the Illinois State Medical Society, relating to putting the Medical Corps of the Army on an equal footing with the other staff corps of the Army, to the Committee on Military Affairs.

Also, the petition of William H. Lyford and 94 other citizens of Illinois, for a reduction of the postage rates of third-class mail matter, to the Committee on the Post-Office and Post-Roads.

By Mr. HENKLE: Papers relating to the claim of George Calvert, to the Committee on War Claims.

Also, the petition of Julia Watkins, for a pension, to the Committee on Invalid Pensions.

By Mr. HOLMAN: The petition of George Hibben & Co., for re-imbursement of taxes erroneously assessed and collected, to the Committee on Ways and Means.

By Mr. HOPKINS: The petition of 56 citizens of Pennsylvania, for a repeal of the check-stamp tax, to the same committee.

By Mr. HUNTON: The petition of B. W. Hunter, for permission to file a claim before the southern claims commission, to the Committee on War Claims.

Also, the petition of Alfred H. Weaver, for additional allowance for military stores furnished the United States, to the same committee.

By Mr. KETCHUM: The petition of John McCauley, for compensation for false imprisonment by the United States authorities, to the same committee.

By Mr. KIMBALL: The petition of Thomas Smith, for a pension, to the Committee on Invalid Pensions.

By Mr. LAPHAM: The petition of Stephen Lewis, for an amendment of the pension laws as to soldiers of the war of 1812, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. LEAVENWORTH: The petitions of Adolph Joseph, Henry Osterheld, and Frank Sippellius, for additional compensation as officers in the United States Army, to the Committee on Military Affairs.

By Mr. McDILL: The petition of Mrs. Matilda Fletcher, widow of J. A. Fletcher, late an employé of the House, now deceased, for the usual allowance of three months' pay and funeral expenses, to the Committee on Accounts.

By Mr. MacDOUGALL: The petition of Mrs. E. J. Brasman, for goods seized by a provost-marshal of the Army, to the Committee on War Claims.

By Mr. MUTCHLER: The petition of citizens of Bethlehem and South Bethlehem, Pennsylvania, for aid to the Texas Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. O'NEILL: The petition of Alexander Worrall, for relief against certain judgments, to the Committee on the Judiciary.

Also, the petition of William S. Stockton, that his name be placed on the roll as first lieutenant Company F, Seventy-first Regiment Pennsylvania Volunteers, to the Committee on Military Affairs.

By Mr. PAGE: The petition of J. R. Roche, late disbursing clerk of the War Department, for additional compensation, to the same committee.

By Mr. PHELPS: The petition of James B. Armstead, jr., and other citizens of New Haven, Connecticut, for the issue by the Government of fifty-year 3.65 convertible gold bonds, to the Committee on Banking and Currency.

By Mr. PIPER: The petition of Joseph R. Curtis, for compensation for extra expense in constructing the branch mint at San Francisco in 1853, to the Committee on Claims.

By Mr. PIERCE: The petition of the harbor commissioners, of Massachusetts, for an appropriation to cover the expense of removing a shoal opposite the navy-yard in Boston Harbor, to the Committee on Commerce.

By Mr. REAGAN: Papers relating to the petition of J. S. Boggess, heretofore referred, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. SAVAGE: The petition of T. Worthington, for an investigation of the charges for which he was dismissed from the volunteer service September 16, 1862, to the Committee on Military Affairs.

Also, the petition of William West, for compensation as regimental quartermaster Fifth Ohio Cavalry, to the same committee.

By Mr. SINGLETON: The petition of J. N. Carpenter, paymaster United States Navy, for compensation for property taken by the United States, to the Committee on War Claims.

By Mr. SPRINGER: The petition of Esther P. Fox, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. THOMPSON: The petition of Charles J. Brockway, executor of the will of William Bartlett, for indemnity for losses from spoliations under decrees of the French government, to the Committee on Foreign Affairs.

Also, the petition of George A. Stevens, commander in the Navy, for a change of place in the Navy Register, to the same committee.

By Mr. THROCKMORTON: The petitions of citizens of Cooke and Montague Counties, Texas, for a post-route from Marysville to Salt Creek, Texas, to the Committee on the Post-Office and Post-Roads.

By Mr. TUCKER: The petition of Folks Winston and others, for property destroyed by the United States Army at Lynchburgh, Virginia, to the Committee on War Claims.

By Mr. TURNEY: The petition of citizens of Greene County, Pennsylvania, for the repeal of the resumption act, to the Committee on Banking and Currency.

Also, the petition of Rees B. Edmundson, for compensation for cotton seized by the United States, to the Committee on War Claims.

By Mr. VAN VORHES: Papers relating to the petition of W. D. L. Stanley for the removal of the charge of desertion, to the Committee on Military Affairs.

Also, the petition of 53 citizens of Ohio, for the establishment of a mail-route from Mount Blanco to Wilkesville, Ohio, to the Committee on the Post-Office and Post-Roads.

Also, the petition of 34 citizens of Meigs County, Ohio, for the establishment of a mail-route from Chester to Reedville, Ohio, to the same committee.

Also, the petition of Henry H. Wharff, for a pension, to the Committee on Invalid Pensions.

By Mr. WALKER, of New York: The petition of citizens of the twenty-ninth congressional district of New York, for the repeal of the check-stamp tax, to the Committee on Ways and Means.

By Mr. WELLS, of Missouri: The petition of citizens of Missouri, of similar import, to the same committee.

By Mr. WHITE: The petition of Hannah W. Davis, for a pension, to the Committee on Invalid Pensions.

Also, the petition of L. C. Dils, for pay as a private soldier for the time he was held as a prisoner of war by the confederate military authorities, to the Committee on Military Affairs.

By Mr. WIGGINTON: The petition of A. Martin and 100 citizens of San Benito County, California, for lands heretofore granted to the Southern Pacific Railroad to be restored to the public domain, to the Committee on the Public Lands.

Also, the petition of M. C. Johnson, of the same county, of similar import, to the same committee.

Also, the petition of R. E. Hyde and 175 other citizens of Tulare County, California, for a post-route from Visalia to Lemoore, California, to the Committee on the Post-Office and Post-Roads.

Also, the petition of A. Rodgers and 256 other citizens of San Bernardino County, California, for aid to be granted the Texas and Pacific Railway, to the Committee on the Pacific Railroad.

Also, the petition of Gillam Bailey and 75 other citizens of California, for a post-route from Fresno to Toll-Gate, in Fresno County, California, to the Committee on the Post-Office and Post-Roads.

By Mr. WILLARD: The petition of the president and secretary of

the Columbia Railway Company of the District of Columbia, to amend the act incorporating said company, to the Committee on the District of Columbia.

By Mr. A. S. WILLIAMS: The petition of George S. Goodall and 14 other citizens of Michigan, for the repeal of the check-stamp tax, to the Committee on Ways and Means.

Also, the petition of Henry Romeyer, for relief, to the Committee on Military Affairs.

By Mr. WILLIS: The petition of 500 wounded soldiers, for the amendment of the pension laws, (extending time for granting arrears of pension,) to the Committee on Invalid Pensions.

By Mr. WILSON, of West Virginia: The petitions of Ottis B. Anderson and Jane A. Harris, for pensions, to the same committee.

By Mr. WOODWORTH: The petition of Stacy Pettet, for a pension, to the same committee.

Also, the petition of J. J. Jenkins and 47 other citizens of Columbiana County, Ohio, for the repeal of the amendment to the postal law which increased postage rates on third-class mail matter, to the Committee on the Post-Office and Post-Roads.

By Mr. YOUNG: The petition of Wiley C. Davis, for a reconsideration of his claim, to the Committee on War Claims.

By Mr. ——: The petition of W. H. Akins, for an extension of letters patent, to the Committee on Patents.

IN SENATE.

WEDNESDAY, *January* 19, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. WITHERS presented resolutions of the common council of Fredericksburgh, Virginia, concurring in the action taken by the city council of Boston, Massachusetts, and uniting in the petition presented by them to Congress for the erection of a marble column at Yorktown, Virginia, commemorative of the closing victory of the Revolution; which were referred to the Committee on Appropriations.

Mr. JOHNSTON presented the petition of Samuel Jones, of Virginia, praying the removal of his political disabilities; which was referred to the Committee on the Judiciary.

Mr. HITCHCOCK presented the petition of members of the bar and citizens of the State of Nebraska, praying the enactment of a law for the holding of one or more terms of the United States district court each year at the city of Lincoln, the capital of the State; which was referred to the same committee.

Mr. WRIGHT presented the petition of Augustus Watson, praying compensation for the use of his self-sealing stamped newspaper-wrappers; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WALLACE presented the petition of 58 Union soldiers of Allegheny County, Pennsylvania, praying for the enactment of a law giving additional bounty to soldiers, sailors, and marines who served in the late war; which was referred to the Committee on Military Affairs.

He also presented a petition of 250 citizens of Lawrence County, Pennsylvania, and a petition of the residents of Huntingdon, Pennsylvania, praying for Government aid to the Texas Pacific Railroad and in aid of the prostrated iron industry of Pennsylvania; which were referred to the Committee on Railroads.

He also presented the petition of stockholders of the Seaboard and Roanoke Railroad Company, praying compensation for the use and occupancy of their railroad by the United States authorities during the late war; which was referred to the Committee on Claims.

Mr. DENNIS presented a copy of the preamble and resolutions adopted by the Board of Trade of Baltimore at its monthly meeting held on Monday, December 6, 1875, favoring an appropriation for the centennial exhibition at Philadelphia; which was referred to the Committee on Appropriations.

Mr. PADDOCK. I present three petitions, numerously signed by citizens of Buffalo County, Nebraska, asking that the Fort Kearney military reservation be opened up for settlement. As a bill has passed the House of Representatives on this subject, which has been referred to the Committee on Military Affairs, I move that these petitions take the same reference.

The motion was agreed to.

Mr. SHERMAN. I present twenty-one petitions, signed by a large number of citizens of Ohio, setting out that the stoppage of great works of improvement and the general depression in business in all parts of the country have lessened the demand for labor and caused the withdrawal of a great number of laborers. They believe it to be very important that every available means should be seized in this distressing crisis to revive the industries of the country, and to that end that encouragement should be given to the building of such highways across the continent as are national in their character and cannot be constructed within any reasonable time without aid from the General Government. They ask Congress, under proper guarantees, to extend the national credit to the construction of the Texas Pacific Railroad. I move the reference of these petitions to the Committee on Railroads.

The motion was agreed to.

Mr. BOOTH presented the petition of John A. Sutter, praying to be allowed public lands or their equivalent in money to compensate him for lands of which he alleges he was unjustly deprived; which was referred to the Committee on Private Land Claims.

Mr. McCREERY presented the petition of A. L. Shotwell, a citizen of Louisville, Kentucky, praying compensation for the seizure of the steamer Stella Blanche by United States officials acting under the orders of General Grant, then commanding at Caseyville, Illinois; which was referred to the Committee on Claims.

Mr. MORRILL, of Vermont, presented a petition of the officers and members of the National Association for the Relief of Destitute Colored Women and Children, praying an appropriation of $10,000 for the benefit of that institution; which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. WRIGHT. There was introduced on the 7th of January a bill (S. No. 197) for the relief of Charles W. Biese, late second lieutenant of the Eighty-second Illinois Volunteers, and referred to the Committee on Claims. Upon examining the bill we find that it was before the Committee on Military Affairs at the last Congress, and that a report was made upon it by that committee. I therefore report the bill back, and move that the committee be discharged from its further consideration, and that it be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the petition of P. W. Woodlief, praying compensation for property taken by the Government in 1863, at New Orleans, Louisiana, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

Mr. CAMERON, of Wisconsin, from the same committee to whom was referred the petition of John E. Kirwan, of Matthews County, Virginia, praying compensation for property destroyed by the United States gunboat Crusader on the 25th of June, 1863, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

Mr. CAPERTON, from the same committee to whom was referred the bill (S. No. 76) for the relief of David Ogden, Andrew Foster, and other ship-owners, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee to whom was referred the petition of Laban Heath, praying compensation for damages arising to him as publisher by reason of certain defective printing of steel-plate illustrations of bank-notes and currency by the Treasury Department under a contract in 1868–'69, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

Mr. ALLISON. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. No. 80) to transfer Indian trust funds to the Treasurer of the United States, to report it back without amendment; and I desire to give notice that I will call it up for consideration at an early day.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

BILLS INTRODUCED.

Mr. CONOVER (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 298) granting a pension to William C. Edmondson; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 299) to amend section 1588 of the Revised Statutes, relative to the pay of medical and pay directors; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 300) to provide for a uniform duty on sugar; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. McDONALD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 301) to provide for the appointment of clerks of the courts of the United States in the district of Indiana; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. BOUTWELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 302) to provide for the organization of a bar of the two Houses of Congress; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. CAMERON, of Wisconsin, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 303) to aid the Winnebago Indians of Wisconsin to obtain subsistence by agricultural pursuits and to promote their civilization; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. CONKLING asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 304) to amend section 4130 of the Revised Statutes of the United States; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 305) to change the location of the consulates of Aix-la-Chapelle, and Omoa, and Truxillo; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 306) to establish certain post-roads; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. HOWE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 307) concerning security on writs of error and appeals, and for other purposes; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. WITHERS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 308) for the relief of B. D. Morton, of Clarksville, Virginia; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

Mr. COCKRELL. I move that the petition and accompanying papers in the case of Thomas B. Wallace be withdrawn from the files and referred to the Committee on Claims. The case has never been reported upon adversely but favorably, and a bill for relief was once vetoed by the President.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the order will be made.

On motion of Mr. BOGY, it was

Ordered, That the petition and papers in the case of Duane M. Greene be taken from the files of the Senate and referred to the Committee on Military Affairs.

Ordered, That the petition and papers in the case of Nathaniel Pryor be taken from the files of the Senate and referred to the Committee on Indian Affairs.

On motion of Mr. McMILLAN, it was

Ordered, That the petition and papers of Fisk Mills be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. JONES, of Florida, it was

Ordered, That the petition and papers in the case of Alonzo Snyder be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. HAMLIN, it was

Ordered, That the petition and papers in the case of Sarah E. Weston, widow of W. R. Weston, be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. BAYARD, it was

Ordered, That the petition of George R. Dennis, of Maryland, heretofore referred to the Committee on Claims, with accompanying papers, be withdrawn from the files of the Senate.

On motion of Mr. STEVENSON, it was

Ordered, That the petition and papers in the case of Vaughan & Jackman be taken from the files of the Senate and referred to the Committee on Military Affairs.

On motion of Mr. COOPER, it was

Ordered, That the petition and papers of Mrs. Susan Partee and the papers in the case of the Tennessee Hospital for the Insane be taken from the files of the Senate and referred to the Committee on Claims.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. SHERMAN. I move that the Senate proceed to the consideration of Senate bill No. 141, reported from the Committee on Finance with amendments.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 141) to amend the act entitled "An act amending the charter of the Freedman's Savings and Trust Company, and for other purposes," approved June 20, 1874.

The first amendment of the Committee on Finance was after the word "indebtedness," in line 7 of section 7, to insert the words "or the certificate of the commissioners or commissioner in lieu thereof;" so as to make the section read:

SEC. 7. That said commissioners or commissioner, with the approval of the Secretary of the Treasury, may prescribe such form as they or he may deem right and proper for the depositors to transfer their claims; but no assignment of such claims shall be valid unless it is signed by the depositor, or, if dead, by his legal representative, and is accompanied by the pass-book or other evidence of the company's indebtedness, or the certificate of the commissioners or commissioner in lieu thereof, and sworn proof to the satisfaction of the commissioners or commissioner that the assignment was executed by the proper person in good faith and for valuable consideration: *Provided*, That in case the person making the assignment is unable to write, a sworn statement of two witnesses, setting forth that they witnessed the execution of the assignment, and know the person who executed it to be the depositor the execution of the assignment of whose account they witnessed.

The amendment was agreed to.

The next amendment was after the word "that," in the first line of section 8, to insert the words:

Said commissioners or commissioner shall be, and they hereby are, authorized and directed, at the option of the creditors of the company, upon the surrender of the pass-books or other evidence of the company's indebtedness, to issue certificates of indebtedness, payable to the order of the respective depositors or their assigns, which certificates shall state the amount due the claimant, the number of the deposit account upon which each is based, and the name of the branch from which the account was reported to them; said certificates shall take the place and be of the same value and effect as the pass-books and other evidence of indebtedness thus surrendered; and that.

The amendment was agreed to.

The next amendment was after the word "shall," in line 13 of section 7, to insert the words "issue certificates of indebtedness and;" so as to read:

And that said commissioners or commissioner shall issue certificates of indebtedness and make payments to those depositors only whose pass-books have been properly verified and balanced, unless said pass-books have been lost or destroyed.

The amendment was agreed to.

The next amendment was in section 8 to insert after line 17 the words "issue certificates of indebtedness and;" so as to read:

Then upon satisfactory proof of such loss or destruction, and the amount due them, they or he may issue certificates of indebtedness and pay as though they had pass-books.

The amendment was agreed to.

The next amendment was in section 8, line 20, to strike out "two" and insert "three" before "years," and in line 23 to strike out "two" and insert "three" before "years," so as to read:

But all claims not presented to the commissioners or commissioner for examination and audit within three years from and after the passage of this act, as well as all dividends declared upon audited accounts not called for within three years from the date of their declaration, shall be barred, and their amounts shall inure to the benefit of the other depositors of the company.

The amendment was agreed to.

The next amendment was to strike out section 12, in the following words:

SEC. 12. That the compensation of said commissioners shall not exceed the sum of $9,000 per annum, and shall be apportioned among them by the Secretary of the Treasury, according to the services rendered and time given by each, but no one commissioner shall at any time receive more than $5,000.

The amendment was agreed to.

Mr. SHERMAN. I am also instructed by the committee to move to strike out after the word "Treasury," in line 11, section 2, the following words:

And shall operate as a discharge or cancellation of the joint bond of said present commissioners as to any and all acts of said survivors or survivor.

The amendment was agreed to.

Mr. SAULSBURY. Mr. President, it seems to me that an amendment should be made to the proviso in the first section. It now reads:

That no change hereafter made of said commissioners, or any of them, shall in any way impede or delay any case or cases instituted by or against said commissioners or commissioner.

I do not know that there is any case in which the commissioners are liable; but it may be that there are cases in which the commissioners may be liable for which no suits have been instituted; and I propose to amend by adding after the word "commissioner" in line 32 the words "or in cases upon which they, or any of them, may be liable."

Under the bill as it now stands they would be absolved, I think, from any case in which there might be liability unless a suit has been instituted. My purpose is simply to have their liability continued, if there be any such liability, although no suit has been already instituted.

Mr. KERNAN. I suppose this proviso is for the purpose of preventing a suit, brought by these commissioners or against them in their official capacity, abating by a change of the commissioners, not with a view of taking from or adding to their personal liability for wrong. I suggest to my friend that he had better put in the words "by or against them as such." It is the ordinary case of preventing the abating of a suit instituted by a trustee or against a trustee to reach the funds where there is a change in the trustee.

Mr. SAULSBURY. My object is simply to save the liability of the commissioners if they are at present liable to any party who might have a just claim against them or any of them; but I am perfectly willing to accept the suggestion of the Senator from New York, and modify my amendment accordingly, if he is of the opinion that such an amendment as he suggests is necessary at all.

Mr. KERNAN. I would suggest to my friend from Delaware that where he proposes his amendment he insert merely the words "by or against said commissioners or commissioner in their or his official capacity" or "as trustees." That would not affect the personal liability of any one, but will prevent actions abating where they seek to enforce a demand which belongs to the trust estate, or where there is a suit brought to establish a demand against the trust estate. That is the object, and not to prevent one of the trustees being liable personally.

Mr. EDMUNDS. Let us hear the clause read as it now stands in the bill reported by the committee.

The PRESIDENT *pro tempore*. The Secretary will report the clause.

The CHIEF CLERK. The proviso, beginning with the twenty-ninth line, reads:

And provided further, That no change hereafter made of said commissioners, or any of them, shall in any way impede or delay any case or cases instituted by or against said commissioners or commissioner, but every such case shall, upon suggestion of such change, and due entry thereof on the dockets of the respective courts in which they may be pending, be proceeded with in the same manner as if such change had not been made.

The PRESIDENT *pro tempore*. The Secretary will report the amendment proposed by the Senator from Delaware.

The CHIEF CLERK. It is proposed to amend the proviso by inserting after the word "commissioner," in line 32, the words "or any cases upon which they or any of them may be liable."

Mr. KERNAN. I would substitute for the amendment proposed by

the Senator from Deleware the insertion of the words "in their or his official capacity;" so as to read:

Shall in any way impede or delay any case or cases instituted by or against said commissioners or commissioner in their or his official capacity.

The PRESIDENT *pro tempore*. The question is on this amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment as amended.

Mr. EDMUNDS. I do not know whether the word "shall" is in the proposed amendment or in the printed bill. The provision is, "the case shall proceed." I think that word ought to be "may," so that if there be a case of claim of personal liability it will be within the power of the court according to law to determine whether a change in person shall be made or not. If a suit should be pending against these commissioners for some personal dereliction, then the word "shall" might interpose a difficulty possibly. So I suggest that it be changed to "may."

Mr. SHERMAN. That is right.

The PRESIDENT *pro tempore*. Is there objection to this change? The Chair hears none, and the change will be made. The question is on the amendment as amended.

The amendment, as amended, was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. SHERMAN. I wish simply to state that there was a proposition submitted by these trustees to the Committee on Finance in regard to the purchase of the bank building, the same proposition that was discussed somewhat at the last session, I believe. We did not think it right to introduce that subject-matter on this bill, because this was a bill merely as to the mode of proceeding and to facilitate the settlement of the affairs of the Freedman's Bank. The other question is reserved, and I trust that when it is presented to the Senate they will pay due attention to it. In my judgment the Government of the United States ought to buy the land which these trustees now hold, which would be useful to the Government, and much more valuable to the Government than to any individual. That matter is not introduced on this bill, although it relates to the Freedman's Bank and was very strongly recommended by these trustees, simply because we thought it better to leave this bill stand as a mere naked bill to aid and facilitate them in the settlement of their affairs.

Mr. WITHERS. Shall I understand the Senator from Ohio to state that a bill will subsequently be introduced to purchase the property?

Mr. SHERMAN. Yes, sir; but I do not choose to embarrass this bill by that question. This bill ought to be passed now, in order to facilitate the settlement.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

BILLS OF COMMITTEE ON CLAIMS.

Mr. WRIGHT. Mr. President, I wish to ask the Senate, before the expiration of the morning hour, of course subject to morning business and the regular order, to consider three or four bills reported from the Committee on Claims that passed the Senate during the last Congress, and I believe one or two of them passed both Houses, but failed to reach the President of the United States in time. If there be no objection this morning, I should be very glad to call up these bills so as to have them disposed of. I know hereafter, when business shall be crowding, how difficult it will be to get attention to these bills. These bills have all been examined by the committee at this Congress, and they were at the last Congress, and some at the Congress before. If there be no objection, I should like to get up these bills this morning. Of course, if there be objection or if matters more important shall be called up, I shall not insist.

Mr. EDMUNDS. What is the first bill the Senator wishes to call up?

Mr. WRIGHT. The first bill to which I ask the attention of the Senate is the bill (S. No. 63) granting relief to Eva, Etta, Henry, and Guy Carleton, heirs of General James H. Carleton, deceased. I think that is a claim of $7,000 for property that was in the possession of the General Government where there were military supplies stored, and the property was destroyed by the order of Major-General Canby. As to the loyalty of the persons owning this property and their right to recover there can be no reasonable doubt. The bill was passed by the Senate at the last session, and was I believe by the House, but failed to reach the President in time.

Mr. DAVIS. Let it be taken up subject to the regular order.

The PRESIDENT *pro tempore*. That is the proposition.

Mr. ANTHONY. I was very glad to hear the business with which my friend from Iowa rose, although I was disappointed, as I supposed the first bill he would present would be that for the relief of the heirs of Asbury Dickins, as that passed both Houses of Congress and failed only through a clerical mistake, or rather because there was not time for the enrollment of the bill in order to present it to the President. I am sure he will not fail to bring that up among the others.

Mr. WRIGHT. I shall certainly do so at the very earliest moment, if I can have the consent of my friend that I may proceed with these other bills.

Mr. ANTHONY. Certainly; not doubting that that will come up in time.

HEIRS OF JAMES H. CARLETON.

There being no objection, the bill (S. No. 63) granting relief to Eva, Etta, Henry, and Guy Carleton, heirs of General James H. Carleton, deceased, was considered as in Committee of the Whole. It provides for the payment to Eva, Etta, Henry, and Guy Carleton, heirs of General James H. Carleton, or their legal representatives, for property destroyed by order of General Canby, dated Fort Craig, New Mexico, February 21, 1862, the sum of $7,000.

The PRESIDENT *pro tempore*. The bill is reported by the Committee on Claims with amendments.

Mr. EDMUNDS. I ask that the report of the committee be read.

Mr. WRIGHT. Of course I shall not resist the reading of the report, but I suggest to my friend from Vermont that I can state to him the general nature of this case, and if there be any question he wishes to ask I shall be very glad to answer it.

Mr. EDMUNDS. I shall be very happy to hear my friend from Iowa, and at the same time I can be reading the report.

Mr. WRIGHT. This property was owned by the children of General James H. Carleton, at Albuquerque, New Mexico. It was taken possession of under a contract with the proper department for the purpose of depositing supplies belonging to the General Government. While it was thus held under contract by the General Government, General Canby made an order that the supplies be destroyed to prevent their falling into the hands of the enemy. The destruction of these supplies necessitated the destruction of the property also. Afterward a board of survey was called, examined the damages done, and made a report, and the report of the committee is in accordance with the report of this board of survey. They found that the children were entitled to so much, and this bill allows them the sum which was thus allowed, as I now remember.

Mr. HAMILTON. I should like to ask my friend from Iowa how it became necessary to destroy the buildings? The order was to destroy the supplies, as I understood.

Mr. WRIGHT. It became necessary for the reason that the emergency was so great, the danger so imminent, that there was no time to remove the supplies, and in destroying the supplies they had to destroy the buildings containing them.

Mr. EDMUNDS. I have listened to my friend from Iowa with pleasure, as I always do, and if it appeared from his report that it was necessary to destroy these buildings which the Government held under rent and were therefore in the proper possession of he would make a pretty good case; but I do not see, in running my eye over the report, and I do not hear anything from him upon the subject of how the necessity arose for burning up a building instead of hauling out and throwing into the river the quartermaster's stores which were stored in this place. There were shops, stables, store-houses, hospitals, &c. Look at the items.

For 59 doors and gates destroyed	$837 00
For 57 windows destroyed	924 00
For 25,047 feet of lumber, at $50 per 1,000 feet	1,252 35
For 714 roof timbers, at $3 each	2,142 00
For 51,528 adobes, at $12 per 1,000	618 00
For laying up walls	810 33
For carpenter's work, laying floors, &c	250 32
For nails and locks and grating to windows	350 00
For plastering and finishing walls	192 00
For removing ruins	125 00
For contingent expenses	100 00
Total damages to 12 houses and 7 corrals	7,600 00

I do not see in the report anywhere a statement as to the particular circumstances which made it necessary to destroy the buildings themselves in which this property was kept, in which these horses were. If there was such a necessity, so that the order would have covered it, it would have been one thing; but as the Senator from Texas says, this order was—

You will hold yourself prepared to remove or destroy all public property, and particularly provisions, so that nothing that is useful may fall into the hands of the enemy.

That order is signed by E. R. S. Canby. The report says—

That this order was carried into effect, so far as concerns the destruction of claimant's property, is set forth in the following certificate of Captain Enos:

"I certify that the houses and buildings belonging to Eva, Etta, Henry, and Guy Carleton, situated in the town of Albuquerque, New Mexico, were, by my order, destroyed by fire on the 2d day of March, 1862, to prevent the public property stored therein from falling into the hands of the rebel enemy."

That is dated September 29, 1862. The order of Canby to destroy or remove the public property was dated on the 21st of February, 1862, being seven months preceding this destruction made by Captain Enos, and then so far as I see, as I say, I do not perceive that the report states how it happens that after seven months within which to remove the public property from these buildings that were so imminently threatened the quartermaster took occasion to destroy them then. Undoubtedly my friend can explain it, but it does not appear in the report.

Mr. WRIGHT. We acted upon the report of Major-General Canby and the order that was made by the subordinate officer afterward; and we went upon this hypothesis of presumptions: that where an order had been made by the proper military officer and that order had been carried out subsequently, the presumption was that the

danger was so imminent that the destruction was proper and justifiable. In this case, it having thus been made, and a board of survey having afterward been called by the proper military authorities to examine, investigate, and report the amount of injury done and the amount that the parties were entitled to, and they having made this report and found this amount due, we, as the committee did at the last Congress, and as the committee of the last Congress in the House did also, as I now remember, reported this bill as it had been reported before.

Mr. FRELINGHUYSEN. I should like to ask my friend from Iowa one question, whether it appears by this report that these buildings were within our lines?

Mr. WRIGHT. The buildings were at Albuquerque, and were in the possession of our troops.

Mr. FRELINGHUYSEN. The property may have been within the possession of our troops.

Mr. WRIGHT. And it was within our lines.

Mr. FRELINGHUYSEN. That ought to appear in the report.

Mr. HAMILTON. I should like to ask the Senator from Iowa again if these buildings and the supplies were burned in the face of the enemy. My recollection is that General Sibley did not reach that point. He was met by General Canby's troops, and captured before he reached that neighborhood or anywhere near it; but the bill itself and the report imply that our troops at this point were in imminent danger, in a critical position, liable to be captured and the stores taken, when the truth is that General Canby captured General Sibley almost without a fight. He had very little trouble in doing it, and supplied him with provisions, &c., to allow his men to reach their own homes again. That is the truth about it, and I suspect that these supplies were burned after Sibley left the country—I have no doubt about it myself—burned possibly because they were useless to the Army, and Canby's forces wanted to leave that section of the country and therefore destroyed the supplies; but I should like myself to have the case go over for further consideration.

Mr. WRIGHT. I can hardly conceive why this case should go over, but of course if there be objection it will have to go over; and yet the bill is now before the Senate. I suppose myself that though it be true that the officer was mistaken as to the imminence of the danger, yet, inasmuch as the Government had possession of these buildings under a contract and they were within our lines, and the owners of the property thus had no control over it, if the proper officer ordered their destruction the Government would be liable; and that is the theory on which the bill goes.

Mr. EDMUNDS. I really wish that the Senator from Iowa would consent to let this bill be recommitted to the committee for a little further inquiry. The order, as I have said, is dated in February, and is addressed to the commanding officer at that post. The destruction took place in September following, seven months afterward, by a captain and quartermaster, not a person in command of the post, on the face of the papers. He might have been in command of the post, but it is rare that quartermasters are, and he in his certificate does not state that he has done it in pursuance of the order of General Canby, dated seven months before, or in pursuance of any order from superior authority. It would be desirable, as the Senator from Texas has said, to know, as we can historically and from the War Department by a little inquiry which the committee could make, what was the state of things in September, 1862, when this destruction occurred at that place. A little information on that point would make it clear to all of us, to my friend from Iowa as well as the rest of us, and if there was not any pressing necessity, it would stand on another ground, if it could stand at all. If there was this overpowering necessity in order to prevent the stores falling into the hands of the enemy, then it would be a clear case for these claimants if they were loyal, because we were holding the property under rent. So I suggest to my friend to allow it to be recommitted for that inquiry.

Mr. WRIGHT. I suggest to my friend not to have the bill recommitted. There is, perhaps, no necessity for that. The information can be obtained as well without a recommitment. I do not wish to take up time with this bill.

Mr. EDMUNDS. I would rather have the information in a written report, so as to have the facts shown on the record.

Mr. WRIGHT. I can consent to the bill being passed over for the present, and if I do not get the information before the bill is called up again, so as to satisfy the Senator, he can move that it be recommitted.

Mr. EDMUNDS. Very well.

Mr. WRIGHT. Let the bill be passed over for the present.

The PRESIDENT *pro tempore*. The bill will be passed over.

PEASLEY & M'CLARY.

Mr. WRIGHT. I ask the Senate to proceed to the consideration of Senate bill No. 191.

By unanimous consent, the bill (S. No. 191) for the relief of Peasley & McClary, of Nashua, New Hampshire, was read the second time and considered as in Committee of the Whole.

The Secretary of the Treasury is by the bill directed to pay to Peasley & McClary, of Nashua, New Hampshire, $125, in full compensation for their services in transferring the mails, and the route-agent in charge of them, from the depot of the Worcester and Nashua Railroad to the depot of the Wilton Railroad, in the city of Nashua, from the 2d day of December, 1867, until the 18th day of January, 1869.

Mr. EDMUNDS. I wish the chairman would explain that a little.

The PRESIDENT *pro tempore*. There is a report accompanying the bill.

Mr. EDMUNDS. Perhaps it would be shorter to hear a statement. Ordinarily the Post-Office Department is supplied with money to pay for work of this character. My inquiry is simply how it happens that these gentlemen did not get their pay in the regular way through the Department instead of coming here with a special bill?

Mr. CHRISTIANCY. The report is very short.

Mr. EDMUNDS. I will hear it read.

The Chief Clerk read the report submitted by Mr. CHRISTIANCY on the 7th of January, as follows:

The Committee on Claims, to whom was referred the claim of Peasley & McClary, for transporting the mails and mail agent from the depot of the Worcester and Nashua Railroad to that of the Wilton Railroad in the city of Nashua, New Hampshire, having considered the same, respectfully report:

That they find the facts of the case correctly stated in the report of this committee submitted at the last regular session, (January 27, 1875,) which is as follows:

"It appears from the evidence submitted in this case that, in 1867, the mail route from Worcester, Massachusetts, to Nashua, New Hampshire, was extended to Wilton, New Hampshire. This required the transfer of the route agent and the mails from the Worcester and Nashua Railroad depot to the Wilton Railroad depot, a distance of about half a mile across the city of Nashua; and at the request of Mr. Burt, postmaster at Boston, who made provision for said extension, Peasley & McClary performed this service. The connection between the trains was close, and it required them to be promptly on hand to insure the transfer. They performed this service from December 2, 1867, to January 18, 1869, supposing the postmaster at Boston had authority to pay them.

"Before the presentation of their claim to the Post-Office Department, more than two years had elapsed, and the unexpended balances had been covered into the Treasury under the act of July 12, 1870, leaving no fund from which they could be paid.

"There seems to be no question that the service was faithfully performed and that claimants have not been paid. They transferred the route agent and his mails for one year, one month, and sixteen days, and they offered to settle with Mr. Burt at $100 per annum.

"We report a bill to pay them $125, as a substitute for the bill (S. No. 821) referred to us, and recommend its passage."

In this report and its recommendations your committee fully concur, and herewith report and recommend the passage of the amended bill as reported by that committee.

Your committee will further state that this bill appears to have passed the Senate at its last regular session and been sent to the House, where no final action was had upon it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

C. M. PURVIANCE AND F. WYETH.

Mr. WRIGHT. I ask the Senate to proceed to the consideration of Senate bill No. 192, for the relief of Caroline M. Purviance and Francis Wyeth, reported by the Senator from Oregon, [Mr. MITCHELL.]

There being no objection, the bill (S. No. 192) for the relief of Caroline M. Purviance and Francis Wyeth was read the second time, and considered as in Committee of the Whole. It provides for the payment to Caroline M. Purviance and Francis Wyeth of $4,500, to be in full satisfaction to them, and all persons claiming under them, for the use, occupation, and destruction of their property by the military authorities of the United States in Saint Joseph, Missouri, in the years 1861, 1862, and 1863.

Mr. EDMUNDS. Let us hear the report.

The Chief Clerk read the following report, submitted by Mr. MITCHELL on the 7th of January:

The Committee on Claims, to whom was referred the petition of Mrs. Caroline M. Purviance and Francis Wyeth, praying compensation for the use and occupation, as well as for the destruction, of their property at Saint Joseph, Missouri, by the military authorities of the United States, having considered the same, beg to submit the following report:

The petitioners allege, and the allegations of the petitioners are clearly sustained by the evidence submitted, that they are and have been since the summer of 1859 the joint owners of lot No. 3, in block No. 22, in the city of Saint Joseph, in the State of Missouri; that when they purchased this property, in 1859, and at the time the same was taken possession of by the military authorities of the United States, as hereinafter stated, there were two substantial frame dwellings thereon in good condition and repair; on the north half of said lot was a frame building, one story high, fronting 20 feet on Main street and extending back 80 feet, with room on Main street, with an open front used for store-room, and also containing four additional rooms; and on the south side of said lot was a new three-story frame building fronting 20 feet on Main street and extending back 80 feet, and having also an open front. This latter building had on the lower floor one large room used as a store-room, full size of the building, and on the second and third floors twenty-six rooms, which adjoined and were attached to the Planter's Hotel, and were rented and used by the proprietors of such hotel as a part of it.

That during the years 1858, 1859, and part of 1860 the whole property was rented at an annual rental of $2,700, and during the latter part of 1860 and first part of 1861, and up to and immediately prior to its occupation by the Federal forces, the said two buildings were rented at the annual rental of $1,700.

That, on the 20th day of September, 1861, this property, including the two buildings—without the consent of the petitioners or their agents—was taken possession of by a portion of the Thirty-ninth Regiment of Ohio Volunteers, then in the service of the United States, and was by them used and occupied as quarters during the time they remained at Saint Joseph; and that, immediately on their departure, the Sixteenth Regiment of Illinois Volunteers, under command of Colonel Robert F. Smith, took possession of said premises and continued to occupy them until February, 1862, when they were vacated by said regiment and taken possession of by Captain Phelps and his command, Company A of the Fourth Regiment of Missouri State militia, (Colonel George H. Hall,) then serving in the United States service. Captain Phelps's command being cavalry, he occupied the first floor of one of the buildings for a stable and forage-house. The other rooms were occupied by the soldiers as quarters. That said buildings were occupied constantly by the Federal forces as quarters, forage-rooms, and stables for horses, without the consent of the petitioners and against the protest of their agent, from the 20th of September, 1861, until in the month of July, 1863; in all, twenty-two months.

The testimony shows that, by reason of their occupancy as stables, quarters, forage-rooms, &c., both of these buildings were rendered entirely worthless, and, soon after they were vacated by the troops, (in September, 1863,) were declared a nuisance by the city authorities of the city of Saint Joseph, and directed to be, and were, torn down, and the lumber from the wreck was valued at $250. The lowest estimate made by any witness, of the two buildings at the time they were first occupied as stated, is $3,800.

The evidence shows, and it is a part of the history of the country, that the news of the defeat of General Lyon at Wilson's Creek, in August, 1861, caused a general rising of the rebel element in Northwest Missouri, and in this portion of the State all legitimate civil authority was to a very great extent suspended. Union troops were hastily but very imperfectly organized, and without provision for their maintenance other than they could collect in the country.

Saint Joseph was selected as the place for collecting supplies and organizing Union troops in sufficient numbers to oppose the confederate army. At this time there were no regularly-organized commissary or quartermaster departments connected with these organizations, and commanders of the Federal forces took possession of such buildings for their quarters, stables, and forage-rooms as the necessities of the case demanded. And it was under such circumstances that these buildings were seized and occupied.

It appears from the affidavit of William M. Wyeth that he was the agent of the petitioners, who are citizens of the State of Pennsylvania, and who were then residing there; that he, as agent for said buildings at the time the same were being occupied by Captain B. H. Phelps's company, (A, Fourth Missouri Cavalry,) notified the quartermaster in charge that the company above described were using the first floor as a stable and forage-house, but received no answer to his communication.

The records of the War Department fail to show that any allowance has ever been made or paid to either of the petitioners, either for the use and occupation or damage done to their premises; and the affidavits, both of the petitioners and their agent, show they have never received anything. All the material facts are fully sustained by the affidavits of Brigadier-General Benjamin F. Loan, Major T. J. Chew, William M. Wyeth, Rufus H. Jordan, Rufus K. Allen, W. S. Elliott, and others, all certified by officials in the State of Missouri to be reliable persons.

It further appears from the testimony, and your committee find, that the petitioners were thoroughly and actively loyal to the Government of the United States during the rebellion.

Your committee further find, as conclusions of law based upon the above findings of facts, that the Government of the United States is liable for, and should pay to the petitioners, the reasonable value of the use and occupation of said premises for the time they were occupied as aforesaid by the Federal troops, and also for the damage done to said premises by reason of such occupancy. And in view of all the circumstances of the case—the said premises having been so used for one year and ten months, and the said buildings almost wholly destroyed by such use—your committee find petitioners are entitled to the sum of $4,500, in full for all use and occupation and destruction of their said property; and they report the accompanying bill and recommend its passage.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOINT RULES OF THE TWO HOUSES.

Mr. BAYARD. I submit a resolution which I intend to offer as a substitute for the resolution reported by the Committee on Rules on the 10th of January. I ask to have it read and printed.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read as follows:

Resolved by the Senate, (the House of Representatives concurring,) That the Committee on Rules of the Senate and House of Representatives be, and they are hereby, instructed to examine and, after conference, to report what amendments, if any, should be made in the present joint rules of the two Houses, and also whether any and what legislation is expedient in regard to the matters considered in the present twenty-second joint rule.

The resolution was ordered to be printed.

ORDER OF BUSINESS.

Mr. MORTON. Mr. President, is there unfinished business?

Mr. WRIGHT. Will the Senator allow me to ask the attention of the Senate to one other bill?

Mr. EDMUNDS. No; let us have the regular order.

Mr. MORTON. I prefer that the Senator from Iowa should not interpose now.

Mr. WRIGHT. Very well, then, I will not insist.

The PRESIDENT *pro tempore*. The morning hour having expired, the Chair will lay before the Senate the unfinished business of yesterday.

Mr. MORTON. I move to postpone that, and all prior orders, for the purpose of proceeding to the consideration of the resolution in regard to the Mississippi election.

Mr. BOUTWELL. I would appeal to the Senator from Indiana to withdraw his motion and allow the unfinished business of yesterday to be taken up.

Mr. MORTON. I would, but I think there will be further debate on it.

Mr. BOUTWELL. It is likely there may be further debate; I do not know about that. I have no desire to debate it myself, but I hope it can be disposed of soon.

The PRESIDENT *pro tempore*. Does the Senator from Indiana insist on his motion?

Mr. MORTON. I insist on my motion.

Mr. DAVIS. It is known to the Senate that the resolution now in order and before the Senate as the regular order has been debated two or three days, and it ought not to take a great while to dispose of it. I do not know, of course, how long it will take, but I think we had better continue with and dispose of that resolution.

Mr. CONKLING. Will the Senator let me ask—for it will govern my vote somewhat—does he know whether or not there will be further debate on the proposition?

Mr. SHERMAN. I wish to say a few words, not occupying over ten minutes.

Mr. DAVIS. I cannot positively answer the question of the Senator from New York. I have some explanations to make, but I shall be as brief as possible, and there may be one or two other gentlemen desiring to speak, for aught I know. I cannot answer for any one but myself. I shall occupy the floor probably fifteen or twenty minutes.

Mr. CONKLING. I have been charged by a brother Senator with being very credulous, and I plead guilty to the charge. I did suppose we could vote on this resolution without much further debate, and I wish to state the reason for that supposition. A man ought to have a reason for whatever he believes. Inasmuch as everybody is in favor of this inquiry and the only question is whether it shall be made by a special or a standing committee, I confess I had thought that that issue was so narrow that after the illumination the subject had received we might vote upon it. I can see a reason why the Senator from Ohio should like to make a statement in continuation of what he said yesterday; but I would suggest to my friend from West Virginia that if he can get a vote on his resolution and have his inquiry started, it will be much more in his interest perhaps than to allow it to go over with a chance of being postponed from day to day by other things.

Mr. DAVIS. I will say to my friend from New York that, if he will allow a vote to be taken on the resolution as offered by me, I am ready; but if it is to be amended—and an amendment is now pending—it is a different question altogether. I should be glad to have the resolution passed in the shape it was offered.

Mr. CONKLING. If we only had a previous question in the Senate, and I had the control of it, I could do what my friend suggests; but as we have not, I rather think the Senate will vote on such amendments as it sees fit.

Mr. DAVIS. If my friend from New York will aid me, it will go a great way toward having the resolution passed in its present shape.

Mr. CONKLING. What I am trying to do now is to aid my friend. That is to be settled by the judgment of the Senate. Why not take the judgment of the Senate? The honorable Senator from Ohio wishes to say something, which is quite natural, in reference to a statement he made yesterday. I can see the reason for that; but I must say to my friend from West Virginia—though I do not mean to dictate to him at all—that if I were in his place, and could get a vote on the resolution, I would rather have it, than allow it to be postponed upon the present motion, and perhaps to-morrow upon some other, and come to a vote at some indefinite future time; but I know it is the business of the Senator from West Virginia, and not mine.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Indiana.

The motion was not agreed to; there being on a division—ayes 22, noes 30.

TREASURY ACCOUNTS.

The PRESIDENT *pro tempore*. The resolution of the Senator from West Virginia [Mr. DAVIS] is before the Senate, the pending question being on the amendment of the Senator from Vermont, to strike out the proposition for a special committee, and insert "the Committee on Finance."

Mr. SHERMAN. I know, Mr. President, that the Senate is anxious to hear the Senator from Indiana, and I hope he will not be delayed long in presenting for consideration the subject on which he wishes to address the Senate. I would not say one word on this resolution to-day but for the misapprehension of my colleague and the Senator from West Virginia, or which at least their remarks tended to create, in regard to the statements of the public debt. I think that Senators in speaking in this body about a matter in which there is such sensitive interest, not only in the United States of America, but all over the world, as anything which affects the public credit, ought to be extremely careful. Any statements they make affecting the honesty and correctness of our public account touch the public credit as keenly and as widely and as dangerously as any other class of debates had in the Senate of the United States.

When the Senator from West Virginia endeavored to show that there was a difference in the statements of the public accounts in two offices of the Treasury Department to the extent of $100,000,000 a year as to the amount of the public debt, it was a statement which, if left uncontradicted, might tend to impair the public credit; for, if the different branches of the Treasury Department disagreed as to the statement of the public debt by the amount of $100,000,000, there was no reliance whatever to be placed on any statement furnished by that Department, and therefore, even the validity of the public debt, certainly its amount, its character, might be called in question.

Now, sir, there is no ground for that impression, not the slightest. Upon an examination of the tables that are on our desks, upon an examination of the papers furnished and referred to by the Senator from West Virginia, he could by a careful analysis of them have answered all his inquiries; and I should be very glad indeed to have him go in person and examine the books of the Treasury Department and ascertain whether there is any discrepancy of the kind.

I will not follow the line of argument of the Senator from Massachusetts, who undertook to explain, and did very satisfactorily to my mind explain all the apparent discrepancies in the various items of account pointed out by the Senator from West Virginia; but I take the largest of them and will try to show that there is no ground whatever for the allegation made by the Senator from West Virginia in regard to discrepancies. He says in his speech, which I had not the pleasure to hear, that, by examining the Register's reports for

1870–'71, he finds "the statement of the public debt commencing in the year 1862 to be as follows," and he gives the public debt on July 1, 1870, as reported by the Register of the Treasury, $2,480,672,427.81, and then he says also that in the report of 1871, the same year, the public debt is stated as follows in another department of the Treasury, "July 1, 1870, $2,386,358,509.74," making a difference between the two statements of near $100,000,000, a sum so vast that I think a Treasury official would be very apt to think that it was a sum sufficient to be noted. I have sent for and got the two reports which contain these statements, and it does seem to me that if the Senator from West Virginia had read them with reasonable care he would not have pointed out as an inconsistency that which is entirely and fully and in the most ample manner explained in these documents.

Mr. DAVIS. I hope the Senator will allow me to correct an error into which he has fallen.

Mr. SHERMAN. I would do so, but I do not want to prolong the matter.

Mr. DAVIS. I will not interrupt the Senator except to say that all the figures I have given are from the Register's reports, and not from a different department. I know if you go through the different Departments you will find material differences as well as in the Register's reports; but all the figures I quoted myself are confined to one Department, and that is the Register's.

Mr. SHERMAN. The figures given to us by the Senator from West Virginia are correctly quoted; but you can mislead people very easily, even by making correct quotations from true documents. You must give all the facts, especially when you deal with figures in a statement, in order to present correct results. I refer my friend from West Virginia to the statement of the public debt contained in what is called the finance report published every year. For the year 1870, the year that he has pointed out, I find that this statement covers at least twelve closely printed pages—a statement that gives to the very last details every dollar of the outstanding bonds of the United States, commencing with some bonds issued before the war of 1812, which have not yet been redeemed, and that probably are lost or destroyed. This statement at the end says:

Total principal of debt unpaid June 30, 1870, $2,480,304,797.74.

That is one of the statements quoted by the Senator from West Virginia. This gives only the principal of the unpaid debt, and in a note attached, which was not really necessary, because this statement only deals with the unpaid debt, the officer preparing the statement expressly notifies everybody who reads it that this $2,480,000,000 does not include the $121,429,100 of bonds held as a sinking fund, and which belong to the Government of the United States, but were then uncanceled. If those sinking-fund bonds were added to the bonds that were really unpaid in the hands of third persons, it would make the amount some $2,600,000,000. That is one statement. The other statement is contained in the monthly reports of the Secretary of the Treasury, which I have here for several years. I will take that of the 1st of July, 1870. This statement of the public debt of the United States July 1, 1870, the same date referred to by the honorable Senator, says:

Total debt, principal and interest, to date, including interest due and unpaid, $2,652,283,684.

It gives the total principal and interest to date, and including all the loans that are contained in the book to which I before referred. A general description of each debt is here given, the amounts carried out, the interest computed to the date of the statement, and the aggregates brought forward. These debts are the same sums, the same loans, the same figures exactly as in the other statement. Then from this $2,652,000,000 there are deducted certain items: First, coin; second, currency; third, the sinking fund United States coin-interest bonds; fourth, other United States coin-interest bonds purchased, with interest accrued thereon, amounting to $265,924,084.61; leaving the actual balance due from the United States, including principal and interest, less cash on hand, $2,386,358,509.74.

There are the figures showing that the debt of the United States, adding interest, taking out the money on hand and bonds already paid, is $100,000,000 less than the principal sum of the debt of the United States. These two statements read by any one are are perfectly consistent, both truthful to the last figure, corresponding to the last cent, and having no discrepancy in them. The difference only is this: that one includes the interest and the other does not; one includes the sinking-fund bonds and the other does not; the one is made by the Secretary of the Treasury, who is master of the money in the Treasury as well as of the accounts kept in the Register's Office. He is the head of the whole, and the Register only of a single Bureau, who from the documents found in that Bureau makes his tables based upon them. Both are truthful; both are consistent. They compare dollar for dollar and loan for loan, one being fuller in detail as to the character of the loans and the amounts due on the loans, and the other as to the interest accrued and funds on hand; but each consistent with the other.

Now, Mr. President, that is all I wish to say about this alleged discrepancy. Here the tables are, and any Senator can examine them. The Senator from Connecticut [Mr. EATON] has criticised the fact that the amount of coin and currency on hand is shown by this debt statement. He is the first person I ever heard criticise that matter. I am inclined to think that the then Secretary of the Treasury introduced an important improvement in the statement of the public-debt accounts, and he did it on April 1, 1869, if I remember aright, and dated the statement back to the year before.

Mr. BOUTWELL. To the March before.

Mr. SHERMAN. I have the statements here. There was a debt statement made during your first quarter as to the condition of the debt on the 30th of June of the previous year.

Mr. BOUTWELL. I do not know but that there was. I had forgotten it, however.

Mr. SHERMAN. If Senators will look at the old statements made in strict compliance with law by Mr. McCulloch, which I have before me—here is one of them, made January 1, 1869—they will be found to contain but a very brief amount of information, simply the aggregate of the principal of the public debt; how many 6 per cent. bonds, how many 5 per cent. bonds, how many currency bonds, &c. Here it is. Senators can read it for themselves. It is a very short and rather unsatisfactory statement.

On the coming in of General Grant's administration Mr. Secretary Boutwell required these statements to be enlarged so as to be fuller, and here they are on an ample sheet, giving not only the amount of 6 per cent. bonds and 5 per cent. bonds, but giving the amount due on every loan; adding the interest up to the time the statement is made, and giving the currency and coin balance in the office of the Treasurer. This was to promote, extend, and enlarge the information of the people, and certainly it is not matter of reproach but a matter of credit.

Mr. President, in regard to the committee to whom this investigation shall be committed, I am perfectly indifferent. As a matter of course, if the Senate imposes this business on the Finance Committee, we shall do the best we can with the subject, but I would much rather that the Senator from West Virginia should be allowed to go and satisfy himself on the subject. It is a matter on which I have no feeling. If the Senate intrust the business to the Committee on Finance, we shall do the best we can.

That there have been some discrepancies in these accounts is not only natural but inevitable. The statements upon which the Register makes his report differ as to time and circumstance from the daily balances furnished by the Treasurer's Office. Every gentleman can see that. Indeed, it is wonderful that the business is done so accurately. Sometimes warrants are issued that do not come in for years; then there are notes outstanding, and no one knows where they are. What has become of them no one can tell. It seems that in one case, in the disbursement of some $4,800,000, $47,000 of Treasury warrants did not come in for three or four years after they were actually issued. That is not strange. Sometimes they are held. It is not at all strange. Therefore the actual expenditures or money paid out in a particular year do not appear on the books to correspond with the amount of warrants issued or Treasury drafts issued, and those issued would not correspond with the amount of Treasury drafts paid, but the outstanding drafts come in from time to time in small amounts, and vary the accounts for each year. Any one can see very readily how that might be. It is not necessary to go into that explanation any further.

The accounts of the Treasury Department have always been based upon the system established by Alexander Hamilton, enlarged from time to time by the growth of the operations of the Government. Instead of one Auditor in the Treasury, there are now six; instead of one Comptroller, there are now three; instead of thirty or forty clerks in the different branches of the Treasury, there are now somewhere from two to three thousand—the amount of business is so enormously enlarged. I have often heard it complained that the system of keeping accounts in some branches of the service ought to be changed, but it is a very difficult and very dangerous process, and I invite the careful scrutiny of any man who undertakes to improve on the work of Alexander Hamilton and Albert Gallatin and all the great men who have filled the office of Secretary of the Treasury, and to devise a better system of accounting than they with their mature minds and long experience established, and which has been enlarged with the gradual growth of our Government. Their system has been the frame-work of our finances for more than eighty years. The gradual additions to the mode of accounting that have been made by law have probably made as perfect a system as can be devised. But he must be a bold man and a wise man who will undertake, without study and experience, to step in and devise a better system than this. If we had such a man, if there is such a one who is willing to undertake the task, I shall be very glad to co-operate with him. I doubt very much the propriety of any tinkering with so complicated a machine as the Treasury Department. Any attempt to make consistent the different accounts of these different Bureaus on the same day would be futile. From the nature of things there cannot be a complete consistency in their accounts at the same moment. Comparison and examination may test their accuracy, but actual similarity would betray them. I think that any attempt of wholesale reform or revolution in the keeping of their accounts would be a dangerous experiment, but at the same time any effort made by any one to explore this Department and ascertain any irregularity, inaccuracy, fraud, or the like, ought to be encouraged. I am inclined, therefore, to vote for the committee asked for by the Senator from West Virginia; but if the majority of the Senate prefer to intrust this matter to the Finance Committee, I will do my share of whatever work is necessary to be done in the premises.

Mr. EATON. Mr. President, I only propose to occupy the time of the Senate for a moment. I understand that the Senator from Ohio has examined certain of the reports, by which he is enabled to say to the Senate that they agree to a dollar. Before I refer to that, permit me to say that I agree with the Senator from Ohio that nothing ought to be done by this body to injure the credit of the United States either at home or abroad. But I desire to say one other thing which he did not say, and that is that the condition of the accounts should be probed and examined.

Now, sir, I come to what I was about to say with regard to the figures. As I had the honor to say yesterday, my attention was accidentally directed to these discrepancies six months ago. Joining with myself one of the shrewdest bankers in the United States we went through these accounts from 1791 to 1874; we occupied more than three weeks in that examination; and I assert here, notwithstanding what the distinguished Senator from Ohio has said, there is not an accountant in the United States who can take the reports of the Secretary of the Treasury and the Register of the Treasury and the monthly debt statements and tell within $50,000,000 what the amount of the public debt of the United States is. I do not say that my honorable friend, the distinguished Senator from Massachusetts, may not be able to go into the Treasury Department and report accurately the amount of the public debt; but what I assert is that it cannot be found from the reports that are given to the people. The Register of the Treasury is the book-keeper of the United States, not the Secretary of the Treasury. The Register's accounts ought to import absolute verity; they ought to be absolutely correct. Tried by the public-debt statements, they are not. Tried by the reports of the Secretary of the Treasury, they are not. I have not had that conversation myself with the Secretary of the Treasury, but I very much doubt whether the Secretary of the Treasury will to-day say to the distinguished Senator from Ohio that the accounts agree in the various departments of the service.

I want to say one other thing here. I have had the honor to serve with the distinguished Senator from Massachusetts, he as the head of a committee that pays some little attention to recommending the necessary organization of the Departments, and I repeat here what I have said to him, that in my judgment there is not a man in the United States who can take the Treasury Department in its present condition and become perfectly the master of that Department. There are several thousand clerks in that Department. Perhaps it may not be appropriate to state it in this discussion, but in my judgment there should be two other departments. There should be in what is now the Treasury Department three departments; one revenue, one accounts, and one public labor. Then we might possibly find a Secretary of the Treasury who was equal perhaps to Alexander Hamilton. I do not think all financial knowledge died with him. I do not think all financial knowledge became lost when Albert Gallatin died. I desire that the public should know the exact condition of the public accounts, and so does my honorable friend from Ohio, who thinks that he can make the Register's report agree with the report of the Secretary of the Treasury. I cannot. I have taken precisely the course that the Senator from Ohio has taken, but I cannot arrive at his conclusion; neither could the gentleman whom I employed to assist me.

I do not agree with the Senator from Indiana in supposing that it is too late to examine into this case. I think it would be proper at this time. Let the committee examine it. I aver, with my friend from Ohio, that I shall rejoice as much as he if the public accounts are found to have been passed upon correctly by the examination of a competent committee. Far be it from me to assert that there has been fraud there. I do not assert that; but an examination is demanded. The condition of the accounts shows that there should be an examination. I do not believe that there is a Senator on the floor of the Senate who is not ready to say that some committee should examine into this matter.

The distinguished Senator from Ohio spoke in regard to subtracting the amount of coin and currency on hand from the aggregate of the debt. I beg to ask my honorable friend from Ohio if the national currency is a debt of the United States that is taken into account at all by the Secretary of the Treasury or the Register of the Treasury? The public debt of the United States consists of its bonds, of its legal-tender notes, of its fractional currency; but the national currency is not a debt of the United States. Yet, as I understand, the present Secretary of the Treasury, and very likely the gentleman who preceded him in that office, takes from the public debt the currency on hand. I beg the attention of the Senator from Ohio to that matter. If I am wrong, very well; but show me that I am wrong. If it is a debt of the United States like a bond, that is one thing.

Mr. SHERMAN. I do not want to prolong this argument, but I will state to the Senator that the United States owe $370,000,000 of legal-tender notes.

Mr. EATON. I am not talking about legal-tender notes.

Mr. SHERMAN. I am going to state the case to the Senator. The United States has on hand in its Treasury vaults belonging to it, say, $150,000,000. How much is the United States indebted on those Treasury notes?

Mr. EATON. The gentleman arose to answer my argument. Very well, let him do so, but not by asking a question about a matter I was not talking about and had not under consideration. If he can call the national currency the debt of the United States, let him do so, and then I shall understand him. I have not yet said that the legal-tender note was not a debt of the United States, but I am talking about the "national currency." I hear no reply from the gentleman from Ohio. Therefore in my judgment, from all I can learn in regard to it, by taking into council not a democrat to whom I am to talk politics, but a republican and one of the shrewdest bankers in the United States, it seems to me that there is something wrong in the mode of making up the accounts. I should like the report of a competent committee on this subject, a committee that can go to the root of the matter and let us know exactly the condition of affairs. As we have not Mr. Gallatin, as we have not Mr. Hamilton, let us have somebody else, so that we may arrive as nearly as they did at a correct conclusion.

Mr. KERNAN. Mr. President, I only wish to express the hope that this matter will be referred to a special committee and not to the Committee on Finance. That committee necessarily is very much burdened. I hope we shall send the investigation to a special committee, and then we shall doubtless get the information which is sought and all the light upon the subject.

Mr. DAWES. Mr. President, I understand the pending question on the amendment of the Senator from Vermont to be whether this inquiry shall be referred to a special committee or to the Committee on Finance. I do not understand any Senator to object to the passage of the resolution itself. Upon the question now before the Senate I shall be governed in my vote by such information as I can get from the Senator from West Virginia or any other Senator who supports his resolution on the point whether he means to charge that there has been any perversion of the moneys of the United States which has been attempted to be covered up by the book-keeping of the Treasury Department, or whether he means to assert that there has been an attempt to make the books of the Treasury Department falsely state the condition of the Treasury of the United States. If the Senator from West Virginia or any Senator who supports his resolution will state here that he has reason to believe that any one has perverted, contrary to law, the funds of the United States and attempted to cover up the transaction by the book-keeping of the Treasury Department, or that any one has attempted to make the books of the Treasury Department falsely state the condition of the public accounts, I will vote for a special committee to examine into that subject, and will render what aid is in my power to ferret out any such fault or crime committed by any one. But if the whole purpose of this resolution is to ascertain whether there may not be some method of simplifying the books of the Treasury Department in the method which has come down to us from the beginning, it is very evident to me that the Committee on Finance is the proper committee to examine into the subject, more especially since we are informed by the Senator from Connecticut that he has devoted three weeks to an attempt to master the whole science of the Treasury and has utterly failed. If that be so, what expectation can we have that there is anybody else in the country who will be able to do it? He confesses himself his own belief that after this experiment on his part there is nobody in the whole nation able to comprehend the subject. I think perhaps the Senator is to some extent correct; and certainly if it is a subject of such intricacy that he cannot understand it after the devotion of three entire weeks to its study, it is better that we should avail ourselves of the experience and ability of the Committee on Finance rather than to trust to some new committee appointed for the purpose.

It is very evident, however, if Senators intend to charge fraud upon any person connected with the Treasury Department, either in attempting to cover up by book-keeping the perversion of the funds or in attempting to mislead the public as to the true condition of the Treasury Department, that for very obvious reasons the inquiry ought not to go to the Committee on Finance. Therefore I think it is due to the Senate and to the country that the Senator from West Virginia should be more explicit here in support of his resolution and should say whether he does charge any fraud upon any person in any quarter in this matter or whether his sole purpose is to ascertain whether there may not be some more simple method of keeping the books of the Department.

Mr. DAVIS. Does the Senator from Massachusetts wish me to answer him now or when he shall have concluded his remarks?

Mr. DAWES. I have no choice in that matter. I have listened diligently for three or four days to ascertain that fact as governing my vote on this question. If the Senator desires now to answer rather than to wait until I get through, I have no objection.

Mr. DAVIS. I understand the Senator from Massachusetts to be willing to yield. Not only the Senator from Massachusetts, but other Senators have attempted, as I have thought, to put words into my mouth. I have not said yet that there were frauds or that any one had altered the books of the Treasury; but I have said that the statements given to Congress from year to year have been changed. If those statements are not taken from the books, where do they come from? I have said further that in 1870 there was a new table made, called by the Senator from Massachusetts [Mr. BOUTWELL] the Secretary's table. I say that table does not agree with the Register's, and I say further that the Register's table subsequent to that period has been made to conform with that new table. Now, from what that new table comes, where the data were got, or how it was made

up, no one yet has answered, though the question has been asked several times.

Mr. DAWES. I am quite aware that the Senator from West Virginia has not said that he charged fraud upon any gentleman connected with the Treasury Department in the past. That was one of the difficulties I was laboring under. I am equally aware that he has not said also that he did not charge any such fraud; and the difficulty I labor under is that the Senator and those who support his resolution take special pains to abstain from saying whether they do or do not charge fraud upon those connected with the Treasury Department, and that the purpose of the resolution is to ascertain whether there has been fraud or not. If the Senator will be explicit at this moment and clear my mind upon that point, I shall be at once relieved so that I shall know whether to vote for a special committee or a reference to that standing committee of the Senate which has charge of the matter and has had from the beginning. I will not vote for the reference of this subject, for very obvious reasons, to the Committee on Finance if the honest purpose of the Senator from West Virginia or any Senator who supports his resolution is to ascertain whether there has been fraud or not. I know there is intricacy in the book-keeping of the Department. I have experienced difficulty, as well as the Senator from West Virginia, in times past and have been led into mortifying mistakes because of the difficulty I had in understanding those books; but I believe that the means of detecting mistakes exist there. I desire sincerely to co-operate in some method that will result in simplifying that portion of the books of the Treasury Department that has come down to us from the beginning. There are books in some of the Bureaus of that Department of a later date which are in my opinion remarkably perfect. The books of the Bureau of Printing and Engraving, as well as those of the Internal Revenue Bureau, are creations of a later day, for which I think my colleague is entitled to the credit. I refer to the books of the Bureau of Printing and Engraving especially, by which you can follow from the manufactory every piece of paper manufactured for the purpose of printing the bonds or the currency of the country through every stage of its process until it is finally issued upon the country, and trace it at almost any hour of any particular day. But some of the other bureaus follow a method of book-keeping, as has been said by the Senator from Ohio, which originated with Alexander Hamilton. It may be (though I am a good deal discouraged after what the Senator from Connecticut has said) that they can be simplified. I hope they may, and if any committee can be constituted in this body better calculated than any other to ascertain that fact and to bring out a profitable result, it is the Committee on Finance. If, on the other hand, the Senator from West Virginia or any Senator supporting his resolution will say here to-day that he honestly believes there is fraud covered up under the figures of the Treasury Department, I will stand with him and go with him for a special committee that shall probe it to the bottom, so that no guilty man shall escape. But, sir, I hope that he will not abstain longer while pressing the passage of this resolution from informing us whether that is or is not his purpose. I know that he says here is a book the figures in which are so different from the figures that he finds in another book that he is confused and uncertain. So am I; but does not that raise the question which I think the Senate have a right to know, that is, whether he wants a special committee for the purpose of ascertaining and proclaiming to the country a fraud that has been committed upon it by somebody having charge of the books of the Department? I will vote for his special committee if that is his purpose, but I will vote for the reference to the Committee on Finance if the object is simply to devise a more simple and accurate method of keeping the books of the Treasury Department.

Mr. FRELINGHUYSEN. Mr. President, I hope that the amendment of the Senator from Vermont will prevail; and I confess I regretted that the chairman of the Committee on Finance expressed a disposition to vote against the amendment. Next to the liberty of this country its credit is its most valued possession; and credit is always extremely sensitive. Charges have been made here in reference to the manner in which the accounts of the Treasury are kept, which should be coolly and carefully examined. It is the right of the people, without regard to party, to know whether there is this blundering in the Treasury of the United States, a blundering which would be equal, in its effect upon the credit of the country, to absolute fraud; and I hold that it is the right of the people that that committee, best informed, with the most experience, to whom they have intrusted this subject, should investigate it; that the people have a right to the experience of the Senator from Ohio, to the experience of the Senators from Delaware and New York, to the experience of my friend from Vermont, and the recent accomplished Secretary of the Treasury. This subject should not be slurred over. The whole thing should be examined. The mode in which these accounts are kept should be laid open to the people. And I do not believe that there are any gentlemen so well calculated as those who have this experience to give the information to the public.

While I would be most happy to vote with my friend who introduced this resolution, to make him chairman of almost any committee, I am free to say that I do not think the person who makes a charge affecting the credit of this country, who has here repeatedly expressed his decided opinions, whose mind is made up, is the person who is to give the final judgment whether the credit of this country is subject to this charge or not. This is not a question to be treated by the rules of courtesy. The debt of this country is paid by hard labor, by the labor of brawny arms, by the sweat of our working-people, and we are not to stand here and say we will refer the reputation of this country for its credit, for the accuracy of its accounts, to the distinguished Senator who makes the charge impeaching it. I hope the Senate will refer this subject to the Committee on Finance, where it properly belongs.

The PRESIDING OFFICER, (Mr. CLAYTON in the chair.) The question pending is the amendment offered by the Senator from Vermont, which is to strike out the words "a committee of five be appointed" and insert the words "the Committee on Finance be instructed."

Mr. SHERMAN. I wish to make an appeal in behalf of the Senator from Indiana, [Mr. MORTON,] that he may be allowed, as is usual in such cases, to proceed with his remarks. The Senator yielded a while ago supposing that this matter would take but a few moments, and I trust now he will be allowed to proceed. The Senator from Indiana is not in very good health we all know, and I think it is a courtesy such as has never been denied in all cases of this kind.

The PRESIDING OFFICER. Does the Senator from Ohio make a motion?

Mr. SHERMAN. Yes, sir. I move that the resolution lie over until to-morrow, or remain the unfinished business.

Mr. DAVIS. I know it is a courtesy, always extended to a Senator when he desires to make some remarks here, that the pending business be laid aside. I have some answer to make to my several friends who have seen fit to remind me this morning, one of them especially, that I am not the man to be chairman of such a committee as my resolution contemplates. That Senator forgot, probably, that three or four of the gentlemen who have taken an active part in this debate are members of the Finance Committee, and that they have expressed opinions equally as decided as those of the Senator from West Virginia. However, I will not undertake now to reply to any of my friends. I will with pleasure yield, allowing the resolution to be laid aside informally, in order that the Senator from Indiana may proceed, and I think this courtesy is due to him.

The PRESIDING OFFICER. The Senator from Ohio moves that the pending question be informally laid aside for the purpose of allowing the Senator from Indiana to make some remarks.

Mr. THURMAN. That is to be done by unanimous consent, and not by order of the Senate.

The PRESIDING OFFICER. Then if the Chair hears no objection the motion will be considered as agreed to. The Chair hears no objection. The resolution of the Senator from Indiana is before the Senate, and will be read.

Mr. DAVIS. As the Senator from Indiana wishes now to proceed and will take some time, if it is agreeable I move that my resolution be laid aside until to-morrow morning, and then come up as the regular order.

Mr. THURMAN. If it be passed over informally, it is the unfinished business, as I understand.

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. THURMAN. That gives the Senator from Indiana an opportunity to conclude his remarks to-morrow if he does not conclude them to-day.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 353) to amend section 1911 of the Revised Statutes;

A bill (H. R. No. 626) to amend the Revised Statutes relating to naturalization;

A bill (H. R. No. 785) to extend the time for stamping unstamped instruments; and

A bill (H. R. No. 1054) to extend the time for claimants under section 11 of chapter 459 of the laws of the Forty-third Congress to prove their claims.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. No. 236) to amend section 3767 of the Revised Statutes in relation to the purchase of paper for the public printing; and it was signed by the President *pro tempore*.

PROPOSED MINT AT COLUMBUS.

Mr. SHERMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be requested to cause the building and grounds situated in Columbus, State of Ohio, known as the Capital University, proposed to be donated to the United States by F. Michel, of said city, for the purposes of a mint, to be examined for the purpose of ascertaining whether or not said building and grounds are suitable for such mint.

THE MISSISSIPPI ELECTION.

The PRESIDENT *pro tempore*. The resolution of the Senator from Indiana is before the Senate, and will be read.

The Chief Clerk read the resolution submitted by Mr. MORTON on the 15th of December, as follows:

Whereas it is alleged that the late election in Mississippi for members of Congress, State officers, and members of the Legislature was characterized by great

frauds, violence, and intimidation, whereby the freedom of the ballot was in a great measure destroyed, a reign of terror established, ballot-boxes stuffed, spurious tickets imposed upon voters, so that a popular majority of more than 25,000 was overcome, and in its place was given an apparent but fraudulent majority of more than 25,000; and whereas the Legislature thus chosen will have the election of a Senator to represent that State in this body; and whereas if these allegations are true a great number of the citizens of the United States have had their rights under the Constitution and laws of the United States wickedly violated: Therefore,

Resolved, That a committee of five Senators be appointed by the Chair to investigate the truth of the said allegations and the circumstances attending said election, with power to visit said State to make their investigations, to send for persons and papers, and to use all necessary process in the performance of their duties; and to make report to the Senate before the end of this session of their investigation and findings.

Mr. MORTON. Mr. President, if the information I have received from very many sources is substantially true, the late pretended election in Mississippi was an armed revolution, characterized by fraud, murder, and violence in almost every form. It was carried on in some respects under the forms of law, but its real nature was that of force, the violation of law, and the trampling under foot of the dearest rights of great masses of men. A little less sudden than those revolutions which have distinguished the states of Mexico and the countries of South America, it did not differ from them in character and was equal in atrocity.

It is a matter of the gravest import to the American people to know whether a large majority of the people of a State have been overthrown and subjected by the minority, and also to understand upon what pretense or principle such a result was brought about. The only thing like principle that could be assumed in justification of such a result would be that political and civil power should belong exclusively to the white race; or upon the other principle, that that party the members of which own the most of the property in the State should be allowed to govern to the exclusion of the majority, who are generally poor and the most of whom have nothing to depend upon for their subsistence but their labor. I apprehend that an investigation of the Mississippi revolution would show that the triumphant minority acted upon both of these principles and in various ways boldly professed them as its doctrines.

We had hoped that a hundred years of national life had definitely settled the question that political and civil rights should not depend upon race or complexion, and that equal rights before the law and in the administration of government should not depend upon wealth or property, but belong alike to every American citizen.

In proposing an investigation it is hardly reasonable to demand that the matters to be investigated should be proven in advance, for that would make the investigation unnecessary; and all that ought to be required should be the exhibition of such probable cause as would justify the Senate, in the exercise of a sound discretion, in ordering an investigation. Investigations have often been ordered by both Houses of Congress upon common rumor and upon general impressions prevailing in the public mind, derived from the press or other sources.

If the belief which is certainly entertained by very many in regard to the character of recent events in Mississippi is not well founded, it is of the greatest importance to the people that an investigation should be had that the truth may be shown, as the material progress and prosperity of the State is deeply involved in such exoneration. I cannot, therefore, understand the opposition to this investigation in any other light than a constructive admission of the truth of the charges which have been made in regard to the means employed in the late Mississippi election, by which the majority was overthrown and the government of the State revolutionized. To shrink from such an investigation unquestionably betrays fear as to the result.

Before proceeding to what I shall have to say about the Mississippi election, I propose to indulge in some general observations.

PROSCRIPTION OF REPUBLICANS BEFORE THE WAR.

Before the war men entertaining adverse opinions to slavery, and whose opinions went no further than opposing its extension to Territories then free, were, to a great extent, deprived of the freedom of speech and of action in the fifteen slave States. Men advocating such opinions were visited with social excommunication, deprivation of business, and threatened and often visited with personal violence. Numerous personal outrages were inflicted in the Southern States upon men who were charged with being abolitionists; and to such an extent was this persecution carried, that in 1856 and in 1860 the republican party was not permitted to nominate electoral tickets or to run candidates for the different offices in ten of the Southern States.

Republicans were not permitted to assemble in convention to nominate candidates, and could not hold public meetings in southern cities and towns without danger of mob violence. Not only were the republicans of the South thus deprived of the exercise of those rights which are the dearest to American freemen, but the republicans throughout the North were made to feel that they were substantially banished from nearly one-half of the States in the Union; that to them those States were almost a foreign land, and in some respects worse than a foreign land. I remember the personal humiliation I felt, which was aggravated by the fact that while republicans were excluded from fifteen States in the Union they were taunted with this exclusion as if it were a crime on their part. They were constantly denounced as the sectional party. I felt, as we all did at that time, that the hand of slavery was resting heavily upon us. This denial to men of republican sentiments the free enjoyment of their opinions and exercise of the ordinary forms of political action was a wanton and gross violation of the natural and constitutional rights of millions of people, and was bitterly felt and deeply resented. That this state of things should have ended in war was not to be wondered at; for that sentiment which denied to republicans the exercise of their dearest rights afterward hurried the South into rebellion.

HOW WHITE PEOPLE ARE KEPT OUT OF THE REPUBLICAN PARTY.

Man is a social being, and there is no disaster from which he shrinks so much, not even that of personal violence, as exclusion from the society of his fellows. The fear of that exclusion demoralizes men, and often causes them to sacrifice their principles and their honor. But the persecution against republicans went beyond society and extended to their business; as merchants, they were not patronized; as physicians and lawyers, they were not employed; as farmers, they were denied those kindnesses and courtesies that belong to every neighborhood, and constitute the chief attraction of agricultural life. We had hoped when the war was over that this state of things would have ceased.

But, sir, we have grave cause to consider the question whether it is not the policy of the democratic party of the South, in which the democratic party of the North concurs, not only to defeat the republican party of the South, but to extinguish it. We have reason to believe, and do believe, that there is a large body of white people in every State of the South, comprising many of the most wealthy and intelligent, and largely comprising that great middle class upon which the future hopes of the South depend, who entertain republican sentiments, and would vote and act with the republican party but for the dread of bringing upon themselves and their families social ostracism and destruction to their business. And thus a large body of white people have been kept out of the republican party, and, at the same time, their absence from that party has been charged upon it as a crime. It has been said that the party was composed almost entirely of colored people, with an additional few thousands only of whites in each State.

Political power has thus been thrown into the hands of the colored people to a much larger extent than it otherwise would have been, and a large and intelligent body of white people who would have acted with the republican party, and who would undoubtedly have had the control of its affairs to a great extent, have not only been excluded from the party, but compelled to act with the democratic party. To this condition of things the members of the republican party can never consent, having due regard to their rights as citizens of the United States and to their personal honor and manhood. They cannot consent in silence to be excluded from nearly one-half of the States of the Union. All they ask in the South—not as a favor, but as a right—is that they shall be permitted to enjoy equal rights and privileges upon like terms with other people. They do not ask that those entertaining democratic sentiments shall vote for republican candidates or indorse republican doctrines. No such thing. Members of the democratic party have a perfect right to vote for whom they please—to vote for confederate instead of Union soldiers, but what we ask is that if any portion of the southern people, whether they are carpet-baggers, so-called, or were born in the South, entertain republican sentiments they shall be allowed to vote and act with that party without being subjected to these unusual and terrible punishments.

LET MEN AND WOMEN BE TREATED ACCORDING TO MERIT.

They ask that every man in the community shall be received and treated according to his merits as a man. If he is a bad man, be he republican or democrat, let him be treated as a bad man; if he is a good man, be he republican or democrat, let him be treated as a good man. Let not his rights in society or in business be determined by his political opinions, but by his conduct and character as a man. That is all we ask, that he shall not be punished socially or in business; that there shall be no dread or fear of personal violence on account of the assertion of his opinions. When that takes place, so far as I am concerned, my warfare is ended. When the amendments to the Constitution guaranteeing equal rights shall be accepted by all and enjoyed by all, and when colored men in the South and white republicans shall be treated according to their merits as men, then reconstruction will have taken place. Reconstruction cannot take place at northern junketings or gushings, but it must take place in every town, village, and neighborhood in the South, by giving to men of all political parties their equal rights and letting them enjoy the privileges of society according to their merits as men and women.

This exclusion of men from society and from business because of their political opinions is intimidation of the worst character. It does not differ in principle from actual personal violence. It is even more dreaded than personal violence by brave men, who often defy it and assert their opinions in spite of it; but when it comes to punishment not only falling upon themselves but their families, when they are to be isolated and their means of livelihood taken away, many shrink back and surrender.

POLICY OF STARVING NEGROES INTO THE DEMOCRATIC PARTY.

The leagues which have been formed in the South not to lease land to colored men, and thus to turn them out of their homes and to refuse to employ them because they voted the republican ticket, may not be in violation of any law for which any legal punishment can be inflicted; but it is wicked in principle, infamous in practice, and

strikes at the very foundation of republican government. It destroys all freedom of election, and is a form of violence not inferior in its effects to any other that may be employed. It presents to the colored man the alternative of starvation or the support of the democratic party, and is no less cowardly than wicked. That many of the most distinguished officers of the confederate army after the war was over were disposed to accept the situation, to accept the amendments, and to act with the republican party, is beyond dispute; but when any one of them came out and announced his purpose he was in almost every instance met with a storm of indignation and abuse and threatened with social punishment from which many of them shrank back. Men who never flinched upon the field of battle have quailed and turned back from the pitiless storm with which they were threatened. The case of General Longstreet may be referred to. He was one of the most distinguished officers in the confederate army. He was regarded by many as not even second to General Lee; and, when he declared his intention in Louisiana to act with the republican party, was denounced as traitor, ingrate, coldly passed by in the street by many of his companions in arms, and the doors of life-long friends shut rudely against him and his family. At that time he was engaged in a prosperous insurance business, and had not asked and did not desire any appointment from the Government. But his business was destroyed in a single day, and this caused the President, unasked, to tender him the position of surveyor of the port of New Orleans.

General Longstreet, in giving the history of the affair, as I am informed, states that before he announced his purpose to act with the republican party he consulted with Generals Hood, Beauregard, and many other confederate officers, and they had agreed with him that it was their duty to accept the situation, to sustain the constitutional amendments, and give their support to the Government; but after he had taken the step, and the storm of persecution and calumny had burst upon him, the others retracted their purpose, and some of them refused to speak to him.

The question seems now to be presented whether the republican party, who while constituting the majority of the armies of the Republic during the war could not be driven from the Southern States, shall now be expelled from them in time of peace. That the republican party has committed blunders I do not deny, and very many people have been led to believe that one of its chief blunders was in permitting through the legislation of Congress those who were lately in arms against their country to return prematurely to the enjoyment of civil and political rights and again to fill the Halls of Congress for the purpose of legislation. That the party has acted in granting amnesty with a liberality which has no parallel in history is not to be questioned, and it is but a poor requital for that liberality to attempt by any means to exclude it from the enjoyment of equal rights and privileges in the Southern States.

DESTROYING THE CHARACTERS OF THOSE WHO JOIN THE REPUBLICAN PARTY.

Many southern men who had joined the republican party, and whose personal character had before been unimpeached, were at once covered with obloquy and shame, until it came to be understood that to join the republican party would cost a man his character and the peace and happiness of his family. When the war was over, the mass of the thinking and intelligent people of the South were profoundly disgusted with those leaders and politicians who had hurried them into rebellion and overwhelmed them with the misfortunes of war. The rebellion in its origin was so insane, and turned out to be so utterly destitute of sense, that the best men of the South turned away from its authors with horror, and were satisfied that the peace of the country hereafter could only be secured by the administration of the Government upon the principles of the republican party; and I believe to-day that but for the exercise of the influences to which I have been referring there would be a majority of the people in Georgia, Virginia, and perhaps in every Southern State, acting with the republican party, and that the colored people in their participation in politics would have the benefit of the intelligence and experience of a large part of the best white people in those States now acting with the democracy.

INTIMIDATION OF THE DEMOCRATIC PARTY BY ITS VIOLENT ELEMENTS.

And this leads me to another consideration, and that is, that the intimidation to which I have referred, whether of social and business ostracism or personal violence, has operated almost equally upon the democratic party. There is a large part of that party in every Southern State, I believe a majority of it, who do not approve of the acts of violence that have been committed; who do not approve of the social violence which has been practiced; but they have in some way been restrained from the assertion of their opinions and have been powerless to correct these evils. That there is an element of violence in the Southern States, which I believe is in the minority, that has controlled them since the war as it did before the war, I have no doubt. That a majority of the people of Virginia, Tennessee, North Carolina, Alabama, Louisiana, and perhaps other States, were opposed to secession and rebellion I have always understood; but the lawless, the aggressive, and active portion of southern society were in favor of secession, and by various instrumentalities drove the other part of the people into its support, and that element which brought secession upon the South I believe has controlled the politics of the democratic party chiefly since the end of the war. The term "scalawag" is one of opprobrium and is applied almost indiscriminately to every man of southern birth who has joined the republican party, and is often more offensive in its application than that of "carpet-bagger."

THE APPLES OF THE DEAD SEA.

The colored people are fiercely denounced for their ignorance and want of moral training, and their condition, which is in many respects unhappy, is imputed to them as a crime. It must be admitted that slavery was a bad training school, not only intellectually but morally. The cruel and inhuman laws which made it a penitentiary offense to teach a colored child to read and write have borne their fruits, which have like the apples of the Dead Sea turned to ashes upon the lips of those who enacted them. It is written that the sins of the fathers are visited upon their children unto the third and fourth generations, and it is not in the providence of God that the inventors of those laws should entirely escape their consequences. I would that the cup of bitterness could entirely pass from the white people of the South; but that is not possible under divine economy. Those who practiced African slavery for two hundred years cannot hope to escape all the evil consequences resulting from it.

THE MURDER OF COLORED MEN DEEMED UNIMPORTANT.

It is the merest folly longer to deny the atrocities that have been committed upon the colored people in the Southern States. The evidence is found in thousands of depositions taken before investigating committees, in the continual revelations by persons coming from the South, and in the current statement of hundreds of newspapers, although there is reason to believe that not half, perhaps not a tithe of the outrages, are ever brought to the attention of the public.

They have been hunted like wild beasts, and the white sportsmen went gunning for them. If that many white men had been murdered by the Indians the whole country would have demanded vengeance, and a large portion would have clamored for the extermination of the savage tribes. When some twenty starving and desperate Modocs murdered General Canby and three of his colleagues, the Government never stopped until the last man had been killed, or captured, tried, and hung. When the Virginius, notoriously engaged in an illegal and hostile expedition against the Spanish government, was captured by a Spanish cruiser, and some fifty of the crew tried by a court-martial and shot, the Government demanded immediate reparation, and threatened Spain with war in case it was not made. When some six years ago an American boat was fired upon and two men wounded upon the coast of Corea, our fleet demanded reparation; and when it was not granted, battered down the forts and slaughtered nearly three hundred of their soldiers. When Mexican robbers make a raid across the border into Texas and steal five or six hundred cattle, the depredation is tenfold magnified, the Government of the United States is urged by many to go to war with Mexico, and at least to place the Army of the United States along the Rio Grande for the protection of the property of the people of Texas; but when a hundred negroes are murdered in cold blood it is considered a small affair, unworthy of the attention of the Government, and not even justifying an examination. One difference is, perhaps, that the cattle can be sold and the negroes cannot.

THE STALE LIES ABOUT NEGRO PLOTS.

The infamous lies about negro plots to murder the white people have become exceedingly stale and disgusting. Last summer the columns of the Southern Associated Press for days groaned with the stupid and clumsy story that the negroes had conspired to murder the white men and the ugly white women of Georgia. That this infamous lie was intended as a pretext for a slaughter, there is but little doubt. If apprehensions of these uprisings ever existed, they grew out of the conviction of intolerable wrongs inflicted upon the colored people, and are another proof of the truth of that saying, "conscience doth make cowards of us all."

Every year before the war there were stories of plots among the slaves to "rise" and murder their masters and families, which I believe in every instance turned out to be false, but were often made the pretext for the greatest cruelties.

There is a class of newspapers in the North not professedly democratic, but really so, that for several years have done everything in their power to blacken the character of southern republicans. They have denied, justified, or excused every persecution and outrage that have been heaped upon them. They have jeered at their complaints and sought to cover with ridicule and calumny every man who has dared to lift his voice against these horrible atrocities.

The peaceable conduct of the colored people of the South during the war in remaining upon the plantations and working with their usual industry, while their masters were in the field fighting for the professed purpose of perpetuating slavery, has been the subject of world-wide consideration and surprise. Their general behavior since the war, and often under circumstances of great trial and oppression, has been remarkable for its pacific character and for their failure to take into their own hands vengeance for the enormous wrongs they have suffered. Nothing could be more infamous than the attempts which have been repeatedly and, in fact, constantly made to justify the atrocities committed upon them by alleging that they themselves had conspired to rob and murder the white people, and had themselves provoked and begun the different conflicts in which they have suffered so greatly. The conclusive answer to these foul calumnies

is founded in the fact that colored men only are killed; that if white men are killed they are few in number, and the cases are exceptional.

While the masses of the colored people of the South are uneducated, they are far from being destitute of natural sagacity, are well instructed in the lessons of experience, and possess far greater intelligence than their enemies give them credit for. They know full well that their enemies are trained in the art of war, possess the best quality of arms, are skilled in the use of them, and are daring and aggressive, and that in any conflict that may ensue themselves must be the greatest sufferers. They know full well that their interests lie in peace and in the observance of the laws.

DUTY OF THE REPUBLICAN PARTY TO MAINTAIN THE RIGHTS OF COLORED MEN.

While it is the duty of all men to maintain the equal rights of the colored people, that duty rests with peculiar force upon the members of the republican party. It was the republican party that abolished slavery, made five millions of people free, and this alone is the grandest achievement in the history of any political organization. It was the republican party that elevated the colored people to equal civil and political rights and gave them a share in the administration of government, and thus placed them in a position to be assaulted by those who believed in the rightfulness of slavery and that colored men should not, under any circumstances, enjoy civil and political rights.

If, after having thus placed the colored people in this position of trial and assault and exposed them to the dangers to result from disbelief in their natural rights, their mental and moral capacity, and the hatred of their race, the republican party should become tired and so act that their enemies can say that they admit that the brief experiment of negro freedom and suffrage is a failure, it would deserve the execration of men and, I doubt not, receive the punishment of Heaven. It seems that there are political dandies who have nominally professed belief in the equal rights of men, who now think it is the genteel thing to abandon the colored people and to join in the crusade against them by professing a high regard for good government in the South, and that the further consideration of their rights and remonstrance against their wrongs should be eliminated from political discussions, which should be confined exclusively to questions of currency, tariff, civil-service reform, and other economic subjects.

Should the republican party of the North become indifferent to the fate of the colored people of the South and ignore the atrocities committed upon them, nothing can prevent them from sinking rapidly into a state of vassalage, and their last condition will be worse than the first. That the democratic party of the South are reconciled to the civil and political equality of the colored people is contradicted by their every act, by their daily life, by their history in the past and their aspirations in the future; and when they get the physical power—regardless of constitutional provisions or congressional enactments—they will hurl them from the platform of equality and reduce them to a vassalage but one remove from slavery.

WHITE-LINE POLICY.

The white-line policy adopted by the democratic party in Mississippi and other Southern States proceeds upon the idea that the Government should be exclusively in the hands of the white people and that colored people should be excluded from all participation therein. One excuse given for this is that the colored people had adopted a color-line, by which they sought to gain exclusive control of the government in Mississippi and other Southern States. This charge against the colored people is utterly and flagrantly false. So far from having ever sought to establish a color-line and to take to themselves exclusively the government of Mississippi or other Southern States, they have continually disclaimed it, and by their conduct proved the sincerity of their disclaimer. They have always been anxious to act in concert with white men; and, although in Mississippi and other Southern States the number of white republicans acting with them has borne but a small proportion to their own number, they have given to the whites constantly a majority of the offices. The fact that the colored people have not joined the democratic party and entered the ranks of their bitter enemies is most absurdly, even foolishly, offered as proof that they have attempted to establish a color-line in politics. Had the colored people joined the ranks of their implacable enemies they would indeed have proved themselves to be the stupid and incapable beings they have constantly been represented. The white-line policy was established by the democratic party immediately after the termination of the war, and has never been relaxed or abandoned for a single moment. Occasionally a resolution has been put forward in some convention renouncing that policy, but only for a blind to cover up more desperate designs. The first Legislature elected in Mississippi after the war, under the government established by President Johnson, enacted a black code which for satanic ingenuity and malice has never been exceeded in any country.

The democratic State convention in Mississippi, in February, 1868, adopted the following resolution as a part of its platform:

Resolved, That the nefarious design of the republican party in Congress to place the white men of the Southern States under the governmental control of their late slaves and degrade the Caucasian race as the inferiors of the African negro is a crime against the civilization of the age which needs only to be mentioned to be scorned by all intelligent minds; and we therefore call upon the people of Mississippi to vindicate alike the superiority of their race over the negro and their political power to maintain constitutional liberty.

The white-line policy here adopted was the legitimate descendant of the black code of 1865, and the revolution of 1875 was but a continuation of the fight against the principles of reconstruction and the constitutional amendments. I here quote a passage from the Meridian Mercury of last fall as a fair reflex of the spirit of the democratic press in Mississippi and other Southern States, as I shall show by numerous extracts hereafter:

But the white man won't come down to the level of the negro's conception of politics in this or any other sort of government and the negro can't come up to the white man's, and there's an end of it. There is no use in all this sort of palaver, which fools nobody that has sense enough to be fooled. The reconstruction which put the white man and negro on the same political level with the white man put him in a competitive antagonism which must and will last until the negro steps down and out, or until his northern friends step in and rescue him from his perilous position and restore him to his normal relation of dependence and subserviency when in close contact with that superior race which never yet acknowledged an equal but of the same blood. "Unite politically" the two races never can. Political equality is an absurdity without an equality of intelligence and the governing virtues of the whole people. In the end a political unity will be first enforced, and then the political rights, which had to be controlled because dangerous, will be destroyed.

Whatever disguises may be temporarily adopted, whatever protests may be made in Washington, the inflexible purpose of the "white-line" democracy of the South is the destruction of the political rights of the negro.

VIOLENCE BEFORE REPUBLICAN RULE.

But it is said that the violence and intimidation practiced in Mississippi and other States have been the natural result of republican misgovernment and the corruption of public officers in those States. That there have been misgovernment and corruption is not to be denied, and that it has been grossly exaggerated for partisan purposes is equally undeniable; but that this corruption and misgovernment have been the origin and cause of the personal violence and social intimidation is utterly untrue. This violence and intimidation began with the end of the war, and, as I have shown, existed before the war; it preceded any attempt upon the part of Congress to reconstruct the Southern States; its most fearful outrages in some of the States took place before republican State governments had been formed or while republican government was yet an experiment. The infamous Ku-Klux organization began as early as 1866, and practiced its most fearful atrocities in South Carolina, North Carolina, Mississippi, Alabama, and Louisiana during the years 1867, 1868, 1869, 1870, and 1871.

The horrible slaughter at the Mechanics' Institute in New Orleans in 1866, where two hundred and sixty men were killed for no other crime than attending a convention, was while that State was still under a government that had been organized by President Johnson. As a report of a congressional committee shows, within sixty days before the November election of 1868 more than two thousand men were killed and wounded in Louisiana for political causes, bringing about a change between the State election in May of that year and the presidential election in November of more than 70,000 votes!

General Sheridan, who had been carefully gathering up the statistics of the number of persons killed and wounded in Louisiana since 1866 and up to February 8, 1875, on account of their political opinions, reported to the investigating committee appointed by the House last winter the number, so far ascertained, as follows:

Killed	2,141
Wounded	2,115
Total	4,256

This is a greater number than fell at the battle of Bull Run, and with another difference, that in that battle the slaughter was not all on one side.

Hon. GEORGE F. HOAR, chairman of the congressional investigating committee, in his report made to the House last winter, briefly recapitulates the history of the murders and atrocities in Louisiana and presents a sickening detail of horrors that dwarfs into insignificance any Indian war that has occurred within a century. The horrid massacres at the Mechanics' Institute, at Colfax, at Coushatta, to say nothing of those of lesser magnitude, relieve those at Wyoming and Schenectady of their historic prominence and throw over the butcheries of the Modocs a mellow light.

The report of Hon. John Coburn, from the Select Committee on Affairs in Alabama, submitted to the House at its last session, presents another chapter of horrors a little less bloody than that of Louisiana, but partaking of the same general character. The murders, raids, cruelties, and proscriptions practiced upon the republicans, both black and white, read like a chapter in the Moorish history of Spain. These reports, sustained by a vast body of testimony taken by committees on the spot, are to be found in the printed volumes on the shelves of your library, and may be inspected by any one who doubts the truth of the description which I have given.

VIOLENCE IN 1868.

The evidence taken by the reconstruction committee of the House, of which Mr. BOUTWELL, now a member of this body, was chairman, in regard to the election in Mississippi in 1868, presents the bloody and fraudulent antetype of the election last fall. It reeks with murder, frauds, proscriptions, intimidation, and shows that the new constitution of that year was rejected by the same infamous instrumentalities by which the revolution of last fall was enacted. The bloody record shows that the white-line democracy of Mississippi, who now would

have the country believe that they have been patient and long-forbearing, but were finally aroused to uncontrollable anger by the oppressions and robberies of a republican State government, in 1868 hoisted the same bloody flag, bearing like inscriptions, under which they marched to a victory won by the same weapons. The pretense that they had borne with republican robberies and oppressions until forbearance was no longer possible, and had resorted to intimidation and violence only when no other remedy was left, is a falsehood, the monstrosity of which is only equaled by the audacity of its presumption upon the ignorance or forgetfulness of the nation; and I shall show hereafter that all the real grounds of complaint which they had against republican State government in Mississippi were trivial, almost contemptible, when compared with the wickedness and enormities which distinguished the government of that State while in the hands of the democracy before the war.

REPORT OF JOINT COMMITTEE.

The report made by the joint committee of the two Houses of Congress on southern outrages, appointed in 1871, through Hon. John Scott, then Senator from Pennsylvania, presents the history and operations of the Ku-Klux organization in Mississippi, South Carolina, Georgia, Tennessee, and Florida in a picture so fearful and revolting, that the reader turns from it with the sickness of the heart. It is a tale of hundreds of brutal murders, of deeds without a name, of inhumanities and oppressions upon the innocent, defenseless, and ignorant, that will challenge the annals of crime in any age or country.

When we read this dreadful record we reflect that the vengeance of God cannot sleep forever. The statesman who says that he is so absorbed in the study of political economy that he has no time to attend to these great issues of life and death and is weary of these tales of horror and suffering makes the same answer Cain made to the Lord when he was asked, "Where is thy brother?" and Cain answered: "I know not. Am I my brother's keeper?" And the Lord said: "What hast thou done? The voice of thy brother's blood crieth unto me from the ground."

To punish such crimes the enforcement act was passed in 1871, which of course could not apply to offenses already committed, but under it nine hundred and thirty persons were indicted in the United States courts in Mississippi. Of these two hundred and forty-three were tried and found guilty, and the cases against three hundred and eighty-two persons are still pending. In North Carolina 1,849 were indicted. Of these 518 were tried and found guilty, and cases are still pending against 742; in South Carolina 1,186 were indicted; in Florida, 24; in Alabama, 536; in Georgia, 235; in Tennessee, 73, and in Kentucky, 30; in all, 4,865.

The passage of the enforcement act and the prosecutions under it had the effect to break up the Ku-Klux organization throughout the South, and gave comparative peace and security in several of the Southern States for two or three years. The suspension of the writ of *habeas corpus* by the President in nine counties in South Carolina had a magical influence, and many of the most desperate men in that and other States immediately ran away, some of whom have but recently returned. The white-liners of that State, yielding to the only principles they recognize, force and fear, suspended their operations, and have only recovered their courage since the revolution in Mississippi, which they are now declaring it is their purpose to repeat and make the basis of their canvass in 1876. Social proscriptions and punishments were never more powerful and relentless than before the era of reconstruction and the years immediately succeeding; and it is an unanswerable fact that these outrages and horrors have not been inflicted upon the thieves and robbers, for they generally had democratic partners, but upon the innocent, the defenseless, and the ignorant.

ALLEGED MISGOVERNMENT NO EXCUSE FOR MURDER.

But if the misgovernment and corruption had been all that has been represented, what justification or excuse would they constitute for the violence and murder that have been committed? None whatever. If they be admitted to constitute a justification or even a substantial excuse, that admission would be fatal to the existence of republican government. Misgovernment and corruption have not been confined to the Southern States since the war. The darkest page in the financial history of any State in the Union is to be found in the repudiation by the State of Mississippi of her public debt many years ago, at a time when no republican or abolitionist could set his foot in that State without danger of being hung upon the next tree. It cast a deep shadow upon American integrity throughout the world, and is to-day as vivid in the memories of men as if it had occurred but yesterday. No similar instance can be found in our history of equal demoralization and degradation of the public conscience of a State. There has been foul misgovernment in Northern States under democratic administration; and we have witnessed in the city of New York, that stronghold of the democratic party, a depth of corruption and fraud comprehending many millions of dollars first dragged to light by republican agencies, and the chief criminal has recently been permitted to escape in open day by the connivance of democratic officials. But these enormous public robberies, which had been believed to exist for years before final exposure, were never dreamed of as an excuse for violence and murder.

But it seems never to have occurred to those who attempt to justify these wrongs upon the score of republican misgovernment in the South that the proscriptions and violence that have been practiced there are in themselves calculated to beget corruptions and disorders in government. Where men are persecuted, not for their crimes but for their opinions, and are made outcasts from society and the common enjoyments of life, they have but little inducement to be honest, and the temptations to fraud and corruption are increased tenfold. It is the lesson of history in every age that, where men are treated as villains and vagabonds and subjected to wicked oppression from society because of their race, religious or political opinions, they are sometimes thereby made villains and vagabonds.

NO FAITH IN VIRTUE THAT CONNIVES AT MURDER.

I have no faith in that virtue which assails with fury fraud and corruption, but connives at murder, outrage, and oppression. Those who make daily outcry about frauds, larcenies, and defalcations, but turn a deaf ear to the cries of murdered men, to the shrieks of victims upon whom are inflicted infernal outrages, to the complaint of those who are driven from their homes and made outcasts from society for no other crime than their race or political opinions, are pharisees and hypocrites of the basest sort. Frauds and larcenies are infamous crimes, and deserve the execration of all men; but they are inferior in enormity to the crime of murder. The taking of human life, save in self-defense, is the wickedest deed under heaven and among men, and the murderer need not be expected to hesitate at the commission of any inferior crime. He will commit perjury, forgery, arson, or any other act by which he may cover up, justify, or excuse his dreadful deed. We have seen how the pretended abhorrence of public corruption has been made a pretext for murder, for the establishment of a reign of terror, for driving men from society, depriving them of their means of subsistence, and robbing many thousands of people of their dearest political rights. If there is anything more odious than these crimes, it is that reeking hypocrisy which affects to stand aghast at fraud while attempting to cast its mantle of concealment and protection over deeds the most dreadful and infamous.

THE GREAT QUESTION.

The question of amnesty, which has recently excited so much attention, is interesting as a matter of justice, of feeling, and of example. The national question of paramount interest is the political, social, and industrial condition of the South, the violation of the political, civil, and social rights of millions of people, and the subversion of the will of the majority by violence and intimidation. We stand in the presence of a great danger overhanging the Southern States, in which those of the North are powerfully and, I may say, equally interested. In many of the Southern States the policy is openly avowed of seizing all power into the hands of the white race, and depriving the colored people of their political and civil rights. With this policy, commonly known as the white-line, it is believed the democracy sympathize in every Southern State, and I fear to a considerable extent in the Northern States. State after State has been conquered from the majority by violence, and we are no longer left in doubt as to the purpose thus to establish a solid South in the interest of the democratic party, and when they shall have obtained the control of the National Government to reconstruct the Southern States upon the white man's basis, and to destroy the republican party by making it impossible for men of republican principles to enjoy and express their opinions in peace and safety. Then, as before the rebellion, the republican party will be banished from the South, and it will be to them as a foreign country. When we consider how fearfully rapid the progress has been in that direction even under republican administration, we can understand how it might be accelerated and consummated with a democratic President elected chiefly by the southern democracy and necessarily sympathizing with them in their aspirations. Lest it be said that I do injustice to the northern democracy, I beg leave to remind the Senate that before the war the northern democracy not only connived at the oppressions upon the republican party and its exclusion from the Southern States, but made merry over and defended the outrages committed in the South upon abolitionists; and that now, and ever since the war, the democratic party either deny, justify, or excuse the dreadful atrocities committed upon the white and black republicans in the Southern States.

PERJURY THE CONCOMITANT OF MURDER.

A necessary concomitant of the system of murder, violence, and proscription in the Southern States is falsehood and perjury. The men who commit these crimes will, as a matter of course, commit perjury to conceal or justify them. In the Ku-Klux investigations and trials the most wonderful and disgusting exhibitions of perjury were witnessed. Many men who had before the Ku-Klux Committee or on examination in court as witnesses testified to all want of knowledge of the organization or of its crimes were afterward conclusively proven to be members of it and guilty. The victims of their infamous crimes were covered with the foulest calumnies, and scarce an outrage was investigated that was not denied under oath or justified or excused by the most infamous falsehoods against the sufferers.

A monstrous system of falsehood has been continually practiced, not only in Mississippi but in every Southern State, by which the Government of the United States is constantly charged with the grossest and most wicked oppressions of the southern people. Republican State and county governments are assailed with charges of corruption and oppression which in most cases are utterly false or grossly exaggerated. Many very ignorant people in the South have thus been

made to believe that they are sorely oppressed by the Government of the United States, and that it is, as charged by a distinguished Mississippian, now a member of Congress, the most tyrannical government on the face of the earth; and yet if they were called upon to specify in what way they have suffered, they could not do it, even if their lives depended upon it. The charges of corruption against Governor Ames and every republican State and county official in Mississippi have been so voluble and persistent that very many of the ignorant have been made to believe them, and have thus to some extent been hounded on to madness and crime.

THE ONLY HIGHWAY TO PEACE.

Many well-meaning people deplore any reference to the outrages committed in the South as inimical to reconciliation and harmony between the sections. They are exceedingly anxious that in this centennial year all past differences shall be forgotten, and the people, North and South, forgetting and forgiving, and mindful only of our great national future, shall meet and embrace as a nation of brothers. It is a consummation devoutly to be wished; but I must remind such well-meaning people that any formal reconciliation, while the dearest rights of millions are systematically violated and the greatest wrongs passed unnoticed and unpunished, will be the rankest hypocrisy, revolting alike to divine and human justice. It is only the knavish quack who puts a plaster over the mouth of the wound and says it is healed. The healing process must begin at the bottom and be thorough to be permanent and healthy. All gushing and handshaking which precedes the concession of equal rights and justice to men of all colors and opinions in the Southern States will be the veriest sham and deceive nobody. Such foul wrongs cannot be ignored and concealed. They will forever obtrude themselves upon the world and cry aloud for redress. It will be the cry of "Peace, peace; when there is no peace;" and should the republicans of the North turn a deaf ear to the complaints of the republicans of the South and affect to believe that reconstruction has taken place, and that all is well, they will be justly contemptible in the eyes of mankind. The Union men of the South have been subjected to trials of which we in the North have but a faint idea, and have shown their faith and patriotism by adherence to their principles under circumstances where the weak, the venal, and the unprincipled have joined the enemy; and the republicans of the North dare not, will not now abandon them. Let me say to this class of people, and to the men of the South, there is but one highway to reconciliation, and that is open, straight, and free; and over its portals are inscribed these words, "EQUAL JUSTICE TO ALL; TO ALL THE EQUAL PROTECTION OF THE LAWS;" and if the southern people will walk in that highway they will arrive at the temple of peace and find unbroken rest.

Mr. President, I shall not be able to conclude to-night, and I would prefer going on in the morning.

EXECUTIVE SESSION.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were re-opened, and (at three o'clock and twenty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January* 19, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

APPROVAL OF JOURNAL.

The Journal of yesterday was read.

The SPEAKER. If there be no corrections, the Journal of yesterday, as read, will be regarded as approved.

Mr. FRYE. I notice by the reading of the Journal that it is there recorded that "Mr. FRYE was authorized to present the views of the minority of the committee" on the judiciary "in writing." That was in relation to a proposed amendment to the Constitution relative to the term of President and Vice-President. What I was permitted and authorized to do was to present a substitute for the resolution reported by the majority of the committee.

The SPEAKER. If the gentleman desires the Journal to be changed as he has suggested it will be done. The Chair would suggest, however, that the present order amounts in parliamentary effect to the same thing. The views of the minority may be in the nature of an amendment or otherwise.

Mr. FRYE. Then I do not care anything about it.

The Journal was approved as read.

RECIPROCITY WITH HAWAIIAN ISLANDS.

Mr. TARBOX, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Committee on Foreign Affairs be, and are hereby, instructed to consider and report the proper legislation to carry into operation a convention between the United States of America and His Majesty the King of the Hawaiian Islands, on the subject of commercial reciprocity, concluded and signed at the city of Washington on the 30th of January, 1875, by their respective plenipotentiaries.

CHANGE OF REFERENCE.

Mr. FRANKLIN. The bill (H. R. No. 1254) introduced by me yesterday, to provide for the establishment of a branch mint of the United States at the city of Kansas, in the State of Missouri, was erroneously referred to the Committee on Public Buildings and Grounds, instead of the Committee on Coinage, Weights, and Measures, to which all bills of that character introduced at this session have been referred.

The SPEAKER. If there be no objection the reference of the bill will be changed as indicated by the gentleman.

There was no objection, and it was ordered accordingly.

SPECULATIONS IN PUBLIC LANDS.

Mr. BLAND, by unanimous consent, submitted the following resolution; which was referred to the Committee on the Public Lands, and ordered to be printed.

Whereas speculators have been and still are procuring by fraud and otherwise the assignment and transfer to themselves of the lands allowed as additional quantities to Union soldiers to make up the amount of one hundred and sixty acres in railroad limits and other privileges secured by acts of Congress approved June 8, 1872, and March 3, 1873; and whereas it is the policy of the Government that those rights should be held for the sole and exclusive use of said soldiers, and no transfer or assignment thereof to speculators be permitted; Therefore

Be it resolved, That the honorable Commissioner of Lands be requested to inform this House whether such transfers have come to his knowledge, and what rulings have been made thereon; and whether any other or further legislation is necessary to prevent such transfers and protect said soldiers from frauds in this behalf.

WIDOW OF HON. JAMES BUFFINTON.

Mr. CRAPO. I ask unanimous consent to offer the following resolution for reference to the Committee on Accounts:

Resolved, That the Clerk of the House be, and is hereby, directed to cause to be paid from the contingent fund of the House to the widow of James Buffinton, deceased, late a member of this House, a sum equal to the amount of his salary as a member of this House from the date of his death to the 2d day of November, 1875; and that the Committee on Appropriations be authorized to insert a clause for this purpose in the deficiency bill for the fiscal year ending June 30, 1876.

Mr. HOLMAN. I do not understand that there is any necessity for the last clause of this resolution as to an appropriation. I suppose the money is already appropriated. But the reference of the subject is of course proper.

There being no objection the resolution was referred to the Committee on Accounts.

ORDER OF BUSINESS.

The SPEAKER. The morning hour now begins at twelve o'clock and twenty-three minutes. The first business in order is the call of committees for reports of a public nature.

CHANGE OF REFERENCE.

Mr. DURHAM. The Committee on the Revision of the Laws, having had under consideration the bill (H. R. No. 704) to extend to the port of Genesee, in the State of New York, the privileges of section 2990 of the Revised Statutes, have come to the conclusion that it properly belongs to the Committee on Commerce, and have therefore directed me to move that the Committee on the Revision of the Laws be discharged from the further consideration of the bill, and that it be referred to the Committee on Commerce.

The motion was agreed to.

Mr. DURHAM. The Committee on the Revision of the Laws have also directed me to move that they be discharged from the further consideration of the bill (H. R. No. 136) to amend section 840, chapter 16, title 13, Revised Statutes of the United States, and to move its reference to the Committee on the Judiciary, to which it properly belongs.

The motion was agreed to.

VICE-CONSUL GENERAL.

Mr. DURHAM. The Committee on the Revision of the Laws have directed me to report back, with a recommendation that it pass, the bill (H. R. No. 1208) to correct a mistake in and amend section 4130 of the Revised Statutes.

The bill was read. It provides that section 4130 of the Revised Statutes of the United States be amended by inserting, after the words "consul-general," the words "vice-consul general;" so that the section shall read as follows:

SECTION 4130. The word "minister," when used in this title, shall be understood to mean the person invested with and exercising the principal diplomatic functions. The word "consul" shall be understood to mean any person invested by the United States with and exercising the functions of consul-general, vice-consul general, consul, or vice-consul.

Mr. DURHAM. I hold in my hand a letter from the Secretary of State which accompanied a draught of this bill. The office of vice-consul-general, which was named in the original statute, was (evidently by inadvertence) omitted by the revisers. The Secretary of State says it is very important to have this omission supplied, because frequently the consul-general is absent, and under the existing law the vice-consul-general cannot act in his place. I ask that the letter of the Secretary of State be published in the RECORD.

There was no objection.

The letter is as follows:

DEPARTMENT OF STATE,
Washington, January 12, 1876.

SIR: In section 4130, title 48, of the Revised Statutes, relating to the jurisdiction of diplomatic and consular officers in certain countries in civil and criminal cases, it is provided that the word "minister," when used in that title, shall be understood to mean the person invested with and exercising the principal diplomatic functions,

and that the word "consul" shall be understood to mean any person invested by the United States with and exercising the functions of consul-general, consul, or vice-consul. The act of Congress of June 22, 1860, to carry into effect provisions of the treaties between the United States, China, Japan, Siam, Persia, and other countries, giving certain judicial powers to ministers and consuls or other functionaries of the United States in those countries, and for other purposes, which was in force prior to the Revised Statutes, provided in section 22 that the word "consul" should include, in addition to the officers above-named, also vice-consul-general.

It will be observed that the omission of vice-consuls-general from the list of those consular officers who may perform judicial functions is an important one. In the absence on leave of the consuls-general charged with judicial functions, or in case of a vacancy, or of inability from any cause to perform their functions, there is no qualified person upon whom the judicial duties may devolve. Cases involving considerable interests are frequently brought before the consular court at Shanghai, Kanagawa, and Constantinople; and it is understood that at the two former offices there arises a greater or less number of cases involving small offenses which require the presence of the consul general daily in his court. In view of these circumstances, I have the honor to recommend to your committee that the Revised Statutes should be amended so as to restore vice-consuls-general to the list of those officers who may discharge judicial duties; and to this end I inclose for consideration a draught of a bill which will, it is believed, accomplish that object.

I have the honor to be, sir, your obedient servant,

HAMILTON FISH.

Hon. MILTON J. DURHAM,
Chairman of the Committee on Revision of the Laws,
House of Representatives.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. DURHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TEXAS BORDER TROUBLES.

Mr. SCHLEICHER. I am instructed by the Special Committee on the Texas Frontier Troubles to report the following resolution, and to ask that it be referred to the Committee on Accounts.

The Clerk read as follows:

Resolved, That the Special Committee on the Texas Frontier Troubles be authorized to employ a clerk.

There was no objection, and the resolution was received and referred to the Committee on Accounts, and ordered to be printed.

ENLISTED MEN DETAILED ON SPECIAL-DUTY SERVICE.

Mr. VANCE, of Ohio, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of War be requested to report to this House without delay the number and names of enlisted men of the United States Army employed on extra or special-duty service in the District of Columbia during the year ending December 31, 1875; and that in this report he give the particular duty or employment, and the total compensation, including the value of rations and allowance of every description received by each enlisted man so detailed or employed.

ENROLLED BILL.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (S. No. 236) to amend section 3767 of the Revised Statutes, in relation to the purchase of paper for the public printing; when the Speaker signed the same.

AMENDMENT OF THE CONSTITUTION.

Mr. SPRINGER. I ask unanimous consent to introduce a joint resolution (H. R. No. 46) to amend the Constitution, and move its reference to the Committee on the Judiciary.

The Clerk read as follows:

Resolved, &c., That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said Legislatures, shall be valid as a part of the Constitution, namely:

ARTICLE —.

The Congress shall not pass any local or special laws in any of the following-enumerated cases; that is to say, for—

Granting pensions, bounties, lands, or prize-money to any person or persons, or for correcting the records of any department of the Government in reference thereto;

Granting relief to any person or persons or authorizing the payment of any claim against the United States or any officer thereof, except appropriations in general laws to pay the judgments of courts or commissions authorized by law;

Remitting fines, penalties, or forfeitures, creating, increasing, or decreasing fees, percentage, or allowances of public officers during the term for which said officers are elected;

Granting to any corporation, association, or individual the right to lay down railroad tracks, or amending existing charters for such purpose by confirming any special or exclusive privilege upon such corporation or association which it does not already have;

Granting to any corporation, association, or individual any special or exclusive privilege, subsidy, immunity, or franchise whatever;

Regulating the practice of courts or conferring special jurisdiction in a particular case on any of the courts of the United States, or commissions for the auditing of claims against the same.

In all other cases where a general law can be made applicable, no special law shall be enacted, and in all cases the courts may determine whether any special law could have been embraced in a general enactment.

There was no objection; and the joint resolution was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

AMENDMENT OF THE RULES.

Mr. WILSON, of Iowa. Mr. Speaker, I do not object to the introduction of the resolution submitted by the gentleman from Illinois, [Mr. SPRINGER,] but unless we have some change in the rule as it stands at present I must hereafter object to any such unanimous consent as that which he asked for. The only way to get rid of an obnoxious rule is to insist upon its rigid enforcement. The practical operation of the rule as it stands at present in reference to the introduction of resolutions on Monday makes it next to impossible for the members from one-half of the States in this Union to offer resolutions for action. Now, Mr. Speaker, as you are a member of the Committee on Rules, I desire to call your attention to this condition of affairs. In order that the members from all the States may hav an opportunity at least once during the session to offer resolutions the rule as it stands at present needs some modification. I dislike very much to stand in the way of gentlemen bringing in resolutions by unanimous consent, but if the Committee on Rules neglect to report some modification of a rule of the House so as to put all members upon an equality, I must hereafter, as I have already said, object to granting unanimous consent to any member for the introduction of a resolution out of its order.

The SPEAKER. It is the clear right of the gentleman from Iowa to make such objection whenever his judgment commends that kind of action to him. But he ought to know that the Chair has no power to change or modify the rules of the House.

Mr. WILSON, of Iowa. The honorable Speaker is a member of the Committee on Rules.

The SPEAKER. But that gives him no power to change the rules.

Mr. WILSON, of Iowa. It gives him power, however, to report.

The SPEAKER. If the gentleman from Iowa desires to have the rule changed or modified, it will be proper for him at the proper time to introduce a resolution to that effect and have it referred to the Committee on Rules.

Mr. WILSON, of Iowa. There does not seem, however, to be any proper time, as the State of Iowa is hardly ever called.

PERSONAL EXPLANATION.

The SPEAKER. The gentleman from New York [Mr. J. H. BAGLEY] desires to make a brief explanation touching a vote given by him the other day.

Mr. RANDALL. On what subject?

The SPEAKER. He desires to make a personal explanation concerning a vote, on the yeas and nays, given by him the other day.

Mr. J. H. BAGLEY. It is in reference to a vote given by me on the resolution of the gentleman from Indiana [Mr. HOLMAN] concerning the resumption of specie payment.

Mr. RANDALL. If it is an explanation in reference to the vote on amnesty, I must object.

The SPEAKER. It was the vote on the resolution of the gentleman from Indiana [Mr. HOLMAN] on the subject of the redemption of the legal-tender notes.

Mr. J. H. BAGLEY. I am recorded as having voted for the motion of the gentleman from Indiana to suspend the rules for the consideration of his resolution. If that was my vote, it was made under a misapprehension of the nature and bearing of the resolution, and I desire to have it changed. I desire to go before my constituents and the country as in favor of the resumption of specie payments.

The SPEAKER. The Chair suggests to the gentleman that it is too late to change his vote; but the gentleman's explanation will stand against the vote.

ADELBERT C. FASSETT.

Mr. MILLER, by unanimous consent, introduced a bill (H. R. No. 1338) for the relief of Adelbert C. Fassett; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MORRIS S. FARRINGTON.

Mr. MILLER also, by unanimous consent, introduced a bill (H. R. No. 1339) for the relief of Morris S. Farrington, a son and heir of March Farrington, a soldier in the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

ORDER OF BUSINESS.

Mr. WHITTHORNE. I submit for adoption at this time the resolution which I send to the desk.

Mr. HOAR. I object.

Mr. WHITTHORNE. Will the gentleman from Massachusetts hear it read?

Mr. HOAR. I have no objection to its being read, but the Speaker has ruled that we cannot object after that.

CENTENNIAL CELEBRATION OF AMERICAN INDEPENDENCE.

Mr. HOPKINS. I move that the rules be suspended, and that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of the Centennial appropriation bill.

The question being taken, there were—ayes 96, noes 7; no quorum voting.

The Speaker, under the rule, ordered tellers, and appointed Mr. HOPKINS and Mr. WILLIS.

The House again divided; and the tellers reported—ayes 140, noes 9.

So the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. WOOD, of New York, in the chair,) and resumed the consideration of the bill (H. R. No. 514) relating to the centennial celebration of American Independence.

Mr. PHILLIPS, of Kansas. Mr. Chairman, I shall not consume

much of your time. I desire very briefly to state why I think this House should vote for the centennial appropriation.

I do not believe there is a man in this House who will deny that our Government is fully committed to this celebration. Under authority of an act of Congress the Executive of the United States has invited the governments of foreign nations and the people of those nations through their governments to be present. Those invitations have been accepted by nearly all of them. Appropriations have been made, according to the different modes of those nations, to meet the expenditures involved and to do their share toward it. Having therefore invited this co-operation and expenditure on their part, it would certainly be a very remarkable circumstance if our Government declined to give any aid to the enterprise itself. The appropriation will do as much for the character of the centennial as the money will do. Should we adopt a less liberal policy—and I have no fear of it—we need not be surprised if foreign nations take less interest in it and do less for it. We have gone into this matter, and it behooves us to see that it is done decently.

The design of making it, as far as practicable, self-sustaining was a good one. Three-fourths of the amount to be expended will come from private and state enterprise and liberality. The remainder we are asked to give. I think that, under the circumstances, we get off cheap. It is only three and a half cents apiece. Where is the person who refuses to give it? As a general rule our political festivals are sustained purely by popular movements. Estimates for bunting, barbecues, and fire-crackers do not appear in our budgets. Our average Fourth of July celebrations do not need them. John Smith, Sam Jones, and Jonathan Edwards resolve themselves into three committees, on invitations, rhetoric, and eatables, and forthwith the "occasion" is a grand success. This international centennial cannot be done in that way. This is the boiled-down essence of all the Fourths of July for a hundred years. It is not all for ourselves. We have inspired our people with love for the national air on the martial fife and drum, and the reading of the Declaration of Independence has been like the voices of the lively oracles. Now we throw the gates wide open to all the world. We invite them to see our growth and prosperity; to study the theory and examine the practical working of a government of the people. If it is worth celebrating at all, it is worth doing it well. Uncle Sam knows the value of a cent exactly. He is waxing rich and strong because he knows it. He expects us to study that matter very closely, but he also expects us to remember that he was never mean about it. He will wear his traditional white hat, but he will brush it when he cocks it among the nations. He has invited all creation, and while he has demanded prudence from us, he will not thank us for parsimony. He feels that he owes this to his place in modern civilization and owes it to the downtrodden of all the earth.

I think there is probably not a man within the sound of my voice who does not believe that if we refuse this appropriation the exhibition will not be the success that I am sure every American desires it to be. If we make this appropriation, it is important that we do it at once. In a hundred days our guests will begin to come.

Nor do I believe that city rivalries or jealousies will enter into this. We could not all be born in Philadelphia; but Uncle Sam was born there. He staked off his first claim around that old hall. In that hall, a hundred years ago, a handful of brave men met to cast the die of our national fortunes. Their circumstances were full of embarrassment. There was but little more than three millions of people in all the colonies. They were without resources and comparatively without credit. They scarcely knew how far they would be sustained in what they did. They confronted one of the mightiest empires on earth. There they uttered the Declaration of Independence, and a nation was born. They did far more. They did higher and better. Unawed by power and unchecked by conservatism, they uttered the grand old words that ring in our ears from happy school-boy days and which sent a thrill through the heart of struggling humanity all over the world: "We hold these truths to be self-evident, that God created all men equal." It was not a "glittering generality." It declared that in the Government then formed all men should be equal in the eyes of the law.

We can look back, my friends. Look back over that hundred years. We can see the ship of state rocked in many a storm. We can remember, not without a tear, the brave men who died for it, and the wise men whose whole lives were given to developing the genius of the American Government, whose lives, founded on principle, are as illustrious as a martyr's death. We can recall those grand old words, and here, in this noontide of the nineteenth century, with the picture of the saved and redeemed Republic before us as it is to-day, rising in freedom from the clouds of war, we can wipe the perspiration from our brows and modestly and reverently thank the Lord that, even if it took a hundred years, we were able to "hew to the line" these brave old patriots "scored" for us.

Mr. DE BOLT. Will the gentleman from Kansas permit me to ask him a question?

Mr. PHILLIPS, of Kansas. Certainly.

Mr. DE BOLT. I see by the bill before me that it is provided that the Government shall not under any circumstances be liable for any debt contracted by the centennial board. That same clause was enacted in the act of 1872 incorporating the centennial board. In last Congress they asked for only half a million dollars. Now they ask for a million and a half. Suppose now they overbuild their means, or use up their means and go in debt; who is to be responsible for that debt hereafter? Or can the gentleman give us any assurance that this board will not be here next Congress asking for another appropriation to pay the debt that they have contracted?

Mr. PHILLIPS, of Kansas. I will reply to the gentleman's question. It is competent for the next Congress to do that which it is competent for this Congress to do, and they will do what they please, whatever we may say in the premises. I know it is customary to insert in bills what shall not be done hereafter, but the gentleman from Missouri knows as well as myself that Congress can do it if they please. This bill, however, provides that they shall have no equities in any future claim. As has been said, this bill provides that the United States shall not be liable for any debt of the centennial commission or the centennial board, and that is all we can ask.

Mr. DE BOLT. They claim that they cannot complete the buildings without this appropriation. Suppose in the next Congress they say that they have completed their buildings but have gone beyond their means?

Mr. PHILLIPS, of Kansas. They estimated for three millions in the last Congress, and now they estimate for a million and a half, and a guarantee is given that the Government shall not be responsible for any further amount. As I said before, if this centennial celebration, this gathering at Philadelphia, will do anything to cement the bonds of the Union, it is cheap if it cost all the gentleman might fear it would cost. But I think there is no danger of any further appropriation.

I do not know that I should say anything about the influence of this celebration in cementing the bonds of union and fraternal feeling, and yet I feel sure that it will do it. Is there a man on this floor who does not believe that these are the things that bind the bundle of rods together. And if it does so, it is a wise appropriation. The nation that has spent four millions a day in war can afford a million and a half once in a hundred years to render civil wars impossible. Those who lately sought to destroy the Union know that they made a mistake; but they are high-strung, like the rest of us, and of course do not want to be eternally reminded of it. I shall not, therefore, dilate on it. We will go up to Philadelphia. A cluster of old memories will come back to them, dear to them and to us, and when the martial fife and drum strike up old Yankee Doodle on that centennial morn, we will meet them there; and there, recurring to first principles, there, on the altar of Union and freedom, we will together swear eternal fealty to the grandest government God ever gave to the children of men.

Mr. HARRISON. It is said, Mr. Chairman, by some of the members on this floor who have opposed this appropriation, and by that portion of the press which opposes it, that this House cannot vote for it without stultifying itself; that by the vote recorded on the 14th of last month we have committed ourselves against all subsidies and against this measure. For the purpose of placing ourselves right, I wish to remind gentlemen, and to remind the press of the fact, that when that resolution was here to be voted upon a distinguished gentleman from Massachusetts asked the question if that resolution would or would not cut off the centennial appropriation. The same question was asked by other gentlemen around me, and by myself among the number. The distinguished mover of that resolution, the gentleman from Indiana, [Mr. HOLMAN,] distinctly stated that he did not consider the word "subsidy" in that resolution as covering the centennial appropriation. Therefore it does not bind us. We voted for that resolution with a reservation in favor of the centennial appropriation—not a mental reservation, but an outspoken and a loudly spoken reservation. And I hope to show in the course of my remarks that this appropriation is not a subsidy, but is a compliance with the implied obligations of the Government when it invited the world to become its guests, and to assist in this the first hundredth anniversary of our national existence.

It is said, too, Mr. Chairman, that this is not a national undertaking; that it is a private scheme, gotten up by a corporation in Philadelphia. To a certain extent it is private. Scarcely any great act of government is ever originated otherwise than through some private individuals. If a great public building is to be erected to accommodate officers of the Government in New York, in Saint Louis, or in Chicago, what is everybody's business is no person's business, and the proposition is never acted upon until some interested parties, parties who wish to get a contract or to sell a site, bring it before Congress. It is true that this matter was brought before Congress by individuals from Philadelphia. But it was in answer to an expression of feeling that was as widespread as our Union itself that some great national rejoicing was befitting the people of America in the centennial year of its existence. They came here and suggested an exposition at Philadelphia. It was readily conceded that Philadelphia was the fitting spot in which to hold such an exposition. Philadelphia was acknowledged to be the cradle of American Independence and the place where it should be held. But, Mr. Chairman, from that moment this undertaking became purely and strictly national. Congress named it, Congress gave it its very birth. It declared what its objects should be. Congress declared who should be its officers, and one branch of the Government, the President of the United States, named those officers. Those officers have to report to the Government of the United States all that is done. They are liable to the Government of the United States for any mismanagement on their part. They are liable to this Congress by impeachment should they be guilty of

malfeasance. The President of the United States was directed by a law of Congress to invite the world to this our first great national jubilee. He did invite them. But gentlemen say here, as was said by the gentleman from New York, [Mr. WILLIS,] Congress, when it made that law, put in a proviso that there should be no more money expended by the National Government; that it should not be liable for the debts of this corporation. Was that embodied in the invitation that General Grant sent abroad to the nations of the world? Was that proviso incorporated in the invitation to come and assist us in this glorious, this grand undertaking to show the world our appreciation of the great boon our forefathers had handed down to us? Of course not. It is true that we as citizens must follow the maxim that every man must take cognizance of every law enacted by the proper law-making powers. But foreigners have no such obligations attaching to them. They received our invitation. They have answered that invitation. Russia has donated $700,000 to aid its citizens in being represented in this international exposition. People of all nations are coming. But the gentlemen who undertook to act as the agents of the Government and to provide for the entertainment of the nation's guests find that owing to the panic of 1873 they cannot raise the funds to complete the necessary buildings and to open the exposition in a fitting manner. They therefore appeal to Congress. They show us that they have wasted nothing; that there have been no leakages; that their inability to complete their preparations is no fault of theirs.

And yet we whose glory it should be to celebrate this great event, we whose glory is to be exhibited to the world, cannot make an appropriation of a little more than twice the amount which the autocratic government of Russia has made to enable its subjects to appear among us with their goods and their wares and to help us succeed in this enterprise. We invite the world to our feast; and now we are told we must have the President issue his circular to the people of other nationalities to inform them that, owing to a proviso in the law, we cannot spread the cloth or uncover a plate; that they must bring their lunch-baskets with them; that they must be prepared to pay a dollar for those things they buy at home for less than half the sum; that they can pay their money and take their choice of what they find; that the centennial buildings may be without a roof; that we are very sorry, but it cannot be helped, for we have found a constitutional objection to a further compliance with our implied agreement when we invited them to our feast, that is, to give them at least decent entertainment.

I ask this House shall the United States occupy this position?

Sir, this undertaking was from the beginning national; it is national. But it is said that it is carried on and to be carried on by a private corporation. That corporation, sir, is a creature of the Government; it is a corporation born of governmental action; officered by the Government, commanded by the Government to do certain things, empowered by the Government to do certain things. It is nothing more nor less than the agent of the Government. And we, by the fact that we made it a corporation, did not for one moment rob ourselves of the right to claim all the glory and all the praise if this great undertaking shall be a success.

Sir, Congress may have commited an error in giving this enterprise so national an aspect; but it is too late now to recede. It has told the world that this was our mode of celebrating our hundredth birthday. The world understands that it was for this purpose that enterprise had its origin. We cannot now undeceive them without national dishonor. We have reached the middle of the stream. It is too late to swap horses.

The President has invited foreign nations to take part in it; the people of foreign nations have responded. Year before last, in 1874, I had the pleasure of spending several months traveling in Germany, in Austria, and in the Tyrol. Although I speak the language of those people but indifferently and mingled with them only as an ordinary traveler, I do not think I exaggerate when I say that I must have spoken with more than one hundred who intended to come to our international exposition at Philadelphia. They were not poor and homeless emigrants, but they were men of means and intelligence, men who intended to come here and visit the exhibition, and when that visit was over they hoped to visit and see other parts of America. They advised with me as to the places they might possibly visit within a given time. Last summer I was again abroad. I was in Denmark and Sweden, and again in parts of Germany. I found that a wet blanket had been thrown over this whole thing. Men told me that they did not intend to come; that the American people were too niggard to make an appropriation for the purpose; that the enterprise was descending into what would be simply a private and local affair. The impression was being made upon them that this undertaking was purely local and would not be worth visiting. Let this appropriation be passed, and if it shall pass this evening, by to-morrow morning the lightning's tongue will carry the information to Europe, and a great impetus will be given to the tide of visiting strangers.

Is there not a great good to be attained by these people visiting us? I would state here that the calculation is that not less than twenty thousand people will come to this exposition from foreign countries. As the gentleman from New York [Mr. HEWETT] has stated, the tide will be limited only by the accommodations afforded by European steamers. Each man coming here will bring a large amount of money with him, if I may use so ungenerous an argument. There is no doubt that they will spend in America several millions of dollars, not poured into the lap of Philadelphia alone, but scattered over the whole country. But, as I said, that is an ungenerous argument. But just here I will make an argument which to me is of great importance. These are hard times. The people are suffering for bread, although our granaries are bursting with plethora. The people are without money, although our bank vaults are loaded with idle currency. Why, sir, is this the case? Because confidence has fled from the land; men of means are groaning under their load of idle capital. And why, sir? Because they have lost confidence in their fellow-men. This exposition, this national jubilee will bring people together from all parts of the land. It will open the hearts of the rich; it will bring them face to face with their fellow-citizens. It will re-open trade all along the great lines of railways. It will put idle money into circulation. The people will for the moment forget hard times, and in that very forgetfulness confidence will be begotten. We have millions of money. All we want is to put it in circulation. It is believed this Centennial will go far toward this end.

There is a higher argument than that. We all want to be brought into closer communion with foreign nations. When the mists have been lifted which now veil the forms of the stranger, as the gentleman from Philadelphia has so eloquently said, when speaking of our southern friends who were but lately our enemies, we will stand face to face, not only with our southern brethren, but with foreigners of every clime, and will feel that they are all men and brothers.

They will come here and learn something of our great country. Gentlemen who have spent much time abroad will understand me when I say that the ignorance of foreigners in regard to our Government, our society, and our affairs is remarkable. Talk with them about our great country, speak of the length of our rivers, and they are struck with amazement and surprise. They are amazed at the great distances from one place to another in America. They are surprised at the huge dimensions of our inland fresh-water seas. By bringing them here we spread a knowledge of our country, make them better friends, and more disposed to trade with us in the future and to mingle with us at all times.

It is true that we here think that Europe should understand our affairs as well as we understand theirs. But we must remember that Europe has furnished the area on which the great drama of history has been enacted. We read its history and are familiar with its scenes. But America is to Europe almost a *terra incognita*. By bringing them here to this exposition we enable them to see our country for themselves; we will awaken in them an interest in our affairs and thus bring them into a closer communion with ourselves.

We are told by the gentleman from New York [Mr. WILLIS] that these are hard times; that we have no right to put our hands into the pockets of the sons of toil and take from them their hard earnings. Sir, the population of the United States is estimated to be forty-five millions. This appropriation is for $1,500,000. Distribute this sum among the people *per capita* and it will amount to the enormous sum of 3¼ cents each.

Mr. WILLIS. Will the gentleman allow me to interrupt him a moment?

Mr. HARRISON. Certainly.

Mr. WILLIS. My argument had no reference to the financial condition of the country. I am very thankful to the gentleman from Illinois, [Mr. HARRISON,] and also to the gentleman from New York, [Mr. HEWITT,] that they have given us the advantage of their computation that this appropriation will be but three cents a head for the population of this country. I would remind them, however, that there was another gentleman, a former member of this body, a gentleman from Massachusetts, but not here to-day, who made a computation to the effect that the salary grab amounted to but three cents a head for the population of this country, or the price of a postage-stamp, he inclosed to it to the party complaining of the grab, and the people permitted him to remain at home. I advise the gentleman to heed the lesson.

Mr. HARRISON. The cheapness of the salary grab, or any reference to the Credit Mobilier, does not make that right which of itself is wrong. But it affords an answer to the gentleman when he speaks of the money this appropriation will take from the hardy sons of toil. This $1,500,000 divided among the voters of this country would make sixteen and two-thirds cents each. Does any one believe for a moment that if the voters of America could be appealed to they would hesitate to put their hands into their pockets and donate sixteen and two-thirds cents each to this great undertaking?

But, says the gentleman from New York, the rich men should do it. The rich men, who have made fortunes out of our bleeding country, should do it. But, sir, the rich men do not do it. The rich men among his own constituency, who revel in wealth, who wallow in untold fortunes, they do not do it.

Mr. WILLIS. The gentleman will permit me to say that the citizens of New York City subscribed some $240,000 more than has been subscribed by the rest of the nation together.

Mr. HARRISON. Very well for New York; but New York should have subscribed all the balance, rather than have had this enterprise fail.

Mr. WILLIS. It will.

Mr. WIKE. I understand the gentleman to say that this appro-

priation was excluded from the resolution against subsidies, which passed the House by so large a majority.

Mr. HARRISON. The gentleman is mistaken. I said this, that Mr. HOLMAN himself said that he did not suppose that resolution covered the Centennial appropriation. The gentleman will see it is so if he will read from the RECORD.

Mr. WIKE. Did not the gentleman vote for that resolution himself?

Mr. HARRISON. I did, with a reservation.

Mr. WIKE. A mental reservation?

Mr. HARRISON. No; an open-spoken reservation.

Mr. WIKE. The resolution is as follows:

Resolved, That in the judgment of this House in the present condition of financial affairs of the Government no subsidies in moneys, bonds, public lands, indorsements, or by pledge of the public credit should be granted by Congress to associations or corporations engaged or proposing to engage in public or private enterprises—

I want now to call the gentleman's attention to the closing words of this resolution—

and that all appropriations from the public Treasury ought to be limited at this time to such amounts only as shall be imperatively demanded by the public service.

Now I want to ask my colleague what connection this appropriation has with the public service?

Mr. HARRISON. If the gentleman will allow me I will show that, at least to my mind, there is an imperative demand for the appropriation. But let him read a little further from the RECORD and see what Mr. HOAR said.

Mr. WIKE. Mr. HOAR said: "I should like the gentleman from Indiana [Mr. HOLMAN] to inform the House whether he intends to cut off the appropriation from the Centennial?" And Mr. HOLMAN answered: "I do not suppose it is covered by the word 'subsidies,' although I should be willing to have it so construed."

Mr. HARRISON. By a wonderful recollection I have quoted it correctly.

Mr. WIKE. I have read now to accommodate you. Allow me to put my construction on that resolution now.

Mr. HARRISON. The gentleman will have an hour hereafter.

Mr. WIKE. Mr. HOLMAN simply says that this appropriation was not covered by the word "subsidy;" but he does not undertake to say that it is not covered by the spirit of the resolution.

Mr. HARRISON. I submit that my colleague will have time to make a speech himself.

Mr. WIKE. I beg the gentleman's pardon for interrupting him.

Mr. HARRISON. I know he is my friend, but he is tied up just now by constitutionality. His patriotism to-day is tied up in the greenback. [Laughter.]

Mr. REA. Will the gentleman allow me to ask him a question?

Mr. HARRISON. I really cannot allow gentlemen on this side of the floor to interrupt me in this way.

The CHAIRMAN. The gentleman from Illinois [Mr. HARRISON] will proceed without interruption.

Mr. HARRISON. I believe I was talking, when interrupted, about the cost of this thing. I said that it would cost to each voter in the United States sixteen and two-thirds cents. I believe that I asked the question, if the voters of the United States could be called upon would they refuse to make this donation? It is said that this celebration ought to have been a celebration made by the people as such. If there is no doubt that the people would have been patriotic enough to donate three and one-third cents and that the voters would have been willing to have donated sixteen and two-thirds cents, then it strikes me that it is our duty to collect from each person three and one-third cents, or, if preferred, sixteen and two-thirds cents from each voter, in the most economical manner. If each man, woman, and child in the country should send three and one-third cents to the finance committee of the Centennial by letter, it would cost $1,350,000 in postage-stamps to get this pittance into the hands of the Centennial managers. If each voter should send sixteen and two-thirds cents, it would cost $270,000 for postage alone, besides the time spent in going to and from the offices. It would have made the cost of the machinery of collection twice as large as the appropriation itself. If therefore we believe that the people of the United States are sufficiently patriotic to answer the demand of the Government that they should celebrate the one hundredth anniversary in the way the Government proposes, then we are doing the best thing possible to enable each voter to draw upon the people's bank, the Treasury of the United States. If, on the other hand, the people are not patriotic enough, then indeed is it time that we should do something to arouse again the spirit of patriotism which once burned in our land, but which has been deadened by the civil war and by the great attention of our people to the making of the eternal dollar. Sir, the power of a free country is in the patriotism of its people. In a despotism the king cares not for the patriotism of his subjects. All he asks is willing obedience and enduring muscles. But with us it is a different thing. Sir, there are two kinds of patriotism. One is mixed with selfishness; it has its origin in the knowledge of the protection given the citizen by the flag of his country, and the ability afforded him by its institutions to acquire material wealth and material comforts. And there is a patriotism unmixed with selfishness; it is that blind love of country which knows no reason for its existence; that love a man feels for his native land because it is his native land, and because his forefathers have lived in it and their ashes mingle with the soil he treads upon. He loves his country because he breathes its atmosphere, and because he knows that when his race is run he will lie down in its soil, and his ashes will be mingled with the ashes of those who have gone before him.

He loves it because his children will be gathered to his side by those who in their turn shall follow them. He wants that they shall all lie down and sleep in one common bed. Sir, this is emotional patriotism, it is sentimental patriotism. It is that feeling which nerved the army of Leonidas at Thermopylæ. It fired patriot hearts at Valley Forge. It is the feeling which, when "God save the Queen" is struck up by voice or by band, makes an Englishman rise and uncover himself, and with glowing bosom thank Heaven that he is a Briton. It is the feeling which makes a Frenchman, in the midst of festival or in the midst of combat, join in the Marseillaise with almost frantic enthusiasm.

When an invader crosses the frontier of the Tyrol that feeling lights a thousand beacon-fires on a thousand hill-tops, flashing as it were by magic, as the stars peep out of the firmament when the sun drops behind the western horizon; it is the feeling that makes the poor Tyrolean when he sees that fire gleam leave his earth-floored hut or his poverty-stricken *chalet*, seize his rifle, place himself by the side of the eternal mountains, making his body a bulwark of the house of Hapsburg as impassable as is the mountain itself.

These men of the mountains are not actuated by any feeling of interest. There is no dollar-patriotism in them. They have no fields waving with grain; they have no noble dwellings. They are poor. They love their native land because their homes are hidden in its sequestered glen or are perched on the mountain-side. They love it because it is their home and because all their songs have been songs of father-land.

This emotional patriotism is born of love of locality; and is as instinctive in the generous breast as is the love for woman to the boy when the down of manhood first darkens his lip. Like the boy's love it may be frittered away by licentiousness, poisoned by internecine strife, and deadened by inordinate greed of gain. It is nourished by legendary tales and by songs of glory. It is fed on mystic words, as Magna Chartar and Runnymede; on legends of Tell and of Marion. It is painted on the retina of the soul by panoramas of Bunker Hill and of Yorktown, and of Washington buffeting with the waves of icy Delaware. It is kept alive by national pomps, by national games, and national holidays. It is fired by anniversary drum-beats and cannon-booms, by Fourth of July orations replete with patriotic hyperbole.

Sir, this feeling is one that we should cultivate in America. It was this that enabled our forefathers to fight through eight long years of dreadful carnage, suffering every privation, knowing not what privation was when they felt that their country called upon them. But to-day we are wrapping up all that glorious feeling in the folds of a piece of money less than a greenback—a smaller piece of currency than the fractional currency is yet divided into, so that we must mutilate the smallest piece of that currency to get at the amount—the amount of three cents and one-third of a cent.

Sir, I do not believe in this thing. Let me read what was written by John Adams nearly one hundred years ago. On the 3d of July, 1776, the Declaration of Independence having been resolved upon the day before, although it was not signed until the day after, John Adams—one of those men born of "the days that tried men's souls," one of those men who, if this had been a pagan land, would have adorned this Hall by statue or by bust, and would have been reverenced by us as one of our demi-gods—John Adams wrote to his wife in these words:

But the day is past. The 2d day of July, 1776, will be the most memorable epocha in the history of America. I am apt to believe that it will be celebrated by succeeding generations as the great anniversary festival. It ought to be commemorated as the day of deliverance by solemn acts of devotion to God Almighty. It ought to be solemnized with pomp and parade, with shows, games, sports, guns, bells, bonfires, and illuminations from one end of this continent to the other from this time forward, forevermore.

You will think me transported with enthusiasm; but I am not. I am well aware of the toil and blood and treasure that it will cost to maintain this Declaration and support and defend these States. Yet through all the gloom I can see the rays of ravishing light and glory.

This man was deeply read in historic lore, and had pondered well its lessons. He was deeply read in the human heart; he knew what sort of soil that human heart was; he knew, if neglected, it would grow up in brambles and weeds, while, if cultivated, it would give forth fruit of the finest character. John Adams wrote this not simply in a spirit of prophecy; he wrote it to be a lesson to all time. He knew how patriotism had been nurtured in days gone by in olden Greece by Olympic games; in Rome by pomps and shows and triumphful processions; and he wanted it so done to-day and hereafter in this country. Sir, in after-years John Adams was not ashamed to make Fourth-of-July orations—orations which, if uttered to-day, would be sneered at as spread-eagle speeches. Would to God there were more spread-eagleism in the land than there is. Our Fourths of July have become unmeaning holidays, for boys to fire off crackers and to throw up Roman-candles. Orations in praise of our glorious land are rarely heard. It is to be hoped this centennial year may be the commencement of a new era; that this great jubilee at Philadelphia may cause to be hatched a new brood of American eagles, to be spread in succeeding years.

Think, Mr. Chairman, of the difference between now and 1776. A common eagle, extending his flight from the extreme eastern limits of civilization to its western limit in 1776, would have made that flight in one single day. To-day the proudest monarch of the forest, lifting himself from the Atlantic and looking to the sitting sun, ever intent in sailing onward, days, ay weeks, will have passed before he shall be able to cool his wearied pinions in the spray of the Pacific; and yet we are afraid of making a centennial precedent of celebrating the glorious boon handed down to us by 1776. Sir, ninety-two years ago, when the first anniversary of the Fourth of July was celebrated after the acknowledgment of Independence, when the gun first belched forth upon the eastern slopes of Maine at sunrise that the day of our national birth had come, as in the sun's rapid flight across the continent gun after gun was heard, in less than one hour the last gun was heard on our western limits, and was echoed by the crack of the red man's rifle, and the war-whoop of the Indian was the chorus to the orator's patriotic words. What is it to-day? When the sun shall rise on the Fourth of July next and shall gild the hill-tops on the Saint John's and the boom of the cannon is heard announcing the one hundredth birthday of our existence, as the sun shall roll on in his march of a thousand miles an hour and gun after gun shall catch up the detonation of the last gun, the national anthem will swell, and, as it goes westward until reaching a line stretching from the far north to the extreme south on the Gulf of Mexico, one grand peal shall be heard, a peal of a thousand guns, rocking the very foundations of earth, echoed to the blue vaults of heaven, mingling its tones with the songs of the stars as they roll in their musical spheres. Ay, sir, that tone, that grand national anthem, rolling over a land teeming with population, rich in all that blesses man, will take nearly five hours going from our eastern to our western limits; and yet we cannot vote three and a quarter cents each of the people's money for a celebration of the magnificent boon our forefathers have given us!

Sir, they say it is unconstitutional. I could if I had time convince any man that it is according to the very spirit of the Constitution. Sir, the Constitution made our Government. When it formed it, it made it with certain incidents of government, incidents which belong to nationality. A very incident of nationality is to preserve itself, to glorify itself among nations, to give expression to its pride of existence. One of these incidents is to nourish the heart of our people as we nourish its brain. Sir, what right under the Constitution had we to erect this magnificent pile here as the nation's Capitol? Brick and mortar would have warmed us as well—would have protected us as well in summer and winter; but when we stand at the foot of this hill and look at yonder magnificent Dome, cutting the blue vault of heaven with its rounded brow, we feel proud of the country, proud of the land of which it is the type and emblem, and our citizens when they come here tell us not of any waste of money. Yet that Dome cost many millions.

Sir, what right had our forefathers to fill that panel there to the right of your chair with the picture of the Father of his Country? The right was incident to government, to erect statues and to paint pictures commemorating our glorious heroes—men who gave their time and wasted their fortunes for our benefit. When sitting here and our minds are clouded with any ignoble thought, let us look at that calm face and remember that no sordid thought ever stained his mind, and then every groveling desire will be exorcised from our heart. What right had we to put that picture, Mr. Chairman, to your left? He was the friend of America; there was no other right than the right incident to our nationality to reward this friend of our country—a man who came here when we were struggling for independence, came in the name of his king. It stands there a *memoria technica* of international obligations. When in this Hall we feel disposed in our power to snatch from a weak sister republic her lands and appropriate them to ourselves, he stands there and bids us remember what we owe to foreigners. When in the greed and lust of party power we are asked to take advantage of the internecine strife of a sister-government, when Spain is rocked by wars and we are asked to rob her of her brighest jewel, Lafayette stands there and tells us to remember our duty to those who have gone before us, and to remember that golden rule, "We should do unto others as we would they should do unto us."

Mr. Chairman, we decorate the graves of our soldiers. Is it under the war power? Do the bones and ashes of our soldiers fight? No, sir; it is an incident of nationality itself. It is our duty, not simply our right; it is our duty to give a resting-place befitting the heroes who gave their lives for us. We do so at Gettysburgh; and we are not told we are doing an unconstitutional thing.

When Ireland was starving and stretched her meager hand across the ocean and pleaded to America for bread, did we cry out, The Constitution prevents? No, sir; we sent ships freighted with corn. And Ireland was grateful and happy.

When that late Egyptian scourge came like a blighting cloud from the Rocky Mountains, sweeping from Nebraska and Kansas everything that was green, and the people in distress appealed to Congress for assistance, it gave them raiment and bread, and gave them seeds. Under the Constitution? No, sir. O! no. But under the right that belonged to us as an incident of nationality, believing that we were made in the image of the Eternal Jehovah, to be kind and generous to those who were cast in the like mold with ourselves.

Sir, these acts have been done since the beginning of the Government, and yet we are told that this will be a precedent in the future. Ay, sir, let the watch-dogs of the Treasury tremble, we are going to vote this centennial appropriation, and in 1976 our act will be quoted against us. We shall all then have been gathered to our fathers. Our children even will not be alive. Nothing now living born of women will be then in this House. I may be mistaken, Mr. Chairman, when I look upon the brow of the present occupant of the chair, around which are clustering the eternal snows of winter to keep it forever fresh. I feel it is possible that he may be sitting here in 1976. My friend from West Virginia, [Mr. FAULKNER,] whose words of wisdom I heard years ago, seems to know no creeping of time. He may be living here in 1976. I give him the benefit of this precedent, and I hope that if he be here then, when this country shall number a population of 150,000,000, he will quote our acts to-day, and will vote an appropriation to make a celebration that will cause the very welkin to ring from one end of the country to the other.

Sir, some of my friends are afraid of their constituents. They say they would like this bill to pass, but they cannot vote it. I am not afraid of mine. Chicago, midway between two oceans, in less than one short half a century springing from nothing into the Queen City of the West, knows no jealousy of Philadelphia. She remembers that when the fire-fiend swept over her and her palatial structures and her comfortable homes were laid low, when her people were bowed down in the ashes of despair, the generous world came to her assistance; and lightning words told her to be of good cheer, because bread and money were coming to aid her. Chicago, remembering all this, knowing no jealousy, will feel that not three and one-third cents should have been voted by her Representatives, but will say, ay, the poorest man that carries a hod or wields a pick, will tap me on the shoulder and tell me I ought to have voted a dollar.

Sir, I hope this appropriation will pass, and I hope that my southern friends—and I will say to them that I was myself born on southern soil—will not allow this opportunity to pass without proving to the North that they have as much pride in the Fourth of July as any man in the North. It belongs to us all in common. I know they are strict constructionists. I hope they will be able to see, as I do, a right under the Constitution to vote for this measure. And then on the 4th of July next at Philadelphia the people, gathering from every part of the Union, will feel that the glory of the pageant is theirs.

Mr. ATKINS. Does the gentleman mean to imply that members who are opposed to this bill are disloyal to the Government?

Mr. HARRISON. By no means.

Mr. ATKINS. I hope not. No such test as that should be made.

Mr. HARRISON. I would say to my friend from Tennessee that, although I did not fight myself, I have read that brave men are always the first to strike hands across the bloody chasm; that true soldiers bear no ill-will after the smoke of battle is over.

Mr. ATKINS. I am ready to strike hands across the bloody chasm, but I am not going to vote for this bill.

Mr. HARRISON. That, Mr. Chairman, is the gentleman's own right, and I do not question his motives, however he may vote.

Mr. Chairman, I hope and trust that this appropriation will pass by as large a vote as possible; and if it could be a unanimous vote I feel that it would be for the good of our whole country.

Mr. COCHRANE. Mr. Chairman, as I intend to cast my vote against the bill now under consideration, I feel that in justice to myself I should briefly state my views and the conclusions at which I have arrived. I do not, sir, fail to appreciate the delicacy of the position which I occupy. Representing, as I do, a Pennsylvania district, it may be thought singular that I should oppose the passage of a bill which proposes to grant an appropriation to an object in which the people of my State are very warmly interested. It is in order that my motives may not be misunderstood or misinterpreted that I suffer my voice to be heard at this time. I have listened, sir, with a great deal of pleasure and with profound interest to the earnest and patriotic utterances of the gentlemen who have preceded me. I heartily concur with them in the opinion not only that we should hold a national celebration, but that that celebration should be made an entire success by the people of this country. No member of this House would feel more keenly the humiliation incident to a failure of that celebration than I would; no one would rejoice more heartily in its entire success. Surely, sir, we should celebrate our centennial, and surely no more appropriate place could be found for such celebration than Philadelphia, the birth-place of American Independence.

That great, good results would flow from such a celebration I have little doubt. I have no doubt but that it would tend to give a fresh impetus to the business of this State and perhaps indirectly affect the business of other portions of the country; that it would tend to elevate and refine the tastes of the people, and afford us a grand opportunity to show the wondrous strides which we have made as a nation in arts, sciences, trades, and manufactures. And I would fain hope, sir, that it would accomplish much more than this. That it would serve to kindle anew in the American heart the fire of patriotism, to obliterate all distinctions between the people of the North and South, the East and the West, and place all in the grand category of American citizens. Shiloh, Antietam, and Gettysburgh would be forgotten in the remembrance of Lexington, Concord, and

Bunker Hill; and then we could march forward into the second century of our Republic a free, united people, with one ambition, one interest, one flag, and one country.

But, Mr. Chairman, although I entertain these views, I am opposed to the passage of the centennial bill. I am opposed to it, because I do not believe that Congress has any constitutional power to make such an appropriation. I deeply regret that in this House those who have conscientious scruples against passing such a bill should be subjected to the sneers of so-called patriots. A singular sort of patriotism is that which has its birth in a violation of the provisions of that Constitution which we have all sworn to support and defend.

Mr. Chairman, I had hoped that my very capable friend and colleague, [Mr. HOPKINS,] the chairman of the Select Committee on the Centennial, would have in the presentation of this bill submitted to this House something like a constitutional argument. I listened with pleasure to his patriotic utterances. His speech was one very eloquent in its character; but, sir, I was surprised, I was astounded, when he reached the question which lies at the very threshold of our consideration of this bill, the constitutional power of Congress. He resorted rather to the weapons of a woman than of a statesman, and answered the question by asking another.

"Mr. Chairman," said the gentleman, "the question has been asked where did we derive power to make this appropriation. I answer by asking." He then goes on and asks a series of questions, but he does not undertake to hint at the views which he entertained in reference to the constitutional power. He uses this language:

But, Mr. Chairman, I do not admit there is the slightest doubt about the constitutional power to make this appropriation. I do not propose to go into any extended argument on that point, but I hold in my hand a volume containing the messages of the early Presidents of this country, the fathers and founders of the Republic, the men whose great brains conceived and whose hands drafted this Constitution and transmitted it to us as the most priceless legacy they could leave to posterity. These men were familiar with the powers delegated to Congress and the extent and scope of those powers, and yet we find that Washington, who presided over the constitutional convention, Madison, who of all others was most conspicuous in drafting it, and Jefferson, who understood it quite as well as either, all concurred in asking and recommending to Congress appropriations analogous to this.

He brings Mr. Madison here as an authority for the constitutionality of this act. Before I conclude I propose to show by the words of Mr. Madison that he never conceived any such idea, but that he entertained a directly opposite one. I will notice some other points as I go along, but I will not now break the thread of my argument to do so. I have said that I do not believe that Congress has any power to grant an appropriation of this kind. The only clause under which it is pretended that any such power exists is the first clause of section 8, article 1, of the Constitution, which reads as follows: "The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States." I do not intend at this time to enter into any formal argument as to the meaning of this clause of the Constitution. It is one over which there probably has been more discussion than over any other clause in the Constitution. Some of the greatest men our country has produced have differed as to its meaning. Of this, however, I am satisfied, that if Congress has the power to grant an appropriation for this centennial celebration it has the power to grant an appropriation for almost any other purpose. And if this be true, then our Government is one of unenumerated and general powers, and not one possessing only powers special and enumerated.

It may be said that the power of appropriation is not a general one, but is qualified by the words "general welfare," that no appropriation can be made unless it is designed to effect or provide for the general welfare. But what does this qualification amount to? Who is to determine what is or is not for the general welfare? Congress. If, then, Congress has the power to make an appropriation for the general welfare, and also to determine at its discretion what is or is not for the general welfare, the power is unlimited, and money may be appropriated for any purpose.

My friend [Mr. HOPKINS] has cited Mr. Madison as indorsing the view that Congress has the power to grant such an appropriation as this. I beg leave to read a very brief paragraph on page 326 of the Federalist, which contains Mr. Madison's views on the subject. It reads as follows:

Some who have not denied the necessity of the power of taxation have grounded a very fierce attack against the Constitution on the language in which it is defined. It has been urged and echoed that the power "to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States," amounts to an unlimited commission to exercise every power which may be alleged to be necessary for the common defense or general welfare. No stronger proof could be given of the distress under which these writers labor for objections than their stooping to such a misconstruction.

Mr. Madison, therefore, whom the gentleman has seen fit to quote, and who he says would justify the power which is now sought to be exercised by Congress, entertained just the opposite views from those attributed to him by the honorable gentleman.

But this is no new question that I am discussing, nor are the thoughts that I am expressing original with myself. They are not novel. Any one who has read the debates knows very well the questions involved in this discussion. But I beg leave in this same connection, and as singularly applicable to the subject now under consideration, to call the attention of this House to the views of one of America's brightest and most patriotic statesmen—a man who is a credit to the country in which he lives. I refer to the honorable Senator from Ohio, Mr. THURMAN. In 1874 there was pending in the Senate of the United States a proposition to grant an appropriation to this Centennial Commission. It was proposed to refer the matter to the Committee on Appropriations, with the understanding that the committee should determine what amount should be appropriated. At that time Mr. THURMAN used the following language:

Now, in the first place, with respect to the constitutional power, what Senator on this floor has pointed to one line or one letter of the Constitution that authorizes any such appropriation? My distinguished friend from Pennsylvania who sits nearest to me, [Mr. SCOTT,] than whom there is no man in the Senate better qualified to answer such a proposition, if it could be successfully answered, when appealed to to point to that provision in the Constitution which authorizes Congress to give money for any such purpose, was compelled to answer simply by saying the thing had been done before, or things equally without warrant. No man has ventured to point to any such provision, and I imagine that the only provision that can be pointed to is the very well-known clause in regard to the power of Congress to levy taxes.

No gentleman who has preceded me in this debate has attempted to point to a line in the Constitution which justifies this appropriation. But to return to the remarks of Senator THURMAN. That honorable gentleman proceeds as follows:

The first clause of section 8 of the first article of the Constitution reads:

"The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States."

I need not say to every lawyer in the Senate that these words, "to pay the debts and provide for the common defense and general welfare of the United States," are not construed now by any lawyer anywhere to be a distinct and substantive grant of power. It is very true that the Senator from Texas [Mr. FLANAGAN] the other day treated it as a substantive and independent grant of power, and thought that the Constitution gives us power to provide for the general welfare of the United States, just precisely as we may see fit to provide for it.

I need not say to those who are somewhat more familiar with this subject that that interpretation of the Constitution would wipe out all the rest of it and every limitation of power whatsoever that is contained in it, and that it would be useless to talk of a strict construction or a latitudinarian construction, if there were in the Constitution a distinct, substantive, independent grant of power to the Congress of the United States to do whatever in its discretion would promote the general welfare of the United States. No, sir; the history of that clause and its meaning is well understood—not that it is not capable of different interpretations. The interpretation that has obtained more generally than any other is that suggested first, I believe, by Mr. Madison, and adopted by Judge Story in his Commentaries, to insert after the word "excises" the words "in order;" so that the clause should be read as if it were thus: "to lay and collect taxes, duties, imposts, and excises, in order to pay the debts and provide for the common defense and general welfare of the United States." That is the interpretation which perhaps has the greatest weight of opinion in its support.

An interpretation, I know, has been contended for that is almost as bad as that other interpretation contended for by the Senator from Texas the other day, which makes the clause "to provide for the general welfare" a distinct, substantive, and independent grant of power, for it is said that you may levy "taxes, duties, imposts, and excises in order to pay the debts and provide for the general welfare of the United States;" that is, that your power to raise taxes is only limited by the general welfare and that for any purpose that Congress in its discretion deems to be promotive of the general welfare Congress may levy taxes; and if it may levy taxes for such purposes, of course it can expend them for such purposes. That is the argument. Therefore no matter what it is, if Congress shall suppose that it is "for the general welfare of the United States" to set up a particular government in the Sandwich Islands, or to establish schools in China or Japan to educate those people because they have intercourse with us, if Congress should deem that that would be for "the general welfare of the United States," it could levy taxes for that object, and having levied them it could expend them for that purpose. That is the argument upon which many an appropriation that, in my judgment, is entirely violative of the spirit, if not the very text, of the Constitution has been supported, and upon which alone, so far as I can see, must this appropriation be supported if it can be supported at all.

But, sir, is it true that Congress has a right to levy taxes for any purpose whatsoever that in its discretion it may consider may be promotive of the public welfare? I deny the proposition. Congress has a right to promote the general welfare, as it has a right to provide for the common defense; but here is the rule, a rule that ought to be as inflexible as the laws of the Medes and Persians, that you can only provide for the general welfare by exercising the powers that are delegated to you in the Constitution. That is the mode in which you are to provide for the general welfare; not by going outside of the express delegations of power and roaming through all the universe of things to find something that in your judgment would be promotive of the general welfare.

Mr. Chairman, I do not think that I need say anything more in support of the views which I entertain upon this constitutional question.

But, sir, we are told that the national honor is involved in the making of this appropriation. Who is it that has raised this cry of "national honor?" Our people at home? No; but the friends and advocates of the centennial exposition; and I say in this presence today that those gentlemen are in no position to preach about national honor; that they have thrice pledged their honor to this House that they will not ask for a dollar of appropriation from public moneys.

Turn to the first act on this subject which was passed by Congress in 1871, and you will find the provision there that "no compensation for services shall be paid to the commissioners or other officers provided by this act, from the Treasury of the United States; and the United States shall not be liable for any expenses attending such exposition or by reason of the same."

Now my colleague and friend [Mr. HOPKINS] the worthy chairman of the Centennial Committee sees fit to designate this section as an "amazing inconsistency." The section which protected the public Treasury is an "amazing inconsistency!" Well, perhaps it may have been an "amazing inconsistency" in one respect: that generally the Congresses that have had the majority here for fifteen years have not been in the habit of thus guarding the public money. It certainly was a little inconsistent for them to act as they did in this case; but it was an inconsistency for which we ought to give them credit.

Now, it will be marked that these gentlemen stated, when they first proposed to carry on this exposition in Philadelphia, that it was a work which would emanate from the people, and that not a dollar of public money should be demanded from Congress. There were gentlemen both in the House and in the Senate who were opposed to the passage of this measure, who would have worked and spoken against it had it not been for the pledge that was then made that no appropriation should be sought for. Why, during the discussion of this bill in the Senate, the question was asked by Mr. THURMAN of Mr. CAMERON, the Senator from Pennsylvania, who had the bill in charge, "What do you want Congress to recognize this exposition for?" What was the answer? "Simply to give the thing character." They were after "character" for their enterprise; and upon that plea, and under the assurance that no public money would be demanded, this first bill of 1871 was passed.

What is the next step in the programme? In 1872, a year after the passage of the act to which I have just referred, it was considered by some of these gentlemen possible that this might be a good speculation, and consequently we find them coming to the Senate and House and asking that they may be granted a charter making this thing a corporation; as much of a corporation as any corporation which exists in the United States to-day. What does that charter grant? It gives the power to elect officers; it gives the power to have a common seal, to sue and be sued; and it further provides that when the Centennial shall have been ended the money realized therefrom, after the payment of debts and liabilities, shall be divided *pro rata* among the stockholders. If that is not a corporation, then I do not know what a corporation is. Strip it of the tinsel which these gentlemen have placed about it, rob it of the false patriotism in which these gentlemen would clothe it, and you have nothing more nor less in this House to-day than an application by a corporation for a subsidy. [Applause.]

When this charter was granted, again the question was raised whether there should be any Government appropriation asked for, and what was the reply? "O, no, not a dollar; we do not want a dollar of Government money." In order to make assurance doubly sure, a republican Congress included in this act also a section that the Government should not be responsible for a dollar of the indebtedness.

Now I want to call the attention of the House just here to a provision contained in the act of 1871. Not only did this Congress provide that the Government should not be responsible for any indebtedness but they went on in section 8 to provide as follows:

That whenever the President shall be informed by the governor of the State of Pennsylvania that provision has been made for the erection of suitable buildings for the purpose—

Mark you—

That whenever the President shall be informed by the governor of the State of Pennsylvania that provision has been made for the erection of suitable buildings for the purpose and for the exclusive control of the commission hereinafter provided for, then the President shall issue his proclamation.

Do you not see what a guard that was? They not only said the Government should not be responsible, but they put an additional safeguard. They required the governor of Pennsylvan a to certify that provisions had been made for the erection of these buildings. When we turn over a little further, to the proclamation of the President of the United States, what is recited there? "Whereas his excellency the governor of said State of Pennsylvania did, on the 24th day of June, 1873, inform me that provision had been made for the erection of said buildings," &c. It was by virtue of the fact that it was certified by the governor of Pennsylvania that the provision was made for the erection of these buildings that the President issued his proclamation inviting foreign nations to come over to this exhibition with their goods, wares, and merchandise.

Yet these gentlemen come in here and talk about the national honor. Sir, national honor first requires the protection of the national treasury. The very proclamation that was made by the President of the United States contains the following language:

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That the President be first requested to extend, in the name of the United States, a respectful and cordial invitation to the governments of other nations to be represented and to take part in the international exposition to be held at Philadelphia under the auspices of the Government of the United States in the year 1876: *Provided, however, That the United States shall not be liable, directly or indirectly, for any expense attending such exposition or by reason of the same.*

In the very power which was given to the President we find this limitation. Mr. Chairman, there are certain gentlemen in this House who pay the most glowing tributes to the American eagle, who make that celebrated bird start at the Atlantic and not stop until he gets to the Pacific and dips his wings in the waters of that ocean, and who stand up in the face of the Constitution of the United States and virtually argue that patriotism consists in its violation. Well, if that is the stock of patriotism some gentlemen have I am totally devoid of it.

A MEMBER. Sentimental patriotism.

Mr. COCHRANE. Yes, but I am in favor of practical common sense.

Now, Mr. Chairman, I have really suffered myself to occupy the attention of this House longer than I had intended. I come from the western part of Pennsylvania, and I am proud of the State from which I come.

When I stood before my people I pledged my word to them as a man that I would vote against subsidies to corporations; and this is a subsidy to a corporation. They say that it is a loan. But if we have no power to give, we have no power to lend; and I do not think that my friend the chairman of the Centennial Committtee can cite any authority either from Washington, or Jefferson, or Madison that the Government of the United States can become a copartner in an enterprise like this or a stockholder in a corporation. I do not think he can. If he can, then I have failed to discover any such, and his research is greater than mine.

I say, sir, that I am proud of the patriotism of the people of Pennsylvania. Philadelphia has subscribed or made a gift to these gentlemen of a million and a half of money; the State has made a present of $1,000,000. That makes makes two and a half millions. They have received, if I am correctly informed, about $300,000 in addition, making $2,800,000 of a gift. In addition to that, under an act of Congress all goods that may come to this exposition are admitted free of duty. That is a gift by the Government. With all this money that has been given to them it strikes me they ought to be satisfied.

Before I conclude I beg to put, in a very plain and homely way perhaps, a suggestion which has struck me as very important. These gentlemen come to the members of this House. Who are we? We are simply agents of the people. It is not our money that is in the Treasury of the United States; it is the money of the people. Well, now they come to us, and what do they say? "We have gone to the people of the United States, and owing to the financial embarrassments under which they are laboring, owing to the depression of business, the people have told us that they were not able to advance any money to this exposition. Now we come to you, agents only of the people, and ask you to advance the money for our enterprise." The agent who would so act in an ordinary transaction in life would not only be dishonest but he would be held responsible for his act in a court of justice. Yet they ask us agents to do in our official capacity what our principals, the people, have said they are not able to do.

Sir, I am opposed to this whole principle of devoting public money to these purposes. They talk about precedents. O, we have had a great many precedents in this land of ours. We have had the sacred provisions of the Constitution of the United States trodden under foot by a radical administration. We have had those provisions distorted and extended beyond any reasonable limit. Hundreds of thousands of acres of the public lands have been frittered away. Millions of dollars of the public moneys have been squandered upon corporations that are bankrupt. Now they come to us, who are in these seats by reason of the pledge to our people that we will save the public money, they come to us and ask us to ratify all these unconstitutional acts which have been perpetrated heretofore, and to signalize our entrance into power as a party by the granting of this appropriation. Mr. Chairman, I will never assent to it. Never. I will put myself upon the record from the very beginning as opposed to a policy that has almost rendered bankrupt the people of this country; and although I would like on account of many considerations to vote for this bill, I shall vote against it; and when I go home to my people I will be able to look them in the eye and say, "I kept the pledge that I made you before you elected me." [Applause.]

Mr. FRYE. I now give five minutes to the gentleman from Pennsylvania, [Mr. KELLEY.]

Mr. KELLEY. Mr. Chairman, as I listened to the well-rounded periods of my youthful colleague, and remembered that he did not utter the sentiments of one-tenth of one per cent. of his constituents, I could not help thinking of the disagreeable habit imposed upon the Trappist monks of digging their own grave the day they enter the order and making it a part of their daily duty to see that it is in good condition. I do not know through what association of ideas it was, but that fact was present with me through the whole of his remarks, except for a moment or two when I thought of the venerable democracy of my friend from New York, [Mr. WILLIS,] who is now fully a year, and probably eighteen months, old as a democrat, and who appealed yesterday to members to vote against this bill in order to maintain the Constitution and honor those party traditions he had opposed until less than eighteen months ago. It is never too late for a man to be converted, and new converts are said to be unusually zealous. If the democrats of the past had accepted the argument of either of them there would be no Dome on this Capitol, for it was the strict-construction democracy that provided for the construction of the Dome. It was they who bought the pictures that embellish the Rotunda it crowns; yet my colleague and that venerable democrat from New York can find no warrant in the Constitution for purchasing a flag to float over the Dome, as it is not necessary for the national defense or the public welfare.

Mr. WILLIS. I would state to the gentleman that while a republican I was no less a democrat.

Mr. KELLEY. Ah! I have no doubt of that; only the gentleman did not vote with the party when it had not offices to give or did not have any possible prospect of having any under the State or National Government. [Laughter.] I have never heard in this Hall speeches marked more distinctly by personal or local prejudice; for I venture to say that there is as wild and universal an enthusiasm for the Centennial in Pittsburgh as there is in Philadelphia.

I am not going to make an argument on the subject. I have spoken more than once on the subject, and have now but five minutes. But I have been used to hearing for well-nigh half a century of constitutional scruples, and am going to promise these gentlemen,

both of them, that upon the happening of a certain melancholy event I will give them the benefit of their constitutional scruples. In the olden time a certain member of Congress, a strict constructionist, who had been here during a long session in which constitutional questions had been much agitated, found as it drew to its close that he also drew to a close; he was very sick; he was fatally sick; the doctors had told him he could not recover, and that he had at best but a few days to live and it might be but a few hours. He sent for one of his colleagues, who came in melancholy mood to his bedside, expecting to receive perhaps messages for his family or a request to aid him to make his will. He was, however, mistaken; for, said the sick man, gasping for breath, "Jones, I am sick. I am very sick, Jones. I am going to die. I have a request to make of you. Jones, maintain my fidelity to the Constitution when I am gone. Do not, for God's sake, let them bury me in the Congressional burying-ground, for it would be unconstitutional." [Laughter.] I give my colleague and the portly and elegant gentleman from New York [Mr. WILLIS] a positive assurance that if they die during this Congress I will see that the Constitution is not violated by their being buried in the Congressional Cemetery. [Laughter.]

Mr. WILLIS. I hope the gentleman will accept the assurance that that matter has been provided for about half a century hence; and I would ask him if he is in strict accordance with the republican church himself. [Laughter.]

Mr. KELLEY. I am not discussing political questions. I am speaking on a question that relates to the honor of every constituent of the gentleman. The United States have challenged the world to competition in all the arts of industry, and I am unwilling that they shall come here to put their goods in a mortgaged building or that our hospitality shall be shrunken and incomplete because the gentlemen profess to believe that their constituents are unwilling to pay three and one-half cents apiece, one-half of which will be returned to them within a year.

Mr. WILLIS. In such discussion the gentleman alluded to my personality and political standing. That was the reason why I inquired of him concerning his own.

Mr. KELLEY. I only wanted to show how very juvenile your democracy was.

Mr. WILLIS. More so than the gentleman's, for he has only been converted about three weeks. [Laughter.]

Mr. FRYE. I yield twenty minutes to the gentleman from Texas, [Mr. REAGAN.]

Mr. REAGAN. Mr. Chairman, it was not my intention until yesterday to participate in any way in this debate. In what I shall have to say I do not propose to controvert the views presented by any member who has preceded me in this discussion. Nor do I propose to look at anything in the light of a partisan, but simply as a representative of a part of the American people. If in these remarks I touch incidentally on any question which might seem inappropriate to the occasion, before concluding the few observations which I have to make it will be seen that it was for no purpose of unkindness, but for the purpose of illustrating the views I present and the position in which I find myself in this connection.

In determining to vote for the centennial bill, I am confronted by considerations well calculated to produce embarrassment, and which may not be realized by gentlemen differently situated. Those may well rejoice who are free, and prosperous, and happy; those who are weighed down with poverty, suffering from proscription, and remaining under the displeasure of the Government can but mourn over their condition and hope for a better future.

We have among us soldiers of the war of 1812, heroes of our second war for independence, who fought the battles of our country before many of us were born, and who are now tottering into the grave, who are not permitted to draw their pensions because they may have sympathized with the South in the recent civil war, though then too old to participate in it. We have public contractors who carried the mails and did other service for the Government before the war, who, for the same reason, are refused compensation. And we still have a few hundred men, and these for the most part the best, the wisest, and most conservative among us, who are denied some of the rights of American citizenship.

These classes, while they may rejoice at every step toward peace and reconciliation, must still feel that they are precluded from participating in the feelings of universal joy which should characterize the year and the occasion; that there is no year of peace and jubilee with them. I do not say these things in a querulous spirit, but rather with a painful sense that duty requires that they should be said.

But looking to other and broader considerations, and desiring to reflect the wishes of the great body of the people I represent, in favor of charity and good-will between the people of all parts of the county, and in the hope that fuller justice will be done the classes I have referred to in the future, and to avoid the suspicion that the people I represent are still hostile to the Government, and especially because I believe the year and the occasion can be made to subserve the noble purpose of re-establishing fraternal good feelings throughout the country, of re-unifying the American people, of creating anew the feelings of patriotism common to the whole country, so that the whole people can participate in the blessings of liberty, in the expense of preserving it, in the perils, if need be, of defending it, as one common brotherhood, as our people were in former years.

The southern people are peculiarly interested in the events of this year. A great and protracted civil war, with the long controversy which led to it, and a system of what was called reconstruction measures, as disastrous to them as the war itself, have so wrenched and distorted the Constitution, and obscured and perverted the principles of civil liberty and just government, as to make a serious and earnest recurrence to the principles of the Declaration of Independence, of the Constitution of the United States, and of the spirit and genius of our Government and institutions a paramount necessity. This, it seems to me, is the most vital thought connected with the centennial celebration to every part of the country and to all the people.

I feel that I represent truly the wishes and the interests of those who sent me here by showing by this vote that we at least can forgive in our sufferings and sorrows, if others cannot in their triumphs and prosperity. And in this vote I give one of the best pledges I can of the desire of our people to be restored to their proper place in the Union, to participate in its prosperity, to enjoy the blessings common to all others in it, and share in its glories.

It is wonderful to contemplate the progress of our own country and the world during the past century. The invention and successful use of the various labor-saving machines, the application of steam and electricity to the practical uses of life, the improvements in chemistry and in the mechanic arts, the discovery and application of new principles in philosophy and science, have gone beyond what could have been dreamed of by our revolutionary sires. The diffusion of knowledge which has been brought about by the high perfection of the art of printing and by the improved facilities for printing books and newspapers, the rapid transmission of intelligence by the mails and telegraph, and the facilities for rapid intercommunication by steam vessels and railroads have created a new world, and done much toward making all useful knowledge common to the human family, while our own progress in agriculture, in manufacturing, and in commerce is the wonder of mankind.

A hundred years ago we had but a little over three millions of population. Now we have forty millions. Then our settlements were limited to the country east of the Alleghany Mountains and to a few settlers in the Ohio Valley. Now they extend from the Atlantic to the Pacific Ocean and from the Great Lakes to the Rio Grande. Then that vast region of country west of the Alleghany Mountains, and especially west of the Ohio and Mississippi Rivers, was almost an unknown wilderness to our ancestors, the hunting-grounds of the savage Indian tribes. Now our settlements dot it all over, our armies patrol the whole of our frontier regions, mails carry the news, social and business intelligence to every part of the country, and our seventy-two thousand miles of railroad span the continent and furnish the means of the most rapid travel and transportation to nearly all parts of the Republic. These things, this wonderful advancement in material progress and development, are certainly worthy of commemoration at the end of the first hundred years of our political existence as a people. But I do not mention them so much for that purpose as to state by contrast that we have something still more worthy of commemoration.

A hundred years ago the received political theory of the great powers of the earth was that kings and emperors ruled the people by some sort of right superior to any which could spring from themselves, sometimes called divine right; that the body of the people were incapable of self-government, of preserving political authority and public order and the rights of person and of property if left to themselves; that they must be governed by a higher authority than they possessed; that they were subjects as contradistinguished from citizens; that they must be ruled by power, force, repression, instead of by their voluntary consent.

Privileged orders in society, embracing king and nobles, were necessary to support this theory. The splended, titled, gilded few, the oppressed and toiling many, with despotism, oppression, and wrongs in all their forms, were its necessary fruits.

The Declaration of Independence of the 4th of July, 1776, was the brave, bold, clear, ringing announcement, by earnest, thoughtful, wise men, of a political theory, which, if not new to the world, was new in its practical application, as furnishing the political rules for the preservation of the rights and liberties of a whole people.

In that, man's capacity for self-government was announced as a political axiom. All titles of nobility and exclusive privileges were declared at an end. A government resting on the free, voluntary consent of the people was proclaimed. Political sovereignty was declared to reside in the people. Following these declarations, a system of government, State and Federal, was adopted which secured to our people all the bulwarks of civil liberty reserved out of the powers of the governments which they formed for themselves.

No Congress or Legislature, no President or governor, no judge of a Federal or State court, no officer of the Army or Navy, was allowed to invade or disregard the rights of the humblest citizen. No citizen could be arrested by arbitrary power, but only on an affidavit charging an offense against the law, and upon a lawful warrant, and by a person authorized by law to execute it. And any citizen so arrested was entitled to a speedy public trial; to be heard by himself or his counsel in his defense; to be confronted by the witnesses against him, and to have compulsory process to obtain witnesses in his favor; to a fair trial by a jury of his peers; with the military declared subordinate to the civil authority, and the inestimable right of the writ

of *habeas corpus* declared inviolate; the duties of all public officers defined by the Constitution and laws, and they held amenable for any infraction of the laws as strictly as the most humble citizen in the walks of private life; no man, in whatever position, above the law, and all under the ægis of its protection. These were among its beneficent, its heaven-born provisions. It was, in brief, the establishment of a government founded on the authority of the people, and and made by them for their own benefit. It was a grand political experiment, scoffed at and derided by the friends of royalty and aristocracy as the inauguration of organized anarchy, but now vindicated by a hundred years of experience in peace and war, and under all the vicissitudes to which governments are exposed, as the best system of government ever designed by the wisdom of man, illustrated by the most wonderful growth and development of any known to the history of the world.

It is to these immortal, undying principles, to this peculiarly American federal system of government, uniting many States in one, and so dividing their powers as to leave national and international matters to the Federal Government and local matters to the several States, that we are indebted for all we are as a people; for all our great growth in population, in wealth, in power, in material development, in liberty, and in the happiness of our people.

The preservation of these principles and this system is, in my judgment, the sole condition on which the Republic can be made to survive to another and other centennial years. God grant they may be preserved to bless a thousand other generations.

If these propositions are true, (and who is there that will question their truth?) then the chief merit of the centennial celebration should be made to consist in asserting anew these great principles and this system, and in contributing our part to transmit them to our posterity as we received them from our revolutionary fathers.

Let us in this centennial year honor these as the cause of our growth, prosperity, power, and greatness in a higher degree than we may our material development, which is but the fruit which they have borne. And let us re-embalm the memories of the great and good men who gave this political system to us and to the world.

I would in conclusion add the expression of one hope, of one prayer, humbly and earnestly, and that is that some good spirit may so direct the action of this Congress that on the 4th day of next July every citizen in this Republic may be as free as American citizens were intended to be made by the Declaration of Independence, and possessed of all the rights which the Constitution and laws secure to any.

I beg to call the attention of the committee to the fact that Great Britain, against whom our fathers rebelled, forgetting what she lost in the war of the Revolution and by our success, and guided alike by wise statesmanship and Christian charity, will be here to do honor to this great occasion. Shall it be our own people alone, on this great festival of freedom, to whom the assembled representatives of all nations shall on that day point as being so lacking in charity and wisdom as to make a few hundred out of so many millions feel the bitter anguish which must follow a denial to them of the rights of citizenship? Let us make the year a centennial and a jubilee together.

Mr. FRYE. Mr. Chairman, I did not intend to take any part whatever in the discussion of the question now before the committee. It seems always to me an assumption if I ask gentlemen having the floor for time to speak, or if I ask that my name be put upon the list of the Speaker; an assumption that I have something to say which it is absolutely necessary should be said to give an intelligent idea of the question before the House, and I dislike exceedingly to do it; and if I had not found my name placed without my knowledge on the list I should not have asked an opportunity.

Sir, it does not seem to me now that there is any existing necessity whatsoever for any more discussion or talk on this centennial appropriation. I was here when it was under discussion in a former Congress, and I took part in it. Alone of the delegates from my State I favored with all the influence I had and with all the power I possessed—which was weakness, I admit—an appropriation for the Centennial of my country. To-day I am more in favor of it than I was even then. During that discussion certain objections were made which had strength; undoubtedly they were enforced, too, by the gentleman who made them with ability and power. Now, sir, do those objections lie to-day? What were they? The first which was raised at that time, and seriously urged upon the attention of the House, was that this was a proposition to take the money of the country and put it into the hands of a ring, of whose members you knew comparatively nothing, and that it would perhaps be squandered, wasted, thrown away, or stolen. Well, sir, there was force in that. It is unfortunately true that men to-day are mere men. They are human, and when you put immense sums of money into their hands to be expended they are subject to all the temptations of humanity. But that objection does not lie now. They did not get their appropriation then. They went forward with the work, raised money from the people, largely from Pennsylvania and Philadelphia, and now they point this House to what they have done and the contracts they have made. They have secured the money, they have paid it out, and they boldly defy any man to name any waste, or any extravagance, or any stealing of the funds committed to their care. Sir, most of the gentlemen of this committee have visited Philadelphia; they have examined the contracts which were made, and they will sustain me in saying that no contracts were ever more carefully entered into; that no margin was ever so small for profits to the contractor; that the contractors would have lost in carrying out their work but for the reason that iron, nails, and lumber have fallen since their contracts were made 20 per cent. in cost, thus giving them a fair margin for profits. But there is no waste or extravagance to be seen anywhere in the expending of the money. I submit, then, to this committee that that objection does not lie to-day.

Sir, what was the next objection, more potent than the one to which I have just referred? It was that the appropriation of $3,000,000 was but the entering wedge to another of ten millions or more, that Congress might be compelled to assume the whole cost of the exposition

I remember that my colleague from Maine [Mr. HALE] with great power and with telling effect for a half an hour urged that objection upon this House. I know that he drove it home to the hearts and the intellects of men on this floor so forcibly that several real friends of the measure were induced to vote against the bill. There was force in that objection. I freely admit that it might have been opening a door, and there was no certainty when that door would be closed. But I had more faith in man.

But that objection lies not to-day. These gentlemen have made their exhibit of the work they have accomplished. They have given you an account, dollar for dollar, of what has been expended. They have told you what will be required now to be expended to finish and complete in every part and particular these immense buildings and prepare them for the exhibition. They say to you it shall not cost over $1,500,000. They have been proved in the past; they have been found honest in what they have done. We know that the president of that commission is as honest a man as can be found in the country. And he says, and his colleagues in office too say, that this sum of money which is asked for to-day shall be every dollar that will be required to complete this work; and gentlemen on this floor believe that statement when it is made, so that that objection does not lie to-day.

And all the objections urged upon the floor of this House in the last Congress fall as against the appropriation now before this committee. What objections take their places? Gentlemen opposed to a measure always find some plausible objection, some cover under which to flee. And what is the first? O, it is the same old cover, the Constitution of the United States.

Now, I do not propose to discuss the constitutional powers of Congress; the subject is altogether too mighty for me—too broad, too serious. When I remember that Daniel Webster and John C. Calhoun and Thomas H. Benton sat in that Senate Chamber and voted money again and again under precisely the same rules that we to-day ask this appropriation, and kept their silence while giving their votes, raised no cry of violated Constitution, I surely dare not argue that this proposition to-day is unconstitutional. When they voted money to pay for the passage from Europe to this country of that man and patriot, [pointing to the portrait of Lafayette,] when the great men of the land, living, as you gentlemen on that side aver, nearer to the Constitution—more closely to it than we have during the last fifteen years—voted for appropriations precisely like this, I say it is not for my voice to pronounce it unconstitutional. When Kossuth visited this country and appropriations were made to pay the expenses of that visit and of his entertainment, and the great men of the past voted for it, my voice surely shall not charge them with deliberately doing an unconstitutional act. There is a long, uninterrupted line of precedents from the earliest history of Congress to now.

Mr. KELLEY. Food for Ireland.

Mr. FRYE. Yes, food for Ireland. Ay, and within the last three years furnishing food to the famishing, down on the rivers of the South, by a vote of the Congress of the United States. Building domes, buying pictures, ornamenting stairways, and beautifying halls.

This Constitution has been from my earliest boyhood, at least since I could tell what the meaning of the word "constitution" was, a most wonderful enigma to me. Under it almost anything has been done that men desire to do, and their course has been defended. The gentleman from Georgia [Mr. HILL] could wrong the Union and go out of it, and at the same time hug that Constitution to his breast. And, sir, under it old Faneuil Hall, in the city of Boston, was compelled to see two thousand of her brave soldiers march through her streets to the sound of the drum, and with burnished musket at the shoulder, fighting down one poor slave, while under it the Chief Executive of this country could find no power whatsoever by which the Republic could be saved, no power by which a State seceding could be coerced.

On the contrary, we of the republican party saw in the same Constitution power to do almost anything without limit. We could issue greenbacks, call them money, and make them legal-tender. Ay, we could do anything under the same Constitution to compel the gentleman to come back into the Union. We honestly justified ourselves under the Constitution; they as honestly took the same Constitution with them when they attempted to leave. Now, I say it is an enigma to me. Men make it a cover under which almost anything can be hidden; an excuse for almost any act which the majority in the Congress of the United States may desire to pass, or an obstruction to any legislation, however necessary. I am not charging wrong upon one man or claiming right for another. I bring no politics into the question now under discussion. I bring no feeling whatsoever except an hon-

est feeling for the honor of the Republic. I desire above all things else at Philadelphia in 1876 to beat the nations of the world, and to let our people and other people know that we do beat them. That is my only desire and only wish, and it appeals to me strongly.

Now, in addition to the constitutional objection, what is there? It came from the gentleman from New York, [Mr. WILLIS,] who said: "Do gentlemen forget the millions of toilers in this country of ours who can never behold the magnificent scene at Philadelphia, and will they put this burden upon their broad shoulders, now burdened to the very earth?" I ask the gentleman from New York, does he forget who are the toilers of the Republic? Does he forget that by the hundred thousand, when the tocsin of war sounded, they left home and workshops and comforts, and went forth willing to do battle for the honor and integrity of their country? The toilers of this Republic! The toilers of the land! Does the gentleman forget that the foundation-stone of this Republic is the "toiler?" That in the hour of dire necessity we make our appeal to him, and that he never fails us.

I would go to the toilers in the gentleman's own district to-day for the honor of the country, for its glory, for its integrity, for the old flag, a thousand times sooner than to the princes of his Wall street. The toilers love the Republic; they know what it cost; they sympathize with it in its glory; they would feel bitterly its shame.

And when he says they will never see the magnificent spectacle, and therefore it will be a burden to them, he puts a selfish charge upon them that because they see not they care not. Why, sir, there will not be a textile fabric there of silk, of cotton, of woolen, of linen, which these toilers of the country have not had a hand in the fashioning and making. There will not be at Philadelphia a piece of machinery, from the locomotive down to the simplest machine the hands of man can fashion, which the "toilers of the land" will not have worked upon, will not have burnished and beautified for exhibition and competition with the world. Sir, there will not be there an agricultural implement, from a plow or a harrow up to the most expensive and costly mowing-machine, which they will not fashion and perfect. There will be scarcely anything there which will not bear their impress, which will not be the child of their hand and their brain, and to which they have not said a God-speed.

The "toilers of the land," I say to the gentleman, are the men of all other men in this country who have the deepest, the most abiding interest in making this centennial of ours a mighty success, because the success of our country in that centennial exposition is the success of her mechanics and her artisans. Ah, sir, if the gentlemen have no more valid objections than those, I trust they will not bear a feather's weight with the committee in determining this subject.

There are some gentlemen who, personally favoring this bill, desire to respect and obey the wishes of their constituents, (and that is proper;) think that they are not sufficiently alive to the subject; and would not justify a vote in favor of it. I simply wish to remind those gentlemen that in May this exposition opens, and that for the succeeding six months every paper in this broad country of ours will be full—morning, noon, and night—of the exposition then going on in Philadelphia; every heart will begin to feel itself lifted up with exultation as our people pour their treasures of art and manufactures, agriculture and mines, into these buildings; and before three months will have passed they will become a thoroughly united people, enthusiastically in favor of their country against the world. Ah, sir, any gentleman who votes against this measure will have a hundred times more difficulty in defending that vote next fall when he comes up for nomination or election before the people than he will have in justifying his vote for it.

Sir, in my own State, when I spoke before in favor of giving this exhibition national recognition and support, every newspaper in my district was opposed to it, and so were most of the people, I take it. To-day I believe the reverse to be true. I live in a city of only twenty thousand inhabitants, and there are from there already fourteen exhibitors, and the people are already chartering steamers to carry them from the city of Portland to Philadelphia. They are waking up, men and women, and to-day the united voice of my city is in favor of any thing that is absolutely necessary to make this Centennial a success. There has been assigned to Maine twelve hundred square feet of space for the exhibition of textile fabrics, and I am proud to say that Lewiston requires three-fourths of that. I cite this only as an illustration of the interest which is being awakened.

Sir, the people of Maine, the "toilers," will pour into Philadelphia in a mighty stream; Texas, California, and Oregon, too. In a word, our country will center there, and if the purposes of the commission can be carried out, will see its jubilee.

Mr. TUCKER. Mr. Chairman, I am entirely conscious that in opposing this bill I shall meet cavils from gentlemen all around me and on the other side of this Hall at my wisdom, liberality, and patriotism. But however much I might be depressed by this view, I am cheered by the reflection that the path of duty lying before me in respect to this centennial bill is as clear as it ever was in regard to any question brought to my consideration.

Mr. Chairman, what do you propose to celebrate in this centennial year? Do you propose to have a material exhibition only, or an exhibition worthy of the great moral principles which are illustrated by the anniversary of our independence?

If I mistake not, three great principles underlie or are involved in the Declaration of Independence: the principle of individual liberty, the principle of local government in its struggle against centralized power, and the exemption of the American destiny from the controlling influence of European polity. I will cordially unite with gentlemen anywhere, North or South, East or West, in celebrating the centennial anniversary in the maintenance and illustration of these three principles, so vital and essential to the full success of our republican institutions.

Let me feel that the liberty of the citizen is secured against despotic power; let me be assured that the freedom and independent action, the autonomy of the States, as Chief Justice Chase has expressed it, is well guarded against the arbitrary and usurping exercise of Federal authority; let me see that American destiny is guided alone by its own polity and free from the interference and intrusion of European counsels; and then indeed, sir, we may have a real centennial anniversary!

The gentleman who preceded me [Mr. FRYE] has said that the Constitution and constitutional questions are an enigma to him. I am not surprised at it, looking at his mode of interpreting it. Any gentleman who will ever raise a constitutional question after this bill shall have passed upon the interpretation adopted to sustain its constitutionality, will really be worthy of commiseration.

I say, sir, *that the spirit of the centennial is obedience to the Constitution.* And when gentlemen tell me that the centennial exhibition is to be a manifestation of the inventive power of the American mind, I answer that the greatest invention of American genius has been left out of view entirely. And what is that? The greatest invention of American genius is this: the absolute subordination of governmental power to the rigid, inflexible, and unbending rule of the Constitution. In no other country on the earth has this principle of one inflexible law, supreme over all ordinary acts of legislation, ever been inaugurated among men. And I say that the gentlemen around me will better keep the centennial anniversary by a strict and honest adherence to the Constitution of the country than by all the material exhibition that can be aggregated in Philadelphia.

Mr. Chairman, I have said that one of the great principles which is illustrated in this centennial year is jealousy of the centralization of power. In the great preamble and resolutions of 1774, which were adopted by the Continental Congress assembled in Philadelphia, the language used has the true old English ring in its bold assertion of right against power: The deputies of the colonies do, "As Englishmen, their ancestors, in like cases have usually done, for asserting and vindicating their rights and liberties, declare that the inhabitants of the English colonies in North America, by the immutable laws of nature, the principles of the English constitution, and the several charters and compacts, have the following rights," &c.

Then follow the cardinal rights of life, liberty, and property; the trial by jury; exemption from standing armies; and they place preeminently among these cardinal rights the right of the people of each colony to determine its own internal policy by its own provincial Legislature, without interference on the part of the imperial government of Great Britain.

These were the institutional rights and liberties which they claimed, demanded, and insisted on, as indubitable, and "which could not be legally taken from them, altered, or abridged by any power whatever, without their own consent by their representatives in their several provincial Legislatures."

It is thus clear that jealousy of centralizing power was the keynote of our Revolution. It was embodied in the Articles of Confederation. It was not lost sight of in the Constitution of the United States. And gentlemen will find, although they seem to think that a constitutional question is unworthy of deliberation on this floor, that the great distinction between delegated and reserved powers is contained in that tenth amendment: "All powers not delegated to the United States by this Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." This is, therefore, a Government of granted and enumerated, not of original and unlimited, powers. It is not like the governments of the countries to which gentlemen refer for precedents. It is not like the government of Great Britain, whose Parliament is omnipotent. It is a Government of granted and enumerated powers. And I claim this, not upon reference to any of the doctrines of 1798 and 1799, which I suppose are not in very good odor in some portions of this Hall, but I do it upon grounds stated by the Supreme Court of the United States. Mr. Justice Story, in the case of Martin *vs.* Hunter, (1 Wheat., 304,) uses this language:

> The Government of the United States can claim no powers which are not granted to it by the Constitution, and the powers actually granted must be such as are expressly given or given by necessary implication.

And again, in Gibbons *vs.* Ogden, (9 Wheat., 1,) Chief Justice Marshall says:

> This instrument contains an enumeration of the powers expressly granted by the people to their Government.

And Mr. Justice Story, who certainly is not authority for any State-right view of the Constitution, uses this language in his Commentaries on the Constitution:

> That powers to be implied must be *bona fide*, appropriate to the end in view.

The same doctrine is stated by Chief Justice Chase in the great case of Hepburn and Griswold, known as the legal-tender case; and he sanctions the doctrine stated by the authorities already quoted.

If this be the mode of interpretation, and I think it must be the true canon of construction, then the question arises, where is the express grant of power to appropriate for this Centennial? Gentlemen admit there is no express grant of power; then where in this appropriation for the Centennial is there to be found the essential element of its being a necessary incident to any express grant of power? What granted power needs to be carried out by the passage of this bill?

There is no need for it in order to carry out any granted power, and none has been or can be shown. Then the bill must be rejected or the oath we have taken violated. I ask gentlemen to observe that oath. I took it in good faith, and I hope all gentlemen did:

I swear that I will support the Constitution of the United States, and that I take this oath without any mental reservation—

That is, I suppose, a mental reservation to break it—

or evasion.

That is, without any intention to evade it. I meant what I said; and if this House meant what it said, as I have no doubt it did, how can its members vote for the passage of a bill for which there is no express grant of power and when the bill is not an essential incident to the carrying into execution of any express grant of power?

When Mr. Clay, I think, was discussing the bank bill in 1811, he is reported to have said that, whenever any one was in want of some clause of the Constitution on which a doubtful bill might light and rest, he referred it to the power to regulate commerce with foreign nations and among the States. Now, nobody has claimed that this centennial bill regulates commerce with foreign nations or among the States, that I have heard. The truth is, I may say in passing, that of all the powers granted by the Constitution, that power alone was granted by the convention which adopted it *nemene contradicente*, so clear were the framers of the Constitution that *that* power, in the sense in which they granted it, did not involve any danger to the reserved powers of the States.

Mr. HOAR. Would it be disagreeable to the gentleman from Virginia if I were to ask him a question?

Mr. TUCKER. Not in the slightest degree.

Mr. HOAR. I have been very much interested in the very able and clear statement made by the gentleman, and I desire to call his attention to one point, with the view of receiving his answer to it, which I can state in a single sentence. When the Constitution of the United States delegated to Congress certain national powers, among them the taking of a national attitude toward foreign nations, did it not intend that such expenditures for national dignity as are usual to nations wielding those powers should be made by Congress? As, for instance, the ornamenting the national Capitol with a Dome costing $10,000,000; the building of a tomb for General Washington, which Congress undertook to do at one time; the receiving of Lafayette, the national benefactor, in a national ship and providing for the expense of inviting him and bringing him here. Are not those expenditures within reasonable and suitable limits contained in the grant of the national powers, to the exercise of which with suitable dignity those expenditures are necessary? And is not the celebration of the centennial once in a hundred years one of its properly attendant and implied expenditures?

Mr. TUCKER. I am very much pleased, sir, to respond, as I shall do before I am done fully, I think, to the elaborate question of the gentleman from Massachusetts.

Mr. HOAR. I thank the gentleman for the courtesy with which he has allowed me to put the question.

Mr. TUCKER. The gentleman need not thank me. I will always extend the same courtesy to any gentleman in this Hall. Now, sir, there is one element which is wanting as a basis for the whole hypothesis of the gentleman from Massachusetts. I would say that it is a *substantive* element, except that it is an *adjective;* it is the word "national." I want the learned gentleman from Massachusetts to point out to me—and I will give him until night to do so—the word "national" in respect to power or in respect to anything else in the Constitution of the United States.

Mr. HOAR. The powers to levy war, to conclude peace, to establish commerce, imply a nation in every line where they are granted.

Mr. TUCKER. If that, Mr. Chairman, is what the gentleman calls national power, very well. I understand him now. The gentleman quotes the power to levy war. By the by, there is no such power. There is the power to "*declare*" war, (I desire to be a little accurate,) and the power "to raise and support armies."

Mr. HOAR. We can levy war after we declare it.

Mr. TUCKER. That word "levy," however, is not in the Constitution. The Constitution also gives the power to Congress—

To provide and maintain a navy; to make rules for the government and regulation of the land and naval forces.

That covers the whole of the question which gentlemen have sometimes asked me: "How can you fire a salute?" It can be done under the power of Congress—

To make rules for the government and regulation of the land and naval forces.

Mr. LAWRENCE. Will the gentleman allow me to interrupt him for a moment? I find in the letter of George Washington——

Mr. TUCKER. I would willingly yield to the gentleman, but I hope it will not come out of my time, for I have a good distance to travel yet.

Mr. LAWRENCE. I merely desire to call his attention to the letter of George Washington transmitting the Constitution to Congress, in which the Congress is called a national government.

Mr. TUCKER. I know that. What I said was that the word is not in the Constitution. The gentleman has not found it there. He finds it outside of the Constitution.

Mr. LAWRENCE. In the letter of the man who made it.

Mr. TUCKER. That man did not make it. No man made it. And the Federal convention did not make it. If the gentleman wants to know who made it, I say the States made it.

Mr. HOLMAN. Does not the Constitution declare—

We, the people of the United States?

Mr. TUCKER. I am not to be betrayed now into a discussion of that old question.

Mr. HOLMAN. It is an old question, no doubt, and a question that lies at the foundation of this nation. The language is:

We, the people of the United States, * * * do ordain and establish this Constitution for the United States of America.

Mr. TUCKER. Mr. Chairman, nothing in the world would gratify me more than to discuss this question if I had time. I feel that upon this question I would like to have inquiries made of me on all sides; for I really think, from the stand-point I occupy, I could answer them successfully; but my friend from Indiana will excuse me if I do not go into that question. But if at any future period he desires to discuss it, I will be ready for that discussion.

Mr. HOLMAN. I did not intend to interrupt the gentleman, and I beg his pardon.

Mr. TUCKER. Now, sir, in reference to the power to pass this bill there is one phrase which is greatly relied upon; and if I can show that it fails to give constitutionality to this bill, then I think I will have cleared up all difficulties. Gentlemen have said that there is power given to Congress "to provide for the common defense and general welfare." I deny it *in toto.* I say there is *no grant of power* to provide for the common defense and general welfare. The language of the Constitution in connection with that phrase, its origin and adoption into the Constitution, and the debates in the Federal convention show conclusively that they indicate the object of the previously delegated tax power, and are not in themselves a substantive grant of power. This has been shown by what was said by my able friend from Pennsylvania, [Mr. COCHRANE.] He showed that Judge Story had interpreted the clause as if the words "in order" were inserted before the words "to pay debts," &c.; so that the clause would read:

Congress shall have power to lay and collect taxes, duties, imposts, and excises, [in order] to pay the debts and provide for the common defense and general welfare; * * * but all duties, imposts, and excises shall be uniform throughout the United States.—*Constitution United States*, article 1, § 8.

That this is the true interpretation will appear from the grammatical construction of the sentence. It consists of three branches: the first as to laying and collecting, the second as to paying debts and providing for common defense and general welfare, and the third a qualification on the power in the first branch of the sentence. To suppose the learned men of the convention would have interjected as a substantive *power* the words in the second branch of the sentence, and then in the third branch qualified the first branch, would be to attribute to them a lamentable lack of knowledge of the rules of grammar and of style.

Hence the usual and generally-conceded construction of the second clause has been that it is attached to the first clause as a definition of the objects of the tax power, limiting its use only to such objects, and that the second clause cannot be fairly held to contain a new and substantive grant of power.

Now, sir, it is a very curious fact (and I beg to call the attention of the distinguished gentleman from Massachusetts to it) that this clause, "to provide for the common defense and general welfare," finds its origin in a Constitution which confessedly gave so little power to Congress that Congress had to beg from the States additional grants of power in order to perpetuate its own frail and precarious existence.

You will find that in three clauses of the Articles of Confederation, not adopted finally until March, 1781, and which were in force thereafter until the adoption of the Federal Constitution in 1789, the words are to be found. Thus in the eighth article, the following words occur: "All charges of war and all other expenses that shall be incurred for the common defense or general welfare * * * shall be defrayed out of a common treasury, which shall be supplied by the several States," &c. The same phrase occurs in two other clauses of the same instrument.

Now, sir, if these words give the power which gentlemen claim they give under the present Constitution, how was there any lack of power in the old Congress of the Confederation? And yet its lack of power was so notorious, so inconvenient, and so alarming that Congress came again and again to the very footstool of the States and begged for additional grants of power to save the Confederation from perishing.

When, afterward, these words were transferred from the Articles of Confederation into the Federal Constitution they were brought with their original meaning, which cannot be changed without violating well-settled principles of interpretation and the dictates of common sense. In their original use they did not define a grant, but the objects of a previous grant of power; and, when put into the

present Constitution in a like connection to the same power as when originally used, we are bound to refer them to the previous grant of the tax power as merely defining the object and purpose of its delegation, and they cannot now be interpreted to constitute a separate and distinct grant of power.

But, sir, I am not left upon this subject to grope in the dark and without authority. The gentleman from Pennsylvania [Mr. COCHRANE] was on the same track as myself, and he has quoted the language of Mr. Madison as authority. I quote it for a higher purpose. I quote it, sir, because it is found in The Federalist, a work written in order to induce the adoption of the Federal Constitution. It is, therefore, not only a contemporaneous exposition, but more. Gentlemen on the other side must concede that it was not only a contempore exposition, but an exposition held out as an inducement to the people to adopt the Constitution. If you adopt a different interpretation of its words from that put upon them by Madison, you will commit a fraud upon the people who adopted them, upon a false representation of their meaning.

Now, what does Mr. Madison say? I read again the passage read by the gentleman from Pennsylvania this morning, and I beg attention to it. I read from the forty-first number of The Federalist:

> Some who have not denied the necessity of the power of taxation have grounded a very fierce attack against the Constitution on the language in which it is defined. It has been urged and echoed that the power "to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States," amounts to an unlimited commission to exercise every power which may be alleged to be necessary for the common defense or general welfare. No stronger proof could be given of the distress under which these writers labor for objections than their stooping to such a misconstruction.

The committee will observe that what Madison calls a misconstruction to which no worthy objector should stoop is the very construction to which gentlemen now resort in order to give a force to these words, which, before the Constitution was adopted and in order to secure its adoption, Madison assured the people it was not susceptible of.

Now see what he further says:

> Had no other enumeration or definition of the power of the Congress been found in the Constitution than the general expression just cited, the authors of the objection might have had some color for it, though it would have been difficult to find a reason for so awkward a form of describing to legislate in all possible cases. A power to destroy the freedom of the press, the trial by jury, or even to regulate the course of descents, or the forms of conveyances, must be very singularly expressed by the terms "to raise money for the general welfare."
>
> But what color can the objection have when a specification of the object alluded to by these general terms immediately follows, and it is not even separated by a larger pause than a semi-colon. If the different parts of the same instrument ought to be so expounded as to give meaning to every part which will bear it, shall one part of the same sentence be excluded altogether from a share in the meaning, and shall the more doubtful and indefinite terms be retained in their full extent, and the clear and precise expressions be denied any significance whatsoever?
>
> For what purpose could the enumeration of particular powers be inserted if these and all others were meant to be included in the preceding general power? Nothing is more natural or common than first to use a general phrase and then to explain and qualify it by a recital of particulars.
>
> But the idea of an enumeration of particulars which neither explain nor qualify the general meaning, and can have no other effect than to confound and mislead, is an absurdity which we are reduced to the dilemma of charging either on the authors of the objection or on the authors of the Constitution, we must take the liberty of supposing, had not its origin with the latter
>
> The objection here is the more extraordinary as it appears that the language used by the convention is a copy from the Articles of Confederation. The objects of the union among the States, as described in article 3, are, "Their common defense, security of their liberties, and mutual and general welfare." The terms of article 8 are still more identical: "All charges of war, and all other expenses that shall be incurred for the common defense or general welfare, and allowed by the United States in Congress, shall be defrayed out of a common treasury," &c. A similar language again occurs in article 9. Construe either of these articles by the rules which would justify the construction put on the new Constitution, and they vest in the existing Congress a power to legislate in all cases whatsoever. But what would have been thought of that assembly if, attaching themselves to these general expressions, and disregarding the specifications which ascertain and limit their import, they had exercised an unlimited power of providing for the common defense and general welfare? I appeal to the objectors themselves whether they would in that case have employed the same reasoning in justification of Congress as they now make use of against the convention. How difficult it is for error to escape its own condemnation.

Now, sir, there is the language of Mr. Madison before the Constitution was adopted. He put his emphatic reprobation upon any attempt before the Constitution was adopted and afterward to give to these words "general welfare" any meaning which would give unlimited powers to Congress, or any other meaning than merely to declare the object of the previous grant of power.

I ask, is it fair to give to them now a meaning which the people were then assured they could not bear, and on which assurance the people waived the objection and ratified the Constitution?

Now it is a remarkable fact that, in the convention which formed the Constitution, Alexander Hamilton, whose early fate was a cause of lament at least to one portion of the old federal party, proposed, as Mr. Madison reports it, that Congress should have power "to pass all laws which they shall judge necessary to the common defense and general welfare of the Union." I hope the advocates of this measure will hear this; for the proposition made by Hamilton in reference to the powers of Congress, and which was rejected, is your only show of authority to pass this centennial appropriation. Mr. Hamilton proposed that Congress should have power to pass all laws which they should judge necessary to the common defense and general welfare of the United States. Now suppose that proposition had been adopted in that form. But, instead of being adopted, it was rejected, and the present formal enumeration of powers was inserted in lieu of this general and sweeping clause.

If this Congress has the sweeping power to provide for the general welfare and to do whatever it may judge to be necessary therefor, this Government becomes at once vested with unlimited power. We may then throw up our hands and never say again that Congress has not the power to do anything it pleases. I know no other limitation, no other breakwater to the unrestricted authority of Congress to absorb all the reserved powers of the States and to become a centralized despotism, if such a construction of these words be admitted. My only hope to arrest consolidation is in limiting the power of Congress to the specifications of the grants contained in the Federal Constitution.

But gentlemen, despairing of finding any particular clause of the Constitution for their purpose have asked me how we could build this beautiful Dome to the Capitol. Now, if gentlemen will read the Constitution of the United States, and study it, and, as the Prayer-Book says, "inwardly digest it," they will find this provision in the sixteenth clause of the eighth section of article 1 of the Constitution:

> To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and *other needful buildings*.

Thus there is a clear implication of a grant of power to erect a capitol. But gentlemen say, "Why did you not build a brick building? Would not that have done?" Well, I might say, why did you not build it of weather-boards? Somebody else might say, "Why did you not build merely a log house? Why do you not live like the old patriarchs, in tents? What is the use of having any house at all?" I answer that the power being given to build "*needful* buildings," the discretion as to what is the necessity of the Government is of course left to Congress. And in reference to that I will answer, as poor old Lear did to his miserable daughters when they undertook by reasoning to deprive him of his royal dignities and reduce him to dependence upon the mercies of "a thankless child:"

> "O, reason not the need:
> * * * *
> Allow not nature more than nature needs,
> Man's life is cheap as beast's."

And when gentlemen ask how these pictures can come here, I will say to them that if they will read the later decisions of the higher courts of Great Britain they will find that the doctrine held by those courts is that pictures and statuary, intended as parts of the general plan of a building, are a part of the realty. Pictures are fixtures, and are as much needed to a public building as a cornice, a portico, or a dome. That is the way in which the picture of George Washington is constitutionally a part of this Capitol—this needful building. I venture further to say to the gentleman from Ohio, [Mr. GARFIELD,] who spoke on that question the other day, that Washington, in the eye of the law, was a perjured rebel. As he was an officer in His Majesty's army, I take it for granted that he had sworn to serve the Crown faithfully, and afterward he went into rebellion.

Mr. GARFIELD. Did Washington hold a commission in the British army when the war of the Revolution broke out?

Mr. TUCKER. No.

Mr. GARFIELD. That is the point.

Mr. TUCKER. Then his oath of allegiance held good only so long as he held a commission?

Mr. GARFIELD. When his commission expired.

Mr. TUCKER. When he resigned.

Mr. GARFIELD. He did not resign.

Mr. TUCKER. He did resign.

Mr. GARFIELD. He was not an officer in the Army at the time.

Mr. TUCKER. He did resign; the gentleman does not know the history of his own country. [Laughter.]

Mr. GARFIELD. Did he resign to take service against the Crown?

Mr. TUCKER. O, no. But he resigned, and afterward took service in the rebellion. When the gentleman was speaking of perjury the other day he spoke of those in the South who resigned and afterward took service in the civil war on the confederate side.

Mr. GARFIELD. My friend will allow me to correct him. I did not speak of those who resigned their commissions and afterward took service against the Union. I spoke of those who yet being under oath contemptuously struck against us without resigning, as many of them did, with their oaths still on their souls.

Mr. TUCKER. I do not know of any such persons. If the gentleman had the other day so qualified his remark as he has explained it to-day, I would not have now referred to him. My only vindication now—I need no vindication, for it is in my own conscience—my reason for referring to what he said was that I represent on this floor a little town where sleep the remains of one of the noblest Americans that ever trod its soil. He sleeps in death, and no dishonor can ever, expressly or by implication, be cast upon that honored grave that the Representative of that district will not rise here and repel it.

Now to come back to the question about the pictures here, from which I have been led away, (I do not say intentionally.) According to the decisions of the highest courts, as I have said, these pictures are fixtures, and therefore they are a part of this building. What is a

needful building therefore involves the question, what fixtures are needful to make it a proper place in which to hold the sessions of the Congress of the United States? Upon that question Congress has a discretion on which the Constitution puts no limit.

Somebody has asked about embassadors; I think somebody on the street the other day asked me the question. I do not know that it has appeared in this debate. What authority was there for expenditures for the entertainment of the Chinese and Japanese embassadors? I will say to gentlemen that if they will read the Constitution carefully they will find that power is given in it to the President of the United States "to receive public ministers and embassadors."—*Constitution United States*, article 2, § 3.

Then the power is given to Congress—

To pass all laws necessary and proper to carry into execution the foregoing powers—

That is, the powers granted to Congress—

and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof.

So that the power of Congress to pass a law necessary and proper for giving the President authority to receive embassadors in an appropriate way is clearly within the very letter of the Constitution.

Now I look at another point. One gentleman asked about the exploration of the Polar Sea, the observation of the transit of Venus, and the support of a Government Observatory. These things are clearly done under the power to provide and maintain a navy, because the provision and maintenance of a navy require that these scientific matters as to the geography of the earth and the celestial mechanism, having obvious relation to the navigation of the great deep, may be known, in order that our Navy may traverse the seas and oceans of the world safely to itself, and as a security to our vast foreign and home commerce. The exploration of the Polar Sea is legitimate either under the power to provide and maintain a navy or the power to regulate commerce with foreign nations. Wherever the enterprise of American seamen carries them, there must be safety for the Navy of the United States, and it is the business of the Government to protect the American shipper the world over from the dangers incident to those who do business on the great waters.

Mr. BAKER, of Indiana. Will the gentleman allow me to ask him a question?

Mr. TUCKER. Certainly.

Mr. BAKER, of Indiana. Does the gentleman deny that the people of the United States constitute one nation and the Government thereof a national government?

Mr. TUCKER. O! well, sir, that is not a centennial question.

Mr. BAKER, of Indiana. Does the gentleman object to answering the question?

Mr. TUCKER. I do, sir, object to answering it now.

Mr. BAKER, of Indiana. Ah!

Mr. TUCKER. Let me tell the gentleman that if he supposes there is any question which he can put to me that I will seek to evade, he is vastly mistaken.

Mr. BAKER, of Indiana. Then I should be glad to have the gentleman answer my question.

Mr. TUCKER. Well, sir, the gentleman cannot put me to an answer except by my courtesy.

Mr. BAKER, of Indiana. I did not desire to do so.

Mr. TUCKER. Knowing my rights on that point, I am not to be led away from the subject under discussion to answer what to me appears to be an idle question in respect to the present debate.

Mr. BAKER, of Indiana. I did not intend to divert the gentleman from the subject.

Mr. TUCKER. Now, Mr. Chairman, something was said the other day about these grants of public lands for educational purposes. My friend from New York, [Mr. HEWITT,] if he will permit me to call him so—I will call him so whether he permits it or not—said something yesterday about this Government being confessedly an educator of the people. Confessedly! Confessedly by whom? I never confessed it. I not only do not confess it, but I deny it *in toto*. What! is it pretended that this Government can intrusively control the common schools of every State of this Union; that it can enter your State, sir, or mine, and fix up or manipulate the common-school system according to the views of gentlemen here who know and can know nothing in the world about them?

Mr. HEWITT, of New York. I certainly intended to convey no such impression. Probably I was very inaccurate in my expression, but the only thing I intended to say on that point was that it is one part of the mission of this Government—a mission which it has heretofore in some measure performed—to promote education and things looking to the education of the people, but not to take control of the subject.

Mr. TUCKER. I did not mean to say anything that would even put my friend to an answer. I only wish to remind my democratic friends that this Government *has no mission except to execute its powers and perform its duties under and in subjection to the supreme law of the land, the Constitution of the country.* In that connection my friend referred to grants of land for educational purposes. I think the gentleman will find that wherever that has been a conceded power, it has been upon the ground that as the public lands were granted or have been acquired for the common benefit of all the States of the Union and as the duty is devolved upon Congress of forming out of these Territories new States that may come into the Union, it is essential that in building up these nurseries of States—in training that foster-child of the Government, the Territory, until it shall be a full-grown State, it is essential that there should be grants of public lands to the Territory for purposes of education; and those grants of public lands being made in the State wherein they lie, I suppose it was considered fair on the part of the Government that there should be grants of land to the old States for like purposes, in order that thus the donations of land should be made among the old and new States for the equal and common benefit of all. That is my answer to that question.

I have done with the constitutional question, as my time will not allow me to go into it further. I put it upon this ground: Show me the granted power or how this bill is necessary and proper to carry into effect an expressly granted power, or before God and under my oath I cannot vote for it.

Talk about sentimental patriotism! I have as much of it as most people, but my sentimental patriotism will not allow me to trifle with the solemn obligation I took at the Speaker's desk when I was sworn in as a member of this House.

Now, sir, I put it on another ground—and I beg my democratic friends around me to hear me, and I beg the gentlemen on the republican side of this Chamber to hear me—I put it on the ground *that the only limit to this growing corruption in the country is a limitation upon the power of the Government.* If you would advertise to this country that any scheme that a plausible committee or commission can induce gentlemen to strain themselves up to the point of believing to be for the general welfare is open to the exercise of power by this Congress, I tell you, sir, it will be an advertisement for jobbers; and the lobby will be so filled that its agents "will push us from our stools," and drive its members from this House. But whenever it comes to that the people of the country will say, thank God, they shall not sit here any longer! Whenever you claim power to do anything which you may judge for the general welfare, you proclaim to the country and to all its schemers and jobbers this invitation: "Have any of you any scheme you think for the general welfare? If so, bring it forward!" There will be no lack of them, sir, and the lobbyists out there will corrupt this body if it is corruptible. Your credit mobiliers, your railroad schemes, and all your other thousand plans for plunder upon the public Treasury and upon the tax-paying and the tax-burdened people of the land will be without remedy. There is only one remedy, and that is *to limit power;* but there is no limitation of power, if this Government can do anything it pleases upon the ground of "general welfare."

Mr. Chairman, I will not trespass upon the patience of the House further than to say this, that in every country there may be an ultimate analysis of all its great interests into two classes: the tax-consumer and the tax-payer, and as Lord Bacon once said about the wolf and the sheep, "The sheep are never too many for the wolf;" so you will find the multiplication of jobs under your indefinite and unlimited claim of power will never be too great for the *tax-consumer*. The man who feeds at the Federal crib does not care how much taxation is wrung from the pockets of hard-working people at home so he is filled and he is fattened.

I believe the mission of this Government at this time is economy, retrenchment, and reform. I know there is nothing in the world so hard as to make an available speech for economy against sentimental patriotism. Gentlemen who are here representing tax-paying constituents are exceedingly liberal with other people's money, and entirely opposed to economy when the expenditure does not touch their own pockets. I believe we have come to that period of time in the history of this Government when it becomes us to put the brakes down and to call a halt in lavish expenditure. And if the tax upon my constituents is only one cent more, and is imposed to carry out an unconstitutional scheme—I will not say job, but to carry out an unconstitutional scheme—I will remember the adage that "it is the last feather that breaks the camel's back;" and I for one shall vote against it.

But my friend from New York [Mr. HEWITT] said it is a very little tax, only three and a half cents; and my friends all around me re-echo the cry, only three and a half cents *per capita*. My friend before me from Illinois, who belongs to that department in this aviary in which we are assembled denominated the spread-eagle, and who delivered so fine a speech this morning, asks "Where is the man who will not give three and a half cents for the glory and honor of his country?" [Laughter.] Why, sir, that is all very fine, but I will remind my friend and I will remind this House of those most eloquent words uttered by one of the most eloquent men who ever spoke the English tongue, in his great speech on American taxation. I will remind them that Edmund Burke said "No man ever doubted the commodity of tea would bear the imposition of three pence." "Would twenty shillings," said he, "have ruined Mr. Hampden's fortune? No, but the payment of half twenty shillings on the principle it was demanded would have made him a slave!" And I say, sir, to make me or my constituents pay one cent upon the principle this bill demands—that is, that you can go outside of the Constitution to do it—will make my people slaves. And Edmund Burke added that it was not the weight of the duty but the weight of the preamble that claimed the right to impose it that the Americans were unable and unwilling to bear. That is

the principle here. I do not care about three and a half cents, but I will tell my friend from New York that he cannot assure me or this country that when he gets *his* scheme in for three and a half cents some one else may not come the next day and say, "We also want to have a big show down at Yorktown, or we want to have a great show at Bunker Hill or Chicago. [Laughter.]

Well, why not have a great show at Chicago? "O, you have got no constitutional power." "Ah, none at all? You passed the centennial bill yesterday. Show what is the difference between the two. It will be only three and a half cents more. That would not hurt anybody." But another comes along and says, "I will not let that scheme get through unless mine gets through, too, and mine will only be three and a half cents more." It is well, Mr. Chairman, to remember the canny Scotch proverb, "Monie a mickle maks a muckle." It is the accumulation of the little expenditures that makes up the burdens which oppress the people of the country and paralyze their industries.

You have declared in a late resolution with great unanimity on the other side of the Chamber, and with some dissension on this, that subsidies to private corporations are a thing we are too pure to indulge in. But yet, sir, so soon as a private corporation comes here and asks a subsidy for its enterprise, because it calls itself a centennial corporation, and talks spread-eagle and sentimental patriotism, we say, "O, it would be unpatriotic to refuse it." There is logic for you!

Now, sir, I am opposed altogether to splendid governments. It is old-fashioned, sir, to say it; but I am old enough to be old-fashioned. I am opposed to a splendid government, and to a squalidly poor people. I am opposed to seeing the tax-consumer reveling in palaces and in luxury while I hear the wail of woe that comes from this tax-burdened people all over the land. I am opposed to it. It is the mission of this House, it is the mission of my political friends around me here to say, This thing must and shall cease. Right here and now, upon the altar of what we believe to be our duty to our people, we will immolate even this sentimental patriotism, and in doing it we will go back to the simple virtues and habits and customs of our forefathers a hundred years ago. We will go back to obeying the law, and will learn the lesson which the good book teaches.

When Saul, the King of Israel, was ordered by the God of Israel to destroy the whole of a particular nation, and all their wealth and pride, in order that there might be no plundering, (for there were plunderers and jobbers in that day, too, I have no doubt,) he determined to save the best of the cattle and the best of the flock, and to do honor to God, which was doing honor to theocratic patriotism, by making great sacrifices on the altars in the temple. When Samuel, the prophet, came and saw it, Saul boasted of what he had done for the glory of God and the honor of his country, and sought thus to propitiate his approval and avoid his rebuke. But Samuel met him with these solemn words: "Behold, to obey is better than sacrifice, and to hearken than the fat of rams!" To obey the Constitution of the country is better than immolations to sentimental patriotism; and Almighty God and our people will be better satisfied with obedience than with our splendid ceremonial. Can we justly put more burdens on this people?

Now, on this subject, I have here what is fitted to my hand in the message of the present governor of New York, who makes a statement, and I have no doubt it is accurate, showing the large increment of taxation in this country in the last twenty years.

He shows that in 1850 the sum-total of the taxation of all kinds, Federal, State, and municipal, was $83,000,000; in 1860 it was $154,000,000; in 1870 it was $730,000,000. Thus while the tax *per capita* was $3.57 in 1850 and $4.80 in 1860, it was in 1870 $18.91 per head. And gentlemen talk about increasing it! Now, I am not prepared to do that thing, and I cannot. Gentlemen may do so who represent wealthy constituencies in the North and West. Chicago, I have no doubt, is rich enough to send a million and a half to the Centennial.

[Here the hammer fell.]

Several MEMBERS. Go on.

Mr. TOWNSEND, of New York, obtained the floor.

Mr. TUCKER. I ask the gentleman from New York to yield to me for a single moment. There were some other views I desired to express, and to ask leave to print them.

Mr. COX. I ask that the time of the gentleman from Virginia may be extended, as he has been interrupted by gentlemen on the other side.

Mr. LAWRENCE. I hope there will be no objection to the gentleman's time being extended.

Mr. TOWNSEND, of New York. I have no objection, if it does not cut me off.

Mr. KASSON. I hope the gentleman will indicate what extension of time he wants. It is important that some limits should be put upon the debate, as there are so many names on the list of gentlemen desiring to speak.

Mr. TUCKER. I think I will complete what I wish to say in ten minutes.

Mr. BANKS. I move that the gentleman's time be extended fifteen minutes.

There was no objection, and it was so ordered.

Mr. TUCKER. I am very much obliged to the gentlemen on the other side who are under no obligations to me of a personal or political character, and to my friends around me, for this extension of time. I shall not, I hope, misuse the indulgence which the House has shown me.

Now, sir, in reference to this whole matter, I have to say that we need, as is urged upon us by the Secretary of the Treasury and by the President of the United States, in order to resume specie payments, that there shall be a surplus in the Treasury, arising from economy in the administration of public affairs.

What this country needs for its prosperity is that the obstruction of taxation should be taken off from the wheels of enterprise. I say, therefore, that just here we must practice economy; practice it in reference to this bill by denying ourselves the appropriation for this great luxury. We must lift the paralysis from the limbs of industry, and we must accumulate money by economy as a means by which to return to specie payments and a sound constitutional currency.

Now, sir, these rules of economy are often spoken of lightly, and almost with derision. But I remember in my readings to have been struck with the saying of a French king, Louis XII, "I would rather that my courtiers should laugh at my parsimony than that my people should weep at my prodigality." And we had better be subjected to the jeers of those who speak contemptuously of our undue economy than impose additional weights upon an already overburdened people.

Gentlemen say that the Government is committed in this matter. I am willing to leave that argument where my friend from Pennsylvania [Mr. COCHRANE] put it.

There is not an act of Congress from 1871 down to 1874, as he has shown, when Congress has not said and provided that the United States are not to be responsible for any part of this expense. In the last act passed by Congress on this subject, on the last day of the last session of Congress, to be found in chapter 130, section 5, where an appropriation is made of $505,000 for the purpose of enabling the Departments to take part in the Centennial, I find these provisions:

And provided further, That the sums hereby appropriated shall cover the entire expense to which the United States Government shall be subjected on account of said exhibition, except the sum appropriated in this act for printing the certificates of stock of said exhibition; and the board on Executive Departments is forbidden to expend any larger sum than is set down herein for each Department, or to enter into any contract or engagement that shall result in any such increased expenditure; and no money shall be taken by any Department for the purposes of this exhibition as aforesaid from any other appropriations except the one hereby made.

It is true this act only applies to the Departments and not to the Centennial Commission; but Congress hedged itself in from all responsibility for any further expenditures. And that is the last act of Congress, passed on the last day of the last session. And yet with this full in our faces gentlemen are coming forward at this session asking a million and a half. They say, "We did not cut our coat according to our cloth. We spent more money than we ought to have done." Well, sir, that is their own lookout. But they will see that there is power given them to remedy that. Here is a section of the act of June 1, 1872:

SEC. 8. That the centennial board of finance shall have authority *to issue bonds, not in excess of its capital stock, and secure the payment of the same, principal and interest, by mortgage upon its property and prospective income.*

Why, you have five million dollars' worth of property already. Mortgage it for a million and a half, and finish the work, and then pay your debts. And now, Mr. Chairman, look at the bill before the House in relation to the section just quoted, and to the following section, to which I beg the attention of the committee:

SEC. 10. That as soon as practicable, after the said exhibition shall have been closed, it shall be the duty of said corporation *to convert its property into cash, and after the payment of all its liabilities*, to divide its *remaining assets among its stockholders, pro rata*, in full satisfaction and discharge of its capital stock. And it shall be the duty of the United States Centennial Commission to supervise the closing up of the affairs of said corporation, to audit its accounts, and submit, in a report to the President of the United States, the financial results of the centennial exhibition.

So that when the property is sold under this last-quoted section the Government only comes in *pro rata* with the stockholders. The residuum after paying debts, out of proceeds of sale, would be for the benefit of the private stockholders, including the Government. The Government is not a stockholder, it is true; but it is provided in this bill that the Government shall come in *pro rata* with the other stockholders, so that they will get a larger dividend than under the provisions of the act I have quoted, then if they should borrow the million and a half they ask of us and mortgage their assets for its payment. The calculation is easily made.

In closing this discussion, Mr. Chairman, I thank the House for its indulgent attention. In regard to a remark of the gentleman from Maine, [Mr. FRYE,] that this constitutional question may be used by some gentlemen to screen from criticism a vote against the dictates of patriotism, I have to say that the imputation has no weight with me. I am in my heart of hearts in favor of a centennial celebration. I have no objection to seeing, but rejoice to see, the progress that the United States have made, under the impetus of free institutions, in the arts and sciences, in manufactures and agriculture, and commerce and mining, and in all industrial pursuits. No, sir; although my own State lags behind in all these great elements of material progress, for reasons that I need not more than advert to, she has no envy of the prosperity of her sisters in the Union. If I know my own heart—and I think I speak for my friends from Virginia and from the South generally—we know no motive but patriotic interest in the prosperity and progress of the Union under and in conformity to the Constitution of our country; and I cannot permit any gentleman to impute to me

any lack of patriotism which he claims for himself. If I had not felt I was fully prepared to perform my whole duties in the American Congress, and in equal step with patriotic gentlemen elsewhere, I never would have held a seat here.

Now, Mr. Chairman, it is true that I shall vote against this bill, and for the reasons, sound as I think they are, which I have mentioned. But it is said that even old Virginia in her legislative halls has declined to make an appropriation for the Centennial, and gentlemen may be somewhat surprised at it. There were difficulties in her way. She remembered the language of the English chancellor, who said "it is not fit that a woman should shine in jewels when her husband's creditors are starving." Virginia is deeply indebted. She felt that in her present condition she ought not to contribute to the centennial fund. But, sir, there is another reason. There are constitutional difficulties in her way. Many persons think that the constitution of Virginia forbids it. And if gentlemen suppose that that is due to the obstructive character of the abstractions of old Virginia I will merely say that no such obstruction was ever in any constitution adopted by Virginia before that of 1867, which was rammed down our throats by the military agencies of the Federal power and we were forced to adopt it. There is a provision in that constitution which prevents the State of Virginia from laying taxes or raising any revenue for any purpose except to pay our debt and for the expenses of our government.

Mr. DOUGLAS. And this Congress ratified that constitution?

Mr. TUCKER. Yes; and this Congress sanctioned and put that constitution on us.

But, Mr. Chairman, despite all these obstructions, Virginia will be there. Her people who are able to go will be there. She has given daughters to the Union, six fair daughters with wealth and plenty in their hands, who will go to the Centennial and represent the munificence and the patriotism of their aged and bereaved mother. And another daughter, her mountain child, torn from her by the Cæsarian operation, will be present, with her infinite mineral wealth and her resources in agriculture, manufactures, and commerce. And old Virginia, rent in twain, impoverished, in her weeds of widowhood, but with a heart throbbing high for the prosperity of the common country, with a soul as true to the constitutional Union as when she first proposed independence to her sisters, and declared it by the pen of her Jefferson and won it by the valor and virtue of her Washington, and as when by the wisdom and prudence of her Madison she lent her aid to frame the Federal Constitution. Yes, true to the principles of liberty and independence and honor, Virginia will be there in spirit hovering over the scene. And I say to this House, that when this Government is restored to its pristine purity, and the principles of the Revolution are re-established, and liberty shall be proclaimed throughout this land, in this year of our jubilee, to every man, even the humblest under the protecting *ægis* of the *habeas corpus* unrepealed by the edicts of a President, and unrepealable by a declaration of constructive rebellion under unconstitutional acts of Congress, and when Virginia and all her sister States shall be free in the direction of their internal polity, and be uncontrolled in their autonomy, then glowing with an inextinguishable love for liberty secured by the Constitution, which is the supreme law for Government and people, she will, if not in corporal presence, yet truly in spirit, unite with Massachusetts in that splendid aspiration of her greatest orator and statesman, uttered forty years ago, for liberty and union, that is, institutional liberties inherited from the struggles of the centuries and secured under the noble Constitution of our fathers—"Liberty and Union, now and forever, one and inseparable!" [Great applause.]

Mr. TOWNSEND, of New York, obtained the floor.

Mr. HOPKINS. If the gentleman will yield, I will move that the committee now rise.

Mr. TOWNSEND, of New York. I will yield for that purpose.

Mr. HOPKINS. I now move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WOOD, of New York, reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration a bill (H. R. No. 514) relating to the centennial celebration of American Independence, and had come to no conclusion thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

An act (S. No. 141) to amend the act entitled "An act to amend the charter of the Freedman's Savings and Trust Company and for other purposes," approved June 20, 1874;

An act (S. No. 191) for the relief of Peasley & McClary, of Nashua, New Hampshire; and

An act (S. No. 192) for the relief of Caroline M. Purviance and Francis Wyeth.

LOSS OF A BILL.

Mr. WILLIS. I move that the House now adjourn.

The SPEAKER. Before the Chair submits that motion, the gentleman from Missouri [Mr. CLARK] desires the attention of the House for a moment to make a statement in reference to the loss of a bill.

Mr. CLARK, of Missouri. On Tuesday last I reported, by instruction of the Committee on Post-Offices and Post-Roads, a bill which was ordered to be printed. That bill, which was sent by the Clerk to the Government Printing Office, is reported to be lost.

Mr. RANDALL. What bill was it?

Mr. CLARK, of Missouri. It was a bill to restore the postage on third-class mail matter to what it was before the law was changed at the last session. I ask that the committee now have authority to report a copy of that bill to take the place of the one which was lost.

No objection was made, and it was so ordered.

WITHDRAWAL OF PAPERS.

Leave was granted, by unanimous consent, for the withdrawal of papers from the files of the House, as follows:

Mr. WILSHIRE: Papers in the case of Timothy D. Crook.

Mr. WALSH: Papers in the case of Armistead Goodlow.

Mr. O'NEILL: Papers in the case of Captain Frank A. Benter.

Mr. A. S. WILLIAMS: Papers in the case of James T. Leavey.

Mr. FORT: Papers in support of the claim of ——— Green, administrator of the heirs of Uriah Forest.

Mr. WILLIS. I now renew the motion to adjourn.

The motion was agreed to; and accordingly (at four o'clock and forty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BANNING: The petition of Elizabeth Hall, for a pension, to the Committee on Invalid Pensions.

By Mr. BLACKBURN: The petition of Benjamin T. Zimmerman, for bounty and back pay as a United States soldier, to the Committee on Military Affairs.

By Mr. BRIGHT: The petition of Mary E. Whitehead, for relief, to the Committee on War Claims.

By Mr. BURCHARD, of Wisconsin: Papers relating to the claim of G. W. Brower, to the same committee.

By Mr. COWAN: The petition of 60 citizens of Haysville, Ohio, for a reduction of the postage rates on third-class mail matter, to the Committee on the Post-Office and Post-Roads.

Also, the petition of 361 citizens of Richland and Crawford Counties, Ohio, for aid to be extended the Texas Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. COX: The petition of the messengers of the Supreme Court, for pay for balance due them as compensation for services, to the Committee on Claims.

By Mr. CRAPO: The petition of A. F. Howland, for an amendment to the law relating to artificial limbs, to the Committee on Invalid Pensions.

By Mr. DARRALL: The petition of Mrs. Maria Waits, for pay for services as nurse and for rent of houses to United States soldiers in 1862, at New Orleans, Louisiana, to the Committee on War Claims.

By Mr. DURHAM: The petition of citizens of Kentucky, for a post-route from Lawrenceburgh to Luther's Store, Kentucky, to the Committee on the Post-Office and Post-Roads.

Also, papers relating to the petition of Jonathan White, for relief, to the Committee on Claims.

Also, papers relating to the petition of James M. Lee, for relief, to the Committee on Military Affairs.

Also, papers relating to the claim of Eliza Root, to the Committee on Claims.

Also, the petition of Anna W. Osborne, for pay for property destroyed by fire at Fort Ripley, Minnesota, to the same committee.

Also, the petition of A. A. Brown and 100 other citizens of Minnesota, for an amendment to the homestead act, to the Committee on the Public Lands.

By Mr. FREEMAN: The petition and papers relating to the application of C. H. Frank, for relief, to the Committee on Claims.

By Mr. FULTON: Papers relating to the claims of John Hill, William DeBard, and Robert Batey, of Dalton, Georgia, to the Committee on War Claims.

By Mr. GLOVER: The petition of James A. Hile, for the removal of the charge of desertion, to the Committee on Military Affairs.

By Mr. HANCOCK: The petition of Ella P. Murphy, for pay for damages on account of Indian depredations, to the Committee on Indian Affairs.

By Mr. HARRIS, of Virginia: The petition of John Engleman and 9 others, for compensation for losses sustained during the late war, to the Committee on War Claims.

By Mr. HENDEE: The petition of William B. Morrow, for pay for property taken from him and used by the United States Army, to the same committee.

By Mr. HENKLE: The petition of Gerard Wood, for relief, to the same committee.

By Mr. KIMBALL: The petition of J. H. Jones, for relief, to the Committee on Claims.

By Mr. LEAVENWORTH: The petition of F. W. Lamphere and 12 other citizens of New York, for the repeal of the proprietary stamp tax, to the Committee on Ways and Means.

By Mr. LUTTRELL: Papers relating to the Oregon Military Wagon-Road Company, to the Committee on the Public Lands.

By Mr. MILLS: The petition of E. J. Gurley, for pay for professional services in prosecuting persons for killing Indians on reserved lands in Texas, to the Committee on Claims.

By Mr. NORTON: The petition of William Norton, for pay for property destroyed by the United States, to the Committee on War Claims.

By Mr. O'NEILL: The petition of seamen in the merchant service, for amendment of the shipping commissioner's act of June 7, 1872, to the Committee on Commerce.

By Mr. PHELPS: The petition of John Reinman and others, of New Haven, Connecticut, for the issue by the Government of 3.65 convertible gold bonds, to the Committee on Banking and Currency.

By Mr. PHILLIPS, of Kansas: The petition of A. H. Von Luettwitz, for relief from sentence of a court-martial, to the Committee on Military Affairs.

By Mr. PIERCE: The petition of 57 national banks in Boston, for a reduction of taxation, to the Committee on Ways and Means.

By Mr. RANDALL: The petition of 58 ex-Federal soldiers, asking for an increase of bounty, to the Committee on Military Affairs.

By Mr. RIDDLE: The petition of M. B. Young, judge and financial agent of Jackson County, Tennessee, for compensation for county jail and other property of said county burned and destroyed by the Army of the United States August 3, 1863, to the Committee on War Claims.

Also, papers relating to bill for the relief of John O. Cage, to the same committee.

By Mr. WALLS: The petitions of Henry McKee and Edwin C. McTureous, for relief, to the Committee on Claims.

By Mr. WALLACE, of Pennsylvania: The petition of A. L. Crawford and 162 other business men of Newcastle, Pennsylvania, for aid for the Southern Pacific Railroad under proper guarantees, to the Committee on the Pacific Railroad.

Also, the petition of J. R. Sproot and 42 other ex-Federal soldiers for an increase of bounty, to the Committee on Military Affairs.

By Mr. WALLING: The petition of J. W. Reynolds, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Mrs. Mary Ann McDonald, of similar import, to the same committee.

Also, the petition of William F. Bloor, for additional compensation as an officer of the United States Army, to the Committee on Military Affairs.

By Mr. WARD: The petition of Benjamin Brandreth and others, for the repeal of the proprietary stamp tax, to the Committee on Ways and Means.

By Mr. WELLS, of Mississippi: The petition of William McKnight, for a rehearing of his case rejected by the Court of Claims, to the Committee on War Claims.

IN SENATE.

THURSDAY, *January* 20, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles and referred to the Committee on the Judiciary:

A bill (H. R. No. 353) to amend section 1911 of the Revised Statutes;

A bill (H. R. No. 626) to amend the Revised Statutes relating to naturalization; and

A bill (H. R. No. 1054) to extend the time for claimants under section 11 of chapter 459 of the laws of the Forty-third Congress to prove their claims.

The bill (H. R. No. 785) to extend the time for stamping unstamped instruments was read twice by its title, and referred to the Committee on Finance.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of Canfield & Wheeler, D. L. Filer & Sons, and 23 other lumber manufacturers and vessel-owners of Manistee, Michigan, with a statement exhibiting manufactures and tonnage and amount expended on the harbor at that place as compared with other harbors, and asking that the full amount recommended by the engineer department be appropriated by Congress for the harbor of Manistee; which was referred to the Committee on Commerce.

Mr. WHYTE presented the petition of the Baptist church of Eutaw Place, Baltimore, Maryland, signed by the pastor and officers, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. McMILLAN presented the petition of citizens of Minnesota, praying the passage of a bill by Congress for the relief of settlers upon certain lands in that State who have made or acquired valuable improvements upon lands to which legal title has not been perfected; which was referred to the Committee on Public Lands.

Mr. HOWE presented a petition of citizens of different States, praying relief from the present excessive tolls charged for passing the aqueduct bridge over the Potomac River at Georgetown; which was referred to the Committee on the District of Columbia.

Mr. WINDOM presented the petition of 42 citizens of Minnesota, praying the repeal of the two-cent United States stamp tax on bank-checks; which was referred to the Committee on Finance

Mr. SAULSBURY. I present the petition of C. W. Chitty and 49 others, praying for the repeal of the stamp tax on bank-checks. I do not know in what State the petitioners reside; the petition is inclosed to me by Mr. Heald, of Delaware. I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

Mr. INGALLS presented the petition of J. C. Fuller and 49 other citizens of Kansas, praying for the repeal of the two-cent United States stamp-tax on bank-checks; which was referred to the Committee on Finance.

He also presented the petition of Eugene O'Sullivan, late sergeant Company K, Eighteenth Regiment Missouri Infantry Volunteers, praying for an increase of pension; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. HAMILTON, from the Committee on Pensions, to whom was referred the petition of Emily L. Herron, widow of George W. Herron, late private in Company I, Sixty-second Illinois Volunteers, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

He also, from the same committee, to whom was referred the petition of Thaddeus S. Stewart, praying for a pension, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

He also, from the same committee, to whom was referred the petition of James S. Elliott, of Ohio, late of Company H, Fourth Regiment Ohio Volunteers, praying to be allowed a pension, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

Mr. JONES, of Florida, from the Committee on Claims, to whom was referred the petition of William L. Nance, praying compensation for loss of his establishment in Tennessee during the war, submitted a report thereon, accompanied by a bill (S. No. 309) for the relief of William L. Nance.

The bill was read and passed to a second reading, and the report was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Isaac Davenport, jr., and others, citizens of Virginia, praying compensation for the use of their property by United States troops from April 9, 1865, to 1870, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

BILLS INTRODUCED.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 310) in regard to postal routes; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 311) conferring certain privileges upon telegraph companies; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. HOWE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 312) for the relief of Michael Fentenheimer; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. MORRILL, of Vermont. At the request of a very respectable gentleman, I ask leave to introduce a bill without previous notice, not knowing anything specially about its merits.

By unanimous consent, leave was granted to introduce a bill (S. No. 313) to incorporate the Oxygen Gas Company of the District of Columbia; which was read twice by its title, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. McMILLAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 314) for the relief of settlers upon certain lands in the State of Minnesota; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. CHRISTIANCY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 315) to provide for challenges to jurors in trials for bigamy and polygamy in the Territory of Utah, and to amend section 4 of an act in relation to courts and judicial officers in the Territory of Utah, approved June 24, 1874; which was read twice by its title, referred to the Committee on Territories, and ordered to be printed.

Mr. WEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 316) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and to amend an act amendatory thereof, approved July 2, 1864; which was read twice by its title.

Mr. SARGENT. I would like to have the bill read at length.

The PRESIDENT *pro tempore*. The Secretary will report the bill at length.

The Chief Clerk read as follows:

Whereas, under and by virtue of an act of the Congress of the United States approved the 1st day of July, 1862, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," the Government, in addition to its munificent land-grant of —— acres, loaned to the Pacific railway companies mentioned in said act, and the subsequent acts amendatory thereof, the aggregate sum of $64,623,512 in 6 per cent. bonds at thirty years, bearing interest payable semi-annually, to secure the payment of which a lien was retained upon the property and franchises of the several companies for the respective amounts loaned; and whereas by subsequent amendments to said acts the said companies were permitted to issue their first-mortgage bonds on their respective roads in amounts not to exceed the amount of bonds loaned to them by the United States Government, which bonds should be a lien upon said road, superior to the lien of the United States; and whereas the said companies refused to re-imburse the United States Treasury for interest already paid on said bonds amounting now to over $20,000,000, and decline to pay any interest until the maturity of the bonds, while some of said companies are declaring dividends to stockholders; and whereas the interest on the bonds loaned to these companies will amount, at their maturity, including compound interest on the coupons as paid by the Government until that date to over $300,000,000? and whereas the official report of the Secretary of the Interior to the President of the United States exhibits the net earnings of said companies for the year ending June 30, 1875, as exceeding $15,000,000, being nearly 12 per cent. of the first-mortgage-bond debt which has precedence of lien over the bonds loaned these companies by the Government and the Government debt combined, showing unquestioned ability from earnings to pay the accruing interest to the Government; and whereas it was not the purpose of the Government in promoting and fostering these great national enterprises to postpone its own lien to the enriching of individual shareholders: Now, therefore

Be it enacted, &c., That so much of sections 5 and 6 of the act of Congress approved the 1st day of July, 1862, and of which this is amendatory, as provides, either by their express terms or by their construction, that the railroad companies therein named shall not be required to pay interest on the United States bonds loaned to them by the terms of said act until the maturity of the bonds, as to re-imburse the Government for interest paid and to be paid by the Government on said bonds until the maturity of the bonds, be, and the same are hereby, repealed.

SEC. 2. That from and after the passage of this act said companies shall be liable to pay into the Treasury of the United States the whole amount of interest heretofore paid by the Government on the bonds loaned to said companies in aid of the construction of said railroads, together with interest upon the several sums paid by the Government in discharge of interest on said bonds at the rate of —— per cent. per annum from the date of payment, less the amount retained by the Government for the transportation of the mails from time to time, which shall be credited in the account every six months; and it shall be the duty of said companies respectively to deposit with the Secretary of the Treasury of the United States, ten days immediately preceding the maturity of semi-annual interest on the bonds respectively loaned them, such sums, added to the amount then due each company from the United States on account of the mail service and use of telegraph lines, as will amount to the semi-annual interest then falling due.

Mr. WEST. I move that the bill be referred to the Committee on the Judiciary and printed.

The motion was agreed to.

Mr. ALLISON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 317) to authorize the construction of a bridge across the Missouri River at or near Sioux City, Iowa; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. ALLISON, it was

Ordered, That the petition and papers in the case of Peter P. G. Hall be taken from the files of the Senate and referred to the Committee on Military Affairs.

On motion of Mr. BOGY, it was

Ordered, That the petition and papers in the case of Colonel J. D. Foster be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. EATON, it was

Ordered, That the petition and papers in the case of Thomas A. Weston be taken from the files of the Senate and referred to the Committee on Patents.

On motion of Mr. McCREERY, it was

Ordered, That the petition and papers in the case of Mrs. Rosa V. Jeffries be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. KEY, it was

Ordered, That the petition and papers in the case of Moses Brooks be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. ANTHONY, it was

Ordered, That the petition and papers in the case of Washington L. Parvin and Henry A. Green be taken from the files of the Senate.

On motion of Mr. STEVENSON, it was

Ordered, That the petition and papers in the case C. M. Briggs be taken from the files of the Senate and referred to the Committee on Claims.

PACIFIC RAILROAD COMPANIES.

Mr. EDMUNDS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Attorney-General be, and he is hereby, directed to inform the Senate what steps have been taken, by any suit or otherwise, under the second section of the act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874, and for other purposes, approved March 3, 1873; and whether, in any suit brought under said section, the claim of the United States for the 5 per cent. of net earnings therein mentioned was brought under adjudication and passed upon, and if not, why not; and that he also communicate the present condition of the matters therein referred to.

Mr. EDMUNDS submitted the following resolutions; which were considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and he hereby is, directed to communicate to the Senate what action, if any, has been taken by him under the act of Congress entitled "An act providing for the collection of moneys due the United States from the Pacific railroad companies," approved June 22, 1874, and what is the present condition of the matters therein referred to.

Resolved further, That the Secretary of the Treasury be, and he is hereby, directed to communicate to the Senate what steps, if any, have been taken by him under the second section of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874, and for other purposes," approved March 3, 1873, and what is the present condition of the matters therein referred to.

BANKRUPT LAW.

Mr. MITCHELL. I offer the following resolution, and ask for its immediate consideration:

Resolved, That the Committee on the Judiciary be instructed to examine into the provisions of an act to establish a uniform system of bankruptcy throughout the United States, approved March 2, 1867, and amendments thereto, and report to the Senate whether, in their judgment, the provision requiring that a petition in cases of compulsory or involuntary bankruptcy shall be by one or more creditors who shall constitute one-fourth thereof, at least, in number and the aggregate of whose debts provable shall amount to at least one-third of the debts so provable, applies in a case where the debtor is a corporation; or whether, in their judgment, under existing laws, a corporation debtor may be thrown into involuntary bankruptcy on the petition of a single creditor who does not constitute one-fourth in number of all the creditors and whose debt does not amount to one-third of the debts provable against such corporation.

I am advised that by a recent decision of the district court of the United States for the district of Oregon it has been held that the provision in amendment of the bankrupt law and incorporated into that law by the act of 1874, which provides, as I understand, in terms that a petition in case of involuntary bankruptcy shall represent at least one-fourth of all the creditors and whose debts in the aggregate provable against the bankrupt shall amount to at least one-third of all the debts provable, does not apply in a case where the debtor is a corporation. I will say, however, in justice to the court that I have not yet been able to get a copy of the opinion, and it is barely possible there may be some mistake about it. If such a decision has been made, I think it is very important that we should have the judgment of the Judiciary Committee on the subject.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

PERSONAL EXPLANATION.

The PRESIDENT *pro tempore*. If there be no further resolutions the morning hour has expired, and the Chair will lay before the Senate the unfinished business, which is the resolution of the Senator from Indiana, [Mr. MORTON,] which will be reported.

The Chief Clerk read the resolution.

The PRESIDENT *pro tempore*. The Senator from Indiana is temporarily out of his seat, but will be present soon.

Mr. EATON. As the Senator from Indiana is not in his seat, I desire to make a personal statement. I notice by the RECORD this morning certain remarks made by the junior Senator from Massachusetts [Mr. DAWES] which I did not hear yesterday. They certainly misrepresent me. I do not suppose that that Senator intentionally desired to misrepresent me. I will read what he said:

> But if the whole purpose of this resolution is to ascertain whether there may not be some method of simplifying the books of the Treasury Department in the method which has come down to us from the beginning, it is very evident to me that the Committee on Finance is the proper committee to examine into the subject, more especially since we are informed by the Senator from Connecticut that he has devoted three weeks to an attempt to master the whole science of the Treasury and has utterly failed. If that be so, what expectation can we have that there is anybody else in the country who will be able to do it? He confesses himself his own belief that after this experiment on his part there is nobody in the whole nation able to comprehend the subject.

Now, I apprehend that the Senator from Massachusetts did not intend to say anything of that sort. It is an utter misrepresentation of what I said. He possibly did not understand me. I said that I had examined the reports of the Secretary of the Treasury, the reports of the Register of the Treasury, the monthly reports of the public indebtedness, and that I could not, nor could any accountant, take those reports and say what the public debt of the United States was. I do not desire it to go to the country that I have been in the Treasury Department and made an examination into their mode of keeping books; nor can I believe the Senator from Massachusetts could so misrepresent my remarks intentionally.

Mr. DAWES. I should be very sorry to have misrepresented the Senator from Connecticut, and I regret very much if on reading what I said yesterday the Senator shall be of opinion that I did misrepresent him. I supposed he would infer, from reading those remarks, that the phrase which he has quoted should be judged by the context, and that I simply meant to say that I thought three or four weeks' examination of the subject would hardly afford us all the profit that could be derived from four years, for instance, of practical experience in it, and that was the drift of what I intended to say. The Senator himself is an experienced debater in this body; I am a novice; and if I misrepresented the Senator, I simply now desire to say that all I intended was to express the discouragement, on my own part, of any expectation that new men, or comparatively new men, could enter into an examination of the intricate book-keeping of the Treasury Department with any such hope of a successful result as we might fairly infer we could derive from a like examination of those who brought experience to it. I did not mean to make any invidious comparison between the Senator from Connecticut and any member of the Committee on Finance. I would not do it; certainly my relations with the Senator are such as to forbid me, even if I had any occasion to do so.

THE MISSISSIPPI ELECTION.

The PRESIDENT *pro tempore*. The Senate resumes the consideration of the unfinished business of yesterday, being the resolution offered by the Senator from Indiana [Mr. MORTON] for an investigation into the election in Mississippi. The Senator from Indiana is entitled to the floor.

[Mr. MORTON addressed the Senate. His remarks will appear in the Appendix.]

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate the unfinished business, being the resolution proposed by the Senator from West Virginia, [Mr. DAVIS.]

The Chief Clerk read the resolution and the amendment submitted by Mr. EDMUNDS.

Mr. DAVIS. Yesterday I was prepared to go on, expecting to proceed with the resolution, but as is the usual courtesy in such cases I gave way to the Senator from Indiana who desired to speak. This morning I was informed, not by the Senator himself but by friends of his, that he would consume the entire time to-day. Therefore I am not fully prepared to go on with this resolution now, and will give way for any other business that may be offered, my resolution taking its place as the unfinished business when the Senator from Indiana shall have finished his speech to-morrow.

Mr. EDMUNDS. That must depend a little upon where we are. If the Senator is not ready to go on to-day, I move to postpone this question until to-morrow, and then I shall move, if my friend from Maine [Mr. HAMLIN] is not here, to take up the resolution providing for the adoption of the joint rules. I can assure the Senator from West Virginia that there will be no disposition to postpone the consideration of his resolution, but if we take up the joint-rule question now I think we had better stick to it until it is finished. We may finish it this afternoon. We ought to do so, I am sure.

Mr. DAWES. I suggest to the Senator from Vermont that the Senator from Maine is not likely to be in the Senate for the remainder of the day.

Mr. DAVIS. I do not understand whether the Senator from Vermont made a motion or not.

Mr. EDMUNDS. Yes; I move to postpone this matter until to-morrow, in order that I may move to take up the resolution in regard to the joint rules.

Mr. DAVIS. I have no objection to that.

JOINT RULES OF THE TWO HOUSES.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that all prior orders be postponed, for the purpose of taking up the resolution reported from the Committee on Rules on the 10th instant.

The motion was agreed to; and the Senate resumed the consideration of the following resolution:

Resolved by the Senate, (the House of Representatives concurring,) That the joint rules of the Senate and House of Representatives in force at the close of the last session of Congress be, and the same are hereby, adopted as the joint rules of the two Houses for the present session.

The pending question being upon the amendment of Mr. MORTON, after the word "Congress," in the fourth line, to insert "excepting the twenty-second joint rule."

Mr. BAYARD. I submitted yesterday, Mr. President, a resolution as a substitute for the report of the committee, and if it be in order I should like to have it read now; and I ask whether, in the present stage of the consideration of the question, it can be offered?

The PRESIDENT *pro tempore*. The Senator's motion is in order.

Mr. BAYARD. Then I submit as an amendment to the resolution the substitute I offered yesterday, and ask that it be read.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is moved to strike out all after the word "that" in the first line of the resolution and insert:

The Committee on Rules of the Senate and House of Representatives be, and they are hereby, instructed to examine and, after conference, to report what amendments, if any, should be made in the present joint rules of the two Houses; and also whether any, and what, legislation is expedient in regard to the matters considered in the present twenty-second joint rule.

Mr. CONKLING. Is that offered as an amendment?

The PRESIDENT *pro tempore*. As a substitute. The first question is on the amendment of the Senator from Indiana [Mr. MORTON] before the substitute is voted upon.

Mr. BAYARD. As I understand the amendment of the Senator from Indiana, it is to adopt the joint rules of the two Houses, as they now stand, excepting the twenty-second.

Mr. EDMUNDS. No, Mr. President; the precise proposition is not to adopt the joint rules of the two Houses as they now stand, but to adopt the joint rules of the last session. Then the Senator from Indiana moves to amend that resolution by an exception. Now the Senator from Delaware offers a substitute for the whole thing; and as the Chair states it is clear that in order we must perfect the original resolution before we vote on the substitute, so that the question is on the amendment of the Senator from Indiana.

Mr. BAYARD. I had some doubt whether, pending the amendment to the original resolution, a substitute would be in order. I asked the Chair, and the information given me was that it would be in order. If now the decision of the Chair is that the amendment of the Senator from Indiana must be voted upon first, before my proposition can be considered, be it so.

The PRESIDENT *pro tempore*. The Chair replied to the Senator that his substitute was in order; but the rule requires that where a substitute is offered the text shall be perfected if the body sees fit to so perfect it. The Senator from Indiana having moved to perfect, the first question will be on his amendment. The proposition of the Senator from Delaware will still be pending, and when the text has been perfected the question will recur on the substitute of the Senator from Delaware. The question now is on the amendment proposed by the Senator from Indiana to except the twenty-second joint rule.

The amendment was agreed to.

The PRESIDENT *pro tempore*. If no further amendment be offered to the text of the resolution, the question is on the amendment of the Senator from Delaware as a substitute for the resolution.

Mr. CONKLING. I should like to inquire of the mover of this substitute whether to his knowledge there is any serious difficulty about either of the joint rules of the Senate and House of Representatives save the twenty-second joint rule?

Mr. BAYARD. I do not know at all of difficulties as to other joint rules. I assume that the joint rules of the two Houses, which have been in existence almost from the foundation of the Government and have received the approval and sanction of those preceding us, will remain as they are. I take it for granted that this is the first time that an amendment or cancellation of the joint rules has been proposed, and I consider that the proper method of considering the subject is to submit it to a conference of the proper committees of each House; and then in regard to the twenty-second joint rule, upon which we have had some discussion, I submit to the Senate that the matters embraced in that rule should be acted on by legislation, and not by the joint rules of the two Houses.

Mr. CONKLING. No doubt the Senator from Delaware will anticipate the object of the inquiry I rise to make; and it is this: It strikes me, as I think it will strike the Senate, that if it be true, as the Senator and I agree, that there is no question about any of the joint rules save one, if the Senate proceeds to adopt the joint rules of the Senate and House all saving that one, then such motion as the Senator from Delaware makes or any other motion applicable to that one, to wit the twenty-second joint rule, will not only be in order, but will be unembarrassed by a general reference to the whole body of rules. In other words, I submit to the Senator that the way to advance the object he has in view, namely a consideration of the twenty-second joint rule, is to dispose of the rest and residue of the joint rules, and establish them, there being in regard to them no question and no objection.

It may very well be that after the vote shall be taken, it will be seen that the mode proposed by the Senator from Delaware will be preferable to any other mode of approaching and considering the question of the twenty-second joint rule; but I cannot see how it advances the purpose of the Senator from Delaware to embrace all these rules in name, when in reality there is but one at which his motion is actually aimed. So then, unless there be something that does not occur to me on this subject, I should vote against substituting the resolution of the Senator from Delaware for this resolution, my understanding being, that, failing to substitute it, it will be, as an independent motion of its own, unimpaired by the vote, which in the mean time might be taken, and in addition to that, separated and relieved from what really should not incumber it, and what the Senator agrees with me in supposing is well enough as it is.

Mr. MORTON. I have no objection to the twenty-second joint rule being referred to the Committee on Rules; perhaps that will be proper. I will say, however, that it is now pending in the Committee on Privileges and Elections, and has been twice before that committee heretofore. That committee reported last session a substitute for the twenty-second joint rule in the form of a bill, which passed this body, and the same bill has been introduced this session. It is before the committee, and has been, I believe, partially considered. But if it is the will of the Senate to make this disposition of the subject, I shall be content.

Mr. BAYARD. As I stated in reply to the Senator from New York, I had nothing in contemplation in the way of interference or amendment with any of the existing joint rules of the two Houses except the twenty-second joint rule. As the question has been raised, it is of great importance that it should be properly settled. Gentlemen have differed on this floor in regard to the power of each House over the joint rules. A very ingenious and able presentation of the subject was made by the Senator from Ohio who sits near me, [Mr. THURMAN,] claiming that the House of Representatives was a continuing body, and that there was needed no adoption at the incoming of each new Congress of either the separate or the joint rules governing the preceding House. Having heard him and considered his point, I entirely dissent from his view. I believe that the House of Representatives is not a continuing body, and that, indeed, it is not only separate but that each House has its operative legal existence and would be without any rules until it has adopted the parliamentary rules of the preceding House, as is usually done. The proposition has been made here that, this being a joint rule, made by two contracting parties, neither can at will retire from the rule. That is a very grave subject. Gentlemen on this floor have admitted such a view, and declared that it required a joint consent to the rescission of a rule as much as to its formation; but from that proposition I entirely dissent. I cannot

believe that, either under the language of the Constitution or the very theory of checks and balances which the two Houses were designed to enforce one upon the other, the independence of either House can be taken from it, either by its own act or an act of the other House. Therefore I hold, as these rules are made, they are made during the good pleasure of each House, and that it is in the power of either the Senate or House of Representatives to retire from a joint rule at any time, and simply give notice of that fact to the other branch of Congress.

But still the question has been made, and I think it would be advisable to have it settled by conference of the two Houses through their respective Committees on Rules. I cannot doubt that on examination they will come to the conclusion to adopt the whole code, if I may so call it, except this twenty-second joint rule, which is highly exceptionable. Therefore I do not think there is any necessity to apprehend embarrassment in treating this subject, because I have referred the matter to the two Houses. These points having been raised, I think they should be disposed of gravely and properly. I know no reason why there should not be an entire assent between the two branches on the subject; but the question having been raised, I think it is a good opportunity to have the subject considered.

I should vote now for the adoption of the joint rules of the two Houses, excepting the twenty-second joint rule, and I prefer to have the proposition made and considered in this formal and deliberate manner for the purpose of having the matter reviewed. It is a very grave subject. It has not been, so far as my researches enable me to discover, heretofore brought before the Senate in a manner that would admit of a clear decision, as it has been at the present time. There is no act of Congress on the subject. There is really nothing in the practice of the two Houses on the subject. I am not aware that any joint rule of the two Houses has ever been repealed. Such rules have been amended by the joint action of the two Houses, but I submit that as yet I know of no case where either House has elected to retire from a joint rule; and yet I cannot doubt the power of either House to do so. Still I think it would be well, as we are treating of these joint rules, if we should invite the co-operation of the other House. If I am right in that, there will be no embarrassment, because the whole subject of the rules will be referred to the committee.

But now we come to a more important part of the proposition, and that is that the committee are to report whether any, and what, legislation is expedient in regard to the matters considered in the twenty-second joint rule. There seems to have been a lamentable want of discussion at the time of its adoption in 1865. The Senator from Indiana expressed his view of it, and that was very little. I think he stated that its author said that he had really forgotton that he had drafted it, and gave no reasons why he drafted it, and could give no reasons for the authority claimed and exercised by the two Houses of Congress on the subject of that rule. If that be so, and I cannot doubt it after the statement of the Senator from Indiana, the people of this country have in reality, for the last three presidential elections, had hanging over them a power in either branch of Congress to defeat the popular choice by a motion made and decided without debate by either House of Congress. So long as a certain political party held the control of the House of Representatives, so long, under this joint rule, they could, by raising any question, any pretext upon the count of a vote, upon a form of a certificate, have thwarted the popular will and have become themselves the electoral body of the President and Vice-President of the United States. It has not been a matter conceived in haste and corrected at leisure. It has been conceived in deliberation, continued deliberately from that day to this. Now that the political complexion and character of the other House of Congress has changed, it is seen that this terrible power of veto upon the popular will may be exercised by others than those whom it was intended to be exercised by.

Now, sir, upon this subject, immensely important as it is, I desire to say that, believing such an assumption of power to have been originally wrong, it cannot harden into right by acquiescence or by practice, and as this rule should never have had existence, as such powers were exercised at the last count of the presidential vote never could have been properly exercised, so I wish it to be destroyed and negatived by the action of Congress. Although I know that that party with whom I am in political affiliation has the power under this present twenty-second joint rule to declare, according to their will, who shall be the next President and Vice-President of the United States, they have no right to exercise such a power except in the contingency appointed by the Constitution; that is, the failure of any candidate receiving a majority of the electoral votes cast.

Sir, this question is one of the very gravest importance. True, the Constitution is unfortunately too silent. It provides simply that the President of the Senate shall open the certificates in the presence of the two Houses, and that the votes shall then be counted. Taking the words strictly, there is merely a ministerial duty on the part of the President of the Senate with his thumb and finger to tear off the seals of the envelopes and present the certificates of votes. He is not to count them. The Constitution does not say that he shall count them, but simply that he shall open the certificates, and that they shall be counted. By whom? Can it be that this grant of constitutional power shall be put in force by the machinery of a joint rule that has not the obligation of a law, and over which either House holds at its pleasure complete control? I cannot imagine a more dangerous state of affairs.

Suppose it should be held by the House of Representatives that it is not competent for the Senate at their will and without notice to retire from the twenty-second joint rule and that they will hold us to the exercise of it, you can see what a dangerous condition arises between the two Houses. It is one that should be settled before heat and excitement come, one that should be settled not in the spirit of party but by something far higher and more patriotic. Therefore it is that I believe that this power, scant though it be, obscure though the terms of its grant may be, is to be exercised by the aid of the machinery of legislation duly passed, that there should be the concurrent action of each House and the approval of the President just as the Constitution requires his assent to any bill that may be presented. Therefore it is that I hope this substitute of mine may meet the approval of gentlemen of all political views in this Senate.

It is not worth while to speculate now on the possible tribunal in whom this judicial power, this power of discretion in regard to counting the votes, should be reposed. There can scarcely be a more important question for decision than that; but certain it is that it ought not to be left where it is now; it ought never to have been placed as it is now. For the last eleven years we have been living under this rule, and we have been living really under a Government not warranted by the Constitution. Powers have been claimed, powers have been exercised over this vital subject of determining the choice of the people, which ought never to have been claimed or exercised.

Sir, I hope that the proposition which I have moved in this shape will meet the approval of Senators on all sides of the Chamber, and that if it is necessary—and I believe it is—that the scant language of the Constitution should receive the aid of legislation in order to make it operative, it should be done in the forms of law and not under the form of a mere rule of consent which has no other existence than the pleasure of each House. For that reason I trust the amendment I have offered as a substitute for the resolution will meet the assent of the Senate.

Mr. EDMUNDS. I beg leave to suggest to my friend from Delaware, whose views on this subject in a very considerable degree agree with my own, that he withdraw this substitute at present and let us adopt the joint rules of the last session excepting the twenty-second, which we have already voted out. He and I both agree that at this moment we have no joint rules.

Mr. BAYARD. Pardon me; I did not say so, because the other House has not retired from the joint rules. The House, I understand, has adopted these very joint rules at the present session. The Senate is a continuing body, and therefore I do not think it is necessary for us to express their adoption.

Mr. EDMUNDS. Then I do not understand the answer. I understood the Senator to say that he did not believe in the power of any parliamentary body to bind its succeeding body, whether it be a popular body in the constitutional sense or a parliamentary body whose term of office has expired. I supposed he thought it could not set up a law for its successor which could bind that successor until there should be votes enough to change it. Whether the House of Representatives has adopted these joint rules at this present session or not I do not know. I have no knowledge of it. I have never seen any such statement.

Mr. BAYARD. Not in the record of debates?

Mr. EDMUNDS. I saw in the record of debates a motion to adopt the rules of the last House of Representatives; I did not see anything else. If there was a motion to adopt the joint rules of the preceding session, we ought to have been notified of that first. We have received no such notice. That I am sure of, and I am sure my friend from Delaware will see when he looks at the RECORD that it was the adoption of the House rules proper alone. That being the state of the case, we have not, as my friend and I both agree, any joint rules. We all agree, as the practice has been, that joint rules may be adopted by acquiescence, by acting under them without objection. Some of them provide for intercourse between the two Houses, and it may be that acting under one would not imply an adoption of another. I do not really think it would; but in drifting along in this way we are liable to be met by and by in one House or the other with the suggestion, "You have already got your joint rules for this session, however clear the law may have been that you had not any when you began your session, and it is now too late to make objection; and therefore you cannot change the twenty-second joint rule without the consent of both parties." I do not agree with my friend from Delaware that in a particular session, when the joint rules have been adopted by the concurrence of the two Houses, either may retire at its own will by simply giving notice to the other party. I do not think that is the law. I cannot see any foundation for such a proposition as that. We might as well say that any member of this body can retire from the observance of rules as soon as it displeases him. Of course two governments treating with each other may retire from a treaty; but, unless the treaty provides for retiring from it, they retire from it by breaking it. Of course if either House, as a mere matter of power, without regard to right, (which must be supposed to govern both Houses,) should say "We will disobey a joint rule which declares that messages from the House of Representatives shall be received through their Clerk, and that messages for the Senate shall be received there by our Secretary," the remedy might be difficult to find.

Mr. MORTON. If the Senator will allow me, I beg to suggest that the first thing to do, to make sure, is to get rid of the twenty-second

joint rule, and after we have done that, this will come in necessarily as a new resolution.

Mr. EDMUNDS. If my friend had waited a minute he would have found it unnecessary to make that suggestion. I was coming to that as fast as my slow way of doing things would allow. I was endeavoring to illustrate the necessity of doing what the Senator from Indiana has suggested by showing that at this present moment this terrible joint rule, as it is called, is not binding on either House. We have not any such rule; we have not any other joint rule; and yet we are every day doing things in accordance with some of the joint rules of the last session. My friend says that we may retire from these joint rules of our own volition without the consent of the other party. I do not think we can do that if they are adopted at this session, but if none of them are in force, of course there is nothing to retire from. We may disobey the rules and refuse to receive the Clerk of the House of Representatives. That is abolition, not retiring. We have no right to do it, in my opinion; but the point now is that we have, by a unanimous vote of this body, expressed our disposition not to re-adopt the twenty-second joint rule as a joint rule of the two bodies, as it now stands. The Senator from Delaware agrees with us all that there is nothing else in the joint rules of the last session which requires special investigation, or to which there is any special objection. Let us, therefore, as the simplest thing in the world, adopt the joint rules of the last session, omitting this one. Then we have a set of joint rules covering all subjects of our mutual intercourse. Then, as he says himself, the subject of counting the electoral votes for President is one that must be proceeded with on the basis of legislation, and not on the basis of a rule; and if we are to proceed with it on the basis of legislation, then we must inquire into it by a legislative committee, in the ordinary course of things, and have a bill reported.

So, then, I submit to my friend, with great deference to his views, that the simplest and clearest thing to it at this moment is not to press the substitute but to adopt the joint rules of the last session, omitting this one, and then we shall have a clear field with the legislative inquiry which he himself proposes and which is so desirable to us all.

Mr. BAYARD. Mr. President, I have no disposition to change any of the joint rules except the twenty-second, and I do not know that any one in either House has. The object for which I offered the amendment was to have the question of the powers of the two Houses over their joint rules examined and reported upon, and reported after a conference in regard to what legislation is expedient in regard to the matters embraced in the twenty-second joint rule. I have no objection to this resolution if it be amended in that way. It is of interest, of course, but it may not be important at this moment to decide as to the power of the Senate over the joint rules of the two Houses. The Constitution, on the subject of the rules, gives to each House the power to determine the rules of its proceeding. The very force of that word "determine" certainly is to put an end to any rule they may adopt. As to joint rules it says nothing; but as part of the business of the two Houses is concurrent, the power would be implied in each House to make rules for cases where its proceedings touch the proceedings of the other body as well as where they were confined to the action in the body itself. The power of each House to make rules having been expressly given by the Constitution, nothing more is to be implied; for I believe it is a safe rule that you are not to infer an implied grant of power from an express grant.

My present disposition is, with deference of course to the Senator from Vermont, to differ from him in regard to the power of the House at any time to retire from a joint rule on giving notice. Otherwise they would be tied up for the session irrevocably to a joint rule which, because it was a joint rule, had a binding effect which other rules could not have. The Senate cannot deprive itself of its power over its own rules; it cannot delegate any portion of this power to another branch of Congress; and it has no right to deprive itself of its power given to it for its own exercise in its sound discretion.

Therefore it is that I believe it is within the power of the Senate—I mean within the constitutional power of the Senate—to retire from any joint rule at will, under the forms prescribed by themselves for amendment and alteration of the law. I believe this idea is in furtherance of the necessary independence of each House of Congress from the other, in order to form a check on the action of the other, for this was designed to be a Government in which various checks should constantly interpose upon the power of each House. Each House was created with particular powers for the purpose of preserving those checks and balances in the Government. But I am anxious that the question shall be considered, and considered now by the respective Committees on Rules of the two Houses. I have no idea that there will be found any necessity for amending any of the rules but the twenty-second joint rule, and that, I believe, had better be tried, because it is leaving that subject under the machinery of a rule which ought to be dealt with only under the machinery of a law regularly enacted.

If it be the object of the Senate to repeal the twenty-second joint rule and to leave the naked language of the Constitution, insufficient and meager as it has been found to be, to stand in doubt and obscurity until the next count of the presidential votes, then I shall say they will fall very far short of their duty in my opinion.

Mr. EDMUNDS. I beg to assure the Senator that I have no such object. My object is to have the joint rules which are not embarrassed with the twenty-second adopted, and then to provide by legislation, as we attempted to do at the last session; and I think my friend's opinion and my own came very nearly together on the general topic, for that contingency, and leave the joint rules disembarrassed of this one for the time being.

Mr. BAYARD. What is the objection to allowing this question of the rules to be settled by a report of the two committees, after conference? The subject of the power of each House over the joint rules is before us.

Mr. EDMUNDS. My objection is that the very substitute implies that the joint rules, the twenty-second and all, are now in force—a proposition from which I totally dissent.

Mr. BAYARD. As a question of fact, I do not propose to join issue with my friend on that subject, because he is more apt to be right than I in regard to the action of the House. I was endeavoring to find by the RECORD the action of the House on the subject of rules. I find that other gentlemen near me have the same impression I have, that there was, by the House, an adoption of the joint rules as well as the rules of the House itself.

Mr. EDMUNDS. I have never seen it if there is anything of the kind.

Mr. WITHERS. I ask the Senator from Vermont if an amendment was not incorporated into the report of the House Committee on Rules, inserting the words "with the consent of the Senate," when they notified us of the adoption of the rules?

Mr. EDMUNDS. Does the Senator from Virginia ask me a question?

Mr. WITHERS. I ask for the Senator's recollection.

Mr. EDMUNDS. As far as I have seen any evidence of the action of the House of Representatives at all which was in the RECORD, all I saw was that on the motion of a gentleman from Pennsylvania the rules of the last House of Representatives, excepting certain ones which they did not wish to adopt, were adopted as the rules of the present House, and no reference was made to the joint rules. There was none that I saw; I am sure of that.

Mr. WITHERS. My impression is different, arising from the fact (which I have not been able to verify by reference to the RECORD on the subject) that there was an amendment moved "with the concurrence of the Senate," which I thought implied that action had been had on the joint rules as well as the separate rules of the House.

Mr. BAYARD. If there be no objection, I ask that the matter lie over informally. I think it is important.

Mr. EDMUNDS. I suggest to my friend that this is merely a proposition to the House of Representatives to adopt these rules, which we all agree ought to be adopted, except the twenty-second joint rule. If they have already adopted the joint rules, it is a proposition to them to adopt them again without that one. I am sure, as a matter of fact, that my friend will not find in the RECORD any action of the present House of Representatives upon the joint rules.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Delaware, [Mr. BAYARD.]

The amendment was rejected, there being on a division—ayes 22, noes 26.

Mr. BAYARD. I move to amend the resolution by adding to it—

And that the Committees on Rules of the Senate and House of Representatives be, and they are hereby, instructed to examine and, after conference, to report whether any and what legislation is expedient in regard to the matters considered in the present twenty-second joint rule.

That relieves the resolution which I first offered from the embarrassment which the Senator from Vermont seemed to apprehend, and merely requires the committees to report their views to Congress.

Mr. EDMUNDS. I suggest to my friend from Delaware that if he will offer that as an independent proposition after this matter is disposed of, so as to get some joint rules to act under now, his proposition, except so far as it relates to the legislative branch of the affair, would meet my entire concurrence. I have not the least objection to it; but it seems to me to be embarrassing a perfectly simple question in adopting the old joint rules by adding an amendment which does not provide for their adoption and leaves the whole thing open until we shall have, in the course of a month, an inquiry.

While I am up, if the Senator will pardon me because I am taking his time, I will say that I have found, through the kindness of my friend from Massachusetts, [Mr. DAWES,] on page 9 of the CONGRESSIONAL RECORD for the 7th of December, an entry of the action of the House of Representatives upon the rules, and I hope in reading the proceedings of the House of Representatives I shall be pardoned on this occasion, although, except on a question of joint rules, it might be out of order.

Mr. RANDALL. I submit the following resolution:

"*Resolved*, That the rules of the House of Representatives of the Forty-third Congress shall be the rules of the House of Representatives until otherwise ordered, except Rule 166 and Rule 167."

Then he provides for a committee on rules it is not necessary to read. Therefore the Chair will perceive, as well as my friend from Delaware, that there can be no question at all that that action of the House of Representatives related to its own rules, and not to the joint rules. It says so in its terms. And if it were possible to hold that the rules of the House of Representatives included the joint rules, that possibility is excluded by the fact that two of the rules referred to are named as the rules of the House proper, Rules 166 and 167. This resolution, after discussion, was adopted on the statement of the Chair, with the

assent of all hands, that nothing in the shape of rules of any preceding session, whatever they were, could have any force at all in that House until they were agreed to by the fresh body of men who had come in.

Mr. BAYARD. Do I understand the Senator from Vermont to consider that the action of the Senate in adopting certain joint rules, excepting the twenty-second joint rule, is interfered with by the amendment I have offered?

Mr. EDMUNDS. I understand it so. I understand that we are left with no other question open on the whole joint rules, except that not adopted, until both parties agree. The amendment is that on that we shall have an investigation. I may not have understood the amendment, perhaps.

Mr. BAYARD. I think the Senator has not understood the amendment. The amendment does not interfere with the action proposed by the Senate. His resolution proposes to do away with the present joint rules, except the twenty-second. I simply propose that the two committees shall report what legislation shall take the place of that joint rule.

Mr. EDMUNDS. But the trouble is that the House of Representatives may not be willing to have a joint committee consider the rules, whereas we need joint rules every day; and if we send over a proposition there, it must be taken *in solido*. They cannot adopt the joint rules without debate, and the proposition to have a committee may there lead to discussion. Some gentlemen there may have views that differ from those we have here, and in the mean time we have no joint rules and the thing drags along. If the Senator proposes this as an independent proposition, as far as I can now see it will certainly get my vote.

Mr. MORTON. I think it is too important to get clear of the twenty-second joint rule to let this opportunity pass. The adoption of the resolution, as amended now, strikes down the present twenty-second joint rule, and we are done with it. The adoption of the amendment offered by the Senator from Delaware will be construed to have the effect of an acquiescence in all the joint rules, including the twenty-second, and refers all of them to the action of the Committees on Rules hereafter. These committees may never agree, and there may never be an opportunity so favorable to strike down the twenty-second joint rule. Let us now strike down that rule by adopting the resolution, and then I am willing to vote for the proposition of the Senator from Delaware, and refer all the rules to a committee for revision. I think that is the safe thing to do.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Delaware.

The amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the resolution.

The resolution was agreed to.

Mr. CONKLING. Unless some Senator has business, I move that the Senate do now adjourn.

Mr. BAYARD. I would ask unanimous consent to consider the resolution offered by me, and which has been discussed at the present time as an independent proposition.

Mr. EDMUNDS. Let us hear it read.

The resolution was read, as follows:

Resolved by the Senate, (the House of Representatives concurring,) That the Committees on Rules of the Senate and House of Representatives be, and they are hereby, instructed to examine and, after conference, to report whether any, and what, legislation is expedient in regard to the matters considered in the twenty-second joint rule of the last session.

Mr. CONKLING. I have no objection, as I think I intimated before, to this action as an independent proposition in the language of some other Senators. I suggest, however, that we are about to do an unwise thing if we adopt this; for this reason: We have adopted rules, and to which, so far as we know, there is no objection in either House. After the House of Representatives shall have adopted these rules, then I see no more objection than other Senators do to this resolution; but we send now to the House, if this resolution shall go there as well as the other, two resolutions, one proposing to adopt the joint rules, and at the same time a resolution proposing to refer the whole subject to the committees of the two Houses on Rules. What impression does this convey? In place of this coming afterward as an independent proposition to take effect, it may be now, that for the time being we have adopted these rules, it goes as part of our action; and the result may be to defeat what we have just been doing, and that probably will be the result. Now, I suggest that we send to the House the resolution we have just passed. If the House concurs in that, then we shall have the state of case to which the resolution of the Senator from Delaware is applicable. But if we arrest, as I think we probably shall do, the action already taken, by passing this resolution, it seems to me we defeat the very purpose we have in view.

As I have risen to make this suggestion, I venture to make also another. The whole theory of this, it seems to me, is contrary to parliamentary practice. The Senator from Delaware proposes virtually a conference committee; for so it becomes. What is the mission of a conference committee? To reconcile differences between the two Houses. Now surely until we know that there is a difference between the two Houses, we do not need a conference committee; and then we do not need it as to any matter upon which the two Houses are agreed. Therefore I suggest to the Senator from Delaware, being entirely friendly to his purpose, that he allow this resolution to lie over for the time being. If the House concurs in the resolution we have already adopted, his resolution needs no change whatever. If on the contrary it turns out that the House has objection to other of these joint rules which we have now adopted, that we ought to know; and in the presence of that fact we ought to adopt this resolution. So it seems to me, and therefore I suggest that as the sense of the Senate has been taken on the rules as they stand, no objection having been made to any of them save one, we send that resolution to the House. When the House shall concur, then they will be joint rules, as they are not now, and then I shall see no objection to the resolution of the Senator from Delaware, and then I submit to him it will take the whole effect which he wants to give it whereas now I think it premature and likely to anticipate what has always been expressed as the judgment of the Senate.

Mr. BAYARD. My object in proposing a conference in this resolution was simply to secure consultation between the two Houses in regard to measures for their joint proceedings. I used the words perhaps unnecessarily, and they certainly seem open to the technical objection of the Senator from New York, for the objection is technical. If the committees were by joint resolution to be instructed, that very fact would signify that they had the opportunity of mutual consultation before they made the report, and the use of the word "conference" suggests to them that the rules to be reported to the respective Houses should be the same. The only object was to secure consultation. The words were put in, perhaps, unnecessarily.

But the Senate need not treat this as a matter of conference unless a committee of conference shall be found to be necessary. Every resolution that is to be acted on by the two Houses on a matter like this would seem to make a consultation between the committees necesary before they report. Otherwise there would be no use of the reports to each House. However, this resolution is to be considered by unanimous consent to-day or not at all. If objection be made from any quarter, it must go over. I was aware of that when I called it up; but at the same time after there had been examination by a committee upon a very important subject, I trusted there would be no objection. The question ought to be considered of the power of each House over the joint rules, especially in regard to matters embraced in the twenty-second joint rule which has just been excepted by the Senate. I thought no more important question could be brought to the attention of this body, and that the report of a committee of each House ought to be had upon it in order that we might know what proper action to take.

Mr. CONKLING. I do not like to interpose an objection against the resolution of the Senator from Delaware, but as he seems not to be strenuous about it at this time, I prefer that it lie over. I should like to have a concurrence of the two Houses on all these rules of which they are really agreed, to the end that we may have a completed record of these rules until we change them. We have adopted a mode of getting at them. I fear that if at the same time we send a resolution proposing a conference committee, or whatever it may be called, the force of our action may be mistaken by the House, and therefore although I do not like to interpose an objection I prefer that this resolution should lie over and be considered at what I think will be a more convenient and at all events a more wholesome time.

The PRESIDENT *pro tempore*. An objection being made, the resolution goes over.

Mr. CONKLING. I move that the Senate adjourn.

The motion was agreed to; and (at three o'clock and twenty-two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January* 20, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

PUBLIC PROPERTY IN WAR DEPARTMENT.

The SPEAKER, by unanimous consent, laid before the House a communication from the chief clerk of the War Department, transmitting inventories of public property in the possession of Bureaus of the War Department on November 30, 1875; which was referred to the Committee on Public Buildings and Grounds.

SHIP-CANAL BETWEEN THE WABASH RIVER AND LAKE MICHIGAN.

The SPEAKER also laid before the House a communication from the chief clerk of the War Department, transmitting, in compliance with the river and harbor act, a copy of the report of Major G. L. Gillespie, Corps of Engineers, of routes for a ship-canal to connect the Wabash River and Lake Michigan; which was referred to the Committee on Commerce.

ALASKA SEAL FISHERIES.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting, in response to a resolution of the House of Representatives, information relating to the seal fisheries in Alaska; which was referred to the Committee on Ways and Means.

CONTINGENT EXPENSES OF WAR DEPARTMENT.

The SPEAKER also laid before the House a letter from the chief clerk of the War Department, transmitting a report of expenditures of the Department and its Bureaus under the appropriation for contingent expenses for the fiscal year ending June 30, 1875; which was referred to the Committee on Appropriations.

DEPOSITS OF MONEY WITH ARMY PAYMASTERS.

The SPEAKER also laid before the House a letter from the chief clerk of the War Department, transmitting a petition of officers of the Army for such legislation as will enable them to make deposits of money with Army paymasters; which was referred to the Committee on Military Affairs.

POTTAWATOMIE AND WINNEBAGO INDIANS IN WISCONSIN.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, in accordance with a resolution of the House of the 6th instant, a report from the Commissioner of Indian Affairs upon the disposition of the Pottawatomie and Winnebago Indians in Wisconsin; which was referred to the Committee on Indian Affairs.

INTERPRETER FOR SNAKE INDIANS, OREGON.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a communication from the Commissioner of Indian Affairs asking an interpreter for the Snake Indians at Klamath agency, Oregon; which was referred to the Committee on Indian Affairs.

CLAIMS FOR INDIAN DEPREDATIONS.

The SPEAKER also laid before the House communications from the Secretary of the Interior, transmitting, in compliance with the seventh section of the act approved May 29, 1872, claims of the following-named persons for indemnity for losses by Indian depredations; which were referred to the Committee on Claims:

James Pulliam, Marcus Gonzales, José Rafael Martinez, Baker & Gilbert, Myron H. Holmes, Sabino Gonzales, Thomas Biggs, William H. Clark, William Paxton, Levi Powell, José Armigo, Samuel B. Parks, Maria Marta Gallegos, Eliza Hazelwood, Juan Maria Baca, L. J. Gylam, Candelario Garcia, Peniston & Miller, Frank Silver, Samuel Jacks, D. J. Murphy, José Ignacio de Lima, Ignacio de Silva, William W. Wright, Gaspar Ortiz y Alarid, Joseph M. Lindley, Nathan Williams, Vincente Garcia, Eugene W. Dow, Henry Rhine & Brother, Nazario Gallegos, E. B. Akerly, Francisco Naranjo, J. T. Hazelwood, José Tenoria, Miller & Harden, M. A. Mousseau, José Rafael Martinez, F. M. Phillips, Foote & Eichler, Manuel Romero, Re les Aragon, John P. Freel, C. P. Higgins, J. B. Richardson, José Merravale, Abel Lee, heirs of, Narcisso Santa Estaban, José Maria Garcia, José M. Garcia, Jesus Abram Mora, Romualdo Martinez, James Bordeaux, M. A. Mousseau, José Albiro, Romualdo Baca and Simon Baca, Miguel Casados, John H. Rouse, J. A. Browning, Z. B. Thibadeau, Julian Aragon & Brothers, James Comery, Hance, Hall & Co., Hester O. Sharp, José Rafael Martinez, John W. Cadwell, Frederick Fredley, David Conaway, Francis Fletcher, Lewis J. Gylan, Francisco Tomas Baca, John Sullivan, W. H. H. Sheppard, W. J. Hazen, Jesus Maria Gallegos, José Duran, A. G. Shaw, Patrick Bell, José Leon Gallegos, L. J. Gylam, Leonard J. Rose, C. M. Donald, Michael Duval, Miguel Esquibel, Jesus Casados, Preciliano Chaves, Vincente Serna, James K. Nixon, Lewis McCoy and others, Querino Gallegos, H. H. Stockman, C. W. Goddard, F. M. Shore, John Scissors, Nazaria Gallegos, José Otero and others, Juan Andres Contreras, S. Abieta, Grabriela Duran and Manuel G. y Duran, D. J. Gylam, P. Thorp and others, A. G. Shaw, Julian Salano, Manuel Romero, J. Briggs, Maria G. Gonzales, José Francisco Aragon, Post & Hedges, C. W. Cooper, P. B. McDonald, P. R. Tully and E. Ochoa, Marcus Ulibarres, W. S. Wilson, Miguel Casados, Thomas Chevalier, Antonio Cabeza de Baca, W. H. Fahey, Lorenzo Labadi, Rafael Romero, Felix Siebold, Thomas Knoit, Vicente Ferrel Lusero, Estabran Aragon, John M. Francisco, Francisco Medina, Anastacia Cordoba, Romualdo Martinez, William Shirley, Pedro Aguerre, Benito Larrogoite, Bantola Vigil, Antonio M. Ortiz, William B. Kyle, James Martin & Brothers, Ylario Gonzales, Santiago Gonzales, Gaudalupe Miranda, Gouvenor Morris, Pedro Armiga, José Maria Chavaz, Juan Lucero, Hilario Gonzales, Vicente Jarinillo, Francisco Gallegos, William M. Hardin, Rafael Luna, Joaquin Montoya, Juan Lorenzo Sair, José Antonio Chavez, Juan Antonio Armijo, Manuel Chavez, Robert J. Kyle, Gabriel Rivera, Miguel Montoya, Antonio Cedilla, Vicente Montoya, James T. Shed, Estanisalo Montoya, José de Jesus Lujan, J. F. Nall, J. M. Giddings and P. Beck, J. M. Giddings and P. Beck, Anthony B. Rohman, William B. Moss, Maxwell & Quinn, Vicente Baca, J. H. Devine, Ramon Romero, José Gregorio Garcia, Rayuon Vigil, Julian Gonzales, Joaquin Montoya, Samuel B. Stanton, M. Chavez de Lucero and Jerusila L. Chaves, heirs of Antonio Lucera, Ramon Romero, Joaquin Montoya, Juan Domingo Gonzales, Antonio José Luna, Romualdo Martinez, José Apodaca, R. Vaughn, John S. Luff, Ramon Galegos y Ribal, Daniel E. Moore, L. W. Vaughan, Antonio Sandoval, Pedro Aranna Paiz, A. Graham, Pedro Armiga, J. G. Halsell, Pedro Armijo, Sarah A. Hardy, A. Martin, Jesus Maria Chavez, James B. Lindsey, Fritz Eggert, Maria P. Harrander, Roman Garcia, S. Markham, Pedro Armijo, Daniel C. Kyle, Antonio José Luna, J. M. Conatser, Antonio Serafin Luzero, Manuel and Rafael Armijo, Francisco Tomas C. de Baca, Reges Aragon, Pedro Chavez, Rafael Apodaca, Hilario Gonzales, Pascual Baca, Lazaro Sanchez, W. W. McCoy, Elpifano Aguirre, Antonio Sandoval, William Ivers, Miguel Lena y Romero, Jesus Real, José Manuel Sandoval, José Armigo y Perea, Juan Sais, Antonio Sandoval, José D. Waranjo, José Marcelino Baca, José y Montoya, Donacinio Vigil, Juan Lovato, Vincente Martinez, Jesus M. Sanchez, Julian Lucero, Juan de Jesus Mores, Levin Mitchell, José Dalores Fernandez, Jesus Maria Baca, Esteben Garcia, Lafayette Head, José Benito Martinez, Jesus Maria Sanchez, E. L. Clark, Juan Luna, J. H. Baker, Pedro Torres, Juan Benito Valdez, Pablo Trujillo, Victor Garcia, Marcellino Baca, Francisco Salas, Juan Francisco Roybal, F. Tomas Cabeza de Baca, Antonio José Luna, José Anastasio, Caspar Ortez, Thomas Suaso, Felix Garcia, Juan Domingo Valdez, José Benito Martin, Pedro Torres, Nathaniel Roy, Francisco Gonzales, Juan Comez Sanchez, John Lowry, Juan de Jesus Vigil, Antonio Marcia Sanchez, Auguste Lacome & Bro.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. DOUGLAS. I ask unanimous consent that Senate bill No. 141 to amend the act entitled "An act to amend the charter of the Freedman's Savings and Trust Company, and for other purposes," approved June 20, 1874, be taken from the Speaker's table, read a first and second time, and referred to the select committee appointed to investigate the affairs of the Freedman's Bank.

There being no objection, it was so ordered.

Mr. BURCHARD, of Illinois, moved to reconsider the vote by which the order was made; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The morning hour now begins at twelve o'clock and eighteen minutes. The first business in order is the call of committees for reports of a public nature.

J. EUGENE ROBERT.

Mr. HILL. The Committee on Ways and Means have had under consideration the memorial of J. Eugene Robert, of New York City, praying for relief in the case of certain imported goods stolen while in transit from the steamer Santiago de Cuba to the public stores, and have unanimously directed me to report back the memorial and move that the committee be discharged from its further consideration.

The SPEAKER. If there be no objection, the memorial will be laid on the table.

Mr. WILSON, of Iowa. I submit that it must go to the Committee of the Whole.

The SPEAKER. The committee have reported adversely.

Mr. WILSON, of Iowa. Suppose the House vote upon laying the memorial on the table, and refuse to adopt that proposition?

The SPEAKER. Of course if that question arises——

Mr. WILSON, of Iowa. I raise the point that this proposition must receive its first consideration in Committee of the Whole, as it contemplates an appropriation.

Mr. HILL. This is merely a memorial, not a bill.

The SPEAKER. The Chair sustains the point of order that this memorial, if required, must have its first consideration in the Committee of the Whole on the state of the Union, but the Chair understands that the gentleman does not insist upon his objection.

Mr. MORRISON. I call attention to the fact that there is no bill accompanying this memorial.

The SPEAKER. The Chair understands that it is simply a memorial, which the committee report back adversely.

The memorial was laid on the table.

REDUCTION OF POSTAGE.

Mr. WADDELL. I am instructed by the Committee on the Post-Office and Post-Roads to report back adversely a bill (H. R. No. 3) to reduce postage and to move that it be laid upon the table.

Mr. CONGER. I should like to understand what is the character of the bill; for if it is of one character I should like to have it laid upon the table myself.

Mr. WADDELL. This is not a bill touching third-class matter. It was introduced by the gentleman from Rhode Island, [Mr. EAMES,] and provides for the reduction of postage on first-class matter to one cent for each half ounce, which the committee instructed me to report back adversely.

Mr. CONGER. To that I have no objection.

The bill was laid on the table.

JOHN B. DAVIS, OF TENNESSEE.

Mr. WADDELL, from the Committee on the Post-Office and Post-Roads, moved that that committee be discharged from the further consideration of the petition of John B. Davis, of Memphis, Tennessee, for relief, and that the same be referred to the Committee on Claims.

The motion was agreed to.

CHANGE OF REFERENCE.

Mr. AINSWORTH, from the Committee on the Post-Office and Post Roads, moved that that committee be discharged from the further consideration of the following cases, and the same be referred to the Committee on Claims:

A bill (H. R. No. 420) for the relief of John J. Thomas, postmaster at Hancock, in Washington County, Maryland;

A bill (H. R. No. 421) for the relief of C. H. Walker, postmaster at Frostburgh, in Alleghany County, Maryland;

The memorial of O. T. Letcher, postmaster at Bryan, Ohio, praying to be re-imbursed for currency and postage-stamps destroyed by fire;

A bill (H. R. No. 510) for the relief of W. C. Snyder, of Illinois; and

The petition of Mrs. Josephine E. Owen and 52 others, of Randolph, New York, praying for the relief of Josephine E. Owen, postmistress at Randolph, New York.

G. HARRIS HEAP.

Mr. HEWITT, from the Committee on Foreign Affairs, reported back a joint resolution (H. R. No. 11) authorizing G. Harris Heap, United States consul at Tunis, to accept the trust of commissioner of the Bey of Tunis.

The joint resolution which was read, provides that G. Harris Heap, consul of the United States at Tunis, be, and he is hereby, authorized to accept the trust of commissioner of the Bey of Tunis at the centennial exhibition at Philadelphia in 1876.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

JAMES CLARK SMITH.

Mr. MONROE. I am directed by the Committee on Foreign Affairs to report back the petition and accompanying papers of James Clark

Smith, of Dundee, Scotland, for indemnity for loss of £104 18*s.* 5*d.* in consequence of the seizure of certain clothes at the custom-house in New York. Mr. Smith is a foreigner, which is, I suppose, the reason why the matter was referred to us. But, in the opinion of the committee, it should properly go to the Committee on Claims. I move that the Committee on Foreign Affairs be discharged from the further consideration of the case and it be referred to the Committee on Claims.

The motion was agreed to.

PENSIONS AND BOUNTY LAND.

Mr. JENKS, from the Committee on Invalid Pensions, reported back a bill (H. R. No. 1340) supplementary to the several acts relating to pensions and bounty lands; which was read a first and second time, ordered to be printed, and recommitted.

CHANGE OF REFERENCE.

Mr. JENKS also, from the Committee on Invalid Pensions, moved that that committee be discharged from the further consideration of the following cases, and the same be referred to the Committee on Military Affairs:

Application for special act for the honorable discharge from the United States medical service of Benjamin Penny, late private in Company G, Forty-fourth Ohio Volunteers; and

Application for special act in the case of Eldridge Weaver, late private in Company C, Seventeenth Illinois Volunteers.

CORRECTION OF ERROR OF ENROLLMENT.

Mr. DARRALL, from the Committee on Enrolled Bills, reported back, with the recommendation that it do pass, the bill (H. R. No. 828) to correct an error of enrollment.

The bill was read. It sets forth in its preamble that in the enrollment of the act approved March 3, 1875, making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1875, and prior years, and for other purposes, an item which passed both Houses was inadvertently omitted; and that in order that the same shall have the validity which it was intended to have by the action of Congress, it therefore authorizes and directs the proper accounting officers of the Treasury Department to give John S. Chapman, late collector of internal revenue for the second district in the State of Louisiana, credit in the settlement of his accounts for the sum of $900, taxes collected, which was lost or stolen while in course of transmittal, in a registered letter, through the Post-Office Department.

Mr. HOLMAN. I think that should go to the Committee of the Whole on the Private Calendar. I think the point of order would operate against the bill as making an appropriation.

Mr. DARRALL. I hope the gentleman will not object to the passage of the bill.

Mr. HOLMAN. I withhold the point of order until the gentleman makes a statement.

Mr. DARRALL. This bill simply provides that an item in the deficiency appropriation bill, which was omitted in the hasty enrollment on the last day of the last session, should become a law. It was passed by both Houses of Congress. There is no question about that. The record will show it. It was investigated by the Committee on Enrolled Bills, of which I was chairman, in the last Congress. And this bill provides that the item inadvertently omitted shall have the validity which it was entitled to have by the action of Congress.

Mr. HOLMAN. From what committee does this bill come?

Mr. DARRALL. From the Committee on Enrolled Bills.

Mr. HOLMAN. The gentleman makes the report from that committee?

Mr. DARRALL. I do; after an investigation by the committee of the record of the last Congress.

Mr. HOLMAN. It seems to me almost impossible that an item of that sort should have been deemed germane to the sundry civil bill.

Mr. DARRALL. It was an item in the deficiency bill. The records of last Congress will show, and I can refer the gentleman to the page, that this item originated as a Senate amendment, was adopted by the House, and passed by both Houses.

Mr. HOLMAN. I suppose if it was a mere error of enrollment the point of order should not be insisted on.

Mr. DARRALL. It is nothing else.

Mr. HOLMAN. Then I do not insist on the point of order.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ORDER IN THE HALL.

The SPEAKER. There is still too much confusion in the Hall. The Chair is informed by one of the officers of the House that very much of this confusion is made outside of the seats of members and by gentlemen who are on the floor by the courtesy of the House. It will become the duty of the Chair, if gentlemen so enjoying the courtesy of the House do not better use it, to order the space outside to be cleared. Gentlemen outside the seats of members are requested to cease conversation or to retire to the cloak-room.

CENTENNIAL CELEBRATION OF AMERICAN INDEPENDENCE.

The SPEAKER. The call of committees having been completed, the Chair recognizes the gentleman from Pennsylvania, [Mr. HOPKINS,] who rises to move that the House resolve itself into Committee of the Whole on the Centennial appropriation bill.

Mr. STARKWEATHER. Before that motion is put, will the gentleman from Pennsylvania allow me to suggest that before we go into Committee of the Whole it would be well to limit some time in which this debate should be concluded. I suppose there are a large number of gentlemen who wish to speak. I do not wish to cut off the general debate absolutely, but I think it would be well if the chairman of the committee would indicate some time when the hour-debate should terminate, after which we would have the five-minute discussions under the ordinary rule for discussing such bills in Committee of the Whole.

Mr. HOPKINS. I am willing to submit the question of time to the judgment of the House.

Mr. HOLMAN. I desire to suggest, inasmuch as it is understood that quite a large number of gentlemen desire to be heard, that even during this day and before adopting the five-minute rule a less period than one hour be accepted by unanimous consent as the time in which gentlemen shall deliver their remarks to the House. I therefore suggest that by unanimous consent it be ordered that debate to-day be confined to twenty-minute speeches.

Mr. RANDALL. I would suggest to the gentleman from Indiana that one of the gentlemen who has an hour to-day, the gentleman from Georgia, [Mr. COOK,] has parceled that hour out to various gentlemen. I would agree, however, that after two hours there should be a limit of twenty minutes.

Mr. HOLMAN. I accept that suggestion, modifying it with the consent of the gentleman from Pennsylvania so that after two hours the speakers be limited to fifteen minutes.

The SPEAKER. Does the gentleman from Pennsylvania [Mr. HOPKINS] yield to have that proposition submitted to the House?

Mr. HOPKINS. I do.

Mr. BANKS. I wish to inquire if that is a proper motion to come from the other side of the House, which occupied nearly the whole time yesterday with two able speeches against this bill? I must object.

The question being taken on the motion of Mr. HOPKINS, that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of the Centennial appropriation bill, it was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. WOOD, of New York, in the chair,) and resumed the consideration of the bill (H. R. No. 514) relating to the centennial celebration of American Independence.

Mr. TOWNSEND, of New York. Mr. Chairman, I use the language, slightly modified, that John Adams used a hundred years ago, when he said "I am for the Declaration." I am for the Celebration. A hundred years ago we were a feeble folk, scattered over a vast extent of country, and with a population of less than three millions. A hundred years have made us a nation of more than forty millions; a nation made up of material second to no nation now on the face of the earth, and second to no nation that ever existed. If there be a nation among the dominions of the earth that has hitherto been proud of its achievements, that nation is the United States of America. We have just expended more than $5,000,000,000 to render it certain that this nation shall exist. We have spent $5,000,000,000 to have a centennial. That money is expended, and I put it to my side of the House to say whether we should grudge a million and a half of dollars to show to the nations of the earth the quality of our people and their progress in arts, agriculture, and manufactures. That is the way I feel in regard to this question. And when you come to the constitutional question, the question of right, I say, sir, that if a nation has a right to exist it has a right to show to the world that it does exist. That is the whole constitutional question that troubles me. [Laughter.]

Now, sir, we have had an appeal to us in behalf of the poor. What has this nation as a nation to do with that question? Our strict construction friends on the other side of the House tell us that that belongs to the States. I join hands with them on that subject; it belongs to the States; it does not belong here. Gentlemen on the other side of the Hall are eternally quoting the scriptures. My emaciated friend from New York, [Mr. WILLIS,] who has appealed so eloquently in behalf of the poor, is a good, Christian man; I have known him a long time. And I want to call his attention to the fact that two thousand years ago a woman was wild enough to go and waste a box of ointment on the feet of a most eminent individual. One of those looking on, whose name was Iscariot, said that the ointment might have been sold for three hundred pence and the money given to the poor. [Laughter.] There is another verse which refers to this interference in behalf of the poor which I will not read. My friend may read it at his leisure.

Now, sir, I sympathize with the poor, and it is because I sympathize with the poor that I want this nation to flourish and be honored at home and abroad. The poor of this country occupy a position which the poor of no country before ours ever occupied since Adam and Eve, going on a farming expedition, emigrated from Eden. [Laughter.] I am for this appropriation for the benefit of the poor.

But I must refer to the gentleman from Texas, [Mr. REAGAN.] He is on my side on this question. In the most kindly and becoming manner he talked about the poor, as if Texas was poor. Texas poor? Good God! [Laughter.] There is not a gentleman on this floor who has not been asleep for the last fifteen years who does not know that Texas to-day has four times the material wealth that she had in 1860, and I was assured by a worthy gentleman on this floor from that State

whose word I take as law that the population of the State has actually doubled since 1870.

Mr. REAGAN. Let me say to the gentleman that his information is not correct. There is now in Texas a degree of adversity and poverty rarely witnessed in the civilized world.

Mr. TOWNSEND, of New York. The gentleman has the misfortune to suppose that I am nothing but a wild Yankee; but I can assure that gentleman that a large family, dear to me, nursed in my very bosom, are not only residents of Texas, but were there before the revolution from Mexico, and that their large landed propety has more than quadrupled in value since 1860. I understand all about the present condition of Texas. I am a breeder of cattle in Iowa for the market, and when I go West to look after my flocks I find the Texas cattle which were rendered numerous by the events of the war now sent to feed and fatten in the parks of Colorado, on the plains of Laramie, and on the prairies of Kansas and Nebraska; and when I go there, the broad horns of those cattle are shaken in my face as a good strict constructionist sometimes shakes his head across this floor at us poor unhappy republicans. [Laughter.] And when the gentleman from Georgia [Mr. HILL] shook his clenched hand at me I felt as I do when I meet a Texas steer.

The gentleman [Mr. REAGAN] wants to show how Texas is suffering. Sir, Texas has sent us one representative, apparently for the very purpose of showing her famished condition. She could not have shown her suffering condition better by sending a sack of three hundred and fifty pounds of sweet cream, and the Speaker has never done a more graceful or proper act than he did when he made that gentleman chairman of the committee on the sufferings of Texas. [Laughter.] And now I am going further in this thing of talking about suffering. I know our southern friends are suffering awfully. They suffer as our northern financiers suffer. The suffering of the democracy of Pennsylvania and Ohio is for more money. The financiers of the cities are suffering from too much money. [Laughter.] But through our broad country, except in some branches of manufactures, there is very little suffering as compared with the catastrophies of other days.

And, sir, the cotton States are no exception to the general condition of the country. Sir, the production of cotton last year was within one-fifteenth of the largest in the history of our country. The largest production was in 1860, when God was good to us all and gave to the South its largest crop of cotton and to the nation Father Abraham. [Laughter.] If we can rely upon the reports of the production of cotton, this year the production will be equal to the best year in the history of the Republic. But that is not all. The production of breadstuffs in the cotton States is so much greater than it formerly was that I may safely say that last year the cotton States raised more what is for the comfort of man than ever before. I acknowledge that it was not divided as it used to be before the last war. When we started with this Republic we disregarded God's law, which He laid down for His own people, the children of Israel, "Thou shalt not muzzle the ox that treadeth out the corn." We left the muzzle on. But during the war the muzzle has dropped from the ox and never can be put on again. Now, in the division of the products of the cotton States the ox, that is, he that does the work, shares a little in the proceeds.

And let me say to our strict-constructionist friends on the other side that, if it should be the case in the cotton States that there is more attention paid to the Constitution than there is to the fields of cotton growing there and to the working people, there will be a mighty danger that these fellows who till the soil will become possessed of the soil itself and the defenders of the Constitution will grow poorer and poorer.

I have said this much about the alleged poverty of the country. I claim that the agricultural interests in the United States since 1872 have prospered equally with those of any other three years in the history of the Government. I say it because I am a farmer myself, as well as a lawyer, and share in the proceeds of farms and in the suffering upon the farm, whatever that is. My constituents suffered some last year, and from what cause? My constituents who are farmers raised potatoes, and the difficulty with them was the abundance of God's blessing. He poured it out to us—in potatoes, [laughter,] in heaping measure, pressed down, shaken together, and running over, and consequently the price was low; otherwise there was no suffering with us. But those potatoes make an excellent substitute for food, and we do not starve. [Great laughter.]

Now I want to say a word in reply to the gentleman from Virginia [Mr. TUCKER] who talked to us so long yesterday and so eloquently about the Constitution. He seemed rather to sneer at my friend from Maine [Mr. FRYE] who could not understand the quidaities of a strict constructionist's opinions of the Constitution. Now I acknowledge myself in the same category with the gentleman from Maine. As a lawyer, I should have confidence enough in myself to think that I could sit down and come to some sort of a conclusion about the Constitution, as to what you might do under it and what you might not. But in the school of strict construction God only knows—and it is only because I believe in God's omniscience that I can believe "that God knows"—what a "strict construction" of the Constitution would be. [Laughter.]

I must not say, Mr. Chairman, [Mr. WOOD, of New York,] that you and I have seen this out for a great while, for you are a young man compared with myself. [Laughter.] But I have seen this thing out certainly since 1830. The great apostle of strict construction, Mr. Calhoun, from 1816 to 1824 believed that the only true method of supporting this Government was by duties on importations. It happened that New England run all the ships, while his part of the country did not run any. By and by it happened to be the fact that these unconstitutional Yankees took advantage of the state of things which the strict constructionists from South Carolina had created, and they went to manufacturing. By 1824 our great apostle of strict construction had his doubts, and by 1830 he discovered that this method of raising means of supporting the Government by duties on importations was altogether unconstitutional. He could not find anything about it in Madison's writing, and I presume he had the same manual the gentlemen from Virginia [Mr. TUCKER] read from yesterday. He was in as much trouble as a distinguished gentleman here a few years ago was about the proposition to pave Pennsylvania avenue. He declared that he could not find the name of Pennsylvania avenue in the whole Constitution from beginning to end. [Great laughter.] In 1830 Mr. Calhoun and South Carolina, his home, (it was a different South Carolina from what it is to-day and represented differently,) resolved to nullify the acts of Congress. Mr. Chairman, we, above all others, remember who was President then; it was not James Buchanan; it was Andrew Jackson. And he said, "By the eternal, I will hang every South Carolinian who undertakes to nullify the acts of Congress higher than Haman." Mr. Calhoun did not give up his opinions but he gave up the fight, as I think a certain other fight would have been given up had Andrew Jackson been in the presidential chair instead of James Buchanan.

From 1830 to 1860 we had it off and on, in season and out of season, and without any season and without cessation, arguing that we were not a nation, arguing that we had no power to live. But even during that time the great strict constructionist, Mr. Calhoun, had this question presented to him: "Shall this great nation suffer the people of Ireland to starve in their famine or shall the nation from its abundance send them food?" The great father of strict construction voted for that proposition. And I commend to the future studies and reflection of the gentleman from Virginia, who addressed us so eloquently yesterday, [Mr. TUCKER,] that vote of Mr. Calhoun. I am bound to mention incidentally that it would help the democratic party to conciliate the Irish vote. [Laughter.] I do not think that influenced his vote; no, he was above it, away up in the cerulean regions of the Constitution. [Great laughter.]

Again it happened that a Yankee adventurer up in the polar regions of the icy north found the Resolute, a ship which had belonged to the squadron of Sir John Franklin, and Mr. Mason, of Virginia, a great strict constructionist—and I believe it was the same one that went to Europe with Slidell to help the confederate cause—believed that it was his duty and privilege to move in the Senate to appropriate $40,000 to fit up that ship and send it home to England. That was all under strict construction.

I said I could not understand this constitutional question. I do not want my friends on the other side who participated in the "late unpleasantness" to suppose that in what I am going to say I intend to say anything unkind, for I am not; I only want to talk this matter over a little, and I do not want any gentleman to shake his head at me, because that scares me. I am simply trying to find what this constitutional question means.

About 1860 and 1861 it was held by some gentlemen that under the Constitution a man owed his first allegiance to his State, holding that we were a confederacy of States; and as one State after another went out officers of the Army and officers of the Navy "followed their State," because they thought they held they might under the constitution of their own State and in virtue of their rights under the Constitution of the United States. One gentleman after another left this Hall because he thought it was his duty to "follow his State" under the Constitution. They went out and fought gallantly against our people. I say not a word in disparagement of them. I stand here to give the right hand of fellowship to any man who loves our political Zion and glories in the stones thereof, whatever may have been his past antecedents.

Robert E. Lee, whose body it seems rests in the district and in the town of the gentleman from Virginia, [Mr. TUCKER,] held an office in the United States Army. He resigned that position, and did so under a belief that it was his constitutional duty to "follow his State." Well, the fight began. But it was found as soon as the fight did begin that Harry Gilmore of Maryland, Blanton Duncan of Kentucky, John C. Breckinridge of Kentucky, and Humphrey Marshall of Kentucky, all felt themselves just as strongly bound to follow "the Constitution" and fight against their own States, neither of which ever went out of the Union, as Lee and the gentlemen above mentioned did to fight for theirs! Now, how can I, a poor unsophisticated Yankee, living up where the air is less pure, less cerulean, understand what the gentlemen mean by constitutional scruples! They must go out because their State goes out; and they must go out and fight because their State does not go out!

Mr. WILLIS. May I ask my colleague whether he concedes that there is no power in the Constitution to make the appropriation here asked for?

Mr. TOWNSEND, of New York. All I have to say is that I have here a record that on a certain occasion when a man undertook to look after the poor, [holding up the New Testament,] it was said that he did not care for them. [Laughter.]

Mr. WILLIS. I will ask the honorable gentleman——

Mr. TOWNSEND, of New York. I have not time to go into that question. I want my friend to get over his leanness, and "laugh and grow fat." [Laughter.]

Mr. WILLIS. I wish to ask the gentleman whether he finds his rule of construction in the book he holds in his hand or in the decisions of the Supreme Court?

Mr. TOWNSEND, of New York. I am not bothering my head with that. I am going on with my talk. I came here to have it. [Laughter.]

But I have another constitutional difficulty, and I want particularly to commend it to the strict constructionists of the other side. In the progress of the war that we had in this "unpleasantness" the Government of this country, administered by "black republicans"—fellows that have heads shaken at them as the gentleman from Georgia shook his head at us the other day—found it necessary to issue greenbacks. Now I undertake to say that the tears that have been shed over the unconstitutionality of the greenbacks on the democratic side during the war, before the "unpleasantness" ended, and which have been shed by those who were against us since their return, would fill, if collected, not a lachrymatory such as they used to put in tombs in the olden times, but would fill the biggest demijohn that a democratic constituency ever emptied. [Laughter.] Their mourning was like the mourning of Hadadrimmon in the valley of Megiddon.

True, the Supreme Court by a majority decided that Congress did not act unconstitutionally in issuing greenbacks under the exigency of the case. But, my friends, I am an old Jackson democrat; a Jeffersonian democrat; and, but for that slavery question, I should be a democrat to-day. The difficulty with me was that I followed Jefferson; I read what Jefferson said in his Notes on Virginia; and, thank God, I believed it; and any country that would prosper must believe it. We held, and Jackson held, that the decision of the Supreme Court could not bind the conscience of a member of Congress; and therefore members of Congress are not bound on this question when new legislation shall arise.

Now time ran on. The men who issued the greenback intended that at some day not far distant we should return to the old Bentonian and Jacksonian currency: hard money. That is what those who put out the greenback generally understand, though some do not. Now here in this House the other day I was mightily instructed to see the vote on the motion of the gentleman from Indiana, [Mr. HOLMAN.] A few gentlemen from the Northern States voted with him; but pretty much the entire confederate phalanx, the whole body of Constitution-loving strict constructionists marched up as one man to the inevitable "deadly breach" and voted for greenbacks. Now, I say that, in view of these things, I cannot understand what a man means by strict construction of the Constitution. Good God, who can understand it? [Laughter.]

I will tell you what from all this I understand a strict construction of the Constitution to be. I understand that, if a strict constructionist wants a measure to succeed, it is constitutional; and, if he does not want it, it is unconstitutional. [Great laughter.] I understand, sir, that the legal position was perfectly expressed by an Irishman in my district. He bought a horse, and when a man owns property he thinks it is the best thing in the world. He led out his horse and showed it to his neighbors. One neighbor, wishing to worry him, asked him whether his horse had the glanders. "What is it you call the glanders?" asked the Irishman. "It is not for me to tell you, but I want to know whether your horse has the glanders?" "Well," said he, "if he is better for the glanders he has the glanders enough, but if he is the worse for the glanders he has not the glanders at all." [Great laughter.] Now, the gentleman from Virginia must pardon me, but I think this question has not got the glanders at all. [Renewed laughter.]

But, sir, I stand here as a representative of the people of this country, however unworthily, and I am bound to take notice of another thing which dropped from that gentleman. That gentleman put forward the proposition, in substance, that this people are not a nation, that we were a confederacy of States. True, his more experienced northern democratic neighbor from Indiana begged of him not to open that question. Still it was put forward here. Now, sir, from 1790 and earlier, up to 1860, that question was debated in every assembly, in every meeting of Congress, upon the hustings, and in State Legislatures. It was argued as a man would argue with his brother, sometimes fiercely, sometimes in good temper, sometimes calmly, and sometimes in bad temper. In 1860 a constitutional majority of the country, in the way the vote was cast by the people, elected Abraham Lincoln and a Congress that held with Lincoln that this was a nation. An appeal was then taken from this decision of the people to the arbitrament of war, and from 1861 to 1865 brave men on both sides, noble-spirited men—Americans—met in the terrible arbitrament of steel to settle upon the battle-field whether we were a nation or not. This was the question brought up in this court of appeal. I see the gentleman from Virginia is a lawyer; I am a lawyer; and we understand how questions of appeal are disposed of. It was argued on one side with apparent success on one field, and with apparent success upon the other side upon another field, from Gettysburgh to New Orleans, from the ocean to the Sabine, from Belmont to the Gulf, and final judgment was rendered on the appeal in the gentleman's own district at Appomattox Court-House. Final judgment upon that appeal was rendered and recorded then, and I wish the gentleman from Virginia had gone to Appomattox Court-House and read up the record before he came here with a view to open that discussion again and throw this country into a new turmoil.

Does anybody think we are not a nation? Is this any less your nation, my Virginia friend, than mine? Have I any more glory in this nation than you have? If you are to prosper, are you not to prosper through this nation? If you are to go abroad, do you not go with the passport of this nation? If you are to blush in Europe for your country, is it not for this country? And if you are to be proud in Europe, and step two inches higher than any other man, do you not do it by virtue of the fact that this is your country? [Laughter.] Let alone the great "unpleasantness;" that is over. If we are honest men, kindly men, that is all over.

I tell you, gentlemen, that this is your nation and my nation. We are all one. I do not know how it will be up at Philadelphia, but I will talk about that by and by. Here it is our country, and our capital. My district is part of your country, and your district, my friend, whether you feel good-natured or ill-natured, is part of my country. It is so under the Constitution.

Now, sir, I have said thus much, let me say further. Shall we be honored; shall we be respected? Is England going to get any advantage of us? Are you going to have John Bull shake his head at you and say things are done a great deal better at "'ome?" What did we have this fight on our side for? I am willing to refer it to the other side. It was that we should be a great country, big enough to meet all the world, and to fight all the world if necessary. We wanted you side by side with us—just the men who are here, for we knew you were brave before the war, but you did not know we were, and there was never a more disappointed people in the world than you were. [Laughter.] I will confess here before you that the miserable creatures we sent to Congress, who always yielded everything when you clamored, cheated you into that struggle. [Great laughter.] You found that we are as brave as you are yourselves, and we and you always respect a man who has the courage of his opinion, while we despise a sneak.

Now, having gone so far, I stand here to make a confession. I am bound to do it. The other day I heard that dreadful cry come up from the gentleman from Georgia, [Mr. HILL.] I heard his indictment read against us. And I am sorry to say that although most of the speech of the gentleman from North Carolina [Mr. WADDELL] was honorable, high-toned, and magnanimous, there were a few words which I did not like, and which grated on my ears. Centennial and amnesty have been made to run together. I am not going to say much about amnesty. I am going to make confession. The gentleman from Georgia arraigned us republicans and told us, with his closed hand shaking at us, that we, a whole hundred men of us, had violated every oath and had committed every crime. Now, I am going to confess that we have been guilty of several things. And, first, I confess that we sat here when he was gone and tried to save this country so that there should be a centennial. We were "fanatical" about it. We were "mad." We were "crazy." And our fanaticism did not stop on this side of the House. On the other side of the House, if I am correctly informed, the chairman of the Committee on Appropriations, the gentleman from Pennsylvania, [Mr. RANDALL,] so far partook of the fanaticism as to buckle on his knapsack in this fanatical cause; and many another brave man now voting on the other side was led, beguiled, cheated, into joining us in our "fanaticism." We fought the fight out "wickedly," "madly," "maliciously," and we say we are guilty of it. We have to own it before God and man.

But, Mr. Chairman, it was the fanaticism of those men over there and here and their associates which saved this country. But for that we should have been in a beautiful condition now, split in two in the middle, and God knows in what condition the inside would have appeared. [Laughter.] But, secondly, I am bound to make further confession to the gentleman from Georgia. We were guilty when we had two-thirds of both Houses of Congress of doing away, by a vote of two-thirds of both Houses, all the disabilities of every member on this floor who participated in the confederacy. Being "madly," "wickedly," maliciously determined to injure these men and not let our hatred die out, we let them in here—these men, the sixty-one fine-looking gentlemen who walked up here together the other day, unable to take the full oath. We were guilty of letting them all back here and of not saying and of never having said an unkind word of them or to them since they returned. We do not think quite kindly of Jefferson Davis, but he is not here. This kindness to our sixty-one associates is a piece of wickedness which I know should not be forgiven in this world or the next. I know it is unchristian.

Why right here sits the gentleman from Massachusetts, [Mr. SEELYE,] although he is not in his place just now. He made a beautiful speech here the other day. But, Mr. Chairman, what long days of summer have I passed in the old church in Troy, listening to line upon line, and precept upon precept, from that gentleman telling me that there could not and there should not be any pardon except upon confession and repentance. I know we have not lived up to that doctrine. [Laughter.]

The gentleman from New York [Mr. COX] quoted scripture here on one of the first days of the session, and again we had the scripture brought in here yesterday afternoon—the Old Testament both times. They went back to the old dispensation; to Greece and Rome and the Old Testament; and Elijah, and the Lord knows what. I was taught to read that book in my boyhood, and saw then the terrible things narrated in the Old Testament. I remember that the people of God

when in the wilderness murmured against him, and that he announced the decree that, of all who came out of Egypt and murmured against Him, from twenty years old and upward, no man should ever enter the promised land but Caleb, the son of Jephunneh, and Joshua, the son of Nun. And it did occur to me the other day when gentlemen were quoting scripture that it would not have been injurious to the gentleman from Georgia if he had been left a little longer in the wilderness. [Great laughter.] But we let them come out of it, I own and confess it before God and man and the other side of the House and the country.

Nor is that all the wickedness we have committed. We have done more. What have we done to a portion of these men of the South who went to Brazil after the surrender at Appomattox? Those men said "this is not our country; we won't live in it; we will go to Brazil, where in its jungles we can enjoy the benefits of the 'unbroken constitution' and the 'principles of '98.'" They went there, and they had just as good a time of it as their friends have had here during the unpleasantness—only for a little longer period. And now this miserable republican party and republican administration have violated the Constitution by sending "maliciously and fanatically" a ship of war to Brazil to bring these fellows home at the expense of the Government. [Laughter.] And when I confess these things I do not much wonder at the feeling of horror and detestation that seemed to fill the bosom of the gentleman from Georgia the other day. It is almost too much for poor human nature to bear, but I hope he will live through it.

There is another confession I want to make here. The dropping off of the muzzle of the ox that treadeth out the corn, the dropping off of the muzzle from the working population at the South has rendered it possible for seven colored men to occupy places on this floor. They represent just about a million of the forty millions of the people of the United States. Now I am bound to say that these men during the time I have sat here have come into this Hall well dressed; they assume the carriage of gentlemen; they insult no man; they encroach upon no man; and in the few instances when they have arisen to address the House, it has been done with an intelligence, a deference, and consideration that might do credit to any statesman in any land. But I acknowledge for them, in response to the jests thrown out against them by the member from New York [Mr. COX] the other day, that their faces are not quite so light as the brilliant Saxon color of the gentleman from New York. [Laughter.] They are guilty of that, and I hope they will not be punished for it. I hope that gentlemen on the other side of the House will treat with deference these colored men just struggling into political existence, standing here, as they do, as the representatives, not merely of their direct constituencies, but of four million people their kindred. I hope that no gentleman will again, while I have a seat upon this floor, pain me by alluding to the fact that they are colored men. [Applause.]

Now, sir, I have gone over this matter and I want to make another point in reference to it. I want to beg the gentleman from Georgia [Mr. HILL] that if in future discussions he finds me so wicked, to spare me. I am young and timid. [Laughter.] And when a gentleman in the zeal of his advocacy tells me what has never been told me before, that I "have violated every oath and been guilty of every crime," and advances a half step toward me shaking at me his closed hand, it frightens me. And in the evening and in the night I do not see the lovely countenance of the gentleman from Georgia, but I dream of Preston Brooks and that terrible bludgeon that he used to carry about the Halls of the Capitol. I hope that in future the gentleman will confine himself to debate and not to threats, and not to go to war for the next half century whatever else he may do. [Laughter.]

Mr. STENGER. Mr. Chairman, I should not have troubled the House or this committee at so early a period in my congressional service were it not for the fact that I am a member of the Pennsylvania delegation. Voting, as I shall vote, against this bill, I desire that my reasons shall be given for so doing. I have listened, sir, with great pleasure, and delight even, to the witty speech of the honorable gentleman from New York who has just taken his seat, [Mr. TOWNSEND.] And I have done so particularly for the reason that it is in such striking contrast with the little speech that was made by my colleague from the fourth district of Pennsylvania [Mr. KELLEY] on yesterday. For it will be remembered, Mr. Chairman, that, while the House was in a very amiable and pleasant mood under this discussion, the lugubrious tone of my colleague fell upon our ears as he read the burial service at the interment of my colleague from the twenty-third district, [Mr. COCHRANE.]

I read from the remarks of the honorable gentleman:

Mr. KELLEY. Mr. Chairman, as I listened to the well-rounded periods of my youthful colleague, and remembered that he did not utter the sentiments of one-tenth of one per cent. of his constituents, I could not help thinking of the disagreeable habit imposed upon the Trappist monks of digging their own grave the day they enter the order and making it a part of their daily duty to see that it is in good condition. I do not know through what association of ideas it was, but that fact was present with me through the whole of his remarks.

I listened to him as though he were an oracle. I paid strict attention to him because I felt that if there was any man on this floor who was competent to speak by authority and experience on this subject of grave-digging it was my colleague from the fourth district, because, if half the reports which come to me from Pennsylvania be true, he for the last year and more has been engaged in the business of preparing his own sepulcher. [Laughter.] But, sir, I was not so uncharitable and I am not so uncharitable to-day as to hope or believe that as to him shall be applied the remark of the clown in Hamlet, who, speaking of the grave-digger, said, "the houses that he makes last till doomsday." But, sir, when my colleague went a little further and proposed to take care of the remains of my other colleague, I felt that he was undertaking an utterly impossible task. I know very well his great energy, I know his great ability, and I respect him for both; but, sir, if it be true that he has dug his own political grave, is it not a strange thing for him to attempt to take care of the remains of my colleague? For will he not then be playing the double rôle of the corpse and the sexton at once?

Now, Mr. Chairman, stripped of all the tinsel trappings with which the friends of this bill have adorned it; setting aside for a moment the sneers which have been thrown across this Chamber against gentlemen who doubt the constitutionality of this bill, let me state what is the naked proposition contained in it. Why, sir, it is that the Congress of the United States shall appropriate a million and a half of dollars to a body-corporate with no liability on the part of the Federal Government whatever for any debts or expenses which that corporation may contract, and with a right to share *pro rata* in the assets of that corporation. More than that, sir, it is a demand on the part of the friends of this bill that the Congress of the United States shall thus take stock in what they confess to be an insolvent corporation.

Now there is no doubt about this being a corporation. I have used the very words of the bill, which provide that this shall be constituted "a body-corporate." Afterward in one of the sections, I think in the act creating this centennial board of finance, it is spoken of as "a corporation." Now, the gentleman from New York, [Mr. HEWITT,] to whose address I listened with very great pleasure the other day, and who gave us a vast fund of information of which I was certainly entirely ignorant before, but which I now know was true and correct—the gentleman from New York says that this is not a corporation in any fair sense of the term. Why not? What feature does it lack? I admit, as the gentleman insists, that it is a corporation framed and authorized for a public purpose. I admit all that. But there is a clause in section 10 of the act approved June, 1872, which provides—

That as soon as practicable after the payment of its liabilities to divide its remaining assets among the stockholders *pro rata* in full satisfaction and discharge of its capital stock.

That is, they are to realize the revenues which flow into this exposition, and if there be not enough to cancel the par value of the capital stock, they are to be the losers; if there be more, if the assets of this corporation when they come to wind up will more than pay the debts and the capital stock, then they are to have that excess divided among them.

Now it is no answer to that to say to me at this late day that there is no prospect of there being any additional revenue over and above the liabilities and the stock. We must look at this act of Congress as it was at the time it was framed and to the ideas which gentlemen then entertained as to what this exposition would yield. I submit that from the very fact that these gentlemen came here and took their charter from the United States Government upon the condition that the United States Government should not be liable for a dollar of expense or debt, they had the idea that this institution or this corporation would be a paying corporation.

I have said that I shall vote against this bill. I do not intend to weary the House with a protracted argument upon the constitutionality of this question. Not that I care at all for the sneers which come from the other side of the House—not at all. But I think the ground has been well covered by the gentlemen who have preceded me in their able addresses to this House. There is one fact, in addition to what they have said, which clinches the matter in my mind; that is this: the very discussion this bill has given rise to upon this question of constitutional power on this floor, the very fact that over in the other Chamber the best minds of that branch of Congress have been engaged in the discussion of this question, and there has been a clash of able intellects upon it, satisfies me that I ought not to vote for this bill. If there is anything clear in that Constitution it is this, that the powers that are not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people. And to doubt the exercise of a constitutional power is with me to decide the question.

I desire, however, while I am on that point, simply to call the attention of the House to a remark made by my colleague, the chairman of the Centennial Committee, [Mr. HOPKINS.] He said:

I will not weary the House by quoting any lengthy extracts, but will refer simply to the fact that Washington in his first annual message said:

"I cannot forbear intimating to you the expediency of giving effectual encouragement as well to the introduction of new and useful inventions from abroad as to the exertions of skill and genius in producing them at home."

He cited that as evidence of the fact that we have the constitutional power to pass this bill. Why, sir, the recommendation of President Washington is covered by one of the enumerated powers of the Constitution; there is no doubt about that whatever. At the close of section 8, article 1 of the Constitution, enumerating the powers of Congress, we read this: "To promote the progress of science and useful arts, by securing for a limited time to authors and inventors the exclusive right to their respective writings and discoveries." The gentleman need not strain the Constitution to find the authority for the recommendation of President Washington in that message, because it

is among the enumerated powers. I maintain that, unless there is an express grant of power to Congress in the Constitution or a clear implication flowing from an express grant, there is no shadow of authority to pass such a bill as this. So, believing in its unconstitutionality, I shall vote against the bill.

I am not unmindful of the considerations which have been urged upon this floor in favor of this bill. I am not unmindful of the fact that it appeals to the patriotism of this House. I have listened with great pleasure to the eloquent appeals which have been made by gentlemen to that sentiment. While I claim to be as good a patriot as any man on this floor, while I love my country, while I love her rivers, her lakes, her mountains, her valleys, her prairies, I love her Constitution and her institutions more.

I am not unmindful either that we are told that this is to be the centennial year; that this is to usher in the era of peace and good-will in this land. I ardently and devoutly trust in God that that may be true. I represent a district lying along the southern border of the State of Pennsylvania, a district that was exposed to the raids, and ravages, and incursions, and invasions of the enemy. I have seen the property of my people taken away by the enemy. I was an eye-witness of the indescribable horrors of that terrible July day when Chambersburgh went down in flames. I saw her people driven early in the morning from their burning homes, saving nothing scarcely of their earthly possessions but the clothing which covered their nakedness. Yet I voted with the utmost cheerfulness the other day for general and unqualified amnesty. I did it because I believed that my people cherished no vindictive or retributive feelings toward the people of the South. I believed that they, in common with the vast majority of the people of this country, are anxious that the era of peace and good-will shall be ushered in; are anxious that this century, which has seen the shackles stricken from every slave, should be crowned with the glory of the removal of all political disabilities from every citizen of the United States.

Nor am I unmindful of the fact that it is said the national honor is involved in this question. We are asked to pass this bill because it is said we shall violate the national honor if we do not pass it; and this cry comes with special weakness, it seems to me, from the other side of this Chamber. Why, sir, on three several occasions the Congress of the United States, in which there was a majority of republican gentlemen, have deliberately declared to this centennial board of finance that not a dollar should be given by Congress to defray the expenses of this exposition. They did it in the act creating the centennial commission; they did it in the act creating the centennial board of finance; they did it in the very act in which they authorized the President of the United States to invite foreign nations here. Yet, notwithstanding those declarations, put upon paper for the whole American people and for the whole world to read, they come here and say to us that we shall violate the national honor if we do not pass this bill.

Mr. Chairman, it seems to me the national honor can best be preserved by following the letter of the Constitution. I know of nothing which authorizes the violation of that Constitution. And when my colleague from the fourth district [Mr. KELLEY] yesterday threw his sneer over to this side of the Chamber against my colleague from the twenty-third district [Mr. COCHRANE] because of his constitutional scruples, I was led (the association of ideas, as the gentleman has said, is a strange thing)—I was led to this thought: around me sit a large number of new members—a larger proportion of raw material, as the newspapers say, than has existed in this legislative body for a long period in our history; and as I heard my colleague sneer at constitutional scruples, I thought that possibly it might be that the "tidal wave" of which some gentleman spoke the other day, which brought in all these new members, this raw material, had received its force and strength and volume from the fact that the people were tired of these men who sneer at constitutional scruples; that they had come to the conclusion that they did not want any longer in the public service men who have such withered, dried up, or cauterized consciences that they cannot see the force of a constitutional objection which protects the public Treasury.

I am not unmindful of the fact that it has been said that this will put a very small burden upon every citizen of the land. Why, Mr. Chairman, we are the representatives of the American people; we sit here to do their bidding under our own ideas as to the Constitution of the United States. What demand has been made by the people for this appropriation? Why, sir, the centennial board of finance sent out their invitations all over this land to the people to subscribe for their stock. What was the reply that came back?

Mr. Chairman, in the very carefully prepared address delivered by Mr. Bullitt at the centennial banquet, he gave a statement of the stock subscriptions that had been made; but I am sorry to say that I cannot find in it the number of stockholders. The total stock subscriptions are $2,357,750. The stock is subscribed for at $10 per share. Out of all the 40,000,000 people in this Union, not more than 237,000 of them can have subscribed to it. Of course the number is not so large; because many private citizens and many corporations that have subscribed to that stock have taken more than a single share, which would reduce the number of stockholders very materially. More than that, a quota was assigned to each State of the Union. What was the response which came up from the States? Why, sir, I find that outside of Pennsylvania four States have subscribed: New Jersey, $100,000; Delaware, $10,000; Connecticut, $10,000; New Hampshire, $10,000; and the city of Wilmington, Delaware, $5,000 more, making a total of $135,000 subscribed by the States of this Union to the centennial board of finance.

Now we are asked to pass this bill, although Congress, sitting here from 1871 down, said, "We will not give a dollar to this." We are asked to pass it, although the people of the Union have said by their refusal to subscribe to it that they are not able to subscribe; we are asked to put on their shoulders the burden which they have refused to take upon themselves. We are asked to do it though the States have refused to give more than the pitiful sum of $135,000.

Gentlemen may say that the amount is small; but, sir, the aggregate amount is large for this nation. We are to-day staggering under a heavy load of debt, amounting to $2,200,000,000; but, notwithstanding that fact, we are asked to add $1,500,000 more, after the States and people have refused to do it. We are asked to pass it by our votes, and to impose upon the State of Pennsylvania, which in the liberality and generosity of her citizens has given $4,700,000, the duty of paying $150,000 more; for she will have to pay one-tenth of the whole. She has done far more than should have been required of her already, and I am unwilling that her people, suffering as they now are from the hardness of the times, shall be taxed any further on account of this exposition, which the other States of the Union should have made a success long ago.

Now, sir, let me read a few words (and I shall not detain the committee much longer) from Washington's Farewell Address to his countrymen:

> As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible; avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense but by vigorous exertions in time of peace to discharge the debts which inevitable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate.

Sir, in the line of that advice, following in the footsteps of the Father of his Country, leaning upon that address for my justification in this business, I refuse by my vote to impose upon the people of these United States any additional burden for this centennial exhibition.

I now yield whatever time I have remaining to the gentleman from Georgia, [Mr. FELTON.]

Mr. FELTON. Mr. Chairman, I have but a few minutes to speak on this subject, and I desire first to say as a southern man I am opposed to this bill, but I am influenced by no vote this House has given upon the question of amnesty. If this House has seen proper to perpetuate a wrong, that is no reason why I should vote against my convictions. My opposition to this bill is not opposition to the centennial exhibition; for that exhibition I wish success. I trust it will be the means of sending to the ends of the earth the story of American genius and the triumphs of American industry. More particularly, I desire it may be the means of fraternizing the too-long estranged sections of our common country. But when Europe and all the world assemble in Philadelphia, I want them to learn lessons which will be valuable in all after life.

The gentleman from Maine [Mr. FRYE] on yesterday stated that we had challenged the world to come and compete with us in our material industries. That is right. When they come, if they learn that we make the best mower and reaper, that we manufacture the best sewing-machine, that we turn out the best plow, that we can exhibit the best specimens of manufactured iron, that we have the richest and most inexhaustible resources in the world, mineral, agricultural, and commercial—when they learn all this, as they will, they will learn that which is valuable to themselves and to us.

But, sir, as they study and profit by these lessons, I want them to learn another great truth, namely, that here is the best government the world ever saw. When Europe, Japan, and China, and other nations gather next summer in the birthplace of American freedom, we must teach them this lesson. I think it is one of the grand missions of the centennial year to teach this grand lesson to all European and Asiatic monarchies and despotisms. They have been reared up to believe that it is impossible to carry on any valuable enterprise without the intervention of the government. They have been instructed, sir, that the government must furnish the money for every interest in which the nation is concerned, or which is of interest to its people. In old Rome if a gladiatorial show was demanded as a Roman holiday, the government arranged the programme and footed the bills. In Spain if a bull-fight is required for Spanish recreation, the government is the principal stockholder in the enterprise. The result of all this is the exaltation of the government and the political degradation of the people. Now, when they come to Philadelphia to attend this international exhibition, this centennial report of political freedom, let them learn that here government is dwarfed, and the people "are all in all;" that the intelligence, the wealth, the industries, and all the material and intellectual glory of the nation is deposited with the people.

In my judgment, if you pass this bill, if you associate the Government pecuniarily with this enterprise, making it the principal stockholder, you will sacrifice the only distinctive badge which gives it prominence and significance as the centennial exhibition of a republican Government. You subordinate the people and their individual

wealth to the wealth and power of the Federal Government. You exhibit to all Europe tendencies to the same centralism under which they have been trained and by which they have been crushed.

I am opposed to this appropriation because it is in direct conflict with the previous action of this House. One of the first acts of this House was to pass a resolution declaring it unwise, in the present financial condition of the country, to vote any appropriations of money or lands or bonds in aid of any private enterprise. Was that vote mere child's play? Was it intended as a pleasant fraud upon the tax-payers of the country? Or was it given with a mental reservation in favor of this measure or has the financial condition of the country so far improved since that time as to authorize a liberal departure from its provisions? We gave that vote in good faith, and the country received it as a most auspicious opening of the Forty-fourth Congress. That vote was a contract between the Representatives in this House and their constituents, ratified by universal approval. Shall we break that contract to-day? If violated in one part, it is violated in all its parts, and you open the doors of this House to every scheme which seeks partnership with the national Treasury.

This is a private enterprise, managed and controlled by private corporators, in the interest of individual stockholders and in my judgment we have no constitutional right to vote the public funds for such a purpose. I am no lawyer, but the gentlemn from Pennsylvania [Mr. COCHRANE] and the gentleman from Virginia [Mr. TUCKER] yesterday absolutely exhausted the argument demonstrating the unconstitutionality of the bill.

I was amazed, sir, and interested by the line taken by the gentleman from Maine, [Mr. FRYE.] That gentleman seemed to sneer at allusions made to the Constitution. It was to him a matter of amusement that there should be reference to that sacred instrument of the Government. He asserted that it was a cover under which every defeated party was in the habit of taking shelter. I know, sir, that it has been the custom in this House to sneer at the Constitution as something obsolete. But, sir, let me tell the gentleman that, while it has lain there lifeless, bleached like the dry bones of Ezekiel, the people of this country have once more breathed upon those bones, and it will not be long, sir, until you see bone coming to bone, until you see sinew and flesh and skin, and the principles of that old Constitution shall stand up a living army, to do battle once more for human freedom. [Applause.]

This money is not intended to develop any of the resources of the country; is not intended for protection or for relief. The financial stringency now felt throughout the country is unparalleled in its history. The pressure upon labor and all of our industries is intolerable. Manufacturing establishments are suspended; merchants are failing; agriculture is unprofitable; and general bankruptcy threatens the land. In the midst of this universal distress you are asked to vote a million and a half of the tax-payer's money for a mere exhibition.

But we are told the character of the nation is involved, and that the glory of the Republic is to be measured by the success of this international exposition. Sir, I trust we are too well established to be affected by such cheap displays of our wealth or such pompous publications of our "stock in trade." The glory of this nation consists in the freedom of the people, in its adherence to constitutional principles, and in the intelligence, morality, and material prosperity of its citizens.

Mr. COOK, obtained the floor, and yielded ten minutes of his time to Mr. JONES, of Kentucky.

Mr. JONES, of Kentucky, addressed the House. [His remarks will appear in the Appendix.]

Mr. COOK. Mr. Chairman, I shall not enter into any extended discussion of the constitutionality of this question, nor shall I undertake to follow any of the gentlemen on the other side of the House who have seen proper to spread themselves over such a large extent of territory, unless it be to reply to some statements and charges which they have made. With me, sir, this is a simple question of duty, and the obligation I owe to my country especially and to my immediate constituents. That is the only pathway, the only light, I shall seek to follow. The Constitution of this country limits the power of this Government for taxation, and unless the power can be found directly given for that purpose it cannot be derived by any forced construction of that instrument. We have no authority to pass this bill. Judge Cooley, a very able man, in his work on Constitutional Limitation—and I must say to the gentleman from Maine [Mr. FRYE] and the gentleman from New York [Mr. TOWNSEND] that the Constitution was not an enigma to him, for he had studied and understood it—laid down this principle, that whenever the power to tax the people is doubtful, the doubt should be in favor of the tax-payers as against the tax-gatherers of the country. The soundness of that principle must commend itself to the intelligence of members of this House. What, sir, is the great object of government but to protect the citizen in his private property as well as in his personal liberties? It should be confined absolutely and exclusively to those two great purposes.

The honorable gentleman from Maine [Mr. FRYE] seemed to regard the Constitution, as he said himself, as an enigma. He had studied it as a riddle; he felt no more bound by it than he would be bound by a rope of sand which would be swept away by every wave of passion, or worse, a rubber band, which could be stretched to cover every outrage which they might seek to perpetrate upon the people. The honorable gentleman from New York [Mr. TOWNSEND] seems to have equally as vague, uncertain, and indefinite ideas of it and his obligations to it. The great difficulty which gentlemen from New England have labored under always in regard to the Constitution of their country has been the reason why one of her most distinguished Senators doubted the divine authority of the Bible—he was not the author of it. The reason why these gentlemen do not regard their obligations to the Constitution is that they did not write it. Perhaps the only article of the Constitution which gentlemen from New England insisted on or had incorporated in it was that which extended the slave-trade for twenty years when the South was protesting against it. My own State, while a colony, prohibited slavery for forty years, while every ship that sailed from Boston was freighted with rum and other goods to bring back slaves; and the people of the colony of Georgia protested against its introduction, but Great Britain finally inflicted the plague upon us. We know how principles and men have changed since. When the twenty years had expired, when you had filled your coffers from this inhuman traffic, then you turned upon us and brought this wreck and ruin upon the country. I do not propose to reply to the harsh language. I will not characterize it in any stronger terms than that with which we have been assailed from day to day and from year to year since I have been a member of this House. I have treated it with silent contempt.

Mr. Chairman, I would not have sought this opportunity to address the House, but gentlemen who have been arguing this bill have suggested that my position and that my vote against it would be construed as a feeling and sentiment against a great and glorious development of patriotism which this exhibition is to produce, and that because of the defeat of the amnesty bill. Now, sir, I voted against the proposition two years ago in this House. My vote stands recorded on the Journal of the House against this appropriation, and that immediately after gentlemen on the other side of the House had, with the most remarkable unanimity, passed an amnesty bill which relieved every man in the land. The only thing that has ever induced me to question the correctness of my vote on that occasion was that I found myself voting with the republican party, or at least with a large and distinguished portion of them. And I say that my loyalty to the Government, my fealty to the obligation which I have taken, cannot and must not be measured by the vote I have given or the one I may give upon this question.

The gentleman from New York, [Mr. TOWNSEND,] who seems, next to his Maker, to know almost everything, from the long-horned cattle of Texas to the potatoes of the North, and everything else, does not know the condition of the people of my State and of the South. Our people are in extreme poverty; they are ground down by taxation and burdens heavy and crushing, imposed upon them by this Government and by a State government not of their choice, but a State constitution imposed upon them by Congress. Yet, to show their good faith and the credit they possess in the estimation of others, I will say that to-day their bonds in the market of New York rank higher than the bonds of any other State, except perhaps those of Massachusetts; they are above par.

There is an old maxim, a universal principle of law, deep and wide-prevailing, that a man should be just before he is generous; that he should discharge his obligations before he gives away his property. That should be as true of and as applicable to the Government as it is to the citizen. Your committee-rooms, our desks here, are filled with petitions and memorials and applications asking compensation for property destroyed and wasted and consumed by a set of lawless officials scattered through our country immediately after the close of the war.

Two years ago, and again this session, I introduced a bill into this House, and it was referred to a committee, proposing to refund to the people from whom it was taken some eight or ten million dollars for cotton seized by the Government long after the amnesty proclamation. The Supreme Court of the United States, by a unanimous decision, has decided that that property belonged to the people from whom it was taken, and that this Government holds the proceeds to-day in trust for these people. And they have decided that the oath of loyalty which is required of these people before they can have any claim for this property is void and unconstitutional; that the power of pardon and amnesty given to the President cannot be restrained or restricted by the legislation of Congress. That is the decision of the Supreme Court: they recognized the Constitution; they recognized its obligations. And if I had the time and power of speech, I would like to pay a tribute to that tribunal, that, amid the shocks of war and the passions of bad men, has stood firm to its traditional integrity and turned back the waves of bitter feeling and passion that threatened to overrun every right of property.

Now I will ask gentlemen if they are willing to give back to our people the money which you hold in trust for them? There was $60,000,000 of money taken from the South by means of cotton taxes when we had no representative upon this floor, when our voice could not be heard here. In reference to a further case which was carried to the Supreme Court, that tribunal divided, the Chief Justice not being present. And apply Judge Cooley's doctrine, that where the power to tax is doubtful the doubt should be given to the people. These people ought to have this money, from whom it was most unjustly taken. Yet who of these gentlemen are ready to-day to vote for the bill which I have introduced to refund this money in the form of your bond to the

people of our States? And yet they come forward here and propose to lay an additional burden of taxation upon us of one and a half million dollars.

I have this further to say: gentlemen on that side, who have sought to show our constitutional power to do this thing, have wandered through the Constitution from one provision to another, like a New England tramp or carpet-bagger, in order to find some crack or crevice through which they might enter the treasury of the country and perpetrate this great plunder. They have gone through the Constitution, but they cannot locate this power any where. If I had the power of speech or the genius to depict the scene which the gentleman from Pennsylvania to-day and the gentleman from Pennsylvania yesterday tried to describe, when he spoke of our armies marching along, Federal and confederate, and the shout that would be raised when the bands struck up Yankee Doodle. I would refer them to what was done here this session, when almost the first proposition offered here from the other side was a resolution that Union soldiers only should hold offices in this House; that no confederate or rebel could be a watchman or a doorkeeper in this Capitol, and the promptness with which the senior member of that State voted for the resolution. How much patriotism was there in all that? Where did his patriotism come in there? He wanted our votes for this music, but here he could not dance to the music of rebels in this House.

I want to say this, that the men upon that side of the House, as well as those upon this, who were in the war, who witnessed its horrors upon the battle-field, its deaths, its carnage, its wounds, its blood, who heard the groans of anguish from the thousands of brave men upon each side who, as they gave up their lives, asked the mercy of heaven upon their companions and prayed for success for their flag, are not the men now seeking to revive the bitterness of that strife. But those men whose patriotism sent them to the rear in the hour of battle are the men who now have the courage to come forward for that purpose. I was opposed to the last war, and opposed it until my State seceded, when there was no use in further opposition. When I entered the war I did it as a man would stand up for his father and mother when they were wronged and insulted, and I gave the best service and years of my life to the contest. When it ceased, when our arms were laid down and our flag was surrendered, from that hour to this I have had no other object than to yield an honest heart and faithful obedience to all the laws of my country, and to keep faithfully the obligations which have been imposed upon us. I have gazed upon the stars in the flag which hangs over your head, Mr. Chairman, but to feel their stripes through the Freedmen's Bureau and your military government established over us.

But that time has passed, I trust never to return. I would not utter a word or do an act that would turn back the feeling of sympathy and kindness or reunion that is being manifested throughout this great land by all soldiers and true men on the one side and the other. Those politicians who never saw a battlefield, except that at Bull Run, (and they saw more of the run than of the battle then,) they are the men who now come forward and seek to array prejudices against better men than they are, and whom they did not meet in the hour of strife. And when they say that my silence gives assent to the harsh and false charges they make against us, I think respect for myself and a decent respect for the opinions of mankind compel me to say something in reply. It is merely in that view that I have said what I have.

I yield to the gentleman from Massachusetts, [Mr. BANKS,] and I do it with much cheerfulness, for he is a man who, having stood beneath the shadow of Bunker Hill and drawn inspiration from the scenes there enacted, having illustrated his courage in war and his statesmanship in peace, has had the magnanimity and the patriotism to make a speech upon this floor that will commend itself to the universal sentiment of the country when the "small fry" who have acted otherwise will be forgotten.

[Mr. BANKS addressed the House. His remarks will appear in the Appendix.]

Mr. SWANN. Mr. Chairman, I propose to say a very few words upon this most important bill, and I will premise by stating to this House that I have been in favor from the time it was introduced here of the centennial exposition which we are now fast approaching. I am here, sir, as one of the Representatives of the State of Maryland—the State, Mr. Chairman, in which the illustrious Washington laid down his commission and bequeathed to an admiring people the results of his labors in the field and the glorious institutions under which we now live—I am here, sir, not for the purpose of making a sensation speech. I am a practical man, and I presume that the honorable Speaker of this House placed me in the position that I now occupy because he thought, that if I could consistently with the honor of this country, I would preserve, with my associates upon the Committee on Foreign Affairs, the peace of this great nation. And if, Mr. Chairman, my friends entertained that opinion of me, they have not been mistaken. There is no one who would do more to maintain our friendly relations with all the world and the honor and dignity of this country than the humble individual who stands before you.

It was a source of very great regret to me, Mr. Chairman, that the debate which engaged the attention of the House, within the last ten days, should have resulted in a condition of things which, as a representative from the State of Maryland, I could have desired had been otherwise. We have seen introduced here, a discussion on the reminiscences of our unfortunate war, which no man deplores more than I do. We have indulged in heart-burnings, in criminations and recriminations, which no State in this Union regrets more than the State of Maryland, and I am here to-day, to show our desire for peace and a forgetfulness of the past, by extending the hand of fellowship to every gentleman on this floor, be he democrat or republican, in all sincerity, and from an earnest desire to cultivate the most friendly relations with all. There is no man on the other side of the House to whom I do not to-day extend the right hand of fellowship, that our heart-burnings and bickerings may cease and we may go forward hereafter with a single purpose to maintain the advancement and honor of this country.

Mr. Chairman, I am here as an advocate of this centennial appropriation. I owe it to myself, and I think I owe it to my State, and I assure this House; and I believe I represent the people of the State of Maryland when I say, that we mean to cast our votes—I will not say as a united phalanx—for the object and purpose of this bill. My honorable friend from New York [Mr. HEWITT] who sits before me, has referred to the objects and plans of this Centennial. That gentleman, with whom I am in daily intercourse, as a member of the Committee on Foreign Affairs, has explained what his plans have been as a member of the committee on finance of that association; and I will take occasion, sir, to refer to it here as an illustration of the manner in which that centennial exposition has been conducted, by the able and capable men who have been selected to preside over it. The gentleman from New York occupies a position perhaps one of the first in all that relates to the material prosperity of that great city, which he represents in part on this floor, and there can be found in the whole State of New York no more competent or reliable man. The confidence which his name and high character justify, and to which I deem it my duty to refer in this connection, as a member of the centennial finance committee, is due equally to that philanthropic and benevolent man [Mr. Welch] who has been placed at the head of the committee, and whose character and reputation are so well known to all. It gives assurance that everything has been done that can be done to protect the public interests, and I felt gratified that such a statement was made on this floor, by a gentleman so capable as the one making it, in whose hands I think the interests of the country will be safe. With your permission, sir, and with the permission of the House, I will read what that distinguished gentleman—a member of the Committee on Foreign Affairs and a member of the centennial committee on finance—said in reference to this matter and in this connection. I propose also to say one word in relation to the position of the city of Philadelphia and the State of Pennsylvania:

> Of the $5,187,000 already raised the people of that State have contributed $4,700,000 and the remainder of the United States have subscribed $500,000. Pennsylvania has thus paid for every foot of space that will be occupied by American exhibitors, so that the other States will be the guests of Pennsylvania alone.

I read this, sir, because the House will find that it gives an assurance of the able and economical manner in which this whole business has been conducted in the raising of the money necessary to carry out this great exposition.

> Every dollar subscribed outside of that State has been appropriated to paying for the accommodation assigned to the foreign exhibitors, and if the other States had subscribed, as they should have done, enough to pay for this foreign space, no application would have been necessary to Congress. With a delicacy as rare as it is generous, Pennsylvania has refrained from referring to the fact that at her own cost and charge she has made ample provision for her sister States, proving by this act of self-denial that she is altogether worthy of the singular honor which she enjoys in being the birthplace of American Independence thus to be celebrated within her borders in its centennial year by all the people of the United States and all the nations of the world, including even the mother country from whom the memorable Declaration separated us politically forever.

And again, Mr. Chairman, I will say in reference to this explanation, that my friend expresses the opinion in another part of his remarks that this exposition will be largely reproductive to the country and that its salutary effects will not only be immediate but permanent. Now, sir, I attach the greatest importance to the testimony of this distinguished gentleman, occupying the position that he does, in the city of New York, connected with many of its great enterprises and with most of the prominent men representing that State, and he has given assurance to this House, an assurance that cannot be questioned for a moment as to honesty and directness of purpose, that this exposition will be economically and successfully managed, and that the country will realize the result he has indicated in his speech.

In regard to the State of Pennsylvania there has been a clamor here that she has done little, has not done what she ought to have done. Now, Mr. Chairman, I happen to know the facts. Pennsylvania has not only appropriated to the extent of her ability, but the city of Philadelphia has come forward with a zeal and determination to carry out this purpose which could not have been surpassed, in all probability, by any other State or city in this Union. The enumeration of the amounts subscribed will be found in the speech of my honorable friend before me, to whom I take this occasion again to pay a just tribute to the activity, energy, and enterprise with which the distinguished chairmen of the Centennial and Finance Committees have discharged the duties intrusted to their hands. And with regard to the city of Philadelphia, when we speak of the small amount she has contributed; when we speak of her indisposition to do what was expected at her hands more than she has done, it must be recollected that that city is now engaged in gigantic enterprises of her own. She is, sir, engaged in constructing

an edifice which will cost when completed $15,000,000—a contribution to art, paid for by voluntary contributions of her citizens, unsurpassed in any part of the world, and which will redound to the honor and credit of that great city, and for which we cannot fail to admire her liberality and public spirit.

Mr. Chairman, when this centennial appropriation came up for consideration it was doubted whether or not it came here representing the Government of the United States, or whether Philadelphia designed to take charge of the whole appropriation now asked for at the hands of this House. I beg to say that I never supposed for a moment at any time that the State of Pennsylvania single-handed and alone was competent to provide the large amount necessary to give full effect to the measure, with a zeal better calculated to make it of such a character as to comport with the credit of the country and with the dignity of the nation.

It was asserted very early that the State of Pennsylvania meant to bear the whole burden of this enterprise; that she desired no aid from this Government. Now it seems to me that it was utterly preposterous to suppose that any such enterprise could be undertaken unless it was national in its objects, unless it relied upon the nation for the countenance that would be necessary to carry it out in such a way as would make it honorable to the dignity and position of the Government. I will do her the justice to say, and I take this occasion to say it, that she has covered herself with honor in the untiring efforts which she has been making, and which I am proud to say she has now nearly completed. And if this celebration is successful, it will add still more to the hold she has already taken upon the gratitude of the people.

Mr. Chairman, when the centennial was before Congress last winter, I, with other friends of the measure, watched with great interest the feeling of the country, as manifested both here and elsewhere, as to what was best and most practicable to be done by this Government to carry out what was then proposed.

The plan of a centennial exhibition, to show to the nations of the world our advance in power and greatness, was well received as a measure of national importance. It was, however, as you know, presented simply as a state enterprise; and there were those who boldly claimed, as they honestly believed, that the State of Pennsylvania wanted no aid whatever from the General Government. I regretted at the time that such a declaration was made, tending as it did to retard the action of this House and to lead to confusion and distrust among some who desired the prompt action of Congress upon the subject. I regret it still, as injudicious and ill-advised. The object to be accomplished was stupendous in its proportions and, as I believed then and still believe, beyond the power and resources of any individual State. While I did not desire to see the brave and patriotic State of Pennsylvania thwarted and kept back in so noble a purpose by any inability to do what her generosity and love of country had prompted, I could not but admire, in common, as I believe, with the whole country, the noble and patriotic zeal which prompted it.

I should be less than human, Mr. Chairman, and certainly less patriotic than I claim to be, if I could stand coldly by and see this brave and gallant State struck down in an effort which now and in all time to come, result as it may, must attach to her honored name.

Coming from Maryland, one of the original thirteen States of this Union, more closely allied than any of her sister States to the stirring incidents of our revolutionary history, I should be doing injustice to her if I did not raise my voice as one of her Representatives on this floor in advocacy of a measure which cannot fail to redound to the credit and glory of our common country now and in all time to come.

From the landing of the Pilgrims down to the present moment Maryland has watched with interest the steady progress of this great Republic, until she has almost reached the point of success in all that has been foreshadowed in the inauguration of the great event for which we are here to-day to give the national support required to insure success. Are we to falter in the discharge of this patriotic duty?

So far from doubt or hesitation at such a moment in voting the amount asked for in this bill to give national importance to what we may do to signalize the great events through which we have passed and to make the proposed exhibition the starting-point of a new era worthy of the past and an earnest of the assured future which is already beginning to dawn upon us, I am free to say that I would, if my vote would accomplish it, make the coming centennial free to the people of all the States of this Union, and bid them come in their strength to participate in the national jubilee, and to unite in convincing the world that the half had not been told of our power and resources as a nation.

Mr. Chairman, I do not propose, in the limited time allotted to me, to refer now to the effect of such an exposition upon the nations who may witness the untold resources of the States comprising this Union; to our growing commerce, extending from ocean to ocean, from the rising to the setting sun; to our endless lines of intercommunication, binding together as with a net-work the North and South and East and West of this vast domain; to our minerals, comprising every production which God has vouchsafed to stimulate the enterprise and industry of a great and growing people; to our gold, and silver, and iron, and copper, and coal, and lead, and every other production of the earth calculated to give impetus to human industry. What a picture for the contemplation of the Old World! Single States, covering areas equal in breadth of territory to the domain of powerful empires, and comprising resources almost unlimited in variety and extent; mighty rivers stretching thousands of miles through regions teeming with the most valuable and tempting productions of the earth, and, last though not least, a climate combining all the elements necessary to promote health and give energy and activity to our people—such are some of the features of this centennial which cannot fail to arrest and startle the attention of the civilized world. No contribution, however extravagant, on the part of this Government can fail to bring a return, in its effect upon the power and greatness of this Republic.

Let us then, Mr. Chairman, one and all, unite in a patriotic effort to make it the wonder of the age, and the pride and glory of the American people.

I propose now to make a single remark in reference to the able and eloquent speech of my worthy friend from Virginia [Mr. TUCKER.] I do not propose to discuss with him the constitutional question which he has so ably referred to. I regret extremely that there should be any difference of opinion between that distinguished gentleman and myself. I have been taught to honor him as coming from my native State, and having affinities identical with my own in all that relates to the advancement and prosperity of the Old Dominion. I confess that it is a subject of extreme pain to me, that I feel bound to differ with the honorable gentleman, upon the constitutional questions which he has so ably discussed. My friend does not, perhaps, understand the position of that grave question in this House. He is not aware, perhaps, that this House is at variance—I will not say equally divided—in the views that we take upon these constitutional questions which he has treated with so much ingenuity.

I would say to him, however, having had an opportunity from experience, to understand the position of gentlemen upon the constitutionality of the power we have heretofore exercised, there is a large element here, of whom I rank as among the number, who have been opposed to any further restrictions upon the powers of this Government. I am one, Mr. Chairman, who will not consent to cramp by any concession of mine, the powers of the Government, as heretofore claimed and acted upon. They have become incorporated and interwoven with our legislation, notwithstanding the argument of my friend from Virginia and cannot be lightly or incautiously approached. It would be a mistake which we would never cease to regret. I want no more trammels put upon us than those which already exist; and there are some of those, not so firmly established by legitimate constitutional authority, that I would not unite in abolishing, if I had the power to-day. I have no fear of any encroachment upon the legitimate functions of the States; and all that I claim is that the constitutional powers which have always been heretofore recognized and acted upon should not be so far abridged, as to interfere with whatever is deemed essential to the successful working of our system. The people do not desire any such change, and it is questionable whether this Government would not be shorn of its best and most essential feature if it was brought under arbitrary subjection to any power higher than its own, or that it would meet the approval of the people any more than it does now.

This House has made large appropriations from time to time for the advancement of education, the embellishment of her public buildings, the inauguration of scientific expeditions, contributions to works of art, and many other objects of public interest requiring a large outlay of capital. Does the gentleman who has argued these questions so ably mean to hold us responsible for these expenditures, prompted by a mistaken view of our legitimate powers under the Constituti n? Are we to be compelled to disgorge the money thus incautiously misappropriated? If so, would it not be better to postpone the further consideration of a subject so full of responsibility and surrounded by so many complications to the next great centennial celebration of our national independence, when many of those who are now so largely implicated, will have gone to their fathers, and passed beyond the reach of censure or applause? I commend this suggestion to the favorable consideration of the House.

The argument of the gentleman upon this question of constitutionality may have a most unfortunate effect upon the vote on this important measure. It is proper for us to recollect that we have heretofore contributed largely to perpetuate the powers which we claimed under the Constitution, and that by giving up those powers we should cramp the usefulness of this Government, besides subjecting those who differ with my honorable friend to censure and placing us in a position which may render it necessary that we should enter upon our own defense at some future time.

I would therefore suggest to my honorable friend whether it would not be better to postpone the agitation of constitutional points of every sort for the present until the centennial shall have become an assured success. I am sure that it would be gratifying to many gentlemen upon this floor. Does the gentleman mean hereafter to hold us responsible, when he shall have succeeded in establishing his point, to charge that we have done these things outside of the pale of the Constitution and without authority? We desire to know whether or not we shall be brought up to answer for what we have been doing in the past. I would therefore again recommend to him to postpone this discussion of constitutional questions until the celebration shall have been held, when many of us who have made ourselves responsible for these large appropriations shall be out of the way and shall have gone to our fathers to answer for whatever sins we may have committed in this connection.

Mr. LAWRENCE obtained the floor.

Mr. HOPKINS. If the gentleman from Ohio [Mr. LAWRENCE] will yield, I will move that the committee rise.

Mr. LAWRENCE. I yield for that purpose.

Mr. HOPKINS. I desire to give notice to gentlemen who may desire to vote either for or against the bill that I hope to reach a vote on it to-morrow between two and three o'clock. I now move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WOOD, of New York, reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration a bill (H. R. No. 514) relating to the centennial celebration of American Independence, and had come to no conclusion thereon.

Mr. HOPKINS. I gave notice in the Committee of the Whole, and I now repeat it to the House, that to-morrow, say at two o'clock, I hope to reach a vote on this bill.

Mr. HOAR. I wish to make a suggestion on that point. I suppose it is not improper to make known to the House that in another place notice has been given that the resolutions of eulogy on the late Vice-President will be presented to-morrow, and they will undoubtedly be sent here soon after the assembling of the two Houses.

The SPEAKER. In addition to what the gentleman from Massachusetts [Mr. HOAR] has just said, the Chair will state that he has been notified of the purpose of the friends of the late Vice-President to bring to this House from the Senate appropriate obituary resolutions, and that they may come here quite early in the session of to-morrow.

Mr. HOPKINS. Of course I shall not oppose any obstacle to any proceeding designed to pay due respect to the memory of the late Vice-President.

RIVER AND HARBOR BILLS.

Mr. COX, by unanimous consent, submitted the following resolution; which was referred to the Committee on the Rules:

Resolved, That the Committee on the Rules be instructed to inquire into the expediency of so amending the rules that propositions relating to improvements of rivers and harbors shall be filed at the Clerk's desk the same as post-route bills.

PRIVILEGE OF THE FLOOR.

Mr. WADDELL, by unanimous consent, submitted the following resolution; which was referred to the Committee on the Rules:

Resolved, That Rule 134 be so amended as to include among the persons who shall be admitted to the privileges of the floor of the House the Solicitor-General of the United States.

REFUNDING OF COTTON TAXES.

Mr. WELLS, of Mississippi, by unanimous consent, introduced a bill (H. R. No. 1341) to refund certain taxes collected by the United States on raw cotton during the years 1863, 1864, 1865, 1866, 1867, and 1868, and to create a perpetual common free-school fund, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JOHN THOMPSON.

Mr. WELLS, of Mississippi, also, by unanimous consent, introduced a bill (H. R. No. 1342) for the relief of John Thompson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

TONKAWA INDIANS.

Mr. THROCKMORTON, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretaries of War and of the Interior be requested to furnish for the use of the House of Representatives any information in the possession of their Departments touching the number and condition of the Tonkawa Indians at Fort Griffin, Texas, and what provision, if any, has been made for their care and protection.

And then, on motion of Mr. HOLMAN, (at four o'clock and thirty minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. ATKINS: The petition of J. F. Wood and other citizens of Tennessee, for a post-route from Brodie's Landing to Poplar Springs, Tennessee, to the Committee on the Post-Office and Post-Roads.

By Mr. BELL: The petition of N. S. Huntington and other citizens of New Hampshire, for the repeal of the check-stamp tax, to the Committee on Ways and Means.

By Mr. BOONE: The petition of Elvira Kidd, for a pension, to the Committee on Invalid Pensions.

By Mr. COX: Memorial of Colonel C. G. Frendenberg, for re-instatement to his rank, to the Committee on Military Affairs.

By Mr. DAVIS: Papers relating to the claim of Samuel T. Carrow, for property taken by the United States, to the Committee on War Claims.

By Mr. FOSTER: Papers relating to the petition of George Wellman, for an extension of a patent, to the Committee on Patents.

By Mr. GARFIELD: The petition of citizens of Ohio, for the repeal of the check-stamp tax, to the Committee on Ways and Means.

By Mr. HARRIS, of Virginia: The petition of Elizabeth Teaford, to be refunded money stolen from her while postmaster, to the Committee of Claims.

Also, the petition of Julia Hurley, for pay for property taken by the United States, to the Committee on War Claims.

Also, the petition of John H. Timberlake, of similar import, to the same committee.

By Mr. HOPKINS: The petition of 46 ladies of Allegheny County, Pennsylvania, for aid to be granted the centennial celebration, to the Select Committee on the Centennial Celebration and the proposed National Census of 1875.

By Mr. HOSKINS: The petition of 51 citizens of New York, for the repeal of the check-stamp tax, to the Committee on Ways and Means.

By Mr. KASSON: The petition of citizens of Adair County, Iowa, for an appropriation for improvement of the Fox and Wisconsin Rivers, to the Committee on Commerce.

By Mr. LANE: The protest of W. H. Taylor and others, against the passage of House bill 321, Forty-fourth Congress, introduced December 17, 1875, by Mr. LUTTRELL, to the Committee on the Public Lands.

By Mr. McFARLAND: Papers relating to the claim of James and William White, for pay for cotton withheld by the United States, to the Committee on War Claims.

By Mr. McMAHON: The petition of James Riley, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Eldridge Weaver, for relief, to the Committee on Military Affairs.

By Mr. MEADE: The petition of the New York Stock Exchange, for Congress to grant aid to the centennial celebration by appropriating the amount asked for by the bill now under consideration, to the Select Committee on the Centennial Celebration and the proposed National Census of 1875.

By Mr. MILLER: The petition of Morris L. Farrington, for relief, to the Committee on Revolutionary Pensions and War of 1812.

Also, the petition of Margaret O'Conner, for a pension, to the Committee on Invalid Pensions.

By Mr. MONROE: The petition of S. T. Gailey and 39 other citizens of Orrville, Wayne County, Ohio, for aid to be extended the Southern Pacific Railroad, to the Committee on the Pacific Railroad.

Also, the petition of James Mullins and 139 other citizens of Wooster, Ohio, of similar import, to the same committee.

By Mr. NORTON: The petition of William Bliss, for pay for property destroyed by the United State, to the Committee on War Claims.

Also, the petition of citizens of New York, for a post-route from Lander, Pennsylvania, through Kiantone, to Jamestown, New York, to the Committee on the Post-Office and Post-Roads.

By Mr. PATTERSON: A paper relating to the establishment of certain post-routes in Colorado, to the same committee.

By Mr. PHELPS: The petition of Patrick Murray and other citizens of New Haven, Connecticut, for the repeal of the act fixing a time for the resumption of specie payments and for the issue of 3.65 convertible gold interest-bearing bonds, to the Committee on Banking and Currency.

Also, the petition of C. Pettit and other citizens of New Haven, Connecticut, of similar import, to the same committee.

By Mr. JOHN REILLY: The petition of 55 citizens of Huntington, Pennsylvania, for aid to be extended the Southern Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. SAVAGE: Papers relating to the claim of Thomas Worthington for additional compensation for furnishing water to Camp Dennison, Ohio, to the Committee on Claims.

By Mr. SINGLETON: The petition of Joseph R. Shannon, for relief, to the Committee on War Claims.

By Mr. THORNBURGH: The petition of Robert Minsey, for removal of the charge of desertion, to the Committee on Military Affairs.

By Mr. TURNEY: Four petitions of citizens of Westmoreland County, Pennsylvania, for aid to be extended the Southern Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. WALDRON: The petition of O. M. Ball, for arrears of pension, to the Committee on Invalid Pensions.

Also, the petition of William A. Clark, of similar import, to the same committee.

By Mr. WALLACE, of Pennsylvania: The petition of Rees, Brown & Berger and 122 business men of Newcastle, Pennsylvania, for the repeal of the check-stamp tax, to the Committee on Ways and Means.

By Mr. WALLS: The petition of Jane N. Willard, for a pension, to the Committee on Invalid Pensions.

By Mr. WALSH: The petition of Ezra Burtner, for property taken by the United States Army, to the Committee on War Claims.

Also, the petitions of Mrs. M. D. Dall and George Long, of similar import, to the same committee.

By Mr. WELLS, of Mississippi: The petition of W. B. Waldron, for pay for use and occupation of his buildings at Memphis, Tennessee, by the United States Army, to the Committee on War Claims.

By Mr. WHITE: The petition of Anderson & White, for property taken by the United States Army, to the same committee.

By Mr. WHITTHORNE: Papers relating to the claim of Mary Barry, to the Committee on Naval Affairs.

By Mr. A. S. WILLIAMS: The petition of Augustus Sprague, for re-imbursement for money paid to relieve himself as a drafted soldier, to the Committee on Military Affairs.

By Mr. WILSHIRE: The petition of citizens of Faulkner and Pulaski Counties, Arkansas, for a post-route from Little Rock to Mount Vernon, Arkansas, to the Committee on the Post-Office and Post-Roads.

Also, the petition of citizens of the third district of Arkansas, for the repeal of the specie resumption act of January 14, 1875, the retirement of national bank-currency, and the conversion of the national bonded debt into 3.65 bonds, interconvertible with legal-tender paper money at the pleasure of the holder, to the Committee on Banking and Currency.

Also, the memorial of a delegation of Creek Indians, for the payment of funds to the "Creek orphans," due them under the Creek Treaty of 1832, to the Committee on Indian Affairs.

By Mr. YOUNG: The petition of Mrs. M. Janet Burleson, Emmarilla Carr, Colliersville Masonic Lodge, and Lucinda McGuire, for use, occupation, and destruction of property by the United States Army, to the Committee on War Claims.

Also, papers relating to the memorial of H. F. Farnsworth, for a refund of money paid as a fine, to the same committee.

IN SENATE.

FRIDAY, *January* 21, 1876.

The Chaplain, Rev. BYRON SUNDERLAND, D. D., offered the following prayer:

Almighty and everlasting God, the only self-immortal, who dwellest in light unapproachable and full of glory, we bless and adore Thy name, and give Thee hearty thanks. Though we are mortal men and have our habitation in the dust, living under inevitable change, the years rolling over us so that we sink into the grave, yet hast Thou for us kindled amid this gloom the light of hope. As Thy servants turn aside this day to remember him who so late presided in this Chamber, we beseech Thee let the heavenly assurance fall upon them, as it did upon him, that Thou art their Father, Jesus their Saviour, the Holy Ghost their sanctifier, heaven their glorious heritance and lasting home, and all the host of angels and of the general assembly and of souls redeemed the bright and blessed company of their association finally and forever. Through Jesus Christ. Amen.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the memorial of Stanley Mathews and other gentlemen composing a committee of the national railroad convention held at St. Louis, Missouri, November 23 and 24, 1875, setting forth the advantages of certain thoroughfares; which was referred to the Committee on Railroads.

Mr. CRAGIN presented the memorial of Captain William Chandler, formerly an officer in the Navy, praying the difference between the "leave pay" of a lieutenant and that of a commander from September 14, 1855, to December 22, 1858; which was referred to the Committee on Naval Affairs.

Mr. ALCORN presented the petition of Samuel J. Gholson, of Mississippi, praying the removal by Congress of his political disabilities; which was referred to the Committee on the Judiciary.

Mr. LOGAN presented the petition of William H. Akins and Jacob D. Felthouser, praying compensation for inventing new and useful improvements in sewing-machines; which was referred to the Committee on Patents.

He also presented the petition of McKnight and Richardson, praying payment of a balance of $9,102.50, with interest from May, 1861, due on vouchers issued for supplies furnished to the Army in May, 1861; which was referred to the Committee on Claims.

Mr. SHERMAN presented a petition of citizens of Ohio, praying that the postal route from Chillicothe to Piketon be extended to Jasper, in that State, so as to give to that part of the State the advantages of a daily mail; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PADDOCK presented the petition of L. H. Colbey, and others, members of the bar and citizens of the State of Nebraska, praying for the enactment of a law for the holding of one or more terms of the United States district court each year at the city of Lincoln, the capital of the State; which was referred to the Committee on the Judiciary.

Mr. BOGY presented the petition of Fleming Crump and William Williamson, only surviving soldiers of the Yellowstone expedition of 1824, praying to be allowed a pension for services rendered in that expedition; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. SHERMAN, from the Committee on Finance, to whom was referred the bill (S. No. 124) to provide for a commission on the subject of the alcoholic liquor traffic, reported it with an amendment.

Mr. CONKLING, from the Committee on Commerce, to whom was referred the bill (S. No. 304) to amend section 4130 of the Revised Statutes of the United States, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 305) to change the location of the consulates at Aix-la-Chapelle, and at Omoa and Truxillo, reported it without amendment.

BILLS INTRODUCED.

Mr. ALCORN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 318) to remove the political disabilities of Samuel J. Gholson, a citizen of the State of Mississippi; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. EATON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 319) for extension of patent to Thomas A. Weston; which was read twice by its title, referred to the Committee on Patents, and ordered to be printed.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 320) to reduce the number and increase the efficiency of the Medical Corps; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. HARVEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 321) for the relief of certain persons sufferers from Indian depredations; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 322) to amend an act entitled "An act to amend an act to construct a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure the Government the use of the same for postal, military, and other purposes," approved July 2, 1864; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. CRAGIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 323) to amend chapter 256 of the Revised Statutes, approved June 8, 1874; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

PAPERS WITHDRAWN.

On motion of Mr. SHERMAN, it was

Ordered, That Edward S. Myer have leave to withdraw his petition and papers from the files of the Senate.

PUBLICATION OF UNNECESSARY DOCUMENTS.

Mr. SHERMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Printing inquire into and report what legislation is necessary to prevent the publication of documents of no practical value.

ADJOURNMENT TO MONDAY.

On motion of Mr. FRELINGHUYSEN, it was

Ordered, That when the Senate adjourns to-day it be to meet on Monday next.

DEATH OF VICE-PRESIDENT WILSON.

Mr. BOUTWELL. Mr. President, I rise to present and to ask for the immediate consideration by the Senate of resolutions in honor of the late Vice-President of the United States.

The PRESIDENT *pro tempore*. The resolutions will be read.

The Chief Clerk read the resolutions, as follows:

Resolved, That the Senate has received with profound sorrow the announcement of the death of HENRY WILSON, late Vice-President of the United States, and President of the Senate, and who had been for eighteen years of consecutive service a member of this body.

Resolved, That business be now suspended, that the friends and associates of the deceased may pay fitting tribute to his public and private virtues.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

The resolutions were agreed to unanimously.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate the tribute to the memory of HENRY WILSON, late Vice-President, paid by American residents in Berlin, transmitted through the Secretary of State, which the Secretary will now report.

The Chief Clerk read as follows:

At a meeting of Americans resident in Berlin, holden at the American chapel on Thanksgiving Day, November 25, 1875, Mr. Nicholas Fish in the chair, it was

Resolved unanimously, That we have heard with the most profound sorrow of the death of the Vice-President of the United States, HENRY WILSON, and as a tribute to his memory we desire to record our appreciation of the high qualities which distinguished him as a man and of the eminent and faithful services which in a long public career he has rendered the country by his undeviating devotion to the cause of the Union and adherence to the great principles of human liberty. That copies of these resolutions be transmitted to the President and to the Senate of the United States.

The committee on resolutions: H. Kreismann, chairman; William C. Eastlack, Herm Rose, Jos. P. Thompson, A. H. Sylvester.

To Hon. THOMAS W. FERRY,
President of the Senate of the United States, Washington, D. C.

Mr. BOUTWELL. Mr. President, it is a satisfaction which the presence of death even cannot extinguish nor qualify that we may record the testimony which we are disposed to give concerning the character and virtues of those with whom we have been associated.

The late Vice-President of the United States was a member of the Senate for the period of eighteen years, and for nearly three years he was its Presiding Officer. No man was better known to the Senate, and, of his contemporaries no one was better known to the country. For more than a third of a century he had been in the public service of the State of Massachusetts or of the United States. The nature of his service was always the same. He was, at various times and by repeated elections, a member of each branch of the Legislature of Massachusetts, and for two years he was the president of its senate. This training was the best preparation which our system furnishes for service in

the legislative branch of the National Government. In this service and for twenty years he gained constantly in the good opinion of the people of the State and of the country. Such a career was not an accident, nor was it due to what is called, usually, fortune or favoring circumstances. Indeed, there was no man of distinction among his contemporaries to whom fortune had denied as much. His parentage was honorable, and his ancestry for many generations, and without interruption on either side, was of New Hampshire blood and lineage; but they possessed neither wealth nor careful culture. The training of a child born into a family of wealth and high culture, without pretension or pedantry, is of more value for the affairs of the world than the education of schools and colleges.

Mr. WILSON had not the benefits of either, while many of his contemporaries enjoyed the advantages of cultured homes, cultured society, and the training and discipline of school, college, and university.

Others again, to whom these advantages were denied as to Mr. WILSON, were blessed with the tokens of genius, distinguishing them at once from the mass of men as worthy of eminence and crowning them in anticipation without apparent effort for themselves.

Mr. WILSON was not an orator; he had not the gift of eloquence; he had not the power of logical reasoning so as to command the assent of unwilling hearers, nor had he extraordinary aptitude for scholarly pursuits. By training and long-continued practice he became a clear, self-contained, convincing writer and speaker. At times he was more than this, and he exhibited occasionally something of the power and quality of the orator. His strength was chiefly, however, in the depth and earnestness of his convictions and in his knowledge of the subjects that he discussed.

The denial to him of the advantages of early careful training, either in his home or in society or in school, of high special gifts or unusual faculties in any of the qualities essential to the successful orator or writer, forces upon us the grave question, to what special form of genius, power of nature, or accomplishment of art was he indebted for the capacity for leadership in the great moral and political struggle of historical times? This question and its answer concern the American people, who raised him to the rank of a leader and trusted, honored, and sustained him as a leader, more than they concern the reputation or even character of Mr. WILSON as an historical personage. First, he was endowed by nature with an heroic resolution, which at once urged him to acquire knowledge and sustained him in his ceaseless efforts to accomplish whatever he undertook. The ability to labor was his second great endowment. As he had more obstacles to overcome than any other man that we have known, so he had more abundant means for overcoming the obstacles that were in his way. Resolution to work and ability to work are a substitute for everything except genius, and often they become even the rival of genius itself. The same restless, untiring spirit that he exhibited among men in the open day upon questions and topics of public political concern, whether of peace or war, animated him in his efforts to overcome the defects of early life, and finally to contribute to the history of the country a faithful narrative of the great contest in which he had acted so important a part.

But above all and over all as the chief of his endowments was his fearless, conscientious devotion to duty in political public affairs. He came into public life as a member of the whig party, but as the representative and exponent of the views and wishes of the workingmen.

The slavery question was soon forced upon us in the project for the annexation of Texas. The success of that project was followed by other measures designed to strengthen, protect, or foster the institution of slavery. To all these schemes Mr. WILSON was always and everywhere opposed. He used parties, he destroyed parties, and he organized parties, and all to prevent, first, the spread of slavery, and then to overthrow it. From the year 1840, when I first met him, he was the unwavering opponent of slavery. If other men made larger contributions to the intellectual and moral forces engaged in the war against slavery, he was chief over all the chiefs in the work of combining and organizing those forces for the political contests of 1850, 1851, and 1852 in Massachusetts, and for the national contests of 1856 and 1860, which gave the welcome triumph of freedom to a slavery-accursed Republic. His power in this respect was due solely to his capacity to present to others the moral and political considerations which ought to guide them.

As a member of the republican party, he was a strict party man. He believed in its principles, respected its opinions, exulted in its power for good, and gloried in its history. Ambitious personally he never allowed his private interests or wishes to interfere with the prospects of his party. No man yielded more readily to the opinions of his friends or subordinated local and personal claims to the general welfare.

During the entire war he occupied one of the most important posts in the Senate, and in that post he was first of all in the character and value of the services rendered to the War Department and to the armies in the field. When the war ended, he asked only that those who had been in arms should accept in good faith the new Constitution and the emancipated bondmen as citizens and equals in theory and in fact. If he had not the most prominent part in amending the Constitution and in providing legal means for the reconstruction of the Government, no other man did as much to remove the prejudices of the people, to encourage the timid, to arouse the indifferent, and, in fine, to render those great measures acceptable to the country. In this protracted and weary work he thought less of himself than of his party and less of his party than of his country; but he identified himself with his party in the interests solely of his party, and he vindicated his party as the only means of saving his country. Time and history will justify him in these particulars.

He was a politician, a party man, and a statesman as well. Of the political anti-slavery men of this country he is of the first and very small class, and history may, with justice to all, assign him a leading place even in that small class. When we consider the magnitude of the undertaking by which slavery was overthrown, the military operations attending it, in which he bore a conspicuous and honorable part in the public councils, the difficulties that waited upon every attempt to re-organize the Government, which he as much as any other man assisted in removing, and all crowned in his own life with full success, can his right to be counted among the statesmen of America be denied?

The preservation of this Government from 1861 to 1865 was a more difficult work than the maintenance of the Declaration of Independence from 1776 to 1783, and its re-organization was a more delicate task than the formation of the Constitution and the establishment of the Union in 1787 and 1789; nor can I doubt that these later events will contribute more largely to the welfare of the human race.

While slavery existed our example was shunned by many who otherwise would have been the advocates of republican institutions in other countries. Slavery has disappeared, and no argument can be drawn from our Constitution, and I trust that hereafter no argument will be drawn from our conduct or policy, calculated to prevent the spread of republican ideas.

As men prefer truth to falsehood, so they will prefer freedom and equality to authority and subserviency, and therefore we may predict the spread of republican ideas and the advance of republican institutions in other lands.

For these results and ends Mr. WILSON labored, and these results and ends, when realized, will be a better eulogy upon his life, character, and services than any pronounced in pulpit or Senate.

Mr. HAMLIN. Mr. President, until a very recent hour I did not expect to participate in the proceedings of the Senate on this occasion, and I rise now for the purpose of seconding the resolutions submitted by the Senator from Massachusetts, and in a very few words to pay that personal tribute to the memory of our late Vice-President of which he and the work of his life are so eminently worthy.

In every age and in every country of the world homage has been paid to the great and the good; and still more appropriately has the custom obtained of paying a just tribute to the heroic and meritorious dead. The chisel of the sculptor and the pencil of the artist have been invoked to preserve their form and features for other times.

It is well, then, that we pause amid the stirring scenes that provoke discussion and sometimes bitterness in this Hall, now shrouded with the drapery of mourning, to pay a just and fitting testimonial to him who was so long a member of this body and so recently its presiding officer.

HENRY WILSON, though of obscure origin, neither learned nor eloquent, will justly stand in the history of our country as one of its remarkable men. Struggling under all the disadvantages of obscurity and poverty, and embarrassed in a position which would have deterred most men, step by step he advanced, until he occupied a seat in the Senate, and thence to the position of its presiding officer. No ordinary man could achieve that result; and it furnishes a striking example which illustrates the theory of our Government, and it should, nay, it will, afford a stimulus to others in their exertions for worthy and honorable advancement.

I became acquainted with Mr. WILSON when he took his seat in the Senate in February, 1855. I had known of him as a public man whom the State of Massachusetts had honored before that time, but I had not made his acquaintance personally until he came to be a Senator; and from that time until his decease our relations were of the most intimate character.

In running my eye over this body I find no Senator save myself who then occupied a seat on this floor.

What shadows we are, and what shadows we pursue.

It was one of the last statements made by the late Vice-President, that more than eighty Senators with whom he had served had preceded him in death; and for the impressive lesson which it teaches us I may, perhaps, be excused for saying that during the time that I have been connected with the Senate as a Senator and its presiding officer more than one hundred and thirty persons with whom I have served and associated officially and personally as Senators have passed from earth.

Here Mr. WILSON won the respect of all, and by his zeal and industry succeeded in establishing the reputation of a wise and able statesman. Statesman he may be called. It is statesmanship that achieves results which promote the best interests of the country, and that Mr. WILSON did. During the dark hours of the war, as chairman of the Military Committee, his services were invaluable in preparing and carrying through the Senate all measures for raising, equipping, and marshaling our armies in the field. He was quick to see the wants of the Government and always prompt and ready to supply the remedy. The people of our country can hardly appreciate how much they are

indebted to him for the faithful performance of the onerous duties that then devolved upon him, nor have I a doubt that the cause of that disease to which his strong frame at last surrendered can be traced to his excessive labors at that time. Of the valuable services rendered by Senator WILSON during the short session of 1861 General Scott paid him the high compliment of saying, "He had done more work in that short session than all the chairmen of the Military Committee had done for the last twenty years." It may with equal truth be said that his labors of that session were only a true index of subsequent and continued industry to the end. In the energy and untiring diligence with which he discharged every duty devolving upon him he had no superior in this body. To do right as he saw the right was his rule of action. Inured to toil from early life, to poverty and to privation, he was a most fitting representative of the State which he honored in his position; and it often occurred to me during the long years through which he held a seat here his State was most appropriately represented in her two Senators, the one of its labor and the other of its learning. His life was devoted to the welfare and elevation of our people, morally, socially, and politically. His able vindication of the free laborers of the country when they were assailed and stigmatized as the mud-sills of society demonstrates his sympathy with those who toiled, and upon whose work rested the prosperity of the country and by which alone can its permanency be maintained.

During his whole life he was an earnest and consistent advocate of temperance, which he made evident in his practical life, and was for several years president of the Congressional Temperance Society. The knowledge of the good works by him accomplished in this noble cause extends far beyond the limits of our country. The grand work of his life is to be found in his long and persistent efforts to break the shackles of the slave and let the oppressed go free. In the providence of God he lived to see the mighty work fulfilled; and for his efforts to this end, and in behalf of all the great measures to preserve the life of the nation his name will be recorded in imperishable history, while millions will cherish his memory. He was a Christian gentleman, and his life was adorned by Christian virtues, and in honesty and integrity, even in times like these, he stood unassailed and unassailable.

An honest man 's the noblest work of God.

Mr. CRAGIN. Mr. President, the emblems of mourning that darken this Chamber, and all the public buildings in this capital city, have reminded us for more than a month past that a man in high position, and one greatly loved by the people, has departed. One who had occupied a seat on this floor for more than twenty years as Senator and Vice-President was not here on the opening day of this session. He came here after the leaves had fallen, and a few weeks in advance of some of us, to be ready to enter anew upon his duties; but the invisible angel of death came into this Capitol with him, and laying a cold hand upon the Vice-President claimed him for the grave. A struggle of a few days' duration went on in a room near by this Chamber, and hope tantalized us all, but the insatiate conqueror who never knew defeat prevailed, and our friend was numbered with the dead. The form so long familiar to many of us is no longer seen among men; the voice that has so often echoed along these gilded walls in earnest and eloquent tones of protest against wrong, and of sympathy for the lowly and oppressed, is hushed forever. HENRY WILSON is dead! And we set apart this day to crown his memory, and to honor his character and services. What has happened to him is no uncommon thing, but rather the certain and common lot of all mankind. The dead many times outnumber the living, and the living must all die.

More than eighteen hundred years ago St. John described a great multitude of dead, "which no man could number." Tens of millions have been added every year since, till the imagination staggers in the attempt to comprehend the vast and constantly increasing number who sleep in the valley of death.

The battle of our life is brief—
The alarm, the struggle, the relief;
Then sleep we side by side.

My acquaintance with Mr. WILSON began more than twenty years ago, and I soon learned to respect and admire him for his many good qualities, both of head and heart. He was a good man, in that he cherished love for all mankind and always obeyed the impulses of a kind and generous nature. He was not a great man in shining qualities, but he was great in real, solid qualities. He was great in honest earnest purpose; in sagacity, in practical knowledge, and common sense. He was powerful in the advocacy of truth, and the rights of the people. He was a humane, sincere man, always leaning to the side of the weak and friendless. He always espoused the cause of the masses, and labored faithfully and earnestly for everything that tended to elevate the character and better the condition of his fellow-men. He instinctively scorned a mean action, and the man is not living or dead whom he ever intentionally wronged. A man's character, physical, mental, and moral, is molded largely by the climate, occupation, society, and other circumstances of his early life. Our lamented friend was born in the obscure and humble walks of life, and his pathway through childhood and youth was one of extreme poverty and toil. He learned by bitter experience the trials and wants of the poor, and to the day of his death he was the true and trusted friend of the people. He labored with the farmer in tilling the soil, and with the mechanic in the workshop, and here he became learned in common things and laid the foundation for that wonderful common sense for which he was distinguished.

We have seen him here many years with a learned colleague whose mind was trained and filled with the thoughts of other men, and yet in practical ability and common wisdom, which comes to minds attentive to their own thoughts, he was more than the equal of Charles Sumner. His early life was not wholly given to physical toil; his young mind was hungry for intellectual food, and found it to some extent. A good friend loaned him books, and he read many after daylight had faded into night. But, after all, the great book from which he learned most was the book of nature—a book full of all knowledge and one that no man has or ever can fully read or understand. This book is the work of the Infinite Anthor of creation, and is the fountain from which finite men gather materials for books and inspirations for thoughts. It is filled with the choicest poetry, music, prose, and the demonstration of all science and art. It is accessible alike to the rich and poor, and especially to the poor, and is to be found wide open in the field, in the forest, in the workshop, in the moving waters, in the singing of birds, in the habits of animals and the speech of men, in the earth below and the starry heavens above. Its language is universal, and he who can read it well and take in its great truths is not only a learned man but a Christian.

In after life and through his long public career Mr. WILSON was a student. He read and studied books, mostly of a practical kind, and closely observed men and things. He read less of poetry and fiction and more of history and biography. He was specially familiar with the history of all great struggles for freedom and human rights in modern times, and became a prominent actor in the contest that resulted in giving freedom to four million slaves and placing them upon the high plane of American citizenship. He was emphatically a self-made man, and like most men who have come up under adverse circumstances, and to whom God has given great powers, he was a strong man. He was strong in simplicity, strong in sincerity, strong in purity, and strong in earnestness. He was clear in his convictions, and bold and effective in maintaining them.

He was not an orator in the common understanding of that term, but he was a very able public speaker. He had the power to hold the attention of his hearers, and to carry conviction to their heads and hearts. This is the purpose and effect of true eloquence. He made many political speeches, and always with great effect. He never soared in imagination up among the stars to get lost in the "milky way," or strangled or bewildered his hearers in sentences a mile long. He spoke to the common understanding. He carried conviction by conviction. He pleased by his candor and truthfulness even those who differed from him in opinion. He built upon facts, and the structure stood after the sound of his voice had ceased. He interested his hearers by the honest utterance and honest faith of an honest man. He believed what he said, and a zeal which only comes from devotion to truth kindled corresponding fires in the hearts of his hearers. His purity of character was a great element of his strength. He wore no garment to conceal a deformity, but he was simple, plain, and honest in his every-day life. He was emphatically one of the people, and he studied the wishes, the interests, and the condition of the toiling millions with a heart always in accord with them and with an honest purpose to serve them. He knew their mode of reasoning and their wants with wonderful accuracy; he therefore become one of the best judges of popular feeling and popular demand in this country.

It is inevitable that such a man should become a favorite of the people. They honored, loved, and trusted him. I never realized this so fully as when his dead body recently passed through the city of New York on its way to Massachusetts. I rode in the funeral procession from Jersey City to Madison Square, a distance of several miles, and the sidewalks on each side of Broadway and all the streets leading into that great thoroughfare, the steps, balconies, windows, and roofs of buildings along the whole line, were densely packed with people. The procession was late in starting, and many thousands had stood for an hour in the cold to see the body of the people's friend pass. I never before saw any sight like it, and it was proof of the affection and confidence of the people which could not be mistaken. It was estimated that more than two hundred thousand men, women, and children witnessed the grand and solemn ceremony. It was agreed on all hands that nothing like this outpouring of the people had been seen in that city since the body of the lamented and immortal Lincoln passed to its final resting-place.

HENRY WILSON was a native of New Hampshire, and her people were ever proud of him. I mingle my own personal grief with theirs on this solemn occasion, and deplore the loss not only of his native State but of the whole nation in the death of this great and good man. I commend his character and noble example to the young men of my own and other States, in the hope that the Republic may long live through the intelligence of the people and a like patriotism, ability, and purity of its public men.

Within a little more than three years four natives of New Hampshire who have made honorable places for themselves in history have obeyed the summons which no man can resist, and gone the way of all the earth. The first in order of time was Horace Greeley, the great journalist. He never held any high official position, except a seat in the House of Representatives for a short time, but for a long

time he was the head of the leading newspaper of the land, and wielded a power and influence unequaled by that of any other man on the continent. His head and heart were both large, and the world is much better for his having lived. Then Salmon P. Chase, Senator, governor, Secretary of the Treasury, and Chief Justice of the United States, passed to his final home. His was an honorable career, and history will record his great deeds. Next fell John P. Hale, my immediate predecessor in this body. For sixteen years he was a member of the Senate, and displayed great powers of genius. I have not forgotten, and the country will never forget, the time when he stood here, with Sumner, Seward, Chase, Wade, WILSON, Collamer, and Foot, all champions of a great cause, the cause of liberty and human rights. The last of the four to depart was HENRY WILSON, the late Vice-President, whom we honor and mourn to-day. No State can point to four nobler, purer, abler men who have served their country longer or better.

Of all the Senators who occupied seats in this Chamber when I first entered here as a member only five, including myself, remain. Two others who had been Senators before that time soon returned again and are now members.

Since the 4th of March, 1865, I have served with one hundred and sixty-nine different Senators—ninety-eight of them are no longer here—and I recall twenty-five who have passed over the dark stream of death. Such have been the changes in the membership of this body, and such the work of death among those who were or had been members in ten short years.

Every seventh man has closed his earthly record. So it has been, and so it must always be.

Ever since the world began the lessons of death have been taught. Man is here to-day and gone to-morrow.

Our brief journey here ends in the tomb, but faith points to eternal life beyond.

> Art is long, and Time is fleeting,
> And our hearts, though stout and brave,
> Still, like muffled drums, are beating
> Funeral marches to the grave.

Mr. CAMERON, of Pennsylvania. Mr. President, the memory of a man dying in possession of a great place, endowed with high mental force, true to his convictions of right, and earnest in the discharge of duty, is a study which always commands respect and honor; and such a man was the late Vice-President. Of his devotion to his principles it may be truthfully said that this began at a period, and was displayed on a theater, where it required more than ordinary enthusiasm to keep the devotee unfaltering, and more than the average courage to keep him firm. But in his long public career no evidence occurs to insinuate that HENRY WILSON lacked either the enthusiasm or the courage required for his work; and that is saying much. But that which makes his pathway in life most interesting to me is the humbleness of his origin, the energy he displayed in raising himself to a higher level of life, and the blessed surroundings which enabled the poor, unfriended, but ambitious lad to mount from his native obscurity to the second place in the civil magistracy of a republic of forty millions of free, enlightened, and discriminating people. Of the earlier struggles and the cruel sufferings of his youth those who know intimately their particulars have spoken, and it is an important matter.

My knowledge of the dead Vice-President began after all these had been successfully overcome and passed. And I speak only of the acts of his vigorous prime and his public life. In the hotly-contested slavery agitation he was known, not as the earliest champion of universal freedom, but as the product of that determined polemical war that surged about him in his youth. His political bonds and party predilections were not strong enough to keep the natural enthusiasm of the young man in leading-strings; for, breaking away from these, he followed the dictates of his conscience rather than the teachings of mere political leaders. And so he came to this Senate the uncompromising representative of a cause many—perhaps a majority—of his supporters did not consider of primary importance at the time they concentrated their votes to send him to Washington. Like his great colleague he was chosen a Senator because the moving forces of that avalanche both did so much to precipitate had already divided the minds of men in both the old political parties in New England, so that neither could concentrate on men who opposed or ignored free-soil and its consequence, the abolition of slavery. Whether the coalition that sent HENRY WILSON to the Senate knew precisely what sort of man they were choosing, I cannot tell. But if they did not, then they builded wiser than they knew. He entered into the war of opinions like a true knight, and fought gallantly and faithfully.

As time wore on the great issue came to a head. The civil war broke on the land, and all political barriers were broken down for a time. Called on to take a somewhat active part in that tremendous struggle, I found it a matter of profound interest to study the characters of the public men on whose fortitude and steady devotion the successful prosecution of the war for the Union depended; for by the laws of Congress, passed to strengthen the hands of the Administration, only could the Administration act. And in that anxious penetration to discover uncompromising supporters, the late Vice-President was quickly set down as one in whom there was "no shadow of turning." In every measure designed to bring back peace by the only methods then possible to us, Mr. WILSON upheld the executive authority with an eager industry which left him no time for criticism or carping.

The first reverse to our arms caused many to pause, and some to doubt and fear. The answer from HENRY WILSON to that disaster was a request by him to the then Secretary of War for authority to raise a regiment for three years. This was eagerly given. And in a very brief time a splendid body of men came trooping along Pennsylvania avenue, as thoroughly armed and equipped as any regiment the world ever saw. His influence, seconded by the tireless energy of Governor John A. Andrew, supplied this excellent force; and then the colonel laid down his commission to resume his seat in the Senate, where his best services could be given to the country, leaving his second officer to lead the regiment in the field—a work for which he was especially fitted and carefully chosen. What followed is a part of the history of the nation HENRY WILSON so steadfastly loved. His patriotic constituents again returned him to this body. And then the country demanded of Massachusetts the son she had delighted to honor, that he might be yet further exalted. The grateful Republic placed him at the head of the body in which his life had been so useful and so honorable. And now we turn aside from the cares and duties of the hour to record, however feebly and imperfectly, our tributes to his patriotism, his devotion, his courage, and his purity. The patriot has gone to his reward, and we may gather lessons of wisdom from his successful and useful life.

Mr. MORRILL, of Vermont. Mr. President, HENRY WILSON was early removed from parental guidance, but he fortunately possessed a resolute will and a sober sense of duty, which led to the pursuit of that course of life which to him, bound to hard labor, seemed best and which promised the most advantages to the growth of a young man whose habits had not been rooted in the precious memories of home example, and whose culture, in the land of schools, had been conspicuously omitted. His curiosity for reading appears to have been very early aroused and to some extent gratified, though in a desultory manner. The story of man in all ages, of peace and war, of liberty and despotism, of civilization and barbarism, and of his own relations to his maker and to his fellow-men, engaged his attention, and thus, while yet in obscurity, he laid the foundations for leadership among men upon the broad principles of democratic equality and upon the living sentiment of universal human liberty, which subsequently won for him national renown.

The late Vice-President belonged to the class of men most commonly described as self-educated, which, in this instance, as in many others, means that he had been endowed by nature with something more than a moderate share of brain-power, energetically supported by bone and muscle, but had received in his youth little or no artificial aid from schools. Of this outfit, however, he wasted nothing. Shunning no labor, his stock of useful information was ever increasing. It is no slender encomium upon HENRY WILSON that, as the successor here of the most classic orator of New England, of one who might have been called the finished product of culture and learning, he filled the place of Senator so well that he was never humiliated by unfavorable comparisons; and, whatever his deficiencies of scholastic learning may have been, his merits as a man and Senator were so plainly to be seen that Massachusetts, not without other ambitious resources, four times returned him to this body as the right man in the right place. With a long term still before him here, at the command of the nation he took the higher seat of Vice-President.

HENRY WILSON loved his whole race, and served the race next to his God. He sought their acquaintance—their approbation—and, when elevated himself to high positions, gladly mixed with common people, opening to them a great heart full of sympathy, and they admired and loved him in return. Rising from the mechanic's bench, and as much as St. Paul the master of a trade, he respected labor, and laborers first saluted him with honors. He spoke to them and for them, and they were proud of him. If he exalted their destiny he did not refrain from exposing their faults. If they were intemperate he denounced, not them, but intemperance. If they were idle, he set them an example of unflagging industry. If they were laboring for stinted wages, he urged employers to a more equitable division of profits. If they were illiterate, he showed how some knowledge could be gained by the evening blaze of tallow candles and by the light which breaks through the crevices of the early morning. When he lashed slavery he had at the same time pity for the slave-holder as well as the slave. When he lauded freedom he failed not to count the cost, and knew that it could only be sustained by an increased demand on the virtue and intelligence of both rulers and people.

In his speeches he never was betrayed into any ambitious use of language, and seldom decorated anything with borrowed scraps. It was enough if he was squarely understood, but he was ambitious to set forth such facts as would surely find a lodgment in the hearts of his hearers, and he never grew weary in the utterance of generous sentiments in behalf of the poor and the lowly.

In politics he belonged to the party of movement, and believed nothing politically right which to him seemed morally wrong, or that was susceptible of improvement. He would have men in high places teach by example. His patriotism was of the broadest character and always ablaze, and for those who had served their country as soldiers or sailors there were no wages too high, no pensions not earned, and no bounties undeserved.

HENRY WILSON was not a philosopher thoughtfully guided by profound research and unyielding logic, nor a wit who surprised and captivated his hearers with brilliant thoughts, nor was he eminent

in any special branch of knowledge, and it cost him very little to change his opinion in matters of mere expediency if he found himself in error, or if he found later and better supports for a different opinion; but when once fully identified with any measure of principle, or with any matter that touched the tender sensibilities of his heart, he never deserted it, and had all the courage required to lead even a forlorn hope. If he was incapable of great essays on great subjects, he never lacked enthusiasm in a great cause, nor the will in such a cause to offer himself as "the man of all work," and he came to the front in shaping and pushing forward events. He was not only the earnest adherent of all measures for the advancement of the welfare of mankind, but he made his earnestness contagious. He was for thirty-five years conversant with public men and public affairs, and this gave elevation to his character and dignity to his career. He quickly fathomed the general sentiment of the public, and knew how to organize success. Officially he hardly aspired to be great, or to shine in the routine discharge of his duties, but as ever-stirring HENRY WILSON he was great; great in his confiding simplicity, his homespun integrity, his unbounded love of country, and his knowledge of men and their opinions. True, he sought office, but not for its trappings and emoluments; he sought it because he honestly believed, with the leverage of power to be obtained, he could be useful to his country, and seldom has the country been called to mourn the loss of a more unselfish public servant, a more courageous champion of human rights, or a more devoted lover of his country.

He was on the side of those who won in the contest for the emancipation of a race, and the result marks the age and satisfies a Christian world; but he never exulted over those who lost, and carried no trophies of the contest in his belt and no unspent anger in his bosom. All he asked was that no step backward should be taken, and that freemen should have the rights of freemen.

Little qualified as he might be supposed to have been for the work of a historian, yet, having selected the great theme of "The Rise and Fall of the Slave Power in America," he fortunately was able here to concentrate his life-thoughts and to marshal the large array of facts which had long crowded his memory, or which he gathered with tireless industry, in so creditable a manner, so full and so fair, as possibly to make this, though left incomplete, the most prominent work of his life, and the one which may serve longest to perpetuate his memory and give the most enduring luster to his name.

He was a peace-maker. Careful himself not to give offense, he was pained when any strife arose among his associates, and made haste to obtain, if possible, explanations leading to a restoration of harmony and good-will. If successful, he at least was made happy. He was not ashamed of his poverty, and yet never failed to dilate with pride upon the amplitude of the wealth of his native land. He died poor, but rich in the greatest of estates—the affections of his countrymen.

Senators, we are witnesses that all of his capabilities, whether of nature or nurture, were ever actively employed—no fragment of his strength nor of his time ran to waste. If, as it occurs to most busy public men traveling toward the undiscovered country, his tired hand left unfinished some share of his projected work, we know he passed away in full faith that he was summoned to higher work, and, whatever he might here leave unwritten, that he would find his own name in the Book of Life written by a hand divine.

Mr. STEVENSON. Mr. President, I have listened with interest to the eloquent tributes of respect to the memory of the distinguished dead which have been offered by the Senators who have preceded me. From their stand-point little could be added to their pathos, to their beauty, or to their justice; and yet I should feel that my duty were but half performed if I did not on this occasion tender to the people of Massachusetts the heartfelt sympathy and condolence of the Commonwealth of Kentucky upon the sad bereavement which, in removing from our midst the Vice-President of the United States, deprives that venerable Commonwealth of one of her most distinguished sons.

The life of HENRY WILSON is full of instruction. It is wonderful in its incidents; it is novel in its results. Its success is a just and beautiful commentary on American institutions. It is an example of their excellence; it unfolds their beneficence; it illustrates most grandly their equality.

His self-exertion was the key to his success. He was born in obscurity amid the wilds and snows of New Hampshire. Without friends, without influence, extreme poverty forced him at an early age into a close companionship with daily manual tillage of New Hampshire's sterile soil. He was cheerful, healthy, manly, contented, and industrious. His early years were spent in the Spartan simplicity and purity of New England life. Without books, he coveted knowledge. This very want created that very independence of thought which afterward became so prominent an element in his life. Self-wrought, self-reliant, HENRY WILSON was molded in that massive New Hampshire manhood of which Woodbury, and Chase, and Webster were the grander and more conspicuous types.

Subsequently agricultural labor was exchanged for the manufacture of shoes. In 1855, by self-culture and industry and study, the shoemaker of Massachusetts becomes the representative of Massachusetts in this Representative Chamber of equals. Seventeen years later and the humble cobbler of Natick by popular acclaim becomes Vice-President of the United States. What a struggle! What an issue! What a triumph! What incentives to virtuous and lofty exertion do the incidents of HENRY WILSON's life hold out to the industrious and friendless youth throughout the length and breadth of this broad land! And, as homage is paid to virtue as an incentive to it, how just, how meet, how proper, that the good, the great, and the noble should be honored and their names preserved!

This is not the time nor am I the person to enter into the consideration of the public character and services of HENRY WILSON, interwoven as they have been with the history of our country during periods of intense sectional excitement, including as they do a gigantic bloody civil war. HENRY WILSON was in my judgment more of an enthusiast and of a politician than of a clear, philosophical, well-balanced statesman. Liberty to him was an extravagant day-dream! Its very excess, without limitation, without restriction, in violation of law, was with him an accomplishment most earnestly, most constantly, and most sincerely desired.

Could HENRY WILSON have known it there were other statesmen in southern portions of the old thirteen States who, could they have willed it, would have gladly removed slavery. There were others, too, statesmen and patriots, bright luminaries in the State in which HENRY WILSON was born, and the State in which he subsequently lived, and where he now sleeps, who would have rejoiced to have seen slavery removed. But these wise men would have been regulated by law. They would have taken no step which did not find its sanction in the Constitution. Such statesmen were part and parcel of the brave men who won our liberties and then intrenched them in a system of self-government, binding together in a bond of constitutional brotherhood the glorious old thirteen States, that revered American Union which is reflected above us with the standard, shield, and insignia of every State always above us—that Union which was born of and created by the Constitution of the United States; that Union which its founders from every State of the original thirteen solemnly declared and pledged themselves should be perpetual, but in which the nascent zeal of some of their descendants, I lament to say, did not concur. But I forbear. The life, public character, and statesmanship of HENRY WILSON will be on another occasion and at another time intrusted to other hands. Be mine the privilege on this mournful occasion to speak only of traits in the character of the departed which commanded my admiration, and upon which, now that he is gone, I shall long dwell upon with melancholy pleasure.

I knew HENRY WILSON for eighteen years. When I entered the House of Representatives in 1857 Mr. WILSON had taken his seat in this Chamber but a short time before. My intercourse was formal but friendly. When I subsequently entered the Senate in 1871 he received me with a kindness and a cordiality which I can never forget. The official conduct of Mr. WILSON was always unexceptionable. As a Senator, he was dignified, urbane, kind, and respectful. As its presiding officer he was just, honest, and impartial, and sought always to do right. No man could have been more simple and more unostentatious in his tastes, or, as it seemed to me, more self-denying and frugal in his expenditures. But it is just to say that my intercourse with Vice-President WILSON extended only to public and personal intercourse in these halls. I never followed him into those closer circles of domestic life where all the virtues and all the affections of the human heart blossom and entwine themselves around the loved and dear ones who constitute that charmed circle of home. So far as I know—so far as I believe—HENRY WILSON was upright, virtuous, temperate, just, and, in the latter part of his life, when the meridian heats of party strife had given way to those clearer and more genial tints of the descending autumnal sun, his heart seemed to expand, and, as he more than once told me, its love extended to every section of the country. He said that he was tired of the strife and discord and sectional alienation with which the Congress of the United States had of late so much abounded.

But, Mr. President, he is gone—gone from us forever! He died suddenly. He died in the Capitol. He died with the harness on. His sun went down without a cloud upon its disk. Its last rays were clear and bright and tranquil. His spirit, we would fain hope, intrepid and unterrified, resting with faith upon his Saviour and on his God, was borne safely through the dark valley of the shadow of death. Peace to his ashes.

Senators, death it seems to me, of late years is entering oftener and more rapidly into this Chamber. Year by year the monitory messages of death addressed to our frail individual humanity come oftener and quicker, and they all bear to us but one sad, unwelcome truth—

> The paths of glory lead but to the grave.

Mr. INGALLS. Mr. President, it has been common to allude to the history of men like HENRY WILSON as peculiarly American, and to declare that such careers are possible only under republican institutions. Nothing could be further from the truth. The world has had few leaders who were born to an inheritance of power. Its real kings have not been the sons of kings. Its acknowledged monarchs have not descended from monarchs. The founders of its philosophies have not been the children of philosophers, nor of its dynasties the heirs of emperors. The framers of the creeds, the inventors of the faiths and religions of the human race have come from the manger, the forge, the carpenter's bench, and not from the church. The great leaders of its armies have not sprung from warriors; and those who have written the dramas and pronounced the orations that are immor-

tal have not inherited their passion nor their eloquence. A pedigree may be gratifying to pride, but it is not consoling to ambition.

The choicest products of nature are developed in her valleys, and not on her summits; and in the lower social strata we find the origin of the most successful men.

In the profession of public affairs or statecraft, it may be that the operation of this universal law is more apparent under a political system like ours, where the hard restrictions and limitations of custom, precedent, and convention do not prevail; but our history gives ample illustration of its truth. To discriminate among the living would be ungracious, but if we inquire who among the illustrious servants of the Republic in the past have most ineffaceably stamped their ideas and purposes upon the institutions and irrevocably shaped the destinies of the nation, the answer would designate those who had not been favored by birth or fortune. Jackson and Lincoln among the Presidents, Webster, Clay, and Douglas among the statesmen, are imperishably associated with the first century of the Republic. Emerging from an obscurity more profound than either of these, and reaching an elevation that gives him a permanent position in our history, HENRY WILSON demands to-day the last formal recognition and tribute that his country can extend to his acts and his fame.

The story of his life has been told by his successor, whose powerful delineation of his character and services has left nothing to be recounted save the lessons of his marvelous career.

It is perhaps not too much to say that he succeeded less in spite of his disadvantages than because of them. The defects of his training and scholarship, the laborious poverty of his youth, the humble avocations of his early manhood, were favorable to his fortunes. They kept him on a level with the masses of the people and enabled him to interpret their purposes with prophetic accuracy. It was by reason of this that he became a popular orator without being eloquent, that he became a voluminous author without the advantages of preliminary education, that the men of Massachusetts ignored their patricians and sent the Natick cobbler to the Senate, and finally to die in the Capitol of the nation.

He possessed in an eminent degree that peculiar assemblage of physical, mental, and moral qualities that are requisite to political success in a popular government. He was from and of the people pre-eminently; not alienated from them by extraordinary endowments or great wealth or superior culture, but exhibiting only a higher degree or a more vigorous activity of the virtues and powers that are common among men, industry, diligence, patience, and scrupulous integrity. So that the great body of citizens in supporting him seemed to be indirectly paying a tribute of respect to themselves, and not yielding either a willing or reluctant obedience to a superior or ruler.

But no public man, whatever may be his qualifications, can succeed unless he identifies himself with some idea or conviction existing in the minds of the people. He who would lead must follow. And in this respect the Vice-President was especially fortunate. He entered public life at the comencement of that great revolt of the national conscience against human slavery, and thenceforth he devoted all his energies to its extinction. He became one of the great exponents and representatives of this idea. It gave form, substance, and complexion to all his efforts. He mastered its statistics, defined its purposes, and in the great contest that followed he bore a notable and conspicuous part. He gave expression to the resolve of the loyal milions that in the country of Washington the creed of human liberty should not be an unmeaning formula nor the brotherhood of man an empty dream.

This is the measure of his work and its reward.

Mr. BOGY. Mr. President, I met Mr. WILSON for the first time in March, 1873, when he administered to me the oath as a Senator. A few days afterward I called on him at his lodgings to pay him my respects, and a short time after this he returned me the visit. This was the extent of our intercourse, besides exchanging a few friendly words on the floor of this body. I therefore cannot claim to have known him personally very well; but his history as a public man is not unknown to me, and it is in this character that I desire to speak of him on this occasion. His career was certainly very remarkable, and both suggestive and instructive. He was born in New Hampshire, but it is as a child of the old State of Massachusetts that he is known to the world. We are informed that he was born in the humblest station and had no advantages of early education, compelled at the outset of life to learn a trade so as to earn his livelihood.

The State in which his lot was cast is known for its wealth, social refinement, high education; for its numerous men of distinction in all the professions, and also for its large number of distinguished public characters, many of whom have been known to the country as men of the most exalted abilities. It was among such men and in such a society and under such circumstances that he had to make his way, from way down, up to fame and to distinction, and yet he successfully secured both. Was this the result of accident, of what is vulgarly called luck, or was it the reward of great intellectual gifts? It was neither. Mere luck will not secure such a prize. Yet there must have been something in his character to have enabled him to accomplish what he did accomplish. Luck or favorable circumstances alone will accomplish nothing.

But the existence of favorable circumstances, which exist at some time or other for all men, in all countries, in all ages, and under all forms of government, wisely and intelligently understood and firmly and with a fixed purpose taken advantage of, will lead to fame or fortune as may be desired. Men of action—I mean by this that class of men who acquire either political or military fame—never have acquired or ever can acquire distinction without favorable circumstances. Washington would have lived as an intelligent and good farmer in Virginia, and never have been known to the world, without the circumstance of the American Revolution; yet this circumstance was not of his creation. It may be safely said that other men did more at the outset to bring it about than he did; yet he wisely took advantage of it, and it enabled him to secure a name and fame without a parallel in the world. So it may be said of Cromwell. Without the English revolution he would have died unknown; yet, taking advantage of it, he ruled not only the destines of England but of Europe, and, indeed, of the world for a time. So it may be said of Napoleon. Without the French revolution, with the beginning of which he was in no way connected, he would have lived and died on the island of Corsica; yet, the circumstance of this great uprising of the French people occurring, he took advantage of it, and he too for a time ruled the destinies of his country and of Europe, and acquired a name for military genius and broad statesmanship unequaled by any one in any age of the world.

The circumstance which presented itself to Mr. WILSON was the slavery question. He saw as he believed—and as events have turned out, he did so with a remarkable prescience—that it would become the great question of his day, particularly in his section. He early identified himself with it, and as it acquired strength and popularity he rose with it. Showing at the outset an intelligent comprehension of the question, and exhibiting purpose and firmness to rise or fall with it, its success was his success; and so it may be said of the three great characters first mentioned. Had the great events with which they had linked their destinies failed, they too would have failed.

Thus, Mr. President, it is seen that it is not mere brilliant genius and high intellectual endowments which secure the largest prizes in fame's lottery; but purpose, will, manhood, courage, all presided over by intelligence, although this intelligence may be infinitely below that of Lord Bacon. Hence I say that the life of Mr. WILSON is instructive to the millions of poor and obscure boys, however humble, who are scattered throughout this broad land, and surely none can start from a humbler position than he did; and as he attained fame and distinction, and died holding the second office in this Government, to which he had been called by a majority of his countrymen, why may not many other poor and obscure boys do the same! They need not fear the want of favorable circumstances; they in some shape or under some peculiar condition exist always in each and every generation.

Our epoch will be marked in history for having given birth to three men, each one of whom was born in such lowly condition as to be nearly beyond the power of full realization. Yet one of these men became by election the President of this country, and the two others were elected to the second highest office—Lincoln, Johnson, and WILSON—all contemporaries, all in public life at the same time. Many years ago, in a debate in the House of Representatives some one said that General Jackson had no education. Mr. Randolph of Roanoke replied that this perhaps was true, but that Jackson knew how to make his mark. So it may be said of these three men; they had no education, or at least no perfect education, being all self-taught, but each and all have made their mark in indelible characters upon the pages of our history.

This occasion is suggestive to me of another great fact—the march of empire, the spread of our grand system of free government, which opens its portals wide and broad to all the youths of this country, regardless of the advantages of family, wealth, or high social position. Mr. WILSON was a child of New England. At the time of his birth, my native State, which I in part have the honor to represent on this floor, was the outboundary of the Republic, the home of a few French Canadians, whose forefathers had penetrated more than a hundred years before the vast wilderness of the West as hunters and trappers—the true pioneers of the valley of the Mississippi. Missouri was then in what is known as the first grade of territorial government, and had within its extended boundaries less than thirty thousand inhabitants. Now it has a population of two millions. The secret of this rapid growth, this vast extension, is to be found in the beneficent system of republican government, which tells in language not to be mistaken to all the youths of this country, the rich and the poor, the high and the low, the perfectly educated and the self-educated, that the rewards and honors of the great Republic belong to all, and will be awarded to the most meritorious. Like the contest in the garden of the Hesperides, the race is open to all—Athenians, Spartans, Bœotians, and Macedonians. He who shall prove the swifter in the race will secure the golden apple.

Mr. President, in conclusion I will say that it is my nature—perhaps the effect of the circumstances which surrounded my own early life in the wilderness of the West, among the rugged but honest and brave pioneers of that country—to entertain a profound admiration for such characters as Lincoln, Johnson, and WILSON—men who were the architects of their own fortunes, and who relied alone on their own brave hearts and strong arms and a beneficent Government for the fame and name which they achieved.

Mr. MORTON. Mr. President, I have had no time or opportunity to prepare a fitting eulogy; and I can only utter those thoughts that are

uppermost in my mind in regard to HENRY WILSON. He was a man of very marked characteristics, and his public career in some respects stands out from all the statesmen of his day. Born in poverty, as has been said, having no advantages of early education, without riches and influential friends to push him forward in the world, he was the architect of his own fortunes, and it may be said in a very peculiar sense he fought his battles alone. He had no partisans. He cared little for public patronage; but he relied upon the strength of public opinion and the principles which he advocated. His great strength was in his convictions. He was a man of ideas, and relied upon ideas for his success. He was a man of courage. He dared to follow his convictions wherever they led him, and he was brave enough to refuse to fight a duel in this capital at a time when the spirit of duelling ruled here and heaped ridicule upon every man who refused to acknowledge the "code."

The world will acknowledge hereafter that HENRY WILSON was right upon all great questions affecting human liberty and the progress of the age. His political career was cast at a time when there was more attention paid to the discussion of the fundamental principles of our Government and the rights of man than to mere economic questions; and it was in the consideration of such questions that he derived his fame. He was not a man of brilliant or showy talents, but he was a man of great talents, if we can judge by results accomplished. Many acquire reputation for great talents who never achieve anything; but HENRY WILSON, without having that reputation, did achieve great results.

He was essentially a practical man. I was associated with him on this floor for six years as a Senator, and during all that time I never knew him to advertise an effort; I never knew him to speak for the applause of the galleries. He spoke only to convince the Senate and to accomplish the purpose he had in view. But, sir, it is doubtful whether any man of his time had more influence upon public opinion than had HENRY WILSON. The country had confidence in his devotion. He was right upon the great questions, and the country will come to believe that. He was a quarter of a century in advance of his time.

There is one respect in which the character of HENRY WILSON as a statesman will stand out from the men of his time, and that is as the representative of the workingmen. Of humble origin, brought up to labor, all his sympathies were identified with that class of our countrymen. Respecting scrupulously the rights of property and of capital, yet it was always his purpose and seemed to be his aim to elevate the laboring men. He desired their education and sought in every way in his power to alleviate their condition, both male and female.

His life was somewhat lonely, especially the last years of it, going into society sometimes, but never fondly. He preferred his studies, and his great object was to complete the work upon which he was engaged, The Rise and Fall of the Slave Power. He did not quite succeed in that purpose. Had he been spared a few months, perhaps a few weeks longer, the work would have been finished. I have frequently heard him speak of it fondly, and of his great desire to complete it. He wanted to leave that as the literary record of his life.

He was kind hearted. I believe he never entertained malice. I do not remember that I ever heard him speak unkindly of any one, and while earnestly maintaining the Union and zealous in suppressing the rebellion, he seemed to entertain no malice toward the men who originated the rebellion and carried it on. He seemed to believe his work was done when slavery was abolished and the rebellion was suppressed. Taking a deep interest in reconstruction, he seemed to believe that that was a thing to follow as a matter of course, and that victory was won in the destruction of slavery and suppression of the rebellion.

A man of simple character, utterly indifferent to display, and seemingly indifferent to fame, yet undoubtedly keenly alive to the good opinion of his countrymen, he has left behind him a memory that ought to be cherished, and, as has just been said, he is an example to the youth of our country of what can be accomplished by sound sense, by industry, by patient devotion to study.

He was emphatically a self-made man. No man this country has ever produced was more clearly entitled to that distinction. As I before said, he fought his battles almost alone; he fought without those aids that often elevate men to power and distinction. He has won a great name that will grow brighter and brighter as time passes on.

I cherished for him a warm friendship. I met him first in 1855, in the State of Indiana. It was about the first appearance I had made in the political field. A public meeting was held in the city of Indianapolis on the occasion of the aniversary of the ordinance of 1787; I think it was on the 13th of July. I heard him make a speech there, and it was my privilege to follow him in a short address, and he spoke to me on that day words of kindness and of encouragement that I shall never forget. A friendship began then which grew stronger and stronger until he was taken away. I shall personally revere and cherish the memory of HENRY WILSON, and so, I believe, will all who knew him well.

Mr. ANTHONY. Mr. President, it was well said by my friend from Kentucky that the life of HENRY WILSON forms a chapter of American history full of instruction; it is full of cheerful instruction, full of hope to languid patriotism, full of encouragement to ingenuous youth. In his desolate and unprotected childhood, in the early struggles, through which his faculties developed into strength and his virtues hardened into consistency, in the steadfast purpose and the great results of his manhood, we have an illustration and a vindication of free institutions. With no advantages of birth or connection, he outstripped, in the career of life, those who started with him in the enjoyment of them all. The strength that he acquired in overcoming obstacles that friendly hands had removed from the paths of others enabled him to meet, with greater vigor, those obstacles which every man must encounter for himself. Without assistance, at the age when assistance is most needed, with little sympathy, till he had won a position that made him independent of it, he raised himself to the second place in the Republic, and, in the minds of many, was designated for the first.

I do not purpose to delineate his character, or to recount the story of his life. I should only repeat what has been better said, here and elsewhere, by those to whom the grateful duty was most appropriate. Enough that, in an age too much devoted to the pursuit of wealth, he carried his contempt for money to a fault; that in a time when the luxuriousness of private life invaded the purity and threatened the safety of society, he preserved the simple habits that best become a republican magistrate; that as he had borne adversity without murmuring and with unconquerable determination, so he bore success with moderation; and that in all his high employments, the possession of power never provoked him to insolence in the exercise of it. I will not adduce, among the evidences of his merit, that his personal character mainly escaped calumny, for the best men in public life are not the least vilified, and political malignity seeks not the justice but the occasion of assault. But even that malignity could find little upon which to fasten its fangs in one whose chief use for money was to give it to others, and whose only use of power was for the public good.

Nor was the occasion of his death inappropriate to his life. It has been lamented that the inevitable hour found him away from his home, and without the tender ministrations of woman. In this regret I do not share. Where should the patriot warrior die rather than on the field of battle or on the slippery deck, with the flag of his country victorious over him? Where should the patriot statesman whose life has been devoted to freedom die rather than in the Capitol, whose uplifted Dome bears aloft the vindicated statue of Liberty.

And home he had none. No man shared more largely in the affections of the American people; no man was more beloved by his immediate constituency; but those pleasures which the greatest of American orators placed above all the other immeasurable blessings of rational existence, above the treasures of science and the delights of learning and the aspects of nature, even above good government and religious liberty, "the transcendent sweets of domestic life," were no more for him. Those relations which nature intended for the joy and the rapture of our youth, for the happiness and the embellishment of our maturer years, for the comfort and consolation of age, had been severed by the remorseless shears of fate. No eye grew brighter when he raised the latch that held his lonely dwelling; no outstretched arms of wife, no ringing laughter of children, welcomed his returning footsteps when he crossed the threshold over which all that had given life, and joy, and beauty to that simple abode, and had lighted it up with a glory not of palaces, had been borne never to return. He had nothing left to love but his country. It was proper, then, that he should die here, here where his greatest work had been wrought, here where his greatest triumphs had been achieved, here where his voice had been raised, till the outer corridors had echoed back his words, for truth, for justice, for right.

It was proper that from yonder Chamber, to which the suffrages of his fellow-citizens had carried him, he was borne to his final place of rest. He entered that town, for the first time, a friendless lad, all his possessions carried in a bundle which swung lightly in his hand. He entered it, for the last time, accompanied by the pageantry of a nation's woe, with muffled drums, and arms reversed, and banners draped in black; from a thousand heights the flag of his country drooped at half-mast; from fort and arsenal and dock-yard the booming of a single gun, at solemn intervals, announced the progress of the sad procession. Tender and loving hands received him; friends and neighbors, who loved him because he was good, even more than they admired him because he was great, stood tearfully around his open grave. The bleak winds of a New England winter came down from his native hills, and moaned his requiem through the leafless trees. And there, with swelling hearts, but with unfaltering trust in the eternal promises of God, they laid his manly and stalwart form to mingle with the dust of his kindred.

Mr. DAWES. Mr. President, the life and work of the late Vice-President were in all respects so remarkable that they challenge the study and admiration of the American people. The biography of distinguished men, the richest of a nation's treasures, will yield large space to the one, and the record of great and noble achievements, a nation's proudest monument, will comprehend the full measure of the other. And yet, to the most intimate friend and companion, the lesson is not easy. That life so fitly closed in the Capitol of the nation to whose salvation and glory it was consecrated, and that work so graciously terminated at the goal of all his desires, have neither prototype nor parallel. Each stands out alone by itself, and is unlike any other that has gone before or survived it. He lived from infancy to the end as no other man has lived. He worked, from his

first entrance into public life till his departure, as no man ever worked before him. He was a creation, a specialty, a force all by itself, and yet ever in the midst and always potent. No one could tell how he had attained to this individuality, and yet no one would correctly calculate the resultant of the ever multiplied and conflicting influences bending political opinion who ignored this factor.

Of so obscure and humble an origin that whenever friendless poverty sought for a type or representative, his name was spoken before any other; of a public life so pure and upright amid temptation and sin that his example was held up for imitation before all others; deprived of opportunities for the acquisition of knowledge as no other in youth or manhood, he nevertheless sought out or created them, and availed himself of a breadth of study far more than others to whom opportunities come unbidden and among whom learning scatters her treasures with the most lavish hand. He studied men more than books, and his education came from personal contact with the practical affairs of life, and not from the study of other men's acquisitions in knowledge. His whole life bore unmistakable evidence of the school in which its lessons were learned. Tested by the standard of those the world calls learned he was no scholar, but tried by that which the world calls safe, practical, useful, he was wise beyond his generation. While he read books some and profited much by their perusal, he read men more and thereby gathered a larger knowledge of the practical duties of life than it was possible for him to have acquired in any other way.

He had not genius, but he had what is more certain of success, industry and fidelity, and their rewards crowned his endeavors. No one can understand or properly estimate his character or career except by a study of the elements which formed the one and furnished the instrumentalities which wrought out the other. It was impossible that he should be like other men, because the very food which was his necessity the multitude of men shun or escape. And thus it is that only by a proper study of the school in which the heart and head of HENRY WILSON were developed can be found the key to that remarkable life and noble work whose sublime termination we seek by these ceremonies this day to commemorate.

The world upon which he first opened his eyes was an utterly barren waste, and nowhere, in all his journey through it, did any green thing gladden his sight which his own hands did not plant and his own fidelity water till it bore its legitimate fruit; nowhere an opportunity for improvement or work, nor an instrumentality for the accomplishment of good, which his own courage and indomitable will did not pluck from the very jaws of an adverse fate. And thus he was never educated *for* his life-work, but only in and by it, and he grew to fitness for it, and to a marvelous power in it, just as the right arm of the blacksmith grows strong through the very blows it strikes.

When taste led him into politics in 1840 he was without education in public affairs, without experience as a speaker or any of the natural gifts of an orator. But he had convictions. He believed that, under a Government by and for all, it was the duty of all to study and to understand their relations to it and their duties and obligations under it, and in that sense to be politicians—honest, earnest, aggressive politicians. And in teaching others he taught himself, till he became one of the most efficient political teachers and leaders in his generation. The logic of the schools and the arts of the rhetorician he never studied and never knew, but of the logic of events and the eternal fitness of things he seemed to have intuitive knowledge, and in the enforcement of their lessons he was remarkably effective. He had the courage of his convictions, and he followed them, sometimes, though seldom, into the wrong, but still he followed them fearlessly, across party lines, into strange company, into seeming inconsistencies, and into danger if need be. Wherever they led there he followed.

Mr. WILSON was a hater of slavery and every sort of oppression and infringement on human rights from his boyhood. He could not have been otherwise without being false to himself and all the experiences of his life. War on these wrongs became to him a mission, and he took upon himself its work with vows and covenants, never faltering so long as there was work to do. He subordinated to it all party ties and relations, keeping company with political associates and acknowledging fealty to political organizations only so long as this higher purpose of his life could, in his opinion, be promoted thereby. This led him to become a disturbing element, disorganizing old parties and organizing new ones. He was a revolutionist in politics, and bore a conspicuous part in every great political revolt existing organizations have encountered in his time. He first came upon the stage as a young whig orator in the great political revolution of 1840 and participated actively and efficiently in the memorable campaign which in that year brought the whig party into power. With more zeal, as he grew in years and in strength, did he lead in 1848 in the organization of the free-soil party for the destruction of both the whig and democratic parties. In 1851 and 1852 he was the master-spirit of a coalition between the free-soil and democratic parties in his own State in a successful campaign against the whig party of that State, dislodging it from power and dividing the offices between the allies, placing Mr. Sumner in the Senate and a democrat in the governor's chair. In 1854, he was one of the leaders in the organization of the American party of that day, which overwhelmed in a common defeat the whig, democratic, and republican parties, carrying down, by his own efforts, his own name at the head of the republican ticket for governor of the State. By this party he was himself elected to the Senate of the United States. In 1855, he again led, in the councils of that same American party at Philadelphia, a revolt which dismembered and disbanded it on its first attempt to control national politics; and in the following year he was found earnest and foremost in the work of organizing and preparing the present national republican party for its ultimate triumph in 1860. With this party in its avowed work he continued to act during the remainder of his life. He had often in those years to answer the charge of vacillation and inconsistency and a desire for office and power regardless of the means used for their attainment. He met all these accusations with the bold announcement that, with him, neither place nor power nor party was anything but means to an end beyond and above them all, and that he would never seek nor serve either except for the attainment of that end. He outlived many years the adverse criticisms and enmities this course engendered; and, as in later years, amid the great events in which he bore so prominent a part, his untiring zeal and absolute devotion to the political elevation of the down-trodden stood out to be read of all men, the general public judgment accorded to him a sincerity, sagacity, and statesmanship in these frequent changes of political relations which were not universally conceded at the time of their occurrence.

Mr. WILSON rose rapidly from his first entrance into public life in 1840. He was a member of the lower house of the Massachusetts Legislature by repeated elections, four times a senator, and twice the presiding officer of that body. He was also a leading and influential member, among the ablest men of the State, of the constitutional convention of 1853. He was several times candidate of the party with which he acted for governor of the State and for Representative in Congress. In 1855, in one of those remarkable political revolutions before alluded to, he was elected Senator of the United States, and took his seat in this body in February of that year. By repeated and nearly unanimous re-elections he held the office of Senator eighteen years, and resigned it only to assume the duties of the office of Vice-President, to which he had been elected in 1872, and which he held till his death in the National Capitol on the morning of the 22d of November last.

How he acquitted himself in the many positions of public trust and responsibility to which he was repeatedly called by his own State the people of Massachusetts bear testimony to-day in the sincere mourning which fills all hearts, and in the universal feeling of irreparable loss which finds expression in all her borders. How he bore himself in this broader field and under the weightier responsibilities and graver duties which the place and the times devolved upon him is personally known to many of you, Senators, before whom he went in and out daily in the patient and self-sacrificing performance of the work allotted him, and is now commended by a universal public judgment. He entered this body six years before the war; years of civil strife and commotion ripening into rebellion; years big with the great events and greater consequences of that national conflict. On the one side were arrayed Jefferson Davis, Toombs, Hunter, Butler, Benjamin, and their compeers, if not as yet menacing, certainly intense, bitter, and uncompromising. With them, by party affiliation, though not in sympathy, and vainly struggling against the current of party policy, were Cass and Douglas. On the other side, with whom WILSON took his place, were, in the early morning of the struggle, Clayton, Crittenden, and Bell; and, all through its heat and burden, Wade, Fessenden, Trumbull, Hale, and his own great colleague, Mr. Sumner. The world has seldom, if ever, witnessed a more imposing array. Among the questions debated and determined were the repeal of the Missouri compromise, the Dred Scott decision, the forcing of slavery into Kansas and a government of slave-holders upon her people, the hunting of fugitives from slavery in free States, and other kindred measures, involving the very existence of the Republic. Never has the world listened to a debate on which were staked such momentous issues. Among these great men and in these great arguments Mr. WILSON was neither silent nor weak, but earned a national reputation. He was placed at the head of the Military Committee of this body at the beginning of the war, when its responsibilities and duties assumed an importance never known before. The records of the Senate and the contemporaneous testimony of the high officials who leaned on this committee for support in the exigencies of the war furnish ample evidence of the great ability and marvelous industry with which he met the difficult and delicate questions and incessant labors of this new position.

The close of the war brought to Mr. WILSON no release from active public service. He supported earnestly and most efficiently that series of great measures rendered necessary in the rehabilitation of the rebel States, and which ultimately wrought those grand changes in the organic law of the land that will ever mark this period as an epoch in the world's history. Some of the most important of these measures originated with him, and in the final shape and reach of others may be traced the wise and practical counsel, never stumbling over forms nor missing the substance, which so characterized all his work. The complete history of the Republic during the eventful years of his service here—a history not yet written—will alone do justice to the indefatigable endeavors and the broad and patriotic statesmanship of HENRY WILSON, and to its judgment his name and fame may be safely committed.

The personal character of Mr. WILSON was full of noble qualities, endearing him to his friends while living and making his memory a

constant delight. Kindness of heart seemed to mellow his whole nature. There was in him neither selfishness, nor envy, nor hate, and only generosity, charity, and good-will. He would empty his pockets and borrow of his neighbor to relieve suffering humanity stretching out its hands at the corners of the streets. He would toil and travel, day and night, without recompense or hope of reward, if thereby he could contribute to lift the humble and the lowly to manhood and its opportunities. With physical strength and mental vigor was spent for others his substance also, and when he died he left in all less than the value of one year's salary. Underneath all these gentle qualities there lived a personal courage which never quailed in the face of danger. When, under a dispensation now, thank God, forever passed away, his distinguished colleague, for words spoken in debate, fell upon the floor of the Senate Chamber beneath the bludgeon of one mad with the fury of the times, Mr. WILSON, though one of the youngest Senators in service, and yet hardly known to those among whom he stood, denounced in his place the assault as "brutal, murderous, and cowardly." And then, in answer to a challenge from the assailant himself, he had the greater courage to defy both him and the barbarous code behind which such men skulk in words which will live as long as the history of those dark times and darker deeds shall be read of men. From that hour till the day broke upon a regenerated Republic he carried his life in his hand; but never, to save that life, did he deviate a hair's breadth from the line of his duty.

The gratitude of the Commonwealth whose commission in the public service he bore so long and with such signal fidelity and ability, and her grief at his loss, would bid me speak many things I must leave unsaid. A personal admiration of his life and work, joined with an uninterrupted and confiding friendship of many years, has already extended the language of eulogy beyond the proper limits of this occasion. The rest must be left to the history of the times in which he lived, and of the Republic to whose true glory his life was consecrated.

Mr. President, it is appointed unto all men once to die, and an untimely death overtakes no one, however inscrutable to mortal vision is the dispensation. But we seem to see clearly, even now, that this great change came to Mr. WILSON in the fullness of time. In the fierce battle of life he had won the victory. The work to which he had set apart that life was done; for his countrymen were all free, were all equal before the law, and were at peace with the world and with one another. He died full of years, of honors, and in the blessed hope of a glorious immortality. His mission here had indeed ended.

We cannot turn, however, from the contemplation of a life so humble and lowly in its beginning, so full of patriotic endeavor and noble achievement through all its progress, and so illustrious in its end, without reverently exclaiming, *Surely the ways of man are fashioned of God!*

And now, Mr. President, as a further mark of respect to the distinguished dead, so recently our Presiding Officer, I move that the Senate adjourn.

The motion was agreed to; and (at two o'clock and fifty-one minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January* 21, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

PRIVATE-BILL DAY.

The SPEAKER. The first business in order is the calling of committees for reports of a private nature, and the morning hour begins at ten minutes after twelve o'clock.

LEE VS. RAINEY.

Mr. HARRIS, of Virginia, from the Committee on Elections, moved that the papers in the contested-election case of Lee *vs.* Rainey, from the first congressional district of South Carolina, be ordered to be printed.

The motion was agreed to.

GIRLS' REFORM SCHOOL, DISTRICT OF COLUMBIA.

Mr. HAMILTON, of New Jersey, from the Committee on Appropriations, moved it be discharged from the further consideration of the bill (H. R. No. 718) providing for purchase of site and construction of buildings for the Girls' Reform School in the District of Columbia, and the same be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to

BOUNTY TO DRAFTED MEN.

Mr. WELLS, of Missouri, from the same committee, moved that it be discharged from the further consideration of a bill (H. R. No. 723) directing the payment of the same bounty to drafted men as to volunteers under section 12 of an act making appropriations passed July 28, 1866, and the same be referred to the Committee on Military Affairs.

The motion was agreed to.

J. C. CLENDENIN.

Mr. SINGLETON, from the same committee, moved it be discharged from the further consideration of a communication from the Sixth Auditor of the Treasury concerning the claim of J. C. Clendenin for carrying the United States mail in North Carolina, and the same be referred to the Committee on Claims.

The motion was agreed to.

REFUNDING COTTON TAX.

Mr. BLOUNT, from the same committee, moved it be discharged from the futher consideration of the memorial of the Legislature of Arkansas, asking Congress to pass an act refunding the cotton tax, and the same be referred to the Committee on Ways and Means.

The motion was agreed to.

SHEPHERD & BOHRBAUGH.

Mr. HALE, from the same committee, moved it be discharged from the further consideration of a bill (H. R. No. 328) for the relief of Shepherd & Bohrbaugh, and the same be referred to the Committee on Claims.

The motion was agreed to.

EXPENSES OF THE COLORADO CONSTITUTIONAL CONVENTION.

Mr. HALE also, from the same committee, reported back adversely a bill (H. R. No. 355) making appropriations for the expenses of the constitutional convention of Colorado Territory, and moved the same be laid on the table.

The motion was agreed to.

Mr. RANDALL moved to reconsider the vote by which the bill was laid on the table; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHANGE OF REFERENCE.

Mr. AINSWORTH, from the Committee on the Post-Office and Post-Roads, reported back the following bills; and the committee were discharged from the further consideration of the same, and they were referred to the Committee on Claims:

The bill (H. R. No. 305) for the relief of Timothy Baker, of Saint John's, Michigan;

The bill (H. R. No. 818) for the relief of Samuel Grove, postmaster at Mexico, Missouri;

The bill (H. R. No. 787) to authorize an allowance of $6,842.15 in settlement of the accounts of James S. Dunning, deceased, late postmaster at Atlanta, Georgia;

The bill (H. R. No. 422) for the relief of William McIndoe, postmaster at Lonaconing, Alleghany County, Maryland; and

The bill (H. R. No. 146) for the relief of the heirs of Chauncey M. Lockwood, contractor for carrying the United States mails.

JUDGE WILSON M'CANDLESS.

Mr. KNOTT, from the Committee on the Judiciary, reported back, with the recommendation that it do pass, the bill (H. R. No. 219) to permit the judge of the district court of the United States for the western district of Pennsylvania to retire.

The bill was read. It extends and makes applicable the provisions of section 714 of the Revised Statutes to Hon. Wilson McCandless, judge of the district court of the United States for the western district of Pennsylvania, in consequence of his physical disability, notwithstanding he has not attained the age of seventy years.

Mr. HOLMAN. That bill ought to go to the Committee of the Whole on the Private Calendar. All bills which propose to increase expenditure should be first considered in Committee of the Whole.

The SPEAKER. Does the gentleman from Indiana make that point of order?

Mr. HOLMAN. I withhold the point of order, if I may do so, until an explanation is made by the chairman of the committee.

Mr. KNOTT. I desire, Mr. Speaker, to say only a few words in explanation of this bill. As gentlemen are aware, under the provisions of the seven hundred and fourteenth section of the Revised Statutes any judge of the United States who has served ten years and attained the age of seventy years may retire from office, and receive for the remainder of his natural life the same salary as that to which he may be entitled at the date of his resignation. Judge McCandless, for whose benefit this bill has been introduced, has not yet attained the age of seventy years, being only, I believe, sixty-six years of age. He has nevertheless been in the public service for over twenty years, during all of which time he has distinguished himself for his fidelity, for his purity, and for the ability with which he has discharged the duties of his office. For over a year, however, he has been laboring under paralysis, which has affected his speech to that extent that it is almost impossible for him to discharge the duties of his office.

I have recently had the opportunity of speaking with the judge of the circuit court, with the marshal of that district, and with a large majority of the members of the bar. They unanimously urge the passage of this bill as an act of justice to a long-tried and faithful public servant, who has worn himself out in the service of the Government, and who must perforce retire, and that upon but limited means. I hope there will not be a dissenting voice from the passage of this bill.

Mr. CONGER. How long has he served as judge?

Mr. KNOTT. For over twenty years, as I am informed.

Mr. CONGER. In the same position?

Mr. KNOTT. In the same position, as judge of the district court

for the western district of Pennsylvania. I am informed that the bill passed the House unanimously at the last session, but failed for want of time in the Senate.

Mr. LAWRENCE. I dislike very much to say anything in opposition to a bill of this description. I would not do so if I did not conceive that it would be making a very bad precedent, one which might be very troublesome hereafter. We have a general law which provides that judges who have served ten years and have reached the age of seventy may retire upon a pension or salary for life. I voted against that bill when it was pending in Congress because I thought it very dangerous that we should begin the work of pensioning civil officers The British government has a very large amount of pensions on its civil list, and it has become enormously expensive to that government.

Until recently we have never pensioned any civil officer. That general law, however, did provide for cases of that sort. Since that time we have passed some special bills pensioning particular judges. I have deemed it my duty to vote against every one of them. I do not doubt the faithful services of the gentleman whom this bill proposes to retire upon a pension; but I simply desire to invite the attention of the House to it as a precedent which may become dangerous and as one which I think we ought not to establish. I hope the bill will not pass.

Mr. STEVENSON. I ask that the bill may be again read.

The bill was again read.

Mr. KNOTT. As I remarked before, the majority in Congress a few years ago deemed it wise to make a provision that the judges of the United States upon reaching the age of seventy years might retire upon their pay after having served ten years. If that was just, if that was wise, it is impossible for me to conceive of the injustice or the want of wisdom in passing this bill for the relief of a faithful servant who has served us over twenty years, and who lacks but three or four years at the outside of reaching the age prescribed by the statute.

What can be attained by rejecting the bill? We either force him to retire from his position now in poverty or to remain in the judge's place four years longer, to the great detriment of the public interest. As to the propriety of a civil pension-list, this side of the House is not responsible. We have it upon our statute-books already, and the present bill is simply to extend its benefit to one who, if any judge in the United States has ever merited that benefit, is certainly entitled to it. I ask for the previous question.

Mr. HOLMAN. I hope, before the gentleman calls the previous question, he will allow me a moment.

Mr. STEVENSON. I would like to inquire the age of Judge McCandless and how long he has held this position.

Mr. KNOTT. I have already said that he has served for twenty years or more as district judge of the western district of Pennsylvania. He is now sixty-six, or in his sixty-sixth year, as I am informed.

Mr. HOLMAN. I trust the gentleman will now allow me a moment.

Mr. KNOTT. Certainly.

Mr. HOLMAN. I think, Mr. Speaker, that no act ever passed Congress so entirely opposed to the genius of our Government as this one authorizing a civil-pension list. In the early days of the Republic such legislation was really deemed impossible, as the history of the country shows. This act was passed a few years ago; it sprang up in that unsettled period of our legislation at the instance of the other side of the Chamber. Now, that measure, so full of serious objection, is proposed to be extended in its effects, when most gentlemen believe that the original law was wrong and all believe it to be excessively liberal in its provisions. This is, I think, the first instance—it may be possibly the second—where the law has been made more liberal than its original terms were. Against this I object. Having been opposed to the original measure, I trust that no private consideration, no personal motives, emanating from high character and excellence, shall be allowed to extend a bad law, an unwise measure, further than its original provisions went. I am aware, sir, that very few gentlemen have held positions on the Federal bench with more honor to themselves and credit to the country than the judge of the western district of Pennsylvania. This is conceded by all. But I do regret that an attempt is now made to extend the provisions of that law beyond its original terms. I regret it, and for one I shall feel compelled to vote against this bill.

Mr. KNOTT. I yield now for a moment to my colleague on the committee from Maine, [Mr. FRYE.]

Mr. FRYE. Mr. Speaker, I desire to say just one word in answer to the gentleman from Ohio, [Mr. LAWRENCE,] for the purpose of indicating that the republicans on the Judiciary Committee do not unite or accord with him in relation to this proposition, and also one word in reply to the gentleman from Indiana.

Mr. LAWRENCE. It is not a party question at all.

Mr. FRYE. Since I have been in the Congress of the United States, at each session of Congress a proposition has been made and urged vehemently that the salaries of judges of district courts should be raised; that they were not sufficiently paid for the service rendered. The question has been presented before the Judiciary Committee, and my impression is that an increase of salary has been reported on favorably by that committee. The opposition to the bill was this: To be sure the salaries are not high. But when these judges arrive at the age of seventy years they retire with a reasonable salary, a reasonable provision made for them. That answer has been considered sufficient by the House, and the proposition to increase the salaries of these judges has been defeated. Now here, sir, is a judge of fine abilities, as I understand, who has served for twenty-three years, and now, in his old age, without any property whatever, he is incapable of further service by a visitation of God of paralysis. He is now compelled to retire. If he retires to-day, he has been receiving a salary just sufficient to support him and his family, and he gets no advantage from the pension provided for judges who retire at seventy years of age. He goes out of office without anything to support himself and his family. I submit to the House that there is no danger in a precedent like this. This man is entitled to his pension as though he had served up to the day he were seventy; and I hope the House will vote in favor of the proposition of the gentleman from Kentucky, and relieve this man and give him his salary.

Mr. KNOTT. I yield now for a moment to the gentleman from Pennsylvania, [Mr. HOPKINS.]

Mr. HOPKINS. I desire, sir, to say but a few words in favor of the passage of this bill. I have known the distinguished gentlemen mentioned in the bill from my boyhood. For twenty-odd years I have practiced before him. And I am glad to know that his reputation for integrity and ability has extended throughout our broad Union. But I desire to add one further remark to all that has been said. The immense amount of labor that has been imposed upon Judge McCandless, no gentleman, perhaps, outside of his district can realize. The enormous number of bankrupt cases and internal-revenue cases coming before him have surpassed almost any district in the United States. Judge McCandless has literally worn himself out in the service of his country, and is without any fortune. He has given the best years of his life to the service of the United States, and I think it would be an ungracious thing to turn him out in his advanced years with his physical infirmities, without the provision made for those who, at a certain age, whether disabled or not, have ample provision made for them by the United States. As was said by the gentleman from Kentucky, [Mr. KNOTT,] this bill passed the House during the last Congress without opposition, and it would have passed the Senate, but Judge McCandless, hoping that his physical disabilities would be removed, and that he would still be able to serve the Government, wrote to the Senators from our State begging them to prevent the passage of the bill. He now feels, sir, that he is unable to discharge his duties, and hence he hopes that this bill will pass, and I trust that it will pass by a unanimous vote.

Mr. CONGER. I ask the gentleman from Kentucky to yield to me for a moment.

Mr. KNOTT. I will do so.

Mr. CONGER. There is this consideration in regard to the business of this district which perhaps may have some weight with the House: Under the law as it now exists this judge is not compelled either to resign or to retire, and there is no one to perform the duties of that office in that district unless other district judges volunteer to perform them or the circuit judge is able to do so. I think that this consideration in this case should have some weight with this House. This bill should pass in order that this judge may be enabled to retire and some other judge be appointed who can perform the duties of the district.

Mr. KNOTT. I now call the previous question on the engrossment and third reading of the bill.

The question was taken; and upon a division there were—ayes 113, noes 40.

So the previous question was seconded.

The question was then taken upon ordering the main question; and upon a division there were—ayes 97, noes 42; no quorum voting.

Tellers were ordered; and Mr. KNOTT and Mr. HOLMAN were appointed.

The House again divided; and the tellers reported that there were—ayes 112, noes 48.

So the main question was ordered, which was upon ordering the bill to be engrossed and read the third time.

Mr. HAMILTON, of New Jersey. I ask for the yeas and nays on this question. I want to record my vote against a civil-pension list.

Mr. HOLMAN. I would suggest that the yeas and nays be taken upon the passage of the bill.

Mr. HAMILTON, of New Jersey. I do not object to that.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question was upon the passage of the bill.

Mr. HAMILTON, of New Jersey. I now call for the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and there were—yeas 145, nays 101, not voting 44, as follows:

YEAS—Messrs. Ainsworth, Ashe, Atkins, George A. Bagley, William H. Baker, Banks, Banning, Barnum, Bass, Blackburn, Blaine, Blair, Bliss, Boone, Bradley, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Cannon, Cason, Caswell, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Conger, Cook, Cowan, Danford, Darrell, Davy, Donnell, Durham, Eames, Egbert, Ellis, Evans, Farwell, Foster, Franklin, Freeman, Frost, Frye, Garfield, Gause, Gibson, Goode, Hale, Hurdson, Benjamin W. Harris, Hathorn, Hendee, Hereford, Abraham S. Hewitt, Hoar, Hoge, Hopkins, Hoskins, House, Hubbell, Hurlbut, Hyman, Thomas L. Jones, Kasson, Kehr, Kelley, Ketchum, King, Knott, Lamar, George M. Landers, Lane, Levy, Lewis, Luttrell, Lynch, Lynde, Levi A. Mackey, Maish, McDill, Metcalfe, Money, Monroe, Morey, Morgan, Mutchler, Nash, Norton, O'Brien, O'Neill, Page, Parsons, Payne, John F. Philips, Piper, Plaisted, Platt, Powell, Pratt, Rainey, John Reilly,

Rice, John Robbins, Roberts, Robinson, Sobieski Ross, Rusk, Sampson, Sayler, Schleicher, Seelye, Sheakley, Sinnickson, Slemons, Smalls, Starkweather, Strait, Stenger, Throckmorton, Martin I. Townsend, Washington Townsend, Turney, Van Vorhes, John L. Vance, Waddell, Alexander S. Wallace, John W. Wallace, Warren, Erastus Wells, G. Wiley Wells, White, Wigginton, Wike, Andrew Williams, Alpheus S. Williams, Charles G. Williams, Jeremiah N. Williams, William B. Williams, Alan Wood, jr., Woodburn, and Yeates—145.

NAYS—Messrs. Adams, Anderson, Bagby, John H. Bagley, jr., John H. Baker, Ballou, Bell, Blount, Bradford, Burleigh, Cabell, John H. Caldwell, William P. Caldwell, Candler, Cate, Chapin, Cox, Crounse, Culberson, Cutler, Davis, De Bolt, Dibrell, Douglas, Eden, Faulkner, Felton, Forney, Fort, Fuller, Glover, Goodin, Gunter, Andrew H. Hamilton, Robert Hamilton, Hardenbergh, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Haymond, Henderson, Goldsmith W. Hewitt, Holman, Hooker, Frank Jones, Joyce, Franklin Landers, Lapham, Lawrence, Magoon, McFarland, McMahon, Miller, Milliken, Mills, Neal, New, Oliver, Phelps, William A. Phillips, Poppleton, Potter, Randall, Rea, Reagan, Riddle, William M. Robbins, Miles Ross, Savage, Scales, Singleton, A. Herr Smith, William E. Smith, Southard, Sparks, Springer, Stevenson, Stone, Tarbox, Terese, Terry, Thompson, Thomas, Thornburgh, Tufts, Robert B. Vance, Waldron, Walling, Whitehouse, Whiting, Whitthorne, Willard, James Williams, James D. Williams, Willis, Benjamin Wilson, James Wilson, Fernando Wood, and Young—101.

NOT VOTING—Messrs. Beebe, Bland, Bright, Campbell, Chittenden, Crapo, Denison, Dobbins, Durand, Ely, Hancock, Hatcher, Hays, Henkle, Hill, Hunter, Hunton, Hurd, Jenks, Kimball, Leavenworth, Lord, Edmund W. M. Mackey, MacDougall, McCrary, Meade, Morrison, Odell, Packer, Pierce, Purman, James B. Reilly, Schumaker, Stowell, Swann, Tucker, Charles C. B. Walker, Gilbert C. Walker, Walls, Walsh, Ward, Wheeler, Wilshire, and Woodworth—44.

So the bill was passed.

During the call of the roll,

Mr. HENDEE said: I desire to state that my colleague, Mr. DENISON, is absent on account of sickness.

Mr. HALE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. L. P. LUCKEY, his Private Secretary, who also informed the House that the President had approved and signed bills of the House of the following titles:

An act (H. R. No. 282) to declare the road leading from Concordia, Kentucky, to Mooleyville, Kentucky, a post-road; and

An act (H. R. No. 283) to change the name of the steamboat Tom Jasper, of Saint Louis.

3.65 DISTRICT OF COLUMBIA BONDS.

Mr. RANDALL. I desire to make a report which under the call of committees this morning would not have been strictly in order. It is a matter of great importance, and I desire to submit it now to the House. I am instructed by the Committee on Appropriations to report back, with a negative recommendation, House bill No. 815, for the payment of the interest of the 3.65 bonds issued under the act of Congress, approved June 20, 1874, entitled "An act for the government of the District of Columbia, and for other purposes." In connection with this negative report I desire to state that it comes from the committee without any dissent.

The committee are of opinion that the Government of the United States——

Mr. BURCHARD, of Illinois. Will the gentleman allow the question to be stated from the Chair, so that we may know what action is asked of the House?

The SPEAKER. The gentleman from Pennsylvania, [Mr. RANDALL,] chairman of the Committee on Appropriations, reports back, by order of that committee, with an adverse recommendation, the bill of the House on the subject of the payment of the 3.65 bonds of the District of Columbia.

Mr. WOOD, of New York. I hope it will be reported before the gentleman proceeds.

Mr. CONGER. I make the point that this bill must go to the Committee of the Whole on the state of the Union.

Mr. RANDALL. It is too late to make that point.

Mr. CONGER. This is the first time there has been an opportunity to raise the point.

The SPEAKER. The Chair sustains the point of order.

Mr. RANDALL. I hope the gentleman will not insist on the point. This is an important matter to a great number of persons, and its consideration will take but a moment. The committee make a negative recommendation; but they desire that I should make a statement so that by our action the value of these bonds may not be in any manner impaired, but that on the contrary, by what passes here in reference to this subject, the credit of the District may be strengthened.

Mr. HOAR. I hope the gentleman from Pennsylvania will consent to let this matter go over till Monday. I understand that there will be considerable debate on it.

Mr. RANDALL. If gentlemen had allowed me to go on with my statement I should have been through by this time.

Mr. HOAR. There are other gentlemen, I understand, who wish to speak on the question.

Mr. CONGER. I insist on my point of order.

Mr. RANDALL. I withdraw the report.

HARBOR OF VERMILLION, OHIO.

The SPEAKER, by unanimous consent, laid before the House a communication from the Secretary of War, transmitting, in response to a resolution of the House of the 12th instant, the report of Lieutenant-Colonel C. E. Blunt, United States Engineers, on the harbor of Vermillion, Ohio; which was referred to the Committee on Commerce.

WASHINGTON NATIONAL MONUMENT.

The SPEAKER also laid before the House a communication from the secretary of the Washington National Monument Society, transmitting a petition, signed by 15,000 citizens of the United States, for the completion of the monument; which was referred to the Committee on the Centennial Celebration and the proposed National Census of 1875.

WASHINGTON AND GEORGETOWN RAILWAY.

The SPEAKER also laid before the House a communication from the president of the Washington and Georgetown Railway, transmitting, in compliance with section 16 of the act of incorporation, a report of the operations of the company for the year ending December 31, 1875; which was referred to the Committee on the District of Columbia.

UNITED STATES AND CUBA.

The SPEAKER also laid before the House a message from the President of the United States, transmitting, in answer to a resolution of the House of the 17th instant, a report from the Secretary of State, inclosing correspondence between the Government of the United States and Spain in relation to the island of Cuba; which was referred to the Committee on Foreign Affairs.

CAROLINE M. PURVIANCE AND FRANCIS WYETH.

On motion of Mr. LUTTRELL, by unanimous consent, the bill (S. No. 191) for the relief of Caroline M. Purviance and Francis Wyeth was taken from the Speaker's table, read a first and second time, and referred to the Committee on War Claims.

DEATH OF HENRY WILSON.

A message from the Senate, by Mr. SYMPSON, one of their clerks, communicated to the House the resolutions of the Senate on the announcement of the death of HENRY WILSON, late Vice-President of the United States.

The SPEAKER. The Chair will direct that the message received from the Senate in regard to the death of the late Vice-President be now read.

Mr. HOLMAN. I ask unanimous consent that during the consideration of the resolutions from the Senate, now about to be brought to the attention of the House, the privileges of the floor be extended to the delegation of editors from Indiana who are now visiting this Capitol. I believe this is in conformity with precedent.

There being no objection, it was ordered accordingly.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES,
January 21, 1876.

Resolved, That the Senate has received with profound sorrow the announcement of the death of HENRY WILSON, late Vice-President of the United States and President of the Senate, who had been for eighteen years of consecutive service a member of this body.

Resolved, That business be now suspended that the friends and associates of the deceased may pay fitting tribute to his public and private virtues.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Mr. WARREN. Mr. Speaker, I move the adoption of the resolutions which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the House of Representatives has received with profound sorrow the announcement of the death of HENRY WILSON, late Vice-President of the United States.

Resolved, That business be now suspended to allow fitting tributes to be paid to his public and private virtues; and that, as a further mark of respect to the memory of the deceased, the House at the close of such remarks shall adjourn.

Mr. WARREN. Mr. Speaker, again, and seemingly all too soon, Massachusetts calls upon the Houses of Congress to pause in their customary labors and join her in paying tribute to the memory of one of her departed statesmen. This time she has to mourn the loss of him who had been honored by the highest office in the Federal Government attained by any of her citizens during the last half century, HENRY WILSON, the eighteenth Vice-President of the United States.

Born at Farmington, in the State of New Hampshire, on the 16th day of February, 1812, his early life was passed in unceasing toil. Yet from childhood he had such a thirst for knowledge that when at his maturity he left his birth-place, he had not only read but had stored in his memory, where it remained ever after available for instant use, whatever the best authorities upon English and American history up to that time had written.

In 1833 Mr. WILSON removed to Natick, in Massachusetts, and made that place his home. There he was married, and there his remains now repose with those of his wife and son. His business life, perhaps the least important part of his history, was confined entirely to the manufacture of boots and shoes, a branch of industry then in its infancy in the part of Massachusetts in which he resided. But in business he always exhibited the same patience of labor and faithfulness in performance which characterized all his undertakings. He was by no means the least efficient among those whose ingenuity and exertions brought that manufacture up to its present vast proportions.

It is, however, in his public life that we are more peculiarly interested. He took an active part in the canvass of 1840, which resulted in the election of General Harrison to the Presidency, and was himself

elected in that year to the Massachusetts house of representatives. From that time forward his name has never been disconnected from the history of Massachusetts politics, except so far as it is more intimately associated with the politics of the whole country. Once defeated, he was in 1844 a member of the State senate, and was re-elected in 1845. In this latter year he presided over a convention assembled to oppose the admission of Texas into the Union. In 1846 he returned to the house of representatives, having declined a renomination to the senate. In 1848 he was a member of the national convention which nominated General Taylor. This nomination was effected against the strennous opposition of Mr. WILSON, who felt that Mr. Webster should have received the honor. He consequently was zealous in opposing the election of General Taylor, and took part in the calling and organizing of the Buffalo convention which nominated Martin Van Buren for President and Charles Francis Adams for Vice-President. He was chairman of the free-soil State committee in 1849. In 1850 he again sat in the State house of representatives, and was the candidate of his party for speaker. In the fall of that year he was one of the originators and chief supporters of the coalition between the free-soil and democratic parties, which elected Mr. Boutwell governor, Mr. WILSON himself to the State senate and made him president of that body, and, after a severe contest, sent Charles Sumner to the Senate of the United States. In 1852 he was a delegate to the national convention of the free-soil party held at Pittsburgh, Pennsylvania; was chairman of the national free-soil committee; failed of an election to Congress by less than a hundred votes, and was again president of the Massachusetts senate. His address of welcome to Louis Kossuth, made the same year as chairman of a legislative committee, won the applause of all parties. In 1853 he was a member of and took a prominent part in a convention called to revise the constitution of the Commonwealth. Here he made his influence felt, although the convention contained the ablest men in the State of every party. In the same year he was the candidate of his party for governor, and again in 1854, but was never elected to that office. In the latter year he was actively engaged in organizing the opposition to the repeal of the Missouri compromise. In that year, also, he joined the native American or know-nothing party, as it was called, which elected its candidate for governor and a large majority in both branches of the Legislature. That Legislature met in January, 1855, and, on the resignation of Mr. Everett, elected Mr. WILSON to the United States Senate. He took his seat in that body on the 10th day of February, 1855, and continued to occupy it until he assumed the office of Vice-President, March 4, 1873.

Time would fail me were I to attempt to recount his labors as a member of the Senate. Suffice it to say that when the history of its memorable doings, for the last twenty memorable years, shall come to be written, there will be no chapter of the whole record that will not perforce mention the name and speak of the labors of HENRY WILSON, of Massachusetts. And the history of the party to which he belonged, and at whose birth he assisted, will make mention of no man who did more to lead that party from its early adversity and defeat to its final triumph and long tenure of power; no man who labored harder, through good and through evil report, with brain, and tongue, and hand in the cause to which he was devoted; no man who was keener in foreseeing and surer in taking the precise step in which the people were ready to follow; no man who understood better how to lead forward his party from position to position until, through their support, every measure of policy which he deemed essential was finally established, than HENRY WILSON, of Massachusetts. And so it happened that before, and during, and since our civil conflict he was all the time one of the foremost leaders, one of the most trusted advisers among the men who in those periods in the main shaped the destiny of our people.

With this brief sketch of the wonderfully successful career of Mr. WILSON I might pause. But were I to do so I might leave the impression that his life was hardly an exceptional one in this new and growing country. There are, it is true, innumerable instances in each succeeding generation of men who, from poverty and deprivation, have worked their way upward to high position, and meanwhile have educated themselves sufficiently to be enabled to bear off their honors bravely and do credit to themselves and the State. But Mr. WILSON had to contend against no ordinary odds. His was not the lot of him who in a new country, by simple force of character, energy, and industry, becomes a leader among the hardy pioneers who surround him. He went a self-taught youth from his rustic home into the most populous portion of one of the oldest States in the Union. He took up his abode in the immediate vicinity of our most ancient seat of learning. He chose as his political associates a party comprising probably two-thirds of the people of Massachusetts and an equal proportion of those who might truly be called the educated and cultivated men in a community behind none on this continent in intelligence and refinement. It was with the picked men in such a community and in such a party that he was brought into comparison and finally into competition. And it seems to me the great success of his life that he took a front rank among such competitors and finally superseded the foremost of them in the leadership of his party.

He must then have been possessed of some unusual qualities besides mere intellectual power, general knowledge, the gift of eloquence, or personal character. These were possessed in sufficient degree by hundreds of his compeers. True, he was not lacking in energy; he shrunk from no labor; his mind worked easily and he rarely failed to detect the vulnerable point in his adversary's position; he had no dearth of general information, and even in his early days his style of oratory was far above the average. But over and above all this he had in a pre-eminent degree two especial qualifications for political leadership. These were, first an intimate acquaintance with all the facts of our past and current political history. A memory naturally tenacious had been trained and crammed to hold this knowledge of political facts always at command. This kind of knowledge has not of late been common in Massachusetts. One effect of the course of education in that State during the last third of a century, combined doubtless with other causes, has been to produce a distaste for political life among men of the highest education, and an aversion to any great familiarity with the details of American political history.

In the second place, Mr. WILSON had no superior as a party organizer. There may be some who will deem the possession of the faculty for organizing men into a compact and formidable body as not a subject for eulogy. Such is not my opinion. English and American history for centuries has been the history of parties. No other instrumentality has been, none is likely to be devised which will supplant them as the ready and necessary means for molding the policy of the state. In a country where new questions are constantly arising and former ones becoming obsolete the organizer is scarcely, if at all, less important than the thinker. The student will spend his life in the seclusion of his closet; the orator, be he ever so impassioned and eloquent, will arouse only discord and ill-temper, until he appears who can transform their speculations and declamation into a body of measures to the support of which he can bring a potent array of his fellow-men. It was only through the organizing skill of HENRY WILSON that it became possible for Charles Sumner to pass from a private station to the Senate of the United States. If those who claim to be leaders of thought and to possess superiority in culture and knowledge in our community desire or expect hereafter to resume that guidance and control over our affairs which they have of late been wont to complain are not conceded to them, they must, first, in knowledge of and familiarity with national and local politics, and secondly, in learning how to organize and direct masses of men, take a lesson from the life of HENRY WILSON, of Massachusetts.

With all these qualifications, however, continued success would rarely fall to the lot of any man who had not some great purpose to accomplish. Knowledge of affairs and skill in party organization would be acquirements dangerous to the public weal unless accompanied by a high sense of honor and unselfish devotion to a noble cause. In the case of Mr. WILSON no one needs to be told that the sentiment that controlled him was the anti-slavery sentiment, which he shared in common with almost all the people of his State and section. But while with most it was for a long time only a sentiment, with him it became the pivot on which his political conduct turned. And without even an allusion to the measures and events which have for many years been uppermost in the minds of us all, without speculating upon what might have been done or what avoided, it is not too much to say that at this time and in this place, where the people of every State in the Union are once again fully represented, there is no man who will hesitate to do full justice to the purity of motive, the sincerity of conviction, and the elevation of sentiment of the earlier New England anti-slavery men.

But it is the crowning glory of Vice-President WILSON'S life that while he never wavered in his hostility to an institution which in his view was a violation of human rights and a standing insult to the dignity of labor, he never permitted himself to cherish any bitterness of feeling toward his political antagonists, even after the angry conflict of arms had for a time almost obliterated all kindly feelings between the divided sections. Many and many are the men in all parts of the South who in their hour of distress have found in him a friend and benefactor, and here almost within reach of my hand are those who bear cheerful testimony to his efforts in their behalf whereby their prison doors were opened and they themselves returned to their homes and friends.

And so in a more public manner in the last year of his life, when he felt that his efforts in behalf of human freedom and the elevation of labor (for he always united the two in his thoughts) had reached their full fruition, he set himself at work to ascertain what might be done to alleviate the distresses of the southern people. Forgetting the politician and the partizan, he remembered only that he was a man and a Christian. And thus it happened that when he came to die he left behind no personal or political enemy, but was at peace with all mankind. A re-united nation in mourning sympathy followed his mortal part to its final resting-place, and to-day expresses a common grief in a common loss. He died on the 23d of November, within the walls of the Capitol—a most fitting place. Bereft of wife and child, he could claim kindred but with the Republic, and, as it were, in her embrace he sank to sleep. Upon him, self-taught, self-trained, but who had attained nearly all the honors his native land could bestow, speaking, however unworthily, for the district in which he lived, and for the university which is its pride and boast, I can freely bestow that meed of praise which the greatest of Roman orators was constrained to render to the foremost of Roman soldiers, "*Fuit in illo ingenium, ratio, memoria, literatura, cogitatio, diligentia.*"

And speaking for no single district, nor yet for any single country, but in the name of our common humanity, I can with the common consent, place a still higher tribute, which Roman orator and Roman

soldier knew not of, the crown of that Christian charity which "suffereth long and is kind, envieth not, vaunteth not itself, is not puffed up, doth not behave itself unseemly," which "thinketh no evil, rejoiceth not in iniquity but rejoiceth in the truth," charity which "never faileth," upon the tomb of HENRY WILSON, of Massachusetts.

Mr. HARRIS, of Massachusetts. I rise to second the resolutions in honor of HENRY WILSON, late Vice-President of the United States, which have just been presented to this House by my friend and colleague from Massachusetts, and in a few words to urge their adoption.

Standing here, Mr. Speaker, in the presence of so many distinguished gentlemen who had the privilege of familiar social, private, and public intercourse with Mr. WILSON, who learned his ambition, his aspiration, and his hopes, who saw him in his daily walks and heard his conversation, I know how feeble will be the tribute which I must pay to him. Nevertheless I bring my humble offering to his grave.

He was, as has been already said, a man of the people. He rose from the humble walks of life by great energy, by great intelligence, to the highest position in the country save one. He died in the possession and enjoyment of the second honor of the Republic.

Mr. WILSON understood the people. The people understood him. He seemed to understand the voice of the people and their judgment before it was uttered. He stood for many years as if with his hand upon the popular pulse. He felt every heart-beat of the people and announced their coming judgment.

Mr. WILSON was a man of whom I think it may be said that he was unsurpassed in private virtue. As a citizen for the purity of his private life, as a politician for the purity of his purposes, he had no superior. However men may differ from him in the views which he entertained; however bitter at times may have been the contests in which he engaged, I think to-day there are no persons within the sound of my voice who will say they do not believe that he was sincere and honest in every public and private act.

No man can speak of HENRY WILSON without making reference to the relations which he occupied to party and to the Republic. To speak of him otherwise than as an advocate of liberty and as an adversary and opponent of human slavery would be to do injustice to his memory. He commenced early in his political career as an advocate of the slave. At first he only sought to prevent the extension of human slavery. At last when war burst upon the country he became the determined advocate of the abolition of that institution. I would not refer to any act of his which might call back one bitter thought to any gentleman upon this floor, but he believed that the Constitution of his country was a free Constitution, and, with Washington and Jefferson, that the institution of slavery was contrary to the genius of the Republic. And for many years he battled faithfully, as he believed, in the cause of the human race.

He saw, Mr. Speaker, nothing in the Constitution which needed amendment, and could his voice have been heard—could those gentlemen in the South who to-day are willing to pay tribute to the memory of HENRY WILSON; could they have heard his voice when he urged gradual emancipation; could they have believed him then; could they have found in him then, as they do now, the faithful and honest man—the change which had been decreed by the Almighty power would have come without shock or disaster, but with benefaction alike to master and slave.

Mr. WILSON, as a politician, pressed his views upon the public with persistency and zeal, but I do not think he could properly be called a belligerent man. He did not so much undertake to convince and convert his enemies as to concentrate and combine his friends and sympathizers into one grand power, with which to execute his purposes. He, therefore, had few personal controversies in his life, few personal encounters. I think I may say he had as few personal enemies as any public man of his time. Indeed I doubt whether he can be said to have had any personal enemies.

When war burst upon the country, Mr. WILSON left nothing undone or unattempted which he believed would lead up to the triumph of the Government and the armies of the country. He was not a trifler in war or peace, and when war did come, it was with him war to the knife. But when the war was over, he was kind, forgiving, and affectionate. To the poor victims of war his heart overflowed with pity; with the tenderness of a woman he wept as he staunched the wounds and assuaged the woes of war.

After the close of that sad period he proved to the people of the North and South that he had no hostility to the men whom he believed the institution of slavery had cursed. For them he had nothing but kindness and affection. He welcomed them back, asking only, when they returned to live with him under a redeemed and purified Constitution, that they would come with a sincere determination honestly and zealously to work with him for the glory of the country.

Mr. WILSON died in the Capitol of his country; a most fitting place. He died after probably having accomplished all that was left to him to accomplish. He died; and I think he receives to-day the fittest eulogy from the people of the country, the people of his own class, the humble—for Mr. WILSON never forgot that he was from the poor, that his origin was among the poor and the humble—and the proudest eulogy which goes up is that incense which rises from the hearts of the humble and the poor.

Now, Mr. Speaker, lest I shall trespass too long upon the House, I hasten to conclude. I have spoken of HENRY WILSON only as a national man. Massachusetts to-day mourns HENRY WILSON, and Massachusetts, Mr. Speaker, has cause for sorrow. John A. Andrew, Charles Sumner, and now HENRY WILSON: HENRY WILSON, the last of the grand trio. HENRY WILSON had the confidence of the people of Massachusetts. He had their love, and they bore him upon their arms into the office of the Vice-President of the United States. He was their representative, and spoke their voice; and as they gather his remains to their final resting-place they treasure his memory, and they will transmit his fair example to their sons, and point to it as worthy of imitation and emulation for the humble and the poor, and for their inspiration.

Mr. Speaker, John A. Andrew, at the opening of the war, during the struggle, and at its close, was the governor of that State. Charles Sumner and HENRY WILSON spoke her voice in the Senate of the United States. And I think, sir, it is no arrogance to say that the utterance of those three of her noble sons, now all departed, the utterance of those three was the true utterance of the Commonwealth of Massachusetts, of the nation, and of the age in which they lived. Charles Sumner passed away at the most fitting and proper period, perhaps, for his death. He had arrived at the highest honors. He had accomplished all there was for him to do and he passed away; but, Mr. Speaker, not until he lifted his voice to welcome back to the protection of the Constitution and into the fold of the Republic every man who had left it during the war of the rebellion. John A. Andrew before his death announced with his ringing voice his desire that every person in the Republic should come back again and enjoy the privileges and the franchises of the Republic; and HENRY WILSON before his death had shown to all the people that his voice was for reconciliation, for peace, for amnesty.

Mr. Speaker, now as Massachusetts gathers to her bosom the remains of her chosen son, what is the message, what is the voice that she utters in the ears of the nation? It is not the voice of hate, it is not the voice of hostility, it is not that: it is the voice of love, fraternal feeling, and concord. May she not say "These were the men who spoke my voice; you have heard it, and after all was it not a voice in favor of 'peace on earth and good-will to men?'"

Mr. KELLEY. Mr. Speaker, with whatever warmth of maternal affection Abigail Colbath welcomed the boy who was born to her in Farmington, New Hampshire, on the 16th of February, 1812, there was naturally a feeling throughout the family that he was not a welcome guest. The event doubtless evoked the sympathy of friends and neighbors, for they knew that the chilling shadow of poverty darkened the household; that want was to sit by the cradle of the little one, and that it was probable he would at times ask for bread when the mother would have none to give. Could, however, Abigail and Winthrop Colbath have penetrated the secrets of the future, they would have been exalted with joy and a novel consciousness of pride. They would have seen that, though poverty was to attend his infancy and poorly-requited labor be his lot in youth and early manhood, their child was destined to be a positive and beneficient force during one of the great epochs in his country's history, and that, after a life closed in the "sere and yellow leaf," his remains would be borne from the Capitol of his country by a grateful and sorrowing people to the State he had so long served and which in recognition of his services had honored him as it had few of its citizens.

I have heard men say that HENRY WILSON was not a great man. This may be true; but, if it be, it proves that a good spirit is a more potent social agent than great parts. HENRY WILSON, by his fidelity to conviction, by his freedom from selfish ambitions, by his powers as an organizer, his capacity to combine for common objects those who, differing widely on incidental points, agreed only on the leading purpose of the day, and by his almost ceaseless and seemingly unwearying labor, exercised during the last quarter of a century an influence as powerful and wide-spread as any among the most gifted of his fellow-citizens.

I remember his advent to the politics of Massachusetts as the Natick cobbler, in 1840, shortly before which date I had ceased to be a working jeweler in Boston, whither I had gone in the winter of 1834–'35, in pursuit of employment, which the severity of a financial crisis denied me in my native city. The earnestness of the man, the simplicity and directness of his character, his knowledge of facts, his clearness of statement, and the language in which he clothed thought and fact gave promise of a potential future, and his position in the politics of Massachusetts was at once assured. Mr. WILSON and I were then members of opposing parties; he was a whig, I a democrat. Having returned to my home and engaged in other pursuits than those for which the labors of my youth had fitted me, I had not observed his progress in connection with public affairs, and he next came specially under my notice in 1852, when he had been a delegate to the national convention of the free-soil party, held at Pittsburgh in 1852, and been called to preside over that body, and also made chairman of the national committee of that party. From Pittsburgh he came to Philadelphia. I met him soon after his arrival, and the interest we each felt in preventing the extension to the Territories of a system of unpaid labor and to the creation of more slave States had removed the political differences that had divided us twelve years before. From that time we were to be co-workers and friends, and our meetings were frequent, for thenceforward it seemed impossible to conduct a campaign in Pennsylvania without the aid of HENRY WILSON'S

prudent counsels and popular appeals. As a public speaker he was welcomed to every part of our State, and I do not exaggerate when I say that he addressed more people in Pennsylvania than any other man who never resided within her limits. In parts of the State he was loved as he was by the reformatory and progressive people of Massachusetts. His name never failed to attract a large audience or his addresses to inspire with courage and the purpose of determined and effective labor those who heard him.

We shall hear his voice no more on our mountain sides and in our beautiful valleys, but he has not ceased to be an influence for good among us. The good men do lives after them. The story of HENRY WILSON's youth, if fitly written, will be clothed in pure monosyllabic Saxon, that untaught children may understand its full import. Nor do the incidents of his maturer life need rhetorical setting. They speak for themselves with such force and directness that his biographer who shall attempt by literary effort to add to their force will mar the influence of his example. To produce its just effect the statement of the means by which he rose, step by step, from the shoemaker's seat to the Legislature of Massachusetts, to the position of next to the senior member of the Senate of the United States, and subsequently to the Vice-Presidency, should be made in his own simple and direct style. His example of frugality and abstinence from the use of all hurtful stimulants, his habit of personal economy, his indifference to worldly wealth, his sympathetic generosity to the poor and afflicted, his unceasing labors, and the honors that attended them are inspiring examples to every gifted child of poverty. Invaluable as the story of HENRY WILSON'S life is to us of the North, now that the terrible apprehension of servile revolt and of arbitrarily enforced social equality between the races, which filled many minds after war had emancipated the slaves, that hung like threatening clouds over southern society, has vanished, it is far more valuable to the South, among whose people are so many who will be benefited by learning how a poor and almost friendless boy can find pleasure in books and by their friendly assistance mount from helpless obscurity to personal power and possible distinction. But not to the humble alone does the life of HENRY WILSON speak, for, properly considered, its great lesson is to those whose lot in life is happier, whose privilege it is to legislate for and govern others. In his career they will find proof that energies, which neglected or trained in vicious ways would be dangerous to society, if turned toward self-culture and directed to noble purposes, will add not only to the power but to the glory of the State.

Mr. KNOTT. Mr. Speaker, it is no part of my purpose to pronounce a studied panegyric upon either the genius or the public services of the distinguished man to the memory of whose virtues we would pay a becoming tribute of respect, and the recollection of whose frailties, if any he had, we would bury with his moldering dust forever beyond our view. I seek, sir, to add but a single leaf to the garland we would hang upon his tomb. I rise simply to express the unfeigned and heart-felt admiration of my people as well as my own high appreciation of that genuine manliness and true nobility of soul exhibited by the illustrious deceased in one of the most unostentatious yet to my mind one of the most singularly beautiful and touching acts of his whole life.

But a short time previous to his death Mr. WILSON had occasion to visit the metropolis of my native State, where he was welcomed with that cordial, open-handed, warm-hearted hospitality which I am proud to say has always characterized its generous people. All classes, irrespective of political prejudices and party affiliations, vied with each other in extending to him the evidences of that high consideration due to one of the most distinguished citizens of the country, and especially to the high position he occupied as Vice-President of the United States. No attention which could possibly render his stay agreeable was omitted by those into whose midst he had come. And no one was better able to appreciate their courtesy than their illustrious visitor. But while he was in the full enjoyment of those amenities which were so genial to his own warm and generous nature, cheered on every hand by friendly greetings, welcomed, honored, and entertained in circles of the highest refinement and culture, where all was joy and happiness and peace, a far different scene was presented in an unpretending Kentucky home a little over a hundred miles away. There, around the hearth-stone of one whom he had known in former years as an able and determined political opponent, one from whom he had been long separated by the fierce conflict of party strife and the still fiercer clash of war, were gathered the wan specter of anxiety and anguish and sorrow; for there the proud form which had challenged the admiration of thousands in the forum, upon the rostrum, in the Senate, and amid the crash of battle, stricken and prostrate by disease, was wasting rapidly away. There one of the grandest spirits that ever illustrated the dignity and majesty of our race was pluming its pinions for its final flight to brighter climes. Breckinridge the proscribed—the exile in his own native land—the alien in the midst of his own people, who loved him as a brother, lay dying. When the sad intelligence was communicated to the great man whose memory we mourn to-day, he threw aside all the fascinations of the most refined and elegant hospitality, and with his great heart full of friendship and fraternal feeling hastened to the bedside of the dying statesman, who in the calm dignity of his own majestic soul had borne for years the ban of proscription, there to tender his sympathy and testify his warm personal regard for one whom he had formerly recognized as the exponent and champion of principles which he himself had made it the great mission of his life to oppose in every legitimate manner and with all the earnestness and fervor of his own zealous and determined nature. Ah, Mr. Speaker, what a scene was that! The Vice-President of a proud and powerful people, with every feature of his benevolent face beaming with the kindest sentiments of friendship and brotherly love, as he held the emaciated hand of the dying hero in his own warm and cordial grasp! What an example to the emulation of the genuine American everywhere; what a total absence of every trace of that bitter, unforgiving, relentless, remorseless hate that clings alone to the ignoble soul. What a sublime spectacle of that exalted magnanimity which always belongs to a noble nature.

Mr. Speaker, that simple act of manly courtesy secured for our dead Vice-President a warm place in the heart of every true Kentuckian. From that hour there was a total oblivion of everything like prejudice that they may have entertained against him. From that hour there was not a household in my native State in which HENRY WILSON would not have been hailed as a welcome and an honored guest. For, sir, that simple, touching, unostentatious incident proved him to be a generous, warm-hearted, high-souled, noble man, and an honor to the proud old Commonwealth that gave him birth. And, sir, when the lightning-winged messenger whispered over this land the melancholy tidings of his peculiarly mournful death it nowhere touched a more responsive chord, nor will his memory be anywhere more tenderly enshrined than in the grateful hearts of Kentucky.

Mr. CLYMER. Mr. Speaker, during my brief service in this body the Commonwealth of Massachusetts has been chief mourner among the States. Her great Senator Charles Sumner was first summoned to his account, and then in quick succession Alvah Crocker, Samuel Hooper, and James Buffinton, members of this House during the last Congress, each honored and distinguished and all beloved by those who knew them, entered the dread portal! Now again she is sorely stricken! One who had long and faithfully served her in her own councils and in those of the nation, one whom she had given to the Republic to occupy the position next highest in dignity and power, has passed away, and her sister Commonwealths may not fail to assure her of their common sympathy in this hour of her new and sad bereavement.

It is my regret that the voice of Pennsylvania is not heard through one who knew him more intimately than myself, and if I fail to justly record his personal virtues or to place a proper estimate on his public services, I pray it may be attributed to the absence of those intimate personal relations which alone enable us to thoroughly appreciate and understand the motives and actions of men.

Born in obscurity and reared in poverty, he early exhibited that indomitable and unceasing energy which so strongly marked his subsequent career. Amid the drudgery of his life, when bound apprentice to a farmer and when learning the trade of a shoemaker, he was assiduous in his efforts to acquire knowledge, and of him it may be truly said that he was "a self-made man," for all his early scholastic training was acquired by his own unaided exertions, under the most difficult and often the most disheartening circumstances.

His thirst for knowledge was intense, and his mind was too vigorous and acute to be blind to the fact that mere untutored and uncultured genius is of little avail when brought into contact with trained and disciplined intellect. The friendless condition of his boyhood, the grave and pressing necessities of his early manhood, his constant struggle with poverty, his unyielding determination to rise above the condition in which he was born, all tended to develop in him a sturdy independence of thought and action which was clearly exhibited at the very threshold of his public life. Sprung from the soil, knowing well its hard condition, allied by his antecedents with the sons of toil, never failing to recognize their rights, and ever ready to defend their wrongs, he did not hesitate in their interests to break political alliances, then all-alluring and most powerful, to assert the individuality of his convictions and the sincerity of his motives. Added to this independence of thought and action, he had that which is so necessary to great achievements, implicit faith in himself and in the soundness of his own judgment, giving directness, force, and simplicity to his character.

In him there was, too, a large-hearted charity, a deep human sympathy born of his early adversity, which impelled him during his whole life to befriend the poor and lowly, to lift up and succor the weak, to cheer and encourage the struggling, and to defend and protect the friendless and oppressed. And, sir, as I look back upon the clouds and darkness from which we have emerged and consider what sacrifices he made, what obloquy he endured, what labor he performed in order that this charity, this human sympathy, might find expression, I may not fail to avow my profound admiration for his sincerity, retaining, nevertheless, my own convictions as to the justice and propriety of the means by which he sought to accomplish results.

It was this same catholic spirit which caused him, when the civil war was ended, to devote all his energies to healing its wounds, to drying up its tears, and to rebuilding its places made waste and desolate. In him there was no bitterness; his heart concealed no vengeance; "Vengeance is mine; I will repay, saith the Lord," was his childlike, Christian faith, and in the last public act of his long career he placed it on record for all coming time; since, it was at his suggestion and by his desire and advice that the State convention of his party in

Massachusetts, held at Worcester on the 29th day of September, 1875, over which he presided, adopted the following resolution:

That the republicans of Massachusetts welcome all auguries and evidences that the centennial of American Independence will be celebrated by the complete restoration of fraternity, and they express the opinion that the time has come for the removal of all remaining political disabilities.

Had he lived to-day we may believe that the spirit of this resolution would have received unanimous indorsement here as it did during the last Congress. That it has not is not the fault of him, being dead, nor of the people of the great Commonwealth who so loved and honored him.

To others I cheerfully leave the task of recounting with particularity his labors in the Senate during his long and eventful service. It is enough for me to say that, being of robust mental and physical nature, he was capable of great labor; that he was a worker in its true and best sense, and that during the war his name is connected either as author or advocate with nearly or quite all the military legislation of the period. His presence and official service were given to every public duty unselfishly and freely.

As a humanitarian he was abreast of, if not in advance of, public sentiment on every moral question, and he never shrank from the public advocacy of his views, whatever might be the effect on his political fortunes.

In contemplating his public life, the impulse is irresistible to contrast it with that of Charles Sumner, his colleague during the eighteen years of his senatorial career. To him he was most unlike, and yet he was no less useful. The one the patrician, educated in the groves of the academy; the other the plebeian, who, groping amid toil and penury, sought knowledge and found it by his own unaided efforts. Sumner was a man of books; WILSON, of men; Sumner, of ideas; WILSON, of deeds; Sumner, of theories; WILSON, of action; Sumner lived and moved in the unreal world of thought; WILSON moved and acted among men. Each had strong convictions. Sumner sought and would have his in paths chosen by himself; WILSON would accept results offered him by fortune or won in modes he did not prefer. As statesmen, Sumner acted in profound indifference, if not contempt, of the actual forces which existed, looking confidently to the end some time to come; WILSON labored in the light of and molded the influences which surrounded him, subordinating all minor matters to the object he desired to accomplish. As a result, Sumner theorized much, and left as memorials many splendid phrases; WILSON spoke much and identified himself with all the distinguished measures of his speech. Widely different in origin, tastes, thought, and action, these two men supplemented and complemented each other, in a way so rare and yet so admirable that the great Commonwealth which ever honored herself by honoring them may fail to find in long years to come two men who shall so truly reflect all of her that is good and true, manly and generous, learned and refined. No shadow fell upon their friendship in life, and they will go into history so linked together by the unity of their service and so bound together by the very dissimilarity of their training and action that the one may never be mentioned without recalling the honored name of the other.

In seeking for the cause which so strongly bound these two men together in spite of the obvious dissimilarity which existed, it may be found in that absolute and perfect personal integrity which so clearly marked the conduct of each. And if the late Vice-President had no other claim to the respect and admiration of the age in which he lived, it would shed a halo of glory around his name in all time to come to have it said of him with truth that, having served State and nation for more than a quarter of a century, he died poor. The statement of the fact is its own commentary. Amid the license of civil war; with public conscience blunted; when cupidity was excited by opportunity; when unmeasured wealth might have been and often was wrung from the very necessities of a stricken land without challenge and without reproof, he, leading a life of almost Spartan simplicity, stainless and pure, died, as he had lived, an honest man.

There was, sir, something very touching and sad in the manner of his death. It did not come to him unheralded. Long before the final stroke the warning messenger was by his side, and for months it followed him silently as a shadow, relentlessly as fate! Ever afterward he went about the land deeply solicitous for the common welfare, bearing messages of fraternal love, of peace, of good-will to all of every section. Walking daily in the very presence of death, envy, hatred, malice, and all uncharitableness found no home in his breast; and as he ever prayed for mercy and forgiveness, so too would he have extended these rich blessings to every one everywhere.

Weeks before the meeting of Congress in December, he came here in restless anxiety to complete the work which is to be the record of his life and times. And here, in his chamber of state, in high serenity, sustained by his faith and willing to be judged by his motives and works, he received the final summons, and, gathering his robes about him, he fell asleep under the shadow of the Dome of the Capitol. It was a fitting place for him to die. Wifeless, childless—the light had gone out from his own house; all was dreary darkness there—and coming to this the home of the nation he entered it as of right by virtue of his great office, and from its portal passed away forever, to find his last home in the bosom of the State he had loved and served so well, deplored and respected by the people.

Full of years and laden with honors, the most extravagant political dreams of his youth and manhood more than verified; with but one possible ambition unsatisfied—who may say he was not fortunate in his death?

Mr. KASSON. Mr. Speaker, the representative men of a great historical era are passing rapidly from this sphere of their duties. One by one, while the country proudly recognizes in them the souvenirs of its latest glory, they sink beneath that tide which overflows all mortal distinction. Lincoln, Winter Davis, and Chase, Fessenden, Grimes, and Sumner, leaders in the forefront of the late gigantic battle between hostile ideas, had already passed from among us before reaching the usual limit of human life. Again unwilling to wait for the ripeness of age, death has summoned another of the historic company to join his old associates in the land beyond the sun. Heaven seems to have grown avaricious, to seize so soon, and in the very vigor of his years, another living star from the visible coronet of the Republic. We complain that the divine sickle could not wait for all this human harvest until the whitened and bending heads should incline with the weight of years toward the earth which was destined to receive them.

When HENRY WILSON, Vice-President of the United States, received his summons, his form was still round and erect, his eyes beaming with sympathetic intelligence, his hearing open to every sound, his complexion fresh; his voice retained its earnest tones, his mind its vigor, and his heart its patriotism. The ears of his countrymen in all parts of the Union were still listening to his counsel, while their understandings were informed by his practical wisdom. We justly pronounce his departure from public life a national loss. It is the occasion of grief to kindred, to neighbors, to friends, to associates, and to patriots. Kindred and neighbors about his humble home on that eastern coast of Massachusetts to which his dust was committed, remember and celebrate his kindly private virtues and affections. There remain to us who have been his comrades in stormy times the recollection and celebration of those loftier public qualities, which bore him from such lowly beginnings to his exalted office, and which won for him the large influence which he wielded at the time of his death.

Sir, the two extreme forms of human government, despotism and democracy, touch each other at various points in spirit and in action. Both are willful, full of force, and delight in surprises, alternating in action between selfishness and generosity. Despotism sometimes surrounds itself with the splendors of high birth and the culture of learning and the refinements of the arts and civilization; and again, indulges itself with the overthrow of all inherited rights and all claims of distinction, and elevates, instead, some unheralded and unknown servants, some Daniel or Joseph, from the humblest ranks to the governing places of the state.

So the limited democracy of America has indulged its will at one time in elevating the well-bred dignity and worth of Washington and of Adams, the polished culture of Jefferson, and the well-trained logic of Madison. Again, it has taken the ruder strength of Jackson, and the soldierly simplicity of Taylor. Later still, with an awakened conscience, it chose a great-hearted, undisciplined child of the people, and sent Lincoln suddenly to the ruling place. Democracy in him manifested a grandeur of character which was much sooner comprehended by the earnest hearts of the common people, at home and abroad, than by the more cultivated intellects of the world, who have since hastened to crown his unclassic brow with the laurel of history. It was in this era, when our republican democracy was listening to its new-found conscience, that it nurtured, watched, and developed another of its unheralded children, amid the trials of poverty and the struggles for even an incomplete education.

I trust, Mr. Speaker, that it is not too early to claim for the late Vice-President the impartial and unimpassioned judgment of the citizens of all parts of the restored Union. In the decade which has elapsed since the fires of civil war were extinguished, the inflamed minds of men have also become more cool and dispassionate. Certainly a thoroughly restored balance of judgment cannot be regained suddenly, on the morrow of such a conflict. When we remember how many years the passions were growing, how at last they ripened into blood, how many sacrifices were endured on both sides before the fever departed and the wounded nation rose to its feet once more, we find cause for congratulation that the balance is so far redressed as we find it to-day. For thirty years it was a contest of opposing ideas respecting the proper constitutional organization of American society. These ideas were the invisible combatants, which finally incarnated themselves for fight and waged their warfare till the earth trembled under their clashing. In the intellectual struggle Mr. WILSON early engaged, and on the side of that small minority which seemed at the time to be a mere faction, hopeless of the confidence of even a single State. When that faction grew into a party, and the party increased to a majority, and the majority obtained control of the State, then, in 1855, the liberty-loving artisan replaced in the United States Senate that polished scholar and orator whom Massachusetts found unequal to the demand of the coming crisis. In that body, and in its high debates, he was to be compared or contrasted, by friend and foe, with such distinguished associates as Cass and Seward, Chase and Douglas, Sumner and Mason, Crittenden and Slidell, with whom he was to discuss the most vital questions of the Union.

When Mr. WILSON left the plow for the bench of the artisan, and

abandoned that bench for the forum of public debate, he had small store of learning, but a great sympathy for all his brethren—the children of labor. The field of his knowledge did not include the courses of the planets, the discoveries of science, the rules of art, nor the philosophy of antiquity, nor even the history of older nations. But his mind, with remarkable vigor, grasped and comprehended the wants of his race on this continent. His knowledge of American needs was at first more the result of a sympathetic experience than of careful study. He never separated himself, nor sought to separate himself, from the ground of his early experiences. That ground was hard fact. Throughout his career he dealt with facts. The genius of his childhood endowed him with no gifts of imagination or of artistic invention, and the wings of culture were wanting to his fancy. He could neither soar to the zenith, nor descend to the nadir; but always moved along the line of the visible horizon. There was no fever in his speech. Its most vigorous pulsations manifested only the glow of great earnestness. Without soaring, the movement of his eloquence was a strong stride, every footfall of which struck the solid ground and gave vigor to the next step. His whole political landscape was marked by solid metes and bounds. In the realm of American facts he was king, and in this realm he was rarely, if ever, worsted in debate. Untrained in the law, he was not much given to theories of constitutional construction, but was thoroughly imbued with the spirit of that charter of American liberty. Wherever there might seem to be a conflict of its provisions, its grand guarantees of the rights of persons were vastly more important, in his judgment, than its guarantees of the rights of property. He interpreted it always as illuminated by the diviner light of the Declaration of Independence.

If ever his rhetoric touched the borders of enthusiasm, if ever he seemed to have drank at some spring of oratorical inspiration, it was when he asserted the right of labor to freedom, and the right of freemen to labor without degradation. Then, filled with reminiscences of his own early struggles, and expanding them to take in the trials of millions like himself, and remembering those aspirations which gilded the dark clouds of his laborious youth, he kindled a flame in the hearts of his toiling countrymen which was not destined to die. It was the harp of universal humanity whose chords he struck; and such music once heard is never forgotten. It sounds and resounds from one home and hamlet of the toiling millions to another, and its echoes will never cease till the divine edict for the earning of bread shall be revoked.

Hear him for a moment in the Senate Chamber, in those tempestuous times when labor was clamoring to be released from the degrading thraldom of personal slavery. A Senator from South Carolina had just called the manual laborers of the North "hirelings," "essentially slaves," "galled by their degradation," and the "mud-sills" of society. HENRY WILSON, impatient and glowing, takes up the word as if all the hills of New England were ready to burst with resenting speech. He said:

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This language of scorn and contempt is addressed to Senators who were not nursed by a slave; whose lot it was to toil with their own hands; to eat bread earned, not by the sweat of another's brow but by their own. Sir, I am the son of a hireling manual laborer, who, with the frosts of seventy winters on his brow, lives by daily labor. I, too, have been a hireling manual laborer. Poverty cast its dark and chilling shadow over the home of my childhood; and want was there, an unbidden guest. At the age of ten years, to aid him who gave me being in keeping the gaunt specter from the hearth of the mother who bore me, I left the home of my boyhood and went to earn my bread by daily labor. Many a weary mile have I traveled

"To beg a brother of the earth
To give me leave to toil."

Sir, I have toiled as a "hireling laborer" in the field and the workshop, and I tell the Senator from South Carolina that I never "felt galled by" my "degradation." No, sir; never. * * * I was conscious of my manhood. I was the peer of my employer. * * * I knew, too, that the world was before me; that its wealth, its garnered treasures of knowledge, its honors, the coveted prizes of life, were within the grasp of a brave heart and a tireless hand; and I accepted the responsibilities of my position, all unconscious that I was a "slave." * * * In every position of private and public life are our associates who were but yesterday "hireling laborers," "mud-sills," "slaves." In every department of human effort are noble men who sprang from our ranks—men whose good deeds will be felt and will live in the grateful memories of men when the stones reared by the hands of affection to their honored names shall crumble into dust. Our eyes glisten and our hearts throb over the bright, glowing, and radiant pages of our history that record the deeds of patriotism of the sons of New England who sprang from our ranks and wore the badges of toil. While the names of Benjamin Franklin, Roger Sherman, Nathanael Greene, and Paul Revere live on the brightest pages of our history, the mechanics of Massachusetts and New England will never want illustrious examples to incite them to noble aspirations and noble deeds.

So spoke this champion of free labor. The same sentiment expressed by the rhymes of Robert Burns has echoed over two continents, and still warms the hearts of all the English-speaking races. Sir, had this splendid assertion of indignant manhood come down to us on some venerable parchment which preserved the sayings of Greek or Roman orators, our high-bred youth would echo it in all our schools and universities as belonging to the most vigorous days of ancient civilization. It would have ranked with the protest of St. Paul when he asserted his rights as a Roman citizen and appealed to Cæsar for their recognition, as WILSON appealed to the Senate and to the Republic. No prouder, manlier utterance was ever heard on the floor of the Senate or from a tribune of the people. It presents the inner life, better than any words of my invention, of him whose funeral-rites we celebrate.

Of all the speeches of this eminent man of the people known to me, this, from which I borrow an extract, in reply to the challenge, imported from the drawing-room into the politics of that day, and flung into the face of free labor, is the most characteristic, as it was, perhaps, the most effective. Its wide circulation in our valley of the Mississippi roused strong emotion in the breast and nerved the arm of toil. It was in 1858 that the worth of free labor was thus vindicated in the preliminary war of the conflicting ideas of our social organization. Two years later free white labor vindicated its own dignity by electing one of its own children to the first place of national honor, and again a few years later, having destroyed the adverse system, it elevated another of its family, its champion and the author of this speech, to the second place of national dignity.

Mr. Speaker, often in reading the history of nations we are surprised and awed by some striking evidence of divine intervention in the adjustment of human affairs. The wealthy, the wise, the mighty, overtaken by some improbable event, disappear from the stage, and their places are filled by those who had been the scorned or oppressed victims of their power; and the result was not foreseen of human contrivance. But in no country, except in France, have the events of any quarter of a century of modern history been more surprising and dramatic than in ours. That political philosophy and thorough-bred intellect which prevailed here and rendered the chambers of this Capitol illustrious thirty years ago have passed from this theater with much of the wisdom of that epoch which made them illustrious. Political theorists and theories, *doctrinaires* and their doctrines, though crystallized in solemn resolutions, dedicated to the names of powerful states, and drawn by mighty political logicians, have gone down before an enemy which never sleeps and always advances. The rights of humanity, the ideas of its progress, have gradually conquered or swept away all obstructions in the way of its organized march, and we have begun a new era which demands extraordinary foresight and vigilant care. It is a halt in the march of our destiny, while the new order is established. We are in the double peril of reaction and of rash action.

The counsel of the man we mourn to-day would have been beyond price during this halting decade of American politics and society. He was one of the few living links between the public life of twenty years ago and that of the passing day. His mental comprehension of the country, both of its interests and of its sentiments; his unimpassioned judgment; his conciliatory regard for all citizens of the restored Republic; his greater love of peace than of violence; his sincere patriotism—all these were qualities which gave him a rare endowment of utility for our times. As I review his career, so early and so constantly and so admirably devoted to liberty and to the state, it seems that he must have been gifted at birth with the sentiment which Pericles uttered in his oration at the celebration of the funeral rites in Athens. Said the Greek orator to the Athenians, "You must constantly keep before your eyes the powers of the state, and must love them. Look for happiness in liberty, and for liberty in your own courage."

Mr. Speaker, if the Congress of the United States were to direct an inscription upon marble to portray in the fewest and fittest words the essential sentiment of HENRY WILSON'S career, they would borrow it from Pericles, and would cut deep in the hard rock the words: "He constantly kept before his eyes the powers of the state, and he loved them. He sought for happiness in liberty, and for liberty in his own courage."

[Mr. BANKS addressed the House. His remarks will appear in the Appendix.]

Mr. LYNCH. Mr. Speaker, not long since the sad intelligence was flashed from one end of the country to the other that HENRY WILSON, late Vice-President of the United States, was dead. This sad news carried a pang of sorrow and grief to the heart of every lover of his country and to every friend of liberty and justice. I shall not attempt to do justice to the memory of this great and good man. I shall refer more especially to his achievements as a public man—as a representative man.

Mr. WILSON was known and recognized throughout the civilized world as a man of acknowledged ability and admitted capacity. The period in which he lived was one that enabled him to make for himself a record that is in every respect worthy of emulation. He was a man of broad, liberal, and conservative views upon public questions. As was said of Henry Clay, it can also be said of HENRY WILSON:

His sympathies embraced all; the African slave, the creole of Spanish America, the children of renovated classic Greece—all families of men, without respect to color or clime—found in his expanded bosom and comprehensive intellect a friend of their elevation and amelioration. Such ambition as that is God's implantation in the human heart for raising the down-trodden nations of the earth, and fitting them for regenerated existence in politics, in morals, and religion.

In the person of HENRY WILSON the poor have lost a true and consistent friend, the oppressed an able advocate, and the country a faithful public servant. He dedicated his entire life to the cause of liberty, justice, and equal rights. He regarded the institution of slavery as a foul blot upon our system of government, our civilization, and our Christianity. Recognizing the fact as he did, that the tree of liberty had been planted upon American soil and watered with the precious blood of thousands of patriotic advocates of freedom, that we could not consistently tolerate and sustain an institution that

was more aggravating and disgraceful than that of which the founders of our Government complained, and against which they were justified in rebelling, he did not entertain any feeling of ill-will toward those who did not agree with him in his views, nor toward those who were personally interested in perpetuating the existence of that institution which he regarded as a national disgrace, and to the destruction and abolition of which he devoted a long, useful, and successful life. But he was actuated by higher, nobler, and purer motives. He regarded the toleration of an institution which recognized the right of property in man as not only destructive of our system of government, subversive of true democracy, and as having a tendency to demoralize society, disturb the labor of the country, corrupt the morals of the masses, and retard the progress, happiness, and material prosperity of the people, but he also regarded it as contrary to the laws of Deity and at war with true Christian civilization. Throughout his useful and eventful life he never failed to raise his voice, to use his pen, and to cast his vote in the defense of those principles which he so consistently and persistently advocated. For his labors in the cause of humanity and justice the name of HENRY WILSON will be gratefully remembered by generations yet unborn.

During the memorable contest of 1856 over the admission of Kansas as a State in the Union, with the friends of freedom upon one side and the advocates of slavery upon the other, HENRY WILSON was one of the few members of the United States Senate at that time who took a bold, independent, outspoken position in favor of freedom for the slave. He did not oppose slavery simply from a stand-point of political expediency, but because he believed it to be morally and religiously wrong, as will appear from the following quotation from one of his great speeches that was delivered when the Kansas question was before the Senate:

> This question of slavery in America is the grand central idea of the country and of this age. If Senators imagine that anything that can be done in this or the other House of Congress, at this session or at any session, is to make peace in this country between the great contending powers of freedom upon the one side and slavery upon the other, they are greatly mistaken; they do not comprehend the vastness and extent of the issues.
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> When we adopted the Constitution of the United States we were not responsible for slavery anywhere. If I had time, I could pass on from 1789 up to this time and show you act after act, under almost every administration, in which you have connected us with and made us responsible for slavery. This legislation has been in violation of the policy adopted by the framers of the Constitution and the men who inaugurated this Government. Go back and undo this; disconnect us from slavery; put no responsibility on us; and then our consciences and our judgments will be clear. If slavery is wrong, as I believe it to be—and I believe it to be a crime against man and a sin toward God, and I believe that to be the sentiment of the free States—it is not our crime, it is not our sin.

HENRY WILSON was an ardent and devoted lover of his country. As chairman of the Senate Committee on Military Affairs during the late war he displayed such remarkable ability as to make his power and influence felt, acknowledged, and respected throughout the country. His advice and counsel were often sought by the Government, and seldom if ever rejected. His admonitions and remonstrances were seldom disregarded but often heeded, and never disrespected. He was justly looked upon by the country as one of the chief pillars of the Government during that important period of our country's history. His able speeches, his patriotic utterances, his statesman-like declarations, had the effect of giving renewed life and vigor to the cause of the Union and of strengthening the Union soldiers upon the field of battle. The Union soldier knew that in the person of HENRY WILSON he had a true friend, an able advocate, and a strong defender.

Since the beginning of reconstruction HENRY WILSON has occupied a very conspicuous position. He was among the first to advocate the adoption of a broad, liberal, and comprehensive system of reconstruction. I well remember his pathetic appeals to the old-line whigs of Virginia, shortly after the adoption of the congressional plan of reconstruction, to join with the newly enfranchised element of the grand old Commonwealth in rehabilitating their State government upon a firm, lasting, and solid foundation. He appealed to them to lay aside their passions and prejudices of race, the existence of which is known and generally admitted to be the result of the toleration of slavery and not from natural causes, and join in with this new element that had been incorporated in the body politic of the Commonwealth in reconstructing their State government upon a basis that would prevent a repetition of previous mistakes. His advice to the old-line whigs of Virginia was no less applicable to the same element in every one of the States similarly situated. It is doubtless a source of serious regret to thousands of those he addressed that his advice was not accepted by them. They now recognize the fact that his object was to prevent the formation of parties upon the race issue. He could foresee the disastrous results that would follow a bitter political contest between antagonistic elements, whether it be based upon race, religion, or nationality. He could foresee that, if reconstruction was made an accomplished fact upon the basis of antagonism between the two great elements of which southern society is composed, passion and prejudice would take the place of reason and argument, and that the material interests of the people, the development of the resources of the country, and the cultivation of friendly relations between the sections would be made subordinate to the ambition of unscrupulous politicians. The results that have followed the rejection of Mr. WILSON's advice by those to whom it was given have very clearly demonstrated the wisdom of his position. The serious apprehensions entertained by him as to the disastrous results that would be likely to follow the adoption of any other course have been unfortunately realized to an extent that is almost irreparable. It cannot be denied by those who are at all familiar with southern politics that the present unfortunate condition of affairs in that section of our country is due more to the existence of this antagonism between the two great elements in the South than to the faults and shortcomings of local, temporary, and periodical administrations. I believe there are but few who will not agree with me in asserting that had the views of HENRY WILSON been accepted and generally acquiesced in, the Southern States would be in a prosperous and flourishing condition to-day.

During the last two or three years of Mr. WILSON's life he saw proper to advance a few ideas upon what may be called the southern question which subjected him to a little unfavorable criticism on the part of a few of those who are identified with the same political organization of which he was a distinguished leader; but they evidently did not understand his purposes nor appreciate his motives. Those who knew HENRY WILSON, who have carefully watched his career since the beginning of reconstruction, could see in his recent utterances upon that subject the same consistent determination to bring about, if possible, a union of the best elements from the two great masses of which southern society is composed. They could see the same manifestations of an extreme anxiety on his part to bring about harmony and a reciprocity of feeling between the two races in the South, which all must admit is the most effectual if not the only remedy for the evils complained of in southern politics.

HENRY WILSON was a conscientious public man and a true Christian. His character for honesty and integrity could never be questioned. His public career, though long and eventful, was one that was particularly free from everything that was impure or even suspicious. His example is one that is in every particular worthy of emulation. The only thing that is consoling in the death of this great and good man is the fact that he left behind him a glorious record, and that, having lived the life of a pure and devoted Christian, he was enabled to say, "I have fought a good fight, I have finished my course, I have kept the faith." Let us hope, Mr. Speaker, that we may live the life that WILSON lived, and die the death he died.

Mr. HURLBUT. I shall not undertake, Mr. Speaker, to touch the details of the life of HENRY WILSON, to delineate his character, nor to do more than refer to his eminent public service. That will be better done by men who stood nearer to him in his life, more competent to analyze the secret springs of his success, and the real value of his work. I prefer to deal rather on this occasion with the general effect which the man himself has produced upon the thoughtful people who knew him only by the broad and general features of character as these framed and molded his public course and career.

There are two names which go straight to the heart of that grand mass of thinkers and workers who constitute the American people. Abraham Lincoln and HENRY WILSON more than all others of our time command the sympathy and hold the love of the people of the Union; both children of adversity, both toilers from their infancy, both winning their way by dint of brain-work and the dominion of pure character to the high places of the Republic. Differing in many essential qualities, contrasted in many elements of power—alike in the capacity of thorough conviction and of unfaltering action in the straight line of such conviction—each colored and pervaded by the peculiar atmosphere of their special surroundings, both fearlessly, intensely, absolutely American, such men could only be reared in one country; such men could only have come to the front in one epoch of that country.

HENRY WILSON by the force of patient labor, of solid will, of fearless belief, of effort to know the right and to do the right, clove asunder the icy barriers which society had placed between the New Hampshire boy and the Massachusetts Senator. He had the heroism to stand by the unpopular if he believed he stood by the true—a heroism nearly as rare now as it was then—and he had the rare satisfaction in his own life-time of seeing the right thing pass from opprobrium and opposition to success and accomplishment.

From his early days he abhorred slavery as deserving curse from God and man, and he struck straight at the heart of the hoary iniquity enthroned on the prejudice of customs and buttressed though it was by unholy alliance of church and state. His clear moral vision was clouded by no cunningly wrought veil; no device, no subterfuge, no cheat in word or action, could dim the anatomic eye which detected and exposed the loathsome lines that indicated disease and death in the painted harlot who queened it over the fairest portion of the Republic. The strict constructionists of that day, North and South, denounced him. Pilate and Herod struck hands, but the brave heart, strong from continuous struggle, flinched in no wise from the task self-imposed and self-sustained. He lived to see the dead carcass of the great wrong buried forever out of the sight of men, and the once blackened bosom of the nation pure again from that ancient sin. He lived to do his part, as a man should, in the physical struggle, the trial of colossal forces that shook our broad territory and made its earth-fast foundations tremble with the step of uncounted hosts. He saw the authority of the Constitution and the supremacy of law vindicated; he saw those who rashly took the sword punished by the sword; he heard the sounding hammer-blows of a hundred battles, as in the white heat of the rebellion they welded the nation into

indissoluble unity. He heard the glorious sentiment of his great predecessor, "The Union, now and forever, one and inseparable," pronounced as the grand result of the tremendous conflict, and wrought into the life and conscience of millions of his countrymen as the one, primal, controlling fact before which all others were dwarfed into insignificance. Filled himself with the largest view of this intense nationality, he rejoiced that it filled the heart of the nation.

As Senator, as chairman of the Military Committee, he did much valuable work, work which the country hardly appreciates yet; and it stands to his eternal credit that in the exercise of the wide discretion and vast power held by him in that capacity no sordid nor selfish nor sectional preference ever impaired the justice of his action.

He took his part fairly and well in all the legislation which followed the war; nor have I ever heard any man say that in anything done or said by him in all that time there was personal bitterness or desire for revenge.

He was active as a politician, for he believed in the necessity of vigorous and enlightened political action. He made enemies, as all strong men do; but even this time in which we live, prolific in slander and prompt to accuse, never charged HENRY WILSON with dishonest act or impure motive.

Not standing in the rank of our greatest men, measured by intellectual standards, his influence was due more to faith in his personal character, his devotion to right, than to pre-eminent mental stature.

He did the work set before him to do with the same good faith and the same steady energy with which he filled out the coarser tasks of his early manhood, and the people for whom he labored so long and well heartily unite in the plaudits of "good and faithful servant," as they look back upon his long career of public service and feel that it is well with any people when from its institutions and modes of life and thought can spring such a life and such a character as that of HENRY WILSON.

Mr. REAGAN. Some days ago it was suggested that I should take a part in the addresses on this occasion. I had then, on account of the pressure of other duties, reluctantly to decline to do so. Until I saw the list to-day of those who were to make addresses I did not know that it was anticipated I should say anything on this occasion, and what I do say shall be limited to stating an incident illustrative of the character and virtues and the charity of the great man whose memory is this day being honored.

My first personal acquaintance with Mr. WILSON was in 1857, and our associations were such as might spring up between two men of different ages and different positions, and differing in politics. At the close of the war I was made, with others, a prisoner, and was taken, with Mr. Alexander H. Stephens, now a member of this House, to FORT WARREN. In the fall of the year 1865, when we were released, I immediately returned to the city of New York, and while spending a few days there I met with Mr. WILSON, who was then engaged in canvassing the State of New York. We had a somewhat free conversation about the condition in which the country then was, and especially about the condition of that section of the country in which I lived. A short time before that, feeling that I comprehended the condition of the country and what would be necessary for the future, not only of the southern portion but of all of it, I had addressed a communication to the people of Texas from my prison, urging them to accept promptly the inevitable results of the war as the shortest and surest way to bring to an end the evils which had sprung from it, advising them not only to recognize the freedom of the slaves, but to secure to them the protection of the law and to concede to them the qualified right of suffrage. This had been published, and had come back and been read by Senator WILSON. It became the subject of conversation. He asked my opinion as to whether the people of Texas and the South would accept the policy indicated in that communication. I had to tell him that I could only express the hope they might do so; that for more than four years I had not been in the State in which I lived or mingled with the people of that State. He then said—and I repeat it now because it is in accordance with what others, his personal friends and acquaintances, say of his character; for I would not if it were different from that speak of what was merely a private conversation—he then said he felt it was a duty I owed to Texas and the South, as well as the rest of the country, to return home and urge the people to adopt the policy which I had suggested. He said to me at the same time that if the people of Texas and of the South generally would for themselves adopt that policy he would accept it as a final basis of adjustment of the remaining differences between the North and the South, and would urge its adoption in the Senate of the United States, with the exception that he would ask that the cases of one or two hundred of the leading men should stand over, and that in addition to that which I had suggested he would urge, if they saw proper to take that course, that all except this one or two hundred he referred to should be at once relieved from all liability on account of having participated in the war.

In the condition in which I was then placed, with the feelings I then experienced, remembering that I was returning to a desolated country and a conquered people to mingle again with them, looking abroad and seeing the passions which the war had aroused, remembering the earnest, active part which that distinguished Senator had taken on the one side while he knew that I had been as earnestly engaged on the other, I could not but feel that there was something of a grand magnanimity in his conduct, something of kindness and of generosity in his expressions, which met with an earnest and sincere response from me.

I may say one other thing. He then informed me that while Mr. Stephens and myself were in prison at Fort Warren he had come from his home in Massachusetts twice to Washington to secure our release, not on account of any application which had been made to him by us for that kindness, but because he felt that there was no necessity for retaining us there; for he did not feel any spirit of revenge, and, as was disclosed in the conversation we then had, he felt, as his great colaborer Horace Greeley had felt, that it was not his desire in freeing the slaves of the South to make slaves of those who had been free in the South. He did not wish to see the passions of the war protracted, and urged as a reason why I should endeavor to secure in the portion of the country where I lived the policy I had indicated that the adoption of such a policy was the only thing that could avert military government there, the consequences that would spring from it, and dangers which might result to the Union from having to control large sections of the country by military authority.

Mr. Speaker, words so spoken to one situated as I was it will be understood would make an impression which has gone with me from then till now. After my return home, when my friends in Texas who desired to be relieved at Washington, and who had no acquaintance here, applied to me to see if there was some person here who would take an interest in their behalf, I did not hesitate on more than one occasion to write to Senator WILSON on their behalf, and I never wrote to him without getting a prompt and kindly answer, indicating a desire to do what he could for the interests of our people. Whatever differences in politics may have existed in the past, and however divergent our views may have been on great questions; however earnestly we may have struggled on opposite sides in the days in which we had opposed each other, expressions like these and kindness like this made me feel that these were the expressions and the kindness of a sincere and just heart, and it makes me feel sincere gratification that I have the privilege of saying so in this presence on this occasion.

I am not qualified by association or information to dwell upon the historic features of his character, nor is it necessary that I should do so if I were, after the eloquent portraitures of his character which have been made upon this floor to-day. I did not rise to make an address. I only rose to speak of these incidents, and to speak of them as having made me feel a sincere respect for him while living, and feeling that his death, occurring when it did, was a misfortune to our common country. A year ago, sir, when Mr. WILSON was making a tour through the Southern States, the people of Texas in large numbers, and with whom I united, urgently invited him to come to Texas to enable us to testify our feeling of respect for his generous and manly conduct toward us in the hour of our calamity and misfortune.

Mr. JOYCE. Mr. Speaker, again a dark shadow covers the Capitol and veils its lofty Dome in gloom. Relentless death has again entered the Senate House, and with remorseless fury struck down the chief.

HENRY WILSON is dead. His last work has been performed, his last duty discharged, and he has gone to his reward.

To-day a nation mourns its loss and bows in grief at its bereavement; from Champlain to the Gulf; from Faneuil Hall to the golden shores, the Republic is shrouded in mourning, and its mighty heart ceases for a moment its pulsations while humanity places the chaplet upon the tomb of the philanthropist, the patriot statesman, and the Christian.

O, what a wealth of sorrow; what a majesty of woe!

Among the millions who gather in sorrow around his open grave to pay the last sad tribute to his memory come the brave and patriotic people of my own State and claim a near approach to that sacred spot.

Vermont comes to-day to add one more leaf to the garland that decorates his tomb.

Outside the limits of the noble Commonwealth in which repose his ashes—a State so rich in historical events, in clustering memories, in great names, and in noble men—there is no spot in the broad universe where he was more loved and respected and where his memory is more honored and revered than in the State I have the honor in part to represent.

His name is as familiar as those of her own sons in every cottage and cabin that nestles among her green hills.

It seemed to me that it would be eminently proper that the descendants of Slade and Harrington, pioneers in the cause of civil liberty, should come to the humble tomb at Natick as near mourners of the illustrious dead.

The doctrine of human freedom and the political equality of all men before the law is as firmly and deeply rooted in the hearts of her people to-day as it was on the morning when Allen was doomed to an immortality of fame and Stark drove the mercenaries of King George, routed and bleeding, from the plains of Bennington.

The whole pathway of history sparkles with the names of illustrious men and the noble deeds of heroes and patriots; but it was reserved to the nineteenth century to furnish the most remarkable body of men that has ever existed in the world's annals.

Garrison, and Sumner, and Hale, and Lovejoy, and Giddings, with whom were associated Slade, and Nicholson, and Fletcher, and Shaff-

ter, and Marsh of my own State, were among the leaders and heroes of the old anti-slavery party—a party which embodied the very essence and spirit of integrity, perseverance, independence, honest convictions, high and exalted moral courage, and genuine public virtue. With these men HENRY WILSON was early enlisted in the great work of emancipation and enfranchisement, to which he devoted every energy of body and mind during his whole life. He espoused this unpopular cause when it required physical as well as moral courage to do it.

With Collamer and Foot he bore the heat and burdens of the day; with them he bore the vexation and ignominy of a temporary defeat, and with them at last rejoiced in a complete and glorious victory. And the last public act of his life was an eloquent and stirring address to Vermont's survivors of the great conflict, rejoicing with them in its grand results and imparting words of encouragement and precepts of wisdom by which to shape the present and guide them in the future.

New Hampshire may claim the honor of his birthplace, Massachusetts his home and last resting-place, but his untarnished fame and the history of his noble life cannot be circumscribed by State lines. It is the nation's legacy and the rich heritage of the Republic.

The period of Mr. WILSON'S life was in some respects the golden age of our country's history. It was a time which called for men of iron nerve, of settled conscientious convictions, and manly independence.

It was a time which demanded men who were not afraid to do right regardless of the consequences; who were willing to bear the taunts, sneers, and persecutions of the champions of an accursed institution intrenched behind power, wealth, learning, influence, and religious bigotry.

Such a man was found in HENRY WILSON; a man fortunate in his origin and useful life, and equally fortunate in the time and place of his death.

In early life he was the child of poverty and domestic sorrow; he was cast out upon the cold charities of the world and left upon his own resources; he labored and struggled, buffeting the world's adverse fortunes and storms with a strong arm and an honest heart, strong in his own conscious rectitude, and in God's own good time was ushered at once into the public arena, to combat with intellectual gladiatorial champions scarcely excelled in the world's history.

Manfully he bore himself in the great struggle, battling for the right against wealth, arrogance, and power. Disdaining the codes and dogmas of honor, falsely so called, he planted himself upon the eternal principles of self-defense and personal preservation until victory crowned his efforts and the voice of his country called him to the second position in the nation.

Mr. WILSON'S industry was untiring and knew no bounds. He allowed himself neither recreation nor repose, but, amid all the vast and multiplied labors of his official position, devoted himself with unfaltering courage to the second great work of his life, the gathering up and preserving the facts and fragments relating to the rise and fall of the slave power in America, in order that some future Bancroft may write the history of that gigantic struggle and glorious victory. The work he performed was immense, and a just and generous posterity will award him the meed of praise which is justly and honestly his due for his invaluable services in the cause of justice and equal rights.

Of his long and honorable career in the National Legislature I need not speak; it is a part of the history of our country, and the world knows it by heart.

His Herculean labors at the head of the Senate Committee on Military Affairs during the war for the supremacy of the Government is beyond description, and can be fully known only by those who were his associates in anxious solicitude and toil.

The great Lincoln leaned upon him in the dark hours as a firm support, while every pulsation of his heart, during the whole term of his official life, was for the honor and welfare of the Republic, for human freedom, and the emancipation and enfranchisement of the oppressed.

Among the foremost of the patriot band to whom, under God, we are indebted for universal liberty, peace, and a redeemed and re-united country, stood HENRY WILSON. He never flinched or faltered; when the hearts of the timid quaked with fear he was always hopeful and courageous; when others doubted and turned back he stood firm as a rock in midocean until the storm had spent its fury and peace again brooded over the face of the great deep.

When grim-visaged war had smoothed his wrinkled front, and the dark clouds which had lowered upon our country were in the deep bosom of the ocean buried, he was among the first to counsel forgiveness and brotherly love; and no man rejoiced more than he did in the era of good feeling inaugurated at Lexington and Concord, Ticonderoga and Bunker Hill, at the late centennial celebration; and he looked forward with a longing anxiety and joyous delight to the great exposition at Philadelphia, in 1876, when he hoped to witness the final burial of the last sad relic of the great civil strife, and the principles it had forever settled, and which he had helped so much to crystallize and establish, should be honestly and in good faith accepted by all, the rights of all men everywhere respected, and peace and good-fellowship once more reign throughout the whole length and breadth of our favored Republic.

Vice-President WILSON was not, perhaps, great as an orator, a scholar, or a statesman; but he was great in industry, in the power of intense and continued application, in toil, in courage, in assiduous, conscientious devotion to duty.

He was great in honesty and integrity, in his moral courage, and in the faith and practice of Christianity.

He marched, by the power of his own will, his indomitable industry, and his patriotic impulses, from the bench of the shoemaker to the Senate of the United States; from his humble calling at Natick to the responsible duties at Washington. In all his conduct, both public and private, conscience was his constant monitor and guiding star. No hope of earthly reward or preferment could swerve him from the path of duty and no threats could silence his voice or cause him to abate his ardor in the great work to which he had consecrated his life. Amid the storms and tempests of political life, when the loved and honored were suspected and shaken like a reed, he stood proudly forth, pure and undefiled. No stain of corruption ever tarnished the luster of his bright escutcheon and no bribe ever left its plague-spot upon his hand. Surrounded during his official life with the blandishments of power and the fascinations of wealth, he preserved his character, and died comparatively poor. While many of the gifted and mighty were swallowed up in the whirlpool of dissipation and crime, he walked among them with a charmed life, and came out of the furnace with not so much as the smell of fire upon his garments.

Every noble cause and genuine reform found in him an eloquent advocate and an ardent champion. He represented in an eminent degree the noble elements of our American nationality. His life was the natural and generous outgrowth of our free institutions and of our higher and purer civilization. His character and history demonstrate what industry, will, determination, and integrity can accomplish, and show the value and advantage of steady perseverance and continued and honest adherence to conscientious convictions.

He lived to see the great work of his life accomplished: the political equality of all men securely imbedded in the organic law, and the emancipated and enfranchised bondmen standing as the honored representatives of American freemen in both branches of the National Legislature.

If he had ambition, it was an ambition to do right, to advance the welfare of his fellow-men, and be reckoned among the world's benefactors. If he desired position, it was because it would enable him to accomplish more for humanity and render greater service to his country.

His convictions were clear cut and as firm as the granite hills of his native State; he believed in political parties, and loved his own almost to idolatry; but no partisan blindness prevented his seeing its errors and no timid time-serving policy could deter him from pointing them out and demanding their correction.

If he had faults, they were of the negative kind, and were so mixed up with bold and generous deeds that the world could scarce discern them.

It is well that he died under the roof and almost upon the very spot where he had won his earthly laurels and helped to achieve one of the greatest victories recorded upon the pages of human history. With worldly honors thick upon him and the prayers of a grateful and generous nation filling the whole land, his spirit took its flight from the portals of the National Capitol, with the shackles struck from four millions of bondmen, the shining record of a well-spent life, and a vital and living faith in a crucified Savior, to gain him admittance to the golden city. Tender hands and loving hearts were there in the trying hour to smooth his pathway to the tomb and watch the precious sands as they gently ebbed away. And then, as was so beautifully said of another of Massachusetts' illustrious sons:

> With solemn steps and sorrowing hearts, they bore him back to the State he served so faithfully and which loved him so well; and to her soil, precious with the dust of patriotism and of valor, of letters and of art, of statesmanship and of eloquence, they have committed the body of him who is worthy to rest by the side of the noblest and the best of those who, in the century of her history, have made her the model of a free Commonwealth.

His last public utterance was an admonition to those with whom he had acted politically, which they will do well to observe and heed; it was characteristic of the man; it breathed a spirit of patriotic devotion to country and an anxious solicitude for the prosperity and welfare of her people.

And to-day, as we stand around the open grave of him who harbored no malice, but whose love of country and pure and lofty patriotism knew no North, no South, no East, no West, let us bury every feeling of bitterness and sectional animosity; let us pledge ourselves anew to our country and receive a new baptism into her service; let us all rally around the old flag with all its glorious histories and recollections, drawing our inspiration from one living fountain, and, with one heart, one purpose, and one impulse, press on together to a common and glorious destiny.

Mr. LAWRENCE. I ask the indulgence of the House for a few moments while I pay a brief tribute of respect to the memory of the illustrious dead. It was my good fortune during seven sessions of Congress to board at the same house and sit at the same table with the honored citizen whose demise we now mourn. During all that time, and more, I had the honor to share his friendship. I had many

opportunities to know the qualities of head and heart which render his name dear to the people of every land, and which have made it illustrious throughout the world. It is well that we should pause in the work of legislation to express a profound respect for these, to study them as a means of instruction for ourselves, and that we may be inspired with an earnest purpose to profit by the lessons which they teach.

It is one of the advantages of our republican form of government that it gives equal opportunity to all to fill every place of public trust, to render useful services to mankind, and to rise to the highest distinction which private worth and public service and useful and meritorious labors can give. This fact is illustrated in a remarkable degree by the life, character, and services of the deceased, and by the fruits which they have borne. These have been so fully stated, and are so widely known, and are so interwoven with the history of our times, and the great movements of nearly half a century in behalf of humanity, right, and good government, that it is wholly unnecessary for me to speak of them in detail. It is well that these should be studied by young men and all men, that they may know the elements which made the life of HENRY WILSON a grand success. To some of these I may briefly allude. First of all, HENRY WILSON was "the noblest work of God"—an honest man. Without this quality no man can rise to and maintain permanent success. His life illustrated a fact which cannot be too widely known; that "there is no excellence without great labor"—*Nil sine magno vita labore dedit mortalibus.* Few men ever devoted more hours to industrious study, to patient investigation, to laborious attention to every duty, than did HENRY WILSON. The results of these are before us and mankind, teaching their lessons of usefulness. His official and literary labors were immense. In Congress he was not a great declaimer, but he was a great *orator.* He spoke ably and strongly for the right. Another characteristic brought its rewards; he always dared to do right, and trust to God and the sober second thought of the people to sustain him.

When oppression and wrong sit in places of power, or for a time control the popular will, men who are not actuated from a sense of duty may bow to the storm. These are dangerous and unsafe men. HENRY WILSON was not of this class. In all he said or did he was guided by the love and fear of God and a purpose to benefit mankind.

In all the relations of life the heart of HENRY WILSON overflowed with kindness and a tender regard for the feelings of all his fellowmen. He was kindly and gentle in his nature; he never turned away unheard the request of the most humble or lowly.

His life and labors prove that his acquirements were extensive and varied, and these he had the natural and educated ability to apply so as to make them bring success, and to enroll his among the "immortal names that were not born to die." He has passed to his reward. More than a nation mourns his loss.

The good he has done will live after him; it is a part of imperishable history in which he bore a useful and conspicuous part. His monument is more durable than brass. It will be seen and known through the endless cycles of eternity.

Mr. LAPHAM. Mr. Speaker, it would perhaps become my position best, not having been accustomed to speak on this floor, to refrain from expressing any of the thoughts which are crowding for utterance at the present moment. There is, however, a single view of the life, character, and services of the late Vice-President, already referred to by those who have preceded me, upon which I will dwell for a moment, for I am not willing that the great State I have the honor in part to represent should remain entirely silent on an occasion like this.

When, at so short a period since, that it seems but as yesterday, our Chief Magistrate was stricken down by the hand of an assassin, all the civilized nations of the earth united with us in mourning and sympathy for the great loss we had sustained in the tragic death of our patriot President.

Now that the second officer of the Government has fallen almost as suddenly by the stroke of disease, our grief is scarcely less intense. Such emotions of sorrow arise not solely by reason of the exalted stations from which these truly great men have fallen, but also from a remembrance of the humble origin of each. Each had risen from obscurity and poverty to such exalted station, not by any sudden fortune, but by patient and steady steps of progress. Each furnished an example of that gradual growth in greatness and goodness attainable only under institutions of government like ours. They were eminently the children of the Republic.

Mr. WILSON, amidst all the honors and blandishments of office and place, never lost sight of the obscure condition from which he had risen. He was always full and fervent in sympathy with suffering and intense hatred of wrong. He lived a life of singular purity and of the most unswerving fidelity to his convictions of duty. It was this which endeared him to the masses of the American people and which renders his demise a source of the most profound grief.

Although the grave covers him, and all that was visible to us is forever hidden from our sight, yet, sir, it is not death. The noble example his wonderfully useful life has furnished to the young of every station will long endure, and serve to emulate the rising statesmen of the Republic.

As has been so felicitously written by a Massachusetts poet of the late distinguished colleague of Mr. WILSON in the Senate, so it may also be fitly said of him:

Alike are life and death,
When life in death survives,
And the uninterrupted breath
Inspires a thousand lives.

Were a star quenched on high,
For ages would its light,
Still traveling downward from the sky,
Shine on our mortal sight;

So when a great man dies,
For years beyond our ken
The light he leaves behind him lies
Upon the paths of men.

Mr. BLAIR. The great men whose forms we have seen and who in their lives have illustrated and vindicated the principles of American liberty and of just government on earth, who preserved them by the great deeds of the war and crystallized the ideas evolved in the debates and battles of this momentous era into enduring forms of constitutional legislation, are rapidly disappearing from the scene.

Among them all, with one pre-eminent exception, whose apotheosis was by martyrdom, there was no man who, by his early and intense convictions; his life-long, zealous, judicious, and unwearied labors; his perennially youthful and steadfast faith in the final triumph of the cause of freedom in the entire land; who, by his resources in disaster, his confidence even in seasons of despair, his wise counsels, his sagacious perception and forecasting of the currents of thought and of the actual condition of the public judgment and of the impulses of the popular heart, accomplished more in his life-time for his country and for mankind, no man who better deserves to be immortalized among the benefactors of humanity, than he whose name dignified even the lofty official appellation of Vice-President of the United States, and whose memory draws sweet tears from the eyes of thousands of his countrymen while over his new-made grave the frozen winds of distant New England are singing their requiem to-day.

HENRY WILSON was a great man, not alone in moral heroism, which was perhaps the strong aspect of his character, not alone because he was ever equally ready with his most inflexible associates to dare and to do all things for his principles; but more especially in this, that he more than most of them knew how to so do and dare that doing and daring might not be in vain. He was a practical statesman. He was great because he knew men and dealt with them as men. He recognized the truth which must ever be applied by those who transmute abstractions into human history and transfer the dreams of the ideal into the concrete utilities of life, that means must be adapted to ends, and that the average motives of a nation must be reached and stimulated in order to accomplish a national result.

The industrial institutions of a people are seldom, unless remotely, affected by purely moral causes. It is only when such forces have taken hold of material interests that men will consent to overturn the existing state, and it was given to HENRY WILSON more clearly than to almost any other of the great men who led the prevailing sentiment of the nation during its last and great transition to comprehend that practical democracy or republicanism is equality in the conditions of toil. His own rugged lot in early life, when he struggled with adverse fate in his native New Hampshire, whose pride in his career and earnest love for the pure life and noble manhood of her son are the sole reason why my voice is lifted in this august presence to-day, enabled him to comprehend how real freedom is something more than mere absence of legal restraint; that the bondage of the colored man was less the consequence of positive law than of those relations and conditions of society of which the positive law itself was an outgrowth and consequence, and not a cause. He comprehended how all laborers, whether of the North or South and of whatever race, were enslaved in a substantial sense by the existence of the institution of slavery anywhere on the national domain, and, whether sanctioned by the laws of the land or otherwise, how impossible it was and is for these opposing tendencies to co-exist permanently under one common government.

He knew, for he was instinctively a statesman, that unless the principle of absolutely free labor should prevail, whatever might be the written law, the opposing principle would wax stronger and stronger until the laboring man every where would be practically enslaved by the custom of the country. It is a great mistake to imagine that all the slavery which existed within the limits of the Union was confined to the colored race and to the Southern States. The poison was in the atmosphere of the continent and all over the country; the white race, too, was in partial bondage, and neither, although greatly enlarged, is absolutely and practically free even to-day. Ignorance is slavery. Mighty prejudices, the fetters of the soul, are still unbroken, and magnificent victories of peace are yet to be won. We have entered upon a new era, wherein the tendencies and prevailing influences point to the ultimate emancipation of all men, to a period wherein every yoke shall be broken and the oppressed shall some time in the millennial future be absolutely free. In this great exigency of our generation, which we hope we have passed fully through in crossing the Jordan of this triumphant transition, it was given to HENRY WILSON to march conspicuously in front of the halting host for many years bearing aloft the standard of equality for all. It was his to rally, as with the bugles

of his native hills, the more elevated sentiments of the nation, to largely aid to forge its stray convictions into a solid mass until the moral and material motives and forces of the people overcome all opposition and the broad theory of absolute freedom for all has been established forever as the fundamental working model of the Government. In this great work the war was but an incident, terrible to be sure, but inevitable; past now, thank God, but full sure to return unless its causes are avoided, its fruits garnered, and its conclusions sacredly regarded; and it would methinks increase the joys of the blessed dead to hear the generous tributes to departed worth with which these chastened walls have echoed the eloquent grief of our sunny and beloved South for him who lived and died the true friend of every human being on earth.

Since the termination of the strife no man has labored more strenuously than the late Vice-President, not only to secure the enactment of the decision of arms into proper and enduring forms of constitutional law, but more especially have his broad patriotism and humane sentiments made him indefatigable in his endeavors to secure the full return of reciprocal love between the sections of our country so unfortunately imbittered against each other by the unavoidable animosities of fratricidal war.

Probably no man contributed more than he to the revival of these gentler thoughts and more generous sentiments which are prevailing to-day, and which may God grant us to cultivate more and more until no discordant note shall mar the joy of our centennial year.

HENRY WILSON is dead. His voice is hushed. His great heart is still. His form has vanished. To-morrow the Capitol will put away its badges of mourning, and history alone will know aught more of him on earth forever. But he has left to the patriot, the statesman, and the Christian the lofty example of an unsullied and illustrious life; to the toiling man and woman and child of every race and clime, and of all ages to come, an inspiration; to his native and to his adopted State, and to the whole country which he loved so well, the memory of a character most rare and exalted, a character which under the adverse conditions of his origin our precious institutions alone could have made possible; and as time rolls away his fame will grow brighter and rise higher in the firmament of history until it shines perpetually, a fixed star in the resplendent galaxy of the greatest and best of his generation.

The resolutions were then unanimously adopted, and the House (at five minutes to five p. m.) adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BASS: The petition of R. W. Clark, for pay as an employé of the Post-Office Department, to the Committee on Claims.

By Mr. BOONE: The petition of Drury Dunaway, for a pension, to the Committee on Invalid Pensions.

By Mr. BURCHARD, of Illinois: The petition of citizens of Illinois, for the repeal of the check-stamp tax, to the Committee on Ways and Means.

By Mr. CLARK, of Missouri: The petition of J. W. Christopher and other citizens of Missouri, for the repeal of the check-stamp tax, to the same committee.

By Mr. CRAPO: The petition of Luther Hall, for an extension of letters-patent, to the Committee on Patents.

By Mr. CULBERSON: The petition of citizens of Cass and Bowie Counties, Texas, for a post-route from Sidney to Dalby's Springs, Texas, to the Committee on the Post-Office and Post-Roads.

Also, the petition of citizens of Cass County, for a post-route from Atlanta to Wheatville, Texas, to the same committee.

By Mr. DARRALL: The petitions of John Miller, John N. Smith, and J. B. V. Richard, for pay for property taken by the United States, to the Committee on War Claims.

By Mr. DAVY: Papers in the case of John Rosecrans, to the Committee on Invalid Pensions.

By Mr. DOUGLAS: The petition of Elizabeth A. Bryant, for pay for property destroyed by the United States, to the Committee on War Claims.

By Mr. DUNNELL: The petition of E. D. Hammer and others, for a change in the postal laws, to the Committee on the Post-Office and Post-Roads.

By Mr. ELKINS: The petitions of M. Chaves and L. Labodi, for pay for losses by reason of Indian depredations, to the Committee on Indian Affairs.

By Mr. GOODE: The petition of Mrs. Mary A. Hughes, for compensation for property taken and used by the United States, to the Committee on War Claims.

By Mr. GUNTER: The petition of Pryor N. Lea, for pay for rescuing three United States soldiers from a sand-bar in the Mississippi River and for nursing them and furnishing them food and medicine, to the Committee on Claims.

By Mr. HAMILTON, of Indiana: A paper relating to a post-route from Bluffton to Warren, Indiana, to the Committee on the Post-Office and Post-Roads.

By Mr. HARDENBERGH: Papers relating to the claim of Mary H. Noonan, to the Committee on War Claims.

By Mr. HARRIS, of Virginia: The petition of Agnes May, for compensation for loss of a leg by a shell from the United States Army, to the same committee.

Also, the petition of William S. Downs, for pay for property taken and used by the United States Army, to the same committee.

By Mr. HENKLE: The petition of Captain Joseph Owens, for an increase of pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. HOAR: The petition of the Congregational church of Shrewsbury, Massachusetts, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. HOLMAN: The petition of Edward Doherty, for relief, to the Committee on Claims.

By Mr. HOUSE: Papers relating to the claim of D. W. Glassie and others, to the Committee on War Claims.

Also, papers relating to the claim of Sarah A. Turner, to the same committee.

Also, papers relating to the claim of Martha A. Stevens, to the same committee.

By Mr. LEAVENWORTH: The petition of John T. Brown, for pay for carrying a dispatch and for acting as a spy and pilot for the United States Army, to the Committee on Military Affairs.

Also, the petition of James P. Gillespie, for pay as an informer in revenue cases, to the Committee on Claims.

By Mr. McFARLAND: The petition of Mary Ann Hale, for arrears of pension, to the Committee on Invalid Pensions.

By Mr. MORGAN: The petition of H. L. Green, of Missouri, for relief, to the Committee on War Claims.

Also, the petitions of Joseph J. Browne and Alexander C. Cloud, for pay for property taken and destroyed by the United States Army, to the same committee.

Also, the petition of Dr. Edward Dunscomb, for relief, to the Committee on Claims.

By Mr. PATTERSON: The petition of certain registers and receivers of land offices in Colorado, relative to allowance for office-rent and fuel, to the Committee on the Public Lands.

By Mr. PHELPS: The petition of William H. Pond and others, of Milford and New Haven, Connecticut, for a reduction of postage-rates on third-class mail matter, to the Committee on the Post-Office and Post-Roads.

Also, the petition of Henry C. Miles and others, of New Haven County, Connecticut, against a further appropriation by Congress for distribution of seeds from the Agricultural Department, to the Committee on Agriculture.

Also, the petition of Frank M. Lovejoy and others, of New Haven, Connecticut, for the issue of 3.65 convertible gold bonds, to the Committee on Banking and Currency.

By Mr. RANDALL: The petition of the heirs of Jacob Cramer, for relief, to the Committee on War Claims.

By Mr. ROBINSON: The petition of Z. Parrish and other citizens of Madison and Grant Counties, Indiana, for a post-route from Elwood to Mandia, Indiana, to the Committee on the Post-Office and Post-Roads.

By Mr. SEELYE: The petition of citizens of Massachusetts, for the repeal of the check-stamp tax, to the Committee on Ways and Means.

By Mr. TARBOX: The petition of Cynthia H. Abbott, for a pension, to the Committee on Invalid Pensions.

By Mr. TEESE: Papers relating to the claims of Robert M. Henning and Albert Pierce, to the Committee on War Claims.

By Mr. TOWNSEND, of New York: The petition of citizens of Troy, for the repeal of the check-stamp tax, to the Committee on Ways and Means.

By Mr. VANCE, of North Carolina: Papers relating to the claim of Pinkney Rollins, to the same committee.

By Mr. WADDELL: The petition of John Brown, for pay for property used by the United States Army, to the Committee on War Claims.

Also, the memorial of John Rand, Joseph Royal, and A. T. Guthrie, for pay for services as light-house-keepers, to the Committee on Claims.

By Mr. WALKER, of Virginia: The certificate of the secretary of state of South Carolina, showing the number of votes cast in certain precincts in connection with the contested-election case of C. W. Buttz, contestant, against E. W. M. Mackey, to the Committee on Elections.

By Mr. A. S. WILLIAMS: The petition of John Phillips, for pay for Indian depredations, to the Committee on Indian Affairs.

By Mr. WIGGINTON: Papers relating to the Rancho Canada de Guadalupe la Visitacion y Rodeo Viejo Company, to the Committee on the Public Lands.

Also, papers relating to the Pulgas Rancho claims, to the Committee on Private Land Claims.

By Mr. YOUNG: Papers relating to the claims of James G. Moore, Martha M. Parker, Mary A. Somerville, W. B. Hamlin, and Benjamin Coleman, to the Committee on War Claims.

Also, papers relating to the application of Gill & Able, for a return of shipping fees, to the Committee on Claims.

By Mr. ——: A paper relative to the complaint J. C. Smith, Dundee, Scotland, from Henry A. Smythe, addressed to the Secretary of the Treasury, to the same committee.

By Mr. ——: The petition of William and James Vance, for pay for barracks at San Antonio, to the same committee.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January* 22, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

REMOVAL OF POLITICAL DISABILITIES.

Mr. MONEY, by unanimous consent, introduced a bill (H. R. No. 1343) to relieve S. J. Gholson, of Mississippi, of his political disabilities.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed, (two-thirds having voted in favor thereof.)

ESTIMATES SUBMITTED FROM THE NAVY DEPARTMENT.

Mr. WHITTHORNE, by unanimous consent, introduced a bill (H. R. No. 1344) directing the method of annual estimates of expenditures to be submitted from the Navy Department; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

SIOUX INDIANS.

Mr. STEELE, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Indian Affairs:

Resolved, That the Committee on Appropriations be instructed to inquire into the expediency of making any appropriation for the support and subsistence of the Sioux Indians, parties to the treaty of April 29, 1868, contingent upon said Indians and the several tribes thereof agreeing before said appropriation shall be available to remain and reside on the permanent reservation established for said tribes by said treaty of April 29, 1868, and to relinquish all rights to have any country outside of the limits of said reservation regarded as unceded Indian territory, and the right to hunt outside the boundaries of said reservation; also the right to have white men excluded from the Black Hills country, (so called,) situated between the north and south forks of the Cheyenne River, in the Territories of Wyoming and Dakota.

REFORM SCHOOL, DISTRICT OF COLUMBIA.

Mr. WILLARD, by unanimous consent, introduced a bill (H. R. No. 1345) revising and amending the various acts establishing and relating to the Reform School in the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

CORRESPONDENCE WITH VARIOUS NATIONS.

Mr. WADDELL, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the President be requested, if not incompatible with the public interests, to communicate to the House of Representatives any correspondence which may have occurred within the past year between the Government of the United States and any European government besides Spain in relation to the island of Cuba.

WILLIAM F. BOOR.

Mr. WALLING, by unanimous consent, introduced a bill (H. R. No. 1346) for the relief of William F. Boor, second lieutenant of Company A, Twenty-fifth Regiment Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

COMMITTEE ON EXPENDITURES IN THE DEPARTMENT OF JUSTICE.

Mr. CAULFIELD. I ask unanimous consent for the adoption of the resolution which I send to the Clerk's desk.

Mr. HOLMAN. After that I shall call for the regular order.

The resolution was read, as follows:

Whereas it is desirable that a thorough investigation should be made by the Committee on Expenditures in the Department of Justice into the affairs of that Department, and the size of that committee as at present constituted renders it inadequate to the satisfactory performance of such labor: Therefore,

Be it resolved, That the number of said committee be increased from five to the number of nine for the present session.

A MEMBER. That changes the rules.

Mr. CAULFIELD. We do not propose to change the rules. We simply ask that the committee may be enlarged for the present session.

The SPEAKER. That changes the rules.

Mr. HOAR. As this matter has come up now, I desire to ask unanimous consent of the House that it shall be the practice, where members ask unanimous consent to submit resolutions for immediate consideration, that they shall be first read for information. It will save a great deal of time, I am sure, and if the Chair will adopt that practice I think the House will unanimously agree to it.

Mr. HOLMAN. If that is not understood to be the rule of the House now, it seems to me it would be better that it should be so understood, that objections shall not be required to be interposed until after the proposition has been read and has come before the House.

Mr. WILSON, of Iowa. The rule should be that objections shall not be out of order after the resolution has been read.

The SPEAKER. The Chair understands that to be the rule now. Is a point of order made against this resolution, that it shall first be referred for consideration to the Committee on Rules?

Mr. CAULFIELD. I would prefer that it should not go to the Committee on Rules, but be adopted at once.

No objection being made, the resolution was adopted.

SAINT LOUIS NATIONAL RAILROAD CONVENTION.

The SPEAKER. On day before yesterday a committee appointed by the recent Saint Louis National Railroad Convention presented to the Speaker a copy of the proceedings of that convention, with the request that it should be laid before the House for proper reference, without being printed. If no objection be made, the Chair will now present the paper and direct its reference to the Committee on the Pacific Railroad.

No objection being made, it was so ordered.

ORDER OF BUSINESS.

Mr. HOLMAN. I now call for the regular order.

The SPEAKER. The regular order being called for, the morning hour begins at twenty minutes past twelve o'clock. The first business n order during the morning hour is the call of committees for reports f a public nature.

CHANGE OF REFERENCE.

Mr. BRIGHT. The Committee of Claims have had referred to them sundry matters which they have examined, and find that they have been improperly referred to them. I am directed by the committee to report the same back, and ask that the Committee of Claims be discharged from their further consideration, and that they be referred to the Committee on War Claims.

They are as follows:

The petition of Charles Baskerville and Henry B. Whitfield, to compensate them for valuable services rendered the Government of the United States;

A bill (H. R. No. 489) for the relief of the heirs of James W. Eastwood, deceased;

A bill (H. R. No. 895) for the relief of Joseph Tagg, of Memphis, Tennessee; and

A bill (H. R. No. 896) for the relief of Anu E. Connell, executrix of the estate of Hiram D. Connell, deceased, of Memphis, Tennessee.

The motion of Mr. BRIGHT was agreed to.

Mr. GOODIN. There were referred to the Committee on Public Lands a preamble and resolutions adopted by the Kansas State Horticultural Society on the subject of grasshopper ravages in the several States. I am instructed by that committee to report the same back, ask that the committee be discharged from their further consideration, and that they be referred to the Committee on Agriculture.

The motion was agreed to.

Mr. A. S. WILLIAMS. The Committee on Military Affairs have instructed me to report back House bill No. 162, for the relief of the surviving partners of Shrewsbury, Slemmens & Co., and ask that the committee be discharged from its further consideration, and that the same be referred to the Committee on the Judiciary.

The motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed and requested the concurrence of the House in the following resolution:

Resolved by the Senate, (the House of Representatives concurring) That the joint rules of the Senate and House of Representatives in force at the close of the last session of Congress, except the twenty-second joint rule, be, and the same are hereby, adopted as the joint rules of the two Houses for the present session.

ORDER OF BUSINESS.

Mr. BAGBY. In the absence of the chairman of the Committee on Invalid Pensions, I ask leave to report sundry bills for reference to the Committee of the Whole on the Private Calendar.

The SPEAKER. The call now proceeding is for reports of a public nature. When this call has been concluded, the Chair will recognize the gentleman.

WIDOW OF J. A. FLETCHER.

Mr. ROBERTS, from the Committee on Accounts, reported the following resolution; which was read, considered, and adopted:

Resolved, That there be paid out of the contingent fund of the House to the widow of J. A. Fletcher, late an employé of the House, a sum equal to his pay for three months, and his proper funeral expenses.

ORDER OF BUSINESS.

The SPEAKER. The call of committees for reports of a public nature having been concluded, the Chair will now recognize the gentleman from Illinois, [Mr. BAGBY.]

HATTIE D. M'KAIN.

Mr. BAGBY, from the Committee on Invalid Pensions, reported a bill (H. R. No. 1347) granting a pension to Hattie D. McKain; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and ordered to be printed.

RUTH ISABELLA NAYLOR.

Mr. BAGBY also, from the same committee, reported a bill (H. R. No. 1348) granting a pension to Ruth Isabella Naylor; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and ordered to be printed.

PATRICK GLACKIN.

Mr. BAGBY also, from the same committee, reported back, with a recommendation that the same do pass, a bill (H. R. No. 31) granting a pension to Patrick Glackin; which was referred to the Committee of the whole on the Private Calendar.

HENRY SCHNETBERG.

Mr. BAGBY also, from the same committee, reported back, with a recommendation that it do pass, a bill (H. R. No. 216) granting a pen-

sion to Henry Schnetberg, of Indiana, Pennsylvania; which was referred to the Committee of the Whole on the Private Calendar.

JOHN G. PARR.

Mr. RUSK, from the same committee, reported back, with a recommendation that it do pass, the bill (H. R. No. 215) granting a pension to John G. Parr, of Kittanning, Pennsylvania; which was referred to the Committee of the Whole on the Private Calendar.

G. W. LA POINTE.

Mr. RUSK also, from the same committee, reported back, with a recommendation that it do pass, a bill (H. R. No. 995) granting a pension to G. W. La Pointe; which was referred to the Committee of the Whole on the Private Calendar.

ELIZABETH A. NEIBLING.

Mr. HEWITT, of Alabama, from the same committee, reported back, with a recommendation that it do pass, a bill (H. R. No. 43) granting a pension to Elizabeth A. Neibling; which was referred to the Committee of the Whole on the Private Calendar.

CENTENNIAL CELEBRATION OF AMERICAN INDEPENDENCE.

Mr. HOPKINS. I move that the House resolve itself into Committee of the Whole on the state of the Union to resume the consideration of the bill (H. R. No. 514) relating to the centennial celebration of American Independence.

Mr. HOLMAN. Before that motion is put I desire to submit again a proposition in regard to limiting debate. I suggest that after the first hour the speeches be limited to fifteen minutes. It is quite manifest, Mr. Speaker, that unless this limitation be adopted the House will either have to insist on the five-minute rule or else a very few gentlemen can be heard, or else this debate will go on without limit.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] asks that before the House resolves itself into Committee of the Whole on the centennial bill it be ordered that debate therein on that bill shall hereafter be limited to fifteen minutes.

Mr. LAWRENCE. Will that order affect my time? I obtained the floor when the committee last had the bill under consideration.

Mr. HOLMAN. I have suggested that this limit apply after the first hour.

The SPEAKER. The gentleman from Ohio, [Mr. LAWRENCE,] who had the floor when the bill was last under consideration, will not be affected by this order.

Mr. LAPHAM. I suggest to the gentleman from Indiana to fix the limit at half an hour instead of fifteen minutes.

Mr. HOLMAN. I trust there will be no objection to the limitation of fifteen minutes. A great many gentlemen have expressed their desire to be heard, and if half an hour be allowed for each speech, the number of speeches must of course be limited. I trust there will be no objection to the limitation of fifteen minutes.

The SPEAKER. If there be no objection, the limit suggested by the gentleman from Indiana will be regarded as agreed to.

There was no objection.

The motion of Mr. HOPKINS that the House resolve itself into Committee of the Whole on the state of the Union was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. WOOD, of New York, in the chair,) and resumed the consideration of the bill (H. R. No. 514) relating to the centennial celebration of American Independence.

Mr. LAWRENCE. Mr. Chairman, the pending bill has already been so fully discussed, discussed with so much of eloquence and ability on both sides, so much time has already been occupied, that I know very well I cannot hope to command the undivided attention of the committee. When this debate commenced I did not intend to say one word upon the subject under discussion; but in view of the vote which I shall give upon this bill, and of the position which I occupied in relation to the several bills heretofore passed by Congress on this subject, it has occurred to me that it is proper I should say something by way of explanation—something to express the views which I entertain on this question.

The gentleman from Virginia [Mr. TUCKER] presents at the outset an objection to this bill that it is not authorized by the Constitution of the United States. The two questions which are really presented for consideration are therefore, first, whether this bill be authorized by the Constitution; and secondly, if so, whether it be expedient for Congress to pass it. The gentleman from Virginia has very properly admonished us of the danger of centralized power and of violating the provisions of the Constitution. But I beg to correct what I conceive to be an error in the remarks of the distinguished gentleman. He says "it is clear that jealousy of centralizing power was the keynote of our Revolution." It was no such thing. The cause of our Revolution was not a jealousy of centralized power; but it was because we were denied a voice in Parliament; because there was "taxation without representation."

The gentleman tells us that this jealousy of centralizing power was embodied in the Articles of Confederation. It was so embodied, and the result was that the government under them became powerless to secure the interests of the people. It was a total failure. Mr. Hickey, in his work on the Constitution, says:

> The deplorable condition of the finances and credit of the Government under the old form, and the incompetency of the Congress of the Confederation to raise a revenue, support the public cred[illegible], regulate trade or commerce, or to provide for the wants and safety of the country, were among the immediate and prominent causes that led to the abandonment of that inefficient form and the adoption of the present system of Government.

The greatest objection to the articles of confederation was that they gave no power to regulate commerce, no power to hold an international exposition.

The gentleman tells us that this same jealousy of centralizing power was not lost sight of in the Constitution of the United States. Certainly it was not lost sight of; but the greatest dangers which we have encountered under the Constitution have not arisen from any excess of the exercise of power, but because of a denial of the authority of Congress to exercise powers which were necessary to our preservation as a Government, and essential to the promotion of the welfare of the people.

Sir, we were told at the commencement of the rebellion that there was no centralized power to preserve our national existence. The hatred of centralized power was carried to such an extent that we were denied the right to suppress a revolt against the authority of the National Government. But the results of that rebellion demonstrate that this is a government, that it is clothed with the powers necessary for self-preservation; that under the Constitution, by express grants of power, it can enact many measures designed to secure the general welfare of the people.

Now, Mr. Chairman, if I were asked what measures are most demanded to secure the interests of the people of this country, I would say there are three: first, an increase of our commerce with foreign nations and among the States, with a resulting increased demand for labor; second, the funding of our national debt at a lower rate of interest; and third, treaties of friendship and commerce with all nations, which would make it the interest of all to preserve eternal peace and multiply the commercial and other necessities and comforts of man. These I conceive to be the three things demanded more than all others to secure the interest of the people of this country.

When a state or nation adopts as its motto "agriculture, commerce, and manufactures," it is thereby signified that these are interests which are to be fostered by the legislative power with a view to promote the general welfare of the people. The act of Congress of March 3, 1871, which authorizes a centennial exhibition at Philadelphia, evinces a purpose not only to develop and encourage "agriculture, commerce, and manufactures," but all "arts, manufactures, products of the soil and of the mines," to which I would add the forests of the country. And now I proceed to show, as I hope I can, that the pending bill is authorized by the Constitution. In doing this I desire to state a proposition to which I think no gentleman will object, and it is this: If the bill now before the committee will accomplish any purpose as to any or all of these great interests which the Constitution has by an express delegation of power authorized Congress to secure or encourage by law, then it is constitutional. I will proceed therefore first of all to inquire what *results* this bill will accomplish, and then I will endeavor to show that these are the very results which the Constitution has authorized Congress to aid, promote, and encourage for the general welfare of the people. Indeed we must make this inquiry before we can decide upon the constitutionality of the pending bill.

Now, Mr. Chairman, what is this bill? What is to be done under it? What purpose does it seek to accomplish? The act of March 3, 1871, which will be found in the sixteenth volume of the Statutes at Large, page 203, provides for celebrating the one-hundredth anniversary of American Independence by "holding an international exhibition of American and foreign arts, manufactures, and products of the soil and mines in Philadelphia in 1876," open to all the world, and declares that it "shall be held under the auspices of the Government of the United States." The bill which is now before the committee is necessary to give effect to the act of March 3, 1871. If this bill is not passed, the exposition must be a failure. When the act of 1871 was passed I was opposed to it. I voted against it for reasons which then seemed to me to be sufficient. I am not sure I was correct; but whether I was or not, the questions now are wholly changed. It is no longer a question whether it was wise to have passed it, but whether, having embarked in the business of holding an international exhibition, it is our duty and our interest—whether we have the constitutional power to carry it into effect.

What will be the effect of this bill? What will be the effect of carrying out the object of the original act on this subject? Will it encourage or promote any object which Congress by specific grant of power is authorized to encourage or promote? I will endeavor to show that it will increase the exports of all the products of art, of manufactures, of the soil, and of mines, as well as of our forests; and in return it will multiply the number and quantity of our imports. In other words, sir, it is a bill the object of which is to exhibit to all the foreign nations of the world the products of our skill, our soil, our mines and forests, that they may be induced to buy of us, that thereby our exports and in return our imports may be increased; and thus the commerce of our continent and of the world may be enlarged. The object of the bill is to enable our own people to come together and exhibit all these products, so that they too may increase the trade and commerce between the States.

These will be the results if this bill shall become a law. Will any gentleman on this floor deny it? I have heard no denial by any gentleman who has discussed this bill. Our experience already shows that

this will be the result. At the great world's fair at Paris, or what was called the "Paris exposition," the McCormick reaper, manufactured in the city of Chicago, took the first prize. The result was that a demand was made for the McCormick reaper all over Europe. Our export of that particular product of the skill of our artisans was largely increased. A demand grew up abroad for that particular article which vastly increased its export and sale. This, sir, increased the labor employed in this branch of industry. It made a demand for the hard-wood timber and the iron of Ohio. The saw-mills, the iron-furnaces, the railroad companies, all had a new and increased demand upon their resources. The labor of the country found a new demand and a new avenue opened up to it, and the result was beneficial to our whole people, because commerce was largely increased.

At the Paris exposition American sheep—sheep from the State of Vermont, owned by Mr. Campbell of that State—commanded a high premium, and Vermont found a new market for the best specimens of her flocks. The knowledge of the value of these flocks became more general in all or most of our own States, and a new market was opened up which improved and increased the wool product of the country. Woolen manufactures grew up, giving employment to our people and diversifying our agricultured pursuits. This imparted increased value to our lands by multiplying the uses to which they might be applied. All over Ohio the beneficial effect of all this has been felt. In the town where I reside splendid woolen mills furnish a great abundance of manufactured goods of unsurpassed excellence and beauty.

The Paris exposition was a means of advertising our products, advertising them among our own people, advertising them among the nations of the earth. The result was an increased demand at home and abroad, among the States of the Union and throughout the nations of the earth, for all the products of our soil and all the products of our industry.

At the Vienna exposition the Wilson sewing-machine, invented by a citizen of the county in which I reside, took the first premium, and as a result of that it found its way to the markets of the world. Since that time, Mr. Chairman, improvements have been made in all our agricultural implements, in our sewing-machines, and in the products of our industry and the skill of our artisans in a thousand forms. Now the city of Springfield, in my district, manufactures some forms of agricultural implements perhaps more largely than any city of the United States. They are unsurpassed in beauty and excellence by the products of any city of the world. The Champion reaper is now exported from that city to all parts of Europe. The Leffell water-wheel, manufactured in that city, is used in every State and Territory of the American Union. It is used in England and in many of the states of Europe. Its surpassing excellence is widely known. The same city manufactures a sewing-machine known as the "St. John sewing-machine," invented by R. H. St. John, esq., a citizen of the town in which I reside, a friend and constituent of mine; a machine which is said, and I believe correctly, to surpass all previous inventions of that class. And if we shall hold this exposition at Philadelphia these products of that city which I have the honor to represent will be exhibited to the people that will assemble there from every State and Territory of our Union and from states all over the world. What will be the result? The demand for these productions will be increased; our exports will be increased; and in return for what we send abroad our imports will be enlarged. The city of New York, represented in part by the gentleman who now presides over the committee, [Mr. WOOD,] will reap a rich harvest as the result of our centennial exposition.

I might mention other products of this and other cities of my district—the "Miller" carriages and buggies of Bellefontaine, the wagons of Tippecanoe City and Troy, the varied products of the city of Piqua, the locomotives and railroad machinery of Urbana—but time will not permit.

And I only refer to my district to illustrate what in other forms of industry will apply to others.

Now, Mr. Chairman, if leading men can be assembled from all parts of the world to see these products of our skill, a demand abroad will be made for them, and they will go to Europe, to Asia, to Africa, and to the islands of the ocean. So it will be with the ten thousand and more products of our industry. Then what will be the result? What is to be the result of this exposition? It will be, in brief, an increase of our exports, an increase of our imports, an increase of our trade, an increase of our intercourse with foreign nations and among the States. This will benefit the labor of our country; this will benefit the whole people.

Mr. TOWNSEND, of New York. Will the gentleman allow me to make a single remark?

Mr. LAWRENCE. Certainly.

Mr. TOWNSEND, of New York. In connection with what the gentleman is saying of the results of these exhibitions, I wish to remark that the Walter A. Wood Mowing-Machine Company, of my district, exhibited their machines at Vienna, and that their exportations since have amounted to scores of thousands of dollars.

Mr. LAWRENCE. Undoubtedly. That was a valuable machine in its day. It is now being largely supplanted by the machines manufactured in my district. [Laughter.]

Mr. TOWNSEND, of New York. And they are sustaining more than three hundred laborers and their families by the wages they give.

Mr. LAWRENCE. That is very well. That is no doubt an important branch of industry in the gentleman's district; but the manufacture of a single portion of the Champion reapers in my district supports an establishment I believe giving employment to five hundred laborers. All this proves the necessity of this exposition.

Now, Mr. Chairman, I leave that branch of the subject. What have I shown? Certainly that this bill will encourage commerce with foreign nations and among the States.

I now address myself to another branch of this inquiry. I pick up a public-debt statement and I find in it that we have a debt stated as follows:

Debt bearing interest in coin:	
Bonds at 6 per cent	$1,017,615,400
Bonds at 5 per cent	670,384,750
Bonds at 4½ per cent	.....
Bonds at 4 per cent	.....

Some of this debt is already due; other portions of it will soon come due. It is our policy to refund this debt at a lower rate of interest. I read the condition of the money markets in America and in Europe. I read the reports of the money market in New York, London, Paris, and Hamburg. We know the condition of the money market in Wall street, Threadneedle street, and the Bourse. I find that money cannot be borrowed for the Government in this country on bonds bearing a less rate than 5 per cent. interest, because our capital is not so great as in the older countries of the world. But when I go to Europe I find that England borrows money at 3 per cent. interest. I find the money markets of Europe overflowing with gold seeking investment at 4 per cent. and even less. But capitalists are unwilling to invest in American securities to any large extent or at any fair rate of interest, because they are unacquainted with our resources. They do not know the character of our people. They know we had a tremendous rebellion; they suppose that it is only for the time being suppressed, and that permanent, eternal peace between the States is not restored.

The capitalists of Europe will not buy American bonds at the same rate that they buy European securities. There are two causes for this. They do not believe that fraternity is restored between our States, and they feel that a new rebellion may yet waste our resources. They doubt, or rather they do not know, the extent of our resources, the character of our people, and the high character of our civilization. They know but little of the extent of our varied industries, the wealth which is garnered up in our mountains, which lies spread out upon our great prairies, in our fertile fields, and in our vast forests. We may tell them all this. But this will not satisfy them. We have never had a great national exposition to which they could come and see for themselves.

Mr. Chairman, "seeing is believing." By this exposition we propose to invite the capitalists of the world to come; we ask them to come and see our mountains filled with coal and iron, and gold and silver, and copper and lead, and cinnabar. Here we have mountains filled with silver and gold sufficient to pay the principal and interest of the debts of the whole civilized world. We ask them to come and look at our wide-spread prairies, at our fertile fields, at our vast forests, at our magnificent rivers, at our churches with their spires pointing to heaven, at our magnificent civilization, at the industry of our people, the products of our skill, at our resources in every form. We ask them to come and see our common schools, which are, and we are resolved shall forever continue, nurseries of instruction, religion, and morality for all our children, for these are the agencies which make men who "constitute the state" and perpetuate our Christian civilization. We believe that the result will be that they will be satisfied that fraternity is restored to the people of this country, that the Republic will secure forever internal peace and endure through all time. They will know that we are willing and able to pay our debts. When they have seen all this, we believe that they will then be willing to invest in our bonds at a lower rate of interest than 5, 4½, or even 4 per cent. Our nation will take her place among the nations of the world, her credit revived, and we shall be able to refund our debt at 3 or 3½ per cent. interest. We propose by this exposition to show that we are a united people; we propose to show to the world that we have fraternized, and that there is no danger of our resources being wasted by war any more. To that exposition will come BLAINE and HILL, GARFIELD and TUCKER, BANKS and LAMAR. There I would have HILL repeat that speech of his, that he is "in the Union to stay," and the gentleman from Virginia to repeat again the closing sentences of Webster's immortal oration in which he declared for "liberty and Union, now and forever, one and inseparable;" and then I would have the gentleman from New York [Mr. COX] read poetry and scripture to them all. There I would have the Union and confederate generals bring their swords, that they might be beaten into plowshares, and the soldiers of the late contending armies bring their spears, to be converted into pruning-hooks. There, under the shadow of Independence Hall, in the city of Philadelphia, I would hold a grand political love-feast, a meeting for the promotion of perfect political holiness and sanctification. There I would have the people of our own and other lands to look "upon the gorgeous ensign of a Republic now known and honored throughout the nations of the earth, still full high advanced, its arms and trophies streaming in their original luster, not a stripe erased or polluted, nor a single star obscured."

Mr. Chairman, the result of the exposition upon our national credit will be of great value. It will convince European states of the fra-

ternity, the honesty, the resources of our people; our bonds will find a ready sale in the markets of the world, and at lower rates of interest than now.

Now, sir, I address myself to another feature of this bill, or rather to the results which will flow from it. We desire to make treaties of friendship with all nations. We sometimes desire to make commercial treaties, mutually advantageous to our own and to other nations. This centennial, sir, will furnish to all nations a knowledge of our institutions, of our productions, of the skill of our mechanics and artisans. But a few years ago, sir, the ports of Japan were closed against us. We made a commercial treaty with that country, and the result is that now Colonel Horace Capron, once our Commissioner of Agriculture, is at the head of the agricultural department of Japan. Now we are exporting agricultural implements and all the products of our industry to that country. Our commerce has grown in extent and importance, and the people are reaping the benefit of all this.

Now, instead of sending out expeditions to other countries, we propose that the representatives of all countries shall come to us, and when they have seen what is here, the result will be that we will be enabled to make new commercial treaties, and under this power of the Government to enlarge the commercial interests of this and other countries. We will thereby build up friendly relations with all nations; we will increase trade and make treaties of friendship and commerce a necessity.

When the people of different countries trade extensively with one another they are much more likely to maintain permanently friendly relations than where there is no such trade carried on. The reason is plain. Commerce plants itself in opposition to war between nations, and thus operates as a bond of peace. Peace is necessary to its successful prosecution. There is, then, not only a commercial and pecuniary view of this subject, but a philanthropic and humanitarian aspect in which it may be considered.

Having called attention to the results which the exposition will bring, I proceed to inquire if they are such as the Constitution authorizes Congress to aid or promote or encourage? Does any specific grant of power in the Constitution authorize Congress to promote or encourage an increase of commerce? That is the real question. If so, then this bill is constitutional; if not, then there is no warrant for its passage. Now, what are the specific grants of power to Congress in the Constitution? What are the provisions under which this bill may be justified? The Constitution starts out with this preamble:

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the *general welfare*, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

Then further on it provides—

The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

It is also declared that—

The President shall have power, by and with the advice and consent of the Senate, to make treaties.

And then again it is declared that Congress shall have power—

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

If, therefore, this bill be "necessary and proper" to "regulate commerce," or to enable the Government "to borrow money," or to make treaties, then it is authorized by the Constitution. But the inquiry arises, How far necessary?

Upon this inquiry I call the attention of the committee first to the character of the necessity which justifies the exercise of the powers conferred upon Congress by the last clause which I have read. Some gentlemen construe that clause as if it read—

Congress shall have power to make all laws *which shall be absolutely necessary* and proper for carrying into execution the foregoing powers.

But the Constitution does not say that; it does not require that the means employed shall be "absolutely necessary."

In the case of the United States *vs.* Fisher (2 Cranch, page 358) it was held that—

The power to make all laws necessary and proper for carrying into execution the powers granted confers on Congress a choice of means, and does not confine it to what is indispensably necessary.

Again, in the celebrated case of McCulloch *vs.* Maryland, (4 Wheaton, page 416,) it was held that—

If the end be legitimate and within the scope of the Constitution, all means which are appropriate, which are plainly adapted to that end, and which are not prohibited, may constitutionally be employed to carry it into effect.

If a certain means to carry into effect any of the previously granted powers be an appropriate measure, not prohibited, the *degree of its necessity* is a question of *legislative discretion*, not of judicial cognizance.

In other words, Congress is the sole judge of the necessity of the means employed to carry into effect any one of the powers specifically granted to Congress. Again it was held, in the famous case of Gibbons *vs.* Ogden, (4 Wheaton, page 187,) that—

The limitation on the means which may be used to carry into effect the implied powers is not extended to those expressly conferred

Here, then, Congress is the sole judge of the necessity and propriety of the means which this bill proposes to employ to "regulate commerce," provided only the means are adapted to the authorized object.

That they are adapted to increase commerce I have shown, and I will hereafter show that to *increase* commerce by operation of law is to *regulate* commerce by law.

Now, it seems to be conceded on all hands that if there be what is called a *substantive* "general welfare" power conferred on Congress by the Constitution this bill is undoubtedly authorized. I do not deem it necessary now to claim that there is any such power. I agree entirely with the interpretation which was given to this clause of the Constitution by Madison and afterward adopted by Justice Story that this clause should be read: "Congress shall have the power to lay and collect taxes, duties, imposts, and excises *in order to* pay the debts and provide for the common defense and general welfare of the United States." I agree to that; but this does not necessarily exclude the idea of a "general welfare" power as a distinct substantive power. But I do not rely on or deem the assertion of any such power necessary. But I do claim that this clause of the Constitution is *declaratory of the purpose* for which a *specifically granted power* may be exercised. Whatever regulation of commerce will promote the general welfare is authorized.

If any law *affects* commerce so as to promote the general welfare, it is a regulation of commerce which is authorized.

The words "general welfare" were inserted in the *preamble* to the Constitution and at the head of the specific grants of power to Congress for some purpose. A rule of construction requires us to give effect to them. Every power specifically granted is to be read with the caption and in the connection of the grant of power to levy and collect taxes. Then the power to regulate commerce should be read thus:

The Congress shall have power to regulate commerce with foreign nations and among the several States and with the Indian tribes in order to provide for the general welfare.

The Constitution intended the "general welfare" should be kept steadily in view. This purpose is as necessary in regulating commerce as in levying and collecting taxes. The grammatical construction of the words employed authorizes the view I have presented.

In making regulations in regard to commerce, then if Congress makes one which will promote the general welfare, it is authorized by that clause of the Constitution.

I now proceed to show that any law which *increases* commerce *regulates* it, and that the power of Congress in this respect is plenary. Look at the words in which the power to regulate is conferred. There are two leading words in it, "regulate" and "commerce." What is commerce? It is trade; but it is something more than trade. It has been determined by the Supreme Court of the United State in the case of Gibbons *vs.* Ogden, to which I have referred, and in the case of the United States *vs.* Holliday, (3 Wallace, 417,) that commerce is trade; but it is something more than trade, it is intercourse.

These, then, are the matters which may be regulated.

Now, what is implied in the power to "regulate?" The power to regulate is a power to make laws affecting commerce. This results from the necessary meaning and force of language. It is simply the logic of our literature. Whatever affects trade regulates trade; whatever affects intercourse regulates intercourse.

This power to regulate is plenary and knows no limit. That, too, was decided in the case of Gibbons *vs.* Ogden, and I beg to read a passage from the decision of the court in that case:

This power—

Says Chief Justice Marshall—

like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges *no limitations* other than are prescribed in the Constitution. * * * If, as has always been understood, the *sovereignty of Congress*, though limited to the specific objects, is *plenary as to those objects*, the power over commerce with foreign nations and among the several States is *vested in Congress as absolutely as it would be in a single government* having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States.

For all purposes of the bill under consideration there is no limitation on the power.

This power to regulate commerce, then, is a "plenary power" which knows no limit; is controlled only by the discretion and judgment of Congress as to the means which shall be employed to promote it. A law which increases the commerce of the country regulates that commerce, because it affects it. This power to regulate commerce is a transfer from the States to the National Government of all the powers which the States had upon the subject. Now, I suppose it will not be controverted that the States of this Union, if we had no National Government, could, under their absolute and unlimited legislative power—the power to regulate commerce—hold expositions at their pleasure; and if they would have this power, Congress undoubtedly has the same power. This is the view which has always been taken of the subject. Mr. Justice Story, in his Commentaries on the Constitution, section 1080, declares:

The power to regulate commerce, being in its terms unlimited, includes all means appropriate to the end, and all means which have been usually exerted under the power. * * * The main and admitted object of parliamentary regulations of trade with the Colonies was the encouragement of manufactures in Great Britain.

Then he adds, in section 1082:

In commercial and manufacturing nations the power to regulate commerce has embraced practically the encouragement of manufactures.

The second act that was passed by the Congress of the United States contains a preamble in these words:

Whereas it is necessary for the support of the Government, for the discharge of the debts of the United States and *the encouragement and protection of manufactures*, that duties be laid on goods, &c.

Judge Story says that when this bill was pending "not a solitary voice was raised against it."

I think I have said enough to show that the effect of this exposition will be to increase the commerce of this country with foreign nations and among the States; that the Constitution authorizes any law which will have the effect to encourage and increase commerce; and that therefore this bill is warranted by the Constitution.

This construction of the Constitution is sanctioned by the usuage of Congress under it. I have no time to go into that subject; but that construction is settled by the appropriations which we made for the Paris exposition, for the Vienna exposition, for the entertainment of Lafayette when he visited this country, for the entertainment of Kossuth. It has been settled by the appropriations Congress made to feed the starving poor of Ireland, which was voted for by Calhoun; by the appropriation which Congress made for the starving people of the South; by the appropriation for the relief of the sufferers from the grasshopper plague in Kansas and Nebraska in the last Congress.

Mr. Chairman, the same argument which I have endeavored to make as to the power to regulate commerce applies equally to the power to borrow money and the power to make treaties. We may send agents to Europe; we may send our agents to the syndicate. We have done so without question as to the authority from any source. Nobody doubts that. We may advertise our resources and give information to capitalists of Europe as a means of inviting them to invest their money in our securities. If we can do that, may we not provide an exposition and invite the capitalists of Europe to come and view the products of the country? It is only a means of giving them the desired information, that which is requisite to accomplish the purpose which the Constitution authorizes—"to borrow money."

But I will not further pursue this branch of the inquiry. I hold, Mr. Chairman, that this bill is expedient for several reasons. I shall not have time to discuss them fully; I will simply state the reasons which seem to me to justify this bill as a measure of expediency.

First, we are committed to it by the past legislation of Congress.

Second, it will promote the general welfare by encouraging and increasing commerce, trade, intercourse with foreign nations and among the States.

Third, it will make new demands for all the products of our industry, and give employment to our labor.

Fourth, it will aid in restoring prosperity to the people.

Fifth, it will promote good-will among our own people and with foreign nations; and this is worth many times over $1,500,000.

Sixth, it is a measure of economy. It is a good investment; it will come to more than it costs. There is a policy of being "penny wise and pound foolish." We may save $1,500,000 by refusing to make this appropriation; but we may lose $100,000,000 by failing to make it.

Sir, there is an adage that it is not wise to save at the spigot and lose at the bung-hole. I fear a failure to pass this bill would be saving at the spigot and losing at the bung-hole. It will cost three and a half cents per head of our people. It will bring vastly more than that to the industries of the country, because it will increase the demand for all our products, and consequently the demand for labor in every branch of industry throughout our entire Union.

The gentleman from Virginia [Mr. TUCKER] says he is opposed to a splendid government with an impoverished people. I am in favor of a government which can rise to the dignity of manhood among the nations of the earth, and which can secure a splendid people by taking care of all their interests. Sir, you will have an impoverished people if you deny to Government the powers which are requisite to secure the general welfare by encouraging, increasing, and promoting the commerce of the country. I go for this bill because I do not want an impoverished people. I want to increase the products, the power, and the resources of our people. Let us, then, have a centennial exposition, in order that our people may not be impoverished. Let us cultivate good-will, that our resources may never again be wasted in war.

I have said, Mr. Chairman, that we are committed to this measure and cannot honorably refuse to make this appropriation. Let me turn to the acts on this subject to see whether that is not so. The first is the act of March 3, 1871, to which I have already called attention. It declares that this exposition of American and foreign art and manufactures *shall be held* under the auspices of the Government of the United States. But that is not all. The act of June 1, 1872, contains a preamble which says that "whereas such provision should be made for securing funds requisite for the purpose aforesaid as will enable the people of the United States, who have shared the common blessings resulting from national independence, to aid in the preparation," &c.; and then it provides for a corporation to secure the necessary funds. But that is not all. Then follows the act of June 5, 1874, to which I invite attention, and which says that:

Whereas, at various international exhibitions held in foreign countries, the United States have been represented in pursuance of invitations given by the governments of those countries and accepted by our own Government: Therefore,

Be it enacted, &c., That the President be requested to extend, in the name of the United States, a respectful and cordial invitation to those governments to be represented and take part in the international exhibition to be held at Philadelphia *under the auspices of the Government of the United States.*

Under this law foreign nations have been invited. They have accepted the invitation.

Now, Mr. Chairman, I know these acts contain a disclaimer that Congress shall not be called upon to make any appropriation by reason of anything contained in them. I feel the force of that; but still the palpable fact stands out that Congress has said an exhibition *shall be held under the auspices of the Government of the United States.* Suppose the means provided for raising the requisite funds for carrying it on are not secured as contemplated by the laws on the subject, then Congress is obliged to make up the deficiency. If I invite a man to dine with me there is an implied obligation on my part that I will furnish a dinner. It will be no excuse for me to say that my neighbors have agreed to provide the requisite food or that I had made such provision myself as I supposed would furnish the requisite means. If the provision I have made does not result in furnishing the means by which I can entertain the guest whom I have invited to share my hospitality, I am bound by my invitation to see means provided. That is precisely the condition in which the United States now finds itself. It is said in solemn words, in positive laws, that this exhibition *shall be held*, and that it shall be held "*under the auspices* of the United States." The promise to hold the exhibition and the invitation extended to foreign nations to participate in it create an implied obligation on the part of the Government that if the means provided fail, then the Government shall pay what is requisite to secure the object promised in the acts which have been already passed.

I am for the exposition because the people demand it. In this very month the governor of Ohio, a democrat, in his last annual message said:

We have now entered upon the centennial year of our national existence. The efforts which have been made to insure a proper celebration of the important event at the city of the nation's birth have been crowned with great success. The principal nations of the world have signified their intention to participate through their representatives at the national capital, and the President of the United States in his recent message has recommended to Congress that it more fully invest it with national significance. The different States of the Union are vying with each other in friendly and patriotic rivalry in the effort to make a creditable exhibition of their growth and resources, and Ohio, the third in population and wealth and the equal of any in its natural resources, should not lack in appreciation of the interesting event or lag in its efforts to make such an exhibition as will give it its proper place in the rank of States. Our efficient board of State centennial managers have been laboring with great energy, and are cheered by the belief that their efforts have been successful in creating an interest which will insure such a representation as will be a matter of pride to every citizen of the State. I respectfully recommend that you grant them such reasonable aid as they may require to complete their arrangements and secure the success of their labors.

His successor in office, Governor Hayes, in his inaugural address said:

Agreeing generally with the sentiments of Governor Allen's recent message, I desire especially to concur in what is said on the subject of the national centennial celebration.

No community in the world has been permitted by Providence to enjoy more largely the blessings conferred on mankind by the great event of 1776 than the people of Ohio. Ohio and her interests had no existence a hundred years ago. They are the growth of less than a century. The people naturally wish that their State and her history and her advantages should be widely known. No other such opportunity for their exhibition will probably occur for several generations.

Mr. Chairman, I am for the exposition. I believe it will promote the interests of this country. It is authorized by the Constitution. I do not at all agree to the doctrine stated by the gentleman from Virginia, that the Constitution was created by the States. It was created by the *people*. The government under it is a National Government. The people are a nation and we are "one people." The Declaration of Independence states that we are "one people." The States never were sovereign. When we were colonies, dependent upon the Crown of Great Britain, sovereignty resided in Parliament alone. We sought to share in controlling that sovereignty and failed. We then organized a sovereignty of equal power. When we severed the bonds which united us to Great Britain, the Declaration of Independence, by which that was done, was not proclaimed by any State of this Union, but it was by a Continental Congress, representing the people of all the States. That Continental Congress had powers which were supreme, undefined, and unlimited. It made war; it established a national bank; it raised armies; it legislated for the whole country; it acknowledged no limitation upon its power; but when the Continental Congress gave way, then we did have a government under the Articles of Confederation, which was a government of limited powers—so limited indeed, that after a few years of experiment it became manifest it was totally inadequate to accomplish the great purposes of national unity and take care of the interests of the people. And that, in turn, gave way to the Government established under the Constitution of the United States. But this was established by the *people*, and not by the States. The Constitution itself says that it is made not by the States, but, as its preamble declares—

We, the people of the United States, do ordain this Constitution.

And, sir, that Constitution was not submitted to the States for ratification, but it was submitted to conventions in the several States elected by the people in order that it might be known that it was a constitution ordained by the people and not by the States.

This Government has itself created twenty-four States. They had no share in creating the National Government, yet they occupy the same relation to the National Government as the original States—a condition of subordination as to all matters intrusted to the National Government, which is made the sole judge of its powers.

I regret that gentlemen have seen fit to introduce again this exploded and dangerous doctrine that the Constitution was created by the States. What is the purpose of it? The idea that the Constitution was made by the States, that it is a mere treaty or compact between States, is most pernicious and dangerous. Independent nations make treaties. Each nation judges for itself whether they are violated, and each decides for itself on "the mode and measure of redress." Each has the power to make war to redress a violation of a treaty on such a construction of it as the nation may choose to make. The reason is plain, there is no court to decide which nation is right. Why, sir, underlying this doctrine that the States made the Constitution is the fatal heresy which has brought so much of death and misery to our land. If the Constitution was ordained by the States and not by the people, if it is a mere treaty between independent States, then each has the "right to judge of the mode and measure of redress" when any State may suppose that the compact made by the Constitution has been violated. That means, sir, that any State has the inherent right to secede from the Union and to break it up at pleasure. I had supposed that that question was settled by the results of the late war. It was so settled. Yet gentlemen now on this floor revive the exploded and fatal heresy. The perpetuity of the Union requires that we maintain forever that this is a nation, that our people are one people.

[Here the hammer fell.]

Mr. TEESE. Mr. Chairman, I do not expect in the very few remarks I shall make upon this bill to advance any new argument in its support. The arguments *pro* and *con* upon its merits have been exhausted already in this debate. But, as much of the time of this House has been spent this session by gentlemen here in putting themselves or their opponents "upon the record," as it is called, I may be pardoned for saying a word or two by way of explanation of the vote I intend to give.

Much has been said about the constitutionality of this bill. That is a subject upon which one may well entertain doubts. My own mind is not entirely free from them, but, being in doubt, I am willing to throw that doubt in favor of this bill.

This debate has clearly shown one thing to be true, namely, that, whether this bill be constitutional or not, precedents by scores are not wanting to justify appropriations of this nature; and, when either the honor or the reputation of the nation is at stake, I am content to take well-established precedent as a sufficient adjudication to guide my action in the premises. This is the only way questions of this kind ever can be decided. Where is the court that can adjudicate upon the constitutionality of a question like this? Clearly *the will of the people*, expressed through their representatives in Congress, must, *ex necessitate rei*, be the supreme law.

Whether this or that measure is right, proper, or constitutional must depend in a great degree upon the merits of the particular case in hand; and, as what the common law of England is depends upon what courts *say* it is, so the spirit, meaning, and common sense of the Constitution must be determined, in matters not susceptible of adjudication by the Supreme Court, by the Congress of the United States.

Sir, I am not much troubled by constitutional scruples in voting for this bill, but there is, to my mind, a greater difficulty to overcome. I allude to the propriety of now annulling the re-iterated enactments in former bills that "the United States shall not be liable, directly or indirectly, for any expenses attending the exposition, or by reason of the same." While I shall vote for this bill, I should have less hesitation in doing so if it did not seem to me to violate an implied pledge that no such appropriation as now asked for would be made; and I wish to say that, although enactments of the character referred to are repealable, I think that when a bill is once passed the honor of the nation shall be considered as pledged to strict compliance with its provisions unless some great and unforeseen emergency arises rendering its repeal necessary. I object to making laws made and intended to be repealed; to obtaining the votes of one Congress upon the repeated promises of the friends of a measure, embodied in statute laws, that no money would be asked from the Government, and yet so ingeniously framing those laws that it may be urged in another Congress with great plausibility, as it has been urged in this debate, that it seems inconsistent that an enterprise declared to be undertaken under the auspices of the United States, and in which foreign governments have been officially invited to participate by the President, should nevertheless receive no financial support from the Government.

Yet, notwithstanding this objection, I cannot but recognize the fact that this is a great national, or rather, I should say, an *international*, exposition, and that it inures not only to the benefit of our common country, but that its tendency is to establish peace and good-will among the nations; and I fully concur in what my colleague [Mr. HARDENBERGH] has said in desiring that the exposition shall be a great national success.

I represent in part a State which has subscribed $100,000 toward this centennial celebration, and an immediate constituency who are largely engaged in manufactures and who are large contributors to the exhibition and deeply interested in its success. I have no doubt that their interests will be greatly subserved by the proposed appropriation. I know their wishes, and I know I would not represent them truthfully if I should vote against this bill. And while I am not thoroughly persuaded of the entire propriety of this appropriation, I am satisfied that there is not in my district any considerable minority opposed to it.

Under these circumstances it becomes my duty, as it is my pleasure, to respect the known wishes and requests of the people who sent me here to represent them, and to vote for the bill.

I give the balance of my time to the gentleman from Kentucky, [Mr. JONES.]

[Mr. JONES, of Kentucky, addressed the House. His remarks will appear in the Appendix.]

Mr. BAKER, of Indiana. Mr. Chairman, I had intended to record my vote in silence against this bill; and in speaking now I have no hope of checking the glow of patriotic fervor which is hurrying this House to pass an act taking $1,500,000 of the hard-earned money of the toiling millions and giving it as a benefaction to the centennial board of finance to enable them to carry out the proposed centennial exhibition on a scale of grandeur commensurate with the greatness of our country. Eloquent appeals are made to our patriotism, glowing descriptions of the imposing character of this exhibition are arrayed before us, well calculated to blind our reason and dazzle our imagination. The shafts of ridicule, tipped with wit and sarcasm, are leveled at the heads of those who invoke the aids of reason and judgment as fitting factors in this discussion. The red man of the distant plains is here summoned to do duty in order to enlighten our understanding, by instituting a comparison between the noble physical proportions of the savage warrior and the lean and meager form of the pacific and unwar-like legislator from the State of New York, [Mr. WILLIS.]

For me to utter a word against this bill, I doubt not, will be attributed either to a want of patriotism or to a spirit of petty economy akin to meanness. But, sir, I feel that I have a duty to perform in voting against this measure elevating my opposition above any charge of indifference to the honor and glory of my country. I yield to none in love and devotion to this my father-land; and may God do so to me and more also if I forget my duty to advance full high the ensigns of her greatness and power until she shall stand peerless and alone the glory and admiration of the world. But no appeals to my patriotic pride and no invocations of ridicule or sarcasm shall blind my eyes to the true road leading to her greatness, glory, and power. It is to be found, sir, in simple republican practices, as far as possible removed from the pomp and circumstance of regal show. It is to be found in the habits of industry, simplicity, and frugality marking the earlier and better days of the Republic. It is to be found in that stern unyielding honesty that will make every man of us swear upon the altar of his country that while she is staggering under the fearful burden of her public debt, that while the business of the country is paralyzed, that while industry is seeking labor in vain, that while the starving are asking bread, not one dollar of the public money confided to our care as a sacred trust shall be spent for any other purpose than meeting our plighted faith, and discharging our solemn obligations.

Ah, sir, I have heard the words "economy" "retrenchment" and "reform" since I have been in this House—words fragrant with dear memories of the past, pregnant with bright hope for the future—repeated a hundred times by the distinguished gentleman from Pennsylvania, [Mr. RANDALL,] the leader, the Telamonian Ajax on the democratic side of the House. I never saw him rise in his place but I had spelled out the word "economy" written on the winning features of his face. His economic virtues filled me with gratitude and thankfulness that the stern virtues of a Cato had not perished from the earth. In my simplicity I had said, "Lo, I hear the voice of the evangelist of 'economy' in this wilderness of wickedness, given so much to amnesty and appropriations, crying make straight the ways for a return to simplicity, integrity, and economy." But how our fondest idols one by one are shattered! On that face where once I read economy I shall henceforth read the inscription, "Give, O give us an appropriation!" Such sublime evidences of a disposition for retrenchment and reform, provided they have a snug appropriation in them, fairly overwhelm one new to these scenes and who came here believing that professions would be supplemented by practice. But evidently the distinguished gentleman, wise in political lore, has accepted the definition of the great French diplomat, that the true function of speech is to conceal one's thoughts. Let me say, however, to the gentleman and to this House, that the people are in earnest in their demand for economy, retrenchment, and reform, and here and now is the place to begin. Prodigality to-day with the promise of reform to-morrow is a cheat. I would that I had the power to inspire the distinguished gentleman from New York [Mr. COX] with a psalm-reading disposition to-day. How could I sit at the feet of one wiser in ancient psalmody than Gamaliel, and listen to his reading of some fitting psalm, exhorting to economy, to humility, to the laying aside of pride and ostentation! The occasion and the time would inspire him with that pious fervor and thrilling unction for which my reverend friend has achieved so just an eminence. He might fitly preface it with some text from Paul's epistle to the Ephesians. But, alas! like the venerable Senator Dilworthy, he too, I fear, is for retrenchment and reform with an appropriation in them!

Mr. COX. I do not know on what authority the gentleman classes me with those who are in favor of this bill. I have not spoken anything to the House on the subject in favor of it.

Mr. BAKER, of Indiana. I never understood that the gentleman was opposed to it, and most of his friends support it.

Mr. COX. I generally speak for myself on these subjects. The gentleman's oratory is very fine, and I accept as a compliment, but I deny his right to classify me in that way.

Mr. BAKER, of Indiana. One only of the trinity of reformers and retrenchers is left, the distinguished gentleman from Indiana, [Mr. HOLMAN.] Sir, by night as well as by day I had expected to see the white plume of that gentleman waving from the ramparts of the Treasury, and to hear his clarion voice ring out over the din of the assault the challenge of the Scottish chieftain:

> Come one, come all! this rock shall fly
> From its firm base as soon as I.

Where, sir, is he in this fight? Has he, too, fallen before the seductive influences of an appropriation, or does he stand solitary and alone, verifying by his voice and vote that when he pleads for economy he means it? No, I am glad to know he is not among the fallen, but simply comes late into the fight.

But, Mr. Chairman, we are told that shame, humiliation, and disgrace will befall the nation unless we vote this appropriation. I do not believe it; but if it does, others and not those who oppose this measure have been the efficient instruments in it, by placing the Government in a false position. If her honor is plighted, so that to refuse to vote this money involves dishonor, Congress did not do it.

I am utterly opposed to this Government becoming a partner with the centennial board of finance—a private corporation—as a stockholder in the corporate property. It seems to me that it little befits the dignity of this great Republic to be interested in the entrance-fees charged for admission to that exhibition. I see no honor reflected on our good name when foreign nations learn that we advance this money to become a silent partner, interested when the concern is finally wound up in the division of the profits of the venture. If we make a gift let us make it open, fair, above-board. I want this nation never again to become a partner with any private corporation in any enterprise of a business nature. Neither former experience nor the fitness of the thing is such as to justify further experiments in this direction. I am opposed to this bill because when the subject was first brought before the American Congress it could never have been carried except on the distinct pledge made by its friends and embodied in the law that the United States Government should never be liable for a dollar. This pledge has been repeated in the most solemn and emphatic manner in the subsequent legislation on this subject.

In section 7 of the act of March 3, 1871, it is provided:

> That no compensation for services shall be paid to the commissioners or other officers provided by this act from the Treasury of the United States, and the United States shall not be liable for any expenses attending such exhibition, or by reason of the same.

In the ninth section of the act of June 1, 1872, creating the centennial board of finance, it is provided that—

> Nothing in this act shall be so construed as to create any liability of the United States, direct or indirect, for any debt or obligation incurred, nor for any claim by the centennial international exhibition or the corporation hereby created for aid or pecuniary assistance from Congress or the Treasury of the United States in support or liquidation of any debt or obligations created by the corporation herein authorized.

The act of June 5, 1874, authorizing the President in the name of the United States to extend cordial invitations to foreign governments, provides:

> That the United States shall not be liable, directly or indirectly, for any expenses attending such exposition, or by reason of the same.

And yet, sir, in the face of this solemn declaration, made to the nations of the world when we authorized their invitation, we are told that our honor is pledged to grant an appropriation! Weak indeed must that cause be which seeks to impose such burdens on our credulity!

In the act of March 3, 1875, authorizing the engraving and printing of the certificates of centennial stock, it is provided:

> That this appropriation shall not be construed as in any manner committing the Government of the United States to any other payment whatever to meet the expenses of said exhibition.

Now, sirs, ought these solemn and repeated declarations embodied in the form of law to be ruthlessly violated and stricken down? I appeal to gentlemen who voted for these laws to stand by the record of economy they then made. Surely there has nothing occurred since these solemn assurances were given the people by their representatives which can now justify their repudiation. Nay, on the contrary, the long-continued financial distress, the heavy burden of debt thus made doubly burdensome, the fearful burden of taxation weighing down the productive industries of the people, all cry, as with the voice of an archangel, spare, spare!

But not only the faith due to obligations plighted in the form of law confronts this appropriation, but the oft-repeated and solemn assurances of the distinguished Senators from Pennsylvania as well. When the centennial project was first up for discussion in the Senate, and gentlemen expressed a fear lest an appropriation should be asked, the venerable Senator from Pennsylvania [Mr. CAMERON] said:

> The money required will be raised without any expense to the Government Philadelphia will take this matter in hand just as any other great city of this country would do.

Again:

> * * * They ask nothing else of the Government than their charter or act of incorporation. * * * There is no doubt they will raise the money. They will to-morrow go to work immediately to procure this money.

The other distinguished Senator [Mr. Scott] was equally distinct in his pledges on this subject. He said:

> When the subject was first introduced in Congress it was feared that an appropriation would be asked. Everybody in both Houses was so sensitive on that question that an express disavowal of all responsibility on the part of the Government had to be incorporated in the act.

Would that there was equal sensibility on this question now! But I have quoted sufficient to prove that Congress, reflecting the public judgment on this question, would do nothing except with an express disavowal of all responsibility on the part of the Government and an equally distinct avowal that the Government should never be asked for a dollar.

I shall not stop to inquire by what authority it is proposed to take $1,500,000 of the people's money and give it to a mammoth corporation. For one, I do not believe in gifts made to any body or to any corporation out of the public Treasury. I am disposed to doubt our right to set ourselves up as donors of the people's money. I think their money was taken from them as taxes to meet and pay the necessary and legitimate expenses of the Government. I think if the people desire to make a gift to the centennial board of finance they are quite competent to do it. For one, I am heartily tired of the policy of diverting money from the Treasury to any other than proper governmental purposes. Here I am determined to take my stand, opposing all gifts, grants, and subsidies from the national Treasury, and, so far as in my power lies, I mean to see to it that no money is appropriated except to redeem our plighted faith and meet the necessary expenses of an economical administration of public affairs. Such, I believe, is the true meaning and spirit of the Constitution I have sworn to support; and I shall, regardless of personal considerations, at all times endeavor to make that great charter of our liberties the pillar of fire to illuminate my pathway through the night and tempest of this House.

But when I am asked to oppose this measure on the ground that the people of the United States do not constitute a nation, a great independent nation, and not a mere confederacy of States—a nation with a national government in the broad international sense of those words—I cannot do it. When I am asked to vote against this appropriation because it is idle to claim that we are a nation and that our Government is national, my whole nature revolts at the monstrous suggestion. I am utterly amazed that the eloquent gentleman from Virginia, [Mr. TUCKER,] who depicted in such touching periods the woes of his native State, should so soon appear to forget the cause of those woes. They were caused, sir, by loyal men who marched beneath the flag and kept step to the music of the Union in attempting to demonstrate that the people of the United States do constitute one nation, a great and powerful nation, and one having both the constitutional and physical power to vindicate its right to live. And when a democratic President could find no constitutional authority to coerce a sovereign State the loyal men of America, with a voice as sublime as that which shook the everlasting foundations of Mount Sinai, said: "We are a nation; we have a right to live as a nation; we have a right to coerce a sovereign State that defies our authority; and by the ever-living God we will do it." And they did it. And never, never, sir, as long as the heroic achievements of the unnumbered hosts of the patriotic living and the dead who fought beneath the flag of our nation—our fathers' flag—shall be told in story or in song, will it be idle to assert that we are a nation; that our Government is national. That question, I had thought, was settled by the dread arbitrament of war in that high forum from whose decision lies no appeal. We all remember when the decision of the question of our nationality was transferred from the forum of congressional debate to that higher forum, that court of last resort whose decrees are registered amid the smoke of battle and the clash of arms. Profoundly grateful am I that no republican who votes against this appropriation will do it because he believes that the people of the United States do not constitute a nation as contradistinguished from a confederacy of States. The party to which I have the honor to belong is a national party; a Union party; a party which, knowing no North, no South, no East, no West, stands by the unity and nationality of the Government; denies that we are a mere league, compact, or confederacy of States; and, planting its standards on the ramparts of the Republic, swears that she shall stand as a nation, one and indissoluble, now and forever! The difficulties which I see to making this appropriation are not found in the old State-rights dogmas which I had fondly trusted were safely entombed with the remains of the dead confederacy.

But passing from this question, Mr. Chairman, I trust gentlemen may remember that this centennial exhibition, with its wonderful treasures of art, with the accumulation of all the products of earth and sea, with the rich fruits of the pencil and the chisel, with the grand achievements of the inventive genius of the world, is only for the few. The great body of our countrymen—the great, almost unnumbered millions of the toilers of our land on whose Atlantean shoulders rest the firm foundations of the Republic—cannot be there. I know that every man, woman, and child in all this broad land would gladly visit those scenes hallowed with the fragrant memories of the revolutionary fathers. They cherish those memories as a precious legacy handed down by patriot sire to son. But they cannot be there. They know how with toil and sweat and pinching economy they feed and clothe and educate their little flocks. They ungrudgingly and patriotically pay their full measure into the public Treasury, and they

have a right to ask, to insist, that not one dollar of it be spent to give splendor to an exhibition which not they but other people are to enjoy.

But, sir, we are told that the Treasury is only to suffer to the extent of $1,500,000. Ah, gentlemen, I am possessed of some of the fear, I trust not prophetic fear, of the ancient Trojan who opposed the breaching of the walls of Troy to admit the wooden horse! He feared the Greeks even when bringing gifts; I fear my centennial friends even when asking an appropriation. If they shall make a breach into the Treasury, if they shall get their wooden horse within its walls, I greatly fear that before the session closes we shall find this centennial appropriation, like the wooden horse of old, filled with enemies who will take captive our Treasury. Already bills are pending before the House which, if passed, would add probably not less than $500,000,000 to the debts now pressing us to the very verge of national bankruptcy. Our people are as patriotic, as patient, and long-suffering as any on the face of the earth; but, sir, the everlasting drain of the hard-earned money of the people to meet some high-sounding gift or subsidy ought to be stopped. One million and a half is only the beginning. My conviction is that when we have voted this sum we shall, before this business is closed, be called on for other millions. We must extend, we are told, to the emperors, kings, and princes of other lands a suitable welcome—one befitting so great, so glorious a country as ours. It cost Austria $12,000,000 in gold to hold her exposition, and certainly if we get through with the imposing exhibition which we are expected to hold with $20,000,000 we shall be fortunate indeed. And this appropriation made, we cannot in honor refuse to make another.

For another reason I am opposed to making this appropriation. This is intended to be a national celebration, a jubilee of the people in honor of the natal day of the nation. It ought to be begun, continued, and ended with the free contributions of a patriotic people. It is neither honorable nor creditable to us as a people, if with all our greatness and prosperity in the past, the inspiration arising from the grand memories crowding upon us in the present, and the lofty hopes and anticipations of the future, we cannot make our centennial exhibition a more glorious success by appealing to a patriotic people than we can by taking this money under the forms of law. Rely on the people; let them know your needs; let the voice of some new apostle of liberty, like a Peter the Hermit, ring out over the land fanning into a flame the patriotic fires burning in the breasts of the people; and we will present a grander, a more sublime spectacle to the world than it has yet beheld. The world will then see an exhibition sustained by voluntary contributions—gifts of a free, patriotic, and intelligent people—which in extent and grandeur shall be matchless and unsurpassed. Have faith in the liberality, patriotism, and intelligence of the people, and, without the coercive aid of a paternal government, success shall crown your labors.

Mr. CALDWELL, of Tennessee. Mr. Chairman, as opposition to the appropriation asked for in the bill before the House seems to subject one, in the opinion of some persons, to the suspicion of a want of patriotic devotion or of a spirit of niggardly parsimony, I may be pardoned, sir, for claiming the indulgence of the committee while I state the grounds of my opposition.

Yielding to none in my desire to encourage whatever would tend to heal a divided country, restore thoroughly friendly relations between once warring sections, revive public spirit—the only aliment upon which free institutions subsist and prosper—and promote that harmony and fraternal feeling which the people of every section, as well as most of their Representatives upon this floor, have uppermost in their hearts, I come to the consideration of the proposition with every disposition to do it and its movers justice. Certainly, sir, no prejudice will imbitter my speech or sway my action. The motive which prompts gentlemen to its support, so far as we can collect it from argument and appeal upon this floor, is eminently patriotic and honorable, as lofty as ever impels to human action, no motive being higher than that which seeks to honor and magnify and exalt the Republic. It is indeed fortunate for the country if up to this time no motive less worthy has had a part or lot in the inception and progress of this great enterprise. It will become a subject of national felicitation, when the curtains shall descend upon the vast pageant, to know that, in an age when a grasping cupidity, a guilty eagerness for wealth have been rampant on every side, this great affair has been so conducted as that no foul suspicion of jobbery or peculation has rested upon its management to blacken its history and mar its moral grandeur.

I make no charge, much less do I intimate any doubt of the management thus far; but I do say this, Mr. Chairman, that, so important it is to the honor and fame of the country that no reptile vice "shall practice falsehood under the saintly show" of the most exalted of virtues, that cupidity shall not be licensed to don the livery of patriotism and prostitute the noblest instincts of our nature to the basest and most ignoble of purposes, we should hesitate to grant this subsidy until assured by members of this body, properly authorized and accredited to investigate and report upon the management and progress of the work, that good faith and fair and unimpeachable administration of the trust, commensurate with the sublime idea of a centennial celebration of a nation's birthday, have been observed up to this time, and are assured for the future, so far as the same can be done by human guarantees.

Have we had any such investigation or such report? What committee charged with such duty has visited Philadelphia and made inquiry into all these matters? None, sir, that I am aware of. I leave out of view, sir, the unofficial visit of the Chief Magistrate and many members of the legislative and judicial departments made just before the holidays. That occasion was not suited, nor was it arranged, for any such purpose. It was rather calculated, with all its attendant circumstances, whether so intended or not, to elevate the distinguished guests entertained with such princely hospitality to a plane immeasurably above the meanness of detail necessary, as I conceive, for the intelligent action of this body.

But, Mr. Chairman, I say with perfect frankness that if the history of the enterprise thus far were all that the most exacting jealousy of the nation's honor could ask or expect, I should still be constrained by my convictions of public duty to withhold my support, anxious at the same time to see the enterprise prosper to a complete and triumphant success worthy of the nation whose history it commemorates and of the august visitors whose presence it has invited. We are told that without this subsidy the celebration may be a failure, and the honor of the country is staked upon its success. Well, sir, I do not believe, for one, that it will be a failure though this aid be denied. All other resources failing them, there is still left, as remarked by the gentleman from Pennsylvania, [Mr. COCHRANE,] the power to mortgage their property, amounting in value to more than $5,000,000, and also their prospective income, which cannot be stated, but which will certainly be enormous. This the gentleman from Pennsylvania [Mr. KELLEY] says they do not wish to do. But it seems to be with them a mere question of taste and propriety; and, declining to do this, they come asking for this subsidy, which three several times Congress has expressly refused: In the act of March 3, 1871, creating the Centennial Commission; in the act of June 1, 1872, creating the board of finance; and in the act of June 5, 1874, authorizing the President to extend invitations to other governments. In all these acts the idea of Government aid or liability is most distinctly negatived and put beyond question.

Mr. Chairman, there is to my mind something strange in the fact that after the President had issued his first proclamation, which recited that the governor of Pennsylvania had given notice that provision had been made for the erection of suitable buildings for an international exhibition, and which proclamation contained an invitation to foreign countries to take part therein—it is strange that after the proclamation of July 3, 1873, it should be deemed necessary to pass the act of June 5, 1874, repeating the invitation. The conclusion is inevitable to my mind that the object and purpose were to commit the Government so that it could not avoid granting what is demanded here to-day. Was the governor of Pennsylvania mistaken in so grave a matter, or was he relying on the success of this device to secure what from the first had been refused—a Government subsidy?

The proviso to the act of June 5, 1874, refusing any appropriation of public money, adopted by a republican House of Representatives, that in a few months afterward received a terrible popular rebuke for its many sins, not the least of which were its extravagance and corruption, is now to be stricken out or set at naught by a democratic House, elected upon a promise of honest, economical, and constitutional government. That promise to a tax-ridden people is to be kept with a faith that would not be honorable to a great party seeking the control of the Government.

No party, sir, can or ought to retain power in this country that does not carry out in unimpeachable faith its pledges to the elective body, and in my humble judgment, speaking with the deference of one of its least experienced members in this body and with all respect for many able gentlemen who advocate this measure, the democratic party of this House will incur a fearful and dangerous responsibility in voting away the revenues of the Government on the heels of an exceptional republican precedent of economy to a purpose of most doubtful constitutionality. I say *doubtful constitutionality*, recognizing to its fullest extent the difficulty of denying successfully any power to the Federal Government, when confronted with the precedents of the past few years.

While perhaps the era of constitutional politics has reached its decline, as seems but too manifest when we see how at once a constitutional argument palls the public attention, often subjecting the disciple of State rights and constitutional limitation to the ridicule and sarcasm of those whose glistening eyes are fastened upon the public treasures, it will be a sad day for the Republic when the doctrine shall be gengenerally received and admitted that there is no limitation upon the power of appropriation that an American Congress is bound to respect. I imply no criticism upon the generous response which the Government has from time to time made to the appeals for help from the victims of great disasters. When the flood has come or the all-devouring fire, when the devastating locust has consumed the substance or the mysterious pestilence has wasted the lives of the people, we have spurned constitutional limitations and appealed for authority to afford relief to the sublime but perilous principle which recognizes the safety of the people as the supreme law. The generous motive has exempted the Government from unfriendly criticism, and that has passed unquestioned which if drawn into precedent in ordinary times and insisted upon would leave no limitations upon the power of appropriation.

But it is said the appropriation is small. That, Mr. Chairman, cannot and should not affect the principle; and it should be borne in mind that the revenues of this Government are so collected that when the Government raises $1 somebody else—the pampered recipient of its

bounty—generally raises from three to five dollars. Whether the amount of tax be one cent or $1 *per capita* which will be imposed by this bill, I repeat, cuts no figure in the argument: and upon this point I beg the attention of the House to the memorable words of Junius, addressed to the English people, but quite as applicable to our own:

Let me exhort and conjure you never to suffer an invasion of your political constitution, however minute the instance may appear, to pass by without a determined, persevering resistance. One precedent creates another. They soon accumulate and constitute law. What yesterday was fact, to-day is doctrine. Examples are supposed to justify the most dangerous measures, and where they do not suit exactly, the defect is supplied by analogy. Be assured that the laws which protect us in our civil rights grow out of the constitution, and they must fall or flourish with it. This is not the cause of faction, or of party, or of any individual, but the common interest of every man in Britain.—*Woodfall's Junius*, volume 1, page 160

Sir, the voice of history has justified and approved and commemorated the resistance which Hampden made to the collection of the ship-money, and which our forefathers made to the collection of the tea and the stamp tax. These were "*minute* instances;" that is, the amounts involved were not large; but a great principle was at stake, and the struggle was for its vindication.

I pass from the question of constitutionality, leaving it to rest upon the argument of the gentleman from Virginia [Mr. TUCKER] and the gentleman from Pennsylvania, [Mr. COCHRANE,] the last of whom deserves great credit for resisting that tide of sentimental patriotism which, according to one of his colleagues, is sweeping resistlessly over his district, and demanding the passage of this bill.

An eloquent gentleman upon this floor [Mr. LAMAR] has lamented that the era of sentimental politics has passed and appeals for its restoration in a hopeful and pathetic strain. This centennial year and the issues which it makes prominent are bringing with them the full fruition of this patriotic aspiration. We are in the midst of such an era; and while the heart of the patriot hails it as most auspicious for our future as a united people, let his eye never be closed to the peril to which it may subject our system of government; and above all and beyond all, while he seeks to make ample and munificent preparations for the reception and entertainment of the coroneted nobility from the regions of the Arctic and the Antarctic, the Occident and the Orient, let him not exhaust his zeal nor fritter away his energies in too generous provision for their comfort and gratification to be at last subjected to the reproach of having ignored the millions of poor crownless heads whose eyes are turned imploringly toward this Capitol to-day. They are our countrymen, boasting no lineage except what is found in "the short but simple annals of the poor;" and while the attractions of the grand pageant in preparation will be drawing the nobility of other countries and our men of wealth and leisure, our bankers, our bond-holders, our railroad kings, and our imperial merchants to the birthplace of a nation, an honest poverty binds him to his modest home, whose every comfort is taxed to give zest to their enjoyment, as if to widen and deepen the contrast and complete his humiliation. He may, if rebuked for his insensibility to the greatness and majesty of the occasion, turn upon you and ask: "What special cause of rejoicing have I this day? My condition is worse this hour than it has been for years past. For long and weary months my cunning hands have been without employment. I am consuming even now the last of the earnings of an active life. The little property in which I had, as I thought, wisely invested has so shrunk in value as not to be worth the mortgage to which my necessities compelled me to resort. Above me impends bankruptcy and around me stalk the gaunt forms of privation and want." You do but mock him in unworthy imitation of the corrupt Cæsars when you ask him to forget his distress and drown his sorrow in healths to the honor of the centennial year; when you ask him to contribute from his exhausted stores to the success of an enterprise which will serve but to remind him by contrast of his own helpless and now almost hopeless condition.

Sir, I should be pleased to see this House turn its attention to the correction or amelioration of that vicious policy of Government, whatever it be, that has superinduced this state of things. Correct the evil by reversing an unwise, unpatriotic, and ruinous financial policy, by which a nation has been foully cornered in the interest of capital. Correct it by repudiating a principle which if persisted in must result in my humble judgment, in a money famine unparalleled in our history; paralyzation of industry; prostration in business; destruction of values, of confidence, of credit, and of hope; in a reign of poverty, want, and ruin. Do this, and you will have relieved the grand conception of a centennial celebration of incongruous surroundings that do so mar its majesty and detract from its worship.

I wish, sir, we could go further this centennial year and furnish a solution of another startling problem that confronts us, the fate of the indebtedness of the country, amounting in the aggregate, and including national, State, corporate, and private indebtedness, to $10,000,000,000—aptly described by an American scholar "as a mountain-load more deadly than fever or plague, more destructive than the frosts of spring or the blight of summer." However otherwise the American people can stand erect and walk under such an incubus, I feel sure, sir, that you might as well expect to see "the man who lies buried beneath the mountain-avalanche rise up and bear away his burden" as to see this nation contentedly or even patiently bear the load which this policy of sudden resumption will entail upon it. When that grand financial pyramid shall have been erected we will have illustrated the problem of ten billions of indebtedness resting upon $700,000,000 currency, and all resting upon, say, $300,000,000 specie, which is held at the sufferance and mercy of a foreign gold despotism.

To my mind, sir, there is little cause for rejoicing in the contemplation of these questions; but no amount of patriotic declamation can exorcise them or relieve us of the alternative of their solution, or of beholding at no distant day perhaps the wreck of our magnificent system of government. Republics cannot long survive the adoption of a governmental policy that tends with unerring certainty to the destruction of the primal principle of republican theory, the equality of the people; that builds up and sets upon thrones of gold a moneyed aristocracy on the one hand, and establishes a community of paupers on the other, crushing out the middle class, upon whose existence depends more than all else the peace, the welfare, and safety of the State.

There are, sir, two classes to be found in almost every portion of the South that I cannot suppose, Mr. Chairman, can have much heart in this grand pageant. I allude, sir, to the soldiers of the war of 1812 and to those who labor under disabilities imposed by the third section of the fourteenth amendment of the Constitution. The one stands proscribed before the world for having, under the guidance of leaders whose wisdom I do not now criticize, allowed their sympathies to go with and follow their sons into a war into which they themselves were too infirm to participate. Most of them have passed away, but here and there lingers one unfortunate with the brand of proscription upon his aged brow, a monument of the injustice and ingratitude of a country whose honor he had maintained and whose integrity he had defended. I have in my district one of them, sir, who served under and was the orderly of General Andrew Jackson, now by fifteen years beyond the period allotted by the Psalmist to human life, shut out from the bounty of the Government in the hour of helpless decrepitude for having yielded to the same impulses that bore him to the shock of British arms and nerved him for the wild ferocity of Indian warfare. Like Lear to his ungrateful daughter, confessing his age to you, he implores you to grant him "raiment, bed, and food;" but hitherto his appeals have been vain.

The spirit that is proof against such appeal is not to my mind, Mr. Chairman, the true spirit of the centennial year. And so again, sir, of those who are yet aliens in the land of their fathers. The determination of many members upon this floor to support no measure of amnesty that was not as broad and sweeping as the Republic, including even the chief of the confederacy himself, is the offspring of devotion to a great and beneficent principle—a principle that compromises neither the safety nor the honor of the country, but tends to the security of the one and the elevation of the other, the only principle on this subject that is in full accord with the grand central idea of a centennial celebration.

But, Mr. Chairman, I have heard with some degree of regret in the course of this debate that there are peculiar reasons why southern representatives should support this measure. Their support of it, it is kindly intimated, would be accepted as a refutation of any suspicion of want of devotion to the interests of the Government from whose allegiance they were once estranged. To my mind, Mr. Chairman, it is the last of all the arguments that should have weight with them in considering the proposition. They know in their hearts to-day that it does them and their people grievous injustice. I should be pleased to see them, as I believe they will, spurn the restraint sought to be imposed by this illiberal appeal, and vote upon the proposition with reference to its abstract merits. And if in fact any refutation of the injurious imputation be still required, let them point, as they can with a melancholy pride, to a peaceful, law-abiding, industrious constituency, intent, in the face of many discouragements, upon the amelioration of their shattered fortunes, the improvement of their domestic polity, and rehabilitation of their States. It would be false to say of them that they are bound to this Government by the character of interest that attaches to it the lordly holder of its securities or the bloated recipient of its extorted and dishonest bounty. Their interest is not that of whisky-rings nor financial syndicates, embezzling revenues and making profit out of the honor and credit of Government, but it is the interest that a brave, conscientious, and sincere people feel in the success of a Government to whose protection and watchful care some of their highest interests have been committed. They will be true to it; and let us hope that from this centennial year we may date the inauguration of a policy that shall be true to them, to all sections, and to the highest interests of a united country.

Mr. MOREY. Mr. Chairman, Louisiana is in favor of the centennial celebration; with her State capital, the Queen City of the South, sitting almost at the foot of the Mississippi River, receiving the products of the great West and holding commerce with the nations of the world, she is alive to the commercial importance of this international exposition, while she is fully conscious of the great opportunity given by this celebration at Philadelphia to renew that feeling of patriotism which should animate the bosom of the whole American people.

We believe, Mr. Chairman, that this celebration will afford a greater opportunity for the people of the different sections of our country to mingle together than has ever occurred since we were a nation, and, Mr. Chairman, I agree with the sentiment that has been uttered upon this floor, as applied to the people of this nation, that we should know one another that we may love one another.

Representing in part a State whose great staple productions are cotton, sugar, and rice, possessing land whose productive capacity is not exceeded by that on the borders of the Nile, which is enriched

annually by the same process that, going on for thousands of years, has produced the rich alluvia of the Mississippi Valley, I believe Louisiana, in common with her sister-States of the South, will have an opportunity afforded by the centennial exposition to direct the attention of the agents of capital and immigration, both of this and of foreign countries, to the great and very profitable field for investment and settlement.

Virginia, Georgia, Alabama, and Tennessee, vastly richer under the surface than on top; the Carolinas and Florida, with their diversity of agricultural resources and fine timber; Mississippi, Arkansas, Louisiana, possessing the finest cotton-lands in the world, and the latter the finest sugar-land in the United States; while Texas, an empire in itself, with her great diversity of climate, soil, and production, offers the most inviting field for capital in this country, and the people of these States are too intelligent as well as too public-spirited not to embrace the great opportunity this year to be offered at Philadelphia for letting the world know of the advantages and inducements they are prepared to offer for the necessary means for their development.

Mr. Chairman, we go in for the old flag and an appropriation We are for an appropriation for the Centennial. We mean to be there, and we mean to exhibit our wonderful productions, and when the great American people, as well as the people of other nations, behold what we have been able to do in the Lower Mississippi Valley, with our broken levees and almost annually inundated country, we believe their voices will proclaim to you, their Representatives in Congress, that a people who have done so well unaided should receive the fostering aid of the General Government; that not only did you do right in making an appropriation to repair the broken levees, (this, we expect, will have been done before the end of the session,) but you should make it what it rightfully is—a great national work. Even the hardy sons of Michigan and Wisconsin, those States which under the able generalship of my friend from the first-named State [Mr. CONGER] have always carried off the big end of the river and harbor appropriations during the five years of my service in this House, will come down from the cold pineries of the North, even from the far-off Du Luth, that city of great expectations, so graphically delineated in the Forty-first Congress by the able gentleman from Kentucky, [Mr. KNOTT,] who, judging from his benevolent and patriotic countenance, is centennially inclined. Even the people of these far-off regions, I repeat, will go down to Philadelphia, and after beholding our exhibition will resolve that the Mississippi Valley must hereafter be allowed to have a square deal.

In conclusion, Mr. Chairman, I can say that the State of Louisiana, speaking here through her Representatives, is "for the old flag and for this appropriation."

Mr. LAPHAM. Mr. Chairman, those who are in favor of the object sought to be attained by the bill under consideration are met at the outset with the objection that the Constitution forbids this appropriation of money. If I regarded that question doubtful even, I should withhold my vote from this bill. I yield to no man on the other side of the House or on this in my devotion to the Constitution of the United States. I received my political education in the school of Jefferson. I began my political life a disciple of Jackson. I am, sir, a strict constructionist of the Constitution as distinguished from that which has been termed a latitudinarian construction. But, sir, there is a mode of construing the Constitution which dwarfs the Government of its fair proportions, and it is that mode of construction which gentlemen who oppose this bill have resorted to. In my judgment as well might it be claimed, as the gentleman from Ohio [Mr. LAWRENCE] has said, that a private individual has not the constitutional right to prepare his feast and put on his best robes in order to receive his invited guests as to deny that this great Government has the power under the Constitution to provide for an appropriate celebration of the centennial of its existence. When, in 1824, General Lafayette came to this country as the invited guest of the nation and was received with such honors as never have been paid to a foreigner before or since, and when he bade farewell to the land he had helped to liberate, we sent him home in a Government vessel.

The gentleman from Virginia [Mr. TUCKER] might well inquire where did this Government get the authority under the Constitution to provide for that reception and for that return of our guest to his home. Mr. Chairman, the honorable member from Massachusetts [Mr. BANKS] has brushed away the cobwebs and mists of constitutional objections to this measure, and it is unnecessary for me to speak further upon that point. I have said that the construction called for here dwarfs this Government in its powers and makes it subservient to the sovereignty of the States. Let me advert to a single instance. After the presidential election in 1860, when madmen and recreant States were rushing into the whirlpool of rebellion and threatening to subvert and destroy the Union, the then President of the United States in his annual message to Congress declared that the Government of the United States had no power to put down the rebellion because it had no power to coerce States. There is the doctrine of State sovereignty subscribed to, I have no doubt, by the gentleman from Virginia and the gentleman from Tennessee, who have been the most earnest in pressing this constitutional objection to the bill.

Sir, if this were a measure for the sole benefit of Pennsylvania or of Philadelphia, I should be inclined to vote against it by way of retaliation upon Pennsylvania for having given to the country such a President as Mr. Buchanan. [Laughter.] But, sir, it is not a question which belongs to Pennsylvania. This is a measure in which the whole people of the United States are concerned. Philadelphia is not to be blamed because the Declaration of Independence was signed there. Philadelphia is not at fault because John Adams wrote his celebrated letter from there proclaiming that the 4th of July should be a perpetual jubilee throughout all generations. It is the natural spot and the only spot which could have been selected appropriately for such a celebration. Mr. Chairman, the idea of the men who framed the Declaration of Independence was that the 4th of July was to be an annual and perpetual jubilee. So it has been observed. It is an epoch, a yearly occurring one. But, sir, we are about to celebrate our first centennial epoch. In looking over the utterances of the men who interested themselves in respect to the mission of this Republic and who were our friends though subjects of Great Britain, my eye has fallen upon a passage in a letter written by Robert Burns in the year 1788—the centennial year of English independence. Writing to a friend in that year he said:

> I will not, I cannot enter into the merits of the cause. But I dare say the American Congress in 1776 will be allowed to be as able and as intelligent as the English convention of 1688, and that their posterity will Celebrate the Centenary of their deliverance from us as duly and sincerely as we do ours from the oppressive measures of the House of Stuart.

Such grand conceptions as these, formed at that early period, are now about to be realized. We have invited the nations of the earth to come and join us in this centennial jubilee. They have signified their purpose to come. They have expended and will expend more than $1,300,000 of their own money upon the grounds set apart for this purpose, within $200,000 of what this bill proposes as the share of expenses to be borne by the United States. They are all to be represented here. We should be in a position to give them an honorable and creditable welcome. It is our celebration. It is the celebration by the whole people of the United States of this grand jubilee thus pointed out by the prophetic pen of the poet Burns.

I have no doubt, Mr. Chairman, that the intelligent constituency I have the honor to represent on this floor, composed in part of the descendants of those who landed at Plymouth and the James, a constituency who admire the wonderful skill and science of Franklin and who reverence the broad liberality and philanthropy of William Penn, will cheerfully bear their part of the expense necessary to render this centennial celebration and exposition not only successful, but honorable to the United States, in whose name and behalf it has been proposed.

Sir, when the representatives of the governments we have invited shall reach our shores, I trust we shall be able to show to them that we are in the enjoyment of all that is typified in that grander prediction of an earlier day, the prophecy of Bishop Berkeley, written nearly fifty years before the Declaration of Independence was adopted, and which has now become familiar to every school-boy in the land:

> Westward the course of empire takes its way;
> The four first acts already past,
> A fifth shall close the drama with the day;
> Time's noblest offspring is the last.

Mr. DUNNELL. Mr. Chairman, I am well aware that it will not be an easy matter for me to interest this committee, which now, for many days, has been so ably addressed upon the subject now before it. In the last Congress, I deemed it my duty to vote against the centennial appropriation. The amount asked for was three millions. In the present Congress, I deem it my duty to vote for this bill, calling for only one-half of this amount. To my own mind, it does not seem difficult to present sufficient reasons for this change of position on my part, and I think I shall be sustained by those whom I have the honor to represent on this floor.

The great event which it is proposed to celebrate, seems not to have impressed us all with its real dignity, character, and value. A republic, peculiar in its history, peculiar in its character, and peculiarly brilliant in its career, proposes to celebrate the termination of the first one hundred years of its existence. If we look but partially at the results of this one hundred years, we must be amazed at our progress in art, science, commerce, agriculture, and manufactures. Is it then an unnatural thing, or an unreasonable thing, that a government which has run a successful career, yes, one eminently successful, should determine to celebrate the termination of the first century-period of its existence, and exhibit not only for its own benefit but for that of the world, the triumphs, which, during this period it brought out to its own glory and the good of the world?

I am willing as an American citizen that all the world shall know of our triumphs. Yea! I am ambitious that this exhibition shall be worthy of ourselves; that we make ample provision for it, and well entertain the invited representatives of every nation on the globe. Standing on the sacred soil of Pennsylvania, we can proudly bid them look at the map of the Republic as it was when we started and as it is to-day; look at our population as it was then and as it is now—four millions then and forty now. Looking at this picture and then at that, they could but learn a lesson from this young Republic of the West, developing for itself a history and setting an example to the republics and the people of the world.

Mr. Chairman, you remember when during the Forty-second Congress we met in this Hall, when the ablest and best speakers of the House and of the Senate, yourself among the number, were called to the stand here to address the assembled Congress upon the death of

the immortal Morse, the inventor of the telegraph. In my hand here I hold a copy of the book containing the memorial exercises in this Hall, and the like exercises in every State and in almost every city in the Union. Upon this book is inscribed "What hath God wrought!" Certainly was this book well and appropriately inscribed. The addresses herein, though grandly eloquent, were none too eulogistic. We and the world were properly asked to consider what this one man had wrought. Now if the invention of a single mind, if one of our great national achievements could thus call out these expressions from the civilized world, why should not we, as American citizens, be proud that at the termination of this one hundred years we may look not simply at this one triumph but at all the triumphs we have made?

The American citizen who shall enter the different halls at Philadelphia and there behold all the productions of the inventive genius of his fellow-countrymen which will there be exhibited, and specially turning his attention to machinery, shall examine all the various and complicated machinery fitted for propulsion by the ten thousand degrees of force used in the various manufacturing processes for which that machinery has been adapted, will justly be proud that his native country has wrought so well. He will feel that this Republic, in that it has given freedom to the human mind, in that it has given the largest liberty to all men freely to work, to investigate, and invent, has done more for the human race than any and all other governments. It is in our power to have a national centennial exhibition which shall give lasting honor to the character of our people and the genius of our Government.

I think that there has been in this discussion too much of the abstract. I care but little about the abstractions of the gentleman from Virginia, [Mr. TUCKER,] about his logic concerning the Constitution. I am willing in regard to this great exposition to follow in the wake of the English and the French, to bring together in one grand mass what has been accomplished by this Republic, by the brains of its people, by their industry, energy, and well-developed character. That will be enough for me.

Mr. Chairman, the speech of the gentleman from New York [Mr. HEWITT] surpassed in my judgment any other speech on this question, in that he brought to view what the British and the French expositions did for England and France; yea, what we ourselves in millions and tens of millions secured from those expositions, simply because we sent commissioners there to examine their results. He told us that we have profited tens of millions; that we are to-day a prosperous nation in many branches of industry simply because of what these ten American commissioners gathered up as they studied the results of invention as in other countries it had triumphed. I shall take the liberty to incorporate in my remarks two or three sentences from his very able and eloquent speech.

Our products will not alone claim our attention and admiration, but they will be placed side by side with foreign products. We shall then learn wherein we excel and wherein we are behind. This latter will be of incalculable value, for the American mind only needs the stimulus which a great international exposition will furnish to render it still more active and successful.

The possible and probable advantages of our forthcoming national celebration and exposition are well illustrated by the following sentences in the speech of the gentleman from New York, [Mr. HEWITT:]

> The English exhibition of 1851 had the effect to demonstrate that Great Britain was far inferior to continental nations in the arts of design, just as it demonstrated to the continental nations their inferiority to Great Britain in agricultural implements, in machinery, and in all branches of iron and steel industry. The English government at once established schools of design throughout the empire, while the continental nations took steps to improve their iron-works and machinery and develop their mineral resources. The exhibition of 1862 in London demonstrated the remarkable fact that in all the textile industries, in pottery, and in metal-work, requiring esthetic training and knowledge, Great Britain had overtaken if not gone ahead of her continental rivals, while she was beaten by Germany in her own stronghold by castings in steel so far in advance of her best results that Krupp's guns and wheels and tires were regarded with wonder and admiration approaching to incredulity. It is impossible to estimate the enormous pecuniary value of this progress to England and to Germany.
>
> Again, at the date of the French exposition in 1867, the manufacture of Bessemer steel had begun to assume great prominence in Europe, but was only introduced into one establishment in this country, where its practice was comparatively rude and unprofitable. I had the honor to be one of the ten scientific commissioners appointed by the United States to study and report upon the exposition, and to me was assigned the subject of iron and steel. As commissioner every private establishment in England and France was opened to me, and I was thus enabled carefully to study the processes of manufacture, now so familiar but then so unknown to our metallurgists, and by the introductions which I was able to secure for our mechanical beginners to bring back the knowledge required for the successful establishment of this business. The result may be briefly stated, that we have now ten first-class establishments for the manufacture of Bessemer steel, capable of producing 500,000 tons per annum, enough to supply the demand of the country, and that the price of steel rails, which was then $140 per ton, has now fallen to $55 per ton, making an annual saving of $37,500,000 per annum. And, what is more remarkable, steel rails are now made and sold in this country as cheaply as they could be imported from abroad, and laid down west of the Alleghenies even if the duty were altogether removed.

In the presence of this grand result how unreasonable to withhold the small amount asked for in the pending bill.

There will be represented in our centennial exhibition not only our products, our inventions, our educational forces, but there will be represented properly the growth and capacities of the States. I have the honor to represent in part on this floor a State which only twenty-five years ago was in its swaddling-clothes, with a population of only 6,000; now with a population of 600,000. In 1850 it raised but 23,000 of grain, yet this last year, it raised 56,000,000 bushels, and the simple product of wheat alone was worth $25,000,000.

It seems to me, sir, that there may be in this exposition, this showing of the States, that there may be a just emulation and a just pride among them. The luster of any one star in this galaxy of States but adds to the brilliancy of the whole. Therefore, Mr. Chairman, I think it will not be out of place if by way of illustration I should show the character and capacity of Minnesota. Its area is 51,000,000 acres. As yet we have less than three million acres, or 5½ per cent., under cultivation. Yet 56,000,000 bushels were the grain product of this year. We have a place for 5,000,000 people.

To render the foregoing statistics more full and exact I will quote the following from the recent message of Governor Davis to our Legislature:

> The census of 1875 exhibits the progress of agriculture for twenty-five years. When the Territory of Minnesota was organized in 1849 its population was 4,057. In 1850 there were only 157 farms, comprising about 3,000 acres, from which were produced 1,400 bushels of wheat, 6,000 bushels of corn, and 16,000 bushels of oats. A quarter of a century has worked wonderful changes. Our population is now 597,279; the number of tilled acres is 2,816,413. From these the production in 1875 was 31,475,000 bushels of wheat, 15,775,000 bushels of oats, and 9,500,000 bushels of corn. In ten years the population has increased 138 per cent., while the number of tilled acres has increased 302 per cent.
>
> The following comparison-tables demonstrate our progress since 1860:

	1860.	1875.	Increase.	Increase per cent.
Population	172,022	597,279	425,257	247
Number of farms	18,081	60,000	41,919	232
Tilled acres	345,000	2,816,413	2,471,413	706
Wheat, acres	115,000	1,764,109	1,649,109	1,434
Wheat, bushels	2,186,993	31,475,000	29,288,007	1,339
Corn, acres	112,000	364,683	251,683	225
Corn, bushels	2,941,952	9,500,000	6,558,048	222
Oats, acres	64,000	441,102	377,102	589
Oats, bushels	2,176,000	15,775,000	13,600,000	625
Six principal grain acres	305,500	2,622,324	2,316,824	758
Six principal grain bushels	7,564,000	57,436,500	49,872,500	659
Value of wheat crop	$1,192,845	$27,753,750	$26,560,905	2,226
Value of six principal crops	2,740,950	36,588,450	33,847,500	1,234

> The area of the State in acres is 51,701,760, of which 14,106,269 acres have not yet been surveyed by the United States. In the 37,595,491 surveyed acres are 60,000 farms of which, as above stated, 2,816,413 acres are under tillage, from which have been produced during the past year the results which are presented in the foregoing table, showing an actual product from agriculture alone of nearly $13 from each cultivated acre, the area under tillage being less than 5½ per cent. of the lands comprised with n the boundaries of the State, or a product of about $61 to each man, woman, and child in the State.

We desire that these resources and capabilities of the State may be known. We believe it will attract the immigrant and many times repay to the State her share of the expense.

Already have we drawn largely from northern Europe—but we still present a wide and open door.

Let every other State be there. Let their products find a place there. The coal, the iron, the mineral, and agricultural States are all needed to show the vast possibilities of the Republic. The products of them all will show what we have been doing this past hundred years.

Mr. Chairman, with a saved and reunited Republic, starting out on another centennial period, why should we not come together? Why not forget the dead past? Why not let it be buried and buried forever out of sight, and start again upon a career that shall be as memorable in the book of time as the period over which we have already passed?

Sir, there can be and there will be upon exhibition at the centennial the food to stimulate greater and grander efforts. Whatever is an incitement to higher mental effort lifts up and ennobles a people. I fancy it will be a source of pride to us if we shall visit the centennial ground, to feel that what we shall behold about us are the achievements of our native land.

No Englishman, no Frenchman, no intelligent man anywhere on the globe, can stand up at the end of our first hundred years and say that we have not wrought well and gloriously as a government. While these material triumphs may hold our gaze they will also proclaim the presence of the free mind, the untrammeled intellect of America, that has given us the resplendent page that we as a nation have been writing this hundred years; that we are entitled to the place that the common judgment of the world gives us in the front rank of the great nations of the time. Can we hesitate to secure for this young Republic such a verdict? The epoch is memorable, the occasion is inspiring! Let us be equal to the dignity of each.

Mr. MONROE. Mr. Chairman, I have no speech to make upon this interesting question; and if I had one I am in no condition of health to make it to-day; but I am glad of the opportunity to say a few words in explanation of the vote which I shall give upon this measure and of the vote which I gave upon a similar one two years ago.

Although, Mr. Chairman, it has been my constant practice to vote against grants of money or land for any purpose outside of the necessary expenses of the Government or what I considered to be such, yet I shall vote for this centennial bill with great pleasure. Two years ago I voted against a bill for a similar purpose. I did not do this

because I lacked sympathy with the object. On the other hand I felt the deepest regret in placing myself against it; nor must what I say on this point be regarded as in any sense a criticism of the able gentlemen who differed with me on that occasion and favored the passage of that bill. On the contrary, I greatly admired the eloquence and force and patriotism with which they spoke; and it cost me some effort not to vote with them at that time, although I could not adopt their conclusions.

In fact, Mr. Chairman, at that time there seemed to me to be strong objections to the bill, objections which I cannot help thinking have now entirely passed away. It appeared to me then that there were certain great conditions which must be fulfilled in regard to this Centennial in order that it might be made acceptable to the great body of the American people. In the first place, it was evident to me that there must be what the whole people would regard as an equitable distribution of the pecuniary burden connected with the Centennial. But this could not have been secured unless that should take place which has since taken place, namely, that the citizens of Philadelphia and of the State of Pennsylvania should bear relatively a larger proportion of this burden. The people of the country felt, whether wisely or not, that Pennsylvania would reap certain great advantages from the Centennial—that the people of Philadelphia and Pennsylvania would have a better opportunity than more remote localities to make a creditable exhibition of their products. Their praiseworthy and just pride of locality would be gratified, and the city of Philadelphia would secure immense pecuniary advantages directly from the holding of the Centennial in t at city.

Without stopping to discuss just how much force these things which were stated in the press and among the people had, or ought to have had, it is now enough to remember that these opinions everywhere existed, and the people therefore could not have felt it was proper to tax the owner of a clearing in Kansas just as heavily as the owner of a hotel or restaurant in Philadelphia.

But, sir, if Congress had passed that bill at that time it would have been felt in Pennsylvania and everywhere that the Government was going to bear the whole expense of this Centennial, and undoubtedly (and I think everybody will agree with me in this) if Congress had passed the bill it would at once and wholly have stopped subscriptions among the people. I say this not in criticism of those who have since so nobly subscribed. It is simply that the people can always be persuaded very easily to let the Government bear the pecuniary burden when they find they can let it do so just as well as not. The result would have been, if we had passed the bill, that the burden of taxation for the support of the Centennial would have been placed over the whole country and the citizens of Oregon and California would have been taxed as heavily as the citizens of Philadelphia. This would not have given satisfaction to the country. But, sir, that bill did not pass—it failed, and what has been the result? Why, the citizens of Philadelphia, and of the State in which that city is located, have done most nobly. I learn that the subscriptions of stock by the people of that city and State amount to three and a half million dollars, a noble contribution to a great and patriotic object. And we are told that the total available fund for the purpose of the Centennial is now somewhat more than $5,000,000. This grand contribution, coming out of the very heart of the people, has been in my opinion the result of our refusing to pass a large appropriation bill two years ago. We should not have had this help from the people but for our refusal then. We have got it now. The people took hold of it in earnest. And it seems to me, Mr. Chairman, when we have thrown this pecuniary burden upon the people, and they have responded so nobly, we cannot well do less than to give them this moderate sum of one and a half millions to complete this glorious work. It is a modest request, and I shall not only vote for it but shall vote for it with my whole heart. Undoubtedly the whole burden of the Centennial would have been thrown upon the United States if the Government had put its shoulder under the load at that time. It would then have been allowed to carry the whole, but now the result is one which I think cannot fail to be satisfactory throughout the whole length and breadth of the land.

There was another condition, Mr. Chairman, which it seemed to me necessary to secure in connection with the Centennial, and that was the economical expenditure of the money that should be available for the purpose of preparing for it. The people, in the present condition of our finances, the state of trade in the country, and the hard times which prevail, demand thoroughly economical administration everywhere, and they especially demand it in connection with the Centennial. If the Government had taken upon itself two years ago the pecuniary responsibility of this business, it would greatly have checked the spirit of economy and retrenchment on the part of those who had charge of it. I mean by this no reflection upon them. I greatly honor them. I have no doubt they would endeavor to do the best they could, under any circumstances, to save money. But, sir, there is much they must have done by means of subordinates, and they could not easily have resisted the animus in favor of expansion which is breathed into any enterprise the moment it is understood the Government is to pay all the bills.

If the Government had at that time taken the whole burden on itself, the gentlemen in charge of the Centennial business would have found a new spirit of expenditure infused into it. Plans would have been enlarged, magnificent schemes would have come into everybody's head, and the result would have been undoubtedly that money would have been spent in a thousand ways with much less care than has now been the case. But as the Government at that time refused to make that large appropriation and threw the burden of the expense on the people, and they have gone forward and in the most self-denying manner subscribed this large sum, it has imparted the spirit of retrenchment and economy to the whole business. When it was found that the managers must rely principally upon what the people contributed in order to prepare for the Centennial, the greatest care in expenditure resulted. And although I did not go to Philadelphia the other day, and have not seen the buildings, a great many gentlemen in whom I have entire confidence assure me that the noblest results have been achieved there for the amount of money which has been available for the purpose. One gentleman, in whom I have great confidence, says that perhaps there never has been so great an enterprise in the United States, one in which so much money was to be spent, where it has been spent so carefully and where there is so much to show for it. It is perhaps the greatest triumph of economy, of good management, which our country has witnessed lately in the administration of a great fund. This, then, is a most valuable result.

Another thing which it seemed to me was absolutely necessary to be secured in connection with this centennial celebration, in order to make it respected and acceptable everywhere, was that it should somehow grow out of the very hearts and enthusiasm of the people. Now, if the Government had taken the whole business on itself, and had left nothing to the people, undoubtedly we could have made a big thing, for a great deal can be done with money. We might have got up a very great material show. It is a long way to the bottom of the Treasury of the United States, and with that Treasury to take money from immense buildings could have been erected, great collections could have been made, much advertising could have been done, there could have been much material preparation. But, sir, the danger would have been that that which, for an occasion of that kind, is worth everything else, is worth all the material exhibition—the danger would have been that that grand enthusiasm growing out of the heart, out of the affections, out of the patriotism of the people, which was needed to sanctify and consecrate the whole—the danger would have been that that grand enthusiasm would have been lacking.

If the people had found—if they had heard in some distant and remote way—that the Government was carrying on some great thing in the way of an exhibition, they would have let you carry it on and would not have become very much aroused. But now what has been the result? Why Congress, two years ago, said to the people, "This is your Centennial if it is anybody's. Do not suppose that we are going to force the Centennial upon you; if you, who are descendants of revolutionary sires, of the great and the good that once trod this soil, if you want the Centennial, you shall have it; but if you do not want one, if it is a matter of no interest to you that the one hundredth anniversary of the birth of the nation is soon coming round, if you do not care anything about that, why let it go. We are only here to represent the feeling which you have in regard to the matter. We throw this whole thing upon you; the people shall say whether they want to celebrate this day or not." And what was the result, sir? Why, the people began to wake up; they began to say to each other, "Don't you know there is not going to be any Centennial unless we attend to it, unless we have an interest and do something about it." And so they went to work subscribing for stock and forming committees throughout the length and breadth of the land. And I suppose that, in my own State of Ohio, there is hardly a town of considerable importance in point of population and wealth where there is not a committee of the most respectable citizens of the town at work this very day to contribute in some way, directly or indirectly, to this grand result. Thus, sir, we say that it is always a safe thing in any great and noble cause t appeal to the people. We shall always find, for grand causes, something in the great popular heart that will respond.

The people have become interested. Everybody is talking about going to the Centennial; and I belive it is due in great part to the fact that we committed the whole business to them and said, "This is your Centennial if it is anybody's, and you must see to it." Now, sir, it seems to me that it would be a most ungraceful thing, after this noble enthusiasm is kindled everywhere and burning bright in almost every home and every heart, for us to say that we will not give the moderate sum of a million and a half; that after the people have subscribed three or four or five millions themselves we will not contribute that comparatively small sum to help them with this burden, and to show that the Government as representing this enthusiasm is willing also to do something. And thus, Mr. Chairman, it seems to me that the objections which originally existed have all been removed, and that we are now left at liberty to contemplate with unalloyed satisfaction those noble results which usually accompany great exhibitions of this kind. And when in addition to that we also remember that it is the one hundredth anniversary of our nation's birthday, when all the sacred and grand associations that belong to the occasion are revived in our minds, then we add to the considerations of utility the grace of poetry and the charm of romance and all the lofty enthusiasm of patriotic feeling.

[Here the hammer fell.]

Mr. SAVAGE. I do not intend, Mr. Chairman, in the fifteen minutes allotted to me in this discussion, to speak of the constitutional considerations that enter into this question. It is sufficient for me

to say that I concur in the main with the arguments of the gentlemen who have opposed this appropriation. It is much easier to sneer at the constitutional arguments that have been presented by my young friend from Pennsylvania [Mr. COCHRANE] and the distinguished gentleman from Virginia [Mr. TUCKER] than it is to answer them, and the gentlemen who are in favor of the appropriation proposed to be granted in this bill have resorted to that kind of argument rather than to any attempt to answer the proposition advanced by these gentlemen; and it seems to me that they adopted the prudent course in the matter, for there is no answer that can be given to them, except the one advanced by one gentleman who favors this appropriation: that there is no constitutional limitation except a wise discretion that is vested in Congress; and I hope, for the honor of the American Congress, that there are but few who would concur in this one.

But there are some things in this bill to which I desire to call the attention of the House; one thing in particular, which was alluded to by the gentleman from Virginia, [Mr. TUCKER.] It has not been alluded to by any one who favors this appropriation, whom I have heard, and that is to the effect of granting an appropriation of $1,500,000 of the money of the people of this country, with the provision in the bill that the Government of the United States shall only share *pro rata* in the amount that may remain when this centennial institution is in a condition to distribute its funds among its stockholders. The provision of the law to which I allude reads as follows:

Provided, That in the distribution of any moneys that may remain in the treasury of the centennial board of finance, after the payment of its debts, as provided for by the tenth section of the act of Congress approved June 1, 1872, incorporating said centennial board of finance, the appropriation hereinbefore made shall share equally with the holders of the said centennial stock, and a like percentage thereon be paid into the United States Treasury as may be paid to the holders of the said stock.

Here is a private corporation. It is authorized by the law under which it was created to have capital stock to the amount of $10,000,000. Already the sum of $2,300,000 has been subscribed to the capital stock. Let us suppose that in the future there will be sufficient private subscriptions to bring the stock subscribed up to $3,000,000. The Government of the United States puts into this pool the sum of $1,500,000, bringing up the entire subscription of stock to the amount of $4,500,000. Now, sir, this organization goes forward in this work, and if it succeeds—and we all hope and trust it may be a success—and at the expiration of the exposition, and after all debts have been paid, suppose the amount of money remaining in the hands of the board of finance to be distributed should amount to $1,500,000. Instead of there being a provision in this bill to return the whole $1,500,000 to the Treasury of the United States as a loan that the Government had advanced, it is only proposed that the Government shall share *pro rata* with the holders of said centennial stock; and, as the amount appropriated by the Government is one-third of the entire stock subscribed, it would receive but one-third of the amount on hand at the date of final settlement. In other words, sir, the Government subscribes $1,500,000 to the advancement of this association, and at its expiration, and when its concerns come to be wound up, if there is a surplus in their hands of $1,500,000, the Government will receive $500,000, and $1,000,000 goes into the pockets of private corporators of this institution, or in that ratio, whatever may be the actual amount on hand.

Now, is that just? Is it right that the people of this country should put a million dollars into the pockets of the gentlemen who are stockholders in this institution? For, disguise it as you may, if this institution is successful, (and its friends claim it will be,) two-thirds of whatever amount is appropriated by Congress will go into the pockets of these gentlemen. I do not wonder that they are anxious for an appropriation. Would it not be better, if this money is to be appropriated at all, would it not be more just to the people, that the Government, instead of receiving only a *pro rata* amount, should be put upon the footing of a creditor of, rather than a stockholder in, the institution and receive the whole amount appropriated before any division is made among the stockholders?

These gentlemen come here, as was well said by the gentleman from Pennsylvania, [Mr. COCHRANE,] admitting that, in consequence of financial embarrassment among the people, they have failed to get the amount which they desired subscribed; and they now ask us, as the Representatives of these same people, to appropriate this sum, not out of our own money, but out of money belonging to those people who have refused to subscribe the amount wanted. It is not just to the country that their Representatives should do that which the principals themselves would not do; and especially is this true of the proposition to appropriate this amount of money and put it in a position where it will ultimately enrich the pockets of the few individuals who happen to be stockholders in this institution.

Mr. Chairman, that is enough upon that point, for it brings this question before the House, and that is all I hoped to do. I desire, however, to allude to another thing. There has been an attempt from the commencement of this debate—and I now address myself particularly to gentlemen who are here representing the South—to place the Representatives from the Southern States in a situation in which they would be compelled to vote for this appropriation, on the ground and for the purpose of showing to the North that they are fully and entirely reconstructed. In other words, sir, it is sought to impress upon the minds of the Representatives from the South that there is a demand on the part of the people of the North that the southern members shall violate what is to them a plain constitutional duty, and vote for an appropriation of a million and a half of dollars, for the purpose of satisfying the people of the North of their good-will toward the Union and as evidence of perfect reconciliation.

Now, sir, in my opinion the people of the North and Northwest desire no such sacrifice at your hands. I speak especially for my own district when I say this. I will say further to you gentlemen who represent the South on this floor that every vote you give is watched and scrutinized by the people of the North, and if you violate a plain constitutional duty it will be marked down against you. It is said at the North that southern representatives will go into all kinds of extravagance, and that if a voice be given to the South extravagance and corruption will be the rule, until the expenditures of our Government will be doubled and trebled; and every vote from the South given for this bill will be cited as proof of the truth of these charges. Some people at the North would be glad for a vote for this bill as a pretext that would justify them in making these charges against you. They will say, and with some show of truth, that you gentlemen in voting for this proposition have violated a construction of the Constitution which has been a cardinal doctrine of the democratic faith from time immemorial. Besides, sir, in my opinion the people of the North do not ask for this appropriation. It is a few only of those who will be immediately benefited that are here urging the passage of this bill. The great mass of the people of this country, and especially the western portion of it, have no interest in this show at all except perchance it may have been a tendency to give a great name to the people of this country.

I am not, however, Mr. Chairman, one of those who believe that it will have even that effect. In my opinion it will not benefit my constituents one farthing. For these reasons I feel compelled to vote against this bill, however much I might desire to see the success of this celebration; and I do not think that a failure to obtain this subsidy will in the least retard its success. I have thought proper to say what I have said upon this question with a view of aiding in presenting this matter in the light in which I think it ought to be looked at at least by all the democrats on this floor.

Mr. KASSON. I venture to ask the attention of the House for a few moments, because I do not intend to engage in the sentimental part of the debate, much as I appreciate the sincerity of the gentlemen who have appealed to the sentiment of patriotism. But I do wish to state some practical points, I may say points of business, to the gentlemen or this House, who are fully competent to draw their own conclusions from the facts. I of course leave the gentlemen of the Southern States who are friendly to this measure to express their gratitude for the somewhat threatening advice just given them by the gentleman from Ohio, [Mr. SAVAGE.]

It has been said on this floor that if we refuse the appropriation now asked, the State of Pennsylvania, under the stress of circumstances, will come forward with the additional million and a half and pay it rather than to have the enterprise a failure. To that I answer that the State of Pennsylvania, by its constitution adopted since its former appropriation, has deprived itself of the power to make any additional appropriation for this or any other enterprise of the kind. That is a sufficient answer to that suggestion.

Again, I call the attention of gentlemen who desire to deal intelligently and honestly with this question to the proposition made here that if we fail to make this provision for the Centennial Commission now, the commission itself may mortgage its property and thus raise the money to meet the necessary remaining expense of the enterprise. I now call the attention of gentlemen from Pennsylvania on this floor to the answer which I make to that suggestion, in order that they may correct me if my information, coming from one of their number, is incorrect. My answer is, that this corporation has no power to make an available mortgage; first, because the ground on which this property stands is not the property of the corporation, but property which cannot be alienated by them, or by any other body, for any such purpose. It is a park belonging to the city of Philadelphia, and cannot be subject to mortgage, and the buildings upon it are attached to that ground.

Still gentlemen may say that they may mortgage their buildings, because they have a right to remove them. To that I answer, on the same authority, that a chattel mortgage is not known to Pennsylvania laws; or if it could be executed under special laws, it would only be a mortgage upon scrap-iron and broken glass at the end of the exhibition.

I call the attention of gentlemen to these points, because I know the business men of this House desire to vote intelligently, and upon the facts, and not upon the appeals of the demagogue, nor upon misstatements of the legal and actual condition of things.

One other point remains. I must express, in passing, my earnest regret that the old and eminent Commonwealth of Virginia has with so much zeal declared her reluctance to bear any part of the expense or to undertake any official participation in an enterprise of this commemorative character. We of the new States have believed that the old colonial States, standing as they did one hundred years ago shoulder to shoulder in the fierce battles and great trials of the seven years of the Revolution, should now come together and take each other's hands and say, "Let us transport ourselves back for one hundred years to the precious memories of that time, and let us, in the presence of these glorious records of our history, forget more recent difficulties." I regret that Virginia and all the other old States have not unanimously said, "We are willing to share with you our small portion of the expense of such a commemorative enterprise."

It is not for me to censure them. Instead of doing that, we find them stating the remarkable proposition that under the Constitution that makes us a united government, embracing all the States, we have not the power to commemorate our own existence. If such is our Constitution, then there is no other country on the face of the earth, republican, democratic, or monarchical, that has a constitution which prohibits the memorials of its own existence. If it has the right to have a flag, under what express clause of the Constitution do you get that right? How do you pay for the bunting that floats over your Capitol? Under any clause of the Constitution? "Bunting" is not mentioned in the Constitution. "Flag" is not mentioned in the Constitution. There is no "express" power in the Constitution to make a flag. It is not necessary to the existence of your Government that you should have thirteen stars or that you should have thirty-seven stars on your flag.

I do not think that gentlemen can take the position that any nation on the face of the globe has not a constitutional power to celebrate fitly its own glorious record and an event of its own history.

But I go beyond that; that is not a sufficient answer to the argument of the opponents of this bill, nor can I make a complete answer to their whole theory of constitutional construction in the limited minutes allowed to me. If the time shall come during the session when I can fitly do so, I shall be glad to take fuller notice of the "unconstitutionality" of the arguments that have been presented by two of the gentlemen on the other side, [Mr. COCHRANE, of Pennsylvania, and Mr. TUCKER, of Virginia.]

For the present I beg those gentlemen to allow me to ask them under what power in the Constitution have you built your custom-houses? Under what power have you built your bonded warehouses? Under what power have you taken snags from your rivers running between the different States and improved their channels, and removed the obstacles from the harbors of Galveston, New Orleans, Charleston, and other cities? Under what power have you regulated steamboats and controlled all the officers of those steamboats? Under what power have you made ambulatory post-offices on railroads and made railways post-routes? Gentlemen tell us that this is all right, that this is all legal, that it has been done from the beginning and is still done. But steamboats did not exist nor were there railways when the Constitution was made. Then you necessarily tell me that the Constitution is elastic, and that you must adapt its provisions to new inventions and to new conditions of things. And you are right. "Post-routes" in the Constitution were never intended to embrace railways; "post-offices" never meant an ambulatory post-office running from New York to Chicago. Steamboats were not contemplated at that time. Under what power, then, have we done this? We have done most of this, and much more, because the Constitution gave us power "to regulate commerce with foreign nations and among the several States."

Now, let us bring the argument to the point to this very question. You have as a Congress of the United States invited the bringing to your shores of a vast quantity of articles that constitute commerce between foreign countries and America. You have invited every State in the Union to send its articles of commerce to the same place to which you have invited foreign nations to send theirs. All these are articles of commerce. When you have by your general laws allowed foreigners to send their articles of commerce to this country for sale or re-export, you have built your custom-houses and your bonded warehouses to receive them and to accommodate the wants of this commerce, as well as to protect the interests of the United States. You have done the same thing for our own State products which are taxed for the internal revenue and are intended for export under bond or for drawback. There is no "express" power in your Constitution to do this; but it is implied as an incident to the regulation of commerce, and is required in the development of the country. No gentleman will deny it.

Now, having invited the sending of all these articles of commerce from foreign countries and from the different States of the Union to one central place, what will you do with them? Does your Constitution require you to leave them exposed to the rays of the sun and the storms of heaven? Would you have left your imported articles of commerce in that way? On the contrary, you have provided buildings for them; and nobody denies your right to do it under the Constitution. The goods destined to this exposition go to it under bond and subject to duties if not re-exported, and you are asked to provide for them.

Stripped of its sentiment, stripped of its patriotism—and from my heart I am sorry to be obliged, in order to satisfy any gentleman on this floor, to strip this question of its patriotic element—but stripped of its patriotic element, I say this proposition is simply to appropriate money enough to build a shelter for goods coming to us by our own request from foreign countries and from the States of this Union, and to provide safe custody for them, as we have done in the case of bonded warehouses and custom-houses for general commerce.

Mr. SAVAGE. If the gentleman will permit, I would like to make a single suggestion.

Mr. KASSON. I yield to the gentleman for that purpose.

Mr. SAVAGE. Several gentlemen on this side understood the gentleman to claim that under the law no mortgage can be given on the property of this corporation.

Mr. KASSON. I stated it on the authority of two members from Pennsylvania, that, under the laws of that State and in the condition of the title of the corporation, their buildings being erected on property which they do not own and subject to the right of removal, they cannot execute a mortgage that will cover the realty; that they cannot affect by a mortgage anything but what they hold under their reserved right of removal. Am I not correct in that?

Mr. SAVAGE. It is provided in the act creating this corporation that—

> The centennial board of finance shall have authority to issue bonds not in excess of its capital stock, and secure the payment of the same, principal and interest, by mortgage upon its property and prospective income.

Mr. HOPKINS. That act cannot interfere with the law of Pennsylvania, which does not recognize any such thing as a chattel mortgage.

Mr. KASSON. I am glad to be assured by the chairman of the committee [Mr. HOPKINS] that I have stated the matter correctly—that, except as to the property to be removed, they have not such a title as to be able to execute a mortgage; and when that property comes to be removed you have, as I have before said, old iron and glass as security for the mortgage. That was my original statement. I further say that even for a chattel mortgage of this kind (if that be the name by which it is known in Pennsylvania) sixty days' notice would be required before it could be executed by a corporation like this, and that would carry us forward nearly to the time for the opening of the exposition. Then remains the question of negotiating such bonds.

I return now to the point I was making on the constitutional question. I ask gentlemen's attention to the fact that this proposition is to make provision by an appropriation for shelter, protection, and proper custody for articles of commerce among the several States and with foreign nations, for which there is an express and direct power in the Constitution, if you have any express and direct power to build custom-houses and bonded warehouses for commerce.

As I have said before, I content myself with merely calling attention to the points to which I have alluded, submitting the question to the judgment of the committee. For myself, while I could not vote two years ago for the bill then before us, I have been convinced that after the extraordinary and successful results of private effort it is but just for the Government now by an appropriation of a fixed sum to make this enterprise a success. I confess that my head would be bowed down in humiliation and shame in case of its failure. Let us do something. I implore gentlemen to avoid the present peril; for what is this respectable sum compared with the dishonor of the country if this enterprise should fail, as it seems to me it must fail in the actual condition of its affairs if this appropriation be not made?

[Here the hammer fell.]

Mr. HOLMAN. Mr. Chairman, this subject of appropriating a million and a half of money in aid of the centennial board of finance at Philadelphia has elicited an unusually interesting and able discussion. It has given rise, not unnaturally, to debate and arguments somewhat foreign to the real issue. It has upon both sides of this House, in considering the question of constitutional power, given rise to expressions of opinion as to the nature of our Government and the power of Congress under the Constitution to appropriate money to a purpose not directly connected with the administration of government.

While, sir, I do not think the Constitution should be invoked upon every light occasion, I think that its limitations on the power of Congress should never be lost sight of, and those limitations must govern, no matter what may be the urgency of the measure. If it is clear that the Constitution does not authorize the act, there is the end of the argument; but if that be doubtful, then the question of expediency becomes important.

In discussing this question it seems to me as important to consider the expediency of the measure as the constitutional power involved. I will not enter upon the constitutional question; the question of expediency is one which strikes me as one of almost equal moment; and yet I fully agree with the gentlemen who have presented with such marked ability this question of constitutional power, that the appropriation of money as is here proposed, for a purpose beyond the actual and direct objects of government, is not warranted by the Constitution, but not because this is not a nation, as has been argued by the gentleman from Virginia, for if there be anything settled and confirmed beyond recall or reversal in the progress of this one hundred years, it is that solemn declaration uttered by the trusted representatives of the people nearly a century ago, that the sovereignty of the people, not the sovereignty of the States, was the solid foundation upon which the political structure of this Republic rested, forming, sir, not a confederacy of States, but a nation; and if these hundred years, with their grand and blessed memories, carry down into the coming centuries any final judgment upon which there can be no review and from which there can be no appeal, it is that these United States constitute a nation—a nation, sir; not a confederacy of States. These States, with ample and absolute powers of local government, organized into a nation by the Constitution—a nation the political powers of which are at once conferred and limited by the Constitution, but within the limits of these powers absolute and supreme and resting, like the political powers of the State, on the sovereignty of the people. "We, the people of the United States, * * * do ordain and establish this Constitution for the United States of America" are words too positive and clear for comment, and the purpose and wisdom of their utterance has grown clearer with every year of our history.

This is a nation, sir; but its powers are clearly defined and limited by the Constitution. The Constitution of the United States does as clearly emanate from and derive its vital force from the people as do the constitutions of the States of the Union. And in the one as in the others the people have wisely limited the powers of their representatives. I fully agree with gentlemen that the Constitution does not confer on Congress the power to make this appropriation, for it is not an appropriation for a direct object of Government in the administration of its powers; but this is no less a nation because the people have wisely limited the power of their representatives.

Yes, sir, the political powers of this nation rest on the sovereignty of the people. That was not only declared in the solemn instrument by which this Government was formed in language which can never perish, but has been re-affirmed again and again upon every battle-field where the flag of the Republic floated from the day that the Constitution was ratified down to the present hour. It is a nation, sir. It speaks through its accredited representatives the voice of a nation. It speaks to all the nations of the earth as a nation. No *finesse* of argument, no subtlety of reasoning, can impair the force of the words of that instrument of our fathers which has come down to us through all these years—

> We, the people of the United States, * * * do ordain and establish this Constitution for the United States of America.

The question beyond the question of constitutional power is one of expediency. Is it expedient, sir, to appropriate $1,500,000 out of the public Treasury to a corporation of citizens for the purpose of celebrating, either by an international exposition of the industries of the nations or otherwise, the first centennial anniversary of American Independence in one of its leading cities? Is it a proper thing for Congress to do? Is it a legitimate and proper act on the part of the representatives of the people? Do the people desire the appropriation of money from their Treasury for this method of celebrating their great anniversary? Will the splendid display and imposing spectacle that this lavish expenditure will promote encourage the frugal simplicity of republican institutions?

I have heard read from the Clerk's desk during this session petitions for the removal of taxes, but I have heard no petition coming from the people of this country asking that Congress should exercise the questionable constitutional power of appropriating money for a purpose not necessary to the administration of their Government. Not one petition to that effect has been presented from the people! Forty millions of people, and yet not one petition has come to this House asking that this appropriation should be made. Monarchies do not hesitate to tax the people to display the splendor of government. Can you assume that the people desire this appropriation of their earnings? Not a petition has reached you asking for this increased taxation. The only voice uttered in this Hall from the people during the present session has been that which demands the reduction of the burdens resting upon their labor. Your great public debt is increasing. You have already appropriated out of the Treasury $505,000 to exhibit the result of our industries at this exposition. Yet one million and a half of dollars is now proposed to be appropriated, not to meet the imperious necessities of Government, but to gratify our just pride in the progress we have made in this hundred years. I will not dwell upon the amount, although it is not the mere bagatelle which my friend from Ohio [Mr. MONROE] has suggested. Be it more or less, the principle involved is the same.

The people do not require, so far as their will has been expressed here except by their Representatives, the appropriation of this money and the increase of their taxation. At the end of our first century of independence every American citizen is conscious that there should be a grand celebration in honor of the grand event, a grand exhibition of the products of their industries, a voluntary celebration and not an exhibition of the old idea of power, displayed in the remorseless taxation of a people—a celebration of the grand achievements of a great century, a celebration of the progress of a free people in a single century! Will a display of the taxing power of Government involved in this bill harmonize well with the free spirit and personal independence for which the past century is so wonderfully entitled to commemoration?

To commemorate the progress of our Republic through this century in spirit and in truth the whole people must participate. In this broad land, extending from the one ocean to the other, our people cannot celebrate the Fourth of July, 1876, in the spirit of the past century in any one of the great commercial cities alone, no matter how grand the memories that cluster around it. O, no! Everywhere the 4th day of July, 1876, will be celebrated with sentiments of gratitude and joy. Those bonfires to which my friend from Illinois [Mr. HARRISON] so eloquently alluded the other day "will be lit up all over this blessed land, on the plains and hills and mountains, in every hamlet and village and town and city between the great oceans, and anthems of praise and thanksgiving to the God of our fathers for the preservation of the nation and for this noble heritage of freedom will be uttered by a great and prosperous people as they review the triumphs of the receding century. It will be a great celebration of a great century by the people. No display in any city in this land can have the magnitude that will fairly represent the patriotic enthusiasm, the true heart of this nation throbbing in exultation over the successful close of this first century of freedom. No, sir, this celebration must be the outgrowth of the majesty of the public joy, the voluntary act of a free people, not of power.

What is the grand idea of this centennial? It is the display in spirit and in truth of the principle which the Declaration of Independence proclaimed to the world and which the Constitution crystallized into form. It is the majesty of the people as the source of all political power, and government only a limited agent of the public will for the public good, and the independence of the citizen the great center of all. Does increased taxation by act of Congress in a matter fully within the scope of individual action comport well with this idea? Is a splendid display obtained by taxation a jubilee in imitation of the great jubilees of the Hebrews, which proclaimed freedom to the captive and the removal of burdens from the shoulders of the oppressed?

We stand upon the verge of two centuries of the Republic; the one recedes with its great achievements and leaves the nation in the vigor of its youth, the other opens up before us with still greater hopes for us and for the human race. The deadly peril to which a republic is exposed is not a hidden rock but standing out fully exposed, warning and threatening. It is the corruption that springs from venality in public affairs, taxation, and expenditures beyond the frugal wants of Government. Its most perilous form is subsidy—appropriations outside of the strict and severe demands of Government!

I implore this House not to yield to the strong and patriotic motive to make this appropriation, for with a patriotic motive you confirm and establish a dangerous precedent. At the end of a hundred years we are in the main, in the institutions of government, without a blemish upon our record. Our history for seventy-five of these one hundred years the people of this country can read without a blush; a hundred years where the public good in the main has been the master motive; a hundred years of honest government. I speak of the administration of government, except in recent years, when grants beyond the absolute requirements of Government, and outside of its legitimate purposes, into which Congress has been betrayed by strong pressure, have produced their natural and unhappy fruits; and then the nation has blushed. It is not so much in the amounts that have been involved, but in the peril to national honor. Entering upon a new century, I would appeal to gentlemen that seeing, as all must see, the perils of yielding to demands upon the public resources beyond the severe purposes of government, not to make this mistake. Let us now and here by a great example end the fatal policy of subsidy. In strictness this may not be such, but if made it will be quoted as such through the century; and entering upon a new century, I appeal to the House that it shall not be characterized in its opening moments by a grant which shall be appealed to again and again in all the coming years as justifying the appropriation of money from the public Treasury for purposes not demanded for the frugal administration of the powers of the Government. Let us make the refusal of this grant an example for frugal government, a memorial of a high purpose to limit the demands upon the industries of our people to the imperative demands of government frugally administered, to be appealed to through all the years of the coming century.

I would not see this enterprise fail. No citizen can consent it should fail. It must not fail. The people themselves will see to it, sir, that it does not fail. I do not question that the power conferred upon this corporation by the act of Congress is ample to enable it to raise the money it requires. They can, as authorized by that act, pledge their property and resources and secure the necessary means without our setting up a dangerous land-mark in entering upon the new century. We need not fear that the people of this country will permit this enterprise to fail if it comports with their sentiments of duty and honor that it should succeed. That question does not belong to us as representatives of the people; but if the people themselves deem it proper that this display of national greatness and of national industry should be made they will not permit the enterprise to fail. Gentlemen should not underestimate the real patriotism of our people. Whether you make this appropriation or not, the display at Philadelphia will be a grand event.

In my judgment, you but weaken the voluntary energy and patriotism of the people by this appropriation.

In support of this, permit me to say that I hold in my hand, sir, a letter from one of the commissioners of this centennial celebration, a gentleman of very high character, a senator of one of the States of this Union. He thus expresses himself upon this subject:

> Since I saw you in Washington two weeks ago I have seen twelve or fourteen members of the United States centennial commission. A majority of them with whom I have talked on the subject are strenuously opposed to the passage of the centennial appropriation, the bill now pending in the House; and its becoming a law will not help but damage the centennial exhibition.

For these reasons hastily given I am compelled to vote against this appropriation of money. I trust and hope the House will not take this step. The very exigency of this measure, the very strength of the patriotic emotion brought to its support, rise up as the strongest argument that we seize this occasion to establish a great precedent. If you defeat this measure, if you say the centennial celebration at Philadelphia as everywhere else shall be under the auspices of the people of the United States as citizens, and shall not be under the auspices of Federal taxation, you will have done the grandest act and set the most valuable precedent of which Congress is capable: a monument of duty and obedience to the Constitution at the beginning of the new century; a living declaration that there shall be no approach to

subsidy and that the taxes imposed upon the people by its Government, already grown fearfully oppressive, shall only be such as the exigencies and necessities of the Government imperatively require. If the coming century is to be a century of economy and purity in government this bill must fail, and its failure will give a high guarantee for another century of the Republic.

[Here the hammer fell.]

Mr. O'BRIEN. Mr. Chairman, it is apparent to the House that I am not expected to make any reply to that part of the speech of my friend from Indiana [Mr. HOLMAN] which was based upon a letter which he has just read to the committee. I think the sting has been clearly drawn by the gentlemen from Pennsylvania who have replied to him, and in my opinion in a proper, though characteristic manner. My friend from Indiana has made what might be considered to be a very effective speech, but as it was mainly based upon the facts contained in that letter, I imagine that its force has already been dissipated. He claims, Mr. Chairman, that this country, recognized throughout the world as a republic, formed by the confederation of States which gave to it the powers held by the Federal Government, is a nation. In dealing with the question now before the committee I do not propose, Mr. Chairman, to contest this opinion, but I do claim that if we are a nation, or if we be a republic, entitled to that appellation or not, still in all our engagements we will consult the best interests of the people, ay, and maintain true economy, by keeping our plighted faith both at home and abroad.

The constitutional objection, Mr. Chairman, that is raised to this appropriation is one with which I do not feel myself called upon to deal. My mind at least is happily at rest on that question. When, two years ago, it was proposed in this House to vote $3,000,000 in behalf of this industrial exposition, this centennial, I cheerfully, and I believe with patriotic motives and with a conscience not interrupted by constitutional scruples, gave it my voice and my vote. Mr. Chairman, although I have had reason to ponder the able arguments which have fallen from the lips of gentlemen on this side of the House, I may say my conviction remains unshaken that it is not only our patriotic duty but it is our constitutional right to vote this appropriation.

A sufficient and convincing reply to the constitutional objection is found in the long line of precedents, from the days of Jefferson even to our own time, construing that section of the Constitution by which this appropriation is maintained. We have found all parties, statesmen of every creed represented in the line of these precedents, voting appropriations to similar objects or to objects which do not commend themselves with as much appropriateness and force as does the bill before the committee.

But, Mr. Chairman, I desire to call the attention of the committee to what I consider the position of the General Government in relation to this exposition. I have carefully read the different acts which have been passed by former Congresses, and I find there that the General Government plights its faith and honor to forward and, in fact, to guarantee the success of this exposition.

I find that the General Government, through the executive department, by the authority of the legislative branch, has invited the nations of the world to come here and participate in this our centennial celebration. Thirty-eight foreign nations have accepted our invitation. Fourteen of them have appropriated the sum of $2,000,000 to enable them and their people to be represented in Philadelphia in this our centennial year, and the other nations will make that sum up to over $5,000,000. And to our own shame, to our discredit, shall it be said that we are hesitating over the pitiful sum of $1,500,000—we who claim to have the purest and the best government upon earth; we who claim to be the leading nation of the world, the only republic worthy of the name now in existence?

Why, sir, what do we mean? Have we not fostered this exposition, have we not indorsed it, have we not guaranteed it! Have we not been told by those who represent us, our delegated agents, that unless this appropriation is made this enterprise will be a failure and a disgrace and a dishonor to the American name? If that be true, is there any further reason required, any other motive, to move the patriotic heart of an American; is there required any voice or any constitutional arguments in favor of the demand that we shall meet our plighted faith, that we shall not invite foreign nations to a feast, and have that feast barren of fruit and everything that will give us the character of a host who is dealing worthily and honorably with his guests?

Every motive of patriotism and desire for material success, pride in our progress and national glory, commend this enterprise to our consideration; every interest impels us to do all in our power to secure success in this coming celebration. We are a great nation; we expect that when our sons travel in foreign lands they will be honored and respected as the representatives of the American Republic. Let us not, in this the hundredth anniversary of our Independence, allow it to be said by any stranger, with the finger of scorn pointed at the American flag, that we invited the whole world to become our guests, and were so unworthy and dishonorable that we treated them with contempt and derision in failing to provide properly for their entertainment and accommodation.

Now, dismissing this view of the subject, I desire in the few moments left of my time to call the attention of the committee to a single portion of the speech of my senior colleague of the delegation from the State which I have the honor in part to represent on this floor, [Mr. SWANN.] He joins with me in favoring this appropriation of $1,500,000. But in the course of his remarks he used this language:

> I am one, Mr. Chairman, who will not consent to restrict by any concession of mine the powers of the Government as heretofore claimed and acted upon. They have become incorporated and interwoven with our legislation, notwithstanding the argument of my friend from Virginia, and cannot be lightly or incautiously approached. It would be a mistake which we would never cease to regret. I want no more trammels put upon us than those which already exist; and there are some of those not so firmly established by legitimate constitutional authority that I would not unite in abolishing, if I had the power to-day. I have no fear of any encroachment upon the legitimate functions of the States; and all that I claim is that the constitutional powers which have always been heretofore recognized and acted upon should not be so far abridged as to interfere with whatever is deemed essential to the successful working of our system. The people do not desire any such change, and it is questionable whether this Government would not be shorn of its best and most essential feature if it was brought under arbitrary subjection to any power higher than its own, or that it would meet the approval of the people any more than it does now.

I have given the exact words of his speech, that I may do him entire justice. I dissent most emphatically from the propositions he here lays down. He tells us that the latitudinarians upon the other side of the House, who have controlled this Government for a period of fifteen years, have encroached upon the Constitution, have added to the powers of the Government and have incorporated these powers into the legislation of the country, and that he is unwilling to restrict or interfere with them; in a word, that in the course of the administration of the Government for the last fifteen years there have been perpetrated offenses which we believe to be unconstitutional. Yet he says those acts are so interwoven in the legislation of the country that they ought not now to be interfered with. Now I protest, in the name of the State I have the honor in part to represent, against the doctrines my colleague has laid down in this part of his speech.

The Constitution of our fathers is as binding upon us to-day as it was upon them the day it came from their hands. There is not a single provision incorporated in it that is not binding upon us now, and did I for a moment believe that the Constitution prevented this appropriation I would be the last man to sustain it. But happily I am relieved from all doubts upon that question.

I am not willing to accede to the doctrine that all the claims that have been made in behalf of the General Government during the past fifteen or sixteen years, that all the usurpations and arrogations of power, whether incorporated in laws passed by Congress or not, are so far binding upon the people of this country that they cannot even move for their repeal. I believe that the better days of the Republic may yet return. I believe that those of our friends on this side of the House who are strict constructionists of the Constitution are not so far wrong, even according to the precedents which have been set, but that they will have cause to rejoice and to congratulate themselves within perhaps another decade upon the fact that their opinions of the provisions of the Constitution have again given tone and character to the practice of the Government.

But, aside from these considerations, Mr. Chairman, I am glad to believe that Maryland, if not united upon this floor, is at least at home unanimous in behalf of the centennial celebration and in favor of this appropriation.

Mr. TOWNSEND, of Pennsylvania. Mr. Chairman, I would not have contributed to the lengthening of this debate had it not been that two of my colleagues from Pennsylvania, one from Chambersburg [Mr. STENGER] and the other from Allegheny, [Mr. COCHRANE,] while in favor of all the objects for which this appropriation is asked, have been unable, on account of constitutional scruples, to give this bill their support. I do not want it understood that the position they have taken corresponds in any large degree with the sentiment of the people of Pennsylvania.

On the contrary, I am perfectly satisfied that the great mass of the people of that Commonwealth have no doubt, no hesitation, as to the constitutionality and propriety of the appropriation demanded. My colleagues are unable to find any clause among the enumerated powers in the Constitution whereby an appropriation of this kind can be constitutionally made, neither are they able to find it under any of the implied or auxiliary powers of Congress.

The object of the Constitution, as we are told in the preamble, was, among other things, "to insure domestic tranquillity, provide for the common defense," "promote the general welfare," and "secure the blessings of liberty to ourselves and our posterity." And when the eighth section of the first article of the Constitution was under debate in the convention there was a great contrariety of opinion as to the extent of power that was to be found in the first clause of that section. Now, it has been decided on various occasions that the granting of power to levy and collect taxes, duties, imposts, and excises is a substantive power, and that the next clause following it, namely, "to pay the debts and provide for the common defense and general welfare," is only one of the objects for which taxation was to be carried out, and was not of itself a substantive power.

It was contended by the strict constructionists of the Constitution that that portion which allowed Congress to levy taxes in order to provide for the common defense and general welfare applied only to those matters which are mentioned in the enumerated powers. But the better opinion is, as has been shown repeatedly, that you may go beyond the enumerated powers whenever you conclude that a tax to be

laid is for the common defense and general welfare. Turning to the Commentaries of Justice Story on the Constitution, with regard to that particular clause we find him saying:

But, then, it is said if Congress may lay taxes for the common defense and general welfare, the money may be appropriated for those purposes, although not within the scope of the other enumerated powers. Certainly it may be so appropriated; for if Congress is authorized to lay taxes for such purposes, it would be strange if when raised the money could not be applied to them. That would be to give a power for a certain end and then deny the end intended by the power.

In continuing his comments upon this clause, he says:

If there are no other cases which concern the common defense and general welfare except those within the scope of the other enumerated powers, the discussion is merely nominal and frivolous. If there are such cases, who is at liberty to say that, being for the common defense and general welfare, the Constitution did not intend to embrace them? The preamble of the Constitution declares one of the objects to be to provide for the common defense and to promote the general welfare; and if the power to lay taxes is in express terms given to provide for the common defense and general welfare, what ground can there be to construe the power short of the object? To say that it shall be merely auxiliary to other enumerated powers and not co-extensive with its own terms and its avowed objects! One of the best established rules of interpretation, one which common sense and reason forbid us to overlook, is that when the object of a power is clearly defined by its terms or avowed in the context it ought to be construed so as to obtain the object and not to defeat it.

The question as to the construction of the power of Congress under that clause of the Constitution giving Congress power to levy taxes in order to provide for the general welfare came very strongly before Congress at the time of the Louisiana purchase, and was the subject of much earnest discussion by the best men of that day, some of whom, I believe, had participated in the formation of the Constitution.

The Constitution contains no enumerated power whereby the Congress of the United States can purchase territory; and when the question as to the acquisition of territory larger than all the rest of the Union as it existed after the treaty of peace of 1783 was before Congress it was denied, as it has been denied here to-day, that Congress had any power to appropriate money for such an object. Even Thomas Jefferson, John Adams, and James Madison doubted the constitutional power. But when the subject came to be thoroughly discussed it was found to be fairly included under the power of levying taxes in order to provide for the common defense and general welfare. In treating of this question in his Commentaries on the Constitution, Judge Story arrived at the same conclusion which the Congress of the United States had adopted. He says:

In regard to the acquisition of Louisiana: The treaty of 1803 contains a cession of the whole of that vast territory by France to the United States for a sum exceeding $11,000,000. There is a stipulation in the treaty on the part of the United States that the inhabitants of the ceded territory shall be incorporated into the Union, and admitted, as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights and immunities of citizens of the United States.

The objections urged were:

There is no pretense that the purchase or cession of any foreign territory is within any of the powers expressly enumerated in the Constitution. It is nowhere in that instrument said that Congress or any other department of the National Government shall have a right to purchase or accept of any cession of foreign territory. The power itself (it has been said) could scarcely have been in the contemplation of the framers of it. It is in its own nature as dangerous to liberty, as susceptible of abuse in its actual application, and as likely as any which could be imagined to lead to dissolution of the Union. If Congress have the power, it may unite any foreign territory whatsoever to our own, however distant, however populous, and however powerful. Under the form of a cession we may become united to a more powerful neighbor or rival, and be involved in European or other foreign interests and contests to an interminable extent. And if there may be a stipulation for the admission of foreign states into the Union, the whole balance of the Constitution may be destroyed and the old States sunk into utter insignificence.

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In regard to the appropriation of money for the purposes of the cession the case is still stronger. If no appropriation of money can be made except for cases within enumerated powers, (and this clearly is not one,) how can the enormous sum of eleven millions be justified for this object?

The strict constructionists of that day were as ingenious as those of the present in finding objections to any power of however great national import that could not be found among the enumerated powers in the Constitution. They acknowledged no implied nor auxiliary powers, but sought to keep the Government down to the naked text of that instrument. In speaking of their arguments above given Judge Story says:

Such were the objections which have been, and in fact may be, urged against the cession and the appropriations made to carry the treaty into effect. The friends of the measure were driven to the adoption of the doctrine that the right to acquire territory was incident to national sovereignty; that it was a resulting power, growing necessarily out of the aggregate powers confided by the Federal Constitution; that the appropriation might justly be vindicated upon this ground, and also upon the ground that it was for the common defense and general welfare. In short, there is no possibility of defending the constitutionality of this measure but upon the principles of the liberal construction which has been upon other occasions so earnestly resisted.

He goes on to say:

The more recent acquisition of Florida, which has been universally approved or acquiesced in by all the States, can be maintained only on the same principles, and furnishes a striking illustration of the truth that constitutions of government require a liberal construction to effect their objects, and that a narrow interpretation of their powers, however it may suit the views of speculative philosophers or the accidental interests of political parties, is incompatible with the permanent interests of the state and subversive of the great ends of all government, the safety and independence of the people.

Mr. Chairman, it is said that it is a rule of law that precedents should be followed unless they be manifestly unjust; and the levying of taxes and the appropriation of money for the general welfare has so many precedents that it is impossible for us to doubt that it is among the implied and auxiliary powers of the Government, the views of the "speculative philosophers" of the present day or "the accidental interests of political parties" to the contrary notwithstanding.

The same principle upon which the purchase of Louisiana was made, precisely the same doctrine upon which the Congress of the United States appropriated millions of money for the purchase of that territory, was re-iterated and acknowledged in the purchase of Florida. It was again recognized in the Gadsden purchase from Mexico. More recently the power of Congress to make such an appropriation was acknowledged in the purchase of Alaska, a territory not contiguous to our soil, but separated from it by the British possessions.

If there be no such power as that in Congress; if a great nation has no authority to make appropriations of this character; if it is to be held down to the enumerated powers in the Constitution, then you strip the Government of every power to make appropriations except where it may be of the merest and strictest necessity. You take away from Congress the right to purchase anything beyond what is absolutely necessary to carry on the Government. You strike down at once the right to erect the glorious porticoes which stand in front of the two Houses of Congress and the magnificent monolithic columns of the new wings of the Treasury. You haul down the national flag which, Mr. Chairman, hangs above your head. You wipe out all the pictures which adorn these walls and those in the Rotunda which illustrate our national history. You throw out the busts which are in the Supreme Court chamber. You unhinge the bronze doors at the eastern entrances of the Capitol. You strip the Government of everything except that which is required for the merest necessities of the nation. Under such an interpretation of the Constitution this glorious edifice in which the nation takes such pride, and which is the equal of any legislative building in the world, would be nothing but the plainest barrack-like building of brick and mortar.

Why, sir, this principle has been followed time and again. We gave a donation to Lafayette of money and of land, for which there is no authority granted in the Constitution of the United States among the enumerated powers, and it is only to be found by implication. There was no enumerated power to create a congressional cemetery. There was no enumerated power to make the appropriation for Morse's telegraph, to give him $30,000 to try the experiment which eventually succeeded and which has benefited the commerce of the country to the extent of thousands of millions of dollars.

Mr. Chairman, even the gentlemen from my State who spoke against the bill acknowledged the power yesterday when they voted for an appropriation of money to Judge McCandless. They acknowledged there was an implied right in the Constitution authorizing Congress to make such an appropriation. It is not to be found in any of the enumerated powers. It cannot be deduced from the article establishing the judiciary. It was a donation pure and simple, and untrammeled by any conditions whatever. The government was under no obligation to make the grant to Judge McCandless, it had fulfilled its contract with him; yet for his great services in the cause of the country as an eminent jurist Congress granted the pension. It was a deed worthy of a great nation, and I rejoice that it was done and that my colleagues voted for it; but under their narrow construction of the Constitution their votes and their arguments will be entirely inconsistent with each other.

I may add that the pensions of the soldiers of the revolutionary war also come within the same category. None of these things could you effect under the Constitution as construed by gentlemen on the other side of the House. Under the argument of my colleague from Pennsylvania you could not even have established the Department of Agriculture, in which half of the working-people of the country are directly interested.

I find sufficient authority in the same clauses that empower Congress "to levy taxes in order to provide for the general welfare," and under which the great appropriations heretofore mentioned were made, for the passage of this bill.

It is the duty of our Government to provide for the public tranquillity, common defense, and general welfare of its people. This was one of the declared objects of its creation. There is no higher obligation can be imposed upon it. As there are many ways of doing it, the Constitution has wisely left the matter to congressional discretion, and authorized it to enact all laws that may be necessary and proper to the performance of that duty.

What the general welfare may be is nowhere defined in the Constitution. Congress, which is the representative of the people's wishes, sits here annually to judge of and act for the welfare of the people. It must exercise its own judgment and discretion thereon. It has been repeatedly so decided.

Acting, then, under these principles, as laid down in Story's Commentaries, the question of this appropriation is not a question of constitutional power, but of propriety, expediency, and necessity, of the extent of all which Congress, under the restrictions of the Constitution, is the judge.

If, then, Congress should conclude that it would be to the general welfare of the people that we should celebrate the centennial birthday of the nation by a grand exhibition of all the productions of American genius and industry, concentrated in a single and convenient place, say at Philadelphia, the birthplace of the nation, where all who should choose might see the various objects of art and industry and the means and appliances whereby their comfort and happiness and welfare could be promoted, and where by such exhibition new

thoughts and new ideas could be disseminated through the mass and made available for their benefit, and whereby the people from the North and the South, from the East and the West, could be brought together in one common brotherhood, and a more national and fraternal feeling among them engendered and domestic tranquillity secured, it has the constitutional power, under the interpretation given to the eighth section of the first article of the Constitution, to create such an exhibition or to aid in its establishment.

It is under these principles, repeatedly recognized by the people, that Congress has repeatedly made appropriations for the purchase of great territories, busts, statues, pictures, and other works of art; that it has caused embellishments to be added to public buildings and grounds that were not necessary in the strictest sense; that it has ordered salaries to be paid to the representatives of deceased officers of Government; that it has established a congressional cemetery, and made many similar appropriations whose constitutionality has never been questioned.

Being, then, a matter over which the Congress has the right to exercise a just discretion, I have no doubt of the constitutional power of Congress to pass the bill, and, believing it conducive to the general welfare as contemplated in the Constitution, I shall therefore give it my hearty support.

[Here the hammer fell.]

Mr. THOMPSON obtained the floor, and yielded to

Mr. HOPKINS, who moved that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WOOD, of New York, reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration a bill (H. R. No. 514) relating to the centennial celebration of American Independence, and had come to no conclusion thereon.

Mr. HOPKINS. I wish to give notice that on Tuesday next at three o'clock I propose to call the previous question on the centennial bill.

MRS. MARY WATTS.

On motion of Mr. DARRALL, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Mrs. Mary Watts, of New Orleans, no adverse report having been made.

ISRAEL YOUNT.

On motion of Mr. McCRARY, by unanimous consent, leave was granted for the withdrawal from the files of the House the papers in the case of Israel Yount, no adverse report having been made.

ELIZABETH TIPTON WINFORD AND MARY E. SHELTON.

On motion of Mr. VANCE, of North Carolina, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Elizabeth Tipton Winford and Mary E. Shelton, no adverse report having been made.

Mr. DURAND, by unanimous consent, was granted leave of absence, on account of important business, for one week from January 20.

COMMITTEE SERVICE.

Mr. PHELPS. I have to request that on account of insufficient health I be excused from further service on the Committee for the District of Columbia.

There was no objection, and it was so ordered.

The SPEAKER. The Chair appoints, to fill the vacancy thus made, the gentleman from New Jersey, Mr. HARDENBERGH.

ARRANGEMENTS OF THE HALL.

Mr. PAGE. I move that the House do now adjourn.

The SPEAKER. Before putting to the House the motion to adjourn, the Chair desires to say that he holds in his hand a request, signed by numerous members, that the doorkeepers shall be allowed to erect a temporary rail around the outer border of the seats, for the purpose of better protecting the members against the intrusion of outsiders. Does the Chair hear any objection to granting that request?

Mr. HOAR. I desire to say that I am informed that that experiment has been tried two or three times before and has always failed.

Mr. COX. It has been tried in the Senate and has failed there.

Mr. WOOD, of New York. The Speaker will permit me to say that, if the rules were enforced properly, members would not be interfered with by the outsiders who have no right to the floor, but are permitted to come into the lobby and into the Hall and to annoy us there and here. Everybody comes in *ad libitum*, and every doorkeeper, in my judgment, is derelict in the discharge of his duty.

Mr. RANDALL. I would suggest that the difficulty is in the circumstance that the doorkeepers have not yet become sufficiently acquainted with the members and ex-members. I do not think the doorkeepers are to blame to the extent implied by the gentleman from New York.

Mr. WOOD, of New York. I know what I say to be true. Any man who pleases can get in upon this floor.

Mr. HOAR. I desire to make one suggestion, having had some little experience here, that if it were made the absolute duty of the doorkeepers, or of some one of the doorkeepers, without waiting for the call of the Speaker or of a member, whenever he observed any person standing up in the rear of the seats, to make him sit down or move away—if that were made the absolute duty of one of the officers of the House, it would tend more than anything else to promote the order of the House.

Mr. HARDENBERGH. I desire to say a word or two upon this matter. It is the custom of members of the House to come here in the morning, many of them, from ten to twelve o'clock to receive their mail and do their correspondence; but on the outside tier of seats that is an impossibility, particularly from half past eleven to twelve, when a dozen people are crowding around you overlooking your letters, some of them taking away the papers from your desk. Every other seat in the House has some barriers which outsiders cannot pass, and unless we have some protection afforded us it is an utter impossibility for us to do our correspondence at that time, and the consequence is that it has to be done during the hours devoted to business here, which makes more confusion then. For that reason, if for no other, we ask that some safeguard of this kind be provided.

Mr. SAYLER. I am a resident of the suburbs also, and appreciate the difficulty. I doubt very much, however, whether this proposition will meet the difficulty. For the first time now, having had a good seat during the last session and a bad one this, I am in favor of taking these desks down, and would be in favor of the proposition to seat the members on benches so that they should be brought within reach of one another. This system of reading newspapers and writing letters and putting our royal feet on the desks of the House I think is a great mistake; and I think that we in the background certainly need some protection.

Mr. CAULFIELD. Are you not in favor of the proposition to rail in the background?

Mr. SAYLER. I would be in favor of a railing, but I do not think it would accomplish the object to any great extent. I think the desks should be taken out, and I make that request that it be ordered by unanimous consent that the desks be taken out and that we be seated on benches.

Mr. KELLEY. I object.

Mr. HOLMAN. I wish to make a suggestion. I think those of us who had the experience of the benches, especially considering that the House has now grown to its present magnitude of two hundred and ninety-two members, would willingly indorse the proposition that the sitting on benches, throwing the members together into a comparatively small space, is better than the present arrangement. There is a difficulty in that case about drawing up amendments and other propositions for the action of the House during the progress of business, but with tables at each corner, as then, easy of access, I think there will be no real difficulty encountered on that score.

Mr. COX. I dissent from my friend altogether.

Mr. SAYLER. The gentleman from New York has a good seat, and of course dissents.

The SPEAKER. The Chair desires to say, before this informal conversation is terminated, that for many days past he has heard many complaints about the confusion, most unnecessary and very annoying, upon the outskirts of the House, and that that confusion has been caused by persons who have no right to be upon the floor under the rules, but who by some means or other do gain access to the floor. Now, the Chair is very frank in saying that he knows of but one way in which he can cure this evil, and that is for him to cease absolutely to give permits to the floor to anybody, and then for all the members of the House to cease going to the doorkeepers and bringing in their friends. Now, if the House is willing that this course shall be pursued the Chair is, and then we will have peace. We will thus absolutely exclude from this Hall everybody, except a small number of persons who are entitled under the rules to be here.

Mr. COX. The rules are already adequate for this purpose.

The SPEAKER. The rules are adequate now.

Mr. COX. Except as to ex-members.

The SPEAKER. In the judgment of the Chair the rules are entirely adequate now if faithfully obeyed and carried out.

Mr. JONES, of Kentucky. I approve very much of the remarks of the Speaker. I am willing for one not to violate the rules in any respect whatsoever; and I desire now to make another suggestion. I come here in the morning sometimes half an hour and sometimes an hour before the House meets, and I find it almost impossible to get to my seat for the crowds of all sorts who crowd the floor. I would like to know in whose possession the floor of the House is before the meeting of the House. If it be under the control of the Doorkeeper of the House, I think he ought to discriminate, and only admit certain people. The crowding of the floor at that time is a crying nuisance.

The SPEAKER. The Chair feels no hesitation in replying to the suggestion of the gentleman from Kentucky that he believes it is competent for the Chair to direct that the Hall shall be cleared at eleven o'clock if it be the desire of the House, so that members who come in at that time may be protected from intrusion.

Mr. RANDALL. I suggest that the floor be cleared fifteen minutes before the meeting of the House. The public like to come in here before the House meets, and we ought not to limit their privilege.

Mr. HOSKINS. With all due deference to the Speaker, I think that no resolution ought to be so construed that the Speaker shall not have the privilege in his own good judgment to admit any one to the floor of the House whom he desires to admit; and for my own part I think the Hall ought to be open until the session of the House commences. We have constituents and friends who come here to visit the Hall and like to remain here until the hour of meeting. And it strikes me that it ought to be open until that time. There is only one way in which

to enforce the rules of the House, and that is for the Chair to tell those having the matter in charge to carry out the rules of the House fully. I believe that the Presiding Officer ought to have the right to invite upon the floor of the House any one he sees fit. And I believe that my constituents ought to be permitted to roam through this Hall before the House is in session. There will be no difficulty in enforcing the rules when these new doorkeepers have become familiar with the face of every member of Congress.

Mr. JONES, of Kentucky. I agree with the gentleman as to the Speaker's right to admit persons to the floor of the House; but let the floor be cleared half an hour before the House meets.

Mr. HOSKINS. Just one word in answer to the gentleman from Kentucky. No one on earth can tell when the people from my district desire to come here. They may come here within half an hour before the House meets. Let me say further that it was my bad fortune to have an exceedingly poor seat in the last Congress, and I know that there is some necessity for the protection of members from intrusion.

Mr. COX. I desire to say in behalf of the Doorkeeper, and I think I may say of the Speaker and of the members of the House, that the fault of the bringing of persons upon the floor of the House lies with the members of the House.

Mr. FORT. Certainly we do it. As I am in the interior, I have really no concern about this matter, but if gentlemen occupying outer seats desire a railing, I see no objection to it.

Mr. JONES, of Kentucky. Would a motion now be in order?

The SPEAKER. The whole of this proceeding is informal and by unanimous consent. What does the gentleman desire to suggest?

Mr. JONES, of Kentucky. I was going to bring the House to some sort of a decision by a motion that the Speaker direct that the Hall be cleared thirty minutes before the meeting of Congress.

Mr. WHITE. With the members who occupy seats in the inside of this House everything goes on comfortably. For myself, I am not so situated. I am a new member, and I would like to hear everything and I would like to learn. My seat, unfortunately, is on the extreme borders of the Chamber, and it seems to me that these desks should be pushed back and a railing put up or a screen, such as there is now before the doors, and let each member have a desk as he has now. But it would be a great deal better that the chairs should be in front, so that we should be together and all of us be able to hear what is going on. I would like to make a motion that the desks be removed to the borders and the chairs brought to the front. For my own part, I have to read each day in the RECORD to learn what I should have learned the preceding day.

Mr. BLAIR. I wish to say a word calling attention to another matter. I sit in the rear of the House, and have had the misfortune to get several severe colds in consequence of the draughts which fall upon us from the lobbies. In regard to this matter of the railing I do not feel any preference, for I presume the railing would be a nuisance. But I have this to say: that I think it is right that all doors opening into the lobbies and cloak-rooms should be protected with screens like the one in front of the central door. There is a constant and severe draught whenever there is any air moving at all in this Chamber, which is a serious danger to life; and I hope the Doorkeeper will be required to place screens in front of those doors which lead into the lobbies.

Mr. CONGER. I desire to ask some gentleman on the other side of the House, perhaps the gentleman from Virginia, [Mr. TUCKER,] what authority there is in the Constitution to enable us to make an appropriation to provide for luxuries at the expense of the dear people? What provision of the Constitution gives us that power?

The SPEAKER. The Chair desires to say, before the motion to adjourn is put, that so far as he is concerned in reference to the issue of permits to the floor he is very careful, and has issued but few, and only in cases when the gentlemen seeking admission have been highly commended by gentlemen of the House.

The regular order is the motion that the House do now adjourn.

Mr. SAYLER. I desire to offer a resolution.

The SPEAKER. That would require unanimous consent.

Objection was made.

The motion to adjourn was then agreed to, and accordingly (at four o'clock and fifty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BANNING: The petition of Adam Berg, for additional bounty, to the Committee on Military Affairs.

Also, resolutions of the Board of Cotton Exchange of Cincinnati, Ohio, asking for the passage of a bill appropriating $1,500,000 to the centennial celebration, to the Select Committee on the Centennial Celebration and the proposed National Census of 1875.

By Mr. COLLINS: The petition of workmen employed on the Capitol grounds by Clarke, architect, for additional pay, to the Committee on Public Buildings and Grounds.

By Mr. FELTON: Papers relating to the claim of William N. Garmany, to the Committee on War Claims.

By Mr. HENKLE: The petition of Thomas W. Gough, for pay for property used and destroyed by the United States Army, to the same committee.

By Mr. HOPKINS: The petition of ladies of Allegheny County, Pennsylvania, in favor of granting aid to the centennial celebration, to the Select Committee on the Centennial Celebration and the proposed National Census of 1875.

By Mr. HUNTON: The petition, with accompanying papers, of Sewall B. Corbett, for pay for property used and occupied by the United States Army, to the Committee on War Claims.

By Mr. KASSON: The petition of 9 citizens of Ohio, for the repeal of the check-stamp tax, to the Committee of Ways and Means.

By Mr. McCRARY: Papers relating to the claim of Lieutenant C. T. Martin, to the Committee on War Claims.

By Mr. McFARLAND: The petition of W. K. Yost, for the commissioners of claims to be authorized to re-examine his claim, to the same committee.

By Mr. MONEY: Papers relating to the claim of Allen White, to the Committee on Claims.

By Mr. OLIVER: The petition of Elizabeth Gillock, for rent and damages for property used by the United States Army, to the Committee on War Claims.

By Mr. PACKER: The petition of Daniel Bishop, for a pension, to the Committee on Invalid Pensions.

By Mr. PHELPS: The petition of John Reiman and other citizens of Connecticut, for the passage of a law making greenbacks receivable at par for duties on imports, to the Committee on Banking and Currency.

Also, the petition of H. B. Sturgis and others, of New Haven, Connecticut, for the repeal of the act fixing a time for a resumption of specie payments, and for the issue by the Government of 3.65 convertible gold-bearing bonds, to the same committee.

By Mr. RAINEY: Papers in the case of Walter D. Plowden, to the Committee on War Claims.

By Mr. ROBBINS, of Pennsylvania: The petition of citizens of Pennsylvania, that aid be extended the Southern Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. SAYLER: The petition of Thomas W. Collins, Wilson D. Haven, Henry J. Davison, C. D. Willard, John C. Parker, George W. Cissel, and Benjamin F. Morsell, for the incorporation of the Oxygen Gas Company of the District of Columbia, to the Committee on the District of Columbia.

By Mr. SEELYE: The petitions of the Methodist Episcopal church of Lynn, Massachusetts; of the First Congregational church at Chelsea, Massachusetts; of the Congregational church at Lawrence, Massachusetts, signed by their several pastors and officers, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

Also, the petition of the Massachusetts Temperance Alliance, signed by Rev. A. A. Miner, D. D., president, and Rev. William M. Thayre, secretary, that no appropriation be made to the centennial celebration at Philadelphia if any of the grounds or buildings are to be used for the sale of intoxicating liquors, to the Select Committee on the Centennial Celebration and the proposed National Census of 1875.

By Mr. TARBOX: The petition of A. P. Ordway and other citizens of Massachusetts, for the repeal of the proprietary stamp tax, to the Committee of Ways and Means.

By Mr. TURNEY: The petition of citizens of Westmoreland County, Pennsylvania, for post-route No. 2991 to be extended to the village of Bouquette, to the Committee on the Post-Office and Post-Roads.

Also, the petition of citizens of Westmoreland and Allegheny Counties, Pennsylvania, for a post-route from Parnassus to Hamilton's Mill, in Westmoreland County, to the same committee.

Also, the petition of citizens of Fayette and Greene Counties, Pennsylvania, for daily mail service on route No. 3003, between Smithfield and Greensborough, to the same committee.

Also, the petition of citizens of Westmoreland County, Pennsylvania, for a change and division of mail-route No. 8614 by establishing a post-route from Paulton to Delmont, also from Leechburgh to Markee, to the same committee.

By Mr. VANCE, of North Carolina: The petition of citizens of North Carolina, for a post-route from Micaville to the three forks of South Ton River, to the same committee.

By Mr. WADDELL: Papers relating to the claims of Armand D. Young, to the Committee on War Claims.

By Mr. WELLS, of Mississippi: Papers relating to the claims of J. C. Julian, R. O. Woodson, James A. Grier, Patrick McDermot, and W. W. Clayton, for property taken and used by the United States Army, to the same committee.

By Mr. WILLIS: The petition of Peter Cooper, H. H. Van Dyck, and others, for the passage of an act authorizing the President to appoint Walton Cable master in the United States Navy, to the Committee on Naval Affairs.

By Mr. WOOD, of New York: The petition of importers of New York, for a change in the manner of assessing duties on imported green fruit, to the Committee of Ways and Means.

Also, the petition of importing merchants of New York, for the correction of the errors of the Revised Statutes in the imposition of duties, to the same committee.

Also, the petition of florists of the District of Columbia, remonstrating against the practice of distributing flowers and plants in the District of Columbia gratuitously by the commissioners of public buildings and grounds, to the Committee on Public Buildings and Grounds.

IN SENATE.

MONDAY, *January* 24, 1876.

Mr. JOHN P. JONES, a Senator from the State of Nevada, appeared in his seat to-day.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Friday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate the annual report of the Commissioner of Patents for the year 1875; which was ordered to lie on the table and be printed.

He also laid before the Senate a letter from the Secretary of War, transmitting, in answer to a resolution of the Senate of January 6, 1876, information in relation to the harbor of Charlevoix, Michigan; which was referred to the Committee on Commerce, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. SHERMAN. I present quite a number of petitions—ten at least—of citizens of Ashtabula County and other parts of the State of Ohio, similar in character to those that have been presented heretofore, praying the Congress of the United States to give aid by bonds to the construction of what is known as the Texas Pacific Railway. I move their reference to the Committee on Railroads.

The motion was agreed to.

Mr. SHERMAN. I also present the petition of Mrs. Eunice Tripler, widow of the late Charles S. Tripler, a surgeon in the Army, praying for a pension. The lady has not signed this petition, but it is in her handwriting and her name appears in front of it, and it is accompanied by a letter with her signature, and I know it to be her own. I move the reference of the petition to the Committee on Pensions.

The motion was agreed to.

Mr. WINDOM presented three petitions of citizens of Columbia County, Wisconsin, praying for the speedy completion of the Fox River improvement and for the construction of an ample canal along the bank of the Wisconsin River from Portage City, Wisconsin, to Prairie du Chien, on the Mississippi River; which were referred to the Committee on Commerce.

Mr. WALLACE presented four petitions of citizens of Westmoreland County, and five petitions signed by 300 citizens of the fifth congressional district of Pennsylvania, praying for Government aid in the construction and completion of the Texas Pacific Railway and the prostrated iron industries of Pennsylvania; which were referred to the Committee on Railroads.

He also presented a resolution adopted at a mass-meeting of citizens of Danville, Montour County, Pennsylvania, in favor of granting aid in the construction and completion of the Texas Pacific Railway; which was referred to the Committee on Railroads.

Mr. MAXEY. I present the petition of Michael Mayers, of Paris, Lamar County, Texas, praying compensation for drugs and medicines furnished the Army of the United States during the late war. He was formerly of Fort Smith, Arkansas, where these drugs and medicines were furnished. In connection with this matter I desire to say that his claim was referred to the southern claims commission, but was rejected by it on account of insufficient proof of loyalty. He now desires to have it referred to the Committee on Claims, in order that he may introduce the necessary proof to establish his loyalty and the justice of his claim. I move the reference of this petition to the Committee on Claims.

The motion was agreed to.

Mr. SARGENT. I present two petitions of citizens of California, asking Congress to take early action in repealing the two-cent United States check-stamp tax, which they say is alike obnoxious to the banks, to their customers, and to the people of the United States. I move their reference to the Committee on Finance.

The motion was agreed to.

Mr. DAWES presented the memorial of the Boston Society of Civil Engineers, praying that Congress enact a law providing that after some date, to be fixed several years in advance, the metric standards in the office of weights and measures at Washington, District of Columbia, shall be the sole authorized public standard of weights and measures; which was referred to the Committee on Finance.

Mr. LOGAN presented the petition of George Hibben, for Hibben & Co., praying to have refunded certain taxes assessed and collected on tobacco wrongfully, as alleged; which was referred to the Committee on Claims.

Mr. CHRISTIANCY presented the petition of Lyon & Son and 44 other citizens of Michigan, praying for the repeal of the two-cent United States stamp tax on bank-checks; which was referred to the Committee on Finance.

Mr. CHRISTIANCY. I also present the memorial of D. M. Ferry & Co. and 97 other citizens and firms of Detroit, Michigan, remonstrating against a further appropriation for the distribution of seeds from the Agricultural Bureau at the public expense. I will say that I do not concur in this memorial, but I move its reference to the Committee on Agriculture.

The motion was agreed to.

Mr. CAMERON, of Pennsylvania, presented the petition of citizens of Danville, Pennsylvania, praying Congress to grant aid in the construction and completion of the Texas Pacific Railway; which was referred to the Committee on Railroads.

He also presented the memorial of the Vessel Owners and Captains' Association, of Philadelphia, protesting against permitting vessels built abroad being registered as American vessels and participating in our coasting trade, as proposed in House bill No. 523, now pending; which was referred to the Committee on Commerce.

Mr. CAMERON, of Pennsylvania. I am also requested to present the proceedings of a meeting of citizens of Danville, Montour County, State of Pennsylvania, who urge Congress to grant a subsidy to the Texas Pacific Railroad by indorsing its bonds. I ask that the paper may be read and referred to the Committee on Railroads.

The Chief Clerk read as follows:

Whereas *there is now pending before Congress a bill to aid the Texas Pacific Railroad Company* in the construction of their road in the form of a guarantee by the United States Government of 5 per cent. interest on the bonds to be issued by the company for the construction of said road, under conditions assuring security to the Government and success to the enterprise; and whereas the completion of the *Texas Pacific Road*, connecting ocean and ocean over the southwestern portion of the United States, will greatly shorten the distance and cheapen the carriage between the ports of the two oceans and in its thorough exemption from snow-blockades or other winter obstructions, affording a line of transportation at all times reliable for the commercial, postal, and military demands of the nation, enabling prompt concentration of armies and their supplies whenever and wherever required for the country's safety and defense, and directly promoting honest labor and public economy, carrying forward a self-sustaining column of emigration for the development of the vast resources of wealth which traverse the entire line of said route; and whereas the construction of said road seems to be required by the necessities of the times and the highest consideration of justice, patriotism, and public policy; and whereas it will give employment to tens of thousands of laborers now idle, give a new impetus to the suspended and prostrate industries of the country, and distribute millions of foreign capital secured at a low rate of interest: Therefore,

Be it resolved by the citizens of Montour County, Pennsylvania, in mass convention at Danville, assembled—

First. That in the judgment of this meeting it is the duty of the Congress of the United States to pass a clear, explicit, and securely guarded law authorizing a loan of the credit of the National Government to the *Texas Pacific Railway Company* to the extent of the guaranteeing of the interest on the bonds issued for the construction of said road on such terms and conditions as shall indemnify the Government against loss;

Second. That we firmly believe that a loan of credit must go a great way toward the restoration of general confidence and the revival of the various industries of the country now in such a prostrate condition; and,

Third. That our Senators and Representatives in Congress are earnestly requested to use all honorable means to the extent of their utmost abilities toward securing the passing of a law proposing guarantee by the General Government of interest on the bonds for the construction of the *Texas Pacific Railway*, and that a copy of these resolutions be officially transmitted to each of them.

R. S. SIMINGTON, *President.*

Attest:

WILL. G. KRAMER and others, *Secretaries.*

The PRESIDENT *pro tempore*. The resolutions will be referred to the Committee on Railroads.

Mr. BOGY. I move that the paper just read be printed. It is not necessary to print the names; they can be excluded.

The motion was agreed to.

Mr. McDONALD presented the petition of Gallus Kerchner, of North Vernon, Indiana, praying compensation for stone delivered for the construction of the United States arsenal at Indianapolis, Indiana; which was referred to the Committee on Claims.

Mr. HOWE. I ask the indulgence of the Senate to present a memorial which is addressed to the Joint Library Committee. It is signed by John A. Dix, S. J. Tilden, and several other gentlemen of distinction, and commends to Congress the purchase of a picture painted in 1822 by the late Professor Morse, the subject of which is the House of Representatives at that time. I move that the memorial be referred to the Committee on the Library.

The motion was agreed to.

Mr. ALCORN presented the petition of James J. Ritch, of Scott County, Mississippi, praying for compensation for property and supplies taken by the United States Army in 1864; which was referred to the Committee on Cams.

Mr. STEVENSON presented the petition of Reuben S. Denny, of Kentucky, praying compensation for property destroyed by the military forces of the United States; which was referred to the Committee on Claims.

SENATOR FROM ALABAMA.

Mr. GOLDTHWAITE. I hold in my hand a communication from the Legislature of the State of Alabama, which I ask to have read.

The PRESIDENT *pro tempore*. The Senator from Alabama desires to have a communication read. The Chair hears no objection, and it will be read for information.

The Chief Clerk read as follows:

WASHINGTON, D. C., *January* 24, 1876.

SIR: I have the honor to inform you that I have been commissioned by his excellency the governor of the State of Alabama, in compliance with a joint resolution of the General Assembly of said State, adopted on the 20th instant, to present to the Senate of the United States of America the memorial of the said General Assembly of Alabama, "in regard to the alleged election of GEORGE E. SPENCER as United States Senator," together with the printed documents containing the evidence taken in relation to said matter before a joint committee of the two houses of the said General Assembly of Alabama and the report of the said committee thereon

In the discharge of my duty, by virtue of the said commission, I hand you herewith duly-authenticated copies of the said memorial, evidence, and report, together with my commission and the resolution under which the same was issued, and ask

that they may be submitted to the Senate of the United States in accordance with my said instructions.

I have the honor to be, very respectfully, your obedient servant,

JOSEPH F. JOHNSTON.

HON. GEORGE GOLDTHWAITE,
United States Senator.

Mr. GOLDTHWAITE. I now present the papers referred to in the letter, and move that the accompanying documents and the letter just read be referred to the Committee on Privileges and Elections.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. CLAYTON, from the Committee on Military Affairs, to whom was referred the bill (S. No. 168) for the relief of the legal representatives of George Schwartz, deceased, late a private in Company F, Fifth Regiment Wisconsin Volunteer Infantry, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of John Pilmer, late of Company H, Ninth Iowa Cavalry Volunteers, praying to have the charge of desertion removed and that he be allowed his pay and allowances, withheld on account of the charge, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

Mr. COCKRELL. The Committee on Military Affairs have instructed me to report back the bill (S. No. 252) donating the military road running from Astoria, Oregon, to Salem, in that State, to the several counties through which it passes. I desire to say in this connection that the road was surveyed and the construction of it completed under the direction of the Secretary of War, pursuant to acts of Congress passed in 1855, 1857, and 1858. Its use by the military authorities of the United States has long since ceased. The Chief of Engineers, General Humphreys, the Secretary of War, and General Howard, the commanding general of the department, report that this road is no longer necessary for military purposes. The governor of Oregon and the Secretary of War ask that Congress relinquish this road to the counties through which it passes for a public road, hereafter to be used under the control of these counties. The Committee on Military Affairs recommend that the Senate approve this bill which has been referred to them and is now reported back favorably. I suppose there will be no objection to the present consideration of the bill?

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. WRIGHT. If the Senator will give way to morning business, he can call up the bill afterward.

Mr. COCKRELL. I have no objection to that.

Mr. WRIGHT, from the Committee on the Judiciary, to whom was referred the bill (S. No. 60) declaring the true intent and meaning of the Union Pacific Railroad acts approved July 1, 1862, July 2, 1864, and July 3, 1866, and for other purposes, reported it without amendment.

Mr. KELLY, from the Committee on Railroads, to whom was referred the bill (S. No. 14) to extend the time for the construction and completion of the Northern Pacific Railroad, reported it with sundry amendments; which were ordered to be printed.

Mr. WITHERS, from the Committee on Pensions, to whom was referred the bill (S. No. 254) granting a pension to Frank Kendrick, submitted an adverse report thereon.

S. K. THOMPSON.

Mr. CLAYTON. I am instructed by the Committee on Military Affairs, to whom was referred the bill (S. No. 160) for the relief of S. K. Thompson, to report it with an amendment. I desire to say that this bill was before the Senate at the last session, was passed by the Senate on the last day of the session, but failed to receive action or consideration in the House of Representatives, I suppose on account of the want of time. Some papers have been submitted in this case since then which strengthen it very much, and there is a report of the committee accompanying it. I ask for the present consideration of the bill.

The PRESIDENT *pro tempore*. The Senator from Arkansas asks for the present consideration of a bill reported from the Committee on Military Affairs.

No objection being made, the bill was considered as in Committee of the Whole. By it the President is authorized and directed to appoint Samuel K. Thompson to the rank of second lieutenant in the Army, with benefits of and credit for length of service as a commissioned officer in the Army prior to August 10, 1874.

The bill was reported from the Committee on Military Affairs with an amendment, in line 3 to strike out the words "and directed," so as to read, "That the President is hereby authorized to appoint Samuel K. Thompson," &c.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee.

The amendment was agreed to.

Mr. CAMERON, of Pennsylvania. I think the bill had better lie over. I do not understand it.

Mr. CLAYTON. The Senator from Pennsylvania probably has forgotten that the committee authorized me this morning to ask for the present consideration of this bill.

Mr. CAMERON, of Pennsylvania. I beg the Senator's pardon; I was not present at the committee meeting.

Mr. CLAYTON. As I said before, this bill passed the Senate at the last session on the last day of the session, and failed in the House for the want of time, I suppose. The evidence which has been laid before the committee since then only makes the case stronger. The last portion of the bill, which authorizes the recipient to be allowed the benefits of service, only applies to his time of service before his discharge from the Army.

Mr. SHERMAN. I ask the Senator to state the circumstances which make this a case so peculiar as to justify the passage of a law in regard to the restoration of one who has been dismissed from the Army.

Mr. CLAYTON. There is a written report which had probably better be read.

The PRESIDENT *pro tempore*. The Secretary will read the report.

The Chief Clerk read as follows:

The Committee on Military Affairs, to whom was referred the bill (S. No. 160) for the relief of S. K. Thompson, late second lieutenant Twenty-fifth United States Infantry, have had the same under consideration, and submit the following report:

That they find that the Committee on Military Affairs of the Forty-third Congress submitted a report in this case February 23, 1875, of which the following is a copy:

"This officer was tried by court-martial in June, 1874, and sentenced to be cashiered. The court consisted of seven members, one of whom was allowed to act as counsel for the defendant; a proceeding admitted by all who have examined the case to be irregular. Four of the court afterward recommended Thompson to the clemency of the reviewing authority.

"Your committee have examined the court-martial proceedings, and find the evidence to be contradictory, and much of it of a circumstantial nature; that the papers and affidavits filed by Thompson effectually disprove much of the evidence given before the court; and your committee can but think that if sufficient time had been allowed this officer to furnish the evidence to the court that has been placed before this committee, the findings of that court would have been entirely different.

"Lieutenant Thompson had been in continuous service in the Army from the commencement of the late war, and had been promoted from the ranks for gallant and meritorious conduct, and at the close of the war was appointed a lieutenant in the Regular Army. He furnishes testimonials from a great many officers with whom he served, all speaking of him in the highest terms. No charge was ever brought against him until this for which he was tried.

"In view of all the circumstances, your committee are of the opinion that Lieutenant Thompson is entitled to relief, and therefore report back the bill with amendments and recommend its passage."

In this report and its recommendation your committee fully concur, and recommend the passage of the bill now under consideration with an amendment.

Mr. WEST. I take the action of the committee as demonstrated by their report to be that of a reviewing authority correcting an erroneous sentence by a court-martial. Is that the case?

Mr. CLAYTON. That is substantially the case in the light of subsequent testimony.

Mr. WEST. In other words, the committee reviews the action of a court-martial, and re-instates this officer to his position in the Army?

Mr. CLAYTON. The bill authorizes the President to appoint him.

Mr. WEST. Yes; "with benefits of, and credit for, length of service."

Mr. CLAYTON. Yes, sir.

Mr. WEST. I can understand very readily how this officer might be restored to a credit for length of service; in other words, that his commission should date back; but I would like to ask the Senator whether it is the intention of the committee that this man shall be paid for the time he was out of service?

Mr. CLAYTON. If the Senator will read the bill, he will see that it does not provide pay for that time. It only gives him the benefit of service actually performed.

Mr. WEST. "With benefits of, and credit for, length of service."

Mr. CLAYTON. I will state to the Senator from Louisiana what the effect of it is. Under the law every officer is allowed for ten years' service an additional ration. This man served several years before he was discharged, and this bill only allows him credit for that service actually performed. It allows him no credit for the interval when he was out of service, and gives him no pay for that time.

Mr. WEST. The bill does not say so.

Mr. CLAYTON. Put that there, if you choose; but it is not necessary for it to say so. The bill is very plain on its face. It simply authorizes the President to appoint this man to the rank of second lieutenant, and, in addition to that, gives him credit for the service he actually performed before he was discharged from the Army.

Mr. MORRILL, of Vermont. If the Senator from Arkansas will allow me, I suggest that he insert after the word "credit" the words "without pay."

Mr. CLAYTON. I am perfectly willing that any Senator should put in any amendment that he thinks will make the construction more clear.

Mr. LOGAN. If the Senator will allow me, I will state that there is no objection to the amendment, but the bill cannot possibly be construed to authorize him to receive pay for that time. The Senator from Vermont will remember that, under the law in reference to the organization of the Army, each officer is allowed credit for the time he serves. To illustrate: Suppose an officer served five years during the war in the regular Army; he was then mustered out, and was out of the service for five years; he was after that time re-appointed to the Army; the five years he served during the war in the regular Army are added to his service since, not for pay, because he has already got his pay, but to show the length of time he has been in service in the Army of the United States, because so many years' service in the Army allows him an additional ration. That is what it means; it means nothing more, nothing less. That provision of the bill is only

to add the service that has already been performed to what service he may perform hereafter. He has been paid for his service, and hence it could not apply to pay at all, but only to the length of service that he may have performed in the Army.

Mr. MORRILL, of Vermont. I supposed that the bill meant nothing more than that; but the words I have suggested will certainly do no harm.

Mr. LOGAN. When I come to reflect for a moment, though I shall not object to the amendment, I fear it might do harm in this way: If you say "without pay" it might be construed when his ten years of service expire that they would not give him the extra ration.

Mr. FRELINGHUYSEN. Suppose you say "credit in rank."

Mr. LOGAN. That is what it does say.

Mr. FRELINGHUYSEN. No; it says "credit."

Mr. LOGAN. "Credit in rank" or "credit for time of service" makes no difference.

Mr. WEST. Say "without pay for the time in which he was suspended."

Mr. LOGAN. If Senators will consider the language of the bill, they will see it means that and nothing else. It cannot possibly be construed to authorize any additional pay; but if Senators think otherwise, I have no objection to the bill being amended in that way or by adding a proviso: "*Provided*, That he shall be allowed no pay for the time he was out of service."

Mr. WEST. Evidently the intention of the committee and the desire of the Senate is to do this man justice, but not to do the Government of the United States injustice by paying a man for serving the country when he was not so serving it.

Mr. CLAYTON. Will the Senator allow me one moment?

Mr. WEST. Yes, sir.

Mr. CLAYTON. The bill in its own language says, "and credit for length of service as a commissioned officer in the Army prior to August 10, 1874," the date of his discharge.

Mr. WEST. It is very evident that there must be some ambiguity about the bill, or else the Senator and I would actually agree. All I want to do is to protect the Government against paying any man for services he did not render, and I move to insert:

Provided, That pay shall not be accorded to Lieutenant Thompson during the time that he was suspended from the service.

That will meet the case.

Mr. CLAYTON. I have no objection in the world to that proviso going in, but I think it utterly useless, for the simple reason that this provides to do two things: First, to authorize the President to appoint this man to the Army. That does not carry back pay with it, certainly. Now, what is the next thing it does? The next thing is to allow him credit for the length of time he actually served before he was discharged; not since he was discharged, but before. Now, how can any one consider for a moment that that carries with it pay for the interval between his discharge from and restoration to the Army? But if Senators think it is absolutely necessary to protect the Government against injustice, I am perfectly willing to let the amendment be made.

Mr. BOGY. I wish to make an inquiry. Will not the effect of this bill be to restore to the Army an officer who has been tried by court-martial and dismissed from the Army?

Mr. CLAYTON. It authorizes the President to appoint him. It is a new appointment.

Mr. BOGY. It authorizes the President to appoint him, of course. Now, if that be so it destroys the effect of the court-martial. We have no means of investigating the case. It is true the appointment is to be made by the President, but it is an expression on the part of Congress that the action of the court was erroneous or that testimony has come to light since that day. We know nothing of that testimony. I say this, that officers of the Army are actuated by great and commendable *esprit de corps;* and, when an officer of the Army is tried by a court-martial and is dismissed from the service, I presume there are very few cases, if any, where that person should be restored again to the Army, because if there be any favor or affection to be shown it does exist in courts-martial from the fact that these persons belong to a court which is taken from the Army, and I, as a member of Congress, would not be disposed to place my vote against a judgment thus pronounced by a competent court-martial. I think the whole proceeding is of very doubtful expediency and propriety.

Mr. LOGAN. Mr. President, I to a certain extent agree with the Senator from Missouri; but to say that the proceedings of a court-martial shall not be reviewed is agreeing that a court-martial is an infallible body and can do no wrong. We might just as well say there should be no appeal from a jury to a higher authority. I know there are cases where courts-martial do injustice. It is very seldom that any report has ever been made from the Committee on Military Affairs to the Senate asking the restoration of an officer to the Army where he has been cashiered by order of a court-martial; but in this case I must say that I think great wrong was done to this young man. I presume there is no man who has ever served for any length of time in the Army but will agree with me that sometimes great wrong is done by a court-martial.

Now, to give a history of this case, this young man was ordered by his superior officer, being an infantry officer, to go on a scout. He took charge of a scouting party in pursuit of Indians. Being an infantry officer, he had no horse. He applied to the quartermaster, and the quartermaster furnished him with one of those mustang ponies that cannot be ridden or worked or anything else, and the pony threw him; and because the pony threw him he was charged with drunkenness and cashiered, when the evidence shows the charge to be totally false. There is the case.

Mr. CLAYTON. That was the only instance of his being charged with drunkenness.

Mr. LOGAN. That was the only instance of any allegation against him. I ask the Senator from Missouri whether he considers that that was a just judgment of a court-martial? If this officer had been cashiered for malpractice in the Army or for anything dishonorable or disgraceful, I would be the last man to be in favor of his restoration; but in this case I think he was outrageously treated, and that Congress would do wrong if they did not restore him. We do not restore him by this bill, however, and we do not even in the bill require the President to appoint him; but we give the President authority to appoint him. That is all. We have examined the case; the evidence was before the committee. I think it was an outrage upon this young man to cashier him for this alleged offense under the circumstances.

Mr. BOGY. The Senator from Illinois appeals to persons who have served in the Army. I served in the Army myself a great many years ago. Unlike my friend from Illinois, I was a private, while he was a very distinguished officer. But now, presuming all the alleged facts which he has stated to be true, were not all those facts brought before that court-martial? As a matter of course they were.

Mr. LOGAN. If the Senator will allow me to interrupt him, I will state right here that the officer appealed to the court-martial for time to produce this testimony, but it was not allowed to him. Since that he has produced the testimony to the committee.

Mr. BOGY. Statements of this kind can be taken with the utmost allowance, and yet when fully examined amount to very little. I am not at all questioning the perfect truth of what the Senator from Illinois states. Nevertheless, we must presume that all these circumstances, all these facts, and everything pertaining to this subject were brought before that court-martial. The members of these courts-martial are intelligent officers, who have no disposition and no interest to find a man guilty, particularly a private. They are the protectors of their soldiers; they are the friends of the privates; and all the facts stated on this floor now must have been brought before that court-martial beyond a doubt. If we can review this case, why cannot we review the case of General Porter by Congress?

Mr. LOGAN. We can.

Mr. BOGY. We can; but I presume there is no possibility of doing it.

Mr. LOGAN. There is a possibility of it. General Porter's petition has been before half a dozen Congresses for a review of the case, and Congress has perfect authority to-day to review it.

Mr. BOGY. Does my friend favor the re-opening of that case for investigation?

Mr. LOGAN. That is another question. We are talking about the authority of Congress.

Mr. BOGY. I do not doubt, nor did I question the authority of Congress. I am only trying to advance this idea, that Congress is really not very competent to investigate subjects of this kind, and that these courts-martial are much more competent and much more apt to do justice in these cases than Congress can possibly be.

Mr. LOGAN. That is not my experience.

Mr. BOGY. I have no feeling in this case whatever. I am only trying to lay down a principle which should govern Congress in cases of this kind. Here is a competent tribunal, which has tried this young man with all the facts before it beyond a doubt and dismissed him from the Army. Now, we are not in a position to review those facts intelligently.

Mr. LOGAN. I will ask the Senator this question: Suppose, according to his theory, that we find a case where it is perfectly patent to the world that a great outrage has been perpetrated upon an officer of the Army by the action of a court-martial, will he stand here and say there is no power to review it, because he considers officers of the Army gentlemen?

Mr. BOGY. Pardon me. I have not denied the power. Of course Congress has the power, but Congress ought to use it very sparingly.

Mr. LOGAN. Not only has it the power, but would it not be the duty of Congress to see that no wrong should come to an individual who was serving his country faithfully by the wrong action of a court-martial? Has not Congress time and again reviewed the proceedings of courts-martial and done precisely what we are doing here to-day? Hardly a Congress passes but what the action of some court-martial has been reviewed by Congress.

Mr. BOGY. It is a practice not very commendable, and my object is to arrest that practice as far as I possibly can.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Louisiana, [Mr. WEST,] which will be read.

The CHIEF CLERK. At the end of the bill it is proposed to insert the following proviso:

Provided, That no pay be given him for the actual period he was out of the service.

The amendment was agreed to.

The bill was reported to the Senate, as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CIRCUIT-COURT TERMS.

Mr. CONKLING. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. No. 53) fixing the time of holding the circuit court of the United States in the districts of California, Oregon, and Nevada, to report it back with one amendment.

Mr. SARGENT. The bill just reported favorably from the Judiciary Committee will take but a moment for its consideration. It relates to the terms of the circuit court on the Pacific Coast. The delegation generally are in favor of it, and the bill was prepared on the suggestion of the judge of the circuit court there. It will only take long enough to read it to pass it.

Mr. MITCHELL. I should like to hear the amendment read which was reported by the Committee on the Judiciary.

Mr. SARGENT. Certainly.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that a term of the circuit court of the United States for the districts of California, Oregon, and Nevada shall be held as follows: For the district of California, on the first Monday of February, second Monday of July, and fourth Monday of November in each year: for the district of Oregon, on the second Monday of April and the first Monday of October in each year; and for the district of Nevada, on the third Monday of March and the first Monday of November in each year.

The second section provides that the act shall take effect on the 1st day of February, 1876; and repeals all provisions of law inconsistent with it.

The amendment reported by the Committee on the Judiciary was to insert at the end of the first section of the bill the following:

And the said terms respectively shall be in the place and stead of those now provided by law.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF RULES.

Mr. MERRIMON. The Committee on Rules, to whom was recommitted the resolution introduced by the Senator from Indiana [Mr. MORTON] to amend the twenty-fifth rule of the Senate so that bills may be introduced without previous notice, have instructed me to report the same back and ask to be discharged from its further consideration.

The report was agreed to.

Mr. MERRIMON. The same committee have also instructed me to report the following order:

Ordered, That the Secretary be directed, in entering upon the Journal minutes of the introduction of bills and joint resolutions by unanimous consent without the previous notice required by the twenty-fifth rule, to use in making the entry the following form:

Mr. —— obtained leave to bring in a bill

[Here follows the title of the bill.]

The order was agreed to.

SENATOR FROM LOUISIANA.

Mr. MORTON. Mr. President, certain papers purporting to be the credentials of Mr. Eustis, of Louisiana, as Senator-elect from that State, were presented the other day, and laid upon the table. I can see no use myself for the reference of those papers to the Committee on Privileges and Elections, but on inquiry I am led to believe that that will be the more satisfactory course, and I therefore make that motion.

The PRESIDENT *pro tempore*. The Senator from Indiana moves to take from the table the credentials he has named and refer them to the Committee on Privileges and Elections.

The motion was agreed to.

BILLS INTRODUCED.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 324) to authorize deposits by clerks and other officers of courts in banks and other designated depositories; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. MORTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 325) to establish a mint for the coinage of gold and silver at Indianapolis, in the State of Indiana, and appropriating certain Government grounds and buildings to the use of the same, as also money for the purchase of the necessary machinery; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 326) for the relief of the widow of L. H. Rousseau, deceased, late brigadier-general and brevet major-general of the United States Army; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. CHRISTIANCY (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 327) for the relief of Dr. J. J. Gibson, of Corinth, Mississippi; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 328) to establish a mail-route in the State of Oregon and Idaho Territory; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 329) to establish certain mail-routes in California; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. MERRIMON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 330) for the relief of Hardie Hogan Helper; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. WEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 331) for the relief of James Madison Wells, of Louisiana; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. DAVIS (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 332) to amend an act entitled "An act to amend and supplement an act entitled, 'An act to establish a uniform system of bankruptcy throughout the United States;'" which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

REPORTER OF THE SUPREME COURT.

Mr. MERRIMON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Judiciary be, and they are hereby, instructed to inquire into the expediency of paying the reporter of the decisions of the Supreme Court a fixed salary, and having the reports printed by the Government and sold at cost.

JOINT RESOLUTIONS.

Mr. HAMLIN. I submit the following resolution; and, if there be no objection, I ask the Senate to consider it at this time:

Resolved, That the Committee on the Judiciary be directed to inquire into the expediency of repealing section 8, chapter 2, of the Revised Statutes, title 1.

Mr. CONKLING. What is that about?

Mr. HAMLIN. It is that clause in the Revised Statutes which allows the introduction of joint resolutions.

The resolution was considered by unanimous consent, and agreed to.

THOMAS H. COATES.

Mr. MERRIMON. Mr. President, early in the session I presented the petition of Thomas H. Coates, of North Carolina, and it was referred to the Committee on Claims. The committee recently reported the petition back adversely, and it was indefinitely postponed. That report was made by inadvertence. The testimony in the case was not before the committee. I have spoken to the chairman of that committee on the subject, and he concurs in the motion I am about to make. I move to reconsider the vote by which the petition was indefinitely postponed, and that it be re-referred to the Committee on Claims.

The PRESIDENT *pro tempore*. Is there objection to the reconsideration of this case? The Chair hears none, and it is before the Senate.

Mr. MERRIMON. Now I move that the petition be recommitted to the Committee on Claims.

The motion was agreed to.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. COOPER, it was

Ordered, That the petition and papers in the case of Ambrose Morrison be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. DENNIS, it was

Ordered, That the petition and papers in the case of William Cash be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. DENNIS, it was

Ordered, That the petition and papers in the case of Luther R. Smoot be taken from the files of the Senate and referred to the Committee on Claims.

LIQUOR TRAFFIC.

Mr. SHERMAN. I move that the Senate proceed to the consideration of Senate bill No. 124, reported from the Committee on Finance with an amendment.

Mr. DAVIS. I desire to notify the Senator from Ohio that at one o'clock I expect to call up my resolution.

The PRESIDENT *pro tempore*. The Chair will announce the expiration of the morning hour at that time. Is there objection to the present consideration of the bill named by the Senator from Ohio?

There being no objection, the bill (S. No. 124) to provide for a commission on the subject of the alcholic liquor traffic was considered as in Committee of the Whole.

The amendment of the Committee on Finance was to strike out all after the enacting clause of the bill, and in lieu thereof to insert:

That there shall be appointed by the President, by and with the advice and consent of the Senate, a commission of five persons, neither of whom shall be the holder of any office of profit or trust in the General or a State Government, and all of whom shall not be advocates of prohibitory legislation or total abstinence in relation to alcoholic or fermented liquors. The said commissioners shall be selected solely with reference to personal fitness and capacity for an honest, impartial, and thorough investigation, and shall hold office until their duties shall be accomplished,

but not to exceed one year. It shall be their duty to investigate the alcoholic and fermented liquor traffic and manufacture, having special reference to revenue and taxation, distinguishing as far as possible, in the conclusions they arrive at, between the effects produced by the use of distilled or spirituous liquors and the use of fermented or malt liquors, in their economic, criminal, moral, and scientific aspects, in connection with pauperism, crime, social vice, the public health, and general welfare of the people; and also inquire and take testimony as to the practical results of license and restrictive legislation for the prevention of intemperance in the several States, and the effect produced by such legislation upon the consumption of distilled or spirituous liquors and fermented or malt liquors; also to ascertain whether the evils of drunkenness have been increased or decreased, and whether public morals have been improved thereby. It shall also be the duty of said commissioners to gather information and take testimony as to whether the evil of drunkenness exists to the same extent, or more so, in other civilized countries, and whether those foreign nations that are considered the most temperate in the use of stimulants are so through prohibitory laws; and also to what degree prohibitory legislation has affected the consumption and manufacture of malt and spirituous liquors in this country.

SEC. 2. That the said commissioners shall serve without salary, shall be authorized to employ a secretary at a reasonable compensation, not to exceed $2,000 per annum, which, with the necessary expenses incidental to said investigation, in all not exceeding $10,000, of both the secretary and commissioners, shall be paid out of any money in the Treasury not otherwise appropriated upon vouchers to be approved by the Fifth Auditor of the Treasury. It shall be the further duty of said commissioners to report the result of their investigation and the expenses attending the same to the President, to be by him transmitted to Congress.

Mr. BOGY. When was this bill reported?

Mr. SHERMAN. I will state that this bill was reported by the Committee on Finance a few days since. It is the same in substance, and I think almost in words, as the bill which the Senate passed at the last session of Congress. It is reported at the earnest request of a great number of petitioners who have petitioned both the last and present Congress, asking that a fair and impartial investigation be made, not by men on one side only, but by men on both sides, to examine into the acknowledged evils that spring from the sale of intoxicating drinks, and see whether, in our legislation for this District and for the Territories, or in the assessment of our revenue, there can be any reforms made that will tend to promote temperance and good order.

Mr. HOWE. How much time is allowed?

Mr. SHERMAN. A year. The commissioners are to serve without pay, and are not to be officers of the General or the State Governments. They are not to be men of one opinion, but of all opinions. The bill was amended at the last session somewhat, and the Committee on Finance reported, as amended, the bill as it passed at the last session. I do not care myself to discuss the question, but hope the measure will pass.

Mr. BOGY. I shall not discuss the bill on its merits at this time, but will only say that I am opposed to its passage. Not that I am an advocate of intemperance, for I am a temperance man myself to a certain extent, and have never favored intemperance, but always discountenanced it. Nevertheless my opposition to this bill is one of principle. I am opposed to that class of legislation. I am opposed to that class of subjects being brought before the Congress of the United States for its action. I think all subjects of that character had better be left to the legislation of the States, and relieve Congress from the vast mass of legislation which will follow this system. Our tables are now groaning under a large number of bills, and the number is increasing with great rapidity every day, and we are gradually drawing from the States all matters of legislation, and assuming to pass upon those subjects ourselves here.

But this subject of temperance partakes of the moral order; it touches the relations of man in society. It has nothing of a Federal character in it. It is of that class of subjects which we call the moral or social order, and with which the Congress of the United States has, according to the principles of the Constitution, nothing to do. If we gradually absorb all this vast mass of legislation the year will not be long enough for us to investigate these endless subjects. It is doing the States not only great injustice, but doing the Congress great injustice.

It is true the way the subject is presented it is covered up with the statement that the investigation is to be one affecting the revenue; but that is merely a cover. The commissioners are authorized to investigate the subject in its moral aspects; are authorized to investigate the effect of the trade in alcohol, not only in this country but in Europe, and whether the legislation that has taken place in the different states of Europe has tended to diminish or increase the evils of drunkenness. It provides a wide subject of legislation with which I contend we have nothing to do.

It is said that we had the same bill before our body last winter, and that it passed the Senate. I then had the same objection to it that I have now. The subject is one with which we ought not to interfere; it belongs exclusively to the State.

The PRESIDENT *pro tempore*. The morning hour having expired, the Chair will lay before the Senate the resolution proposed by the Senator from Indiana [Mr. MORTON] relative to the Mississippi election.

Mr. MORTON. My health is such that I am not able to go on this morning; but the Senator from West Virginia spoke to me last week and expressed his desire to proceed this morning with the consideration of a resolution of his which is pending, and I told him that so far as I was concerned I would not stand in the way.

Mr. DAVIS. Mr. President——

Mr. SHERMAN. Before the Senator from West Virginia proceeds, I give notice that as soon as this matter is over I will try to get the action of the Senate on the bill which is now the unfinished business of the morning hour.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Indiana to move to postpone the pending order and all prior orders, and that the Senate proceed to the consideration of the resolution offered by the Senator from West Virginia.

The motion was agreed to.

DEATH OF SENATOR O. S. FERRY.

Mr. EATON. With the consent of the Senator from West Virginia, I desire to give notice that on Wednesday of next week, being February 2, I will offer resolutions in regard to the death of my late colleague, Mr. FERRY. The subject is postponed to that late day on the request of a Senator who desires to be heard on the resolutions, and who is now absent. I shall ask the consideration of the Senate to the matter on that day.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 219) to permit the judge of the district court of the United States for the western district of Pennsylvania to retire;

A bill (H. R. No. 828) to correct an error in enrollment;

A bill (H. R. No. 1208) to correct a mistake in and amend section 4130 of the Revised Statutes;

A bill (H. R. No. 1343) to relieve S. J. Gholson, of Mississippi, of his political disabilities imposed by the fourteenth amendment of the Constitution; and

A joint resolution (H. R. No. 11) authorizing G. Harris Heap, United States consul at Tunis, to accept the trust of commissioner of the Bey of Tunis.

TREASURY ACCOUNTS.

The Senate resumed the consideration of the resolution submitted by Mr. DAVIS on the 12th instant.

Mr. DAVIS. Mr. President, I hope to be as brief as the subject will permit, and I expect to show that the statements made in my former remarks in support of this resolution are fully sustained by the facts and figures, while the explanations of the changes of figures and discrepancies made by several Senators, and especially the Senator from Massachusetts, the Ex-Secretary of the Treasury, are not well founded and are not fully sustained by the reports.

I will also cite a few other instances and examples from the finance reports of changes and discrepancies in the annual statements of receipts and the public debt. I have been told by Senators in debate that my statements and remarks might affect the public credit. In this connection I desire to say that it is far from me by word or deed to injure the public credit. It belongs to us all, and to sustain and uphold it should be the pride and duty of all. What I have said or done I have intended to be in the interest of the public credit and the welfare of the people of this country, and I desire to ask who is the true friend of the public credit and of the country? Is it he who attempts to cover up and keep in the dark errors, irregularities, and frauds (if there are any) in the administration of the Government, or he who exposes and brings them to light?

If there have been gross errors and mismanagement, changes of figures and statements without warrant of law in the Treasury of the nation, let it be known, to the end that they may be corrected and such laws passed and regulations adopted as will prevent a recurrence of the same.

To me this is a most serious question, and of vital interest to the whole country away above and beyond all party considerations, and I have endeavored fairly, calmly, and impartially to treat it as such. If the records, figures, and statements of the Treasury Department that have been fixed and reported for years can be changed and altered at will, then our financial affairs can never rest on a sound basis, and our public credit, so long as this state of affairs exists, will be constantly imperiled.

I will now review the speech of the able Senator from Massachusetts [Mr. BOUTWELL] in reply to my former remarks. He informs us that he was aided by a statement prepared at the Treasury Department. I ask the Clerk to read the remarks of the Senator [Mr. BOUTWELL] which I have marked in the paper I send to the desk.

The Chief Clerk read as follows:

> The first definite statement made by the honorable Senator from West Virginia related to the annual expenditures from 1861 to 1866, including two statements, one drawn from the reports previous to 1870 and the other drawn from the report of 1870, showing a difference or increase in the latter report of the sum of $3,271,970.43. This difference is made up from many items. The entire amount of the difference shows an increase in the expenditures during the years mentioned of the sum of $3,271,970.43; and a summary explanation may be stated thus: In the finance report of 1869, page 321, are included outstanding warrants to the amount of $4,618,694.91 which do not appear in the report for 1870. In the report for 1870, page 275, are included trust funds to the amount of $7,290,069.54 which do not appear in the report for 1869. The difference between the two, the sum of $3,271,970.43, is the exact difference claimed to be an increase of expenditures as shown by the statement.

Mr. DAVIS. The Senator says the difference "is made up from many items," yet explains only two. Warrants and trust funds. What warrants? We are not told by the Senator, what or how or where they came from. He simply says warrants and trust funds. He has not even told us what trust funds? If we examine the reports of 1869,

page 321, also the report of 1870, page 275—which are the pages we are directed by the Secretary to examine—you find no reference to warrants or trust funds. Again, the reports of 1869 and 1870, from which I took the figures used, was years after the report was closed and sent to Congress. The amounts given by the Senator is not as he states "the exact difference." They do not agree. The next point of the honorable Senator [Mr. BOUTWELL] is as follows, which the Clerk will read.

The Chief Clerk read as follows:

The next specific statement by the honorable Senator from West Virginia is this. He says:

"The net ordinary expenditures of the Government for the year 1865, as stated in the finance report for 1869, are $1,212,911,270.41. The same expenditures for the same year, as stated in the finance report for 1870, are $1,214,349,195.43, showing an increase of $1,437,925.02."

In the preparation of these two statements different data are included under the head of "net ordinary expenditures." For instance, in the finance report of 1869 there was included an item for the purchase of gold coin authorized by the first section of the act of March 17, 1862, amounting to $5,072,909.11. Under the same head there was also a payment of $735,416.93 of outstanding warrants which belonged to previous years, these two items amounting to $5,808,304.04. In the report for 1870 the items of trust funds, namely, Chickasaw and Choctaw and Navy pension fund, amounting to $7,242,242, are included under the head of "net ordinary expenses," precisely as I before stated in reference to a similar matter under the head of expenditures. The difference between these two accounts represents the discrepancy referred to, $1,433,937.96.

Mr. DAVIS. Here again you have warrants and trust funds coming in. Whether or not they are the same warrants and trust funds used in the last explanation the Senator does not tell us.

Again, this year's (1865) accounts had been closed and reported to Congress five times in five annual reports, and then it is changed and increased near a million and a half of dollars.

If the figures given were the true cause of the increase they ought to agree, but they will not by thousands of dollars.

It is plain, Mr. President, that the figures given do not balance by several thousand dollars. Now I will ask the Clerk to be kind enough to read the next point of the Senator from Massachusetts [Mr. BOUTWELL] which is in regard to pensions.

The Chief Clerk read as follows:

The next item relates to pension expenditures. In the report of 1872, as stated by the honorable Senator from West Virginia—and his statement, I believe, is correct—the expenditures for pensions are stated for the year 1864-'65 at $16,347,621.34. In the report of 1869 the same expenditures for the same year are stated at $9,291,610.48. The latter, a small sum, represents the amount of pensions actually paid to persons authorized to receive pensions under the laws of the United States. There had accumulated in the Treasury Department an amount of money, $7,000,000 and more, arising from naval operations or forfeitures under the laws, which had been placed on the books of the Department to the credit of the pension appropriations, whether wisely or not I cannot say.

Mr. DAVIS. In this case warrants would not do; the amount was too large. So the naval pension fund is brought in and seven millions taken from that to make up this large increase. Now, this naval pension fund was set aside by law, and no one had a right to use it. This the EX-SECRETARY knew, and in his remarks he admitted this. Bear in mind this large increase occurred five years after the report was made to Congress and after the accounts for 1865 were closed. Now, after $7,000,000 are taken from the pension fund unlawfully, there is still unaccounted for $56,010.86, to which no reference whatever is made.

The next item that the Senator refers to in his reply to me is the item showing a discrepancy of $5,840.73. The Senator says:

That is explained by the circumstance to which I have referred, that warrants drawn had not been paid in full, and when the analysis was made there was a difference of that amount.

"In the report of 1870"—

Says the honorable Senator from West Virginia—

"the expenditures for pensions in the year 1870 are stated at $28,340,202.17.

In the report of 1874"—

"The last report preceding that which we now have—

"the same expenditures for the same year (1870) are stated at $28,402,241.20, showing an increase in the report of 1874 over 1870 of $62,039.03."

This is explained in the same way: warrants drawn in prior years and paid that year.

The next item is naval expenditures, showing an increase in the report of 1871 over the report of 1869, in naval expenditures for the year 1865, of $49,657.95, the amount of outstanding warrants paid, including the naval hospital fund.

There are three or four separate and distinct items in different years which increase largely the amounts reported to Congress as expenditures. Warrants and hospital funds are used here to cover up and explain this increase. Now this is a convenient way to explain increases and changes in statements to Congress. If the amounts had been ten times as much and ten times as great, warrants paid and unpaid might have been used. What convenient things these warrants are!

The next item that the Senator refers to is the accounts of the War Department, where there was a discrepancy of $4,015,800.99.

The Senator says:

Now, it happens that at the close of that year there were outstanding warrants, that is, warrants on which the full amount had not been paid, amounting to $5,306,612.24, and at the end of the year there were still outstanding warrants which had been drawn previous to the commencement of that year amounting to $1,290,801.25, showing $4,015,810.99, being within $10 of the precise amount, according to the statement made by the Senator from West Virginia. That $10 thus far has not been explained.

Again, the warrants paid and unpaid come in and are made to explain over four millions in a single year in one Department. But still the warrants would not quite balance, and the Senator says $10 is yet to be explained. Why stop to talk about $10 when there are many millions not accounted for, which the Senator passes without explanation; $10, let it go. Pensions or warrants will explain it.

Mr. President, I come next to a statement as to the Indian expenditures, which I will thank the Clerk to read, and I call the attention of the Senate especially to this because I was corrected by the Senator from Massachusetts, and two or three other Senators joined with him, and I want to show him and the Senate that I was then correct, and that the matter stands to-day as it then stood.

The Chief Clerk read as follows:

The expenditures of the Indian Department for the year 1870 are stated by the Senator from West Virginia as follows:

In the report for the year 1870 the expenses in the Indian Department for the year 1863 are reported in the statement of annual expenditures at	$3,152,032 70
While in the report for the year 1868 these same expenses are reported for the same year at	1,076,326 35
Showing an increase in the figures of the report of 1870 over the report of 1868 in the Indian expenditures for the same year of	2,075,706 35

Somebody has to plead guilty to an error there. If the honorable Senator from West Virginia will look at the statement he will observe that the Indian expenses and the pension expenses are in parallel columns, one following the other. It happened that one year, 1868, the compositor set up the figures which should have been placed under the head of "Indian expenses" under the head of pensions." They were exactly reversed. The next year each was put in its proper place, and the country is indebted to the honorable Senator from West Virginia for compelling us to make this discovery.

Mr. DAVIS. Mr. President, here is a positive and plain statement that the above was an error of the printer, and existed but one year, and that after that all was made right; and I have the credit, according to the Senator from Massachusetts, of compelling us to make this discovery.

I ask the attention of Senators to what followed; and it will be seen that the Senator from Massachusetts was in error, and not the printer nor the Senator from West Virginia.

Here is what was said; and you see several Senators joined to help the EX-SECRETARY [Mr. BOUTWELL] to clinch the nail:

Mr. DAVIS. Of course I have not the figures before me, but my impression is that the Senator will find a different state of things. I think there is a discrepancy in several reports.

Mr. SHERMAN. The first statement is correct?

Mr. BOUTWELL. They were transposed one year.

Mr. SHERMAN. Which is the correct one?

Mr. BOUTWELL. I am not prepared at this moment to say which is the correct one, but they were transposed, so that what the Senator from West Virginia says, that there appeared to be that change, actually did appear. That is, the pension expenses one year were put under the head of the Indian expenses and the Indian expenses at the same time were put under the head of pension expenses.

Mr. EDMUNDS. That was done by the printer.

Mr. BOUTWELL. By the printer. It was not discovered in time, but the change was made back again the next year with an alteration of about $8,000 finally, in consequence of warrants drawn and not paid; so that one of those accounts was changed.

Mr. CONKLING. The transposition was not on the books of the Department?

Mr. BOUTWELL. It did not touch the books of the Department. It was merely a mistake in the printing office, which was not observed by the proof-reader.

Now, let us see what the facts are. The Indian expenses were stated in the report of 1863 at $1,076,326.35, and at the same amount in the reports of 1864, 1865, 1866, 1867, 1868, and 1869; and in 1870 the amount was changed and increased to $3,152,032.70, sustaining my figures and position—showing an increase of $2,075,076.35.

Now we will examine the reports since 1870 and see if the statement of the honorable Senator [Mr. BOUTWELL] is sustained, namely, that it was a transposition of figures, which occurred but one year and was the fault of the printer.

Mr. President, up to to-day the figures stood just as I stated them. There is no transposition of them. They are in the reports to-day as I stated them, and they have been in the reports from that day to this. You will find in the statement just made to Congress by the Secretary of the Treasury that under the head "Indians" for 1863 the figures I then gave still stand, and there could not have been a transposition or change simply of figures; but the fact remains that the Indian expenses between 1863 and 1870 were raised over $2,000,000, and the figures are standing to-day, and prove what I asserted. But several Senators who took part in the discussion at that time thought differently; nevertheless, it is yet so, and has remained so all the time.

We find that the Indian expenditure continues at $3,152,032.70, and no change or transposition, as stated by the honorable Senator, [Mr. BOUTWELL.] We also find the figures as to pensions differ, and are not the same previous and subsequent to 1870. Therefore a mere transposition, as claimed, will not answer the purpose, and in fact it is not the case. The figures to-day stand as I stated, and the annual statements show the $2,000,000 increase in Indian expenditures for 1863.

I will thank the Clerk to read what I have marked from the remarks of the Senator from Massachusetts.

The Chief Clerk read as follows:

The Senator from West Virginia says:

"I come next to the discrepancies in the statements of revenue collected.

"In the finance report for 1863, in the annual statement of revenue collected for that year, we find the internal revenue stated at $37,640,787.95."

Then he goes on to say—it is not a very definite statement, as I understand it—that afterward this sum one year, or a sum equal to this, disappeared from the receipts and afterward re-appeared. The simple truth about it is this, that a clerk in the Treasury Department, the public-debt account standing upon the sheet from which he prepared his statement for the printer immediately below the receipts of internal revenue for that year, added the receipts from internal revenue into the

public debt. It was a gross mistake, inexcusable; but that is the fact. It was afterward explained in the reports, but I suppose it escaped the observation of the honorable Senator from West Virginia. The error was corrected in a subsequent report.

This thirty-seven millions the honorable Senator says was dropped from revenue and added to the debt statement by a clerk, and yet the books balanced! How is it possible that $37,000,000 could drop in and out and cause no confusion in the books or alarm in the Treasury Department? This is a sad commentary upon the book-keeping of this great nation!

The Senator from Massachusetts said further:

In the report for 1871, which is one of the years to which the attention of the Senate has been called, the statement of the public debt represents the principal of the debt as made from receipts and expenditures. That for the year 1870 is made up from entirely different data, principally from the loan accounts. Other items are included, however, as will be made apparent from the following analysis:

The statement in the report of 1870 of the amount for the year appears as given, $2,386,358,591.74. The data from which this was made up are as follows:

Principal of the debt	$2,601,675,127 83
To which is added interest accrued	50,607,556 52
Making total debt, principal and interest	2,652,282,684 35
From this amount were deducted—	
Coin in the Treasury	112,776,048 88
Currency in the Treasury	28,945,067 19
Sinking fund in United States coin-interest bonds with accrued interest thereon, and other coin-interest bonds purchased with accrued interest thereon	124,202,968 54
Leaving the amount of the debt as above stated, less cash in the Treasury and bonds with interest thereon	2,386,358,599 74

The amount of the debt in the report of 1871, which of course was larger for the fiscal year 1870, is stated at $2,480,672,427.81, and represents the exact principal of the debt after deducting the principal of the bonds purchased on sinking-fund account, and excluding the item of accrued interest as above stated, and also the entire amount of cash in the Treasury.

The statement for the fiscal year 1869 was prepared in precisely the same manner and with the same results. The chief difficulty in regard to these accounts arose from the circumstances that the Register used the statement of the public debt made by the Secretary of the Treasury, which included accrued interest on the one hand, and from the aggregate so obtained the cash in the Treasury was deducted. This was an erroneous proceeding on his part.

The Senator from Ohio [Mr. SHERMAN] explained the debt for the same year—1870—and did so with different items and figures. This shows that the Ex-Secretary [Mr. BOUTWELL] and the chairman of the Finance Committee [Mr. SHERMAN] do not understand alike the annual statements of the public debt. Now, if those two Senators do not understand the statements of the Treasury Department, who can? It will be noticed that the Senators have taken but one year of the nine I cited, and both the same year—1870—for the purposes of explanation, leaving eight years, in which the public debt was increased or decreased, entirely unnoticed.

I now come to the discrepancies and changes of figures cited in my former remarks which have not been explained or attempted to be by the honorable Senator from Massachusetts or any other Senators. I have the statement of expenditures as given by myself showing that $3,271,970 was the total; but by looking over the report it will be found that I gave separate and distinct years, one of which was $9,000,000, another $4,000,000, another one and a half millions of dollars; yet the Senator passed over this entirely without any notice whatever. Nine millions in a single year the expenditures were advanced, and no notice was taken of it whatever in the reply!

I come now to the loans, Treasury notes, &c., cited by myself. I stated that the report of 1863 and subsequent reports put the loans and Treasury notes for the year 1863 at different amounts:

In the report of 1863	$756,489,905 57
In the report of 1864	776,682,361 57
In the report of 1870	814,925,494 96

These different figures are all for the same year. Now think of it, loans and Treasury notes that ought to agree, changing with the different years, and if you take the report of 1875 you will find that the figures are again changed to another amount. In the debt statements of which I drew comparisons I showed that there was a difference of $248,960,352.94, and gave nine years as examples. Those, too, are passed over with very slight explanation. I said then, and I say now, that for the nine years it will be seen that the report of 1871 increased the public debt for the years named in the aggregate, $248,960,352.94; and that in the single year of 1870 the report of 1871 increases the public debt over the report of 1870 for that year over $94,000,000 and for the year 1869 over $99,000,000; and for the year 1864 the increase is more than $75,000,000 and for the year 1863 more than $21,000,000; in the year 1862 about $10,000,000; and yet but one of the years is noticed by either of the Senators who made replies to myself.

Now, it is a fact that in 1871 there was a wholesale change in figures running back thirty or forty years in the table of the Register, and altering the amounts, which, in some instances, had been fixed, closed, and reported to Congress for twenty or thirty years. This change and alteration of figures increased the public debt in the aggregate $247,766,674.71.

Now, Senators, think of it, that official annual statements of the public debt, after having been reported to Congress each year for from one to thirty years, are changed and increased hundreds of millions of dollars and no report is made to Congress of the fact, nor is there any law to justify it. *There must have been an object. What it was let those who made the changes answer.*

There is no question about the change of annual official statements; but the Senator from Massachusetts says the books have not been changed. If they have not, the statements to Congress and the books do not agree; one or the other or both may be wrong. Certainly both cannot be right. Which are we to accept as correct, or ought each to be rejected?

It is said that the Register changed the figures. I cannot believe he would do so without authority from some official whose order he felt bound to obey. I venture the prediction that if to-day you ask the Register whether or not the warrants, &c., in his office will sustain the reports to Congress or his books, he will tell you they cannot sustain both. I again ask, why were the annual reports and statements to Congress changed? What was the object? Was it to force balances? Was it that the bonds sold, revenue received, cash on hand, and expenditures would not agree?

I have several times asked how and from what was the Secretary's new table of 1870 made up, and no reply has been made. This table is the starting-point of great changes. We are told that in the nature of things the reports from year to year cannot agree. If this be so, how is it that from the beginning of the Government to 1870 they did substantially agree and for the last few years they agree? It is strange, yes more than strange, that at about 1870 the great changes took place which decrease revenue years after it was covered into the Treasury, also increased the public debt and expenditure many, many millions. The large alterations and changes involving hundreds of millions took place between the years 1860 and 1871.

I have not compared the Treasurer's and Register's accounts. There I would expect a difference, owing to paid and unpaid warrants, &c., but I cannot see why the Secretary's and Register's accounts differ so widely. I now desire to cite other and further instances and examples not referred to in my former remarks wherein the statements of the revenue collected have been changed so as to decrease the amounts, and the statements of the expenditures and public debt changed so as to increase the amounts thereof for the same year, and I omit for the present to refer to the changes, discrepancies, and irregularities that I think exist in the loan division of the Treasury Department, especially as to bonds issued and redeemed, commissions and interest paid, the cash and coin account for different years, and the Bureau of Printing and Engraving; nor to the confessed difference of $116,000,000 in the statement of the public debt, which is attempted to be explained away on page 20 of the finance report of 1871, believing the committee, if appointed, will bring these and many others to light, or they will be treated by some other Senator abler than myself if the committee should not do it.

If we compare the statements of the annual revenue collected made by the Register in the finance report for 1866 for the years 1862, 1863, 1864, and 1865 with the statements of the annual revenue collected in the finance reports for 1870 for the same years, we not only find that the amounts differ widely but the finance report for 1870 states that the revenue collected for these years was much less. For instance:

For year 1862.	
Report for 1866 states net revenue collected	$51,935,720 76
Report for 1870 states net revenue collected	51,907,944 62
Showing a decrease of	27,776,14
For year 1863.	
Report for 1866 states net revenue collected	112,687,290 95
Report for 1870 states net revenue collected	74,448,157 55
Showing a decrease of	38,239,133 40
For year 1864.	
Report for 1866 states net revenue collected	$264,626,771 60
Report for 1870 states net revenue collected	262,742,354 32
Showing a decrease of	1,884,417 28
For year 1865.	
Report for 1866 states net revenue collected	333,714,605 08
Report for 1870 states net revenue collected	323,092,785 92
Showing a decrease of	10,621,819 16

What explanation there can be for these enormous differences I cannot imagine, and I do not believe any whatever can be made. Here we find that the amounts of the net revenue collected during certain years have been determined and fixed for these years at certain and definite sums and reported to Congress in the annual reports for eight years without any difference or disagreement between the reports until 1870, when it occurs that these sums so determined, fixed, and reported are changed and altered to smaller amounts, showing that the net revenue was not what it had been reported by former officers for these years, but was in the aggregate $50,000,000 less.

Now what became of this fifty millions; how did it disappear? If the reports from 1862 to 1869 are to be believed and credited it was in the Treasury of the United States; but the Secretary in 1870 says in effect it was not there.

It is useless to say that when money is once covered into the Treas-

ury it can be paid out or disappear except by virtue of an appropriation by Congress.

Warrants issued and warrants paid, trust funds, pension funds, coin in the Treasury, and other items have been made use of to explain discrepancies in the statement of the annual expenditures; but they can be of no aid to show why, when revenue has once been covered into the Treasury and reported to Congress for a certain year, it can be decreased.

PUBLIC DEBT STATEMENTS.

I will now refer to some changes in the statement of the public debt. In all of the finance reports from 1835 to 1870 the public debt has been stated for the following years as follows:

July 1, 1836	$291,089 05
1837	1,878,223 55
1841	6,737,398 00
1843	27,203,450 69
1858	44,910,777 66
1859	58,754,699 33
1860	64,769,703 08

The finance report for 1871 on page 369 in the statement of the public debt changes these figures, in every instance increasing them, and states the public debt for these same years at—

July 1, 1836	$336,957 83
1837	3,308,124 07
1841	13,594,480 73
1843	32,742,922 00
1858	44,911,881 03
1859	58,496,837 88
1860	64,842,287 88

The aggregate increase in the public debt in these years is over $13,000,000.

The report of 1871 changes the figures and increases the public debt over all former reports for the year 1837 nearly $1,500,000; for the year 1841, over $6,000,000; and for the year 1843, over $5,000,000.

It must be borne in mind that these changes which were made in the year 1871 reach back from that year to the year 1836, a period of thirty-five years.

Now, how is it possible there can be an explanation of these discrepancies or any warrant for them?

While on this subject of the public debt and the changes in the statements thereof, I desire to state further that I find what is generally known as the Pacific Railroad debt was, by Mr. McCulloch for several years and his successor in the year 1869, stated and reported as a part of the public debt, amounting in that year to near $60,000,000; but in the report of 1870 this item of near $60,000,000 is stricken from the public debt and placed in a separate table, and from that year until now it has been and is reported and treated not as a part of the public debt but as a debt of the Pacific railroad, when in fact it was and is as much a public debt as it was when stated and reported as such in the reports of 1869 and previous years.

In the year 1870 there was an apparent reduction of the public debt of over $100,000,000, (according to the finance report;) but this reduction was in a large measure only apparent, and due to a stroke of the pen—a mere transfer of about $50,000,000 to another table. The country gave credit to the administration for this large decrease of the public debt during this year, when in fact the larger part of it was due to the change in book-keeping and the Secretary's new tables.

In the course of the debate on the resolution now under consideration the distinguished chairman of the Committee on Finance [Mr. SHERMAN] made use of this language, which I will thank the Clerk to read.

The Chief Clerk read as follows:

> The accounts of the Treasury Department have always been based upon the system established by Alexander Hamilton, enlarged from time to time by the growth of the operations of the Government. Instead of one Auditor in the Treasury, there are now six; instead of one Comptroller, there are now three; instead of thirty or forty clerks in the different branches of the Treasury, there are now somewhere from two to three thousand—the amount of business is so enormously enlarged. I have often heard it complained that the system of keeping accounts in some branches of the service ought to be changed, but it is a very difficult and very dangerous process, and I invite the careful scrutiny of any man who undertakes to improve on the work of Alexander Hamilton and Albert Gallatin and all the great men who have filled the office of Secretary of the Treasury, and to devise a better system of accounting than they with their mature minds and long experience established, and which has been enlarged with the gradual growth of our Government. Their system has been the frame-work of our finances for more than eighty years. The gradual additions to the mode of accounting that have been made by law have probably made as perfect a system as can be devised. But he must be a bold man and a wise man who will undertake, without study and experience, to step in and devise a better system than this. If we had such a man, if there is such a one who is willing to undertake the task, I shall be very glad to co-operate with him. I doubt very much the propriety of any tinkering with so complicated a machine as the Treasury Department.

Mr. DAVIS. Mr. President, I know that figures and facts are always very dry subjects, and I am sorry to see that the Senator from Massachusetts [Mr. BOUTWELL] has left the Chamber for a moment. I have something to which I want to call his attention.

I fully agree with the Senator from Ohio [Mr. SHERMAN] in all that he has stated as to the complete system of keeping the accounts in the Treasury Department, adopted and perfected by such great men as Alexander Hamilton, Albert Gallatin, and others; and I particularly agree with him when he says:

> He must be a bold man and a wise man who will undertake, without study and experience, to step in and devise a better system than this.

But, sir, this bold and wise man seems to have been found in 1870 and 1871, because in those years great changes and alterations are found to have taken place in the statements and annual reports of the Treasury Department. And I agree with the Senator entirely when he says:

> I doubt very much the propriety of any tinkering with so complicated a machine as the Treasury Department.

And because of this interference, changing and alteration of statements, especially in the years 1870 and 1871, I have introduced this resolution so that the facts may be made known. The Senator from Massachusetts [Mr. BOUTWELL] admits that he introduced a new system, and uses this language:

> In 1869 and 1870, when we found that there were no present means of checking the accounts of the Register of the Treasury, we instituted a public-debt account in the office of the Secretary of the Treasury, and we went back. * * * And therefore this system of which so much complaint is made now was instituted in 1869 and 1870 as a check upon the Register's Office and for the purpose of enabling the Senator from West Virginia to ascertain whether the accounts of the Treasury were accurate or not—

giving as a reason that this "system was instituted in 1869 and 1870 as a check upon the Register's Office."

My understanding and belief are that the First Comptroller and the Treasurer have always been a check upon the Register, and the Senator may have been in error in his statement and reason for instituting his new system and tables; certainly he was as to the revenue and expenditures.

Now, in the face of these facts, enough to produce alarm, I do not hesitate to re-affirm and declare that changes and alterations of figures in the finance reports have been made involving large amounts. It is certain that in the report for 1870–'71 the revenue collected for certain years has been decreased and that the expenditures and public debt have been increased. There must have been some object more than has been made known, and I leave it to them who know best to explain what it was.

Since the introduction of the resolution under consideration I have been asked if I charged or intended to charge fraud or the improper use of money in the Treasury Department during certain years. I have not stated that there was fraud, nor have I said there was not. When I first presented to the Senate figures and facts which clearly showed many changes and alterations in the annual statements made to Congress involving large amounts, I was disposed to believe and did hope they could and would be explained by some Senator or Treasury official.

The facts are, however, that several Senators, and especially the senior Senator from Massachusetts, aided by a statement from the Treasury Department, have endeavored to explain a portion of these changes and discrepancies, and in my judgment have thrown but little, if any, light upon them; and as to the other portion no attempt whatever has been made to explain them. And when I consider that every opportunity has been afforded those who ought to understand the workings of the Treasury Department, and even the Treasury officials themselves, to render an explanation, and they fail, I am reluctantly compelled to the conclusion that there is no reasonable explanation to be had, and that these changes and alterations have not resulted in public good, and if there have been frauds they have in part served to cover up and conceal them.

In my investigations I have been compelled to rely on the official reports only for information. I have had no aid in discovering these alterations and changes from the Treasury Department or its officials. Whenever I have made inquiry of any person connected with the Treasury Department as to changes and discrepancies pointed out by myself, I have been treated with politeness and met with a disposition to explain them away.

The resolution now under consideration was introduced with no purpose except to obtain what I regard as important public information, and in the presentation of the facts I have gleaned in its support I have undertaken to be fair toward the subject and toward all who may have been in the least generally or especially affected by it. I believe the matters I have presented demand thorough investigation and prompt correction. I am sorry there are leading Senators on the other side who do not agree with me. At first it seemed that all were for investigation by a special committee; but now it is proposed to send it to a committee a large majority of which is friendly to the Administration responsible for the changes and discrepancies I have pointed out, and some of whom have avowed opinions as to the correctness of such alterations. Would not this be sending the child to an unfriendly nurse?

The PRESIDING OFFICER, (Mr. EATON in the chair.) The question is on the amendment of the Senator from Vermont, [Mr. EDMUNDS,] to strike out the words "a committee of five be appointed" and insert in lieu thereof the words "Committee on Finance be instructed."

Mr. STEVENSON. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. ANTHONY, (when the name of Mr. BURNSIDE was called.) I desire to say that my colleague [Mr. BURNSIDE] is detained at home by sickness in his family and that he is paired with the Senator from North Carolina, [Mr. RANSOM,] who is absent also. If my colleague were here he would vote "yea," and the Senator from North Carolina, if here, would vote "nay."

Mr. CAMERON, of Wisconsin, (when his name was called.) On this question I am paired with the Senator from New York, [Mr. KERNAN.] If he were here he would vote "nay" and I should vote "yea" on this amendment.

Mr. COOPER, (when his name was called.) On this question I am paired with the Senator from Vermont, [Mr. EDMUNDS.] If he were here he would vote "yea" and I should vote "nay."

Mr. MORRILL, of Vermont, (when the name of Mr. EDMUNDS was called.) My colleague is now absent. If he were here he would undoubtedly vote for his own amendment. He is paired with the Senator from Tennessee, [Mr. COOPER.]

The Secretary concluded the call of the roll; and the result was announced—yeas 28, nays 22; as follows:

YEAS—Messrs. Allison, Anthony, Boutwell, Cameron of Pennsylvania, Christiancy, Clayton, Conkling, Cragin, Dawes, Dorsey, Ferry, Frelinghuysen, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Jones of Nevada, Logan, McMillan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Paddock, Robertson, West, and Wright—28.

NAYS—Messrs. Bayard, Bogy, Booth, Caperton, Cockrell, Davis, Dennis, Eaton, English, Goldthwaite, Gordon, Jones of Florida, Kelly, Key, McCreery, McDonald, Maxey, Norwood, Randolph, Saulsbury, Stevenson, and Withers—22.

ABSENT—Messrs. Alcorn, Bruce, Burnside, Cameron of Wisconsin, Conover, Cooper, Edmunds, Hamilton, Johnston, Kernan, Merrimon, Oglesby, Patterson, Ransom, Sargent, Sherman, Spencer, Thurman, Wadleigh, Wallace, Whyte, and Windom—22.

So the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the resolution as amended.

Mr. DAVIS. Let the resolution, as amended, be reported.

The Chief Clerk read as follows:

Be it resolved, That the Committee on Finance be instructed to investigate the books and accounts of the Treasury Department, particularly with reference to discrepancies and alterations in amounts and figures that have been made in them, especially in the annual statements of the expenditures of the Government, revenue collected, and the public debt contained in said reports; and if any such discrepancies and alterations be found to exist, to report the same and the extent and nature thereof, the years wherein they occur, by what authority made if any, the reasons that induced them, and to report generally such other and further information bearing upon the subject as to them may seem best; and that said committee have power to send for persons and papers.

The resolution, as amended, was agreed to.

The PRESIDING OFFICER. Does the vote include the preamble also?

Mr. MORRILL, of Vermont. Let the preamble be read.

The Chief Clerk read as follows:

Whereas there appear to be material alterations and discrepancies in the official finance reports of the Treasury Department as to the annual expenditures, receipts of the Government, and public debt, and particularly in the reports of 1869 to 1872, inclusive, which discrepancies and changes and alterations involve large amounts, and no satisfactory explanation appears on the face for the same: Therefore

Mr. MORRILL, of Vermont. I suppose it is not necessary to move to strike the preamble out, although I shall be opposed to its adoption because it assumes as facts the matters which we have instructed the committee to ascertain. I therefore ask for a separate vote upon it, and if it were in order I would move to strike it out.

Mr. DAVIS and others. The entire resolution has been agreed to.

Mr. MORRILL, of Vermont. But not the preamble. I move to lay the preamble on the table.

The PRESIDING OFFICER. The Chair supposes that the preamble is usually the last thing to be acted upon; but he is not familiar with the custom of the Senate.

Mr. CONKLING. The resolution having passed, laying the preamble on the table does not affect the resolution.

The PRESIDING OFFICER. It does not.

Mr. DAVIS. Am I mistaken when I suppose that we have acted upon the entire resolution as presented by myself and amended by the Senator from Vermont and that it has passed?

Mr. CONKLING. Not the preamble. The other day, the Senator will remember, a division was called upon the resolution and preamble. The Chair put, as he was compelled to put, the resolution first.

Mr. DAVIS. My recollection is not the same as that of the Senator from New York. I have no recollection of a division of the question being called for. If the Senator is positive——

Mr. CONKLING. I am quite sure the RECORD will show it.

Mr. DAVIS. My understanding is, and I believe it has always been the usage of the Senate, that the vote is taken upon a paper as presented, unless a division is called for and ordered by the Senate.

Mr. MORTON. I will call the attention of my friend from West Virginia to the fact that when the resolution was read just now, for the vote, it was reported without the preamble.

Mr. CONKLING. As it ought to be under the rule of the Senate governing the case. What is the question before the Senate? The Senator from Vermont has moved to lay the preamble on the table. Is that debatable?

The PRESIDING OFFICER. Undoubtedly not.

Mr. CONKLING. Then I ask a vote of the Senate upon that motion.

The PRESIDING OFFICER. The Chair was hearing the conversation of Senators around him for his own information, and did not put the question at once.

Mr. CONKLING. I waited till the Senator from West Virginia had concluded.

The PRESIDING OFFICER. The question is on laying the preamble on the table, which is not debatable unless by common consent.

Mr. CONKLING and others. Question.

Mr. DAVIS. Does the Senator from New York wish to prevent any explanation?

Mr. CONKLING. Not at all. The motion, as I understand it, is not debatable. I merely asked for a vote, supposing the Senator had concluded. I do not object to any explanation he wishes to make. I wish to make none.

Mr. STEVENSON. I should like to be informed whether there was any motion to divide this question. If there was, that is a matter of fact which can be readily determined.

The PRESIDING OFFICER. The Chair is not able to state. The Chair does not remember, but the Senator from New York states that he is sure.

Mr. CONKLING. I am quite confident of this, and I think other Senators will be equally so. Several days ago, when this question came up, it was remarked by at least one Senator, and I think more than one, that there was no objection to the resolution, except as to the question of what committee the inquiry should be intrusted to; the preamble, however, was another matter. And now it occurs to me that the Senator from Ohio [Mr. SHERMAN] not in his seat, although I think in the Chamber, among others, said that there were allegations of fact in the preamble which he did not believe, and of course, would not vote for; but that to the resolution he had no objection.

Mr. MORRILL, of Vermont. My recollection is also the same, and I think my colleague [Mr. EDMUNDS] made the same remark.

Mr. CONKLING. And I am quite confident the Senator from Vermont, [Mr. EDMUNDS,] as his colleague suggests, said the same thing. But I venture to suggest, although the remark would come, perhaps, more properly from the Chair, to the Senator from Kentucky, that without any demand for a division, the question is not taken *en masse* on a preamble and resolution. On the contrary, it is taken first on the resolution, and the preamble is voted upon afterward separately. It is just as the title of a bill is something independent of the bill itself. Therefore I should insist, as I have no doubt the Chair would rule, that even though no exception had been taken to the preamble, the resolution having been read, and that only, and the vote taken upon it, the preamble must be separately adopted, if it is adopted at all. If that be the rule, as I am quite sure it is, the question whether anybody objected to the preamble would be quite unimportant. The motion now is to lay the preamble, which has not been voted on, upon the table, and certainly I do not think the Senate can avoid that vote.

Mr. STEVENSON. My object was to ascertain whether the impression of the Senator from New York was right as to whether there had been a call for a division of this question. If there has been no call for a division of the question, then the Chair will be called upon to rule whether a resolution carries with it the preamble. This whole debate draws no distinction, so far as I have been able to see, between the preamble and resolution. Then the Chair would be called upon to decide whether, having put the question upon the resolution, not distinguishing between the preamble and resolution, after it had been passed, it was to be divided without a motion to reconsider. If there had been a motion to separate this question, as the Senator from New York thinks there was, and upon which I have no impression, then it would be clear that we should have to vote upon the preamble; but, if there has not been, I am not by any means prepared to say upon the question of order that the whole has not been passed by the vote which has just taken place in the Senate.

Mr. MORRILL, of Vermont. It must be within the recollection of all Senators here that it was distinctly avowed by more than one Senator that there was no objection to the resolution if it should be amended so as not to raise a special committee and if the preamble should be stricken out. I presume no parliamentarian here will contend that the adoption of the resolution adopts the preamble also. It has always been, so far as my recollection goes, both here and in the other House, that the preamble was open to amendment or rejection after the passage of any resolution.

Mr. DAVIS. My recollection is that some Senator, and perhaps two, said that there would be no objection to the resolution, but that there might be objection to the preamble, as the Senator from Vermont has said; but my recollection is also fully distinct that no motion of that kind was made. The whole question now appears to be whether or not the preamble goes with the resolution.

Mr. CONKLING. May I ask the Senator from West Virginia a question? Does he suppose that where a division is in order a motion is necessary to obtain that division? The mere insistment, I suggest, of any single member is all that is required. But, if I may interrupt the Senator, I beg to inquire of the Chair as a matter of usage, regardless now of the question whether any demand was made for a division or not, whether the vote just taken upon the resolution does, or does not, dispose of the preamble.

The PRESIDING OFFICER. The Chair is clearly of the opinion that the vote taken upon the resolution has nothing whatever to do with the preamble. That is left open for further action as a matter of parliamentary law.

Mr. CONKLING. Then, of course, it becomes entirely immaterial whether this demand was made, or not.

Mr. DAVIS. That being the case, the Senator from New York is right. My impression, however, was that when we acted upon the

resolution we acted upon the whole. No Senators have referred to it to-day; they may have previously referred to it.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont [Mr. MORRILL] that the preamble lie upon the table.

Mr. DAVIS. Upon that question I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CAMERON, of Wisconsin, (when his name was called.) On this question I am paired with the Senator from New York, [Mr. KERNAN.] If he were here he would vote "nay" and I should vote "yea" on this motion.

Mr. COOPER, (when his name was called.) On this question I am paired with the Senator from Vermont, [Mr. EDMUNDS.] He would vote "yea" and I "nay" on the present motion.

The result was announced—yeas 35, nays 22; as follows:

YEAS—Messrs. Allison, Anthony, Booth, Boutwell, Bruce, Cameron of Pennsylvania, Christiancy, Clayton, Conkling, Cragin, Dawes, Dorsey, Ferry, Frelinghuysen, Hamilton, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Jones of Nevada, Logan, McMillan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Paddock, Patterson, Robertson, Sargent, Sherman, West, Windom, and Wright—35.

NAYS—Messrs. Bayard, Bogy, Caperton, Cockrell, Davis, Dennis, Eaton, English, Goldthwaite, Gordon, Johnston, Jones of Florida, Kelly, Key, McCreery, McDonald, Maxey, Norwood, Randolph, Saulsbury, Stevenson, and Withers—22.

ABSENT—Messrs. Alcorn, Burnside, Cameron of Wisconsin, Conover, Cooper, Edmunds, Kernan, Merrimon, Oglesby, Ransom, Spencer, Thurman, Wadleigh, Wallace, and Whyte—15.

So the preamble was laid on the table.

VICE-CONSULS GENERAL.

Mr. CONKLING. There lies on the table a bill received to-day from the House of Representatives which I ask to have read—it is very brief—for information. Then if it be the pleasure of the Senate I will ask to have it put on its passage.

The PRESIDENT *pro tempore*. The Senator from New York asks the reading of a bill. Is there any objection? The Chair hears none, and the bill will be reported.

There being no objection, the bill (H. R. No.1208) to correct a mistake in and amend section 4130 of the Revised Statutes was read twice and considered as in Committee of the Whole.

It enacts that section 4130 of the Revised Statutes of the United States be amended by inserting after the words "consul general" the words "vice-consul general;" so that the section shall read as follows:

SEC. 4130. The word "minister," when used in this title, shall be understood to mean the person invested with and exercising the principal diplomatic functions. The word "consul" shall be understood to mean any person invested by the United States with and exercising the functions of consul-general, vice-consul general, consul, or vice-consul.

Mr. CONKLING. This bill is identical in terms with one already reported unanimously by the Committee on Commerce of this body. I have here a letter from the State Department explaining the necessity for the alteration; I will have it read if any Senator wishes. In substance, it is, that as the section of the Revised Statutes now stands, during the absence or disability of a consul-general the duties committed to him by that section cease. The purpose is to allow the vice-consul general, in the absence of the consul-general, to discharge those duties. The reason for it, I think, is very clear, and is evidenced at large in these papers from the Department; but the subject having been considered by committees of both Houses, very likely it will not be worth while to interrupt the Senate by the reading.

Mr. DAWES. I suggest to the Senator from New York the propriety of amending the title. I observe that since the adoption of the Revised Statutes it is the habit to introduce bills to amend a certain section of those statutes by number, without the slightest indication of the contents of the section itself. I suggest that the title in this case hardly indicates anything of the subject-matter of the bill, and that there should be something in the title more than the mere number of the section to show to what it relates.

Mr. CONKLING. I am glad the Senator from Massachusetts has called attention to this subject. I quite agree with him, and I venture to add one suggestion to that which he has made. It is quite the fashion to entitle bills, an act to correct a mistake in the Revised Statutes. Doubtless there are a great many mistakes in the Revised Statutes; but I do not think it is a good fashion every time it turns out to be desirable to have a section otherwise, to denominate the act a correction of the Revised Statutes. My impression is that in a large number of these instances the truth is that the Revised Statutes have truly condensed and presented in epitome the law as it stood; but every man who sits down to draw a bill to change anything in the Revised Statutes by a sort of common custom says it is to correct a mistake or error in the Revised Statutes. I am not at all sure that this is an error in the Revised Statutes, and I say to the Senator from Massachusetts, as the title comes last, (which he knows better than I,) that if he will suggest any amendment to that, I shall have no objection whatever, and I think if we would also change the titles of all such bills by describing them as doing something else than to correct errors in these statutes, except where we know there is an error, that would be an improvement.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The title was amended so as to read: "An act to amend the Revised Statutes touching vice-consuls general."

S. J. GHOLSON.

Mr. ALCORN. I ask the Senate to take up from the table House bill No. 1343.

The bill (H. R. No. 1343) to relieve S. J. Gholson, of Mississippi, of his political disabilities imposed by the fourteenth amendment of the Constitution was read twice.

Mr. ALCORN. I ask for the present consideration of this bill; and I will state that Mr. Gholson sent a petition not only to the House but to the Senate, which is now with the Judiciary Committee. They have not reported upon this petition, but I have no doubt they will report favorably.

Mr. MORRILL, of Vermont. Would it not be well to have the bill referred to them?

Mr. ALCORN. I would ask, inasmuch as the House has passed this bill after considering his petition, and inasmuch as he has also petitioned the Senate, (and that petition is before our Judiciary Committee and in proper form,) that the bill be considered without further delay. He is quite an old man, and is nervous about this matter.

Mr. CONKLING. I think I ought to say that the chairman of the Committee on the Judiciary is absent at this moment, a liberty which he does not take in excess, for he is usually here. The Senator from Mississippi says that there is a petition in this case before the committee. The committee has not considered it and has had no notice that this motion was to be made. I do not like, of course, to interpose an objection which looks like one especially aimed at the request of the Senator. I think, however, that bills of this sort, like other bills pertaining appropriately to a committee and the subject being before that committee ought not, except for cogent reasons, to be taken up without action of the committee and in the absence of the chairman and without notice to the committee, for the disposition of the Senate. It seems to tend in the direction of superseding the use of committees in that respect in which they are supposed to be most valuable and most likely to act as safeguards. Of course, I have no feeling about this particular case, but I should think it better to let it take the ordinary direction.

Mr. ALCORN. I have only to say in reply that I believe it is the uniform custom of Congress in all cases where a petition is made, setting forth the fact of disabilities, and asking the Government to remove them, and pledging the support of the applicant to the Constitution and laws of the United States, to respond favorably. In this case a petition was referred in the House of Representatives; the party sent his application here also, which is in due form. I called the attention of some members of the Judiciary Committee to it. I did not, it is true, give notice that I would call up this bill, for I did not think it was necessary to do so. I thought it was one of those cases that were out of the ordinary course of adjudication by the Senate. If the Senator desires to have it referred to the committee, I am willing certainly to have that done.

Several SENATORS. That would be better.

Mr. ALCORN. Very well, I have no objection; because the opposition is such that it would not now be considered. Unless the Senator from New York will withdraw his opposition, I will yield the floor to the Senator from Kentucky.

Mr. STEVENSON. There is upon the Calendar a bill to remove the political disabilities of George S. Hawkins, of Florida, which has been reported from the Judiciary Committee.

Mr. CONKLING. I have interposed all the opposition I have to the bill if it be opposition; it is rather to the custom of ousting the jurisdiction of a committee. I know not what the chairman of the committee may know about this bill. Of course, like every other chairman of a committee, it is he, and not the other members of the committee, who have charge in the main of the business of the committee.

Mr. ALCORN. I will let it go to the committee.

The bill was referred to the Committee on the Judiciary.

GEORGE S. HAWKINS.

Mr. STEVENSON. I ask leave to call up the third bill on the Calendar, reported from the Committee on the Judiciary unanimously, to remove the political disabilities of George S. Hawkins, of Florida. Mr. Hawkins is an old man, who was in Congress many years ago with the Senator from New York [Mr. CONKLING] and myself. This bill is unanimously reported from the Committee on the Judiciary, and I ask that it be put on its passage.

The bill (S. No. 204) to remove the political disabilities of George S. Hawkins, of Florida, was read the second time, and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed by a two-thirds vote.

HOUSE BILLS REFERRED.

The bill (H. R. No. 219) to permit the judge of the district court of the United States for the western district of Pennsylvania to retire was read twice by its title and referred to the Committee on the Judiciary.

The bill (H. R. No. 828) to correct an error in enrollment was read twice by its title, and referred to the Committee on Enrolled Bills.

The joint resolution (H. R. No. 11) authorizing G. Harris Heap, United States consul at Tunis, to accept the trust of commissioner of the Bey of Tunis, was read twice by its title, and referred to the Committee on Foreign Relations.

THE LIQUOR TRAFFIC.

Mr. SHERMAN. I move to take up the bill which was under consideration during the morning hour.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 124) to provide for a commission on the subject of the alcoholic liquor traffic, the question being on the amendment reported by the Committee on Finance as a substitute for the original bill.

Mr. SHERMAN. I will state to Senators who were not here during the last session of Congress that this subject was then considered; my friend from Delaware [Mr. BAYARD] debated it at some length, as did others, and various amendments were proposed and offered, and some adopted. The bill as reported is very simple in its object, involves no larger expense in any event than $10,000, and it will satisfy a large portion of the community who are seeking to prevent the evils arising from the sale of intoxicating drinks. It will furnish a vast amount of information, at all events, that will be useful to the Government, not only in imposing our taxes but in governing the District of Columbia and the Territories. There can be to this no constitutional question which cannot be interposed against almost any bill that is offered, because there is no question whatever that the Government of the United States may, under its right to legislate for the District of Columbia and for the Territories, gather all the information that is proposed to be gathered by this bill.

I believe in this case that a report made by sensible men—not by extreme men of either side—presenting the statistics of intemperance, the causes of intemperance, and facts showing whether fermented liquors are as injurious as spirituous liquors or whether they are injurious to the same extent, and all the information that may be gathered on the subject, when collected in proper form and printed, will be a useful and valuable addition to our knowledge on the subject. As it is now, no State can pursue this inquiry because no State has the command of the facilities and statistics necessary to complete information on the subject.

The bill also requires an examination of the laws in other countries intended to prevent intemperance, and the success of those laws, and whether laws prohibiting the sale or manufacture of spirits have tended to promote temperance. In every aspect of the question it seems to me that this information would be valuable, and of much more value than the small cost which would be entailed on the Government of the United States. No one is committed by the report; no one is bound by it; but if the information it shall give us will tend in any way to throw light on our duties in framing our laws, in making our license laws, or imposing taxes, or in regulating the government of this District, or of the Terrritories, we shall be amply repaid for all the cost.

Besides, it will gratify the sentiment of a great body of petitioners, honest men and women who feel that the evil arising from the undue use of spirituous liquors is one of the great evils of humanity. It will gratify them to see that the Congress of the United States is willing to give this subject a fair and dispassionate examination. No officer of the Government can participate in it, and no doubt the President of the United States, in making up this commission, will take intelligent men, well informed upon the subject, dispassionate men, representing both sides of the question, and we shall have a valuable statistical report.

I do not deem it necessary to discuss the matter further. It was discussed at the last session of Congress and a similar bill adopted by a very considerable majority of the Senate. I will leave the bill to rest on that discussion.

Mr. BAYARD. Mr. President, the present bill as proposed to be amended by the Committee on Finance does in substance contain some amendments which were offered by me at the last session, and I mean to propose simply an additional amendment to it, should it be the pleasure of the Senate to pass this bill. At the same time, I take leave to say that in my opinion this is not the way, nor is this the jurisdiction in which this subject should be discussed and controlled.

In the first place, so far as relates to the revenue and taxation derived from alcoholic and fermented liquors, that being a pure question of business, a cold question of dollars and cents, it already has been subjected to test and criticism by the appropriate department of the Government. The Secretary of the Treasury and the almost numberless agents under him have the very fullest information in regard to the capacity of these products to bear burdens as well as the other taxable properties of the country. We have bureaus of statistics already in full and expensive operation; we have officials by the thousand from whom every information relating to the question of revenue and taxation as derived from these products can be obtained. These sources are capable of giving the information sought for in this bill far more fully and perfectly than can this commission. See what it is. You propose that it shall exist for but a single year, and that five gentlemen, to be chosen by the President, with the assistance of a single clerk, shall provide statistics which we have already in more than abundance, and of which you can obtain the results by a single resolution directing the Secretary of the Treasury to furnish them. So far, therefore, as what I may call the legitimate portion of this bill is concerned, the relation of these great products to the revenue and taxation of the country, we have either the information itself already in the hands of the proper official or we have the means of information to be derived from him by the common machinery of a simple resolution of inquiry.

But it would be disguising the truth to say that such was the object of this bill. There is no man in the Senate who believes for a moment that the object of this bill is to learn the amount of revenue derived from these two products as compared with the other taxable businesses of the country. That is not the idea. The meaning of this bill is found rather in the attempt at a moral inquisition, to examine into the "economic, criminal, moral, and scientific aspects" of the "liquor traffic in connection with pauperism, crime, social vice, the public health, and general welfare of the people."

Mr. President, there is no question more interesting, none broader, none more profound in its importance, than the question of the regulation, the use and abuse of intoxicating drinks by our people. No one, I think, can commence the study of such a subject without feeling that it calls for the very greatest powers of generalization, the broadest and most profound powers of reasoning; but it cannot be dealt with safely by legislation based upon sentimentality. There is a domain of morals and there is a domain of law. Wherever laws undertake to invade the domain of morals and base themselves upon such a doctrine but little success can be expected from the result. The world's history shows that but little success has come from such attempts. The domain of morals is not that of legislation. Sound and wise legislation may tend to good morals; but that governments may regulate morals by law I believe will be found to be true to a very limited extent.

Now, there is a class of very well-meaning persons in this country who, in my opinion, entirely misapprehend the proper method of dealing with the question of intemperance, who are anxious at all times to bring it under the domain of law, and by positively coercive legislation to regulate the question of men's appetites in regard to alcoholic drinks, and to invade the domain of morals by a class of laws known as sumptuary laws, which have in all the history of the world proved worse than failures, and in this country have not met and never will meet, I trust, the approval of the people.

This habit of creating by law a system of mutual inspection, one man by another, upon the tastes and habits of his neighbors is to my mind utterly reprehensible; and as I would oppose it in my own case if directed against me, so I will oppose it in the case of all other men who I think are improperly invaded in regard to matters to be controlled by their own conscience and by their own taste. Should the indulgence of one's own taste lead to an infraction of the law or to an invasion of the rights of any other man, then I would have quick reprehension and punishment for him; and the punishment and the remedy for all such infractions, from the very nature of our federal system, is reposed in the local governments of the States. No man supposes that it is within the power of the United States Government to punish for drunkenness or any of the offenses which drunkenness causes. Those offenses are properly committed for their regulation and punishment to the local laws of the several States. Therefore the proposition of this bill is to invade the distinctive province of the State, the essential province of the State, by absorbing into Federal jurisdiction part of the necessary police powers of the State.

Sir, I am one of those who believe that this aggrandizement of the functions of the Federal Government at the expense of the States is the radical evil of our day and time. I believe it forms to-day the great issue upon which finally will hinge public opinion in this country; and believing that that is a principle and a rule which should be looked to in legislation, and that every law proposed for our consent should be criticised as to whether it tended for or against this doctrine of centralization, I shall look at every measure that comes before me for my vote and be governed very largely by the opinion whether it does so tend or not. In the present case it seems to me clear that it is none of our affair, as a branch of the Federal Congress, to be making investigations unless the results of those investigations are to be the basis of legislation to remedy the evils. All the punishment or regulation of the offenses of intemperance, as I said before, confessedly lies and solely lies within the jurisdiction of the States. For that reason, while, if I were a member of a State Legislature, I would be very glad to have all the statistics tending to show what would be wise or otherwise in legislation upon this subject, thinking that the dealing of the law with this subject is important, that it should not attempt to invade the domain of morals by the form of sumptuary laws; yet, at the same time, as the traffic and sale of intoxicating drinks is a matter that does call for great prudence, discretion, and firmness on the part of the legislator, I should be perfectly willing if this subject were under the jurisdiction of the Federal Government to do anything that would tend to throw light upon it, or make our legislation in regard to it more efficient and valuable.

But I am very sure that every attempt to bring this question of temperance into the political arena will be found disastrous to the cause of good morals, which I am certain we all desire to see enforced. I do not suppose that there are in this Chamber two gentlemen whose minds disagree or whose wishes disagree on this very important subject. The difference between us is as to the means of dealing with it, as to where the power is properly reposed to deal with it, and how far it is proper to exercise that power. I think it could be easily demonstrated by the experience we have already had that this question of the reformation of the vice of intemperance has never been brought into politics without the evil being greatly increased.

I have prepared an amendment which I apprehend will not be objectionable to the honorable Senator from Ohio who has this measure

in charge. It is in the twenty-eighth line to insert the words which I find were contained in an amendment offered by me in 1874. The bill now reads:

Also to ascertain whether the evils of drunkenness have been increased or decreased, and whether public morals have been improved thereby.

This is in reference to the effect of restrictive legislation. I propose to insert after the word "thereby" the words "and whether the use of opium as a stimulant and substitute for alcoholic drinks has become more general in consequence of such legislation."

This touches again the question of revenue. It also touches a question which I consider had much better be left to the police power of the States; but at the same time if we are to have the inquiry, and if the question is to be examined in its moral and economic aspects, it is important that this notorious fact should be considered also by this commission who are investigating upon public health, and, as I said, examining the moral and scientific aspects of the case.

I shall vote against the resolution when so amended for the reasons I have given; because, being in my own way, according to my line of belief, an advocate of temperance, having a strong reprobation and horror of the vice of intemperance, I should be false to my convictions of duty if I permitted that which I believe to be an unsound theory upon this subject to stand in the way of the substantial advancement of that which I believe to be the proper way of treating it.

I wish also, if this commission is to be created, that the question should be embraced in its inquiries and considered by it whether the use of light wines, grown now so largely in this country, is not one of the most hopeful grounds for the gradual disuse of alcoholic drinks. We all know enough of the history of other nations to know that where those wines are most preferably used intoxication is almost unknown. It is to be regretted that in preparing a bill of this kind, if the object of it is to give instruction to the American people with regard to the subject, we should not have had that important question embraced with the rest. I do believe, according to all that I have been able to learn, all that I have been able to see, all sources of information that I have been able to obtain, that the substitution as a popular beverage of light wines, that can be so cheaply and abundantly produced all over the United States, in lieu of intoxicating drinks, would be a great blessing to the people and would diminish the terrible vice of drunkenness, from the ravages of which this country suffers so much.

Mr. President, I now submit the amendment I have suggested. I apprehend it will not be objected to by the gentleman in charge of the bill. I think it runs directly in the line of it, and it is found in the amendments offered by me and adopted by the Senate in February, 1874.

The PRESIDENT *pro tempore*. The amendment to the amendment will be read.

The CHIEF CLERK. After the word "thereby," in line 28 of section 1, it is proposed to insert:

And whether the use of opium as a stimulant and substitute for alcoholic drinks has become more general in consequence of such legislation.

Mr. SHERMAN. In regard to the amendment now offered by the Senator from Delaware, I will state that the Committee on Finance did consider that distinct proposition. They thought, on the whole, it was better not to insert it in this bill for this reason: Opium is to some extent useful as a medicine, but when used as a stimulant it is a secret vice, generally disguised and concealed, which it would be very difficult indeed for a committee or commission of this kind to inquire into and trace the evils or the extent of. At all events, it introduces a new subject-matter entirely to the consideration of this commission, not at all connected with the general inquiry, and which would seem to have no bearing upon it; and so it would appear rather to be thrown in, not for the purpose probably, but as having the effect of ridiculing or belittling the general object of the commission. The Committee on Finance may have been in error in this, and if so the Senate will correct it; but that was the view which induced the Committee on Finance to leave out these words, the only material clause in the bill of last session which was omitted. It is for the Senate to say, on the whole, whether it is not better.

I think we ought to give the good people who are endeavoring to cure the evil of intemperance a fair opportunity to present to us all the statistics which bear on that question, leaving the evils that grow out of the use of opium and many other vices and crimes to be examined by some other and different tribunal. I thought, therefore, there was much force in the proposition that the use of opium ought not to be mingled in this question.

In regard to the other point of the Senator from Delaware, I think there is a good deal in it. I do not propose an amendment because I am representing here the committee, but it does seem to me that while we are inquiring into the use of spiritnous and malt liquors we might also very properly inquire into the use of vinous liquors; how far they tend to check the consumption of spirituous liquors; how far the use of the light wines of the country may be beneficial, healthful, cheerful, without doing any harm. For myself I should vote for a proposition of that kind. Everything that relates to the subject of spirituous, vinous, or malt liquors, their uses, their abuses, the resources of revenue from them, I think ought to be referred to this commission, with the hope that they will gather together all the statistics possible, give us the result of all the Maine liquor laws, all the license laws, and all the laws prohibiting, or allowing, or regulating the sale of spirituous liquors in the various States of the Union and the different countries of the world. That is a great object; and when we reflect that the use of spirituous liquors is the cause of two-thirds of the crimes in every country of the world; that it is the cause of the pauperism, poverty, distress known to us all; when we see around us the fairest and brightest men we have ever met in life stricken down by this fell disease, sometimes beyond their control, reduced to beggary and poverty, with wife and children in want; when we know that this vice, if I may so call it, is almost universal, wide-extending, ruinous, it seems to me that the Congress of the United States might well give to the subject the benefit of a full and impartial examination.

I am not among those who have looked on laws prohibiting the sale of spirituous liquors as the most effective means of promoting temperance. There may be other remedies that are much better. At the same time, when we are dealing with a subject so great as this, so important as this, when we are dealing with a vice so ruinous in its consequences to those who participate and those who are connected with the parties participating, to the man who sells and the man who consumes, to women and children, it seems to me it is a subject that may fairly demand our attention for a little while, and that we may very fairly appropriate $10,000 to collect together the statistics that bear upon the questions involved.

So far as it affects our own legislation, the framing of our tariff laws, the framing of license laws, the framing of laws for the District of Columbia, there is no doubt whatever of our right and our duty to inquire into the sale of spirituous liquors, in the moral, the scientific, and the economic aspects of the case. The economic bearing it has on the people of this District, and the people of the Territories, is enough to justify our action. I am one of those who believe that this Government of ours has a broader significance than the narrow bounds that are sometimes given to it by the men who are called State-rights men. I believe that anything which clearly promotes the common good and the general welfare we have, at least, a right to inquire about, to report upon, and to spread before the people information that bears upon those subjects. But in the remarks I made a while ago, I carefully avoided disturbing the serenity of my democratic friends. I made no party allusions whatever. The Senator from Delaware said that he was sorry to see this matter made a party measure; that he was sorry indeed to see party topics introduced here.

Mr. BAYARD. I said nothing about party. I spoke of bringing questions of morals into politics.

Mr. SHERMAN. There can be no politics without party. I understood the Senator from Delaware as seeming to think this was a party matter. It has not been so considered by me. The only possible way in which it could be presented as a party measure would be by introducing the Constitution as a barrier to almost all that is good in the way of legislation, as a barrier to the exercise of every power that will tend to promote the common good and the general welfare.

Now, sir, I belong to a school of politics that probably takes a more liberal view of the Constitution of the United States, that holds to the view expressed by Marshall and the other great men whose decisions have been ingrafted into and made a part of our constitutional law, that the grant of a general power carried with it every incident, every necessary measure that in the judgment of Congress may be deemed appropriate to carry into execution the few powers given to the General Government. And therefore when a power is given to us to tax whisky, or beer, or wine, it includes a power to know the effect of these taxes, the products of these taxes, then bearing upon the moral, religious, scientific, and economic interests of all our people. But, sir, in the narrowest view that you can take of this question, there can be no doubt about the power of the General Government to do all that is proposed by this bill.

Now, with regard to amendments, I was struck with the suggestion of the Senator from Delaware, that it might be well enough to extend this investigation so as to include an inquiry into the use of wines, especially such wines as he and I would like to drink ourselves, and could drink probably without harm to ourselves if we confined ourselves to moderation. I have no objection to that. It seems to me that when you are examining into the general question of the liquor traffic, it includes all kinds, all grades, all forms of liquor, the juice of the grape as well as the juice of the corn, and the product of fermented processes with hops or barley. I should therefore vote for that proposition if the Senator would offer it; but I do not think it would be right and proper to introduce the opium question, much more a Chinese in its general bearing than an American question. I do not think it proper to introduce that subject into this bill.

Mr. BAYARD. Mr. President, I am not altogether surprised that the Senator from Ohio cannot hear of politics without thinking that party politics are the only things in question. I spoke of bringing a question of a sumptuary nature into the domain of politics. I did not refer to party at all, because I know that on this particular subject there runs through both parties a feeling against the proposition he has interposed; but I am not surprised that he should think that there was but one kind of politics.

But, sir, he strangely misapprehended me if he supposed that I had any design in offering this amendment to cast any ridicule on this subject. Indeed, I do not see upon what he founded the remark. It

was not found in the language of the amendment, which is in ordinary and proper terms. It certainly was not in my manner or any words used by me in discussion. I spoke gravely upon this subject. I felt gravely upon it. I feel quite as gravely upon it as he does; and I am quite as quick, I think, to state my views and to sustain them by my votes in accordance with what I believe to be right. I believe that the method of treating this subject which has been apparently favored by the Senator from Ohio is disastrous; that it will do more harm than good. I do not choose to vie with the Senator in my expressions of denunciation and abhorrence of all the misery and all the crime that is caused by miserable self-indulgence by men in alcoholic drinks. Certain it is, if all those facts which he speaks of as being so certain and well-ascertained do exist, there is nothing more to be asked for; and then the Congress of the United States, if it has the power, has the responsibility of dealing with such a vice as in some way to arrest and check it, if legislation may do it. That is precisely the whole question: "if legislation may do it." It has been tried all over the world in different ways, and under different forms of government, and I supposed that by this time it had been found out that that which is born in human nature may be regulated, but cannot be suppressed.

Now, sir, the examination of the relative use of the stimulant of opium in all its shapes with the use of alcoholic and fermented drinks is so far from being a Chinese question that I am sorry to say it is formidably an American question. I have thought of this subject; I have studied this subject with a very earnest desire to arrive at correct opinions in regard to it and to benefit the unhappy victims of these vices; and I say now to the Senator from Ohio, if he did not know it before, that any respectable physician, either in the large cities of this country or in the small towns of the country, will tell him that, when you have by coercive laws prevented the sale and use as a beverage of intoxicating liquors, you instantly have caused a most terrible increase in the use of opium as a stimulant; and, being more secretly sold, and to women and to children, it is capable of more secret use, and it is far more deleterious in its results. I say that, when you propose to examine the question of intoxication upon the ground of public morals and public health and you find that the disuse or prohibition of the use of those drinks is followed inevitably by a recourse to a far worse species of stimulus, you turn your back upon your duty, and you show that you are not hearty in the performance of that duty when you do not make an inquiry which ought to be made, and which ought to be made a subject of coincident examination.

That is about all that I meant to say. If any man wants to understand the bearings of this subject, if he wishes to have statistics which will be of information and guidance to him, so that he may arrive at a sound opinion, whether as a citizen or a legislator, I say that he cannot get it unless he considers the subject which I have moved as an amendment in connection with the rest of the bill. It is all-important that we should know with whom we are dealing—imperfect human creatures, born with appetites so difficult to regulate and control; and if you stop the exercise of one you create another; surely these are questions that should be examined together. It may be a choice of evils, it may be a necessity of considering together joint evils with the purpose of regulating and controlling both or either; but we certainly ought to know the facts. If the Senator had some friend, some relative, in whose health and happiness he felt a brotherly and friendly regard, and this man was the victim of diseased appetite in respect of alcohol, and he induced him, or persuaded or enforced his abandonment of that thing, and then found that, when he had abandoned the alcohol, he took refuge in opium, he would find that it would be a choice of evils, terrible to be made, but, at the same time, he would have to deal with both together, and he would have to disregard the existence of the most important part of the truth in dealing with such a case, if he acted as is now proposed here.

I submit to the Senator that he but little understood my motive or my feeling in offering this amendment when he suggested that it was intended in anything like ridicule or disrespect. The amendment has nothing in it of the kind, and nothing that I said, in tone or manner or feeling, could have justified such an idea. I am very much impressed with this subject. I do not believe this way of dealing with it is going to promote a cure. If I thought so I might vote for it, even though I have those scruples which do not seem to affect the Senator. I am one of those people whom he calls "State-rights men." I know I am. That is my conscience; that is part of my political creed. I believe this country will not exist when the States cease to exist. I believe, as Judge Nelson said, that we shall pass from out the family of nations when the autonomy of the States is lost. And, whether it be popular at the moment now to decry what is called "State rights" or not, I believe that the existence of this country and the permanence of this Government rest on a due respect of the rights of the States; and on this subject I may say that all the cures which may be looked to for these alleged abuses in the use of vinous, spirituous, or fermented liquors properly belong to the police powers of the communities who suffer from them. They have the undoubted power; they have the undoubted will; and I am content to leave it there, and not to exercise a more than doubtful power by the Government of the United States.

Mr. CONKLING. Will the Senator let me ask him a question? It may seem to him rather useless, although I answer for its bearing upon the measure of course. Will the Senator state to me, what in his view, is the limit practicably on the power of legislative inquiry? I do not speak now of what may be done with this information; but I ask the Senator, in other words so that he may understand my request: Except something be found in the inhibitions against searches and seizures, invasion of houses or papers, or the like, where is the limit of the right of a legislative body to inquire for legislative purposes?

Mr. BAYARD. As I stated before, unless the inquiry is to be made the basis of legislation there is no use in it.

Mr. CONKLING. Ah! Will the Senator pardon me one moment? That may be, and I did not mean to trouble him with that question. I thought he was discussing not the expediency but the power; and as a matter of power, I would like to know whether the Senator thinks that there is any practical limit to the authority of a legislative body to inquire merely until they come, as I say, to invade individual rights of persons or their houses or papers?

Mr. BAYARD. It would seem to me the answer is very easy. Unless the inquiry is directed to matters within the jurisdiction of the body inquiring, I should call the inquiry simply impertinent; I mean in a legislative and legal sense. It does not devolve upon them.

Mr. CONKLING. Even though they were powerless?

Mr. BAYARD. I believe the fact would be even so in that case, and it would be as improper, I believe, as an inquisition by the Senate of the United States into my private house or into my domestic affairs, I may say as a mere question of inquiry about what I stated or omitted to state, as to what I ate or drank or what mode of life I led. You have the physical power to pass such a resolution, but I should here declare it, and the country would declare it, and the Senator from New York would declare it to be impertinent. So, too, if I thought that this inquiry could be followed up by legislation of a constitutional character, I might say it was a matter of expediency, but I do say there is a limit to the inquiry unless the results of that inquiry are to be made the basis of laws. Otherwise we are wasting time. We are simply not attending to our own business, but to that of other people. The question, I believe, is on the amendment which I submitted.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Delaware to the amendment of the Committee on Finance.

Mr. HOWE. The bill before the Senate is one which I had the honor to introduce myself, but as I did that at the special request of others, I do not feel any special duty resting upon myself or any special interest in the fate of the bill other than that which grows out of my appreciation of its importance to the general interests of society. I should hope, however, that the Senate of the United States would not decline to make the very small appropriation proposed in the pending bill. It seems to me that almost all of the argument submitted to the Senate by the Senator from Delaware against the passage of this bill is quite premature. His argument might be otherwise if we had a bill before us proposing by some means or in some way to restrict or restrain or increase the production or the consumption of intoxicating liquors. When we come to the practical work of legislating here, either on behalf of temperance or drunkenness, perhaps the argument of the Senator from Delaware will be in place. We have no such proposition submitted to us to-day. I can myself conceive of a great many bills which might be proposed here, either to promote temperance or to promote drunkenness, to which I should be opposed. I cannot very well imagine a bill that might be proposed here to promote drunkenness that I would be very heartily in favor of. One of the few convictions I have attained to up to this period of my life is that that particular exercise known as drunkenness does not need any promotion. It is rather thrifty than otherwise. I should be inclined to say of it what Mr. Artemus Ward said of Shakespeare's grave; that it was a "success." Drunkenness is entirely successful. But I can conceive of many bills which might be offered here for the promotion of temperance (a quality, or a virtue if you please to be liberal enough to recognize it as a virtue, not altogether so successful and which needs some promotion) that I might favor; and yet I can conceive a bill which might be offered for the promotion of temperance that I would not be in favor of.

This bill proposes nothing of either kind. It proposes to put the Government of the United States in communication with some public-spirited gentlemen who may be selected from the whole forty million making up our constituency—men specially adapted to the work of inquiry—to put the Government in communication with those men who tell you they will work for nothing and find themselves if you will simply make the selection from the whole number who are willing to work for nothing and find themselves, and will simply provide for paying a clerk to record the testimony they may collect, and will pay for their expenditures in collecting testimony—that is all—that they may lay before the Government of the United States such evidence as they may collect from the whole world touching the relations of the people of the United States and of its several governments, both State and Federal, to this thing of manufacturing and trading in and drinking down distilled and fermented liquors.

The Senator from Delaware says that if he were a member of a State Legislature he would want this information. Very well; it would cost just as much to get the information on behalf of a single State as it will cost us to get the information for the benefit of all the States in the Union. If the Senator deems it important for the Legislature

of one State to have this information, it is of equal importance to the legislation of every other State. If as a member of the Legislature of a State he would incur the expense of procuring this information for the benefit of that Legislature, he can by voting for this bill procure the same information for the benefit of all the States. This is the most economical mode, then, of collecting it. What objection, therefore, can he possibly have to voting this appropriation unless he is disposed to stand upon that other objection which he at first hinted, to wit, the want of power on the part of Congress to make the appropriation? He has already abandoned, if I understood him, that objection. He admits that Congress has power to make the appropriation; but it is impertinent, he thinks, for Congress to make the appropriation. Why more impertinent for this Legislature to make the appropriation and to get the information than for the Legislature of a State to make it? It seems to me, if it be impertinent for one Legislature to get the information, it is impertinent for all.

I say again we are not confronting the question whether we will legislate to restrict the use or to restrict the manufacture of these beverages. The simple question is whether we will make a small and utterly insignificant appropriation of money to enable public-spirited men to lay before us evidence tending to show whether we may legislate upon it, and tending to show in what direction, if any, we may legislate. I shall vote for the passage of the bill with a great deal of pleasure and a great deal of alacrity.

As to the particular amendment moved by the Senator from Delaware, I care but very little whether it be agreed to or not. In voting upon it I shall vote against it, following the advice of the Committee on Finance. I conceive that the abuse referred to by the amendment is one much more difficult to investigate than the one mentioned in the bill. That refers not to a private abuse but to a public one, not to an insignificant one but to a stupendous one. That refers to an abuse which unquestionably entails upon society more misery, more crime, and entails upon government more cost than any other one, and probably more than all of the social abuses put together; and in that point of view I think it may be well worth while to make a slight inquiry into its exact dimensions.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Delaware to the amendment.

Mr. MORRILL, of Maine. Let it be read.

The PRESIDENT *pro tempore*. It will be reported.

The CHIEF CLERK. Insert after the word "thereby," in line 28, the following:

> And whether the use of opium as a stimulant and substitute for alcoholic drinks has become more general in consequence of such legislation.

The amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Committee on Finance.

Mr. MORRILL, of Maine. My attention was called to this proposition a few moments ago, and I have a word or two to say in regard to it. I am, I suppose, rather constitutionally, at any rate by education and sympathy, what may be called a State-rights man, and so I like to examine any question which it is said involves inquiry into the rights of a State, and, further, that is in any sense incongruous with the rights and privileges which a State ordinarily may be expected to exercise. While I think that this particular question, the suppression of intoxicating drinks, speaking of the whole question, does primarily belong to the States, and, like the education of the people, their morals, and whatever pertains to their domestic affairs, does belong to that great body of powers which lies in the States, at the same time I conceive that this has a relation to the whole country, and particularly to the exercise of the powers of the Government here, which in my view justify this inquiry. My point is that it is, if justified, authorized, and I think required, by the policy of the Government in regard to the tax upon alcoholic drinks. Nothing is clearer than that the action of the Government in attempting to collect or in collecting a large revenue, $70,000,000, more or less, upon distilled spirits in this country and on the importation of distilled spirits from abroad, has a very vital, general, sweeping influence upon the people of this country, upon their morals, upon their welfare in almost every sense. In that view I cannot doubt that it is germane to the general power of taxation, raising a revenue upon the employment, or vocation, or occupation, or whatever you call it, of distilled spirits, for the Congress of the United States to inquire into the effect, morally, socially, and economically, of the results of that action. On that question I have fixed opinions, from an inquiry made into this matter some twenty years ago—no; not quite as long as that, for that would make me older than I fancy myself to be; but fifteen years ago at least. I remember with distinctness, as though it were but yesterday, the conclusion I came to after a most labored examination into this precise question. The question is not new at all. We had almost this identical question as early as 1795, when the country was in the dilemma of a large national debt. When the Secretary of the Treasury, Mr. Hamilton, was casting about for the means of sustaining the public credit, one of the methods resorted to was the identical thing we are doing now; that is, to raise a revenue upon the importation and distillation of alcoholic drinks, accompanied also, I believe, by a system of licenses for the retail sale of alcoholic drinks so manufactured in this country or imported from abroad. Therefore it becomes of the utmost consequence to inquire what was the effect of that policy upon the morals of the people. How did it come to be that about that period we came to be denominated a nation of drunkards? How was it that it was generally asserted, and is a matter of history to-day, that the American Colonies at the close or the war, and for the first two decades afterward, drank more liquor *per capita* than any other people on the face of the globe? It has usually been accounted for from the pernicious effects of the war, the sacrifices and sufferings of the people, connected with the war. That is the tendency of war, and it had that tendency here; but it was not the prime cause. Whoever will take the pains to look into our history, particularly on this point, will find that, more than all things together, it sprang from the policy of raising a revenue out of the distillation of alcoholic drinks and the Government taking into its own hands the retail trade of the country in alcoholic and intoxicating drinks. I think I know what I am talking about, and I feel perfectly confident in challenging contradiction to the proposition; and the early history of the country in regard to these facts will demonstrate it, that, more than all things put together, for the next fifteen or twenty years after that policy was inaugurated, this was the effect of it.

I have before me a volume of the legislative and executive documents of the Congress of the United States from the first session of the First Congress. I have only had a few moments to look at it, and was able to refer to it only by the recollection which remained to me of the discussion which arose in my State on this question some years ago. Looking at it for the facts bearing particularly on this proposition, I find this condition of things as to the result. Here is the report of the Secretary of the Treasury in 1795:

> A statement of the revenue arising on licenses granted to retailers of wines and foreign distilled spirits within the United States for one year, commencing on the 1st day of October, 1794, and ending on the 30th day of September, 1795.

The number of wine licenses that year was three thousand two hundred and three. The number of spirit licenses was seven thousand four hundred and sixty-one. The amount of duties, $54,731. I do not know precisely when this financial policy was inaugurated. Perhaps the honorable chairman of the Committee on Finance may be able to state in what year.

Mr. SHERMAN. It was one of the first laws passed by Congress.

Mr. MORRILL, of Maine. Not earlier than 1792, I fancy.

Mr. SHERMAN. Seventeen hundred and ninety-one or 1792.

Mr. MORRILL, of Maine. Yes, 1791 or 1792. Glancing at this report here in the Senate, I have not been able to find the years which antedate this; but this shows the condition of things at that time. Turning these pages you will find this condition of things rapidly increasing; year by year the number of licenses for wine and the number of licenses for distilled spirits, and of course the amount collected, increase in rapid ratio, larger quantities of liquors being imported and distilled annually, a larger number of licenses granted, in great disproportion to the increase of population, until, in 1800, you find this condition of things:

> Of the proceeds of those duties more than $500,000 arise from the tax on distillation, $372,000 of which are paid by 22,000 country stills scattered over the immense territory of the United States; $65,000 are the product of 13,000 retailers' licenses.

They had increased from no distillations at all in this country in 1790 up to 22,000 country stills. In the early part of this volume you will find the report of the Secretary of the Treasury, Mr. Hamilton, in regard to his policy of sustaining the public credit, looking simply at that—not looking at the consequence upon the public morals or the health or economical conditions of the people—and he asks "Why should we be selling imported liquors? Why not let our people have the benefit of this whole thing?

So you will see that in ten years we had 22,000 country stills. Of course the Government had taken the control and direction of the licenses of the retail trade of the country; and where was precisely our authority for that I cannot understand. If my honorable friend from Delaware will address himself to that subject, I think he may find a little difficulty in precisely explaining on what ground it is that the Government of the United States should open tippling-shops in every part of the country. But that is not the question we are considering. This report shows that in the year 1800 there were 13,000 retail licenses, all grown up within a single decade under this policy of the Government.

Now, is it worth while for me to stand here and argue to the Senate of the United States the consequence of all that? May I not appeal to the general history of the country, known to us all, that intemperance did keep steady progres with this fundamental, cardinal fact, until it came to pass that we were denominated over the civilized world as a nation of drunkards?

I remember to have had occasion to follow a little further this question of license, this question of the Government of the country undertaking to license, to interfere, to meddle with a thing of this sort—licensing it and so giving it the moral power and encouragement of its authority. Looking at England you will find precisely the same condition of things to have existed. I took a series of two decades following this financial policy, because it was a matter of financial policy in England and in this country independent of, reckless of its consequences on the people, and I found this general condition of things: Wherever and whenever the government of Great Britain encouraged the importation of alcoholic drinks from other countries, because it was taking very little or none of its own, retail shops were opened; and as the retail trade was prospering, so you found drunkenness rife, so you found pauperism increasing, so you found the crim-

inal courts and prisons filled. That is the history of it, and it is all as natural as it is for water to run down hill. It must be so. Whenever the Government lends its moral countenance to and encourages the importation and the production, of course you cannot, Senators will see that it is impossible to control the sale. It becomes popular, it is taken out from under the ban at once, and it increases everywhere. That, I think, is the historical account in this country and elsewhere. It is the natural, it is the irresistible effect.

Now, what are we doing? We are collecting on imported and distilled liquors in this country about $70,000,000, more or less—I do not undertake to be accurate—of revenue.

Mr. SHERMAN. We distilled 70,000,000 gallons last year.

Mr. MORRILL, of Maine. The distillations under our encouragement and countenance are, say, 70,000,000 gallons, and we are a people of 40,000,000.

Mr. SHERMAN. I think the amount returned on which tax was paid was 70,000,000 gallons. There was some "crooked" whisky that did not pay the tax.

Mr. MORRILL, of Maine. I do not know the amount of crooked whisky, but I should suppose the distillation was not less than 100,000,000 gallons at least. Now, just think of 100,000,000 gallons of distilled spirits for a people of 40,000,000 in addition to all that is imported from abroad. What becomes of it? It is doctored and medicated, rectified and refined, into all the shapes that human ingenuity can conceive, and the people are doctored with it and poisoned with it, the effect of all which is pauperism, crime, destitution, beggary, want, death. The statistics show, beyond all controversy, if anything has ever been made clear by statistics, that three-fourths of the pauperism is attributable directly and indirectly to intoxicating drinks and three-fourths of the crime to the same cause. Just contemplate that statement, and then see whether the Government of a country that raises its revenues by the encouragement of the distillation of such an agency as that has no connection with it, and no right to inquire into it, and no interest to inquire into it! Why, sir, more than all other agencies combined is the terrible effect of alcoholic drinks upon the health and morals and prosperity of this people. It is the gigantic crime of crimes in this age, and particularly in this country.

Mr. President, it were not possible, I know, that we should collect this amount of our revenues by levying it on the property of the people directly. I do not suppose that it would be considered a reasonable matter of finance; but I have never seen the time since I have been in the Senate that I would not have voted this amount of revenue either upon the polls, or estate, or upon the incomes of the people, to raise this much money, and put this whole business of retailing alcoholic drinks or intoxicating liquors under the ban of the nation. I can have no doubt myself that it is entirely legitimate, that it is entirely constitutional, to raise this commission, and that, if it should turn out that it makes a thorough investigation into the whole question, it cannot in the future but be beneficent to the country.

Mr. SARGENT. I should like to inquire of the Senator from Ohio if he expects to reach a vote on this bill shortly. If not, I suggest that the Senate proceed to the consideration of executive business.

Mr. SHERMAN. I have no objection to an executive session.

Mr. SARGENT. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were re-opened, and (at four o'clock and three minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *January* 24, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND, D. D.

The Journal of Saturday last was read and approved.

ORDER OF BUSINESS.

The SPEAKER. The morning hour now begins at thirteen minutes after twelve o'clock. This being Monday, the first business in order during the morning hour is the calling of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back into the House by motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for printing and reference.

Before this call begins, the Chair will request the House to consent that the call shall proceed this morning until it is completed, without reference to the termination of the morning hour. That can be done only by unanimous consent.

There was no objection.

The SPEAKER. The call will therefore proceed until all the States and Territories have been called.

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. HALE, by request, introduced a bill (H. R. No. 1349) to amend an act entitled "An act to amend and supplement an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States;'" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LUCIEN M. PIKE.

Mr. JONES, of New Hampshire, introduced a bill (H. R. No. 1350) in relation to the claim of Lucien M. Pike, for compensation for property taken for war purposes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LIMITS OF CITY OF WASHINGTON.

Mr. HENDEE introduced a bill (H. R. No. 1351) to extend the limits of the city of Washington; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

HANNAH A. RICHARDSON.

Mr. JOYCE introduced a bill (H. R. No. 1352) granting a pension to Hannah A. Richardson, late widow of Alanson Kittredge, late private in the Fourteenth Vermont Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOVINA ADALINE BOWKER.

Mr. DENISON introduced a bill (H. R. No. 1353) granting a pension to Lovina Adaline Bowker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. DENISON also introduced a bill (H. R. No. 1354) to amend section 4718 of the Revised Statutes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATTERNS FOR METAL CASTINGS.

Mr. WARREN introduced a bill (H. R. No. 1355) for the better security of property in patterns for metal castings; which was read a first and second time, referred to the Committee on Manufactures, and ordered to be printed.

THOMAS A. WESTON.

Mr. SEELYE introduced a bill (H. R. No. 1356) for the extension of the patent of Thomas A. Weston; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

PROBATE OF WILLS IN DISTRICT OF COLUMBIA, ETC.

Mr. CRAPO introduced a bill (H. R. No. 1357) to amend the law with respect to wills and to regulate the transaction of probate business in the supreme court of the District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

ANN J. EATON.

Mr. HARRIS, of Massachusetts, introduced a bill (H. R. No. 1358) for the relief of Ann J. Eaton, widow of Jacob F. Eaton, of Quincy, Massachusetts; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NATHAN Y. DAUPHE.

Mr. HARRIS, of Massachusetts, also introduced a bill (H. R. No. 1359) for the relief of Nathan Y. Dauphe, of Bridgewater, Massachusetts; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

COHASSET HARBOR, MASSACHUSETTS.

Mr. HARRIS, of Massachusetts, also introduced a bill (H. R. No. 1360) for the improvement of the harbor of Cohasset, in the State of Massachusetts; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SUSPENSION OF SINKING FUND.

Mr. WOOD, of New York, introduced a bill (H. R. No. 1361) providing for the suspension of the sinking fund until June 30, 1880; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

REFUNDING NATIONAL DEBT.

Mr. WOOD, of New York, also introduced a bill (H. R. No. 1362) amendatory of an act entitled "An act authorizing the refunding of the national debt," &c.; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

FUNDING LEGAL-TENDER NOTES.

Mr. CHITTENDEN introduced a bill (H. R. No. 1363) to fund the legal-tender debt of the United States; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

PATENT BRAKE FOR POWER LOOMS.

Mr. WHITEHOUSE introduced a bill (H. R. No. 1364) for the extension of the patent known as Reynolds's patented brake for power looms; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

FUNDING LEGAL-TENDER NOTES.

Mr. WHITEHOUSE also introduced a bill (H. R. No. 1365) for funding legal-tender notes into bonds bearing interest at the rate of 4 per cent. per annum; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

Mr. WHITEHOUSE called for the reading of the bill; and it was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to prepare bonds of the United States, either coupon or registered, to the amount of $400,000,000, or so much thereof as may be necessary; said bonds to be of the denominations of $50 and $100, or any multiple thereof, and to be payable in gold at the expiration of forty years from the 1st day of July, 1876.

SEC. 2. That said bonds shall bear interest at the rate of 4 per cent. per annum, payable in gold semi-annually.

SEC. 3. That said bonds shall be exchanged at not less than their face value for notes issued under the authority of various acts of Congress and known as legal-tender notes; but the exchange of said bonds for such legal-tender notes shall not exceed $3,000,000 each month.

SEC. 4. That said bonds shall be available for deposit in the Treasury of the United States by national banking associations as security for their circulating notes and other liabilities to the Government under the provisions of the various laws relating to national banks.

SEC. 5. That the legal-tender notes received in exchange for the bonds issued under this act shall be destroyed, under such regulations as the Secretary of the Treasury may prescribe. And all provisions of law inconsistent with this act are hereby repealed.

BOARD OF EDUCATION.

Mr. COX introduced a bill (H. R. No. 1366) to abolish the office of education; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

MRS. E. M. J. MEAGHER.

Mr. COX also introduced a bill (H. R. No. 1367) for the relief of Elizabeth M. J. Meagher, widow of the late Brevet Major-General Thomas Francis Meagher; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

C. J. FREUNDENBERG.

Mr. COX also introduced a bill (H. R. No. 1368) for the re-instatement of C. J. Freundenberg to his proper rank in the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DENTAL SURGEONS IN ARMY AND NAVY.

Mr. WILLIS introduced a bill (H. R. No. 1369) to provide for the appointment of dental surgeons in the Army and Navy of the United States; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WALTON CABLE.

Mr. WILLIS also introduced a bill (H. R. No. 1370) authorizing the President to appoint Walton Cable a master in the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

CIRCUIT COURTS OF THE UNITED STATES.

Mr. WILLIS also introduced a bill (H. R. No. 1371) relating to the jurisdiction of the circuit courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

IMPROVEMENT OF HARLEM RIVER.

Mr. WILLIS also presented a joint resolution of the Legislature of the State of New York, asking an appropriation for the improvement of Harlem River and Spuyten Duyvil Creek; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. WILLIS. I ask unanimous consent that this resolution be printed in the RECORD.

The SPEAKER. The Chair cannot ask unanimous consent during the morning hour of Monday.

NANCY A. HERRICK.

Mr. DAVY introduced a bill (H. R. No. 1372) for the relief of Nancy A. Herrick, of Rochester, New York; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

DENNISON P. WILLARD.

Mr. DAVY also introduced a bill (H. R. No. 1373) for the relief of Dennison P. Willard; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

Mr. ADAMS. I have several bills which I am requested by my colleague, Mr. BLISS, to introduce for him.

There was no objection.

GRADES OF PENSIONS.

Mr. ADAMS introduced a bill (H. R. No. 1374) to amend an act entitled "An act to increase pensions in certain cases," approved June 13, 1874, and for the adjustment of grades; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BARBARA HURDLE.

Mr. ADAMS also introduced a bill (H. R. No. 1375) for the relief of Barbara Hurdle; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RAPHAEL C. STEARNS.

Mr. ADAMS also introduced a bill (H. R. No. 1376) granting accrued pension to Raphael C. Stearns, late first lieutenant in the Forty-seventh Regiment New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN H. GARRISON.

Mr. ADAMS also introduced a bill (H. R. No. 1377) granting a pension to John H. Garrison; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH A. KEOUGH.

Mr. ADAMS also introduced a bill (H. R. No. 1378) granting a pension to Elizabeth A. Keough, widow of John W. Keough, late superintendent of the national cemetery at Fort Barrancas; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. LAPHAM introduced a bill (H. R. No. 1379) designating the time for the annual meeting of the Congress of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PROPOSED AMENDMENT OF THE CONSTITUTION.

Mr. LAPHAM also introduced a joint resolution (H. R. No. 47) proposing an amendment to the Constitution of the United States; which was read a first and second time.

The joint resolution, which was read, provides that the following amendment to the Constitution of the United States be, and the same is thereby, proposed to the several States: and, when ratified by the Legislatures of three-fourths of the States, the same shall become a part of the Constitution:

SECTION —. From and after the adoption of this amendment the official term of the President shall commence on the 1st day of May instead of the 4th day of March, except when the 1st day of May shall fall on Sunday, in which case said term shall commence on the first Tuesday in May; and the President in office when this amendment shall take effect shall hold his office until the 1st day of May in the year when his office would terminate under the present Constitution and until his successor shall have been duly elected and qualified; and each successive President shall hold his office until his successor shall have been duly elected and qualified.

The joint resolution was referred to the Committee on the Judiciary, and ordered to be printed.

PROTECTION OF LIFE ON STEAMBOATS, ETC.

Mr. WARD introduced a bill (H. R. No. 1380) to protect life on steamships, steamboats, or sailing-vessels; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JACOB A. CONNOVER.

Mr. WARD also introduced a bill (H. R. No. 1381) for the relief of Jacob A. Connover; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

CHEAP TRANSPORTATION.

Mr. WARD also introduced a bill (H. R. No. 1382) to provide for means of cheap transportation from the interior waters, to restore the ocean-carrying trade of the United States, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

AMENDMENT TO INTERNAL-REVENUE LAWS.

Mr. WARD also introduced a bill (H. R. No. 1383) to amend the internal-revenue law and to allow proprietary medicines and plasters to be exported without stamps; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

CHANGE OF NAME OF SCHOONER.

Mr. BAKER, of New York, introduced a bill (H. R. No. 1384) to change the name of the schooner Turner and Kellers to that of Falmouth; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

GEORGE ABRAHAMS.

Mr. HARDENBERGH introduced a bill (H. R. No. 1385) for the relief of George Abrahams; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

GEORGE W. LA BAN.

Mr. HARDENBERGH also introduced a bill (H. R. No. 1386) for the relief of George W. La Ban; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS OF JAMES B. M'NAIR.

Mr. HAMILTON, of New Jersey, introduced a bill (H. R. No. 1387) for the relief of the heirs of James B. McNair; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MAJOR VON PÜCHELSTEIN.

Mr. DOBBINS introduced a bill (H. R. No. 1388) for the relief of Major Von Püchelstein; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LAURA W. DE CAMP.

Mr. DOBBINS also introduced a bill (H. R. No. 1389) granting a pension to Laura W. De Camp, widow of John De Camp; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SANTILLAN GRANT.

Mr. KELLEY introduced a bill (H. R. No. 1390) relative to the Santillan grant, a private land claim in the State of California; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

JAMES GLOVER.

Mr. WALLACE, of Pennsylvania, introduced a bill (H. R. No. 1391) for the relief of James Glover, of Pennsylvania; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

SAMUEL D. FALLS.

Mr. WALLACE, of Pennsylvania, also introduced a bill (H. R. No. 1392) granting a pension to Samuel D. Falls, of New Castle, Pennsylvania; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMPSON M. JOHNSTON.

Mr. WALLACE, of Pennsylvania, also introduced a bill (H. R. No. 1393) granting additional pension to Thompson M. Johnston, of Beaver, Pennsylvania; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIEUTENANT W. H. CALLINGS.

Mr. EGBERT introduced a bill (H. R. No. 1394) for the relief of Lieutenant W. H. Callings, late of the Fourteenth Pennsylvania Cavalry, and now of the County of Venango, State of Pennsylvania; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

H. NELSON.

Mr. EGBERT also introduced a bill (H. R. No. 1395) for the relief of H. Nelson, of the County of Warren, State of Pennsylvania; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LOSSES BY INVASION DURING THE REBELLION.

Mr. MAISH introduced a bill (H. R. No. 1396) for the relief of certain citizens of the State of Pennsylvania who suffered losses from Union and rebel troops during the invasion of said State by Lee's army; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RELIEF OF DRAFTED MEN.

Mr. MAISH also introduced a bill (H. R. No. 1397) to amend an act for the relief of certain drafted men; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PRACTICE OF PHARMACY IN THE DISTRICT.

Mr. JENKS introduced a bill (H. R. No. 1398) to regulate the practice of pharmacy in the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

PROTECTION OF GAME IN THE DISTRICT.

Mr. JENKS also introduced a bill (H. R. No. 1399) for the protection of game in the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

CHANNEL OF OHIO RIVER AT NEVILLE ISLAND.

Mr. COCHRANE introduced a bill (H. R. No. 1400) authorizing the residents and property-owners of Neville Township, county of Allegheny, and State of Pennsylvania, to close the channel of the Ohio River on the south side of Neville Island by the construction of an embankment or causeway from the head of said island to the southern shore of said river; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WILLIAM TALBERT.

Mr. ROBBINS, of Pennsylvania, introduced a bill (H. R. No. 1401) for the relief of William Talbert; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

HENRY E. WILKINSON.

Mr. O'NEILL introduced a bill (H. R. No. 1402) for the relief of Henry E. Wilkinson, late first lieutenant Company I, Ninety-ninth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HEIRS OF JOHN JENKINS, DECEASED.

Mr. KETCHUM introduced a bill (H. R. No. 1403) for the relief of the heirs of John Jenkins, deceased, who was lieutenant of the Army of the Revolution; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CENTENNIAL APPROPRIATION.

Mr. SMITH, of Pennsylvania, presented a resolution of the General Assembly of Pennsylvania, requesting their members of Congress and instructing their Senators to vote for the appropriation of $1,500,000 for the centennial exhibition; which was referred to the Select Committee on the Centennial Celebration, and ordered to be printed.

CAPTAIN CHARLES R. REISINGER.

Mr. ROSS, of Pennsylvania, introduced a bill (H. R. No. 1404) for the relief of Captain Charles R. Reisinger; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CUSTOMS AND INTERNAL-REVENUE LAWS.

Mr. ROBERTS introduced a bill (H. R. No. 1405) to alter and amend section 14 of the act entitled "An act to amend existing customs and internal-revenue laws, and for other purposes," approved February 8, 1875; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

ESTABLISHMENT OF AN EXCHEQUER.

Mr. TUCKER (by request) introduced a bill (H. R. No. 1406) for the establishment of an exchequer; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

DROVE-YARD AND ABATTOIR COMPANY, DISTRICT OF COLUMBIA.

Mr. DOUGLAS introduced a bill (H. R. No. 1407) to incorporate the Drove-yard and Abattoir Company of the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

MONUMENT AT YORKTOWN, VIRGINIA.

Mr. DOUGLAS also introduced a bill (H. R. No. 1408) to carry into effect the resolution of Congress passed October 26, 1781, in regard to a monumental column at Yorktown, Virginia; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

SAINT GEORGE'S CHURCH, ACCOMAC COUNTY, VIRGINIA.

Mr. DOUGLAS also introduced a bill (H. R. No. 1409) to indemnify Saint George's church, Accomac County, Virginia, for damage done by the United States troops under Brigadier-General H. H. Lockwood during the war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FANNIE S. WHITE.

Mr. DOUGLAS also introduced a bill (H. R. No. 1410) granting a pension to Fannie S. White, widow of Chester Bailey White, a military store-keeper in the United States Army; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. T. MORRIS.

Mr. STOWELL introduced a bill (H. R. No. 1411) for the relief of J. T. Morris, of Petersburgh, Virginia; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GEORGE W. FLOOD.

Mr. HUNTON introduced a bill (H. R. No. 1412) for the relief of George W. Flood; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

PIONEER MILLS, ALEXANDRIA, VIRGINIA.

Mr. HUNTON also introduced a bill (H. R. No. 1413) in relation to the use and occupation of the Pioneer Mills and adjoining wharf in Alexandria, Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PHILIP HOWERTON.

Mr. CABELL introduced a bill (H. R. No. 1414) granting a pension to Philip Howerton, of Halifax County, Virginia, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

TAX ON SPIRITS DISTILLED FROM FRUITS.

Mr. CABELL also introduced a bill (H. R. No. 1415) to repeal so much of section 3251 of the Revised Statutes and subsequent or existing laws as impose a revenue tax upon spirits distilled from apples, peaches, and other fruits; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

SURVEY OF THE DAN RIVER.

Mr. CABELL also introduced a bill (H. R. No. 1416) for the survey of the Dan River, between Clarksville, Virginia, and Danbury, of the State of North Carolina, and appropriating $10,000 therefor; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

GEORGE W. HENDERLITE.

Mr. TERRY introduced a bill (H. R. No. 1417) for the relief of George W. Henderlite, late collector of internal revenue for the eighth collection district of Virginia; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

LOUISA FORK OF SANDY RIVER.

Mr. TERRY also introduced a bill (H. R. No. 1418) for the improvement of the Louisa Fork of Sandy River, from Piketon, Kentucky, to

the mouth of Dismal, Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MARY A. SECOR.

Mr. VANCE, of North Carolina, introduced a bill (H. R. No. 1419) granting a pension to Mary A. Secor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN HOLMES.

Mr. VANCE, of North Carolina, also introduced a bill (H. R. No. 1420) granting a pension to John Holmes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WESLEY HENSLEY.

Mr. VANCE, of North Carolina, also introduced a bill (H. R. No. 1421) for the relief of Wesley Hensley; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES V. TWEED.

Mr. VANCE, of North Carolina, also introduced a bill (H. R. No. 1422) for the relief of James V. Tweed; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

STEPHEN TIPTON AND JOHN H. SAMS.

Mr. VANCE, of North Carolina, also introduced a bill (H. R. No. 1423) for the relief of the widow and heirs of Stephen Tipton and John H. Sams; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ELI H. JARRETT.

Mr. VANCE, of North Carolina, also introduced a bill (H. R. No. 1424) to amend an act for the relief of Eli H. Jarrett, approved March 3, 1873; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NORTH CAROLINA CHEROKEE INDIANS.

Mr. VANCE, of North Carolina, also introduced a bill (H. R. No. 1425) to provide for the transfer of the eastern band of the North Carolina Cherokee Indians to the care and jurisdiction of the State of North Carolina; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

POSTAGE ON MANUSCRIPT FOR PUBLICATION.

Mr. WADDELL introduced a bill (H. R. No. 1426) to classify and equalize the rates of postage on all manuscript intended for publication; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

PICTURE OF HOUSE OF REPRESENTATIVES.

Mr. WADDELL also introduced a joint resolution (H. R. No. 48) providing for the purchase of the picture of the House of Representatives executed by the late Professor S. F. B. Morse; which was read a first and second time, referred to the Joint Committee on the Library, and ordered to be printed.

H. P. JONES & CO.

Mr. DAVIS introduced a bill (H. R. No. 1427) for the relief of H. P. Jones & Co.; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

W. H. THOMPSON.

Mr. SCALES introduced a bill (H. R. No. 1428) for the relief of W. H. Thompson, late collector of internal revenue for the fifth district of North Carolina; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

TAX ON TOBACCO, DISTILLED SPIRITS, ETC.

Mr. SCALES also introduced a bill (H. R. No. 1429) to reduce the tax on manufactured tobacco and distilled spirits and repealing the law requiring two-cent stamps on checks; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

LIGHT-HOUSE AT GULL ROCK, NORTH CAROLINA.

Mr. HYMAN introduced a bill (H. R. No. 1430) to authorize the Secretary of the Treasury to establish a light-house at Gull Rock, Pamlico Sound, North Carolina; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HARBOR OF CHARLESTON, SOUTH CAROLINA.

Mr. MACKEY, of South Carolina, introduced a bill (H. R. No. 1431) for the improvement of the harbor of Charleston, in the State of South Carolina; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

J. D. F. DUNCAN.

Mr. WALLACE, of South Carolina, introduced a bill (H. R. No. 1432) for the relief of J. D. F. Duncan; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

A. B. WOODRUFF.

Mr. WALLACE, of South Carolina, also introduced a bill (H. R. No. 1433) for the relief of A. B. Woodruff, late postmaster at Woodruff, South Carolina; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

CHARLES B. ROBERTS.

Mr. WALLACE, of South Carolina, also introduced a bill (H. R. No. 1434) for the relief of Charles B. Roberts; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

REV. NATHANIEL B. FULLER.

Mr. SMALLS introduced a bill (H. R. No. 1435) for the relief of Rev. Nathaniel B. Fuller, of Spartanburgh, South Carolina; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

JOHN SMITH.

Mr. CANDLER introduced a bill (H. R. No. 1436) granting a pension to John Smith, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

TREASURY DEPARTMENT.

Mr. HILL introduced a bill (H. R. No. 1437) to amend the Revised Statutes of the United States relating to the Treasury Department; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. WILLIAMS, of Alabama, introduced a bill (H. R. No. 1438) to amend section 5007 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CIRCUIT COURTS OF ALABAMA.

Mr. CALDWELL, of Alabama, introduced a bill (H. R. No. 1439) authorizing the transfer of certain causes from the circuit court of the United States for the district of Alabama, at Mobile, into the circuit court of the United States for the middle and northern districts of Alabama, at Montgomery and Huntsville, in said State; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CHARLES H. FONDÉ.

Mr. CALDWELL, of Alabama, also introduced a bill (H. R. No. 1440) to enable Charles H. Fondé to make application to the Commissioner of Patents for extension of letters-patent for improvement in dredging machines; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

MRS. AGNES FRY.

Mr. ELLIS introduced a bill (H. R. No. 1441) for the relief of Mrs. Agnes Fry, widow of Joseph Fry; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

OATH FOR JURORS IN UNITED STATES COURTS.

Mr. ELLIS also introduced a bill (H. R. No. 1442) to repeal section 821 of the Revised Statutes of the United States and to provide an oath for grand and petit jurors in the courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RAPHAEL M. MILLER.

Mr. ELLIS also introduced a bill (H. R. No. 1443) for the relief of Raphael M. Miller; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

AURÉLIEN BROUSSARD.

Mr. DARRALL introduced a bill (H. R. No. 1444) for the relief of Aurélien Broussard, of La Fayette Parish, Louisiana; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NEVILLE BROUSSARD.

Mr. DARRALL also introduced a bill (H. R. No. 1445) for the relief of Neville Broussard, administrator of the estate of Dupréville Broussard, deceased, of La Fayette Parish, Louisiana; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

P. J. FRANCIS AND E. GUILBEAU.

Mr. DARRALL also introduced a bill (H. R. No. 1446) for the relief of Pierre J. Francis and Emetilde Guilbeau, heirs of Ursin Bernard, deceased, of La Fayette Parish, Louisiana; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

WIDOW OF RAYMOND RICE.

Mr. DARRALL also introduced a bill (H. R. No. 1447) for the relief of the widow of Raymond Rice, of La Fayette Parish, Louisiana; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JEAN PIERRE LEWIS.

Mr. DARRALL also introduced a bill (H. R. No. 1448) for the relief of Jean Pierre Lewis, of La Fayette Parish, Louisiana; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RANK OF ARMY OFFICERS.

Mr. DARRALL also introduced a bill (H. R. No. 1449) relating to the rank of officers in the Army; which was read a first and second

time, referred to the Committee on Military Affairs, and ordered to be printed.

IMPROVEMENT OF ATCHAFALAYA RIVER, LOUISIANA.

Mr. DARRALL also introduced a bill (H. R. No. 1450) to provide for the improvement of the navigation of the Atchafalaya River, in the State of Louisiana; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT OF OUACHITA RIVER.

Mr. MOREY introduced a bill (H. R. No. 1451) making an appropriation to continue the improvement of the Ouachita River in Louisiana and Arkansas; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JAMES MADISON WELLS, OF LOUISIANA.

Mr. MOREY also introduced a bill (H. R. No. 1452) for the relief of James Madison Wells, of Louisiana; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAPANESE INDEMNITY FUND.

Mr. MONROE introduced a joint resolution (H. R. No. 49) in relation to the Japanese indemnity fund; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

PAY AND ALLOWANCES OF ARMY OFFICERS.

Mr. BANNING introduced a bill (H. R. No. 1453) to regulate the pay and allowances of Army officers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WIDOW AND MINOR CHILDREN OF JUDSON W. CALDWELL.

Mr. VANCE, of Ohio, introduced a bill (H. R. No. 1454) to restore the names of the widow and minor children of Judson W. Caldwell, late first lieutenant of Company I, Seventy-fifth Regiment Ohio Volunteer Infantry, to the pension-rolls; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GRIFFITH CHAVERS.

Mr. VANCE, of Ohio, also introduced a bill (H. R. No. 1455) granting a pension to Griffith Chavers, late a private in Company C, Ninth United States Heavy Artillery, (colored;) which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STEAMBOAT LIKETON.

Mr. VANCE, of Ohio, also introduced a bill (H. R. No. 1456) for the payment of $800 to Milton Kennedy for night services of the steamboat Piketon; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. MARGARET M'DONALD.

Mr. VANCE, of Ohio, also introduced a bill (H. R. No. 1457) for the relief of Mrs. Margaret McDonald, widow of John McDonald, deceased, late second lieutenant of Company A, Fourth West Virginia Infantry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ROBERT M'MURRAY.

Mr. RICE introduced a bill (H. R. No. 1458) for the relief of Robert McMurray, late second lieutenant of the Sixty-seventh Regiment Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JACOB PARROTT.

Mr. POPPLETON introduced a bill (H. R. No. 1459) granting an increase of pension to Jacob Parrott, of Hardin County, Ohio; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LYDIA A. MORRIS.

Mr. SAVAGE introduced a bill (H. R. No. 1460) granting a pension to Lydia A. Morris, widow of the late John K. Morris, Company A, Fifth Ohio Volunteer Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMANDA STOKES.

Mr. SAVAGE also introduced a bill (H. R. No. 1461) granting a pension to Miss Amanda Stokes; which was read a first and second time.

Mr. SAVAGE. I move that the bill be referred to the Committee of Claims and ordered to be printed.

The SPEAKER *pro tempore*, (Mr. RANDALL in the chair.) The bill is entitled "A bill granting a pension to Miss Amanda Stokes," and ought to be referred to the Committee on Invalid Pensions.

Mr. SAVAGE. This bill was referred during the last Congress to the Committee on Invalid Pensions, and on motion of that committee it was discharged from its further consideration and the bill was referred to the Committee of Claims.

The SPEAKER *pro tempore*. The Clerk informs the present occupant of the chair that the bill provides for placing the name of Miss Amanda Stokes upon the pension-roll, and it therefore clearly comes within the jurisdiction of the Committee on Invalid Pensions.

Mr. SAVAGE. I have no objection to the Committee on Invalid Pensions, but in view of what took place during the last Congress I concluded the proper reference would be the Committee of Claims.

The bill was referred to the Committee on Invalid Pensions, and ordered to be printed.

BOUNTIES TO HEIRS OF SOLDIERS.

Mr. WOODWORTH introduced a bill (H. R. No. 1462) granting bounties to the heirs of soldiers who enlisted in the service of the United States during the war for the suppression of the rebellion for a less period than one year and who were killed or have died by reason of such service; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM H. GRAY.

Mr. BLACKBURN introduced a bill (H. R. No. 1463) for the relief of William H. Gray; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

D. W. PRICE AND THOMAS AKERS.

Mr. BLACKBURN also introduced a bill (H. R. No. 1464) for the relief of D. W. Price and Thomas Akers; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

MARY BELL DECKER.

Mr. DURHAM introduced a bill (H. R. No. 1465) granting a pension to Mary Bell Decker, infant daughter of James W. Decker, late of Russell County, Kentucky; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MESSRS. ROBERT F. WILLIAMS & CO.

Mr. JONES, of Kentucky, introduced a bill (H. R. No. 1466) for the relief of Messrs. Robert F. Williams & Co., of Richmond, Virginia; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

DR. WILLIAM M. PAGE.

Mr. JONES, of Kentucky, also introduced a bill (H. R. No. 1467) for the relief of Dr. William M. Page, of Richmond, Virginia; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

S. D. HICKS.

Mr. JONES, of Kentucky, also introduced a bill (H. R. No. 1468) for the relief of S. D. Hicks, of Richmond, Virginia; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

LEROY D. SUTTON.

Mr. BOONE introduced a bill (H. R. No. 1469) for the relief of Leroy D. Sutton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATENT LAWS.

Mr. BOONE also introduced a bill (H. R. No. 1470) to repeal sections 4924, 4925, 4926, 4927, and 4928 of the Revised Statutes of the United States; which was read a first and second time.

Mr. BOONE. These sections relate exclusively to the renewal of patents; and I ask that the bill may be referred to the Committee on Patents.

The bill was referred to the Committee on Patents, and ordered to be printed.

REUBEN S. JONES.

Mr. YOUNG introduced a bill (H. R. No. 1471) for the relief of Reuben S. Jones, of Memphis, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CAPERS CHAPEL, NASHVILLE, TENNESSEE.

Mr. HOUSE introduced a bill (H. R. No. 1472) for the benefit of the trustees of Capers chapel, of Nashville, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ADDITIONAL AGENTS FOR CLAIMS COMMISSION.

Mr. McFARLAND introduced a bill (H. R. No. 1473) authorizing the claims commission established by the act of March 3, 1871, to appoint three additional agents to investigate and make report upon the justice of claims now pending before said commission; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SUSANNAH WOOD.

Mr. McFARLAND also introduced a bill (H. R. No. 1474) granting a pension to Susannah Wood, widow, and the minor heirs of Joseph Wood, late assistant surgeon Eighth Tennessee Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LYDIA S. ROARK.

Mr. McFARLAND also introduced a bill (H. R. No. 1475) authorizing the name of Lydia S. Roark, minor child of Alvin Roark, deceased, late private Company B, Second Tennessee Volunteer Infantry, to be placed on the pension-rolls, and to pay her arrears of pay and bounty due to her father, &c.; which was read a first and second time,

referred to the Committee on Invalid Pensions, and ordered to be printed.

IMPROVEMENT OF CUMBERLAND RIVER.

Mr. RIDDLE introduced a bill (H. R. No. 1476) to continue the improvement of the Cumberland River from Nashville, Tennessee, to Burkesville, Kentucky; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PAYMENT OF 5.20 BONDS.

Mr. RIDDLE also introduced a bill (H. R. No. 1477) for the payment of the 5.20 bonds of the United States issued under the act of February 25, 1862, which are still outstanding; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

A. E. LUNSFORD.

Mr. CALDWELL, of Tennessee, introduced a bill (H. R. No. 1478) for the relief of A. E. Lunsford, of Lauderdale County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DALTON HINCHMAN.

Mr. NEW introduced a bill (H. R. No. 1479) granting a pension to Dalton Hinchman, late a private in Company I, Second Michigan Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DISTRICT AND CIRCUIT COURTS OF THE UNITED STATES IN INDIANA.

Mr. HAMILTON, of Indiana, introduced a bill (H. R. No. 1480) to provide for holding additional district and circuit courts of the United States in the district of Indiana; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

AMANDA J. SPRADLIN.

Mr. FULLER introduced a bill (H. R. No. 1481) granting a pension to Amanda J. Spradlin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT M. WIDNEY.

Mr. BAKER, of Indiana, introduced a bill (H. R. No. 1482) granting a pension to Robert M. Widney, late private of Company K, Eleventh Regiment Kansas Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and, with accompanying papers, ordered to be printed.

NATIONAL BOND AND MORTGAGE COMPANY, DISTRICT OF COLUMBIA.

Mr. LANDERS, of Indiana, introduced a bill (H. R. No. 1483) to incorporate the National Bond and Mortgage Company of the District of Columbia of the United States of America; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. HARRISON introduced a bill (H. R. No. 1484) to amend section 27 of chapter 2, title 2, of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EXPENSES OF DISTRICT JUDGES.

Mr. CAULFIELD introduced a bill (H. R. No. 1485) to provide for the expenses of district judges when holding court out of their own district; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

He also introduced a bill (H. R. No. 1486) to provide for the payment of the expenses of district judges in the seventh circuit; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SAMUEL M. NALLY.

Mr. ANDERSON introduced a bill (H. R. No. 1487) for the relief of Samuel M. Nally; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

VILLA AND SUBURBAN RAILROAD COMPANY, DISTRICT OF COLUMBIA.

Mr. ANDERSON also introduced a bill (H. R. No. 1488) to incorporate the Villa and Suburban Railroad Company of the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

MRS. ELIZA POTTER.

Mr. FARWELL introduced a bill (H. R. No. 1489) for the relief of Mrs. Eliza Potter, widow of Lorenzo T. Potter, deceased, late of Charleston, South Carolina; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHEAP TRANSPORTATION.

Mr. HURLBUT introduced a bill (H. R. No. 1490) to provide for cheap transportation of freight between tide water, on or near the Atlantic Ocean, and the Ohio and Mississippi Valleys; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

NAVIGATION OF THE ILLINOIS RIVER.

Mr. WHITING introduced a bill (H. R. No. 1491) appropriating money to deepen the channel and improve the navigation of the Illinois River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WILLIAM CARTER.

Mr. WHITING also introduced a bill (H. R. No. 1492) for the relief of William Carter; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

WILLIAM SLUSHER.

Mr. FORT introduced a bill (H. R. No. 1493) granting a pension to William Slusher, a private soldier of the New York Volunteer Infantry in the late war; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES ARNOLD.

Mr. FORT also introduced a bill (H. R. No. 1494) granting a pension to James Arnold, a private soldier of the war with England of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

JOHN COYNE.

Mr. FORT also introduced a bill (H. R. No. 1495) granting a pension to John Coyne, a private in Company I, One hundred and fourth Regiment Illinois Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY A. ALLEN.

Mr. FORT also introduced a bill (H. R. No. 1496) granting a pension to Mary A. Allen, widow of George B. Allen, private in the Fourth Regiment Michigan Volunteer Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMANDA C. BLACKMON.

Mr. FORT also introduced a bill (H. R. No. 1497) granting a pension to Amanda C. Blackmon, widow of Charles A. Blackmon, of the Eleventh Regiment Illinois Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IMPROVEMENT OF THE MISSISSIPPI RIVER.

Mr. WIKE introduced a bill (H. R. No. 1498) appropriating $75,000 for repairs upon the Snycarte Levee along the Mississippi River in the State of Illinois; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LYDIA JOHNSON.

Mr. STEVENSON introduced a bill (H. R. No. 1499) granting a pension to Lydia Johnson, of DeWitt County, Illinois; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RETIREMENT OF UNITED STATES NOTES.

Mr. MORRISON introduced a bill (H. R. No. 1500) preparatory to the retirement of United States notes and the resumption of specie payments; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

LOUISE MOSS.

Mr. KEHR introduced a bill (H. R. No. 1501) granting arrears of pension to Louise Moss; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EXPENSES OF POST-OFFICE SPECIAL AGENTS.

Mr. CLARK, of Missouri, introduced a bill (H. R. No. 1502) regulating the per-diem allowance for traveling and incidental expenses of special agents of the Post-Office Department; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

SARAH F. ALBERTSON.

Mr. PHILIPS, of Missouri, introduced a bill (H. R. No. 1503) for the relief of Sarah F. Albertson, of Boonville, Missouri; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

INSPECTION OF ILLUMINATING OILS, ETC.

Mr. BUCKNER introduced a bill (H. R. No. 1504) to provide for the inspection of illuminating oils and other fluids in the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

WILLIAM F. GROVE.

Mr. GAUSE introduced a bill (H. R. No. 1505) for the relief of William F. Grove, of Arkansas, late second lieutenant Seventh Missouri Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM BUTCHER.

Mr. WALDRON introduced a bill (H. R. No. 1506) for the relief of William Butcher, late private Company I, Seventh Michigan Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES M'GINNIS.

Mr. WALDRON also introduced a bill (H. R. No. 1507) for the relief of James McGinnis; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

INTEREST IN CORPORATIONS UNDER EXECUTION.

Mr. W. B. WILLIAMS introduced a bill (H. R. No. 1508) to provide for the levy, sale, and transfer of interests in corporations under execution; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SAMUEL W. ABBOTT.

Mr. HUBBELL introduced a bill (H. R. No. 1509) for the relief of Samuel W. Abbott, postmaster at Menomonee, Michigan; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

RE-INSTATEMENT OF ARMY OFFICERS.

Mr. A. S. WILLIAMS introduced a bill (H. R. No. 1510) to re-instate certain officers of the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CIVIL-SERVICE REFORM.

Mr. A. S. WILLIAMS also introduced a joint resolution (H. R. No. 50) proposing an amendment to the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

The joint resolution, which was read, proposes the following amendments to the Constitution:

SECTION 1. Senators and Representatives in Congress are prohibited from soliciting appointments to or removals from office.

SEC. 2. Congress may create a civil-service commission of not less than five or more than nine persons, to be chosen once in every four years in such manner as may be prescribed by law, and may confer on such commission absolute advisory and confirmatory powers in regard to appointments to and removals from office.

SEC. 3. Congress may provide that civil officers whose duties require them to reside in the several States may be elected by the people of their respective States, districts, and localities, subject, however, to removal by the civil-service commission under such rules and regulations as may be prescribed by law; but no officer so elected shall be removed for religious or political reasons.

SEC. 4. Congress shall have power to enforce this article by appropriate legislation.

CLAIMS OF SOLDIERS IN MEXICAN WAR.

Mr. MILLS presented a joint resolution of the Legislature of the State of Texas, urging upon Congress early and favorable consideration of the claims upon the people's gratitude of those who rendered service in the Army and Navy of the United States in the late war with Mexico; which was referred to the Committee on Military Affairs, and ordered to be printed.

SAMUEL KILGORE.

Mr. REAGAN introduced a bill (H. R. No. 1511) for the relief of Samuel Kilgore, a citizen of Texas; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

PUBLIC BUILDING AT AUSTIN, TEXAS.

Mr. HANCOCK introduced a bill (H. R. No. 1512) to provide a building for the use of the United States district and circuit courts, the post-office, and internal-revenue offices at Austin, Texas; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

HANNAH D. HINE.

Mr. McCRARY introduced a bill (H. R. No. 1513) for the relief of Hannah D. Hine; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WIDOW OF JACOB AXLINE.

Mr. McCRARY also introduced a bill (H. R. No. 1514) granting a pension to the widow of Jacob Axline; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SOLDIERS AND SAILORS OF 1812.

Mr. AINSWORTH introduced a bill (H. R. No. 1515) for the relief of certain officers, soldiers, and sailors of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

TIME FOR MEETING OF CONGRESS.

Mr. WILSON, of Iowa, introduced a joint resolution (H. R. No. 51) proposing an amendment to the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

The joint resolution, which was read, proposes the following amendments to the Constitution:

SECTION 1. After the year 1882 the annual meeting of Congress shall be on the 1st day of January, or the next day when the first falls on Sunday, or on such other day in the month of January as may be prescribed by law.

SEC. 2. The term of office of Representatives elected to the Forty-seventh Congress shall expire on the last day of December in the year 1882.

SEC. 3. The term of office of Representatives elected to the Forty-eighth Congress shall begin on the 1st day of January in the year 1883, and that of Representatives to the succeeding Congresses shall begin on the 1st day of January every second year thereafter.

SEC. 4. The terms of office of Senators, which under the present official tenure would expire with the 3d day of March, 1883, 1885, and 1887, shall expire with the close of the month of December next preceding said years respectively; and thereafter the term of Senators shall begin on the 1st day of January.

DISTRIBUTION OF ARTIFICIAL LIMBS.

Mr. RUSK introduced a bill (H. R. No. 1516) to regulate the issue of artificial limbs to disabled soldiers, seamen, and others; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IMPROVEMENT OF AHNAPEE HARBOR, WISCONSIN.

Mr. KIMBALL introduced a bill (H. R. No. 1517) making appropriation for continuing the improvement of the harbor at Ahnapee, Wisconsin; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HARBOR OF REFUGE, LAKE MICHIGAN SHIP-CANAL.

Mr. KIMBALL also introduced a bill (H. R. No. 1518) making appropriation for continuing the construction of the harbor of refuge at the entrance of the Sturgeon Bay and Lake Michigan Ship-canal, in the State of Wisconsin; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MARGARET B. FRANKS.

Mr. KIMBALL also introduced a bill (H. R. No. 1519) for the relief of Margaret B. Franks, heir at law of Thomas L. Franks, of Green Bay, Wisconsin; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

SUSAN SCOFIELD.

Mr. WILLIAMS, of Wisconsin, introduced a bill (H. R. No. 1520) for the relief of Susan Scofield, widow of Alfred F. Scofield, late first lieutenant of the Third Kentucky Cavalry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOUIS M'LAUGHLIN.

Mr. WILLIAMS, of Wisconsin, also introduced a bill (H. R. No. 1521) granting a pension to Louis McLaughlin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IMPROVEMENT OF PORT WASHINGTON HARBOR, WISCONSIN.

Mr. LYNDE introduced a bill (H. R. No. 1522) to appropriate money to improve the harbor at Port Washington, Wisconsin; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT OF MILWAUKEE HARBOR, WISCONSIN.

Mr. LYNDE also introduced a bill (H. R. No. 1522½) to appropriate money to improve the harbor at Milwaukee, Wisconsin; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT OF THE HARBOR AT ASHLAND, WISCONSIN.

Mr. CATE introduced a bill (H. R. No. 1523) appropriating money for the improvement of the harbor at Ashland, State of Wisconsin; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT OF THE HARBOR AT SUPERIOR, WISCONSIN.

Mr. CATE also introduced a bill (H. R. No. 1524) appropriating a sum of money to be used in the improvement of the harbor at Superior, in the State of Wisconsin; which was read a first and second time, referred to the same committee, and ordered to be printed.

IMPROVEMENT OF THE HARBOR AT BAYFIELD, WISCONSIN.

Mr. CATE also introduced a bill (H. R. No. 1525) appropriating money for the improvement of the harbor at Bayfield, Wisconsin; which was read a first and second time, referred to the same committee, and ordered to be printed.

MRS. RACHEL ALBAN.

Mr. CATE also introduced a bill (H. R. No. 1526) granting a pension to Mrs. Rachel Alban; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HARMON NETTERFIELD.

Mr. CATE also introduced a bill (H. R. No. 1527) granting a pension to Harmon Netterfield; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IMPROVEMENT OF THE HARBOR OF MENOMONEE.

Mr. CATE also introduced a bill (H. R. No. 1528) making appropriation for continuing the improvement of the harbor of Menomonee, in the States of Wisconsin and Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ZOOLOGICAL PARK, DISTRICT OF COLUMBIA.

Mr. CATE also (by request) introduced a bill (H. R. No. 1529) to establish a zoological park near the Capitol, in the District of Columbia, and to incorporate a company to maintain the same and construct a street railway thereto; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

TELEGRAPH COMPANIES.

Mr. PIPER introduced a bill (H. R. No. 1530) conferring certain privileges on telegraph companies; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

POSTAL ROUTES.

Mr. PIPER also introduced a bill (H. R. No. 1531) in regard to postal routes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

SETTLERS ON THE SOSCOL TRACT, CALIFORNIA.

Mr. LUTTRELL introduced a bill (H. R. No. 1532) for the relief of the settlers on the Soscol tract of land in Solano, California; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JAMES E. BARNES ET AL.

Mr. LUTTRELL also introduced a bill (H. R. No. 1533) for the relief of James E. Barnes and eleven other citizens of the State of California; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

MINERAL LANDS IN CALIFORNIA.

Mr. LUTTRELL also introduced a bill (H. R. No. 1534) to grant to the State of California the sixteenth and thirty-sixth sections of all mineral lands belonging to the United States in the State of California for common-school purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PORT OF SAN LUIS OBISPO.

Mr. WIGGINTON presented a joint resolution of the Legislature of the State of California, asking for a breakwater at the port of San Luis Obispo, in that State, and that said harbor be declared a port of entry; which was referred to the Committee on Commerce, and ordered to be printed.

PUBLIC BUILDING AT SACRAMENTO, CALIFORNIA.

Mr. PAGE introduced a bill (H. R. No. 1535) appropriating money for the purchase of a site and the erection of a building for a post-office and other Government offices in the city of Sacramento, in the State of California; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

HOMESTEAD SETTLERS.

Mr. PAGE also introduced a bill (H. R. No. 1536) extending chapter 196 of the Revised Statutes to homestead settlers; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SETTLERS ON RAILROAD LANDS.

Mr. STRAIT introduced a bill (H. R. No. 1537) to extend the provisions of the act approved June 22, 1874, entitled "An act for the relief of settlers on railroad lands;" which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

INTERNAL REVENUE.

Mr. DUNNELL introduced a bill (H. R. No. 1538) to amend section 3460 of the Revised Statutes in relation to the internal revenue; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

PONTON BRIDGE ACROSS THE MISSISSIPPI.

Mr. DUNNELL also introduced a bill (H. R. No. 1539) to authorize the construction of a ponton bridge across the Mississippi River from some feasible point in Buffalo County, in the State of Wisconsin, to some feasible point in Winona County, in the State of Minnesota; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

FORT DODGE MILITARY RESERVATION.

Mr. BROWN, of Kansas, introduced a bill (H. R. No. 1540) authorizing the Secretary of War to sell a portion of the Fort Dodge military reservation, in Kansas, to the Dodge City Town Company; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN S. HALL.

Mr. WILSON, of West Virginia, introduced a bill (H. R. No. 1541) granting a pension to John S. Hall, of West Virginia; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SECTION 3480 REVISED STATUTES.

Mr. HEREFORD introduced a bill (H. R. No. 1542) to repeal section 3480 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PENSIONERS OF WAR OF 1812.

Mr. HEREFORD also introduced a bill (H. R. No. 1543) to amend the act entitled "An act granting pensions to certain soldiers and sailors of the war of 1812 and the widows of deceased soldiers," approved February 14, 1871, and to restore to the pension-rolls those persons whose names were stricken therefrom in consequence of disloyalty; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

CLAIMS FOR STORES AND SUPPLIES.

Mr. FAULKNER introduced a bill (H. R. No. 1544) to amend and re-enact an act entitled "An act to restrict the jurisdiction of the Court of Claims, and to provide for the payment of certain demands for quartermaster's stores and subsistence supplies furnished to the Army of the United States," approved July 4, 1864; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

STATE TAXES ON RAILROADS.

Mr. CROUNSE introduced a bill (H. R. No. 1545) declaring lands heretofore granted to certain railroad companies subject to taxation; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JAMES T. PECK ET AL.

Mr. CROUNSE also introduced a bill (H. R. No. 1546) for the relief of James T. Peck, Reuben Wood, and Joseph W. Paddock; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

BRIDGE AT OMAHA, NEBRASKA.

Mr. CROUNSE also introduced a bill (H. R. No. 1547) limiting rates for the transportation of freight and passengers over the bridge constructed by the Union Pacific Railroad Company across the Missouri River at Omaha, Nebraska; which was read a first and second time, referred to the Committee on the Pacific Railroad, and ordered to be printed.

LAW LIBRARY FOR DAKOTA TERRITORY.

Mr. KIDDER introduced a bill (H. R. No. 1548) to appropriate money for the purchase of a law library for the Territory of Dakota; which was read a first and second time, referred to the Committee on Territories, and ordered to be printed.

UNIVERSITY OF DAKOTA.

Mr. KIDDER also introduced a bill (H. R. No. 1549) to set apart public lands in the Territory of Dakota for the use and support of a university therein; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PAUL M'CORMICK.

Mr. MAGINNIS introduced a bill (H. R. No. 1550) for the relief of Paul McCormick; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

PAYMENT OF INDIAN WAR BONDS.

Mr. JACOBS introduced a bill (H. R. No. 1551) for the payment of certain Indian war bonds of the State of California; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

RESTORATION OF LANDS TO PUBLIC DOMAIN.

Mr. JACOBS also introduced a bill (H. R. No. 1552) to restore the lands withdrawn in favor of the Northern Pacific Railroad north of township 23 north, in Washington Territory, to the public domain; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

FOG-SIGNAL.

Mr. JACOBS also introduced a bill (H. R. No. 1553) for the purchase of a site and location of a fog-signal on Point Wilson, in the Territory of Washington; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BAYSE M. WESTCOTT.

Mr. PURMAN, by unanimous consent, introduced a bill (H. R. No. 1554) to restore Bayse M. Westcott, of the United States Navy, to his original position on the Naval Register; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The call of the States and Territories for bills and joint resolutions on leave has now been completed.

STRAW BIDS IN THE POST-OFFICE DEPARTMENT.

Mr. STONE. I offer the preamble and resolutions which I send to the desk for immediate action, and I move that the rules be suspended and the preamble and resolutions adopted.

The Clerk read the preamble and resolutions, as follows:

Whereas the Postmaster-General of the United States, in his annual report to Congress dated November 15, 1875, (pages 23 and 24,) states that "the officers of this Department are subjected to great annoyance and the Department itself to great pecuniary loss by the prevalent system of 'straw-bidding' on long and expensive routes;" that "several stringent laws have been enacted with a view to the eradication of the evil, but they have signally failed to accomplish the desired result, interested parties, in the teeth of oaths and penalties, still combining together and employing various devices to prevent fair competition and to secure undue advantages by fraud;" and that this evil "annually involves the Department in the loss of hundreds of thousands of dollars;" and whereas, on the 25th day of July, 1874, an article was published in the Chicago Times, calling attention to the method of one John J. Safely, of Ottumwa, Iowa, of weighing the United States mails transported by railroad companies, and on the 10th day of December, 1875, the said John J. Safely, in a memorial to this House, inclosed a copy of said articles, and asked that

the charges be investigated; and whereas the Postmaster-General of the United States, in his annual report dated November 14, 1874, (pages 28 and 29,) calls attention to the annual deficiency of the Post-Office Department, as follows: "The deficiency of this Department has varied of late years from 15 to 20 per cent., while from the best data at my command I have been compelled to submit estimates for the year ending June 30, 1876, which will show an expected excess of expenditures over receipts of nearly eight million dollars, or about 25 per cent. of the entire revenues of the Department. How far the American people will be willing to go in this direction remains to be seen;" and in his annual report for 1875 (pages 28 and 29) estimates the deficiency for the fiscal year ending June 30, 1877, at 19.39 per cent.; and whereas, by the act of July 2, 1836, provision is made for the appointment of an Auditor of the Treasury for the Post-Office Department, to "receive all accounts arising in said Department or relative thereto, to audit and settle the same, and certify their balances to the Postmaster-General;" Therefore,

Be it resolved, That the Committee on the Post-Office and Post-Roads be directed to investigate the charge that the system of straw-bidding "annually involves the Department in the loss of hundreds of thousands of dollars;" the origin and extent to which that system prevails or has prevailed; whether or not illegal and extravagant mail contracts have been made of late years, through which, together with the various devices adopted by the beneficiaries of such contracts and of the straw-bid system, to secure increased compensation and pay for service never performed, the Government has been defrauded of millions of dollars, as alleged by the press; and whether or not such losses would have been possible without the knowledge or collusion of officials of the Post-Office Department, postmasters, and others in authority; what efforts, if any, have been made by the Postmaster-General or his agents to break up the system of "straw-bidding" to prosecute those engaged or alleged to have been engaged in it, or who are or have been the beneficiaries of that system; whether any person has been prosecuted for conspiracy or fraud in connection with mail contracts, or has escaped prosecution, there being evidence of his guilt, and the reason for any such failure to prosecute; whether or not any evidence has been developed showing that postmasters, officers, or employés of the Post-Office Department have received money, presents, or any other valuable consideration whatsoever from mail contractors with whose business or accounts they had or could have any connection; and whether or not any such officer or employé is still in the service of the Post-Office Department, and, if so, why, or has been criminally prosecuted, and, if not prosecuted, the reason why; whether or not the beneficiaries of the "straw-bid system" and other contractors have been specially favored by the Auditor of the Treasury for the Post-Office Department in irregular settlement of their accounts, and enabled to evade the law prohibiting the assignment or transfer of mail contracts through the recognition by said Auditor of irrevocable powers of attorney; and whether or not injustice has been done the Government or individuals by the recognition of such powers of attorney, or in the irregular settlement of claims or accounts by said Auditor, and, if such settlements have been made, why made, and through what influence.

And be it further resolved, That the Committee on Expenditures in the Post-Office Department be directed to investigate the charge that one John J. Safely, employed by railroad companies to weigh the United States mails transported by said companies, had a system of weighing by which such increased compensation was obtained as warranted the payment to him of large sums of money for his services; the charge that the "Safely method" had for one of its features the transfer of through mails from a line of railroads which had weighed mails for a re-adjustment of pay to a parallel road which was then weighing or about to weigh mails, so that two or more roads might be paid for transporting the same mail; whether or not such transfers were made or were possible without the knowledge or collusion of officials or employés of the Post-Office Department; whether or not said Safely was assisted in carrying out his arrangements with railway companies by any official or employé of the Post-Office Department, or other person acting as attorney for or in the interest of any Government official, or ex-official, or claiming to so act; whether or not corruption or extravagance in making contracts or in the collection or expenditure of the revenues of the Post-Office Department has tended to cause the large deficiencies in the revenues of that Department of "late years;" and if the expenditures cannot be curtailed without detriment to public interests; whether or not the manner of keeping and adjusting the accounts of the Post-Office Department by the Auditor of the Treasury for that Department exhibits the exact condition of those accounts at the close of each fiscal year and if said Auditor's Office is a check upon the irregular settlement of accounts or claims provided such settlements have been or should be authorized by the Postmaster-General.

The question was taken on Mr. STONE'S motion, and (two-thirds voting in favor thereof) the rules were suspended, and the preamble and resolutions were adopted.

IMPROVEMENT OF RIVERS IN GEORGIA.

Mr. BLOUNT, by unanimous consent, introduced a bill (H. R. No. 1555) for the improvement of the Altamaha and Ocmulgee Rivers, in the State of Georgia, between the cities of Macon and Darien; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

Also, a bill (H. R. No. 1556) for the improvement of the Yellow River, in the State of Georgia; which was read a first and second time, referred to the same committee, and ordered to be printed.

Also, a bill (H. R. No. 1557) for the improvement of the Ocmulgee River, in the State of Georgia, above the city of Darien; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PROCEEDS OF CAPTURED AND ABANDONED PROPERTY.

Mr. WHITTHORNE. I move that the rules be so suspended as to enable me to submit and the House to adopt the preamble and resolution which I send to the Clerk's desk.

The Clerk read as follows:

Whereas under an act of Congress approved March 12, 1863, entitled "An act to provide for the collection of abandoned property and for the prevention of frauds in the insurrectionary districts within the United States," the proceeds of a large amount of captured and abandoned property were covered into the Treasury of the United States, a large proportion of which was unlawfully seized by the agents of the Treasury Department after the 30th day of June, 1865, the total amount received from these sources being over twenty millions of dollars, and that which was seized after the 30th of June, 1865, was, by the fifth section of the act of 18th of May, 1872, directed to be paid by the Secretary of the Treasury to the lawful owners thereof; and whereas it appears by the report of the Secretary of the Treasury made to the present session of Congress that since the passage of said last-mentioned act there has been paid to claimants under said act but the small sum of $180,358.43; and whereas it further appears that under various acts and resolutions of Congress the amount of $347,000 has been appropriated to defend claims made under said acts against the United States, to wit: Resolution of March 30, 1868, $75,000; act of April 10, 1869, $25,000; act of April 20, 1870, $40,000; act of July 15, 1870, $60,000; act of May 18, 1872, $30,000; act of ——, 1870, $1,000; act of ——, 1870, $20,000; act of June, 1872, $30,000; act of March 3, 1873, $30,000; act of June, 1874, $30,000; act of March 3, 1875, $6,000; and it does not appear how or in what manner these sums, aggregating $347,000, have been used; and whereas it appears that a division known as that of the division having in charge the proceeds of captured and abandoned property has been organized in the Treasury Department, with chief and other clerks and employés at high salaries amounting to over $12,000 per annum, and which, with the salaries paid to attorneys representing the Government, amount to annual expense exceeding the sums paid to the judges and clerk of the Court of Claims; and whereas the management and distribution of said fund, from its large amount and other considerations, require that it should be economically taken care of and supervised by men of unquestioned character and intelligence: Therefore,

Be it resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform this House: First, by what authority of law said division of the Treasury Department known as "the division having charge of the proceeds of captured and abandoned property" was formed, how many clerks are employed therein, at what salary each, and under what appropriation they receive their compensation. Second, by what authority of law J. S. Frazer is employed to adjudicate cotton claims, when employed, at what rate of compensation, and what length of time he is or has been absent since the date of his employment. Third, to whom and for what services, and when and where rendered, have the appropriations amounting to $347,000, as hereinbefore cited, or any part thereof, been paid. Fourth, whether the chief clerk of said division is not M. L. Noerr, who, previous to his appointment in said division, was in the employ of the detective department; and whether the clerk second in position in said division is not William Fessenden, and the same individual who held a position in the Army of the United States and was dismissed therefrom for embezzlement of a large sum of money, and do not these parties have charge of all the records of the United States pertaining to claims for captured and abandoned property. Fifth, whether any former officer of the Treasury Department who had any control or knowledge of the facts in connection with the proceeds of captured and abandoned property in the Treasury of the United States has been employed to represent parties having claims against said proceeds; if so, who is said officer, and what amount of claims has he represented or does he now represent.

The question was upon the motion to suspend the rules and adopt the preamble and resolution.

Mr. KASSON. I ask the gentleman if he has any objection to submitting the resolution without the preamble. The preamble recites so many facts and figures that I apprehend the House will hardly be able to understand them from this reading. I presume there is no objection to the inquiry, but I am opposed to committing the House to the entire statements contained in the preamble.

Mr. WHITTHORNE. The preamble simply refers to the laws of the United States relating to the subject.

Mr. GARFIELD. I hope the gentleman will not commit us to the doctrine of refunding the cotton tax by a simple resolution of inquiry concerning the conduct of the Treasury Department.

Mr. WHITTHORNE. It does not do that.

Mr. KASSON. I presume there will be no objection to the inquiry if the House is not committed to the statements contained in the preamble.

The SPEAKER. Does the gentleman from Tennessee [Mr. WHITTHORNE] insist on his motion?

Mr. WHITTHORNE. Yes, sir.

The question being taken on suspending the rules and agreeing to the preamble and resolution, there were—ayes 100, noes 59.

Mr. GARFIELD. I move the reference of the resolution to the Committee of Ways and Means.

The SPEAKER. If the rules are not suspended the resolution is not before the House.

Mr. WHITTHORNE. I call for the yeas and nays.

Mr. RANDALL. I would like to hear the resolution read again.

The SPEAKER. Does the gentleman desire that the entire paper shall be read?

Mr. HOAR. I think it proper that it should all be read. I do not believe that twenty members will vote for it if they listen to it.

The preamble and resolution were again read.

Mr. WHITTHORNE. In order to save the time of the House I withdraw the preamble.

Mr. HURLBUT. I object to debate.

Mr. GARFIELD. I hope this batch of personalities may be sent to a committee.

Mr. WHITTHORNE. It is not a "batch of personalities." The highest interests of the country demand the adoption of this proposition.

Mr. HOAR. I suggest to the gentleman from Tennessee that the proper course for him is to make charges and have them referred to a committee for investigation. I submit that it is unworthy the dignity of the House to put these questions about individuals in this way.

Mr. WHITTHORNE. The records of the country show that what is there alleged is true. I hold in my hand a report of a committee of this House on this subject.

Mr. CONGER. I object to debate.

Mr. WHITTHORNE. I withdraw the preamble.

Mr. HOLMAN. I hope the gentleman will consent that that part of the resolution referring to Mr. Fessenden may be modified by inserting the words "it is alleged."

Mr. WHITTHORNE. I will insert those words. But an official record coming from the gentleman's own committee in a former Congress is the foundation for those charges.

Mr. CONGER. I object to debate.

The SPEAKER. The preamble is now withdrawn.

Mr. WILSON, of Iowa. Is it not too late to amend when the House is dividing?

The SPEAKER. The resolution has not been received. The rules have not been suspended.

Mr. WILSON, of Iowa. But the House is dividing on that question.

The SPEAKER. The House is not dividing. The gentleman from Tennessee, having withdrawn the preamble, now moves a suspension of the rules to adopt the resolution.

Mr. HOAR. As this is a new proposition, we are entitled to have it read again.

The Clerk again read the resolution.

The question being taken on agreeing to the motion to suspend the rules, there were—ayes 138, noes 77; less than two-thirds voting in the affirmative.

Mr. WHITTHORNE and Mr. COX called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 160, nays 94, not voting 36; as follows:

YEAS—Messrs. Ainsworth, Anderson, Ashe, Atkins, Bagby, John H. Bagley, Barnum, Bell, Blackburn, Bland, Blount, Boone, Bradford, Bright, John Young Brown, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cannon, Cate, Caulfield, John B. Clarke, of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Cook, Cowan, Cox, Culberson, Cutler, Davis, De Bolt, Dibrell, Douglas, Durham, Eden, Faulkner, Felton, Forney, Fort, Franklin, Gause, Glover, Goode, Goodin, Gunter, Andrew H. Hamilton, Robert Hamilton, Hancock, Hardenbergh, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Hatcher, Haymond, Hereford, Goldsmith W. Hewitt, Hill, Holman, Hooker, Hopkins, House, Hunton, Hurd, Jenks, Frank Jones, Thomas L. Jones, Joyce, Knott, Lamar, Franklin Landers, George M. Landers, Lane, Levy, Lewis, Lord, Luttrell, Lynde, Maish, McFarland, McMahon, Meade, Metcalfe, Milliken, Mills, Money, Morgan, Morrison, Mutchler, Neal, New, Parsons, Payne, Phelps, John F. Philips, Piper, Poppleton, Powell, Randall, Rea, Reagan, John Reilly, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Robinson, Miles Ross, Savage, Sayler, Scales, Schleicher, Sheakley, William E. Smith, Southard, Sparks, Springer, Stenger, Stevenson, Stone, Swann, Tarbox, Teese, Terry, Thompson, Throckmorton, Tucker, Turney, John L. Vance, Robert B. Vance, Waddell, Gilbert C. Walker, Walling, Walls, Walsh, Ward, Warren, Erastus Wells, Whitehouse, Whitthorne, Wigginton, Wike, Alpheus S. Williams, James Williams, James D. Williams, Jeremiah N. Williams, Willis, Benjamin Wilson, James Wilson, Fernando Wood, Yeates, and Young—160.

NAYS—Messrs. Adams, George A. Bagley, John H. Baker, William H. Baker, Ballon, Banks, Beebe, Blaine, Blair, Bradley, William R. Brown, Horatio C. Burchard, Burleigh, Cason, Caswell, Chittenden, Conger, Crapo, Crounse, Danford, Darrell, Davy, Denison, Dunnell, Eames, Evans, Farwell, Foster, Freeman, Frye, Garfield, Hale, Haralson, Benjamin W. Harris, Hathorn, Hendee, Henderson, Hoar, Hoge, Hoskins, Hubbell, Hunter, Hurlbut, Hyman, Kehr, Kelley, Ketcham, Kimball, King, Lapham, Lawrence, Leavenworth, Lynch, Edmund W. M. Mackey, Magoon, MacDougall, McBill, Monroe, Nash, Norton, Oliver, O'Neill, Page, William A. Phillips, Pierce, Plaisted, Potter, Pratt, Purman, Rainey, Sobieski Ross, Sampson, Seelye, Simpkinson, Smalls, A. Herr Smith, Strait, Thornburgh, Martin I. Townsend, Washington Townsend, Tufts, Van Vorhes, Waldron, Alexander S. Wallace, John W. Wallace, G. Wiley Wells, Wheeler, White, Whiting, Willard, Andrew Williams, Charles G. Williams, William B. Williams, and Woodburn—94.

NOT VOTING—Messrs. Banning, Bass, Bliss, Chapin, Dobbins, Durand, Egbert, Ellis, Ely, Frost, Fuller, Gibson, Hays, Henkle, Abram S. Hewitt, Kasson, Levi A. Mackey, McCrary, Miller, Morey, O'Brien, Odell, Packer, Platt, James B. Reilly, Rusk, Schumaker, Singleton, Slemons, Starkweather, Stowell, Thomas, Charles C. B. Walker, Willshire, Alan Wood, jr., and Woodworth—36.

So the rules were not suspended, (two-thirds not voting in favor thereof.)

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that that body had passed bills of the following titles; in which the concurrence of the House was requested.

A bill (S. No. 63) fixing the time of holding the circuit court of the United States in the districts of California, Oregon, and Nevada; and

A bill (S. No. 160) for the relief S. K. Thompson.

PURCHASE OF SILVER BY THE GOVERNMENT.

Mr. KELLEY moved to suspend the rules and pass the following resolution:

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be directed to report to this House what amount of specie was in the Treasury on the 31st of December, 1875, designating the amount of gold and silver respectively; also the amount of silver purchased under the provisions of the act approved January 14, 1875, entitled "An act to provide for the resumption of specie payments," stating the date of the several purchases, the price paid for each, and what amount of the cost of any of such purchase of silver has been paid for from surplus revenue in the Treasury not otherwise appropriated, and what amount of five per cent. bonds bearing gold interest have been sold or disposed of for the purpose of providing means for the payment for said silver, the date of the several issues of said bonds respectively, the amount of interest that has been paid thereon, and the amount that will have accrued but remain unpaid on the day preceding the date of the report made in response to this resolution.

The rules were suspended (two-thirds voting in favor thereof) and the resolution was adopted.

AMENDMENT OF PENSION ACT.

Mr. HARRIS, of Virginia. I move to suspend the rules and put on its passage a bill to amend the pension act of February 14, 1871, by striking out "proof of loyalty."

The bill, which was read, provides that section 1 of the act granting pensions to the survivors of the soldiers of the war of 1812, approved February 14, 1871, be amended by striking out so much of said section as excludes from the benefit of the law those who adhered to the enemies of the Government.

Mr. HARRIS, of Virginia. That bill passed this House at the last session of Congress, but failed to receive favorable action in the Senate.

Mr. KASSON. I wish to call the attention of the gentleman from Virginia to the fact that without reference to the section of the Revised Statutes the bill would be ineffectual, the Revised Statutes having superseded the old act. Under the circumstances I think it had better be referred to a committee.

Mr. HARRIS, of Virginia. The same bill passed this House during the last Congress by a two-thirds vote, the other side of the House voting for it on both occasions when it was under consideration.

Mr. HOAR. Nobody is opposed to the bill, but it refers to the old law, which has been repealed by the Revised Statutes.

Mr. HARRIS, of Virginia. I will modify the bill by referring to the section of the Revised Statutes.

Mr. HOAR. The gentleman had better withdraw his bill for the present and bring it up again.

Mr. TOWNSEND, of New York. Mr. Speaker, I desire to make a statement, with the permission of the House. The Committee on Revolutionary Pensions and War of 1812 have unanimously agreed to a general bill in relation to such pensions, and one of its provisions is precisely that offered in the proposition of the gentleman from Virginia. I am assured by the chairman of the committee that the whole bill will be before this House to be put on its passage either on Wednesday or Thursday next.

Mr. HARRIS, of Virginia. I withdraw the bill under the circumstances.

ROBERT RANSOM, OF VIRGINIA.

Mr. WALKER, of Virginia, moved to suspend the rules and pass a bill (H. R. No. 1558) to remove the legal and political disabilities of Robert Ransom, of Virginia.

The rules were suspended (two-thirds voting in favor thereof) and the bill was passed.

CIVIL-SERVICE REFORM.

Mr. WILLARD moved to suspend the rules and pass the following resolution.

The Clerk read as follows:

Whereas the solicitation of appointments to office and removals therefrom by Senators and members of Congress tends to embarrass the proper exercise of the executive functions of the Government, to impair the independence of the legislative department, and impose upon it duties not properly belonging thereto, and to confuse and intermingle powers and responsibilities which it was the evident intention of the Constitution to keep distinct, and is therefore an evil which should be repressed by suitable measures of legislation: Therefore,

Resolved, That the Committee on Reform in the Civil Service be instructed to inquire what measures of legislation are necessary for the accomplishment of this purpose, and to report to this House at an early day by bill or otherwise.

The rules were suspended (two-thirds voting in favor thereof) and the resolution was adopted.

PACIFIC MAIL SUBSIDY.

Mr. MORRISON moved to suspend the rules and pass the following resolution.

The Clerk read as follows:

Resolved, That the papers laid before this House by the Clerk thereof in relation to the testimony taken before the Committee of Ways and Means (of the Forty-third Congress) "upon the question of the corrupt use of money to procure the passage of an act providing for an additional subsidy in the China mail service" be taken from the table and referred to the Committee on the Judiciary, with instructions to inquire what action should be taken by the House in reference to the persons now members of this House charged with complicity in the said alleged corrupt use of money for the purpose aforesaid or with giving false testimony in relation thereto, and report to the House.

The rules were suspended (two-thirds voting in favor thereof) and the resolution was adopted.

IMPROVEMENT OF YAZOO AND SUNFLOWER RIVERS, MISSISSIPPI.

Mr. SINGLETON, by unanimous consent, introduced a bill (H. R. No. 1559) making appropriations for the improvement of the navigation of the Yazoo and Sunflower Rivers, in the State of Mississippi; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MONTHLY AGRICULTURAL REPORT.

Mr. KASSON, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Agriculture be, and they are hereby, instructed to inquire into and report, by bill or otherwise, upon the expediency of providing by law that the Commissioner of Agriculture, in place of the annual report heretofore printed for distribution, shall publish a monthly agricultural report, uniform in size and in style with the Patent-Office Gazette, containing such original articles and information as have heretofore been included in his general annual report, and providing for the distribution of the same free of postage to all persons paying a reasonable annual compensation therefor, not exceeding the cost of the paper and printing thereof.

IMPROVEMENT OF HARLEM RIVER.

Mr. WILLIS. I ask that by unanimous consent the joint resolution of the Legislature of the State of New York, which I presented this morning, be ordered to be printed in the CONGRESSIONAL RECORD.

The SPEAKER. Is it lengthy?

Mr. WILLIS. It is very brief.

Mr. COX. What is it about?

Mr. WILLIS. It is about the improvement of the Harlem River, and it contains some eight or ten printed lines. It is a very important subject-matter, and the resolution emanates from a distinguished source.

Mr. COX. I propose to object to this because it comes from my own State. This thing ought to be stopped, or the RECORD will be so encumbered that it will be useless.

Some time subsequently,

Mr. COX said: I withdraw my objection to the printing of the joint resolution of the Legislature of the State of New York, and reserve it for the next State

There being no further objection, the joint resolution was ordered to be printed in the RECORD, and is as follows:

STATE OF NEW YORK, IN ASSEMBLY,
Albany, January 11, 1876.

Whereas the transportation and business interests of the United States and the commerce of the city and State of New York require the prompt completion of the improvement of the navigation of the Harlem River and Spuyten Duyvil Creek, from the East River, through the Harlem Kills to the Hudson River, pursuant to the surveys and estimates already made under the authority of the United States.

Resolved, (if the senate concurs,) That the Congress of the United States be respectfully requested to make such appropriations as are requisite for the vigorous prosecution and early completion of the improvement of the navigation of the Harlem River and Spuyten Duyvil Creek, from the East River through the Harlem Kills to the Hudson River.

Resolved, (if the senate concurs,) That a copy of these resolutions be forwarded to the Senators and Represenatives in Congress from this State.

By order.

EDWD. M. JOHNSON, *Clerk.*

In Senate, January 12, 1876.
Passed without amendment.
By order.

H. A. GLIDDEN, *Clerk.*

CLERK OF COMMITTEE ON INDIAN AFFAIRS.

Mr. SCALES. I move that the rules be suspended, and that the resolution which I send to the desk be adopted. I am instructed to offer it by the Committee on Indian Affairs without a dissenting voice.

The Clerk read as follows:

Resolved, That the Committee on Indian Affairs be allowed one clerk, at a compensation of $5 per day.

Mr. HOLMAN. That resolution, I think, should certainly go to the Committee on Accounts.

Several MEMBERS. Debate is not in order.

Mr. SCALES. I offer the resolution by instruction of the Committee on Indian Affairs, and insist on my motion.

Mr. HOLMAN. I call for a division.

The question being taken on the suspension of the rules, there were—ayes 87, noes 26; no quorum voting.

The SPEAKER under the rule ordered tellers; and appointed Mr. HOLMAN and Mr. SCALES.

The House again divided; and the tellers reported—ayes 121, noes 53.

So the rules were suspended and the resolution was adopted.

INTEREST ON DISTRICT OF COLUMBIA BONDS.

Mr. BUCKNER. I move that the rules be suspended for the passage of a joint resolution directing the commissioners of the District of Columbia to pay the interest on the bonds issued in pursuance of the act of Congress approved June 20, 1874, out of any funds in the United States Treasury subject to the requisition of the said commissioners, and for other purposes. I offer the joint resolution on behalf of the Committee for the District of Columbia in order to relieve some doubt which the commissioners of the District have as to their power to pay the interest due on the 1st of next month.

The joint resolution (H. R. No. 52) was read. It directs the commissioners of the District of Columbia to transfer to the Treasurer of the United States, for the payment of the interest due the 1st of February, 1876, on the bonds of said District issued under the provisions of the act of Congress, approved June 20, 1874, entitled "An act for the government of the District of Columbia and for other purposes," the sum of $222,797.50 from any unexpended appropriations heretofore made by Congress, or from any revenues derived by taxation on the property of said District of Columbia subject to the requisition of said commissioners; provided that all certificates heretofore issued by the board of audit, including those converted into 3.65 bonds and those which have not been so converted, and all certificates hereafter to be issued by the board of audit, or their successors in office, shall not exceed in the aggregate the sum of $15,000,000.

Mr. KASSON. Does that take the school fund and authorize the appropriation of it to this purpose? The joint resolution says "any revenues derived by taxation."

Mr. HOAR. I hope the House will permit the gentleman from Missouri [Mr. BUCKNER] to make a brief explanation of the resolution. It is very important. Or the gentleman might modify his motion so that the resolution shall be brought before the House for consideration.

Mr. HAMILTON, of New Jersey. I understand that there are now $800,000 in the hands of the commissioners undisposed of, without touching the school fund.

The SPEAKER. Does the gentleman from Missouri modify his motion in the way which has been suggested?

Mr. BUCKNER. I do not.

Mr. KASSON. I hope he will be permitted to make an explanation.

Mr. HOLMAN. I ask that the joint resolution be again reported.

The joint resolution was again read.

Mr. RANDALL. I suggest that the gentleman from Missouri modify his motion so that the rules shall be suspended to bring the resolution before the House for consideration. I do not want to fix the amount at $15,000,000. There are fourteen and a half millions now, and for myself I want to stop there.

Mr. BUCKNER. If the House will give me a few moments I will explain the proposition.

The SPEAKER. What is the motion of the gentleman from Missouri?

Mr. BUCKNER. I move that the rules be suspended to allow the joint resolution to be brought before the House for consideration.

The motion was agreed to; and the rules were suspended (two-thirds voting in favor thereof) so as to bring the joint resolution before the House for consideration.

Mr. BUCKNER. The object of this joint resolution which I have offered is to relieve any doubt in the minds of the commissioners as to their power to use this money. There is no question at all that there is abundant money in their hands, at this time unappropriated to any other specific purpose, to pay this interest; and the only question is whether it shall be paid out of the funds now in their hands, as we say it can be paid without any injury to anybody or violating any specific appropriation that has been made, or whether the Government of the United States shall appropriate a certain sum of money—$220,000—to pay this interest. That is the only question there is in regard to that portion of the joint resolution. There is no doubt that money is in the hands of the commissioners, amounting to at least $800,000, unappropriated, according to their own statement, sufficient to pay this. The question of the school-money is not affected by this proposition at all, because this money that is in their hands is there for general purposes; and it is to relieve a doubt in their minds, inasmuch as it has not been specifically appropriated for the purpose of paying this interest, that this joint resolution is offered, and for no other purpose.

Now as to the question indicated by my friend from Pennsylvania as to the amount of these 3.65 bonds. It is now perhaps within $200,000 of $15,000,000.

Mr. RANDALL. The total on Saturday was fourteen and a half millions.

Mr. BUCKNER. That may have been true then, but the amount is increasing, and the object of this resolution is that there shall be a limitation of $15,000,000.

Mr. RANDALL. I want to stop it right now. The amount, as I am informed, is $14,209,000, and I do not want to give the commissioners liberty to run the District in debt $800,000 more.

Mr. HOLMAN. I hope the gentleman will state to the House what is the amount of bonds issued for the amount of work which has been done in the city since the act authorizing this board of commissioners.

Mr. BUCKNER. I will state that the committee have not gone into that question as yet. We thought it important to limit the amount, so far as we could, for which the United States Government is responsible. If the amount of bonds issued be in excess of the authority conferred on the commissioners and the board of audit, that is a question which the committee will take into consideration hereafter; but in order to make good the pledge of the United States, and that the interest of this debt shall be provided for, either by an appropriation by Congress or by this revenue derived from taxation of the property of the District, it is important that this joint resolution shall be passed now, inasmuch as the 1st of February is rapidly approaching.

Mr. KASSON. I ask the gentleman to allow the words to be inserted at the proper point, which I think will be before the proviso "excluding the fund raised for the support of the public schools."

Mr. BUCKNER. There cannot be any question on that point whatever.

Mr. KASSON. Then no harm will be done by the amendment. But as it now stands it embraces all the revenues and appropriations of the District.

Mr. BUCKNER. But the appropriations for schools have always been specific for schools, and this appropriation would not touch that at all.

Mr. KASSON. The language of the bill is, "any funds hereafter appropriated."

Mr. BUCKNER. And unexpended.

Mr. KASSON. The word unexpended is not in the bill. If there is a school fund which is not expended I am sure the gentleman does not desire to appropriate it for any purposes but schools, and I ask him to accept the words I have suggested, "excluding the funds raised for the support of the public schools."

Mr. BUCKNER. I have no objection to that at all, but I think it needless.

The SPEAKER *pro tempore,* (Mr. COX.) Does the gentleman from Missouri accept the amendment of the gentleman from Ohio?

Mr. BUCKNER. Yes, sir; I am willing it should be adopted.

There being no objection, the amendment was agreed to.

Mr. WOOD, of New York. I would ask the gentleman from Missouri [Mr. BUCKNER] whether his committee has considered this fact: That if it should be finally determined that under the original act authorizing the issue of these bonds it was confined exclusively to the outstanding obligations of the District by the resolution he now reports to the House, Congress is not committing itself to pay the whole amount it may have incurred in excess of the amount authorized by the original act? For instance, the amount being now $14,210,000, we authorize the payment of interest for an amount in excess of the amount authorized by the original act, and we do not commit ourselves to pay the interest on these bonds to any extent to which they may be issued.

Mr. BUCKNER. I would say to the gentleman that there was no limitation on the amount of these 3.65 bonds in the act passed in 1874. It was stated that at that time it would not exceed $8,400,000. But the committee have not examined into the question, and do not propose to give an opinion here to-day as to what extent the Government of the United States is bound to pay these bonds or what was the

amount supposed to be authorized of these bonds. But we say that this joint resolution provides that this interest shall be paid out of the unappropriated balance in the Treasury that the Government has given to the District as well as from the revenues of the District, so that we are not committing ourselves beyond the terms of the act under which the bonds were issued.

Mr. HOLMAN. The gentleman will allow me a question. This joint resolution provides for paying the interest on the bonds issued under authority of the act of 1871?

Mr. BUCKNER. No; the act of 1874.

Mr. HOLMAN. Now, the gentleman from Missouri will see that if we vote the amount of interest proposed by this resolution we may pay the interest on bonds not authorized to be issued by that act. I therefore ask him to omit his specific sum and insert the words "necessary to pay the same."

Mr. BUCKNER. Well, I do not know that I have any objection to that.

Mr. HOLMAN. Then we do not commit ourselves to anything beyond the act of 1874.

Mr. WOOD, of New York. That does not obviate the difficulty.

Mr. HOLMAN. It does in part. I propose that the figures $222,979.50 shall be stricken out and the words "the sum necessary to pay the same" inserted.

Mr. BUCKNER. I do not think that that makes any difference; but to accommodate the gentleman I am willing that the amendment shall be adopted.

There being no objection, the amendment was agreed to.

Mr. RANDALL. I would like to offer a further amendment; and upon that amendment I would like to say a word of explanation.

Mr. BUCKNER. What is the amendment.

The SPEAKER *pro tempore*. Does the gentleman from Missouri yield to the gentleman from Pennsylvania?

Mr. BUCKNER. I will hear his explanation.

Mr. RANDALL. I reported back a bill last week unanimously from the Committee on Appropriations with a negative recommendation on this subject. In other words, the committee were of the opinion that the District being in funds, being in funds of the United States to the extent of $361,000, from that sum should be paid the interest on these bonds. Now, sir, in a period of eighteen months since this board of commissioners has come into existence and taken control of this District they have involved the people of this District to the extent of $5,203,000; and of that sum for sewerage and for repairs to the extent of $1,100,000, which our committee deemed they had not the shadow of a power for doing. We have therefore deemed it an equitable and reasonable position to compel these gentlemen to pay the interest out of the funds of the District now on hand. Such reckless extravagance I have rarely seen. The public will be given now to understand that the statement which I made a year ago in regard to the amount which the President of the United States was made to say to Congress the debt of the District would be is correct, or rather the amount is more than I declared it to be. The debt of this District to-day is not under $23,000,000, and authority is asked for the issue of 3.65 bonds to the additional amount of more than $700,000 to complete, as is alleged, a particular work on the canal. I do not know whom that is to benefit. It is alleged it is necessary as a sanitary measure. For myself I do not believe any such necessity exists. If this authority is given, I hope the amount will be made to come out of the current funds of the District which they receive from the Government and from the tax-payers, and not be made a permanent debt upon the people who hold property here.

These gentlemen came to me and told me that they needed this appropriation because they had in their treasury but $40,000 toward the payment of this interest. A little investigation disclosed the fact that they desired to retain within their own control the sum of $400,000, so that they might, when the spring opened, go on in their extravagance to that extent in work upon the streets of this District. To my mind it is the plainest requirement of equity, justice, and good conduct on the part of Congress to immediately say to these gentlemen that they shall not impose another dollar of permanent debt upon the people of this District. It is for that purpose, therefore, that I desire to move the amendment I have indicated to make the limitation $14,300,000, and not give these gentlemen the right to go on further to the extent of $700,000, as is proposed by the gentleman Missouri, [Mr. BUCKNER.] I have understood, however, that his committee were in favor of stopping at this point, and I would like to know what the judgment of his committee is on that subject, whether they are in favor of immediately stopping the power to increase the debt of the District without limit.

Mr. LAWRENCE. I ask the gentleman to yield to me to move an amendment.

Mr. BUCKNER. I will hear it.

Mr. LAWRENCE. Allow me to remark that when the law was passed which authorized the payment of the debt of the district, authority was given to go on and finish certain improvements. Under that authority a very large amount of indebtedness has been created, and I think the time has come to stop it, and for that purpose I move to amend as follows:

The commissioners of the District shall not be authorized to incur or create any further obligations or liability on the part of the United States than that already incurred by contract or otherwise.

Mr. RANDALL. That lets in all contracts.

Mr. HOLMAN. It lets in everything.

Mr. LAWRENCE. I would be willing to omit the words "or otherwise."

Mr. RANDALL. I would suggest to the gentleman that the very difficulties we have got into here, before this increase beyond $10,000,000, arose from the law in which it is claimed we perhaps gave them some reason to increase the debt by new contracts.

Mr. LAWRENCE. I would put a stop now, by any means which could be employed consistently with our obligations and honor, to this matter, and I hope some provision will be put upon this bill to accomplish that result.

Mr. HAMILTON, of New Jersey. The bill under which they have been acting has precisely that limitation, and yet they have gone on.

Mr. LAWRENCE. I would prevent any further contracts being made.

Mr. HAMILTON, of New Jersey. The other bill has the same provision precisely.

Mr. BUCKNER. I understood from the Committee on Appropriations that they proposed the very provision which I have included, that there should be a limitation of fifteen millions. We have a proposition before the committee for the purpose of examining as to these various additional expenditures and this large increase of the debt. But, not having the opportunity to introduce the subject to the attention of the House and believing it important that this joint resolution should be passed in the interest of the credit of the District, we concluded to bring it in to-day and ask a suspension of the rules for its passage.

Now in reference to the limit of $15,000,000; my friend from Pennsylvania [Mr. RANDALL] says the limit he proposed a few days ago was $14,200,000. I think from the information I have that the amount of bonds or certificates issued is beyond that limit now; that already an amount in excess is liable to be converted into these bonds so as to make the whole amount not less to-day than $14,700,000.

Mr. HOAR. I would inquire of the gentleman whether the general provision of law applicable to the Secretary of the Treasury and other executive officers, in regard to incurring liabilities and expenditures beyond the amount appropriated, is applicable to these commissioners?

Mr. BUCKNER. I have not examined that question, and do not think it is before the committee.

Mr. HOAR. That provision should be applicable to them.

Mr. BUCKNER. I would say from the investigation we have given——

Mr. HOAR. Allow me a moment further to suggest that it seems to me what is wanted is the amendment of the gentleman from Ohio, [Mr. LAWRENCE,] with the further provision that the law which applies to the Secretary of the Treasury and to the executive head of every other Department, that if they make an expenditure or incur an indebtedness beyond the appropriation authorized by Congress they shall be subject to fine and imprisonment, shall apply to these commissioners. That, I think, would be effective, and it is the only thing that would be.

Mr. WOOD, of New York. This subject is probably one of more magnitude than would appear upon the face of the proposition submitted by the gentleman from Missouri, [Mr. BUCKNER.] If I understand this question it is this: Congress directed the appointment of these commissioners to supply the place of a government which was thought to be not efficient and not exactly honest. Under the law authority was given to the commissioners to be appointed to issue these bonds for the purpose of paying what was then stated to be the total amount of the outstanding obligations that had been incurred by the preceding government of the District. It was supposed at the time and was distinctly understood by the House that the maximum of the whole obligations would not exceed $10,000,000; and no one I am sure on this side of the House would have voted for the issuing of those bonds if it had been supposed there was to be one single dollar issued in excess of the then outstanding obligations. But the new commissioners appointed under that act have proceeded to issue bonds to an amount several million dollars in excess of the limitation. Now a question has arisen not only as to the interest upon these bonds, but as to the obligation of the Government of the United States to recognize them in any way and as to their legality. This fact has affected the value of the bonds in New York because a cloud has been thrown over the whole of them as to their eventual payment and redemption.

Now, I understand this proposition is to evade a direct appropriation by the Congress of the United States from the public Treasury for the payment of this interest, but to take it out of the funds which have been raised by taxation upon the property of the citizens of the District of Columbia, thus in an indirect manner giving validity and legality in appearance to these bonds themselves. Hence the question may properly be considered by the House whether by this procedure authorizing the payment of the interest on these bonds in excess of the original amount authorized under the act we are not recognizing our obligation hereafter to pay from the public Treasury this interest.

Now, I submit to the consideration of the House whether it is wise for us thus to do indirectly what, if we are authorized and justified in doing it, should be done directly. If this interest is to be paid, if the faith of the Government has been pledged to pay it to the amount

contemplated in the original act, is it not proper to make the appropriation directly for that purpose? Are we not by this procedure recognizing an obligation on the part of the Government of the United States to appropriate money for the payment of this interest hereafter not only upon those bonds authorized by law but those which it may be finally determined were not authorized by law?

If I am in error as to the intention of the committee in reporting this joint resolution or in the construction to which to my mind it is liable, I shall be very glad if the gentleman from Missouri [Mr. BUCKNER] would instruct me.

Mr. BUCKNER. As to the excess of authority which has been complained of here (and I think very justly) by which this debt has been run up three or four million dollars beyond what was originally contemplated by Congress and, as I think, beyond what the law by any fair and proper construction authorized on the part of the commissioners, the committee have that matter under consideration and will at a proper time bring it to the attention of the House. Yet in my judgment that question does not affect the proposition now presented by the committee. The question is simply shall the Government make provision for the payment of this interest out of the funds already in the hands of the District commissioners. Those officers have some doubts whether they can, under existing laws, use this money without the authority of Congress. In the first instance they insisted that Congress should make an appropriation for this purpose directly out of the Treasury. The Committee for the District of Columbia as well as the Committee on Appropriations have declined to recommend such an appropriation, finding that the commissioners have abundant resources in their own hands unappropriated specifically for any other purpose; and hence we propose to require that the interest of these 3.65 bonds, due within a few days and amounting to $227,000, shall be paid out of funds already appropriated by Congress for general purposes and out of funds collected by taxation upon the people of the District.

Mr. WOOD, of New York. That amount is calculated upon all the outstanding bonds?

Mr. BUCKNER. Yes, sir.

Mr. WOOD, of New York. But the question is whether Congress has authority to take the money of the citizens of the District and pay illegal obligations with it.

Mr. BUCKNER. That raises a question which I do not propose to discuss now and which is not necessarily involved here, for the reason that this joint resolution proposes that this interest shall be paid out of money already in the Treasury of the United States subject to the demand of the commissioners or money collected from taxation in the District. We are complying exactly with the terms of the law by which the Government pledged its faith to pay the interest on these 3.65 bonds.

Mr. RANDALL. Do the commissioners take the position that they have not authority to pay this interest out of funds now in their hands or under their control?

Mr. BUCKNER. No, sir; they do not take that position, but they doubt their authority.

Mr. RANDALL. I have so often been led into traps in connection with the government of this District that I feel the need of treading very carefully lest I may again be at fault. There seems to me great force in the remarks of the gentleman from New York, [Mr. WOOD,] that possibly by the action now proposed giving authority for the payment of this interest out of the funds now in the United States Treasury subject to the control of the commissioners we may measurably involve ourselves in an obligation to pay in future the interest upon the entire amount.

Mr. BUCKNER. Mr. Speaker, I do not imagine that under the terms of the resolution which we have reported there will be any estoppel at all in that regard if there be anything in the question itself. The Government having appointed agents who have transcended their authority—who had the right to do certain work, but who have exceeded that authority even if they have issued bonds beyond the amount which they had the right to issue—it is a very doubtful question whether the Government would not be compelled, in order to preserve its good faith and honor, to pay those bonds, although illegally issued. But that is a question I do not desire to commit myself to now.

It will be borne in mind that the bonds have been issued upon work done under the authority of the commissioners by a board utterly outside of the pale of the authority of the commissioners themselves. The board of audit was established by an act of Congress, and it was authorized to issue certificates for certain debts which the sinking-fund commissioners were further authorized to convert into bonds. When the commissioners ordered certain work to be done, the board of audit, under the authority conferred upon it, issued certificates, and the sinking-fund commissioners converted those certificates into bonds. Bonds have been issued to a large extent, and I think in excess of the authority conferred either upon the board of audit or upon the commissioners. Having been issued, however, I take it all we have to do in order to carry out the pledge of the Government is to see that the funds in the Treasury appropriated by the Government to this District or which have been collected by taxation shall go to the payment of this interest. That is all which is asked for in the present bill.

A MEMBER. You do not ask then for any direct appropriation?

Mr. BUCKNER. We do not ask any direct appropriation.

Mr. LAWRENCE. Will the gentleman from Missouri allow me to say a word in explanation of the amendment I have proposed?

Mr. BUCKNER. I will say to the gentleman from Ohio that his amendment provides for nothing more nor less than what the law as it now stands requires. The difficulty is that this work has been done for which these certificates have been issued. No new contracts are being made. We are told that the work being done is only in execution of old contracts.

Mr. RANDALL. Did they not make new contracts calling them continuations of old contracts?

Mr. BUCKNER. I understand so.

Mr. RANDALL. Were they not continuations of old contracts?

Mr. BUCKNER. No, sir; they were not.

Mr. RANDALL. Were they not taking up one description of pavement and putting down another?

Mr. BUCKNER. That is so.

Mr. RANDALL. What confidence, then, can we have in any such contracts?

Mr. BUCKNER. This whole thing is to be the subject of investigation hereafter, and I hope the question now before the House will not be embarrassed by any such consideration as that which has been suggested. It is my intention to ask in behalf of the Committee for the District of Columbia power to go into and fully examine all these questions.

Mr. RANDALL. That is just what we want.

Mr. BUCKNER. At present I say this act ought to be passed in order to relieve the commissioners from doubt. It is in the interest of law and justice and propriety that they should be given authority, if they do not have it now, to use the money in the Treasury appropriated to the District to pay the interest on these 3.65 bonds.

Mr. RANDALL. I am inclined to think they have that authority now, and I am entirely unwilling to take any step which will increase the obligation on the part of this Government in that direction.

Mr. BUCKNER. This does not increase the obligation of the Government at all.

Mr. LAWRENCE. I ask the gentleman from Missouri to yield to me for a word of explanation.

Mr. BUCKNER. I cannot yield, but ask for a vote.

Mr. HOLMAN. Let the last clause of the joint resolution be read.

Mr. BUCKNER. I wish to restrict the issue of these bonds.

The SPEAKER. The Clerk will read the last clause of the bill.

The Clerk read as follows:

Provided, That the certificates hereafter issued by the board of audit, including those converted into 3.65 bonds, and those which have not been so converted, and all certificates hereafter to be issued by the board of audit or their successors in office, shall not exceed in the aggregate the sum of $15,000,000.

Mr. HOLMAN. Instead of that limitation of $15,000,000, I desire to submit this proposition, that no bonds shall be issued unless expressly authorized by the provision of said act. I think words should be used which do not recognize in any form the overissue of bonds under the act of 1871. We could use the other words, "and no further bonds shall be issued under said act." If, however, you adopt the latter language, you seem to recognize the validity of the issue of all bonds up to the present date. If the gentleman from Missouri will allow me, I will move my amendment.

Mr. RANDALL. I have already offered an amendment striking out all after the word "provided," in the text of the bill, and inserting in lieu thereof as follows: "And any further issue of 3.65 bonds is hereby prohibited."

Mr. HOLMAN. The only objection to that language is that it seems to recognize the overissue of bonds up to this date.

Mr. BUCKNER. It does not do any such thing, and was not intended to do it.

Mr. HOLMAN. I presume that is the best form in which it can be put, although I should myself have preferred that language had been used which did not recognize the validity of those issued to this date.

Mr. BUCKNER. I accept the amendment of the gentleman from Pennsylvania.

The amendment was agreed to.

Mr. WOOD, of New York. I ask that the joint resolution, as now amended, be again read.

The joint resolution, as amended, was again read.

Mr. TUCKER. Will the gentleman from Missouri allow me to offer an amendment?

Mr. BUCKNER. I will hear it read.

The Clerk read as follows:

Add to the joint resolution these words:

And provided further, That nothing in this resolution contained shall involve the Government of the United States in any obligation to pay principal or interest of any such bonds which have issued contrary to or not in pursuance of law.

Mr. BUCKNER. I accept that.

Mr. TUCKER'S amendment was agreed to.

Mr. CONGER. I wish to ask the gentleman from Missouri whether this will take funds raised by taxation for other purposes from this District and appropriate them to this particular purpose?

Mr. BUCKNER. It will not. I demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the joint resolution, (H. R. No. 51,) as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BUCKNER moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

An act (S. No. 204) to remove the political disabilities of George S. Hawkins, of Florida.

The message further announced that the Senate had passed a bill of the following title, with an amendment; in which the concurrence of the House was requested:

An act (H. R. No. 1208) to correct a mistake in and amend section 4130 of the Revised Statutes.

ESTATE OF JAY COOKE & CO.

Mr. GLOVER. I move that the rules be suspended and that the following preamble and resolution be adopted:

Whereas the Government of the United States is a creditor of the firm of Jay Cooke & Co., now in bankruptcy by order and decree of the district court of the United States in and for the eastern district of Pennsylvania, resulting from the improvident deposits made by the Secretary of the Navy of the United States with the London branch of said house of Jay Cooke & Co. of the public moneys; and whereas the matter known as the "real estate pool" was only partially inquired into by the late Joint Select Committee to inquire into the Affairs of the District of Columbia, in which Jay Cooke & Co. had a large and valuable interest; and whereas Edwin M. Lewis, trustee of the estate and effects of the said firm of Jay Cooke & Co., has recently made a settlement of the interest of the estate of Jay Cooke & Co. with the associates of said firm of Jay Cooke & Co., to the disadvantage and loss, as it is alleged, of the numerous creditors of said estate, including the Government of the United States; and whereas the courts are now powerless, by reason of said settlement, to afford adequate redress to said creditors:

Resolved, That a special committee of five members of this House, to be selected by the Speaker, be appointed to inquire into the nature and history of said "real-estate pool" and the character of said settlement, with the amount of property involved, in which Jay Cooke & Co. were interested, and the amount paid or to be paid in said settlement, with power to send for persons and papers, and report to this House.

The rules were suspended, (two-thirds voting in favor thereof,) and the preamble and resolution were adopted.

ARMY OFFICERS IN WASHINGTON, DISTRICT OF COLUMBIA.

Mr. BANNING. I move that the rules be suspended, and the following resolutions adopted:

Resolved, That the Secretary of War be directed to furnish this House a statement of all pay and allowances of every kind and nature whatever made to officers of the Army stationed or on duty in this city of Washington since the 4th of March, 1869, giving in detail the name and rank of such officers, the duties performed, the length of time each has been stationed or on duty in this city, the annual pay and allowances of rent, fuel, quarters, forage, in value received by each, and the authority of law under which such allowances and pay have been made.

The rules were suspended (two-thirds voting in favor thereof) and the resolution was adopted.

VICE-CONSULS GENERAL.

Mr. DURHAM. I ask that, by unanimous consent, the bill (H. R. No. 1208) to correct a mistake in and amend section 4130 of the Revised Statutes be taken from the Speaker's table that I may move concurrence in an amendment of the Senate thereto. It is simply an amendment to the title of the bill. There is no change in the bill itself.

There was no objection, and the bill was taken from the Speaker's table, and the amendment of the Senate read, as follows:

Amend the title so as to read:
An act to amend the Revised Statutes, touching vice-consuls general.

The amendment of the Senate was concurred in.

JOHN B. DAVIS.

Mr. WADDELL. I am instructed by the Committee on the Post-Office and Post-Roads to report back the bill (H. R. No. 1209) for the relief of John B. Davis for mail service from Memphis, Tennessee, to White River, Arkansas, in 1868, 1869, and 1870, and to move that the committee be discharged from the further consideration of the same, and that it be referred to the Committee of Claims.

There was no objection, and the change of reference was ordered.

EFFICIENCY OF THE PUBLIC SERVICE.

Mr. WHITEHOUSE. I move that the rules be suspended, and that the following resolution be adopted:

Resolved, That the Committee on Reform in the Civil Service be, and is hereby, instructed to inquire into any abuses or frauds that may exist in the administration and execution of existing laws affecting any branches of the public service, with a view to ascertain what changes and reformation can be made so as to promote integrity, economy, and efficiency therein. And for the purpose of enabling said committee to fully comprehend the workings of said branches of the public service the investigations of said committee may cover such period in the past as said committee may deem necessary for its own guidance or information, or for the protection of the public interest, in the exposing of frauds or abuses of any kind that may exist in any Department; and said committee are authorized to send for persons and papers, and report by bill or otherwise.

Mr. CONGER. I do not object to the gentleman's resolution, but I do think that something more than that is required in order to give the committee power to comprehend all those things.

The rules were suspended (two-thirds voting in favor thereof) and the resolution was adopted.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. RAINEY, by unanimous consent, submitted the following preamble and resolution; which were read, considered, and agreed to:

Whereas under the seventh section of the act entitled "An act amending the charter of the Freedman's Savings and Trust Company, and for other purposes," approved June 20, 1874, the trustees of said corporation deemed it advisable to close up its business, and for that purpose selected three persons as commissioners, whose selection was approved by the Secretary of the Treasury; and whereas it is advisable that the committee recently appointed by the House to investigate the affairs of said company should know what progress said commissioners have made in their duties since their last report was submitted: Therefore,

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to obtain from said commissioners and furnish to this House at as early a day as possible a full and complete report of their transactions and the present condition of said company setting forth what progress they have made toward closing up its affairs.

Mr. EDEN. I move that the House do now adjourn.

The SPEAKER. Before the motion to adjourn is put, the Chair desires to appoint the following additional members on the Committee on Expenditures of the Department of Justice, namely: Mr. MILTON J. DURHAM, of Kentucky; Mr. ALEXANDER G. COCHRANE, of Pennsylvania; Mr. JOHN A. MCMAHON, of Ohio; and Mr. OMAR D. CONGER, of Michigan.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted for the withdrawal of papers in the following cases.

By Mr. BAKER, of Indiana: The papers in the case of A. M. Vinedge, no adverse report having been made.

By Mr. GUNTER: The papers in the case of Alfred T. Conden, no adverse report having been made.

By Mr. GAUSE: The papers in the case of William F. Grove, no adverse report having been made.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. PACKER for four days.

Mr. HOLMAN. I ask the gentleman from Illinois [Mr. EDEN] to withdraw the motion to adjourn, for a moment, that I may move a suspension of the rules, to offer the following resolution which I hold in my hand. [Cries of "Regular order!"] This is the regular order.

The SPEAKER. The motion to adjourn is the regular order.

Mr. HOLMAN. The gentleman from Illinois withdrew it that I might offer this resolution.

The SPEAKER. Did the gentleman from Illinois withdraw his motion to adjourn?

Mr. EDEN. Yes, sir; I withdrew it.

TEXAS PACIFIC RAILROAD.

Mr. HOLMAN, by unanimous consent, then submitted the following preamble and resolution; which were read, considered, and agreed to:

Whereas it is alleged that improper and fraudulent means were resorted to to influence legislation in the passage of the act of Congress entitled "An act to incorporate the Texas Pacific Railroad Company, and to aid in the construction of its road, and for other purposes," approved March 3, 1871, by persons interested in the passage of said act, and that contracts and combinations were subsequently entered into by said company, in violation of the terms of said act: Therefore

Resolved, That the Committee on the Judiciary be instructed to inquire into said allegations and report to the House whether improper and fraudulent means were resorted to in securing the passage of said act, and whether the said company has by its contracts and combinations with other companies done any other act which would justify the forfeiture of the franchises granted by said act, and to this end said committee may send for persons and papers.

And then, on motion of Mr. HAMILTON, of New Jersey, (at four o'clock and thirty-five minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BANNING: The petition of Jeremiah Darling, for pay for carrying the United States mail over route No. 9497, to the Committee on the Post-Office and Post-Roads.

By Mr. BELL: The petition of Daniel Webster, for an appropriation for a trial of his moth-extinguisher, to the Committee on Appropriations.

By Mr. BOONE: The petition of John R. Puryear and 662 citizens of Kentucky, for the erection of a court-room and other public buildings at Paducah, Kentucky, to the Committee on Public Buildings and Grounds.

By Mr. BRADFORD: The petition of citizens of Clay County, Alabama, for a post-route from Good Water to Coleta, Alabama, to the Committee on the Post-Office and Post-Roads.

By Mr. BUCKNER: A paper to make the road from Troy to New Hope, Missouri, a post-road, to the same committee.

Also, the petition of John G. Copelin, for damages on account of seizure of the steamer U. S. Grant by the United States Army, to the Committee on War Claims.

Also, a memorial, for the improvement of the harbor of Washington, District of Columbia, to the Committee on Commerce.

By Mr. BURLEIGH: The petition of Sarah Whitaker, for a pension, to the Committee on Invalid Pensions.

By Mr. CALDWELL, of Alabama: The petitions of Dempsey David, Edward P. Durando, William Graham, Precilla Graham, Elizabeth

Kiker, John Kackleman, John Lawler, James A. Meals, Isaac N. Owen, Mary Ellen Saffold, Riley Sparks, Clark M. Tompkins, and Thomas J. Wales, for a rehearing of their claims for property taken and used by the United States Army, to the Committee on War Claims.

Also, the petition of Charles H. Foudé, for an extension of letters-patent, to the Committee on Patents.

By Mr. CATE: A paper relating to a post-route from Shiloh to Balsam Lake, Wisconsin, to the Committee on the Post-office and Post-roads.

By Mr. CAULFIELD: The petition of citizens of Cook, Will, and Kankakee Counties, Illinois, for the improvement of the Calumet River, to the Committee on Commerce.

By Mr. COCHRANE: The petition of citizens of Allegheny and other counties of Pennsylvania, for authority to close the channel of the Ohio River on the south side of Neville Island by the erection of an embankment or causeway from the head of said island to the southern shore of said river, to the same committee.

By Mr. CRAPO: A paper relating to a post-route from South Hanson to Pembroke Centre, in Plymouth County, Massachusetts, to the Committee on the Post-Office and Post-Roads.

By Mr. CULBERSON: A paper relating to a post-route from Honey Grove, in Fannin County, to Sulphur Springs, in Hopkins County, Texas, to the same committee.

By Mr. DUNNELL: The petition of C. P. Chase, for an amendment of the act relating to the planting of timber on prairie lands, to the Committee on the Public Lands.

By Mr. DOBBINS: The petition of citizens of Burlington, New Jersey, for an appropriation for deepening the channel of the Delaware River, to the Committee on Commerce.

By Mr. DAVY: The petition of James B. Hanrey, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Dennis B. Willard, for a pension, to the Committee on Revolutionary Pensions.

Also, papers in the case of Nancy A. Herrick, of Rochester, New York, to the Committee on Private Land Claims.

By Mr. EDEN: The petition of Samuel M. Nally, for relief, to the Committee on War Claims.

By Mr. EGBERT: The petition of 66 citizens of Rouseville, Venango County, Pennsylvania, for the repeal of the specie-resumption act of June 14, 1875, and for other purposes, to the Committee on Banking and Currency.

Also, the petition of 120 citizens of Erie County, Pennsylvania, for an appropriation for the improvement of Lake Erie, near Dunkirk, to the Committee on Commerce.

By Mr. FARWELL: The petition of Amelia S. Parsons, for a pension, to the Committee on Invalid Pensions.

By Mr. FELTON: A paper relating to a post-route from Cedartown to Carrollton, Georgia, to the Committee on the Post-Office and Post-Roads.

Also, a paper relating to a post-route from Rock Mart to Cedartown, Georgia, to the same committee.

By Mr. FRYE: Papers relating to the claim of Oliver Moses and others, for additional pay for destruction of their ship John Carver by a confederate cruiser, to the Committee on War Claims.

By Mr. GAUSE: Papers relating to the claim of Bishop E. Fitzgerald, for property taken by the United States Army, to the same committee.

By Mr. GOODE: Papers relating to the claim of Peters & Reid, as attorneys for F. W. Parmenter and John E. McWilliams, for work done at the Norfolk navy-yard, to the Committee on Naval Affairs.

Also, the petition of Sarah A. Brown, for pay for property used by the United States Army, to the Committee on War Claims.

By Mr. HANCOCK: The memorial of 59 citizens of Texas, for relief under the act of May 18, 1872, in regard to cotton unlawfully seized by agents of the United States, to the same committee.

By Mr. HARRIS, of Massachusetts: A paper relating to a post-route from West Bridgewater to Cochesett, Massachusetts, to the Committee on the Post-Office and Post-Roads.

Also, a memorial of the Boston Society of Civil Engineers, praying for the adoption of the metric system of weights and measures, to the Committee on Coinage, Weights, and Measures.

By Mr. HENKLE: The petition of C. C. Spalding, for compensation for property taken and used by the United States Army, to the Committee on War Claims.

By Mr. HOLMAN: The petition of Major John A. Whitall, for indemnity for paymaster's vouchers stolen, to the Committee of Claims.

By Mr. HUNTON: The petition of John N. Trook, administrator of the estate of William Hughes, for compensation for property taken and used by the United States Army, to the Committee on War Claims.

Also, the petition of Mary W. Jones, for increase of pension, to the Committee on Invalid Pensions.

Also, the petition of the heirs of Henry Poole, for compensation for horses and forage furnished the United States Army in August, 1863, to the Committee on War Claims.

Also, the petition of Mary B. Hook, for a pension, to the Committee on Invalid Pensions.

By Mr. HYMAN: A paper relating to a post-route from Grantsborough to Aurora, North Carolina, to the Committee on the Post-Offices and Post-Roads.

By Mr. JONES, of New Hampshire: The petition of George W. Feast and other citizens of New Market, New Hampshire, for an appropriation for the improvement of Lamprey River, to the Committee on Commerce.

By Mr. JENKS: The petition of sundry persons for the relief of Edward O'Meagher Conden, alleged to have been sentenced to life-imprisonment by one of the courts of Great Britain on the testimony of perjured witnesses, to the Committee on Foreign Affairs.

By Mr. JOYCE: The petition of the Grand Temple of Honor of the State of Massachusetts, signed by its officers, that no appropriation of money be made to the centennial celebration at Philadelphia if intoxicating liquors are to be sold on the grounds, to the Select Committee on the Centennial Celebration and the proposed National Census of 1875.

Also, the petition of the Grand Lodge of Good Templars of Vermont, signed by its officers, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

Also, the petition of General J. S. Peck and others, for a pension for the widow of Alanson Killridge, to the Committee on Invalid Pensions.

By Mr. KELLEY: The petition of the survivors of hip-joint amputation, that commutation formerly allowed them may be restored, to the same committee.

By Mr. KETCHUM: The petition of the Scranton Board of Trade, for a reduction of the postage rates on third-class mail matter, to the Committee on the Post-Office and Post-Roads.

Also, the petition of citizens of Hazleton, Pennsylvania, for the abolition of the check-stamp tax, to the Committee of Ways and Means.

By Mr. KIMBALL: The petition of George W. White, for a pension, to the Committee on Invalid Pensions.

By Mr. LEAVENWORTH: The petition of General J. B. Plummer, for pay for property lost during the war, to the Committee on War Claims.

By Mr. MAISH: A paper relating to a post-route from Hanover to Gettysburgh, Pennsylvania, to the Committee on the Post-Office and Post-Roads.

Also, the petition of Nancy D. Harper, for a pension, to the Committee on Invalid Pensions.

By Mr. McCRARY: The petition of Milton Kennedy, for pay for property taken and used by the United States Army, to the Committee on War Claims.

Also, papers relating to the case of John S. David, to the Committee of Claims.

By Mr. McFARLAND: The petitions of Daniel Wilhoit, John L. Bradley, Rebecca English, Sarah Dukes, Mary Mitchell, Elijah Killday, and Rebecca Yokely, for pensions, to the Committee on Invalid Pensions.

By Mr. MILLS: Letter from the Secretary of the Interior, relative to claim of James M. Waide, for pay for Indian depredations, to the Committee on Indian Affairs.

By Mr. MONROE: A paper relating to a post-road from Brunswick to Hinckley, Ohio, to the Committee on the Post-Office and Post-Roads.

By Mr. MOREY: The petition of the Union Bank of Louisiana, for re-imbursement of the sum of $36,873 recovered of it by judicial decisions, the said funds having been turned over to United States authorities by an order of General Banks, to the Committee on War Claims.

By Mr. O'BRIEN: Papers relating to the claim of John R. Bond, for pay as a naval officer, to the Committee on Naval Affairs.

Also, the petition of Mrs. M. V. Brown, for pay for use of and damage to Washington and Alexandria Turnpike Company by the United States Army, to the Committee on War Claims.

Also, the petition of David McClelland and others, for pay for a map of the District of Columbia and for plates seized by order of the War Department, to the same committee.

By Mr. PAYNE: The petition of Lieutenant Julius M. Carrington, for relief, to the Committee of Claims.

By Mr. RANDALL: The petition of the heirs of Lieutenant Jacob Cramer, for lands to which they allege they are entitled, to the Committee on Private Land Claims.

By Mr. REAGAN: Papers relating to the case of Samuel Kilgore, to the Committee on Indian Affairs.

By Mr. SCALES: The petition of Henry H. Robinson, for the reduction of the President's salary to $25,000, to the Committee on Reform in the Civil Service.

By Mr. SMALLS: A paper relating to a post-route from Edgefield Court House to Abbeville Court House, South Carolina, to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH, of Pennsylvania: Papers relating to the claim of John A. Sutter, to the Committee of Claims.

By Mr. SWANN: The petition of 38 citizens of Maryland, for the repeal of the check-stamp tax, to the Committee of Ways and Means.

Also, resolutions of the Board of Trade of the city of Baltimore, favoring the granting of aid to the centennial celebration, to the Select Committee on the Centennial Celebration and the proposed National Census of 1875.

Also, the petition of the mayor and city council of the city of Baltimore, for the refunding of taxes paid in error, to the Committee of Ways and Means.

Also, the petition of Mary B. Hook, for relief, to the Committee on Invalid Pensions.

By Mr. THORNBURGH: Papers relating to the claims of George W. Dice and John Henry, to the Committee on War Claims.

Also, the petition of Second Lieutenant Thomas T. Knox, to be relieved of responsibility for certain public funds alleged to have been stolen from him, to the Committee on Military Affairs.

Also, the petition John Henry, of Jefferson County, Tennessee, for pay for supplies furnished the United States Army, to the Committee on War Claims.

By Mr. VANCE, of North Carolina: The petition of Edmund Rice, late of Company C, Third North Carolina Mounted Infantry, for removal of the charge of desertion, to the Committee on Military Affairs.

Also, the petition of Wesley Hensley, for his name to be placed on the muster-rolls of Company F, First Tennessee Cavalry, to the same committee.

Also, papers relating to the case of James V. Tweed, Company F, First Tennessee Cavalry, to the same committee.

Also, the petitions of Nancy Green and Eliza Burris, for arrears of pension, to the Committee on Invalid Pensions.

Also, the petitions of John Holmes, William Buchanan, and John D. Street, for a pension, to the same committee.

Also, the petition of Margaret McDonald, for pay for services rendered the United States by her deceased husband, to the Committee on War Claims.

By Mr. WADDELL: The memorial of Admiral Wilkes, relating to the publication of the results of the United States exploring expedition of 1838 to 1842, to the Joint Committee on the Library.

Also, the petition of citizens of the county of Washington, District of Columbia, that the taxation for the county of Washington may be restricted to an aggregate assessment not exceeding seventy-five cents on $100, to Committee for the District of Columbia.

By Mr. WALKER, of Virginia: The petition of Richmond Female Institute, for pay for property used and destroyed by the United States Army, to Committee on War Claims.

Also, the petition of Robert Ransom, of Virginia, for the removal of his political disabilities, to the Committee on the Judiciary.

By Mr. WALLACE, of Pennsylvania: The petition of James Glover, for pay for destruction of his mill by the United States Army, to the Committee of Claims.

Also, the petition of D. C. Irish and 70 other business men of Newcastle, Pennsylvania, for the repeal of the bankrupt law, to the Committee on the Judiciary.

By Mr. WARD: Memorial of Ambrose W. Thompson, for an act to provide means of cheap transportation upon the interior waters, to restore the ocean-carrying trade of the United States, to promot eshipbuilding, and for other purposes, to the Committee on Commerce.

By Mr. W. B. WILLIAMS: The petition of Robert Crawford, for a pension, to the Committee on Revolutionary Pensions.

By Mr. WILLIAMS, of Alabama: A paper relating to a post-route from Glenville to Jernigan, in Russell County, Alabama, to the Committee on the Post-Office and Post-Roads.

By Mr. WILSON, of Iowa: The petition of citizens of Iowa, for the improvement of the Fox and Wisconsin Rivers, to the Committee on Commerce.

By Mr. WOODBURN: The petition of E. A. Isaacs and 110 other citizens, of Reveille, Nevada, for a post-route from Belmont to Reveille, Nevada, to the Committee on the Post-Office and Post-Roads.

IN SENATE.

TUESDAY, *January* 25, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. SARGENT. I present a memorial of women-citizens of this nation, asking for the establishment of a government in the District of Columbia which shall secure to its women-citizens the right to vote. This petition is signed by many eminent ladies of the country; by Mrs. Matilda Joslyn Gage, president of the National Women's Suffrage Association, and the following officers of that society: Lucretia Mott, Elizabeth Cady Stanton, Susan B. Anthony, Henrietta Payne Westbrook, Isabella Beecher Hooker, Mathilde F. Wendt, E. C. Sargent; also by Mary F. Foster, president of the District of Columbia Women's Suffrage Association; Susan A. Edson, M. D.; Mrs. E. D. E. N. Southworth, the distinguished authoress; Mrs. Dr. Caroline B. Winslow; Belva A. Lockwood, practicing law in this District; Susan J. Spencer, and Mrs. A. E. Wood. These intelligent ladies set forth their petition in language and with facts and arguments which I think should meet the ear of the Senate, and I ask that it be read by the Secretary in order that their desires may be known.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and the Secretary will report the petition.

The Secretary read as follows:

Memorial of women-citizens of this nation.

To the Senate and House of Representatives of the United States in Congress assembled:

Whereas the Supreme Court of the United States has re-affirmed the decision of the supreme court of the District of Columbia in the cases of Spencer *vs.* The Board of Registration and Webster *vs.* The Judges of Election, and has decided that "by the operation of the first section of the fourteenth amendment to the Constitution of the United States women have been advanced to full citizenship and clothed with the capacity to become voters, and further, that this first section of the fourteenth amendment does not execute itself, but requires the supervention of legislative power in the exercise of legislative discretion to give it effect;" and whereas the Congress of the United States is the legislative body having exclusive jurisdiction over the District of Columbia, and in enfranchising the colored man and refusing to enfranchise any woman, white or colored, made an unjust discrimination against sex, and did not give the intelligence and moral power of the citizens of said District a fair opportunity for expression at the polls; and whereas woman suffrage is not an experiment, but has had a fair trial in Wyoming, where women hold office, where they vote, where they have the most orderly society of any of the Territories, where the experiment is approved by the executive officers of the United States, by their courts, by their press, and by the people generally, and where it has "rescued that Territory from a state of comparative lawlessness" and rendered it "one of the most orderly in the Union;" and whereas upon the woman-suffrage amendment to Senate bill No. 44 of the second session of the Forty-third Congress votes were recorded in favor of woman suffrage by the two Senators from Indiana, the two from Florida, the two from Michigan, the two from Rhode Island, one from California, one from Kansas, one from Louisiana, one from Massachusetts, one from Minnesota, one from Nebraska, one from Nevada, one from Oregon, one from South Carolina, one from Texas, and one from Wisconsin; and whereas a fair trial of equal suffrage for men and women in the District of Columbia, under the immediate supervision of Congress, would demonstrate to the people of the whole country that justice to women is policy for men; and whereas the women-citizens of the United States are governed without their own consent, are denied trial by a jury of their peers, are taxed without representation, and are subject to manifold wrongs, resulting from unjust and arbitrary exercise of power over an unrepresented class; and whereas in this centennial year of the Republic the spirit of 1776 is breathing its influence upon the people, melting away prejudices and animosities and infusing into our national councils a finer sense of justice and a clearer perception of individual rights: Therefore,

We pray your honorable body to establish a government for the District of Columbia which shall secure to its women-citizens the right to vote.

Mr. SARGENT. Even if this document were not accompanied by the signatures of eminent ladies known throughout the land for their virtues, intelligence, and high character, the considerations which it presents would be worthy of the attention of the Senate. I have no doubt that the great movement of which this is a part will prevail. It is working its progress day by day throughout the country. It is making itself felt both in social and political life. The petitioners here well say that there has been a successful experiment of the exercise of female suffrage in one of our Territories; that a Territory has been redeemed from lawlessness to subjection to law; that the judges, the press, the people generally of Wyoming approve the results of this great experiment. I know of no better place than the capital of the nation where a more decisive trial can be made if such is needed to establish the expediency of woman suffrage. As to its justice, who shall deny it if woman demands it? I ask, for the purpose of due consideration, that this petition be referred to the Committee on the District of Columbia, so that in preparing any scheme for the government of the District which is likely to come before this Congress due weight may be given to the considerations presented in this petition.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on the District of Columbia.

Mr. BOGY presented the petition of John S. Logan, praying to be re-imbursed in the sum of $1,000 for moneys advanced by him at the beginning of the late war to purchase supplies for the use of United States troops; which was referred to the Committee on Claims.

Mr. MITCHELL presented the memorial of Margaret L. Stevens, widow of the late General Isaac I. Stevens, praying that in the settlement of her late husband's accounts as superintendent of Indian affairs of Washington Territory allowance may be made for certain payments made by him, and for the payment also for certain important and extraordinary services rendered by him; which was referred to the Committee on Claims.

Mr. FRELINGHUYSEN presented the petition of Grange No. 1 of New Jersey, asking the repeal of the law of Congress increasing the postage on third-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Messrs. Cole, Seizer, and Brink, praying compensation for the failure of the War Department to carry out a contract with them for the sale of certain property near Augusta, Georgia; which was referred to the Committee on Military Affairs.

Mr. CAMERON, of Wisconsin. I present a petition numerously signed by citizens of Wisconsin, praying that an amendment to the Constitution of the United States be laid before the people of the United States. I quote from the petition: "that the Senate (a mere copy of the aristocratic House of Lords in England and other monarchies) be abolished and its privileges and duties, so far as they do not become superfluous, be transferred to the House of Representatives." I move that this petition be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. HAMILTON presented the petition of Alexander C. Crawford, of Galveston, Texas, praying compensation for the use and occupancy of his property by United States forces during the late war; which was referred to the Committee on Claims.

Mr. HARVEY presented the petition of H. E. Van Deman and others, praying for a modification of the postal laws and a reduction of the rates of postage on third-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WALLACE presented two petitions of citizens of Philadelphia, praying for aid in the construction and completion of the Texas Pacific Railway and in aid of the prostrated iron industries of Pennsylvania; which were referred to the Committee on Railroads.

Mr. NORWOOD presented the petition of Christopher White, of Savannah, Georgia, praying compensation for a quantity of tobacco taken from him and used by the United States authorities in 1864; which was referred to the Committee on Claims.

Mr. GORDON presented the petition of Samuel Crown, of the District of Columbia, praying compensation for the use and occupancy of his land in that District and the destruction of his property connected with the same by United States troops during the late war; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. WINDOM, from the Committee on Public Lands, to whom was referred the bill (S. No. 2) to repeal section 2303 of the Revised Statutes of the United States, making restrictions in the disposition of the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida, reported it without amendment.

Mr. BOUTWELL, from the Committee on Revision of the Laws, to whom was referred the bill (H. R. No. 1052) to correct an error in the Revised Statutes of the United States, and for other purposes, reported it without amendment.

ARMY REGISTER.

Mr. ANTHONY, from the Committee on Printing, to whom was referred the following resolution, reported it without amendment, and it was agreed to:

Resolved, That five hundred copies of the Army Register for 1876 be printed for the use of the Senate.

NAVY REGISTER.

Mr. ANTHONY, from the Committee on Printing, to whom was referred the following resolution, reported it without amendment, and it was agreed to:

Resolved, That five hundred copies of the Navy Register for 1876 be printed for the use of the Senate.

HEIRS OF JAMES SINCLAIR.

Mr. KELLY. I am instructed by the Committee on Public Lands, to whom was referred the bill (S. No. 225) granting six hundred and forty acres of land to the widow and heirs of James Sinclair, deceased, to report it back with an amendment. It is a short bill, and I would like to have it put on its passage at once, for the reason that it passed at the last Congress just as it is now reported.

The PRESIDENT *pro tempore*. The Senator from Oregon asks the present consideration of the bill which he has reported. Is there objection?

Mr. CONKLING. Let us hear it read for information.

The PRESIDENT *pro tempore*. The bill will be reported.

The bill was read.

No objection being made, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CONKLING. I wish the Senator from Oregon would tell us in general terms what this is.

Mr. KELLY. James Sinclair was a native of Rupert's Land, British America, born in the year 1811, and married in April, 1848. He emigrated to the United States, having declared his intention to become a citizen in Saint Paul, Minnesota, in 1849. He settled upon this tract of land and filed his notification November 30, 1855, claiming six hundred and forty acres of land under what is known as the "donation law" of Oregon, which granted six hundred and forty acres to every white man settling thereon who was a married a man or who became married on or before December 1, 1851. This gentleman commenced his residence upon that tract of land, built a house, took his family there, and was residing on it when the Indian war broke out in 1855. Nathan Olney, the Indian agent of the United States, removed all the settlers from Walla Walla Valley so that they should not be in danger from Indian hostilities. So hurried was the flight of the settlers that all the cattle, some six hundred, that this gentleman had remained there, and a number of horses, and they were all taken by the Indians. The house was destroyed. Mr. Sinclair made an effort to return there, was on his way from the Willamette Valley, in Oregon, when he was killed, on the 29th day of March, 1856, leaving this widow and three little helpless children. Soon afterward, in the year following, this land was taken by the United States military forces as a timber reservation to supply the fort at Walla Walla, some five miles distant; the timber was all taken off it; but February 24, 1871, it was restored by act of Congress to the public domain, or rather transferred to the Secretary of the Interior to be sold. Mrs. Sinclair then applied again to the Land Office to have her rights protected, but inasmuch as the land was ordered to be sold, the Land Office could do nothing in the premises.

Now let me state the right of Mrs. Sinclair. The eighth section of the donation land law of Oregon provides as follows:

> That upon the death of any settler before the expiration of the four years' continued possession required by this act, all the rights of the deceased under this act shall descend to the heirs at law of such settler, including the widow, where one is left, in equal parts; and proof of the compliance with the conditions of this act up to the time of the death of such settler shall be sufficient to entitle them to the patent.

Her husband did file his notification; he complied with all the provisions of the law, so far as settlement upon the land was concerned. He remained there; that was his home up to the time of his death. I have here a copy of the notification and proofs filed in the proper land office of Washington Territory, showing an entire compliance with all the provisions of the law up to the time of his death; and I suppose there can be no particle of doubt that the heirs are entitled to this land in law as well as in equity. The only reason why they have not applied heretofore to obtain possession is that it was in the control of the military authorities from the latter part of 1856 or 1857 until 1871. As soon as the widow could make application, she did so to the proper land office. I may say in this connection that this gentleman who was so unfortunately killed was one of the very wealthy men at that time in Oregon. His property was wholly lost, his cattle taken, his horses also, and everything lost, the property stripped of its timber, and Mrs. Sinclair is now a helpless and a needy woman. This is nothing but an act of justice to restore to her that which the law has already really given, or at least to give her title to the land.

Mr. WRIGHT. I doubt not the case is all right, but I wish to ask the colleague of the Senator from Oregon——

Mr. KELLY. I cannot hear the Senator from Iowa.

Mr. WRIGHT. I was addressing a remark to the Senator's colleague, who will remember that there was a claim before the Committee on Claims touching compensation for some land that had been lost under circumstances very similar to these. I am not certain that this is the same name or the same claim.

Mr. MITCHELL. I think that was not this case.

Mr. WRIGHT. It is a different case?

Mr. MITCHELL. That was the case of Mr. Schwatka.

Mr. WRIGHT. I believe that was the name of the claimant. I remember some of the circumstances of that case, for upon examining it I was impressed that the claim was not well founded; but this seems to be a different case.

Mr. MITCHELL. This is an entirely different case. The Senator has reference to the case of Mr. Schwatka.

The bill was reported from the Committee on Public Lands with an amendment. The amendment was in lines 11 and 16 to strike out the word "children" and insert the word "heirs."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the bill be engrossed for a third reading.

The bill was read the third time, and passed.

BILLS INTRODUCED.

Mr. CONKLING asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 333) for the relief of Major Foster A. Hixon, late a paymaster in the Army; which was read twice by its title, and referred to the Committee on Claims, with the papers in the case already on file.

Mr. MORRILL, of Vermont, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 334) to establish an educational fund and apply a portion of the proceeds of the public lands to public education and to provide for the more complete endowment and support of national colleges for the advancement of scientific and industrial education; which was read twice by its title, referred to the Committee on Education and Labor, and ordered to be printed.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 335) authorizing a settlement of the claim of the estate of the late Rear-Admiral John A. Dahlgren; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. WRIGHT. I wish to say in this connection that there has been no adverse report in that case; on the contrary, there has been one, if not two, favorable reports—one in the Senate and one in the House; and a bill, a precise copy of this, was passed at the last session of Congress by the Senate, but it did not reach the House in time for action there. There are papers on file in connection with the case, and I ask that they be taken from the files and referred to the Committee on Naval Affairs; and having received favorable action heretofore in the Senate as well as in the House, I hope the committee will give it early attention.

The motion was agreed to.

Mr. CAMERON, of Wisconsin, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 336) to authorize the construction of a ponton-bridge across the Mississippi River from some feasible point in La Crosse County, in the State of Wisconsin, to some feasible point in Houston County, in the State of Minnesota; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. WEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 337) for the relief of Fannie A. Thompson, administratrix *de bonis non* of Brigadier-General William Thompson, of the revolutionary army; which was read twice by its title, referred to the Committee on Revolutionary Claims, and ordered to be printed.

Mr. HARVEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 338) to provide for the settlement of certain claims of the Pottawatomie Indians; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. KEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 339) to amend section 2568 of the Revised Statutes of the United States so as to make Chattanooga, in the State of Tennessee, a port of delivery; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. ANTHONY (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 340) to amend an act entitled "An act for the relief of certain officers of the Navy who were dropped, furloughed, or retired under the act of February 28, 1865," approved January 30, 1875; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. WALLACE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 341) for the relief of John Wightman, a contractor for carrying the mail in Pennsylvania; which was read twice by its title, and, with the papers in the case already on file, referred to the Committee on Post-Offices and Post-Roads.

Mr. JONES, of Florida, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 342) to amend section 5007 of the Revised Statutes of the United States; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. GORDON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 343) restoring to the pension-rolls the name of James Buchanan; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 344) for the relief of W. S. McComb, of the State of Georgia; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 345) for the relief of Reuben Wright, a licensed trader in the Indian Territory; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

MILITIA OF THE STATES.

Mr. MORRILL, of Maine, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to communicate to the Senate the aggregate number of the organized militia of the several States, respectively.

DISTRICT RAILROADS.

Mr. SHERMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Buildings and Grounds be instructed to inquire and report whether the existing railroads running into the District of Columbia impede and obstruct unnecessarily the avenues, and streets, and public grounds in the city of Washington; and whether said railroads have acquired the right to use and occupy said streets, avenues, and public grounds, and the extent of their rights, and what measures are expedient to secure the surrender of such rights of occupancy as are injurious to the public, and upon what terms such surrender can be had, and as to the expediency of a change of the location of the depots of the said railroads.

CHANGE OF CONSULATES.

Mr. CONKLING. If there be no further morning business, I move that the Senate take up the bill (S. No. 305) to change the location of the consulates at Aix-la-Chapelle, and at Omoa, and Truxillo.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that the consulate now established at Aix-la-Chapelle, in class 5, in schedule B of consulates, be removed to Cologne, within the same consular district; and the consulate now established at Omoa and Truxillo, in class 7, in schedule C of consulates, be removed to Utila, in the Bay Islands; and that such removals shall in no manner affect the appropriations for such consulates or the existing provisions of law applicable thereto, except as modified hereby.

Mr. CONKLING. Mr. President, I ought to say that this bill is reported by the Committee on Commerce, at the suggestion of the Department of State, which Department has sent to the committee statements that I have here of some length, which can be read, of course, if any Senator wishes to hear them. Perhaps, however, I shall dispose of the matter sufficiently when I say that the bill involves no increase of appropriation or expense, and has no effect whatever, except to authorize the change of location of the consulates named, and for that change there seem to be abundant reasons assigned of convenience, economy and expedition in the dispatch of business.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MILITARY ROAD IN OREGON.

Mr. COCKRELL. If there be no objection, I would ask the present consideration of a bill that was reported by the Committee on Military Affairs yesterday. The bill is to vacate a certain military road from Astoria to Salem, in Oregon, and to relinquish it to the counties through which it runs.

There being no objection, the bill (S. No. 252) donating the military road running from Astoria, Oregon, to Salem, in that State, to the several counties through which it passes, was considered as in Committee of the Whole.

Mr. MORRILL, of Maine. It seems to me there ought to be some explanation as to the extent of this donation and what is involved in it.

Mr. COCKRELL. I will state, in connection with the bill, that this road was surveyed and constructed under acts of Congress passed in 1855, 1857, and 1858 by the Secretary of War as a military road. It has been abandoned by the military authorities entirely. General Humphreys reports that it is no longer necessary for military purposes; the Adjutant-General reports that it is no longer necessary for military purposes; the Secretary of War also reports that it is no longer necessary for military purposes. The governor of Oregon and the Secretary of War both ask that this road may be abandoned to the counties through which it runs, to be hereafter used and kept up by them as a public highway, the Government incurring no liability at all.

Mr. MORRILL, of Maine. What does it donate? Simply the road-bed?

Mr. COCKRELL. Just the road-bed.

Mr. MORRILL, of Maine. The right of way and the road-bed?

Mr. COCKRELL. Yes, sir. Some of the citizens are fencing and causing inconvenience, and it is a question as to who has jurisdiction to cause it to be kept open: whether the United States must keep it open, or whether the counties through which it runs should keep it open.

Mr. MORRILL, of Maine. The object is to abandon the road?

Mr. COCKRELL. The object is to donate it to the counties through which it runs, and let them have the control of it.

Mr. MORRILL, of Maine. And keep it open?

Mr. COCKRELL. If they so desire.

Mr. MORRILL, of Maine. It seems to me that the bill does not accomplish that precisely.

Mr. COCKRELL. It donates it to them, and they can do as they please with it hereafter.

Mr. KELLY. Mr. President, I will say a word or two in favor of this bill. This bill does not come from either of the Senators from Oregon, although we both approve it. It was at the recommendation of the Secretary of War that a bill of this kind was introduced. The reason for it is this: this military road was constructed, at a great expense to the Government, while Oregon was a Territory, and mainly through a timber region. It has been but little traveled. The road is, I suppose, about one hundred miles in length, more or less; I do not know the exact extent. Timber has fallen across the road, and in a great measure it has become impassable. There was an effort made to get the United States to appropriate money to keep it up, but with no success. Now some persons are inclosing portions of it in their fields, and the question arises whether the United States should keep it open and prevent its being closed up by settlers or whether the State should do it; and to prevent this conflict of jurisdiction, it is deemed best by the military authorities to abandon the road, so far as the United States is concerned, and have it transferred to the State, or rather to the counties through which the road passes. If they choose to keep it open as a public highway, very well. At all events, this bill is simply to relieve the United States from any further expense in the matter.

Mr. MITCHELL. I will state, in addition to what my colleague has said, that the road is of no manner of use to the Government; that there are no Government supplies of any kind transported over it, and have not been for years.

The bill was reported to the Senate without amendment.

Mr. FRELINGHUYSEN. I should like to know whether there is anything about this excepting the simple road-bed, and whether the act gives any right to any adjoining land-owner, or anything of that kind.

Mr. MITCHELL. Nothing at all. There is nothing whatever but the abandonment of the road-bed by the United States.

The bill was ordered to be engrossed for a third reading, read the time, and passed.

JOINT RULES OF THE TWO HOUSES.

Mr. BAYARD. I ask the Senate to proceed to the consideration of a resolution offered by me on January 21, which was laid over on the application of the Senator from New York, [Mr. CONKLING,] relating to the submission of matters embraced by the twenty-second joint rule of the last Congress to the Committees of the House and Senate on Rules.

Mr. HAMLIN. I concur with the Senator from Delaware that it is wise and well to settle this matter; but I think we had better dispose of the resolution submitted by the Senator from Vermont [Mr. EDMUNDS] as the first in order. I think the more appropriate way would be to settle the question which arises under the resolution submitted by the Senator from Vermont, and which has been under discussion by the Senate one or two days briefly.

Mr. BAYARD. If the honorable Senator from Maine will allow the resolution to come up and have it read, it seems to me it will commend itself to his favorable consideration.

Mr. FRELINGHUYSEN. I would suggest to the Senator from Delaware that the Senator from Vermont, [Mr. EDMUNDS,] who first introduced this subject and who is interested in it, is not present to-day and probably will not be to-morrow. Perhaps it would be agreeable to him to let it lie over until that Senator's return.

Mr. BAYARD. If the Senator from New Jersey thinks that Senator would be likely to discuss it I should be glad to have him present; but if I remember the course he took in the debate on this subject he intimated his approval of the resolution as a separate matter, although he did not like it as an amendment to the report of the Committee on Rules.

I will merely say that there is no time more favorable for the discussion of this rule than the present. There has been no time for the last twelve years when the discussion of the subjects embraced by the twenty-second joint rule could be more favorably had than the present. There are few subjects of more critical interest to be

settled rightfully than the matters embraced by that rule, and I think the sooner we bring it to the calm consideration of the Committees on Rules of the two Houses the better for us all and the better for the country. The longer this is delayed the nearer we drift to one of those periodical contests under our form of government; and the sooner we settle in a calm high spirit these questions which may involve great differences of opinion and interest, the better for us all.

In view of the suggestion of the Senator from New Jersey, I shall not press the consideration of this resolution in the absence of the Senator from Vermont, although my impression is quite distinct that the Senator from Vermont concurred in the resolution as I presented it. The Senator from New York asked that it might lie over, and it was at his request continued. I meant to bring it up, and I shall bring it up again when it is the pleasure of the Senate to consider it. I think it important that it should be settled as speedily as possible, if it can be. If the two Houses can be brought to agreement on this subject with the present condition of party matters between the two Houses, I think it will be a guarantee that the result will be satisfactory to the people of the country. Not only is it important to us that the election should take place with all proper guards, but the great matter is that after it is over all the people should come together as one people to support whoever may be the persons chosen by the majority.

Mr. HAMLIN. I concur in every word the Senator from Delaware has uttered in relation to this rule, and that it is highly proper and expedient that we come to a right and proper understanding at as early a period of time as possible. The Senator will recollect that I urged it upon the attention of the Senate a few days since, and gave notice that I should continue to urge it until it should have received the action and judgment of the Senate. While it is undoubtedly true that the Senator from Vermont concurs in any proper mode of settling this matter, and as the Senator from Delaware tells us specifically in the resolution which he has offered, yet I do equally well know that the Senator from Vermont believes that action should first be had upon the resolution which he introduced, and which has been reported from the Committee on Rules.

Mr. MORTON. I will say to the Senator from Maine that that resolution was passed as amended on my motion.

Mr. HAMLIN. Then I have not a word of objection to the proposition submitted by the Senator from Delaware. I wish to say to the Senator from New Jersey that the resolution submitted by the Senator from Vermont having been passed and gone to the other branch, I do not see any necessity for delay in the resolution which has been submitted by the Senator from Vermont.

Mr. BAYARD. Then I trust it will be taken up.

Mr. HAMLIN. I had a conference with the Senator from Vermont, and I did understand him to say that until the Senate acted upon the resolution which he himself had introduced he thought it important not to consider this, as that should have the precedence.

Mr. CONKLING. If the Senator from Maine will allow me, I think another thing about this matter has escaped his observation. After the adoption of the resolution which came from the Committee on Rules, the Senator from Delaware proposed at once to take up the resolution he now refers to. I suggested, and, although I do not wish to speak of other Senators absent or present, it was the judgment, I think, of the Senators around me, that, having adopted the other resolution establishing, so far as we can do so, all the joint rules except one, it would be better to allow the House of Representatives to suppose that that was what we meant, as we did mean it for the present, and have the joint rules, save that one, put into operation in order that we might have joint rules during the time that we are considering the general question proposed by the Senator from Delaware. I suggested then, and I now suggest, and I think it was at that time the judgment of the Senate, that if, before the other House acts upon that resolution, we send over another proposition to refer all these rules that have been adopted to a concurrent committee to consider, it is very likely that that will have the effect to delay, if not to prevent, in that House action upon the resolution which we have already adopted.

Now I submit to the Senate and to the Senator from Maine that the same reason which led Senators to object to considering the resolution now proposed at that time, still prevails perhaps in a somewhat diminished degree; but the substance of that objection was that the two Houses ought to come together if they could upon all these rules as to which there was no objection, those being literally all the joint rules except the twenty-second, and we having so concurred and having the rules for our government in the meantime, there would be no objection to referring, as the Senator from Delaware proposes to refer, to both the Committees on Rules of the two Houses the whole question of the joint rules, because then, no matter how long they might fail to agree, no matter what might be the protracted consideration they would give, no matter if ultimately they failed to agree altogether, we should have a rule on every subject pertaining to joint rules except the one covered by this very important rule numbered 22; whereas if we now adopt this resolution and send it over before action has been taken upon the other, and the House takes that as notice that we want to treat with regard to all these rules, in the mean time we have no joint rules on any subject.

I submit therefore to the Senator from Delaware that it would be more economical of time and more orderly in the natural disposition of business, to establish for the time being the joint rules upon which there is no disagreement, and then refer the whole subject, if he pleases, under his resolution, to the two committees or to any committee to see what they can suggest.

And as I have risen, Mr. President, with a suggestion somewhat in the nature of an objection, I beg if for no purpose except to guard against a misunderstanding, to say, as I have had occasion to say in the Senate before, that nobody is more thoroughly convinced than I am of the impropriety of the twenty-second joint rule, of the peril of that rule, of the objections to it. Again, nobody is more conscious than I am that there should be, if there can be, a mode invented of verifying, establishing, and declaring certainly the voice of the people as that voice shall be uttered at the ballot-box in the next and every succeeding presidential election. The subject is important, it is urgent. Any plan of arriving at a true solution of it shall have my vote always. At this moment, however, I suggest that we shall make haste more certainly, and I think more rapidly, if we allow the two Houses to consent to all the joint rules as to which there is no conflict of opinion, and then proceed to deal with this one joint rule, with power, if you please, as given in this resolution, to take up any others also, but, in the meantime, having rules for our government, and agreeing as far forth as we can touching matters in respect of which I know of no conflict of opinion in the Senate, or between the two Houses. Therefore, if the Senator from Delaware will allow his resolution to stand, perhaps for only a day or two—because I imagine there will be no want of disposition in the other House to act upon the resolution we sent them the other day—let that resolution become effective, as it is not now effective at all, and then move to take up this resolution, and I think I shall look in vain for opposition anywhere in the Senate; certainly he will find none from me.

Mr. BAYARD. I believe the effect upon the other House would be a very good one if this measure should go to them by the unanimous voice of the Senate. I do not wish, in regard to this resolution, that there shall be any difference of opinion or any clash of opinion at all. It seems to me that it is a subject in which we all have a common interest, a subject in which we are all agreed; and, therefore, having been penetrated very thoroughly by a belief in the immediate importance of the settlement of this question, if settlement there can be had, I have thought it right to bring the question before the Senate first a few days ago, and again now, and I shall again present it when in their good pleasure they shall be willing to act upon it. And if by the withdrawal of my own opinions at the time I can secure a unanimity of expression of opinion of this body, showing that we act as a Senate, and not in any way as partisans, I think some good may be achieved. Therefore I shall not now raise any objection to the postponement of this question until a time when the Senate will more unanimously consider the matter.

The object of the resolution is not to touch the question of the joint rules generally, because I think the two Houses are reasonably satisfied with the joint rules as they stand. I have no idea that any amendments will be proposed. There was an interesting question, raised for the first time so far as I know in the history of this country, that either House could at will retire from a joint rule. That is a very serious and interesting question. I am inclined to think the power does exist, and that power having been conceded to exist by the action of the Senate it then becomes very important that the subject embraced by the late twenty-second joint rule should be considered by law and placed in the shape of law, so that it may not be revocable at the will of either House or of any accidental majority.

As I said before, I shall not press the matter now. I withdraw my motion.

Mr. MORTON. Mr. President, I congratulate the Senate and the country upon getting clear of the twenty-second joint rule. If it was adopted by assent, that assent has been withdrawn. It is no longer a rule of the two Houses. I undertook some two years ago to present to the Senate and the country the dangers of that rule, and I have done so, I believe, at every succeeding session. But I want to call the attention of the Senate to one fact in connection with the proposition made by the Senator from Delaware, that is, to refer the consideration of this question to the Committees on Rules of the two Houses. Last session I introduced a concurrent resolution to amend and change the twenty-second joint rule, providing among other things that no electoral vote should be rejected without the concurrent vote of both Houses, providing the method by rule of counting the votes for President and Vice-President. When that was presented there were suggestions on the part of Senators on both sides of the Chamber that that ought not to be in the form of a rule, but ought to be a law, and at that suggestion I withdrew the resolution, and afterward reported a bill to provide for the counting of the votes, and it passed this body after a very lengthy and interesting debate; and I would say now that I think if there is a rule on the subject it ought to be in the form of a law. I do not believe it is in the power of the two Houses by a simple joint rule to reject the vote of a State either by the vote of one House or by the vote of both Houses. Whether we have the power to reject the electoral vote of a State may be a doubtful question; but that we can do it by simple joint rule and disfranchise the State of New York with four or five millions of people, I do not believe for a single moment. If there is to be a rule upon that subject it ought to be in the form of a law well considered. Having that in view I introduced a bill at this session, which is now pending before the Com-

mitte on Privileges and Elections, to provide a method for counting the vote and determining the question as to contested votes. The resolution of the Senator from Delaware looks to the withdrawal of that question from that committee and its submission to the committees of the two Houses on the subject of rules. I should so regard it if this resolution should pass the Senate. I believe that, under any circumstances, and I rather think I had the concurrence of the Senator from Delaware himself at the last session, whatever is done on the subject should be in the form of a law. It is too big a subject to handle by a mere joint rule.

Mr. BAYARD. I agree to that; and I had not the slightest idea of invading the Senator's jurisdiction or that of his committee.

Mr. MORTON. I do not care about the invasion.

Mr. BAYARD. It is impossible for me to know what measures may be before the Senator's committee; nor do I believe his labors, intelligent as we know they are, will be at all thrown away on the other committees of the body. I certainly do not desire to withdraw the subject from his jurisdiction in any way, and I do not desire to impair at all the value of his labors; nor does it seem to me that they would be impaired by the course I have proposed. I think, indeed, that this question can be taken up by the committees of the two Houses on Rules and considered by them together, and, perhaps by the light of the suggestions of the honorable Senator himself, and the measures which he is now maturing in his Committee on Privileges and Elections, there will be a better chance to come to a common understanding. Everybody must feel that it is very important that we should come to an understanding. Everybody must feel that it is important to every man in this country that there should be between the two Houses, as they stand now, a common ground of agreement, and if an agreement is reached, it will be satisfactory, because the two great political parties will feel that they are mutually represented in each House.

I did not consider the fact, indeed I did not know the fact, that the Senator had the subject under his consideration in committee. There was no means of my knowing it, and I beg him to believe that my resolution was not in any degree designed to subtract from his jurisdiction. However, I have consented to let the matter go over at the suggestion of several Senators on the other side, and I do not regret the discussion it has caused. The subject is important, and one that ought to be finally decided.

Mr. MORTON. One word. I do not wish to be misunderstood about this matter. There is no question of etiquette or courtesy about it. If it is the desire of the Senate to refer the question to the Committees on Rules I have no sort of objection; and the fact that a bill has been introduced and that the question is now pending before another committee should make no kind of difference. I simply say that if the question be so referred, of course we cannot help but understand that it is the desire of the Senate to have it considered by the Committee on Rules, and the Committee on Privileges and Elections would not feel under obligation to proceed with the consideration of the question. I believe the Senator from Delaware will not dissent from the opinion I stated—I think he did not at the last session—that whatever is done on the subject should be in the form of a law, and that we cannot act upon it properly in the form simply of a joint rule. No graver question was ever presented to Congress than the question of depriving States of their votes in the election of President and Vice-President.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 1558) to remove the legal and political disabilities of Robert Ransom, of Virginia;

A bill (H. R. No. 1561) transferring the custody of certain Indian trust funds from the Secretary of the Interior to the Treasurer of the United States; and

A joint resolution (H. R. No. 52) directing the commissioners of the District of Columbia to pay the interest on the bonds issued in pursuance of the act of Congress approved June 20, 1874, out of any funds in the United States Treasury subject to the requisition of said commissioners, and for other purposes.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. CONOVER, it was

Ordered, That the petition and papers in the case of James A. Harrold be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. CRAGIN, it was

Ordered, That the memorial of Philip S. Wales, medical inspector United States Navy, be taken from the files of the Senate and referred to the Committee on Naval Affairs.

On motion of Mr. CRAGIN, it was

Ordered, That the petition and papers in the case of John W. January be taken from the files of the Senate and referred to the Committee on Pensions.

LIQUOR TRAFFIC.

Mr. HARVEY. I move to take up Senate bill No. 34.

The PRESIDENT *pro tempore*. The morning hour has expired. The unfinished business is Senate bill No. 124.

Mr. HARVEY. Inasmuch as the expiration of the morning hour gives the unfinished business of yesterday precedence, I now ask the consent of the Senate to take up Senate bill No. 34 after the pending bill shall have been disposed of.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Kansas?

Mr. SHERMAN. I would rather take the vote on the pending bill, and then I will join the Senator from Kansas with great pleasure in taking up his bill.

The PRESIDENT *pro tempore*. The consideration of the unfinished business is insisted on.

The consideration of the bill (S. No. 124) to provide for a commission on the subject of the alcoholic liquor traffic was resumed as in Committee of the Whole, the pending question being on the amendment of the Committee on Finance to strike out all after the enacting clause of the bill and in lieu thereof to insert:

That there shall be appointed by the President, by and with the advice and consent of the Senate, a commission of five persons, neither of whom shall be the holder of any office of profit or trust in the General or a State Government, and all of whom shall not be advocates of prohibitory legislation or total abstinence in relation to alcoholic or fermented liquors. The said commissioners shall be selected solely with reference to personal fitness and capacity for an honest, impartial, and thorough investigation, and shall hold office until their duties shall be accomplished, but not to exceed one year. It shall be their duty to investigate the alcoholic and fermented liquor traffic and manufacture, having special reference to revenue and taxation, distinguishing as far as possible, in the conclusions they arrive at, between the effects produced by the use of distilled or spirituous liquors and the use of fermented or malt liquors, in their economic, criminal, moral, and scientific aspects, in connection with pauperism, crime, social vice, the public health, and general welfare of the people; and also inquire and take testimony as to the practical results of license and restrictive legislation for the prevention of intemperance in the several States, and the effect produced by such legislation upon the consumption of distilled or spirituous liquors and fermented or malt liquors; also to ascertain whether the evils of drunkenness have been increased or decreased, and whether public morals have been improved thereby. It shall also be the duty of said commissioners to gather information and take testimony as to whether the evil of drunkenness exists to the same extent, or more so, in other civilized countries, and whether those foreign nations that are considered the most temperate in the use of stimulants are so through prohibitory laws; and also to what degree prohibitory legislation has affected the consumption and manufacture of malt and spirituous liquors in this country.

SEC. 2. That the said commissioners shall serve without salary, shall be authorized to employ a secretary at a reasonable compensation, not to exceed $2,000 per annum, which, with the necessary expenses incidental to said investigation, in all not exceeding $10,000, of both the secretary and commissioners, shall be paid out of any money in the Treasury not otherwise appropriated, upon vouchers to be approved by the Fifth Auditor of the Treasury. It shall be the further duty of said commissioners to report the result of their investigation and the expenses attending the same to the President, to be by him transmitted to Congress.

Mr. CHRISTIANCY. I move to amend the bill by inserting in section 1——

The PRESIDENT *pro tempore*. The Chair will observe to the Senator from Michigan that the Senate, as in Committee of the Whole, having agreed to the amendment reported as a substitute, it will not be in order to amend that amendment by insertion until the bill shall have been reported to the Senate. On the question of concurring in the Senate in the amendment made as in Committee of the Whole, it will be open to amendment.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. CHRISTIANCY. I move to amend the amendment by inserting after the word "that," in the first line of the first section, the following words:

For the purpose of obtaining information which may serve as a guide to the system of legislation best fitted for the District of Columbia, the several Territories of the United States, and other places subject to the legislation of Congress in reference to the question of revenue from the manufacture and sale of alcoholic and fermented liquors, and the effect of the use of such liquors upon the morals and welfare of the people of such District, Territories, and places.

And then follow the words of the bill, "there shall be appointed," &c.

Mr. President, I have but a few words to say on this amendment. This is a bill for instituting an inquiry and obtaining information with reference to legislation to be adopted hereafter, and in consequence of this inquiry. So far, therefore, as it may bear upon legislation where Congress has a right to legislate, the inquiry is pertinent and legitimate; so far as it might bear upon the question of the proper legislation elsewhere, it is wholly illegitimate. Congress has the power to legislate in the District of Columbia and in the several Territories; and so far as the inquiry relates to the national revenue the inquiry is legitimate, without geographical limits.

But few I think would claim that Congress has any right to assume a guardianship over the morals of the people in the States or to determine for them the question of prohibition or license. For one I deny the existence of any such power. And yet as this bill now stands it is open to the inference that it claims for Congress the control over the whole subject throughout the entire Union. Under a system like ours, where the powers are partitioned between the General and the State Governments, I think it important not only that the one should not exercise powers belonging wholly to the other, but that they should not even appear to claim such powers. The harmony of the system requires that neither should appear to claim what clearly belongs to the other. For these reasons I cannot vote for this bill as it now stands, and to avoid this objection I have offered this amendment.

Mr. FRELINGHUYSEN. Mr. President, I do not think that this amendment ought to prevail. I suppose no one will dispute that we have the right to get information on any subject. I suppose that we

may legislate on any subject which we are authorized to legislate upon by the Constitution. Now, this information that we want is certainly legitimate for legislation in the District of Columbia; it is certainly legitimate for the purpose of legislating for the Territories; and it is equally clear that it is legitimate for the purpose of legislating as to the States—not in legislating as to the States, to impose penalties or municipal regulations. But it may be that the disclosures made by this information will prove that we ought to impose much higher duties on the importation of liquors; it may show that we ought to impose a much higher tax on whisky produced at home, which affects all the States as well as the Territories. I do not think it is necessary that we, in passing a law to obtain information, should advertise to the country that we are afraid that when we get this information we may use it for some unconstitutional purpose.

Mr. CHRISTIANCY. The Senator from New Jersey will permit me to state that this amendment does not limit the inquiry.

Mr. FRELINGHUYSEN. I understand that the amendment of my friend does not limit the inquiry at all; but it does in advance prescribe what use we shall make of the information when we get it, as if we distrusted ourselves that when we got the information we should go into a business which we have never assumed, that of passing penal statutes affecting the States. We want the information for the States for the reason I have stated. We may want to impose a higher tax upon whisky manufactured in the States, or a higher duty upon liquor imported into the States, or a lower tax——

Mr. HAMLIN. And so as to their quality.

Mr. FRELINGHUYSEN. We may also wish to legislate as to the quality. I think we can trust ourselves not to abuse this information when we shall have obtained it.

Mr. HOWE. I want to make a single suggestion to the honorable Senator from Michigan. He has rightly said that his amendment does not restrict the scope of the inquiry at all. I think he would say, if asked, that the only purpose or effect of his amendment was to show on the face of the bill the reasons why we have jurisdiction to make the inquiry. Now, does he think that at all essential? He has presided over judicial trials and inquiries for a great many years. I do not think that he ever required anything more than that a bill or complaint laid before him should state a cause of which he knew the law gave him jurisdiction, and he did not require the special reasons to be set out why he had jurisdiction. Since he admits that Congress has jurisdiction of this inquiry, why not make it and trust the country to see what the Senators see, that we have complete, full, ample occasion to make the inquiry?

Mr. CHRISTIANCY. Mr. President, I admit that there is some force in what the Senator from Wisconsin has said, but for myself I think it always advisable, as far as possible, to avoid claiming a power about the existence of which there are serious doubts. I think the utmost delicacy is required in a system like ours, both on the part of the States and on the part of the Federal Government, that neither shall assume to claim or exercise powers which do not belong to it. It was for this reason and from an anxiety to prevent any difficulty or misconception growing out of this legislation that I offered the amendment.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Michigan to the amendment made as in Committee of the Whole.

The question being put, a division was called for; and the ayes were 28, and the noes 18.

Mr. CAMERON, of Pennsylvania. I think we had better have the yeas and nays.

Mr. SHERMAN. O, no; let it go.

Mr. CAMERON, of Pennsylvania. Very well; I withdraw the call.

The PRESIDENT *pro tempore*. The amendment to the amendment is agreed to.

The amendment, as amended, was concurred in.

The bill was ordered to be engrossed for a third reading, and read the third time.

Mr. COOPER. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. MORRILL, of Vermont, (when the name of Mr. EDMUNDS was called.) My colleague is absent. I have no doubt that if he were present he would vote in favor of this bill. I believe that he is paired with the Senator from Tennessee, [Mr. COOPER.]

The call of the roll was concluded.

Mr. COOPER. The Senator from Vermont [Mr. EDMUNDS] and myself were paired upon political questions. If this is a political question and the Senator will so state, I will consider myself paired with him. I do not so understand it.

Mr. MORRILL, of Vermont. It is not considered a political question on this side of the Chamber. [Laughter.]

Mr. COOPER. I do not view it as a political question at all.

Mr. CONOVER. On all political questions I am paired with the Senator from New Jersey, [Mr. RANDOLPH.] Not regarding this as a political question, I vote "yea."

The result was announced—yeas 37, nays 20; as follows:

YEAS—Messrs. Allison, Booth, Boutwell, Bruce, Cameron of Pennsylvania, Cameron of Wisconsin, Christiancy, Clayton, Conkling, Conover, Cragin, Dawes, Dorsey, Ferry, Frelinghuysen, Hamilton, Hamlin, Harvey, Howe, Ingalls, Jones of Nevada, Logan, McMillan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Patterson, Sargent, Sherman, Spencer, West, Windom, Withers, and Wright—37.

NAYS—Messrs. Bayard, Bogy, Caperton, Cooper, Davis, Dennis, Eaton, English, Goldthwaite, Gordon, Johnston, Jones of Florida, Key, McCreery, McDonald, Maxey, Norwood, Ransom, Stevenson, and Wallace—20.

ABSENT—Messrs. Alcorn, Anthony, Burnside, Cockrell, Edmunds, Hitchcock, Kelly, Kernan, Merrimon, Randolph, Robertson, Saulsbury, Thurman, Wadleigh, and Whyte—15.

So the bill was passed.

The title was amended so as to read: A bill to provide for the appointment of commissioners on the subject of the alcoholic and fermented liquor traffic and manufacture.

HOUSE BILLS REFERRED.

The bill (H. R. No. 1558) to remove the legal and political disabilities of Robert Ransom, of Virginia, was read twice by its title, and referred to the Committee on the Judiciary.

The joint resolution (H. R. No. 52) directing the commissioners of the District of Columbia to pay the interest on the bonds issued in pursuance of the act of Congress approved June 20, 1874, out of any funds in the United States Treasury subject to the requisition of the said commissioners, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

LAND ENTRIES WITHIN RAILROAD GRANTS.

Mr. HARVEY. I move that the Senate proceed to the consideration of the bill (S. No. 34) to confirm pre-emption and homestead entries of public lands within the limits of railroad grants in cases where such entries have been made under the regulations of the Land Department.

Mr. FRELINGHUYSEN. I should like to hear the bill read for information.

The PRESIDENT *pro tempore*. The bill will be read for information.

The Chief Clerk read the bill at length.

The PRESIDENT *pro tempore*. The question is on the motion to take up the bill for consideration.

Mr. MORRILL, of Vermont. I notice that this is a very wide-reaching bill, and I think it is the same one that my colleague [Mr. EDMUNDS] took some interest in at the last session and debated at considerable length. I should like to have it go over until my colleague is present; but if the Senator from Kansas merely desires to be heard on the bill I shall not object to taking it up now.

The PRESIDENT *pro tempore*. The Chair understands that the Senator from Kansas moves to proceed to the present consideration of the bill.

The motion was agreed to.

Mr. MORRILL, of Vermont. It is not for any purpose of final action to-day, I understand.

Mr. HARVEY. I understand the bill to be taken up for consideration, and if final action can be reached to-day, I certainly hope it will be had. I have no desire to take it up simply for the purpose of making a speech. I have no desire to take it up except that it may be advanced to a final vote.

The PRESIDENT *pro tempore*. The Chair will state to the Senator from Vermont that the Senate has ordered the present consideration of the bill, and it is now pending as in Committee of the Whole, and open to amendment and not subject to an objection.

Mr. HARVEY. Mr. President, there is a great question involved in this bill, a question as to the rights of the people under the laws of the United States. The homestead and pre-emption laws are general laws, upon compliance with which any person having the proper qualifications can acquire a right to land; and this right the public faith is pledged to support. These laws apply to all the public domain not specifically reserved from their operation.

The railroad grants are in the nature of floats, having at their inception no definite location.

It is necessary for the harmonious execution of these general and special laws relating to the same subject-matter that the general laws should be fully and completely operative until the definite boundaries within which the special laws are operative have been finally determined and made apparent to the officials having charge of the records and maps or plats by which they, upon the faith of the Government and in pursuance of law, allot the public lands to those who have the right thereto.

The grantees under special acts can only claim that their rights attach when the territory within which their grants lie has been definitely and officially segregated from the general domain by due notice from the proper official to the registers and receivers of the local land offices, for only then have these officials and the people whom they serve any means of determining the limitations to the operation of the general laws. While such was the ruling, but little if any difficulty or conflict occurred as to the rights of the claimants under the different laws. But latterly erratic and retroactive rulings have been made involving, among other absurdities, the idea that the right of a railroad company could attach to the lands while they were still subject to homestead and pre-emption entries, ignoring the fact that the railroad grants require the lands to be withdrawn from market after the railroad companies have filed their maps and that the order of withdrawal upon such filing is and must be necessarily the first official segregation of the territory within which the grant then becomes operative.

Under the late ruling referred to, thousands of worthy people, who have made entries in full conformity with the laws as construed and administered by the officers then charged with the duty of interpreting and executing them, are threatened with the loss of their homes, to which they have become legally and equitably entitled, with all the values and improvements given to these homes by the outlay of their money and years of industrious toil.

These homes must not be confiscated and the evidences of title canceled by administrative action based on the assumption that resolutions passed by boards of directors of private corporations "definitely fixing" the lines of railroads supersede the laws of the United States and official action in pursuance thereof; else would citizens of the United States have no rights which corporations are bound to respect and the determination of the rights of thousands of citizens to their homes become a matter of corporate action, instead of legislative, executive, or judicial proceeding.

Are we ready to abdicate Government in favor of corporations, to give them the power of construing laws and determining the rights of citizens thereunder? Shall boards of railroad directors, sitting privately in distant cities, taking action preliminary to the ultimate location of the boundaries within which their *floating grants* may be identified, but of which action neither the Government officials nor the settlers have any notification, be held to have thus acquired title to the homes of those settlers in defiance of general laws of the United States and regular official action in pursuance thereof?

It is necessary for the proper determination of the rights alike of the corporations and of individual claimants that there should be complete and early identification of the lands granted to the one or the other, but this identification must be made by the proper official authority. It is not the province of the grantee to determine what lands are granted under the different laws.

The Government maintains officials in every land district with authenticated records and plats ready to show claimants to what lands and under what conditions title may be acquired, and this is done upon the faith of the Government. Shall their official action be set aside, the evidence of title given by them be canceled by or upon such an unwarranted assumption? Such procedure must necessarily lead, as it has, to oppression and uncertainty as to rights and titles under all the laws, both general and special.

Solicitor Smith, in his opinion dated May 4, 1872, truly said:

It is of the utmost importance that titles given by the Department should rest on a firm and substantial basis; that they should be accepted and recognized as final adjudications by the Department of the rights in which they should be secure in their possessions, and that the public generally should have confidence in their stability. This result can never be attained if decisions once made by the Department upon full consideration of all the facts and within the scope of its authority be made subject to review by the same tribunal upon a change in its officers. Such a practice would render insecure every title from the Government and encourage controversy and litigation.

Yet, as you may easily see, such changes of rulings have taken place in that Department, and that the results have followed, and this legislation is asked for to avert the evils and great wrongs resulting therefrom. It does not legislate away vested rights. It merely corrects errors of administration and secures to the original claimant the evidences of title which belong to him under the general laws in pursuance of which the Government officials designated by law for that purpose have recognized his right. If any corporation possess equitable rights adverse to his they can be pleaded in court, under the charter or grant of franchise, but if the homestead or pre-emption certificate of the claimant be canceled, he is without color of title and is out of court—a victim of bad faith on the part of the Government through changes effected in the operation of law by executive misconstruction.

I shall show presently by reading from decisions of the Department that the operation of these laws has been changed, being in effect legislation by a Department, and that great wrongs have resulted therefrom. To put an end to departmental legislation we must resist the beginnings.

I will now read the papers that I have referred to. The first is a letter of Willis Drummond, then Commissioner of the General Land Office, transmitting to the Secretary of the Interior an appeal from his decision concerning certain contested cases of the character now under discussion.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, April 14, 1873.

SIR: I have the honor to submit herewith papers on appeal from the decisions contained in my letters to the district land officers at Independence, Kansas, dated February 24 last, Topeka, February 27, and Salina, February 24 and 25, and March 3 last, refusing to cancel the following homestead entries upon the application of the attorney for the Missouri, Kansas and Texas Railroad Company, who claim the lands as inuring to the grant to said company, to wit.

Here follows a description of the entries at the different land offices at Independence, Topeka, and Salina; and the Commissioner proceeds:

These entries are of a similar character to those referred to in your decisions of September 3 and December 19 last, in the cases of A. W. Nickell *et al.*, and Frank Hatke *vs.* The Saint Joseph and Denver City Railroad Company, having been made upon railroad lands after the definite location of the road, but before the date of withdrawal, in accordance with the rulings of the Department then in force—

Observe these words—

and as the grants are of the same character, it was in accordance with those decisions that I declined to cancel the entries. The further suggestion is made that the language of the fourth section of the act, requiring the Secretary, "as soon as said company shall file * * * maps of its line designating the route thereof, * * * to withdraw from the market the lands granted," presupposes the fact that such lands were intended to remain in market until such maps should be filed for the protection of the company, and if the withdrawal was made within a reasonable time after such filing the duty of the Secretary was performed under the law, and the company cannot take advantage of any laches of its own in failing to file such map immediately upon its definite location, and thereby securing to itself the full measure of its grant in place at that time and indemnity for such lands as had been then disposed of. After such definite location, and prior to the withdrawal, I do not understand the law to protect the company or to give any indemnity, as it was the business of the company, and not of the Department, to take the first steps, by filing, if necessary, a map of general route toward securing their grant unimpaired.

This view of the law is made necessary, in my judgment, in order to give effect to the provisions of the fourth section, under the rule requiring every portion of a statute to be enforced if its enforcement is possible without violation of what is clearly provided for in other parts of the same.

The first section simply defines the rights of indemnity under the grant generally made. The fourth section specifically sets forth the manner in which a withdrawal shall be made "to effect the purposes of the act, and subserve the public interest." The papers submitted are as follows: First, homestead paper, marked A; second, extracts of letters containing my decisions, B; third, attorney's letters and arguments, C.

I am, sir, very respectfully,

WILLIS DRUMMOND,
Commissioner.

Hon. C. DELANO,
Secretary of the Interior.

The next paper that I shall read is the answer of the Secretary of the Interior:

DEPARTMENT OF THE INTERIOR,
Washington, July 17, 1873.

SIR: I have examined the questions presented by your letter of April 14, 1873, transmitting the appeal of the Missouri, Kansas and Texas Railroad Company from recent decisions of your Office, refusing to cancel certain homestead entries of lands made within the limits of its grant subsequent to the definite location of the line of the road, but prior to the order of the Secretary withdrawing the lands from market.

Your claim in this case is based upon a conclusion of law supposed to have been adopted by the Acting Secretary in the recent cases of A. W. Nickell *et al.* and Frank Hatke *vs.* The Saint Jo and Denver Railroad Company. I learn from the Acting Secretary, who decided said cases, that he did it with the understanding that patents had actually been issued in each of them in accordance with the construction of law adopted by the Department and in force at the time the patents were issued. In point of fact, however, patents had not issued in such cases, or either of them, and the decisions of the Acting Secretary are capable of a construction never intended for them and have led to some confusion between your office and the Department, resulting from the mistake of fact upon which they were founded.

It was intended to be held in said cases that, inasmuch as patents had actually been executed in them in accordance with a construction of the act creating the railroad company which had been adopted by the Department and was in force at the time the patents were executed, they would be considered as *res adjudicata* and would not be disturbed, although the former rule of construction had been changed by the Department and a new and different one adopted, which new rule was in force at the time the cases were heard and decided.

There is an official admission by the Secretary himself that the ruling of the Department had been changed, and of course its operation changed, to the great detriment of the rights of the people.

The Secretary goes on to say:

I now hold, and you will adopt the rule for your future guidance in this case and all like it, that in all cases where patents have actually been executed in accordance with a construction of law adopted by the Department and in force at the time of the execution of the patents, the patents will not be canceled or set aside upon any subsequent controversy arising between the different claimants, but the parties will be left to their remedies in court and the cases will be treated as *res adjudicata*. But in all cases where the controversy arises before patent has been executed the rule of conclusion adopted by the Department and in force at the time of the hearing in all its stages and before any proper officer or officers will be applied and the case decided in accordance with it, although it may differ from the rule recognized by the Department at the time the respective proceedings were commenced.

Here is a plain admission that where parties had proceeded alike in accordance with law and in accordance with the rulings of the Department and in accordance with all the requirements of the Department up to a certain stage when the Department saw fit to change its rulings relating to such matter, those who had been so fortunate as to prosecute their claim for title to a decision and received a patent were safe and not to be touched in the future; but no matter how closely the law may have been complied with up to the time of the change of the ruling, if patent had not then been issued it availed the claimant nothing afterward toward procuring his patent; not only availed him nothing, but the practice of the Department was to cancel and render nugatory the evidence of title which had already been given to him.

The Secretary proceeds:

In the case now under consideration the right of the railroad attached upon the definite location of its road, and before any of the filings of the contesting parties were made. These filings were made before the withdrawal of the lands, but under the construction now adopted by this Department the right of the railroad attached at the time of definite location, and not, as formerly held, at the time of withdrawal. No patents have been executed, and under the law, as I understand it, and the rule above stated, the right of the railroad is superior to that of other parties, and your decision should be reversed. I therefore reverse the same, and herewith return the papers transmitted with your letter of April 14, 1873.

Very respectfully,

C. DELANO, *Secretary.*

Hon. W. DRUMMOND,
Commissioner General Land Office.

In an official letter to Hon. D. P. Lowe, under date of January 20, 1874, the Commissioner of the General Land Office says:

It is held by the Department that where a survey is made in accordance with a resolution of a board of directors of a company authorizing the same, the dates of such survey in the field are to be taken as the definite location of the road. But when the line of route is subsequently adopted by the board of directors as their definite location, the date of such adoption governs.

Here, Mr. President, is a singular ruling surely, a ruling dispensing with the laws, dispensing with the Government officers charged with the execution of the laws, and making the rights of the people turn not upon official action but upon the action of a corporation, a board of directors or their servants, the civil engineers who happen to be prosecuting a survey in the field at the time, ignoring the general homestead and pre-emption law, ignoring the officials that the Government keeps in every land district to determine as to the rights of different parties to the public lands, and making the law depend upon the action of the board of directors of a railway corporation or the engineers who happen to be executing a survey in the field.

As an American citizen, I look with what I regard as a justifiable jealousy upon any claim on the part of corporations to exercise any of the functions of Government officials. Such claim is not in accordance with the spirit of our institutions, and cannot be conceded by citizens of a free country.

In other times, in other countries, under monarchical governments, such systems have been tried and found unsafe, though, as in the case of the East India and other companies, they were chartered for operations not among the citizens or subjects of the governments granting the charters, but among those then regarded as aliens and heathen inhabitants of "remote parts." Against these they were given civil, military, and criminal jurisdiction. Charles II gave the British company power to make peace or war with any power not of the Christian religion. That company had a heterogeneous composition. Among others, many members of Parliament were voters at stockholders' meetings. It had a board of twenty-four directors, divided into three committees: One on finance and internal and maritime interests; one on politics and war; one on legislative and judicial interests; but most important of all was the secret committee, having correspondence with the board of control, which consisted of cabinet officers and others, and was the real governing power of the company, and became a court from whose decree there was no appeal.

The revolt in India of 1857 and 1858 made this idea of government by private corporations so odious, that the idea was abandoned in disgust and all the delegated powers were resumed by the government.

When Benton represented the statue of Columbus pointing westward and said, "There lies the east, there is India," he meant simply to point out a pathway for trade with India, not that the Indo-British system of the discharge of governmental functions through the servants of private corporations should be introduced in the great States and Territories traversed by land-grant railroads.

I am not a railer against corporations when they are kept within the scope of their proper powers. I have, when it was my duty so to do, repressed violence against them, but I am not ready to see their servants setting aside and rendering null and void the actions of officials of this Government done in pursuance of general laws of the most beneficent character. In defense of national honor we must put an end to such shameful wrongs, for besides the redemption of the currency and the payment of the public debt other things are required by national honor. Though Falstaff said, "Honor hath no skill in surgery," yet we know that this vindication of national honor would heal rankling wounds in many hearts, for the heart-strings of American men, women, and children cling about their homes. However humble they may be, a few year's occupation surrounds them with associations and memories that it seems like sacrilege to disturb with the information that the titles by which they have been held for years, though given in pursuance of general laws by regular Government officers, have been canceled in pursuance of a resolution of a board of railway directors.

The people who make homes upon the public lands in strict compliance with law must be protected therein. The strength of free government is in homes occupied by their owners. A great American poet says, "O fortunate, O happy day, which sees a new household take its place among the myriad homes of earth." Let us make it understood that henceforth the people of these households, the builders of these homes, shall be secure in their rights, and you so bind the hearts of a brave people in loyalty that your flag will "brave the battle and the breeze for more than a thousand years."

A wise government defends the rights of all its people. It was a politic remark made by Bismarck in the German Parliament when he said that the princes of Prussia had never been peculiarly the kings of the rich. Let us so act that it may always be truly said that the Senators of the United States have never countenanced the oppression of the poor, for the people whose homes are in jeopardy are poor indeed, far too poor to compete with the powerful corporations urging adverse claims by employing distinguished lobbyists to haunt these Halls in their interest.

It cannot be claimed that the passage of this bill would take away any vested right from railroad companies. As I stated before, these companies would still have the right to plead any adverse interest under the charter or grant of franchise and even though a patent has been issued.

The Supreme Court has decided that issuing a patent for public lands is a ministerial act to be performed according to law, and when it has been issued, whether fraudulent or not, without authority of law, it is void. Patents, say the court, are sometimes issued by mistake, when the officer has no authority in law to grant them; in such cases the patents are void. If an officer issues a patent for land reserved from sale by law, such patent is void for want of authority. The setting aside a patent is a judicial act and requires the judgment of a court.

It is idle, therefore, to object to the passage of this bill on the ground that it destroys vested interests or takes away equitable rights of railway companies.

The only effect of this bill is to give to the settler the evidence of title which, through its authorized agents, the Government agreed to give him, thus permitting him to have a day in court for the determination of equitable rights between him and the powerful corporations claiming adversely under the provisions of a charter. There is no danger that such corporations will suffer wrong. They never fail to secure able advocates in the courts or elsewhere.

As I stated in the beginning, the fact that the ruling of the Department of the Interior, to which I have referred, is now in force cancels the only evidence of title that these poor settlers have ever been granted. It leaves them utterly unable to go into court except as defendants. A way has already been provided by which the railroad company, if it sees fit to abandon a contest with a settler in a class of cases such as would be included under this bill, may indemnify itself by securing land elsewhere within the limits of the original grant. Its rights are already provided for. Shall the people, the true sufferers from these wrongs, be the only ones for whom there is no remedy?

For these poor settlers I appeal to you as Nehemiah to the rulers of old, "Restore, I pray you, to them, even this day, their lands, their vineyards, their oliveyards, and their houses."

Mr. FRELINGHUYSEN. I ask the Senator whether his bill applies to all the public lands of the United States?

Mr. HARVEY. Yes, sir.

Mr. FRELINGHUYSEN. It is then to be a general law?

Mr. HARVEY. A general law.

Mr. FRELINGHUYSEN. If in any case the title to the lands in question is vested in the railroad companies and we should by any law say that it should go to the settlers, I suppose the United States would be liable to make good the land which we take from the railroads; that is, to compensate them for the property. Would not that be so?

Mr. HARVEY. Those advocating the passage of this bill claim that the title to such lands as this bill relates to cannot possibly have been vested in railroad companies. Even though the patent may have been given to them, it has been given in violation of law, and consequently the title could not have vested in them. This bill only refers to such of the public lands as have been claimed and occupied by settlers in strict compliance with the pre-emption and homestead laws.

Mr. FRELINGHUYSEN. Then I understand that this bill is to determine in whom the title is?

Mr. HARVEY. No, sir; it is simply to confirm the title of those who have complied with the pre-emption and homestead laws, and whose rights have been disregarded by the Department of the Interior, as I think I showed very plainly from the papers which I read in the course of my speech.

Mr. FRELINGHUYSEN. It seems to me that is only another way of stating the case. I understand this bill to declare who has the title. My friend says that this bill is to confirm the title of those who have it. Now it does not seem to me, although I have not examined this case, that it is the business of the legislative department of the Government to pass laws declaring in contested cases who shall have title, but that that question properly belongs to the judiciary. If it is so fixed that these lands belong to the settlers, I should be in favor of any legislation making it easy for them to go into the courts.

Mr. HARVEY. Will the Senator permit me to call his attention to the fact that they cannot get into the courts, except as defendants, by reason of this outrageous ruling which destroys their evidence of title.

Mr. FRELINGHUYSEN. I was going on to say, when my friend interposed, that I would be in favor of any legislation rendering it easy for these parties who are settlers, and who claim title, to get into the courts and have their titles adjudicated upon, but never in favor of having the legislative branch of the Government assume to settle a judicial question. It does seem to me that, having heard the remarks of the promoter of this bill, it would be well to let this matter go over, for it certainly is a matter of great importance to the Government, as it affects all the public lands.

Mr. HARVEY. If the Senator will pardon me a moment, he will see by an examination of this bill that it simply provides that where a settler has, in strict compliance with the law and with the rulings of the Department in force at the time, made his claim and pursued it, his right shall not be defeated by subsequent and diametrically different rulings of the Department.

Mr. BOUTWELL. I call the attention of the honorable Senator from Kansas to the clause "or entries in compliance with any law of the United States." It seems to me this refers to what precedes, "all pre-emption and homestead entries." The entries may have been made in compliance with law, but they may not be lawful entries in the sense in which we are now considering it. I think the phraseology of the bill means merely that where entries were made according to the pre-emption or homestead laws of the United States they shall be treated as valid, if this bill should become a law, whether the land was open for entry or not.

Mr. SARGENT. This is something more than a judicial question.

The bill designs practical legislation. It is not only within the power of Congress to enact such legislation, but it would be discreet to do so. I call the attention of the Senator from New Jersey to the second section of this bill, which provides for a case which, put before the courts, I think the courts, without some definite legislation, would be somewhat puzzled to decide. The second section provides that, where there are pre-emption or homestead entries made in good faith and subsequently abandoned, the tractf embraced by those entries shall be re-opened for pre-emption or homestead by subsequent parties going upon them, and that they shall not go to the railroad company. There are a thousand reasons why they should not go to the company, and not one why the railroad company should have the land.

The original law in all cases giving grants of land to railroad companies provides that they shall not take lands upon which there are any pre-emption or homestead entries, where they exist at the time of the grant or withdrawal; that that in itself, no matter what afterward becomes of them, shall prevent the railroad companies from taking those particular tracts of lands upon which their grant may be located. Now, by a species of delays of a thousand kinds, generally arising out of the fault of the railroad companies, these pre-emption or homestead entries are abandoned. There is a bill now pending in the other House to extend for eight years the time for which the land grant of the Northern Pacific Railroad Company shall run. What will be the effect of that? Men who entered upon that land half a dozen years ago and filed a pre-emption have to wait eight years longer before they can get any title from the Government of the United States, before there will be any survey. Men die upon these lands or become bankrupt and are sold out, or men wish to change their place of business and go to some other State; they leave that pre-emption in an inchoate state; they cannot get their title for want of a survey or some other reason, and the present owner finds, although he innocently has paid a hundred or five hundred or a thousand dollars for the land and the improvements which the first settler put upon it, that he has got a mere blank piece of paper. The laws of the United States provide that he shall not take under a prior pre-emptor. The railroad companies understand very well that that works an abandonment; that when the first owner leaves the land he must abandon it although the land may be capable of cultivation, he may be raising fine crops, although there may be barns and a homestead in which a happy family was reared. That being sold under these circumstances to a new purchaser who may be innocent of the fact that the transaction works abandonment, the railroad company applies to the Land Office, goes forward and gets the land, and the man who bought it of the original settler is dispossessed.

The second section provides that in cases like that, and in all cases of technical abandonment, the land shall not go to the railroad company but to the person subsequently entering. Then the man who buys takes from the time of his purchase, and is not ousted by the fact that some years before there was a grant made to a railroad company which never used any diligence to get a survey of it, and which under a dozen pretenses refused to take the conveyance of the land from the Government. One reason of this delay is that the corporations do not want to be taxed for that land in advance of its sale by them. Many reasons they have why they do not try to have these land titles settled, believing that they can weary out the pre-emptors and the homestead settlers, and get it by this species of abandonment.

It is said that this is a judicial question and that the courts can pass upon it. If they do, they act on the strict letter of the law, which says that a person must be in uninterrupted possession from the day he claims as pre-emptor down to the time he receives his patent, and must not have made conveyances to any one else. This is the strict letter of the law which the Supreme Court, or any other court, can only interpret in one way. What can Congress do in this case? Here comes in this foreign interest, this railroad company, which sinks into the hole which is made between the possession of the first settler and the possession of the second, and says "Our rights intervene, and this land so improved belongs to us." I say that Congress ought to come forward and lay down a rule which, if it does not reach previous cases, at any rate shall apply to all future cases, that when land is thus lost by the first possessor the second may take it, and that the railroad company, prohibited by the original grant from having it, shall not receive it.

With reference to the first section of the bill perhaps a question of law might be raised. It is a question of equity also. It is a question which Congress is perfectly competent to pass upon. The assumption of the Land Office is that it is not necessary that there shall be any local notice to settlers of the withdrawal of the lands; it is only necessary for the directors of a corporation to get together in their back parlor and, in the intervals of smoking cigars, to order that a certain survey or a certain withdrawal shall take place in compliance with the law of Congress. There is no notice to settlers, and from that day they claim the land though notice has not been given, or certainly not through the accredited channels, the local land offices. I believe there is no law on the statute-books which, properly and fairly construed, would lead to such a conclusion. If there is, we had better amend it, certainly for all future time. This is not to advise courts particularly, but it is to advise our officers who have to pass on these very questions; and if it is called to the attention of Congress that they are making extraordinary decisions like these, the effect of every one of which is to oust a hundred or a thousand settlers from their homes, and to further aggrandize great railroad companies who have received such magnificent grants of the public domain, and can hold them by a species of mortmain, it seems to me that Congress should act upon such considerations, and pass some such bill as this.

I do not see any feature of this bill that is not in the interest of justice, and fairness, and the rights of the settlers; and I wish to say to the Senators from the East that we derive just as much benefit, and a great deal more, from the settlers coming on our vacant lands, occupying them, building up their homes, and engaging in their trades as farmers and mechanics, &c., than we do from railroad companies, and a great deal more. If there is to be any partiality toward either, we ask it on behalf of the settlers. We claim, however, that this is simply right; that the rulings of the Land Office, our servants, ought to be corrected.

Mr. CHRISTIANCY. Mr. President, I have examined this bill as well as I could in the short time that I have been able to look at it. I think the second and third sections of the bill are entirely unobjectionable. I have no objection to make to either, although the second section appears on examination to be somewhat ambiguous; but it is to the first section of the bill that I wish to make a few remarks, and only a few.

I will not say that that section asserts a principle which is wrong, but it asserts one which I am not satisfied is right. It will be noticed that this bill applies to all the land grants made for railway purposes from the time that policy was first entered upon by the Government. The acts are very numerous, extending through many years. It is general in its operation. Now I wish to read the first section for the purpose of calling attention to the principle which I think is involved in it and which deserves more conside ration, it seems to me, than it has yet received.

That all pre-emption and homestead entries, or entries in compliance with any law of the United States, of the public lands, made in good faith by actual settlers, upon tracts of land of not more than one hundred and sixty acres each, within the limits of any land grant—

Here is the clause to which I wish particularly to call attention—

prior to the time when notice of the withdrawal of the lands embraced in such grant was received at the local land office of the district in which such lands are situated, or after their restoration to market by order of the General Land Office, and where the pre-emption and homestead laws have been complied with, and proper proofs thereof have been made by the parties holding such tracts or parcels, they shall be confirmed, and patents for the same shall issue to the parties entitled thereto.

Now, I understand this bill to assert precisely this principle: that although a grant may have been made to a State for railroad purposes, or may have been made directly to a railroad company, and the road located and the lists of the land made out and sent in here and approved by the Secretary of the Interior, yet, after all this, the title has not passed to the company until notice of that location and of the withdrawal of the lands has been sent to the local land office. That is the principle asserted here; and it is a principle, it will be seen at once, of considerable moment. It is one of the justice of which, or the legality of which, I am not satisfied; and it seems to me that in order to come to a just conclusion involves the necessity of examining every law granting lands for railroad purposes that has ever been passed, because any man can see at a glance that the question when the title took effect might depend somewhat upon the language of the act making the grant. I have not had time to make that examination. If other Senators have, they are more fortunate than I am and better prepared to vote on this question. It seems to me, therefore, to involve a legal question of great consequence, and one which ought to be thoroughly examined before we adopt it. I shall therefore move that this bill be referred to the Committee on the Judiciary.

Mr. INGALLS. That motion, I believe, is debatable?

The PRESIDING OFFICER, (Mr. ALCORN in the chair.) Certainly.

Mr. INGALLS. I introduced this bill, Mr. President, at the present session after much deliberation upon the principle involved and the objects sought to be attained. It has been considered by the Committee on Public Lands, and reported favorably.

Mr. WRIGHT. As it was last session.

Mr. INGALLS. It was also, as I was about to remark, before the Senate at the last session of Congress—was before the same committee and received the same action. It was called up on one or two occasions, but at the request of various Senators and through the exigencies of debate was laid over, from time to time, and failed to receive definitive action.

The Senator from Michigan, in my judgment, correctly states the question that is presented for the consideration of the Senate, which is to ascertain and determine at what period of time a grant of lands to a railroad corporation becomes operative. The first act giving a land subsidy to a railroad was passed September 20, 1850, and the last one March 30, 1871, and during this interval nearly one hundred corporations were endowed, more than twenty millions of acres having been thus granted in the State of Kansas alone.

Until within the last three years the decision of the Executive Departments of the Government has been uniform to the effect that the operation of those grants in favor of the railroad companies commenced when the lands were withdrawn from market at the local land offices in the districts where they were situated. That has been the uniform current of the decisions of the Secretaries of the Interior, the Commissioners of the General Land Office, and all persons who had anything to do with the execution of these laws. But within the last two or three years an extraordinary change has come over the

spirit of their dream. The statutes that had theretofore been construed in favor of the settlers, the statutes that had theretofore been construed in accordance with the simplest and plainest principles of the common law in regard to the time when adverse and conflicting transfers of real estate became effective, by some subtle, unexplained, and mysterious influence have been entirely reversed in their interpretation; and now, instead of holding that grants of land in favor of railroad corporations become operative at the time when they are withdrawn at the local land office, the Interior Department promulgates the opinion that they become operative when the line of the road is definitely fixed in accordance with a vote of the board of directors of the railroad company.

Now, sir, the question that lies at the basis of all this inquiry is ultimately one of law. When does a grant of lands to a railroad corporation by one of these statutes become operative as a matter of law? Is it an actual grant *in præsenti* of land, or is it merely a grant to become operative when the lands are definitely ascertained, designated, and separated from the public domain? That is really the question at issue in this discussion; and this bill declares in the seventh, eighth, and ninth lines of the first section that period to be "the time when notice of the withdrawal of the lands embraced in such grant was received at the local land office of the district in which such lands are situated."

When could these grants become fixed? When could they become operative? There are but three conditions under which they could become effectual to convey a title to the beneficiaries. The first would be when the line of the road had been designated generally by the board of directors. That might be held to be one period. The second would be when there had been an actual survey made in the field. And the third would be that defined in this bill, when the notice of the withdrawal is received at the local land office. Now, which one of these interpretations ought to prevail? Plainly, under every principle of law, under every principle of equity and justice, the last. Every one knows that whenever conflicting conveyances of real estate are made by mortgage or by deed as between the grantor and his grantees that conveyance of which notice is first given by recording in the proper office as required by law is the one that is effectual and carries the title.

The Senator from New Jersey shakes his head.

Mr. FRELINGHUYSEN. I certainly do.

Mr. INGALLS. I hope the Senator from New Jersey does not deny my proposition.

Mr. FRELINGHUYSEN. I certainly do deny that a deed only takes effect from the time it is recorded.

Mr. INGALLS. I contend that as between parties claiming under the same grantor the party who has used diligence and put his deed upon record and given notice to the world is the one who will secure the title.

Mr. FRELINGHUYSEN. I do not know any State where there is not a certain number of days given for the purpose of recording a deed. In our State it is fifteen days. But the deed takes effect *in præsenti*, and I think that is uniformly so. I only shook my head because I wanted to call my friend's attention to this point: What would be the effect if the law should be made, for the future even, as he suggests, that the grant did not take effect until the lands were withdrawn from the local land office? There would be a period after the grant was made, after the line of the road was located, before the lands were withdrawn from the local land office, and it would be a notice to everybody that here are public lands which are to be increased in value tenfold because there is to come a railroad right along by them. It seems to me it would be a notice that would induce speculators to seize upon those lands.

But another difficulty which I will state, as I am on my feet and do not propose to interrupt my friend again, is this: When the grant takes effect, may be different in different grants, and depends upon the terms of the grant. I suppose this bill would be much less objectionable if it contained the provision that nothing herein contained shall be construed to affect vested rights.

Mr. INGALLS. The Senator knows that the bill could not affect vested rights should it become a law.

Mr. FRELINGHUYSEN. I do not.

Mr. INGALLS. No legislation can deprive a person of vested rights without making compensation.

Mr. FRELINGHUYSEN. Then there is no objection to stating it.

Mr. INGALLS. There is no objection to incorporating the moral law or the Ten Commandments in a statute, but it would be certainly superfluous.

Mr. FRELINGHUYSEN. No. That would be foolish; this would not be foolish.

Mr. SARGENT. There would be an objection in reference to the second section to stating anything of the kind, because the "vested rights" are under an obvious misconstruction of the law in the case to which I referred. I should like to call attention to that very case, where there is a pre-emptor in perfect good faith who has lived upon the land which has been apparently granted to a railroad company, who was there before the grant was made, who, desiring to change his place of business and live elsewhere, there being no survey so that he can get title from the Government of the United States, and no prospect of a survey, sells his lands, which are valuable to him and valuable to the purchaser, for a certain price, and that is treated as an abandonment by the Land Office, and the person who buys from him receives nothing, but the railroad company comes in and takes the land. What are you going to say about "vested rights" in a case like that?

Mr. FRELINGHUYSEN. I would say, Mr. President, that there is a statute, section 2450 of the Revised Statutes, which provides:

> The Commissioner of the General Land Office is authorized to decide, upon principles of equity and justice, as recognized in courts of equity, and in accordance with regulations to be settled by the Secretary of the Treasury, the Attorney-General, and the Commissioner, conjointly, consistently with such principles, all cases of suspended entries of public lands and of suspended pre-emption land claims, and o adjudge in what cases patents shall issue upon the same.
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I think that under that law, in the case which my friend has supposed, where a settler had made his actual location, had settled and made his home, and a grant was made including that, the Commissioner would have a perfect right to except that from the grant.

Mr. MORTON. I suggest to the Senator that that is the very difficulty complained of, that under such sections as that the rulings are changed.

Mr. SARGENT. Exactly; and who ever heard of the principles of equity as administered by any court overruling a positive statute? The companies claim that here is a positive statute which says that a pre-emption right shall date only from the entry of the person who claims under it upon the land. What connection is or can there be by the positive statute between him and the person who preceded him, whom he has bought out? The law says in effect that there shall be no such relation and that such a sale is evidence of fraud. Consequently they contend that under that section there is no opportunity for applying the principles of equity. They are absolutely excluded, and the cold, naked law is applied; the railroad company gets the land, and, by the thousand, settlers in my State are ousted from land where their children have been born and raised. It is a crying evil and nuisance.

So in all these States; and I say to Senators in the East who sit in your comfortable homes and do not have such troubles pressed on your attention by your constituents, you ought to listen to us when we tell you that here is our trouble, that our people are persecuted by such grievances as these. If you say this bill does not reach the difficulty, advise us how it can be improved. According to our best judgment it does reach the difficulty, and it is not unjust.

Furthermore, if the gentleman insists that there is a contract between the Government of the United States and the railroad companies by which they are entitled to this "pound of flesh," I say we have a right then to set aside that, and if equity requires it we ought to do so; and there is nothing in the Constitution of the United States that inhibits it. So the Supreme Court themselves decided in the legal-tender cases. The constitutional provision on that subject is simply a restriction on the States. There is no question about the power of Congress to do it.

The Senator asks, may we not have a bill to pay if we do it? Suppose that by the harsh interpretation of our laws, which we allow to go on from day by day and year by year, men are rendered homeless and driven out from their homes which they themselves have created, in order that railroad companies may seize their land, and we come in and remove that state of things and thereby in equity the Government owes a sum of money to the railroad companies, had we not better pay it than to carry misery and desolation to masses of people? I think so; but I do not believe that consequence arises. I do not think that, either by equity or law as Congress administers it and administers it by this bill, any such claim would arise. When it does come, I shall be prepared to meet it.

Mr. FRELINGHUYSEN. My friend from California reminds me that the constitutional provision that the obligation of contracts shall not be impaired only applies to the States, and not to the United States. I am perfectly aware of that; but I am also aware that there is a higher principle than that which applies to the United States: the very spirit of that provision; and to dispute it is to advocate repudiation. There is the same obligation upon the United States to keep its contract, whether it be with settler, bondholder, or railroad company, that there is upon any person to be honest. It is a principle that lies in the nature of things, and, as I remember, one author says, a principle which controls the Deity itself. Now, if we are not about to violate that great principle, there can be no objection to introducing into this bill a proviso "that nothing herein contained shall be construed to violate or impair vested rights;" and, with that provision, I will vote for it.

Mr. SARGENT. I showed before that that would simply render the whole bill nugatory; and the Senator has not replied to the instance which I gave, where by a misconstruction of the law, obvious in itself—the Senator will not contend that it was anything but a misconstruction of the law—these companies are gaining an unfair and an unconscionable advantage; and I claim the pious principle which he here lays down with such a solemn air, as applicable in favor of this bill, because it remedies that great injustice; and I say that he has no right to shut his ears and refuse to listen to the principles of equity and justice and righteousness which he appeals to, when they make in behalf of the poor settler; because some railroad company, or railroad companies generally, may insist that it is an infringement of their vested right to seize upon the property which the policy of the law has given to others.

Mr. CHRISTIANCY. If this bill applied only to future cases and future facts, the principle of it would be entirely right and it should have my vote at once. It would raise then no doubt whatever in my mind.

It has been suggested by the Senator from California a moment ago that Congress would have the power to do what a State could not do in a matter of this kind. Does he mean by that to say that it is in the power of Congress to divest the title of a railroad company if that is already vested in it? Can Congress do that?

Mr. CONKLING. Without compensation?

Mr. CHRISTIANCY. And without compensation.

Mr. SARGENT. I have no idea that the Government has a right to take private property for public use or for any other use, without compensation.

Mr. CHRISTIANCY. Then does the Senator mean to say that here would be compensation given? Is it one of those cases that has ever been recognized as a case for compensation? Suppose this title had actually vested in the railroad company, is there a case in the whole history of our Government like it—an undertaking to divest it by act of Congress?

Mr. SARGENT. I do not claim that this does divest the railroad companies of any right. I simply say that by improper construction of our servants, not judicial officers but ministerial officers, the land, the property of settlers, is taken and given to these corporations. The Senator objects, and says: "Why, if you do that you violate the obligation of contracts." I say, no, we do not do anything of the kind; and I say that there is no constitutional inhibition even if we did. That is all. But if we do injure a party by taking his rights, and the consequence follows which he insists that we shall make compensation in damages, I say, very well, I am ready to meet that question when it comes.

Mr. CHRISTIANCY. So far as the question of contract is concerned, it is entirely a different thing. The question is one arising after a contract has become executed, and has become property. It is property now instead of mere contract, if the title is vested in the railroad company prior to notice received at the local land office. I will say now to the Senator from Kansas [Mr. INGALLS] that I am willing to go as far as any other man for the protection of these settlers, just as far as he can satisfy me that it is competent for us to go without violating legal rights.

Mr. INGALLS. Mr. President, the opposers of this bill are endeavoring to "darken council by words without wisdom" in their efforts to draw into this controversy a vast number of extraneous subjects that are absolutely without connection with the issue before us.

This is not a question of contract. It is not a question affecting the rights of the railroad companies to their lands. It is not a question determining whether the railroad corporation or the settler shall have the lands. But it is a bill laying down a rule of construction and interpretation, and declaring to the executive ministers of this Government how they shall construe the statutes that we have enacted. And I may say in passing that the section of the Revised Statutes read by the Senator from New Jersey lies at the very root and foundation of all this trouble. We have the anomaly in our form of government of a merely executive or ministerial officer like the Commissioner of the General Land Office endowed with functions that are purely judicial. The Commissioner of the General Land Office under our statutes has certain executive and ministerial duties to perform. He discharges those duties, and then the statute comes in and confers upon him the very extraordinary power of sitting in judgment upon his own acts.

Mr. MERRIMON. *Pro tanto* a judge.

Mr. INGALLS. Yes, *pro tanto* a judge. After he has issued a patent, after he has in his ministerial capacity done all that he can in connection with a land grant, the statute says that if a controversy arises between the railroad corporation and the Government, or between the settler and the Government, or between the railroad corporation and the settler, he shall exercise judicial functions in passing upon the validity of the acts that he has himself performed, and that without the right of appeal. It is absolutely impossible for any man or any corporation, after its rights have been once passed upon by the Commissioner of the General Land Office, and an appeal taken to the Secretary of the Interior, who is himself an executive officer, to obtain any review of that decision. There is no appeal from it; it is absolute. So, sir, I say that one great cause of all this difficulty arises in that extraordinary provision of law which allows this executive officer to determine when these grants shall become operative and take effect.

Now, sir, what does this bill propose to do? Merely to say to the Commissioner of the General Land Office and to the Secretary of the Interior that in their interpretation of these statutes, as the final and solemn judgment of this body, as one of the branches that assisted in their enactment, the grants of lands to railroad corporations shall become effective only when the notice of the withdrawal has been lodged with the local land officers in the district through which the roads run. So plain, and so just, and so equitable is this construction that, as I said in the beginning of my remarks, this has been the rule—and I beg the Senator from New Jersey to bear that in mind—that this has been the rule of every Secretary of the Interior, of every Commissioner of the General Land Office, since the land grant railroad system began in 1850 down to the time when Columbus Delano was the incumbent of the Interior Department and Willis Drummond was the Commissioner of the General Land Office.

Then it is for us to determine whether this is a legitimate, proper, reasonable rule of construction; whether it is just for the Senate to say, as between the railroad corporation and the settler, that the railroad shall have the land if it has lodged a notice of withdrawal in the office of the local land officers through whose district the road may run.

As an illustration of the hardship and of the peculiarity, to use the mildest term that can be employed, which have characterized the orders on this subject during the last few years, I desire to call the attention of the Senate to the decisions of the General Land Office and of the Secretary of the Interior in regard to a few of the principal railroad corporations in my own State.

The grant to the Leavenworth, Lawrence, and Galveston road was held to attach from the date of the adoption by the board of directors of the line of survey, which as to a portion of the road was November 15, 1865, and as to the remainder October 15, 1867. Now mark the practical operation of this. As to the former, the withdrawal of the lands was by an order of April 30, 1857, and the order of withdrawal of the latter was January 21, 1868, leaving an intervening period during which this land was apparently open to every settler who might come as to a portion of the line of five months and to the remaining portion of three months.

Then, in the case of the Missouri River, Fort Scott, and Gulf Railroad, the grant was held to attach from the date of the adoption of the survey by the board, February 11, 1868, but the lands were not withdrawn from market in the local land offices of the districts through which the road ran until June 12 and October 19, 1869, leaving as to the first withdrawal a period of one year and four months, and as to the second withdrawal a period of one year and eight months.

Now, what is the practical result of this? This land is open to homestead and pre-emption settlement. A settler goes to the local land office at Humboldt, or at Wichita, or at any other of the offices in my State; he asks the register to show him the plats of the land that are open for settlement in his district. The register exhibits to him the maps and field-notes. The homestead or pre-emption settler, after inspection, which shows no line of survey, no contemplated or proposed construction of railroads, selects the quarter-section upon which he desires to construct his home. He returns to the land office and pays the fees that are requisite for that purpose. No notice is given him that the land is not open; he has no means of knowing that the land is claimed by any corporation or any other citizen. He proceeds to fence and inclose it. He builds him a house. He puts his improvements upon it. He transfers, it may be, the whole of his worldly possessions to it; and a year and eight months afterward, without any previous intimation, without any opportunity of knowing that this land has been claimed by any other individual or corporation, he suddenly receives notice from the register of the land office that his entry has been canceled. Why? Because a year and eight months previous, in Boston, or New York, or in Chicago, or wherever else these corporations may have their head offices, a private resolution was passed adopting as their definite line of location a route which embraces the tract upon which he has settled. He therefore by that order becomes a trespasser; he is without a shadow of title. He cannot get into court if he wants to do so, because the evidence of his title has been canceled. The land is patented to the railroad company, not alone a naked tract of land but an improved farm, that contains the earnings, it may be, of a life-time of a man who has honestly settled upon it at the invitation of the Government. Does anybody pretend to tell me that that is a legal, equitable, or justifiable interpretation of the law, especially in the face of the fact that the contrary construction had been, in the opinion of previous executive officers of this Government, so just, so proper, and so equitable that until a period I think not more remote than four years the interpretation for which I contend had been uniformly adopted?

Mr. BOUTWELL. Will the Senator from Kansas allow me to ask him a question?

Mr. INGALLS. Certainly.

Mr. BOUTWELL. I ask the Senator whether, taking the case that he has cited, he considers the title or claim to title in the railroad company to be a valid claim in law or otherwise? I desire to know what the Senator means.

Mr. INGALLS. I contend that, as a principle of law which I believe cannot be controverted, a grant of lands to a railroad company——

Mr. BOUTWELL. I do not want the general question considered, if the Senator please.

Mr. INGALLS. The general includes the particular, and by stating the principle I supposed I could answer the Senator's question.

Mr. BOUTWELL. The question I desire to have answered is whether in the opinion of the Senator from Kansas as a matter of law the title or claim to title in the railroad company in the instance cited is good or otherwise?

Mr. INGALLS. Manifestly the claim of the railroad company to any specific individual tract of land can only become valid when that specific tract of land has been designated so that it can be ascertained by metes and bounds.

Mr. BOUTWELL. I dare say a metaphysician might know whether the Senator has given a specific answer to my inquiry, but I confess I do not.

Mr. INGALLS. The Senator is not a metaphysician!

Mr. BOUTWELL. I wish to know whether, in the opinion of the Senator from Kansas, in the instance put by him, the title of the railroad company is a good title or not—whether it can be sustained in the courts or otherwise?

Mr. INGALLS. No, sir.

Mr. BOUTWELL. It cannot be sustained. Then the next question I desire to ask is whether the settler-claimant has now any means of getting into court and having an adjudication.

Mr. INGALLS. Absolutely none.

Mr. BOUTWELL. Then will not this whole case be covered if we pass a law giving to settlers claiming title to lands under the Government of the United States upon which there is an adverse title a right to go into court and have the adverse claim dissipated?

Mr. INGALLS. It would be a partial remedy, and better than none.

Mr. BOUTWELL. It will answer that case exactly, in my opinion.

Mr. INGALLS. But the difficulty in the enactment of a statute like that, while I have no doubt what the decisions of the courts would be, is that it would entail upon the settlers and the contestants a vast amount of expense that in my judgment they ought not to be expected to bear.

Mr. MORTON. And contesting with powerful corporations.

Mr. INGALLS. And with powerful corporations, as the Senator from Indiana suggests, who have their agents already on this floor.

Mr. BOUTWELL. Will the corporations be annihilated or their power to litigate in the courts be destroyed or even disturbed by this bill if it should become a law?

Mr. INGALLS. I do not understand the Senator's question.

Mr. BOUTWELL. Will not the corporations be able to litigate against the settlers-claimant just as much under this bill?

Mr. INGALLS. The corporations have no desire to litigate. They are in possession of the land; they are in possession of the evidences of title; they are in possession of all the improvements made by the settlers, and why should they want to litigate? What inducement, or object, or purpose have the railroad corporations to litigate when they have everything? They possess the patent, the muniment of title, the improvements placed upon the land by the settlers, and why should they come into court to determine whether their title is valid or not? The Senator knows, or should know, that in actions of ejectment, in which I suppose this matter could alone be tried, the plaintiff must stand upon the strength of his own title, and not upon the weakness of his adversary's. He must show affirmatively his right to be in court, and the settler cannot get into court. He has no power, he has no muniment of title. It has been denied him; or, if he ever had one, it has been canceled by order of the Department that issued it, sitting in judgment, as I said, upon its own act.

There was one suggestion made by the Senator from New Jersey to which I would like briefly to call attention, and that is in regard to the injurious effects which might follow the enactment of this law by permitting persons who desired to take up the lands in advance of a definite location, thus allowing vast tracts of the national domain to fall into the hands of speculators. I wish the Senator had followed that point a step further and inquired what would be the effect if this interpretation of the law is allowed to prevail so far as the railroad corporations themselves are concerned in their relations to the country. If the title of those corporations becomes operative and valid and effective whenever by vote of a board of directors the line of their road has been located, what necessity is there for their ever giving notice to anybody that they have obtained the title to the land? They do not require a patent to secure title. They do not require the actual possession of the land to secure title. The decision is that by a vote of the board of directors in their private office definitely locating the line, and by that act alone, the title becomes vested in them. If that is the case, will the Senator from New Jersey tell me what is the use or where is the necessity for these railroad corporations ever further to assert their title? Can they not simply withhold all interference with the land, allow it to be entirely occupied and taken up by homestead and pre-emption settlers, remain for twenty years, it may be, in possession of those settlers, and after it has immeasurably increased in value, after it has become covered with the aggregated wealth of an entire community, can they then not come in and say, "This land is withdrawn from market; it is ours; you have gone upon it in defiance of law and against our rights," and thereby secure not only the land itself but the wealth of an entire community?

Mr. WRIGHT. In the line of the Senator's argument, allow me to suggest to him in that connection that it is at least doubtful whether these settlers would have any such color of title, any such claim as that they could rest upon an adverse possession, and so the twenty years might not be sufficient to prevent the railroad companies from such an action; and so they might let the settlers remain for any number of years and let the property increase in value ever so much, because, as these settlers, according to the theory of the railroad company, have no claim or color of title, they could not be regarded as being in hostile possession, but mere trespassers, who could be dispossessed at any time.

Mr. INGALLS. Certainly there is nothing to prevent that.

Mr. FRELINGHUYSEN. In answer to the question which my friend from Kansas put to me I wish to say that I only threw that out as a difficulty in fixing the time that the grant should be considered to take effect. If it did not take effect until the lands were withdrawn from the local land office, I saw that it would be a temptation, inasmuch as there are telegraphs all over the country, to have those lands seized where a railroad is to be built. It may be as my friend suggests that there are greater difficulties on the other side. His argument may be good, for I am not here the champion either of settlers or of corporations. I think there is force in what the Senator says, and he will bear me witness that I stated distinctly that I would vote for the bill if he would put in a proviso that it shall not impair obligations or vested rights. I will not vote for it without that provision, and I do not see how anybody can do so.

Mr. INGALLS. Nobody knows better than the Senator from New Jersey, whose eminent legal attainments are as familiar to the whole country as they are to the Senate, that we cannot by any act interfere with or destroy vested rights. I think the Senator will admit that proposition.

Mr. FRELINGHUYSEN. I do.

Mr. INGALLS. Then what is the use of declaring by a special enactment what he himself admits is totally superfluous and unnecessary? I want this matter left precisely as this bill leaves it, as a declaration of the principles that shall control the executive officers of this Government in connection with the location of railroad grants.

Mr. FRELINGHUYSEN. My friend puts the question to me whether we could by any legislation here impair vested rights? "Vested rights" may have two meanings. If you take the interpretation of "vested rights" in the sense in which the Senator from California takes it, that there is no constitutional obligation on this Government not to impair a contract, then it is possible that declaratory legislation might interfere with vested rights; but nothing can interfere with the obligation of this Government to keep its faith.

Mr. INGALLS. That is a proposition which meets my hearty concurrence.

Mr. HARVEY. That is just what we assert.

Mr. INGALLS. And certainly when the Senator from New Jersey says that he is neither an advocate of corporations nor the advocate of settlers, but stands as an arbiter between the contending claims of both, I might agree with him in that as constituting a proper definition of my own situation; although I must confess that in a contest like this my leaning is in favor of the weak and the humble as against the mighty, the wealthy, and the powerful; but still I would not permit considerations of that nature, so far as I could avoid it, to determine my action or to swerve my judgment.

This is not a question, Mr. President, between the railroad corporation and the settler; and that is one difficulty which the Senator from New Jersey appears to me to have labored under, and of which I think he ought to be disabused. It is not a question between the railroad corporation and the settler; but, as has been said in this debate, between the Government and its grantees; whether or not the Government shall carry out the strict obligations of honor and good faith toward those to whom it has conveyed portions of the public domain. Here are two claimants to a specific, segregated, individual quarter section of land. As between these rival claimants, under the common grantor, the Government of the United States, what rule of interpretation will the Government adopt, and to whom will it award the title to the land? The railroad company asserts that by virtue of the grant itself they become entitled to the land as soon as they have adopted a given line of survey. The settler says: "Inasmuch as I went to the local land office by your invitation, and your servants, the register and receiver, invited me to purchase that land and took my money for it, and there was no rival or hostile claimant, and in pursuance of that I have invested my money, given my labor and my time, and placed my accumulations upon that land, in accordance with the ordinary rules that govern the transfer and conveyance of real estate, the land should belong to me." The railroad company by this interpretation loses nothing, because under the provisions of all these laws if they lose any portion of the grant to which they would be entitled, by the claims of other parties, they have the right of indemnity selection outside of their grant; but if the contrary rule of interpretation prevails the settler loses his all.

Mr. MORTON. Mr. President, the principle involved in this bill I regard as important. I have had my attention called before to some of the hardships growing out of the rulings complained of. It occurs to me that this bill vindicates itself by its reading, and I invite the attention of the Senate to the first section. But I would premise with the remark that in the construction of general grants of land to railroad or other corporations such grants should be strictly construed; that is to say, a corporation in perfecting its title should be held to a strict compliance with the law, whereas a liberal construction should rather be adopted toward private individuals who are to be affected by such general grants. The first section of this bill begins as follows:

That all pre-emption and homestead entries, or entries in compliance with any law of the United States, of the public lands—

The first condition is that it shall be an entry in compliance with law. It must be of land that is open to entry. If the land is not open to entry on the books of the land office and under the law, it is not touched by this bill. The first condition then is that the land must be open to entry. The next is:

of the public lands, made in good faith—

The entry must be made in good faith. If an actual settler goes upon a piece of land knowing that that land has in fact been granted to a railroad company, and that the company will ultimately claim it, and must, under the circumstances, it would then be a question whether it was done in good faith. For example, suppose that a railroad company now has made its location, has transmitted that location to the General Land Office here; but it has not been sent from the General Land Office here to the local land offices. If, during this interregnum, an actual settler, knowing that the railroad company had located its line and had claimed a particular piece of land, should go on to that land and take advantage of his knowledge, it would not be in good faith. The precise case covered by this bill is that of land open to entry, in the first place, and, in the second, the entry must be made in good faith.

My friend from New Jersey speaks of men obtaining a knowledge of the location of a railroad and then rushing in to get the land as a speculation. Let him bear in mind that a man can take but one piece of land, and he must go and live upon it. It is not the case of buying land in large quantities to take advantage of the construction of a railroad. The settler can have but one piece of land and he must live on it; he must be an actual settler; and his actual settlement gives notice always to the railroad company. My friend from New Jersey says that a grantee has three months to record a deed in his State. So he has in mine.

Mr. FRELINGHUYSEN. I said fifteen days in my State.

Mr. MORTON. Well, it is three months in my State; but suppose he does not record his deed at all. A subsequent grantee must take notice that there is some one on the land and will be held bound by a knowledge of adverse possession; and if a railroad company takes a grant or makes a location, or files its selection, with the knowledge of actual settlers or without that knowledge, if there be actual settlers on the land, upon the ordinary principle of law it should take notice of the adverse possession. But we will go on:

by actual settlers upon tracts of land of not more than one hundred and sixty acres each, within the limits of any land grant, prior to the time when notice of the withdrawal of the lands embraced in such grant was received at the local land office of the district in which such lands are situated, or after their restoration to market by order of the General Land Office, and where the pre-emption and homestead laws have been complied with, and proper proofs thereof have been made.

It presupposes that everything has been done by the actual settler that he is required to do. The land must be open to entry; it must be entered in good faith; and he must have complied with the law.

Mr. MORRILL, of Maine. Will the Senator allow me to interrupt him?

Mr. MORTON. Yes, sir.

Mr. MORRILL, of Maine. At what period can the settler enter upon the land? What must be the condition of the line of the road?

Mr. MORTON. I suppose that he can enter upon the land at any time under the law before the lands have been withdrawn from the market.

Mr. MORRILL, of Maine. I mean can he enter upon the lands before surveys are made by the Government?

Mr. MORTON. I do not know about that.

Mr. PADDOCK. He may make a claim before the land is surveyed.

Mr. MORTON. He can make a claim, I suppose.

Mr. MORRILL, of Maine. Do I understand that a settler or a person desiring to enter under the homestead act can enter on any public lands of the country, after the proper survey, and acquire a right? Is that the Senator's understanding?

Mr. PADDOCK. Under the pre-emption law he may do so.

Mr. MORRILL, of Maine. This applies to the rights of settlers?

Mr. MORTON. I am taking the case put by this bill, and, in that point of view, it is hardly necessary for me to be able to answer my friend from Maine. I am taking the case that the land is open to entry, surveyed or unsurveyed. The bill provides, first, that the land must be open to entry, and that the entry shall be made in accordance with the law, and, in the next place, that it must be made in good faith. Now I come to the next question in regard to the railroad companies. I will suppose that a grant of land has been made by Congress to a State corporation, a railroad company, to run, if you please, from Topeka to Atchison in Kansas. The route is not located. It may be upon one side or the other side of the river; it may be in one range of congressional townships, or it may be in another. The location of the road depends upon the corporation itself. It may never be located. Some of the railroad corporations never organize, and sometimes these lands are never taken. No one can tell where the road is to go; no one evens knows that the land will ever be taken. While this uncertainty exists and the corporation has not made its location, the actual settler takes possession. He does it in good faith; he takes land open to entry. Afterward the railroad company comes in and locates its road; it designates the route and files its map in the Land Office, indicating the land it intends to claim. That is held by the ruling now to divest the title of the actual settler. It seems to me that the principle of the case is very plain. If the land was located and the settler knew or could know it by going to the land office, and could find it out certainly, then he has no claim in equity or in law; but until the location is made nobody can tell where the railroad is going; nobody can tell what land that railroad company is to have, and it is open to entry to the whole world. The railroad company comes in afterward and designates its route, files the designation in the General Land Office, and then claims to divest the title of the actual settler. This bill is simply to prevent that wrong, as I understand it.

Mr. WRIGHT. If the Senator will allow me to make a suggestion, I will state a case, within my knowledge, where, at the instance of the company, the lands along a particular route were withdrawn from market. Outside of the lands thus withdrawn from market homesteaders and pre-emptioners entered. The company, however, in their private room, located their road and located it on such a line as to reach lands outside of the lands thus withdrawn from market. Now, according to the decision that has been made, notwithstanding the lands were thus withdrawn from market and the homesteaders acted upon the faith of this withdrawal and went outside of the lands that were thus withdrawn, and made their pre-emptions or their homesteads, when the line came to be located it was changed from the line contemplated originally, or that was proposed to be reached by the withdrawal of lands, and the consequence was that they sought to take, and do, if the decision now stands, take the pre-emptions and the homesteads thus made.

Mr. MORTON. The Senator from New Jersey has spoken in regard to vested rights. I have as high regard for vested rights as any Senator, but it may depend something upon their character. The Supreme Court, I think, have said in one decision some years ago that there is no constitutional inhibition upon Congress to divest what is called a vested right. Suppose it should be held by the court, as a construction of the law, that when the railroad company does make its selection the title will relate back and date from that time, although nobody in the world had any knowledge of it; here is a vested right, if you please, that is a mere technicality. It has no sacredness about it; it is in violation of equity. Suppose, if you please, the courts should hold that after the railroad company had selected its land the title dated back from the passage of the grant made by Congress. That would be a great wrong. You might call it a vested right, but it would be a vested wrong. It would be a vested wrong rather than a vested right. Or suppose it should be held by the courts that when the directors of the railroad company met, if you please, at the Tremont House, in Chicago, and adopted a particular route and nobody knew anything about it in the world except the directors of that company and the actual settlers could not get notice for three months afterward, still the company's title dated from that action in the hotel in Chicago. There you may say is a vested right, but it is an absolute wrong. For such a vested right I certainly would have no very high regard.

Mr. FRELINGHUYSEN. May I put a question to my friend from Indiana? Let him change his case a little. Suppose that the railroad company, by an absolute grant from the Government of the United States, had a grant of land that took effect *in præsenti*, which is the "vested wrong" that he speaks of, and the company mortgaged it, and the bonds were held all over the country by parties who had actually paid their money on that security, would it be a vested wrong then for the Government to live up to the agreement?

Mr. MORTON. No, sir. I think I can answer that very satisfactorily.

Mr. FRELINGHUYSEN. I suppose there is hardly one of these railroad companies that is not in that situation. If my friend will permit me, as I have involuntarily got into this debate—for I never read the bill until it came here and have no particular friendship for railroad companies—I feel bound to say, in consequence of a remark which fell from one of the friends of this bill, that the railroad companies had their advocates on this floor——

Mr. INGALLS. If the Senator will pardon me, as I made that remark, I will say that I certainly had no allusion to any Senator.

Mr. FRELINGHUYSEN. I am very happy to hear my friend say so, and that I have afforded him an opportunity to make the disclaimer.

Mr. MORTON. I think I can answer the argument of my friend from New Jersey. He puts this question: Suppose Congress makes a grant of land to an existing corporation, to take effect *in præsenti*, —that is, to-day, or as soon as the bill is approved—and the company mortgages the land to secure its bonds? I say there is a vested right, and the country is bound to take legal notice of the passage of that bill, and when the actual settler goes to the land office and inquires of the register what lands are open to entry he will be told by that officer, if he does his duty, that such and such lands have been granted by Congress, and are not open to entry. Now, that is not the case here at all. The case here is just the opposite. There is no grant *in præsenti*. The title in the land does not pass to the railroad company at once, but it only passes after the company has complied with certain conditions prescribed by law, one of which is that the company shall designate the route that it is going to run upon, have a survey made, and file the survey in the General Land Office at Washington; and after it has filed the survey and located the road, and occupation has been given, then the Government shall withdraw those lands from market; and the title does not vest, in my judgment, until those lands have been withdrawn from the market. That is a very different case from the one put by my friend from New Jersey.

Mr. MITCHELL. I should like to ask the Senator from Indiana a question. Suppose, under a given state of facts, under the facts as presented by this bill, for instance, the courts should hold, provided they have an opportunity to pass upon the question, that a railroad company had a vested right to these lands from the date of the filing

of the survey, that the title vested then, and not from the date of the notice of the withdrawal in the local land office. Suppose that were true, then the question which I desire to put is this: Can we by any legislation take away that right? I put this question, not because I am opposed to the bill, for I want to vote for it, and I think I shall. I think, however, there are difficulties in this bill, and very grave ones, as was suggested by the Senator from New Jersey.

Mr. MORTON. I will say in answer to my friend from Oregon that so far as the question of power is concerned I think there is no doubt about it. As to the cases in which Congress would be justified in divesting what may be called a vested right, there would be different opinions. I should say it would be only in an extreme case where the vested right is the result of a technical construction of law which operates in defiance of equity. If the title passes from the Government to the railroad company by the simple act of their filing a map here of which the people in the country can have no knowledge whatever, or if the title passes as soon as the act of Congress is approved, that is a very different case, and takes it out of the operation of the principle. But where the title of the company depends upon the performance of certain conditions subsequent, it seems to me the true principle of law is that the title does not vest in the company until those conditions have been complied with, and the most material condition is that the Government itself shall have withdrawn the lands from the market; because so long as those lands remain open to entry upon the books of the land office, and the officer of the Government is bound to so say to the inquirer, just so long a valid title can be acquired by the actual settler, in my judgment.

So much for the first section of the bill. Now I come to the second section:

SEC. 2. That when at the time of such withdrawal as aforesaid valid pre-emption or homestead claims existed upon any lands within the limits of any such grants which afterward were abandoned, and under the decisions and rulings of the Land Department were re-entered by pre-emption or homestead claimants who have complied with the laws governing pre-emption or homestead entries, or shall make the proper proofs required under such laws, such entries shall be deemed valid, and patents shall issue therefor to the person entitled thereto.

Where the entry has been made before notice given, and it is a valid entry, but is afterward abandoned from any cause, and if in such a case under the rulings and practice of the Land Office the lands may be re-entered by another actual settler, which often occurs, then the title of the last shall not be divested by the railroad company. I can see no objection to that provided the first section is right.

I come now to the only clause of this bill—and I call the attention of my friend from Kansas—to which I take any exception, and that is in the third section, and I do not know that there is any objection to that really; but I wish to call attention to the third section:

SEC. 3. That all such pre-emption and homestead entries which may have been made by permission of the Land Department, or in pursuance of the rules and instructions thereof, within the limits of any land grant at a time subsequent to expiration of such grant, or when the grantee was in default in the performance of any of the conditions imposed by such grant, shall be deemed valid, and a compliance with the laws and the making of the proof required shall entitle the holder of such claim to a patent therefor.

This is where an entry has been made on lands that have been granted, but where the time fixed for the taking effect of the grant has expired. Then the lands are again put into the market, and they are open to entry. If the time is subsequently extended by Congress, that subsequent extension shall not have the effect to divest the title of an actual settler who entered upon the land after the expiration of the first grant and before the second one was made. Is that the case?

Mr. INGALLS. That is the theory of the law.

Mr. BOGY. That is not the part of the law the Senator from Indiana is arguing upon. That does not speak of extension. I am in favor of a bill of this kind, but it strikes me that the third section amounts to nothing at all in its present condition. The Senator's argument is very proper, but I think the bill is defective. The way the third section stands it really amounts to nothing at all, because it provides for cases where persons have made entry on lands the title to which has not been perfected by the railroad company. In such cases the settler's title is good now without any additional legislation at all. There is no question about that.

Mr. MORTON. The phrase "extension" is not in the section, but I suppose it refers to that unquestionably.

Mr. BOGY. I think it ought to be so. The Senator's views are correct.

Mr. MORTON. It speaks of an entry of land after the expiration of the grant. The grant has expired by its own limitation, as I understand; then the actual settler goes upon it. Congress has in a number of cases since I have been here extended the time after the grant was forfeited by failure to comply within the time.

Mr. INGALLS. Does the Senator think in that case that the railroad company ought to take the title away from the settler who has made a valid entry in that *interim*?

Mr. MORTON. No, sir, I think it ought not; and that is the reason I approve of the bill in that particular.

Mr. INGALLS. That is my view also.

Mr. MORTON. Now I come to the clause upon which I have a little question:

Or when the grantee was in default in the performance of any of the conditions imposed by such grant.

A grant has been made upon certain conditions, and there may be a default in some of them, there may be a technical forfeiture or a technical violation of the conditions of the grant. I would not say that such lands should be open to entry.

Mr. INGALLS. If the Senator will permit me, I think that this is after all merely a superfluous clause, and upon further thought it has occurred to me that the clause in lines 5, 6, and 7, "or when the grantee was in default in the performance of any of the conditions imposed by such grant," ought to be stricken from the bill.

Mr. MORTON. With that exception I think the bill is right.

Mr. KELLY. Mr. President, I wish to say a few words in support of the bill, because the people of Oregon as well as those of Kansas and Nebraska are interested in the provisions of it. And perhaps I had better refer to certain facts to illustrate the hardships on the part of the settlers and the necessity of legislation in their behalf. I will refer more particularly to the Northern Pacific Railway grant and to those who have settled on lands within the limits of the grant made to that company, because I am more familiar with those cases than with those arising under the grants to the Central and the Union Pacific Railroads.

With respect to the Northern Pacific Railway Company, I will say that it was incorporated by act of Congress on the 2d day of July, 1864. It did nothing toward designating its general route until the 13th day of August, 1870. On that day it filed in the office of the Secretary of the Interior the map of its general route, which of course was prepared, in all probability, in the office of the company in New York. It was filed on that day—the 13th of August, 1870—in the office of the Secretary of the Interior.

Mr. BOGY. The map of the entire route from east to west?

Mr. KELLY. For the entire route, from the east to the west, from Minnesota to Washington Territory. Of course the settlers knew nothing of the day when that was filed. They went on, as before, locating upon lands, taking pre-emption claims and homestead claims. It was the ruling of the local land officers and the ruling of the Commissioner of the General Land Office that until the lands were withdrawn from pre-emption and homestead claims by notice in the local land offices any one could take pre-emption and homestead claims. That was a general understanding; and I know of many settlers who went upon the public lands on that line between the 13th day of August, 1870, and some time in the summer of 1872, when the withdrawal was noted in the local land offices and notice given to the registers and receivers that the lands were withdrawn from sale and entry. In the mean time, between 1870 and 1872, settlers made great improvements upon these lands. They went upon them in good faith; their entries were recognized by the local land officers; the register received declaratory statements in pre-emption claims and notifications in homestead entries. Then a controversy arose between the railroad company and these settlers, the railroad company claiming that their right commenced from the time they filed the map of their general route in the office of the Secretary of the Interior. The Commissioner of the General Land Office decided in favor of the settlers and against the railroad company. From that decision an appeal was taken to the Secretary of the Interior, and a decision was rendered by him on the 15th of March, 1873. Secretary Delano gave the reasons why the railroad company had precedence over the settlers between those dates, reversing the decision of the Commissioner of the General Land Office, and that Commissioner then instructed all the local land officers to cancel the entries which had been made in good faith by settlers, and where they had paid for the lands to return them their money. Many of the settlers had made valuable improvements on the lands, and were unwilling to give them up and take a return of their money, and they are contesting to this day as against the rights of the railroad company.

Let me here say that the railroad company has had the title adjudged to it by the Secretary of the Interior, not by any court of justice. No court has decided in its favor, at least none that I have heard of. I do not think the question has ever been decided in any court, but it has been decided by the Secretary of the Interior reversing the decision of the Commissioner of the General Land Office. Here, then, is the question presented: who is entitled to these lands? The case has not, as I said, been adjudged by any court. The Commissioner decided in favor of the settler, the Secretary of the Interior has reversed him and decided in favor of the railroad company, but no patent has been issued. Here is the simple question presented to us: who ought to have the patent? The railroad company does not care about the legal muniment of title, because it is sufficient for them to claim under the grant; they are in possession by the ruling of the Secretary of the Interior. If the settlers claim that they are entitled to it they have no means of asserting their rights, because the Secretary of the Interior instructed the Commissioner of the General Land Office to notify the local land officers that he would cause their notification to be canceled, and so they have no standing in court.

I undertake to say that it is simply just and right that we should place them in such a position that they can go into the courts and assert their rights as against the railroad companies. The bill simply authorizes them to present the case for adjudication in the courts, the courts not having decided it at all. If the settlers get the patent and the railroad company chooses to controvert it, let it do so. Is it not quite as well that they should have a patent in the first instance and let the railroad company controvert it as to give the patent to the company and let the settlers have no standing whatever in court?

Again, it can harm no one, because this is not a new case by any means. If the United States has made a grant of these lands already, it simply places the case where it can be adjudged by the courts, and in many an instance land has been granted two or three times, and in that case the older grant always prevails. So then if the patents be given to the settlers, if their titles be confirmed to them so far as the United States is concerned, the railroad company may claim and may assert its right as against the settlers when an ejectment is brought, if it be brought by the settlers against them. So that in my judgment we are simply presenting a case for adjudication in the courts, and the bill merely enables these settlers who now have no standing in court to go there and assert their rights; and that is nothing but just.

I might say a few words, too, in support of the second section which was referred to by the Senator from California. When a settler has made valuable improvements on a tract of land, but has not procured title to it, and he chooses to sell that land, this bill authorizes his vendee to perfect his right as against the railroad company, and I think he ought to be permitted to do it for this reason: Suppose that settler were on the land before Congress granted it to the railroad company——

Mr. BOGY. Allow me to ask the Senator does the second section provide in the way the Senator thinks, that the vendee shall have title to the land? My objection to the second section is that it does not so provide. I think that was the intention, but I think it has failed to do so, and that is my objection to it.

Mr. SARGENT. Under the construction of the General Land Office, it would reach it.

Mr. BOGY. I think not. I think the second section as worded does not protect the right in that case. I am in favor of the principle.

Mr. SARGENT. They treat the sale and delivery of possession by the first party as an abandonment, and the second section would date title from the time of the vendee taking possession.

Mr. KELLY. According to my understanding of the rulings of the Land Office, heretofore where a grant was made of land to a railroad company, and any person was in possession at the time, it was not to be construed as granting that land to the company. The late rulings of the Land Office have reversed that understanding, and it is held now that when the first occupant abandons the tract, then the right of the railroad company attaches. I do not think that it was the intention of Congress to grant any lands that were held adversely at the time of the original grant, and this section simply authorizes these persons to be placed in a situation where they can contest their rights with the railroad companies.

If there had been a decision of a judicial tribunal that the companies were entitled to these lands, then I would with great reluctance, if at all vote for this bill; indeed, I do not think I could vote for it at all if it was adjudged by a court that these lands really belonged to the railroad companies. However unfortunate it might be to the settlers, it would have so to remain. But, as I said before, this case has never been presented to a court; it has simply been decided by the Secretary of the Interior, an officer who is not authorized, under our system of government, to decide the conflicting claims of different persons. Such matters are to be adjudged by the courts, and, as I said, no judicial decision having been made, but only that of an executive officer of the Government, it strikes me that it is right and proper that the patent should issue to these settlers, and that they should be placed in a situation where their rights can be adjudged by the courts.

Mr. BOGY. Mr. President, I am in favor of the main features of this bill; yet, according to my interpretation of the bill, it does not attain the object which it aims to attain. Whether a grant to a railroad company is effectual until the railroad is located and the lands have been withdrawn has been a matter of controversy in my section of the country for some years; but it was pretty well settled for many years, and in accordance with that settlement we went on without much trouble as between the pre-emptors and homesteaders and the railroads. Until the decision made by the late Secretary of the Interior, Mr. Delano, it was conceded that any location made in pursuance of law within the lands granted to a railroad company, (ten or twenty miles on each side of the road, as is the case with most of these grants,) before a survey had been made of the line of that road and filed with the Secretary of the Interior, and the lands had been withdrawn by order of the Land Department, was good, and the parties received their patents. The question whether that was in accordance with strict law or not—that is whether the grant was effectual at the time the act of Congress passed, and vested that land in the railroad company, which would be a grant *in præsenti* of land which was to be selected *in futuro*—did not arise. Practically the settler obtained his patent, and it was enough for his protection.

Since that decision has been made the settlers have no protection at all; they have no means of asserting their rights. They make a location before the lands are withdrawn; but it being within the line, within the ten or twenty miles designated by law, under the decision of the Secretary of the Interior they have no evidence of right whatever, and therefore have no means of asserting any rights in any form. The object of the first portion of the first section of this bill, if I understand it, is to protect parties thus situated who have in good faith made settlements before the lands were withdrawn from market, but as a matter of course after the law was passed granting the lands, and to provide that in that case the Land Department shall recognize the rights of those people by giving to them a patent. That is the only effect of the first portion of the first section of the bill. The legal question will still remain.

Mr. MERRIMON. Does the statute make it the duty of the Secretary of the Interior to pass judgment in such cases?

Mr. BOGY. There is no provision *in hæc verba* that it shall be his duty, but it is a part of his administrative duties to pass upon these questions as they come up in the course of business, and he cannot avoid it.

Mr. MERRIMON. I understood it to be intimated in debate a moment ago that the statute charged the Secretary of the Interior with the duty of making this decision. Then he was a judge *pro tanto*, and it was competent for him to make the decision.

Mr. BOGY. I will reply to my friend from North Carolina that the law does not make it his duty in so many words. It is only part of the general duties of the office to decide these questions as they come up. He issues a patent to the person who he thinks ought to have the title.

The first section speaks of "all pre-emption and homestead entries"—and they ought to be put on the same footing—"or entries in compliance with any law of the United States." The exact and precise meaning of these comprehensive words I will not attempt to explain now, but I am satisfied with them because no great harm can result from them; for if it be true that an entry has been made in compliance with any law of the United States, whether that law be a pre-emption law or a homestead law, if in good faith a settler has made an entry in compliance with any law of the United States on land prior to the withdrawal of that land from market, he should be entitled to a patent, he should be recognized as the legal owner of that land. That I favor; that is right, beyond a doubt; and that law becomes a necessity to overrule what I conceive to be a most erroneous decision of the late Secretary of the Interior. I say so without intending any reflection on that officer. I have no such intention, but I think he was mistaken, and it was in conflict with the rulings of his predecessors, perhaps from the very beginning of railroad grants. Therefore I am in favor of that portion of the first section of this bill, protecting a person who thus makes a location either as a pre-emptor or under the homestead law or in virtue of any other law that may exist. I do not know of any other myself, but there may be, as I do not know all the laws. That was right originally and it is right now, because it overrules to that extent the decision of the Secretary of the Interior, and ultimately this question perhaps will go to the courts; because, if it be true that the railroad grant has vested in the railroad company a title, we cannot divest that title by any legislation that we may adopt here, and some one case will be tried that will settle all these cases; but as it is now that one case cannot arise because these parties have no means of asserting their title; they have no evidence of title, have no standing in court, and cannot get there.

One of the great troubles in regard to all our railroad land grants arises as to the time when the withdrawal shall be made. I find no fault with the railroad directors sitting in their parlors in Chicago or in Boston or anywhere else and making a designation of their route. That is right; they ought to do it. I base nothing on any such argument. It is a popular argument, I know; but as I am not a candidate, as most of my friends on this floor are, for the Presidency, I am willing to be very candid. [Laughter.] The lines are surveyed by engineers, and when the survey is made, as a matter of necessity it is returned back to the board of directors, whether they are in session in Boston or in New York or in Chicago. I think they might sit in a much better place—Saint Louis; but that place has not been mentioned before us. A return is made to that board of directors; the board of directors then file the survey of their line thus made with the Land Department, and there the ability to do anything further is at an end as far as the railroad is concerned. Now it becomes the duty of the Land Office to withdraw those lands from market. The trouble has been that for some reason or other that duty has been very much neglected. What the reason has been I do not know; but the fact is, as I state, that after the surveys have been filed with the Land Office here, after the line has been adopted by these boards, sit where they may, and they have complied with the law and have filed their line of survey in the Land Office here, yet the Land Department or the Land Bureau, for some reason with which I am not acquainted, has often neglected to withdraw those lands. Now, it should be a portion of this bill to make it the duty of the Land Office immediately on the receipt of a line of railroad being designated in accordance with the terms of the law giving it a land grant to withdraw the lands within the line prescribed by the law granting it those lands. It can be made the duty of the officers now to do it. Some of the lands have not yet perhaps all been surveyed. It was the object of my inquiry a while ago to ascertain that, because I was not aware that the entire line had been located from east to west on the Northern Pacific route; but there has been the trouble. The trouble has been that after the line was thus surveyed by the engineers of the railroad and the map filed in the Land Office here parties, knowing exactly where the railroad would go and believing that the building of the railroad would make the lands near to it very valuable, have gone on immediately and located pre-emptions and homesteads within the ten or twenty miles, as the law might designate, getting their information here, knowing that the line was located, and until the ruling of the late

Secretary those parties were protected. Whether they ought to have been protected or not is neither here nor there; they were protected until the land was withdrawn. The Land Office ought to have withdrawn it immediately; but it was not withdrawn immediately. Sometimes it remained one year and sometimes two years, and in my State I think in one case upward of three years.

As there will be no more land grants, perhaps it may not be very important to pass on that subject; but I am in favor of a law now by which you will give the patents to the parties who made these locations before the withdrawal of the lands from market. I have myself no doubt of the law. As a practicing lawyer in my own State many years ago I had occasion to investigate the matter with some care; although it was a grant, to use technical terms, *in præsenti*, it was to take effect *in futuro*, upon the arising of certain contingencies; that is, a line had to be surveyed; that line had to be adopted by the railroad company; it had then to be returned to the Land Office, and the Land Office had to withdraw those lands from sale; and, until all these terms were complied with, we contended that the grant was not complete. I believe that to be good law, although it is in conflict with the decision of the late Secretary of the Interior.

Now, sir, I think I have said enough in regard to the first portion of the first section, because it has two very distinct provisions. It goes on to say that the locator shall be entitled to a patent if he made his location prior to the withdrawal of the lands:

Or after their restoration to market by order of the General Land Office, and where the pre-emption and homestead laws have been complied with, and proper proofs thereof have been made by the parties holding such tracts or parcels, they shall be confirmed, and patents for the same shall issue to the parties entitled thereto.

This last portion of the first section strikes me as entire surplusage. I can see no legal effect in it whatever. That is the law now. If a person makes a location in accordance with the pre-emption law or the homestead law, or in compliance with any law of the United States, upon land of the United States which was designated as railroad land, but which the railroad company abandoned, and that land has thereby become restored to the United States, why as a matter of course——

Mr. MITCHELL. May I ask the Senator from Missouri a question?

Mr. BOGY. Let me finish my sentence. As a matter of course that man's right is complete. Why should it not be?

Mr. MITCHELL. I would inquire if, in a case of that kind, it does not require, under the decision of the Supreme Court of the United States, either legislative or judicial action in order to determine that question?

Mr. BOGY. I am not aware of any such decision of the Supreme Court. I do not pretend to know all the decisions.

Mr. MITCHELL. I would call the attention of the Senate to the decision in the case of Schulenberg *vs.* Harriman, 21 Wallace, page 44.

Mr. BOGY. Please read.

Mr. MITCHELL. The syllabus of the case is as follows:

First. That the act of June 3, 1856, and the first section of the act of May 5, 1864, are grants *in præsenti*, and passed the title to the odd sections designated to be afterward located; when the route was fixed their location became certain, and the title, which was previously imperfect, acquired precision and became attached to the land.

Second. That the lands granted have not reverted to the United States, although the road was not constructed within the period prescribed, no action having been taken either by legislation or judicial proceedings to enforce a forfeiture of the grants.

Judge Field in announcing the decision——

Mr. BOGY. I am very familiar with that decision, and I will save the Senator the trouble of further reading.

Mr. MITCHELL. I would like to read one sentence, because it is directly in conflict with the remarks which are being made by the Senator, as I understand him.

Mr. BOGY. Very well.

Mr. MITCHELL. Judge Field says:

And it is settled law that no one can take advantage of the non-performance of a condition subsequent annexed to an estate in fee, but the grantor or his heirs or the successors of the grantor if the grant proceed from an artificial person; and if they do not see fit to assert their right to enforce a forfeiture on that ground, the title remains unimpaired in the grantee. The authorities on this point, with hardly an exception, are all one way from the Year Books down. And the same doctrine obtains where the grant upon condition proceeds from the Government; no individual can assail the title it has conveyed on the ground that the grantee has failed to perform the conditions annexed.

In what manner the reserved right of the grantor for breach of the condition must be asserted so as to restore the estate depends upon the character of the grant. If it be a private grant, that right must be asserted by entry or its equivalent. If the grant be a public one, it must be asserted by judicial proceeding authorized by law, the equivalent of an inquest of office at common law, finding the fact of forfeiture and adjudging the restoration of the estate on that ground, or there must be some legislative assertion of ownership of the property for breach of the condition, such as an act directing the possession and appropriation of the property, or that it be offered for sale or settlement.

Mr. BOGY. As I understand that decision, it is simply this: that these grants to railroads are, as far as the mere abstract idea of title is concerned, complete and perfect; but like all land legislation, as a matter of necessity the title must attach to some particular locality. It is a grant *in præsenti* to take effect *in futuro* as far as the mere question of locality is concerned. The court decides that, it being a grant complete, the title did not revert back to the United States by operation of law, although the time within which the road should have been finished had expired, but that it required legislation to divest the title of the railroad company. That it was competent for Congress to put an end to the grant because the terms of the grant had not been complied with is beyond a doubt in accordance with that decision, but it required action of Congress, and until action had taken place——

Mr. MITCHELL. That is just what is proposed by this bill.

Mr. BOGY. Pardon me. And until action had taken place the grant remained perfect. Indeed, many of the companies—I could cite them—have not now built their roads within the years prescribed in the law, but they contend that according to the very decision of the Supreme Court there is no limitation applicable to them until there is positive action on the part of Congress.

Mr. HOWE. I do not wish to interrogate the Senator from Missouri, but I wish to interrogate the Senator from Oregon, and to know whether it be the purpose of the words upon which the Senator is now commenting to clothe the Commissioner of the General Land Office with authority to declare forfeited a grant which has been made by the Government upon his judgment that the condition has not been complied with?

Mr. BOGY. The Senator from Wisconsin is perfectly right, and it is the point that I was aiming to get at; but he, being a younger man, is more ardent and has got to it before I did. [Laughter.] Now, according to my understanding and the understanding of my friend from Wisconsin, the grant being perfect, is it the intention of this section to clothe the Secretary of the Interior with the power of ending that grant—that is the idea—by doing what? By restoring the land to the public domain. Now, although a law of that kind might be a very good law, and might receive my support, (I cannot say as to that,) I think this bill does not effect that object. It says, "or after their restoration to market by order of the General Land Office and where the pre-emption and homestead laws have been complied with" the party shall be entitled to his patent. It would leave the case in a more befogged condition than it is now, because if you did give the pre-emptor under this second portion of the first section a title the question would still arise, was not the railroad company entitled to that land until the grant had been forfeited by act of Congress? and you would have made no progress in protecting these people in the West. It is my desire and intention to protect them if I can, but I do not think this bill does protect them. I do not think that this second portion of the first section attains that end, although I am very free to say it is plain that is the object aimed to be accomplished, but I think this does not accomplish it. It does not change the right. The very decision of the Supreme Court read by my friend from Oregon sustains me and is in opposition to the views taken by him.

Mr. MITCHELL. I think myself the section ought to go further.

Mr. BOGY. Because, if it be true that this is a grant *in præsenti*, according to all the notions of law we have, it is complete, it is perfect, and no legislation here can divest that grant. If it be a complete grant we cannot divest it by any legislation, and we involve these homesteaders and pre-emptors in more litigation than would be profitable to them, which I desire to avoid. Therefore, I think the section is imperfect, and does not attain the object aimed to be accomplished by my friends. Hence, although I am in favor of the idea, which, as far as I can catch it, is embodied in the section, I suggest that the section ought to be improved by amendment.

Mr. SARGENT. I should like to call the attention of the Senator from Missouri and the Senator from Wisconsin to what I believe to be the fact in this matter. I suppose neither of them would deny that, where a grant is made even *in præsenti* upon conditions, the Government being a party to that grant has a right, on the entire failure of the conditions or a substantial failure of the conditions, to revoke the grant, to declare a forfeiture; and that perhaps we could do in this bill, or by any bill; and especially should we do so in case the rights of other parties had grown up by the action of the Government.

Now, I understand the fact to be that before this decision of the Supreme Court, where a railroad company totally failed to perform the conditions of its grant, did not build its road, but held a sort of cloud on public lands, impeding settlers and impeding settlement, the Land Office, acting on what it supposed to be its authority, declared in all such cases that, on account of the failure of the companies to perform their duty, the land had reverted to the General Government. Settlers and the people of the United States had a right to suppose that this action was in good faith and was legal. They are not of course all lawyers; they have not the advantage of sitting here and listening to these discussions; but they saw a public declaration, which they knew to be founded on fact, that a land grant had not been complied with and that certain land was restored to the public domain and was open to homestead and pre-emption. They thereupon in perfect good faith entered upon such land, took up the moderate quantities to which they were entitled, in many cases paid for their land, in all cases probably made valuable improvements. Subsequently Congress, on the suggestion of these railroad companies, with the inducements which they can bring to bear on committees, with the arguments which they can address to Senators' minds, &c., convinced Congress that it would be a very good thing to have the railroad built anyhow, and therefore got a re-grant of the land, or, in other words, got an extension of the grant. Then the Land Office turned around and said, "Congress having extended this grant, it cuts out all the men who came in as settlers during the intervening period." This former grant and the subsequent one are like a pair of shears, and cut to pieces those who get between them.

This bill provides that where there has been a forfeiture and the land has been declared restored to the public domain by the Land Office—and I believe there are not a great many cases of the kind—persons who were thus encouraged by the Land Office, our officers, to so proceed, and whose cases were overlooked by Congress when it made the extension, shall have the privilege of enjoying the lands which they paid the Government for. It seems to me that is a plain and wise provision, and that the railroad companies, who were in default year after year and who came and begged Congress that they might have the residue of the lands, ought not to take the land which belonged to these settlers. I make that suggestion of fact to my friend from Missouri.

Mr. BOGY. My friend's declaration only confirms me in the position I tried to explain before. Nobody doubts, the Supreme Court does not doubt, no lawyer can doubt, no man who is at all familiar with the laws applicable to this subject can doubt, that it is competent for Congress to end a grant when the terms of the grant have not been complied with. For instance, lands are given to a railroad company provided the railroad is finished between the two termini in ten years, and it is not finished or even there is no commencement at all made during the whole ten years; according to the decision of the Supreme Court, and I think it is good law, although the terms have not been complied with, it is a grant *in præsenti* and the title is in that railroad company; but as those terms have not been complied with it is competent for the United States, representing the other party to the contract, to end that contract. It is the same rule of law that regulates the transactions between man and man. There is no difference. That decision only carries out what we all know to be the law.

I caught the idea of my friend from Wisconsin, and he and I agree that this does not provide a sufficient remedy by which the rights of these railroads are terminated so as to enable the pre-emptor to come in with his right. That is my difficulty, and it is for that reason that I object to the language as it is. I agree with the objects aimed to be accomplished; I agree with the speech made by my friend from California; I agree with the speech made by my friend from Oregon; but that does not prove that this bill is right in its wording by any means. The Senator from Indiana a while ago made a speech with every word of which I agree; but it was entirely beyond the bill; it applied to no part of the bill. I want a bill to be effectual to carry out the views of these gentlemen; and I say this bill does not do it.

Now, with regard to the second section I think we are more embarrassed there than in the first, and I think the embarrassments in the first section are very great. That second section provides:

That when at the time of such withdrawal as aforesaid valid pre-emption or homestead claims existed upon any lands within the limits of such grants which afterward were abandoned—

At the time the lands were withdrawn, mind you, valid pre-emption or homestead rights existed according to law, and they being in existence according to law the railroad company as a matter of course could have no sort of claim to that same land. That is all true; but if A is a pre-emptor and has in accordance with the law obtained a pre-emption on land that has been given to a railroad but before it has been withdrawn from sale, and he afterward "abandons" that land—this is the word used—can Congress grant that land to anybody else who may comply with the pre-emption laws? Why not, my friend from California asks me? For the reason that instantaneously when the right of one ceases the other right comes into existence; immediately as one disappears the other comes there full armed and equipped, and his title is as perfect as if he had held it a thousand years.

Mr. SARGENT. Will my friend allow me to read a section; and it will show him, I think, that he is mistaken? I will take the grant to the Union Pacific Railroad, which is a good type of all of them.

Mr. BOGY. I am willing to be corrected.

Mr. SARGENT. The grant is to the amount of five alternate sections per mile on each side of the railroad, afterward increased to ten—

on the line thereof, and within the limits of ten miles on each side of said road, not sold, reserved, or otherwise disposed of by the United States, and to which a pre-emption or homestead claim may not have attached at the time the line of said road is definitely fixed.

Now, let me ask my friend, if a homestead or pre-emption has attached at the time of the definite location, is not the land covered by that removed from the grant, and what words of grant are there subsequently by which that, in case of abandonment, goes to the railroad company? It obviously is territory which is reserved by the United States from the operation of the grant. It is for the benefit of the pre-emptor. If the pre-emptor abandons it or does not make his title good to it, it remains in the Government of the United States to be sold and the money put in the Treasury, or to be granted to whomever it pleases. But the act does not say that in case this pre-emption existing at that time is abandoned then the rights of the railroad company shall instantly adhere thereto. It simply says that it is reserved from the grant.

Mr. BOGY. As a lawyer, I would say all that which my friend from California has read is totally null and void, and might as well not be in the law, and the law would have the same effect. It amounts to nothing at all. It is mere verbiage.

That there be, and is hereby, granted to the said company, for the purpose of aiding in the construction of said railroad and telegraph line, and to secure the safe and speedy transportation of the mails, troops, munitions of war, and public stores thereon, every alternate section of public land, designated by odd numbers, to the amount of five alternate sections per mile on each side of said railroad, on the line thereof, and within the limits of ten miles on each side of said road, not sold—

What is the use of putting "not sold" there? If the land had been sold, could the Government grant it? As a matter of course if it was sold the Government could not grant it—

reserved—

If it be reserved, it is reserved in accordance with law, not an arbitrary reservation; and if it be reserved in pursuance of law, (and there is no way in the world to reserve it but according to law,) it cannot be granted. It is true there are Indian reservations made by executive order, but that has been decided by the Supreme Court to be no reservation at all as against a railroad. I know that decision—

reserved, or otherwise disposed of by the United States, and to which a pre-emption or homestead claim may not have attached.

If a pre-emption right has attached, the Government with all its power, backed by forty millions of people, cannot take that pre-emptor's right away from him as long as the Supreme Court of the United States maintains the character it has now. Nor was it competent for the Government of the United States, with all its Army and power, to deprive a homestead-man who settled upon the wilds of the West of any right which existed there before this law was passed. There is no such authority in this Government, with all its immense power; and all that language is mere surplusage; it amounts to nothing.

Mr. SARGENT. I should like to ask my friend if he considers that that was merely a reservation in favor of the pre-emptor, or if it was not also a reservation of the land to which a pre-emption may have attached? If it was a reservation of the land, then of course there must be a reservation.

Mr. BOGY. No. We are coming perhaps to this subject with the intention of benefiting these parties by different lines. I am talking of the effect of the grant. It is not competent for the Government of the United States more than it is for an individual to grant that which it does not possess. It reminds me of an anecdote of a Methodist preacher, who preached a sermon once, and some one who had listened to him complained to him that he had made a very poor sermon indeed. "Well," he said, "my dear fellow, I presume that is true; but don't you know that it is the most difficult thing in the world to convey to others ideas which we are not possessed of ourselves." It would be the most difficult thing in the world for the Government to convey to others that which it did not own: and if this land had been sold, or a right had been secured to a pre-emptor, or a right had been secured to a homesteader, then, according to the law, there was no power in this Government to take it away.

Mr. HARVEY. I wish to ask the Senator if he does not know that an inchoate right under the pre-emption or homestead law leaves a right of reversion to the Government in case of abandonment. The argument of the Senator is simply this: that, instead of the abandonment of a claim operating as a reversion to the Government, it operates as a grant to the railroad, when the law under which the railroad claims expressly excludes that very particular land.

Mr. BOGY. I am unable to understand the point yet. The land is excluded I admit, but the land would have been excluded without these words in the law just as effectually. The rights are not changed because this law says, We grant you, Mr. Railroad Company, a certain quantity of lands, provided we have not sold those lands before; provided that nobody has proven his pre-emption in accordance with law to those lands. If he had, it was not competent for Congress to divest that man of his pre-emption right. Or "provided there be no homesteader on the grant;" if there was one, it was not competent for Congress to deprive him. But my friend from Kansas says these rights may be inchoate. I say these rights are not inchoate; they are complete; but although complete they are made upon conditions; and those conditions must be complied with. As an abstract question the right is not taken away; it is perfect and complete; and it is what the law calls a vested right.

Mr. HARVEY. The Senator will see that this section is dealing with these conditions; and the provision is simply this:

That when, at the time of such withdrawal as aforesaid, valid pre-emption or homestead claims existed upon any lands within the limits of any such grants which afterward were abandoned.

That is, the conditions were not complied with. The claimant then has an inchoate right, as I have said, which fails by not complying with the conditions. The Senator from Missouri argues that by reason of that failure the land is included in the grant to the railroad company, while we claim that it reverts to the Government.

Mr. BOGY. I understand my friend perfectly well.

Mr. HARVEY. Unless he means to claim that instead of reverting to the Government the land, upon abandonment of the settler, became included in the grant to the railroad, I can see no point in his objection to this section.

Mr. BOGY. It is just what I contend is the law in spite of what I desire to be the law. I am for the pre-emptor; I am for the homesteader; I want to protect them; but I say that under this bill, and coupling this bill with the act read by the Senator from California a while ago, which provided that Congress did not undertake to grant lands to these railroads which it had sold to other parties or upon which pre-emption or homestead had attached, the rights of the set-

tlers are not clearly and properly protected as they ought to be. I believe a law ought to be passed by which these men shall be protected in spite of the railroads, but I do not think this does it because—and that is the point now—if A as a pre-emptor has a right to one hundred and sixty acres of land within the line of the railroad grant his right is perfectly complete, as far as the mere idea of right is concerned, but that right as it necessarily must be is coupled with conditions, as all homestead and pre-emption rights are. It is not worth while now to enumerate the conditions, such as residence, &c. He chooses not to comply with those conditions. However perfect his right was and however amply he might have protected himself by complying with the conditions, he chooses not to comply with them, but makes what is very properly called an abandonment. He abandons his land. Now what is the law? The very law read by the Senator from California says that if there be a pre-emption there it is not included. There is a pre-emption there, but that is inchoate; the right is not inchoate, but the pre-emption is inchoate, and it may be perfected in time; but he does not choose to perfect it; he gives it up, and instantaneously upon his abandonment the railroad's right comes in and it is railroad land.

Mr. HARVEY. Even though excluded by the very terms of the grant?

Mr. MORRILL, of Maine. The Senator from Missouri is well informed about the public lands, I perceive, and I should thank him to tell me at what time, whether before or after lands are surveyed, a right of pre-emption or a right of entry can be said to attach.

Mr. BOGY. I will answer the Senator. There have been different pre-emption laws at different periods. The present pre-emption law does not require that the land shall previously be surveyed. The condition must be complied with.

Mr. MORRILL, of Maine. Do I understand the Senator to say that under the present law any person may go on any of the public lands of the United States and make an entry, and carry it out to a title?

Mr. BOGY. I will answer the Senator. Strictly speaking, he may not do so under the pre-emption laws. He does that under the homestead law, or he can do it more effectually under the homestead law. His mere right is perfect under the pre-emption law, but he has to comply with the conditions of residence, proof, and all that. Therefore my objection to this section is not an objection to what my friend from Kansas [Mr. HARVEY] wishes the law to be——

Mr. HARVEY. If the Senator will pardon me, I think the objection to it is based upon a mistake as to the result of the abandonment by the settler. That result is not to include the land which he before occupied in the grant to the railroad company, because it is excluded by the act making the grant, but the fact is that by the abandonment the land reverts to the Government of the United States; and the object of this particular section is to protect the settler who has taken that land after its abandonment by the first settler, and taken it in pursuance of the rulings and regulations of the Land Department. That is the only aim of this section, as I understand, and I think it accomplishes that purpose. At any rate, the friends of the bill are ready to take it as it stands and risk the matter.

Mr. BOGY. I profess to be a friend to this bill, but I am not willing to take it as it stands.

Mr. PADDOCK. I ask the Senator from Missouri to give way to enable me to make a motion to proceed to the consideration of executive business.

Mr. BOGY. I have no objection.

Mr. PADDOCK. My reason is this: There are a number of Senators who wish to be heard on this question, and it is apparent to all that it is not possible to dispose of it to-day. Therefore I ask that it go over until to-morrow.

The PRESIDENT *pro tempore*. It is moved that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were re-opened, and (at four o'clock and thirty-two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January* 25, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND, D. D.

The Journal of yesterday was read and approved.

REDMOND TULLEY.

Mr. O'BRIEN, by unanimous consent, introduced a bill (H. R. No. 1560) for the relief of Redmond Tulley; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ALABAMA CONTESTED-ELECTION CASE.

Mr. CALDWELL, of Tennessee, by unanimous consent, presented papers in the contested-election case from the first district of Alabama, Bromberg *vs.* Haralson; which was referred to the Committee of Elections.

ORDER OF BUSINESS.

The SPEAKER. The morning hour commences at fifteen minutes past twelve, and the regular order is the call of committees for reports of a public nature.

CONTESTED-ELECTION CASES.

Mr. HARRIS, of Virginia, from the Committee of Elections, reported papers in the following cases; which were received and ordered to be printed:

Papers in the case of Le Moyne *vs.* Farwell, of the third district of Illinois.

Papers in the case of Finley *vs.* Walls, from the second district of Florida.

TRANSFER OF INDIAN TRUST FUNDS.

Mr. FOSTER, from the Committee on Appropriations, reported a bill (H. R. No. 1561) to transfer the custody of certain Indian trust funds from the Secretary of the Interior to the Treasurer of the United States; which was read a first and second time.

The bill provides that all the stocks, bonds, and other securities or evidences of indebtedness now held by the Secretary of the Interior in trust for the benefit of certain Indian tribes shall, within thirty days from the passage of the act, be turned over to the Treasurer of the United States, to be by him held and disposed of in the same manner and upon the same trust as they have been heretofore held by the Secretary of the Interior, provided that nothing contained in the act shall operate to affect the guardianship and control now exercised by the Secretary of the Interior over any Indian or Indian tribes excepting as to his custody of the trust fund herein mentioned.

Mr. FOSTER. This bill relates wholly and solely to the custody of the Indian trust funds now held by the Secretary of the Interior. The Secretary of the Interior himself desires the transfer, and the committee believe that the Treasurer is the proper custodian of these funds.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FOSTER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

10 PER CENT. TAX ON BANKS.

Mr. COX, from the Committee on Banking and Currency, reported back, with an adverse recommendation, the following bills:

A bill (H. R. No. 438) for the relief of banks and bankers;

A bill (H. R. No. 772) to repeal sections 3412 and 3413 of the Revised Statutes; and

A bill (H. R. No. 1145) to repeal sections 19, 20, and 21 of the act entitled "An act to amend existing custom laws," &c., approved February 8, 1875.

Mr. COX. These several bills propose to repeal the 10 per cent. tax on banks and banking associations which is now levied under existing statutes. The committee unanimously ask to be discharged from their further consideration.

The motion was agreed to; and the bills were severally laid on the table.

EZRA B. BARNETT.

Mr. PHILIPS, of Missouri, from the Committee on Claims, reported back with an amendment the bill (H. R. No. 193) for the relief of Ezra B. Barnett, of Norwich, New York; and the same was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

JOSEPH W. M'CLURG.

Mr. CONGER, from the Committee on War Claims, reported back adversely the bill (H. R. No. 286) for the relief of Joseph W. McClurg, of Camden County, Missouri; and the bill was laid upon the table, and the accompanying report ordered to be printed.

TRANSPORTATION OF ARMY SUPPLIES.

Mr. COOK, from the Committee on Military Affairs, reported adversely on House joint resolution No. 16, directing the Secretary of War to determine distances of transportation of Army supplies on routes 1 and 2 west of the Missouri River in 1864 and 1865, and the same was laid on the table.

QUARTERMASTER-GENERAL M. C. MEIGS.

Mr. TERRY, from the Committee on Military Affairs, reported back, with a recommendation that the same do pass, the following resolution:

Resolved, That the Secretary of War be respectfully requested to transmit to this House copies of the orders and instructions under which Quartermaster-General M. C. Meigs is acting during his absence from the United States.

The resolution was adopted.

TRANSFER OF MILITARY RESERVATIONS TO INTERIOR DEPARTMENT.

Mr. TERRY also, from the same committee, reported a bill (H. R. No. 1562) for the transfer of certain military reservations to the Interior Department, and authorizing the sale of the same; which was read a first and second time with the accompanying report, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

RE-ORGANIZATION OF THE JUDICIARY.

Mr. KNOTT, from the Committee on the Judiciary, reported a bill (H. R. No. 1563) to re-organize the judiciary of the United States; and the substitute was ordered to be printed and recommitted.

H. GOLD RODGERS.

Mr. FAULKNER, from the Committee on Foreign Affairs, to which was referred the claim of H. Gold Rodgers, formerly chargé d'affaires to Sardinia, reported the same back adversely, and it was laid upon the table, and the accompanying report ordered to be printed.

PENSION AND BOUNTY LANDS.

Mr. JENKS, from the Committee on Invalid Pensions, reported back, with a recommendation that the same do pass, a bill (H. R. No. 1340) supplementary to the several acts relating to pensions and bounty lands.

The bill was read.

The first section provides that, except in cases of permanent specific disabilities, no increase of pension shall be allowed to commence prior to the date of the examining-surgeon's certificate establishing the same, made under the pending claim for increase; but the certificate or report of any biennial examination may be accepted as sufficient for the purpose of adjudicating any claim for increase within six months after the date of such examination, and the increase of such pension in such cases shall commence from the date of such biennial examination; and in this as well as all other cases the certificate of an examining surgeon or of a board of examining surgeons shall be subject to the approval of the Commissioner of Pensions.

The second section provides that in the administration of the pension law, whenever it shall appear that a higher order of proof cannot be obtained, evidence of cohabition and general recognition as husband and wife, or other evidence which would constitute proof of a marriage under the common law, may be accepted as sufficient to establish the fact of marriage.

The third section provides that from and after January 1, 1878, parol evidence alone shall not be sufficient to prove service for which any bounty-land warrant or certificate may be claimed; and no such warrant or certificate shall be allowed for any service not shown by record evidence; provided that where the service was performed by substitute the fact of such substitution may be shown by parol evidence.

The fourth section repeals so much of section 2444 of the Revised Statutes as declares bounty-land warrants to be "personal chattels."

The fifth section provides that no person shall be prosecuted, tried, or punished for any crime arising under the pension laws or bounty-land laws of the United States unless the indictment is found or the information instituted within five years next after the committing of such crime.

The sixth section repeals all acts and parts of acts inconsistent or in conflict with the foregoing provisions of this act.

Mr. TOWNSEND, of Pennsylvania. I would like to ask the gentleman what is the object of that paragraph concerning bounty-land warrants proposing to repeal the act making them personal property?

Mr. JENKS. The object is to make them realty, so as to prevent the possibility of the frauds that are now perpetrated.

Mr. TOWNSEND, of Pennsylvania. I cannot understand how you can make a bounty-land warrant real estate. If made real estate, it is subject to widow's dower; and how do you propose to create a widow's dower on a chose in action, if I may so call it, a floating warrant, which has no location any where? It seems to me impossible. You cannot make any thing but personal property out of it.

Mr. JENKS. Prior to the passage of the act which is embodied in the Revised Statutes, section 2404, the courts of the United States had decided these land-warrants to be realty; but by this section which we propose to repeal they were changed from realty to personalty. And widow's dower is not a necessary incident of all real estate, either by the laws of Pennsylvania or elsewhere. If this bill be passed, these bounty-land warrants cannot be disposed of to the detriment of the widow or heirs, until they shall have had notice. So long as these warrants are treated as personalty, they may be sent to a foreign state, letters of administration may be taken out there upon the claim that there are assets in that state; and without notice to the widow or heirs, the warrants are transferred and the title to the land is perfect. Thus those who ought to have the benefit of the land warrant are entirely defrauded. Hence we think this bill ought to be passed.

Mr. TOWNSEND, of Pennsylvania. If these land-warrants are treated as real estate innumerable difficulties will arise. By the laws of inheritance they will have to go in cases of intestacy to the heir, and not to the legal representative. A great deal of trouble will be caused in the administration of the estates of decedents who may have owned these land warrants. I trust the gentleman will consent to strike out that part of the bill relating to this matter, so that these warrants may remain as they now are, personal property.

The SPEAKER. Does the gentleman yield for any amendment?

Mr. JENKS. I do not.

The SPEAKER. The question is then on ordering the bill to be engrossed and read a third time.

Mr. TOWNSEND, of Pennsylvania. As the bill cannot be amended, I hope it will not pass.

Mr. BURCHARD, of Illinois. I wish to ask the gentleman from Pennsylvania [Mr. JENKS] whether this bill extends the limitation of time within which criminal indictments may be found in the cases mentioned in the bill?

Mr. JENKS. The present limitation is only two years; this bill proposes to make it five years—a necessary change, because often frauds in these matters cannot be detected within two years.

Mr. BURCHARD, of Illinois. This is all right.

Mr. BRIGHT. I wish to propound an interrogatory to the chairman of the Committee on Invalid Pensions in relation to the construction of the bill which he has reported. If my recollection is not at fault the bill provides that no evidence except record evidence shall be sufficient to entitle the applicant to a pension. I think such a rule is too stringent. In cases of loss, suppression, spoliation, or destruction of the record evidence I think there ought to be an opening in the law for the admission of secondary evidence. I therefore suggest to the gentleman this amendment, to come in at the proper place:

Except in cases where the record evidence may be lost or destroyed, so that the same cannot be produced.

Mr. JENKS. There is nothing in this bill relating to that subject. This only refers to bounty-land warrants. It is provided that unless a party shall before the 1st of January, 1878, establish his right to a bounty-land warrant he must after that produce a record showing the fact that he was mustered in and mustered out; and even this requirement applies only to soldiers of the war with Mexico.

Mr. BRIGHT. Still I think the reason of the rule is the same. Therefore I suggest to the gentleman the amendment I have just read.

Mr. JENKS. There must be some period fixed so that these claims for bounty-land warrants may be settled with certainty. The bill allows until January 1, 1878, to establish by parol evidence the right to these bounty-land warrants. At that time it will have been thirty-one years since the service of the soldier. The uncertainty of memory after the lapse of so many years, during which warrants may have been duplicated and reduplicated for the same soldier upon proof by different witnesses, makes it necessary that some time should be fixed after which record evidence shall be required. By this bill we still allow the soldier about two years within which to establish his claim by parol evidence; and if there are any *bona fide* cases still to be presented they ought to be proved during that time. The Commissioner of Pensions says that of those now granted there is reason to suppose that a very large proportion are fraudulent or duplicates of those previously granted. We think that the bill allows ample time for those who have just claims to come in and prove their cases by parol evidence. After that let them stand or fall by the record.

Mr. BRIGHT. With the permission of the gentleman, it seems to me that he misapprehends the suggestion I make. I do not propose to amend that part of the bill which relates to the requirement of record evidence. The suggestion I make has relation only to that class of cases, and it is an exception where the record evidence is destroyed.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. OLIVER. I ask that the bill be again read.

The bill was again read *in extenso*.

Mr. FORT. Is the bill open to amendment?

The SPEAKER. It is not, as the bill has been ordered to be engrossed and read a third time.

Mr. FORT. I hope by common consent the gentleman from Pennsylvania will allow it to be amended.

The SPEAKER. The gentleman cannot do it—the House alone can do it by unanimous consent.

Mr. FORT. I wish to propose an amendment in line 4, section 4, so that all land warrants hereafter may be located in name of and by the heirs of the owners.

Mr. JENKS. If the land warrant is realty, the law directs that it shall be located in that way.

Mr. FORT. That is not as I understand it, but that the land warrant has to be sold. I think the heirs should be permitted to locate it.

Mr. JENKS. This bill changes the law as it is at present. Land warrants are now personal chattels, so that the administrator has to sell; but when they become realty, as is provided for in this bill, they pass to the guardian, who will only sell under order of the orphans' court for maintenance and support of his ward. There is no necessity for the gentleman's amendment.

The bill was passed.

Mr. JENKS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INCREASE OF PENSION.

Mr. RUSK. I am instructed by the Committee on Invalid Pensions to report back a bill (H. R. No. 994) to increase pensions in certain cases, with the recommendation that it do pass.

The bill, which was read, provides that all persons who, while in the military or naval service of the United States and in the line of duty, shall have lost one hand and one foot, or been totally and permanently disabled in both, shall be entitled to a pension for each of such disabilities, and at such a rate as is provided for by the provisions of the

existing laws for each disability; provided that the act shall not be so construed as to reduce pensions in any case.

Mr. RUSK. Mr. Speaker, this bill is intended to reach a class of cases heretofore omitted, and that is those who have lost one foot and one arm, or one leg and one arm. There are only sixteen such cases borne upon the pension-roll, and this provides a pension for each disability, only bringing them up to those pensioners who have lost both hands or both eyes or both legs. It is evidently just, and I demand the previous question.

The SPEAKER. This bill appears to be reported back with amendments.

Mr. RUSK. The amendments are merely verbal corrections which were ordered by the committee.

The SPEAKER. The Chair would suggest that the bill come in as an original bill reported from the Committee on Invalid Pensions.

Mr. RUSK. Very well; I report from the Committee on Invalid Pensions a bill (H. R. No. 1564) to increase pensions in certain cases.

The bill was read a first and second time, and ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ALLUVIAL BASIN OF THE MISSISSIPPI RIVER.

Mr. SINGLETON, from the Committee on Printing, reported the following concurrent resolution; which was read, considered, and agreed to:

Resolved by the House of Representatives, (the Senate concurring.) That there be printed ten thousand copies of the report of the commission of engineers appointed to investigate and report a permanent plan for the reclamation of the alluvial basin of the Mississippi River subject to inundation, with the accompanying maps, as follows: Two thousand copies for the use of the Senate and eight thousand for the use of the House.

The resolution was adopted.

CHANNEL BETWEEN STATEN ISLAND AND NEW JERSEY.

Mr. BALLOU, from the same committee, reported the following resolution:

Resolved, That the usual number of copies of the accompanying map be printed with the engineer's report on the plan for the improvement of the channel between Staten Island and New Jersey, received from the Secretary of War January 5, 1876.

Mr. BALLOU. I will simply say, in relation to this map, that the cost will be about fifty dollars. The survey has been made, and the report is worthless without the map.

The resolution was adopted.

HOME-CONSUMPTION AND IMPOST STATEMENTS.

Mr. VANCE, of Ohio, from the same committee, reported back the following resolution, with the recommendation that it do pass:

Resolved, That there be printed six hundred extra copies of the home-consumption and impost statements, being Nos. 21 to 29, inclusive, of the annual report on commerce and navigation for the fiscal year ending June 30, 1875, three hundred for the House, one hundred for the Senate, and two hundred for the Treasury Department.

The resolution was adopted.

REPORT OF DISTRICT BOARD OF HEALTH.

Mr. VANCE, of Ohio, from the same committee, also reported back with an adverse recommendation the following resolution; and the same was laid on the table:

Resolved, That the board of health of the District of Columbia be furnished with fifteen hundred extra copies of their annual report for 1874, constituting a part of the documents accompanying the President's late annual message.

ORDER OF BUSINESS.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole, and resume the consideration of the centennial appropriation bill.

Mr. MILLS. Will the gentleman yield to me to ask unanimous consent to present a memorial and ask that it be printed in the RECORD?

Mr. RANDALL. I yield to the gentleman for that purpose.

AGRICULTURAL SCHOOLS.

Mr. MILLS, by unanimous consent, presented the petition of W. W. Long, master of the State Grange of Texas, and others, for an additional appropriation of public lands for agricultural schools; which was referred to the Committee on Education and Labor.

Mr. MILLS. I ask unanimous consent that the petition be printed in the CONGRESSIONAL RECORD.

There was no objection, and it was so ordered.

The petition is as follows:

SIR: The undersigned, the executive committee of the Texas State Grange of Patrons of Husbandry, representing a large portion of the agriculturists of the State of Texas, would most respectfully represent unto the honorable body over which you preside that in most of the States of these United States the appropriation made by your honorable body to the several States for the purpose of establishing agricultural and mechanical colleges in the several States has been expended in the construction of the necessary buildings and purchase of grounds, and that many of the States from their financial embarrassment are not now able to realize the benefits and advantages of this wise and judicious appropriation; and as the necessity for a more general and practical education exists, a system of education for the masses of our people which will tend to aid a higher and better development of our civilization and a more scientific improvement of agriculture and the mechanic arts, the very foundation of a nation's prosperity and the great moving power of the world; the noble act of Congress of 1862 rises like a sun of glory to dispel the confusion and reveals to us and our children the practical kind of education rather than a special strain for a speculative and literary kind of knowledge. The necessity for such an education is seen and felt in our every day life. No argument can discredit the high place the farmer and mechanic occupy in the rapid progress of our epoch in the world's history. The endowment made by the Government through the influence of far-seeing statesmanship is well calculated to thrill the hearts and minds of the people of every State and Territory with the grand principle that the teaching demanded by our people is useful knowledge, a knowledge of "how to make meat and bread," an industrial education which will increase the wealth and promote the prosperity of the nation.

In consideration of these advantages, your petitioners in the interests of the agriculturists of the State of Texas, would most respectfully invite the attention of your honorable body, and humbly ask that such additional appropriation of the public lands be made to the several States as may be necessary to the full and perfect endowment of the agricultural and mechanical colleges of the States, and such as will place them in complete and substantial operation.

Your petitioners respectfully ask that an appropriation of twenty thousand acres of the public lands for each member of Congress be made to the States for that purpose.

WILLIAM. W. LONG, *Chairman.*
W. WARREN.
H. B. SIMONDS.
J. E. GRAY.

Hon MICHAEL C KERR,
Speaker of the House of Representatives of the Congress of the United States.

PRINTING FOR THE WAR DEPARTMENT.

Mr. VANCE, of Ohio. I ask unanimous consent to submit for present consideration the following resolution:

Resolved, That the Secretary of War be directed to furnish this House immediately with full and detailed reports of the work done for the War Department and each and every separate Bureau and office therein by the Government Printing Office during the two years ending December 31, 1875, the report to state the number, pages, size, and cost of the various books ordered by the Department and furnished by said Government Printing Office, and, if bound, the character and quality of the binding, the number, size, nature, and cost of the various bills, blanks, and forms of every kind furnished by said Government Printing Office, and that accompanying the report the Secretary send, so far as may be practicable, copies of the various blanks and forms printed for and furnished his Department by said Government Printing Office during said two years ending December 31, 1875.

Mr. BURCHARD, of Illinois. I would suggest that the resolution be referred to the Committee on Printing, of which the gentleman from Ohio [Mr. VANCE] is chairman, and which can report at any time.

Mr. VANCE, of Ohio. Very well.

Some time subsequently,

Mr. BURCHARD, of Illinois. I desire to withdraw the objection to the consideration of the resolution of the gentleman from Ohio, being assured by him that it is important that it should be considered at once. He desires the information as chairman of the Committee on Printing.

There being no further objection, the resolution was agreed to.

ORDER TO PRINT.

Mr. TOWNSEND, of Pennsylvania. On the 5th of January I introduced a bill (H. R. No. 410) for the relief of J. G. Fell, Edward Hoopes, and George Burnham, trustees, which, according to the CONGRESSIONAL RECORD, was read a first and second time, referred to the Committee on Indian Affairs, and, with accompanying papers, ordered to be printed. But the order to print was not entered on the Journal. I ask that it may now be entered on the Journal.

The SPEAKER. The entry will be made in the Journal on the authority of the RECORD.

TENURE OF PRESIDENTIAL OFFICE.

Mr. KNOTT. The joint resolution proposing an amendment to the Constitution limiting the tenure of the presidential office was made the special order for to-day after the morning hour. At the request of several gentlemen on both sides of the House I desire to move that the special order be postponed until next Tuesday, and made the special order for that day after the morning hour.

There was no objection, and it was so ordered.

UTE INDIANS.

Mr. PATTERSON, by unanimous consent, submitted the following preamble and resolution; which were read, considered, and agreed to:

Whereas a treaty was made with the confederated bands of the Ute Indian Nation in September, 1873, by Felix R. Brunot, a commissioner in behalf of the United States, and by the terms of which treaty the said confederated bands of Ute Indians, on the one part, relinquished to the United States a portion of their reservation theretofore conveyed to them by the United States, and which portion conveyed embraces what is known as the "San Juan mining country," in Southwestern Colorado, and the United States, on the other part, and in consideration thereof, among other things, agreed to set apart and hold as a perpetual trust for the said Ute Indians a sum of money, or its equivalent in bonds, sufficient to produce the sum of $25,000 per annum, to be disbursed for the use of said Indians; and whereas the said treaty was ratified by act of Congress approved April 29, 1874, and in the act ratifying said treaty it was expressly provided that "the Secretary of the Treasury shall issue, set apart, and hold as a perpetual fund in trust for the Ute Indians, a sufficient amount of 5 per cent. bonds of the United States the interest on which shall be $25,000 per annum, which interest shall be paid annually, as the President of the United States may direct, for the benefit of said Indians;" and whereas the said Ute Indians, in pursuance of said treaty, delivered the said territory into the possession of the United States, and the same has been opened to immigration and settlement, and thousands of settlers have entered into said territory for farming and mining purposes; and whereas it appears by the annexed letter and petition signed by reliable citizens of Colorado, many of whom are members of its Legislature and constitutional convention that the Government of the United States has wholly failed to carry out its part of the treaty stipulation, and for that reason the said confederated tribes of Ute Indians are becoming restless and dissatisfied, and threaten to drive the settlers from the relinquished territory, and that an Indian outbreak is imminent, which, if it occurs, must result in great loss of life and the destruction of the great material interests of one of the richest gold and silver producing regions on the continent: Therefore,

Be it resolved, That the Committee on Indian Affairs be required forthwith to investigate whether or not the said bonds have been set apart as by law required, and whether or not the interest thereon, or any portion of it, has been disbursed for the

benefit of said Indians, and whether or not the Government has failed in any other respect to comply with its said treaty stipulations, and what action or legislation, if any, is necessary to prevent the existence of those conditions which it is charged make an Indian outbreak and massacre imminent, and report the result of its investigations to this House.

Mr. PATTERSON. I ask unanimous consent that a statement explaining the facts and a petition of the citizens of La Platte County be printed in the CONGRESSIONAL RECORD.

There was no objection. The papers are as follows:

DENVER, COLORADO *December 29, 1875.*

SIR: At the request of the settlers and miners residing in the southwestern portion of this Territory upon the Lower Animas, La Plata, Los Pinosa, and Mancos Rivers I desire to call your attention to the following facts, and respectfully urge that, if possible, the attention of Congress be directed to the state of affairs existing in that section of Colorado and steps at once taken to remedy the existing wrongs.

It is now considerably over two years since the treaty ceding what is known as the San Juan mining country was signed by the Utes, and nearly two years since the same was ratified by Congress; yet there has been no provision made for the payment to these Indians of the promised sums of money and goods, nor has there been an agency established west of Pagosa Springs, as they claim they were promised; or if an appropriation has been made for that purpose, no part of it has been as yet expended for their benefit. Under these circumstances it is but natural that the Utes have become exceedingly irritated and angry on account of the non-fulfillment of the treaty on the part of the Government. They say that they were not willing to give up possession of the ceded land until they had received payment therefor; that they have been put off time and again with false promises; that the whites have come in and settled up the country without paying them anything; and that they will not submit longer to what they consider a great outrage upon their rights. They have not as yet committed any depredations beyond burning a few houses and destroying a portion of the past year's crop, and these acts, indeed, were committed by young, unruly braves, without the sanction or authority of the head chiefs, who have heretofore shown a friendly disposition and a desire to avert anything that might lead to hostilities. Nevertheless the chiefs have told us plainly that the country did not belong to the white men, but to the Indians, because they had never paid for it, and that we must leave; and have fixed upon a time at which, if they are not previously satisfied in their claims, they will drive the whites away from the valleys of the Animas, La Plata, and adjacent streams. Meanwhile these valleys have become settled with a considerable population engaged in agriculture and mining, and any attempt on the part of the Indians to drive out this population could only result in the sacrifice of many lives and a most serious blow to the future prospects of the San Juan country.

It is my own firm belief that this trouble will inevitably ensue within the next six months if some steps are not taken to prevent it. There are no troops stationed within two hundred miles of this country. The Utes are well armed, are good marksmen, and have a confidence in themselves as yet unshaken by any serious encounter with the whites. Moreover they are smarting under a sense of deep wrong, and are in that dangerous frame of mind when a slight spark may kindle a general Indian war. I do not wish to be considered an alarmist, but I respectfully submit that these facts are sufficient to justify our apprehensions and our request that you use every means in your power to have this matter settled at once and the Indians satisfied in some way or other.

There is no bitter feeling between the whites and the Utes, but, on the contrary, the friendliest relations have existed up to the present day. There is, moreover, a general sentiment among all who live in that section, even with those who have suffered from the depredations before mentioned, that the Indians have been unfairly treated, that they are justifiable in asserting their rights even to the extent of endeavoring to regain possession of the country. On the other hand, the numerous ranchmen and miners who have settled in that country—the southern portion of La Plata County, north of the reservation, which has in no way been infringed or intruded upon—feel that they also have rights there which they do not propose to give up without a struggle. Thus from no fault either on the part of the Indians or the whites an Indian war becomes possible, in which many lives would inevitably be lost and a blow be given to one of the most promising of the newly developed sections of the Territory from which it would be many years in recovering.

I can vouch for the truth of these statements, having lived on the Lower Animas River for the past two years. I am moreover acquainted with many of the Indians, and have had the best opportunities of ascertaining their feeling upon this subject. And, finally, I am convinced if something is not done before spring there will be trouble with these Indians of a very serious character.

I inclose a petition from the residents of that country, requesting you to use your influence toward the establishment of a military post and agency somewhere near the line of the new reservation. It is greatly desired by both the Indians and the whites, and I trust you will give it your attention.

I am, sir, very respectfully, your obedient servant,

T. M. TRIPPE.

Hon. T. M. PATTERSON.
Washington, D. C.

CONSTITUTIONAL CONVENTION.
Denver, January 3, 1876.

I indorse the above statement as correct from a personal knowledge of the facts, and unite with him in urging immediate action by the authorities at Washington as the only means of averting serious trouble.

HENRY R. CROSBY,
Representative Twenty-fourth District.

The foregoing statement of Hon. T. M. Trippe is known to me to be correct in every particular, and is cheerfully indorsed.

I. N. PEYTON,
Member Eleventh Representative District.

The letter of Mr. Trippe gives a fair and correct statement of the condition of affairs on the borders of the Indian (Ute) reservation, as I know from personal knowledge, having talked with many Indians and whites interested, and living myself in that region of the Territory. I most cheerfully indorse and urge Mr. Trippe's recommendations and suggestions.

DENVER, *January 1, 1876.*

ADAIR WILSON,
Member of Territorial Council.

I indorse the foregoing.

R. J. MCNUTT,
Member House of Representatives Colorado Territory.

The facts set forth in the above statement are correct according to the best of my knowledge.

W. R. FELTON,
Member of Constitutional Convention Fifteenth District.

HOWARDSVILLE, LA PLATA COUNTY, COLORADO.

Hon. THOMAS PATTERSON,
Delegate to Congress, Washington, D. C.:

We, the undersigned, citizens of La Plata County, miners and farmers, mechanics and settlers, generally, respectfully represent that we deem it due to the development of this region, in the first place, that the pioneers should be protected by the United States Government against all dangers from the Indians, who have in the last twelve months taken hostile attitudes in several instances.

The mineral wealth which is deposited by nature in this region seems to demand the location of a military post in the vicinity, so that its development, which is of so much importance not only to our individual citizens but also to the country at large, may be carried on to its fullest extent, and by its safety and security may invite enterprise and capital.

In the second place it is due to ourselves and families, as law-abiding citizens of the United States, always ready to uphold the power of the United States Government.

We further represent that the military post at Fort Garland seems to have outlived its usefulness and the purpose for which it was created, being now too far removed from the scene of action against the Indians by the steady onward march of civilization; and if that post were abandoned and removed to some part of the southern portion of La Plata County, perhaps the lower valleys of the Animas or La Plata River, there would be no addition to the budget of expenses, excepting the removal of the fort and erecting a new one.

We further represent that it would be of incalculable value to the development of this region if the Government, for the purpose of establishing a fort in the southern part of this county, would lend its powerful aid to build a military wagon-road from Del Norte along the Rio Grande River across the summit over the Cunningham, Maggie, or Minnie Gulch Pass, whichever would upon investigation be found to be the most practicable into the Animas Valley, passing the towns of Howardsville and Silverton and down into the lower valley of the Animas River.

We respectfully ask you to press our claims upon the Government at Washington, and use your best efforts and influence to secure for us the benefits of this petition.

J. P. WALLACE and others.

PUBLIC BUILDINGS AT BEAUFORT, NORTH CAROLINA.

Mr. WADDELL, by unanimous consent, introduced a bill (H. R. No. 1565) authorizing the Secretary of the Treasury to negotiate for the purchase of a building for a custom-house and post-office at Beaufort, North Carolina; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CENTENNIAL CELEBRATION OF AMERICAN INDEPENDENCE.

Mr. RANDALL. I now insist on my motion that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the centennial appropriation bill.

Mr. SPRINGER. Will the Chair allow me to ask if the rule limiting debate to fifteen minutes will prevail to-day?

The SPEAKER. It will, unless otherwise ordered by the House.

Mr. BURCHARD, of Illinois. I suggest to the gentleman from Pennsylvania [Mr. HOPKINS] who has charge of this bill that he had better limit the general debate.

Mr. RANDALL. It has already been limited to fifteen minutes.

Mr. BURCHARD, of Illinois. It has not been limited so as to close the debate at any specific time.

Mr. SPRINGER. There are thirteen names on the Speaker's list of gentlemen who still desire to speak, and, if we continue the fifteen-minute rule, it will be impossible to get rid of this bill to-day.

Mr. RANDALL. I would not wish to interfere with the purpose of my colleague from Pennsylvania who has charge of this bill.

Mr. SPRINGER. Then we will make it uniform, and I move that debate shall hereafter be limited to ten minutes.

The motion was agreed to.

Mr. HALE. I move to reconsider the vote by which the motion was adopted; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BURCHARD, of Illinois. Allow me to suggest that that does not limit the general debate on the bill. The general debate in ten-minute speeches may run on indefinitely unless the gentleman who has charge of the bill shall limit the general debate to two or three hours.

Mr. HOAR. I understand that the motion of the gentleman from Illinois [Mr. SPRINGER] applies only after the first speech.

The SPEAKER. The House has ordered that speeches hereafter be limited to ten minutes

The question was then taken on Mr. RANDALL's motion, and it was agreed to; and the House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. WOOD, of New York, in the chair, and resumed the consideration of the bill (H. R. No. 514) relating to the centennial celebration of American Independence.

Mr. THOMPSON. Mr. Chairman, I am gratified at having this opportunity to present my views upon the bill now before the House, a bill, sir, which is to provide the means by an appropriation for carrying into effect the object of the act of March 3, 1871, an appropriation which in my judgment is demanded by the highest considerations of national duty and honor. Let us consider for a moment what the bill of March 3, 1871, is. The act is entitled "An act to provide for celebrating the one hundredth anniversary of American Independence by holding an international exhibition of arts, manufactures, and products of the soil and mine in the city of Philadelphia and State of Pennsylvania in the year 1876. And after a preamble, setting forth the propriety of such a celebration, and that such celebration should be a national one in which the people of the whole country should participate, and that it should have the sanction of the Congress of the United States, the first section of the act provides as follows:

That an exhibition of American and foreign arts, products, and manufactures shall be held under the auspices of the Government of the United States in the city of Philadelphia and State of Pennsylvania in the year 1876.

Sir, it is to be held "under the auspices of the Government of the United States," which is, under the protection, patronage, support

of the Government of the United States. And, Mr. Chairman, it is to be held under the superintendence and direction of the centennial commission, which is to consist of not more than one delegate from each State and Territory of the United States, whose functions are to continue until the close of the exhibition, said commission to be appointed by the President of the United States on the nomination of the governors of the States and Territories, respectively.

The sixth section provides that the commission shall report to Congress, at the first session after its appointment, a suitable date for opening and for closing the exhibition; a schedule of appropriate ceremonies for opening or dedicating the same; a plan or plans of the buildings; a complete plan for the reception and classification of articles intended for exhibition; the requisite custom-house regulations for the introduction into this country of the articles from foreign countries intended for exhibition; and such other matters as in their judgment may be important.

Subsequently, by act of June 1, 1872, a centennial board of finance was incorporated, the preamble of which act, after reciting the object of the act of March 3, 1871, declared that such provisions should be made for procuring the funds requisite for the aforesaid purposes of celebrating the one hundredth anniversary of American Independence by holding an international exhibition of arts, manufactures, and products of the soil and mine in the city of Philadelphia and State of Pennsylvania "as will enable all the people of the United States who have shared the common blessings resulting from national independence to aid in the preparation and conduct of said international and memorial celebration under the direction of commissioners of the United States."

Section 2 of the act creating the centennial board of finance provides—

That said corporation shall have authority, "and is hereby empowered, to secure subscriptions of capital stock to an amount not exceeding $10,000,000, to be divided into shares of $10 each, and to issue to the subscribers of said stock certificates therefor under the corporate seal of said corporation."

The same section provides—

That the proceeds of said stock, together with the receipts from all other sources, shall be used by said corporation for the erection of suitable buildings, with their appropriate fixtures and appurtenances, and for all other expenditures required in carrying out the objects of the act of Congress of March 3, 1871, and which may be incident thereto.

Section 7 of said act of June 1, 1872, provides that the grounds for the exhibition shall be prepared and the buildings erected by said corporation in accordance with plans which shall have been previously adopted by the United States Centennial Commission, and the rules and regulations of said corporation, governing rates for entrance and admission fees, or otherwise affecting the rights and privileges or interests of the exhibitors or of the public, shall be fixed and established by the United States Centennial Commission, and that no grant conferring rights or privileges of any description within their said grounds or buildings or relating to said exhibition or celebration shall be made without the consent of the United States Centennial Commission; and said commission shall have power to control, change, or revoke all such grants, and shall appoint all judges and examiners, and award all premiums.

By section 10 it is provided, that as soon as practicable after the exhibition shall have closed, it shall be the duty of said corporation to convert its property into cash, and, after the payment of all its liabilities, to divide its remaining assets among its stockholders *pro rata* in full satisfaction and discharge of its capital stock, and it shall be the duty of the United States Centennial Commission to supervise the closing up of the affairs of said corporation, to audit its accounts, and submit in a report to the President of the United States the financial results of the Centennial.

By section 13 of the same act it is provided, that it shall be the duty of the United States Centennial Commission to make report from time to time to the President of the United States, and in a final report present a full exhibit of the results of the United States centennial celebration and exhibition of 1876.

Sir, this places the whole management and control of the celebration and the organizing and the carrying out of the details of the same in the hands of the officers of the United States. The Centennial Commission and the Centennial Board of Finance are the officers of the United States duly appointed for that purpose. It has been declared here that the Centennial Board of Finance is a private corporation. Sir, it is not a private corporation; it is a misnomer to call it a private corporation; it is an organized agency of the United States, and as such it has proceeded to raise funds, to erect suitable buildings, and to make the preparations requisite for the celebration inaugurated by the United States. Sir, it can do nothing but aid carry out this celebration. The President of the United States has invited, by the authority of the act of June 5, 1874, the governments of other nations to be represented and to take part in this celebration.

Thirty-eight foreign nations have accepted this invitation of the President upon the condition that suitable space shall be provided them without charge. By the authority of the United States our own citizens have been invited to take part in the celebration as exhibitors upon the same condition. The United States is bound by every principle of honor to see that suitable provisions are made, both for its own and foreign exhibitors. *Sir, the liability has already been incurred:* the giving of the invitations by the United States and the acceptance of such invitations fix the liability of the United States. It cannot avoid it. It must respond to and discharge it. The Centennial Board of Finance cannot do this. It has done its utmost to meet the requirements of exhibitors. It has raised large sums of money and rendered most efficient service to the United States in carrying out the arrangements for its centennial celebration. It needs the funds asked for in this bill to complete such arrangements. No one claims that the sum asked for is too large. It is admitted that the amount is required, and also that the officers of the Government, both the Centennial Commission and the Centennial Board of Finance, have been efficient and faithful.

Sir, the arrangement for the celebration must be completed. Suitable space for exhibitors, both foreign and domestic, must be provided. Who will do it if the United States does not? Who besides the United States is bound to do it? No one, I submit. The responsibility rests nowhere but with the United States. But we are told that all the arrangements have been made, all the invitations given, with the express agreement that the United States shall not be liable for any expenses attending such exhibition. With whom has such an agreement been made? Certainly not with the Centennial Commission or the Centennial Board of Finance, its own agencies. It has not made this agreement with those foreign nations invited to engage in the celebration by bringing here their treasures for exhibition. Neither has it been made with the people at large. It has, sir, no such agreement with any corporation or individual. Sir, the whole history of the affair shows this, and nothing more, that it was the purpose and expectation of the United States, through its officers, to pay the expenses attending this celebration out of voluntary contributions, and not out of the Treasury of the United States. The Government was to pay the expenses of the celebration; and if it cannot raise the necessary funds by voluntary contributions, they must be raised by an appropriation. Not to do this is to violate a solemn obligation.

Sir, objection is made to this bill because it provides that the United States shall only share *pro rata* with the voluntary contributors in any funds that may remain after meeting all the expenses of the celebration. Sir, this is no cause of complaint. The provision in the bill is right. It places the voluntary subscriber and the United States upon the same footing. It was contemplated to raise the full amount needed to make all necessary preparations for the Centennial by voluntary subscriptions. Sir, shall those who originally contributed fare worse than they would if the whole amount had been thus contributed? They certainly ought not to be punished for their generosity. It will be unjust to them to place them in any other position than that in which they are placed by this bill. This bill places the voluntary contributors in the same position as if the whole amount had been raised as contemplated; any other provision would be most unjust to them. It would be taking an advantage of those whom the Government is under every obligation to treat with liberality. It is unfair to call them stockholders in the ordinary sense of that term. They are not, in fact, stockholders; the term is only used for convenience; the just term is contributors. The subscriptions, in fact, were conditional—upon the condition that no more of the subscription shall be used than is actually required for the purpose of the celebration. This is the whole of it; and for this they are called speculators and censured. Sir, I have no sympathy with that spirit which can censure where praise is due.

Now, sir, we are told that we have no constitutional right to pass this bill. Sir, we have not only a constitutional right to pass it, but there is a constitutional obligation upon us to do so. The eighth section of the first article of the Constitution provides that Congress shall have power to levy and collect taxes, duties, imposts, and excises to pay the debts of the United States, and has not the Government contracted a debt, an obligation, which requires this appropriation? Will not its failure to discharge its obligation in this particular be a repudiation of its obligation? It is said we have no right to appropriate money for such a purpose. Why not? It is to meet obligations existing under existing laws. You have no right to nullify an existing law by withholding an appropriation. Mr. Chairman, no objection has been made by any one to either of the laws providing for the centennial celebration. This legislation has been treated as if it were perfectly constitutional; and if that is constitutional, then certainly this appropriation must be. But it may now be said that the original bill providing for the centennial celebration is unconstitutional. If it be so, it by no means follows that we have not the right and that it is not our duty to make this appropriation. An unconstitutional act may create constitutional obligations. A government may justly be called upon to repair the injury its unauthorized acts have done.

But I take the ground squarely that the original bill is strictly constitutional. If I am asked where I find the provision of the Constitution which makes this bill constitutional, I answer that this is one of the implied powers, a power necessarily implied from the existence of the Government itself. It is necessary to its very life. My distinguished colleague from the Worcester district, [Mr. HOAR,] in the argumentative interrogatory which he put the other day to the honorable member from Virginia, [Mr. TUCKER,] stated the proposition substantially.

The power to do whatever is necessary for the proper manifestation and representation of the Government in the various relations which it occupies in respect to foreign nations, to the several States, or to its own citizens must be involved in the existence of the Gov-

ernment, whatever theory may be adopted as to the mode by which it was created; and this power is given to the Government of the United States by the Constitution by necessary implication in the creation of the Government itself. This power may justly be said to be an attribute of government.

The power to provide for celebrating the one hundredth anniversary of American Independence is not derived from the provision "to provide for the common defense and general welfare." It is generally conceded that these words contain no substantive grant of power, nor is it derived from the "power to regulate commerce with foreign nations," for certainly the celebration of the anniversary of the Declaration of Independence cannot in any just sense be said to be a regulation of commerce. The fact that it is to be celebrated by an international exhibition cannot affect the power. The celebration is the substantive matter, the exhibition is simply a mode of celebrating. Nor is it derived from the power "to promote the progress of science and useful arts," for the Constitution prescribes the particular mode by which that is to be done. Any attempt to find this power except as granted by necessary implication will in my judgment be found to be wholly unavailing. The great advantages which may be derived from the particular mode in which that anniversary is to be celebrated cannot in any manner affect the question of power. Nothing is more dangerous than to invoke motive and expediency to determine a question of power. The power cannot be derived from any term designating the Government of the United States. Calling it a nation does not increase its power nor does calling it a confederation of States diminish it. It is by whatever name designated a government created by the Constitution, and all its powers derived therefrom are expressly given or by necessary implication.

Without these implied governmental powers we have no right to establish a national flag. Where do we find any express grant in the Constitution to establish a flag? Nowhere, I submit. We get it only under the principle I have laid down. The establishing of a flag is not a regulation either of the Army or Navy. It is the flag of our common country—the flag of the whole people. It is the emblem, the symbol of the nation. It represents alike its power and its beneficence, its honor and glory. Sir, Congress under the old Confederation fully recognized the principle for which I contend, although not possessing the power we possess. On the 29th of October, 1781, it passed the following resolve for a monument to commemorate the surrender of the British army, at Yorktown, by Lord Cornwallis to General Washington:

Resolved, That the United States in Congress assembled will cause to be erected in York, in Virginia, a marble column, adorned with emblems of the alliance between the United States and his Most Christian Majesty; and inscribed with a succinct narrative of the surrender of Earl Cornwallis to his excellency General Washington, commander-in-chief of the combined forces of America and France; to his excellency the Count de Rochambeau, commanding the auxiliary troops of his Most Christian Majesty in America, and his excellency Count de Grasse, commanding in chief the naval army of France in Chesapeake.

And this resolve, sir, was reported by a committee of which Edmund Randolph was chairman, who if he is not the ancestor of the member of Virginia [Mr. TUCKER] is his distinguished relative.

Also, June 1, 1784, it passed the following preamble and resolve:

Whereas on the 25th day of January, 1776, Congress did resolve that a monument be procured in Paris, or any place in France, with an inscription sacred to the memory of General Montgomery, which in consequence thereof was procured and sent to the care of Mr. Hews, in North Carolina, and is now supposed to be in the care of his executors:

Resolved, That the executors of Joseph Hews, esq., or the person in whose possession the monument is, be requested to deliver the same to the order of the superintendent of finance, to be transported to the city of New York, to be erected in such part of the State of New York as the Legislature thereof may judge proper; and that the expense accruing thereon be paid by the United States of America.

Also, August 8, 1786, the following resolutions:

Resolved, That a monument be erected to the memory of Nathanael Greene, esq., at the seat of the Federal Government, with the following inscription: "Sacred to the memory of Nathanael Greene, esq., native of the State of Rhode Island, who died the 19th of June, 1786, late major-general in the service of the United States and commander-in-chief of their Army in the southern department, the United States in Congress assembled, in honor of his patriotism, valor, and ability, have erected this monument."

Resolved, That the board of Treasury take order for due execution of the foregoing resolution.

There are to be found on the journals of the Congress of the Confederation numerous other resolutions of this same character. And I cite them, Mr. Chairman, for the purpose of showing that these implied governmental powers were fully recognized in that Congress, which was composed of many of the same men who framed the Constitution of the United States; and if it had not been the purpose of the framers of the Constitution to grant these and similar powers to the United States by necessary implication, it would have been so declared in the Constitution. And as these powers have been exercised under the Constitution, as has been so fully shown in this debate, with the sanction of the highest constitutional authorities, the existence of the power claimed in the case cannot be fairly questioned. As I have before said, no one in this debate has directly questioned the power of Congress to pass the original bill. It is only the power to grant the appropriation which is questioned. Even the able constitutional lawyer from Virginia [Mr. TUCKER] admitted in this debate in clearest manner that the original act is constitutional. He, after stating that there is a provision in the constitution of the State of Virginia which prohibits her from making an appropriation, and that Virginia is deeply indebted, says:

But, Mr. Chairman, despite all these obstructions, Virginia will be there. Her people who are able to go will be there. She has given daughters to the Union, six fair daughters, with wealth and plenty in their hands, who will go to the Centennial and represent the munificence and the patriotism of their aged and bereaved mother. And another daughter, her mountain child, torn from her by the Cesarian operation, will be present, with her infinite mineral wealth and her resources in agriculture, manufactures, and commerce. And old Virginia, rent in twain, impoverished, in her weeds of widowhood, but with a heart throbbing high for the prosperity of the common country, with a soul as true to the constitutional Union as when she first proposed independence to her sisters, and declared it by the pen of her Jefferson and won it by the valor and virtue of her Washington, and as when, by the wisdom and prudence of her Madison, she lent her aid to frame the Federal Constitution. Yes, true to the principles of liberty and independence and honor, Virginia will be there in spirit hovering over the scene.

Sir, I am sure that it will not be admitted by the distinguished member [Mr. TUCKER] that it is possible for the people of Old Virginia or her seven daughters to attend or in any manner participate in an illegal and unconstitutional celebration of the centennial anniversary of the Declaration of Independence. He could not have declared in stronger terms not only the constitutionality of the proposed celebration but its beautiful appropriateness. And I say again, when this power is settled the right to make a suitable appropriation to meet the expense of this celebration cannot be rightfully questioned. I am at a loss to see by what logic one can admit the right of the Government of the United States to do an act, and then deny its power to make an appropriation to meet the necessary expenses of that act.

Would the original bill of March 3, 1871, be any more constitutional if its provisions were carried out, as was the original purpose and plan, by voluntary contributions? Is the test of constitutionality to be appropriation or no appropriation? Are we to have this as constitutional law, that an act of Congress, if it can be carried out by voluntary subscriptions, is constitutional; if not, it is unconstitutional? Sir, is not the position assumed by those who oppose this bill on the ground that Congress has no constitutional power to pass it trifling with the Constitution itself? Are they not using this plea of unconstitutionality rather to avoid a constitutional obligation than to protect the Constitution from violation? Are they not bringing contempt upon that very Constitution which they profess to regard so sacredly by this attempt to use it as a justification for not discharging a solemn obligation? Sir, the most effectual method to honor and defend the Constitution is to promptly and cheerfully discharge all the obligations it imposes upon us. In this way will its grants of power and its limitations upon power be made most operative to secure to the whole people, in every relation in which they are placed by our complex system of government, the highest blessings it can bestow.

Sir, I have not discussed the question as to the material advantages which may result from this celebration. They will doubtless exceed all that has been claimed by the advocates of this bill. But, sir, they can have nothing to do with the question of power; they relate only to the proper mode and manner of exercising the power. The right of the United States to celebrate this anniversary carries with it as a necessary incident the right to celebrate in such a manner as shall in the judgment of Congress become the dignity and importance of the event and the character and position of the American Republic among the nations of the earth. Sir, I have not alluded to party considerations. In my judgment they are wholly foreign to the question before the House, which is a question which affects alike the honor and just pride of every American citizen. And, sir, I will only add that, in giving my vote in favor of the bill now under consideration, I shall not only give it for a constitutional and necessary measure, but shall at the same time both defend and illustrate the Constitution itself.

Mr. SOUTHARD. Mr. Chairman, while I rise to oppose this appropriation, it is not my purpose to decry the proper celebration of the centennial of American Independence. My highest wish is that our free institutions may be perpetuated for all time to come, and I gladly welcome those demonstrations which tend to keep alive the glorious memories of their birth and growth. The Constitution is the palladium of our liberties and the glory of our time. In the present instance, however, we are asked to celebrate this era in constitutional liberty in a manner which requires us to resort to questionable constitutional measures. The advocates of this bill do not pretend that the authority for the appropriation is expressly given in the Constitution, nor can they successfully urge that it is a means appropriate and necessary to carry into effect any of the delegated powers of the Constitution. And, indeed, no two of them can agree upon what provision of that instrument the pretended authority rests. The gentleman from Pennsylvania, [Mr. HOPKINS,] the chairman of the committee, contents himself with propounding various questions, and cites no provision of the Constitution upon which he rests the claim; the gentleman from Massachusetts [Mr. BANKS] professes to find the authority in the treaty-making power; the gentleman from Ohio [Mr. LAWRENCE] imagines that he discerns it in the combination of the powers to regulate commerce, provide for the payment of the public debt and the general welfare of the people; and other friends of the measure look to still other provisions to justify their action. With all this diversity of opinion who shall say that the constitutional power for such legislation is not extremely doubtful, if not entirely wanting? Sir, I cannot do more now than throw out these sugges-

tions; full discussion of this very grave constitutional question is prohibited in the limited time allotted me.

Conceding, however, for the sake of the argument, that the power exists, there are other and, to my mind, sufficient reasons why this bill should not become a law.

From the time in 1871 when the centennial corporation was created by act of Congress the work has proceeded upon the express understanding with this and all other nations that the Government was not to become liable for a dollar of the expense attending it. If the appropriation had been asked in the first instance, it is fair to presume that the corporation would never have been created. And in every act of Congress upon the subject since 1871 the reservation of the liability of the Government has been clearly expressed. The President of the United States was not authorized to extend invitations to foreign nations until he had been first notified by the governor of Pennsylvania that suitable provision had been made for the accommodation of the exhibitors so invited. Here is the language of the statute:

That whenever the President shall be informed by the governor of the State of Pennsylvania that provision has been made for the erection of suitable buildings for the purpose and for the exclusive control of the commission hereinafter provided for, then the President shall issue his proclamation.

The notification was given by the governor of Pennsylvania to the President on June 23, 1873, and the invitation thereafter extended to foreign nations. Now, however, we are to be told that the notification of the governor of Pennsylvania did not truly state the situation—that no suitable provision had been made for the accommodation of the exhibitors; and we are asked to appropriate one million and a half of dollars to save the nation from disgrace. Sir, if the honor of the Government has been jeopardized, let the responsibility rest where it justly belongs—upon those public officials who have violated the laws of Congress.

But foreign nations cannot misunderstand the attitude of this Government, for in the President's proclamation of invitation is cited this provision of the law:

Provided, however, That the United States shall not be liable, directly or indirectly, for any expense attending such exposition or by reason of the same.

With this notification, I cannot agree with the gentleman from Massachusetts [Mr. BANKS] when he says:

In one word, sir, this House has now nothing whatever to do with the centennial corporation incorporated in 1871 for the celebration of American Independence. The question which is brought here is brought by the President of the United States. He speaks of the United States as a contributor of the results of administration and the functions of Government to the exhibition at Philadelphia. He speaks of having invited the principal nations of the earth to make representations of their industries at this exhibition, and of an appropriation that is "appropriate"—that is his word—and necessary—that is my word—to discharge that duty which he, the President, has imposed upon the officers of the several Departments of the Government and of the measures taken to induce other governments to assist in the representation of the world's industries.

Let it not be forgotten that foreign nations have accepted their invitations with full knowledge of the mode and manner in which the exposition was to be conducted under the exclusive management and control of the centennial corporation. Such was the only purpose of the creation of the corporation, and everywhere—in the law, in the pledges made to the people, and in the invitations to foreign nations—it has been most clearly set forth that the Government was not to become liable for the expenditures.

One other feature it may be well to give a passing notice. That is the character of this exposition. It is not designed or calculated so much to celebrate the American idea of government as it is to exhibit the products, the material progress, and the arts and sciences of all the nations of the earth. If it were intended principally as a tribute to republican institutions in the United States, it would be manifestly improper to ask other powers and peoples, who entertain different notions and live under different forms of government, to come to our shores and participate as the nation's guests in the self-laudatory ceremonials. In saying this I do not undervalue the transcendant importance of constitutional government in promoting the prosperity and happiness of all people everywhere. What I mean to distinctly assert is, that this exposition is international not national in its character. It is more to exhibit the skill, genius, and material achievements of many nations than to glorify the political institutions of one. Such being its true character, this appropriation by Congress must be viewed without regard to the celebration of the centenary of the nation's existence. It would be equally proper and right to vote the appropriation in any other year for the purposes of an international exhibition.

The due celebration of the important event does not depend upon this appropriation nor upon the success of the exposition at Philadelphia. Our free institutions are enshrined in the hearts of the people, and they will herald their century's growth everywhere throughout the land with spontaneous acclamations of pride and joy.

Furthermore, I do not believe the exposition at Philadelphia will fail. Its failure is a reason urged here in behalf of this appropriation, but it does not fall with convincing force upon my mind. Already nearly $5,000,000 from the various sources have come to the hands of the centennial board, and of this amount nearly three millions were a pure donation, and the buildings and grounds are almost ready for the exhibition. It has gone too far, therefore, to fail. The property and receipts can be anticipated and pledged to secure all the means needed for the proper completion of the work.

The act of Congress creating the corporation provides that—

The centennial board of finance shall have authority to issue bonds not in excess of its capital stock, and secure the payment of the same, principal and interest, by mortgage upon its property and prospective income.

I know it has been said the laws of Pennsylvania do not recognize any such a thing as a chattel mortgage upon these buildings, which are situated upon ground not owned by the centennial corporation. But the act of Congress can be made effectual, and gives the board a more enlarged power. Under it the board has not only power to pledge its property, but also its prospective income. By the act of its creation it has power to enter into contracts, to sue and be sued, and in many other ways, besides the resort to mortgage under State law, it may secure the necessary means to complete the undertaking. And when the exposition is over, under the articles of incorporation, the profits are to be divided among the stockholders. The real question presented, therefore, as I regard it, is not whether there shall be a success or failure of the exposition, but whether the stockholders shall have a million and a half profits more to divide principally among themselves.

It is said that in the beginning it was expected that the voluntary contributions would be sufficient to insure its success, but that, in consequence of the unforeseen financial embarrassments and business distress, the people have not responded so liberally as was anticipated, and therefore the aid of Congress must now be invoked. The gentleman from Pennsylvania [Mr. HOPKINS] said:

Our aid is invoked in behalf of an international exhibition conceived by patriotic men as a fit way to commemorate the first centenary of American Independence. This undertaking was commenced when the busy hum of cheerful industry echoed throughout the land, when wealth and prosperity abounded in the North, and returning cheerfulness illumined the hitherto desolate South. But the storm of 1873 which swept over the country left its pathway black with general ruin and universal gloom. The wheels of industry stood still, trade became lifeless, the human energies were palsied because confidence and hope were crushed. From that day until this there has been no break in the overhanging clouds. The enterprise under consideration, begun under such happy auspices, could not escape the mildew which blighted all things. * * * In this extremity the Government is asked to lend its helping hand to save the undertaking from failure and the country from disgrace.

In response to the logic of the gentleman, I would say that the wheels of industry continue to stand still, trade remains lifeless, and the energies of the people are still palsied; not from the want "of confidence and hope," as the gentleman asserts, but from bad financial management and from extravagance, fraud, and corruption in the public service. Want of confidence and hope is the consequence, not the cause, of the wide-spread business paralysis. The causes are real. The vast enterprises of forty millions of people are not to be blighted by fancies or fictions. The most potent agencies of a material character must be at work to bring about these dire results. Notwithstanding all this business stagnation, the proposition now before the House is to compel the people, willing or unwilling, able or unable, to do what the gentleman declares they have voluntarily refused in consequence of their destitute condition. Our first and highest duty as the Representatives of the people is to lift this incubus from their industries by wise and economic legislation. Retrenchment and reform are the crying needs of the hour. But those who are opposed to voting subsidies to this or any other corporation, and who are unwilling at a time like this—when labor is unemployed and thousands are in penury and want—to lend themselves to this enforced contribution, this increased taxation of a million and a half of dollars, are to be gratuitously charged with a lack of patriotism. Especially is this so with regard to those gentlemen on this side of the House coming from the South. From my estimate of the high character of these gentlemen, I do not believe they can be thus cajoled or dragooned into the support of a measure which their judgment does not approve. If their patriotism is to be thus questioned, what shall be said of the patriotism of the gentlemen on the other side of the House? With more than a two-thirds vote, they have steadily refused any such aid for the last four years. The necessity for an appropriation was as pressing at the last term of Congress as it can be to-day, yet the House defeated the bill by a vote of 92 in the affirmative to 138 in the negative—60 not voting.

In my judgment, sir, at this hour the best evidence of genuine patriotism is to be found in keeping the pledges made to the people against congressional aid to this enterprise, and in upholding the faith of that Constitution whose virtues and glories we are called upon to commemorate.

[When Mr. SOUTHARD had spoken ten minutes the hammer fell, and the following proceedings took place:]

Mr. YEATES. I ask unanimous consent that the gentleman from Ohio [Mr. SOUTHARD] be permitted to finish his remarks.

Mr. KELLEY. I do not desire to interrupt the gentleman from Ohio; but I question whether the Committee of the Whole have the power to extend the time of any gentleman.

The CHAIRMAN. It can be done only by unanimous consent.

Mr. KELLEY. I believe that by unanimous consent the House made the order that debate on this bill should be limited to ten-minutes speeches after the speech of the gentleman from Massachusetts, [Mr. THOMPSON.]

Mr. SOUTHARD. I hope that I may be allowed to be heard after so much has been said on the other side.

Mr. KELLEY. I do not object. I only call attention to what I understand to be an imperative rule.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. KELLEY] raise a point of order?

Mr. KELLEY. I raise the point that the Committee of the Whole cannot extend the time of any gentleman. It applies not only to this gentleman but to all.

The CHAIRMAN. The Chair is of opinion that the Committee of the Whole is simply acting under the direction and order of the House, and that it has no power to extend the time.

Mr. SOUTHARD. I hope there will be no objection to my proceeding a few minutes longer. I do not often speak.

Mr. WARREN. I object.

The CHAIRMAN. Objection is made by the gentleman from Massachusetts, [Mr. WARREN.]

Mr. SOUTHARD. I ask leave to print the remainder of my remarks.

There was no objection.

Mr. ROBBINS, of North Carolina. Mr. Chairman, in North Carolina there lives an old man who in 1861 had six sons just grown up to manhood. At the first tap of the drum the six sons went to the front to fight for the cause of the South. They did not stop to reason much about it. North Carolina called for them and they went. Most of them were over here at the first battle of Bull Run, and from there to Appomattox, they followed that bloody and fiery track of war all the way by Chickahominy, Fredericksburgh, Antietam, Chancellorsville, Chickamauga, Gettysburgh, Wilderness, and Petersburgh. There were not six when they got to Appomattox—there were but two. Four were sleeping in their bloody blankets; one at Antietam, another at Chancellorsville, another on the Chickahominy, and another in Kentucky. Two were at Appomattox, battle-scarred, to see the flag go down forever which they had followed with such unfaltering devotion. One of those two survivors stands here and speaks to you now, and he says that he has seen enough of war, and wants peace. He wants reconciliation; he wants good feeling; he wants fraternity everywhere in this country. And that is the reason, Mr. Chairman, why I propose to vote for this bill, because I think its tendency is to produce that peace which we need.

Why have we not had it? At Appomattox, Mr. Chairman, when we were waiting to see whether old "Uncle Robert" was going to tell us to charge or to surrender and did not know which, I went into a little church which stood close by, and there lay a large Bible on the stand and I opened it. The words which fell first on my eye were these, and they seemed prophetic: "Lo, the winter is past; the rain is over and gone; the flowers appear on the earth; the time of the singing of birds is come, and the voice of the turtle is heard in our land." I thought, Mr. Chairman, it was prophetic. I welcomed it as the harbinger of peace. Why is it not peace? Why have we not had peace? The soldiers fought the great question out with bayonets and muskets and cannon; but they have quit fighting. It is because a few restless political agitators still want to keep up the fight, and their only weapons are asses' jaw-bones. [Great laughter.] I have no capacity, Mr. Chairman, to participate in that kind of battle, and I am opposed to it as an unworthy afterpiece to a grand drama. I want peace.

It is urged, Mr. Chairman, that we need to save this money—this million and a half dollars. We do need economy, but we need also concord, confidence, good understanding in this country. O! if we had faith enough in one another, if there was faith in this country, in its different sections, and among all its people, the money would come forth from the coffers where it is now hoarded, the hard times would pass away, and general prosperity would return. The people who sent me here, it is true, sent me to help economize, but they sent me here also, or else I have misunderstood them, to promote peace and help bring about reconciliation and good understanding.

I vote for this bill also, Mr. Chairman, as a North Carolinian. North Carolina has a large interest in those glories which are to be celebrated on the 4th of July next. Let it not be forgotten that she first spoke the word independence at Mecklenburgh. Let it not be forgotten that she shed the first blood for liberty at Alamance. Let it not be forgotten that her sons, the mountain men, with the aid of a few gallant sons of Virginia and South Carolina, turned the tide of the Revolution toward final victory at King's Mountain. And we are coming to the Centennial, Mr. Chairman, though we are poor; and some of us will come in tears, remembering the past. Yet we are coming, the sons of the men of King's Mountain, and of Guilford, and of Alamance, to shake hands with the men of Brandywine, and Bunker Hill, and Monmouth, and restore peace in this country.

It has been said, Mr. Chairman, that the soldiers could settle this thing if allowed to do so. Well, that will be a good time for them to settle it. I want to go there and shake by the hand the brave men I used to meet on the field. I admire them, I love them, I respect and I honor them. O, sir, with what reverence I stand always by the soldier's grave, whether he wore the "gray" or the "blue," because there sleeps a man who dared to die for his principles. [Great applause.]

I think of these things, Mr. Chairman, without bitterness, because you cannot tell me that any man died in vain in that war. This American people of ours is a money-loving, money-getting people, too fond of merely material interests, too sordid; and it needed the great lesson of self-sacrifice that it is worth while to die for sentiment and for principle. Our dead heroes have taught us that lesson.

Yes, Mr. Chairman, we are coming from the Cape Fear and the Albemarle, from the lowlands and the mountains. You will hear the bagpipes of our Scotchmen and the bugles of our mountaineers swelling the blast of the national jubilee. We want to shake hands with the gallant soldiers of the North. We hope to see such a greeting of the soldiers and patriots of the North and the South as will show to the whole Union that the flood-tide of sectional hatred has ebbed forever and that it remains no longer to float any freightage of unholy and unpatriotic ambition. And we want to show to the multitude of visitors from other nations how invincible we are when the heroes of the blue and the gray stand together in one common phalanx of amity and concord. There, my countrymen, let us renew our vows of fervent devotion to that common country which the righteous Arbiter of all things has decreed shall be forever one and undivided; and, turning our backs upon all bitter memories of the past and leaving our gallant fallen comrades on both sides to repose in "trembling hope" on "the bosom of their Father and their God," let us go forward with courageous hearts and patriotic aspirations in that path which duty and destiny have marked out for us. [Much applause.]

Mr. WHITE. Mr. Chairman, I merely wish to add my name to the list of those who have so earnestly protested against the passage of this bill. The enterprise is an important one, and I am sure that it will receive that generous support by individual contributions which will make it a financial success.

The American people are proud of Liberty Hall, and thousands of them, perhaps millions of them, are laying by a hundred or two of dollars to enjoy their Fourth of July in Philadelphia, in commemoration of the Declaration of Independence signed there one hundred years ago.

The prospect of entertaining so many visitors during the coming summer has induced Philadelphia and Pennsylvania and New Jersey and New York to make liberal donations. This is entirely proper. They have the credit of being exceedingly patriotic; they will have the satisfaction of knowing that they have grown richer, both directly and indirectly. Their liberality is no example for us to follow. If we pass this bill I am sure that the people will regard it as an unnecessary appropriation of their money.

In the language of the Ex-congressman [Hawley] of Connecticut who prophesied so correctly when the salary-grab bill was under consideration, "I say the country will not approve it; our own party will not approve it. There is no good reason for it."

Now, sir, what are we about to do? Here we are, a great nation, but overwhelmingly in debt; a hundred years old, but heavily burdened with taxation; a united people, but full of discordant elements: the majority for peace, but a large minority determined to rule or ruin.

It may seriously be doubted whether this is an appropriate time to celebrate our centennial year. Certainly we should not if the money must be wrenched from an over-taxed agricultural people. Especially is this true in view of the probability that this money is to benefit a certain patriotic ring.

And just here allow me to say I do not approve of the scheme which is evidently at work in this matter: pushing the amnesty bill with the centennial bill. The one is entirely distinct from the other, and action should not be taken on one with reference to the other.

I am in favor of general amnesty, including Jefferson Davis, on the ground of public policy. I am opposed to this appropriation on principle.

We are about to commit a grave error.

This enterprise has no claim upon the United States Government. We are under no obligation to pass this bill.

I refer to section 9 of an act relative the centennial international exhibition, found in the Statutes at Large, volume 17, page 210:

> But nothing in this act shall be so construed as to create any liability of the United States, direct or indirect, for any debt or obligation incurred, nor for any claim by the centennial international exhibition or the corporation hereby created for aid or pecuniary assistance from Congress or the Treasury of the United States in support or liquidation of any debts or obligations created by the corporation herein authorized.

If we vote this appropriation, it will be to advance the financial condition of a ring whose patriotism consists in inordinate greed for money.

Members from Pennsylvania and the East may excuse their action on the ground that their section of country received the money. If they do, let me tell them that they should profit by the experience of my predecessor, who in a public speech justified his vote on the back-pay salary-grab on the ground that "he took the salary-grab, but his friends got all the money."

No, sir, we cannot justify our course if we make this appropriation. I desire to see the Centennial enterprise succeed. I believe it will be a grand success, and the pitiful story that it will be a failure if we do not lend a helping hand is false in fact, and was a money-loving, avaricious, dishonorable conception.

But if it should fail, if it should not prove a financial success, I shall not lose faith in the patriotism of the American people, for I shall then know what I now feel, that this should rather be a year of economy, thanksgiving, and prayer, rather than one of extravagance and thoughtlessness; and should the people hold it so, it will be the best pledge of the perpetuity of our free institutions.

Besides we have other uses for this money.

There are just debts that should be paid. I speak not of our recognized liabilities, but of private property which was taken during the late war for the benefit of the public. The fifth article of the amendments to the Constitution provides that "private property shall not be taken for public use without just compensation." And I for one am in favor of paying for everything which was taken from persons not in active rebellion for the benefit of the Federal forces in preserving this Union.

There are just pension claims which should be paid, and no Federal soldier should be debarred by statutes of limitations or legal technicalities.

The freedmen of the South should be educated, and the illiterate white people as well, in order that they may cast their votes intelligently.

The harbor at Norfolk should be improved, that it may be a port of entry to the South as New York is to the East and North.

The railroad from Chicago to Charlestown should be generously aided by Congress, to the end that a friendlier feeling may prevail between the North and the South, and that the vast coal-fields, iron deposits, and lumber forests of Southeastern Kentucky may find a market; that thousands of laborers may find homes and employment in a genial climate and in a section of the country unsurpassed in mineral and timber wealth; and, finally, that what are now pauper counties may become rich and prosperous as Pennsylvania and productive of revenue to the United States.

There we are, set down upon the northern slope of the Appalachian range of mountains, shut up to the most delightful climate, and shut out from the markets of the world, with a fertile and productive soil, with coal-fields which Professor Shaler, of Havard College, and State geologist for Kentucky, declares to be of more value in dollars and cents than all the gold of California. With inexhaustible resources of iron and salt and extensive forests of hickory, ash, poplar, and walnut, we can afford to give millions for developing such hidden resources of magnificent wealth which are five hundred miles farther from every other place than any other place in the world.

Cheap transportation should be accomplished from the West to the East, to the end that those who have been encouraged to pass by the fertile, healthful, naturally wealthy State of Kentucky, to settle in the far West, may receive fair remuneration for their honest toil.

There are many other worthy objects deserving our careful and favorable consideration which I have not time to mention.

Now, sir, if gentlemen were sincere in voting for the strong contra-subsidy resolution of the gentleman from Indiana, the leader of that side of the House, how can they now stultify themselves by supporting this bill? It will not do to say that this is an exception. If that resolution means anything, it means all that its strong language conveys. Let me read from the RECORD of December 16, 1875:

MR. HOLMAN. I submit the following resolution, and on it demand the previous question:

"*Resolved*, That in the judgment of this House, in the present condition of the financial affairs of the Government, no subsidies in money, bonds, public lands, indorsements, or by pledge of the public credit, should be granted by Congress to associations or corporations engaged or proposing to engage in public or private enterprises; and that all appropriations from the public Treasury ought to be limited at this time to such amounts only as shall be imperatively demanded by the public service."

It has been decided that a common council of a city cannot give a Fourth-of-July entertainment and ball at the public expense. (Hodges *vs.* Buffalo, 2 Denio, 110; New London *vs.* Brainard, 22 Conn., 552.)

And I am not sure but that the Supreme Court of the United States would decide that the power which we are assuming to exercise is among those reserved to the States.

But I shall not vote against this bill on that ground. I am too young and inexperienced to become an expounder of constitutional law.

However, I am not too young to know the wishes of those who have honored me with a position that enables me to speak for them.

Mr. Chairman, these are hard times. The people are striving to live within their incomes. They are studying and practicing economy. On principle they are opposed to repudiation as much as they are in favor of general amnesty and reconciliation. But, sir, they are not in favor of appropriating a million five hundred thousand of their hard earnings to a Philadelphia ring for a Fourth-of-July celebration—a sum equal to the entire proceeds of the sales of the public lands for the year ending June 30, 1876. Think of that! A sum equal to the salaries of a thousand consuls, or to the notorious and infamous "retroactive increase-salary grab," known as the "back-pay steal."

The people are in earnest on the subject of reform. They demand a return to sound money. They demand a reduction of the salaries of public officials to a level with those doing similar service in private life. They demand strict economy and honest and speedy payment of the public debt. The South is bankrupt; the West is without a market; the East without employment; and the trade and commerce of the whole country unusually depressed. Certainly all this cannot be laid to the effects of the late war. No, sir; this state of things is in a large measure owing to extravagance and recklessness, public as well as private. Wait till we have paid our creditors, our citizens and soldiers; till universal education shall prevail and perfect peace is restored; then the American people can afford to pay a Philadelphia ring to conduct a Fourth-of-July jubilee. Wait, if it be a hundred years. If we appropriate anything let it be out of our own pockets, and not out of the public Treasury. But let us not be reckless with the people's money.

I offer the following amendment to that of the gentleman from New York:

Provided, That the aforesaid $1,500,000 shall be paid out of our salaries and the salaries of public officials receiving more than $1,500 per annum for the year ending June 30, 1877; *And provided*, That nothing in this act shall be enforced which shall violate any part of the Constitution of the United States; *And provided further*, That the doors to the centennial international exhibition to be held in the city of Philadelphia, Pennsylvania, shall be thrown open to the world free of charge for admission.

Mr. WILLIAMS, of Wisconsin. Mr. Chairman, on a former occasion, when this matter of the Centennial was under discussion, I ventured to predict that Wisconsin would sanction whatever should appear to be just and reasonable in the premises. I did this not as assuming to bind her in a pecuniary obligation, but rather as expressive of my confidence in the generosity, prudence, and patriotism of her people. Subsequently, when the three million appropriation bill came before the House, I, in common with others, felt constrained to vote against it, and I was conscious of no inconsistency in so doing. At that time this enterprise was comparatively undeveloped. It was unknown what private endeavor or municipal or State aid could or would do for its success. It was undetermined what interest foreign nations would take in this exposition or how far they would contribute to make it in fact as in name an international affair. A financial panic had stricken our commercial interests and paralyzed our industries. A deficiency was reported from the Treasury, and we felt compelled, by cutting and paring and retrenching and economizing in every conceivable manner, to save so much from the public expenditures as was then possible, cutting down the salaries of Government clerks, dismissing some of them, including, I believe, in some cases the widows and orphans of Union soldiers. Under these circumstances, to turn with a lavish hand and pour out upon an undeveloped enterprise $3,000,000, or one-sixth of what we had saved by all our endeavors at economy, seemed not to be sanctioned either by prudence or by any sound business principle.

It was further said that three millions voted then would be but an earnest for eight millions sure to follow; and certainly there was no way of controverting the proposition at that time.

Now, sir, this condition of things has in many respects changed. True, there is still distress among the people, and the necessity still exists for the practice of economy in every practical form, but as a nation we are neither impoverished nor bankrupt. There is no reason why we should take our position among the fifth-rate powers of Europe, or declare to the world that we are too poor to extend the courtesies common among nations. Besides, sir, it is now reasonably well determined what this exposition is to cost, and it is further known what the city of Philadelphia and the State of Pennsylvania have done for this enterprise—one million and a half of dollars in the one case, and one million in the other; through private subscription and municipal aid over $4,000,000 contributed from this one Commonwealth alone. The enterprise no longer exists in theory or uncertainty, nor is it any longer a question of doubt how money contributed is to be applied. The centennial buildings stand to attest what has been accomplished and how the funds thus far have been handled. Men of practical experience, eminent in business and of conceded probity of character, if we have any such in this country, tell us that these immense sums have been economically and judiciously invested; that vouchers have been taken, accounts accurately kept; and reports submitted to the authorities render it almost impossible that money should be misappropriated without immediate detection, and that from the low price of labor and material money has actually been saved rather than squandered.

I know, sir, that the cry is in the air of "centennial steals," "Philadelphia schemes," and "credit mobiliers" already attaching to this enterprise. Let any fact appear tending to show this state of things, and no one will go further than I for their exposure and punishment. But for one I am unwilling to stand here forever legislating or refusing to legislate on the assumption that all men in America are rascals! continuous scoundrels, without any lucid intervals whatever! I am unwilling to admit that we have progressed so rapidly during the first hundred years of our national existence that we dare not make a needed appropriation for the celebration of our birthday lest some pious descendant of the Pilgrims shall steal the money! Steal it in the white city of Philadelphia, under the shadow of Independence Hall, and on the very ground where the immortal Penn first taught the savages of the forest that civilization and common honesty were possible! We must trust somebody if we are to legislate at all, and until some shall be forthcoming to truly impugn the motives, the integrity, or the efficiency of this board of managers, I am willing to trust them.

Sir, the ground upon which this appropriation has been urged in some instances during this discussion does not commend itself to my approval.

It has been said that Congress, by authorizing the President to extend invitations to foreign nations to participate in this exposition, has bound itself to defray all necessary expenses by appropriations of money from the Treasury.

Sir, if this be true, if we are bound by our action heretofore to vote

this million and a half of dollars for this exhibition, then by the same principle and by every principle of logic we are just as much bound to vote every dollar required to defray all the expenditures involved in this enterprise. For one I am unwilling to stand upon any such ground; for I do not forget that with every step of legislation asked for came the accompanying and fundamental assurance that not one dollar of expenditure should be taken from the public Treasury. And while I am not disposed to be critical, I would have preferred to have had this question rest upon its merits and upon the facts as I believe them to exist; and not even upon the appearance of an attempt to induce Congress to do by indirection what it never could have been prevailed upon to do directly. When this undertaking was first inaugurated times were good, business was active, money circulated freely, and there was enterprise, hope, and prosperity everywhere. These gentlemen, I have no doubt, sincerely believed that they could raise from private sources and by State and municipal aid the money necessary to insure the success of this enterprise. That they have raised so large a sum tends to confirm their good faith. I would have had them say to Congress, "We have acted in good faith; we have raised and invested this money; we have submitted our reports as required by law. Here are the results of our labors. The time for the opening of the exhibition approaches. We need this appropriation to make this exhibition one of the grandest the world has ever seen." And I would have Congress say in response: Take the money; invest it carefully; let your accounts and vouchers show how every dollar has been expended; give us a receipt in full; preserve your enterprise from all scandal, and let the exhibition be one worthy of the relations which our nation sustains to the other great nations of the world; so conduct it in all things that you do not

> Keep the word of promise to our ear,
> And break it to our hope.

Sir, the locality of this exposition has been questioned; but if you are to hold an international exhibition you must locate it somewhere. You cannot set it in the clouds, nor hold it in a dozen different cities at once. It seems to me that of all other places Philadelphia should be the place for the holding of this exhibition, situate as it is midway between the commercial and political metropolises of the nation, easy of access to both, and located among the historic associations and grand memories that cluster around the birthplace of the Republic.

Sir, I represent an intelligent, industrious, and frugal constituency. They would see no money squandered or lavishly expended, but whatever is necessary to maintain the respectability and honor of our nation in the presence of the representatives of other nations invited to our shores, I believe they would gladly give. Though times are hard we are not compelled to be niggardly, and if the nation is coming up to one grand centennial jubilee, I shall not believe until I am compelled to that any portion of our people would like to see the United States occupying no more prominent place in its own centennial grounds than is occupied by any one State of the Union or by any foreign nation—virtually a stranger, or at least an ordinary participant at its own hundredth anniversary. Too poor and too feeble to do more; while if even this appropriation be voted, foreign nations and individual foreigners will even then have expended more upon our own exposition than the United States have given! No; let us be reasonable in the matter; let us vote the requisite sum to properly identify ourselves with the enterprise. It shall be *our* exhibition. And then, with full protection guaranteed to all the rights of the humblest citizen in every part of the Republic, and when each one can feel that he is protected in all his rights as an American citizen, we will go up to the Centennial without one vengeful feeling left, and with a reconciliation and peace which shall come to stay, because it is founded in sincerity upon the principles of eternal right. [Applause.]

My time flies and I cannot enlarge upon this subject. The constitutional power of Congress to make this appropriation has been called in question, and if we are possessing the implied powers and attributes held by the great nations of the earth, most certainly we do have the power to make this or any similar appropriation.

That we are a nation and not a partnership of petty States having no common arbiter, but each its own arbiter at liberty to break the compact at will, I suppose had been settled, and settled forever, not only in the forum of discussion and the domain of constitutional law, but settled finally and forever on the bloody battle-fields of triumphant war.

And, sir, I had supposed that a nation which could man ships, march armies, suppress rebellion, repel foreign invasion, develop science, foster education, purchase territory, commemorate its own heroes and statesmen in marble and on canvas, extend courtesies to distinguished foreigners, inviting them to our shores, embellish and decorate its Capitol, beautify and adorn its public grounds, feed the famishing and the hungry in this country and in others, could at least exercise the common politeness of nations and do whatever may promote the general welfare with foreign powers.

But if we cannot do this, or if, as has been intimated, we are setting a bad precedent—if from our example we fear "all sorts" of nations may be found celebrating "all sorts" of centennials in "all sorts" of manner to the end of time—then let us vote this thing down. And having shorn ourselves of all power as a nation and divested ourselves of all interest in its centennial birthday, and having washed our hands of all lot and part in the matter, let us return sadly to our constituencies, but still preserving the consolatory thought embraced in the immortal hymn—

> I would not live alway, I ask not to stay.

[Laughter and applause.]

Mr. GOODIN. Mr. Chairman, I had intended to cast my vote in silence against this measure, but upon reflection I feel that my duty to myself and my constituency demand alike that I should present some at least of the several reasons which actuate me in my refusal to vote of the people's money one and a half million dollars in aid of the centennial celebration to be held at Philadelphia.

Sir, at the outset of this debate the bill was opposed by several members of the House upon the ground that the Constitution of the United States gives no warrant, no authority, for such legislation as is here proposed. Among those who have upon this floor opposed the constitutionality of the bill the honorable gentleman from Virginia [Mr. TUCKER] shone conspicuously. His speech was able, eloquent, and lawyer-like. He belongs to a school of politicians known as "strict constructionists." I hope without doing him an unkindness I may be permitted to say that, in my humble opinion, he would compress the Constitution until the life was fairly crushed out of it, while my friend from Ohio [Mr. LAWRENCE] who sits at my right, would stretch it to death to make it serve his immediate purpose; and hence the logic of each would produce similar results.

We have heard a great deal during this debate about a "liberal" and "strict" construction of the Constitution. For my part I like neither expression. They remind me of a bill passed by a certain legislative body wherein it was declared:

> That this act shall be *liberally* construed for the promotion of justice and *strictly* construed for the prevention of wrong."

I take the Constitution to be a reasonably sensible instrument, and believe that it should be sensibly construed in the spirit of enlightened reason and according to the manifest intendment of it framers. The gentleman from Massachusetts [Mr. BANKS] finds authority to make this appropriation in the "treaty-making" clause of the Constitution, while the gentleman from Ohio [Mr. LAWRENCE] finds a granite rock upon which to stand in the "power to regulate commerce." If their arguments in favor of the constitutional power of Congress to pass this measure fail to commend themselves to our judgment they at least are sufficient to elicit our admiration at their ingenuity of arrangement and the flourish of oratory in their presentation.

I have long observed in the legislation by Congress that this "palladium of our liberties" is made to play such fantastic tricks to gratify the whims or caprices of certain legislators that a "thus saith the Constitution" glibly falls from their lips whenever they need its aid to further their ends. I am glad to know that the gentleman from Illinois [Mr. HARRISON] has not permitted his tranquillity to be disturbed by this vexed legal question. Hail Columbia, The Star-Spangled Banner, and The Battle-Cry of Freedom, with an occasional screech of the American eagle thrown in, settle the matter for him. If any of us had doubts as to his devotion to the flag and his unyielding attachment to "the best Government in the world," the speech made by him the other day upon this bill certainly dispels them. Other gentlemen who have spoken for the measure are equally happy. Old Fourth-of-July addresses, with very slight modifications, have been in active demand among the supporters of the bill, and the same patriotic outbursts of sentiment which have before electrified thousands have here been repeated with gratifying effect.

Mr. Chairman, I am unwilling to acknowledge that I feel less patriotic, less devoted to my country, less desirous of the accomplishment of the grand results so ardently predicted in the future than any of the numerous gentlemen who have addressed us during this discussion, and yet I will not, cannot consistently with my convictions of duty, support this bill. Nor will I withhold my vote upon the ground of a want of constitutional power in the Congress to pass it. If all other objections were removed than that supposed by some gentlemen to be presented by the Constitution, I think that without doing violence to the oath I have taken I could cast my vote for the bill, although I might not find the power of Congress where other gentlemen have placed it. Having said this much by way of introduction, let me call the attention of the committee to the legislation already had by Congress upon the subject of this centennial exhibition.

The first act passed was on March 3, 1871, which provided for centennial commissioners. After considerable discussion in both Houses, it was deemed proper that Congress should so far recognize the desire of the generous people of the country—who, as it was represented, were determined to have a celebration without governmental aid—that a commission should be appointed to receive their voluntary offerings and make suitable application of them. In this spirit and for this purpose only the act referred to was passed. How carefully the act is made to express both the avowed intentions of the outsiders, who were urging its passage, and of the law-makers! In section 7 of the act, it is provided—

> That no compensation for services shall be paid to the commissioners or other officers provided by this act from the Treasury of the United States, and the United States shall not be liable for any expenses attending such exhibition or by reason of the same.

Thus we see, in the very commencement, that Congress expressly declared against making the Government of the United States pecuniarily responsible for this proposed exhibition; and I may add that those persons who had urged upon Congress the passage of the bill seemed content.

After the creation of the board of commissioners extensive preparations were made for thorough organization throughout the country, and soon the contributions of the people came pouring in! It was then thought necessary by the projectors of this movement that a board of finance should be created for the control of the funds voluntarily given by the people. And an act was passed creating the centennial board of finance. But lest at some time—of course it could not be within the recollection of those who knew the circumstances connected with the passage of the act of March 3, 1871—some "liberal" constructionist might seek to hold the United States responsible, it was expressly declared in the ninth section of the act creating the board that—

Nothing in this act shall be so construed as to create any liability of the United States, direct or indirect, for any debt or obligation incurred, nor for any claim by the centennial international exhibition or the corporation hereby created for aid or pecuniary assistance from Congress or the Treasury of the United States in support or liquidation of any debt or obligations created by the corporation herein authorized.

Still the good work went on. The machinery being increased, more and better work was accomplished. The United States having by this legislation "recommended"—that is the proper word—the enterprise to the people, nothing more was needed, it was asserted, to make it a complete success.

Shortly after, in June, 1874, the centennial managers concluded upon a change of programme. Instead of an American holiday, a good old-fashioned Fourth-of-July celebration on a grand scale, a world's fair should be held, and the President was to invite foreign governments to come over and jollify with us, and bring along everything that would be of interest to us inquisitive Yankees. Accordingly, after a vigorous opposition by Mr. Sumner in the Senate and Mr. GARFIELD and others in the House, the act of June 5, 1874, was passed, "authorizing the President in the name of the United States to extend cordial invitations to foreign governments" to attend the exposition; but still adhering to the determination that the Government should not be pecuniarily committed, it was provided—

That the United States shall not be liable, directly or indirectly, for any expenses attending such exposition or by reason of the same.

So up to June, 1874, the grand idea which was the basis of organization for this celebration, that the spontaneous contributions of the American people should furnish the means for the successful carrying on of the Centennial movement, was steadily kept in view, and still the work of preparation for the great event was vigorously pushed.

On the 3d day of March, 1875, the engraving and printing of the certificates of centennial stock were ordered, but in that act the United States Government sought to protect itself from other encroachments by providing:

That this appropriation shall not be construed as in any manner committing the Government of the United States to any other payment whatever to meet the expenses of said exhibition.

On the 7th of May, 1874, the gentleman from Ohio [Mr. GARFIELD] said:

Last year I brought into the House from the Committee on Appropriations a bill to appropriate $20,000 to pay for printing the certificates of stock for the centennial association. I did so because there was a provision in one of the statutes relating to this commission, that the United States should cause these certificates to be engraved and printed. The committee recommended the payment of that amount because the national faith was pledged. But it will be remembered that the friends of the exhibition told us at the time that the printing of these certificates was the only thing in reference to which our faith was pledged.

Such, Mr. Chairman, were the various successive steps taken by Congress, and, whatever may be said as to the wisdom of the legislation, all must agree that there is perfect harmony in the various declarations of the refusal of the United States to become a business partner with the centennial commission in the matter of this celebration.

But, sir, the managers of this enterprise were not content with the oft-repeated declarations of Congress; they were not satisfied; and while the Representatives of the people were as they thought securely barring the highway to the Treasury another class of individuals were as industriously at work to force a passage to it. Accordingly an appropriation of $3,000,000 was asked for. The contest in the Senate as well as in this House was a lively one. The expectations of the commissioners had not been realized. As the whole world was to be represented at the Centennial, extensive preparations had to be made, and if the nation was to be saved from dishonor the bill must pass. It was avowed that the whole affair would be a disgraceful failure unless every dollar asked for was promptly given. But it was not given. The country would be dishonored, its good name imperiled, unless the appropriation was made. Nobody wished to witness so humiliating a spectacle. National pride flourished in the breasts of patriotic legislators then as now; the memory of the early struggle for American Independence and the recollection of the fearful cost of life and treasure to perpetuate our national existence were no less vivid than to-day; the desire to command increased respect for the country among the great powers of the earth was as great then as now, and yet the bill did not pass! But the noble work of constructing buildings at Fairmount Park and the ornamentation of the grounds whereon this great exposition was to be held progressed with increased rapidity; and to-day we are told by the friends of this bill that out of the total amount of money required to prepare for the opening up of the exposition on the 10th of May next, which is $6,724,850, the sum of $5,187,750 has already been secured. The failure of Congress to appropriate the $3,000,000 asked for did not "dishonor" the nation, nor did it materially impede the progress of the enterprise; and I do not believe that our refusal to vote the million and a half now applied for will either cause us shame or materially embarrass the exposition.

O, how keenly the advocates of this measure affect to feel the humiliation and disgrace consequent upon our denial of the expediency of giving away to this already prosperous corporation a million and a half of the people's money to accomplish a purpose to which, by solemn and oft-repeated declarations we were not to give a dollar! But we are "pledged" to it, say the advocates of this bill. The "national honor is at stake;" and if we would redeem our pledges and preserve untarnished our "national honor," we must rush to the rescue and satisfy and redeem them by application of that great American panacea, "irredeemable rag money." The arguments made in favor of the $3,000,000 appropriation were as powerful, to say the least, as are those in favor of this subsidy and are close in resemblance to them. I therefore desire to present a few quotations from a speech made by a Senator of the United States when the $3,000,000 appropriation bill was pending in the Senate. Unfortunately for the country, through a mysterious Providence which is "past finding out," his warning voice upon this measure is hushed in the awful stillness of that slumber which knows no waking.

Mr. Sumner, standing in his place in the United States Senate, said:

We have the declaration of my excellent friend from Ohio, [Mr. SHERMAN,] while this measure (meaning the bill providing for the appointment of commissioners) was under discussion in the Senate, that "it simply authorizes the Philadelphia people at their own expense to have a show;" and he added, "as a private bill I hope it will be passed." So, sir, it was treated at the time; and if the question is asked, which I have heard more than once propounded, why it passed without opposition in this Chamber, why, according to the record, it was *nem. con.*, the answer is easy, that all disinclined to the measure saw full well that by that careful provision, relieving the United States of all liability, they would hereafter be safe; that there would be no return to them, no call on them, no suggestion of public faith. All that was clearly recognized at the time; and that was the reason why the bill passed without opposition. I had drafted that provision, and I was satisfied that it would hold, and I calmly said to all who spoke to me upon the subject, "It is in the nature of a private bill; it creates a new and grand corporation for a patriotic purpose; let the corporators have their bill; the United States are not in any way involved."

Now let me call attention to another utterance of this able statesman, which I particularly commend to those gentlemen upon this floor who belong to the legal profession:

Every man of business knows that a bill of exchange is often indorsed, "without recourse." I will not give my definition to that phrase, but will read that of Webster's Dictionary: "Without recourse; words sometimes added to the indorsement of a negotiable instrument to protect the indorser from liability to the indorsee and subsequent holders." Here we have indorsee and subsequent holders, but the United States, by the provision to which I have referred, are completely secure against all resort from indorsee or subsequent holder. These corporators took this great business "without recourse" to the United States; and there I stand. "Without recourse." Let them proceed as they began.

In the same debate he again said:

Senators speak of pledges, of conditions. Sir, there is but one pledge in the bill; there is but one real condition. That pledge is that the United States shall not be called upon to pay a dollar; the condition is that our Government is relieved of all responsibility on account of this undertaking, and that is the ruling condition to which all else is subordinate.

In answer to a remark made by Senator Scott, of Pennsylvania, wherein the latter gentleman had said that the "public faith" was involved in the question of the appropriation sought, Mr. Sumner eloquently and truthfully replied:

Now, in the face of that condition, according to his own admission incorporated in the act, he rises day by day in this Chamber and charges us with a breach of public faith. Public faith, sir! Nothing is more beautiful, more sacred, sacrosanct, than the public faith, always to be preserved and never to be invoked with levity; and permit me to say that when my friend invokes it on this occasion it seems more like comedy than truth. Unquestionably the public faith is the other way. The public faith is solemnly pledged in this business to economy and to an absolute abnegation on the part of the United States.

Sir, if one so able, so patriotic, so sincere as the illustrious Senator, whose memory will always be kept green by a grateful people, could thus speak and act, why should we hesitate to offer our opposition to the passage of this bill? If the repeated efforts which have been made by our National Legislature to provide against embarrassing the Government, in this centennial celebration, are to have no consideration at our hands, no weight, no influence upon our conduct now, why, in candor, I would ask, were they ever made? Were they intended simply to allay that spirit of watchful care which otherwise would have been bestowed upon the various bills which have passed relating to the Centennial? Was each measure adopted by Congress a wedge to force an entrance for this appropriation? If so, and I confess that this is the appearance, would not a little more honesty injected into our method of legislation be salutary? Should members of Congress, who under our representative system are the guardians of the people's interest, be less scrupulous in public than in private life? Will not this policy of securing by insidious and indirect means that which we should not and could not accomplish openly and by directness of effort ultimately cause us to forfeit the esteem of a confiding people?

Lands mortgaged may return, and more esteem'd;
But honesty once pawn'd is ne'er redeem'd.

But, Mr. Chairman, this is not the first time that Congress has been called upon to violate its pledges to the people. A conspicuous instance we have in the matter of the Vienna exposition. An appeal was made to Congress for the passage of a bill authorizing the President to appoint one or more persons to represent the United States at that great exhibition. Several gentlemen of untold wealth and easy grace desired to go. They desired no compensation for their services. They simply wished to be recognized as the "accredited" agents of this country that they might secure social position thereby. They were able and willing—only too willing—to defray their own expenses. A bill authorizing the appointment of commissioners was promptly passed; but lest the Government should in some way be deemed liable to pay what others had voluntarily agreed to pay the bill contained this provision:

Provided, That such appointments shall not impose on this Government any liability for the expense which they may occasion.

This bill was certainly well guarded. If any provision could serve as a protection to the Government against liability, this would. It was emphatic; it was simple; it was without ambiguity. And so the commissioners were appointed by the President. They were duly "accredited." Each had the proud satisfaction of having the appendage "Commissioner of the United States of America to the exposition of agriculture, industry, and fine arts, at Vienna" streaming after his name. They went to Vienna. How the "national honor", was promoted by their going some one other than myself must answer. I know that the commissioners came back, and that an appropriation of $200,000 was made to defray expenses, when this great centennial corporation—taking fresh courage from it, began to fix things for the present assault upon the Treasury, and if I do not mistake the indications it will have to succumb to the invasion.

Mr. Chairman, if this bill is to pass the House, I beg of gentlemen who have it in charge to strike out the following proviso:

Provided, also, That the Government of the United States shall not under any circumstances be liable for any debt or obligation of the United States Centennial Commission or the centennial board of finance, or any payment in addition to the foregoing sum.

It belongs to the same class of safeguards so often inserted in bills and is a delusion and a snare. The passage of the present bill by this House will be equivalent to saying that such clauses are meaningless, that they bind nobody, and may be swept away as occasion requires like chaff before the wind. Let us not sacrifice our honor by making pledges which we do not intend to keep.

But conceding, Mr. Chairman, that no past assurances of Congress to the people that the Government should not be in any way responsible for the coming exhibition at Philadelphia are entitled to consideration at our hands—which I do not admit as a truthful proposition—and yet there are many reasons, as I believe, why this bill should not be passed. It calls for a large sum of money. One can hardly help astonishment at hearing gentlemen call the amount of money asked for as a "poor, pitiful sum," and they wonder, sir, how can we find it in our generous natures to deny this corporation the "poor, pitiful sum" of $1,500,000! If the amount is so insignificant, there is no good reason why such stupendous efforts should be made to get it. It ought to be raised without impeding the business of Congress. If it is a large sum of money—which we all know—then I insist that this Government is in no condition now to give it. It is quite common in the discussions here to quote largely from the Holy Bible. In this way members have a chance to show their familiarity with that good book. I am not as conversant with it as I should be, but I sometimes read it, and I trust not without profit. I hold in my hand Levinski's Bible. It is a Jewish Bible—my landlord is a Jew—and I trust it will be considered good authority among the Gentiles of this House. In King Solomon's song of love I find the following beautiful words:

For everything there is a season; and a proper time is for every pursuit under the heavens. There is a time to be born, and a time to die; a time to plant, and a time to pluck up what hath been planted; a time to kill and a time to heal—

This last expression I commend to those who want to fight over anew the war of the rebellion—

A time to break down, and a time to build up; a time to weep, and a time to laugh; a time to mourn, and a time to dance; a time to throw away stones, and a time to gather up stones; a time to embrace, and a time to be far from embracing; a time to seek, and a time to let things be lost; a time to keep, and a time to throw away; a time to rend, and a time to sew; a time to keep silent, and a time to speak; a time to love, and a time to hate; a time of war, and a time of peace.

And let me add, a "time" to make large expenditures of money, but this is not the occasion nor is it the "time" for it. Just now our people are indeed passing through a fearful ordeal. Industries are prostrate, business languishes, confidence is shaken, dissatisfaction is widespread at our present monetary system; floods and drought and grasshoppers and hostile savages have reduced thousands of our people to poverty; millions of acres of public lands have been wrested from the grasp of honest tillers of the soil to enrich the coffers of monopolies; frauds and peculations of Government officials have resulted in almost depleting our Treasury; high public functionaries have been holding carnivals of rejoicing as salaries have been increased and labor robbed of its just rewards. Money and lands and every species of securities have been lavishly bestowed with a view to opening up commerce between the States and with foreign countries by means of railway communication, and yet it may truthfully be said that we have no real competing lines of railroad!

No, Mr. Chairman, this is not the time for the Government of the United States to expend the people's money thoughtlessly, carelessly, lavishly upon this centennial jubilee. Rather should we heed the voice of a tax-ridden people who ask for reform in our legislation; for stricter honesty on the part of their servants, whom we are; for the curtailment of unnecessary expenditures in all the departments of the Government; and generally such legislation as will revive the drooping hopes of the people and re-establish in their hearts confidence in the wisdom of our laws and the integrity of those who may make and administer them.

Mr. Chairman, I make no pretensions to prophecy, but let me predict that when you open the door for this appropriation you will be besieged again and again for other appropriations to close up the indebtedness of this great private corporation. The champions of this bill say not; but in the light of past transactions to which I have called the attention of this House how deeply will this asseveration impress you?

The various Departments of the Government have to be provided with funds with which to make suitable displays at Philadelphia. The design, I believe, is to exhibit our Patent Office there; also the Smithsonian Institution, with its innumerable relics of barbarism and of civilization. The Army and Navy must be provided for. That useful, and I may say truly indispensable, institution the Department of Agriculture should be fairly and fully represented there also. Large sums of money will be yet required to do this. A project is on foot, too, to gather up the stalwart braves and dusky maidens from the various Indian tribes and take them to the Centennial, with which to gratify curiously inclined foreigners who may wish to see the amiable creatures with whom we continually make treaties for the acquisition of territory and for friendly relations in the same manner and with the same diplomatic dignity which we manifest in our dealings with the powers on the other side of the water. For this last purpose $100,000, I am informed, will be asked of us; and, having once "recognized" the Centennial by voting for this bill, will not our "honor" be sullied if we refuse to allow it? Already the enterprising agents of the Government are penetrating the prairie fastnesses, the jungles, and cañons of New Mexico, Colorado, Utah, and wherever else the best specimens of the American hair-lifter can be found to snatch him from his "happy hunting-grounds" for centennial purposes. Those gentlemen whose pockets are so plethoric of currency that they are pleased to call a million and a half of dollars a "poor, pitiful sum" will have abundant opportunity of making it respectable before they get through with this business.

And still again, Mr. Chairman, let me call your attention to another matter. I allude now to the various relief bills which are pending in the House. Hundreds of people having just claims are humbly asking, begging Congress to do justice by them and enable them to buy bread for themselves and families. In many instances claims fairly brimming over with equities by some technical ruling of the Departments have been refused payment; and relief, if it comes at all, must be given by us. From my own State and district there are many such. Soldiers and widows and orphans of soldiers make up the larger number. They are asking for pensions, for compensation for property lost during the war, for back-pay refused, because of the fault or neglect of some mustering-in or mustering-out officer of the Army, and for all manner of equitable relief. If this bill is passed I expect to hear gentlemen who are fairly ecstatic in the support of it rising in their places and solemnly opposing these claims on economical grounds. We will then be told that we should "retrench," "reform," and be careful about establishing "bad precedents." O, how rigorously they will guard the money remaining in the Treasury! How eloquently, how earnestly some of these gentlemen will insist that "not a dollar" should be taken of the people's money except in cases where the expenditure is "absolutely necessary." To-day we "are a great nation," mighty and rich, abundant in resources; to-morrow we will be as poor as Don Quixote's celebrated Rosinante. Why not, Mr. Chairman, commence to-day the good work of retrenchment? Why not now usher in the era of genuine reform and vote this bill down?

Mr. Chairman, much has been said in this discussion about the gallant soldiers whose strong arms, bravery, and devotion to principle have made it possible for us to have a Fourth of July to celebrate. I like to hear such talk. We can never say too much in favor of those who imperiled their lives to save the country which we all profess to love. I wish that the brave defenders of our flag could all go, and take their sweethearts, wives, and babies with them to Philadelphia. I know they would enjoy it; and they richly deserve an opportunity to participate in that national and international jubilee which will take place at the noble old city of Philadelphia, commencing May 10, (no postponement even if this bill should be defeated.) Many of them will be there; many will not be able to be. Many more could attend if, instead of passing buncombe resolutions, with a view to tickle their pride and stir up and imbitter their hates against those whom they fought and conquered, this great Government would do justice by them in a suitable recognition of the sacrifices and hardships voluntarily endured to save the nation's life. Mr. Chairman, it is fresh in the memory of us all that the last Congress passed the bill to equalize the bounties of the Union soldiers in the late war. We know, too, that the President vetoed it, and are not forgetful either that his action was attempted to be justified on the ground

that we were not able then to take upon ourselves the additional burden which would be imposed upon us. But in this centennial year, with our condition far less prosperous, we can vote away millions of dollars unnecessary to be expended without apparently giving a thought to the depressed condition of the people. But, sir, my voice and vote shall not be so recorded. I know full well the patriotism of those who sent me here. I know equally well that with the many reverses of the past few years how completely unprepared are they for public or private extravagances. My constituency are as noble and generous, as industrious and intelligent, as frugal and honest, as lofty in patriotism, as gallant in war, as merciful in peace as that of any member upon this floor. But, sir, in the exigencies of the present hour they demand honesty and fair dealing, and insist upon the most rigid economy; and not until I cease to be honored through their suffrages by a seat in this Hall will I suffer their demands to go unheeded by me.

In what I have said, Mr. Chairman, I hope I shall not be construed as opposing the centennial celebration. My soul is in union with every proper effort to make it a grand success; and if we are to believe the utterances of honorable gentlemen who have advocated the bill, as to the blaze of enthusiasm among the people of the whole country, and of the growing interest manifested in the coming great event, all doubts about the ability of the board of Commissioners to raise the necessary funds to carry out the programme adopted, must be at once dispelled. Poor as are the citizens of my State, they have willingly given, and will continue to give of their limited means what they can to aid the enterprise. Kansas has already, through her Legislature, made an appropriation to enable that growing young member of our national sisterhood to be properly represented. The governor has, in his recent message, recommended a still further appropriation for that purpose. As far as we are able to do it, the wonderful resources of that plucky young Commonwealth will be made manifest at the Centennial. With the gentleman from North Carolina, [Mr. ROBBINS,] who has spoken so feelingly for this measure, I want peace. Alike with the people of his State, my people want peace. They want an enduring, substantial peace. They want to forget the incidents of the terrible, gory strife which brought only misery and estrangement, as they have forgiven those lately in arms against us, who sincerely revere the underlying principles of our Government, and are willing to rally once more around the cherished emblem of our nationality. Yes, sir, the whole country asks, begs, demands, prays, and sighs for peace.

> Peace, greatness best becomes. Calm pow'r doth guide
> With a far more imperious stateliness,
> Than all the swords of violence can do;
> And easier gains those ends she tends unto.

And let me say that I am not without hope that this great movement will largely contribute to the restoration of that peace, that blessed tranquillity that so appropriately becomes this glorious land of liberty.

In conclusion let me remark again with reference to the centennial board in the language of Mr. Sumner, "Let them proceed as they began." Let this great exposition be carried on by the free-will offerings, the spontaneous contributions of the people of this populous and powerful nation. An appropriation by Congress now would be a confession that the masses were lacking in sympathy for the movement, and that their uninstructed representatives were obliged by force of legislation to compel indirectly the people to pay money which they voluntarily refuse to bestow in aid of this Centennial movement.

Mr. LAMAR. It is only within the last few moments that I have consented to participate in this debate, although I have given the subject that calm and earnest reflection which its importance demands. I have listened with riveted attention to the arguments of gentlemen upon the other side controverting the constitutional power of this body to pass this measure. While I perhaps am unable to point out the fallacy which I think lurks in their reasoning, it has failed to bring me to the conclusion which they have reached. I concur with them in the importance and gravity of the constitutional aspect of this question. Profoundly conscious of the importance of this measure, anxious for its success, painfully apprehensive of the misconstructions and unhappy influences which its defeat may produce, yet if I thought it even constructively violated the Constitution of my country I would vote against it.

I agree with the gentlemen that the shaping of the destiny of this country lies in the supremacy of its organic law and its inviolability. Every act of this Government which does not bring around it the clear and complete sanction of that instrument is a lawless act, and establishes a precedent which if allowed to recur would result in the destruction of constitutional government and constitutional liberty.

Believing this, I have attempted to give full consideration to the argument which impugns the constitutionality of this measure. I desire here to say that I concur in many of the canons of constitutional construction which gentlemen have laid down. I believe that this is a Government of limited powers, and that it can exercise no power whatever or do any act which the Constitution does not expressly authorize, or which is not necessary to the execution of some expressly granted power.

I also concur in the view of the gentleman from Virginia [Mr. TUCKER] that that clause which speaks of the common defense and general welfare contains no substantive or affirmative grant of power to Congress. I go further than the gentleman from Virginia. In my opinion that clause is a limitation, is a restriction upon the powers which are grouped around it, and it means that Congress shall have power to lay and collect taxes, duties, &c., only for the objects therein prescribed—the common defense and general welfare. The powers conferred are thus limited, and the Government is prohibited from doing the acts therein enumerated for any other purposes than those of the common defense and the general welfare.

While I hold these views as strictly as my friend from Virginia and other gentlemen upon this floor, I do not think they touch the real issue of this controversy. In attempting to demonstrate the power of Congress to act upon this measure it is not my purpose to go into the question whether the Constitution of the United States originated from a compact between the several States as independent sovereignties or whether it emanated from the will of the American people as one vast indivisible sovereign society and community. I say that question is not involved. Whether it originated in the one or the other, the Constitution is the supreme law of the land in either event; the divisions of power are the same, the distribution of political functions in our system between the States and the Federal Government and between the different departments of the latter is all the same upon either theory; and the discussion of the theory upon this question is sterile in its uses and fatal in its abuses. The question before us has relation only to the existence and residence of this power, whatever may have been the origin of the Constitution.

There is one point upon which I presume there can be no difference of opinion; that is, that there is one division of delegated powers to this Government which is broad and marked unmistakably. It is like some lofty mountain which has two water-sheds, indivisibly connected and yet sloping in opposite directions. One is the side that looks to internal administration and the other is the side which looks to external relations. Now all the principles which my friend from Virginia [Mr. TUCKER] has laid down relate to internal administration. Nearly all the powers under this system for internal affairs are given by the Constitution, or, if the gentlemen prefers the expression as I do, are reserved under it to the States singly and severally.

All matters affecting individuals or citizens in their relations within the States concerning all private rights, personal security, and liberty, the enforcement of contracts, the tenure of real property, the devolution of estates, real or personal, marriage dower, inheritance, the jurisdiction of private wrongs, and the supervision of acts of violence, all these are conferred upon the States in their separate character. The powers given to the Federal Government on that side are but few and general, tending to the regulation of commerce between the States, and the questions growing out of interstate communication.

But, sir, when you turn to the other side of the Constitution you see a phenomenon of an entirely different character. You see there (whether the United States be a nation or be a body of States united under a compact) that all the political authority of our system, the entire sovereignty of this country in all its plenitude, is conferred upon the Federal Government. Whether you consider that Government an agent or whether you consider it a supreme power makes no difference. The powers of the entire political organization in its foreign relations are in the Federal Government, and the States have either divested themselves or have been divested of every single attribute of government in their relations to foreign powers or in any extraterritorial relation whatever. Is it not true, sir? In that direction they do not possess, and have never under this Constitution exercised, a single power of a sovereign State.

Not a State has had a flag, which is one muniment of sovereignty recognized by foreign nations. They have never made a treaty. They have had no control over foreign commerce or interstate commerce. They cannot coin money or establish a post-office; they cannot send or receive embassadors or enter into an agreement or compact with another State or with a foreign power. Sir, they have not as full a measure of power over their external affairs this day as the colonies of Great Britain in Canada or Australia, which did not revolt; for these can tax the commodities of foreign countries and even those of the parent country itself.

Here is the condition of these States in their external relationship—divested of all sovereignty. In connection with this I will mention one single fact that has been brought to my attention by the gentleman from Massachusetts, [Mr. HOAR.] Long ago the State of Vermont passed a law which looked to the extradition, or rather the intradition, of fugitives from justice from Canada. The law was that these fugitives should be taken by the authority of the State and carried to the line where they would be delivered over to the Canadian authorities. The Supreme Court of the United States decided that that law of Vermont was unconstitutional, because it partook of the nature of a compact; it was something like an alliance, something involving a reciprocal understanding between that State and a foreign state, a jurisdiction of which the States were divested or had divested themselves. On the other hand, all the sovereignty, by the Constitution strictly construed, has been transferred to this Federal Government; and the specifications of power in this connection which are found in that instrument have reference to the distribution of power between the different departments of the Federal Government, reserving none whatever to the States.

[Here the hammer fell.]

Mr. REA rose.

Mr. GARFIELD. If the Chair recognizes me, I yield my time to the gentleman from Mississippi, [Mr. LAMAR.]

Mr. LAMAR. I am very much obliged to the gentleman.

The CHAIRMAN. The Chair is obliged to rule that there is no power under the order of the House——

Mr. GARFIELD. I do not ask for an extension of the gentleman's time. I asked the Chair to recognize me as having the floor, that I might yield my time to the gentleman from Mississippi.

Mr. JONES, of Kentucky. I hope the gentleman from Mississippi will be allowed to proceed by unanimous consent.

The CHAIRMAN. The Chair is obliged to rule that under the order of debate the gentleman from Missouri [Mr. REA] would be entitled to the floor. He regrets that it is not within his power to give the gentleman from Mississippi, whom we all desire to hear, an opportunity to finish his remarks.

Mr. JONES, of Kentucky. Cannot the gentleman from Mississippi proceed by unanimous consent?

The CHAIRMAN. The gentleman from Missouri can yield to the gentleman from Mississippi. That is the only manner in which it can be arranged.

Mr. LAMAR. I do not wish to take the time of other gentlemen if I may be permitted to write out my remarks.

Mr. GARFIELD. If the gentleman from Missouri will yield his time, I will yield to him when I obtain the floor.

Mr. REA. If I do not lose my right to speak hereafter, I yield my time to the gentleman from Mississippi.

Mr. LAMAR. In confirmation of the argument just submitted, I quote from an authority pronounced by no less a man than John Stuart Mill, to be one of the most advanced thinkers of the nineteenth century upon subjects of political philosophy. I read from Mr. Calhoun's work upon government, which sustains precisely the view I have been trying to present upon this subject. I omit his discussion of the powers which belong to the States in their sovereign capacity—for this is a question with which we have nothing to do here; because whether the Government originated in compact or otherwise does not affect practical administration in any way. Some of the strictest constructionists I have known were advocates of the national theory, while the most latitudinarian and liberal constructionists have been the advocates of the compact theory. Mr. Calhoun proceeds to say:

> This leading principle embraced two great divisions of power which may be said to comprehend all or nearly all the delegated powers, either directly or as a means to carry them into execution.

Now I ask attention to the next paragraph:

> One of them—

That is, one of these divisions of power—

> embraces *all* the powers appertaining to the relations of the States with the rest of the world, called their foreign relations; and the other, of an internal character, embraces such as appertain to the exterior relations of the States with each other. It is clear that both come within the leading principle, as each is of a description which the States, in their separate character, are either incompetent to exercise at all, or if competent, to exercise consistently with their mutual peace, safety, and prosperity. Indeed, so strong and universal has this opinion been, in reference to the powers appertaining to their foreign relations, that from the Declaration of Independence to the present time, in all the changes through which they have passed, the Union has had exclusive charge of this great division of powers. To the rest of the world the States composing this Union are now and ever have been known in no other than their united, confederated character. Abroad—to the rest of the world—they are but *one*. It is only at home, in their interior relations, that they are *many*; and it is to this twofold aspect that their motto, *E pluribus unum*, appropriately and emphatically applies.

Now, Mr. Chairman, the question arises with this sovereignty in the hands of this Federal Government in utmost possible extent can gentlemen say there is constitutional incompeteney in the Congress of the United States to invite the commissioners of foreign countries to bring over here articles of commerce, art, and industry for international exhibition, and for the advancement of commerce, science, art, and the progress of mankind? Sir, was it unconstitutional in the President to give the invitations which this law authorized and invoked him to make? If not, the power is clear and unquestionable to appropriate the means for this purpose.

My friend from Virginia, [Mr. TUCKER,] in giving the grounds for several acts which constitute precedents in the line of this legislation, uses this language:

> The exploration of the Polar Sea is legitimate either under the power to provide and maintain a navy, or the power to regulate commerce with foreign nations.

Mr. Chairman, is an exploration in the Polar seas not rather a greater strain upon that grant—exploring the Polar seas for some contingent amelioration of commerce in the future—than this act which brings the commerce of the world to our own shores and which must result not only in its regulation, but its improvement and advancement all over the world?

Well, sir, I therefore am in favor of this measure upon the clear indisputable ground of constitutional jurisdiction, and I have the right to look around and see what the benefits are which the exercise of this established jurisdiction will produce. I do not agree, however, with the distinguished gentleman from Maine [Mr. FRYE] that this Constitution of the United States, this charter of our Union, the rule of its destiny and the law of its being, is an unintelligible enigma. I must say that it is a perilous doctrine for gentlemen representing New England States to advocate upon this floor. I tell you the ground of political power in this country is shifting, and a day may come when their only reliance will be upon these constitutional guarantees.

Mr. HOAR. The gentleman from Maine is not in his seat. I understood him to say that this enigma was not in the Constitution, but in reference to certain interpretations of the Constitution given by gentlemen on this floor

Mr. LAMAR. His expression was that "the Constitution is an enigma."

Mr. HOAR. He referred to the various constructions of the Constitution.

Mr. LAMAR. Upon the gentleman's representation, then, of what he did say, the gentleman from Maine [Mr. FRYE] would have the right to call the Bible an enigma on account of the various constructions of its inspired oracles. [Laughter.] It is only by virtue of constitutional guarantees that New England to-day stands in this great powerful Government, with but three millions of population, possessing six times as much positive and affirmative power as the State of New York with four millions. Where does she get it? Where, except by the guarantees of the Constitution? And, sir, if the people of this country were to rise up in their might and the States unanimously, saving only herself, were to demand that Maine should be stricken from her equal right of representation in the United States, what would the gentleman from Maine do but hold up this Constitution, not as an enigma, but as a clear, radiant shield which should protect the sovereignty of his State? [Applause.] Standing upon that simple guarantee, she would be upon a rock and an earthquake could not shake her.

An enigma, sir! Are the three constitutional amendments adopted and ratified by the States of this Union enigmas?—these amendments which clothed in the twinkling of an eye four millions of people, whose immemorial condition had been that of domestic servitude, with freedom, with citizenship, with suffrage, and with participation in American sovereignty! It was no enigma, but a grand, august, imposing reality. I could go on, sir, with these illustrations, but I must speak of some of the benefits which result from the exercise of this power.

The motive which prompts me is one which has been the law of my career since I have been in Congress. It is my desire to see the pacification of these sections—to see my people of the South restored to the proud position of dignity and equality in this Union to which under the Constitution they are entitled. And to do that it is necessary that these Representatives of the North, and if not they then their constituencies, the people of the North, should become satisfied of the longing and desire of our people to live with them in peace and perpetuity in a restored and fraternal Union. Before that cherished purpose and inspiration all others with me sink into insignificance. [Applause.]

I see I have the attention of the distinguished gentleman from New York, [Mr. TOWNSEND,] who in his jealous surveillance of the conduct of our newly enfranchised members from the South seemed to object both to their mode of gesticulation and the poise of their head while they were in the heat of argument. He spoke, sir—and I was pained at the allusion—of Preston Brooks. Mr. Chairman, I shall not even make an inquiry as to the object of that allusion. I will not believe, sir, and certainly will not express the belief, that there lurked one motive in his breast less pure than patriotic love for the whole country. But the inevitable effect of the taunt was, I tell him, to excite passion, to inflame animosity, and to madden the hatred of sectionalism. Sir, the gentleman, unconsciously to himself doubtless, gravitated into a plagiarism. It was not the first time that this taunt has been contemptuously hurled. Another distinguished gentleman flung it upon another distinguished occasion, when the object of it was not a southern but a northern man. Sir, when Charles Sumner stood up for amnesty, for concord, and for the equal rights of all, this same taunt was hurled at him from a distinguished source; and he was told that he was associating with secessionists, with the men who upheld and sustained Preston Brooks in his brutal assault and attempt to commit murder upon him. Sir, I trust the gentleman from New York will allow me—not to make a reply to his jeer but to repeat to him the words of Charles Sumner, as if the spirit of that great philanthropist, that statesman, that sympathizer with human rights and human sorrow were here present in my place. Here, sir, is what Mr. Sumner said as to that:

> You entirely misunderstand me when you introduce an incident of the past, and build on it an argument why I should not support Horace Greeley. What has Preston Brooks to do with the presidential election?

And what, sir, has he to do with this discussion?

> Never while a sufferer did any one hear me speak of [him] in unkindness. And now, after the lapse of more than half a generation I will not unite with you in dragging him from the grave where he sleeps to aggravate the passions of political conflict and arrest the longing for concord. And here is the essential difference between you and me at this juncture. I seize the opportunity to make the equal rights of all secure through peace and reconciliation. But this infinite boon you would postpone. Seven years have passed since we laid aside our arms, but unhappily, during all this period, there has been a hostile spirit toward each other, while the rights of our colored fellow-citizens have been in perpetual question. Seven years mark a natural period of human life. Should not the spirit be changed with the body? Can we not after seven years commence new life, especially when those once our foes repeat the saying, "Thy people shall be my people, and thy God my God."

[Applause.]

Mr. TOWNSEND, of New York, rose.

Mr. LAMAR. Will the gentleman add to the grace and magnanimity which he has hitherto extended to us the further boon of allowing me to conclude my remarks?

Mr. TOWNSEND, of New York. Certainly.

Mr. LAMAR. I will not say that on account of these patriotic utterances, but certainly after them and in spite of them and for having proposed to strike from our national banners and the archives of our country the records which would assail the sensibilities of his conquered brethren, Charles Sumner was deposed from the chairmanship of an important committee, the honorable position he had maintained for so many years, by the men whose party he had built up, and was censured by the Legislature of his own Commonwealth in a joint resolution. And, sir, those who knew him best knew that, with his noble and lofty spirit, such an act inflicted upon him a martyrdom whose agony was greater than that which any personal assault could give. It was the grief of his life, only alleviated by the magnanimous act of another Legislature of the same State when it obliterated from its records this assault upon his sensibilities and this imputation upon his honor.

Now, sir, I might advocate this scheme simply because it comes up in the spirit which this great man expressed, the spirit of peace and conciliation; and I believe, sir, that it will be carried out. I do not believe that this measure will be defeated. It is, sir, something like an image of the feelings of our people which demand that the alienation hitherto existing between the two sections of the Union shall no longer disturb the peace and the happiness of the American Republic, nor obstruct their prosperity and greatness and glory. I say "hitherto existing," for I do not believe that this alienation any longer exists, and I do believe that if each of the two sections could be brought to see and understand the inward feeling and aspiration of the other, the real fact would be developed that at no period since the inauguration of Mr. Jefferson have the entire body of the American people been animated by such a universal and common sentiment in favor of harmony and fraternal unison, or by a purer, intenser, broader, and more universal patriotism.

I know, sir, that this sentiment, this aspiration has not found full expression and development here in this Hall. It has been kept under and stifled by the strong net-work of an intolerant political organization, and its voice unheeded amid the clamors of impassioned partisans. But in the political as well as in the natural world the agencies which are the most powerful are not the noisiest. Violence, passion, fanaticism, and animosity can always find voice and rend the air with their factious clamors, while deep and earnest conviction lies unspoken in the heart of a people. The currents of passion and of feeling may flow hither and thither under extraneous influences and forces, like the dash and roar of waves lashed to fury by the storm, while the great sea, the unsounded depths of a common humanity, a common hope, a common interest, and a common patriotism, lie voiceless but all mighty beneath. [Much applause.]

Mr. REA. Mr. Chairman, a few days ago I had no intention of claiming the time of this committee in the discussion of the important bill now before it. But, sir, I have conceived that it is proper that the State which I represent in part upon this floor should be heard in reference to this appropriation—the fifth State, sir, in the Union in population and great in wealth and resources. I know, Mr. Chairman, that the bill before the committee is one of great importance; it is important because it pertains to the centennial celebration of the anniversary of American Independence; it is important because of the amount it is proposed to be levied upon an overtaxed people; it is important because of the doubtful constitutional power of Congress to make the appropriation.

I do not care, Mr. Chairman, to enter into the discussion of the constitutionality of this bill; but I am one of the members upon this floor who do not believe that the Constitution grants to Congress the right and power to make this appropriation. And if I had no other evidence to make me believe thus there would be sufficient evidence in the diverse opinions that have been urged by gentlemen as to the constitutional right to make it by distinguished gentlemen who represent and favor this bill. Gentlemen with ability, with learning, and research have entered the field of the Constitution to find a provision in the Constitution to authorize the passage of this bill. One distinguished gentleman says that it is only to be found in the power to make treaties; others say it is not to be found there, but that it is to be found in the power to provide for the general welfare of the country; others say that it is not within either the treaty-making power or the power to provide for the general welfare, but is to be found in the power to regulate commerce. Now, sir, when able gentlemen differ so much as to the part of the Constitution that authorizes this measure I ask you if it is not at least a doubtful authority. And it being at least of doubtful authority, I, sir, shall cast my vote in favor of the heavily-taxed people and give the benefit of that doubt to that people.

Mr. Chairman, no gentleman on this floor desires more than I do to see the centennial anniversary celebrated. No man desires more than I to see the people of the United States celebrate the centennial anniversary with the spirit that they should. No people desire it more than the people of the State that I in part represent upon this floor, and it is proper and patriotic that it should be so celebrated.

A great deal has been said in reference to peace and the future prosperity of the country, and that this measure will be for the interest of that peace and prosperity, and in the interest of the final reconciliation of our country and the obliteration of all ill-feeling growing out of the troubles in which we have been engaged. I desire to say, in order that the House may not misunderstand the feelings of the representatives of my State who will vote against this bill, that we represent a people who have faith in the Union, a faith which has probably been tried more than in any other State. Missouri lies midway between the East and the West, and midway between the North and the South, occupying a central position in this great Republic. One portion of its people, and among them myself, and some other of my distinguished colleagues on this floor, felt it our duty in the late war to follow the flag of the Union. Others, and among them, also, some of my distinguished colleagues, doubtless honest and sincere in their convictions, felt it their duty to follow a different flag. They did so; but, Mr. Chairman, I desire to say that the people of Missouri have not waited for the centennial year to make friends. No, sir! The men engaged in that struggle in Missouri have already become friends and obliterated from its organic law, by a constitution lately adopted, all relics of the late war by an almost unanimous vote. And not only that, but while the members from that State have in times past in a time of trouble been divided they are friends to-day. They represent a people who, during the late war, were divided into hostile armies against each other, but they are to-day friends, and by the adoption almost unanimously of the recently adopted constitution have not only obliterated all relics of the late war, but demonstrated the fact that those who were lately enemies can be friends and citizens of one common country. And they have not only done that, but they have sought peace and reconciliation. And the representatives from my State a few days ago showed that, however much they were divided in the war, they are now friends, and desire peace and good-will in voting solidly on this floor for universal amnesty and universal peace forever.

Mr. Chairman, I take into consideration that the aggregate yearly taxes of the American people to-day are about equal to the annual increase of the wealth of the nation. I feel that I should not, in the exercise of at least doubtful constitutional power to pass this bill while the people are crushed with a burden of debt, pile upon the mountain of taxation already resting upon them without their consent the sum of $1,500,000.

[Here the hammer fell.]

Mr. PAGE. I do not rise, Mr. Chairman, to make any remarks upon this bill, but I desire to yield the floor to the chairman of the Centennial Committee.

Mr. HOPKINS. I move that the committee rise and report the bill to the House.

Mr. SHEAKLEY. I desire a vote on the amendment I offered the other day.

Mr. HOPKINS. Withdraw it, and I will give you an opportunity to offer it in the House, where you can have a vote upon it.

Mr. SHEAKLEY. Very well.

Mr. HOUSE. I would like to inquire if it is in order for the committee to rise and report the bill while any member desires to offer an amendment.

The CHAIRMAN. It is not. The Chair, however, understands that it is the intention of the gentleman from Pennsylvania to yield for the offering of amendments when the bill is reported to the House. Is that satisfactory to the gentleman?

Mr. HOUSE. It is.

Mr. BURCHARD, of Illinois. I rise to a question of order. I do not understand that this bill has been considered by sections, and after the general debate is closed the bill must be considered by sections. I have myself no amendments to offer, but I understand that other gentlemen desire to offer amendments.

The CHAIRMAN. There is no amendment before the committee.

Mr. HOLMAN. For the purpose of ascertaining the views of the committee, I move to strike out the enacting clause of the bill; and upon that motion I call for tellers.

Tellers were ordered; and Mr. HOLMAN and Mr. HOPKINS were appointed.

Mr. HOLMAN. I rise to a parliamentary inquiry, and it is whether the effect of this motion is not the same as a motion to lay on the table in the House?

Mr. HOPKINS. Let that be understood.

The CHAIRMAN. The motion effectually kills the bill.

Mr. HOPKINS. I request the Chair to restate the effect of the motion, so that all the members of the House may understand it.

The CHAIRMAN. The Chair will restate it. The gentleman from Indiana moves to strike out the enacting clause of the bill, the effect of which is substantially to defeat the bill.

The question was taken; and there were—ayes 101, noes 128.

So Mr. HOLMAN's motion was not agreed to.

Mr. SPRINGER. I now move to amend the bill by striking out the words "share equally with the holders of the said centennial stock, and a like percentage thereon be paid into the Treasury of the United States as may be paid to the holders of the said stock," and inserting in lieu thereof the words "to be paid in full into the Treasury of the United States before any dividend or percentage of the profits shall be

paid to the holders of said stock." The proviso, as amended, will then read:

Provided, That in the distribution of any moneys that may remain in the treasury of the centennial board of finance for the payment of its debts, as provided for by the tenth section of the act of Congress approved June 1, 1872, incorporating said centennial board of finance, the appropriation hereinbefore made shall be paid in full into the Treasury of the United States before any dividend or percentage of the profits shall be paid to the holders of said stock.

The object of this amendment is to provide that, if there should be a dividend when this exhibition is over, the United States shall come in as a preferred creditor, instead of sharing equally, as this bill now provides, with the stockholders of this corporation. In other words, the United States having made a voluntary contribution, as this bill provides, we shall be first entitled to have the people's money back before any of it goes into the pockets of private individuals as a dividend.

Before I sit down I desire to say that, while I am anxious for the full success of this centennial exhibition, at the same time I regard this bill as simply a proposition to place in the treasury of the finance board $1,500,000 to be divided among the stockholders after this exhibition is completed. If we pass this bill they will have $1,500,000 more to divide; if we do not pass it, they will have $1,500,000 less.

We have farmed out this exhibition to a corporation which is rich enough to pay its own way and is to receive all the advantages and receipts of the exhibition.

Mr. HOPKINS. I move that the committee now rise for the purpose of obtaining an order of the House to close debate.

Mr. SPRINGER. I have said all I desire.

Mr. HOPKINS. There may be a dozen other amendments offered and debated.

The CHAIRMAN. Under the rules each amendment is entitled to be debated only five minutes for and five minutes against.

Mr. HOLMAN. The House cannot limit debate so as to cut off the right to amend, except by a suspension of the rules, which can be had only on Monday.

Mr. RANDALL. We can cut off debate.

Mr. HOLMAN. The five-minute debate on amendments——

Mr. BLAINE. The House can cut that off by a majority vote.

Mr. HOLMAN. But the House cannot cut off the right to offer an amendment.

Mr. HOPKINS. The House can cut off the discussion. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WOOD, of New York, reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration a bill (H. R. No. 514) relating to the centennial celebration of American Independence, and had come to no conclusion thereon.

MESSAGE FROM THE SENATE.

The message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

An act (S. No. 124) to provide for the appointment of a commission on the subject of the alcoholic and fermented liquor traffic and manufacture;

An act (S. No. 225) granting six hundred and forty acres of land to the widow and heirs of James Sinclair, deceased;

An act (S. 252) donating the military road running from Astoria, Oregon, to Salem, in that State, to the several counties through which it passes; and

An act (S. No. 305) to change the location of the consulates at Aix-la-Chapelle and at Omoa and Truxillo.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. LUCKEY, his Private Secretary.

CENTENNIAL CELEBRATION OF AMERICAN INDEPENDENCE.

Mr. HOPKINS. I move that the House resolve itself into the Committee of the Whole on the state of the Union to resume the consideration of the bill (H. R. No. 514) relating to the centennial celebration of American Independence; and pending that motion I move that all debate upon the bill be limited to one minute.

Mr. MILLS. Is it intended by that motion to cut off amendment?

The SPEAKER. That cannot be done.

The motion to limit debate was agreed to; and the motion to go into Committee of the Whole was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. WOOD, of New York, in the chair.

The CHAIRMAN. By order of the House all debate upon the pending bill is limited to one minute. The gentleman from California [Mr. PAGE] is entitled to the floor, he having obtained it and yielded to the gentleman from Pennsylvania [Mr. HOPKINS] for the motion that the committee rise. [After a pause.] The time of that gentleman has expired. [Laughter.] The pending question is upon the amendment moved by the gentleman from Illinois, [Mr. SPRINGER.]

The question being taken on agreeing to the amendment, it was adopted; there being—ayes 116, noes 99.

Mr. MILLS. I offer the following amendment which is acceptable to the gentleman from Pennsylvania, [Mr. HOPKINS.]

SEC. 2. That after the passage of this act the governor of the State of Texas may nominate two citizens of said State for commissioners to the President of the United States in lieu of those now acting under former appointment; and it shall be the duty of the President, on receipt of such nominations from the governor of Texas, to appoint the persons so nominated for commissioners for said State, and upon said appointments being made the officers now acting shall be relieved from further duty.

Mr. HOAR. I rise to a question of order. I submit that this amendment is not germane to the bill. The bill proposes to appropriate money for the purpose of a centennial celebration. This amendment relates to the constitution of a corporation.

Mr. BANKS. It relates to a former act.

Mr. HURLBUT. Another and a different law.

The CHAIRMAN. In the opinion of the Chair the point of order is well taken. The bill proposes an appropriation for a particular purpose, while this amendment is entirely new legislation.

Mr. HOUSE. I move to amend by inserting the following:

Provided, That the sum of $100,000 of the amount hereby appropriated shall be set apart for and, so far as may be necessary, expended in payment of all terminal charges on articles which are the natural growth or production of any State or Territory of the United States, the same to be ratably divided, for the purpose aforesaid, among the States and Territories placing said articles on exhibition; and should a balance remain after the payment of all said charges, the same shall be paid to the centennial board of finance under the regulations prescribed in this bill.

I desire in a few words to explain this amendment.

Several MEMBERS. No debate is in order.

The CHAIRMAN. Objection is made.

The amendment was not agreed to.

Mr. KASSON. I offer the following amendment, which I believe meets the approval of the chairman of the committee, [Mr. HOPKINS:]

SEC. 2. That the money by this act appropriated shall be paid to the treasurer of the centennial board of finance only after he and the president of the board shall have executed a bond in the sum of $500,000 to the United States with sufficient security to be approved by the Secretary of the Treasury, for the safe-keeping and faithful disbursement of the sum hereby appropriated.

Mr. HOPKINS. That is perfectly satisfactory. I have no objection to accepting it.

Mr. BANKS. There is no objection to the amendment; but the chairman of the committee has no power to accept it.

The amendment was adopted.

Mr. SHEAKLEY. I move to amend by inserting the following:

Provided, That entrance to the centennial grounds and exhibition shall be free on the 4th day of July, 1876, and also on each and every Thursday during the continuance of the said centennial exposition; and no fee shall be demanded or accepted from any person or persons for the privilege of entering upon and viewing the said centennial grounds and exhibition, or any part thereof, on the day or days herein specified.

I do not wish to make any remarks. I submit this amendment to a vote of the committee.

The amendment was not agreed to.

Mr. EDEN. I move to amend by striking out after the word "million," in the third line, the words "five hundred thousand," so as to make the amount of the appropriation $1,000,000.

The amendment was not agreed to, there being—ayes 107, noes 155.

Mr. MILLS. I rise to ask the gentleman from Massachusetts [Mr. HOAR] to withdraw his point of order on the amendment which I offered. That proposition meets the approval of the gentlemen who have charge of this bill. If gentlemen on that side will hear me, (and a number of them have made speeches while I have not said anything on this question,) I would like to say that my State desires to be represented at the Centennial; but she will not be while she has as her two commissioners those who have already been appointed as representative men of Texas.

Mr. GARFIELD. Debate is not in order.

Mr. MILLS. I ask the gentleman from Massachusetts to withdraw the point of order, as the gentleman from Pennsylvania who has charge of the bill does not object to the amendment. If the gentleman does not withdraw the point of order, I desire to discuss it. I want to know under what rule the amendment is not in order.

The CHAIRMAN. The Chair will state that the House is now in Committee of the Whole upon an appropriation bill.

Mr. MILLS. But it is not an appropriation bill in pursuance of existing law. It is an original bill proposing to appropriate a certain amount of money for the first time; and any amendment which is germane to the original proposition for a centennial celebration ought, it seems to me, to be in order.

The CHAIRMAN. The Chair has ruled on the point.

Mr. MILLS. Then I appeal from the decision of the Chair.

Mr. GARFIELD. It is too late. Business has transpired since.

Mr. BANKS. Allow me to say to the gentleman from Texas that he can bring in an independent bill if he desires to do so. His amendment, however, is not germane to this proposition. He cannot bring in an amendment concerning the appointment of commissioners.

Mr. MILLS. If the gentleman who has charge of the bill has no objection, why, then, is objection urged over there? My amendment can do no harm.

The CHAIRMAN. Does the gentleman insist on his appeal from the decision of the Chair?

Mr. MILLS. No; I withdraw it.

Mr. HOPKINS. I move that the committee do now rise and report the bill to the House with the amendments which have been adopted.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WOOD, of New York, reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration a bill (H. R. No. 514) relating to the centennial celebration of American Independence, and had directed him to report the same back with sundry amendments.

Mr. HOPKINS. I now demand the previous question on the bill and amendments.

Mr. JOYCE. I rise to ask leave of the House to print some remarks which, owing to indisposition, I was prevented from delivering on the floor.

There was no objection, and leave was accordingly granted.

Mr. BOONE. I ask unanimous consent to be allowed to print in the RECORD some remarks in explanation of my vote on this question.

There was no objection, and leave was accordingly granted.

Mr. WILSHIRE. I am similarly situated to the gentleman from Kentucky, and ask for the same privilege to print some remarks in the RECORD in explanation of my vote on the pending bill.

There was no objection, and leave was accordingly granted.

Mr. BENNETT. I ask unanimous consent to print in the RECORD some remarks on this centennial bill.

There was no objection, and leave was accordingly granted.

The previous question was seconded.

Mr. HOLMAN. I demand the yeas and nays on ordering the main question.

Mr. RANDALL. The gentleman from Pennsylvania [Mr. HOPKINS] who reported this bill is entitled to an hour in closing debate, and he can have that hour after the main question has been ordered just as well as before. We had better, I think, take the yeas and nays on the passage of the bill.

Mr. HOLMAN. Very well; I withdraw the demand for the yeas and nays on ordering the main question to be now put.

The main question was ordered to be now put.

The SPEAKER. The gentleman from Pennsylvania [Mr. HOPKINS] who reported the bill is entitled to one hour to close the debate.

Mr. HOPKINS. I yield for twenty minutes to the gentleman from Tennessee, [Mr. YOUNG.]

Mr. YOUNG. Mr. Chairman, if the measure presented by the honorable gentleman from Pennsylvania and now under consideration by the House was one of ordinary moment and significance in the usual routine of legislative business, I should not perhaps have given it my sanction by even recording my vote in the affirmative, and I certainly should not have occupied the floor for a single moment to speak in its advocacy.

Educated in a political school which teaches a careful guardianship of the public treasury and a close observance of the limits fixed by organic law within which official functions may be exercised, I should with very great reluctance give my consent to any appropriation of public moneys, however earnestly sought and however trifling the amount, that was not manifestly demanded by some public want and clearly warranted by some written law.

But there sometimes arises in the progress of legislation an exigency new and unexpected, having no precedent in the record of former enactments, which makes it the duty of the legislator to disregard the popular lessons of political economy, the teachings of party tradition, and conform his action to the requirements of the occasion, being restricted alone in the exercise of his discretion by the stern mandate of the Constitution and laws of his country.

In my judgment, sir, such an emergency now confronts us. An occasion is now presented when the members of this body may turn aside somewhat from the channel of past legislation and pursue a course not perhaps to their minds pointed out by the land-marks which have heretofore guided them, and rely upon their own instinctive convictions of duty and the spirit, if not the letter, of the law for sanction and approval.

But after having giving this measure a careful consideration for many days, I have reached the conclusion that the objections to its passage do not arise from want of an abundant number of precedents nor from any want of lawful authority to enact it, but they spring, if any valid ones exist, from the doubtful propriety of the step.

I have listened with great interest and pleasure to the eloquent and cogent arguments of many of the most distinguished gentlemen upon this floor against the passage of this bill, and though the gentleman from Virginia [Mr. TUCKER] and the gentleman from Pennsylvania, [Mr. COCHRANE,] as well as my able colleague, [Mr. CALDWELL,] have presented with great force and ability the obstructions thrown in the way of legislation of this kind by organic law, yet they have not impressed me with the apprehension that I shall in any way violate the Constitution of the country by giving it my support.

The constitutional objections urged to the passage of this bill by the gentlemen who have spoken against it are but the echo of what has been said in this Hall hundreds of times before upon occasions similar to this, and the records of Congress show that such objections have been as often disregarded.

The history of our past legislation abounds with instances in which money has been appropriated under the authority of that clause of the Constitution which not only confers the power, but makes it the duty of Congress to provide for the public welfare. A memorable one now occurs to my mind, and I refer to it very briefly for the reason that it was largely participated in by two of the most distinguished statesmen our country has ever produced, and to whose teachings upon constitutional limitations the gentlemen upon the other side of the question have so often appealed in support of their argument. In the beginning of the present century our southern gateway to the ocean, where now sits the rich and beautiful queen city of the South, as well as all that vast region of country extending from the Gulf far up the shores of the Mississippi belonged to a foreign government; and though our population was not then eight millions, and though we already had an extent of territory greater than almost any other nation of the world, the larger portion of which was a wilderness unoccupied by civilized men, Mr. Jefferson, Mr. Madison, and the other statesmen of that day concluded that the public welfare required the acquisition of Louisiana, and they did not seem to be of opinion that it was forbidden by any provision of the Constitution.

The gentlemen who have spoken so eloquently against this bill will scarcely be able to convince many people at the present day that the purchase of Louisiana was either unconstitutional or unwise. The Sage of Monticello and the Father of the Constitution were unfortunate witnesses for the gentlemen, for, however their utterances and writings may be construed, their actions certainly did not conform to the constitutional standard by which gentlemen of the opposition propose to be governed. But to my mind, sir, no question of constitutional law is presented by any feature of this bill. The only question before the House is one of the expediency and propriety of exercising in this particular case a power clearly given to Congress by the Constitution; and when we are once satisfied that the public good and general welfare of the country require this appropriation, the constitutional opposition conjured up by the gentlemen on the other side will vanish out of sight.

Speaking at this late hour when the debate is closing, and following so many distinguished gentlemen who have already spoken, it would be ill-judged and improper for me to enumerate the thousand weighty and controlling reasons that suggest themselves to my mind why this bill should not only receive the sanction of Congress but the indorsement and approval of the people in every section of our country. The amendment offered by the gentleman from Illinois, [Mr. SPRINGER,] and which by a majority vote of the House has just been incorporated in the bill, divests it of the only evil feature I have been able to see in it, and removes the only objection that would have influenced my action. That amendment, as I view it, brings the subject within the spirit and letter of the resolutions adopted by the Legislature of my State in reference to a centennial appropriation, and in that I find an ample warrant for my action if it needed more than a conviction of duty to influence my official conduct.

But, after all, the eloquent statesman from Mississippi has given with glowing and impressive oratory the reason that abides in the hearts of the people of this country, why this whole nation should come together moved by a common impulse and a common belief that the hearts of the people are longing for peace and reconciliation. However the mere politician may struggle for the mastery and battle for party supremacy, the people of the two sections, though so lately arrayed in hostile antagonism, are no longer enemies. The statesmen of the country and the soldiers who fought its battles on the one side or the other do not look with favor upon those who would build up political organizations by appeals to the passions and hatreds of the people and define party limits by sectional lines.

The gifted orator of Massachusetts during this and the debate that preceded it has thrilled this House and the whole country by an eloquent portrayal of a scene that transpired only a little while ago in the streets of the metropolitan city of his State, and which to every southern man will remain in all time to come one of the brightest imprinted upon the page of our country's history. The soldiers of Virginia who followed the banner of Lee and Johnston through the darkness and gloom of four years of disastrous war marching through Boston to Bunker Hill escorted by the veterans who had followed Sherman to the sea and Grant from the Wilderness to Appomattox, was an exhibition that would not have been possible under like conditions among any other people in the world.

In the southern city of my own home, away off upon the banks of the great inland sea, in the region torn and desolated by the war, I have seen those who wore the blue and those who wore the gray marching in a single column to the graves of their fallen comrades, bearing wreaths of beautiful flowers to decorate the last resting-place of the honored dead. We must no longer brood over the misfortunes of the past. The grandest destiny ever allotted to any nation that has been known to the history of the world awaits us in the future. The noblest ends and purpose any people ever accomplished since the dawn of civilization invite us to forget that we have ever been other than friends, and to move onward in the pathway of greatness with renewed faith and confidence in our system of government.

We have now reached a grand and memorable era in the life of our great Republic, in the history of enlightened government and free institutions—one that patriots and lovers of freedom in every land, for the past century of the world's history, have looked forward to with fond anticipations and anxious hope, and to which future generations of our own countrymen and kindred spirits in other lands will look back with pride and exultation as it recedes in the past, as long

as love of liberty and the inspiration of patriotism shall stir the human heart.

The one hundredth year of our national existence is here, and, passing onward with the ever-moving tide of time, will soon bring the centennial dawn of the day upon which our great Republic was born, and, baptized in the fire of battle and the blood of patriots, took its place in the great family of nations.

A year of jubilee has come to the nation, and its advent is hailed by the American people with a joy and gladness akin to that which four thousand years ago filled the hearts of the children of Israel dwelling upon the banks of the Jordan and in the mountains of Judea, when coming to them in its appointed time the light of its opening dawn fell upon the golden spires of Jerusalem and spread over the beautiful plains of Palestine.

The sage, the Christian, and patriot have watched and prayed for its coming with the same earnest devotion and anxious yet steadfast faith with which God's chosen people, through all their weary wanderings, have waited and looked for the coming of that day, foretold by their prophets, when the scattered tribes of their nation shall be gathered together; when their rulers, clothed in royal purple and dwelling in the palaces of kings, shall again set upon the throne of David and hold their court in the temple of Solomon.

When the bright central day of our year of jubilee shall dawn—when its brilliant sun, like the star of our destiny, rising from the billows of the Atlantic, pouring its golden light upon the mountains and valleys of half a continent and spreading its gorgeous sheen upon the placid bosom of the broad ocean which bounds our western borders—millions of happy freemen will chant a grand anthem of praise and thanksgiving, the swelling volume of which will fill the world with a melody sweeter than the harp of David or the songs of Israel's daughters.

When our infant republic emerged from the smoke of battle and the clouds of war, with its great enemy overthrown, but with its bleeding wounds still unhealed, the lovers of liberty and free institutions looked upon its opening glory with rapturous admiration and love, but the minions of tyranny and despotism scowled upon it with distrust and angry hostility.

The retainers of monarchs and the advocates of kingly government were startled by the strange and novel doctrines it taught, and, unable to foresee and comprehend the grand destiny God had ordained it, they deplored its existence, doubted its success, and predicted its death.

But the young and adventurous intruder in the community of nations grew in strength and vigor, and, pressing along the pathway of national progress with a bold and fearless step, soon outstripped every competitor and left every rival far in the background, obscured by the shadow of its increasing greatness.

One hundred years have nearly passed away, and but few, ah, very few, of the three millions of people who heard the shouts of joy, the ringing of bells, and roar of cannon that announced the advent of the new-born nation are here; but forty millions of their posterity, spread over a vast empire in geographical extent, remain behind them to enjoy the blessings their patriotism and valor achieved.

Though torn by strife and convulsed by war, the nation they created, the government they constructed, still lives with renewed and matured strength, the greatest, grandest, and most beneficent known among civilized men, if wisely and justly administered.

The temple of freedom erected by our fathers, though its beauty has been marred and its fair surface defaced by the missiles of war, still stands firm as the mountain sitting upon its base of eternal rocks, and though it has been scathed by the lightning and shook by the storm, its spires, rising above the wind and the clouds, still gleam in the sunlight of heaven.

Though the altars reared by our ancestors have been leveled to the earth by the rude shock of war, they are now being rebuilt by loyal worshipers; fraternal hands are gathering together the scattered stones, laying them upon the sacred pile, and cementing them in their places with brotherly love and affection.

The shrine at which our fathers worshiped is yet unbroken, and, as the representatives of their posterity, as the ministering servants in the house where they fixed it, we this day gather around it as devotees to the genius in whose honor it was erected.

Though the tree of American liberty, planted one hundred years ago, has been drenched by the flood and bent by the tempest, yet it again stands erect, clothed in beautiful foliage, bearing golden fruit, and with its spreading branches shading the land from the rising to the setting sun. On the day it shall reach its centennial age, the whole American family are invited to gather around its trunk, and in its grateful shade spread a nation's banquet, at which the world shall be our guests.

Here every child of America may sit down at the paternal board and share the generous feast, and no Banquo's ghost shall stalk in their midst, clothed in gory garments and pointing to hideous wounds, reminding them of the dark and bloody deeds of a wicked civil strife.

There the returning prodigal who has wandered from his father's house may be welcomed back with a kiss of affection, fed at the family table, clothed in garments of many colors, and no grudging son will grow angry at a brother's coming nor murmur at a father's bounty.

As the stewards of the great American household we are called upon to furnish the means to prepare for the coming guests, to spread the board, and provide the feast for this centennial family re-union.

Let no stinted parsimony withhold the needed aid and mar the joy of an occasion fraught with so much of patriotic interest to us and wondering expectation to the civilized world.

One million and a half of dollars would be cheaply spent, wisely invested, if it would complete the work of repairing an injury to our political and social structure that was inflicted at an expense of treasures almost too vast to compute and a flow of blood and loss of life that shocks the reason and sicken the hearts of mankind.

Let us, who are of the returning prodigals to the house of our fathers, join in fraternal affection with our brothers who remained under the family roof while we wandered abroad in building a temple of love whose towering walls shall overshadow the monuments of hatred erected in an hour of folly and passion by hands that should never have relaxed their friendly grasp.

Let us show by our action upon this measure to the gallant men of the North, by whose prowess we were overcome in battle, that those who followed the fortunes of the South in its mighty struggle for a separate political existence have made no hollow truce, have plighted no Punic faith.

Let it no longer be said that we came back to the council of the nation with the same defiant hostility to the Government with which we met its armies in the hot whirlwind of war and under the lurid canopy of battle.

Let it no longer be said that we of the South are less devoted to the honor and good name of our common country; that we are less patriotic in our aspirations because we stood by our people in the hour of their calamity.

We know that the soldier of the North who followed his flag through the storm of war and flame of battle until its starry folds waved in triumph over Appomattox and the soldier of the South who upheld the banner of his section until it was forever folded in the gloom of the lost cause, gladly laid down their arms and rejoiced that the long and bloody strife of brothers was ended forever.

The struggle between soldiers is over, and only those who evoked the storm and fled its fury now flaunt the red banner of war, when the thunder of battle is hushed and only the gentle voice of peace is heard throughout the land.

The roar of the lion is no longer heard; his appetite for blood is appeased and only the cry of the jackal and the scream of the vulture break upon the stillness and quiet of universal peace.

Massachusetts has spoken through her representatives, and the voices of her BANKS and TARBOX, in eloquent appeals to reason and patriotism, have rung out above the din of party conflict, clear and loud as the bugle-note of the herald of peace, proclaiming good news and glad tidings throughout the land.

Let the younger members of the sisterhood of American States, those whose shields reflect the rays of a southern sun, clasp the proffered hands of their venerable elder sisters, Pennsylvania and Massachusetts, whose eloquent messengers have invited the whole nation to a carnival of peace, fraternity, and good-will.

The great heart of the Republic yearns for a re-union of its children. The united voices of the American people cry out for oblivion of the past and united efforts for the glory of the future.

Peace, unveiling her fair face to the chosen children of her affection, commands them to cease their angry bickerings, hush their discontented murmurings, and again come with thankful hearts around the altar of a common country.

Mr. HOPKINS. I now yield to my colleague, [Mr. RANDALL.]

Mr. RANDALL. Mr. Speaker, under ordinary circumstances I would not detain the House by any remarks of mine on this subject, because my views thereon are fully known; but born within a stone's throw of Independence Hall and representing the district wherein that sacred building is situated, I feel that it would be unseemly if I failed to raise my voice in behalf of this appropriation.

I have myself no difficulty in finding the power to vote this money. I believe it to be an attribute of sovereignty inherent in and springing out of our existence as a Republic; and believing it to be also in the line of strengthening friendship among the nations of the earth, advancing civilization, and promoting the arts of peace, I have no hesitation in giving it my cordial support.

Again, in voting for and advocating this measure, Mr. Speaker, I find that I am only following the example of many men in this country who have been known as the strictest constructionists of their time. I may be permitted briefly to indicate to the House some of the examples upon which I can safely rest as a warrant for my vote. I find Congress made an appropriation for the expedition to Japan. I find Congress appropriated money for the expedition to the South Sea Islands in 1836 under Commodore Wilkes. An appropriation was also made for the expedition to the North Pole, as well as for the expedition to the Dead Sea under Commodore Lynch. I find an appropriation was made for Herndon and Gibbon's exploration to the Amazon. Appropriation was made in 1847 to send relief to the suffering people in Ireland. That bill, sir, was taken up in the Senate on motion of Mr. Crittenden. It received the support and approval of Mr. Webster, while Mr. Calhoun declared that he saw no constitutional difficulty whatever in the way of its passage. Furthermore, in that discussion he suggested that relief should be given to the sufferers in France. In 1856 Sir John Franklin's vessel, the bark Resolute,

found abandoned in the Arctic Sea, was brought to New London, Connecticut. This case has been alluded to heretofore in this discussion, and I therefore need not repeat what was then said. I find on that occasion Senator James M. Mason, from Virginia, voted to pay salvage, refit, and send to Great Britain that vessel, and he did it, he said, as an act of national courtesy and to promote good feeling. Mr. Mason himself reported the resolution, and it passed unanimously.

Money was appropriated to the sufferers by earthquake in Venezuela. Countless medals have been struck to commemorate great events and to honor deserving individuals. Numerous statues have been ordered, paintings purchased, and monuments erected in honor of foreigners as well as native citizens. Numerous appropriations have been made to relieve sufferers by famine and flood in various parts of this country, and most recently in behalf of the southern people.

Appropriations have been made by Congress to various municipalities to aid in the erection of monuments in memory of the revolutionary and other wars. Appropriations were made for the expedition to observe the transit of Venus. Appropriation to the world's fair or crystal-palace exhibition at London in 1851, to the French exposition at Paris in 1867, and for representation at the exhibition at Vienna in 1873—in all, for all three, not less than $700,000 was appropriated and spent by this Government, to the great benefit of our trade, manufactures, and commerce.

Now, an invitation has been extended to and accepted by all the nations of the earth to this centennial exposition at the city of Philadelphia. Shall it now be said that we have not the power to celebrate the one hundredth birthday of this Republic? Shall it be said here that we cannot contribute money out of the Treasury of the United States to strengthen and make a success of the exposition? That this nation has denied to itself the power to make an appropriation to celebrate the birthday, the centennial anniversary of the birthday of the American nation? Never, Mr. Speaker, never will I accede to such a proposition; but with my whole heart I cast my vote with complete unanimity of my people behind me unparalleled in the history of this country.

Mr. HOPKINS resumed the floor.

Mr. EAMES. I ask the gentleman from Pennsylvania to yield to me for one minute that I may make a request of the House. I desire, Mr. Speaker, to print some remarks in the CONGRESSIONAL RECORD, expressing my views on this question. I have not as yet found an opportunity to express them in the House.

There was no objection, and leave to print was granted. [See Appendix.]

Mr. KETCHUM and Mr. CASWELL also, by unanimous consent, obtained leave to print remarks on the pending bill.

Mr. HOPKINS. I had intended to have addressed some remarks to the House, but considering the impatience of members to reach a vote I shall not carry out that intention, but will ask permission to print what I should have said.

There was no objection, and leave to print was granted.

Mr. EDEN. I desire to ask a question of the chairman of the Committee on Appropriations.

Mr. HOPKINS. I do not yield for that.

The main question was then ordered.

The SPEAKER. The first question is on the amendment of the gentleman from Illinois, [Mr. SPRINGER,] which the Clerk will read.

The Clerk read as follows:

Amend the bill by striking out all after the word "shall," in the sixteenth line down to and including the word "stock" in the nineteenth line, and inserting in lieu thereof the following: "To be paid in full into the Treasury of the United States before any dividend or percentage of the profits shall be paid to the holders of said stock."

Mr. HOPKINS. I ask for a vote on that amendment.

The question being put on the amendment, it was agreed to.

The SPEAKER. The question is next on the amendment of the gentleman from Iowa, [Mr. KASSON,] which the Clerk will read.

The Clerk read as follows:

Add to the bill the following:

SEC. 2. That the money by this act appropriated shall be paid to the treasurer of the centennial board of finance only after he and the president of the board shall execute a bond in the sum of $500,000 to the United States, with sufficient security, to be approved by the Secretary of the Treasury, for the safe-keeping and faithful disbursement of the sum hereby appropriated.

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill as amended.

Mr. ATKINS and Mr. HOLMAN called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 146, nays 130, not voting 14; as follows:

YEAS—Messrs. Adams, George A. Bagley, William H. Baker, Ballou, Banks, Banning, Barnum, Bass, Blaine, Blair, Bliss, Bradley, William R. Brown, Burleigh, Cason, Caswell, Chapin, Chittenden, Clymer, Crapo, Crounse, Cutler, Danford, Darrall, Davy, Denison, Dobbins, Donnell, Eames, Egbert, Ellis, Farwell, Forney, Foster, Freeman, Frost, Frye, Garfield, Gause, Gibson, Hale, Hancock, Haralson, Hardenbergh, Benjamin W. Harris, Harrison, Hathorn, Abram S. Hewitt, Hill, Hoar, Hoge, Hopkins, Hubbell, Hunter, Hurlbut, Hyman, Jenks, Thomas L. Jones, Kasson, Kelley, Ketchum, King, Lamar, George M. Landers, Lane, Lapham, Lawrence, Leavenworth, Levy, Luttrell, Edmund W.M. Mackey, Levi A. Mackey, Magoon, Maish, MacDougall, McCrary, McDill, Meade, Miller, Money, Monroe, Morey, Morgan, Mutchler, Nash, Norton, O'Brien, Oliver, O'Neill, Page, William A. Phillips, Pierce, Piper, Plaisted, Platt, Powell, Pratt, Purman, Rainey, Randall, Reagan, John Reilly, John Robbins, William M. Robbins, Roberts, Miles Ross, Sobieski Ross, Sampson, Schleicher, Schumaker, Seelye, Sinnickson, Slemons, Smalls, A Herr Smith, Strait, Stowell, Swann, Tarbox, Teese, Thompson, Throckmorton, Martin I. Townsend, Washington Townsend, Van Vorhes, Waddell, Alexander S. Wallace, John W. Wallace, Walls, Ward, Warren, Erastus Wells, G. Wiley Wells, Wheeler, Whitehouse, Whiting, Wigginton, Andrew Williams, Alpheus S. Williams, Charles G. Williams, Wilshire, Alan Wood, jr., Fernando Wood, Woodburn, Woodworth, and Young—146.

NAYS—Messrs. Ainsworth, Anderson, Ashe, Atkins, Bagby, John H. Bagley, jr., John H. Baker, Beebe, Bell, Blackburn, Bland, Blount, Boone, Bradford, Bright, John Young Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cannon, Cate, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Cochrane, Collins, Conger, Cook, Cowan, Cox, Culberson, Davis, De Bolt, Dibrell, Douglas, Durham, Eden, Evans, Faulkner, Felton, Fort, Franklin, Fuller, Glover, Goode, Goodin, Gunter, Andrew H. Hamilton, Henry R. Harris, John T. Harris, Hartridge, Hartzell, Hatcher, Haymond, Hendee, Henderson, Henkle, Hereford, Goldsmith W. Hewitt, Holman, Hooker, Hoskins, House, Hunton, Hurd, Frank Jones, Joyce, Kehr, Kimball, Knott, Franklin Landers, Lewis, Lord, Lynde, McFarland, McMahon, Metcalfe, Milliken, Mills, Morrison, Neal, New, Phelps, John F. Philips, Poppleton, Potter, Rea, Rice, Riddle, Robinson, Rusk, Savage, Sayler, Scales, Sheakley, Singleton, William E. Smith, Southard, Sparks, Springer, Stenger, Stevenson, Stone, Terry, Thomas, Thornburgh, Tucker, Tufts, Turney, John L. Vance, Robert B. Vance, Waldron, Gilbert C. Walker, Walling, Walsh, Whitthorne, Wike, Willard, James Williams, James D. Williams, William B. Williams, Willis, Benjamin Wilson, James Wilson, and Yeates—130.

NOT VOTING—Messrs. Durand, Ely, Robert Hamilton, Hays, Lynch, Odell, Packer, Parsons, Payne, James B. Reilly, Starkweather, Charles C. B. Walker, White, and Jeremiah N. Williams—14.

So the bill was passed.

During the call of the roll the following proceedings took place:

Mr. COX. I desire to state, on behalf of my colleagues, Mr. ELY and Mr. ODELL, that on this question they have paired off. If here, Mr. ELY would vote for and Mr. ODELL against the bill.

Mr. HAMILTON, of New Jersey. I am paired with Mr. STARKWEATHER, of Connecticut. If he were here he would vote "ay" and I should vote "no."

Mr. HOPKINS. I desire to say that I have received a telegraphic dispatch from my colleague, Mr. JAMES B. REILLY, who is detained by important legal business. If he were here he would vote "ay."

Mr. WHITE. I am paired with Mr. PACKER, of Pennsylvania. If he were here he would vote "ay" and I would vote "no."

Mr. BEEBE. My colleague, Mr. WALKER, of New York, is absent. If he were here he would vote against the bill.

The result of the vote was then announced as above recorded.

Mr. HOPKINS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE PRESIDENT.

The SPEAKER. The Chair desires to lay before the House a message from the President of the United States.

The Clerk read as follows:

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 22d of January instant, I herewith transmit a report from the Secretary of State.

U. S. GRANT.

WASHINGTON, *January* 25, 1876.

The SPEAKER. The report from the Secretary of State is so brief that the Chair will direct it to be read also.

The Clerk read as follows:

DEPARTMENT OF STATE,
Washington, January 25, 1876.

The Secretary of State, to whom was referred the resolution of the House of Representatives of the 22d instant, that the President be requested, if not incompatible with the public interest, to communicate to the House of Representatives any correspondence which may have occurred during the past year between the Government of the United States and any European governments besides Spain in regard to the Island of Cuba, has the honor to report that no correspondence has taken place during the past year with any European government other than Spain in regard to the island of Cuba.

Instructions No. 266, dated November 5, addressed to Mr. Cushing, the minister of the United States at Madrid, and which were upon the 21st instant laid before the House of Representatives in answer to the resolution of that honorable body of the 17th instant, were orally communicated to several European governments by reading the same or by a statement of the purport thereof by the representatives of the United States to the ministers of foreign affairs of those governments, pursuant to instructions from this Department, which instructions accompany the report heretofore made, and were in like manner communicated to the House of Representatives on the 21st instant. No correspondence has, however, taken place upon the subject with these governments.

Respectfully submitted.

HAMILTON FISH.

The SPEAKER. The message, with the accompanying report, will be printed and referred to the Committee on Foreign Affairs.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled the bill (H. R. No. 1208) to amend the Revised Statutes touching vice-consuls-general; when the Speaker signed the same.

WAR DEPARTMENT CONTRACTS.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting, in compliance with section 229 of the Revised Statutes, a statement of contracts made by the War Department for the year 1875; which was referred to the Committee on Appropriations, and ordered to be printed.

MILITARY RESERVATION AT CAMP DOUGLAS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting correspondence relative to the military

reservation at Camp Douglas, Utah; which was referred to the Committee on Military Affairs, and ordered to be printed.

MONONGAHELA RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, in compliance with the river and harbor act of March 3, 1875, the report of Major W. E. Merrill, Corps of Engineers, on the survey of the Monongahela River; which was referred to the Committee on Commerce, and ordered to be printed.

SURVEY OF THE EASTERN BRANCH.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, in compliance with the river and harbor act of March 3, 1875, the report of S. F. Abert on the survey of the Eastern Branch from the navy-yard, Washington, &c.; which was referred to the Committee on Commerce, and ordered to be printed.

BIG SANDY CREEK, NEW YORK.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, in compliance with the act of March 3, 1875, the report of Major J. M. Wilson, on the survey of Big Sandy Creek, New York; which was referred to the Committee on Commerce, and ordered to be printed.

REPORT OF LIEUTENANT-COLONEL PULFORD.

The SPEAKER also laid before the House a draught of the joint resolution sent to the Department of War by Lieutenant-Colonel John Pulford, (retired,) with his letter of transmittal; which was referred to the Committee on Military Affairs, and ordered to be printed.

ARSENAL GROUNDS AT BENICIA, CALIFORNIA.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the report of the Chief of Ordnance on Senate bill 153, to grant the right of way for railroad purposes through the arsenal grounds at Benicia, California; which was referred to the Committee on Military Affairs, and ordered to be printed.

BOUNTY TO COLORED SOLDIERS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, in accordance with section 228 of the Revised Statutes, a statement of expenditures, &c., in the collection and payment of bounty to colored soldiers; which was referred to the Committee on Invalid Pensions, and ordered to be printed.

WINNEBAGO INDIANS IN NEBRASKA.

The SPEAKER also laid before the House a letter for the Secretary of the Interior, inviting the attention of Congress to a communication from the Commissioner of Indian Affairs of the 18th instant, recommending legislation for the relief of the Winnebago Indians of Nebraska; which was referred to the Committee on Indian Affairs, and ordered to be printed.

RACINE HARBOR, WISCONSIN.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the report of Major D. C. Houston, Corps of Engineers, on the improvement of Racine Harbor, Wisconsin; which was referred to the Committee on Commerce, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. TOWNSEND, of Pennsylvania, for one week, on account of sickness in his family.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. DARRALL to withdraw from the files of the House the memorial and papers in the case of Maria Waites, of New Orleans.

ELIZABETH B. STONE.

Mr. TOWNSEND, of Pennsylvania, by unanimous consent, introduced a bill (H. R. No. 1566) granting a pension to Elizabeth B. Stone; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS A. M. M'CLOUGHLIN.

Mr. MAISH, by unanimous consent, introduced a bill (H. R. No. 1567) for the relief of Thomas A. M. McCloughlin; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

And then, on motion of Mr. MORRISON, (at four o'clock and fifty-five minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BUCKNER: The petition of Mary C. Shaefer, for pay for infected clothing, &c., destroyed by order of the board of health of the District of Columbia during the prevalence of small-pox, to the Committee for the District of Columbia.

Also, the petition of D. C. Genau, for pay for property rented the District of Columbia, to the same committee.

By Mr. CAULFIELD: The petition of Eliza Potter, for pay for property destroyed by the United States Army, to the Committee on War Claims.

By Mr. CAMPBELL: The memorial of the farmers and workingmen of Illinois in convention at Bloomington, for the repeal of the resumption act, the withdrawal of national-bank currency, and the substitution therefor of a legal-tender currency, the same to be convertible into bonds bearing a low rate of interest at the option of the holder, to the Committee of Ways and Means.

By Mr. COX: The memorial of Margaret L. Stevens, widow of General Isaac I. Stevens, for compensation for services rendered by her late husband as superintendent of Indian Affairs, to the Committee on Indian Affairs.

By Mr. DIBRELL: The petition of Mrs. Nancy W. Thompson, for a pension, to the Committee on Invalid Pensions.

By Mr. ELLIS: The petition of A. W. Hicks, to be placed upon the rolls of the ram Switzerland as pilot, to commence May 1, 1862, and end August 3, 1862, and to be placed on the pension-rolls, to the same committee.

By Mr. FELTON: The petition of citizens of Murray County, Georgia, for a post-route from Spring Place to Fort Mountain, Georgia, to the Committee on the Post-Office and Post-Roads.

By Mr. HARTRIDGE: The petition of Robert J. Smith, for pay for property taken by the United States authorities, to the Committee on War Claims.

By Mr. LUTTRELL: Resolutions of the Helena Grange of the Patrons of Husbandry, of California, for the repeal of the duty on grain-sacks, to the Committee of Ways and Means.

By Mr. McDILL: The petition of Samuel Purcell, for the correction of the time of the commencement of his pension, to the Committee on Invalid Pensions.

By Mr. O'BRIEN: The petitions of Catharine Middleton and Morris B. Slosson, for pensions, to the same committee.

By Mr. O'NEILL: Preamble and resolutions of Franklin Institute, for Congress to grant aid to the centennial celebration, to the Committee on the Centennial Celebration.

Also, the petition of J. H. Maddox, for pay for loss and damages sustained under contract made with him by direction of the Secretary of the Treasury, to the Committee on War Claims.

Also, the petition of James H. Morrison, to be placed upon the retired list of the United States Navy, to the Committee on Naval Affairs.

By Mr. RANDALL: The petition of citizens of Pennsylvania, for aid to be extended the Southern Pacific Railroad, to the Committee on the Pacific Railroad.

Also, the protest of the Vessel-Owners and Captains' Association, signed by John W. Overman, president, and Charles H. Steelman, secretary, against the passage of the bill (H. R. No. 523) authorizing vessels built abroad but belonging wholly to citizens of the United States to be registered as vessels of the United States, to the Committee on Commerce.

By Mr. ROBBINS, of Pennsylvania: The petition of a number of citizens of Philadelphia, for aid to be granted the Texas Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. STEELE: The memorial of M. A. Hance, for pay for property lost on account of Indian depredations, to the Committee on Indian Affairs.

By Mr. SAMPSON: The petition of 57 citizens of Marion County, Iowa, for the repeal of the check-stamp tax, to the Committee of Ways and Means.

By Mr. THOMAS: The petition of citizens of Talbot County, Maryland, for an appropriation to remove obstructions to the navigation of Tread Haven Creek, near Easter Point, in said State, to the Committee on Commerce.

Also, the petition of citizens of Maryland, for the repeal of the check-stamp tax, to the Committee of Ways and Means.

By Mr. THROCKMORTON: The petition of citizens of Hood County, Texas, for the salary of the postmaster at Granberry to be increased, to the Committee on the Post-Office and Post-Roads.

By Mr. TOWNSEND, of Pennsylvania: The petition of C. A. Rex and 42 other citizens of Pennsylvania, for the repeal of the check-stamp tax, to the Committee of Ways and Means.

Also, the petition of James Pyle and 37 other citizens of Pennsylvania, for the repeal of the act increasing postage rates on third-class mail matter, to the same committee.

By Mr. VANCE, of Ohio: The petition of owners of bark Mary Teresa, for compensation for losses from seizure by the United States consul at Bahia, Brazil, to the Committee of Claims.

By Mr. WELLS, of Mississippi: The petitions of Cowles M. Vaiden, J. W. Causey, Henry O. Sykes, and Andrew Cathey, for property taken and destroyed by the United States Army, to the Committee on War Claims.

By Mr. WILLIAMS, of Indiana: The petition of Captain Norman Comstock, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Timothy McMahon, for relief, to the Committee on Military Affairs.

By Mr. WOOD, of New York: The petition of C. T. Johnson, for relief, to the Committee on War Claims.

By Mr. ———: The petition of 120 voters of Orland, Steuben County, Indiana, for the unconditional repeal of the resumption act, the permanent retirement of national-bank notes, and the substitution of national legal-tender paper to be issued directly from the Treasury of the United States, the refunding of at least a portion of the present national bonded debt into bonds bearing a lower rate of interest, say 3.65 per cent. per annum, interconvertible with national legal-tender paper money at the pleasure of the holder, to the Committee on Banking and Currency.

IN SENATE.

WEDNESDAY, *January* 26, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.
The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of the Treasury, communicating, in response to a resolution of the Senate of the 20th of January, a statement of his action under the act of Congress providing for the collection of moneys due the United States from the Pacific railroad companies, approved June 22, 1874; which was referred to the Committee on the Judiciary, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. WITHERS presented the petition of B. D. Morton, late postmaster at Mecklenburgh, Virginia, praying the passage of a law authorizing the refunding to him of the amount of certain postage-stamps and stamped envelopes in his possession at the commencement of the late war and taken from him by the confederate authorities, and for which he afterward paid the Post-Office Department of the United States; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WALLACE presented a preamble and resolution of the Franklin Institute of Philadelphia, requesting Congress to appropriate money for the centennial exposition; which were referred to the Committee on Appropriations.

Mr. MERRIMON presented the petition of Evan Hughs, late a private in Company B, Thirteenth Regiment Tennessee Cavalry, praying the passage of a law granting him an honorable discharge from the military service of the United States and an allowance of back pay and bounty; which was referred to the Committee on Military Affairs.

Mr. WEST. I present the petition of several members of the State senate of Louisiana, with respect to the credentials of Mr. Eustis, Senator-elect. I present it on his behalf, and move that it be referred to the Committee on Privileges and Elections, and be printed.

The motion was agreed to.

Mr. WRIGHT. I present a petition representing 12,000 lodges of Good Templars, they representing 850,000 members, the petition being signed by the officers of the grand lodge representing these bodies, asking for a commission of inquiry concerning the alcoholic liquor traffic. As that question has been disposed of, I suppose that the petition may as well lie on the table, and I make that motion.

The motion was agreed to.

Mr. HAMLIN. I have received and been requested to present a memorial of citizens of Castine and vicinity, in the State of Maine, who represent that the law granting one hundred and sixty acres of land to soldiers who served in the last war upon condition of personal settlement is unavailable to those who are crippled and disabled, and to many others. They therefore ask that a law be passed granting $200 pay in lieu of one hundred and sixty acres of land to such persons, a like sum to the widows and orphans of those who died in the service from wounds received or disease contracted, and a like sum to the dependent father and mother. I move that the petition be referred to the Committee on Public Lands.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. WRIGHT. The Committee on Claims, to whom was referred the bill (S. No. 193) for the relief of H. Clay Wood, major and adjutant-general, United States Army, have had the same under consideration and find that this claim was in the hands of the Committee on Military Affairs at the last Congress, and that that committee made an adverse report disallowing the claim. There has been no additional testimony presented to the Committee on Claims, and they therefore report it back and, under the rules of the Senate, recommend that the bill be indefinitely postponed.

The bill was postponed indefinitely.

Mr. WRIGHT. The Committee on Claims, to whom were referred the petition and papers of Albrecht & Plagge, claiming the sum of $8,750 for injuries to fences and destruction of timber and crops by the United States Army, in the parish of Jefferson, Louisiana, in June, 1864, have had the same under consideration, and instruct me to report the same back with a written report, and ask to be discharged from the further consideration of the case. We find against the claim, recommending its disallowance. I move that this recommendation be concurred in by the Senate and that the report be printed.

The motion was agreed to.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the petition of Henry C. Watterson, praying to have refunded the amount paid for certain internal-revenue stamps used by him, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

He also, from the same committee, to whom was referred the petition of Salvador Costa, claiming $7,850 as the value of the sloop Mary Lawrence burned by United States officers and for the use thereof by the Government and losses sustained by him by being deprived of the said sloop, submitted an adverse report; which was agreed to, and ordered to be printed.

Mr. CAPERTON, from the Committee on Claims, to whom was referred the petition of John N. Curtis, praying the passage of an act authorizing and directing the southern claims commissioners to reopen and reconsider his claim, No. 5776, for property taken and appropriated by the Union Army, asked to be discharged from its further consideration; which was agreed to.

Mr. MORRILL, of Maine. The Committee on Appropriations, to whom was referred the joint resolution (H. R. No. 52) directing the commissioners of the District of Columbia to pay the interest on the bonds issued in pursuance of the act of Congress approved June 20, 1874, out of any funds in the United States Treasury subject to the requisition of said commissioners, and for other purposes, have directed me to report the same back with an amendment. I give notice that to-morrow, at the earliest moment when I can get the attention of the Senate, I will endeavor to call this resolution up, as the necessity for action on it is that whatever appropriation the Senate may deem fit to make should be made between this and the last day of this month, in order to meet the obligations of the Government falling due on the 1st day of February.

Mr. McMILLAN, from the Committee on Claims, to whom was referred the bill (S. No. 93) for the relief of William G. Ford, reported adversely thereon; and the bill was postponed indefinitely.

Mr. MITCHELL, from the Committee on Claims, to whom was referred the bill (S. No. 227) for the relief of John M. Dorsey and William Shepeard, reported it with amendments.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. No. 58) to pay the First National Bank of Saint Albans, in the county of Franklin, and State of Vermont, the value of certain United States Treasury notes held by said bank as financial agent of the United States and forcibly taken therefrom by raiders from Canada in October, 1864, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Louis Stern, praying compensation for services rendered the Government in preventing frauds on the revenues arising from the tax on distilled spirits, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

Mr. CHRISTIANCY. The Committee on Claims, to whom was referred the petition of William G. Ford, of Memphis, Tennessee, praying the proceeds of certain cotton alleged to have been seized by the agents of the Government in Mobile in 1865, have directed me to report that they decline to enter upon the merits of the petition on the ground that the loyalty of the petitioner is neither alleged nor proved. The committee ask to be discharged from the further consideration of the petition.

The report was agreed to.

Mr. SARGENT, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 238) to restore Julius S. Bohrer to the Navy of the United States, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Mrs. Susan L. Harney and others, heirs of Augustus Fort, praying compensation for a survey and map or chart of Lake Ontario made by him in the early part of the present century, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

He also, from the same committee, to whom was referred the petition of Daniel Duffy, a pilot of the Mississippi fleet during the late war, praying additional pay for his services, submitted an adverse report; which was agreed to, and ordered to be printed.

Mr. CONKLING, from the Committee on Commerce, to whom was referred the bill (H. R. No. 1051) to provide for vessels of the United States hailing from places where they are owned or built, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of George B. Loring and others touching the transportation of live stock, asked to be discharged from its further consideration and that it be referred to the Committee on the Judiciary; which was agreed to.

AMENDMENT OF REVISED STATUTES.

Mr. McDONALD, from the Committee on Public Lands, reported a bill (S. No. 346) to correct an error in the Revised Statutes of the United States, and for other purposes; which was read, and passed to a second reading,

The PRESIDENT *pro tempore*. Does the Senator from Indiana ask for the present consideration of the bill?

Mr. McDONALD. Yes, sir; if that should be the pleasure of the Senate.

No objection being made, the bill was read the second time and considered as in Committee of the Whole. It enacts that for the purpose of correcting an error in the act to revise and consolidate the statutes of the United States in force the 1st day of December, A. D. 1873, so as to make the same truly express such laws, the following amendment is hereby made therein:

Section 2403 is amended by striking out in the second line the word "seven" and inserting the word "one," and all credits to settlers for moneys deposited by them for surveys of land, as provided by section 2401, allowed since the date of the approval of the Revised Statutes of the United States, are declared to be legal.

Mr. McDONALD. I will state that this bill was prepared by the

Commissioner of the General Land Office, and is, as it purports to be, a correction of an error in the Revised Statutes. The different sections have been erroneously referred to, and this simply makes the correction and confirms the act of the Bureau in executing the law as it was clearly the intention should be done.

Mr. WITHERS. It is a mere correction of an error, I understand?

Mr. McDONALD. That is all.

The bill was reported to the Senate without amendment.

Mr. DAWES. I ask the Senator from Indiana to correct the title of the bill so as to indicate its character.

Mr. McDONALD. That appears on the face of the bill.

Mr. DAWES. If the Chair will permit me, I ask the Senator to consider how by looking in the index of the statutes he will be able to find that statute from a mere entry in the index of a bill to correct an error in the Revised Statutes. If any gentleman looks at the Revised Statutes to ascertain the law on this subject, what indication will there be in the law of the land that the statutes have been changed in this particular? The Senator from Indiana knows the subject-matter of the bill so much better than I that I do not suggest the proper change in the title; I only express a desire that he will indicate the character of his bill in the title rather more definitely than merely by saying it is to correct an error in the Revised Statutes. As I had occasion to say a day or two since, bills are brought before us frequently merely stating that they are to change a certain section of the Revised Statutes, and their titles do not indicate the subject-matter at all.

Mr. McDONALD. The bill was prepared by the Commissioner of the General Land Office, and it stands in the shape in which it was drawn. The section to be corrected is referred to in the body of the bill, and I apprehend if the title is corrected so as to refer to that same section it will remove all objection. The section is No. 2403.

The PRESIDENT *pro tempore*. As this matter pertains to the title, the Chair will put the question on ordering the bill to be read the third time, keeping the title open to amendment.

Mr. BOUTWELL. I understand this bill comes from a committee, but nevertheless we have a Committee on the Revision of the Laws, and that committee has before it many such suggestions from the different Departments, and upon different subjects. I apprehend if the practice be introduced of amending the Revised Statutes with reference to alleged or actual errors through the various committees of the Senate in the end we shall be involved in greater difficulties in regard to the amendments made to the Revised Statutes than we are now in regard to the alleged errors in the existing edition of the Revised Statutes. I presume this is right, but I should like to have the bill go to the Committee on the Revision of the Laws in order that in that committee there may be a complete record of what is done by the Senate in regard to amendments to the Revised Statutes.

Mr. MORRILL, of Vermont. And the changes ought to be embodied in one bill.

Mr. McDONALD. I see no objection to the bill taking that course.

Mr. BOUTWELL. I do not doubt the propriety of the amendment proposed by this bill, but I wish a perfect record kept of the proceedings of the Senate in this matter.

The PRESIDENT *pro tempore*. If there be no objection, the bill by unanimous consent will be committed to the Committee on the Revision of the Laws. The Chair hears no objection.

NATURALIZATION LAW.

Mr. HOWE. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. No. 626) to amend the Revised Statutes relating to naturalization, to report it without amendment; and inasmuch as the amendment will relieve from great inconvenience at once a large class of people, I ask that the Senate will consider it at the present time.

By unanimous consent, the bill was considered as in Committee of the Whole. It provides that the declaration of intention to become a citizen of the United States, required by section 2165 of the Revised Statutes of the United States, may be made by an alien before the clerk of any of the courts named in that section; and makes valid all such declarations heretofore made before any such clerk as if made before one of the courts named in that section.

Mr. WHYTE. I would like to ask the Senator who reports this bill whether it makes any change except in allowing the clerk to take the affidavit instead of the court?

Mr. HOWE. None whatever; it just restores the old law.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INDIAN TRUST FUND.

The PRESIDENT *pro tempore*. If there be no objection at this time, the Chair will lay before the Senate the following bill, received yesterday from the House of Representatives.

The bill (H. R. No. 1561) transferring the custody of certain Indian trust funds from the Secretary of the Interior to the Treasurer of the United States was read twice by its title.

Mr. ALLISON. I ask that that bill be put on its passage now.

By unanimous consent the bill was considered as in Committee of the Whole. It directs that all stocks, bonds, and other securities or evidences of indebtedness now held by the Secretary of the Interior in trust for the benefit of certain Indian tribes shall within thirty days be turned over to the Treasurer of the United States, to be held and disposed of in the same manner and upon the same trust as they have been heretofore held by the Secretary of the Interior; but this transfer is not to operate to affect the guardianship and control now exercised by the Secretary of the Interior over any Indian or Indian tribes.

Mr. SHERMAN. I think it is due to the subject that the Senator from Iowa should explain this bill, so that a statement of the case may be placed upon the record.

Mr. ALLISON. This bill provides simply for the transfer of Indian trust funds from the Interior Department to the Treasury. It meets the approval of both the Secretary of the Treasury and the Secretary of the Interior, the Treasury Department being considered the best place for the custody of these securities. It has passed the House, and receives the unanimous approval of the Committee on Indian Affairs of the Senate. If the Senator desires any further explanation, I can give it.

Mr. INGALLS. In addition to what the Senator from Iowa, the chairman of the Committee on Indian Affairs, has said, I would add that it is a question of the safe-keeping of the Indian trust funds, the Secretary of the Interior not having the necessary safes for the custody of this property.

Mr. BOGY. This bill may perhaps have never heretofore been before Congress, but it is a subject that has been discussed by the Departments themselves. When I had the honor of being Commissioner of Indian Affairs, the matter was brought to my attention, and I made a report upon it. It is a question of really great importance that the funds should be transferred from the Interior Department to the Treasury. The Treasury is the only place where the necessary checks are provided, and I have no doubt (it has been the case before I know) that the Secretary of the Interior himself desires the change. The Treasury is the proper place for these funds, not as a matter of safety merely, but because no money can be drawn from the Treasury belonging to the Indians without the proper vouchers and requisitions, and that Department affords the only protection which the Indians have. It is very plainly right, and the bill ought to pass. A similar bill was referred, some time ago, to the Committee on Indian Affairs, and has been considered by that committee, and, I think, will be reported favorably when we formally act upon it. It is a proper bill and should pass.

Mr. ALLISON. I will state to the Senator from Missouri that the Committee on Indian Affairs has already reported favorably on that bill, and it is now upon the Calendar.

Mr. BOGY. I was not aware of it. The bill ought to pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONSUL G. HARRIS HEAP.

Mr. CAMERON, of Pennsylvania. I am directed by the Committee on Foreign Relations, to whom was referred the joint resolution (H. R. No. 11) authorizing G. Harris Heap, United States consul at Tunis, to accept the trust of commissioner of the Bey of Tunis, to report it back. A day or two ago, the same committee reported a Senate joint resolution for this same purpose. As there will be no opposition to it, I presume, I ask that it be considered at this time.

By unanimous consent, the joint resolution was considered as in Committee of the Whole.

Mr. CAMERON, of Pennsylvania. I move to insert at the end of the resolution the following words, which were in the Senate bill:

Provided, That during his absence from his post he shall receive no compensation from the United States.

Mr. BOGY. I have no objection to the amendment; but that is the law now. The amendment, therefore, is unnecessary. I was informed by the Secretary of State that that is the law now; but I have no objection to the amendment at all.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Pennsylvania.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in. It was ordered that the amendment be engrossed and the joint resolution read the third time.

The joint resolution was read the third time, and passed.

BILLS INTRODUCED.

Mr. MERRIMON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 347) for the relief of James Roberts, Noah Roberts, and the heirs of John Roberts, heirs at law of Martin Roberts, deceased; which was read twice by its title, referred to the Committee on Revolutionary Claims, and ordered to be printed.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 348) for the relief of the widows and heirs of Roderick Shelton and others; which was read twice by its title, and, with accompanying papers, referred to the Committee on Military Affairs.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 349) for the relief of Evan Hughs; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 350) granting a pension to James Bal-

lard; which was read twice by its title, and referred to the Committee on Pensions, with the papers in the case already on file.

Mr. WITHERS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 351) for the relief of Isaac Davenport and others, citizens of Virginia; which was read twice by its title.

Mr. WITHERS. I will state that the Committee on Claims have reported adversely upon that claim, but simply on the ground of the form in which the papers came before them, specifying that that report was not designed in any way to conflict with the interest of the petitioner. I move that the papers already on file be referred with the bill to the Committee on Claims.

Mr. WRIGHT. Do I understand the Senator from Virginia to say that there is additional testimony presented in the case now?

Mr. WITHERS. There is testimony filed in the case now.

Mr. WRIGHT. Additional testimony?

Mr. WITHERS. Additional testimony; and the case is presented in a different form from that in which it was formerly presented.

The PRESIDENT *pro tempore*. It comes within the rule, and the motion is in order.

The motion was agreed to.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. WHYTE, it was

Ordered, That the papers relating to the claim of the State of Maryland against the United States be withdrawn from the files of the Senate.

On motion of Mr. GORDON, it was

Ordered, That the petition and papers in the case of Rebecca Frances Bailey, of Georgia, be taken from the files of the Senate and referred to the Committee on Revolutionary Claims.

On motion of Mr. WEST, it was

Ordered, That the petition and papers in the case of Arthur Cornell be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. CRAGIN, it was

Ordered, That the petition and papers in the case of Thomas Bispham be taken from the files of the Senate and referred to the Committee on Revolutionary Claims.

On motion of Mr. SHERMAN, it was

Ordered, That the petition and papers in the cases of Butler, Miller & Co. and Hawkes, Miller & Co. be taken from the files of the Senate and referred to the Committee on Claims.

Mr. CRAGIN. I ask for the adoption of the following order:

Ordered, That the papers in the claim of Laban Heath be taken from the files and referred to the Committee on Claims.

I will say that in this case the Committee on Claims have recently made an adverse report, but the claimant was absent and had no opportunity to be heard, and I am informed that the chairman of the committee, and also the Senator from West Virginia, [Mr. CAPERTON,] who made the report, are perfectly willing that the papers should be recommitted.

Mr. WRIGHT. I suggest to the Senator from New Hampshire that he move that the action of the Senate adopting the report be reconsidered and that the papers be recommitted. That would be the more regular way.

Mr. CRAGIN. Then I make that motion.

Mr. WRIGHT. Upon that question I wish to say a word. After conference with the Senator from West Virginia, who made the report in this case, I understand that no objection will be interposed to reconsidering this action of the committee; but there have been several reports made by the committee upon claims that have been referred to them, and immediately or soon after the reports have been made the parties interested have come to us and suggested that the testimony was not all in, and for this reason they wanted the papers recommitted and reconsidered. As a rule, where there are fair equities presented I shall interpose no objection; but I wish to suggest to Senators that the Committee on Claims are considering these matters as rapidly as they can, and have a great number of cases before them, and if from day to day we are to make reports, and have them reconsidered and recommitted, there is no end to our labors. I wish merely to suggest that we are considering those cases; we propose to consider them as rapidly as possible, and report them back; and if Senators, and especially claimants, wish that their cases shall be heard upon full testimony, we suggest and advise them that they had better prepare their testimony in the first place than come here to ask a recommitment of their claims.

The PRESIDENT *pro tempore*. Is there objection to the reconsideration and recommittal? The Chair hears none. The papers will be recommitted by common consent.

PACIFIC RAILROAD COMPANIES.

Mr. WEST submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be requested to submit to the Senate copies of any propositions made by the Pacific railroad companies for the creation of a sinking fund for the redemption of the Government mortgages, together with a statement of the action of the Government thereon and of the reasons therefor.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 514) relating to the centennial celebration of American independence;

A bill (H. R. No. 1564) to increase pensions in certain cases; and

A bill (H. R. No. 1340) supplementary to the several acts relating to pensions and bounty land.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. No. 1208) to amend the Revised Statutes touching vice-consuls general; and it was thereupon signed by the President *pro tempore*.

LAND ENTRIES WITHIN RAILROAD GRANTS.

The PRESIDENT *pro tempore*. If there be no further resolutions, the morning hour has expired and the unfinished business of yesterday is before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 34) to confirm pre-emption and homestead entries of public lands within the limits of railroad grants, the pending question being on the motion of Mr. CHRISTIANCY to refer the bill to the Committee on the Judiciary.

The PRESIDENT *pro tempore*. The Senator from Missouri [Mr. BOGY] is entitled to the floor.

Mr. BOGY. Mr. President, I shall detain the Senate but a few moments. It is because I have paid some attention to this subject and because I am in favor of a bill covering the object aimed at by this bill that I object to the phraseology and to the construction of this bill, believing that it does not attain the object desired. Section 2 provides—

That when at the time of such withdrawal as aforesaid valid pre-emption or homestead claims existed upon any lands within the limits of any such grants which afterward were abandoned, and, under the decisions and rulings of the Land Department, were re-entered by pre-emption or homestead claimants who have complied with the laws governing pre-emption or homestead entries, or shall make the proper proofs required under such laws, such entries shall be deemed valid, and patents shall issue therefor to the persons entitled thereto.

I am in favor of a law which will attain this end; that is to say, where a person having a valid pre-emption upon what we call railroad land desires for some reason personal to himself to give up that pre-emption, I think that thereby the right of pre-emption ought not to end; but if it is terminated, immediately upon its termination the right of the railroad under the law granting the land to the railroad takes its place and no ruling of the Land Bureau can prevent the operation of that law. It is true that we may pass a law here which will enable these persons to get patents, but it would only be a trap for the unwary, because in time the railroad would contest these rights and would in my estimation be sure to succeed in that contest. But I believe that where a pre-emption existed anterior to the railroad right, there was a legal vested right in that pre-emptor, which right can be by him transmitted to another party if the law can be made to authorize him to do it, and I believe such a law can be framed. As the law now is, the pre-emptor has a right to hold that land only if he remains on the land himself and complies with the conditions of the pre-emption law or of the homestead law. But I think that it would be competent for us to prevent the railroad from taking advantage of what is in this bill called an abandonment. Hence I look upon the second section as not at all calculated to attain this most desirable end. There are many such persons in the western country, and there are thousands of them on that line of proposed railroad, so long, going from the State of Minnesota to the Pacific Ocean. The whole line has been located, the lands have been withdrawn; and yet long prior to the withdrawal of those lands, parties, especially on the western extremity of that country, made pre-emptions. Many of those people want to change their location. We know it is the law of these western pioneers to go from one new country to another. It appears to be the mission which has been assigned to them to carry, as it were, the civilization of the eastern portion of the country from one new locality to another new locality in the western world, and they desire to abandon their pre-emption. I would frame a law by which the right to this pre-emption thus vested by law can be so transferred to another party, and that is all that is necessary, and by doing so you would secure the object aimed to be secured by this bill, and which I think is not attained by it as it stands now.

It will be observed that the first section of this bill would be narrowed as the bill stands now by the second section. The rights under the first section of the bill of a person who has located prior to lands being withdrawn are made perfect and complete, and by the second section they are rather impaired. I would not do that. I am not disposed to argue this matter at great length. I wish to present these points, so that they may go to the committee.

Now, as to the third section of the bill I do not exactly, in point of fact, understand the object aimed to be accomplished by it. It says:

That all such pre-emption and homestead entries which may have been made by permission of the Land Department, or in pursuance of the rules and instructions thereof, within the limits of any land grant at a time subsequent to expiration of such grant, or when the grantee was in default in the performance of any of the conditions imposed by such grant, shall be deemed valid, and a compliance with the laws and the making of the proof required shall entitle the holder of such claim to a patent therefor.

To construe this thing technically, the section would be inoperative. It is possible that the Land Department would attempt to enforce it, but I think the attempt would not be to the interest of the pre-emptor or the homesteader, because although it may be true that the Land Department, by permission, will let a person locate on lands

belonging to a railroad, and may make rules and regulations in relation thereto, nevertheless, if the land does belong to a railroad, these rules and regulations will not protect the locator; and yet I think he can be protected. But according to the decision read by the Senator from Oregon [Mr. MITCHELL] yesterday, taken from 21 Wallace, the title to these lands is absolutely vested in the railroad company. My friend from Ohio shakes his head. If I am wrong I am anxious to be corrected.

Mr. SHERMAN. I will state to my friend from Missouri that I have read the decision, and when he uses the words "absolute title" it is too strong a phrase.

Mr. BOGY. I did not say "absolute title;" I said "absolutely vested."

Mr. SHERMAN. The right of possession is undoubtedly in the company.

Mr. MITCHELL. It is a grant *in præsenti*. So the court decides.

Mr. SHERMAN. The decision does not go so far as gentlemen suppose, I think.

Mr. BOGY. The title is vested *in præsenti* in the railroad company. There is no question about that according to the decision of the Supreme Court, and I think the decision is undoubtedly correct. And that title can only be divested when the railroad company has failed to comply with the terms and conditions imposed upon it at the time of the grant. By whom? Not by an outsider, not by a person who may have gone there in good faith and made a location, and may have perfected his location so as to obtain a patent, and he is only putting off the evil day. The title can be divested from that railroad according to the decision of the Supreme Court, which is nothing but a re-affirmance of the well-known law on this subject as it exists in England and in this country, by act of the grantor, and the grantor here is the Congress of the United States; and until the grantor shall by act declare the title divested for non-compliance with the conditions which gave it existence, the title remains.

Though the third section declares that when a location shall have been made within the limits of any land grant at a time subsequent to the expiration of such grant, or when the grantee was in default in the performance of any of the conditions imposed by grant, it shall be deemed valid, I do not think, for the reasons I have stated, this section will make the location valid, and I am anxious that the location should be made valid. Therefore on a review of this bill, as a sincere friend of the measure, I think it had better be referred to the Committee on the Judiciary or any other committee that the friends of the measure may desire. I myself am not much in favor of the Committee on the Judiciary, however able they may be as lawyers. I think I would rather refer the bill to another committee who would examine the matter a little more *con amore*.

I have said enough, Mr. President, to indicate my views.

Mr. SHERMAN. Mr. President, this bill, although brief in words and very simple in its title, is very comprehensive in its scope, and far more important than many Senators would suppose from the manner in which it is presented and the title and language of the bill. This is really a conflict between railroad grants and the grants made to pre-emptors and homestead settlers; and when I say that it is this controversy which has given shade to the public opinion now pervading all the western land States of hostility to all grants of land to railroads, I only assert what is a truism and what is known to every Senator here. Probably the eastern Senators have already heard enough of the intense opposition in certain sections to land grants to railroads to appreciate that this affects not only a few people, but, I may say, millions of people in the Western States. In my intercourse with the western people—because Ohio has now got to be almost an Eastern State, having had for many years no public lands of any account—I have heard complaints of hardship growing out of the difficulties between the claims of the land-grant railroads and the rights of pre-emptors and settlers and the rights of purchasers of the public lands—hardships that, if I were to state them here, it seems to me would excite at least the sympathy of Senators, if not their judgment, in favor of the settlers.

The most marked case of hardship that I know of was a case that occurred in Iowa, where, in a very beautiful portion of our country, a great number of settlers were dispossessed of their lands to which they supposed they had a clear right, and dispossessed upon a shadowy construction as baseless as a dream. Perhaps I would not speak too strongly if I said, in regard to the land which was finally gotten by some of the corporations incorporated in the State of Iowa, that they received the land upon a title as shadowy as a dream, and yet they divested the title of thousands of honest people who are yet struggling for relief before Congress.

Mr. President, knowing these facts, I have read this bill to see whether or not there was in it anything inconsistent with the law or with the vested rights of the railroad companies. I do not think there is. It seems to me that every provision of this bill can be defended, not only upon the ground of equity, but upon the ground of the only decision of the Supreme Court of the United States that has been quoted in this debate that I have heard. The first proposition is—

> That all pre-emption and homestead entries, or entries in compliance with any law of the United States, of the public lands made in good faith by actual settlers upon tracts of land of not more than one hundred and sixty acres each, within the limits of any land grant, prior to the time when notice of the withdrawal of the lands embraced in such grant was received at the local land office of the district in which such lands are situated,

Then the provision below is that such entries shall be valid and that patents shall issue. It would seem to me that this proposition is so plainly equitable that it would require a very strong act of Congress to overrule it. By our laws we have invited the people of the United States and of all the countries of the world to go upon the public lands, occupy them, possess them, and have provided for their making their claim in a defined way before an officer of the United States, and when they do that, they may go and live upon these lands and develop them and build up the country. This section simply provides that where men have in strict compliance with the acts of Congress thus acquired a possessory right to lands by their labor, by their occupation, that right shall not be defeated by any constructive grant of Congress until notice is given of the location of the road over and on the lands that they are occupying. To defeat so plain a right as that, it seems to me, a railroad company ought to have a clear and decisive act of Congress in so many words.

Under these circumstances, thousands of men in possession of public lands under our laws developing the country, a railroad grant made by Congress of an uncertain nature, depending upon a future location, a conditional grant made of alternate sections, has divested the possessory rights of such men. All the land grants that have been made which I know about depend upon a future survey. They are not grants subject to forfeiture, but they are conditional grants with many conditions attached to them. These are, first, that the railroad company may possess and enjoy the alternate sections in a certain region of country, defining it, but not to take effect until the location is made. The provision as to location is not in the nature of a forfeiture, but it is a condition upon which the land is granted; it is just as much a condition as the word "alternate," which only gives the grantee the alternate and not all the sections of land within the prescribed limits. Therefore every grant of land to a railroad company is a grant of the alternate sections of land on a line to be surveyed by them, the map of which shall be filed with the General Land Office and notice given to the local land offices. Now this bill comes in and says that this right of the railroad company to secure a grant of land shall not take effect so as to defeat the *bona fide* honest grants already made under acts of Congress to actual settlers. It seems to me that this is just, or if there is any doubt about it I certainly will give to the locator the benefit of our law, and if he is forced to assert and defend his right I will give him at least the patent of the United States made in pursuance of the pre-emption and homestead laws, and I do not believe then his rights will be contested.

The next point is the one raised by the honorable Senator from Missouri, [Mr. BOGY;] but it seems to me that here the right of the settler is clear and unequivocal, so that there can be no doubt about it. The latter part of the first section provides:

> Or after their restoration to market by order of the General Land Office, and where the pre-emption and homestead laws have been complied with, and proper proofs thereof have been made by the parties holding such tracts or parcels, they shall be confirmed, and patents for the same shall issue to the parties entitled thereto.

All the railroad grants are in the nature of conditional grants. They are upon the condition that a certain railroad shall be built; they are made to promote the construction of a railroad, and that railroad by the terms of the law is always to be constructed within a certain time, say ten years, or whatever may be the time limited. All these grants to railroads are upon condition that the company shall build the road within a certain time. Whether that has been done is a fact easily ascertained. It seems that under the former construction at the Land Office—and a very proper one I think, though it has been overruled by more recent authority—it was the custom to regard the termination of the time within which the railroad was to be built as one of the conditions of the grant; and it was held under the law as it stood that when the time ran out within which the railroad was to be completed, if in fact it was not built—a public fact well known—the Commissioner of the General Land Office was then to restore the lands to market. This bill simply provides that after the Commissioner of the General Land Office, an officer of the Government, acting in pursuance of the very laws granting these lands, has held that the time has expired, and has restored to market the lands formerly withdrawn, and openly proclaimed that they should be sold or be open to entry under the homestead and pre-emption laws, if then our people go and settle upon them, their title, thus, I may say, invested or acquired in land again opened for entry by the officer having charge of it, shall not be defeated by any subsequent act of Congress extending the original grant or extending the time for the completion of the road.

That is the whole effect of it, if I understand the first section of the bill, and if I understand the argument of the Senator who reported it. There are two propositions: first, that where a man acquires a fair and honest title, (because it can apply to no other,) by grant, or purchase, or pre-emption, upon the public lands through the local land office, his right to a patent shall not be defeated until the company that claims under a conditional grant shall have filed in the local land office notice that the land in a particular region of country falls under the grant. That seems to me to be perfectly right. The other proposition is that if the railroad company has neglected to build the road, and the time has expired within which it was authorized to build it, and upon which condition-precedent the whole grant depends, and after that the Commissioner of the General Land Office having determined the fact that the condition had not been

complied with and restored the lands to the public market, then, if the settler goes upon a part of that land and acquires a title by possession, he shall have the benefit of a patent to maintain his possession against the railroad company, even though Congress may, without the proper exception, have extended the time for the building of the road. That is the whole of the first section, as I understand; I know that is all that is claimed for it, and I believe it is admitted to be so.

The next proposition is still more clear to my mind, and it seems that no man can resist the force of equity and law in behalf of the second section. It provides—

That when at the time of such withdrawal as aforesaid valid pre-emption or homestead claims existed upon any lands within the limits of any such grants which afterward were abandoned, and, under the decisions and rulings of the Land Department, were re-entered by pre-emption or homestead claimants who have complied with the laws governing pre-emption or homestead entries, or shall make the proper proofs required under such laws, such entries shall be deemed valid, and patents shall issue therefor to the person entitled thereto.

Let us see what this is. Take the case of a region of country over which a land grant extends; a portion of that land is necessarily covered by pre-emption and homestead claimants, because all our public land is so covered to a greater or less extent. Congress grants to a railroad company a conditional title to a piece of land, alternate sections over a certain region of country. At the very moment that grant is made in Congress certain persons have possessory rights given by our law; they have what is called an imperfect or inchoate title, depending upon their residence upon the land and their improvement of the land. There they are in possession, with a title, so far as it goes, as valid as any grant Congress can give. It could not be more valid if a patent had issued at the time they entered into possession. As a matter of course, their rights are protected without any law whatever, and the grant to the railroad company cannot defeat their individual rights as claimants. But that is not all that Congress does in all these land-grant laws, every one of them that I have seen. Congress in all cases, when making the grant of alternate sections, expressly reserves the land upon which all these claims exist, and says expressly, in so many words, in the very grant to the railroad company, We grant you the alternate sections, except such land as there may be now, at the time of the passage of the act, any claim to under the pre-emption or homestead law that is valid. It excepts the land, not merely the rights of the particular claimant, but all the lands upon which there is a valid pre-emption or homestead claim, just as it does the even sections, and no right whatever is conferred by any railroad grant that I have seen to any land on which a settler lives who has a valid claim.

Mr. MITCHELL. Even though the settler may abandon it?

Mr. SHERMAN. Precisely. So it is expressly excepted. I am indebted to my friend from California [Mr. SARGENT] for giving me a reference to the section. This is the grant, and this is the only title the railroad companies have, for, so far as I have seen, they are all the same in this respect:

That there be, and is hereby, granted to the said company, for the purpose of aiding in the construction of said railroad and telegraph line, and to secure the safe and speedy transportation of the mails, troops, munitions of war, and public stores thereon, every alternate section of public land, designated by odd numbers, to the amount of five alternate sections per mile on each side of said railroad, on the line thereof, and within the limits of ten miles on each side of said road—

Now here is the exception—

not sold, reserved, or otherwise disposed of by the United States, and to which a pre-emption or homestead claim may not have attached at the time the line of said road is definitely fixed.

Here is a grant of a large mass of lands, but there are some exceptions. First, the even sections—those that are designated in the public surveys by even numbers—are excepted. Next, those that the United States has previously granted are excepted. Next, all those lands on which there is at the time of the grant a valid grant in favor of any person under the pre-emption or homestead laws of the United States, and which might afterward be patented, are excepted. So that the railroad company under its grant has no color of a title to the land that is held then in legal occupancy under a valid claim by a settler under the homestead or pre-emption law no more than it has a valid title to the even sections reserved by the grant. It may be in the course of events that the settler may change his location; he may sell it out; he may go off and abandon it; but the land that he occupied is expressly excepted from the grant, and the mere fact that he is unable to go on and fulfill the conditions of the law so as to give him a title to a patent does not operate in favor of the railroad company, but operates in favor of the public at large, or in favor of any other settler who may settle on the land afterward, or may by purchase acquire a right.

Mr. WRIGHT. I would suggest to the Senator, with his permission, that the same statute also provides that the railroad company shall have other sections of land in place of those sections thus settled on by homesteaders or pre-emptors at the time.

Mr. SHERMAN. I remember that in some of the later acts for railroad companies, where their grant was not large enough on account of this exception, Congress has allowed the selection of other lands to make good that deficiency, showing that Congress contemplated that they never could claim under any circumstances the title to the particular land to which a homestead or pre-emption claim at the time existed, because Congress has given them other land to make good the land thus occupied and claimed.

Now, Mr. President, to say that because a man having a legal and valid possessory right to a piece of land abandons that land, or sells it out to somebody else, or does not in all regards comply with the homestead law, or because somebody else gets his possessory right in an irregular and an illegal manner, therefore a railroad company which has never received a grant of it from anybody shall come in and defeat, for any reason whatever, perhaps a technical one, the right of the claimant to that land, is absurd. The result of that is to give the railroad companies a reversion to all this land.

Mr. BOGY. Allow me to ask a question. The Senator takes the ground that this land has never been passed by grant to the railroad company; it remains as other public land undisposed of. That is the Senator's position?

Mr. SHERMAN. Yes, sir.

Mr. BOGY. If that be so, why is any legislation necessary to secure the pre-emptor's right? If that position be correct, the land stands still as public domain of the United States, and anybody can go on that land and make a pre-emption or locate a homestead.

Mr. SHERMAN. I can answer that very easily. The trouble is that the railroad company being always present and the office not, perhaps, having notice of the abandonment of this claim or the nature of it, the land falling within the general description of the grant and the facts not being known here, refuses to give patents to the persons who claim them.

Mr. SARGENT. If my friend will allow me, I think I can explain the difficulty to the Senator from Missouri in a moment. The person who had the original pre-emption claim unquestionably could have proved up against the railroad company when the land was surveyed, and procured his patent; but the general pre-emption law does not recognize any sale from one party to another. The original pre-emptor holds on until a year or two after the grant is made, having during all that time, if there were a survey, an opportunity to procure his patent; but no survey comes, and finally he sells. He finds the locality unhealthy to him, or for any other reason he sells to some other person. That other person who comes in thinking, perhaps, that he can arrange with the original party, finds he is mistaken; he is cut off by this provision of the general pre-emption law; and the railroad company which, as the Senator from Ohio says is always present, comes in and asks for this land, and there is nobody that the Land Office recognizes who can contest it. They will not allow the second possessor to contest, because they say "you cannot date back far enough, you cannot allege any occupation of this land prior to the grant." Consequently there is a failure of parties against the railroad company, and thus the railroad comes in and takes it.

Mr. SHERMAN. Now I will read the third section of the bill, and that, it seems to me, is as clear as the others:

SEC. 3. That all such pre-emption and homestead entries which may have been made by permission of the Land Department, or in pursuance of the rules and instructions thereof, within the limits of any land grant at a time subsequent to expiration of such grant, or when the grantee was in default in the performance of any of the conditions imposed by such grant, shall be deemed valid and a compliance with the laws, and the making of the proof required shall entitle the holder of such claim to a patent therefor.

This section was the only one which gave me any difficulty when I first read the bill, because it seemed to imply that the party himself might seek to take advantage of a forfeiture when the Government of the United States had declined to do it. Where land has actually been granted for a railroad, the Government alone can take advantage of the forfeiture, if any occurs. The Supreme Court, it seems, has decided that this is in the nature of a forfeiture, and that the Government alone has the power to take advantage of it. But this section is so framed that the right of the individual cannot accrue, cannot be based on this section until the Commissioner of the General Land Office, who has charge of this matter, has decided that the time has expired during which the grant ran. It was a grant only for a limited period and dependent upon a condition. The time has expired; the Commissioner of the General Land Office has restored the land to market under the general provisions of the law. Now here is the officer of the Government of the United States again offering this land for sale by public proclamation which must receive the approval of the President, because every proclamation or act of this kind restoring lands to public sale is the act of the executive authority. Every act restoring land to sale or offering it for sale is the act of the President of the United States. When the Land Department, acting under the executive authority of the United States, offers the land again for sale and invites the people of the United States to go and settle upon it, and that invitation is published all over the world, when the Land Department has declared that the railroad company's time is out, that the condition has not been complied with, and that the United States again has full authority, and when it asserts its authority, when it offers to sell the land to an individual and he acquires a homestead or pre-emption title under it, I would ask if the title thus acquired can be defeated by an extension of the time to build the railroad by a subsequent act of Congress, or anything of that kind? It is again offered for sale by executive authority under the law, and it is quite a different case from that referred to in 21 Wallace's Reports now before me. In that case, Judge Field, in his decision, expressly asserts and maintains the right of the Government of the United States at any time to take advantage of a failure of the conditions. He asserts that the Government of the

United States may, upon a failure to comply with the conditions of the grant, assert its ownership over the land; that the land reverts to the United States, and that the United States may, by legislation or by judicial proceedings, or otherwise, assert its right again to the possession of the land. Otherwise it would require an act of Congress, whenever a railroad company had not complied with some condition, to sell its own lands, the lands of the United States. The President of the United States, it seems, in all the cases provided for by this third section, has asserted the right of the United States to occupancy and possession of the land and the right to sell it, has entered upon it under the public law, offered it for sale, invited homestead and pre-emption claimants. And then, the fact that Congress may, in perhaps ignorance of the rights of third parties, ignorance of the rights of pre-emption or homestead claimants, have extended the time for building the railroad, certainly ought not to defeat the claims and rights which have been acquired under the disposition of the land made under the authority of the President and the Land Department to individuals. That is all there is in the third section, because you will see that all these entries depend upon action by the Land Department after the conditions of the grant have not been complied with.

It seems to me, therefore, that this is, first, an assertion, simply, of the power of Congress to provide the mode and manner of disposing of the public lands when the railroads have failed to comply with the terms and conditions of their grants; and, second, a provision that the right of a private individual shall not be defeated in a particular district until the location of the land grant has been made known to the local land office, so that the person who comes to apply for a quarter section of land may know from the officer of the United States whether or not he has the right to enter it; and, third, a protection of the rights of those claimants who have acquired those rights under a disposition made by the United States under the authority of law. It seems to me that in all these cases it is perfectly clear and patent.

I would ordinarily vote to refer any bill to the Committee on the Judiciary where there was any question of very grave doubt involved; but it must be remembered that if we refer every legal question to the Judiciary Committee we should have to refer to it almost every bill that is presented in Congress. That was not the intention. I do not think this case presents a subject necessarily requiring the consideration of the Judiciary Committee. It is very properly a case for the Public Lands Committee, because the members of that committee must be more familiar with the laws relating to the public lands than the Committee on the Judiciary; certainly they are more familiar with them than I would be if I were called upon to act on it.

Mr. HARVEY. If the Senator from Ohio will permit me I desire to say here—and I can say so very properly, not being a lawyer myself—that I think the Committee on Public Lands is composed largely of lawyers of distinction, having as ample knowledge at any rate of the laws that relate to questions of this kind as probably the members of any committee of the Senate. Besides, the bill under consideration has been before that committee twice and has received ample attention.

Mr. SHERMAN. I think it would but delay a simple act of justice to refer the bill to the Committee on the Judiciary, and give to that committee additional labor, of which they have now enough. I do not think, unless there is some question more of a legal character than is presented by this bill as yet, it ought to be referred to that committee. This is simply a construction of the land laws of the United States, a matter with which the Committee on Public Lands must necessarily be more familiar. It all turns on the construction of statutes with which they must be familiar, and the machinery and organization of our public-land system. I shall therefore vote against the reference and vote for the bill on its manifest equity.

Mr. MORRILL, of Vermont. I am strongly disposed to vote in favor of this bill, provided some doubts in relation to it shall be cleared up, for my sympathies are altogether in favor of the settlers rather than in favor of the railroad grantees. But what embarrassed me most is that bills come in here in the first place for grants to or charters of railroads, setting forth clearly the rights of the railroads to the odd sections of lands for a certain distance and exempting all pre-emption rights, and then we have claims coming here from the same localities in behalf of actual settlers, and in some instances we have been compelled to pass laws giving actual settlers twice the amount of land that they held by previous pre-emption, and then subsequently have been met by a further claim on the part of the railroads for lands to which they thought they had a vested title.

Now, I am not aware that the Senator from Ohio has charged the Land Office with any dereliction of duty in relation to this matter, while the laws, as he declares, are perfectly plain and explicit on the whole subject, so plain almost that the man who runs may read. I would like to know what the Commissioner of the General Land Office has to say for himself for such a wild decision of his Department as to involve us in this difficulty of claims between the railroads and the settlers if the laws heretofore passed have been so plain and explicit.

Mr. SHERMAN. The Senator from Vermont will see that this bill does not authorize a patent to issue in any case except where the Land Department has offered the land for sale and decided in favor of the right of the pre-emptor. But there has been a recent change in the decision of the Land Office read by my friend from Kansas [Mr. HARVEY] yesterday. I think he will find the explanation in that change.

Mr. MORRILL, of Vermont. It seems to me at the same time that there must have been gross neglect of duty on the part of the Commissionor of the General Land Office, to have involved this case in any difficulty at all.

The only thing I desire about this bill is, that it shall be so carefully considered that we shall not hereafter have a claim presented by fifteen or twenty railroad companies to make up the loss that we are now inflicting upon them by the passage of this bill, and which the Senator from Ohio may excuse, as he excuses the past, on account of the ignorance of Congress in passing such a bill; and therefore, after the criticism of the Senator from Missouri, who perhaps understands this question as well as any Senator here, I should be most decidedly in favor of having this bill committed to the Judiciary Committee for further investigation.

Mr. McMILLAN. Mr. President, I think if the settler upon the public lands of the United States could have had the privilege of going into a court of justice and having his rights adjudicated, the difficulty which the Senator from Vermont who has just taken his seat has complained of would never have arisen. The whole difficulty arises from the fact that the settlers upon the public lands have no standing in a court of justice in the absence of any title to the land. They have no title nor have they any color of title, and therefore they cannot go into a court of justice and seek for even a construction of the law under which they claim their rights. Prior to the late decision of the Secretary of the Interior which has been referred to these difficulties did not arise, because the settlers upon the public lands had notice when those lands were withdrawn, and they never attempted to assert any right in them. Therefore no controversy ever arose. But under an existing ruling, after they have settled upon the lands they are met with a decision by the Secretary of the Interior which reverses the ruling that previously existed and deprives them of the rights which they supposed they had when they entered upon the lands. They can have no opportunity of ever having that question tested, and that is the reason they are compelled to ask redress at the hands of the Congress of the United States.

Now, Mr. President, I suppose if any charter of a railroad company has vested an absolute, unconditional estate in fee in a railroad corporation in these lands this act will not divest that title. That would not be attempted, because it could not be effectual. If there is no title vested, then it is competent for the Congress of the United States to declare when the title shall vest in the settler, and by this first section they prescribe definitely, so as to remove from the jurisdiction of the Secretary of the Interior or the Commissioner of the General Land Office any determination of that question. This bill fixes definitely the time when the rights of the people to settle on these public lands shall be determined; that is, when the lands are withdrawn from settlement by the Secretary of the Interior and when that notice is given to the people at the local land offices.

Mr. CHRISTIANCY. Will the Senator from Minnesota allow me to ask him a question?

Mr. McMILLAN. Certainly.

Mr. CHRISTIANCY. This bill applies exclusively, as I understand the case, to the past and not to the future.

Mr. McMILLAN. It covers both, I think.

Mr. CHRISTIANCY. It is admitted on all hands that the cases for which it is intended to provide are past cases.

Mr. INGALLS. As one of the advocates of the bill, I certainly cannot consent to be bound by the construction placed upon it by the Senator from Michigan. It is a bill general in its provisions, and may apply to cases in the future as well as in the past.

Mr. McMILLAN. I so understand the bill; but if it were as the Senator from Michigan thinks, the remarks I have already made relieve the question of any difficulty. Then the settlers would have the right to go upon these lands at any time prior to their withdrawal and notice of the withdrawal at the local land offices, and have had that right heretofore under this bill; so that any settlement heretofore made under these circumstances is in effect declared to be valid by this bill; and I see no objection whatever to that principle.

That is the first section of the bill. With reference to the second section, I think it important to state what I regard to be the effect of this section in view of the fact that in construing this law hereafter persons may look to the debates in the Senate and to the views that Senators have taken. The second section provides—

> That when at the time of such withdrawal as aforesaid valid pre-emption or homestead claims existed upon any lands within the limits of any such grants which afterward were abandoned, and, under the decisions and rulings of the Land Department, were re-entered by pre-emption or homestead claimants who have complied with the laws governing pre emption or homestead entries, or shall make the proper proofs required under such laws, such entries shall be deemed valid, and patents shall issue therefor to the person entitled thereto.

I think this section embraces all the cases to which Senators have referred. But I am inclined to think that it embraces some other cases or has a still further effect, and with that view I shall vote for it. The language of the section is "that when at the time of such withdrawal as aforesaid valid pre-emption or homestead claims existed upon any lands." The effect of this section is to declare, construed in connection with the first section, that where a settlement has been made upon the public lands at any time prior to the notice of withdrawal of the lands the pre-emption is a valid claim. It makes valid what may heretofore have been regarded by some as not being a valid pre-emption claim. If the settlement was made after the line was located,

under the late ruling of the Secretary of the Interior it would not be a valid pre-emption claim; but under the first section of this bill such a settlement is declared to be a valid claim, and the second section also recognizes the claim as valid and would embrace that class of cases also, and it is in harmony with the whole bill that it should be so construed. Such I think to be its proper construction. I think the construction is a just one. I think the provision is a just one. That applies only in cases where the grants made to the railroad companies are afterward abandoned by the railroad corporations.

The third section of the bill is plain.

I see no reason for a reference of the bill to the Judiciary Committee. The Committee on Public Lands is composed of gentlemen many of them of eminent legal ability, and it is composed of men who are familiar with the facts as they exist in the region of our country to which this bill particularly applies. They know the practical operation of the land laws, and they are capable of giving a legal construction to any bill presented to them. I therefore think the bill should not be referred.

Mr. MORTON. Mr. President, I wish to call attention to the case in 21 Wallace which was referred to yesterday, and which, I think, supports the view I took yesterday in regard to the law, certainly what ought to be the law. What was that case? In 1856 Congress made a grant to the State of Wisconsin for the purpose of making certain railroads. The language of the grant was *in præsenti*, "is hereby granted." The line was surveyed and the route was located some time before 1864. The map was filed afterward, I think in 1869 or 1870. After the State had completed the title by performing all the conditions required to designate the land, parties cut logs upon the land, and an agent of the State of Wisconsin seized upon the logs. In that case the court held that by the grant the State of Wisconsin acquired a right *in præsenti* to that much land; and that, when the land was designated and the map filed, the title attached to that particular land and was completed at that time.

The court, in that decision, refers to an old case in 2 Wheaton, decided by Chief Justice Marshall, which carries out the idea precisely. The State of North Carolina had donated for the relief of the soldiers of the continental line a certain specified tract of land, designating the tract; but it was not divided among these soldiers. Afterward the State passed a law donating to General Nathaniel Greene twenty-five thousand acres, to be afterward surveyed and allotted by commissioners in this tract of land. After that time, and before the allotment was made, the State of North Carolina opened this land to public sale in the land office, and certain parties made purchases of this land. In that case the court said that by the designation of the particular tract of land in the original grant it was set apart and the grantees acquired an imperfect interest, although it was not divided among them. The tract granted to the soldiers of the continental line was specified; but how it should be divided among them was not then known. Afterward General Greene got a grant of twenty-five thousand acres to be taken out of that tract. After that was done, the State of North Carolina opened these lands to public sale. The court decided that these lands were not subject to entry, because a present interest had passed to the soldiers in a body. Therefore the case is different from that of the lands contemplated in this bill, because here they are open to private entry.

Mr. MITCHELL. I will state to the Senator from Indiana that my object in quoting that decision yesterday was to show the necessity for the last section of this bill.

Mr. MORTON. I understand that; but the Senator from Missouri referred to it this morning as settling this question. In the case in 2 Wheaton, Chief Justice Marshall used this language, speaking of the grant to General Greene:

> As the act was to be performed in future, the words directing it are necessarily in the future tense: "Twenty-five thousand acres of land shall be allotted for and given to Major-General Nathaniel Greene." Given when? The answer is unavoidable: when they shall be allotted.

His title began from that time when the land shall be allotted by the commissioners, or, in the other case, when the railroad companies shall make their selection and file their map; but in that case the title of the settlers was held not to be good, because the land was not subject to private entry at the time, that whole body of land having been set apart and withdrawn from the market. That is not the case here. These lands are subject to private entry, and the question comes up now whether, in the case of a general grant to a railroad company, the lands not being located, a settler enters and occupies them while they are still subject to private entry, and afterward the company files a map, its title reverts back and takes the land from the private settler. I say no, upon principles of law; I say no, upon principles of equity; and in this very decision the court says that public grants shall be construed strictly against the grantee, and in favor of the general public.

Now, Mr. President, to come down to it simply as a matter of common sense, the actual settlers are generally men of small means; they are not able to travel far and to travel often. The settler seeking a home in the West goes to the land office; he inquires for lands open to private entry; the charts and maps are shown to him; he is pointed to land that he may enter upon; he does enter upon it; perhaps he has never heard of a railroad grant in that locality; it may not have been made at that time, or if it was made perhaps he has never heard of it, and if he has he does not know where the road is to go. It may go in this range of townships or in that range of townships; there is no location of it. Now, for the railroad company to come in one or two or three years afterward, and locate its line of road, and file a map, and take the land from that man, is a monstrous injustice, and the Government should not permit it for a moment. You cannot repair the damage by giving to him the little amount of money he has expended upon it or the value of the little improvements he has made. That is no compensation at all in such a case.

Mr. INGALLS. They do not give the improvements; they merely return the fees paid to the local office.

Mr. MORTON. That amounts to nothing at all.

Mr. SARGENT. And the settler loses the interest of his money.

Mr. MORTON. As the Senator from California says, he loses the interest of his money even.

Mr. WRIGHT. Mr. President, I have no intention at this time to enter into the merits of this bill, but my only purpose is to say a word on the question now before the Senate, which is the proposition of the Senator from Michigan that it be referred to the Committee on the Judiciary.

This bill was before the Senate at the last Congress. It came here from the House of Representatives. It was considered by the Committee on Public Lands and reported favorably precisely as it now stands. It has been again considered by that committee and again reported favorably. Now, it is proposed, notwithstanding there is not anything in this bill that peculiarly demands the attention of the Committee on the Judiciary, that it shall be taken from the Senate after a discussion of almost one day and referred to the Committee on the Judiciary. I appeal to every friend of this bill, whether in favor of it in its present form or in favor of it with such amendments as he thinks may be made to it, to stand by the bill as it is, and avoid the committal of it to the Committee on the Judiciary. I think it is due to the Senate that they should keep it before the body. What reason is there that this bill should go to the Committee on the Judiciary? If you look to the composition of the Committee on Public Lands, you will find, as has been suggested, some of the ablest lawyers in this body, and so it was composed in the last Congress when the committee also had a similar measure under consideration. To that committee are intrusted peculiarly all questions arising under our statutes touching our public lands. That committee have reported for years and years the bills that we have had touching our public lands. They are a continuing committee from session to session and from Congress to Congress, and members of the Senate are now upon that committee who have been there for years. They have had all these questions under consideration and examination, and are as well prepared and better prepared to investigate and determine and report upon them than the Committe on the Judiciary. There is not a single question in this case that belongs peculiarly to the Judiciary Committee; and I feel bound to say that the Committee on Public Lands is more competent to determine and report to this body than the Committee on the Judiciary.

I therefore trust, I repeat, that every friend of this bill, whether a friend of it in its present form or as he thinks it may be amended, will insist that the bill shall remain where it is, having come from the appropriate committee, and that committee having twice reported favorably upon it. Let us take action now; and if these settlers are to lose their homes, if they are to be turned away from their homesteads because of what I am bound to believe is a morbid sentiment in favor of what are called vested rights in favor of railroad companies, let us know it.

Mr. FRELINGHUYSEN. Mr. President, this question is one that affects all the public lands of the country. It is one that brings before us all the land grants made by the United States. I have no morbid feeling in favor of vested rights. All my prejudices are with the settler; all my predilections are with him; and I am ready to help perfect a bill that will give him relief. I, however, agree with what has just been said, that there is no necessity of referring this bill to the Judiciary Committee. What I should like would be to see this bill made the special order for some day next week, so that we may have an opportunity of looking into it. The committee which has reported the bill is quite as competent to investigate it as the Judiciary Committee, but I think on so important a question the whole Senate should have an opportunity to investigate it.

It has occurred to me that this bill may have an effect on a very important suit which is pending, and I know that Congress would not want to interfere by legislation with a question which has been before the courts and is now there pending. In 1825 a treaty was made with the Osage Indians by which the United States reserved a large tract of land for those Indians as long as they should see fit to occupy it. In 1866 those Osage Indians conveyed those lands to the United States in trust, allowing the lands to be sold under the public laws in reference to the sale of lands, the proceeds to be invested in a fund for Indian civilization. Large quantities of land were sold by the United States under that treaty. That was in 1866; but it so happens that in 1863, three years prior to that sale of the Osage lands, the United States had conveyed to Kansas a large tract of land for the benefit of railroads there to be constructed. The United States some years ago filed a bill against those railroad companies to have the patents issued to Kansas canceled, because the Government held that the reservation in the treaty of 1825 excepted those lands from that grant made in 1863, and the circuit court of the United States decided

that question in favor of the United States, thereby validating, thereby rendering good and perfect the title to all those settlers who had bought under the action taken in 1866. That decision has been appealed from, and within the last two months it has been argued in the Supreme Court of the United States and is there awaiting decision.

I do not know that this bill will affect that question; but it does seem to me that an act passed saying that all settlers who settled before the lands were withdrawn from the local land office shall have a valid title is declaring that all those who purchased under the action of 1866 have a good title, notwithstanding the grant by Congress for the benefit of these railroads in 1863. I do not know that it has that effect. I do not want this question referred to the Judiciary Committee. I am in favor of a measure for the relief of settlers. What I do ask is that a day shall be fixed next week, so that we may have an opportunity of looking into this question and thus be enabled to act with intelligence.

Mr. INGALLS. It is not my desire to prolong this debate, but I am entirely opposed to the motion for reference that has been made by the Senator from Michigan and that is now pending, and for more reasons than one. Inasmuch as the Senator from New Jersey has seen fit to refer to what are known as the Osage ceded land cases between the Missouri, Kansas and Texas Railroad and the Leavenworth, Lawrence and Galveston Railroad and the settlers upon what are known as the Osage ceded lands, I will say that if (which I do not by any means believe) the question involved in this bill is at issue in those cases pending elsewhere, no one knows better than the Senator from New Jersey that this bill ought not to go to the Committee on the Judiciary, because I believe that I commit no impropriety in saying that the chairman of that committee is one of the attorneys for the railroad companies in those cases. Therefore there is a very manifest impropriety in the reference suggested by the Senator from New Jersey.

Mr. FRELINGHUYSEN. I stated that I was opposed to this bill going to the Judiciary Committee, not that I was in favor of it.

Mr. INGALLS. I did not understand that the Senator from New Jersey favored the reference, but there are some members of the Senate who do.

But, sir, the question between the settlers on the Osage ceded lands and the railroad corporations claiming those lands, as I understand it, is not based upon any consideration that is involved in this bill. The claims of the railroad companies to those lands and the claims of the settlers to those lands are based upon a question entirely different from that which arises upon the decision of the Secretary of the Interior as to the time when a claim of pre-emption or homestead settlement becomes valid or when a railroad title may attach. I beg to say that, without going further into the merits of those cases, simply to disabuse the minds of the Senate as to the status of this question.

Mr. MERRIMON. Mr. President, I do most heartily desire to vote for some measure calculated to extend relief to the persons who are sought to be benefited by this bill; but I confess I do not see my way clear to vote for the pending bill. If I understand the case as it is presented, it is in substance this: Certain pre-emption claimants and perhaps another class of claimants or two had acquired certain rights anterior to the time when a grant issued to certain railroad corporations. If those rights were valid when first acquired and if they were not lost, then a subsequent grant to the railroad company could not divest them. If, however, they were lost for any cause, and a subsequent grant was made to the railroad company, then certain rights vested in the railroad company, and anything we can do cannot divest those rights. I understand that the purpose of this bill is to cure, if possible, the rights of pre-emptors and any other persons having like rights.

Mr. HARVEY. If the Senator from North Carolina will permit me, I will correct a misapprehension he labors under. It is not to cure any rights of pre-emptors or homestead settlers, but to remove from their rights a cloud, an obstruction which has been placed in their way by an unwarranted ruling of the Interior Department, a ruling which the Secretary in the very letter making it admits to be a new one and one different from and contrary to the former ruling of the Department, changing by that ruling the effect and operation of the law as effectually as though the law itself had been changed; and yet no such change had been made by law, but it was simply a change of ruling by the Department, the result of which was that a settler, no matter how closely he might have complied with the law in all its requirements, yet had his homestead certificate or his certificate of pre-emption settlement canceled, and his patent refused, simply because the time had not arrived when his patent could be issued before this change of ruling was made by the Department. I read that decision yesterday.

Mr. MERRIMON. But if the right had accrued how could he divest it, and how could any ruling he has made affect it?

Mr. HARVEY. How can the settler assert it? He has no evidence of title. I stated that.

Mr. MERRIMON. If he has any right, he has a standing certainly in some appropriate court.

Mr. HARVEY. But his evidence of title is gone. The Department has canceled and rendered nugatory the evidence which he had already obtained under a former ruling.

Mr. INGALLS. If it will not interrupt the honorable Senator from North Carolina, I should like to state on that very point that not only has the settler no right in court, no means of getting into court, no right of appeal from the decision of the Secretary of the Interior, but that on two or three separate occasions I have appealed to the Attorney-General of the United States to make a case in behalf of the settlers in the name of the Government against the railroad corporations to have this very question tried, and I have been uniformly refused.

Mr. MERRIMON. Why has not the claimant a standing in court?

Mr. INGALLS. Because he has no evidence of title. His right of settlement could only be tried in an action of ejectment.

Mr. MERRIMON. Then he has no right; and how is it possible for Congress to divest a right that has vested in a railroad company and place it in him?

Mr. INGALLS. We claim that it has not vested.

Mr. SARGENT. The companies hold by a species of vacancy, by intruding into a vacancy. Will the Senator allow me to read a single clause from a decision of the Supreme Court of the United States?

Mr. MERRIMON. I will, because I really desire information. I want to give relief if it can be done, but I do not want to walk over even corporations' rights.

Mr. SARGENT. I respect the Senator's scruples. I wish to show him that so far from a pre-emptor having any standing in court or any vested right even, in the opinion of the Supreme Court he is treated as having no right whatever of any kind, although he may have complied fully with all the points of the pre-emption law up to the time——

Mr. MERRIMON. Then will the Senator tell me how we can create the right in him by law?

Mr. SARGENT. Because by the policy of the law and the equity in law the right exists. I should like to show the Senator the statute under which I say the right accrues, and then show him how it has been treated by the judicial authorities. I should like to give effect to the statute.

Mr. MERRIMON. I want information.

Mr. SARGENT. The law of 1841, which in the particulars to which I refer never has been repealed, provides that—

> Every person, being the head of a family or widow, or single person, over the age of twenty-one years, and a citizen of the United States, or having filed a declaration of intention to become such, as required by the naturalization laws, who has made, or hereafter makes, a settlement in person on the public lands subject to pre-emption, and who inhabits and improves the same, and who has erected or shall erect a dwelling thereon, is authorized to enter with the register of the land office for the district in which such land lies, by legal subdivisions, any number of acres not exceeding one hundred and sixty, or a quarter section of land, to include the residence of such claimant, upon paying to the United States the minimum price of such land.

Observe, he is required to make all these improvements; but he cannot pay for the land until the survey is made; and before the survey is made the Supreme Court in the case of Frisbie *vs.* Whitney, where the matter came to the attention of that tribunal, says the pre-emptor has no rights, because he has paid no money. He could not pay it, because under another section, which I will read to the Senator if he desires, he is not allowed to make his tender to the land office and pay the money until after the survey is made of the land into subdivisions by the United States, which will show exactly where the tract is situated. The Supreme Court says, referring to this pre-emptor:

> What had he done? He had gone upon the land, built a house and barn, and perhaps inclosed some of the ground.

They speak of it a little lightly. They admit that he had gone on the land, built a house, a barn, and perhaps inclosed some of the land.

> He had also applied to the register of the land office and offered to make a declaration that he had done these things with the intention of making a permanent settlement, and claiming the land under the right of pre-emption. This is all. He had paid no money, nor had he then tendered any. The land officers refused to receive his declaration and denied his right to pre-empt the land. He never has paid any money, has never received any certificate of pre-emption, and the register and receiver have never, in any manner, acknowledged or admitted his right to make pre-emption of that land. So far as anything done by him is to be considered, his claim rests solely upon his going upon the land and building and residing upon it.

Those are the very things which the United States required him to do; and did not some right vest in him by virtue of that? And yet the court say:

> There is nothing in the essential nature of these acts to confer a vested right, or indeed any kind of claim to land, and it is necessary to resort to the pre-emption law to make out any shadow of such right.

They deny that there is any such right. I say that under a decision of the Supreme Court like this, may not a Secretary of the Interior or a Commissioner of the General Land Office fall into the same vein and say "these parties have no rights?" Suppose a person thus under the encouragement of the law of 1841, never repealed, still in force, goes on and makes these improvements on the public lands; if somebody afterward comes in and procures, even surreptitiously, a patent for that tract of land, what then? The Supreme Court by various decisions have declared that a pre-emptor who has not actually received his patent has not a standing in court. I can show this to the Senator further from 15 Wallace, where this case of Frisbie *vs.* Whitney is passed upon in the Yosemite Valley case, where the person, beyond all dispute, as I understand the facts, was in possession, and had been for years. Though that was so, the United States subsequently gave the land to the State of California, thus cutting out, right from under his feet, the land of the pre-emptor. The State of

California saw that injustice was done by this, and by its Legislature passed a law that it would itself give this land to the pre-emptor. It did not desire to deprive Mr. Hutchins of his land, the man who had called the attention of the world to the valley and had made there his improvements. This man being thrown out by this means, the State of California desired to render him justice; but on the plea of the commissioners having charge, the Supreme Court decided that, although he had made this settlement and acted in good faith all the way through, still he had no title to the land, no vested right whatever, and disregarded any claim under the pre-emption law, and threw him out.

Mr. MERRIMON. That is just as I understood. The courts have decided that these persons have no standing in court, because they have no right.

Mr. SARGENT. Very well.

Mr. MERRIMON. Now, if they have no right and an act of Congress has created a right in a corporation touching those very lands, how can we pass a bill divesting that right?

Mr. SARGENT. In the first place, the right has not inhered in the corporation. Take the case under the second section, which I referred to yesterday, where by the original grant to the corporation these lands were excepted, and consequently the right would not exist; but it came forward and asserted a right to them, and, under the ruling of the Land Office, procured a listing of the lands to them, which connects them with the title of the United States incorrectly, improperly, without any foundation in equity or in justice or in law; but then it goes into court and establishes it; and the settler comes in and says: "Here, I am entitled to this; by the law of Congress, by every principle of fair dealing, I am entitled to it, and a court of equity should require the title to be made to me, should require the railroad company to hold it for my benefit;" though he might well say all these things, he cannot be a party in court, because he has no paper title, no paper showing him connected with the title before that time. That is the trouble. He has no evidence of title. The title may exist in him by every principle of right and equity, and a court of equity, if it could get at it, would decree it to him, and the other party to be his trustee.

Mr. MERRIMON. He has no paper title; but he has a right under the statute if he has done what the law required him to do.

Mr. SARGENT. But they will not recognize him as a party to assert that right, because, they say, he is not connected with the title. They even use words declaring that he is a mere trespasser. There is the trouble which we wish to cure.

Mr. MERRIMON. I confess I am not prepared to vote. I do not want to vote against the bill, and as I see the matter now, I am not prepared to vote for it. I trust therefore that it will be recommitted to some committee, or adjourned over until we can look into it, or I can look into it with more care. If I am compelled to vote now, I fear I shall have to vote against the bill.

Then I take this point further. My impression is that if the bill passes it will not accomplish what the friends of the bill desire to accomplish, but it may be that it will have the effect to commit the Government to compensate these pre-emptors and other claimants hereafter for what they insist they are in justice and good faith entitled to. How far the bill may have that effect I do not undertake to say; but I would not like to give a vote that would commit the Government to that, especially with the matter standing as I now understand it.

Mr. SARGENT. I wish to add merely another word. I know that delays are always easy. This bill was dragged along through both sessions of the last Congress, having been favorably reported upon by the Committee on Public Lands, who gave it full and fair investigation. We never could come to a time when it seemed proper to vote upon it. Now it is proposed that it be referred to another committee, as if we had not confidence in the Committee on Public Lands; a proposition which seems to me in effect, although that may not be its intention, to reflect upon that committee. Then again it is proposed that it be set down as a special order for a certain day when every one knows that a special order has no particular sanctity in the Senate and may be set aside by unfinished business, and so it may drift along through the whole session and this measure of relief may not be reached finally, as it was not reached during the last Congress.

Now this matter has been fully debated here for some twenty-four hours. Senators have had an opportunity to carefully examine it. The objections against the bill have been answered, it seems to me, or at any rate we have attempted to answer them; and if Senators' minds are not made up that they can vote for the bill, I see no other course for them but to vote against it. I believe, however, that a majority of Senators on this floor are satisfied that this is a just and correct measure; that it involves no consequences of compensation against the Government by merely relieving the parties who are oppressed by the operation of the construction of our laws, and giving them an opportunity to go into court and establish their rights—to stand the individual citizen, humble as he may be, upon the same level in court as a corporation. That is all that this bill does. It simply gives him the paper evidence connecting him with the title of the Government of the United States, by which he may be treated otherwise than as a trespasser by the Supreme Court or any other court of the United States, and by virtue of that protection establish his rights, if he has any, and if he has none, have an adverse decision against him.

There is more in this debate and there is more in this bill than appears on the surface. I say, sir, the question we are deciding to-day is not simply the right of here and there a man, but it is the right of the citizen as against the corporation. That is the proposition; that is the shadow which now rests upon this Hall—whether corporate power is greater in the Senate of the United States and in the Congress of the United States, or whether the right of the citizen is the greater. I do not believe in infringing the rights of corporations. Where they have rights, I would protect them; but it is no infringement of their rights to make them contestants in an action against a person who has a right which he claims that they infringe; that he had property of which they unjustly have deprived him. That is only the fairness and equality to which all men are entitled under the law; and I say it will be a sad day for many western homes and it will be a sad day for the whole country when it shall be understood that there is any power in the country so powerful by the accumulation of capital or by any far-reaching influence that it can dictate the laws which shall be made from the Capitol, and be enabled with impunity to trample down the rights of the citizen. I say that all we ask is an opportunity for the settlers to show that by a fair construction of the law they are entitled to their homesteads, to be heard before the courts in defense of that claim. Gentlemen may find all sorts of ingenious arguments, and may advance all kinds of technicalities, and may express timidity for fear these powerful corporations may be hurt; but I say to them there is no danger of that. They are prepared, fully armed and equipped, with the ablest counsel in the Senate and out of the Senate to advocate their claims before the courts of the United States, and they have overflowing treasuries; they have all the means which are necessary in order to vindicate their rights; and as against them, I ask, not infringing their rights, that the opportunity may be accorded to the settler to vindicate himself with such feeble means as may be in his power before the courts of the United States.

Mr. HOWE. Mr. President, I think myself that it will be a sad day for the country when it shall come to believe that the legislation of the land is conducted under the shadow of corporate power and corporate authority. I indulge the hope, however, that that day will not come until somebody, here or elsewhere, asserts the fact. Outside the Chamber I believe no such fact has been advertised as yet. I trust it will not for the first time be proclaimed on this floor. I have myself seen no evidence whatever that the influence of corporations pervaded this Chamber or influenced the course of this debate. I hope such is not the fact.

The simple purpose which is avowed here to be the object of the first section of the bill, and the main purpose of the bill, is an object so manifestly just and fair, that there are no two Senators on this floor who would differ on it. What is that purpose? To meet this case it is said; the case of an unfortunate and uninformed settler, who under the operation of your homestead or your pre-emption laws shall have attempted to make himself a home on a tract of land within the limits covered by a grant to a railroad without knowledge of that grant.

Mr. HARVEY. Will the Senator pardon me for asking a question? If he is so unfortunate as to be misinformed, whose fault is it, if the records which the Government keeps in the land district misinform him?

Mr. HOWE. Not his fault, not the fault of the settler. The Senator misapprehends me. I am stating what I understand to be the purpose of the first section of the bill in order to maintain what I before said, that so far as that purpose is concerned there are no Senators on this floor who differ about the propriety of it. That purpose is to take care of the unfortunate and uninformed settler who, not knowing of the grant, had gone on a tract within its limits to make himself a home. Now, of course there is not a man on this floor who would dare to vote for a bill making a grant of that tract of land after the settler had commenced to make his home upon it. The Senator from Kansas does not know of such a man; the Senator from California does not know of such a man in this Chamber. No Senator here knowing of that settlement would dare to vote for a bill granting that tract of land to a railroad company or anybody else. Therefore I conclude if it be still within the purview of legislative power, if it be still within the province of the Legislature to say in reference to such a tract which has been so settled upon and afterward covered by a grant, the settlement having been made without knowledge of the grant and the grant having been made without knowledge of the settlement—if it be within the purview of legislative power to say to which of these two parties the land shall belong hereafter, there are no two Senators on this floor who would hesitate to say that it should go to the settler and not to the railroad grantee, not to the corporation. The settler has paid something equivalent to a consideration; the corporation has paid nothing equivalent to a consideration. Besides, there is in the Senate Chamber, thank God, as outside the Senate Chamber, still a sympathy and a feeling for the weak which does not exist as for the strong, and which would prompt, not a part of the Senate, but I am happy to believe the whole of the Senate, when there rests with us a volition of giving or withholding, to give to the weak and not to the strong, to give to the poor and not to the rich.

For these reasons I venture to say that so far as the avowed purpose of the first clause of the first section of the bill is concerned Senators do not differ as to what is proper to be done. There may be a

difference of opinion as to what the legislative power can do, and there may be a difference of opinion as to what is necessary to be done. I have listened to the Senator from California, the Senator from Kansas, and other Senators, with a view of understanding precisely what is the necessity for this bill. I am only obliged to say that I do not yet understand what that necessity is. If in pursuance of existing law A or B take possession of a quarter section of land and make what you call a pre-emption settlement upon it, or a homestead settlement upon it, complying with the provisions of law, the moment he has done the preliminary things which give him the character of a homestead settler or the character of a pre-emptor, as I did understand before this debate commenced, he had clothed himself with a right which the courts would protect, which legislation is not needed to protect, and which legislation can do nothing to divest from him. Such was my understanding before this debate.

Mr. SARGENT. Did the Senator listen to the extract which I read from a decision of the Supreme Court?

Mr. HOWE. I was writing at the time, and I am not sure that I heard the whole of it; yes, I know I did not hear the whole of it.

Mr. SARGENT. They say in that case that compliance with the pre-emption laws confers no vested right.

Mr. HOWE. The Senator, I think, had a case before him which was not a case of pre-emption.

Mr. SARGENT. Then I will give you the case of the Yosemite Valley, which was a case of pre-emption. The case of Frisbie vs. Whitney, from which I read, was a pre-emption case, I think. I am familiar with the case, as it arose in my State, and I can state it in a minute.

Mr. HOWE. I shall be glad to hear it.

Mr. SARGENT. The case of Whitney was a case where there was a settlement on land which had been claimed as a Mexican grant—the Soscol ranch; the Mexican grant declared to be fraudulent, made without any authority of law by the Mexican authorities or not made at all. My impression is that it was declared to be a fraudulent grant. At any rate it was vacated by the Supreme Court of the United States. This led the people to suppose that the land thereby became public land and open to pre-emption and settlement. I should think that any person of pretty good intelligence would so conceive. Certain lands in California were supposed to be held under a Mexican grant, and that Mexican grant itself was by the Supreme Court of the United States declared to be absolutely void, so that the land was public land. Then persons of pretty good disposition and considerable average intelligence, under those circumstances, after this decision had been made and had been acquiesced in by all parties, entered upon this land as pre-emptors. A subsequent session of Congress, however, said that the persons who had claimed under the void and fraudulent Mexican grant should have a right to buy it for one dollar and a quarter an acre, and they came in and bought it, and the settlers consequently were ousted and thrown out. These men came in then and claimed under the pre-emption law, Whitney among others, whose case was here decided; and the Supreme Court said this: What did he do? He built a house, and he built a barn, and he may have made some other improvements; but all that did not confer any vested right; and to create any shadow of right he must refer to the pre-emption laws. I render the decision exactly. If the Senator doubts it I can read it; it is in the RECORD already; or I will hand it to him. Thus the case I referred to did arise under the pre-emption laws; and if it had not arisen under the pre-emption laws, or did not involve the validity of a law of the United States, all the parties being resident of the State of California, it could not have got to the Supreme Court at all. In the Yosemite case the claim of Mr. Hutchins was a pre-emption claim; and in that decision the court review the case of Frisbie vs. Whitney and re-affirm it, and argue in the same direction even more strongly that even a compliance with the law of 1841, which is the law to-day, by building a residence, and having children born there, does not confer any right when the settler has not actually paid for the land, though he cannot pay for it before it is surveyed.

Mr. HOWE. The Senator confirms the impression I had when I sat down—it was no more than an impression—that there was no pre-emption in the Whitney case. There was a settlement; but the land officers did not hold the land to be subject to pre-emption. There was a mere squatting, not in accordance with any law in the world. I was stating an entirely different case. Here is a quarter section of land in the State of Nebraska which the laws proclaim to be open to settlement under the pre-emption and homestead laws or to entry under the laws for the sale of the public domain. When I go on to that quarter section of land in pursuance of law and make my settlement and give notice of my purpose to pre-empt it, which the land office records, there is a contract to that extent between myself and the Government of the United States. I do not think it needs any protection on thepart of Congress; and I say again what I said before, that Congress cannot disturb it. That is my judgment. I speak with diffidence and with deference to the opinions of others, but that is my judgment.

Sir, you talk about evidence of title and the necessity of it to give you a standing in court. What better or higher evidence of title do you want than the statutes of the land? Is the patent written on parchment and signed by your President better evidence of title than the statute?

Mr. HARVEY. Will the Senator permit me to ask whether the statute identifies the person in court as the one having a right to a particular tract?

Mr. HOWE. No, sir; it does not identify that individual, but that individual may be made certain by evidence outside of the statute, and is. It does not convey a legal title. The Senator from Kansas, the colleague of the Senator who just interrupted me, says that this question must be tried in an action of ejectment. Certainly not. There are other forms of trial which can determine this question. I myself have on behalf of a client, in a suit in equity, recovered against a patentee a tract of land on behalf of a man claiming simply under the statute without any patent. I did not do it in an action of ejectment, but I did do it by bill in equity. And although I was not attorney in the case to which I am about to refer, a similar recovery was had of another tract of land, which was finally confirmed by the Supreme Court of the United States. You will find it in one of the volumes of Howard's Reports, the case of Grignon's Assignee vs. Astor, I think.

Mr. WRIGHT. Will the Senator from Wisconsin allow me to ask him one question? I can very well conceive a case—and I know there have been many cases—where bills in equity have been brought to set aside patents and in favor of those who claimed adversely to patents and who perhaps had nothing more than a mere settlement right. But I think that a majority of those cases will be found to be instances where it was claimed that the patent had been fraudulently issued. I think that will be found to be so. But the inquiry that I propose to propound to the Senator is this: Whether, if a party comes into court with his patent, standing upon his legal title, he now unquestionably has that legal title which will dispossess the person in possession.

Mr. HOWE. In ejectment?

Mr. WRIGHT. In ejectment. I can conceive of many cases where the person thus in possession may by bill in equity set aside the patent and resist this ejectment proceeding; of course before the case had proceeded to trial and judgment in the law action. But now I submit this question: Suppose the party recovers in his ejectment proceeding, and the settler proposes to come in under the occupying-claimant law, which obtains in the Senator's State as in mine, to recover for his improvements; does he think that the settler, either as a pre-emptioner or a homesteader, would have such color of title as that he could be heard in a court of equity to recover for his improvements?

Mr. HOWE. That law in my State, if I remember it, guides only on the trial of actions of ejectment, suits at law, and therefore it could not obtain in this case. I would advise the pre-emptor, instead of giving judgment to the plaintiff in ejectment, to stand on his equitable title and enforce it, and not rely upon a recovery for his improvements.

Mr. WRIGHT. The Senator, of course, will agree with me that the settler or person who relies on color of title after judgment can have proceedings suspended upon the judgment in favor of the complainant in the action establishing the legal title and prevent the writ issuing to dispossess him by filing his bill and asking compensation for his improvements.

Mr. HOWE. That would not be the practice in the State of Wisconsin.

Mr. WRIGHT. It is the practice, as far as I know, in most of the States who allow claims under the betterment act or the act providing compensation for occupying claimants. They have to rely upon a color of title. If they have not a color of title, of course they can have no claim against the person holding the legal title.

Mr. HOWE. There are two reasons why I do not wish to continue this part of the discussion. One reason is that there is being injected into it so much learning that, if it goes much further, I shall have to disclose how little I have, [laughter;] and the other reason is that really it was not this part of the bill that interested me, and I should not have commented upon it at all but for the purpose of saying that I did not believe the corporations were giving guidance to our deliberations or were likely to control our votes here. I do not care to insist upon the suggestion I threw out, that these settlers do not need protection, nor to insist that we cannot give them protection. I am perfectly willing to make the attempt. If it is seriously believed that a commandment of ours will do them good, I assent to it. What called me to my feet mainly, though, was to make the suggestion that I think, not exactly with the Senator from Missouri yesterday, that this bill does not do what its friends want it to do—I thinkthe Senator was right to some extent in that—but I think the bill will do some things which its friends do not want it to do, and which I do not want it to do.

I wish to call the attention of the friends of the bill especially to the tenth and eleventh lines of the first section. The previous lines of this section having undertaken to provide for the settler and to say that his title shall be good and valid as against a grant which might be made to a railroad company, the tenth and eleventh lines say that, after the Commissioner of the General Land Office shall have restored a grant to market, then the settler may take possession either under your homestead or pre-emption laws, or that any one desiring to purchase may enter at private sale. I do not think the friends of the bill mean to say that. That raises a question which is of a good deal of interest to the State of Wisconsin. In 1856 you made a grant of lands to the State of Wisconsin to build certain rail-

ways, in all from three to four hundred miles. The roads have not been completed. There is but a small portion left to be completed, but the time within which the completion was to be effected has expired several years since. The work of construction still goes on. There are those who have held that the Commissioner of the General Land Office might restore those lands to market, and there are those who have held that the lands were in market and that the title of the State was completely divested by the mere failure to complete; and it was that supposition or that theory of law which gave rise to the controversy settled in the decision read by the Senator from Oregon yesterday. The men who cut the timber supposed the title of the State was divested; that the failure to complete the road within the time limited by the act terminated the claim of the State, the title of the State, and they went on and cut timber. The court held that that did not determine the title of the State; that whether a conditional title was or was not forfeited was a question to be determined by the judicial or by the legislative tribunals of the country; and it is a question, as you see, of considerable moment to the State of Wisconsin. It is of great moment to the State of Wisconsin that you shall reserve to yourselves or reserve to the courts—one of the two alone—the power to say whether you will withdraw those lands from the State of Wisconsin or not. These two lines commit that authority to the General Land Office.

Mr. SHERMAN. To the President.

Mr. HOWE. No, sir; to the Commissioner of the General Land Office.

Mr. SHERMAN. By law no land can be restored to public sale and entry except by a proclamation of the President.

Mr. HOWE. I admit that, but after you pass those two lines the Commissioner can do it.

Mr. SHERMAN. This bill confers no power upon the Land Office, as I understand it. It simply says "after their restoration to market by the General Land Office," but under the law they cannot be restored by the General Land Office until after proclamation made by the President.

Mr. HOWE. This will be held to be a grant of power, I venture to predict. If the question be whether it is a grant of power or not, I shall refer that to a lawyer; but being simply a prophet, not a lawyer, I do not undertake to say how it can be that.

Mr. President, I want the friends of the bill to consent to an amendment which I send to the Chair to be added as a proviso to the first section.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. Add to the first section of the bill the following proviso:

Provided, That nothing in this act shall be construed to affect the title which the State of Wisconsin, or its assigns, may have to lands granted to that State by the act entitled "An act granting public lands to the State of Wisconsin to aid in the construction of railroads in said State," approved June 3, 1856, and the acts amendatory thereof, but such title shall remain as valid as the same now is.

Mr. SARGENT. Does the Senator think that the administration of the grant in Wisconsin is liable to the objection made by the friends of this bill, that settlers have been ousted and have been treated in the manner we have alleged?

Mr. HOWE. No, sir; but by the tenth and eleventh lines, to which I called the attention of the Senator from California and others, the bill seems to me to give to the Commissioner expressly the authority to say that the title of the State of Wisconsin to those lands is forfeited, and to restore them to market by an order that he may make.

Mr. HARVEY. If the Senator from Wisconsin will pardon me, I think he misapprehends the scope of the clause entirely. It only saves the rights of such settlers as may have settled upon lands after they have been restored by order of the Commissioner of the General Land Office.

Mr. HOWE. The title of the settlers or the title of the purchasers? When the Commissioner has returned the lands to market by his order, then they are open to settlement by a pre-emptor or a homestead claimant, or open to entry.

Mr. SARGENT. Were those lands ever declared to be restored by the Commissioner of the Land Office?

Mr. HOWE. They never have been.

Mr. SARGENT. And they never will be under this bill.

Mr. HOWE. Why so?

Mr. SARGENT. Because the Supreme Court of the United States has said that it does not possess the power to so declare; that it must be done by Congress or by judicial action. This simply refers to cases where the power was attempted to be used, and settlers have entered upon the faith that it was properly used.

Mr. HOWE. But the friends of the bill insist upon giving that power.

Mr. SARGENT. I think not, unless the Senator considers himself a friend of the bill, which I should judge him not to be by his remarks.

Mr. HOWE. I did not speak of myself in that category at this time. The yeas and nays, the journals of the Senate will determine in the end whether I belong to that category or not, and the Senator from Kansas and the Senator from California will not be excluded from the list of the friends of this bill.

Mr. SARGENT. Thank you. I would make a suggestion to the Senator which would perhaps meet his point just as well and not complicate the bill; and that is, to provide, according to the decision of the Supreme Court, that hereafter the Commissioner of the General Land Office shall not declare such lands restored without authority of Congress. That would cover the Senator's case, and would cover all similar cases, and would not extend the power of the Commissioner.

Mr. HOWE. If you can put that in and make a better piece of surgery of it, very well; but it strikes me that my own proviso is about as neat a piece as we can get.

Mr. SARGENT. If the Senator will accept a proposition of that kind, I have no objection to offer to it.

Mr. HOWE. What is the objection to mine?

Mr. SARGENT. That it points out a particular case to which the bill really does not apply, and if an exception is made in one case we may find an exception made in another, one for the Central Pacific Railroad, and next for the Texas Pacific Railroad, and then another railroad, and finally we shall except all the land grants from its operation. I object to it simply as a precedent.

Mr. HARVEY. I can see no necessity for the amendment proposed. I think a careful reading of the first section will satisfy the Senator from Wisconsin and the Senate that there is no necessity for an amendment of that kind. It enacts:

That all pre-emption and homestead entries, or entries in compliance with any law of the United States, of the public lands, made in good faith, by actual settlers, upon tracts of land of not more than one hundred and sixty acres each, within the limits of any land grant, prior to the time when notice of the withdrawal of the lands embraced in such grant was received at the local land office of the district in which such lands are situated, or after their restoration to market by order of the General Land Office, and where the pre-emption and homestead laws have been complied with, and proper proofs thereof have been made by parties holding such tracts or parcels, they shall be confirmed, and patents for the same shall issue to the parties entitled thereto.

This refers entirely to things in the past——

Mr. HOWE. The Senator's colleague says it does not; that it refers to things in the future as well; that it is a general law.

Mr. HARVEY. It is a general law of course in that it has no application to particular cases or instances, as, for example, those in a certain State or district; but as I understand the bill it refers simply to cases of the kind set forth here as having occurred.

Mr. CONKLING. If the Senator will allow me one moment, let us put ourselves ten years ahead. This act then speaks on the statute-book on that day touching everything that has occurred up to that time. Is it not to be a continuing act, and do not the words always speak as of the day when you read them, that all entries made "prior to the time when notice of the withdrawal of the lands embraced in such grant was received?"

Mr. HARVEY. It will be generally conceded that this system of land grants is a thing of the past, and the object of this section is simply to remedy the wrongs which have resulted from its operation.

Mr. CONKLING. Then why do you not say "received before the passage of this act?"

Mr. HARVEY. I have stated the object of this bill as I understand it. I will state further that it had its origin originally in the House of Representatives, was passed by the House during the last session, and the purpose then was, as I stated yesterday, to remedy the great wrongs to settlers from a certain decision of the Interior Department, of which I will read a portion again for the satisfaction of the Senator from New York and of the Senate:

These filings were made before the withdrawal of the lands, but under the construction now adopted by this Department the right of the railroad attached at the time of definite location, and not, as formerly held, at the time of withdrawal. No patents have been executed, and under the law, as I understand it, and the rule above stated, the right of the railroad is superior to that of other parties, and your decision should be reversed.

The letter was directed to the Commissioner of the General Land Office, who had decided, in accordance with the law and in accordance with the former regulations of the Department, that the claimants who had complied with the laws of the United States were entitled to their patents. This decision was made without any change of the law, reversing the operation and effect of the law under former rulings, and excluding, by its very terms, from the benefits of the law the settler who had before complied fully not only with the law, but with the requirements in every respect made by the Department. The Secretary proceeds:

I therefore reverse the same, and herewith return the papers transmitted with your letter of April 14, 1873.

Now, if I understand the ground which the Senator from Wisconsin takes, and I invite his attention for a moment, it is that this decision must be permitted to stand, and the settler who had complied fully with the laws of the United States must be content, not with the evidence of title which the Government agreed to give him on his compliance with the law, but must be content to go into court without the statute, and hunt up as he can find it evidence outside of the record to prove by Tom, Dick, or Harry, or John Doe and Richard Roe, that he was the person who made settlement on a particular tract of land and paid the fee, which the Government required him to do, and complied with all the other requisitions that the Government made upon him. The object of this bill, and the only object, is to vindicate the right of those citizens who have complied with the laws. It has no other purpose.

Mr. BOUTWELL. Mr. President, as I had occasion when a member of the Committee on Public Lands to consider this question, and

as, after listening to this debate, I entertain the opinion that I then had, it may not be out of place for me to state briefly the reasons for it.

I think it just to say to the Senate that we are asked in this bill to deal with titles to lands which have been granted already by the United States according to the forms of law, and to deal with them by issuing other titles to different persons for precisely the same tracts of land, those evidences of title to be in every respect, except as to date, like those heretofore issued. I believe that is an exact statement of the proposition that is now submitted to the Senate. The reasons for it, as I understand them, are, first, (and this I believe is true,) that the General Land Office did, under regulations which are now held to have been then without authority of law, permit persons to go upon lands covered by grants to various railroads between the time when those grants were perfected and the title under the statutes made to attach to particular sections and the time when the knowledge that such grants had been perfected by the location of the roads was communicated to the local land offices. The first section of the bill covers in terms a large class of cases; but an examination of the phraseology of the section, in connection with well-known facts about which there is no dispute, limits the application of the phraseology to a particular class of persons, whose character in reference to settlement upon the public lands is also well known. The language is—

That all pre-emption and homestead entries, or entries in compliance with any law of the United States, of the public lands, made in good faith by actual settlers upon tracts of land of not more than one hundred and sixty acres each, within the limits of any land grant, prior to the time when notice of the withdrawal of the lands embraced in such grant was received at the local land office of the district in which such lands are situated—

are to be made valid, as far as they can be, by this proposed act of Congress. This covers the case of any and every settler whose location was made previous to the time when notice of the withdrawal of the lands from market was received at the local land office. But we can divide upon well-known facts those who made these settlements into two classes: first, those settlers whose entries were made previous to the time when the right of the railroad company became a fixed right to particular lands and, second, those who made settlements after that period of time. I do not at this moment discuss when that time was, but, as regards all those whose entries were made previous to the time when the legal rights of the railways attached to particular tracts of land, they neither ask nor need any relief, because their titles are perfect and, as far as the railroads are concerned, cannot be in dispute. There is another class who made entries upon the lands after the time when, as it is now believed, the legal right of the railroad was fixed. The grants were *in præsenti*, as first the Attorney-General in 1856 held. The Supreme Court has since repeatedly held that the grants to the various railroads or to the States for the benefit of railroads were *in præsenti*, but the title was a floating title, which would be fixed when a certain other thing was done. The question is whether that particular thing to be done by which the title of the railroad attached to particular sections was when notice reached the local land offices of the withdrawal or whether it was upon the happening of some preceding event.

It is said that the rule of the Land Office has been different in different cases. I have already admitted that there was an erroneous construction of the law, and persons no doubt were induced to make entries upon lands under the impression that they would secure a valid title, when as a matter of fact the instructions of the Land Office were erroneous. But there is still another statement which is, as far as I know, not so well supported by facts. It is said that the General Land Office has made different regulations in regard to the different statutes under which grants were made, and complaint is made of that fact. This is true, because the statutes themselves provided a different time when the grants made to various railroads should attach to particular tracts of land, and therefore the regulations in different cases were based upon different statutes and differed. I have before me the statutes, and I think it well enough to call the attention of the Senate to the different language employed in them. In the eleventh volume of the Statutes at Large, page 9, in an act making a grant of lands to the State of Iowa, in alternate sections, &c., this phraseology is used:

But in case it shall appear that the United States have, when the lines or routes of said roads are definitely fixed, sold any sections, &c.

The phrase "definitely fixed" is there used, and the Supreme Court in 9 Wallace, in the case of the Railroad Company *vs.* Fremont County, decided, or rather used language which I think in the case is equivalent to a decision, interpreting that language for purposes not only of the Land Office, but I think for purposes of legislation. The question was not before the court, but the point before the court, as I understand it, was whether certain swamp lands that had been granted to the State were included within the grant made to a railroad or not; and therefore in order to settle that question it became necessary to ascertain when the title of the railroad attached to particular sections so as to save them from settlement, and Judge Nelson for the court says——

Mr. INGALLS. From what does the Senator read?

Mr. BOUTWELL. I read from 9 Wallace, pages 94 and 95. Judge Nelson says:

Until the line of the railroad was definitely fixed upon the ground there could be no certainty as to the particular sections of land falling within the grant; nor could the title to any particular section on the line of the road vest in the company. The grant was in the nature of a float until this line was permanently fixed. Now—

He says—

the proofs show that the location of the road was not made on the ground and adopted by the company till the 24th March, 1857.

That, I think, may be treated as the opinion of the court, inasmuch as the question before the court could not be settled without the court finding, first, the day when this floating title became fixed, and that was the day when the railroad company adopted the line of road surveyed and laid out by the engineers; and it had no relation to, indeed it antedated, the time when notice could have reached the local land offices. Therefore, I consider that question settled. Now, then, taking this particular case, the statute of 1856, and the decisions of the Supreme Court upon it, nothing can be clearer, it seems to me, as a matter of law, than this: that the settlers who went upon these lands after the 24th day of March, 1857, and before notice of the location of the road, which was legally made on that day, reached the local land offices, have no legal title to the lands on which they located themselves, but that those lands are legally vested in the railway company.

Mr. INGALLS. The Secretaries of the Interior held a contrary opinion up to 1871.

Mr. BOUTWELL. The Supreme Court held otherwise. I am not able to say what the Secretary of the Interior might have held in 1871. Then there were other cases.

Mr. HARVEY. Will the Senator pardon me in calling his attention to the fact that a while ago, at the beginning of his speech, he spoke against the idea of issuing more than one patent for a particular tract of land? He admits that up to a certain time in 1871 the practice of the Interior Department was diametrically different in this respect from what it is now; that the patents were issued upon a different construction of the law and in pursuance of different rulings as to the settlers up to that time. After that time the new ruling was adopted, and the settlers were refused their patents, their original papers were canceled, and the patents were issued to the railroad companies, going clear back over the same time, so that they adjudicated for the benefit of the railroad companies, and not for the settlers.

Mr. BOUTWELL. I have not admitted anything of that sort.

Mr. SARGENT. That is the fact.

Mr. BOUTWELL. On the contrary, I think the Secretary of the Interior, and I believe I have his decision here——

Mr. HARVEY. If the Senator will pardon me, I will finish the question I intended to ask, which is simply this: If the Department of the Interior issued patents upon one construction of the law at one time up to a certain day and upon a different and diametrically opposite construction afterward, is the Department necessarily right all the time, and must there be no question as to the correctness of its rulings?

Mr. BOUTWELL. I have this to say in regard to the Department: I do not purpose to discuss its doings in detail, as to whether it may have been right or wrong. I am trying to find, if possible, the legal standing of these claimants and of the railway companies as adverse claimants. The Department may have done all that the friends of this bill say, and even more, to the injury of the settlers, and it may be reason for great complaint on their part, and a reason even why we should furnish redress in some form or other, either by money out of the Treasury or lands from the public domain for the relief of these people; but it may not furnish a reason why we should undertake to do a thing as a part of the legislative branch of the Government, knowing that it will have no legal value when it is done, and only involve the settlers, whom it is the purpose of the friends of this bill to relieve, in greater difficulties than they now find themselves.

Mr. SARGENT. Will the Senator from Massachusetts yield to me for a moment?

Mr. BOUTWELL. Certainly.

Mr. SARGENT. I would like to ask the Senator if it is not a cruelty to the settler to refuse him, according to that decision made in behalf of railroad companies, the opportunity to go into court, and further, if he has any means of asserting his rights, except by showing some species of paper title which the court itself will not hold to be good?

Mr. BOUTWELL. I am for giving the settlers an opportunity to go into court.

Mr. SARGENT. Then I shall listen with pleasure to the Senator's statement of any means by which the settler can get into court.

Mr. BOUTWELL. But what I desire now to say is that one of two things will happen. If you grant patents to settlers, claimants for lands for which patents have already been issued to railroad companies, and these parties go into court one or the other will be defeated. Yesterday the Senator from Kansas, [Mr. INGALLS,] in reply to a question which I put to him, gave us to understand that in his opinion the railway companies would be defeated. I know not how that may be. My impression is otherwise: that if the Supreme Court held to the opinion I have read from the case of the Railroad Company *vs.* Fremont they must hold that the right of the railway attached to the lands at the time when the location was adopted by the railway company, and has no reference to the time when notice was received at the local land offices. Therefore, I believe that these parties to whom

you propose to give a standing in court will be defeated; that they will be induced by the issue of these patents to incur additional expenses in the improvement of the lands which they are now occupying; that they will be compelled to litigate these questions in court against rich corporations, and will be finally beaten; and they will then come with an additional claim to the Government of the United States to be re-imbursed, not only for the expenses to which they have been subjected heretofore, but especially for those they have incurred in consequence of what I think would be our improvident legislation.

Mr. WRIGHT. Will the Senator from Massachusetts allow me to interrupt him just there, as he pauses? I have some recollection of the case of the Railroad Company vs. Fremont County, to which he refers, and I beg to suggest to him that the court in that case only undertook to decide the question before it. Of course it had no right to decide anything more. The question as to whether the right of the company as against settlers could only attach from the time the lands were withdrawn from market was really not before the court. It was only called upon to decide in connection with the claim by the county for certain swamp lands that the title attached to the railroad company at a particular time, and, inasmuch as it attached at that time, that it could not interfere with the rights of the county. But the other question, as to whether the right attached and could only attach from the time the lands were withdrawn, was not before the court. I submit this to the Senator as a matter of pure argument.

Mr. BOUTWELL. I have stated perhaps as much as that, but I have stated also what perhaps the honorable Senator from Iowa did not observe, that I do not see how it was possible for the court to find whether the lands belonged to the county claiming these swamp lands under a grant to the State or the railroad company claiming the lands under the railway grant, unless they first found the date when the floating claims of the railway attached to particular sections, and as a matter of fact they did name a day when these floating titles attached to particular sections, and the day named was in fact, as stated by the court, the day when the railroad corporation did approve a particular line which had previously been surveyed.

Mr. WRIGHT. I can very well see that the deduction of the Senator from the circumstances of the case may be correct; but I think he will agree with me that there might be a fair and legitimate argument drawn if the question had been between settlers and the railroad company, the one insisting upon a different date from that fixed by the Supreme Court. In other words, the decision does not necessarily conclude a question raised between different parties under different circumstances.

Mr. BOUTWELL. That must be upon the ground that nothing is concluded as a matter of law. I will send to the Clerk's desk to be read a letter addressed to the Committee on Public Lands last year on this subject.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., May 25, 1874.

SIR: I have the honor to acknowledge the reference from you personally of House bill No. 3250, to confirm pre-emption and homestead entries of public lands within the limits of railroad grants in cases where such entries have been made under the regulations of the Land Department, which passed the House 11th instant.

If I correctly understand the purport and intent of the bill, it simply proposes in the first section to enact at this time a provision which in my judgment might with propriety have been made a condition in all acts making grants for railroad purposes.

But as those laws have been passed, and rights have vested under them according to their express signification, and many of them have already been construed by the courts to fix the date of actual location of the line of the roads as the time when title vested to the lands granted, without regard to date of withdrawal, I do not see how a legislative declaration at this time can defeat such right, or give to settlers who have unfortunately gone upon the lands subsequent to such date a superior title to that of the railroad companies.

Should the courts after all hold, notwithstanding such declaration by Congress, that the better title is in the company receiving the grant, great wrong will have been done the settlers by inviting them to make further improvements and receiving further evidences of title by the issue of patent.

As the holding of certificates of entry will in most of the States enable suits to be maintained for a judicial determination of the question of title, I am of the opinion that it should not be further complicated by the passage of an act that will compel this Department, in violation of its understanding of the laws governing the adjustment of cases coming before it, to issue patent for claims that without the act would be deemed illegal and clearly in conflict with rights already vested at their inception.

The second section can have no application, for the reason that no necessity exists for the confirmation of entries permitted upon lands excepted from the grant by valid claims existing at date of definite location; and if the withdrawal was subsequent to location of the road, a claim valid at the date of withdrawal must have been also valid at the prior date, and entries made upon lands in that condition are approved as a matter of course under the present laws. If the withdrawal was prior to the definite location and the claim was abandoned prior to such location, the Department has not ruled that subsequent entries should be allowed; and if in any case such entry has been permitted, it has been in violation of the rules, and clearly erroneous.

If these errors could be cured by legislation without conflict with vested rights, they could be reached without additional legislation, under the acts of 1846 and 1856, conferring equitable powers upon the Department.

I am unaware of any cases existing in the Department which would be affected by the third section, and see no impropriety in its provisions, unless it may be held to revive claims already passed upon and settled, and disturb titles already passed out of the Government under previous adjustments, or unless Congress may have revived some grant once expired, without making conditions for such claims, and have vested title without reserve in the company receiving it. In such case I cannot recommend the destruction of legal titles for the purpose of recognizing mere equitable rights founded upon misconstruction of law and originating in mistakes of either Department or legislative officers.

The bill in its present form seems to be broad enough to cover cases running back indefinitely, and to restore entries canceled years ago, where lands have already been patented under the railroad grants, and where title may have been a matter of transfer for years between the successive assignees. If passed at all, it should, in my judgment, be confined to cases where patents for the lands or the equivalents for patents have not yet issued, leaving to the courts the control of titles after they have once passed from the Government. This office has no power to compel the relinquishment of the outstanding evidences of title; and to authorize the issue of two patents for the same land, except in cases where the clearest legal right demands the issue of the second, only serves to bring contempt upon the decisions and actions of the Government, to cast doubt upon every United States patent, and destroy confidence alike in Government officials and the public records.

While I very much desire that some relief may be granted to the settlers, I cannot recommend the sacrifice of vested rights to accomplish the object. By way of inducement, however, to the railroad companies to yield to the claims of the settlers, this Office has prepared and recommended a bill, (S. No. 606,) which was also offered in the House (No. 2630) and with amendments passed that body on the 4th instant, No. 3162.

This will, if passed by the Senate, give to the great mass of settlers in railroad limits security in their homes by the withdrawal of the railroad companies from the conflict, and the acceptance by them of indemnity for the lands relinquished. Such, at least, is the opinion of this Office; and from documents and other information which I have received I have no doubt that the companies will gladly avail themselves of the opportunicy of thus relieving the settlers along their routes on whom will depend in a great measure the local support and traffic of the roads.

Very respectfully,

W. W. CURTIS,
Acting Commissioner.

Hon. WILLIAM SPRAGUE,
Chairman of Committee on Public Lands, United States Senate.

Mr. BOUTWELL. I will only say, in addition to what I have already submitted to the Senate, that I think it the duty of the Government itself to ascertain, in every case where doubt has arisen, whether the patents issued to the railroad companies are valid patents or not. Therefore I shall support the motion of the Senator from Michigan to refer this bill to the Judiciary Committee, in the hope, and in the belief as well, that that committee can report a bill by which the Attorney-General shall be authorized, and directed, if you please, to proceed against all railroad companies in the name of the United States for the purpose of declaring all patents invalid that have been issued to those companies without authority of law. In that case we secure to the settlers every right that it is possible to secure to them by action upon this subject; we save them every expense; we subject the railway companies to a single suit for the purpose of testing a class of cases; and in every aspect, both as to the attainment of justice and to the comfort to the settlers, it seems to me wiser that the General Government should take the responsibility of ascertaining by information filed by the Attorney-General, or by some other proper process, whether these patents are valid or not. If it shall happen, as I fear it may happen, that these patents are many or all of them valid, we must accept the result, and the fact that settlers have been misled by instructions from the Land Office, or that they have entered upon lands without a proper knowledge of the law, is no answer. If we have granted, or if our predecessors have granted, these lands to railways and patents have been issued, we have to accept the result; and if settlers, through the agency of the officers of the Government or by the action of the law-making power of the Government, have been misled, then it is for Congress to consider what shall be done in regard to them. But if there are valid titles outstanding, of what use is it to issue other evidences of title to other persons for the same tracts of land and precisely in the same form? Does it help anybody to have a right to go into a court and litigate a question when as a matter of fact there is no ground for the litigation? If these titles outstanding are invalid, let that fact be ascertained at the expense of the General Government. If they are valid, let it be ascertained at the expense of the General Government.

Mr. INGALLS. There are now no outstanding titles. The railroad corporations have secured the cancellation of the settlers' patents and refuse to take out patents themselves to avoid taxation.

Mr. BOUTWELL. They must take patents some time or other. They cannot dispose of the land without taking patents.

Mr. INGALLS. We have a bill already pending before the Senate for the purpose of compelling railroad corporations to take out patents in order that their lands may bear the proper share of the public taxation which they have refused to bear.

Mr. BOUTWELL. Just so far as the railway companies have neglected or refused to take patents for lands that are covered by the grants which have been made to them, just so much the stronger will the case of the Government be in a proceeding to oust them from all claim of title. Therefore the case is better than I had supposed it was before the explanation made by the Senator from Kansas.

Mr. INGALLS. The Senator is very easily satisfied.

Mr. SARGENT. It is sometimes worth while to see where a letter comes in that is read before the Senate for its instruction and from what source it emanates. The letter read at the desk a moment ago was not by the Secretary of the Interior now existing nor by any former one, nor by the Commissioner of the General Land Office nor any former one, but it was written by a clerk in the Office who chanced to be Acting Commissioner.

Mr. BOUTWELL. I hope the honorable Senator from California does not mean to have the Senate understand that that letter is any less the opinion of the Land Office than it would be if signed by the Commissioner. The gentleman who signed the letter signed it in his official capacity, and sat as Commissioner of the General Land Office when he signed it.

Mr. SARGENT. Very well; but I do mean to say it has not as much weight in my mind as if it had been signed by the Commissioner of the General Land Office.

Mr. BOUTWELL. The Senator merely means that he has a different opinion of the person who wrote it.

Mr. SARGENT. Not at all.

Mr. BOUTWELL. I do not object to that, but the remark of the Senator in regard to his right to sign it.

Mr. SARGENT. I do not deny that the act was performed by a person who understood that he had a right to do it.

Mr. BOUTWELL. He was Acting Commissioner by the operation of law.

Mr. SARGENT. But I do say that the Secretary of the Interior is selected for particular duties for which he has a supposed fitness. He is supposed to have a certain grade of ability. The Commissioner of the General Land Office, who is to grasp great questions and make semi-judicial decisions, is also selected with some view to his fitness for that place; but these duties are not to be assumed by a mere clerk in the Office, who in a comparatively few instances when the Commissioner is absent fills that office. In other words, I do not think it is a very creditable authority; but even conceding that it is, that the source from which it emanates is of the highest character, I must say I never read a document so confused in terms and so difficult to understand as the one which has been read at the desk and which I now hold in my hand. I supposed that from it I should get some light on this second section of the bill which particularly interests me and for which I have spoken so earnestly. I wanted a precedent to be laid down by this second section of the bill by which when a pre-emption claim within the limits of a railroad grant, valid and existing at the time of the grant, was abandoned, then the land should not go to the railroad company, but should be still held at the disposition of the Government of the United States, or, in other words, should go to its pre-emptioners who would pay for it, or to its homesteaders who would make a home there. That, I supposed, would be a reform which we were going to work. But this gentleman says:

> The second section can have no application, for the reason that no necessity exists for the confirmation of entries permitted upon lands excepted from the grant by valid claims existing at date of definite location.

If any Senator here is lawyer enough to parse that sentence and explain it, I would like to have him do so. I cannot extract any meaning from it. He goes on:

> And if the withdrawal was subsequent to location of the road, a claim valid at the date of withdrawal must have been also valid at the prior date, and entries made upon lands in that condition are approved as a matter of course under the present laws.

If any meaning can be extracted from the two parts of the sentence taken together, it is that, if there was any valid pre-emption claim at the time of the grant which never was abandoned, a patent issued upon it. It did not need the Acting Commissioner of the Land Office to tell us that; but what are you going to do with the case of just such a claimant to the land where the land was reserved and that claim became extinguished and you want to prevent it from going to the railroad company? Says this wise gentleman, "There is no necessity for the section in that view of the case!"

Mr. INGALLS. He was writing an argument for the railroad corporations.

Mr. SARGENT. That is what he was doing, as the Senator suggests, making an argument for railroad corporations. Here we want positive legislation, in my judgment, effectually to prevent this land from falling into the hands of the railroad companies, so that they cannot come in as a general legatee to all the lands in the United States and take those reserved from the operation of their grant.

> If the withdrawal was prior to the definite location, and the claim was abandoned prior to such location, the Department has not ruled that subsequent entries should be allowed—

> And this section does not require it either—

> And if in any case such entry has been permitted, it has been in violation of the rules and clearly erroneous.

Unquestionably. But what are you going to do with the new principle we try to lay down in the shape of affirmative legislation, that the subsequent settler going upon land which did not pass to the railroad company by the express terms of the original grant shall not be disturbed? Is it to go to the railroad company? We say by this section the subsequent settler shall be recognized, and it interferes with nobody's vested right. I say this letter contains "words without knowledge;" it throws no light upon the subject at all. It is not such a document, I believe, as would be written by the Commissioner of the General Land Office or the Secretary of the Interior provided the subject had been submitted to either of them.

Mr. HARVEY. I simply wish to state that the letter which the Senator from Massachusetts has read was before the Committee on Public Lands when this matter was first considered nearly two years ago, in May, 1874, and that it there received, as I think, proper consideration. I think it a very unfortunate letter to be quoted by one taking the view that the Senator from Massachusetts does on this question. In this letter the writer says:

> I cannot recommend the destruction of legal titles for the purpose of recognizing mere equitable rights founded upon misconstruction of law and originating in mistakes of either Department or legislative officers.

That amounts to but little less than a charge upon the legislative department of the Government of responsibility for the wrongs which these settlers suffer. If the view now taken of the matter by the Department be correct, I must say that I think a heavy responsibility rests upon the legislative branch for these wrongs. It follows as a logical consequence, if the grounds of the rulings be conceded. To show the theory of this letter I will read the last two paragraphs. The writer says:

> While I very much desire that some relief may be granted to the settlers, I cannot recommend the sacrifice of vested rights to accomplish the object. By way of inducement, however, to the railroad companies to yield to the claims of the settlers, this office has prepared and recommended a bill, Senate No. 606, which was also offered in the House, (No. 2630,) and with amendments passed that body on the 4th instant, No. 3162.

I will state as a matter of fact that that bill also passed the Senate. So, as you have seen, the right of one of the parties has been recognized, and at the instigation of the Land Department. He proceeds:

> This will, if passed by the Senate, give to the great mass of settlers in railroad limits security in their homes.

How? By the vindication of the law and the issuance of patents to those who have strictly complied with the law? By any correction of the wrongs resulting from these rulings of the Department? No. He says:

> By the withdrawal of the railroad companies from the conflict, and the acceptance by them of indemnity for the lands relinquished. Such, at least, is the opinion of this Office; and from documents and other information which I have received I have no doubt that the companies will gladly avail themselves of the opportunity of thus relieving the settlers along their routes on whom will depend in a great measure the local support and traffic of the roads.

Now, Mr. President, this is not a question to be determined by such considerations. It is a question of right, and it is a duty that devolves on this Senate to see that the rights of the people under the laws passed by the Senate and House of Representatives are vindicated. If this bill fails it will certainly give a great deal of significance to the remarks made a while ago by the Senator from California.

I certainly hope that this bill will not be referred to any committee, but will receive the final action of the Senate before any other disposition is made of it. I certainly hope that we may be able to reach a vote on it this evening and determine the question.

Mr. BOGY. I will not at this late hour of the session undertake to discuss the merits of this bill; I rise to avoid a misconception of my position. I am not opposed to the measures embraced in the bill. My opposition has been to some of the terms of the bill as framed. The measure itself meets my entire approbation, so much so that I am ready and willing to vote for the bill as it is because the friends of the measure on this floor, the committee who have reported the bill, are in favor of it as it is. My objection to the bill was that it did not go quite far enough, and in some portions of it was too loosely worded. But I am opposed to the reference of the measure to the Committee on the Judiciary, or indeed to any committee whatever, but particularly to the Committee on the Judiciary. I know the members of that committee are good lawyers, but there are good lawyers also upon the Committee on Public Lands, and I believe the lawyers upon the Committee on Public Lands investigate a subject of this sort with more care and attention than the men who are members of the Committee on the Judiciary. Therefore I will oppose that reference, and hope it will not be made; but if a further reference be made at all, it should go back to the same committee from which it came—the Committee on Public Lands.

We have lost sight in the discussion of this measure of the real objects desired to be accomplished. The Senator from California in his argument seems to throw out the idea that those persons who, like myself, have opposed the bill because it was not as we thought properly drawn are here under the influence of the great railroad monopolies and have no sympathy with the pre-emptors and the homesteaders of the West. Now, as far as I am concerned, a speech of that kind is entirely unnecessary. My sympathy with the class of western settlers is not new-born; it was not born yesterday or the day before. It is as old as my life and has grown with my growth, and it is sincere; and no reflection that the Senator may cast on me and others——

Mr. SARGENT. The Senator did not understand me, I trust, as making a reflection on him. I understood the Senator to be advocating the principles of the bill. I intended to reflect on no one, and certainly not on a Senator who I understood was friendly to the bill and wanted to make it more stringent.

Mr. BOGY. I am friendly to the bill.

Mr. SARGENT. I so understood.

Mr. BOGY. My object was to perfect the bill. My object was to make it so perfect that litigation would hereafter be avoided. I know very well that litigation may take place between the poor people who have made these pre-emptions in the remote West and these large rich monopolies very much to the disadvantage of the pre-emptor and the homesteader. Knowing that, I was anxious to perfect a bill here which would avoid litigation, if possible.

Now, sir, I hope that the friends of the measure will vote against the reference of the bill to the Committee on the Judiciary, and against its reference to any other committee whatsoever. If the friends of the bill are satisfied with it, if the committee to whom the subject was referred are satisfied with it, I am willing to take it. I see no harm to the Government, no harm to the public. Nobody can be injured by it but those persons whom you want to benefit, and they can only be injured to the extent that we do not do them as much good as I think we are able to do them. That is all; but as far as the bill goes, imperfect though it is, the imperfections are not of a character

to induce anybody friendly to the measure to vote against it. As far as it goes it is all right; it does not go quite far enough, that is all.

Now I hope the reference will not take place, and that the bill will actually be passed, and passed to-day. The subject has been discussed enough.

Mr. HITCHCOCK. Mr. President——

Mr. CAMERON, of Pennsylvania. Will the Senator from Nebraska give way, that we may have an executive session?

Mr. HITCHCOCK. I make no objection.

Mr. CAMERON, of Pennsylvania. I move that the Senate proceed to the consideration of executive business.

Mr. BOGY. Let us pass this bill to-day. I hope the motion will be withdrawn. I think no one is disposed to discuss the bill further. It has been debated two days.

Mr. CAMERON, of Pennsylvania. I think we cannot get through with it to-day. It is a very important bill.

The question being put, a division was called for; and the ayes were 17.

Mr. CAMERON, of Pennsylvania. I am glad to see the Senate so industriously inclined now, and I withdraw my motion.

The PRESIDENT *pro tempore*. The motion is withdrawn. The question is on the motion to refer the bill to the Committee on the Judiciary.

Mr. HITCHCOCK. I desire to say, Mr. President, that I wish this bill to come to a decisive vote to-day if possible. A bill of this character has been before the Senate, I think, for the last three or four years. It has received the favorable action of the Committee on Public Lands in at least two Congresses since I have had the honor to be a member of this body.

While I am not sufficiently versed in the law to elaborate or perhaps to appreciate some of the fine-spun theories in regard to vested rights, which have been discussed at such length on this floor, yet, looking at the matter in the light of common sense and common honesty, it does seem to me that a settler or a person who proposes to become a settler upon public lands, who proceeds to a regular United States land office, and there, upon consultation with the regularly appointed officer of the General Government, and upon an examination with him of the official plats and records of public lands, selects for himself a tract of land upon which and to which) so far as the records of the Government show and so far as he has or can possibly have any information) no other person or no corporation has any equitable or legal title, I say, sir, that it does seem to me that that man who, after having performed that action, in good faith settles upon that tract of land, and spends his little all in building upon that tract of land a home for himself and children, has at least a just right, if not, as it is termed by the lawyers, a vested right. I think, sir, that he has a right which this country ought to protect him in.

As I said before, I am not able to discuss the legal bearings of this bill so far as to proclaim that any action which we may take will be effective in giving him that right; but there are some principles which we all know to be just which we do not require the decision of a court to tell us are just; and I am ready for one, so far as my vote goes, to say that neither this Congress nor any future Congress nor any past Congress ever intended or does intend to pass a law which shall require a settler upon the public lands to settle upon those lands at his own peril because he is not cognizant of a fact which he could not possibly know. It is impossible that he should know when the legal right of a railroad company accrues, if that right does accrue upon the vote of some board of directors a thousand miles off from the land. We know the method of obtaining the title to their lands is the same over this country. We go to the records and search before we buy lands from private persons. If there is nothing on those records to show that any one else has an adverse title, we buy and buy freely. Why should this Government require any other information to be obtained by a settler on the public lands? Why ought not at least the records of the local land office of the district where the lands are situated be sufficient to give him all the information that he ought to require?

I hope this bill will pass, and pass to-day, and pass without further reference and further delay.

The PRESIDENT *pro tempore*. The question is on the motion to commit the bill to the Committee on the Judiciary.

The motion was not agreed to.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Wisconsin, [Mr. HOWE,] which will be read.

The CHIEF CLERK. It is proposed to add to the first section of the bill the following proviso:

Provided, That nothing in this act shall be construed to affect the title which the State of Wisconsin or its assigns may have to lands granted to that State by the act entitled "An act granting public lands to the State of Wisconsin to aid in the construction of railroads in said State," approved June 3, 1856, and the acts amendatory thereof, but such title shall remain as valid as the same now is.

The question being put, a division was called for.

Mr. HOWE. If there is any objection taken to the form of this amendment, I should like to have some other form suggested. If it is really the purpose of the Senate to clothe the Commissioner of the General Land Office with the authority to divest the State of that grant, I should like to know it. The Senator from California suggested a different form of amendment which would be satisfactory to him.

Mr. SARGENT. If the Senator accepts my form of amendment, I will certainly favor it. I think the construction that he fears should be excluded; but I object to his amendment on what I think to be a substantial ground, that we should have to go on then and except the next State and then the next State, and so on through the list, and even railroad companies by name, and except them all until, as I said before, we re-enacted the statutes in the shape of an exception. I was perfectly willing to provide, in view of the decision of the Supreme Court of the United States, that hereafter the Commissioner of the General Land Office should not declare such lands forfeited without authority of Congress. I think that is right, because I do not believe he possesses the power, or rather I must speak under correction of the Supreme Court. Without the decision of the Supreme Court I should have thought it well that he should exercise that power; but as they have so said and we have never by express statute conferred it upon him, I am willing to require that hereafter it shall be conferred on him before he acts. In other words, I understand the cases to have passed and to be few in number where the Commissioner supposed the lands were restored to the public domain, and the settlers then went on them in good faith, improved them, paid their money for them, and were subsequently cut out by the extension of the grants by Congress. I am willing to say that hereafter he shall not make such declarations without authority of Congress, and I commend it to the friends of the bill. Of course they cannot doubt after the earnest fight I have made for it these two days that I speak in the interest of the bill and the objects it proposes. I think the purpose is just, but I do object to the original form of the amendment of the Senator from Wisconsin for the reason I have stated.

Mr. SHERMAN. I shall follow those who have charge of this bill, but I am opposed to the acceptance of the proposition of the Senator from Wisconsin. He wants to reserve to Wisconsin for all time to come the benefits of a grant of land which was made in 1856. For twenty years the grant has been in existence and the grantees have not completed the road. The time is out long since. There is no reason in the world why the Government of the United States ought not to assume the possession of those lands. In every case where railroad companies have failed to do what they agreed to do as an express condition of the grant of land, I think the Government of the United States through the executive authority should take possession of that land and sell it under the general land laws.

Why should Wisconsin hold a great body of land in her own State when she has failed to comply with the terms on which the grant was made? It seems to me unjust. I would go a little further, and I would assert the power of the Government at once in such cases to order the lands to be sold. I do not want to interfere with the local affairs of my friend from Wisconsin, nor do I agree with him that his construction is correct. Merely because we say that where the Commissioner of the General Land Office, under the general authority of law, after proclamation by the President, has put on the market again public lands in such cases, and titles have accrued in favor of homestead settlers, patents shall issue to the settlers, that does not imply that the Commissioner of the General Land Office can restore those lands without all the preliminaries required by law: proclamation of the President, the formal action of the authorities, &c. To restore lands once withdrawn from market there must be the authority of the President of the United States, the head of the Interior Department, and also the formal act of the Commissioner of the General Land Office. I do not think the inference is at all to be drawn from the language of the bill now that hereafter the Commissioner of the General Land Office can restore these lands to market without the authority of the Secretary of the Interior and the President of the United States. Therefore I do not believe either in the object he desires to accomplish or in the construction the Senator puts on the bill. Still I do not pretend to interfere with the management of this bill. I intend to vote for it as an act of justice in the past, if nothing more can be secured in the future; but I would rather have it broad, so that whenever a railroad company that receives a grant of land does not comply with the terms and conditions of the grant, when there is plainly and palpably a failure on their part, the land shall at once revert to the Government. In such cases there is no rule in justice or law or equity that ought to prevent the United States from taking possession of the lands, renewing the grant if they choose or allowing the lands to be open to homestead and pre-emption.

Mr. HARVEY. As the purpose of this bill is simply the vindication of rights of certain settlers who have suffered by a misconstruction of the law, I do not think it ought to be complicated with other legislation. I hope the Senate will pass the bill without loading it with amendments on other questions but remotely, if at all, connected with the pending bill.

Mr. McMILLAN. I think the amendment offered is liable to the objections urged by the Senator from Ohio, and I think further that the object of the Senator from Wisconsin may be fully accomplished by a more simple amendment of the bill, and I would suggest to the Senator that, if this amendment should not be carried, the bill could be amended by striking out in lines 10 and 11 of the first section the words "by order of the General Land Office," and inserting in lieu thereof the words "according to law." That would avoid all the difficulty.

Mr. INGALLS. The language to which the Senator from Minnesota has referred was deliberately inserted for the purpose of meeting the

class of cases to which this bill particularly applies; and to adopt the amendment suggested by him would, in my judgment, be to very nearly entirely destroy the beneficial effects of the bill, because certain lands have heretofore been restored to market by order of the General Land Office; and to strike out the words "by order of the Commissioner of the General Land Office" would leave the question open as a matter of construction.

Mr. HOWE. Mr. President, I differ from the Senator from Ohio as to the propriety of the object at which I aimed in my amendment, and differ from him as to the necessity of it. How that object shall be attained, whether by the amendment I proposed, or the amendment proposed by the Senator from California, or that suggested by the Senator from Minnesota, is a matter of comparative indifference to me. I think the amendment I suggested myself is plain and specific, applies to a particular State and a particular case, and is subject to no possible misconstruction. I think the amendment of the Senator from California, however, would be adequate for the purpose I have in view, and so, I think, I may say of the amendment suggested by the Senator from Minnesota. But that end at which I aim ought to be conceded by the Senate and ought to be conceded by the Senator from Ohio. When you make a grant to a State upon a condition which the State defies, which the State ignores, which the State utterly refuses to comply with, undoubtedly the condition should be enforced and the right of the State should be divested. The case to which I refer is not a case of that kind. True, you made this grant a good while ago. The State has not deliberately and obstinately refused to comply with the conditions. The State has been diligently endeavoring to comply with the conditions and has very largely complied with them.

Mr. INGALLS. Have the lands been restored to market by order of the General Land Office?

Mr. HOWE. No, sir, by no order whatever; but they will be within sixty days after this bill with these lines in, or I fear they may be. The State has built—my colleague perhaps can state more correctly than myself the number of miles, but it cannot be less than two hundred miles.

Mr. CAMERON, of Wisconsin. Nearer three hundred miles.

Mr. HOWE. Nearer three hundred miles, my colleague says, and the grant is in his part of the State.

Mr. INGALLS. Are there any adverse pre-emption claims within the limits of the land grant?

Mr. HOWE. None that I know of.

Mr. BOGY. Is it the Saint Croix grant?

Mr. HOWE. The Saint Croix grant.

Mr. INGALLS. If the lands are not restored and no order of restoration has been made and there are no conflicting claims, does the Senator from Wisconsin desire to burden this bill with amendments which have no special pertinence to matters already in issue or controversy?

Mr. HOWE. Because you put into this bill an authority to the Commissioner to restore them to market. You say you do not mean to do it. I ask you to say so in the bill in any form you choose.

Mr. INGALLS. We neither say it nor deny it.

Mr. HOWE. But you do say it. There is the authority. I do not know that it was drawn with that purpose; but the declaration of the Senator from Ohio leads me to suppose that it may have been.

Mr. INGALLS. Does the Senator intend to have the Senate believe that his opinion is that those words are a direct grant of power or authority to the officers named to restore the lands to market without other intervention by other officers?

Mr. HOWE. If I was at liberty to choose the form in which I would express my opinion, I should rather say that it was an indirect grant of power than a direct one, but that it will hold as a grant of power I give as my opinion very unequivocally, and it will be exerted in that direction.

Here is a State which has been struggling from the time that you made this grant to this time to comply with the conditions; struggling in good faith. You remember that the year 1856, when this grant was made, was followed by the year 1857, and you know that that was a year of general adversity and prostration of business and financial credit. Railroads were not constructed anywhere to any great extent. We did nothing in the way of constructing railways in the State of Wisconsin. We were as prostrate as other States. After the war commenced and prosperity began to return to the country Congress directly interfered, with full notice of the fact, to embarrass the State of Wisconsin in the construction of this road, and you did it simply by granting to the State of Minnesota a tract of land to aid in building a railroad from Saint Paul to the same terminus on Lake Superior. Minnesota had the advantage of Wisconsin, because that road started from a point with which there was water communication. We could not go on with our road from Hudson, only eighteen miles from Saint Paul, until the road was built from the south, from Madison to Hudson. That has been completed, and the road is now progressing beyond Hudson; but because there was water communication with Saint Paul, Minnesota was enabled to go on with the construction of her road and did go on with it. That road has been built, and the owners of that road have been in Congress and in the money markets of the world from that time to this trying to defeat the execution of the grant made to the State of Wisconsin. This has embarrassed the State very seriously. It has not defeated the enterprise altogether. In spite of this opposition the State has struggled along, has built more or less road nearly every year, built I think some twenty miles last year and is still going on.

There is another hardship in this matter. The road already constructed under this grant has been constructed on the southern end of the line through a country along which there was but little public land at the time the grant was made, and therefore the State has derived but very little advantage from the grant. The line yet to be constructed from a point north of Hudson to Lake Superior runs through a body of public land; and to strip the State of the grant of that portion of the line after she has struggled against such adverse circumstances to execute every one of the conditions of the grant and fails only in point of time is a case of hardship which I never knew inflicted on a State, and which I cannot believe the Senate of the United States really means to inflict on the State of Wisconsin. The Senator from California admits that that will not be just. The Senator from Kansas objects that it is not pertinent to this bill. It is pertinent to this bill, because it excludes a hostile construction sure to be put upon the bill. It cannot hurt your bill. It is in the Senate; if you do not mean to do this thing, say you do not mean it. It does not embarrass your bill at all; but if you mean to do this thing, just give the State of Wisconsin notice.

I shall have to insist upon dividing the Senate upon my own amendment unless somebody will submit an amendment which is more satisfactory to those who advertise themselves as the friends of the bill and who are accepted as the friends of the bill. I will take either the amendment suggested by the Senator from Minnesota or that by the Senator from California. I should like to know whether Senators will consent to either.

Mr. INGALLS. The amendment of the Senator from Minnesota would certainly be open to the question what had and what had not been in accordance with law.

Mr. HOWE. The amendment moved by the Senator from California is not subject to that difficulty.

Mr. WRIGHT. I wish to say one word upon the amendment of the Senator from Wisconsin. I have had no time to examine the phraseology. It may or may not reach beyond what he claims; but my experience is that where there is a claim or a pretense of claim that a railroad grant has lapsed, or where the friends of a grant are perhaps fearful that some construction may be given unfavorable to the grant to the State, from time to time amendments are offered to a bill apparently harmless, that when you come to look at them have a bearing far beyond what was contemplated or perhaps intended. Of course I say to the Senator from Wisconsin that I know he sincerely wishes to accomplish the object he has suggested, but I have a very great fear that it may be found hereafter that the amendment he here proposes to this bill, apparently harmless, may by the construction of the courts or by the construction of the Departments give to the State rights beyond any right that we propose to give, and perhaps have the effect of continuing that grant, when in fact it has lapsed, when in fact we desire that it shall lapse.

I have had much experience in these matters, and I have seen amendments come in apparently harmless and that seem to be directly in the line of what all desire, and yet afterward when courts or Departments came to get hold of them they find that they have a meaning entirely different from what was contemplated, and do a harm beyond what any person would desire. I object to this amendment for that reason. I have had no time to examine it. I cannot see the exact bearing of it. I know there is a grant in that State. I know that the time has passed. I know the question is raised as to whether there can be a forfeiture by the mere act of the officer of the Government in restoring those lands to market, and the professed object of this amendment is to so arrange as that there shall be no loss, whereas the fear I have is that it will be found when you come to construe the amendment hereafter it may have the effect of keeping alive something we do not want to do. I am sure the Senator does not desire that; I am sure he does not want to have the law any otherwise than it is; but my fear is that it may have that effect, and therefore I shall oppose it.

Mr. HOWE. I want the Senator from Iowa to have an opportunity to look at that amendment, to look at the amendment suggested by the Senator from California, and to consider with himself whether he will consent to allow this bill to pass in some form so that it shall not strip the State of Wisconsin of that grant; and therefore I move that the Senate adjourn.

The PRESIDENT *pro tempore*. Before putting the question, the Chair will lay before the Senate some House bills.

HOUSE BILLS REFERRED.

The bill (H. R. No. 514) relating to the centennial celebration of American Independence was read twice by its title, and referred to the Committee on Appropriations.

The bill (H. R. No. 1340) supplementary to the several acts relating to pensions and bounty lands was read twice by its title, and referred to the Committee on Pensions.

The bill (H. R. No. 1564) to increase pensions in certain cases was read twice by its title, and referred to the Committee on Pensions.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves that the Senate adjourn.

Mr. HOWE. I withdraw that motion and move an executive session. It is necessary to have an executive session, I understand.

The question being put, there were on division—ayes 26, noes 21.

Mr. SARGENT asked for the yeas and nays, and they were ordered.

The Chief Clerk called the roll.

Mr. MORRILL, of Vermont, (who had at first voted in the affirmative.) I am paired with the Senator from California [Mr. BOOTH] on the measure that the friends of the bill seem anxious to pass to-night. Therefore I withdraw my vote.

Mr. HAMLIN, (who had voted in the affirmative.) I forgot that I was paired with the Senator from Oregon [Mr. MITCHELL] on all questions connected with the bill, and I therefore ask leave to withdraw my vote.

Mr. BOUTWELL, (who had at first voted in the affirmative.) I desire to withdraw my vote. I am paired with the Senator from Louisiana, [Mr. WEST,] and I presume it extends to this vote.

The result was announced—yeas 27, nays 26; as follows:

YEAS—Messrs. Anthony, Bayard, Bruce, Cameron of Pennsylvania, Cameron of Wisconsin, Conkling, Cooper, Cragin, Davis, Dawes, Eaton, English, Ferry, Frelinghuysen, Howe, Johnston, Kernan, McCreery, McDonald, Maxey, Merrimon, Morrill of Maine, Randolph, Ransom, Saulsbury, Sherman, and Stevenson—27.

NAYS—Messrs. Alcorn, Allison, Bogy, Caperton, Clayton, Cockrell, Conover, Dennis, Hamilton, Harvey, Hitchcock, Ingalls, Jones of Nevada, Kelly, Key, Logan, McMillan, Norwood, Oglesby, Paddock, Sargent, Spencer, Whyte, Windom, Withers, and Wright—26.

ABSENT—Messrs. Booth, Boutwell, Burnside, Christiancy, Dorsey, Edmunds, Goldthwaite, Gordon, Hamlin, Jones of Florida, Mitchell, Morrill of Vermont, Morton, Patterson, Robertson, Thurman, Wadleigh, Wallace, and West—19.

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session, the doors were re-opened and (at four o'clock and twenty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January* 26, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. L. L. TOWNSEND, D. D.

The Journal of yesterday was read and approved.

PERSONAL EXPLANATION.

Mr. BEEBE. I find in the record of the proceedings of Monday last upon a resolution introduced by the chairman of the Committee on Naval Affairs [Mr. WHITTHORNE] that I am recorded as voting against his motion to suspend the rules. I was not in my seat at the time, and of course did not vote at all. Had I been here I should have voted with the gentleman in favor of his proposition. I desire to have the correction made in the Journal.

The SPEAKER. The correction will be made.

CENTENNIAL APPROPRIATION BILL.

Mr. HOPKINS. I ask unanimous consent to correct a misprint in the centennial appropriation bill. In the preamble the title of an act is recited as having been passed in 1875 when it was passed in 1871. I would like to have that correction made.

The SPEAKER. The Chair would suggest that the correction had better be made in the Senate.

Mr. PARSONS. I ask the privilege of making a statement in reference to the final vote of the House yesterday upon the centennial appropriation bill. My name is recorded as not voting upon the final call of the yeas and nays upon the passage of the bill. I was present at the time the test question was made by the gentleman from Indiana [Mr. HOLMAN] in Committee of the Whole, by his motion to strike out the enacting clause of the bill, and I voted in favor of that motion. But by a sudden attack of illness I was prevented from being present at the time the bill was put upon its final passage. Had I been present I should have voted against the passage of the bill.

RICE M. BROWN.

Mr. HUNTER, by unanimous consent, introduced a bill (H. R. No. 1568) for the relief of Rice M. Brown; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

STATING ACCOUNTS OF DEFAULTING OFFICERS.

Mr. HUNTER also, by unanimous consent, introduced a bill (H. R. No. 1569) empowering the accounting officers of the Treasury to state accounts against officers of the United States who are in default, and by reason of which default the moneys of the United States have become unavailable, and for other purposes; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

JAMES ROBERTS AND OTHERS.

Mr. VANCE, of North Carolina, by unanimous consent, introduced a bill (H. R. No. 1570) for the relief of James Roberts, Noah Roberts, and the heirs of John Roberts; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

WILLIAM S. MASSIE.

Mr. VANCE, of Ohio, also, by unanimous consent, introduced a bill (H. R. No. 1571) to pay William S. Massie $289 as a soldier in the late war, and to place his name on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB MEETZE.

Mr. MACKEY, of South Carolina, by unanimous consent, introduced a bill (H. R. No. 1572) granting a pension to Jacob Meetze, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

COLORED SCHOOLS IN DISTRICT OF COLUMBIA.

Mr. LYNCH, by unanimous consent, introduced a bill (H. R. No. 1573) to amend an act approved March 3, 1873, relative to the colored schools of the District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

CIVIL ENGINEERS IN THE NAVY.

Mr. JONES, of New Hampshire, by unanimous consent, introduced a bill (H. R. No. 1574) to provide for the repeal of all laws authorizing the appointment of civil engineers in the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

WILLIAM PALMER.

Mr. JONES, of New Hampshire, also, by unanimous consent, introduced a bill (H. R. No. 1575) granting a pension to William Palmer, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

CURRENCY.

Mr. CHITTENDEN, by unanimous consent, presented the following petition; which was ordered to be printed in the RECORD, and referred to the Committee on Banking and Currency:

To the honorable the Senate and House of Representatives in Congress assembled:

Whereas in 1860 this nation, composed of 31,500,000 population, required but $208,000,000 in currency, or about $6.60 *per capita*, with a much less extended credit system than we now have, to supply the demands of the people and trade; and whereas while the population has only increased about 8,000,000, our currency circulation has increased about five hundred and sixty millions, or to the enormous sum of $767,500,000, of which $372,000,000 is national Treasury notes; and whereas the credit of said national currency is 13 per cent. below par in gold; and whereas this country is pledged to raise the credit of her currency to a gold basis at the earliest practicable day, and as we believe the business of the country can only be honestly and permanently revived by a restoration of confidence in the Government's determination to carry out the obligation under which the currency was issued; and whereas we believe the same process by which the credit of our bonds has been advanced above par our national notes may also be raised to par, it being a simple business transaction which any honest business man would adopt who had notes under protest; if he had the security on which he could borrow money to pay his notes he would certainly do so, and redeem his credit. Now therefore, we the undersigned, citizens of Schenectady, do hereby respectfully petition to your honorable body to pass the bill presented by Hon. Mr. CHITTENDEN, of New York, (with perhaps the slight amendment giving the Secretary discretionary power as to monthly amount to be redeemed, say not to exceed $3,000,000 per month, also as to rate of interest to be paid, say not to exceed 4½ per cent.,) which bill is now in the hands of your honorable Committee on Banking and Currency, and your petitioners will ever pray.

Signed by three hundred and thirty-five persons.

J. M. WAIDE.

Mr. THROCKMORTON, by unanimous consent, introduced a bill (H. R. No. 1576) for the relief of J. M. Waide, of Denton County, Texas; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JOSEPH R. PARKER.

Mr. THROCKMORTON also, by unanimous consent, introduced a bill (H. R. No. 1577) for the relief of Joseph R. Parker, of Dallas County, Texas; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES M. SEEDS.

Mr. BANNING, by unanimous consent, introduced a bill (H. R. No. 1578) for the relief of James M. Seeds; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CATHERINE GREEN M'KOWN.

Mr. TOWNSEND, of New York, by unanimous consent, introduced a bill (H. R. No. 1579) granting a pension to Catherine Greea McKown; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALMON P. GRAVES.

Mr. BLAIR, by unanimous consent, introduced a bill (H. R. No. 1580) granting a pension to Almon P. Graves; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN GOWERS.

Mr. MACDOUGALL, by unanimous consent, introduced a bill (H. R. No. 1581) for the relief of John Gowers, late of Company C, One hundred and eleventh Regiment New York Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HUGO HILLEBRANDT.

Mr. MACDOUGALL also, by unanimous consent, introduced a bill (H. R. No. 1582) granting arrears of pension to Hugo Hillebrandt, late

major Thirty-ninth New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY M. OLIVER.

Mr. MACDOUGALL also, by unanimous consent, introduced a bill (H. R. No. 1583) granting a pension to Henry M. Oliver, of Auburn, New York; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLAIMS BEFORE DISTRICT BOARD OF AUDIT.

Mr. CATE, by unanimous consent, introduced a bill (H. R. No. 1584) to extend the time within which certain claims may be presented to the board of audit of the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

COLLECTORS AND SUPERVISORS OF INTERNAL REVENUE.

Mr. TUCKER, by unanimous consent, introduced a bill (H. R. No. 1585) to authorize the Commissioner of Internal Revenue to designate and fix the points at which collectors and supervisors of the revenue shall hold their offices; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

HARRIET BOWMAN.

Mr. STEVENSON, by unanimous consent, introduced a bill (H. R. No. 1586) granting a pension to Harriet Bowman, of Logan County, Illinois; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD LEE.

Mr. STEVENSON also, by unanimous consent, introduced a bill (H. R. No. 1587) granting a pension to Edward Lee; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JEFFERSON BOWERS.

Mr. STEVENSON also, by unanimous consent, introduced a bill (H. R. No. 1588) granting an additional pension to Jefferson Bowers, of Mason County, Illinois; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

Mr. PAGE. I call for the regular order.

The SPEAKER. The regular order being called for, the morning hour now begins at twelve o'clock and twenty-seven minutes; and the committees will be called for business of a public nature.

THIRD-CLASS MAIL MATTER.

Mr. CLARK, of Missouri. Mr. Speaker, is it in order to call up at this time the motion to reconsider the vote by which the bill fixing the rate of postage on third-class mail matter was recommitted?

The SPEAKER. That will be in order after the call of committees is completed.

PROSECUTION OF CLAIMS AND PATENTS.

Mr. DOUGLAS, from the Committee on Patents, reported a bill (H. R. No. 1589) to amend section 190 of the Revised Statutes; which was read a first and second time.

Mr. DOUGLAS. I ask that this bill be now put on its passage.

The bill was read. It proposes to amend section 190 of the Revised Statutes so as to provide that it shall not be lawful for any person holding office, after the passage of this act, as an officer, clerk, or employé in any of the Departments or Bureaus of the Government, to act as counsel, attorney, or agent, or be interested directly or indirectly in any firm established for prosecuting either claims or patents, applications for which were pending in any of said Departments or Bureaus while he was such officer, clerk, or employé, or at any time prior thereto, nor in any manner nor by any means, directly or indirectly, to aid in the prosecution of any such claims or patents within two years next after he shall have ceased to be such officer, clerk, or employé.

The bill further provides in the second section that any person in the service of the United States violating the provisions of this act by recognizing any such officer, clerk, or employé in an application for a patent or prosecuting a claim against the United States as counsel, attorney, or agent shall be *ipso facto* discharged from the service of the United States.

Mr. TOWNSEND, of New York. Is this bill printed?

Mr. DOUGLAS. No, sir.

Mr. FORT. I submit that we ought not to act on a bill of this importance without its being printed.

Mr. TOWNSEND, of New York. I wish to say that I think the purpose and scope of this bill are right; but it is a measure of some importance, and unless it is in print, I hope it may be permitted to lie over one day.

Mr. FORT. I move that the bill be recommitted and ordered to be printed.

The SPEAKER. Does the gentleman from Virginia [Mr. DOUGLAS] ask the previous question on the bill?

Mr. DOUGLAS. No, sir; I do not insist upon immediate action on the bill, if gentlemen desire that it may be printed.

Mr. SAMPSON. I wish to make one suggestion. This bill has been printed; and in the form in which it is now presented there are only one or two slight modifications. Is it necessary that the bill should be reprinted?

Mr. FRYE. A measure which includes the greater portion of this bill as well as much outside of it is now before the Judiciary Committee; it has been referred to me as a subcommittee, and I am now considering it. I hope, therefore, that the bill will be referred to our committee.

Mr. FORT. I have no objection to that.

The SPEAKER. This has been regularly referred to the Committee on Patents.

Mr. FORT. We were informed that the bill was not printed.

The SPEAKER. The motion of the gentleman from Illinois is that the bill as reported by him from the Committee on Patents be printed and recommitted.

Mr. TOWNSEND, of New York. That will answer the purpose.

The bill was ordered to be printed and recommitted.

Mr. DOUGLAS. I now enter a motion to reconsider the vote by which the bill was recommitted.

ASSIGNMENT OF PATENTS.

Mr. HARTZELL, from the Committee on Patents, reported back a bill (H. R. No. 917) to amend section 4898 of the Revised Statutes in relation to patents with the recommendation that it do pass.

The bill provides that section 4898 of the Revised Statutes of the United States be amended so as to read as follows:

SECTION 4898. Every patent, or any interest therein, shall be assignable in law by an instrument in writing, which shall be acknowledged before some officer authorized to take the acknowledgment of deeds where such instrument is executed, and which assignment shall take effect from and after the date of record in the Patent-Office; and the patentee or his assigns or legal representatives may in like manner grant and convey an exclusive right under his patent to the whole or any specified part of the United States. No assignment, grant, or conveyance of any patent shall be entered of record which contains matter irrelevant or foreign to the subject-matter of the assignment, grant, or conveyance.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

EXPENDITURES IN THE NAVY DEPARTMENT.

Mr. BEEBE. I am directed by the Committee on Expenditures in the Navy Department to report the following resolution for the adoption of the House at this time.

The Clerk read as follows:

Resolved, That the Committee on Expenditures in the Navy Department be, and it is hereby, authorized to employ a clerk at a salary not to exceed $5 per day.

Mr. HOLMAN. I do not think this resolution is in order as a report from this committee. It ought to come from the Committee on Accounts, and I hope the resolution will be referred to that committee.

The SPEAKER. It comes from the committee which desires the services of the clerk.

Mr. HOLMAN. But it is not such a report as I think that committee has the right to make. The gentleman now reports the resolution for the action of the House.

The SPEAKER. Does the gentleman make that point of order?

Mr. HOLMAN. I do not think that this resolution should pass without reference to the Committee on Accounts; but as the House has already set the precedent of passing such resolutions without reference to the appropriate committee—the Committee on Accounts—I will not make the point of order on my friend from New York.

Mr. BEEBE. The Committee on Expenditures in the Navy Department is not particular whether this resolution is immediately adopted or referred to the Committee on Accounts to be reported back from that committee; but the committee do desire that some action shall be taken as soon as possible. If anything is expected to be done by that committee, it must have the facilities for doing it.

The SPEAKER. Does the gentleman consent to the reference of the resolution to the Committee on Accounts with instruction to make an early report?

Mr. BEEBE. Certainly.

The SPEAKER. Then the resolution is so referred.

CLERKS TO COMMITTEES.

Mr. WILLIAMS, of Indiana. I am directed by the Committee on Accounts to make the following report and ask for its adoption at this time:

The Clerk read as follows:

Resolved, That the clerk heretofore assigned to the Committee on Private Land Claims and the Committee on Education and Labor be assigned to the Committee on Private Land Claims and the Committee on Public Expenditures; and that the Committee on Education and Labor and the Special Committee on the Mexican Border Troubles be allowed to appoint one clerk jointly.

The resolution was adopted.

Mr. HOAR moved to reconsider the vote by which the resolution was adopted; and also moved that the resolution be laid on the table.

The latter motion was agreed to.

EXPENDITURES IN THE DEPARTMENT OF JUSTICE.

Mr. CAULFIELD. I am directed by the Committee on Expenditures in the Department of Justice to report the following resolution, and to ask for its adoption.

The Clerk read as follows:

Resolved, That the Committee on Expenditures in the Department of Justice be allowed a clerk at a salary to be fixed by the Committee on Accounts

The SPEAKER. Does the gentleman from Illinois wish the reference of the resolution to the Committee on Accounts?

Mr. CAULFIELD. No, sir; I desire the adoption of the resolution at this time.

Mr. HOLMAN. I hope the resolution will be referred to the Committee on Accounts, and make the motion that it be so referred.

Mr. CAULFIELD. The Committee on Expenditures in the Department of Justice are already at work; they are receiving communications from all parts of the country, but it is impossible to prosecute our labors successfully without we are at once authorized to employ a clerk. The Committee on Accounts may not meet for some time. I demand the previous question.

Mr. HOLMAN. I have already made the motion to refer to the Committee on Accounts, and I hope that motion will be adopted.

Mr. O'BRIEN. I desire to amend the resolution by adding a provision that the Committee on Coinage, Weights, and Measures be also allowed to employ a clerk.

The SPEAKER. The Chair cannot entertain that motion. The resolution is reported from the Committee on Expenditures in the Department of Justice, and besides the gentleman from Illinois has demanded the previous question.

Mr. O'BRIEN. If my amendment is in order I should like to move it at this time.

The SPEAKER. It is not in order at this time.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was referred to the Committee on Accounts.

POSTAGE ON THIRD-CLASS MAIL MATTER.

Mr. CLARK, of Missouri. Mr. Speaker, I call up the motion to reconsider the vote by which the bill (H. R. No. 1042) fixing the rate of postage on third-class mail matter was recommitted to the Committee on the Post-Office and Post-Roads.

Mr. RANDALL. I would like to ask the gentleman from Missouri whether he proposes to limit the debate on this bill?

Mr. CLARK, of Missouri. In answer to the gentleman from Pennsylvania I will say that I would like to comply with whatever is the pleasure of the House in that regard. The members of the committee have no desire, except with a view to the expedition of business, to limit the debate; and if the members of the House desire to discuss the matter, I have no objection to an arrangement under which I shall call the previous question at four o'clock, or sooner if the debate does not continue so long.

The SPEAKER. Does the gentleman from Missouri desire that the Chair shall take the sense of the House on that proposition?

Mr. CLARK, of Missouri. I do.

The SPEAKER. The gentleman from Missouri suggests that general debate upon this bill be closed at four o'clock.

Mr. RANDALL. Or sooner.

The SPEAKER. Or sooner. Is there objection to that arrangement?

Mr. RANDALL. My reason for saying "or sooner" is that the Committee on Appropriations is ready to call up the Military Academy appropriation bill, but does not want to interfere with the gentleman from Missouri until the debate on his bill is exhausted.

Mr. CONGER. Is it a printed bill?

Mr. CLARK, of Missouri. It is. The Committee on the Post-Office and Post-Roads have no desire to discuss the matter for the length of time indicated, as we are ourselves perfectly satisfied in regard to it. I merely suggested a fixing of time for debate for the convenience of members of the House who may desire to speak to the question.

The SPEAKER. Does the Chair hear objection to the proposition of the gentleman from Missouri? The Chair hears none.

Mr. HOAR. I rose to object.

Mr. BURCHARD, of Illinois. Is the proposition to limit general debate?

The SPEAKER. Does the gentleman from Missouri desire that all debate shall close at four o'clock?

Mr. CLARK, of Missouri. Yes, sir; all debate.

Mr. BURCHARD, of Illinois. I think the proposition should not be so broad as to limit the debate on amendments. Let it be a motion to limit general debate, and the committee can then proceed to discuss amendments under the five-minute rule. It is not in order to move at this time to limit anything but the general debate, and I hope the gentleman will confine his motion to that. For myself I do not care though the general debate be limited to five minutes.

Mr. GARFIELD. I would suggest that general debate be cut off at an earlier hour than has been mentioned, and that then the debates shall run under the five-minute rule for amendments. There is not much to be said of a general nature on the subject of this bill.

Mr. CLARK, of Missouri. Then I shall move that the general debate be limited to one hour.

Mr. HOSKINS. I would suggest to the gentleman from Missouri that we proceed to consider this bill in the House as in Committee of the Whole, and that all general debate be ended at the close of one hour, after which amendments may be proceeded with in the House under the five-minute rule as in Committee of the Whole.

Mr. CLARK, of Missouri. I consent to that, and ask that the House accede to that arrangement.

There was no objection, and it was so ordered.

The bill is as follows:

Be it enacted, &c., That all mailable matter of the third class referred to in sections 3878 and 3911 of the Revised Statutes of the United States may weigh not exceeding four pounds for each package thereof, and postage shall be charged thereon at the rate of one cent for each two ounces or fraction thereof; that all acts and parts of acts inconsistent with this act are hereby repealed. But nothing herein contained shall be held to change or amend section 3879 of said Revised Statutes.

Mr. CLARK, of Missouri. In explanation of the bill now before the House, as reported by the Committee on the Post-Office and Post-Roads, since there seems to be some want of understanding on the part of the House in regard to its features, I will say that it repeals the law that was passed last session, in its last hours, by an amendment of the Senate inserted in the sundry civil appropriation bill, increasing the postage on third-class matter from one cent per two ounces of such matter to one cent per ounce, or increasing it from eight cents per pound to sixteen cents per pound. The law was so changed, as I have said, at the last session of Congress, in the last hours of the session, by an amendment inserted obscurely in the sundry civil appropriation bill, with the evident intention of misleading the House, or with the intention that the House should overlook it when it came up for a vote here. The universal voice of the country demands the repeal of that law, and that the postage be restored to what it was before that law was passed, one cent per two ounces or eight cents per pound.

I do not desire now to discuss the features of this bill until I hear what may be said by other members of the House. I will merely add that a provision of law to entitle the soldiers of the United States to receive only two pounds of third-class matter through the mails has been construed by the Postmaster-General as not having been repealed by the law permitting all persons to send through the mails packages of four pounds of third-class matter. This bill repeals also that provision of law, so as to give the soldier as well as the citizen the right to pass through the mails four pounds of third-class matter or merchandise.

I now yield to the gentleman from Illinois, [Mr. CANNON,] my colleague on the Committee on the Post-Office and Post-Roads. How much time does my colleague want?

Mr. CANNON, of Illinois. Twenty or twenty-five minutes.

Mr. CLARK, of Missouri. I yield my colleague twenty minutes.

Mr. CANNON, of Illinois. Mr. Speaker, this bill provides for reducing the postage on all third-class matter from one cent an ounce to one cent for two ounces, or, in other words, to make the postage just one-half what it now is and the same it was prior to the 4th of March last, and the practical questions to look at is whether the Department can carry third-class matter at the price proposed without loss.

I believe members generally agree that all of third-class matter except merchandise, especially transient papers, pamphlets, magazines, posters, unsealed circulars, &c., shall have the postage reduced as the bill provides, and that the disagreement, so far as any may exist, is as to whether some reduction of postage shall be made as to merchandise in packages not exceeding four pounds in weight.

I maintain and think I can satisfy members that all mailable matter of the third class, including merchandise at the rate proposed by this bill, can be carried at a very considerable profit to the Government and not at a loss, as some gentlemen contend. It has been ascertained by the Department that third-class matter would in fact yield postage at the rate of about twelve cents a pound or $240 a ton. When the rate is as proposed by this bill it would be $160 a ton if all packages were even ounces in weight; but not being of even ounces in weight, each fraction of weight over even ounces is charged postage the same as two ounces, and in the aggregate, as before stated, yields postage, say, at the rate of $240 a ton.

Having called attention to the amount of postage this class of matter will yield at the proposed rate, let us inquire how much the expenses of the Post-Office Department will be increased by carrying the same. It will be admitted by all that the Post-Office Department must be maintained for the purpose of carrying the first and second-class mail matter, that is, letters and newspapers and periodicals, to regular subscribers, and that the rate of postage should not be increased upon the same. So the practical question is, what is the additional cost of carrying third-class matter?

The items of cost of maintaining the Department may be divided into three general heads: First, the amount necessary to pay the salaries of employés of the Department, including postmasters; second, the amount paid for transportation of mails; third, the amount paid for incidentals, such as stationery, stamps, &c.

As to the first of these items, the Postmaster-General's report made to this Congress shows that at the close of the last fiscal year there were 384 departmental officers and employés, 35,547 postmasters, 4,467 clerks in post-offices, 2,195 letter-carriers, 987 route agents, 901 railway post-office clerks and other employés; making the aggregate number of employés, exclusive of contractors for carrying the mails, 44,897 persons. The aggregate pay of these employés, including all other expenditures of the Department proper to be counted for the last fiscal year, and excluding payments to contractors for carrying the mails, was $16,819,620; more than one-half of the total expenditures of the Department.

Now I want to call attention specially to the fact that all these post-offices have to be maintained and all this expense incurred for the purpose of carrying letters, newspapers, and periodicals, and this, too,

even if all of the third-class matter known as books and packages of merchandise were excluded from the mails; or, to state it in another way, the Government would not have to pay its employés, including postmasters, any more for handling this class of third-class matter than it would if it was entirely excluded from the mails.

Now let us inquire what it costs to have the mails carried, or, to speak more to the precise question, how much additional pay will the railways and other contractors for carrying the mails receive in consequence of this class of matter passing through the mails; and if we can ascertain this amount I am willing to assist in fixing the postage so that the Government will not only be compensated for carrying the same but will make a profit to at least in part compensate for losses that are incurred by carrying newspapers and periodicals to regular subscribers at two and three cents a pound outside of the county where published and free in the county where published.

We find by turning to the Postmaster General's report, page 7, that on the 30th of June, 1875, there were in the service of the Government 6,280 contractors for the transportation of the mails on public routes, exclusive of the railways. The service is divided into railroad routes of the length of 70,083 miles; steamboat routes, length 15,788 miles; other routes, by stage, hack, and horse, &c., and upon which mails are to be carried with celerity, certainty, and security, 192,002 miles in length. Now, then, the compensation on the steamboat and stage, hack, and horse routes, aggregating 207,790 miles in length, is fixed by contract under the law without any reference whatever to the amount of mail carried, the compensation being the same whether there is much or little mail carried each trip over the routes, so that on three-fourths in length of all the mail-routes in operation the pay by the Government is just the same whether this class of matter is carried or not; or, in other words, if we, the Representatives of the people, drive this class of matter from the mails by positive enactment or high postage, and thereby give the express companies a monopoly of carrying the same, the people would be substantially paying twice for the service—once to the contractors for carrying the mails, they not performing the service, and once an exorbitant price to the express companies, they performing the service. But it may be urged that when these contracts to carry the mails expire at the end of four years, in making new contracts the Government will have to pay more on a new contract in consequence of the increase in size of mails from carrying this class of matter. I reply, not so, for it is well known that on this class of routes the principal matter taken into consideration is making the trip over the route, and not the weight of mail carried; and to show that this is so, I call attention that in the year 1874, when the postage on this class of matter was what this bill proposes to make it, these contracts were made, in the aggregate, at a lower rate than they have been for years before. So the only remaining item of cost for carrying this class of matter is the additional pay to railroads.

The price paid railroads for carrying the mails is fixed by law and depends upon the weight of mail carried, as follows,(see section 4002 Revised Statutes:) On routes carrying their whole length per annum an average weight per day of 200 pounds, $50 per mile; 500 pounds, $75; 1,000 pounds, $100; 1,500 pounds, $120; 2,000 pounds, $150; 3,500 pounds, $175; 5,000 pounds, $200; and $25 additional for every 2,000 pounds over 5,000 pounds. Thus it will be seen as the weight of mails increase the pay in proportion decreases, and the fact is, as shown by the Postmaster-General's report, that say one-fourth of the compensation is to railways receiving $50 a mile per annum, and this compensation would not be increased above that amount by carrying packages of merchandise in the mails for the reason that they carry considerably under 200 pounds per mile per annum of mail, while the additional cost of carrying this class of matter upon the great trunk lines of the country is small, for they carry over 5,000 pounds per mile of mail per annum, and for each ton in addition only receive at the rate of $25. And with this explanation I will refer to a statement made by the superintendent of railway mail service in a letter to the Postmaster-General, February 18, 1875, (Senate Miscellaneous Document No. 93,) in which, speaking of the expense of carrying merchandise in the mails so far as transportation is concerned, he says:

> In transportation, a certain system of routes is necessarily maintained. On all stage routes and steamboat lines, weight is not considered, unless it be in a very few and exceptional cases, speed and frequency regulating the cost. The weights on this class of routes could be doubled without material increase of compensation.
>
> In railroad transportation, fully one-fourth of the annual compensation is to railroads on which the weight could be largely increased without raising their compensation above the minimum; fully one-half is to railroads upon which an increase in weight would increase their compensation at the minimum rate per ton.

And in this connection let me state that the Postmaster-General stated to the Committee on Post-Offices and Post-Roads about this matter in reference to the franking privilege, when he was asked if there was any increase of expenses on account of the temporary restoration of the franking privilege up to the 1st day of December last for public documents, that he could not appreciate it; that he had taken two hundred and fifty tons of mail matter from the Capitol and transported it and did not know it. If you think a minute you will see that this is so, when I tell you that the weighings of mails at New York show every day fifty tons of mail matter passing out of the New York post-office alone, consisting in the main of letters and newspapers.

Thus it appears that, instead of fixing a high rate of postage on third-class matter, it would be to the interest of the revenues of the Department to fix the rate so as to carry as much as possible of this class of matter, and that the postage yielded therefrom would be substantially a clear gain without any considerable increase of expense. Still, in light of these facts, gentlemen contend that packages should not be carried in the mails; and one would suppose, to hear some gentlemen talk, that the mails are crammed and overloaded with merchandise. In reply I have to say that I have no reflections to cast on the motives of any post-office official or of any member. Yet I do say that, in my opinion, this whole matter of objection as to packages of merchandise not exceeding four pounds in weight being carried in the mails, or decreasing the postage on the same, comes, in the first instance, from the express companies, and is unwittingly, no doubt, by members urged in their interest and against the common interest of the people and the interest of the Post-Office Department and its revenues; and to show this to be true, I call attention to appendix B of a letter from the superintendent of the railway mail service to the Postmaster-General giving a detailed statement of mail matter of all classes originating at fifty of the largest offices in the United States for a period of four weeks, commencing December 1, 1874, the weighing of the same having been ordered—and remember this was when the postage on third-class matter was just one-half of what it now is—as follows:

Articles.	Pieces.	Weight.
	Number.	*Pounds.*
Pamphlets, occasional publications, transient newspapers and magazines, hand-bills, posters, and prospectuses	4,884,467	806,552
Unsealed circulars	4,535,265	83,700
Total	9,419,732	890,252
Samples of merchandise	225,733	110,473
Seeds, cuttings, bulbs, and roots	18,717	29,143
Total	234,450	139,616

So it will be seen that the express companies care nothing about the postage being reduced on the nine million of pieces of third-class matter, weighing nearly a million pounds. O, no; they generally weigh so little, that whether at large or small postage the Post-Office Department will carry them. So let the Post-Office Department carry them and furnish the multitude of employés necessary to handle them. But as to the other packages, only 234,000 in number, one-fortieth as many as the first-class above mentioned, and weighing in the aggregate one-eighth as much as the nine million of pieces, the postage should be kept up on those according to the logic of some gentlemen.

Why was the old act ever repealed? Why was this postage ever increased? I recollect very well during the first session of the Forty-third Congress when the Committee on Post-Offices and Post-Roads reported a bill reducing the postage, we had a very determined fight to pass it. I recollect that subsequently, when it was tacked on an appropriation bill, we had a very determined fight to pass it again. Were any of you gentlemen flooded with letters from your constituents demanding the repeal of this legislation? I guess not; I never was.

Last winter, during the second session of the Forty-third Congress, my committee-room, that of Post-Offices and Post-Roads, was besieged by representatives of express companies asking a hearing upon this question. They said it was a great shame for all this merchandize to be carried in the mails; that the mails were being loaded down with it; and they demanded the repeal of the law or an increase of postage. We sat day after day, I might almost say week after week, listening to them and investigating this matter, and upon a full hearing declined to report a bill to the House repealing or modifying the then existing law in reference to third-class matter.

These special interests, however, never sleep. You may head them off in one place and away off on the other side they dodge up again. You may throw a stone at one of them and hit it square in the forehead and think it is done for; but, with as many lives as a cat, the first thing you know that special interest pops up again here and there. I watched with great interest to see that no amendment was placed on an appropriation bill increasing postage. I was a little new in the House, and did not know much about the ways of legislation. But I supposed when I watched the post-office appropriation bill and the thing was not there I was safe. Greatly to my surprise, however, and I may say greatly to the surprise of everybody else, about two or three weeks after I got home I found that it had been tacked on to the sundry civil appropriation bill.

Now, who had done that? The people who were interested in it, did they demand it? Was it in the interest of the Post-Office Department? Not so, for the Postmaster-General tells you that since the enactment of this law the revenues from third-class matter have absolutely decreased instead of increased. Then there is nobody in the world to be benefited by it except the express companies. They had their agents here; they never slept. They could not get it through by fair, open discussion upon the legislation recommended by a regular committee, and they smuggled it into an appropriation bill, just as ninety-nine one-hundredths of all the bad legislation that is passed is smuggled in.

I rested secure for another reason. I knew that my friend from

Ohio, [Mr. GARFIELD,] then chairman of the Committee on Appropriations, did not believe in carrying merchandise in the mails. But he had made an honorable, square fight and had been beaten upon that proposition in the House during the previous session, and I supposed that it would not be got through upon an appropriation bill without attention being called to it.

[Here the hammer fell.]

The SPEAKER. The time of the gentleman has expired.

Mr. CANNON, of Illinois. I would like about ten minutes more.

Mr. CLARK, of Missouri. I yield ten minutes more to the gentleman from Illinois, [Mr. CANNON.]

Mr. BAKER, of Indiana. Before the gentleman from Illinois resumes I would like to ask him one question. What is the necessity of allowing specimens of metals and ores—mineralogical specimens—to the weight of four pounds to pass through the mails?

Mr. CANNON, of Illinois. I will answer that question, if I have time, before I get through. I was saying that greatly to my surprise this amendment got into the sundry civil appropriation bill. There was another reason why I felt secure that it would not get into any of these appropriation bills without attention being called to it, and that was that the gentleman from Pennsylvania, [Mr. RANDALL,] now chairman of the Committee on Appropriations, was my colleague upon the Committee on the Post-Office and Post-Roads in the Forty-third Congress, and also a member of the Committee on Appropriations, and I thought I knew that he favored cheap postage on this class of matter. It always gives me great pleasure to hear that shrill, clear voice of his ringing out in favor of reform and against abuses in legislation. But I listened in vain on that occasion; I did not hear it ring "worth a cent" during the last day of the Forty-third Congress. If you will turn to the RECORD you find that the only gentleman whose voice did ring was that of the gentleman from Ohio, [Mr. GARFIELD,] when he said, "This is a change of postage in regard to certain kinds of merchandise, and meets the concurrence of the Committee on Appropriations." And the amendment was concurred in; all that Committee on Appropriations, including the gentleman from Pennsylvania, consenting to it. Well, now, the charitable and I think the just conclusion is that in the last two or three hours of the session, with this multitude of amendments, this matter was overlooked. Nevertheless it got in there.

I want to say here and now that I witnessed with sorrow, in the light of the little experience I have had in two sessions in this House the action by which the other day the one hundred and twentieth rule was amended in such a way that almost any kind of legislation can be put upon an appropriation bill in the first instance; and thus the gates are opened wide for all kinds of fraudulent legislation, while a bill is kicked back and forth between the House and the Senate, and by the aid of conference committees in the last hours of the session abuses can creep in to a greater extent than heretofore. I voted against that change of the rule; and it occurred to me that if all the gentlemen on the other side had had my brief experience (not very valuable I admit) that rule would never have been so amended; because heretofore since I have been a member of this House—and I say it without finding fault with anybody—the Committee on Appropriations have substantially controlled the business of the House and the legislation of the country; and that amendment of the one hundred and twentieth rule enables them to monopolize the whole thing.

Mr. CHITTENDEN. Will the gentleman allow me ask him a question?

Mr. CANNON, of Illinois. Yes, sir.

Mr. CHITTENDEN. It may be very convenient to send these small packages by mail; but why is it not equally convenient to send a package weighing one hundred pounds in an exigency, or anywhere between four pounds and one hundred pounds, as to send one weighing four pounds?

Mr. CAMERON, of Illinois. If you send any thing, why not send one thousand pounds or one hundred thousand pounds? There must be a limit somewhere.

Mr. LAWRENCE. Such large packages can be sent as freight.

Mr. CANNON, of Illinois. Certainly such packages can be sent as freight, and the gentleman from New York, [Mr. CHITTENDEN,] after a life-time of business extending all over the country, understands that a package of one hundred pounds is not going through the mails at eight cents a pound.

Mr. CHITTENDEN. I regard the whole policy of carrying general merchandise by mail at less than cost a wrong. If you can carry packages of four pounds, you can certainly carry packages of eight pounds. Let us increase the limit to eight pounds and be liberal, if we are going into the transportation business.

Mr. CANNON, of Illinois. I am not in favor of increasing the limit to eight pounds. I think four pounds a fair limit. I have shown that such packages can be carried without impeding the mails and without doing any damage to anybody. I have shown that it is a matter of revenue and profit to the Department and convenience to the people.

I have shown that nobody can find any considerable number of people who ask for this kind of matter to be shut out of the mail unless indeed it be those interested in the express companies.

Some gentleman asks what is the difference in revenue under the law prior to the 4th of March last and that which has been since adopted? I reply that the revenue on this kind of matter, as nearly as can be ascertained, has fallen off since the postage was increased, while the expenses of the Post-Office Department have not grown any less as the revenue has decreased.

Mr. TOWNSEND, of New York. Has the gentleman from Illinois any returns from the express companies, and does he know whether or not their income has increased on that kind of matter?

Mr. CANNON, of Illinois. I suspect the income of the express companies has very largely increased, for I notice while this repeal is pending there has been a very great shaking among the dry-bones in that quarter. [Laughter.]

Now, Mr. Speaker, I have nothing further to add in that regard, but I think it is meet and proper we should repeal this law at once. It out to be done as a rebuke of the manner in which the law now proposed to be repealed was smuggled through the House during the last hours of the session.

Mr. BURCHARD, of Illinois. I ask my colleague, as he uses the words he has in connection with the passage of that bill, to bear in mind that it was a Senate amendment, deliberately considered there, reported to the House in the bill coming from the Senate, was nonconcurred in and sent with other matters to the committee on conference and by them reported to the House. I ask him to state also, in justice to the present as well as the former chairman of the Committee on Appropriations, that such is the fact.

Mr. CANNON, of Illinois. I have no stones to throw at the former chairman of the Committee on Appropriations or at the present chairman, for I believe both to be competent, honorable men. I am not abusing them, but only abusing this mode of legislation. I am calling the attention of the House to that abuse in hope it may be corrected. It was an abuse; the law was smuggled through. The amendment was concurred in by recommendation of the Committee on Appropriations, including the gentleman from Pennsylvania as well as the gentleman from Ohio. It was done during the last two or three hours of the session. The bill came in with over one hundred amendments appropriating over $38,000,000. The House and committee had been working night and day, and I think the provision went through without the committee or members understanding the scope of the amendment. I should like to see, if it cannot be done in any other way, and I suppose it cannot, a constitutional amendment prohibiting hereafter any legislation of any character upon appropriation bills other than appropriating money in pursuance of existing law.

Mr. BURCHARD, of Illinois. Do away with the rule allowing it.

Mr. CANNON, of Illinois. That would do some good if we could repeal the amendment to the rule adopted the other day.

[Here the hammer fell.]

Mr. CLARK, of Missouri. I now yield to the gentleman from Ohio [Mr. GARFIELD] for ten minutes.

Mr. GARFIELD. Mr. Speaker, it is due to the history of this case that the House should know precisely what was done at the last session, how it was done, why it was done, and what it is now proposed to do in the way of undoing what was then done. I think I can state in a few words that the legislation of the last Congress on this subject originated in the Post-Office Department in a letter from the Postmaster-General, a copy of which I hold in my hand, marked Senate Miscellaneous Document No. 93, addressed to Hon. Alexander Ramsey, chairman of the Committee on the Post-Office and Post-Roads of the Senate, which concluded in these words:

> The law has been in operation for so short a time I am reluctant to have any radical change in it; but I suggest the rate of postage on merchandise be doubled, that is, the rate be one cent for each ounce or fraction thereof, instead of one cent for each two ounces.
>
> MARSHALL JEWELL,
> *Postmaster-General.*

That paper reached the Senate very late in the session. In the Senate on the sundry civil appropriation bill, the day before the close of the session I think, an amendment supposed to be in exact accordance with the recommendation of the Postmaster-General was offered and adopted. At two o'clock in the morning of the last day of the session, when we had been sitting all night, the bill came back from the Senate with about one hundred amendments to it. The Committee on Appropriations, of which I was the chairman, met, as the old members will remember, and went as rapidly as they could over the various amendments. When we came to that one the member of the committee from Indiana, Mr. Tyner, who had charge of the post-office appropriation bill—and it is not any discredit to anybody to say that he understood more thoroughly postal legislation than any other man in the House; certainly he was the equal of any other in that respect—was asked what he thought of the amendment. His answer was that it was in pursuance of a recommendation of the Post-Office Department to double the postage on merchandise, and on that suggestion it was adopted unanimously by the committee. I believe I am correct in saying no member of the committee, not even the gentleman from Indiana himself, understood the language of the amendment put on by the Senate included anything else than merchandise. After the bill had passed, for it did pass, it was ascertained that the language of the amendment covered not only merchandise, but also covered transient newspapers and pamphlets. In that we were all surprised. It covered the whole of the third class instead of merely the merchandise portion of the third class. I very deeply regretted that, for it was against all notions of proper legislation concerning postal matter to have doubled the rate of printed matter. But I was in favor

and am still in favor of the legislation then adopted in reference to merchandise.

I have now stated how the legislation came about; I have stated the reasons why it come about. I am sorry that my friend from Illinois [Mr. CANNON] should speak of it as something smuggled in. It was put in, or intended at least to be put in, on the open public recommendation of the head of the Post-Office Department.

Mr. RANDALL. Why did he not send that letter to the committee of the House?

Mr. GARFIELD. He sent it to the committee of the other branch.

Mr. RANDALL. Why did he wait until the last hours of the session and send in such a letter to put such a proceeding on the country as that, when he had the entire session to bring the matter before Congress?

Mr. GARFIELD. I cannot answer for the Postmaster-General in that regard. I was not in his counsel in this action, but simply state the facts.

I entirely agree with my friend from Illinois that it is one of the worst things that can happen to change laws on appropriation bills. I shall be happily surprised if gentlemen on the other side do not find that they have committed a most serious mistake in adopting a rule to enable them to put all sorts of legislation upon appropriation bills. But I do not enter upon that question now beyond saying that I agree with my friend from Illinois.

Now, on the question of merchandise transportation, I may say that I was not unfamiliar with this subject before this action of Congress last session. We had debated that question previously. We began some years ago by allowing small packages of merchandise not to exceed eight ounces to go in the mail, and it was found so convenient to let packages of eight ounces go that the limit was increased and again increased until it went up to four pounds. And what has been the result of that? We have entered upon a scale constantly graduating upward of carrying mere merchandise in bulk by mail; and if any man can show me any legitimate place to stop until I can load a car in Chicago with wheat in bulk, and having put postage stamps on the outside of the car ship it to New York, he can see some logical line of division that I am unable to see. I say that in entering on this business of carrying merchandise by mail we are logically bound to carry the entire freight transportation of this country. We would not be changing the principle. It is simply a question of amount, of degree, and not of kind.

Mr. CLARK, of Missouri. I would ask the gentleman if merchandise is not carried in the mails in almost every other country?

Mr. GARFIELD. Perhaps so. I am not informed and cannot answer. But I will say to the gentleman that when the statement was made before the Committee on Appropriations at the last Congress that the ordinary idea of our postal organization was to transmit packages, I took the pains to make a thorough study of the historical origin of our postal system, and found that in the first resolution offered by Benjamin Franklin in the Continental Congress and onward through the entire course of it till within the last twelve years there never entered into our postal service the ideas in any form of any transportation except of written or printed intelligence. The Post Office was established to transmit intelligence, and anything else is a departure from the original idea on which it was based, and a departure depending of course wholly on the discretion of the House of Representatives and Senate as to how wide that departure shall be.

But I am not here particularly now to discuss so radical a change, though I should vote for it, as to throw out the merchandise clause altogether. I think it ought not to be in the postal law; but if you are bound to have merchandise in, if you are determined as a matter of public convenience to go into the transportation business, let us secure one thing at least, let us make the transportation pay itself. Let us at least insist that when we do a general transportation business, when we are able to take our jack-boots from our feet and send them to California at a cheaper rate than we can send newspapers of the same bulk, or as cheap, far cheaper than you can send letters by weight, let us at least demand that this merchandise shall pay for itself.

Mr. CANNON, of Illinois. Will the gentleman allow me to correct him in one thing? I know he has no desire to misstate. Newspapers go through the mails at twenty dollars a ton or two cents a pound. Third-class merchandise will go through the mails under this bill at eight cents a pound.

[Here the hammer fell.]

Mr. GARFIELD. Will the gentleman from Missouri allow me two or three minutes more?

Mr. CLARK, of Missouri. I yield the gentleman two minutes more.

Mr. GARFIELD. If the House will possess themselves of a letter addressed to the Postmaster-General by George S. Bangs, superintendent of railway mail service, they will find a very careful and elaborate review of this whole subject of the transportation of third-class matter. He does not agree with me that we ought not to transport merchandise in the mail. He thinks we may do it within reasonable limits, but he does insist that in the interest of the public service it shall be required to pay for itself, and he shows in that letter that third-class matter, for which we receive $4,758,643.88, costs us to transport it $8,720,000; and the record shows that that amount is increasing fearfully every year. They have but begun the work. The great wholesale houses of New York are absolutely rivaling the country merchants all over the West by shipping and selling by samples their dry goods. They send them by mail to all the districts of the West, and thus use the mails at a far cheaper rate than we have to pay for the transportation to help them to do their selling. Now, sir, if the merchants of this country want to use our mails let them pay the cost of transportation to the United States.

The portion of the bill which relates to transient newspapers I am anxious to see repealed and changed; but not that part which enlarges the transportation of merchandise at the rates fixed therein.

Mr. CANNON, of Illinois. Does not the gentleman know that there is only 1 per cent. of merchandise which passes through the mails, while there are 99 per cent. of the matter he proposes to raise the postage on?

Mr. GARFIELD. I hold in my hand Mr. Bangs's letter to the Postmaster-General.

Mr. CANNON, of Illinois. And here is his letter written in February last, which answers the one to which the gentleman from Ohio refers.

Mr. CLARK, of Missouri. I now yield for ten minutes to the gentleman from Ohio, [Mr. LAWRENCE.]

Mr. LAWRENCE. I desire to say but a very few words on this subject. The law as it stood prior to the last session of Congress is to be found in sections 3878 and 3911 of the Revised Statutes. This law provides that transient newspapers, pamphlets, books, corrected proof-sheets, book manuscripts, photographs, seeds, cuttings, scions, small samples of merchandise, and some other mail matter shall go through the mails at a very limited price, at a cost of one cent for two ounces and every fraction of an ounce. That was found exceedingly convenient to all parts of the country for the transmission of the enumerated articles authorized to be sent through the mails. At the close of the last session of Congress, as has been properly said, there was put upon an appropriation bill a clause which changed this law, and it got through without being understood generally by members of the House. I do not attribute any fault to any gentleman on this floor, for I believe that all who acted upon the subject designed to act in good faith and from convictions of duty. But the fact is nevertheless true that the change was made without being understood by the House generally. That change was undoubtedly made at the instance of the express companies of the country and made in their interest and to the general detriment of the public, the interests of the people. Now, I undertake to say that no gentleman here will legislate out of malice toward the express companies or toward any one of the great institutions of the country, and certainly I will not. These express companies are valuable agencies to carry on our commercial and other transactions. In what I have to say and in the vote I shall give I shall not speak or vote because of hostility to the express companies or to anybody; but I shall speak and vote as I conceive my duty to be, in common with others, to secure the interests of the people of the country at large.

Sir, I suppose no gentleman on this floor will deny that so far as Congress has any specific power it is our duty to exercise it in a manner to promote the "general welfare" of the people. I am in favor of this bill to restore the postage law substantially as it was on what is called "third-class matter," for two or three plain reasons, which I will state.

First of all it will secure the convenience and interests of the people generally. The mails reach every village and neighborhood throughout the whole land. The express companies do no such thing. And if you cut off the privilege of sending books, seeds, and scions, packages of merchandise, and other specified articles of "third-class matter" through the mails, you deny to a large portion of the people in the rural sections, in the small villages, and in neighborhoods where there are no villages, the privilege of receiving these articles at any convenient distance from their homes. Sir, I think it is our duty to secure the interests of the people by making the provision proposed in this bill, which will enable the mails to reach the people of every village and neighborhood in the land with the articles known as "third-class matter." Unless we do this, we do not secure to them privileges which they very much need and very properly desire.

I am in favor of this bill for a second reason. The rate of postage fixed by this bill is such as to enable the Post-Office Department to carry the matter proposed without loss, but in fact at a profit. It is proposed that parties sending the specified matters shall pay eight cents per pound. The gentleman who just spoke upon this subject [Mr. CANNON, of Illinois] has, I think, sufficiently demonstrated that this is a rate that can be made to pay. Why, sir, merchandise can be carried all around the globe for eight cents per pound, and less. And if the Post-Office Department cannot carry this matter at eight cents per pound I would retrench, cut down salaries and expenses of everybody connected with the Post-Office Department, in order that we might secure the transportation of the matter proposed by this bill at the price fixed in it. That is what I would do.

Now, sir, there is a demand for this bill coming up from every section and every interest in the country almost, and which I think ought to be heeded in this Hall. I have before me a letter from a very intelligent gentleman connected with a large publishing house in Dayton, Ohio, an extract from which I will read. He says:

One cent an ounce on books is too high. There are thousands of people who can only get books by *mail*. At present rates it costs 20 per cent. of the value of the book to get it to the customer. And then is not a *bound* book as much an educator

of the people and a diffuser of knowledge as a pamphlet or a newspaper? * * * Let all means of knowledge in the way of transient *printed* matter be put at one cent for every two ounces or fraction thereof.

I also have a letter from a well-informed constituent of mine, who is in the fruit-tree, flower, shrub, and vine nursery business, who says:

We have *other* interests besides *reading* matter that are *very much closed up* by the *high* postage set on *grain, seeds, scions, plants, &c.*

Here is an appeal from the fruit and agricultural interest which very justly demands our attention, commands our respect, and deserves our encouragement. In this connection I also read the following from a paper called the American Grocer, of January 15, which says:

Our readers will remember that during the closing hours of the last Congress a bill was passed in the interest of the express companies doubling the rates of postage on "third-class matter," which includes pamphlets and transient publications, unsealed circulars, books and book manuscript and a variety of miscellaneous articles under four pounds in weight, among which samples of merchandise are a principal item. This law created a great deal of dissatisfaction, which the Postmaster-General proposes to allay by having a bill passed restoring the old rate on printed matter, except books and book manuscript and the miscellaneous articles above noted, of which samples of merchandise are a large part. We trust, however, that this narrow view of the question may not prevail, and that the law may be restored to its former status. We think we fairly represent the sentiment of a large majority of the public when we state that nothing short of this will give entire satisfaction. The sending of samples of merchandise through the mail had become a great convenience, both to the retail and wholesale merchants of the country. It tends greatly to facilitate business, and we can see no good reason why the general merchant should not have the privilege of sending samples of his merchandise through the mails as cheaply as the publisher who sends specimen newspapers, phamphlets, &c. In most cases the weight is no more and the space occupied not as large. Both tend greatly to increase commerce and bind the different sections of the country together in bonds of mutual interest. Another item which has proved of very great value to the general public has been the wide distribution by our Postal Department of small parcels of valuable seeds. It is of the greatest importance to the country that the best varieties of agricultural products should be cultivated, and some of our best crops at this time are the result of distribution of seeds in this manner. We are informed by seedsmen that the increase in rates practically shuts out a large amount of this business. We go in for making the postal system of value to the public in the distribution of merchandise samples bulbs, seeds, &c.

This presentation of facts, the argument here embodied, seems to be reasonable, just, and conclusive. If a man wants to send cuttings and scions from his fruit-tree nursery to sections of the country either remote or near which no express company reaches, why not, in the interests of agriculture and of the people of the country, allow such cuttings, seeds, and scions to go to all parts of the country through the mails? And if express companies reach other portions of the country, why not give the people a choice of means for carrying the specified articles? By this means we prevent unreasonable exactions; we cut off monopoly, which in almost every form is ruinous. The gentleman from New York [Mr. CHITTENDEN] put the inquiry, If you carry two or four pounds why not carry one hundred pounds? I think there is a very good reason why we should carry four-pound parcels while we do not carry one-hundred-pound packages. There are, as every one knows, facilities by water and railroad and express transportation for carrying one-hundred-pound packages to every part of the country where it is desirable to send them. There are no such facilities for reaching all parts of the country where it is desirable to send four-pound parcels except by mail. That is the reason which seems to me entirely sufficient. And the Post-Office Department, as I have already said, may properly be made to prevent unreasonable charges by express companies. With reasonable charges for railroad, water, and express transportation nobody would think of sending a one-hundred pound package by mail. There is a wide distinction between ordinary freight and the matter which it is convenient to send by mail. The country affords facilities for sending as freight or by express every package of one hundred pounds. It will be so sent.

But our experience since the change in the postal law made by the last Congress teaches us that there is a necessity to restore the mail facilities. The express companies took advantage of the absence of mail facilities for "third-class matter" and imposed upon the people onerous charges, from which it is our duty and our interest to relieve them. I might answer the question put by the gentleman from New York by asking another. If we should surrender to the express companies the carrying of all matter except letters and similar parcels, why not surrender them also? The answer is plain. With no law to regulate or limit the charges of express companies, and with no competition by mail facilities, unreasonable charges would be imposed on the people. The Post-Office Department is authorized by the Constitution. It is our duty to operate it to secure the "general welfare," and this requires us to pass the bill now under consideration.

We are not proposing to carry packages at one-half cent per pound as has been said, but eight cents per pound. If the mails were authorized to carry one-hundred-pound packages they would never be sent, because such packages could be carried cheaper by railroad, as every man knows. Would any one in New York send one-hundred-pound packages through the mail to any portion of the country? Not one; for the reason that the express and railroad companies can carry such freight cheaper than the rate fixed by law for mail matter.

In every view this bill is a matter of necessity and a matter of justice.

[Here the hammer fell.]

The SPEAKER. The gentleman from Missouri [Mr. CLARK] has six minutes of his time remaining.

Mr. CLARK, of Missouri. I will yield that to the gentleman from Pennsylvania, [Mr. RANDALL.]

Mr. RANDALL. I do not know that I shall occupy all that time. I am very glad that those who have in the past had any connection with this legislation have disavowed it. I am also glad that the Postmaster-General has found it necessary at the beginning of this session to suggest a repeal of a law which it is clearly proved he was instrumental in having inaugurated. I am also free to say that all these blunders which are committed in the haste of legislation at the end of a session are sure to be in behalf of monopoly, and in no instance, so far as I can recollect, in behalf of the people.

I am not going to inquire into motives in connection with this legislation; I will speak directly of the effect of it. One effect of it was a direct interference with the transmission of newspapers through the mails by doubling the rates of postage on them. Another effect was to interfere with the convenience of the people by preventing or hindering the transmission through the mails of four-pound packages. There was a further effect, and that was to augment the receipts of the express companies of this country to the extent of a quarter of a million of dollars. If I were to venture to speak of motives I might suggest what was the motive power of such legislation; but I will not do so.

What does the Committee on Post-Offices and Post-Roads propose at this time? They propose the absolute repeal of this legislation which seems to have crept into an appropriation bill almost wholly unknown to the members of either House. They propose to put the law back just where it was when this strange legislation was put upon the statute-books, so that newspapers and intelligence shall be transmitted through the mails as heretofore, and also that the great body of the people shall not be called upon any longer to pay this tribute to express companies. I am very glad to say that there is among the people a universal demand, without any partisan feeling whatever, for the repeal of this legislation.

Now, so far as I am concerned, I will be willing to receive the condemnation of the gentleman from Ohio [Mr. GARFIELD] if he can make it apply at all to any such legislation which may hereafter occur by the amendment of our rules to which he has referred. I will receive his condemnation whenever he may find me or anybody on this side of the House exercising the privileges under that rule in such an infamous manner as privileges were exercised at the last session of Congress under the rule then adopted and which we have repealed. Allow me to say to the gentleman that this legislation which we now seek to repeal was not accomplished under any rule of this House; it crept through under the shadow of a conference committee.

Mr. GARFIELD. Will the gentleman tell me precisely what he means by speaking of the legislation of this House? Does the gentleman charge it upon the Committee on Appropriations? He was here at the last session.

Mr. RANDALL. I have exonerated the House from any blame for this legislation. But I say to you that whenever this side of the House, by reason of any power secured through the adoption of the rule the other day, shall be guilty of incorporating in any appropriation bill any such legislation as this, then I will be ready to receive your condemnation.

Mr. GARFIELD. Does the gentleman hold the Committee on Appropriations or this side of the House responsible for doing any guilty or infamous thing in connection with this legislation?

Mr. RANDALL. I hold the committee of conference guilty of an omission of scrutiny in the passage of such legislation as this on an appropriation bill.

Mr. GARFIELD. I believe there is a passage in the Old Testament somewhat to this effect: "Let not him that putteth on the harness boast as him that putteth it off."

Mr. RANDALL. I have not boasted. I have condemned where I thought I should do so. I propose not to appear here as an advocate of express companies or of anything but the people.

[Here the hammer fell.]

The SPEAKER. By order of the House all general debate is closed upon this bill.

Mr. CLARK, of Missouri. I now call the previous question.

Mr. CHITTENDEN. I desire to make a brief explanation.

Mr. CLARK, of Missouri. I will yield to the gentleman for that purpose if I have the right to do so.

The SPEAKER. The gentleman cannot yield; all general debate is closed by order of the House.

Mr. CLARK, of Missouri. Then I insist upon the previous question.

The previous question was seconded and the main question ordered.

The SPEAKER. The first question is upon the motion to reconsider the vote by which the House recommitted this bill to the Committee on the Post-Office and Post-Roads.

The motion to reconsider was agreed to.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CLARK, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. RANDALL. I move that the rules be suspended and that the House now resolve itself into Committee of the Whole for the purpose

of considering the bill making an appropriation for the support of the Military Academy.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. HOSKINS in the chair.

The CHAIRMAN. By order of the House, the committee will now proceed to the consideration of the bill (H. R. No. 810) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1877.

The Clerk then read the bill.

The CHAIRMAN. The gentleman from New Jersey [Mr. HAMILTON] who reported this bill is entitled to the floor.

Mr. HAMILTON, of New Jersey. I yield to the gentleman from Maine, [Mr. HALE.]

Mr. HALE. Mr. Chairman, the Committee on Appropriations is now fairly entering upon its work for this session, and I have deemed it fitting to take some survey of the subject-matters that will come before the House this winter in the way of appropriations. The field, Mr. Chairman, is a broad one. Our annual expenditures are immense. Governments, like families, cost more and more as they grow; and the cost of governments, like that of families, is apt to increase in a geometrical ratio with the growth of its people.

Any man who contrasts the population and the wealth of this country now with what they were in the first days of the Government will be reconciled to a great advance in its expenses. In that wonderful chapter of Macaulay, wherein he presents the material condition of Great Britain at the time when the crown passed from Charles II to his brother, the historian notes, as a remarkable fact, that in the time covered by two long lives the taxation of the British people had been increased thirty-fold. We have, Mr. Chairman, owing to great events in our history, especially owing to the events of the last fifteen years, gone beyond what in Great Britain seemed startling to Macaulay. It could hardly have been imagined by any person living in the administration of John Quincy Adams that in fifty years from that time there would be collected from the American people annually and spent in one way or another nearly $300,000,000. There is no subject of greater interest to the people than that involved in the question of how all this money is spent, and it is for that reason that I have ventured to trespass upon the attention of the House at this time.

In starting it is worth while to bear in mind that, in time of profound peace, with no war apparently lowering upon the horizon, and no preparation for war being made, the last Administration before the rebellion broke out—that of Mr. Buchanan—spent in one year $75,000,000; and during its continuance ran the Government in debt nearly $100,000,000.

The war launched us into an almost fathomless sea of expenditure. There is nothing, sir, that wastes like war. The things that we actually needed cost enormously. The things that we wasted in overcost and over-supply, in "cutting our eye-teeth," to use a New England phrase—by building up the fortunes and learning the ways of swindling contractors and thieves—cost us nearly as much more. And while we were undergoing this experience we heaped up additionally the measure of indebtedness that we must meet in time of peace by going through the dance of inflation, which doubled and trebled the cost of everything that we actually had or were cheated into believing that we had.

What wonder then that the figures leaped up from tens of millions to hundreds of millions, and that, marvelous as were the efforts of our people in the payment of taxes to keep down the public debt, so great beyond this was the demand at the time that we piled up a national indebtedness that will, to meet principal and interest, mortgage the lives of generations.

I have here a table giving the figures of the net expenditures of the Government for the years from 1856 to 1875, inclusive. It begins at $69,571,025.79 for the year ending June 30, 1856. In 1865 it reaches as high as $1,297,555,224.41, and in 1875, $274,623,392. In these nineteen years the culminating point of expenditure was reached in the year that the war ended, when, as I have said, it reached more than $1,200,000,000. From that day the expenditures have been falling in the years immediately succeeding the war by tremendous steps and more gradually since, the scale that we now spend being for the year ending June 30, 1875, $274,623,392.84.

Year.	*Net ordinary expenditures.*
1856	$69,571,025 79
1857	67,795,707 66
1858	74,185,270 39
1859	69,050,976 74
1860	64,130,598 39
1861	66,546,644 89
1862	474,761,818 91
1863	714,740,725 17
1864	865,322,641 97
1865	1,297,555,224 41
1866	520,809,416 99
1867	357,542,675 16
1868	377,340,284 86
1869	322,865,277 80
1870	309,653,560 75
1871	292,177,188 25
1872	277,517,962 67
1873	290,345,245 33
1874	287,133,873 17
1875	274,623,392 84

These expenditures, especially of the greatest years, are enormous. That we were able to command means and credit to the extent required surprised both friends and enemies. If my object were different, it would be a grateful task for me to recall to the memory of gentlemen before me the Herculean efforts made by our people in the payment of taxes to keep down the public debt, bearing such impositions as no nation ever before bore. But I have not the time to go into that matter. I will only say that in the years between 1863 and 1868, inclusive, the American people paid in taxes into the national Treasury over $3,200,000,000. I cannot pursue this further.

Any gentleman examining this column of figures (and they are taken from the official reports of the Treasury Department) will see that from 1866 through 1867, 1868, 1869, 1870, 1871, 1872, 1873, and 1874 there was a gradual decrease with the exception of the year 1873, when there was an increased appropriation for the War Department, and the expenditures for once rose beyond that of the preceding year.

I have not the time to go into details, and it is not my object to go back to all those years; but I do propose to bring before the House the work which has been done in the direction of curtailing expenses within the last three years. In the first session of the Forty-third Congress, in the year 1874, the gentleman from Ohio on my left, who was then chairman of the Committee on Appropriations, [Mr. GARFIELD,] did a most valuable work, for which every student of the expenditures of the Government must ever thank him. We were then, as now, confronted with lessening receipts and the necessity of reducing appropriations in order that the needs of the Government might be met by its revenues. General GARFIELD, whose philosophical mind and practical industry are well known to the country, in his study of the subject divided the whole body of our expenditures into three great classes. The first class covered amounts paid during the fiscal year 1873—the year to which he first applied his classification—on account of expenses growing directly out of the late war. They included, for instance, the interest on the public debt, more than $100,000,000; pensions, nearly thirty millions; expenses of the national loan, nearly three millions, and the cost of collecting the internal revenue, which was an imposition caused purely by the war, and, with various other demands for payment which the Government must recognize, growing out of the war, ranging in some cases from a few thousand dollars to hundreds of thousands of dollars in other cases. This class amounted in 1873 to $159,232,416.81. Now there was then, as there is now, no shirking of this bill. It came to us as an inheritance of the war, and will rest upon the American people until, with increasing revenue and prosperity, we have paid the principal of the public debt and the widows and orphans and soldiers who are pensioned have passed forever from among us. But until then the bill for this class, so carefully studied and prepared by the gentleman from Ohio, [Mr. GARFIELD,] will be before us, I repeat, as one which cannot be shirked.

The second classification, covering the military and naval establishments, amounted in 1873—the military appropriation being $32,524,548.64 and the naval $21,474,433.61—in the aggregate to $53,998,982.25. The third class covered the civil service, comprehending all expenditures not included in the other two classes, embracing salaries, the cost of collecting customs, public buildings for post-offices, custom-houses, and light-houses, expense of the Post-Office Department over and above its annual revenue, navy-yards, and various items, amounting in all to $79,803,847.27.

General GARFIELD, following the analytical bent of his mind, calculated the percentages of expenditures embraced by these several classes. The first, the war expenses coming directly from it, were 54 per cent. of our entire expenditures. The military establishments—the War and Navy—were 18 per cent.; and the civil service, the third class, embracing all not comprehended in the others, 28 per cent. In the succeeding year the same analysis was applied to the expenditures for the year 1874. And I have done the same thing in a table I have here for the last year of 1875. I have taken advantage of the classification of my friend from Ohio, and have carried it out into the last year it was possible, to wit, the year ending June 30, 1875, the last fiscal year for which we have any returns.

It is an interesting matter to see how the percentage of these expenditures has been maintained. In the last fiscal year, the last we have had, the war expenses—those incident to the war—are $147,882,034.75, or 53.7 per cent. of the expenses. In the year previous this class was 53.3 per cent. and the year previous to that 54 per cent. The second class, including the military establishments, the War and Navy, amounted in the last year to $48,314,499.50, or 17.5 per cent. of the whole. And here is a fact which I commend to the gentlemen on the other side who contemplate an attack upon these establishments, that, while the class from which there is no escape, and which I think few gentlemen would be in favor of cutting down, has about maintained itself during the past three years, the War and Navy establishments for the year ending June 30, 1875, amount to 17.5 per cent., while during the previous year it was 20.4 per cent. and the year before 18 per cent.

The next class, including the general civil establishments, amounts to $78,425,858.59, or 28.6 per cent. of the entire expense, against 25.9 last year and 23 per cent. the year before.

I now give the full tables:

Comparative statement of expenditures during the fiscal years ending June 30, 1873, 1874, and 1875.

	1873.	1874.	1875.
Amounts paid on account of expenses growing directly out of the late war:			
Joint Select Committee on Alleged Outrages in Southern States	$1,087 20		
Investigations in relation to elections in Louisiana and Arkansas	20,000 00		
Payment of judgments of Court of Claims	489,034 70	$378,567 10	$516,531 35
Southern claims commission	52,800 04	53,800 00	51,800 00
Tribunal of arbitration at Geneva	69,210 22	6,968 49	
Expenses of national currency	181,654 84	173,688 83	330,978 27
Reissuing national currency (re-imbursable)			64,244 76
Expenses of national loan	2,806,863 94	1,878,569 55	1,584,113 88
Refunding national debt	54,726 83	704,726 85	150,255 51
Assessing and collecting internal revenue, including payments of drawbacks and amounts illegally collected	6,687,039 49	5,722,164 35	5,188,513 31
Defending claims for cotton seized	52 95	10,626 53	14,290 75
Salaries of direct-tax commissioners	540 55		
Expenses of collecting direct tax in Delaware	22 46		
Repayments for lands sold for direct taxes	9,075 00	44,147 91	23,920 00
Return of proceeds of captured and abandoned property	1,960,679 26	2,545,375 45	880,619 34
Collection of captured and abandoned property: records and evidence respecting same	84,479 50	14,574 00	600 50
Refunding internal taxes illegally collected	1,507 44	478 36	893 00
Refunding proceeds of cotton seized	3,282 00	122,627 04	36,938 72
Premium on bonds purchased in currency	5,105,919 99	1,395,073 55	
Payment of interest on the public debt	104,750,688 44	107,119,815 21	103,093,544 57
Bounties	465,049 14	1,444,088 44	307,111 44
Keeping, transporting, and supplying prisoners of war	258,080 11	123,941 36	2,195 35
Military telegraphs	17,220 36		
National cemeteries	431,219 22	284,900 15	303,858 76
Maintenance of steam rams	14,548 93		
Gunboats on western rivers	33,408 28	650 00	
Providing for comfort of sick and discharged soldiers	1,305 79	824 10	9 34
Payment of stoppages on fines due National Asylum for Disabled Volunteer Soldiers	193,750 50	440,821 67	911,505 12
Traveling expenses of California and Nevada volunteers	28,000 00	34,285 56	10,185 15
Traveling expenses of First Michigan Cavalry	500 00	959 86	2,000 00
Commutation of rations to prisoners of war in rebel States	2,000 00	7,000 00	4,000 00
Draft and substitute fund	42,792 84		
Appliances for disabled soldiers	8,000 00		
Transportation of insane volunteer soldiers	1,000 00		
Support of Freedman's Hospital and Asylum, Washington, District of Columbia	72,000 00	51,284 90	202 50
Support of Bureau of Refugees, Freedmen and Abandoned Lands, (regular)	93,924 79		
Support of Bureau of Refugees, Freedmen and Abandoned Lands, (transfer)	12,871 95	24,432 00	34,513 61
Horses and other property lost in the military service	99,975 85	105,359 76	83,720 68
Re-imbursing State of Kansas for military expenses	336,817 37		
Re-imbursing State of Kentucky for military expenses	525,258 72	64,927 57	35,490 65
Refunding to States expenses incurred in raising volunteers	758,110 31	64,477 03	139,958 32
Defraying expenses of minute-men and volunteers in Pennsylvania, Maryland, Ohio, Indiana, and Kentucky	28,762 32		
Supplying arms and munitions of war to loyal citizens in revolted States	945 38		
Capture of Jefferson Davis	2,051 00		
Claims of loyal citizens for supplies furnished during the rebellion	927,910 19	122,025 24	1,265,170 40
Bounty for destruction of enemy's vessels	133,802 28		50,419 32
Payment to captors of rebel ram Albemarle	202,912 90		
Payment to officers and crew of United States steamer Kearsarge	141,377 00	16,933 31	2,040 87
Pensions	29,350,426 86	29,038,414 66	29,456,042 89
Relief acts, (various)	797,748 78	528,361 19	422,217 42
Defending suits and claims for seizure of captured and abandoned property		36,966 50	26,124 00
Pay of two and three year volunteers		418,557 45	
Collecting, drilling, and organizing volunteers		171,032 50	
Prize-money to captors		318,160 04	479,982 22
Payment of shares on captures made by Admiral Farragut's fleet in the Mississippi River		603,520 00	362,600 00
Payment to captors of rebel steamer Sumter		100,000 00	
Alabama claims commission			84,374 70
Awards to British claimants			1,929,819 00
Re-imbursing State of Indiana for military expenses			11,248 96
Publication of official records of the war of the rebellion			20,000 00
Total	157,262,415 81	154,171,130 50	147,882,034 75
Military and naval establishments:			
For the Army, (after deducting payments for the late war, already mentioned in group 1,) exclusive of improvements of rivers and harbors and other public works	32,524,548 64	30,224,677 47	29,408,309 82
For the Navy	21,474,433 61	28,468,628 22	18,906,189 68
Total	53,998,982 25	58,693,305 69	48,314,499 50
Civil service proper; being all the expenditures not named in first and second groups:			
1. The civil list, (including expenses of legislative, judicial, and executive officers of the Government,) exclusive of Internal-Revenue and Customs Departments	16,026,321 32	17,342,910 67	18,099,435 15
Increase of salaries by act of March 3, 1873	1,948,210 04		
Foreign intercourse	1,292,108 49	1,301,583 47	1,118,768 52
Indians	7,946,800 53	6,692,402 09	8,384,830 15
Expenses of mints, coast survey, light-house service, revenue-cutter service, and marine-hospital service	4,812,183 58	5,040,544 84	5,220,031 91
Cost of collecting customs duties, (exclusive of revenue-cutter service and building and repairing custom-houses,) including the refunding of excess of deposits and amounts illegally collected	12,586,045 93	13,293,542 74	11,220,414 09
Deficiencies in the revenues of the Post-Office Department	4,765,475 00	4,214,044 71	6,561,646 10
Mail steamship service	725,000 00	500,000 00	650,000 00
Expenses of eighth and ninth census	105,769 44	108,841 64	13,074 38
Survey of public lands and land funds to States	1,401,971 27	1,395,910 13	1,461,047 14
Government of Territories	271,985 36	300,789 69	290,416 77
Steamboat inspection service	221,947 50	222,109 75	242,392 02
2. Extraordinary expenses:			
Investigation of senatorial election in Kansas	20,000 00		
Survey of boundary between United States and British Possessions	2,304 63	160,000 00	30,865 00
Commissioners to international penitentiary congress at London	5,000 00		
Copies of proceedings of same	1,362 65		
International exposition at Vienna	111,146 26	37,701 74	6,172 06
Payment for coin, nickels, &c., destroyed by fire at Chicago	370,813 24	65,944 76	809 04
Miscellaneous	1,602,634 86	2,527,950 42	2,736,870 50
International exhibition of 1876			26,200 00
Relief of persons suffering from overflow of Mississippi River			160,034 33
Relief of persons suffering from ravages of grasshoppers			171,947 26
Expenses attending visit of the King of Hawaiian Islands			19,979 96
Restoration to family of Marquis de Lafayette of watch presented to him by General Washington			241 00
3. Public works:			
Custom-houses and post-offices, and repairs and preservation of same	3,270,329 90	4,320,448 92	3,956,326 77
Marine hospitals	61,128 73		68,087 74
Light-houses and repairs	1,408,851 49	1,040,788 55	1,413,919 95
Court-houses and post-offices, and building for State, War, and Navy Departments	5,352,452 34	4,006,952 25	5,814,385 84

Comparative statement of expenditures during the fiscal years ending June 30, 1873, 1874, and 1875—Continued.

	1873.	1874.	1875.
Arsenals and armories, and Military Academy buildings	$916,476 33	$702,985 71	$622,553 07
Forts and fortifications	1,801,766 02	2,263,991 22	1,128,980 31
Rivers and harbors	6,371,687 32	5,511,345 24	6,340,811 18
Navy-yards	1,370,587 06	1,230,381 32	1,565,320 41
Interior Department Building	10,000 00	.....	20,000 00
Buildings for Government Hospital for Insane, Columbia Hospital, and Columbia Institution for Deaf and Dumb, &c.	179,890 00	51,697 46	154,347 50
Improvements of public grounds, streets, and avenues in the city of Washington, including Washington Aqueduct and bridges across Potomac River, extension of Capitol grounds, and Capitol building, &c.	4,062,915 08	1,936,420 22	898,900 14
Total	79,083,847 27	74,269,457 57	78,426,858 59
Grand total	290,345,245 33	287,133,873 76	274,623,392 84

NOTE.—The expenditures for 1874 include $1,469,790 53 for official postage-stamps used by the various Departments; those for 1875 include $1,022,165.13 for the same object. No corresponding item appears in the expenditures for 1873.

Total expenditures by years.

	1873.	1874.	1875.
FIRST GROUP.			
Amount paid directly on account of the late war	$157,262,415 81	$154,171,130 50	$147,882,034 75
Per cent. of the whole for each year	54.	53.3	53.7
SECOND GROUP.			
Army and Navy	53,998,982 25	58,693,305 69	48,314,499 50
Per cent. of the whole for each year	18.	20.4	17.5
THIRD GROUP.			
Civil service proper	79,083,847 27	74,269,473 57	78,426,858 59
Per cent. of the whole for each year	23.	25.9	28.6
Total	290,345,245 33	287,133,909 76	274,623,392 84

Now, I wish to invite attention to the work of Congress in the first session of the Forty-third Congress in the reduction of expenses, as shown in the appropriation bills for the year ending June 30, 1875. My friend and leader, the chairman of the Committee on Appropriations, will be glad to learn how much the road in which he is so ardently pressing has been trodden before. The following table shows the difference between the appropriations for the years 1874 and 1875. It is taken from the official Treasury digest of appropriations.

Recapitulation by acts.

	Third session Forty-second Congress, fiscal year 1874.	First session Forty-third Congress, fiscal year 1875.
To supply deficiencies in the appropriations for expenses of taking ninth census, approved December 16, 1871	.....	.....
To supply deficiencies in the appropriations for expenses of Joint Select Committee on alleged outrages in Southern States, approved January 16, 1872	.....	.....
To supply deficiencies in the appropriations for salaries and contingent expenses of the Post-Office Department, approved February 20, 1872	.....	.....
To supply deficiencies in the appropriations for the service of the Government, approved May 18, 1872, and January 8, 1873	$1,646,833 82	.....
To supply deficiencies in the appropriations for the service of the Government, approved March 3, 1873, and June 22, 1874	9,496,406 14	$4,053,812 39
*For legislative, executive, and judicial expenses of the Government, approved May 8, 1872; March 3, 1873; and June 20, 1874	18,170,441 18	20,758,255 50
For sundry civil expenses of the Government, approved June 10, 1872; March 3, 1873; and June 23, 1874	32,173,257 90	26,925,746 88
For support of the Army, approved June 6, 1872; March 3, 1873; and June 16, 1874	31,796,008 81	27,788,500 00
For the naval service, approved May 23, 1872; March 3, 1873; December 31, 1873; and June 6, 1874	22,275,707 65	20,813,946 70
For the Indian service, approved May 29, 1872; February 14, 1873; and June 22, 1874	5,505,218 90	5,538,274 87
For rivers and harbors, approved June 10, 1872; March 3, 1873; and June 23, 1874	7,352,900 00	5,228,000 00
For forts and fortifications, approved June 10, 1872; February 24, 1873; and April 3, 1874	1,800,000 00	904,000 00
For support of Military Academy, approved May 25, 1872; February 28, 1873; and June 6, 1874	344,317 56	339,835 00
For service of Post-Office Department, approved June 1, 1872; March 3, 1873; and June 23, 1874	6,496,602 00	7,175,542 00
For invalid and other pensions, approved February 20, 1872; January 10, 1873; and June 20, 1874	30,480,000 00	29,980,000 00
For consular and diplomatic service, approved May 22, 1872; February 22, 1873; and June 11, 1874	1,311,359 00	3,404,804 00
For fire-proof building at Albany, New York, approved March 12, 1872	.....	.....
For court-house and post-office at Indianapolis, Indiana; Huron, Michigan; Saint Louis, Missouri; Hartford, Connecticut, &c., approved March 18, 1872	.....	.....
For Reform School, District of Columbia, approved May 15, 1872	.....	.....
For Medical and Surgical History of the Rebellion, approved June 8, 1872	.....	.....
For reliefs and miscellaneous	$3,342,647 86	$2,121,540 86
Totals	172,200,700 82	155,030,491 27
Amended totals*	170,424,800 82	151,106,128 27

Recapitulation by acts—Continued.

TREASURY DEPARTMENT,
Warrant Division, July 1, 1874.

*There appeared for the first time in this bill an appropriation of $2,216,763 for defraying expenses incident to the national loan for the current fiscal year, the appropriations for that object having heretofore been indefinite. There also appears an appropriation for official postage-stamps required by the various Departments of $1,865,900 in 1874, and $1,707,660 in 1875, without any corresponding appropriation in 1873. To arrive at a just comparison of the appropriations made at each session of Congress the amounts appropriated for postage and expenses of national loan in 1875 and for postage in 1874 should be deducted from the totals of those years, leaving the amended totals.

This table shows a reduction of $19,331,405.02.

In the note appended to it, the Secretary properly states that for the first time the annual bills of the last session contained $2,216,763 for expenses of the national loan.

But the amount expended in the preceding year for the same purpose was $2,806,863.94; and the last session of Congress should have been credited with a further reduction to the amount of the difference between these sums, namely, $590,100.94. This item, added to the amount of reduction stated by the Secretary, gives a reduction of $19,923,506.56.

The difference between this amount and the amount estimated in my speech of June 23, 1874, consists in the two items, which, as I then stated, were not included in my estimate. One was the $4,000 000 appropriated for the naval emergency arising from our trouble with Spain, which should not be considered as a part of the ordinary cost of carrying on the Government; the other was the aggregate of all the relief and pension acts passed at the last session, which amounted to $2,121,540.86; these acts were not under the charge of the Committee on Appropriations, and they amounted to a larger sum than I supposed they would.

But including the relief acts, and leaving out the naval emergency appropriation, the actual reduction in the ordinary appropriations for the public service at the last session was $24,000,000 less than at the preceding session.

Without—for my time is passing away—without discussing details this table shows that in the year ending June 30, 1874, all the appropriation bills amounted to $170,424,800.82. And let me say here that upon this part of my subject relating to the reduction of appropriations I use in treating of aggregates the sums of the various appro-

priation bills, not reckoning the permanent appropriations, which we have little or nothing to do with. The work that we are engaged in in reducing expenditures must be done upon these bills. My friend in front of me [Mr. HOLMAN] knows that with all his desire, proper and just as it is to retrench and cut down expenditures, the permanent appropriations, like that for the interest on the national debt and some others, are things with which we cannot and do not expect to meddle, and so the figures I give embrace that domain of expenditure which is fair work for Congress.

For the year 1874, as I have said, the expenditures were $170,424,800.82. Under the leadership of the gentleman from Ohio [Mr. GARFIELD] Congress in that session, the first of the Forty-third Congress, reduced the annual appropriation bills so that they amounted for the year ending June 30, 1875, to $151,106,128.27. Following this table which I have already given are certain remarks made by the gentleman from Ohio, who used these same figures in a speech made here in 1875, in which he shows, as anybody will see who reads it, that in addition to this $19,000,000 reduction, shown on these appropriation bills, the Committee on Appropriations and Congress should be credited further with certain items—for instance, the emergency bill giving to the Navy Department, at the time when war was deemed to be imminent with Spain, $4,000,000. In addition to that the appropriation bills ought to be credited that year with a sum which had formerly been permanent, to wit, the appropriation for the issuing of the national loan, which added to the appropriation bill something like $3,000,000—a gentleman beside me says $3,800,000. And the gentleman from Ohio, in casting up what Congress should be credited with, comes to this conclusion:

> Including the relief act, leaving out the naval emergency appropriation, the actual reduction in the ordinary appropriations for the public service at the last session was $24,000,000 less than at the preceding session.

That was then in sum and substance, Mr. Chairman, the work of Congress that session in the reduction of expenditures. Not a small work, sir; but a great work; work done faithfully, and, what is better still, upon which there has been no back step taken.

Let me enumerate here some of the reforms and retrenchments made by Congress through its organ, the Committee on Appropriations, in the first session of the last Congress. There was first what I have alluded to, the national loan expense, which was formerly paid by an indefinite appropriation of a percentage on the entire issue, and was a thing as entirely in charge of a Bureau of the Treasury Department as is the private business of any gentleman on this floor in his own control. This Bureau spent $3,800,000 a year, a sum as large as that which ran the Government in the first year of the present century. There was no let or hinderance on that expenditure. There was no limitation as to amount of labor. There was no limitation as to salaries paid. But the Committee on Appropriations took this evil by the throat; they took it from this irresponsible control and transferred it to a regular appropriation bill, making salaries for the employés, fixing the amount of money to be spent for materials, and, in addition to all this, reducing the amount spent over half a million dollars. Now, Mr. Chairman, that work is done. My friend on my left [Mr. RANDALL] cannot do it over again. He can keep up on his bills the system brought in by the old committee, but the work is the old committee's, not his.

There was an evil of a like kind in the War Department. Enlisted men were allowed to be employed very much as in the Printing Bureau, without any limitation or control, and we found that some hundreds were so employed. That evil was cured like the other, and in the same way. In the naval bill, the Marine Corps men were reduced in number. In the Army bill there was a reduction of five thousand men, so that the Army to-day stands as a reduced organization by the work of the Forty-third Congress.

The salary bill that passed in that Congress reduced salaries something more than a million dollars. The departmental forces were taken in hand by the committee and after long and arduous labor were in many places cut down. The drones were driven out, the force was diminished, and where there had been in a single Bureau a hundred clerks the committee would cut down the number to sixty, seventy, or eighty, as mature deliberation showed it could be done without crippling the service of the Government. The Committee on Appropriations reported to the House a clause increasing the hours of labor in the Departments, because it believed that without any oppression upon employés more time could be spent by them in labor to the advantage of the service, and it therefore provided for an additional hour of work each day.

We were beaten on the floor of the House, and the hours of labor remained as they had been before, and so continued until during the past year, when by order of the different Departments an hour a day was added to the work of the clerical force.

Now let any man say, Mr. Chairman, here what I have frequently heard upon this floor, that these appropriations are no test of real reduction, because reductions are frequently made with a view to deficiencies, and that it is simply a show, a pretext, and that the deficiencies for the succeeding year will make it all up. Now, sir, it is worth while to look at the deficiencies bearing upon these reductions. Sir, in the succeeding year after this reduction by Congress the deficiency appropriations amounted to but about four million dollars, a less sum than had ever been called for in ten years, so that this reduction was *bona fide;* it was made in good faith, and it was carried out by the Departments.

But, Mr. Chairman, I must hurry on. The good work did not stop here; it did not stop in 1874. At the next session of the Forty-third Congress the committee reduced the appropriations further by the sum of $7,292,817.39, as the table which I hold in my hand shows. So that in those two years there was a reduction in the appropriations of the Government of nearly $31,000,000, and the deficiency bills for that year, instead of being increased by these further reductions in the two years of the Forty-third Congress, had run down so that they only amounted to $800,000 for the whole year.

Third session Forty-second Congress—fiscal year 1874.	First session Forty-third Congress—fiscal year 1875.	Second session Forty-third Congress—fiscal year 1876.
$6,636,074 61	$5,797,234 88	$5,224,275 36
9,888,147 42	10,591,847 56	8,906,452 29
3,744,243 87	3,709,984 13	3,417,437 42
1,874,515 00	3,454,965 92	1,420,252 30
409,660 00	430,547 34	455,513 03
976,620 31	1,494,491 11	1,407,433 43
280,038 57	298,655 86	301,315 89
36,732,025 17	24,428,522 37	50,301,332 93
22,408,620 55	20,813,946 70	17,208,100 33
6,468,977 44	7,148,174 54	5,874,558 28
30,480,000 00	30,355,000 00	30,075,000 00
20,057,132 00	14,817,306 56	8,025,542 59
6,102,900 00	5,463,000 00	6,793,517 50
1,899,000 00	904,000 00	895,000 00
1,982,979 59	2,014,457 70	1,855,409 99
6,496,602 00	6,232,842 00	7,330,205 00
15,674,164 29	16,951,781 53	18,103,574 47
172,290,700 82	155,017,758 20	147,714,940 81

Now, Mr. Chairman, when we have the annual appropriation bills and know that they are correct, and have also got the annual deficiency bills for the year succeeding, we have the question clinched. In any appropriation bill no man can tell what the reduction has been until he knows the deficiencies resulting from it. But in these two years, showing a reduction of appropriations of $31,000,000, which in so much lessened the burdens of the people, the good faith of the reduction is shown by the deficiency bills lessening largely each year; and herein let me say a word in regard to deficiency bills. It was one of the greatest works accomplished in years past by Congress this holding the Departments inside the limit of what had been appropriated. There had been a pernicious practice for years of spending without regard to the appropriations and then coming in for deficiency bills. But while the deficiencies for 1870 and 1871 and following years ranged from fourteen million to twenty-three million dollars a year, in 1874 they were brought down to $4,000,000 and in 1875 to $800,000. For the next year I am told that, with the exception of a deficiency in the pay of the Army, which is a matter of computation only upon a fixed rate of pay, and an Indian deficiency, the whole amount will be less than $400,000.

This was, as I have said, a good work. It was a work that any Congress may be proud of, and that any committee that had a share in it may be proud of. It is a work that any party which sustained it and carried it out may be proud of. And this reduction of deficiences the gentleman from Indiana [Mr. HOLMAN] will bear me out in saying is not the least but perhaps the greatest of all this work.

Now, sir, I am asked if my conclusion from all this is that no further reduction can be made, and that this Congress has nothing to do but to take the estimates of the Departments, or at best follow the appropriations of last year? My answer is, No; by no means.

Had this House been of the same political complexion as the last, and had the Committee on Appropriations been constructed just as it was last year, I have no doubt that it would have gone on in the line before inaugurated, cutting down expenses here and there, always with this result, that each year's reduction would be less easy, because we should each year approach nearer and nearer to the base-line of the actual needs of the Government. But while admitting that there is work yet to do, I do not mean that anybody here or any man in the country who does me the honor to read what I say shall be mislead by the oft-repeated cry as to the extravagant expenditures under the present Administration or that the republican party has from year to year added to the burdens of the people by its appropriations and expenditures. I do not mean, Mr. Chairman, that it shall be assumed that there is to be and could be no check to this wasteful flow until the democratic party was placed at the head-gates, and I want to warn my friend from Pennsylvania [Mr. RANDALL] that in his efforts he does not spend his time and energies upon a field that has been already cropped. There is ground that is worth going over yet, and I want to help him in going over that ground. But I want him to bear in mind the French proverb, that the man who goes out after the plucked cherry comes home empty handed.

And this leads me naturally to some scrutiny of the work before us for the coming year. If any gentleman has been studying the Book of Estimates he has no doubt found upon page 175 three parallel columns showing the appropriations for 1876, the present fiscal year, the estimates for the same year, and the estimates of the Departments

for the succeeding year, that ending June 30, 1877, for which we must appropriate in this Congress and upon which we are now embarked, one of the bills being that now before this committee. Here are the three columns, and they show an aggregate of appropriations for the present year, the one in which we are now living, of $293,165,177.57. Against this are the estimates of the different Departments for the succeeding year, amounting to $314,612,608.48, or $21,446,430.90 in excess of the appropriations for the fiscal year ending June 30, 1876.

Estimates for 1877.	Estimates for 1876.	Appropriations for 1876.
$2,865,378 50	$2,963,342 10	$2,963,502 10
18,717,045 40	18,549,048 03	19,034,265 76
3,403,450 00	3,605,250 00	3,403,250 00
1,352,485 00	1,344,785 00	1,412,985 00
33,697,178 50	31,641,526 50	28,554,987 79
20,871,666 40	19,096,567 65	17,316,306 90
5,787,795 64	6,851,681 96	5,125,627 00
29,533,560 00	30,500,000 00	30,000,000 00
28,591,410 30	26,299,469 31	16,755,062 10
9,281,602 19	9,914,378 00	8,376,205 00
13,881,185 79	12,591,169 58	10,534,857 66
146,629,910 76	146,673,551 76	149,689,068 26
314,612,608 48	310,030,769 89	293,166,177 57

At the first blush this is not an encouraging feature to the honest retrencher, that the Departments should call for $21,000,000 more than we appropriated last year. I am free to own that if we were obliged to go on and appropriate this additional amount it would largely neutralize the good work of the past years. But I want to show that not only is there no need of this, but that the increased estimates are natural under the system pursued in the different Departments.

It is no new thing for Congress to be confronted by estimates larger than the appropriations of the preceding years. The Departments look upon the question of expenditures from one point of view, Congress looks at them from another. The Departments look at appropriations and expenditures from the view of accomplishing all proper things as fast as possible. Congress has learned to look upon expenditures from the point of view of only expending under our present enormous taxation such sums as are necessary for the fair running of the machinery of the Government.

Now this is illustrated by the different Departments in which these estimates are made up. The table which I here insert shows where these increases are found. I am glad to say that in the legislative establishment the estimates are $98,000 less than the appropriations of last year; so that there is no call upon us for an increase there. The appropriations for the last year for the executive establishment were $317,000 more than are asked for for the next year; so that there is no question of extravagant estimates there. In the judicial establishment the appropriations for this year are the same as the estimates for the next year within $200. In the Department of Indian Affairs the estimates are $602,000 more than the appropriation of last year. In the Pension Bureau the estimates are $466,000 more than the appropriations of last year.

In public works—I ask gentlemen to bear the figures in mind. The estimates for public works are $11,833,348.20 more than the appropriations last year for the same purpose. That is a very large proportion of the increased estimates which the Secretary of the Treasury has sent in for the coming year. What are embraced by public works? In the first place, every custom-house, every post-office, and every light-house that is erected from Maine to California. If a member is desirous of having a post-office or a custom-house erected in his district or in his town, he besieges the Secretary of the Treasury in season and out of season, until at last he worries that official into sending in an estimate of the cost of such a building.

If the Secretary of the Treasury, like the present incumbent, is a firm man and can say "no" when he ought to, then a member who wants a post-office or a custom-house gets a resolution through this House directing the Secretary of the Treasury to make an estimate; it is in his annual list of estimates. The river and harbor bill, too, shows how these estimates are increased. The Corps of Engineers, who have charge of those works, are every year directed by Congress to make new surveys. There has not been a river or harbor bill passed by Congress for years but at its tail end there is a long list of surveys directed. The Corps of Engineers make the surveys, estimate what the works will cost, and the estimates are sent by the Secretary of the Treasury as a part of the estimates of the Department under which the Corps of Engineers operate.

So the estimates are swollen, and in this one item alone I am glad to find over eleven millions of the twenty-one millions of increase. That need not trouble anybody; we can get along without any new buildings. I am glad in this to join hands with my friend the chairman of the Committee on Appropriations in his work of cutting down expenditures. These figures represent not what is asked for, but an increase over last year. The item last year was $16,785,000. For the next year the estimate is $28,000,000 and odd. I believe we can get along with considerably less than the $16,000,000 which we appropriated last year, and, if so, then we will have wiped out every additional increase that is called for by the Book of Estimates. And the Secretary of the Treasury is not to be held as himself responsible for these. He sends them in from the other Departments as their estimates, made up in the manner that I have indicated.

In the postal service there is an additional deficiency estimated at $905,397. This morning, Mr. Chairman, has furnished an instance of the rule that we may as well take home to our breasts with reference to this Department: "Those who dance must pay the fiddler." If we are continually putting upon the Post-Office Department new burdens, giving it new duties, ramifying and extending the scope of that great Department, we must be prepared (and I say it advisedly) within the next five years to see the expenses of that Department run up to $50,000,000 a year; and it will be nobody's fault but ours.

The miscellaneous items are increased by $3,347,328—not as large as the others that I have been discussing, but yet a formidable figure. These are made up largely of three or four different estimates. For public printing and binding $374,000 increase is asked; for engraving and printing, $316,000; for surveys of public lands, $335,000; and the estimate of amounts necessary to pay the judgments of the Court of Claims is $1,600,000 more than last year. If the court is not to render judgment for these larger sums (and that can easily be told by investigation) there will be no need of appropriating this sum.

As to the survey of public lands, I believe that we can for one or two years get along without going even to the extent that we have appropriated for heretofore, and that all of this increase and more may be saved. This, then, disposes of $2,600,000 of this item of $3,300,000. We have, then, as far as estimates go, nothing formidable to contend with. We have a base-line to act on, the appropriations of last year, and in certain directions, as I have said, I believe we can still go on and reduce. I for one am desirous that the efforts at reduction should be made in the right places. I give here the tables showing the appropriations for last year and the estimates for the next year which I have been discussing:

Legislative establishment:	
Appropriations for 1876	$2,963,502 10
Estimates for 1877	2,865,378 50
Appropriations over estimates	98,123 60
Executive establishment:	
Appropriations for 1876	19,034,265 76
Estimates for 1877	18,717,045 40
Appropriations over estimates	317,220 36
Judicial establishment:	
Estimates for 1877	3,403,450 00
Appropriations for 1876	3,403,250 00
Estimates over appropriations	200 00
Foreign intercourse:	
Appropriations for 1876	1,412,985 00
Estimates for 1877	1,352,485 00
Appropriations over estimates	60,500 00
Military establishment:	
Estimates for 1877	33,697,178 50
Appropriations for 1876	28,554,987 79
Estimates over appropriations	5,142,190 71
Naval establishment:	
Estimates for 1877	20,871,666 40
Appropriations for 1876	17,316,306 90
Estimates over appropriations	3,555,359 50
Indian affairs:	
Estimates for 1877	5,787,795 64
Appropriations for 1876	5,125,627 00
Estimates over appropriations	662,168 64
Pensions:	
Appropriations for 1876	30,000,000 00
Estimates for 1877	29,533,560 00
Appropriations over estimates	466,500 00
Public works:	
Estimates for 1877	28,591,410 30
Appropriations for 1876	16,755,062 10
Estimates over appropriations	11,836,348 20
Postal service:	
Estimates for 1877	9,281,602 19
Appropriations for 1876	8,376,205 00
Estimates over appropriations	905,397 19
Miscellaneous:	
Estimates for 1877	13,881,185 79
Appropriations for 1876	10,534,857 66
Estimates over appropriations	3,347,328 13
Permanent appropriations:	
Appropriations for 1876	149,689,068 26
Estimates for 1877	149,629,910 76
Appropriations over estimates	59,157 50

Now the bill that to-day confronts us and is the occasion rather than the cause of what I have said is that reported by the gentleman from New Jersey, the West Point Military Academy appropriation bill. It is a bill which appropriated last year in all $322,240. It is for all the expenses of the Military Academy: its board of professors, its cadets, its current incidental expenses, and any expenses necessary for its buildings and grounds, to keep them in repair or to improve them as the needs may arise.

This academy was established by the act of March 16, 1802. It has therefore been in operation seventy-three years. It had originally by the act establishing it the Corps of Engineers as its professors. A few years subsequently, in 1812 I think, the grade of professor was created in addition to the Army engineer officers who had been. Some of these professors have been there more than forty years. They are men of high scientific attainment; they are men of celebrity in the scientific world; they have given all their strength and their life to this work; and as the result of their work and the work of their association there has graduated from that academy a corps of officers that, I venture to say, has never been surpassed in the history of the world.

This bill (and I am not going to give very much time to its discussion now, as I have certain figures and tables which I will use in the five-minute debate if I can get the floor) reduces the pay of all these professors. Now it is not within my knowledge for what exact sum a professor in the Military Academy, who has charge of the education of the young men who may be called at any moment of peril to the salvation of the country, can live for at West Point when you drive him to extremities and pinch him to the point of spending no more money than he actually needs. But I know that there are certain demands on him, certain drains upon his income, that do not apply to men elsewhere. Let me read a few words from a letter written a few days ago by one of these professors:

If you consider the pay is too large and ought to be reduced, let me beg of you to consider our positions and circumstances.

We are stationed at the loveliest spot in America and almost the most expensive; so expensive is it that last year upon applying for an officer of engineers to be assigned to duty with me the officer wrote me, begging as a favor to let him off, for he was educating a younger brother whom he would have to withdraw from school if he were ordered here, notwithstanding he would receive the increase of pay by coming here.

I assure you that when stationed in Milwaukee, receiving the pay of major, that I was better off in a pecuniary sense than I am here with that of lieutenant-colonel. Why is this? It is for the reason that we have no local markets here, everything comes from New York; that we have no educational facilities for our children, who have to be sent away to be educated; that the expense of clothing is very great, being obliged to wear the uniform, the cost of which has steadily increased; and our inability to add to our salaries by any outside work, from the peculiar nature of our duties.

[Here the hammer fell.]

Mr. RANDALL. I hope unanimous consent will be given for the gentleman from Maine [Mr. HALE] to go on.

Mr. HALE. I shall be through very shortly.

Mr. RANDALL. I ask unanimous consent for the gentleman to proceed.

The CHAIRMAN. The Chair will remind the gentleman from Pennsylvania [Mr. RANDALL] that the ruling yesterday, which was a very correct one, was that in Committee of the Whole there is no power to extend any gentleman's time.

Mr. RANDALL. Then I move that the committee rise; and I will state my object——

Mr. GARFIELD. I suggest to the Chair that the ruling of yesterday was made under a special order fixing a ten-minute rule. We are now under no such special order. When debate in Committee of the Whole has been proceeding under the hour rule, the time has frequently been extended.

The CHAIRMAN. The Chair will say in response to the gentleman from Ohio that in the Committee of the Whole there is no power to change or alter the rules of the House.

Mr. RANDALL. I move the committee rise in order to extend the time of the gentleman from Maine.

Mr. HOLMAN. I think it is hardly necessary to do that; but with the permission of the Chair I will take the floor and yield part of my time to the gentleman from Maine.

The CHAIRMAN. The gentleman from New Jersey [Mr. HAMILTON] is recognized.

Mr. HAMILTON, of New Jersey. I will yield to the gentleman from Maine ten minutes of my time.

Mr. HALE. I thank all these gentlemen for their courtesy. So much I have said for the professors. The cadets receive at present in money and rations what amounts to $608. The bill when amended reduces this allowance to $540; a reduction of $68. Not a large sum, it may be said; but if any man here has ever at any time in his life been running upon an income of six or seven hundred dollars a year, he knows that $68 makes the difference between comfort and being constantly pinched. I am told, and it will be said here of this allowance, that the cadets receive nothing of it in money except an accumulated fund for an outfit when they leave the academy. So much the more I would not touch this allowance, because if it is all doled out to them for what they need, we may be very certain not a dollar of it which they get is misspent. There is, therefore, no argument here that by cutting it off they will be kept down to necessary expenses and that if they had more they would spend or squander it in improper ways.

Mr. Chairman, these boys come from every district in the country. They come from the poor as well as from the well to do. It is to-day a possible thing for a poor man, if he has got a bright boy, and can get him into the academy, to see that boy educated on the Government allowance of $608. It is not a large sum. There are many gentlemen here before me who are having boys educated at preparatory schools and colleges, and I would be glad to have the figures made up statistically to show how many keep their boys there, either in a preparatory or college course, for $900 a year. Mr. Chairman, I for one would spare this class. I would let this allowance remain as it is. I would strike no blow, directly or indirectly, at this great military school of the country. It has furnished to us, sir, some of the greatest commanders of the present age. It has sent out a body of accomplished gentlemen and fine officers, and in the late war the luster that gathered about the achievements upon both sides was largely attributable to the influence of the Military Academy at West Point; not by any means exclusively, for I would not disparage the services of volunteer officers. But it was seen as the war progressed that we learned more and more in important commands to rely upon the educated officer who had graduated at West Point. My friends on the then other side will bear me out that their experience was in the same line. I would not strike a blow by indirection at this academy to-day.

Now, Mr. Chairman, there are one or two considerations which are pressing upon my mind. If there is any complaint among our people as to corruption among officials or as to extravagance, is it upon the question of salaries of professors at West Point, or cadets, or indeed upon salaries in general? The people have found fault with subsidies granted to railroads; they have complained of proceedings growing out of these grants of lands and money. These things have been investigated; they have been brought to light. Investigation has actually slain some men; it has lightened up the characters of others and relieved them from suspicion. This House the other day, on one of these subjects, referred to the Committee on the Judiciary, the law committee of the House, the last stages of the investigation into the Pacific mail subsidy. They demand all rings and fraudulent combinations about the Government shall be broken up. There must be no more Indian rings, no more whisky rings.

"Let no guilty man escape" met the public demand, and there has been no slackening of this policy on the part of the Administration. We cannot legislate too closely on these subjects. We cannot sustain and uphold the hands of the Administration too strongly to satisfy the people to this end. They complain of extravagance in public buildings, enormous structures, not needed to-day, and perhaps not in the future. They do complain and they have the right to complain on all these subjects. We can all join hands to reform and retrench and save money in these and other directions; but in the matter of salaries fixed by our Government in the different Departments I ask, Mr. Chairman, whether there is any gentleman here who believes the people complain that their public servants are paid too much? Why, sir, we had that subject before us to the great discontent of some of us two years ago, and the result of the bitter discussion on this floor then was that we settled down at last upon the basis of salaries which had been kept for years, but had been disturbed by the back-pay bill; and, unless my observation is incorrect, there has been peace upon the waters of public opinion on this question ever since. I do not mean to say that there are not some that should be reduced. There are cases where there are inordinate fees, where there are perquisites which should be cut down to a regular, fair pay. But that our officers generally are overpaid I do not believe, and I do not think that the American people believe it. There is better work for us to do than to be cutting down the salaries of professors at West Point or of the cadets or the salaries of the men in the Departments here. But I can freely join the chairman of the Committee on Appropriations in his work in reducing the official force. I have no doubt that there are in many instances too large establishments kept up. There are drones in the public service who should be driven out. But our salaries to-day are small compared with those paid by other governments; they are small compared with those paid in many of the States of the Union. Our judges are not paid so well as judges in other countries or in some of the States. Our foreign ministers to-day are competing in the courts of the world with ministers who receive double and treble the pay which our representatives do. I do not believe that the people demand that we shall reduce these salaries. And I do not believe that public attention can be drawn from serious things which demand our interposition to this attempt to gain a reputation for economy by striking at cadets and professors at West Point, to be followed up, I presume, by blows at the other regular establishments.

[Here the hammer fell.]

MESSAGE FROM THE SENATE.

The committee rose informally; and Mr. WHEELER having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed, with an amendment, the joint resolution (H. R. No. 11) authorizing G. Harris Heap, United States consul at Tunis, to accept the trust of commissioner of the Bey of Tunis.

The message further announced that the Senate had passed without amendment bills of the House of the following titles:

The bill (H. R. No. 1561) transferring the custody of certain Indian trust funds from the Secretary of the Interior to the Treasurer of the United States; and

The bill (H. R. No. 625) to amend the Revised Statutes relating to naturalization.

MILITARY ACADEMY APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. HAMILTON, of New Jersey, rose.

The CHAIRMAN. The gentleman from New Jersey [Mr. HAMILTON] is entitled to the floor for fifty minutes.

Mr. HAMILTON, of New Jersey. I am not here, Mr. Chairman, with any set speech to assail the other side of the House for their past extravagance, or to answer the eulogies bestowed upon them by the gentleman who has just addressed the committee, for their extreme economy in the administration of the affairs of the Government. I am here, sir, simply to give some practical statements in regard to this bill now before the committee; and I think that the facts and figures will show that there is large room for retrenchment, notwithstanding that the gentleman from Maine considers that his party have been acting so long in that direction. I think, sir, that before we have gone through the various appropriation bills presented to this House it will be found that there is large scope for cutting off and retrenching extravagances of the Government.

The estimates which have been given to us from the Department of War for the support of this Military Academy for the year ending June 30, 1877, are $437,470, and this bill recommends to meet those estimates an appropriation of $243,641, being $193,829 less than the estimates; and we believe, sir, that that reduction can be made without any detriment to the usefulness of that institution to any extent whatever; that it is a mere lopping off of excessive compensations and extravagant appropriations in one way and another.

The largest reductions in the expenses estimated are in the pay and allowances to the attachés and retainers at West Point. Why, sir, the Superintendent of the Military Academy receives now a compensation which I maintain makes his situation a better one pecuniarily than that of any man in this Government save the President. He receives in one way or another, directly and for longevity service, and by forage allowance, and quarters and rations, and contingent expenses, about $7,000 a year. Located at that beautiful place on the highlands of the Hudson, with all his family about him in that healthy location, he receives what is equivalent to a salary of $7,000 a year.

How does he get it? His pay proper as a colonel of the Army is $3,000. He gets a percentage of 10 per cent. for every five years, the law allowing that percentage up to twenty years. Under that rate he gets an allowance of 20 per cent., making $700 more. That makes $4,240. He gets fuel allowance, forage allowance, grain forage, hay forage, straw forage for two horses, amounting to $654.75; making $4,854. And he gets a furnished residence at the expense of the Government, worth at least $1,150; making $5,000. He gets a contingent fund of $1,000, which is entirely at his command and was given to him as an addition to his salary for the purpose of enabling him to entertain his friends. That is stated to be the object of it in the report of one of the officers of the Department—that a $1,000 contingent fund is added to his pay to enable him to entertain his friends. All this summed up makes what is equivalent to a salary of $7,000 a year, which is better than that of any Cabinet officer, who gets but $8,000 and is obliged to get a house and furnish it and live here at the seat of Government. It is far better than the pay of the Treasurer of the United States, who has under his command and control and responsibility all the Government funds, and is obliged to give large bonds, and who receives a salary of $6,500 and is obliged to live here in Washington and supply himself with a residence and to incur all the expenses incidental to living in this city. The Treasurer gets under these circumstances only $6,500 and his assistant gets $3,800.

Why, sir, the compensation of the Superintendent of the Military Academy is in excess of the compensation given to any employé or attaché of the Government, and yet we find the gentleman from Maine [Mr. HALE] in his great effort toward economy deprecating the idea of cutting down the salaries of any of these professors. Now what do we propose by the bill? We propose to allow the Superintendent his Army pay of $3,500; in addition to that to furnish him with a residence, a furnished residence, with fuel and lights, equivalent at least to $1,500, making a total compensation which this bill will give of $5,000. Then he has soldiers there at his command whom he can detail to this service and to that. The House will readily see, therefore, that this is a large compensation which we give by the bill to this officer.

Then there is the commandant of cadets. He gets by this bill $3,000 and he has a furnished residence equal to $1,500 more, with other incidentals. Now he gets over $6,000 or something like that, including his forage allowance, &c. This bill proposes to cut off all these allowances of forage, &c., and to give the Army pay with a house and residence, a furnished residence with fuel and lights, equal to $1,500.

Now, the professors that we are providing for in this bill are not Army officers. In this bill we make a distinct appropriation for so many professors—four at $3,500 a year and five at $3,000 a year. These professors are not Army officers, and yet by a contrivance got through on these appropriation bills, on which are allowed to be put anything in the direction of increasing salaries and the burdens of the Government, it has been provided that the professors shall have the rank of colonel and receive the pay and all the allowances and additions which a colonel has. They therefore get grain forage, straw forage, hay forage, and all such things, running up to six or seven hundred dollars a year. They get it in an underhand way by a provision in one of these appropriation bills, providing that they shall have the pay and rank of colonel. Now we propose to cut off all these things and let the people know directly and distinctly what they are getting. We propose to give them $3,500 a year, and a furnished residence with fuel and lights equal to $1,500 a year more.

Mr. BLOUNT. I will inquire of my colleague on the committee how that salary will compare with the salaries paid to professors in the different colleges in the country?

Mr. HAMILTON, of New Jersey. There may be some colleges richly endowed, with so much money that they do not know what to do with it, that pay their professors higher salaries; but as a general rule it is a higher compensation than the ordinary colleges pay to their professors, and far better than the pay to those having positions in civil life. I understand that at Harvard University the highest pay to professors is $4,000. Now, this compensation is far better than any compensation in civil life. I have already alluded to the Treasurer. The assistant treasurer receives $3,800 a year, and he is obliged to furnish his own residence. The cashier receives $3,800. The Deputy Comptroller of the Currency gets but $3,000. Why, sir, the governor of my own State only gets $5,000 a year, without any extras, a residence or other appliance; he is obliged to find himself with a residence and to treat his friends and all that sort of thing. Sir, within a very few years our governor received only $3,000 a year. Now, we in New Jersey know nothing about these extravagant modes of living, and that is the reason the State is not in debt, or we have money enough to pay all the debts we owe. We have not been accustomed to living at Washington rates, in a high-falutin style of living. That, sir, is the old democratic way of doing things.

So much, sir, as to the pay of professors. Now we propose by this bill, in addition to a reduction of the salaries of the professors, to say that Army officers who are acting as professors or instructors at that academy shall have the same pay and allowances as they get in the Army, without any allowance of extra pay, longevity pay for longevity services, and commutations, and all that sort of thing. We propose to give them their Army pay, to provide them furnished quarters and a furnished residence, with fuel and lights; then we can understand exactly what they are getting.

Mr. HURLBUT. Did I understand the gentleman to say that officers on duty at West Point are furnished with furniture for their residences?

Mr. HAMILTON, of New Jersey. Yes, sir.

Mr. HURLBUT. Where do you get the authority for that?

Mr. HAMILTON, of New Jersey. From the gentleman who advocated the bill before the committee. He said that they had furnished residences furnished at the expense of the Government. Do you deny it?

Mr. HURLBUT. I deny that the Government lays the carpets, if that is what the gentleman means; certainly not.

Mr. HAMILTON, of New Jersey. Their residences are furnished, as I understand.

Mr. HURLBUT. Rooms are furnished undoubtedly, but rooms being furnished is one thing and the supply of furniture is quite another thing.

Mr. HAMILTON, of New Jersey. They are furnished with furniture, and appropriations are made every year for adding to that furniture.

Mr. HURLBUT. I would like to see the authority for that.

Mr. HAMILTON, of New Jersey. Now, by this bill we propose that when an officer is detailed or assigned to service at West Point as professor or instructor he shall have his Army pay, not allowing him longevity pay and forage allowance, but furnishing him with a residence, fuel, and lights equal to $1,500 a year. Sir, it is a much more desirable position for an officer to occupy as an instructor at West Point than to be on active duty in the field. The places are sought for and desired because a man who obtains such a position is located at a healthy location at West Point, with his family around him, instead of being on the frontier engaged in some inglorious warfare with the Indians and liable to be picked off by a savage rifle, and besides being exposed to the elements on the frontier. It is, therefore, a much more desirable location than any other.

Now, sir, the gentleman from Maine says that they get these high salaries in order to educate their families. Why, officers on the frontier cannot educate their families there, and therefore there is no logic in that argument. Besides, there was a school provided at West Point in last year's appropriation bill, or the year before there was an appropriation of $8,000 to build a school-house for the children of soldiers and others.

The other item of this bill which I understand the gentleman antagonizes is the pay of cadets, and I ask the attention of the committee for a moment or two on that point. I should be sorry to do anything to destroy the utility of West Point. I am an advocate of that Academy and I desire to see it upheld. I had a brother who graduated at West Point, and I know something about it. I have had the honor of being one of the examiners at West Point, and I know something about the institution. When my brother was there the pay of cadets was about $28 a month, and now it is proposed to give them $45 a month; nearly double the amount formerly paid. Why, sir, this pay of cadets has been increasing year after year. As late as 1867 there was added to the pay of each cadet about $109 a year; before that time their pay had been only $500 a year. In 1857 there was added to their compensation a ration per day, equal to about thirty cents, or about $109 a year. That was added in an appropriation bill. Prior

to that time the cadets experienced no difficulty in sustaining themselves upon the pay they were receiving. It is only in accordance with the extravagance of the times that this pay of cadets has been nearly doubled within a few years.

Every gentleman upon this floor who has had the privilege of recommending the appointment of a cadet at West Point knows the great strife for the place. It is so much desired that it is sought for with the greatest solicitude. Crowds of applicants assail every gentleman who has the right to recommend a cadet there. It is a very desirable position; not only insuring to the fortunate person a finished education, but it puts him eventually in the very desirable profession of an Army officer, where he will not only command a large salary and compensation, but he will be in the most successful road to distinction, to high positions of honor and dignity in this country. The Army has furnished more of our prominent public men than any other profession. Why, look at our Presidents; nearly one-half of the persons elevated to that high position were so promoted because they were successful generals. Washington, Jackson, Harrison, Pierce, Grant were all placed in that high position because they were successful generals.

It is the road to distinction. I do not wonder that the aspiring and ambitious youths of the country by scores are seeking admission to West Point. Talk about their difficulty in supporting themselves there. Why, sir, they crowd into the institution, and nobody can doubt that the academy could be filled without any charge to the country at all. But the policy and genius of our institutions lead us to throw this academy open to people of all classes without regard to their means, to open it to the youth of moderate means as well as those of ample means.

I am satisfied that the pay which we propose to give the cadets by this bill is ample and abundant. They get their board at reduced and settled rates. Their board now costs them $240 a year. That ought to be reduced; I have no doubt that it is in excess of what ought to be paid. But they are now charged $240 a year for board, and the excess of $300 provided by this bill is left to supply them with their ordinary clothing and other expenses.

I submit, therefore, that the objections which have been urged here are not well founded. Some material deductions have been made in other parts of this bill; but as no question has been raised as to the propriety of these reductions, I do not know that it is necessary for me to suggest what they are or to show the propriety of them. For instance, in the paragraph beginning with line 36 of the printed bill for repairs and improvements, &c., is an item which heretofore has been in round numbers $22,500 for several years back. We have reduced that item to $12,000. It is for general repairs. I find, after calling upon the Department for a specification of the manner in which it has been expended, that it has been mainly used in building up new houses and edifices, and not at all in the way of general repairs. And I have no doubt they would expend a hundred thousand dollars a year in the same way if you would give it to them.

I do not know that we are under any obligation to the gentleman from Maine [Mr. HALE] nor to his friends on that side of the House for the opportunity to bring these matters before the House and before this committee. As soon as this bill was reported from the Committee on Appropriations the gentleman from Ohio [Mr. GARFIELD] reserved all points of order on it; and under the rules of the House, as they then stood, if that gentleman had interposed any objection, we could not have gone on a single step in the way of reduction or retrenchment in this bill. We would have been compelled to make the bill conform to existing laws and could introduce no proposition however desirable for the reduction of expenditures. Heretofore the whole system of legislation through appropriation bills has been to leave the way entirely open for an increase and multiplication of expenses and salaries, and you could not retrench in any way whatever. It is due to the majority of this House that the road is now open, and it is now in the judgment and good discretion of this side of the House to say how far that road shall be traveled.

Mr. HURLBUT. I desire to present some of my views on this bill, and to claim some attention from this committee for two reasons: first, that by law this West Point Academy is a part of the Army organization of the United States, and I happen to be a member of the committee whose duty it is to look after the interests of that branch of the public service; secondly, it pleased the House last year to appoint me one of the Board of Visitors at West Point, and I come to the consideration of this question with much fresher recollections than does my venerable friend from New Jersey, [Mr. HAMILTON,] who, I apprehend, visited that institution about the time his brother was there and receiving $28 a month. Before I leave that point, allow me to suggest to the gentleman that, at the time that distinguished brother of his was a cadet at West Point and receiving $28 a month, the economy of this country put the pay of members of Congress at $8 per day for each day of their attendance upon its sessions. And I expect to see the gentleman follow up his economy by remitting to the Treasury of the United States all his pay over and above that amount.

Now, sir, this bill in my judgment strikes deliberately, willfully, and ignorantly at the well-being of a great national institution whose record is clear to every man in this House; for, sir, as my friend from Maine [Mr. HALE] has said, this Military Academy furnished to us on both sides in the late war the best men we had. It gave to us who stood by the Union at that time, Grant and Sherman and Thomas and Sheridan; it gave to our antagonists at the South the vast advantage of the great training of Lee and Longstreet and Stonewall Jackson. You can not make a sectional question out of the Military Academy.

The question which I desire to present to this House is whether this academy shall be maintained on that proper, liberal, benign footing which its own importance demands and which the dignity of this nation requires. I have been astounded at some of the propositions presented in this bill, propositions which I will endeavor to demonstrate could be the result of nothing but a bastard and blundering economy. The bill shows on its very face that the committee who were in charge of it knew nothing of the organization or the needs of the Military Academy or the law appertaining to its constitution; that they do not even know how many cadets there are there, nor how many they ought to provide for; that they have undertaken to strike with one blow—one awkward, left-handed, cowardly blow—at the body of young men whom the nation through its Representatives selects to be educated there, not for their benefit, but for ours; while another blow is aimed at the men who by long and diligent service are, under a provision which has stood as long as the Government itself, entitled to the advantages of this "longevity" rule, although the Committee on Appropriations do not seem to know what it means.

I have never been educated at West Point; I have had no brothers educated there nor any of my kin. I have personally no direct interest in this measure; but standing here as a man who during the last fifteen years has seen something of the needs of the country, as a man whose entire military service was in the volunteer ranks, I affirm that there is no institution in the country which gentlemen have need to be more careful of interfering with than the West Point Military Academy. There was a time when it might have been considered popular to attack it; that time has passed. There was a time when it was considered popular to attack the Army, (and I gather from indications here that that is to be the next step,) but that time, gentlemen, is past. Both institutions are rooted and grounded in the faith and belief of the American people in their efficiency and value. Any attempt to cripple or curtail either will damn to perpetual oblivion the men or the party undertaking it.

Among the very first items that appear in this bill is an appropriation for 310 cadets. Now there are 342 cadets. The number on the 1st day of last September was 314; and it is not safe to average them at any lower number than 315 to 320. So the bill fails to provide for the proper number of those who are to be the recipients of the benefits of that academy. Then take another attempt to reduce. These gentlemen have saved to the cadets the ration; they have appropriated for 310 cadets at $450 each a year and a ration; but they provide no money to buy that ration with. They have got to add about $32,900 to their own bill in order to commute this ration and give to the cadets the advantage which they propose to give them. The ration is commuted, and has been for years, at thirty cents; and the money goes to the general maintenance and support of the body.

Mr. HOLMAN. Will the gentleman allow me a moment?

Mr. HURLBUT. Yes, sir.

Mr. HOLMAN. Has the gentleman observed that in the estimates 310 cadets are estimated for?

Mr. HURLBUT. I did see that in the estimates; and I also know that your committee has been notified that that is an error of the Paymaster-General.

Mr. HOLMAN. The appropriations are of course to be made for the full number; there is no question about that; and the pay is to be fixed at $540 per annum for the requisite number.

Mr. HAMILTON, of New Jersey. I will say to the gentleman from Illinois, if he will allow me, that the Department estimates for only 310 cadets.

Mr. HURLBUT. I am aware of that.

Mr. HAMILTON, of New Jersey. And the Department further states that that is the average number of those that are there.

Mr. HURLBUT. That is a mistake.

Mr. HAMILTON, of New Jersey. It is stated that a large portion of the cadets do not attend regularly, do not pass their examinations; that on the average that is the whole number there. So that the gentleman will find we know something about this question as well as he.

Mr. HURLBUT. Well, sir, I will convince the gentleman in a few moments that what I assert is strictly correct. There has been laid before the gentleman's committee a statement that the estimate of 310 cadets is an error on the part of the Paymaster-General. There is a statement now before me from the adjutant of that academy, a very gallant gentleman from my own district, that the number of cadets on the 1st day of last September was 315; and he states, I state, everybody will state who has had opportunities of knowledge, that it is not safe to estimate for any less number than that.

Mr. HAMILTON, of New Jersey. The number I have given is all that was estimated for last year.

Mr. HURLBUT. Yes, sir; but last year it so happened that a very superb class of young men went in there, and, instead of there being the usual large average of loss at the second examination, the number remaining after that examination was far beyond the average, a fact which gentlemen who undertake to meddle with that institution ought to know.

Mr. HAMILTON, of New Jersey. It is a pity the gentleman was not on the committee himself.

Mr. HURLBUT. I dislike to legislate for the whole United States, but I have been put upon one committee charged with that duty already.

I call the attention of the gentleman from New Jersey who reported this bill to the fact that, while they have allowed 310 cadets $450 a year each and one ration, they have not appropriated the money in this bill to commute that ration. Is not that statement correct?

Mr. HAMILTON, of New Jersey. By the act of 1867 this ration was for the first time added. Before then no ration was given.

Mr. HURLBUT. That is not answering my question. Have you provided for commuting that rations of these cadets?

Mr. HAMILTON of New Jersey. We propose by amendment what has been stated by the gentleman from Maine, [Mr. HALE.]

Mr. HURLBUT. When the amendment comes up we will talk about it.

Mr. HAMILTON, of New Jersey. The gentleman from Maine stated that with commutation of ration we proposed to make the pay of the cadets $540 and to strike out the ration.

Mr. HURLBUT. I am only speaking of the bill as I find it.

Mr. HAMILTON, of New Jersey. The gentleman from Maine stated what it would be.

Mr. HURLBUT. It is not here among the other items.

It is easy, Mr. Chairman, to get up the idea of economy in this country; nothing is easier, for all you have to do, where a permanent and valuable improvement has been begun, which will cost money to carry it on, which, however, is permanent in its character, and for a hundred years will be of value, all you have to do, I say, is to cut it off. These gentlemen have done that. The Government of the United States expended between sixty and seventy thousand dollars for the erection of a hospital building at West Point. I state from my own personal inspection, as well as from the report of every surgical and medical officer attending there, as well as from the report of every Board of Visitors for the last ten years, that the present hospital at West Point is a disgrace to the smallest garrison in the country. With an average of three hundred and ten to three hundred and twenty cadets, the hope and choice of this Union, they can put but twelve beds in that old dilapidated rookery, which has stood for the last forty years, and is now absolutely unfit both in situation and equipment for the purpose for which it is used. Now the Government has gone on under this same wasteful administration, I suppose the gentleman will call it, and expended an amount there I am told of about sixty or seventy thousand dollars for the erection of a hospital in a good place, with all the improvements belonging to the advancement of modern science. That building stands there at West Point ready for roofing. The Department calls for $42,000 to finish it and to make it fit for occupancy by the cadets. The economist from New Jersey, however, strikes it all out.

Mr. HAMILTON, of New Jersey. Will the gentleman allow me to interrupt him by saying that we have not yet reported upon that part of the bill?

Mr. HURLBUT. No, sir; you struck it out.

Mr. HAMILTON, of New Jersey. We referred it to the Committee on Public Buildings and Grounds.

Mr. HURLBUT. The Committee on Public Buildings and Grounds have nothing to do with it, and the gentleman from New Jersey knows it. It is strictly and solely within the control of his committee and should be appropriated for under this Military Academy bill. When they struck it out they were guilty of a moral cowardice which stamps with reprobation all their pretense of reform.

Now, sir, the gentleman has talked here about cutting down the commandant. He has found an old law which provides that whenever a man is ordered as superintendent at West Point he shall, no matter what his rank is in the Army, receive the pay and allowance of a colonel. Of course, if he is a colonel already in the Army he gets the pay and allowance belonging to that rank. I do not know whether they know that my friend, Colonel Ruger, is a colonel in the Army now, who has honorably worked his way from West Point to his present position; and I deny the right of the Committee on Appropriations by any indirection to single out that officer, who by the Army law as it now stands is entitled to receive $3,500 as colonel and $1,000 for his longevity ration, and cut him down to $3,500 a year. I deny it.

The same thing is true in regard to the commandant of cadets. He is a lieutenant-colonel in the Army and is entitled to his longevity ration. He is entitled to his pay under the law of the land, independent of his position as an officer at West Point, and also to the allowance which these gentlemen attempt to cut off by this indirection.

There was another thing I understood the gentleman to speak of, and it came with a great deal of flourish of trumpets, that the committee propose to strike down this system of longevity rations. Mr. Chairman, what is it? If I understand what has been meant by the advocates of civil-service reform, it is that a man having once acquired a position, honestly filling it and discharging its duties, he is entitled to remain there, not only undisturbed and unharassed, but promoted in rank or pay according to the kind of service he renders. That is genuine reform. That is the principle which has prevailed in the Army in regard to Army officers. All officers below the rank of brigadier general are entitled to longevity allowance of 10 per cent. for every five years of continuous faithful service until the amount reaches 40 per cent.

There is a distinct, positive law that in no case shall the pay of a colonel go beyond $4,500 or the pay of a lieutenant-colonel exceed $4,000. So, too—I do not know what to call it; I do not wish to go beyond the limits of proper phraseology in this debate; but I cannot understand, for the soul of me, what gentlemen on this Committee on Appropriations mean by translating the phrase that the Government furnishes these men quarters into saying that they get their rooms and parlors, with all the comfortable surroundings of life. The Government gives them the bare rooms, as in a garrison, and nothing else, and it is precisely under the same law and it is precisely the same quarters that we give to an officer of the Army on any frontier garrison post.

I have before me a table carefully prepared, accurate in every particular, showing the exact amount of all pay and allowances that every man receives at the Military Academy under the present system. Army officers serving at West Point are now by law, whatever may be their rank, entitled to additional pay, because of the additional expensiveness of the place. And while I am upon that, I will say two or three words in which I have no doubt the experience of every gentleman who knows anything about West Point will sustain me. West Point for all practical purposes is an isolated place. There is no back country to speak of. All supplies to it come from Albany or New York by the boats, and in winter when the Hudson is closed by ice it is difficult to get there. And I can say by inspection of the accounts of the purveyor, of his supplies to the cadets for their mess last summer, that there is no place within my knowledge so expensive to maintain a family or to feed any given number of individuals in this country. If there be such a place I do not know of it.

Again, officers who are assigned from the Army to West Point are compelled b necessity to incur more than ordinary expenses. That glorious river, sir, which runs down by West Point is the avenue of a vast travel. This corps of cadets, with their unrivaled precision in maneuver and accuracy in drill, together with the beauty of the place, draw constantly there a crowd of people not only of the ordinary visitors among the tourists of our own country, but there is not a man of any military reputation in Europe or any military rank in Europe who when he comes to this country does not make it almost his first business to visit and examine the state of things at West Point. In addition to that, these gentlemen who are in charge are compelled, as an example to the young men who are under their control, to be always in the most accurate and apple-pie order. And I suppose the gentleman from New Jersey thinks that that is a very useless extravagance, because I have no doubt he considers that a man can do that duty just as well in a blouse as in anything else; and the only thing that surprises me is that the committee had not noticed that the corps of graduates every day exhibits unblushingly to the world an audacious instance of extravagance in having three rows of buttons on the breasts of their coats, when everybody in New Jersey and elsewhere knows that one row of buttons answers for buttoning a coat. [Laughter.]

Now, sir, I think all these things are reasons why the men who are detailed there at West Point to act as instructors and assistant professors should have an addition to their pay in order to enable them to exhibit themselves properly before their command and to be clear from uneasiness in regard to monetary matters. But, sir, the greatest iniquity in the whole bill, in my judgment, is the application of this rule to the professors. There is one gentleman there who for forty-seven years has been professor of mathematics in this institution, and who is admitted on all hands to be among the very highest scientific authorities and to have a most singular faculty of communicating the knowledge which is in him. That gentleman by this long continuance in service, by this diligence in well-doing, I suppose is entitled to receive $4,500. But this committee, which has the whole interest of the United States committed to their charge, cannot by possibility be expected to know the several needs which they are acting upon specifically; and so when they undertake in their bill to modify the well-considered language of previous bills and to say that there shall be four professors who shall have the pay of $3,500 a year, and five professors who shall have the pay of $3,000, I wish some intelligent gentleman on that committee to tell me which of them is to get the one sum and which the other. They have struck out the longevity provision. How are you going to divide it out? Which gentleman is to have $3,500 and which $3,000? You have left no way by which you can estimate it. Formerly it was estimated under the law. A professor of a certain number of years' standing became a colonel, and was entitled to a colonel's pay and longevity; and those below it were lieutenant-colonels, and entitled to get a lieutenant-colonel's pay and longevity. But this bill provides not by name for paying particular men, but provides four professors at $3,500 and five at $3,000. And it is not within possibility to tell, of all the professors of mathematics in this country, which are the $3,500 and which are the $3,000 men.

Sir, the gentleman talks about rations and forage. Now, if he knows anything at all about the law, he knows that all these late abuses which had accumulated through the industry of persons looking after their own interests and had been got up in order to evade the law had been long ago abolished. He knows that no man gets commutation for forage except in kind. He must know that there is no commutation for forage at all, nor can any man in the Army now receive commutation for forage and quarters except in kind. He must also re-

port upon his honor that he does use the residence and feed the animals which are to be fed at the public expense.

There is another thing and infinitely bad case so wholly undeserved that I cannot help addressing myself to it now. I understood the gentleman from New Jersey [Mr. HAMILTON] to say that these gentlemen at West Point, having the disposition and disbursement of the public money, diverted the money appropriated for particular purposes by law to purposes not contemplated by law. I understood him to say that if $100,000 were appropriated for a hospital, a large amount of that would be spent in riotous living and fine quarters. Sir, that is a scandalous charge and wholly unsupported by the least scintilla of proof.

Mr. HAMILTON, of New Jersey. Will the gentleman allow me to correct him?

Mr. HURLBUT. I am always willing to be corrected when I am in error.

Mr. HAMILTON, of New Jersey. I made no such statement as he has stated whatever. I said that they had appropriated money for the erection of permanent edifices when the appropriation was made for repairs. I did not say at all that there was any riotous living.

Mr. HURLBUT. I undertake to say, without knowing anything about it specifically, but on my particular knowledge of the character and honor of the men at West Point, that no appropriation ever made for the support of the Military Academy at West Point has ever been diverted from the purposes to which Congress appropriated it.

Mr. HAMILTON, of New Jersey. Do I understand the gentleman to say that these professors and instructors do not get forage allowance?

Mr. HURLBUT. I said that they received forage in kind.

Mr. HAMILTON, of New Jersey. They receive straw forage, grain forage, and hay forage?

Mr. HURLBUT. Why, I told you what the law now is. I have been trying to teach you that little thing for a long while.

Mr. HAMILTON, of New Jersey. Ah, have you?

Mr. HURLBUT. And what is more, I wish the gentleman to understand what I do say, and I say that no man in the Army, at the West Point Academy or wherever else he may be, can receive anything in the shape of commutation for quarters or forage; that whenever the officer does receive forage he receives it in kind and is obliged to certify on his honor that it is for horses he is entitled to have by law for the public service. I hope the gentleman now understands that.

But, sir, there was one thing that was unkind and ungracious in the speech of the gentleman. The gentleman said that there was an appropriation of money given by Congress which the Committee on Appropriations had cut down as extra emolument to the Superintendent of the Military Academy in order that he might waste it upon his friends. Sir, Colonel Thomas H. Ruger, who is now the Superintendent of the Military Academy, receives as colonel of the Army $3,500 salary, and under the law $1,000 for contingencies, making the total $4,500; and that is all the money that the Government pays to Colonel Ruger. It would be due to him if he served on the frontier or anywhere else. There has been in years past an allowance made to the Superintendent of the Military Academy of a contingent fund to be administered in his discretion, not for the reception of his friends, but for the proper and legitimate entertainment of the distinguished persons visiting West Point, largely from the city of New York, although some may be from its suburb, New Jersey, who go there no doubt. [Laughter.] And, sir, I say that the statement that any officer who has ever held that situation has used these funds for his private emolument is unkind, ungenerous, and ungracious.

Mr. BLAINE. And untrue.

Mr. HURLBUT. That might hardly be parliamentary. Now, I call the attention of gentlemen, before I leave this question of extra pay, to this proposition: An officer of the Army who is found singularly qualified to act as professor is withdrawn from the Army and placed there as a professor because the policy of that institution has always been like that of all other teaching institutions, to take from its own alumni its best men to be assigned as professors and instructors. It is self-preservation. The letter read by the gentleman from Maine [Mr. HALE] was written, I know, by a very distinguished officer in the engineer service; he was called from the ranks of the Army; he goes in there as professor. Now, cannot the gentleman from New Jersey see that any officer who takes the position of professor at West Point and quits the Army loses the opportunity of promotion? He devotes himself to science and teaching for the rest of his life. He has no opportunity for gaining those magnificent prizes which the gentleman from New Jersey speaks of. He can be no competitor for the presidential or any other chair. He devotes himself for the rest of his life to the education of those who are in future not only to defend our country, but who are to be in charge of all the great works, of the vast operations of internal improvements, and of our harbors, of all our proposed canals, and all the great works of that kind; they are all being carried on and conducted by men educated at that institution.

Now, sir, the merely civil benefits that it gives to them, the civil benefits which these gentlemen receive are permanent positions, and the promise made by the United States when they took those places, made under the most solemn form of law, that, if they did remain there and did perform their duty well, their pay should be enhanced in order to compensate them for the loss of promotion in the line of service which they had left.

Now, I look upon this as among the contracts of the United States. I say that when you induce a man by such promises as these to leave the active service of the Army in which he is sure of promotion and of increased pay, and set him down for life in the greater but more quiet avocation of a teacher of youth, the nation has pledged its faith, and it is unsound economy and equally unsound policy for the nation to break that contract. It strikes at faith, and I am glad that the proposition comes just from where it does come. God forbid that any man who has ever borne arms on either side should place himself here in a position to belittle these men, to break up the calculations of a life-time, and to disturb the honorable belief which they had a right to have in the promises of their Government.

I speak of this thing now because coming events cast their shadows before them. This little, temporary, small, ill-considered, ignorant attack upon West Point is only the preliminary, the mere skirmisher in the main movement to be directed against that great institution of the nation for which West Point is the nursery, the Army of the United States. I tell gentlemen once more, and I wish them to bear this in mind, that they cannot excite among the intelligent people of this nation any jealousy of the Regular Army. We plain people who live out West know that one-third of the Regular Army is officered by men from West Point; the other two-thirds is officered by men who have never passed through that institution, but who won their promotion in that school of soldiers, perhaps better than any other, the actual scenes of conflict and duty.

I have not time now nor have I any desire to detain the committee longer by any extended remarks. I state simply that these great permanent appropriations, the appropriation for the hospital, the appropriation for the sewerage of the post, which is recommended by everybody that has ever been there, in order to maintain the health and keep up the sanitary condition of the post, for which this sewerage is absolutely required, these items are struck out of this bill, and are all of them of that character of permanent works or of permanent appropriations for longevity and other pay to which the honor of the Government is pledged. The other reductions I do not intend to deal with in detail now. They will come up as the several paragraphs of this bill are reached for amendment, and will be noticed by others.

I stand up here now in my place only to say that whatever may be the case in the State of New Jersey, the people in my section of the country are not so cursedly poor that they want to break down the calculations of the skilled soldier, and in so doing to break down and violate the plighted faith of the nation.

Mr. CHITTENDEN. Mr. Chairman, for at least five years I have claimed to be and aimed to be a devoted ally of whomsoever has sought to diminish municipal, State, or national expenditures. I have believed that there was a great want of economy in respect to all these great interests. But it is impossible for me to advocate or to do otherwise than oppose the proposed economy at West Point.

I rise now mainly to make one statement with reference to the pay of cadets. I understand that prior to the war, when we had $200,000,000 of paper money instead of $700,000,000 as now, the amount furnished by the Government to each cadet was equivalent to $500 per year; he now receives $608. I suggest to gentlemen on the other side of the House that the first thing for them to do is to improve their currency. Yet, if anything can be told from the indications here of the sentiments of a majority of this House, there is not a majority here who are in favor of making our currency respectable at any fixed time whatever. Now, I say that if in the face of that, and in connection with that, the gentlemen who are responsible for this matter shall cut down the compensation and pay of the cadets at West Point from $608 to $540 a year, when you now have $700,000,000 of currency and every material interest of the country is suffering and languishing, that will be economy which will return to plague its inventors.

Mr. RANDALL obtained the floor, but yielded to

Mr. COX, who moved that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOSKINS reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration a bill (H. R. No. 810) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1877, and had come to no resolution thereon.

Mr. RANDALL. I move that the House now adjourn.

Mr. MILLS. I ask the gentleman to yield to me to offer a resolution of inquiry.

MANY MEMBERS. Regular order.

The SPEAKER. The regular order being called for, the question is upon the motion to adjourn. Before submitting that motion the Chair will submit the requests of two members for leave of absence.

LEAVE OF ABSENCE.

Mr. ROBBINS, of Pennsylvania, was granted leave of absence from Friday next until Monday evening following, on account of pressing business.

Mr. HYMAN was granted leave of absence until the 2d of February.

The motion of Mr. RANDALL was then agreed to; and accordingly (at four o'clock and forty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BANNING: Resolutions of the Board of Trade of Cincinnati, urging the members of Congress from Cincinnati to support the centennial appropriation, to the Committee on the Centennial.

Also, the petitions of T. D. Robb and 38 other citizens of Delaware, of L. Scott and 45 other citizens of Delaware, for the repeal of the check-stamp tax, to the Committee of Ways and Means.

By Mr. BLOUNT: Papers relating to the claim of James C. McBarney, to the Committee of Claims.

By Mr. BROWN, of Kansas: A paper to accompany House bill No. 644, for the relief of Samuel J. Crawford, to the same committee.

Also, the petition of Jacob Theirer, for relief, to the same committee.

By Mr. CALDWELL, of Alabama: Petitions for a rehearing of their claims for property taken by the United States Army, by Larkin W. Wortham, administrator of the estate of William A. Wortham, deceased, Samuel D. Warren, Mrs. Mary E. Ware, and John S. Hays, to the Committee on War Claims.

By Mr. CASON: Papers in relation to the application of Nicholas Whitehall, for an extension of patent, to the Committee on Patents.

By Mr. CLARKE, of Kentucky: The petition of John McIntire, for a pension, to the Committee on Invalid Pensions.

By Mr. DARRALL: Papers relating to the rank of Lieutenant C. C. De Radio, of the Seventh United States Cavalry, to the Committee on Military Affairs.

By Mr. DAVY: The petition of George W. Aldridge and other citizens of Rochester, New York, in reference to Government buildings in that city, to the Committee on Public Buildings and Grounds.

By Mr. ELKINS: The petition of Christian Hemeluke, for a pension to the Committee on Invalid Pensions.

By Mr. FORNEY: Papers relating to the extension of letters-patent to the United States Dredging Company, to the Committee on Patents.

By Mr. HAMILTON, of Indiana: The petition of Catharine Graybig, for a pension, to the Committee on Invalid Pensions.

Also, papers relating to post-routes in the State of Indiana, from Pleasant Plains to Mount Etna, in Huntington County, from New Pittsburg to Randolph, from Red Key to Pennville, to the Committee on the Post-Office and Post-Roads.

By Mr. HARDENBERGH: The petition of citizens of New York, opposing an increase of duty on teas, to the Committee of Ways and Means.

By Mr. HARRIS, of Virginia: Papers relating to the claims of A. G. Tebault and John R. Hathaway, to the Committee on War Claims.

By Mr. HEWITT, of Alabama: The petition of citizens of Jefferson and Saint Clair Counties, Alabama, for a post-route from Springville to Mount Pinson, Alabama, to the Committee on the Post-Office and Post-Roads.

By Mr. HOUSE: The petition of Minnie H. Glassie and J. C. Nash, for pay for property used and destroyed by the United States Army, to the Committee on War Claims.

By Mr. KELLEY: The petitions of citizens of Pennsylvania, that no appropriation be made for the distribution of seeds, to the Committee on Appropriations.

Also, the petition of citizens of Pennsylvania, for the repeal of the law which increased postage-rates on third-class mail matter, to the Committee on the Post-Office and Post-Roads.

By Mr. LANE: The petition of F. V. Colver, for pay for services rendered as special Indian agent and commissioner, to the Committee on Indian Affairs.

By Mr. LEAVENWORTH: The petition of Finnegan and Nesdall and 29 others, to have their losses under their contracts with the board of public works of the District of Columbia adjusted, to the Committee for the District of Columbia.

By Mr. McFARLAND: Papers relating to the claim of James White, to the Committee on War Claims.

Also, the petitions of Margaret E. Cogburn, George Dayspring, Joseph McHenry, for pensions, to the Committee on Invalid Pensions.

By Mr. MOREY: Papers relating to the claim of John T. Ludeling, to the Committee on War Claims.

Also, papers relating to the claim of G. Alfred Hall, to the Committee of Claims.

By Mr. MORGAN: Papers relating to the claim of Josiah Cunningham, to the same committee.

By Mr. O'NEILL: The petition of Mrs. Sarah A. Clements, for a pension, to the Committee on Invalid Pensions.

Also, the petition of J. Dyson, for an extension of letters-patent for an improvement in carding-engines, to the Committee on Patents.

By Mr. PATTERSON: A paper relating to certain post-routes in Colorado, to the Committee on the Post-Office and Post-Roads.

Also, a memorial from the Grand Lodge of Colorado Good Templars, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. PAYNE: The petition of E. Quimby and 57 other citizens of Wayne County, Ohio, for the repeal of the check-stamp tax, to the Committee of Ways and Means.

By Mr. PHELPS: The petition of James Parker and others, of New Haven, Connecticut, for the issue of gold-bearing convertible 3.65 bonds, to the Committee on Banking and Currency.

By Mr. PHILIPS, of Missouri: A petition from citizens of Missouri, of similar import, to the same committee.

Also, the petition of L. Brochett and others, of New Haven, Connecticut, for the repeal of the resumption act, to the same committee.

By Mr. RUSK: The petition of Francis Bernard, for a pension, to the Committee on Invalid Pensions.

By Mr. SLEMONS: Petition of citizens of Arkansas, for an appropriation to open navigation on the Ouachita River, Arkansas, to the Committee on Commerce.

By Mr. SPRINGER: A paper from the Illinois Horticultural Society, favoring the extension of the Signal Service, to the Committee on Agriculture.

By Mr. STONE: Memorial of Mexican war veterans, for bounty, &c., to the Committee on Revolutionary Pensions.

By Mr. TOWNSEND, of New York: The petition of W. L. Robinson, for re-imbursement for stamps stolen from the post-office at Galesville, New York, to the Committee of Claims.

Also, the petition of Catharine Green McKown, for a pension, to the Committee on Invalid Pensions.

By Mr. TUCKER: A paper relating to a post-route by the way of James River Canal, to the Committee on the Post-Office and Post-Roads.

By Mr. VANCE, of Ohio: The petition of Margaret McDonald, for pay for services rendered by her deceased husband, to the Committee on War Claims.

By Mr. WALDRON: The petition of sundry persons, that an honorable discharge be granted William Butcher, to the Committee on Military Affairs.

Also, the petition of Verlinda Davis, for a pension, to the Committee on Invalid Pensions.

By Mr. WILLIS: The petition of Alexander Spaulding, for relief, to the Committee of Claims.

By Mr. WILSHIRE: The petition of Leonora Marshal, relating to a pension, to the Committee on Revolutionary Pensions.

IN SENATE.

THURSDAY, *January* 27, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. WINDOM. I present the petition of M. D. Nickles and 374 other citizens of Minnesota and Dakota, praying for an appropriation for the improvement of the Red River of the North. I beg to submit with the petition, and ask to have printed in the RECORD with it, a brief statement of the increase of business on that river within the last year, and the communication accompanying the same.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Commerce, and the papers printed in the RECORD, if there be no objection.

The petition is as follows:

To the Senate and House of Representatives of the United States in Congress assembled:

The petition of the undersigned, residents of Clay County, Minnesota, and Cass County, Dakota Territory, respectfully represents that in consequence of the present state of Goose Rapids the navigation of the Red River of the North is greatly impeded and during a portion of the season of navigation entirely stopped above the rapids; that it is necessary for the successful navigation of said Red River that said rapids be improved, it being a public necessity and absolutely essential to the prosperity of the towns and villages of the district of the Red River Valley, and that the traffic on said river is rapidly increasing, but owing to the impediment of said rapids navigation is greatly hindered, to the detriment of said district.

Therefore your petitioners respectfully and earnestly pray that an appropriation may be made in aid of the improvement of said Red River so as to remove the said impediment complained of.

And your petitioners will, as in duty bound, ever pray.

Dated at MOORHEAD, CLAY COUNTY, MINNESOTA, *January* 5, 1876.

The accompanying statements are as follows:

Statement of tonnage on Red River during the season of 1875.

	Tons.
Merchandise in bond	5,275.270
Merchandise, American	22,108.259
Lumber	3,350.700
Railroad iron	4,735.320
	35,429.549
Add tonnage of Saint Paul and Peoria Railroad to Breckinridge, (shipped on flat boats)	4,426.000
	39,855.549
Flat-boats from Morehead and other points, consisting of flour, grain, provisions, and lumber, (estimated)	9,000.000
	48,855.549

Statement of passenger traffic.

Going north:		
First class	2,098	
Second class	3,544	
		5,642
Going south:		
First class	1,020	
Second class	1,034	
		2,054
Total number of passengers		7,696

NOTE.—The above includes adults only. Fifty per cent. might be added for children.

Letter to the chairman of the Committee on Transportation.

DEAR SIR: In view of the rapid increase in population and commercial importance of the Red River Valley, including the Province of Manitoba and the northwestern territory tributary thereto, your attention is called to the great importance of an early appropriation by Congress for the improvement of the Red River, it being the natural highway for travel and international communication between the United States and Manitoba and all that portion of the British possessions west and northwest of the same as the link connecting the railroad system of Minnesota, terminating at Breckinridge and Moorhead with Winnipeg, which is the chief commercial port of Manitoba and the distributing point for the entire trade of the British possessions in the northwest.

As an evidence of the increasing trade on the Red River you are referred to the rapid and substantial growth of Winnipeg, situated at the northern extremity of the same, near where it flows into Lake Winnipeg, which has increased during the past three years from a population of but a few hundred to more than five thousand souls; and while in 1870 one steamboat only was engaged in the navigation of the Red River, accomplishing the entire business of the river in two or three trips, during the season of 1875 seven steamboats with ten barges have been engaged the entire season, making from twelve to nineteen trips each.

For more definite information as to the traffic on the river during the season just closed (1875) you are referred to the statement of tonnage hereto annexed; also, statement of number of passengers carried. It will be seen that the freight transported by steamboats aggregates 17,714 tons of all classes as against 8,900 transported by steamboats during the season of 1874, an increase of about 100 per cent. The remaining tonnage that was transported in flat-boats, consisting mostly of flour, grain, feed, pork, provisions, and lumber, is given only in part, as no correct or reliable data are at hand from which to calculate; but a corresponding increase of this portion of the river transportation would swell the aggregate to between twenty and twenty-five thousand tons. Of passengers, also, the accompanying statement does not make a full exhibit of the passenger traffic of the Red River Valley, as by reason of great delay consequent upon the difficulties of navigation during low water large numbers of passengers have traveled by stage and other land conveyances.

With the present prospects of a rapid increase in population by means of both Canadian and foreign immigration into Manitoba there is every reason to expect a corresponding percentage of increase of transportation on the Red River each succeeding year; and, as will be seen by the statement, more than four-fifths of all the commodities transported are exports from the United States into Manitoba, a large portion of which are furnished directly by the merchants, manufacturers, and producers of Minnesota.

Colonel Farquhar has given in his report, dated March 4, 1874, the general character of the stream, with detailed estimate of cost of improvement between Moorhead and Frog Point, covering a distance of about one hundred and twenty-five miles, including Goose Rapids. It is proper, however, to add that the portion of this river now used for navigation, to wit, between Moorhead and Winnipeg, runs for about three hundred and fifty miles through United States territory and one hundred and fifty miles through Canadian territory, and the Dominion government have already made an appropriation for the improvement of that portion lying within their own territory, and are prepared to expend the same as soon as it can be utilized by a corresponding improvement of that portion lying within the United States.

It will be seen by Colonel Farquhar's report that $22,000 is the estimated cost of the improvement of that portion of the river included in his survey, to wit, between Moorhead and Frog Point, including Goose Rapids. It is suggested, however, that, if Congress is now unwilling to make so large an appropriation, more immediate and practical results could be realized with a smaller appropriation, by beginning at the northern boundary-line, (Pembina,) where the improvements made by the Dominion government would terminate, and working up the river, (south,) thus rendering the improved portion of the river continuous from Winnipeg as far south in our own territory as the means appropriated by Congress would enable the improvements to extend. In fact it is believed that an appropriation of $40,000 would go far toward, if not entirely complete, such improvements as would insure a depth of not less than four feet in the channel between Pembina and Frog Point at the lowest stage of water.

The immediate advantages of this improvement can hardly be estimated, not only to our own State in the increased facilities for transportation to its present and future inhabitants, as well as those of Dakota in the Red River Valley, but by the greatly augmented exports from this country to the Province of Manitoba and the territory beyond, combined with the continually increasing freight and passenger traffic between the old and new provinces of Canada, which must necessarily pass through our territory.

Another soon-to-be important item of trade on the Red River, which now makes no figure whatever, is the transportation to eastern markets of the large surplus of grain which must in a few years be produced by the rich soil lying along the Red River Valley its entire length, and for the cultivation and development of which no one thing could add a greater impetus than cheap transportation consequent upon the improvement of navigation of the Red River.

The importance of immediate action by the United States Government is made more apparent by the fact that the Dominion government are pushing forward with vigor that portion of the Central Pacific Railroad east of the Red River, connecting that stream near Winnipeg with Lake Superior at Thunder Bay, this branch of that road being now under process of rapid construction from both its eastern and western extremities. It is believed, however, that with an improved navigation in the Red River the route through the United States will always be able to successfully compete for the carrying trade between the Canadian Provinces.

I have the honor to remain your obedient servant,

N. W. KITTSON.

Hon. WILLIAM WINDOM,
Chairman Committee on Transportation United States Senate,
Washington, D. C.

The petition was referred to the Committee on Commerce.

Mr. PADDOCK. I present a petition signed by 100 chiefs and headmen of the Otoe tribe of Indians, in Nebraska, asking for the sale of their entire reservation and their own removal farther south. A bill authorizing such sale and removal is now in the hands of the Committee on Indian Affairs, and I move the reference of this petition to the same committee.

The motion was agreed to.

Mr. PADDOCK. I also present a petition signed by 3,000 citizens of Utah Territory, asking Congress to make an appropriation in aid of the centennial exhibition to be held at Philadelphia the present year. These people are mainly the hewers of wood and drawers of water for a religious hierarchy there existing, but they are a temperate, frugal, industrious, Union-loving people. They have brought down the mountain streams through irrigating channels and transformed a desert into a garden. Their petition is worthy of full consideration by Congress. I move its reference to the Committee on Appropriations.

The motion was agreed to.

Mr. ENGLISH presented the petition of H. Killam & Co. and other citizens of New Haven, Connecticut, praying that the Government issue at par fifty-year gold bonds with gold interest at 3.65 per cent. per annum, and convertible at all times into greenbacks within the limits of such amount as may remain in the Treasury, wherein a reserve of seventy-five millions of greenbacks shall ordinarily be kept for the purpose of said conversion; which was referred to the Committee on Finance.

Mr. DORSEY presented a memorial of 200 citizens of Arkansas and the Indian Territory, remonstrating against the establishment of a United States court in the Indian Territory, which would endanger life and property on account of the incompetency of juries; which was referred to the Committee on the Judicary, and ordered to be printed.

Mr. SHERMAN presented the petition of Andrew B. Battelle and George D. Evans, praying compensation for beef furnished to the United States Army under a contract in the year 1862; which was referred to the Committee on Claims.

Mr. HAMILTON. I present the memorial of the respective delegations, here at Washington, of the Cherokee, Creek, Seminole, and Choctaw Nations of Indians, asking the repeal of the following-named acts as making conditional grants of land of the United States out of the Indian Territory to railroad companies, namely: "An act granting lands to the State of Kansas to aid in the construction of the Kansas and Neosho Valley Railroad and its extension to Red River;" "An act granting lands to the State of Kansas to aid in the construction of a southern branch of the Union Pacific Railway and Telegraph from Fort Riley, Kansas, to Fort Smith, Arkansas;" and "An act granting lands to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast." I move that the petition be referred to the Committee on Territories and printed.

The motion was agreed to.

Mr. BOUTWELL presented the petition of Isaac Wood, W. S. Hawkins, and other citizens of Fairhaven, Massachusetts, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was ordered to lie on the table.

He also presented the petition of Jacob W. Seaver and other citizens of Boston, Massachusetts, praying for the repeal of the two-cent United States stamp tax on bank-checks; which was referred to the Committee on Finance.

Mr. DAVIS presented a joint resolution of the Legislature of West Virginia, relating to the improvement of the Ohio River and its tributaries; which was referred to the Committee on Commerce.

He also presented a joint resolution of the Legislature of the State of West Virginia, in favor of an appropriation by the Federal Government for the repair of the turnpike from Fairmount to Gauley Bridge; which was referred to the Committee on Military Affairs.

He also presented a joint resolution of the Legislature of the State of West Virginia, relating to the sale of leaf-tobacco as affected by the provisions of the revenue law of the United States enacted June 6, 1872; which was referred to the Committee on Finance.

He also presented a joint resolution of the Legislature of the State of West Virginia, requesting her representatives in Congress to use their best efforts to secure an appropriation sufficient to continue the improvement of the Monongahela River to its head; which was referred to the Committee on Commerce.

He also presented a joint resolution of the Legislature of the State of West Virginia, relating to the erection of a monument near the junction of the Ohio and Kanawha Rivers at Point Pleasant, in Mason County, to commemorate the battle of Point Pleasant, fought October 10, 1774; which was referred to the Committee on Military Affairs.

He also presented a joint resolution of the Legislature of the State of West Virginia, in favor of aid by Congress to improve the navigation of Elk River in that State; which was referred to the Committee on Commerce.

Mr. MORRILL, of Maine, presented a petition of envelope manufacturers, stationers, and printers, praying a discontinuance of the manufacture and sale of stamped envelopes by the Government; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PATTERSON presented the petition of P. A. Ahl & Brother, of Newville, Pennsylvania, praying compensation for property appropriated and used by the United States authorities in 1861; which was referred to the Committee on Claims.

Mr. McMILLAN. I present the petition of 46 persons, whose residences are not indicated in the petition, praying for the repeal of the two-cent check-stamp tax, and I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

Mr. CAMERON, of Pennsylvania, presented a petition of citizens of Philadelphia, praying Congress to aid the Texas Pacific Railway Company by a guarantee of the interest on its bonds; which was referred to the Committee on Railroads.

TREASURY ACCOUNTS.

Mr. BOUTWELL. I have in my hand a report which was made by the chief clerk of the Treasury Department to the Secretary of the Treasury December 15, 1872, which contains an analytical statement of the system of accounting in the Treasury, with a statement also of what are deemed by him to be erroneous practices that had grown up in the Treasury Department, authorized by law or tolerated by

long usage and made a part of the system. Accompanying this was a bill which was approved by the Secretary of the Treasury and submitted in that year to the Ways and Means Committee of the House of Representatives, and, as I recollect, approved by that committee and reported to the House for the purpose of amending all these erroneous practices. It was adopted by the House, I am told, and lost or not considered in the Senate. This document was printed for the use of the Treasury and only a small number of copies issued. I can find only one copy. I think it of sufficient importance to justify me in asking the Senate to order the printing of it in the RECORD, that it may be at the service of the members of the Senate and others.

The PRESIDENT *pro tempore*. Is there objection to having the paper printed in the RECORD?

Mr. DAVIS. I did not understand what it was. Let the Clerk read the title of it.

The CHIEF CLERK. "A report to the Secretary of the Treasury on a bill to revise, consolidate, and amend the statutes in relation to estimates of appropriations and public accounts, by the chief clerk of the Treasury Department."

Mr. DAVIS. I have no objection to its being printed.

The PRESIDENT *pro tempore*. The order to print will be made, if there be no objection.

The document is as follows:

Report to the Secretary of the Treasury on a bill "to revise, consolidate, and amend the statutes in relation to estimates, appropriations, and public accounts," by the chief clerk of the Treasury Department.

TREASURY DEPARTMENT,
Washington, D. C., December 15, 1872.

SIR: I have the honor to transmit herewith the draught of a bill to revise, consolidate, and amend the statutes in relation to estimates, appropriations, and public accounts, prepared in compliance with your instructions, and to offer the following explanation of its various provisions:

PRELIMINARY.

Very soon after the present administration of the Treasury Department began it was found that the system of business then in use was susceptible of great simplification and improvement, and a determined effort was made with this end in view. One of the first steps in this direction was to improve and simplify the Book of Estimates, in relation to which many complaints were made by the House and Senate Committees on Appropriations. The result of this effort was a complete revision and re-arrangement of this book, conforming it, as nearly as practicable, to the law as it then was. This revised book was submitted to Congress on the first day of the session, commencing December 6, 1869.

The committees of both Houses very warmly commended and approved the work, and fully indorsed the changes, which had been made with a view to simplicity and uniformity, although much of it was necessarily done without authority of law, which was found to be very incomplete and unsatisfactory.

The difficulties and annoyances which were met with at every step suggested the propriety of preparing a law in relation to the subject which would place in the hands of the Secretary of the Treasury sufficient authority to do the work properly, and at the same time would lay down certain statutory rules in regard to the manner in which it should be done, that would result in a book alike creditable to the Department charged with its preparation, and serviceable and convenient to the Committees on Appropriations.

The Secretary, therefore, directed the preparation of a bill, to be submitted to Congress on this subject, which should embody the practice of the Government in relation to this book, so far as it had been found from practical experience to work satisfactorily and harmoniously. Accordingly a bill was prepared and submitted toward the close of the last session of the Forty-first Congress, but, owing to the pressure of other business, and the nearness of the close of the session, it was not acted upon.

On the 4th of March, 1871, the succeeding Congress assembled, and on the 14th of the same month Mr. DAWES, the chairman of the House Committee on Appropriations in the preceding Congress, by unanimous consent, introduced the bill (H. R. No. 1750) and, after some discussion and a reading of an explanation of the objects of the bill, which had been prepared at the request of Mr. Beck, it was passed by the House without opposition or amendment. In the Senate the bill was not reached, although effort was made to obtain a hearing from the Committee on Appropriations in relation to it. Up to this time it has not been acted upon in that body. Since the organization of the present Committees on Appropriations their experience has been, in a measure, similar to that of all preceding ones, and they can fully appreciate the necessity for better and more complete legislation on the subject referred to.

The bill now submitted has been carefully prepared, and every section of it has been considered by the gentlemen of this Department most competent to advise as to its form and effect. The whole subject has been very carefully studied, and I am prepared to offer the bill in its present shape as entirely worthy of your favorable recommendation to Congress. The only object which has governed in the preparation of the bill has been a sincere desire to improve the system of business in relation to estimates, appropriations, and public accounts, and there is no provision contained in it which has not been the subject of the severest scrutiny, as well as the most careful comparison with the laws now upon the statute-books and the practice of the several Departments under them. In addition to the light of over ten years' practical experience in the business of the Government, I have availed myself of numerous suggestions from Representatives and Senators, as well as from officers of the various Departments, which have been received and carefully weighed, and whenever the suggestions were practical they have been adopted. Among others, Mr. EDMUNDS, of the Senate committee, to whom was referred the original bill, has furnished many valuable suggestions, most of which have been embodied in this new draught. I feel confident, therefore, that, in submitting the bill in its present shape, I offer to Congress as worthy and important a measure as can occupy its time during the present session.

The value of many of its provisions can only be fully understood by those who are constantly engaged on the work which it is intended to simplify and improve. At the same time, it has been my constant aim to produce a law as free from technicalities as the subject would permit, so that those least familiar with the work of which it treats would be able to act upon it intelligently.

I invite your attention to the following brief explanation of the details of the bill:

"SEC. 1. That all estimates and communications asking for appropriations for any branch of the Government shall be submitted to Congress through the Secretary of the Treasury."

The requirements of this section are substantially the same as those resulting from the practical construction of the resolution of January 7, 1846, under which the estimates are now submitted. The importance of requiring all estimates to be submitted to Congress through the Secretary of the Treasury would seem to be manifest, from the fact that he is by law charged with the duty of managing the finances of the Government, as well as of reporting to Congress the estimates of the revenues and expenditures. It is impossible for him to obtain accurate and reliable information concerning the needs, in this particular, of the other Executive Departments, unless their estimates are sent to him. It has been the practice to do this almost ever since the organization of the Government, and it is one entirely satisfactory to all departments of the service. By charging one single officer with the duty, a uniform and condensed single document is obtained, covering the whole ground of estimated expenditures, and saving no end of time and trouble to Congress.

"SEC. 2. That the said Secretary shall cause to be prepared blank forms for estimates, so arranged as to exhibit, in a uniform, simple, and comprehensive manner, the general object for which the appropriation is asked; the specific objects of expenditure in detail; the total amount required under each general head; the date of the act or resolution authorizing, or of the treaty stipulating for, the expenditure, with references to the volume, page, and section or article of the statutes where the same may be found; and the amount appropriated for the preceding year: *Provided*, That where an item of expenditure is only authorized by reason of an appropriation having been previously made therefor, in lieu of the date thereof, the word 'appropriated' shall be inserted."

The primary provision of this section, requiring the preparation of blanks, is absolutely necessary to secure a proper uniformity in the estimates submitted by the various Departments. This, however, was never done until the commencement of the present administration of this Department, and at first was not appreciated by the other Executive Departments, but it has been found to work so admirably and to save so much time and labor that nearly or quite all of them now urge its continuance. The second provision, which indicates the form in which the estimates shall be prepared, is a matter of very considerable moment, because it designates the kinds of information to be furnished in the main portion of the work, and as a general rule. An examination of the pages of the estimates submitted to Congress at the present session will discover that they conform exactly to the provisions of this section. It has been suggested that other and more extensive information should be included in these pages; but in all such work it must be borne in mind that there is a practical limit to the amount of matter which can be put upon a printed page of convenient size for constant use. The book, as printed for the present session, (quarto,) is as large as can conveniently be handled, and the type in which it is printed (brevier) is quite as small as should be used for ease in reading. As a consequence of this it has been deemed best to put all other information required in the form of additional statements, with references to them in the body of the work. These statements are provided for in this bill further on.

"SEC. 3. That the said Secretary shall furnish, by the 1st of September in each year, copies of such blank forms for estimates to the various Departments, offices, or Bureaus authorized or required to make estimates for appropriations, accompanying the same with such instructions as to the manner in which they should be made as he may deem proper; and the said blanks shall be filled up in accordance with said instructions, and returned to him by the 1st day of October following, and may be accompanied by such statements, exhibits, or other information, in addition to that required by this act, as may be deemed useful to the proper understanding of the same."

In order to enable the Department to furnish the printed Book of Estimates at the commencement of the session, it is necessary that the blanks should be distributed and returned within a reasonable time. The dates fixed in this section are the dates at which the work is now done, and have not been found too early to allow a careful editing of the book before the session commences. The blank forms furnished during the current year were accompanied by instructions as to the manner in which they were to be filled; but as there was no specific law on the subject they necessarily assumed the form of suggestions from this Department, which were not always complied with. The permission to accompany the estimates with information additional to that required by law is desirable, because it enables officers submitting estimates to give a more detailed and elaborate explanation than might be convenient in the form of a simple brief note to their estimate. This is now done, and the explanations, where they are very elaborate, are printed in the appendix to the estimates.

"SEC. 4. That on the return of said estimates, the Secretary shall have them classified, arranged, and published in quarto form, and there shall be printed and bound, in addition to the usual number for the use of Congress, not more than five hundred copies for the use of the Executive Departments, to be distributed by said Secretary; and the copies for the use of Congress shall be delivered to the Clerk of the House of Representatives in time for distribution at the commencement of each session."

The provisions of this section express the practice of the office in relation to the editing, printing, and distribution of the estimates, and contain one of the provisions of the resolution under which they are now printed. There is nothing in the section which will not strike the most casual observer as necessary to a proper and prompt preparation of the book. Under this law, the Book of Estimates will become a compendium of information, valuable to all branches of the Government, and it will be necessary to print more of them for the use of the Executive Departments than has been heretofore customary. The number now printed is four hundred. This section adds one hundred copies.

"SEC. 5. That whenever an estimate shall be submitted for any specific expenditure for a light-house, custom-house, post-office, fort, river, harbor, or other public work or improvement, every such estimate shall be accompanied by a detailed estimate of the whole cost of the work; and all subsequent estimates for any such work shall show the originally estimated costs and the whole amount previously appropriated. And where a subsequent estimate shall ask for an appropriation beyond the originally estimated cost, the reason for the excess and the anticipated amount thereof shall be fully stated."

This section is a revision and enlargement of an old law now on the statute-books, which applies only to such public works as require a plan to be made before work can be commenced. In the original it is made no one person's duty to see that this information is furnished, and, as it has been the practice of Congress to make appropriations of this class without having estimates of the probable cost before them, the law has gradually fallen into disuse and been forgotten. The value and importance of detailed estimates of this character, as well as the other information required by this section, would seem to be self-evident, and the result of its becoming a law will be to very greatly improve the Book of Estimates in its details, and at the same time enable Congress to act intelligently upon estimates submitted to it for the erection, improvement, and repair of public works of all kinds—a class of items which have formed, for many years past, a very large part of the annual expenditures, and which are more likely to increase than diminish in the future.

"SEC. 6. That whenever the estimates for salaries, contingent or current and ordinary expenses, exceed the amounts appropriated for the preceding fiscal year, either in the details or the aggregate, they shall be accompanied by concise notes pointing out and explaining the differences."

The importance of the provisions of this section will at once suggest itself to the Committees on Appropriations, and I feel confident that each member will realize how much labor and trouble he will be saved by having this information furnished him in the shape here provided for. It has been found impossible under the present law to obtain this information without delaying the work so greatly as to prevent its being ready by the commencement of the session.

A law requiring that the information shall be furnished, incorporated in the instructions and sent with the blanks, will enable the Department to secure it with-

out the delay which would prevent the book reaching Congress in time for use at the commencement of the session.

"SEC. 7. That estimates for contingent, incidental, or miscellaneous expenses shall in no case include salaries or compensation of any kind whatever; but where the number of permanent employés specifically authorized by law shall prove inadequate, such additional number as may be required shall be estimated for in the general estimate for salaries of the Department or office requiring the additional number, and all such estimates shall be indicated by inserting the word 'submitted' in lieu of the date of the authorizing act hereinbefore required to be given."

Congress has several times, during the past five years, endeavored to prevent the use of contingent, incidental, and miscellaneous appropriations in the payment of salaries, but invariably the law has been a provision which, when compared with the language of the appropriation acts, did not affect them. Where an appropriation act contained a provision authorizing the employment of persons, the law prohibiting their payment would necessarily be inoperative if passed before the appropriation was made, the natural inference being that the latter act repealed the earlier, in so far as that particular item was concerned. The difficulty arises from the fact that the provision does not apply to the initial work of estimating, and in this section an attempt is made to provide in the book upon which Congress bases its appropriation legislation a means for preventing what Congress has uniformly shown a desire to prevent. So far as this Department has been able to control the matter of estimates this has been done, but while it remains a question outside of the law, the Secretary of the Treasury can do no more than provide that the estimates of his Department shall comply with the natural inference to be deduced from the legislation in relation to these funds.

"SEC. 8. That all estimates for increase of salaries shall be indicated in the manner prescribed in the preceding section for additional employés, whether the increase is over the amount authorized by law or the amount fixed in the last appropriation act; and every such estimate shall be accompanied by a brief statement of the reasons for said increase."

The provisions of this section have been suggested by the expressed desire of the House Committee on Appropriations to fix the salaries which shall be paid each year in the appropriation acts, and to enable the members to discover at a glance any change which may be made either in the organization or salaries of the Executive Departments. The only process by which this information can be had is to compel its being furnished by an act of Congress. During the last year it has been with the utmost difficulty that this Department has obtained the requisite information, and in many instances it has not been possible to do so for want of time.

Legal authority to require it, plainly stated in the instructions, will secure the information without the delay consequent upon a long correspondence explaining why it is required.

"SEC. 9. That the Secretary shall include in said estimates a statement of all permanent appropriations, both specific and indefinite, made by acts passed at any former session of Congress and remaining in force, with a proper reference to the volume of the statutes containing the same; and if it is believed any expenditures will be made under the same during the year for which the estimates are intended, there shall be given the same details, information, and references as are required in the case of other estimates."

The practice of this Department for the last three years has been to include in the estimates a statement of all permanent appropriations under which it is believed any expenditure will be made during the year for which the submitted estimates are intended. This, however, is not required by law, and may be discontinued at any time. The original draft of this section, as contained in H. R. 178, was based on the practice here stated, but, as several objections were raised by members to the form of it, it has here been changed to meet these objections. If Congress desires to continue to receive this information, this section should become law, since the first act of an administration antagonistic to Congress would be to gradually suppress it.

"SEC. 10. That the said Secretary shall add to the estimates a classified statement showing the expenditures, by appropriations, for the four preceding fiscal years. He shall also add a classified statement showing the unexpended balance of each appropriation at the commencement of the fiscal year in which the estimates are made; the amounts appropriated for that year; the repayments in excess of expenditures during the first quarter; the gross amounts available for expenditure; the amounts expended during the first quarter; the estimated amounts required for the remaining three quarters; and the am unts which may be carried into the general Treasury."

When the former draft of this law was submitted to Congress, some members of both the House and Senate Appropriation Committees suggested the propriety of adding to the body of the Book of Estimates more information in relation to the appropriations of the preceding fiscal year than was provided for in section 2, H. R. 178, but when it was explained to them that this information could not be printed in the place they suggested, without making the book very unwieldy, and therefore had been provided for in another section to be attached to the same book, the proposal to change the second section of that act was withdrawn. This tenth section, in its present form, is the result of a very careful study of the several methods in which the expenditures, balances, &c., have been reported to Congress during a number of years past, and is an attempt to put into one statement the valuable parts of all the various plans adopted. A comparison of this section with the law as it now stands, will discover that the information required to be given is very much more complete and elaborate than the old law requires, which, strictly construed, simply refers to unexpended balances. This has usually been supplemented by a statement of the expenditures for the first quarter of the current year, and with certain other information, but, as before stated, it is not required to be given by law. It has proved, however, of great assistance to Congress, and it has seemed wise to embody it in this provision, and thus make the statement permanent. The requirement that it shall include a statement showing the expenditures for the four preceding fiscal years is entirely new. This is partly included in the annual publication known as the "receipts and expenditures," but as this is published nearly two years after the expenditures are made, it becomes of very little service to Congress in connection with the estimates. I anticipate that this statement, prepared in the form here provided, will be of very great assistance to the House committee in preparing the appropriation bills, and in enabling both committees to ascertain how nearly the estimates for any particular purpose conform to the expenditures of previous years.

"SEC. 11. That the Secretary shall designate the title by which all appropriations shall be known; and such title, so designated, shall be the title under which estimates and expenditures shall thereafter be made. All specific appropriations for any building, fort, light-house, or other public work or improvement, whether for the original construction or for alterations, improvements, repairs, or grounds, shall be estimated for and expended under a general head applicable to the whole work; and there shall be but one appropriation account kept for each general object or particular building, fort, light-house, or other public work or improvement; and for the information of those concerned, the Secretary may cause to be compiled and printed the appropriations made by law in such form as he may deem best."

One of the most serious difficulties which meets any one who attempts to understand the expenditures of the United States Government grows out of the fact that there never has been any uniformity in the appropriation titles upon the proper books of the Treasury Department. An examination of the published statements of the Government will show that, in the estimates, appropriations, and expenditures, the same general object is mentioned year after year under different heads, which no one can identify unless personally acquainted with all the varying titles by which the object for which he is searching has been known. I do not know what the explanation of this is, other than that uniformity and systematic business capacity is a rare quality, and one not frequently found, and possibly not reasonably to be expected in the poorly-paid employés of the United States Government.

Thus you will see that to digest, arrange, and systematize the expenditures of the Government from its organization up to the present time is a labor which no man has been found with genius and industry enough to undertake and complete. I know from sad experience what an attempt of this kind means, and I do not overstate the difficulties in the way when I say that a life-time of devoted and constant labor would be required to make out of the expenditures of the Government a truthful and orderly compendium. The object of this section is to enable some one to designate the appropriations and provide that they shall be uniform from and after that designation. This is done at the present time so far as it can be under the authority of existing laws; but, as the result of this confusion is that Congress is induced to make much larger appropriations than it would be if there were a simple system by which they could obtain correct data for their action, the opposition to any such attempt would not be slight, and the only means of securing its efficient workings is by making it a provision of law. The last clause which provides for the compilation and printing of the appropriations was carried into effect with reference to the appropriations made at the last session of Congress, and has been found of such exceeding great value, not only to the Executive Departments, but to the Committees on Appropriations, that I am of opinion it will require no argument to induce the enactment of this provision.

"SEC. 12. That in case any appropriation shall be made by Congress without having been submitted in the estimates of the said Secretary, no money shall be drawn from the Treasury thereon until a certified copy of the act making the appropriation shall have been sent to him, and he shall have indorsed thereon the title by which the said appropriations shall be known; and all titles of appropriations shall convey a clear and concise idea of the general object for which the appropriations were made, and any further estimates for the same general object shall be submitted and the appropriations expended under the title thus established."

The provisions of this section are simply a continuation of the subject-matter of the preceding one, and treat of another character of cases which it is important to include, and which without this provision might be deemed exceptions to the rule.

"SEC. 13. That whenever Congress shall pass any relief act or resolution, payment under which is directed to be made out of any money in the Treasury not otherwise appropriated, payment shall be made out of general indefinite appropriations upon the books relating to the accounts of the Department properly chargeable with the expenditure for 'payments under relief acts;' and a detailed statement of the payments under these accounts for the preceding fiscal year, with references to the acts and resolutions, by date, volume, page, and chapter or number, shall be printed in the estimates."

The custom has heretofore obtained in the Treasury Department of paying the appropriations made by relief acts under a special head applicable to the single act only. This makes it very difficult to assemble together the expenditures under these several accounts, and in consequence of this difficulty no such statement has ever been made, although it is one that would be very valuable to Congress. The provision that a statement of all these relief acts shall be printed in the estimates will secure to the Committees on Claims, whose labors are constantly increasing, and to the Committees on Appropriations, a complete statement of all these acts passed at each preceding session of Congress, with the amount appropriated by or expended under each one, all in a form easily referred to. I do not think it will require any very elaborate argument to prove the importance of having Congress informed as to how far each of the Executive Departments has complied with the terms of relief acts, nor how much has been expended in special cases where Congress was unable to state the amount which would be found to be due after a thorough examination and settlement. At present no such publication is made.

"SEC. 14. That all acts of Congress directing the head of any Department or any commission or board to examine and settle, or pay, any account or claim against the United States shall be construed to require the same to be done through the proper accounting officers, the same in all respects as if the said accounting officers were mentioned in the act, and payment shall be made in such manner as to charge the amount against the Department and out of the revenues properly chargeable with the expenditure."

The provisions of this section are new to the statute-books, although the point decided by it has been the practice of the accounting officers almost uniformly since the organization of the Government. The importance of putting it in the shape of a law is illustrated, however, by the fact that when Jefferson Davis was Secretary of War he refused to allow the accounts properly chargeable to the War Department to be settled through his office, and the result was that during the whole period of his incumbency the statements of the expenditures of the War Department were false to the extent of the several appropriations made in this manner.

"SEC. 15. That all judgments of the Court of Claims shall be paid from the regular appropriation for the payment of judgments of said court, through the proper accounting officers, in such manner as to charge the amount against the Department properly chargeable with the expenditure."

The present practice is to pay the judgments of the Court of Claims as if they were all for civil expenditures, and in the accounts they appear as so much money expended on account of the civil establishment of the Government. The fact is that nearly three-fourths of all of these expenditures are properly chargeable to the military and naval establishments, and the object of this section is to secure the settlement of the accounts in such a manner as will exhibit how much of the amount appropriated each year for the purpose has been expended on account of each of the several Departments of the Government.

"SEC. 16. That where statements, exhibits, explanations, or other information accompanying estimates are more elaborate than would be convenient for insertion in their proper place in the body of the work, they may be revised, condensed, printed in the appendix with proper references thereto, or transmitted to Congress in manuscript, as the Secretary of the Treasury may deem best. And where, in the opinion of the Secretary, an estimate is not sufficiently explicit, or does not comply with law or the regulations thereunder, he may return the same for such corrections or alterations as may be necessary."

The provisions of this section enable the officer editing the Book of Estimates to secure a compliance with the laws and a simple and convenient order of publication. It was suggested by Mr. Maynard, of Tennessee, when the former bill was under consideration, that it should be amended so as to provide that nothing therein should authorize the Secretary of the Treasury to alter or in any wise change the sums estimated and submitted by either of the other Departments; but there is nothing in this section which would authorize any such construction or which possibly could be made available for any such purpose. The simple object is to secure the information which the law requires shall be given, and to enable the Secretary of the Treasury, or the editor of the book, to ask for it where it has not been furnished.

"SEC. 17. That whenever, in the settlement of the account of any disbursing officer, clerk, or agent, it is found that he has drawn money from one appropriation and disbursed it on account of expenses properly chargeable to another, the accounting officers shall credit and charge the amount in the account of said officer, clerk, or agent under the correct appropriations and transfer the same to a general account with the proper Department, to be known as the 'transfer account,' which latter account shall be closed monthly by warrant and counter-warrant, so far as the same can be done under existing and available appropriations. Said transfer, when practicable, shall include all vouchers presented, whether they are allowed or suspended, and shall be made in such manner as to debit the officer, clerk, or agent under the appropriations out of which the vouchers, when perfected, may be allowed. A statement of the unclosed balances in said transfer accounts, at the close of each fiscal year, shall be printed in the estimates."

During the late war the necessities of the public service were frequently so urgent

and pressing as to render a delay until the meeting of Congress hazardous in the extreme. As the result of this the authority was assumed by the several heads of the military and naval service to authorize the advance of money from appropriations which were available and the disbursement of them for such objects as might be of immediate importance, but for which there were no available appropriations. When Congress assembled and an appropriation was made, it was assumed that these amounts would be transferred in the settlement of the officer's accounts.

As a matter of fact these settlements have never been completed, but are still going on and have constantly been so since the close of the war, until now they are almost entirely suspended, from the fact that the appropriations under which expenditures were chargeable are insufficient to meet the amounts expended on account of them. The object of this section is to enable these accounts to be settled in such a manner as will allow a statement of them to be made to Congress, with the view to such legislation as may be necessary in relation to the deficiencies. This and the next succeeding section are upon the same subject and should be considered together.

"SEC. 18. That nothing in the preceding section shall be construed to authorize any transfer of appropriations, or the advance of money from one general object of appropriation for disbursement on account of expenses properly chargeable to another; and all such transfers and advances are hereby prohibited: *Provided*, That the Secretary of the Navy may make advances to paymasters on foreign stations, or on a cruise, from the appropriation for "Pay of the Navy," to be used for general disbursements on account of expenses; but in every such case the paymaster shall make monthly returns of his disbursements, out of the money thus advanced, to the Fourth Auditor, in such form as said Auditor shall prescribe, showing the proper appropriations to which the same should be charged; and upon such returns the Auditor shall make the transfer provided for in the preceding section."

The provisions of this section, it will be observed, are intended to prevent the misuse of the authority contained in the preceding section, and to put upon the statute-book an express provision in regard to transfers and advances of appropriations. There is now in force a law prohibiting the transfer of appropriations, but it is defective, from the fact that the person who drafted it was not aware of another method of transferring, which accomplished the same result without violating the letter of the law.

The law as here drafted is put in such a form as to prohibit the use of an appropriation for any purpose other than that for which it was originally made by law, and it accomplishes the object by providing for both transfers of appropriations and improper advances of them. There is an exception to this rule which should be allowed, which is provided for in the proviso in relation to advances from the appropriation for "Pay of the Navy." This exception is exceedingly important, because it enables the Secretary of the Navy to make advances to paymasters when on foreign stations, or on a cruise, in reasonable sums, and within the amount of their bonds. If it were not for this the Department would be required to advance to the paymasters amounts from each appropriation out of which they might possibly make a disbursement, and this would increase the gross amount advanced to them to such an extent as to give them funds sometimes in treble the amount of their official bonds. The exception, however, is rendered harmless by the requirement that the paymaster shall report monthly his transactions, and that the transfer by counter-warrant shall be made upon these statements of transactions.

"SEC. 19. That it shall be the duty of the Treasurer of the United States, whenever he shall forward or deliver any draft or warrant in favor of any disbursing officer, clerk, or agent who is to be charged and held accountable for the money authorized to be drawn thereby, to send with said draft or warrant, or to the officer, clerk, or agent who is to be charged and held accountable for the money, a printed or written letter setting forth the appropriations from which the money is advanced and the amount from each. Said letter shall also contain the last preceding and this section of this act, and any person violating any of the provisions of these two sections shall be liable to a penalty of not more than $100 for each and every offense."

The two preceding provisions of law require that some additional information should be furnished to the disbursing officers other than that already furnished, and as the Treasurer of the United States transmits the draft or pays the money to the credit of an officer, he is the proper person to furnish this information. If, when the officer receives his draft he is informed of the appropriation under which he can disburse the money advanced by it, and of the law regulating the manner of such disbursements, there will be no reasonable excuse for his failure to comply, and by inserting a penalty here, it seems to me, there will be a much greater assurance of a strict compliance than there would be if the section merely inhibited the doing of the particular thing without providing any punishment for it. These three sections I regard as of the utmost importance to the security and safety of the public accounts, and, if properly carried out, I do not believe there is a law on the statute-books which will be of more practical service to Congress in securing a compliance with the appropriation acts passed at each session.

"SEC. 20. That, for the purpose of settling the accounts of the Treasurer of the United States, there shall be an appropriation account on the proper books of the Treasury Department, to be known as the 'unavailable balances' account, from and to which all unavailable balances, except of lapsed appropriations, shall be transferred by warrants based upon the proper settlement of the First Auditor, confirmed by the First Comptroller. And all such transfers heretofore made, other than by warrants, including the amounts deposited with the States, shall be examined, stated, and transferred as herein directed. But all such transfers shall be made in such a manner as to debit the person or State properly chargeable therewith upon the personal account books of the Department."

Under the act organizing the Independent Treasury system, the Treasurer of the United States is accountable for all moneys covered into the Treasury by warrants of the Secretary of the Treasury, whether the money is received and held by himself or by an assistant treasurer or designated depositary. In the course of business, during the years since its organization, there have been some losses or defalcations in the assistant treasuries and designated depositories. The law further requires that the assistant treasurers and designated depositaries shall be held accountable for the moneys coming into their hands. In cases where defalcations or losses have occurred, and it has been necessary for the Government to sue on the bonds of those officers, a basis of action in each case has been made by the settlement of an account in which the Treasurer was credited with the amounts he had theretofore been charged with and the defaulting or delinquent officer was charged. The custom has been to do this upon the books of the Register's Office through an ordinary account of the First Auditor and First Comptroller, because there never has been an available appropriation through which the transaction could be made to appear in the published receipts and expenditures. As such a transaction affects the cash balance of the Government, it has been usual of late years to explain the discrepancy by a note in the cash account stating that so much has been credited or charged on account of "unavailable" in the Treasurer's general account. It is impossible to make a proper statement of the receipts and expenditures of the Government while such an inconsistent practice exists, and the object of this section is to provide that, instead of making settlements in such a manner as to compel them to be put in the published receipts and expenditures as a note, explaining a discrepancy, it shall be done so that they will appear in their proper place in the accounts. There is nothing in the provision which authorizes any change in practice, other than the requirement that the business shall be done by warrant instead of by a simple account, and the provision is protected from any possible misuse by the closing sentence in regard to the manner in which the amounts shall be charged.

"SEC. 21. That when money standing to the credit of a disbursing officer, clerk, or agent shall be repaid into the Treasury as 'outstanding liabilities,' under the provisions of the act of May 2, 1866, it shall be covered and credited upon the books of the office in which the officer, clerk, or agent was charged when the advance was made to him; and the Register of the Treasury shall furnish to the Second, Third, Fourth, and Sixth Auditors a transcript of all amounts heretofore covered into the Treasury, as repayments of amounts standing to the credit of disbursing officers, clerks, or agents who are charged on their books, respectively; and hereafter each of said Auditors shall keep an 'outstanding liabilities' account for the repayments herein referred to on the books of their respective offices in the manner prescribed in the said act."

This section simply modifies a former provision of law passed at the instance of the Treasurer of the United States for the better settlement of his accounts. As it now stands, the law has created very great confusion, and materially increased the labor of the Department, without rendering the business as secure as it should be. The original law is entirely correct and proper; but one provision of it was based upon the theory that the system of business in the Treasury Department was uniform, simple, and harmonious. This is not the fact, because the several additions to the Department were each created upon an independent basis of its own, and were not made to harmonize with the original organization as drafted by the first Secretary of the Treasury. I anticipate a very great relief in every accounting office by the process here provided for, and at the same time a greater degree of security to the Government from unjust and improper claims on account of business which should have been closed years ago. There is nothing in this provision which authorizes the expenditure of money, nor is there in any provision of this act. The sole object, as before stated, has been to simplify the system of business in the Department, and to have the work done with the least labor, the greatest accuracy, and in the promptest manner.

"SEC. 22. That, in order to enable the Secretary of the Treasury to keep an accurate account of the several loans of the United States, there may be kept on the books of the Department an appropriation account, to be known as the 'premium and discount account,' which shall be charged with the discount and credited with the premium hereafter accruing on loans in conformity with law; and all loans which have heretofore been sold at a premium or discount may be credited or charged, as the case may require, with the amount thereof, and the amount thus credited or charged shall be carried to the account herein authorized: *Provided*, That the said Secretary may direct a separate account to be kept both of premium and discount on each loan, if in his judgment it is desirable so to do."

In an examination of the loan accounts of the Government, commenced shortly after the present Secretary of the Treasury came into office, it was discovered that but very few of the loan accounts, as published in the book known as the "Receipts and Expenditures," were entirely correct. The resultant error arising out of the differences in these accounts up to date is something over $116,000,000. The examination of them has been continued until the present time, and it will require at least three years' further examination to fully complete the investigation. During its progress it was found that the practice of covering into the Treasury, as a receipt from any given loan, only the amount actually received, had been uniform from the organization of the Treasury to the present time, so that whenever a loan was negotiated at a discount the account which showed its redemption and the account which showed the money derived from it were found to disagree by the amount of the discount. As there has been no discount account kept, the gross expenditures of the Government appear to have been over $116,000,000 more than the amount received.

To remedy this defect this section is submitted, and under its provisions it will be possible hereafter to make a correct statement of the public-debt accounts from the receipts and expenditures of the Government, from which this statement should undoubtedly be made.

"SEC. 23. That whenever Congress shall authorize the issue of bonds or other evidences of debt in satisfaction of any claim against the United States, or for which no money shall be received, it shall be the duty of the proper accounting officers of the Treasury to cause an account therefor to be settled in the usual manner, and the amount found due to be paid to the Treasurer of the United States, to be by him deposited in the general Treasury as a subscription on account of said bonds or other evidences of debt. And all cases of this character which have heretofore occurred may be examined and settled in such manner as to enable an exact statement of the public debt of the United States to be made from the warrant account of receipts and expenditures; and the monthly publication of the statement of the public debt of the United States shall be continued in such numbers as the Secretary of the Treasury may deem advisable."

The remarks upon the preceding section are also applicable to this, which is intended to remedy another very serious defect in the present system of accounting. A more complete statement of the necessity and desirability of these two sections will be found in Table I of the finance report of this year. The present monthly publication of the statement of the public debt has been found of such general value to all classes of the community that a provision requiring its permanent continuance should be placed upon the statute-books. It is now printed under the general authority of law which authorizes the Secretary of the Treasury to print such statements as he may deem of importance. Without a specific provision of law in relation to this subject, it is optional with the Secretary of the Treasury to discontinue this publication at any time.

"SEC. 24. That in all cases where money has been or shall be erroneously covered into the Treasury of the United States, the Secretary of the Treasury shall have authority, by warrant and deposit, to correct said erroneous entry, charging the amount to a general appropriation account, to be known as 'transfer of moneys erroneously covered.' But nothing herein contained shall be construed to authorize the payment from the Treasury of any moneys thus erroneously covered without specific authority of law."

It sometimes happens that in covering money into the Treasury it is credited to an erroneous source of revenue, and there is now no law authorizing any correction of these errors. An error once made must remain uncorrected. The object of this section is to enable the Secretary of the Treasury to correct such errors, and this authority is given under such restrictions as to confine it solely to the object to be attained. It is very important that this should be done in order that the accounts of the Government may be accurately kept.

"SEC. 25. That all proceeds of sales of old material, condemned stores, supplies, or other public property of any kind, after deducting the necessary expenses of sale, shall be deposited and covered into the Treasury as miscellaneous revenues derived from the 'proceeds of Government property,' and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law; and a detailed statement of all such proceeds of sales shall be included in the estimates. But this section shall not be held to repeal the existing authority of law in relation to marine hospitals, revenue-cutters, navy pension fund, prize-money, or the clothing fund of the Navy, nor to prohibit the return to the proper appropriation of the proceeds of authorized sales of materials, stores, or supplies to officers and men of the Army and Navy, to exploring or surveying expeditions, or to the Indian service. And it shall be the duty of the Register of the Treasury to furnish to the proper accounting officers copies of all warrants covering such proceeds, where the same may be necessary in the settlement of accounts in their respective offices."

Congress, at its last session, incorporated the original of this section in an appropriation act, and, immediately after it was approved, passed an act repealing a portion of its provisions. This section is drafted so as to combine the two provisions of the law as they now stand, and has been drawn with very great care. It has been found that in all of the Departments, as well as in the War Department, in whose interest the act of June 8 was passed, sales of condemned stores, &c., could not be made, because the law did not allow the expenses to be paid out of the proceeds, and there were no appropriations out of which they could be paid. The re-

sult is that large quantities of stores belonging to other Departments than the War have not been sold because of this inability of the various Departments to pay the necessary expenses of sale. There does not seem to be any good reason why the provision should not apply to all of the Departments, especially as this has been the uniform practice ever since the organization of the Government, and the strictest rules of accounting are always applied to these expenses. The reasons for excepting certain items from the provisions of this section are as follows: Marine hospitals are sustained by a tax of 40 cents per month upon the pay of every seaman in the United States. This tax is appropriated for the support of the marine-hospital establishment. The law authorizing the building of new revenue-cutters and the disposal of the worn-out and valueless vessels of this service was based upon the report of a commission appointed to consider the question of its improvement. It authorizes the use of the proceeds of those sold in the building of new and more suitable ones to take their place. This re-organization is nearly completed, and, when it shall have been, the law will expire by limitation. The Navy pension fund is one-half of the proceeds of captured vessels set apart as a fund the interest of which is applicable to the payment of Navy pensions and the support of naval beneficiaries. Congress each year appropriates for these purposes out of this interest. Prize-money is the other moiety of the proceeds of prize cases, which by law is distributable among the persons participating in the capture. The clothing fund of the Navy is a self-sustaining fund created many years since for the purpose of enabling the Navy Department to accommodate the sailors with uniforms and other articles of clothing, the cost of which is deducted from their pay, and the amount thus deducted is repaid to the fund, thus keeping it a permanent fund for the purposes for which it was instituted.

It would be manifestly improper to charge as expenses incurred under appropriations for the support of the Army or Navy the cost of materials, stores, or supplies sold to officers and men of the Army or Navy, or to exploring or surveying expeditions, or to the Indian service, since it would thus appear that the Department which furnished the supplies had expended more money for its service than it actually had expended, and, unless there is some provision of law authorizing the return to the proper appropriation of the cost of these supplies, it will be natural for the Executive Departments, whose appropriations are used for the purchase of them, to decline to furnish them at all. The present method of supplying expeditions and Indians with subsistence and other stores is one of great economy, as the Army purchases in large quantities, by which it obtains supplies at lower prices than can be had for purchases in smaller quantities. The last provision requiring the Register to furnish copies of the warrants covering these proceeds is necessary, because of the method of business in the Department.

"SEC. 26. That nothing in the preceding section shall be construed to authorize the retention and re-use of moneys derived from sales of public property of any kind whatever by disbursing officers or others, but all such moneys shall be immediately deposited to the credit of the Treasurer of the United States, on the proper account, without other abatement than the necessary expenses of sale: *Provided*, That in cases where officers in charge of public property are stationed at such remote distances from a legal depository for public moneys as to render the expense of depositing the proceeds of sales unusually large, the Secretary of the Treasury may, on the request of the head of the proper Department, and by a special order, authorize said officer to retain and re-use such proceeds of sales; but all such special orders shall continue in force only to the close of the fiscal year in which they are issued. And all officers thus authorized shall render to the proper Auditor at the close of each quarter a statement of all moneys thus received and retained, upon which statement he shall be charged and held accountable under such regulations as the Secretary of the Treasury may approve."

A careful examination of the accounts rendered to the auditing officers of the Government by some branches of the service discovers the fact that disbursing officers have been in the habit of retaining in their possession and re-using the proceeds of certain sales made by them. It was supposed that the provisions of the preceding section would put an end to this. It has been found, however, that that section does not accomplish this object, and therefore this section has been added. It may be that there are instances where it would be greatly to the advantage of the Government to allow this retention and re-use of moneys, but it should only be done under very stringent rules, which are here provided, and the section as drafted contains a statement of the circumstances under which the exception to the rule should be allowed.

"SEC. 27. That the Secretary of the Treasury shall in June of each year transmit to the head of each Department a statement of the balances of appropriations for the service of his Department, which shall appear by the books of the Register of the Treasury to be unexpended at the close of business on the last day of May.

"SEC. 28. That on receipt of said statement the head of the Department to whom it is sent shall cause to be certified thereon how much of each unexpended balance will be required to meet outstanding liabilities properly chargeable thereto, and how much thereof may be carried into the general Treasury; and said statement, thus certified, shall be returned to the Secretary of the Treasury within fifteen days after its receipt.

"SEC. 29. That upon the return of said statements the Secretary of the Treasury shall issue his warrants thereon, directing all amounts which it appears from them 'may be carried into the general Treasury' to be charged to the proper appropriations and credited to the general account of appropriations as surplus funds; and all amounts thus disposed of shall remain in the Treasury like other unappropriated money, and shall not be transferred, withdrawn, applied, or used, except in consequence of subsequent specific authority of law.

"SEC. 30. That all balances of appropriations which shall have remained on the books of the Treasury without being drawn against in the settlement of accounts for two years from the date of the last appropriation made by law shall be reported by the Secretary of the Treasury on the 1st day of June in each year to the accounting officers whose duty it is to settle accounts thereunder, and said accounting officers shall examine the records of their respective offices and certify to the Secretary whether said balances, or any part of either of them, will be required in the settlement of pending accounts. If it shall appear that such balances, or any part of either of them, will not be required for this purpose, the said Secretary may include in his warrants the amounts not so required, whether the head of the proper Department shall have certified that it 'may be carried into the general Treasury' or not. But no appropriation for the payment of the interest or principal of the public debt, or to which Congress may have given a longer duration by law, shall be thus treated. A statement of the amounts carried into the Treasury as surplus funds during the preceding fiscal year shall be included in the estimates.

"SEC. 31. That it shall not be lawful for any Department of the Government to expend for the service of any one fiscal year any sum in excess of appropriations made by Congress for that year, or to involve the Government in any contract for the future payment of money in excess of such appropriations. And it shall be the duty of the several officers of the Government having executive control of appropriations to provide for such supervision of the appropriations under their direction as shall secure the proper observance of the provisions of this section; and any person violating its provisions or the regulations thereunder shall be liable to a penalty of not more than $100 for each and every offense."

The original surplus-fund act was passed in the year 1789, and remained in force until 1853, when a new act was passed, under which all money not required for expenditure was carried off the books, until the passage of the act of July 12, 1870, which provided a new method of doing it. The experience of the last two years has demonstrated, to the satisfaction of every one anxious to see the accounts of the Government properly kept and intelligently stated, that there never has been in the history of legislation a more unwise, injudicious, or perplexing law upon the statute-books than the fifth section of the act of July 12, 1870, as it is now construed. At every session since it was passed Congress has appropriated moneys, with provisos exempting them from the operations of this provision. As a consequence, the statements of the expenditures, balances, &c., which are required by law to be submitted to Congress at the commencement of each session, have been made in such a manner as to be incomprehensible to any one but the person who makes them, or whose daily business it is to examine accounts under this law.

The provisions of the five sections here offered on this subject have been very carefully studied, with a view to express the provisions of the act of July 12, 1870, more explicitly, and to secure the object of Congress without such contradictory and confused provisions of law as render it possible to construe the statute to suit the end desired.

I would call particular attention to the provisions of section 31, which are, in my opinion, of the utmost importance in the form in which they are put. It accomplishes the object of the act alluded to in a more thorough manner, and at the same time will avoid attempts on the part of executive officers to secure special legislation with reference to some particular appropriation under their charge. It would take much time to state all the facts which I have regarding the pernicious effect of this fifth section of July 12, 1870, but I am sure, if half were told, Congress would repeal the law at once, even though a return to the old practice is the result. It encourages extravagance in every branch of the service; and I am confident that an impartial examination of the effects of it will show that it has cost the Government since its enactment an average of $500,000 per annum in expenditures that would not have been incurred but for its existence. The President has said that the surest way to secure the repeal of an obnoxious law is to strictly enforce it. He might have added, also, that the surest way to induce evasions of bad laws is to put them on the statute-books in such a crude form as to make it possible for an ingenious officer to nullify them simply by a strict adherence to the letter of their requirements.

"SEC. 32. That all annual salaries, compensation, pay, or commutation, to persons in the service of the United States, shall be computed and paid on the following basis: When payable quarterly, one-fourth of the annual sum; when payable monthly, one-twelfth of the annual sum; and when payment is to be made for a less period than one month, it shall be as nearly as practicable on the basis of a per diem compensation at the rate of one three hundred and sixty-fifth of the annual sum: *Provided*, That no variation in these rules shall be made on account of leap-year: *And provided further*, That the Secretary of the Treasury may direct that any quarterly salary be made payable monthly. And the said Secretary shall cause to be prepared and printed tables upon the foregoing basis, including per diem pay at various rates, which, when published, shall be the rule in all branches of the Government for the payment of per diem, monthly, quarterly, and annual salaries, compensation, pay, or commutation."

The present method of computing and paying salaries in the several Departments of the Government is not only very complex, but very diverse. The Army and Navy are now by law paid monthly, on the basis of this section, while all civil officers are paid either quarterly or monthly, and, when paid monthly, the payment is made upon a quarterly basis, which varies with the number of days contained in a quarter. It results that an officer receiving a salary of $1,800 a year will receive during the year, if paid monthly, not less than eight different compensations, namely: January, thirty-one days, $155; February, twenty-eight days, $140; April, thirty days, $148.30; May, thirty-one days, $153.40; July, thirty-one days, $151.60; September, thirty days, $146.80; and in leap-year, January, thirty-one days, $153.30; and February, twenty-nine days, $143.40. The object of this section is to provide a uniform, simple, and easy rule for the payment of all salaries, and everything in the nature of salaries. By it will be saved an immense amount of labor in the various accounting offices, and very great confusion in the minds of persons not acquainted with the complex method of computation now in use.

"SEC. 33. That whenever application shall be made to any Department of the Government for copies of papers, documents, or records on file therein, by any person other than a Government officer, agent, or employé, requiring the same for official use, said copies shall be furnished on payment of the following fees: Written copies, twenty-five cents per one hundred words; printed blanks, filled up, fifteen cents per page; photographic copies, the estimated cost of making them; certificates under seal, fifty cents each. And original papers shall only be removed from the files of one Department for use in some other Department, or by United States officers before the courts; and in the latter case photographic copies where it is practicable, and certified copies where it is not, shall be placed in the files in lieu and until the return of said originals. But copies, or originals, of any kind shall only be furnished when in the opinion of the head of the Department it is consistent with the public interests so to do; and the heads of the several Departments may make such rules as they shall think necessary not inconsistent herewith, under which said copies and originals will be furnished, and all moneys received from this source shall be covered into the Treasury as a miscellaneous revenue received from 'copies of papers and records.'"

There is now no law which authorizes the Secretary of the Treasury to charge for copies of papers which may be furnished to individuals requiring them for their own benefit. The consequence of this defect in the law is that the Treasury Department is compelled to constantly employ a large corps of clerks in making copies of papers on file in the Department for the use of private individuals, without any compensation whatever. This is manifestly wrong, and it is the object of this section to provide a rule by which such copies shall be paid for at about the cost to the Government of making them. It is estimated that it costs the Treasury Department at least $50,000 a year to make the copies required by individuals for their own use. If this provision should become a law, in all probability there will be fewer copies required, and parties asking for them will be more particular in designating exactly what they want.

"SEC. 34. That, except where otherwise provided, the Secretary of the Treasury may make all needful regulations for carrying this act into effect, and all such regulations not inconsistent with the provisions hereof, when approved and promulgated by the said Secretary, shall have the force and effect of law."

It is of the utmost importance that some particular person should be charged with the preparation and promulgation of regulations under all laws, whose duty it must be to see that every person affected by them is fully informed of their contents. The object of this section is to fix that duty upon the Secretary of the Treasury, in relation to whose business the most of the provisions of this act apply.

"SEC. 35. That this act shall be in effect from and after June 30, 1873, and may be referred to and quoted as the 'estimates act of 1873.'"

The amount of labor necessary to prepare the regulations under these laws is very considerable, and it will require about the time between the adjournment of Congress and the 30th of June next to get ready for and do this. Hence the provision as to the time when this act shall go into effect. A provision for a simple title by which the act shall be known is of manifest value to any person who has had to deal with frequent references to statutes.

"SEC. 36. That the following acts and parts of acts and resolutions and parts of resolutions are hereby repealed, but anything to be done to complete business already commenced may be continued to completion under the statutes hereby repealed. And the references to laws hereby repealed are to the same as contained in the edition of the Statutes at Large, published by Little, Brown & Co., under and by virtue of the resolution of March 3, 1845, and the continuation thereof:

"Act of March 3, 1795, chapter 45, volume 1, page 437, in part, namely, section 16.

"Act of March 3, 1809, chapter 28, volume 2, page 535, in part, namely, the proviso in section 1 in relation to transfers of appropriations.

"Act of March 3, 1817, chapter 90, volume 3, page 390.

"Act of May 1, 1820, chapter 52, volume 3, page 567, in part, namely, sections 1, 2, 3, 4, 5, 6, and 8.

"Act of July 2, 1836, chapter 268, volume 5, page 78, in part, namely, section 2.

"Act of April 6, 1838, chapter 54, volume 5, page 223, in part, namely, the proviso at the end of section 1.

"Act of August 26, 1842, chapter 202, volume 5, page 525, in part, namely, sections 14 and 23.

"Act of August 31, 1842, chapter 286, volume 5, page 581, in part, namely, section 11.

"Act of March 3, 1843, chapter 100, volume 5, page 645, in part, namely, section 2.

"Act of June 17, 1844, chapter 105, volume 5, page 693, in part namely, section 2.

"Resolution of January 7, 1846, number 2, volume 9, page 108.

"Act of March 3, 1847, chapter 48, volume 9, page 171, in part, namely, the paragraph on page 171 in relation to moneys derived from the sale of naval stores and the transfer of the clothing fund and appropriation of the Navy.

"Act of March 3, 1849, chapter 110, volume 9, page 398, in part, namely, section 3.

"Act of August 31, 1852, chapter 108, volume 10, page 98, in part, namely, section 10.

"Act of August 31, 1852, chapter 110, volume 10, page 107, in part, namely, section 2.

"Act of March 3, 1855, chapter 175, volume 10, page 670, in part, namely, section 8.

"Act of June 22, 1860, chapter 181, volume 12, page 81, in part, namely, the second proviso in the ninth paragraph, as follows: "That the estimates for expenditures for such purposes shall hereafter be given in detail."

"Act of May 18, 1865, chapter 85, volume 14, page 49, in part, namely, section 4.

"Act of July 12, 1870, chapter 251, volume 16, page 251, in part, namely, sections 5, 6, and 7.

"Act of May 8, 1872, chapter 140, volume 17, page 83, in part, namely, section 5.

"Act of June 8, 1872, chapter 348, volume 17, page 337."

This section repeals all laws so far as they have been found in relation to the subjects treated of in this act, and it follows the plan laid down by the code commission in the preparation of their work.

Annexed hereto will be found the text of the laws it is proposed to repeal by this bill.

I have the honor to be, very respectfully, your obedient servant,

J. H. SAVILLE,
Chief Clerk Treasury Department.

HON. GEO. S. BOUTWELL,
Secretary of the Treasury.

STATUTES TO BE REPEALED BY THE FOREGOING ACT.

Act of March 3, 1795, chapter 45 volume 1, page 437, in part, namely, section 16:

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"SEC. 16. That in regard to any sum which shall have remained unexpended upon any appropriation other than for the payment of interest on the funded debt; for the payment of interest upon and re-imbursement according to contract of any loan or loans made on account of the United States; for the purposes of the sinking fund; or for a purpose, in respect to which a longer duration is specially assigned by law, for more than two years after the expiration of the calendar year in which the act of appropriation shall have been passed, such appropriation shall be deemed to have ceased and been determined; and the sum so unexpended shall be carried to an account on the books of the Treasury, to be denominated 'the surplus fund.' But no appropriation shall be deemed to have so ceased and been determined until after the year 1795, unless it shall appear to the Secretary of the Treasury that the object thereof hath been fully satisfied, in which case it shall be lawful for him to cause to be carried the unexpended residue thereof to the said account of 'the surplus fund.'"

Act of March 3, 1809, chapter 28, volume 2, page 535, in part, namely, the proviso in section 1 in relation to transfer of appropriations:

"SEC. 1. * * * * * * * *

Provided, nevertheless, That during the recess of Congress the President of the United States may, and he is hereby, authorized on the application of the Secretary of the proper Department, and not otherwise, to direct, if in his opinion necessary for the public service, that a portion of the moneys appropriated for a particular branch of expenditure in that Department be applied to another branch of expenditure in the same Department, in which case a special account of the moneys thus transferred and of their application shall be laid before Congress during the first week of their next ensuing session."

Act of March 3, 1817, chapter 96, volume 3, page 390:

"SEC. 1. That nothing contained in the act of the 3d of March, 1809, entitled 'An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments,' shall be construed to authorize the President of the United States to direct any sum appropriated to fortifications, arsenals, armories, custom-houses, docks, navy-yards, or buildings of any sort, or to munitions of war, or to the pay of the Army or Navy, to be applied to any other object of public expenditure."

Act of May 1, 1820, chapter 52, volume 3, page 567, in part, namely, sections 1, 2, 3, 4, 5, 6, and 8:

"SEC. 1. That it shall be the duty of the Secretary of the Treasury to cause to be carried to the account of the surplus fund any moneys appropriated for the Department of War or of the Navy which may remain unexpended in the Treasury or in the hands of the Treasurer as agent for those Departments, whenever he shall be informed by the Secretaries of those Departments that the object for which the appropriation was made has been effected. And it shall be the duty of the Secretaries of War and Navy Departments to cause any balance of moneys drawn out of the Treasury which shall remain unexpended after the object for which the appropriation was made shall be effected, to be repaid to the Treasury of the United States, and such moneys, when so repaid, shall be carried to the surplus fund.

"SEC. 2. That it shall be the duty of the Secretaries of the War and Navy Departments to lay before Congress, on the 1st day of February of each year, a statement of the appropriations of the preceding year for their Departments respectively, showing the amount appropriated under each specific head of appropriation, the amount expended under each, and the balance remaining unexpended, either in the Treasury or in the Treasurer's hands as agent of the War or Navy Departments, on the 31st December preceding. And it shall be further the duty of the Secretaries aforesaid to estimate the probable demands which may remain on each appropriation, and the balance shall be deducted from the estimates of their Departments respectively for the service of the current year; and accounts shall also be annually rendered in manner and form as aforesaid, exhibiting the sums expended out of the estimates aforesaid, and the balance, if any, which may remain on hand, together with such information connected with the same as shall be deemed proper. And whenever any moneys appropriated to the Department of War or of the Navy shall remain unexpended in the hands of the Treasurer, as agent of either of those Departments, for more than two years after the expiration of the calendar year in which the act of appropriation shall have been passed or to which it refers, it shall be the duty of the Secretary of such Department to inform the Secretary of the Treasury of the fact, and the Secretary of the Treasury shall thereupon cause such moneys to be carried to the account of the surplus fund: *Provided,* That when an act making an appropriation shall assign a longer duration for the completion of its object, no transfer of any unexpended balance to the account of the surplus fund shall be made until the expiration of the time fixed in such act.

"SEC. 3. That in the settlement of the accounts of the War Department for services or supplies accruing prior to the 1st of July, 1815, the expenditures shall be charged to arrearages, and the balances of public money hereafter recovered out of advances made in the War Department for services or supplies prior to the date aforesaid shall be returned to the Treasury, and by the Secretary of the Treasury be carried to the surplus fund.

"SEC. 4. That nothing contained in the act of March 3, 1809, entitled 'An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments,' shall be so construed as to allow any appropriation whatever for the service of one year to be transferred to another branch of expenditure in a different year, nor shall any appropriations be deemed subject to be transferred, under the provisions of the above-mentioned act, after they shall have been placed in the hands of the Treasurer as agent of the War or Navy Departments.

"SEC. 5. That the above-mentioned act of the 3d of March, 1809, shall be, and the same is hereby, so amended that the President shall be authorized to direct a portion of the moneys appropriated for any one of the following branches of expenditure in the Military Department, namely: for the subsistence of the Army, for forage, for the Medical and Hospital Department, for the Quartermaster's Department; to be applied to any other of the above-mentioned branches of expenditure in the same Department. And that the President shall be also further authorized to direct a portion of the moneys appropriated for any of the following branches of expenditure in the Naval Department, namely, for provisions, for medicine and hospital stores, for repairs of vessels, for clothing, to be applied to any other of the above-mentioned branches of expenditure in the same Department; and that no transfers of appropriation from or to other branches of expenditure shall be hereafter made.

"SEC. 6. That no contract shall hereafter be made by the Secretary of State, or of the Treasury, or of the Department of War, or of the Navy, except under a law authorizing the same, or under an appropriation adequate to its fulfillment; and excepting also contracts for the subsistence and clothing of the Army or Navy, and contracts by the Quartermaster's Department, which may be made by the Secretaries of those Departments.

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"SEC. 8. That it shall be the duty of the Secretary of the Treasury to annex to the annual estimates of the appropriations required for the public service a statement of the appropriations for the service of the year which may have been made by former acts; and also a statement of the sums remaining in the Treasury, or in the hands of the Treasurer, as agent of the War and Navy Departments, from the appropriations of former years, estimating the amount of those sums which will not be required to defray expenses incurred in a previous year, and showing the whole amount which will be subject to the disposition of the executive government in the year to which the estimates apply."

Act of July 2, 1836, chapter 268, volume 5, page 78, in part, namely, section 2:

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"SEC. 2. That the President of the United States is hereby authorized, under the restrictions of the act of the 1st of May, 1820, to make transfers from one head of appropriations for fortifications to that of another for a like object, whenever, in his opinion, the public interest shall require it."

Act of April 6, 1838, chapter 54, volume 5, page 223, in part, namely, the proviso at the end of section 1:

"SEC. 1. * * * * * * *

Provided, That there shall exist in the President and in the Postmaster General the same power to transfer funds from one to another head of appropriation, between the appropriations above made for the service of the General Post-Office, as exists in the President and any other head of an Executive Department to transfer funds appropriated under one head to the service of another, in any other branch of the public service."

Act of August 26, 1842, chapter 202, volume 5, page 525, in part, namely, sections 14 and 23:

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"SEC. 14. That it shall be the duty of the several heads of Departments, in communicating estimates of expenditures and appropriations to Congress, and to any of the committees thereof, to specify, as nearly as may be convenient, the sources from which such estimates are derived, and the calculations upon which they are founded; and, in so doing, to discriminate between such estimates as are conjectural in their character and such as are framed upon actual information and application from disbursing officers; and, in communicating the several estimates, reference shall be given to the laws and treaties by which they are authorized, the dates thereof, and the volume, page, and section in which the necessary provisions are contained."

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"SEC. 23. That in case the sum appropriated for any object shall be found more than sufficient to meet the expense thereby contemplated, the surplus may be applied, under the direction of the head of the proper Department, to supply the deficiency of any other item in the same Department or Office: *Provided,* That the expenditure for newspapers and periodicals shall not exceed the amount specifically appropriated to that object by this act."

Act of August 31, 1842, chapter 286, volume 5, page 581, in part, namely, section 11:

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"SEC. 11. That all acts or parts of acts authorizing the President of the United States, or the Secretary of the proper Department, under his direction, to transfer any portion of the moneys appropriated for a particular branch of expenditure in that Department, to be applied to another branch of expenditure in the same Department, be, and are hereby, so far as relates to the Department of the Navy, repealed."

Act of March 3, 1843, chapter 100, volume 5, page 645, in part, namely, section 2:

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"SEC. 2. That in case the sum appropriated for any object of contingencies should be found more than sufficient to meet the expense thereby contemplated, the surplus may be applied under the direction of the head of the proper Department, to supply the deficiency of any other item in the same Department or Office: *Provided,* That the expenditure for newspapers and periodicals shall not exceed the amounts specifically appropriated to that object by this act, except in the State Department."

Act of June 16, 1844, chapter 105, volume 5, page 693, in part, namely, section 2:

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"SEC. 2. That whenever, hereafter, in submitting to Congress the annual estimates from the several Executive Departments of the Government, it shall be found that the usual items of such estimates vary materially in amount from the appropriation ordinarily asked for the object named, and especially from the appropriation granted for the same objects for the year next preceding, and whenever new items not theretofore usual shall be introduced into such estimates for any year, the estimates shall be accompanied by minute and full explanations from the head of the appropriate Department, of all such variations and new items, setting forth the reasons and grounds upon which the amounts are required, and the different items added; and whenever any such estimates, whether annual or special, shall ask an appropriation for any new specific expenditure, such as the construction of a fort, the erection of a custom-house, or other public building, or the construction of any other public work requiring a plan before the building or work can be properly completed, every such estimate shall be accompanied by a full plan and detailed estimates of the cost of the whole work; and all subsequent estimates for every such work shall give the original estimated cost, the aggregate amount theretofore appropriated for the same, and the amount actually expended thereupon, as well as the amount asked for the current year for which such estimate shall be made; and whenever any such subsequent estimate shall ask for an appropriation for any such work beyond the original estimate of the cost, the full reasons for the excess, and the extent of the anticipated excess, shall be also stated."

Resolution of January 7, 1846, number 2, volume 9, page 108:

"SEC. 1. That it shall be the duty of the Secretary of the Treasury to cause the estimates of appropriations which he is by law required to prepare and submit to Congress to be printed, and copies of the same to be delivered to the Clerk of the House of Representatives in time for distribution at the commencement of each session; and that the Clerk distribute the said estimates in the manner in which documents printed by Congress are directed to be distributed."

Act of March 3, 1847, chapter 48, volume 9, page 171, in part, namely, the paragraph on page 171, in relation to moneys derived from the sale of naval stores and the transfer of the clothing fund and appropriation of the Navy:

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"SEC. 1. That from and after the passage of this act all moneys derived from the sale of all stores and other articles belonging to the Navy shall revert to that appropriation from which such stores and other articles were originally purchased; and the Secretary of the Treasury is hereby authorized and directed to refund to the appropriation for 'clothing for the Navy' the proceeds of all sales of condemned Navy clothing which have been paid into the Treasury of the United States subsequent to the 1st day of August, 1844, as shall appear from the accounts of the Bureau of Provisions and Clothing and the Fourth Auditor of the Treasury; and it shall not be lawful hereafter to make transfers from the clothing fund, or the head of the appropriation for 'clothing for the Navy,' to any other head of appropriation, except in the adjustment of the accounts of disbursing officers, at the office of the Fourth Auditor of the Treasury."

Act of March 3, 1849, chapter 110, volume 9, page 398, in part, namely, section 3:

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"SEC. 3. That it shall be the duty of the Secretary of the Treasury to submit to Congress at the commencement of the next regular session estimates of appropriations which may be required to provide for the expenses of collecting the revenue from customs and also from the public lands for the second half of the next fiscal year, and separate estimates for the said purpose for the year ending the 30th June, 1850, and similar estimates from year to year thereafter."

Act of August 31, 1852, chapter 108, volume 10, page 98, in part, namely, section 10:

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"SEC. 10. That where any moneys shall have remained unexpended upon any appropriations by law, other than for the payment of interest on the funded debt or the payment of interest and re-imbursement according to contract of any loan or loans made on account of the United States, as likewise moneys appropriated for a purpose in respect to which a larger duration is specially assigned by law, for more than two years after the expiration of the fiscal year in which the act shall have been passed, all and any such appropriations shall be deemed to have ceased and been determined, and the moneys so unexpended shall be immediately thereafter carried, under the direction of the Secretary of the Treasury, to the account on the books of the Treasury denominated the 'surplus fund,' to remain like other unappropriated moneys in the Treasury, and it shall not be lawful for any cause or pretense whatsoever to transfer, withdraw, apply, or use for any purpose whatever any moneys carried as aforesaid to the surplus fund without further and specific appropriations by law."

Act of August 31, 1852, chapter 110, volume 10, page 107, in part, namely, section 2:

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"SEC. 2. That all acts or parts of acts authorizing the President of the United States or the Secretary of the proper Department, under his direction, to transfer any portion of the moneys appropriated for a particular branch of expenditure in that Department to be applied to another branch of expenditure in the same Department be, and are hereby, so far as relates to the Department of War, repealed; and no portions of the moneys appropriated by this act shall be applied to the payment of any expenses incurred prior to the 1st day of July, 1852. But nothing herein contained shall be so construed as to prevent the President from authorizing appropriations for the subsistence of the Army, for forage, for the Medical and Hospital Departments, and for the Quartermaster's Department, to be applied to any other of the above-mentioned branches of expenditure in the same Department, and appropriations made for a specific object for one fiscal year shall not be transferred to any other object after the expiration of that year."

Act of March 3, 1855, chapter 175, volume 10, page 670, in part, namely, section 8:

* * * * * * *

"SEC. 8. That the provisions contained in the second section of the act entitled 'An act making appropriations for the civil and diplomatic expenses of the Government,' approved the 17th day of June, 1844, be required to be carried into effect in all particulars, any act in conflict therewith being hereby repealed; and all estimates for the compensation of officers of the Government authorized by law to be employed shall be based upon the express provisions of law, and not upon the authority of executive distribution thereof; and the act and section authorizing the same, with the volume and page where such authority may be found, shall be cited in each and all estimates respectively."

Act of June 22, 1860, chapter 181, volume 12, page 81, in part, namely, the second proviso in the ninth paragraph, as follows: "That the estimates for expenditures for such purposes shall hereafter be given in detail."

"SEC. 1. * * * *And provided further*, That the estimates for expenditures for such purposes shall hereafter be given in detail."

Act of May 18, 1865, chapter 85, volume 14, page 49, in part, namely, section 4:

* * * * * * *

"SEC. 4. That the Postmaster-General be, and is hereby, required to report to the Secretary of the Treasury annually, prior to the 1st day of November of each year, his estimate of the money required for the service of the Post-Office Department for the ensuing fiscal year; which estimate shall be reported to Congress with the printed estimates of appropriations required by the joint resolution of the 7th of January, 1846."

Act of July 12, 1870, chapter 251, volume 16, page 251, in part, namely, sections 5, 6, and 7:

* * * * * * *

"SEC. 5. That all balances of appropriations contained in the annual appropriation bills and made specifically for the service of any fiscal year, and remaining unexpended at the expiration of such fiscal year, shall only be applied to the payment of expenses properly incurred during that year, or to the fulfillment of contracts properly made within that year; and such balances not needed for the said purposes shall be carried to the surplus fund: *Provided*, That this section shall not apply to appropriations known as permanent or indefinite appropriations.

"SEC. 6. That all balances of appropriations which shall have remained on the books of the Treasury, without being drawn against in the settlement of accounts for two years from the date of the last appropriation made by law, shall be reported by the Secretary of the Treasury to the Auditor of the Treasury whose duty it is to settle accounts thereunder, and the Auditor shall examine the books of his office, and certify to the Secretary whether such balances will be required in the settlement of any accounts pending in his office; and if it shall appear that such balances will not be required for this purpose, then the Secretary may include such balances in his warrant, whether the head of the proper Department shall have certified that it may be carried into the general Treasury or not. But no appropriation for the payment of the interest or principal of the public debt, or to which Congress may have given a longer duration of law, shall be thus treated.

"SEC. 7. That it shall not be lawful for any Department of the Government to expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year, or to involve the Government in any contract for the future payment of money in excess of such appropriations."

Act of May 8, 1872, chapter 140, volume 17, page 83, in part, namely, section 5:

* * * * * * *

"SEC. 5. That all proceeds of sales of old material, condemned stores, supplies, or other public property of any kind, shall hereafter be deposited and covered into the Treasury as miscellaneous receipts, on account of 'proceeds of Government property,' and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law; and a detailed statement of all such proceeds of sales shall be included in the appendix to the Book of Estimates. But this section shall not be held to repeal the existing authority of law in relation to marine hospitals, revenue-cutters, the clothing fund of the Navy, or the sale of commissary stores to the officers of the Army. And it shall be the duty of the Register of the Treasury to furnish to the proper accounting officers copies of all warrants covering such proceeds, where the same may be necessary in the settlement of accounts in their respective offices."

Act of June 8, 1872, chapter 348, volume 17, page 337:

"SEC. 1. That the fifth section of the act approved May 8, 1872, making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1873, shall not be held to apply to materials, stores, or supplies sold to officers and soldiers of the Army or to exploring or surveying expeditions authorized by law, and that said section shall not be held to repeal such part of paragraph 1032, Revised Army Regulations of 1863, as provides that expenses of sales of military stores or supplies regularly condemned will be paid from their proceeds."

A bill to revise, consolidate, and amend the statutes in relation to estimates of appropriations and public accounts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

SECTION 1. That all estimates and communications asking for appropriations for any branch of the Government shall be submitted to Congress through the Secretary of the Treasury.

SEC. 2. That the said Secretary shall cause to be prepared blank forms for estimates, so arranged as to exhibit in a uniform, simple, and comprehensive manner the general object for which the appropriation is asked, the specific objects of expenditure in detail, the total amount required under each general head, the date of the act or resolution authorizing or of the treaty stipulating for the expenditure, with references to the volume, page, and section or article of the statutes where the same may be found, and the amount appropriated for the preceding year: *Provided*, That where an item of expenditure is only authorized by reason of an appropriation having been previously made therefor, in lieu of the date thereof the word "appropriated" shall be inserted.

SEC. 3. That the said Secretary shall furnish, by the 1st of September in each year, copies of such blank forms for estimates to the various Departments, Offices, or Bureaus authorized or required to make estimates for appropriations, accompanying the same with such instructions as to the manner in which they should be made as he may deem proper; and the said blanks shall be filled up in accordance with said instructions and returned to him by the 1st day of October following, and may be accompanied by such statements, exhibts, or other information, in addition to that required by this act, as may be deemed useful to the proper understanding of the same.

SEC. 4. That on the return of said estimates the Secretary shall have them classified, arranged, and published in quarto form; and there shall be printed and bound, in addition to the usual number for the use of Congress, not more than five hundred copies for the use of the Executive Departments, to be distributed by said Secretary; and the copies for the use of Congress shall be delivered to the Clerk of the House of Representatives in time for distribution at the commencement of each session.

SEC. 5. That whenever an estimate shall be submitted for any specific expenditure for a light-house, custom-house, post-office, fort, river, harbor, or other public work or improvement, every such estimate shall be accompanied by a detailed estimate of the whole cost of the work; and all subsequent estimates for any such work shall show the originally estimated cost and the whole amount previously appropriated. And where a subsequent estimate shall ask for an appropriation beyond the originally estimated cost, the reason for the excess and the anticipated amount thereof shall be fully stated.

SEC. 6. That whenever the estimates for salaries, contingent or current and ordinary expenses exceed the amounts appropriated for the preceding fiscal year, either in the details or the aggregate, they shall be accompanied by concise notes, pointing out and explaining the differences.

SEC. 7. That estimates for contingent, incidental, or miscellaneous expenses shall in no case include salaries or compensation of any kind whatever; but where the number of permanent employés specifically authorized by law shall prove inadequate, such additional number as may be required shall be estimated for in the general estimate for salaries of the Department or office requiring the additional number, and all such estimates shall be indicated by inserting the word "submitted" in lieu of the date of the authorizing act hereinbefore required to be given.

SEC. 8. That all estimates for increase of salaries shall be indicated in the manner prescribed in the preceding section for additional employés, whether the increase is over the amount authorized by law or the amount fixed in the last appropriation act; and every such estimate shall be accompanied by a brief statement of the reasons for said increase.

SEC. 9. That the Secretary shall include in said estimates a statement of all permanent appropriations, both specific and indefinite, made by acts passed at any former session of Congress and remaining in force, with a proper reference to the volume of the statutes containing the same; and if it is believed any expenditures will be made under the same during the year for which the estimates are intended, there shall be given the same details, information, and references as are required in the case of other estimates.

SEC 10. That the said Secretary shall add to the estimates a classified statement showing the expenditures by appropriations for the four preceding fiscal years. He shall also add a classified statement showing the unexpended balance of each appropriation at the commencement of the fiscal year in which the estimates are made, the amounts appropriated for that year, the repayments in excess of expenditures during the first quarter, the gross amounts available for expenditure, the amounts expended during the first quarter, the estimated amounts required for the remaining three quarters, and the amounts which may be carried into the general Treasury.

SEC. 11. That the Secretary shall designate the title by which all appropriations shall be known, and such title so designated shall be the title under which estimates and expenditures shall thereafter be made. All specific appropriations for any building, fort, light-house, or other public work or improvement, whether for the original construction or for alterations, improvements, repairs, or grounds, shall be estimated for and expended under a general head applicable to the whole work; and there shall be but one appropriation account kept for each general object or particular building, fort, light-house, or other public work or improvement; and for the information of those concerned the Secretary may cause to be compiled and printed the appropriations made by law in such form as he may deem best.

SEC. 12. That in case any appropriation shall be made by Congress without having been submitted in the estimates of the said Secretary, no money shall be drawn from the Treasury thereon until a certified copy of the act making the appropriation shall have been sent to him and he shall have indorsed thereon the title by

which the said appropriations shall be known; and all titles of appropriations shall convey a clear and concise idea of the general object for which the appropriations were made, and any further estimates for the same general object shall be submitted and the appropriation expended under the title thus established.

SEC. 13. That whenever Congress shall pass any relief act or resolution, payment under which is directed to be made out of any money in the Treasury not otherwise appropriated, payment shall be made out of general indefinite appropriations upon the books relating to the accounts of the Department properly chargeable with the expenditure, for "payments under relief acts;" and a detailed statement of the payments under these accounts for the preceding fiscal year, with references to the acts and resolutions, by date, volume, page, and chapter or number, shall be printed in the estimates.

SEC. 14. That all acts of Congress directing the head of any Department or any commissioner or board to examine and settle, or pay, any account or claim against the United States, shall be construed to require the same to be done through the proper accounting officers, the same in all respects as if the said accounting officers were mentioned in the act, and payment shall be made in such manner as to charge the amount against the Department, and out of the revenues, properly chargeable with the expenditure.

SEC. 15. That all judgments of the Court of Claims shall be paid from the regular appropriation for the payment of judgments of said court, through the proper accounting officers, in such manner as to charge the amount against the Department properly chargeable with the expenditure.

SEC. 16. That where statements, exhibits, explanations, or other information accompanying estimates, are more elaborate than would be convenient for insertion in their proper place in the body of the work, they may be revised, condensed, printed in the appendix with proper references thereto, or transmitted to Congress in manuscript, as the Secretary of the Treasury may deem best. And where, in the opinion of the Secretary, an estimate is not sufficiently explicit, or does not comply with law or the regulations thereunder, he may return the same for such corrections or alterations as may be necessary.

SEC. 17. That whenever, in the settlement of the account of any disbursing officer, clerk, or agent, it is found that he has drawn money from one appropriation and disbursed it on account of expenses properly chargeable to another, the accounting officers shall credit and charge the amount in the account of said officer, clerk, or agent under the correct appropriations, and transfer the same to a general account with the proper Department, to be known as the "transfer account," which latter account shall be closed monthly by warrant and counter-warrant, so far as the same can be done under existing and available appropriations. Said transfer, when practicable, shall include all vouchers presented, whether they are allowed or suspended, and shall be made in such manner as to debit the officer, clerk, or agent under the appropriations out of which the vouchers, when perfected, may be allowed. A statement of the unclosed balances in said transfer accounts, at the close of each fiscal year, shall be printed in the estimates.

SEC. 18. That nothing in the preceding section shall be construed to authorize any transfer of appropriations, or the advance of money from one general object of appropriation for disbursement on account of expenses properly chargeable to another, and all such transfers and advances are hereby prohibited: *Provided*, That the Secretary of the Navy may make advances to paymasters on foreign stations, or on a cruise, from the appropriations for "pay of the Navy," to be used for general disbursements on account of expenses; but in every such case the paymaster shall make monthly returns of his disbursements out of the money thus advanced to the Fourth Auditor, in such form as said Auditor shall prescribe, showing the proper appropriations to which the same should be charged; and upon such returns the Auditor shall make the transfer provided for in the preceding section.

SEC. 19. That it shall be the duty of the Treasurer of the United States, whenever he shall forward or deliver any draft or warrant in favor of any disbursing officer, clerk, or agent, who is to be charged and held accountable for the money authorized to be drawn thereby, to send with said draft or warrant, or to the officer, clerk, or agent who is to be charged and held accountable for the money, a printed or written letter setting forth the appropriations from which the money is advanced and the amount from each. Said letter shall also contain the last preceding and this section of this act, and any person violating any of the provisions of these two sections shall be liable to a penalty of not more than $100 for each and every offense.

SEC. 20. That, for the purpose of settling the accounts of the Treasurer of the United States, there shall be an appropriation account on the proper books of the Treasury Department, to be known as the "unavailable balances" account, from and to which all unavailable balances, except of lapsed appropriations, shall be transferred by warrants, based upon the proper settlement of the First Auditor, confirmed by the First Comptroller. And all such transfers heretofore made, other than by warrants, including the amounts deposited with the States, shall be examined, stated, and transferred as herein directed. But all such transfers shall be made in such a manner as to debit the person or State properly chargeable therewith upon the personal-account books of the Department.

SEC. 21. That when money standing to the credit of a disbursing officer, clerk, or agent shall be repaid into the Treasury as "outstanding liabilities," under the provisions of the act of May 2, 1866, it shall be covered and credited upon the books of the office in which the officer, clerk, or agent was charged when the advance was made to him; and the Register of the Treasury shall furnish to the Second, Third, Fourth, and Sixth Auditors a transcript of all amounts heretofore covered into the Treasury as repayments of amounts standing to the credit of disbursing officers, clerks, or agents who are charged on their books, respectively; and hereafter each of said Auditors shall keep an "outstanding liabilities" account for the repayments herein referred to on the books of their respective offices in the manner prescribed in the said act.

SEC. 22. That in order to enable the Secretary of the Treasury to keep an accurate account of the several loans of the United States, there may be kept on the books of the Department an appropriation account, to be known as the "premium and discount account," which shall be charged with the discount and credited with the premium hereafter accruing on loans in conformity with law; and all loans which have heretofore been sold at a premium or discount may be credited or charged, as the case may require, with the amount thereof, and the amount thus credited or charged shall be carried to the account herein authorized: *Provided*, That the said Secretary may direct a separate account to be kept both of premium and discount on each loan, if in his judgment it is desirable so to do.

SEC. 23. That whenever Congress shall authorize the issue of bonds, or other evidences of debt, in satisfaction of any claim against the United States, or for which no money shall be received, it shall be the duty of the proper accounting officers of the Treasury to cause an account therefor to be settled in the usual manner, and the amount found due to be paid to the Treasurer of the United States, to be by him deposited in the general Treasury as a subscription on account of said bonds or other evidences of debt. And all cases of this character which have heretofore occurred may be examined and settled in such manner as to enable an exact statement of the public debt of the United States to be made from the warrant account of receipts and expenditures; and the monthly publication of the statement of the public debt of the United States shall be continued in such numbers as the Secretary of the Treasury may deem advisable.

SEC. 24. That in all cases where money has been or shall be erroneously covered into the Treasury of the United States, the Secretary of the Treasury shall have authority, by warrant and deposit, to correct said erroneous entry, charging the amount to a general appropriation account, to be known as "transfer of moneys erroneously covered." But nothing herein contained shall be construed to authorize the payment from the Treasury of any moneys thus erroneously covered without specific authority of law.

SEC. 25. That all proceeds of sales of old material, condemned stores, supplies, or other public property of any kind, after deducting the necessary expenses of sale, shall be deposited and covered into the Treasury as miscellaneous revenues derived from the "proceeds of Government property," and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law; and a detailed statement of all such proceeds of sales shall be included in the estimates. But this section shall not be held to repeal the existing authority of law in relation to marine hospitals, revenue-cutters, Navy pension fund, prize-money, or the clothing fund of the Navy, nor to prohibit the return to the proper appropriation of the proceeds of authorized sales of materials, stores, or supplies to officers and men of the Army and Navy, to exploring or surveying expeditions, or to the Indian service. And it shall be the duty of the Register of the Treasury to furnish to the proper accounting officers copies of all warrants covering such proceeds, where the same may be necessary in the settlement of accounts in their respective offices.

SEC. 26. That nothing in the preceding section shall be construed to authorize the retention and re-use of moneys derived from sales of public property of any kind whatever, by disbursing officers or others, but all such moneys shall be immediately deposited to the credit of the Treasurer of the United States, on the proper account, without other abatement than the necessary expenses of sale: *Provided*, That in cases where officers in charge of public property are stationed at such remote distances from a legal depository for public moneys as to render the expense of depositing the proceeds of sales unusually large, the Secretary of the Treasury may, on the request of the head of the proper Department, and by a special order, authorize said officer to retain and re-use such proceeds of sales, but all such special orders shall continue in force only to the close of the fiscal year in which they are issued. And all officers thus authorized shall render to the proper Auditor, at the close of each quarter, a statement of all moneys thus received and retained, upon which statement he shall be charged and held accountable under such regulations as the Secretary of the Treasury may approve.

SEC. 27. That the Secretary of the Treasury shall in June of each year transmit to the head of each Department a statement of the balances of appropriations for the service of his Department, which shall appear by the books of the Register of the Treasury to be unexpended at the close of business on the last day of May.

SEC. 28. That on receipt of said statement the head of the Department to whom it is sent shall cause to be certified thereon how much of each unexpended balance will be required to meet outstanding liabilities properly chargeable thereto, and how much thereof may be carried into the general Treasury; and said statement, thus certified, shall be returned to the Secretary of the Treasury within fifteen days after its receipt.

SEC. 29. That upon the return of said statements the Secretary of the Treasury shall issue his warrants thereon, directing all amounts which it appears from them "may be carried into the general Treasury," to be charged to the proper appropriations, and credited to the general account of appropriations as surplus funds; and all amounts thus disposed of shall remain in the Treasury like other unappropriated money, and shall not be transferred, withdrawn, applied, or used except in consequence of subsequent specific authority of law.

SEC. 30. That all balances of appropriations which shall have remained on the books of the Treasury without being drawn against in the settlement of accounts for two years from the date of the last appropriation made by law, shall be reported by the Secretary of the Treasury on the 1st day of June in each year, to the accounting officers whose duty it is to settle accounts thereunder, and said accounting officers shall examine the records of their respective offices, and certify to the Secretary whether said balances, or any part of either of them, will be required in the settlement of pending accounts. If it shall appear that such balances, or any part of either of them, will not be required for this purpose, the said Secretary may include in his warrants the amounts not so required, whether the head of the proper Department shall have certified that it "may be carried into the general treasury" or not. But no appropriation for the payment of the interest or principal of the public debt, or to which Congress may have given a longer duration by law, shall be thus treated. A statement of the amounts carried into the Treasury as surplus funds during the preceding fiscal year shall be included in the estimates.

"SEC. 31. That it shall not be lawful for any department of the Government to expend for the service of any one fiscal year any sum in excess of appropriations made by Congress for that year, or to involve the Government in any contract for the future payment of money in excess of such appropriations. And it shall be the duty of the several officers of the Government having executive control of appropriations, to provide for such supervision of the appropriations under their direction as shall secure the proper observance of the provisions of this section; and any person violating its provisions, or the regulations thereunder, shall be liable to a penalty of not more than $100 for each and every offense.

SEC. 32. That all annual salaries, compensation, pay, or commutation, to persons in the service of the United States, shall be computed and paid on the following basis: When payable quarterly, one-fourth of the annual sum; when payable monthly, one-twelfth of the annual sum; and when payment is to be made for a less period than one month it shall be, as nearly as practicable, on the basis of a per diem compensation at the rate of one three hundred and sixty-fifth of the annual sum: *Provided*, That no variation in these rules shall be made on account of leap-year: *And provided further*, That the Secretary of the Treasury may direct that any quarterly salary be made payable monthly. And the said Secretary shall cause to be prepared and printed tables upon the foregoing basis, including per diem pay at various rates, which, when published, shall be the rule in all branches of the Government, for the payment of per diem, monthly, quarterly, and annual salaries, compensation, pay, or commutation.

SEC. 33. That whenever application shall be made to any Department of the Government for copies of papers, documents, or records, on file therein, by any person other than a Government officer, agent, or employé, requiring the same for official use, said copies shall be furnished on payment of the following fees: Written copies, twenty-five cents per one hundred words; printed blanks, filled up, fifteen cents per page; photographic copies, the estimated cost of making them; certificates under seal, fifty cents each. And original papers shall only be removed from the files of one Department for use in some other Department, or by United States officers before the courts; and in the latter case photographic copies where it is practicable, and certified copies where it is not, shall be placed in the files in lieu and until the return of said originals. But copies, or originals, of any kind shall only be furnished when in the opinion of the head of the Department it is consistent with the public interests so to do; and the heads of the several Departments may make such rules as they shall think necessary not inconsistent herewith, under which said copies and originals will be furnished, and all moneys received from this source shall be covered into the Treasury as a miscellaneous revenue received from "copies of papers and records."

SEC. 34. That, except where otherwise provided, the Secretary of the Treasury may make all needful regulations for carrying this act into effect, and all such regulations not inconsistent with the provisions hereof, when approved and promulgated by the said Secretary, shall have the force and effect of law.

SEC. 35. That this act shall be in effect from and after June 30, 1873, and may be referred to and quoted as the "estimates act of 1873."

SEC. 36. That the following acts and parts of acts and resolutions and parts of resolutions are hereby repealed, but anything to be done to complete business already commenced may be continued to completion under the statutes hereby repealed. And the references to laws hereby repealed are to the same as contained

in the edition of the Statutes at Large, published by Little, Brown & Co., under and by virtue of the resolution of March 3, 1845, and the continuation thereof:

Act of March 3, 1795, chapter 45, volume 1, page 437, in part, namely, section 16.

Act of March 3, 1809, chapter 28, volume 2, page 535, in part, namely, the proviso in section 1 in relation to transfers of appropriations.

Act of March 3, 1817, chapter 96, volume 3, page 390.

Act of May 1, 1820, chapter 52, volume 3, page 567, in part, namely, sections 1, 2, 3, 4, 5, 6, and 8.

Act of July 2, 1836, chapter 268, volume 5, page 78, in part, namely, section 2.

Act of April, 6, 1838, chapter 54, volume 5, page 223, in part, namely, the proviso at the end of section 1.

Act of August 26, 1842, chapter 202, volume 5, page 525, in part, namely, sections 14 and 23.

Act of August 31, 1842, chapter 226, volume 5, page 581, in part, namely, section 11.

Act of March 3, 1843, chapter 100, volume 5, page 645, in part, namely, section 2.

Act of June 17, 1844, chapter 105, volume 5, page 693, in part, namely, section 2.

Resolution of January 7, 1846, No. 2, volume 9, page 108.

Act of March 3, 1847, chapter 48, volume 9, page 171, in part, namely, the paragraph on page 171 in relation to moneys derived from the sale of naval stores and the transfer of the clothing fund and appropriation of the Navy.

Act of March 3, 1849, chapter 110, volume 9, page 398, in part, namely, section 3.

Act of August 31, 1852, chapter 108, volume 10, page 98, in part, namely, section 10.

Act of August 31, 1852, chapter 110, volume 10, page 107, in part, namely, section 2.

Act of March 3, 1855, chapter 175, volume 10, page 670, in part, namely, section 8.

Act of June 22, 1860, chapter 181, volume 12, page 81, in part, namely, the second proviso in the ninth paragraph, as follows: "That the estimates for expenditures for such purposes shall hereafter be given in detail."

Act of May 18, 1865, chapter 85, volume 14, page 49, in part, namely, section 4.

Act of July 12, 1870, chapter 251, volume 16, page 251, in part, namely, sections 5, 6, and 7.

Act of May 8, 1872, chapter 140, volume 17, page 83, in part, namely, section 5.

Act of June 8, 1872, chapter 348, volume 17, page 337.

DISPOSITION OF PUBLIC LANDS.

Mr. CLAYTON. I desire to give notice to the Senate that on Tuesday next, if the business before the Senate will permit, and if not, as soon thereafter as it may, I shall ask the Senate to take up Senate bill No. 2, to repeal section 2303 of the Revised Statutes of the United States making restrictions in the disposition of the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida. If it be the pleasure of the Senate at that time, I will submit a few remarks upon the bill.

BILLS INTRODUCED.

Mr. STEVENSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 352) to amend an act granting a pension to Sarah S. Cooper; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. PATTERSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 353) for the relief of William Talbert; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 354) for the relief of Moore N. Falls; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 355) for the relief of James Millinger, of New Jersey; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 356) to amend the act entitled "An act making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1872, and for former years, and for other purposes," approved May 18, 1872; which was read twice by its title, referred to the Committee on Appropriations, and ordered to be printed.

Mr. DORSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 357) to establish certain post-roads in Arkansas; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to beprinted.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. MERRIMON, it was

Ordered, That the petition and papers in the case of James Roberts and others be taken from the files of the Senate and referred to the Committee on Revolutionary Claims.

On motion of Mr. DAVIS, it was

Ordered, That the petition and papers in the case of James V. Baughner be taken from the files of the Senate and referred to the Committee on Military Affairs.

On motion of Mr. DAVIS, it was

Ordered, That John S. Hall, claimant for a pension, have leave to withdraw his papers from the files of the Senate.

On motion of Mr. COOPER, it was

Ordered, That the petition and papers in the case of Arent B. Sorenson be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. COOPER, it was

Ordered, That the executors of Thomas Hard have leave to withdraw their petition and papers from the files of the Senate.

On motion of Mr. INGALLS, it was

Ordered, That the petition and papers in the case of Lawrence P. N. Landrum be taken from the files of the Senate and referred to the Committee on Pensions.

PACIFIC RAILROAD COMPANIES.

Mr. SARGENT submitted the following resolution; which was considered by unanimous consent, and agreed to:

Whereas it is provided by section 3 of an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, that all lands granted by said act "which shall not be sold or disposed of by said company within three years after the entire road shall have been completed shall be subject to settlement and pre-emption, like other lands, at a price not exceeding $1.25 per acre, to be paid to said company:"

Resolved, That the Committee on Public Lands inquire at what date said road was completed; if the time fixed in said section has commenced to run, and at what time, and if it has expired; if any action has been taken under said provision of law if the time has expired, and what further legislation, if any, is necessary to carry said law into effect; and that they report by bill or otherwise.

DISTRICT 3.65 BONDS.

Mr. MORRILL, of Maine. I move that the Senate proceed to the consideration of the joint resolution (H. R. No. 52) directing the commissioners of the District of Columbia to pay the interest on the bonds issued in pursuance of the act of Congress approved June 20, 1874, out of any funds in the United States Treasury subject to the requisition of said commissioners, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The Committee on Appropriations reported the joint resolution with an amendment to strike out the provisos in the following words:

Provided, That any further issue of 3.65 bonds is hereby prohibited: *And provided further*, That nothing in this resolution contained shall involve the Government of the United States in any obligation to pay principal or interest of any such bonds which have been issued contrary to or not in pursuance of law.

The amendment was agreed to.

Mr. MORRILL, of Maine. Mr. President, the resolution ought not to pass without my making some statement in regard to it. It is to cover the semi-annual interest upon the 3.65 bonds issued under the act of June 30, 1874, by which act the Government of the United States became pledged to take care that provision was made for the payment of the interest as it fell due, and ultimately for the payment of the principal of the bonds.

The condition of things is precisely this: At the last session of Congress a direct appropriation out of the Treasury was made for the first six months' interest on these bonds. That has been paid; but the six months' interest which falls due on the first day of next month has not been provided for. When the appropriation was made last year, it was thought that Congress would convene in time to consider this question, and so but six months' interest was provided for. Now the question is on appropriating for the six months' interest just about to fall due.

Well, sir, it has been asked why do not the commissioners pay this themselves. The answer on the part of the commissioners is that, though Congress made an appropriation for the general expenses of the District government last year amounting to something less than a million of dollars, they directed the commissioners that that should be applied to the current expenses of the government; and though the commissioners have funds enough in their hands, which are not now demanded, for the payment of this interest, yet they do not feel themselves authorized to appropriate them to this specific purpose. So that it has become necessary either to make an appropriation directly out of the Treasury of the United States for the payment of this interest or to authorize or direct the commissioners to pay it out of the funds in their hands for current expenses.

It will be seen by the joint resolution that it comes to us in the shape of a direction to the commissioners to pay it out of the funds in their hands either arising from the appropriation made by Congress at the last session or arising from the revenues of the District, taxation, &c.; and that is the precise proposition now before the Senate. It will be seen, if attention is given to the subject, that the Committee on Appropriations on the part of the Senate have proposed an amendment, and I will ask the Clerk to read the amendment, that I may call the attention of the Senate to it.

The PRESIDENT *pro tempore*. The Secretary will read the amendment.

The CHIEF CLERK. The reported amendment was to strike out the following provisos:

Provided, That any further issue of 3.65 bonds is hereby prohibited: *And provided further*, That nothing in this resolution contained shall involve the Government of the United States in any obligation to pay principal or interest of any of such bonds which have been issued contrary to or not in pursuance of law.

Mr. MORRILL, of Maine. The Senate has already acted upon that amendment; but still, as I made no explanation of it at the time, I think the Senate ought to act upon the final passage of the joint resolution with a knowledge of the whole facts.

This joint resolution is simply directing the payment of this interest out of any funds in the hands of the commissioners. It did not occur to the committee that it was not worth while to embarrass the joint resolution by any extrinsic statement—any statement not properly involved in that act itself. It will be seen, if you look at the resolution, that two things are proposed by the amendment. First:

Provided, That any further issue of 3.65 bonds is hereby prohibited.

The first suggestion in regard to that is that it is utterly incompatible with the obligation of the Government. By the acts of 1874 and 1875 a board of audit was created to audit the liabilities of the District created by the board of public works. That was a board created by Congress. That was their duty, and in the performance of that duty they have made an audit, and upon that audit they were to issue certificates, and upon the issue of those certificates they were to be carried into bonds. The board of audit was of our own choosing.

It was composed of the First and Second Comptrollers of the Treasury. They went on and audited the claims. The sum total of that audit as already carried into bonds is $13,412,500. They have audited further and carried into certificates which are convertible into bonds $914,540.05.

Mr. MORTON. Are all the accounts already filed and audited?

Mr. MORRILL, of Maine. They are not all audited. Now it will be seen that if that proviso is retained "that any further issue of 3.65 bonds is hereby prohibited," these accounts which have been carried into certificates, and now only wait the action of the commissioners to carry them into bonds, will be entirely suspended. It seems to me, and it seemed to the committee unanimously, that that was incompatible and inconsistent with the obligations of the Government, and does not necessarily arise on this question.

The next proposition is:

And provided further, That nothing in this resolution contained shall involve the Government of the United States in any obligation to pay principal or interest of any such bonds which have been issued contrary to or not in pursuance of law.

The committee recommend the striking out of that on two groun ds First, it would seem to carry an implication with it that that thing has been done. The committee have no knowledge or belief that it has been, and, as it is not germane to this proposition, there did not seem to be any fitness in it. At any rate it was not a subject before us for investigation, and, without having any evidence before us on that subject, it did not seem to us that it was a proper thing to do.

Now, Mr. President, I am inquired of whether this statement of $13,412,500 carried into bonds, and $914,540.05 of certificates, covers the entire indebtedness that has been audited or whether the entire indebtedness has been audited. That does cover the entire audit of the board of audit, as I understand, and as certified to me in the paper I have in my hand.

Mr. DAWES. I would like to inquire of the Senator from Maine, if this amendment prevails, striking out the limitation, what he understands will be the limitation upon the power of these commissioners to issue 3.65 bonds?

Mr. MORRILL, of Maine. It will be precisely commensurate with their authority, which is unlimited I understand.

Mr. DAWES. Very likely it will be so commensurate; but that does not answer my question. I inquired of the Senator what he understood to be the limit of their authority.

Mr. MORRILL, of Maine. Their authority is unlimited, and can only be limited by the extent of the subject-matter to be presented by them.

Mr. DAWES. If the Senator will allow me——

Mr. MORRILL, of Maine. Certainly; with great pleasure.

Mr. DAWES. Am I to understand the Senator that the commissioners of the District of Columbia have unlimited power to issue 3.65 bonds, which I see in the papers are generally construed to be not only bonds the interest of which is guaranteed by the Government, but are to all intents and purposes United States bonds, for which the United States is responsible? Am I to understand the Senator from Maine to say that the power of these commissioners to make such a bond is unlimited, if we adopt this amendment?

Mr. MORRILL, of Maine. Not quite. The Senator does not state me quite accurately. I say that their power is unlimited except as to its application to the particular subject. It is limited to this extent: they have authority to audit all the claims that arise under contracts made by the former board of public works. In that sense it is limited; it is limited to that; but upon all that class of contracts it is unlimited——

Mr. DAWES. Has the progress of the work or function of this commission extended so far as to enable the Senator to answer this question: About what amount, if that be the case, is it in their power to issue?

Mr. MORRILL, of Maine. I was just proceeding, if the honorable Senator had not interrupted me, of which I do not complain, to state what I suppose will be the probable limit. I have already stated what has been audited. Now what remains? The board of audit reported yesterday the ascertained amount of certificates to be issued for claims audited but not certified to be $156,851.05. Also, they report an estimate of unaudited claims falling under that general specification, $203,750.99, and amount due on contracts withheld for test of work, $150,000, making in all $510,602.04. This will complete all unfinished contracts of the board of public works held by the commission to be valid. What will be the result if there be no limitation? And the proviso, it will be seen, is not a limitation on their power; it is only, as the committee supposed, raising a suspicion that there had been some indiscreet or corrupt exercise of power; and the question to which the Senator from Massachusetts adverts, and to which I am now speaking, of the limitation of power, may properly come in; I do not say as to that; but this computation of figures leaves this result: Including the audited certificates awaiting to be carried into bonds, together with the estimates of probable claims to be audited and carried into certificates, the whole sum will be this: Already issued into bonds, $14,327,040.05; to which add the items I have specified, and the result will be $14,978,893.33—a fraction short of $15,000,000.

Mr. SARGENT. It seems to me that it would be the part of wisdom for us to incorporate a proviso in this bill that the amount of bonds issued and hereafter to be issued shall not exceed $15,000,000. There is a substantial limit. The issue now amounts to over $14,900,000. Let us fix it at $15,000,000, which leaves a margin for a mistake in the estimate, and then the board of audit can go on and complete their work and the persons who hold these certificates may convert them into bonds according to the original legislation, and we are not then under the apprehension that we may wake up some morning and find that the issue amounts to twenty or twenty-five millions.

As I understand, the original bill reported by the House committee contained a limitation of that nature. I of course have no right to state what occurred in committee; but my recollection is that this point was favorably considered by the Committee on Appropriations of the Senate. Of course I speak under correction of the recollection of the chairman, who officially presents the matter to the Senate. I know the Senator from Iowa [Mr. ALLISON] thinks that an amendment of that kind should go upon the bill, and so do several other members of the committee with whom I have conversed. I would suggest that such an amendment ought to be incorporated.

Mr. MORRILL, of Maine. I have not the slightest objection to a limitation on the amount of the bonds. I am not talking about that question. I was endeavoring to explain why the committee thought it was not wise to adopt the second proviso of the House resolution; and it was that it seemed to carry an implication that the commissioners had, very likely inadvertently or in some other way, issued more bonds than were authorized; and as we had no means of examining that question—and certainly an implication does arise from that language—and we had no time, even if we had the opportunity, to examine it, between this and the necessity for passing this bill it seemed to the committee that it was advisable to strike that out.

So far as the proposed limitation in this bill to fifteen millions is concerned, let me say that in that respect the bill is identically as it came from the House of Representatives to the Senate. There was no limitation of amount in the bill which came to the Senate from the House, and the bill, as it now stands, the Senate having passed upon the amendment striking out these provisos, is simply for the payment of the interest upon these bonds. Now, if my honorable friend from Iowa desires to make an amendment to limit it as to the amount which in any event shall be issued, of course I have no objection.

Mr. ALLISON. In accordance with the suggestion of the Senator from California, I offer an amendment limiting the amount of these bonds to fifteen millions, and I should like to say a word upon it.

Mr. MORRILL, of Maine. One word before the Senator proceeds. I ask to have printed in the RECORD a letter of the commissioners of the District, containing the figures which I gave to the Senate.

No objection being made, the following letter was ordered to be printed in the RECORD:

OFFICE OF THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, January 25, 1876.

SIR: We have the honor to advise as follows:

Certificates actually issued by the board of audit at this date, as reported by said board, converted and convertible into 3.65 bonds..	$14,327,040 05
Three-sixty-five bonds actually issued at this date by the sinking-fund commissioners, as reported by them, in the redemption of certificates of the board of audit	13,412,500 00
Outstanding certificates of the board of audit, convertible into 3.65 bonds, as above	914,540 05

The above $914,540.05 is the amount of certificates of the board of audit not presented by the owners for conversion into 3.65 bonds.

The board of audit reports on this date the ascertained amount of certificates to be issued for claims audited but not certified to be ...	$156,851 05
Also, estimate of unaudited claims of all classes	203,750 99
And amount due on contracts withheld for test of work	150,000 00
Making in all before the board of audit	510,602 04
Completing all unfinished contracts of the board of public works held by the commissioners to be valid	97,000 00
Construction of the western market-house, contracted for by the late government	44,251 24
Making the ascertained and estimated amount of certificates to be issued convertible into 3.65 bonds	651,853 28
Add certificates already issued	14,327,040 05
Making a total sum of	14,978,893 33

which is the whole amount of 3.65 bonds actually issued and to be issued under the act of June 20, 1874.

Very respectfully,

W. DENNISON,
J. H. KETCHAM,
S. L. PHELPS,
Commissioners District of Columbia.

Hon. LOT M. MORRILL,
Chairman Committee on Appropriations, United States Senate.

Mr. ALLISON. I want to say one word with reference to this issue of 3.65 bonds. I think the commissioners of the District of Columbia totally misapprehended the law under which they were created, and that they have enlarged the debt of this District far beyond the authority given in the act of their creation. They misconstrued the act organizing this commission by legalizing all the contracts of the board of public works or most of them. It was never the intention of the committee who reported that bill to legalize those contracts. On the contrary, it was supposed that the act creating the board of commissioners expressly excluded that idea. But there were certain contracts then uncompleted, for sewerage and paving certain squares in particular streets, that the committee supposed ought to be completed in order to make the work already done of value and to protect and

preserve such work. Therefore they authorized this board of commissioners only to preserve and protect the work already begun by the board of public works and in process of completion, and not to enter upon new work.

When these commissioners made their report last year, which I have before me, they reported the total issue of bonds under the act of June 20, 1874, at $2,088,168.73. They also reported outstanding certificates to the amount of $4,770,558.45, making a total of $6,858,727.18 at the date of their annual report of last year, or on the 5th December, 1874. Now, between this date and the date of their report for this year, laid upon our tables a few days ago, this board of commissioners have expended $4,235,841.96 upon the streets and sewers, &c., in this city, and they construe the act of June 20, 1874, as authorizing them to do so. I do not believe a fair construction of that act does authorize it. I think they have totally misapprehended their authority and enlarged their jurisdiction, and have incurred obligations here which they had no right to incur under the law.

Mr. MORTON. Will the Senator read that part of the act?

Mr. ALLISON. The act of 1874?

Mr. MORTON. The act the Senator is now referring to which they have misconstrued.

Mr. ALLISON. Before I read that act I desire to call attention to the fact that under the old organization of the District of Columbia there were two distinct corporations in this District, one known as the government of the District of Columbia proper, and the other known as the board of public works; and in this act we undertook to distinguish between these two different corporations, and we did authorize these commissioners to execute valid contracts of the District government, but we excluded the idea that they should execute any and all contracts made by the independent and distinct corporation having the control of the streets and known as the board of public works. Therefore the act giving authority to these commissioners provides:

But said commission, in the exercise of such power or authority, shall make no contract nor incur any obligation other than such contracts and obligations as may be necessary to the faithful administration of the valid laws enacted for the government of said District, to the execution of existing legal obligations and contracts, *and to the protection or preservation of improvements existing, or commenced and not completed, at the time of the passage of this act.*

It was not intended that this board of District commissioners should go on and carry out the numberless contracts that were then floating about this city made by the board of public works. Certainly if Congress had ever anticipated such a construction they would not have authorized the issuance of a large amount of bonds upon this District and pledged the faith of the nation for the payment of the interest and the principal at maturity. As evidence of that I call attention to the report of the committee, made at the time, making an estimate of the amount of money necessary to complete those contracts begun and not completed. The total estimate was $1,325,911.62 only. Now, they have expended nearly $5,000,000 under this estimate.

Mr. CONKLING. I should like to know at that point from the Senator, what was the intention in the instance of a street the improvement of which had commenced, the pavement of which had been carried to a certain point; so that if it stopped there it would be of no avail? Was it intended that they should merely protect and preserve that by covering it up, seeing that it did not get wet, or the like, or that they should go on and complete it?

Mr. ALLISON. It was intended in the case stated by the Senator, where for instance a street had been paved from Ninth to Tenth, if you please, and from Twelfth to Eighteenth, that the intervening point should be paved also; but it was not contemplated that all the streets and the roads leading into the city of Washington and about the city of Washington which had not been improved or upon which no improvements had been made under contracts with the board of public works should be completed. It was only intended that so much of this work should be done as was necessary to protect and preserve the work already begun.

Mr. BAYARD. May I ask the Senator from Iowa within what period of time has this amount of five millions been expended; between what dates?

Mr. ALLISON. I have before me the report of the commissioners of the District of Columbia, and find that this year, from November 30, 1874, to November 30, 1875, there has been expended $4,235,000 for the streets, sewers, &c.

Mr. BAYARD. In the city of Washington?

Mr. ALLISON. Yes, sir.

Mr. CRAGIN. Expended for what? Will the Senator tell?

Mr. ALLISON. If the Senator from New Hampshire will take Executive Document No. 1, part 7, he will find the details; curbing, planking, sodding, graveling, grading, blue-rock pavement, Belgian pavement, McAdam pavement, wood pavement, concrete pavement, resurfacing concrete, &c.

Mr. INGALLS. From what page does the Senator read?

Mr. ALLISON. Page 254. Of course a portion of this is for sewerage also.

Mr. DAWES. If it does not interrupt the Senator from Iowa, I should like to have him inform me, if he can, in what particular this board of commissioners have modified or curtailed the system of improvements, as it was called, that was begun and carried on upon such a magnificent and alarming scale by their predecessors?

Mr. ALLISON. I will say to the Senator from Massachusetts that I am not able to state in detail what this board of commissioners have done.

Mr. DAWES. Can the Senator do me the favor to point to any particular, if he cannot the whole, in which they have modified or curtailed in system, in plan, in expenditure the operations of their predecessors, to whom they succeeded by the repeal of the act which created their predecessors?

Mr. ALLISON. They have, so far as I understand it, only modified in this sense: they have changed the grade, in some instances, so as to make the cost of the work less. I do not know in what other respect they have modified. I only know that they have expended over $5,000,000 upon the streets, and alleys, and public places in this District when it was not contemplated they should expend this large sum by the act re-organizing the government of the District of Columbia and creating this board of commissioners.

I only mention that with a view of entering my protest against the method of administering this law, having had some part in framing the law originally. But I do not by this statement wish to throw any doubt upon these 3.65 bonds, because I take it that this work has already been done and the 3.65 bonds paid out. Therefore there is an obligation resting upon us, we having created this board of commissioners and their having mistaken their authority. I do not charge upon them any intentional wrong; but they have incurred this obligation under, as I believe, a mistaken view of the law of their creation. But there it is facing us. They are our own officers. Now suppose we declare these 3.65 bonds unauthorized, in what position are we then? We shall then be under obligation, I take it, to pay the contractors and the men who have performed this work in money, dollar for dollar, whereas the bonds have been received by them at the rate of seventy cents on the dollar. Therefore I believe this limitation that has been proposed is absolutely essential in order that this board of commissioners may not in the year that is to come further enlarge and amplify their jurisdiction and create another debt of another $5,000,000 for us to appropriate money here to pay the interest upon next year.

Mr. MORTON. I wish to ask the Senator a question. I understood him to say just now that these bonds were received at the rate of seventy cents on the dollar. Does he mean to say they were received at that rate, or does he mean to say that they are only worth that?

Mr. ALLISON. I mean to say that as I understand these contracts they were made with these various parties, and the persons performing the work were paid in 3.65 bonds at their par value, and that these 3.65 bonds are only worth now in the market seventy cents on the dollar. That is all I meant to say in reference to that. I think this limitation is an important limitation, and that it ought to be placed on these bonds; and I make the limitation fifteen millions in order that all the accounts which have already been audited may be passed into the 3.65 bonds and a final adjustment and settlement, it is hoped, of this whole matter be reached.

Mr. SHERMAN. Mr. President, the Senator from Iowa has made a statement which naturally will excite attention. I always dislike to hear statements asserting that officers of the Government have issued bonds or made contracts in violation of law or assumed to exercise powers not conferred upon them by law; but they should not be made lightly. The Senator makes and repeats such a statement in a very strong way, so as to charge that these officers have at least mistaken the law to the extent of authorizing the issue of two or three or four million dollars of bonds without authority of law. If this be so, there is no language too severe to cast on those gentlemen who by their mistake have involved the Government of the United States and the people of this District in a liability so large as this. It is a serious charge to make against these persons, and will have a serious effect on the credit of these securities for a time, and a still more serious effect upon the tax-payers of this District, if they have to pay these bonds issued in violation of law.

Now I ask Senators to listen to the law. These District commissioners are the creation of Congress, the honorable Senator himself participating in framing the law which created them. They are in the nature of corporators, a body corporate, to govern for the time being the District of Columbia, to exercise the powers conferred by certain laws, upon certain previous authorities for the government of the District. My colleague, who is a good lawyer, and my friend from Iowa, who is another, and the able committee who framed the law, of which they were members, certainly could not express the powers more clearly than they have in the language of this law. After first creating this board of commissioners to be appointed by the President, and giving them all the powers of the previous government organized in this District, the law provides:

But said commissions, in the exercise of such power or authority, shall make no contract nor incur any obligation other—

Now here are the exceptions—

other than such contracts and obligations as may be necessary to the faithful administration of the valid laws enacted for the government of said District.

That is No. 1. The next exception is—

to the execution of existing legal obligations and contracts.

That is, they have the power to enforce and carry into execution existing legal obligations and contracts, such contracts and obliga-

tions as existed on the 20th of June, 1874. Now, sir, does not this, in the clearest language that can possibly be expressed in a statute, give them the authority to pass upon what are existing legal contracts and liabilities? Does it not necessarily throw upon them the responsibility of saying what are legal contracts? And it gave to aid them in their construction of what are legal contracts two eminent financial officers of the Government, without whose assent no contract could be ratified and no money paid upon any existing contract.

Mr. ALLISON. May I interrupt the Senator a moment?

Mr. SHERMAN. Certainly.

Mr. ALLISON. May I ask whether the provision which the Senator has just read confers authority upon this board of commissioners to repave a whole street and with the proceeds of 3.65 bonds pay for that repaving?

Mr. SHERMAN. I do not know enough about that——

Mr. HARVEY. Mr. President——

Mr. SHERMAN. I would rather finish what little I have to say.

Mr. HARVEY. I simply rise to state that, while I dislike to interrupt the discussion, I feel impelled to call attention to the fact that the morning hour has expired and the proper time arrived to proceed with the consideration of the unfinished business of yesterday, being Senate bill No. 34. It is evident that this matter cannot be determined within a reasonable time, and, the bill to which I refer having been pretty thoroughly discussed, I think a vote upon it will soon be reached.

Mr. SARGENT. I think my friend had better allow us half an hour for the measure reported by the Committee on Appropriations. This interest falls due on the 1st of February; the time is dangerously near. The question ought to be acted upon to-day by the Senate and by the House during this week certainly.

Mr. HARVEY. If I can have an understanding that at the end of half an hour the unfinished business shall be taken up, I will not interpose.

Mr. WRIGHT. I suggest to my friend from Kansas to allow this debate to proceed, with the understanding that it is subject to a call for the regular order at any time. I have no doubt we can soon dispose of this.

Mr. HARVEY. If that understanding can be had, I will abstain for half an hour from calling up the regular order.

The PRESIDENT *pro tempore*. The Chair will state to the Senator from Kansas that he is correct in supposing that the morning hour has expired; but the Chair was allowing the discussion on the other measure to run on by common consent.

Mr. HARVEY. I am satisfied, from what I hear around me, that it is impossible to settle the question under discussion this morning in half an hour more, and I therefore insist on the call for the regular order.

Mr. MORRILL, of Maine. I hope that will not be done. The honorable Senator from Kansas will perceive that there is urgent necessity for present action on this subject to save the credit of the Government on these bonds. The matter which my honorable friend has in charge, although of importance, is not of immediate, pressing importance. Therefore I trust he will allow this matter to take precedence. I cannot anticipate that it will consume a great deal of time.

Mr. THURMAN. Will the Senator from Kansas allow me to make a suggestion to him, and that is that by unanimous consent we pass by the order of the day informally, subject to his right to call it up at any moment, leaving it in his discretion; and then he may let this debate go on half an hour, or an hour, just as he sees fit?

Mr. MORTON. The result of that will be that you will not finish either bill to-day.

Mr. HARVEY. The difficulty is that it brings up other questions to distract the attention of the Senate from the question that has now been under consideration for two days, and about which I think Senators have very generally made up their minds. I therefore feel bound to call for the regular order, and I hope the friends of the bill which has been under consideration for two days will stand by it.

The PRESIDENT *pro tempore*. The Senator from Kansas calls for the regular order, which is the unfinished business of yesterday, and that bill is before the Senate.

Mr. MORRILL, of Maine. I feel that I shall not have discharged my duty unless I try to keep before the Senate the matter under consideration this morning. I therefore move——

Mr. INGALLS. It may be that a vote can be immediately taken on the pending bill, and, unless some Senator desires to continue the discussion further, I would suggest that by taking the vote the whole question can be disposed of, and then the bill before the Senate on the report of the Committee on Appropriations can be considered.

Mr. MORRILL, of Maine. Of course I would not make the motion I now contemplate if that could be done.

Mr. INGALLS. I certainly have no desire to discuss the matter further myself, and I do not know that any of the friends of the bill have.

Mr. CONKLING. I think I ought to say that my immediate neighbor usually, the Senator from Wisconsin, [Mr. HOWE,] who has an amendment pending in which we all know he is deeply interested, is out of the Senate at this moment.

Mr. HARVEY. I thought his amendment was voted down.

Mr. CONKLING. O, no. I think he called for the yeas and nays on it, and the question of ordering them has not been decided.

Mr. INGALLS. Let me refer to the RECORD. The Senator from Wisconsin said:

> I shall have to insist upon dividing the Senate upon my own amendment unless somebody will submit an amendment which is more satisfactory to those who advertise themselves as the friends of the bill, and who are accepted as the friends of the bill.

Mr. CONKLING. What the Senator from Kansas has read from the RECORD confirms me. It shows that the Senator from Wisconsin demanded a division of the Senate. I do not know of any way of dividing the Senate in that sense, except by a call of the yeas and nays. I call attention to the fact that he is absent, and I think it would not be quite courteous for the rest of us to agree to some special arrangement by which, when he comes in, he may find himself too late.

Mr. WRIGHT. I am as anxious as any one can be to have the vote taken at an early moment on the bill pending yesterday; but I suggest, in view of the fact that the Senator from Wisconsin is absent—and I suppose for some good reason—to the friends of that bill that it would be better that we proceed with the bill before the Senate this morning with the understanding that it is subject to a call at any time for the regular order. I suppose that my friend from Maine, who has that bill in charge, if he finds that it is to take much time or engross the entire time of the Senate to-day, will not insist upon excluding the bill that was under consideration yesterday; but that a reasonable time may be given the Senator from Wisconsin to get in, let the District bill be considered subject to a call for the regular order at any time, rather than antagonize this bill in its present shape, or as it may stand, with it. The Senator from Wisconsin being absent, of course there will be delay and debate, whereas I think we might as well proceed with the present bill unless we can take a vote on the bill of yesterday at once, and get it out of the way. I suppose the Senator from Maine would be quite willing, if the vote could be taken on that bill, to get it out of the way.

Mr. MORRILL, of Maine. Of course I would not consent to anything that would interrupt permanently the progress of this bill, for the Senate will see that it is of vast importance that it should be acted upon promptly, because on the 1st of February next comes the execution of the public faith or its failure, one or the other.

Mr. CAMERON, of Wisconsin. One word. My colleague is not absent from the city, and I am advised that he will be in the Senate within half an hour or forty minutes. I would be pleased if the bill under consideration yesterday should not be taken up until he is in his seat.

The PRESIDENT *pro tempore*. Does the Senator from Kansas object to the continuance of the consideration of House joint resolution No. 52, subject to a call for the regular order?

Mr. HARVEY. I will simply say to the Senator from Iowa and to others who have made this suggestion of delay that I consider the object of this bill as one of the utmost importance; that no business before us can be of more importance. The Senator from Iowa remembers that the matter has been brought to the attention of the Senate several times, and delay has been asked for various reasons. The Senator from Wisconsin certainly must have known that under the rules this bill would be the regular order as the unfinished business of yesterday at one o'clock to-day. I feel, so far as I am concerned, unwilling to delay the matter any further. I feel that the bill is now before the Senate, having the right to consideration and action. I am satisfied that the Senator from Wisconsin will soon be in his seat.

Mr. CONKLING. May I ask my friend from Kansas whether there is any special fact, that we do or do not know, which makes time and a little time essential and important about this land bill? For example, is there any fact which makes it of consequence whether the Senate shall act upon the bill now on the 27th of January, or shall act upon it on the 1st of February, the day before which provision must be made for the payment of this interest, if it is to be made at all? I do not know but there is; I inquire for information.

Mr. HARVEY. I will call attention to the fact that heretofore in all the States of this Union and the Territories traversed by land-grant railroads there are thousands of worthy citizens of the United States suffering a great wrong. This wrong has been continued for years despite the efforts of their friends to reach a remedy. It is quite as important to them as the payment of interest upon a few bonds can be either to the citizens of this District or to any capitalist who may have invested in such securities. I therefore think that it is asking too much to request us to further delay this bill when if a conclusion upon it is reached as it can soon be, the other matter, this District business, can be taken up and proceeded with.

It is for these reasons and for the reasons I alluded to before, and the fact that the matter has been discussed at such length and is now so thoroughly understood, that I feel anxious to reach a conclusion.

The PRESIDENT *pro tempore*. Senate bill No. 34 is before the Senate as the unfinished business.

Mr. MORRILL, of Maine. Inasmuch as I hardly think the Senate would like to go on in the absence of the Senator from Wisconsin, whose amendment is pending, and inasmuch as my honorable friend from Kansas does not choose to yield temporarily even, I feel constrained to make the motion that the pending and all prior orders be postponed, and that the Senate continue the consideration of House joint resolution No. 52.

Mr. HARVEY. I hope that motion will not prevail.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Maine.

Mr. THURMAN. I suggest that the postponement be until two o'clock.

Mr. MORRILL, of Maine. It is quarter past one now.

Mr. CONKLING. Would the motion suggested by the Senator from Ohio be in order?

Mr. CAMERON, of Wisconsin. If the matter be postponed until two o'clock I will make no objection at that time to taking it up. It is only three-quarters of an hour off, and with all respect to the Senator from Kansas I think that those worthy settlers of whom he has spoken will not suffer materially during that three-quarters of an hour.

The PRESIDENT *pro tempore*. Is there objection to a postponement until two o'clock?

Mr. INGALLS. The Senator from Wisconsin [Mr. HOWE] is now in the Chamber.

Mr. HARVEY. I object. I knew the Senator from Wisconsin would be here.

Mr. MORRILL, of Maine. I withdraw the motion for the present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 917) to amend section 4898 of the Revised Statutes in relation to patents; and

A bill (H. R. No. 1042) fixing the rate of postage on third-class mail matter.

The message also announced that the House had passed a concurrent resolution for the printing of 10,000 copies of the report of the commission of engineers appointed to investigate and report a permanent plan for the reclamation of the alluvial basin of the Mississippi River subject to inundation, with accompanying maps, of which 2,000 copies shall be for the use of the Senate and 8,000 for the use of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President *pro tempore*:

An act (H. R. No. 626) to amend the Revised Statutes relating to naturalization; and

An act (H. R. No. 1561) transferring the custody of certain Indian trust funds from the Secretary of the Interior to the Treasurer of the United States.

LAND ENTRIES WITHIN RAILROAD GRANTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 34) to confirm pre-emption and homestead entries of public lands within the limits of railroad grants, the pending question being on the amendment proposed by Mr. HOWE to add to the first section of the bill the following proviso:

Provided, That nothing in this act shall be construed to affect the title which the State of Wisconsin or its assigns may have to lands granted to that State by the act entitled "An act granting public lands to the State of Wisconsin to aid in the construction of railroads in said State," approved June 3, 1856, and the acts amendatory thereof, but such title shall remain as valid as the same now is.

Mr. HOWE. Mr. President, I stated yesterday, with as much candor and explicitness as I was capable of, just why I wanted some amendment of this kind made. I tried as well as I could by conference with gentlemen on the other side to arrange the form of the amendment. I told them what purpose I wished to accomplish. No Senator objected to that purpose except the Senator from Ohio, [Mr. SHERMAN,] and I think after the statement he made he is not inclined to insist on his objection. I do not believe, in view of the history I stated here yesterday, that the Senate really means to deprive the State of Wisconsin of the advantage of that grant after all the work she has accomplished under most adverse circumstances to secure her right——

Mr. THURMAN. Will the Senator allow me to ask him a question?

Mr. HOWE. Yes, sir.

Mr. THURMAN. I want to learn something about this bill, of which I confess I am in ignorance to a great extent. If I understand the Senator's amendment, it seems to imply that this bill is intended to impair titles that exist under the laws of the United States, and that if we do not except Wisconsin from the operation of the bill titles in Wisconsin under the laws of the United States may be impaired by the provisions of this bill. I should like to know from the Senator or from the committee that reported this bill whether the object of the bill is to impair titles at all. In answer to a question that I have put in private they tell me it is not intended to impair any title; but the amendment of the Senator from Wisconsin evidently goes upon the hypothesis that without excepting Wisconsin from the operation of the bill titles that exist under acts of Congress will be impaired. It is a very grave question if that is the real effect of this bill. If it is the intention of this bill to impair existing titles, to impair them by legislation, instead of having them decided upon by the courts, that is a very serious matter. But I understand the friends of the bill to say that this is not the object of the bill at all. I should like some light on that subject.

Mr. HOWE. Mr. President, if the Senator wants to know what the purpose of the bill is, he should apply to those who move the bill. But there is a particular clause of the bill which, in my judgment, if it does not impair the title of the State of Wisconsin to certain lands within her limits, will authorize the Commissioner of the General Land Office to strip that State of a large body of lands which were granted to her in 1856 upon conditions therein named, which she has struggled earnestly from that time to this to comply with and has nearly complied with. She has built a very large portion of the roads which she was charged with the work of building, and has done that against some very hostile legislation of Congress itself, is trying to build the rest, and going on with it from year to year; but there is a clause in this bill, as I say, which, if it is passed in that shape, will authorize the Commissioner of the General Land Office to take that grant from her at any time and put the land into market. Only one Senator on this floor yesterday intimated that he thought that was proper, and that was the Senator from Ohio. I do not think he will insist upon it to-day.

But as I was about to say, there seemed to be a difference of opinion among the friends of the bill as to what particular form of words should be employed to save the State of Wisconsin from that operation. I wrote the amendment which is on the table. The Senator from California suggested another form. That was acceptable to me. The Senator from Minnesota suggested another form. That was acceptable to me. But some of the friends of the bill think one amendment less objectionable than another; they are not agreed among themselves as to which is the least objectionable, and we are in danger of falling, not exactly between two stools, but between three.

Mr. MORTON. I inquire of the Senator whether the time had expired in which the State was to perform the conditions of the grant?

Mr. HOWE. Yes, sir.

Mr. MORTON. I will further inquire whether the lands to which he refers are now held out at the Land Office as open to public entry?

Mr. HOWE. No, sir.

Mr. MORTON. Then the case does not come within the terms of the law.

Mr. HOWE. It does not come within the terms of the law as it stands, but there are two lines in this bill, the tenth and eleventh lines of the first section, which, if they shall become a law, as it seems to me, will authorize the Commissioner of the General Land Office at once by order to put these lands into market. All I ask of you is that you shall put such language into the bill as will exclude that operation. If you do that, I am content as far as the State of Wisconsin is concerned.

Mr. SHERMAN. I hope the Senator will allow me now to interrupt him. As he has twice alluded to a remark I made in regard to that section, I wish now to state again my position. I am clearly of the opinion that this act does not confer upon the Commissioner of the General Land Office any power that he does not possess now, because there is no pretense that this act gives to the Commissioner of the General Land Office any power whatever. It simply says that in a certain state of facts, one of the conditions-precedent of which is a certain order of the General Land Office, the settler shall have a patent for his land if all the proceedings have been regular. It does not authorize the Commissioner of the General Land Office hereafter, without the authority of the President of the United States, without the proclamation of the President, without the sanction of the Secretary of the Interior, to place again subject to public sale land that has been once withdrawn. There is no pretense of that kind. I say as an affirmative proposition that I would vote for such a measure if it were here, and for this reason: The State of Wisconsin received a grant of land years ago and agreed to complete the road certainly before the 1st of January, 1876. The time has arrived; the road is not completed. The lands have been withheld from settlement for twenty years to enable her to comply with this grant. She has failed to do so. Now it seems to me there ought to be an authority in the Executive Department of the Government charged with the execution of the land laws to sell all the public lands not granted or specifically set aside. There ought to be power in the Executive of the United States to step in, in default of the State of Wisconsin, and offer this land again for public sale. This bill does not confer that authority, but it should be held by the Executive under the general authority of the land laws which authorize all public lands by proclamation of the President to be offered for entry and made subject to homestead and pre-emption. Under these general laws I believe that, in the case of a clear, palpable neglect of the State of Wisconsin to comply with the terms and conditions of the land grant, the executive authorities may step in and sell that land under the existing land laws; and I think that is right. But the power is not conferred by this bill.

Mr. MORTON. I call the attention of the Senator from Wisconsin to the language of the bill, to show that it is not obnoxious to the objection he specifies. It provides for securing the right of entry upon lands where the entries were made "prior to the time when notice of the withdrawal of the lands embraced in such grant was received at the local land office of the district in which such lands are situated"—that I think we all will agree is right—"or after their restoration to market by order of the General Land Office."

The Senator says they have not been restored to market by order of the General Land Office. Then they are not open to entry, and therefore there is no necessity of protecting them by his amendment. But if after an order has been made by the Land Office here restoring

those lands to public sale an entry is made in good faith by an actual settler, the Senator would hardly want to divest that title, the term of the grant having expired.

Mr. HOWE. No, Mr. President, I do not want to divest any title, and I do not want any title divested; and if it is the purpose of Senators to divest the State of Wisconsin of this title, just say so, and do it in plain language. I did not suppose yesterday that it was the purpose of anybody but the Senator from Ohio [Mr. SHERMAN] to do it. I am a little confused this morning on the point. In the case of a clear and palpable neglect, says the Senator from Ohio, the State ought to be divested of the title. Yes; but before you find a State of the Union guilty of a clear and palpable neglect you ought to have some evidence of it, which is not ordinarily found in a speech made on the floor of the Senate. What is the evidence of the clear and palpable neglect of the State of Wisconsin? She has not been able to build from four to five hundred miles of railway through a dense wilderness since 1856. She has built, as my colleague said yesterday to the Senate, about three hundred miles of that distance and is building yearly.

Mr. INGALLS. How often has the time been extended?

Mr. HOWE. It has been extended once, and the Senate has voted twice since to extend the time.

Mr. INGALLS. When did the term of the last extension expire?

Mr. HOWE. In 1871. The Senate has twice since voted to extend the time further. The House of Representatives has declined to acquiesce in the extension. But the State is still going on with the construction of the work. There are those who have said, as the Senator from Ohio just now said, that the general law gives to the executive department the power to declare the forfeiture against the State and to enforce it. The executive department did not act upon that, did not attempt to exercise that power if it possessed the power; but others have assumed that by the expiration of the term and the non-completion of the road the title of the State was gone.

Mr. THURMAN. May I inquire as a matter of fact of the Senator whether these lands thus granted for the construction of that road have been in the language of the bill "restored to market by order of the General Land Office?"

Mr. HOWE. No, sir.

Mr. THURMAN. Then this bill does not touch them.

Mr. HOWE. But suppose the bill passes with these words in, and the Senator puts that question to me six months hence, I am afraid I shall not be able to answer as I answer him to-day.

Mr. THURMAN. The words are, "have been."

Mr. HOWE. "Have been?" Yes, I understand that language, and I understand to-day that it refers to all the time preceding to-day; but it will be a law speaking six months hence if you pass the bill with them in, and then when the question arises six months hence whether they have been restored to market by order of the General Land Office I shall have to answer, not with reference to what the Commissioner of the General Land Office has already done up to-day, but with reference to what he may have done after you have passed this bill, when you put the inquiry to me again.

Mr. HARVEY. The Senator from Wisconsin must know that the Commissioner of the General Land Office cannot of his own motion to-day restore that land to market.

Mr. HOWE. If you pass this bill?

Mr. HARVEY. No, sir. There is a general law on that subject, requiring the action of the President of the United States and the Secretary of the Interior, as well as certain ministerial action of the Commissioner of the General Land Office.

Mr. HOWE. There is a general law declared by the mouth of the Supreme Court which says that neither the General Land Office, nor the Secretary of the Interior nor the President himself, can declare and enforce that forfeiture against the State of Wisconsin.

Mr. HARVEY. Then what is the object of the amendment?

Mr. HOWE. Because you propose to confer that power upon the Land Office in this section, and I ask you not to do it, and I ask you to put just such an amendment, without the slightest prejudice to your bill, as will say you do not mean to confer that power, and I am met by a twofold argument, one saying that he will not have it, and the other saying that he ought to have it. Certainly, if the State is criminally in default, tie her up and strip her and apply the thongs to her. She has been lashed for a good many years for the amusement of a corporation in this city. If she has got to stand further stripes, I suppose she will take them like a dutiful child. I wish you would not do it, however.

Mr. SARGENT. What is the corporation in this city that the Senator refers to?

Mr. HOWE. I have not looked at the act of incorporation; I cannot mention the style of it just now. It would not be worth while to mention it if I did remember. I have said repeatedly that either one or the other amendment, the one suggested by the Senator from California or that suggested by the Senator from Minnesota, will make it clear that you do not mean to give this power to the Commissioner of the General Land Office. I will accept either of them; but if you say you will not make that clear in any language, then I must conclude that you mean to enforce the forfeiture.

Mr. THURMAN. Mr. President, I have some little hesitancy in saying anything about this bill, because I have already confessed my ignorance of it, although I have read it, and therefore I did not need the suggestion of my friend from Wisconsin that I should do so; and yet I was not able to read it until about four o'clock yesterday afternoon, and I have heard none of the discussion on the bill before to-day, having been kept out of the Senate all this week by sickness. Therefore what I shall say now I shall rather say for the purpose of obtaining information than to suggest anything in respect to the merits of the bill, except to suggest that there seems to me to be an equity which it is the object of this bill to protect that I think ought to commend it very highly to our consideration. I had supposed until I read the bill that it was intended for a class of cases in which great hardship exists, and that is where Congress has made land grants to railroads and not taken the precaution in the land-grant bill to protect homestead settlements that were made before the passage of the land-grant bill.

I understand that the Supreme Court of the United States has decided that the last grant overrode the inchoate homestead settlement right, unless the land-grant bill in express terms excepted homesteads from the operation of the land grant. I am sure there must be something of that kind, for we have had petitions after petitions, and I have one on my desk now from citizens of Iowa, complaining bitterly that their homesteads have been taken away from them under that decision of the Supreme Court. I have always supposed that, even without any express exception of homesteads from the operation of a land grant, bills granting lands and the homestead law ought to be considered *in pari materia*, and that the land grant ought to be considered as subject to the right of the homestead settler; and if it has been decided otherwise, a case of very great hardship is created.

But I find, on examining this bill, that it does not touch that class of cases at all, that it only deals with cases in which the homestead settler has entered upon the lands after the making of the land grant to the railroad company, or to the State, if I understand the bill correctly.

Mr. MERRIMON. While the land grant is floating?

Mr. THURMAN. Yes; but where the entries upon the land were after the land grant and before notice of the location of the railroad and the consequent withdrawal of the alternate sections from the market has been notified to the register and receiver at the local land office.

Mr. ALLISON. That is one clause.

Mr. THURMAN. That is one clause; and then there is another clause, which seems to have been intended to relate to cases in which grants have been made which are supposed to have lapsed by non-compliance with the condition upon which the grants were made. After that lapse of time which made the title of the corporation or of the State a defeasible title, persons have gone upon the land and made homestead settlements, and afterward Congress has revived the land grant and waived the forfeiture. That seems to be the other class of cases, as well as I understand. I suppose those to be cases where the lands are "restored," and I presume in those cases where the grant is supposed to have lapsed the bill requires that the lands shall have been restored to market.

Now, the first thing that troubles me in respect to this bill, recognizing the equity of the persons who in good faith have made homestead settlements in total ignorance that these lands were excluded, or would be excluded, from homestead settlement is whether or not the effect of this bill is to impair the titles that have been created under the legislation of Congress. That is the question upon which I solicited information from my friend from Wisconsin, who is so good a lawyer and so capable of expressing an opinion, and who has studied this bill; but I got no answer from him, nor have I had any answer except privately from any of those advocating the bill. They do not tell me whether the effect of this bill will be to impair any title, either complete or inchoate, that now exists under the legislation of Congress.

Mr. HARVEY. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Ohio yield to the Senator from Kansas?

Mr. THURMAN. Certainly, I do; for I want an answer.

Mr. HARVEY. I can state, as I have done a number of times during the last few days, that the object of this bill is to put the settlers who have complied with the law and the rules and requirements of the Land Department at the time they made their settlements and improvements, in such a position that they will receive from the Land Department that evidence of title which the law and the ruling and practice of the Land Department promised they should have, and which they did have up to the time that a new construction was placed on the law by the Interior Department without any change of the law. In support of that statement I read on the day this bill was taken up a ruling of the Secretary of the Interior reversing a decision of the Commissioner of the General Land Office, the Commissioner of the General Land Office having decided that the settlers claiming under the homestead and pre-emption laws were entitled to patents as they had been up to that time. The Secretary of the Interior in his opinion reverses that decision, and states clearly that he does it in pursuance of a new construction, a new ruling adopted since those settlements were begun.

Mr. CONKLING. The Senator is now speaking wholly of the first section thus far?

Mr. HARVEY. And the second section. I understood the Senator from Ohio in the course of his remarks a little while before I inter-

rupted him to refer to the second section of the bill. Am I correct, or did he refer to the second clause of the first section?

Mr. THURMAN. I referred to the whole of the bill. I want to know if it undertakes to settle by legislation who has title?

Mr. HARVEY. No, sir, it does not undertake to settle by legislation who has title, but it does undertake to settle by legislation that this new construction which the Interior Department saw fit to make at a certain time shall not be conclusive against the settler; that it shall not deprive him of the evidence of title which the law gave him. The bill provides that his original certificate of entry, whether pre-emption or homestead, shall not be canceled and by that means the settler kept out of court, as he is by the practical operation of this ruling, which was made by the Secretary without any change of the law.

Mr. MORTON. How long had the former ruling been established?

Mr. HARVEY. The former ruling had been established from the beginning of the land-grant system, as I understand. I have here a number of papers giving the dates of the different rulings; but, to satisfy the Senator from Ohio, I ask him to refer to the RECORD containing the proceedings of the day before yesterday, where he will see a decision of the Commissioner of the General Land Office, and the ruling of the Secretary of the Interior reversing that decision, which ruling is the cause of the bringing of this bill here to remedy the great wrongs inflicted upon citizens who have acted in full compliance with the law and with every requirement of the Department up to the time that change of ruling was made—I think in 1873. I can tell by referring to the date of the decision as published in the RECORD.

In that decision the Secretary admits that it is an entirely new and different ruling and that it amounts almost to an entire change of the operation of the law. Besides that, the decision adopted by him at that time and admitted to be a new ruling makes the right of the railroad, as he says, superior to that of the settlers. Therefore he reverses the decision of the Commissioner of the General Land Office, and the effect of that decision since that time has been that every entry of that kind, no matter how strictly in conformity with the law and the rulings and practice of the Land Department, and the evidence of title given under it prior to that time, has been canceled.

Mr. THURMAN. I owe an apology to the Senator from Kansas for compelling him to explain what it appears he had already explained to the Senate before when I was not here; but I am seeking information on this subject myself, and I find other Senators who also seem to be in the same situation. Now, if I understand the statement of the Senator from Kansas, the necessity for the first clause of this bill arises from this state of facts: That it had been decided by the Commissioner of the General Land Office that the right to make homestead settlements existed up to the time that the officers of the local land office were notified that the lands were held by the railroad company or were assigned to it, and that on the faith of that interpretation of the law by the Land Office the people made homestead settlements on these lands; that afterward, I do not know how long, one or two years perhaps, the Secretary of the Interior overruled that decision of the Land Office.

Mr. KELLY. In 1873.

Mr. THURMAN. How long after the first decision was made?

Mr. HARVEY. The opposite decisions had been made for a number of years.

Mr. OGLESBY. The reverse ruling had been uniform for years.

Mr. KELLY. I have here, in the case of Boyd *vs.* Burlington and Missouri River Railroad Company (Copp's Public Land Laws, page 392) certain decisions made by the Land Department on the 28th of April, 1871. This is the syllabus of the case:

> At the time the line of the railroad was definitely fixed, Hinks had a homestead claim on the land in controversy.
>
> After that he abandoned his claim, and Boyd made application to enter the tract.
>
> Held: That the land reverted to the United States upon the abandonment by Hinks, and was subject to entry by Boyd.

That was all that I understand had been the ruling of the Land Office. Under that practice many claims were abandoned; that is, the possessor sold out his possessory interest and the grantee entered upon the land as public land subject to entry, subject to pre-emption, subject to homestead, and it had been always so regarded. The railroad companies interfered. They claimed a different construction of the law. They claimed that when this land was abandoned then the right passed to the railroad company. That was the ruling made afterward on the 7th of July, 1873, by Secretary Delano. As has been stated by the Senator from Kansas, he reversed the previous understanding of the Land Department, and thereby jeopardized the interests of many settlers on the public lands who had gone upon those lands on the faith of the Government of the United States according to the rulings of the Land Department. That decision, reversing the construction given by the Land Department, has rendered many homeless, or at least taken away their lands when, under the former ruling, they were entitled to them. Now, as I understand, the second section of the bill is to restore, really, the condition of the law as it was at the time these railroad bills were passed. As has been said again and again here, these claims were excepted from the grant to the railroads. All pre-emption and homestead claims were excepted from the land grants. The land being excepted, when did these railroad companies get the right to it? That is the question. No subsequent grant was made, but the ruling of the Department is, that where the claim is abandoned it shall go not to the United States or to the subsequent settler, but it shall go to the railroad company. That is the simple statement of the case. I am sorry I interrupted the Senator from Ohio so long.

Mr. MERRIMON. There has been no decision of the courts to that effect, I understand.

Mr. KELLY. Allow me to say that there has been no decision, as I understand it, by any court of justice upon the rights of these respective parties. It is merely an adjudication of the Land Department. I understand further that no patents have issued to these railroad companies at all, but they take by virtue of the grant contained in the act of Congress, and no patent is required.

Mr. THURMAN. I do not complain at all of the interruption, because I am seeking information in order to know how to vote, and therefore I am obliged to any Senator who gives me information; but now, having received some light on this subject, I want to call the attention of my friends to one consideration. To do that I must repeat a little what I have already said. It appears that certain persons, numerous persons I suppose, made homestead settlements on the public lands under rules then existing in the General Land Office which entitled them to make such settlements. They made their entries in good faith under the law as the law was then construed by the General Land Office. I believe I am correct in that statement. It appears that afterward a ruling was made by the Secretary of the Interior which reversed the former ruling of the Department as to the meaning of the law and held that the grants to the railroad companies, or to the States, were paramount to the homestead claims of these settlers; and now it is the object of this bill to remedy that wrong, as it is said.

Mr. KELLY. That wrong construction.

Mr. THURMAN. But what is that construction is the thing that troubles me. By a construction of the law it is said by the Secretary of the Interior that the title to these lands has vested in these companies or in the States, and this bill is an attempt to decide that question by legislation. I am such an old lawyer that I think legal questions are to be decided by the courts; that titles to property are to be determined by adjudication of the judiciary, and not by legislation; and that is what troubles me in this case.

Mr. HARVEY. If the Senator will pardon me I will state, and I am sure the RECORD will show it, that the ground on which the Secretary of the Interior decided is this: He holds by his decision that the right of the railroad company attaches to the land in some cases by the passage of a resolution by a board of directors of a railroad company, no matter where held, no matter whether the settler has any notification of it or not; in other words, that the right of a railroad company attaches by the prosecution of a survey made by a corps of engineers employed by that company, ignoring the general law on the subject, which provides upon what condition the homestead or pre-emption settler may have title to land, setting that entirely aside by the action of these corporations. It goes for nothing, according to his decision, that Congress has passed a law well guarded, a most beneficent law, enabling the people who see fit to go upon the public lands of the United States to make homes there in compliance with the law and the requirements of Congress. I say it goes for nothing that such is the fact, if the directors of a railroad company, sitting in some distant city thousands of miles away, have decided by a vote that they will occupy a certain line of road and as a consequence take a certain quantity of land for a certain distance on each side of the line. According to that decision it is not necessary that the Government officials be notified of such action; it is not necessary that the receiver and register of the land office have any notification of it. The settler goes, in pursuance of the law of the land assigning him where he shall make his pre-emption or homestead claim, and makes his claim there, spends all his money, spends the time of years and his most industrious efforts to make a good home in the hope that he will there have a resting-place for life. Some years after this system has been in force, when he has acted upon it in pursuance of law and justice, according to the construction which has been made of the law for years, suddenly a new light dawns on the Secretary of the Interior and he decides that the action of these servants of a corporation shall render null and void the general laws of the United States and the action of the officials who have been properly appointed in every land district in the United States. That is where the whole question turns. There is nothing else involved in this bill.

Mr. THURMAN. Mr. President, I assure my friend, the Senator from Kansas, that there is nobody on this floor who has more sympathy for homestead settlers than I have; there is nobody on this floor who with more persistency has opposed every single railroad land grant. I never voted for one in my life. Even where I wanted to vote for one really, so as to equalize things a little, I could not do it. I never have voted for one, and therefore my sympathies are with the object of this bill; but yet we must not lose sight of what is a fundamental principle, that people's titles are not to be legislated away from them. We do not decide titles by legislation. The question is as to the interpretation of the law; and on that let every man have his day in court and let the courts decide.

Now, I have a suggestion to make, and if the friends of the bill will adopt it I think it will remedy all this trouble; it is such a provision

as Congress has adopted in respect to private land claims again and again and again. I might cite hundreds of cases; in fact, it has been the usual insertion in bills that are reported by the Committee on Private Land Claims. And that is to insert that the grant of the patent by the United States shall be subject to any adverse rights to the lands. That is the common and usual provision in bills reported from the Private Land Claims Committee, and has been for half a century. Away back to the acts confirming Florida land grants they were again and again made subject to the rights of adverse claimants. If that were done in this case——

Mr. HARVEY. Is not that the rule of law without any such exception?

Mr. THURMAN. It may be a rule of law, and yet it would be very wise, it seems to me, to insert it in this bill, so that you shall not undertake to deprive people of any adverse rights which they have. If that were done, I think no objection whatsoever could be made to that part of the bill.

While I am up, as I do not want to trouble the Senate with anything further on the subject, I will read an amendment that I shall propose as an additional section to the bill, unless it shall be shown to be unnecessary; and that is this:

Nothing in this act contained shall have the effect to make the United States liable for a failure of title created under or by this act, or a failure of any land grant affected by this act.

I am a little apprehensive that, if this bill were to pass just in the shape it is, we might have two classes of claimants here, who would say we ought to make good to them damages for loss of title. If the grant were made under this bill to the homestead settler, and the patent issued to him, and his title afterward was proved to be defective, that is to say, if the title of the railroad company should be held better than his because the railroad land grant operated *proprio vigore* to vest the title in the railroad company on the location of the line without any patent, and that therefore the homestead settler's patent was of no value whatsoever and conveyed no title to him, he might have a claim for reclamation upon us. I do not say he would at law; but he might have what might be supposed to be an equitable claim which we had recognized. On the other hand, if it should be said this has the effect to oust the railroad companies of title, or, mark it, persons purchasing from the railroad companies, and who have paid their money to the railroad companies, and who are just as honest settlers on the land as anybody else, and we have ousted them of their title by our legislation, perhaps they would have some claim upon us.

Mr. HAMLIN. Why should they not?

Mr. THURMAN. I am rather inclined to stop all claims just now in the present state of the Treasury.

Mr. MORTON. Suppose the map of the railroad company is filed and notice is first given, of course the railroad company would have no authority to sell the land before they had selected it; they could not make any sales before they themselves had filed their map and determined what pieces of land they were going to take; but if at that time there is an actual settler upon the land in adverse possession, would there not be at least notice to any person who might purchase of the railroad company?

Mr. THURMAN. It might be so unless the first homestead settler had abandoned the land; but the second section provides for cases where he has abandoned it and some other person comes in. There may have been nobody in possession when the man purchased of the railroad company, but some one else comes in after the first settler has abandoned.

But I do not want to be finding fault with this bill. I am disposed to vote for it, although I must say it does seem to me that we ought to have had a full report of the facts from the committee—I say it with great respect to the committee—to show us exactly the necessities for this legislation; and I do think we ought to have a safeguard as to the rights of adverse claimants.

Mr. FRELINGHUYSEN. Do I understand the Senator from Ohio as offering that as an amendment?

Mr. THURMAN. I would prefer that some one who has the bill in charge would do it. I do not wish to intermeddle much with it.

Mr. FRELINGHUYSEN. Will the friends of the bill accept that suggestion?

Mr. HARVEY. In answer to that question I will simply repeat what I said yesterday:

As the purpose of this bill is simply the vindication of rights of certain settlers who have suffered by a misconstruction of the law, I do not think it ought to be complicated with other legislation. I hope the Senate will pass the bill without loading it with amendments on other questions but remotely, if at all, connected with the pending bill.

Mr. FRELINGHUYSEN. I understand, then, that the friends of the bill do not accept the suggestion of the Senator from Ohio. Now, I am in favor of the amendment offered by the Senator from Wisconsin, because it protects the vested rights or the rights, inchoate though they may be, of Wisconsin; but I am not content to vote for this bill merely because the rights of Wisconsin are protected, and leave the rights of all the other States and people of the United States unprotected. This bill I will vote for with great pleasure if it may be amended so as to provide that nothing contained in it shall impair vested rights of property or affect existing litigation. I believe, or at least I fear, that this bill does both of these things.

One objection that has been made to the amendment that it shall not affect existing rights of property is, that it is unnecessary. I do not think that it is unnecessary. Another answer that is made is that we have not the power to divest vested rights. Well, that answer may be made when a proposition is up here, that we shall pay the bonds of the United States in gold, as a ground for passing a law that they shall be paid in currency, because we have not the power to violate the faith of the United States. If this bill passes, it is a sovereign speaking to its ministerial officers as to what they shall do with muniments of title.

Mr. INGALLS. Does the Senator deny our authority to do that?

Mr. FRELINGHUYSEN. I deny our right to interfere with vested rights of property.

Mr. INGALLS. That is no answer to the question.

Mr. FRELINGHUYSEN. And I think that that would interfere with vested rights of property; and therefore I deny the right, not the power, of Congress to do it. We have no better right, in my opinion, to pass a law that interferes with the vested rights of property than the courts have to pronounce a judgment that interferes with vested rights of property; and it is no answer to say that the courts will overrule us if it does interfere with vested rights. We have no right to do it.

But, Mr. President, further it does seem to me that this bill directly affects existing litigation. I made a statement on that point yesterday in hopes that there would be some answer made to it, but I have heard none. I happened in the month of October to be in the Supreme Court and my attention was called to a case there pending in which I had no interest in any way. The case was in reference to lands in Kansas. In 1825 a treaty was made with the Osage Indians by which the United States reserved 950,000 acres of land for the benefit of those Indians so long as they should choose to occupy it. In 1866 those Indians, the *cestui que trusts*, released to the trustee, the United States, this land in trust that it should be sold according to the land laws of the country and the proceeds invested for the benefit of the Indians. Under that law of 1866 extensive sales have been made to settlers.

So far it is all very well; but it happens that in 1863, three years before this last act, the United States made a grant to the State of Kansas of a large tract of land, including these lands, and Kansas has granted these lands to two railroad companies—the Leavenworth, Lawrence and Galveston, and the Missouri, Kansas and Texas. Those companies claim that their grant precedes that of 1866. The grant, however, that was made to Kansas in 1863 contains this exception, "excepting out of the lands here described all reservations of the United States." The United States claim that that exception excepted from the operation of that grant this Indian reservation; and they directed—I believe it was done by act of Congress—but at all events the United States brought suits against those two railroad companies to have the patents of the companies canceled so that the rights of these settlers might be confirmed. The circuit court of the United States decided in favor of the United States and against the railroad companies. The railroad companies urged this plea: "The reservation of the United States had been extinguished in 1863; our rights have frequently been recognized; we have equities equal to those equities of the settlers, for bondholders have advanced their money on bonds secured by mortgage on these lands;" and an appeal from that decision of the circuit court has been argued in the Supreme Court, and is now awaiting decision.

Then, in reference to a large class of settlers in Kansas at this day who have bought their land, complied with the provisions of the land laws, just as this bill says, we have a case pending in the Supreme Court, and this legislative body steps in and confirms the title of those settlers. It steps in and takes the place of the Supreme Court and makes the decision. It may be that the decision of the court below will be affirmed; but I think that it is not the province of a legislative body to interpose and assume powers of adjudication and to pronounce judgment.

For these two reasons—because I believe this act does affect vested rights and because it does interfere with existing litigation—I will vote for this bill if there is a proviso providing that it shall not affect vested rights or existing litigation, and I cannot without.

Mr. HARVEY. I only want to correct a misapprehension of the Senator from New Jersey, by stating that as I understand it the case that he refers to in the Supreme Court turns upon different questions entirely, to which this bill has no relation, as I understand. The bill substantially in the form it is now before the Senate passed the House of Representatives I think before that appeal was taken from the decision of the United States circuit court in the Osage ceded-land case. At any rate, I think the Senator is laboring under a misapprehension when he supposes that the passage of this bill would in any way affect the questions upon which the case in the Supreme Court is to be determined.

Mr. OGLESBY. Mr. President, although chairman of the Committee on Public Lands and to some extent familiar with the provisions of this bill, I have not heretofore said anything upon the subject. I have abstained from any discussion of it for two reasons: first, because on account of the anxiety of the Senator from Kansas [Mr. HARVEY] on the subject and his familiarity with it, exceeding mine very largely, the committee intrusted the control and management of the bill on this floor to him; and next, because of my

want of familiarity with the subject in its legal bearings which I had not studied, and as is the lot of many Senators here have not had time to study carefully. To talk about law when one does not thoroughly understand it, and to endeavor to impart a knowledge of law to other members as dark as one's own, is a dull, heavy business, and throws more fog than light upon a subject. There are, however, a few thoughts in connection with this bill that I may dwell upon for a short time, and then I shall be glad, as I have no doubt this body will be glad, to have the matter disposed of, either by defeating the bill or by passing it into a statute law of the nation, as I hope will be done.

There are some general considerations connected with this subject which it may be well not to overlook, and I do not know but that refreshing our minds about those general considerations may have some bearing on the question of vested rights.

Mr. President, the original theory of a grant of land by the General Government to aid in the construction of railroads was not exclusively to open new lines of commerce, not exclusively to facilitate the modes of transportation; but, as Senators will remember, the original theory applied in my own State by the experimental legislation on the subject was that it would encourage a development of the State by bringing actual settlers to occupy theretofore unoccupied public lands. It was an invitation and an encouragement to the people of the older States to migrate to the West to occupy the valuable public lands there lying vacant. That was the theory of the Illinois Central Railroad grant. It has been the theory connected with every railroad grant passed by Congress since. Under that incentive or motive all the railroad bills that have ever passed Congress have been carried into execution, on the idea that the intention was to populate the States and to occupy this vacant land. When the donations were made, the Government reserved all the even-numbered sections of land. That is plain. The Government reserved also the odd sections of land (which it will be remembered were those always given to the railroads) wherever they had been previously disposed of by occupation, by purchase, by public sale, or by any special reservation. All such odd sections were all specially reserved from the operation of the railroad grant, still keeping in mind the general purpose of legislating, not for the benefit of the railroads, but for the benefit of the States and for the purpose or securing the occupation of the public lands. These were the inducements universally held out.

Now, the land-grant acts say that after the railroad companies shall have established their line, shall have accepted the grant, shall have made the maps of their line, and shall have constructed and put in operation so many miles of railroad, then the land granted shall be vested in them. What land? The even-numbered sections? No; for they were never granted. All the odd-numbered sections within five or six miles? Certainly not; for many of them had been reserved under various exceptions. They were not even then to go to the railroad company. What next? When the time should come for definitely fixing the line of location of the road, then the railroad company had progressed so far in establishing its inchoate rights as to have a vested right to the odd-numbered sections within the boundaries prescribed not excepted or reserved from the grant. Now, look at the equity, look at the purpose of these laws, come down to the sense of the thing, and when was that right to formally vest in the railroad to the odd sections? When was that time that was to divest the right of the public to take the odd sections as well as the even? When the preliminary line was run? When the line was permanently fixed, platted, mapped, and returned to the Secretary of the Interior? Was that the equitable or the legal time when the public were to be divested and the corporation were to be invested with the right to this land? No, sir. Look to the action of the Government, look to the operation of the public land laws for fifty years before that time; and what was it? All public land put in market or subject to entry by pre-emption or homestead settlement was dealt out to the people through the local land offices. They were the lungs of the public land system. There was where the people of the great West could touch and feel the General Government. They had no access to the Department of the Interior, no familiarity with the decisions of courts, and were strangers to the legislation of Congress in exceptional cases upon the public land; but every man and every woman and everybody knew where the land office was, where the register and receiver lived; all knew that the public records were kept there, and that there was the place for the western pioneer and adventurer to go and get the muniments of title to his home. Consistently with that general expectation and consistently with that uniform theory, the Secretary of the Interior ruled over and over again that, notwithstanding the line was laid by the company, notwithstanding the plats and charts were made and filed here, as the public knew nothing of these operations, their rights always continued until the lands within the limits of the grant were withdrawn from sale, from entry, or from occupation at the local land offices.

Now, does not this body see, as I apprehend this country will see, that if there be vested rights here, vested privileges, vested immunities, anything vested, based upon law or upon custom, those vested rights are with the uneducated and inexperienced man of the West, who knew the Government through its local land offices, and knew the Government in no other way? When the Government should withdraw the land from the public with the view of vesting it in a railroad company, the proper and only judicious and equitable place was at the local land office, away out in the Territories or in the Western States, far away from lines of communication with the East or with the General Government.

Do you not perceive then, Mr. President, that, when a custom that had been standing for fifty years and was perfectly well understood by the people was violated by a new, a recent, a modern interpretation of the law, that interpretation made in July, 1873, the operation would be harsh and severe? What was to keep the people from going on and making entries, not alone of the even-numbered sections, but making entries and homestead settlements upon the odd-numbered sections within the limits of the railroad grant, until they could know at the local land office what land the grant included by proclamation of the President or by the order of the Secretary of the Interior or the Commissioner of the General Land Office, filed at the local land office or published there? How could they otherwise know it so well as by that process?

I am talking of the equities of this whole question. I admit that whatever the Supreme Court may have decided for the time being is law, and ought to be law, and will remain law. I say that for the benefit of the honorable Senator from Ohio [Mr. THURMAN] and the honorable Senator from New Jersey [Mr. FRELINGHUYSEN] and the honorable Senator from Wisconsin, [Mr. HOWE,] who have been discussing this bill, as I think, in a very fair spirit. I have not been under the impression that they are trying to defeat it by technicalities at all; but they are accustomed to look at all these questions through the light of judicial channels, and they hang, and very persistently hang, upon a judicial determination, for there is where they go for the settlement of all questions of law of every description, and they are naturally disposed to apply that rule when dealing with these settlers upon the western frontier. They go to the courts for interpretation.

This bill is for the settler, the pre-emptor; and I am not overly in love with that character, Mr. President. I do not think he is the *beau ideal* of human perfection. But still, the honest pre-emptor has the same rights that the honest homestead settler has. One goes upon the land, and by five years' actual and continuous occupation and improvement of the land acquires a title. The other does so by actual improvement and occupation for one year. The pre-emptor pays the price of the Government at the end of one year after actual improvement and occupation; the homestead settler remains five years and takes the title without the payment of a dollar. That is the only difference between them; but I suppose their rights are the same if they have complied with the law. Now, one of the reasons why this bill is brought here, if I understand the Senators from Kansas and Nebraska and from the Pacific coast who have taken a deep interest in this matter, is this: Actual settlers took this land prior to the time when it was withdrawn from the local land office but after the day that the railroad company had permanently fixed the line of its road; and that is what Senators seem to be at fault about. They do not seem to clearly comprehend what there is in this step or span or length of time, the time between the fixing of a line in the office of the board of directors, and the other time, away after that, when the land was withdrawn from sale or entry at the local land office in the West. Between these two times the trouble here arises. Originally, down to 1873, the time when the railroad's right accrued was when the land was withdrawn at the local land office in Iowa, Illinois, or the Western States or Territories. Since 1873 the time is the day of filing the permanent and final line of location of the railroad in the office of the Secretary of the Interior, instead of at the local land office in the West.

These men habitually accustomed to making locations with reference to the withdrawal of public land, at the local land office kept on making locations as they had made them before. The Secretary of the Interior stops them all at once and after thousands of locations had been made, stops them by what the members more directly and more immediately interested in the question than I am regard as an arbitrary decision. Now, what are the rights of these settlers? Says the Senator from Ohio, "Why, this is a judicial question. If these men have rights, the courts will determine them; if these railroads have legal rights, the courts will not and cannot take them away." But he overlooks one feature in the case. The Secretary of the Interior, after the line is established and filed in his Department, having abolished the old system and the old plan, takes the map of the grant, covering land five or ten or fifteen miles wide on each side of the line of the road, and at that instant of time takes his pencil or his pen and marks certain odd sections as belonging to the railroad company, and all these odd sections from that instant of time belong to the railroad, forgetting the old custom. Knowing nothing about this new interpretation, these western people have gone on disregarding the little pencil marks made by the Secretary of the Interior on the map in his Office, and have gone to the open maps in the local land office and found that the odd sections were not marked there as taken, but they were marked there as vacant still. They went upon them, filed their preliminary papers, paid the preliminary fees, took possession, went upon the land, and fondly thought they had a home.

Gentlemen argue here that this is a legal matter, to be determined by the courts of justice and not by the legislation of Congress. They say let the parties go into court and maintain their rights. What does the Secretary of the Interior do when he takes the pencil and marks the odd sections all along for a hundred or a thousand miles

to a railway company? What other little thing does he do? When the quarterly returns come in from the local land offices with these odd-numbered sections which he has marked to the railroad marked as occupied by private citizens or persons who have filed a declaration of intention to become citizens and who have received a certificate of location to identify their rights, the Secretary of the Interior takes another pencil and obliterates all these locations, vacates these certificates of location, at one fell swoop drives them all away, divests each settler of his right or of any muniment of title. His location is vacated, declared vacated on the books of the Department here, and the title declared vested in the railroad company; and a patent is granted to the railroad company for lands which had been occupied for weeks or months, which the local land-office books show the settler owns or has an inchoate or preliminary right to. All such rights are cut out, planed off, shoved aside, and the man is left with his prairie or his timber alone, without a muniment of title or a paper to stand upon in any court of law. In the district court of the United States, or in the circuit court, or in one of the local courts of the State, if he shall bring an ejectment to recover possession from a man who has purchased from the railroad company, he is confronted with the patent of the United States to the lands in the railroad company and a deed from the railroad company to its assignee or vendee. There he stands, helpless. What title has he got to show? He is stripped, cleaned of everything.

It strikes me that if there are any vested rights here the vested rights are with the man who has made an occupation of the country according to the customs and the usages of the nation. "Vested rights" are with the man who, in obedience to this policy, carrying practically the policy of the Government into effect, moved upon the land and occupied the land as we in all our grand speeches insisted he would and should do. In order to pacify the public mind and to reconcile the people to these railroad grants, we made these repeated declarations of the policy and purpose that it was to encourage the settlement of the western States and western Territories. These pioneers have accepted the invitation of this liberal policy, and gone there and made settlements according to the old custom which held this land open on the books of the local register. A man who has done this finds himself up-tripped by a new decision of the Secretary of the Interior, and when he comes into a court of law he finds himself again up-tripped, for he has no muniment of title, no paper to show his right, while the patent is outstanding in the hands of the railroad or of the assignee or the purchaser from the railroad.

Sir, I do not see why there should be so much trouble about understanding this bill. If there is anybody on this floor who has trouble of that kind I think it is myself. I do not know of any member here more usually befogged than I am, and even I can understand this bill. Why, see how plain it is, Mr. President.

> That all pre-emption and homestead entries, or entries in compliance with any law of the United States, of the public lands, made in good faith by actual settlers upon tracts of land of not more than one hundred and sixty acres each, within the limits of any land grant, prior to the time—

Here is the hurting place—

> prior to the time when notice of the withdrawal of the lands embraced in such grant was received at the local land office of the district in which such lands are situated, or after their restoration to market by order of the General Land Office, and where the pre-emption and homestead laws have been complied with, and proper proofs thereof have been made by the parties holding such tracts or parcels, they shall be confirmed.

That is what this act of Congress will say when it is finished, when it is passed into a law. It will read:

> They shall be confirmed, and patents for the same shall issue to the parties entitled thereto.

That at least is plain. Well, but say Senators—the Senator from Ohio says—"Let us put an amendment right on there, providing in substance" (I cannot repeat the language of it) "that the United States shall in no event be liable for compensation for damages to any party in consequence of the issuance of this new patent; that, if damages result from the issuing of a prior patent, the Government shall not be liable in damages; and if damages result from issuing this last patent the Government shall not be liable." Does the Senator from Ohio expect, by putting such an amendment on this bill, if we pass it, to exonerate the Government from damages, if it shall be legally liable to them by issuing two patents or three patents to the same tract of land? That is manifestly a judicial question, and ought not to be on this bill. That ought to be reserved for the courts. We ought not to encumber this act with a purely judicial question, as to whether the Government is liable or not. And can the Government shirk responsibility from just damages by putting a proviso to a law? I think not.

It shall not be a reason in my mind why this bill shall not pass because the condition that the amendment proposes to interpose conflicts with the merits of this bill and the rights of the people whom this bill is about to be passed to benefit. Therefore I will not vote for an amendment the effect of which may be to divest those people of any rights they may have, because they have pursued the known and open laws of the land in making their entries upon public lands. That is the reason I will oppose any such amendment. It is not because I do not want to preserve the Government of the United States and the Treasury from damages. It is not because I am not willing to protect at all times the revenues of the country against assault from any direction. But while I am legislating here in what appears to my mind to be a clear and smooth channel, to put on their feet again those people who have been uptripped by a decision of the Secretary of the Interior, I will not embargo their rights by putting on other conditions here which are to hold them in abeyance for years.

As it is now, these people cannot be heard in court. If I understand the law of this case as debated here by better lawyers than I am, they cannot be heard in an action of ejectment; they cannot stand upon their possessory right against a paper title, under seal from the Government of the United States, in the hands of an adverse holder. I propose under this bill to give them a patent. I propose that they shall receive a patent from the Government if they have honestly and faithfully pursued the pre-emption and homestead laws under the regulations of the Interior Department.

As I said some time ago, to my mind the vested rights in the case belong exclusively and wholly to the settler. Where has the railroad company got any vested right? It is assumed in this debate that it has a vested right. Has it a vested right because it has improperly obtained a patent to land it had no right to? Has it a vested right because it has laid down a line of railway away off from the country where the road is to run? Has it a vested right because the Secretary of the Interior, in a decision which he thought fit to make, has put them above the settler by a decision of his? Has that given them an absolute right? I say the settler has the vested right, and this bill comes in to recognize that vested right and put him, whether he be few or many, where he stood before this ruling was made. Then he will have his patent issued by the General Government, he will have possession of the land, and it is no answer to me, appalling as the consequence may appear to some Senators on this floor, that the railroad company or its assignee may also come in and present a patent for the same land. Here is the deliberative legislative body of this nation appealed to for the purpose of passing laws. We look to the equities of the case as well as the courts of justice. It is the particular province of this body to look at the equities of the case, to look at the rights of the people. How are these settlers to meet these corporations in these great land suits? Why, Mr. President, it is impossible for these people to combine. Can fifty or one hundred settlers get together whose rights are in dispute under this interpretation of the Secretary of the Interior and by contribution raise the funds to go through the long line of litigations, including costs and attorneys' fees? These people cannot combine; they have no means of making combinations; they have no capital to build upon; whereas, whether the railroad company be rich or poor, whether it be popular or unpopular, whether its railroad track be wisely or unwisely located, whatever of capital and power it has is compact and organized and under the touch of the bell-string. They can be heard; they are organized and in force. These other men, scattered and wandering over the western plains, cannot combine to test their rights. Equity, fair-dealing, justice, (not to be interfered with by the intervention of technicalities at this late hour,) demand that this law shall be passed, that these people may be put where they stood for fifty years, where in equity and good conscience they should stand now.

Mr. MORRILL, of Maine. Mr. President, I have listened pretty attentively to this debate with a view to ascertain, if I could, what I ought to do upon the final passage of this bill. If I could have any sympathies in the case, they would be on what might be called the popular side of the question; that is to say, in favor of that large class of persons whose individual rights are involved in this question. But, Mr. President, I look at it as a question, so far as this bill presents a question, of conflict of interest between two or more parties, each of them claiming under the Government of the United States. The bill in its effect must be that, I think. It is designed to settle questions between two or more adverse interests.

The Senator who has just resumed his seat, the chairman of the Committee on Public Lands, says that there can be no such thing as a vested right in a railroad company, as I understand him. Well, Mr. President, I do not raise that question; it does not become me to discuss it; but that is the identical question here. It is said that an invidious interpretation has been given by the Land Office or by the Secretary of the Interior of the land laws in favor of some railroad grant. I do not agree to that at all. Unquestionably this bill is designed to settle a conflict of interest, and that conflict of interest arises on the legislation of Congress in both instances. First, the Congress of the United States has been accustomed to make land grants to the States, and sometimes to railroad corporations, for the purpose of aiding in the construction of railroads. It is intended that the railroad companies or the States should have rights in those lands. The question arises, when do those rights become perfected in the companies or in the States so that they have what may be termed a vested interest. Now, here is an authority which I understood the Senator from Oregon [Mr. MITCHELL] to read from the other day, yesterday perhaps or the day before, which seems to intimate that there is a time when it may be said that the grantee under such a grant has got a perfected title. When is that? Referring to certain acts which I have not before me and do not know what their effect was, it says:

> The act of June 3, 1856, and the first section of the act of May 5, 1864, are grants *in præsenti*, and passed the title to the odd sections designated to be afterward located; when the route was fixed their location became certain, and the title, which was previously imperfect, acquired precision and became attached to the land.

It may be said that those particular grants are peculiar and have a

force which ordinary grants do not possess. I do not know how that is; but I take it for granted that when Congress makes a grant of land to a State it is by terms and under circumstances where it is practicable for the State to take an interest in it and acquire a property in it; and I should say, according to the decision here, that that would accrue whenever the grantee had accepted the terms and conditions of the act, had defined the limits and ascertained precisely where it proposed to locate the lands. That seems to be the principle recognized in this decision. If that is so, there is a fixed and determinate time under these land grants when the State or the grantee under the grant for beneficial purposes may be said to have a right. That is as clear as anything can be.

Mr. INGALLS. Does the Senator regard the title to the land as absolute?

Mr. MORRILL, of Maine. I regard it as absolute as the property could be conveyed by a grant from the Government.

Mr. INGALLS. Although the grantee should fail to comply with the conditions of the grant?

Mr. MORRILL, of Maine. Of course, if it is dependent on conditions there may be a forfeitnre.

Mr. INGALLS. Those grants are all so forfeited, and the titles cannot be perfected.

Mr. MORRILL, of Maine. The title so far is perfected. They may forfeit. If there are conditions upon which the further holding depends they may forfeit, of course.

The question in my mind is precisely this: Does not this bill undertake to say that independent of any such right as that it is competent for Congress to legislate absolutely in advance of that time? That is the way it impresses me. If it is not so I should with pleasure vote for this bill, but it strikes me that the facts presented here absolutely make this a judicial question, and that we undertake to pass upon the rights of parties without having such facts before us as enable us to tell what the effect of it will be.

Therefore, Mr. President, unless there is some such amendment as has been suggested by the Senator from Ohio, [Mr. THURMAN,] I do not see how I can vote for this bill.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Wisconsin, [Mr. HOWE.]

Mr. HOWE called for the yeas and nays; and they were ordered.

Mr. MERRIMON. Let the amendment be read.

The PRESIDENT *pro tempore*. It will be reported.

The CHIEF CLERK. The amendment is to insert at the end of the first section of the bill the following proviso:

Provided, That nothing in this act shall be construed to affect the title which the State of Wisconsin, or its assigns, may have to lands granted to that State by the act entitled "An act granting public lands to the State of Wisconsin to aid in the construction of railroads in said State," approved June 3, 1856, and the acts amendatory thereof, but such title shall remain as valid as the same now is.

The Secretary proceeded to call the roll.

Mr. BOUTWELL, (when his name was called.) On this bill I am paired with the Senator from Louisiana, [Mr. WEST.] He would vote against the amendment and I would vote for it.

Mr. CAMERON, of Pennsylvania, (when his name was called.) I am paired with the Senator from Indiana, [Mr. MORTON.] If he were here I would vote for the amendment and the Senator from Indiana would vote against it.

Mr. DENNIS, (when his name was called.) On this question I am paired with the Senator from Rhode Island, [Mr. ANTHONY.] If he were here he would vote yea and I should vote nay.

The Secretary concluded the call of the roll; and the result was announced—yeas 8, nays 41; as follows:

YEAS—Messrs. Cameron of Wisconsin, Conkling, Ferry, Frelinghuysen, Howe, Morrill of Maine, Morrill of Vermont, and Saulsbury—8.

NAYS—Messrs. Alcorn, Bayard, Bogy, Booth, Bruce, Caperton, Clayton, Cockrell, Davis, Dorsey, English, Goldthwaite, Hamilton, Harvey, Hitchcock, Ingalls, Johnston, Jones of Florida, Jones of Nevada, Kelly, Kernan, Key, Logan, McCreery, McDonald, McMillan, Maxey, Merrimon, Mitchell, Norwood, Oglesby, Paddock, Patterson, Ransom, Sargent, Sherman, Spencer, Thurman, Windom, Withers, and Wright—41.

ABSENT—Messrs. Allison, Anthony, Boutwell, Burnside, Cameron of Pennsylvania, Christiancy, Conover, Cooper, Cragin, Dawes, Dennis, Eaton, Edmunds, Gordon, Hamlin, Morton, Randolph, Robertson, Stevenson, Wadleigh, Wallace, West, and Whyte—23.

So the amendment was rejected.

Mr. HOWE. The Senate have voted against the amendment that I submitted. I want to try the disposition of the Senate on an amendment that I did not devise myself, but one that was suggested by the Senator from California [Mr. SARGENT] to meet the very purpose which I said I had in view; and I ask the vote of the Senate upon that amendment.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. It is proposed to insert at the end of the first section of the bill the following proviso:

Provided, That the Commissioner of the General Land Office shall not hereafter restore such lands to market without authority of Congress.

The PRESIDENT *pro tempore* put the question on the amendment, and declared that the noes appeared to prevail.

Mr. HOWE. If the Senate will indulge me, I want to have the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 12, nays 39; as follows:

YEAS—Messrs. Allison, Cameron of Wisconsin, Conkling, Cragin, Ferry, Frelinghuysen, Hamlin, Howe, Morrill of Maine, Morrill of Vermont, Sargent, and Windom—12.

NAYS—Messrs. Alcorn, Bayard, Bogy, Booth, Bruce, Caperton, Clayton, Cockrell, Conover, Davis, Dorsey, English, Goldthwaite, Hamilton, Harvey, Hitchcock, Ingalls, Johnston, Jones of Florida, Jones of Nevada, Kelly, Kernan, Key, Logan, McCreery, McDonald, McMillan, Maxey, Merrimon, Mitchell, Norwood, Oglesby, Paddock, Ransom, Saulsbury, Sherman, Thurman, Withers, and Wright—39.

ABSENT—Messrs. Anthony, Boutwell, Burnside, Cameron of Pennsylvania, Christiancy, Cooper, Dawes, Dennis, Eaton, Edmunds, Gordon, Morton, Patterson, Randolph, Robertson, Spencer, Stevenson, Wadleigh, Wallace, West, and Whyte—21.

So the amendment was rejected.

Mr. HOWE. I am getting nearer to success evidently. [Laughter.] The first prescription I offered to the Senate I could hardly expect to have been taken kindly, because it was compounded by one already classed as an enemy of the bill. The last one was compounded by a friend of the bill, and I see it is received with more favor than the first one was. Though that does not exactly effect a cure, I have another pill prepared by another friend of the bill, the Senator from Indiana, [Mr. MORTON,] who is not now in his seat; and this, I think, will effect a cure. He said it would. I move the following amendment as a proviso to the first section:

Provided, That nothing in this act shall be held to confer upon the General Land Office any authority to restore to market any land once granted to a State for railroad purposes.

Mr. INGALLS. The Senator from Indiana by leaving the Chamber has evidently abandoned this amendment, and, as it is entirely superfluous, I trust that the friends of the bill will vote against it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Wisconsin.

The amendment was rejected.

Mr. HOWE. As the Senator from Indiana, as we are informed by the Senator from Kansas, abandoned his own prescription, I feel at liberty to abandon it myself. [Laughter.] I doubt if it would be best to take it. I now propose an amendment prepared by another doctor, equally skillful and quite as friendly to the bill, I suppose, as any one, my honorable friend from Minnesota, [Mr. MCMILLAN.] I move to amend the bill in the tenth and eleventh lines of the first section by striking out the words "by order of the General Land Office" and inserting the words "in pursuance of law."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Wisconsin.

Mr. MCMILLAN. In making that suggestion to the Senator from Wisconsin, I did it upon information which I supposed was in accordance with the interests of the bill. Subsequently, being advised by the Senator from Kansas [Mr. INGALLS] that it would operate injuriously to the bill, I abandoned it entirely.

Mr. HOWE. Do I understand the Senator from Minnesota to go back on his prescription also? [Laughter.]

Mr. MCMILLAN. I merely took the suggestion of the Senator from Kansas, and did not offer it as an amendment at all.

Mr. HOWE. O, no, I knew the Senator did not advertise it; but I felt authorized to advertise it for him.

Mr. MCMILLAN. I believe it is so advertised.

Mr. HOWE. But the Senator does not propose to stand by it?

Mr. MCMILLAN. I will vote against the amendment.

The amendment was rejected.

Mr. FRELINGHUYSEN. I move to amend the bill by inserting at the end of it these words:

Provided, That nothing in this act contained shall affect any rights that are now vested.

Mr. ALCORN. One word. I ask whether by voting for that amendment it is to be implied that this Congress can divest rights? If rights have vested can we divest them by this legislation?

Mr. FRELINGHUYSEN. The implication would be that this Congress would not divest vested rights if we pass the amendment.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from New Jersey.

Mr. FRELINGHUYSEN. I ask for the yeas and nays.

The yeas and nays were ordered.

The Secretary proceeded to call the roll.

Mr. BOUTWELL, (when his name was called.) I may say, once for all, that I am paired with the Senator from Louisiana, [Mr. WEST.] If present, he would vote as a friend of the bill, and I am opposed to the bill.

The Secretary concluded the call of the roll; and the result was announced—yeas 16, nays 36; as follows;

YEAS—Messrs. Allison, Bayard, Cameron of Wisconsin, Conkling, Cragin, Frelinghuysen, Hamlin, Howe, Merrimon, Morrill of Maine, Morrill of Vermont, Ransom, Robertson, Saulsbury, Thurman, and Wallace—16.

NAYS—Messrs. Alcorn, Bogy, Booth, Bruce, Caperton, Clayton, Cockrell, Conover, Dorsey, English, Ferry, Goldthwaite, Hamilton, Harvey, Hitchcock, Ingalls, Johnston, Jones of Florida, Jones of Nevada, Kelly, Logan, McCreery, McDonald, McMillan, Maxey, Mitchell, Oglesby, Paddock, Sargent, Sherman, Spencer, Stevenson, Whyte, Windom, Withers, and Wright—36.

ABSENT—Messrs. Anthony, Boutwell, Burnside, Cameron of Pennsylvania, Christiancy, Cooper, Davis, Dawes, Dennis, Eaton, Edmunds, Gordon, Kernan, Key, Morton, Norwood, Patterson, Randolph, Wadleigh, and West—20.

So the amendment was rejected.

Mr. CAMERON, of Wisconsin. I desire to move an amendment to the third section by striking out the following words, commencing in line 5, "or when the grantee was in default in the performance of any of the conditions imposed by such grant;" so that, if amended, the section will read:

That all such pre-emption and homestead entries which may have been made by permission of the Land Department, or in pursuance of the rules and instructions thereof, within the limits of any land grant at a time subsequent to expiration of such grant, shall be deemed valid and a compliance with the laws, and the making of the proof required shall entitle the holder of such claim to a patent therefor.

Mr. INGALLS. So far as I am concerned, as one of the friends of the bill, I am willing that the clause referred to should be stricken out.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Wisconsin, [Mr. CAMERON.]

The amendment was agreed to.

Mr. KELLY. I wish to offer an amendment. It is simply a verbal one, but I am satisfied it should be made. In the seventh line of the second section I move to strike out the word "or" where it occurs twice and insert the word "and." It is evidently a mistake.

Mr. BOGY and others. It is a mistake.

Mr. KELLY. It should read:

Who have complied with the laws governing pre-emption or homestead entries, and shall make the proper proofs required under such laws.

Mr. SARGENT. I believe it is agreed that the word should be "and."

The PRESIDENT *pro tempore*. Is there objection to this correction? The Chair hears no objection, and it will be made.

Mr. MERRIMON. I said yesterday that I was sincerely desirous of giving my support to this bill if I could do so consistently with my notions of right. I doubt now whether, if it shall become a law, it will effectuate the purpose its friends desire. In that doubt I am inclined to give my vote in favor of the bill, but in doing so I want to exclude any presumption or implication of liability on the part of the Government to anybody to be affected by the bill if it shall pass. Therefore I move to add at the end of the last section the amendment which I send to the Clerk's desk.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. It is moved to insert at the end of the bill the following proviso:

Provided, That this act shall not be so construed as to imply any obligation upon the United States to compensate any person on account of any claim or right embraced or affected by it.

Mr. MERRIMON. Upon that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MORRILL, of Vermont. May I ask the Senator from North Carolina if he will not also include corporations as well as persons?

Mr. MERRIMON. I believe, under the general law, "persons" embraces "corporations."

Mr. HARVEY. I hope this amendment will not be adopted. It is open to the objection that it would complicate the whole measure.

The question being taken by yeas and nays resulted—yeas 16, nays 33; as follows:

YEAS—Messrs. Alcorn, Bayard, Cameron of Wisconsin, Conkling, Dawes, Frelinghuysen, Hamlin, Howe, Kernan, Key, McCreery, Merrimon, Morrill of Maine, Morrill of Vermont, Robertson, and Thurman—16.

NAYS—Messrs. Allison, Bogy, Booth, Bruce, Clayton, Cockrell, Conover, Davis, Dorsey, Ferry, Goldthwaite, Hamilton, Harvey, Hitchcock, Ingalls, Johnston, Jones of Florida, Jones of Nevada, Kelly, Logan, McDonald, McMillan, Mitchell, Oglesby, Paddock, Sargent, Sherman, Spencer, Stevenson, Whyte, Windom, Withers, and Wright—33.

ABSENT—Messrs. Anthony, Boutwell, Burnside, Cameron of Pennsylvania, Caperton, Christiancy, Cooper, Cragin, Dennis, Eaton, Edmunds, English, Gordon, Maxey, Morton, Norwood, Patterson, Randolph, Ransom, Saulsbury, Wadleigh, Wallace, and West—23.

So the amendment was rejected.

Mr. CAMERON, of Wisconsin. I have one more amendment to offer. I move to strike out in lines 4 and 5 of section 3 the words "at a time subsequent to expiration of such grant;" so that, if amended, the section will read:

That all such pre-emption and homestead entries which may have been made by permission of the Land Department, or in pursuance of the rules and instructions thereof, within the limits of any land grant, shall be deemed valid, and a compliance with the laws and the making of the proof required shall entitle the holder of such claim to a patent therefor.

Mr. SARGENT. That would take the sense out of the section entirely. If it left any meaning in it at all, it would be doing an act which, of course, Congress would have no power to do. The provision of the section is that, if subsequent to the expiration of a grant, and consequently when, in the theory of the friends of the bill, there was no right in the railroad company, these entries were made, they should be held valid; but to strike out the words "subsequent to expiration of such grant" would make them valid, if it were possible to do so, before it expired and while the railroad company had a right. Therefore of course the amendment ought not to be adopted.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Wisconsin.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT *pro tempore*. The question is on the passage of the bill.

Mr. HOWE. Mr. President, I have spent two pretty laborious days here in endeavoring to ascertain whether I was a friend of this bill or not. Of course I have an ambition to get into a crowd as prosperous, not to say as earnest, as the friends of this bill have shown themselves to be; and I have tried my best to ascertain what was the real purpose and drift of the bill. I do not know that to this moment I understand that. I think I understand what the purpose is not. For two days we have listened to some of the best declamations I have ever heard in the Senate urged here in support of that class of unfortunates who, seeking homes, have been beguiled by the directions or misdirections of the land offices of the United States into making settlements upon specific portions of the public domain which were subsequently held to be covered by grants from Congress to other parties, especially to railroad corporations. I listened to the remarks of my honorable friend from Illinois [Mr. OGLESBY] this morning till my heart would have bled for that class of men but for one little consideration, and that is that I happen to know this bill will not bring relief to one of them, and will not bring relief within fifty miles of one of them. Lawyers on the floor have pretended to doubt whether it was competent for Congress to convey to this class of men the relief which they seem to be promised by this bill. I make no such question now. There is, however, upon your statute-book a law, as broad as any you can pass, which declares that all lands belonging to the United States are subject to pre-emption, with certain unimportant exceptions not necessary to enumerate, and, just as specifically as an act of Congress can provide, that right of pre-emption is pointed out and defined. There it is. [Holding up a volume of the statutes.] If you can vest a right by an act of Congress, you have invested the right in all the persons described here to pre-empt lands which belong to the United States; and I do understand that that right is just as much within the protection of the judicial power of the country as any right that any man ever asserted anywhere. So that if there be a man in the United States prepared to say and to prove that he has made a pre-emption of lands belonging to the United States, he will be protected in that right without any effort of ours. If any such man, however, has gone on to a tract with a view of making a pre-emption, when in fact and in law the tract had ceased to belong to the United States, but had been granted by the sovereign act of Congress to somebody else, mark it the United States and mark it the pre-emptor, I do not know that you can take it back and give it to the pre-emptor. That is a question of law. Good lawyers, and the best, I am told, in the Senate have declared for this bill. I suppose they are prepared to show that you can take it back and can give it to a pre-emptor. If you can I would do it; but you cannot do it by this bill, for the simple reason that those pre-emptors are not there on the land, have not been there. There may be individual exceptions; but the last of your grants was made a great many years ago; and I take it but very few pre-emptors, or alleged pre-emptors, have been hanging on year after year, year after year, with a view of getting an act of Congress which will convey to them titles.

Therefore I think we are not going to convey any comfort or any relief to pre-emptors or to anybody else, unless to their lawyers. If I was a lawyer, and lived out there on the frontier, or anywhere within the limits of the region of any of these grants, I am inclined to think I might see, if not "millions," at least a good many luscious thousands in a law of this kind. Do not understand me, therefore, as standing here to defend the right of a railroad, the right of a corporation. Of course I know my business better than that. If the real purpose is to execute a railroad, do you not suppose I would have as much fondness for the hanging as any of you? But when the purpose merely is to hang the effigy of a railroad for the purpose of deluding somebody else, I have no particular appetite for that.

I say, then, that I am not going to vote against this bill because it purports to divest rights from a railroad company, nor because it is going to vest any rights, in pre-emptors or homestead settlers. I do not think it does one thing or the other. My own conclusion is—I may be mistaken about it—that the milk of this bill is in the second section and in the third section, and in the two lines of the first section which I have been trying to get an exposition of very ineffectually. The second section of the bill begins to talk business. The first says that if men have gone on to lands within the limits of a railroad grant, though after the time when by law the grant has become operative, in the eye of the law as adjudged to-day that is a valid pre-emption. Well, of course if the man has remained there on that valid pre-emption to this time and can make proof of that fact, he can get his patent for his land; but if he has not remained there, but has abandoned it, what becomes of the land? If, as I assume to be the case, the men who made these mistaken settlements have ceased to stand upon them, have left them, have abandoned them in the language of the second section, what then becomes of the land? Then comes in the second section, which says to the world of land purchasers, homestead settlers, and pre-emptors, and others, "If you can find a tract of land on which there was a pre-emptor or a homestead settler prior to the withdrawal of the lands from market by executive order, and that pre-emptor or homestead settler has abandoned it, you come to the land office and you can pre-empt that land."

Mr. WRIGHT. Will the Senator allow me to just say one word?

Mr. HOWE. Yes, sir.

Mr. WRIGHT. Not to disturb at all the course of his argument, but to state a matter of fact. I am quite unwilling he should entertain the opinion that there are no settlers who would be benefited by the first clause of this bill. He suggests that in view of the lapse of time it is not probable that there are settlers on these lands who have been waiting for this legislation. He must remember in the first place that this legislation has been pending in Congress for three or four years, and I know of my own knowledge that there are a number of settlers in my State who are upon lands that they settled upon prior to the withdrawal of those lands from market, have made improvements upon them, and are there yet; that they have been contesting day after day the claim of the railroads to those lands, and have been relying on the hope that Congress would give them some legislation of this sort. I only mention that because it is a matter of fact in connection with persons in my own State.

Mr. HOWE. I am glad that the statement of the Senator from Iowa has found a place on the record. The bill they have here is entitled to that evidence. I supposed there might be individual cases of settlers on their lands; but the class of those men, I take it, are no longer there. The first section declares that pre-emption a valid one, and the second section, in case they have abandoned it, gives to the rest of the world the right to come in and make a new pre-emption and new settlement on those very tracts. That may be a valuable right to confer upon somebody, if it can be conferred.

The third section of the bill my colleague has made an attempt to restrain the mischiefs of—an attempt which I thought was going to be successful. There is a plain declaration in the third section that when lands have been granted to a State or to anybody conditionally and the time for complying with the conditions has elapsed, and they are not fully complied with, no matter what the excuses may be, no matter what the reasons may be, upon the mere lapse of time, if the vessels have not come to port, then send the Commissioner for "the pound of flesh;" then tell the Commissioner to enforce the forfeiture. When my colleague proposed to strike out one clause "or when the grantee was in default in the performance of any of the conditions," that was, with an exhibition of grace which I have not seen equaled since this debate commenced, readily acceded to by the honorable Senator from Kansas, [Mr. INGALLS.] "So far as I am concerned," he said, "let that amendment be made!" Certainly! Why be made? Because it does not restrict the operation of the section one particle; the lapse of time is still there, and the law will still say to the Commissioner "We waive the question of default; we waive all the reasons which may be urged in excuse of default; if you find that the given number of years have passed and the conditions have not been fully complied with, go to your work and strip the grantee, enforce the forfeiture." That is what the third section says, and says still, notwithstanding the amendment you have put upon it.

I am inclined to think, Mr. President, that I shall have to go on the record as an enemy of this bill; that is to say, as an opponent of it. It is hard, but it seems to be necessary. I admit with the Senator from Iowa that the bill has been pending a great while. Since the debate closed last night I have taken occasion to look into the history of it. I find that it passed the House of Representatives in the first session of the last Congress; that it came here, that it was reported at the last session by the Public Lands Committee, that there were a couple of languid attempts made in the morning hour to get consideration to it, quite languid; nobody seemed to have any opposition to the bill and nobody seemed to be in favor of it particularly. It was then as now, I believe, in charge of the Senator from Kansas, [Mr. HARVEY.] He was unquestionably in favor of it, and in a very becoming way, as he does everything, he asked the attention of the Senate to it in the morning hour, and then it passed from the consideration of the Senate forever—for that session, I mean. At this session there seems to have a change come over the character of the bill or of the Senate. The friends of the bill are multiplied, and their earnestness and zeal is greatly increased, so much so that I hate to array myself against them; but as I cannot see any good purpose to be subserved by this bill, as I fear a great many vicious purposes will be subserved by it, and as I think I know it is designed to wrest from the State of Wisconsin an enormous penalty, not as the consequence of any offense she has ever committed, I shall vote against the passage of the bill.

Mr. THURMAN. Mr. President, in the conclusion of his remarks the Senator from Wisconsin has called attention to a very important clause in the third section of this bill, which seems to have escaped notice in anything that I have heard from the Senators supporting it I confess that I could hardly believe the Senator was correct until I looked at the bill and found that he is quite correct in his statement of one single sentence in the third section of the bill. The third section reads:

That all such pre-emption and homestead entries which may have been made by permission of the Land Department, or in pursuance of the rules and instructions thereof, within the limits of any land grant at a time subsequent to expiration of such grant—

Now mark it, up to that time there is one substantive case; then comes another substantive case—

or when the grantee was in default in the performance of any of the conditions imposed by such grant.

Mr. SARGENT. Those words have been stricken out.

The PRESIDENT *pro tempore*. Those words have been stricken out.

Mr. THURMAN. "Or when the grantee was in default?"

Mr. SARGENT. Yes, sir.

Mr. THURMAN. That obviates the very objection to which I was going to call the attention of the Senate, and which I supposed was the one that was remarked upon by the Senator from Wisconsin.

Mr. HOWE. That clause is struck out, but the previous words are left in. The power for the Commissioner to enforce the forfeiture if the time has expired is still there.

Mr. THURMAN. Then comes the other part of the clause, which puts it entirely within the discretion of the Land Department whether to forfeit a land grant or not. That is what that does. Take the grant to the State of Wisconsin, about which something has been said. That has been before the Supreme Court of the United States, and the Supreme Court has decided that the effect of the act of Congress in that case was to vest the legal title to the land in the State of Wisconsin; that it was a grant *in præsenti*, but it was a grant upon a condition, a defeasible grant upon condition that the road should be constructed within so many years. Then, say the Supreme Court, nobody but the Government can take advantage of the non-performance of that condition; no stranger to the grant can take advantage of the non-performance of that condition; and hence there could be no pre-emption as was decided in the case already cited, the Government not having taken any steps to put an end to that grant for the failure of the condition.

Then what say the Supreme Court further? They say that in order to put an end to it the right of the Government "must be asserted by judicial proceeding authorized by law." * * * "or there must be some legislative assertion of ownership of the property for breach of the condition, such as an act directing the possession and appropriation of the property, or that it be offered for sale or settlement." Now, admitting that it would be perfectly competent, as certainly it would according to this opinion of the Supreme Court, for Congress to declare that these lands shall now be considered as belonging to the United States, to have reverted to the United States, and that they shall be open to pre-emption, or homestead, or the like, this bill seems to confer that power, which the Supreme Court says ought to be exercised by Congress, upon the Commissioner of the General Land Office. If he makes rules and regulations for homestead settlements upon these lands, then the forfeiture is enforced. If he does not make them, then the forfeiture is not enforced.

Mr. HOWE. Will the Senator allow me to ask him for information whether the section is not open to a larger construction than that which he puts upon it? He says, as I think he is entirely right in saying, that this section gives to the Commissioner of the General Land Office the right to say that these lands within a grant the time of which has expired shall be open to pre-emption. Does it not say that the pre-emptor may go upon the lands even under the general rules of the Department?

Mr. THURMAN. That may be.

All such pre-emption and homestead entries which may have been made by permission of the Land Department, or in pursuance of the rules and instructions thereof, within the limits of any land grant.

I do not know what these rules and instructions are. They may be the general rules and instructions of the Department and not the specific rules in respect to this particular body of land. I cannot tell how that matter is; I do not know.

Mr. President, while it is obvious that a majority of the Senate favor a bill having for its purpose what this bill is intended for, while there probably, against such a bill properly drawn, would not be one single vote in the Senate, I think we are pushing things with a little haste and without due care in pressing this bill to a vote now; and thinking so I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the Senate proceed to the consideration of executive business.

Mr. HARVEY. I hope that motion will not be agreed to.

Several SENATORS. It is not debatable.

The PRESIDENT *pro tempore*. The motion is not debatable.

The question being put, the Chair announced 22 in the affirmative and 23 in the negative.

Mr. CONKLING. If the vote is so close, I think we had better have the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 24, nays 28; as follows:

YEAS—Messrs. Allison, Bayard, Cameron of Wisconsin, Conkling, Cooper, Davis, Dawes, English, Frelinghuysen, Goldthwaite, Hamlin, Howe, Johnston, Kernan, McCreery, Morrill of Maine, Morrill of Vermont, Norwood, Randolph, Robertson, Stevenson, Thurman, Wallace, and Whyte—24.

NAYS—Messrs. Bogy, Booth, Bruce, Clayton, Cockrell, Conover, Dorsey, Ferry, Hamilton, Harvey, Hitchcock, Ingalls, Jones of Florida, Jones of Nevada, Kelly, Key, Logan, McDonald, McMillan, Maxey, Merrimon, Mitchell, Oglesby, Paddock, Sargent, Sherman, Withers, and Wright—28.

ABSENT—Messrs. Alcorn, Anthony, Boutwell, Burnside, Cameron of Pennsylvania, Caperton, Christiancy, Cragin, Dennis, Eaton, Edmunds, Gordon, Morton, Patterson, Ransom, Saulsbury, Spencer, Wadleigh, West, and Windom—20.

So the motion was not agreed to.

The PRESIDENT *pro tempore*. The question recurs on the passage of the bill.

Mr. CAMERON, of Wisconsin. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 44, nays 9; as follows:

YEAS—Messrs. Allison, Bayard, Bogy, Booth, Bruce, Clayton, Cockrell, Conover, Cooper, Davis, Dorsey, English, Ferry, Goldthwaite, Gordon, Hamilton, Harvey, Hitchcock, Ingalls, Johnston, Jones of Florida, Jones of Nevada, Kelly, Kernan, Key, Logan, McCreery, McDonald, McMillan, Maxey, Merrimon, Mitchell, Norwood, Oglesby, Paddock, Randolph, Sargent, Sherman, Stevenson, Thurman, Wallace, Whyte, Withers, and Wright—44.

NAYS—Messrs. Cameron of Wisconsin, Conkling, Cragin, Dawes, Frelinghuysen, Hamlin, Howe, Morrill of Maine, and Robertson—9.

ABSENT—Messrs. Alcorn, Anthony, Boutwell, Burnside, Cameron of Pennsylvania, Caperton, Christiancy, Dennis, Eaton, Edmunds, Morrill of Vermont, Morton, Patterson, Ransom, Saulsbury, Spencer, Wadleigh, West, and Windom—19.

So the bill was passed.

Mr. HARVEY. I rise to make a personal explanation. My friend, the Senator from Wisconsin, [Mr. HOWE,] in his concluding remarks saw fit to charge me with giving a languid support to this bill at the last session. I think, Mr. President, that you and a number of other Senators here can bear witness that I have on every proper occasion urged to the extent of my ability the consideration of this measure, hoping to bring it to passage. It is not necessary to refer to particular times or days; but the record will bear me out, and the remembrance of Senators will bear me out in that statement.

I wish to say further to my friend, the Senator from Wisconsin, to prevent similar misapprehension in the future, that what may seem to him very languid support may, owing to a difference of temperament, be for me a very energetic one. Few Senaters are possessed of the energy that my friend the Senator from Wisconsin possesses. It is well known that astronomers in making calculations make an allowance for what they call the personal equation. Some of their observers are much more acute and exhibit much more energy in recognizing and recording the results of their observations than others. That must be considered, as I say, as owing to the difference in our temperament. To be sure, I was for a while under the impression that my friend from Wisconsin showed an extraordinary energy, an energy that I could only account for by the remembrance of an anecdote that I read some years ago about a certain passenger who, going along the highway, came to a young man who was dancing very energetically about a load of hay he had been driving which had been overthrown. The passer-by could see no necessity for such anxiety and solicitude. He said, "Why do you make such a great ado about this matter? It is but a little matter, this load of hay happening to fall over." "Well," said he, "I don't care a cent about the hay, but dad's under it." [Laughter.] The Senator from Wisconsin seemed to labor under the impression that the State of Wisconsin was being attacked and wronged in this bill. I thought all along that he was mistaken. I am glad to see that the Senate agrees with me in that matter. I am sure no Senator here would have any disposition to do any wrong to the State of Wisconsin or any of her Senators.

I hope my friend will do me the justice to retract what he said about my languid support of this bill at a former session.

Mr. HOWE. Yes, Mr. President, if I do not retract that I shall never retract anything in the world. [Laughter.] I not only want to record my evidence here, but on reflection I think the Senator gave the bill last session and the session before last, as this session, the most energetic support consistent with his temperament [laughter] that a bill could have. But I want to testify also that I am persuaded he will always in the future give every bill that he advocates just such an ardent support as that. If I displayed more activity in opposition than he did in affirmation, he has rightly detected the cause. I did it thinking my State was under the load. If I can feel at liberty to construe the vote of the Senate as he construes it, into a declaration that the load really is not on top of any of my relatives, I shall feel much more gratified than I do at the passage of the bill, or rather—I want to speak more accurately—I shall feel less mortified than I otherwise would at the passage of the bill. I did not mean to say a word, however, that would put my friend from Kansas in any false attitude.

DISTRICT 3.65 BONDS.

Mr. MORRILL, of Maine. I move that the Senate resume the consideration of House joint resolution No. 52, for the payment of the interest on the 3.65 bonds.

Mr. CONKLING. With a view of going on to-day or to leave it as the unfinished business?

Mr. MORRILL, of Maine. Simply to take it up, so that it may be left as the unfinished business.

The motion was agreed to; and the Senate as in Committee of the Whole resumed the consideration of the joint resolution (H. R. No. 52) directing the commissioners of the District of Columbia to pay the interest on the bonds issued in pursuance of the act of Congress approved June 20, 1874, out of any funds in the United States Treasury subject to the requisition of said commissioners, and for other purposes.

Mr. ROBERTSON. I move that the Senate adjourn

Mr. CONOVER. I hope the Senator will allow me to introduce two bills.

Mr. ROBERTSON. I object. The Senator can introduce them to-morrow.

The motion was agreed to; and (at four o'clock and twenty-four minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January* 27, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND, D. D.

The Journal of yesterday was read and approved.

JOHN M. ENGLISH.

Mr. VANCE, of North Carolina. I ask unanimous consent to introduce for action at the present time a joint resolution in favor of John M. English, of North Carolina.

The joint resolution, which was read, proposes to instruct the Secretary of the Interior to direct the pension agent at Raleigh, North Carolina, to issue duplicate check No. 8424 for $1,334, in favor of John M. English, for one lost in the mail on the 18th of May, 1875.

Mr. BURCHARD, of Illinois. I think this resolution had better be considered by a committee.

Mr. VANCE, of North Carolina. I can explain, if the gentleman will allow me, so that I think there will be no necessity for referring the resolution to a committee. I have an affidavit of the soldier—who was a member of North Carolina Volunteers in the United States service—in which he states that the check did not come to hand. I have also an affidavit of the postmaster where he lives, and the affidavit of the pension agent at Raleigh, North Carolina, setting forth the fact that the check was issued and has never been presented to the national bank at Raleigh for payment.

Mr. BURCHARD, of Illinois. I do not waive my objection. Allow me say that I do not antagonize the gentleman's proposition; but as a rule, I think it is an unsafe method of legislation for the House to act in this way upon a proposition of this sort, which ought not to be acted on except upon the responsibility of a committee of the House. That is my reason for objecting to the present consideration of the resolution.

The SPEAKER. Does the gentleman move a reference of the resolution to any committee?

Mr. VANCE, of North Carolina. I ask that it go to the Committee on Invalid Pensions.

There being no objection, the joint resolution (H. R. No. 53) was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PROFESSOR ORTON'S GEOGRAPHICAL SURVEY.

Mr. WHITEHOUSE. I ask unanimous consent to introduce a joint resolution relative to Professor Orton's geographical and scientific survey.

The joint resolution, which was read, declares in the preamble that Professor James Orton, of Vassar College, proposes to make a geographical and scientific survey of the valley of the Upper Madiera, South America, and of the Rio Beni in particular, a region whose commercial development promises to be of immense direct value to the United States. The resolution therefore authorizes the Secretary of the Navy to render Professor Orton such aid in furnishing instruments and transportation on the Pacific coast between Panama and Southern Peru as can be done without injury to the naval service.

Mr. WILSON, of Iowa. I think this ought to go to a committee.

Mr. WHITEHOUSE. I ask, then, that it be printed and referred to the Committee on Naval Affairs.

There being no objection, the joint resolution (H. R. No. 54) was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

QUESTION OF PRIVILEGE.

Mr. DUNNELL. I rise to a question of privilege. The day before yesterday the gentleman from Kentucky, [Mr. WHITE,] at the expiration of the time allowed him, asked to be permitted to print the balance of his remarks upon the centennial celebration. To that request I deemed it proper to enter my objections, unless the gentleman would strike out of his remarks the sentences therein which reflected upon the character of his predecessor, who is now an officer of this House. The gentleman from Kentucky did strike from his remarks some of the obnoxious sentences which I pointed out; but one of them was allowed to remain.

Now, inasmuch as the printed RECORD of yesterday did not report the objection which was made by me, but did retain a portion of the personal allusions, and inasmuch as the rejected sentences were heard by the House but unanswered, I deem it just that all of these sentences be struck from the bound RECORD; and, moreover, the friends of the Clerk of the House regard it as just that there be made in the presence of the House a denial of the statements contained in the sentences of the gentleman from Kentucky which were objected to by me.

I therefore ask unanimous consent that the sentences not as yet stricken out from the remarks of the gentleman from Kentucky be stricken from the bound volume of the RECORD; and I also ask that an opportunity may be given for a gentleman of the Kentucky delegation to make a single statement in reply to allusions made by the gentleman from Kentucky [Mr. WHITE] touching the character of an officer of this House.

Mr. WHITE. I would like to ask the gentleman from Minnesota [Mr. DUNNELL] what remarks he refers to? I would like to state in

the presence of the House that when the gentleman made his objections I did not then know exactly what he referred to. I took my manuscript to him, read over to him the very page that he desired to have stricken out, and struck it out in his presence. I then asked him if he was satisfied, and he said he was. I gave him my manuscript, and he himself gave it to the reporters. If anything is now in the RECORD that was objected to by the gentleman from Minnesota, I am not aware of it; and he has to blame himself.

Mr. DUNNELL. The sentence preceding the part stricken out is a sentence as objectionable as those that were stricken out. It is due to the gentleman from Kentucky [Mr. WHITE] to say that he did not object to the erasures that were made; and perhaps if I had more particularly looked at the sentence which was not stricken out, I would myself have asked him to erase that also. But, inasmuch as that was said in connection with the sentence which was stricken out, I think the gentleman from Kentucky himself will admit that at least it is proper that sentence should also be stricken out—I mean the sentence referring to the "back-pay-salary grab."

Mr. PAGE. I ask that the remarks be read for the information of the House which the gentleman from Minnesota objects to.

Mr. WHITE. I ask why the gentleman objects to my reference to the "back-pay-salary grab?" I did not mean to refer to the gentleman from Minnesota. I was merely making a comparison, and if you strike out the clause in reference to the salary grab it will spoil the sentence, and several preceding sentences must be stricken out. I will appeal to the House before it is stricken out.

Mr. DUNNELL. I will say, Mr. Speaker, that the sentence which refers to the salary law contains words something like these: that the experience of his predecessor upon that law was such and such, evidently referring to a loss of reputation at home on the part of his predecessor because of that law. That sentence was used in connection with other sentences relating to his military character, and I insist that an officer of this House whose military record is thus publicly attacked should have an opportunity to reply.

Mr. PAGE. I ask that the exceptionable words be read for the information of the House.

Mr. HOAR. By what right is this proceeding; is it by unanimous consent?

The SPEAKER. It is by unanimous consent.

Mr. HOAR. Then I believe I must object.

Mr. FORT. I think in behalf of amnesty we have already had enough of this.

Mr. KNOTT. Do gentlemen object to a simple act of justice to an officer of the House who has no right to come here in person to speak for himself after his reputation is assailed?

Mr. HOAR. I will not object if there has been any attack on his reputation. I understood some one said something about the "salary grab," as it was called.

Mr. KNOTT. Mr. Speaker, if I have the floor I will proceed.

Mr. HOAR. I will waive my objection if there is any such thing as the gentleman has stated.

Mr. BURCHARD, of Illinois. Before the gentleman proceeds I wish to ask what the proposition is before the House. Is it to strike out words actually used in debate and which were used at the time?

The SPEAKER. The gentleman from Kentucky has the floor and will proceed.

Mr. FORT. I understand this discussion is proceeding by unanimous consent.

The SPEAKER. It is.

Mr. FORT. If there is anything which can possibly do my friend any good I will withdraw my point of order.

Mr. KNOTT. Day before yesterday, Mr. Speaker, in the discussion of the centennial bill, my colleague of the ninth district of Kentucky, [Mr. WHITE,] for some reason best known to himself, took occasion to say—

Members from Pennsylvania and the East may excuse their action on the ground that their section of the country received money. If they do, let me tell them they should profit by the experience of my predecessor, who, in a public speech, justified his vote on the back-pay-salary grab on the ground that he took the salary grab but his friends got all the money.

Mr. WHITE. Let me interrupt the gentleman——

Mr. KNOTT. I do not want to be interrupted; I am proceeding by unanimous consent.

Mr. WHITE. Does he wish to have those words stricken out?

Mr. KNOTT. I have the floor by unanimous consent, and do not wish to be interrupted.

The SPEAKER. The gentleman from Kentucky has the floor, and will please proceed without interruption.

Mr. KNOTT. I do not understand what the gentleman meant by saying that gentlemen from Pennsylvania might profit by the experience of his predecessor. If he meant to convey the idea that his predecessor had any unpleasant experience on account of any vote he ever gave while a member of this House, I simply desire to say that while his constituents may not have approved of every vote he gave, yet it is not only the universal regret of the democracy of his district but of all the democracy throughout the entire State of Kentucky that he declined a renomination. I will add that it is perhaps as well for the gentleman who now occupies the seat he did not accept it.

The gentleman went further and said, in the presence of gentlemen who are within the sound of my voice:

This was the excuse of my honorable predecessor, who joined the Federal Army to fight the rebels, as he said, until hell froze over, but who afterward resigned his commission, and damned the free-nigger government in time to be baptized into the rebel church and become the successful candidate for the Clerkship of this House.

His time having expired before he had completed the reading of his written speech, he asked the unanimous consent of the House that his remarks might be printed in the RECORD. The gentleman from Minnesota [Mr. DUNNELL] objected unless these personal reflections upon an officer of this House, who had no right to come here and defend himself, should be withdrawn, for which I am sure he has the thanks of every high-minded gentleman, and we are all high-minded gentlemen on this floor.

What I desire to say, simply for the vindication of the Clerk of this House, is, that the gentleman who now represents the ninth district of Kentucky knew, or ought to have known, that Mr. Adams entered the service of his country in the Union Army early in the conflict. He did resign, for the reasons set forth in his letter of resignation, and which were entirely satisfactory to the Government. He shortly thereafter accepted another position in the Army, which he held as a faithful, valiant, honorable officer until the very close of the conflict; and that there never was and there never can be any truthful imputation upon his fidelity, his patriotism, or his loyalty made upon this floor or anywhere else. I deem this just to an honorable gentleman who has no power to be heard here himself; and I say it not only for his benefit, but for the benefit of gentlemen on both sides of the House who knew him here for eight years.

Mr. HALE. I think the reflection, to anybody not specially interested in this case by acquaintance with either of the gentlemen, may be a query as to what this is all about.

Mr. FORT. Yes; that is it.

Mr. HALE. As I understand it, the gentleman from Kentucky, [Mr. WHITE,] in response to the objection of the gentleman from Minnesota, [Mr. DUNNELL,] did strike out certain objectionable words that he had uttered in reference to the present Clerk of the House. The gentleman from Kentucky submitted his manuscript to the gentleman from Minnesota, who was acting as the friend of the present Clerk of the House, who is a pleasant gentleman, and whose feelings none of us would desire to be hurt. The gentleman from Minnesota looked over that manuscript and all was struck out that he requested, and the manuscript was taken by him to the reporter, and as emasculated or corrected appears in the RECORD.

Now after that, why this House should be called upon to entertain a question of privilege, or why the gentleman from Kentucky on my right [Mr. WHITE] should be further arraigned because it happened that he referred to the late member from Kentucky, the present Clerk of the House, as having been interested in the salary-grab vote, so called, or why we should be called further to meddle with the RECORD, is a thing that passes my comprehension. The attention of the House was called to the matter by a friend of the Clerk. The gentleman from Kentucky [Mr. WHITE] submitted the manuscript to him. He corrected the manuscript, and as corrected it went into the RECORD, and so appears; and I say again, why should we be called upon to listen to this matter again as a question of privilege passes my comprehension.

Mr. BLACKBURN. Will the gentleman from Maine allow me a moment to answer his question?

Mr. HALE. I shall be very glad to hear the gentleman.

Mr. BLACKBURN. I will answer the gentleman's question. This is not an effort on the part of any gentleman in this House to arraign the member from the ninth district of Kentucky. But the question which was suggested was this, whether it was a breach of privilege for a member on this floor, entitled to all its privileges, to go to work in an elaborately prepared speech, a portion of which has been read by my colleague from Kentucky——

Mr. HALE. That was struck out, as I understand.

Mr. BLACKBURN. I will come to that in a moment. I say that the question which was suggested was this: Whether it is competent for a member of this House to go to work in a deliberate and carefully prepared speech and cast aspersions on an officer of the House, a man who is here under the orders of the House and certainly should be under its protection. No member on the other side of the House heard those aspersions. I am glad to have the opportunity of saying that if I had heard what fell from the gentleman representing the ninth district of Kentucky it would have been my duty as well as it would have been my pleasure to repel the charge, and by a statement of the facts to have silenced the accuser. But, sir, for the rebuke he received, for rebuked he was, we are indebted to the knightly courtesy of a gentleman of his own party.

Now, sir, this was not brought to the attention of the House the other day, nor has it been brought to the attention of the House again, by any friend of the Clerk. It has been again called to the attention of the House by that same member on the republican side of the House who objected to the courtesy of printing the remainder of his remarks being extended to the member from Kentucky, as he stated to the House, unless those personal reflections were expunged. That, sir, the gentleman from Minnesota tells us, and the RECORD proves it, was

not done in accordance with a compact entered into and sought by the gentleman from Kentucky himself.

Mr. HALE. Did not the gentleman from Minnesota himself examine the manuscript and take it to the reporter, and was it not corrected according to his directions at the time?

Mr. BLACKBURN. Whether he examined the record hastily or not at the time, I take upon that point the statements of the gentleman from Minnesota to-day.

Mr. WHITE. May I interrupt the gentleman from Kentucky [Mr. BLACKBURN] for a moment—only for a question?

Mr. BLACKBURN. I yield for that purpose.

Mr. WHITE. I would like the gentleman from Kentucky, before he shoots off any further, to ask the gentleman from Minnesota if I did not read the manuscript over to him and strike out everything he objected to?

Mr. BLACKBURN. The gentleman from Minnesota has stated on this floor this morning that the agreement between the gentleman from Kentucky and himself was that personal reflections should be expunged from the manuscript and that that was not done, and the RECORD so shows.

Now, sir, I have nothing to add to the vindication that my colleague [Mr. KNOTT] has made in behalf of the Clerk of this House. I am glad to have an opportunity of attesting every word uttered in his commendation. I have but this to say in conclusion, that I am satisfied that the time will come when in the sober judgment of the member from the ninth district of Kentucky [Mr. WHITE] and the constituency which has honored him with their suffrages they will regret the step that he has taken in this matter, for it has always been claimed that whatever faults his constituents may have they are not lacking in a bold and sturdy manhood.

The manner in which the gentleman from Kentucky [Mr. WHITE] managed to have the objections of the gentleman from Minnesota withdrawn was not creditable to his candor.

I do not approve, sir, of gentlemen on this floor making personal attacks upon a man who is not permitted to reply. And it is to the courtesy of the gentleman from Minnesota that we are indebted for this opportunity to repel the attack which has been made upon him.

Mr. HALE. I ask the gentleman if he will read the additional words about which all this fuss is made, so that we may know what they amount to?

Mr. BLACKBURN. I deny the imputation that there has been any "fuss," as the gentleman says.

Mr. HALE. If the gentleman does not like the word, I will ask him to read the additional words that the gentleman from Minnesota objected to and wishes to have stricken out.

Mr. BLACKBURN. I will. I say this, that as I understand the gentleman from Minnesota, [Mr. DUNNELL,] in accordance with the contract entered into and the agreement made with the gentleman from the ninth district of Kentucky, these words should have gone out of the RECORD:

> Members from Pennsylvania and the East may excuse their action on the ground that their section of country received the money. If they do, let me tell them that they should profit by the experience of my predecessor—

That is certainly offensive and a criticism on the character of an officer of this House. But that is not all—

> who in a public speech justified his vote on the back-pay salary grab on the ground that "he took the salary-grab, but his friends got all the money."

My point is this, that the gentleman from the ninth district of Kentucky agreed with the gentleman from Minnesota that he would strike out everything in his speech that was reflective at all upon an officer of this House.

Mr. WHITE. I did not agree to any such thing.

Mr. BLACKBURN. He has placed this in the RECORD.

Mr. FRYE. It is simply a charge about the "salary-grab," and no man need be tender about that.

Mr. BLACKBURN. It is charged that the present Clerk of the House by reason of his vote on this bill had suffered before his constituency; a charge which the democracy of Kentucky repudiate.

Mr. HALE. But suppose the gentleman referred to suffered by his vote on the salary bill, had not the gentleman from the ninth district of Kentucky a right to refer to it?

Mr. BLACKBURN. No, sir; because it was not a fact.

Mr. HALE. That is for the people of Kentucky to determine. But I have yet to learn something, for one, of the privileges of this House if the gentleman from Kentucky had not the right to say that his predecessor suffered from his vote on the salary bill. We shall certainly be very much limited in debate if we cannot say such a thing as that.

Mr. TOWNSEND, of New York. Ah, the gentleman from Kentucky is a young man and alone from Kentucky in his party, and that is the difficulty with him. [Laughter.]

Mr. DUNNELL. My motion is that the sentence which was read here, preceding the sentences which were stricken out, be stricken out of the RECORD.

Mr. Speaker, let me state that the gentleman from Maine has alluded to me as a friend of the Clerk of the House. I am no more a friend of the Clerk than any other gentlem n on this floor. But when I heard the words read here which were stricken out I deemed them inelegant, inappropriate, and improper, and I objected to them. The gentleman from Kentucky [Mr. WHITE] is correct in saying that he struck out those sentences in my presence and that I myself took his speech as amended to the reporters. I ask the gentleman now if he will not admit that I told him he ought to strike out the sentence which he refused to strike out?

Mr. WHITE. That is correct; but did I not make the remark that it would destroy the comparison which I was making, and did not the gentleman admit that fact and did not insist on striking out that sentence?

Mr. DUNNELL. Not quite that.

Mr. WHITE. You said you would like to have me cut it out, but you did not insist upon it.

Mr. DUNNELL. I stated to him that I desired him to strike that out because of its connection with the other objectionable remarks.

Mr. TOWNSEND, of New York. I call for the regular order of business.

The SPEAKER. The motion of the gentleman from Minnesota [Mr. DUNNELL] can only be agreed to by unanimous consent.

Mr. TOWNSEND, of New York. Then I object to it.

EULOGIES OF VICE-PRESIDENT WILSON.

Mr. HOAR, by unanimous consent, submitted the following concurrent resolution; which was read, and, under the law, referred to the joint Committee on Printing:

Resolved by the Senate and House of Representatives, That there be printed 20,000 copies of the eulogies delivered in the two branches of Congress upon the late Vice-President Wilson: 15,000 for the use of the House and 5,000 for the use of the Senate.

SOUTHERN MAIL CONTRACTORS.

Mr. THROCKMORTON. I ask unanimous consent to submit for consideration at this time the following resolution:

Resolved, That the Postmaster-General be respectfully requested to furnish the House of Representatives with a statement showing the amount due contractors for carrying the United States mails in Southern States at the beginning of the civil war, and which has not been paid in consequence of such contractors being unable to take the oath required by law.

Mr. WILSON, of Iowa. I object to the adoption of the resolution, but not to its reference.

Mr. THROCKMORTON. I see no necessity for its reference; it is merely a resolution of inquiry.

The SPEAKER. As it calls for executive information and objection is made to its present consideration, it must lie over one day under the rule.

10 PER CENT. REDUCTION OF CUSTOMS DUTIES.

Mr. BURCHARD, of Illinois, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Secretary of the Treasury be directed to inform the House of Representatives whether the repeal of section 2503 of the Revised Statutes has been followed by a diminished importation of the articles to which the 10 per cent. reduction provided in that section applied, and whether the quarterly returns succeeding such repeal, compared with the returns from the corresponding quarter prior thereto, show any and how much increase or diminution of customs revenue from the articles upon which the duty was increased by such repeal.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the House of the following titles; when the Speaker signed the same:

An act (H. R. No. 626) to amend the Revised Statutes relating to naturalization; and

An act (H. R. No. 1561) transferring the custody of certain Indian trust funds from the Secretary of the Interior to the Treasurer of the United States.

ORDER OF BUSINESS.

The SPEAKER. The morning hour now begins at twelve minutes before one o'clock, and the first business in order is the call of committees for reports of a public nature.

PRINTING OF ELECTION TESTIMONY.

Mr. HARRIS, of Virginia. I am instructed by the Committee on Elections to ask the House to order the printing of papers in the following contested-election cases: Platt *vs.* Goode, second congressional district of Virginia, and BREUX *vs.* Darrall, third congressional district of Louisiana.

REDUCTION OF SALARIES.

Mr. MORRISON. The Committee on Ways and Means, to which was referred House bill No. 1099, to reduce the salaries of all executive and legislative officers of the Government, have instructed me to report the same back and ask to be discharged from its further consideration, and move that it be referred to the Committee on Reform in the Civil Service.

The motion was agreed to.

Mr. MORRISON. I am also instructed by the same committee, to which was referred House bill No. 1225, providing compensation of members of Congress, to report the same back and move to be discharged from its further consideration, and that it be referred to the Committee on Reform in the Civil Service.

The motion was agreed to.

WORK ON CAPITOL GROUNDS.

Mr. WHEELER, from the Committee on Appropriations, reported a bill (H. R. No. 1530) to remedy an error in enrollment; which was read a first and second time.

The preamble to the bill states that in the sundry civil appropriation bill approved March 3, 1875, the sum of $50,000 was made available from the passage of the act, but the clause relating to the immediate availability of that sum was omitted in engrossing said act.

The bill provides that the sum of $6,699.18, or so much thereof as may be necessary to pay liabilities incurred during the fiscal year ending June 30, 1875, for labor, &c., in the improvement of the Capitol grounds, shall be rendered available for that purpose, to be paid out of the funds provided in said bill approved March 3, 1875, for the improvement of the Capitol grounds.

Mr. WHEELER. The bill explains itself. If there be no objection, I ask that it be now considered and passed.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WHEELER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DE WITT C. SENTER.

Mr. ROBBINS, of North Carolina, from the Committee of Claims, reported a bill (H. R. No. 1591) to pay De Witt C. Senter, of Tennessee, mileage and per diem for appearing under summons as a witness before a committee of the Forty-third Congress; which was read a first and second time, with the accompanying report ordered to be printed, and referred to the Committee of the Whole on the Private Calendar.

HORACE GLOVER.

Mr. TARBOX, from the Committee of Claims, reported back, with a recommendation that the same do pass, bill (H. R. No. 1592) to re-imburse Horace Glover for property unlawfully seized and sold by the United States Government; which was read a first and second time, referred to the Committee on the Private Calendar, and the accompanying report ordered to be printed.

DEPARTMENT OF COMMERCE.

Mr. HEREFORD, from the Committee on Commerce, reported back adversely the bill (H. R. No. 84) to establish a department of commerce; which was laid on the table.

SIGNAL STATION ON BLOCK ISLAND.

Mr. HEREFORD also, from the Committee on Commerce, reported back the petition of Cutler, Thatcher & Co., and others, for the establishment of a signal station on Block Island, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Appropriations.

MAILING OBSCENE BOOKS, ETC.

Mr. CANNON, of Illinois, from the Committee on the Post-Office and Post-Roads, reported back with an amendment in the form of a substitute the bill (H. R. No. 1239) to amend sections 3893 and 3894 of the Revised Statutes providing a penalty for mailing obscene books and other matters therein contained and prohibiting lottery circulars passing through the mails.

The substitute, which was read, provides that section 3893 of the Revised Statutes be amended so as to read as follows:

Any obscene, lewd, or lascivious book, pamphlet, picture, paper, print, or other publication of an indecent character, or any article or thing designed or intended for the prevention of conception or procuring of abortion; or any article or thing intended or adapted for any indecent or immoral use or nature; or any written or printed card, circular, book, pamphlet, advertisement, or notice of any kind, giving information, directly or indirectly, where, or how, or of whom, or by what means any matter herein declared to be non-mailable matter may be obtained or made; or any letter upon the envelope of which, or postal-card upon which, indecent or scurrilous epithets may be written or printed, are hereby declared non-mailable matter, and shall not be conveyed in or delivered by mail; and any person who shall knowingly deposit or cause to be deposited for mailing or delivery any matter declared by this section to be non-mailable matter, to be conveyed or delivered by mail in violation of this section, or any notice or paper containing any advertisement relating to any such matter to be conveyed or delivered by mail, and any person who, in pursuance of any plan or scheme for disposing of any such matter, shall take or cause to be taken the same from the mail, or who shall in any other way violate any of the provisions of this section, shall be deemed guilty of a misdemeanor, and shall for each and every offense be fined not less than $100 nor more than $5,000, or imprisoned at hard labor not less than one year nor more than ten years, or both, at the discretion of the court.

The bill further provides that section 3894 of the Revised Statutes be amended by striking out the word "illegal" in the first line of that section.

Mr. CANNON, of Illinois. Unless some explanation of the bill be desired by some gentleman, I will ask that it be put at once on its passage.

Mr. CONGER. While I approve of the general object of this bill, it seems to me that its provisions in regard to mailing and receiving papers containing advertisements calling attention to any of the articles or matters referred to are not sufficiently explicit. If I understand the bill correctly from its reading, it provides that any person who shall mail or shall receive a paper in which any of the articles or things enumerated in that bill may be referred to even as an advertisement shall be liable to the penalty imposed as for a misdemeanor.

Now, the object of the old law to which this is an amendment was to exclude from the mails a certain class of obscene, vulgar literature—pictures, advertisements, &c. This bill provides that any paper containing a reference to the place where any of these prohibited or enumerated articles may be found shall come within the rule; and any paper containing such an advertisement which may be received by any one subjects the receiver of that paper to the penalty proscribed.

While I would not desire—far from it—to take away the effect of any such law or to prevent its full execution upon all persons who use the mails or the advertising columns of any paper to disseminate vulgar or indecent communications, prints, or articles, yet I think the bill is not sufficiently guarded as to those who may mail or receive any such a paper while innocent of any knowledge of the objectionable advertisement

In connection with this question I desire to make one additional remark. The power given by this law to every one of the thousands of postmasters throughout the country to interfere for the purposes named with the correspondence of the people or their newspapers is a great power, apparently in violation of the assured rights of the citizens; but it is exercised for a great and very worthy purpose, and seems to be necessary to preserve the youth of the country from immoral contagion. While I would do nothing to lessen the effect of such a law, yet I would have it so guarded that it might not involve the innocent with the guilty.

Mr. CANNON, of Illinois. In reply to the gentleman from Michigan [Mr. CONGER] I would state that the proposed bill in no wise changes the law as it now is except to provide a penalty for the circulation of obscene literature. By an oversight in drafting the original section the penalty applies only to the disposition of articles circulated or sold for the purpose of procuring abortion or preventing conception. Already this obscene class of matter spoken of in the other portion of the section is prohibited from passing through the mails, but no penalty is provided.

I will state also to the gentleman that he has misconceived the provisions of the proposed amendment. It was considered very fully and very carefully by the Committee on the Post-Office and Post-Roads, and it does not provide a penalty for a party receiving a publication or an advertisement of this kind unless he knowingly and willfully receives it in pursuance of a scheme to disseminate this kind of literature. The bill is very carefully guarded in that respect. The gentleman seems to suppose that if he or anybody else were to receive an advertisement containing a reference to obscene literature and stating where it might be obtained, he would be guilty of a misdemeanor under this bill.

Not so; he must receive that paper or advertisement in pursuance of the scheme or conspiracy entered into, which must be proved on indictment on his part as well as the part of others to dispose of that kind of literature.

Mr. CONGER. The bill not having been printed and therefore not open to examination, I gathered from hearing it read that it embraced all who send or receive such advertisements. With the explanation of the gentleman, if that is the character of the bill, I have no objection to its passage.

Mr. HOAR. I desire to ask the gentleman whether the description in his bill "of things adapted for any indecent or immoral purpose" is not a little too broad? The bill makes any article adapted for any immoral purpose non-mailable, and the sending or receipt of it punishable by severe imprisonment or fine, in the discretion of the court. Now, what courts or juries may in times of political excitement regard as newspapers adapted for immoral purpose, or the postmaster may so regard, is somewhat doubtful. There was a time when throughout a large section of this country every newspaper which thought slavery was wrong was considered immoral and taken from the mails by the postmaster. If the gentleman would use the phrase "indecent or illegal purposes," because every scurrilous, obscene, and indecent libel is illegal at common law, that would be a safer phrase. But, sir, I do not like by any crude suggestion to interfere with a bill reported by a gentlemen of the distinction of the gentleman from Illinois, and which has been carefully considered by a committee. Still I think it is a safer way to express it, "indecent or illegal purpose."

Mr. CANNON, of Illinois. In reply to the suggestion of the gentleman from Massachusetts I have this to say, that it in no way changes the section as it now is. It makes nothing non-mailable that is not now non-mailable. It merely provides a penalty.

I do not think the section can receive the construction the gentleman from Massachusetts anticipates. It is clearly, when you come to read the section, a provision for the prevention of obscene literature circulating through the mail. Of course, that being the object of the section, it would cover obscene literature and such articles as are construed to be adapted for indecent and immoral purposes. I have no doubt that such would be the construction from a careful reading of the bill as well as of the original section.

And let me say, Mr. Speaker, that what we want is a bill sharply drawn on this question, so that it will cover almost any conceivable kind of obscene literature, for if there is one evil more than another, I think, now in the country which is sapping and corrupting the morals of the youth of the country, it is this thing of circulating surreptitiously through the mails and otherwise this class of obscene literature. I think it does more harm every year than all the pulpits are able to do good, if I may be permitted to make that kind of comparison.

Nor, sir, does this bill give any right to any postmaster to open or to interfere with anybody's mail. It is like anything else, before you

can convict, you must offer and make proof. I hope the bill will now be put upon its passage.

Mr. GARFIELD. I wish to call the gentleman's attention to a single point. I was not in at the time the bill was introduced and do not know how far it modifies the language of the old law. I understood him to say that it only provided for penalties. I wish to call his attention to a case I have been informed was recently decided in one of the courts in New York, in which the person was imprisoned in the penitentiary for a series of years for being the publisher of a journal in which appeared a crazy contribution from George Francis Train, wholly theological in its character, in reference to the doctrine of the Trinity, in which not an obscene or surrilous word was used at all. Although the judge stated, as I am informed, to the jury that it could not be called obscene literature nor scurrilous, yet it was blasphemous in the highest degree, and on that statement the jury found the publisher guilty and he was sentenced to three years' imprisonment. It has occurred to me, when the act we passed for a very proper purpose last year is liable to constructions of this character, that we thereby enter the domain of theological opinion, bringing down upon men the *odium theologicum*—which is perhaps worse than political odium when passion is aroused—we ought to be exceedingly careful in all our legislation touching this subject.

I mention this, Mr. Speaker, as a complaint made in a very reputable quarter of the practical operation of the law of last year. For instance, I doubt if the word "scurrilous" has been so construed by the courts that a lawyer can say precisely what it means; how wide the term is; how much it covers. There would be so great difference of opinion among men as to what is "scurrilous," that we probably in the use of that word would cover ground that many of us would be unwilling to cover. Where freedom of opinion and of the press lie on the border of obscenity is a difficult question to determine, and I for one would be glad if the Committee on the Post-Office and Post-Roads would consent to the reference of this bill to the Committee on the Judiciary, not because I have anything against my friend's amendment, but in order that they may go over the whole subject and inquire whether we have not used terms too broad and too general in the original bill, that no wrong may be done while we are trying to achieve the good which the bill was intended to accomplish.

Mr. STEVENSON. I ask that the bill may be again reported.

The bill was again read.

Mr. CHITTENDEN. I hope that the bill will be recommitted. I ask especially that it may be recommitted, and that I may be called personally before the committee to prove to them by a very recent transaction that it is improper to pass any such amendment. I pledge myself to show them a special case of oppression against an honorable and an innocent man, which requires that the law shall be amended in a very different way from the amendment proposed in this bill. I hope that without further discussion on my part it may be recommitted.

Mr. WADDELL. Let me ask the gentleman a question. Does he refer to the case of Dr. Richau?

Mr. CHITTENDEN. I refer to a case which has occurred within a fortnight past in Brooklyn. I have been communicated with by most honorable gentlemen there in regard to it; and I know what I am talking about.

Mr. HARRISON. From hearing the bill read I cannot think in accordance with the explanation given by the gentleman from Illinois, [Mr. CANNON,] that the construction of this bill will demand that papers with objectionable advertisements, for example, should be sent for a specific purpose. I may be mistaken, but it seems to me that any person sending a paper with advertisements calling attention to places in large cities where abortions are procured would be liable under this bill.

Now, sir, this bill attaches a penalty, and a very grave penalty, to the offense. It is notorious that the severities of penalties are often used to prevent provisions of law being carried into effect. The very fact that you enact a penalty that will strike courts and juries as oppressive beyond the requirements of the case prevents the execution of the law and makes it a dead letter.

Therefore it does seem to me that this bill or amendment should be recommitted, and I think that instead of amending the law so as to make it more severe, it should be amended in such a way that judges and juries will exact the full penalties of the law, and not make them nugatory by passing over the offenses because of the penalties.

Mr. CANNON, of Illinois. I have this to say about the bill, in reply to the gentleman from Illinois, [Mr. HARRISON,] as well as the gentleman from New York, [Mr. CHITTENDEN,] that no law was ever enacted and enforced the enforcement of which did not at some time or another, perhaps, work hardship upon some individual. Men will be unjustly convicted sometimes. These provisions may sometimes bear hardly upon a man. There is a discretion, however, given to the court, of imposing a penalty of not less than $100 nor more than $5,000, and imprisonment or not, as the court may choose on a full hearing of the case. The gentleman from Illinois said he did not think that under this bill he could safely send a paper. If he turns to line 17 he will find that the offense consists in knowingly sending this class of matter.

Mr. BLAND. How will that answer in the case of papers containing important trials, as the Beecher trial, for example?

Mr. CANNON, of Illinois. If there be a trial in this country or anywhere else of an obscene character—of that character that a report of it would corrupt the morals of the youth and the morals of the country generally—then I do not think the United States should provide the means to circulate that kind of literature in whatever paper or in whatever book it may be published.

Mr. HARRISON. Who is to be the judge of that?

Mr. CLARK, of Missouri. I would suggest, as there have been a number of points raised in regard to this bill which ought to be very carefully considered and that were to some extent possibly not taken into consideration by the committee, that my colleague accept the suggestion made by a number of gentlemenn, that the bill be printed and recommitted to the committee.

Mr. CANNON, of Illinois. Certainly. On the suggestion of the chairman of the Committee on the Post-Office and Post-Roads, I am willing to have that order made.

Mr. CONGER. I desire to say one word before that question is put. I find now by looking at the bill that the provision in regard to any plan or scheme for disposing of non-mailable matter of this class applies only to the receiving.

Mr. CANNON, of Illinois. There is a provision about sending, in another part of the bill.

Mr. CONGER. I am aware that it is provided that any person who shall knowingly deposit or cause to be deposted for mailing any such matter is made liable. But that part of the bill which has reference to schemes for disposing of any such matter relates only to those who receive, and not to those who send. Now, when a man openly mails a document containing advertisements of the nature described the presumption in the eye of the law is that he knows it. I object to the bill, as I did in my former remarks, on that account.

Mr. HOAR. I desire to say a word on the motion to recommit.

Mr. Speaker, the press of the country a few years ago was thrown into a state of intense excitement by a bill introduced by Judge Poland, of Vermont, which provided for the giving up or the rendition to be tried in this District of the publishers of newspapers published elsewhere which should contain libels; and they were, in my judgment, quite right. It was entirely contrary to sound principle that the publishers of a newspaper printed in New York, although it might be sent to the District here, should be tried for a political libel in a community which is made up so largely of the holders of offices under the dominant administration, although it is quite proper that as between the States that transfer should be made. The instinct which led the press of the country to object to that application of that principle as between the States and the District of Columbia was a sound one.

But this bill, in my judgment, on examining it more carefully, very clearly exposes the press of the country to a danger a hundred-fold greater that the one which was contained in the bill which was passed by inadvertence on the report of Mr. Poland, of Vermont, in the last Congress. Whenever a jury in any locality in the country shall find that a paper contains matter which may be devoted to a purpose which they deem immoral—not only indecent, but immoral—the jury may convict the man who sends the paper or the man who receives it by mail, and the postmaster is authorized to exclude that newspaper from the mail.

Now, I am aware that the answer which the gentleman made, when I intimated this objection in the form of a question, that the same objection applies to the original text of the Revised Statutes, is a good answer. This bill is no worse in this particular than the law which it undertakes to amend. The same objection applies to both; but as the bill is to be recommitted and the committee are to draft a new law if they may see fit, I desire to bring out these points in their hearing and in the hearing of the House in order that the new law may correct a great danger to which the existing law subjects the press and the people of the country.

Mr. COX. I favor the recommittal of this bill, and I desire to make one suggestion only. The word "scurrilous" is used in this bill with reference to postal-cards and the prohibition of any such cards being passed through the mails. I do not object to the purification of the mails, but I would like the committee when they reconsider this bill not to go too far in giving postmasters discretion. What may be scurrilous to one man would not be to another. The word "scurrilous" does not necessarily imply obscene or indecent. The word "indecent" is used in this bill, and that is all right; but the word "scurrilous" may mean "vile or mean, using the low and indecent language of the meaner sort of people, or such as only the license of buffoons can warrant;" and, as Macaulay says in one of his essays, a sermon may be scurrilous. It is a very indefinite word; it has no legal meaning or acceptation. I would suggest to my friends on the committee that they frame the bill so as to make words of legal import. I have no objection to the recommittal of the bill to the committee.

The bill was then recommitted to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

CHANGE OF REFERENCE.

Mr. THORNBURGH, from the Committee on Military Affairs, reported back the following petitions, with the recommendation that they be referred to the Committee on Invalid Pensions:

The petition of Nancy M. Staples, widow of John Y. Staples, private Company E, Fifth Tennessee Volunteer Infantry, in the war with Mexico.

Also, the petition of Melvina Ingle, widow of Henry Ingle.

CONSULS.

Mr. FAULKNER, from the Committee on Foreign Affairs, reported a bill (H. R. No. 1593) to amend and re-enact section 4130 of the Revised Statutes of the United States.

The bill provides that section 4130 of the Revised Statutes of the United States be, and the same hereby is, amended by inserting after the words "consul-general" the words "vice-consul general;" so that the section shall read as follows:

SEC. 4130. The word "minister" when used in this title shall be understood to mean the person invested with and exercising the principal diplomatic functions; the word "consul" shall be understood to mean any person invested by the United States and exercising the functions of consul-general, vice-consul general, consul, or vice-consul.

Mr. DURHAM. I suggest that that is precisely the bill which was passed on a report of the Committee on the Revision of the Laws a few days since. If the gentleman who reports this bill will examine that bill, he will find that they are identical.

Mr. FAULKNER. The only purpose of this bill is to insert the words "vice-consul general" in that section of the Revised Statutes.

The SPEAKER. It is not the recollection of the Chair that the bills are identical.

Mr. DURHAM. I simply call attention of the Chair to the fact that they are identical.

The SPEAKER. The Chair thinks that this bill goes further than the other.

Mr. HOLMAN. Why it is certainly the same bill, unless there may be a word or two different.

Mr. DURHAM. It is identically the same bill. I do not remember the number of the bill, but if it is compared with this bill I am confident it will be found that the two are identical; and I object to needless legislation.

Mr. FAULKNER. I must insist upon the consideration of this bill at this time. We are advised from the Department of State that it is important, and it should be passed. We have direct information from that Department that this omission of the word "vice-consul general" in that section of the Revised Statutes has been the subject of great inconvenience, and this bill has been sent to the Committee on Foreign Affairs with a request that that committee will bring it immediately to the attention of the House. There were four of these officers—vice-consuls general—provided for by treaties with Turkey, Persia, China, and Japan. I have no doubt the word was inadvertently omitted in the section. The sole purpose of this bill is to restore the law to what it was before the Revised Statutes were passed and give to the vice-consul general the same power in the absence of the consul-general that a vice-consul now possesses in the absence of the consul.

The SPEAKER. The Chair will take the liberty of suggesting to the gentleman from West Virginia [Mr. FAULKNER] that it has been stated by several members in the House that a bill identical in its provisions with this one was passed one day last week, upon the recommendation of the Committee on the Revision of the Laws.

Mr. SOUTHARD. Permit me to say that I am a member of the Committee on the Revision of the Laws, and my recollection accords with that of the chairman of the committee [Mr. DURHAM] that this pending bill is identical with one which, upon the recommendation of that committee, has already passed this House.

The SPEAKER. The Chair will suggest that this bill be recommitted to the Committee on Foreign Affairs for further examination.

Mr. FAULKNER. I have no objection to that.

The bill was accordingly recommitted to the Committee on Foreign Affairs.

Mr. BURCHARD, of Illinois, moved to reconsider the vote by which the bill was recommitted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DECAY OF COMMERCE.

Mr. MILLS, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Committee on Commerce be instructed to inquire into the causes of the large balance of the carrying trade being against American shipping, and into the causes of the decay of American ship-building, and to report to the House.

PROSECUTION OF CLAIMS BEFORE THE DEPARTMENTS.

Mr. DOUGLAS. I now call up the motion to reconsider the vote by which the House on yesterday recommitted to the Committee on Patents the bill (H. R. No. 1589) to amend section 190 of the Revised Statutes.

The bill was read. It proposes to amend section 190 of the Revised Statutes so as to provide that it shall not be lawful for any person holding office, after the passage of this act, as an officer, clerk, or employé in any of the Departments or Bureaus of the Government to act as counsel, attorney, or agent, or be interested directly or indirectly in any firm established for prosecuting either claims or patents, applications for which were pending in any of said Departments or Bureaus while he was such officer, clerk, or employé, or at any time prior thereto, nor in any manner nor by any means, directly or indirectly, to aid in the prosecution of any such claims or patents within two years next after he shall have ceased to be such officer, clerk, or employé.

The bill further provides in the second section that any person in the service of the United States violating the provisions of this act by recognizing any such officer, clerk, or employé in an application for a patent or prosecuting a claim against the United States as counsel, attorney, or agent shall be *ipso facto* discharged from the service of the United States.

The motion to reconsider was agreed to.

Mr. DOUGLAS. I withdraw the motion to recommit.

The question was upon ordering the bill to be engrossed and read a third time.

Mr. HOAR. It occurred to me as this bill was read—perhaps I am mistaken—that it made any public officer in the Departments who recognized as counsel a person who had been a clerk in the Department under the circumstances described amenable to this act, whether that officer was aware of the previous service of the prosecuting attorney or not. There does not seem to be any *scientia* required by the bill, and if so, I think it is a very harsh provision.

Mr. LAWRENCE. Permit me to make the further suggestion that there is no penalty provided for the person who acts as the attorney; he may commit all the mischief without any punishment at all. That is evidently wrong; there should be a penalty as well on the attorney who in violation of the spirit and purpose of this bill prosecutes the claim, as upon the officer of the Government who permits him to do so.

Mr. HOAR. I hope the bill will remain with the committee.

Mr. LAWRENCE. It provides that the officer recognizing the attorney shall "*ipso facto* be discharged from the service of the United States." How is he to be discharged? He continues in office until he is removed by some act of the power appointing him. It seems to me the bill is impracticable, that it fails to accomplish its purpose. The design is all right, I am in favor of it; but the bill fails to carry out the real object intended by it, as it seems to me.

Mr. DOUGLAS. I do not consider myself responsible for this bill any further than as the chairman of the subcommittee and the organ of the committee directing it to be reported to the House. If the criticism the gentleman from Ohio [Mr. LAWRENCE] has just pronounced against it is correct, that it provides no penalty for those parties who act as attorneys against the Government, the fault is not in this bill, but is in the original act declaring that such practices shall be unlawful in reference to all the other Departments except the Patent Office. It will be observed by the House that this bill proposes simply to amend section 190 of the Revised Statutes, which already declares that the prosecution of claims against the Government by one who has been an officer or employé of the Government shall be an offense in reference to all the other Departments. The statute, at least in that section, provides no penalty. I presume that it was enacted by a Congress of which the gentleman from Ohio [Mr. LAWRENCE] was a member. He was satisfied at that time that it was sufficient, at least to that extent to guard the public interests against this practice.

Mr. HOAR. Will the gentleman allow me to call his attention to one fact? I suppose it is known to most of the members of the House that the Revised Statutes of the United States are simply a codification of the law as it existed on the first day of the session at which the revision was passed.

Mr. DOUGLAS. I am aware of that.

Mr. HOAR. It required unanimous consent to pass every clause of those Revised Statutes; for at the evening sessions, when they were acted on, there was not in any instance a quorum present.

Mr. DOUGLAS. Without intending the slightest discourtesy to the gentleman from Massachusetts [Mr. HOAR] I desire to say to him that I was apprised of what he has undertaken to inform me of, that the Revised Statutes are in fact a codification of the laws as they existed prior to that codification.

Mr. HOAR. I did not suppose the gentleman was ignorant of that; but several times there have been made in the House observations which indicated that perhaps some gentlemen did not recall the fact. Hence, I thought it proper to make the suggestion.

Mr. DOUGLAS. If the gentleman had allowed me to proceed without interruption, he would have discovered that I would have recalled the attention of the House to the fact referred to, so as to explain that the criticism of the gentleman from Ohio upon this bill is made a little too late. If there is any just ground for him to object to the bill because it does not provide a penalty to be inflicted upon those who shall attempt to practice before the Departments or Bureaus of the Government in violation of section 190, why was not the objection raised by him when this code came before the House for ratification and confirmation? That was the time for the gentleman to signify his objection and have the omission rectified.

The scope or object of the present amendment is simply to provide that the law, as embodied in the terms of section 190 of the Revised Statutes, shall apply to the Patent Office as well as to the other Bureaus or Departments of the Government. This amendment of the law is necessary, as we are informed by the Commissioner of Patents, to protect the interests of the service in that most important branch from a practice which has grown up of parties holding office for a few years, making themselves familiar with the business of the Office, and then retiring to engage in the patent practice. This has grown to be so great an evil in the estimation not only of the present Commissioner of Patents but some of his predecessors, that they have from time to time reported the matter to Congress. And what is the remedy which they have proposed? What is the corrective which they have sug-

gested as a means of protecting this important branch of the public service from this growing evil? It has been uniformly to endeavor to retain efficient and valuable officers in the service, to prevent their going out of office and entering into this patent practice by increasing their salaries. We propose a different mode of attaining the same object; that is to prevent their practicing as patent attorneys for two years after their retirement from office in regard to any cases which were pending during the time of their tenure of office. This will prevent the evil if it has proved a corrective in regard to the practice of prosecuting claims in other Bureaus or Departments of the Government. I believe it was the intention of Congress, when this one hundred and ninetieth section was enacted, that the prosecution of patent claims should be embraced in the general terms of that law, but it has not been so construed. So far as that is concerned, I do not think the objection of the gentleman from Ohio holds good. There may be more in his objection or criticism as applied to the second section, but the effect of that, it strikes me, will only be to declare that if any officers of the Government——

Mr. HOAR. I suggest to the gentleman to insert the word "knowingly" before the word "recognized."

Mr. DOUGLAS. If that can be agreed to by unanimous consent, so that the bill will not be retarded in its passage, I have no objection.

The SPEAKER. If there be no objection the modification will be made.

There was no objection.

Mr. DOUGLAS. I yield for a few moments to the gentleman from Ohio, [Mr. LAWRENCE.]

Mr. LAWRENCE. The gentleman who has just taken his seat refers to some bill which was passed while I was a member of Congress. There was one congressional term within the last twelve years when, unfortunately for the country, I happened to be out of Congress.

Mr. DOUGLAS. You were in when this code was adopted.

Mr. LAWRENCE. Yes, sir.

Mr. DOUGLAS. Then the gentleman has no occasion to explain or to defend himself. I say that the time when he ought to have raised the objection which he now raises to this bill was when this code was before the Congress of which he was a member.

Mr. LAWRENCE. My friend seems to forget that the committee which had in charge the Revised Statutes (of which I was a member) was not authorized to report any new law, but simply to report upon the law as they found it; in other words, to embody in the code the state of the law as it was.

Mr. DOUGLAS. I understand all that.

Mr. LAWRENCE. I agree entirely with the purpose of this bill, and it ought to be enlarged very much. The evil is not merely that the Commissioner of Patents goes out and becomes a practicing attorney after he has learned all the secrets and intricacies of the office, to urge claims for patents against the Government, but the Commissioner of the General Land Office does the same thing; the clerks and employés in all the Departments do the same thing.

Mr. HOLMAN. Do they under the present law?

Mr. LAWRENCE. They have been doing it.

Mr. DOUGLAS. I did not yield to the gentleman from Ohio to make an argument against the bill, but merely to make a personal explanation. I have only a few words further to say.

Mr. LAWRENCE. I go for making this bill ample, in order to make it cover the case of every Government officer, so that no man shall educate himself in office at the public expense and qualify himself thereby to go out and prosecute claims of any character against the Government. I have had the honor to introduce a bill at this session of Congress (H. R. No. 451) the tenth section of which was designed to cover all classes of cases of this description.

Mr. HOLMAN. I ask the gentleman from Ohio to have it read.

Mr. LAWRENCE. That bill is now before the Judiciary Committee. I do not say it is perfect, but it was designed to accomplish the object the gentleman seeks.

Mr. HURLBUT. Does the gentleman from Ohio propose to deny to man the God-given right of resigning? [Laughter.]

Mr. LAWRENCE. "None die and few resign." [Laughter.] I ask the Clerk now to read the tenth section of my bill.

The Clerk read as follows:

SEC. 10. That it shall be unlawful for any Senator, Representative, or Delegate in Congress, or other officer, clerk, or employé of the Government, or any clerk or employé in any Department or Bureau, or in any office authorized by law, or the clerk of any committee of either House of Congress, or of any joint committee of the two Houses, otherwise than in the performance of a duty authorized or required by act of Congress, either while in office or within four years thereafter, to counsel, advise, advocate, or urge the payment or allowance of any account or claim, or other action or proceeding in favor thereof, against the United States, either before or to any member or committee of either House of Congress, or any joint committee of the two Houses, or any officer of the Government. But nothing herein shall apply to pension claims, or deny to any such Senator, Representative, officer, or clerk the right to give testimony in writing as to any account or claim, or to give an opinion in writing on the request of the head of any Department in which any such account or claim may be pending, or to any member of any committee in the performance of any duty as such, nor to any account or claim held by any such Senator, Representative, Delegate, officer, or clerk in his own right. Every person who shall offend against or violate any provision of this section shall be deemed guilty of a crime, and, on conviction thereof, shall be fined in any sum not exceeding $2,000, or imprisoned at hard labor for a term not exceeding five years, or both, at the discretion of the court. And if any officer authorized by law to receive, examine, or certify the amount of any account or claim shall so certify or recommend or advise payment thereof, without a careful examination thereof, and of all evidence filed or presented in support thereof, he shall in like manner be liable to fine and imprisonment as aforesaid.

Mr. LAWRENCE. I do not wish to say that is perfect, but it is before the Judiciary Committee, and will have the consideration of that committee.

Mr. HOAR. The State of Virginia has a claim against the United States, as I was informed the other day by a distinguished Representative formerly governor of that State. The State of Massachusetts also has a claim. Now, does this bill prevent the Representatives of either of those States from urging upon this floor, publicly or privately to their associates, those claims?

Mr. DOUGLAS. The bill I have the honor of presenting to this House from the Committee on Patents does not refer to members of this House at all. The gentleman from Ohio says he has introduced a bill and has had it referred to the Committee on the Judiciary. I do not know how it is in this body, but in legislative bodies in which I have heretofore served it was not in order to refer to what was pending in any committee or what they were doing. I suppose the gentleman verifies the old adage that "every crow thinks its own the whitest," and is therefore opposed to the bill I have reported because he is the father of one which is now before the Judiciary Committee.

Mr. LAWRENCE. I do not oppose the gentleman's bill.

Mr. DOUGLAS. I desire to say that when the various duties of this House were assigned to the several committees the Committee on Patents it was expected should attend to that part which had been assigned to it. It is our province to take care of our part of this matter so far as it refers to patents, and not that of the Judiciary Committee. The Committee on Patents has ordered me to report this bill to meet not only an existing but a growing evil of a very grave and serious character. It is for this House now, when they have the subject in their possession in a bill reported to them, to say whether they will apply the remedy now or wait for the reporting, if not of a more perfect, at least of a more complicated proposition from another committee. I demand the previous question.

The previous question was seconded and the main question was ordered, and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. CONGER. I ask, by unanimous consent, that the gentleman from Virginia strike out the word "section 2" in that bill. He amends an entire section—section 190—of the Revised Statutes and makes two sections of it, so that when printed it will conflict with the numbering of the Revised Statutes as it is at present.

Mr. DOUGLAS. By unanimous consent I hope that it will be done, so as to make the bill only one section.

The SPEAKER. There being no objection, it is ordered accordingly.

Mr. WILSON, of Iowa. I wish to ask whether the gentleman from Virginia will not agree to an amendment to have members of Congress prevented from practicing in the Court of Claims?

Mr. DOUGLAS. This bill has nothing at all to do with members of Congress.

Mr. LAWRENCE. Members of Congress are now prohibited by law from practicing before the Court of Claims.

The bill was passed.

Mr. VANCE, of Ohio, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. RANDALL. I move the rules be suspended and that the House now resolve itself into Committee of the Whole for the purpose of considering the bill making appropriations for the support of the Military Academy at West Point.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HOSKINS in the chair.

The CHAIRMAN. The House resumes the consideration of the bill (H. R. No. 810) making appropriation for the Military Academy at West Point for the fiscal year ending June 30, 1877, and the gentleman from Pennsylvania [Mr. RANDALL] is entitled to the floor.

Mr. RANDALL. I yield to the gentleman from Ohio, [Mr. BANNING], chairman of the Committee on Military Affairs.

Mr. BANNING. I did not intend to say a word upon this bill, nor do I now intend to detain the House with a speech.

The honorable gentleman from Maine [Mr. HALE] has told us of the many reductions of expenditures made by the Forty-third Congress, all of which were at the time and now to be commended. The only thing deserving condemnation in regard to some of the reductions made during the first session of the Forty-third Congress is the fact that promised reductions of that session prior to the election were not carried out at the second session of that Congress after the election was over.

Now, Mr. Chairman, times are hard, money scarce, taxation heavy, and it is the duty of this Congress to cut off every unnecessary and extravagant expenditure, to exercise the most rigid economy, saving for our overtaxed people every dollar we properly can, thus relieving them as much as possible from the tax burden now bearing them down, and thereby improving the public credit by establishing a reputation for saving and economy. In doing this, we need not expect much aid and assistance from the other side of this House, because we take from

them the luxuries they have enjoyed at the public expense, and expose to the country their extravagance and wicked waste of the public treasure.

I was not surprised, Mr. Chairman, to hear the gentlemen from the republican side of this House charge the reductions of this bill to the "ignorance" of the men who have made them, because an examination of years of republican legislation justifies the conclusion that republican legislators arrogated to themselves all wisdom, and looked upon the people for whom they were legislating as a lot of dullards, and supposed that their shameful waste and fraudulent use of public money would never be exposed. Sir,

Whom the gods would destroy they first make mad.

Success crazed the brain and turned the head of the republican party, until now, in the places of Lincoln, Greeley, Stanton, and Chase, who battled for freedom and against fraud and corruption, we have the present extravagant administration of affairs, with the whisky ring, the Indian ring, the Credit Mobilier, the Pacific mail, the Southern frauds, and the real-estate pool.

As a substitute for the republican doctrine which prevailed at the close of the war, when the soldiers of the South laid down their arms and came over to our camps, when we received them as only soldiers can, sharing with them our rations, our blankets, and our quarters, "with malice toward none and charity for all," we had, a few days ago, a present-day republican effort to retain its fast-departing power by an attempt to open anew the wounds of the late horrible civil war after twelve years of peace, notwithstanding the efforts of all good men, both North and South, to heal them over.

I trust, Mr. Chairman, that no member upon this floor will be diverted from the path of duty by this wicked republican maneuvering or the charges of stinginess, meanness, or ignorance made against the passage of this bill. We are dealing with the people's money. Ours is a plain, straight-forward duty, easy to comprehend and understand—the investigation and exposure of all fraud and the reduction of the burdens of the people by cutting off each and every unnecessary expense.

It is urged as a reason why this bill should not pass that it reduces the salaries of the professors at West Point. The bill appropriates for four professors $3,500 each per annum, and for five professors $4,000 each per annum. It is claimed upon the other side of this House that this is not a sufficient amount of pay for these gentlemen. But when we take into consideration the additional fact that each professor is supplied with a furnished house, fuel, light, and medical attendance for himself and family, the pay perhaps is enough. I am advised that it is one-third more than the average pay of the professors in the different colleges throughout the country. To my own knowledge, it is more than double the pay of some professors in certain colleges; and I think there are some gentlemen upon this floor who have been professors in colleges who could vouch for the truth of this statement. I believe the pay of these professors is more than double the average income of the lawyers throughout the United States; double the average income of the physicians throughout the country; and more than three times the average income of the ministers of the Gospel. The president of the Cincinnati Hughes and Woodward high schools receives a salary of $3,500; there are twenty-seven other teachers in these schools, whose average pay is $1,580 per annum. They pay their own house rent, and furnish their own fuel and light. They are liable to be discharged and lose their salary at any time, while the West Point professor holds his position for life, and is retired on 75 per cent. of his pay when he is old or becomes disabled.

Again, it should be taken into consideration that these nine professors do not do all the work at West Point. Reference to the Army Register for 1876 discloses the fact that in addition to these nine professors there are forty-one officers of the Regular Army on duty at the academy, ranging in rank from colonel to second lieutenant, whose aggregate salaries amount to $83,000 a year. And, besides this, there have been on duty during the last year nine officers who have been relieved, and whose aggregate salaries were $16,600, making $99,600, not counting their allowance for fuel, quarters, and forage. Add to this the amount appropriated by this bill for salaries of the professors, $29,000, making an aggregate for salaries alone of $127,000, not including quarters and allowances of professors, teachers, and instructors for teaching three hundred and twelve cadets. This gives a professor for less than each six cadets, and makes an allowance of $407 for tuition alone for each cadet per annum.

Again, it is claimed that the professors are at extra expense at West Point, there being no schools there in which to educate their children. If there is no school at West Point for these officers' children, then they had better do as other people do, raise a fund and establish a school. Their opportunities for educating their children are certainly a thousand times better than those of the officers who serve upon the frontier, where they have neither schools, books, or society.

Again, it is claimed that the reduction in the pay of the cadets is too great. This may be, and it is a subject entitled to the most careful consideration. My own opinion is, that the cadet should be paid only a sufficient amount to defray his necessary expenses. The less money these young gentlemen have the better it will be for them, because it will tend to teach them the inestimable value of the lesson of economy.

The question resolves itself into this: After the cadet is furnished with fuel, light, quarters, tuition, medical attendance, medicine, and rations, is $450 enough to clothe him? Or, adding the price of the ration furnished him to the $450, making $559.50, is that amount sufficient to board and clothe him? His ration is the same as that furnished the soldier in the line, whose commander he is to become and for whose comfort and well-being the management of West Point should teach him to care. If this ration is sufficient for the soldier on duty, is it not sufficient for the cadet at West Point?

It is claimed that this reduction will prevent the sons of poor men from going to West Point. On the contrary, as the cadets are not permitted to receive money from home, it will prevent the sons of rich men from seeking these appointments to procure their education at a great expense to the Government, and resigning as soon as they decently can. Sir, if you will take away all of the cadet's pay and give him only the rations and clothing that the common soldier draws, and give me authority, I will fill the academy with worthy sons of men and women of the city of Cincinnati, who are paying their rent and supporting their families upon salaries of less than $500 per year. This reduction will not drive away the sons of the poor, although its economical requirements may be disagreeable to the sons of the rich.

This question, however, as I said in the beginning, is one deserving careful consideration. These young men should be well fed, comfortably clothed, well cared for, and molded into soldiers, not taught to be mere officers.

Now, Mr. Chairman, there is one feature of this bill which I had hoped the Committee on Appropriations at this time at least would not have reported on for action, and that is the reduction of the allowance to officers of the Army on account of length of service. This principle was established at the instance of General Scott, I believe, in 1838, and applies to the soldier as well as to the officer. It has been found to work well. I believe that length of service should increase the allowance of these men. There are lieutenants in the Army who are grandfathers, who can scarcely hope ever to be more than captains. So the only reward they will ever get for long and faithful service will be this longevity allowance. I hope when we come to that part of the bill relating to this matter the Committee on Appropriations will allow it to be stricken out and referred to the Committee on Military Affairs for further consideration.

Mr. RANDALL. Mr. Chairman, the entire subject of the reducing of salaries is, I can assure the House, a most distasteful one to me. Not at all within the line of my wish is it to embarrass in the least degree anybody, but a sense of duty to the people of the United States prompts me to a rigid performance of what is clearly their wish in this respect, and the committee of which I am chairman I think participate fully with me in all I have just stated.

It is not the desire, nor do I believe is it the effect of the bill, in the least degree to embarrass the efficiency of the Military Academy. If I thought so, I would not here advocate the changes which have been suggested by the committee. There seem to be three distinct points of difference between the gentlemen who spoke on yesterday on the other side of the House and the committee, and I will proceed in somewhat of a business way to examine them. The committee thought that the professors in that institution were receiving, under the circumstances and condition of the Treasury, more salary than we were warranted in allowing them. It is difficult for a layman like myself to follow the intricacies of the law in reference to the payment of the Army. But stripped of any confusion that may attach to the details, I believe that this bill gives to the four senior professors of the academy about $4,600 per annum. I arrive at that in this way: Besides the $3,500 per year of pay which we provide for in the bill, we estimate the additional benefit of having a house, whether furnished or unfurnished, at $800; and then fuel, which is provided, I estimate at $300. The light I understand is paid for by the professors.

Mr. HURLBUT. Light is paid for by every one who uses it except the cadets.

Mr. RANDALL. I do not, in estimating the pay these professors would receive, bring light into the question. The junior professors, five in number, have always had about $500 less than the senior professors, and therefore in the bill we have provided that those professors shall receive $4,100.

Now, sir, there is a matter to which I may here direct the attention of the committee. It is that these gentlemen, for whom I entertain the highest respect, have some advantages which civilian professors in an establishment of that character or in the colleges of learning in this country do not possess. Whenever their usefulness shall cease by exhaustion of nature these gentlemen have the privilege of being retired at three-fourths pay. Therefore I think the proposition, stripped of all its difficulties, is presented to the committee simply in this way: Whether $4,600 per annum is sufficient for the four senior professors and $4,100 for the five junior professors there.

The next point is as to the pay of the cadets. The pay of the cadets up to the year 1867 was $500. Prior to that by various laws it ran down to $16 per month in 1802, with two rations. But for my purpose I will only institute a comparison between the pay of 1867 at $500 and that which we propose. In 1867 there was in an appropriation bill added a ration, which is equivalent to thirty cents per day, and in the aggregate to $108.50 per annum. I take it that the Congress of the United States, in adding that ration, had in view the fact that the expense of maintaining a cadet at the high prices of 1867 warranted that increase.

Now, sir, we were unwilling in a single year to take off from the

cadet the entire amount of that ration, which is always, I believe, commuted. Therefore for this coming year we proposed to make half a step, as it were, back to where the pay was in 1867. Subsequently, however, the committee reached the proposition to pay these cadets $45 per month and strike out the ration entirely, which is $540 a year. The next point is, as I want to show the committee, that in fact the cadet has no interest in this matter whether he should receive $500, $540, or whether the pay is left at $608.50. If I am correctly informed—and, if not correct, I hope some one will put me right—the entire amount of this pay goes to the support of the cadet, just as a father would support his children, and none of it ever reaches the pocket of the cadet until the end of the service of four years. Then he receives what has been saved for him for a particular purpose; that is, $2 a month for four years, which makes $96 in all, for the purpose of buying a military suit and sending him into the world well clothed. Now, we believed that under these circumstances, the cadet having no earthly interest in the amount of pay, the difference between the expenses of 1857 and the expenses now in maintaining and supporting the cadet warranted that reduction of $58.50.

And that is the ground on which the committee acted; and I want to say here that there is not the slightest feeling in any respect whatever among any of the members of the committee to interfere in any degree with these young men. I was once a boy myself, and I have a little of young blood left in me yet, and far be it from me at any time, in any way, to embarrass or annoy these young gentlemen who hope to be, and probably will be, of as much service to their country as those have proved to be who have gone before them.

Mr. O'BRIEN. Will the gentleman allow me to ask him a single question?

Mr. RANDALL. Certainly.

Mr. O'BRIEN. I have been informed—in fact, I saw it so stated in a paper coming from the War Department to the effect that during the last four years, out of the pay assigned to these cadets during that time, there was only sufficient saved out of their regular pay to enable the Government properly to equip them with a suit at the time they graduated.

Mr. RANDALL. It may be; I do not know to the contrary. But that is the regulation, that $2 shall be saved each year, and I have just said so.

Mr. O'BRIEN. I understand that. But I now ask the chairman of the Committee on Appropriations whether or not to the extent that this reduction is made, about $70 a year, amounting to $240 in the four years, this equipment will not be taken from cadets when they go into the Army?

Mr. RANDALL. No, sir. The judgment of the committee is that $540 a year is sufficient, with a reduction of $2 per month, to maintain a cadet at West Point for the year next following.

Mr. HURLBUT. The question put by the gentleman from Maryland was whether on the basis proposed by the committee there is sufficient margin left to equip and fit a young man at his graduation.

Mr. RANDALL. Since 1867 the prices of materials and of all that enter into the consumption of a cadet have been enormously reduced. I believe I may say that I lived at the rate of $5,000 a year in 1867, and I believe that to-day I can live at $4,000 and have all the comforts I had then and everything I had then.

Mr. HURLBUT. It is however a matter of fact that no cadet has graduated during the last four years who from the savings has been able to fit himself out for the cavalry service.

Mr. RANDALL. That is not the fault of Congress, but of the management; nor is it within the power of the law to correct that.

Now, the next point which the gentleman from Illinois [Mr. HURLBUT] pressed upon the House yesterday was that the committee had refused to finish the hospital at West Point. That was the substance of his argument. It is due to the committee to say what governed them in that particular. They estimated that $42,000 would be necessary to complete that building, and while the committee deemed that too much they took this position: there are two members of the Committee on Appropriations who are also members of the Committee on Public Buildings and Grounds, and we left it to them to examine the plans of the hospital and see what amount is necessary to complete it. We propose in the Committee on Appropriations—and if I know its judgment and determination on any subject I certainly know it upon this—that as to every public building of every description throughout the length and breadth of the land now in course of erection we shall have the judgment, first, of the Committee on Public Buildings and Grounds as to the amount that can be used to advantage in connection with those public buildings, and then, if possible, the Committee on Appropriations will conform to their judgment, or at least it will be in the main a guide for their rule of action.

I think I have successfully shown that the Committee on Appropriations do not want to leave that hospital unfurnished; and when the Committee on Public Buildings and Grounds shall report a proper appropriation in this connection it will be no doubt inserted, with appropriations for other public buildings, for their consideration, in the sundry civil bill.

Mr. HURLBUT. I would ask the gentleman whether he has ever known an item in relation to a military hospital so committed to the Committee on Public Buildings and Grounds?

Mr. RANDALL. We did it in the abundance of caution, so that in reference to all public buildings in the country we shall have the advantage of the judgment of that committee and their communications with the several Departments. My experience is almost nothing in connection with the public buildings of the country. I have first come in contact with them at this session.

Now I desire to say another word in reference to another point, and that is as to the number of cadets for which we have estimated. We have estimated for three hundred and ten. That estimate is in print. It is the estimate of the Department, and corresponds with the appropriation of a year ago. We were informed, and I am inclined to think correctly, that an appropriation which will keep three hundred and ten cadets per year will reach the average all the time. I do not know that there is any other subject that has been inquired about, and until I hear some other objection to this bill I will not speak further upon it except when amendments may be offered under the five minute rule.

Mr. HURLBUT. The estimate the gentleman alludes to was made by the Paymaster's Department and is undoubtedly correct, but the expert who made it forgot a law passed at the last session of Congress by which the President of the United States is not only authorized to appoint ten cadets annually, but is also authorized to fill all vacancies that occur among the cadets at large, not only during the last year but in years past. So that in reality he has the right to keep as cadets at large the sons of men in the Army and others of worth and position—forty cadets.

Mr. RANDALL. I can illustrate what I want to say better by a fact than in any other way. To-day the cadet at West Point whom I appointed there may not be there by reason of marks. I understand that other members of Congress are in a like situation. There are two that I know of. And the vacancies cannot, so far as I am informed, be filled until the next examination, six months hence. Therefore the average of three hundred and ten is, in our judgment, quite sufficient, and an appropriation for them reaches the amount necessary to conduct the establishment.

Now, sir, I want to dismiss from the mind of the House and the mind of the people of this country, so far as I am able, the idea that in this particular there has been any purpose whatever to embarrass the administration of this institution. There is nobody here who knows me who will for one instant suppose or say that I would be capable in the least degree of embarrassing that institution which has shed so much honor on our country in connection with the capacity which the soldiers educated there exhibited on both sides of the line during the recent war.

Mr. HAMILTON, of New Jersey. Allow me to suggest an inquiry to the gentleman, whether the pay of cadets at West Point at this time is not larger than that of cadets in Great Britain, France, and Prussia?

Mr. RANDALL. I am very much obliged to the gentleman for directing my attention to that subject. In order to be able to proceed safely and securely we took the trouble to find out, as far as we could, what pay and allowances cadets under similar circumstances received in Prussia, France, and in Great Britain. As far as we could learn the pay in the Polytechnic School in France runs very high, and in the Staff School in France still higher. But the average pay of cadets in France, if I recollect rightly, is about $350 a year. In Prussia the pay is less, not much above $120 per annum, and in some schools it runs down to $55 per annum. We have no very direct means of ascertaining the pay in England, but so far as we could get information from those who had knowledge, we ascertained that the pay was less than $400 per year.

Mr. HURLBUT. Will the gentleman state what is the difference of pay between the common soldiers in this country and in the three countries to which he has referred?

Mr. RANDALL. I have not that information now at hand.

Mr. HURLBUT. The difference is about one-fifth.

Mr. RANDALL. The purpose of these establishments in all these countries, and the purpose of the government in making appropriations to them, is simply to maintain the cadets, educate them, and clothe them, and at last usher them into the army. In England there was an entirely different system prevailing until a few years ago from that which has always prevailed in this country. Positions in the army in England were obtainable by purchase; but in this country, thank God, a position in the Army is obtained only as a reward for capacity and merit. I have cited these facts merely to show the amount of money necessary to maintain these cadets in these several countries.

Mr. SAMPSON. If the gentleman——

Mr. MACDOUGALL. Did the committee ascertain the cost of living in these several countries, of supporting a cadet?

Mr. RANDALL. I admit that in those countries the cost of living is much less than here, but not to the extent of the disparity between the amount of money appropriated for the support of the cadets.

Mr. SAMPSON. I was about to ask that question myself.

Mr. WHITE. I am not only in favor of the reduction proposed in this bill by the gentleman from Pennsylvania, [Mr. RANDALL,] from whose committee it comes, but at the proper time I propose to move an amendment to it to reduce the number of the cadets themselves. I would like to ask what benefit so many cadets will be to this country? We do not propose to go into another great war, and at the present time we have a great number of these cadets from West Point

who are drawing salaries as lieutenants, and who are doing the public service no good whatever, and should be dismissed and thrown upon their own natural resources like other citizens of the country. I am not only in favor of reducing their pay, as proposed by this bill, but also of reducing the number to two hundred and ten instead of three hundred and ten, thus saving $45,000 more to this country every year.

Mr. BANNING. Then how will the gentleman regulate their appointment?

Mr. WHITE. I was just coming to that. The gentleman has well asked the question, how will you regulate their appointment? I propose at the proper time also to introduce a proposition to reduce the number of members of this House to two hundred.

Mr. BANNING. That might be a good thing.

Mr. WHITE. I cannot for myself see why two hundred members here should not represent the people of this country as well as three hundred. I am sure that legislation would be much better done here if there were but two hundred men sitting in close proximity on benches, where so many desks now are, and the rest of the members thrown back to the country. It would be a source of revenue to the country which we do not enjoy at the present time. Gentlemen may hiss—I do not know whether it comes from the galleries or from these benches—but one thing I am sure of: that is, that the country is not satisfied with the course we have pursued here during the last two months. We have been doing too much of nothing. We have been here in a large body, unwieldy, placed at distances so far from each other that we cannot hear what is said, and many might as well be at home writing letters as to do so here, for there is too much of letter-writing and paying no attention to what is being done.

I think this bill is good in its purpose; I hope the purpose will be carried still further, and that the number of cadets will be reduced to two hundred and ten instead of three hundred and ten. I hope that at the proper time the majority of this House will go on with their reductions and cut down the Army. We have no use for an Army, or for but a small one, if any. Gentlemen may say that we need soldiers on the frontier to protect our frontiers from the Indians. Sir, that is not so; I speak from my own observation. I do not believe that it is true that the Army of the country protects our frontier at all. Look at Canada; she has no army to protect her frontier, and she has Indians to control as we have.

It is the fear of power that protects our frontier. Our Army never fails to impress upon the Indians the idea that the more they bother the Army the more guns and ammunition and supplies they get from "Uncle Sam."

I have no set speech on this subject. I simply want to say that I am in favor of retrenchment and reform—reduction of salaries, reduction of the number of cadets, reduction of the number of Congressmen; and I will join with any member, whether on that side of the House or this, to effect such a desirable end.

Mr. HOLMAN. Mr. Chairman, the proposition of the Committee on Appropriations to reduce slightly the pay of the cadets seems to be a rather ungracious measure; and for one, as a member of that committee, I am exceedingly anxious that the real fact of the case shall appear; that this, instead of being a reduction, is in truth a large increase in comparison with times corresponding with the period in which this expenditure is to be made.

The gentleman from Pennsylvania [Mr. RANDALL] has briefly referred to the legislation upon this subject. I wish to be a little more specific upon that point. I desire that there shall be no occasion for any opposition to this bill on account of any supposed injustice to these boys who come from our various congressional districts.

Whatever may be our opinions about West Point as a military school and as to the necessity for such a school under a Government like ours, the mere freedom of which inspires a military spirit and a military education to a large extent, yet it seems to be the common sentiment of the country that it is better to perpetuate this institution.

I was glad to hear the remark made by the gentleman from Kentucky, [Mr. WHITE.] Young gentlemen who come into this Hall and remaining here still remember the feelings and retain the consciousness of the views of their constituents are certain to be very valuable members of this House. The trouble is that often we get into a different atmosphere and grow somewhat forgetful of the drift of public sentiment at home. The gentleman's remark was certainly a sound one, that while it may be wise policy to perpetuate this institution as a nucleus around which our military establishment could gather in the event of war, yet the number of cadets is manifestly too large.

Now about the pay of these cadets—these boys in whom we all have a common interest. Let us see what progress we have made in extravagance in regard to this matter. I find that from 1802 to 1845 the allowance to the cadet was only $16 per month. From 1845 to 1857 it was $30 per month, or $360 per year. From 1857 to 1867, embracing a very extravagant period of our recent history, the pay was $500 per year. Now the proposition is simply to go back to that standard, except that we add $40 per annum to the amount allowed during that period. The allowance we propose is $540, being $40 more than was allowed up to 1867, covering the period of the war, during which living was so expensive.

Mr. BANNING. Were they allowed a ration at that time?

Mr. HOLMAN. They were allowed no ration. When the pay was $16 a month they were allowed two rations, computed at twenty cents per day. We all understand that now the commutation is thirty cents per day. By the act of 1867, (and here is a standing point in the progress of extravagance,) by that act of 1867, leaving the allowance of $500 standing as a salary, we added one ration. Now, I say to gentlemen in all fairness that, had it been proposed even then, when our currency was less valuable than now by 40 or 50 per cent., to add $108.50 to the pay of the cadet, the measure could not have been carried through this House. I speak with confidence on that point. That increase was put as a ration and attracted no attention. Thus the proposition increasing the pay of the cadet to $608.50 passed through this House almost without consideration.

Now, sir, if the intention is to retrench public expenditures it is manifest that it should be done wherever it will not embarrass the proper administration of the Government in any of its Departments. I submit to gentlemen that if up to 1867, covering a period when our money was greatly depreciated in value, $500 was sufficient as pay for one of these cadets, why is not $540 sufficient now? Borne down by the weight of taxation the industries of the country seem to be actually exhausted; the vital forces of our productive pursuits seem to be in a state of suspense. This exhaustion of our industries, as indicating the demand for retrenchment in the expenditures of the Government, should, it seems to me, be an unanswerable reason why we should go as far in the line of reducing expenditures as a proper regard for the administration of public affairs will admit. I can entertain no doubt whatever that the allowance to these young gentlemen of $540 per year is ample, as the allowance of $500 was ample up to the year 1867; for I will say here that up to 1866 there was scarcely any complaint from West Point as to the insufficiency of the appropriation by Congress.

But in 1866, after the war was over, we began that fatal line of policy which has resulted in the demand made everywhere that retrenchment should be the solemn duty of this Congress. In 1866 that increase of expenditure occurred. We remained true to the obligations of economy from 1862 to 1866, and I have gloried in the Roman firmness of that side of the House during the first years of that period in resisting every attempt to aggrandize the expenses of this Government. There were gentlemen on that side of the House, some of whom are now holding positions high in the confidence of the people of the country, who were seriously alarmed at every step taken toward increased expenditure, believing that in such increased expenditure lay the bane and terror of all free government.

Now, Mr. Chairman, I think it is impossible to present a case which will occur here—and they will occur during almost every hour of this session—in favor of retrenchment of expenditure by the necessary reduction of salary—indeed, sir, I think no case can occur where the facts so clearly justify the assumption that not only the reduction may be but that it ought to be made.

But let me refer to one further point, Mr. Chairman, and that is in reference to the pay of these professors. Gentlemen will bear in mind that almost all the officers of this institution at West Point are detailed for duty from the Army of the United States, and largely, I presume, from the Engineer Corps of the Army. This began simply as an engineer school, as gentlemen will remember, a school for engineers.

These eight additional professors are detailed from the Army. There are in fact but nine officers connected with this institution—I mean those occupying any considerable position—who can be regarded as civilians, and they are only *quasi* civilians, as I will show gentlemen presently.

The gentleman from Illinois [Mr. HURLBUT] will perceive that it is a matter of total indifference, therefore, as to the classification whether you say a certain number shall receive the pay of $3,500 per annum and allowance mentioned in the bill, and the others three thousand, because the detail of these to the particular position they shall occupy as professors is a duty devolving upon the Secretary of War. This is a portion of that military establishment almost purely so except as to these nine professors.

Mr. HURLBUT. Will the gentleman allow me a moment?

Mr. HOLMAN. Certainly.

Mr. HURLBUT. Do I understand the gentleman proposes to delegate to the Secretary of War to say who shall have thirty-five hundred and who shall have $3,000 a year?

Mr. HOLMAN. The duty, I presume, devolves upon the Secretary of War to determine what particular position shall be held by the professors of this institution.

Mr. HURLBUT. They are held by seniority.

Mr. HOLMAN. I understand that to be the case.

Mr. HAMILTON, of New Jersey. The statute provides four shall have the rank of colonel and five the rank of lieutenant-colonel. It is already provided for in the law.

Mr. HURLBUT. Then why do you not say so?

Mr. HAMILTON, of New Jersey. Because there is not the slightest necessity of doing so. The estimates call for pay as the law provides.

Mr. HOLMAN. The gentleman from Illinois [Mr. HURLBUT] certainly perceives that by the present arrangement four of these civilians who are for the purpose of salary incorporated into the Army, having served for a period not exceeding ten years, are to receive the pay and emoluments of colonels in the Army; while those who have served for a less period, the pay and allowance of a lieutenant-colonel. That furnishes a very convenient classification. They will still be

regulated by seniority, unless the Secretary of War shall designate them for particular duties.

But, Mr. Chairman, I hope the gentleman from Illinois will bear in mind that the effect of seniority will regulate the question of salary. The effect of that seniority is not changed in the pending bill, for the four entitled to rank as colonels will receive the higher pay, and the five as lieutenant-colonels the lower pay.

But, sir, the remarkable effect of this reduction to which I wish to call attention is that by the act regulating this institution it is provided:

And said professors are hereby placed on the same footing as regards restrictions on pay and retirement from active service as officers of the Army.

I understand the meaning of that is this: that when these gentlemen have served the requisite period of time, and reached a given period of life, they are entitled to be retired on three months' pay. Is not that a correct statement?

Mr. HURLBUT. It is correct; but what pay are they to be retired on? It is to be determined by their rank.

Mr. HOLMAN. I am perfectly willing that it should remain so. We do not change the rank of those persons who served over ten years. They are to rank as colonels and lieutenant-colonels for the purposes of this institution. Those who have served for a less period are entitled to rank as colonel. On their retirement they receive the three-fourths pay; the one class as colonels, the other as lieutenant-colonels. Is this to be overlooked?

Mr. HURLBUT. Three-fourths of $3,500 or three-fourths of $4,500—the pay under the bill or the Army pay—which?

Mr. HOLMAN. They would evidently retire on their rank, and receive three-fourths of the Army pay, whatever it is. The gentleman from Illinois must see that it is too clear a point to be open to discussion. We do not change the rank at all, we do not touch it. While they remain at that institution they receive the pay we fix. When they retire they come under the provisions of this law and retire with the three-fourths pay of the rank they hold. That is no small matter.

Gentlemen overlook the fact that there are no such salaries in this country as we, out of gratitude perhaps, give to our military officers. I see from a statement laid on our desks that the pay of a colonel is $5,811 per annum, with forage for three horses, and the pay of a lieutenant-colonel $5,070 with forage for two horses. Why, sir, three-fourths of that exceeds the salaries paid to the great body of your professors of the highest attainments in the colleges of this country. You make provision for these gentlemen for life, and munificently; and yet gentlemen talk about the insufficiency of the pay.

Mr. Chairman, I have made some little inquiry not only as to the pay of professors in the leading institutions west of the mountains, but also in the leading institutions east of the mountains, and I say without any hesitation that the provisions of this bill now pending before the committee give the professors of this institution a compensation, independent of the benefit of retirement on handsome salaries, far in excess of the average salaries paid to leading professors in the institutions of learning in this country.

Mr. THORNBURGH. Will the gentleman allow me to interrupt him with a question?

Mr. HOLMAN. Certainly.

Mr. THORNBURGH. The gentleman from Indiana has said that these officers who have the rank of colonel can retire and receive three-fourths of their pay as such. Would it not be more for their interest to retire, and would they not receive a better compensation thereby, than by accepting what you propose to give them as professors in this bill?

Mr. HOLMAN. The gentleman is mistaken. The provisions of this bill give them more. They are not entitled to retire whenever they please. That they cannot do. They retire under the law, and they get the full benefits of the law. Up to this time we have proposed no change in that law. Under this bill it will be better for them in a financial point of view, independent of the honor of being connected with such an institution, to remain at their posts as professors.

Mr. O'BRIEN. May I ask the gentleman a question?

Mr. HOLMAN. Certainly.

Mr. O'BRIEN. Is it possible to consolidate these professorships so as to give the professors a little more work, and to leave the pay as it is?

Mr. HOLMAN. I do not think the number of professorships can be reduced, the branches taught being so entirely different. If there be a larger number of professors than is common in institutions of a purely literary character, yet you cannot reduce the number.

But one fact remains to be considered, and that is one which seems to have excited some feeling. I refer to the longevity pay. I do not think that that principle should be applied to civilians. I must confess to some degree of indignation when I hear it urged in behalf of gentlemen in public employment, receiving very handsome salaries, year by year, and permanently, that the fact that they adhere to a post of high honor should entitle them to increased pay at intervals of five years or any other period of time. Why, sir, these gentlemen all the time receive a larger compensation than is paid at similar institutions under the patronage of citizens of the United States and supported by voluntary contributions. Have Yale and Harvard and Brown, those institutions which have shed so much luster upon the character of our country and done so much good in the advancement of the cause of learning in all its varied fields under private enterprise—have they ever thought proper to bring forward propositions to increase the charges upon their educational facilities by providing that professor-receiving handsome salaries from year to year should, as an inducement to remain, receive at the end of every period of five years an increase of compensation of 10 per cent.? Certainly that cannot apply to those professors who are assigned to duty from civil life, even if it is proper to apply it to gentlemen from the Army.

And it is a notorious fact that gentlemen in the Army seek the positions at West Point on several grounds. They are the most honorable positions, I presume, in times of peace in the Army of the United States. They are posts of high honor. Is that to count for nothing? The officers fighting your battles with the Indian tribes in the West have but little opportunity for distinction. They are not brought in connection with the social life of this nation to any extent. They are not placing their names and their fame upon the records of their country. But there, in time of peace, every facility is afforded for progress and advancement in learning, high attainments in scholarship, and the honor which flows from these. I think that is not to be overlooked. Then there is the privilege, which the gentleman from New Jersey suggested to me, of being pensioned off for life at full three-fourths pay—a new feature in our system, because but a few years since half pay was deemed ample.

I think, therefore, Mr. Chairman, that there can be nothing in that proposition that longevity should be considered. I do not like to consider it. There might be something in it if the pay was insufficient, but every officer, from the very cadet through all the grades of the Army and Navy, receive compensation far above those in corresponding employments and pursuits in civil life and in the administration of our governments, State or Federal. Why, then, should there be this motive for contention for this longevity when there is already sufficiently strong motive for men to retain these offices in the yearly salary which they receive? I think, sir, that gentlemen connected with this institution of learning should receive a certain fixed and definite salary.

Why should not gentlemen consider another fact? You have assigned to various institutions in the country under your laws professors of military science, for the purpose of teaching the science of war in our literary institutions of the various States. Have not gentlemen seen the demoralizing effect of that? Here is a gentleman receiving a salary of $5,000 or upward as a professor, while gentlemen of equal attainments are receiving salaries of $1,200 or $1,500 a year, and I can call to mind within my own knowledge several instances of that kind. Here is a professorship of the highest branch of learning, and the professor is paid only $1,500 a year by the State or the patrons of the institution, while an officer of the Army, occupying a position which requires less scholarship, if he be a colonel receives $5,700, or if a lieutenant-colonel, a salary of nearly $5,600 per annum. You must consider the discontent and ill-feeling that this creates, and the injustice to men of culture at the inequality on which they are placed. Is it proper, sir, that a college institution under the control of the Government should furnish in its pay and expenditure an example either of extravagance elsewhere in the literary institutions of the country or, on the other hand, create dissatisfaction and discontent among men who should enter into the field of learning with capacity and scholarship? I do not think, sir, that this discrimination should be made. We do not much change it; but, gentlemen, between this institution and the other institutions of learning of the country of high standing there is a vast difference. Sir, if this bill should become a law as it is now it will decrease the inequality which now exists between this institution and other literary institutions of the country. Certainly, gentlemen, under free government, when frugality and simplicity are so much desired, there should not be in any of its features an institution like this, which differs as this does from similar institutions under the immediate auspices of the people themselves. In other words, an institution of learning under the patronage of the Government should harmonize with the spirit and genius of our people.

Let me say simply this in addition: This is the first of a series of bills to be reported by the Committee on Appropriations. I am told and we have been informed on the republican side of the House this morning that gentlemen opposite have come here fully imbued with the spirit of retrenchment and reform which the present condition of the country seems imperatively to require. I am conscious—and it is a gratifying consciousness—that all gentlemen here have come into this House on pledges of retrenchment in the expenditures of the Government. I think I might go further. Judging from the temper of the discussion two years ago all over this country gentlemen upon this floor, whether they come as republicans or democrats, are inspired with the same spirit which is displayed in every town and city of the country. In war times our expenditures rose to such unreasonable proportions that a reduction must be made. If this bill should pass and commend itself to the consideration of this House as a measure of reasonable retrenchment of expenditures which gentlemen believe the public service will justify, it will give every earnest assurance that the work before us will be well accomplished. But do not let us, because this institution happens to be one that appeals to our generous sympathies, because it is an institution in which boys from our different districts are gathered together to engage in that learning which will fit them to take part in one of the most honorable oc-

cupations in the world—do not let our sympathies get the mastery of our judgments. If our judgments govern, I believe that the bill will pass substantially as reported by the Committee on Appropriations; and if it pass, the people of the country, now looking to Congress with an earnestness never before known in our history in times of peace, will begin to breathe freely and indulge in hope.

Mr. DANFORD. Mr. Chairman, I shall not occupy five minutes.

Mr. RANDALL. Speak as long as you please.

Mr. DANFORD. The hope expressed by the gentleman from Indiana in regard to the disposition of the House in favor of all needed and necessary reform I doubt not will be fully met. The cutting down of the pay of the cadets at West Point, however, is in my judgment a retrenchment uncalled for by any party or any portion of the people of this country.

It may be said that the pay proper and rations allowed to these young men are more than is required by many young men in civil life for their support. It must be remembered, however, that these young gentlemen at West Point are not allowed to choose their own manner of life. They are required to appear upon parade in a uniform prescribed by the regulations. The sons of the poor as well as those of the wealthy must touch elbows upon parade; they must appear in the same companies and move in the same society. In my judgment the pay at present allowed is not more than is sufficient for this purpose.

In traveling through Ohio during the last autumn I happened in a town in a central part of the State. I had pointed out to me one of the humblest homes in the town, and was told that there lived the mother and there had recently died the father of the Lieutenant-General of our Army. I was told of the struggles and poverty of his boyhood. And when I remember that from that humble home, by the beneficence of our Government, there was enabled to come a man around whose name there gathered more of the poetry of the last war than any other name in this country, I believe that we should keep the pay and allowances of these young men at such a point that the children of the humblest and the poorest in the land may come to West Point and be so situated as to feel comfortable and at home.

It is the pride of our Army that it gathers to itself its ornaments from the walks of humble life as well as from those more favorably situated. The Army is an institution of this country, coming from the people, from the humblest and poorest as well as from the wealthiest in the land. Young men who go to West Point as cadets are taken from the poorer as well as from the richer families of the country. For instance, in the district which I have the honor to represent I submitted the appointment of cadet to competitive examination, and I am glad to say a son of one of the poorest men in the district received the appointment. If we cut down this pay, we will make it impossible for those who are poor and have little means to send their sons to this institution of learning.

Mr. HOLMAN. Will the gentleman allow me to ask him a question?

Mr. DANFORD. Certainly.

Mr. HOLMAN. I would ask the gentleman whether, if it were practicable for the cadets—and I think they are very generally the sons of men in moderate circumstances—if it were practicable for them up to 1867 to live comfortably at West Point, as we are assured they did, on a salary of $500 a year, is it not reasonably certain that now, when the value of money is largely increased and the expenses of living largely diminished, they can live there comfortably on $540 a year?

Mr. DANFORD. I do not agree with the gentleman that the cost of living at West Point has been diminished within the last seven years.

Mr. HOLMAN. Allow me to call the attention of the gentleman to another fact. The distinguished military officer to whom he has referred while at West Point, when money was not so much more valuable than now, received the pay of $24 a month only. This bill proposes to pay cadets $45 per month. Does not my friend see another fact also, that if you make the allowance moderate you inculcate a spirit of economy in that institution, of frugal economy, instead of extravagance, which is not desirable for the sons of poor men.

Mr. DANFORD. I am always glad to hear from my friend from Indiana, [Mr. HOLMAN.] It is true the military officer to whom I have referred was a cadet at West Point at a time when the pay of the cadet was but $24 per month. But in my judgment since that time the cost of living there has increased fully 100 per cent. As to the matter of economy of living, I agree with the gentleman that the best class of men we have are those who are required to economize in their youth; we get the best portion of our population from that class. But if you place these young men at West Point, and require them, as I have said, to appear together in the same companies, to move in the same society, that young man who is pinched, and cramped, and required day after day to count his pennies and to calculate the cost of every step he takes, will necessarily be ill at ease in the associations he is compelled to make there. I do not believe that the pay allowed in the last appropriation bill to these cadets is any more than is required by the situation and position they occupy in life.

Mr. BAKER, of Indiana. Allow me to inquire of the gentleman whether under the present law the naval cadets at the academy at Annapolis receive the same amount of compensation which is allowed to the cadets in the Military Academy at West Point? or whether, in point of fact, there is not a discrimination against the naval cadets to the amount of at least $100 per month?

Mr. DANFORD. I have not examined that question and do not know; the gentleman can make the calculation for himself.

Mr. ATKINS. Allow me to inquire of the gentleman whether the cadets at West Point are allowed to handle any money at all? Do not the poor boys and the rich boys stand on the same footing, and are they not uniformed the same?

Mr. DANFORD. Certainly they are; that is just the proposition I am contending for, that our Government shall uniform these young men and put them in such a position that they can feel comfortable. I do not think the people of this country require us to act niggardly toward these young men we are training to take high positions in the service of the Government.

Mr. ATKINS. Will the gentleman answer my question? Do the cadets handle any money there?

Mr. DANFORD. I think not; that is they handle none of the money appropriated by the Government for their use. But I presume it is not against the rules of the institution for them to handle their own private funds if they have such.

Mr. ATKINS. Yes, it is; that is the very point I want to make—that it is against the rules.

Mr. DANFORD. Very well; it may be against the rules for them to handle any private funds. But the point I make is that we should appropriate a sufficient amount of money to make these young men feel comfortable in the positions they occupy.

One word in relation to the pay of the professors at West Point. The proposition here is to cut down their pay—to cut it down by some arbitrary rule that is to be applied, I understand, by the Committee on Appropriations to all positions under the Government. Now, there is one thing to be remembered. These professors are chosen from a class of men who have the ability undoubtedly if they would give to some pursuit in civil life the same application that they are compelled to give to the duties of their positions at West Point, to acquire a competency in the course of fifteen or twenty years. We have arrived at a period in the history of this country when men possessing the ability of these professors can by a few years' application to business accumulate a competency upon which they can retire—a competency for themselves and their families. While we are looking at this proposition for retrenchment we should keep in view the *morale*, the character, the standing of the men that we require as educators at West Point. I take it that these gentlemen have a pride in their profession and in the positions they occupy. But take away from them the pride which they feel in their positions, and they can go into civil life and accumulate more money; they can after a struggle of fifteen or twenty years leave to their families a competency, while in the positions they now fill, though they may serve a life-time, they cannot accumulate money.

So it is with the officers of the Army generally. They devote a life-time to their profession; and no matter whether they may be on the frontier encountering the dangers of border warfare, or occupying positions at posts along the Atlantic coast, or serving as professors at West Point, they must inevitably look forward to the time when they will require to be pensioned upon their Government in order that they may live; and if they have families about them, instead of hoping for that competency which in civil life they might earn for their families, they must anticipate the time when they will leave their families without proper provision for their needs.

I believe it bad policy to cut down the pay of these professors, and I especially protest against the idea of cutting down the pay of these young men whom we send from our districts to be educated as officers of our Army.

Mr. BANNING. I would like to ask the gentleman a question. If these young men are not permitted to handle any money, how will this bill result more favorably to sons of rich men than to those of poor men?

Mr. DANFORD. I suppose the gentleman is aware that in making up the outfit required by the cadets a considerable amount of money is needed at the outset.

Mr. BANNING. Well, they do not get any of this money from the Government when they go in.

Mr. DANFORD. Their parents furnish them with something, I presume.

Mr. BANNING. I want to ask another question. If this bill cuts down the amount allowed the cadet and he is not permitted to receive money from home, will it not result in favor of the poor boy, who has been raised on habits of economy, rather than in favor of the sons of rich men? Will not the poor boys be better able to stand it?

Mr. DANFORD. I think not.

Mr. BLOUNT. It is, sir, with some reluctance that I propose to add anything to what has already been said in reference to the bill now pending. I feel, as my colleague on the committee [Mr. HOLMAN] has said, that the country is looking for much from this House and from the Government in the way of retrenchment. And, sir, the fact that this side of the House is in power here to-day grows largely out of the idea entertained by the people that a change was necessary in order to bring about retrenchment and reform. There was some disappointment on the part of the people with those who had been administering the Government.

Now, sir, I am willing to recognize the fact that there is a feeling on both sides of the House (I saw some manifestation of it in the last Congress; I expect to see more of it in this) to meet the wishes of

the people. It is demanded. We have gone through a most terrific war. How far its consequences are to reach, whether they are to be co-extensive with this generation or not, we cannot tell. There are derangements in the currency and derangements of business of every kind and character in the country. There is one thing that will contribute to remedy this state of things, and that is retrenchment—retrenchment in private expenditure as well as retrenchment in public expenditure; and therefore when we come to consider this or any other bill it becomes our duty to look at it as a business proposition, with regard to the interest of the country, and not inject stump-speeches in the debate here when the people are suffering.

The gentleman who has just taken his seat has had much to say on the subject of the pay of cadets at West Point. The gentleman from Illinois, [Mr. HURLBUT,] who spoke first on the other side of this question, made some reference to the fact that there should be no sectional feeling on this question. Now, Mr. Chairman, I am tired of hearing this question brought up. I take it for granted that we are capable of performing our duties without any interference of this kind. For one I do not propose, no matter what may come up, to let my actions be governed by the suspicion that somebody may say I entertain some disloyal motive. I propose to act upon high and proper reasons, such as will commend themselves to high-toned men everywhere.

I apprehend there cannot be, as the gentleman has said, any feeling of that sort on the part of any gentleman in this House. That institution has educated and is educating young men from every section of this land. Not a member on this floor but has an abiding pride in its past history and well-grounded hope for its future success.

What has been the history of this institution as to the pay of cadets? What has been the action of those who have preceded us upon this point? In 1802, as has already been stated, it was $16 a month. It remained at that rate up to 1845, when it was increased to $24, and at the latter rate until 1847, when it was increased to $30. And just here let me say to the gentleman from Illinois, [Mr. HURLBUT,] who has alluded to the fact that distinguished military characters on each side during the late war were educated at West Point, that they were educated there when the rate of pay was as I have stated it, and not at the increased figures which the gentleman from Illinois favors. It was so during the time the men who made reputation on either side in the late war were cadets at that Military Academy. Was there any complaint then? If so I have not heard of it.

Sir, the rate of pay from 1857 to 1864 continued to be $30, and up to 1864 there was no change. I take it that there was a gradual increase in the cost of living up to that time. In 1864 it was put at $500 a year; ample for all purposes, so far as we have been informed. In 1867 one ration was added. My colleague on the Committee on Appropriations from Indiana [Mr. HOLMAN] gives a probable reason, and in my judgment the correct one, why it passed through this House unnoticed at that time. I take it for granted, then in this Hall, as elsewhere throughout the country just after the war, there was a high military spirit and a consequent disposition to extravagance in that direction. Are we not safe in concluding, then, if that amount was sufficient up to 1867 it is sufficient now? Has there not been great reduction in the expense of living in reference to food and clothing as well as to everything else? If that be true, what excuse can we make to the country if we do not make proper reduction? When this House proposes retrenchment and reform in the expenditures of the Government, why should we continue to appropriate at this unnecessarily increased rate?

The gentleman who has just taken his seat proposed, he said, that the sons of poor men among these cadets at West Point should be clothed equally with the sons of the wealthy; that he wanted none of them clothed niggardly. I ask him where is the evidence that any one in this institution has been clothed in a niggardly manner? If he can present any such evidence, and it is satisfactory, I undertake to say there is not a single member of this House who will not meet him in a liberal spirit and provide the remedy. But, sir, mere statement without a particle of proof upon which to base it is not that which should be taken for the guidance of this House in so important a matter. I believe this is a deliberate body, and not that sort of a popular assemblage which is to be harangued and controlled by mere stump speeches. I take it, therefore, from these figures, that we are perfectly safe in returning to what was paid previous to 1867.

Now, let me for a moment come to the matter of the professors at West Point. I think it has been sufficiently shown, and it is in consonance with my information that I receive from all sections, that these professors at the West Point Military Academy receive a pay equal to that of professors in any other institution. If there were no other information, that would satisfy me in reference to this salary. I propose to make the institution equal to the design for which it was created, and therefore I would open up these professorships to men of learning and ability from all quarters. Let it reach out and gather ability wherever it may, and I undertake to say that the result will be to put a better class of men there.

But, sir, what do we find? They not only have this, but when they retire, they retire on three-fourths pay. Where is such a provision as that made in any other institution?

Mr. Chairman, I will not take up the time of the House in any further discussion of this matter. I have alluded to what seemed to be the principal features of the bill. When we come to the five-minute debate the details of the bill will be taken up, and then I may take the opportunity of considering them further. But I do trust that the members of this House, and especially the members on this side of the House, will stand by the Committee on Appropriations in the first movement that has been made toward the reduction of the expenditures of this Government. I hope, sir, this will be done by the representatives of the people everywhere; but, sir, for the honor of the party to which I belong I trust they will stand by the committee in every honest effort of that kind that is made. At all events, no attempt at contumely shall deter me from going on in the work of realizing the expectations of a tax-burdened and distressed people.

Mr. WILSON, of Iowa. When steps are taken by those who claim to be the economists of the House in the direction of retrenchment I am generally well pleased to hear their arguments and add my vote to theirs to bring about good results in that direction without saying anything, and I am somewhat sorry that some propositions made to us by the Committee on Appropriations at this time cannot receive my sanction, because they go further than can be justified.

I admit, Mr. Chairman, that it is necessary to exercise perpetual vigilance to keep the annual budget of the Government within reason and within bounds. When I vote for an appropriation bill, especially anything outside of the usual line of legislation, I always think where the money is coming from and who pays the taxes of the country. And, sir, thinking as I do on this subject, it gives me a good deal of pain to see those who propose economy—because economists are of no party, any more than spendthrifts are of a party—bring in a proposition to which I cannot give my consent. I have thought how I would feel after having voted to cut down the pittance we allow the boys we send to West Point—whether after that I could look a school-boy in the face or no. And, sir, I find I would be ashamed at beginning the economies of the Forty-fourth Congress with a reduction in that direction.

The arguments presented by the gentlemen who have spoken in favor of the bill have failed to convince me that if this reduction is made there will be anything left at the end of the four years' course to furnish an outfit for the cadets. I admit that if some gentlemen on this floor, for example my friend from Indiana, [Mr. HOLMAN,] should go down there and take charge of the larder, the laundry, and the wardrobe, there might be an economy effected. But we are making no provision for careful housekeeping; we are merely cutting off so much from the allowances to those cadets who do not control disbursements for themselves. If West Point is too expensive, let us appoint fewer boys. If it is entirely unnecessary, let us abolish it and let the States provide the education it gives. That, sir, might be urged with some degree of consistency, but to starve the boys that we have sent there is something I cannot agree to. It will result in excluding the sons of the poor and confining the military training to the sons of the wealthy, who can be assisted where the Government refuse.

I have been forcibly reminded through this debate of a gentleman who started to London once to enter into certain financial arrangements with a certain Mr. Fagin, one Noah Claypole, spoken of by Dickens in Oliver Twist. Mr. Fagin suggested to him that he might attack some old ladies, run away with their pocket-books, and get round the corner. He said, "O! is not that a dangerous undertaking? Don't these old ladies sometimes scream and very often scratch?" "Yes," he said, "it was somewhat dangerous; they would do that sometimes." "Well, what else have you to suggest?" said Mr. Claypole. "There is the kinchin lay." "And what is the kinchin lay?" "Why," said he, "when parents send out little boys and girls with sixpences and shillings to buy something, you just take their money from them, throw them into the kennel, and walk off as if nothing had happened but a child got hurt." "Lord! that's just the thing," said Mr. Claypole. And I am afraid that in this bill we have got into the kinchin business, too. We tried to save on committee clerks, but the chairmen screamed and scratched till we abandoned that. Why did not the Committee on Appropriations bring in a bill to cut down our salaries?

Mr. HOLMAN. The gentleman from Iowa need not give himself any uneasiness on that point. He will have an opportunity soon to vote upon that proposition.

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Indiana?

Mr. HOLMAN. When the Committee on Appropriations proposed retrenchment they proposed to have it all along the line.

Mr. WILSON, of Iowa. I hope my friend from Indiana will be allowed to make a remark when he feels like it. When a bill is brought in to cut down my salary and yours and that of the gentleman from Indiana, I will support it, and do it heartily. If the theory of our friends on the other side is that we must cut down the salary of every officer of this Government, let us do it, and let each man be responsible for his vote on that question. I find no difficulty, sir, in mustering courage to vote against an appropriation bill that seems to me too large or unnecessary, nor will I find any in voting to cut down my own salary, if the gentlemen think extreme economy requires it to be done. But, sir, I tell them they are demoralizing their own friends, the economists of the House, when they bring in a bill asking us to make an attack upon the boys at West Point while there are so many fields that are ripe for the sickle of retrenchment the reaping of which will purify the service instead of pinching any one, and in which we can engage with good-will, holding up the hands of the committee.

Mr. RANDALL. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOSKINS reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration a bill (H. R. No. 810) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1877, and had come to no resolution thereon.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole on the state of the Union to resume the consideration of the Military Academy bill, and pending that motion I move that all general debate on the bill be closed in half a minute.

Mr. MACDOUGALL. I move that the House do now adjourn.

The question was put, and there were—ayes 70, noes 66.

Mr. RANDALL. Before the vote is announced, I would like to ask unanimous consent that when we take this bill up to-morrow morning it shall be in the House under the five-minute rule.

The SPEAKER. The gentleman from Pennsylvania asks, before the vote on adjournment is announced which adjourns the House, that on to-morrow the House consider this bill in the House as in Committee of the Whole under the five-minute rule.

Mr. HALE. I object. I do not object to closing the general debate, but only to considering the bill in the House. We have been considering it in Committee of the Whole, and the appropriation bills are always considered in Committee of the Whole.

Mr. RANDALL. I do not desire in the least degree to abridge the power of offering amendments, but only to facilitate the passage of the bill.

Mr. HALE. It is customary to consider such bills in Committee of the Whole.

The result of the vote on the adjournment was then announced; and accordingly (at four o'clock and ten minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By the SPEAKER: Remonstrance of the governor and State officers of Nevada, against the removal of the United States courts from Carson City to Virginia City, Nevada, to the Committee on the Judiciary.

Also, a communication from the Secretary of War, relating to the application of Francis Armstrong filed with the Committee on Invalid Pensions, to the Committee on Invalid Pensions.

By Mr. BEEBE: The petition of citizens of Lansingburgh, New York, for the repeal of the check-stamp tax, to the Committee of Ways and Means.

By Mr. BURCHARD, of Illinois: Resolustons of the Illinois State Horticultural Society, in regard to the extension of the Signal Service, to the Committee on Agriculture.

Also, the petition of 38 citizens of Illinois, for the repeal of the check-stamp tax, to the Committee of Ways and Means.

Also, the petition of George W. Woodward, for a pension, to the Committee on Invalid Pensions.

By Mr. CANNON, of Illinois: The petitions of Jesse Gunning and Martin L. Ratraff, for pensions, to the Committee on Invalid Pensions.

Also, the petition of soldiers of the war of 1812, for pensions, to the same committee.

By Mr. CROUNSE: Papers relating to the claims of James P. Peck and Reuben Wood, for stock captured by Indians and damages ensuing therefrom, to the Committee of Claims.

By Mr. DURHAM: The petition of James S. Chrisman, of Kentucky, to be re-imbursed his expenses in his contested-election case in the Thirty-sixth Congress, to the same committee.

By Mr. GAUSE: The petition of Captain George W. Cook, for pay for stores, &c., furnished his company while in the United States Army, to the Committee on Military Affairs.

By Mr. HARRIS, of Georgia: Papers relating to a post-route from Buena Vista to Tazewell, Marion County, Georgia, to the Committee on the Post-Office and Post-Roads.

By Mr. HARTRIDGE: The petition of Hugh W. Mercer, for reimbursement of proceeds of mining stock sold under an illegal decree of the United States district court for the southern district of New York, to the Committee on the Judiciary.

By Mr. HUBBELL: The petition of Samuel W. Abbott, postmaster at Menomonee, Michigan, for pay for postage-stamps stolen from his office on the night of September 4, 1874, to the Committee of Claims.

By Mr. HUNTON: The petitions of James Bowers's heirs and George W. Jameson, for authority to be granted the southern claims commission to rehear their claims for war damages, to the Committee on War Claims.

By Mr. JENKS: The petition of John Huffman, for back pay, bounty, &c., as a United States soldier, to the Committee on Military Affairs.

Also, the petition of Martha M. B. McCulloch, for a pension, to the Committee on Invalid Pensions.

By Mr. KIMBALL: The petition of Henry E. Eastman, for pay as lieutenant-colonel in the United States Army from May 1, 1864, to February 1, 1865, to the Committee on War Claims.

By Mr. LAPHAM: The petition of Mrs. Julia C. Avery, for losses incurred by seizure of property by the United States authorities, to the Committee on War Claims.

By Mr. LAWRENCE: Papers relating to the claim of William Beard, *et al.*, for rent and damages to lands at Camp Dennison, Ohio, to the same committee.

By Mr. LANDERS, of Indiana: The petition of 120 voters of Orland, Steuben County, Indiana, for the unconditional repeal of the resumption act, the permanent retirement of national-bank notes and the substitution of national legal-tender paper to be issued directly from the Treasury of the United States, the refunding of at least a portion of the present national bonded debt into bonds bearing a lower rate of interest, say 3.65 per cent. per annum, interconvertible with national legal-tender paper money at the pleasure of the holder, to the Committee on Banking and Currency.

By Mr. MAISH: The petition of Ernestine H. Stevens and Thomas S. Rhett, administrators of the estate of Walter H. Stevens, deceased, for pay for 6,136 tons of coal seized by the military authorities of the Republic of Mexico in July, 1867, to the Committee of Claims.

By Mr. McFARLAND: The petitions of Mary A. Conkin and George W. Sexton, for pensions, to the Committee on Invalid Pensions.

Also, papers relating to the petition of Mrs. Nancy Johnson, administratrix of Abraham Tipton, deceased, for relief, to the Committee of Claims.

By Mr. PHELPS: The petition of Thomas Cunningham and others, of New Haven, Connecticut, for the repeal of the act fixing January 1, 1879, as the time for resumption of specie payment and for the payment of government duties in greenbacks at par, to the Committee on Banking and Currency.

Also, the petition of William Terrill and others, of New Haven, Connecticut, of similar import, to the same committee.

By Mr. POPPLETON: The petition of J. N. Stark and other citizens of Delaware County, Ohio, for a post-route from the town of Sunbury to Kingston Center, in Delaware County, Ohio, to the Committee on the Post-Office and Post-Roads.

By Mr. RANDALL: The petition of the heirs of Captain Lambert Wicker, claimants for prize-money, pay, &c., during the revolutionary war, to the Committee of Claims.

By Mr. REA: The petition of Lawson Moore, for pay for property taken, occupied, and destroyed by the United States authorities, to the Committee on War Claims.

Also, the petition of Clinton County, Missouri, for re-imbursement for money paid to encourage enlistment in the United States Army, to the same committee.

Also, the petition of Clinton County, Missouri, for pay for use and occupancy of court-house and for bounty money paid to encourage enlistment in the United States Army, to the same committee.

By Mr. SINGLETON: The petition of citizens of Mississippi, for an appropriation for the improvement of the Sunflower River, Mississippi, to the Committee on Commerce.

By Mr. STEVENSON: Resolutions of the Illinois State Horticultural Society, to the Committee on Agriculture.

By Mr. TARBOX: The petition of B. Binney *et al.*, of Massachusetts, for the repeal of the check-stamp tax, to the Committee of Ways and Means.

By Mr. VANCE, of North Carolina: The petition of John M. English, that the pension agent at Raleigh, North Carolina, be directed to issue a duplicate check in his favor for one lost in the mails, to the Committee on Invalid Pensions.

By Mr. WIGGINTON: The petition of J. R. Snyder, president State Vinicultural Society of California; A. Schell, and 30 other citizens of Stanislaus County, California, relative to the tax on wines and brandies, to the Committee of Ways and Means.

By Mr. WILSON, of Iowa: The petition of George Crilby and and 1,200 settlers of the Des Moines Valley, Iowa, to be protected in their homes, and that the Government keep good faith with those who have lawfully secured and occupied homes on the public domain, to the Committee on Public Lands.

By Mr. ——: The petition of citizens of Grant County, Virginia, for a mail route from Petersburgh to Burlington, Virginia, to the Committee on the Post-Office and Post-Roads.

IN SENATE.

FRIDAY, *January* 28, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

ALLUVIAL BASIN OF THE MISSISSIPPI RIVER.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution received yesterday from the House of Representatives; and it was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring.) That there be printed ten thousand copies of the report of the commission of engineers appointed to investigate and report a permanent plan for the reclamation of the alluvial basin of the Mississippi River subject to inundation, with the accompanying maps, namely, two thousand copies for the use of the Senate and eight thousand for the use of the House.

HOUSE BILLS REFERRED.

The bill (H. R. No. 917) to amend section 4898 of the Revised Statutes in relation to patents was read twice by its title, and referred to the Committee on Patents.

The bill (H. R. No. 1042) fixing the rate of postage on third-class mail matter was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the memorial, in the form of a protest of the governor and State officers of the State of Nevada, against the passage of a bill by Congress removing the United States courts from Carson City to Virginia City as against the true interests of citizens of that State; which was referred to the Committee on the Judiciary.

Mr. WHYTE presented the petition of W. H. Jenifer, late first lieutenant Second Cavalry, United States Army, praying the removal of his political disabilities; which was referred to the Committee on the Judiciary.

Mr. HITCHCOCK presented a memorial of the Legislative Assembly of the Territory of New Mexico, asking the passage of an enabling act for the admission of that Territory into the Union as a State; which was referred to the Committee on Territories, and ordered to be printed.

Mr. KELLY presented the petition of D. M. Butler and 40 others, citizens of Oregon, praying Congress to enact a law fixing the price of land within the grant to the Northern Pacific Railroad Company the same as that of other public lands; which was referred to the Committee on Public Lands.

He also presented the petition of Courtney M. Walker, of Oregon, praying Congress to grant him three hundred and twenty acres of land in that State, on which he now resides, as a recognition of his services in opening up and settling that part of the country; which was referred to the Committee on Public Lands.

Mr. BOGY presented the memorial of the adjutant-general of the State of Missouri, asking an appropriation for the payment of claims for supplies furnished Union troops during the late war by citizens of the State of Missouri; which was referred to the Committee on Military Affairs.

Mr. ALLISON. I present a memorial signed by citizens of the city of Dubuque, Iowa, protesting against any action of Congress with reference to Washington Square, one of the public parks in that city which is at present used and enjoyed as public grounds. Inasmuch as I presented a petition of a similar character some days ago, and had it referred to the Committee on Public Buildings and Grounds, I move that this petition be also referred to that committee.

The motion was agreed to.

Mr. CAMERON, of Wisconsin, presented a memorial of 426 citizens of Winnebago County, Wisconsin, asking an appropriation for the speedy completion of the Fox River improvement, and also for the construction of a canal along the bank of the Wisconsin River from Portage City to the Mississippi River, in accordance with the third plan recommended to the Government by Major-General Warren, of the United States Engineer Corps; which was referred to the Committee on Commerce.

Mr. KERNAN presented the petition of John P. Crosby, executor, and Harriet S. Jaudon, executrix, of the estate of Anna M. Conrey, deceased, praying that the sum of $2,025.08 be refunded to the estate of the decedent, which was taken possession of by the United States authorities at New Orleans during the late war and covered into the Treasury of the United States; which was referred to the Committee on Claims.

Mr. ANTHONY presented the petition of Mrs. Margaret Hetzel, praying the passage of a law authorizing the transfer of a certain cause now pending in the supreme court of the District of Columbia, brought by her against the Baltimore and Ohio Railroad Company, to the circuit court of the northern district of New York, for adjudication and determination; which was referred to the Committee on the Judiciary.

He also presented the petition of the Grand Lodge of Rhode Island of the Independent Order of Good Templars, signed by the officers, representing fifteen hundred members, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was ordered to lie on the table.

Mr. WINDOM presented a memorial of the Clay County Agricultural Society, of Minnesota, requesting an amendment to the tree-culture act of March 13, 1874, applicable to persons who have already made entries, so as to require the party making an entry to plant ten acres in three years, (instead of two, as the act now reads,) ten acres in four years, and twenty acres in five years; which was referred to the Committee on Public Lands.

Mr. BOOTH presented a resolution of the Legislature of the State of California, in favor of an appropriation for the purpose of constructing a breakwater at the port of San Luis Obispo, in that State, and declaring the harbor at that place to be a port of entry; which was referred to the Committee on Commerce.

Mr. CAMERON, of Pennsylvania, presented a petition of citizens of Philadelphia, praying that aid be granted for the construction and completion of the Texas Pacific Railroad; which was referred to the Committee on Railroads.

Mr. COCKRELL presented additional papers relating to the claim of the heirs of Robert S. Thomas, deceased, for compensation for property destroyed by United States soldiers while in the possession of the United States military forces at Kansas City, Missouri, in 1863; which were referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. MORRILL, of Maine. The Committee on Appropriations, to whom was referred the bill (H. R. No. 514) relating to the centennial celebration of American Independence, have had the same under consideration and have instructed me to report it back without amendment and recommend its passage. I give notice that on Monday next I will endeavor to call this bill to the attention of the Senate.

SENATOR FROM LOUISIANA.

Mr. MORTON. The Committee on Privileges and Elections, to whom were referred the papers relating to the election of James B. Eustis as Senator from the State of Louisiana, beg leave to submit a report, and as it is very short I ask to have it read, printed, and laid upon the table.

The Secretary read the report, as follows:

The Committee on Privileges and Elections, to whom were referred the papers relating to the election of J. B. Eustis to a seat in this body by the Legislature of the State of Louisiana, beg leave to report that in their opinion there is no vacancy in the office of Senator from the State of Louisiana. P. B. S. Pinchback having been elected in January, 1873, to the term beginning on the 4th of March, 1873. They therefore recommend that the papers relating to Mr. Eustis be laid upon the table.

Mr. SAULSBURY. As a member of the Committee on Privileges and Elections, I take this occasion to say that I dissent entirely from the conclusions of the committee in their report; and perhaps it will not be improper to state now that in my judgment there is a vacancy existing at the present time, and existing at the time of the election of Mr. Eustis; and that his credentials, so far as I have examined them, while they may not be exactly regular in form, have all the requisites necessary to entitle him to a seat in this body. I therefore dissent from the conclusion of the majority of the committee, and at the proper time shall state the grounds of my dissent.

Mr. MERRIMON. As a member of the Committee on Privileges and Elections, I also dissent from the report which has just been presented and read at the Clerk's desk, and for reasons which I have given in the past very fully in detail. As to the credentials of Mr. Eustis, referred to the committee recently, it did not become necessary to pass upon them, as the committee determined that there was no vacancy.

Mr. COOPER. I also, as a member of the Committee on Privileges and Elections, beg leave to dissent from the views arrived at by the committee. Of course I believe the question which they report to the Senate was not submitted to the committee upon the credentials now returned, and that the credentials submitted to us ought to have been examined. The report goes alone upon the right of Mr. Pinchback, which was not before us. I therefore dissent from it.

Mr. MORTON. I desire to give notice to the Senate that I will some day next week, say on Wednesday, ask the Senate to proceed to the consideration of the senatorial question from Louisiana, if there be no objection. I think the question ought to be settled one way or the other. I suggest Wednesday of next week, if there be no objection.

The PRESIDENT *pro tempore*. The Chair understands that it has been announced that on that day tributes will be paid to the memory of the late Senator from Connecticut.

Mr. MORTON. I will then say Thursday.

Mr. SHERMAN. Why not say Tuesday?

Mr. HOWE. Mr. President, I did not altogether hear the notice that the Senator from Indiana has given. It really seems to me that the question which he proposes to consider is one of the very highest privilege, affecting the right to a seat, not only the right of a man to a seat on this floor, but the right of a State to be represented on the floor. I have thought the determination of the question had been postponed already quite too long; and it seems to me we should either fill the vacancy in accordance with the already expressed choice of the State of Louisiana or that we should refuse to allow that choice to take effect and let Louisiana send somebody else here.

Mr. STEVENSON. Do I understand the Senator from Indiana to state the day he will call up the case?

The PRESIDENT *pro tempore*. The Chair understands on Thursday next.

NATHANIEL G. SMITH.

Mr. FERRY, from the Committee on Post-Offices and Post-Roads, (Mr. MORRILL, of Vermont, being in the Chair,) to whom was referred the petition of Nathaniel G. Smith, postmaster at Flemington, New Jersey, praying to be indemnified for the loss of postage-stamps stolen from him, submitted a report accompanied by a bill (S. No. 358) for the relief of Nathaniel G. Smith, postmaster at Flemington, New Jersey.

The bill was read and passed to a second reading.

Mr. FRELINGHUYSEN. There are peculiar circumstances about this case, and I would be pleased if the Senate would pass it at this time. It is to compensate for a loss of stamps. A draft has been made which the Postmaster-General has recalled pending action by Congress.

There being no objection, the bill was read the second time and considered as in Committee of the Whole. It appropriates the sum of $845 to re-imburse Nathaniel G. Smith, postmaster at Flemington,

New Jersey, for stamps stolen from the post-office at that place on the night of November 12, 1873.

The PRESIDENT *pro tempore*. The bill is accompanied by a report made by the committee of the last Congress January 28, 1875, which, as it is very brief, will be read by the Secretary.

The Chief Clerk read as follows:

The Committee on Post-Offices and Post-Roads, to whom was referred the petition of Nathaniel G. Smith, postmaster at Flemington, New Jersey, submit the following report:

The petitioner testifies under oath that on the night of the 12th of November, 1873, the post-office at Flemington, Hunterdon County, New Jersey, was entered by burglars, and the safe of said office broken open and robbed of postage-stamps to the amount of $845, and other valuables to a large amount; and that petitioner has been careful and duly diligent in his efforts to protect the property under his care; that the post-office was in a brick building, supposed to be well secured, and that no ordinary precaution on his part could have prevented the robbery.

The fact of the burglary is also testified to by Elmer Smith, assistant postmaster, John Lyman, David Van Fleet, (judge of the court of common pleas,) J. P. Rittenhouse, (sheriff of said county,) and a petition signed by sixty-three of the citizens of the village of Flemington.

It further appears from the affidavit of petitioner that, on the day following the robbery, he notified the Post-Office Department of the fact, and on the 17th of the same month forwarded a detailed statement of the losses to the Department.

The Third Assistant Postmaster-General estimates the probable amount of stamps on hand at the time of the robbery at $1,111.64.

In view of the facts as shown by the papers, your committee recommend the passage of the accompanying bill for petitioner's relief.

The bill was reported to the Senate without amendment.

Mr. KERNAN. I would like to ask the chairman of the committee where these postage-stamps were kept. If a postmaster stands in the relation of a common carrier or a bailee charged with bonds or money, then, unless under peculiar circumstances, he is liable for the property stolen from him.

The PRESIDENT *pro tempore*. The Chair will observe that the report states that the stamps were kept in a safe, and in a brick building.

Mr. KERNAN. Did he keep any property of his own there?

The PRESIDENT *pro tempore*. There was other property with this. The Department states that there were eleven hundred and odd dollars of stamps on hand, and the bill re-imburses him for $845 only, the amount the postmaster claims was taken from him.

Mr. KERNAN. Does the report state that he used all the care a prudent man would take of his own property?

The PRESIDENT *pro tempore*. The report states so, and the facts fortify the statement.

Mr. SHERMAN. I can only state that several cases of a similar character have been reported against in the Senate. Two or three years ago this very class of bills was discussed two or three hours in the Senate, and, the principle having been considered fully at the time, I believe finally the Senate declined to pass the bill which was then pending.

Mr. HAMLIN. I think the Post-Office Committee for the last six years, at least while I have been a member of it, has reported sundry bills, all aggregating a very small sum, varying from $50 to $200, favoring relief in all cases like this and embraced within these rules: First, proof of the robbery; second, proof of the same care of the property that an ordinarily prudent man would use in his own case; and third, immediate notice at the time of the robbery and a proper exertion to recover the property. Upon those facts being submitted to the committee they have deemed it wise that the postmaster should be relieved; and the ground we have taken is that he has given his bond for his own official misconduct and he is not to be held as an insurer against burglary or things of that character. That has been the rule governing the committee, and the Senate have confirmed the action of the committee over and over again upon a division and by the yeas and nays.

Mr. FRELINGHUYSEN. This same bill was passed by the Senate at the last session of Congress and failed on account of want of time to get through the other House.

Mr. KERNAN. Of course I was not in the Senate when any question of this kind came up before; and therefore in raising this question now I am not in the least captious, though the amount involved in the immediate bill before us is small. The committee state that they find this postmaster took the usual care of the property which a man of ordinary prudence would use. I understand the rule of law to be that a bailee or carrier cannot escape responsibility without proving that he used all the care which a very careful man would use in reference to that kind of property. In the State where I live, where negotiable bonds have been left with merchants in New York as collateral security, where they only had that duty imposed upon them and were not employés who give bond and who have compensation for care, where they were kept in a safe in a store and the burglary was perpetrated by the safe being broken open, the safe being an ordinary safe, referees have found and juries have found that leaving that class of property in a store over night was not the care which very careful men exercised in reference to their own property.

I only desire to suggest in reference to this case, which may hereafter be cited as a precedent to control our action, that I would not be in favor of saying by act that a postmaster, a depositary of public money or of bonds capable of passing from hand to hand, is to be discharged from his liability because he did what an ordinary man might do, and doing so left the property in a safe in a store with no watchman and no guards beyond merely the resistance of the store and the safe.

Mr. DAWES. I think the Senator from New York, upon a moment's reflection, will see that the rule which he would apply here works an impossibility in the case of a great majority of the postmasters of the country. The country postmasters can find no more safe place to keep their money and their stamps than a safe in their own office or in the store where in a great majority of cases the country post-office is kept. There is in a great majority of country towns no bank that keeps a safe more secure from burglary than the ordinary safe of a country merchant. If the postmaster is required to take the money out of that safe and take it to his own residence, the Senator from New York must see that in that instance he would be less secure from robbery than if he kept it in an ordinary safe. While it may be true that the rule laid down by the Senator from New York may apply, under certain circumstances and in certain cities, and in certain surroundings of watchmen, of police, of large deposits of valuable securities, and with safe-deposit companies, so that if a postmaster so situated, like the postmaster in the city of New York, should keep this property in a common safe, in his own house, or in an ordinary country store, if such a one could be found in that locality, he would not be considered as keeping his property with such care as a man ordinarily does. I apprehend that what was meant by the Senator from Maine [Mr. HAMLIN] in laying down the principle is, that as a rule he takes as good care of this property as men of care and prudence under like circumstances and in like situation take care of their own property.

Mr. KERNAN. I think it a very important fact whether the committee find (and very likely they can state) that there was no bank in that town or village or no safe-deposit company where these valuables could be kept, and where they usually keep watchmen and such other precautions are taken as are necessary against our modern skillful burglars. I think that a very important fact, for the cases in New York to which I have referred are put upon the ground mainly by the decision that there were banks convenient where with no trouble they could have the property deposited and where the building would be guarded. I would like to have it stated, in that view of the case, whether this postmaster could have kept his stamps in a bank or not.

Mr. FRELINGHUYSEN. Mr. President, we cannot here, of course, have all the evidence that was before the committee; but I notice that the report states that these postage-stamps were stolen with other valuables of a large amount, so that it seems this postmaster was as careful of these stamps as he was of his own valuables to a large amount.

That petitioner has been careful and duly diligent in his efforts to protect the property under his care; that the post-office was in a brick building, supposed to be well secured, and that no ordinary precaution on his part could have prevented the robbery.

That fact being established, I do not know what a postmaster in a country village can do better than to provide a safe and have it in a good brick building, a place where he is willing to trust his own securities, and have all these facts fully proved. In this village there is no safe-deposit company. I think there is a bank, but I do not suppose the bank was any more secure than this place, not having the advantages of watchmen and those precautions which they have in cities. This bill passed the Senate at the last session and failed for want of time to pass the other House.

Mr. DAWES. I never thought the rule was a sound one that where a man took as good care of other people's property as he did of his own that would relieve him of his responsibility, for he is very careless often about his own, grossly careless about his own; and he ought not for that reason to be relieved of responsibility for the care of other people's property. But I happen to be on the committee, and I think this case is free from all suspicion.

I want to suggest to the Senator from New York how poorly his rule would work in a case I have in my own mind in my own district, where a set of burglars came up in the night-time from the city of New York into a country town and went to the post-office and broke open the safe in the post-office, an ordinary safe; and that same set of burglars went to the house of the cashier of the bank and bound him and his whole family, hand and foot, and then proceeded to the only bank in the town, broke open the safe in the bank, and carried off all the valuables in the bank. The only true rule, it seems to me, must be that relief shall be given only where a man takes as good care of this property as wise and prudent men so situated take care of it; not as he takes care of his own, because the most careless of men then would get relief from a liability which is imposed on them.

Mr. FRELINGHUYSEN. Still the general rule is that men take pretty good care of their own property. There may be exceptions.

Mr. DAWES. I am sorry to say that I do not quite agree with the Senator that the rule is that men take good care of their own property.

Mr. KERNAN. I think Story says in discussing this point that men may be very careless of their own. That will not do; they must do what very careful and prudent men do to excuse themselves, and they must prove that affirmatively when the defense is that the property has been stolen.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. JOHNSTON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 359) to incorporate the Wash-

ington City Inebriate Asylum in the District of Columbia; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. MAXEY. I beg leave to introduce a bill without previous notice for the establishment of a post-route from Paris, Lamar County, Texas, to Sulphur Springs, by way of Cooper in Delta County in that State; also a route from Bonham, in Fannin County, Texas, by way of Ladonia and Ben Franklin, to Cooper, in Delta County.

By unanimous consent, leave was granted to introduce a bill (S. No. 360) to establish certain post-routes in the State of Texas; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. HITCHCOK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 361) to provide for the payment of claims for Indian depredations; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. MERRIMON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 362) prescribing an oath of office; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. EATON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 363) for the relief of the administratrix of the estate of Lieutenant Joseph Wheaton, deceased; which was read twice by its title, referred to the Committee on Revolutionary Claims, and ordered to be printed.

Mr. DAVIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 364) to establish certain mail-routes in the State of West Virginia; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. ENGLISH asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 365) to revise, consolidate, and amend the statutes relating to patents and copyrights; which was read twice by its title, referred to the Committee on Patents, and ordered to be printed.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 366) to fix the date of entry into the military service of Colonel and Brevet Major-General Benjamin H. Grierson, United States Army, and to correct his record on the Army Register; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 367) to establish a mint for the coinage of gold and silver at Chicago, in the State of Illinois; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. COCKRELL, it was

Ordered, That the petition and papers in the case of John P. Thomas, administrator, be taken from the files of the Senate and referred to the Committee on Claims.

ADJOURNMENT TO MONDAY.

On motion of Mr. SPENCER, it was

Ordered, That when the Senate adjourns to-day it be to meet on Monday next.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 1589) to amend section 190 of the Revised Statutes; and

A bill (H. R. No. 1590) to remedy an error in enrollment.

DISTRICT 3.65 BONDS.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. R. No. 52) directing the commissioners of the District of Columbia to pay the interest on the bonds issued in pursuance of the act of Congress approved June 20, 1874, out of any funds in the United States Treasury subject to the requisition of said commissioners, and for other puposes, the pending question being on the amendment of Mr. ALLISON to add the following proviso:

Provided, That any issue of said bonds beyond the sum of $15,000,000 is hereby prohibited.

Mr. SARGENT. With the consent of the Senator from Ohio, [Mr. SHERMAN,] who is entitled to the floor, I desire to say a word. The Senator from Iowa [Mr. ALLISON] meant exactly what I meant yesterday in offering the amendment; but I would like to suggest to him that it does not go far enough.

Mr. ALLISON. I understand that, and I have another amendment to offer.

Mr. SARGENT. It may be in the same form as mine. I have one which was originally suggested by the District commissioners, and was adopted by the House committee. With the Senator's leave, I will have it read.

The PRESIDENT *pro tempore*. The Secretary will report the modifications suggested by the Senator from California.

The Chief Clerk read the amendment of Mr. SARGENT, as follows:

Provided, That all certificates heretofore issued by the board of audit, including those converted into 3.65 bonds and those which have not been so converted, and all certificates hereafter to be issued by the board of audit or their successors in office, shall not exceed in the aggregate the sum of $15,000,000.

Mr. SARGENT. The certificates are converted into bonds. If you limit the amount of certificates, you necessarily limit the amount of bonds; but by limiting the amount of bonds you do not limit the amount of certificates. If the Senator will accept that in place of his amendment——

Mr. ALLISON. I desire both. I think that should be added to the amendment.

Mr. SARGENT. Then let it be considered as pending.

Mr. ALLISON. The bonds should be limited, and the certificates should be limited also.

Mr. SARGENT. Very well; let it be considered pending, and we will look into it.

Mr. HAMILTON. I should like to ask the Senator from California if he thinks that will stop the issue of 3.65 bonds?

Mr. SARGENT. I unfortunately cannot hear the Senator.

Mr. HAMILTON. It was impossible to restrict the former government, and they issued largely in excess of the contracts allowed by law; and since that government was abolished and commissioners established in their place here they have gone in excess of $5,000,000 of what was expected by the Senate or by the country when they were established. I want to ask now, as long as the Senate and House of Representatives will recognize 3.65 bonds, if the Senator does not think the District government will go on issuing them? I undertake to say they will not stop under $50,000,000, if you recognize them; and he wants to provide now for all the certificates that have been issued, and all that may be issued hereafter, to be invested in 3.65 bonds.

Mr. President, there must be some limit to this thing——

Mr. SARGENT. I thought the Senator was asking me a question.

Mr. HAMILTON. Very well.

Mr. SARGENT. I feel some delicacy in obtruding on the time of the Senator from Ohio in replying to the general remarks of the Senator from Texas, but I will state that the object of the amendment I present is to cut off the power to issue bonds entirely, and if the Senator will examine it, I think he will find that is the effect of it. I do not agree with him that there has been a violation of the law. I I think there has been simply an ordinary construction of a statute passed by Congress. That statute itself was somewhat loosely drawn, and I should like to say in vindication of myself that when that proposition was brought by the committee before the Senate, I stood up under somewhat adverse influences for some half hour, endeavoring by amendments to make the statute more certain; but the committee thought, and it seemed to be the sentiment of the Senate, that at the late hour of the session we then were it would be improper to make any amendment for fear action might fail in the House of Representatives, and consequently the law fail to pass. That was the principal argument against the propositions which I made at that time. I think if I could have had my way in the matter at that time, or at any rate I then thought, if I could have made the bill more certain and definite, there could not be such a question subsequently as was raised yesterday about the construction of it. Therefore if the original law was loose, I must say I take no responsibility for it; but this amendment which I propose tightens the rivets.

Mr. HAMILTON rose.

Mr. SHERMAN. The Senator will have an opportunity to reply after a while. I am entitled to the floor, I believe.

The PRESIDENT *pro tempore*. The Senator from Ohio.

Mr. SHERMAN. Mr. President, the remarks of the honorable Senator from Iowa [Mr. ALLISON] yesterday created a good deal of surprise in the Senate and certainly did in my mind, partly from the position he occupies in regard to this question and partly from the importance of the statement he made to the Senate. The Senator from Iowa was chairman of the special committee that reported the act of June 20, 1874, and was presumed, from his supposed authorship and agency in framing the law, to be familiar with all its provisions. A statement therefore made by him that these District commissioners had exceeded the power conferred on them by the law to a large amount naturally excited surprise and would naturally excite feeling on the part of the commissioners and on the part of the public at large.

It is known that these commissioners have been called here from private life, not residents of this city, men of eminent character who have occupied high positions in the Government; men of such high repute that it would be supposed their acts would carry with them great sanction and great weight. They were called here to discharge a difficult and delicate duty, to take the place of a local government which had given discontent to Congress, so much discontent that Congress proposed to abolish it and confer upon these commissioners all the powers of government over the District of Columbia, the power to close up the affairs of the old government and go on and manage according to law the general affairs of the government of the District of Columbia. They came here with that view. Under these circumstances while they are in the discharge of their duty they are met by the statement made yesterday by the Senator from Iowa who reported to the Senate the law which gives them all the powers they possess; and here in order that I may present the charge made by the Senator from Iowa I will read what he said, from page 13 of this morning's RECORD:

I want to say one word with reference to this issue of 3.65 bonds. I think the commissioners of the District of Columbia totally misapprehended the law under which they were created, and that they have enlarged the debt of this District far

beyond the authority given in the act of their creation. They misconstrued the act organizing this commission by legalizing all the contracts of the board of public works or most of them. It was never the intention of the committee who reported that bill to legalize those contracts. On the contrary, it was supposed that the act creating the board of commissioners expressly excluded that idea.

Now, Mr. President, let us look at the act; it is before me; and I do not think with the Senator from California [Mr. SARGENT] that it is loosely drawn; but it is most carefully drawn, evidently the work of able lawyers, of men who were accustomed to the choice of language, and they have expressed their meaning in such clear and definite form of words that nobody can misunderstand it. Now, what powers are conferred on these commissioners? In the first place, the President of the United States is authorized in the second section of the act to appoint three commissioners who are invested with all the powers heretofore reposed by law in the government of the District of Columbia, and especially they shall have power to use the money appropriated by Congress and the taxation levied by the authority of Congress for "the support of the public schools, fire department, and the police, and to the payment of the debts of said District secured by a pledge of the securities of said District or board of public works as collateral, and also to the payment of debts due to laborers," &c. And then it provides:

> But said commission, in the exercise of such power or authority, shall make no contract nor incur any obligation other than such contracts and obligations as may be necessary to the faithful administration of the valid laws enacted for the government of said District, to the execution of existing legal obligations and contracts, and to the protection or preservation of improvements existing, or commenced and not completed, at the time of the passage of this act.

This gives them three specific and express powers; first, to execute all contracts and obligations that may be necessary to the faithful administration of the valid laws enacted for the government of the District. That is clear and distinct by itself. Second, "to the execution of existing legal obligations and contracts." As a matter of course, the power to execute a legal contract authorizes them to designate what contracts are legal. It refers to them a legal question and empowers them to point out and designate the contracts that are existing and binding upon the Government; and their duty is to execute those contracts precisely like the President of the United States is bound to execute the constitutional laws of Congress and no others. The third power is to preserve and protect improvements commenced and not completed.

But, to make this matter clearer, and to limit to some extent and control the powers given to these commissioners, Congress provided for a board of audit, without whose approval no money could be paid by these commissioners, no contract could be sanctioned, and no power exercised which affects public money or private money. This board of audit was composed of the Comptrollers of the Treasury, and is provided for by the sixth section of the act:

> That it shall be the duty of the First Comptroller of the Treasury and the Second Comptroller of the Treasury of the United States, who are hereby constituted a board of audit, to examine and audit for settlement all the unfunded or floating debt of the District of Columbia and of the board of public works, hereinafter specified.

And then, after specifying two or three matters about which there is no controversy, it provides:

> Fourthly, claims existing or hereafter created for which no evidence of indebtedness has been issued, arising out of contracts, written or oral, made by the board of public works.

Here is an express declaration that this board of audit shall not only pass upon and act upon officially all claims growing out of contracts made by the board of public works then existing, but all that may hereafter be made or created, that is, after the passage of the act; and no language of authority could be made more clear and express than the language contained in these two provisions. First, the District commissioners have ample power to execute all the existing legal contracts and legal obligations of the District of Columbia and of the board of public works; and second, the board of audit, who are to supervise and control these commissioners, just as our Auditors and Comptrollers supervise and control the action of the Secretary of the Treasury, are required to audit and allow all legal and valid claims growing out of subsisting contracts made by the board of public works, and all that should arise out of those contracts after that time. Can language be clearer than this? This authority was given in the plain letter of this act; so that I respectfully submit to my honorable friend from Iowa that he is mistaken in regard to the authority conferred upon these commissioners.

The honorable Senator endeavors to make a distinction between the debts of the District of Columbia and the debts of the board of public works. There is no such distinction made by the law. Whether there were any contracts at all made by the old government of the District of Columbia, strictly speaking, I am not aware; but everybody knows that all the public works and all the subsisting contracts about which the difficulty arose were contracts made by the board of public works, and those contracts were the contracts of the District of Columbia, because the board of public works were plainly and clearly authorized by the law to make contracts for public improvements, and they did make those contracts to a wholesale extent.

Sir, that committee was organized to see whether or not they had abused their power to make contracts, and that committee reported that they had abused that power, and we abolished the board of public works, leaving however the legal contracts made by them in pursuance of law valid and subsisting; and this law reported by the honorable gentleman himself came in and ratified these contracts and continued them in force, and actually allowed work to be done under them after its passage and contemplated that the commissioners should go on and complete them.

My honorable friend also in his argument seemed to think that because certain contracts had not commenced to run, or because work had not been commenced under them, or something of that kind, they were not authorized to be completed. He argued that the language of this law was confined in its operation to those contracts that were partially completed. The language of the law applies to all subsisting legal contracts, whether the work was commenced or not, and the commissioners were plainly bound and required to go on and execute these contracts, and the public faith demanded that they should. It would have been wrong, and I do not believe that committee would have reported to the Senate a bill which would have authorized the Government to step in and set aside contracts legally made, under our authority, by our subordinate board of public works. We may punish the men who made those contracts; they may have been improvident or foolish; but when made legally with private citizens, and private rights attached, then the Government of the United States was bound to carry into execution those contracts, however improvident. And, sir, the law so says. The law is imperative. The law requires these men to complete subsisting contracts, and requires the board of audit to allow for all claims that may arise under them, and they have done it.

I will go further. My honorable friend refers to the report of the committee made by him and others as the guide of these commissioners. He says that it was not the intention of the committee to go as far as they have gone. That I may do him no injustice, I will read what he said yesterday:

> It was not intended that this board of District commissioners should go on and carry out the numberless contracts that were then floating about this city made by the board of public works. Certainly if Congress had ever anticipated such a construction they would not have authorized the issuance of a large amount of bonds upon this District and pledged the faith of the nation for the payment of the interest and the principal at maturity. As evidence of that I call attention to the report of the committee, made at the time, making an estimate of the amount of money necessary to complete those contracts begun and not completed.

Is it necessary for me to say to the Senate that, while the report of a committee may sometimes throw some light on a doubtful question of law or a doubtful construction of words, yet the report of a committee is never looked at as the authoritative exposition of the law. These commissioners, brought here as strangers from different States, found a law on your statute-book which plainly made it mandatory on them to execute existing contracts. Although the committee reporting that law made a mistake in their estimate of the amount outstanding, or hoped some of these contracts would be set aside, the law, which they framed and reported and which wepassed and which has the sanction of all departments of the Government, declared it to be the imperative duty of the commissioners to execute the existing contracts to their fullest letter and detail, and these contracts were just as much the law of the land as if they were set out *in hæc verba* in this law, and the board of audit were expressly required to audit and pass upon and issue certificates and bonds for claims arising under contracts made by the board of public works. Sir, to expect these commissioners or to ask these commissioners to go behind these plain and mandatory provisions of law to examine the report made by the committee that reported the law would be a latitude of construction that no court would sanction. The law speaks for itself and is plain and decisive. I myself have not referred to the report of the committee; I have no doubt the honorable Senator states it correctly; but when these commissioners came to see what was to be their duty they looked at the law, and they not only found it written there in plain and simple language that these powers were put upon them under the circumstances I have stated, but they proceeded to the execution of these powers with the utmost caution. What motive had they to do otherwise? What motive had they to violate the law of Congress? None that is conceivable or that has been suggested. They not only consulted the face of the law, which is plain and mandatory, but they consulted the law officers furnished them for their guidance, and as I am told they actually consulted one of the members of that committee whose opinion is authority itself on doubtful constructions of law; but as I do not wish to repeat any language of this kind given to me privately, I shall not do so. I am told they consulted and took the opinion of one of the most distinguished members of that committee when a point arose in the construction of that law which he aided to frame; and on this question of their duty to execute these contracts there cannot be even a doubt, because the language is plain and mandatory.

Now, let us go a little further. What did these commissioners do? Did they violate the law? The honorable Senator says they issued three or four millions of bonds in excess of the authority conferred by law; but it is a sufficient answer that the plain language of the law required them to execute these contracts, making no distinction between classes of the contracts, only requiring them to execute legal contracts. What did they do? They examined the legality of every single contract that was presented to them. There were perhaps one hundred or two hundred contracts—I do not know how many, for I know but very little about this matter except as I get it from others—there were over one hundred different contracts affecting sewers and

streets and roads, and all sorts of improvements. They took up these contracts one by one, and decided which was legal and binding; and what else could they do?

The Senator may now come in, finding that these improvements cost large sums of money, and say these contracts were improvident. What had they to do with them? They did not make them. They made no contracts except, as I shall show you hereafter, a modification of existing contracts. They found the contracts the law of the land, made so by your act here. They rejected a large number of them, whole hosts of them. They reported at the last session of Congress that they had rejected contracts which would have involved the government of the District to the amount of $600,000. They took up each contract and decided it by itself. Not only did the law authorize them to recognize written contracts, but the law required them to recognize oral contracts made by the board of public works, and required the board of audit to pass upon oral contracts made by the board of public works. These commissioners took only the existing legal written contracts by which they were bound, and sought to execute those contracts according to their spirit and their letter. It is true the amount involved in these contracts turned out to be larger than anybody supposed. How could they tell? I have here the form of the contracts. Who could tell the amount? That depends on the estimates of engineers and the measurement of engineers. All that the contract undertook to do was to fix the rate per foot or per yard, without seeking to limit the quantity. It was impossible to limit it in advance. Therefore the amounts paid under these contracts were much larger than was expected, but still they were valid and subsisting contracts, and the commissioners were bound to execute them. They gave notice of this difficulty at the last session of Congress—called on all of you, and especially on the committee who reported this law, to repair any defects there might exist in it, and in their report at the last session, which I have before me, they classified these very contracts which it is now complained they executed in four different ways. They go on to say that the cost of completing contracts resumed would be probably so much that the cost of contracts of doubtful obligation on which the order of suspension had not been revoked would be $148,000, and then claims for contracts made under awards, so called, rejected by the commissioners, amounted to $437,133. They go on to tell you that some of these contracts they had to recognize and did recognize, and to state what they supposed it would cost to complete them. It seems, as in the case of all the estimates made in regard to public improvements in this city, that the estimate made by the committee who reported this law was an underestimate by millions of dollars, and these commissioners made the same mistake in underestimating the amount of claims made under these contracts. But how could they tell until the contracts were executed and the work measured what would be paid under them? It was not possible for them to do it.

But why should these commissioners be reproached? Not a single act has been done by them in this respect that has not passed under the review of the board of audit. Not one single dollar was allowed by these commissioners. They had nothing to do in this respect except the simple act of a lawyer in passing on the legality of these contracts which Congress declared that they should execute. All they had to do was to do what a lawyer would do in saying which of the existing contracts were legal and binding. If they failed in this, if they erred in this, their decision was to be reviewed upon every contract and upon every payment; a board of officers of the United States selected by law had to pass upon every contract, upon every paper, upon every dollar, and they paid not one single dollar themselves. These commissioners had no more to do with the payment of this money than the honorable Senator from Iowa. The honorable Senator from Iowa had made it mandatory upon them to execute existing legal contracts. As lawyers they said that certain defined contracts, naming them, were legal, and they ordered them to be executed. They had nothing to do with the payment of money, nothing to do with the amount of the debt.

Mr. HAMILTON. Will the Senator allow me——

Mr. SHERMAN. I would rather not; it interrupts the thread of my argument. The Senator will have plenty of time hereafter. They had nothing whatever to do but to say what contracts were legal and what were not, except to make such modifications as, I will show you presently, they claimed the power to do under the contracts themselves. All the questions they had to deal with were legal questions, such as the Secretary of the Treasury decides every day, such as the Supreme Court decides, such as we decide; and all the power there was in this matter which could control or affect the amount of the public debt or the issuing of these bonds was done by the board of audit, the First Comptroller and the Second Comptroller of the Treasury, whose signatures and whose official action alone could allow a single dollar of money to be paid from the Treasury.

I have here, furnished me by these commissioners, one of the forms of certificates. They had nothing to do even with the issuing of the certificate. It was not a part of their business or made a part of their business; but by the very language of the law which created them that was made the business of the Comptrollers.

I have here also the form of the bond, with the issue or the amount of which they had nothing to do whatever. The very moment they passed on the validity of a contract, or regulated the terms of a contract, it passed beyond their jurisdiction. The amount, the measuring, the auditing, the paying, was a matter with which they had no more to do than we have. We made the law; they executed the law so far as to point out what contracts were legal; and our authority, our mandatory law, created a board which decided upon the amount that should be paid to every claimant. Even the engineer was an officer of the United States Army, detailed by the President, over whose measurement they had no control whatever.

I know, sir, that my honorable friend from Iowa, who is as just a man as ever lived, did not intend to do injustice to these commissioners; but he must remember that when men like them are called here to fulfill an important duty they are naturally sensitive in regard to anything which involves a charge of undue exercise of power. I have inquired to see what these gentlemen have done that might raise a question about the extent of their powers, and that compels me to examine the contracts that they found subsisting. I have in my possession the form of one of these contracts, not made by them but contracts subsisting and which this law sanctioned and required them to execute. Now I call the attention of Senators who wish to treat this matter fairly—because there could be no motive in the world to do injustice to these gentlemen—to listen to the terms of this contract. This contract is their law, made so by you. They cannot say whether the contract is improvident or not; all they can do is to execute the law; and if they had failed to do that, you would properly arraign them for assuming to exercise powers not conferred on them. Among other provisions contained in this contract then subsisting was this, called the ninth:

It is further agreed that if at any time during the period of —— years—

Said by the engineer to be filled up with one or three years—

from the completion of the work to be done under this contract, any part or parts thereof shall become defective from imperfect or improper material or construction, and in the opinion of the said party of the first part require repair, said party of the second part will on being notified thereof immediately commence and complete the same to the satisfaction of the party of the first part, and in case of failure or neglect of the said party of the second part so to do the same shall be done under the directions and orders of the party of the first part at the cost and expense of the party of the second part.

What does all this legal phraseology mean? It means that if these contractors shall neglect to perform their contract properly, or if the work that is done requires repair within a certain period of time, the District government shall notify them of this requirement, and if the contractors fail to make the proper repairs then the District government is authorized, at the expense of the contractors, to go in and do it. There is a plain and ordinary provision, and that continued during the time within which these parties guaranteed to keep these roads and improvements in repair.

I am told that some cases have arisen where the work was most improvidently done, where not only the work needed repair, but absolutely within the time limited became almost utterly worthless. That was the case in regard to several of the important thoroughfares of the city. Then the question came up before the commissioners, "What shall we do?" "Here is a provision that authorizes us to go in and complete that work and do what these contractors did not do." They did exactly what this stipulation required them to do. They gave notice to the contractors that they must repair the work, they must put it in good order according to the terms of their contract in every case, and when the contractors failed they at their discretion did go on and have the work done. A question arose in the execution of this authority conferred by the contracts made a part of the law, as to the extent to which they might carry the repair. Should they make the repairs in every case of the same material that was required by existing contract between the parties? And here there was a fair ground for difference of opinion. They claimed that they had the right to repair the road and put it in as good condition as the contractors had stipulated it should be put in, and in one case they took all the materials that were worth anything on a particular line of road and used them to repair that road, and then replaced the part that was necessarily torn up in this operation by material of another kind. Why? Upon what ground was this done? On the ground that experience had already shown that the material they adopted to repair this street was far better than the original material, and that in that way the work could be done with less cost. And if the contractors can be made to pay for the repairs that were done it will cost them less under the plan adopted by the commissioners for repairing with permanent material than it would have done to repair with material which had proved to be defective and utterly worthless. There is a case that was acted on by them, and where it seems to me it was proper for them to require the repairs to be made of different material from that which was required by the contract. As to whether they had that power was a question as to which an honest difference of opinion might fairly lead men to decide one way or another. It made no difference in the cost; but if they had restored these pavements in every case with wood, as they had plainly and palpably a right to do, it would have cost the contractors and cost the District government more than the plan they adopted, which secured to the city practical and useful results.

As a matter of course I do not know the various acts done by these District commissioners, but there was a class of improvements that it seems from the report they did do, about which there can be no controversy. The third clause of the second section of the act which I read to you shows that the District commissioners were

plainly authorized to execute new work where it was necessary to protect other work done under existing contracts. But I will read that clause again, as I see that my friend from Iowa seems to have some doubt about it, to show that the power is clearly conferred by the language of the law:

And to the protection and preservation of improvements existing or commenced and not completed at the time of the passage of this act.

This is an independent power which authorized them to do necessary work in order to protect and preserve improvements already made. Take, for instance, the case of a sewer where some expenses had been incurred, where by the terms of the contract the work under it extended only to or commenced in such measures as to be practically useless and of no value or that might be in danger from destruction or loss from its unfinished condition. In such cases, under this authority conferred by the statute, they felt it their duty to continue and complete the sewers to a safe termination or to make such connections at their heading and at their end as would complete the work. They exercised that power, and I think it is plainly and fairly given to them by this law.

Now, Mr. President, I think I have said all I need say. All I wished to do was to show that these gentlemen, in the exercise of the large powers conferred upon them in an extraordinary emergency, when Congress stepped in to overthrow the existing District government, have exercised their powers at least without usurpation; that they have not done what they had not a right to do by a reasonable and fair construction, and that, if questions of doubt have arisen in the execution of their duties, they have decided them fairly and to promote the public good; and that is all that can be said of any public officer. You imposed upon them this duty; you required them to enforce these contracts; and, in the execution of these contracts, they have in every case, as they claim, decided not only in accordance with the contracts, but so as to promote the public good.

Another class of cases has arisen about which no complaints have been made. I have been told, and therefore I feel bound to say to you, that in certain cases where work was required to be done under contract and these commissioners thought that the work ought not to be done, that it was for the public good and for the interest of the District that other work should be done instead, they have in such cases compounded and arranged with the contractors to do an equal amount of work on some other street. For instance, where certain work was required to be done on certain streets, and a valid subsisting contract required that work to be completed, and the contractor had a right to go on and complete the work, they have negotiated with him and sought, and, in some cases, availed themselves of, his consent to change the work to be done under his contract to work of a similar character in some place where they thought it was more necessary. Everybody can see that that would be the exercise of a wise discretion, a reasonable power to be exercised by negotiation with the contractor to promote the public interest. And in no case, so far as I have heard, has any complaint been made of the exercise of that power.

Mr. President, I think the bill before the Senate itself is exceptional. The extraordinary powers conferred by this law have been executed, and all of this law ought to be repealed except that which simply continues the skeleton of this District government. That is my conviction. The act reported by the Senator from Iowa was an act to meet an emergency. The creation of this board of audit was an extraordinary thing, and I think ought to be repealed. I shall, therefore, be very willing to cut the thing up by the roots by repealing all power in the board of audit or anybody else to issue any Government securities or any securities whatever that shall bind the Government of the United States. We have got to execute and complete our contracts; we have got to do what we have agreed to do; we cannot stop short of that. We have made a bad bargain. We must not whine and plead the baby act. We have got to stand up and face it. But, sir, if we have now, as these commissioners report to us, executed substantially all the contracts outstanding, and the $15,000,000 proposed will cover them all, then we ought not only to limit the amount to $15,000,000, but we ought to repeal the board of audit, which alone can issue any more, and that power ought to be exercised; and the commissioners, strange to say, although it is thought they are seeking to exercise undue powers, have recommended us in their last report this very thing, which will meet the objection made by the Senator from Texas and stop forever the contraction of this debt.

Mr. HAMILTON. I am doubtful about it.

Mr. SHERMAN. The Senator is always doubtful. Now, another word in regard to the character of these bonds. These bonds are issued by the United States; every officer who signs them is an officer of the United States; the claims for which they are issued are audited by officers of the United States; they are created under the law of the United States, and they are issued with this plainly printed on the face of every one of them:

The faith of the United States is hereby pledged that the United States will, by proper proportional appropriations as contemplated in this act, and by causing to be levied upon the property within said District such taxes as will provide the revenues necessary to pay the interest on said bonds as the same may become due and payable, and create a sinking fund for the payment of the principal thereof at maturity.

Here is the obligation on behalf of the United States to pay the interest of these bonds and to establish a sinking fund to pay the principal, or, in case they do not do it, to require their agent, their servant, their creature to do it. It so happens that in this District of Columbia there is no power whatever of any nature or character that cannot be exercised by the Congress of the United States. Here at least we have exclusive jurisdiction; and here is the guarantee of the United States that the principal and interest of these bonds shall be fully and promptly paid, either out of the Treasury of the United States or by taxes levied by us upon the property of this District. Well, sir, though not in name a Government bond, it is in fact a Government bond; and the honorable gentlemen who framed this law, who brought it to us, upon whose recommendation we passed it, must have known at the time they stipulated that the public faith was to be pledged for the payment of this interest and principal, or for the collection of taxes to pay it, that it would stand precisely like every other bond of the United States that the United States agreed to pay or agreed to levy taxes to pay, except that in this case the taxes may be levied on the District of Columbia, and in the other case they must be levied upon the whole people of the United States.

Under these circumstances I think we ought to place these bonds upon the exact position that the law designed, and that the appropriation made for the payment of the interest ought to be made directly by the Government of the United States, and then whatever part it is thought ought to be levied upon the people of this District should be levied upon them by taxation and go into the general Treasury to swell the body of taxes, and thus the people of the District would pay their portion of this debt like the people of the United States, and would pay their portion of taxes. But, so far as the bond-holder or the man who has purchased is concerned, he holds the security of the United States, and we can no more violate, or impair, or impede, or delay the full performance of this obligation than we can impair, impede, or delay the obligation to pay the 5.20 bonds of the United States. That is the view I take of this law. Therefore, I think that the precedent set at the last session should have been continued and the appropriation made directly from the Treasury. The result of the passage of the bill as it now stands, although I am not opposed to it, because there is no time to correct it, is simply to create a deficiency which will have to be met, and have to be paid before this session closes. We are now taking money that is collected from the people of this District, and set apart for schools and for police and for all the various purposes of local government, to pay an obligation which we have contracted to pay or to see paid. But, as this is rather a matter of form than of substance, I shall not raise any question on the passage of this bill, because I think that, before another appropriation is made, the question of the character and nature of these bonds ought to be settled by act of Congress.

Mr. ALLISON. Mr. President, I only desire to say a word or two in reply to what has been said by the Senator from Ohio. I agree with him thoroughly as to the character of these 3.65 bonds; and it is because I agree with him that I object to so large an increase of these bonds, unless the authority to increase them is clear. In the act of June 20, 1874, the Government did intend to guarantee to the holders of these bonds the principal and the interest by appropriations or by taxes levied upon the property of the District of Columbia. Therefore, these bonds are of such a character that it does concern the Government of the United States as to the amount of them that may be issued.

Now, the argument of the Senator from Ohio is that the District commissioners were authorized by law, and not only authorized by law but bound to execute the contracts made with the board of public works. I differ with him in regard to the construction of the act. The clause which he read is a clause of limitation. It limits the power of this board of commissioners. It says they shall not do certain things. And when this limitation comes to the question of the streets and the alleys of the District of Columbia, the law gives them power only to protect and preserve improvements existing or commenced and not completed at the time of the passage of the act. I agree that the clause immediately preceding may be construed to authorize these commissioners to execute the legal contracts of the board of public works, although I assert it was not so intended at the time. There were originally two distinct corporations then existing here, as I stated yesterday, the corporation called the board of public works, which was independent of the District of Columbia, and then the corporation proper called the government of the District of Columbia. The board of public works had power and control over the streets of the District, and the intention of this limitation was to confine the work upon the streets to such improvements as had already been begun and as were necessary to protect the improvements already made.

It is said by the Senator from Ohio that these commissioners, coming as they did from distant States and required to execute this law, had no authority to look behind the law and see what the Congress of the United States meant by the passage of it. Sir, I make no imputation on this board of commissioners; I regard them as highly as the Senator from Ohio does; I do not know, nor do I believe, that they have committed any intentional wrong here; but I call attention to the fact that the report of the joint committee to investigate the affairs of the District of Columbia contained an estimate for the completion of work on these streets and alleys which had already been commenced, amounting to $1,325,911. The joint committee of investigation called upon the chairman of the board of public works, and asked him to furnish that committee with a list of contracts that

should be completed in order to "preserve and protect," in the language of the statute, the work already begun. Governor Shepherd, who was chairman of the board of public works, sent to the committee an estimate of the amount of money necessary to be expended in order to preserve and protect this property. That estimate is found on page 465 in the governor's answer, and there he gave us a specific list of contracts that in his judgment ought to be enforced by this new board when created, or by such successors of the board of public works as might be created. He gives not only the numbers of these contracts, but he gives the aggregate amount necessary to their completion, making the exact total which the joint committee reported ought to be completed. A little examination of this report and of the governor's answer would have shown the contracts that ought to be completed by these commissioners.

It is said they were not required to go back to these reports. I do not say they were so required. I only say that if they had taken the slightest trouble they could easily have seen what at least the committee who reported this law meant when they required these commissioners to preserve and protect the work already begun and not completed.

Mr. SARGENT. Will the Senator allow me to ask him a question?

Mr. ALLISON. Yes, sir.

Mr. SARGENT. If the committee were so well satisfied that that was the amount needed to complete these improvements, I ask why they did not provide in the law in four or five lines that the amount expended should not exceed the sum of $1,325,911.62, and require them to set aside all other contracts? That would have ended the matter. It seems that the governor being required to state what contracts were outstanding and that in his judgment ought to be completed, stated them and estimated what it would cost to complete them. You did not confine this board by the law to that list or that amount. You simply said to them "Exercise your judgment what contracts ought to be completed, and we give you an engineer to supervise them and a board of audit to pass on the accounts."

Mr. ALLISON. The Senator from California might with much more propriety ask me why it was that we did not limit the issue of these 3.65 bonds. That was proposed, but we could not limit them to the exact dollar, and because we expected that these commissioners would in the exercise of their judgment only issue so many 3.65 bonds as might be necessary to carry out the letter and spirit of this act, we proposed the law as it is. Nor could we limit the exact sum which would be required to complete the contracts which it was necessary to complete. For instance, the whole system of sewerage at the time this law was enacted was in an incomplete state. Everybody agreed that it was necessary to complete the sewers, but no one could tell whether it would cost $1,325,000 or $1,325,500 to do this. Therefore the committee and those who framed this law left to the discretion of these commissioners the amount of money they should expend; and that is why I object to the action of the commissioners. I do say that there were intimations enough to them to indicate that it was the sense of Congress that extraordinary expenditures should not be made in this District in view of the expenditures that had already been made; and I must confess that I am amazed by the statement made by the Senator from Ohio with reference to the powers of the commissioners. If I understand him correctly, it is within their province and jurisdiction, unless restrained by law, to repair all the worthless streets of the District of Columbia, and for such repair to issue 3.65 bonds binding the United States to the payment of the interest and principal. He says they have already done this, and if they have done it in one street or two streets or five streets, as I understand they have, why can they not repair every street in the District of Columbia according to their own taste, and issue for these improvements and these extensions the 3.65 bonds provided for in this act?

These are the things that I complain of, and I think that we have a right to complain of these things, especially when the fact is admitted by every Senator on this floor that the United States is finally bound to see that these bonds are paid. If there was no such obligation on the part of the United States, then we might allow these men to ornament the District in such manner as they chose; but it seems to me that when they do make these improvements the owners of property ought to know that they will be required to pay at least a portion of the expenses of them, and that they shall not be paid in the securities provided for by the act of June 20, 1874, which only intended to cover the floating debts of this District and such improvements as were actually necessary. I will not say that these District commissioners did not fairly have a right to construe this law as they have construed it. I only say that when they reported to us a year ago that there were only two millions of these bonds issued and four millions more of certificates, in round numbers, it does strike me as an extravagant use of their power to now report to us that there are fourteen millions of these bonds issued; and it was because of this large increase in a single year that I instituted myself the inquiry in reference to the amount of money expended this year, and found it to be over $4,000,000.

It does seem to me that this is not the exercise of such frugality and economy as it was intended these commissioners should use when the act of June 20, 1874, was passed. That is all I meant to say. I agree with the Senator from Ohio that we are bound to provide for the principal and the interest of these bonds, and therefore I am ready to do so; but I do not agree with him in his statement that we ought to now appropriate money from the Treasury for that purpose. We appropriated money last year for this District which was intended to include the February interest upon these bonds as much as it was intended to include any other expense in the District. We made specific appropriations last year for the District of Columbia and they covered all necessary expenditures of the District of Columbia, including, of course, the interest upon every obligation.

Mr. SHERMAN. If my friend will turn to the document, I think he will find that in the estimates on which the appropriation was based this interest was not included. I am so told; I have not examined the document myself.

Mr. ALLISON. Very well; but we made an appropriation of a round sum to the District of Columbia.

Mr. SHERMAN. But what is the argument? As Congress had two or three times made special appropriations for this interest, the commissioners did not include the amount in their estimate for the current fiscal year, and therefore it was not appropriated by Congress. That is what I am informed, and I think that is the fact. They, supposing the plan adopted by Congress was to appropriate it directly, did not include it in their estimate for general purposes.

Mr. ALLISON. That may be true. I only state that they ought to do it; and I believe they would have a right, even without this act, to pay the interest on the 3.65 bonds when it matures on the 1st of February; but I am willing to give them the authority in order that these bonds may not go to protest, as I believe the good faith of the nation is bound to protect them and see that the interest and principal are paid.

Mr. SARGENT. If the Senator from Iowa will allow me a moment, I should like to recall to his mind, as a member of the Committee on Appropriations, the fact that last year we made a round appropriation for the District and also the interest for the year, and for the present year we made a round appropriation for the District, and an appropriation for interest for one-half the year; that is to say, for the August interest. As the bill passed the Senate it provided for the interest in a separate item for the whole year, but the House non-concurred, and in committee of conference, by agreement, it was agreed to pay the interest of the first half of the year, leaving the balance for consideration at this session. So if he will turn to the statutes he will find that there is a specific item for the interest for one-half the year.

Mr. ALLISON. That may be true; the Senator may be right; but, if that is true, then so much the greater reason why this half year's interest should be paid out of the taxation of the District of Columbia, because we certainly do not propose to pay out of the Treasury of the United States more than one-half of this interest upon the 3.65 bonds.

Mr. SARGENT. We certainly did the year before; and it is only a question of increasing the general amount of appropriation. If this interest now is paid, under this bill, out of the appropriations for the District, it will leave a deficiency in the one-half which the United States bears of the expenses of the District.

Mr. ALLISON. We made the appropriation for last year because there was no District money in the Treasury that could be used for the purpose of paying this interest; so that we were compelled to make it. However, that is a matter of no moment at the present time.

I have only called attention to what I believe to be the true construction of the original act with reference to the control of these commissioners over the streets and alleys of this District. If the construction put upon the original act by the Senator from Ohio be the true one, then these commissioners in the exercise of a discretion, and I believe as wise a discretion as they have exercised, could involve the United States in an indebtedness amounting to very many millions of dollars, because if these improvements are to continue in the same manner and by the same method that they have hitherto been conducted they will cost very many millions of dollars in this District.

Mr. THURMAN. Mr. President, as I was a member of that committee of investigation into the late government of the District of Columbia which framed and reported this law, and as a great deal has been said about the law which we recommended and which finally passed both Houses, I wish to be heard in regard to it.

I do not rise for the purpose of reviewing the action of the present commissioners of the District of Columbia, for a very simple reason: I have not had time to look into their recent report. I glanced over their report last year, but that has passed out of my memory; and I have not looked into the report of this year for want of time, although the subject is not wanting in interest to me. I am not, therefore, authorized to criticise their conduct, nor am I disposed ever to criticise the conduct of any man unless I have that knowledge which in my opinion justifies criticism. But I do wish to say something upon the subject of this law, which I fear is to some extent misapprehended and perhaps has been misapprehended in its execution.

The second section of the act of June 20, 1874, confers upon the board of commissioners certain powers. These powers are in the first place stated generally.

The section is:

> That the President of the United States, by and with the advice and consent of the Senate, is hereby authorized to appoint a commission, consisting of three persons—

Now come their powers—

> who shall, until otherwise provided by law, exercise all the power and authority now lawfully vested in the governor or board of public works of said District, except as hereinafter limited.

That is the first grant of power to these commissioners. They are invested with the powers that existed under the old Government, in the governor of the District, and in the board of public works, "except as hereinafter," in this act, "limited." The power of the government under the former law in respect to the making of contracts for improvements was, I may say in general words, nothing at all more than a mere ministerial power. In fact, it may be said to have been nothing, for that power rested with the board of public works; but this act having vested in three commissioners the power of the board of public works we have to look to the previous legislation to find what that power was; and looking at that we find it was a very extensive power. The old government was one of the most complicated machines that ever I have investigated. It consisted of a governor and a Legislature; then of a board of public works; then of a board of health; and each one of these departments, the legislative department, the board of public works, and the board of health, assumed almost independent functions in the discharge of what they supposed to be their duties. The board of health made ordinances which it sought to enforce through the courts as if it were a Legislature; the board of public works made contracts which it was not authorized by law to make; and the Legislature failed to exercise that supervision over the board of public works which it was its duty to exercise. The board of public works had very large powers in the making of improvements, but there was a limit upon their powers. They were not authorized of their own mere motion to make any improvements they saw fit to make, but they were bound to submit to the legislative body a plan of improvement, and until that plan received the sanction of the legislative body the board of public works had no power to make the improvements. It was the intention of the law, therefore, that the Legislative Assembly, consisting of a council and house of delegates, should determine, at least in a general way, what improvements should be made, and the duty of executing their will was devolved upon the board of public works. The Legislature having determined what public works should be made, and provided the means for making them, then the duty devolved upon the board of public works to let the contracts, and to execute the work or see to its execution.

From this statement it will be seen that the authority of the board of public works was not an original, independent, substantive authority to make any improvements that it saw fit; and, consequently, when their powers were devolved upon the present commissioners it was no substantive grant to the present commissioners to embark in any system of improvement they saw fit to inaugurate. Why, then, it may be asked, were the powers of the board of public works conferred on these commissioners at all? As the board of public works, according to the old law, were subject to the General Assembly, and as that law contemplated that all schemes for improvements should first have the approval of the General Assembly of the District, and as the General Assembly was abolished by this law, it may be asked, why were the powers of the board of public works vested in these commissioners? It is found in another clause; and that is that they shall—

Exercise all the power and authority now lawfully vested in the governor or board of public works of said District, except as hereinafter limited.

"All the power now lawfully vested in the governor or board of public works." Certain powers had been lawfully vested in the board of public works, both by the organic act and by the several acts of the General Assembly of the District; and those powers in respect to many contracts were unexecuted in regard to improvements which had been commenced and which were incomplete. It was necessary to provide some functionary or functionaries who could carry into execution those works which had been undertaken by the previous board of public works but were yet incomplete; and there was no functionary upon whom to confer that power but those three commissioners, for we made them the whole governors of the District for the time being.

So it will be seen that this provision was perfectly wise. Care was taken that they should have such powers as were lawfully vested in the board of public works, and thus where the Legislative Assembly had authorized improvements to be made and they had been undertaken by the board of public works and were in process of execution, as it was absolutely necessary that some public authority should see to their completion, as the contracts were in existence and were being executed by the contractors, and there must be some public functionary to see that they were executed according to the contract and to provide payment for them, this provision was put in, and wisely and properly, nay, necessarily put in, that the commissioners should have such powers as were lawfully vested in the board of public works. But, I repeat, that gives them no independent power to inaugurate great schemes of improvement themselves, for the board of public works did not possess that power. The board of public works was subordinate to the Legislative Assembly, and, as I said before, no great schemes of internal improvement could be made in the District without first having the sanction of the Legislative Assembly.

Now, coming to the further powers conferred on these commissioners, the act says:

And shall be subject to all the restrictions and limitations now imposed by law on said governor or board; and shall have power to apply the taxes or other revenues of said District to the payment of the current expenses thereof, to the support of the public schools, the fire department, and the police, and to the payment of the debts of said District, secured by a pledge of the securities of said District or board of public works as collateral, and also to the payment of debts to laborers and the employés of the District and board of public works, and for that purpose shall take possession, &c.

These were all powers that were necessary to be conferred on these commissioners, and it is a mistake to suppose that in this section there is the slightest reference to the issuance of 3.65 bonds, or that this section, or anything in this section, authorized the use of 3.65 bonds in the execution of any of the powers conferred by it. The use of the 3.65 bonds is provided for in another section entirely, and the taxes and revenues of the District spoken of in this section do not include any 3.65 bonds whatsoever. The 3.65 bonds are not revenues of the District; they are debts of the District. There is no provision for their sale and for paying the proceeds into the treasury of the District so as to make their proceeds a part of the revenues of the District. They are in no sense whatsoever revenues of the District of Columbia, but, on the contrary, are the obligations and debts of the District of Columbia; so that there is no power whatsoever conferred by the second section to use a 3.65 bond for any of the purposes mentioned in the section. It was only a power to use the taxes and revenues of the District. What are these revenues? Various revenues. There is authority given to borrow money, so that they could get revenue by borrowing money. The revenues in this District, in addition to its taxes, consist of various charges for licenses and the like, and also of fines and penalties imposed under the laws of the District, which go into the treasury. These are the revenues, other than taxes of the District, which these commissioners are authorized to use for the purposes here mentioned, and to pay the current expenses of the District, to support the common schools and the fire and police departments, and to pay certain debts that are here specified, the debts due to laborers, and the like.

Now, Mr. President, having shown that the power to issue 3.65 bonds does not apply at all to anything contained in the second section of the act, that it is not a power to enable the commissioners to execute any of the general authority conferred by the second section of the act, we come to the sixth section of the act, which provides for the issuing of 3.65 bonds.

Mr. ALLISON. I should like to interrupt the Senator at this point.

Mr. THURMAN. Certainly.

Mr. ALLISON. I want to call his attention, before he leaves the second section, to this clause:

And to the protection or preservation of improvements existing, or commenced and not completed, at the time of the passage of this act.

Mr. THURMAN. What section does the Senator read from?

Mr. ALLISON. The second section, just before the clause referring to the collection of taxes.

Mr. THURMAN. I understand. That is among the limitations.

But said commission, in the exercise of such power or authority—

That is this power or authority to apply the taxes and other revenues of the District to this purpose. We did not even give them that unlimited power. That is a limitation upon the power which was exercised before by the board of public works and which we have authorized these commissioners to exercise, and we put the limitation upon them that they—

shall make no contract, nor incur any obligation other than such contracts and obligations as may be necessary to the faithful administration of the valid laws enacted by the government of said District, to the execution of existing legal obligations and contracts, and to the protection or preservation of improvements existing, or commenced and not completed, at the time of the passage of this act.

That is a limitation of their power.

Mr. MORTON. I ask the Senator if he limits their power to the amount of the revenues and taxes to carry out existing contracts where works have been commenced?

Mr. THURMAN. No; because the 3.65 bonds come in afterward, in the sixth section. They are intended to be entirely distinct. This limitation is put in on their power even in regard to taxes and revenue. They shall not use taxes and revenue to pay for new contracts, and while we were putting in the limitation upon taxes and their use of the taxes and the revenue we used language broad enough of course to include the 3.65 bonds subsequently provided for in the act; but that is no substantive power at all. That power was already granted, a power much larger than that. All the powers lawfully invested in the board of public works would have been much larger than that, and would have authorized new contracts, but we limited their new contracts to cases where it was necessary to complete contracts that were in process of execution or to preserve improvements existing.

Mr. MORTON. I understand the Senator does not limit the power to execute contracts in that second section to the amount of revenue and taxes.

Mr. THURMAN. No, sir, I do not; for that would not be sufficient.

Mr. MORTON. Then how does the circumstance of executing contracts by revenue and taxes affect their payment in 3.65 bonds?

Mr. THURMAN. The contractors may be paid in 3.65 bonds. That is what I will come to. I do not wish the Senator to interrupt me.

The 3.65 bonds are provided for in the sixth section, and the provisions are perfectly harmonious. If the Senator had heard me through he would have found that this law is as consistent and harmonious perhaps as any law he ever saw. We limited their power. We have given them power now to use taxes and revenue of the District, yet

we knew that would not be sufficient, that that would not enable them to pay the debt. The people could not have stood a taxation that would enable them to pay the debt, and we therefore proposed that in respect to what was called the floating debt of the District there should be power to issue a bond which might be tendered to the public creditor in satisfaction of his claim, leaving to him the option to take it or not. We did not compel him to take it. We only tendered it to him, and left it to him to say whether he would wait until the Government should be in funds from taxes or other sources to pay his claim in fact, or whether he would take present payment in the bonds; and it was not Hobson's choice, either, as has been often said. The creditor had that option; and there are creditors to this day, I am told, who have preferred to wait instead of taking these bonds, as we gave them the option to do. There was a great deal of discussion on the subject of that bond. Some Senators were in favor of making it a bond at 4, others at 4½, and others at 5 per cent. interest. We reported the bill at 3.65. Our reason for doing that was that we had official information before us that the contracts which we supposed, and which we had a right to suppose from the official report of the government of the District to us, remained unexecuted or unpaid for, were contracts that had been let at a price enhanced as high as 25 or 30 per cent. on account of the medium of payment that the contractor expected to receive. He did not expect to receive cash when he took the contract for his work. He expected to receive some of that variety of currency which was issued by the old government called certificates, yellow-back certificates, green-back certificates, and I do not know how many other colored-back certificates, which were floating around here and paid to the contractors, worth but little over sixty and sometimes not so many cents in the dollar? We thought, therefore, after making an estimate of the probable value of a 3.65 bond whose interest should be guaranteed in the manner provided in the sixth or seventh section of the act—I forget which it is—that that bond would be more valuable to the contractor, or at least as valuable as the stuff with which he expected to be paid when he made his contract. We did not force it upon him, but we simply gave him the option to take it or not to take it, as he saw fit.

It will be remembered that the President of the United States, before signing this bill, sent us a message in which he suggested, if my memory is not incorrect, that the rate of interest should be made higher. He had been undoubtedly prevailed on to believe that a 3.65 bond would not be a fair compensation to the contractor, and he therefore sent in a message before signing the bill, calling our attention to that subject. It was an unusual mode of procedure for the Chief Magistrate of the nation, but it struck me then, and strikes me now, as having been a very wise and proper proceeding on his part. So we considered it; so the two Houses considered it. The message was referred to this same committee of investigation, which was a joint committee of the two Houses. We took it up; we made a report upon it unanimously to both Houses of Congress, setting forth the reasons why we preferred a bond at this low rate of interest and why we ought not to accede to the suggestion of the President. More than that, some members of the committee were directed to call upon the President and explain the matter to him, which was done, and he was entirely satisfied and signed the bill.

Then we come to the question, for what purpose were these 3.65 bonds to be issued and what amount was it contemplated would be necessary? In the first place I must say that no Senator has a right to complain of the committee, for we made a full report to the Senate, in which we set forth exactly, according to the testimony and official reports made to us, what was the debt of this District. There never was more pains taken in the world to ascertain what is a public debt than that committee took to ascertain what was the debt of this District. The committee was appointed in February. It met on the 11th day of that month and organized. It appointed a sub-committee to report a plan for conducting the investigation. Two days afterward that sub-committee reported, and in order to make the investigation complete, and to do no injustice to any one, that subcommittee framed a set of interrogatories to be submitted to the then government of the District, to be sent to the governor for his reply. Among the questions propounded were the following:

1. What was the indebtedness of Washington when the present government went into existence, to wit, February 21, 1871, and how was it evidenced? If any part of it was in bonds, when were they issued; for how long a time had they to run; what interest did they bear, and what was their aggregate amount?
2. How much of said indebtedness has been paid; when paid; and out of what revenues or funds? and if any acts of the District Legislature have been passed in relation thereto, give a reference to the same.
3. Same inquiries in relation to Georgetown.
4. Same in relation to that portion of the District not included in Washington or Georgetown.
5. What is the present indebtedness of Washington, and how evidenced?
6. Same question as to Georgetown.
7. Same question as to the territory not included in Washington or Georgetown.
8. What is the present indebtedness of the District, (excluding the above,) *id est*, the indebtedness of the District government;

That is, what is the present indebtedness of the District, excluding the indebtedness which existed at the time Governor Shepherd's government came into existence?

(a.) How is the same evidenced?
(b.) Describe the bonds or different series of bonds, giving their dates, amounts, time to run, and rate of interest.
(c.) What price was obtained for such bonds when sold, negotiated, or paid to contractors or other creditors of the District government?
(d.) Are any of such bonds yet in the possession of the District government? and, if so, describe them, and give the aggregate amount thereof.
(e.)—

I call the attention of the Senate particularly to this.

(e.) Furnish a balance-sheet, showing the liabilities of the District and the assets which are considered by you as available for meeting the indebtedness of the District.

Then in respect to contracts this question was put:

1. What contracts for improvements have been made by the District government or any department thereof? Give a list of all such contracts; their dates; the names of the contractors; the nature of the work to be done; the prices to be paid therefor; when and in what medium of funds to be paid; and the aggregate cost under each contract, if completed; and how much has been paid under each contract not yet completed, and how much remains to be paid thereon.

Those were some among the questions, searching questions, to find out what was the indebtedness of the District; what was the nature of the indebtedness; what contracts had been entered into by the board of public works of the District; how much had been paid upon them; and what amount remained to be paid. Those, with various other questions, were sent to the governor and time allowed him to make an answer. He took the necessary time and, with the aid of the government officials, returned a very voluminous answer, indeed not more voluminous than was necessary, but an answer that apparently on its face was an answer to all the interrogatories put to the governor. Now, what did he say in respect to the amount of the debt and the amount necessary to complete the contracts which had been entered into? The committee find in respect to this. After collating all that he returned upon it the committee report it to the Senate as follows:

From the best information attainable, the committee find that the following is as nearly as can be stated the debt of the District which is in excess of the $10,000,000 limitation fixed by act of Congress:

Bills payable of the District of Columbia	$410,000 00
Certificates known as auditor's certificates, less amount of assessments authorized to be made	2,454,526 55
Contracts made for work and not completed, two-thirds of which must be paid by the District	883,332 00
Amounting in the aggregate to	3,747,858 55

This is an absolute debt against the District, after exhausting every available resource, near or remote, for its payment, unless a new tax for this purpose shall be levied. It is a debt due and payable at the present. But this is not the whole floating or unfunded liability resting upon the people of this District. The total obligations for which the board of public works and the District are really liable, including such as is accurately ascertained and the remainder estimated, may be stated at $7,683,756.89, made up of the following items:

And then follow the items of that indebtedness:

Certificates known as auditor's	$4,900,886 57
Contracts not yet completed, estimated	1,325,000 00
Damages to property, estimated	500,000 00
Property taken from streets	50,000 00
District of Columbia debt to February 1, 1874	497,870 32
Bills payable	410,000 00
Total	7,683,756 89

The total burden upon the people of the District outside of the present funded debt is, however, much larger. To ascertain that burden approximately there should be added to the foregoing—

Certificates of indebtedness outstanding	$1,450,000
Sewer certificates outstanding	1,030,000
Present obligations of District not included in the above	850,000

or a total in addition of $3,330,000; which must be met by taxation in some form; or a total burden of $11,013,756.89 beyond that represented by the funded debt, which is $9,902,251.18; making a total burden upon the property of the District of $20,916,008.07.

It will be seen that after months of labor and after very full reports from the then government of the District, the committee found that the floating debt of the District (and in that is included not only everything that was not funded debt, but the entire amount estimated by the board of public works to be necessary to complete contracts that were in course of execution) was $11,013,756.89. That we ascertained to be the fact upon the data and testimony printed in these volumes; and I venture to say that no man can look at it and make that debt one dollar more.

This leads me to notice an error into which my colleague [Mr. SHERMAN] fell, and also the Senator from California [Mr. SARGENT] before me, in supposing that the estimate of $1,325,000 to complete unexecuted contracts was only to complete such contracts as the commissioners have executed. No, sir; it was to complete all valid contracts, whether they had been wisely made or unwisely made. It was the estimate in answer to the inquiry of the committee, what sum is necessary to complete the existing contracts? The answer was $1,325,000. Then we provided for the issuing of a 3.65 bond to pay this floating indebtedness. That would require only a little over $11,000,000; but we went further than that. We were told, "If you stop at that point there will be no money to pay for certain improvements which are in course of execution, and which will become perhaps a dead loss to the people if they are not preserved and completed." They were not the streets—work on the streets had almost ceased—but they were the great sewers, especially that great sewer which was to come down the Tiber, and another sewer which was to run into the old canal, and another sewer that went to the Eastern Branch. We went and examined those sewers ourselves. We saw the work that was being done upon them. We saw that unless something was provided for their preservation all the work that had been

done and the money that had been paid upon them would be lost. They were incomplete sewers, and an incomplete sewer is worse than no sewer at all. That was the state of affairs that we saw. Besides that, we saw that the contractors had gone on to execute that work, and, so far as we could see, had gone on in good faith. It is true that there was some evidence tending to show that some of the work done on other sewers, which had been received and paid for, had not been well done; but I believe there was no evidence at all as to these sewers in process of construction that the contractors had not performed their duty. We saw that unless some mode was provided to enable that work to be preserved and completed, those contractors would all be ruined men, without any fault whatsoever of theirs; ruined because we should have put an end to a contract without any default on their part. Therefore it was that we put into the sixth section of the bill the provision that has been referred to so often. Among the certificates to be audited are:

Thirdly, the debt evidenced by the certificates of the auditor and the comptroller of the District of Columbia; fourthly, claims existing or hereafter created for which no evidence of indebtedness has been issued, arising out of contracts, written or oral, made by the board of public works; fifthly, claims for which no evidence of indebtedness has been issued, arising out of contracts, written or oral, made by or on behalf of the District of Columbia.

Here was the District of Columbia, through its Legislature, creating indebtedness, and the board of public works also creating ten times or twenty times as much indebtedness. We therefore provided for those cases for the reason that I have suggested. As to the indebtedness to be created to satisfy contracts made by the District of Columbia, the statement made by the board of public works, it hardly need be said, amounted to a trifling sum. As to the amount necessary to be expended to complete the contracts made by the board of public works, we had the solemn assurance of that board that it would only be $1,325,000; and therefore we did suppose that under no conceivable state of the case could these 3.65 bonds much exceed the sum of $12,000,000. That was said. Now I am told that the amount issued is fourteen million nine hundred and odd thousand dollars; in round numbers, nearly $15,000,000. I am not blaming the present board of commissioners, because I do not know that they are to blame, and I will not blame men without knowing that they are at fault; but if they are not to blame, if they have not exceeded the law, if they have not gone beyond it at all, but have only executed this law, then that committee and Congress were grossly imposed upon by the late government of the District. That is the fact about it.

Mr. SHERMAN. I will ask my colleague whether he does not know that the amount stated by the old District government was not sufficient to carry out its contracts?

Mr. THURMAN. I really do not comprehend my colleague.

Mr. SHERMAN. If I understand the matter correctly, the governor of the District assured the committee that the amount necessary to complete the contracts was about $1,300,000. One year ago Congress and the committee were distinctly informed that, from estimates already made, the amount reached nearly two million dollars. Undoubtedly Governor Shepherd did what my colleague and the committee said, underestimated the amount required to carry into execution these contracts. From the nature of the contracts themselves this would easily happen in regard to such improvements. He had to stipulate for the improvement of the streets, fix the price of paving and grading, and all that sort of thing; and unless you know from the estimates of engineers the number of yards of excavation, the number of yards of paving, &c., it is impossible to give a correct estimate. Therefore the governor may have been honest, and really believed that the amount necessary to complete these contracts was so much, and it yet turn out not to be sufficient. Who is to be blamed for that? The fact simply is that the work costs more than it was supposed it would cost; and I will say here that, if every person who has estimated the cost of public improvements should be held strictly to the figures and made responsible, the public officers of the United States of America would be very much more severely criticised. I remember when I was a lad that the Muskingum improvement, that famous improvement in my State, was estimated to cost $1,000,000, and it cost three millions before we got through with it. I do not know that there is any man who makes an estimate on a new house but will find in the end that he is mistaken in regard to it. My colleague will see that it was impossible in the nature of things to estimate the cost of these improvements in the District accurately. The committee were mistaken as to the cost of them; the commissioners themselves were mistaken as to the cost of them. No doubt Governor Shepherd was mistaken as to the cost of them when they came to be executed according to certain specifications.

Mr. STEVENSON. May I ask the Senator now on the floor whether he supposed that, under the power of the commissioners to complete the legal obligations of the previous board, they had the power to take up the case of a street already done and reconstruct it; or, still further, that if the law had designated an improvement between two streets they could extend that under the power conferred on them?

Mr. SHERMAN. I have already fairly stated that point, in my judgment, but I do not know that the Senator was present. I will state a case, and if I am misinformed I shall be glad to be corrected. An important street of this city had been so badly paved that within the time fixed during which the contractors were to keep it in repair it became practically in such a condition that it had to be torn up. It was a bad job of work. The commissioners had the right by the terms of the contract, which were legalized and which they had a right to enforce, to require the contractor to repair that work, or, in case the contractor neglected to do it upon notice, the commissioners had the right to do it. The notice was given and the contractors refused to repair it. Then the commissioners undertook to repair it, and they used all the material on that road that was available for the purpose to repair portions of it, and then on the other portions of it included in the contract they put down cheaper but better material. That is all there is of it. If they had gone on and put down a wood pavement, renewed it in any form whatever, it would have cost more than the material they used; but instead of that they used a cheaper and better material to repair a road which they had a right to have repaired. Now, I think that is the whole sum and substance of any allegation I have heard made that these gentlemen exceeded their authority. There may have been some other cases, but I do not know of any of them.

In regard to the class of improvements in connection with the sewers, I will state that it is true that, in the final completion of the sewers, they had to extend them beyond what was supposed to be necessary at the time the former examination was made, and they claimed that they had a right, under the general authority conferred by the first section of the act and the authority conferred also by the sixth section, to protect and preserve these large and extensive sewers by constructing suitable outlets and also suitable ways into the sewers; otherwise they would have been exposed to ruin and decay; and they conceived that they had the right, for the preservation and protection of these works, to extend guards and outlets and inlets.

Mr. FRELINGHUYSEN. I wish to ask the Senator from Ohio whether these commissioners, in taking up these defective pavements and putting down others, did it in order to hold the contractors liable on their contracts?

Mr. SHERMAN. They gave notice to the contractors to do it, as they claim, and, as I understand, have sued on the bonds.

Mr. FRELINGHUYSEN. There was such provision in the contracts?

Mr. SHERMAN. Yes, sir.

Mr. FRELINGHUYSEN. And limited to a specified time?

Mr. SHERMAN. Yes. I read the contract a while ago. The contract expressly provides that, in case the contractors do not keep them in repair, they shall be compelled within a certain time to repair them, and, if they do not repair them, the Government shall repair them at their expense, and the contractors give bonds to secure that stipulation. As that stipulation is not to be performed until some years after the contract is completed and the money is paid over to them on the completion of the contract, they give bonds for the completion of the contract, and these bonds were in existence and came into the hands of the commissioners with these contracts and with these powers.

Mr. FRELINGHUYSEN. Then part of this money is to be recovered back on those bonds?

Mr. SHERMAN. Undoubtedly; and, as I understand, they have suits pending.

Mr. MORTON. Is there not a law which gives power to repair the streets anyhow?

Mr. SHERMAN. Undoubtedly. The Senator from Indiana was not in when I read the first section. The first section gives these commissioners all the powers conferred on the old District government and also on the board of public works, excepting certain powers which are defined, and even under these exceptions they have the right to make repairs.

Mr. THURMAN. I never object to have two or three speeches interjected into one of mine, and therefore I do not complain of the interruptions, although I did want to make a statement on this subject with some connection. I must answer the inquiry of my colleague. He asked me if I did not know that the estimate made by the former government of the amount necessary to be paid to complete the then uncompleted works which were in process of construction, was an underestimate? When he asks me if I do not know it, I must answer him that I do not know it. I know that it is so reported by the present commissioners, as I have heard it said here in this debate; but which is the correct statement, that of the old government or that of the existing government, it is not for me to decide without having investigated the subject. I want to do injustice to no man, and I shall not, therefore, undertake to assume, without having even read the report of the present commissioners, that the former estimate was an inaccurate estimate.

Mr. SHERMAN. If my colleague will indulge me one moment I will bring this matter to a distinct issue. Even if it should turn out as my colleague fears, that the amount expended to complete these works is larger than the sum estimated, I ask whether that was the fault of the commissioners or the fault of the board of audit? These commissioners never claimed to do anything except to execute existing contracts. They did not claim the power to make contracts for new work, except to protect and preserve the sewers that needed it. All the money they expended was under contracts previously made. Now, I will ask my colleague whether, if there has been any fault or error of law in the construction of these contracts and the extent of them, that is not the fault of the board of audit rather than of the board of commissioners?

Mr. MORTON. Allow me to put a question. Suppose that something occurring in the last two years has made an improvement of streets necessary, which was not necessary two years ago, requiring a new pavement where there was none and where there was none contracted for, has this board the power under that law to go on and make that new improvement?

Mr. THURMAN. If I am to answer all the questions that can be put to me in regard to anything that can be conceived of in this District of Columbia, I shall never get through with what I wanted to say. My colleague asks me who is to blame if the estimate was too low; whether the blame does not rather fall on the board of audit than on the present commissioners? I say it does not fall on either of them. If that is the truth of the case, it only falls on the men who made that wrong estimate to us.

Mr. ALLISON. I desire to ask a question, and I should be glad to have the Senator's opinion on one point, whether or not he construes the act under consideration to justify, by fair construction, the board of commissioners in executing any and all contracts that had previously been made by the board of public works; because I think that is one question which was involved in this discussion, whether these commissioners are bound under this law to execute all contracts made by the board of public works, whether they were partially executed or otherwise.

Mr. THURMAN. I prefer to go on with what I was proceeding to say, and then I will try, if I can recollect, to answer the various questions that have been put to me.

I commenced by saying that I was not standing here to criticise this man or that man, but simply to explain, as well as I am able to do, what is this law and the circumstances under which it was enacted, and to show that the law itself was as wise a law as we could enact under those circumstances; and I must beg the attention of the Senate to the fact that this was a mere temporary law; the government that was provided by this law was a mere temporary government. It was so at least contemplated, for this very act itself provided for the appointment of a joint committee of the two Houses to frame a government of a permanent character, and one, too, which should provide what should be the proportion of expenditure in this District that ought to be borne by the General Government. I think my friend from Maine [Mr. MORRILL] has heard of such a provision in the law as that. I think he brought in here a very voluminous document framed for a permanent government of this District, which met the fate that many other of the labors of the human intellect have met, of something nearly akin—I will not use the word I was going to use—but something that actually amounts to neglect. That work died, and so this temporary government remained. This law, which it was supposed would exist only for about a year—for it was passed in June—provided for a joint committee to meet in the vacation to frame a law for the permanent government of the District and to report it to Congress at the commencement of the next session. It was supposed then it would pass, and the next session would end on the 4th of March last; so that at the very outside it was supposed that the temporary government provided for by this act would only have a duration of about nine months. That was the idea. It was thought Congress had wisdom enough to frame a law for the permanent government of the District; that, if they could not adopt the law provided by this committee and reported by my friend from Maine, then they had wit enough of their own to frame a law, with the aid at least of the labors of that committee; and therefore this act was only for a duration of nine months. That was all that was contemplated. But my friend from Maine, when he reported his bill, awaked great alarm in the mind of my friend from Indiana, [Mr. MORTON.] He saw in it an attack on the inestimable right of suffrage; he saw in it an attack upon a certain portion of our fellow-citizens "on account of race, color, and previous condition of servitude," and he thundered away at the bill of my friend from Maine until he quite knocked the breath out of it.

Mr. MORRILL, of Maine. He had some help.

Mr. THURMAN. Well, he did have some help, for in the bill there was an attack on good liquor, [laughter,] and that aroused the ire of my friend from Delaware, and he attacked the bill.

Mr. MORTON. That injured the democratic party. [Laughter.]

Mr. THURMAN. Yes, that injured the democratic party.

Mr. MORRILL, of Maine. Undoubtedly there was a great deal of invitation to morality in that bill.

Mr. THURMAN. It was entirely too *moral* for this Senate. [Laughter.] That is perfectly clear; and so it fell. But you must not blame the committee of investigation, that brought in a little bill to last nine months, that our friend the Senator from Maine with his joint committee, sitting in Washington and sitting in Saratoga, was not able to frame a permanent government for the District of Columbia. Not all the waters of the Hathorn Spring and all the good wine that might be mingled with it could bring forth any offspring that would receive the assent of the Senate of the United States.

I have said that I do not know how it comes that instead of $1,300,000 being all that is necessary to complete the contracts it turns out that four or five million dollars, if I am right, are necessary; for it will be remembered that in the eleven million and odd dollars which we estimated to be the floating indebtedness of the District——

Mr. MORRILL, of Maine. The Senator wants to be accurate. The limit was $12,000,000, according to the estimate.

Mr. THURMAN. The Senator must bear in mind that I was just saying that in the $12,000,000 which we estimated to be the outside of these 3.65 certificates is included the $1,300,000 that would complete the existing contracts.

Mr. MORRILL, of Maine. So I understood.

Mr. THURMAN. Take that from the $12,000,000 and you have only $10,700,000 as the then floating debt of the District. Now, take $10,700,000 from $15,000,000, and you have over $4,000,000 expended beyond the amount, but only $3,000,000 I agree according to the estimate. The Senator is right about that.

Now a word in answer to what was said by my colleague and also by the Senator from California about the nature of the estimates. Certainly we need not be told that estimates are generally under the mark; but there is this peculiarity about that matter. When anybody wants to get the Government into the construction of an improvement, or the building of a house or public structure of any kind, before the work has been undertaken at all or even ordered, nothing is more common than to have estimates that are far short; but that is one state of the case. An estimate made after more than two-thirds of the work is done as to what will be necessary to complete it is a wholly different thing. An estimate made after the work is ordered and is under contract is a wholly different thing, and there is no justification whatever for any gross error in such an estimate as that. Here was this work; it had to be surveyed, planned, platted, and estimated before anything whatsoever could be done upon it according to the law. There was no authority to put a spade in the ground until it had been planned, estimated, and approved; and here was the work two-thirds of it or more done. There, I say, was no justification then for an erroneous estimate as to what was necessary for the completion of that work; at least I have seen none whatsoever. And therefore I say that *prima facie*, if the present commissioners have lived within the law, if they have not exceeded the powers vested in them by the law, it follows as a matter of course that we were grossly deceived by the estimates upon which we acted and in virtue of which we passed this law. If, on the other hand, the present commissioners have exceeded their authority, then the fault lies with them, and not with the old government. Which is the truth I am not well enough informed to say.

One word as to this guarantee, and then I will relieve the Senate from any further observations of mine. This guarantee is as plain as words can make it. It was maturely considered, and was a subject of much debate in the committee that reported it. There were Senators who thought it ought to be an absolute guarantee on the part of the Government to pay the interest and also the principal, and all the contractors were clamorous for such a guarantee. The committee would not yield. It would only make a qualified guarantee, and that guarantee was in these words:

> And the faith of the United States is hereby pledged that the United States will, by proper proportional appropriations as contemplated in this act, and by causing to be levied upon the property within said District such taxes as will provide the revenues necessary to pay the interest on said bonds as the same may become due and payable, and create a sinking fund for the payment of the principal thereof at maturity.

This act contemplated that the General Government should pay a proportional part of the expenses of government within this District, and that proportional part it was supposed would be ascertained by the joint committee that was to frame a permanent form of government for the District; and here is a pledge that the Government of the United States will pay that proportional part. What it should be was not determined by this act; it was to be the subject of investigation; but whenever found, here is the pledge that the Government would, by payments out of the public Treasury of its proportional part of the expenses of government in this District, contribute to pay the interest on these 3.65 bonds and provide a sinking fund for the liquidation of the principal. Then the further provision is a pledge that Congress would levy taxes sufficient to make up what was necessary after the application of the proportional part of the Government. That was the pledge. That is all the pledge there was. It was not a pledge to pay the whole interest out of the public Treasury; it was a pledge that we would pay our proportionate part, but not a pledge that out of the Treasury of the United States we would pay the whole interest on these bonds or provide this sinking fund. In the message to which I have alluded, the special message sent by the President to Congress calling our attention to the low rate of interest on these bonds, he spoke of the bonds as guaranteed by the United States; and because of his speaking in that message of the bonds as guaranteed, as if it were an absolute guarantee of the United States, the committee to whom that message was referred in reporting upon the message not only reported in respect to the rate of interest, 3.65 per cent., but also took care to repeat the guarantee in the very words of the bill which had then passed and been sent to the President for his approval, so that there might be no mistake what that guarantee was; and the guarantee remains the same to this day.

What then is necessary for us in order to the fulfillment of this pledge? Two things are necessary. One is that we shall pay our proportionate share of the expense of this District. Congress has never determined what that is. It ought to be determined. It ought to be definitely determined; it ought to be known, because unless you do know it you cannot regulate the amount of taxation to be imposed upon the people of this District. But Congress has neglected that duty.

Now, sir, the first thing for us to do on the subject of this District—I do not say before the consideration of this resolution, because that might prevent the resolution from passing in time—is to declare what shall be the proportion of expense of government within this District which shall be paid out of the Federal Treasury, and then you know what proportion shall be paid by the people of this District; then you know the amount to levy upon them. These are the two things which it is necessary for us to do: first to determine what proportion of the debt of the District the General Government will pay, and in the second place to levy upon the people of this District an amount of taxes which, with the amount contributed by the General Government, will pay this interast and create a sinking fund for the payment of the principal of the debt.

Now, Mr. President, in respect to the immediate resolution which is before the Senate, I am, as at present advised, against the amendment offered by the Committee on Appropriations. I prefer the resolution as it came from the House. I think that there ought to be an end to the issue of these 3.65 bonds, at least until we are better advised. I think we ought not to allow this issue to be going on blindfold. It is creating a debt that will be terrible some time. These bonds now, I suppose, are worth not more than sixty-five or seventy cents on the dollar at the outside. We, then, are expending them and getting for every dollar provided for in these bonds only seventy cents' worth of work or material, and I do not know but that seventy cents is too high. I wish some one would tell me what they are selling for; but assuming that we are getting but seventy cents' worth of work or material for every dollar of these bonds, we shall have to pay one hundred cents for every dollar. We cannot pay in seventy cents; we shall have ultimately to pay one hundred cents; so that the shave on these bonds is prodigious. It is borrowing money at a frightful rate of interest, although they bear only an interest of 3.65 per cent., when the discount on them is thirty-odd per cent. And therefore it was that, while these bonds might well enough be used to pay indebtedness that already existed and which they paid dollar for dollar, while every dollar of the bonds extinguished an equal amount of indebtedness, yet in respect to new work, if paid for by these bonds, you are hawking the credit of this District around at a discount of more than 30 per cent.; and that is bad financiering, in my judgment. I am, therefore, as at present advised, in favor of the resolution as it came from the House, unless there can be some explanation——

Mr. MORRILL, of Maine. Allow me to ask the Senator whether he does not observe and recognize the distinction between the propositions contained in the two provisos: First, "that any further issue of 3.65 bonds is hereby prohibited." Now, as a matter of fact, the board of audit have audited, to be carried into bonds, certificates to the extent of $914,540.05, and there are claims before the board amounting to the sum of $510,602.04.

Mr. THURMAN. That goes to make up the $14,900,000?

Mr. MORRILL, of Maine. Yes, sir. But these certificates are not in bonds. The process is that the board of audit has audited that amount; it is in certificates. Now the ministerial business of converting them into bonds remains.

Mr. THURMAN. I was not aware of that state of facts.

Mr. MORRILL, of Maine. For that reason the committee nonconcurred in that portion of the proviso.

Mr. THURMAN. Then I should think that the committee had better have reported in lieu of it a provision that the amount of bonds should not exceed $15,000,000.

Mr. MORRILL, of Maine. The proposition is pending.

Mr. SARGENT. I want to modify it still further, and I hope the Senator will allow my modification to be read.

Mr. THURMAN. I have no objection to allowing it to be read, for I believe I have about concluded all I have to say.

Mr. SARGENT. I offer this as a modification of my former amendment:

Provided, That the certificates heretofore issued by the board of audit, including those converted into 3.65 bonds, and those which have not been so converted and the certificates hereafter to be issued by the board of audit or their successors in office shall not exceed in the aggregate the sum of $15,000,000; and when the limit herein provided for shall be reached, the board of audit shall be, and is, abolished, and all the powers conferred upon that board shall cease and determine, and all the papers and public property in their possession shall be delivered to the commissioners of the District or their successors.

Mr. CONKLING. Mr. President, if the business of Government rests on the principles which govern the business of mankind at large, I cannot doubt that this is an extraordinary proceeding. When I speak of "an extraordinary proceeding," I mean to include all that has passed on this subject in the way of legislative consideration since that time when it was ascertained that a debt existed in this District which, in some form or other, by, or by the authority of, the United States was to be satisfied. The Senator from Ohio [Mr. THURMAN] in concluding his remarks reminded us of the fact, for it is a fact, that the credit of the Government has been hawked about and discounted at a ruinous rate. How comes that; and what contribution does the Senate make to-day toward the appreciation or depreciation of that credit? It turned out some time ago—I do not stop to name the exact date—that in this city and in this District, with the government of which, by the Constitution of the United States Congress is chargeable and charged, it had come about that a large amount of indebtedness existed which was to be liquidated and satisfied either by tax and tribute taken off the property in the District after the manner of such things in the States or in some other mode, or by some appropriation or provision made by Congress. A committee and the two Houses, wisely I doubt not, hit upon the plan of issuing an evidence of debt, for which and behind which the United States was to stand responsible; and I do not stop to haggle about terms or closely to inspect words whether they be in one form or another; but I say that the design, the intention was to issue bonds bearing 3.65 per cent. interest, which should not be bonds good because nobody was behind them, anonymous securities, charging somebody, those to whom they were offered knew not who, but bonds which were to be made good in substance and effect by the United States. Does not everybody know that?

Mr. DAWES. I agree with the Senator precisely in his statement; but I would desire to call his attention to what was stated in the House of Representatives by the gentleman who reported the bill, and of whom inquiry was made.

Mr. LAWRENCE. Is there anything in the bill which commits Congress to the indorsement or the payment of the District debt?

Mr. WILSON, of Indiana. No, sir; I will call attention to that point in a few moments. I think I can show that the committee has been careful about that.

Mr. CONKLING. My honorable friend from Massachusetts calls my attention to that which does not challenge or impeach the line of remark in which I was engaged, but that which I meant to cite to support the next allegation which I was about to make. I was in the act of saying that the intention being to issue evidences of debt which should be valuable and acceptable because the United States in some form was to stand by them, care was taken then, as care seems to be taken now, to give those securities a black eye in short, in the language of the street.

Mr. DAWES. I hope the Senator will pardon me for interrupting him.

Mr. CONKLING. I am very glad the Senator called my attention to the precise form in which this took place in one instance. The same thing in substance occurred here. It was a sort of proceeding by which we did it, and yet by which in the same breath we denied *pro tanto* that we did it. What was the result? Does any man suppose that in the money markets of the world, or the money markets here, a bond of the United States upon time, bearing 3.65 per cent. interest, was only worth seventy cents to men whose money was seeking investment? No, sir; we all know better than that.

Mr. BOUTWELL. It ought to be worth eighty on computation.

Mr. CONKLING. My friend reminds me that on computation it was worth over eighty, and the computation was a simple one to be made. Every man who has money to invest can ascertain precisely, if he pays eighty cents for a security which bears 3.65 interest at par, what is the net interest on the payment he makes. Eighty cents the honorable Senator says is its value. Very well; it has been 10 per cent. lower than that, and the Senator from Ohio says it is so now. Sixty-nine I am told these securities are now. Worse and worse!

Mr. President, how came this? It came because in the language of the law we left a peg on which to hang a doubt, and then we called attention to that doubt and gave substance to it by just such statements as that to which the honorable Senator from Massachusetts [Mr. DAWES] has called attention; and I remember seeing in a newspaper that a law officer or the acting law officer of a State had given an opinion, an opinion sought by those who, in the money market were handling these securities, that in truth and in fact the Government of the United States was not chargeable at all.

I pass over the interval and come to what has occurred now as illustrating it still further. Here comes a bill to us from the other House, which files a *caveat* carefully against any confidence which might come to exist touching these bonds—a bill which says to everybody, "Take care; do not be too free in investing your money in them; be careful how you pay more than sixty-nine and a half, or you may get caught; because the bill says:

And provided further, That nothing in this resolution contained shall involve the Government of the United States in any obligation to pay principal or interest of any such bonds which have been issued contrary to or not in pursuance of law.

We all know that if you could point out which of the bonds, if any, have not been issued in pursuance of law, and merely follow those particular bonds, and taboo them, and depreciate them, and cast no doubt upon all the rest and residue of the issue, it would be comparatively a very harmless provision; but the effect of it, I submit, is to asperse indiscriminately these bonds, and to continue to keep them depressed. The Senator from Ohio says that it is obvious to everybody who thinks that although those bonds are paid out at par to contractors, and stopping there you might say, "Very well; nobody suffers but the contractor; if he gets a security which is worth only 70 per cent. it is his loss: it does not cost the Government anything;" yet he cuts his coat according to his cloth; and when he makes his contract, knowing that he is to receive his compensation in depreciated securities, he adds so much to the price; and therefore you add to the cost of work in the first instance; and then comes, as the Senator from Ohio says, the continual hawking about of depreciated securities, for which in truth and in fact the design was that the Government should be responsible in some form, and which were so put upon the market and emitted, although, as the Senator from Massachusetts reminds us, there was a disposition all the time, using a vulgar phrase, to blow and keep the flour in our mouth, to do it with bated breath, to have a sort of qualification and mental reservation about the thing which would

startle everybody and startle everything, and especially that most timid of all things, known as capital.

Here comes a bill, and a debate springs up of what nature and for what purpose? When I hear my honorable friend from Iowa make a statement or make an allegation, I know right well that he is not moved to it by any impulse which is not creditable; I know right well that he does not do it without believing, and considerately believing, that it is well founded. But my honorable friend from Iowa rises and makes general declarations to show that the gentlemen who have been acting as commissioners of the District of Columbia have overstepped their authority, have broken through the cobwebs of the law, and stalked very free and uncontrolled, according to his statement, wherever their will might lead them in the exercise of a somewhat unbridled discretion.

Now, Mr. President, having looked at these statutes with some care, and listened as I might to the advice we have received, I am bound to say that I see no reason whatever for the strictures made by the honorable Senator from Iowa. If I were put upon ingenuity to find a justification, I should be compelled to find it in one word in this statute, which word I believe is a mistake—I should be compelled to find it in the fact that in one case the word "and" is employed when I think very obviously the design was to employ the word "or;" and I am told that every lawyer to whom this statute has been submitted for construction has been of that opinion. Indeed, I am told that there is a concurrence of construction in that respect, nobody insisting that the commissioners were bound to read the clause to which I refer as if it were a cumulative clause requiring that the obligations they assumed or the contracts they made should have all the elements named in that provision, in place of some one of those elements, as I think the design in the enumeration was.

The honorable Senator from Ohio says that some preceding government made a statement that eight million and odd dollars was the total expenditure, the outside I think he said, of everything that could be for work already done; "and yet," he said, "here come in I do not know how many millions more." Well, Mr. President, I am told that the fact is that the investigating committee ascertained, as they thought, on the 20th of June, 1874, that $8,305,000, rejecting some odd units making a fraction, was the amount which might become due or would become due for which certificates were to issue and audits to be made for work already done. When the board of audit, set up by the committee and by this act, came, not by conjecture or speculation or guessing how it would be at some other time ahead, to ascertain by actual evidence of arithmetic how much it was in fact at that time, they found that in place of being eight million it was over ten million dollars. Is anybody to blame for that? Suppose somebody is to blame for it, is that any reason why upon the question of paying the interest which is about to fall due on the 1st of February all manner of people should be arraigned and all manner of inquiry started as to whether anybody has been regular or irregular in his proceedings? If these bonds are held by persons entitled to receive the interest upon them, and if the Government of the United States is bound in honor and good faith to make provision for that interest, what difference does it make whether Governor Shepherd or some other man who three years ago was asked to guess or estimate the amount of the demands overshot the mark two million or fell short of the mark two million? What of it?

But, turning again to what was said by the Senator from Iowa, the allegation is that these gentlemen have gone on and made contracts which they had no business to make. Now, I am told as matter of fact that they have made no contracts for new work; that if there be an exception to that, it is that doubtful case which might fall on one side or the other side of the line, depending upon the construction which Senators may give to it—that one case of a contract in respect of which they said the contractors were in default, having badly done a job of work in the paving of a street, and under the right given them by the contract they proceeded to make it good, but in place of relaying blocks which had once been eaten by the tooth of time in a single year, they used asphalt or concrete or whatever may be the description by which it is known, being at once a more permanent and a cheaper paving material. That I am told is the truth about new contracts.

But the Senator said that they assumed obligations, which obligations were entered into by the board of public works, and that they are derelict in that; and he aimed a sharp-pointed question at the Senator from Ohio to find out whether he thought that they had a right to assume all the contracts made by the board of public works. Now, I ask the attention of my friend especially because he was not only of the committee, but, if I mistake not, chairman of the committee, the chief guardian of this District on the occasion when all this subject was illuminated by the light that was poured upon it, to the fact that on the 7th of December, 1874, a year and something more ago, these gentlemen, under the requirement of one of the sections of this act so much commented upon, submitted to the President of the United States, and the President to Congress, an account of their stewardship, minute and careful, and that in that report they apprised the honorable Senator from Iowa, because they spoke to him not only inclusively but specially, he being so largely instructed on this subject, that "ninety-nine contracts have been so resumed;" that is, ninety-nine contracts which had been entered into by the board of public works, in respect of which the interruption that we all know had taken place, "have been so resumed. Of these, eighteen are completed and have received final measurement, and upon the remainder work is progressing. Final measurements have also been made upon twenty contracts which were completed under the late board of public works, but which did not reach a final measurement."

I ask in all fairness, speaking of three gentlemen who have been truly described as strangers, men of character, called to undertake a distasteful trusteeship, whether, when they themselves specifically reported fourteen months ago (because the report was dated in November) that they understood their obligations and the directions of the law bearing upon them to be that they were to go on, resume, recognize, complete these contracts which, made by their predecessors, had been suspended, they did not summon the honorable Senator to his feet? Why did he not rise then and read this second section and show its narrowness as compared with the amplitude of the construction which they ascribed to it? On the contrary, as I am told, in neither House of Congress, in no committee, in no seat of executive or legislative authority did anybody criticise their work or amend their law. Everybody was acquiescent. A report came in a year afterward repeating the same statement touching other contracts, amounting to one hundred and sixty-three in all, all appearing restated in the report which followed this to which I have referred. No objection is made, no criticism; but when a bill comes in to pay interest to *bona fide* holders, for which the faith, the honor of the United States is pledged, then my honorable friend rises and, taking up this act, he puts on his spectacles and he reads, I think, somewhat between the lines to ascertain that this whole thing has been *ultra vires*, utterly unauthorized by these three gentlemen who have been acting, not only upon their own characters and consciences, but acting, I am told, from step to step under the advice of counsel.

The honorable Senator from Iowa has read a small sliver of a clause of this act two or three times; not a sentence; not any substantive part of a sentence; and having read it, taking that as the measure of authority of these men, he proceeds to try them by it. Let me read this clause to my honorable friend. In the first place the authority is given to the effect read by the Senator from Ohio, and then follows a limitation, not, as I should submit to him if he were here, of the kind he stated to the Senate, not a limitation as to the power of these men to apply taxes or other revenue, but the limitation is in these words: "But said commission, in the exercise of such power or authority," thereby meaning, as I understand, all the power and authority which is enumerated before, and not merely one power touching taxes, "shall make no contract nor incur any obligation."

And I might stop here to call the attention of lawyers to the fact that the precise and minute phraseology of this section was not very carefully considered, as a word which has occurred already will sufficiently indicate.

But said commission, in the exercise of such power or authority, shall make no contract, nor incur any obligation other than such contracts and obligations as may be necessary to the faithful administration of the valid laws enacted for the government of said District, to the execution of existing legal obligations and contracts—

And I read that putting the interpretation in as if after "District" the word "or" occurred; so that it would read:

To the faithful administration of valid laws enacted for the government of said District, or to the execution of existing legal obligations and contracts, and to the protection or preservation—

There again I should read "or," as I am told everybody has done who has been called upon to construe this section—

or to the protection or preservation of improvements existing or commenced and not completed at the time of the passage of this act.

As I intimated once before, if the section is to be read as a cumulative section, as a section requiring that in every contract that these men might recognize every one of these elements should be present; that it should not only be a contract of one of the kinds described here, but of all the kinds enumerated, I am not prepared to say that it cannot be shown upon this allegation that these gentlemen have been sailing very near the wind in what they have done. But if you assume, as I think it quite obvious from the language here the design was, to enumerate certain specific kinds of contracts and provide that those which they might recognize should be some one of these kinds, then I cannot understand why it is that if 3.65 bonds have been issued to contractors in the case of contracts made by the board of public works and resumed by the present commissioners and completed—if that be the case I cannot understand in what respect this statute has been violated. But to see more conclusively whether it has been or not I turn over to the sixth section which creates a board of audit consisting of the First and Second Comptrollers of the Treasury, and authorizes them and others to do two or three things which I will enumerate before reading the section. In the first place they are to examine and audit the class of demands that I am going to read; they are to tabulate them; they are to certify them; and then the sinking-fund commissioners of the District are to issue 3.65 bonds for everything that they audit, and now let me see what it is that they are to audit.

All the unfunded or floating debt of the District of Columbia and of the board of public works hereinafter specified, namely: First, the debt evidenced by sewer certificates; secondly, the debt purporting to be evidenced and ascertained by certificate of the auditor of the board of public works; thirdly, the debt evidenced by the certificates of the auditor and the comptroller of the District of Columbia; fourthly, claims existing or hereafter created for which no evidence of indebtedness has been issued, arising out of contracts—

Now I beg the Senate to observe—

written or oral, made by the board of public works.

All indebtedness arising out of contracts, whether written or oral, made by the board of public works. That is very broad, and I infer that the Senator from Massachusetts [Mr. DAWES] who is overlooking the statute was somewhat surprised in hearing it read, and, running his eye over it, to find it is so broad as it turns out to be. I confess I was when this law was brought to me on this occasion, the first time for a great many months. I was surprised to see that it was so very inclusive in its terms.

Fifthly, claims, for which no evidence of indebtedness has been issued, arising out of contracts, written or oral, made by or in behalf of the District of Columbia.

The honorable Senator from Ohio distinguished between what the Legislature must do and what the board of public works might do. Here, as I understand these two provisions together, one covers whatever the board of public works did that was a binding contract, and the other covers whatever anybody did which bound the District of Columbia, whether the board of public works, or the Legislature, or anybody else, coming within the sphere of his authority so that he could bind the District. Now, is there any doubt that if contracts were made by the board of public works which were executed, this board had a right to audit them, and that having audited those contracts, the sinking-fund commissioners properly issued 3.65 bonds? Is there any more doubt that if the District commissioners, under the authority given in the act, resumed—to use the word that I see they have employed in their report—contracts which had been previously made and were found to be subsisting, but upon which the proceeding that took place at the time I have referred to had checked the advancement of the work—is there any doubt that if the commissioners found such contracts, and recognized them in the language of the law, and they were executed, the board of audit acted properly in auditing those claims, and the commissioners of the sinking fund in issuing 3.65 bonds for them? And if they were contracts, as every one of them, I repeat, according to my information was, described in that statute, because made by the board of public works, and therefore not new, but already existing and unfinished contracts, where is the criticism to be made upon the action of these gentlemen, acting as they do, with all the presumptions in their favor, arising not only because public officers will be supposed to have done their duty until the contrary appears, but owing to the fact that they are men known to the great body of the Senate, and so known that something more than an unfounded suspicion would be necessary to raise a doubt as to the integrity of their conduct?

Mr. President, I have said so much upon what I humbly conceive to be the foreign portions of this debate, because, first, I felt that injustice had been done to the members of this board of commissioners; second, because I wished to enter my protest against making this the occasion of drawing into still further question, depreciating with still further doubt, any class of securities which have been issued by the United States, and for the whole or any part of which the United States is in honor bound to make provision. No part of this argument on any side, carried to its utmost extent, casts a doubt upon the right of these creditors to receive their interest. No suggestion made relieves, even by the weight of a feather, the obligation which rests on us to provide for the interest. All beyond that question, it seems to me, belongs appropriately to some other time and to some other measure. But as it is presented now, and consideration insisted upon now, I am bound to say that, so far as I have been able to look into these statutes and to understand the facts, there is no reason at all, up to this time, to asperse or to suspect the character or the administration of the members of the board of commissioners.

Mr. DAWES. Mr. President, in continuation of the last words which fell from the Senator from New York, I desire to say that in any criticism which I may feel it necessary to make upon what has been done in the past, I heartily agree with him.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) If the Senator from Massachusetts will suspend, the Chair will receive a message from the House of Representatives.

DEATH OF HON. HENRY H. STARKWEATHER.

Mr. GEORGE M. ADAMS, Clerk of the House of Representatives, appeared below the bar and said:

Mr. President, I am directed by the House of Representatives to deliver to the Senate the proceedings of that body upon the announcement of the death of Hon. HENRY H. STARKWEATHER, lately a member of the House of Representatives from the State of Connecticut.

Mr. ENGLISH. Mr. President——

The PRESIDING OFFICER. The Senator from Massachusetts has the floor. Does he yield to the Senator from Connecticut?

Mr. DAWES. I yield.

Mr. ENGLISH. I ask that the resolutions of the House of Representatives be read.

The PRESIDENT *pro tempore*. The resolutions will be read.

The Secretary read as follows:

IN HOUSE OF REPRESENTATIVES,
January 28, 1876.

Resolved, That a committee of seven members be appointed by the Speaker of the House to take order for superintending the funeral of Hon. HENRY H. STARKWEATHER, late a member of this body from the State of Connecticut.

Resolved, That as a mark of the respect entertained by the House for the memory of Hon. HENRY H. STARKWEATHER, his remains be removed to Norwich, Connecticut, in charge of the Sergeant-at-Arms and attended by the said committee, who shall have full power to carry this resolution into effect.

Resolved, That the Clerk communicate these proceedings to the Senate.

Resolved, That as an additional mark of respect to the memory of the deceased, the House do now adjourn.

Mr. ENGLISH. Mr. President, in view of the sad intelligence just received from the House of Representatives, announcing the death of one of my distinguished colleagues, Hon. HENRY H. STARKWEATHER, a member of that body, and as a mark of respect for the memory of the deceased, I move that the Senate do now adjourn.

The motion was agreed to; and (at three o'clock and thirty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January* 28, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND, D. D.

The Journal of yesterday was read and approved.

APPOINTMENT OF A COMMITTEE.

The SPEAKER. The Chair appoints as a Select Committee on the Real Estate Pool and Jay Cooke's Indebtedness the following members: JOHN M. GLOVER of Missouri, JEPTHA D. NEW of Indiana, BURWELL B. LEWIS of Alabama, HENRY O. PRATT of Iowa, and A. HERR SMITH of Pennsylvania.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to the following gentlemen: To Mr. WILLIAMS of New York, until Tuesday next; to Mr. JONES of New Hampshire, for four days; to Mr. TEESE of New Jersey, until Tuesday next; to Mr. CLYMER of Pennsylvania, indefinitely; to Mr. COLLINS of Pennsylvania, for a few days from to-day, and to Mr. JAMES B. REILLY, for a few days from to-day.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. GOODIN to withdraw from the files of the House papers in the case of the claims of George A. Schreiner and Newell & Huffaner.

Mr. STONE, by unanimous consent, obtained leave to withdraw from the files of the House papers in the case of Mary Paige.

Mr. G. A. BAGLEY, by unanimous consent, obtained leave to withdraw from the files of the House the memorial and papers in the case of Theophile Bruger and John Goeway, of Sioux City, Iowa.

Mr. MAISH asked leave to withdraw from the files of the House bill H. R. No. 1396.

The SPEAKER. The Chair is not of the opinion that that request should be granted.

Mr. MAISH. Very well, Mr. Speaker; it is not material.

SESSION FOR DEBATE.

Mr. MORRISON. I ask that by unanimous consent the House order a session to-morrow for debate only as in Committee of the Whole, no business whatever to be transacted.

Mr. PAGE. I object. [Subsequently.] At the request of several friends I withdraw my objection.

The SPEAKER. Is there further objection to the proposition of the gentleman from Illinois?

Mr. WELLS, of Mississippi, and Mr. MAGOON objected.

Some time subsequently,

Mr. HALE said: I think the objection made upon this side to a session of the House to-morrow for debate only will be withdrawn, and that if the proposition is renewed it will now be consented to.

The SPEAKER. The Chair will again ask if there is objection to a session of the House to-morrow for debate only as in Committee of the Whole, no business whatever to be transacted.

There was no objection, and it was ordered accordingly.

ADMISSION OF NEW MEXICO.

Mr. ELKINS, by unanimous consent, presented the memorial of the Legislative Assembly of the Territory of New Mexico, asking the passage of an enabling act to admit that Territory into the Union as a State; which was ordered to be printed, and referred to the Committee on the Territories.

POWERS OF THE GOVERNMENT.

Mr. GOODIN. I ask unanimous consent to submit for consideration at this time the concurrent resolutions I send to the Clerk's desk to be read.

The Clerk read as follows:

Resolved by the House, (the Senate concurring.) That the people of the United States constitute a nation in the sense, to the extent, and for the purposes defined in the Federal Constitution.

Resolved, That the Government of the United States is a Federal Union and was formed by the people of the several States in their sovereign capacity; that the rights and powers of the United States Government are defined and limited by the Federal Constitution, and these rights and powers cannot be enlarged nor diminished except by an amendment to the Constitution.

Resolved, That the rights of the States have the same sanction and security in the Constitution as the rights and powers of the Federal Government, and that local domestic government by the several States within the limits of the Constitution is absolutely necessary for the preservation of the liberties of the citizen and the continuance of our republican system of government.

Resolved, That the doctrine that a State has the right to secede from the Union is in conflict with the idea of a "perpetual union," as contemplated by the Constitution, and should be regarded as being forever extinguished by the results of the recent civil conflict.

The SPEAKER. Is there objection to entertaining these resolutions for consideration at the present time?

Mr. HAMILTON, of New Jersey, and others objected.

NORFOLK NAVY-YARD.

Mr. WHITTHORNE, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That for the purpose of enabling the committee of this House on naval affairs to discharge the duties imposed upon them by the adoption of House resolution instructing them to inquire into certain alleged abuses and frauds at the different navy-yards of the United States, and the misapplication of appropriations made for the construction of the eight vessels of war authorized by act of Congress approved February 10, 1875, &c., it is hereby directed that said committee through the subcommittee appointed for that purpose, consisting of Messrs. WHITTHORNE, WILLIS, and DANFORD, shall conduct said investigation so far as it relates to the Norfolk navy-yard at said yard.

ORDER OF BUSINESS.

The SPEAKER. The morning hour now begins at twelve o'clock and twenty minutes, and the first business in order is the call of committees for reports of a private nature.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. SINGLETON, from the Committee on Appropriations, reported a bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes; which was read a first and second time, and ordered to be printed.

Mr. GARFIELD. I desire to reserve all points of order on the bill which has just been reported.

Mr. SINGLETON. I am instructed by the committee to move that this bill be referred to the Committee of the Whole on the state of the Union and made a special order for Wednesday next after the morning hour, and from day to day until disposed of.

The motion was agreed to.

SELMA SEIBERT.

Mr. SINGLETON, from the same committee, reported back the claim of Selma Seibert, and moved that the committee be discharged from its further consideration, and that it be referred to the Committee on Claims.

The motion was agreed to.

CHARLES E. HOVEY.

Mr. KNOTT, from the Committee on the Judiciary, reported back the memorial of Charles E. Hovey, asking relief in respect to a contract with the Secretary of the Treasury, and moved that the same be laid upon the table.

The motion was agreed to.

FRANCIS T. NICHOLLS.

Mr. KNOTT also, from the same committee, reported back, with a recommendation that the same do pass, the bill (H. R. No. 26) to remove the political disabilities of Francis T. Nicholls, of Louisiana.

The SPEAKER. Is the bill accompanied with an application from the person asking relief?

Mr. KNOTT. It is.

Mr. CONGER. I would suggest that if the announcement is made each time a bill of this character is reported that it is accompanied by a petition from the person to be relieved, it would save some trouble.

The SPEAKER. The Chair regards that as a very proper suggestion.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed, (two-thirds voting in favor thereof.)

LEWIS PELHAM.

Mr. HURD, from the Committee on the Judiciary, reported back the bill (H. R. No. 68) for the relief of Lewis Pelham, and moved that the committee be discharged from its further consideration, and that it be referred to the Committee on Claims.

The motion was agreed to.

LAND CLAIMS IN MISSOURI.

Mr. BUCKNER, from the Committee on Private Land Claims, reported back, with a recommendation that it do pass, the bill (H. R. No. 819) to confirm certain land claims in the State of Missouri; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

CATHARINE STRUBLING.

Mr. CANDLER, from the same committee, reported back adversely the petition of Catharine Strubling, asking an adjustment for certain lands improperly taken and kept from her by the Government of the United States; which was laid on the table.

PENSIONS TO SOLDIERS OF 1812

Mr. A. S. WILLIAMS, from the Committee on Military Affairs, reported back the bill (H. R. No. 897) to amend the act entitled "An act granting pensions to certain soldiers of the war of 1812," approved February 14, 1871, moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Revolutionary Pensions.

The motion was agreed to.

FIRST LIEUTENANT HENRY JACKSON.

Mr. GLOVER, from the same committee, reported back, with a recommendation that it do pass, the bill (H. R. No. 29) for the relief of First Lieutenant Henry Jackson, Seventh Cavalry, United States Army; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

JAMES A. HILE.

Mr. GLOVER also, from the same committee, reported back, with a recommendation that it do pass, the bill (H. R. No. 83) for the relief of James A. Hile, of Lewis County, Missouri; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

JOHN T. BURCHELL.

Mr. THORNBURGH, from the same committee, reported a bill (H. R. No. 1595) for the relief of John T. Burchell, of Knoxville, Tennessee, for services rendered the Government in a small-pox hospital; which was read a first and second time, referred to the Committe of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES KREPS.

Mr. THORNBURGH, also from the same committee, reported back adversely the petition of James Kreps, late a private in the Third Independent Battery of Ohio Volunteers, also late a private in Company A, Third Regiment Pennsylvania Cavalry Volunteers; which was laid on the table, and the accompanying report ordered to be printed.

JANE E. SLAMM.

Mr. WHITTHORNE, from the Committee on Naval Affairs, reported back adversely the bill (H. R. No. 1111) granting a pension to Jane E. Slamm, widow of Levi D. Slamm, deceased, late a paymaster in the United States Navy; which was laid on the table.

CAPTAIN EGBERT THOMPSON.

Mr. MILLS, from the same committee, reported back adversely the bill (H. R. No. 667) for the relief of Captain Egbert Thompson; which was laid on the table, and the accompanying report ordered to be printed.

WILLIAM WELSH.

Mr. MILLS also, from the same committee, reported back adversely joint resolution (H. R. No. 33) authorizing the President of the United States to nominate William Welsh to the grade of commander in the United States Navy; which was laid on the table, and the accompanying report ordered to be printed.

JOHN ROSECRANTS.

Mr. JENKS, from the Committee on Invalid Pensions, reported back the bill (H. R. No. 1080) for the relief of John Rosecrants, of Rochester, New York, moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Revolutionary Pensions.

The motion was agreed to.

ROBERT M. BARR.

Mr. JENKS also, from the same committee, reported back the petition for bounty by Robert M. Barr, father of William B. Barr, deceased, late a private in Company E, Seventy-third Regiment Pennsylvania Volunteers, moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Military Affairs.

The motion was agreed to.

RUTH ELLEN GREULAND.

Mr. JENKS also, from the same committee, reported a bill (H. R. No. 1596) granting a pension to Ruth Ellen Greuland; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM D. COBAUGH.

Mr. JENKS also, from the same committee, reported back, with a recommendation that it pass, the bill (H. R. No. 1597) granting a pension to William D. Cobaugh; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM R. DUNCAN.

Mr. RAINEY, from the same committee, reported a bill (H. R. No. 1598) granting a pension to William R. Duncan; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

FRANCIS C. ELLIOTT.

Mr. PURMAN, from the same committee, reported a bill (H. R. No. 1599) granting a pension to Francis C. Elliott; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARGARET E. WEST.

Mr. YEATES, from the same committee, reported back, with a recommendation that it pass, the bill (H. R. No. 1044) granting a pension to Margaret E. West; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ELIZABETH B. DYER.

Mr. YEATES also, from the same committee, reported back, with a recommendation that it pass, the bill (H. R. No. 80) granting a pension to Elizabeth B. Dyer, widow of Alexander B. Dyer, late a brigadier-general and Chief of Ordnance United States Army; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

JANE A. HARRIS.

Mr. WILSON, of West Virginia, from the same committee, reported back a bill (H. R. No. 1600) granting a pension to Jane A. Harris; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the panying report, ordered to be printed.

OTIS B. ANDERSON.

Mr. WILSON, of West Virginia, also, from the same committee, reported back a bill (H. R. No. 1601) granting a pension to Otis B. Anderson; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

EDWARD C. WHEELOCK.

Mr. SINNICKSON, from the same committee, reported back a bill (H. R. No. 104) granting a pension to Edward C. Wheelock, with the recommendation that it do pass; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed

MARGARET E. COGBURN.

Mr. SINNICKSON also, from the same committee, reported back a bill (H. R. No. 1602) granting a pension to Margaret E. Cogburn; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANNIE FARLEY.

Mr. HEWITT, of Alabama, from the same committee, reported back a bill (H. R. No. 318) granting a pension to Annie Farley, with the recommendation that it do pass; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

PROHIBITION OF AMERICAN CITIZENS HOLDING SLAVES.

Mr. SPRINGER, by unanimous consent, introduced a bill (H. R. No. 1603) to prohibit American citizens from holding slaves in foreign countries; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

REGULATING ELECTIONS IN UTAH.

Mr. SPRINGER also introduced a bill (H. R. No. 1604) regulating elections in the Territory of Utah, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. SPRINGER. I have introduced this bill at the request of Hon. R. N. Baskin, the contesting Delegate from the Territory of Utah, and asked that it be referred to the Committee on the Judiciary. I cannot say at this time that I will favor the bill as it has been prepared by its friends in the Territory of Utah. But I ask that the bill be referred to the Judiciary Committee, and that a letter from Mr. Baskin be read in explanation of the present election law in Utah and of the bill now printed.

The SPEAKER. Is it lengthy?

Mr. SPRINGER. It is only three pages in length.

There was no objection, and it was ordered accordingly.

The letter is as follows:

SALT LAKE CITY, UTAH, *January* 19, 1876.

DEAR SIR: I take the liberty of sending you a bill regulating elections in this Territory, and have to request that you will introduce the same in the House and have it referred to the appropriate committee. The Legislative Assembly of the Territory has passed an election law requiring the ballots to be numbered and the number of each voter's ticket set opposite his name on the poll list, so that it may be known how each person votes. If any Mormon votes against the church ticket persecution and disfellowship is sure to follow. Besides this, a law has been passed allowing women to vote, and is so worded that every one "who is the widow, wife, or daughter of a native-born or naturalized citizen" has the right to vote. As a consequence, girls and alien women who are either lawful or polygamous wives vote, and in many cases the women so voting have not been in the Territory but a few months. There is no penalty provided to punish either fraud or illegal voting; even the most ordinary safeguards have been omitted. There is but one judge of election in each precinct, and he is not required to canvass the votes in any given time or in the presence of any one; and, as a consequence, the ordinary practice is for the judge, after the polls are closed, to take the ballots away and count the votes at his pleasure. Sometimes the counting is not done for several days after the election. In short, under the law as it now stands the church can poll 50,000 votes as easy as 10,000. Under such a system the liberal element will never be able to overcome the church majority. On the other hand, give us a fair law, and one under which the disaffected Mormons can vote without detection, and deprive alien women and girls under age from the right to vote, and in a short time we will be able to overcome this monstrosity of polygamic theocracy at the ballot-box.

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R. N. BASKIN.

WILLIAM M. SPRINGER.

CLAIMS OF VIRGINIA FOR THE WAR OF 1812.

Mr. HUNTON, by unanimous consent, presented joint resolution of the Legislature of the State of Virginia, requesting her Senators and Representatives in Congress to urge the passage of a law for the adjustment and payment of the claims of Virginia for advancements made and sums lent to the United States during the war of 1812; which was referred to the Committee on Claims, and ordered to be printed.

SOLDIERS OF THE WAR OF 1812 AND THEIR WIDOWS.

Mr. HUNTON also, by unanimous consent, from the Committee on Revolutionary Pensions, reported a bill (H. R. No. 1605) amending the act entitled "An act granting pensions to certain soldiers and sailors of the war of 1812, and the widows of deceased soldiers," approved February 14, 1871, and to restore to the pension-rolls those persons whose names were stricken therefrom in consequence of disloyalty; which was read a first and second time.

Mr. CONGER. Does the gentleman ask to have this bill put on its passage?

Mr. HUNTON. The bill is reported from the Committee on Revolutionary Pensions and War of 1812, and I desire that it be now put on its passage.

Mr. CONGER. I move that it be referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

The motion was agreed to.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. RANDALL. Mr. Speaker, when the House adjourned last evening I moved the House resolve itself into the Committee of the Whole on the state of the Union on the Military Academy appropriation bill, and pending that that all general debate in committee should be closed in one-half minute after the consideration of the bill was resumed.

The SPEAKER. That is the pending motion now and the Chair will put it to the House. Is there any objection to closing general debate in Committee of the Whole in one-half minute on the Military Academy appropriation bill, which will leave the bill open to amendment and five-minute debate?

There was no objection, and it was ordered accordingly.

Mr. RANDALL. I move the rules be suspended and that the House now resolve itself into the Committee of the Whole for the purpose of considering the bill making appropriations for the support of the Military Academy at West Point.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. HOSKINS in the chair.

The CHAIRMAN. The House resumes the consideration of the bill (H. R. No. 810) making appropriation for the Military Academy at West Point for the fiscal year ending June 30, 1877, and all general debate in committee has been ordered to be closed in one-half minute. The bill will be read by paragraphs for amendment, and will then be open to the five-minute debate.

The following paragraph was read:

For pay of three hundred and ten cadets at $450 each, in addition to rations, $139,500.

Mr. HAMILTON, of New Jersey. I offer the following amendment:

Amend by striking out "$450" and inserting "$540;" by striking out the words "in addition to rations;" and by striking out "$139,500" and inserting "$167,400;" so that it will read:

For pay of three hundred and ten cadets at $540 each, $167,400.

The effect of this amendment has been already discussed in the House. It is to strike out the $450 now in the bill and in lieu thereof to insert $540, and to strike out the rations. This would give the cadets $540, whereas up to 1867 they received $500. It is an addition to the pay up to 1867 of $40 per annum.

Mr. HALE. I move to amend the amendment by striking out "$540" and substituting therefor "$600."

This will test, Mr. Chairman, the sense of the committee upon this question of reducing the pay of the cadets. The present pay, including the rations, amounts to exactly $609.50. My amendment leaves it at $600 in round numbers—so near to the present allowance that it is not worth while to make any contest over the difference.

There has been upon this question, Mr. Chairman, in the general debate more or less of discussion presenting the two sides, and there is but little that I can say now that will add to what has already been said. Whatever these cadets get in this way under the rules of the academy is all that they are entitled to receive. The academy is intended to be run as a democratic institution; of course I do not use this word in a political sense, but as meaning that all the cadets shall fare alike. It is not by the rules allowable for parents to supplement the allowance given by the Government as factitious needs and desires of the cadets may arise. But the rule that has been established

is a general, fair, and munificent one, and cutting off as it does special allowances from wealthy parents and leaving the boys all upon the same level there, has been an additional reason why we should not be niggardly as to these allowances.

There are many boys there the sons of parents who if they were in colleges or other educational institutions of learning would be spending double and treble of either of the amounts now before the committee. There are other boys, the sons of poor parents, who, as the records of the academy show, are as likely to become ornaments to the Army and to the nation whose military service they will adorn, have never spent so much money. But the Government has sought, and the policy of the institution has been, to strike a fair medium and to hold all to that.

Now, this academy being run in this way, upon this moderate allowance of $600—now $609.50—I appeal to gentlemen of the committee whether there is any such call for reduction as to oblige us in the beginning of the work that is before this Congress to single out the allowances to these cadets as requiring reduction. I do not believe there is any such.

Above all, I deprecate anything that shall be looked upon as an attack upon that institution. I deprecate anything that shall be construed as the first step in the direction of an attack upon the military establishment. We are in no danger, Mr. Chairman, of a large standing army that shall oppress the people and burden it by eating up its revenue. We have already reduced the military organization. It is to-day one that is needed for the uses that arise upon our frontiers and in maintaining our rights in the broad western country. If this is the first step in the direction of an attack upon that establishment, I warn gentlemen, and I warn gentlemen especially upon the other side, that the country will not sustain any such movement.

I had proposed, Mr. Chairman, but the bill was read so fast that I did not get my copy from the file until that paragraph was passed, to move an amendment with reference to the professors. I do not know whether the gentleman in charge of the bill would object to that amendment being offered to test the sense of the committee after it has been tested on the pending amendment.

Mr. RANDALL. I object to going back.

Mr. HALE. The gentleman from Pennsylvania of course must understand that it was the intention to offer amendments there, but the bill was read so quickly, before members could get it from their files, that there was no opportunity to offer amendments, and in fact I had to depend upon a neighbor of mine, who handed me his bill that I might offer an amendment to the amendment of the gentleman from New Jersey.

Mr. RANDALL. I will briefly notice the points made by the gentleman who has just taken his seat. His first point was as to the pay of the cadets. Now, sir, the amount of money appropriated here it is true appears upon its face to be appropriated to each cadet, but the fact is that none of this money goes into the pocket of the cadet except the $2 which is held sacred each month, and which at the end of four years goes to the graduating cadet, being $96, so that this appropriation is in fact an appropriation for the maintenance and support of the cadet, and we believe that the amount of $540 is sufficient for that purpose, and that there is no foundation for the attempt now being made to show that we are cutting down in the least degree any of the comforts or any of the requirements in connection with the cadets.

The next effort of the gentleman from Maine was to show that the legislation which we propose is making a distinction between poor and rich cadets, or between the boys of poor and rich parents. Well, that is a very weak resort of the gentleman from Maine.

Mr. O'BRIEN. Mr. Chairman——

Mr. RANDALL. I will not be interrupted.

Mr. O'BRIEN. I thought the gentleman had finished.

Mr. RANDALL. I do not wish to be interrupted. I was saying that that is a very weak resort of the gentleman from Maine, for they have a most salutary rule there, that when boys enter that institution the rich and the poor are upon a level, and the rich man's son is not allowed in any form whatever to have any money outside of the Government allowance, so as to create a distinction between the rich and the poor.

Mr. HALE. That is precisely what I have said.

Mr. RANDALL. Now, the gentleman states that we have singled out this institution to economize upon. It is true that this bill is the first bill, and no gentleman in this House or in the Committee on Appropriations knows better than the gentleman from Maine who makes this assertion that the committee have decided upon a uniform reduction in all the departments, and that the reduction is to be 10 per cent. He knows further that we reduced the number of persons employed 20 per cent. and made their hours of labor eight hours instead of six.

Mr. HALE. Does not the gentleman propose to make any exceptions?

Mr. RANDALL. There are exceptions. There are wise and proper exceptions, which every law makes. The gentleman is quite aware of this fact that in the committee in this reduction we have made important exceptions. He knows that we have made an exception in the case of the salary of the Vice-President, in the salary of the Librarian of the House, and we shall continue to make exceptions wherever we think meritorious and useful officers of the Government are not overpaid. But there is an indication here that gentlemen on the other side intend to obstruct the action of the committee in making these reductions and other reform movements. I hope, sir, that this side of the House will be ready to march forward to the disposition and purpose which the people everywhere have exhibited. I declare now and here to the House and to the country that there is no danger whatever that the committee will do any injustice. Let me say that there is a marked difference between the duties of this committee and of the committee composed by the former majority in the House. There is a duty which compels us to look into each detail of appropriations, whereas heretofore the committee has been too ready to rely upon the estimates of the Departments. With a view to reduce these appropriations the committee have gone into every detail to know if we can reduce the appropriations. I hope, sir, the amendment of the gentleman from Maine will be voted down. This is not a reduction of the pay of the cadet, for he receives none of it until he graduates.

Mr. HURLBUT. In order that the House may not be misled by what I think is a careless statement made by my friend the chairman of the Committee on Appropriations, I desire to state that the salary or pay of cadets is used under the guidance of the officers there in every item.

Mr. HAMILTON, of New Jersey. I would inquire if the debate is not exhausted on the pending amendment?

The CHAIRMAN. The Chair will state that there are two amendments pending and that the gentleman has a right to debate the second.

Mr. HALE. I withdraw my amendment to enable the gentleman from Illinois [Mr. HURLBUT] to renew it.

The CHAIRMAN. The gentleman is now strictly in order without any withdrawal of the amendment.

Mr. HURLBUT. Now, sir, whatever amount we give to the cadets it is administered by the officers there as trustees and guardians of these young men. Whatever amount remains at the expiration of his term of cadetship is paid over to him when he graduates in order to give him his outfit in the Army. I stated as a fact that for the last five years under the pay of $609 expended under this careful supervision on the part of the officers there no single cadet has yet ever graduated with money enough remaining for his outfit, to give him the outfit that properly belongs to an officer of the Army.

Now, sir, I have nothing to do with the general proposition which the chairman of the Committee on Appropriations has thought proper to bring into this debate. I am in favor of economy, but, sir, I do not believe in the economy which is carried to excess in this bill, and I trust therefore that the amendment increasing the amount of the pay of cadets to $600 may prevail.

Mr. HOLMAN. I wish to ask the gentleman whether the difficulty he speaks of, of not having a sufficient amount left to meet the expenses of outfit, has not been quite as great since the increase of salary was made in the year 1867?

Mr. HURLBUT. Not to the same extent, sir.

Mr. HOLMAN. There is one other point, sir, which I wish to make. I find that at Yale College, including room-rent, furniture, fuel, light, text-books, and other expenses, the expenses of a student at the institution are $340 a year. That of course does not embrace clothing or anything of that kind. They receive fuel, lights, and furniture, or furnished quarters. Now, if the gentleman will deduct these items from $340 per annum, the amount which seems to be required as the necessary expenses for a student at Yale College, he will see that we give to these cadets $540 a year, with fuel and lights, and our institution should be Spartan-like in its spirit of economy, so as to prepare these men for the Army life to which they are to be hereafter devoted.

Mr. HURLBUT. Is that a question or a speech?

Mr. HOLMAN. It is a speech. I am speaking in the time of my friend from Maryland, [Mr. O'BRIEN,] who I know does not grudge me it.

Mr. O'BRIEN. Yes, certainly.

Mr. HOLMAN. I only desire to say that $540 a year is not the only allowance to the cadet. He is supplied with his room, furniture, lights, and fuel; all these things are provided for him by the Government. And when you come to compare this allowance with the necessary cost for the support of a young man at one of our literary institutions, it will be found that this Government is more liberal than is deemed necessary by the managers of those institutions.

Mr. HURLBUT. In answer to the gentleman—as he is asking a question I can answer him best by stating results—I will say that under the most careful and economical supervision of these young men they have not been able in any one case to save out of their pay, after paying the extraordinary expenses which belong to the fine state of personal appearance which they are compelled to keep up at all times, enough to properly fit them out for their positions in the Army when they graduate. Why, sir, their laundry bills would astonish every man of you. They are required by the rules every day during the summer to wear white pantaloons, and to my certain knowledge it takes three pairs a day. In reality, and as a matter of fact, with the best economy that can be enforced upon these young men by their careful instructors, they do not go from the academy with savings enough to buy their outfit for the Army.

Mr. O'BRIEN. I desire to say to my friend, the chairman of the

Committee on Appropriations, [Mr. RANDALL,] that I will join hands with him in all reasonable economy from this time until the end of the session, both in regard to this bill and other bills that may emanate from his committee. But I want him clearly to understand one thing, and that is, that it will not be policy on his part to imitate the proceedings which were inaugurated and carried on upon the other side of this House by the chairman of the Committee on Appropriations during the last Congress. I refer particularly to the non-toleration of any difference of opinion.

I do not consider that economy is necessarily a party question, nor do I concede that the democratic side of the House ought to have a monopoly of it. Gentlemen upon the other side of the House may and ought to join in reasonable and judicious reduction and retrenchment. True economy may ofttimes be fostered as well as by offering amendments increasing appropriations as in diminishing them.

I have a little information in regard to the Military Academy, and it is to this effect: Whether the cadets there are allowed $500 or $600 a year, I understand from the chairman of the Committee on Appropriations does not matter, as they are cared for all the same. Of this I am not informed, but I do know that the provision which is made for them is not of that character which should be made for the wards of the Government; that in their buildings, equipments, and provisions of all kinds they are not provided for in the manner in which they should be; but whether it is the fault of the amount appropriated or not I am not here to say, for I have not the information.

I do believe, however, that if you cut down these appropriations for these young men, it will not only be an incentive to, but it will be, as it were, an apology for those who have charge of this Military Academy to cut them off from many of their resources, and resources which are absolutely necessary for their dignified and honorable maintenance. I do not conceive that it would require the sum of $600 for any ordinary young man to maintain a proper position in civil life. But I can understand that from the circumstances which surround these young men at West Point, from the cost of every necessary of life and the appearance which they are obliged to make, by the requirements which military regulations impose upon them, the sum appropriated in this bill is not entirely sufficient, especially when we consider the fact that the sum which they have heretofore been allowed under appropriation bills passed by former Congresses has not given to them that provision which their position requires.

[Here the hammer fell.]

Mr. TOWNSEND, of New York. I wish to say, Mr. Chairman——

Mr. HAMILTON, of New Jersey. Is not debate exhausted upon the pending amendment?

The CHAIRMAN. It is.

Mr. HURLBUT. I withdraw my amendment to the amendment.

Mr. TOWNSEND, of New York. I renew it.

Mr. RANDALL. I give notice that I shall object hereafter to any further withdrawal of the amendment.

Mr. TOWNSEND, of New York. I have no disposition to occupy the time of this committee to any great extent. I do not stand here to impugn the motives of the Committee on Appropriations in making this bill assume its present shape. I shall, however, give the reasons why I shall vote for the amendment to restore the pay of the cadets to the amount which they now receive.

I have no political feeling in regard to this matter. My district has but a single cadet, and he was appointed upon a competitive examination. He does not belong to the aristocracy of money, nor does he belong to the aristocracy of intellect, which is an aristocracy I do not much believe in. He belongs to the aristocracy of industry, and by industry, though the son of a workingman, of an iron-molder, he was able to carry off this prize. And let me say further that his father is a democract. Of course I have no political feeling in regard to it. If there should be another vacancy in that district I am thankful to be able to say that there is a custom now so strong that I should not dare disregard it, but I should submit the filling of the vacancy to competitive examination, so that there would be no interest to come to my party, or to myself, or to any of my blood. It is now I think very unfortunate to propose to reduce the pay of our young men situated in this way.

I consider a cadet at West Point as truly in the service of his country now as if he were in the West guarding our frontier from the Indians. He is in actual service when he receives his appointment; he is in all human probability to continue in service as long as he lives and is able to fill his position. I think it would be a mistake to cut down these young men.

Mr. HOAR. Mr. Chairman, I had the honor to be one of the visitors to this institution last year, which is my apology for saying a word on this question. It seems to me that in discussing the question how much these young men can be supported for the committee is diverted from the true issue. This is a question which touches the discipline of this institution. The instructors, the persons charged with the system of military education at West Point, desire to have the young men whose characters as officers, and gentlemen, and scientific men they are forming, disciplined in a manner which requires a certain scale of living and certain habits of life. These professors would be just as much opposed to any increase of expenditure which would depart from the austere and strict discipline that they lay down to their pupils as they would be to an unnecessary reduction. It is a most important consideration therefore that in favor of this attempt to reduce the allowance of these cadets there is not found a recommendation from any person charged with the discipline of that institution or who has been recognized by the country as an authority in such matters. And I submit, Mr. Chairman, that the committee ought not to reduce the allowance for the support of these young men unless they have first inquired of the commandant of cadets or the other instructors of that institution, and received from them a recommendation that it should be done.

Now, the whole of the present expense goes to the articles of food, of clothing, (including laundry bills and other bills of that kind,) of text-books, and of furniture. As to every one of these articles, except clothing, the expenditure is now maintained upon the most austere scale of Spartan strictness and economy. The rooms are the rooms of hermits. The food is a constant source of complaint, not merely from the young men, but from the committee of visitors that go there year after year, although the purveyor is of course on his best behavior during the fortnight the committee are there in the summer. It is impossible to reduce that expenditure.

In regard to the matter of clothing, the expenditure is of course very large. Any cadet receiving in the course of a year two hundred demerits is dropped from the class to which he belongs. Now, if the instructor at morning parade finds a bit of rust or stain, visible to the naked eye, on the white pantaloons of the cadet, twenty demerits are charged against him for that offense; and as a further punishment he is obliged to mount guard on Saturday afternoon during all the holiday hours given to the cadets during the week.

Now, the effect on the character of those young men from requiring this strict attention to neatness in dress and in arms everybody who has seen one of those graduating classes recognizes. This discipline of the martinet, as it may be called—the education of the young man during the forming period of his life to this absolute strictness of conduct in regard to almost everything, and especially in the respects I have named—is what gives the self-command, the power of enduring hardship, the character of the accomplished gentleman and officer, which distinguish all the graduates of that school.

Now, I beg gentlemen on the other side of the House to remember that they are not dealing with the question how much money a certain class of young men ought to spend in a year. They are dealing with a question which touches closely the discipline of this school, where the expenditures are already reduced to a scale of strict economy. They are undertaking to interfere with that discipline without having received or having cited opinions in favor of their action from any person charged with administering that discipline or any person in the country recognized as an authority on that subject.

Mr. ATKINS. Mr. Chairman——

The CHAIRMAN. Debate upon the pending amendment to the amendment is exhausted. The question will be put upon that proposition.

Mr. HAMILTON, of New Jersey. Nobody has been heard in opposition to the amendment.

The CHAIRMAN. Speeches have been made on the question.

Mr. HALE. If any gentleman on either side desires to debate the question further, I will withdraw my amendment that it may be renewed.

The CHAIRMAN. Objection has been made to the withdrawal of any amendment, and it cannot be done without unanimous consent.

The question being taken on the amendment to the amendment, it was not agreed to, there being—ayes 68, noes 96.

The question then recurred on the amendment of Mr. HAMILTON, of New Jersey.

Mr. COX. I move to amend the amendment by striking out the last word. I think gentlemen on the other side of the House have appeared in the position of obstructionists to fair, honest retrenchment. They commenced on this West Point bill; where will they end? If a bill is brought in on the Navy they will oppose that in detail; if on the Army, they will oppose that in detail; if on the Interior Department, they will fight that in detail; if on the Indian Department, they will likely ask for the old appropriation. Where can we begin if not here on this particularly prodigal and luxurious system at West Point? I know no place where we can begin so well.

Gentlemen say these are small retrenchments. So they are. The appropriation passed the other day for the Centennial was only three and a half cents *per capita*. It would only take $55 to-day to pay off the national debt. All these things are small. Economy means the law of the house, not of this House, but the law of the household. We have got to come down to details, and yet this side of the House has not the advantage which the other side has in reference to these matters, for you gentlemen are with the administration. I have an order here from General Townsend—"by order of the Secretary of War"—which says:

> 1. That no officer, either active or retired, shall directly or indirectly, without being called upon by proper authority, solicit, suggest, or recommend action by members of Congress for or against military affairs.

And yet the gentleman from Maine [Mr. HALE] and the gentleman from Illinois [Mr. HURLBUT] had the advantage of certain suggestions from these officers or professors, or, perhaps, from General Townsend himself.

Now, sir, this is a very curious order and I wish further to call the attention of the House to it. It looks a little like Cæsarism:

> The foregoing is not intended to preclude officers from illustrating or expounding a measure before Congress which may have received the favor or sanction of the President, Secretary of War, or General of the Army. The experience of officers when so used is and will be viewed as valuable.

Yet, in defiance of this order, which the Secretary of War was not really authorized to make, you gentlemen on the other side have been getting from these officers valuable information which I suppose we cannot have. It is a good deal like the old law of the Turks. The Ulemas were authorized to expound the law, but if they expounded it contrary to the will of the Sultan they were pounded to death in a mortar. And that is your peculiar system of running West Point. [Laughter and applause.]

And now, Mr. Chairman, let me go a little further. From 1850 to 1864 the pay to the cadets was only $300, and from 1864 to 1867, $500. That has all been explained to you. Now they propose to put it at $540, increasing what it was in 1867. Why do you fight it? Why do you fight it in the face of the distress in the country, when you know men are going in my city from house to house begging for bread—men willing to barter their muscles and sinews for work and yet unable to make the exchange. [Applause.] Ay, even in New England, where the question is work or steal, with the preference for work if they can get work. All through the country there is this distress. But when we begin right here at West Point, every man on that side of the House stands up in phalanx against this just system of retrenchment and reform.

Mr. HOAR [in his seat] made some remark which was not heard.

Mr. COX. Please rise up and let me hear what you say. I did not hear your remark. [Laughter.]

Mr. HOAR. When the gentleman said the preference was for work in New England, I said that was the distinction between us and New York. [Laughter.]

Mr. COX. The gentleman will please wait and hear my answer. I represent a working people—the men who build the great steamships, who make the great marine boilers for steamships, who mold things, who have learned many of the great inventions of Massachusetts—and, sir, they cannot be insulted by any small flippant remark, even by so distinguished a gentleman as the gentleman from Massachusetts. [Laughter and applause.]

Mr. KELLEY. I wish to say to the gentleman from New York, that my colleague from the Chester district [Mr. TOWNSEND] represents the men who build American steamships, and they live upon the Delaware, and not upon the Hudson. [Laughter.]

Mr. COX. That man came from my district in New York, and his place in Chester is a branch of his place in New York. He goes to Chester, I suppose, because he can build ships there cheaper in Pennsylvania, owing to some little management you have had with the Treasury and the Navy Departments, which I am not at liberty at this time to mention. [Great laughter and applause.]

Mr. KELLEY. The only steamers engaged in foreign trade which now fly the American flag were built in Pennsylvania and sail from Philadelphia.

Mr. COX. I admire the workingmen in Chester, the workingmen in New York, and the honest artisans in Massachusetts. I am the best friend of the workingman here, and that is the reason why I do not stand up for a magnificent West Point at the expense of the workingmen. Do you understand that? Put that in your pipe and smoke it for the next election. [Laughter and applause.] I do not think this sort of applause in order on an appropriation bill, while it will do well enough perhaps for the Centennial. [Laughter.] I do not care about it myself.

I ask simply to have this paper put in the RECORD, that members may see why it is that the gentlemen on that side object to economy. I wish the people to understand why it is that at the very beginning of our attempt to retrench expenditures in behalf of the people you men in a body fight it, every one of you.

[General Orders No. 32.]

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, March 15, 1873.

The practice—which has prevailed to a considerable extent—of Army officers visiting and remaining at the seat of Government during the sessions of Congress with the view of influencing legislation upon military affairs concerning the whole Army, and which have been or can be brought properly to the attention of Congress only by the President, the Secretary of War, or the General of the Army, has become a serious evil, highly detrimental to the public service and disrespectful to superior authority.

Such action on the part of Army officers not only consumes but is a task upon the time of members of Congress, causing them embarrassment and hindering necessary legislation—of which they justly complain—and injures the Army in public opinion. The advantages, if any, to the individual cannot counteract the disadvantage to the service.

It is therefore ordered—

I. That no officer, either active or retired, shall directly or indirectly, without being called upon by proper authority, solicit, suggest, or recommend action by members of Congress for or against military affairs.

The foregoing is not intended to preclude officers from illustrating or expounding a measure before Congress which may have received the favor or sanction of the President, Secretary of War, or General of the Army. The experience of officers when so used is and will be viewed as valuable.

II. All petitions to Congress by officers relative to subjects of a military character will be forwarded through the General of the Army and Secretary of War for their action and transmittal.

III. An officer visiting the seat of Government during a congressional session will upon his arrival register his name at the Adjutant-General's Office, as now required, and, in addition, address a letter to the Adjutant-General of the Army, reciting the purpose of and time that will be embraced by his visit, and the authority under which he is absent from his command or station. The purpose or object so recited will be the strict guide of the officer during his stay.

By order of the Secretary of War:

E. D. TOWNSEND,
Adjutant-General.

Official:

E. D. TOWNSEND,
Adjutant-General.

Mr. HALE. I do not propose, Mr. Chairman, to take any lessons in economy from the gentleman from New York, [Mr. COX.] I have had some experience in this House in attempting to reduce the appropriations and expenditures of the Government. The Committee on Appropriations in past years, as I endeavored to show the other day, has gone through a good deal of work in that direction. Neither I, nor the chairman, nor any member of that committee, nor any member upon this side of the House ever received any assistance in that regard from the gentleman from New York. Now he stands here to-day and points to us and to me as standing in the way of a reduction of the expenditures of the Government, and arrogates to himself and to his party the credit of first seeking to lessen the burdens of the people.

Mr. Chairman, that gentleman knows that we are to-day two months gone in this session. He knows that the main time of the session has been taken up in the introduction of bills by himself or his friends on that side of the House making new and fresh demands on the Treasury for payment. He knows that these claims coming up from the South for calls upon the Treasury in demands ranging from $10 to $60,000,000 aggregate ten times as much as the republican party has saved hitherto. He knows that there is not a man there who lost a mule by the advance of the Federal Army who does not come up here and clamor for payment from the Treasury.

Mr. ATKINS. It is your friends, your loyal friends.

Mr. HALE. He knows there is a claim of $60,000,000 to pay the cotton tax. And what I am saying is that when these claims come here and are pushed from that side of the House, the gentleman from New York will not dare to vote against them.

Mr. COX. I did vote against them.

Mr. HALE. I will submit the fact to be tested by the record. I do not care what he has done in the past.

Mr. COX. I do.

Mr. HALE. I know that he is now borne along in a current that he cannot resist, and that when these claims come up and the word is said to him by his masters he will not dare to vote against them, and that these claims will be sustained—with exceptions, it may be—on that side of the House; but I say again I do not believe he will be one of those exceptions.

Mr. Chairman, the call for economy when it proceeds in the right direction will never fail to be responded to on this side of the House. The record of the past shows that. But when we are subjected to a wash and a sea of claims that have never got through before, but are presented now in the changed political structure of the House, it is not worthy that an attack should be made upon an institution of this country that carries with it some of the best and most glorious of the memories of the Republic. I will take no lesson in economy from the gentleman from New York.

Mr. COX. You might do so with profit. I withdraw the amendment.

Mr. HOLMAN. I renew it.

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] having already spoken once on this question, the gentleman from Ohio [Mr. NEAL] is recognized to offer an amendment, and the gentleman from Indiana will have an opportunity to reply.

Mr. HOLMAN. Very well.

Mr. NEAL. I offer the following amendment.

The Clerk read as follows:

Strike out, in lines 14 and 15, "$450" and insert "$500;" and in lines 15 and 16, strike out "$139,500," and insert "$155,000;" so that it will read:

For pay of three hundred and ten cadets, at $500 each, in addition to rations, $155,000.

Mr. NEAL. Mr. Chairman, since I came into this House, a little more than two years ago, I have been most consistent and persistent in my votes for all measures looking to a reduction of the expenditures of the Government. I have ever been and still am in favor of the most rigid economy in every branch of the public service. But while this is true I shall vote for the amendment proposed by myself, which restores the compensation of these cadets, or rather leaves it as it is at the present time, by striking out the amount proposed in the bill and inserting in lieu of it that which the law, as it now is, and as it has been for many years past, declares they shall be entitled to receive. Nor do I consider that by this vote of mine I shall be departing in the least from the economic course I have hitherto pursued, and which, for that matter, I still intend to follow. I am simply by my vote drawing a distinction between true and a false system of economy, between a system which an honest reformer, one who is in earnest in his efforts for retrenchment, ought to follow, and one which, wanting all the elements of candor and sincerity, will lead him in the footsteps of men who bring into this House measures simply for the purpose of blinding the people and acting, I was about to say, the demagogue.

I know the people whom I represent will indorse my action in this regard, for with them economy and justice go hand in hand. They are not illiberal, ungenerous, or unjust, and they will never ask that I shall be guilty of doing an act of gross injustice for the sake of saving to the Government of the United States a few thousand dollars. No, sir, such are not the people whom I represent, and I will not do violence to their feelings of benevolence and generosity, I will not stultify myself by voting upon this floor to reduce, under the mere pretext of economy, the salary or compensation of a few hundred school-boys, which is barely sufficient as it is to give them the ordinary means of subsistence.

Mr. HOLMAN. I rise to oppose the amendment. I have never heard, Mr. Chairman, upon the floor of the House so disingenuous a speech as that of the gentleman from Maine, [Mr. HALE,] never in all my experience in this House. The claims to which the gentleman refers for the purpose of justifying him in resisting the attempt at retrenchment here are the same class of claims which have been before Congress for years and years, ever since the war, as the gentleman well knows, including the $60,000,000 of cotton claims to which he refers.

Mr. HALE. Never in such numbers.

Mr. HOLMAN. To the same extent and larger. And these are many of them the same claims, the same old claims. In addition to that let me say, and I trust the gentleman from Maine will hear me, that you are making appropriations of from five to seven millions every year ever since the organization of what is known as the southern claims commission. The Court of Claims and your southern claims commission and the private bills passed have been granted from year to year on testimony. Year after year we have appropriated this money.

Mr. HALE. The cases were decided on proof.

Mr. HOLMAN. Certainly.

Mr. HALE. How many of these claims submitted to us by the good southern commission have ever been allowed except upon proof to the satisfaction of the court of the loyalty of the claimant?

Mr. HOLMAN. They are the same class of claims as those presented at the present session of Congress. Many of these claims passed the House in former sessions, but failed in the Senate.

Mr. HALE. What does the gentleman say in answer to my question? There can be no question as to the mass of these claims.

Mr. HOLMAN. Let me tell the gentleman that I did not refer to the class of claims reported by the southern commission. If the gentleman will refer to the bills introduced here he will see that in a large number of them there is no attempt to prove that the claimant was loyal.

Mr. HOLMAN. These claims referred to the class of cases which are now referred to the Committee on War Claims and were formerly referred to its predecessor, the Committee on Claims; besides that I am informed that not one of these claims has been reported favorably up to this time.

Mr. HALE. Nothing has been reported to the House of much account up to this time.

Mr. DURHAM obtained the floor.

Mr. COX. I claim the right to reply to a personal remark made by the gentleman from Maine [Mr. HALE] in reference to myself. I move to amend by striking out the last word.

The CHAIRMAN. The Chair has not recognized the gentleman from New York. There are two amendments pending. The gentleman from Ohio [Mr. NEAL] has offered an amendment to the amendment upon which debate is exhausted.

The question was taken on Mr. NEAL's amendment, and it was not agreed to.

The CHAIRMAN. The Chair now recognizes the gentleman from Kentucky, [Mr. DURHAM.]

Mr. COX. That is not fair treatment after a personal attack on myself.

The CHAIRMAN. The Chair thinks the remark of the gentleman from New York is entirely uncalled for. The Chair has been waiting for some time to recognize the gentleman from Kentucky, and he has now done so.

Mr. COX. Then I will apologize to the Chair and will take the earliest opportunity to obtain the floor.

Mr. DURHAM. I do not think there ought to be anything of politics or party in this bill at all. This institution is a national one, built up by both of the parties of the country. In discussing what is proper in reference to its management I divest myself of all that party prejudice which has been introduced in this debate by the gentleman from New York [Mr. COX] on the one side and the gentleman from Maine [Mr. HALE] on the other. What I desire is to do what is absolutely necessary for those cadets at West Point. Now, I am told by gentlemen who were appointed to investigate this matter that the old price, or the price paid ever since 1867, is necessary for the support of these cadets, and I am told by the then chairman of the Committee on Appropriations that $540 is sufficient. What I desire to know is what is necessary. These gentlemen differ, and I want to say here and now in my place that I am in favor of all necessary and proper retrenchment and reform. During the whole of the last session of Congress I voted all the time in that direction. And I enter my solemn protest here and now, and forever, and I never will vote to reduce legitimate and necessary expenses $1 at the bidding of my own or any other party. There are expenses and draughts upon the Treasury that ought to be cut off. But, sir, it is said that these boys who go to the Military Academy are to go there and live like servants. I undertake to say that it is not in accordance with the wishes or will of the people of the United States that such a thing shall be done. There are thousands and millions of dollars uselessly expended, and we hope that the committee will reform these abuses; but I undertake to say that public servants are worthy of their hire, and I shall never vote for a reduction of $1 beyond what I think the public service requires, and no one can drill me to do so. [Applause.] And I will say to gentlemen of my own party now that all I desire in this case is to appropriate what is really necessary for the legitimate expenses of these cadets.

Mr. ATKINS. Do you intend to assert yourself as an independent democrat?

Mr. DURHAM. I am as good a democrat as the gentleman dare claim to be, [applause,] and my record will show that I have never voted against fair and legitimate reduction of expenses. I am willing to vote to reduce the pay of these professors because I believe that it is larger than necessary. I have an institution of learning in my own town three of whose graduates are on this floor. I might say in relation to that that John C. Breckinridge, late Vice-President of the United States, was a graduate of that institution. I might mention many other honorable men who were graduates of it. There is another young and flourishing institution in my district. Their professors receive a salary of only $1,500 a year. I have thought that the recommendation of this committee to reduce the salaries of the professors at West Point to $3,500 and $4,500 a year was fair and legitimate, but I must say that I am doubtful whether you can fairly reduce the provisions for these cadets to $540 a year. If that cannot be done, then I say we ought not to reduce their pay and allowances below what is right and proper to enable them to live like gentlemen, and not like servants.

[Here the hammer fell.]

Mr. COX. I do not rise so much to oppose the amendment of the gentleman from Kentucky [Mr. DURHAM] or his argument as to answer what fell from the gentleman from Maine, [Mr. HALE.] The gentleman from Maine was offensive, simply offensive, when he spoke of my master; for he cannot find anything in my record or my votes either for retrenchment or prodigality to justify him in saying that I have any master except the people, my constituents. What did you mean by my master? On what meat have you fed that you have grown so great as to talk that way to me?

Mr. HALE. Does the gentleman want me to answer that question?

Mr. COX. Yes, and promptly.

Mr. HALE. I mean the leading dominating influences in the party of which the gentleman is an active and honored member—influences which he will be bound to follow, and, so far as I may use the words without intending to be offensive, to obey.

Mr. COX. That belongs to the future. You have been known in the last three or four Congresses as "BLAINE's little bub." [Laughter.]

Mr. GARFIELD. I rise to a point of order.

Mr. HALE. I will put that against the buzzing fly that was "shooed" out of reputation and fame by the late member from Massachusetts. [Laughter, and raps to order by the Chairman.]

Mr. GARFIELD. I call the gentleman from New York [Mr. COX] to order.

Mr. COX. Why did you allow him to put me in that predicament?

Mr. HALE. I do not call the gentleman to order. I hope he will be allowed to go on, and that I may then be allowed to reply.

Mr. GARFIELD. I call the gentleman to order, and insist upon the words being taken down.

Mr. COX. I withdraw them.

Mr. GARFIELD. I insist upon their being taken down first.

Mr. COX. I withdraw them; it is not worth while to take them down.

Mr. HALE. I am willing to put "shoo-fly" against that.

Mr. COX. That is a small business, only copying an old joke.

The CHAIRMAN. The business of the committee will not be allowed to proceed until order is restored. [After a pause.] The gentleman from New York having withdrawn the remark supposed to be offensive, does the gentleman from Ohio [Mr. GARFIELD] insist on his point of order?

Mr. GARFIELD. I do not.

Mr. COX. I was tempted to use the remark only by the very indiscreet and unparliamentary language of the gentleman from Maine. He has no right to impute to me any servility to any party. I was here in Congress before he was ever heard of. I was not the servant of the South; I was a Douglas man early, and through the war I stood by the Government. I came here to do the work of my people at home, the working-people.

Mr. HALE rose.

Mr. COX. Do not interrupt me; I see you are up. The gentleman from Maine undertook to read me a lecture about my record. It was mostly vaticination, what would be. Now, he has no right to indulge in any remark about that. I did not vote for the southern claims to which he has referred; I did not vote for the centennial bill. Did he vote for it?

Mr. HALE. I did, and I had good reasons for voting for it.

Mr. COX. Yes, you voted for it at this session; but last year you voted against it, and gave reasons for that vote. [Laughter and applause.]

Mr. HALE. I had good reasons for both votes.

Mr. COX. Sit down; do not interrupt me. [Laughter.]

The CHAIRMAN. The gentleman from New York [Mr. COX] will suspend his remarks. The Chair feels it his duty to say, and to say it emphatically, that in a dignified body as the House of Representatives ought to be this constant clapping of hands and cheering are entirely unbecoming. The Chair will again appeal to the good sense and judgment of members and to the common decencies and civilities of hon-

orable bodies like this, and ask members to refrain from such practices hereafter. If those occupying seats in the gallery shall attempt it, the Chair will at once order the galleries to be cleared. The Chair, however, cannot preserve order upon the floor of the House unless those occupying seats upon the floor shall themselves maintain order. The gentleman from New York will now proceed.

Mr. COX. I am entirely satisfied with your ruling, Mr. Chairman, and I suggested a while ago that we should have none of this applause—except upon the Centennial. [Laughter.]

Now, Mr. Chairman, I undertook to say a moment ago that the gentleman from Maine who read us lessons here about economy last session, and especially read lessons to his colleague, [Mr. FRYE,] who favored that Centennial appropriation bill last year, is not the kind of a man to call my friend from Pennsylvania [Mr. RANDALL] or my friend from Indiana [Mr. HOLMAN] to account for any attempt on their part to retrench expenditures. I will give the reason in his own language from the RECORD of last session. In the debate on the Centennial bill, May, 1874, he said:

> I rise, sir, to oppose this appropriation. I do it for two general reasons, or rather two things urge me and move me in this direction. In the first place, I look at the condition of the country, the financial situation we are now confronting face to face. I behold a depleted Treasury.

Afterward the gentleman says:

> I behold, as every man must, a session of Congress in which a large part of the best ability of both Houses concedes that wherever it is practicable to stop the expenditure of money it should be done.

Why has the gentleman reversed his peculiar economic thought for this special time and occasion? Why does he go back on his remarks upon the bill relating to the Centennial? He has changed from one side to the other. He is not the man to read lectures to us on economy. I only make the *ad hominem* argument on him. I have no personal feeling about him. He is nothing to me, and I am, I suppose, nothing to him in this debate. What I wish to call attention to is this: When the democratic side of the House, after a hard struggle, have got into power, after the scoundrelism, the swindling, the prodigality practiced for many years—never straight, always crooked—on your side of the House and on the part of the administration, a prodigality beyond all precedent, and when we come here with this little bill in regard to the West Point Academy in which we propose that the expenditure in certain respects shall not be beyond what it was in 1867 or 1864, we have a whole chorus of republican economists eating their own words, going back on their own record. In the name of the people, in the name of honest men everywhere, I protest in one word against the whole body of that side of the House as wanting in square, fair economy.

All your platforms favor retrenchment; you voted for it in your State conventions, though you have got sick of it perhaps. All our national platforms of both parties have favored retrenchment. The people are demanding it everywhere. Yet on the very first opportunity when there is a fair, honest, square bill brought in here, that cuts down a few cadets who are living luxuriously at West Point, the whole body of republicans here fly in the face of their own platforms and their own previous records.

The question being taken on the *pro forma* amendment to strike out the last word, it was not agreed to.

Mr. CONGER. Mr. Chairman, I move to amend by striking out the last two words. Sir, it is with more than usual feelings of regret that I find the attempt made here to impart a partisan character to every question of retrenchment or reform which may be introduced into this House. Gentlemen here may differ and honestly differ about the propriety of cutting down the appropriation for cadets at West Point. The cadet is the representative, as we are, of every district in the United States, congressional and delegate. The cadet is the only man in this Government who is selected from all classes of people. It has been the pride and glory of those who have sustained the Military Academy at West Point that in this Government there was one place—and it is the only one—where the child of poverty and of toil could enter the halls of learning the equal of the proudest and the wealthiest in the land. In those halls the pathway to learning, to honor, to usefulness, to fame, has been opened and kept open to the poor and the rich alike. Now, any retrenchment that will prevent the poor boy from going to that academy and standing the equal of the rich, or which will compel him to leave and go to his home, will now and ever meet with my opposition.

My record, I venture to say, has been uniformly in favor of retrenchment wherever it might be judiciously made throughout all the expenditures of the Government. But whenever there happens to be a difference of opinion between gentlemen on this side and on that, which does not happen to be the case now alone, I do not like that my learned and witty friend from New York [Mr. COX] should raise a partisan question every time. Why, sir, during the seven years that I have served in this Congress the gentleman from New York has never missed an opportunity to ring forth his clarion voice of condemnation of the party to which I belong and to make political capital whenever he could.

I do not know but we must return to the Darwinian theory after all, and must assume that such peculiarities in mind come from their originals. I have thought perhaps that old Judean ancestor, that crowed thrice before Peter could repent of his sins, had handed down his peculiarities to his descendants here on this floor. [Laughter.] But gentlemen should not mistake and think it was the crowing of one of those Judean birds which made Peter tremble and repent. It was not that insignificant noise that made the great apostle ashamed of wandering away and following his Lord so far off, nor will it prevent men in this House from following their cool, calm judgment upon any measure which is presented here. The gentlemen should remember that it was only when the calm, clear eye of "Him who spake as never man spake" turned upon that wandering disciple that he "went out and wept bitterly." But it was not the clarion voice of the bird of Judea any more than it will be of the bird of this day that will make us change our judgment because our action is attributed to partisan feelings. The calm eye of the people will reprove our errors and will approve our judgments.

Mr. GARFIELD obtained the floor.

Mr. RANDALL. I wish to give notice that after the gentleman from Ohio has concluded his speech I will move the committee rise for the purpose of closing all debate on the pending paragraph.

Mr. GARFIELD. Mr. Chairman, I am about to say in the outset what may not be altogether a wise remark to make in a party sense, but I believe the party now in power here can make some reduction which perhaps an administration party could not make, and we ought to help them make those reductions which if we were in power we could not make. I am willing to help in every possible way to make all reasonable reduction in the expenditures of the Government.

But, sir, the remark which has been thrown out this morning that this side proposes to oppose and obstruct retrenchment is not founded in justice, not founded in anything which has happened, and will not find any foundation in anything which will happen. But while I say that for myself, and I believe I say it for most of my associates here, we are not willing to cripple any necessary function of the Government service; least of all are we willing to commence by putting out the eyes of an educational institution and crippling all of the most delicate parts of its machinery.

The bill we are now considering has been for four years under the charge of as good a democrat as ever sat upon this floor. It has never passed without his thorough consent and sanction. For four years it has been reduced below the estimates of the Department—just as low as he and his ten associates on the committee thought it could safely be done. This year it comes in with a proposed reduction of $108,000, below what it was at the lowest for four years. That $108,000 is proposed to be made on sixty-three items ranging from $10 up to $30,000. Many are wisely reduced and I defend them; but the bulk of the $108,000—namely, $87,000 of it—is made up of six items. Notice what they are. We have for several years been building a hospital for sick cadets, which was found to be necessary for the health and safety of the young men being educated there. That hospital is about half done. We put $30,000 on it last year, and $42,000 is asked this year to complete it. The Committee on Appropriations reports the bill leaving it all off. I understand them to say, however, that they intend to consider the matter hereafter.

Mr. HOLMAN. It was referred to the Committee on Public Buildings and Grounds, and I will say to the gentleman that the committee propose to report all appropriations for public buildings in one bill.

Mr. GARFIELD. I wish to show how the $108,000 of reduction is made up. Suppose they put the $30,000 on, it will still leave $78,000 reduction. That $78,000 is made up of five principal items. What are they? In the first place they have thrown out $3,000 for sewerage for sanitary purposes. That I take it is unwise. I think any business man would say when a great institution like this at West Point tells us they need that sum for sanitary purposes it ought not to be stricken out.

They strike out $14,800 for the band. We have in years past put down every band in the United States except one, and it was thought that in our only institution where our young men are taught military drill and discipline they ought at least to have the cultivating influence and necessary assistance of a band.

Mr. RANDALL. Let me interrupt the gentleman to say that we have only taken out the band which was established last year. That institution has continued a long time without that band.

Mr. GARFIELD. It was put on the bill on motion of a democratic member of the Committee on Military Affairs, and was urged by him with great force as being necessary. He himself was a graduate of West Point.

Mr. HAMILTON, of New Jersey. It was put on the deficiency bill during the last hours of the session.

Mr. GARFIELD. It was added on a report from the Committee on Military Affairs by Mr. YOUNG, of Georgia.

Mr. RANDALL. It does not appear in the appropriation bill which came from your committee.

Mr. GARFIELD. Certainly not. It was put on as I have stated.

Mr. RANDALL. Then you must not complain if we follow your lead.

Mr. GARFIELD. Twelve thousand seven hundred dollars are cut off the pay of professors and superintendents, $10,500 for necessary repairs of the post, and $15,500 on the cadets themselves. What are the facts? The special point before us is this: Shall the three hundred and ten young men who are now being educated at West Point have their allowance cut down in the total $15,000? That is the whole question which at this moment is pending before the committee.

I hold, Mr. Chairman, that to cut that out is simply to cripple and

cramp to a most distressing degree and limit the convenience of these three hundred and ten young men.

Mr. DE BOLT. Is that Military Academy at West Point more efficient under the present rate of pay than it was in 1867 when it was less?

Mr. GARFIELD. I will answer the gentleman. The gentleman from Indiana, [Mr. HOLMAN,] who is entirely consistent, for he has preached these things for many years, has called attention to the fact that he goes back to 1867. I remind the gentleman that in 1867 the evil had become so great and so trying that from all quarters came a demand to relieve the distress of those students by giving them a little increase of allowance, and it was given. I can speak on this point from my own experience. Twenty-two years ago I was in a college where the utmost economy of living could not enable a young man to go through short of $450 a year; and at that same college which I visited a few years ago, I inquired of its faculty what it now costs for a young man to live as well and no better as we lived in my time, and they informed me that not less than $1,000 would make the same provision for the student to-day as was made for him before the war.

Now, I tell you the saddest fact that I know of in the history of education in this country in connection with our financial position is this: that the time is now almost upon us when a young man empty-handed, without money, and without friends can scarcely by any possibility make his way unaided through the colleges of the country. And here it is proposed to cut off $60 apiece from the very small margin of allowance given to these young men, many of whom are widows' sons and none of whom are able, when they get through, if they are in the cavalry service, to buy out of their allowances uniforms to their backs.

Mr. RANDALL. I move that the committee rise for the purpose of closing debate.

Mr. LAMAR. Will the gentleman before insisting upon that motion yield to me for a few minutes?

Mr. RANDALL. I will give the gentleman a chance by modifying my motion in the House so that all debate on the pending paragraph shall close in ten minutes. Or, without calling upon the committee to rise, I ask unanimous consent that in ten minutes debate close on this paragraph and the amendments thereto..

Mr. HALE. The gentleman refers to the pending paragraph?

Mr. RANDALL. Yes; and I do not propose to cut off, after the two amendments to this paragraph already pending, any other amendments that may be offered.

The CHAIRMAN. The gentleman from Pennsylvania will observe that the Committee of the Whole has no power to close debate.

Mr. RANDALL. It may be done by unanimous consent.

The CHAIRMAN. The Chair then submits the suggestion of the gentleman from Pennsylvania, that all debate on the pending paragraph and amendments thereto shall close in ten minutes.

There was no objection.

Mr. LAMAR. I move *pro forma* to strike out the last three words of the amendment. My object is simply to reply to the gentleman from Ohio [Mr. GARFIELD] in relation to the amount necessary to support a student at an American college. I am not of the opinion that the allowance recommended by the committee is a niggardly one. I am more familiar with the subject perhaps than he is himself, having been connected for a time officially with a university. Now, sir, it is very probable that these large amounts are necessary, according to the standard of living which has been fashionable of late at the northern institutions of education. But that standard, sir, is one of extravagance. I have known young men in the University of Mississippi pay for their tuiton and their board, and get through with $350, and win their spurs as first-honor men besides, and live respectably and visit in the best society.

Mr. GARFIELD. Including their clothing, too?

Mr. LAMAR. Yes, sir.

Mr. GARFIELD. When was that?

Mr. LAMAR. Two years ago I paid my own son's expenses at a college near Baltimore, which by a very small amount exceeded $500.

Mr. SINGLETON. Will my colleague allow me a moment to make a remark?

Mr. LAMAR. Certainly.

Mr. SINGLETON. I wish to say this: If you add to the $540 which the Committee on Appropriations propose to give these cadets $10 a month for the use of a room furnished to their hands, and then $25 for fuel and $20 for lights, you will find that the whole amounts to $705, which in four years amounts to almost $3,000 which is given as a gratuity to these young men that they may be educated there at the public expense. Now, I ask how many parents are there who are able to spend $705 a year for a son's education? It is proposed to give $3,000 for each of these young men, and yet gentlemen on that side are talking about our being niggardly in this grant. I say we are not niggardly, but liberal, and ought not to pay more than the committee propose. I should have mentioned that they get medical attendance also.

Mr. LAMAR. I thank my colleague for his statement, which I think proves conclusively that this is not an ungenerous allowance. If gentlemen could convince me of it, if they could point out to me in any way that the young gentlemen who are at the national Military Academy are stinted in the slightest degree, or embarrassed or obstructed in the prosecution of their studies, I would vote for $600. But I am satisfied, Mr. Chairman, that this is not a niggardly allowance, to say the least of it. If, sir, it should curtail some of the luxuries of the young gentlemen there, I do not know but that it will be a good lesson at this time to impress upon any body of young men the importance and value of self-denial and habits of economy. If I could be convinced that there was one dollar less in this appropriation than was necessary to provide these young gentlemen with comforts adequate to their proper maintenance, which I think ought to be amply sufficient, I would vote against the recommendation of the committee. But of that I am not convinced.

Mr. HALE. Mr. Chairman, the gentleman from New York, [Mr. COX,] whose letters upon both sides of the same subject are floating about the country, has accused me of inconsistency in voting for the centennial appropriation.

Mr. COX. That remark of the gentleman is not true. You have got no such letters, and you cannot find them.

Mr. HALE. I refer to what appeared in the public prints. But the charge is made against me of inconsistency. I opposed the passage of the centennial appropriation when it was here two years ago because it came upon us in a demand for $3,000,000 with no capital raised elsewhere of any account and having been invested, because I believed that if the Government committed itself to that appropriation it was the entering-wedge to an appropriation for $15,000,000. I have no regret, sir, to utter for that vote. I believed if the Government had appropriated the amount asked for at that time a reign of extravagance would have set in, that it would have been a badly-managed affair, and that to-day, instead of the people of the country feeling an interest in it, a prejudice against it would have repulsed it at this time. Sir, after the failure of that measure the managers set themselves faithfully to good management; they raised money; they built beautiful buildings; and then they came to us for $1,500,000, willing to give a receipt in full; and I was glad to compromise upon it and commit the Government to that extent all the more because I had never entertained any constitutional objections to the measure. I am rather a strict constructionist myself, and I believed there was as much authority for this appropriation as for many other appropriations which have been passed by Congress. I therefore voted for the last appropriation; and as I have no regrets to utter as to my first vote, I have none as to my second. I do not believe they will come here again for a dollar; and there was nothing in my vote or action upon that centennial measure that is inconsistent with my former course. I would not, sir, have troubled the House, as I did not in the discussion of that bill, deeming my vote of too little interest to any one, if this matter had not been thrown in my face by the gentleman from New York, [Mr. COX.]

Now, personally, let me say that I have been in the House eight years, and I have never had upon this floor what may be termed an unpleasant personal controversy with any member either upon this side of the House or the other. My relations with my fellow-members have always been pleasant; but now, in this discussion in the House, becoming not personal but strong and exciting, there was language used which should only be made use of in places far below this. When such language is a criticism upon me, I am that sort of a man that I should be apt to retort in language equally unparliamentary, which in the presence of the House I regret.

Mr. COX. I beg to say one word only. The gentleman from Maine began this personality by indicating that I had masters over me on this floor. Sir, you should regret that. I should never have responded to you except for that.

The question was taken on the amendment to the amendment, and it was not agreed to.

The question recurred on the amendment in lines 14, 15, and 16, to strike out $450 and insert in lieu thereof $540, and to strike out in the section $139,500 and insert in lieu thereof $167,400.

Mr. WHITE. Is that amendment open to amendment?

The CHAIRMAN. Amendments are in order, but no debate.

Mr. WHITE. I do not desire to debate it, but I offer this amendment. Strike out lines 14, 15, and 16, and insert in lieu thereof the following:

The pay of two hundred and ten cadets at $540 each, in addition to rations, $113,400.

The question was taken on the amendment to the amendment, and it was not agreed to.

The amendment was then adopted.

The Clerk read as follows:

For pay of three hundred and ten cadets, at $450 each, in addition to rations, $139,500.

Mr. HURLBUT. I move to amend the pending paragraph by striking out "ten" and inserting "fifteen."

The question was taken on the amendment, and it was not agreed to.

The Clerk read as follows:

For sixteen musicians for companies, $2,496.

Mr. HURLBUT. I move to strike out that clause. I do not think that sixteen enlisted men should be paid for as musicians.

Mr. RANDALL. I find by the Revised Statutes that sixteen men have usually been provided for, and last year for the first time the Government of the United States assumed the payment of another band of forty musicians. It was not in the estimates of last year and it was not in the regular appropriation bill last year; it was inserted

in the deficiency bill. It is an expense which until last year was never devolved upon the Government, but it amounts in all to $148,000. That was the reason the committee struck out that appropriation.

The question was taken on Mr. HURLBUT's amendment, and it was not agreed to.

Mr. HURLBUT. I move to strike out the last word for the purpose of explaining what this appropriation, as proposed in this paragraph, amounts to, "For sixteen musicians for companies, $2,496." That would bring the pay of each musician down to $13 a month. Now, every gentleman who knows anything about the matter knows that it is utterly impossible to get musicians at any such rate of compensation. The appropriation as it stands in this bill, copied from an old appropriation bill, is simply for a drum corps of enlisted men. Gentlemen may abolish the band at West Point, which they will do by this paragraph, if they choose to take the responsibility of so doing. I withdraw my amendment.

The Clerk read the following:

Provided, and it is hereby declared and enacted, That the pay herein allowed and given shall be in full of all other pay, allowance, forage, rations, or commutation, except for quarters, fuel, and light; and that the pay for other professors, instructors, and assistants, being officers of the Army when detailed and assigned to service at the Military Academy, shall be only their Army pay, without increase for term of service and without allowance for forage, rations, or commutation, except for quarters, fuel, and light; and that sections 9 and 10 of the act approved March 3, 1875, entitled "An act making appropriations to supply deficiencies in the appropriations for fiscal years ending June 30, 1875, and prior years, and for other purposes," be, and the same are, repealed; and that all other acts and parts of acts in conflict with the provisions of this act be, and the same are hereby, repealed.

Mr. RANDALL. I move to amend the paragraph just read so that it will read as follows:

Provided, and it is hereby declared and enacted, That the pay herein allowed and given shall be in full of all other pay or other allowance, except for quarters, forage, fuel, and light; and that the pay for assistant professors, instructors, and assistants, being officers of the Army when detailed and assigned to service at the Military Academy, shall be only their Army pay, without additional pay or other allowance by reason of service at the Military Academy, except for quarters, forage, fuel, and light, &c.

Mr. BANNING. I move to strike out the entire paragraph, and I hope the Committee on Appropriations will accept my motion.

Mr. RANDALL. Let us hear your reasons.

Mr. BANNING. It relates to the longevity allowance to officers of the Army, or additional pay for terms of years of service.

Mr. RANDALL. My amendment reaches that.

Mr. HURLBUT. It does not.

Mr. BANNING. It does not cover it.

Mr. HURLBUT. State the effect of your motion to strike out.

Mr. BANNING. The effect of my motion to strike out this proviso, if adopted, will be to leave the matter in the hands of the Committee on Military Affairs.

Mr. RANDALL. Very well; I will withdraw my amendment.

The question was upon the motion of Mr. BANNING to strike out the paragraph.

Mr. HOLMAN. I suggest to the gentleman from Ohio [Mr. BANNING] to modify his motion so as to strike out only the first and last clauses of the paragraph, and leave it to read as follows:

Provided, That sections 9 and 10 of the act approved March 3, 1875, entitled "An act making appropriations to supply deficiences in the appropriations for fiscal years ending June 30, 1875, and prior years, and for other purposes," be, and the same are, repealed.

That will repeal so much of the deficiency bill of last session as created this band at West Point, and required an appropriation of $14,600.

Mr. HURLBUT. What are those sections 9 and 10 of the act of March 3, 1875?

Mr. HOLMAN. I have them before me; they are as follows:

SEC. 9. That the Military Academy band shall consist of one teacher of music, who shall be leader of the band, and may be a civilian, and of forty enlisted musicians of the band.

SEC. 10. That the teacher of music shall receive $90 per month, one ration, and the allowance of fuel of a second lieutenant of the Army; and that of the enlisted musicians of the band, ten shall each be paid $34 per month, and the remaining thirty shall each be paid $30 per month; and that the enlisted musicians of the band shall have the benefits as to pay, arising from re-enlistments and length of service, applicable to other enlisted men of the Army.

I ask the gentleman from Ohio [Mr. BANNING] to accept that modification of his motion.

Mr. HURLBUT. Better not; we must have a band there.

Mr. HOLMAN. Then I move to amend the paragraph as I have indicated, pending the motion to strike out.

Mr. BANNING. The band is provided for by law.

Mr. HOLMAN. And we want to repeal that law.

Mr. BANNING. I will accept the amendment upon the understanding that it affects nothing but the band.

The amendment as modified was agreed to.

Mr. HALE. I move to add to the paragraph as amended the following:

For additional pay to professors for length of service, as provided by section 1336 of the Revised Statutes of the United States, the same to be distributed under the provisions of said section, $6,800.

As I understand that by the paragraph as amended on motion of the gentleman from Ohio [Mr. BANNING] this question of longevity pay is left to the future action of the Committee on Military Affairs, I propose by my amendment to leave the longevity pay of the professors in the same way. I do not propose to discuss my amendment; I will only ask a vote upon it.

Mr. RANDALL. I hope the amendment will be voted down.

The question was taken on the amendment, and it was not agreed to.

Mr. RANDALL. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOSKINS reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration a bill (H. R. No. 810) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1877, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed and requested the concurrence of the House in a bill of the following title:

A bill (S. No. 358) for the relief of Nathaniel G. Smith, postmaster at Lemington, New Jersey.

SESSION OF TO-MORROW.

The SPEAKER. By order of the House, the session of to-morrow will be for debate only in the House as in Committee of the Whole, no other business whatever to be transacted. The gentleman from Illinois, Mr. EDEN, will preside.

DEATH OF HON HENRY H. STARKWEATHER.

Mr. BARNUM. I rise to announce the death in this city this morning of my late colleague from the third congressional district of the State of Connecticut, Hon. HENRY H. STARKWEATHER, and to offer the resolutions which I send to the Clerk's desk.

The Clerk read as follows;

Resolved, That a committee of seven members be appointed by the Speaker of the House to take order for superintending the funeral of Hon. HENRY H. STARKWEATHER, late a member of this body from the State of Connecticut.

Resolved, That as a mark of the respect entertained by the House for the memory of Hon. HENRY H. STARKWEATHER his remains be removed to Norwich, Connecticut, in charge of the Sergeant-at-Arms and attended by the said committee, who shall have full power to carry this resolution into effect.

Resolved, That the Clerk communicate these proceedings to the Senate.

Resolved, That as an additional mark of respect to the memory of the deceased the House do now adjourn.

The resolutions were unanimously adopted.

The SPEAKER, in pursuance of the first resolution, announced the appointment of the following committee: Mr. BARNUM, Mr. GARFIELD, Mr. WHEELER, Mr. PHELPS, Mr. HOAR, Mr. LANDERS of Connecticut, and Mr. ASHE.

And thereupon (at three o'clock and ten minutes p. m.) the House, in accordance with the concluding resolution just adopted, adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. CAMPBELL: The petition of Frederick M. Blount, clerk in the office of the assistant treasurer of the United States at Chicago, Illinois, for relief, on account of his having taken a counterfeit $500 note, believing it to be genuine, while acting as such clerk, to the Committee of Ways and Means.

By Mr. CUTLER: The petition of the Second Presbyterian church of Newark, New Jersey, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. DAVY: The petition of citizens of New York, for a public building at Rochester, New York, to the Committee on Public Buildings and Grounds.

By Mr. GOODIN: The petition of Charles Gibson and 180 other settlers of the "Black Rob" lands in Kansas, for the passage of House bill No. 640 now pending before Congress, to the Committee on Public Lands.

By Mr. HATCHER: Memorial of the governor and acting quartermaster-general of Missouri, in regard to the claim of that State against the United States for supplies furnished and property taken by the United States Army, to the Committee on War Claims.

By Mr. HENDEE: The petition of Hon. George Wilkins and 167 other citizens of Stowe, Vermont, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. HOPKINS: The petition of citizens of Allegheny County, Pennsylvania, for re-imbursement of expenditures to prevent damage by reason of the erection of the Parkersburgh bridge upon the navigation of the Ohio River, to the Committee of Claims.

By Mr. JENKS: The petition of Mrs. Martha M. B. McCullough, for a pension, to the Committee on Invalid Pensions.

Also, the petition of W. B. Harlan, of similar import, to the same committee.

By Mr. McFARLAND: The petition of Mary Conley, formerly Mary Murrell, to have the name of R. H. Murrell placed upon the rolls of the Tenth Tennessee Cavalry as commissary-sergeant, to the Committee on Military Affairs.

By Mr. MONROE: The petition of S. L. Wadsworth and other citizens of Auburn, Ohio, for a commission of inquiry concerning the alcoholic liquor traffic.

By Mr. O'BRIEN: The petition of John S. Harper, for officers and crews of United States gunboats Kineo and Chocura, for prize-money on forty-nine bales cotton, to the Committee of Claims.

By Mr. PAYNE: The petition of Mrs. Julia S. W. Evans, for a pension, to the Committee on Invalid Pensions.

By Mr. PHELPS: The petition of Joseph D. Packwood, for property destroyed during the revolutionary war and for extraordinary service then rendered the Government, to the Committee on Revolutionary Pensions.

By Mr. POPPLETON: The petitions of citizens of Knox and Holmes Counties, Ohio, for a post-route from Gann to the town of Greenville, Ohio, to the Committee on the Post-Office and Post-Roads.

By Mr. RANDALL: The petition of Edward Brady, for the issuance of letters-patent to him for an improvement in safety-valves for steam-boilers, to the Committee on Patents.

By Mr. SEELYE: The petitions of the First Congregational church of Williamstown, Massachusetts; of the Bay View Methodist church of Gloucester, Massachusetts; of the Congregational church of Paxton, Massachusetts; of the Temperance Brotherhood of Christian churches of Brooklyn, New York; representing fifty-five churches and an aggregate membership of 30,000 persons, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. STRAIT: The petition of Charles Timmons, for compensation while a prisoner of war, to the Committee on Military Affairs.

By Mr. THORNBURGH: The petition of Isaac Riseden, for pay for services as a United States Army officer, to the same committee.

Also, the petition of John Maloy, for a pension, to the Committee on Invalid Pensions.

By Mr. WALDRON: The petition of Lieutenant Henry Romeyn, for a change in the date of his commission, to the Committee on Military Affairs.

By Mr. WALKER, of Virginia: Memorial of the Richmond Chamber of Commerce, relating to the Texas Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. WILLARD: Memorial of citizens of Washington, District of Columbia, mostly bankers, in behalf of Dana Bickford's plan of international coinage, to the Committee on Coinage, Weights, and Measures.

Also, memorial of the governor of North Carolina, the mayor of Raleigh, North Carolina, and other citizens of that State, of similar import, to the same committee.

By Mr. A. S. WILLIAMS: The petition of Adaline C. Wilcoxson, for an extension of time within which to file claims for bounty, to the Committee on Military Affairs.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January* 29, 1876.

The House met at twelve o'clock m., and was called to order by Mr. EDEN as Speaker *pro tempore*. Prayer by the Chaplain, Rev. I. L. TOWNSEND, D. D.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The House meets to-day as in Committee of the Whole on the state of the Union, for debate only, no other business to be transacted. The gentleman from Texas [Mr. SCHLEICHER] is entitled to the floor.

Mr. PAGE. I rise to a parliamentary inquiry. Is it not necessary that the Journal of yesterday be read?

The SPEAKER *pro tempore*. In the opinion of the Chair that would be the transaction of business.

Mr. RANDALL. The Chair is clearly right. If the Journal were now read it could not be corrected or approved, because such action would be the transaction of business, and would be in violation of the agreement adopted yesterday. The Journal will be read at the next meeting, and then there will be an opportunity for its correction, if there is anything wrong in it. Many members now absent may be interested in seeing that the Journal is correct.

Mr. PAGE. My impression is that it has always been usual at such sessions as these to read the Journal of the preceding day.

Mr. RANDALL. I believe the Journal is ready to be read.

Mr. PAGE. I have no doubt of that.

PERSONAL EXPLANATION.

Mr. LAMAR. I desire to correct a report in the RECORD of my remarks the other day on the centennial bill. I am reported, and no doubt correctly, for these gentlemen at the desk generally take down my words very exactly, as having said that in respect of our foreign affairs the States or people had divested themselves of their entire sovereignty and delegated it to the Federal Government. I intended to say, and thought I did say, that they delegated to that Government the authority to exercise all the powers of sovereignty. I do not wish to be understood as saying that the sovereignty inherent in a society or a State or a people can be delegated or pledged away. I think the context shows that I meant this, but I desire to make the correction in the interests of accurate thinking.

RESUMPTION OF SPECIE PAYMENTS.

Mr. SCHLEICHER. Mr. Speaker, it would have best accorded with my personal preferences to have found in the House the sign of a well-defined financial policy, which would agree with my general convictions of what the country needs and demands, and to have followed a lead in that direction. But it seems to me that our path for the future in that respect is still in the dark, lighted only by eternal truth and the teachings of experience. I have come to the conclusion that my duty, like that of every Representative in a time like this, is an earnest, devoted adherence to truth and honesty, and complete and unreserved loyalty to the convictions of right, which I have formed from the lights before me. No good, at this time, can come from the politician's reasoning to find out the drift of popular will, and take the course which seems to lead to the people's favor. Public opinion itself is not formed, and the course which might to-day seem to lead to popular approval may to-morrow be found to lead away from it. No time-serving views will now answer. A firm determination to do right, to follow a conviction arrived at, after earnest and laborious searching, cannot be wrong. The people mean to be honest and right; this is the fundamental idea of my political faith. They will appreciate the right when they see it. Upon the whole, I do not know but that the rough maxim of Crockett, one of the first heroic victims who fell for Texan independence from Mexico, will outweigh all the subtle diplomatic calculations of politics: "Be sure you are right, then go ahead."

NATIONAL DEBT.

The national debt is a severe burden upon our people. It is a heavier burden than the national debts of such nations as the English or the French are to them. For theirs are debts owed at home, owed by the nation to its own citizens. The total wealth of a nation is not affected by such a debt; it neither adds to it nor detracts from it. The bondholders are tax-payers. The interest, which is the real, ever recurring annual burden, goes to the citizens, remains in the country, and counts in the aggregate of the people's revenues, as well as in the aggregate of the expenditures. These are the redeeming features of a home debt. It is different with a debt owed abroad. There the interest upon the national debt is a periodical drain upon the resources of the nation which must be made good by the labor and the productions of the people. It is a periodical outflow of so much capital from the debtor country, without any redeeming feature, an expense absorbing the fruits of the people's labor to the extent of its amount.

Of the funded debt of the United States, more than half is owed abroad, and, as the annual interest is somewhat over $100,000,000, the annual outflow of money from the country, uncompensated and totally lost to the people, is now more than fifty millions. The remaining portion is held at the North, and to that extent the Northern States enjoy the redeeming features of a home debt. Nearly one-half of the annual interest paid by the nation is received and enjoyed by the Northern States. This and the fact that large fortunes were accumulated and the industry of the Northern States was stimulated and sustained during the war are some of the compensating features of the debt at the North.

THE SOUTH.

We have none such at the South. We are debtors only. Our relation to the public debt is only the relation of the tax-payer. Struggling into new life from the ruin and prostration which were our lot after the late civil war and its subsequent troubles, we find ourselves called upon by duty to take up our part of the burdens of the public debt without any of its mitigating features.

Representing, in part, a Southern State, it is natural therefore that I should view this great question from the stand-point of the tax-payer. In my district there are few bondholders. Few, if any, have any possible relation to the public debt, more than to bear their share of the burden. If therefore my judgment should be under any bias, it certainly cannot be in the interest of the capitalist, the money speculator, or bondholder. My special duty to my constituents impels me, and all my inclinations lead me, to advocate and adopt the side of the large body of tax-payers.

HONOR AND INTEREST ALIKE.

The honor of our country is intrusted to every citizen. Far be it from me to intimate that it is not dear to our people, or that we would not make a sacrifice of our interest, when necessity demands it, for its sake. But I am convinced, and I propose to show, that no such sacrifice is required, that our honor and interest both point out our path in the same direction, and that in upholding the one we shall best subserve the other.

As to the principal of the debt, our only course is to deal with it honestly as best we may. But the interest is not an unchangeable amount, it is the real annual burden on the tax-payer, and it is in our power to greatly diminish it by proper action.

The credit of a nation is the confidence which the public opinion of the world entertains that it will comply with all its engagements and promises. That confidence rests upon the belief, first, in its ability to comply with its engagements; and second, upon the belief in its good faith and earnest will to do so. In all cases where the ability is unquestioned, credit rests solely upon the faith of the world in the strict integrity, truth, and honor of the nation, and the degree of such faith and confidence regulates the money value of its obligations. That value is expressed not only by the price of the obligations in the market of the world, but also by the higher or lower

interest at which the nation can place its obligations. Thus, low interest on a national debt is the reward earned by the nation by pure, unhesitating, and unvarying honor and honesty; while higher interest is a penalty paid by a nation for every deviation from the strictest integrity in complying with its promises.

LOW INTEREST.

The true economy and wisdom which lies in unswerving honesty ought, therefore, to be clear to all. Every individual tax-payer is directly interested in placing the honor and credit of his nation on the very highest point in the world's estimation, for, as the nation's credit rises, so, by prudent management, the interest, which is the immediate periodical burden, will become easier. The national debt of England bears 3 per cent.; our own funded debt bears 6 per cent. on two-thirds and 5 per cent on one-third of the amount. If by prudent economy and spotless integrity we should raise our credit to the standard of English credit, the annual saving for our tax-payers would be on the amount of about seventeen hundred millions of our bonds, $46,000,000, nearly one-half of the entire interest. This shows the tangible and material value of our national honor to every citizen. Such a result may not be at once attainable, but let the friends of retrenchment turn their attention in this direction and recognize the fact that every approximation to this "consummation so devoutly to be wished" will be the most efficient retrenchment of our expenses. Already has the fair dealing, as far as our bonds are concerned, raised our credit so that five hundred millions of 6 per cent. bonds have been replaced by 5 per cent. bonds; thus far an annual saving of five millions well earned and pointing the way to further reductions.

The question naturally arises, in what particular has our policy as regards our national finances fallen short of that high standard necessary to place our credit on an equality with the best? And here we are face to face with the question of our national currency, or greenbacks, for they constitute the dark spot on an otherwise bright escutcheon.

GREENBACKS.

The greenbacks, or legal-tenders, that portion of our public debt which bears no interest, amount, in round numbers to three hundred and seventy-five millions. Upon its face, every one of these notes bears this inscription:

The United States will pay to bearer (ten) dollars.

This is a fruitful text to argue from and contains in fact the whole question in a nut-shell. First, it proves that, in the opinion of the Congress making these papers, they were not money.

In 1862, when these papers were first issued, a promissory note to pay a certain number of dollars had a definite meaning. It meant that gold or silver, the only dollar then known, was to be paid. By the act of March 18, 1869, Congress, re-affirming what was the obligation before, declares:

The United States solemnly pledges its faith to make provision at the earliest practicable period for the redemption of the United States notes in coin.

Is it not a strange fact that, in 1876, Congress should still consider it a matter of discussion whether this pledge made in 1862, re-iterated solemnly in 1869, should be kept or not; whether these notes should be paid, as promised and re-promised, in coin or not? Has not the corrupting poison of this broken promise already blunted our moral perceptions?

The United States will pay the bearer (ten) dollars.

It does not say when, it only acknowledges the debt and the obligation to pay it. In ordinary life, and between individuals, this would be a note payable on demand, and a court would so enforce it. As coming from the Government, the holder has no legal remedy against the debtor; he cannot enforce the payment by law. How would common honesty then decide it? During the war no one could expect the Government to redeem these promises, as it was engaged in a struggle for its existence. Since the end of the war and the return of ordinary prosperity, honesty would have dictated that the redemption should have commenced, to use the phraseology of the act of 1869, "at the earliest practicable period."

That the nation was exempt from compulsory legal process could not have been an argument for delay. No statesman who has the honor of his country at heart, and understands the close connection of national honor, national credit, and national prosperity, would give expression to such an argument without a blush. That the currency part of the debt should be used as a contrivance to obtain a continued loan, without interest, from our people, forced by the legal-tender act to take it, a permanent forced loan, and thereby save the reasonable interest on its amount, would be an argument equally mean and dishonorable, and, moreover, as I propose to show, as erroneous and deceptive in its results as it is contemptible in its intent.

No reason, therefore, existed why, in compliance with all these promises and pledges, the redemption of these long-dishonored promises to pay should not have been taken up "at the earliest practicable period."

To any careful reader of the act of May 18, 1869, it would seem that a manner of redeeming these greenback notes, by paying them in coin, was indicated with sufficient clearness to be seen by a willing eye. The first section of that act reads as follows:

SEC. 3693. * * * But none of the interest-bearing obligations not already due shall be redeemed or paid before maturity, unless at such time United States notes are convertible into coin at the option of the holder, or unless at such time bonds of the United States bearing a lower interest than the bonds to be redeemed can be sold at par in coin.

According to this act the plain rule would be that the surplus gold which might collect in the Treasury from custom receipts, over and above the interest on bonds, should be first exclusively used in the redemption of the legal-tender notes, the only manner of making them convertible into gold, and after that was accomplished only bonds, not matured, should be bought.

Instead of that, the Government, entirely disregarding the act, employed the surplus gold, sufficient, with the help of a small sale of bonds, to redeem the whole volume of three hundred and eighty millions of legal-tenders to purchase bonds many years before their maturity. The ostensible motive was the saving of interest. As an act of saving it was penny-wise and pound-foolish, as I will show, while it made the evils of our currency permanent, and kept our credit depreciated when it would have been improved, if the legitimate task, the payment of the debt past due, had first been accomplished. It was an act of bad faith and as such carried with it the penalty of bad faith, an impaired credit.

From the financial report of 1874, I take the total purchases of bonds from May, 1869, when the above law passed, to 30th of September, 1874, at the face value of $323,353,800.

I take the value including purchases for the sinking fund, because I am perfectly convinced that the purchases for the sinking fund were also subject to the conditions of the first article of the law of 1869. It would lead me too far to go further into this argument at this moment.

It is sufficient to say that it was in the power of the Government to have paid this non-interest-bearing portion of our debt to close the period of the corruption of our entire financial system by irredeemable currency, but that it was preferred instead to buy up part of the funded debt long before maturity and in the face of law.

IRREDEEMABLE PAPER.

The evils of a paper currency not redeemable in coin have long been known and should require no explanation. But it seems there is always a mental epidemic created by the delusions of this fictitious money against which many of the best minds have not been found proof. Before the late war, it is safe to say, there was not a public man in the United States of any standing who was not satisfied that gold or silver, and paper convertible at will into gold or silver, was the only safe medium of circulation. It is indeed a matter beyond a doubt that the conviction of the leading minds was that the Constitution had effectually guarded against Government issues of paper as legal-tender. Calhoun and Webster repeatedly expressed themselves to that effect. The States being prohibited especially from making anything but gold or silver a legal tender, and the grant of power to the Federal Government being only to coin money and regulate the value of foreign coin, the matter seemed to be set at rest. In fact, even the decision of the Supreme Court sustaining the legal-tender act places its legality altogether on the right of the Government to do such acts as will save the country in war, leaving the clear inference that in peace Government has no power to pass such an act; while a minority of the court, with Chief Justice Chase at its head, denied the constitutionality altogether.

Indeed all experiments in modern history with irredeemable currency stand out as a warning. We need not go to France to study the history of Law's famous scheme and of the revolutionary assignats; we have sufficient history in America. Before Law's time the American Colonies had their legal-tender notes. More than one hundred years ago the celebrated Scotchman, Adam Smith, wrote in his Wealth of Nations:

The paper currencies of North America consisted, not in bank-notes payable to the bearer on demand, but in a government paper of which the payment was not exigible till several years after it was issued; and though the Government paid no interest to the holders of this paper, they declared it to be, and in fact rendered it a legal tender of payment for the full value for which it was issued. But allowing the colony security to be perfectly good, a hundred pounds payable fifteen years hence, for example, in a country where interest is at 6 per cent., is worth little more than forty pounds ready money. To oblige a creditor therefore to accept of this as full payment for a debt of a hundred pounds actually paid down in ready money, was an act of such violent injustice as has scarce perhaps been attempted by the Government of any other country pretended to be free. It bears the evident marks of having been originally what the honest and downright Dr. Douglas assures us it was, a scheme of fraudulent debtors to cheat their creditors. * * * The government of Pennsylvania indeed pretended, upon their first emission of paper money in 1722, to render their paper of equal value with gold and silver by enacting penalties against all those who made any difference in the price of their goods when they sold them for colony paper and when they sold them for gold and silver. * * * Notwithstanding any regulations of this kind it appeared, by the course of exchange with Great Britain, that a hundred pounds sterling was occasionally considered as equivalent in some of the colonies to a hundred and thirty pounds and in others to so great a sum as £1,100 currency; this difference in value arising from the difference in the quantity of the paper emitted by the different colonies and in the distance and probability of the term of its final discharge and redemption.

On the continental money of the Revolution, I will only give a quotation from Peletiah Webster, of Philadelphia:

All the suffering and evils which the country endured from all other agencies were insignificant in comparison with the misery that resulted from the introduction and use of irredeemable paper money and the consequent irregularities of the whole American fiscal system.

We have suffered more from this cause than from any other cause of calamity,

It has killed more men, perverted and corrupted the choicest interests of our country more, and done more injury than even the arms and artifices of our enemies.

If it saved the State, it has violated the equity of our laws, corrupted the justice of our public administration, enervated the trade, industry, and manufactures of our country, and gone far to destroy the morality of our people.

At a later period in our history the great Daniel Webster in a memorable speech, often quoted and never to be forgotten, spoke as follows:

A disordered currency is one of the greatest of political evils. It undermines the virtues necessary for the support of the social system and encourages propensities destructive of its happiness. It wars against industry, frugality, and economy, and fosters the evil spirits of extravagance and speculation. Of all the contrivances for cheating the laboring classes of mankind none has been been more effectual than that which deludes them with paper money.

This is the most effectual of inventions to fertilize the rich man's field by the sweat of the poor man's brow. Ordinary tyranny, oppression, excessive taxation, all these bear lightly on the happiness of the mass of the community, compared with a fraudulent currency and the robberies committed by a depreciated paper. Our own history has recorded for our instruction enough and more than enough of the demoralizing tendency, the injustice, and intolerable oppression on the virtuous and well-disposed of a degraded paper currency authorized by law, or in any way countenanced by government.

Conspicuous in the history of our times above many of his contemporaries will always be the name of Salmon P. Chase. Chase, the great financier of the war, whose mind was inexhaustible in resources, the Secretary of the Treasury, was probably foremost among those who unhesitatingly created the currency and forced it upon the people at the time of what he thought the country's need. But after the war had closed, and when he occupied the highest judicial office in the country, with a rare moral courage and free from that small fear of inconsistency characteristic of small minds, he unhesitatingly declared the paper money which he in part had created unfit for circulation as money, and the act which had made it a legal tender and had forced it upon the people unconstitutional and void.

In delivering his opinion dissenting from that of the majority of the Supreme Court he said:

In considering this question, we assume as a fundamental proposition that it is the duty of every government to establish a standard of value. The necessity of a standard is indeed universally acknowledged. Without it the transactions of society would become impossible. All measures, whether of extent or weight or value, must have certain proportions of that which they are intended to measure. The unit of extent must have certain definite length, the unit of weight must have certain definite gravity, and the unit of value certain definite value. These units, multiplied or subdivided, supply the standard by which all measures are properly made. The selection therefore by the common consent of all nations of gold and silver as the standard of value was natural, or, more correctly speaking, inevitable. For whatever definition of value political economists may have given, they all agree that gold and silver have more value in proportion to weight and size, and are less subject to loss by wear or abrasion, than any other material capable of easy subdivision and impression, and that their value changes less and by slower degrees through considerable periods of time than that of any other substance which can be used for the same purpose; and these are qualities indispensable to the convenient use of the standard required. In the construction of the constitutional grant of power to establish a standard of value every presumption is therefore against that which would authorize the adoption of any other materials than those sanctioned by universal consent.

MEASURE OF VALUE.

Money is a medium of exchange, and money is a measure of value. This function of money, to measure values, paper cannot perform. It has no intrinsic value, and we see that it is variable in value and fluctuating; how then can other values be measured by it? The lowest state of commerce is by barter, a higher degree is by the exchange of commodities for the universal medium of exchange, that is, gold and silver; but the gigantic proportions of commerce in highly civilized countries require credit in its various forms, drafts, checks, orders, and mutual accounts, resting greatly on confidence and honesty. It may be said that the commercial nations of highest standing carry on the greatest transactions on the least handling of money. It has been stated by good authority that the business transactions in England, France, Germany, and the United States of America are in the proportion of 95 per cent. of credit in its various forms to only 5 per cent. by actual money payments. This may at least approximate the truth. When it is considered that the standard of value is the basis of all these transactions, the 95 per cent. as well as the 5, the credit transactions as well as the cash transactions, the enormous importance of a stable and uniform standard of value and the mischief which a variable, fluctuating money as the standard of value must produce, the confusion and uncertainty it must cause in all transactions, or, more properly speaking, the total unfitness of fluctuating money as a standard of value must be at once apparent. Our country has borne it with all the sacrifices it has entailed, but in our transactions with other nations we have to come to their standard, gold or silver. They measure, as has been well expressed, with a yard-stick of thirty-six inches, as we did in former times, and, so God will, may soon again: we measure with one which is thirty-two inches to-day, perhaps thirty-three inches to-morrow, and may be thirty-one the day after.

LOCAL MONEY.

This difference of our currency with the currency of the world has the serious effect of isolating our whole system. In nations with a healty currency, the question is hardly ever considered how much currency is wanted for the demands of business. Like water, money seeks its level. It keeps moving from where it is not wanted to where it is wanting, like any other commodity. But we have placed ourselves outside of this natural operation by making a kind of money worthless abroad, and therefore some of our statesmen have racked their brains to find out exactly how much money we should issue. They differ from each other by hundreds of millions, but their troubles would all be set at rest whenever they bring back the currency of the world and thereby re-establish that healthy rotation.

Senator Sumner well expressed this defect of our currency:

Being local, it is necessarily limited and without adaptability. It cannot travel abroad, nor can it receive help from abroad. All that it is, and all that it can be, are contained in itself. There it is, nor more, nor less; the same at all times, in the highest tide of business, as when business is idle. In this unchangeable rigidity, sometimes called want of elasticity, there is an evil of the first magnitude. This can be relieved only by making our currency cosmopolitan, so that it will be aided by the currency of the world.

Indeed the cosmopolitan character of commerce and intercourse throughout the civilized world has made an exclusively local currency an intolerable burden for any people not absolutely Chinese. The only possible money, for any nation with large dealings, is now the real value of gold and silver, not valuable only by coinage, but by weight and fineness. The power, tyrannical in its nature, which in a country can enforce and impose worthless paper or debased metal on its own people under the fiction that the coinage or inscription gives it value, ceases at once when it crosses its own border and is forced to fair dealing. The best governments deal as fairly with their own people as with strangers, and the only correct principle is, that the coinage stamp on a gold or silver coin is a certificate as to its weight and fineness, no more, not making the value nor adding to the value, but a ready proof of the value only.

Among the evils imposed upon the people by the fluctuating money I will single out two of the most glaring, imposing enormous and ruinous burdens, compared with which the boasted saving of interest on that portion of our debt represented by legal-tender notes stands out in all its naked folly as a pitiful delusion.

PREMIUM ON GOLD.

First, the premium on gold. When our farmer or our mechanic, our doctor or lawyer, reads in the papers that gold is at 17 per cent. premium at New York, he wonders that our money is going backward instead of advancing gradually to par with gold, as was so confidently predicted. He thinks there must be something "rotten in the State of Denmark," but it does not disturb him much, as he thinks he has no gold to buy. It might disturb him more if he would realize the fact that it is he himself and his friends and neighbors who pay that premium, not of 17 per cent., but twice that premium or more.

Who buys the gold which is sold at New York at these quotations? The speculators buy to sell again, but the regular purchasers are the importing merchants. They buy it, first, to pay their freights, which, as coming in foreign bottoms, are payable in gold. They pay their duties on importations to our Government in gold and settle their balances in Europe in gold, or remit cotton or wheat at gold prices. In making their greenback prices they add up first cost, freights, and duties, and to that add the premium on gold. Reflecting that not long ago gold was at 8 per cent., and that, for reasons they do not know, it went up to 17 per cent., they find it difficult to say what it will be in three or six months, and, to cover the risk, they take an outside figure, say 20 per cent. On this, as well as on the other portion of their investment, they add their profit. Thus, in the hands of the jobber to whom the importer sells, these 20 per cent. have become, say, 23 per cent.; in the hands of the wholesale dealer throughout the country, to whom the jobber sells, it is 26 per cent.; in the hands of the retail merchant, 30 per cent.; and in the hands of the consumer—the farmer, the mechanic, the lawyer, the doctor, or the day laborer—it is not less than 34 per cent, to be in reasonable bounds, or double the quoted premium.

The final consumers, then, or the tax-payers, for, under our system of raising the revenue for the Federal Government, the store where we buy our commodities is our tax-collector's office, and we pay our taxes in the price of our goods—pay double the premium on gold which we see quoted as the New York premium. On careful reflection it will be found that this calculation is, in most cases, rather below than above the real facts. The profits of trade and the number of middle-men may in some cases be less, in most cases it is certainly more, than here assumed. The importer, in making his prices, has to make an allowance for the fluctuations of the money, and therefore always takes outside figures, and certainly cannot take the average premium, which is only calculated at the end of the year.

The cost of importations, in gold, for the year ending June 30, 1875, was as follows:

Cost of merchandise	$533,005,436
Freight, 6 per cent	31,980,326
Duties	157,167,722
	722,153,484

Thirty-four per cent. on this amount is what the final consumers pay for premium on gold when quoted at 17 per cent., amounting to $245,532,184.

The following table shows, approximately, what the people have paid in this manner as premium on gold in the last ten years. This is over and above the legitimate cost and profit on importations, solely on account of the depreciation of our currency. The amount of importations, the duties, and average "premium" in the table are

official figures. Freights range, from experience, from 6 to 8 per cent. I have taken them at 6 per cent.:

Year ending June 30.	Cost of importations.	Freights at 6 per cent.	Duties	Total cost.	Average premium on gold.	Average premium for final consumer.	Amount paid for premium by people.
1866	$445,512,158	$26,730,729	$179,046,657	$651,289,538	41	62	$534,847,420
1867	417,838,575	25,070,315	176,417,810	619,326,390	41	82	507,843,531
1868	371,624,808	22,297,488	164,484,500	558,406,796	40	80	446,725,368
1869	437,314,255	26,238,855	180,048,426	643,601,536	33	66	424,777,012
1870	462,377,567	27,742,655	194,538,374	684,658,616	23	46	314,922,962
1871	541,491,706	32,489,622	206,270,408	780,253,736	12	24	187,261,897
1872	649,338,766	38,430,326	216,370,286	905,129,378	11	22	199,128,362
1873	663,617,147	39,817,029	188,089,522	891,523,698	11	22	193,935,213
1874	595,861,248	35,751,675	163,103,833	794,716,756	12	24	190,732,021
1875	533,005,436	31,980,326	157,167,722	722,153,484	12½	25	180,638,371
Total							3,180,712,159

Or an amount of six hundred millions over and above the highest amount of the principal of the entire public debt has been the cost paid by the people on the one item of importation alone for the depreciation of the paper money below par. The total interest saved to the Treasury for ten years on this non-interest-paying debt was, on $380,000,000 legal-tender notes at the rate of 6 per cent, the highest interest on bonds, $22,800,000 per annum, or $228,000,000 for the ten years.

This will illustrate the financial wisdom which misapplied the surplus gold to the purchase of bonds not due, instead of paying off the greenbacks and returning to gold and silver.

Can a people bear this long? A ruinous tariff, sharpened and increased by this operation of fluctuating money, is consuming the very life-blood of our laboring people. Apparently in the above calculation the merchants are the exempt class, but only apparently. In all except the article he deals in, every merchant is a consumer; and, moreover, the welfare of the merchant is so closely connected with the welfare of the community in which he lives that they cannot suffer without his suffering in consequence. The money-dealers, the rich class of gold-room operators alone, who have sprung into existence since this curse of fluctuating currency is upon the country, like maggots on a decaying carcass, are thriving upon the misfortunes of the people. The wealth which has been accumulating in the money centers since the fluctuations of the currency opened a rich field for speculation has been drawn from the labor and substance of the country. No new values were created; the country is not richer; every dollar of these fortunes, enriching a few, came from the many who were impoverished. As the delta formations at the mouths of large rivers are composed of the abrasions of thousands of hill-sides in the interior, so each of the overgrown fortunes continually increasing in this manner, in New York, Boston, and Philadelphia, represents thousands of streamlets of blood continually drawn from the already depleted veins of a suffering people.

Is it possible that the very sufferers under this accursed system, the people of the South and the West, should cling to this baleful fiction instead of indignantly and peremptorily demanding an immediate return to honest money.

ABSORBTION OF MONEY.

I pass to the second great evil, viz: The withdrawal of capital from legitimate business to embark in the speculations offered by the fluctuations of our money. These fluctuations have given rise to a business of immense magnitude. There is at this time undoubtedly more ready money engaged in it than in any legitimate business in the country. It constitutes a large part of the banking business, and in the great money centers immense sums are held for purposes of this speculation alone. In its rivalry with other modes of investment it presents great attractions to the capitalist. In all other legitimate investments the capitalist has to part with his principal in order to make it bring interest. So in loaning on mortgage, in buying stocks and bonds, in building houses, investing in manufactures, in commerce or shipping, in railroads, or all other branches of the carrying trade. But the gold speculator has his entire capital always on hand. Whether he buys gold or greenbacks, he always has one kind of money or the other on hand, and makes his profit without ever parting with his capital. Add to this the charms of a gambling business and the chances of occasional great hits, and it is easily understood why enormous sums, an enormous portion of the money of the country, is withdrawn from the trade and from all ordinary channels of business and held at the money centers for purposes of speculation, often in immense combinations, sufficient to control the value of gold or paper. When it is remembered that our total currency is seven hundred and fifty millions, and that 1 per cent. rise or fall represents the sum of seven and one-half millions, the immense field for this gambling or speculating can be appreciated.

But capital cannot be withdrawn from the ordinary business of the country without very serious effects. There is in a well-regulated society a certain mutual relation between capital and labor. Indeed, the mission or object of capital in our public economy is to sustain and uphold productive labor. A certain amount of capital invested in agriculture, in commerce, in manufacturing, carrying by land and water, sustains and employs a certain amount of productive labor. It follows that capital cannot be withdrawn from its ordinary investments without disengaging or throwing out a corresponding proportion of labor. Do we not see it all around us? The cry is raised from one end of the country to the other of laborers without work, of the country being overrun by tramps, of the contraction in the employment of labor everywhere. The nature of this gambling and speculating business is one which makes the capital embarked in it a barren, unproductive element in the body-politic. Capital which combines with labor, or employs productive labor, is itself productive, but the capital in gambling produces nothing. Profitable as it may be to the gambler or speculator, it creates no values. As robbery by land or piracy by sea is compared to productive trade, so this use of capital only forces values to change hands without being in the slightest degree creative of values. Even where labor is not entirely thrown out of employment, and industry is not entirely wrecked, still the want of capital, formerly productive, but now in this piratical employment, is felt throughout the country, and every branch of industry is prostrated because of its absence.

Would our financiers cure this evil by issuing more currency, by increasing the volume and the fluctuations, feeding speculation instead of ending it, adding fuel to the fire instead of extinguishing it? Let those who complain about the want of money in the ordinary transactions of the country, and the consequent stagnation in enterprises, recognize the cause which withdraws from business the millions used in speculation in the fluctuations of money, and assist in removing that cause. Pay off the fluctuating currency, have but one money, the honest, stable money of the world, gold and silver and paper exchangeable at will into gold or silver, and that entire speculation will cease. Shut up the gold rooms and their dependencies and imitations throughout the country, and the vaults of New York, of Boston, and of Philadelphia will open, and the outflowing millions which will be compelled to seek investments in legitimate channels will impart new life to every branch of industry and trade. Considering that all the capital thus released will seek proper employment, while additional capital created by inflation would to a great extent find its way into the very hands of money gamblers, I assert, without fear of contradiction, that more capital will in this manner, by resumption of coin payment, be thrown into business than the boldest inflationist has ever proposed to issue "to suit the demands of trade."

Who does not see clearly that the agricultural and laboring population are altogether on the losing side. They are emphatically the bearers of the burden. They create the only values we have, only to be plundered of them by the operation of a fluctuating currency. Throughout the huge carnival of gambling and speculation which has convulsed the country for years, where has there ever been a share for them? For all their purchases they have to pay the inflated prices; for what they sell, the price is made in England on a gold basis. The insurance against the gambling risk, as it may be termed, which means the allowance every merchant or middle-man has to make in buying or selling for the risk he runs that the goods while on his hands may depreciate because of the change in the value of money—in every instance, buying or selling—counts against the farmer. The millions accumulated by the money-dealers and speculators are drawn from his substance.

The following authentic statement, taken from the New York World, will show that the farmers' produce has not kept pace in price with the inflated values of everything he consumes:

*Average value at New York.**

	1856 to 1860.	1870 to 1874.
Wheat per bushel	$1 53.6	$1 53.6
Corn per bushel	78.5	77.18
Pork per barrel	18 36	18 20

*1856 to 1860, gold; 1870 to 1874, currency.

I have shown that the lowest interest on our national debt can only be obtained by a high national credit, and that the highest credit will never be attained while our broken promises to pay, long past due, flood the country by millions.

I have shown that the pretended saving of interest on that portion of our public debt represented by legal-tender promissory notes is a gross delusion, and that the people pay vastly more on the one item of imported goods, because of the depreciation of our money alone, for every dollar saved to the Treasury in interest.

I have shown that the fluctuations of money have created and are upholding an immense speculative business of a piratical character, which has withdrawn and is keeping from the ordinary channels of business a vast proportion of the money of the country, which can only be recalled to permanent and useful investments by shutting up that speculation.

And these evils are now operating from day to day. Speak about the wisdom of delay and the prudence of inactivity, while day by day the worm is eating at the heart of our prosperity. Cruel indeed is the prudence and cold-hearted the caution which fears to apply the saving knife to stop the destructive work of the cancer. Delay of the remedy means unchecked progress of the sickness. The cold cloud of

general fear and distrust of the future has settled upon the commercial life of our country, killing every budding hope with its icy breath. The re-animating blessing of confidence and trust can only be restored, not by halting and insincere professions, but by open, unreserved, and honest action.

Confidence is said to be a plant of slow growth; but more than once public opinion has instinctively felt the presence of an honest purpose in the public councils and met it with a sudden and generous response of confidence, accomplishing the work of years as with a magician's wand.

The importance of immediate action cannot be over-estimated. We need, and the country demands, above all, the establishment of a definite financial policy. Perhaps, of all the evils of our unsettled currency, the uncertainty as to the future, felt by every one, is the most paralyzing to business throughout the country. The approach of a party convention, of a session of Congress, fills every capitalist who holds our securities, and every business man in the country who is to any extent a creditor or a debtor, with apprehension. Capital is proverbially timid, and a state of periodical fear is not calculated to foster and inspire confidence. Without confidence there is no investment, without investment there is no business.

A speedy return to a money system based upon the money of the world, gold and silver, alone can bring about the feeling that we have arrived at a lasting and settled financial condition. No one will fear, when we have once re-established a coin basis, that we will ever go back to irredeemable paper, for a war like the one which created it is henceforward impossible. Whatever plan shall be adopted to bring about this desired end must be adopted now to make an end of uncertainty, and it must be adopted in a manner clear and distinct, practical and well defined, so that the country will understand exactly what it means, and it must be irrevocable and final.

In the debates of the Forty-third Congress a distinguished republican Senator said:

> Uncertainty in the policy of a government in reference to finance is one of the worst of public evils. If you can mark out a policy, if it be not the wisest policy that could be devised, if nevertheless it is a clear and positive policy, if it opens to the public mind the ideas of Congress and the course that is to be pursued, men at once adapt themselves to it.

Judged by this test, the act of January, 1875, must certainly be considered a failure. It indicates no plan of resumption, nor does it provide for the means. All the late discussions show that the act is not considered by the country a settlement of the question at all. The first article, providing for the redemption of fractional currency, is the only article of any value; but even that value depends upon collateral measures. If that redemption is made part of the general redemption of the currency, going steadily on to the end without intermission, and thereby raising the currency to par, the silver will remain in circulation and do its service; but if it is left an isolated measure, the silver will disappear from circulation as fast as it is issued, and even that will be a failure. The only practical result of the law of January, 1875, could be to postpone action until 1879.

But if that act is of no value, why postpone anything to 1879? No careful reader of the report of the Secretary of the Treasury can fail to see that his statement of the difficulties of hoarding a large amount of gold until 1879, to be then used in redemption, is an excellent argument against hoarding until 1879 and in favor of using the coin for redemption as it is collected.

I cannot imagine a single reason for returning to specie payment which is not at the same time a reason for returning to it as soon as possible. No cause for delay can be given. We expect nothing in the near future that will alter the present state of things. Nor should we, like that British financier, Mr. Wilkins Micawber, "wait for something to turn up." If we believe earnestly and honestly that the relief of a great evil will come by resumption, in the name of God let it come at once. In the uncertainty of the future it might be well to consider that the nation might at any time be drawn into a war. A war while our currency remains unsettled would at once depreciate our money, would be of enormous cost, and would postpone the settlement of our finances indefinitely.

I would therefore urge a speedy commencement of resumption. But before passing to the mode of resumption which I consider the most practical, I will review some of the reasons given by advocates of delay.

It is held by some that we cannot resume specie payments until the balance of trade has turned in our favor. It is sufficient to answer that for many years we sustained specie payments and enjoyed high prosperity while the balance of trade was steadily against us. But the logical conclusion of this argument would be that as soon as we would succeed in turning the balance of trade against England, for instance, we should force England to abandon coin payment and take to irredeemable paper. Trade will never be exactly balanced. The balance of trade has always been, and always will be, on one side or the other. The idea that a nation when the balance of trade turns against it should be forced to irredeemable paper money is absurd and not sustained by a single fact in history. We know the causes that have brought about the various experiments of irredeemable paper money, but the balance of trade had never any connection with such causes.

Again, it is said that we have not enough gold or silver in the country. Gold and silver have been driven out of circulation by the presence of an inferior money. Bad money always drives the better money out of circulation. The reason is plain. If a man has debased money which is valueless abroad and has a forced value at home, and he has at the same time gold or silver valuable all over the world, he will pay his debts and make his purchases with the inferior money, paper, and keep his gold; and in course of time, knowing that the stocking-bank or a hole in the ground into which he could bury his gold pays no profit or interest, he sells his gold and silver at a profit, and operates with paper, which answers his purpose. So the gold and silver leave the country and go where they are wanted. In this manner gold and silver have been driven out of the country, and the metals from our mines find a foreign market. The only use of gold now is in the importing trade, and just as much as is needed for that is held in the country, because only that much pays to hold. The banking business of the country, the loaning of money, insurance, and all uses of money which bring interest and profit on the same, are all done with paper, and gold over and above what is wanted would bring no interest. Consequently, like cotton, like wheat, or any other commodity, it goes where it is wanted and where it therefore brings profit. It floats to countries where it is money and brings profit and interest. Let it be made our money again and again become profitable, and it will find its way here again at once, to just such an extent as it will become profitable. The higher interest alone which is generally paid on this side of the Atlantic will always facilitate the floating of gold and silver to this country.

I will quote from a high authority, Walter Bagehot, on "the experience of the Bank of England:"

> Foreign payments are sometimes very large and often very sudden. The cotton drain, as it is called, the drain to the East to pay for Indian cotton during the American civil war, took many millions for a number of years. A bad harvest must take millions in a single year. In order to find such large sums the Bank of England must require the steady use of an effectual instrument. That instrument is the elevation of the rate of interest. If the interest of money be raised, it is proved by experience that money does come to Lombard street, and theory shows that it ought to come. Loanable capital, like every other commodity, comes where there is most to be made of it. Continental bankers and others instantly send large sums here as soon as the rate of interest shows that it can be done profitably.

These objections then can be considered entirely irrelevant. Of no more serious weight is the argument that it is an injustice to the debtor to raise the value of the currency with which he has to pay his debts. There is hardly a distinct class which should be called a debtor class. In most cases debtors are at the same time creditors. They owe money and have money owing to them. But, apart from that, debtors do not make the owing of debts their sole pursuit in life, they are at the same time farmers, merchants, mechanics, manufacturers, they have some business or other. They are never gold speculators. I have shown that gold speculators are the only class of men who profit by the fluctuations of the currency, and that all others suffer. It is safe to say, therefore, that in ninety-nine cases out of a hundred the debtor, as business man, will gain more in the improvement of general prosperity and in his general business relations by a steady currency than he will lose by paying his debts in a better money. But where would this reasoning in favor of a debtor class lead to? If it proves anything, it would prove that we must take measures, for the sake of the debtor, to always keep the currency debased, and, if necessary, to depreciate it by legislation. For, if it injures the debtor, that the currency rises to par with gold and silver, it would be immaterial to him by what cause the currency is so raised, whether the rise be spontaneous, through its intrinsic merit and value, or by legislative action toward resumption of coin payment.

A year ago, when currency was only 8 per cent. below par, the friends of paper exultingly declared that the money was on a steady advance to par. They proposed to wait and do nothing, inasmuch as paper would soon reach par, and then we would have a coin standard without any measures for resumption. Half a year later, paper had gone back to 17½ per cent. below par. We learned that letting the currency alone would not achieve the object. Their predictions were exploded. Now, will they not have the candor to admit that if their predictions had become true the debtor class would have passed exactly through the same ordeal as when money is brought up to par by gradual resumption of specie payment?

Some losses there will always be; they have to be borne now or later; but have not the creditor class in this last year lost also by loaning money when it was worth ninety-three cents and receiving it back when it was eighty-four cents on the dollar?

This is no argument which should arrest action. The sudden shock to business which is feared by many from a resumption of coin payment will be avoided by making that resumption gradual, as I propose that it should be made. Moreover, the fears of panic or violent disorder in business on resumption are in the very nature of things erroneous. Panics are caused by doubt and fear. What doubt can there be by the removal of all cause of doubt? An honest, open policy, a final compliance with engagements long deferred, a clear course laid down for the future, which "he who runs may read," can cause no doubt nor want of confidence, but, on the contrary, must create confidence, and can therefore create no panic. "Honesty is the best policy;" from this rule there is no exception.

Finally, it has been urged that we had better wait for easier times before we begin to resume. The state of the currency, it may be answered, the uncertainty of our financial future, which deters timid capitalists from investment, are among the chief causes of our hard

times, and their removal by resumption will be one of the chief elements in the cure. We are in every way in as good a condition to resume now as we have any reason to expect to be in the future.

In the early part of my remarks, I have said that the inscription on the face of the legal-tender notes contains the whole argument. I have shown from it the nature of the promise and defined the obligation. But it also points out the only honest plan of dealing with it.

"THE UNITED STATES PROMISES TO PAY TO BEARER TEN DOLLARS."

As in geometry there is only one straight line from one point to another, while there are a thousand more or less crooked lines around, so with all the numberless devices, the squirming, the plans how to get around that obligation; there is but one honest and straightforward way to settle this matter, and it is, like all true solutions, plain and simple. Thirteen years ago the United States promised to pay $10 to the bearer of this note in coin, for, remember, at the time of making this promise a dollar meant a dollar in coin, and the only mode of meeting the problem now is to pay those $10 in coin and all the other like promises likewise. None of the by-paths, substituting other promises for these, nor giving slips of paper called "absolute money," nor 3.65 interchangeables, nor any other of the numerous schemes "how not to do it," will comply with these promises. The only compliance is to do what you promised to do.

I will now pass to a proposition of the manner in which the redemption of these notes should be carried out. And I will first remark, that while the main proposition, the immediate commencement of the extinguishment of this debt by paying it in coin, is in my opinion demanded by every interest of our country, and while on that point my convictions are strong and immovable, I do not pretend that the details of the plan I submit are not capable of improvement and will not need perfection at the hands of those familiar with all the workings of our system. I will put before the House a definite, tangible, and feasible plan, however, to be considered, discussed, altered, or amended by those who have something better to propose.

Commence with the resumption of fractional currency on the 1st day of June next, paying out one million per month, commencing with the smallest denominations as they are not as apt to be withdrawn from circulation. After this resumption or redemption has been going on for five months, commence redeeming the legal tenders on the 1st day of November, 1876, by selling ten millions of gold or silver every month for legal-tender notes. Simultaneously the taking up of the fractional currency continues at the rate of one million per month until exhausted. At the end of each month all redeemed currency is to be destroyed by fire. Repeat the same process every month, until finally all those promises to pay the three hundred and seventy-five millions of legal tenders are paid, canceled, and destroyed.

No law need be passed repealing the legal tender act, no law setting a certain day when contracts are to be paid in coin. The operation of that system of redemption will, slowly and surely, from the very day of the passage of the bill, bring up currency gradually to par without any violent shock or change. When the last legal tender is destroyed they will belong to history, and then we will have no money except gold and silver and redeemable paper, for the national banks will keep pace with the advance of the legal tenders to par as their circulation is now redeemable in legal tenders. Long before the last legal tender shall be destroyed they will be equal to gold and silver, and the banks will as willingly redeem in coin as in legal tenders. The means for this operation will be obtained in this wise: First, all the surplus receipts of gold in the Treasury, over and above the mounts necessary for the payment of interest on national bonds and specified necessary gold expenditures, shall, from the passage of the law, be appropriated for the redemption of legal-tender notes alone, until they are all paid and canceled. Is the obligation to pay thirty millions per annum to the sinking fund any more sacred than the promise of the legal tenders? One is a theoretical obligation not affecting our credit, and in which no one has an interest; the other is a promise upon the fulfillment of which rests the welfare of our people, the order of our commerce, the restoration of credit, and the return to a sound financial system. But we need not even be forced to a choice between these two obligations. An amount of one hundred and eighty-three millions of the surplus gold has been used for the purchase of bonds over and above the requirements of the sinking fund, and to the detriment of the obligation to pay the legal-tender promissory notes. Let that amount of bonds be turned over and charged to the sinking fund and we will be relieved of further purchases for more than five years, which is more than the time required for the redemption, and can apply the entire surplus gold in the Treasury for that purpose. That surplus has heretofore averaged more than seventy millions, but in this last year has come down to fifty-four millions. It is reasonable to suppose that with revival of trade it will increase.

By making the appropriation of all the surplus gold operative at once on the passage of the bill and beginning resumption on the 1st of November, 1876, we would commence on the present amount of gold in the Treasury and the accumulation of six or seven months more, always deducting as a matter of course what is required for the payment of interest on bonds. This fund, increased during the progress of redemption by the current surplus, would be sufficient to carry redemption for say ten months at the rate of ten millions per month. But after that there would be deficiencies every month of nearly five millions, provided that the payments would continue at the rate of ten millions per month. To create a reserve fund to cover these monthly deficiencies, I propose to grant authority for the issuing of one hundred and twenty millions of bonds bearing 4 per cent. interest, to be sold for gold or silver only when required and in quantities as may become necessary.

But there can be no doubt that before the lapse of those first ten months of the monthly redemption currency will have reached par with gold and silver. No compulsive measure is proposed to be passed to force the presentation of greenbacks for redemption. The motive urging their presentation will be, at first, the higher value of gold and silver. When that motive has ceased by paper reaching par, then the presentation for redemption will become slower, and it is exceedingly doubtful whether, after the redemption of the first one hundred millions, they will be presented at the rate of ten millions per month, or even one-half of that amount. In case of presentation falling off in that manner, the time will increase and the monthly amount of coin needed will be reduced. Thus very little of that reserve fund, if any, may ever be called for, and the ordinary surplus in the Treasury from customs receipts may be found sufficient for the entire redemption on this plan. Indeed, when I consider the total disappearance of a motive for presenting the legal-tender notes for redemption after they have become par with gold, and the fact that the presentation will always involve more or less exertion, perhaps expense and risk through agencies, not counterbalanced as I say by any gain, I feel convinced of two results: First, that the reserve fund of one hundred and twenty millions as provided will never be used, and will only act as a strong reserve in battles has sometimes acted, by the moral effect of its presence; and second, that Congress may hereafter be compelled to make regulations to bring about the presentation of the rest of the legal-tenders and their cancellation by such measures as the rule to replace no mutilated notes by others, but by coin, and to cancel all those that are paid by way of taxes, and not use any in disbursements.

If I am correct in this reasoning, (and I have a firm conviction that I am,) then my entire plan would simply amount to this: that the accumulations of coin in the Treasury shall not be hoarded and withdrawn from circulation, but shall be used in redemption of our promises as fast as they accrue, and that, so far from requiring the withdrawal of coin from any other source and so far from assisting in its burial in the Treasury vaults, it will keep all the gold and silver in circulation, adding to the volume afloat instead of reducing it.

Throughout my argument I speak of gold and silver alike. Silver has lately depreciated in value because it has ceased to be money in Germany, as it had before in England. Only for fractional coin is silver there used. The great markets have been China, Japan, and the East Indies. In India the market has lately diminished greatly by the general falling off of money remittances to that country, its balance of trade with England having changed. Silver, from rating formerly with gold in this country as one to fifteen, is now less than one to sixteen and one-half. The tendency, unless checked, would be for further depreciation. Now, it certainly cannot be the policy of the United States, having the richest silver mines in our own borders and in the adjoining provinces of Mexico, with which our dealings will steadily increase, to depreciate silver.

Whatever policy European nations may find proper to adopt, it is clearly our policy that the value of silver as money should be sustained on the American continent. Therefore I would propose the rapid coinage of a silver dollar of weight and fineness to be equal to a gold dollar, and I would give it a more important part to perform in our circulation than ever before. Let it be made a legal tender like gold and no one will complain. The downward tendency caused by the displacement of silver in Germany will be counteracted by the appreciation here. As a medium of exchange at home it is equally valuable with gold. In Mexico the greatest transactions are made with silver, without its ever being considered inconvenient. In this country, gold and redeemable paper being at the same time in circulation, where the bulk is an objection, either of the other kinds of money can be used. But the bulk is sometimes an advantage. I have known more than one instance where the robbing capacity of a thief or robber was limited by his carrying capacity. That late steal of $47,000 carried from the Treasury in the breeches-pocket of a clerk could not easily occur with that much silver. I think that silver should be received with gold in payment of customs, and the one hundred and twenty millions of the reserve fund for redemption, if used at all, should be offered always in small quantities only as needed, and for silver as well as gold. In the same proportion as received silver should enter into the redemption of the legal-tender notes. This, it is presumed, will create a home market for all of these bonds that may have to be sold.

It may be mentioned that Congress will meet every year during the operation of this plan, and can provide for such change of detail as may be called for and found advisable.

The national-bank system has been mixed up with the question of resumption. No change should be attempted until after redemption of all the currency of legal-tenders. I look upon the national banks as being a most valuable ally and assistant during the period of redemption. Their currency, three hundred and seventy-three millions, is redeemable in legal-tender notes, and as a matter of course will keep step with the greenbacks in advancing to par, and will finally be redeemable in coin, and then entirely unobjectionable. This is a currency of three hundred and seventy-three millions which

will not be touched, and will continue in circulation all the time, and be a fly-wheel, as it were, to the machinery of redemption. On the other hand, there are many who desire the abolishing of the national-bank issue, and a change of the entire amount of the currency to the Government notes. This would be a deplorable step; a pledge, I should take it, that this generation does not mean to have coin payments again. For consider what the change would be. At present our total paper circulation is about seven hundred and fifty millions, one-half legal-tender and one-half bank currency. By redeeming the one-half of Government notes, the other half, as a matter of course and without a dollar cost to the Government or the tax-payers, becomes redeemable in coin and the burden of that conversion falls upon that class of our people who have profited most by our financial condition, and are most able to bear it—the owners of the national banks. But by first changing the entire circulation of the banks into legal-tenders, and then having the entire seven hundred and fifty millions to meet and redeem in coin, would double the task on our hands and make redemption twice as difficult, besides throwing it entirely on Government. Virtually it would be turning our back upon resumption forever, and our road to honest metallic money, for come it will ultimately, would lie through national bankruptcy and ruin.

But there are other reasons against this change. Our people, and more particularly the democratic party, have always maintained that our Government is and should forever be one of limited powers, and one of a circumscribed sphere of action. Are we prepared to yield the very essence of our institutions and make our Government the chief banker and money-dealer of the country, sapping and destroying its foundation and corrupting the last remnant of honesty in its composition? And for what? The impression has been created, by folly or design, that the interest on the four hundred million bonds held by national banks as the basis of their circulation would be saved. Is it possible that any one pretending to an opinion should be ignorant of the fact that these bonds are not issued for that special purpose, but are part of our pre-existing, funded national debt, created for war expenses that had nothing to do with banks? That the bankers had to purchase them from other holders, in many cases in Europe; that they bore the same interest before the banker held them as they do now, and will bear precisely the same interest after he shall cease to use them for security as now; and that the only result of a change, as proposed, would be that the present holders, citizens of our country, would probably sell them and the interest would most likely have to be paid in Europe hereafter instead of at home? It is a remarkable fact, ridiculous if it were not sad, that any considerable portion of our people should be ready to run their Government into banking and money dealing, not temporarily, as during the war, but permanently; to throw off their principles of government like an old garment; to sell their birth-right for a mess of pottage, only to find out too late that the pottage was all a mistake. Fortunately there is still a barrier in their way. There is not the shadow of a doubt that the Constitution forbids any additional issue of irredeemable money as a legal-tender.

It may be noticed that contraction forms no part of my plan of resumption. In this I must confess that I differ from most of the advocates of hard money. Inflation and contraction have only a meaning while we retain this isolated currency. When we determine to pass over to a currency of gold and silver and redeemable paper, and take steps to it at once, we need not fear inflation nor desire contraction. With such a currency once attained inflation has no terrors. We cannot have too much gold or silver as long as the whole world is open to them and regulates their value. That contraction must precede resumption is erroneous. I see nothing to be gained or saved by it. We cannot contract without giving full value for what is withdrawn; where then is the gain? The total amount of our legal-tenders must be paid off one way or another. Contraction would not raise the paper to a par with gold. It is and remains no more nor less than a promise to pay at an indefinite time, wholly at the option of the debtor and bearing no interest, that debtor having the prestige of ten years' default. Such a paper can never be at par with gold. The legal-tender act alone gives it the value it has; the repeal of this act would certainly bring it down to a low figure. Therefore I see no good in contraction.

On the other hand, a redundant currency like ours is at present at the beginning of redemption will help us over what might be a temporary trouble.

I think that the passage of a law embodying the plan of the payment of these promissory notes in coin, as I have indicated, would at once raise the value of our currency, and that by the 1st of November, when payments begin, the discount will have been very greatly reduced and currency will have made great progress toward par. The rate at which it will advance is of course a matter of conjecture, but the following causes will all co-operate to a rapid rise in the currency, or, as some prefer to call it, a decline in gold.

First. The promise to pay, now indefinite and doubtful, will at once become by the passage of the act definite and certain, and thereby gain an intrinsic value.

Second. Doubt being removed by a settled policy and the end of gold speculation becoming apparent, capital will be withdrawn from these speculations, will find courage for permanent investments, and will appear everywhere in permanent business.

Third. The appreciation of paper or the decline of gold will not be fluctuating like before, but, the day of settlement being fixed, will set in steadily toward par; therefore gold will not be as desirable an article to speculate in, as it cannot be held with a prospect of a rise, but must be held with a certainty of its decline, if held at all.

But in spite of these co-operating causes, gold and silver may on the 1st of November, and may be for three or four months afterward, possibly worth so much more than paper-money as to cause the coin to be bought up and shipped or put out of sight. The result would be that for those three or four months ten millions of legal-tenders per month would be withdrawn from circulation without the equivalent in coin taking its place in circulation. The withdrawal of such an amount from circulation might be seriously felt if redemption were to commence on a contracted currency, especially as it would be accompanied by imaginary fear of more contraction; but a redundant currency at the beginning will help the country over that time imperceptibly. In other words, the redemption of legal-tender notes may of itself work a temporary contraction, and therefore should not be preceded by contraction.

For this reason, if for no other, the redemption of legal-tender notes by bonds is objectionable, as it would withdraw money and not replace it by other money, but by interest-bearing bonds, which are investments, but not money. Only for one purpose would I consider the sale of bonds advisable. If all the gold in the Treasury is used for redemption, and the Government should fail, against all hopes, to retrench and reduce its expenditures, currency may be needed for deficiencies in the current expenses of the Government. By selling small amounts of bonds for legal tenders to cover such deficiencies only, and at once paying out the legal-tenders, they would remain in circulation until, in their turn, they are redeemed and destroyed. But it is to be hoped that Congress will succeed in so reducing the expenditures as to avoid such deficiencies and avoid the necessity of the sale of these auxiliary bonds. As soon as currency reaches par value, gold, silver, and currency will indiscriminately appear in the receipts of the Government, as well as in its disbursements. Currency once at par and all the hoards of coin in the country will open, our financial brooks and rivers will run with a steady current, and the day of our deliverance will have arrived.

Among the various causes for our hard times, the general distrust in our railroad investments and other enterprises of associated capital, caused by the widespread dishonesty in their management, occupies a prominent place. European capital, which for a time flowed with a steady current to sustain our railroads, has entirely ceased to invest in them. Watering of stock, contracting companies, absorbing the means of honest investors, and all other notorious devices of the kind, have permanently, at least for present calculations, deterred money from such investments. Inordinate greed has killed the goose which laid the golden egg. I only mention this subject so far as it has a bearing upon our public finances. Money is gathering at all the money centers of Europe and our own country in immense amounts for want of investments which command confidence. The inevitable result will be that first-class Government securities, these rival investments being removed, will be sought for more than ever. It seems inevitable that, with the competition of investors, first-class governments will soon get money at a lower interest than ever. Now then is the time to remove the last dead weight on our credit, the broken promises which now flood the country, and turn our attention to the reduction of the interest on our national debt.

I have said nothing partisan in the course of my remarks. The question is a national, not a party question. But no party can afford to give it the go-by. A party which has no pronounced opinion on this, the most important interest of our people, will never be intrusted with the government of our public affairs.

The national democratic party has given a distinct pledge in its platform of 1872 in favor of the earliest possible resumption of specie payments. So far it never had the power to carry out a policy.

The republican party has created the debt; the promises of the legal-tender notes are its promises. Since the war, having unlimited power, all it has done was to re-iterate the promises to pay the greenbacks "at the earliest practicable period" in the law of 1869, and declare them payable in coin.

It is not too much to say that it has never taken an earnest step toward resumption while it held the power. It is entitled to all the credit for what has been well managed in our national finances during and since the war, nor can it escape the responsibility for all the shortcomings.

[When Mr. SCHLEICHER had spoken for one hour, Mr. HOLMAN asked leave that his time be extended; which was agreed to, there being no objection.]

Mr. HILL. The gentleman from Texas [Mr. SCHLEICHER] has made a very able argument. Before he takes his seat, I would like to ask him a question for information. I understand that by his plan he proposes to retire within a certain period all the legal-tender currency.

Mr. SCHLEICHER. Not within any certain period, because, as I have shown, if we propose to pay $10,000,000 monthly of legal-tenders, just as soon as this currency reaches par only a portion of that amount, perhaps only two or three million dollars, will be presented monthly for redemption, because the motive for presenting these notes for payment will have disappeared. If $10,000,000 should be fully paid every

month, the redemption of all the legal-tender currency would be effected in about three years and a half; but most likely the process of redemption would in its practical operation extend over five or six years. After this currency had once reached par there would be, as I have said, no motive for its presentation; and as some exertion or trouble would attend the presentation, it is not to be expected that the full amount monthly would be presented. The actual amount presented would doubtless come entirely within the surplus in the Treasury; we should require no reserve fund, no new means.

Mr. HILL. Then, as I understand the gentleman, his plan would not in point of fact retire all the legal-tenders; but if that should be the result, what currency does he propose to substitute, national-bank currency or State-bank currency?

Mr. SCHLEICHER. All legal-tender currency would be retired. I want no State-bank currency; either the present national-bank currency and gold and silver, or, as I am not wedded to the present national-bank system, I will say I am in favor of some safe system of banking which would give us for our circulation besides gold and silver, paper money convertible at into gold and silver at the will of the holder.

THE FINANCIAL PROBLEM; HOW SHALL IT BE SOLVED?

Mr. WARD. Mr. Speaker, the present embarrassment of our financial and commercial interests demands serious and profound attention. Its effects are felt by the people of all pursuits in every part of the Union, and, without distinction of party, they imperatively require the application of the best attainable remedy. Capital lies idle in the vaults of the banks, and has been offered at lower rates of interest than at any other period in the history of this continent. The number of business failures in the year just closed was seventy-seven hundred and forty, larger than in any previous year. In 1874 the number exceeded that in 1873, and so on, with one exception when it was stationary, the failures have gone on increasing every year since 1862. Multitudes of men and women, to an extent hitherto unparalleled, are presenting that "saddest sight on earth" of being able and anxious to work, but unable to find the work to do.

To understand the nature of the disease which is now preying on the vitals of the country, we must refer to its origin and trace its insidious progress, reviewing the financial history of the war impartially and in the light now thrown upon it by the decisive lessons of the past.

The rebellion was precipitated on the country unexpectedly to the party in power, who were slow and unwilling to comprehend its real magnitude. The repeated prophecies of leading statesmen, that it would succumb in a few weeks, are yet fresh in our memories, and will never fail to arrest the attention of all students of our history. As the nature of the impending dangers was not understood, neither the military nor pecuniary measures needed to meet them were promptly undertaken. The antiquated and exploded financial theories of obsolete European statesmen and of our own in former days were again put into practice and once more proved to be erroneous. Those who gave more far-seeing counsels were fortunate if they escaped opprobrium. While the North believed that the crisis would rapidly pass over, the South mistakenly supposed the North would yield to its demands. The battle of Bull Run, when the capital itself was endangered, in part dissolved the illusion on both sides; but the financial errors which had taken root were destined to be worked out to their logical results, which have now swept over the country and can only slowly be overcome.

The policy of deluding by make-shift expedients, instead of following the standard of the real and permanent good of the public as fixed by immutable natural laws, was too conducive to the personal and partisan interests of those in power to be readily abandoned. At an extra session of Congress, in July, 1861, it was simply indicated that, in view of the expected brief duration of the war, the Government would make a loan of a hundred and fifty millions in gold from the banks of New York, Boston, and Philadelphia. Before the 17th of November, in the same year, they had actually advanced one hundred and forty-six millions in this form, and their system was so strong that after the last part of the loan had been nearly or quite paid, the gold and silver in the banks, which had at the beginning been less than fifty millions, was forty-two millions. The specie for a long time returned to the banks in the ordinary course of business. The Treasury continued to demand "thirty millions a month," and insisted that this should be paid only in coin. The banks yet had more than sufficient specie for the transaction of their own business, but further steps were taken to destroy the State banks.

The Government, which should have guarded the banks carefully, so that they might have kept up the value of the currency by a knowledge of their strength, scattered the gold, and it could neither be lent over again in sufficient quantities or made available as a reserve for the banks. Suspension followed on the 31st of December, soon after the meeting of Congress at its next regular session.

Even in the beginning of January, 1862, specie and paper money yet remained of equal value. At that date due sagacity and prudence would have prompted the instant adoption of a system of adequate taxation and other well-considered and suitable measures of providing for the expenditures of the war. The Government, having by its own action forced the banks into suspension, authorized on the 25th of February, 1862, a large issue of "legal tender," receivable "for all debts except duties on imports and interest on the public debt." In those notes the distinction was, for the first time in history, made by a government between specie and its own paper. Thus the door was opened wide to the enormous overissue of paper money, which led to the inflation of prices, and but for our natural wealth and strongly national spirit would have been fatal to the Government and immediately disastrous to the business of the people. It was deemed more creditable to create fictitious and exaggerated prices of labor and commodities and an artificial appearance of prosperity than to enforce prompt taxation.

The Administration having created an unfailing demand for gold, and fanned the fire of speculation by the terms of the original notes which were exchangeable for United States 6 per cent. bonds, withdrew even this right of redemption after July 1, 1863, and, more anxious to produce a seemingly low interest than to protect the people against an actual depreciation of the national securities, which reached the low rate of thirty-five cents on the dollar, made an inglorious and suicidal effort to raise loans at 5 per cent. The continuance of the right to exchange the "legal-tender notes" for 6 per cent. bonds might have effectually prevented the currency from becoming redundant, as it might have been continually checked by investments in the bonds for the sake of interest. The 6 per cent. bonds were sold at the rate of $1,500,000 to $2,000,000 a day—amounts nearly equal to the daily expenses of the Government. Of the loan at the lower rate, little was taken except by bankers, who used the bonds in the organization of national banks. The funding was substantially arrested for several months. Many times the sum of the interest sought to be saved was lost in the enhanced rates of purchase for the Army and Navy, and, under a needlessly inflated currency, a war debt of over $2,800,000,000 was incurred, although the value received, reckoned in gold, was probably not more than forty cents on the dollar on all the expenditures of the war.

The currency continued to be further inflated, without any provision for converting it into interest-bearing bonds, until by the 30th of June, 1864, the natural fruits of the mistaken policy became palpable to its advocates. The currency and other temporary loans amounted to over $1,125,877,034.

The Administration having created a market for gold, with a constant supply and demand, through paying interest on bonds in gold and refusing to receive its own notes in payment of duties on imports, the congressional majority by joint resolution increased the previously extravagant duties to the amount of 50 per cent. on all articles indiscriminately for sixty-three days, ending with the 30th of June, 1864. The necessary consequence was that gold rose rapidly and enormously, or rather that the currency correspondingly depreciated. Congress, alarmed and anxious to stem the tide it had thus set in motion, passed a "gold bill," approved June 17, 1864, with the vain hope of checking the depreciation of the currency by prohibiting time contracts for the sale of gold. Violations of the act were to be punished by fines and imprisonment. The ill-advised step only added fuel to the flame. Its result was a temporary closing of the gold-room, leaving purchasers at the mercy of individual dealers, and, next, a mania of speculation, during which gold reached its maximum of 285, the actual premium having more than doubled within about two months. The pernicious effects of these glaring violations of the laws of common sense and political economy were so immediately obvious that both acts were short-lived, the gold bill being repealed in fifteen days after its passage.

The protracted duration of the war, so widely at variance from the early and rose-colored assurances of the administration, added to the excessive issue of paper money and its great depreciation, induced distrust and discredit of the Union. Instead of wantonly diluting the currency and willfully diminishing its value, so as to tempt purchasers of bonds, or, in the phraseology of the day, to "float the debt" nominally at par, but really far below it, a strong specie reserve should have been maintained, and the paper dollar kept as nearly as possible at its par value. This would have given confidence, and the people or Government would have received a full or fair equivalent for the money they are compelled to pay. Throughout her recent great calamities France, in pursuance of a policy well worthy of profound attention, never permitted her currency to reach a discount of over 2½ per cent., and yet one dollar of hard money would have bought nearly three dollars of ours, and our bonds were depreciated to a corresponding extent. No other nation has ever, during war or any other great exigency, made such distinctions, discrediting her own currency by persistently recognizing and enacting its inferiority to the precious metals.

It is little to the credit of the party which for the last fifteen years has been intrusted with the management of our financial affairs that, although France maintained her paper money practically at par during the misfortunes which ended in a loss of some of her best territory, throughout a terrific civil war, and although she paid a ransom of $1,000,000,000 and interest, our "legal-tender," or Government paper money, is yet at a discount varying from 12 to 13 per cent., and gold once reached a premium of at least 185. The public debt of France is more than twice as large as our own. Her area is more than one-third less than that of the State of Texas alone and only about one-twentieth part of that of the Union. Her population, long nearly stationary, and recently diminished, was, in 1872, little more than thirty-six millions, while ours is now about forty-three millions, and is probably increasing at the rate of nearly a million and a half yearly

Judging from the past, our national wealth will double in about eight years, a rate of prosperity three or four times greater than that of France. Yet, with her far inferior resources, and throughout the pressure of almost unequaled misfortunes, the outstanding issues of the Bank of France not redeemable in specie never exceeded $640,000,000, and were lately $489,000,000, against which it holds $300,000,000 in the precious metals, but insists, as a preliminary to the resumption of specie payments on the 1st of January, 1878, on a further reduction to the amount of nearly a hundred millions of the issues lent to the government.

Our basis of credit being, as we have seen, far superior to that of France, the contrast between her financial management and that of the administration of this country deeply condemns the latter. Acting without forethought, and in one of those blunders which are sometimes said truly to be worse than crimes, it borrowed and dissipated the specie held by the banks, and paid away its own, instead of encouraging and keeping a reserve, which would have made the currency nearly at a par with coin, and thus have retained at nearly the same standard the current value of its bonds and the articles needed in the war, enormously diminishing the burdens of the people, who, through the shameless waste of their credit, now pay, in the common standard of the world, debts contracted under the fictitious valuations of an irredeemable currency, which the administration, by its example and its laws, taught the people and the world to distrust.

Our Government took no efficient or well-calculated steps to keep up the value of our note circulation. But this object was the first aim of France. Our administration fed speculation, willfully producing an artificial state of things and an appearance of prosperity which deceived many. The Secretary of the Treasury, with the hope of reducing interest, caused an immense depreciation of the currency and brought upon us the long train of disasters from which we have not yet recovered. His was the policy of selling notes at half or one-third of their face for the sake of saving 1 per cent. in interest. France, on the contrary, arrested speculation by advancing the rate of interest through her bank and kept down prices, thus encouraging exports and enabling her government to buy at fair prices. Her financial policy was the reverse of ours and the result was more propitious. The chief practical example she now gives as an appropriate lesson for the condition in which we are placed is that, by means of an enlightened and moderately liberal commercial policy for the benefit of the people at large, and not the favoritism of the few, and by maintaining a large reserve of specie in her bank, she circulates free of discount a nominally inconvertible paper currency to the amount of over $500,000,000.

Although, owing to the unparalleled natural wealth of our country, the results of defying the positive laws of political economy were long delayed, the time necessarily came when the speculations thus set afloat were subjected to the inevitable test of realizing money from them; and it was found they rested on no adequate foundation. The administration had transferred its financial agencies to men who had been foremost in advocating its sophistries and strenuously striven to delude the people by promulgating the doctrines that "a national debt is a national blessing" and that "debt is wealth." The leading and most trusted advisers and co-operators of the Government in its financial affairs became the most conspicuous speculators. The system significantly culminated in the failure of the houses which had been most highly favored and trusted by the administration. A run for deposits almost immediately followed. The sixty banks of New York were liable for $200,000,000 to their depositors. Speculation had become so rife because the currency was far in excess of legitimate commercial demands that, to meet the emergency, the banks had depended on "call-loans." The bank loans throughout the United States far exceeded those of any other date, and the ratio of cash to deposits and circulation was then, as it had been for the two previous years, less than at any other time during the last forty years. In New York, within little more than three weeks, the "legal-tender" reserve was reduced from thirty-four millions to less than six millions. The securities on which the "call-loans" had been made became unsalable except at ruinous prices.

Prominent among the results of the stimulation of a false currency was a mania for the construction of railroads, which averaged nearly six thousand miles for the five years ended in the crisis, against an average of about eleven hundred in the seven years ended with 1866. The reaction was so disastrous that railroad bonds to the amount of $567,028,639 were in default, and considerably less than half of the railroad stocks in the whole country paid dividends, entailing losses and ruin on multitudes of innocent sufferers. These disasters, though more easily computed than many others and larger in amount than any other single class, are probably little more than fair specimens of the wide-spread calamities. Many manufactures, notably those of iron, cotton, and wool, were suspended or put on short time. Laboring men and women were thrown out of work to an extent previously unknown in the history of our country; immigration, that prolific source of our prosperity, decreased; multitudes returned to Europe to spread abroad in every land the tidings of their disappointments and deter others from embarking; and the number of bankruptcies in 1873, as also in 1874, exceeded that ever before known, except in 1861, the year when the memorable destruction of trade and capital was caused by the war. From that time to this the commercial confidence necessary to the employment of labor has been impaired, and the poverty of the masses and crime have increased beyond all former precedent. In addition to other burdens, we sustained in 1871 and 1872 losses by fire in the cities of Chicago and Boston amounting to $300,000,00 , an amount of wealth as irretrievably lost as if it had been swallowed in chasms caused by earthquakes or thrown into the midst of the ocean.

All the calamities we now endure would have been incalculably more general and severe but for the prompt action of the clearing-house through which, when the crisis occurred, the stronger banks of New York combined to sustain the weaker by combining their reserves of legal-tender notes and issuing interest-bearing loan certificates, which were made the media for the payment of differences.

It is instructive to note that throughout the history of our country commercial panics have universally followed large expansions of the currency. By unsettling values and stimulating wild and reckless speculations which, but for a superfluity of the circulating medium, would never be undertaken, they draw money away from sound investments which would yield permanent profit to those who make them with a view to enriching themselves by rendering real services to the people at large. The national industry has been misdirected, a course analogous to waste of time and money misspent by an individual. The violent and well-remembered panic of 1837 followed an increase of $54,796,320—or from $94,389,570 to $149,185,000—in the circulation within the brief period of three years, while during the same period the loans and discounts, which practically are for many purposes a part of the currency, increased $200,996,261, or from $326,119,441 on the 1st of January, 1834, to $525,115,702 on the corresponding day in 1837. Until seventeen years afterward the aggregates of the loans and discounts of the banks never were so great as in 1837. In 1857, the year of the next great panic, they had increased to $684,456,887, and in the two preceding years the currency had increased from $185,952,223 to $214,778,822. In 1860 the paper currency was $207,100,000, but in 1866, under the republican *régime*, the outstanding circulation had increased to $648,866,000, and on July 1, 1875, to $727,640,588, exclusive of over forty-one millions of fractional currency.

The notion of many of the advocates of expansion is vaguely that it would be substantially a distribution of money among the masses at large; but it is in fact one of the most seductive methods of depriving those who depend on their labor and industry of their just reward, placing colossal fortunes in the hands of a few, to whom it gives a lion's share of the little the people individually possess, taxing their labor and that of their descendants, and thus endangering even the Republic and the liberties of the people. This has been the uniform experience of mankind, and it is aptly illustrated by the history of our country in the last fifteen years, during which we have had an irredeemable circulation, and when, while wealth slipped more rapidly than ever into the hands of speculators, the number of bankruptcies exceeded those of any former term, and poverty, distress, and crime have made alarming progress, unprecedented in the history of our country.

It may be freely admitted that, at first sight, the theory that paper promises to pay are capital is not without some show of plausibility. Currency is the symbol of wealth, and the shadow is frequently mistaken for the substance. It is, in fact, when inflated, nothing more than so much "watered stock." The value is nominally increased, but the actual property remains the same. Sooner or later the fraud is exposed, but from time to time this is again forgotten, and a new era of inflation and delusion begins, to end in the same way as its predecessors. The experiment has often been made, and as often attended by the same bitter lessons. Yet, with new men, the old errors are repeated. Happily for mankind, nations are long-lived, seldom dying, and in some degree the wisdom gained by one generation filters down the course of time to its successors. As on some points the laws of finance are as positive as those of physical nature, the experience of other countries is instructive.

In 1797 the Bank of England began, under authority of Parliament, to issue excessive amounts of notes, which the London merchants agreed to receive at par. Even this could not prevent their depreciation. Parliament seconded the ineffectual efforts and in 1811 passed the celebrated resolution that "the price of gold had advanced, but the value of bank-notes was not depreciated"—a complete counterpart to the declaration of one of our own Secretaries of the Treasury, who claimed to be the author of the legal-tender system, that gold had increased in value but that his paper money had not depreciated. In 1814 a British "gold-bill" was passed, enacting that "the taking of gold coin at more than its value or bank-notes at less shall be deemed a misdemeanor." It was as ineffectual as our own. The trade in the precious metals was conducted as openly as ever and the depreciation of the notes continued. No effort was made to enforce the impotent law. The notes remained below par for nineteen years. At last the celebrated "bullion-committee," appointed by Parliament to investigate the calamitous condition of British financial affairs and their inconsistency with the theories too generally believed, recognized the actual depreciation and declared that this was the cause of the general advance in prices. Its main conclusion was that "the country ought to be brought back with as much speed as is compatible with a wise caution to the original principle of cash payments at the option of the holders of bank-notes."

The highest officials of the time, the London bankers, and the na-

tion at large, with the exception of a few thinking men, long continued to re-assert that the large volume of the currency had nothing to do with the rise in prices; that the bank-notes had lost nothing of their value, and that no restriction of the circulation was needed. It was not until eight years afterward that the public had been instructed by the logic of events, and, with few exceptions—which, however, included the directors of the Bank of England—the truth of the doctrines held by the committee was universally admitted.

The following axioms were regarded as incontrovertibly established:

If gold is at a premium in paper, the paper is redundant and depreciated, the premium measures the depreciation.

If the inferior currency be removed, the exchanges will be turned, the overflow will stop, and, if any vacuum is created, gold will flow in to supply it.

A better and a worse currency cannot circulate together. The worse will drive out the better.

The views of the committee have long continued to be, in substance, the laws of finance in Great Britain; and for more than thirty years the use of bank-checks and other modern means of facilitating payments has been so great that there has been no material increase in her paper currency, although during the same time her commercial transactions have been multiplied fourfold.

The depreciation of the currency of France under the regency of Louis XV has become proverbial. At its origin it had its advocates, but although France prohibited the use of coin and decreed even the penalty of death for those who refused to receive the paper at par, it fell until the equivalent of a $100 in our money would buy only a single pound of butter. At last it became utterly worthless; the people by common consent returned to a specie currency; and the author of the scheme only escaped from the country at the peril of his life.

Austria has been slower to learn, and her disasters have been prolonged to a much more recent date. Sixty-five years ago her currency was so far reduced in value that she issued "redemption notes," in which it was to be "redeemed" at the rate of three to one. This having failed, she over and over again, under new names, such as "Viennese legal-tender" and "anticipation notes," vainly sought to provide substitutes for a metallic standard. In 1873 she suffered from a panic bearing a close resemblance to our own. After her war of 1866 large issues of paper money were made, which led to a belief in the abundance of capital and to speculations of all kinds. The government itself gave aid by guaranteeing dividends on various railroads. The market was glutted with an immense quantity of so-called securities, in which it was for the time impracticable to distinguish between the good and the bad. The inevitable crash ensued. As in this country, the leading speculators were the first to suspend. Their example was soon followed by a multitude of smaller operators. Even the strong houses were shaken. The bourse was closed to prevent violence among its more adventurous members, some of whom committed suicide.

In the yet brief history of the United States and Canada the same lesson has been no less imperatively taught. I pass over the examples to be found in the records of the individual States and colonies. Franklin himself, early in the revolutionary war, warmly approved the issue of bills "on the faith of the continent." One member of the Congress, who seems to have been alone in his views or in the courage needed to avow them, urged taxation, but was bluffed by one of the almost unanimous majority, who, in a spirit of which we have conspicuous examples in our own time, asked "if he was to help to tax the people when they could go to the printer's office and get a cart-load of money." The currency decreased in value until monstrous sums were needed to buy a cow or procure a frugal meal. It became exchangeable only at the rate of a thousand dollars for one sound dollar. This, too, in spite of penal laws to enforce the impracticable wishes of Congress. The historian of the time says:

Wealth was accumulated by the dishonest multitudes of contractors and the many defrauders of that unhappy period, while more deserving men felt that it had been plundered from their own coffers for the aggrandizement of such people.

No thoughtful statesman ever overlooks the precedents establishing the positive conclusion that wherever legislators have attempted by penalties to compel the people to take irredeemable paper at par with coin the laws of the strongest alike with the weakest governments have signally failed in enforcing their wishes.

Stripped of the sophistries with which it is frequently surrounded, the necessity of a fixed standard of value in all the commercial and monetary affairs of the nation is so clear that he who runs may read it. Paper money may be freely used; checks or bills of exchange, aided by the railroad, telegraph, and post-office, may transact nearly all such business of the country as is on a large scale, and tend to prevent any exorbitant rate of interest; but it is essential that all these means should simply represent one universal and uniform standard. Without this guard, they become uncontrollable and unsound—extortionate taskmasters instead of good and faithful servants.

In the minds of many men affairs of state are surrounded with a confusing mystery, as if the principles of ordinary facts and common sense could not be applied to them. Yet it is plain that trade in grain of any kind would be placed under such enormous disadvantages as to render it almost impossible if the bushel measure of to-day might be larger or smaller to-morrow from causes the farmer or merchant could not foresee and altogether independent of their control. The dealers in textile fabrics, and in land itself, would be in strange predicaments if the yard and the foot were subject to great and frequent variations, and might represent at one time little more than a third of their measure at another. Yet the obstacle which has been thrown in the way of the trade and prosperity of the country is almost exactly of the same nature. The "legal-tender" dollar at one time was worth little more than a third of the true dollar, and continually changes from day to day, making trade uncertain and values of all kinds doubtful. No man knows when he rises what they may be that morning, or when he goes to his place of business what they may be before the sun sets. It is an established fact that the greatest possible certainty of value is attainable only by enforcing the standard of the precious metals; they become the property of whatever nation or individual will give most for them. Their portability and the universal recognition of their value throughout the world make them the natural and least fluctuating medium of exchange, and arbitrary legislation has been and seemingly always will be unsuccessful in discovering or enforcing any stable substitute for them.

Gold by the Constitution of the United States is a legal tender, and as a necessary consequence, the standard of value. That instrument gives no authority or power to any department of the Government to issue legal-tender paper, or a currency payable on demand. The only ground upon which it was issued during the civil war was that of seeming necessity, it being supposed that the existence and supremacy of the Government were involved. Without entering into the conflicting decisions of the Supreme Court of the United States, it is sufficient to know that they indorsed the issue of legal tender, but only as a war necessity. It necessarily follows it could not otherwise be legally issued. Under a proper construction of the Constitution this is impossible; and as democrats adhere to that instrument, they cannot for a moment contend for such a proposition.

When the legal tender issued by the Government is withdrawn, it must cease to issue more or any paper currency whatever.

The right to control the financial affairs of the country by increasing the circulating medium at his own will is too dangerous a power to be lodged in the hands of the Secretary of the Treasury. That high official is seldom chosen for his adaptation to the special duties devolved upon him. He may be one who has attained political rank, yet be profoundly ignorant of the simplest facts and principles in modern science, and become a mere partisan intriguer. At another time the holder of that office may be a man of sterling principles, sound doctrines, and pure character; but in the change of parties there can be no certainty of this. We know the common weaknesses of human nature, and should guard against them by making the temptations to do wrong as few and slight as possible. Hence the aim of all good citizens should be to separate the Government from the business of banking. It cannot remain in the hands of the Government without creating such centralization and influences as are hostile to the spirit and perpetuation of republican institutions.

Upon the withdrawal or redemption of the legal-tender and the resumption of specie payment the issue of new currency should be practically free to the banks to any extent on the deposit of national bonds as security for the circulation. Under these conditions there would be free trade in money. The law of supply and demand would solve the question of the currency, and the largest practicable amount of benefit the banks can render would be attained, while the circulation would kept within moderate limits and gradually attain the true and honest standard of the world. As one of the ultimate results, the time may come when their notes, amply secured by Government bonds, in a proportion which will assuredly command specie, may be accepted by the Government in payment of its dues and re-issued for its current expenses.

I do not know any more striking instance of the forgetfulness of yet recent history and the superficial consideration, too often with the most deplorable results, given to the affairs which concern us all, than the impression on the minds of some candid men, and the loud and re-iterated assertions of others, that the democrats are the party of inflation, and the republicans are the most reliable supporters of a sound currency and a return to specie payment. The traditional policy of the democrats is that of a currency redeemable in hard money, and will be so to the end. Individuals are to be found who on other points agree with them but believe in the pernicious doctrine of an irredeemable currency. They are not the party, and misrepresent its well-known and hitherto universally admitted tenets. On the other hand, the republicans, from the beginning of their possession of power to the present time, have uniformly practiced the fraud, and attempted to justify it, until their efforts were no longer availing. They took from the banks the power of paying in specie, are responsible for the whole existing system of paper money, and in the height of their delusions took from it the redemption on national bonds which would certainly have led the country safely to specie payments many years ago.

Some, although holding general allegiance to the republican party, were so far patriotic and wise as to warn it against the cause from which most of our financial evils sprang, and have since wrung from it spasmodic promises of reform which have been as often broken.

There are many conspicuous instances of this practical deception. One of them was the first act of Congress approved by President Grant after his inauguration. In clear and terse words it explicitly declared that "the faith of the United States is solemnly pledged to the

payment in coin or its equivalent of the United States notes," and that Congress "pledges its faith to make provision at the earliest practicable period for the redemption of the United States notes in coin." The hopes thus given were fallacious. The congressional majority arrested the contraction begun by McCulloch when Secretary of the Treasury, and supported by the illegal inflation by Boutwell and his successor. Six years ago, in 1870, the premium on gold fell to 8¼ per cent., and yet it was not long ago 17¼, and is now about 13. During the last six years, under republican control, paper money has receded further from approaching to an equality with gold.

The people are vitally interested in a return to a specie basis. The paper they now receive for services, daily toil, and general business purposes is worth only eighty-seven cents on the dollar, through its depreciation to that extent below gold value, which they pay for nearly all the articles required for daily use. No sophistry can long continue to delude them, while a vigilant press penetrates the remotest parts of the country, into a belief that such depreciated and inconvertible paper money is the best currency.

The expediency of a return to specie payments may now be taken for granted. The present time is the most opportune we have had since inflation began for making vigorous preparations for specie payments. The premium on gold has been reduced by commercial causes, apart from legislation, from 18¼ to 12 or 13 per cent., thus indicating that the remaining steps to gold at a par rate with notes can gradually be safely retraced by no extraordinary amount of statesmanship, provided it is sincere and persevering. Since the war began the circulating medium has increased three times as fast as the population. In New York the accumulation of money and the low rate at which it may be had are unprecedented; but few borrowers whom the capitalists will trust are to be found. Low as the rate of interest throughout the world has long been, money was for several months cheaper in New York than in the great cosmopolitan market of London, the difficulty of our capitalists having been to find profitable employment for their currency at home. A similar state of affairs prevails, though in a minor degree, at Chicago, Cincinnati, and the other great financial centers of the Union. Even the bill passed June 20, 1874, with the intention of increasing the currency, has proved, as clearly as the thermometer shows temperature, that more is not needed, and that there is a redundancy above the wants of the people. Under its operations, and after allowing for the new circulation, there has been a net contraction of the paper currency to the amount of over twenty millions within a year. Banks are unable to employ their money at fair profits. The legal-tender and other reserves held by the banks of the country at this time are largely in excess of the requirements of the law.

The abundance of money throughout the civilized world affords peculiarly favorable opportunities for funding or obtaining specie and foreign credits, which, to a certain extent, are identical with each other. The futility of expanding the currency was signally demonstrated when the Secretary of the Treasury, during the panic of 1873, issued, without authority of law, $26,000,000 of notes, in the vain hope of relieving the money market. These notes did not enter at all into the general circulation, but were hoarded by savings-banks and trust companies, as were those which had been already withdrawn from the banks of discount and deposit. Large exportations of grain to Europe from this side of the Atlantic are expected. Our imports have enormously shrunk. The people themselves are more than usually free from debt; and last, but not least, is the encouraging fact that their minds have been long and carefully prepared by an increasingly intelligent press, never before so sound and well informed on financial topics, to take more than superficial views and look beyond the delusions of what is merely immediate and temporary to that which, though slightly more remote, is permanent and real. The Government, at present unable to redeem its promises to pay, may never again have so good an opportunity of beginning the process of exchanging its bonds at a low rate of interest, or the national banks of laying up the reserves of specie, on which, in their hands, under the wholesome law of free competition, the restoration of prosperity depends.

On the other hand, if the policy of the expansionists could be followed, the return to specie payments and the successful funding of the debt, long ago due on demand, but yet unpaid, will become more and more difficult, until, as we have seen has repeatedly been the case in other countries and our own, the control of legislation will be lost, broken promises will be renewed only by making more of them, and wide-spread disaster, misery, repudiation, and national dishonor will ensue. We have reached a point where any expansion of an irredeemable currency means its indefinite increase, and are approaching that crisis against which the united wisdom of many generations warns us, in the maxim that the descent to destruction is easy, but the labor and work of retracing our steps is difficult if not impossible.

We have now arrived at the period when inflation no longer inflates. In the body political and financial, as in the human body, there is a point where the power of stimulants ceases and can no longer prevent collapse. This is the law of all serious panics and their results. There is a great shrinkage in business, and no important revival can be expected until a new financial system which will deserve and receive public confidence is fairly begun. In proportion as there is a cry for inflation, capital, proverbially timid, seeks for safety, withdraws from enterprise, and refuses to employ labor. Until the future policy of the Government is permanently settled, there will be no real renewal of the commercial and general prosperity of the country.

The act of January 14, 1875, passed by the last republican Congress under the previous question, cutting off all debate, has done more than any other single measure to produce expansionists. It has created alarm in business circles and given to inflation an importance it could not otherwise have attained. The impression is that if the act is rigidly enforced the contraction of the currency will of necessity be so rapid as to produce again widespread disaster, and such undoubtedly would be the case if resumption were really enforced at the date named for it, January 1, 1879. While the majority of this House is not responsible for this act or its consequences, it should not be repealed unconditionally and without substituting for it some better measure having for its object the resumption of specie payments at the proper time. A modification of the law, and more in accordance with the true interest of the country, will be no doubt effected. So long as the Government continues practically to insist that its own notes are of an inferior value to the precious metals, a most serious financial error is committed, and a policy in opposition to the resumption act, and far-reaching in its effect, is perpetuated. I express only the general opinion of the most sagacious financiers when I say that so long as this barrier remains specie payments cannot be attained for many years.

I regard a moderate contraction of legal-tender as indispensable and vital to the resumption of specie payments. It is the necessary guarrantee to be given by the national legislators to the people that they may confidently rely on the sure approach of a sound currency, but so far as it is enforced it should be so gradual as not to disturb too violently the various existing interests of the production, commerce, and property of the country. This should be done by funding legal-tender paper into bonds at the lowest practicable rate of interest. This simple process fairly carried out would probably turn the foreign exchanges in favor of this country to such a degree that we should not only retain the immense product of our own mines, but that there would be returned to us a sufficient amount of the precious metals, now driven away to other lands by excessive paper issues, to enable us to resume specie payments. All this would be done by a process perfectly natural and in strict harmony with the well-settled principles of trade and finance. The time to resume will be when we are prepared to do so, and is not within the ken of legislators, be they ever so wise, to fix definitely by statute.

At the same time there should be some definite and absolute provision for moderate but steady contraction. Among the possibilities of the future is such a demand for money as would make it unprofitable for the banks to convert the legal-tender they hold into bonds at the lowest rate of interest. I would therefore suggest as a means of gradual contraction, and with a view to rendering more certain the resumption of specie payments, that if the Government should authorize the purchase and cancellation of some moderate amount, say $1,000,000 per month, of the legal-tender notes, and authorize the Secretary of the Treasury to sell 5 per cent. bonds—if bonds at a lower rate of interest cannot be negotiated—of the United States to provide funds for that object, the first great step would be taken toward resumption, without injury to the financial and business interests of the country. Under the recommendations of Mr. McCulloch, when Secretary of the Treasury, contraction on a larger scale was begun, but Congress, fearful of the effect, withdrew its assent. I propose that the rate and method of contraction shall be so gradual that Congress can have no excuse for again intervening. Rigid adherence to such a course would indicate a determination to return to a sound basis; the absence of the inferior currency would be gradually supplied by the superior; the problem as to the method of resumption would be solved, and the system work itself out by a natural process, while individuals and the banks would have ample time to prepare for a new condition of affairs. Business being thus adjusted upon the new basis, confidence would return, and with it prosperity would prevail.

The country is disposed to look to the democratic party for a return to economy and integrity in the administration of public affairs and for the introduction and adoption of measures well calculated to restore to a safe and harmonious basis the financial, commercial, and material interests of the nation. It yet remains to be seen whether the leaders fully recognize the exigencies of the occasion and realize the necessities and hopeful expectations of the people.

FINANCE AND CURRENCY.

Mr. CAMPBELL. Mr. Speaker, House bill No. 79, which I introduced and which I propose shall accompany and be the basis of the remarks I shall make on this occasion, contains two distinct propositions:

First. The repeal of the national banking law.

Second. The institution of the American monetary system.

In the discussion of these subjects in due amplitude there are certain fundamental principles that must be kept prominently in view, otherwise there would be danger of mistaking effects for causes, and of running into errors not less injurious than those we propose to correct or remove.

1st. That there are but two pure principles of government—the autocratic and democratic. The former is founded on the principle of centralization, and the latter, on that of decentralization. The laws or mode of administration adapted to the autocratic principle must

be such as will vest all political power in the emperor or individual sovereign, with the power to control or command all the property of the empire so far as may be necessary for the maintenance of the government. Under the democratic principle, the laws or mode of administration must be such as will recognize and concede all political power as the right of the whole people.

2d. That the design of the founders of the Republic was to establish a government on the democratic principle, recognizing in the people every essential attribute of sovereignty; a government that, while giving to the individual citizen the largest religious and political liberty compatible with the good order of society, would protect all in their natural right to enjoy the fruits of their labor and talents. This being conceded, it follows as a deduction of logic, as well as a doctrine of democratic politics, that all grants of special privileges, powers, and immunities to favored individuals, classes, or corporations are repugnant to the principles upon which our institutions are based, and consequently without warrant in the fundamental law.

I propose in what I have to say to treat these subjects in a practical, business manner, and not from the so-called scientific stand-point. The views and arguments I shall advance have been gathered from observation and experience rather than from what others have said and written. Most, if not all, of the works that are regarded as authority on finance and political economy have been written in the interest and support of the autocratic or aristocratic principle of government, and consequently are no guide for us. The authorities I have consulted most, and upon which I rely for support of the arguments I shall offer, are the Decalogue and Davies's Arithmetic. These are applicable alike in all just governments.

We are in the close of the first century of our national existence. As we are about to enter upon the second, it would seem to be fitting that we should recall, review, and estimate the past, and consider whether we have so administered the Government, so used the wonderful natural gifts with which we were endowed at the commencement of our national career, as to verify the opinions and predictions of the fathers, and justify the hopes and good-will of the friends of mankind.

The President, in his late message to Congress, refers, with seeming pride, to the advancement we have made in the hundred years of our national existence in population and wealth, in the arts and sciences, in agriculture, commerce, and navigation, in mechanics, mining, and manufactures, and in the freedom of the bondmen, and in general education. After presenting what I regard as the bright side of the picture, the President very appropriately advises the review of the past, which I propose to make; advises study of the means of preservation and advancement, and attention to threatening dangers.

The centennial picture has a reverse side, with images in sad contrast with the President's. One hundred years ago we entered into the family of nations with acknowledged and respected independence, and with an almost limitless domain, rich in all the elements of national wealth, with unequaled natural advantages and facilities for their development, and with a hardy, self-reliant, industrious, and economical population. Impelled by the love of freedom, and attracted by our cheap and fertile lands, immigration poured in upon us from all the countries of Europe. Increase in our population and wealth was steady and rapid, defiant of all error in policy and in legislation. But the great element of labor has not escaped its enemies. It encountered, and has all along borne, the wrong of hostile conspiracies on the part of money and monopoly, created and fostered by laws made in the name of the people. It has been oppressed in the distribution of the wealth its hands have made. It has subdued the forests; opened our mines; erected our furnaces, mills, and factories; constructed our ships, canals and railroads; and to it we are mainly indebted for the progress we have made in the arts and sciences; yet a large portion of the people toil day by day for a mere subsistence, destitute of the comforts and conveniences necessary to make life enjoyable. Another class, small in number, not physically, intellectually, or morally better than the average of society, and who, for the most part, never raised a finger to perform any useful labor, or gave a moment's thought to any subject for the common good, have acquired, by means of cunning fiscal contrivances and other partial and vicious legislation, the larger proportion of the products of industry and enterprise. We have so squandered the public domain, by sales to speculators and in donations to railroad and other corporations, as that, in less than two decades to come, the Government will not have a single acre of tillable land. We have created railroad, bank, and other corporations of every conceivable kind, character, and nature, and endowed them with powers and granted them privileges superior to those of natural persons, until the legislation of the country, national and State, is so largely under their control, that, instead of a government of the people, we have a government of corporate capital and of special legislation, adverse to common right and interest. We have delegated to private corporations the sovereign power to make money and regulate the value thereof, and, by giving the credit of the people to those corporations created by our gracious hands, have invested them with power to grind and oppress the industrial classes. By that delegation of power and gift of credit we have invested corporations with power to establish the standard of distribution between money and production, to control, perplex, disturb, and ruin business, and to appropriate to themselves the increase of wealth due to industry and enterprise.

The present condition of the country closes the contrast. No fervor of language, no art of rhetoric can heighten the impressiveness of the statement. Public spirit, enterprise, industry, and progress—labor and its food and comfort—are under indentures of mortgage, and property is menaced by the martyrdom of the hammer.

I cheerfully concur with the aspiration of the people for relief and remedy, and will proceed to show that a false and oppressive monetary system has been the cause of that condition, and to present and advocate the measure and means of rescue.

As money is the most potential power in public affairs, and affects all material interests, a knowledge of its nature and functions is necessary to its wise institution and salutary use.

MONEY

Is a legalized agent, invented to facilitate the exchanges of property and products and to pay debts. To be fitted for the performance of these functions it must have uniform credit and equal legal powers in the payment of debts throughout the jurisdiction of the government instituting it and putting it into circulation. These properties or powers are imparted to it by the law making it a tender in the payment of debts, and are in no degree dependent upon the quantity or quality of the material by which they are expressed. The only thing that gives one substance the preference over another for the material of money is its superior convenience. It has no material value, but only an immaterial or legal value. Money, when rightly instituted and honestly put into circulation, is evidence that the holder has, either directly or remotely, given value or rendered service to the government whose impress it bears, and, consequently, is a legal lien on all the property for sale in the nation in the same sense and to the same extent that the bond or interest-bearing obligation of such nation is on all the property in it, whether for sale or not.

Money is national, not universal, as claimed by the bankers and bullionists. There is, practically, no such thing as the "money of the world." Our coin is not current money in other nations. They only receive it as a commodity, and greatly prefer our bullion in the settlement of the balance of trade. Commerce between nations is the exchange of the products of the soil and goods and wares of one nation for those of another, and is never carried on upon legal values, but upon actual values—practical barter. Hence, the argument, that if we adopt a national currency for our internal exchanges it will operate injuriously on our foreign trade, has no foundation in practical experience.

Money, whether of gold, silver, or any other substance, parts with its properties and powers as a circulating medium when it passes beyond the jurisdiction of the government instituting it and making it a legal-tender in payment of debts. This theory is not inconsistent with the claim of the advocates of an exclusive metallic currency, that it is the amount of labor expended in the production of the so-called precious metals—gold and silver—that qualifies them for a medium of exchange; for if it be the law that nothing but gold and silver shall be money, and if A shall, by his labor in the mines, produce the quantity of these metals equal to $1,000, the Government will coin or stamp the product of his labor with the legal powers of money, when every other person in the nation will be bound to accept it for the products of his labor or procure it to discharge his debts. Now, if B should furnish supplies or render service to the Government to the value of $1,000, and if he were willing to accept in lieu of that number of gold and silver dollars, or in satisfaction of his claim, a Treasury certificate, stamped or coined lawful money of the United States, I can conceive of no valid objection to the Government complying with his request. The certificate would represent the same amount of labor expended or service rendered to society, and would perform all the uses of a medium of exchange equally as well as the gold produced by the labor of A—better, because more convenient. The Government or people, in their corporate capacity, having received a fair equivalent for the certificate before it is put into circulation, it becomes, legally and equitably, the obligation of every citizen in the nation. Under these circumstances it would seem that no good citizen would denounce it as an "engraved lie," or refuse to accept and honor it as his own obligation, for the uses for which it was intended. To be consistent, those who oppose the issue of a full legal-tender currency by the Government in the payment of its debts should insist upon the adoption of an exclusive metallic currency, for the system of one currency redeemable in another, before it will pay a debt without the consent of the creditor and perform the other offices of a circulating medium, is the most cunning device, the most dishonest contrivance, ever invented for the robbery of those who produce and distribute the wealth, for the benefit of the mere money-mongers.

The power to make money and regulate the value thereof carries with it the power to fix the value of all the property in the nation, and to effect its distribution, and is therefore an essential attribute of sovereignty. This was clearly the view entertained by the framers of our organic law, for the Constitution of the United States gives Congress absolute power over the circulating medium of the nation, and prohibits the States from emitting bills of credit to circulate as money or to make anything a tender in the payment of debts except gold and silver coin, or, in other words, what Congress shall have established as a legal-tender.

THE RATE OF INTEREST DETERMINES THE VALUE OF MONEY.

Money is also the standard of distribution to capital and labor. This is its most important function, or rather the most important prin-

ciple, of a monetary system. In the present state of society capital and labor are joint partners in the production of property and products, and the rate of interest maintained on money or loanable capital determines what proportion of their joint productions shall be awarded to capital for its use and what to the laborers for their services. When the rate of interest on money or loanable capital is equal to the net surplus production, over and above what is consumed in the production, the laborer must work for a mere subsistence of food, clothing, and shelter, and when it exceeds the net annual savings two to three fold, as it has with us in the past, the inevitable consequence is to produce the periodical monetary crises and commercial revulsions we have had in the past and are now experiencing. But it may be asked how we are to ascertain what would be an equitable rate of interest on money or non-producing capital? With agriculture, which is the leading interest and the foundation of national wealth, as the basis, we can approximate the rate nearly enough for all practical purposes; for the increase in this important branch of industry may be accepted as the true index to the increase in all other branches of useful industry.

The following is an inventory of the farms and products of agriculture of the nation, as per census reports for the decades ending in the years 1850, 1860, and 1870, respectively:

Decade ending 1850.

Items.	Number.	Valuation.	Total.
Horses and mules	4,896,050	$32 50	$173,809,775
Neat cattle	18,378,907	12 80	220,547,604
Sheep	21,723,220	1 31	28,457,418
Swine	30,354,213	4 00	121,416,853
Bushels of wheat	100,485,994	1 00	100,485,994
Bushels of corn and rye	606,250,917	50	303,129,958
Bushels of oats	146,584,179	33⅓	48,861,393
Acres improved land	113,032,614	16 09	1,818,694,769
Acres unimproved land	180,528,000	8 04½	1,452,347,760
Total valuation in 1850			4,267,751,473

Decade ending 1860.

Items.	Number.	Valuation.	Total.
Horses and mules	7,400,322	$35 50	$262,711,431
Neat cattle	25,616,019	12 00	307,392,228
Sheep	22,471,275	1 31	29,437,370
Swine	33,512,867	4 00	134,051,468
Bushels wheat	173,104,924	1 00	173,104,924
Bushels corn and rye	859,894,120	50	429,947,060
Bushels oats	172,643,185	33⅓	57,881,062
Acres improved land	163,110,720	16 09	2,624,451,485
Acres unimproved land	244,101,818	8 04½	1,963,800,126
Total valuation in 1860			6,022,777,154
Deduct valuation in 1850			4,267,751,473
Total increase in lands and products during the decade ending in 1860, being 41 per cent. in ten years, or a fraction over 3½ per cent. per annum, compounded annually			1,755,025,681

Decade ending 1870.

Items.	Number.	Valuation.	Total.
Horse and mules	8,270,785	$35 50	$262,611,868
Neat cattle	23,820,608	12 00	285,845,296
Sheep	28,477,951	1 31	37,306,116
Swine	25,134,569	4 00	100,538,276
Bushels wheat	287,745,626	1 00	287,745,626
Bushels corn and rye	777,863,344	50	388,931,672
Bushels oats	282,107,157	33⅓	94,035,719
Acres improved lands	188,921,099		3,039,740,483
Acres unimproved lands	218,913,942		1,760,358,163
Total valuation in 1870			6,288,115,219
Deduct valuation in 1860			6,022,777,154
Total increase in lands and products during the decade ending in 1870 being 4.4 per cent. in the ten years, or .37 of 1 per cent. per annum, compounded annually			265,338,065

The increase in the twenty years from 1850 to to 1870 was 45.4 per cent., or 1.9 per cent. per annum.

I am aware that these rates are greatly below the general estimate, as well as below the rates as shown by the census reports, but the rates as given in the census reports are obtained by placing a fictitious valuation on the several descriptions of property named. This, I think, is fallacious, for the reason that a bushel of wheat will afford no more nourishment at two than at one dollar, and the same is true of all other articles of food, clothing, and shelter; nor is the power of the horse to produce increased by arbitrary increase of valuation in the inventory. So of lands when used for agricultural purposes. The yield and value of the products being unchanged, the value of the lands must of course remain the same. The difference in the quantity and value of our exports at the different periods is so slight as not to affect the general result. Of course, the extremely small increase during the decade ending in 1870 was owing mainly to the large withdrawal of men from agricultural pursuits to fill the ranks of the Army; but as the increase during the decade ending in 1860 was greater than during any like period in our previous history, I think it safe to assume that 3 per cent. is fully up to the average rate of increase, and therefore the highest rate that can be paid for the use of money or non-producing capital without impoverishing the producing classes and preventing the development of our natural resources. I now propose to demonstrate that the exorbitant rate of interest on loanable capital, fostered and sustained by the pernicious monetary system of the past and present, is the main and is of itself a sufficient cause for the periodical derangement of our agricultural, mining, manufacturing, and other useful industries and for the monetary crises and commercial revulsions, and that, so long as the present unjust standard of distribution between capital and industry and enterprise is continued in force, we can have no general permanent prosperity.

Before descending to details, and for the purpose of bringing clearly before the mind the real issue involved in this financial controversy, (which is not so much a question of the quantity or quality of the currency as the establishment of an equitable standard of distribution between the industrial, enterprising classes and the money-lending class, between the borrower and lender,) I will contrast the effects of the 10 per cent., or labor-robbing dollar, with those of the 3 per cent., or labor-rewarding dollar, on the general business interests of the country.

I will start with the earliest history of the country and come down to the present. The first Anglo-Saxon settlement on this continent was made at Jamestown, Virginia, in the year 1607, or two hundred and sixty-nine years ago. We will suppose Captain Newport, who headed that colony, to have purchased of the mother country all the territory embraced within the present limits of the United States for $1, and given the obligation of himself and his successors, payable, principal and interest, two hundred and sixty-nine years after date. It would become due the present year, and doubtless those who have not carefully considered the subject of the power of money to accumulate by interest would regard it as a good arrangement or investment for the present occupants of the territory. This, however, would depend entirely upon the rate of interest named in the bond. At 10 per cent., the amount would, in round numbers, now be $136,000,000,000, or over five times the value of all the property, real and personal, in the nation; while at 3 per cent. it would be but $2,840, or equal to the value of an ordinary fifty-acre farm or one foot front of a first-class city lot. The amount at 10 per cent. would be forty-eight million times greater than at 3 per cent. The real issue, then, is between these two kinds of "dollars." The advocates of "hard money" propose to force the Government to adopt the former, or rather to continue it in use, for we have it under the present banking system, and it is just what the specie-basis fraud always did and always must, in the very nature of things, give us. On the other hand, the advocates of a legal-tender currency, issued directly to the people in the payment of the debts of the Government, contend for the adoption of a system that will make the latter, or labor-rewarding, dollar the money of the realm. But the bankers, bullionists, and others of the money-lending class defend the present extortionate rates of 6 to 10 per cent. on the Government securities and other safe investments on the ground that they are not above the rate of increase in the national wealth. To show the fallacy of their arguments in support of this assumption, we will assume the value of all the property in the nation, real and personal, one hundred years ago to have been $1,000,000,000, which I think will be regarded as a sufficiently low estimate:

The following table will show what it would now be, allowing it to have increased according to the several rates named:

At 10 per cent.	$13,782,000,000,000
At 8 per cent.	2,200,000,000,000
At 7 per cent.	868,000,000,000
At 6 per cent.	339,300,000,000
At 5 per cent.	131,500,000,000
At 4 per cent.	50,470,000,000
At 3½ per cent.	26,570,000,000
At 3 per cent.	19,220,000,000

Now, I think it safe to estimate the present value of all the property in the nation, real and personal, at $26,000,000,000. It was, as shown by the Census Report of 1860, $16,160,000,000. Allowing it to have increased at the rate of 3 per cent. per annum for the last fifteen years, it would now be in round numbers $26,000,000,000. It will be seen that if the national wealth had increased at the rate of 10 per cent. it would now be 530 times; at 8 per cent., 85 times; at 7 per cent., 33 times; at 6 per cent., 13 times; at 5 per cent., 5 times; and even at 4 per cent. nearly double that amount.

Now, labor and the capital employed in productive industry and legitimate enterprise—in other words, the producing element—is paying rent or interest to the property-renting and money-lending classes, as rent or interest, on at least one-half the amount of the national wealth, or $13,000,000,000; and it is safe to say that the rate of interest which governs the value and rent of all property will average fully 8 per cent. This would give, as the annual cost of capital, $1,040,000,000, while the increase on the $26,000,000,000 or whole amount of the national wealth at 3 per cent. would be but $780,000,000; thus leaving those engaged in legitimate business, who are necessarily the borrowers of capital, indebted to the capitalists or money-lenders in the sum of $260,000,000 at the end of the year.

EFFECTS ON OUR TRANSPORTATION, INDUSTRIAL AND COMMERCIAL INTERESTS.

For the purpose of showing these effects I will take the rates of 4 and 10 per cent., which are about the relative rates of interest on money or loanable capital in all legitimate business with us and in England.

First on our shipping interests. Let us suppose an English company to propose to an American company to establish a daily line of steamers between New York and Liverpool, and that it would require twenty-four vessels, costing on the Clyde $500,000 each. As matters now stand, the American part of the company would not be likely to engage in the enterprise without first procuring from our Government a subsidy in some shape. If they should happen to belong to the free-trade school, they would ask for and be content with the removal of the duties on the materials entering into the construction of their vessels and on ship stores. On the other hand, if they should belong to the protective school, they would ask for a subsidy to indemnify them against the higher wages paid to labor here than in England in the construction and operation of their vessels. Let us further suppose that Congress should say to those gentlemen, whether they belonged to the school of free trade or protection, "We feel so deeply interested in having our merchant marine restored to the high seas, that we will not only comply with your requests, but we will guarantee that you shall have twelve vessels of the same capacity and in all respects equal to those of your English partners at the same cost, and that your seamen's wages, supplies, repairs, insurance, and all expenses shall be the same as theirs; but you must employ American capital at our rates in the enterprise." This would, of course, be perfectly satisfactory; for with us the question of the cost of capital or rate of interest is never raised in connection with enterprises of this kind. The political economists of both of these schools seem to regard the cost of capital as a matter of secondary importance.

The advocates of protection have not in the past complained of or asked to be indemnified against the higher rates of interest paid for the use of capital, but only to be protected against the higher wages to labor here than in Europe. On the other hand, the advocates of free trade assume that our manufacturers can pay 10 to 12 per cent. for capital and compete successfully with foreign goods and wares manufactured with capital at 3 to 4 per cent. without any reduction in the wages of our labor. Now, to show that neither of these policies offers any sufficient remedy for the evils complained of, we will suppose the proposition of the Government to be accepted and the enterprise entered upon, and that the company make a net profit of 7 per cent. per annum over and above seamen's wages, repairs, insurance, and all other expenses, and after providing a sufficient sinking fund to maintain the line in like good repair for all time. This would doubtless be satisfactory to the English part of the company, for it is about double the average rate of interest in that country, and it ought to be equally so to the American members of the company, for it is quite double the average rate of increase in our national wealth. Let us further suppose the company to borrow the whole amount of the capital employed in the enterprise, the English members to obtain their portion at 4 per cent. and the American members to agree to pay 10 per cent. for their part.

The result would be as follows:

English company, with interest at 4 per cent.		American company, with interest at 10 per cent.	
Capital stock	$6,000,000	Capital stock	$6,000,000
Profit first year	420,000	Interest first year	600,000
	6,420,000		6,600,000
Deduct interest first year	240,000	Deduct profit first year	420,000
	6,180,000		6,180,000
Profit second year	432,600	Interest second year	618,000
	6,612,600		6,798,000
Deduct interest second year	240,000	Deduct profit second year	420,000
	6,372,600		6,378,000
Profit third year	446,082	Interest third year	637,800
	6,818,682		7,015,800
Deduct interest third year	240,000	Deduct profit third year	420,000
	6,578,682		6,595,800
Profit fourth year	460,508	Deduct one vessel or share for back interest	500,000
	7,039,190		6,095,800
Deduct interest fourth year	240,000	Interest fourth year	609,580
	6,799,190		6,705,380
Profit fifth year	475,943	Deduct profit on eleven vessels for fourth year	385,000
	7,275,133		6,320,380
Deduct interest fifth year	240,000	Interest fifth year	632,038
	7,035,133		6,952,418
		Deduct profit on eleven vessels for fifth year	385,000
			6,567,418
		Deduct second vessel	500,000
			6,067,418

It will be seen that at the end of the third year the American part of the company would be in arrears for interest $595,880, and that at the same time the English members would have a profit or credit of $578,682. Under these circumstances it would be quite natural for the former to apply to the latter for a loan to help them out of their financial difficulty. But as our English friends understand the nature and power of interest much better than we do and are more in the habit of practicing sound business sense in all transactions of this nature, they would undoubtedly refuse to comply with this request. Instead of making a loan to their American partners they would be likely to propose to purchase one of their vessels or shares in the company. Being unable to do better, this proposition would be accepted, and the English colors would take the place of the American flag on one of their vessels, when the American part of the company would own but eleven and their English partners thirteen vessels of the line. As will be seen, at the end of the fifth year the American part of the company would have to part with another vessel, after which they would own but ten and the English partners fourteen. This process would have to be repeated at the end of the seventh, ninth, tenth, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, and eighteenth years, when the English members of the company would own all the vessels of the line and have besides a profit of $117,723, while the American partners would own none and be in arrears $6,337,151. It will, I think, be difficult for our scientific financiers and economists to account for this result on any of the theories they have heretofore advanced. The advocates of protection cannot charge it to the greater cost of labor in the construction and operation of the vessels, nor can the champions of free trade attribute it to the high duties imposed on materials and stores, for these are all excluded from the calculation. The result is due wholly to the difference in the rate of interest paid for the use of capital in the two countries, and to nothing else.

INLAND TRANSPORTATION BY RAILWAY AND OTHERWISE.

For the purpose of illustrating this branch of the subject, I will assume the actual cost of a railroad, so constructed and equipped as to have the capacity to earn $8,000 per mile yearly, to be $32,000 a mile, and that it will require 60 per cent., or $4,800, of the gross earnings to pay operating expenses. This would leave as the net earnings $3,200, or 10 per cent. of the cost. Now, with interest at 4 per cent., the cost of capital would be but $1,280 per mile. If to this be added the amount for operating expenses, as in the former case, ($4,800,) it will give as the total cost for interest on capital and operating expenses $6,080, or but 76 per cent. of the cost, with money at 10 per cent. Thus, it will be seen that, with the interest on capital one-third greater than the average rate of increase in the national wealth, and the wages of labor the same, transportation can be done for three-fourths of the cost, with interest at 10 per cent.

EFFECTS ON MANUFACTURING INTERESTS.

To illustrate this branch of the subject, I will suppose two enterprising men, familiar with all the details and in all respects well qualified for the intelligent management of the business, to engage in the manufacture of iron from the ore, and that it will require a capital of $100,000, and that they own one-half of this amount and borrow the other half at 10 per cent., principal and interest payable at the end of twenty years, with interest added to the principal yearly. I will further suppose that they make a net profit of 6 per cent. per annum, which is double the average rate of increase in the national wealth, and that they employ the profits in the extension of their works. This would make their property worth $320,628 at the end of the twenty years; but at the same time the capitalist's $50,000, the amount borrowed at 10 per cent., would amount to $336,380, leaving these business men indebted to the money-lender $15,754, being equal to but five and two-thirds months' interest on his claim. It will thus be seen that, after sinking their half of the capital employed in the enterprise and losing all reward for the service of the best part of their lives, except a mere subsistence for the time being, these business men would be left penniless, and, as society is now constituted, either charged with incompetency or denounced as swindlers, while the money-lender would, for the use of one-half of the capital, without devoting any time or attention to the business, reap all the profits of the enterprise and be regarded as an honorable member of society, if not as a "Christian banker."

Now, had these enterprising business men paid 4 instead of 10 per cent. for the use of their borrowed capital, at which it could be obtained under a just monetary system, the result would have been as follows: The product of the $100,000 invested in the business would, as in the former case, be $320,628, while the capitalist's $50,000, or half of the capital, would amount to but $109,602, leaving the business men $211,026 for their services and profits on half of the capital employed in the business. But it may be objected that twenty years is too long a period, and to meet this objection I will give the result at the end of ten years. In this case the $100,000 invested in the business for ten years would amount to $179,085, and the capitalist's $50,000, at 10 per cent., would amount to $129,710, which, under a foreclosure of a mortgage or sale under a trust deed, in a monetary crisis such as we are now experiencing, and which is certain to occur under like circumstances, would take the whole property and turn the business men out bankrupt. I have assumed that the business men owned half the capital, first, for the reason that one-half the property or wealth of the nation is owned by a small percentage of the popula-

tion, who loan their money or rent their property to the industrial, enterprising classes, and, second, because those who demand and receive 8 to 10 per cent. for loanable capital require security to double the amount loaned. Now what is true in the cases given will apply to our agricultural, mining, and all other useful industries, as well as to our commercial interests.

INTEREST THE ROOT OF THE EVIL.

It might seem that I had elaborated this subject of interest beyond proper bounds, but I think the necessity for presenting it in these various aspects will be admitted when it is considered that but few, if any, even among those who are regarded as authority on the subject, seem to have a clear comprehension of the power of interest or of the relative effects of the different rates in the distribution of the products of labor. I am persuaded that a careful examination of this subject will convince any candid mind that the exorbitantly high rates of interest on loanable capital, sanctioned and sustained by our present iniquitous monetary laws, is the main, and is of itself a sufficient, cause for all our industrial, commercial, and financial troubles, and is tending, inevitably and rapidly, to the impoverishment and degredation of the producing classes and the demoralization of society generally.

It is this that has driven our merchant marine from the ocean and is the main element in the excessive cost of our inland transportation. It is this that causes our periodical monetary crises and commercial revulsions. These are but the protest of honest industry and legitimate business against demands they cannot meet and burdens they cannot bear. It is this, too, that has prevented us from developing our wonderful natural resources and from becoming industrially and financially what we are politically: self-sustaining and independent. Right here, then, we must apply the remedy; for neither subsidies to our shipping and inland transportation interests, nor protection or free trade, nor appreciation of the value of the currency, can give substantial relief so long as the present unfair standard of distribution between capital and labor remains in force.

Interest is the most dangerous, because the most insidious, of all the powers menacing the rights and prosperity of the people. Operating silently and unseen, it stealthily takes from the producing classes a large portion of their earnings, while it keeps them in ignorance of the cause of their wrongs.

I will now proceed to show that the industrial, commercial, and financial evils under which we are now suffering are the legitimate results of the delegation of the sovereign power to make money and regulate the value thereof and the gratuitous grant of the credit of the people to a vast system of private corporations.

Before entering upon the discussion of the monetary system now in operation, I will say that I regard money only as a means to an end, to wit, the reduction of the rate of interest, so as to establish an equitable standard of distribution between loanable capital and productive labor, and I will add that I have no quarrel with those who invest their means under the national-bank law. It is the system against which I war.

OUR MONETARY SYSTEMS, PAST AND PRESENT, INIMICAL TO OUR FORM OF GOVERNMENT AND INJURIOUS AND OPPRESSIVE TO ALL LEGITIMATE BUSINESS.

As the bill provides for the repeal of the national-bank acts, and the adoption of a monetary system which, it is claimed, will be more in harmony with the principles upon which our institutions are founded, I will now proceed to present a few reasons and arguments in support of the proposed change. The Constitution of the United States gives Congress full power and authority over the money of the nation; and there being no express grant of authority for the delegation of this sovereign power to any class of individuals or corporations, it becomes the imperative duty of Congress to provide the people with a circulating medium directly under the control of those who produce and distribute the property and products it is designed to represent and exchange, that they may be able to so regulate the volume and value thereof that it shall distribute property and products to capital and labor equitably, according to the service and labor performed in their production. This important duty Congress has thus far failed to perform, for our monetary laws, unlike our Government, are founded on the aristocratic idea that the few should rule the many and the many toil for the few.

The history of these laws, from the institution of the Government down to the present time, is one of repeated wrongs and usurpations, all having in direct object the subversion of our democratic republican institutions, and the establishment of a money oligarchy to rule over and despoil the wealth-producing classes of their substance, and reduce them to the condition of fendal slavery. This principle was unfortunately ingrafted into our system from ideas of money borrowed from the aristocratic governments of Europe, where property or a privileged class, and not the people, govern. Once accepting the erroneous notion that the value of money was innate, and that gold and silver were the only substances by which its legal powers could be expressed, and the quantity of these metals being found insufficient to meet the wants of a circulating medium, the founders of our Government were compelled to adopt the specie-basis fallacy. A bank was chartered by Congress, with authority to issue $3 of its promises to pay, to circulate as money, for each dollar of coin in its vaults. This was followed by like grants by the Legislatures of the several States, and in this way the entire field of circulating medium was soon "filched from the nation to whom it rightfully belonged." Clothed with this sovereign power, the managers of these irresponsible corporations were enabled to control the value and to effect the distribution of all the property in the nation, and to fix the rewards of labor in all the departments of useful occupations, callings, and professions. This power they have wielded with an eye single to their own selfish views and interests, without regard to the plainest principles of justice or the rights of those who produce and distribute the wealth and pay the taxes of the nation. They have expanded and contracted the volume of the currency, raised and lowered the rates of interest, and repudiated their promises and obligations with impunity, in defiance of law, and in every way possible made every other interest subservient to their insatiable cupidity.

Every change that has been made in our monetary laws has been at the dictation and in the interest of the bankers and usurers and those who live and thrive by monopoly and speculation. These are the only parties ever consulted by the financial agents of the Government in relation to this important subject, and when one of their schemes has exploded they have always been ready with another, and each succeeding one has proved still more unjust and oppressive to honest industry and legitimate enterprise than its antecedent—more refined in its modes of imposition and monopoly.

THE PRESENT SO-CALLED NATIONAL BANKING SYSTEM.

I say "so-called," because the institutions organized under this system are for private gain and not for the public benefit, and are founded on the same principles as the systems which preceded it, but with greatly multiplied powers and facilities for controlling the money and business interests of the nation, and taxing and oppressing the industrial classes by means of extortionate rates of interest. The present occasion does not afford the opportunity, nor is it, in my judgment, necessary, to go into an extended review of the law, as doubtless most of those interested in a reform of the currency and finances are familiar with its provisions. I shall, therefore, confine myself to the presentation of some of its more important features, which will serve to indicate its general character, and show that it is framed in the interest of the stockholders and not of the Government or people at large.

The law clothes the Secretary of the Treasury of the United States with unprecedented and dangerous powers. His control over the currency is well-nigh absolute, without check or restraint from any other department of the Government. It is only through the Secretary of the Treasury that those who are compelled to accept the promises of the banks in exchange for their property and the products of their labor, and transact their business through them, can obtain any knowledge of the solvency of the different institutions; for the Secretary or the Comptroller of the Currency, acting under him, has the sole power of choosing the time and appointing the agents to examine the associations. It is surely neither wise nor safe to place such important trusts in the keeping of any individual; for, however virtuous and wise he may be, the duties of the office are too vast and onerous for any man to properly discharge. And if the place should happen to be filled by a mercenary or corrupt officer, or if his appointees should be such, (and there are some of this character to be found in all political organizations,) their opportunities for favoring pet institutions and enriching themselves and friends at the public expense are well-nigh unlimited.

The law at first conferred on the associations organized under this system general banking powers to the extent of $300,000,000, which was afterward increased to $354,000,000, and authorizes the Secretary of the Treasury to issue to the banks circulating notes to the extent of 90 per cent. of the par value of the bonds deposited to secure the redemption thereof. In this way they draw double interest on their capital; first on the bonds deposited with the Government, and second on the currency they receive and loan to the people; and, in lieu of all taxes on their circulation and on the bonds deposited to secure the redemption thereof, the banks are required to pay but ¼ of 1 per cent. semi-annually on the average amount of their circulation outstanding. As all State banks and private bankers and brokers pay the same license and tax or duty on deposits as the national banks, this tax on the circulation is all the revenue the Government derives from this source that it would not receive if the currency consisted entirely of legal-tenders. And as the currency issued through the banks derives all its credit and security from the Government indorsement and is in no respect better than the legal-tenders, every dollar of the interest paid to the banks on the bonds deposited to secure the redemption of their circulation is, with the exception of the tax or duty of 1 per cent. per annum, just so much of a subsidy paid to the banks, for which the Government receives no equivalent whatever. The argument of the advocates of the system, in and out of official position, that the national and State governments derive a large revenue from the banks that they would not otherwise receive, is wholly fictitious; for, if the bonds were paid off and taken up, the capital would have to be invested in business, where it would, of course, become subject to taxation. I feel safe in saying that no species of property or capital pays so small an amount of taxes, in proportion to profits, as that invested in national banks.

This House recently resolved, with almost entire unanimity, against all subsidies. Here, then, is an opportunity for applying that principle to practice by repealing the national banking law, or by suspending the payment of the interest on the bonds deposited with the Government.

WHAT THE SYSTEM HAS COST.

Or rather, what would have been saved to the tax-payers by the issue of legal-tenders instead of the national-bank currency in the first instance. The system has been in operation nearly thirteen years, and I think it safe to assume that the circulation of the banks has averaged $320,000,000 for twelve years, and that the premium on coin averaged 25 per cent. Now, the issue of legal-tenders instead of the bank currency in the first instance would have obviated the necessity for the issue of a like amount of bonds bearing 6 per cent. interest in coin, which, after deducting the tax on circulation, would for the twelve years amount to $268,000,000 in coin, besides the cost of collection and disbursement. Again, the premium on coin having for the time named averaged 25 per cent., deducting from the aggregate of premiums the tax on circulation would give as the loss to tax-payers for the twelve years $361,000,000 in currency, or $30,000,000 annually.

Not content with these enormous profits and the unwarranted powers already secured, the bankers and bondholders demanded and, under the delusive plea of a return to specie payment, obtained the passage of the law of 14th of January, 1875, removing all restrictions on the volume of the bank currency, and providing for the retirement of the legal-tenders from circulation by converting them into interest-bearing bonds. The principal argument offered in favor of the passage of this act was that it would make banking free, but it only extended the monopoly of issuing currency to the present holders of Government bonds, for the bonds are now held at prices that make the business of issuing currency on them unprofitable to any but the present owners. The practical effect of the law will be to retire the legal-tenders from circulation, when the bankers, and a few capitalists in New York, New England, and other money centers will have control of the circulating medium of the nation, with power to expand and contract the volume and to raise and lower the rate of interest so as to make every other interest subservient to their cupidity. The Government and people will then be so completely at the mercy of the bankers and usurers, that they will be powerless to resist any demands they may make, and we shall either have a large increase in the volume of the currency with the repeal of the tax on circulation and deposits, or a further contraction and advance in the rate of interest, just as they may deem most conducive to their interests. If they should decide to adopt the former policy, we shall have an increase of the currency to at least $1,000,000,000, secured by bonds bearing not less than 5 per cent. in coin. This will impose a burden of $50,000,000 annually on the tax-payers, and if to this be added the exemption from the tax now paid on circulation and deposits, it will swell the burden to $70,000,000 yearly over what would be required if the currency were all legal-tenders. On the other hand, if they should elect to adopt that most barefaced of all frauds, the specie basis fallacy, it will not lighten the burdens of the tax-payers; for, being masters of the situation, they will select the line of policy most advantageous to themselves.

The effect of contracting the currency will be to still further reduce the wages of labor and the money value of all its productions, while the bankers and usurers will retain control of the currency or money of the nation, and maintain the rate of interest on loanable capital as high as it now is, if they do not advance it still higher. It will then take more of the labor and property of the industrial, enterprising classes, who are necessarily the borrowers or debtor class, to pay the interest and principal of their obligations. It will also increase the pay of all officers with fixed salaries, State and national; for their pay will purchase more of the products of labor at the reduced prices. It is then not strange that those who live and thrive by usury and upon fixed salaries should advocate the reduction of the price of labor and the value of productive property. If we adopt this system, we will get "hard money," but not specie redemption. The only "hard money" this system can or will furnish will be in the way of 10 per cent. for "gilt-edge" paper over the bank-counter, and one and one-half to two per cent. per month for other well-secured paper from the banker's "cellar-broker," an appendage to most of the national banks. The currency will not be put into circulation in the vicinity of the banks issuing it, so that if it were possible for the banks to redeem three to five dollars of currency with one of coin, specie redemption would be impracticable so far as the great majority of the people are concerned. But it is both a physical and moral impossibility for either the banks or the Government to perform a promise of this nature, and it is, therefore, an act of bad faith to make it. Every bank-note issued on this basis was, in the very nature of things, what the bankers and their allies style the legal-tenders, "an engraved lie." Another serious objection to the system is, that although ostensibly operated under separate management, these associations have a common interest, and, located as they are or will be at all points of any business importance, in telegraphic communication with Wall street, the center and heart of the system, they will form a complete system of espionage over the business of the whole country. With absolute control over the currency, and full knowledge of the financial condition and business of all sections, they can regulate the value of all property and products, so as to make every other interest pay tribute to them, and tax the producers and distributors of the wealth until they become as helpless as the fly in the spider's web; yes, tax the manhood out of them.

Many of our enterprising business men are now in this condition. When the bankers, bondholders and others of the money-lending classes, who are all interested in the system, once feel that it is the firmly fixed policy of the Government, no mine operator, farmer, manufacturer, or other employer of labor, or business man, who is not the avowed advocate of the system, will be able to borrow a dollar of them for any purpose. That this has been, from the inception of the scheme, and is now, the design of its authors and advocates will not be doubted by any one who has watched their course from the first.

POLITICAL INFLUENCE.

Another grave objection to this system is its demoralizing effects on those who make and administer the laws. I feel safe in saying that this single expensive and wholly useless scheme has more influence in the shaping and administration of our financial laws than all other interests combined. As I have before said, the bankers and others of the money-lending class are the only parties ever consulted in reference to this most important subject, and in giving their advice, or rather, I might say, in dictating the financial policy of the Government, they have had in view their own interest, and not that of the Government or people. These parties have not always waited for an invitation. They have been in the habit of visiting our Government officials in their private chambers, and, as evidence of their power and influence, we have seen these officials change their opinions and course of action on questions connected with our finance and currency without offering any well-founded argument, or giving any sufficient reason for such change.

The report of the Comptroller of the Currency, submitted to Congress, reads more like the argument of a bank president or an editorial in some subsidized organ of the banks than the report of a Government officer. Instead of a plain statement of facts in relation to the business of the Bureau over which he presides, it is made up of special pleadings and fictitious arguments against the legal-tenders or people's money and in favor of the banks, and a batch of tabulated flummery of no use whatever to the great mass of the people, who are taxed to pay the salary of this officer.

After showing that the average half-yearly net earnings of the banks, from 1st of March, 1869, to 1st of September, 1875, was $29,248,580, or 6.36 per cent. semi-annually, (see page 75,) on the average amount of the capital invested, which is fully five times the average rate of increase in the national wealth for the same time, he recommends that the banks be exempt from the payment of the tax on their deposits; and if this recommendation meets with favor, next year he will plead for the remission of the tax on the circulation of the banks.

Now, if the bankers are successful in their efforts to have the legal-tenders retired from circulation by converting them into interest-bearing bonds, as contemplated by the act of January 14, 1875, and the control of the currency surrendered to them, we shall soon have $1,000,000,000 of their notes in circulation, which, at the rate they have averaged up to this time, 6.36 per cent. half-yearly, will amount to $73,890,000,000 in thirty-five and one-third years. Now, estimating the present value of the national wealth at $26,000,000,000, and allowing it to increase at the rate of 3 per cent. per annum for the same time, the amount would be but $73,770,000,000. It will thus be seen that the bankers would absorb the whole wealth of the nation in a little over one generation.

The officer making this report receives a salary of $5,000 per annum from the Government, and if the bankers were generous enough to pay him in proportion to the services rendered them his salary would exceed that of the President, for his report and recommendations are certainly worth ten times as much to the banks as to the Government. What I have said in reference to the report of the Comptroller of the Currency will to a great extent apply to the reports of all the officers of the Treasury Department.

We likewise see the metropolitan press, both secular and religious, with but few exceptions, arrayed on the side of the bankers and usurers. They denounce the legal-tenders or people's money, not with arguments, but with such vulgar slang as "irredeemable trash," "engraved lies," "rag baby," and other opprobrious epithets, notwithstanding many of them have heretofore ably advocated the legal-tenders and opposed the national banking system with unanswerable arguments. In this way public opinion is manufactured and political parties controlled in the interest of the bankers and others of the money-lending class and monopolists and speculators of every kind, without regard to the rights and interests of those engaged in the useful occupations, callings, and professions. If the system is continued in force it will not be long before the halls of legislation and all other departments of the Government will be filled with stockholders, bank officers, and parties otherwise directly pecuniarily interested in this scheme. Those who produce and distribute the wealth will then have no rights the bankers and usurers will be bound to respect. I will not pursue this subject further than to say for the benefit of those who may not have examined the law for themselves that there is in the original law manifestly a studied design running through all its provisions to render the industrial and commercial interests tributary to the money power, and that every alteration and amendment that has been made in or to it has been either openly or covertly in the interest of the money-mongers.

The crowning act of deceit in this adroit management was the passage of the act of 14th of January, 1875—under the gag-rule—providing for gratuitous coinage of gold, free banking, and the redemp-

tion of legal-tenders in excess of $300,000,000 to the extent of 80 per cent. of the new bank currency issued under it, and the resumption of specie payments 1st of January, 1879. It might be inferred, as many hoped was the case, that the object of the law was to leave three hundred millions of the legal-tenders in circulation. But this was clearly not the purpose of the authors of the law, for it provides that, to enable the Secretary of the Treasury to prepare and provide for the redemption of the legal-tenders after 1st of January, 1879, he shall have power to use any surplus revenue in the Treasury not otherwise appropriated, and to sell and dispose of, at not less than par in coin, either of the descriptions of bonds of the United States authorized by act of Congress approved 14th of July, 1870, to the extent necessary to carry the resumption act into full effect. From this, I think it is manifest that it was and is the object, intent, and purpose to retire and cancel every dollar of the legal-tenders, to surrender the whole money power of the nation to the bankers and to make room for and to give exclusiveness to the circulation of the free banking begotten by it.

The bill provides for the abrogation of the law because it is, in principle, repugnant to our system of government, and because no alteration or amendment that can be made in or to it can possibly relieve it of its objectionable features. It is the principle of slavery in a new guise, and, though more subtle and refined, it is scarcely less unjust and oppressive to the industrial classes than the old system of chattel slavery was to its victims, and, like that, it must be utterly abolished before the natural rights of the wealth-producing classes can be established on firm and enduring basis.

If this oligarchy lives the Republic must perish, for "whoever holds the money-bags governs the people."

To restore general and permanent prosperity to our industrial and commercial interests, to encourage the development of our abundant natural resources, and to enable us, as a nation, to become industrially, commercially, and financially, as we are politically, self-sustaining and independent, we must utterly abolish this pernicious system of banking, and establish a monetary system conformable and concurrent with the principles of justice and equality upon which our institutions are founded.

As we must have, as has been shown, a monetary system, it is not enough to show that the present one is wrong, but it is equally important and necessary to offer a better one. To this end I propose

THE AMERICAN MONETARY SYSTEM.

A circulating medium being indispensable to a free and convenient exchange of property and products, it is not enough to show that the system in operation is wrong in principle and practice, but it is necessary to offer one more correct in principle and better adapted to the end in view. This brings me to the consideration of the second proposition in the bill. Sections 9 to 11, inclusive, provide for the issue of Treasury certificates in payment of the debts and current expenses of the Government, which certificates shall be a legal-tender in payment of all debts, public and private, (except when it is provided that payment shall be made in coin,) and interconvertible, at the option of the holder, with registered Government bonds bearing such equitable rate of interest as will distribute property and products to labor and capital according to the labor or service performed in production. In treating this subject we must bear in mind that under our system of Government the people are sovereign; that all power is inherent in and emanates from them; and that the power to make money and regulate its value, or to declare what shall constitute the circulating medium and be a tender in the payment of debts, is an essential attribute of sovereignty. We must also keep in view the further but not less important fact that money is the medium of distribution to capital and labor, the rate of interest on loanable capital determining what proportion of the joint productions of capital and labor shall be awarded to capital for its use and what to the laborers for their services. And further, that all interest paid for the use of capital for any purpose whatever must, in the end, be borne by labor, and is as much a charge on it as the taxes paid for the support of the Government.

IT IS CLAIMED FOR THIS SYSTEM.

1. That it is adapted to our theory of government and in harmony with the letter and spirit of the Constitution, which clothes Congress with plenary powers over the currency or money of the nation, and charges it with the duty of providing the people with a safe and convenient circulating medium, adequate to the demands of the industrial and commercial interests.

2. That it would restore the power over the currency to the nation, to whom it belongs, but which has been filched from it by banking corporations, and provide the people with a medium of exchange directly under the control of those who produce and distribute the property it is designed to represent and exchange, and in which each citizen would be interested to the extent of his wealth or the amount of property he might have to exchange, and have a corresponding influence in its management and regulation.

3. That it would be just in its bearings on all classes and interests as well as to all sections of the country. Under its operation the currency or money would, without any legal enactment regulating its distribution, naturally flow to the section of the country and into the pockets of the individuals producing the wealth, and not, as under the present system, to the money centers and into vaults of the banks and the pockets of the usurers, whither it is attracted by extortionate rates of interest.

4. That it would be self-adjusting and possess the elasticity necessary to adapt it to the ebb and flow of trade; for if, at any time, the amount in circulation should be insufficient to meet the demands of legitimate business, the rate of interest would advance, which would cause the bonds to be exchanged for currency. On the other hand, should the volume in circulation be in excess of the demands of trade and the rate of interest in ordinary business transactions fall to or below the rate paid on the Government bonds, the currency would be converted into bonds to the extent necessary to restore the proper equilibrium. Thus it would prevent all violent expansions and contractions of the volume of the currency as well as the high and fluctuating rates of interest on loanable capital which have in the past proven and must, so long as the present system is continued in operation, prove detrimental to all useful industry and legitimate enterprise.

5. That it would establish an equitable standard of distribution to capital and labor, which is the most important function of a circulation medium, or rather of a monetary system. With the rate of interest on the Government bonds sufficiently below the rate of increase in the national wealth by productive industry to make an equitable division of the joint earnings of money or non-producing capital and labor, those who produce and distribute the wealth would receive a fair compensation for their services and capital a just reward for its use.

6. That it would furnish an honest currency and gives us a specie standard, for, when once fairly in operation, the bonds, into which the currency would be convertible at the will of the holder, would command the coin in the open market, and the currency would, of course, be par with coin. This the specie-basis fallacy never did, nor never can do, for it is an impossibility for either the banks or the Government to redeem $4 to $5 of circulation with $1 of coin; and the parties making this promise, whether it be the bankers or the Government, know that they cannot fulfill it in good faith, and it is, therefore, an act of dishonesty to make it.

7. That, resting, as it would, on public faith, which is the basis upon which our Government is founded, and being endowed by law with all the attributes of money, it would have a permanent value and uniform credit, and perform all the functions of a circulating medium, equally as well as coin—better, because more convenient and economical.

8. Advantageous as this system would be to the Government and people in an economical point of view, it would be equally important and desirable as a political measure. As upon the perpetuity of the Union of the States depends, in a great measure, the success of the republican principle of Government, it should be the pride as it is the duty of all good citizens to subordinate mere personal interests and advantages to the attainment of this one grand object.

In dealing with this subject we must not lose sight of the fact that the mere abstract principle of political freedom is not, of itself, sufficient to secure the people in their rights and bind their affections to the Government. My deliberate judgment is that, with our varieties of climate and diversified productions and interests, it will be extremely difficult, if not impossible, to permanently maintain and perpetuate the Union of the States without some common bond of interest, which it is claimed the proposed monetary system will furnish. The currency would go into the possession of every citizen in the nation, even to the child who owned but a dime, and, if the bonds were issued in denominations as low as $25, they would afford the most safe and convenient form of investment for the means of the working classes, who constitute much the larger portion of our population. And as the value of both these classes of security would depend entirely upon the stability of the Government and the perpetuity of the Union, and as the system would greatly increase the rewards of labor in all branches of useful occupations, it would tend to attach the affections of the citizens of all classes and sections to the Government and unite them in one harmonious whole.

It is claimed by the advocates of the present monetary system that our national debt will prove a source of strength to the Government. This will, however, depend largely upon how it is managed. If it is distributed among the people, either in the form of currency or bonds of small denomination bearing such rate of interest as will not be oppressive to the industrial classes, it will undoubtedly have this effect and tend to strengthen the bonds of Union; but, if it is retained in the hands of a few bankers and other capitalists, it will just as certainly prove a source of weakness. It should be, then, the first care, as it is the highest duty, of the Representatives of the people to so manage the debt and currency as to lighten the burdens of the producing classes and to interest pecuniarily the greatest possible number in the preservation and perpetuity of the Union. This is the object that the advocates of the system of bonds and currency, interconvertible at the pleasure of the holder, have in view, and which they believe would accomplish this desirable end without doing injustice to any class or portion of the people.

The bill provides for the issue of registered bonds and that the volume of the currency shall not be reduced below $20 *per capita* of the population. The first of these provisions is to prevent the bonds from circulating as money and the second to prevent the contraction of the volume of the currency below what would afford an easy-working money market. The bill also provides that the bonds shall draw lawful interest and reserves to Congress the right to change the rate when in its judgment the public welfare will be promoted thereby

The object of this provision is to place the money or circulating medium of the nation under the direct control of the people through their Representatives in Congress. This will or can do no injustice to the holders of the bonds, for, if they should be dissatisfied with the change in the rate of interest, or if they should be able to employ their means so as to yield a greater income than that derived from the bonds, they would have ample time to present them for redemption before the law would take effect.

THE RATE OF INTEREST THE KEY TO THE SYSTEM.

As the rate of interest on the Government securities would, under this system, govern the rate in all business transactions, and as the bonds would be the most desirable and convenient form of investment, they would be preferred to other securities even at a somewhat lower rate of interest. It follows that the rate on them should be below, rather than above, the average rate of increase in the national wealth by productive industry. If greater, the effect would be to absorb too large a portion of the loanable capital; and to advance the rate of interest beyond the point where capital could be surely and profitably employed in legitimate business. This would defeat the end sought to be attained by the advocates of the system, which is to establish a fair and uniform rate of interest and an equitable standard of distribution to capital and labor. I have, as I believe, shown conclusively that the average rate of increase in the national wealth does not exceed 3 per cent. per annum. This is therefore, in my judgment, the highest rate that should be allowed on the bonds. Even at this rate capital, when it co-operates with labor in the production of property, will absorb all the surplus earnings and compel the laborers to work for a mere subsistence. I am aware that there are those who have given much patient thought and careful examination to this subject, and who as earnestly favor the object in view as I do, who favor 3.65 as the rate of interest on the Government bonds. The argument advanced in favor of this rate is the convenience in calculating the interest; but I do not think this sufficient to justify the additional burden it would impose on the business interests. Besides, if the rate on the bonds be fixed at 3 per cent., the rate in legitimate business would probably settle at 3.65, and there would be a thousand calculations in business transactions for one on the bonds.

It must be borne in mind that high interest on money or loanable capital means low wages and long hours of toil for labor. It also means painful anxiety in the day-time and sleepless nights for business men and borrowers.

ADVANTAGES TO THE GOVERNMENT IN THE LIQUIDATION OR REMOVING THE BURDENS OF THE PUBLIC DEBT.

The debt, exclusive of the legal-tenders now in circulation, is, in round numbers, $1,800,000,000, and the coin-interest $100,000,000 annually. In the treatment of this branch of the subject, the first question to be determined is the amount of circulation necessary for the transaction of the business of the country. I am aware that there is a wide difference of opinion on this point, and that we have no reliable data by which the amount can be ascertained with entire accuracy. All will, however, agree that it will require a much larger amount than under the old specie-basis fallacy, when the farmers and others of the producing classes, because of the insecurity of its paper, preferred to deposit in some wild-cat institution rather than keep it in their possession over night. Those parties, having entire confidence in the Government money, would retain a much larger amount of it in their possession to meet future obligations.

Again, with a full volume of currency and a fair and uniform rate of interest, all branches of productive industry would revive and continue prosperous, and most of the ordinary business transactions would be for cash. I therefore think it safe to estimate that as much as $22.75 *per capita* would remain permanently in circulation. Our population is now, in round numbers, forty-four millions, which, at $22.75 *per capita*, would make the circulation $1,000,000,000. The legal-tenders and fractional currency now in circulation is four hundred and twenty millions. This, deducted from the one thousand millions of currency, would leave five hundred and eighty millions to be supplied by an additional issue of legal-tenders after the bank currency shall be retired from circulation. To keep the volume of the currency uniform would require it to be increased in a like ratio with the increase of the population, wealth, and business of the country, which I have estimated at 3 per cent. per annum.

Now, if the five hundred and eighty millions and the increase in the currency for the first year, amounting to $30,000,000, (total, $610,000,000,) be applied to the payment of the interest-bearing debt of the Government, as the same shall become due and redeemable, at the pleasure of the Government, it will, with the premium on coin at 13 per cent., (the present rate,) take up five hundred and forty millions, nearly, of the 6 per cent. bonds. This deducted from the total debt, $1,800,000,000, will leave, to bear interest the second year, $1,260,000,000, the rate of interest on which will average 5 per cent. per annum, or $63,000,000 for the second year. The amount of coin required to pay the interest on the remaining portion of the debt will be so small, that I think it safe to assume that the premium would not average over 10 per cent. Then, if we continue to raise by taxation the $100,000,000 now required to pay the interest on the debt and add to it the increase in the currency for the second year, amounting to $30,900,000, (total, $130,900,000,) and invest the balance after paying the annual interest on the debt in bonds at 10 per cent. premium, it will take up $61,727,000 of the debt, leaving to bear interest for the third year $1,198,273,000, the interest on which will be $59,914,000.

The increase in the currency for the third year would be $31,287,000; add $100,000,000 raised by taxation—total $131,827,000; deduct $59,714,000, interest on the debt for the third year, and it will leave $72,913,000 to apply on the payment of the principal of the debt, which, with coin at 10 per cent. premium, will take up $66,248,000 of the principal of the debt, leaving to bear interest the fourth year $1,131,989,000. As the system would by this time be fairly established, and the business of the country accommodated to it, I think it safe to assume that the currency would be at par. The interest on the debt for the fourth year would be $56,599,450—total, principal and interest of the debt at the end of the fourth year, $1,180,588,450. Increase in the currency for the fourth year, $32,728,810; add the $100,000,000 raised by taxation—total $132,728,810; this, deducted from the amount of the principal and interest of the debt, will leave to bear interest for the fifth year $1,055,805,640. Then if we continue to raise by taxation the amount now required to pay the interest on the public debt, say $100,000,000 annually, and add to it the annual increase of the currency, and invest the balance after paying the annual interest on the debt in Government bonds at par, the whole interest-bearing debt would be liquidated in fourteen years, leaving in circulation at the end of that time $1,512,000,000, which would bear the same relation to the population and business interests of the country that the $1,000,000,000 does at the present time, and would always be needed for a circulating medium, and required to be increased thereafter in a like ratio with the increase of the population and business of the country.

Again, this system would afford the most safe and convenient form of investment for the means of the working classes, now deposited in savings-banks, as well as for others having idle funds, to meet future obligations. The certainty of being able to get their funds when wanted would induce all these classes to invest their means in the Government securities at much lower rates of interest than are usually promised, but not always paid, by the class of institutions named. I have not the data to enable me to determine the amount of the Government bonds that would be taken up in this way, but I think it safe to assume that it would absorb a sufficient amount to enable the Government to liquidate its bonds now outstanding even in much less time than I have named. Thus the burden of our national debt would soon be greatly lessened, and its securities brought into the hands of our own citizens. There would then be no necessity for expensive syndicates, nor for disposing of the national securities in foreign markets at sixty-five cents on the dollar as compared with the credit of the English government, and this is just what we are doing. The English consol bears 3 per cent., and is usually worth in the open market ninety-two and a half cents on the dollar, which is equal to 3¼ per cent. on the investment; and $65 invested in our 5 per cent. bonds will yield as large an increase as $100 invested in the English securities.

Now let us see how the matter will stand in case the bankers are successful in their efforts to have the legal-tenders or people's money retired by converting them into untaxed interest-bearing bonds, and the control of the circulating medium surrendered to them. This would increase the interest-bearing debt to $2,200,000,000, which, with interest at 5 per cent. added to the principal, would amount to $4,356,000,000 in the fourteen years; while the yearly payment of $100,000,000, with the interest added yearly, would amount to but $1,960,000,000; add amount of legal-tenders in circulation at the end of fourteen years, $1,512,000,000, making $3,472,000,000 for the fourteen years. This, deducted from the $4,356,000,000—the cost under the bankers' plan—will leave, as the gain to the tax-payers by the adoption of the proposed system, $884,000,000 in the fourteen years. This calculation is on the assumption that the legal-tenders would be a debt in the same sense as the bonds are; but as they draw no interest, and would always be needed as a circulating medium, the difference between these plans would really be $2,396,000,000 in the fourteen years.

This system will provide in a double degree means of relief, benefit, and welfare to the people, giving the best currency that can be devised, with all the constituents of soundness, convenience, and value, equal and uniform to the very limits of the authority under which it is issued, guaranteed by the renewed strength of the Government and by revived prosperity which it will inspire and sustain; and, while based upon the faith of the people, it will diminish and lighten the burden of their debt in the exact measure of its volume, substituting double benefit to the tax-payers in the place of double interest to the bankers.

BENEFITS TO THE INDUSTRIAL AND COMMERCIAL INTERESTS.

If, as it should be, the public domain were reserved for actual settlers only, the loanable capital released by the payment and conversion of the interest-bearing securities of the Government into currency, as proposed, would have to be employed in some branch of productive industry or legitimate enterprise at lower rates of interest. This would revive our industries and give employment at remunerative wages to tens of thousands of laborers now in enforced idleness, as well as facilitate and cheapen the exchange of our productions.

To show more clearly the depressing effects of the present unrea-

sonable and unnecessary rates of interest maintained on loanable capital by vicious legislation on the industrial and commercial interests, and the benefits to result to the producers and distributors of the wealth from a fair and uniform rate, I will assume that one-half, or $13,000,000,000, of the national wealth is owned by the capitalists who loan their money or rent their property to the industrial classes, and that the rate of interest which governs the value and rent of property averages as much as 8 per cent. per annum. Now, if the proposed monetary system be adopted, I think it safe to assume that interest will fall to 4 per cent. on long loans with undoubted security, which is what manufacturers and other business men most need; the effect of which is shown by the following statement: The interest on thirteen billion dollars at 8 per cent. would amount to $1,040,000,000; while, at 4 per cent. the interest would amount to but $520,000,000; making a net annual saving to the business classes of $520,000,000, being equal to $1,664,000 for each secular day in the year; and I repeat, that all interest paid for the use of capital must in the end fall on labor, and is just as much a charge on it as the taxes paid for the support of the Government.

The bill also provides that the Treasury certificates or currency shall be a legal tender in payment of debts, public and private, contracted after its passage, and for all existing debts except the interest and that portion of the principal of the Government debt which is by the laws under which it was contracted payable in coin, and that the Government shall purchase with the lawful money or interest-bearing bonds the coin necessary to meet the payment of these exceptions. It may be objected that this would advance the premium on coin, and thereby subject the Government to loss; but I think it will be found that this objection is not well founded. I have estimated that $540,000,000 of principal of the debt would be liquidated at the end of the first year, leaving to bear interest but $1,260,000,000, and that the rate of interest would not exceed 5 per cent., or $63,000,000 annually. The diminished demand for coin would tend to lower the premium, so that I think it safe to assume that at the end of the third year the currency would be at par. Then if our now outstanding bonds were not due, and the holders should demand an exorbitant premium on them, we could suspend the collection of taxes beyond what might be required to meet the current expenditures of the Government until the bonds became due and payable at their face value. There is one circumstance bearing on this point which the bankers and other opponents of a Government currency issued directly to the people, without the intermediate agency of any system of banks, are careful to keep out of view, which is the issue of the first series of demand Treasury notes, $50,000,000 of which were issued in August, 1861, and afterward increased to sixty millions. These notes passed at par with coin, or nearly so, until the following December, at which time the Government and banks suspended specie payments, when they immediately began to depreciate in value as compared with coin, (the only lawful money then in circulation,) and continued to decline until Congress, in February, 1862, made them receivable for duties on imports, when they immediately rose to par with coin, and remained so ever afterward. The common-sense way and the only way to make and maintain one currency at par with another, is to endow it with equal legal powers in the payment of debts.

OBJECTIONS ANSWERED; NO GOVERNMENT BANKING OR UNDUE INFLATION OF THE CURRENCY.

There are those who profess to believe that the object is to embark the Government in the business of general banking, and to issue legal-tenders *ad infinitum*. But I will say to all this class of objectors that there is no cause of alarm on either of those points. The object of the advocates of the proposed monetary system is to prevent such a condition of things as the objection seems to deprecate and from which we are now suffering. The system contemplates nothing of the kind nor can it possibly be productive of any such results, for there is not one principle or even feature of banking about it. But, on the contrary, the object is to confine the Government to the exercise of its constitutional prerogative of stamping or coining money, and to divorce it from all connection with any species of banking, direct or remote, as well as from all other business, except what may be necessary to its preservation and perpetuity. There is nothing in the system which proposes or permits the loaning of $1 by the Government to any individual or corporation on any kind of security, or the issuing of any currency except in payment of its lawful debts.

The proposition is just this: That the Government shall discharge all its moneyed obligations, whether for supplies furnished, services rendered, or for any purpose whatever, except when it has been provided that payment shall be made in coin, in lawful money, or interest-bearing bond, at the option of the creditor, giving the holders of either class of securities the right to exchange the one for the other at pleasure. This would leave each individual at liberty to judge for himself how he would employ his own means, whether in the lawful money or interest-bearing bond of the Government. As not a dollar could get into circulation until the Government had received an equivalent for it, it is difficult to see how the volume of the currency could be unduly expanded or exceed the needs of the business interests. So long as the money could be loaned on good security or employed in legitimate business to yield its owner a greater income than could be derived from investment in the Government securities it would, of course, be preferred to the interest-bearing bond, but when this could not be done the bond would be preferred. In other words, the proposition is to submit the whole question of currency to the people, and if they have not the intelligence to decide it for themselves without the interference of a few interested bankers and cunning financiers, there are certainly many other questions they would be less qualified to determine, and our republican institutions must prove a failure and universal suffrage a delusion.

It is the bankers and bullionists who are obnoxious to the charge of inflationists. The specie-basis fraud, through which they propose to furnish and regulate the currency, contemplates the issuing of four to six dollars of currency for each dollar of coin held for its redemption; so that the people will have to accept the promise of the bankers for the redemption of three-fourths to five-sixths of the currency, a promise that, if they were ever so well disposed, it would, in the very nature of things, be impossible for them to fulfill; and it is well known that they have not in the past been disposed to regard their obligations when it was not their interest to do so. Besides, their system encourages the inflation of the currency to the whole extent of the national debt by offering the bond-holders the opportunity of drawing double interest on their capital. But what is still more objectionable in their system is that it places the control of the circulating medium in the hands of the bankers and usurers, with power to expand and contract its volume and "inflate" the rate of interest on loanable capital at pleasure. This is the kind of "inflation" that robs labor, paralyzes enterprise, and deranges commerce, but of which you never hear the bankers, usurers, and their allies complain. I include the bullionists with the bankers, because, while opposing the Government currency, they do not advocate a purely metallic medium of exchange; consequently, whether wittingly or unwittingly, their influence is in favor of the specie-basis fallacy.

NO REPUDIATION.

Again, the bankers and their confederates, with that portion of the public press they have been able to subsidize, raise the cry of repudiation, and say, however desirable the system of an exclusive Government currency might be, it cannot be reduced to practice without impairing public faith. But this charge has no foundation in fact. If I believed that the proposed system could not be introduced without violating any legal, equitable, or moral obligation of the Government I would abandon it at once and forever, and, so far as I know, the other advocates of the system would do likewise.

The advocates of the proposed system hold that, no matter what amount of wrong and injustice may have been done or how much the representatives of the people may have erred or betrayed their constituents in the creation of the debt, it must be discharged in strict accordance with the letter and spirit of the laws under which it was contracted. But believing as they do, that the present monetary system and general financial policy of the Government are doing great injustice to the industrial classes in all departments of useful occupations, they demand a change for the future. But in making this change they propose to recognize and respect the rights of all, and to leave all in the possession of their present property, with the right to increase their wealth by honest industry and the employment of their means in legitimate business.

I assert without fear of successful contradiction that, upon careful examination, it will be found and admitted by all candid minds that it is the authors and advocates of the present system who are chargeable with the crime of repudiation; for it was the legal-tenders which they are trying in every possible way to discredit that sustained the credit of the Government and enabled it to maintain the Union, without which the interest-bearing obligations of the Government would have proved valueless. Through their influence the contract between the tax-payers and the holders of the Government securities has been changed so as to greatly increase the burdens of the former and the profits of the latter. But the advocates of the banking system ask with an air of triumph, Do you propose to pay the national debt and provide the people with a currency by merely printing pictures? I reply that the debt must be represented by some kind of pictures, either lawful money or interest-bearing bonds, and the people must have a circulating medium to facilitate the exchanges of their property and products, which, as well as the bonds, should bear the impress of national authority.

Now, the system of a legal-tender currency contemplates two machines to be run under the direction of the sovereign people: one for printing pictures bearing a just rate of interest and the other for printing pictures declared lawful money. If the Government is indebted to A in the sum of $1,000, and he desires the obligation discharged in lawful money, the greenback machine is put into operation, and if it owes B a like amount, and he prefers the interest-bearing picture, the bond machine is set in motion. This system respects the rights of the tax-payers and recognizes the capacity of the people for self-government. The bankers' system likewise contemplates two machines to be run under the direction of the bankers and usurers: one for printing pictures bearing bankrupting rates of interest, payable in coin and exempt from taxes of all kinds, into which they propose to convert the legal-tenders now in circulation, the other for providing a circulating medium by printing "engraved lies," to be doled out to the people through the banks at a cost of 6 to 8 per cent. per annum over legal-tenders, issued directly to the people. This system disregards the rights of the tax-payers and ignores the capacity of the people for self-government; it is a cheat and a fraud—nothing more, nothing less.

Again, the attorneys and other advocates of the banks say that the Supreme Court of the United States decided the legal-tender act unconstitutional in time of peace. It will, however, be found that the court has rendered no such decision. The substance of the decision bearing on this point was that the mode or manner of providing the means for the maintenance of the Government was a legislative and not a judicial question; and as it is as much the duty of Congress to provide the means for maintaining the Government in time of peace as in time of war, its powers must be the same in both cases. This is common sense as well as common honesty.

Another charge made by these parties against the legal-tenders is that by their issue in the first instance the public debt was greatly increased. This, like all the other charges, is false. The Government creditors had the privilege of taking a 6 per cent. coin-interest bond int he first place, with the right to convert the currency into bonds at pleasure. It was then the bonds, and not the legal-tenders, that were the standard of the Government credit; consequently we would have had to issue just as many bonds on the gold basis as on the currency basis.

WHAT HAS BEEN SHOWN.

It has been shown in what I have said, and, if we accept the Decalogue and Davies' arithmetic as authority, I believe fully proven—

First, that the rate of increase in the national wealth is not above 3 per cent. per annum.

Second, that the great centralization of money and wealth, in bonds and other forms of capital—withdrawing and withholding it from natural channels of industry and business, leaving them deprived of currency and to shrink and collapse—is due wholly to the present rate of interest, and that its exorbitance is the main, and is of itself a sufficient, cause for all our industrial, commercial, and financial disasters, and cannot be maintained without periodic recurrence of those results.

Third, that the depression in our industries and commerce is the natural and inherent effect of the delegation to private corporations of the sovereign power to make money and regulate the rate of interest. Public evil was planted in the very nature of the grant, was inevitable, and is now brought home to all the relations and interests of labor and business in disturbance, defeat, and ruin.

Fourth, that the so-called national banking system is founded on the same principle as the banking systems which went before it, but with greatly increased powers over the money of the country and facilities for enriching the few at the expense of the many; that, at the rate of interest or profits derived from capital invested under the system, thus far $1,000,000,000, or 4 per cent. of the wealth of the nation so invested or so favored, would swallow up the other 96 per cent., with the additions made thereto by the labor of forty millions of people in one generation, or in thirty-five years.

Fifth, that the proposed system is in harmony with the principles of justice, of equal and common right, and with common sense, upon which our institutions are founded; that it would place the circulating medium under the control of the people, to whom it of right belongs, and compel money or loanable capital to co-operate with industry and enterprise in the development of our resources and the production of wealth on equitable terms.

Sixth, that without any additional taxation it would discharge or remove the burden of the public debt in fourteen years, and at the same time provide the people with a safe, adequate, and convenient currency; and that, by the reduction in the rate of interest on loanable capital consequent upon the influence of the system, it would relieve the industrial and producing classes from the payment of over one million and a half of dollars *daily* to the money-lenders, now unjustly and unnecessarily extorted from them under the adverse powers and tendencies and the double-interest subsidy of the existing system.

THE ISSUE.

The issue is not between gold and legal-tenders, but whether our currency shall consist of all bank-circulation, doled out to the people by a combination of corporations at exorbitant rates of interest, or of legal-tenders, issued directly to the people in the payment of the debts and current expenditures of the Government. The issue admits of no compromise; for, upon the result depends the question whether we are to have a Goverment of the people or a money oligarchy. It is one of the strongest convictions of my life that, upon its decision, are suspended the fate of our civilization and the destiny of the country.

THE TARIFF.

Mr. MILLS. Mr. Speaker, the currency is the all-engrossing subject before Congress and the country. It has been the chief topic of discussion for more than two years, and its solution is as deeply veiled today as at any time in the past. There is another subject that impresses me as equally important, if not of superior importance to the currency, and one that, in my opinion, has exercised a more potent influence in prostrating our business, deranging our industries, paralyzing our labor, and bringing distress to our people, than the depreciation of the currency and perhaps all other vicious agencies combined. This potent evil wears, most unfitly, the charmed name of protection. In 1861, after other commercial peoples had renounced it, the Congress of the United States opened its arms and took to its bosom this impersonation of all political heresies. Under the influence of its glittering sophistries it imposed restrictions the most onerous and oppressive ever imposed by the Government upon its commerce except alone the tariff of 1828, and that aroused such a feeling of indignation as seriously to threaten a civil war. Nor did it subside till Congress relieved it of its obnoxious features and made it a tariff for revenue only.

There may be good reasons why the Morrill tariff should not have been subjected to harsh criticism at the time of its passage. The country was then plunging into the whirlpool of the most gigantic civil war, and the Government required enormous revenues to carry it on. But we are not engaged in war now, and have not been for ten years, and there can be no good reason for continuing such restrictions upon our foreign commerce and at such ruinous sacrifices to our own people. The pernicious effects of that tariff were not felt during the war as they are now and have been since its termination. The laws of war changed the direction of commerce and caused it to flow in different channels from those in which it flowed in peace. The Government became the chief consumer of all the products of the country, and kept in active operation all departments of business. While the war continued, all the products of labor found a ready market in the Government, and a customer who paid high prices, who was never straitened for means with which to purchase; for, in the exercise of its sovereignty, rightfully or wrongfully, it made its own money and enforced its circulation. In 1865 the war ended and the Government retired from the market and left the country in the hands of the tariff, to employ its labor, defray its current expenses, begin the extinguishment of its national debt, and resume, if it could, its former progress in national and individual prosperity. More than a million men discharged from the Army were converted from consumers into producers. The currency began to contract its volume, and with it the value of all commodities that it measured, thereby lessening the ability of the people to pay the immense debt, national, state, county, city, and private; for amidst all the ebbings and flowings of the currency and the rising and falling of values the debt remained the same.

In this condition of the country, with these immense burdens to be discharged by the laboring millions, it seems to me it would have been wise in the Government, to have afforded every facility to its people to increase their wealth as rapidly as possible, by exchanging the products of their labor in markets where they could obtain the highest prices for their own, and purchase such as they needed at the lowest. But an odious tariff, kept up in the interest of a few favorites, built a Chinese wall around the country, and excluded the people from the markets of the world, compelling them to exchange the products of their labor in markets protected against competition, and where they had to give a greater amount of their products for the same article wanted; thus increasing the already enormous burden, by annihilating a large portion of the value of their commodities, with which they were to extinguish the debt, support themselves and families, and improve their condition in life. It not only annihilated a large portion of the value of all products of labor not protected by the tariff, but it also transferred by force of law a large portion of the earnings of the masses out of their pockets and into the pockets of the few capitalists engaged in manufactures. It could only be a question of time when this process of rapid reduction would culminate in the entire prostration of business. The point was eventually reached when confidence disappeared and the carnival of distrust and suspicion began. Capitalists withdrew their money from circulation, ceased to invest, and locked it in their vaults, where it is to-day, and where it will remain till confidence is again restored. In the mean time all the industries of the country are stretched in exhaustion, wages are sinking, strikes occurring, the fires of machinery are shutting off, tramps crowding the highways, people fleeing the country, destitution and want stalking through the land, while from every hovel of the poor, hunger lifts its appeals for bread. Strong, able-bodied men, with stout hearts and willing hands, are standing about their wretched hearth-stones and discussing with their helpless ones the terrible problem of starvation.

Under this terrible ordeal the laboring masses have been quiet and obedient to the Government, when they could have risen in their might and shaken the whole fabric of society from turret to foundation-stone. They have submitted with heroic resignation while a large portion of the price of their labor has been taken from them in the name of protection. They have given their veins to the beaks of the vultures that their blood might be drawn for the gratification of the lust of their spoilers. They have been soothed into repose by the music of treacherous charmers, who have been singing to them so sweetly about *home* markets, and *home* products, and *home* industry, till, like the fabled mariners of old, they have been drawn upon the enchanted rocks, where they have stranded and gone down. There is an euphony about that word protection that charms most of us, and, when associated with *home*, it is well calculated to lull us into sleep even at a time when the greatest peril besets us. Spoliation, when it relies for support on public opinion, always dons the virtuous gown and points all its aims in the public good. When Ahab coveted the rich vineyard of Naboth, in order to obtain it for himself he found it necessary to outlaw his subject from all sympathy with his fellows, and he had him charged with disloyalty—a diplomacy not entirely out of date in these virtuous times—and having isolated the unhappy wretch, and drawn around himself the support of the public opinion he had created, sent forth and slew him and then laid his regal hand in spoil upon his estate. When Demetrius heard Saul of Tarsus preaching that those were not gods that were made with hands, he felt that his "infant manufactures" were endangered by such a doctrine, and in his devotion to the religion of the Ephesian goddess cried for two mortal hours, "Great is Diana of the Ephesians." In

doing this he only sought to protect his manufacture of shrines, for, as he said very frankly to his workmen, "by this craft we have our wealth." If this foreigner were permitted to establish a belief among the people that his shrines were not gods his occupation was gone. He therefore opposed with all his might the introduction of this free-trade religion among his *home* industries. The doctrine of protection to one's own pocket by silencing all opposition to the schemes by which it is filled is not a new one in this age. All along the ages mankind have seen and felt the potency of that mode of argumentation that charms the senses by illusions, while it leads men to their injury and sometimes to their ruin.

Commerce has always been one of the great promoters of civilization and wealth, and all experience shows that nations have increased in wealth as they have extended their commerce.

The policy of every people should be to remove all obstructions to commercial intercourse and offer every facility to trade between themselves and others. The surplus products of every State must go abroad to hunt markets that offer the highest prices for them. That highest price is always found where the article is most wanted, and the lowest price where it is the least wanted. The surplus products of the United States are invited to the foreign market by the wants of the people there, and for that reason they will realize to the producer more money in the foreign market than at home. It is to the interest of both the individual and the State that his surplus products shall go abroad and be sold to the purchaser that will give the highest price. For the same reason it is to the interest of both the individual and the State that such products as he may want shall be purchased where they are least wanted and have their lowest price, because with the same amount of money he can purchase the greater quantity, and when it is transported to the home market, where it is most wanted, it has an increased value, and that gives increased wealth to both the individual and the State. They are both benefited doubly. They are benefited in selling the export at the highest price in the foreign market, and benefited in purchasing the import at the lowest price. How, then, can either the State or citizen receive benefit when he is compelled to sell at home at the lowest price and purchase there at the highest? How is either benefited by obstructions thrown in the way of commerce preventing the free interchange of commodities? High duties either obstruct the importation of foreign goods or they do not. If they do, they detract from the individual wealth, the national wealth, and the Government revenues. If they do not, they do not protect the home manufacturer, because they do not shield him from competition. If high duties restrict importations and cut down the revenue, to the extent of the loss of the revenue they impose additional taxation upon the people who have to supply it in some other form and when they are less able to bear it. On one or the other horn of the dilemma the manufacturer must hang.

It is true, as we learn from the fathers, that in a state of nature we are in a state of destitution, wanting almost everything for our comfort. These wants can only be supplied by labor. Between our wants and our comforts there are obstructions to be removed before our wants can be satisfied. To remove these is the office of labor, and its object is to produce the greatest results with the least effort. To increase the sum of our productions is to increase in wealth, and the less labor required to produce a given sum of productions the greater the amount of labor released to engage in the production of other values. Everything that decreases the amount of labor required to produce a given result increases the value of labor and brings more profits to the laborer, and of course more profits to the aggregated labor of the nation. And everything that increases the amount of labor required to produce a given result decreases the value of labor and brings less profits to the laborer and less aggregated wealth to the nation. If, therefore, high duties make high goods, the farmer in purchasing has to give more of the products of his labor in exchange, and the amount of labor is increased that is required to obtain them. If a farmer in Iowa or Texas has a thousand bushels of wheat which he wishes to exchange for iron, in the absence of all duties on foreign commerce he can obtain twenty-five tons of English iron in exchange, but now that the Government has placed high duties on imported iron to protect the home manufacturer he has to purchase protected iron and pay the increased price, and he finds that his thousand bushels of wheat will only buy fifteen tons in the home market. The tariff in the interest of the iron manufacturer, having imposed high duties on foreign iron, has annihilated two-fifths of the value of the wheat, and has required a larger amount of wheat to obtain the twenty-five tons of iron and increased the amount of labor required to produce it.

To illustrate the effects of protection still further, I present here a table from the report of Mr. David A. Wells for 1869:

Commodities.	Prices in 1859.	Quantities which 100 bushels of wheat would purchase in 1859.	Prices in 1869.	Quantities which 100 bushels of wheat would purchase in 1869.	Decrease per cent.
Wheat	$1 45 per bushel	100 bushels	$1 35 per bushel	100 bushels	
English bar-iron, common	2½ cents per pound	6,824 pounds	4½ cents per pound	4,154 pounds	39
Collins's axes	9 00 per dozen	16 1-9 dozen	12 00 per dozen	11⅓ dozen	30
Ingrain two-ply Lowell carpeting	75 cents per yard	193⅓ yards	1 30 per yard	103 11-13 yards	46
Cut nails	3 cents per pound	4,833 pounds	5 cents per pound	2,700 pounds	43
Blankets, 10-4	3 50 per pair	41⅛ pairs	5 50 per pair	26⅓ pairs	36
Liverpool salt, in bags	90 cents per bag	161 1-9 bags	2 60 per bag	51 12-13 bags	68
Men's ordinary boots	21 50 per dozen	6⅔ dozen	47 10-11 per dozen	3 1-7 dozen	53
Waxed-legged boots	4 50 per pair	32 pairs	6 83 per pair	20½ pairs	37
Black alpaca	24 cents per yard	604 1-6 yards	40 cents per yard	337½ yards	44
Steel, Sheffield cast-steel	14 cents per pound	1,035 5-7 pounds	19 cents per pound	710 10-19 pounds	31
Stoves, five holes	6 00 each	24 1-6 stoves	9 50 each	14 1-5 stoves	41
Mackerel, No. 1	11 00 per barrel	13 1-5 barrels	27 00 per barrel	5 barrels	62
Mackerel, No. 2	10 00 per barrel	14½ barrels	16 00 per barrel	8½ barrels	41
Codfish, large	4 00 per 100 pounds	3,625 pounds	7 50 per 100 pounds	1,800 pounds	50

The 1,400 bushels of wheat were worth in 1859, under a free-trade tariff, $2,030 in gold, and in 1869, under a protective tariff, $1,890 in currency. A large portion of the decrease in the value of the wheat may be attributed to a depreciated currency, but the increase in the price of the products it purchases belongs to the tariff. The 1,400 bushels of wheat purchased of the same commodities in 1859 an amount more than $1,500 in excess of what it did in 1869. It had lost more than $1,500 of its purchasing power. To purchase in 1869 the same commodities that were obtained in 1859 for 1,400 bushels of wheat required 2,540 bushels, so that the value of 1,140 bushels out of 2,540 bushels had been annihilated at the thrashing-floor or transferred from the producer in the West to the manufacturer in the East. If the manufacturer can produce the articles given in exchange for the wheat and sell them as cheaply as the foreigner, then the wealth of the farmer is not lost to the nation, but only taken out of the pockets of the western farmer to be placed in the pockets of the eastern manufacturer. It disappears from the aggregated wealth of the agricultural States to appear in the wealth of the manufacturing States. If the home manufacturer cannot produce the same articles as cheaply as the foreigner, the amount necessary to enable him to do so is that much lost to both the farmer and the nation. In this system of spoliation it is impossible to tell with precision what amount of the earnings of the people are annihilated and lost to the country, and what amount is plundered for the benefit of a favored class.

The wheat-crop of the present year is over 300,000,000 bushels, more than two-thirds of which is surplus to the producers and goes into exchange for other commodities. If it has suffered the same loss in exchange that the 1,400 bushels did in 1869, in Mr. Wells's table, it has lost more than $200,000,000 in value, and it would require 360,000,000 bushels now to purchase what 200,000,000 bushels did in 1859. Two hundred million dollars lost to the wheat-growers in a a single year; in ten years, two billions! Two billion dollars contributed by the toilers of the harvest-fields to their rich neighbors to protect them against foreign paupers, and yet their generosity is not exhausted. They are still prosecuting the war for the deliverance of their American kinsmen from the power of the foreign pauper. Year by year, as they gather to their garners the fruits of their golden harvest-fields, one-third they set apart to repel the foreign pauper, while the manufacturers, with irreconcilable hate worthy of the Roman Cato, end all their discourses with "the foreign pauper must be destroyed." It will be well enough for us to consider whether we have not under the leadership of the manufacturer prosecuted our campaigns against the foreign paupers till we have almost pauperized ourselves. The wheat-growers are not the only victims of the manufacturer; the cotton-growers, whose labor produces two hundred and fifty millions a year, are in the same category, and so are all others outside of the golden circle of protection. All our people, white and black, male and female, are drawn behind the chariots of the manufacturer to adorn his triumph and to guard him against the contaminating presence of the "foreign pauper." For him the nation slays its fatted calf, and for his protection and comfort throws around his shoulders its best new robe.

Those who till the soil are an army of six million laborers, and with their families constitute more than half of our people, and create more than three-fourths of all our annual productions; but they get no protection, do not ask any, but to be let alone and permitted to enjoy the rewards of their own toil. To illustrate still further the effects of protection upon the people I present another table, showing the imports and domestic productions of twelve articles entering into consumption in the United States and their cost to the people:

Statement showing the domestic production, the imports and exports, of the following articles in the calendar year 1873, *(the domestic production and the amount of duty being estimated.)*

Commodities.	Domestic production (estimated) in 1873.	Foreign merchandise.			Estimated.	
		Imports.	Exports.	Net imports.	Rate of duty.	Amount of duty.
Brass and manufactures of	$11,500,000	$343,469	$5,555	$337,914	24.30	$82,113 10
Breadstuffs and bakery products	42,000,000	10,286,596	1,317,704	8,978,892	33.00	2,963,034 36
Chemicals, drugs, dye woods and stuffs	26,500,000	15,202,888	864,274	14,338,614	22.69	3,254,674 40
Copper and manufactures of	15,500,000	2,411,759	126,155	2,285,604	37.00	617,113 08
Cotton and manufactures of	135,000,000	32,357,469	1,312,158	31,045,311	36.33	11,278,761 48
Iron and steel, and manufactures of	400,000,000	45,764,670	662,132	45,102,538	38.53	17,378,007 89
Lead and manufactures of	20,000,000	2,593,315	31,469	2,561,846	40.00	1,024,738 40
Leather and manufactures of	*357,500,000	10,525,544	164,269	10,361,275	31.62	3,276,225 15
Lumber and manufactures of	275,000,000	9,499,058	548,865	8,950,193	19.12	1,711,381 88
Paper and manufactures of	66,500,000	1,967,739	10,924	1,956,815	28.47	562,975 67
Silk and manufactures of	92,500,000	25,292,423	1,038,140	24,214,283	57.28	13,869,941 30
Wool and manufactures of	190,000,000	62,364,498	2,415,536	59,948,962	52.80	31,653,051 93
Total	1,622,000,000	212,579,428	8,497,181	210,082,247	†41.73	87,672,018 64

* Boots and shoes, $200,000,000; leather, $157,500. Total, $357,500,000.
† Average duty on total value of merchandise, 41.73; average duty on the twelve commodities, 35.12.

EDWARD YOUNG,
Chief of Bureau.

HON. ROGER Q. MILLS,
Member of Congress.
BUREAU OF STATISTICS, *April* 25, 1874.

These twelve articles are consumed by the people of the United States at a cost of one thousand nine hundred and nineteen millions. One thousand six hundred and twenty-two millions are of domestic production and two hundred and ten millions of foreign production. Upon the foreign products we pay a duty of 41.73 per cent. to the Government for its revenues, making the sum of $87,672,018.64, which, when added to the cost of the foreign product, which is $210,082,247, makes $297,754,265.64. The total cost of the domestic and foreign product to the people of the United States is $1,919,754,265.64. Upon both the domestic and foreign product we pay 41.73 per cent.: upon the former to the domestic manufacturer for protection and upon the latter to the Government for revenues. Without the protective duty of 41.73 per cent., the domestic product would have cost $945,139,400. But for the protection of the manufacturer the high duty was imposed, that he might have a monopoly of the market. The same duty of 41.73 per cent. is paid on his product, and amounts to $676,860,600. This large sum is paid in one year by the people of the United States to protect themselves against competition among manufacturers—to protect themselves against purchasing cheap goods and against high prices for their own labor. Besides these twelve articles, there are more than two thousand others upon which we pay a duty of 34½ per cent., amounting in round numbers to one hundred millions. If this afforded a corresponding protection to the domestic producer, the people pay on them $565,417,090. So that the one hundred and eighty-eight millions of duties collected by the Government for its revenues in 1873 cost the people in addition thereto the sum of $1,242,277,690, paid to the manufacturer for protection. This sum, enormous as it is, will not seem too extravagant when we reflect that the people of the United States consume over four thousand millions of the products of domestic manufactures every year. Such valuable protection ought to have brought the American infants to maturity some years ago, and it would seem that it had, for in 1850 and 1860 the products of manufactures were largely under those of agriculture, while in 1870, with ten years' protection, they were nearly double the products of agriculture. If we examine the censuses of 1850, 1860, and 1870, we will see some of the evidences of its retardation of the growth of national wealth. Our property in 1850, exclusive of slaves, was $5,533,623,728. In 1860 our property, exclusive of slaves, was $14,282,822,568, having increased 158 per cent. If it had continued to increase from 1860 to 1870 at the same ratio it would have been worth in gold in 1870 $37,992,308,029, but it was only $26,967,281,172, showing a loss of $11,025,026,857.

It is impossible to tell what proportion of this vast amount was the result of the war, what was the result of the plunder of the South since the war, and what the spoil of the nation by the tariff. The West and South were the chief sufferers by the war; the Eastern States increased in wealth more rapidly during and since the war than before. If we take from this sum five billions for loss by war exclusive of the slaves it seems more than the amount due to that cause. If we set down a thousand millions for the ruin and devastation left as the heritage of the carpet-bagger, we then have five billions annihilated by the tariff. If the country had enjoyed the same peace and prosperity in the second decade as in the first, and labor had received the same values for its productions, the increase of national wealth would have been continued at 158 per cent.; but as it is we are brought to look over a chasm of more than $11,000,000,000, a greater part of which is the effect of the war, of restriction on trade and commerce declared by an exorbitant tariff, and to the disorder and violence established by law and maintained by the military power of the Government in the Southern States.

Mr. Grosvenor, who has investigated the subject with great care, and ought to be good authority, in his book published in 1868, estimates the crop of 1850 at thirteen hundred millions, and the crop of 1860 at double that amount, showing an increase of 100 per cent. in the free-trade decade; and predicted then that the census of 1870, instead of showing 100 per cent. on 1860, (or $5,200,000,000,) would show a loss of an amount in one year more than sufficient to pay the whole national debt. Let the figures show how accurately that prediction has been fulfilled. The product of the crop of 1870 was, in gold, $2,195,101,935. The loss, as shown by the census, is more than three billions; the national debt less than two and a half billions. Not only has the crop not increased in the same ratio as in the free-trade decade, but it has fallen four hundred millions below the crop of 1860. And this in the face of the fact that our population had increased seven millions, our wealth ten billions, and the acreage of our farms twenty-five millions. All hail, protection! The increase of acreage in the protected decade was 15 per cent., and in the free-trade decade 44 per cent. This is the consummation of the wisdom of protection, to drive the agricultural laborer from the field to the factory, to decrease the agricultural product and increase the factory product, to decrease agricultural values and increase manufacturing values, to decrease the profits of the farm and increase the profits of the shop; and this consummation, so devoutly to be wished, is obtained by the simple process of decreasing taxation on capital and increasing it on labor. To show the effect of protection on the farm, let us compare the productions of the farm in 1860, before the war, with 1870, after the war. The census shows the value of all farm productions in 1870 to be (currency reduced to gold at 111¼) $2,195,101,935. It does not show the value of all farm productions in 1860, but only the quantities. Taking Mr. Grosvenor's estimate, it was $2,600,000,000. Then, if we deduct from each the cost of cultivation, at $10 per acre, we have the net profits on the capital invested. The following table shows the result:

	1860.	1870.
Capital invested in farms and farming implements	$6,891,263,148	$8,509,580,529
Value of products	2,600,000,000	2,195,101,935
Cost of cultivation, at $10 per acre	1,631,107,200	1,889,210,990
Profits	968,892,700	305,895,945
On capital invested	14 per cent.	3½ per cent.

Three of the principal crops show the following gains from 1850 to 1860 and losses from 1860 to 1870:

	1850.	1860.	1870.
Corn, bushels	596,071,104	838,792,742	760,944,549
Tobacco, pounds	199,752,655	434,209,461	262,735,341
Cotton, bales	2,469,093	5,387,052	3,011,996

If these crops had increased in the protective decade as they did in the free-trade decade, or if there had been no war, no reconstruction, and no protection, we should have had, in 1870, 11,753,030 bales of cotton in lieu of 3,011,996; 1,180,520,678 bushels of corn in lieu of 760,944,549; and 943,856,564 pounds of tobacco in lieu of 262,735,341.

The loss to the national wealth on these three crops alone in one year is in the neighborhood of seven hundred millions.

The following table shows the ratio of increase in the free-trade

decade and decrease in the protective decade of the products of the farm mentioned:

Products.	Percentage of increase from 1850 to 1860.	Percentage of decrease from 1860 to 1870.
Corn	41	21
Cotton	118	44
Tobacco	117	39
Buckwheat	96	44
Rye	48	19
Pease and beans	64	61
Mules, &c.	105	2
Oxen	32	41
Hogs	10	25
Cattle	52	8

The following show an increase at both periods, but, with a solitary exception, at a rate in the protective period below the free-trade period:

Products.	Percentage of increase from 1850 to 1860.	Percentage of increase from 1860 to 1870.
Wheat	72	66
Oats	17	63
Barley	206	88
Potatoes	47	7
Butter	45	11
Horses	44	12
Cows	34	4
Orchard products	159	119
Garden products	206	15
Farming implements	62	22
Farms in value	103	25
Live stock	101	25
Value of animals slaughtered	91	67

I have shown great losses in all the departments of labor, and an unnatural and unhealthy increase of manufacturing capital from 1860 to 1870. The products of manufacture increased from 1850 to 1860 at the rate of 85 per cent. and agriculture at the rate of 100 per cent. Now, while agriculture was increasing at the rate of 100 per cent., thereby increasing the wealth of all those who were to purchase the products of manufacture, the increase of 85 per cent. in manufacturing was natural and healthy. But now we have manufactures increasing their product in 1870 at 124 per cent. and agriculture sinking below zero. That occupation that employs, feeds, and clothes one-half of our people, and creates three-fourths of all our annual wealth, and to whose prosperous and fruitful labor the whole forty millions look for their own prosperity is cursed with blight and barrenness. The logic of this position is inexorable. The manufacturers must cease, shut off their fires, and discharge their hands. They have prosecuted their victims to bankruptcy, and now, if they had an absolute despot to make their laws for protection just as they might wish and an army to enforce them, they could neither compel the desert to bloom nor the exhausted fountain to continue its stream of water. If they would prosper again they must unfetter the giant whom they have deceived with their caresses, and blinded and bound lest in the desperation of his wrath he shall bear away their gates and crush their temples over their heads.

I have said that protection transfers the surplus wealth of the consumers of the products of manufacture from their pockets to the pockets of the manufacturer. If this proposition is correct the census ought to show it. It showed in 1850 and 1860 all of our industries moving together, dependent on each other, intermingled with each other, and regulating each other by the unerring laws of demand and supply. Does the census of 1870 show the same facts? On the contrary, from some cause a tremendous revolution has taken place, and the immense wealth created by labor all over the country, and which ought to have remained where it was earned, has been attracted toward the East as unerringly as the magnetic needle is to the North. In 1870 there was $2,118,208,769 invested in manufactures in the United States, two-thirds of which was owned in the nine eastern States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, and New Jersey. These same States owned of the national wealth in 1850 $3,130,989,857, or 43 per cent.; but from that time to 1860 the center of wealth was following immigration toward the West. It was the creature of labor and followed its movements as inseparably as the shadow does the substance; and in 1860 they possessed of the national wealth $5,591,607,424, while their portion of the national wealth had relatively decreased from 43 per cent. to 34 per cent.; yet they had increased the sum of their wealth at the rate of 78 per cent. It was perfectly natural that their proportion of the national wealth should decrease and still they be in the enjoyment of the highest prosperity as they were, for their manufactures were paying them a higher profit then than they did in 1870. It was perfectly natural as the great army of population was continually moving to the West, and by their labor creating wealth, that their proportion should be greater than the proportion of the lesser population of the Eastern States, and that the wealth they created should appear upon the rolls of the Western States. But in 1870, after the existence of the law of enforced transfer of wealth, their wealth in the West parted hands with their labor, and while the laborer continued his way to the rich and inviting lands of the West his wealth, mysteriously enough, appears in the East in the columns of the manufacturer, standing guard for his protection!

In 1870, the wealth of the nine Eastern States that had two-thirds of all the manufacturing capital had increased from $5,591,607,424 to $15,290,032,689, or 50 per cent. of the national wealth. Not only did they stop decreasing their per cent. of the national wealth, but they bounded back over the point held by them in 1850, and mounted up to one-half of all our national wealth. Their increase in wealth in the first decade indicated high prosperity. But in the second decade their increase at 173 per cent., when the centers of population and labor were drifting farther away to the West, is not natural but marvelous. If no pernicious restrictions had been laid upon the labor of the people and every one had been permitted to enjoy without hinderance the rewards of his own toil, the census of 1870 would have shown that the nine Eastern States had parted with 9 per cent. more of the national wealth that had gone with the people to the fields of the West; and instead of 50 per cent. in 1870 they would have had 25 per cent., or seven and a half billions instead of fifteen. If they had maintained their proportion of the national wealth owned in 1850, which they were not doing for the first period, still they would have only had in 1870 ten billions instead of fifteen. So that by the powerful magnetic effects of these protected manufactures they have gained more than five billions in ten years to which they were not entitled, and which they would never have had but for the tariff; and this in addition to the five billions of national values destroyed by the tariff; and still the work of destruction and spoliation continues. The five billions transferred is lost to the laborer only, the five billions annihilated is lost both to the laborer and the nation.

The four States of Massachusetts, Rhode Island, New York, and Pennsylvania owned in 1870 more than half of all the capital invested in manufactures. They increased their wealth during the free-trade decade at 38 per cent. per head and during the protective decade at 132 per cent. per head. Is this large increase of wealth shared by the agriculturists of those States? If so, why does not the same prosperity exhibit itself in the agricultural States farther west? In the States of Ohio, Indiana, Illinois, Iowa, Michigan, and Oregon, that owned but one-fifth of the capital invested in manufactures, the same prosperous condition is not seen, but the reverse of the picture. Their highest prosperity is seen in the free-trade decade and their lowest in the protective. They increased in wealth from 1850 to 1860 at 127 per cent. per head and from 1860 to 1870 at 64 per cent. per head. Here the tables are turned completely around, and strange to say the very same condition in which the manufacturing States swell and bloat with wealth is the condition in which the agricultural States go into "the sere and yellow leaf." These figures show that the States owning the manufacturing capital increased in wealth in the protective decade at a greatly increased ratio and the States comparatively without it at a greatly reduced ratio. The irresistible conclusion to my mind is that the increase goes to the manufacturer. While the non-manufacturing States were let alone by the Government and the laws of demand and supply were left to govern the markets, the movements of commerce, and the employment of labor, they kept their wealth. But as soon as the Government, in the excess of its maternal tenderness, began to protect its "infants" then their wealth took wings and flew away.

In 1870 the four manufacturing States named had $265 per head invested in agriculture, and the value of their farm products was $49 per head, while their manufacturing products was $225 per head. In the four manufacturing States there were 700,000 persons employed in manufacturing, and made wealth at the rate of $659 each, and there were 700,000 persons engaged in agriculture, and made wealth at the rate of $254 each. In the seven agricultural States of Ohio, Indiana, Illinois, Iowa, Michigan, Wisconsin, and Oregon there were 160,000 persons engaged in manufactures, and made wealth at the rate of $1,210 each, and 1,600,000 persons engaged in agriculture, and made wealth at the rate of $98 each. The 160,000 persons engaged in manufactures made forty millions more money than 1,600,000 engaged in agriculture. One man employed in manufactures made more than ten in agriculture. The net profits of manufactures in the four Eastern States was 43 per cent., while in the Western States it was 47 per cent. From these figures it is evident that the manufacturer, whether in the East or West, is gathering a large harvest. And if the West had the same capital invested in that industry that the East has it would show the same growth in wealth, all of which, in both sections, would belong exclusively to the manufacturers. It is not all the people of the East that are growing so rapidly in wealth, nor are all the people of the East more prosperous than the people of the West. The feast is the manufacturer's. And wherever they are, East or West, just in proportion as their veins are swollen the veins of all others everywhere in the Union are depleted.

See the ratio of increase in the two decades of the four manufact-

uring States of Rhode Island, Massachusetts, New York, and Pennsylvania, and the four agricultural States of Illinois, Michigan, Iowa, and Wisconsin; the first owning 50 per cent. of the capital invested in manufactures, and the last 11 per cent.

States.	Percentage of increase from 1850 to 1860.	Percentage of increase from 1860 to 1870.
	Per capita.	*Per capita.*
Massachusetts	15	121
Rhode Island	42	76
New York	36	211
Pennsylvania	56	121
Illinois	180	64
Michigan	124	77
Iowa	197	64
Wisconsin	157	58

Take again the State of Massachusetts with 11 per cent. of the capital invested in manufactures, and compare it with Illinois that has 4½ per cent. with nearly twice as many people. In 1850 Illinois had $156,265,006, and Massachusetts had $573,342,286. They began a race for the acquisition of wealth and ran through a course of two decades, one of free trade and the other of protection. Massachusetts began the race with the advantage of 100,000 more people and four hundred millions more wealth than Illinois. At the end of the first decade Illinois had $871,860,282 and Massachusetts had $815,237,433. Illinois gained at the rate of 457 per cent. and Massachusetts at 42. During the same time Illinois gained population at the rate of 101 per cent. and Massachusetts 23 per cent. They now enter upon their course in the protective decade with the advantage on the part of Illinois of $56,000,000 more wealth and a half million more people than Massachusetts. If Illinois continues to make the rapid gains in the protective decade she did in the free-trade decade Masssachusetts must be distanced. But what is the result at the end of the protective decade? Illinois has $2,121,680,570, and Massachusetts has $2,132,148,741. Illinois was loaded to death, and though she started $56,000,000 ahead and a half million the most people, she comes out of the race 1,000,000 of people ahead, but $10,000,000 behind. Illinois increased her wealth 143 per cent. instead of 457, and Massachusetts 161 per cent. instead of 42; and Illinois had increased her population 48 per cent. and Massachusetts 18 per cent. Massachusetts had increased her wealth at a ratio above her increase in the free-trade decade of 283 per cent., and Illinois had increased her wealth at a ratio below her increase in the free-trade decade 219 per cent. Or, to state it differently, 2,539,819 people in Illinois, with a capital of $871,860,282, made less money by ten millions than 1,457,351 people in Massachusetts with fifty-six millions less capital. The loss to Illinois is the loss of the entire labor of more than a million of her people. This million of people in Illinois labored hard to acquire wealth; what has become of the products of their labor? It has gone East. But have their burdens of taxation gone too? Let us see. A few years ago the Government imposed for a time a tax on incomes, upon the accumulated piles of realized wealth, and required a given per cent. as taxes from all those who made clear profits over and above a sum sufficient for family support. This wealth was taxed in conjunction with other subjects of taxation, and the internal-revenue receipts of the two States showed the taxes paid by each. The income-tax was gradually reduced until it was released in 1872, and the effect on the people of the two States in the imposition of taxes is shown by the following table. The sum of taxes paid to the internal revenue is in millions only.

Year.	Massachusetts.	Illinois.
1866	$34,000,000	$15,000,000
1867	28,000,000	12,000,000
1868	17,000,000	7,000,000
1869	9,000,000	13,000,000
1870	10,000,000	18,000,000
1871	6,000,000	15,000,000
1872	6,000,000	15,000,000
1873	3,000,000	16,000,000
1874	2,000,000	15,000,000
1875	2,000,000	17,000,000

Thus, while the wealth that had been transferred was a subject of taxation, Massachusetts paid a hundred per cent. more than Illinois, but when wealth was released Illinois paid 800 per cent. more than Massachusetts. The capitalist is growing richer and the laborer is growing poorer. His nose is to the grindstone, where it will remain as long as he continues to vote for his own spoliation and sustain as representatives those who lay the burdens of government upon the poor and give its benefits to the rich.

Let us follow up this wealth to the manufacturing States, and see if it is distributed among all the people, or only among the favored few. In 1866 there were 460,170 persons in the United States who had incomes or who were making something above a support. Their incomes aggregated $707,385,040. Of this number, 35,788 persons had $439,244,000, and 424,382 persons had $268,141,040. The 35,788 persons had incomes each of $12,273, and the 424,382 persons had incomes each of $631. The 38,000,000 people beside them had nothing above support! The nine Eastern States, owning two-thirds of all the manufacturing capital, had 21,066, (out of the 35,788 in the United States who had $12,273 each income,) and they had incomes of $309,323,620, or an average each of $14,683 over the exemption. If to this sum be added the incomes of those who had less than $5,000, they will have more than two-thirds of all the income in the United States, with only one-third of its population. What a startling exhibit! Thirty-five thousand seven hundred and eighty-eight persons in the United States have surplus wealth that averages annually $12,273 each, and 424,382 persons have surplus wealth that averages $631 each, and the 38,000,000 others have none; and this surplus wealth is found in the manufacturing States, who under a tariff for revenue were falling behind in the race for wealth. And, followed more closely, the great bulk of this surplus wealth is found in the possession of a few favored individuals, who have been protected by the Government against competition in business at the expense of all the others. The bulk of the wealth here traced to the nine Eastern States is found to be in the hands of 21,000 out of 12,000,000 of people. The annual exhibit shows that the States containing two-thirds of the people receive for their wages one-third of the annual values created, and the States containing one-third of the people receive two-thirds. And for this splendid condition of things we are indebted to "the great American system!"

The four States of Massachusetts, Rhode Island, New York, and Pennsylvania, that had more than half of all the capital invested in manufactures in the United States, had more than half of all the incomes. They had $277,000,000 of the $439,000,000 from persons who paid on incomes over $5,000, while there were only $162,000,000 in all the other thirty-three States. And this income of persons in the four manufacturing States was in the hands of nineteen thousand persons out of a population of nine millions. The nine Eastern States had 70 per cent. of the incomes over $5,000, and 68 per cent. of all incomes in the United States. This extraordinary prosperity is not enjoyed by all the nine States mentioned, but only those engaged largely in manufactures. Rhode Island, that has less than one-fifth of the population of Maine, New Hampshire, and Vermont, but nearly as much capital in manufactures as all three of them combined, had three times as much income as all of them united.

In 1866, when surplus wealth was taxed, the nine Eastern States paid 62 per cent. of the aggregate internal-revenue tax; but in 1875, when the hand of the tax-gatherer was taken off of the strong boxes, because it was found to be odious, and laid at the doors of the poor, then their proportion of the internal taxes was only 26 per cent. In 1866 Ohio, Indiana, Illinois, Kentucky, Virginia, and Missouri paid 21 per cent. of the internal revenue; but in 1875, when wealth was released and its proportion of the burdens laid upon the arms of the laborer, they paid 56 per cent. In 1866 the last-named States had 21 per cent. of the aggregate incomes and the nine Eastern States had 62 per cent.; yet in 1875 the Western States paid 56 per cent. of the internal-revenue tax and the Eastern States paid 26 per cent. During the existence of the income tax the State of New York in one year had more income than all the States in the Union combined west and south of the boundary of the nine Eastern States, and that was in the hands of a few thousand of her millions of people. Rhode Island had three times as much as Maine, New Hampshire, and Vermont combined, and (in 1866) more than Virginia, West Virginia, North and South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, and Tennessee, and that in the hands of less than one of every three hundred of her people. Less than a thousand persons in Rhode Island received more clear profits than nine millions of people in the South; and yet North Carolina, that had less than $150,000 income in 1866, pays to-day more internal-revenue tax than all the New England States, except Massachusetts, with their $26,000,000 of income. How forcibly does this fact remind us of that declaration in the preamble of the Constitution of the United States, that it was ordained to establish justice and promote the general welfare!

Virginia, upon whose bosom the fierce storm of battle poured its desolating hail, whose fields have so recently been swept with "a fire-shower of ruin," and whose winds still bear upon their wings the ashes of her desolation, even she pays more internal-revenue taxes than all New England combined, with their eighty millions of clear income. The wealthy complained that the income tax was odious; that it was inquisitorial; that it was an impertinent interference with their business for the tax-gatherer to ask them how much clear profit they made. It was offensive and distasteful to them to pay their proportion of the taxes to support the administration of the Government. They demanded its repeal, and it is gone. The tax that brought to the coffers of the Government annually forty-eight millions from the profits of capital is "gone glimmering through the shades of things that were." The forty-eight millions still come annually to the Government, but from a different source. It sends out its annual requisition for the forty-eight millions, but the messenger is commanded not to go to those who have wealth, but to those who have *no* income, and who make nothing above support. They have graciously released capitalists and corporations, with their annually growing surplus of millions, from the to them obnoxious tax, but they still retain with

heroic devotion the tax on the medicine that finds its way to the hovels of the poor. The first great maxim of Adam Smith, which John Stuart Mill calls classic, says: "The subjects of every state ought to contribute to the support of the Government as nearly as possible in proportion to their respective abilities; that is, in proportion to the revenue they enjoy under the protection of the state;" but this maxim has been reversed by the financial policy of the administration, and the burdens of the citizens are lessened in proportion as they grow in wealth.

Now, sir, I have shown that under free trade all the States were prosperous, the agricultural more than the manufacturing, because of the constant flow of immigration to them; that under the influence of protection to manufactures the agricultural States are marching with a funeral step; that the manufacturing States, that had but one-third of the national wealth at the beginning of the protective period, now have more than one-half; that with one-third of the population they are receiving two-thirds of the annual surplus wealth, and that their profits are large and their products enormously increased. From these facts I can come to no other conclusion than that protection has effected the revolution, and that the constant annihilation of a large portion of the value of the products of labor, and the transfer of a large part of the wealth it creates to the protected class, is the real cause of hard times and business depression all over the land. It might be some mitigation of the great injustice done to other laborers if the employés of the manufacturers received the benefits of this profitable employment, as we are continually told they do. This pernicious doctrine bases most of its claims to success to the benefits it professes to confer upon the operatives of manufacturing industry.

We are constantly being told that the employer can and does give better wages when his industry is protected against competition; but the facts do not so show it. In 1860 the operatives received more of the necessaries and comforts of life in exchange for their wages than they do now. Then they received on an average $288 in gold per annum. In 1870 they received $377 in currency, equal to $344 gold; but then a dollar in gold would purchase nearly twice the quantity of articles necessary for the support of the laborer and his family that it will to-day. When all his wages have to be expended in purchasing protected articles whose prices have been enhanced 40 per cent., it is very plain that he is not protected. In fact, there never was since the foundation of the Government more destitution and distress and more cares and anxieties for life and support among manufacturing and mining laborers than to-day in the midst of protection. The boot-and-shoe business is one of the most prosperous of all our industries, and paid in 1870 a clear profit of 77 per cent., and that was certainly sufficient to enable the manufacturers to pay their workmen good wages. But in 1869 the employés of this branch of manufactures say: "Ten years ago the shoemakers of New England, as a class, were well fed, well clothed, well housed, and had their pockets well supplied with spending-money. Now they have less surplus money, are more poorly clothed, and are crowding themselves into smaller tenements; while many of them who formerly saw meat and butter daily upon their tables now see those articles there but seldom. During these ten years their food and family supplies have nearly doubled in prices while their wages have increased but half."

We have seen by the testimony of the factory operative that he is not benefited, but injured, by protection. How is it with the farm laborer? Does it increase the demand for his labor or the price of his wages? The demand for the labor of those who live by wages must necessarily increase with the increase of national wealth and cannot increase without it. If the 3,000,000 farmers are prosperous and increasing the stock of their wealth they have increased ability to employ and pay for labor on their farms. They will plant and cultivate more acres and raise more products for market and receive more wealth to employ labor and purchase the products of the labor of others. If a crop yield to the farmers a hundred millions more when exchanged at one period than another, that amount would seek the employment of labor in its various forms, and the demand for labor would raise the price of its wages. The farm laborer is even less fortunate than the laborer of the factory, for he saves nothing in either wages or expenditures. There are 2,000,000 of manufacturing and mining laborers, and with those dependent on them 5,000,000 people who are injured by protection. There are 3,000,000 agricultural laborers and those dependent on them, and 3,000,000 farmers and those dependent on them, together with over 20,000,000 people, all of whom are plundered by protection. The agricultural laborer only received $107 and his board in 1870. The demand for his labor was not such as to justify high wages when the farmer was only making 3¼ per cent. on the capital invested. The farmers only made on an average $413 each, from which sum all expenses of the cultivation of the crop and family support have to come. Here are 8,000,000 laborers and with those dependent on them more than 25,000,000 who are not only not benefited but greatly injured. Who is benefited? Somebody must be. There must be some great interest subserved to draw around this capital at every session such pressure for protection to home industry, such tender solicitude for home markets. Who is it that is so alarmed "at foreign pauper labor?" Who is it whose voice is so potent with the administration as to cause it to smite with paralysis all the industries of the land for their benefit? Forty-two thousand manufacturers who have invested two thousand millions of capital, upon which they make over 40 per cent. clear profit, who made in 1870 an average of $22,583 each. These are the infants who are continually crying to the Government for maternal care and tenderness, and are as obstinate as Rachel of old in refusing to be comforted. These are the infants that are condemned by some mysterious law of nature to appear perpetually in swaddling-clothes, continually afflicted, and continually requiring the aid of soothing-syrup to lull them into a temporary repose. These are the infants whose boneless gums are always hanging upon the maternal nipples for sustenance and life and who are frightened into convulsions at the sight of "foreign pauper labor" when only 31,000 are foreigners themselves.

But the question will be asked, How are we to reduce the tariff and yet raise so large a sum as our yearly expenditures require? There is no difficulty in answering this question. We raised one hundred and fifty-seven millions during the last fiscal year with our imports largely cut down and with one-third of them bearing no duty. The average rate of duty on the dutiable goods was 40 per cent. Three hundred and eighty-six millions bore this duty and paid our revenue of one hundred and fifty-seven millions. One hundred and sixty-seven millions were free. Now let us abolish the free list and lay a uniform *ad valorem* tax of 25 per cent. on the whole of our imports and it will bring the same amount of duties. Six hundred millions of imports will give us one hundred and fifty millions of revenue. The present arrangement of the tariff was not designed to obtain revenue in the least oppressive way, but principally for protection. Lay an *ad valorem* tax of uniform rate and at the lowest per cent. possible to obtain the required revenue, and we will have but little of the evils of protection. It would greatly stimulate our foreign commerce and increase our imports till our revenues from customs at 25 per cent. would in a few years reach two hundred millions, when the rate should again be lowered and never permitted to exceed one hundred and fifty millions. Repeal all taxes on medicines, matches, bank-checks, and all taxes derived from the sale of adhesive stamps, that bring six millions and a half of revenue. Repeal all taxes on tobacco except manufactured tobacco and cigars, so arranging it that it will bring twenty millions instead of thirty-seven, as now. Retain the tax on spirits and fermented liquors that now bring sixty-two millions. Re-impose the tax on all incomes over $5,000 exclusive of the exemption of $1,000. It brought to the Government twenty-six millions ten years ago and will bring thirty millions now. Repeal the law that exempts any of the deposits in savings-banks and tax them as all other deposits in bank are taxed, and it will bring three and a half millions more than it does now. Re-impose the tax on the gross receipts from passengers and freights and on the dividends and interest of bonds of railroad companies. It brought eleven millions of revenue ten years ago. Let that tax be half what it was before. Their clear profits were one hundred and eighty-nine millions in 1874, and they can well afford to pay a tax of five millions. Re-impose the tax on the gross receipts from premiums, dividends, and additions to surplus funds of insurance companies. It brought two millions in 1866. Re-impose the tax on sales of stocks, bonds, foreign exchange, gold and silver. It brought two and a half millions in 1864. It will bring ten millions now. These sources of revenue will bring to the Government over three hundred millions annually.

If we would reduce taxation on the people and stop the spoliation and destruction of their property; if we would bring back the golden days of other years, when labor was prosperous and the people happy; if we would dispel the gloom that has been hanging over the land and revive all our prostrated industries, we must equalize taxation. We must take some of the heavy burdens off the backs of the laboring masses and lay them where they belong—upon the shoulders of the wealthy. We must cut down the tariff till it shall bring revenue to the Government and not protection to the capitalist and bankruptcy to the masses. We must cut away with unsparing hand the abuses that have grown up in the Administration, requiring the annual expenditure of millions without any benefit to the Government. Then will confidence be restored, labor be employed and rewarded, business resume its natural conditions, capital flow in channels of legitimate investment instead of wild and visionary speculations, and the country will resume its march in prosperity and peace.

And then, on motion of Mr. WARREN, (at four o'clock and twenty-five minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BLAND: Petitions for post-routes from Lebanon to Gainsville, Missouri, and from Ava to Nesi Plains, to the Committee on the Post-Office and Post-Roads.

By Mr. DE BOLT: The petitions of Milton Myers and others, for a post-route from Trenton, Missouri, to Myersville; and of Putnam Fulkerson and others, for a post-route from Trenton to Modena, Missouri, to the same committee.

By Mr. FULLER: The petition of Crawford Ryan, for pay for property lost at New Orleans in 1865, to the Committee of Claims.

By Mr. KNOTT: Papers relating to the petition of Catharine [illegible]ly, for a pension, to the Committee on Revolutionary Pensions.

By Mr. JOHN REILLY: The petition of 39 citizens of Eastern Pennsylvania, for the repeal of the check-stamp tax, to the Committee of Ways and Means.

Also, the petition of 74 citizens of Hollidaysburgh, Pennsylvania, for aid to be extended the Southern Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. STENGER: Papers relating to the claim of Solomon Booke for services as mail-route agent, to the Committee of Claims.

By Mr. THORNBURGH: Papers relative to the purchase of additional grounds for public buildings at Knoxville, Tennessee, to the Committee on Public Buildings and Grounds.

By Mr. TOWNSEND, of Pennsylvania: The petition of Eliza McConnell, for a pension, to the Committee on Invalid Pensions.

By Mr. ———: The petition of citizens of the United States, for the repeal of the check-stamp tax, to the Committee of Ways and Means.

IN SENATE.

MONDAY, *January* 31, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of Friday last was read and approved.

HOUSE BILLS REFERRED.

The bill (H. R. No. 1589) to amend section 190 of the Revised Statutes was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. No. 1590) to remedy an error in enrollment was read twice by its title, and referred to the Committee on Appropriations.

CORRECTION.

Mr. WINDOM. I desire to make a correction of some statistics which I furnished with reference to the Red River trade a few days ago. By mistake the tonnage was stated in tons instead of pounds. It makes altogether too large a tonnage for so small a river, although the trade has been immense within the last year, the total tonnage being 24,429 tons; but it was stated in pounds as presented the other day. I desire to make this correction in order that the facts may appear to the committee in their true light in the consideration of the subject.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of the Good Templars of Montana Territory, signed by the officers, representing 700 members, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was ordered to lie on the table.

He also presented the petition of Admiral Charles Wilkes, praying that under the act of Congress approved May 22, 1872, making appropriations for the completion of certain books describing the results of Wilkes' exploring expedition, an investigation be made into the reasons for the stoppage of the work and the suspension of payments therefor; which was referred to the Committee on the Library.

Mr. SHERMAN presented the petition of C. A. Folsom and others, citizens of the State of Wisconsin, praying for the repeal of the two-cent stamp tax on bank-checks; which was referred to the Committee on Finance.

He also presented the memorial of W. J. Morgan & Co., of Cleveland, Ohio, remonstrating against the repeal of the two-cent stamp tax on bank-checks; which was referred to the Committee on Finance.

Mr. WINDOM presented the memorial of 175 citizens of Brown County, Wisconsin, asking an appropriation for the speedy completion of the Fox River improvement, and also for the construction of a canal along the banks of the Wisconsin River from Portage City to the Mississippi River in accordance with the third plan recommended to the Government by General Warren; which was referred to the Committee on Commerce.

He also presented a memorial of the Legislature of Minnesota, requesting the Senators and Representatives representing Minnesota in Congress to use their efforts in favor of a bounty for the destruction of grasshoppers; which was referred to the Committee on Agriculture.

He also presented a joint resolution of the Legislature of Minnesota, in favor of an extension of time for the completion of the Northern Pacific Railroad; which was referred to the Committee on Railroads.

Mr. MERRIMON. I present the petition of James Roberts and others, together with certain affidavits in support of their claim which is embodied in a bill now before the Committee on Revolutionary Claims. I move that the petition be referred to that committee in order to accompany the bill.

The motion was agreed to.

Mr. McMILLAN presented a joint resolution of the Legislature of Minnesota, requesting Congress to take such action as may be necessary to relieve certain settlers on the line of the Northern Pacific Railroad; which was referred to the Committee on Public Lands.

He also presented a joint resolution of the Legislature of Minnesota, in favor of an appropriation for improving the navigation of the Red River of the North; which was referred to the Committee on Commerce.

Mr. WEST presented a petition of citizens of Louisiana, praying Congress to give favorable consideration to the project for building the Texas and Pacific Railroad; which was referred to the Committee on Railroads.

Mr. CONOVER presented the petition of Peter La Rose, praying for compensation for carrying the United States mail on route No. 6140, in Georgia, from July 1 to October 31, 1871; which was referred to the Committee on Claims.

He also presented the petition of William C. West, a commander on the retired list of the Navy, praying that he be paid the 75 per cent. of "sea pay" of a lieutenant commander on the active list, as provided by law; which was referred to the Committee on Naval Affairs.

Mr. ALCORN presented additional papers in relation to the claim of James J. Ritch, of Scott County, Mississippi, for compensation for supplies, &c., furnished United States troops; which were referred to the Committee on Claims.

Mr. ALCORN. I present the memorial of John Russell, of Warren County, Mississippi, who had a claim before the commission of claims, and they found in their adjudication that he had been engaged in selling cotton, confounding him with another person. He submits now a memorial to Congress, asking that his case may be re-referred to the claims commission, or that Congress will give him such relief as he is entitled to, showing very clearly, by the proof that he adduces, that he has been confounded with another person, and that he has not sold cotton, but has ever been and is loyal to the Government. I move that the memorial be referred to the Committee on Claims.

The motion was agreed to.

Mr. SARGENT. I present the petition of Henry M. Nagle, of San José, Santa Clara County, California, stating that he is and has been largely engaged in the business of the manufacture or distillation of brandy; that his premises were destroyed February 26, 1869; and that he lost thereby stamps to the value of $60,000 which had never been used. As these were unused tax stamps, such as he was required by law to affix to casks, he asks that he may be remunerated therefor. As this claim is for refunding a tax, perhaps the proper reference would be to the Committee on Finance; and if there is no objection, I ask its reference to that committee.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Finance, if there be no objection.

Mr. BOOTH presented the petition of J. A. Kelting, administrator of the estate of Elizabeth Hunt, deceased, praying that a pension be allowed to her children by Simon Johnson, a former husband, who was a seaman in the United States Navy; which was referred to the Committee on Pensions.

Mr. MORRILL, of Vermont, presented the petition of the Springfield Toy Manufacturing Company, and F. W. Porter and 60 other citizens of Springfield, Vermont, praying for a repeal of the two-cent United States stamp-tax; which was referred to the Committee on Finance.

Mr. CAMERON, of Pennsylvania, presented a remonstrance of vessel-owners of Pennsylvania, against the registry of foreign-built vessels as American vessels when owned by citizens of the United States; which was referred to the Committee on Commerce.

He also presented resolutions of the senate of Pennsylvania, requesting the Senators and Members of the House of Representatives from that State to favor the guarantee asked by the Texas Pacific Railway Company; which were referred to the Committee on Railroads.

He also presented a petition of citizens of Williamsport, Pennsylvania, praying Congress to guarantee interest on bonds of the Texas Pacific Railroad; which was referred to the Committee on Railroads.

He also presented resolutions of a workingmen's meeting held in Harrisburgh, Pennsylvania, protesting against a subsidy to the Texas Pacific Railroad and urging certain financial changes; which were referred to the Committee on Railroads.

He also presented a petition of citizens of New Castle, Pennsylvania, praying Congress to repeal the bankrupt law; which was referred to the Committee on the Judiciary.

He also presented a petition of Middletown Centre grange, favoring the reduction of postage on third-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of citizens of Pittsburgh, Pennsylvania, praying the repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

Mr. FRELINGHUYSEN presented the petition of William H. Stephens, postmaster at Belleville, Essex County, New Jersey, praying to be relieved from payment for stamps to the value of $88.69, stolen from his post-office on the night of October 14, 1875; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WALLACE presented the memorial of a meeting of workingmen held at Harrisburgh, Pennsylvania, protesting against the resumption of specie payments and against aid to the Texas Pacific Railway Company; which was referred to the Committee on Railroads.

He also presented a petition of citizens of Blair County, Pennsylvania, praying for aid to the Texas Pacific Railway Company; which was referred to the Committee on Railroads.

Mr. BOUTWELL presented the memorial of R. B. Forbes, of Boston, Massachusetts, asking payment for supplies furnished to the United States steamer Niphon, in 1863; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. SPENCER, from the Committee on Military Affairs, to whom was referred the bill (S. No. 130) for the relinquishment of the interest of the United States in certain lands to the city and county of San Francisco, California, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. WRIGHT. There was referred to the Committee on Claims the memorial of Alfred Spink and Daniel Wolf, praying to be re-imbursed for cotton seized and sold by the Government of the United States in 1861, 1862, or 1863. The committee find that in 1865 this same claim was before the Senate and reported upon by the then chairman of the committee, Mr. Clarke, adversely. There has been no additional testimony so far as we can find from the record, and we therefore report the memorial back and recommend that the claim be rejected. In this recommendation we ask the concurrence of the Senate.

The adverse report was agreed to.

Mr. WRIGHT. The Committee on Claims, to whom was referred the memorial of the Legislature of Arkansas, praying Congress to pass an act refunding the cotton-tax collected in that State for certain years, have had the same under consideration, and think that it properly belongs to the Committee on Finance. They therefore ask to be discharged from its further consideration, and that it be referred to the Committee on Finance.

The report was agreed to.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the petition and papers of Nolan S. Williams, executor of Alfred A. Williams, deceased, late a citizen of Louisiana, praying compensation for property belonging to the estate of the decedent taken and appropriated to the use of the United States Army during the late war, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (S. No. 329) to reduce the number and increase the efficiency of the Medical Corps, reported it with an amendment.

PUBLIC SQUARE IN DUBUQUE.

Mr. MORRILL, of Vermont. The Committee on Public Buildings and Grounds, to whom was referred the bill (S. No. 169) giving the consent of the United States to the county of Dubuque, in the State of Iowa, to construct county buildings in Washington Square, in the city of Dubuque, and for other purposes, have had the same under consideration, and directed me to report it back without amendment, accompanied by a report on the subject from the Secretary of the Interior. This bill is very short, and I think there will be no objection to present action upon it.

Mr. SARGENT. If it will not lead to debate, I shall not object. I think the unfinished business, the District bill, ought to have precedence.

Mr. MORRILL, of Vermont. I think it will not lead to debate.

Mr. SARGENT. I will only remark that the bonds will go to protest to-morrow unless we act promptly.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 169) giving the consent of the United States to the county of Dubuque, in the State of Iowa, to construct county buildings in Washington Square, in the city of Dubuque, and for other purposes.

Mr. BOUTWELL. I think it due to the nature of the case that the chairman should state the facts.

Mr. MORRILL, of Vermont. I will state them in one minute. Originally the city of Dubuque was laid out under a plat by the United States, and this square was reserved for public uses. It is on the extreme verge of the city. Now the county of Dubuque desires to erect a court-house in the center of it. Our committee have taken the precaution to inquire of the Secretary of the Interior and have a full report upon it, and there is no objection. There is some question whether the United States has any title in the land whatever; but so far as it has it the bill merely relinquishes it for the purpose indicated, and for no other.

Mr. BOUTWELL. Does it not relinquish it for all purposes?

Mr. MORRILL, of Vermont. No, sir.

Mr. BOUTWELL. I should like to have the last clause of the bill, the release, read.

The Clerk read as follows:

And whatever title the United States now has to said premises is hereby relinquished to the county of Dubuque for the purposes herein indicated, and for no other.

Mr. BOUTWELL. It seems to me upon the reading of that clause that it is an absolute relinquishment of the title, but carries with it a condition that the property is to be used for certain purposes, and not for other purposes.

Mr. ALLISON. I think I can explain in a moment the real purpose of this bill. When the city of Dubuque was laid out originally by the General Government, two squares were reserved for public purposes, or rather for park purposes. Of course, the United States has no interest in these parks except for the purposes indicated in the original grant to the city. Now the county of Dubuque desires to erect a new court-house, and one of these parks is considered an eligible site for the court-house, and a good many people think it should be built there; but the county does not wish to enter upon the expense of the court-house upon this spot without the consent of the United States being given. That is what this bill proposes to do. It also proposes that this consent shall be given subject to the proper authorities in the city of Dubuque, to wit: the city councils, the mayor, aldermen, &c. The United States has no title to the land that I know of, except that it was set apart by the United States for the purposes of a public park. Now the United States gives its consent to the erection of a court-house in this park, should the authorities of the city of Dubuque also consent or give the proper authority? That is all there is in it.

Mr. BOUTWELL. As I understand it, this square was set aside by the Government of the United States for a public park?

Mr. ALLISON. Yes, sir.

Mr. BOUTWELL. It being the land of the United States?

Mr. ALLISON. Yes, sir.

Mr. BOUTWELL. Cannot the United States repeal that act? Is not the title perfect in the United States to-day?

Mr. ALLISON. That is a very grave question, which I do not wish to decide at this particular moment. I should want to refer that to the Committee on the Judiciary.

Mr. BOUTWELL. It seems to me it is merely giving to the city or to the county of Dubuque this tract of land whatever it is; and as in Dubuque I know not a long time will have passed before they will ask for public buildings to be erected by the National Government, I think it might be well to keep this park for our own uses.

Mr. ALLISON. As a matter of history, I can inform the Senator that Dubuque has now a public building which cost the United States $200,000, and it is not built on this ground.

Mr. BOUTWELL. I am speaking now as a prophet, not as a historian.

Mr. ALLISON. I do not know of any particular objection to this bill, although there is remonstrance I believe with the committee, signed by several citizens of Dubuque, protesting against this action; but inasmuch as the city authorities have control over it, I see no objection to the passage of this bill, and therefore I shall vote for it.

Mr. FRELINGHUYSEN. What is the land worth?

Mr. ALLISON. It is worth considerable; a dollar a foot, I suppose.

Mr. MORRILL, of Vermont. Let the bill go over to allow any person who has any desire to examine it.

The PRESIDENT *pro tempore*. The bill will be laid aside.

BILLS INTRODUCED.

Mr. SHERMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 368) to authorize the President of the United States to promote First Lieutenant David I. Ezekill, of the Fourth Regiment of Infantry, United States Army; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. McMILLAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 369) to exempt all vessels engaged in the navigation of the Mississippi River and its tributaries above the port of New Orleans from entries and clearances; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. McDONALD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 370) to amend an act approved March 3, 1873, entitled "An act to amend an act entitled 'An act granting a pension to Captain Henry M. Scott,' approved April 9, 1872;" which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. CONOVER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 371) granting right of way through the public lands to the Saint John's Railway Company; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 372) for the relief of J. L. Requa, S. B. Hubbard, and others; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 373) to promote the efficiency of the Light-House Service of the United States; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. BOOTH (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 374) for the adjudication of title to lands claimed by José Apis and Pablo Apis in the State of California; which was read twice by its title, referred to the Committee on Private Land Claims, and ordered to be printed.

Mr. ALLISON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 375) for the relief of Maria W. Sanders; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 376) granting a pension to Aaron B. Hughes; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. MERRIMON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 377) for the relief of the widow

of Harry Hensley, late of Company E, Third North Carolina Mounted Infantry; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 378) for the relief of Sidney S. McLane; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. JOHNSTON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 379) to enable Charles H. Fondé to make application to the Commissioner of Patents for extension of letters-patent for improvement in dredging-machines; which was read twice by its title, referred to the Committee on Patents, and ordered to be printed.

Mr. WRIGHT (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 380) to amend the act entitled "An act for the relief of settlers on railroad lands," approved June 22, 1874; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 381) to extend the jurisdiction of the district and circuit courts of the United States; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. McCREERY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 382) to appropriate $1,000 to remove the remains of Hon. E. Rumsey Wing, late minister to Ecuador, from Quito to the cemetery at Louisville, Kentucky; which was read twice by its title, referred to the Committee on Appropriations, and ordered to be printed.

Mr. MORRILL, of Maine, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 383) for the relief of Ingalls B. Andrews; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 384) for the relief of Mrs. Eliza T. Potter, widow of Lorenzo T. Potter, late of Charleston, South Carolina; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. CONKLING (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 385) for the relief of Théophile Brugnier and John Goewey; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. WRIGHT (by request) asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 6) proposing an amendment to the Constitution of the United States so as to elect the President and Vice-President thereof by a direct vote of the people thereof; which was read twice by its title, referred to the Committee on Privileges and Elections, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 7) to amend the Constitution of the United States so as to elect United States Senators by a direct vote of the people of the several States; which was read twice by its title, referred to the Committee on Privileges and Elections, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. WEST, it was

Ordered, That the papers in the case of Clarissa Bishop, of Louisiana, be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. STEVENSON, it was

Ordered, That the petition and papers in the case of Catherine E. Small be withdrawn from the files of the Senate.

JOINT RESOLUTIONS.

Mr. ANTHONY. I notice that the other day a House joint resolution, No. 50, or some such number, was passed. It occurs to me that about three years ago when a bill was under discussion to prescribe the enacting clause of bills and also to define the construction of statutes a proposition was made to abolish the practice of legislating by joint resolutions. A joint resolution requiring the signature of the President is in all respects the same thing as a bill; but it makes two forms for the same substance. It is not only an inconsistency, but it makes an inconvenience in searching the statutes. Whoever wishes to find what is the law must look through the acts and then through the joint resolutions. A proposition was made, I think by the Senator from Maine, [Mr. HAMLIN,] who filled the chair four years with such distinguished ability, that all joint resolutions should be journalized the same as bills; but it was afterward, in the course of discussion, thought unnecessary, and perhaps ineffective, to pass any act on that subject, inasmuch as it would not bind a future Congress. The Constitution speaks of resolutions which may receive the assent of the President, and of course they must be joint resolutions; but a general understanding was entered into by the Senate that all joint resolutions should be journalized as bills, and the Presiding Officer stated that he would direct the Secretary so to journalize them and to have them so engrossed and so enrolled. For some time afterward that was done. Whenever a joint resolution was offered the Presiding Officer would say, "This will be put in the form of a bill." I see now we have gone back to the old custom; and the custom is not very old either. It does not go back to the early Congresses, where I think joint resolutions were scarcely known, if at all.

I thought I would call attention to this matter and perhaps some of the Senators who have interest in the order of proceedings may take it into consideration.

Mr. HAMLIN. While there is no question before the Senate, I wish to say a word upon the very subject to which the Senator from Rhode Island has, I think very properly, called the attention of the Senate. I confess I was surprised myself to learn that there had crept into the Revised Statutes a recognition in terms of what we call joint resolutions. They are legislative anomalies; they have no business here. They have gotten here, however. There was an attempt made to keep them out, as the Senator has suggested. The practical trouble which was found to exist in the attempt was this: Joint resolutions came to us from the other House. If we changed their titles to bills, and they went back to the House, it involved the necessity in the House of retracing all the steps they had taken, to reconsider the bill on its passage, and to reconsider the bill on its engrossment, before they could get to a point where they could amend the title. All those votes were necessary there; and it became somewhat difficult to accomplish it. Perhaps in some cases it was done; in some it was not done; and I rather think, on the whole, it was pretty much abandoned. In looking at the Revised Statutes, I find in chapter 2, title 1, section 8—

The resolving clause of all joint resolutions—

"The resolving clause," recognizing them as statutes—

shall be in the following form:

Resolved by the Senate and House of Representatives, &c.

Then "All bills shall be in the following form," thereby placing a joint resolution in the precise category with a bill. I myself, a few days since, introduced a resolution, and it has gone to the Committee on the Judiciary, directing them to inquire into the expediency of repealing so much of the Revised Statutes and striking out what I think should never have been there. This thing, I think, had its origin in the Senate in this way: A joint resolution was introduced to correct an error in the engrossment of a bill which had passed both Houses or to amend it by striking out some clause which it was not the intention of either branch to incorporate. Early in the practice of Congress joint resolutions were limited to that specific thing, and after having accomplished it they became a dead letter; but it is of recent date that joint resolutions have been introduced both here and in the House in the character of laws. I think the sooner we get rid of them the better. I hope the Judiciary Committee will report to abolish the practice, and that then we shall go back and insist that all laws which are to be statutes shall be in the form of bills and not joint resolutions.

The PRESIDENT *pro tempore*. Before the Senator takes his seat the Chair would like to call his attention to the last subdivision of section 7, article 1, of the Constitution, which declares that concurrent resolutions, except on adjournments, require the approval of the President.

Mr. HAMLIN. I was going to refer to that. I have examined the matter and have looked at the clause in the Constitution, and I have no hesitation in saying that there is no language in the Constitution which recognizes a joint resolution as a law. I know reference is made to all acts and resolutions of either body, but that language which is used in the Constitution—and I meant to have referred to it—never contemplated such a thing as a joint resolution which was to stand as a statute of the land.

The PRESIDENT *pro tempore*. The Senator misapprehends the precise point that the Chair invites his attention to. If this matter is to be submitted to the Committee on the Judiciary or their attention called to it, that reference should be made to the clause of the Constitution referred to, which reads as follows:

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

It will be observed that the Constitution declares that every concurrent resolution wherein the concurrence of the two Houses is necessary shall be presented to the President for his approval, and to that characteristic of a bill enjoined by the organic act the Chair calls attention. The practice of the Senate has been on concurrent resolutions to pass them without the approval of the President. This would seem to be at variance with the Constitution; for that instrument treats concurrent resolutions, except for adjournments, in the same light that it does bills, both requiring the approval of the President before they shall take effect. Can concurrent resolutions be of any force without such approval? is the question the Chair sought to bring to the attention of the Senate.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. LEVI P. LUCKEY, his Private Secretary, announced that the President had, on the 25th instant, approved and signed the act (S. No. 236) to amend section 3767 of the Revised Statutes in relation to the purchase of paper for the public printing.

TAXATION OF LANDS.

Mr. BOOTH submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be requested to transmit to the Senate copy of correspondence on file in the Department with the committees of the Forty-third Congress respecting taxation of lands granted to States and corporations.

DISTRICT 3.65 BONDS.

The PRESIDENT *pro tempore*. If there be no further resolutions the morning hour has expired, and the Chair will lay before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. R. No. 52) directing the commissioners of the District of Columbia to pay the interest on the bonds issued in pursuance of the act of Congress approved June 20, 1874, out of any funds in the United States Treasury subject to the requisition of said commissioners, and for other purposes, the pending question being on the amendment of Mr. SARGENT to the amendment of Mr. ALLISON.

The amendment of Mr. ALLISON was to insert as a proviso:

Provided, That any issue of said bonds beyond the sum of $15,000,000 is hereby prohibited.

The amendment of Mr. SARGENT was to add thereto the following:

Provided, That the certificates heretofore issued by the board of audit, including those converted into 3.65 bonds and those which have not been so converted, and the certificates hereafter to be issued by the board of audit or their successors in office, shall not exceed in the aggregate the sum of $15,000,000, and when the limit herein provided for shall be reached, the board of audit shall be and is abolished, and all the powers conferred upon that board shall cease and determine, and all the papers and public property in their possession shall be delivered to the commissioners of the District or their successors.

Mr. SARGENT. If the Senator from Massachusetts, who is entitled to the floor, [Mr. DAWES,] will allow me a moment, I will remark that the latter part of the amendment does not reach the point which I designed. It does not abolish the board of audit, and probably would not do so under a year. It ought to be more carefully prepared. I understand such a proposition is pending in another form before the Committee on the District of Columbia, and will probably be reported favorably. I will modify my amendment, consequently, by withdrawing that portion of it commencing with the words "and when the limit."

The PRESIDENT *pro tempore*. That modification will be made.

Mr. DAWES. Mr. President, in view of the necessity of immediate action upon this bill, I have hesitated whether it were my duty to interpose any delay in asking the Senate to listen to anything I might say upon the subject; but the committee who had this matter in charge on Friday permitted the Senate to adjourn over until Monday without objection. The matter is one of very great importance. The debate itself has turned almost exclusively upon what has been done; and yet the matter before the Senate makes no reference to any mischief of the past, or any proposed change of the policy out of which this question has arisen.

All of us agree that these bonds are substantially, to all intents and purposes, a Government bond. All of us agree that the United States will fail in keeping its faith if it fails to make appropriation for the interest that is due upon them. They have become a part of the public debt of the nation. The monthly statement will hereafter, if it correctly states the condition of the Government liabilities, represent that there is added to the debt of the nation $15,000,000. That statement will continue from year to year, until all of our great war debt will, by its terms, and I trust in fact, disappear. That statement will continue long after those who participated in placing it upon the statement of the Government liabilities shall have passed away, and, I fear, be forgotten. And yet with this unanimity as to the character of this debt and as to the obligation of the Government to provide for the interest according to its terms, it goes into the statement of the public debt depreciated, and as the Senator from New York [Mr. CONKLING] says, with a black eye at the outset, 10 or 12 per cent. below its actual value in the market.

It is worth while then, it seems to me, however pressing the necessity for immediate action upon this bill, to delay a little, if thereby we may be able to find out what it is that so depreciates the public credit as far as these bonds of the United States are concerned; and therefore I venture, little as I feel myself able to do it, to ask the attention of the Senate to the history of this new indebtedness of the nation. Substantially heretofore that indebtedness has been the war debt of the nation. No one has had the hardihood, since the war passed till now, for any purposes of civil life, to propose an addition of a single million of dollars to that debt. Those of us, of whom I was one, who were instrumental in placing an additional obligation that shall abide for fifty years to come, in the monthly and annual statements and reports of the Treasury of the United States, for any object, however desirable and gratifying to us personally it may be, should take heed, I apprehend, that we have an answer to make to others who may, perhaps, not quite, like ourselves, delight in the beauty and glory of this capital merely. There are those in the nation (and they are not those who frequent this capital, who delight, as we do, in these grand and beautiful changes that have come over it,) who do not, as we do, see that it has indirectly a beneficial effect upon all the influences that obtain and prevail here. They are more in number; they bear the burdens of the nation; and to them I desire that we may be able to answer why it is that, in time of peace, when we are recommended to increase taxation that we may supply the demands of a sinking fund to which the faith of the nation has been pledged in time of war, we have added $15,000,000 to the public debt. They will look in vain among the records of the proceedings of either House of Congress for an explanation. They will find that the law which imposed this new burden upon the people passed both branches of the Congress of the Union without the attention of those who supported it being called to the fact that it created this new debt. They will find that in one branch not only was the attention of the body itself not called to that question, but the solemn declaration of the chairman of the committee who reported the bill was that no such obligation existed.

They turn to the statute itself, and they find that though the statute, in the opinion of the Senator from Ohio, [Mr. SHERMAN,] was drawn by very able lawyers, and clearly and distinctly stated what was intended by those who proposed it, this obligation of the Government of the United States arises out of a circumlocution so involved, so uncertain, that it deceived the chairman of the committee in one branch as to its true meaning; but it took—I have before me a pamphlet of briefs and arguments—it took eight lawyers and two Attorneys-General to decide the question, and the Attorneys-General surrendered to a cannonade of briefs and arguments of a whole platoon of the legal profession before they could determine whether this was a bond of the United States or not.

How came it? If there is any spot in the United States that has suffered more than any other from vicious and unwise legislation, it is what is left of that territory of ten miles square which the Constitution of the United States placed in express terms under the exclusive jurisdiction and control of the Congress of the United States. Various have been the devices by which that Congress has striven to relieve itself of the plain and express injunction of the Constitution itself. I am told that in the early history they turned it over bodily to a commission, but within our recollection here Congress created bodies politic—mayors, aldermen, and city corporations to do that which the Constitution says belongs to Congress in a clause giving Congress power to exercise exclusive legislation in all cases whatsoever. We all know how sadly the District fared under those corporations; how nothing grew and prospered but public debt; how until those could be continued no longer Congress, instead of resuming and peforming its duty itself, extinguished those corporations only to create another, more remarkable and more magnificent and broad than any that had gone before it. They created a governor of this District. He had a staff. Mr. President, do you know what a governor's staff is? Some of our friends the Senators about me know what a governor's staff is. It is a body of armed men who go on either side of his excellency sword in hand to protect him against the populace as he goes in and out. They are elegant gentlemen. In the history of governments they have performed many a gallant part, and I am not going to disparage their merits on any field. He had a message, too. He had a veto power; a pocket veto, too, like Andrew Jackson. He could pardon the criminals as fast as the District courts could convict them. He had a legislature also, and the words of the statute are that the legislative power of the District of Columbia shall vest in that legislative body whose parliament-house was somewhere on Judiciary Square. They had a lower house with a speaker and the usher of the black rod, and an upper house with a presiding officer; and they legislated; they legislated night and day, and when they could be tolerated no longer history tells us that running a race with legislation in these Halls, they gave up only with their life, and the last night of their life witnessed scenes of legislation in that great hall that would become anything but the few rights that were left to this District of Columbia. They had a prerogative without which there can be no great government on the face of the earth, and that was to involve themselves in debt; and they asserted that prerogative in a manner past all precedent in all history. They had a board of public works which the Senator from Indiana [Mr. MORTON] tells us was subordinate to that Legislature, and perhaps upon a reading of the statute we should so infer, and yet in point of fact as little subordinate to the Legislature as if they were an *imperium in imperio*. I now read from the statute:

There shall be in the District a board of public works.

* * * * * * *

The board of public works shall have entire control—

I call the attention of the Senator from Indiana—

entire control of and make all regulations which they shall deem necessary for keeping in repair the streets, avenues, alleys, and sewers of the city—

Beside that:

and all other works which may be intrusted to their charge by the Legislative Assembly or Congress.

The streets and alleys and sewers the statute gave them entire and absolute control of, and such other public works as the Legislative Assembly or Congress might give to them. One would, of course, infer that this control of the streets and alleys was merely to superintend them; that ordinary control which belongs to the general administration of city affairs, of seeing to their being kept clean and protected, and the like; and such, I doubt not, was the idea of those who drew this statute. But under that provision of exclusive control, and by virtue of that, sprang, independent of the Legislature of the District of Columbia, that grand system of internal improvements in this city which has involved first the city of Washington, then the District of Columbia, then the board of public works itself, in a debt so heavy that all sank together under its weight, and appealed to Congress for salvation. It is true that further on in the section which creates this board is this provision:

All contracts made by the said board of public works shall be in writing, and shall be signed by the parties making the same, and a copy thereof shall be filed in

the office of the secretary of the District; and said board of public works shall have no power to make contracts to bind said District to the payment of any sums of money except in pursuance of appropriations made by law, and not until such appropriations shall have been made.

There was a provision of law which, if adhered to by these men, made it utterly impossible for them to have incurred $1 of debt that we should have been called on to meet. They were prohibited from making any contract of any kind unless it be in writing, unless it be in pursuance of an appropriation by the District Legislature, and until after the appropriation was made; and any contract made in advance of that legislation was void, and not worth the paper it was written upon. With the provision of law in pursuance of which the contract was to be made, with the appropriation upon which compensation for it was to rely already made, there was no room for a public debt; and the debt itself exists to-day only by a departure from the plainest express provision of law in the outset. They covered this District all over as with shingles with contracts that had none of the authority or sanction required for their validity by law. They carried on these grand schemes in that way.

Well, Mr. President, we saw this going on; we saw the city that we knew under the mayors and aldermen that had gone before this grand government as dirty and filthy, with pigs and cattle roaming unmolested all over it, suddenly changing into the most beautiful city on the face of the earth, and we were glad with the people of this city in the change that was going on, and yet we felt that there was a day of reckoning coming. By and by the tax-payers of this District began to groan. Soon came charges of scandal and corruption. I am not here myself to cast any personal reflections upon any gentleman connected with that government or with that which succeeded it. So far as I know, I have no occasion to do so. But I am speaking of the history of this debt. So frequent and so loud were these complaints and so dark were these suspicions that were being cast upon the character and administration of public affairs, that an appeal was made to Congress, and there came up to this body from the House of Representatives a resolution asking the Senate to join the House in a committee of investigation to inquire into two things: first, the truth of these charges that reflected upon the integrity and purity of the administration of affairs in this District; and, second, into the possibility of so amending this grand scheme of government as to protect them in the future; and out of that investigation came the law now upon the statute-book.

What was the purpose of that law? It in the forefront extinguished this great government that had lasted three years, and has succeeded in that brief space in involving itself, and as I have already shown the Government of the United States, in a debt greater than all the current expenses of the Government of the United States in any one year of twenty after its foundation. The first thing in this bill was to extinguish that government. If those who enacted that bill supposed anything was accomplished by it, it was first that that government should forever pass away; second, that as soon as was possible, and by the aid of a joint committee of able men, a new one should be put in its place; and, thirdly, that in the brief intervening space, having required this committee to report their frame of government on the very first day of the next session, whatever government was needed in this District to keep it along should be confided to three commissioners, to be appointed by the President with the advice and consent of this body.

Now it becomes necessary to inquire whether these three needs were accomplished by that bill thus enacted into a law. Take the purpose for which it was enacted, the mischief out of which it grew, the plain intent which runs through it all. The extinction of that government was to be the extinction of its policies. It was not merely to put out of office the men who under that government had inaugurated all that was complained of and put in their place three other gentlemen to carry out their system. The committee made no report; there was in debate no word uttered to indicate that the committee thought that those men in office were not just as worthy to continue, if the system was to continue, as any other men. For the purpose of relieving the District of the system, this committee found no other possible way but to relieve it of the government itself, and to expressly (as I shall, I think, show before I get through) terminate the system itself. Apparently, very properly and necessarily, somebody must take care of the District in the meantime till this joint committee should produce for consideration here another plan of government. In passing let me say that in due time and in obedience to the authority of this law, as able a committee as it was possible to select discharged their duty, and brought in on the first day of the next session a bill for a government grander, I think, in all its proportions than that which it was intended to displace. I do not profess to understand the bill of that committee. I never saw anything exactly like it. I can liken it to nothing else but a prize essay upon the philosophy of government with an enacting clause. But suffice it to say, and that is all I care about in this argument, that it was in pursuance of the manifest intent of this law that so far as was possible the old government and all that pertained to it, consistently with the rights of the creditors of that government, should pass away. This provisional government, that was by the terms of the act to last until the 1st day of December following, was clothed with the most limited powers. The act started off with giving them the powers of the board of public works except so far as it should limit them. One of these powers was to have the general superintendence of the streets; another, of the public institutions; but, that they might not undertake to carry out the policy of those who had been legislated out of office and whose authority had been taken from them, just see what it was determined that they should not do.

But said commission in the exercise of such power or authority—

That is, the authority of the board of public works—

shall make no contract, nor incur any obligation other than such contracts and obligations as may be necessary to the faithful administration of the valid laws enacted for the government of said District, to the execution of existing legal obligations and contracts, and to the protection or preservation of improvements existing or commenced and not completed at the time of the passage of this act.

Whatever it was necessary for them to do as administrative officers in keeping the peace in this District for nine months they were authorized to make a contract for; whatever was necessary to preserve and protect from damage any of these grand improvements already completed or commenced and not completed they were authorized to do; and there their authority ended. Is it possible that anybody can doubt what is the meaning of that? Is it possible that anybody can doubt that they are simply administrators *de bonis non* to this great estate, and merely to collect its *débris* and gather in its fragments and take care that nothing be lost, either of those public works that had been completed or of those that had been begun and were not completed. Let me read it again, Mr. President:

Shall make no contract, nor incur any obligation other than such contracts and obligations as may be necessary to the faithful administration of the valid laws enacted by the government of said District, to the execution of existing legal obligations and contracts, and to the protection or preservation of improvements.

"Protection or preservation" are the operative words, "of improvements existing or commenced and not completed." In the spirit of what I say was the manifest object and purpose of this law three men were appointed; I am happy to say in passing, three men of character and influence at their homes, and here, in whom the people of the District from their character would have reason to place implicit confidence, and in whose integrity and honesty of purpose I have still that same implicit confidence; and I count it a matter of congratulation that, if the construction they have in my opinion erroneously put upon their duties here is to prevail, this provisional government fell into the hands it did; otherwise, with a power according to their construction unlimited to issue bonds of the United States, had it not been for the character of these commissioners the limit would only have been the market. I have shown what were their duties; but there was another board created, having no reference to these duties, independent of them, and in as express terms as law could make it, having no reference to the duties of this board of commissioners, and that was the board of audit:

It shall be the duty of the First Comptroller of the Treasury and the Second Comptroller of the Treasury of the United States, who are hereby constituted a board of audit, to examine and audit for settlement—

What? What these commissioners were authorized to do? What these commissioners might undertake to do? Not at all.

A board of audit to examine and audit for settlement all the unfunded or floating debt of the District of Columbia and of the board of public works, hereinafter specified.

There is the beginning and the end of their authority. "All the unfunded or floating debt of the District of Columbia and the board of public works hereinafter specified." The board of public works was to cease to exist the moment this law passed. They could incur no obligation whatever the moment this law passed, for they were *functus officio*. It was the unfunded and floating debt that they were to leave behind as a legacy to those who came after them that was to be audited by this board of audit. Not an act of this board of commissioners, not a contract that this board of commissioners should enter into for anything within the province of their duty as such board, was to come under this audit. This shows what was the purpose of this act. It was to make a dividing line between the past and the future. What had been done the committee in this bill wisely proposed not to make subject of legislation, but provide for and take care of, and to take as good care that it should not be repeated. Can there be anything more explicit than this? "Hereinafter specified." Now let us see what is "hereinafter specified."

Namely: first, the debt evidenced by sewer certificates;—

That is an old debt—

secondly, the debt purporting to be evidenced and ascertained by certificates of the auditor of the board of public works;—

That is a thing of the past—

thirdly, the debt evidenced by the certificates of the auditor and the comptroller of the District of Columbia;—

Equally a matter of the past—

fourthly—

Which is the only matter of discussion here—

fourthly, claims existing or hereafter created for which no evidence of indebtedness has been issued, arising—

Now, let us see—

arising—

They must be that kind of claims and no other—

arising out of contracts, written or oral, made by the board of public works.

As the board of public works was to cease the moment this law passed, this meant contracts in existence when the law passed; claims that might exist before the law passed or that might arise after the

law under the same contracts, but they were the contracts of the board of public works, not contracts hereafter made, as the Senator from Ohio [Mr. SHERMAN] seemed to argue, for the board of public works was not in being "hereafter" to create a contract, but claims growing out of contracts already made, which claims might arise from something which should occur in reference to those contracts either before or after the passage of the act.

The Senator from New York [Mr. CONKLING] in the debate on Friday said that he was surprised when he came to read this passage to see how broad it was; and he said he would venture to say that the Senator from Massachusetts had met with the same surprise when he read the law; he had no idea that it was so broad. I say in all candor that when I came to read this law I was surprised that it was so narrow. I do not know how language can make it more plain than it has reference only and solely to the liquidation of contracts of the board of public works, which, *ex necessitate rei*, must have existed before the board of public works themselves ceased to exist.

Then it is "claims arising" under a contract. These must be claims of the government upon the contractor, or claims of the contractor and his privies upon the government. They cannot be claims of a third person, a stranger to this contract, for no third person or stranger to the contract can base a claim of any kind upon the contract itself. The government may have its claim upon the contractor, as was said here the other day it had upon those who had the contract to lay wooden pavement; but these commissioners cannot liquidate that claim by giving a 3.65 bond. That is a claim of the government upon the contractor. The contractor entered into a contract to lay and maintain for three years a wooden pavement in a given street, and he has failed to keep his contract. The government has a claim upon him under that contract; but they cannot liquidate that claim by giving anybody a 3.65 bond of their own for it. On the other hand, the contractor or his privy may have a claim under that contract upon the government. That claim may arise from something that occurred before the passage of the act, or, as was properly provided here, "hereafter;" but still, under the contract, that is a claim of the contractor on the government, and that is the claim that this board of audit was authorized and required to audit. Now, what is more narrow, if I may use the word, limited, circumscribed, than this stipulation that all touching the board of public works and their contracts that this board of audit could do was to audit claims under the contracts, and, as I said before, necessarily therefore claims of the parties to the contracts?

It has been argued all the way through that the authority of this board of audit and the authority of the commissioners in the preceding section were commensurate, that one was the complement of the other; that the commissioners on the one hand were authorized to do certain things, and that the board of audit on the other were authorized to audit their accounts; but this has no reference to what the commissioners were to do. The very first line of it demonstrates that. The section provides for "a board of audit to examine and audit for settlement all the unfunded and unsettled debt of the District of Columbia and the board of public works;" nothing else. Not what these commissioners may do hereafter; not what they may incur hereafter. And why not? They have said, in a communication which they made to the public, that if they could not use 3.65 bonds to pay for what they were doing they had not anything to pay with, and therefore they jumped to the conclusion that they had the right to use 3.65 bonds. But the idea of the bill was that they were to do nothing but keep things as they were until the new law came in and they had the revenues of the District. The bill provided for their collecting the taxes, and enforcing the laws of the District through and by them.

Mr. FRELINGHUYSEN. Has the attention of the Senator from Massachusetts been called still further to the powers of the board of audit? I do not want to anticipate the Senator; but as I understand the powers of the board of audit, they include quite an important item which has not been stated, and an item which goes to consume a very considerable portion of the 3.65 bonds that have been issued; that is, unadjusted claims for damages which this board of audit was directed expressly to find upon.

Mr. DAWES. Exactly; "unadjusted claims for damages." What are those? Does that authorize the carrying on of these public works? Is such a contract or the doing of such a work an unadjusted claim for damages? Will the Senator from New Jersey be kind enough to tell me one of them, and then I can see what it is?

Mr. FRELINGHUYSEN. Certainly I will, with the greatest pleasure. It has no reference whatever to carrying out contracts. The point I refer to has no reference whatever to the powers of the commissioners: but it has direct reference to what has become of the money, the $10,000,000 or $11,000,000 which have been spent, which is the question that we are interested in.

Mr. DAWES. Will the Senator read the connection in which that expression is used?

Mr. FRELINGHUYSEN. My friend read the fifth specification under the powers of the board of audit; I read the sixth and seventh:

Sixthly. All claims for private property taken by the board of public works from the avenues, streets, and alleys of the cities of Washington and Georgetown; and seventhly, all unadjusted claims for damages that may have been presented to the board of public works pursuant to an act of the Legislative Assembly of the District of Columbia, entitled "An act providing for the payment of damages sustained by reason of public improvements or repairs," approved June 20, 1872, which last-named claims shall severally be examined and audited without regard to any examination heretofore made; and shall make a detailed and tabular statement of all claims presented, the persons or corporations owning the same, and the amount found to be due on account of each; together with a tabular statement, &c.

I understand the fact to be that some very considerable portion of the money which has been expended has been expended in payment of claims of this character audited by the board of audit, and consequently that much is to be deducted from what is charged to the commissioners.

Mr. DAWES. I did not go further than the fourth specification, because no discussion has arisen on the others. There are doubtless other provisions, such as has been read by the Senator from New Jersey. One is that they shall adjust claims for damages caused by the board of public works. Another is claims that were provided to be presented under a statute of the District; they are of course to be provided for; but the discussion arose on the fourth clause, upon the power of these commissioners to perform, under the fourth clause, the unfinished work of the board of public works, and for it to issue United States bonds. That there were unadjusted claims existing when the law passed, not that have arisen since, there is no doubt; unadjusted claims that existed for taking private property, for damages for altering grades of streets, and all those things. They existed. What is the burden of my argument is that it was existing liabilities which that covered; and will the Senator from New Jersey be kind enough to point out to me a liability that did not exist when this act passed that this board of audit had jurisdiction of?

Mr. FRELINGHUYSEN. I understand that the board of commissioners had power to make contracts for the "protection or preservation of improvements existing or commenced and not completed at the time of the passage of this act."

Mr. DAWES. Will the Senator do me the favor to confine his remarks not to what the commissioners could do, but to what liability has arisen since that comes under the jurisdiction of the board of audit?

Mr. FRELINGHUYSEN. I am very happy to let my friend frame his own question, but I claim the privilege of framing my answer, or else I will not interrupt him.

Mr. DAWES. I have no doubt that they can carry on public works. That is the argument; but I again submit to the Senator from New Jersey, and I will read item by item all these seven clauses, and ask him under which one of them it is that any liability that is created by this board of commissioners since the passage of the act will come.

First, the debt evidenced by sewer certificates; secondly, the debt purporting to be evidenced and ascertained by certificates of the auditor of the board of public works; thirdly, the debt evidenced by the certificates of the auditor and the comptroller of the District of Columbia; fourthly, claims existing or hereafter created for which no evidence of indebtedness has been issued, arising out of contracts, written or oral, made by the board of public works; fifthly, claims, for which no evidence of indebtedness has been issued, arising out of contracts, written or oral, made by or on behalf of the District of Columbia; sixthly, all claims for private property taken by the board of public works—

A dead board when the law passed—

from the avenues, streets, and alleys of the cities of Washington and Georgetown; and, seventhly—

Which is the last—

all unadjusted claims for damages that may have been presented to the board of public works.

Now, with all due respect to the Senator from New Jersey, and with an apology if I seem rude in asking him to answer the question which I put to him, I have but to repeat that to my mind no language can be clearer than that, in pursuance of the manifest spirit and intention of this act, there was to be a division line between the past and the future. The past was to be assumed by this government; the future was to be provided for by a new government, and the *interim* was too be taken care of as best it could. Now, after they have audited these accounts and have made out their certificates what are they to do with them? They are to have bonds for them.

And the said sinking-fund commissioners are hereby authorized to exchange said bonds at par for like sums of any class of indebtedness in the preceding section of this act named, including sewer taxes or assessments paid, evidenced by certificates of the auditing board provided for in this act.

Mr. President, that was the law; that was the manifest intent of the law; and when the law passed, if the people of this District and this country derived any satisfaction in the world from the passage of any law of this kind it was because they felt that by the passage of this act the old *régime* had passed away; there was a prospect of a better state of things, a new order of things; that, much as we had rejoiced and been made glad by these improvements here, they saw this District staggering under the load of debt that had been incurred thereby. They heard the mutterings of accusation and crimination, but they saw that an able committee, spending a whole session in investigation, had thought it wise to make this disposition of the past. They did not think, as was known in this body by the declaration of the chairman of the committee, but as was denied in the other, that they had obligated themselves, at once and without qualification, to pay this whole indebtedness; and the country was startled during the past summer when it was announced, not only that the official opinion of the Attorney-General was that these bonds were United States bonds, but that here was a power created under this law to issue just as many of them as they pleased—a power never entrusted by this Government before to any one man.

Mr. THURMAN. Will the Senator allow me to make an inquiry of him?

Mr. DAWES. Certainly.

Mr. THURMAN. Do I understand the Senator to say that the Attorney-General has given an opinion that there can be as many of these 3.65 bonds issued as "they," the Senator said, saw fit? I do not know who he means by "they."

Mr. DAWES. I am very happy to be corrected if I conveyed any such idea.

Mr. THURMAN. The idea that the Senator conveyed was that the Attorney-General had said that these commissioners could issue as many of these bonds as they saw fit.

Mr. DAWES. I will repeat what I intended to say, and I am glad, if I have left myself uncertain on that point, to be able to correct it. The people of the country were startled during the last summer by the announcement not only that the Attorney-General had given an opinion that these were United States bonds, but that there was a power here that could issue as many of them as it pleased; not that the Attorney-General had said so, but that, by the construction put upon the statute by those who were administering it—and I have their letter here before me, to which I will call the attention of the Senator from Ohio in a few moments, which can bear no other construction—it was a mistake to suppose that we had put an end to the contracts and schemes of that old government. I was saying that they did not so understand till then; and I venture the assertion that had it been stated in the House of Representatives, as it was stated here by the chairman of the committee of this body, that this was a bill to enact that the Government of the United States was to pay in a bond of the United States, without knowing what it was, all the indebtedness that been incurred by that government, it would not have obtained thirty votes in that House. I read on Friday what was said there; I venture to read it again:

Mr. LAWRENCE. Is there anything in the bill which commits Congress to the indorsement or the payment of the District debt?

Mr. WILSON, of Indiana. No, sir; I will call attention to that point in a few moments. I think I can show that the committee has been careful about that.

Then further on, and being further pressed, the chairman of the committee having this matter in charge said, in illustration of what I have stated in reference to the board of audit:

The bill provides also, as you will see, for funding all the floating debt; getting it in shape. Then it is provided in another section of the bill that the sinking-fund commissioners shall, when this debt has been audited in the manner indicated by the bill, cause to be issued a bond bearing 3.65 per cent. interest, payable in fifty years, and that these various forms of indebtedness may be funded in that bond.

In reference to the question as to whether or not the Congress of the United States is pledged to the payment of these bonds, I will call the attention of the House to that provision of the bill. Here it is:

And then he reads it, and adds:

That is the only pledge given in this bill.

"The only pledge." That was true, and it was sufficient. It was "not so deep as a well nor so wide as a church-door," but it was sufficient. He believed, as he said, that the purpose of the board of audit was to audit and fund the floating debt that then existed. He so stated. I was not undeceived in this matter. I saw in the distance that the United States would sooner or later take this debt upon its shoulders. I did not intend, I did not desire, that it should come in this last year; and therefore I tried to make it appear, what was perfectly plain to me, that this only pledge was clear. But I was not permitted. The bill became a law precisely as it came from the hands of the committee. No rash amendment in either House spoiled its beauty, or clipped its wings, or crippled its strength; but in all its original beauty and power, as it was drawn by the ablest lawyers of the country we are told, it became the law; and it therefore answered more likely than if it had been amended, if perchance it had been the purpose of the committee, who say distinctly that it was, to put an end to this thing.

But now, Mr. President, how did this board construe it? I have before me a letter that they addressed to the citizens of this District a few months after they came into power, in which they distinctly say that this law legalized every one of the contracts of the old board of public works, and that they were authorized to carry out just as many of them as they pleased and pay for them in three-sixty-fives. They understood that all the effect of this bill, the struggle of the session, was to change rulers. It might have been a good thing; I give to them the benefit of my own belief that it would have been a good thing if that was all we could have done. Did not this mountain labor wonderfully if all that was obtained was that the governor and his aids and the board of public works had gone out and three new, fresh men had come in to carry out their policy, and that we had agreed that the Government of the United States should not only pay all the indebtedness that had been incurred but all that they too should incur? That I may do them no injustice, I read what they say themselves on the 13th of August, 1874:

First. We hold that by the act of June 20, 1874, Congress has recognized the validity of the contracts of the board of public works, whatever their defects in their origin or the manner of their execution, subject to the exception common to all codes of law, namely, that contracts fraudulently made are void, and that all contractors who shall elect to accept the provisions of the law as to the mode of payment prescribed therein secure to themselves all benefit.

Secondly. That the defects, if they existed, of excessive price, want of antecedent appropriation, or those involving the making of the debt of the District to exceed $10,000,000, were all known to the investigating committee and to Congress, and were covered—

The defects were covered—

by the act of June 20, 1874, under which the commission was organized.

Mr. ALLISON. May I ask the Senator if that letter or a copy of it was embodied in their report or in any report submitted to Congress?

Mr. DAWES. I am not able to say as to that. I am reading their letter as published here to avoid apprehension, and enable them to keep the peace.

Thirdly. The commissioners, therefore, hold that the prosecution of any or all the contracts of the board of public works to completion is for them alone to decide. * * * You will remember that in rendering their decision the commissioners adverted to the fact that unless the act of Congress had provided for the payment for all future work under existing contracts in what are known as 3.65 bonds, it would have been impossible to have completed the sewer system or any considerable portion of the contracts for other improvements, as the making of new contracts would have compelled the paying of money, &c.

They congratulate the citizens upon the fact that now these improvements can be carried on and out as they were originally contemplated without their incurring any expense, for the Government of the United States has come in and assumed the obligation! Is that the entertainment to which we were invited? Is all we accomplished by abolishing that great government and providing a provisional government till we could make a new one, only that these new commissioners should carry out just as far as they pleased, to the boundary-line of the District, the grand scheme of internal improvements inaugurated by their predecessors, and that the Government of the United States would give its bonds for it? If even that were all, it would not be quite as bad as it is. They say that this act has legalized every one of those contracts. The act provides that the commissioners—

shall make no contract nor incur any obligation other than such contracts and obligations as may be necessary to the faithful administration of the valid laws enacted for the government of said District, to the execution of existing legal obligations and contracts.

What does that mean? "Existing legal obligations and contracts" is the language, taking care not to ratify and make valid any contract which is not legal. The Senator from Ohio has said that we imposed upon these commissioners the duty to decide upon the legality of these contracts, and in his argument he seems to me to intimate that their decision is conclusive upon the question of legality. We did say that they must decide, and so far as their action is concerned between them and the contractors it is conclusive; but as to all other parties and all other proceedings it is not a binding judgment upon the legality of the contracts. It has no more effect upon the contracts than my judgment would have, except that so far as they were required to act at all they were to pass upon the legality. They, however, construed the law as having legalized them, and left the commissioners no choice but to carry them out, and left them the sole discretion, and that although the contracts had been made in violation of that stipulation of the organic act of the District, which said that the board of public works should have no power to make a single contract except in pursuance of an appropriation and after the appropriation had been made——

Mr. SHERMAN. I do not wish to prolong the argument, but I wish to say to the Senator from Massachusetts that if I am not misinformed the board of public works had the sanction of the Legislative Assembly of the District in the approval of the general plan embraced in all these contracts, and that an appropriation was actually made by that body to cover these contracts.

Mr. DAWES. An appropriation of what? Of bonds?

Mr. SHERMAN. An appropriation of money or bonds.

Mr. DAWES. Which?

Mr. SHERMAN. I do not know which, but of bonds, I think, to the amount of four millions.

Mr. DAWES. Does not a great deal depend upon which?

Mr. THURMAN. If the Senator from Massachusetts will allow me to correct my colleague, I will state that he will find upon looking into the testimony taken by the committee of investigation that the board of public works submitted to the General Assembly what was called the comprehensive plan of improvements in the District of Columbia, which it was estimated by the board would cost $6,000,000. The Legislative Assembly cut it down to $4,000,000 and, as modified, approved it. The board of public works paid scant respect to that and involved the District in a debt of about $12,000,000, if my recollection is correct.

Mr. DAWES. I would inquire of the Senator from Ohio who has just taken his seat whether each one of these contracts had for that particular contract an appropriation of money?

Mr. THURMAN. O, the appropriation was in a general way; it was not a specified appropriation for each contract, by any manner of means.

Mr. DAWES. What was the appropriation that was made?

Mr. THURMAN. Four million dollars.

Mr. DAWES. In money?

Mr. THURMAN. It was provided how it should be paid by a loan act. They were to make improvements to the extent of $4,000,000 and the means were provided to raise four millions. I may be mistaken in saying that the board of public works went up to $12,000,000,

Mr. ALLISON. The $4,000,000 were issued in 6 per cent. gold bonds and sold in Frankfort.

Mr. DAWES. Then, Mr. President, it was an appropriation of a promise to pay. That is what it was. I would ask the Senator from Ohio, if, in his opinion, that was in fulfillment of the stipulation of the organic act, that no contract should be valid unless made in pursuance of an appropriation and after the appropriation was made? They merely appropriated that they promise to pay, that an obligation existed. They had no real appropriation, for they had not the money.

The Senator from Ohio nearest me [Mr. SHERMAN] and the Senator from New York [Mr. CONKLING] both were under the impression that this board of commissioners had, after all, made no new contracts except in a case where it was fair to say there might be two opinions; as, when a man had made a contract to put down a wood pavement and maintain it for three years and had failed, they held that it was in pursuance of the contract to take the wood pavement away and put down a concrete one. The Senator from New York said that there might be two opinions as to that, but beyond that there was no controversy. Suppose that to be so, under what clause in the authority of the board of audit could they audit the claim of the man who put down the concrete pavement in such a case? The commissioners had a demand under the contract against the contractor, but they could not liquidate that demand with a 3.65 bond. If they then incurred an obligation with a third person to put down a concrete pavement, under what clause, I inquire, could they liquidate that obligation with a 3.65 bond? I do not see it. I have in my hand their advertisement for bids for new contracts all over this city. Here is one dated Washington, August 31, 1874:

Sealed proposals will be received at this office—

The engineer's office of the District of Columbia—

until Friday, September 4, for the constructing or laying of lateral sewers, whether of pipe or brick, and house connections for the same. The work contemplated under this advertisement embraces all such lateral sewers and house connections not embraced in existing contracts as may be deemed necessary for the cities of Washington and Georgetown, District of Columbia, for the period of twelve (12) months, commencing with the date of contract.

And then it goes on to give details. Here is another under date of November 3, 1874:

Sealed proposals will be received at this office at twelve o'clock m., on the 7th instant, for grading, setting curbs, and laying brick pavements in the cities of Washington and Georgetown.

Bids will be received only upon printed forms, which, with all necessary information, may be obtained upon application at this office.

I have here a number of others.

Mr. ALLISON. Who are those signed by.

Mr. DAWES. They are signed by "Franklin T. Howe, chief clerk," and dated "engineer's office, District of Columbia, Washington, August 31, 1874," and "November 3, 1874."

Now allow me to call the attention of the Senate to two or three of these contracts; and I would like those Senators who think that there have been no new contracts to do me the honor just this once to listen to me. I will take the contracts as reported by the governor of the District to the committee which took the governor's head off, and then the report of the same contracts by this commission in 1874, and then the report of this commission in 1875 of the same contracts, and then you will ascertain their history and their application. I only take two or three of them. On page 352 of the governor's answer may be found a contract, No. 561. It was estimated that there was required to complete this contract $2,500. There had been paid in certificates when the governor made this report $13,695, and he reported it complete. The commissioners in 1874 reported this contract, No. 561, on page 232, as incomplete. It had got unfinished in that time. They had paid then on it $19,480, total. "Estimated cost of completion, $83,966.20. Brought up by application of contractor to resume work and the petition of citizens for improvement." They reported this same work the next year, in 1875, and on page 376 of their report it will be found:

Contract No. 561:
Work done by commissioners since last report, $202,883.05.
Estimated cost of completion, $18,676.
Retaining wall required for the protection of the road and parapet-wall to prevent accidents.

Two hundred and forty thousand dollars, more or less, upon this contract. When the board of public works ceased they had pronounced it complete; it was estimated in the beginning at $2,500 for a MacAdam road only, and then turned into a change of grade and a change of walls necessary therefrom to maintain the grade requiring a cost of $240,000, and this upon a contract which the board of public works themselves had pronounced complete!

Mr. ALLISON. It is not completed yet.

Mr. DAWES. It is not completed yet. I would like to inquire of Senators under which head of this statute that comes, whether it is for the protection or the preservation of work already completed, or begun and not yet finished. Under which head is that?

Take contract No. 916, on page 328 of the governor's answer, a contract with John O. Evans. The contract is to "lay the Evan's concrete pavement on the carriage-way of B street northeast," up here on Capitol Hill, "from First street northeast to Second street northeast," just one square. The contract made by the board of public works was therefore to lay the Evans concrete pavement on one square on Capitol Hill, for which Evans was to have $8,256. That was the condition of this contract when the board of public works, who had power to make it, ceased to have power to do anything. Now how did it stand when the board of commissioners reported? In their report for 1874, page 244, they report it incomplete. "Estimated cost of completion, $10,163.34." In 1875 they reported on page 390, under their authority to protect and preserve this B street northeast, one square—

Contract No. 916:
John O. Evans, executor of William C. Murdock, (assignee.)

That is the same contract. Now, do not mistake this language. "Executor" here does not mean what it does in a probate court. William C. Murdock was not dead; he is not dead yet. "Executor" means the man who executes: John O. Evans executing this contract which was originally made to him and which he assigned to William C. Murdock, and it was to "lay Scharf pavement on B street north from First to Second streets east." But this is added:

Lay the Scharf concrete pavement on the carriage-way of the following streets, namely: Fifteenth street between Rhode Island avenue and S street northwest; R street between Fourteenth and Sixteenth streets northwest; Corcoran street between Fourteenth and Sixteenth streets northwest; Seventeenth street between Massachusetts avenue and P street northwest.

That is what they add to contract No. 916 by a new contract on the 20th of May, 1875. In order to protect and preserve B street northeast, up here on Capitol Hill, the contractor must do this work over toward Georgetown. Then on the 5th of July they added to it this:

Lay Scharf concrete pavement on the carriage-way of S street between Eleventh and Fourteenth streets northwest.

Then on the 5th of August they made a new contract with him under this No. 916, the same contract, extended it as they called it, that is, stretched it.

Lay Scharf concrete pavement on the carriage-way of Twelfth street between P and Q streets northwest; also take up and remove—

In order to preserve, in the language of the statute and in pursuance of their authority, the original work up here on Capitol Hill—

also take up and remove the cobble-stone in alley in square 248, and pave said alley with Scharf concrete pavement; lay Scharf pavement on N street between New Hampshire avenue and Twenty-first street northwest; and on O street between Fifteenth and Sixteenth streets northwest; on Fourth street between M and O streets; and on N street between Fifth street and New Jersey avenue; and on the carriage-way of De Sales street in square 162.

That was a new street, it appeared.

October 5, 1875, canceled so far as relates to Fourth street and Twelfth street west and N street north, and in lieu thereof contract 293 extended to include laying Scharf concrete on the north side of the Washington and Georgetown Railroad on Pennsylvania avenue between Eighteenth and Twenty-third streets west.

August 16, 1875, in order under the authority of law to protect, for that is the whole authority they had, they added to it a contract to "construct sewertraps at the northeast and northwest corners of Twenty-first and N streets northwest;" and so on. On this contract, the beginning and the end of which and the fulfillment and completion of which was to lay a concrete pavement on a single square on Capitol Hill, they made new contracts with this man to lay what I have read, and paid him for it in Government bonds $101,593.60.

Mr. KERNAN. In addition to the $8,000?

Mr. DAWES. I am not able to state that, but they say they will need $10,998 more to complete it; and yet these commissioners so construe the law that that is no new contract!

It may be a little curious to inquire why this contract, No. 916, originally made with John O. Evans, was assigned by him to one of his workmen under him, he constituting himself the man to execute the contract. I do not know why it was, but I can give one good reason. John O. Evans had laid miles of this wooden pavement under a contract to maintain it for three years, and it might embarrass John O. Evans in getting this $101,000 of Government bonds if the work was done in John O. Evans's name; and therefore John O. Evans assigns his contract to one of his workmen, but executes the contract himself and gets it turned into a contract from Capitol Hill clear over to Georgetown. [Exhibiting a chart.] Here where this blue line runs is his square, and away over there where the red lines are were his new contracts, upon which he got Government bonds in the name of his workman, to whom he had assigned the contract, though he executed it himself, while he stood liable to maintain wood pavements here for three years, and a suit is now pending on that provision of the contracts.

I omitted in that part of my argument in which I said that these contracts were void because they were not in pursuance of an appropriation and after an appropriation had been made to state the clear meaning of that. These commissioners, in a letter made a part of this report, say that suits are commenced, or some of them, in which he has set up that defense, and that the court has in one case decided that for that reason these contracts are void, and that the opinion of the attorney himself is that it is a good and valid defense against them all; and that opinion is in an official communication made to these commissioners by their own attorney.

Now, Mr. President, if the unpleasant duty has, as is usual in my life, fallen on me to criticise friends, I want distinctly to have it understood that I neither bring any accusation nor believe any accusation is well founded against the integrity of the commissioners, but a most wide and alarming construction of a statute enacted by us, for

the effect of which we are responsible to the country, has added to this debt between three and four million dollars; and these commissioners say that the only limit in carrying out this plan (a general plan the Senator from Ohio says, embracing the whole of the city of Washington from limit to limit on either side) is their own discretion, and that they could issue these bonds in payment of the contracts. As this bill stands there is no inhibition upon them or the board of audit. Whatever there was upon it when it came here has been stricken out by vote of the Senate. An amendment is pending which will prevent the continuance of these plans and these purposes. Upon what ground that can be supported by those who believe that this construction is right I cannot understand; for, if this construction is right, here are valid contracts that cannot be stifled or claims under them extinguished by any such amendment; but that it should be upon this bill, I can very well understand would command the support of those who believe that this construction is erroneous.

Now, sir, they are out. They were issued, though, on an erroneous construction of this law in good faith by these commissioners and under what they believed was its true construction. They have mingled with the other bonds, and they bear upon them the impress of the United States. They must be taken care of. They must be so taken care of that the United States shall not suffer the mortification of seeing her own bonds discounted at 12 or 13 per cent., as they are at this moment.

Starting out with the firm conviction that it was my duty to, so far as I was concerned, provide for these bonds, I have felt it my duty to show to the country that when we passed this law it was not in the contemplation of those who voted for it to give any such construction; but in the discharge of a function difficult and delicate by gentlemen brought here for a temporary purpose, and supposing at the time they were only to stay but a brief period, they put a misconstruction on the law and these bonds have gone forth. That being the case, I for one feel it my duty not only not to question them by legislation here but to give my sanction to them, so that hereafter by proper provision of law they shall stand, as they must ultimately stand, upon the same footing with the other bonds of the United States. That is the occasion and that is the motive which has prompted what I have had to say. Feeling astonished at this construction, feeling it utterly impossible to accord with it, seeing the consequences which would follow from it if we provided for these bonds and put them upon the proper foundation without animadversion upon it, for we should thereby sanction and authorize it, I have been constrained to say what I have said to the Senate. I have done so from a sense of duty.

Mr. MORTON. Mr. President, I did not vote for the law which is under consideration. I was not in the Senate when it passed, but should have opposed it earnestly if I had been here. It was not, as I am advised, in any respect a party measure, but received largely the votes of Senators on both sides of this Chamber.

Mr. THURMAN. What law is the Senator referring to?

Mr. MORTON. The act which was passed providing for the issue of these bonds.

Mr. THURMAN. Only one person in the Senate voted against it.

Mr. MORTON. I will then consider it as having the full indorsement of my democratic friends. My friend from Ohio referred to my opposition to the bill introduced by the Senator from Maine [Mr. MORRILL] to provide a District government, upon the ground that it abolished the suffrage in this District. I opposed it distinctly upon that ground; and I suspect that it commended itself to the favor of my friend from Ohio because it did abolish suffrage. I would have opposed the law that was made two years ago, which we are now considering, upon the same ground. The error is fundamental; it took from the people of this District all control of their domestic affairs, however trivial or unimportant in their character. It is at variance with the whole spirit and nature of our Government. Here are 150,000 people who have just as much natural right, and there is just as much propriety in allowing them, to control their domestic affairs as the people of any State or the people of any Territory. It is true the Constitution says Congress shall have exclusive legislation over this District. That meant to the exclusion of any State. The District was to be ceded by States under the Constitution, and then the exclusive legislation passed to Congress, excluding all State authority. But it was always considered consistent with that power to allow the people of the District to govern themselves in their domestic affairs. Congress by the Constitution is to govern the Territories; but it has always been considered constitutional for Congress to provide for the people in the Territories governing themselves, and that is in accordance with the spirit of our Constitution. When we abolished suffrage in this District and took upon Congress the entire government of this District, 150,000 people, it was in my judgment a blow at popular government, and came especially in the wrong place and at the wrong time; and I shall never cease to protest against it. Popular government is gone here now, and I think for many years to come, at least for several years to come; but it was an error against which I shall never cease to protest when I have an opportunity.

Mr. President, there is one consequence following it; and I call the attention of the Senator from Massachusetts to that particular thing. I understood him to assert the duty of Congress to govern this District to the exclusion of the people of the District. When Congress assumed the government of this District it assumed all liabilities; it became the moral and the legal duty of Congress to provide for all those streets, not only to build them where they were necessary, but to keep them in repair. When we took the entire government we took the entire obligation, and we must carry it out. If these streets get out of repair, these wooden pavements rot out, these concrete pavements break up, we, having deprived the people here of all control over them, must see to it ourselves that they are repaired. It is not a question now whether the board of public works exceeded its authority or not. We took the city as we found it, and we are now bound to take care of these streets and the property here. You cannot throw it off on the people; you have rendered them powerless; they have no more political rights than the people of Russia. This day they cannot govern themselves in the slightest degree; and when you have placed them in that position you have taken on yourselves the duty of providing for them as they ought to be provided for, such as they would have liberty to provide for themselves if they had the power of self-government.

So, then, whether there ought to be bonds issued to repair these streets or not, the Government of the United States is under the solemn duty of repairing them. In a few years many of these streets will be impassable if they are not repaired. Here is Pennsylvania avenue, that I have not traveled over in six months, almost impassable; you cannot travel over it with any degree of comfort. So it is with other streets. There are many streets here that in the course of a year we cannot pass over in a carriage. The Government has placed itself in the position of repairing these streets and must do it if it exercises ordinary good faith toward this people.

So much for the law as it stands. It is no favorite of mine. I believe that in every point of view we ought to have given to this people, as was done before, the right of self-government in all domestic matters, Congress reserving to itself the control of everything pertaining to the public property here.

Now, in regard to these 3.65 bonds, they are United States bonds, and we are bound to provide for them for two reasons: First, because we authorized the making of these bonds; and, second, because the people could not help having them made; and, again, because the people have no means of paying them or providing the interest. They cannot tax themselves; they cannot pay the interest. We have created the bonds, and we must provide for their payment. For that reason they are United States bonds in substance. Again, the Government has given this pledge:

> And the faith of the United States is hereby pledged that the United States will, by proper proportional appropriations as contemplated in this act, and by causing to be levied upon the property within said District such taxes as will provide the revenues necessary to pay the interest on said bonds as the same may become due and payable, and create a sinking fund for the payment of the principal thereof at maturity.

First, the Government is pledged to appropriate money to some extent to pay the interest and principal; next, it is pledged to levy enough tax on the people, and of course that includes the collection of it, and it includes the application of it to pay the balance of the principal and interest. The Government is, therefore, pledged for these bonds just as much as it is for the five-twenties; and the mere form in which they are made, whether made by the Secretary of the Treasury, signed by him, or signed by the sinking-fund board, makes no sort of difference. These bonds are in substance and effect the bonds of the United States, and we are bound to provide for them.

Mr. President, while I did not approve of this bill in the main, I approved still less of this bond provision. Unsophisticated as I was, I could not for my life see how the Government could propose to pay these contractors in a 3.65 bond. If we recognized the contracts as being valid and that these men had a claim, if we made no other provision for paying these debts than to compel these contractors to take at its face a 3.65 per cent. bond, I confess it always did look to me like repudiation. It is now worth sixty-nine cents on the dollar. It would only be worth seventy-nine or eighty at full computation. Here contracts were made to be paid in legal-tender notes, in the money of the country. We make no provision for paying these contracts. We say to these contractors: "You must take this bond or we now give you nothing." We do not say that we repudiate, that we will not pay you some time, but we do that in substance because we make no other provision. We offer them a bond worth seventy cents, and offer them nothing else. If that had been done by a State or if it had been done by a corporation, it seems to me there would have been but one opinion about it; but it was done by Congress. Some of these contracts may have been taken at big prices, some may have been taken at low prices; some at fair prices; but if we recognize the sacredness of a contract at all, we are bound to carry it out according to its terms. I thought this was repudiation when I first heard of it, but my friend from Ohio [Mr. THURMAN] said it was not. I believe he was in favor of the law. I thought, therefore, after all it must be right, and yet I cannot see it to save my life.

Mr. President, here is a bond that is depreciated because it draws a low rate of interest. Now shall we not depreciate it further if we throw out the intimation in the concluding part of this bill that some of these bonds have been illegally issued? Who can tell what bonds have been improperly issued? How can the holders or purchasers of the bonds know? If we say here now or intimate that some of them have been illegally issued, then we depreciate the value of all of them; and they are low enough already.

When this question came up on Friday, I was inclined to accord with the view adopted by the Senator from Iowa [Mr. ALLISON] in his construction of this law; I thought there was much force in what he said; but after considering it further, and looking at the whole law together, I have come to the conclusion that the construction given to it by the Treasury officers and by the commissioners themselves was probably the correct one. I call the attention of my friend from Massachusetts to the language of the second section, which he quoted in regard to the authority of these commissioners to make contracts:

But said commission, in the exercise of such power or authority, shall make no contract nor incur any obligation other than such contracts and obligations as may be necessary to the faithful administration of the valid laws enacted for the government of said District.

That is the first point upon which they are authorized to make a contract—to carry out the valid laws of the District. I suppose there is a law in this District authorizing ordinary street repairs, authorizing the making of a new street or a new pavement where there is none. Therefore, they would have a right to make a contract to carry out that law, entirely independent of the board of public works or of any pre-existing contract. Then they have authority to make contracts to do something else. What is that?

To the execution of existing legal obligations and contracts.

That is one member of the sentence. If they find an existing contract or obligation, it may be that there has been no work done upon it at all; it may be that the work has not commenced upon the street; but if there is a legal contract for the work, then the commission has the power to make a contract to carry that out, as I understand. That is entirely independent of the question of the protection or preservation of work that has been already begun. If a legal contract exists it is binding upon the new commission, as it was upon the old government, and they have the power to make a contract to carry it out. That is the second condition. Then there comes another:

And to the protection or preservation of improvements existing or commenced and not completed at the time of the passage of this act.

That is the third condition upon which they have the right to make a contract, to protect or to preserve work already done that may not have been completed at the time of the passage of the act. Here are three distinct conditions on which they may make new contracts: the first entirely independent of old contracts, the second to carry out contracts upon which there may have been no work done at all, the third to finish unfinished work and take care of that which has been constructed. Now, I come to the other question, in regard to the character of contracts for which certificates may be issued and 3.65 bonds taken by the contractors; and here is where my doubt arose the other day on hearing the argument of the Senator from Iowa. Let us consider that for a moment.

That it shall be the duty of the First Comptroller of the Treasury and the Second Comptroller of the Treasury of the United States, who are hereby constituted a board of audit, to examine and audit for settlement all the unfunded or floating debt of the District of Columbia and of the board of public works, hereinafter specified: First, the debt evidenced by sewer certificates; secondly, the debt purporting to be evidenced and ascertained by certificates of the auditor of the board of public works; thirdly, the debt evidenced by the certificates of the auditor and the comptroller of the District of Columbia; fourthly, claims existing or hereafter created, for which no evidence of indebtedness has been issued, arising out of contracts, written or oral, made by the board of public works.

In the first place, under this last head the claim must have arisen out of a contract made by the board of public works. "Claims already existing or that may hereafter arise." That is to say, if a contract has been made by the board of public works upon which no work has been done, and the work is hereafter to be done, it comes under that head. If it is unfinished work but has been abandoned and they go to work to finish it, that comes under this head. The question then is, what is the nature of the contract made by the board of public works? If by that contract the contractor was to keep the street in repair for three years and failed to do it, and, under the contract, the board of public works or this commission would have the power to repair the street and to charge the amount to the contractor, it would be a case arising under a contract made by the board of public words, and in that particular I thought the argument of the Senator from Massachusetts was not conclusive.

Mr. DAWES. Here is the contract. It does not authorize them to go and repair the work and charge the cost to the contractor by any means. It requires him to do it, and, if he fails to do so, he breaks his contract; and they have a claim on him arising under the contract.

Mr. MORTON. If I understand it, I think that amounts to precisely the same thing. I think the principle of law is rather familiar that where a party is called upon to do a particular thing by his contract, and the other party gives him notice and requires him to do it and he fails, then the other party in interest may do what the first party was required to do and charge the cost of it to the other party and make him pay it.

Mr. DAWES. I understand that to be the measure of damages. I understand that the measure of damages that the party can collect of the other for a breach of contract is what it would cost to put the work in repair; but that is not his right under the contract. He does not obtain that under the contract, but that is the measure of damages, because the contract is broken.

Mr. MORTON. I think the distinction becomes very shadowy in that case; it becomes, as we say, very thin. If a contractor may be called upon by this commission to repair the street in question, they make formal demand of him, the street must be repaired, the public convenience requires it, he fails to comply with his contract, the commission then go to work and repair the street themselves, and it can be said in equity, and I think in law too, that the commission are doing it as his agent and can hold him responsible for it.

Mr. DAWES. And pay themselves with a 3.65 bond for doing it? That is to say, the government can do this as the agent of the other man and pay themselves?

Mr. MORTON. Yes, sir; precisely, because it is work arising out of a contract made by the board of public works. I am not responsible for the terms of the law, but that is law.

Mr. DAWES. I ask the Senator from Indiana how much pay they would get by giving their own notes to themselves for it? They have a right as the agent of the contractor to go themselves and do the work and then pay themselves by giving themselves their own obligation. That is the argument.

Mr. MORTON. I cannot see that the distinction my friend makes is one of substance. I see the technical point at which he is driving, but I submit this as the broad proposition involved in this controversy: Here is a contract made by the board of public works for building a certain street; the contractor is to keep it in repair for three years; he gives bond, as I understand, to that effect. When the street gets out of repair he is called on to repair it, to comply with the contract. He refuses to do it. The people cannot wait until the commissioners sue upon the bond and collect the money and apply it. The Senator from Ohio [Mr. SHERMAN] says the contract expressly authorizes the board of public works to do the work in such a case; but I am supposing that it does not; I am putting it on broad principles of law and equity, independent of a special provision of that kind. The contractor fails to comply with his contract; the public requires the street to be repaired; the commissioners go forward and do those very things that the contractor was required to do, and they charge the amount to him. Perhaps he does not pay it; but the work has to be paid for. It arises under a contract made with the board of public works, and the 3.65 bond may properly be given for it.

Mr. THURMAN. If the Senator from Indiana will allow me, I will suggest that there is no doubt that these contracts contained in their ninth clause a provision guaranteeing the durability of the pavement for such a term, providing that if the contractor omitted repairing it within the time the board of public works might go on and do the work and charge the amount to the contractors. There is no doubt about that. But that has nothing to do with the power the Senator seeks to draw from it. But the question I wish to put to the Senator is this: Does he consider that it is in execution of the power reserved in that ninth clause of the contract for the commissioners to tear up a wooden pavement and put down a concrete pavement, a Russ pavement, or an asphalt pavement? Could they recover $1 from the contractor for any such thing as that under that clause of the contract?

Mr. MORTON. I will answer my friend from Ohio, if I do not forget it, after I refer to the terms of the contract. The Senator from Massachusetts I suppose overlooked this provision.

Mr. DAWES. I have no doubt that they can agree in a contract to do that, and then it would be in conformity with the contract to do it. The particular contract which the Senator has before him contained that stipulation, and therefore it would be in the power of the board of public works under that contract to go on and repair that particular street. I have no doubt about it under the contract, because they so agreed.

Mr. MORTON. Suppose the contract contained the provision, which I presume they all did, that if the contractor does not repair the pavement the board of public works may do it for him and charge him with the amount, I then come back to the provision of the law, and I ask my friend from Massachusetts if the money paid for repairing a street in that case is not a claim arising under a contract made by the board of public works? Very clearly it is.

Mr. DAWES. I have no doubt of that. I do not contend that that is not; but that is a contract provided for in the fourth clause.

Mr. MORTON. But I was making this point: That, independent of any such provision, in the absence of such a provision, if the contractor is bound to keep the pavement in repair and fails to do it after a demand has been made, the commission may assume to act as his agent in equity, make the repair for him and compel him to pay for it, and in that case the claim would be one arising under a contract made by the board of public works and come precisely with the terms of the law.

Mr. THURMAN. Permit me a word right at that point. They can go on and repair the work under this clause which authorizes them to go on and repair it; they can employ their own engineers, their own servants, their own laborers. They need let no contract whatsoever. Suppose they had done that. Suppose that, instead of letting a contract to make a new kind of pavement, they had simply gone to work to repair the street, employing their own engineers and their own laborers, as they could have done, and expenses were thereby incurred, could they have sold 3.65 bonds in the market to defray the expenses of that work; or could you pay every Irishman that worked there with his pick and shovel in a 3.65 bond? The Senator must see at once that the 3.65 bond clause has no application whatever to a power that is derived, not from the law, but from a provision in the contract of the board of public works.

Mr. MORTON. Why, Mr. President, I bring the Senator right back to this point. The 3.65 bond may be issued in payment of any claim arising under a contract made by the board of public works. The contract thus made by the board required the contractor to keep the street in repair; he violates the contract and the commissioners come in and repair it for him. Is it not a claim arising under a contract made by the board of public works? And, if it is, then the law expressly provides that 3.65 bonds may be issued for it. I take it precisely on the ground of my friend from Ohio. But now I come to the other question I asked him a while ago.

Mr. BAYARD. Has the Senator forgotten that there was a ninety-days notice to be given?

Mr. MORTON. Ninety days' notice of the repair to the contractor?

Mr. BAYARD. No; parties had to give notice of their claims, which were presented to the board of audit.

Mr. MORTON. I do not know how the ninety-days notice may affect the question, but I am discussing the broad question whether 3.65 bonds can be issued for such a claim, and I insist that it is conclusive that it comes within the language of law. But now I want to come to the point made by the Senator from Ohio, and I believe by my friend from Massachusetts also, upon this state of case: Under a contract to construct a wood pavement, the contractor being obliged to keep it in repair for three years and failing to do so, demand is made that he do it and he fails to comply, and then the commission go forward and repair the street by putting down a concrete pavement. The question was, inasmuch as they had varied the character of the pavement, as they had put down asphaltum instead of wood, could they give the 3.65 bonds for that work? I think I have shown conclusively that if they put down wood they could do it. Now my friend says they put down asphaltum, and can they do it? If it turns out, if experiment has shown, if experience has proven, that the wooden pavement is a failure, that it is cheaper to repair it with an asphaltum pavement than to repair it with wood, I insist that it is virtually within the power, and that the reason given why the bond can be issued in the one case and cannot be issued in the other is purely technical and does not go to the substance of the thing.

Mr. DAWES. I think that where the contractor has agreed, as in the blank the Senator has, that on his own failure to maintain a wood pavement for three years they may go on and do it for him, they may do that. Therefore they could do that because of the agreement, and any claim that they might have on him for doing that, that would be a claim that they would have on him under the contract, and in the language of the fourth clause as to the board of audit it would be one for which they could give a 3.65 bond; but it would be giving a 3.65 bond to themselves, because they are the contractor and he has agreed that they can repair it if he does not, under the contract; therefore they would be giving a 3.65 bond to themselves; but he never has agreed that they can go and put another pavement there.

Mr. MORTON. I think I understand my friend. He says that in that case it would be giving to themselves a 3.65 bond. I am arguing that these commissioners are not contractors; they neither do the work by their own hands, nor are they the contractors, and they would get the bond. I assume that they made contracts with others to repair this pavement; and therefore that point is not well taken. But I come to the other question, and on it I wish the attention of my friend from Massachusetts as well as of the Senator from Ohio. I will say that the contract was to make the pavement of wood; it has been made, but not well made; and it is to be kept up for three years. The contractor refuses to renew it; the board comes in and does it for him; but they choose to repair the pavement with concrete, and not with wood. If he will not repair that pavement, then they may repair it in the best and cheapest manner they can. If they choose to repair it with concrete, and not with wood, they cannot charge him with what the wood pavement would cost. As between the contractor and the commissioners, if they act for him and repair the pavement in his stead, but change the character of the pavement, they cannot charge him with a greater amount than it would require to put down the old pavement again. But as between them and the Government, I ask what distinction there is? There is no substance in it whatever. If the commissioners can issue a 3.65 bond for repairing the pavement with wood, and experience has shown that it ought to be repaired with concrete, and not with wood, can they not issue a 3.65 bond for the concrete? The distinction is without a difference, and when it comes down to that the argument is exhausted.

Mr. THURMAN. Will the Senator allow me call his attention to one idea that seems to have wholly escaped him? He bases the right of these commissioners upon these words:

That it shall be the duty of the First Comptroller of the Treasury and the Second Comptroller of the Treasury of the United States, who are hereby constituted a board of audit, to examine and audit for settlement all the unfunded or floating debt of the District of Columbia and of the board of public works hereinafter specified, namely: first, the debt evidenced by sewer certificates; secondly, the debt purporting to be evidenced and ascertained by certificates of the auditor of the board of public works; thirdly, the debt evidenced by the certificates of the auditor and the comptroller of the District of Columbia; fourthly, claims existing or hereafter created for which no evidence of indebtedness has been issued, arising out of contracts, written or oral, made by the board of public works.

The last is the clause upon which he relies, and he says that the commissioners are vested by the second section with power to execute those contracts entered into by the board of public works. Well, what is it that the commissioners are authorized to execute? The commissioners are authorized to execute the contracts on the part of the government, what the government is to do. The commissioners are not authorized to go and do the work of a contractor by anything in this statute. What they are authorized to do is to perform those stipulations which the government of the District had undertaken to perform. That is one thing. But any right reserved to them in a contract is a different thing. That is not executing the contract on the part of the government. The board of public works never stipulated that they would make these repairs. They never bound the government to make them in default of the contractor. They only reserved the right, which they might exercise or not, to make them and charge the contractor with them. Therefore the making of these repairs in the case supposed by the Senator is not the execution of any contract which the board of public works had made, for they never bound themselves to make one foot of such repairs.

Mr. MORTON. I think it is very clear that the distinction taken by the Senator from Ohio is without substance whatever. He says it is simply in carrying out a contract made by the board of public works, but he forgets that in the second section this commission is expressly authorized to make a new contract to carry out an existing contract. Am I wrong about that?

Shall make no contract, nor incur any obligation other than such contracts and obligations as may be necessary to the faithful administration of the valid laws enacted for the government of said District, to the execution of existing legal obligations and contracts, and to the protection or preservation of improvements existing, &c.

They are authorized to make contracts to carry out an existing contract, and where the existing contract authorizes either in terms or in equity the commissioners to make a new contract to carry it out, that is a claim arising under a contract made by the board of public works and there is no escape from it. You are to take all these sections together. You are not to construe one clause by itself, but construe the whole law so as to be in harmony. Here is the second section authorizing a new contract to carry out an existing contract. Then you go to the sixth section, where you find the board of audit are authorized to adjust "claims existing or hereafter created arising out of contracts made by the board of public works." Take it either way it makes no kind of difference. You must construe all parts of this law together. What was the idea? It was to provide the means of finishing these streets, of carrying out these contracts, and of keeping them in repair as provided by the original contracts. Take it altogether there is no sort of difficulty about it. That construction which would deny to these commissioners the power to issue these bonds in such a case is entirely technical and without the substance and meaning of the act.

Mr. MERRIMON. If it will not trouble the Senator from Indiana, I beg to ask him a question which I think goes to the bottom of this matter. It seems that three commissioners were charged with certain powers to accomplish certain purposes mentioned in the act. In addition to the three commissioners thus charged, by another section of the act the First Comptroller and Second Comptroller of the Treasury were charged with auditing certain classes of claims, six or seven in number. The three commissioners of the sinking fund—not the commissioners who superintend the affairs of the District of Columbia, but the three commissioners of the sinking fund—were authorized to issue these 3.65 bonds for any claim that might be presented after having been audited by the two Comptrollers.

Now, it seems to me that the three commissioners are made by this act the judge of what classes of contracts they may proceed to execute existing at the time of their appointment. The Comptrollers, in pursuance of the powers with which they are charged, are the judges of the character of the claims they must audit. When they have audited a claim, they determine (and they are the judges to determine) whether it comes within the purview of the statutes. If they audit claims and the commissioners of the sinking fund issue 3.65 bonds therefor, suppose they have erred or suppose they have exercised the power corruptly, yet the bond having thus been issued goes into the markets of the world, and can Congress or any other power question the validity of that bond? I ask the Senator whether or not in his judgment these bonds that have gone upon the markets of the world are not valid, and whether we are not bound to pay them, and whether we are not wasting time therefore in debating this particular bill?

Mr. MORTON. Mr. President, the Senator puts the case very clearly and unanswerably. The question answers itself. If there is even a doubtful construction of law, and officers appointed by the law to decide that question do decide that bonds can be issued in such a case, and the bonds are issued, the Government must pay the penalty if there has been a mistake about it.

Mr. MERRIMON. I call the Senator's attention to a decision of the Supreme Court touching certain bonds issued by a county in some of the Northwestern States, perhaps Wisconsin, where it was alleged—and that was the ground insisted upon before the court—that the commissioners of the county had exceeded their authority in issuing the bonds, that they ought not to have issued them, and indeed a citizen of the county might have restrained them before the bonds were issued; but they were charged with the power to decide; and after they had decided, and the bonds were put upon the markets of the world, it could not be any longer a question. The court decided that the innocent purchaser could not be bound by their defects of judgment or their corruption touching that matter; it was a matter with-

in their jurisdiction. Now, whether these commissioners, either the commissioners to superintend the affairs of the District of Columbia under this act or the commissioners of the sinking fund, erred, the bonds having gone out, I confess I cannot see, as a legal proposition, why the bonds are not valid; and if we have to pay them we may as well do it. We may well consider whether we shall not stop them from issuing any more; I think it is probable we ought to do that.

Mr. MORTON. I think the Senator is entirely right in his legal proposition. The construction of this law has been settled by the officers of the Government, and it is too late now for Congress to question it. There might be a palpable violation of law, there might be a fraudulent violation that would justify Congress in interfering, but not a case of doubtful construction like this where it has been acted upon in this way; I think it is entirely too late to question it.

Mr. ALLISON. May I ask the Senator a question in reference to one part of his argument? I understood him to say that he voted against this bill.

Mr. MORTON. No; I was not here.

Mr. ALLISON. He would have voted against it if he had been here.

Mr. MORTON. I would.

Mr. ALLISON. I suppose because of this particular feature?

Mr. MORTON. No, sir; not because of this feature. My attention was not called to this then.

Mr. ALLISON. Now I understand the Senator to say that it was for these commissioners to issue a 3.65 bond with a view to repair streets, and that they are authorized——

Mr. MORTON. Not general repairs, but only in cases arising under these contracts.

Mr. ALLISON. All these contracts contained the same provision. If that be true, then the same good faith that required these commissioners to perform that act would prevent us from limiting the issue of these bonds to $15,000,000, because if these commissioners are required to repair these streets and issue bonds in order to do so, because as a Senator said it would be unjust to tax the property-holders to that extent, then we ought not to limit this issue at all until all these streets are repaired, so as to be preserved under the provisions of these contracts.

Mr. MERRIMON. Will my friend allow me to interrupt him? Does he advert to the fact that the three commissioners provided under the second section of the act have no power to issue a 3.65 bond at all; they have no power to direct anybody to issue a 3.65 bond? The commissioners of the sinking fund issue the bonds, and they are authorized to issue them for any of the certificates that are issued by the auditing board, consisting of the two Comptrollers.

Mr. ALLISON. That is true; but the board of audit and these commissioners construe the law alike, and they are in accord. As a matter of course the sinking-fund commissioners, when a certificate of the board of audit is presented, do not go behind that certificate. They issue bonds upon the certificate of the board of audit. But the board of audit and these commissioners have been in accord as to the construction of this law.

Mr. MERRIMON. But suppose they act conjointly, are they not charged with power to decide when a certificate of claim shall be issued? And when they had issued that certificate, and the sinking-fund commissioners have exchanged a 3.65 bond for the certificate and this has gone into the market, is not that bond binding?

Mr. ALLISON. We all agree to that. No one that I know of disputes the fact that we ought to pay the 3.65 bonds that have been issued.

Mr. MERRIMON. Then why not pass this bill and prevent these bonds going to protest to-morrow?

Mr. ALLISON. I agree to that, but Senators insist that a construction shall be given to this law which, if unrestrained, would allow these commissioners to issue an unlimited number of millions of bonds under the law as passed on the 20th of June, 1874; and it was to call the attention of the Senate to their construction of this law that I adverted to it in the beginning. Now it seems that I have been entirely mistaken, according to the great lawyers of the Senate, gentlemen who construe this law, and that these commissioners under this section, whether creating the board of commissioners or the board of audit, have no limit whatever upon their authority. I wish to wash my hands of any such construction as intended originally by the committee that reported the law.

Mr. MERRIMON. I beg to add that if those commissioners have acted unwisely, whether from one consideration or another, we can put a stop to that by an amendment to this bill three lines long. If it shall be suggested by anybody (and I believe nobody has made that suggestion yet) that the commissioners have acted corruptly, we can hereafter call them to proper account.

Mr. MORTON. I am glad of the question asked by my friend from Iowa. I do not know whether he was in when I said that when this argument was opened I was inclined to adopt his views in regard to the construction of the law; but on full and further consideration I think a fair construction had been given to the law. Now, I want to refer to the question put by him. He said the construction I gave to this act——

Mr. ALLISON. I referred to all the gentlemen.

Mr. MORTON. He says the construction put by this commission authorizes those officers of the Government to go on and issue 3.65 bonds to the amount of millions. I suggest that there is one limitation, and that is that they cannot go any further except on contracts or claims arising out of contracts made by the board of public works or contracts made to carry out, in the language of the law, existing contracts or obligations.

Now, I come to the 3.65 bonds. I am willing to put a limit on the 3.65 bonds. While this new commission is bound to execute the valid contracts of the old government, when we swept away the old government and put a new one in its place we did not repudiate. We could get clear of existing contracts by doing that. You can change the form of government, but you do not get clear of contracts in that way. You may change a monarchy to a republic, but the republic is bound to pay the debts made by the monarchy; and so, if you change a republic to a monarchy, the monarchy must succeed to the debts made by the republic. When you swept away the former government here and put this commission in its place you are bound to carry out the contracts of the old government if they are legal. Now, I am willing to stop the issue of 3.65 bonds; but when we do that, inasmuch as the legal obligation to carry out existing contracts still remains, we are then bound to appropriate money to pay them directly, instead of issuing a bond for the obligation; and that is what ought to have been done in the first instance. I know my distinguished friend from Iowa had some hand in making the law; but I have said frankly that I think the 3.65 arrangement was a mistake in the beginning. Now how is it? These commissioners make a contract to carry out an old contract. A new contractor knows he has got to be paid in a 3.65 bond worth only sixty-nine or seventy cents to the dollar. He makes his bid accordingly, and the Government is finally bound to pay a principal 30 per cent. more than the actual consideration received. I say that it is a bad bargain.

Mr. McDONALD. I desire to ask my colleague whether under this law it is his opinion that the commissioners have the power to make a new contract to carry out an old one that may have been abandoned?

Mr. MORTON. Let me see. They have power to make such a contract, it is very clear, because they have power to make contracts in these cases, first, to carry out "the valid laws enacted for the government of said District." That is entirely independent of any question of contract. Second, "to the execution of existing legal obligations and contracts;" and, again, "to the protection or preservation of improvements existing or commenced and not completed at the time of the passage of this act."

Mr. McDONALD. Now under the second clause does my colleague hold that, where an old contract has been abandoned by the contractor, for instance, these commissioners have the power to make a new contract for the completion of that work?

Mr. MORTON. They have the power to make it, but whether they have the power to issue a 3.65 bond for it is another question.

Mr. McDONALD. Does my colleague think they have the power to make a new contract to complete that work?

Mr. MORTON. That is beyond dispute.

Mr. McDONALD. Then will not this involve this conclusion, that these commissioners have the power under that law to complete the entire original plan of improvements as the old board of public works of this city had designed?

Mr. MORTON. I would say to my colleague that that would be the spirit of this enactment, in my opinion.

Mr. McDONALD. I think it was not the spirit of the act.

Mr. MORTON. I think it ought to be the spirit of the act; but, upon the precise point where a contract had been abandoned and they make a new contract to finish that street, they undoubtedly have a right to make such a contract, because the law expressly gives it in these terms; but whether the payment for that contract would be a claim arising out of a contract made by the board of public works may be a question upon which there would be two opinions.

Mr. McDONALD. I will ask my colleague this further question, whether under that third clause the only power of this board is not to do such work as may be necessary to preserve work already done?

Mr. MORTON. Or to finish streets that are incomplete. I will read the language of the act again. They have power to make a contract for "the protection or preservation of improvements existing or commenced and not completed at the time of the passage of this act."

Mr. McDONALD. That is for "protection or preservation."

Mr. MORTON. Suppose a contract had been made, a street had been plowed up, and whatever had been done by the workmen would be lost provided the work be not finished; clearly they would have the right to go on and finish the work in order to prevent the loss of what had been done. That would be the preservation.

Mr. McDONALD. Where a part of a street had been contracted to be repaired under an old contract, would they have a right to make a contract for the improvement of the balance of it?

Mr. MORTON. Very clearly they would, if by not finishing it that which had been done was to be lost or if the street would be left in a bad condition by it. I should say it was within the spirit of the law to allow them to finish that street beyond all question. My friend from Ohio [Mr. SHERMAN] refers me to the case of a sewer where, if it is not finished, what has been done will be lost. Suppose you take one of these streets where the grade has been cut down and it is not finished. Now, unless the whole street is put upon that grade it is left in a very bad condition, or suppose a part of the work has been done but not finished.

Mr. McDONALD. Is that completion necessary to preserve what

has been done, to keep it from deterioration? That seems to be the purpose of that power.

Mr. MORTON. That would depend on the particular circumstances of the case. It would be hard to say how far it would be necessary to go to preserve; but suppose part of the work is done, and by not finishing it you leave the street in a bad condition; so as to make the thing complete and make it of benefit, you have got to finish the street; I should say that would come within the spirit of the law very clearly.

Mr. FRELINGHUYSEN. Mr. President——

Mr. THURMAN. Will the Senator allow me to ask a question of the chairman of the committee before he proceeds?

Mr. FRELINGHUYSEN. Certainly.

Mr. THURMAN. Is this interest payable to-morrow?

Mr. MORRILL, of Maine. Yes, sir.

Mr. THURMAN. Does its payment depend upon the passage of this joint resolution?

Mr. MORRILL, of Maine. It does.

Mr. THURMAN. Is there no law under which it can be paid unless this resolution is passed?

Mr. MORRILL, of Maine. None whatsoever to my knowledge. It depends on this resolution whether the Government goes to protest or not.

Mr. THURMAN. One further question. Is this the last day of January? [Laughter.]

Mr. FRELINGHUYSEN. Mr. President, I will delay the Senate from passing this bill but a few minutes. I understand that three things are admitted, namely, that this work has been done, that it was necessary to do it, and that the Government of the United States is liable to pay for it, and it seems to me the conclusion is quite direct that we had better pay for it at once. But it has been stated here that the commissioners have greatly exceeded their powers. Permit one word upon that point, for I do not so understand this case.

It appears by the report made by the board of audit to the commissioners that there was due for indebtedness, not including work to be completed, on the 20th of June, 1874, $10,033,613.22. This statement is important, because this estimate made and reported by the investigating committee from the information they received made this item much less. Estimates of the cost of work, we have all learned, are very uniformly below that realized. Further, it appears that the commissioners have spent the sum of $5,200,000, and that sum is made up of three items:

First, completing contracts and preserving work. This they are clearly authorized by the act of Congress to perform. There is no question that they are authorized to make contracts, in the language of the law, "for the protection or preservation of improvements existing or commenced and not completed." Another item is that of repaving streets when the work was badly done and when by the contract the board of public works had a right to repave and charge the expense of so doing to the contractor. It is equally clear that the commissioners by the act had the right to make contracts for this repaving, for the act says that they have the right to make all contracts for "the execution of existing legal obligations and contracts." Here was an existing legal obligation that a street shall be paved and that the contractor should be subject to the expense of repaving if the work was insufficiently done. The commissioners would have been derelict in duty if they had suffered the period fixed by the contract to expire without thus holding the contractors liable under the contract.

Mr. HAMILTON. I ask the Senator from New Jersey to allow me to read a passage from the engineer's report in the report of the commissioners of the District of Columbia for 1874:

> Repairs of wood pavements, which are to be charged to contractors, the term of three years after their completion not having expired, and requiring a cash advance by District government, $31,649.42.

Then there are three other items, amounting altogether to $57,941.77, which the District commissioners report to Congress here that they have to pay out of the treasury in cash. Those items have been paid in 3.65 bonds.

Mr. FRELINGHUYSEN. There is no doubt that the sum suggested was then known to be necessary, and as the pavements gave way other and larger sums in addition to the $57,000 became requisite.

Mr. HAMILTON. If the Senator will allow me, it shows, however, at that time—that is, in 1874—at the session of Congress after the commission was organized, that they did not consider they were authorized to pay in 3.65 bonds. These 3.65 bonds have grown on the country and grown on the commissioners since that time.

Mr. FRELINGHUYSEN. It makes no particular difference whether they are paid in 3.65 bonds or in cash. They have collected taxes and revenues in this city—some $440,000—and applied them to paying the interest on the fund in the hands of the board of the sinking fund. They might have applied it in cash to the streets. You cannot get more than there is. There is no intimation that both cash and bonds have not been faithfully applied to the work and to the debt.

But that is not my point. My point is that this $5,200,000, which the commissioners have expended is made up of three distinct items, each one authorized by this law:

First. The protection of work and the finishing of incomplete contracts.

Second. Performing contracts which contractors have made default to fulfill.

Third. A sewer, which I believe was a new work which arose out of the exigencies of the situation, and which, if it had not been constructed, I am informed, would have been disastrous to the city. That is also authorized by this act in the words which authorize them to make "such contracts and obligations as may be necessary to the faithful administration of the valid laws enacted for the government of said District."

The District had no municipal government other than the commissioners, and to say that they could properly have seen diseases and floods injure the city and its people without giving relief is at least unreasonable, when the act says that they have a right to make all contracts to carry out any valid existing law. It says in effect that they shall have power to do all they can to preserve the health and the safety of the city. Therefore, under these three heads the commissioners had full power.

Now, a word as to the amount expended on these three items by the commissioners. In the two items of sewers and of carrying out contracts in which default had been made by contractors there was expended $1,200,000 in bonds, but in money only $840,000, for the bonds were at a discount of 30 per cent. The amount which was expended by the commissioners in protecting improvements and in finishing incomplete contracts is $4,000,000 in bonds, but in money, making the discounts, only $2,800,000. Our committee reported to us that they thought this work could be done for $1,300,000, but they were mistaken, as most men are in making estimates, and that is all there is in this case.

Mr. President, we ought to look at this subject as it is and fairly recognize our obligations. The Constitution of the United States provides that Congress shall have exclusive jurisdiction over this District, and that Congress shall have like authority over all places purchased for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings. Therefore Congress has the power by the Constitution, if it is thought wise to do so, to assume the same exclusive jurisdiction over this District that it has over forts and arsenals.

On the 16th of July, 1790, a law was passed accepting ten miles square of the Potomac as the District for a permanent seat of Government, and over which the United States had the right to assume control. A commission was, under the authority of that act, appointed to determine what part of the District the Government would purchase for its own use. That commission selected the territory within the limits of the city of Washington as that portion of the District which they deemed necessary for the use of the United States. A deed was made by the proprietor of the soil on the 29th of June, 1791, for the portion of lands so required, and contained certain trusts; among others, that the lands were conveyed for a Federal city, with such streets, squares, and parcels and lots as the President of the United States for the time being shall approve. So the President of the United States had the right to select just such lands for lots, reservations, parks, avenues, and streets as he saw proper, which all became the exclusive property of the United States, and to them the United States has to-day a fee simple. The question arose, and it was adjudicated by the Supreme Court of the United States in Van Ness *vs.* The City of Washington, in 4 Peters, that the United States holds all the streets and reservations, not as streets are held by other cities, but in fee simple. The deed of 1791 provided that after the Government had selected such part of the land as it desired, there should be a fair and equal division of the remaining lots among the proprietors, and a conveyance thereof was to be made to the original grantor. You will see how absolute the control of the United States over the city is by observing the terms on which the conveyance was to be made to the original grantor.

The deed says:

> But the said conveyance to the said grantor, his heirs or assigns, as well as the conveyance and purchase, shall be on and subject to such terms and conditions as shall be thought reasonable by the President for the time being, for regulating the materials and manner of the buildings, and improvements on the lots generally in the said city, or any particular streets, or parts thereof, for common convenience, safety, and order.

So we see that the United States was to determine of what material and of what style and for what purpose the buildings in the city should be erected, even on that part of the territory which did not belong to the United States. This Government took this city as its own for a Federal city. It owns the streets and parks and reservations in fee simple, and it has control over the improvements to be made and over the buildings to be erected, and the Government should be ready to make it a capital fit and proper for a great nation. In November, 1800, when Congress first assembled here, Mr. Adams congratulated the people on having a permanent seat of Government, and said:

> It is for you, gentlemen, to consider whether the local powers of the District of Columbia, vested by the Constitution in the Congress of the United States, shall be immediately exercised. If, in your opinion, this important trust ought now to be executed, you cannot fail, while performing it, to take into view the probable situation of the territory for the happiness of which you are about to provide. You will consider it as the capital of a great nation, advancing with inexhaustible rapidity in arts, in commerce, in wealth, and in population, and possessing within itself those energies and resources which, if not thrown away or lamentably misdirected, will secure to it a long course of prosperity and self-government.

Mr. President, I have never met an American citizen coming to this capital, no matter of what party or from what section of our country, who did not rejoice in seeing the improvements which have been made in these avenues and parks and public buildings. No one makes a greater mistake than he who thinks that Americans are a mean people. They are proud, generous. They do not wish that the 140,000 people of this District, 40 per cent. of whom are poor, should be at the expense of maintaining a capital for them. There is more magnanimity in the people of this country than that. What Congress should do is to fix a fair rate that the people of this city should be taxed; let the sum thus raised be paid into the Treasury of the United States; and under the direction of the United States, under its exclusive legislative power, let the United States from time to time perfect and beautify this capital in which every citizen of the Union has a property and has a pride.

Mr. MORRILL, of Maine. Mr. President, I do not rise to enter into this debate. I do not think debate in order. I do not think the proposition admits of debate. It is the last day, well-nigh the last hour, of grace when the credit of the United States goes to protest, and the Senate of the United States is indulging its fancies in regard to the conduct of its public servants whom it has invested with a discretion, and speculating as to whether it has been worthily exercised or not without a particle of proof on this subject. That is the Senate of the United States in the year of grace 1876. What are we asked to do? What are we expected to do? Provide for the interest falling due to-morrow on the 3.65 bonds. Why? Because we said we would do it. Because we issued a 3.65 bond in payment of the debts which we had contracted and got persons to take them at seventy cents on the dollar, and are we here to tarry? Are we here to allow them to go to protest by indirect, inconclusive, collateral statements on the subject when by no possibility have we any information which would enable us to come to any correct judgment upon it? What has this bill proposed? Some gentlemen have shrunk back from this proposition, as if the Committee on Appropriations of the Senate was about to take two hundred and twenty odd thousand dollars out of the Treasury of the United States. I think that is the general impression in the Senate even now. Do we propose to lay our hands on a dollar? No, sir! We propose to direct our servants, the commissioners of public affairs in this District, to pay that sum out of their revenue. Does any Senator object to that? No, we all mean to do that. That is precisely the thing to be done. That is our obligation. That is in the bond. That is in our faith, as solemnly pledged as it could be pledged. Let me read:

The faith of the United States—

Says the law officer of this Government for the second time, is what?

is pledged to the payment of the interest on these 3.65 District bonds as the same fall due and to the payment of the principal of the bonds when the same matures. There is no way short of shameless violation of the clearest principles of settled law and honest dealing that the Government can escape from the full payment.

When? Now, "when it falls due," which is to-morrow.

First. The United States themselves contracted the debt for which the bonds were given.

Second. The United States used the money or labor for which these bonds were given to improve their own property.

Third. The United States themselves authorized the issue of these bonds to secure their own debt.

Fourth. The United States by specific act of Congress pledged the faith of the nation for the full payment of these bonds, and thus induced innocent holders to take the same and part with value.

Fifth. The United States, to give additional credit to these bonds, pointed out the very ways and means by which they would securely provide the revenues to meet the interest and principal, the Government having absolute control over the ways and the means.

That is where we stand. Is there anything to talk about then? Is there a Senator here who expects to dissent from the proposition proposed by the Committee on Appropriations? I take it not. What then delays us here? Collateral matters over which we have no control. What are these? A wise man in the old time said, and it is written in some of the books which I will not undertake to quote, that there is a time and a season for all things. That implies that there is an expedient time, a proper time for things in their own place and in their own order. Is this the time and this the place for what has been exhibited here in the last three days? I should like to have same Senator answer that, if he can.

While we talk about collateral propositions the credit of this Government goes to protest. Mercantile honor is said to be a good deal, but what say you to the honor of a great nation? What do you think of that? What think you of allowing the sun to go down on such a proposition as that with our eyes open to that fact? And we are talking about what? We are talking about the probabilities or the improbabilities of misconstruction on the part of some of our servants who have been clothed with a discretion. We agree that we have such servants, and that we have authorized them to exercise a discretion in regard to the affairs of this District, and the question is what? That they have been corrupt? I have not heard that suggested. Is there any suspicion that they have been corrupt? Nobody states that. Is there any suspicion that they have been speculating? No; nothing of that sort. Then what? They have been improvident in the exercise of the power that we have given them. Suppose they have, how does that affect these bonds? How does that justify us to the bondholders who hold our pledge for the prompt payment of the interest and the principal as it falls due?

But let us look a little further into this matter of collaterals. Who are we who talk about the indiscretion of our servants? We are Senators here, members in the other House, and the most anomalous condition of things in relation to any government that exists on this continent or exists anywhere that I have any knowledge of at all exists in the District of Columbia. No man can tell to-day or guess even as to the relations between the Government of the United States and the people of this District. The people of this District do not begin to know or dream of the relations that they maintain to this Government. And how does that come to pass? From the earliest beginnings the Government has shirked its duties in regard to this District, the capital of the United States—the capital of a great people. It has been treated like anything else under heaven than as the capital of a great country. It has been run here by two little one-horse cities to a very great extent down to a recent period, and in what may be called in the country part of it by a sort of commissioners' court, and we have been content to allow it to drag in that sort of way, and whenever so long as within my recollection an appropriation has been called up here to take money out of the Treasury of the United States, plenty of persons have been found on this floor to say, Let them do it; let these cities do it; why should they not pave these streets; why should they not pave these avenues; why should they not ornament these squares, why should they not light these streets? It all comes, Mr. President, from a lack on the part of Congress of a due interest in the District of Columbia. But that is not the worst of it. We have not only neglected our duty in defining the relations which exist between this Government and the people of the District, but on all occasions, whenever that question arises, we indulge, I will not say in the most absurd but in the most liberal criticism upon the conduct of any man belonging to us who is connected with the affairs of this District. Now tell me, Senators, if you can, where we were when the foundations of the earth were laid. Tell me if you can where we were when all this monstrous usurpation was going on. Where was my honorable friend from Massachusetts [Mr. DAWES] in 1871 when the District of Columbia was put under a territorial government and when these extraordinary powers were delegated to a board of public works? Did he raise his clarion notes then to warn us of evil? Was anybody found to be suspicious and chary of their powers? No; nothing was said that I know of. There was no stern protest, no prophet then either of good or evil in regard to what was about to be done. It is said there were the most extraordinary and astounding powers given to the board of public works. Who did it? We are the men. "And Nathan said to David, thou art the man!" We did it.

Senators seem to forget that for every deed done or attempted touching upon this District we are responsible. We feel as if we had liberty to be as glib-tongued and denunciatory and uncharitable toward any one who undertakes to exercise a law that we enact as if he were a convicted felon whenever he comes here to render his account, and we throw suspicions over his conduct. More than that, we allow ourselves indirectly to throw suspicions over our own bonds and pledges. That is what we do constantly. Sir, if undue authority, as it has been said here to-day in no measured terms, was given to the board of public works, the Congress of the United States is responsible and ought to be held responsible for it, and if these people are to be maligned on account of an exercise of an extraordinary power, we are the last men who should undertake to revile them for that, who should undertake to call them to an account for a large exercise, a liberal or enterprising exercise, of authority. That it was extraordinary is undoubtedly true, in a general sense. I do not go at all near the question of how they exercised that authority. That government has been gone over to a very large extent here to-day, altogether outside of this question. I have this, however, to say on that point. There is such a thing as having a question concluded. That question is concluded, so far as Congress is concerned. Congress, on a probable suspicion or a probable belief that something was wrong, that there had been an exercise of extraordinary power, two years ago raised a committee, a joint committee of both Houses. It was an able committee. They undoubtedly faithfully and with great ability attended to that duty. They examined the whole scope of the authority which these men had exercised, and they reported upon it, and Congress knew what it was. That whole subject, so far as any action upon this question or upon any question which may arise out of it, I take it, is concluded. Neither branch of Congress will desire to go over that ground again, I trust.

Now, it is said there has been a very extraordinary exercise of authority on the part of the present board of commissioners. I do not go into that. That is not necessary to this subject; and I only allude to it to show how entirely aside of the whole thing it is, and I allude to it simply in reference to the amendments of the Committee on Appropriations. I would have no apology for referring to it at all except for the action of the committee on this bill. This bill, as it came from the House of Representatives, directed these commissioners to pay this interest as it fell due out of the funds in their hands. But it went further. It said:

Provided, That any further issue of 3.65 bonds is hereby prohibited.

Mr. President, remember that this bill comes from the Committee on Appropriations, whose duty it is to make appropriations to meet the demands of the service, but whose duty it is not to inquire into the character of that service. It will be seen that while this was a

direction to pay the amount of interest due on these bonds, it went a step further, and provided that there should be no further issue of bonds. That involved a condition of things over which this committee had no control, and of which it had no intimate knowledge. Whether that was consistent with the obligations of the Government or not the committee could not tell. It was an important consideration. It turns out, however, that if you keep that provision in, it prevents the carrying from certificates into bonds of between $800,000 and $900,000 which have been audited, audited by a board of audit created by Congress, audited in the discharge of a duty. It was a matter of pledged faith with the claimants that when those claims were audited by this board of audit and carried into certificates they should be carried into bonds. It was just as much an obligation to carry them from certificates into bonds, in my judgment, and just as much a matter of faith on the part of the Government to do that, as it is to pay the interest on these bonds; and for that reason the committee recommend the Senate to strike it out.

The next proposition was:

And provided further, That nothing in this resolution contained shall involve the Government of the United States in any obligation to pay principal or interest of any such bonds which have been issued contrary to or not in pursuance of law.

That was another proposition calculated, as anybody will see, to asperse the whole body of these bonds. The committee had no information on that subject, none whatever. They had no time to make inquiry into these facts; and, as it seemed to the committee, in spirit and in effect it was in derogation of that good faith which the Government ought to observe in regard to these bonds. The committee recommended the Senate for those reasons to strike it out. That is the way the whole matter stands; and I beg that the Senate, without further delay, will proceed to discharge the duty which it owes to the holders of these bonds, not to appropriate the money but to direct these commissioners to pay the interest to-morrow, which is the day when the obligation of the Government is complete.

Mr. OGLESBY. Mr. President, debate ought to close on this bill, I suppose, but if it were not so late and the emergency so great I would venture to resort to a very wise custom of this body and propose, as I think I might most expediently do, a reference of this whole subject to the Judiciary Committee. I think if there ever was a subject in this body that needed to go to that committee this is one of them. It is a question peculiarly of the construction of complicated and intricate law which has been debated before this body for the larger portion of two days, and I venture to make the assertion with some hesitation that it is not understood now. If no other good will come from this debate at least this will. Much as the American people admire the capital, the splendid outgrowth of its original genius, much as they would like to see the streets paved, ornamented, and finished up with jaspar shining stones; fondly as the admiring citizens of this great realm turned to its majestic capital, this much good at least has been done by this debate; that it will direct public attention once more, and for the third time, to a most unwholesome subject. If there was anything that was disgusting in the nostrils of this people two years ago it was the administration of public affairs in this city. Extravagance had been carried beyond human endurance, and the country stood aghast at the extravagant expenditure of money over these streets and around these public squares. To-day every portion of this country is agonizing under the cramps and twinges of hard times; all over this land to-day this great people are feeling poor and depressed; bankruptcy breaks out from every corner of the land; and in such an hour are we to be entertained here with glorious descriptions of this magnificent capital and its gorgeous, grand, and resplendent future?

We were told when the committee brought the bill in, which was passed on the 20th of June, 1874, that one million three hundred and odd thousand dollars would be necessary possibly to carry out the projected schemes of street and internal improvement here. I confess that when the report comes in here and informs me of the fact—and informs the country, to which country I must be responsible, and this republican party must be responsible on this question, for I am one of that party, and responsible to that extent for national legislation—I am appalled at it, that in addition to $1,300,000 estimated two years ago over $3,000,000 more in the last eighteen months have been expended here, and the people of the United States are expected to stand as guarantors for its redemption and final payment.

I listened with some consternation, as did the Senator from Iowa, to the argument carried forward for an hour this morning that these bonds had been legally issued; that there was no limitation upon the right of the commissioners to issue them, and that, as they had been issued under a proper interpretation of the law, so they must be legally binding upon the country in the future. Plain to me it was, and plain to the Senator from Iowa, that this thing would never stop, under such an interpretation, until God in his wrath would put an interdict upon it. Upon this technical construction of law, a law construed for three commissioners appointed to take the place of that odious government gone out of existence, I differ from the Senator from Indiana. I voted for the bill reported here by the joint committee of the two Houses, in order to get rid of the government that had brought such distress in its administration upon the finances of the people and disgrace upon the country; and I supposed, when the commissioners would come in and take the place of the old government, we would at least have to confront in the future no more of what I believe the public will regard as extravagant, if not inexcusable, expenditure of the public funds.

Now, I am as far from making any unjust comment upon these commissioners as any one. I have no other opinion about them than the very best; but it is possible for the commissioners to misunderstand law and misconstrue the statute, and it seems they have done so. I am glad that this debate has come, although it has taken time, and I (who now perhaps am most unprofitably consuming time) am glad that the debate has arisen, that the attention of the country has been directed to the subject, that we may by law stop the issue of another bond. If no other remedy shall be within reach, at least we will have that much left. If we are to leave these statutes to be construed and men to act under them in the atmosphere of this city, I do not expect the amount of bonds to be issued will be much less than a hundred million dollars. [Laughter.] They are going on at railroad speed. The wonderful Keely motor will not develop power enough to stop this thing unless Congress now puts its foot upon it.

This debate will do good. I have been saying of this expenditure of money by this city, that that money is to ultimately come out of the Treasury of this nation. Look at these streets to-day leading by the mile in every direction with here and there along the border magnificent residences, but here and there in other places such structures and places of habitation as are worthy only to adorn a mud-road in the State of Arkansas. [Laughter.] Handsome highways, fifty, eighty, and a hundred feet wide for miles and miles stretch out here for the accommodation of this poverty-stricken people, as they are often described to be; shop-keepers, we are told in another breath, living from hand to mouth. I wish to know what these people, who are mere shop-keepers as they are called; the poor, and distressed, and humble, who cannot support a government, want with such magnificent streets. Why beautify the city for the accommodation of these people who cannot pay taxes, or do not to any considerable extent? Let them come down as the people of the West, and the East, as for that, have come down. Let them come down to the plainer walks of life. Let them live as the balance of us live now in straitened circumstances, with a due regard to the purse-strings, and for a while dismiss the hope of subsisting upon expenditures from the National Government, or, what is equal to it, a guarantee that the Government will pay interest on the bonds and will provide a sinking fund for their ultimate redemption. This Congress and this nation to-day stands pledged for every one of these 3.65 bonds, if they have been legally issued. We are their backers and indorsers, and will have ultimately to pay every dollar, for this city will never pay a dime; it is not able to do it. I believe from the symptoms all around, ever increasing and never diminishing, they have no such expectation. Somehow or other it is made impressively manifest that the national Treasury is ultimately to share and shoulder the whole responsibility. It therefore becomes us for the future to move cautiously, and I think move arbitrarily, in regard to all expenditures hereafter to be made for this city and District.

The American people are a generous people. The American people are a public-spirited people. I believe with the honorable Senator from New Jersey that they will go as far as any nation or people on this globe to beautify and adorn their country; and they will, I suppose, in the future be, as they have in the past been, liberal in recognizing expenditures of public money under the judgment of Congress. I have no doubt of that, but just now and for a few years yet to come I beg leave to say that they are also a judicious and a discriminating people, and when other cities are falling into bankruptcy, when other communities are pressed down by a lack of employment of their industries, when everywhere, all over the land, there is stagnation, dullness, and starvation, it is no time to entertain such people by grandiloquent discourses about this magnificent capital. No, no; the quicker the lids of the volume shall be closed upon the fancy sketch of this proud capital the better the people of our Republic will feel and the wiser we will be.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from California [Mr. SARGENT] to the amendment of the Senator from Iowa, [Mr. ALLISON.]

Mr. BAYARD. Let that amendment be read.

The Chief Clerk read Mr. ALLISON's amendment, which was to add to the joint resolution the following proviso:

Provided, That any issue of said bonds beyond the sum of $15,000,000 is hereby prohibited.

And also the amendment to the amendment, to add:

And provided, That the certificates heretofore issued by the board of audit, including those converted into 8.65 bonds and those which have not been so converted, and the certificates hereafter to be issued by the board of audit or their successors in office, shall not exceed in the aggregate the sum of $15,000,000.

Mr. BAYARD. Mr. President, I am not willing that this resolution shall pass without some remarks on my part, which I have been prevented by the length of debate from making heretofore. The day is now far advanced, and I shall propose presently that the Senate adjourn, and that the amendment of the Senator from California be printed, that we may understand it. It may possibly cover the ground of an amendment which I wish to offer myself, and if, on examination, I find it does, I shall probably accept it in lieu of the one I meant to propose.

Something has been said in regard to this interest being payable to-morrow. It is known that the House of Representatives has ad-

journed to-day. The Senate has stricken out the proviso of the resolution as it came to us, and we have every reason to suppose, from the adoption of it by the House, they will not assent to the resolution minus the proviso which they passed there. Therefore, I do not think there is any such thing as going to protest to-morrow or the next day upon the interest on these bonds.

There is cause for this Congress to pause in regard to further expenditures respecting this District, and I would be prepared, and am now prepared but for the length of the day's session, preferring to discuss this subject to-morrow, to show that there is reason why we should not be in haste to provide for interest upon the bonds which have already been issued, without an accompanying protest to save the obligation which the Government has already created in respect of these debts of the District of Columbia. It is true that these bonds of the District have been issued under the authority of the Congress of the United States, and that the Congress of the United States has pledged itself to provide by proper appropriations in a certain ratio, and by revenues to be drawn from taxation upon the property of the people of this District, for the payment of the interest on these bonds, and for providing a sinking fund to pay the principal at maturity. That is all so; and in doing so the Congress of the United States have acted as agents for the people; and if there shall be shown to them probable cause for examination before the performance of these obligations, according to their letter, then I think they should take time to consider that probable cause.

I do not desire to-night to prolong this debate, and have said thus much merely prior to submitting a motion to adjourn, in order to answer the objections to an adjournment without the passage of this resolution. The Senate will see and understand that the passage of the resolution here-in its present shape will not suffice to have this interest paid without the action of the other House, and that House having deliberately expressed its intention of passing this resolution only subject to a certain proviso, it is not to be predicated that it will instantly agree to-morrow to the amendment now made by the Senate. A friend has just now showed me the RECORD showing the adoption of the amendment of the committee of the Senate, striking out the proviso accompanying the resolution from the House. It was taken and decided without a division, by what vote I know not, and it was not until special inquiry was made that I knew that the amendment of the committee had been adopted. It was done, I am very sure, without the knowledge of a large part of the Senate. All those whom I spoke to had no idea of it, and were surprised when they found such was the case by examining the RECORD. Desiring to say something to the Senate on the subject, I move that the Senate adjourn.

Mr. MORRILL, of Maine. I hope not.

The question being put, a division was called for, and the ayes were 30.

Mr. McDONALD. I would ask the Senator from Delaware to withdraw his motion to adjourn, that I may move that the Senate go into executive session.

The PRESIDENT *pro tempore*. The Senate is dividing.

The negative being put, the noes were 22.

Mr. MORRILL, of Maine. I demand the yeas and nays.

The yeas and nays were ordered, and taken.

Mr. MORTON. Before this vote is announced I desire to state, if it is not out of order, that I will, on the conclusion of this bill, ask the Senate to take up and consider and dispose of the resolution in regard to the Mississippi election.

Mr. CAMERON, of Pennsylvania. I hope that will not be done. We want to take up the centennial bill.

Mr. SARGENT. Before the vote is announced I move that the amendment I submitted be printed.

The motion was agreed to.

The result was announced—yeas 33, nays 27; as follows:

YEAS—Messrs. Alcorn, Bayard, Bogy, Booth, Cameron of Wisconsin, Cockrell, Cooper, Davis, Eaton, Goldthwaite, Gordon, Hamilton, Hitchcock, Johnston, Jones of Florida, Kelly, Kernan, Key, Logan, McCreery, McDonald, Maxey, Merrimon, Oglesby, Randolph, Ransom, Robertson, Saulsbury, Stevenson, Thurman, Wadleigh, Wallace, and Withers—33.

NAYS—Messrs. Allison, Anthony, Boutwell, Cameron of Pennsylvania, Christiancy, Conkling, Cragin, Dawes, Dorsey, Edmunds, Ferry, Frelinghuysen, Hamlin, Harvey, Ingalls, McMillan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Paddock, Sargent, Sherman, Spencer, West, Windom, and Wright—27.

ABSENT—Messrs. Bruce, Burnside, Caperton, Clayton, Conover, Dennis, English, Howe, Jones of Nevada, Norwood, Patterson, and Whyte—12.

So the motion was agreed to; and (at four o'clock and thirty-six minutes) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *January* 31, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND, D. D.

The SPEAKER. The Clerk will now read the Journals of Friday and Saturday last.

Mr. PLATT. I call for the regular order. I hold that the reading of the Journal of Friday is out of order, as it should have been read on Saturday.

The SPEAKER. The Chair overrules the point of order, and holds that the reading of the Journal was properly omitted on Saturday and for this reason: On Friday the House ordered that on Saturday there should be a session of the House as in Committee of the Whole on the state of the Union for debate only, no business whatever to be transacted. That was the basis of the ruling of the gentleman [Mr. EDEN] who then occupied the chair as Speaker *pro tempore*.

The Journals of Friday and Saturday last were then read and approved.

ORDER OF BUSINESS.

The SPEAKER. The morning hour now begins at twenty-five minutes after twelve o'clock. This being Monday, the first business in order during the morning hour is the calling of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back into the House by motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for printing and reference.

Before this call begins, the Chair will request the House to consent that the call shall proceed this morning until it is completed, without reference to the termination of the morning hour. That can be done only by unanimous consent.

There was no objection.

The SPEAKER. The call will therefore proceed until all the States and Territories have been called.

LUMAN CASE, READING, MICHIGAN.

Mr. HENDEE introduced a bill (H. R. No. 1606) granting a pension to Luman Case, Reading, Michigan; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

WALL AROUND NEW DISTRICT JAIL.

Mr. HENDEE also introduced a bill (H. R. No. 1607) providing for the construction of a wall around the new District jail in the city of Washington; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

BEACON-LIGHT AT FORT CASSIN, OTTER CREEK, VERMONT.

Mr. JOYCE introduced a bill (H. R. No. 1608) to provide for the erection of a beacon or bug light at Fort Cassin, near the mouth of Otter Creek, in the State of Vermont; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WILLIAM H. PARKER.

Mr. JOYCE also introduced a bill (H. R. No. 1609) for the relief of William H. Parker, late a private in Company F, Second New York Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STEAM FOG-SIGNAL, DUMPLING ROCKS, MASSACHUSETTS.

Mr. CRAPO introduced a bill (H. R. No. 1610) to appropriate money for the erection of a station and steam fog-signal at Dumpling Rocks light-house station in Buzzard's Bay, Massachusetts; which was read a firstand second time, referred to the Committee on Commerce, and ordered to be printed.

SLOOP ADDIE PARKER.

Mr. CRAPO also introduced a bill (H. R. No. 1611) authorizing the changing of the name of the sloop Addie Parker; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MARCUS S. REED AND QUINCY REED.

Mr. HARRIS, of Massachusetts introduced a bill (H. R. No. 1612) for the relief of Marcus S. Reed and Quincy Reed, of South Abington, in the State of Massachusetts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

GEORGE W. BATES.

Mr. WARREN introduced a bill (H. R. No. 1613) granting a pension to George W. Bates; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PORT AND HARBOR OF NEW YORK.

Mr. SCHUMAKER introduced a bill (H. R. No. 1614) in relation to the port and harbor of New York, and the waters near the same; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

A. J. KANE.

Mr. SCHUMAKER also introduced a bill (H. R. No. 1615) for the relief of A. J. Kane; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

ROBERT L. MAY.

Mr. WALKER, of New York, introduced a bill (H. R. No. 1616) for the relief of Robert L. May, late of the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

GEORGE HAWKINS.

Mr. COX introduced a bill (H. R. No. 1617) to remove the political disabilities of George Hawkins, of Florida; which was read a first and

second time, referred to the Committee on the Judiciary, and ordered to be printed.

WILLIAM L. MAURY.

Mr. COX also introduced a bill (H. R. No. 1618) to remove the political disabilities of William L. Maury, of New York; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

TARIFF AND COLLECTION LAWS.

Mr. WILLIS introduced a bill (H. R. No. 1619) to provide for the construction of all tariff and collection laws; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ALEXANDER SPAULDING.

Mr. WILLIS also introduced a bill (H. R. No. 1620) for the relief of Alexander Spaulding; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

ABOLITION OF PRIZE-MONEYS.

Mr. WILLIS also introduced a bill (H. R. No. 1621) providing for the abolition of prize-moneys; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

DUTIES ON PACKAGES, ETC.

Mr. WARD introduced a bill (H. R. No. 1622) to repeal duties on packages, commissions, transportation and covering of goods, &c.; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

IMPORTED MERCHANDISE.

Mr. WARD also introduced a bill (H. R. No. 1623) to provide for the responsibility of the Government for all imported merchandise while in its custody; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

HAND-MANUFACTURED LACES.

Mr. WARD also introduced a bill (H. R. No. 1624) to provide for the reduction of duty upon all laces manufactured by hand; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

CATHERINE HAGAN.

Mr. ELY introduced a bill (H. R. No. 1625) to grant a pension to Catherine Hagan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADDITIONAL JUDICIAL DISTRICT FOR STATE OF NEW YORK.

Mr. BASS introduced a bill (H. R. No. 1626) to establish an additional judicial district in the State of New York and to make further provisions in relation to the courts of the United States in said State; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ARABELLA RILEY.

Mr. BASS also introduced a bill (H. R. No. 1627) for the relief of Arabella Riley, executrix of the late Brevet Brigadier-General Bennett Riley; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

HARBOR OF REFUGE AT BIG SANDY CREEK, NEW YORK.

Mr. G. A. BAGLEY introduced a bill (H. R. No. 1628) to authorize the construction of a harbor of refuge at the mouth of Big Sandy Creek, New York; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ALONZO SNYDER.

Mr. LAPHAM introduced a bill (H. R. No. 1629) for the relief of Alonzo Snyder, of Livingston County, New York; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

WILLIAM H. FRENCH, JR.

Mr. MACDOUGALL introduced a bill (H. R. No. 1630) for the relief of William H. French, jr., United States Army, late Indian agent at Crow Creek, Dakota; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LAMP-LIGHTERS OF WASHINGTON AND GEORGETOWN.

Mr. CUTLER (by request) introduced a bill (H. R. No. 1631) to provide for the lamp-lighters of the cities of Washington and Georgetown; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

COLORED TEAMSTERS AND LABORERS.

Mr. CUTLER also (by request) introduced a bill (H. R. No. 1632) for the relief of colored teamsters and laborers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JULIA JENNINGS.

Mr. POWELL introduced a bill (H. R. No. 1633) granting arrears of pension to Julia Jennings, mother of George A. Jennings, deceased; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILSON LAIRD.

Mr. EGBERT introduced a bill (H. R. No. 1634) to compensate Wilson Laird, of Pennsylvania, for services and expenditures in securing to the United States the title and possession of the peninsula forming the harbor of Erie; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

RIVER AND HARBOR ACT OF JULY 11, 1870.

Mr. HOPKINS introduced a bill (H. R. No. 1635) a supplement to the river and harbor act of July 11, 1870; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CITIZENS OF ALLEGHENY COUNTY, PENNSYLVANIA.

Mr. HOPKINS also introduced a bill (H. R. No. 1636) to re-imburse certain citizens of Allegheny County, Pennsylvania, for moneys paid to remove obstructions in the Ohio River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

REMOVAL OF CAUSES FROM STATE COURTS.

Mr. MACKEY, of Pennsylvania, introduced a bill (H. R. No. 1637) to amend an act entitled "An act for the removal of causes in certain cases from State courts;" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

HEIRS OF BRIGADIER-GENERAL WILLIAM THOMPSON, DECEASED.

Mr. MACKEY, of Pennsylvania, also introduced a bill (H. R. No. 1638) for the relief of the heirs of Brigadier-General William Thompson, deceased, of the revolutionary army; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

JANE BERTHOLF.

Mr. MUTCHLER introduced a bill (H. R. No. 1639) granting a pension to Jane Bertholf, widow of William Bertholf; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLAIM OF PENNSYLVANIA.

Mr. MAISH introduced a bill (H. R. No. 1640) to re-imburse the State of Pennsylvania for money paid by said State for losses sustained by citizens thereof during the war of the rebellion, and to pay to the said State the balance of the claims of citizens thereof for such losses as are now on file in the office of the auditor-general of said State; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY A. CASTERMELLAR.

Mr. TURNEY introduced a bill (H. R. No. 1641) granting a pension to Mary A. Castermellar, widow of John Castermellar, a soldier of the late war; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMANDA M. SMYTH.

Mr. WILLIAMS, of Delaware, introduced a bill (H. R. No. 1642) for the relief of Amanda M. Smyth, widow of Brevet Major Thomas A. Smyth; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. FLEMING SCHLEY.

Mr. WALSH introduced a bill (H. R. No. 1643) for the relief of Mrs. Fleming Schley, widow and executrix of the estate of Frederick Schley, deceased, late collector of the fourth district of Maryland; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

MRS. AMBROSE WELLEN.

Mr. WALSH also introduced a bill (H. R. No. 1644) granting a pension to Mrs. Ambrose Wellen; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS OF JOHN WALTON.

Mr. HENKLE introduced a bill (H. R. No. 1645) for the relief of John Walton, late of Annapolis, Maryland; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN F. WILEY.

Mr. STOWELL introduced a bill (H. R. No. 1646) to place the name of John F. Wiley, of Amelia County, Virginia, upon the pension-rolls; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

MRS. SALEANA BOOKER.

Mr. STOWELL also introduced a bill (H. R. No. 1647) granting a pension to Mrs. Saleana Booker, of Powhatan County, Virginia; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

CLAIM OF VIRGINIA.

Mr. STOWELL also presented joint resolutions of the General Assembly of Virginia, asking for a re-adjustment of the debt due Virginia by the United States for advances made during the war of 1812; which were referred to the Committee of Claims, and ordered to be printed.

HARBOR OF URBANA, VIRGINIA.

Mr. DOUGLAS introduced a bill (H. R. No. 1648) appropriating money to improve the harbor of Urbana, Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JOHN GUTHRIE.

Mr. CABELL introduced a bill (H. R. No. 1649) granting a pension to John Guthrie, of Halifax County, Virginia, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

WILLIAM BLANCETT.

Mr. CABELL also introduced a bill (H. R. No. 1650) granting a pension to William Blancett, of Patrick County, Virginia, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

JAMES MADISON MACON.

Mr. WALKER, of Virginia, introduced a bill (H. R. No. 1651) granting a pension to James Madison Macon, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

CITIZENS' RAILROAD.

Mr. HUNTON introduced a bill (H. R. No. 1652) giving the approval and sanction of Congress to the route and termini of the Citizens' Railroad, and to regulate its construction and operation; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

JOHN R. HOLLAND.

Mr. HUNTON also introduced a bill (H. R. No. 1653) for the relief of John R. Holland; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NEWMAN & VANHOFFMAN.

Mr. HUNTON also introduced a bill (H. R. No. 1654) for the relief of W. H. Newman and —— Vanhoffman; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL H. SASSER.

Mr. HUNTON also introduced a bill (H. R. No. 1655) for the relief of Samuel H. Sasser; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SQUARE NO. 446, WASHINGTON.

Mr. HUNTON also introduced a joint resolution (H. R. No. 55) authorizing the commissioners of the District of Columbia to sell and dispose of for school purposes the square located in Washington and known as No. 446; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

AARON BUCHANAN.

Mr. VANCE, of North Carolina, introduced a bill (H. R. No. 1656) granting a pension to Aaron Buchanan, Thirteenth Tennessee Cavalry, Company C; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB DAVIS.

Mr. VANCE, of North Carolina, also introduced a bill (H. R. No. 1657) granting a pension to Jacob Davis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY REED.

Mr. VANCE, of North Carolina, also introduced a bill (H. R. No. 1658) granting a pension to Mary Reed, widow of John M. Reed; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN C. GARLAND.

Mr. VANCE, of North Carolina, also introduced a bill (H. R. No. 1659) for the relief of the heirs of Captain John C. Garland, Company F, North Carolina Mounted Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PAULINA JONES.

Mr. VANCE, of North Carolina, also introduced a bill (H. R. No. 1660) for the relief of Paulina Jones, widow of Jackson Jones, deceased, Company E, Second North Carolina Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARY E. SHELTON.

Mr. VANCE, of North Carolina, also introduced a bill (H. R. No. 1661) for the relief of Mary E. Shelton; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JUDSON FEMALE COLLEGE.

Mr. VANCE, of North Carolina, also introduced a bill (H. R. No. 1662) to re-imburse the trustees of Judson Female College; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RUTH BROWN.

Mr. VANCE, of North Carolina, also introduced a bill (H. R. No. 1663) granting a pension to Ruth Brown, widow of William Brown; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

RE-ISSUE OF LETTERS-PATENT.

Mr. VANCE, of North Carolina, also introduced a bill (H. R. No. 1664) in relation to the re-issue of letters-patent; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

MARGARET MARTIN.

Mr. SCALES introduced a bill (H. R. No. 1665) for the relief of Margaret Martin; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JULIAN MITCHELL.

Mr. MACKEY, of South Carolina, introduced a bill (H. R. No. 1666) for the relief of Julian Mitchell; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

OPPRESSIONS BY GOVERNMENT OFFICERS.

Mr. HILL. I ask unanimous consent to present at this time for reference to the Committee of Ways and Means, and also to have printed in the RECORD, a memorial of citizens of Gilmer County, Georgia, asking relief against robberies and oppressions by Government officers.

Mr. HURLBUT. I object, if it is of any length.

Mr. HILL. It is brief.

Mr. HURLBUT. Well, I think I will object anyhow.

STAFFORD, SEYMOUR & CO., AND OTHERS.

Mr. COOK introduced a bill (H. R. No. 1667) for the relief of Stafford, Seymour & Co., and sundry other parties therein named, for Indian depredations; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

AMENDMENT OF SUNDRY CIVIL APPROPRIATION ACT.

Mr. CANDLER introduced a bill (H. R. No. 1668) to correct an error in the enrollment of the act entitled "An act making sundry civil appropriations for the fiscal year ending June 30, 1876;" which was read a first and second time, referred to the Committee on Enrolled Bills, and ordered to be printed.

F. JORDAN.

Mr. CALDWELL, of Alabama, introduced a bill (H. R. No. 1669) for the relief of F. Jordan, of Madison County, Alabama; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. HARALSON introduced a bill (H. R. No. 1670) to amend section 532 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RETURN OF COTTON PROCEEDS.

Mr. WELLS, of Mississippi, introduced a bill (H. R. No. 1671) to amend the fifth section of the act of May 18, 1872, relating to the return of the net proceeds of cotton seized after the 30th of June, 1865; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FRANCIS W. FOX.

Mr. ELLIS introduced a bill (H. R. No. 1672) for the relief of Francis W. Fox; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

MISSISSIPPI LEVEES.

Mr. GIBSON introduced a bill (H. R. No. 1673) making an appropriation for rebuilding the levees and reclaiming the alluvial lands subject to overflow on the Mississippi River, under the direction of the Secretary of War; which was read a first and second time, referred to the Select Committee on the Mississippi Levees, and ordered to be printed.

COURT OF CLAIMS.

Mr. LEVY introduced a bill (H. R. No. 1674) to enlarge the jurisdiction of the Court of Claims, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LIEUTENANT R. H. CHADBORN.

Mr. DARRALL introduced a bill (H. R. No. 1675) for the relief of Lieutenant R. H. Chadborn, late of Company B, Eighty-fourth Regiment United States Colored Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. SOUTHARD introduced a bill (H. R. No. 1676) to supply an omission in and amend section 1369 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Revision of the Laws, and ordered to be printed.

He also introduced a bill (H. R. No. 1677) to correct a mistake in and amend section 1375 of the Revised Statutes; which was read a

first and second time, referred to the Committee on the Revision of the Laws, and ordered to be printed.

He also introduced a bill (H. R. No. 1678) to supply an omission in and amend section 1378 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Revision of the Laws, and ordered to be printed.

EDUCATIONAL FUND.

Mr. MONROE introduced a bill (H. R. No. 1679) to establish an educational fund and apply a portion of the proceeds of the public lands to public education, and to provide for the more complete endowment and support of national colleges for the advancement of scientific and industrial education; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

HENRIETTA J. FOUST.

Mr. DANFORD introduced a bill (H. R. No. 1680) granting a pension to Mrs. Henrietta J. Foust; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MATTHEW S. PREIST.

Mr. DANFORD also introduced a bill (H. R. No. 1681) for the relief of Matthew S. Preist, of Steubenville, Ohio; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM WELSH.

Mr. DANFORD also introduced a bill (H. R. No. 1682) for the relief of William Welsh, late a captain Twenty-fifth Infantry, United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN KIRK.

Mr. DANFORD also introduced a bill (H. R. No. 1683) authorizing and directing the Secretary of War to give to John Kirk, late lieutenant Company E, Ninety-second Regiment Ohio Volunteer Infantry, an honorable discharge; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM G. HALPINE.

Mr. BANNING introduced a bill (H. R. No. 1684) for the relief of William G. Halpine, for losses sustained while serving in the United States Army in 1862 and 1863; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DAVID MITCHELL.

Mr. VANCE, of Ohio, introduced a bill (H. R. No. 1685) for the relief of David Mitchell, a surviving soldier of the war of 1812, and granting him a pension; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

CHARLES NEAL.

Mr. VANCE, of Ohio, also introduced a bill (H. R. No. 1686) to grant a pension to Charles Neal, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

LIEUTENANT HILLBORN C. MILLER.

Mr. VANCE, of Ohio, also introduced a bill (H. R. No. 1687) to change the date of muster-in as second lieutenant of Hillborn C. Miller, late of Company G, First Ohio Heavy Artillery; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ALBERT H. FLAVELL.

Mr. McMAHON introduced a bill (H. R. No. 1688) for the relief of Sergeant Albert H. Flavell, Company F, Seventh Missouri; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES TOLAND.

Mr. McMAHON also introduced a bill (H. R. No. 1689) granting a pension to James Toland; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALEXANDER KINCAID.

Mr. McMAHON also introduced a bill (H. R. No. 1690) granting a pension to Alexander Kincaid, Company B, Seventy-fifth New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS B. POWERS.

Mr. McMAHON also introduced a bill (H. R. No. 1691) granting a pension to Thomas B. Powers, lieutenant of Company E, One Hundred and Ninety-ninth Regiment of Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEAVE OF ABSENCE TO ARMY OFFICERS.

Mr. RICE introduced a bill (H. R. No. 1692) to amend an act approved May 8, 1874, in regard to leave of absence of Army officers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JACOB RICE.

Mr. POPPLETON introduced a bill (H. R. No. 1693) granting a pension to Jacob Rice, of Marion County, Ohio, for services rendered in the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

JOHN MYERS.

Mr. POPPLETON also introduced a bill (H. R. No. 1694) granting a pension to John Myers, of Kenton, Hardin County, Ohio, for services rendered as a soldier in the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

LEWIS D. CAMPBELL.

Mr. SAVAGE introduced a bill (H. R. No. 1695) to cancel a judgment against Lewis D. Campbell, of Ohio; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ATTORNEYS' FEES IN BOUNTY-LAND AND PENSION CLAIMS.

Mr. PAYNE (by request) introduced a bill (H. R. No. 1696) to amend section 4785 of the Revised Statutes of the United States relating to attorneys' fees in the prosecution of claims for bounty land and pensions; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MILTON WALLEN.

Mr. MILLIKEN introduced a bill (H. R. No. 1697) granting a pension to Milton Wallen; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE D. BLAKEY.

Mr. MILLIKEN also introduced a bill (H. R. No. 1698) for the relief of George D. Blakey, of Kentucky; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

PATRICK MURPHY.

Mr. JONES, of Kentucky, introduced a bill (H. R. No. 1699) for the relief of Patrick Murphy, a Union scout in the service of the United States in the State of Kentucky from June, 1862, to April, 1865; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SUPREME COURT REPORTS.

Mr. HOUSE introduced a bill (H. R. No. 1700) to reduce the cost of the reports of the decisions of the Supreme Court; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SOLDIERS OF THE SEMINOLE WAR.

Mr. ATKINS introduced a bill (H. R. No. 1701) to pension the soldiers of the Seminole war; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES WHITE AND WILLIAM WHITE.

Mr. McFARLAND introduced a bill (H. R. No. 1702) for the relief of James White and William White, of Hawkins County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HARDIN SKAGGS.

Mr. THORNBURGH introduced a bill (H. R. No. 1703) for the relief of Hardin Skaggs, of Maynardville, Tennessee, for supplies furnished the Federal Army during the late rebellion; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PETER TARGARANA.

Mr. YOUNG introduced a bill (H. R. No. 1704) for the relief of Peter Targarana; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

LUCIE A. JAMESON.

Mr. YOUNG also introduced a bill (H. R. No. 1705) for the relief of Mrs. Lucie A. Jameson, of Memphis, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SALE OF LEAF-TOBACCO.

Mr. RIDDLE introduced a bill (H. R. No. 1706) for the repeal of the restrictions upon the selling of tobacco in the leaf by the producers thereof; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

RIGHTS OF SEIZURE UNDER PROCESS OF COURTS.

Mr. RIDDLE also introduced a bill (H. R. No. 1707) to secure reciprocal rights of seizure under process of courts of the United States and of the several States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

UNITED STATES CIRCUIT COURT AT HUMBOLDT, TENNESSEE.

Mr. CALDWELL, of Tennessee, introduced a bill (H. R. No. 1708) to provide for sessions of the United States circuit court at the city of Humboldt, Gibson County, Tennessee; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FRAUD AGAINST INTERNAL-REVENUE DEPARTMENT.

Mr. HUNTER introduced a bill (H. R. No. 1709) to prevent fraud against the Internal-Revenue Department of the United States; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

JOHN G. CAMPBELL.

Mr. HUNTER also introduced a bill (H. R. No. 1710) for the relief of John G. Campbell, of Clinton, Indiana; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

DUTIES ON IMPORTS.

Mr. MORRISON introduced a bill (H. R. No. 1711) to revise and simplify existing laws imposing duties on imports, and to reduce taxation; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

APPRAISEMENT OF GOODS, ETC.

Mr. MORRISON also introduced a bill (H. R. No. 1712) to simplify the appraisement of goods, wares, and merchandise imported into the United States and subject to *ad valorem* duties; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

BERTHOLD LOEWENTHAL.

Mr. CAULFIELD introduced a bill (H. R. No. 1713) for the relief of Berthold Loewenthal, of Chicago, Illinois; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

THOMAS W. BROWN.

Mr. HENDERSON introduced a bill (H. R. No. 1714) restoring the name of Thomas W. Brown, late of Company C, Thirty-fourth Illinois Volunteers, to the pension-rolls; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC LANDS IN ILLINOIS.

Mr. CANNON, of Illinois, introduced a bill (H. R. No. 1715) to authorize the assignees of the State of Illinois to select and enter public lands, to which said State is entitled under all the provisions of the several acts of Congress, namely: of 1850, known as the swamp-land act; the act of the 2d of March, 1875, known as the indemnity act, and the act extending the provisions of said act, passed March 3, 1857; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

JOHN SCOTT, OF TUSCOLA, ILLINOIS.

Mr. CANNON, of Illinois, also introduced a bill (H. R. No. 1716) for the relief of John Scott, of Tuscola, Douglas County, Illinois, late captain of the Twenty-fifth Illinois Infantry; which was read a first and second time, and referred to the Committee on Military Affairs.

UNITED STATES MAIL SERVICE.

Mr. CANNON, of Illinois, also introduced a bill (H. R. No. 1717) incorporating the United States Mail Service Mutual Benefit Association; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

LIMITATION ON THE TERRITORIES.

Mr. FORT introduced a bill (H. R. No. 1718) to forbid the Territories of the United States, and the counties, cities, and towns therein, to incur indebtedness in and for railroad companies or other private corporations; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

SLAUGHTER OF BUFFALOES.

Mr. FORT also introduced a bill (H. R. No. 1719) to prevent the useless slaughter of buffaloes within the Territories of the United States; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

LINDSAY MURDOCH.

Mr. HATCHER introduced a bill (H. R. No. 1720) for the relief of Lindsay Murdoch, late collector of the second district of the State of Missouri; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

ARMSTRONG O'HARA.

Mr. HATCHER also introduced a bill (H. R. No. 1721) for the relief of Armstrong O'Hara; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARIA DELANY.

Mr. BUCKNER introduced a bill (H. R. No. 1722) for the relief of Maria Delany, widow of David Delany, deceased, of the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

JOANNA MAY PAGE.

Mr. STONE introduced a bill (H. R. No. 1723) for the relief of Joanna May Page, heir of Samuel May, who was a captain in the war of the Revolution; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

NATIONAL RAILWAY COMPANY OF THE UNITED STATES.

Mr. STONE also introduced a bill (H. R. No. 1724) organizing the National Railway Company of the United States of America for the purpose of constructing, promoting, and maintaining a double-track, cheap-freight railway from the Atlantic seaboard to the cities of Chicago, Illinois; Saint Louis, Missouri; and Council Bluffs, Iowa, together with branches to other cities of population, production, and commerce, and to regulate the same in the interest of commerce among the States; which was read a first and second time, referred to the Committee on Roads and Canals, and ordered to be printed.

JOSIAH CUNNINGHAM.

Mr. MORGAN introduced a bill (H. R. No. 1725) for the relief of Josiah Cunningham; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

AMENDMENT OF THE REVISED STATUTES.

Mr. WELLS, of Missouri, introduced a bill (H. R. No. 1726) to amend section 3246 of the Revised Statutes; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

JACOB BOGERT.

Mr. REA introduced a bill (H. R. No. 1727) for the relief of Jacob Bogert, now of the city of New York; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

JURISDICTION OF UNITED STATES CIRCUIT COURT.

Mr. PHILIPS, of Missouri, introduced a bill (H. R. No. 1728) to confer jurisdiction of the United States circuit courts, and providing for trial of certain claims against the United States, now prosecuted before the Quartermaster and Commissary Generals and Third Auditor, and revoking the jurisdiction of the latter Department in such cases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CLAIM OF MISSOURI.

Mr. PHILIPS, of Missouri, also presented the memorial of the governor and adjutant-general of the State of Missouri, asking the action of Congress to secure an appropriation to compensate the State of Missouri for supplies furnished by her citizens to the Federal Army during the late war, and asked that by unanimous consent it be referred to the Committe on War Claims, and printed in the RECORD.

No objection was made.

The memorial is as follows:

To the honorable the Senate and House of Representatives of the United States:

The undersigned, acting quartermaster-general of Missouri, respectfully begs leave to represent to your honorable bodies that the twenty-seventh General Assembly of Missouri, at its adjourned session, passed an act entitled "An act to audit and adjust the war debt of the State," approved March 17, 1874. That in pursuance of said act the governor of the State appointed two persons who, with the acting quartermaster-general as *ex officio* chairman, constituted a commission to examine, adjust, and audit the claims of citizens then on file in the quartermaster-general's office, or such as should be filed therein up to the 1st day of August, 1874, and known as irregular or mixed claims, arising out of the late war for the preservation of the Union. Upon the completion of the labors of said commission on the 30th day of September, 1874, the allowance of the claims of the character above specified amounted, in the aggregate, to $867,807.02. For this sum certificates of State indebtedness were issued to the claimants, which, by the terms of said act, were only to be paid by the State upon condition, and to the extent that the claims for which they were issued were allowed by the Federal Government and paid by said Government to the State of Missouri.

These claims thus audited and allowed by the State commission are exclusively for supplies furnished to the armed forces of the Union and State troops co-operating therewith, or for property taken for their use while they were actively engaged in suppressing the rebellion. The action of the State thus far in relation thereto has been mainly for the purpose of presenting them before the Federal authorities in such form as seemed most likely to secure from said authorities their final adjudication and settlement, according to their clearly-ascertained merits.

No argument is deemed necessary to show that our Government should render proper compensation for the property of citizens used in supplying the necessities of armies engaged in its defense for its obligation to do so is recognized alike in its organic law and its uniform practice. The act of July, 1861, to re-imburse the States for expenses incurred by them in defense of the United States, and other similar enactments, looking not only to the re-imbursement of States, but to the compensation of individual citizens for property taken to meet the demands of the public necessity, furnish a sufficient assurance that our Government needs neither enlightenment as to its obligations in this direction nor a ready will to discharge them. It is under this assurance, thus created, that the claims of citizens of Missouri, as above specified, and recently audited by the commission appointed for that purpose, are now filed in the office of the Third Auditor of the United States Treasury.

It may be proper to state that the re-imbursement of Missouri, under the act of April 7, 1866, necessarily left a large amount of unpaid claims not then embraced in her account against the General Government, for the simple reason that there had not been sufficient time for their presentation with the proper evidence necessary to sustain them. Such, indeed, was the condition of Missouri during the period of our civil strife that the demands made upon her citizens to meet the exigencies of war will never be estimated to their full extent. It is well known that large and populous districts within her borders were entirely desolated by Federal military orders, and that uncomputed amounts of grain and forage, belonging to residents driven from their homes by the imperious behests of martial rule, were committed to the flames to prevent their use in the support of the enemy. In the frequent and hurried transit of Federal troops, their necessities, which knew no law, had but slight regard for the rights of property. Forage and supplies, whenever and wherever needed, were unhesitatingly seized, and often, through haste or design, no proper evidence of such seizure was left with the luckless parties made sufferers thereby. There can be no doubt but these claims of citizens of Missouri for supplies furnished and property taken for the use of troops employed in suppressing the rebellion, and which are now on file, as aforesaid, in the office of the Third Auditor of the Treasury, fall immeasurably short of their forced and voluntary contributions to the cause of the Union and the actual indebtedness of the Govern-

ment therefor. Such legislation, therefore, from your honorable bodies as may be deemed necessary to authorize their examination, and also their allowance and payment, so far as their justice shall be clearly established, is earnestly and confidently invoked.

Very respectfully,

G. C. BINGHAM,
Adjutant-General of Missouri.

EXECUTIVE DEPARTMENT,
Jefferson City, Mo., January 24, 1876.

To the honorable Senate and House of Representatives of the United States:

I indorse and join in the memorial of General Bingham, as above set forth, and trust that it may be the will of Congress to make appropriations for the payment of these claims which have been found by the commission to be due our citizens for supplies and commissary stores appropriated and enjoyed by armed forces engaged in the defense of the Union passing through and stationed in the State.

Very respectfully,

C. H. HARDIN,
Governor of Missouri.

CLAIM OF CHARLES A. PERRY & CO

Mr. FRANKLIN introduced a bill (H. R. No. 1729) to invest the Court of Claims with authority to hear and determine the claim of Charles A. Perry & Co.; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WILLIAM MORRISON.

Mr. CLARK, of Missouri, introduced a bill (H. R. No. 1730) appropriating $30,000 to William Morrison, of Lexington, Missouri, for the destruction of foundery by military order; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

UNIVERSITY OF MISSOURI.

Mr. CLARK, of Missouri, also introduced a bill (H. R. No. 1731) to re-imburse the University of Missouri for damages and injuries sustained during the late war from troops of the United States; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

JOHN CHANDLER.

Mr. BLAND introduced a bill (H. R. No. 1732) to place on the muster-roll the name of John Chandler, late of Company K, Thirty-sixth Missouri Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

L. R. STRAUSS.

Mr. GLOVER introduced a bill (H. R. No. 1733) for the relief of L. R. Strauss, of Macon County, Missouri; which was read a first and second time, referred to the Committee on War Claims; and ordered to be printed.

SURVEY OF MISSISSIPPI RIVER.

Mr. GLOVER also introduced a bill (H. R. No. 1734) to provide for the survey of the Mississippi River between the mouth of the Missouri River and the city of Keokuk, in the State of Iowa; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. GAUSE introduced a bill (H. R. No. 1735) to amend sections 533, 556, and 572 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BOUNDARY-LINE OF CHEROKEE NATION.

Mr. GUNTER introduced a bill (H. R. No. 1736) authorizing a resurvey of the boundary-line between the United States and the Cherokee Nation; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

SURVIVORS OF MOUNTAIN MEADOW MASSACRE.

Mr. GUNTER also introduced a bill (H. R. No. 1737) donating three hundred and sixty acres of public lands to each of the survivors of the Mountain Meadow massacre; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CANE-HILL COLLEGE, ARKANSAS.

Mr. GUNTER also introduced a bill (H. R. No. 1738) for the relief of Cane-Hill College, Arkansas; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

FRANKING PRIVILEGE.

Mr. WILSHIRE introduced a joint resolution (H. R. No. 56) authorizing and directing the free transmission through the mails by members of Congress and heads of Departments of documents printed by authority of Congress; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

DIRECT-TAX SALES.

Mr. WILSHIRE also introduced a bill (H. R. No. 1739) to re-imburse purchasers at direct-tax sales in Arkansas, declared illegal by United States courts in consequence of a defective board of commissioners; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SALE OF INDIAN RESERVATIONS.

Mr. WILSHIRE also introduced a bill (H. R. No. 1740) to provide for the sale of a portion of the Otoe Indian reservation and the Sac and Fox reservations in Kansas and Nebraska; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

BRIDGE ACROSS THE MISSISSIPPI AT MEMPHIS.

Mr. SLEMONS introduced a bill (H. R. No. 1741) to authorize the construction of a bridge across the Mississippi at Memphis, Tennessee; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

CHANGING NAMES OF WATER-CRAFT.

Mr. SLEMONS also introduced a bill (H. R. No. 1742) to confer authority upon United States district courts to change the names of water-craft; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ROBERT S. TOLAND.

Mr. BRADLEY introduced a bill (H. R. No. 1743) granting a pension to Robert S. Toland, of Bay City, Michigan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ACCOUNTS BETWEEN THE UNITED STATES AND MICHIGAN.

Mr. HUBBELL introduced a bill (H. R. No. 1744) to settle certain accounts between the United States and the State of Michigan; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

SIXTH STREET RAILWAY COMPANY, DISTRICT OF COLUMBIA.

Mr. WILLARD introduced a bill (H. R. No. 1745) to incorporate the Sixth Street Railway Company; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

CORRECTION OF AN ARMY OFFICER'S RECORD.

Mr. A. S. WILLIAMS introduced a bill (H. R. No. 1746) authorizing the Secretary of War to correct an Army officer's record; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THOMAS KEARNEY.

Mr. HANCOCK introduced a bill (H. R. No. 1747) for the relief of Thomas Kearney, collector of customs for the district of Corpus Christi; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

ELLA P. MURPHY.

Mr. SCHLEICHER introduced a bill (H. R. No. 1748) for the relief of Ella P. Murphy; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

CENTENNIAL COMMISSIONERS FOR TEXAS.

Mr. MILLS introduced a bill (H. R. No. 1749) authorizing the President to appoint two centennial commissioners for the State of Texas in lieu of those now acting; which was read a first and second time, referred to the Committee on the Centennial Celebration, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. McCRARY introduced a bill (H. R. No. 1750) to amend sections 995 and 5504 of the Revised Statues of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MARY J. MORSE.

Mr. McCRARY also introduced a bill (H. R. No. 1751) granting a pension to Mary J. Morse, widow of J. F. Morse, late a contract surgeon of the United States Army; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LANDS IN IOWA.

Mr. McDILL introduced a bill (H. R. No. 1752) to restore certain lands in the State of Iowa to market, and for other purposes; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

SAMUEL H. STEVENS.

Mr. McDILL also (by request) introduced a bill (H. R. No. 1753) to confirm the title of Samuel H. Stevens to certain lands in Iowa; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

SALLIE E. HERRICK.

Mr. WILSON, of Iowa, introduced a bill (H. R. No. 1754) granting a pension to Sallie E. Herrick, daughter of Penuil Everett, a soldier of the revolutionary war; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STEPHEN VAN ORDER.

Mr. OLIVER introduced a bill (H. R. No. 1755) granting a pension to Stephen Van Order, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

STAMP TAX ON BANK-CHECKS.

Mr. KASSON presented a resolution of the General Assembly of the State of Iowa, recommending the repeal of stamp tax on bank-checks; which was referred to the Committee of Way and Means, and ordered to be printed.

IMPROVEMENT OF FOX AND WISCONSIN RIVERS.

Mr. KIMBALL introduced a bill (H. R. No. 1756) making an appropriation for continuing the improvement of the Fox and Wisconsin Rivers in the State of Wisconsin; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT OF GREEN BAY HARBOR, WISCONSIN.

Mr. KIMBALL also introduced a bill (H. R. No. 1757) making an appropriation for continuing the improvement of the harbor at Green Bay, in the State of Wisconsin; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WILLIAM M'KAY.

Mr. CATE introduced a bill (H. R. No. 1758) granting a pension to William McKay, late a sergeant in Company E, Thirty-eighth Regiment Wisconsin Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. W. HARVEY AND JAMES LEVESEY.

Mr. LYNDE introduced a bill (H. R. No. 1759) for the relief of James W. Harvey and James Levesey, (Harvey & Levesey;) which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

DELINA MATHIEU.

Mr. BURCHARD, of Wisconsin, introduced a bill (H. R. No. 1760) for the relief of Delina Mathieu; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RELINQUISHMENT OF UNITED STATES TITLE.

Mr. PIPER introduced a bill (H. R. No. 1761) to relinquish the title of the United States to certain property in the city and county of San Francisco, California; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

FORT CROOK MILITARY RESERVATION.

Mr LUTTRELL introduced a bill (H. R. No. 1762) declaring the lands constituting Fort Crook military reservation in Shasta, California, subject to pre-emption and homestead entry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARINE HOSPITAL, SAN FRANCISCO.

Mr. LUTTRELL also introduced a bill (H. R. No. 1763) to repeal section 20 of an act entitled "An act making appropriations to supply deficiencies in the appropriations for the service of the year 1871, and for additional appropriations for the year ending June 30, 1872, and for other purposes," approved April 20, 1871; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

CHIPPEWA AND HALF-BREED SCRIP, CALIFORNIA.

Mr. WIGGINTON (by request) introduced a bill (H. R. No. 1764) relating to lands located with Chippewa and half-breed scrip in the State of California; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

RESERVATIONS FOR TOWN SITES.

Mr. PAGE introduced a bill (H. R. No. 1765) respecting the limits of reservations for town sites upon the public domain; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

GEORGE H. PLANT.

Mr. STRAIT introduced a bill (H. R. No. 1766) for the relief of George H. Plant; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SETTLERS ON NORTHERN PACIFIC RAILROAD.

Mr. STRAIT also presented a joint resolution of the Legislature of Minnesota, asking for the protection by Congress of the rights of certain settlers on the Northern Pacific Railroad; which was referred to the Committee on Public Lands, and ordered to be printed.

NORTHERN PACIFIC RAILROAD.

Mr. STRAIT also presented a joint resolution of the Legislature of Minnesota, asking for an extension of time for the completion of the Northern Pacific Railroad; which was referred to the Committee on Public Lands, and ordered to be printed.

FRANCISCO V. DE COSTER.

Mr. KING introduced a bill (H. R. No. 1767) for the relief of Francisco V. De Coster, of Litchfield, Meeker County, Minnesota; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RELIEF OF SETTLERS ON NORTHERN PACIFIC RAILROAD.

Mr. KING also presented a joint resolution of the Legislature of Minnesota, requesting Congress to take such action as may be necessary to relieve certain settlers on the line of the Northern Pacific Railroad; which was referred to the Committee on Public Lands, and ordered to be printed.

NORTHERN PACIFIC RAILROAD.

Mr. KING also presented a joint resolution of the Legislature of Minnesota, asking for extension of time for completing the Northern Pacific Railroad; which was referred to the Committee on Public Lands, and ordered to be printed.

SPECIAL TAXES.

Mr. DUNNELL introduced a bill (H. R. No. 1768) to amend section 3234 of the Revised Statutes of the United States, in relation to special taxes; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

IMPROVEMENT OF RED RIVER OF THE NORTH.

Mr. DUNNELL presented a joint resolution of the Legislature of Minnesota, asking Congress for an appropriation for the improvement of the Red River of the North; which was referred to the Committee on Commerce, and ordered to be printed.

DESTRUCTION OF GRASSHOPPERS.

Mr. DUNNELL also presented a joint resolution of the Legislature of the State of Minnesota, asking Congress to provide a bounty for the destruction of grasshoppers; which was referred to the Committee on Agriculture, and ordered to be printed.

GEORGE A. MILLER.

Mr. LANE introduced a bill (H. R. No. 1769) for the relief of George A. Miller; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PORTLAND, DALLES AND SALT LAKE RAILROAD AND TELEGRAPH.

Mr. LANE also introduced a bill (H. R. No. 1770) providing for the construction of the Portland, Dalles and Salt Lake Railroad and Telegraph and for the performance of all Government services free of charge; which was read a first and second time, referred to the Committee on Roads and Canals, and ordered to be printed.

KANSAS RAILROAD GRANTS.

Mr. GOODIN introduced a bill (H. R. No. 1771) to declare forfeited to the United States certain lands granted to the State of Kansas in aid of the construction of railroads by the act of Congress approved March 3, 1863; which was read a first and second time, referred to the Committee on Public Lands and ordered to be printed.

CLAIMS FOR INDIAN DEPREDATIONS.

Mr. PHILLIPS, of Kansas, introduced a bill (H. R. No. 1772) to provide for the payment of claims for Indian depredations; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JOHN S. FRIEND.

Mr. BROWN, of Kansas, introduced a bill (H. R. No. 1773) for the relief of John S. Friend; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JOHN W. CRAWFORD.

Mr. BROWN, of Kansas, also introduced a bill (H. R. No. 1774) granting a pension to John W. Crawford; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PROCEEDS OF SALES OF PUBLIC LANDS.

Mr. FAULKNER introduced a bill (H. R. No. 1775) to apply the proceeds of sales of public lands to the education of the people and for the encouragement and support of colleges for the advancement of agriculture and the mechanic arts; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

FOURTEENTH AMENDMENT.

Mr. FAULKNER also introduced a bill (H. R. No. 1776) to carry into execution the provisions of the fourteenth amendment to the Constitution concerning citizenship, and to define certain rights of citizens of the United States in foreign countries and certain duties of diplomatic and consular officers, and for other purposes; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

SALE OF TOBACCO BY PRODUCERS.

Mr. WILSON, of West Virginia, presented a joint resolution of the Legislature of the State of West Virginia, requesting the Senators and Representatives of that State to use their best exertions to procure a modification of the present revenue laws of the United States so as to enable the producer of tobacco to sell his product to any person or in any quantity whatever; which was referred to the Committee of Ways and Means, and ordered to be printed.

IMPROVEMENT OF OHIO RIVER.

Mr. WILSON, of West Virginia, also presented a joint resolution of the Legislature of the State of West Virginia, requesting the Senators and Representatives of that State to obtain an appropriation for the improvement of the Ohio River and its tributaries; which was referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT OF ELK RIVER.

Mr. HEREFORD introduced a bill (H. R. No. 1777) to improve Elk River, in the State of West Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

He also presented a joint resolution of the Legislature of the State of West Virginia, asking the aid of Congress to improve the navigation of Elk River, in the State of West Virginia; which was referred to the Committee on Commerce, and ordered to be printed.

MONUMENT AT POINT PLEASANT, WEST VIRGINIA.

Mr. HEREFORD also presented a joint resolution of the Legislature of the State of West Virginia, to provide for the erection of a monument near the junction of the Ohio and Kenawha Rivers, at Point Pleasant, in Mason County, to commemorate the battle of Point Pleasant, fought October 10, 1774; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SAC AND FOX INDIAN RESERVATION.

Mr. CROUNSE introduced a bill (H. R. No. 1778) to provide for the sale of a portion of the Sac and Fox Indian reservation in Kansas and Nebraska; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JAMES PRESTON BECK.

Mr. ELKINS introduced a bill (H. R. No. 1779) for the relief of James Preston Beck; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

IMPROVEMENT OF NAVIGATION IN WASHINGTON TERRITORY.

Mr. JACOBS introduced a bill (H. R. No. 1780) for the improvement of the Homely Rapids, in the Columbia River, and the Pine Tree, Palouse, and Texas Rapids, in Snake River, in Washington Territory; which was read a first and time, referred to the Committee on Commerce, and ordered to be printed.

He also introduced a bill (H. R. No. 1781) to provide for the examination or survey of the Dwamish and Puyallup Rivers, in Washington Territory; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

He also introduced a bill (H. R. No. 1782) for the improvement of the Chehalis River, in Washington Territory; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

He also introduced a bill (H. R. No. 1783) for the improvement of the Snohomish River, in Washington Territory; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CAPITOL BUILDINGS IN TERRITORY OF DAKOTA.

Mr. KIDDER introduced a bill (H. R. No. 1784) to appropriate money to erect capitol buildings in the Territory of Dakota; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PENITENTIARY IN THE TERRITORY OF DAKOTA.

Mr. KIDDER also introduced a bill (H. R. No. 1785) to appropriate money for the building of a penitentiary in the Territory of Dakota; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JAMES L. FISK.

Mr. MAGINNIS introduced a bill (H. R. No. 1786) for the relief of James L. Fisk, which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

PROMOTIONS IN THE ARMY.

Mr. STEELE introduced a bill (H. R. No. 1794) to equalize promotions among officers in the line of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

The call of the States and Territories having been completed—

AMENDMENT OF UNITED STATES STATUTES AT LARGE.

Mr. WILLIS, by unanimous consent, introduced a bill (H. R. No. 1787) to provide for expunging section 2499 of the Revised Statutes, and amending section 2503 of the same, and repealing section 1 of the tariff law approved February 8, 1875; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

PHILLIP B. HOPKINS.

Mr. HARTZELL, by unanimous consent, introduced a bill (H. R. No. 1788) for the relief of Phillip B. Hopkins; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

COLONEL HENRY L. WEBB.

Mr. HARTZELL also introduced a bill (H. R. No. 1789) for the relief of Colonel Henry L. Webb, of the State of Illinois; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPHENE C. OWEN.

Mr. NORTON, by unanimous consent, introduced a bill (H. R. No. 1790) for the relief of Josephene C. Owen, postmistress at Randolph, New York; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

SOLDIERS IN THE CIVIL SERVICE.

Mr. SHEAKLEY introduced a bill (H. R. No. 1791) relating to soldiers while in the civil service of the United States; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SOUTHERN PACIFIC RAILROAD.

Mr. WALLACE, of Pennsylvania, presented, by unanimous consent, a preamble and resolutions of the Senate of the State of Pennsylvania, recommending that the Government of the United States grant aid for the completion of the Southern Pacific Railroad, with proper guarantees; which was referred to the Committee on the Pacific Railroad, and ordered to be printed.

SIDNEY B. LUTHER.

Mr. BLAIR introduced a bill (H. R. No. 1792) for the relief of Sidney B. Luther; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

ISAIAH H. PICKARD.

Mr. BLAIR also introduced a bill (H. R. No. 1793) for the relief of Isaiah H. Pickard; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

Mr. BUCKNER. I call for the regular order of business.

The SPEAKER. The call of the States and Territories being now complete, the Chair recognizes the gentleman from Missouri.

AFFAIRS OF THE DISTRICT OF COLUMBIA.

Mr. BUCKNER, by unanimous consent, submitted the following preamble and resolution; which were read, considered, and agreed to:

Whereas by the act of Congress approved June 20, 1874, the late government of the District of Columbia was abolished and the government thereof transferred to three commissioners appointed by the President, with authority to enforce the execution of existing legal obligations and contracts of said District of Columbia, and to preserve and protect improvements then existing or commenced, and not completed at the passage of said act; and whereas the said act authorized and constituted a special board of audit to allow and certify all debts and claims then existing against the said District and the board of public works, which said certificates were made convertible into a bond bearing 3.65 per cent. interest per annum; and whereas at the time of the passage of the said act it was estimated that the said floating debt of said District then due and to accrue on account of improvements then contracted for and incomplete was about the sum of $8,306,000; and whereas it is alleged that the said board of commissioners have enlarged and extended said contracts and caused a large amount of work and labor to be done not contemplated or authorized by said act, so that the amount of certificates now issued for said improvements is but little short of $15,000,000; and whereas it is alleged that many of said improvements made under the authority of said board were made in the interests of favorites and friends, and that a large amount of said certificates have been issued illegally and without warrant of law, and that corrupt and improper means have been used to obtain allowance of false and fraudulent claims, and that the subordinate accounting officers in said board of audit were largely interested in many of the claims allowed and certified by said board of audit:

Be it therefore resolved, That the Committee for the District of Columbia are hereby directed to investigate the said allegations and charges, and for that purpose they are authorized to send for persons and papers, and to examine them on oath, and reduce their testimony to writing, and to report to this House at any time.

AMENDMENT OF REVISED STATUTES.

Mr. LANDERS, of Indiana, by unanimous consent, introduced a bill (H. R. No. 1795) to amend section 3586 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DIRECT TAXES.

Mr. LANDERS, of Indiana, also, by unanimous consent, introduced a joint resolution (H. R. No. 57) proposing an amendment to the Constitution of the United States, providing for the levying of direct taxes according to the wealth of each State; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PLASTER CASTS OF EMINENT MEN.

Mr. J. H. BAGLEY, by unanimous consent, submitted a resolution relative to the purchase of certain plaster casts of eminent men; which was referred to the Committee on the Library.

CASH BALANCES IN TREASURY.

Mr. HEWITT, of New York, submitted the following resolution, and moved that the rules be suspended and the resolution adopted:

Resolved, That the Secretary of the Treasury be requested to furnish this House with a detailed statement showing the amount of actual cash on hand in the Treasury and the several depositories of the Government at the close of business on the 25th day of January, 1876, specifying how much thereof was in fractional currency, how much in legal-tender notes, how much in national-bank notes, how much in gold coin or bullion, how much in silver coin or bullion, how much in gold notes counted as cash, how much in coupons counted or held as cash, how much in called bonds counted or held as cash, and how much in any other items counted or held as cash, not specified above, and how many legal-tender notes are actually held to redeem the outstanding bank-notes of national banks to which United States bonds held for circulation have been surrendered, and whether the legal-tender notes received for the redemption of such national-banks notes are held as a special deposit or are or have been counted in the general cash balances reported, in accordance with the terms of this resolution, or in the monthly statements of the Treasury Department.

Mr. KASSON. Why not say the last day of the month, which accords with our mode of keeping accounts? Otherwise I must object to the resolution, because it will take a special account, requiring the service of many clerks for several days.

Mr. HEWITT, of New York. I am informed that the cash balance is made up for every day in the year, and therefore I ask it for the day named in the resolution, as being quite as practicable as any other day.

Mr. KASSON. I think we had better have it for the last day of the month.

Mr. HEWITT, of New York. I think not; I think it is better to have it made up for some day past rather than some day in the future.

Mr. KASSON. This is the 31st of the month.

Mr. HEWITT, of New York. I am informed it is made up for each day.

Mr. WOOD, of New York. If my colleague [Mr. HEWITT] will submit to a suggestion, I think he has not included in his resolution of inquiry all the depositories of public money, and I presume he designs so to do.

Mr. HEWITT, of New York. I certainly do, and I think the resolution is broad enough.

Mr. WOOD, of New York. We are informed in the report of the Secretary of the Treasury, submitted to Congress at the beginning of this session, that there were at least $10,000,000 of coin in the Mint preparatory to issuing the fractional silver coin authorized by existing law. I think my colleague has not included the amount of coin in the Mint not issued.

Mr. HEWITT, of New York. I think by reference to my resolution it will be found to cover that point. It says "in the Treasury and the several depositories of the Government."

Mr. WOOD, of New York. I think that probably the Secretary of the Treasury will not include the Mint as one of the depositories.

Mr. HEWITT, of New York. I am quite willing to include the Mint, and will modify the resolution in that respect.

Mr. KASSON. In this conversational way I wish to say to the gentleman that if I understand his resolution he asks for certain things that it will be almost impracticable for the Secretary to state in the general manner called for by the resolution. If the gentleman has no objection to allowing the resolution to lie over for a day, in order that we may ascertain whether it will not require a complete special count of certain branches of money, I shall be glad. My impression is that it will require a special count, and unless the gentleman is in haste I would be glad to have it lie over one day. There will be no objection to obtaining the information so far as we do not now have it. I know the Committee on Banking and Currency have obtained much of this information already.

Mr. HEWITT, of New York. I am told that the accounts of the United States are kept with a daily cash balance, in the same manner as the accounts of every good merchant are kept. If that be true, there will be no difficulty in furnishing this information. If it be not true, then we want to know how the accounts are kept, in order to provide a remedy.

The question was taken; and two-thirds voting in favor thereof, the resolution, as modified, was adopted.

PACIFIC RAILROADS.

Mr. LUTTRELL. I move that the rules be suspended and the preamble and resolution adopted which I send to the Clerk's desk.

The Clerk read as follows:

Whereas the several railroad companies hereinafter named, to wit, the Northern Pacific, the Kansas Pacific, the Union Pacific, the Central Branch of the Union Pacific, the Western Pacific, the Southern Pacific, the Sioux City and Pacific, the Northern Pacific, the Texas and Pacific, and all Pacific roads or branches to which bonds or other subsidies have been granted by the Government, have received from the United States, under the act of Congress of July 1, 1862, the act March 3, 1864, and the several acts amendatory thereof, money subsidies amounting to over $64,000,000, land subsidies amounting to over 220,000,000 acres of the public domain, bond subsidies amounting to $——, and interest amounting to $——, to aid in the construction of their several roads; and whereas it is but just and proper that the Government and people should understand the status of such roads and the disposition made by such companies in the construction of their roads of the subsidies granted by the Government: Therefore,

Be it resolved, That the Judiciary Committee be, and are hereby, instructed and authorized to inquire into and report to this House, first, whether the several railroad companies hereinbefore named or any of them have, in the construction of their railroads and telegraph lines, fully complied with the requirements of law granting money, bonds, and land subsidies to aid such companies in the construction of their railroads and telegraph lines; second, whether the several railroad companies or any of them have formed within themselves corporate or construction companies for the purpose of subletting to such corporate or construction companies contracts for building and equipping said roads or any portion thereof, and, if so, whether the money, land, and bond subsidies granted by the Government have been properly applied by said companies or any of them in the construction of their road or roads; third, whether the several railroad companies or any of them have forfeited their land subsidies by failing to construct and equip their road or roads or any portion of them as required by law; and, fourth, that, for the purpose of making a thorough investigation of the several Pacific railroads or any of them, the Judiciary Committee shall have full power to send for persons and papers, and, after thorough investigation shall have been made, shall report to this House such measure or bill as will secure to the Government full indemnity for all losses occasioned by fraudulent transactions or negligence on the part of said railroad companies or any of them, or on the part of any corporate or construction company, in the expenditures of money, bonds, or interest, or in the disposition of land donated by the Government for the construction of the roads or any of them or any portion thereof, and for the non-payment of interest lawfully due the Government or any other claim or claims the United States may have against such railroad company or companies.

Mr. PAGE. I desire to suggest whether the reference of this resolution should not be changed by striking out the Judiciary Committee and inserting the Committee on the Pacific Railroad, which seems to me the proper committee to take charge of this investigation. As my colleague [Mr. LUTTRELL] is a member of the latter committee, he should consent, I think, to this change.

The SPEAKER. Does the gentleman from California [Mr. LUTTRELL] accept that suggestion?

Mr. LUTTRELL. No, sir. I think the Committee on the Judiciary is the proper authority to pass upon the constitutional and other legal questions which may arise on the bills now pending.

The motion of Mr. LUTTRELL to suspend the rules and adopt the resolution was agreed to, there being ayes 119, noes not counted.

RETIREMENT OF LEGAL-TENDER NOTES.

Mr. HOLMAN. I move to suspend the rules and adopt the following resolution:

Resolved, That the Committee on Banking and Currency be, and is hereby, instructed to inquire whether the commercial and industrial interests of the country do not require that the retirement and cancellation by the Secretary of the Treasury of legal-tender notes should cease, and whether common and equal justice to the whole people does not require that United States notes should be substituted for national-bank paper and applied in liquidation of the interest-bearing bonds, instead of the policy now authorized by law of substituting national-bank paper for United States notes; and that said committee be directed to report thereon by bill or otherwise at the earliest practicable moment.

Mr. COX. I believe this resolution simply contemplates an inquiry. I do not see any objection to sending it to the committee, as they are already charged with the consideration of this subject.

Mr. HOLMAN. The only object is to require a report from the committee on these points.

The motion to suspend the rules and agree to the resolution was adopted.

BUFFALO, BAYOU, BRAZOS AND COLORADO RAILROAD.

Mr. HANCOCK, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That it be the duty of the Committee on Ways and Means to inquire by what authority the Treasury Department of the United States paid the sum of $18,938.79, awarded to the Buffalo, Bayou, Brazos and Colorado Railroad Company, to any and what other persons, and by what authority, and when was such authority executed, whether before or after the issuance of the warrants, and what security has the Government against the second payment of the money; also, that it ascertain whether any and what officer of the United States was concerned in the scheme for getting possession of the money, and what means were employed; and that the committee report by bill or otherwise.

POLYGAMY IN UTAH.

Mr. PAGE moved to suspend the rules and adopt the following resolution:

Whereas it is alleged that there is a sect or organization in the Territory of Utah known as Mormons or "latter-day saints," so largely in the ascendant in point of numbers as to control the moral and social, as well as the political, destiny of that Territory; which has enacted laws in direct conflict with and in open violation of the Constitution and laws and set at defiance the civil and military authority of the United States; adopted rules and established customs totally repugnant to the recognized modes and forms of civilized life; under the sacred name of religion wickedly established and openly and shamelessly maintains the vile and degrading doctrine of polygamy or plurality of wives; a people who under specious pretenses have enticed order-loving, valuable citizens of the United States from their homes and families at the dead hours of the night only to assassinate them in the most cruel and heartless manner; procured, abetted, and perpetrated the most unprovoked, cold-blooded, and brutal murders of innocent and inoffensive men, women, and children, as developed by the late trial of one Lee, a Mormon, the frightful details of which must freeze every heart with horror; suborned witnesses, terrorized courts, and aided, sheltered, and protected the most notorious and infamous criminals; and whereas it is the duty of all the inhabitants of the United States to obey the Constitution and laws thereof and to respect the rules and customs of civilized life; and whereas the permitting of such high-handed and outrageous conduct on the part of these people is calculated to bring the Government of the United States into contempt and its enlightenment into disgrace among the nations of the earth: Therefore,

Be it resolved, That in the judgment of this House immediate steps should be taken for the enactment of proper laws to compel these people to obey the Constitution and laws of the United States; and that to this end the Committee on the Judiciary of the House be, and is hereby, instructed to report a bill at its earliest convenience to more fully establish the authority of the United States in said Territory, and thereby remove this foul blot from the civilization of the nineteenth century.

The question being taken on agreeing to the motion to suspend the rules, there were ayes 31, noes not counted.

Mr. PAGE. I call for the yeas and nays.

The yeas and nays were not ordered.

So the motion to suspend the rules and adopt the resolution was not adopted.

ORDER OF BUSINESS.

Mr. RANDALL. I rise to move that the House resolve itself into the Committee of the Whole on the state of the Union, to resume the consideration of the Military Academy appropriation bill; but I am willing to yield to several gentlemen who wish to present propositions for reference.

UNION PACIFIC RAILROAD.

Mr. ATKINS, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on the Judiciary be, and is hereby, instructed to inquire whether or not the Union Pacific Railroad Company have forfeited their charter under the act approved July 1, 1862, or the act amendatory thereof approved July 2, 1864, with power to send for persons and papers, and to report to this House either by bill or otherwise.

HOMESTEAD AND PRE-EMPTION SETTLEMENTS.

Mr. PHILLIPS, of Kansas. I ask unanimous consent that the bill (S. No. 34) to confirm homestead and pre-emption settlements be taken

from the Speaker's table for reference to the Committee on the Public Lands.

The SPEAKER. The gentleman is under a misapprehension. That bill has not been presented to the House, and is not on the Speaker's table.

PROTECTION OF HOME INDUSTRY.

Mr. WALLACE, of Pennsylvania. I ask unanimous consent to present a resolution for reference to the Committee of Ways and Means.

The Clerk read as follows:

Whereas the industrial interests of the whole country are laboring under great depression; and whereas that country is best governed where the greatest good is done to the greatest number; and whereas that policy which encourages and stimulates the establishment of manufactures at home, thereby creating a demand for labor and a home market for the products of the soil, confers and increases the purchasing power upon the masses of the people; and whereas the history of this country proves that the greatest contentment and prosperity have prevailed when this policy has been adopted; and whereas the question of finance is but the question of labor, and the question of labor is but the question of protection; and whereas hundreds of thousands of laborers in the country are out of employment and in want and are looking to Congress to adopt some measures that will afford relief to the country: Therefore,

Be it resolved, That the Committee of Ways and Means be instructed to take into consideration the propriety and necessity of increasing the duties upon the importation of all products and manufactures which come in competition with the products and manufactures of our own country.

Mr. COX. I object to that resolution.

Mr. RANDALL. Is the resolution introduced for reference or adoption?

The SPEAKER. The gentleman introduced the resolution for reference to the Committee of Ways and Means.

Mr. COX. Very well. I do not object to reference; let it be buried in the Committee of Ways and Means.

There being no further objection, the resolution was referred to the Committee of Ways and Means.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. RANDALL. I move the rules be suspended and that the House now resolve itself into Committee of the Whole for the purpose of considering the bill making appropriations for the support of the Military Academy at West Point.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HOSKINS in the chair.

The CHAIRMAN. The House resumes the consideration of the bill (H. R. No. 810) making appropriation for the Military Academy at West Point for the fiscal year ending June 30, 1877.

The Clerk will read where he left off when the committee was last in session.

The Clerk read as follows:

For repairs and improvements, timber, plank, boards, joists, wall-strips, laths, shingles, slate, tin, sheet-lead, nails, screws, locks, butts, hinges, glass, paint, turpentine, oils, bricks, varnish, stone, lime, cement, plaster, hair, blasting-powder, fuse, iron, steel, tools, mantels, and other similar materials, and for pay of citizen mechanics and labor employed upon repairs that cannot be done by enlisted men, $12,000.

Mr. HURLBUT. I move in line 42 to strike out "12" and insert "20," so it will read "$20,000;" and I do it on this ground: The estimates for the repairs included in these items are made by careful and competent men at West Point, with full knowledge not only of what they expect to be done but what has been the demand in times past. The estimate was $22,500, and those gentlemen all unite in the statement that the Government property there cannot be taken care of for the amount reported in this bill. I hope gentlemen of the committee, unless they have better information than I have, will not resist the increase of the amount in this case, in order that the million of dollars' worth of property belonging to the United States at that post may be properly taken care of and the necessary repairs made.

Mr. HAMILTON, of New Jersey. I trust this amendment will not prevail. We called on the Department for a specification of the expenditures under that item in last year's bill. We found it had been contained in bills for several years past, and the gentleman from New York [Mr. WHEELER] and myself, the subcommittee of the Committee on Appropriations, could not well conceive how so much money could be expended in annual repairs. A response to our inquiry developed the fact that a large amount of that money was paid in annual erections—not in repairs, but in erections—in the construction of residences with marble mantels and like large expenditures. If we appropriated in this item $50,000, I have no doubt it would all be expended. It has not been confined to repairs. Here are the items showing how it has been expended heretofore.

Mr. HURLBUT. Have them read.

Mr. HAMILTON, of New Jersey. You can read the response if you want to; I do not propose to take up time. I trust the amendment will not prevail, as it was the judgment of the gentleman from New York [Mr. WHEELER] and myself that $12,000 was an ample amount, and in that recommendation the committee concurred.

The amendment was rejected.

The Clerk read as follows:

For department of natural and experimental philosophy: For instruments to determine magnetic intensity and declination, $600; text-books, repairs, and materials, $400.

Mr HAMILTON, of New Jersey. I move to strike out "instruments to determine magnetic intensity and declination," and in lieu thereof to insert, "additions to the apparatus to illustrate the laws in mechanics, optics, and acoustics." The instruments named in the bill as it now stands were supplied in the appropriation bill last year, and were included here by mistake.

The amendment was agreed to.

The Clerk read as follows:

For department of French: For text-books and stationery for the use of instructors, $60.

Mr. HALE. I move in line 101 to strike out "60" and insert "$100;" to which I hope there will be no objection.

Mr. HAMILTON, of New Jersey. I have no objection, if the gentleman thinks that increase is material.

Mr. HALE. Last year it was $200.

Mr. RANDALL. The amendment is all right.

Mr. HALE. I do not think one hundred too much.

The amendment was agreed to.

The Clerk read as follows:

For department of law and ethics: For text-books and stationery and books of reference for the use of instructors, $50.

Mr. HAMILTON, of New Jersey. I move to strike out the words "and ethics." Until lately the same professor taught law and ethics. Now there is only a professor of law, and the words "and ethics" should be stricken out.

The amendment was agreed to.

Mr. HURLBUT. I move in line 106 to strike out "50" and insert "200." The reason why I do it is this: This department of law as now established, is a new thing. It embraces military law, constitutional law, the law of nations, and everything of the kind applicable to the education of cadets. I am satisfied that an allowance of $200 will not be too much to fit up the department with the proper books.

Mr. HAMILTON, of New Jersey. I move to amend by making it "100" instead of "200."

The amendment to the amendment was adopted.

The amendment, as amended, was then agreed to.

The Clerk read as follows:

For miscellaneous and contingent expenses: For gas, coal-oil, candles and wicking for lighting the academy, cadet-barracks, mess-halls, offices, stables, and sidewalks, $4,000; water-pipes, plumbing, and repairs, $1,500; cleaning public buildings, (not quarters,) $500; brooms, brushes, pails, tubs, soap, and cloths, $200; chalk, crayons, sponge, slate, and rubbers for recitation-rooms, $100; compensation of chapel organist, $200; compensation of librarian, $120; pay of engineer of heating and ventilating apparatus for the cadet-barracks, chapel, and philosophical academy, including the library, $1,500; pay of assistant of same, $720; pay of five firemen, $2,200; increase and expense of the library, books, magazines, periodicals, and binding, $1,000.

Mr. HURLBUT. I move in line 134 to strike out "1" and insert "2," so as to appropriate $2,000 for expenses of the library, books, magazines, periodicals, and binding.

Mr. HAMILTON, of New Jersey. I object to that.

The amendment was rejected.

The Clerk read as follows:

For contingencies for Superintendent of the academy, $200.

Mr. A. S. WILLIAMS. I move in line 138 to strike out "200" and insert "$1,000." These contingencies are rendered necessary in the way of hospitality and courtesy which the Superintendent of the academy must extend to strangers, and I hope the committee will give consent to the adoption of my amendment. This is the centennial year, and probably more strangers of high military distinction from Europe and elsewhere will visit West Point than ever before in any one year, or, I may say, in any previous ten years. I do not think $1,000 is too much for the purpose. The expenses of the Superintendent must necessarily be increased, and I hope the gentleman from New Jersey will consent that for this year at least the sum of $1,000 shall be appropriated.

Mr. HAMILTON, of New Jersey. When my colleagues and myself found this item in the estimates, "Contingencies of superintendent of the academy, $1,000," we were a little at a loss to know what that was intended to cover. We supposed it was some contingent expenses charged to him or under his direction in connection with the academy. And with our opposition to contingencies, being disposed to strike them out wherever we found them in the estimates, we made an inquiry into the purpose of this appropriation and for what it was designed, and we found that it was intended as an addition to the Superintendent's salary, in order to enable him to entertain friends or visitors at West Point.

Now, certainly this cannot be maintained upon any principle that I am aware of. When it is known to the members of this House that there is a good, commodious hotel on the point, and that there is another large, commodious hotel just outside the public grounds—Cozzens's Hotel—which are resorted to largely in summer as watering-places, any person visiting West Point who has the honor and feeling of a gentleman would never permit himself to be quartered on the hospitality of the Superintendent of the Military Academy, and ought not to be allowed to do it if he was willing. With all the facilities of accommodation which are at his command at the public hotels, it is not to be tolerated that he should go and quarter himself on the hospitality of the Superintendent of the academy, and it is an injustice to the Superintendent himself to have it understood that the Government furnishes him a fund for the entertainment of visitors. He would be constantly run upon and intruded upon if that

idea went abroad, that the Government furnished him funds to entertain visitors at the academy. There are enough men of small ideas and mean enough in their feelings and habits to want to impose upon the Superintendent if they thought they could do it under the pretext that the Government furnished him funds for entertaining visitors. To encourage this idea would be bad policy and an injustice to the Superintendent himself. We have allowed him in this bill $200. I think the appropriation should have been stricken out entirely. It is wrong in principle, and I hope the proposed amendment will not be agreed to. The only amendment which ought to be made would be to strike out the appropriation entirely.

Mr. A. S. WILLIAMS. I think there should be either an appropriation of $1,000 or no appropriation at all. The board of visitors last year recommended an increase on that amount of $1,000. Many distinguished military men from abroad come accredited to our Government and are sent by our Government to West Point to examine into the organization of that institution. Now, sir, it is utterly impossible for this gentleman, the Superintendent of the Military Academy, to avoid entertaining those distinguished strangers in some way or other. The Government imposes upon him that duty, and you have no right to compel him to take the means of doing it from his limited pay.

I hope the appropriation will be enlarged this centennial year. You have been granting an appropriation of a million and a half of dollars for a celebration at Philadelphia worthy of this great people. Very many of the strangers who go there will go also to West Point. Many of the distinguished members of the commissions sent from foreign countries will do so. I hope the House will, at least for this year, give this amount to help the Superintendent to entertain the hundreds or thousands—I had almost said tens of thousands—of distinguished visitors who will be here from abroad, and who in all probability will visit West Point.

The question being taken on the amendment offered by Mr. A. S. WILLIAMS, it was not agreed to.

The following paragraph was read:

For printing catalogue for library, $100.

Mr. HURLBUT. I offer the following amendment:

Strike out "$100," and insert "$250."

One hundred dollars will not do the work which gentlemen are asking to have done. This is a catalogue printed for the benefit of the students and professors. The amount estimated was much higher—$500. I have limited it in the interest of economy to $250.

Mr. BANNING. I hope that amendment will be adopted.

The question being taken on Mr. HURLBUT's amendment, there were—ayes 63, noes 64.

Mr. HURLBUT. A quorum has not voted. I ask for further count.

Mr. HAMILTON, of New Jersey. If the gentleman will make the amount $200, I will agree to that.

Mr. HURLBUT. O, I cannot split on fifty cents.

Mr. BANNING. I hope the gentleman from Illinois will agree to the $200, and we will get it.

Mr. HURLBUT. Let us have the other.

Mr. BANNING. Would it be in order for me to move an amendment to the amendment, so as to make the amount $200?

The CHAIRMAN. It would.

Mr. BANNING. Then I offer that amendment.

Mr. HURLBUT. Not while the committee is dividing on my amendment.

The CHAIRMAN. Until there is an absolute announcement of the result of the vote on the amendment an amendment to that amendment is in order.

The question being taken on Mr. BANNING's amendment to the amendment, there were—ayes 52, noes 80; no quorum voting.

So (no further count being demanded) the amendment to the amendment was not agreed to.

The CHAIRMAN. The question recurs on the original amendment offered by the gentleman from Illinois, [Mr. HURLBUT.]

The question being taken, there were—ayes 72, noes 88.

So Mr. HURLBUT's amendment was not agreed to.

Mr. JONES, of Kentucky. I move to amend the pending paragraph by striking out "$100" and inserting "$150." I think that is a fair compromise, and perhaps enough.

Mr. HURLBUT. O, no; that would not be enough.

The question being taken on the amendment of Mr. JONES, of Kentucky, it was not agreed to.

Mr. HURLBUT. I offer the following amendment to come in as an additional paragraph to the bill:

That the Secretary of War is hereby directed to detail competent officers of the proper staff corps to act as quartermaster and commissary for the battalion of cadets, by whom all purchases and issues of supplies of all kinds for the cadets and all provision for the mess shall be made; that all supplies of all kinds and descriptions shall be furnished to the cadets at actual cost without any commission over said cost, and one of said staff officers so assigned shall perform all the duties of purveying and supervision for the mess which is now done by a purveyor, without other compensation.

I desire to state some facts in regard to the interior economy of West Point with which gentlemen here are perhaps not conversant, and I do it in the interest of the young men in whom we are all interested. There is appointed by the Superintendent, or rather by the board of management at that post, a person called a purveyor. His business is to purchase all provisions and superintend the mess. He is not an officer of the Army; he is a civilian, and is paid out of the allowance of the cadets a salary of $1,200 a year, which, in my judgment, is an improper and burdensome exaction upon them. In addition to that, for a long period of time he has furnished all the supplies, embracing all articles of clothing and underwear, and everything else which the cadets are compelled to use are furnished by him and retailed out to the cadets at the commissary store at an advance of 10 per cent. upon cost. Sir, I do not think that is a good business for this Government to be in. We have an abundance of officers of these two classes of staff officers which are called upon by this amendment, and I am instructed by the Board of Visitors, who went to West Point last year, to present this recommendation. It is embodied in their report, if gentlemen have read it, and I offer it as an amendment to this bill and trust there will be no objection to it.

Mr. RANDALL. I quite concur with the gentleman in the propriety of the amendment and the object he has in view, but the use of the word "officers" would leave it discretionary how many should be employed there.

Mr. HURLBUT. O, I think not.

Mr. HOLMAN. It will be better to say one or two, if two are necessary. I would like to hear the amendment read again.

Mr. HURLBUT. I did not intend to leave it discretionary at all.

Mr. HOLMAN. Two are named, a quartermaster and a commissary. Does not the gentleman think that one can do this work?

Mr. HURLBUT. Certainly one can do it with proper clerks.

Mr. HOLMAN. The words occur twice in the amendment.

Mr. HURLBUT. I have modified the amendment, and ask that the first portion of it be again read.

The Clerk read as follows:

That the Secretary of War is hereby directed to detail a competent officer of the proper staff corps to act as quartermaster and commissary for the battalion of cadets, by whom all purchases, &c.

Mr. HURLBUT. I hope there will be no objection to that.

Mr. HAMILTON, of New Jersey. There is no objection to that.

The question was taken on the amendment; and it was agreed to.

Mr. HAMILTON, of New Jersey. I desire to move that the committee rise and report the bill to the House.

Mr. HURLBUT. I have still some amendments to offer. I move to add as an additional paragraph the following:

To complete one wing of the hospital, $42,000.

I hope gentlemen opposite will let us have a fair vote upon this proposition.

Mr. HOLMAN. The amendment, of course, is in order; but I trust, Mr. Chairman, that it will not be adopted. The whole subject of public buildings and appropriations of money for the continuation of public buildings has been referred to one committee of the House, the Committee on Public Buildings and Grounds. It has been regarded as very desirable that all appropriations for public buildings should be embraced in one bill, so that gentlemen may see at once the nature and extent of the appropriations for that particular source of expenditures.

Mr. HURLBUT. There is an appropriation asked for, for the hospital at Fort Leavenworth. Does the gentleman propose to refer that to the Committee on Public Buildings and Grounds?

Mr. HOLMAN. This subject has been referred and would properly be considered by that committee, and for that reason and that only I do not think the amendment should be adopted. The gentleman may rest assured that the subject will be carefully inquired into and if this expenditure is necessary it will be reported to the House in the proper bill.

Mr. HURLBUT. I would like to have a vote on the amendment.

The question was taken; and the amendment was not agreed to.

Mr. HURLBUT. I now offer the following as an additional paragraph.

To carry on the system of sewerage, $8,000.

I do not know whether that subject has been referred to the same committee or not.

Mr. RANDALL. We do not think that appropriation necessary.

Mr. HURLBUT. It is absolutely necessary to the health and well-being of those employed at the post, and I would like a vote of the committee on the question.

Mr. HAMILTON, of New Jersey. That matter is like the matter of the hospital, and estimated for under the head of buildings and grounds, and has been referred with the other to the Committee on Public Buildings and Grounds.

The amendment of Mr. HURLBUT was not agreed to.

Mr. HAMILTON, of New Jersey. I move that the committee now rise and report the bill with amendments to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOSKINS reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration a bill (H. R. No. 810) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1877, and had directed him to report the same back to the House with sundry amendments, and to recommend that the bill, as amended, do pass.

Mr. HAMILTON, of New Jersey. I call the previous question on the bill and pending amendments.

The previous question was seconded and the main question ordered.

The SPEAKER. Is a separate vote demanded upon any amendment reported from the Committee of the Whole?

Mr. HURLBUT. I do not think any one on this side desires to detain the House by requiring a separate vote on any amendment. It is understood that the gentlemen on the other side intend to pass this bill as they have amended it in Committee of the Whole.

The amendments reported from the Committee of the Whole were then concurred in.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HAMILTON, of New Jersey, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MORRISON. I move that the House now adjourn.

The motion was agreed to; and accordingly (at three o'clock and twenty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. ADAMS: The petition of Sylvanus Burch and others, of Rufus Rose and others, of Albany County, New York, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. AINSWORTH: Remonstrance of A. Cain and others, of Dubuque, Iowa, against the erection of buildings in Washington Square, Dubuque, Iowa, to the Committee on Public Buildings and Grounds.

Mr. J. H. BAGLEY: The petition of W. D. Mott and others, for the repeal of the check-stamp tax, to the Committee of Ways and Means.

Also, the petition of C. B. Pinckney, for the repeal of the stamp tax on safety matches, to the same committee.

By Mr. G. A. BAGLEY: The petition of citizens of Jefferson County, New York, of similar import, to the same committee.

Mr. BAKER, of New York: The petition of citizens of Morrisville, New York, of similar import, to the same committee.

Also, the petitions of citizens of Oswego, Pulaski, and Mexico, New York, of similar import, to the same committee.

By Mr. BAKER, of Indiana: The petition of citizens of Marshall County, Indiana, of similar import, to the same committee.

By Mr. BALLOU: The petitions of J. E. Sisson and others, of Francis Sheffield and others, of W. H. Chapman and others, of J. M. Pendleton and others, of Westerly, Rhode Island; and of R. P. Smith and others, of Woonsocket, Rhode Island, of similar import, to the same committee.

By Mr. BEEBE: Four petitions of citizens of Orange County, New York, of similar import, to the same committee.

By Mr. BLACKBURN: The petition of citizens of Lexington, Kentucky, of similar import, to the same committee.

Also, the petition of Walter Southerland, for a pension, to the Committee on Invalid Pensions.

By Mr. BLAIR: The petitions of Henry P. Kent and 37 others, of Lancaster, New Hampshire; and of N. M. Swasey and 37 others, of North Haverhill, New Hampshire, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. BLOUNT: The petition of citizens of Macon, Georgia, of similar import, to the same committee.

By Mr. BROWN, of Kansas: The petition of citizens of Burlington, Kansas, of similar import, to the same committee.

By Mr. BRADLEY: Two petitions from Montcalm County, and another from Saginaw County, Michigan, of similar import, to the same committee.

By Mr. BRIGHT: A paper relating to a post-route between Blanche, in Lincoln County, Tennessee, and Elkmont Station, Alabama, to the Committee on the Post-Office and Post-Roads.

By Mr. BURCHARD, of Illinois: Petitions of citizens of Mount Carroll and Lanark, in Carroll County, Illinois, for the repeal of the stamp tax on safety matches, to the Committee of Ways and Means.

By Mr. BURLEIGH: The petition of W. W. Thomason and others, of Portland, Maine, of similar import, to the same committee.

By Mr. CABELL: The petition of citizens of Danville, Virginia, for the repeal of the stamp-tax on safety matches, to the same committee.

Also, the petition of citizens of Grayson County, Virginia, for a post-route from Summerfield to Meadow Creek, Virginia, to the Committee on the Post-Office and Post-Roads.

By Mr. CALDWELL, of Tennessee: The petition of citizens of Humboldt, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. CAMPBELL: The petitions of 37 citizens of Briarwood, and 37 others, citizens of Mendota, Illinois, of similar import, to the same committee.

By Mr. CANNON, of Illinois: The petition of citizens of Charleston, Coles County, and Champaign, Champaign County, of similar import, to the same committee.

By Mr. CATE: The petition of Jacob Paff and other citizens of Wisconsin, of similar import, to the same committee.

By Mr. CHAPIN: The petitions of citizens of Springfield, Westfield, Lee, and Blackinton, Massachusetts, of similar import, to the same committee.

By Mr. CLYMER: The petition of citizens of Monocacy, Pennsylvania, favoring the extension of aid to the Texas Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. COCHRANE: The petition of 700 manufacturers, merchants, and business men of Allegheny County, Pennsylvania, for the repeal of the bankrupt law, to the Committee on the Judiciary.

By Mr. CONGER: The petition of B. W. Huston and others, of Vassar, Michigan, and of F. H. Blood and others, of Saint Clair, Michigan, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. COWAN: The petition of 27 citizens of Butlerville, Ohio, of similar import, to the same committee.

By Mr. CRAPO: The petition of George W. Macy and others, of Nantucket, Massachusetts, of similar import, to the same committee.

By Mr. CROUNSE: The petition of Thomas McElroy and others, of Girard, Nebraska, for a post-route from Pleasant Hill to Fairburgh, Nebraska, to the Committee on the Post-Office and Post-Roads.

By Mr. CULBERSON: Papers relating to the claim of Hyacinthe de St. Cyr, for rent for buildings used by United States Army officers, to the Committee on War Claims.

By Mr. CUTLER: Memorial of the lamp-lighters of Washington and Georgetown, for additional compensation for their services, to the Committee for the District of Columbia.

Also, the petition of citizens residing on Maryland avenue, in Washington City, for relief from alleged illegal assessments, to the same committee.

By Mr. DANFORD: The petition of William Welsh, for relief, to the Committee on Military Affairs.

Also, papers relating to the claim of M. S. Priest, for pay for services as an engineer, to the Committee on War Claims.

By Mr. DAVIS: A paper relating to post-routes from Saint Lawrence, in Chatham County, to Louis Creek, in the same county; from Smithfield, in Johnston County, to Nazro Chreech's, in the same county, State of North Carolina, to the Committee on the Post-Office and Post-Roads.

By Mr. DE BOLT: The petition of H. H. Gillespie, for a pension, to the Committee on Invalid Pensions.

By Mr. DENISON: Four petitions of citizens of Brattleborough, Vermont, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. DOBBINS: The petitions of citizens of Bordentown, Mount Holley, and Tom's River, New Jersey, of similar import, to the same committee.

By Mr. DUNNELL: The petitions of 40 citizens of Mankato; of 39 citizens of Faribault County; of 14 citizens of Dodge County, Minnesota, of similar import, to the same committee.

By Mr. EAMES: The petition of citizens of Bristol, Rhode Island, of similar import, to the same committee.

By Mr. EGBERT: The petition of 38 citizens of Franklin, Pennsylvania; of 78 citizens of Erie; of 73 other citizens of Erie, for the repeal of the stamp-tax on safety matches, to the same committee.

By Mr. FARWELL: The petition of citizens of Evanston, Illinois, of similar import, to the same committee.

By Mr. FAULKNER: A paper relating to certain post-routes in West Virginia, to the Committee on the Post-Office and Post-Roads.

By Mr. FELTON: The petition of citizens of Cherokee and Pickens Counties, Georgia, for a post-route from Canton to Talking Rock, Georgia, to the same committee.

By Mr. FORT: The petition of citizens of Kankakee, Illinois, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. FOSTER: The petitions of citizens of Fostoria and Clyde, Ohio, of similar import, to the same committee.

By Mr. FRANKLIN: The petition of Minor T. Smith, for a pension, to the Committee on Invalid Pensions.

By Mr. FROST: The petition of 38 citizens of East Boston, Massachusetts, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. FRYE: The petition of citizens of Farmington and Bath, Maine, of similar import, to the same committee.

By Mr. GOODIN: The petitions of Wyandotte and Olathe, Kansas, of similar import, to the same committee.

By Mr. HALE: The petition of citizens of Thomaston, Maine, of similar import, to the same committee.

By Mr. HAMILTON, of New Jersey: The petitions of citizens of Newton, Somerville, and Washington, New Jersey, of similar import, to the same committee.

By Mr. HARDENBERGH: The petitions of citizens of Hoboken, Jersey City, Washington, and Bergen Point, New Jersey, of similar import, to the same committee.

By Mr. HARRIS, of Massachusetts: The petitions of citizens of New Bedford, North Attleborough, Taunton, Quincy, North Weymouth, Dedham, and Medway, Massachusetts, of similar import, to the same committee.

By Mr. HARRIS, of Georgia: Papers relating to a post-route from

Buford to Cumming, Georgia, to the Committee on the Post-Office and Post-Roads.

By Mr. HARRISON: The memorial of citizens of Chicago, Illinois, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. HARTRIDGE: The petition of citizens of Savannah and Brunswick, of similar import, to the same committee.

By Mr. HARTZELL: The petition of citizens of Grand Tower, Illinois, of similar import, to the same committee.

By Mr. HATCHER: Papers relating to the claim of Mrs. Caroline Collier, to the Committee on War Claims.

By Mr. HAYMOND: The petition of citizens of Delphi, Indiana, for the repeal of the stamp tax on safety matches, to the Committee of Ways and Means.

By Mr. HENDEE: Papers relating to the claim of Almont Barnes, to the Committee on War Claims.

By Mr. HILL: The petition of Wiley C. Andrews, for additional compensation as a United States soldier, to the same committee.

Also, the petition of W. C. Allen, for pay for a horse lost in the United States Army, to the same committee.

Also, the petition of Mrs. Minerva Evans, for a pension, to the Committee on Invalid Pensions.

Also, the petition of citizens of Jackson County, Georgia, for a post-route from Jefferson to Harmony Grove, to the Committee on the Post-Office and Post-Roads.

By Mr. HOGE: The petition of citizens of Columbia, South Carolina, for the repeal of the stamp tax on safety matches, to the Committee of Ways and Means.

By Mr. HOLMAN: The petition of R. E Stockwell and 51 others, for the repeal of the check-stamp tax, to the same committee.

Also, the petition of citizens of Richmond, Indiana, for the repeal of the stamp-tax on safety matches, to the same committee.

By Mr. HOSKINS: The petition of 38 citizens of Suspension Bridge, of 32 citizens of Warsaw, of 68 citizens of Lockport, of similiar import, to the same committee.

By Mr. HOUSE: Papers relating to the claim of Mrs. James K. Polk, widow of the late President of the United States, for property taken by the United States, to the Committee on War Claims.

By Mr. HUNTON: The petition of citizens of Alexandria, Virginia, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. HURLBUT: The petition of citizens of Sycamore and Aurora, Illinois, of similar import, to the same committee.

By Mr. JONES, of Kentucky: The petitions of citizens of Newport, of Shelbyville, of Franklin County, and of Carroll County, Kentucky, of similar import, to the same committee.

By Mr. JOYCE: The petitions of W. H. Parker and W. F. Wood, for pensions, to the Committee on Invalid Pensions.

Also, the petitions of citizens of Rutland and of Bennington, Vermont, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. KING: The petitions of citizens of Du Luth, of Anoka, of Saint Paul, and of Saint Cloud, Minnesota, of similar import, to the same committee.

By Mr. LANE: The petition of George A. Miller, late a lieutenant in the United States Army, for relief, to the Committee on Military Affairs.

By Mr. LAPHAM: The petition of citizens of Lee township, and of Ontario and Gates Counties, New York, for the repeal of the stamp tax on safety matches, to the Committee of Ways and Means.

By Mr. LAWRENCE: The petition of citizens of Urbana, Ohio, of similar import, to the same committee.

By Mr. LEAVENWORTH: The petitions of citizens of Syracuse, of Skaneateles, of Cortland, New York, of similar import, to the same committee.

Also, the petition of Abigail Northway, for a pension, to the Committee on Revolutionary Pensions.

By Mr. LORD: The petitions of citizens of New York Mills, of Clinton, of Forestport, of Boonville, of Utica, and of Clinton, New York, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. LYNCH: Papers relating to the claim of Simon M. Preston, to the Committee of Claims.

By Mr. MACDOUGALL: The petitions of citizens of Palmyra, of Port Byron, of Lyons, and of Clyde, New York, for the repeal of the stampt-ax on safety matches, to the Committee of Ways and Means.

Also, petition of officers of the United States Army and citizens of California, that a pension of $50 per month be granted the widow and children of the late Brevet Brigadier-General Charles H. Morgan, United States Army, to the Committee on Invalid Pensions.

Also, a paper relating to making all railroads and all public highways in each State and Territory and in the District of Columbia post-roads, to the Committee on Post-Office and Post-Roads.

By Mr. MACKEY, of Pennsylvania: The petitions of Lock Haven and of Ridgway, Pennsylvania, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr MAISH: The petitions of citizens of Mechanicsburgh, of similar import, to the same committee.

By Mr. McCRARY: The petition of Mary J. Morse, for a pension, to the Committee on Invalid Pensions.

By Mr McFARLAND: The petition of citizens of Sullivan County, Tennessee, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. McMAHON: The petition of Robert McKenzie, for arrears of pension, to the same committee.

By Mr. METCALFE: The petitions of citizens of Castleton, of Jamaica, of Farmingdale, of Sag Harbor, and of Riverhead, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. MILLER: Petitions of citizens of the twenty-first congressional district of New York, of similar import, to the same committee.

By Mr. MILLS: The petition of citizens of Bryan, Texas, of similar import, to the same committee.

By Mr. MONROE: The petition of 38 citizens of Wooster, Ohio, of similar import, to the same committee.

By Mr. MORRISON: The petition of citizens of Alton, Illinois, of similar import, to the same committee.

By Mr. MUTCHLER: The petition of citizens of Pennsylvania, for an extension of post route 8279 to Brodheadsville, to the Committee on the Post-Office and Post-Roads.

By Mr. NEAL: The petition of James P. Naylor, relating to his contract for building a market-house in Washington, District of Columbia, to the Committee for the District of Columbia.

Also, the petition of Thomas Lucas, relating to a contract between the board of health of Washington, District of Columbia, and the firm of Peter Murray & Co., to the same committee.

Also, the petition of citizens of Ripley, Ohio, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. NORTON: The petition of citizens of Westfield and Fredonia, New York, of similar import, to the same committee.

By Mr. O'BRIEN: The petition of citizens of Baltimore, Maryland, of similar import, to the same committee.

Also, the petition of David O. Steiner, for pay for services rendered the United States, to the Committee of Claims.

Also, the petition of Oliver Wood, for pay for services rendered as a special agent of the Post-Office Department, to the same committee.

Also, the petition of Horace Jarboe, for pay for seventeen hundred barrels lost in the collision of the United States steamer Tallapoosa with the schooner Flight, to the Committee on Naval Affairs.

By Mr. ODELL: The petitions of citizens of Yonkers, of Morrisania, and of Greensborough, New York, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

Also, the petition of Nanette Bolton and others, for pay for vessels seized by the republic of France in 1797, 1798, 1799, to the Committee of Claims.

By Mr. PARSONS: The petition of citizens of Louisville, Kentucky, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

Also, the petition of Ann L. Blum, for relief, to the Committee of Claims.

By Mr. PAYNE: The memorial of Rufus K. Winslow and 154 other citizens of Cleveland, Ohio, including vessel-owners and persons interested in the navigation of the upper lakes, remonstrating against the erection of bridges across the Detroit and Saint Clair Rivers, to the Committee on Commerce.

Also, the petition of M. B. Stevens & Co., for an amendment of the law relating to attorneys' fees in obtaining pensions, to the Committee on Invalid Pensions.

By Mr. PHILIPS, of Missouri: The petitions of citizens of Missouri, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. PHILLIPS, of Kansas: The petitions of citizens of Leavenworth and of Manhattan, Kansas, of similar import, to the same committee.

By Mr. PIPER: The petition of Henry M. Naglee, for relief, to the Committee of Claims.

By Mr. PLAISTED: The petition of citizens of Dexter and of Bangor, Maine, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. PLATT: The petition of citizens of Binghamton, of Whitney Point, and of Harpersville, New York, of similar import, to the same committee.

By Mr. POPPLETON: The petition of citizens of Mount Gilead, Ohio, of similar import, to the same committee.

By Mr. POWELL: The petition of M. Kingsley, H. Fisher, and H. E. Huff, for a pension for the wife and children of John J. Powers, a convict, to the Committee on Invalid Pensions.

By Mr. PRATT: The petition of citizens of Laporte City, Iowa, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. RAINEY: The petition of citizens of South Carolina, for additional mail facilities in that State, to the Committee on the Post-Office and Post-Roads.

By Mr. RANDALL: Papers relating to the patent in fire-arms of W. W. Hubbell, to the Committee on Patents.

Also, papers relating to the pension application of George W. Pittman, to the Committee on Invalid Pensions.

Also, papers in the contested-election case of G. W. White vs. J. A. Hyman, to the Committee of Elections.

Also, the petition of citizens of Philadelphia, against any amendment to the act of Congress relating to shipping commissioners, to the Committee on Commerce.

By Mr. REA: The petitions of citizens of Savannah and of Rochester, Missouri, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. JOHN REILLY: Four petitions of citizens of Bedford and Cambria Counties, Pennsylvania, of similar import, to the same committee.

By Mr. RIDDLE: A paper relating to mail service on the post-route from Gainesborough to Cookville, to the Committee on the Post-Office and Post-Roads.

By Mr. ROBBINS, of North Carolina: A paper relating to a post-route from Apple Grove, North Carolina, to DeBusk's Mills, Virginia, to the same committee.

By Mr. ROSS, of Pennsylvania: The petitions of citizens of Tioga, of Wellsborough, of Blossburgh, and of Williamsport, Pennsylvania, for the repeal of the stamp tax on safety matches, to the Committee of Ways and Means.

Also, the petitions of 22 citizens and of 50 other citizens of Williamsport, Pennsylvania, for aid to be extended the Southern Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. RUSK: The petition of citizens of Black River Falls, of Augusta, and of La Crosse, Wisconsin, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

Also, the petition of George Young, for arrears of pension, to the Committee on Invalid Pensions.

By Mr. SAMPSON: The petition of 39 citizens of Pella, Iowa, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. SEELYE: The petitions of citizens of Amherst, of Easthampton, of Northampton, and of Ware, Hampshire County, Massachusetts, of similar import, to the same committee.

By Mr. SHEAKLEY: The petitions of citizens of Titusville, Pennsylvania, of similar import, to the same committee.

By Mr. SMITH, of Pennsylvania: The petitions of citizens of Columbia, Pennsylvania, of similar import, to the same committee.

Also, resolutions of the senate of Pennsylvania asking for the passage of the bill for the completion of the Southern Pacific Railroad, to the Committee on the Pacific Railroad.

Also, the petition of G. W. Brientnall, for a pension, to the Committee on Invalid Pensions.

By Mr. SMITH, of Georgia: The petition of citizens of Albany, Georgia, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. SPRINGER: The petitions of citizens of Jacksonville, of Springfield, and of Winchester, Illinois, of similar import, to the same committee.

By Mr. STENGER: The petition of citizens of Snyder County, Pennsylvania, of similar import, to the same committee.

By Mr. STONE: The petition of C. E. Bingham, adjutant-general of Missouri, for payment of claims against the United States for supplies furnished the United States Army and the State troops of Missouri, to the Committee on War Claims.

By Mr. STRAIT: The petition of citizens of Fairbault, of Sauk Center, and of Jordan, Minnesota, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. SWANN: The petition of Catharine Middleton, for a pension, to the Committee on Invalid Pensions.

Also, the petition of John T. Bristow, for a remission of a fine imposed by the United States distr ct court for the Maryland district, to the Committee on the Judiciary.

By Mr. TARBOX: The petitions of citizens of Milford, Massachusetts, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. TERRY: A paper relating to certain post-routes in Virginia, to the Committee on the Post-Office and Post-Roads.

By Mr. THOMAS: The petition of citizens of Baltimore, Maryland, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. THOMPSON: The petition of citizens of Haverhill, of Ipswich, of Rockport, and of Salem, Massachusetts, of similar import, to the same committee.

Also, the petition of the heirs of Mark and Nicholas Fouquet, for payment of money due them for services rendered during the revolutionary war, to the Committee on Revolutionary Pensions.

By Mr. THORNBURGH: The petition of citizens of Knoxville, Tennessee, for the repeal of the stamp-tax on friction matches, to the Committee of Ways and Means.

By Mr. TOWNSEND, of New York: The petition of citizens of Lansingburgh, of Fort Ann, of Sharshom, Whitehall, and of Sandy Hill, New York, of similar import, to the same committee.

By Mr. TURNEY: The petition of citizens of Greensburgh, Pennsylvania, of similar import, to the same committee.

Also, four petitions of citizens of Westmoreland County, asking Congress to aid in the construction of the Texas Pacific Railroad, to the Committee on the Pacific Railroad.

Also, a paper relating to a post-route from Greensborough to Smithfield, Pennsylvania, to the Committee on the Post-Office and Post-Roads.

Also, the petition of Lieutenant-Colonel Alexander Montgomery, United States Army, for balance of pay due him, to the Committee on Military Affairs.

By Mr. VANCE, of Ohio: The petition of citizens of Portsmouth and of Gallipolis, Ohio, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. VANCE, of North Carolina: A paper relating to a post-route from Webster to Charleston, North Carolina, to the Committee on the Post-Office and Post-Roads.

Also, papers relating to the petition of Mary E. Shelton, for relief, to the Committee on Military Affairs.

Also, papers relating to the claims of William Donaldson and W. H. Deaver, to the Committee on War Claims.

By Mr. VAN VORHES: The petition of citizens of Pomeroy, Ohio, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. WALDRON: The petitions of citizens of Tecumseh, of Chelsea, of Jonesville, and of Adrain, Michigan, of similar import, to the same committee.

By Mr. WALKER, of Virginia: Papers relating to a post-route from Richmond to Glendale, Virginia, to the Committee on the Post-Office and Post-Roads.

By Mr. WALSH: A paper relating to a post-route from Frostburgh to Pompey Smash, Maryland, to the same committee.

Also, papers relating to the claim of George W. Spates, to the Committee on War Claims.

Also, the petition of citizens of Cumberland, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. WARD: The petition of W. E. Robinson and 48 other persons, for the repeal of the check-stamp tax, to the same committee.

By Mr. WARREN: The petition of citizens of Holliston, of Lowell, and of Cambridgeport, Massachusetts, for the repeal of the stamp-tax on safety matches, to the same committee.

By Mr. WELLS, of Missouri: A memorial from the acting quartermaster-general of Missouri, relative to the claim of that State against the United States, to the Committee on Military Affairs.

By Mr. WHITING: Two petitions of citizens of Knox County, Illinois, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. WIGGINTON: The petition of Eli Randall, W. P. Tompkins, and 250 other residents of Santa Barbara County, California, for aid for the Texas Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. A. S. WILLIAMS: Two petitions of citizens of Detroit, Michigan, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. W. B. WILLIAMS: The petitions of citizens of Holland and of Ionia, Michigan, of similar import, to the same committee.

By Mr. WILLIAMS, of Delaware: The petition of citizens of Delaware, for the passage of a resolution authorizing the appointment of an engineer to survey the Mispillion River, Delaware, to the Committee on Commerce.

By Mr. WILSHIRE: The petition of citizens of Arkansas and the Indian Territory, that an appropriation be made to enable the Secretary of the Interior to carry into effect the act of Congress approved March 3, 1875, relating to the boundary-line between the said State and Territory, to the Committee on Appropriations.

By Mr. WILSON, of Iowa: The petition of citizens of Vinton, of Belle Plaine, of Marion, of Brooklyn, and of Grinnell, Iowa, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. WILSON, of West Virginia: A paper relating to certain post-routes in West Virginia, to the Committee on the Post-Office and Post-Roads.

Also, the petition of citizens of West Virginia, that pensions be granted to soldiers of the Mexican war who have not been pensioned under existing laws, to the Committee on Invalid Pensions.

Also, the petition of Mount Zion Grange No. 89, Patrons of Husbandry, of Lewis County, West Virginia, for a reduction of postage-rates, to the Committee on the Post-Office and Post-Roads.

By Mr. WOOD, of Pennsylvania: The petition of citizens of Morristown, Pennsylvania, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. YOUNG: Papers relating to the claims of Mary E. O. McGregor, Nancy Seawight, Henry C. Dollis, Robert Talley, Francis Molitor, and Emma G. Abbott, to the Committee on War Claims.

IN SENATE.

TUESDAY, *February* 1, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. INGALLS presented the petition of Patrick J. Kennedy, praying the removal of the charge of desertion and the restoration of his name to the rolls of his company with allowance such as he may be entitled to from the various Departments of Government; which was referred to the Committee on Military Affairs.

He also presented additional papers containing evidence in support of the bill for the relief of Joseph Dunlap, of Council Grove, Kansas; which were referred to the Committee on Indian Affairs.

Mr. CHRISTIANCY presented the petition of Merritt Lewis, of Michigan, a disabled soldier, praying for an increase of pension; which was referred to the Committee on Pensions.

Mr. WRIGHT. I have had sent to me by the secretary of state of Iowa a joint resolution of the General Assembly of that State, asking that Congress restore the rates of postage on third-class matter to the rates which prevailed one year ago. I will not ask to have the memorial read, but move that it be inserted in the RECORD, and referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

The resolutions are as follows:

Preamble and resolutions relating to postage on third-class mail matter.

First. Whereas the question of cheap postage to persons living remote from the lines of express companies, especially the rural districts, is of vital importance to the prosperity of the country and the convenience of the inhabitants: Therefore,

Be it resolved by the General Assembly of the State of Iowa, That our Senators be instructed and our Representatives in Congress be requested to use their influence to have the postage on third-class mail matter restored to rates which prevailed one year ago.

That the secretary of state be instructed to forward a copy of this resolution to each of our Senators and Representatives in Congress.

Mr. WRIGHT also presented a joint resolution of the General Assembly of the State of Iowa, asking Congress to pass a law repealing so much of the revenue act as applies to stamps on bank-checks; which was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Resolved by the house, (the senate concurring,) That our Senators be instructed and our Representatives requested to secure, if possible, an amendment to the laws of Congress so that revenue stamps shall not be required on bank-checks.

Mr. WITHERS presented additional papers in the case of B. D. Morton, late postmaster at Clarksville, Virginia; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. OGLESBY presented the petition of farmers and workingmen of Illinois assembled in convention at Bloomington, praying for the repeal of the so-called resumption act, withdrawal of national-bank circulation and the substitution of legal-tender circulation, with the privilege of conversion into a convertible bond; which was referred to the Committee on Finance.

Mr. GORDON presented the petition of V. Dunning and other citizens of Atlanta, Georgia, praying that the estate of James L. Dunning, late postmaster at Atlanta, may be relieved from liability for certain sums of money alleged to have been embezzled from that post-office by certain money-order clerks therein; which was referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. HAMILTON. I am directed by the Committee on Public Lands to report back sundry petitions of citizens of Michigan based upon the memorial of the Legislature of Michigan, asking the Congress of the United States to grant bounties to all soldiers of the late war. These petitioners suggest that the Government of the United States appropriate $200, in lieu of one hundred and sixty acres of public lands. I suggest that the petitions go to the Committee on Finance, if they see proper to act upon them at all. At any rate, I am instructed by the committee to report them back adversely.

Mr. CHRISTIANCY. I ask that the petitions be referred to the Committee on Finance.

The PRESIDENT *pro tempore*. The Committee on Public Lands will be discharged from the further consideration of the petitions, and they will be referred to the Committee on Finance, if there be no objection.

Mr. SHERMAN. I am directed by the Committee on Finance, to whom was referred the bill (S. No. 57) authorizing the payment of duties on imports in legal-tenders and national-bank notes, to report it adversely. I think the Senator from Missouri [Mr. BOGY] would desire it to be placed on the Calendar.

Mr. BOGY. Yes, sir; I would like to speak upon that subject at the proper time.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. SHERMAN. I am also directed by the Committee on Finance to report back the concurrent resolution proposing a common unit of money and accounts for the United States of America and the United Kingdom of Great Britain and Ireland, accompanied with certain facts and reasons for its passage; and I move that this statement be printed and the whole matter recommitted to the Committee on Finance.

The motion was agreed to.

Mr. MAXEY. I am instructed by the Committee on Post-Offices and Post-Roads to report back adversely upon the petition of V. Dunning, and other citizens of Atlanta, Georgia, praying that the estate of James L. Dunning, late postmaster at Atlanta, Georgia, may be relieved from liability for certain sums of money alleged to have been embezzled from his post-office by certain money-order clerks. After a thorough examination of the facts in the case by the committee, I move that the committee be discharged from the further consideration of that petition and that it lie on the table.

The motion was agreed to.

Mr. EDMUNDS. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. No. 261) to remove the political disabilities of Daniel T. Chandler, of Baltimore, Maryland, to report it back. It appears that this gentleman was in the Army of the United States, but that his resignation was duly and fairly accepted. He went into the service of the rebellion, lived through it, and petitions in a respectful and honorable way to have his disabilities removed. We therefore report favorably upon the bill.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar.

Mr. MORRILL, of Maine, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 811) making appropriations for the payment of invalid and other pensions of the United States, for the year ending June 30, 1877, reported it with amendments.

UNSTAMPED INSTRUMENTS.

Mr. SHERMAN. I am directed by the Committee on Finance, to whom was referred the bill (H. R. No. 785) to extend the time for stamping unstamped instruments, to report it without amendment; and as it is of a temporary character, I ask that it be considered now.

By unanimous consent the bill was considered as in Committee of the Whole.

The provisions of the act entitled "An act to provide for the stamping of unstamped instruments, documents, or papers," approved June 23, 1874, are by the bill extended to January 1, 1877.

Mr. WRIGHT. I wish to ask the Senator from Ohio a question. I see that the bill provides generally for extending the time.

Mr. SHERMAN. For one year.

Mr. WRIGHT. It provides for extending the time of an act that is now on the statute-book. The act thus extended has provisions in it saving the rights of third persons, I suppose?

Mr. SHERMAN. The Senator is familiar with the act which this bill extends.

Mr. WRIGHT. I am.

Mr. SHERMAN. This bill has been very carefully considered, and it is for the purpose of enabling parties interested in legal documents to put on stamps when by accident or design the stamping was omitted.

Mr. WRIGHT. All I wanted was to see whether I am correct in my recollection, that the act thus extended does preserve the rights of third persons which may have intervened.

Mr. SHERMAN. It does. This simply extends the old act, with which the Senator is familiar; for I know he took part in its passage.

Mr. SAULSBURY. I desire to make an inquiry of the chairman of the committee. I do not remember the provisions of the act which is extended by this bill sufficiently; but is there not a provision by which in case a person may not be able to obtain stamps his paying any proper officer of the Government the price of the stamps shall have the same effect as if the paper had been stamped? In some sections of the country sometimes people are not able to procure the proper stamps.

Mr. SHERMAN. I have not the revenue laws before me now, but the act does contain a provision of that kind. The party can call on the proper collector for stamps, and if not furnished substitute their price. This bill simply extends the provision of the law which authorizes these instruments to be stamped one year further.

Mr. SAULSBURY. I wish to inquire further of the chairman whether the State courts now recognize as valid the law which requires a stamp in order to admit papers as evidence? I had occasion in the month of April last to check the admission of evidence of the record of a deed which had not been stamped, but my State court ruled that the law was not constitutional, and admitted it in evidence notwithstanding the objection which I made and my citation of the law, which I produced from Brightly's Digest. Therefore it seems to me that if the State courts of the country are not to recognize this law Congress ought not to enact by statute that unstamped instruments may not be admitted in evidence, and it is unnecessary legislation to extend the time for stamping instruments.

Mr. SHERMAN. All I can say is that perhaps the State courts of some other States have more regard for the laws of the United States than they have in Delaware. But I know there is a necessity for this extension by the fact that the House of Representatives, from the Committee of Ways and Means which considered it, passed the bill and sent it to us; and I can see no objection to it.

Mr. SAULSBURY. Our State court in Delaware acts in harmony with the position assumed by the courts in several other States.

Mr. MERRIMON. I believe that the State courts have generally held that Congress has no power to lay down a rule of evidence for State courts. This has been held not only by the State courts of Delaware, but by the State courts of Massachusetts, Kentucky, and other States; and I believe the rulings in that respect are uniform. But this legislation goes on another ground, as I understand it. It is competent for Congress to impose this stamp-tax and make it obligatory on whomsoever shall be interested in instruments to stamp them, and impose penalties; and if any one shall produce any instrument required to be stamped, without the proper stamp, he is subject to be indicted. I understand that the object of this bill is simply to extend the time where inadvertently papers have not been properly stamped, so that they may be stamped and thereby save this penalty and save the parties from indictment. In that view I think it very proper; but so far as it prescribes a rule of evidence for State courts, it is in-

opportune, and I think the decisions of the supreme courts of the several States are uniform on that subject.

Mr. STEVENSON. I suppose that this bill does not contemplate a deed or anything which constitutes evidence in the State courts; for I do not know a court that has not declared the law in that respect unconstitutional; and I think the Supreme Court of the United States has expressly decided that it is not competent for Congress to tax the instrumentality or agency of a State court any more than it is competent for a State to tax the instrumentality or agency of a Federal court.

Mr. SHERMAN. If the Senator will allow me, this bill does not require anybody to put stamps on any instrument whatever. It is no tax and no burden upon anybody whatever. It is not a tax upon any State court, but it simply provides that a person who holds deeds or papers that he desires to have stamped to secure the rights under them and avoid the penalties imposed by the revenue laws, may stamp them at any time during this current calendar year if he chooses to do so for his own benefit in a certain way; and to enable him to do so it extends the provision of a law that has been in force for six or seven years which enabled him to do it. It is a mere statutory relief for the purpose of accommodating parties who desire to attach these stamps.

Mr. STEVENSON. I do not object to the bill. I supposed it was really to remedy just what the Senator from Ohio says. Still I do not recognize the power of the Federal Government to regulate or interfere at all with the reception of evidence in State courts; and I do not suppose this bill does do so.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

POST-ROUTES IN TEXAS.

Mr. MAXEY. I am directed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. No. 360) to establish certain post-routes in the State of Texas, to report it favorably. I will state that the Postmaster-General recommends the establishment of the routes indicated in the bill, and as the Committee on Post-Offices and Post-Roads reports favorably upon it, I would ask the present consideration of the bill. I know personally the necessity for the immediate establishment of these routes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 360) to establish certain post-routes in the State of Texas. The routes proposed to be established are from Paris, Lamar County, Texas, by way of Cotton Plant, in that county, and by way of Cooper, in Delta County, to Sulphur Springs, in Hopkins County, and from Bonham, in Fannin County, by way of Ladonia, in that county, and Ben Franklin, in Delta County, to Cooper, in that county; and instructs the Postmaster-General to furnish these routes with the necessary mail service.

Mr. SARGENT. The direction in the last part of the bill is unusual. Certainly it is not customary to direct the Postmaster-General to put service on specific routes. We never accompany with such a condition the establishment of post-routes. The usual policy of the law leaves it to his discretion upon evidence. I would like to inquire if this bill has been reported from the committee?

The PRESIDENT *pro tempore*. It was reported by a member of the committee, the Senator from Texas.

Mr. SARGENT. I see it relates simply to Texas. There are several other bills before the committee relating to post-routes which the committee have not had time to act upon. The ordinary method is to have such measures combined in one bill and reported to the Senate in that form.

Mr. MAXEY. With the permission of the Senator from California, I will say a few words. A new county, Delta, has been established out of the populous counties of Lamar and Hopkins. The records of those counties are essential to the transaction of court business in Delta County. Cooper now has no connection with any railroad. By the bill it gets the benefit of connection with the northern system, twenty-four miles north of Paris, and with the southern system, eighteen miles south of Sulphur Springs, which now has daily mails from Mineola. Delta is in the same judicial district with the county of Lamar and the county of Fannin, and hence the imperative necessity of immediate action. If the Senator from California desires, I will move to strike out the latter clause.

Mr. SARGENT. That is the motion I would make. I move to strike out the last clause in the following words:

> And the Postmaster-General is hereby instructed to furnish said routes with the necessary mail service.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LAND OFFICE IN UTAH TERRITORY.

Mr. OGLESBY. I am directed by the Committee on Public Lands, to whom was referred the bill (S. No. 279) to establish a land office in the southern part of Utah Territory to be known as the Beaver district, and for other purposes, to report it with an amendment. I do not know that there will be much more morning business before the Senate this morning. The bill is unanimously recommended by the committee, and it is also recommended by the Commissioner of the General Land Office. It is to establish a new land office in the southern portion of the Territory of Utah, where the people have been deprived for some length of time of the convenience of such an office. Therefore, if there is no serious objection, I would ask the Senate for its present consideration.

By unanimous consent, the bill (S. No. 279) to establish a land office in the southern part of Utah Territory, to be known as the Beaver district, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands, with an amendment in line 6, section 1, to strike out "thirty-ninth" and insert "fourth standard;" so as to read:

> Thence running north on the line between said Territory and the State of Nevada to the fourth standard parallel of latitude.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 386) approving an act of the Legislative Assembly of Colorado Territory; which was read twice by its title, referred to the Committee on Territories, and ordered to be printed.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 387) for the relief of John S. Friend; which was read twice by its title, and, with the accompanying petition, referred to the Committee on Claims.

Mr. PADDOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 388) to provide for the sale of a portion of the reservation of the Sac and Fox Indians, in the States of Kansas and Nebraska; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. CHRISTIANCY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 389) for the relief of Edward Corselius and seven other persons, late members of the First Michigan Cavalry Veteran Volunteers; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. CHRISTIANCY. I wish to say that the bill which I have just presented was introduced by my predecessor (Mr. Chandler) at the last session and referred to the Committee on Military Affairs. I understand there is a memorial which accompanied it. I wish an order entered to take that memorial from the files and refer it to the Military Committee.

The PRESIDENT *pro tempore*. That order will be made, if there be no objection.

Mr. JONES, of Florida, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 390) to authorize the erection of a suitable building for a custom-house, post-office, and the use of the courts of the United States in the city of Jacksonville, Florida; which was read twice by its title, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 391) to authorize the Secretary of War to purchase for the use of the United States a tract of land at Key West, Florida, owned by Walter C. Maloney and wife; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. EDMUNDS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 392) for the preservation of game, for the protection of birds, and in relation to dogs in the District of Columbia; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. MERRIMON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 393) for the relief of William G. Anderson; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

Mr. SHERMAN. I ask leave to withdraw the petition of Thomas Worthington, of Ohio, from the Committee on Claims, with a view to its revision in form.

The motion was agreed to.

On motion of Mr. FRELINGHUYSEN, it was

Ordered, That the petition and papers in the case of Anna M. Orme be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. FRELINGHUYSEN, it was

Ordered, That the petition and papers in the case of Lewis Johnson be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. FRELINGHUYSEN, it was

Ordered, That the petition and papers in the case of Betts & Nichols be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. WEST, it was

Ordered, That the petition and papers in the case of Fanny A. Thompson be taken from the files of the Senate and referred to the Committee on Revolutionary Claims.

On motion of Mr. NORWOOD, it was

Ordered, That the petition and papers in the case of Patrick Eagin be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. BOUTWELL, it was

Ordered, That the petition and papers in the case of Julius A. Pickering be taken from the files of the Senate and referred to the Committee on Patents.

TREASURER'S ACCOUNTS.

The PRESIDENT *pro tempore* laid before the Senate the following communication from the Treasurer of the United States:

TREASURY OF THE UNITED STATES,
Washington, January 31, 1876.

SIR: I beg leave to request that the bearer, Mr. David A. Ritter, a clerk in this Office, be granted access to the copy of the Treasurer's quarterly account for the first quarter 1873, on file in the Senate, for the purpose of correcting a transposition of titles of receipts as recapitulated on page 249 of that account.

I have the honor to be, sir, yours, respectfully,

JNO. C. NEW,
Treasurer United States.

Hon. T. W. FERRY,
President pro tempore of the Senate.

Mr. SHERMAN. I move that that request be granted.

The motion was agreed to.

MOTIONS TO RECONSIDER.

The PRESIDENT *pro tempore*. If there be no further morning business the morning hour has expired, and the Chair will lay before the Senate the unfinished business of yesterday.

Mr. INGALLS. Before the Senate resumes the consideration of the unfinished business I rise to a question of order. The Chair will remember that on Thursday last after a three days' debate the Senate passed a bill in relation to the rights of homestead and pre-emption settlers within the limits of railroad grants. Last evening a member of the House of Representatives called upon me to ascertain why the bill had not been forwarded for action by that body, and upon inquiring at the desk of the Secretary I was informed that a Senator had preferred a private request that the bill might be retained in order to enable him if he saw fit to enter a motion for reconsideration.

The point upon which I desire the ruling of the Chair is whether a bill can be retained after its passage by the Senate at the private request of a Senator for the purpose of making a motion for reconsideration within the two days that are allowed by the rules for that purpose.

The PRESIDENT *pro tempore*. The Chair will state that the usage of the Senate has been for the Secretary to retain a bill at the instance of any Senator, inasmuch as the rule gives the right to reconsider within two days next following the day on which it passed, unless the bill passes out of the possession of the Senate, in which case the privilege of reconsideration is lost. In order to preserve that privilege it has been the practice of the Senate uniformly, as the Chair understands, that when a Senator desires a reconsideration within the time he so expresses himself to the Secretary, and the bill has been retained. This usage has been uniform. Since the practice is now objected to by the Senator from Kansas, who raises the question by a point of order, the Chair will submit to the Senate whether hereafter the practice of the Senate shall be in conformity with prior usage, or shall it conform strictly to the rule.

Mr. SHERMAN. What is the rule bearing on the subject?

The PRESIDENT *pro tempore*. The Secretary will report the twentieth rule.

The Chief Clerk read as follows:

When a question has been made and carried in the affirmative or negative, whether previously reconsidered or not, it shall be in order for any Senator of the majority to move for the reconsideration thereof; but no motion for the reconsideration of any vote shall be in order after the bill, resolution, message, report, amendment, or motion upon which the vote was taken shall have gone out of the possession of the Senate, announcing their decision, except a resolution confirming or rejecting a nomination by the President; nor shall any motion for reconsideration be in order, unless made on the same day on which the vote was taken, or within the two next days of actual session of the Senate thereafter; but a motion to reconsider a vote upon a nomination shall always, if the resolution announcing the decision of the Senate has been sent to the President, be accompanied by a motion requesting the President to return the same to the Senate.

Mr. CONKLING. May I inquire whether the bill in question has gone to the House of Representatives?

The PRESIDENT *pro tempore*. The Chair is informed that the bill has gone to the other House.

Mr. CONKLING. Then may I further inquire how it is in order in any way to present this question to the Chair, or to call upon the Chair to present it to the Senate? If the bill were still here, and the purpose was to have the action of the Chair or of the Senate take effect upon the bill and expedite it to the House, I could understand it; but the Senator rises and states, as a historical fact—a recent fact to be sure, but still a fact that is past—that under the usage of the Senate, some Senator requested that a bill should be withheld pending the lapse of that time within which he might move to reconsider that bill, if upon consideration he felt called upon to do so. That occurred; and the Secretary did what the Secretary so far as I am informed has always done; and now the Senator rising and stating that as a fact in the past, the bill having gone from the jurisdiction of the Secretary, the Chair, and the Senate, and being in the possession of the House, asks the Chair to rule upon it.

I do not know that there is any objection practically to having now, when the question has not arisen or has passed away, a decision upon it, if the Senator from Kansas feels interested in that as an abstract question which may or may not arise in the future; but I submit that it is reaching some distance after a question of order to take a thing which has already passed, and make it the occasion on which to hang such a consideration. I will not object to it if the vote of the Senate is to be taken; but if it is to lead to debate I shall feel called upon to submit to the Chair that the point of order is inopportune in point of time.

I ought to say that I made no request about the retention of the bill; I do not know what Senator did. I feel no interest in this particular case myself. I did not know, until the announcement was made, that it had been retained. But if we are to debate this question at all, I suggest that we had better wait until it arises on some bill which is still here, and which the Senator wants to send to the House, and not expend our breath on an occasion that seems to have passed by and ceased to be before the Senate.

Mr. INGALLS. Mr. President, with very great deference to the opinion and judgment of the Senator from New York, I contend that this is a practical question, and not an abstract question, because if this interpretation of the rule or this power that is claimed by Senators upon private motion is to be sustained by a vote of the Senate, it practically at one period in the session puts the entire business of this body within the control of any individual member who may see fit to retard it. Take the case of the last two days of the session, when, as every Senator knows, a very large proportion of the legislative business is transacted. If it is to be understood that, whenever a bill passes this body, any Senator who voted with the majority is to be allowed to go privately to the Clerk's desk and say to him, "I desire that this bill may be held over a couple of days, because I propose to enter a motion to reconsider the vote by which it passed," every one can see without any very great profundity of investigation that it is a matter that will practically interrupt and destroy the whole business of the Senate. Therefore, I say that it is not by any means an abstract question; it is a very practical question; and I have taken occasion to introduce it at the present time simply because when I inquired this morning, on the fifth day after the passage of this bill, I was informed by the Secretary that it had not been transmitted to the House of Representatives. I think, sir, that this is a question of great moment, of great practical consideration, and that if this latent, or hidden, or obscure power does rest with any individual Senator to delay and retard the whole progress of business, the rules had better be amended, or some action taken that will render it plain and clear in the future.

Mr. SHERMAN. I suggest that this matter be referred to the Committee on Rules to consider, rather than that we should consider it here now. If we should now adopt suddenly a new rule, we should reproach the Senator whoever he is—and I do not know who he is—who has exercised simply the customary right of a Senator in the transaction of business. I agree with the Senator from Kansas that no single Senator ought to have the power to restrain the ordinary and usual course of business, but that when a bill passes it should be immediately communicated to the other House. I think the language of the twentieth rule contemplates that, because it denies to the Senate the right to reconsider in case the bill has passed from it. It contemplates the probability that the bill will pass from it before the expiration of the time limited for a reconsideration. Therefore I think that the rule does not authorize this practice; but it is the practice, and many of our rules are but the usages which have grown with time. If a Senator has exercised an ordinary custom in this body, as a matter of course he ought not to be reproached by our action at this moment upon the presentation of the facts; but if the rule is faulty, or if a bad practice has grown out of the construction of the rule, it ought to be corrected; and I think the Committee on Rules might very fairly take up the case. Let the subject-matter be referred to them; and then, if it is proper to direct the Secretary at once to communicate bills on their passage, let it be so done. I can see how the Secretary would be very much embarrassed in the present state of affairs. If it has been the custom to hold bills at the demand of a single Senator to enable him to move a reconsideration, while it might delay the public business, yet I think the Secretary might very properly hesitate about violating that custom. I move therefore that the subject-matter be referred to the Committee on Rules.

Mr. SARGENT. For that purpose I offer a resolution to bring the matter before the Committee on Rules. At the same time I do not believe it is expedient to amend the rule in the manner suggested.

The PRESIDENT *pro tempore*. The Chair will state, as the Senator from New York has raised the question, that the Senator from Kansas raised a point of order, and the Chair submitted the point to the Senate in order to relieve the Secretary from embarrassment, for it is an embarrassment to him, as this matter rests on practice and not on the express rule. The Chair stated that it was irregular; that if he were called upon to decide upon the rule of the Senate, the objection of the Senator from Kansas was well taken; but it is a question of practice, and for that reason the Chair proposed to submit it to the Senate for the purpose of relieving the Secretary of the embarrassment of deciding such cases.

Mr. INGALLS. I had no intention whatever of reproaching any Senator or of casting any reflection upon any gentleman who had availed himself of this assumed privilege; but it certainly, as the Chair suggests, places the Secretary or Clerk of the Senate in a very embarrassing position after a bill has passed to permit a Senator to lodge a private request with him to hold a bill for the purpose of

enabling him to make a motion to reconsider, which, as in this case, never was made.

Mr. SARGENT. I ask that the resolution I have offered be read.

The Chief Clerk read as follows:

Resolved, That the Committee on Rules consider and report as to the expediency of so amending the rules as to require the Secretary of the Senate, on the request of one or more Senators who voted in the affirmative on any bill or joint resolution, to retain any such bill or resolution and not to transmit it to the House of Representatives until the time for a motion for reconsideration shall have passed.

Mr. SARGENT. I offer that simply that the Committee on Rules may have jurisdiction of the matter. I do not believe myself that the practice which has grown up is wholesome. I think that the spirit of the rule is that on a bill being completed by the Senate by its final vote it goes to the House of Representatives as soon as the proper record can be made by the Secretary, and that is the better way; and if a Senator desires to reconsider he must make the motion before the bill is transmitted to the House of Representatives. He probably can do it immediately, or certainly give notice of his intention. I think the Committee on Rules should consider the matter, and either make the practice thoroughly legitimate under the rules so as to relieve the Secretary of embarrassment and inform Senators of their rights, or they should pronounce against the practice and by refusing to amend the rules show that such a practice is not sanctioned by the Senate.

Mr. ANTHONY. Mr. President, I do not understand that a bill has ever been retained more than the two days within which it is in the power of any Senator to retain it by entering a motion to reconsider.

The PRESIDENT *pro tempore*. The Chair is so informed.

Mr. ANTHONY. I think it is quite well to refer this matter to the Committee on Rules, but certainly there are occasions when it is quite as well that a bill should remain over one day. Sometimes bills are passed at the close of a day's session by a very few votes when many Senators are absent; and I think a rule that would require the Secretary—I do not know but that the rule requires it now—but the rigid enforcement of a rule that would require the Secretary, immediately upon the passage of a bill, to transmit it to the other House, might lead to some inconveniences at times, although I believe the Senate generally, at the request of a Senator who desires to enter a motion to reconsider, asks for the return of the bill from the House of Representatives. He has a right to enter the motion, but it takes no effect unless the bill be here. We all must know that the less our proceedings are confined within rigid rules, and the more they are modified and regulated by that comity and good feeling that have always distinguished the body, the better it is for us, although of course there must be some limits to that, there must be limits within which the rules cannot be permitted to be transcended.

Mr. CONKLING. I have no objection, as the Senator from Rhode Island says he has none, to this subject going to the Committee on Rules. Before it goes, however, I wish to make two remarks to correct what seems to me to be a misapprehension on the part of the Senator from Kansas, and, possibly, other Senators. In the first place, it must be observed that, if by a rule an allowance of two days is made, as the time within which a motion to reconsider may be made, and if the bill is to be hastened away at once from the jurisdiction of the body and no provision made against that, the right to reconsider is a mere nominal right, unless it can be supposed that some Senator opposed to the bill would change his vote and vote with the majority in order that he might continue his opposition, or, on the other hand, that some Senator, who conscientiously has voted for the bill, will change his mind in the twinkling of an eye or upon a request and enter a motion to reconsider. Neither of those things is to be supposed; neither of them, I think, would be wholesome. Therefore, the rule fixing a time contemplates upon its face that within that time the bill may, even though it must not necessarily, remain within the jurisdiction of the body.

The Senator from Kansas reminds us that at the end of a session a single member would have control and command of the business of the body, because he might make such a request. My chief purpose at this moment is to correct, if I can, that impression. I deny utterly that any such thing could flow from this rule. A bill has been acted upon by the Senate affirmatively. Somebody has charge of that bill. We are, in the supposed case, within twelve hours of the end of a session. If it were to be neglected by everybody and some request made to hold it, what the Senator suggests might occur. Practically it never would occur; and for this reason: a bill failing to go to the House and that coming to the knowledge of the Senator having it in charge, he inquires why; the Secretary says that the Senator from Kansas, or some other Senator, has made a request that it be withheld so that a motion to reconsider may be entered. The Senator having charge of the bill inquires whether that motion is to be made. Ascertaining that it may be made but is withheld and a postponement going on, it is his right, or the right of any Senator who favored the bill, immediately to make a motion to reconsider and ask the Senate to vote upon that motion, and that puts an end to the whole thing. That we have seen done.

I remember when the bill distributing the Alabama award was acted upon in the Senate, a Senator not now in his seat moved to reconsider the vote and asked that it might stand over, the Senate being thin, and that the vote might be taken the next day; but upon the demand of another Senator the Senate proceeded to vote upon the motion to reconsider, and that forever expended the power of the Senate under the rules to reconsider. So I say to the Senator from Kansas that although a power may exist to lodge, as he says, a private request with the Secretary, whenever that occurs at a time likely to be detrimental to the interest of legislation or to procrastinate dangerously, any Senator may insist that the motion shall be made at once, or may make it himself if he voted with the majority and bring the Senate to a vote upon it.

It may be said that some factious member of the body even then might proceed to debate and to protract proceedings. Yes; we have no previous question; any factious member might continue to debate any question as long as his perversity or his power lasted; but we do not make rules in this body upon the theory that such things occur, because they do not occur; and therefore I wish for one to say, before this matter goes to the Committee on Rules, that I see no danger in the possibilities pointed out by the Senator from Kansas; although, as I repeat, neither in this case nor in any other case that I remember have I ever had occasion to request the Secretary to withhold a bill. But the present rule and the practice has worked without detriment as far as I know so far, never having led to anything more than a complaint that there had been a little hasty practice in bringing the Senate to a vote on a motion to reconsider, when it would have been agreeable to some Senator to have it stand over to another day. That is the worst contingency I have ever known to occur out of the rule as it stands, so far.

Mr. HARVEY. Mr. President, the remarks of the Senator from New York render it necessary for me to make a statement in regard to this matter. It so happens that I had charge of the bill which has been referred to while it was under consideration before the Senate. Under the impression that the bill had been sent to the House, I informed certain members of the House from my own State and others with whom I happened to be acquainted, and who I knew felt an interest in the bill, that the bill had passed this body and, I supposed, had gone to the House. One of the members under that impression made a motion in the House, I believe, to refer it to the Committee on Public Lands there. Finding that the bill had not yet been presented there, he came to the Senate Chamber and called my attention to the fact. I went to the Secretary and ascertained that the bill had not been sent for the reason which has been stated, that a Senator had requested that it be withheld so that he might, if he deemed it proper, move a reconsideration. I informed my colleague of that fact, and that it would be necessary for us to be present, the friends of the bill to be present, and vote whether such a motion was made before the adjournment last evening; and that if such motion was not then made, I was informed by the Secretary the bill would be sent to the House upon its meeting to-day.

This being the situation, I should have made no remarks on the subject now but for the fact that the honorable Senator from New York in what he said alluded to the circumstance that every bill upon its passage here was supposed to be under the charge of some Senator representing the committee to which the bill had been referred.

I deem it proper, in justice to myself, to make this statement in answer to the remarks made by the Senator from New York.

Mr. ANTHONY. Mr. President, it will be seen on reference to our rule that, in regard to nominations, it was found advisable not to have the final action of the Senate on nominations sent to the President until the end of the two days, within which any Senator may move a reconsideration. That is now the rule in regard to nominations, so that the practice in legislative business only conforms to the rule in regard to executive business, and the rule in regard to executive business was made on account of the convenience of the Senators and to afford facilities for an examination of proceedings that had taken place often in a thin Senate. The practice in legislative proceedings conforms to the positive rule in regard to executive proceedings, although strictly the rule in regard to legislative proceedings is undoubtedly the other way. As the Senator from Vermont [Mr. EDMUNDS] suggests, the rule, which is a recent one in executive proceedings, merely makes the executive proceedings conform to the practice, which was not in violation of the rule but rather a loose construction of the rule in regard to legislative proceedings.

Mr. INGALLS. Does the Senator think that any member of this body ought to have the power, after a question has been acted on by the body, privately, without notifying any person of his intention, to apply to the Secretary to have a bill or a nomination held over in order to enable him to deliberate whether he wants to make a motion to reconsider or not, and thereby thwart the expressed will of the majority of the body?

Mr. ANTHONY. That is a question that I would rather answer after the matter has been investigated by the Committee on Rules. It is the practice now, and always has been the practice.

Mr. MORTON. Let me suggest one question to the Senator from Rhode Island. The Senator from New York says there is no danger in this rule at the close of the session, because somebody will be in charge of the bill and will find out that the bill has been held back, and can, therefore, require the motion to reconsider to be made at once. Now I want to submit whether it is the duty of members who are interested in bills at the close of the session to keep watch by going to the Clerk and inquiring whether bills have been sent to the other House or not, and, if they find that they have not, to come into the Senate and be compelled to make a motion to reconsider themselves

when they do not want any reconsideration, in order to have the subject disposed of in time to get it to the other House that it may be passed upon there. It seems to me that that illustration points to the danger of the rule.

Mr. INGALLS. Not the rule, the custom.

Mr. MORTON. The custom, I should say. If I am interested in the passage of a bill toward the close of the session and I want it to go to the other House soon, am I bound to keep watch at the Clerk's desk, and if I find some Senator has requested a delay, then to come into the Senate and call upon him to make his motion at once, or if he does not do it to make it myself and get action on it so as to have the bill go over to the House? It seems to me that whenever a bill passes this body the friends of it have a right to take it for granted that it goes to the other House at once, and not be obliged to keep private watch at the Clerk's desk to know whether a request has been lodged there to keep the bill back.

Mr. MERRIMON. Mr. President, if I understand the rule there need be no very particular difficulty about this matter. Suppose in this very case that a Senator who had voted in the majority, wanting to cut off the opportunity for a motion to reconsider, had moved forthwith on the passage of the bill to reconsider, and then to lay that motion on the table, that cuts it off; and the same vote that passes the bill would put the motion to reconsider on the table; and that is the common practice, I understand.

Mr. SHERMAN. That is the common practice in the other House; but under our rules a motion to lay on the table would not end the matter; it would simply leave it on the table, to be taken up at any moment. The rule of the Senate is exactly opposite to the rule of the House in that respect. A motion to lay on the table a motion to reconsider is the end in the House, but in the Senate a motion to lay on the table does not have that effect. It only puts it where it can be taken up.

Mr. MERRIMON. Why not take it up and consider it forthwith? Suppose in this very case a Senator who has voted in the majority moves to reconsider and moves further to have that motion considered at once? I do not remember any clause of any rule of the Senate that prohibits that.

Mr. HAMLIN. Mr. President, there are two or three considerations in relation to this subject which I think are worthy of the attention of the Senate.

In the first place, all the rules of this body are made for two purposes: First, to facilitate business; and, second, to protect minorities in this body. The rule to which reference has been made has given to the minority the right to have two days in which to enter a motion to reconsider. That rule has always been in existence and never been known to work injuriously. I think if there were a positive rule requiring that it should be retained at least twenty-four hours, saving the last day of the session, it would be a wise rule, because we very frequently have to send for the return of bills that have gone to the House, where we have discovered our own errors and wished to correct them; and those errors might have been corrected here in twenty-four hours, or in forty-eight, if the bill were retained here that length of time.

But I want to say one word for the Senator who made the request of the Secretary, one word in relation to the uniform practice of this body. I do not know who the Senator is, but I am here to say that he has done just what was right, nothing more, nothing less. One expression has been used which I do not like: "Going privately to the Secretary." There is nothing private about it. If I had had any wish to enter a motion to reconsider, or if it had been a matter of doubt with me and I might arrive at the conclusion that I would wish to enter that motion, I should have gone to the Secretary and said, "Sir, I think I may," or "Perhaps I may deem it advisable to move a reconsideration of this vote; retain the bill in the Senate, that I may have the right given to me by the rule of the Senate." It has been uniform. It has been done thousands of times, and this is the first time I ever heard a suggestion of wrong or impropriety in relation to it. It is for the purpose of giving the minority what they deem a right; majorities can take care of themselves.

Mr. INGALLS. Why, Mr. President, the right to reconsider does not rest with the minority; it rests with the majority.

Mr. HAMLIN. The right with the minority or the right with any Senator, if he be in a position to make that motion, exists, and then it is a question for the Senate to determine what they will do upon that motion. Now, the objection which the Senator from Kansas makes is that during the last two days of a session some Senator may improperly avail himself of that construction of the rule and thereby do wrong.

Mr. INGALLS. No; I said that would be the practical effect. I did not impute any wrong motive or improper purpose to anybody. I simply said that the practical effect might be that legislation might be thwarted and destroyed.

Mr. HAMLIN. Very well. Now, when my friend turns his attention to other rules he will find that, if we are going to so change them as to obviate that objection, we must go to a very large extent into our rules. Every Senator knows that in the last few days and in the last few hours of our session the principal appropriation bills and other important bills are put upon their passage; and what says your rule? You cannot read a bill the first and second times on the same day, and you cannot suspend that rule without unanimous consent.

Mr. INGALLS. The rules always are suspended at the close of the session.

Mr. HAMLIN. They always are suspended, and so will the proper course be taken if you leave the rules as they are in this respect.

Mr. INGALLS. We are not complaining of the rules in this case, if the Senator pleases, but of this private prescription or habit that has grown up under the rule.

Mr. HAMLIN. There is no private prescription about it; there comes the word "private" again. I go to the Secretary and say, "Sir, I wish you to retain that bill, because I may want to make a motion to reconsider." The Senator from Kansas is interested in the bill, and he inquires, "Have you sent that bill to the House?" "No, sir." "Why not?" "Mr. HAMLIN has requested me to retain it, so that he may exercise the right he has according to the rule." There is nothing private about it.

Mr. INGALLS. There is nothing public about it.

Mr. HAMLIN. It is true that he does not give notice here; he does not make the motion, but he gives notice to the Secretary, and he may make that motion or he may not, as he pleases. The evil that may arise I think is not to be apprehended in any way, because no Senator——

Mr. SARGENT. Allow me to suggest to the Senator that the proper way is for the Senator to make his motion to reconsider, and then it can lie over for two days, and he may withdraw it if he sees fit. The case which he refers to of the suspension of the rules is in open Senate; every Senator is present and can object.

Mr. HAMLIN. Very well; but suppose a bill has passed to-day and I am a friend of that bill and I discover what I think is a material error in that bill. As a friend and one of the majority, I do not discover it until after the Senate has adjourned to-day. Where is the impropriety in the remotest degree in my asking the Secretary not to send that bill over to the House?

Again, it has been suggested that we adopt the rule of the House in regard to reconsideration. I hope not. Senators will be unwise if they do so. I have thought—indeed I believe I have favored a limited previous question in this body. Being very nearly a non-talking man, I have sometimes got wearied of the wisdom I have heard from those around me, and I have thought that as the body increased in numbers we should be compelled to adopt a limited previous question. I will do it long before I will do what they have been compelled from their large number in the House to do, pass a bill and to prevent further action on it uniformly on all measures rise and move a reconsideration and to lay that motion to reconsider on the table. I hope that practice never will obtain here; but suppose it did, it would be inoperative here as it is in the House. What is the result in the House? When a motion is made to lay on the table it can be taken up only when it is reached in its order of business, and that time never in the life of man or at least in the life of the session arrives there. Consequently when a motion to reconsider in the House is laid on the table, that is equivalent to a refusal to reconsider. How would it be in the Senate? Any one can move to proceed to the consideration of that motion on the table at any time, and take it up by a simple vote of a majority. Consequently you would not avoid the difficulty in that way.

Sir, this rule is old, and I honor it for its age; it has never done any wrong; and I warn Senators that if we attempt to change it minorities will be the first to feel the improper action.

The PRESIDENT *pro tempore*. The question is on the resolution of the Senator from California, [Mr. SARGENT.]

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 810) making appropriation for the Military Academy at West Point for the fiscal year ending June 30, 1877; and

A bill (H. R. No. 26) to remove the political disabilities of Francis T. Nichols, of Louisiana.

DISTRICT 3.65 BONDS.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. R. No. 52) directing the commissioners of the District of Columbia to pay the interest on the bonds issued in pursuance of the act of Congress approved June 20, 1874, out of any funds in the United States Treasury subject to the requisition of said commissioners, and for other purposes, the pending question being on the amendment of Mr. SARGENT to the amendment of Mr. ALLISON.

The amendment of Mr. ALLISON was to insert as a proviso:

Provided, That any issue of said bonds beyond the sum of $15,000,000 is hereby prohibited.

The amendment of Mr. SARGENT was to add thereto the following:

And provided, That the certificates heretofore issued by the board of audit, including those converted into 3.65 bonds and those which have not been so converted, and the certificates hereafter to be issued by the board of audit or their successors in office, shall not exceed in the aggregate the sum of $15,000,000.

Mr. BAYARD. Mr. President, two years ago the country was startled to learn that, under the authority or pretended authority of an act of Congress, a debt had been created within three years in this District of upward of $20,000,000 for the improvement of the streets; and

the apprehension and alarm which such an announcement caused was rather intensified at the opening of the present session and by the disclosures of the debate which we have had in this body for the last two or three days to learn that instead of this monstrous expenditure of public money having been checked by Congress when their attention had been fully called to it, the tide of reckless extravagance has not only not diminished, but seems rather to have gathered force, and that in a community of some 120,000 souls, $5,000,000 and upward have been expended in the past year and as much or more is estimated for expenditure next year in extending, paving, resettling grades, and so on, of streets and avenues, that being the identical character of work in which a debt equal almost to a national debt had been incurred within the three years from 1871 to 1874.

Mr. President, the Constitution has given Congress the power of exclusive legislation in all cases over this territory ceded to it for the purpose of a seat of Government, and with the power comes the responsibility; and how can we stand before the people of this country to explain and justify the monstrous acts of misgovernment, waste, and maladministration which a debt of such magnitude incurred within so short a period—and for such purposes—necessarily implies? For my own part I will say that it shall only be, it has been in the past, against my protest and best endeavors that such a result has been made possible.

This District is an anomaly under our system, for while it is true that Congress has the exclusive jurisdiction over it, it does not follow, as seemed to be implied by the honorable Senator from New Jersey [Mr. FRELINGHUYSEN] yesterday, that exclusive jurisdiction meant unlimited power. That the people of this community should be handed over to the mere caprice and despotic control of Congress, was certainly not intended; and although there is by no express proviso the duty imposed on Congress of maintaining a republican form of government in the District, the provision on that subject being confined to the States to each of whom the United States are to guarantee a republican form of government, yet there is, by implication, the idea everywhere prevailing that in every community of American citizens a representative republican form of government properly should exist.

The District of Columbia contains about one hundred and thirty thousand people, two-thirds of whom are white and one-third of whom are negroes or colored people of different shades. I do not suppose that in any community in this country there is so little productive industry. I do not suppose in any community of like size there exists so purely a consuming population as there is here. The blacks, of course, have but little property. Their general occupation is that of domestic servants, and the like, caterers and waiters upon those who visit this metropolis upon pleasure or business. The whites consist largely of wayfarers, clerks who, under our unfortunate system of civil service, remain here but for a few years until the same tide of political opinion that swept them in shall turn and sweep them out, and so of us, who come here for one or more terms in either House of Congress; so that there is a floating population greater in proportion than in any other community in the country, a non-producing population, with none of the attributes or occupations which produce property or wealth. The last census, as I remember, disclosed the fact that there were but six hundred persons engaged in agriculture in this District. There is virtually no production here at all; and yet having such a population, producing nothing and consuming only, that a debt so grossly disproportionate to their means of payment has been allowed to be created by the agency of Congress—for it is but just to say that the voice and protests of the property-holders and tax-payers of the District have been little heard or heeded in the matter. They have not been permitted to choose their own rulers; and those who have been set in power over them since the close of the war have not been those whom either the property or intelligence or character of the community approved or trusted. The choice has been that of the President of the United States, and his action has been confirmed by the Senate, without regard to the wishes or opinions of the better citizens of the District.

Now, sir, another anomaly in this city is that its chief use is by strangers; it is not a city of homes; it is a city of hotels and lodging-houses; and I do not believe 2 per cent. of those who ride in carriages through these luxurious streets which have been provided at such enormous cost are residents or citizens of the District; and almost all the luxury and convenience which this vast expenditure has created is for the benefit of travelers and strangers from all parts of the country; and the people of Washington have very little more than a local and incidental advantage of these things created chiefly for the benefit, the pleasure, and the luxury of strangers. Therefore to suppose that they are to bear the whole expense of improvements of this kind would be utterly unreasonable. It would not be right that you and I, sir, who spend here half the year and are not personally taxed here, who neither have our homes nor our interests here except for a very limited period of the year, a mere temporary habitation, should have the benefit and use of and compel the local population to keep in repair these streets for our accommodation, and throw the entire cost on them. The city of Washington is a Federal city, belonging to and used by the people of all the States of the Union, and the people of the whole country therefore, necessarily in reason and in justice, will bear, and ought to bear, the chief part of the cost of maintaining the streets and highways of this town in proper and respectable condition. I do not believe the people of this country will at all object to that. I think, on the contrary, a sense of what was proper and right would make them very willing that proper and reasonable expenditures should be made to maintain this town in what you may call appropriate condition for the needs, the comfort, the convenience of our Government and those who are compelled by business to come here.

If any other view be taken, the case of the citizens of this District would be hopeless. This District was absolutely insolvent and bankrupt, and property in it was absolutely worthless if such a debt as Shepherd and his confederates piled up on it between 1871 and 1874 had been permitted to rest upon the shoulders of the resident property-holders alone. It was absolutely worthless. You could not have put up the private property in the town and sold it for enough to pay such debt. It could not bear it, because the interest upon the debt and the expense of the government outweighed all that the property could produce. The Congress of the United States recognized that fact, and with it the duty of the Government to participate to a very large proportion in this expense. They recognized it by their appropriations. They directly recognized by the language of the act creating this last board of commissioners, in which they declare that the interest upon certain bonds authorized by them should have the faith of the United States pledged to pay the interest by proper proportional appropriations contemplated by the act, together with taxes to be levied from the local revenues. What that "proper proposition" was to be is not very clear; but it will certainly startle the people of the United States to know that, while we have had from the Treasury statements of the reduction of the public debt, we have also had in the shape of obligations of the Government for the payment of the principal and interest of the debt of the District such an enormous increase as $5,000,000 in a single year, and that the United States is bound, according to the opinion of the Attorney-General, not only for the debt so funded under this law, but that, as the law now stands, bound for any debt which these commissioners shall in their own will and pleasure certify to be due from the United States and order bonds to be issued for, in discharge of the cost of any embellishment and improvement of the city they may see fit to enter upon.

Well, Mr. President, if this be the state of affairs, the sooner it is arrested the better. I consider it arrested from to-day, because this debate and the action of both Houses of Congress will give notice that the power of the agents is questioned, and that the principal will hold those who now deal with those agents to a strict account as to whether they have surpassed the proper scope of their agency and whether they acted recklessly or in bad faith as the sequel shall demonstrate, and until it does I shall express no opinion whether these bonds ought or ought not to be met by payments from the Treasury of the United States.

During the war Washington was a military depot. Every one can recall what a camp it was, how long trains of wagons laden with Army stores, how whole parks of artillery rattled through the streets in all seasons, plowing them up and reducing them to an almost impassable condition. It was bad enough before; it was far worse in those years in which the presence of military armaments was made necessary; and there is no doubt that a great deal had to be done, and that, as the damage had been caused by the action of the Government of the United States, the same power that caused it should apply the remedy at its own cost. That seems to me perfectly reasonable and proper.

When the war ended there was a still sadder and stranger condition of affairs. The emancipation of the blacks in Virginia, in Maryland, and in other States of the South had driven into this community a vast number of the most poverty-stricken people upon whom the sun ever shone. They swarmed in here, refusing to perform agricultural labor, with but little work of other character given to them, and they were invested with the privilege of suffrage; they exercised it, and how they exercised it we all know. It is part of the history of our time. They exercised it necessarily as weak and ignorant people always will exercise a power of the duties of which they have no conception and of the objects of which they have very little consciousness at all. The result was that they became the easy and natural prey of the lowest and most profligate politicians, and a class of men were placed in political power in this District who had the respect and confidence of no one—not of the party in whose name they were elected, and who for party reasons desired their election; but it was the triumph in this District of vice, ignorance, incapacity, and sloth over all that was intelligent, honest, and self-sustaining.

What did Congress do? I admit a remedy was absolutely necessary, and in February, 1871, so bad was the state of things, so insecure had property become and flagrant the abuses of the local government, that an act repealing and wiping out all power of suffrage and all form of republican government within this District was passed by the Congress of the United States. Under this act a board of public works was created, a governor of the District, a secretary to aid the governor, and divers other officials who were simply satellites, who played around his person and did his bidding. This board, created in 1871 by the act of February 21 of that year, was composed of persons nominated by the President of the United States—first of the governor, Cooke, of A. R. Shepherd, of J. A. Magruder, of A. B. Mullett, and of S. P. Brown. Mr. Shepherd was made vice-president and the treasurer was Mr. Magruder. The governor *ex officio* was president of this board. Soon after, owing to the financial troubles of his house, Mr. Cooke was dis-

placed and Mr. Shepherd was immediately appointed by the President; but it is a fact, disclosed since by the testimony taken before joint committees of the two Houses, that Shepherd was from the first the ruling spirit. Call the government what you will or what its form was, it was in truth and fact the government of Shepherd by Shepherd, and largely *for* Shepherd; nothing more and nothing less.

What were the results of thus committing the government of this District to his hands? A joint select committee reported on the 16th of June, 1874, in very restrained language—some persons might think it mealy-mouthed—such facts of gross maladministration upon the part of this board of public works, such clear violation of law, such a monstrous and corrupt system of expenditure, that this committee composed of gentlemen of both parties in the two Houses unanimously recommended the immediate removal of the entire gang from office and power. It is scarcely necessary for me to read the language of the committee, to be found on pages 8 and 9 of the report.

There was an application made by Mr. Shepherd's board for authority to spend $6,000,000 upon a "comprehensive system" of public improvements. Congress refused it, but authorized the expenditure of $4,000,000 and the issue of bonds to that amount. Upon that authority he spent $18,000,000, besides the revenue he derived from the District in the shape of taxation and by raising money by hypothecation in every shape and by every contrivance, which since that time has been recognized by those who have succeeded him and has taken the shape of a funded debt on which the people of the United States are expected to pay the interest and principal at maturity. But this committee, composed of a large majority of those who dealt so very gingerly with this subject and who spoke so very restrainedly of operations to which I shall refer, yet used language of this kind:

Taking into consideration the expense involved in the comprehensive plan before referred to, and enlarged as stated, your committee are of opinion that the board adopted an erroneous and in its results a vicious method of letting contracts for this work, namely, without competition open to the public; and that the method adopted by the board resulted in the payment of an increased price over and above what would have been paid if open, fair, and free competition had been invited.

After the passage of the loan act of $4,000 000, the board of public works invited proposals and bids for work to be done in pursuance of said plan, and on the 1st of September opened all these various bids, giving notice afterward to the bidders that none of the bids would be accepted, but that the board would fix a scale of prices for the various classes of work, and let contracts, at their discretion, upon this scale of fixed prices. This opened the way for favoritism in the letting of contracts, and for a system of brokerage in contracts which was demoralizing in its results, bringing into the list of contractors a class of people unaccustomed to perform the work required, and enabling legitimate contractors to pay large prices in order to secure contracts, and, in the opinion of your committee, was the beginning of nearly all the irregularities disclosed in the testimony in the letting of contracts. Any system which would enable an adventurer to come from a distant city and in the name of a contracting firm make proffers of fifty cents per yard to any person having, or supposed to have, influence with the board, whereby a paving contract could be secured, and after persistent effort succeed in securing a contract, and actually binding his principals, the contractors, to pay $97,000 for a contract of 200,000 yards of pavement, after an effort of five months to secure it, the gross amount to be received being only about $700,000, in its nature must be vicious and ought to be condemned.

Well, sir, one would think that such a transaction as that could be properly characterized in much simpler and more forcible terms. The truth was, that, according to the testimony taken from witnesses under oath by this committee, these contracts were jobbed out without the least reference to responsibility or capacity of the person to perform them, and that the granting of a contract was the gift of a large sum of money as a gratuity to the man who got it. There is one case of a clergyman who for doing nothing in regard to a contract was enabled to make some ten or fifteen thousand dollars. Here is a man who makes $97,000 on a contract where the whole amount involved was $700,000, and he, as the report states, an adventurer from a distant city, to whom is handed $97,000 profit without an hour of labor or a penny of responsibility. God only knows how much the people who had the contract made out of it. And the profit to the "rings," whose real estate was improved and developed by this "comprehensive system," was of course enormous. From page 11 of this report we may imagine what must have been the condition of affairs:

Notwithstanding the powers of the auditor and of the treasurer, the board, during the three years it has been in existence, has done nothing in the way of verifying the accounts of these two officers. This is a negligence not to be excused in those in whom such important trusts were confided.

At page 14 of the same report we find:

The board of public works since September 1, 1871—

A period of two and a half years—

have expended and contracted to expend over $20,000,000 in the improvement of streets, avenues, and roadways, and in the construction of sewers, and in the general ornamentation and embellishment of the city. This is equal to about $7,000,000 per annum.

No public buildings to be erected and paid for, no reference here to the vast sums appropriated by Congress for the support of this District, a partial list of which I have here. I find that from April, 1871, to February, 1875, a year ago, there were $3,521,000 appropriated by Congress to the expenses of this District. I do not find that any of these expenditures related to public buildings, but they were all for what may be called the municipal expenses of Washington.

The committee, after finding that this fearful sum of money had been spent in this community of one hundred and twenty thousand souls, and after commenting upon the heavy burdens it would lay on these people and the people of the United States, solaced themselves, however, by saying that these parks and wide avenues and streets, upon which this money had been so poured in a lavish flood, "although expensive to inaugurate, will easily be kept in repair and make the burden of expensive carriage-ways in the future comparatively light." This was the beautiful picture that, although the debt had been so frightful and the expenditures so undue, yet at least permanence had been secured and these luxurious carriage-ways would continue to be kept in repair easily at a "comparatively light" expense.

Well, sir, the fact of this maladministration, of this gross and profligate expenditure, had been brought before Congress time and again by the tax-paying citizens of this District. Their cries fell upon dull ears; but at last the facts, thanks to the investigating spirit of the public press exterior to the District, became too strong and public opinion at last compelled a hearing of the complaints. The tax-payers of this District were not acting for themselves alone. They were acting in behalf of every man in this country who earns his daily bread by his labor. They acted on behalf of the tax-payers of the United States. They came before Congress, asking no appropriation to aid them in ferreting out these abuses. They at their private expense employed intelligent and able counsel, and they brought such a case before that committee that they were unable to resist it; and the result was that this board of public works was to be swept out of official existence into the ignominy which it deserved. There was strenuous resistance to the investigation. Counsel were employed by Mr. Shepherd and his associates to brow-beat the witnesses, to conduct fierce, rigid, and recriminating cross-examinations. Prosecutions were threatened, indictments were found, and, sir, not only that, but a resort to crime not fit to be mentioned in our own day and time. Never in the history of this country, never in the century in which we live, was such a crime proposed for the purpose of stifling investigation as was attempted and set on foot in this District, but under God's good providence defeated. I mean the assault upon the character of Columbus Alexander, a citizen of high character and standing, by pretending that a gross crime and felony had been committed, which never had been committed; to cause the appearance of crime by this man to be charged upon him as a dreadful reality. The facts of that are all before us. Some of the persons inculpated have undergone the forms of trial in this District before what they are pleased to term a jury of impartial men, who did not agree upon a verdict; but the facts attending the trial have disclosed the hideous nature of the proposed assault upon Mr. Alexander—a crime reminding one of those eras in history called "the dark ages." I do not think there is a man who loves justice, who cares for good name or character, throughout this broad land whose blood must not have curdled in his veins when he read how nearly a perfectly innocent, honorable gentleman came to being called upon to defend himself against an odious and dreadful charge, a fictitious felony invented to blast the good name of an innocent man, a private citizen whose sole offense had been that he had petitioned the Government of his country for relief against fraudulent and excessive expenditures, involving taxation upon him and his property.

Well, sir, the investigation was had; the blow at Alexander was thwarted; it recoiled upon those who originated it, and that curse, like chickens, came home to roost. I trust yet that the full truth in regard to that nefarious conspiracy may become known, and that the guilty authors and all those who combined to shelter them from justice may be brought to the punishment and public reprehension they so richly deserve.

But the report of the joint committee was made after patient investigation. They bestowed some three or four months' of careful labor upon it, and the result in substance completely justified everything that the petitioning tax-payers of the District had charged. So strong was the testimony that a bill was reported unanimously and passed this body almost without opposition abolishing the board of public works and putting, so to speak, this District into bankruptcy, that three trustees, commissioners, assignees, call them what you will, were to gather up the raveled assets of these people and learn in some way where they stood. The law that appointed these three commissioners, in its very first clause, answered the petition of these tax-payers and confirmed all that they had charged:

That all provisions of law providing for an executive, for a secretary for the District, for a Legislative Assembly, for a board of public works, and for a Delegate in Congress in the District of Columbia are hereby repealed: *Provided*, That this repeal shall not affect the term of office of the present Delegate in Congress.

Then section 2:

That the President of the United States, by and with the advice and consent of the Senate, is hereby authorized to appoint a commission, consisting of three persons, who shall, until otherwise provided by law, exercise all the power and authority now lawfully vested in the governor or board of public works of said District, except as hereinafter limited, and shall be subject to all the restrictions and limitations now imposed by law on said governor or board, and shall have power to apply the taxes or other revenues of said District to the payment of the current expenses thereof, "to the support of the public schools, the fire department, and the police, and to the payment of the debts of said District secured by a pledge of the securities of said District or board of public works as collateral, and also to the payment of debts due to laborers" and employés of the District and board of public works; and for that purpose shall take possession and supervision of all the offices, books, papers, records, moneys, credits, securities, assets, and accounts belonging or appertaining to the business or interests of the government of the District of Columbia and the board of public works, and exercise the power and authority aforesaid; "but said commission in the exercise of such power or authority shall make no contract nor incur any obligation other than such contracts and obligations as may be necessary to the faithful administration of the valid laws enacted for the government of said District, to the execution of existing legal obligations and contracts, and to the protection or preservation of improvements existing or commenced and not completed at the time of the passage of this act."

There is, as I say, an assignment of the residue of powers uncompleted in this board of public works, coupled with the express provision that no power to make any new obligation or contract should be given to these commissioners. What was the object of the law? It was to wind up this system of lavish and reckless expenditure. It was to put an end to a state of things which had alarmed the whole country and brought shame and disgrace upon the very name of American government. Was it to continue the board of public works under the name of a commission? Why, sir, on the contrary, the act was meant as a repealing act completely of the state of things which were made possible under any construction of the law of 1871.

It authorized also the appointment to act in conjunction with them of a board of audit composed of the First and Second Comptrollers of the Treasury of the United States, and there was the appointment of commissioners of a sinking fund to cause to be issued upon the certificates of these commissioners and of this board of audit bonds of the District of Columbia, guaranteed by the Government of the United States bearing a rate of interest of 3.65 per cent. per annum. I need not say now that when this act referred first to the powers invested in the board of public works by the act of 1871, (and I may as well refer to that now,) which powers, and which powers only, the commission were authorized to carry out only in respect to existing contracts, and not to any to be made in the future. The act of 1871 provides, (I read from the Revised Statutes:)

SEC. 80. All contracts made by the board of public works shall be in writing, and shall be signed by the parties making the same, and a copy thereof shall be filed in the office of the secretary of the District.

SEC. 81. The board of public works have no power to make contracts to bind said District to the payment of any sums of money except in pursuance of appropriations made by law, and not until such appropriations shall have been made.

Again—

The board of public works are prohibited from incurring or contracting further liabilities on behalf of the United States in the improvement of streets, avenues, and reservations beyond the amount of appropriations previously made by Congress, and from entering into any contract touching such improvements on behalf of the United States, except in pursuance of appropriations made by Congress.

Here will be found a limitation upon the powers of the board of public works, which attached to the powers conferred upon the three commissioners, with the additional restriction upon the commissioners that they should not exercise even those powers upon any contracts other than those then existing. Now what has been the action under that law? In the first place, three gentlemen were appointed by the President who were all strangers to this District. When I say they were strangers, I mean to say they were all non-residents of the District. It was not that the District of Columbia did not contain men of intelligence and of character who would have had not only the benefit of their local experience and information, but also an enlightened self-interest growing out of their property at stake here. This District, as the whole country knows, contains citizens who are the peers in all respects—integrity, intelligence, ability—of any in the United States. They were not, however, men pleasing to the President of the United States, nor sympathetic to his tastes. They were not men like Mr. Shepherd, who strangely seems to have possessed and still to retain the confidence of the President. Such men were all passed by. That was a question of the proper performance of discretionary duty, which I think it is perfectly just and proper to criticise. But he brought in from Saint Louis, from New York, and, I think, from Ohio, three gentlemen, with but one of whom I have even a personal acquaintance, and in regard to whom I have nothing whatever to say, because they must stand or fall as to credit or discredit by the results of an investigation of their proceedings. Certain it is that they have disappointed me in what I had heard of them; I believe they have disappointed the country; I believe they have disappointed the Senate, and that the economy and restriction of expenditure which they were expected to practice and the reforms they were expected to inaugurate have as yet borne no good fruit. The truth is that every man in the District of Columbia with whom I have had any intercourse on this subject tells me that Shepherd's removal from office has been only nominal, that the whole *personnel*, the entire machinery of clerks and officials under him, through whom and by whom his will was performed in the District, have been almost without exception retained in office; that his influence over them has remained about the same, and that efforts to displace them and replace them by other persons have been entirely unsuccessful. Certain it is that if you run your eye over the list of contractors to whom contracts have been given or extended, the same class of names that awakened the suspicions and anxiety of these tax-payers will be found all the way through. The men whose profits were proved to have been most exorbitant seem to have continued their profitable careers. I know not from what motive; I am not disposed to impute motive; but I speak as to a fact that the reforms were in name only, and the change in the law of June, 1874, was one of name only, and that the same character of government which prevailed under Shepherd seems to have continued by the machinery which he left behind him and over which his control has not ceased.

Now, sir, what have these commissioners done? I will admit that they had a very difficult state of things to deal with. They found a community absolutely insolvent, a set of accounts which had been apparently purposely confused; and their task was undoubtedly very difficult. But let us take their own account of what they have done. Taking their account of the present year, they admit, on page 1 of their report of December, 1875, that the revenues which have reached their hands amount to $3,041,479.08; and they state at page 254, in the table giving a summary statement of work from the 30th of November, 1874, to the 30th of November, 1875, payable in 3.65 bonds, a total expenditure of $4,235,841.96; and add an estimate for finishing that work, $419,000 more, making a total of $4,654,897.

This report of the commissioners is voluminous; it is not indexed; but an intelligent citizen of this town has handed me a digest which he made out, page by page, of the estimates of the District commissioners, scattered through their report, for supporting the government for the next year, from July, 1876, to June, 1877; so that we may look forward, and the people of this country may look forward, if the present powers of these commissioners be continued, to the fact that this system of interest paying and bond issuing will be continued at the cost of the Treasury of the United States. I will incorporate this paper in my remarks, as I do not care to fatigue the Senate by reading it. It will be open to criticism in that way. I will only say that I have myself examined the pages and I have examined the figures of this schedule, and I find them to be sustained entirely by the report of the commissioners referred to upon the pages of this schedule.

Mr. SARGENT. We ought to vote on the bill to-day; and why not give us some idea of those figures now?

Mr. BAYARD. The Senator desires it, and I will therefore read the paper:

Pages 34, 35.	Interest on old funded debt		$518,369 88
	Salaries and expenses of sinking fund		8,200 00
	Interest on $15,000,000 of 3.65 bonds		547,500 00
195.	District portion of Metropolitan police, (one-third of whole cost)		120,400 00
196.	Charities, as per last year		34,118 00
427.	Support of schools		398,500 00
436.	Fire department		108,433 00
	Proposed addition to present force of fire department		63,075 00
449.	Washington Asylum		47,100 00
459.	Board of health		61,175 00
192.	Salaries besides school teachers, fire department, engineer department, water department, sinking fund, board of health, police and asylum as per last year		113,341 45
255.	Estimates for engineer department		1,516,017 05
256.	Estimates for water department in excess of receipts		1,195,084 13
323, 324.	Estimates for new buildings and repairs for ensuing year:		
	Schools	$324,250 00	
	Markets	202,900 00	
	Station-houses	72,600 00	
	Hay-scales	210 00	
	Engine-houses	23,000 00	
	District offices and police court	195,000 00	
		819,960 00	
	Deduct proceeds from District buildings recommended for sale	65,700 00	
			754,260 00
4.	Support of inmates of Reform School as last year		14,000 00
197.	Advertising as per last year		65,174 00
	Total expenditures as per estimates		5,553,338 51
	The present resources, taken from the last fiscal year, are:		
	Taxes on $92,000,000 of assessed property, at $1.50	$1,380,000 00	
	Revenue from licenses	175,000 00	
	To be contributed from the District		1,555,000 00
	Leaving the people of this country to foot a bill of		3,998,338 51

Revenue from water rents is deducted from estimated expenses for water department.

That must be appropriated by Congress to keep up this District government according to the statement of the commissioners. This is of course in addition to another list included in the regular Book of Estimates transmitted by the Secretary of the Treasury for the expenses of the Metropolitan police and salaries and improvement of public grounds.

Mr. SARGENT. Will the Senator——

Mr. BAYARD. If there is any point that the Senator wishes to correct, I will allow him to do it.

Mr. SARGENT. I only wish to call attention to the fact——

The PRESIDING OFFICER, (Mr. MERRIMON in the chair.) Does the Senator from Delaware yield to the Senator from California?

Mr. BAYARD. Certainly.

Mr. SARGENT. I merely call the attention of the Senator to the fact that the statement which he reads of probable expenses of the District is simply the estimates put in by subordinate officers in many cases. For instance, the $1,250,000 is an estimate put in by Hoxie, engineer, for improvements which may or may not be made improvements which he suggests. It is very well known that the Book of Estimates submitted to Congress for the expenses of the Government contain millions more than the appropriations made and more than the actual expenses.

Mr. BAYARD. The Senator from California will find that I shall go much further presently, and we will not come to estimates; we will come to absolute outlays. I am speaking of the coming year, because, in considering this question, I do not propose to be limited in my inquiry or my comments by the mere question whether we shall apply the money to pay the interest now due on these bonds. I think in doing that it is proper for us to look into what other appropriations we may be called upon to make and to understand ourselves

to what we are committed under the construction of law adopted by this commission, and what they propose to commit us to in the future. I will just state one fact, that so far from these estimates being likely to be reduced, if we take the history of the past, they are likely to be quadrupled; I mean the history of the past where estimates were made by Shepherd and by his people—yes, and by this present commission. I will presently show the Senator that they have exceeded them twenty-fold, and then he may have an opportunity to explain if he is willing or able to do so.

For instance, here is the estimated cost of repaving Pennsylvania avenue, which was paved with wooden blocks in 1871, and is to-day one of the worst streets to ride over imaginable, and none of us but would prefer a common country road that it does not cost $100 per mile annually to keep in order to drive over than Pennsylvania avenue. The estimated cost at page 255 of this book is $286,666. Pennsylvania avenue is now graded, and all that is to be done is to take up the present blocks and put others down, and much expense that was originally incurred when the pavement was laid is thereby made unnecessary. There are between the Capitol and Fifteenth street 67,890 square yards superficial area of this wooden pavement. You will not find that in this report, but you will find it from the survey made and reported to Congress at the time the first pavement was laid. But at page 237 of the report the commissioners give a statement of the cost of laying pavement. They say a concrete pavement of more than the usual thickness cost $3.70 per square yard because its thickness was increased from six to ten inches when compressed. Estimating the concrete pavement at $3.70 per square yard, if paid for in 3.65 bonds, and you would have an equivalent of $2.59 in cash, at one hundred cents to the dollar, which would be $175,835. My attention has been drawn to the fact that between Ninth and Tenth streets, on the Avenue, a square has been already laid in concrete which cost $8,800, which may be deducted from the cost of laying 67,890 square yards, making the actual cost $167,000, and not $286,666, as this commission estimate.

There is a case in which what ought to be the cost, if you figure it out, is put against the excessive estimate. But I want to turn to something else. I have said before that this is a proposition of spending five and a half million dollars in the next year upon streets which the joint committee were led to believe and reported unanimously as being although "expensive to inaugurate yet easily kept in order in future, making the burden of expense of carriage-ways comparatively light." If these be "light" burdens, Heaven help us when we come to bear what this commission shall consider heavy ones!

When Mr. Shepherd was examined before this committee in 1874, and was legislated out of office, he made a statement under oath, under the direction of the committee, and submitted tabulated statements of the contracts for "improvements made by the District government or any department thereof, their lists, their dates, the names of the contractors, the nature of the work to be done, the prices to be paid therefor, when and in what medium of funds to be paid; and the aggregate cost under each contract, if completed; and how much has been paid under each contract not yet completed, and how much remains to be paid thereon." According to the report of the committee in 1874, found at page 4 of their report, he submitted "a list of contracts not yet completed, with the estimated cost of the completion of the work under them, amounting in all to $1,325,911.62;" and for that sum he submits a careful estimate or tabulated report as to each claim, set down according to the demands of the committee. Instead of that, the commission in 1874 spent some $600,000, and in 1874–'75 they spent $4,200,000 and upward, on this same alleged uncompleted work. To use the language of the committee, "the *total* amount that may be funded" for all the debts, including Mr. Shepherd's $1,325,000, was $8,305,886.50, I read from page 14 of their report, and this day there have been issued $13,775,900. That amount was issued up to the 25th of January. I presume and hope none has been issued since; but it is proposed to increase that to $15,000,000, so that instead of having this $1,325,000 due on incomplete contracts, we will have more than $5,000,000 in excess of that amount.

I want to show upon what a system of estimates this has been done. I take one as a specimen of numerous cases, for I do not care to detain the Senate now, and this matter will become I am sure, and I trust by the unanimous vote of both Houses of Congress, the subject of a careful investigation; for if there be misapprehension, if there has been by me misapprehension or injustice done anywhere or to any one, I shall feel it a favor if I shall be permitted to undo it so far as I may. My object here is to be perfectly just to every man and to condemn no one without a fair hearing, at the same time not to shrink from the unveiling and correction of a wrong, let who will suffer by the disclosure. There was a claim reported by Mr. Shepherd, No. 131, which is to be found at page 249 of his answer, in the first volume of the committee's report; and I will ask those who take an interest in this matter simply to follow the history of this claim. Mr. Shepherd reported that claim, No. 131, was founded on a contract dated the 3d of November, 1871, to grade and gravel B street north, to commence at First street east and run to Eleventh street east. This contract was awarded to Joseph S. Weems. The estimated cost was $975.45, and a marginal note states the "cost so far as done by Weems." At page 342 of the same book we find from Mr. Shepherd's report claim No. 131, that Joseph S. Weems had been paid $1,450; that the estimated cost was $975; that the actual cost over the estimate was $474; which is 50 per cent. additional. Mr. Shepherd returns that contract as "complete." Now I turn to page 396 of the present commissioners' report, under the tabular statement of contracts under the board of public works recognized by the commissioners of the District subsequent to their report of November, 1874, and allowed to proceed. This was a contract which was stated by Mr. Shepherd to be "complete." It had already been overpaid 50 per cent., and they state that they allowed it to proceed. Now let us see how it "proceeded." Report No. 131, a contract entered into on the 3d of November, 1871, with Joseph S. Weems, to "grade and gravel B street north, from First to Eleventh streets east." This contract was extended to Joseph Smolinski, to "grade B street between First and Eleventh streets northeast." It was further extended to "set curbs and lay brick foot-walks on the north side of B street between Eighth and Eleventh streets northeast." That is one side of three blocks of curbing. There was paid to Mr. Smolinski $17,890.68 for a contract originally contracted to be performed for $975. A marginal note states that it was—

Brought up for consideration by petition of citizens for completement of improvement. Additional work partially completes the improvements. Mr. Smolinski put on in place of former contractor, deceased.

It will be answered that there was additional work to be done. That is true; but what was the additional work to be done? It was the curbing for three blocks on one side and then laying brick walks. Deduct liberally; if you please, take $3,000, which is more than any amount I ever heard in any other town than Washington, for the work of paving one side of the sideway of three blocks, and you have an estimate of less than $1,000, while here you have a payment of thirteen or fourteen times that amount. Let the honorable Senator from California [Mr. SARGENT] suppose that in this estimate we are to have the same ratio, and that for every thousand dollars estimated for we are to pay fourteen or fifteen or seventeen or eighteen thousand, and then I think he will be as much shocked as I, and as much disappointed as when he supposes that the actual outlay always shrinks below the original estimate. We know as a fact that it is just the other way. The original estimate and the original contract are the entering-wedge, and when they once put it in under this system they drive it easily quickly to the head.

There was another claim, No. 561, John J. Shipman, which was referred to by the honorable Senator from Massachusetts [Mr. DAWES] yesterday, and therefore I do not care to detain the Senate by again reading it. I will give the figures, however. The claim is found, first, on page 288 of the governor's answer. It is specifically stated in detail. The work to be executed is there stated plainly. He understood the work to be done because it is set forth at length. He contracted to execute the contract for $2,500, and up to this day he has been paid $202,000, and $18,000 more remain to be expended to complete the work. Those figures all appear on these reports. These are but two cases. I will not say that they may not be explained. I will not say that they involve turpitude at all in the commissioners; but, whether the commissioners act by ignorance or act from the worst motive, (which I do not at all impute to them, I prefer to have the facts; and when I have them I will make the statement of the charge directly if it be warranted.) At this time I admit that these figures may possibly be open to an explanation, and I think it is one that the American people will insist upon having before they will permit this state of things. We continue to wonder that the debt of this District is $25,000,000 or more when an estimate for work upon a road-way, which every man understands, can grow from $2,500 to upward of $200,000. No country can stand it. There is a limit to human capacity to pay. We all know that when men are pressed too hard their honesty and their desire to meet their contracts will be worn out. It is vain to sing pæans to public credit and to national honor, and do those things which make it impossible to preserve either. I do not know the fact, but I have been credibly informed that, while the tax-payers of this District were with their private moneys fighting Shepherd and his confederates before the joint committee and Shepherd was defending himself, as he had a perfect right to do, by counsel, the private counsel of these discarded officials were paid in the same 3.65 bonds very large fees for defending that which was admitted to be so wrong that it was legislated out of existence. Is that so or is it not so? I am told those counsel have been paid, paid by the people of the United States, paid by the people of this District, for defending a wrong so flagitious that the very capacity to perform it has been swept from the statute-book by an almost unanimous vote of Congress. I am told that they have paid $25,000 in money to one of their party papers for advertising the testimony taken before that committee which exposed the disgrace of those to whom power had been intrusted by this District. Is this so? I do not know that it is so, but I am told that it is so. Gentlemen who have interrupted me in this debate perhaps may know. The fact, however, I trust will be easily ascertained; and I say it behooves those who mean to defend the action of the commissioners to answer such a respectful question as that.

It is not necessary for me to read more specimens of the manner in which these claims have been exaggerated from thousands into tens of thousands, from tens of thousands into hundreds of thousands, to be paid for by the people of this country. I will only say that I have had handed to me papers in abundance, which I trust some committee charged with this subject shall hereafter investigate. One illustration is sufficient. If it be so in one case it is enough to warrant our action and to arrest the possibility of such things continuing in the future.

This commission did not proceed in ignorance. There was a protest made by the tax-payers' meeting. They called upon these gentlemen, communicated with them in writing, sent them copies of resolutions adopted, besought them to stay this system of expenditure, and asked for legal warrant for what was being done then, but it had no effect. It certainly did not stop it. They were received, they say, with politeness, but it was an empty politeness because no answer was secured and no redress obtained. They were, so to speak, simply bowed out of their presence. Now, I state it as a fact known to every member of the Senate, that such a state of affairs would be impossible in a community which had the right of self-government. There is not a town in the State in which the honorable Senator from Ohio lives, nor of his friend from Illinois, which would permit for one hour after the fact was known the continuance in office of men who created or consented to such expenditures. The people of any town would be horrified; they would know it meant bankruptcy to them and disgrace to their credit. They would know it meant robbery under the shape and forms of taxation. Vigilance committees have swept city governments from existence before now for one-half the wrong that has been done in this District. This is the state of things that we are asked to approve. This is the state of things we are asked to continue, and then go back to our people and tell them we have represented your interest in the Congress of the United States. We cannot as honest men stand by and see wrongs done and not denounce such conduct if it is in our power. No, Mr. President; we must stop the capacity to issue bonds, which has been so misunderstood and so maladministered. We are not safe when such things can be; and the reformation must be deep and thorough in that respect. More than that; we must not only stop the bonds, but the influences which have prevailed in this District since 1871 must be changed. We owe it to the credit of the American people to change it. A public opinion, honest and determined and intelligent, will check it, and it calls upon us to-day to do that which we may for the purpose of arresting further steps in this direction.

Something has been said about these bonds going to protest. I think the interest could be paid by these commissioners if they chose to take the money they have now instead of waiting to appropriate it for subsequent expenditures. If they are solicitous about the honor of the District bonds let the money they have in their hands be applied to them, and let Congress be applied to for the purpose of finding funds to meet any other obligations which they may justly incur hereafter. Under the law the bonds issued by authority of the Government are to be numbered, and they are to be registered, so that each man who receives them will be known. The person entitled will receive them. He will take them subject to the law. I do not agree with my friend from North Carolina, [Mr. MERRIMON,] not now in his seat, when he states that beyond all peradventure the people of this country are bound to pay either the interest or the principal upon those 3.65 bonds if fraud and excess of power in the agent intrusted are proved to have caused their emission. At any rate it is due to the people of this country that the case shall stand upon its own merits. If the public creditor shall be proven to have in good faith taken these bonds for value received then my voice will be given to pay him to the uttermost farthing of his debt. If we know more of the delinquency of these subordinates and if we are responsible for their acts, we should meet the obligation however painful were its performance; but I do not know this to be the case. If, from the partial unveiling that we have had of the manner of these accounts, it shall turn out to be true that gross speculation, reckless or fraudulent expenditure, has been incurred, then I shall hold these bonds subject to the equities and let the law of the land decide how far the people of this country are to be held more responsible than would be the private principal for the acts of his dishonest or unauthorized agent. The House provisions which were stricken out are in my opinion wholesome and necessary:

Provided, That any further issue of 3.65 bonds is hereby prohibited: *And provided further*, That nothing in this resolution contained shall involve the Government of the United States in any obligation to pay principal or interest of any such bonds which have been issued contrary to or not in pursuance of law.

Those are wholesome and necessary provisions to be put in. The law itself under which the bonds are issued forms not only an implied notice, a constructive notice, but it forms an absolute notice, and of its own force it enters into that contract and controls it. That at least is my opinion as a lawyer. I trust it will be in order, and it is in order, I believe, and it is my purpose, if I be present at the time when this is decided, to move again the restoration of those provisos when the bill comes into the Senate. They have been stricken out in committee I understand. It was done without debate. No vote was called upon it, and I and most of those who favor the presence of these provisos were really unaware that the Senate had acted upon it. So far from agreeing to the amendment of the Senator from California, [Mr. SARGENT,] that these bonds shall be issued still further to the extent of $15,000,000, I say stop to-day. Not one should go out in the light of the facts which we have had here before the Senate. The present emission is $13,775,900 of these bonds. They have been issued. The question can be considered hereafter whether there has been covin, whether there has been collusion between the parties who received and the parties who caused the issue. Let that be decided hereafter, but do not let us act hurriedly on behalf of a people so needing care, so needing consideration as the people of this country do to-day, for the sake of keeping up the price of these bonds which are held in the District, and held in large quantities, and held for the purpose of being advanced in price and the consequent profit. I say that consideration weighs not with me at all. On the contrary, I cannot say that I have any sympathy with those who have speculated upon the issue of bonds like these, issued under such laws and under such circumstances as the public records of the Senate disclose. For that reason I shall move at the proper time that these provisos be restored. I do not care to detain the Senate longer. I think the subject one of grave importance, and therefore have said what I have, only wishing that I would, as, if my duties had assigned me to the appropriate committee, I certainly should, have examined the question more fully than I have; but knowing as much as I do now, as I was informed, I should have felt myself delinquent if I had failed in stating my conclusions to the Senate.

Mr. MORTON. Mr. President, I call the attention of the Senate, in the first place, to the simple character of this bill and what it proposes to do:

To transfer to the Treasurer of the United States, for the payment of the interest due the 1st of February, 1876, on the bonds of said District, issued under the provisions of the act of Congress approved June 20, 1874, entitled "An act for the government of the District of Columbia," &c., "the sum necessary to pay the same from any unexpended appropriations heretofore made by Congress, or from any revenues derived by taxation on the property of said District of Columbia, subject to the requisition of said commissioners, excluding funds raised for the support of public schools."

On that bill we have had a disquisition upon the affairs of the District under the old District government; the history of the board of public works has been reviewed; the charges of maladministration have been renewed and presented in the strongest possible colors; and the present commissioners of this District have been substantially charged with having increased this debt $5,000,000 since they came in, and with having done so in violation of the law.

Mr. President, as I said yesterday, I did not vote for this law, and so far as any personal responsibility is concerned it does not rest on me. The Senator from Delaware has wholly failed to show—and that was the point it seems to me for him to show—how and wherein these commissioners have violated the law. An attempt was made yesterday to show that they had given to this law a wrong construction, and that the officers of the Treasury had treated a class of claims as included in it, and had issued for them 3.65 bonds, that were not included under the law. It was a very nice construction contended for, and I believe wholly unsound. I think the claim was entirely answered by showing that they had given to this law its reasonable and proper construction. Those who voted for the law are therefore responsible for its legitimate operation. If the completion of these contracts is properly covered by that law, then the responsibility does not rest with the commissioners, but rests with the Congress that made the law. The fault in that case is not with the commissioners, but the fault is with the law; and I understood from the Senator from Ohio [Mr. THURMAN] that but one Senator voted against it. The law certainly was not a republican measure in any sense. If I am not mistaken, my friend from Ohio had much to do with the framing of that law, and if, under the proper construction of it, these bonds have been issued, I would like to know whether it can be laid at the door of the Administration or of the republican party, or if political capital can be made out of it. If it is intended to charge these commissioners with fraud—and that is the only thing that is left; if they have not improperly construed the law but otherwise there has been maladministration, it is fraud, it is misconduct, or it is gross recklessness on their part—I say, if it is intended to make that charge, I shall leave their vindication for the present to their general character. They are men of as high character as any men in the Senate; men hitherto of spotless reputation, I believe, so far as integrity is concerned; and I presume they can stand the test of any examination that can be made.

An examination of this report will show that this $5,000,000 of increase of debt has not been made by these commissioners. The most of it is the unliquidated debt that came down from the board of public works that has since been audited and put into a certified form, and for which bonds have been issued. They have carried out some of these contracts, and they were required to do it by the law. If the contracts were valid, they could not repudiate them any more than the board of public works who made them could repudiate them, and this law expressly gave them power to make new contracts to carry out old contracts. The fault then is with the law and with the law-makers, and not with the commissioners.

The Senator from Delaware made a remark in the conclusion of his speech to which I call the attention of the Senate. After enumerating all these alleged wrongs, he said that such a state of facts could not exist in any community in which the people have the right of self-government. Who voted to destroy the right of self-government in this District? Who is now in favor of ruling this District by commissioners or by regents, or whatever the name may be? I believe myself that outrages cannot be continued under popular government, either here or elsewhere; that the necessity of accounting to the people every year, or every two years, will stop these things, I do not care how ignorant the voters may be. Popular government was stricken down here, and it was stricken down with the approbation of every democratic member of the Senate, so far as I know. The Senator himself says that in a community where the right of self-government exists these wrongs could not take place.

Now, we have to deal with the existing bonds. We are providing for paying the interest upon them. The Senator from Delaware has not undertaken to show wherein a wrong construction has been given to this law. These bonds are the creation of a law which received almost the unanimous support of this body. If there is anything wrong about these bonds, throw the responsibility upon the law and not upon the commissioners or upon the board of audit. They have undertaken to act, and, so far as I know, I believe they have acted, in good faith in the execution of this law. They found contracts executed by the board of public works. They could not repudiate them. They were bound by the terms of the law to carry them out so far as those contracts were legal. If the amount of those contracts exceeded the estimate that had been made by the old board of public works when the examination took place, are they responsible? Certainly not. The estimate might have been an underestimate; it might have been a false estimate; but who will hold these commissioners responsible for a false or a mistaken estimate? They were bound to execute these contracts if they were valid, and if they greatly exceeded the amount supposed at that time the fault is not theirs.

Mr. BOGY. I wish to ask the Senator one question. Where is the evidence of the facts which he states now? I know of no such evidence submitted to us.

Mr. MORTON. The evidence of that fact is found in the report of the commissioners themselves.

Mr. BOGY. I have not seen it.

Mr MORTON. They report for what purpose these bonds have been issued, and they report, I believe, the amount of debt for which the parties holding them are entitled to have new bonds. Has their report been discredited? Their report will be taken as evidence here until it is contradicted by evidence of a higher character, I undertake to say. It is an official report, and it will be taken as *prima facie* correct until there is something brought to contradict it.

Senators talk about these repairs and these street improvements. I again call my friends back to this simple proposition that I spoke of yesterday: Whether this law has been properly construed or not is not the question. When you struck down popular government in this District, when you gave to Congress absolute control of these people and took away from them all political right whatever, you took upon you the responsibility of providing for these streets.

Mr. STEVENSON. May I ask the Senator if under the popular suffrage which did exist here all these corruptions did not spring up, and whether a majority of his own party, by a committee here, during that popular suffrage, did not report that the frauds and outrages in this District could scarcely be enumerated?

Mr. MORTON. I do not think the report said "could scarcely be enumerated." If there is such a clause as that in the report I have not seen it.

The Senator from Kentucky asks me the very pertinent question whether all these alleged wrongs did not grow out of popular government by the people of this District. I have understood heretofore that the board of public works which has been charged with these enormities was not an elective government but an appointed government. Am I right? My friend says he does not know. I think almost everybody else does know that the board of public works was appointed by the President and was not elected by the people. That is the thing I complained of in the beginning, that this debt that is complained of was not saddled upon these people, whether rightfully or wrongfully, by the government elected by themselves, but was saddled upon them by an appointed government; and, as my friend from Delaware said, perhaps no community governed by itself would have done that thing. I understood my friend from Ohio [Mr. THURMAN] yesterday to say that this board of public works had gone on to make these contracts without authority of law and without receiving that sanction of the territorial Legislature which the Congress of the United States had required. I think I am not mistaken about that. He himself said it was a disregard of the popular part of the old government that brought these things upon the people.

Mr. STEVENSON. Let me ask the Senator whether the committee, a majority of which were republicans, did not recommend a change of government in this District, and whether their report was not founded upon misgovernment?

Mr. MORTON. I believe the committee perhaps were unanimous in recommending that change. So far as I know, they were. In striking down that government and putting this one in its place it was only intended to be temporary. By its own limitation the existing governmept by commissioners was to expire in nine months. Am I right about that?

Mr. THURMAN. Yes, sir.

Mr. MORTON. It was to supply an interregnum, and then a committee was appointed by the two Houses to prepare a system of government; but when it was offered, that system of government was rejected, and that temporary government has become a permanent government; at least it looks as if it had.

Mr. President, the complaint in regard to popular government fails. If Senators complain of an appointed government, let them remember that they are responsible for it in part. When the old board of public works was appointed it was not a party measure. It was created, I believe, by the votes of both parties. That government was not in its character a party government. Then the simple question is in regard to paying the interest on these bonds. The Senator from Delaware wants to re-assert the provision that bonds which have been unlawfully issued shall not be paid. That leaves the intimation that some of them were unlawfully issued and throws discredit upon the whole of them. Three-sixty-five bonds are now selling for only sixty-nine or seventy cents on the dollar. Who is responsible for that bond? I thought it was a mistake in the beginning; I never should have voted for the issuing of a bond of that character. That was not a party measure. It belonged equally to both sides of this Chamber. If the bond was a mistake it cannot be said to be a republican mistake. If any party capital is to be made it cannot come out of the bond question, and I conclude by the simple proposition that the Senators and Representatives who voted for that law voted to complete the contracts made by the board of public works, be they many or be they few——

Mr. BAYARD. Legal or illegal?

Mr. MORTON. No, sir; legal. They voted to complete them, be they many or be they few, and they voted to pay them in 3.65 bonds; and we should not now repudiate them.

Mr. SHERMAN. They left the question of legality to the board of audit.

Mr. MORTON. Certainly, they voted to leave the question of legality to the board of audit, officers of the United States Government. That board have decided it; and, until it be shown they have decided it ignorantly or have decided it falsely, there ought to be no very serious charges made against this commission who never issued a bond and cannot issue a bond. Therefore, in conclusion——

Mr. STEVENSON. Will the Senator allow me? Just now he asked me whether the board of public works was elective or not, and he said that all these alleged frauds arose from the action of the board of public works. Will he now allow me to ask whether the Legislature, which was elected by popular suffrage, did not approve of these contracts, and did they not thereby make them their own?

Mr. MORTON. I will simply answer the Senator from Kentucky in the language of the Senator from Ohio [Mr. THURMAN] yesterday. It was a point made by him that the contracts made by the board of public works did not receive the sanction and were not provided for by appropriations by the District Legislature as the law required; and I understood my friend from Ohio to throw the responsibility upon the board of public works. All the occasion I have to talk about the board of public works here to-day—for I am neither entering into its defense, nor am I meeting it with crimination—is simply to say that these wrongs that are talked about, whatever they may be, were not made by popular government, but were made by an appointed government; and I conclude what I have to say by the simple statement again that those who voted for this law voted to complete every legal contract made by the board of public works, be they few or be they many, and voted to pay therefor in 3.65 bonds.

Mr. THURMAN. Mr. President, I do not think I should have troubled the Senate with another remark on this subject but for the extraordinary speeches that have been made by the Senator from Indiana. I do not know that they can be considered extraordinary either, for perhaps some who hear me say that would think they are of the most ordinary course of his speaking. It seems to be impossible to assail corruption in the Government in any of its various forms that the Senator from Indiana does not consider it an attack upon the republican party, and feel it to be his duty to put on his armor, take his shield on his arm and his sword in his hand, and come to the defense of that organization. I think that up to the time the Senator from Indiana entered into this discussion not one word of a partisan character had been uttered in the debate. I am sure I uttered none in the remarks I submitted to the Senate the other day. No one could have told from anything that I said what were my politics or what were my inclinations. I heard nothing of the kind from any source; but as soon as the Senator from Indiana got the floor he commenced by assailing the law and ended by assailing what he called the deprivation of popular sovereignty, or popular election; I do not think he used the word "sovereignty," for he has a great dislike to that word; but he urged that the popular principle was destroyed by this bill, and he forthwith went to work to arraign Congress because it had destroyed the popular principle of representation in a bill that was confessedly but a temporary measure, merely to provide a temporary government until Congress should form a permanent government, and which no one who advocated the bill when it was before the Senate supposed would last more than nine months at the outside. Then there arose a great cry upon the destruction of the republican principle of our Government and the destruction of popular suffrage, as if the Congress of the United States had entered into a conspiracy to deprive the people of the United States of the right of suffrage. Well, sir, it was a very large structure upon a very small basis. There was the slightest possible occasion for coming out here as a great defender of the right of suffrage. This District had to be put in the hands of some kind of a commission for nine months until a government could be framed, and we put it in by the vote of every Senator here but one, and into the hands of these commissioners by the vote of every Representative in the other House but twenty-two. No measure perhaps of equal importance ever received such unanimous support. But now comes the Senator from Indiana and says he did not vote for it. Why did he not vote against it? Why did he not speak against it? He says he was never in favor of these 3.65 bonds. Why did he not denounce them?

Mr. MORTON. Do you want an answer?

Mr. THURMAN. I should like to have an answer.

Mr. MORTON. I was not present that afternoon when it passed.

Mr. THURMAN. It would have been very easy to move a reconsideration, or get some one to move a reconsideration. That bill did not go through in the dark. That bill was not forced through by any previous question either here or in the other House. That bill was subjected to discussion. It was easy enough for the Senator before that Congress adjourned to have asked some friend to move a reconsideration, and to have opposed the bill, and have opposed this 3.65 bond proposition if it was wrong.

But, sir, it did not stand on that alone. The Senator had an opportunity afterward, when he was in the Senate. Before the President signed that bill, he sent a message to Congress asking us to put the rate of interest on the bonds at a greater rate than 3.65 per cent. Where was the Senator from Indiana then? That message was referred to the committee that reported the bill. The motion to refer was a debatable motion; it opened the merits of the whole question. Then the Senator from Indiana had the fullest opportunity to show that this proposition to pay in 3.65 bonds was unwise or unjust, if such were indeed the fact. But the Senator was as dumb as an oyster when this thing was being done; and now, nearly two years afterward, he comes to read us a lecture, in the light of his after-acquired wisdom, and to censure the Senate and the House of Representatives for passing a law which the whole Senate then, with the exception of one member, and the whole House of Representatives, with the exception of twenty-two, thought was the best thing that then could be done.

Mr. President, I shall not go over the points that have been so fully discussed; but one thing I must say in reference to this Legislature. I was on the committee of conference that reported the first bill, under which the Shepherd government was organized, as it has been called, and for brevity may be called, in 1871. I was utterly opposed to it. I refused to sign the conference report. I thought it was establishing altogether too magnificent a government for this District. I refused to sign the report, therefore, and voted against the bill. So no responsibility rests on me for that government, which fell, and so disgracefully fell, at the end of three years. That government went on. It found this District with an indebtedness of something over $4,000,000; it left it with an indebtedness of more than $20,000,000 in three years. How did that come to pass? The Senator from Indiana says that was not the fault of the representative clauses in that government. I say it was in part the fault of them, but not alone; for how was it? That organic act declared that no contract made by the board of public works for improvements should be valid unless an appropriation had previously been made to defray the expense of the work. It submitted to the Legislative Assembly what was called its comprehensive plan of improvements, estimating the cost at $6,000,000 in round numbers. The Legislative Assembly approved the plan, but with this limitation, that they might contract for the work, provided they did so at a cost of 20 per cent. less than the estimated cost; thus cutting down the appropriation to $4,000,000 instead of $6,000,000, the estimated cost. What attention did the board of public works pay to that limitation or to the provision in the organic law? Really scarcely any attention at all: and now was there no blame on the part of this Legislative Assembly? Did not the Legislative Assembly see this board of public works violating the law day by day, and involving the people of this District into this enormous debt beyond the appropriation; and did it interpose? Did it do anything to stop it? No, sir; nothing at all; but, on the contrary, it was as notorious as that the District exists itself that the Legislature was the mere creature of the board of public works. Instead of the popular branch of the government defending the rights of the people and the interests of the District against this encroaching and usurping board of public works, there was never a slave in this District perhaps more completely owned by his master than was that Legislative Assembly by the board of public works. Every one is conversant with the facts, and every one who heard the testimony that for more than three months your committee was engaged in taking knows that to be the fact. Why, sir, it had no will of its own. It was the creature of the board of public works, and the board of public works was one man in effect. That is the true history of this business.

That government failed. It has been said that there were no charges in our report of corruption on the part of particular individuals. That has been said a great deal, and the absence of such charges has been taken as a vindication of the officials in that government. Such never was the intention of the committee. I must say something on that subject to correct this popular error.

That committee sat nearly four months. No committee of this body or of Congress ever performed as much labor, except perhaps some of the committees that went perambulating the whole country. No one ever performed a more disagreeable labor. No committee ever performed its labor in more perfect good faith and more freedom from partisanship of any kind. I say it, although I belonged to it. I know the labors we performed; I know what suffering they entailed upon us in ill-health, in discomfort, and in being deprived of our seats in the Senate and in the House; and I am not disposed to hear that committee criticized unjustly in the light of other people's doings long after that committee has ceased to exist. That committee went on taking testimony. It had to employ an engineer to remeasure the work; and after we had sat until June, and the session of Congress was approaching its termination, we had, so to speak, but barely got into the crust, barely broken the shell of the egg. Some of the most important testimony that we received grew out of the remeasurements made by the engineer the committee employed—a most able and honorable man—and they showed in almost every instance that the District officials had overestimated, had returned false measurements; exaggerated measurements; and not only that, they showed further that more than the contract price had been paid even upon these exaggerated estimates—estimates of work done greatly in exaggeration of the truth, and then payments upon the contracts in excess of these exaggerated estimates. We got instance after instance of it. It would have taken perhaps six months of engineering, of remeasuring the work, of ascertaining what was the condition of the streets and alleys and the like at the time that the contracts were let so that an engineer could remeasure the work to ascertain the whole extended enormity of these overmeasurements and of these overpayments.

Sir, as I said, with this vast volume of testimony before us and the session of Congress nearly at an end, what could that committee do? We were unanimous that the government was a shameless failure; we were unanimous that that government ought to be put an end to; but if we had gone into specific accusations against this man or that man or the other man, there would have been no doubt a diversity of opinion among the members of the committee and great injustice would have been done, for the committee executed its duties from a public point of view. The committee did not consider that it was a grand jury to return indictments against particular individuals, but that it was a public, political committee to see whether or not the government then existing ought to be perpetuated or ought to be abolished. There were higher public duties than the indictment of any particular individual; and to these higher public duties that committee devoted itself and devoted itself faithfully; and we made the report therefore which we could make, unanimously, that the District government was a failure, and that some other government ought to be inaugurated in its stead. Had we taken the other course and brought in an indictment against this man and that man and the other man, no measure of redress would have been passed at all; the whole time of the session would have been wasted in discussions upon the guilt of particular individuals, instead of Congress devoting itself to relieve the District from a government that was wrong and oppressive, and that had utterly failed.

Therefore, Mr. President, the truth is that no inference whatever in respect either to the guilt or innocence of any officer of the old government, or of any individual, is to be drawn from the silence of the committee on that subject. The committee confined itself to the public consideration in order that it might be unanimous in its report; that it might unanimously report a bill, and that that bill might secure the approbation of both Houses of Congress and become a law in the few remaining days of the session.

I have said thus much in vindication of the committee as it seemed to be necessary because the Senator from Indiana keeps reminding the Senate that, if anybody is to blame, it is the law that is to blame, and that I had some share in that committee. Yes, sir, I had, and in the framing of this law, and never did I bestow more pains upon any work and endeavor to do it more to my own satisfaction under the adverse circumstances by which we were surrounded, and I am here to defend it and to say that that law, upon a fair construction of it, upon a fair interpretation of it, was a good, wise, and proper law.

Now, says the Senator, that law made it the duty of these present commissioners to carry out all the legal contracts that had been entered into by the board of public works. Suppose that were so, did that give them power to do what it is said has been done? When I spoke the other day I had not looked into their recent report at all. I had not seen it. I had seen their report of last year, but I had not read that, and I had not even seen their report of this year. But let us see what that law authorized them to do. Certainly it did not authorize them to execute any but legal contracts. Nobody will pretend that it did more than that. The very organic law under which the board of public works existed provided that no contract made by them which was not in writing, and no contract for which an appropriation had not been made, should have any validity. Will anybody pretend that all these contracts were contracts for which appropriations had been made? It cannot be pretended for a moment; the fact is not so, and if they had availed themselves, as they had a right to do, and as they are doing at this very day—these very commissioners are doing it now—of that clause in the organic law that the contract was void because it was made before any appropriation was made for it, they would have had no millions of contracts to carry out in the way that it is said they supposed they had. I say they avail themselves now of the defense they are making, for they understand it. What does their report say? What does the report of the solicitor of the District show? It shows that suits have been brought by contractors against this District; and these very three commissioners have come in and filed their answer, by way of defense, alleging that there was no appropriation for that work for which the contract was made, and therefore the contract under the organic law was void. A perfectly sound and valid defense, and one that might have been used far more, I fancy, than it has been used.

But the Senator from Indiana harps upon the point that they could make new contracts to execute old contracts; but does he suppose

that that this law, under the authority to complete a contract, gave them the power to make a new contract, which was to enhance the expense three or four fold? Is that carying out the old contract? What was the reason that that provision was put in? I explained it the other day. The work on the streets was nearly done; nobody was doing any more work on the streets. The contracts for improvements on the streets that had been made were scarcely one of them valid, because they were made without any appropriation having been made beforehand. Again, a large amount of work had been done under what were called awards, wholly illegal, without any written contract at all. A man sent in a bid that he would lay a wooden pavement at so much a square yard, or concrete at so much a square yard, or the like, and it was filed with the board of public works, and some time afterward he would go to Mr. Shepherd, and Mr. Shepherd would assign him such a street, or a portion of such a street, for him to go to work upon, without any written contract at all, none whatever such as the law contemplated. There were those things. They were not bound to pay the least attention to them. They amounted, according to Lieutenant Hoxie's report of 1874, to $480,000. It would have taken that sum to complete these contracts under what were called awards, not one of which was a legal contract.

Mr. MORTON. Not in writing?

Mr. THURMAN. No, sir.

Mr. SARGENT. I am informed that every one of those was rejected by these commissioners.

Mr. THURMAN. That is just what I suppose they have done. They ought to have rejected every one of them, and I suppose they have done it. Rejected them, why? For two reasons: first, that they were not in writing as the organic law required them to be; and, in the second place, because no appropriation had been made for those works. Therefore they were forbidden by the organic law.

But, sir, there were contracts for which appropriations had been made, for which written contracts had been executed, and some of those were incomplete when this law passed. What was expected of these commissioners? That they were to go on with such means as they had during their little interval of government here of nine months and preserve these works from destruction, and to let them be executed as far as it was in their power to do it. That was it; but was it the idea that they were to enter into any comprehensive scheme of improvements? No, sir; and they did not so understand it at first, for what did they do? They went into power in June or July, 1874; they made their first report in December, 1874. Had they then embarked in any of this comprehensive scheme of improvements which has since been carried on in the last year? No, sir; nothing of that sort; but as Congress failed last winter to establish a permanent government for this District, then the idea seems to have gotten into somebody's head in this District that this commission was to be the permanent form of government here, and then, all at once, there is an enlargement of idea as to the powers of the commission, and a very different interpretation placed upon this act under which they were appointed.

This law which we enacted, in view of the provision of the organic act that contracts should be in writing, authorized the board of audit to audit claims arising out of contracts, written or oral, made by the board of public works. It may be said, why is that provision "oral" put in there? Because of this state of facts: It was not the intention of the organic law that when the board of public works employed a clerk or a messenger or a servant to sweep out their room or make their fires they were to enter into a written contract with him. The contracts referred to in the organic act were contracts for public improvements and not contracts for the mere clerical or menial service that might be required by that board. Furthermore, the board could itself, with its own engineers and its own laborers, as I said the other day, go on and do a great deal of this work. The organic law did not require that the work should be let by contract. When it did that it was not expected, of course, that a laborer, although he might be employed for a day or half a day, should have a written contract with the board of public works. They were employed orally, just as laborers are employed by contractors. There was a very considerable amount due to them; they were considered among the most meritorious persons, and therefore that clause was put in which embraced their case under the word "oral."

While I am on this subject let me call the attention of the Senate to another thing. I spoke the other day of our estimate that at the outside not over $12,000,000 of 3.65 bonds could be issued. I did not advert at the time to the fact that the amount which we estimated would be issued, or ought to be issued, was only something rising $8,000,000. That will be found in the report; and perhaps some one has already called the attention of the Senate to it. We estimated this floating indebtedness, including what it would take to complete the contracts that were then incomplete, at something less than $12,000,000; but we estimated the amount of debt which would be funded into 3.65 bonds at only a little over $8,000,000. Why was that? Why was it that we did not estimate the amount of bonds all the way up to eleven million dollars and a fraction? Because we recommended an appropriation by Congress to pay a large portion of that public debt, and upon our recommendation Congress did pass an act at that very session by which they appropriated, I think, over $1,000,000. I will thank the chairman to tell me exactly what it was.

Mr. ALLISON. One million three hundred thousand dollars.

Mr. SARGENT. For current expenses.

Mr. ALLISON. We levied a tax of 3 per cent. also.

Mr. SARGENT. To raise an equal amount to govern the District the next year.

Mr. ALLISON. Not at all.

Mr. THURMAN. That $1,300,000, I think it will be found on looking at it, nearly or quite the whole of it, was to pay the laborers who were unpaid. They were not to take 3.65 bonds, but it was to pay these very laboring men, if I am not mistaken, and if I am I wish my friend from Iowa to correct me.

Mr. ALLISON. A portion of it was to be used to pay laborers; a portion to pay immediate debts that had been created by the government of the District of Columbia, such as bank debts in New York and various things of that sort.

Mr. THURMAN. Yes, sir; I remember it now. Here was the state of the case—a very nice piece of financiering indeed. The District government had gone to New York and borrowed money, and had pledged collaterals at a perfectly ruinous rate—the securities of the District—the bonds or certificates of indebtedness of the District. I think it had pledged none of them perhaps at less than $2 of collateral for $1 of debt. Those securities were liable to be sold on the stock exchange in New York, or wherever they would be permitted to be sold, at any moment, and thus double the debt of the District, unless Congress would come to their aid and pay off the debt; and part of that $1,300,000 was for that purpose—to prevent doubling the debt of the District by the sale of these collaterals by the moneylenders who had loaned money upon them.

Mr. SARGENT. Will the Senator allow me to ask him a question?

Mr. THURMAN. Yes.

Mr. SARGENT. I should like to inquire if the Senator would have us to understand that all the appropriations made by Congress at that time were for past indebtedness of the District? In other words, whether it left the District to struggle along by the commissioners getting what they could from taxation without any help from the General Government except wiping off old scores?

Mr. THURMAN. I did not say any such thing. Congress acted with great liberality toward the District. All that I said was that Congress made this appropriation of $1,300,000, part of it to pay laborers and the rest of it to pay for this same floating debt, for it belonged to the floating debt, which was held in the city of New York; and just to the extent of that appropriation ought the amount of 3.65 bonds that were to be issued to be reduced.

That was the state of the case. And now, sir, I do say again that when Congress had put in all these safeguards it never was imagined that this government, which was to be a mere temporary government, would eventuate in less than two years in a debt of nearly $15,000,000 of 3.65 bonds instead of about eight millions, which we estimated would be the full amount. No, sir, it will not do. I am making no charges against anybody of corruption; but it is the greatest misfortune that ever befel a people, it seems to me, that we cannot put anybody in power in this District, no matter how honest he may be, that he does not forthwith become imbued with the spirit of extravagance, and think that the money must be expended here as if this was a mine of jewels and of gold, which it is only necessary to dig into in order to heap up riches. The grandeur of the city, the grandeur of the public structures, the beauty that is to be found in the city seem to take possession of the mind of everybody who has to deal with it, and forthwith he launches out in a system of extravagance which I agree would not be tolerated elsewhere than in Washington.

Now, Mr. President, a few words more. While we are on this District subject it is just as well to call attention to some other matters, although they have nothing particularly to do with the immediate question which is before us. First let me call your attention to the cost of this government. Take it from the report last made to us. I ask Senators just to listen to the figures taken from that report, and see what the cost of this District government is. I will begin with the board of health. How much do you suppose, Mr. President, was paid for the board of health in the last year? As you may see by reference to page 4 of the report of these District commissioners, $61,481.38. One would certainly suppose that that included everything that could contribute to the health of the city of Washington, but it is not the half of it; for right on the same page we find that the commissioners themselves have paid for removing garbage $6,208; for cleaning and sweeping streets, $43,101; for cleaning alleys, $7,866; for cleaning and sweeping streets and alleys under act of Congress approved March 1, 1875, $21,213; making $78,390 to be added to the $61,481 disbursed by the board of health. All of these subjects, coming really within the province of the preservation of the health of the city, amount to the sum of $139,871; a larger sum than is expended by the State of Vermont for her whole State government. That single board of health and the street cleaning here cost more than it costs to maintain the State government in one of the States of this Union.

Let us pass from that to the fire department. The expenditures for the fire department, including a new fire-alarm telegraph were $173,243. Taking out the new fire-alarm telegraph, which might not be considered part of the ordinary expenses, you have $98,000 for the fire department of Washington City.

Then the board of audit; how much, pray, has this board of audit cost for employés and the like? No less a sum than $45,339.

Mr. SARGENT. They are not responsible for it.

Mr. THURMAN. I do not say they are responsible for it. I am not talking about the responsibility of individuals. That is wherein my friend mistakes all the while. I am not speaking of individuals; I am speaking of a system. But pass that by. Let us come to the engineer department; and what do we find there? For pay of assistant engineer—for mark, the chief engineer is an officer of the Army and has his Army pay, and no extra pay by reason of his being detailed to the duty of engineer here—but for assistant engineer, employés, and expenses of the engineer department, $182,382. That is not making streets; that is not doing work on streets or sewers or the like. That is engineering work. I may be mistaken in saying that it is not for any work done on streets; some of it may be for work that has been done without any contract, under the immediate supervision of the assistant engineer. Probably, therefore, some portion of this—and I do not know how much of it, because we cannot tell—was used to pay laborers who have worked under the direct supervision of the assistant engineer and his assistants. The amount for the engineer department is $182,382. Then the water department is $118,965.

Now I come to what are called salaries, and so on, of the officers and employés of the late board of public works—unpaid salaries—$28,169. Then we come to the salaries of officers and employés and expenses of the several officers of the District government proper, not the engineer department, not the water-works department, not the fire department, not the board of health, but what is called the District government proper, whatever that may be—those people, I suppose, engaged mainly in the collection and disbursement of taxes. How much do you suppose the salaries of those employés and officers of the District government proper come to? the annual amount? $98,864. Then for the office of register of wills, $326.79.

Now, sir, recapitulating these matters, and leaving out the board of audit, we find that the sums for the engineer department, fire department, water department, board of health, cleaning streets, &c., and salaries of other officers aggregate $742,273—about as much as pays every officer of the State of Ohio who holds a State office. Leaving out county and township and municipal officers, and only including those who are State officers, and their clerks, and employés, I venture to say, without having looked at the statistics lately, that the State of Ohio does not cost in all as much as this cost of the District government.

I hope, Mr. President, that these matters will engage the attention of the District committees, so that, both for the sake of the United States and for the sake of this people, some mode of retrenchment and reform and simplicity and economy in government may be inaugurated. It will not be inaugurated, I venture to say, by the system which the Senator from Indiana would advocate, unless he puts upon it such restrictions as I have never yet seen put upon any such government. But whatever the government may be, whether it is to be part appointed or part elected, our duties are plain, and they are two. One is to say what proportion of the expenses will be paid by the United States; and the other is so to lessen expenses that the government shall not be a burden and a disgrace.

Mr. MORTON. Mr. President, this costly government which the Senator has so painfully enumerated was created by the bill which he drafted. He ought to have devised some cheaper form of government. He enumerates the board of health and tells us of the extravagance of the board of health. I believe it may be said in justification of that expenditure that this has been shown to be the healthiest city in the United States and the death rate has been the smallest. The board of health have been at great pains to look to the health of the Senator and of his friends. He complains also of the expenditures for the water department. Well, Mr. President, those who do not like water may think that is extravagant. [Laughter.] I shall not go into any defense upon that ground. And then he complains of the expenditures of the board of audit. Who created the board of audit? My friend by the little bill which he drafted and caused to be enacted by this body.

Mr. BAYARD. May I ask the Senator from Indiana, as it especially applies to him just now, whether he had not on the score of health a memorial, the result of some public discussion by his peculiar friends the colored people of the District, complaining that they died too fast, four to one of the white men? Ought not that to excite his sympathies?

Mr. MORTON. Well, Mr. President, I understand the meaning of that question. It is that I sympathize with the colored people a great deal more than I do with the white people. I know that it has been the common argument offered in reply to the republican party for twenty years: "You like the nigger a great deal better than you do the white man; don't you want your daughter to marry a nigger?" It was just the same sort of question precisely. I do not think it necessary to answer that any further. I think the health of the colored people should be looked after just as well as the health of the white people and the health of the whole city should be looked after.

But, Mr. President, the Senator from Ohio began his speech with some heat, and he intended to be somewhat offensive, I think. He said first that my speech was extraordinary, as if I had uttered something dreadful; and then he said it was an ordinary speech. Now, the Senator from Ohio labors under one difficulty; he never can be severe without being a little personal. He said, in speaking of this law, that when it was under consideration I was as dumb as an oyster. That is an elegant expression! The fact is my friend is always elegant, never otherwise. But he said that in a Pickwickian sense and did not mean to harrow up my feelings particularly. If he had intended to wound me deeply he would have said that I was as dumb as a Bourbon; but only saying I was as dumb as an oyster was a mere phrase.

He went on to excoriate this commission here terribly because they recognized verbal contracts on the part of the board of public works. Yes, sir, verbal contracts, contracts not in writing, contracts therefore not legal he said. He came down fearfully upon them for that reason. My friend has a cunning memory, and after he had gone through all this he happened to remember that in this law which he had drafted this peculiar provision was inserted, which I always thought was pretty loose—I do not think I would have put it in if I had been drafting the law—that this board of audit shall audit claims existing or hereafter created for which no evidence has been issued "arising out of contracts, written or oral." After having himself expressly provided that this board of audit should recognize verbal contracts, contracts not valid in law, mere verbal understandings, he brings that home to this commission as a high offense that they have committed in recognizing contracts not valid in point of law, after having, as I think, very loosely provided for doing it. I would not have done it.

Mr. THURMAN. The Senator, I suppose, does not wish to misrepresent me. I did not say, and I do not say, that this law provided for their issuing 3.65 bonds for any but legal contracts; and it does not provide for recognizing one single oral contract that was not a legal contract. I went on and explained that certain contracts which were oral contracts might be legal contracts. When the Senator says that I have admitted that the law sanctioned or ratified illegal contracts, I tell him I said nothing of the sort.

Mr. MORTON. Why, Mr. President, after my friend had discoursed at some length about the high misdemeanor on the part of the commissioners in recognizing contracts that were not in writing, and that were not legal contracts because they were not in writing, he then, remembering, as I think, that there was a provision of that kind in the law, undertook to make a little explanation of it which I say, with all respect to my friend, was somewhat lame. Now, he says that the law did not provide that these oral contracts should be paid off by 3.65 bonds. My friend is just as unfortunate in that——

Mr. THURMAN. I did not say any such thing.

Mr. MORTON. Just now?

Mr. THURMAN. No, sir; I said nothing of the sort. I said there was no provision there that 3.65 bonds should be used to pay illegal oral contracts. I did not say they might not be used to pay valid oral contracts.

Mr. MORTON. My friend, I think, only gets a little deeper into the mire in every explanation that he makes. The law provides for paying with 3.65 bonds every one of the class of claims here enumerated, and among this class of claims are unwritten contracts. You may say they were illegal. I would say that a contract that is not valid and binding is not a legal contract, and, therefore, I might assert the converse of the proposition that it is an illegal contract; but I am speaking of their recognizing legal contracts, and they were specially authorized by the law to recognize contracts that were not legal because they were not in writing.

So much upon that point. Now I come to my other proposition. I say that this whole debate on the other side, especially the last speech of my friend from Ohio, is an attempt to fix upon the commissioners, either as a crime or as a blunder, the legitimate consequences of the law which my friend drafted, that the responsibility and the blame, if there be responsibility and blame, are not with the commissioners but with the distinguished legal gentleman who prepared that bill.

One word further and I am done, Mr. President. The Senator from Ohio said that I do not like the use of the word "sovereignty." Well, sir, I do not like the use of the word "sovereign" in connection with the States, but I do love it in connection with the nation, and there is where I differ from my friend. He is fond of the term "sovereign" and "sovereignty" when he speaks of the States, but I think he has never been heard to use it—if he has, it has been very gingerly—when speaking of the nation. There is a great gulf between us on that point. I hope that if it is ever crossed it will be from his side to mine.

I believe, sir, I have said all that I want to say. I can only add that the question here is simply one of providing for the payment of interest upon bonds that so far as we know have been issued in conformity with the act of Congress for which my friend from Ohio, I think, is a little more responsible than any other Senator on this floor.

Mr. THURMAN. Mr. President, one word. The Senator from Indiana conceives himself to be exceedingly smart to-day. He keeps hammering away with an iteration and iteration that justifies the old collocation in the classics of "damnable iteration." He says the responsibility is with the framers of this law. Let us see what kind of logic that is. If Congress frames a law, and those who are to administer it maladminister it, the responsibility is upon Congress! Let us apply that to my friend. He voted for the whisky tax. He voted for the present whisky law. I voted against it, but he voted for it and supported it. *Ergo*, he is responsible for all the frauds of the whisky ring! That is his logic. Why do not they indict him and try him out at Saint Louis with McKee and the rest of them there? What a monstrous thing it is to say that McKee is to blame, that

McDonald is to blame, that McGrew is to blame, that Babcock is to blame. Why do they not say that the responsibility is on Morton? He made the law. [Laughter.] That is logic! It is not necessary to say anything more on that subject, I think.

The Senator says that I happened to think of this word "oral." I knew this law; I helped to make this law, and I am always ready to take my fair responsibility for it. But here [exhibiting some sheets of paper] are the notes that I made the other day when the Senator was speaking, in which I put down this very word "oral," in order to explain it when I should take the floor next, because owing to the interruptions I had neglected to explain it before. It was no new thought with me. The Senator says he would not have had it in the law. He would not have allowed the poor fellows who had swept out the office or brought in the coals to make the fire, or the poor laborers on the streets who had worked in all sorts of weather, good, bad, and indifferent, to be paid. Is that what the Senator means to say? And yet he says that he would not have allowed these oral contracts to be paid. I repeat, Mr. President, there was a class of oral contracts, as I explained, that were perfectly valid, and those it was intended might be paid; but there is not one single word in this law that authorizes the payment, either in money or in 3.65 bonds, of any illegal contract whatsoever, whether written or whether it be unwritten.

The PRESIDING OFFICER, (Mr. MERRIMON in the chair.) The question is on the amendment of the Senator from California to the amendment of the Senator from Iowa.

Mr. SARGENT. If there is any hope that a vote can be taken I am willing to forego any remarks. Otherwise, I desire to offer some observations to the Senate. If a vote can be taken I am willing to yield the floor.

The PRESIDING OFFICER. The question is as stated by the Chair.

Mr. THURMAN. I wish the exact state of the question would be stated to the Senate.

The PRESIDING OFFICER. The Clerk will report the amendment.

Mr. THURMAN. Has any amendment been made?

The PRESIDING OFFICER. The amendment reported by the Committee on Appropriations has been agreed to.

Mr. THURMAN. Striking out the proviso in the House bill? Now, what is the pending question?

The PRESIDING OFFICER. The pending question is on the amendment offered by the Senator from California to the amendment offered by the Senator from Iowa.

Mr. THURMAN. Let both be reported.

The PRESIDING OFFICER. The Clerk will report both the amendments.

The CHIEF CLERK. The amendment of the Senator from Iowa is to add to the resolution:

Provided, That any issue of said bonds beyond the sum of $15,000,000 is hereby prohibited.

The amendment of the Senator from California is to add this proviso:

And provided, That the certificates heretofore issued by the board of audit, including those converted into 3.65 bonds and those which have not been so converted, and the certificates hereafter to be issued by the board of audit or their successors in office shall not exceed in the aggregate the sum of $15,000,000.

The PRESIDING OFFICER. The question is on the amendment last read as an amendment to the amendment first read.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Iowa as amended.

Mr. BAYARD. I move now to amend the amendment by striking out $15,000,000 and inserting—

The PRESIDING OFFICER. The word "$15,000,000" occurs in two places in the amendment.

Mr. BAYARD. I mean to strike it out in each place where it occurs and insert "$8,775,900."

Mr. KERNAN. Will the Senator from Delaware allow me to ask him to accept this which, I think, will be better? I move to insert in place of the proviso of the Senator from Iowa a proviso in this language:

Provided, That any further issue of 3.65 bonds under or by virtue of said act of Congress approved June 20, 1874, is hereby prohibited.

The PRESIDING OFFICER. Does the Senator from Delaware accept the amendment suggested by the Senator from New York?

Mr. BAYARD. I do.

Mr. SARGENT. That leaves the certificates outstanding which by the law already existing are to be converted into these bonds. What are you going to do with the certificates? You prohibit the issue of bonds, but leave the certificates afloat. The proposition of the Senator from Iowa amended by the proposition which I offered was that neither of certificates nor bonds shall there be issued beyond the limited amount named.

Mr. KERNAN. In the light of the facts disclosed in this debate it seems to me we should not allow another bond to be issued. I do not interfere with certificates. I propose to allow the other amendment to be as it is; but I offer this amendment because it seems to me we should provide for adjusting those certificates by looking into them before we issue negotiable securities for them if they have not been issued.

Mr. SHERMAN. The Senator from New York may not be aware that these certificates are negotiable, transferable from hand to hand. I had one here the other day. They are convertible into 3.65 bonds, they are issued by the board of audit, and they are convertible into 3.65 bonds, which are delivered to bearer either in registered or coupon bonds. Therefore we cannot preclude the holders of the present certificates from converting them into 3.65 bonds without violating the obligation of the law and the contract.

Mr. DAWES. I should like to inquire if they could be converted after the amendment of the Senator from New York became part of the law?

Mr. SHERMAN. Certainly not. They could not be converted after the amendment was adopted.

Mr. DAWES. Then what makes them negotiable?

Mr. KERNAN. There is nothing in the law that makes them negotiable securities. They are certificates that there is so much due a man, and I think they are not negotiable; and if they be wrongfully made, if they evidence a debt which ought not to be paid without investigation, we have an opportunity to investigate it while it is held by the man who must adjust it on the right basis. My object was to prevent negotiable bonds getting out for certificates which seem to have been made, judging from this debate, without much regard, it would appear to me, to some of the provisions of this law. What I propose is just. It leaves every man to stand on his equities.

Mr. SHERMAN. All I know about this matter is what I learn from others, and that is that the outstanding certificates are not necessarily the last certificates issued. Perhaps they may be the first certificates that were issued. Many of the persons who received these certificates in payment of honest debts due them for work and labor performed by them refused to convert them into 3.65 bonds, and have always insisted that they had an equitable claim for the full amount of the certificates in money. It may be, therefore, that you are denying to the holders of the most honest debts that privilege which the law gives them, when all those whose claims may be doubtful or which may have been tinctured with fraud were converted at once into 3.65 bonds.

Mr. KERNAN. Permit me to say that if there are men who have heretofore refused to take the 3.65 bonds and the certificates, they probably do not care for the certificates now, but prefer to stand on their rights. If they have an honest debt, they will get it; but if there be a certificate made yesterday for something that is not honest and not legal and bonds be given for it, there some honest man is cheated by taking those bonds or we do not do our duty. I think we should not issue any negotiable paper for any of these certificates which have not been converted into bonds before this time.

Mr. SHERMAN. The answer to that is the same answer that has been given by my colleague and the Senator from Indiana, who agreed in that, if in nothing else, that it was a pretty hard thing to require the creditor of the District to take a 3.65 bond. But the law did that. We said "We are willing to pay in 3.65 bonds, and will not give any more." Now you propose to refuse to give them the 3.65 bonds. What follows? The people who hold these certificates to the amount of a million of dollars have a plain, palpable right to demand the money of you, every dollar of it in full; and thus, by refusing to do what you have agreed to do, you make the burden more burdensome and compel us to pay the money.

Mr. KERNAN. It seems to me that if they have an honest debt against the District there ought to be provision to pay it. My objection is to issuing bonds, which may be issued for what is not an honest and legal debt, and yet the District and the people would have to pay it because there was a negotiable security issued for it. I am not familiar with this subject; but I have read this law, and I can find nothing in it by which certificates would be negotiable instruments. I do find that the board of audit may audit a claim and give a certificate, and the party at his election may take that. All he could ask would be that we should provide for his being paid what is justly due him.

Mr. MORTON. This amendment comes in now to wrong the Government. The first provision for 3.65 bonds was a wrong on the creditors of the Government, as I believe. These commissioners under this law were authorized to make contracts to carry out the contracts made by the board of public works. They have made such contracts; and the contractors knew that under the law they were to be paid in 3.65 bonds worth only sixty-five or seventy cents in the dollar. They made their bids accordingly, I doubt not. They were not prudent men if they did not make them accordingly. Now you propose to pay them not in 3.65 bonds, not at the rate of seventy cents on the dollar, but you propose now to pay them one hundred cents—to cut off the issue of 3.65 bonds and pay them at par in cash, because if you now cut off the power of issuing 3.65 bonds you have to pay these men in money, and pay them the face of the contract. So that it comes in in precisely the wrong place, I think.

Mr. KERNAN. Mr. President, my motive was not to cut off, and I did not suppose it would touch the people who had done work and got certificates years ago. My object was to prevent 3.65 bonds going out for such cases as the Senator from Massachusetts [Mr. DAWES] detailed to us yesterday, where there had been a contract by the board of public works to pave a square on Capitol Hill at the price of $8,000, and it had been extended to M street and to Fifteenth street, and

$116,000 paid out with an estimate that they would want $10,000 more. I believe I am right in the figures from memory. My object was to cut off such cases. If there be any of the old honest debts which were audited, not of this illegal character, and the parties have up to this time declined to take 3.65 bonds when it was optional with them to do it, I am willing to adjust with them fairly. But let us not go on issuing bonds for such work as has been detailed to us here from the reports by the Senator from Massachusetts and the Senator from Delaware, because then we shall have upon us hereafter the same arguments, You have issued a negotiable security, and now you cannot go back and look into the validity of the debt which was audited.

Mr. MORTON. One word. The effect of the Senator's amendment—and I call his attention to it directly—is to pay at par in cash upon contracts which were to be paid in bonds worth only sixty-nine or seventy cents on the dollar. It would thereby have the effect to make them exorbitant contracts.

Mr. STEVENSON. How could that be?

Mr. MORTON. How could that be? If a man makes his contract knowing that he is to be paid in a bond worth only sixty-nine cents on the dollar, he will put in his bid accordingly. Now you cut off the right to pay in bonds and pay him in cash, and you pay him 30 per cent. more than he expected to get. That is the effect precisely.

Mr. STEVENSON. I do not agree with the Senator from Indiana, [Mr. MORTON.] His argument rather begs the question. He assumes that the commissioners in this District have not in creating this colossal debt exceeded the authority conferred upon them by this act. That is the very point in contest. During this entire debate the sole question has been, Did these commissioners in making these new improvements violate this law? Had they any power to create this debt of five millions over and above the estimate? If they have exceeded their authority, if they have violated the law, then comes the question, How far are their contracts in excess of law valid? By the construction insisted on by the commissioners, and defended by their friends in the Senate, there is no limitation on their power to create obligations, because there is no limit, says the Senator from Indiana, [Mr. MORTON,] to their power to contract for improvements. I utterly deny any such construction of this act to be valid. The pending bill, when it came from the House of Representatives, contained a proviso forbidding the issue of any of the 3.65 bonds beyond fifteen millions. The House deemed an investigation into the creation of this enormous debt by the commissioners a proper and legitimate subject-matter of inquiry, and hence their limitation upon the issue of these bonds beyond the amount named in the proviso.

But the Senate Committee on Appropriations struck out all that proviso. The Senate concurred with the amendment proposed by the committee, and the proviso has been stricken out.

I do not intend to be drawn into the debate, which has been so able and interesting, and which has taken so wide a scope. I am sure the country as well as the Senate will be astounded at some of the facts commented on by my distinguished friend from Delaware [Mr. BAYARD] in his argument. I rise only to express my cordial assent to the amendment offered by the Senator from New York, [Mr. KERNAN.] It seems to me to be apposite, pertinent, and proper. The interest of the people of the entire country, and especially of this District, demands its adoption. Nobody can be injured by it. If the commissioners have wrongly construed this law, and contracted a debt of $5,000,000 more in improvements than they had authority to do, are we to stand still and allow the thing to go on? I cast no reflection on these commissioners. I will express no opinion upon their course until there is an investigation. But if they have erred in their construction of this act, if they have been wrongly advised, shall Congress stand still and allow such excess of unauthorized power to culminate in increased indebtedness without limitation and without investigation, because the commissioners are men of character? Shall we not stop the issue of illegal bonds at once, before they are negotiated and before they come into the hands of innocent parties for value? I think so. Every consideration of enlightened and just legislation demands the prompt adoption of this amendment.

I have no doubt in my own mind that this law has been violated. I speak with great deference, but I speak sincerely when I say that few courts of last resort in this broad land would, in my opinion, have construed this act as these commissioners have done. I confess my amazement when I hear distinguished Senators on this floor, lawyers of eminent and acknowledged ability, arguing that the commissioners, under the head of repairs as used in this act, might go on *ad infinitum* with new improvements and *ad infinitum* with incalculable obligations. Such a construction denies all limit to the power of these commissioners. The remedial character of the act in constituting this temporary government and putting a stop to the extravagance of the former government is utterly ignored by such a construction. If I am correctly informed, the commissioners gave no such construction to the act when they first came into power. On the contrary, they then believed that their power as to repairs was limited to the localities and streets and boundaries where improvements had actually been commenced, and did not extend to any boundary on the same street beyond the actual improvement contracted for. In support of this view I refer to a detailed statement of these commissioners made on 18th of February, 1875.

I have before me the CONGRESSIONAL RECORD, volume 3, part 2. On page 1295 I find that in a debate in the House of Representatives on the 15th of February, 1875, a detailed statement of items comprised under the heading of general fund on estimates for the fiscal year ending June 30, 1876, from the comptroller's office in this District, dated February 13, 1875, and addressed to the commissioners, the estimate for repairs to wood pavement per estimate of the engineer, was $63,298.93, and repairs to concrete payment by the engineer's estimate was $45,918, making a total of $101,216.93 for repairs by engineer's estimate to both wooden and concrete pavements. The amount of 3.65 bonds was then estimated at $10,000,000, and yet with such estimates by the engineer for the District of Columbia of amounts required for repairs to these pavements, and which were made to the commissioners and cited in Congress, I am informed that these commissioners have, under the power to repair and preserve, extended these wooden and concrete pavements to streets for squares and squares where no improvement had been commenced, and instead of an outlay of $109,219.93, as estimated for, they have expended, as I am told, nine hundred and seventy-odd thousand dollars for wooden and concrete pavements alone; and instead of ten million of 3.65 bonds we have now a debt of fifteen million; and if the construction of this act insisted upon by the Senator from Indiana [Mr. MORTON] as the true one, these commissioners can go on without limitation and make the debt twenty million. Sir, a limitation ought at once to be placed on this power of the commissioners; a thorough investigation ought to be had into all this expenditure. It can injure nobody. The high character of these commissioners is no guarantee against error.

I have not and I will not impeach their motives until I have seen their whole administration investigated, but if these commissioners were ten times as exalted in private life as they are, they still are subordinate to the law of the land, to its limitations, and to its restrictions. I believe they have erred in the exercise of power, and in the creation of a debt of millions not authorized by the letter or spirit of the law which created them. It will not do for Senators to attempt to sustain these commissioners in a wrong construction of any act of Congress by which a debt of millions of dollars is saddled upon the people by telling us of their worth and high character. O, no, sir; no! The highest as well as the lowest in this land must become servants of the law. Without it there is no popular safety.

Mr. President, if George Washington himself could rise from the grave he would delight to be and he should be subordinate in every official action to the requirements of the law. I will not say a word against these gentlemen except to say what I believe, that their action is not justified by the law. I believe that they have exercised powers and created debts that Congress did not contemplate and which no just and valid construction of the statute creating the commission authorized.

Our feelings should never allow any of us to forget that this is a government of law. Grant to these commissioners all the high qualities that their friends claim, both in public and private, it can confer upon them no valid authority to contract a debt not authorized by law. It can never authorize any construction of a statute which its language, context, subject-matter, and intendment clearly forbid. Honest men often err; dishonest ones more frequently. St. Paul's sincerity in his bloody mission to Damascus was never questioned; but in his own eyes it did not lessen or diminish his error.

It is our duty to check the error, whether honest or dishonest, and to check an illegitimate and unauthorized increase of the public debt. I say that we should go further, and investigate this alarming and extraordinary increase of this the public debt. No cry of danger to the public credit will make me hesitate by my vote to forbid the issue of another bond until the limitation proposed by this amendment is placed upon the power of these commissioners. In addition, I hope an investigation will be speedily had, and let the country be enlightened as to what contracts were valid and what were invalid, and to ascertain what is the legitimate indebtedness of the Government of the United States for improvements in this District. Gentlemen cannot frighten me by talking about protests of government bonds. The commissioners should themselves rejoice in such an investigation. The speech of the Senator from Massachusetts [Mr. DAWES] and that of the Senator from Delaware will and should arouse the country. We have heard enough and seen enough to demand, as it seems to me, of every Senator to forbid the issue of another bond until a thorough and full scrutiny into all those transactions has taken place. After all that has been said in this debate it is just to the commissioners, it is just to ourselves, and it is just to the country. For my own part, if mine was the only vote I would go for the limitation proposed by this amendment, and I am quite sure this bill will never become and never should become a law without so just and salutary a restraint.

Mr. MCDONALD. Mr. President, the objection which my colleague takes to the amendment offered by the Senator from New York is that it will cut off converting certificates that have been issued under contracts made since the passage of the law authorizing the issuance of these new bonds. Now, as many Senators believe that these commissioners had no authority to make such contracts, that the act creating this commission conferred no such authority, it seems to me that it is right and proper that we should stop at this point and investigate that question before we pass these certificates into the form of negotiable securities.

But the Senator from Ohio [Mr. SHERMAN] insists that this will cut off the conversions of the old certificates which are held by parties who have declined to avail themselves of the provisions of this act. If there is that class, (and it seems that the friends of the commission do not exactly agree in regard to the character of these outstanding certificates,) as has been well remarked their claim cannot be prejudiced. They have not availed themselves of this privilege thus far; and it is not to be presumed that they propose to rush in now and take these bonds in lieu of an indebtedness which they regard as good to them dollar for dollar.

Mr. FRELINGHUYSEN. Do I understand that the amendment of the Senator from California has been adopted?

The PRESIDENT *pro tempore*. It has been.

Mr. FRELINGHUYSEN. That limits the amount to $15,000,000.

The PRESIDENT *pro tempore*. So the Chair understands.

Mr. FRELINGHUYSEN. That limits the amount of bonds and certificates to $15,000,000, and the amendment of the Senator from New York says that there shall be no further issue of bonds.

Mr. KERNAN. If the Senator will allow me, I moved that as an amendment, striking out the proviso of the Senator from Iowa [Mr. ALLISON] and substituting mine.

Mr. FRELINGHUYSEN. It seems to me that, if we adopt the amendment of the Senator from New York, the law will be in the right condition. It gives the right then to issue fifteen millions, and that is what we all want to limit it to.

Mr. SARGENT. No; it would be entirely inconsistent with the amendment which has been adopted. It would be, impossible I think, for anybody to construe them together.

Mr. KERNAN. My motion is offered as a substitute for the proviso offered by the Senator from Iowa, which is:

Provided, That any issue of said bonds beyond the sum of $15,000,000 is hereby prohibited.

I move to perfect the amendment pending by striking that out and substituting what was read forbidding any further issue.

Mr. LOGAN. Mr. President, I have listened to this discussion for two or three days, and heard quite a number of Senators arguing that the issue of these bonds amounting to nearly $5,000,000 was clearly in violation of the law. I presume that, if this amendment should be adopted prohibiting any further issue and after that bonds should be issued, that issue would be clearly in violation of the law. Now, I should like to inquire of some of the Senators who have made that character of argument whether they would afterward, if this prohibition is fixed upon the bill and bonds be issued by these commissioners exceeding that amount, vote then that the Government should pay those bonds next session because they had been issued? I would like the Senator from Iowa to answer me that question, or the Senator from Massachusetts, whether he thinks there would be any obligation on the Senate, if that provision was fixed in the law and bonds should be issued afterward, to vote to pay them.

Mr. DAWES. I will answer the Senator. I would indict the officials.

Mr. LOGAN. If you would indict the officials you would propose that the Government pay. I merely want an answer. Would you advocate the payment of bonds issued contrary to a prohibition fixed upon this bill in reference to the amount? There would be nothing except that it would be invalid because the law made a limit.

Mr. DAWES. The distinction between that case and the existing one is this: According to the construction put upon the law at present by those who are clothed with the execution of it, there is no limitation upon the amount. The complaint I made yesterday was that they had put that construction upon it. They are upheld in this Chamber by very able lawyers. They go to work in good faith. They believe in that construction. They have been led into that construction. We find them putting a construction upon the law which we do not believe to be sound. We take away that discretion absolutely by an express enactment. From that hour if they issue a dollar of bonds they issue it in absolute fraud, as much as if they manufactured a similitude of an existing bond, as much as if they sat down and made a 5.20 bond and put it upon the market; and if we could detect them in that we would send them to the penitentiary, and if we could detect one of the bonds they made we would treat it as we would a counterfeit of a 5.20 or a counterfeit of a greenback.

Mr. LOGAN. I merely wished to get at something that would satisfy my mind about this matter. I must confess that I am very much confused in reference to this question by the debate. When I know that a bond has been illegally issued I do not believe it ought to be paid. The illegal issue of these bonds, if they are illegal and if the law has been violated, is just as much a violation of the law as if this prohibition had been in the law before, and they issued the bonds in violation of it. How Senators can argue on this floor that these bonds had been issued without any authority whatever, and then turn around and vote for the Government paying them, and then ask for a prohibition to prevent other bonds being issued, is something I cannot get through my brain; and I must confess it is merely that cloud which is on my mind that I desire to remove. I do not believe in making the Government responsible year after year for violations of law. We have heard this thing in this Chamber for years.

I tried to find out yesterday, not by questions put in open Senate but by asking Senators, how much had been expended for the benefit of the city of Washington by the action of Congress since 1870. I cannot tell; I cannot find out; no one knows; Senators stand up and tell us that the law has been violated by issues amounting to millions of dollars and at the same time they tell us that they are in haste for the Government to pay them. I cannot understand it I must confess. I know I always opposed the organization of the late government in Washington; I opposed the spending of money by the Government for the beautifying of streets here except around the Government property. I said at the time it was done that the Government would finally pay at least $30,000,000, and I have been trying to ascertain if they have not paid that much. I am satisfied that they have paid over $15,000,000 already, because we have that right before us, besides the amount of assessment that has been made and taxes collected. If the Government is responsible for it I have nothing to say; but I merely wish to give my reasons for not being a party to it. If these commissioners had no authority to issue these bonds Congress should have stopped them and Congress should not pay them. You put a prohibition on and they violate it. It is no more a violation of the law than you already have right here before you.

I want Senators who have argued that this was a violation of law, a monstrosity, an outrage against everything, a violation of the law as understood by the Senate when they passed it, and all that, to reconcile that with their votes. That is all I rose to say.

Mr. EATON. Mr. President, I will occupy the time of the Senate for but a moment. I agree somewhat with the Senator from Illinois. If there has been a violation of law, then I say the United States ought not to pay the interest on any of these bonds. I understand that to be the position which he assumes. I do not believe we ought to go any further with this matter until it is thoroughly examined. I want to know about it. My people desire to know about it. It is useless to talk to me about the public credit suffering. Somebody said yesterday that this bill had to be passed immediately or the United States would go to protest. We have been in protest for the last ten years for $450,000,000 three hundred days every year.

I desire that this matter should go over. I shall move that the Senate do now adjourn, and, if the motion be carried, to-morrow morning I desire to move that this whole matter be referred to a committee for examination. If what Senators have said here in the Senate is true, then there ought to be an examination, and a thorough one. It does not injure the public credit to see whether the public securities are honest securities or dishonest. If they are dishonest securities, they ought not to be paid; if they are honest, they ought to be paid. I move that the Senate adjourn.

Mr. PADDOCK. I hope the Senator from Connecticut will withdraw his motion to adjourn, in order to allow me to move that the Senate proceed to the consideration of executive business.

Mr. EDMUNDS. We do not want to do either yet.

Mr. EATON. I will modify my motion and move that the Senate now proceed to the consideration of executive business.

The question being put, there were on a division—ayes 32, noes 19.

Mr. MORRILL, of Maine. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 34, nays 24; as follows:

YEAS—Messrs. Alcorn, Bayard, Bogy, Booth, Cameron of Wisconsin, Caperton, Clayton, Cooper, Davis, Eaton, Goldthwaite, Hamilton, Hitchcock, Johnston, Jones of Florida, Kelly, Kernan, Key, Logan, McCreery, McDonald, Maxey, Merrimon, Norwood, Oglesby, Paddock, Randolph, Ransom, Robertson, Saulsbury, Stevenson, Wadleigh, Wallace, and Withers—34.

NAYS—Messrs. Allison, Boutwell, Cameron of Pennsylvania, Christiancy, Cockrell, Conkling, Cragin, Dawes, Edmunds, Ferry, Frelinghuysen, Hamlin, Ingalls, McMillan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Sargent, Sherman, Spencer, West, Windom, and Wright—24.

ABSENT—Messrs. Anthony, Bruce, Burnside, Conover, Dennis, Dorsey, English, Gordon, Harvey, Howe, Jones of Nevada, Patterson, Thurman, and Whyte—14.

So the motion was agreed to.

HOUSE BILLS REFERRED.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate bills from the House of Representatives.

The bill (H. R. No. 810) making appropriations for the Military Academy at West Point for the fiscal year ending June 30, 1877, was read twice by its title and referred to the Committee on Appropriations.

The bill (H. R. No. 25) to remove the political disabilities of Francis T. Nichols, of Louisiana, was read twice by its title and referred to the Committee on the Judiciary.

DEATH OF SENATOR O. S. FERRY.

Mr. EATON. I desire to state that owing to the absence of one of my colleagues in the other House, who has gone to Connecticut to attend the funeral of the late Mr. Starkweather, I shall not present resolutions upon the death of my late colleague, in the Senate, to-morrow, but will reserve them for a future day.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After thirty-eight minutes spent in executive session the doors were re-opened, and (at five o'clock and eight minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 1, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND, D. D.

READING OF THE JOURNAL.

The Clerk began the reading of the Journal; but before concluding,

Mr. HURLBUT said: I desire to inquire if the Clerk is reading the Journal as actually made up? I notice that in reading he merely gives the name of the member introducing the bill and the number of the bill, but neither the title nor the committee to which it is referred.

The SPEAKER. The Chair will inform the gentleman from Illinois [Mr. HURLBUT] that the Clerk is not reading the Journal as actually made up, but is abbreviating the respective entries by giving the numbers of the bills and the names of the members introducing them. That is a custom which has been very often followed by previous Clerks of this House. Does the gentleman object to the present Clerk continuing the practice? It is often very desirable when the Journal is very long, as it is this morning.

Mr. HURLBUT. I do not, provided the record is made up so as to show the actual proceedings of the House.

The SPEAKER. The Chair will direct that the Journal be read in full, if the gentleman asks that it be done.

Mr. HURLBUT. I do not ask that the Journal be read in full. I only desire to ascertain whether, as actually made up, it is a full record. I do not desire to have the time of the House taken up by having it read in full.

The SPEAKER. The Journal is very full; in the usual form.

The Clerk concluded the reading of the Journal, and it was then approved as correct.

TROUBLE ON TEXAS BORDER.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting, in response to a letter of inquiry from the Select Committee on the Texan Frontier Troubles, correspondence in relation to troubles on the Rio Grande border; which was referred to the Committee on the Texan Frontier Troubles.

DISTRICT OF COLUMBIA AFFAIRS.

The SPEAKER also laid before the House a letter from the commissioners of the District of Columbia, transmitting, in compliance with House resolution of the 6th instant, the information therein asked for; which was referred to the Committee for the District of Columbia.

CLAIMS FOR INDIAN DEPREDATIONS.

The SPEAKER also laid before the House letters from the Secretary of the Interior, transmitting claims of certain persons for Indian depredations; which were referred to the Committee of Claims.

TONKAWA INDIANS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, in response to House resolution of the 20th instant, papers touching the number and condition of the Tonkawa Indians at Fort Griffin, Texas; which was refered to the Committee on Indian Affairs, and ordered to be printed.

QUARTERMASTER-GENERAL M. C. MEIGS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, in response to House resolution of the 25th instant, copies of the orders and instructions under which Quartermaster-General M. C. Meigs is traveling abroad; which were referred to the Committee on Military Affairs, and ordered to be printed.

MIAMI INDIANS OF KANSAS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, upon the subject of the consolidation of the Miami Indians of Kansas with the confederated bands of Peoria, Piankeshaw, Kaskaskia, and Wea Indians in the Indian Territory; which was referred to the Committee on Indian Affairs, and ordered to be printed.

PATENT OFFICE REPORT.

The SPEAKER also laid before the House a letter from the Commissioner of Patents, transmitting the annual report of the Patent Office; which was referred to the Committee on Patents, and ordered to be printed.

WINNEBAGO AND POTTAWATOMIE INDIANS IN WISCONSIN.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, in response to a resolution of the House of the 6th instant, an account of the disbursements from the appropriations for the care of stray bands of Winnebago and Pottawatomie Indians in Wisconsin, prior to the year 1871; which was referred to the Committee on Appropriations, and ordered to be printed.

SAN JACINTO RIVER AND GALVESTON SHIP-CANAL.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report of the Chief of Engineers on the ship-canal between the mouth of San Jacinto River and Bolivar channel, Galveston Harbor; which was referred to the Committee on Commerce, and ordered to be printed.

DEPOSITS OF MONEY WITH ARMY PAYMASTERS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the petition of Colonel Andrews and other officers of the Army, relative to legislation providing for making deposits of money with paymasters; which was referred to the Committee on Military Affairs, and ordered to be printed.

STEAM-VESSELS OF WAR.

The SPEAKER also laid before the House a letter from the Secretary of the Navy, transmitting, in response to a House resolution of the 5th instant, a communication from the Chief of the Bureau of Construction, relative to the cost of constructing eight steam-vessels of war; which was referred to the Committee on Naval Affairs, and ordered to be printed.

PRESIDIO MILITARY RESERVATION.

The SPEAKER also laid before the House a letter from the Secretary of War, reporting, for the information of the Committee on Military Affairs, that no objection exists to the passage of the bill (H. R. No. 322) providing for relinquishing to the city and county of San Francisco a portion of the Presidio military reservation; which was referred to the Committee on Military Affairs, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

An act (S. No. 34) to confirm pre-emption and homestead entries of public lands within the limits of railroad grants in cases where such entries have been made under the regulations of the land district.

The message also announced that the Senate had passed without amendment a bill of the following title:

An act (H. R. No. 785) to extend the time for stamping unstamped instruments.

DEPOSITS OF MONEY WITH ARMY PAYMASTERS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a petition of Blair D. Taylor and others, for legislation to enable Army officers to make deposits of money with paymasters; which was referred to the Committee on Military Affairs, and ordered to be printed.

FORT BUTLER MILITARY RESERVATION.

The SPEAKER also laid before the House a letter from the Secretary of War, in response to an inquiry of the Committee on Military Affairs dated the 21st instant, relative to the Fort Butler military reservation; which was referred to the Committee on Military Affairs, and ordered to be printed.

FUNDS TO BE COVERED INTO THE TREASURY.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a copy of a communication from the Indian commissioners, inclosing draught of a bill providing for covering into the Treasury certain funds therein named; which was referred to the Committee on Appropriations, and ordered to be printed.

ENLISTED MEN EMPLOYED IN WASHINGTON.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, in compliance with House resolution of the 19th ultimo, a statement of the enlisted men employed in Washington, in the District of Columbia; which was referred to the Committee on Military Affairs, and ordered to be printed.

JURISDICTION OVER INDIANS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, presenting the draught of a bill in relation to jurisdiction over Indians in certain States named therein; which was referred to the Committee on Indian Affairs, and ordered to be printed.

RED CLOUD AGENCY.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, on the subject of supplies required at the Red Cloud agency; which was referred to the Committee on Indian Affairs, and ordered to be printed.

SALE OF GOVERNMENT PROPERTY AT HARPER'S FERRY.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a statement of the sale of United States property at Harper's Ferry, in the State of West Virginia, in November and December of the year 1869; which was referred to the Committee on Military Affairs, and ordered to be printed.

PIKESVILLE ARSENAL.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the draught of a bill for the sale of Pikesville arsenal, in the State of Maryland; which was referred to the Committee on Military Affairs, and ordered to be printed.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, responding to resolution of the House of Janu-

ary 24, 1876, asking for information relative to the transactions of the Freedman's Savings and Trust Company; which was referred to the Select Committee on the Freedmen's Banks, and ordered to be printed.

SEAL VS. LYNCH.

The SPEAKER also laid before the House papers in the contested-election case of Seal vs. Lynch, sixth congressional district State of Mississippi; which was referred to the Committee of Elections.

TONKAWA INDIANS, TEXAS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting information in relation to the Tonkawa Indians in Texas, called for by House resolution of January 20, 1876; which was referred to the Committee on Indian Affairs.

HOMESTEAD ENTRIES WITHIN RAILROAD GRANTS.

Mr. CROUNSE. Mr. Speaker, I move by unanimous consent to take from the Speaker's table Senate bill No. 34 to confirm pre-emption and homestead entries of public lands within the limits of railroad grants in cases where such entries have been made under the regulations of the Land Department for reference to the Committee on Public Lands.

There was no objection, and the bill was taken from the Speaker's table, read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

Mr. RANDALL moved to reconsider the vote by which the bill was referred; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GEORGE S. HAWKINS.

Mr. COX. I move by unanimous consent to take from the Speaker's table a bill (S. No. 204) to remove the political disabilities of George S. Hawkins, of Florida, in order that it may be put on its passage at this time. I filed his petition asking for the removal of his political disabilities with the Committee on the Judiciary, and this bill has already passed the Senate.

There was no objection, and the bill was taken from the Speaker's table and read a first and second time.

The bill, which was read, provides (two-thirds of each House concurring therein) that all political disabilities imposed by the fourteenth amendment of the Constitution of the United States by reason of participation in the rebellion be removed from George S. Hawkins, of the State of Florida.

The bill was ordered to a third reading; and being read the third time, it was passed, (two-thirds of the House concurring therein.)

Mr. COX moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MORNING HOUR.

The SPEAKER. The morning hour begins at ten minutes before one o'clock, and committees will be called for reports of a public nature.

Mr. HAMILTON, of New Jersey. I ask unanimous consent to take up a Senate bill for reference.

Several MEMBERS objected, and called for the regular order of business.

ADVERSE REPORT.

Mr. TUCKER, from the Committee of Ways and Means, reported back adversely a bill (H. R. No. 687) to amend chapter 7 of title 34 of the Revised United States Statutes; and the same was laid upon the table.

CHANGES OF REFERENCE.

Mr. BRIGHT. The Committee on Claims have examined the bill (H. R. No. 979) for the relief of Ella P. Murphy, widow of Patrick Murphy, deceased, and have directed me to report it back to the House as having been improperly referred, and to move that it be referred to the Committee on Indian Affairs, at the request of the claimant.

The motion was agreed to, and the bill was referred to the Committee on Indian Affairs.

Mr. BRIGHT. The Committee on Claims have also directed me to report back the following bills and memorials as improperly referred, and to move that the committee be discharged from the further consideration of the same, and that they be referred to the Committee on War Claims:

The bill (H. R. No. 68) for the relief of Louis Pelham;

The bill (H. R. No. 1391) for the relief of James Glover, of Pennsylvania;

The petition of Josiah Cunningham, for relief;

The petition of Pryor N. Lea, of Washington County, Arkansas, for relief;

The petition of G. Alfred Hall, for relief;

The memorial of John S. Harper and others, claim for prize-money on cotton captured at sea during the rebellion;

The memorial of Lieutenant Julius M. Carrington, claim for services as lieutenant United States Army in 1863-'64; and

The memorial of James and William Vance, for rent of barracks in San Antonio, in 1865.

The motion was agreed to, and the bills and memorials were referred to the Committee on War Claims.

HEIRS OF JAMES B. ARMSTRONG.

Mr. PHILIPS, of Missouri, from the Committee of Claims, reported back, with the recommendation that it do pass, the bill (H. R. No. 101) amendatory of the act entitled "An act for the relief of the heirs and next of kin of James B. Armstrong, deceased," approved March 3, 1873; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM H. NESSLE.

Mr. BRADLEY, from the Committee of Claims, reported back, with the recommendation that the same do pass with an amendment, the bill (H. R. No. 37) for the relief of William H. Nessle; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

HAWAIIAN BARK ARCTIC.

Mr. PIERCE, from the Committee on Commerce, reported a bill (H. R. No. 1796) to grant an American register to the Hawaiian bark Arctic; which was read a first and second time.

The question was on ordering the bill to be engrossed and read a third time.

The bill, which was read, authorizes and directs the Secretary of the Treasury to issue an American register to the Hawaiian bark Arctic, owed by Charles Brewer & Co., of Boston, Massachusetts.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question was on the passage of the bill.

Mr. HOLMAN. I ask that the bill may be again reported.

The bill was again read.

Mr. HOLMAN. I take it for granted that this bill is reported with a view to ascertaining the sense of the House in reference to granting American registers to foreign-built vessels. This vessel, I presume, was built at a foreign port, and the only ground on which it is sought to grant it an American registry is that it is now owned by citizens of the United States. Will the gentleman who reports the bill inform me on that point; whether that is the state of facts in this case?

Mr. PIERCE. I request that the report of the committee accompanying the bill be read for the information of the House.

The report was read, as follows:

On the petition of Charles Brewer & Co., of Boston, that an American register be granted to the Hawaiian bark Arctic, owned by said firm, the following report is submitted:

It appears that the bark was built at Rochester, Massachusetts, in 1850; was purchased by Messrs. Brewer & Co. in 1861, and was used by them in carrying from New Bedford and Boston to Honolulu, supplies for the American whaling fleet in the North Pacific. This was a highly important service, and any interruption of it would have caused a serious injury to American interests. In 1863 it was found necessary, in order to prevent the capture and destruction of the vessel by rebel cruisers which then infested the Pacific Ocean, to place her under the Hawaiian flag; and that was accordingly done, although the service and the ownership continued unchanged. It is evident from what took place immediately after the transfer to a foreign flag that the vessel would have been captured if the transfer had not been made, thereby depriving the whalers of supplies necessary to the continued pursuit of their vocation. The vessel continued in this business until 1869, when she was fitted at New Bedford as a whale-ship, and from that time to the present has been engaged in the whale-fishery, refitting from time to time at Honolulu and shipping her catch of oil and bone to New Bedford. Being under a foreign flag, although owned and commanded by American citizens, her oil is subject to a duty of 20 per cent. *ad valorem*, and she cannot enter an American port without being subject to tonnage dues. The owners, therefore, labor under a serious disadvantage in carrying on their business; and, considering the circumstances which forced them to seek protection under another flag, they feel justified in asking the Government to cure the disability under which they labor by the grant of an American register.

This briefly stated, is the case presented by the petitioners.

We will now refer to the law bearing upon the subject, and the action of the Government in similar cases.

In 1866 an act was passed (United States Statutes, volume 14, page 3) providing that no ship or vessel which had been recorded or registered as an American vessel pursuant to law, and which should have been licensed or otherwise authorized to sail under a foreign flag, and to have the protection of any foreign government during the existence of the rebellion, should be deemed or registered as an American vessel, or should have the right and privileges of American vessels except under the provisions of an act of Congress authorizing such registry.

The substance of this provision was incorporated into the Revised Statutes, section 4135. It appears, then, that the matter is specially confided to the discretion of Congress to determine each case, as presented, upon its own merits, just the same as the changing of the name of a vessel.

In the first session of the Forty-third Congress, an act was passed (chapter 145) authorizing an American register to be issued to the bark Azor, an American-built vessel employed as a packet between the island of Fayal and the United States, which had been transferred to a British subject in 1863, and after the war retransferred to the heirs of Charles W. Dabney, late consul of the United States at Fayal. It appears from the facts set forth in the petition in that case that the circumstances under which the transfer was made were almost the same as those under which the Arctic was transferred. The Azor was at that time the only vessel sailing regularly between the United States and the island of Fayal, and afforded the only means of communication between these places. The liability to capture by rebel cruisers was so great that the premium of insurance demanded amounted to a substantial prohibition. On this statement of facts there appears to have been no hesitation on the part of the Committee on Commerce in recommending, or on the part of Congress in affording, the relief applied for.

There have been several cases in which registers have been granted to ships transferred during the rebellion, and in which there appear to have been no special claims for consideration.

By resolution No. 70, (second session, Forty-second Congress,) American registers were granted to the British bark Live Oak, owned by citizens of New Bedford, and the Agra, owned by Thomas B. Wales & Co., of Boston. These vessels had been placed under the British flag during the rebellion.

In the first session, Forty-third Congress, the Canadian schooner George Warren (Chapter 56) and the British ship Alhambra (Chapter 408) were granted American registers. The Alhambra was built in Boston in 1859, surrendered her register at

New York in 1863, and was placed under a foreign flag for safety. It does not appear that she was engaged in any service of special value to the Government or to American interests.

In reply to a request addressed to the Treasury Department for information upon the subject, the Secretary states, in a communication of the 17th January, that applications for American registers in cases similar to these had not been numerous, and that the policy of the Department had been against the return of such vessels to the flag of the United States.

The Secretary of the Treasury who held office in 1870, having been asked by the chairman of the Committee on Commerce of that year as to the expediency of granting an American register to the Alhambra, advised against it; but Congress nevertheless granted the register.

Considering the special claims which Messrs. Brewer & Co. have for favorable action in their case, the precedents already established, and the fact that the lapse of time since the rebellion precludes many applications of a similar character, it is recommended that the prayer of petitioners be granted, and that the accompanying bill be passed.

Mr. WOOD, of New York. There is a principle of some magnitude, in my judgment, involved in this proposition, and if the House will bear with me a few minutes I think I may be able to state what the case is as presented by the report, which I had not heard before it was read just now from the desk.

It will be recollected that during our late civil war an effort was made by a great many ship-owners in the country to avoid the dangers of the ocean to their vessels and cargoes by denationalizing themselves. And I have often thought, sir, that one of the great reasons why the United States has lost its navigation, its carrying trade, that we had in a superior degree to any other maritime nation in the world before the war——

Mr. KASSON. Except Great Britain.

Mr. WOOD, of New York. Was because our ship-owners endeavored to avoid the dangers of the ocean by changing the flag and sailing under the protection of foreign governments. Thus our tonnage fell down in less than three years to a minimum of only 20 per cent. of what it had stood at previous to the rebellion.

Now the question presented in the bill under consideration is this: whether, after the passage of a law by Congress that in every case where a vessel had changed its flag, had placed itself under the protection of a foreign government, and had endeavored to avoid the consequences of a condition of revolution in this country by escaping from the responsibilities and liabilities and consequences of the rebellion, it should be restored, as it could have been under the law as it stood previous to the rebellion.

In this case presented by my honorable friend from Boston it appears that this vessel, owned in Boston, had been a whaler and was, in the course of business, necessarily in the Pacific Ocean, which we know was infested with rebel cruisers and privateers. To escape from liability to capture she comes under the Hawaiian government flag. She sails under that flag. She is under the protection of that flag. In short, she denationalizes herself. As if, sir, you or I should go to Europe to escape a calamity of any kind in our own country, and should absolve ourselves from all allegiance to the Constitution and Government of the United States and seek the protection of a foreign government, virtually becoming, not an American, but a foreign citizen. How far we can, in the first place, absolve ourselves from our own natural allegiance, and how far we may be entitled to the protection of a foreign government afterward, is a question which has been discussed here very often, and is not yet adequately settled between the governments of Europe and that of the United States. But in this case, the question now presented is whether, having no longer any danger from capture, the owners in Boston shall be allowed to resume the protection of our Government and get rid of the duties imposed on their cargoes in consequence of sailing under a foreign flag; whether a vessel shall be returned again to an American register and become in fact entirely an American vessel. Being owned at Boston and sailed by Americans under the Hawaiian flag, the question is whether we shall grant this vessel what is sought in the bill before the House.

So far as the mere question now before the House is concerned, I have no particular concern or interest; but I do insist upon it that those upon the ocean, as well as upon the land, shall take their just responsibility of that terrible condition of things so disastrous to life and property and public and private liberty in the United States, as was the case in the civil war; and I can only say that, if Boston, loyal Boston, endeavors to escape from her just proportion of that calamity, it is an example set to other portions of the Union that probably did not claim to be so loyal as Boston claimed to be.

Mr. PIERCE. I desire to say to my friend from New York that the general question whether vessels which were placed under foreign flags during the rebellion shall be returned to our flag is not involved in this bill, and was not considered by the committee. This is a special case, and there are special reasons why the request of the petitioners should be granted. The whaling business is a peculiar business; it is concentrated at the port of New Bedford to the exclusion of all other ports in the world. That is the only place in this country where any whaling business is carried on to any extent. Now, sir, this vessel was employed from 1861 during the rebellion in carrying supplies to our whalers in the Northern Pacific. The supplies which those vessels require are peculiar and special. They can only be obtained at New Bedford. They cannot be obtained at any other port or city of this country. It was essential to the prosperity and success of the whaling fleet that these supplies should be regularly furnished to them, and they could be furnished only from New Bedford. This vessel was employed in carrying those supplies and in no other way. She was not engaged in the whaling business at that time. She had to pass directly across the track of the rebel cruisers. The result shows that if she had not been put under the Hawaiian flag she would have been destroyed, and these supplies could not have been carried to the whaling fleet, and the fleet would have been seriously restricted in its operations.

The general question, I say to my friend from New York, is not involved at all, and was not considered.

Congress has once before granted a similar request under precisely the same circumstances. There was a vessel, the bark Azor, plying between Boston and Fayal, directly in the track of the rebel cruisers, and it was deemed important that that communication should be kept open. The risk had become so great that the insurance companies would not insure except at enormous rates, which amounted to practical prohibition, and therefore the vessel had to be placed under a foreign flag. Congress for that special reason, believing that the vessel had done a valuable service to the country and that under the circumstances it was right that she should be transferred to a foreign flag, subsequently granted the request of the owners to return to our flag. Precisely the same necessity existed in this case.

Mr. HEREFORD. I must confess, Mr. Speaker, that I was a little surprised at the position taken by my friend from New York, [Mr. WOOD.] I had thought that this side of the House—even putting it as broadly as the gentleman from New York has placed it—that this side of the House was in favor of general amnesty. I do not put this case exactly upon those terms, as the report will not justify it, but I put it on the broadest terms that the owners of vessels did who did desire to shield themselves from this responsibility to confederate cruisers. Supposing even that they were confederate, yet if they come back here now at this time and ask amnesty for the past, I am equally willing to grant amnesty to a vessel from the city of Boston, as I am and have always been in favor of granting universal amnesty to every man throughout the length and breadth of the land; so that I do not see that this is a proper objection, especially in this centennial year.

Mr. WOOD, of New York. I submit to the gentleman's argument, and will withdraw all objection.

Mr. HEREFORD. I do not think that in this centennial year we should be punishing vessels or the owners of vessels for their participation in the late unpleasantness.

There is one additional remark that I desire to make. I shall not take up the time of the House to discuss this question at any length. I simply throw out one idea, and no one is responsible for my views but myself.

So far as I am concerned, I see no good reason why, if we desire to increase the carrying trade of the United States, to improve our commerce and to bring our tonnage back to where it was before the war—I see no good reason why any person may not be allowed to buy a vessel anywhere in any country and bring it here, and if it belongs to an American citizen, if it is owned by an American citizen, then let it be registered as an American vessel. So far as I am concerned, I would that all the vessels which changed their registration from that of the United States to that of foreign countries, by which, as my friend from New York [Mr. WOOD] says, we lost the carrying trade, should all come back. If we lost the carrying trade in that way, and if it should come back under American registration, then as a matter of course it will to that extent bring back the carrying trade to the United States again. I can see no good reason why this bill should not pass, even upon the broadest grounds that the gentleman has indicated. As a matter of fact, however, the report says that this is an exceptional case, and the vessel should be allowed to come back again under American registration.

Mr. CONGER. I desire, Mr. Speaker——

Mr. KASSON. I believe the gentleman from Massachusetts [Mr. PIERCE] yields to me.

Mr. CONGER. I understood the Chair to recognize me.

Mr. PIERCE. I yield to the gentleman from Iowa, [Mr. KASSON.]

Mr. CONGER. I understood that the chairman of the Committee on Commerce [Mr. HEREFORD] had taken the floor in his own right.

The SPEAKER. That was the understanding of the Chair.

Mr. HEREFORD. The gentleman from Massachusetts [Mr. PIERCE] had the floor, having reported the bill.

Mr. PIERCE. I will first yield to the gentleman from Iowa, [Mr. KASSON,] and then to the gentleman from Michigan, [Mr. CONGER.]

Mr. KASSON. I desire to hold the floor but a few minutes. I recollect very well the circumstances under which the bill passed which is affected by this exceptional proposition. I remember, too, that I was one of those who opposed the entire policy of that bill. I should be glad to remind the gentleman from New York [Mr. WOOD] of the purpose avowed at the time that bill was passed, and the mistaken theory upon which it was adopted. It was thought that the effect would be to exclude these vessels from the American carrying trade, and produce a revival of ship-building in certain ship-yards in the United States. The bill entirely failed in this purpose, and in my judgment was itself one of the most significant causes of that failure.

I was then shocked by the proposition, because it prevented our own citizens from engaging American bottoms in the carrying trade of the United States, and put them upon the same footing as the owners of foreign bottoms. I had supposed that when a proposition was

made to this House to repeal that bill entirely from the statute-book, it would not find more than one-fourth, if that number, of the members to oppose it. Our tonnage is to-day diminished by thousands and hundreds of thousands of tons because that law has stood as long as it has. My only complaint of the Committee of Commerce—and I am glad to hear the chairman of that committee [Mr. HEREFORD] say that he concurs with me in opinion—is that they have not long since reported a bill to repeal that section of the Revised Statutes.

Look for a moment at the cause of the exclusion imposed by that law. We had not the Navy to protect our ships on the seas. We could not send a convoy for any one or any ten ships we had afloat. The gentleman from New York [Mr. WOOD] remembers well the paucity of our Navy at the time these changes occurred and the impossibility of sending a convoy for our trading vessels. Yet when our people sought to save to themselves, and in doing so to save to the country the wealth that was invested in their vessels and which was in danger of being sent to the bottom of the sea by rebel cruisers, it was proposed to punish them for having thus saved from destruction by the national enemy this wealth of the country. Do gentlemen on that side or on this side of the House contend to-day that the punishment shall be continued; that when they propose to restore this wealth to the United States we shall prohibit them from doing so?

Sir, I do not understand the ground of opposition to this bill. Did these men commit a wrong to the United States when they protected their own property in the only way possible to them, in the only way that was open to them? If these vessels had remained under our flag and had been sent to the bottom of the sea by hostile cruisers, as so many other vessels were, of what advantage would it have been to the United States? I repeat, it is impossible to understand the justification of the opposition to such legislation as this. If we ever expect to revive our commerce, to restore the prosperity of our flag, and to regain the profits that come from the carrying trade of this country, we must liberalize our legislation far beyond the proposition involved in this bill, and even beyond the proposition to repeal wholly this exclusive law.

I hope to see the day when any American citizen may buy ships wherever he can get them cheapest, and be allowed to register and sail them under our flag. Let this right of purchase exist for at least a limited time, say two or three years, so as to restore our men to the habits of the sea and our merchants to a knowledge of the commerce of the world, and then, if you please, you may restore the protective principle and require all future registered bottoms to be built in this country. But when our ship-yards have been silent for years, when the sound of the hammer is scarcely heard in them, do members on this floor still contend that it is necessary to protect the interests of American ship-building that we should positively prohibit these vessels which were built in America from coming under the American flag again? Certainly the gentleman from New York [Mr. WOOD] does not propose to build up our commerce on that theory in the face of historical fact.

So far as this single proposition is concerned, I support it only because it is a step in the right direction. I hope that the Committee on Commerce will do for all ship-owners in the same situation what this bill proposes to do for one.

Mr. PIERCE. I yield to the gentleman from Michigan, [Mr. CONGER.]

Mr. CONGER. Mr. Speaker, this is one of several hundred cases of like character which have been presented to Congress within the last eight or ten years, and with the exception of the three cases mentioned in the report no one of all the hundreds of applications made for the granting of American registry to vessels that had sought the protection of other governments during the war has received the favorable action of Congress.

It is with no little regret that I find the chairman of the Committee on Commerce, [Mr. HEREFORD,] to whose especial care the navigation interests, the ship-building interests, the commerce of the United States are given in charge, should be so influenced by any consideration connected with amnesty or the Centennial or any other general measure of that kind as to declare himself in favor of a restoration to American registry of all that class of old ships that went out from our nationality during the war and have sought at this later day to regain the privileges of American ships.

Here, Mr. Speaker, let me remind the House of the character of the three cases referred to in the report, and the only three cases within my knowledge in which an American registry has been granted, while the records of the Committee on Commerce will show it has been refused within the last six years in hundreds of other cases. The first is the case of the Azor, the only vessel, as the report states, that had communication at the time between the island of Fayal and the United States; the only vessel that could bear the orders of our Government to the American officers stationed there. That vessel did seek the protection of another flag, and was afterward restored to an American registry, but not until it was shown to the Committee on Commerce that the vessel was the special object of the vengeance of a confederate vessel; that it was pursued upon the high seas, one object being to secure dispatches sent upon it; that it was in the interest of the United States as well as the owners of the vessel, and by the consent of the American authorities, that it did seek a foreign flag. For that reason, and that reason alone, a favorable report was made in the case of the Azor.

Another case was that of the Geo. Warren, a little coasting schooner for pleasure parties among the Thousand Islands of the Saint Lawrence, and for carrying provisions and furniture to citizens enjoying their summers on the different islands there. It was owned by an American, used by Americans and for American purposes. It was a little craft, so diminutive that it was of no consequence whether the registry was given or not, and for mere convenience an American registry was granted.

The other case was that of the Alhambra. If I remember aright, that vessel was rebuilt by an American owner to the extent of more than three-fourths its value, for it had been partially shipwrecked on the Pacific. The circumstances were such that if it had met with its injuries on the American coast, an American registry, after the rebuilding, could have been given by the Secretary of the Treasury without any application to Congress at all. Having received its injuries on the high seas, and having been rebuilt, as the law contemplates, to the extent of three-fourths of its value by American workmen, an American registry was granted in that case. This, if I remember rightly, completes the entire list.

In the case now before the House the vessel is eighteen or nineteen years old—an old craft. To-day, Mr. Speaker, the ship-yards of America, both of our Atlantic coast and on the great lakes, are silent as the grave. The thousands of men who have learned by long years of labor and practice to build American ships have been driven from our ship-yards, and are now securing other employment, because old crafts that have been sailing under foreign flags are doing the work that should be done by American vessels. Old crafts are sought to be restored to carry on that work upon the seas.

I do not wonder that my friend from the prairie region of Illinois, where they sail in large wagons, is a free-trader. The world knows that my friend is a free-trader. He never has been guilty, so far as I remember, of casting his vote in any manner for the protection of any American industry, but is for free trade in lumber, in salt, in ships, and in all products that can be brought from other countries. He may well commend himself to my democratic brethren on the other side of the House who are free traders. I should also expect my other friend from Illinois to be in favor of free ships. That was part of the theory of some gentlemen in this House in former days, and may be now. But that the Committee on Commerce, who have in charge especially the protection of ship-building and our navigation interests and our general commerce, should favor a policy which will allow these old worn-out ships to take the place of good new ships which our workmen are standing ready to build, anxious for the opportunity to labor, is a matter of surprise to me.

Now, Mr. Speaker, the theory of having free ships is not involved in this bill. The question is as to the propriety of allowing any man from Boston or from the Carolinas or elsewhere to use his ship in safety during the war under another flag, and that the flag of a little obscure island in the Pacific, and then come to Congress to have the old carcass restored to American registry. That such a proposition should meet with favor here surprises me.

Mr. PIERCE. I now yield for a few moments to the gentleman from New York, [Mr. WOOD.]

Mr. WOOD, of New York. Mr. Speaker, I wish to say but a word in reply to the gentleman [Mr. CONGER] who has last spoken and who has seen proper to introduce the question of tariff in connection with the simple proposition to change the nationality of a vessel. Sir, the ship-yards of this country are without employment because it has suited that gentleman's political friends to lay such a protective tariff upon everything entering into the construction of vessels that it is impossible to build them and place them on the ocean under the American flag without the loss of money.

If we could construct vessels as we do houses without paying subsidies to certain manufacturers in this country, then, sir, I believe the American flag would once more float upon the ocean, and American trade would be carried in American bottoms. But so long as every element entering into the construction and fitting out of vessels, copper, iron, bolts, sheathing, and every other article as well as furniture, is made to pay bounty to individuals in our country, just so long will our ship-yards be empty, silent, and without occupation.

In reply to the gentleman from Iowa [Mr. KASSON] I desire to say that I am an advocate of free ships. I always have been in favor of free trade, for I believe the industries of this country can stand up successfully in competition with the industries of any other country. For one I will not admit that American enterprise, American energy, American industry, American capital can anywhere be surpassed by that of any other land. I am glad, therefore, to hear that gentleman say he is in favor of the admission of ships wherever constructed into the ports of the United States free. But this is not the question here at this time. It is whether we will permit a vessel to be denationalized at the convenience of its owner for his safety and profit purely. I do not rise to oppose this bill, for so far as this individual case is concerned I make no opposition to it. My remarks were directed to the general question and not this particular case.

Mr. PIERCE. I now yield for five minutes to the gentleman from Texas, [Mr. REAGAN.]

Mr. REAGAN. Mr. Speaker, I concur in opinion with the chairman of the Committee on Commerce [Mr. HEREFORD] and the gentleman from Iowa, [Mr. KASSON,] that the policy of excluding these ships from the resumption of American registers is not a wise one. I do not rise, however, for the purpose of enforcing that view of the

matter, but merely to state that the committee in favoring this measure was influenced by the exceptional circumstances surrounding the surrender of the American register in this case. The gentleman from Michigan [Mr. CONGER] has called attention to two cases in which American registers were restored to vessels on account of like exceptional circumstances attending their surrender. The report of the committee in this case states facts showing exceptional circumstances. Let us see what they are.

The New Bedford Whale Fishing Company had a fleet of vessels in the waters of the North Pacific Ocean. It was necessary for them to communicate with that fleet, and to furnish it with requisite supplies. As the gentleman from Massachusetts has already told the House, it was the only whaling fleet then doing business of that kind in those waters. In order to reach a station upon the Pacific from which to supply this whaling fleet this vessel had twice to cross the equator and undergo the dangers then incident to American shipping because of the existing war. Liability to capture, under the circumstances, was very considerable, if the vessel retained its American register. Indeed, under the circumstances, its capture was almost inevitable, and if captured, that whaling fleet in the North Pacific would be cut off from the supplies essential to its success. It was not a vessel simply trading in any general business, or in any regular line of commerce, but a vessel carrying out supplies to an American fleet engaged in the whale fishery in the waters of the North Pacific Ocean. Therefore it was in the interest of that fleet that this vessel's American register was surrendered. It was for the purpose of taking out absolutely necessary supplies to this large fleet that her American register was surrendered. This makes the case an exceptional one, justifying a departure from the principle established, if the principle itself be a correct one, and such was the view taken by the Committee on Commerce. It was not the intention of the Committee on Commerce, as the report shows, to raise the question as to the policy of allowing all vessels to resume American registers when they have once been surrendered. It is allowed to be done in this case upon the ground, as I have said, of exceptional circumstances and equities created by the necessity of supplies being furnished to those in whose service she was employed. I will only say in addition that I do not know how we are to promote American shipping and ship-building interests by refusing to allow vessels in this condition to resume their American registers. I do not propose, however, to go into that general question at this time.

Mr. PIERCE. I now demand the previous question on the passage of the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was passed.

Mr. PIERCE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SALE OF INDIAN LANDS IN KANSAS.

Mr. GOODIN, from the Committee on Public Lands, reported back the bill (H. R. No. 163) providing for the sale of the Kansas Indian lands, in Kansas, to actual settlers, and for the disposition of the proceeds of the sale, with an amendment in the nature of a substitute and a recommendation that the bill, as amended, be passed.

The SPEAKER. If there be no objection, the substitute alone will be read.

There was no objection.

The substitute (H. R. No. 1797) was read, as follows:

A bill providing for the sale of the Kansas Indian lands, in Kansas, to actual settlers, and for the disposition of the proceeds of the sale.

Whereas the Secretary of the Interior, in pursuance of an act approved May 8, 1872, has caused to be appraised the lands heretofore owned by the Kansas tribe of Indians, in the State of Kansas, which, by the terms of the treaty made by the United States and said Indians, and proclaimed November 17, 1860, were to be sold for the benefit of said Indians; which appraisement also includes all improvements on the same and the value of said improvements, distinguishing between improvements made by members of said Indian tribe, the United States, and white settlers; and whereas the appraisement thus made was so high that neither settlers nor purchasers were able to pay the same, and the said land has remained unsold from the passage of the act: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each *bona fide* settler on any of the trust lands embraced in said act, heretofore reported as such by the commissioners appointed to make said appraisement, and the rejected claimants as *bona fide* settlers, who were recommended as such by Andrew C. Williams, acting under instructions to Superintendent Hoag, from the Indian Office, dated October 24, 1872, be permitted to make payment of the appraised value of their lands to the local land office at Topeka, Kansas, under such rules as the Commissioner of the General Land Office may adopt, in six equal annual installments, the first installment payable on the 1st of January, 1877, and the remaining installments payable annually from that time, and drawing interest at 6 per cent. per annum until paid: *Provided*, That, where there is timber on any of the lands to be sold under the provisions of this act, the Secretary of the Interior shall require the purchaser to enter into bond, with approved security, that he shall commit no waste on the timber or otherwise on said land until the last payment is made, and give his notes with a lien on the land to secure the purchase money thereof on the terms aforesaid.

SEC. 2. That all the remainder of the trust lands and of the undisposed portion of the diminished reserve shall be subject to entry at the local land office at Topeka, Kansas, in tracts not exceeding one hundred and sixty acres, unless a legal subdivision of a section shall be fractional and found to contain a greater number of acres by actual settlers, under such rules and regulations as the Commissioner of the General Land Office may prescribe. And the parties making such entries shall be required to make payment of the appraised value of the land entered and occupied by each in the following manner: One-sixth at the time that the entry is made and the remainder in five equal annual payments, drawing interest at 6 per cent. per annum, which payments shall be secured by notes payable to the United States and by mortgage on the premises, and the Secretary of the Interior shall withhold title until the last payment is made; and the Secretary of the Interior, where there is timber on the lands, shall in addition compel the purchaser to enter into bond, with approved security, to commit no waste by the destruction of timber or otherwise on the premises until final payment has been made; and the Secretary of the Interior shall cause patents in fee simple to be issued to all parties who shall complete purchases under the provisions of this act: *Provided*, That if any person or persons applying to purchase land under the provisions of this act shall fail to make payment or to perform any other conditions required by the provisions of this act or by rules and regulations that may be prescribed in the execution hereof, within ninety days after such payment shall become due or performance be required by the terms hereof or by the rules and regulations which may be prescribed in the execution hereof, such person or persons shall forfeit all rights under the provisions of this act and all claim or right to re-imbursement or compensation for previous action or payment by said person or persons under the provisions hereof; and the land proposed to be purchased by such person or persons shall again be subject to sale as though no action had been had in regard to the same.

SEC. 3. That the Secretary of the Interior shall inquire into the correctness of the appraisement of these lands, and if he be satisfied that they have been appraised at more than their present cash value he may appoint a new commission of three persons to re-appraise the same, the per diem and expenses of which, at the rates heretofore paid to such commissioners, shall be deducted from the proceeds of said lands.

SEC. 4. That in preparing or giving their testimony all settlers or purchasers of land under the provisions of this act may have such testimony taken, after due and legal notice to the opposing party in interest, before any notary public or person qualified to administer an oath, and may forward such testimony with their application to the land offices or parties authorized to dispose of said lands, which testimony shall be received as if taken before the officers of such land office.

SEC. 5. That the net proceeds arising from such sales, after defraying the expenses of appraisement and sale which have heretofore or may hereafter be incurred, and also the outstanding indebtedness, principal and interest, of said Kansas tribe of Indians, which has heretofore been incurred under treaty stipulations, shall belong to said tribe in common, and may be used by the Commissioner of Indian Affairs, under direction of the President of the United States, in providing and improving for them new homes in the Indian Territory and in subsisting them until they become self-sustaining; and the residue not so required shall be placed to their credit on the books of the Treasury and bear interest at the rate of 5 per cent. per annum, and be held as a fund for their civilization, the interest of which, and the principal when deemed necessary by the President of the United States, may be used for such purpose.

Mr. KASSON. I call for the regular order.

TERM OF PRESIDENTIAL OFFICE.

The SPEAKER. The morning hour having expired, the business before the House is the consideration of the joint resolution (H. R. No. 41) proposing an amendment to the Constitution, reported by the Committee on the Judiciary, and made a special order for to-day after the morning hour. The Clerk will read the joint resolution reported by the committee and the amendment submitted by the gentleman from Maine, [Mr. FRYE,] as the views of the minority of the committee.

The Clerk read the joint resolution, as follows:

Joint resolution proposing an amendment to the Constitution.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein,) That the following be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said Legislatures, shall be valid as a part of said Constitution:

ARTICLE XVI.

No person who has held, or may hereafter hold, the office of President shall ever again be eligible to said office.

The Clerk also read the amendment offered by Mr. FRYE, as follows:

Strike out these words:

No person who has held, or may hereafter hold, the office of President shall ever again be eligible to said office.

And insert in lieu thereof the following:

From and after the 4th day of March, in the year 1885, the term of office of President and Vice-President of the United States shall be six years; and any person having been elected to and held the office of President, or who for two years has held such office, shall be ineligible to a re-election.

The SPEAKER *pro tempore*, (Mr. HOLMAN.) The question is on the amendment submitted by the gentleman from Maine, Mr. FRYE, on behalf of the minority of the committee. The gentleman from Kentucky, [Mr. KNOTT,] the chairman of the Committee on the Judiciary, is entitled to the floor.

Mr. KNOTT. I do not propose at this time to enter into a discussion of the reasons which influenced the Committee on the Judiciary in reporting this proposed amendment to the Constitution. I desire merely to state as succinctly as possible the conclusions at which they arrived. The committee appreciated the unanimity of opinion everywhere that there should be some limit to eligibility to the office of President. The only question upon which there was any contrariety of judgment, as is apparent from the report of the committee and the views of the minority, was as to the length of the term. As the House knows, there were a variety of propositions submitted to the committee: one to extend the term to six years and render the incumbent forever after ineligible to the office of President; another extending the term to six years and rendering the incumbent ineligible for the six succeeding years; another extending the term to six years and making the President a Senator for life for the United States at large, after the expiration of his term of office; another limiting the term to four years.

After considering these various propositions the committee concluded that they could give to the people of this country no good reason why the presidential term should be extended beyond its present limits. An amendment to the Constitution in this direction is evidently in the interests of the people themselves, jealous at all times as they should be of executive power. The committee, therefore,

were of opinion that no amendment extending the term beyond its present limits would meet the approbation of the people of this country, and that such a proposition would be entirely nugatory.

Neither could the committee appreciate the propriety or the importance of rendering the President eligible after the lapse of a given period of time. It occurred to them, I have no doubt, as it did to myself, that men make their calculations as though they expected to live always, and that a President in office, with an expectation of being elected again after the lapse of four or six years, would, if inclined to use his influence at all for the promotion of his own ambition, be under the same temptation as if he were immediatly re-elected.

The committee therefore submit to the House the proposition, simple and unadorned, that no person who has held or who may hereafter hold the office shall ever again be eligible for that office, believing that there never will be a time when suitable candidates cannot be found who will be more than willing to take the office upon those conditions. Whether I shall add anything more upon this question will depend upon what may be said by other gentlemen during the discussion. I now yield to the gentleman from Indiana, [Mr. NEW.]

Mr. NEW. I call for the reading of the joint resolution, introduced by myself, for information.

The resolution was read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein.) That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said Legislatures, shall be valid as a part of the Constitution, namely:

ARTICLE XVI.

From and after the next election for the President of the United States the President shall hold his office during the term of four years, and, together with the Vice-President chosen for the same term, be elected in the manner now provided by law, or as may hereafter be provided. But neither the President, the Vice-President, nor any other person in the office of President, as devolved upon him by law, shall be eligible to the office of President a third time.

Mr. NEW. Mr. Speaker, it will be observed that the joint resolution just read leaves the matter of the presidential term where it is except that a third term by the same President is prohibited.

I shall not occupy much time. I cannot hope to present anything new, or which would not upon reflection occur to the minds of other members. The reasons which I shall assign in opposition to a one-term limitation, and in favor of eligibility to a second term with ineligibility to a third, will perhaps be familiar to all the members of this body. For the most part my arguments will be such as I have gleaned from reading the past history of this question and the history of the country.

We cannot overestimate the importance of the subject. We cannot fail to appreciate the disagreeable attitude in which we place ourselves, as also the possible serious consequences to the future of the country if our action here should lead to a change in the Constitution and that change should turn out to be a mistake. For one, sir, I admit now at the very threshold of my remarks that I am not fully convinced that the public safety requires any alteration in the Constitution relating to the executive term. But if any step is to be taken in that direction, then, sir, in my judgment the modification proposed in my proposition is the one and only one that should be made.

In the convention which framed the Constitution there was a marked difference of opinion among the delegates as to what should be the length of the President's term of office, as also the manner of his election and the powers with which he should be invested.

Luther Martin, attorney-general of Maryland, and one of the delegates in the Federal Convention, in an address delivered by him to the house of delegates of Maryland when that body was considering whether Maryland should ratify the Constitution, said:

Many of the members were desirous that the President should be elected for seven years and not to be eligible a second time. Others proposed that he should not be absolutely ineligible, but that he should not be capable of being chosen a second time until the expiration of a certain number of years. The supporters of the above proposition went upon the idea that the best security for liberty was a limited duration and a rotation of office in the chief executive department.

There was a party who attempted to have the President appointed during good behavior, without any limitation as to time, and not being able to succeed in that attempt they then endeavored to have him re-eligible without any restraint. It was objected that the choice of a President to continue in office during good behavior would at once be rendering our system an elective monarchy, and that if the President was to be re-eligible without any interval of disqualification it would amount nearly to the same thing, since, from the powers that the President is to enjoy and the interest and influences with they will be attended, he will be almost absolutely certain of being re-elected from time to time as long as he lives.

I find, Mr. Speaker, by reference to the debates on the Constitution, that on the 29th of May, 1787, Edmund Randolph, a delegate from Virginia, submitted to the convention certain resolutions or propositions as a draught or plan of national government. Charles Pinckney and others did the same. Mr. Randolph's proposition as to the executive was as follows:

That a national executive be instituted, to be chosen by the national legislature for the term of —— years, to receive punctually at stated times a fixed compensation for the services rendered, in which no increase or diminution shall be made so as to affect the magistracy existing at the time of the increase or diminution; to be ineligible a second time, &c.

Mr. Pinckney's article was as follows:

The executive power of the United States shall be vested in a President of the United States of America, which shall be his style; and his title shall be His Excellency. He shall be elected for —— years, and shall be re-eligible, &c.

Alexander Hamilton proposed that the supreme executive authority of the United States should be vested in a governor, to be elected to serve during good behavior. William Pattison, of New Jersey, thought the federal executive should consist of more than one person, to be elected by Congress, and be re-eligible.

Afterward, on the 19th of June, 1787, it was resolved that the executive should consist of a single person; to be chosed by the national legislature for the term of seven years, to be ineligible a second time. This proposition was soon afterward, together with others relating to the entire system of government, referred to a special committee of five, (Messrs. Rutledge, Randolph, Gorham, Ellsworth, and Wilson,) for the purpose of reporting a constitution. This committee, on the 6th of August, 1787, reported a draught of a constitution, section 1 of article 10 providing as follows:

The executive power of the United States shall be vested in a single person. His style to be "The President of the United States of America;" and his title shall be "His Excellency." He shall be elected by ballot by the legislature. He shall hold his office during a term of seven years, but shall not be elected a second time.

It would seem, Mr. Speaker, that the most democratic days of the Republic were not its earliest days. Subsequently a committee of revision was appointed, which, on the 12th of September, 1787, reported the Constitution in the form in which it was finally adopted.

The uncertainty and confusion which existed in the minds of the very foremost men of the convention as to what number of years should constitute a presidential term, as also whether he should be limited to one or more terms, and as to the manner of his election, is strikingly apparent to the student who carefully looks into the proceedings of that convention.

Mr. Madison, in a letter to Robert Lee of date February 22, 1830, said:

The question of re-eligibility in the case of a President of the United States admits of rival views, and is the more delicate because it cannot be decided with equal lights from actual experiment. In general it may be observed that the evils most complained of are less connected with that particular question than with the process of electing the Chief Magistrate and the powers vested in him.

It will be observed that this letter was written more than forty years after Washington's first election, and after Washington, Jefferson, Madison, and Monroe had each served two terms and Jackson was serving his first with an absolute certainty of a second.

At the date of Mr. Madison's letter there had been four double terms, so to speak, and but two single terms, those of John Adams and John Quincy Adams. It will be seen, therefore, that as to a service of two terms in succession by the same President more light had been received than as to single terms up to the time when that letter was written. No Government was ever more united, more prosperous, and more respected at home and abroad than was this during the second terms, as well as the first, of Washington, Jefferson, Madison, Monroe, and Jackson; and no Chief Magistrate ever retired from official place with personal and official honor more unsullied than did the Presidents just named. There is every reason to believe that, if the two Adams's had each been re-elected, their second terms would have been without stain or dishonor.

Mr. Lincoln was elected a second time in the midst of civil war. After entering upon his second term the conflict terminated with the Union preserved. The great issue involved in that unparalleled fratricidal conflict of arms was decided as he would have it. May we not hope and believe that it has been settled and unalterably adjudicated forever? The best blood of the fairest spot of God's creation—the land anointed—has been shed in atonement of our national sins. Before God, I declare it to be my honest belief that the Federal Union is to-day stronger at home and more respected abroad than ever before.

And at this point I cannot forbear saying that, while the healed wounds of our late struggle are not altogether free from sensitiveness and soreness and while those wounds in my judgment have been unnecessarily irritated and almost re-opened in this House, yet it will not be denied that there is now a better feeling among the members of this body and a more sincere purpose to move forward in the work of legislation, with oblivion for the past, for the future good of the whole country, than existed here for many years before our civil war. We have every reason for believing and declaring that we are now starting anew in the great race of national life with fewer weights and entanglements to impede and fetter our steps than ever before.

It has been said by a distinguished American patriot that there is no nation which has not at some period or other in its history felt an absolute necessity of the services of particular men in particular stations as vital even to the preservation of its political existence. Thus we have Madison entering upon his second term while the war of 1812 was in progress. Jackson had been voted for and elected the second time when, in December, 1832, it became necessary to promptly rebuke and put down nullification. The salutary effect will not soon be forgotten of the proclamation which he issued at that time, containing an exposition of the principles and powers of the General Government and expressing a determination to maintain the laws.

General Grant is now serving his second term. It is probably too soon to impartially judge of his first, while, as for the second, it is not yet concluded. Some of us, doubtless in some degree affected by party bias and political prejudice, think his executive services to the country not of extraordinary merit, but whether it would have been better

or worse for the people if some other aspirant had secured the prize we can never know. The fair thing probably in this regard would be to give all aspirants who failed to obtain the place the benefit of the doubt.

I maintain that no argument unfavorable to the second election of the same President can fairly be drawn from the past history of the country taken as a whole.

Would it be wise to limit the Executive to a single term in the future? I answer that it would not. If confined to one term, he would in my opinion be more inclined to overlook and disregard the public good where his own personal interest or ambition was in the way. If eligible to re-election there would be greater disposition and inducement to keep within the lines marked out for him by the Constitution, and to make his administration efficient and just, for to do this would be to give himself character with his countrymen and thus prepare the way for re-election. He would be more attentive to learn the will and the wants of the people. He would give less heed to the counsels of bad men and court the advice and good-will of those in whom the people have confidence and who by their public services and high character give tone to public opinion.

Again, sir, great measures, especially of practical reform, cannot always be undertaken and accomplished in one term, and therefore a President ineligible to a second election would be less disposed and his friends less apt to prompt him to undertake such measures; or, if undertaken, he, together with his cabinet and party, would feel less responsibility, and would be held to less accountability by the country, if for want of time the work could not be brought to a successful conclusion. And this argument applies with equal force to any plan where there is an intervening term of ineligibility prior to a second term, as in the minority report.

In this connection I wish to read from Story on the Constitution. He says:

> Another ill effect of the exclusion would be depriving the community of the advantage of the experience gained by an able chief magistrate in the exercise of office. Experience is the parent of wisdom. And it would seem almost absurd to say that it ought systematically to be excluded from the executive office. It would be equivalent to banishing merit from the public councils, because it had been tried. What could be more strange than to declare, at the moment when wisdom was acquired, that the possessor of it should no longer be enabled to use it for the very purposes for which it was acquired?

Again he says:

> In short, the exclusion, whether perpetual or temporary, would have nearly the same effects, and those effects would be generally pernicious rather than salutary. Re-eligibility naturally connects itself to a certain extent with duration of office. The latter is necessary to give the officer himself the inclination and the resolution to act his part well, and the community time and leisure to observe the tendency of his measures, and thence to form an experimental estimate of his merits. The former is necessary to enable the people, when they see reason to approve of his conduct, to continue him in the station in order to prolong the utility of his virtues and talents and to secure to the Government the advantage of permanence in a wise system of administration.

Mr. Speaker, it is too obvious to admit of any doubt that the tendency of ineligibility to a second term is to beget and continue uncertainty and instability—conditions of government all the while racking and straining its entire machinery. This is a homely thought, but the truth involved cannot be successfully controverted.

Chancellor Kent has said that the election of a supreme executive magistrate for a whole nation affects so many interests, addresses itself so strongly to popular passions, and holds out such powerful temptations to ambition that it necessarily becomes a strong trial to public virtue, and even hazardous to the public tranquillity.

But, Mr. Speaker, I maintain that a second election of the same President as his own immediate successor is less calculated to beget a dangerous political convulsion or revolution than where each election must furnish a new President, before untried.

I have heard it asserted that Jefferson was in favor of a single term with ineligibility forever thereafter. I have taken some pains to ascertain his opinions, and find that his declarations upon that subject, taken as a whole, are exactly the opposite of that proposition.

It may not be uninteresting to hear what Mr. Jefferson has said in this regard. I now read an extract from a letter written by him to Colonel Humphreys, March 18, 1789. He says:

> It has not, however, authorized us to consider as a real defect what I thought and still think one, the perpetual re-eligibility of the President. But three States out of the eleven having declared against this, we must suppose we are wrong, according to the fundamental law of every society, the *ex majoris partis*, to which we are bound to submit. And should the majority change their opinion, and become sensible that this trait in their Constitution is wrong, I would wish it to remain uncorrected as long as we can avail ourselves of the services of our great leader, whose talents and whose weight of character I consider as peculiarly necessary to get the Government so under way as that it may afterward be carried on by subordinate characters.

It will be observed that the point which he makes in this letter is against the "*perpetual* re-eligibility of the President."

Just the objectionable feature which is met by my joint resolution.

I read again from a letter written by him to James Martin, September 20, 1813. He says:

> I am for responsibilities at short periods, seeing neither reason nor safety in making public functionaries independent of the nation for life or even for a long term of years. On this principle I prefer the presidential term of four years to that of seven years, which I myself had at first suggested, annexing to it, however, ineligibility forever thereafter; and I wish it were now annexed to the second quadrennial election of President.

It thus clearly appears to have been the opinion of Jefferson that four years should constitute a presidential term, and that he should be permitted to serve a second term, but not a third. This letter was written twenty-five years after Washington's first election, and after Mr. Jefferson had witnessed the operations and progress of the Government under two terms of Washington, one of John Adams, two of his own, and one of Madison. He did not die until July 4, 1826. He left no modification of this belief that I have been able to find.

Those who advocate a single term, as also those who are willing to consent to re-election a second time with an intervening term of ineligibility, urge with much ardor and some plausibility that when eligible to an immediate second term the President may make use of his vast patronage to assure a second election.

There is not much force in this argument when carefully examined and when considered in the light of the past history of the country. It is not an unnatural or dishonorable ambition to desire a second term, and it is safe to assume that every President has had that aspiration and in some degree has arranged for that result during his first term. We have already had fifteen Presidents, not counting Harrison and Taylor, both of whom died soon after their inaugration. Eight of these, John Adams, John Q. Adams, Martin Van Buren, John Tyler, Millard Fillmore, Franklin Pierce, James Buchanan, and Andrew Johnson, were never re-elected, and I believe none of the eight, except John Adams and Martin Van Buren, secured a renomination, much less a second election.

The vast multitude of Federal office-holders it may be are ready to do the bidding of the official head that gives them official being. But it must be remembered that this class will work with no less zeal for the candidate of their political faith, whoever he may be, knowing that defeat will result in their displacement. Indeed, I am of the opinion that they will labor with even greater effect where the candidate is a new man of their party, hoping thereby that they will be continued in place as a reward of merit.

It might as well be said that members of this body, or of the Senate, should not be re-eligible for the like reason. It cannot be denied that Senators and Representatives will in the bestowment of favors prefer, as other people do, their friends, and thus indirectly at least benefit themselves in the future. This needs no denial or apology, for it is not undignified or dishonorable to do so when the favors are bestowed upon worthy friends. The fact is, Mr. Speaker, those who retain their seats here the longest are generally, to the credit of our form of government be it said, the wisest and best men of both parties, and I suspect that those of us who are here for the first time would cut a sorry figure without them.

If we were limited here to a single term, I doubt if we would be quite so careful in the discharge of our duties. In the very nature of things this is true. If an account of stewardship is not required, the temptation to subordinate the general welfare to private gain is greatly increased. The corrupt legislator would care little for investigation after he had passed beyond the penalty. Indeed, the incentive and effort to expose fraud would lose much, if not all, their momentum and value if after the exposure the unworthy public servant was practically free from responsibility.

I cannot see why these considerations do not apply with much greater force to the Executive; for his opportunities for dishonest gain are immeasurably superior to those of any other public officer or class of officers.

If it be said that my argument against a limitation to a single term applies to a second term with ineligibility thereafter, I answer that the President who discharges or tries to discharge his whole duty for the first four years, from whatever motive, is more apt to continue in well-doing than he who has made no such record. Moreover, as a general rule our Presidents are taken from the lists of those who by long public service are well known to the people and the past lives of whom give assurance of adequate ability and moral fitness. The American people are not slow in separating the drifting, floating dross from the pure metal.

The fear of the selection of unworthy men was the cause of much distrust in the early days of the Republic. Mr. Madison, in a letter written in May, 1830, said:

> In the mean time I cannot feel all the alarm you express at the prospect for the future as reflected from the mirror of the past. It will be a rare case that the presidential contest will not issue in a choice that will not discredit the station and not be acquiesced in by the unsuccessful party, foreseeing, as it must do, the appeal to be again made at no very distant day to the will of the nation.

Mr. Speaker, it may at wide intervals in the history of the country, in times of great excitement, when the minds of the people are fixed more upon startling passing events than upon the true merit of men, happen that an incompetent Executive will be chosen. Such periods will be rare with us. If the people make a mistake four years will give them ample time to take the second sober thought; and if they do not and will not prevent its recurrence I know of no remedy afforded by our political system.

When the people become so indifferent and dead to the preservation and enjoyment of their own liberties that with full knowledge of the unfitness of a candidate for President they will nevertheless elect him, what power will control them?

Whenever they reach that degree of moral and civil stolidity and unfitness for self-government, they will not hesitate to trample under their feet every constitutional limitation and restraint created for their benefit and protection.

It cannot be said with much plausibility that our elections are too

frequent. The difference between four years and six years (as recommended by the minority report) is hardly appreciable. So long as our people are possessed of the intelligence and education peculiarly essential to the stability and perpetuity of our form of Government there cannot be in the future, as there has not been in the past, any real danger to their liberties in holding a presidential election every four years. Whenever the people fall below the required educational standard, then it matters little how frequent or how seldom our elections are held, for our liberties will not survive long thereafter. An ignorant minority will not long respect the will of an ignorant majority.

Mr. Speaker, it is a most significant and instructive fact, that, determined as an overwhelming majority of the people are against all third-term schemes and ambitions, they have had little to say against a second term. And, sir, I believe it must be the deliberate sense of this body that if we adopt the majority report or take any action looking to one term only, or if we adopt the minority report, our constituents will be either opposed to or indifferent to such a result; because they have not been expecting it, do not ask it, and will decide, in my opinion, after all the arguments are heard and pondered, that such action was visionary and experimental, not suggested or demanded by anything in the past history of the Union, and not the product of clear-headed and non-partisan statesmanship.

It will be observed that the strongest arguments which can be adduced in favor of the majority report, or the minority report, are predicated upon dangers to public safety and liberty anticipated, and not upon dangers realized in the past. That a hundred years have elapsed without a single crisis attributable to the constitutional provision declaratory of the term of office of the President is an argument more potent and more convincing than any reasoning that can be produced favoring a change on the ground of events which may never transpire.

Mr. Speaker, I assert that even if it could be shown that all the fathers had in the most unmistakable language declared in favor of a single term, an argument resting upon that concurrent opinion would weigh only as the merest atom against the incontrovertible fact that from the election of the first President to the present time the constitutional provision upon that subject has been an unqualified success.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 279) to establish a land office in the southern part of Utah Territory, to be known as Beaver district, and for other purposes; and

A bill (S. No. 360) to establish certain post-routes in the State of Texas.

TERM OF PRESIDENTIAL OFFICE.

The House resumed the consideration of the joint resolution (H. R. No. 41) proposing an amendment to the Constitution of the United States, reported by the Committee on the Judiciary.

Mr. KNOTT. Before this debate proceeds further, I desire to say that there are a number of gentlemen who wish to be heard, but who cannot under the existing order of the House be heard, unless that order is modified. I propose, therefore, to ask the unanimous consent of the House that debate shall continue during the session of to-day, and that I may have the floor assigned to me immediately after the morning hour to-morrow, to move the previous question and close the debate. I suppose there will be no objection to that arrangement.

There was no objection, and it was so ordered.

Mr. FRYE. I desire to call the attention of the House in as few words as I can to certain suggestions, which seem to me practical, in relation to this proposed constitutional amendment. I would like the Clerk to report the amendment which is now pending as a substitute for the majority report.

The Clerk again read Mr. FRYE's proposed amendment.

Mr. FRYE. Now, sir, the majority resolution is that no person who has held or may hereafter hold the office of President of the United States shall ever again be eligible to the office. There are no party politics, as I understand it, involved at all in the question before the House, and, as I understand further, this is a serious proposition, made, I suppose, in answer to demands from some source, from somewhere, that the Constitution shall be amended. Therefore, whatever action we take looking thitherward, of course we have got to consider primarily the question whether or not the proposition we offer shall be approved by three-fourths of the States, which are required for its adoption, else our work is all useless.

Now there seem to me, Mr. Speaker, two or three well-founded objections to the majority resolution. And first, the term of office is too short. Why, sir, there are no men in the country who understand better than members of Congress of how great importance experience is in this matter of office for the better performance of its duties. When I came here to the Congress of the United States, for the first two years I found myself a complete, ignoble, unworthy cipher, and in my modesty and humility again and again in the thoughts by day and in the dreams by night I determined to resign the position and get out of a place where I was so utterly useless. I suppose that there is not a modest or sensitive man in the House who has not again and again experienced the same feelings. There are a dozen men of experience in this House, having been here term after term, holding commanding positions and swaying the legislation of the House hither and thither just as they please. Whence comes that power? From pre-eminent ability? From superior intellect? From excellence in learning? No, sir. From experience in the performance of the duties devolving upon members of Congress. They in everything else have their peers in hundreds of men on this floor who are here to-day for the first term. And, sir, it seems to me that the same rule holds good in the office of President of the United States. If he is fit to be elected to the position he will be a better man the second term than in the first. He will perform his duties more wisely during the second term than the first. I submit therefore to the House that when you limit the presidential term to four years you are forcing upon the country a loss of valuable experience which it might otherwise enjoy, in my opinion, without any prayer from the people, even against their wishes.

I, sir, do not believe for one that they have ever asked any such proposition as this. I never have seen it in any press representing the people and their voice. I submit if they have desired any change in the term at all it has been in favor of one of six years, not one limited to four and that no man shall be eligible to a second term.

Again, sir, there is a serious objection to it. It provides that no person who has held the office of President shall be eligible to a re-election. Then, sir, suppose a Vice-President who by the death of the President has held that position for two hours' time or two days' time, he will be forever ineligible as President of the United States. Sir, it seems to me that proper consideration has not been given to that, for there is no reason why a Vice-President accidentally taking office for a few days or a few weeks shall be made ineligible to the office of President of the United States. In those days or those weeks he cannot by any possibility have gained that control of the patronage of the country which will endanger the liberties of the people or improperly secure his election. He may be the man of all others we desire for that high office, and yet we cannot be gratified.

Again, sir, I submit that this amendment never can be adopted by three-fourths of the States of this Union. And why? Suppose the democratic party—a forced hypothesis I admit—come into power and elect its President in the next election. It has been out of power for fifteen years. It went out of power when the patronage of the Government was comparatively small; it will come back again into power when the patronage of that Government is immense, so immense that to-day it has frightened the people, if they have sought it, into seeking an amendment of the Constitution so that that patronage shall not be used. Now, sir, I submit to my democratic friends, if they elect the next President of the United States and he has that patronage in his hands, is there a hod-carrier in the remotest town of all our borders who will not be instructed by their party, then in power, to vote at the polls against this amendment to the Constitution? You know this will be so; it is absurd were we to ask the question. Will they not say, We are in power; we have the patronage now and can retain power by its use and re-elect the President of the United States. Shall not we, as republicans, if we prevail, instruct our men to vote against the adoption of that amendment? Certainly we would do it, and under no such circumstances would three-fourths of the States be induced to adopt it, and it would thus become mere child's-play.

The minority of the committee submit a different proposition, one for a six-year term; and I have given my reasons why I prefer that. It provides, somewhat curiously perhaps to those who have not reflected upon the subject, that, if adopted, the amendment shall not take effect until the year 1885. Why 1885? Because when we propose a resolution to the House we propose it seriously, thinking that the people need it and that they may adopt it. Now suppose that we had said that from and after the next election this amendment should go into effect, what would be the result? The very first question, a very serious one, presented would be this: Would it affect the term of office of the next President? If it does, then, being adopted six months or a year after the election of the next President, it would make a six-year President out of one elected for four years.

Now, suppose that the democrats should elect their candidate for President at the next election. Is it possible that the republican voters of the country will vote for the adoption of an amendment to the Constitution which will give that democratic President two years longer of office than he was entitled to on the day he was elected? Of course not; and every republican in the country will vote against the adoption of such an amendment as that.

Suppose, then, you put it off until 1881, as has been proposed. Then you are in this condition: Suppose that next year we elect our candidate for President. The amendment as adopted will take effect in 1881, making the term of office six years and the President ineligible for re-election. Having elected our President, how natural is it for us to say, Our President is a good man, and every President hitherto elected has had an opportunity for re-election; ours only of the men elected to the office is limited to this one term of four years; the next one to be elected and all thereafter will have six years of office. That will be an invidious distinction against the President of the party in power, and every member of that party will vote against the adoption of such an amendment, and you cannot get three-fourths of the States to adopt it, and the amendment will fall through.

Now put off the operation of the amendment if adopted until 1885, and you will have removed it from all these difficulties which otherwise beset it. You have made it certain that if it commends itself to the

people it will be adopted by them. No party, as such, would necessarily be arrayed against it.

Now, while I have reported this amendment in behalf of the minority of the committee, I am free to confess that I do not see any necessity for it. I am free to confess that I have heard no voice from the people demanding that their rights shall be thus protected, telling us that their liberties were in danger, and that their privileges were being unduly limited. I see no necessity whatever for any amendment to the Constitution in relation to this subject. Feeling, however, that an amendment was demanded by members of this House and by the press, and that one was liable to be recommended to the people for adoption, I preferred the proposition of the minority to that of the majority of the Committee on the Judiciary.

Hitherto in amending the Constitution of the United States there has seemed to be an impending and inevitable necessity existing for such action. Just look at the several amendments to the Constitution which have from time to time been adopted. First is the following:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

That was adopted from a pure spirit of religion, in order to remove religion from political strife and to keep the hand of power of the state from it. For that purpose it was absolutely required that such an amendment should be ingrafted upon the Constitution. The second, third, fourth, and fifth amendments are as follows:

A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

And so all the way through the amendments which have hitherto been adopted. The rights, the liberties, the privileges of the people are protected by them. Look at the thirteenth amendment prohibiting slavery in the United States. It had been almost the death of this Republic. By the inevitable logic of war slavery itself had died. Was it not a necessity, an impending, an imperative necessity to provide in the Constitution that there should be no resurrection of it forever and ever in this Republic? And that was done.

Then came the fourteenth. Four millions of people held in slavery had been made free and left in the country where they had been slaves. Did not their safety demand that they should be made citizens? Ah! sir, human nature is such that the people of this Republic dared not trust those men only as freemen in the hands of their old masters. There were thousands and tens of thousands of them who would have dealt kindly, fairly, and generously with them; but there were also thousands who would have reduced them to peonage worse than slavery, where they would have had all the unrequited toil and none of the protective influences of slavery. Therefore you amended the Constitution so as to make them citizens of the United States.

Then you provided by the fifteenth amendment that these persons being citizens, those States where a majority might wish to legislate in the interest of that majority and against the interest of this poor minority should be prevented from taking from them the right of suffrage, should have no power to do so. Did not the liberties, rights, and privileges of the people demand this action?

Now comes a proposition for the sixteenth. Look these articles through from one to sixteen, as now proposed. I ask if you can find existing to-day anywhere any such an abiding, impending, or imperative necessity as existed when each one of the other amendments to the Constitution was proposed and adopted? Why is it, then, that Congress here to-day is offering to the people this sixteenth article for their adoption? It has been whispered in my ear why it is done. The power of the press of this country is an overwhelming power; it is almost omnipotent. Since I have been in Congress I have learned that it legislates on the floor of this Hall again and again and again; that its influence controls my vote and yours. O, that it might be always a power for good, a power for righteousness, a power for justice and humanity. But it is a power, and as such must be recognized in the land.

Now, sir, a paper, powerful, in its resources wonderful, in the ability of its management marvelous—one paper of the metropolitan press—sent out one day through the country, "sent up a cry of "Cæsar! Cæsar!" and up Cæsar's ghost sprang into the air, and from that day till now that ghost will not down at any man's bidding. That raven "still is sitting" there; and no power seems to be able to drive him from the perch where that great paper put him.

But, sir, did the people of the country fear the ghost of Cæsarism? Did they fear that a new Cromwell had sprung up? I tell you no. The press in that case was ahead of the honest toiling people. They knew that if you look for the highest type of the purest integrity you will find it in the officers of the Army and Navy of the United States; and when they heard that voice of the greatest living soldier saying to them again and again, in the simplest language, "I have no thought for a third term, I am not expecting a third term," they believed him, they trusted him, as I do, and the third term "spook" was only a myth. When his voice came to them they required no affidavit, no solemnities of oath from the loved commander. The great scare seemed to affect our democratic friends alone. They tremble for the safety of the Republic, and Cæsarism is their terrible nightmare.

True I have met politicians now and then outside of the democratic party who quivered with fear of a "third term" and talked about this immense patronage. Whose patronage is it? Why, sir, in my city, a city of twenty-two thousand inhabitants, there is one Federal office-holder. Suppose the President of the United States sends to him and tells him to secure delegates from that section of the State in a national convention, what fearful result would follow? Why, he has hardly the power of an ordinary citizen; his office hampers him. His voice would not be heard; his touch would not be felt. Whose patronage is it? Who appointed that man to his Federal office? Why, sir, I did; not the President of the United States. The President signs his commission; but we understand perfectly well that we the representatives of the people really appoint these officers. They come to us; they look to us; and if anybody has patronage, it is members of this House and of the Senate—men who are close to these office-holders, whom they can touch and handle and direct and control in their own cities and their own districts. There is the danger, if there is danger anywhere.

But, sir, I learned long ago that the patronage which a member of Congress has is weakness to him, not power. Why not then weakness to the President of the United States? If this patronage is such a fearful power to put into the hands of the President, why not adopt a constitutional amendment limiting the term of office of Senators of the United States? I say they have a closer control over the fruits of patronage than the President has. If this is a power to be used for harm, why not adopt a constitutional amendment prohibiting us from holding more than one term?

I have heard, sir, that the members of this House use the patronage of their districts to secure their re-election. I have heard that they travel from Department to Department getting clerks into office; that they fill the custom-houses in their districts with men of their own selection; that their appointees overrun the navy-yards of the country; and that the power which they thus heap up is used by them to secure their renomination and re-election. Why not then introduce a constitutional amendment providing that no member of Congress shall be re-elected? Limit Congressmen to a single term, and then God save the country and the legislation of the country. The folly of utter inexperience would be fearfully apparent.

As I have already stated, I have submitted the minority report simply because it seemed to me the House would adopt either that or that of the majority; and I believed, for the reasons I have given in this feeble, off-hand manner, without any special preparation or thought, that if any proposition on this subject was to be submitted to the people this was preferable in all its parts to the other. I am free to say that if the amendment should be adopted I shall still vote against the passage of the joint resolution, because I believe we shall all find after the republican party have elected their next President—a man chosen from those whom we respect and love—the man of our choice, wise, sagacious, and patriotic—your third-term goblin is then damned for ever and ever; and after that damnation you may propose your constitutional amendment to the people, and hardly a man, white or black, naturalized or native, would be scared enough to vote for it.

Mr. McCRARY. Mr. Speaker, I have no desire to discuss this question at any great length. There seems to be a general agreement on both sides of the House that an amendment to the Constitution upon this subject shall be submitted to the Legislatures of the several States. It is in no sense a party question. During the long series of years when the democratic party was in power in this country no proposition of this kind was ever submitted. The public sentiment in favor of it has grown up within the last few years, and has, I think, had its origin in the vast increase of the power and patronage of the Chief Executive of the nation. In my opinion the public sentiment in favor of such an amendment is well founded, and I doubt not that gentlemen on both sides favor it from the highest motives. I differ from my friend and colleague on the committee, the gentleman from Maine, [Mr. FRYE,] in the position taken by him, that there is no public sentiment in favor of a one-term amendment. It has been and is earnestly advocated by many of the best and ablest men in the land of both parties.

The Committee on the Judiciary are quite unanimous in the opinion that an amendment on this subject shall be submitted. The only matter of difference in the committee was as to the form of the amendment. It being agreed that we shall submit an amendment limiting the incumbent of the presidential office to a single term, the first question, of course, is as to the length of that term. The majority have recommended that it be limited to four years, and in some cases, as I shall show presently, they have recommended that it be limited to a very much shorter period. The minority recommend that the term of the President shall be six years.

Now, Mr. Speaker, there is a great deal of good in the old plan

which our fathers adopted and embodied in the Constitution. What we should desire is to preserve as far as we can all the good there is in the old plan and yet secure as far as we may all the good that is proposed by the new plan. The good of the old plan is that it gives to the people of the country the benefit of experience in this great office of President. Can we not preserve that, and at the same time avoid the evil which exists and the danger which threatens under the present Constitution growing out of the immense patronage of the executive office? I think, sir, we can, and I think we may do it, at least in a large measure, by the adoption of the report of the minority.

This amendment to the Constitution which we now propose is in some sense anti-democratic in its character. It takes from the people of the United States the power which they have always held under the Constitution, and which, whatever other gentlemen may say, I venture to assert they have always exercised with wisdom—the power to decide for themselves, after a man has served in that office for four years, whether they will continue him for four years more. The proposition is to take from the people the right to re-elect. Now, sir, if we do that, is it not fair and reasonable that we should give to the people in return the right to appropriate the experience of a man who has served in the office of President for four years? Why not give them the services for two years more of the experienced President under conditions that will secure the people against an abuse of power?

The reason why an amendment to the Constitution is demanded, if it be demanded, is that the patronage of this office has, since the adoption of the Constitution, grown to such enormous proportion that, in the hands of a bad man, it would become an exceedingly dangerous power, by the use of which he might perpetuate, or at least seek to perpetuate, his own rule. But we may get rid of that evil by adopting the six-year term, and yet not be compelled in all cases to dispense with the services of a President at the very time when those services have become most valuable. The fact that so many Presidents have been re-elected shows that the people value the right of re-election. They value it because they know the value of experience in this office.

Experience is of great value in all places of public trust, but especially so in this place. Our vast and intricate foreign and internal concerns are of such a nature and so extensive that time and experience are absolutely essential, in order that the President may master them and fit himself for the proper and efficient discharge of the duties of his office. So I think, Mr. Speaker, that by making the term of the President six years, instead of four, we give to the people the benefit of experience in this office, and by making the President ineligible to re-election we at the same time avoid the danger that exists under the Constitution as it now is.

But, Mr. Speaker, there is another reason why I believe the term of the President should be six years instead of four. In my opinion presidential elections are too frequent. The great excitements, the upheavals, the convulsions of the body-politic which always attend these presidential struggles produce an injurious effect upon all the interests of the people of the country. The time, the labor, the money that are taken from other channels and absorbed in these great political contests, if used in other directions, would be of incalculable value and benefit to the people. These evils incident to a great popular commotion are not, of course, to be compared with the benefits of our system of popular government, but they are real evils nevertheless, and to be mitigated as far as they may be without injury to that system.

Presidential elections are especially injurious to the business and financial interests of the country. They always involve the question whether the policy of the Government on these subjects shall be changed or not, and whether the result of the election determines that the old policy shall be continued or that it shall be set aside and a new one inaugurated; there is in either case a long period of uncertainty and suspense. I believe if our elections, State and Federal, were not so frequent it would be better for the interests of the country, because in that case our people would take more interest in them. There are many of our best citizens who refuse to give any time or attention whatever to public or political affairs. They say one struggle is scarcely over until another is begun, and that if they give their attention to these things they must neglect their private interests and business affairs. This is the excuse which many of the best people of the country give for neglecting what ought to be regarded by every citizen as the most important and sacred duty. With a presidential election once in four years, with annual State, county, and municipal elections in most States, and with biennial elections for Representatives in Congress, what wonder is it that too many people have come to regard politics as a trade which only a few understand and follow.

But, Mr. Speaker, there is another objection to the report of the majority to which I would like to call the attention of the House. That report provides that—

> No person who has held or may hereafter hold the office of President shall ever again be eligible to said office.

That, of course, includes the case of a person who shall be elected and hold the office for four years, but it also includes the case of a Vice-President or acting Vice-President who may succeed to the office of President and hold it for a single day, because every man who has ever held the office of President for any period of time, however short, is rendered forever ineligible to be elected again. Why is this? The reason for the exclusion of a man who has held the office for four years does not reach the man who has held the office for a single day or a single week or a single month.

The Vice-President may succeed to the office of President, and he may not exercise one of the great powers of the office. He may appoint no man to office. He may do no single executive act. And yet, if the powers and duties of the office have devolved upon him for a single day, under the report of the majority, he is to be rendered forever ineligible. The theory upon which the one-term amendment is defended—and the only theory upon which it can be defended—is that the incumbent may during his first term misuse the patronage of the office for the purpose of securing a re-election. This theory, however, does not apply to the Vice-President who has succeeded to the office and held it only for a brief period.

The minority report, therefore, provides that whoever has been elected to the office of President or whoever has succeeded to that office *and held it for two years* shall be forever ineligible. And in that respect I think the minority report is vastly superior to that of the majority. Mr. Speaker, I desire to say in conclusion that, unlike my friend from Maine, [Mr. FRYE,] I am earnestly in favor of this proposition. I am in favor of it because I believe it to be a step, although perhaps but a short step, in the direction of a great reform. But, sir, I do not regard this proposition as reaching the real source of the evil. The great evil and the great difficulty are not that the President is eligible to re-election. The great evil and the great difficulty come from the fact that has already been alluded to, that the power and the patronage of the President of the United States have grown to such enormous proportions that it is more and greater than any one person in this country ought to hold in his hands.

Sir, the remedy is not in limiting the President to a single term, but the remedy is in such wise and well-considered measures of constitutional amendment as shall take from the President a great part of the patronage which he now has and shall vest it in the people. There is no difficulty in adopting measures of this character. When the Constitution of the United States was adopted there were but about seventy-five post-offices in the United States. To-day the number is very nearly fifty thousand. Every one of the postmasters in this country ought to be elected by the people in the vicinity where the post-office is located. If there is an officer under the Government of the United States who ought to be chosen by the people who have to transact business with him it is the postmaster. That officer deals daily with all classes of the people, and his dealings with them relate to matters which touch some of the most sacred relations in life. Had Congress authority to provide for their election, how easy it would be to designate by some competent authority the limits of each post-office district within which residents and voters who are to choose the postmaster shall reside. The same thing is true of numerous other Federal officials whose duties are local. I hope, sir, that this House, before dismissing this question entirely from its consideration, will propose another amendment to the Constitution which shall provide for the election of all such. By that means more than half of this great power and patronage which overwhelm the President will be taken from him. I care not, sir, how honest, I care not how able, how patriotic a President may be, it is simply impossible that he should discharge the duties which now devolve upon the presidential office with that understanding, with that information, with that knowledge concerning each and every one of his official acts which every officer of the Government ought to possess. No one man can appoint ninety or one hundred thousand Federal officials and act in any large proportion of the cases upon any information except that which he derives from others.

It is said, sir, that this is the patronage of members of Congress. Practically it is so, but I submit that that does not help the matter; that, on the contrary, is one of the evils which we wish to get rid of. What right have I, sir, to say who shall be postmaster at every post-office in the district which I represent? What right have I to determine for the people of my district who shall serve them in these places? The people themselves are the parties who alone are interested and who should determine that question. Besides, sir, it sometimes happens, I will not say that it happens very often, but it does sometimes happen that members of Congress regard the appointments which are supposed to be under their control as so much capital, with which they can control so much influence and command so many votes. This may happen; it is one of the possible evils under the existing system, and as we are legislating to remove possible dangers it is my opinion that we ought to remove this, as it is not only a possible but a real and a present evil.

I say, sir, then I am in favor of the proposed amendment. I believe that it is demanded by a just public sentiment. I believe it is right and I believe it is a step in the right direction; but I am by no means ready to admit that by the adoption of this proposition the great evils of which the country complains will be cured. On the contrary, I think that further and more radical measures than this will have to be adopted.

Mr. CAULFIELD rose.

PACIFIC RAILROADS.

Mr. LUTTRELL. I ask the gentleman to give way to me for a moment. I desire to rise to a question of privilege.

Mr. CAULFIELD. I yield to the gentleman.

Mr. LUTTRELL. I find that in the CONGRESSIONAL RECORD of yesterday there is an injustice done to me in the report of the proceedings. In printing the resolution which I introduced for the investigation of the several Pacific railroads, the RECORD omits the Central Pacific Railroad, the very first on the list. I have examined the original resolution, now in the hands of the Clerk, and I find it correct. I hope the correction will be made in the RECORD, and I ask that the resolution be reprinted.

There was no objection, and it was so ordered. The preamble and resolution are as follows:

Whereas the several railroad companies hereinafter named, to wit, the Central Pacific, the Kansas Pacific, the Union Pacific, the Central Branch Union Pacific, the Western Pacific, the Southern Pacific, the Sioux City and Pacific, the Northern Pacific, the Texas and Pacific, and all Pacific roads or branches to which bonds or other subsidies have been granted by the Government, have received from the United States, under the act of Congress of July 1, 1862, act of March 3, 1871, and the several acts amendatory thereof, money subsidies amounting to over $64,000,000, land subsidies amounting to over 229,000,000 acres of the public domain, bond subsidies amounting to $——, and interest amounting to $——, to aid in the construction of their several roads; and whereas it is but just and proper that the Government and people should understand the status of such roads and the disposition made by such companies in the construction of their roads of the subsidies granted by the Government: Therefore,

Be it resolved, That the Judiciary Committee be, and are hereby, instructed and authorized to inquire into and report to this House, first, whether the several railroad companies hereinbefore named or any of them have, in the construction of their railroad and telegraph lines, fully complied with the requirements of law granting money, bond, and land subsidies to aid such companies in the construction of their railroad and telegraph lines; second, whether the several railroad companies or any of them have formed within themselves corporate or construction companies for the purpose of subletting to such corporate or construction companies contracts for building and equipping said roads or any portion thereof, and, if so, whether the money, land, and bond subsidies granted by the Government have been properly applied by said companies or any of them in the construction of their road or roads; third, whether the several railroad companies or any of them have forfeited their land subsidies by failing to construct and equip their road or roads or any portion thereof as required by law; fourth, that for the purpose of making a thorough investigation of the several Pacific railroads, or any of them, the Judiciary Committee shall have full power to send for persons and papers, and, after thorough investigation shall have been made, shall report to this House such measure or bill as will secure to the Government full indemnity for all losses occasioned by fraudulent transactions or negligence on the part of such railroad companies or any of them, or on the part of any corporate or construction company, in the expenditure of money, bonds, or interest, or in the disposition of lands donated by the United States for the construction of such roads or any of them or any portion thereof, and for the non-payment of interest lawfully due the Government or any other claim or claims the United States may have against such railroad company or companies.

TERM OF PRESIDENTIAL OFFICE.

Mr. CAULFIELD. Mr. Speaker, one of the amendments referred to the Judiciary Committee upon the question of a change of the Constitution in regard to the presidential term of office was offered by myself. That joint resolution was very much the same as the one which has been reported by that committee and now under consideration.

I have listened with great pleasure to the arguments which have been made upon both sides of this question and upon both sides of this House. I have thought much over this question before it was argued here to-day, and the result of the arguments here and of my previous reflections only tends to confirm me in the conclusion at which I long since arrived, that is, that the tenure of the Presidency of the United States should be confined to a single term and that term should be four years. I believe that the dangers arising from the increasing patronage in the hands of the President and that the changes that have taken place since the Constitution was adopted render it absolutely necessary that something should be done to stay the evils that are festering upon our body-politic.

The objections which my friend from Indiana [Mr. NEW] on this side of the House and which my friend from Maine [Mr. FRYE] on the other side of the House urge to the one-term principle seem to be these: first, that the person elected to the Presidency of the United States for but a single term has scarcely learned how to discharge the duties of his office when he is compelled to abandon it; and, secondly, that a second term should be held out as a reward for the services of the incumbent during his first term and as a goal toward which his ambition may stimulate him to a proper discharge of his duties during his first term. These reasons carried out would be an argument for a third or a fourth or even a term for life. For these reasons among others I am opposed to anything but a single term, be it for four or six years. Can it be that this vast country, having grown in importance in the eyes of the world until she now occupies a position if not first at least second to no other nation on earth, must now begin to educate her Presidents by first electing them to that position, instead of selecting statesmen of experience and capacity in the first instance, so that the first term of the Presidency is to be considered but an apprenticeship in which he shall be educated for a second term? Let the people determine that there is but a single term for each President and they will learn to select no man for that office who is not a statesman of experience, capable of discharging the duties of that office in the first instance with honor and profit to the country. Let the people be careful in the selection of the incumbent of this, one of the highest offices in the gift of any people, and feel that their liberties may be endangered by placing an inexperienced person in the discharge of such important duties, and none but the best will be selected. I believe if we have but a single term this desirable end will be greatly promoted.

Sir, we cannot liken the presidential office to the office of Congressman as the gentlemen have done who preceded me. But one man in the nation can fill that office at one time, while there are three hundred men in the nation who do fill the offices that we fill to-day. The inexperience of some is corrected and counteracted by the experience of others, and thus the evils flowing from the inexperience of all is partially if not entirely prevented. It is not to be expected that a man who comes to Congress, it may be at twenty-five years of age, shall be a full-grown statesman. But the man selected to fill the highest place in the gift of this people should be second in experience and statesmanship to no man in the land. Sir, this House may be the arena in which the growing aspirant for presidential honors may prove himself worthy of them. We have marked and remarkable instances before us already of men, not only in this House but at the other end of the Capitol, who are aspiring to this high position. Can it be said to the discredit of these aspirants that they are seeking positions to which they are not equal and that they desire to serve an apprenticeship in the White House for four years in order to fit them for a second term of four years more? Let us understand that we are to place no man in that high position who is not fitted for it in the first instance; let us select none but men capable, honest, and fitted in every possible way for the position the moment they take the reins of government in their hands; let us trust the reins of government to no tyro; let us put them only in the hands of experienced men, and then they will serve four years, not as an apprenticeship, but four years of great usefulness and honor to the country.

But it is said that a second term should be held out as an inducement to the occupant of the office for a first term to discharge the duties of that office with honor to himself and profit to the country in order that he merit the premium of the second term. Is it then to be understood that the people of the United States can place in the presidential chair a man whose honor is of so slight a texture that he may not be induced to the conscientious performance of the sacred duties which his oath and the people have imposed upon him except by extending to him a reward for the discharge of his plain duty? Sir, let us understand that there is to be but one term, and we will place in that position no man who will not discharge his duties from conscientious motives, without hope of reward, except that which may flow from the hearts of a grateful and well-served people. No man who needs a reward of a second term for the proper performance of the duties of his office is fitted in the first instance to fill it at all. Sir, these arguments are freighted with their own refutation. We must make the President of this Republic occupy such a position before the world that no citizen of this or any other country can question either his ability or his integrity.

But, Mr. Speaker, my friend from Indiana [Mr. NEW] has taken up the old debate in the constitutional convention which framed our present Constitution, and from that he has deduced an argument in favor of two terms of four years each. Let me remind the gentleman that the most of the arguments made upon that subject in that convention were when the proposition was under consideration that the President or the Governor, whatever he might be called, should be elected by the Legislature; that is, by the Congress of the United States. Those arguments were all made with reference to the influence of the Legislature upon the President to be elected by them, to the power that they might hold over him. The discussion in the convention extended over a period of three or four months. Some proposed a term of seven years, one proposed a term of three years, others six years, the question of eligibility or ineligibility for a re-election entering into the arguments throughout. The term of four years, with the question of re-eligibility left to the people, was agreed upon as a compromise between the various conflicting sentiments upon that subject then existing in the convention. It was a compromise; there was no question whatever whether there should be one or more terms of office for the same person. That question was left to be determined by the experience of the people in time to come.

Mr. NEW. Will the gentleman permit me to make a suggestion?

Mr. CAULFIELD. Certainly.

Mr. NEW. I would remind him in this connection that Mr. Jefferson, twenty-five years after Washington's first election, expressed himself in favor of a second term with ineligibility to a third; and furthermore Mr. Jefferson had himself served a second term.

Mr. CAULFIELD. That I understand; I was speaking of the debates in the convention. I understand that the letter the gentleman refers to was written long afterward. At the time the convention was held the population of this country was small and the offices to be filled comparatively few. It was impossible for those who were framing that Constitution to look forward a hundred years and see what we now behold around us. Now we have a population of over 40,000,000, instead of the 3,000,000 for which they were legislating at that time. They little foresaw that patronage which would fall under the control of the Presidents who should come after them. They little foresaw that our large cities and our little towns were to be crowded with officeholders of the kind and character now to be seen. They little foresaw that those places would be filled by men selected alone for their capacity to elect a President for a second term rather than for their ability to discharge properly the duties of the offices to which they were assigned.

That is the difficulty now pressing upon us. The President who has before him the possibility of a second term will be induced in

his appointments to select men who are wire-workers in politics, men who have but little moral character, who possess but slight ability for the positions to which they are assigned, but who are fitted by a resort to all kinds of political devices to increase the chances of the then incumbent for a second term. They little foresaw that in a hundred years from that time 80,000 office-holders would have much more to do in nominating a man to occupy the seat for the next presidential term and helping to elect him to it than in the discharge of their own official duties.

If men were elected and appointed to positions only because of their capacity to fill them, do you suppose this nation would to-day be looking to Saint Louis and Chicago for the punishment of men who had been placed in position more for their capacity for wire-working and political intrigue than for their integrity and ability to discharge the duties of the offices they have filled?

The Constitution provides that Congress may propose amendments whenever it shall deem it necessary. Now, I admit that we are not to propose amendments simply from mere whim or caprice, or for the purpose of advancing some political and personal design of the proposer, but whenever Congress shall deem it necessary for the public good. It is our sworn duty under the Constitution to propose no amendment unless we deem such amendment necessary and called for by the people. It has been said upon the other side that the people are not calling for this amendment. If I have heard the voice of the people aright, I say that they are calling for an amendment upon this very question. Is such an amendment necessary? If it is important to stop the abuses that are now increasing in our midst, then it is necessary.

The public mind is uneasy at the bare possibility that such a contingency as a third term may happen. Much controversy has arisen upon this subject throughout the country. During the first and second term of the present incumbent the question of eligibility to a succeeding term has been much discussed. The evils of Government have been so rapidly multiplying that the people, who are anxious to maintain the Government in its original simplicity and as far removed as possible from the blandishments of patronage, are seeking for a remedy against the increase of power which the growth of our country and its resources are constantly augmenting in the hands of those who wield it.

The question is, how shall the remedy be applied? I regard the constitutional amendment limiting the tenure of the presidential office to but a single term of four years as one very important step toward securing this end. The incumbent of so high a position should have no stimulant to any other ambition but a strict performance of his duty, by which he will impress an honorable name upon the history of his country. Let him feel that his appointments to office must be from that class of men whose integrity in the discharge of their duties will be of lasting benefit to the country and add luster to his administration, and he will keep an eye single to the appointment of none but honest and capable men to office. But let him feel that he must, in order to secure a second term, make his appointments from that class of politicians whose influence is likely to secure him a second term and their own continuance in office, and the offices of the country will be filled by wire-working politicians, who stop at no means to secure a continuance of power in the hands of their patron and themselves. I believe that if the Presidency was confined to a single term we would see that the efforts of the President would tend in the direction of diminishing the number of office-holders and holding them to a strict and economical discharge of their duties. Under the present system the number of office-holders is so increased out of the class of political wire-workers that no other aid need be invoked for procuring a nomination for the Presidency than that which this large and well-spread army of presidential parasites is ready to furnish. The war and the debt thereby created have furnished for the collection of the various taxes newly imposed large re-enforcements to the standing army of office-holders already in the service of the Government. In adopting means for the collection of the taxes of the Government no regard has been had to the collection of these taxes in the simplest and cheapest manner, but the question has been, how can we adopt means to multiply the number of persons for the collection of these taxes so as to secure the largest number of workers for the Administration and the next term in each district and State in the country?

This, Mr. Speaker, is the evil which this amendment is intended more particularly than anything else to arrest; and if it be arrested we shall have taken a most important step toward the purification of the offices of the country and the diminution of the expenses of the Government, and there will be some chance of our return to the original simplicity and economy which our fathers intended should be a guarantee against the evils which now beset and threaten our Government.

Mr. LAWRENCE. Mr. Speaker, I do not desire to occupy the attention of the House at any great length in the remarks I shall make on the subject before us. I was not aware of the fact, or at least had forgotten it, that this subject was to be discussed to-day until it was announced from the Chair.

The proposition before us is one of very considerable importance, because it seeks to make a radical change in the fundamental law of the land. I am in favor of the amendment to the Constitution which is proposed by the minority of the Judiciary Committee, and I am opposed to that which is reported by the majority of the committee. I will give in a very few words some reasons which influence me in arriving at the conclusions to which I have come.

What is the proposition of the committee? Allow me to read it It is that—

> No person who has held or shall hereafter hold the office of President shall ever again be eligible to said office.

This proposition embraces two material principles or objects. The first of them will, in my judgment, be utterly ineffectual for any purpose whatever and the second is very objectionable in many respects. What is the first branch of this proposition? It is that no person who *has held* the office of President shall ever again be eligible to said office. So far as that may be applied to any person who has heretofore held or now holds the office of President, it is wholly unnecessary, because neither the present Chief Magistrate nor any citizen who has held that high office is now seeking a re-election to it. If it is aimed at President Grant it is utterly ineffectual for the reason that this amendment to the Constitution cannot by any possibility be adopted before the next presidential election. It therefore can be of no value. It is a mere *brutum fulmen*, announcing a purpose which can be of no practical utility, one which cannot be carried into effect until it shall have been defeated by the lapse of time. So far, then, as that portion of the amendment proposed by the committee is concerned it is worse than useless, merely *vox, et præterea nihil*. The amendment proposed by the minority would equally exclude him if it could be adopted before an election.

What next? The second part of this proposed amendment leaves the presidential term at four years, but declares that no person who may hereafter hold the office of President shall ever again be eligible to that office.

Sir, in my judgment, that is very objectionable for several reasons. It has been well said that this will apply to a Vice-President who succeeds to the office of President and holds it for only a month or a day. It has been determined that he becomes a *de jure* President. And as such, though holding the office of President but for a day, he would, if this amendment be adopted, be rendered ineligible for election. The people might very much and properly desire to elect to this high office a worthy citizen who had been elected to the office of Vice-President, and who for but a brief period had succeeded to the office of President. No reason exists why they should not.

But assuming what would probably be generally the case, that this amendment would only apply to a person who had been elected to the office of President and held it for four years, I regard it still as very objectionable.

There are some things essential to the success of an administration, some so manifestly so that I think there can be no doubt or dispute about them. They are, as I conceive, substantially three: first, that the President in office shall *have sufficient time* to give an *effectual trial* to any policy which he or the party elected to power with him may choose to adopt; second, the advantages resulting from experience in the office; and, third, the administration of the office without any personal or selfish motive, as for instance an effort to secure a re-election regardless of the public welfare. These three things are essential to a successful administration of the national Government and to the prosperity and happiness of the people of the country. They are essential to the success of any business undertaking or enterprise. Let an administration come in, backed up by a majority in both branches of Congress, and let it adopt a policy on currency, finance, revenue, no matter what; if you limit the term of its power to four years, with ineligibility to re-election, you have no stability in your measures of policy, but constant change all the time—change always detrimental to the public interests. Four years do not give the time necessary to establish a policy of government and thoroughly test it on any great measure. People will not fully embark in commercial, manufacturing, and other enterprises on a system of laws or policy which is likely to change in every period of four years. Extend it to six and its wisdom will be so firmly established that it cannot be changed or its folly will be so fully demonstrated that it cannot demand a new lease of power to further test it. The public peace demands a permanent government; the interests of agriculture, commerce, and manufactures are always interrupted by sudden or radical changes in finance, currency, or revenue laws affecting them.

And then, sir, it is very desirable we should have in the office of President the advantage of experience. In every office within the gift of the people experience is desirable, and it must be especially so in the high office of President, as well as in legislative and other offices of the Government. This has always been regarded as valuable in this Hall. The gentleman from Maine [Mr. FRYE] has demonstrated this. The people of the South before the war understood it, and had largely the advantage of the North, because they kept their Representatives in Congress long in office. The people of the East understand this and they, too, profit by it. The people everywhere are beginning to learn it. But this plan of limiting the presidential term to four years, with ineligibility to re-election, proposes to throw away all of the advantages which might result from the means I have indicated for giving success to the administration of a President. For the reasons, then, which I have stated, and others I might mention, I regard the amendment proposed by the majority of the Judiciary Committee as very objectionable. It would be vastly better to leave the Constitution as it is than change it as proposed.

The experience of our country has demonstrated the wisdom of securing a party in power for more than four years. If during the war of the rebellion you had made the President ineligible to a re-election, it might have been fatal to our national existence, fatal to all the great interests of the Republic. A new administration would have brought a change of policy, and this could not have failed to be disastrous. During the war we had a presidential election. It was unfortunate it was so. The party out of power hoped to get in by a change of the policy of the administration. This encouraged those in arms against the Government. It prolonged the war. It would have been better if the presidential term had been six years. That would have given time to bring the war to a close without the contest over a presidential election. Then the energies of the people would have been directed to one great object, for the policy of the Administration was settled, and its success required time uninterrupted by the distractions of party contests. Any policy of government in war or in peace requires all this. For these and other reasons I might name I am opposed to the amendment recommended by the committee.

Now what is the amendment proposed by the minority of the committee as a substitute for that of the majority? I will read it:

From and after the 4th day of March, in the year 1885, the term of office of President and Vice-President of the United States shall be six years; and any person having been elected to and held the office of President, or who, for two years, has held such office, shall be ineligible to a re-election.

The change which is sought to be made by this amendment is in brief to fix the presidential term at six years with the feature of ineligibility to re-election.

Now, sir, what are the advantages of having a President to hold his office for six years? I have already stated some of them. I will not now attempt to enumerate all of them, but will state some particulars in which I conceive this is an improvement upon the present term of office. In the first place, then, terms of six years would save the interruption of business, the trouble, the expense, the excitement of presidential elections as frequently as we now have them. Secondly, a six-years term would give the advantage derived from the experience of each successive year for six years *absolutely*, without the possibility of interruption as now at the end of four years.

Thirdly, it would aid in avoiding the greatest danger our system of government is liable to encounter. The greatest danger of our present system lies in or may grow out of the mode of declaring the result of the returns of a presidential election. This is the weak point in our system. The votes of the electoral colleges of the several States are sent up and counted by the President of the Senate and the Speaker of the House of Representatives, in the presence of the two Houses. It happens sometimes that there is a question as to whether the vote of this or that State shall be received. On one occasion it was made a question whether the electoral vote of Wisconsin should be received, because the electors of that State, in consequence of a snow-storm, were unable to meet and cast the electoral vote on the day fixed by law. Within my experience it was made a question whether the vote of Louisiana should be counted in the presidential election. At one time the question was made as to whether the electoral vote of Missouri should be counted. Fortunately the result would not have been changed, no matter what might have been the determination of the convention of the two Houses in the particular cases where questions arose as to whether the votes of those States should be received. It is not precisely clear what power the convention of the two Houses has in passing on these questions, or whether the Houses shall act jointly or separately on them. But suppose, sir, your President is eligible and a candidate for re-election, and the joint convention of the two Houses throws out the vote of a State or refuses to receive it, and the President in office insists they did wrong and that he has been elected. Then, sir, being in office, he has the Army and Navy and a host of retainers at his back, all ready to stand by him in declaring, in defiance of the result as announced by the joint convention of the two Houses, that he is the President. Here is presented a great danger which may result in civil war. God grant that it may never co e. That is a good reason why the President should not be eligible to re-election, so that he should not have this inducement to defy the result as declared by the joint convention of the two Houses. As I have already remarked, that is the weak point in our system, and there is indeed much more necessity for an amendment of the Constitution to remedy that, the most dangerous feature of our system, than to remedy the evil which this amendment proposes to remedy. And I trust before this Congress shall adjourn something will be done to relieve our system of the danger which threatens us from the sources to which I have alluded.

But a fourth reason for making the presidential term six years is that it will relieve the virulence of party spirit. We now hold a presidential election every four years, and this event is always attended with excitement; the business of the country is interrupted, parties are arrayed against each other advocating different policies, and while the uncertainty lasts as to which policy shall prevail the business of the country is largely interrupted. The earnest and sometimes bitter contests over political principles, and, if you please, the scramble for the more than seventy thousand offices in this country, sometimes may be liable to enkindle a spirit of hatred and party rancor and virulence not desirable even if not fearful to contemplate. It is desirable that the people should be relieved from all these things as much as possible. If we make the presidential term six years, the bitterness and strife engendered by a presidential contest will die out and will rarely ever be revived, at least not so fully as when kept alive by presidential elections occurring every four years. Reason, calm, reflecting judgment, rather, will take the place of mere party contests. The country will find repose, and good government and morality will come to reward the change. I believe in political parties organized in manly, honorable, and intelligent contest over principles which are really debatable among statesmen and political economists. But when they go beyond this and seek success by excitement and passion rather than reason, they are dangerous to good government and to civil liberty. The proposed amendment would contribute to organize the rule of reason rather than the reign of party spirit and passion.

There are advantages in a term of six years which you cannot have in a term of four years. As I have already remarked, a President in office, like every other officer of the Government, learns by experience. Six years will give him time to settle not only an internal policy for the country but one with all foreign nations, and in that respect the extension of the presidential term will be of great advantage. But I have no time fully to discuss the question as to the expediency of extending the term to six years. I think I have said enough; I think I have presented sufficient reasons to the House for extending the presidential term to six years.

Another feature of this proposition of the minority of the Judiciary Committee is ineligibility to re-election after the term of six years. This, I conceive, will be attended with some advantages, and I will state in brief, without going into detail fully, some of the reasons why it is in my judgment desirable that the President after holding office for six years should be ineligible to re-election.

Among the advantages of ineligibility will be these: First, it will relieve the President of the care of a re-election, and will enable him to devote his time exclusively to the public interests; second, it will remove all temptation to use the patronage of the Government to secure support from those who are in office or to influence the public judgment in his behalf; third, it will remove the inducement to extend the patronage by law, with a view to command additional influence to enable the President to secure a re-election; fourth, it will remove from the President the restraint which he otherwise would be under in recommending a reduction of patronage and a reduction of the expenses of the Government.

In all these respects he will be perfectly free to act upon his own unbiased judgment, with no personal motive, no object in view, but to secure the common good of the whole country. The anxiety for a re-election will give place to a desire to go down in history as the benefactor of his country and mankind. I conceive, sir, that these are sufficient reasons for this feature of ineligibility. Why, sir, we all know that the result of a presidential contest may depend upon the vote of a single State; and the vote of a single State may depend upon the vote of a single city. And the administration may have power to throw into that city immense patronage, corrupting where it goes, influencing the public judgment, buying all corrupt enough to be bought, holding out promises to those who may seek for future office, as well as those who are in office. By all these means an administration may bring the immense power and patronage of the Government to bear upon the result of a presidential election. The temptation to use it may become very great. "Lead us not into temptation" is a prayer so essential to human nature that its divine origin is manifest. Let us so write the Constitution now that a President in office will scarcely have need to utter it so far as the improper use of patronage is concerned.

Sir, I have no time to discuss this subject fully, but we all know from our past history that the power and patronage of the Government have been employed exactly for these purposes. We know at least as far back as the time of President Van Buren that the corruptions which were festering under his administration were systematically covered up, concealed from the people, and public officials guilty of public robbery were shielded, lest their exposure might be detrimental to the presidential prospects of Mr. Van Buren when a candidate for re-election in 1840. Sir, I speak this in no party sense, but with the hope that all parties may take warning by this part of our history, and that we may in future shun the evils which have been shown to exist in the past.

These are evils the magnitude of which could not have been foreseen by the framers of the Constitution. Our growth as a people has been the marvel of history. With it offices have multiplied, until it has become a serious question how far it is safe to give the power of appointment substantially to the control of one man. And now we are met with the question whether we should not write in the Constitution a provision which will hold out no inducement to a President to retain bad or incompetent men in office, but make it an object to remove them when the public good may require, with no fear as to the consequences.

I have been asked by a gentleman why it is proposed in this amendment that it shall only be applied from and after the 4th day of March in the year 1885. I will state in a very few words the reason for this. Indeed it has perhaps already been sufficiently done, I think, by my colleague on the Judiciary Committee, the gentleman from Maine, [Mr. FRYE.] This amendment we all know cannot be adopted before the next presidential election. If it should be made applicable to the President to be elected this year, extending his term to six years, the party who in the next election should be defeated would vote solid against adopting it in order that they might have an op-

portunity to succeed, if possible, in a new election at the end of four years.

As it requires the assent of three-fourths of the States to adopt the amendment, we all know it cannot be adopted by any one political party. We desire to put it in a shape that no political party or administration shall oppose it on grounds of present or temporary expediency. We desire success as a means of securing a great reform in the Constitution.

If the amendment should leave the President to be elected this year to hold a term of four years only, with ineligibility to a re-election, he and all his political friends would oppose it in the hope of securing a re-election. This would be fatal to the amendment. These in brief are the reasons why this provision is put into the amendment as to the time when it shall take effect.

The words of this proposition have been carefully considered. I can speak from my personal knowledge on this subject. They have been written in a form to secure the desired object without encountering unnecessary opposition from any source. I have given to the words employed no little consideration in their preparation, and I believe they are free from all objection if the principle they embody shall be found correct.

Now, I have given some of the reasons which induce me to vote against the amendment reported by the majority of the committee and in favor of that submitted by the minority. It seems to me they are sufficient. This is a subject worthy of the gravest and most mature deliberation. Every change of the fundamental law ought to command our most serious and thoughtful consideration. Especially should this be so when it relates to the highest office in the gift of the people. If the proposed amendment should be adopted, it will make a material, a vital change in our Constitution. I have taken occasion in a few hurried words to present this subject to the House, and I hope it will receive the consideration which its importance demands and which the people we represent have a right to expect at our hands.

Mr. HARRISON. I do not intend to make many remarks. The line of argument that I should have pursued has been so completely exhausted by my friend from Iowa [Mr. McCRARY] that I feel indisposed to say more than a few words; and I shall say those for the purpose of having a recommittal of the subject to the committee, that they may report back an amendment to the Constitution, coupling with it an amendment suggested by the gentleman from Iowa, [Mr. McCRARY,] taking from the President the patronage now belonging to his high office.

I dislike exceedingly to differ from a committee, especially when the majority of that committee is from this side of the House. But, sir, I believe that that committee has mistaken the feelings of the people when it comes here with a recommendation for a term of office for the President lasting only four years. The very grave objection to a second election of the President will be existing still. Every four years since you and I can remember, sir, the business of the country has been jeopardized by the presidential election, by the intense excitement engendered by it, and the consequent demoralization. The excitement, however, is not the only ground of this demoralization. It grows also out of the uncertainty in regard to the policy of the incoming Presidency. Financial men, men of means, are indisposed to put their money in commercial schemes or any other enterprises when they do not know what the policy of the Administration may be in the course of a few months. For, sir, you remember, and all of us remember, that it is a constant expression during every presidential year, "O, the good times will come when the presidential election is over."

Now, sir, I think that what we ought to attempt now is to answer the call of the people and get rid of this excitement and this uncertainty. A term of four years will not do it.

As I said, I do not intend to make any extended remarks, because I am simply going over the ground which the gentleman from Iowa [Mr. McCRARY] has so fully covered, but I wish to say to the chairman of the Committee on the Judiciary that it is impossible to pass his amendment making the term for four years; but he can pass a resolution fixing the term at six years. There are, however, some points in the minority report not wholly acceptable to this side of the House. What we want is an amendment acceptable to two-thirds of this House, and which we may hope to be acceptable to the people of the country.

I would therefore move to recommit the whole subject to the Committee on the Judiciary to report at an early day, hoping that they will report an amendment making the term six years instead of four.

Mr. COX. I would inquire if the gentleman from Illinois has the floor to make that motion now?

The SPEAKER *pro tempore*, [Mr. ELY.] The Chair understands that the motion of the gentleman from Kentucky [Mr. KNOTT] was that the session this afternoon should be confined to discussion only.

Mr. HARRISON. I recall the motion. I did not mean to make the motion now. I will make it to-morrow. I merely suggested that that motion will be made.

Mr. WOODWORTH. Mr. Speaker, I had not expected to participate in this debate until a few moments ago, and especially not at this hour, when the House presents a beggarly array of empty benches, and I would not ask consent to occupy the floor for a few minutes at this unfortunate hour were it not for the fact that I feel that the importance of this proposition to change our fundamental law touching the highest office in the nation warrants me in presenting to the House very briefly the reasons which will control my action, and which, I think, ought to control the action of the House when the vote is called, and were it not for the further reason that a further reply, in my judgment, is demanded than what has been made by the gentleman from Maine [Mr. FRYE] to the senseless third-term outcry which has led to the offering of this amendment. For the purpose of making that reply, I ask for a few moments the attention of the House.

Mr. McCRARY. I ask the gentleman from Ohio if he would not prefer to yield for a motion to adjourn; the usual hour for adjournment has come.

Mr. WOODWORTH. I would gladly yield but for the fact that, as I understand the order of debate to-day, by so doing I should lose entirely my right to the floor to-morrow.

The SPEAKER. Under the order made before this debate was commenced this afternoon, the privilege was conceded to the gentleman from Kentucky [Mr. KNOTT] to take the floor to-morrow after the morning hour and move the previous question, and that would cut off the gentleman's right to be heard.

Mr. McCRARY. I ask unanimous consent that the gentleman from Ohio be allowed to proceed after the morning hour—for how long?

Mr. WOODWORTH. Fifteen or twenty minutes will suffice.

Mr. McCRARY. I ask unanimous consent that he be allowed to proceed for twenty minutes, and if that consent be granted I will move that the House adjourn.

The SPEAKER. The Chair inquires whether the House is now willing to give consent that the gentleman from Ohio, who has the floor upon this subject, shall be permitted to-morrow at the close of the morning hour to occupy the attention of the House in the further discussion of this measure for twenty minutes, and that then the right of the gentleman from Kentucky to move the previous question shall attach?

There was no objection; and it was so ordered.

Mr. McCRARY. I move that the House adjourn.

LEAVE OF ABSENCE.

Pending the motion to adjourn, leave of absence was granted to Mr. JENKS for one week, on account of important business; to Mr. BLISS for one week, on account of important business; and to Mr. DOBBINS for one week, on account of sickness.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. VAN VORHES to withdraw from the files of the House papers in the cases of Henry M. Davis and Peter M. Ward.

By unanimous consent, leave was granted to Mr. WALLACE, of Pennsylvania, to withdraw from the files of the House papers in the case of Dorathy Irons, mother of Lieutenant Joseph F. Irons.

By unanimous consent, leave was granted to Mr. COX to withdraw from the files of the House the petition in the case of B. L. Britton.

The question was then taken on Mr. McCRARY'S motion to adjourn, and it was agreed to; and accordingly (at four o'clock and thirty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. G. A. BAGLEY: Papers relating to the claim of John C. Duff, to the Committee on War Claims.

By Mr. BUCKNER: The petitions of citizens of Saint Charles and of Louisiana, Missouri, for the repeal of the stamp tax on safety matches, to the Committee of Ways and Means.

By Mr. CANNON, of Illinois: The petition of Jacob Taylor, to have his name placed on the rolls of Company K, First Missouri Cavalry, to the Committee on Military Affairs.

By Mr. CASWELL: The petition of citizens of Mazo Manie, of Lake Mills, and of Watertown, Wisconsin, of similar import, to the same committee.

By Mr. CATE: Remonstrance of William Graves and others, against the construction of a ponton bridge across the Mississippi River at Winona, to the Committee on Commerce.

By Mr. CONGER: Papers relating to the petition of the heirs of George W. Hunt, for an extension of his patent in paper collars, to the Committee on Patents.

Also, the petition of Allen B. Wilson, for an extension of his patent on friction-feed sewing-machines, to the same committee.

Also, the petition of S. V. Benet, for a reconsideration by the Commissioner of Patents of his rejected application for a patent for a cartridge, to the same committee.

Also, papers relating to the petition of Horace L. Emery, for an extension of his patent for improvements in cotton-ginning machines, to the same committee.

By Mr. CRAPO: The petition of heirs of Samuel Mercer, for a pension, to the Committee on Invalid Pensions.

By Mr. CROUNSE: The petition of citizens of Lincoln and of Beatrice, Nebraska, for the repeal of the stamp tax on safety matches, to the Committee of Ways and Means.

By Mr. CUTLER: The petitions of citizens of Cresskill, of Passaic, of Carlstadt, of Hackensack, and of Paterson, New Jersey, of similar import, to the same committee.

By Mr. DURHAM: Papers relating the application of J. Atkins, for

an extension of his patent on harvesting rakes, to the Committee on Patents.

By Mr. FARWELL: The petitions of N. T. Quarles and George Kerr, for property destroyed by fire in a United States hospital, to the Committee of Claims.

By Mr. GAUSE: The petition of Eli T. Diamond, for a reconsideration of his claim, disallowed by the claims commission, to the Committee on War Claims.

By Mr. HANCOCK: The petition of J. E. Wilson, for relief, to the Committee on Claims.

By Mr. HATHORN: The petition of citizens of Spraker's Basin, of Johnstown, of Canajoharie, of Saratoga, of Schuylersville, of Mechanicsville, of Fort Plain, of Northville, of Broadalbin, and of Waterford, for the repeal of the stamp tax on safety matches, to the Committee of Ways and Means.

By Mr. HOPKINS: Papers relating to the claim of Nicholas J. Bigley, for compensation for coal and steam-tug used by the United States, to the Committee on War Claims.

By Mr. HOUSE: Papers relating to the claims of Alfred Fly and Duncan Marr, to the same committee.

Also, papers relating to the petition of Reinhart Breinneiss and others, for relief, to the same committee.

By Mr. HUNTON: The petition of Benjamin Chambers, for additional compensation for executing a contract to build a screw-pile light-house at the entrance of Hampton Roads Harbor, to the Committee of Claims.

By Mr. LEVY: The petition of Marie Elina Metoyer and others, for compensation for property taken and used by the United States Army, to the Committee on War Claims.

By Mr. LUTTRELL: Resolutions of Calusa Grange of the Patrons of Husbandry, California, for the repeal of the duty on grain sacks and bagging, to the Committee of Ways and Means.

By Mr. MACKEY, of South Carolina: The petition of citizens of Charleston, South Carolina, for the repeal of the stamp tax on safety matches, to the same committee.

By Mr. McDILL: Papers relating to the application for a pension by Nathan Johnson, to the Committee on Revolutionary Pensions.

By Mr. O'BRIEN: Papers relating to the claim of James Millinger, to the Committee on War Claims.

By Mr. PARSONS: Papers relating to the claim of J. B. Fishback, for pay for services as guide and detective for the United States Army in Kentucky and East Tennessee, to the same committee.

By Mr. PIPER: The petition of citizens of San Francisco, California, for the repeal of the stamp tax on safety matches, to the Committee of Ways and Means.

By Mr. PIERCE: Two petitions of citizens of Boston, Massachusetts, of similar import, to the same committee.

By Mr. ROBBINS, of Pennsylvania: The petition of citizens of Philadelphia, Pennsylvania, for aid to be extended the Southern Pacific Railroad, to the Committee on the Pacific Railroad.

Also, the petition of Elizabeth McCluney, for a pension, to the Committee on Invalid Pensions.

By Mr. ROSS, of New Jersey: The petitions of citizens of Freehold and of Plainfield, New Jersey, for the repeal of the stamp tax on safety matches, to the Committee of Ways and Means.

By Mr. SAVAGE: The petition of citizens of Oxford, Ohio, of similar import, to the same committee.

By Mr. SWANN: The petition of citizens of Baltimore, Maryland, of similar import, to the same committee.

By Mr. STOWELL: Papers relating to the claim of Colonel John C. Lemmons, to the Committee on Military Affairs.

By Mr. THORNBURGH: The petition of A. P. Rambo, for relief, to the same committee.

By Mr. THROCKMORTON: The petition of United States Army officers at Fort Griffin, Texas, and citizens of Shackelford, Eastland, and Worth Counties, Texas, for a post-route from Stephensville to Fort Griffin, to the Committee on the Post-Office and Post-Roads.

Also, the petitions of citizens of the United States, for the repeal of the stamp tax on safety matches, to the Committee of Ways and Means.

By Mr. VANCE, of North Carolina: The petition of Thomas Mitchell, for an extension of his patent on hair-brush handles, to the Committee on Patents.

By Mr. WADDELL: The petitions of citizens of Wilmington and of New Berne, for the repeal of the stamp tax on safety matches, to the Committee of Ways and Means.

Also, the petitions of Shade Pate and John A. Williams, for a rehearing of their claims rejected by the claims commission, to the Committee on War Claims.

By Mr. WALLING: The petition of Robert Y. Wood, of similar import, to the same committee.

By Mr. A. S. WILLIAMS: The petition of D. W. Brooks and Louis K. Gillson, for a change of the law relating to attorneys' fees in pension claims, to the Committee on Invalid Pensions.

By Mr. YOUNG: The petitions of Nancy Seawright, Needham Branch, Mathias App, Mrs. E. G. Abbott, Henry C. Dollis, James G. Moore, Francis Malitor, William McKnight, Mary E. McGregor, Z. C. Nolen, Thomas T. Somerville, Henry O. Sykes, and Robert Talley, for a rehearing of their claims rejected by the claims commission, to the Committee on War Claims.

IN SENATE.

WEDNESDAY, *February* 2, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of War, transmitting the petition of Benjamin C. Card, praying that the date of his commission as major and quartermaster in the United States Army be corrected; which was referred to the Committee on Military Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. INGALLS presented a petition of the county commissioners and various other officers of Johnson County, in the State of Kansas, praying for action that will settle the titles to that portion of the Shawnee Indian reservation lying in that county; which was referred to the Committee on Indian Affairs.

He also presented the petition of citizens of Kansas, praying for the establishment of a mail-route from Ellis, Kansas, to Orleans, Nebraska; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WALLACE presented the petition of John S. McMillan, of Pennsylvania, praying compensation for extrahazardous service and for confirmation of an award heretofore made; which was referred to the Committee on Claims.

Mr. KERNAN presented the petition of R. N. Eddy, late lieutenant of the One hundred and fourteenth Regiment of New York Volunteers, praying the passage of an act for his relief; which was referred to the Committee on Military Affairs.

Mr. CAMERON, of Wisconsin, presented the petition of 250 citizens of Winnebago County, Wisconsin, praying for an appropriation for the speedy completion of the Fox River improvement, and also for the construction of a canal along the banks of the Wisconsin River from Portage City, Wisconsin, to the Mississippi River, in accordance with the third plan recommended to the Government by Major-General Warren, of the United States Engineer Corps; which was referred to the Committee on Commerce.

Mr. SHERMAN. I present a number of petitions of residents of Cleveland, Ohio, praying an early repeal of so much of the act of Congress approved January 14, 1875, as provides for the payment of United States legal-tender notes in coin upon the 1st day of January, 1879, and so much of the said act as authorizes the Secretary of the Treasury to sell and dispose of the bonds of the United States for the purpose of enabling him to redeem such legal-tender notes; and representing that in their judgment the existing law will be disastrous to the leading interests of the country. While I do not agree with the request of these petitioners, I know many of them to be of high character, whose views are worthy of consideration. I move that these petitions be referred to the Committee on Finance.

The motion was agreed to.

Mr. ENGLISH presented a petition of H. Killam & Co., and 170 other citizens of New Haven, Connecticut, praying for the issue of fifty-year 3.65 gold-bearing bonds; which was referred to the Committee on Finance.

Mr. McMILLAN presented a joint resolution of the Legislature of the State of Minnesota, requesting the same modifications of the laws of the United States for the ports of Saint Paul and Du Luth as are now extended to other ports in various States; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Whereas the vexatious delays and expenses incident to the appraisal of foreign goods at the Atlantic ports of the United States, more especially at the port of New York, have prevented the proper development of the legitimate trade appertaining to the designated ports of entry and delivery of the State of Minnesota, which embargo has been obviated by statute enactment of the United States, so far as the ports of Evansville, (Indiana,) Milwaukee, (Wisconsin,) &c., are concerned: Therefore,

Be it resolved by the Legislature of the State of Minnesota, That the Senators and Representatives in the Congress of the United States from the State of Minnesota be requested to urge a modification of the law of the United States, so that the privileges accorded to certain enumerated ports in the various States by sections 2990, 2991, and 2997, Revised Statutes of the United States, be extended to the ports of Saint Paul and Du Luth in this State.

Resolved further, That the secretary of state be requested to forward a copy of these resolutions to each of our Senators and Representatives in Congress.

W. R. KINYON,
Speaker of the House of Representatives.
J. B. WAKEFIELD,
President of the Senate.

Approved January 25, A. D. 1876.

J. S. PILLSBURY,
Governor.

STATE OF MINNESOTA,
OFFICE OF THE SECRETARY OF STATE.

I certify the foregoing to be a true and correct copy of the original on file in this office.

Witness my hand and the great seal of the State, this 27th day of January, A. D. 1876.

J. S. IRGENS,
Secretary of State.

Mr. McMILLAN. I desire to give notice that to-morrow, or some early day, I shall introduce a bill in pursuance of the request of the Legislature of Minnesota.

REPORTS OF COMMITTEES.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the memorial of the Legislature of Arkansas in favor of the passage of a law authorizing the district attorney of the United States for the eastern district of Arkansas to investigate and settle on legal and equitable terms, under the direction of the Solicitor of the Treasury, the account between the United States and the sureties of the late Peter T. Crutchfield, of Little Rock, Arkansas, formerly United States designated depositary at that place, asked to be discharged from its further consideration; which was agreed to.

Mr. ALLISON, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 361) to provide for the payment of claims for Indian depredations, asked to be discharged from its further consideration, and that it be referred to the Committee on Appropriations; which was agreed to.

BILL INTRODUCED.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 394) to amend an act entitled "An act to provide for furnishing trusses to disabled soldiers," approved May 28, 1872; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. McCREERY, it was

Ordered, That the petition and papers in the case of Ben Alsop be taken from the files of the Senate and referred to the Committee on Pensions.

PUBLIC LANDS IN SOUTHERN STATES.

Mr. CLAYTON. In accordance with the notice given last Thursday I ask the Senate to proceed to the consideration of Senate bill No. 2, to repeal section 2303 of the Revised Statutes of the United States, making restrictions in the disposition of the public lands in the States of Alabama, Mississippi, Arkansas, Louisiana, and Florida.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It repeals section 2303 of the Revised Statutes of the United States, confining the disposal of the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida to the provisions of the homestead law.

Mr. CLAYTON. Mr. President, it is hardly to be expected that a bill of this character, which does not bear upon its face its full purposes, can be passed this morning without some explanation. I will therefore ask the attention of the Senate for a short time for that purpose.

Prior to June 21, 1866, the land laws of the United States were of a general nature, applying to the citizens of all the States and Territories alike. On that day Congress passed an act of a special nature, whereby the citizens of Alabama, Mississippi, Louisiana, Arkansas, and Florida, and such other citizens as might desire to enter the public lands in those States, were restricted in doing so to the provisions of the homestead laws; or, in other words, they were denied the privileges and benefits of all the other land laws of the United States under the liberal provisions of which other citizens were allowed to purchase from the public domain. These restrictions are still in force, and are contained in section 2303 of the Revised Statutes of the United States, which reads as follows:

> All the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida shall be disposed of in no other manner than according to the terms and stipulations contained in the preceding provisions of this chapter.

The preceding provisions referred to in this section is that portion of the Revised Statutes which embraces the homestead legislation in force when the act of 1866 was passed and which had not been repealed up to the time of the revision. The object of this bill is simply to repeal this section, and thus restore the public lands in the States therein enumerated to the same condition of the other public lands, and to the citizens of those States the same privileges accorded to other citizens by the land laws of the United States.

The question has arisen in my mind, and doubtless will arise in the minds of other Senators, why these restrictions were imposed in the first place. To that I cannot give a satisfactory answer, but have been told by a gentleman who participated in the legislation that its purpose was to more effectually secure homes from the public lands in the States referred to, to the freedmen. Why the public lands in these particular States, so notoriously barren and unfit for farming purposes, should have been selected for restriction while such vast areas of fertile Government lands in other portions of the country were excluded, I cannot understand. Why Arkansas and not Missouri? If it was for the benefit of the freedmen, there were freedmen in the latter State as well as the former. I can only account for it, Mr. President, upon presumption that, there being no one in Congress at that time to represent these five States, the unequal bearing of the law was not brought to the attention of Congress; but be that as it may, no matter what the reasons may have been at that time, I think I can safely assert that no good reason exists now why this provision of law so unequal in its application should longer continue in force, but upon the other hand I think I can give several good reasons why it should not.

Mr. President, all congressional legislation which deprives the citizens of one State from the exercise of privileges which the citizens of other States under similar circumstances are permitted to enjoy is vicious. I think that proposition needs only to be stated in this Chamber to be accepted as an axiom of government. And yet section 2303 of the Revised Statutes does that very thing, as I shall proceed to show.

Mr. MITCHELL. I should like to ask the Senator from Arkansas a question, with his permission.

Mr. CLAYTON. Certainly.

Mr. MITCHELL. I ask whether the Senator understands that under the existing law no title can be acquired to any public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida except under the provisions of the homestead act?

Mr. CLAYTON. I understand that to be so, and it is so. I think I can safely say that no lands can be acquired in those States except under the provisions of the homestead law. Take the case of a citizen living in Missouri, say five hundred yards north of the line dividing Arkansas from that State. If he desires to add a tract of Government land to his farm, if that land has before been offered for sale, he can do so by going to a local land office and paying a dollar and a quarter an acre for it; while his neighbor, living just south of the Arkansas line, who desires to do the same thing under the same circumstances, is debarred from doing so by the operation of this law.

I will put a case entirely free from any agricultural features. A citizen of Missouri who has found a tract of Government land valuable for its timber only, upon which he may desire to erect a mill for the manufacture of lumber or wooden ware, can purchase that tract by applying at the land office, as before stated; but if his neighbor in Arkansas, under similar circumstances, desires to engage in the same laudable pursuit he is estopped by the law we now seek to repeal.

But these are not the only restrictions that bear unfavorably upon the citizens of those States. Citizens outside of those particular five States who may be the holders of soldiers' land warrants, agricultural scrip, or any of the other scrip issued by the Government and made receivable for the purchase of public lands, may locate those warrants and scrips upon any of the public lands outside of these States which have heretofore been offered for sale, while citizens in these five States who may be similar holders of this class of warrants and scrip must either sell them to speculators or they must abandon their own States and go into other States more favored by the law. These statements which I have made indicate how individual hardship may arise under this law. I will now try to show how the States themselves are affected by it. And here I will say that these five States are comparatively old States of this Union, and these lands in question have been in the market for upward of fifty years. During all that time they have been subjected to the different land laws enacted from time to time; among others, to the operations of the graduation act.

So you will see, Mr. President, that lands which have been in the market without a purchaser for fifty years, and which in 1860 could not find a purchaser at the low sum of twelve and a half cents an acre, are not that class of lands which settlers are looking for to make homes on. The fact is, as Senators in this Chamber can attest who are familiar with the character of these lands, that nine-tenths of them are unfit for agricultural purposes. They are only valuable for the timber upon them.

Mr. President, it is a wise provision of Providence that has reserved certain portions of the earth's surface to the exclusive growth of timber. Were that not so, man in his near-sightedness would destroy the equilibrium existing between the agricultural and the timber resources. These lands in question are timber lands, and must always remain so. I know this is especially so of those located in Arkansas. I will here state that the area of timbered lands in that State held by the General Government, and the bulk of which must be held forever if the Government waits for men to make farms on them, amounts to one-fourth of the entire area of that State.

It is well known, Mr. President, that in some of the Western States the value of timber products is very great—take your own State, for instance, the State of Michigan. In that State the value of the lumber product amounts to nearly one-half of the entire products arising from agriculture, including stock. Now, what would be thought in that State of a policy which would shut out this vast field of productive labor and hold it in the Government? The people of that State would naturally complain loudly and justly.

Mr. President, what we ask is that the same privilege to develop these timber resources be accorded to these five States that is accorded to the other States of the Union. Arkansas is a timber State, as I before said. It lies on the eastern boundary of that vast prairie region which extends to the Pacific Ocean. That country is fast filling up with settlers. They want our timber, and we would gladly supply them with it.

Mr. MORTON. I will ask the Senator if there is any quantity of the public land in Arkansas that is of such a character that it would be likely to be taken up by homestead settlers?

Mr. CLAYTON. I have said that the public lands which have been left after fifty years of culling out on the part of settlers, and which have been offered at twelve and a half cents an acre, are not of that character which are capable of agriculture; and this accounts for the fact that the colored men have not settled on these lands. The colored men of the South have been raised to agricultural pursuits; they know the value of good lands as well as white men do, and they are not foolish enough to spend their hard earnings in the vain attempt to make productive by tillage lands which are utterly unproductive except for the growth of timber. Hence they have not availed them-

selves to any extent of the privileges of this homestead law, for the simple reason that there are no lands left in those States which offer inducements for them to settle upon.

What we ask, Mr. President, is that the people of Arkansas, of Alabama, of Mississippi, of Louisiana, and of Florida may have the privilege of developing the timber resources in their States the same as other Western States have. The only argument that I have heard against the passage of this bill is that if you remove these restrictions speculators will rush in and purchase the lands in large bodies. I do not think that is a danger that exists to any alarming extent. But suppose they should do so, what then? In the first place, they must pay into the Treasury of the United States the value of the lands, and it is not to be denied that the Treasury is sorely in need of the money. In the second place, they must pay every year into the treasury of the States the taxes levied upon these lands, and I regret to say that taxation in those States is very heavy, and that the State treasuries are very much in need of the money.

Mr. NORWOOD. What is the Government price of the lands?

Mr. CLAYTON. One dollar and twenty-five cents an acre. The worst that could arise would be the danger of individuals holding these lands out of the market. Suppose they do; that is the very thing the General Government is doing to-day. The passage of this bill will add to the wealth of the citizens of the States; furnish productive labor to their citizens; bring immigration to these States; open up a means of supplying the vast prairie land west of us with lumber, and allow the States the privilege of levying a tax on these lands, which are now of no benefit to them, but rather an obstacle in the way of their development.

Mr. MAXEY. Will the Senator from Arkansas permit me to interrupt him?

Mr. CLAYTON. Certainly.

Mr. MAXEY. I understand him to state, first, that these lands under the present public land laws can only be entered under the homestead law?

Mr. CLAYTON. That is so.

Mr. MAXEY. And, second, that very much the larger part of these lands are wholly unfit for homestead purposes?

Mr. CLAYTON. That is so.

Mr. MAXEY. And, third, that these lands cannot be absorbed by land warrants or any other valid claim?

Mr. CLAYTON. They cannot, except under the homestead act.

Mr. MAXEY. The Government, therefore, is subject to have the timber on these lands depredated upon, because they are not fit for homestead purposes and cannot be used for other purposes.

Mr. CLAYTON. I was going to come to that idea. As I before said, the only argument against removing these restrictions that I have heard is that speculators may come in and buy up these lands in large bodies. Then I say in that event, which is the worst view of the case, they will have to pay into the Treasury of the United States the money and the Government gets the benefit of that.

Mr. SHERMAN. How much an acre?

Mr. CLAYTON. One dollar and twenty-five cents an acre. They will have to pay into the State treasury every year taxes on the lands, and the State gets the benefit of that, and its citizens to this extent are correspondingly relieved from taxation. If they hold them from market, they will only be doing that which the Government is now doing. Now suppose these restrictions are not removed, what then? The Government gets no benefit from the lands. The State gets no benefit from them, but they are a hinderance in the way of development. The citizen who is seeking for a homestead gets no benefit from the lands because they are unfit for agricultural purposes. The yearly fires that sweep over these timber lands and are so destructive, will continue to destroy them, and dishonest men will continue to depredate upon them without paying anything to the Government for them. It is well known that Government property of this character receives less attention than individual property; for what is everybody's business is nobody's business. Let these lands go into the hands of individuals and they will have an interest to prevent the destruction of the timber by fire and otherwise.

Mr. JONES, of Florida. Mr. President, the State which I have the honor in part to represent is very deeply interested in this measure. It seems to me to be entirely just and proper. All that has been said by the Senator from Arkansas meets with my entire approbation. I have seen something of the practical working of the present law. There is no State, perhaps, now subject to that law that can display the want of wisdom in it more than my own. This law was professedly enacted to tie up the public lands in certain States for the purpose of giving to the freedmen of the South the privilege of settling upon them by homestead entry. Now, how has this law operated? The lands which belong to the Government of the United States in the State of Florida are barren. But a small portion of the public lands there is fit for cultivation. This is certainly true of my section of the State which is the chief lumber region of the South. There is hardly an acre that is fit for the purpose of cultivation in West Florida.

Under the present law no title can be obtained inside of five years. Our country there is filling up with enterprising gentlemen from the North and from the East and from the West, gentlemen who have been reared in the lumber business, who are acquainted with it; and we feel a very decided interest in the development of this great interest in our State. It is very natural for that class of people to desire to purchase these lands. They are only valuable for timber purposes; and under the present system the trespasser and the trespasser alone has the advantage. The honest man cannot go into the market and buy them. He who desires to make a permanent settlement cannot go there and get a title at once, but he has to sit down five years and take all the risks and contingencies incident to life before he can acquire a title to any land in those States. That is not calculated to build up a State. In order to facilitate improvement and immigration we must have a system by which the settler can obtain at once a title to the land. It is folly for gentlemen to say that this law of 1866 was intended to facilitate settlements when we know by its workings that it has been the greatest obstacle to settlements that we have had to contend with.

Sir, it is well known to gentlemen on this floor who come from my section of the country that the colored people of the South have changed not their original domicile from where they were at the time of their emancipation. They were found at that time, we know, occupying the large productive regions of the South; they were on the large plantations, and they are there yet, and if you will just take a look at the statistics of my own State you will find that the entire voting colored population of that State is to be found in as many counties as you can enumerate on the fingers of your hand. Therefore all the vast unappropriated lands belonging to the Government are not in those counties; they are too poor for these people to cultivate them, and they will not cultivate them. They will not go into the pine regions; they prefer to remain in the large, wealthy, rich counties, and to lease lands there rather than to go down into the piny woods and use mechanical methods of improving the soil. They will not do that, and hence all this vast region is lying there at the mercy of depredators and trespassers. The Government is getting no advantage whatever from it, and honest people are prevented from acquiring it in an honest way.

The returns of the land offices show how this law has worked. I read the other day a report, I think from one of the local land offices in Louisiana, in which it was stated that this law had a very bad effect upon the settlement of the public lands in that State, and the officer in charge of the office there urged the Commissioner to use every effort in his power to bring about its repeal. So far as the State of Florida is concerned, I have this to say in regard to the injustice of this law: When Florida was admitted to the Union in 1845 she made a compact with the General Government in regard to the public lands of that State. The act admitting her into the Union provided that the State should relinquish forever its right to tax the public lands there, provided the Government would agree to pay to the State 5 per cent. of the net proceeds of the sales of those lands, to be appropriated for school purposes. I take the ground that this Government has violated its compact by withdrawing the entire body of the public lands from sale, and saying to the State, "The disposition of them under the homestead law is no sale which will entitle you to claim the fund." I will say here, Mr. President, that I have very high authority for the assertion that when the General Government becomes a landed proprietor she has no right to claim that her lands shall be exempt from taxation by the States unless those lands are set off for some of the objects and purposes described in the Constitution. This, sir, was the opinion of Mr. Sumner, expressed many years ago in debate here, that every foot of public lands owned by the General Government within the States of this Union was, on principles of law and equity, liable to be taxed for the support of the local institutions and governments of the States; and, if this were not so, why was it that in almost every act of admission by which the new States were admitted into the Union it was required as a condition to their admission that they should relinquish their right of taxation? It would have been folly to ask for a relinquishment of that which did not exist. The Government in nearly every case required that when a State asked for admission into the Union she should give up this great power of taxation so far as it might be sought to apply it to the public domain of the United States. In the case of Florida this language was used in the act of admission:

That in consideration of the concessions made by the State of Florida in respect to the public lands, there be granted to the said State eight entire sections of land for the purpose of fixing their seat of government; also, section No. 16 in every township, or other lands equivalent thereto, for the use of the inhabitants of such township, for the support of public schools; also, two entire townships of land, in addition to the two townships already reserved, for the use of two seminaries of learning—one to be located east, and the other west of the Suwannee River; also, 5 per cent. of the net proceeds of the sale of lands within said State, which shall be hereafter sold by Congress, after deducting all expenses incident to the same; and which said net proceeds shall be applied by said State for the purposes of education.

What did Florida do to call for this stipulation on the part of the General Government?

Said State of Florida shall embrace the territories of East and West Florida, which, by the treaty of amity, settlement, and limits between the United States and Spain, on the 22d day of February, 1819, were ceded to the United States.

* * * * * * *

Said States of Iowa and Florida are admitted into the Union on the express condition that they shall never interfere with the primary disposal of the public lands lying within them, nor levy any tax on the same while remaining the property of the United States.

"In consideration of the concessions made by the State of Florida." Can the language of compact be more explicit than that, recognizing

the right of the State to relinquish this power? The General Government says that, in consideration of the concessions made by the State, it hereby pledges to her 5 per centum of the proceeds of the sale of public lands in that State. How has this compact been kept? It is indicated by the law on your statute-book, by withdrawing every acre of public land there from sale and requiring that if it be disposed of at all it can only be done under the terms of the homestead law; and when we go to-day to the Department and ask for the 5 per cent. which the compact guarantees, we are told that this is not a sale. I say that this would not be creditable in the case of individuals. Here is a solemn undertaking on the part of the Government which I ask you to fulfill by restoring these lands to market and putting them upon the same footing as the lands of the great West stand to-day.

The duties and burdens of these State governments with regard to education are very great, and nothing can be more appropriate than that this State and the others should have the benefit of this compact and this fund for building up and sustaining a school system there.

I have heard nothing said against this bill which ought in my opinion to prevent its receiving the sanction of this body. Look at Florida, with a territorial area greater than the State of New York, and only 187,000 inhabitants. Will you tell me that there is not room there for the operation of the pre-emption system and every other system which is calculated to build up a State? These lands will lie there forever, as the Senator from Arkansas has said, unless they are cut loose from the present law and the same principles of entry and acquisition be extended to them that now apply to the other land States of the Union.

Mr. EDMUNDS. Mr. President, I remember very well when the act passed which it is now proposed to repeal, and I believe it was universally thought in Congress at that time that we were making a very wise and beneficent measure for the great body of the people, particularly the colored people, in those five States where there was a great deal of unappropriated public land and a very large proportion of colored population who would wish to get homesteads and who had no money to buy by pre-emption or at public sales; for the substance of this section which it is now proposed to repeal simply is, taking it in its connection with the context, that in those five States situated in that way with large amounts of public lands, timbered and fertile, as well as barren in some places, of course there was a very large proportion of the population desirous of obtaining homesteads, which it would be for the interest of the Government in every point of view that they should do. This act provided that they could obtain these lands in small bodies by homestead settlements, and that they should not be crowded out by having public sales and then pre-emption rights under which the whole body of these lands might fall at a very cheap price into the hands of large holders, sometimes called speculators, and others, and thus deprive the poor and weak populations of these States of the benefit of the homestead laws. That was the philosophy upon which this act passed; and I remember it struck me at the time, as it evidently did a majority of both Houses of Congress, as being a most beneficent and humane measure.

Now, it is proposed to repeal it, and to turn what there is left of the public lands in these States over to the common effect of the statutes prevailing in other States about the disposition of public lands, under which, as we all know, much injury has been done to the States of the great West, as they have been very properly called, by speculators getting hold of large tracts of land, to say nothing of grants to corporations of large tracts, who hold them in one form or another much longer, it may be, than the statute intended they should, in restraining immigration and stopping the filling up of good lands with settlers.

This law as it stands simply does not open to sale at a dollar and a quarter an acre these fertile lands and these lands covered with timber which are worth, really, by and by, a great deal more, as timber is growing scarcer and scarcer in this country, to purchasers who, buying at public sale, can buy in unlimited quantities, locate bounty-land warrants upon them, and all the thousand ways that are known to northern and western people of, as they say, out West, "scooping"—I believe that is the expression—large bodies of land, and then holding them for a rise, for speculative purposes. That sort of thing does not do the community in which the lands are any sort of good; it does not do the public any good, because the actual amount of revenue derived from these public sales is of course very small. The dollar and a quartar an acre is all that is ever given at an auction, as a general rule, though there may be exceptions.

It appears to me that we ought to consider very seriously the bearings that it may have, before we enter on this legislation. I have not noticed any petitions presented from the poor people or other people of these five States, representing that this law works a hardship to their home interests in excluding speculators and inviting homestead settlers upon these lands. I know it has been suggested that the timber upon these lands is being carried off by thieves. Well, the timber will be carried off by thieves just as fast with this new law as it will as the law now stands. I take it the timber thief, as he is called, would be just as willing, unless he was a very patriotic man, to take timber from the land of a private owner who lived somewhere else as he would from Government land. But I do not put large reliance upon the extent to which these Government lands are being denuded of their timber by the wrongful intrusion of trespassers. Undoubtedly, if you were to aggregate it all together, a good deal of timber would have been lost; but if in any particular locality that sort of thing is carried on to any extent, then it is high time we have an inquiry into the character and behavior of the officers who administer justice and execute the laws of the United States in such quarters. The penalties for taking timber without authority of law from the public lands are ready and are sufficiently severe, and the Government provides the machinery for enforcing those penalties by grand juries, by marshals, by district attorneys, by judges, by all the machinery of protective and retributory justice; and therefore, if, in any of these States this timber-thieving really amounts to any noticeable quantity, certainly it either ought to be prosecuted or we ought to have some officers who would prosecute it and stop it.

But apart from that, Mr. President, I think we ought to make haste slowly in taking these lands, as in substance we do, away from the homestead people, who, from their previous want of education and knowledge of the affairs of this world, must emerge slowly from their unhappy condition, and putting them in a posture where, when they begin gradually to go forward and take up their little homesteads, they shall find that all the land which is good for anything is owned by some Vermonter or New Yorker or somebody who has bought it for a speculation.

I move, therefore, as the subject has now been opened for our consideration, that the bill be postponed until to-morrow, in order that we may have further time to reflect upon it.

The PRESIDENT *pro tempore*. The Senator from Vermont moves the postponement of this bill until to-morrow.

Mr. CLAYTON. Of course I do not want to deprive Senators of an opportunity of inspecting this bill. I want to say, though, a few words in answer to what has been said by the Senator from Vermont. He says no person has petitioned here for the passage of this bill. I will say that at the last session of Congress the House of Representatives passed a bill which, among other provisions, provided for the repeal of this section of the Revised Statutes. That bill was sent here and went to the Committee on Public Lands. The Committee on Public Lands reported back a substitute for the bill, and that substitute had in it this very provision for the repeal of this section. While the Senator from Vermont may not have heard of petitions for the repeal of this law, on the other hand no person from the South has petitioned Congress against its repeal. If the repeal of this law will affect the poorer classes injuriously, you would have heard from them, because this is not the first time the thing has been mooted.

His arguments might be very good if these restrictions applied to the fertile portions of the country. If these restrictions applied to Missouri as well as to Arkansas, to Nebraska, to Kansas, to Iowa, and to the States where there are lands really fit for homestead entry, they might perhaps be borne; but it is capable of proof that these lands, which have been subject to selection for over fifty years and which have been offered at the low price of twelve and one-half cents an acre, are not of that character that poor men can occupy them with advantage for farming purposes.

Mr. EDMUNDS. May I ask the Senator a question?

Mr. CLAYTON. Yes, sir.

Mr. EDMUNDS. I should like to ask him whether, by the laws as they existed down to 1864, a colored man could enter land and take it up as a homesteader or as a pre-emptor at all?

Mr. CLAYTON. I suppose he could not; but that does not affect this case. If this restriction be repealed, the homestead law will still apply the same as in other States of the Union. This bill does not repeal the homestead law at all. It simply gives to the people of the State of Arkansas an opportunity to engage in lumbering, a legitimate pursuit, not a discreditable one; a pursuit that amounts in some of the States of the Union to a value only second to that of agriculture. Why shut them off from the privilege of buying these timber lands and furnishing their neighbors in Texas, which is a prairie country, with timber?

Mr. SHERMAN. I would like to ask the Senator whether, if this section is repealed, these lands will be open to entry under the graduation law?

Mr. CLAYTON. I can answer that question in a word or two. The graduation law was repealed in 1862, and is not in force at all; but these lands had been subject to the operations of the graduation law. They were in 1860. They found no purchasers then, though they had come down as low as twelve and a half cents an acre.

Mr. SHERMAN. They can only be entered at $1.25 an acre.

Mr. CLAYTON. They could be entered at twelve and a half cents an acre, but now only $1.25. Where were the speculators in 1860, when these lands were being offered for twelve and a half cents an acre? Your speculators examined the lands, and they would not put twelve and a half cents an acre in them. Your policy would be very humane to the colored man if you were offering him something that was worth anything to him; but you offer him poor, barren lands that have pine timber upon them. In the first place, he must go to work and clear off that pine timber and spend his hard earnings for that purpose; and after he has cleared off the pine timber a partridge cannot live upon the land. He is not fool enough to put his hard earnings into any such investment. He has not done it. This law has been in force since 1866, and the facts are that the poor men of the South have not made homesteads to any extent upon these lands simply because they are worthless for that purpose.

Mr. EDMUNDS. Can the Senator tell us—he has probably looked it up—what the reports of the Commissioner of the General Land Office for these nine years show in respect to the number of homestead entries in those five States or any of them?

Mr. CLAYTON. I will answer. Those reports show comparatively very small entries. I have examined that point. But the entries made are not fair, for the simple reason that persons who desire to obtain possession of these timber lands evade the homestead law in order to get them. It is the only way they can get ownership to these timber lands. Hence they evade and violate the homestead law in order to get these timber lands. How? They go to the land office and make an application; they pay a fee of $5, and that gives them a right to enter on the land and dispose of the timber.

Mr. EDMUNDS. How does an entry give that right?

Mr. CLAYTON. One minute if you please. I say that even the lands that are reported as being entered under the homestead law in nine cases out of ten were entries in evasion of the law. Now I will answer the question.

Mr. EDMUNDS. Will the Senator tell me how it is that these people now get the right of going on and taking off the timber by paying $5 to the register of the land office?

Mr. CLAYTON. They do not get the right, but they do it. If the Senator is familiar with the operation of the homestead law, he knows that if a man makes an application for a homestead tract and pays the fee of $5 he can enter on the lands and occupy them for five years. During the five years he can make a disposition of the timber and then he is not compelled to take the land. When the timber is all off, he can simply give up his homestead right, and the Government has received $5, the timber is gone, and he has evaded and violated the law. We ought to make our laws for the benefit of honest men. Our criminal legislation is for rogues and scoundrels; but this legislation is for the benefit of honest men, to give honest men in Arkansas and these other States the same privileges to acquire the timber lands in those States that men have in Michigan and also in Missouri right alongside of Arkansas.

Mr. EDMUNDS. In Michigan can a citizen obtain a title to the pine lands at $1.25 an acre?

Mr. CLAYTON. If those lands have been offered he can, and a very large portion of them have been offered, nearly all of them, I guess. So that question is answered. Any lands that have heretofore been offered for sale and have not found purchasers can be entered by private entry in all the States of the Union, with the exception of these poor five States who had no representation here when this law was passed.

It is easy for Senators to talk about speculators coming in. I know that is a great bugbear. But let speculators come in if they see proper to do so. As I before stated, when they come in they will pay into the Treasury of the United States the price of the land and subject themselves to high taxation from the State every year, and then, if they hold the lands from market, they will only be doing what the Government of the United States is doing to-day.

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. CLAYTON. I believe I must ask the Senate to extend the morning hour. Let us proceed with this bill a little further.

Mr. WEST. Subject to a call for the regular order.

Mr. CLAYTON. I think when Senators make themselves familiar with its provisions there will be no objection to the bill.

Mr. SARGENT. It would be better, I think, to allow Senators to reflect on what has been said. It will be impossible to get a vote within a reasonable time now.

Mr. CLAYTON. Very well. I will not press it now.

Mr. THURMAN. I do not know what I may ultimately think of this bill. My present impression is not unfavorable to it; but if it is to pass, the amendment which I send up ought to be adopted. I ask leave to offer the amendment which I send to the chair.

The PRESIDENT *pro tempore*. The amendment will be read.

The Chief Clerk read the amendment as follows:

Provided, That the repeal of said section shall not have the effect to impair the right, complete or inchoate, of any homestead settler, and no land occupied by such settler at the time this act shall take effect shall be subject to entry, pre-emption, or sale.

Mr. CLAYTON. I think that that will be the effect of the law, but I have no objection to that amendment going on the bill. The homestead settler would not be deprived of his rights under the bill.

Mr. THURMAN. It is only to prevent a man from entering on land on which a homestead settlement has already been made. I think out of abundant caution it ought to be put in.

Mr. CLAYTON. I have no objection to that.

The PRESIDENT *pro tempore*. Is there objection to the continuance of this bill subject to call for the regular order?

Mr. CLAYTON. I should like to proceed about half an hour longer with this bill.

Mr. SARGENT. I do not think the pending business before the Senate ought to be pushed aside for any local measure.

Mr. CLAYTON. If Senators desire to become familiar with the provisions of this proposed legislation, and I desire that they should, because I believe that every Senator who makes himself familiar with it will vote for the bill, I shall not object to the bill lying over.

The PRESIDENT *pro tempore*. The unfinished business of yesterday is before the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the bill (H. R. No. 1796) to grant an American register to the Hawaiian bark Arctic; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. No. 204) to remove the political disabilities of George S. Hawkins, of Florida.

DISTRICT 3.65 BONDS.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. R. No. 52) directing the commissioners of the District of Columbia to pay the interest on the bonds issued in pursuance of the act of Congress approved June 20, 1874, out of any funds in the United States Treasury subject to the requisition of said commissioners, and for other purposes.

Mr. SARGENT. Mr. President, it is very rare that the extraordinary spectacle is presented to the Senate of a committee which sat for months in its deliberations, and took reams of testimony, and made up what was supposed by the Senate to be a careful and considerate report covering the subject-matter which was committed to it, coming in afterward as a committee or as individuals with *ex post facto* statements and subsequent light to inform the Senate of matters upon which they did not report but upon which they could have reported. That spectacle, however, was presented to the Senate yesterday. I had seen in the papers of the country, especially the independent press, from time to time, vague statements against the District of Columbia board of public works, implying that there was some great corruption of which those parties had been guilty and which was unearthed by the committee of investigation. I knew that these statements were irresponsible; for when I looked to the report of the committee I found no traces there of any evidence that there was corruption on the part of the board of public works. I found there nothing more than the simple criticism which one lawyer might kindly make of another lawyer's construction of certain statutes, and perhaps a mild deprecation of certain features of a system of operations which had been adopted, but not a line in their report from the beginning to the end implying fraud, corruption, or malfeasance in office of any kind whatever. I had a right to suppose, sir, thus instructed by the committee of the Senate, that in the opinion of this committee Governor Shepherd and his associates on the board of public works had discharged their duty, if with some slight indiscretions, at any rate without any moral obliquity.

Now comes in the Senator from Ohio, [Mr. THURMAN,] and says that the committee took evidence for months, and then scarcely broke the shell of the egg; that there was much more testimony that they might have taken. I would like to inquire, in all fairness, if it is the testimony they did not take which convinced their minds that there was corruption, of which he now comes to speak. If it was the testimony which they did take, why then did he not analyze that testimony, either as a minority of the committee, if the majority would not go with him, or from his seat here in the Senate, or by any other means, before we were required to act on the measure which was brought forward by that committee? What influence was there potent enough to tie up the tongues of this committee of investigation? The Senator says they were discharging a high public duty, and were not after individuals. Is it not a high public duty to ascertain whether individuals, who, right under our very face, are intrusted with the discharge of public duties, are guilty of corruption; whether they have filled their pockets with ill-gotten gain; whether they have rewarded favorites at the expense of the Treasury of the United States? Is not that a high public duty? It is the very idea that was suggested in the charges of the memorialists, which were submitted to the committee of investigation, and they shirked their duty if they found really in fact, by the testimony which they took, that there was fraud or corruption, if they did not exhibit that fraud and corruption to the Senate.

But we get the whole key of the matter by an incautious remark made by the Senator in adverting to this point. He says that they could agree that the board of public works ought to be abolished or that the District government ought to be abolished; it was cumbrous, &c.; and that, if they had gone on to consider questions of guilt of individuals, then there would be divisions of opinion among the committee, and consequently they could not agree in such a report. Does not the Senator know that every Senator who heard him believes that, if a majority of the committee had been of his political faith, had believed that there were these acts of public corruption, he, in spite of a difference of opinion on the part of the minority, would have reported that this corruption existed?

Sir, it was because the majority of that committee believed that there was no corruption on the part of these gentlemen, and the minority could not persuade them that that corruption existed, that they made no report in that direction.

Furthermore, I say that, after being somewhat a diligent student of the two or three thousand pages of testimony which were taken by this committee and following out the references which they give in the only part of their report where it is implied that perhaps there was some favoritism used toward certain individuals, I have not been able to find one instance in all that testimony which goes to cast a stigma on any man who was connected with the board of public works, and I

say here now boldly, and I challenge any gentleman, on the committee or off it, to put his finger on a circumstance that shows that any one member of the board of public works defiled his hands with a bribe or did any act which was dishonorable to a gentleman. You may talk as you please about the extravagant system of improvements; you may say that these men had a law to construe, and have construed it in a certain way according to their judgment, not according to yours, or that their judgment was erroneous; but this is not a basis to assail the character of men who are now private gentlemen and citizens. Upon no such structure as that can you build either party success or legislative decency. There must be on the part of the individuals themselves whom you attack something in your testimony to warrant your attacks, or else it is unjust, or it is improper; it is un-senatorial.

Now, sir, what did this committee report with reference to this board of public works. I have read the whole report; but they summarize it all in these lines, the conclusion of their report:

Your committee have unanimously arrived at the conclusion that the existing form of government of the District is a failure; that it is too cumbrous and too expensive; that the powers and relations of its several departments are so ill-defined that limitations intended by Congress to apply to the whole government are construed to limit but one of its departments; that it is wanting in sufficient safeguard against maladministration and the creation of indebtedness; that the system of taxation it allows opens a door to great inequality and injustice, and is wholly insufficient to secure the prompt collection of taxes; and that no remedy short of its abolition and the substitution of a simpler, more restricted, and economical government will suffice. Your committee have, therefore, reported a bill for a temporary government, until Congress shall have time to mature and adopt a permanent form.

How much could that have been ornamented; how much at any rate would it have been enforced, provided they could say that the governor of the District has been guilty of taking bribes; that the governor of the District has for a consideration seen that contracts were given to his favorites; that the board of public works has been guilty of false and fraudulent measurements, by which fraudulently and corruptly they had caused amounts to be paid to their favorites which they knew were not due? If those things had been said in the report, we should have been put upon our guard; we certainly should have looked over the testimony, and expected references to it which would have shown that these things were true. I say it was just to this board of public works that, if there were charges of this kind to be made against them, they should be made, and that the committee should report that they were sustained, if they were sustained. You cannot whistle away a man's character behind his back, and by innuendo you cannot put a fair face on it in your report, and then a year or two after rise up and say, We could if we would, if we had had a mind to, say the evil things which were in our minds, and the country would have been startled. I say that this is not a proper course of legislative proceeding. It was due to those individuals who were arraigned by the memorialists that, if these charges were sustained, they should have been set forth in the report. So far from that, this summary which I have presented contains about all there is in the report. There is a criticism or two which the Senator from Delaware [Mr. BAYARD] read, and emphasized the adjectives as if those adjectives contained charges of corruption, when they did nothing of the kind, but simply related to a system. I say there are one or two criticisms on the proceedings of the board of public works, but nothing implying corruption.

Now, just look at this matter of measurements which the Senator from Ohio, by this *ex post facto* system to which I have referred, lugged in yesterday to the ear of the Senate, as if there had been fraud in these matters. He says a popular error is, that the committee did not know of frauds existing, and did not report upon them; let me quote his own language:

It has been said that there were no charges in our report of corruption on the part of particular individuals. That has been said a great deal, and the absence of such charges has been taken as a vindication of the officials in that government.

Might it not be well so taken? Certainly the composition of the committee, with one or two exceptions, was not favorable to finding innocence if they were guilty. I do not think the composition of the committee with any exception was of that kind in an improper sense; but I mean to say that the majority of the committee, so far as the House of Representatives at any rate was concerned, was made up against the District government, that it was made up, taking a liberal republican into account, a majority against the republican party, and there certainly were very strong men upon it from the democratic party; and, therefore, if there were any charges of corruption to be made or sustained, they would have been very apt to find them. He says:

Such never was the intention of the committee. I must say something on that subject to correct this popular error.

And now he goes on to the specification which he makes to correct this popular error that there was no fraud or corruption.

And I am not disposed to hear that committee criticized unjustly in the light of other people's doings long after that committee has ceased to exist. That committee went on taking testimony. It had to employ an engineer to remeasure the work; and after we had sat until June, and the session of Congress was approaching its termination, we had, so to speak, but barely got into the crust, barely broken the shell of the egg. Some of the most important testimony that we received grew out of the remeasurements made by the engineer the committee employed—a most able and honorable man—and they showed in almost every instance that the District officials had overestimated, had returned false measurements—

Observe, this is a charge of false measurements. Of course this is not a charge directly against the men he was talking about, the board of public works; but their engineer or their subordinates, upon whose faith they must act to a certain extent, and which subordinates, the presumption is, were just as fair as the engineer that was employed by this committee. Why not?—

exaggerated measurements; and not only that, they showed further that more than the contract price had been paid even upon these exaggerated estimates—estimates of work done greatly in exaggeration of the truth, and then payments upon the contracts in excess of these exaggerated estimates.

Observe that this is said in order to sustain the charge that there was corruption; consequently this is the charge of corruption.

We got instance after instance of it. It would have taken perhaps six months of engineering, of remeasuring the work, of ascertaining what was the condition of the streets and alleys and the like at the time that the contracts were let so that an engineer could remeasure the work to ascertain the whole extended enormity of these overmeasurements and of these overpayments.

Now let us see the manner in which they report upon this matter. The Senator knew at that time, and knew better than he does now, for he was fresh from hearing all the testimony, that there were false measurements, that there was corruption in overpayments. Certainly he should have said so. It was due to the Senate that he should have said it; due to these parties if it was proved. Now let us see how the committee talk about it in the report. Let us see how mild they were. Then he and the committee roared "as gently as any sucking-dove."

Your committee employed an engineer to measure portions of the work, and his measurements disclosed many errors and mistakes—

Indeed! Not false, fraudulent, and corrupt measurements, "but many errors and mistakes"—

on the streets and av enues, as will appear by examination of his testimony. Most of these were account ed for, however, by the engineers in charge of the work as mistakes—

They were then accounted for, or most of them accounted for. That is the actual declaration of the unanimous committee, that they were accounted for as mistakes—

and the engineer in charge expressed the opinion that the work was for the most part properly and accurately measured, and he challenged the most rigid scrutiny of the work of his department.

Now, the Senator from Ohio corrects a popular error, that there was no fraud or corruption in the mind of this committee against the board of public works, by an allegation, and the only allegation he can make, that there were false measurements, when his report, staring him in the face, states that most of these were accounted for as mistakes. Where is the presumption that those were not thus accounted for and were not mistakes? There were engineers employed on both sides. Engineers may differ. Furthermore, these were measurements as the work progressed, partial measurements, not concluding the work, and partial payments, not settling contracts in full.

I again ask what was the motive power that prevented this committee from speaking out if they knew of all this corruption? Certainly it could not be the board of public works, which, by the Senator's own statement, is so potent that its owns Legislatures, that it runs a congressional committee except his own, that it performs wonderful works, transforms a bog of a town into a magnificent city in two or three years, performs almost all the works of omnipotence. It could not be that this board of public works was so potent as to restrain the committee from telling this body things it knew about. That is not to be presumed, perhaps not even suggested. Where then was the potent power that prevented it? I say that it was the duty of the committee so to report, and if they did not so report, they should ever after hold their peace; and certainly it occurs to me that members of the committee do not do well to rise now to asperse the character of men who have passed out of public office and insist that there was fraud and corruption when their report shows that they did not entertain any such belief at the time the report was made.

The Senator from Delaware, emphasizing as I say adjectives, and adjectives not applied to individuals but to a system, commented yesterday—and I am sorry his speech is not published in the RECORD—upon the remarks of the board on pages 8, 9, and 10 of their report.

Mr. BAYARD. It is at the Senator's service. I have it here.

Mr. SARGENT. It is not at my service now, because I cannot stop to read manuscript. I read the RECORD, the place where speeches should be found the morning after they are delivered, certainly in a running debate made to influence the minds of the Senate, and I cannot find the speech there. I know there are in that speech grave charges against individuals. Senators came to me this morning, knowing that I intended to speak, and asked me if I heard so and so, which I did not hear or remember and which they say they did hear, matters which I have a right to inquire about, as, for instance, a charge that the board of commissioners have paid $25,000 for lawyers' fees for the board of public works. I should like to know whether that statement was made in the speech or not. I simply express regret that the speech is not published. If it had been published, I should have gone this morning to the office of the board of commissioners and inquired whether that charge was true or not and asked for the vouchers.

Mr. BAYARD. The Senator has made a statement here and it is the proper time for me to correct it now. What I said in regard to the payment of the fees of the private counsel of Mr. Shepherd and his associates is immediately before me in the manuscript of the re-

marks I made yesterday as reported by the Official Reporter of the Senate unaltered by me, and will now be read. This statement was made in the presence of the Senator, he standing within a few feet of me at the time. He needed no information as to what I said upon that subject; and it is scarcely necessary, because an engagement during the last night prevented me from sending back to the Reporter the speech, which I wished to go over as it contained figures, that it should be stated that I had withheld the speech and kept it from his eye.

Mr. SARGENT. I merely stated the fact that it was not in the RECORD, the place where it ought to be and where I had a right to look for it.

Mr. BAYARD. Here is the report, which I will read now. In speaking of the debt of the District I said:

It is in vain to sing peans to public credit and to national honor, and to do those things which make it impossible to preserve either. I do not know the fact, but I have been informed, and I may say credibly informed, that while the tax-payers of this District were with their private moneys fighting Shepherd and his people before the joint committee and Shepherd was defending himself, as he had a perfect right, by counsel, the private counsel of these discarded officials were paid in the same 3.65 bonds very large fees for defending that which was admitted to be so wrong that it was legislated out of existence. Is that so or is it not so? I am told those counsel have been paid, paid by the people of the United States, paid by the people of this District, for defending a wrong so flagitious that the very capacity to perform it has been swept from the statute-book by an almost unanimous vote of Congress. I am told that they have paid $25,000 in money to one of their party papers for advertising the testimony taken before that committee which exposed the disgrace of those to whom power had been intrusted.

Mr. SARGENT. I do not wish to yield to the Senator to read his own speech; I call him to order.

Mr. BAYARD. Mr. President, I then say "Is this so?"

Mr. SARGENT. I call the Senator to order.

Mr. BAYARD. The Senator makes a charge that is scarcely creditable to him. If he can afford to stop me when I offer a correction of this kind, I certainly can; but I submit to him that I should be allowed to finish this remark. After stating these facts stated to me, and asking if they were true, I repeat—

Is this so? I do not know that it is so; but I am told that it is so. The gentlemen who have interrupted me—

Referring to the Senator standing where he does now—

in this debate perhaps may know. The fact, however, I trust will be easily ascertained; and I say it behooves those who mean to defend the action of the commissioners to answer such a respectful question as that.

This is the report untouched by my hand, unaltered, and there it stands now. It was my misfortune that I could not revise the manuscript last night.

Mr. SARGENT. I did not intend to have the time of the Senate taken up by the rehearsal of that speech over again; I merely wanted to know whether the Senator made a certain charge or not. Now to show the prejudice which speaks through the extract which he has read, the venom which has no cause, allow me to call the attention of that Senator and the Senate to the fact that the board of audit, which I objected to when it was created in the law which passed in 1874, must have been the authority, and the only authority, entirely independent of these commissioners, which could have paid any claim in 3.65 bonds or certificates to be converted into them. It did not come in any sense under the supervision of the commissioners of the District. It was taken out of their supervision by the very law in question. They could not have anything to do with it. And the Senator either recklessly or with prejudice, it seems to me, charges honorable gentlemen with paying illegally $25,000 out of the Treasury, when by the very statute they could have had nothing to do with it; when, on a little examination, he could have seen that they had nothing to do with it. And so he went on with bitter emphasis yesterday for an hour or two laying to the charge of the board of commissioners matters which were entirely within the supervision of the board of audit, which the commissioners had no connection with at all and could not have had any connection with in any way whatever; and therefore I say that I wished to understand—and I was sorry I could not find in the RECORD this morning the report of the Senator's speech, that I might know whether he did, as I now find that he did, charge this upon the board of District commissioners. They are the persons he was assailing. He had nothing to say against the board of audit.

Mr. MORTON. Will the Senator allow me a moment?

Mr. SARGENT. Yes, sir.

Mr. MORTON. I am authorized by one of the commissioners, now on this floor, to state distinctly and positively that the commissioners as such never passed upon any claim, or consented to any claim, or authorized the payment of any claim for accounts for the defense of Mr. Shepherd or for the defense of that investigation; nor could they. Such a claim could not be passed upon by them under the law. They never considered, never passed upon, never authorized the payment of any money to a newspaper for advertisements or otherwise incurred during the period of the existence of that government. All such claims were by the terms of the law to go not to them if they existed at all, but to the board of audit.

I am authorized further to state by one of the commissioners that it so happened that persons having claims arising under the old government, not knowing exactly what course to take, would sometimes come and present them to the District commissioners. In such cases they, without examination, would simply refer them to the place where they belonged, the board of audit, but never considered them and never passed upon them themselves.

Mr. BAYARD. Does the Senator state as a fact that these fees have not been paid to these counsel, and paid out of the Treasury of the United States?

Mr. MORTON. The Senator was calling upon those who defended the commissioners.

Mr. SARGENT. That was all I addressed myself to. The board of audit was created by this committee, created by Congress, and not even appointed by the President. It was created in spite of my opposition and my protest. I called attention to the fact that these men were overworked in the Treasury Department; that they had no time to attend to these things, that you devolved their duties upon a rag-tag and bob-tail of men to be selected by them to perform their duties. I made the specific point in the debate that it was improper, and asked that it might be stricken out. The Senator from Ohio said that every Senator voted for the bill but one, and emphasized that four or five times over. I was the one who voted against the bill; but he is mistaken in saying there was but one. There were three or four more; the RECORD does not show whether there was one or whether there were fifty, except that the bill passed; but the debate shows that I stood here and objected to the board of audit, and told the Senate this legislation was mischievous; that there ought to be time given, as it was then the 19th and Congress did not adjourn until the 22d, to reform this plan of government. But the bill was rushed through with the whip and spur; and I remember standing here, with all the pressure against me to be silent, to make no amendment, and not to attempt to rush against the mighty bosses of the buckler of this committee. The pressure was so great that I had to say in that debate, "I speak in my right as a Senator of the United States; I assert myself here, although I may seem to be forcing myself upon the attention of the Senate." I told the Senate, "Your board of audit is not right; it is not properly organized; you put no limit upon it; and you plunge this District government into inextricable confusion. The chairman of the committee at that time [Mr. ALLISON] and the Senator from Ohio [Mr. THURMAN] both seemed to think that no amendment should be made. I said, "If this bill is to be passed by some stolid determination that no amendment shall be made to it at all, no matter what, that nothing shall be considered on its merits, all I can do is to vote against it;" and I did vote against it.

But I was speaking of the remarks of the Senator from Delaware with reference to what he could find in the way of specification or generalities by this committee reflecting in any way on the board of public works or on its system. He found nothing reflecting on the board, simply that they had not been wise, as this wise committee thought, in the discharge of their duties. I must again say it seems to me that the highest vindication for the members of that board is that having been investigated nearly nine months in an existence of less than three years, investigated nearly one-third of the time, first by a committee of the House of Representatives composed of republicans and democrats, and subsequently for four or five months by a joint committee of both Houses, neither committee found they had been guilty of any dishonorable act whatever or anything affecting their integrity as men.

One point which the committee attempted to make at that time was the improper construction of the laws with reference to the amount of expenditures which should be made by the board of public works. It was very important and material that the board of public works should properly construe their authority. Of course if they thought that they had authority to expend $12,000,000 when in fact they had the authority to expend but $8,000,000 the excess would be a charge on the Treasury which the tax-payers of the District and of the United States might be called upon to pay, and therefore it was a very important and a very grave question. Now the question of these laws and of the propriety of their construction of these laws was submitted to eminent counsel as well as to this committee. Caleb Cushing and Jeremiah Black held that taking the legislation of Congress and the legislation of the District together the constructions of the board of public works were correct. I have their opinions in the volume which I hold in my hand. These opinions were all laid before this committee and are to be found in the volumes which they reported to Congress. Among others there was the opinion of Mr. Mattingly, one of the counsel for the board of public works, and in a very condensed form he gives the theory of the board of public works with reference to their powers in this particular; and I want to show what a mild dissent there was from the opinion of these lawyers on the part of this committee. They certainly did not think that anything very flagrant had been done but they could not exactly concur in these views of the law. Now, Mattingly says:

Section 37 of the organic act provides as follows:

"And said board of public works shall have no power to make contracts to bind said District to the payment of any sum of money except in pursuance of appropriations made by law, and not until such appropriations shall have been made."

That certainly is very clear. He says:

First. It is claimed that this provision has been violated in this, that the board of public works submitted to the Legislative Assembly a plan of improvement which was made the basis of the appropriation of $4,000,000, and that said plan was not carried out by the board in accordance with its details and specifications; and further, that other contracts of the board beyond the amount contemplated by this act have been made in the absence of any appropriation made by law.

It might be a sufficient answer to this charge to say that if the board has made

contracts not in pursuance of appropriations made by law, then the District is not bound for their payment. But we do not place our defense upon any such ground. The four-million act provides in express terms that the money shall be used "*as fully as may be practicable and consistent with the public interest*, in conformity with the plan of improvement." The proof in the case shows that the board deemed it advisable to narrow the carriage-ways of the streets, and then put down a smooth pavement at about the cost of a much inferior pavement designated in the plan; other improvements that were made were but an extension and enlargement of the plan, and in general conformity with it.

In the prosecution of the improvements it was inevitable that work should be done by the board around Government property; otherwise there would have been breaks in the work on almost every street in the city. The work was therefore done, and the justice and equity of the claim relied on to secure its payment. Reports have from time to time been made to the Legislative Assembly of the District and to the Government of the United States, showing what had been done and what was contemplated to be done by the board.

And that is most true. I invite to it the attention of any Senator who is disposed to cavil at the construction of law determined by the board of public works, or subsequently by their successors, the commissioners. At every step they have fully and carefully laid before Congress their exposition and construction of the laws, the amount of expenditures they have made up to that time, were making, and had contemplated to make, what claims they made against the Government of the United States or against the District. Step by step. Nothing has been done underhanded. It has been open and above-board so far as their reports are concerned, and there never has been found in any testimony a fact which goes to invalidate any statement which was made in one of those reports. If so, certainly it has never been called to the attention of Congress.

So universal was the appreciation of the merits and importance—

Says the writer—

of the work done that both the Legislative Assembly and Congress have from time to time made appropriations for its payment. Take Mr. Shellabarger's own figures—

He was one of the counsel for the memorialists—

and let us see what is the result. He says the plan prosecuted has already cost $18,872,565.71, (page 18 of his argument.) This amount is derived from pages 464 and 465 of the governor's answer, as follows:

Total amount of certificates of settlement issued	$17,546,654 00
Estimate of cost to complete contracts	1,325,911 62
	18,872,565 71
He admits (page 32 of his argument) appropriations by the Legislative Assembly amounting to	$7,620,921 21

We have had it said here over and over again that only $4,000,000 were authorized by the District government. It was not denied by the committee and it is an unquestioned fact that nearly $8,000,000 were appropriated:

Add to this appropriations made by Congress	$3,522,946 18

Of course that would be accepted for improvements or for the object for which the appropriation was made:

Assessments on private property, (429, Record)	$5,217,561 40

Going to swell the fund which was at the disposal of the board of public works for completing these improvements, and which was so dedicated both by the legislation of Congress and by the organic act.

To this should be further added the amount due by the United States, (page 460, governor's answer,) which, at the very lowest estimate, making allowances for every objection made throughout the investigation, would amount to	$3,500,000 00
Total	19,861,428 79

Which fully justifies the statement made by the governor, that, with the assessments and the amount justly payable by the United States, the entire indebtedness of the board could be liquidated.

Now I say that that showing of the appropriations made by the District and by Congress, with the addition of the amount of assessments on private property, shows that the amount of expenditures by them under their construction was a reasonable, a natural, and a necessary construction under those laws. But, says the Senator from Delaware, it was entirely improper (or in effect he says so, because I have not his remarks) for Mr. Shepherd to get lawyers to go in and browbeat the committee and the witnesses for the committee brought there to prove that he was guilty of fraud.

One touch of nature makes the whole world kin.

Occasionally you can find by a mere gesture the flow of a man's thoughts. It was perfectly right for the Government to hire counsel to go in there and browbeat Mr. Shepherd's witnesses or those of the board of public works, to hunt them down, to insinuate fraud, to use all the arts of lawyers, if they did do so. That meets with no condemnation; but when the board of public works were on trial and desired to be heard by counsel, they not being lawyers, it was an unworthy thing for them to employ counsel to meet those brought forward by the Government.

Mr. THURMAN. The Senator will allow me to ask whether he says that the Government employed counsel?

Mr. SARGENT. I mean to say that the memorialists employed counsel, and there was no criticism against the memorialists' employing counsel. They were hunting somebody down. Give them blood-hounds by all means. Let them hunt them down! But how dense must be that prejudice which can find objection to those who are being hunted down using the ordinary method which the law allows the meanest culprit in the lowest police court, and certainly in the highest tribunals of the land, to defend himself against what he believes or asserts to be unjust aspersions.

Mr. BAYARD. Does the Senator really believe that I objected to the employment of counsel by Mr. Shepherd, or that anything I said yesterday bore such a construction?

Mr. SARGENT. Yes, sir; I understood the Senator to say that Mr. Shepherd even employed counsel to go in there and browbeat the witnesses brought forward against him!

Mr. BAYARD. I express my regrets that it was impossible for me to run over my speech last night owing to an engagement over which I had no control. I have handed it to the reporter to-day, and the words will be found in every respect as they were taken down, and so far from my saying that it was wrong to employ counsel, I said he employed counsel, as he had a perfect right to do; but I objected to those counsel being paid out of the Treasury of the United States. I made the inquiry of the Senator and his friends and other friends of Mr. Shepherd whether the fact was so or not, and that has been construed by him into what he terms a reckless statement. I am not now positive of adjectives in my remarks here. They must speak for themselves and the RECORD will speak for me. If it is reckless to ask a question in regard to a fact which I say here was given to me on creditable authority, then I must be convicted of that offense; but surely it is strange that the Senator should so misunderstand me, as he must have done, to suppose that I made the least objection to the employment of counsel freely by these gentlemen. I think Mr. Shepherd and others came before that committee either on the one side or the other precisely on the same footing, and they must bear their own expenses and not ask the people of this country to bear them for them.

Mr. SARGENT. I did not refer to that part of the Senator's speech to which he now alludes, but my recollection seems to me to be distinct. If I am wrong, no one takes more pleasure than I to make amends for any injustice I may have done to the Senator.

Mr. BAYARD. That will be due to the Senator himself.

Mr. SARGENT. It is due to myself and my own self-respect to understand it without being reminded of it. But I say that in another portion of the Senator's speech I understood him distinctly to say among the accusations against Mr. Shepherd that he had employed counsel, or that the board of public works had employed counsel, to browbeat witnesses, and the phrase that he employed counsel for such a purpose implied that he had no business to have counsel there or it was a reflection on the character of the counsel employed. That was the remark which he made and which is distinctly lodged in my memory. If I find, however, that I am mistaken on an unchanged record, (and if the Senator says the record is unchanged it must be so,) I will, if he desires it, call the attention of the Senate to it, and to the error I make. I would stoop to no injustice.

I was saying that the committee had before them these arguments of Judge Black and Caleb Cushing, who are certainly not liable to any charge of republican prejudice, and of Mr. Mattingly and the regular counsel employed by the board of public works, advancing these facts and thus reasoning from them; and here is what the committee say in reply to these arguments:

The board have expended and contracted to expend, according to the governor's showing in his answer, (pages 464, 465,) $18,872,565.76, or more than $14,000,000 in excess of the estimated cost of the proposed plan, and largely in excess of the amount of appropriations made by Congress or by the Legislative Assembly, which could be available as a basis upon which to make contracts.

Now, that in itself is a very singular way of stating it. As to the $4,000,000 loan, that may appear an insignificant item. There were $3,000,000 appropriated by Congress to the District at one time, and $500,000 by the District at another time, and an appropriation of between one and two million dollars at another time by Congress, and yet they talk about $4,000,000 being an excess of $12,000,000 over $8,000,000. The excess really was very slight when you take into consideration the appropriation made by the District and by Congress. The excess was the other way when you consider that the amount raised by the certificates was by the law a resource or fund or asset in the hands of the board of public works to go on with their work. The committee go on:

It is claimed by counsel on behalf of the board of public works that the board had lawful authority, derived from appropriations made by Congress and by the Legislative Assembly, to incur these obligations and make the contracts of which they form a basis. The committee cannot give their assent to the claim thus made.

That is all. Is not that very mild? Does that sound in corruption? Is there any charge of fraud here? Here these men have this theory of law, and eminent counsel say they are right from their stand-point, but we cannot agree with them.

The committee do not claim that the board were required to furnish to the Legislative Assembly the plan in detail or the estimated cost of proposed improvements as a precedent condition to the making of appropriations; yet good faith required that so great burdens as have been imposed should in some manner have received in advance legislative sanction.

The very point which this counsel show—that it did receive legislative sanction—that the general plan of improvements was laid down not to cost $4,000,000, but that the plan should not cost more than that $4,000,000, with other appropriations which might be made, and the other resources of the board would allow. Subsequently the Legislature made further appropriation, $500,000, to carry out the plan. The process of expenditure was going on, and the Legislature thus

showed its approval. The committe say they do not think it was necessary for the board of public works to submit a detailed plan to the Legislature. And here begin and end their criticisms on this point, the one of the two only which are made in this report of the committee. Certainly there is no charge of fraud in all that. The committee are very mild in their manner. Why was it? If they considered, on such basis, a question of fraud, if they tried out of the testimony to make a showing of fraud, would it not be, as the Senator said, at once the cause for a division of opinion in the committee? In other words, the committee, or even a majority of the committee, did not believe that any frauds were committed, and they had the testimony fresh before them. Of course there might be another reason—I do not know that it ought to be suggested—with reference to honorable Senators, that they desired simply to make party advantage in this matter. Perhaps that could have been so. The attempt evidently is now being made; and that which is right to-day may have been right a year or two ago. It may have been supposed that if they could, by some logic or other, induce the majority of the committee, notwithstanding the failure of the testimony to inculpate those parties, to trample the existing government down on any pretense or plausible points, as, for instance, that these gentlemen erred in the construction of the law, and consequently this system was a little cumbrous and expensive, and we had better stop it, and by such plausible arts induce the friends of these men and those who thought they were honest, and the other members of the committee, to comply, and thereby turn the government out, they knowing the rumors around the country, circulated by a partisan press, that these men were accused of scoundrelism, the very fact of being turned out would be taken as evidence of charges of corruption proved. That very argument has been used in the country since that time. When you talk of this to men now and show them that the old authorities of the city incurred a debt of $5,000,000 and left the city a quagmire, and then these men went on and expended thrice that amount of money, and made it a beautiful and healthy city, and that the committee sat for months and did not find that they ever put a dollar of money into their own pockets, or rewarded any parties through favoritism, or did any dishonorable act, the reply is apt and ready: "We cannot believe that. For what reason did they turn these men out?" That fact supplies the place of all showing of fraud, and does its office. It stands as a fact in proof of all the mean insinuations which could be made against these men by a partisan press, or on the floor of the Senate, or anywhere else. But the showing of the committee is that it was simply a question of construction of laws, of error of judgment, and not of fraud.

The other point which they make is worthy of some elaboration, because it was commented on here yesterday, and that is the policy which the board adopted in the letting of contracts, causing, it was charged, a higher price to be paid than should have been. I have looked through the records of the testimony cited in this report this morning, commencing at page 1013 and ending at page 2356, to verify the following statement made in the report:

This system—

Of letting bids—

made easy another reprehensible feature of this business, namely, the awarding of contracts to persons who were not expected to perform them, but who were thereby enabled to sell them for a consideration to others to execute.

I say the testimony shows nothing of the kind. It does show that certain men claimed that they had influence in getting contracts, and in every case where it was traced up it was not shown that any member of the board of public works knew of any such pretension on their part or that they had any reason for saying it. Now, this system of letting these contracts was simple, and it is worthy the attention of the Senate. Before any contract could be let at all the board of public works made a very thorough advertising of all the different kinds of pavement which they were likely to put down and invited bids. The competition was very strong and they received a very large number of bids. Of course they could have gone on and let out the contract to the lowest bidder under those bids to have done the work and then repeated the operation when further work was to be done—a somewhat expensive system and, as has been shown by the experience of the Government and private enterprise, a most dangerous one, leading certainly to favoritism, leading to straw bids and to imperfect work. Instead of adopting that system, which might have been done, the board of public works received this large number of bids. For instance, on the MacAdam pavement they received seventy-five bids, the average of which was $1.78 per square yard. They would not pay that price. They offered to men who would give good security, to any man who would give good security, that he should have the contract for $1.50; that is to say, less than the average of the bids. And so they did with all other kinds of work, with concrete pavement per square yard, for the average of the bids was $3.15 and it was let for $3. I find here on page 1808 of the testimony a showing of the cost of doing such work in different cities of the United States—New York, and Brooklyn, and Baltimore, and Boston, and all the large Atlantic and western cities—and I say, and any Senator can verify the truth of what I say, that under this system adopted by the board of public works the average cost of performing the work in the District of Columbia was 20 per cent., and from that to 25—over 20 per cent.—less than the average of the work done in the cities which I have named. It may be accounted for by some other considerations; for instance, there was considerable work to be done here and men might take contracts for large amounts of work at less than they would take casual small contracts; but, however it may be, giving that its full influence, nevertheless the cost of doing the work here was from 20 to 25 per cent. less than the average cost of such work in other cities of the United States.

This of itself, which cannot be controverted, is testimony in favor of the economical manner in which the work was done; and you fall back, after all, upon the criticism that they did too much. Yet they did no more than they supposed they might do, as the phrase used by Congress and the Legislature was that it might be a comprehensive system of public improvements.

In view of these facts—and if I have overlooked any of the charges in the report I want my attention called to it—in view of these facts and of this treatment of the matter, I want to know what guarantee there is for these general charges of corruption? What excuse for this extreme vituperation? What excuse for impaling men here before the highest tribunal of the country, delighting in their torment, using studied epithets, and exhausting the dictionary for words that will express contempt and contumely of men against whom the committee report nothing dishonorable, and in all their three thousand pages nothing is to be found to show that they acted dishonorably?

Again I express my regret that I have not the speech of the Senator from Delaware. He spoke of a tremendous crime. Perhaps I do not use an adjective as strong as he, but it was a crime at any rate against Columbus Alexander in believing or making the charge that he paltered with men to steal the private books of another. This was one of the outrageous and nefarious crimes against somebody—I believe the Senator did not say who. I wonder if it was against Alexander R. Shepherd, or which other member of the board of public works, or perhaps the District commissioners. Why, sir, there are several things to say about that. Declamation does not necessarily convince. Branding an accusation as an infamous crime does not make it such; and it may be that in the calm and sober judgment of some other people there was some foundation for that accusation; and if there was, there may have been some foundation for it in the minds of those men who brought the charge. I take Alexander's statement only for it, and I will show that he offered to pay express charges on stolen books. A man comes to him who he knows is not the custodian of those books, has no right to them, and comes by them by an improper, illicit proceeding. Whether a burglar or not I do not know, and I do not know whether it was explained, but he does not seem to have inquired, and he makes a bargain which he subsequently agrees to keep, that if this man would give those books to him, he would pay the express charges on them. Does any one deny that that is a fair statement of what he said? If so, I have his testimony right here, and it will give me great pleasure to read it at length if any one desires me to do so. If gentlemen do not desire it read, I say that is a fair statement of his testimony, and I am prepared to show it. A man comes to him and is introduced to him as having possession of the books of another who obviously had no right to them, and a bargain is made that he will pay him express charges to bring them from another city where they are concealed; and they say that when these parties subsequently went on and endeavored to steal the books and carry out their side of the contract it was infamous to suspect Columbus Alexander of having anything to do with it or knowing that they intended to so act. Their theory, on the other hand, is that all this machinery, this sending men to Columbus Alexander, this getting the innocent man to act the thief, was all set in motion in order to make it appear that Columbus Alexander was such a man that he would countenance the stealing of books. Is there anything more of their theory? Suppose Harrington, as they would allege, set up all this plot, what was the object of it? To disgrace Columbus Alexander by showing that he would be privy to or counsel a burglary by which books should be stolen. There is the infamous crime committed in saying that that was probable under the circumstances. Columbus Alexander shows that he himself treated with a man who could not have got possession of the books except by stealing them, and I suppose one crime of stealing is as bad as another. Larceny is as bad as burglary. He was willing to pay the express charges on them by his own statement. It is a terrible crime for the board of public works because somebody suspected him, and it is not known who, with being susceptible to such influences. I do not know this man and have not the slightest disposition to do him injustice and would not have thought of mentioning his name in connection with this debate. He has nothing to do with this bill, which is simply an attempt on the part of the Government of the United States to observe its pledge and see that the interest of these bonds is paid. But when he is lugged in here by the Senator from Delaware and exhibited like the Savior of the world crucified between thieves, I think it is worth while to find out which is the thief and which is the Savior.

Now, as near as I can remember the extremely long speech of the Senator from Delaware, he spoke of extraordinary burdens which were laid upon the people of this District. I know the debt of this District is considerable. I regret that it is so much, but I hazard the assertion that there is not an intelligent unprejudiced resident of this District who would be willing that this District should be plunged back into the misery, the filth, the sickness, the squalor of ten years

ago, to be relieved from every dollar of the debt. I say that a great public benefit has been done here. It may have cost money; and I say to you republicans that the republican party, if it had a sense of its own rights, of its own dignity, would glory for this great work that has been done here for the capital of the nation next in order to that great work which it did when it saved this capital from falling into the hands of the rebels. It preserved this capital of the nation. It cost some money to do it. Does anybody regret the cost of that? It has taken this capital, which was a mere swamp, where on a rainy day, crossing any of your crowded thoroughfares, the street-sweeper, the little ragged boy or girl, would stand with his or her broom and make a lane through the walls of mud which were running in from the sides, as the finger of God made a lane for Moses through the Red Sea, the mud piled up on each side, that you and your wife might go through with your garments undefiled. That was the condition of things. You could not drive a carriage over three of the streets of this city. None of them was paved, or with scarcely an exception. Some red Seneca stone or stone of that kind was laid in one or two of the streets and there were cobble-stones on Pennsylvania avenue until they were replaced with a wooden pavement, as implied by the Senator from Delaware, by the board of public works, but not by the board of public works but anterior to them. That charge cannot be laid to them. It cost something to do this, as it cost something to save the city from the clutches of the rebels; and who regrets the cost unless the money was stolen? Then it might be regretted; but, if the money was expended so that it went 20 to 25 per cent. further toward valuable and useful improvements than the same expenditure in other cities, who shall regret it? The junior Senator from Illinois [Mr. OGLESBY] seemed to imply that the old filthy hovels, the old filthy streets, and pestilence-breeding swamps unredeemed by sewers were good enough for shop-keepers and the men who lived in the huts along the obscure highways of the city as they then were. Those might be good enough for them; and if they were not let them go out West and live. But I say they were not good enough for the capital of the nation. Under the influence of these wholesome improvements which have been made, the taxable property of this District during the past year has increased $3,500,000. Instead of having these old shanties, which he said would be appropriate in the wilds of Arkansas, they are being pulled down and comfortable homes are being erected; the city is being beautified on every hand; the citizens are emulating the government in the work of improvement which is being made.

I remember the time during my service in Congress when an epidemic of small-pox in this city, fed from the contagion in the air, was something terrible; but a year or two ago when a pestilence of the same kind was threatened it was immediately arrested; and why? Because we had healthy air to breathe and wholesome water to drink; because the filth was carried far away from our dwellings by a complete system of sewers. It cost money, of course, and why should it not cost money?

But the debt of the District is not so extraordinary as it is stated to be, and there is no necessity, in the language of the Senator from Illinois, for Almighty God in His wrath to put His foot upon anybody on account of the debt. If so, I am afraid that New York city would go deeper, and the city of Boston; and I could suggest to him Buffalo and several others. I should like to call attention to the debt of these cities, and see whether the debt of this District of Columbia is so extraordinary. In New York the debt is $136,000,000, which is $144.34 per head of the population. The debt of this District at the time of the report I hold in my hand, which was after the board of public works had once been investigated and during the last investigation, was only $75.18 per head.

Mr. MERRIMON. That was the ascertained debt, I suppose.

Mr. SARGENT. Ascertained debt. Since that time, of course, there has been the addition of the claims allowed by the board of audit and the bonds issued upon them, which would modify this statement perhaps 10 or 15 per cent. Of course the statement is subject to correction for anything which has happened since the time the report was made. By the table, which will be found on page 1944—I call attention to the fact—it will be seen that New York, Brooklyn, Jersey City, Elizabeth, Boston, Portland, and several other cities enumerated here have a greater debt per head than Washington. Take the city of Buffalo, which has 118,000 population and an annual municipal expense of $1,335,000, while the District of Columbia has 131,700 people, and its annual expense, aside from these extraordinary improvements and extraordinary expenses which were contemplated by the legislation of 1874 and enjoined upon the board of commissioners, is less than two millions, or in less ratio. New York expends even at the present time over thirty dollars per head of its population, and Washington does not expend half of that.

Now I should like to ask, in connection with all these facts, why it is that this committee were so very reticent? Why did they not make some showing against the board? I should like to appeal to the chairman of the committee whether he believed himself that there was this corruption on the part of the board of public works, if any member of it stained his hands with illicit gain? and I should like an answer. When it is gravely alleged by a colleague of the Senator on the committee that these things are so, I have a right to appeal to the chairman of the committee to know whether the committee so thought or not.

Mr. ALLISON. I will endeavor to answer the Senator's question after he has concluded his remarks.

Mr. SARGENT. I wish the Senator to answer me now merely to that point.

Mr. ALLISON. I prefer to wait.

Mr. SARGENT. The Senator does not wish to do it. Then I hope he will answer me whether this is authentic or not:

Shortly after the adjournment of Congress last year Mr. ALLISON addressed the following crisp and ringing words to a friend: "I am sorry that Shepherd was temporarily sacrificed, as he has done so much for the city. He can afford to wait, however, as no stain is cast upon his honor or integrity by the investigation or report."

I should like to have the Senator tell me whether he wrote that document or not.

Mr. ALLISON. I trust the Senator will give me an opportunity to answer after he finishes his remarks.

Mr. SARGENT. Very well; in the Senator's own time.

Mr. ALLISON. I do not propose to be catechised in that manner by the Senator from California.

Mr. SARGENT. No, I am very far from any disposition to catechise; and I believe it is not catechising when a Senator respectfully asks another a question. If it is, I apologize and withdraw it. I only hope the Senator will not forget to inform the Senate before he gets through whether this was written by him; and, if so, whether there was any foundation for the statement of his colleague on the committee that the committee knew that these men were guilty of frauds and wrongs on the Government of the United States. This is no thing to play "hide and seek" about. The committee had a public duty to discharge. Were these men guilty or innocent? I do not care whether the Senator answers or not; but I say, if he does not answer, the judgment of the public will be formed upon the written report; and my opinion is that it will be formed upon that in any event. It certainly would be if the public could get it.

I understand—or I thought at the time I understood, as I read day after day the testimony which was taken down verbatim and published in the daily press in this city, the proceedings of this committee—the political exigencies that required that prosecution. It was not difficult to understand. Men's minds were then recently dwelling upon the affairs which had happened in New York City, and it was necessary that the democratic party should find somebody upon whom they could fasten, justly or unjustly, some infamy, in order to offset the horrible crimes committed by the agents of the democratic party in New York City, by Tweed and Hall and company. There was the necessity. Some bright and shining example of corruption must be had, and consequently men were at once assigned their parts: this one to prosecute, that one to gather testimony, this one to scribble, and that one to declaim. They attempted to wake up a revival against the republican party over this matter in the Moody and Sankey fashion, where a great deal should be done by *claqueurs* and a good deal by shouting, and nothing very definite be said and nothing very definite be understood by the public. It was necessary to cover up the infamy of Tweed.

I have been a reader of the speeches of my friend from Ohio [Mr. THURMAN] and I know he is a strong partisan, as he has a right to be. I honor him for following his convictions; and I believe that he desires to give advice where it will be for the benefit of the Republic, and I have been puzzled to know why it is, when he and other Senators, after such a report and with such testimony, have been able to stand up here and charge corruption in the expenditure of public money in this District, they have never said one word of rebuke in their own party, where their counsels would be so potent, against those men who were bankrupting the reputation as well as ruining the finances of a great city. Why, sir, the crimes and infamies of the democratic administration in New York stand conspicuous, a landmark that no one can miss, like Mont Blanc among the Alps, like Andersonville among the horrors of dungeons and torture, pre-eminent and startling. Have we forgotten what this pure democratic administration did, in New York? There were no republicans there to interfere with their operations, nobody even to call them to order. They ran everything, assessed the taxes, made the laws under which taxes were assessed; collected them, spent them, put them in their own pockets. During two and a half years of Tweed's democratic rule in New York, Hall, Tweed, and Company expended $147,713,870—$59,000,000 and over a year, and over 5½ per cent. of the valuation of all the taxable property in the county. They increased the debt over $83,000,000 and spent besides over $63,000,000 cash. In other words, in two and a half years they squandered 14 per cent. of all the taxable property of the people of that county.

We heard something about a printing bill, of $25,000 I think the amount was, that this board of audit paid or at least gave certificates for. What a horrible crime! What business had they to pay $25,000 for printing? This democratic administration in New York, so near to the Senator from Delaware that as he went to bed at night if he had his windows open he could smell their stench, spent over $7,000,000 for printing besides $3,000,000 of claims for the same which were unsettled when the developments were made.

The New York Transcript, having a circulation of five hundred, was made the official journal, and had all the advertisements, and it was owned by the officials who were prohibited by law from having contracts. How fortunate it would have been for the Senator from Dela-

ware if he could have coupled a condition—a circumstance—with his statement and said that Shepherd was interested in the paper that got the $25,000. The New York Leader was also a corporation paper, and Mayor Hall was said to have been a large owner in that journal; whether truly or not, I know not.

This District committee find that there was some construction of law different from what they would have construed it, by which more money was spent than they think they would have spent if they had had the expending of it. This Tweed government in New York, this pure democracy, had an appropriation for repairs of $70,000 for 1868 and 1869; and, contrary to law, they spent on such repairs $4,016,111.91. What an excellent thing it is to belong to a party that is so pure and so good that you can pay all your attention to your adversaries, point out their evils, and have no fault to find at home!

Mr. SAULSBURY. Will the Senator allow me to ask a question?

Mr. SARGENT. With pleasure.

Mr. SAULSBURY. I am not, as the Senator from California is, a friend of the board of public works here, but I desire to ask him this question: Does he not know that it was the present governor of the State of New York who interfered to overthrow the corruptions in that city practiced by Tweed and who prosecuted him to judgment and conviction?

Mr. SARGENT. So far as the present democratic governor of New York is entitled to credit in that matter, I cheerfully accord it. I do not know how much he had to do with it. I understand he did have something to do with it. I have no doubt that other patriotic democrats worked to the same end, overwhelmed and shamed by the corruptions of their party. But my impression is that a republican newspaper in New York, a large, leading paper was the one that first called attention to these enormities and forced them upon the attention of democrats.

Mr. SAULSBURY. I do not wish to interrupt the Senator, but I desire to ask him one further question. Does he not know that the ring, as it was called in New York, was composed of men who claimed affiliation both with the republican and with the democratic party? I wish to ask him this further question, whether he ever knew of any prominent democrat in the State of New York in the legislative halls rising up to defend their action?

Mr. SARGENT. I do not know about that, because I have not been a reader of the debates in New York; but that there are dishonest republicans in New York I have no doubt. The example set before them by the democrats was so contagious and so bad that I am afraid some of them may have been contaminated. But I call the Senator's attention to one thing, and I should like to have him state the inference from it if he can, and that is that after all these frauds I speak about, blackening and staining this man Tweed until the devil himself would be ashamed of the comparison, he was elected by a democratic constituency to the senate of New York. Whether he there raised his voice in defense of these frauds I do not know.

Mr. KERNAN. I would ask the Senator from California what was done with Tweed and those other robbers? Were they continued in place? Were they continued even in the city? Or have they been either sent to prison or compelled to fly to foreign countries, forfeiting their bail? Did they stay there, recognized as men who were to be sustained and defended?

Mr. SARGENT. My last reading of the matter—the Senator may be fresher than I am—is that democratic officials allowed Tweed to go in broad daylight.

Mr. KERNAN. Will my friend give me the slightest pretense of authority for that? I will ask him another question. Is it not true that during the last fall a democratic attorney-general and governor received into the treasury from one of these men, collected by suit, $600,000; and suits are now pending against the others?

One other question. As the Senator arraigns New York, will he tell me who were in power in the Legislature when the extraordinary charter was passed which gave those men the powers by which, under the pretense of governing, they robbed the people of New York. Samuel J. Tilden went up, and republicans with him, and remonstrated with the committee against that charter, but a republican Legislature passed it, and a republican senator afterward was arraigned and tried for being bribed in reference to those measures, and resigned to escape what was worse.

Mr. SARGENT. I dare say he was guilty. If you hold the republican Legislature as responsible for extravagance or illegal expenditures under the legislation that you refer to, then I would like to ask whether you do not arraign this committee worse than I have done in proposing and securing the passage of a law the effect of which is to produce the additional expenditure of five and a half million in this District? But I am not sufficiently familiar——

Mr. KERNAN. Will the Senator permit me to answer? I have arraigned nobody. I simply, when apparently to justify the action here what was done in New York is lugged in, ask gentlemen to follow out the precedent, if the action here corresponds with New York, and punish the men and recover back the money.

Mr. SARGENT. All right.

Mr. KERNAN. I do not say it is so, for I do not know. I have arraigned nobody.

Mr. SARGENT. I do not know whether the Senator arraigns anybody or not; he says "recover back the money." Recover back what money? Who stole money here?

Mr. KERNAN. The Senator was citing from New York apparently to justify something here. I do not say it does; but I say then he should follow out the precedent. I have arraigned nobody; I am not familiar with these details; but when you bring up that matter here, if it has any bearing, I ask you to follow the example to the end and send the men who deserve it to prison if there be such, and recover back the money for the people if it has been wrongfully taken; I do not know that it has. But why is the corruption of New York paraded here? That corruption I do not defend and never defended, and the party I acted with turned the representatives of these men, regular though they were, out of our convention in 1871 because they were guilty of these things.

Mr. SARGENT. Mr. President, who defends corruption here, and who dares charge it? That is the question. Who dares charge it? The Senator says he does not charge it. Who does charge it? I have looked through the report of this committee, and I do not find any charge of corruption.

Mr. KERNAN. My question is——

Mr. SARGENT. I do not yield.

Mr. KERNAN. Ah!

Mr. SARGENT. I do not yield for a speech. I have listened to the Senator, and now intend to reply, and intend also to proceed with my remarks. I say the charge is not found by this committee; it cannot be made, that any money ever was surreptitiously taken out of the Treasury of the Government or the treasury of this District. I did not bring in the frauds in New York as an excuse for these; but when democrats get up and are so eloquent over these matters occurring in this District, and make loose allegations of fraud, I call their attention to facts that are startling in their party. That is the object of bringing it here. I say that they themselves must either repudiate those things or blush with shame.

Who ordered the investigation into the management of affairs in this District? Was it not a republican Congress? Who tolerated the investigation and ordered it and carried it on? It was a republican Congress, although those who composed the committee were largely democrats. What has been done in New York toward this point? There were certain judges, not necessarily democrats, who held that Tweed was amenable to law, and democratic officials allowed him to escape. The Senator says that there were some few hundred thousand dollars recovered by judgment, and perhaps paid into the State treasury. What is that? A mere drop in the bucket. Those men stole more, and the Senator knows it, than the whole debt of this District. If they had done something toward the improvement of the city, if they had——

Mr. KERNAN. The gentleman says I know it. Will he yield?

Mr. SARGENT. Certainly, if I misrepresent the Senator.

Mr. KERNAN. Mr. President, I want it distinctly understood that we did discover in New York that there was plundering, and so soon as we could we commenced prosecuting the guilty parties criminally, and recovering the money civilly. We overthrew the men from political power, and have sought and to this day are seeking to punish them criminally and to recover back the money civilly. That has been and is being done. I am not here now to talk party; but every good man in the party in power there has aided, in conventions, in courts, and in the administration, to bring these men to justice and recover back from them and put in the treasury that which was plundered from the people by them when they were in power. Although they were democrats they got no mercy at the hands of those who were intrusted with the government under that party from the time we overthrew them.

Mr. SARGENT. Mr. President——

Mr. MORTON. Will my friend from California yield to me for a moment?

Mr. SARGENT. Yes, sir.

Mr. MORTON. I want to say in regard to this New York fraud, though it has no connection with this subject except as a reply to the attempt that has been made here, obviously to make political capital, that it was believed by this country for years before it was finally developed that enormous frauds existed in the city of New York. There was a corrupt judiciary, the most corrupt this country has ever known. But after the Tweed fraud had been developed by a republican newspaper and evidences brought forward that could not be met at all, then prominent democrats jumped in with a view of investigating the fraud and relieving the party from the odium and taking to themselves the credit. It is to be said, I think, as a matter of fact, that that was not done until the evidence had first been laid before the nation of a character that could not be answered.

Mr. KERNAN. Permit me to say in reply to that——

Mr. SARGENT. I would prefer that the Senator should wait.

Mr. KERNAN. Certainly, I have no objection.

Mr. SARGENT. The Senator will have ample opportunity to talk. This matter is very interesting, and I am perfectly willing to hear any explanation which can be made by the democratic party for their silence heretofore in condemning these things. I do not know but that some of the democrats of New York may have endeavored to trace up these things. My recollection is that Charles O'Conor did so; and, although he was in opposition to his party on national matters at the last presidential election, still I presume he would be considered a good democrat, and I give the democratic party credit for any exertion that Mr. O'Conor made in that direction. They say that

Governor Tilden did something in the same direction. All right; I am glad to hear it; and I hope they will be able to show a roll of one hundred democrats who did the same thing, and of leading and influential ones; but I say the fact still remains to which I called attention, that after all these disgraceful iniquities, which I have not half stated yet, Tweed was taken up by a democratic constituency and put into the Senate of that State. They did these things boldly and shamefully. They did them through all the machinery of the party and all the machinery of the city. They did them by subsidizing the newspapers in which they owned an interest. The scandals existed for months, and then a republican paper, as the Senator from Indiana says, called attention to them, and nailed public attention down to them, until finally it was impossible to avoid hearing; and then it was that democrats as well as republicans began to stir. I am glad they did even at that late time. I give them full credit for it. But as against the paltry few hundred thousand dollars which it is said has been recovered or judgments obtained for, I do not know which, let us see what they did.

The furnishing of the court-house there alone cost $7,000,000. Think of it! The furnishing of one insignificant building, while the building itself cost double what the magnificent post-office built by the United States close by it cost including all its furnishing. It was a grand nest-egg for the democratic retainers of that city. The carpets, the estimated value of which was $1,200, cost $350,000. I think it is about time that some democrat should object to the scandals which were raised by transactions like that. The repairs of the armories, of which I think there were twenty, cost $2,700,000, and the plastering $2,800,000. Why think of it! It would almost plaster a roof over Manhattan Island. There was paid to Keyser for plumbing $1,221,000. The window-shades of that sublime building cost $23,573. Ingersoll's bills for furniture were over $5,000,000.

I do not wonder that democrats writhe under a statement like that. I do not wonder that the frauds in their party are distasteful to them. They certainly would be distasteful to me if they were in my party. I could not say a word in defense of them.

I said that there was a necessity for a republican Tweed. That was why I was looking into these things. These things were a stench in the nostrils of the people of the nation, and the crowning act was when a democratic constituency rewarded Tweed by sending him to the State senate, and then it was necessary to find somebody, and they went to the city where most work was being done, and they organized investigations which lasted for nearly nine months, first by one House of Congress, and then both Houses, and what was the result? The first committee reported an entire approbation of the proceedings of the board of public works—and this report was signed by democrats—of their construction of the law as well as of their expenditures, and specifically acquitted them of any charge of fraud, said there was no such showing of any kind whatever; and yet there was a most envenomed prosecution before them, and all the power of the Government was used to compel the attendance of witnesses. Baffled in this mere party attempt, they then started in for another investigation, and then they got a committee of both Houses, and they took over two thousand pages of testimony. The mountain again labored, and brought forth that ridiculous mouse. [Holding up the report.] No charges of corruption are sustained at all, and there is no assertion on the part of the committee that there was any corruption.

Now what ought the Government to do with reference to this District? Ought it to tie up its purse-strings and do nothing? I have seen the fire department of this city playing its streams and wearing out its hose in saving public property at night, and at a time when we were not paying a dollar for the fire department, and we have only done it within a year or two. Take the Seaton House down on Louisiana avenue, where there are vouchers and evidences of indebtedness paid by the Government to the extent probably of $150,000,000, at the mercy of the devouring element. Upon whom do you rely to keep that building from being entirely consumed; and so of all your public buildings? The fire department of the District of Columbia. It is only quite recently that you have paid anything toward the Metropolitan police. Here for years and years, for generations, the people of this District paid for guarding the streets and alleys, and made our lives safe as we went to and fro. So I might go through the whole list. The amount of property the Government owns in this District is equal to, or a little exceeding, by the report of the assessors, not counting personal property in the public buildings, that owned by the citizens of the District—about $96,000,000 in each case.

What is the duty of the Government in such a state of things? It is not the case of an isolated post-office or custom-house elsewhere, however magnificent, or the ownership of a wharf, which is no local inconvenience or burden to the people, and where the Government simply pays for its share of streets around it; but here is a city made up of Government property almost, where it has the fee simple of the very streets, and can close any street or avenue by legislation to-morrow and would be upheld by the courts in so doing, as it has been heretofore. The Government owns this magnificent building and other buildings costing over $30,000,000, and to replace which now would cost $50,000,000. I ask what the Government, being this great property-owner here, ought to do for the people of this District? Ought we to say to these men, "Wallow about in your filth; be decimated by the death rate; keep your old huts along dingy highways, because in Arkansas or in the back ports of Illinois they have such." Is that fair or liberal? Is that the spirit which we ought to entertain? I come from a distant State, and have no more interest and I might say less than almost any other Senator on the floor; but I recognize this as the capital of the Republic, as associated with all its glories, as deserving to be well and decently treated by the Government. Ought it not to have at least one-half of its annual expenditures paid out of the Treasury of the United States in consideration of the United States having one-half of the property here? We are told that we are talking grandiloquently about the capital, and some Senators turn deaf ears thereto. This is not justice to this District; and I claim that we ought to be liberal, or at any rate ought to be fair, toward the people of the District and enable them to bear their burdens. It has been said over and over again, but I repeat it, that the magnitude of these streets and these avenues is an additional reason. Do people anywhere in the world aside from a national capital—and I know of none on a scale so magnificent—ever for themselves lay down such a plan for a city? How shall the people here keep these avenues in repair, these mere shop-keepers, as they are sneeringly called? The Government does more to wear out these streets than the citizens do. Hauling the great granite blocks to the Treasury ruined Pennsylvania avenue when it was paved with cobble-stones. The Government dragged those blocks along in their carts day by day, causing great holes down in the Avenue until it was impossible to pass along it. Yet the Government did not repair it. If anybody said anything about it, it was answered, "We have corduroy roads in Illinois; let the people go to Illinois, go West." It is these works of the Government which have destroyed the streets after the citizens have put them in partial order. The ordinary use would not so wear them out. So the columns of this Capitol, great, heavy burdens, the artillery which was concentrated here and thundered through the streets during the rebellion, all contributed to destroy the streets. The Government in this way made extraordinary wear and laid on the people extraordinary work. As the Government owns half the property, real and personal, in the District, ought it not to tax itself if it will not allow the city to tax it?

There seem to have been two branches to this discussion, one entirely unnecessary to it which I would not have adverted to had it not been forced upon us—a discussion of the character of the board of public works, assailing them as corrupt men, as unfaithful officers, of being guilty of some mysterious thing which the committee of investigation could not report to us because it could not make up its mind whether it existed. That is part of the debate on a bill simply to redeem the credit of the Government. The other part is that the board of commissioners who succeeded them also have been guilty of illegal transactions, and, by a certain implication, perhaps of corruption. The responsibility of these commissioners is limited to the construction of the act of June 20, 1874, and the application of the law as construed to the work they ordered. They have had nothing to do with the auditing or payment of claims of any amount existing prior to June 20, 1874, all such having been passed upon by the board of audit exclusively, without any communication or consultation with the commissioners, and so of all claims arising out of contracts of the board of public works executed by the commissioners. All these passed to the board of audit for their examination and audit. The commissioners have nothing to do with the settlement of those claims. All they do is to order the work to be done under the direction of the engineer, who is appointed by the President under the act of June 20, 1874, even the engineer being supplied to them.

Now, it is said that these commissioners did not know their duty; could not construe that statute, or knowing their duty construed it wrongly. I do not know whether they knew how to construe it or not. I defy any man to construe that statute with certainty. In parts it is not even grammatical. If the object which is avowed to have been in view was the real object, there never was a statute so ill calculated to carry out its purpose. We are told now that one object of the statute was to terminate at once and forever the board of public works and its transactions; that the system was obnoxious and must be done away with; and yet the committee in effect and Congress did nothing more to change the system and make all things new except to change a board of public works of five into a board of commissioners of three. There was not a power belonging to the old board that they did not confer on the new. In general terms, it was simply a continuance of the old scheme of government with all its powers and duties, except that they took away from the board of commissioners, I have no doubt to the full satisfaction of that board, the auditing of old claims or auditing of anything in reference to improvements. If there is any other distinction, I should like to have it pointed out. Now let us see what this statute says:

That the President of the United States, by and with the advice and consent of the Senate, is hereby authorized to appoint a commission, consisting of three persons, who shall, until otherwise provided by law, exercise all the power and authority now lawfully vested in the governor or board of public works of said District, except as hereinafter limited; and shall be subject to all the restrictions and limitations now imposed by law on said governor or board—

Shall "exercise all the power and authority now lawfully vested in the governor or board of public works of said District, except as hereinafter limited." Those so-called limitations do not limit these words at all; if anything, they explain and enlarge the authority, whatever their intention may have been—

and shall have power to apply the taxes or other revenues of said District to the payment of the current expenses thereof, to the support of the public schools, the

fire department, and the police, and to the payment of the debts of said District secured by a pledge of the securities of said District or board of public works as collateral, and also to the payment of debts due to laborers and employés of the District and board of public works; and for that purpose shall take possession and supervision of all the offices, books, papers, records, moneys, credits, securities, assets, and accounts belonging or appertaining to the business or interests of the government of the District of Columbia and the board of public works, and exercise the power and authority aforesaid—

If there ever was an ampler grant of power than that I do not know how it was or could be framed. It was as broad as the subject and language could not make it more comprehensive. And now let us look at the "limitations"—

but said commission, in the exercise of such power or authority, shall make no contract, nor incur any obligation, other than such contracts and obligations as may be necessary to the faithful administration of the valid laws enacted for the government of said District—

Does anybody pretend to say that the board of public works had power to make contracts to carry out invalid laws? If not, that limitation amounts to nothing. The power of each was co-extensive—

to the execution of existing legal obligations and contracts—

These are the only ones that any board has the power to execute, and consequently these are not words of limitation—

and to the protection or preservation of improvements existing, or commenced and not completed, at the time of the passage of this act.

That is to say, they were to perform all existing contracts, where they were legal and valid, made by the board of public works. They were to step right into their shoes. The Senator from Ohio said that after their report of December, 1874, when they found that Congress did not act and treat this as a temporary government, and appoint their successors in a more permanent form, they got new life and branched out and assumed new powers. I say, sir, that the Senator is utterly mistaken in that, and I call his attention to the document which was read by the Senator from Massachusetts, [Mr. DAWES,] written in August, 1874, and called out by this circumstance. The memorialists, or some of them, or persons representing them, called upon the board of commissioners and requested them not to carry out the contracts of the board of public works; the commissioners heard them carefully, took the advice of their counsel, and then wrote a document, a portion of which—and I am sorry I have not the whole of it—was read by the Senator from Massachusetts, bearing date in August, 1874, one month after they went into office, and in that document they themselves review their relations to the District, and speak of the powers which are conferred on them by the statute, and directly say that they are entitled to do these very things, and in fact enjoined by law to do them. On the 13th of August, 1874, they say:

First. We hold that by the act of June 20, 1874, Congress has recognized the validity of the contracts of the board of public works, whatever their defects in their origin or the manner of their execution, subject to the exception common to all codes of law, namely, that contracts fraudulently made are void, and that all contractors who shall elect to accept the provisions of the law as to the mode of payment prescribed therein secure to themselves all benefit.

There is no uncertain voice about that; nothing is done in a corner. They stated exactly as they would state to-day and as has been contended for them in this debate, at the very outset of their duties as also at the first session of Congress, exactly how they construed the law.

Secondly. That the defects, if they existed, of excessive price, want of antecedent appropriation, or those involving the making of the debt of the District to exceed $10,000,000, were all known to the investigating committee and to Congress, and were covered by the act of June 20, 1874, under which the commission was organized.

Thirdly. The commissioners, therefore, hold that the prosecution of any or all the contracts of the board of public works to completion is for them alone to decide. * * * You will remember that in rendering their decision the commissioners adverted to the fact that unless the act of Congress had provided for the payment for all future work under existing contracts in what are known as 3.65 bonds, it would have been impossible to have completed the sewer system or any considerable portion of the contracts for other improvements, as the making of new contracts would have compelled the paying of money, &c.

If that had been said, not at the time, but a year and a half thereafter, there would have been some color for the Senator's statement. I fear he has not read this and did not know of it. I understood him to say that he had not read the report of the commissioners for 1874 or for 1875. If he did not say so, some Senator who was arguing on his side of the subject said so. I should like to know what justice there is to the commissioners in talking about their construction of the law, their exceeding their powers, &c., without even reading their report and knowing the grounds on which they placed their construction. It seems to me that is injustice in itself which ought not to be done. Then they did not get any new light.

But I was saying that the powers of this board were made very extensive. Let us look further:

All taxes heretofore lawfully assessed and due or to become due shall be collected pursuant to law, except as herein otherwise provided; but said commissioners shall have no power to anticipate taxes by a sale or hypothecation of any such taxes, or evidence thereof.

Construe that with the ample jurisdiction of the board of audit over all claims on contracts, written or oral, and on all claims for damages and there was a grant of power amply sufficiet to carry on all proceedings of the board of public works. Here was this committee professing at the time to be thrillingly impressed with the idea that a board recognized by Congress might misconstrue the law, might become extravagant, might enlarge its own powers, and this committee, with this monition so fresh in their minds, write here with their pen a law throwing every imaginable power into the hands of these parties, and by their qualifications even enlarging the scope of the duties of these men, and then come in and complain, "We did not understand that these men would construe it this way, we did not suppose that these operations would go on."

Mr. MORTON. I will ask the Senator if, in their report to Congress, they did not state the construction that had been given to this law?

Mr. SARGENT. Yes, sir, they did in that very first report; and they gave a list of ninety-nine contracts as those they had approved, part of which they had already executed at a cost of five hundred and odd thousand dollars, and they estimated that to complete the rest would cost somewhere about $1,700,000. Here was the direct monition to Congress of their construction of the law, of the contracts which they had sanctioned, and the other proceedings thereunder, and the partial expenditure. When did they enlarge their jurisdiction? When did they get new light? Perhaps they got new lights in reference to oral contracts which the Senator from Ohio talked about and which he refined down by saying that referred to the wages of laborers employed by the board of public works. He has refined it down and said that meant only laborers, the men who swept out the offices, with whom of course there was no written contract, and we in all magnanimity would not overlook them, and therefore put in the words "oral contracts!" O, the infirmity of senatorial memory! In that very legislation there was a provision of $75,000 to pay those very employés, covering that very subject. The committee meant obviously, as now the Senator himself must admit in view of all the facts, that the word "oral" there meant those contracts which were extensions orally by the board of public works, as for instance when a man had a contract to pave certain streets he had a promise that if he did that faithfully and thoroughly he should have the extension of it to still another street. Those were oral contracts, (there were contracts of that nature,) and men went on and had partly executed these oral contracts, and the question was whether they should be left out simply because the contract was not in writing. I think it was a proper proceeding on the part of the committee to do that. I commend that. The law is defective enough certainly in other respects to entitle it to that charity on my part. But that is what they meant by the word "oral." It is *ex post facto* wisdom which would apply it to laborers who were provided for expressly by another provision of the bill.

The Senator from Ohio complains in the specifications he makes against the board of commissioners of the cost of the board of audit, as if they created the board of audit or could limit its expenses. Among other criticisms which I made against this legislation at the time it was adopted——

Mr. THURMAN. I made no complaint at all against their allowing the expenses of the board of audit—not one word.

Mr. SARGENT. Did you not make complaint of that item of expenditure?

Mr. THURMAN. I was speaking about the expenses of the District. The Senator interrupted me, and I said he was mistaken in supposing that I was making complaints. I spoke of the expensive system which was carried on. I was making no charges against anybody.

Mr. SARGENT. Very well, the Senator's complaint, or his criticism, was of a system by which a board of audit became so expensive and was so expensive. Why, sir, I thought of that when the bill of 1874 was under consideration, and in my remarks I said that you were going to give an irresponsible authority to pick Tom, Dick, and Harry up out of the streets, their services to be paid for at any price the board of audit might see fit, without any control; and I proposed that, instead of that, the supervision should be given to the Secretary of the Treasury, and that he should have the power to limit the number of assistants and prescribe their compensation. That was refused, and the Senator from Ohio himself argued against the proposition which I made and said that I misunderstood the bill entirely. I said furthermore that assistants were authorized to go on and discharge all the duties of the First and Second Comptrollers; in other words, the board of audit under the act. I said, "Some unknown persons may be appointed to discharge these duties."

The Senator might find that there was wisdom in that remark of mine, and that there is reason to believe that the First and Second Comptrollers have not been the only parties that have passed on claims. I said that it was an improper board; that it ought not to be constituted, but that, if it was, the power to select subordinates should be given to the Secretary of the Treasury, who himself should be held responsible for the action of his subordinates, that we had just confirmed him unanimously, and I had no doubt Senators on both sides of the Chamber would say that they had confidence in him, and I asked that he be given the supervision of these expenditures. Now the Senator comes in and complains of a system reported in his own bill, of a system defended against argument on the floor of the Senate, of a system which he insisted was so perfect that there should not be any amendment to the bill whatever, even to correct this feature of it. It is well that senatorial memory should be good. If the Senator wants the debate, I will give him the pages. Let him look at the RECORD of the Forty-third Congress, first session, pages 5154, 5155, and 5156, containing the debate of June 18, 1874.

The Senator emphasizes that only one Senator voted against the bill.

I voted against the bill and was the Senator alluded to; and I gave such reasons as I could at the time, although the pressure here upon us for a vote was so strong that, as is shown in the debate, at one moment I had to say "I stand here in my right as a Senator of the United States to state my objections to this bill." The pressure was to get me off the floor. He says it was open to debate, and the Senator from Indiana could have come in and debated it and made motions, &c. I received, I will not say discourtesy, for I received none at all and do not complain of what occurred, but if the Senator from Indiana had been here and felt the pressure of the opinion which had been worked up by the newspapers, by the memorialists, by the committee, by the mysterious something they would not report about, which was pressed upon us, and the assertion that there was no time to elaborate or perfect anything, he would not have made any remarks at all perhaps, unless he had been, as I was, determined to assert his right to be heard where he thought a thing was wrong.

I say then, sir, that this law from beginning to end was so loosely drawn that a cart and horse might be driven through it. In that very debate the chairman of the committee got up and said in reply to a question of mine, "We do not intend to limit the amount of this debt; we do not limit the amount of the debt." Well, then, if you did not limit the amount of the debt, if you did not put that important limitation on it, who shall you blame for making a debt different from the limit you had in your minds and did not express either in your report or in your statute? Let me read what he said:

Mr. ALLISON. I only desire to say one word in reply to the amendment proposed by the Senator from California. The committee carefully considered the very question which he raises with reference to this board of audit. The First and Second Comptrollers of the Treasury are the proper officers of the United States to supervise all the accounts of the United States. Now the Government proposes in a measure to take charge of this debt of the District of Columbia. We pledge the faith of the United States to the payment of the interest of this debt and to the payment of the principal at maturity.

Again, we place no limitation upon the amount of this debt. We do not say that it shall be five million or six million or three million dollars; but we say that, whatever it is, when these two accounting officers of the Government, who have shown by their acts hitherto that they are faithful accounting officers, put their signatures to these accounts, these accounts shall go to the sinking-fund commissioners, and there and then be converted into a bond of the District, the faith of the United States being pledged for the principal and interest.—*Congressional Record*, Forty-third Congress, first session, page 5156.

I did not believe in the logic at the time. I thought that there ought to be a limit to the debt. I thought we ought to understand just where we were driving to. But finally it passed under this pledge: "These men we make our referees; they shall ascertain the amount of the debt; they shall issue certificates, which shall be converted by the sinking-fund commissioners into 3.65 bonds; and Congress will stand by them, and we pledge the faith of the Government to pay the interest." On the 1st day of February prominent Senators on this floor, who might be supposed to have some responsibility in reference to the finances of the Government, received telegrams from New York from the men who had acted on that pledge and invested in 3.65 bonds, asking why the faith of the Government had gone to protest, why their coupons were not paid.

> Thou canst not say I did it: never shake
> Thy gory locks at me.

I tried to remedy these things and prevent the very difficulty into which you are now plunged. This board were required to go on and complete all the legal contracts, written or oral, of the board of public works. They were required to preserve all the improvements. The board of audit was required to take into account all damages of every sort whatever. Now you come in and complain that you find a large debt, when you yourselves said when the bill was passed in the Senate that you did not propose to limit the debt in any way! It is unkind to thus carp and criticize eminent gentlemen who heretofore have had high service in the Republic, who are respected at home, and respected here, and respected throughout the country, because they have carried out your intention and you find that the result is that there is more of debt than you expected. At any rate, they did not do it without making it known to Congress, as I have said, step by step. In 1874 they reported to Congress; in 1875 they reported to Congress. Senators think this of no account, no matter, and therefore do not read the reports.

Mr. HAMILTON. Will the Senator allow me to ask him a question?

Mr. SARGENT. Yes, sir; I will yield for a question.

Mr. HAMILTON. In addition to the limitation spoken of by the Senator from Massachusetts the other day, and by other Senators, on the power of the board of public works to contract debts, not only against the Government of the United States but against the District of Columbia, I beg to call the Senator's attention to sections 124 and 125 of the Revised Statutes and to ask whether they have been repealed. I cannot find a repeal. Section 124 reads thus:

The District government shall have no power to borrow money or issue stock or bonds for any object whatever, unless specially authorized by an act of the Legislative Assembly, passed by a vote of two-thirds of the entire number of the members of each branch thereof.

That does not amount to much; but the next section, 125, is this:

The debt of the District, including the debts of the late corporations, shall at no time exceed the sum of $10,000,000, unless an increase over the said amount shall have been previously authorized by act of Congress.

Mr. SARGENT. The law now operative was passed subsequently.

Mr. HAMILTON. Did it repeal that?

Mr. SARGENT. Yes, sir, because inconsistent with it.

Mr. HAMILTON. I understand not.

Mr. SARGENT. Yes, I think it did. It placed the power in the hands of these commissioners without limit.

Mr. HAMILTON. Seeing that at the time the District government was put in commission the debt had almost reached $20,000,000, I would like the Senator to read the repeal of this section.

Mr. SARGENT. I do not say it is repealed in express terms. I merely meant to say that the District government was abolished and that a board of audit was appointed with power to go on and examine certain classes of indebtedness, and that when they found that indebtedness good they were to issue certificates of indebtedness which were to be converted into bonds, and that the faith of the Government is pledged to the payment of those bonds; you may call these District bonds or United States bonds, as you choose; but this legislation was subsequent to that statute and would take its place if inconsistent with it.

Mr. HAMILTON. Let me state the point I wish to make. The board of public works had exceeded its authority by $8,000,000 at least, if not more, at the time the board was abolished or when the Congress of the United States thought it was abolished, for I doubt whether it is abolished yet, and I do not think it is, but at any rate there was an attempt to abolish it. The point I make is that all contracts in excess of the $10,000,000 at that time were void. Nevertheless the Government authorized this board of audit to go on and audit all the vouchers that had been given out by the board of public works, thereby implying that the Government would shoulder that debt. I so understand it. But in all conscience will the Senator or anybody undertake to say that ninety-nine or one hundred unexecuted contracts at that time amounting to millions of dollars were subsisting valid contracts? I do not understand it that way, and the very language of the law shows that Congress did not consider them valid contracts. They spoke of legal obligations of the Government, valid contracts——

Mr. SARGENT. I cannot yield for a speech. I am willing that the Senator should be heard, but I am somewhat weary and want to conclude. I shall do it in a few moments, and give way to the Senator.

Mr. HAMILTON. I beg the gentleman's pardon. I thought he was speaking against time. If he will pardon me one other observation I have this remark to make: I that thought he might withdraw his amendment now, for I have no doubt the bonds have exceeded $15,000,000 before this time. That is my impression. I thought the Senator was arguing against time with that object.

Mr. SARGENT. After having courteously yielded the floor to the Senator to ask me a question, and then to make a speech thereupon, I did not suppose that I was to expect an ungenerous remark. I shall not reply in the same spirit, and I therefore proceed with my remarks.

I believe that so far as I have addressed the Senate it has been in strict reply to the remarks on the other side of this question. I think it is about time that one side of this case should be presented when we have these mysterious winks and nods from members of defunct committees of what they could do if an opportunity had only been given to them. As we gave them that opportunity we had a right to expect them to speak or else forever after hold their peace; and therefore I have felt that it was my duty, by examining the testimony which they submitted at that time and the report which they made, to show that these thoughts of theirs are long subsequent to the time when they made the report, or else they were restrained by some mysterious influence which was not reported to the Senate.

The Senator from Massachusetts [Mr. DAWES] made one point in his speech, amid much that would require no particular reference, which seemed to imply that the board of commissioners had largely and extravagantly exceeded their powers. I do not know what means the Senator took to inform himself with reference to that matter, and perhaps the simple reading of the document on its face was all that he was required to attend to; but I believe that he himself would do ample justice and make ample reparation provided he were shown by the original documents themselves that contract No. 916, to which he alluded as being for some seven or eight thousand dollars and afterward extended to some $202,000, was not merely for the original contract, confined to a limited space in a single street, but involved under exactly the same conditions contracts 36, 41, 246, 921, 709, and 989, contracts which themselves, together with 916, made the exact area which is covered by the contract to which he refers as 916. These contracts were each of them legal, valid, binding contracts, coming down from the board of public works and under this legislation necessary to be carried out by the board of commissioners. If that is so, the inference which the Senator draws that seven or eight thousand dollars was expanded to $202,000 falls entirely to the ground, and this I have no doubt he will admit on this statement of the facts. I have the document here.

Mr. DAWES. I inquire of the Senator what is the name of the contractor?

Mr. SARGENT. The original contractor was John O. Evans, the one referred to by the Senator, who assigned his contract to Murdock, who goes on under this extension of the contract, or under this consolidation of contract, to do the work on streets which were provided in the original contract.

Mr. DAWES. The Senator alludes to the man who assigned his contract in one and executed it in the other capacity.

Mr. SARGENT. I allude to contract No. 916.

Mr. DAWES. Not having the book before me——

Mr. SARGENT. I suppose the Senator has his remarks; if he has not, I will send them to him. I am replying to his criticism upon No. 916. I have the book here and he is entirely welcome to it. I say with reference to that contract, as I understood him, he said it was a contract of seven or eight thousand dollars and had expanded to $202,000, I think—at any rate to over $200,000; and it was simply for the work done on a single street, a limited portion; whereas I call his attention to the fact that, so far as the board of commissioners is concerned, the contract he refers to relates to seven contracts, and the aggregate of those contracts covers what his ground embraced in this extension of 916.

Mr. DAWES. If the Senator has my speech before him I would like to understand his point more fully. I have not got it and my memory is very poor. But it seems to me that the total of the John O. Evans contract was $101,000. If the Senator finds that I stated it differently from the way in which it was reported in the book, then I stand corrected and agree to the correction very cheerfully. If I did not read it accurately from the book, it is a mistake that I am willing to correct. If I did read it accurately from the book (and I had the book here) and the Senator has some information which I was not furnished with, I would be glad to have him state it.

Mr. SARGENT. The Senator could have had the same information that I have furnished him by asking for it. I did not make the charge; I am simply replying to it. If the Senator will examine the remarks I make, which he will find in the RECORD to-morrow morning, if I do him any injustice I know my friend well enough to know that he is sharp enough to set himself right.

Mr. DAWES. I inquire of the Senator if he finds, on comparing what I did read here with the report from which I read, that there was any inaccuracy in my statement?

Mr. SARGENT. I do not say the Senator misquoted any figure, but I merely say that he overlooked the fact that No. 916 was a consolidation of several other contracts, and that so explained the increase in amount cannot be thought improper.

Mr. DAWES. If my friend will allow me, I will put in an interrogatory which his last remark suggests. If No. 916 grew out of a consolidation of several contracts, did it not make a new contract?

Mr. SARGENT. That is another subject and foreign to my purpose; but I think not. Certainly not involving a new subject-matter or new parties.

Mr. DAWES. I do not know enough about the way in which the business was done here, but it seems to me like this: If you take half a dozen contracts and consolidate them into one and make them all up into one contract, applying to that one contract the several subjects-matter which No. 916 in the beginning applied to, it seems to me as if it was a new contract; but I may be mistaken.

Mr. SARGENT. O, yes; I understand the humility of the Senator and I appreciate it. I simply remarked that there was no subject-matter changed and no change of parties except that which was worked by an assignment; but whether it was a new or an old contract was not pertinent to my remarks at all. I am not discussing that proposition. I simply called the Senator's attention to what I supposed to be an error in his arithmetic.

Now this committee, or the members of it, now that it is scattered, place some stress upon the fact, that the board of commissioners exceeded the estimates of the committee. I want to call attention just for a moment to the estimates which they made under several heads, in order to show how very far the committee were mistaken. They estimated the amount due or to become due on incomplete contracts at $1,325,000. The amount on these uncompleted contracts become due was $1,717,268, and that became due by the necessary operations of the contracts, and without the extension of them or additional expenditures at all. The claims for damages on account of change of grade and for property taken from streets was estimated by this committee, after months of laborious examination, at $550,000, whereas the amount allowed by this board of audit, created in the manner in which I have described, was $1,035,428.39. Who is to blame for that or who is deceived? If Congress placed any reliance upon these estimates of the committee, and thought this amount would be half a million instead of over a million, it was deceived. The committee was deceived probably in making that report; but are the board of commissioners responsible for that? The board of audit finds on this single item alone over half a million of money in excess, and the debt runs up, and consequently the board of commissioners must be railed at. They had nothing to do with auditing them or parading them; it is taken by the policy of this statute entirely out of their hands.

Mr. THURMAN. What was that item of $550,000 for?

Mr. SARGENT. "Claims for damages on account of change of grade and for property taken from streets." Now I think it might be worth while to call attention to the fact that since this board of commissioners have been in power they have paid off and reduced the debts of this District since July 1, 1874, by $1,564,843 56. Of this amount $455,627 has been reduced during the past year. That does not look like much extravagance. If the board of audit on one side is increasing this debt, the commissioners on the other side are doing their best to decrease it. And of all this amount over a million was out of accruing revenues of the District coming from taxes and other District income, and not from an appropriation.

The proposition before the Senate is simply to carry out the pledge which was made in the law, an ill-advised law I think, and reiterated by the chairman of the committee, that the Government would pay this interest or see that it was paid: that it pledged its faith to that effect. That is the simple question before the Senate. Senators have seen fit in the discussion of that question to wander over the board of public works and matter antecedent to the creation of the board of audit by which this debt has been ascertained and I have considered it my duty to follow them in that devious path. I have spoken as I considered it my right to do in defense of men who, so far as our records show, after full and fair examination, are spotless of iniquity. If in the testimony which was not given before the committee, to which the Senator from Ohio [Mr. THURMAN] alluded, and consequently which he did not hear, there was something which would have inculpated these men, I simply say that is *dehors* the record. I speak of the record as it is. If I spoke outside of it I would declare my belief in their integrity and admiration of their energy and public spirit.

Mr. CHRISTIANCY. Mr. President, it seems to me that this debate has taken a very wide range and that it has run into somewhat irrelevant matter. I may, however, be mistaken. When the learned Knickerbocker sat down to write the history of New York he spent a large portion of the first volume on the various cosmogonies and theories of the creation of the world, for which he gave the very satisfactory reason that if the world had never been created there would have been no such place as New York. Upon that principle I can explain the irrelevancy of much of the discussion that has taken place upon the measure now before the Senate, but upon no other.

In connection with these bonds, or the legislation with regard to them, some facts are very clear and appear to be admitted on all hands, and, as it seems to me, some very plain principles result from those facts.

First, the act of Congress did authorize the issue of valid bonds. That is not disputed.

Second, it is admitted that part of the bonds which have been issued were duly and legally issued and for valid claims. That is not disputed.

Third, all are made negotiable and all refer to the same statute for authority for their issue.

It is claimed that part of the bonds were illegally issued; but in what is it claimed that this illegality or irregularity consisted? Not in the law; not in anything that appears upon the bond; but because the state of facts which would bring the case within the statute had not taken place. That is the ground and the only ground upon which the validity of these bonds so far as the Government is concerned, is resisted. These bonds have mainly, I suppose, been negotiated to and are in the hands of men who have advanced money upon them. They were all negotiable, and all in the same form. Of what were the holders of these bonds bound to take notice when they received them? They were bound to take notice only of what appeared upon the face of the statute and the face of the bond. They could not be required to take notice of the state of facts which alone would bring the case within or without the provisions of the statute. Seeing the names of the proper public officers attached to the bonds, they had the right to presume that those officers had ascertained the existence of the necessary state of facts to authorize them to issue the bonds. If any other view were taken, it will be readily seen that the negotiation of public bonds could never be accomplished.

I therefore think that as a matter of equity, of justice, and of law, between the holders of these bonds and the Government of the United States, the Government is bound to make good its guarantee. This would be the rule of law if the case were capable of assuming the shape of a suit at law. At least such is my view of the law as well as of the justice and equity of the case. But to prevent any further abuse of power under this statute, if such abuses have taken place, I would stop the issue of all further bonds until a proper investigation has been made in regard to the certificates said to be still outstanding. I shall therefore vote for the amendment offered by the Senator from New York, [Mr. KERNAN.]

This, Mr. President, is all I have to say in regard to this joint resolution, and it seems to me I have covered all that is really involved in the merits of the case.

Mr. EDMUNDS. I would like to ask the Senator from New York to give me his attention in respect to his amendment. What does he propose to do with that class of persons, if there be any such, to whom certificates have already been issued but who have not received their bonds for them, assuming that that class of persons held legitimate certificates; taking that for granted?

Mr. KERNAN. I will state to the Senator that I supposed in view of this discussion that this body would appoint some committee to examine and find the true state of things; and if there be any certificates, to examine and see if they were for just debts, and then we could provide for their payment. My only object, the Senator will permit me to say, was—and from what I heard I thought it wise in reference to our constituency and the people of the District—that we should not permit negotiable bonds to be issued for which when they passed into the hands of *bona fide* holders the issuer and indorser would be liable whether their issue was just or not. By my amendment we would prevent that, and yet we would deal justly with

everybody who had or had not certificates, and a committee could look into them and see whether they were right or not.

Mr. EDMUNDS. I am not at all sure that that is not perhaps the best way (although naturally I should have supposed that the limitation ought to be upon any further issue of bonds except such as might be necessary to complete the proper certificates already issued) that we should stop there; but if we are to have an inquiry, that is probably of no special moment.

I merely wish to add that, having paid some attention to this debate and to the law, I am not by any means persuaded that these commissioners have exceeded their powers. That we have ourselves been greatly disappointed as to the amount which they have found it necessary to expend to put things into proper order here, under the law and in the execution of their powers, I am quite ready to agree, because I thought in the time of it that it would not amount to half as much. I did think it would amount to a great deal more than the estimates then made, as is the case with everything. Every one of us who builds a private house knows that, in spite of everything we can do, the end exceeds the estimate. I did not suppose it would exceed it by so great a sum as it appears to have done. I do not know precisely myself what the explanation is, but, so far as I can see, I am not by any means satisfied that these gentlemen have exceeded the authority that the law has reposed in them. Whether they have exercised that authority in good faith or not is of course an entirely different question. From what I know of them myself (and before this time all of them were men known to the public) it would take certainly great evidence to lead me to believe that they had acted otherwise than with the utmost purity. That they may have made mistakes, and gone further than on reflection they would be now satisfied they ought to have gone, is very possible. I do not know that, inasmuch as I have had no conversation with any of them upon the subject; but, on the construction of the law as it reads, I think they might fairly have been advised by eminent counsel (as I have heard, not from them, that they were) that this line of policy which they have pursued was clearly within the duty which Congress had marked out for them; but, as has been stated so well by the Senator from Michigan, [Mr. CHRISTIANCY,] the only thing we have to do now, as we are not on an investigation, is to provide the means of paying this interest.

Mr. SHERMAN. Mr. President, I am afraid the Senate at the end of a wearisome debate is apt and is likely to do what I regard to be a violation of the public faith which we pledged to the holders of these certificates. The amount, I am told by the chairman of the Committee on Appropriations, is $900,000, a very large sum, reaching from the beginning of the action of the board of audit until this time. By the terms of the certificates, printed on the face of them, a copy of which I produced the other day in connection with my argument, they are plainly convertible into a 3.65 bond, and the only reason why the board of audit did not issue the bond in the first instance instead of the certificate was that that duty was imposed upon the sinking-fund commissioners. It was a mere clerical duty. The sinking-fund commissioners, having to provide the sinking fund, also were required to issue the 3.65 bonds. The holders of these certificates stand exactly in the same light as if they were the holders of 3.65 bonds, because they have the right under the law to convert them into 3.65 bonds.

The Senator from New York [Mr. KERNAN] raises the question as to whether these certificates are negotiable. I do not know whether they are technically negotiable or not. They are issued convertible into negotiable bonds or into bonds negotiable by delivery, and they are in a sense *quasi* negotiable, and I am not sure but that under the terms of the law they are strictly negotiable. An ordinary certificate of indebtedness, not in the form of a promissory note, is not negotiable in a legal sense. We all know that; but these are certificates issued convertible at the will of the holder into bonds deliverable and transferable by delivery. It seems to me they are therefore in the nature of negotiable paper, and I assure the Senator from New York that the effect of his amendment would only be to raise a doubt of the willingness of Congress to stand squarely and fairly by the public faith pledged in the act of 1874, and it would tend also to lower the mercantile value of the securities in the market, and they will unquestionably have to be paid eventually either in money or in 3.65 bonds.

Suppose the United States now refuse to pay these certificates in 3.65 bonds as we have agreed to do, are we not bound to pay them in money? Suppose hereafter a committee should inquire and find that these certificates were issued for value received, for work done in the execution of valid contracts, and we had refused and denied and withheld our performance of the mode of paying the certificates, could not the holders of the certificates come in here and demand of us instead of 3.65 bonds $900,000 in money? It seems to me it would place us in a very embarrassing position.

Mr. MORRILL, of Maine. Why not sue us for the money in the Court of Claims?

Mr. SHERMAN. The Senator says they might sue before the Court of Claims. If we now refused to pay them that which we agreed to pay them when we issued the certificates, we would be bound to pay them in money. Now it does seem to me it is better for us to allow these certificates to be converted into 3.65 bonds. The board of audit seems to be the only authority that could have issued the certificates or that could affect this matter at all, because the commissioners had nothing to do with the issue of certificates or of bonds. If there has been any fault, it has been the fault of the judicial officers selected by us by law to issue these certificates. It seems to me it would be a fruitless thing to adopt the amendment except to delay and procrastinate the payment of these certificates, which must be paid in the end, either in money or in 3.65 bonds, and it struck me as wise at once to settle these liabilities, limit them, and repeal the board of audit.

Mr. ALLISON. Mr. President, I did not expect to again participate in this debate, and would not have done so, nor taken up the time of the Senate, but for the fact that latterly the committee who originally framed the act of the 20th of June, 1874, seems to be on trial, rather than an effort being made to pass a bill authorizing the payment of interest on bonds which we have guaranteed by our law. The Senator from Indiana [Mr. MORTON] says if he had been present when this bill was under consideration he would have voted against it. The Senator from California [Mr. SARGENT] takes pains to tell us that he did vote against it; and I do not know but that if this debate should continue for a week longer it would be difficult to find Senators here who voted for the law, so great has the effort been to arraign the gentlemen of the joint committee who presented the bill to the Senate, and upon whose recommendation it finally passed both Houses of Congress.

I am not to be drawn into any charge against the old board of public works, nor am I to be drawn into a defense of that board. The Senator from California has taken pains to rake up the dry bones of this dead government, manifestly for the purpose of putting somebody in the Senate, either on the republican side or on the democratic side, upon the defensive. I shall not undertake to make remark upon the courtesy of debate which should make such an attempt. I have only to say in reply to that Senator, and to all Senators, on this subject, that I stand upon the report made by the joint committee which investigated the affairs of this District. I stand upon the report made there, and upon the testimony there made, and I have nothing to take from it, nor to add to it. It may be that I have written letters, extracts from which were pubished in some newspapers and read by the Senator here to-day, in mitigation of some things which occurred with reference to that report and to that investigation. I do not deny that I have written letters upon this subject, but I only wish to say that I stand upon what was said in the report and unanimously agreed to by the joint committee. Is there not enough in the testimony and in the report made by this committee to justify the committee in recommending to Congress the abolition of the government existing in the District of Columbia on the 20th of June, 1874?

The Senator from Indiana tells us that if he had been here he would have voted against the bill. The Senator from California tells us that he did vote against it. Therefore I am to assume, I suppose, that if these two Senators had been in their places they would have voted to retain the existing condition of things, as that was the only alternative presented to the Senate in the last days of the session.

Mr. MORTON. I will say to my friend from Iowa that I did not mean to say that I would have voted to retain the old government as it stood, because there was a part of that government of which I never approved. I mean to say to my friend that I would have voted against any bill which proposed to abolish entirely popular government in this District.

Mr. ALLISON. I speak now only with reference to the Senator from California. That was the opinion of the Senator from California.

Mr. MORTON. I did not at that time refer to changes in this bill at all, but I had a fundamental objection to it, that it created an absolute government over the people of this District and deprived them of all representation and all power in the management of their domestic affairs. That was the fault I found with the bill at that time.

Mr. ALLISON. I perhaps did the Senator from Indiana an injustice, and if so, I did not mean to do it of course. Every gentleman on the committee, so far as I know, quite agreed with the Senator from Indiana; but we had not time during the closing hours of the session to prepare a system of government in which the people of this District could take part. Therefore we proposed only a temporary government, and did provide by law for a joint committee of the two Houses, whose duty it should be to prepare a system of government for this District republican in form—and I believe that language was used in the section of the statute to which I refer—a bill in which it was supposed the people of this District would participate at least in a degree.

I want to call attention for a moment to another subject, and I do this only in justification of my own action. I did not anticipate or expect to precipitate a debate here, lasting for days on this question when I offered the amendment which I offered on the first day the bill was considered; nor did I make a single charge against the integrity or purity of the gentlemen composing this board of commissioners. I said then as I say now, and repeat here that I have as much confidence in their integrity, in their ability, in their purity as any gentleman on this floor. I only said that I believed they had exceeded their authority and misconstrued the act under which they were created. I had a right as a Senator on this floor to say that. Notwithstanding their high character, they are public servants; they are the creatures of our laws; and as such we have in a temperate way certainly the right to criticize their conduct and their actions. It was only in that spirit and in that sense that I alluded to these gentlemen at all in debate on the first day that this joint resolution was under consideration in the Senate. But inasmuch as I made these allusions

and inasmuch as other collateral questions have been raised here in this debate, I want to call the attention of the Senate briefly to the questions involved in the original act as reported by the joint committee.

Gentlemen say the commissioners had a right and it was their duty to recognize as binding all the contracts made by the board of public works. Now let us see whether that was their duty. The board of public works was created by the act of 1871. The District government was created by the same act. Congress imposed upon this board an inhibition with reference to creating a debt in this District. They said they could create no debt nor incur any obligation except in pursuance of appropriations made by law, and previously made. That is in the organic act. The board of public works in the beginning so construed that law and called upon the District Legislature to make appropriations of money. They presented to the District Legislature what they called a comprehensive plan of public improvements in this District. And, in passing, let me say that they adopted a species of division with reference to these improvements that made it necessary that a comprehensive plan should be agreed upon. What was that? That the people of the District should pay two-thirds of the cost of these improvements and the adjacent property-holders should pay only one-third. Therefore it would be manifestly unjust to make a distribution of these improvements in one part of the city to the exclusion of another part of the city. One of the great difficulties the investigating committee had in its examination was the complaint that a certain so-called combination of real-estate operators in this city had purchased up the northwestern portion of the city and all the improvements were being made in that part of the city to the exclusion of Capitol Hill and other portions of the District.

Therefore this comprehensive plan was submitted to the Legislature. It was agreed to by the Legislature. It was to cost $6,000,000 in round numbers; there were some odd thousands. That comprehensive plan, which involved various streets in the District, was agreed to by the Legislature. One-third of the sum was to be paid by the adjacent property-holders, namely, $2,000,000, and $4,000,000 was to be paid by the District, and bonds were issued to pay the $4,000,000, and a debt was created for that purpose.

That was the origin of this great system of public improvements, so called, and it continued until a portion of the people of this District became dissatisfied, and they appealed to the House of Representatives in 1872 to investigate the conduct of this board of public works. A committee did investigate their conduct, took the testimony of witnesses, made extensive examinations, and I believe finally reported that they were not derelict in any respect. But mark what followed that report. It was followed by the statute so pertinently alluded to by the Senator from Texas, namely, that the total debt of this District should never exceed $10,000,000. Notwithstanding they relieved this board of public works from any dishonesty or extravagance in that report, Congress upon the heels of it limited the debt of this District to $10,000,000. The object of the statute was to restrain this board of public works from continuing these improvements upon the grand scale which they had adopted. Now this old system went on, the board of public works paying no attention whatever to this limitation of the act of May 8, 1872, incurring obligations, creating debts without any reference either to the question of appropriations as provided by the organic act or without any reference to the limitations of this act of May 8, 1872, and the joint committee found in its report that they had exceeded this limit by some $8,000,000. If Senators will take the pains to read this report they will see that the committee was unanimously of the opinion that they had exceeded their authority; that these contracts, except in pursuance of appropriations made by the District government, in excess of the limitation of $10,000,000 were void contracts. That was the construction put upon these laws by your committee. It is true that this board of public works had as an indorsement of their action the advice of eminent counsel, such as Mr. Black and Mr. Cushing, as has been stated by Senators in argument; but it seemed perfectly plain to your committee that here was an intention on the part of Congress, first, that this board of public works should not go beyond the appropriations; and, secondly, that there should be no power in this District that could create an obligation to be paid for by the property of the District exceeding $10,000,000.

Therefore your committee decided that these contracts were without authority of law; that they were not legal and valid contracts. The Senator from Indiana took exceeding great care in every word he uttered in this debate to say that these must be valid contracts. As a matter of course, valid contracts of the District of Columbia would be binding upon these new commissioners whether they assented to them or not. A valid contract against the corporation could be enforced in the courts. But the very question was whether these contracts were valid or invalid, and upon the invalidity of those contracts, and upon the fact that this board of public works exceeded their authority, your committee recommended that this board of public works be abolished. What for? For the purpose of establishiug here, in lieu of that board, a power which would not exceed its authority. That was the design of it. This board of public works had expended $18,000,000 in the improvement of the streets, and alleys, and sewerage of this District. They had incurred a debt which, when it was summed up by the committee, amounted to $11,000,000. And right here let me say to the Senator from Indiana, who objects to this original act because it provided for 3.65 bonds, that, if he objected to that feature of the bill, he must of course have been in favor of appropriating $11,000,000 to pay this debt on the one hand or else have been in favor of repudiating it on the other.

Mr. MORTON. Will my friend allow me to interrupt him?

Mr. ALLISON. Certainly.

Mr. MORTON. Of course, as my friend has said, I would not pay any contracts, either in 3.65 bonds or in money, unless it was legal and valid; but my objection to the 3.65-bond arrangement was this: that it was designed to pay contractors who had expected by the terms of their contract to be paid in money according to the face of the contract, and were compelled to receive in discharge of their contract, not money, not legal-tender notes, but bonds worth only sixty or seventy cents in the dollar. I thought that was in the nature of repudiation, though it was not so intended by the committee.

Mr. ALLISON. I am very glad that the Senator has given his reasons now and here why he objected to the 3.65 bonds being issued, because both are based on things that did not exist. In the first place, these contractors knew perfectly well, and there was testimony to that effect, witness after witness testified, that they knew perfectly well at the time that they would not be paid in money, and several of the contractors themselves testified that in estimating their bids they made up their bids on the basis of eighty-five cents on the dollar.

Mr. THURMAN. Will the Senator allow me to interrupt him?

Mr. ALLISON. Certainly.

Mr. THURMAN. If the Senator will refresh his recollection he will remember that the chief engineer of the District, Mr. Cluss, testified that the estimates for the work upon which contracts were let were increased 25 per cent. on account of the certificates in which the contractors were to receive their payments. There were cases in which the increase was much larger than that, but the estimate of this official himself enhanced them 25 per cent. on account of their payment in all the kinds of yellow, green, and red-backed certificates that the contractors knew they would get.

Mr. MORTON. I would like to make this inquiry of my friend from Iowa in this connection. We are told that they expected to be paid not in money, but in certificates. Did they not expect the certificates to be paid, and how were they to be paid?

Mr. ALLISON. I will answer the Senator. They probably expected that some time they would be paid, and they expected that the Senator from Indiana and other Senators on this floor would put their hands into the Treasury of the United States and pay these certificates rather than see this Government repudiate, because it had created this board of public works. That was what they anticipated. But I call the attention of my friend from Indiana to another fact existing at this time, that when this report of the joint committee was made in June, 1874, these identical certificates which we allowed to be converted into 3.65 bonds were selling on your streets at forty cents on the dollar; and it was a great source of complaint that poor men were being compelled to sacrifice their property at forty cents on the dollar, while rich men, who had millions of these District contracts, could hold their certificates in their pockets. Thereupon it was that these people pressed upon the committee, saying, "Whatever you do with this District, make some provision whereby we can receive payment for our honest toil."

Another thing that the Senator from Indiana forgets with reference to these 3.65 bonds, that is that they were not compulsory. No man was required to take these 3.65 bonds unless he chose to do so. It was a privilege and not compulsory. It was an additional security given to these people.

Mr. MORTON. I would ask my friend if any other form of payment was provided but that?

Mr. ALLISON. Not in that law; but the form of payment suggested by me a moment ago was open to these people, an appropriation by Congress, taxation upon the people of this District. My friend will remember that with all this we taxed these people 3 per cent. upon their property in that same act. Three per cent. of taxation was put upon these people at that time. Now, then, I would ask Senators if they want anything further by way of evidence of misgovernment in this city than the fact that a debt had been created here of $11,000,000; that the securities of the capital of your country were being hawked about your streets at forty cents on the dollar, indebtedness created by a board of public works authorized by Congress and our own appointees. These were the reasons——

Mr. THURMAN. The Senator speaks of eleven millions as if it were the whole debt.

Mr. ALLISON. I mean the floating debt.

Mr. THURMAN. In excess of the ten millions.

Mr. ALLISON. The debt upon the government here in addition to the ten millions of funded debt provided for by your statutes. And yet we are to be brought in here and arraigned by Senators for recommending such a monstrous proposition as the abolition of a government of this character.

Mr. HAMILTON. Will the Senator from Iowa allow me a moment?

Mr. ALLISON. Certainly.

Mr. HAMILTON. Speaking of forcing these depreciated bonds upon the contractors, I beg to call attention, if the Senator from Iowa

will allow me, to the report of Mr. Hoxie. You will find it in the report of the commission for 1874, page 160. After mentioning his appointment and qualification, &c., he says this:

> In conformity with the foregoing I assumed control on July 7, 1874, of the work of repair and improvement heretofore devolving upon the board of public works and organized the engineer's office for this purpose.
>
> At this time contractors and others claiming contracts were at work with a view to establish their claims. The 3.65 bonds, provided for meeting the existing legal obligations of the District, had apparently induced many who had long since abandoned their work to resume without authority or directions.

He goes on to state that only about twenty contracts were in operation at the time this act passed, and he found forty odd when he came to take possession. The contractors had flocked from all quarters around, seeing that they were going to get 3.65 bonds, although they had abandoned their contracts absolutely.

Mr. ALLISON. That is a point to which I intended to call attention in a moment. The profits upon these contracts were so enormous that men could enter into these contracts and complete them and sell their certificates of indebtedness for them at from forty to fifty cents on the dollar; and that was done in numerous cases. Then it is true, as stated just now by the Senator from Texas—and I thank him for calling my attention to it, because I have noticed this fact also in the report—that the moment these 3.65 bonds were authorized, that moment every contractor, who had a contract dead or alive, beset these commissioners to have his contract renewed, because he saw of course that the moment these new commissioners would recognize the validity of that contract he could take his payment in 3.65 bonds and make a large profit. Therefore it is true, and I speak of it in mitigation of the construction put upon this law by these people, that the moment this law came into force, that moment all these old contractors rushed to these new commissioners and insisted that their contracts were not dead but still lived. If you will return to the report of Engineer Hoxie you will see that in many instances contracts were revived, although they were dead, by means of petitions by citizens of adjacent streets. There were many good reasons why the people should make such a petition. Under the system established by the board of public works the tax-payers of the city were compelled to pay two-thirds of the cost of these improvements, and a man would naturally say, "I have paid two-thirds of the cost of the beautiful improvement on K street, and I live only on M; why should I not have M street improved as well as K, because the government of the District pays two-thirds of the cost?" Therefore I appreciate the troubles and trials of our friends who came here and took charge of this government with reference to these contracts; but I must submit to them, notwithstanding all this, that it was the intention of this act—and I should have required the opinion of very eminent counsel before I would have departed from the manifest intention of the act—namely, to cut off the rapidly accumulating debts of the District of Columbia, these extravagant and reckless expenditures of the public money, because these expenditures must sooner or later be paid, either by taxation upon this District or by taxation upon the people of the United States. We cannot blink this if we would.

I was surprised at the Senator from California undertaking to array the amount of the debt in this District in comparison with other cities. I have not made that comparison. I only know that the debt of this District this day counting these 3.65 bonds, amounts to one-fourth of the entire cash value of the real estate in the District subject to taxation.

Now, I submit to Senators whether it is wise for us to tax these people or encourage them for a moment in creating a debt that even contingently involves such an obligation upon the tax-payers. By the last assessment the taxable real estate in this District is $93,000,000. The debt, as near as I can make it out, is about $23,000,000 or perhaps $24,000,000 including the 3.65 bonds.

But I objected at the time to this construction because I saw plainly where it would lead to, and I called the attention of the Senator from Indiana to it the other day in debate. His construction would authorize the District commissioners to repair and repave (because that is repairing according to the construction of these commissioners) almost every street in the District of Columbia; and Mr. Hoxie, the intelligent engineer, who makes this report of 1875, tells us that nearly all the wooden pavement and nearly all the concrete pavement of this city must at a very early moment be repaired. K street was repaired and a few other streets at a cost of $600,000. There are fifty-three and a half miles of wooden pavement in this District, and there are thirty-two or thirty-three miles of worthless or partially worthless concrete pavement in this District. Now, under the construction given to this law by leading Senators on this floor and by these commissioners, these eighty-six miles of pavement can be relaid under the law of June 20, 1874.

Mr. DAWES. And the United States give their bonds.

Mr. ALLISON. And the United States, as suggested by the Senator from Massachusetts, issue their 3.65 bonds to pay therefor. I submit to Senators that I had a right in good faith to raise these questions without bringing down upon my head and upon the heads of the committee, who labored here for four months to relieve this District from its embarrassment, the maledictions of Senators because we chanced to raise a doubt about the authority of these commissioners.

Senators speak of the board of audit. I have no apologies for the board of audit. I do say that the board of audit ought not to have passed upon these certificates. They are equally to blame with reference to this matter, if any blame there be. In looking over these reports, which I have done since this debate began, I am glad to see that the commissioners of the District of Columbia notified every contractor that he must depend for his payment and for the final adjustment of his account upon the board of audit; that that board was to judge of whether or not these different items of expenditure came under the provisions of the act of June 20, 1874.

Mr. President, I do not wish to prolong this debate, nor will I undertake to read statutes or construe statutes at this late hour in the debate. I only call attention to some leading points which would justify us, or rather require us all to put a different construction upon this statute.

Mr. LOGAN. Will the Senator allow me to ask him a question right here?

Mr. ALLISON. Yes, sir.

Mr. LOGAN. The construction which has been given to the law in reference to these bonds, and which I agree to, is that you have got to look to the statute on which the bond is based and to the face of the bond when it is in the hands of innocent parties. That being so, with a law on the statute-book that prohibits the indebtedness of the District becoming more than $10,000,000 standing unrepealed, all bonds issued in excess of that are void and not payable by the Government of the United States. Now I would ask the Senator while he is on his feet, if he will be kind enough, inasmuch as he helped frame the law under which these commissioners and the board of audit are acting, to turn to the section that repeals the law prohibiting any indebtedness in excess of $10,000,000. As I understand the rule in reference to repeal, there must be either an express provision repealing the former statute or the statute subsequent to this must be in conflict with this, or it is not repealed. I should like to see where the conflict is. From this discussion I cannot see it.

Mr. ALLISON. I have not the statute before me, but my impression is that there is a repealing clause in it. But whether there is or not I take it that this Government never will repudiate an obligation which is provided for in a law passed by itself, and these 3.65 bonds are all created under the act of June 20, 1874.

Mr. LOGAN. The repealing clause as I heard it read—I have not got the statute before me—was in regard to the board of public works. I did not hear, as the matter was argued by Senators on the floor, anything that was in conflict with this provision of the statute which prohibited a larger indebtedness than $10,000,000. If there is, as a matter of course the proposition as maintained by Senators on this floor, that the Government is responsible for this indebtedness, is correct so far as the legal proposition is concerned; but if this statute is not repealed, either by a subsequent inconsistent statute or by an act repealing it positively, then the Government is not responsible and the doctrine of *caveat emptor* would apply to these gentlemen. Then there is no obligation on the Government to pay one dollar, and every dollar of bonds issued over and above the $10,000,000 of debt and every dollar of indebtedness created by these gentlemen over that is in violation of a positive statute. The Senator from Massachusetts said last night that if a prohibition were put in this law he would indict men for violating it. If that is the rule I would like some Senator to show me in what particular the statute limiting the debt has been repealed before he asks me to vote at least for this $5,000,000 of increase that has been put upon us in one year by this board of audit or whatever it may be.

Mr. ALLISON. I can only speak for myself with reference to that statute. I believe that, inasmuch as the act of June 20, 1874, authorized the issuing of 3.65 bonds to cover certain debts and obligations, the Government of the United States is bound to stand by that statute, and that all statutes inconsistent with it, passed prior to that time, would to that extent be repealed. I do not think, therefore, that the Government of the United States can very well afford, after passing such a law, to say that, because they had limited the debt to $10,000,000 at a prior date, they would be authorized to repudiate the obligation.

Mr. LOGAN. I was not speaking in reference to what the Government could afford to do. I was only speaking of a legal proposition as to what we were obligated to do; not what we might feel that it might be well to do, but what we are required to do under the law.

Mr. ALLISON. I understand the Senator perfectly well.

Mr. LOGAN. I must confess I do not know much about statutes, and especially those in regard to the District of Columbia; but I find nothing in the later statute repealing any act of Congress theretofore passed, except the first section, which provides:

> That all provisions of law providing for an executive, for a secretary for the District, for a Legislative Assembly, for a board of public works, and for a delegate in Congress in the District of Columbia are hereby repealed: *Provided*, That this repeal shall not affect the term of office of the present delegate in Congress.

That is all the repealing clause there is in the statute. Now, unless the section that authorizes these commissioners and the board of audit to go beyond the ten millions makes it inconsistent, it is not repealed, and that law stands. I cannot find anything of that character in the statute.

Mr. ALLISON. I cannot construe the law for the Senator or for any other Senator except myself. As I understand it, this law of 1874 repeals that of 1872 *pro tanto;* and therefore I find no difficulty on that score in standing by these 3.65 bonds. I believe in good faith we are bound to do it to the extent of their issue. I cannot give bet-

ter reasons for it than were given by the Senator from Michigan, [Mr. CHRISTIANCY.]

Now, before I close I wish to say one word——

Mr. EDMUNDS. Will the Senator allow me, in connection with what he has been saying, to read for the benefit of my friend from Illinois the language of the first part of the sixth section?

That it shall be the duty of the First Comptroller of the Treasury and the Second Comptroller of the Treasury of the United States, who are hereby constituted a board of audit, to examine and audit for settlement all the unfunded or floating debt of the District of Columbia and of the board of public works, hereinafter specified.

Then the section goes on to specify. It appears to me to be pretty plain that this latter act requiring this board to examine and audit all outstanding liabilities, without limit, of the particular class named, if the liabilities of that class named exceeded ten millions, this law must stand if they are to obey it, and not the old one.

Mr. LOGAN. I should like to ask the Senator from Vermont a question, then, for he is certainly a very good lawyer and a very technical one. According to the reasoning heretofore, if a prohibition is placed upon this law that we are now about to enact we cannot go beyond it. I ask the Senator to tell me how the board of public works got a debt in excess of the ten millions for the purpose of being audited; whether that was not in violation of law?

Mr. EDMUNDS. My friend from Iowa can give that story.

Mr. ALLISON. That is a story very easily told, and I should like to have the Senator from Vermont tell it.

Mr. EDMUNDS. I can tell it very quickly. It will be remembered that it was with the utmost difficulty that some Senators—I will not say who—succeeded in getting this ten-million limit in at all, to begin with; and when we got it in it was a good deal like other promises that we extract in statutes from people: those who were to obey the law did not care anything about it and they went on and incurred debts in violation of that law, in my opinion, unquestionably. But then on the report of my friend from Iowa and my friend from Ohio and the other gentlemen it was found that the District was almost bankrupted by this violation of law; but the debts had been incurred to people who had parted with their property and labor in honest good faith, and we all thought, I suppose, that the honor of the power that had charge of the District of Columbia—that is Congress who had imposed this government upon them—required that we should take some step to liquidate and get out of this slough of despond; and so we directed this board of audit to take everything that was outstanding of certain classes and find out how much it was and square off.

Mr. HAMILTON. Does the Senator from Vermont mean to include all that has been done since the organization of the District commission, as well as the debts that then existed?

Mr. EDMUNDS. That is a different question which I have not addressed myself to at all.

Mr. HAMILTON. It is the same question. It is involved in the amount of these bonds now.

Mr. LOGAN. The Senator from Vermont has referred to a part of the sixth section of the act of 1874 as repealing the limitation on the amount of the debt of the District. That section requires the board of audit to audit all debts of certain classes.

First, the debt evidenced by sewer certificates—

Sewer certificates in existence—

secondly, the debt purporting to be evidenced and ascertained by certificates of the auditor of the board of public works; thirdly, the debt evidenced by the certificates of the auditor and the comptroller of the District of Columbia; fourthly, claims existing or hereafter created for which no evidence of indebtedness has been issued, arising out of contracts, written or oral, made by the board of public works; fifthly, claims for which no evidence of indebtedness has been issued, arising out of contracts, written or oral, made by or on behalf of the District of Columbia; sixthly, all claims for private property taken by the board of public works from the avenues, streets, and alleys of the cities of Washington and Georgetown.

That statute only applies to contracts prior to its enactment, and limits it to those. It provides expressly that the board shall audit such claims as exist and such as arise from contracts then made, oral or written, not for contracts made afterward, not for any additional work afterward, but contracts then existing, made by the board of public works, and not contracts made by this board of commissioners. That is the statute, and that is as far as it goes. Hence it is confined within the restriction and limitation provided in the statute prior to its enactment, and does not repeal directly or indirectly the previous statute of limitation. It applies only to that which existed. I was astonished and have been while listening to this debate at the argument of Senators as applied to this particular provision of the statute. I cannot read it as they have read it. There is not one word in it that applies to contracts made by these commissioners in order to increase the public debt or the debt of this District.

Mr. ALLISON. The Senator and I do not differ as to the construction of the statute of June 20, 1874. I agree with him that it was confined to valid contracts existing and to the construction and preservation of work already begun and not finished. That is the plain construction of it, the plain sense of it, and it requires a lawyer, and a good one, to give advice that would justify any other construction. Of course there were such contracts existing at the time this report was made. The contracts that were made under the authority of the District Legislature were valid contracts. They were made in pursuance of appropriations by that District Legislature; they were within the limit of $10,000,000; therefore, they were valid contracts. The committee intended that they should be enforced.

Then there was another set of contracts, to wit, the sewer contracts, which were made afterward, but which were deemed necessary by the committee to protect and preserve the large amount of money already expended. This was another class of contracts provided for.

Mr. EDMUNDS. How much was the District debt at the time of the passage of this law and the report of this committee?

Mr. ALLISON. The District debt, funded and obligation—if I may use that word—was $18,000,000.

Mr. EDMUNDS. So that it was above the $10,000,000.

Mr. ALLISON. It was $8,000,000 above the $10,000,000 then, and that is what I complain of, that no attention in construing the validity or invalidity of these contracts was paid to the limit of $10,000,000 previously provided for, and that no attention was paid to the provision in the organic act of 1871 which required that appropriations should be made before contracts should be binding. That is what I have objected to, and only that.

Now, I desire to say one word with reference to the amendment proposed by the Senator from New York, [Mr. KERNAN.] I shall feel compelled to vote against that amendment. Why? Simply because, as was said by the Senator from Texas [Mr. HAMILTON] awhile ago, it is probable that all these bonds have already been issued. If I had held a certificate, certainly during this debate I would have taken pains to convert it into a 3.65 bond before this law is enacted. Therefore, before it can become a law—because it must go back to the House of Representatives—these certificates will be converted into 3.65 bonds amounting to the $15,000,000. I want to place an absolute limitation upon the issuing of these bonds and an absolute limitation upon the certificates to be issued, so that hereafter no man, however high his character or pure his motives, can find an excuse, either upon the advice of eminent lawyers or eminent men otherwise, to increase the obligations created by the act of June 20, 1874.

Mr. MAXEY. I would ask the Senator from Iowa by what authority those dead and abandoned contracts were revived and then thousands of dollars expended upon those contracts thus resurrected?

Mr. ALLISON. It is beyond my ken to know how this resurrection took place or what human or divine power breathed into them the breath of life. I do not know how that was done; but it must have required an eminent lawyer, as has been said, to do it. [Laughter.]

Mr. MORTON. Mr. President, if the Senator from Iowa understood me as impugning the motives of the committee that framed this law, he was entirely mistaken. I have no doubt the committee did what they thought was the best at the time. I objected to the law then for what I regarded as a fundamental mistake, which I think now nearly everybody will subscribe to. That is to say, it abolished popular government, not that it abolished the old government as it then stood.

But what is the history of this debate? A simple proposition was presented to pay the interest of the bonds that had been already issued; and then my friend from Iowa and other Senators came forward and insisted that the commission had exceeded their authority and had given a wrong construction to the law. That was a very grave objection, and it was simply to meet that objection that this debate has sprung up.

If the act of 1872 limited the debt to $10,000,000, and afterward, in 1874, when that limit had been passed, Congress provided for auditing the excess and for paying that excess in 3.65 bonds, that was *pro tanto* a repeal of the original limit of $10,000,000 unquestionably.

Mr. President, I now call attention to the amendment offered by the Senator from New York, and I think the Senate ought to understand what is to be the effect of that amendment. In regard to these 3.65 bonds, on the original proposition to issue them, I differed somewhat with my friend from Iowa. If the contracts made by the board of public works were valid, or any of them, those contracts were made by authority of the Government of the United States. They were to be paid in money. It makes no difference whether they had depreciated and were being hawked about for forty cents on the dollar. That has nothing to do with it. If the original contracts were valid and were made by authority of the Government of the United States and were upon their face to be paid in money, a subsequent enactment requiring the contractors to take in payment a bond worth sixty cents on the dollar is, in my opinion, a violation of the contract, and there is no escape from it.

Mr. ALLISON. I quite agree with the Senator; and hence the committee did provide for the payment in money, out of the Treasury of the United States, of certain obligations which had been incurred to be paid in money. For example, the employés of this District, not one of whom had been paid for nine months prior to this investigation, were authorized to be paid out of an appropriation made by Congress. We endeavored to preserve intact every obligation of the United States, either express or implied.

Mr. MORTON. I was not speaking of the employés, the workingmen. This law did not provide for paying the workingmen, but it provided for executing the contracts that were valid, made by the authority of Congress, which on their face were to be paid in money. It provided for paying them in a bond worth only sixty or sixty-five cents on the dollar; and this I have always believed, without intend-

ing to find fault with anybody about it, was impairing the obligation of a contract, and that no State could have done, whatever Congress may do.

Now, I come to the effect of the amendment offered by my friend from New York, and it operates unjustly to the Government in another way. I do not agree with the argument of the Senator from Ohio, [Mr. SHERMAN,] that the faith of the Government is now pledged so far as the holders of the old certificates are concerned growing out of contracts made by the board of public works. They will be glad enough to get clear of the 3.65 bonds; they never wanted to take them; and the very moment you abolish the provision to pay them in 3.65 bonds they are entitled to be paid in money and to be paid according to the face of their certificates. That is just what they want, so far as they are concerned. You have paid the most of them in 3.65 bonds. The effect of the amendment of my friend from New York will be to pay the rest of them in money at their face, because when you take away the payment in 3.65 bonds the faith of this Government stands pledged to pay them in money. They have got to be paid in some way. Congress may refuse to make an appropriation, because it may refuse to do anything; but when you take away the 3.65-bond arrangement there is but one thing left for you to do, and that is to pay these certificates at their face. That will be what they were entitled to in the first place, I admit, but you paid most of them the other way. Now, what is the effect of it in regard to the new contracts, contracts made by the present commission to carry out an old contract? I will suppose they have authority to make such contracts. Taking that for granted, they have made these contracts with the understanding on the part of the contractors that they were to be paid in bonds worth only sixty or seventy cents on the dollar. They made their bids accordingly. They put a higher price on their work than they would have done if they were to be paid in money. Now, when you repeal the 3.65-bond provision, what is left? Nothing but to pay them in money, unless you intend to repudiate the contract altogether. So that it operates unjustly in both ways; first, the 3.65-bond arrangement was unjust as to creditors, and the new debts having been contracted with the understanding they were to be paid in 3.65 bonds the holders get 30 per cent. more than they ever expected to get.

My friend from Michigan said that he would vote for the amendment of the Senator from New York for this reason: that he would suspend the issue of the 3.65 bonds until there was an investigation. That is not the effect. It does not suspend it merely; it abolishes it; and it will never be restored, in my judgment. How do you know there will be an investigation? The Senate makes no provision for an investigation. What will be the result of that investigation, who can tell? The simple fact is that when you abolish this bond arrangement as to contracts made by the commission, you pledge the faith of this Government to pay those contracts in money at their face, and the effect of it is to pay them 30 per cent. more than the contractors ever expected to get. Let us act understandingly. If we want to do that, let us do it; but let us know what is to be the effect of our action.

Mr. EATON. Will the Senator from Indiana allow me to ask him a question?

Mr. MORTON. Certainly.

Mr. EATON. Do I understand the Senator to say that the contracts made by the board of commissioners are contracts made to be paid in 3.65 bonds, and that if these bonds are not issued they must be paid their face in full in money.

Mr. MORTON. I certainly think that would be the effect of it as a plain proposition of law.

Mr. EATON. I think right the other way as a plain proposition of law.

Mr. MORTON. If the commissioners gave a contract to repair a street to carry out an old contract made by the board of public works, being authorized to do it—for I am assuming that they were authorized to do it, and I believe they were——

Mr. EATON. I do not.

Mr. MORTON. They were to be paid as the law then stood in a 3.65 bond. When you repeal the provision authorizing the creation of that bond, what is there left but to pay in money?

Mr. EATON. This is left; if I should make a contract with the honorable Senator from Indiana to pay him in wheat which was worth a dollar a bushel and I did not pay, I should have to pay him in money the value of the thousand or ten thousand bushels of wheat, I apprehend; and so the Government of the United States, in my opinion, would be bound to pay only the value of the 3.65 bonds, provided it is bound at all.

Mr. MORTON. My friend proposes then that the Government shall pay what the bond would be worth in the market, sixty cents to-day, sixty-five cents to-morrow, seventy cents the next day, and that the Government shall discredit its own bond by proving that it is worth less than its face. But my friend forgets this material fact; it is not like a case of adjusting a measure of damages on a contract in a suit at law where the contract is to be met by the payment of specific articles, because when you strike out the payment in this bond you have no tribunal to determine the measure of damages. There is but one thing left for you to do unless you legislate further, and that is to pay the face of that bond in money. That is what you ultimately will do, because if you once get clear of the 3.65 bond arrangement I do not believe Congress will ever be prevailed upon to restore it. So the proposition to repeal the 3.65 bond comes in just at a time when it injures the Government. The bond was first provided at a time when it injured the creditor. So it was wrong all the time.

Mr. LOGAN. Will the Senator from Indiana allow me to ask him a question? According to what we have before us the board of public works exceeded their authority—I presume no one will doubt that—to the amount, as the Senator from Iowa says, of $8,000,000. The Senate and the House of Representatives felt themselves obligated, as acting on the part of the Government, to vote that amount of money, thinking that the Government was bound for it although there was an express prohibition of their going beyond ten millions. The commission go beyond what the Senate and the House of Representatives intended, certainly according to the debate at that time. Now if you put a prohibition here on the same theory that the Senator from Indiana maintains now, and say in this law that they shall not exceed $15,000,000, and when Congress meets again they have exceeded it $5,000,000 more, according to the argument Congress will then be under obligation to pass a law paying that amount of money.

Mr. MORTON. I think not.

Mr. LOGAN. Why not? I understand the Senator to maintain that we are obligated to pay the $8,000,000 of liabilities incurred on the part of the board of public works, although there was an express provision in the statute prohibiting them from incurring that debt. We did do that. Now we have gone beyond that some $4,000,000, and he maintains that we are under obligation to pay that. Now if they go on and incur $5,000,000 more debt next year than we authorize, shall we not be under as much obligation to pay that as we are to pay this?

Mr. MORTON. If I understand this law it does not fix any limit at all to the claims that might be audited by the board of audit, but it simply enumerates the classes of claims. The question in controversy here is whether these contracts and these claims are contracts and claims arising under contracts made by the board of public works. That is a question of construction. They have decided it one way, and it has been argued the other way here in the Senate. But if we were now to fix a limit, say $15,000,000 or $18,000,000, that would cut off the power of the board of audit, because they would not be limited simply by the class of claims, as they now are, but would be limited by a fixed amount. Now they are only limited by the class of claims, and the only question is whether these claims come under the enumeration made by the law.

Mr. LOGAN. Let the Senator understand me. This limitation here is upon the amount; it is not a limitation at all upon their going ahead and executing contracts. It is only a limitation upon the amount of bonds, and does not prohibit them from going on and completing contracts under this law under the same construction that they have given. Hence, if that construction obtain they may go on and finish contracts amounting to millions next year, and you are under the same obligation to meet them you are to provide for these now. There is no limitation upon the contracts in this bill.

Mr. EDMUNDS. I propose to offer, if it is in order, an amendment as additional to the amendment of the Senator from New York——

The PRESIDENT *pro tempore*. It is not in order; there is an amendment pending to an amendment.

Mr. EDMUNDS. Then I give notice that, when it is in order, if the fortunate time should come, I shall propose to add the following words:

And there shall be no increase of the present amount of the total indebtedness of the District of Columbia.

I think, when we had the old law and the board of public works, just as my friend from Illinois, if I understand him, thinks, that all contracts made after they had got up to the limit of $10,000,000, with anybody, no matter how honest that person might be, were contracts that were against the statute and were void in law; and it was the misfortune of the honest contractor—if there were any such, as undoubtedly there were—that he contracted in ignorance of a fact which he was bound to inquire into before he made his contract, and no legal obligation existed on the part of the District of Columbia, or on the part of Congress, to take any steps for his redress at all.

That was the condition in which we found ourselves when the committee of 1874 reported this law. They reported, as I understood, in order to do natural equity, to wind up this continuous running in debt and get out of the difficulty, not by cutting off at the ten-million limit, but by cutting off on the limit of taking things as they existed with honest contractors who had made valid contracts so far as the contracts themselves were concerned.

Mr. LOGAN. Contracts existing at the time.

Mr. EDMUNDS. Contracts existing at the time, and also to provide for liability that might be created for work done thereafter growing out of an existing contract; but whether these gentlemen have done things which did not grow out of existing contracts, I do not know. If they have done things which grew out of existing contracts beyond what they might do under the second section out of taxes, for repairs, &c., which of course is another thing, then they have violated the law; but, if they have acted within this classification, it is perfectly plain to my mind that the ten-million limit had nothing to do with it. I may be wrong; I fear that I am, as my friend from Illinois does not think with me; but that is my view. As I view it, we all intended not to turn adrift these $8,000,000, for which work had been done and which were reported as being outstanding in excess of

the ten millions, but to provide for that and to provide also for some work being done which would also be in excess of the ten millions because that had been reached, and on the ten-million limit not a step could be taken of any kind. They could not finish anything, a sewer or anything else. So we provided that they might go on, but they should keep within that range of subjects which grew out of the existing state of things and for the preservation of those things that would go to decay without action; and upon that we put no limit. Then we provided a board of audit to get in all the claims of these various classes and certify them.

The creditor who had a claim was not forced by the bill to bring it before the board of audit. He had a right to stand out and say, "I will not submit to this shave of 30 per cent.," that my friend from Indiana dwells upon. He was not coerced in the least degree. The difficulty was that there was no means known to the law by which this outstanding creditor could get any pay at all. In the first place, he would have to meet the question that his contract beyond the ten-million limit was void to begin with, and then he would go out of court. In the second place, supposing it were not void or we had waived that by this statute, and we do not compel him to come in, what is he to do? He can easily keep his debt independent of this board of audit entirely, in whatever form it existed, and trust to his power in the courts to compel the municipality to pay it, as in the New England States he could by a levy upon the private property of the citizens as soon as he got his judgment, and get his pay, or he could take his certificate. Taking his certificate did not change his rights a hair. He could still hold the certificate and not take his bond. He is not required to take the bond. The only thing on the subject of the bond is that the commissioners of the sinking fund are authorized to exchange these bonds for these certificates, face for face.

That is all.

Now this man having got his certificate gets out of the dilemma of the ten-million limit, and has got on solid ground. How is he to get his pay? He can sue the District of Columbia unquestionably, now represented by the board of commissioners instead of by an ordinary municipal corporation. He sues them in their official capacity and he recovers judgment, as I do not see how he can fail to do; but when he comes to the question of how he is to get his pay it is quite a different thing.

Mr. MORTON. He can levy on the office furniture.

Mr. EDMUNDS. He can levy on the office furniture. In New England, as I say, he could levy on the real estate or the personal property of any person residing there. I do not know that the old laws of Maryland, which have furnished the civil code for the District of Columbia, provide for that. I do not know that they do not provide for it. Having a little abiding-place here myself, I hope the law is not so, [laughter,] and that the furniture of the commissioners will have to respond, instead of the little shanty that I live in.

But that is the attitude of the case. Therefore it does not appear to me that we are guilty of any breach of faith—that is my present impression; I do not state it very confidently—in saying, We will issue no more bonds. Whether we should not be bound, as having the supreme legislative power here, to provide that in some way the property of the District of Columbia should pay its honest debts, is another question. I think we should unquestionably. But in order to get out of the present difficulty, as we do not wish to guarantee that the United States will continue without limit to issue 3.65 bonds, I think with my friend from New York that we ought to stop it. Having stopped it, I think, as my friend from Illinois has said, that will do no good unless we also stop the creation of further liabilities. To do that I propose to say to these commissioners, who, I believe, have endeavored to manage these operations, as difficult and complicated as they were, with the utmost good faith and intelligence, From this time, gentlemen, you must go on with the funds you have; the taxation which is to be imposed upon this people, and to be contributed to by the United States according to our judgment of what is a fair proportion for us to contribute, must supply the necessities of this city. In that view, when I get an opportunity I shall move the amendment I have indicated.

Mr. MAXEY. I should like to ask a question of the Senator from Vermont. The purpose of his amendment, I understand, is to limit the creation of further indebtedness by the board. Is that it?

Mr. EDMUNDS. Not precisely to prevent the creation of further indebtedness, because these commissioners may find a hole in the street that is dangerous to life, and they may not have money in hand at the moment to pay for filling it up; but if they have taxes within the limits of the appropriation, so that, without increasing the aggregate of indebtedness, they may go on and keep things in order, they may do it. But my proposition simply is that the aggregate indebtedness shall not be increased; so that, from this time forth, the taxes and other sources of income from the District shall provide for its wants.

Mr. MAXEY. Then I ask if the act of June 20, 1874, does not limit the indebtedness to ten millions?

Mr. EDMUNDS. It did not limit the indebtedness to ten millions. That was a prior act when the old board of public works was in operation; and the act of 1874, as I read it, is a plain authority to do the specific acts that are mentioned without regard to the ten-million limit.

Mr. MORRILL, of Maine. Mr. President, I am only going to detain the Senate a single moment, for I am very much in hopes that we may get a vote. I wish to call the attention of the Senator from Michigan to the discrimination he makes between the bonds issued and the certificates issued. I agree almost entirely with what the Senator from Michigan said in regard to the legal relations between the Government and the bondholder, but I do not quite agree, as I understand the facts in the case, with his statement of the relations as to the certificates already issued. As I understand the legal relations existing between the Government and the holders of the certificates, they are in law and in equity identical with those of the holders of the bonds. The faith of the Government is pledged to the redemption of the certificates in the way of payment in bonds, as I maintain, precisely as they are to pay the bonds. My reason is this: They are negotiable, necessarily, in their character, and I think I can satisfy my honorable friend by a brief reference to the statutes. These liabilities ——

Mr. NORWOOD. Will the Senator yield for a motion to adjourn?

Mr. MORRILL, of Maine. No, sir. I shall be through in a moment. These liabilities were to be audited by a board of audit created by the Government, and this is the language:

> Said board of audit shall also issue to each claimant a certificate signed by each of said board and countersigned by the comptroller.

That was to be the evidence of indebtedness on the part of the Government. Now what is to be done with it?

> And the said sinking fund commissioners are hereby authorized to exchange said bonds at par for like sums of any class of indebtedness in the preceding section of this act named, including sewer taxes or assessments paid, evidenced by certificates of the auditing board provided for in this act.

I have a certificate here. The process is this: first any person having a claim goes to the board of audit; the board of audit issue this certificate; when the certificate is delivered to the commissioners of the sinking fund they are obliged to issue a bond for it. This happens to be a certificate in the hands of a third person. Does the honorable Senator doubt that that third person is entitled to the bond?

Mr. CHRISTIANCY. A certificate instead of a bond?

Mr. MORRILL, of Maine. This is a certificate about which I am speaking. The certificate upon the face of it refers to this act and the party holding it is the owner of it in the sense of this act. He takes it to the commissioners and he asks for his bond.

Mr. KERNAN. Will the Senator from Maine allow me to ask him a question? Supposing it should turn out (a hypothetical case) that a man has got his certificate, and after he has got it it is discovered that he procured by fraud, by imposition, that he had not done any work, would there not be a defense to it in his hands or the hands of his assignee? Whereas if he gets a bond it may go to a *bona fide* holder against whom such a defense could not be made.

Mr. MORRILL, of Maine. That is the very proposition I have already urged, that it is negotiable in its character and effect by the construction of this statute. He is an innocent holder; he is a *bona fide* holder for a good consideration, and you cannot examine the question as against him; that is my point.

Mr. EDMUNDS. Do you mean the payee of the certificate?

Mr. MORRILL, of Maine. No, I do not. This is a certificate in the hands of a third party, an assignee.

Mr. EDMUNDS. Do you regard that as in the nature of a negotiable security?

Mr. MORRILL, of Maine. I do under the statute.

Mr. EDMUNDS. I do not think that will do.

Mr. MORRILL, of Maine. I think it is negotiable under this statute. The statute is broad enough to cover any claim that has been audited by these commissioners in anybody's hands. That is my argument. There are no negotiable words in this certificate, I know; but it is the necessary effect of the statute itself. The statute is broad enough to require the issue of this certificate to any person who presents the evidence of a claim against the Government.

One word more. I understood my honorable friend from Michigan to say that this certificate would be evidence of indebtedness undoubtedly against the Government at its face value; and I suppose he would not question that the holder of it might have his remedy in the Court of Claims; but I understood him to say that the measure of damages would be the value of the 3.65 bond in which it was to be paid, or for the payment of which provision is made in this statute. Am I right in supposing that to be the opinion of the Senator?

Mr. CHRISTIANCY. I did not say a word on the subject of the amount of damages. If the Senator wishes my opinion on that now, I would say that he could only recover what the bonds were worth in the market at the time.

Mr. MORRILL, of Maine. My answer to that is that in the first place this statute provides for the auditing of all these claims and the issuing of certificates. It does not require, when that is done, the claimant, the holder of a certificate, to take a 3.65 bond in payment. That is optional with him. If he chooses to hold the certificate, he holds it as an evidence of debt, trusting to the Government for its payment; and whenever he chooses to bring that to the attention of the Government, it will be optional of course with the Government to make its appropriation; but it is an evidence of indebtedness for its full face and the Government cannot require him to take the 3.65 bond or its equivalent, I submit. Therefore it seems to me that it is a very doubtful economy indeed to adopt the amendment of the Senator from New York; but as I am anxious to get a vote upon this bill I do not propose to argue it further.

Mr. CHRISTIANCY. I have no question in regard to the issue of these certificates; and if certificates were issued under this statute, subsequent to its taking effect, I do not think they could be issued in a negotiable form. I see nothing in the statute which gives them the properties of commercial paper or negotiable paper. Hence I think that any equities existing between the original holder and the Government might be shown for the purpose of defeating their validity in whosesoever hands they may come. Not being negotiable, they must come into the hands of third persons merely by assignment, and that assignment should appear upon the back of the instrument, and would convey but an equitable right. It would not therefore prevent the Government from setting up any defense as between the original parties. This shows, in my view, the propriety of stopping the issue of bonds for these certificates until the whole thing has been investigated. The payment of them can then be provided for if they are found to be valid, either by the issue of further bonds or by any other provision the Government may see fit to make.

Mr. NORWOOD. I move that the Senate adjourn.

The motion was agreed to; and (at five o'clock p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 2, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND, D. D.

READING OF THE JOURNAL.

The Journal of yesterday was read.

The SPEAKER. Is there objection to the Journal as read?

Mr. CONGER. I notice that in the Journal as read the Clerk has noted the time when the motion to adjourn was made, but not the time when the motion to adjourn was actually agreed to.

The SPEAKER. The recollection of the Chair is that the requirement of the rule relates to the time when the motion to adjourn is submitted.

Mr. CONGER. I suppose the object was to tell when the House did actually adjourn.

The SPEAKER. No doubt that is the object.

Mr. CONGER. Other business might intervene after the motion to adjourn was submitted, so that half an hour might elapse before the motion was agreed to.

The SPEAKER. After the motion to adjourn is submitted, usually only such business intervenes as happens to be upon the Speaker's table, not of importance and having no relation to the current business of the House. The rule upon the subject is: "The hour *at which* every motion to adjourn is made shall be entered upon the Journal." The Clerk has literally followed the rule of the House.

Mr. CONGER. I was not aware of that rule; I thought the time when the House actually adjourned was the time to be noted.

The Journal as read was then approved as correct.

ELECTION CONTEST—BROMBERG VS. HARALSON.

The SPEAKER, by unanimous consent, laid before the House the report of the supervisors of the congressional elections in 1874 for the first congressional district of Alabama; which was referred to the Committee of Elections.

COMMERCIAL TREATY WITH FRANCE.

Mr. O'BRIEN. I ask unanimous consent to submit for consideration at this time the preamble and resolution which I send to the Clerk's desk.

The Clerk read as follows:

Whereas, owing to the fact that no treaty regulating commercial affairs between the United States and the republic of France exists, the productions of the United States are not received into the ports of France on as favorable terms as are the productions of other nations; and whereas the citizens of the United States are placed at a great disadvantage in comparison with citizens of other states in competing for the trade of the republic of France on account of the discriminations aforesaid: Therefore,

Resolved, That the Committee on Foreign Affairs be instructed to inquire into the expediency of requesting the President to negotiate a commercial treaty between the United States and the republic of France placing the citizens of the United States on as favorable a footing as the citizens of other and more favored nations in respect to duties and charges imposed upon imports into the republic of France.

Mr. CONGER. I think the recital in the preamble is not strictly correct. I think that by an old treaty between the United States and France it is provided that in all future time the same regulations should operate upon importations of goods from this country as from the most favored nations.

Mr. O'BRIEN. The gentleman is in error upon that precise point; there are other nations more favored than the United States.

Mr. CONGER. I think the treaty with France required that the regulations in relation to the United States should be the same as for the most favored nation. I only question the strict correctness of the assertion in the preamble.

Mr. O'BRIEN. There is no incorrectness in that.

The preamble and resolution were adopted.

ELIZABETH A. SANFORD.

Mr. AINSWORTH, by unanimous consent, introduced a bill (H. R. No. 1799) granting a pension to Elizabeth A. Sanford, widow of M. W. Sanford; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REVISED STATUTES FOR REPORTERS OF DEBATES.

Mr. FORT, by unanimous consent, submitted the following resolution; which was read and referred to the Committee of Accounts:

Resolved, That the Clerk of the House furnish each of the official reporters of the House one copy of the Revised Statutes of the United States.

ORDER OF BUSINESS.

Mr. SPRINGER. I call for the regular order of business.

The SPEAKER. Before entering upon the regular order this morning, the Chair desires to inquire of the House if there be any objection to taking from the Speaker's table and referring to the appropriate committees the bills and resolutions from the Senate?

There was no objection.

JOINT RULES.

The first business on the Speaker's table was the following concurrent resolution; which was referred to the Committee on Rules:

Resolved by the Senate, (the House of Representatives concurring,) That the joint rules of the Senate and House of Representatives in force at the close of the last session of Congress, except the twenty-second joint rule, be, and the same are hereby, adopted as the joint rules of the two Houses at the present session.

COMMISSIONER OF TUNIS AT THE CENTENNIAL.

The next business upon the Speaker's table was the amendment of the Senate to the joint resolution (H. R. No. 11) authorizing G. Harris Heap, United States consul at Tunis, to accept the trust of commissioner of the Bey of Tunis.

Mr. KASSON. Owing to the rapidly approaching time when this commissioner must enter upon his duties, if at all, I would suggest that the House concur in the amendment of the Senate, unless there be objection.

Mr. SPRINGER. There is objection.

The joint resolution and Senate amendment were referred to the Committee on Foreign Affairs.

The next business on the Speaker's table was the joint resolution (S. R. No. 3) authorizing the acceptance by G. Harris Heap, consul of the United States at Tunis, of the trust of the commissioner of the Bey of Tunis at the international exhibition of 1876 at Philadelphia; which was read a first and second time, and referred to the Committee on Foreign Affairs.

CIRCUIT COURT IN CALIFORNIA, OREGON, AND NEVADA.

The next business on the Speaker's table was the bill (S. No. 53) fixing the time of holding the circuit court of the United States in the district of California, Oregon, and Nevada; which was read a first and second time, and referred to the Committee on the Judiciary.

ACCEPTANCE OF PRESENTS BY GEORGE P. MARSH.

The next business on the Speaker's table was the bill (S. No. 62) to authorize George P. Marsh to accept a certain present from the government of Switzerland and a certain present from the government of Italy; which was read a first and second time, and referred to the Committee on Foreign Affairs.

NAVAL MONUMENT.

The next business on the Speaker's table was the bill (S. No. 83) to provide for the completion and location of the naval monument; which was read a first and second time, and referred to the Committee on Naval Affairs.

LIQUOR TRAFFIC.

The next business on the Speaker's table was the bill (S. No. 124) to provide for the appointment of a commission on the subject of the alcoholic and fermented liquor traffic and manufacture; which was read a first and second time.

Mr. MORRISON. I move the reference of this bill to the Committee of Ways and Means.

Mr. FRYE. This subject is already before the Judiciary Committee.

Mr. GARFIELD. I think the bill should go to the Judiciary Committee, to which a large number of petitions on the subject have already been referred.

Mr. MORRISON. They ought not to have been so referred. This bill comes from the Finance Committee of the Senate.

Mr. GARFIELD. The bill has relation to the temperance question, not to any question of taxation.

The motion of Mr. MORRISON was agreed to, and the bill was referred to the Committee of Ways and Means.

S. K. THOMPSON.

The next business on the Speaker's table was the bill (S. No. 160) for the relief of S. K. Thompson; which was read a first and second time, and referred to the Committee on Military Affairs.

PEASLEY & M'CLARY.

The next business on the Speaker's table was the bill (S. No. 191) for the relief of Peasley & McClary, of Nashua, New Hampshire; which was read a first and second time, and referred to the Committee on the Post-Office and Post-Roads.

WITNESSES BEFORE MILITARY COURTS.

The next business on the Speaker's table was the bill (S. No. 202) to secure the attendance and payment of witnesses before military courts; which was read a first and second time, and referred to the Committee on the Judiciary.

HEIRS OF JAMES SINCLAIR.

The next business on the Speaker's table was the bill (S. No. 225) granting six hundred and forty acres of land to the widow and heirs of James Sinclair, deceased; which was read a first and second time, and referred to the Committee on Public Lands.

CUSTOM-HOUSE LOT, ROCKLAND, MAINE.

The next business on the Speaker's table was the bill (S. No. 235) providing for the sale of part of the custom-house lot in Rockland, Maine; which was read a first and second time, and referred to the Committee on Public Buildings and Grounds.

MILITARY ROAD IN OREGON.

The next business on the Speaker's table was the bill (S. No. 252) donating the military road running from Astoria, Oregon, to Salem, in that State, to the several counties through which it passes; which was read a first and second time, and referred to the Committee on Military Affairs.

LAND OFFICE IN UTAH TERRITORY.

The next business on the Speaker's table was the bill (S. No. 279) to establish a land office in the southern part of Utah Territory to be known as the Beaver district, and for other purposes; which was read a first and second time, and referred to the Committee on Public Lands.

CONSULATES AT AIX-LA-CHAPELLE, ETC.

The next business on the Speaker's table was the bill (S. No. 305) changing the location of the consulates at Aix-la-Chapelle, and at Omoa and Truxillo; which was read a first and second time, and referred to the Committee on Foreign Affairs.

NATHANIEL G. SMITH.

The next business on the Speaker's table was the bill (S. No. 358) for the relief of Nathaniel G. Smith, postmaster at Flemington, New Jersey; which was read a first and second time, and referred to the Committee of Claims.

POST-ROUTES IN TEXAS.

The next business on the Speaker's table was the bill (S. No. 360) to establish certain post-routes in the State of Texas; which was read a first and second time, and referred to the Committee on the Post-Office and Post-Roads.

Mr. RANDALL. I move to reconsider all these various references, and to lay the motion to reconsider on the table.

The latter motion was agreed to.

IDAHO ELECTION CONTEST—FENN VS. BENNETT.

Mr. HARRIS, of Virginia. On behalf of the Committee of Elections, I ask that the papers in the contested-election case of Fenn vs. Bennett, from the Territory of Idaho, be ordered to be printed.

There being no objection, the order was made.

KENDRICK & AVIS AND OTHERS.

Mr. WELLS, of Missouri, by unanimous consent, introduced a bill (H. R. No. 1800) for the relief of Kendrick & Avis and Kuner, Zisemann & Zott from assessment under the revenue laws; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

KANSAS INDIAN LANDS.

The SPEAKER. The morning hour now begins at twenty-two minutes before one o'clock, and the House resumes the consideration of the bill reported yesterday from the Committee on Public Lands by the gentleman from Kansas, [Mr. GOODIN,] entitled "A bill (H. R. No. 797) providing for the sale of the Kansas Indian lands in Kansas to settlers, and for the disposition of the proceeds of the sale." The gentleman from Kansas is entitled to the floor.

Mr. GOODIN. Mr. Speaker, in reporting this bill I desire to submit a few words respecting the subject-matter of it.

The lands embraced in the bill amount to about 213,000 acres. Originally there were comprised within the limits of the reservation of the Kansas Indians 256,000 acres, of which amount 43,000 acres have been disposed of under the treaty of June 7, 1860, at an average price of $1.50 per acre. This bill proposes to make sale of the residue of the lands to actual settlers only for the benefit of the Indians. In pursuance of an act of Congress, approved May 8, 1872, the Secretary of the Interior caused the lands to be appraised, and parties were then authorized to purchase at such appraisement. The lands were appraised at from four to seven dollars per acre, making an average of about $5 an acre. The country was far more prosperous then than now, and yet it was found that the appraisement was too high and the lands could not be sold; and now in the present depressed condition of the country purchasers cannot be found to take them at the old appraisement. There are many poor people who have settled upon this tract and are, alike with the Indians, anxious for such a valuation to be fixed upon the lands as will enable them to be sold.

The bill which I have reported from the Committee on the Public Lands is substantially the same as that reported at the last session and which passed the House, but did not reach the Senate in time for consideration, as I am informed, by that body. This bill authorizes the Secretary of the Interior to investigate the appraisement to which I have referred, and if, in his opinion, the same is too high, to cause a re-appraisement to be made. I have examined the subject with some care, and find no legal objections to the passage of the bill. I would furthermore add that I am satisfied that its passage would be a measure of justice to the settlers upon these lands, and would also be of benefit to the Indians, as the lands cannot be sold under the present appraisement. As these lands are situate in the district of my colleague, [Mr. BROWN,] and as he has bestowed a good deal of attention upon this subject, I yield to him, hoping that he will be able to give the House any information required concerning the provisions of the bill.

Mr. BROWN, of Kansas. Mr. Speaker, this bill, as has already been explained by my colleague who reported it from the Committee on Public Lands, has for its sole object the re-appraisement of the Kansas Indian reservation, in Kansas, and its sale to actual settlers at reasonable prices and upon reasonable terms. This reservation, which consists of some 200,000 acres of land in central Kansas, is held by the Government of the United States pursuant to a treaty made with the Kansas tribe of Indians in 1860 for sale for the benefit of that tribe. At that time the Indians were living on what is called their diminished reserve, consisting of about 80,000 acres, which was withheld from sale until the tribe should seek and obtain homes elsewhere. The balance or the trust lands were offered for sale, and the better portion sold at a very low figure between 1860 and 1872. In the latter year, the Indians having removed to their new homes in the Indian Territory, the unsold portions of the trust lands and the diminished reserve were appraised and offered for sale; but, owing to the high valuation placed upon the lands and the illiberal terms of payment, they failed to sell, and with the exception of a few scattered tracts the whole reserve to-day remains unsold. After this appraisement in the fall of 1873 came the great financial crisis, which so affected values in all sections of the country, followed in 1874 in Kansas by the terrible visitation of the locusts, which destroyed our crops and left the State, as it were, almost a desert. These two calamities had the effect of depreciating all real estate in Kansas to a very great extent, so much so that this reservation offered to-day under the appraisement of 1872 presents to the purchaser the anomalous spectacle of raw prairie lands being offered for sale at a higher price than well-improved farms equally well located can be purchased for.

From 1866 until 1873 I resided within twenty miles of this reservation, and business often calling me upon it, I became thoroughly acquainted with it as well as with other lands in that vicinity, and having examined the appraisement I can from personal knowledge state that the lands are appraised from 30 to 40 per cent. too high, and that even the railroad lands which are sold on eleven years' time can be bought at a much lower price than this reservation under this appraisement. Nor is this all. Under the appraisement improvements upon the lands are also appraised, and, if anything, at a more exorbitant figure than the lands themselves. Houses which originally built of our native cottonwood and hackberry lumber have stood the weather and storms of twenty years are appraised at as high a value as fair houses could now be built for of the best material. I saw one building at the agency appraised at $1,840 which I would consider dear at one-third that price, and the mission buildings are in the same condition. The stone houses built in 1861 to improve and civilize the Kaws, and which they immediately utilized as stables after selling off the doors, windows, and floors, and which are in many instances unroofed and have been for years, are appraised at from seventy-five to one hundred and fifty dollars apiece, although many of them are of no earthly use to the occupants of the land except perhaps as stables; and, worse than all, old breakings of the prairie sod made years ago and grown up with sunflowers and weeds are appraised at from three to four dollars an acre, although every person acquainted with agriculture knows that such breakings are not only valueless but a positive detriment to a farm. No one objects to paying for the land and the improvements what they are really worth, but the settlers and those interested in their behalf do object to their being compelled to pay more than a fair price for what they get, and under this bill these improvements will be re-appraised as well as the lands. These settlers went upon these lands as soon as the Indians had removed, with the understanding that they were to be sold to actual settlers at reasonable prices, and here they have remained. They have built houses, inclosed fields, and raised crops; they have made farms, and now to the number of at least a thousand are living on the reservation. Like all pioneers they are poor men, but they have energy and determination, and feel that their all is bound up in the passage of this bill, and unless it passes many of them must abandon their homes and the hopes of years, while others who have invested too much to abandon will struggle on trusting eventually to be able to pay out, and many failing in the end. Of this class Congress in its late legislation has ever been the friend. It has invited him to settle the western prairies, and by the passage of the homestead law it has enunciated the grand principle that to him who bears the hardships and privations of frontier life, who by his labor reclaims the wilderness and makes that valuable which otherwise would be practically valueless, should belong the soil itself; and while in this case we recognize the rights of the Indian and desire justice done to him, we

trust Congress will not forget this principle so as to do injustice to the settler.

We have endeavored in this bill to do justice to the Indian. We have, in order that even the possibility of wrong might be avoided, provided that the Secretary of the Interior shall inquire into the correctness of the old appraisement, and make a new one only on condition it appears that the lands have been appraised too high. We have also provided for bonds against waste in case timbered lands are sold, for a rate of interest on deferred payments fully as high as the Government pays for the use of Indian funds, and which is satisfactory to the Commissioner of Indian Affairs; and finally, to make all secure, have provided that no titles pass to the purchasers until the whole purchase-money, principal and interest, is paid. We desire, as the bill states, to have the lands sold at their cash value, neither more nor less. We claim that it is an advantage to the Indian as well as to the settler to have this bill pass. It is no benefit to him to have these lands unsold. He and his creditors, among whom especially is the United States, which has advanced large sums to this tribe, ought to desire to have the matter settled and the land disposed of. No one believes large tracts should be held unsold for the benefit of anybody, and I do not think Congress would favor Indian speculators as against settlers any more than it would white speculators. Our State and the counties in which the land lies have an interest that these lands do not remain untaxable, but come in to bear their shares of the public burdens, and to the settler, as I have already shown, it is a vital matter that he may know what to provide for in the future.

This bill in nearly its present shape passed this House at the last Congress, and only failed in the Senate through lack of time. No parties are interesting themselves against it. The Indian superintendency in Kansas and the Quaker agents, who are supposed to be the special friends of the Indian, have never interposed an objection, though they have been consulted by friends of the measure, and it has been well known in our State that this bill would be pushed at this session. The Secretary of the Interior last spring gave his virtual sanction to the measure by stopping the offering of the reserve for sale, in order that Congress might act in the premises. Carefully guarded as the measure is, I certainly can see no ground to oppose the bill, and sincerely trust that it will pass.

Mr. KASSON. I wish to ask the gentleman from Kansas [Mr. BROWN] a question touching the provisions of the pending bill.

Mr. BROWN, of Kansas. I yield to the gentleman for that purpose.

Mr. KASSON. Contrary to the custom in the conveyance of lands to the United States the proposition is here made to interpose a title back to the United States together with notes secured by bond, thus putting the United States in the position and subject to the liability at law of a common transaction between individuals in real estate. I refer to these words, "which payments shall be secured by notes payable to the United States and by mortgage on the premises." The question I desire to put is whether the bill will not be much more perfect and much more in accord with precedent by striking out the words which I have read, so the section will then read, after prescribing five equal annual payments, "that the Secretary of the Interior shall withhold title until the last payment is made." The United States wants no security but the land. It does not want to be troubled with the management of promissory notes. I find the amendment is acceptable to the gentleman who reported the bill from the Committee on Public Lands, and I hope it will be adopted by the House.

Mr. BROWN, of Kansas. Neither my colleague, [Mr. GOODIN,] who reported this bill from the Committee on the Public Lands, nor myself, has any objection to the amendment suggested by the gentleman from Iowa. The woods were included in this bill because they were put in at the last session by the then Committee on the Public Lands. That is the only reason they have been included in here now.

Mr. FORT. I desire to ask the gentleman from Kansas to yield to me for a moment.

Mr. BROWN, of Kansas. I yield to the gentleman if he desires any explanation in regard to the provisions of this bill.

Mr. FORT. I should like to know what is the average valuation put upon these lands?

Mr. BROWN, of Kansas. They are appraised from three and a half to seven dollars an acre. Some, nearer the town, have been appraised much higher, but I think the average will be from five to six dollars an acre.

Mr. FORT. Have the Indians abandoned these lands and made application to have them sold?

Mr. BROWN, of Kansas. The Indians are living now in the Indian Territory. They have left this reservation, and it is now held by the Government in trust to be sold for their benefit.

Mr. FORT. Have they applied to have these lands sold?

Mr. BROWN, of Kansas. Yes, sir; again and again. I understand they are perfectly satisfied to have them sold in the way here provided.

Mr. PHILLIPS, of Kansas. If my colleague will permit me, I will make a brief statement. The Government purchased lands for these Indians in the Indian Territory. At both sessions of the last Congress this House appropriated money to locate these Indians there and pay for the lands which they now occupy. The money paid by the Government for those lands it was provided should be repaid from the price received from the proceeds of the sale of these lands in Kansas. In my judgment it will take nearly all the money which will be received from the sale of these lands in Kansas to actual settlers to repay the Government of the United States.

Mr. BAKER, of Indiana. Let me suggest to the gentleman from Iowa that he should still further amend, to carry out his object, by striking out lines 22 and 23 of section 1.

Mr. KASSON. I wish to complete the amendment to which I have already called attention. At the end of the first section I move to strike out the words "and give his notes with a lien on the land to secure the purchase-money on the terms aforesaid." Now it will be evident those words should be stricken out as a complement to the others which I have moved to strike out.

Mr. GOODIN. I do not object to the amendment proposed by the gentleman from Iowa.

Mr. DUNNELL. I insist that the gentleman from Iowa shall make his motion in writing, so that we may all understand exactly what it is.

The SPEAKER. If the gentleman from Minnesota insists on his demand, the amendment must be reduced to writing.

Mr. KASSON. I send my amendment to the Clerk's desk so that it may be reported.

The Clerk read as follows:

At the end of the first section, in lines 22 and 23, strike out the words "and give his notes with a lien on the land to secure the purchase-money thereof on the terms aforesaid."

Section 2, lines 13, 14, and 15, strike out the words "which payments shall be secured by notes payable to the United States and by mortgage on the premises."

The amendment was agreed to.

Mr. KASSON. There is one other amendment which ought to be made on page 3, where it reads "shall be subject to entry, &c., by actual settlers." I would be glad to have the word "only" inserted after the word "settlers," so as to exclude all possibility of these lands going into the hands of speculators.

Mr. BROWN, of Kansas. That is the object of this bill, and what we want to secure, beyond all doubt.

Mr. KASSON. So I understand.

The amendment was agreed to.

Mr. DUNNELL. I only desire to make a single remark in relation to the bill now before the House. I recollect distinctly that the Committee on Public Lands in the last Congress gave to this subject very careful consideration. It was before the committee a number of sessions. The history of the entire affair was gone over very carefully, and the Committee on Public Lands at the last Congress was unanimous in recommending the passage of a bill similar to this one. It was evident that these lands had been appraised at too high a figure.

It was very evident that it was neither in the interest of prospective settlers nor in the interest of the Indians that these lands should be held at the appraisal made upon them; and we were clearly of opinion that it was not only in the interest of the State of Kansas and in the interest of the settlers, but also of the Indians themselves, that these lands should be again appraised. I assure the House that there cannot be any safer proposition than is made by this bill.

Mr. GOODIN. I now demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the substitute, as amended, was adopted.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question was on the passage of the bill.

Mr. HOLMAN. I ask that the bill, as amended, may be again reported.

The bill was again read.

Mr. HOLMAN. I wish to inquire of the gentleman from Kansas, [Mr. GOODIN,] who has reported this bill, whether any other persons than actual settlers are authorized to become purchasers of this land or any part of it?

Mr. GOODIN. They are not.

Mr. HOLMAN. The sale is expressly limited to actual settlers?

Mr. GOODIN. It is expressly limited to them. But I have no objection, if the gentleman so desires it, to insert the word "only."

The SPEAKER. That word has already been inserted.

The bill was then passed.

Mr. GOODIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REORGANIZATION OF THE JUDICIARY.

Mr. McCRARY. The Committee on the Judiciary have had under consideration the bill (H. R. No. 1563) re-organizing the judiciary of the United States, and have unanimously directed me to report a substitute for that bill, and to recommend its passage.

The bill is of considerable importance, and numerous gentlemen are desirous of examining it, and wish that a time shall be fixed in the future for its consideration. I report the substitute, and ask that it be read by title at this time, and that it be printed, and fixed for consideration at a future day.

The title of the substitute (H. R. No. 1798) was read, as follows:

A bill to re-organize the judiciary of the United States.

Mr. McCRARY. On behalf of the committee I suggest that the following order be made with reference to the consideration of this bill;

That the substitute be printed, and made the special order for consideration in the House on Wednesday next at two o'clock, and from day to day at the same hour until disposed of, to the exclusion of all other business except regular appropriation bills.

Mr. HOLMAN. I trust the gentleman from Iowa will consent to postpone the consideration of this bill a week later, so that we may have ample opportunity to examine its provisions. The subject-matter is a very important one.

Mr. McCRARY. I desire to give all the opportunity that any gentleman desires; and if that will be satisfactory I will say one week from next Wednesday. I desire, however, to have the bill considered as early as possible.

Mr. WOOD, of New York. If this order be adopted might it not interfere with reports of a very important nature from the Committee on Ways and Means?

Mr. McCRARY. I have excepted the regular appropriation bills.

Mr. WOOD, of New York. I should like that reports of the Committee of Ways and Means should also be excepted; as it is at least possible that there are matters to be reported by that committee on which the House might be called upon to act summarily, and with which this order might interfere.

Mr. McCRARY. I do not think that the debate on this bill will be at all protracted. It is the unanimous report of the committee, and I think when gentlemen examine it it will meet with general approval. It involves the appointment of no additional judges, and so far from increasing expense it is a measure of economy and retrenchment. I think there will be no conflict between the Judiciary Committee and the Committee of Ways and Means with regard to the control of the floor.

Mr. WOOD, of New York. I had supposed that the bill involved the necessity of a reconstruction of the organization of the whole judiciary of the United States.

Mr. CAULFIELD. O, no!

Mr. McCRARY. It does not involve that.

Mr. BANKS. The order introduced by the gentleman from Iowa, representing the Judiciary Committee, restricts the consideration of the House to the substitute. The substitute can only come in as an amendment to the original bill, and the bill should be included in the order.

Mr. McCRARY. I have no objection to that.

The SPEAKER. The order will be made to read accordingly.

Mr. WOOD, of New York. I object to the consideration of the bill being ordered to run from day to day until disposed of. I am willing to give it that day, but not from day to day.

The question being taken on Mr. McCRARY's motion as modified, it was agreed to—ayes 93, noes not counted.

Mr. McCRARY moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. McCRARY. On behalf of the committee I also desire to submit a report in writing, expressing the views of the committee in reference to this bill, and I move that the report be printed and that it do lie on the table.

The motion was agreed to.

PAY OF THE CLERK OF THE JUDICIARY COMMITTEE.

Mr. KNOTT. I am unanimously instructed by the Committee on the Judiciary to report the following resolution and ask its adoption:

Resolved, That the clerk of the Committee on the Judiciary be, and he is hereby, allowed for his services $5 per day, to be paid out of the contingent fund of the House.

Mr. HOLMAN. Will not the gentleman from Kentucky consent that that resolution shall be referred to the Committee on Accounts?

Mr. KNOTT. I do not think the reference at all necessary. The House must be aware from the amount of business referred to the Committee on the Judiciary that the time of the clerk of that committee is as much occupied as that of any other employé in the House.

Mr. HOLMAN. What is his present pay?

Mr. KNOTT. Only $4 per day.

The question was taken; and the resolution was agreed to.

Mr. KNOTT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRACTICE IN UNITED STATES COURTS.

Mr. KNOTT also, from the same committee, reported back, with the recommendation that it pass, the bill (H. R. No. 934) regulating the practice in United States circuit and district courts as to the time and manner of instructing juries and arguing the cause.

The bill was read. It provides that the circuit and district courts of the United States, in all criminal trials and civil causes other than equity and admiralty causes, shall conform to the practice existing at the time in like trials and causes in the courts of record of the State within which such circuit or district courts are held, both as to the time and manner of instructing the jury and conducting the argument of the cause before the jury, any rule of the court to the contrary notwithstanding.

Mr. KASSON. I would like the gentleman from Kentucky to state whether in the States where judges are now instructed in writing this bill would not require all the judges of the United States courts also to put their instructions in writing? If that is the effect it is a very important change in the practice. If the gentleman will be kind enough to explain what effect it is designed to produce, I shall be glad to hear him.

Mr. KNOTT. I did not hear the gentleman's question.

Mr. KASSON. This bill provides not only in relation to juries, but that the instructions given to the juries shall conform in the mode of giving them in the United States courts to the practice in the States where those courts are held. Now, in some of the States the law requires the judge to give all his instructions in writing to the jury. That is not the case in the United States courts, and I doubt very much whether it is the desire of the lawyers in the House to require a United States judge to give all his instructions in writing. My inquiry is whether this bill is designed to require that they shall do so.

Mr. KNOTT. Manifestly the bill is intended to accomplish precisely what its language imports. Where the State law requires the instructions to be given in writing in the State courts, that same practice is to prevail in the United States courts; and when the law authorizes or requires a verbal charge, the practice in the United States courts must conform to that practice. And further, sir, I would say that this bill is reported back with the unanimous approval of the Committee on the Judiciary, who I believe have with myself taken some pains to ascertain the feelings of the members of the bar on this floor on this subject.

I know that in some localities there has been considerable complaint on account of the judges of the United States courts refusing to conform to the established rule of practice in the State courts, and I cannot conceive that this bill will work any hardship on anybody.

Mr. KASSON. Then I would like to inquire of the gentleman why if it is a good rule in one State it is not in all to require all instructions to the jury to be given in writing. And if we are going to regulate the judges, why should we so regulate them as to subordinate them in one State to one rule and in another to another?

I do not know that I should object to this bill if it would make the practice uniform in all the States, but it seems to me that if there is any usefulness for the protection of suitors that the directions of the judge to the jury should be given in writing in one State it should be the same in all. In my own State our local judges give their instructions in writing, and must do so. Our United States judges do not do so. If, therefore, we desire the United States courts to come under the rules that prevail in my State, let us so provide and let the rule be uniform, for otherwise we adopt a rule that subjects the United States judges in this respect to local jurisdiction.

Mr. KNOTT. I would ask the gentleman one question. Would not the bar in his own State be satisfied to have the judges of the United States courts instruct the juries in writing precisely as their State judges are required to do?

Mr. KASSON. I cannot speak for the bar of my State. I can only say that I never heard an expression of discontent in the bar of my State with the habit of the judges of the United States court, which is, to give oral instructions, and I know that that practice has in many cases been found useful by giving more latitude in the consideration of the case.

Mr. LAWRENCE. I suppose that the gentleman from Iowa knows very well that by an act of Congress, I think in 1871, incorporated into the Revised Statutes, the practice and pleadings adopted in the State courts are adopted in the courts of the United States.

Mr. KASSON. There was a special reason for that; but that does not embrace the mode of giving instructions by the court.

Mr. LAWRENCE. Why not?

Mr. KASSON. It does not, in point of fact.

Mr. TOWNSEND, of New York. I desire to say that I wish the system which prevails in Iowa, requiring the instructions of the judge to the jury to be in writing, might also be extended to the State of New York, where we have no such practice, either in civil or criminal cases. In our State a trial often degenerates into a trial by judges, instead of one by juries. I have no fear on the subject of this bill affecting the States where instructions are now given in writing, and can only say that I wish the same rule existed in the State of New York.

Mr. PHILIPS, of Missouri. As already stated by the gentleman from Ohio, [Mr. LAWRENCE,] there is now upon the statute-books this provision, section 919 of the Revised Statutes:

> The practice, pleadings, and forms and modes of proceeding in civil causes, other than equity and admiralty causes, in the circuit and district courts shall conform, as near as may be, to the practice, pleadings, and forms and modes of proceeding existing at the time in like causes in the courts of record of the State within which such circuit or district courts are held, any rule of court to the contrary notwithstanding.

The evident object of this provision is to assimilate the practice in the United States, circuit, and district courts, to the practice prevailing in the State courts of the State within which United States courts are held. It is maintained by many lawyers that the statute just quoted is sufficiently explicit to require the United States courts to conform their practice in the matter of instructing juries, and the manner of conducting arguments before juries to the existing practice of the State courts. But in some of the States, for some reason or other, the judges of the Federal courts adopt a different rule.

The object of the bill now before the House is simply to make explicit and to put beyond all possibility of controversy or dispute the meaning of the existing statute of the United States on the subject. As is known to the House, the United States circuit and district courts are established in all the States. The jurisdiction of these courts has been extended, until now they have absorbed to a large extent much of the practice and business of the States. As these judges, the district judges

especially, and in many cases the circuit judges, are taken from the States where the courts are established, and are familiar with the rules of practice prevailing in the State courts, it is no inconvenience or interference with the judges to require them to instruct the juries in the same way as is provided in the State courts. It will be a great convenience to the attorneys who practice in these courts that the manner of charging juries should be the same as in the State courts, because they are already familiar with that practice. The juries of the State are familiar with that mode of conducting business, and I cannot see what possible objection there can be to requiring the district and circuit judges of the United States to conform their practice in this respect to that of the State courts. It makes the law explicit, so that both attorneys and jurors can understand it.

If the policy is to be persisted in of not only erecting the Federal courts in the States, and extending their jurisdiction to almost every cause local to the States, I can see no reason why the mode of procedure in those courts should not be made to conform as nearly as possible to those of the respective States. That evidently was the purpose of the statute just read, and the bill under consideration will simply carry out the object.

Let the bill become a law.

Mr. KNOTT. I now call the previous question.

Mr. STEELE. I would like the gentleman from Kentucky to allow me to move an amendment to this bill, to which I think there will be no objection.

Mr. KNOTT. I will hear the amendment read.

Mr. STEELE. My amendment is simply to make this bill, if it becomes a law, apply to the Territories when the district courts of the Territories are exercising the jurisdiction of district and circuit courts of the United States. I propose to amend by inserting after the word "States" the following:

And to the district courts of the several Territories when exercising jurisdiction as district and circuit courts of the United States.

Mr. KNOTT. I must decline to yield for any amendment.

Mr. STEELE. I would like to have a vote on my amendment.

Mr. KNOTT. The purpose of the gentleman can be reached in a separate bill. I must insist upon the previous question.

Mr. COX. I call for the reading of the bill.

The SPEAKER. The morning hour has expired.

PUBLIC BUILDING AT NASHVILLE, TENNESSEE.

Mr. ATKINS. Before the House proceeds to the consideration of other business, I desire to report back from the Committee on Appropriations House bill No. 664, making an appropriation for the purchase of additional grounds for the custom-house at Nashville, Tennessee, and to move that the committee be discharged from its further consideration, and that the same be referred to the Committee on Public Buildings and Grounds.

There was no objection; and it was ordered accordingly.

COMMITTEE ON POST-OFFICE AND POST-ROADS.

Mr. CLARK, of Missouri. The Committee on Post-Offices and Post-Roads deem it necessary, in order to properly dispatch the business now before them, to ask permission of the House for that committee to sit during the sessions of the House.

There was no objection, and it was ordered accordingly.

TERM OF PRESIDENTIAL OFFICE.

The SPEAKER. The morning hour having expired, the House now resumes the consideration of the joint resolution (H. R. No. 41) proposing an amendment to the Constitution, upon which the gentleman from Ohio [Mr. WOODWORTH] is entitled to the floor for twenty minutes, at the expiration of which time the gentleman from Kentucky [Mr. KNOTT] will be entitled to the floor to call the previous question upon the resolution and pending amendments.

Mr. WOODWORTH. Mr. Speaker, when I yielded last evening to a motion to adjourn I did so with the generous and unanimous consent of the House that I should be allowed twenty minutes to-day after the morning hour had expired, and before the order with reference to this resolution had become operative, in which to proceed with my remarks. This time will, I think, be sufficient for my purpose if I shall be permitted to proceed without interruption.

I said yesterday that my object in taking the floor was to reply to some suggestions that had been advanced by gentlemen in support of the pending propositions, and to add a word or two to what had been already so well and eloquently said by the gentleman from Maine [Mr. FRYE] with regard to the third-term idea that had led his committee to report these resolutions.

Sir, I am opposed both to the proposition of the majority and to the proposition of the minority of your Committee on the Judiciary. I do not believe that there ought to be any change in the Constitution limiting the eligibility of a President to one term of any number of years. I have more confidence in the work of the men of 1787 than I have in the wisdom of those who now, some of them for partisan ends as I believe, assume to be terribly frightened at the awful possibilities that may arise out of the blunders of the fathers who thought it wrong to give to the nation the principle of democracy with a shackle upon it, as is proposed by these resolutions.

It was urged yesterday by the gentlemen who advocated a constitutional limitation of presidential eligibility that the proposed inhibition would prevent a diversion of the power and patronage of the President from their legitimate uses to the furtherance of personal ambitions—would tend to secure a statesman instead of a politician in the executive office—would render more remote the possibility of the occurrence here of scenes similar to those which France witnessed in 1852 when the chair of a president, touched by the magic of human ambition, became the throne of a king, and when the short-lived republic of France proved to be but the chrysalis from which burst the empire of the second Napoleon. These, sir, were in substance the arguments, although this was not the manner of presenting them, used yesterday by gentlemen who addressed the House in behalf of the passage of either one or the other of the two resolutions now under consideration.

Sir, the reply final and conclusive to all these is the argument for the Constitution as it is—the argument that prevailed in the minds of the men of 1787, to whose prescience the experience of later years, to which allusion was made, could add nothing. The sovereignty of the people, absolute and supreme, to choose their rulers as they please, limited only by prescribed and highly essential qualifications as to age and citizenship, and in case of the President to nativity also, is the corner-stone upon which our fabric was built. That this sovereignty of the people might not be abridged, that the theory of a government by the people might be realized in its widest scope and broadest sense, the fathers refused to put into the Constitution that which is proposed by these resolutions. As was said by the gentleman from Indiana, [Mr. NEW,] this question was prominent in the serious debates of the convention of 1787. Alexander Hamilton believed that the President should hold a life office, while Benjamin Franklin thought that at decent periods he should be returned to the people, which he considered no degradation but a promotion, as it was a change from the condition of servant to that of master. John Randolph and others advocated a limit to one term, while Roger Sherman and many other equally prominent members of the convention opposed such a limitation. In this debate it is useful to note that the idea of re-eligibility found its strongest support when coupled with the proposal that the President should be elected by the national Legislature, and that the argument for it was based upon the supposition that this would secure the executive office against the danger of too great an influence from the legislative branch. When, however, it was determined that the President should be elected by the people through an electoral college, (which in passing let me say I cannot but regard as an unfortunate concession to an anti-democratic idea,) this body of wise and patriotic men refused to place this limit upon the free choice of the people. The reason for this refusal, namely, a more unlimited democracy, is as good to-day as it was eighty-nine years ago. This, sir, is worthy to be remembered by the House, if it becomes us to be heedful of the light which streams down upon us through more than three-quarters of a century from the lamps which guided the fathers when they made successful search beneath the gloomy absurdities piled up by a thousand years of despotisms for the grand truth of human governments upon which to build a new nation.

By the Declaration of Independence, so much in all our minds in this centennial year, and so much in all our utterances, too, I might add; by the achievements, both in Congress, where the experiment of self-government was fashioned in the anxious minds of men, and upon the field where armies "threw the iron death-dice" for human rights; by the convention of 1787, mentioned a moment ago, where all the experiences of the past and all the possibilities of the future were brought together and made to join hands to work out the problem, the mighty problem, of how may this thing known as the rights of the people, so long hidden beneath the bald absurdity of the divine right of kings, be most surely realized—by these, sir, was our nation planted upon the foundation-rock of self-government by the people; and this foundation-rock has become to be to us a political "rock of ages" upon which let no man or body of men lay desecrating hands. Upon this foundation-rock our governmental superstructure rests—a superstructure so magnificent and grand that in this hundredth year we exult that it is ours, realizing that it is the acme toward which struggled the nobler ambitions of the past, and that within it now the century-aloe of human hope is blossoming, filling the earth with incense. Its base is the divinity of human rights. Its area is the breadth of a gigantic continent. Its bulwark is forty millions of undaunted hearts. Its dome is crowned with the achievements of a hundred years. Thus, sir, it stands to-day, the boast of Americans, the wonder of mankind. It is the temple of refuge for the oppressed of every clime, and is ere long to become the model upon which the artists and the artisans of Old World politics shall fashion a hundred emulating structures in a hundred lands. The beneficence of its example must be felt. This year, thanks to the patriotic city of Philadelphia, thanks to the grand Commonwealth of Pennsylvania, thanks to the country-loving men and women of the whole Union who have stretched a hand to aid our proposed centennial jubilee, and thanks, too, to the action of this House taken but a few days ago—this year there shall go out from it, as well from where the Golden Gate stands open to the lisping southern sea as from where old Plymouth Rock still beats back the angry Atlantic, a voice saying to the nations of the East and to the nations of the West, Come up higher! and that voice shall be echoed and re-echoed over the craggy continent and sea-girt isles of Europe and wafted even into the slumberous haze of "farthest Ind," until one day the response, We come! shall float back, and the divinity of human rights, overthrown ten centuries ago by Charlemagne

and the conspiring prelates of that era, shall be reproclaimed on the ruined walls of many a dynasty and planted a star, high up in heaven, there forever to remain a political guide-star for human kind.

Do gentlemen smile at this as the perhaps pardonable rhetoric of this our centennial year? I indulge, sir, in no mere figures of extravagant speech. This is but a portrayal, a faint portrayal, of that which is in the hearts of all our people—of the people of the North and of the South, of the East and of the West, as they now step out from the war-begrimed, victory-garlanded, peace-decorated corridors of the past into the full radiance of this centennial era, and bow their heads to receive the parting benediction of the grandest hundred years of human history, and turn their faces to listen to golden promise for the still grander centuries that are to come.

Now, sir, it is proposed upon this second day of the second month of our centennial year—proposed in the American Congress, the lineal successor to that body which a hundred years ago proclaimed to mankind the doctrine of human rights; proposed, forgetful of that which has led us up into the mountain-top where we now stand—proposed that we shall begin the new century with a backward step, and let its gray dawn reveal us working like undermining rats around the base of this grand, magnificent superstructure, to lessen its strength by placing a shackle upon the complete sovereignty of the people. Sir, I doubt if gentlemen appreciate that this is a proposition to abridge, to curtail, to circumscribe our democracy. I am amazed that any should wish thus to begin the new century. Such a wish stands in sad contrast to the lofty aspirations that fired the hearts of the men who were upon the stage at the beginning of the century just gone, the echoes of whose retiring foot-fall still linger in the corridors of yesterday.

Should this proposition succeed, the men of a hundred years hence will have less cause to be jubilant than do the men of to-day, for one step in the wrong direction renders another so easy, and the momentum of evil when once in motion is so irresistible, that none could then tell if the light which shall burst up from the East in a hundred years will throw its sheen upon that structure that towers up from our land to-day overlooking the nations. Depend upon it that, upon this subject at any rate, the fathers were wiser than your Judiciary Committee, and that in this respect at least you can make the Constitution no better than they left it to us.

If the progress of years has developed that a change in our fundamental law is necessary to secure or to carry out a principle of the fathers, I for one shall not be heard to object; nay, I shall be among the first, in my humble way, to aid in securing such a change. But, sir, this is not an amendment to carry out but to destroy a principle of the fathers by limiting the prerogative of the people. Are not the people to be trusted? That they are not is the inference of this proposition. This antagonizes the views of the fathers. There is no idea in these resolutions, nor is there anything that can be urged in their support, that is not incompatible with the spirit that gave birth and being to the Republic a hundred years ago.

To the argument that this amendment would tend to give more statesmanship and less political management in the executive office, I reply that it is of the very essence of republicanism, it is of the highest importance to democracy that the executive office should ever be as responsive to the will of the people as is the barometer to the indications of the atmosphere. Our democracy else would be at best but a limited democracy. It may be true, as is sometimes said, that the people in the act of an election delegate for a period a portion of the sovereignty that is theirs, but it is not true that for this period their sovereignty is wholly lost, and that they relapse into the condition of subjects. No; by the powers which are reserved in their hands to remove through other officers, and by the very genius of our institutions, all officers of the Government are but the agents of the people to carry out their will by the performance of acts which they are too numerous to do themselves as in a pure democracy. The sovereignty always resides with the people, and public officers are only the agents to enact or execute it. Hence, to follow the declared will of the people, keeping always within the Constitution, is the duty of every officer in a government like ours, and whatsoever will tend to make such an officer less responsive to the popular will tends to autocracy, and must be subversive in a greater or less degree of the idea that the people govern. Yet this is precisely what these resolutions propose, and this is the argument used by gentlemen to support them.

But this is not all. Often it may occur in times of great business calamity or of social upheaval, like the war of the rebellion, that it would be disastrous to change an executive. New men mean new measures. A change signifies that the value of experience shall be thrown away. There was much homely wisdom in what Mr. Lincoln is reported to have said in 1864, that "it is dangerous to swap horses while crossing a stream." The reason of this truth when applied to the Presidency is apparent. Suppose, sir, that this proposed amendment had been a part of the Constitution in 1864. We scarcely dare to contemplate what might have been the result. Yet similar circumstances may environ us again, though God in His infinite mercy grant that it may be otherwise. At any rate, let us not put it into the Constitution that we must commit national suicide should such an event again transpire.

The dangers of which gentlemen have spoken as possible under the Constitution as it is are, in my judgment, wholly improbable, nay, absolutely impossible. Why, sir, the people are the masters here, and propose to remain so. Are they, with their intelligence and might and with every means to prevent within their reach, to submit to a perversion of the Government? Such things can only be suffered by a more ignorant and a less fortunate people than ours. Our country, sir, will never need a Brutus, for our people will never permit a Cæsar. But suppose that there is some tinge of reality to the dangers which gentlemen apprehend. Is it not true that, by immemorial practice, by the usages of nearly a hundred years, the precedent of no more than two terms in the presidential office for one citizen has been established; and is not this a sufficient safeguard? As I said a moment since, it may occur again as in 1864 that the election of a President to a second or even to a third term may be necessary to the existence of the nation. I can conceive this as entirely possible. To provide for such an emergency let us tie ourselves down by no constitutional amendment, but let us rather trust to the precedents of the past and to the good sense of the people to take care of their liberties. Have no fear that they will not do it. They will by "eternal vigilance" take care of their liberties and show that the picture which Franklin contemplated upon the last day of the convention of 1787, as emblematic of the work just accomplished, was a picture of the rising and not of the setting sun.

Now, sir, a word or two more with regard to the idea that has led up to this proposition and I shall then have said my say.

[Here the hammer fell.]

Mr. PAGE. I ask that by unanimous consent the gentleman have five minutes more to complete his remarks.

There was no objection, and it was so ordered.

Mr. WOODWORTH. I am very much obliged to the House for its courtesy.

The charges of improper ambition on the part of our present worthy Chief Executive and the innuendoes of machinations on his part to secure the presidential chair for a third term, made not so much in the course of this debate as frequently in this House since the session began and throughout the country during a series of years by those opposed to the political party which elected him, have led up to the presentation, in serious, sober, downright earnest, of these most dangerous propositions. Sir, I cannot but regard all such charges and innuendoes as these as the highest injustice to a worthy, an unambitious, and a patriotic President; a President whose administrative acts, when they shall have been taken out from the murk of partisan censure and the spume of personal animosities and ambitions and placed truthfully upon the pages of American history, will shine with a luster undimmed by any hint of ambition; will glitter and glow upon those pages as administrations which, although surrounded by peculiar difficulties, nevertheless gave to the country results of peculiar patriotism, justice, and purity. As men of all political parties today turn with pride to the memory of him whose venerated ashes now sleep in the shades of the Hermitage and quote the immortal utterance, "By the Eternal, the Union must and shall be preserved," so I believe that in the near future men of all political creeds will point with pride to the two administrations of President Grant and repeat the sententious utterances, "I will fight it out on this line if it takes all summer," "Let us have peace," "Let no guilty man escape."

Sir, I voted the other day upon the motion of some one of the numerous Warwicks upon the other side of the House, and I have at this moment forgotten whom, so immortal and immortalizing was the act, for a resolution declaring against a third term. I did so because I do not think that the exigency is upon us which would justify a departure from the time-honored practices of the past. But I here and now most solemnly declare that I believe that it would be better, far better, for the people of our country, better for every interest that is sacred to the American heart, that President Grant should be elected to a third term than that the chair which he now fills with such honor to the Republic should be occupied by a man who because of party obligation must incline his ear to the counsels of those who only twelve years ago stood with arms in their hands seeking to destroy this grand Government which our fathers gave to us, and who by their own confession are only back in the Union again not from choice but because they could not help themselves. Sir, it is not in my mind to stir up the fast-dying embers of fought-out battles. We are glad to welcome them back to the common hearth-stone. In the beginning of this new century we are ready to grasp them by the hand, and with them look forward into the future toward our common destiny as a people. To the spirit of conciliation we will surrender everything but the safety of that common future. "With malice toward none, with charity for all," we will go forward, but in our memories there must abide just enough of the sorrowful past for an assurance most absolute that its darker part will recur no more forever.

Sir, I do not approve of all the acts of President Grant, or agree with some of his ideas touching certain economic questions, regarding which there is the widest diversity of opinion among men of all political parties. The leading acts of his administrations, however, I believe to have been founded and executed in wisdom, and I know that they are indorsed by the great national party which elected him.

Upon what pretense of foundation are these charges made? Sir, I challenge any gentleman upon this floor or in the whole country to point to a single act or utterance of President Grant which would indicate that he is animated by any ambition save always the honorable ambition to faithfully execute the laws, to stand steadfast by the Constitution of the country and the rights and liberties of the

people. That he is moved by other ambitions than these is but the wild chimera of dreaming political antagonists, fitting perhaps for the demagogue, but certainly unworthy an influence in this Hall. It is, sir, however, according to the eternal fitness of things that such a proposition as the one before us should be born of such a chimera. I trust that we shall be led no further in this direction by the mirage which appears only to the distempered visions of scheming politicians, and that these resolutions, each as it shall come up in its order, will be promptly voted down.

[Here the hammer fell.]

Mr. WELLS, of Missouri. I ask that the time of the gentleman from Ohio be extended.

The SPEAKER. The gentleman from Ohio does not ask any extension of time.

Mr. KNOTT. I call the previous question on the bill.

Mr. YOUNG. Mr. Speaker, before the previous question is called I desire to relieve the gentleman from Ohio, [Mr. WOODWORTH,] who has just spoken, of the apprehension which seems to trouble him that some one who bore arms against the Federal Government in the late civil war may by some chance be elected President of the United States when the term of the present incumbent shall expire. As one of the representatives of that class whose presence in this House excites the alarm of the gentleman from Ohio and his party friends, I take the responsibility of saying that there are no candidates for the Presidency among those to whom he refers. They are entirely willing to intrust for the present their own fortunes and the government of the country in the hands of the honest and true men of the nation who stood by the Union during the war and now support the Constitution when it is over and peace prevails throughout the land. The gentleman may dismiss his fears.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was agreed to.

Mr. KNOTT. Mr. Speaker, if I did not think it probable that I would be expected to say something in support of the proposition reported by the majority of the Committee on the Judiciary, I do not know that I would feel disposed to add a single remark to what has already been said upon the question under discussion; for I presume, sir, that there is scarcely an intelligent mind either in this House or out of it which has not already reached a conclusion upon the subject under consideration which no argument of mine would be likely to alter or confirm.

The opinion that there should be some limit to eligibility to the chief executive office of the Government is by no means a new one in American politics. If gentlemen will turn to the Articles of Confederation they will find that by the fifth article the delegates in Congress to whom were intrusted the executive as well as the legislative functions of government were rendered ineligible for three years in every six. Moreover, if they will take the trouble to examine the proceedings of the convention which framed our present Constitution, they will find that this idea, this mistrust of executive power, not only antedated the existence of that instrument, but that no question was more frequently or earnestly discussed by the illustrious men who composed that convention, nor one upon which there was a more remarkable concurrence of opinion than upon the very proposition now under consideration, that the Chief Executive of the Government should be ineligible to that distinguished position after a single term. Indeed, the very first business proposed to that body was the famous series of fifteen resolutions submitted by Mr. Randolph, of Virginia, the seventh of which was as follows:

Resolved, That a national executive be instituted, to be chosen by the national Legislature for the term of —— years, * * * *to be ineligible a second time*, &c.

This resolution having been earnestly discussed and maturely considered, the question was taken upon agreeing to the clause "*to be ineligible a second time*," and it was carried in the affirmative by a vote of almost unprecedented unanimity, only one State voting against it, while the delegation from another was divided. The vote was as follows: Yeas—Massachusetts, New York, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia—8. Nay—Connecticut—1. Divided—Pennsylvania. Having been thus determined in the convention, it was referred, along with a variety of other matters, to the committee of five appointed to prepare a draught for a constitution, and was afterward reported back to the convention in article 10 of the plan submitted by them, which was as follows:

ARTICLE X.

SECTION 1. The executive power of the United States shall be vested in a single person. His style shall be "The President of the United States of America," and his title shall be "His excellency." He shall be elected by ballot by the Legislature. He shall hold his office for seven years; *but shall not be elected a second time.*

The question as to the *manner* in which the President should be elected having given rise to considerable discussion and elicited a variety of conflicting opinions, the section was referred to a committee of eleven, which subsequently reported it back with a plan for electing the President by electors, but, for some reason which has never yet been explained so far as I know, leaving out the clause limiting his eligibility to a single term, notwithstanding it had been previously adopted by the convention by a most emphatic and decisive vote as I have already stated.

It was that very omission, sir, which gave rise to the animadversion of Luther Martin in his celebrated report to the Legislature of Maryland, read by the gentleman from Indiana [Mr. NEW] on yesterday, and the party to whom Luther Martin therein alluded as being desirous of making the tenure of the presidential office for life was Alexander Hamilton, the ardent advocate of a strong executive government, the known and avowed friend of a qualified monarchy, and one whom I must confess I was very much surprised to hear my friend from Indiana quoting as authority against the propriety of limiting the eligibility of the President to a single term.

Mr. NEW. Will the gentleman permit me to interrupt him to say that I did not refer to Mr. Hamilton's plan in support of the proposition that I was favoring in my remarks. A reference to my language will show that in connection with Mr. Hamilton's name I was only enumerating the different propositions which were submitted by different delegates upon the subject of the presidential term, and among others gave Mr. Hamilton's plan.

Mr. KNOTT. Nor is this all, sir. When the Constitution was submitted to the several States for their ratification, the convention of Virginia submitted along with its resolution of ratification, among a variety of other propositions, an amendment to render the President ineligible eight years in every sixteen; North Carolina proposed that he should be made ineligible for eight out of fifteen years; and New York insisted that he should be forever ineligible after a single term. In fact, sir, from the time our Constitution was proposed down to the present hour there has never been a time in which the propriety of limiting the eligibility of the President to a single term has not attracted the attention and elicited the earnest approval of many of the most distinguished American statesmen, without regard to their political views in other particulars.

The gentleman from Indiana [Mr. NEW] on yesterday cited the opinion of the great apostle of American democracy, Mr. Jefferson, and as his testimony may perhaps still meet with some consideration on this floor, I beg leave to read an extract from a letter addressed by him to John Adams, dated at Paris, November 13, 1787:

How do you like our new Constitution? I confess there are things in it which stagger all my disposition to subscribe to what such an assembly has proposed. The House of Federal Representatives will not be adequate to the management of affairs either foreign or federal. Their President seems a bad edition of a Polish king. He may be elected from four years to four years for life. Reason and experience prove to us that a chief magistrate so continuable is an officer for life. When one or two generations shall have proved that this is an office for life, it becomes on every occasion worthy of intrigue, of bribery, of force, and even of foreign interference. * * * Once in office and possessing the military force of the Union, without the aid or check of a council, he would not be easily dethroned, even if the people could be induced to withdraw their votes for him. I wish that at the end of four years they had made him forever ineligible a second time.

Again, in a letter addressed to Colonel Smith, he remarks:

There are very good articles in it and very bad. I do not know which preponderate. What we have lately read in the history of Holland, in the chapter on the stadtholder, would have sufficed to set me against a chief magistrate eligible for a long duration if I had ever been disposed toward one; and what we have always read of the elections of Polish kings should have forever excluded the idea of one continuable for life.

Again, sir, in writing to Mr. Thomas Martin, September 20, 1813, he says:

I am for responsibilities at short periods, seeing neither reason nor safety in making public functionaries independent of the nation for life, or even for a long term of years. On this principle I prefer the presidential term of four years to that of seven years, which I myself had at first suggested, annexing to it, however, ineligibility forever after that, and I wish it were now annexed to the second quadrennial election of President.

But, sir, as the very eloquent gentleman from Ohio [Mr. WOODWORTH] who has just taken his seat has invoked the shade of the hero and sage whose ashes sleep in the quiet precincts of the Hermitage, it may not be inappropriate for me to call his attention to the repeated utterances of that great oracle of the democracy upon the very question under discussion.

If he will turn to the first annual message of President Jackson he will find this language:

I would therefore recommend such an amendment of the Constitution as may remove all intermediate agency in the election of President and Vice-President. The mode may be so regulated as to preserve to each State its present relative weight in the election; and a failure in the first attempt may be provided for, by confining the second to a choice between the two highest candidates. In connection with such an amendment, it would seem advisable to limit the service of the Chief Magistrate to a single term of either four or six years. If, however, it should not be adopted, it is worthy of consideration whether a provision disqualifying for office the Representatives in Congress on whom such an election may have devolved would not be proper.

Again in his second annual message he reiterates the suggestion with renewed earnestness.

It was a leading object with the framers of the Constitution to keep as separate as possible the action of the legislative and executive branches of the Government. To secure this object, nothing is more essential than to preserve the former from the temptations of private interest, and, therefore, so to direct the patronage of the latter as not to permit such temptations to be offered. Experience abundantly demonstrates that every precaution in this respect is a valuable safeguard of liberty, and one which, my reflections upon the tendencies of our system incline me to think, should be made still stronger. It was for this reason that, in connection with an amendment of the Constitution removing all intermediate agency in the choice of the President, I recommended some restrictions upon the re-eligibility of that officer, and upon the tenure of officers generally. The reason still exists, and I renew the recommendation with an increased confidence that this adoption will strengthen those checks by which the Constitution designed to secure the independence of each Department of the Government and promote the healthful and equitable administration of all the trusts which it has created. The agent most likely to contravene this design of the Constitution is the Chief Magistrate. In order, particularly, that this appointment may, as far as possible, be placed beyond the

reach of any improper influences; in order that he may approach the solemn responsibilities of the highest office in the gift of a free people uncommitted to any other course than the strict line of constitutional duty, and that the securities for this independence may be rendered as strong as the nature of power and the weakness of its possessor will admit, I cannot too earnestly invite your attention to the propriety of promoting such amendment of the Constitution as will render him ineligible after one term of service.

In his third annual message he says:

I have heretofore recommended amendments to the Federal Constitution giving the election of President and Vice-President to the people and limiting the service of the former to a single term. So important do I consider these changes in our fundamental law that I cannot in accordance with my sense of duty, omit to impress them upon the consideration of a new Congress.

Again, sir, in his fifth annual message, after he had himself been elected a second time, he most earnestly invited the attention of Congress to the various suggestions he had made as to the propriety and necessity of amending the Constitution so as to limit the eligibility of the President to a single term, which, it will be observed, he says he considers "as all-important to the future quiet and harmony of the American people." He says:

I would also call your attention to the views I have heretofore expressed of the propriety of amending the Constitution in relation to the mode of electing the President and Vice-President of the United States. Regarding it as all-important to the future quiet and harmony of the people that every intermediate agency in the election of these officers should be removed and their eligibility should be limited to one term of either four or six years, I cannot too earnestly invite your consideration to the subject.

But, sir, this is not all. Who is there here who has forgotten one of the most remarkable political contests that ever occurred upon the American continent—the memorable canvass of 1844? Who has forgotten the battle-cry of the great whig party, which rang out from one end of the country to the other, "A single term for the President?" One term for the President was the watch-word at the Harrisburgh convention which nominated General Harrison in 1839, whose very first utterance upon his inauguration was to echo the sentiment of his party, and to declare his own unalterable determination never to contravene it by becoming a candidate a second time.

In his inaugural address he said:

It may be observed, however, as a general remark, that republics can commit no greater error than to adopt or continue any feature in their systems of government which may be calculated to create or increase the love of power in the bosoms of those to whom necessity obliges them to commit the management of their affairs. And surely nothing is more likely to produce such a state of mind than the long continuance of an office of high trust. Nothing can be more corrupting, nothing more destructive of all those noble feelings which belong to the character of a devoted republican patriot. When this corrupting passion once takes possession of the human mind, like the love of gold, it becomes insatiable. It is the never-dying worm on his bosom, grows with his growth, and strengthens with the declining years of his victim. If this is true, it is the part of wisdom for a republic to limit the service of that officer at least to whom she has intrusted the management of her foreign relations, the execution of her laws, and the command of her armies and navies to a period so short as to prevent his forgetting that he is the accountable agent, not the principal; the servant, not the master. Until an amendment of the Constitution can be effected, public opinion may secure the desired object. I give my aid to it by renewing the pledge heretofore given, that under no circumstances will I consent to serve a second time.

But, sir, I need not weary the House by groping amid the records of the past for arguments in support of the proposition to limit the eligibility of the President to a single term, or for suggestions showing the necessity and importance of some such measure. I spoke yesterday of the singular unanimity of sentiment which I believed to exist all over the country upon this point, and it would seem that the distinguished gentlemen who represent the other side of the House with such signal ability upon the Committee on the Judiciary are themselves convinced of the propriety of fixing some limit to the eligibility of the President, for certainly they would not have reported back their proposition limiting it to six years unless they thought some such limitation necessary and proper. And, sir, there is another quite recent and somewhat remarkable event which suggests in the very strongest possible light the propriety of some such measure as this. On the 15th day of December, in the year of grace 1875, just before the early dawn of "this our centennial year," two hundred and thirty-two gentlemen, selected from among their fellow-citizens on account of their superior virtue, intelligence, and patriotism no doubt, in full view of the solemnity of the obligation they had but recently, with uplifted hands, taken upon themselves, deliberately declared—

That in the opinion of this House the precedent established by Washington and other Presidents of the United States in retiring from the presidential office after their second term has become by universal concurrence a part of our republican system of government, and that any departure from this time-honored custom would be *unwise, unpatriotic, and fraught with peril to our free institutions.*"

[Laughter.]

It is true there were eighteen heroic gentlemen who showed by their votes that they were not a particle more terrified than the Lieutenant-General of the Army of the United States was on that memorable occasion when his person was exposed to the perils of the banditti of New Orleans. *They* were not afraid. [Laughter.] But, sir, when two hundred and thirty-two gentlemen on this floor solemnly declared that the continuance of a President in office for more than eight years would be "unwise, unpatriotic, and fraught with peril to our free institutions," I presume they meant what they said, and that they would do what they could to remove that peril as far as possible by fixing some constitutional limit to the eligibility of the President. That they would fix the bounds and say to him, "Thus far shalt thou go but no farther."

The one all-sufficient reason for limiting eligibility to the presidential office to a single term is stated either directly or inferentially in every one of the utterances to which I have called attention. It is to be found, sir, in the natural and almost inevitable inclination of one in possession of an honorable and lucrative office to retain possession of it, and in the equally natural and probable disposition on his part under such a temptation to make use of the tremendous appliances under his control to perpetuate his power. It has been many and many a time remarked that an incumbent of a good fat office seldom dies, and never resigns; and, sir, it is true. There is scarcely anything else within the entire range of human affection which under some circumstances may not be surrendered with cheerfulness. Friends, home, country, and even life itself may be given up without a murmur; but the disinterested patriot once in possession of a good paying public office hangs on to it with a grim determination and a deathless constancy that would have added a brighter halo to the crown of a Christian martyr, [laughter,] especially when his salary is $50,000 a year; when he is supplied with a palace maintained in a style of luxury of which Lucullus himself never dreamed, furnished, repaired, and heated at an annual expense of $25,000; where the very air he breathes is redolent with the perfume of rare exotics propagated in a fifty-five-thousand-dollar greenhouse, maintained out of the public Treasury at an expense of $5,000 per annum, [laughter;] an office in which he has his writing done by a private secretary on a salary of $3,500 a year, with an assistant secretary on a salary of $2,500 to do the writing of the private secretary, [laughter,] and two clerks at $4,500 to do the writing of the assistant secretary, [renewed laughter;] where he has a steward at $2,000 per annum to purvey for his table the choicest wines and the daintiest viands that can either tempt or satiate the appetite, and where he is allowed $6,000 a year for books, papers, periodicals, telegrams, and "general contingencies." What general contingencies may include I do not know, but let us thank God for the contingencies anyhow. [Laughter.] Why, Mr. Speaker, if the children of Israel sighed for the "flesh-pots," the leeks and onions and garlic and other beggarly concomitants of their bondage in Egypt, what must be the emotions of a sensitive and patriotic soul on contemplating a last, long farewell to a salary and perquisites like these? [Laughter.] Now, sir, I ask gentlemen who would lengthen the present term of the presidential office to go home to their honest-hearted, hard-working, over-taxed constituents and explain to them if they can why it is that four years are not a sufficient length of time for any one American citizen to enjoy the luxuries I have mentioned.

Ah! but say gentlemen on the other side, we want the benefit of the President's experience after a four-years term for another term of similiar duration; that of all the offices in the gift of the American people there is no other in which *experience* is so necessary as in the office of President; that the greater experience the incumbent may have had as President the better President he will make. But if this is true, by what process of reasoning can they justify their votes upon the anti-third-term resolution? Will not General Grant at the end of his eight years, with all his *experience*, be a far better President than he was when you first elected him? Then why say that it would be "unwise, unpatriotic, and fraught with peril to our free institutions" to continue him in office when we stand so much in need of his vast experience?

But I ask gentlemen to point out a solitary instance in which the last year of the administration of any President has been more satisfactory to the people than the first.

Mr. GARFIELD. Would you apply that remark to the second term of General Jackson?

Mr. KNOTT. Does the gentleman mean to say that General Jackson was any better President the last year of his administration than he was the first year? That is the question.

Mr. GARFIELD. The gentleman will allow me to say that I think General Jackson's second term was much more illustrious than his first, and that the country recalls far more gratefully the things he achieved in his second term than those he accomplished in his first. I am not now discussing the general results of the gentleman's argument, but only the historical point that he has incidentally touched upon.

Mr. KNOTT. But, sir, if the argument is sound that a man who has had no experience as President is not qualified for the office, we had better establish a school for the especial purpose of training presidential aspirants at once. [Laughter.] We had better set up some such institution as the one we have at West Point to supply our Army with commanders, which has now, as I am informed, only one commissioned officer to every eleven men. I am corrected, sir, by the honorable chairman of the Committee on Military Affairs, who tells me we have only one commissioned officer for every six men. [Laughter.]

But where, sir, let me ask, did all the illustrious statesmen who have filled the presidential chair acquire their experience as Presidents before they were elected? Where did the hero of New Orleans receive his training, and in what school did our present gifted Executive learn the art and mystery of presiding over the destinies of forty millions of people? Sir, gentlemen will pardon me, I hope, if I suggest that such an argument seems to me to be somewhat specious.

Moreover, sir, it has been urged with a great deal of zeal and earnestness by gentlemen on the other side, and especially by the very eloquent gentleman who was last up, that the time may come when the

very necessities of the case will imperatively demand that we should re-elect a President a second or even a third time; but I deny that there ever was or ever will be such a condition of our people or our public affairs that only one man can be found out of the millions of our citizens, only one man capable of discharging the duties of the presidency. If such a time should ever arrive, then, sir, the American people will be unfit for freemen, utterly unworthy of their liberties. I know it has been sometimes suggested that such an overshadowing necessity has really existed, but I will venture the assertion that if the truth could be ascertained such suggestions have invariably had their origin in the brain of the incumbent of the office. It was considered absolutely necessary that Marius should be elected to the consulate a second time in violation of the Roman constitution because of the threatening approach of the Cimbri, and he *continued* to be elected for five successive times; and I have no doubt in the world that when the chairman of the convention notified him that he had been nominated for the third term, he wrote to him that he "did not desire the nomination then any more than he did the first time." [Laughter.] Nevertheless he took it.

Again, sir, it is argued on the other side that this measure indicates a distrust of either the virtue or the intelligence of the people—that it is to limit the choice of the people. But nothing could possibly be further from either its intendment or its effect. It is designed solely for the protection of the people from the encroachments of executive ambition and power. I admit that if the people primarily determined the question as to who should be their President, it would go far toward answering a great many objections to the unlimited re-eligibility to that office which now exists; but we all know that such is not the case, or at least only to a very limited extent. We know that the presidential candidate is the creature of the convention, which is itself the creature of State conventions, which in their turn are the offspring of county caucuses, in which the great mass of the people have but little, if any, participation whatever.

Under such circumstances it is not at all difficult to see how the forebodings of Mr. Jefferson may be realized, that a President may be elected from four years to four years during life if he should be disposed to make use of the appliances at his command. Sir, if Mr. Jefferson, who saw from afar the dangers lurking in the re-eligibility of the President, if he could realize those dangers as vividly as he seems to have done under the circumstances by which he was surrounded, with what emotions of alarm would he contemplate the condition of things as it now exists!

Last year there was wrung mainly from the labor of this country—and that, too, through the instrumentality of an indirect, insidious, and cunningly devised system of taxation which holds the anesthetic to the nose of the tax-payer while pillaging his pockets of his hard earnings—the enormous sum of $284,026,770, which was collected and disbursed mainly through the agency of, and in a great part to, a vast army of office-holders, almost as innumerable as the swarms of frogs which infested Egypt in the days of Pharaoh; every one of whom is dependent either directly or indirectly upon the presidential fiat for the breath of his official existence. There is the Secretary of State, at the head of his division of ministers, and consuls-general, and consuls, and consular agents, and clerks; and there is the Secretary of the Treasury, with his vast retinue of subordinates, his commissioners, deputy commissioners, supervisors, and collectors, and deputy collectors, his comptrollers, and his auditors, his surveyors, and assessors, and so on, from the assistant secretary down to the still-house watchman; and there is the Secretary of the Interior, with his commissioners, his pension agents, his Indian agents, and so on; and there is the Attorney-General, with his district attorneys, his marshals, and his deputy marshals; and there is the Postmaster-General, with his thirty-five thousand postmasters, besides his special agents, and his general agents, and his route-agents, permeating the country everywhere and in every city, town, village, and neighborhood throughout the land; and there is the Secretary of the Navy, with his hosts of employés in every navy-yard upon our coasts. Yes, sir; there they all are, subject to the organization and drill of a thoroughly disciplined Army. Does it need any argument to prove that a President disposed to use such tremendous appliances for the perpetuation of his own power, and capable of doing so with skill, could not if he chose be President for life? Do you tell me there is no danger of such an organization being used for political purposes? Why, sir, I would ask if the salary of a solitary one of this vast army of office-holders, even down to the "sair won penny fee" of the Department clerk, escaped assessment for political purposes during the last canvass, or will escape assessment for the one to come?

But, sir, if the shade of Jefferson would be alarmed by this parade of officials, all dependent upon the will and power of the President, how much greater would be his consternation to find the expenditures of the Government—I mean the net ordinary expenditures—for the last six years over 2,000 per cent. greater than for the whole eight years of his own administration? Yet such is the fact. What would General Jackson say, think you, if he could come back to earth and find, upon looking over the report of the Secretary of the Treasury, that, while the net ordinary expenditures of the Government during the whole eight years of his administration amounted to only $122,543,941, the same character of expenditures during the last six years have reached the incalculable sum of $1,021,344,659; and that, in the most economical of all the years of the present Administration, the net ordinary expenditures of the Government were $30,617,000 more than during the entire eight years of his own administration?

Sir, I call attention to these facts not only to illustrate the enormous power of money as well as of numbers now wielded by a single hand of this Government, but to furnish another answer to the objection which gentlemen have urged against the report of the majority of the committee that four years is too short a time for one man to occupy the presidential chair. I do it in order to show the extreme importance of calling every officer, even the President, to as frequent and as speedy an accountability as possible to their masters, the people; the propriety of having a frequent and a thorough overhauling of the books. And besides, sir, it may be possible—I do not say that it ever has happened or that it will happen—yet it may be possible that at some time or other we may be so unfortunate as to elect a bad man to the Presidency, of whom we would wish to be rid as soon as consistent with public convenience; consequently the shorter the term the better in that regard.

There is one other objection urged by the other side against the report of the committee which I desire to notice very briefly and then I will be done, and that is that, if the resolution shall be adopted as reported, it will render ineligible any Vice-President upon whom the office of President may devolve, even though it should be but for a single day. That is precisely what the proposed amendment is designed to do, and exactly what will be its effect if adopted, and it is precisely as I would have it. The arguments of gentlemen on the other side seem to proceed entirely upon the hypothesis that this Government was not made for the benefit of the people at all, but merely for the purpose of affording an opportunity for gratifying the ambition of a few aspiring men. All the answer I desire to make to this objection, therefore, is simply to say that the occupancy for four years of the next highest office in the gift of the American people, with its salary and perquisites, especially when he has reached the very summit, and has enjoyed the very highest honor that can be bestowed under our Government, ought to be enough to satisfy any one citizen, and there will be no difficulty in finding an abundance of able and patriotic gentlemen who will be glad to accept the Vice-Presidency even on these terms. At any rate I feel persuaded that a large majority of the distinguished gentlemen on this floor would be satisfied to have it even under the amendment as proposed by the committee.

Now, Mr. Speaker, I was about to say that I regret that I have not at command any of those beautiful and eloquent platitudes with which we are so frequently regaled on this floor with which to round off my remarks in a sublime peroration; but, on reconsideration, I believe I do not regret it. I am simply a plain, blunt man, who speaks right on the things I do know. And even if I had the marvelous eloquence of some of the gentlemen around me I would hesitate to use it, especially on this occasion.

This is of all questions the one upon which every gentleman ought to bring to bear a cool, calm, deliberate judgment, as I am persuaded every one will. Personally I have no interest whatever more than any other citizen of the country as to the fate of this measure. I present it as the organ of the committee of which I am a member, and I present it as the result of my own deliberate, carefully matured judgment, leaving every other gentleman to act upon it as he may think proper.

I yield the balance of my time to the gentleman from Kansas, [Mr. PHILLIPS.]

Mr. PHILLIPS, of Kansas. The gentleman from Kentucky, the chairman of the committee who made this report, has truly said that until the committee of eleven in the Federal Convention on September 4, 1787, reported a four-year term, the old convention in framing the Constitution had voted some six or seven times for a clause providing that the occupant of the presidential chair should be ineligible to re-election. The gentleman from Kentucky has not said that in every one of those votes the term voted for and adopted was a longer term than four years.

I believe the question was introduced into that convention on the 1st of June, 1787, when the term proposed was a seven-years term, on which proposition and ineligibility for re-election the States of New York, Pennsylvania, Delaware, New Jersey, and Virginia, five States, voted for it; Connecticut, North Carolina, South Carolina, and Georgia against it; Massachusetts divided. Upon the next day they again voted on the same proposition, a seven-years term with ineligibility. At that time the vote stood: Massachusetts, New York, Delaware, Maryland, Virginia, North Carolina, South Carolina, seven, for it; and against it, Connecticut and Georgia; Pennsylvania divided. Again, there was a motion made on the 17th of July to give the occupant of the presidential chair a term during good behavior. This received only two votes. And all through the sittings of the convention, until the committee of eleven reported, there was a number of votes on a seven-years term and ineligibility to re-election. There was one proposition for a term of six years, which was adopted with but two dissentient votes. This proposition also provided ineligibility for re-election.

The committee of eleven reported, as I have said, on September 4 in favor of a term of four years, but the report was silent on the question of re-eligibility. When the proposition was submitted to the several States, as the gentleman stated, the State of Virginia demurred, as other States did, an amendment providing ineligibility. But the Constitution was submitted to those States as a whole. There was

no opportunity for those States to demand a division of the question; and this proposition was involved in the proposition whether we should have a Federal Government. It cannot therefore be inferred, because the Constitution as a whole was adopted, that this feature of it met with the approval of the people or States at that time.

We have, therefore, the judgment rendered in some seven votes of that convention for a seven-years term, and one vote for a six-years term, the occupant rendered ineligible to re-election in all these cases and this report finally adopted, which was silent on the question of re-eligibility, left the question before us as we find it. The report of the committee of eleven involved many separate propositions which had excited discussion. Nothing indicates why this report was made by the committee. The proposition for four years had never at any time been adopted by the convention, and first appeared in this report, which was submitted as a whole. In all the votes of the convention they had adopted the feature of rendering the President ineligible to re-election. This had been discussed. The report changed the action of the convention in both, and the adoption of that report was doubtless the result of a necessity for compromise. As the gentleman from Kentucky said, it was inexplicable.

I shall favor, and have risen to favor, the proposition of the minority of the committee, made by the gentleman from Maine, for the reasons involved in arguments which have been given, but I differ from the gentleman who offered it in what he stated as the wishes of the people on the subject. I think the public sentiment of the country wishes to be rid of this disturbing question, and settle it definitely by constitutional amendment. The personal question supposed to be involved in it is not really involved in it. There is no personal question involved. It is a simple, plain proposition, and refers to no man. There has been no reason for the assaults or the praise that any man elected to the Presidency has received in this connection. No man has indicated a desire for re-election to a third term, and the abuse of the press has been as gratuitous as it was unjust. But the proposition before us meets, I am sure, the approval of the whole people of these United States, and it is to settle distinctly in the Constitution that which was omitted by its framers, and provide for a single term. The assertion that it limits the power of the people has no force. All constitutional provisions and all regulations for elections are limits. To follow the course indicated would be to allow mass conventions at any moment to elect such officers as they pleased. The will of the people is law, but the people provide limitations as to the mode of its exercise in constitutions; for nothing is law nor can have the sanctity thereof, but the will of the people legitimately expressed.

This question left open was decided in the Farewell Address of Washington in these patriotic words in which he declined re-election, and which have gone down not only into the history of your country but into the bosoms of the American people as the great unwritten law of the land. No man has ever been elected to a third term. We propose in this instance to fix it distinctly and to get rid of what is now a disturbing element. I differ from the gentlemen who think it is a question which we ought not to discuss. I think it is a question which it is right to discuss. I think it is a question which is proper to be met, and I think it is best met by the proposition of the minority of the committee reported by the gentleman from Maine.

Mr. KNOTT. Have I any time left?

The SPEAKER *pro tempore*, (Mr. HALE.) The gentleman has ten minutes of his time left.

Mr. KNOTT. I call for a vote.

Mr. REAGAN. I ask the chairman of the Judiciary Committee to allow me to submit an amendment. I am not satisfied with the amendment precisely that is proposed, nor am I satisfied with the amendment to the amendment reported by the minority, and I desire to have an opportunity to report an amendment which covers my views and which I think covers the views of several other members.

Mr. KNOTT. The previous question has been sustained, and I have no further control over the joint resolution in regard to admitting amendments.

Mr. REAGAN. Am I not in order to offer an amendment now?

The SPEAKER *pro tempore*, (Mr. HALE.) No further amendment is in order, the previous question having been sustained.

Mr. REAGAN. May I have my amendment read, and then ask unanimous consent to have a vote taken upon it.

Mr. HOLMAN. I trust the gentleman from Kentucky will confine the operation of the previous question to the pending amendment, so that the various amendments may be submitted and voted on one after another.

Mr. GARFIELD. I think the gentleman from Kentucky had better agree to that, that the operation of the previous question shall be considered as applying to the pending amendment alone.

The SPEAKER, (having resumed the chair.) The Chair understands the present situation to be this: That the gentleman from Kentucky demanded the previous question on the original joint resolution and the amendment of the gentleman from Maine [Mr. FRYE] representing the minority of the Committee on the Judiciary.

Mr. HOLMAN. Was the previous question called on the whole of the pending measure?

The SPEAKER. The Chair does not understand that anything is pending before the House except the original joint resolution and the amendment offered by the gentleman from Maine.

Mr. GARFIELD. Is the previous question operating on the amendment only, or on both the amendment and the original joint resolution?

The SPEAKER. On both.

Mr. GARFIELD. The gentleman from Indiana [Mr. HOLMAN] suggests that it be understood that the previous question shall apply only upon the pending amendment, so that other amendments may be offered.

The SPEAKER. Does the gentleman from Kentucky consent to that understanding?

Mr. HOLMAN. I ask the gentleman from Kentucky that the previous question be confined to the pending amendment, so that all these other various propositions may be voted on.

Mr. REAGAN. I ask the gentleman from Kentucky to consent that my amendment be read for information.

Mr. JONES, of Kentucky. I make the point of order that it is impossible to hear what is going on owing to the confusion prevailing in the Hall.

The SPEAKER. The point of order is well taken. Gentlemen will be in order.

The Chair will now inquire again whether the gentleman from Kentucky [Mr. KNOTT] yields for any modification of the existing order?

Mr. KNOTT. I do not.

Mr. REAGAN. I understand that there is a little of the hour of the gentleman from Kentucky which has not been exhausted. I will ask that in what little time remains to him he will allow me to have my amendment read.

The SPEAKER. The gentleman from Texas is mistaken. The time of the gentleman from Kentucky has expired.

Mr. REAGAN. Then it has been since this colloquy commenced.

The SPEAKER. It has expired.

Mr. RANDALL. I would like to appeal to the gentleman from Kentucky [Mr. KNOTT] to allow an amendment to his report, so that we shall have an opportunity of adopting his joint resolution with the single change making the term six years instead of four.

Mr. REAGAN. That is precisely my amendment, and I can say to the gentleman from Kentucky that he will embarrass himself and others if he does not admit it.

The SPEAKER. The gentleman from Kentucky declines to yield for that purpose.

Mr. KASSON. Then, sir, to test the sense of the House, I move to reconsider the vote by which the main question was ordered.

The question was taken, and the motion was agreed to.

Mr. REAGAN. I now offer the following amendment as a substitute both for the original report of the committee and the pending amendment:

That no person who has held or may hereafter hold the office of President shall ever hereafter be eligible to said office.

That the term of office of President and Vice-President of the United States shall be six years.

Mr. Speaker, I desire to say a few words only. I have not participated in this debate, and I shall not now participate in the discussion of the general question. I am not satisfied with the amendment to the Constitution proposed by the majority of the Committee on the Judiciary, nor do I feel satisfied with the amendment offered by the minority. I therefore offer this amendment, which will take effect from its adoption, if it shall be adopted. I desire to see the presidential term made for six years and for a single term.

The SPEAKER. Inasmuch as the Chair has not been occupying the chair during the whole of this discussion he desires to inquire whether the amendment offered by the gentleman from Texas [Mr. REAGAN] is offered as a substitute to the original bill or as an amendment to the substitute of the gentleman from Maine, [Mr. FRYE?]

Mr. REAGAN. I offered it as a substitute for the original bill and the substitute of the gentleman from Maine.

The SPEAKER. That is in order.

Mr. HUNTON. I desire to ask the gentleman from Texas a single question. Suppose his amendment prevails, what effect would it have on the term commencing the 4th of March, 1877?

Mr. REAGAN. If it should be adopted before that time it would exclude any one from being elected to the Presidency who has occupied the presidential chair heretofore.

Mr. HUNTON. But suppose the amendment be adopted after the presidential election and before the inauguration of the President elected, what effect will it then have on the term of the President elected but not yet inaugurated?

Mr. REAGAN. I have not considered that question, but I do not conceive that it could affect the term of the President elected under the previous provision of the Constitution.

Mr. HUNTON. I suggest to the gentleman that he perfect his amendment, by saying that it shall not go into operation until the 4th of March, 1881, so as not to affect the President to be elected for the next term.

Mr. REAGAN. I prefer submitting the amendment in the form in which it now stands, but I have no objection to the gentleman offering an amendment to that effect.

Mr. KASSON. I call for the reading of the substitute of the gentleman from Maine [Mr. FRYE] and then of the amendment offered by the gentleman from Texas.

The Clerk again read the amendments.

Mr. KASSON. Now, Mr. Speaker, I desire to move the previous question, but before doing so I yield for a moment to the gentleman from Maine, [Mr. FRYE.]

Mr. FRYE. I desire to say simply a word relative to the proposition of the gentleman from Texas. There are fatal objections to it, and this would be fatal; the question asked by the gentleman from Virginia [Mr. HUNTON] was, does this affect the next presidential term, does it extend the term of four years to six? Now, the moment you go to the people of this country with a question of that magnitude undecided, unsettled, it is utterly fatal, and the adoption of that amendment by the people will be utterly and entirely hopeless.

Then again, if it is decided that it does affect the next presidential term, extending it from four to six years, as I said yesterday, you go then to the people, and the majority who elect the next President would every single man of them vote for the proposition and every man of the minority would vote against it, because it would be an extension of the term of the President already elected representing the majority.

Now, the opposition of any minority so large as that represented by either political party in this country would be utterly fatal to the adoption of an amendment of this character. Why, sir, if any amendment making a six-years term is to go to the people with the slightest hope or expectation of its adoption by the people, you must inevitably remove it beyond the influence of the next eight years or the next two terms.

Mr. REAGAN. I will modify my amendment in accordance with the suggestion of the gentleman from Virginia, [Mr. HUNTON,] and that will obviate the objection of the gentleman from Maine, [Mr. FRYE,] so as to provide for its taking effect, if adopted, from and after March 4, 1881.

Mr. FRYE. Then does not the gentleman put the matter in precisely this position: that the next man elected President of the United States of all the men elected or to be elected will be the one man limited to a term of four years? And will not all the friends of that President so elected say that "this is an invidious distinction against our President, and therefore we will vote against this amendment;" and will not that prevent its adoption by three-fourths of the States?

Mr. REAGAN. I do not think that a just argument against my amendment as modified. If the one who shall be elected President under the Constitution shall hold his office for the constitutional term of four years, neither he nor his friends can complain. We are not proposing an amendment to suit the views or aspirations of any single person or party, but to conserve the public liberties of this country.

Mr. KASSON. I propose to move the previous question, but I will avail myself of this opportunity to say a single word. For the first time in the history of this country it is proposed to amend the Constitution so as to limit the rights of the people and to take away from them the reserved right they now have in their choice of President. For that reason I have entertained serious doubts as to the propriety of adopting any of these propositions. I agree with the gentleman from Maine [Mr. FRYE] that the proposition last submitted by the gentleman from Texas [Mr. REAGAN] can hardly receive the sanction of the House. Accordingly I call for the previous question in order that we come to a vote upon the several propositions now pending.

Mr. NEW. Would it be in order to move to recommit this whole subject to the Committee on the Judiciary?

Mr. KASSON. I think that motion would not be in order pending my call for the previous question.

Mr. NEW. I desire to make that motion.

Mr. KASSON. I will withdraw the call for the previous question in order that the motion to recommit may be in order.

Mr. NEW. I move to recommit the joint resolution and pending amendments to the Committee on the Judiciary without instructions.

Mr. KASSON. I now renew my call for the previous question.

Mr. FRYE. Being opposed to any amendment to the Constitution of this character, I wish to say that, as one of the minority of the Committee on the Judiciary, so far as I am personally concerned I am in favor of the motion to recommit.

The previous question was then seconded.

The main question was ordered upon a division—ayes 127, noes 42.

The question was then taken upon the motion to recommit; and upon a division there were—ayes 93, noes 79.

Before the result of the vote was announced,

Mr. KNOTT called for the yeas and nays.

Mr. HOSKINS. I desire to make a parliamentary inquiry. I would like to have the Speaker state to the House, so that we can all understand, whether, if the motion to recommit shall be voted down, the previous question having been ordered, the House will then be brought to a direct vote first upon the amendments and then upon the joint resolution itself?

The SPEAKER. If the motion to recommit shall fail, the Chair understands that the joint resolution will remain before the House.

Mr. HOSKINS. To be voted upon directly, first the amendments and then the joint resolution?

Mr. GARFIELD. The previous question will operate until the final action of the House upon the joint resolution.

The SPEAKER. The Chair is of opinion that if the motion to recommit shall fail the previous question will have exhausted itself, and the joint resolution will remain before the House.

Mr. HOSKINS. That is the very point upon which I wish to have the ruling of the Chair. With the permission of the Chair I will say that, in my opinion, the previous question having been called and ordered upon the motion to recommit, if that motion shall fail, then the previous question will attach to the joint resolution and the House will be at once brought to a vote first upon the amendments and then upon the joint resolution itself; all further opportunity for amendment will be cut off.

The SPEAKER. The Chair does not understand the previous question to relate to the joint resolution and pending amendments, but only to the motion to recommit.

Mr. KASSON. The Chair is correct, for I confined the call for the previous question particularly to the motion to recommit.

The SPEAKER. That is the understanding of the Chair. The question now is upon the call of the gentleman from Kentucky [Mr. KNOTT] for the yeas and nays upon the motion to recommit.

Mr. RANDALL. I would suggest to the gentleman from Kentucky that it might be a saving of time to take the vote by tellers instead of calling the yeas and nays.

Mr. KNOTT. I prefer to have the yeas and nays at once.

Mr. HOSKINS. With all due deference to the Chair, I hold that, the previous question having been ordered, it cannot exhaust itself upon the motion to recommit unless that motion shall be carried. It necessarily applies to the motion to recommit; but should that motion fail, then it will also attach to the joint resolution, and not be exhausted until the final vote upon that joint resolution. Even if the gentleman from Iowa [Mr. KASSON] made the call for the previous question to apply directly to the motion to recommit, the previous question cannot be exhausted there, and is not exhausted there should the motion to recommit be voted down.

Mr. RANDALL. It is not necessary to decide that point at this time.

Mr. HOSKINS. But its decision might influence somewhat the votes of members upon the pending motion.

The SPEAKER. The first question is, Will the House order the yeas and nays upon the motion to recommit?

The yeas and nays were ordered.

The question was taken; and there were—yeas 127, nays 127, not voting 36; as follows:

YEAS—Messrs. Adams, Atkins, George A. Bagley, John H. Baker, William H. Baker, Ballou, Banks, Barnum, Blair, Bradley, William R. Brown, Horatio C. Burchard, Burleigh, William P. Caldwell, Campbell, Cannon, Chittenden, Conger, Crapo, Culberson, Darrall, Davy, Denison, Durand, Durham, Eames, Egbert, Ellis, Ely, Farwell, Forney, Foster, Franklin, Freeman, Frost, Frye, Garfield, Gibson, Goodin, Robert Hamilton, Haralson, Benjamin W. Harris, Hathorn, Hendee, Henderson, Henkle, Hooker, Hoskins, House, Hubbell, Hunter, Hurlbut, Joyce, Kasson, Ketchum, Kimball, King, George M. Landers, Lapham, Leavenworth, Lewis, Luttrell, Lynch, Edmund W. M. Mackey, Levi A. Mackey, Magoon, MacDougall, McDill, McFarland, Miller, Monroe, Nash, Neal, New, Norton, O'Brien, O'Neill, Packer, Page, Pierce, Plaisted, Platt, Potter, Powell, Pratt, Rainey, John Reilly, Roberts, Robinson, Sobieski Ross, Rusk, Sampson, Scelye, Singleton, Sinnickson, Smalls, A. Herr Smith, William E. Smith, Southard, Strait, Stowell, Teese, Thomas, Thornburgh, Trockmorton, Martin I. Townsend, Washington Townsend, Tufts Van Vorhes, Waldron, Alexander S. Wallace, Walls, Warren, Wheeler, White, Whiting, Willard, Charles G. Williams, James D. Williams, Jeremiah N. Williams, William B. Williams, James Wilson, Fernando Wood, Woodburn, Woodworth, Yeates, and Young—127.

NAYS—Messrs. Ainsworth, Anderson, Ashe, Bagby, John H. Bagley, jr., Banning, Beebe, Bell, Blackburn, Bland, Boone, Bradford, Bright, John Young Brown, Samuel D. Burchard, Cabell, John H. Caldwell, Candler, Cate, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Cook, Cowan, Crounse, Cutler, Davis, De Bolt, Dibrell, Douglas, Dunnell, Eden, Faulkner, Felton, Fort, Fuller, Gause, Glover, Andrew H. Hamilton, Hancock, Hardenbergh, Henry R. Harris, John T. Harris, Harrison, Hartzell, Hatcher, Haymond, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Holman, Hopkins, Hunton, Hurd, Hyman, Thomas L. Jones, Kehr, Knott, Franklin Landers, Lane, Lawrence, Levy, Lord, Lynde, Malsh, McCrary, McMahon, Meade, Metcalfe, Milliken, Mills, Morey, Morgan, Morrison, Mutchler, Odell, Oliver, Parsons, Payne, Phelps, John F. Philips, William A. Phillips, Piper, Poppleton, Randall, Reagan, Rice, Riddle, John Robbins, William M. Robbins, Miles Ross, Savage, Sayler, Scales, Schumaker, Siemons, Sparks, Springer, Stenger, Stevenson, Stone, Swann, Tarbox, Terry, Thompson, Tucker, Turney, John L. Vance, Robert B. Vance, Waddell, Charles C. B. Walker, Gilbert C. Walker, Walling, Walsh, Ward, Erastus Wells, G. Wiley Wells, Whitehouse, Wigginton, Wike, Alpheus S. Williams, James Williams, Willis, Wilshire, and Benjamin Wilson—127.

NOT VOTING—Messrs. Bass, Blaine, Bliss, Blount, Buckner, Cason, Caswell, Chapin, Cox, Danford, Dobbins, Evans, Goode, Gunter, Hale, Hartridge, Hays, Hoar, Hoge, Jenks, Frank Jones, Kelley, Lamar, Money, Putman, Rea, James B. Reilly, Schleicher, Sheakley, John W. Wallace, Whitthorne, Andrew Williams, and Alan Wood, jr.—36.

During the roll-call the following announcements were made:

Mr. VAN VORHES. My colleague, Mr. DANFORD, requested me to state upon any call of the yeas and nays that he is absent by order of the House upon a committee.

Mr. ATKINS. My colleague, Mr. WHITTHORNE, is absent with a committee that has gone to Norfolk.

Mr. HUNTON. My colleague, Mr. GOODE, is detained from the House by sickness.

Mr. HUNTER. My colleague, Mr. CASON, is quite ill; that is the reason of his absence.

The roll-call being concluded,

The SPEAKER said: Upon this question the yeas are 127 and the nays 127. The Chair votes "nay." So the pending bill and the substitute therefor are not recommitted. The Chair holds, upon reflection, that this is not a case in which the gentleman moving the previous question could limit the effect thereof. Therefore the question now is first upon the substitute offered by the gentleman from Texas, [Mr. REAGAN.]

The substitute was read, as follows:

That no person who has held or may hereafter hold the office of President shall ever be eligible to said office.

That the term of office of President and Vice-President of the United States shall be six years from and after the 4th of March, 1881.

Mr. REAGAN. I call for the yeas and nays on this amendment.

The yeas and nays were ordered.

Mr. KASSON. It occurs to me that there is a verbal error in the amendment just read. It declares that no person who may "hereafter" be elected President shall "hereafter" be eligible. There is evidently a mistake.

Mr. REAGAN. If there be no objection, I will modify my amendment by substituting the word "thereafter" for "hereafter" where it occurs the second time.

There being no objection, the amendment was modified accordingly.

Mr. LAWRENCE. I would like to make an inquiry as to the effect of this proposition. Would this exclude from the right to be elected to the office of President a person who, having been elected Vice-President, had succeeded to the office of President and had served, it may be, only a month?

Mr. HURLBUT. I object to debate.

The SPEAKER. The yeas and nays have been ordered, and the roll-call will proceed.

The question was taken; and there were—yeas 71, nays 184, not voting 35; as follows:

YEAS—Messrs. Ashe, Atkins, John H. Bagley, jr., John H. Baker, Banks, Bradley, Bright, William P. Caldwell, Candler, Cannon, Chapin, Clymer, Cochrane, Cook, Cowan, Douglas, Ellis, Ely, Faulkner, Felton, Forney, Robert Hamilton, Hardenbergh, Henry R. Harris, Harrison, Hatcher, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Hopkins, House, Lane, Lewis, Edmund W. M. Mackey, Levi A. Mackey, Maish, Milliken, Mills, Morgan, Payne, Phelps, William A. Phillips, Piper, Potter, Powell, Randall, Reagan, John Reilly, James B. Reilly, Riddle, John Robbins, William M. Robbins, Roberts, Scales, Schleicher, Sheakley, Singleton, Sparks, Teese, Throckmorton, Turney, Robert B. Vance, Waddell, Walling, Ward, Warren, Whitehouse, Alpheus S. Williams, James D. Williams, Willis, and Young—71.

NAYS—Messrs. Adams, Ainsworth, Anderson, Bagby, George A. Bagley, William H. Baker, Ballou, Banning, Barnum, Bass, Beebe, Bell, Blackburn, Blaine, Blair, Bland, Boone, Bradford, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Cabell, John H. Caldwell, Campbell, Cate, Caulfield, Chittenden, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Collins, Conger, Crapo, Crounse, Culberson, Cutler, Davis, Davy, De Bolt, Denison, Dibrell, Dunnell, Durand, Durham, Eames, Eden, Egbert, Farwell, Fort, Foster, Franklin, Freeman, Frost, Frye, Fuller, Garfield, Gause, Glover, Andrew H. Hamilton, Hancock, Haralson, Benjamin W. Harris, John T. Harris, Hartzell, Hathorn, Haymond, Hendee, Henderson, Henkle, Hereford, Holman, Hooker, Hoskins, Hubbell, Hunter, Hunton, Hurd, Hurlbut, Hyman, Thomas L. Jones, Joyce, Kasson, Kehr, Ketchum, Kimball, King, Knott, Franklin Landers, George M. Landers, Lapham, Lawrence, Leavenworth, Levy, Lord, Luttrell, Lynch, Lynde, Magoon, MacDougall, McCrary, McDill, McMahon, Meade, Miller, Monroe, Morrison, Mutchler, Nash, Neal, New, Norton, O'Brien, O'Dell, Oliver, O'Neill, Packer, Page, Parsons, John F. Philips, Pierce, Plaisted, Platt, Poppleton, Pratt, Rainey, Rea, Rice, Robinson, Miles Ross, Sobieski Ross, Rusk, Sampson, Savage, Sayler, Schumaker, Seelye, Sinnickson, Siemons, Smalls, A. Herr Smith, William E. Smith, Southard, Springer, Strait, Stevenson, Stone, Stowell, Swann, Tarbox, Terry, Thompson, Thomas, Thornburgh, Martin I. Townsend, Washington Townsend, Tucker, Tufts, Van Vorhes, John L. Vance, Waldron, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wallace, Walls, Walsh, Erastus Wells, G. Wiley Wells, Wheeler, White, Whiting, Wigginton, Wike, Willard, Charles G. Williams, Jeremiah N. Williams, William B. Williams, Wilshire, Benjamin Wilson, James Wilson, Fernando Wood, Woodburn, Woodworth, and Yeates—184.

NOT VOTING—Messrs. Bliss, Blount, Burleigh, Cason, Caswell, Cox, Danford, Darrall, Dobbins, Evans, Gibson, Goode, Goodin, Gunter, Hale, Hartridge, Hays, Hoar, Hoge, Jenks, Frank Jones, Kelley, Lamar, McFarland, Metcalfe, Money, Morey, Purman, Stenger, John W. Wallace, Whitthorne, Andrew Williams, James Williams, and Alan Wood, jr.—34.

So Mr. REAGAN's substitute was rejected.

The question recurred on the following amendment of Mr. FRYE:

Strike out "no person who has held or may hereafter hold the office of President, shall ever again be eligible to said office," and insert in lieu thereof the following:

From and after the 4th day of March, in the year 1885, the term of office of President and Vice-President of the United States shall be six years; and any person having been elected to and held the office of President, or who, for two years, has held such office, shall be ineligible to a re-election.

Mr. BANKS demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 107, nays 143, not voting 39; as follows:

YEAS—Messrs. Adams, Ashe, George A. Bagley, John H. Bagley, jr., John H. Baker, Banks, Blaine, Bradley, William R. Brown, Horatio C. Burchard, Burleigh, Cate, Chittenden, Clymer, Cochrane, Conger, Crapo, Cronnse, Farwell, Faulkner, Foster, Freeman, Frost, Frye, Garfield, Robert Hamilton, Hancock, Haralson, Hardenbergh, Benjamin W. Harris, Harrison, Hatcher, Hathorn, Hendee, Henderson, Abram S. Hewitt, Hopkins, Hoskins, House, Hubbell, Hurlbut, Joyce, Kasson, Kehr, Ketchum, Kimball, King, Franklin Landers, Lane, Lapham, Lawrence, Leavenworth, Luttrell, Edmund W. M. Mackey, Levi A. Mackey, MacDougall, McCrary, Miller, Monroe, Morgan, Norton, Oliver, O'Neill, Packer, Phelps, William A. Phillips, Pierce, Piper, Plaisted, Platt, Potter, Rainey, Randall, Reagan, John Reilly, Riddle, John Robbins, Roberts, Robinson, Sobieski Ross, Sampson, Sheakley, Singleton, Sinnickson, A. Herr Smith, Strait, Stowell, Teese, Thornburgh, Throckmorton, Washington Townsend, Turney, Van Vorhes, Robert B. Vance, Walling, Warren, Erastus Wells, Wheeler, White, Whiting, Willard, Alpheus S. Williams, James D. Williams, Willis, James Wilson, Woodworth, and Yeates—107.

NAYS—Messrs. Ainsworth, Anderson, Atkins, Bagby, William H. Baker, Ballou, Banning, Barnum, Beebe, Bell, Blackburn, Blair, Bland, Boone, Bradford, Bright, John Young Brown, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, Campbell, Candler, Cannon, Canfield, Chapin, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Collins, Cook, Cowan, Culberson, Cutler, Davis, Davy, De Bolt, Denison, Dibrell, Douglas, Dunnell, Durand, Durham, Eames, Eden, Egbert, Felton, Forney, Fort, Franklin, Fuller, Gause, Glover, Goodin, Andrew H. Hamilton, Henry R. Harris, John T. Harris, Hartzell, Haymond, Hereford, Goldsmith W. Hewitt, Hill, Holman, Hooker, Hunter, Hunton, Hurd, Hyman, Thomas L. Jones, Knott, George M. Landers, Levy, Lewis, Lord, Lynch, Lynde, Magoon, Maish, McDill, McMahon, Meade, Metcalfe, Milliken, Mills, Morrison, Mutchler, Nash, Neal, New, Odell, Page, Parsons, Payne, John F. Philips, Poppleton, Powell, Pratt, Rea, Rice, William M. Robbins, Miles Ross, Rusk, Savage, Sayler, Scales, Seelye, Siemons, Smalls, William E Smith, Southard, Sparks, Springer, Stenger, Stevenson, Stone, Swann, Tarbox, Terry, Thompson, Thomas, Martin I. Townsend, Tucker, Tufts, John L. Vance, Waddell, Waldron, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wallace, Walls, Walsh, Ward, G. Wiley Wells, Whitehouse, Wigginton, Wike, Charles G. Williams, James Williams, Jeremiah N. Williams, William B. Williams, Wilshire, Benjamin Wilson, Woodburn, and Young—143.

NOT VOTING—Messrs. Bass, Bliss, Blount, William P. Caldwell, Cason, Caswell, Cox, Danford, Darrall, Dobbins, Ellis, Ely, Evans, Gibson, Goode, Gunter, Hale, Hartridge, Hays, Henkle, Hoar, Hoge, Jenks, Frank Jones, Kelley, Lamar, McFarland, Money, Morey, O'Brien, Purman, James B. Reilly, Schleicher, Schumaker, John W. Wallace, Whitthorne, Andrew Williams, Alan Wood, jr., and Fernando Wood—39.

So Mr. FRYE's amendment was rejected.

The question recurred on the engrossment and third reading of the joint resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein,) That the following be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said Legislatures, shall be valid as a part of said Constitution:

ARTICLE XVI.

No person who has held, or may hereafter hold, the office of President shall ever again be eligible to said office.

Mr. HARRIS, of Virginia. I ask whether it would not be better to strike out the word "ever," as it adds nothing to the sense, while it detracts very much from the elegance of the text.

Mr. HURLBUT. I object.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. PAGE demanded the yeas and nays on the passage of the joint resolution.

Mr. WHITE. I move the House do now adjourn.

The motion was disagreed to.

The yeas and nays were ordered on the passage of the joint resolution.

The question was taken; and it was decided in the negative—yeas 145, nays 108, not voting 36; as follows:

YEAS—Messrs. Ainsworth, Ashe, Atkins, Bagby, John H. Bagley, jr., Banks, Banning, Barnum, Beebe, Bell, Blackburn, Bland, Boone, Bradford, Bright, John Young Brown, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, Candler, Cate, Caulfield, Chapin, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Cook, Cowan, Crounse, Culberson, Cutler, Davis, De Bolt, Dibrell, Douglas, Dunnell, Durand, Durham, Eden, Egbert Faulkner, Felton, Forney, Franklin, Frost, Fuller, Gause, Gibson, Glover, Goodin, Andrew H. Hamilton, Hancock, Henry R. Harris, John T. Harris, Harrison, Hartzell, Hatcher, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Holman, Hopkins, House, Hunton, Hurd, Thomas L. Jones, Knott, Franklin Landers, George M. Landers, Lane, Levy, Lewis, Lord, Luttrell, Lynde, Levi A. Mackey, Maish, McFarland, McMahon, Meade, Metcalfe, Milliken, Mills, Morgan, Morrison, Mutchler, Odell, Parsons, Payne, Phelps, John F. Philips, William A. Phillips, Piper, Poppleton, Powell, Reagan, John Reilly, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Miles Ross, Savage, Sayler, Scales, Schleicher, Sheakley, Singleton, Siemons, William E. Smith, Southard, Sparks, Springer, Stenger, Stevenson, Stone, Tarbox, Terry, Thompson, Throckmorton, Tucker, Turney, John L. Vance, Robert B. Vance, Waddell, Charles C. B. Walker, Gilbert C. Walker, Walling, Ward, Warren, Erastus Wells, Whitehouse, Wigginton, Alpheus S. Williams, James D. Williams, Jeremiah N. Williams, Willis, Wilshire, Benjamin Wilson, and Yeates—145.

NAYS—Messrs. Adams, Anderson, George A. Bagley, John H. Baker, William H. Baker, Ballou, Blaine, Blair, Bradley, William R. Brown, Horatio C. Burchard, Burleigh, Campbell, Cannon, Chittenden, Conger, Crapo, Davy, Denison, Eames, Farwell, Fort, Foster, Freeman, Frye, Garfield, Hale, Robert Hamilton, Haralson, Hardenbergh, Benjamin W. Harris, Hathorn, Haymond, Hendee, Henderson, Hooker, Hoskins, Hubbell, Hunter, Hurlbut, Hyman, Joyce, Kasson, Kehr, Ketchum, Kimball, King, Lapham, Lawrence, Leavenworth, Lynch, Edmund W. M. Mackey, Magoon, MacDougall, McCrary, McDill, Miller, Monroe, Nash, Neal, New, Norton, Oliver, O'Neill, Packer, Page, Pierce, Plaisted, Platt, Potter, Pratt, Purman, Rainey, Randall, Robinson, Sobieski Ross, Rusk, Sampson, Seelye, Sinnickson, Smalls, A. Herr Smith, Strait, Stowell, Swann, Teese, Thomas, Thornburgh, Martin I. Townsend, Washington Townsend, Tufts, Van Vorhes, Waldron, Alexander S. Wallace, Walls, Walsh, G. Wiley Wells, Wheeler, White, Whiting, Wike, Willard, Charles G. Williams, William B. Williams, James Wilson, Fernando Wood, Woodburn, and Woodworth—108.

NOT VOTING—Messrs. Bass, Bliss, Blount, William P. Caldwell, Cason, Caswell, Cox, Danford, Darrall, Dobbins, Ellis, Ely, Evans, Goode, Gunter, Hartridge, Hays, Henkle, Hoar, Hoge, Jenks, Frank Jones, Kelley, Lamar, Money, Morey, O'Brien, Rea, James B. Reilly, Schumaker, John W. Wallace, Whitthorne, Andrew Williams, James Williams, Alan Wood, jr., and Young—36.

So (two-thirds not having voted in favor thereof) the joint resolution was rejected.

Mr. RANDALL. I enter the motion to reconsider the vote ordering the engrossment and third reading of the joint resolution, and also to reconsider the vote by which the joint resolution was rejected.

The SPEAKER. The motions to reconsider will be entered.

ENROLLED BILLS.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 204) to remove the political disabilities of George S. Hawkins, of Florida; and

An act (H. R. No. 785) to extend the time for stamping unstamped instruments.

SHIPPING ACT OF 1872.

The SPEAKER. The Chair has received this afternoon a communication from the Philadelphia Maritime Exchange, transmitting preamble and resolutions of that body relative to the proposed modifica-

tion of the shipping act of 1872, title 53, Revised Statutes. He asks leave to refer it without printing to the Committee on Commerce, in accordance with the request of the exchange.

There was no objection, and it was so ordered.

JOSEPH S. WILSON.

On motion of Mr. LUTTRELL, by unanimous consent, leave was given to withdraw from the files of the House the papers in the case of Joseph S. Wilson.

And then, on motion of Mr. SPRINGER, (at five o'clock and fifteen minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. G. A. BAGLEY: The petition of lake captains, for the construction of a harbor of refuge at the mouth of Big Sandy Creek, on Lake Ontario, New York, to the Committee on Commerce.

By Mr. BALLOU: The petition of F. A. Holden, for pay for property destroyed by fire while occupied by United States soldiers, to the Committee on War Claims.

By Mr. BARNUM: The petitions of citizens of Bridgeport, of South Norwalk, of Hawleyville, of New Milford, of Newtown, and of Winchester, Connecticut, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. CHAPIN: The petition of the Springfield and New London Railroad Company, for authority to maintain a bridge across Mill River, at Springfield, Massachusetts, to the Committee on Military Affairs.

By Mr. DAVY: The petition of sundry citizens of the thirtieth congressional district of New York, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

Also, the petition of citizens of Rochester and Monroe County, New York, for the erection of a public building in Rochester, New York, to the Committee on Public Buildings and Grounds.

By Mr. DURAND: The petitions of citizens of Mason and of Flint, Michigan, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

Also, two petitions of citizens of Detroit, Michigan, for the erection of a bridge across Detroit River at Detroit, Michigan, to the Committee on Commerce.

By Mr. GOODIN: The petition of citizens of Kansas, for post-routes from Burlington to Garnett and from Neosho Falls to Williamsburgh, to the Committee on the Post-Office and Post-Roads.

By Mr. HALE: Papers relating to the petition of Peter Campbell, for a pension, to the Committee on Invalid Pensions.

By Mr. HOLMAN: The petition of Andrew Steffen, for a pension, to the same committee.

By Mr. HOPKINS: Papers relating to the claim of Rhodes & Bagaley, assignees of McCloskey, Cosgrove & Co., to the Committee on War Claims.

By Mr. HOUSE: The petition of J. W. Lawless, late captain and commissioned colonel of the Fifth Kentucky Cavalry, for additional pay, to the Committee on Military Affairs.

By Mr. HUNTON: The petition of John T. Armstrong and others, for payment of money allowed them by the southern claims commission, to the Committee on War Claims.

By Mr. HYMAN: Papers relating to the petition of Richard Dillon, for pay for extra services as assistant superintendent of the Bureau of Refugees, Freedmen and Abandoned Lands, to the Committee of Claims.

By Mr. KEHR: The petition of Keener, Zott & Ziseman, for relief from an alleged illegal assessment against them by the Internal Revenue Department, to the Committee of Ways and Means.

By Mr. KIDDER: The petition of 111 citizens of Dakota, for a post-route from Vermillion to Sioux Falls, in Dakota Territory, to the Committee on the Post-Office and Post-Roads.

Also, the petition of C. Cavileer, and 800 other legal voters of Dakota Territory, residing in that portion of the Territory north of the forty-sixth parallel of latitude, for the organization of a Territory to be called Pembina, to the Committee on the Territories.

By Mr. LAPHAM: Papers relating to the claim of Alonzo Snyder, to the Committee of Claims.

By Mr. MILLER: The petition of Caroline E. Thomas, for a pension, to the Committee on Invalid Pensions.

By Mr. MOREY: A paper relating to a post-route from Delhi to Reedsville, to the Committee on the Post-Office and Post-Roads.

By Mr. O'BRIEN: The petition of the Baltimore Bridge Company, for additional compensation under a contract with the United States for building a bridge across the Mississippi River at Davenport, Iowa, to the Committee of Claims.

By Mr. O'NEILL: The petition of George W. Leamy, for a pension, to the Committee on Invalid Pensions.

Also, the petition of George W. Leamy, to be placed upon the pension-roll, to the same committee.

By Mr. PHELPS: The petitions of citizens of New Haven, of Waterbury, of Wallington, of Moodus, of Middletown, of Mystic Bridge, of Willimantic, Connecticut, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. POPPLETON: The petition of citizens of Ohio, for a post-route from Ashley to West Liberty, to the Committee on the Post-Office and Post-Roads.

By Mr. POWELL: The petitions of citizens of Nicholson, of New Milford, of Honesdale, of Tunkhannock, of Le Raysville, and of Montrose, Pennsylvania, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. THROCKMORTON: The petition of citizens of Texas, for a post-route from Denison to Weatherford, Parker County, Texas, to the Committee on the Post-Office and Post-Roads.

By Mr. TOWNSEND, of Pennsylvania: The petition of the State Temperance Union of Pennsylvania, James Black president, D. C. Babcock secretary, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

Also, the petition of the quarterly meeting of the religious society of Friends of Chester County and vicinity, of similar import, to the same committee.

By Mr. TURNEY: The petition of citizens of Broad Ford and Tyrone, Pennsylvania, for aid in the construction of the Texas Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. WELLS, of Missouri: The petition of Kendrick & Avis, for relief from an assessment by the Internal Revenue Department, to the Committee of Ways and Means.

By Mr. WHEELER: The petitions of citizens of Malone, of Saint Lawrence, of Gouverneur, and of Colton, New York, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. WIGGINTON: The petition of C. W. Thacker and 144 other citizens, of Santa Barbara and Ventura Counties, California, for a resurvey of the rancho Rio de Santa Clara, and that certain lands in California be declared public lands, to the Committee on Public Lands.

By Mr. WILLARD: The petitions of bankers and business men in Baltimore, Maryland, in New York City, in Brattleborough, Vermont, and in New Hampshire, relating to Dana Bickford's plan of international coinage, to the Committee on Coinage, Weights, and Measures.

By Mr. A. S. WILLIAMS: Two petitions of citizens of Detroit, for the erection of a bridge across the Detroit River, to the Committee on Commerce.

By Mr. WOOD, of New York: The petition of James Trainor, for a pension, to the Committee on Invalid Pensions.

IN SENATE.

THURSDAY, *February* 3, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILL REFERRED.

The bill (H. R No. 1796) to grant an American register to the Hawaiian bark Arctic was read twice by its title and referred to the Committee on Commerce.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting, in answer to a Senate resolution of January 31, 1876, information in relation to the taxation of lands granted to States and corporations; which was referred to the Committee on Public Lands, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition and resolutions of a meeting of workingmen of the city of Detroit, Michigan, held January 15, 1876, praying for the repeal of the resumption act; which was referred to the Committee on Finance.

Mr. PATTERSON presented the petition of A. M. Blake, praying compensation for losses sustained by him during the late war; which was referred to the Committee on Claims.

Mr. SHERMAN presented a petition of citizens of Kentucky, praying for the repeal of the two-cent stamp tax on bank-checks; which was referred to the Committee on Finance.

Mr. SPENCER presented the memorial of Jones M. Withers, attorney for the Mobile Marine Dock Company, asking payment for the occupation and use of property and material of that company by military authorities of the United States; which was referred to the Committee on Claims.

Mr. CHRISTIANCY. I present the petition and resolutions passed at a meeting of workingmen of the city of Detroit, Michigan, in favor of the repeal of the specie resumption act, so called. In presenting these resolutions I wish to say that for myself I do not agree either in the premises or in the conclusion of the resolutions. I move their reference to the Committee on Finance, hoping that they will take the resolutions into serious consideration.

The motion was agreed to.

Mr. CRAGIN presented the petition of Secor & Co., and Perine, Secor & Co., praying compensation for losses sustained through the action of the Government in building certain vessels of war and in relation to sundry payments received by them as extras on these vessels; which was referred to the Committee on Naval Affairs.

Mr. CRAGIN. I also present the petition of Samuel S. Smoot, president of the Southern Maryland Railroad Company, praying for the passage of a law guaranteeing the interest on the bonds of that railroad company. I move that the petition be referred to the Committee on Railroads, and I am requested to move also that it be printed.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Railroads and be printed, if no objection is made.

Mr. SHERMAN. To print a petition is contrary to the rule unless for some special reason. I object to its being printed unless the Senator from New Hampshire can state a good reason, as an exception to the rule, why it should be printed.

The PRESIDENT *pro tempore*. Objection being made, the motion to print will be referred to the Committee on Printing.

Mr. INGALLS presented the petition of J. F. Lamb and several other citizens of the State of Kansas, praying the passage of Senate bill No. 33 for the relief of certain settlers upon homestead and preemption lands; which was referred to the Committee on Public Lands.

Mr. KELLY presented the petition of the board of county commissioners of Walla Walla County, Washington Territory, praying Congress to annex that county to the State of Oregon; which was referred to the Committee on Territories.

Mr. ROBERTSON. I present the memorial of the Washington Light Infantry of South Carolina and the Clinch Rifles of Georgia, asking Congress to authorize the Secretary of War to issue through the governors of their respective States two hundred and forty improved breech-loading rifles, for the use of their commands, to enable those companies to participate in celebrating the national centennial in Philadelphia on the 4th of July, 1876. I move that this memorial be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. RANDOLPH. I present a concurrent resolution of the Legislature of New Jersey, relating to the surplus revenue distributed for the use of the States in 1834. I ask that the resolution be read and referred to the Committee on Finance.

The PRESIDENT *pro tempore*. The resolution will be reported if there be no objection.

The Chief Clerk read as follows:

Whereas the treasurer of the State of New Jersey, in his report of credits and securities belonging to the State fund, reports bonds of the several counties of the State for the surplus revenue of the United States $764,670.44, which stand on his books as a loan to the counties and due the State, and the United States Treasurer holds certificates against the State of New Jersey for the same, which stands charged on the books of the United States Treasurer with that amount, showing an indebtedness of this State to the United States for the amount named above, and the treasurer of this State has reported annually for nearly forty years these securities, showing no interest paid by the counties to the State, neither has there been any interest paid by the State to the United States on the same; and whereas the said securities due by the counties to the State are for the amount of surplus revenue deposited with the State of New Jersey under an act of Congress of June 23, 1836, ordering "that the money which shall be in the Treasury of the United States on the 1st day of January, 1837, reserving the sum of $5,000,000, shall be deposited with the several States in proportion to their respective representation in the Senate and House of Representatives of the United States;" and whereas the State of New Jersey under said act received as her proportion of the said surplus revenue the sum of $764,670.44, and distributed the same among the counties of the State on the ratio of their valuations for taxation, receiving their bonds for the same; and whereas no call has ever been made upon this State or upon any other of the States for the return of this money so deposited; and whereas, in the settlement of the claims of this State against the Treasury of the United States for expenses incurred in raising and forwarding troops during the late unhappy civil war, no offset was claimed by the United States Treasurer on account of the said money so deposited with this State in 1837, the same course having been pursued with the other States, and in no case any claim made for credit or offset on account of said money so deposited; and whereas the general opinion was at the time the law was enacted, and still is, that the said deposits were only so in name, but in reality was a distribution of an excess of taxation levied upon the people of the United States; (in the debate in Congress at the time the act was under consideration it was spoken of as "returning these deposits to the people by whom they were paid," and was treated as a "distribution in its consequences," and, said a member, "it is viewed as an indirect distribution, those who voted for it considering it a mere deposit measure;") and whereas the said money so deposited still appears on the books of the Treasurer of the United States as a charge against the several States and as an available fund at command of the United States Treasury: Therefore,

Be it resolved, That our Senators and Representatives in Congress be requested to present the following resolution for action by Congress and use their influence for its passage:

"Whereas the thirteenth section of the act of Congress of June 23, 1836, was so construed at the United States Treasury as authorizing a deposit with the States of that amount of money from the Treasury, which amount has, since said deposit was made, been included in the balance of the Treasury from year to year: Therefore,

"*Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and hereby is, authorized and directed to cause the proper entries to be made on the books of the Department to relieve the several States from all liability to the Government on account of the respective amounts deposited with them in accordance with the provisions of said act."

Resolved, That a copy of these resolutions, signed by the governor, be sent to each of our Senators and Representatives in Congress, to be presented to their respective bodies.

J. D. BEDLE,
Governor.

The resolutions were referred to the Committee on Finance.

The PRESIDENT *pro tempore* presented a memorial of the Legislature of Iowa, asking legislation by Congress in favor of a commercial highway by water between the Mississippi River and Lake Michigan via the valleys of the Fox and Wisconsin Rivers; which was referred to the Committee on Commerce.

He also presented a preamble and resolutions of the Maritime Exchange of Philadelphia, relative to the proposed modification of the shipping act of 1872, title 53, of the Revised Statutes; which were referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. CRAGIN, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 123) for the relief of Philip S. Wales, medical inspector in the United States Navy, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. WITHERS, from the Committee on Pensions, to whom was referred the bill (S. No. 89) to amend the act entitled "An act granting pensions to certain soldiers and sailors of the war of 1812 and the widows of deceased soldiers," approved February 14, 1871, and to restore to the pension-rolls those persons whose names were stricken therefrom in consequence of disloyalty, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. No. 205) authorizing the Commissioner of Pensions to place upon the pension-roll the name of the widow of Captain David Ritchie, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Henry Cunningham, praying to be allowed a pension, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of Fleming Crump and William Williamson, praying to be allowed pensions, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. WITHERS. The principle involved in all of these cases is the same, that these parties have never applied to the Pension Bureau for pensions, and the committee therefore ask to be relieved from the further consideration of the petitions in order that they may be referred to the Commissioner of Pensions.

Mr. BOOTH. I am directed by the Committee on Pensions, to whom was referred the bill (S. No. 188) granting a pension to Patterson McNutt, to report it adversely. At the request of the Senator from Indiana [Mr. MORTON] I ask that the bill be placed upon the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar with the adverse report of the committee.

BILLS INTRODUCED.

Mr. SPENCER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 395) for the relief of the Mobile Marine Dock Company; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. CRAGIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 396) to aid in the construction of the Southern Maryland Railroad, and for other purposes; which was read twice by its title, referred to the Committee on Railroads, and ordered to be printed.

Mr. MORTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 397) for the relief of Andrew M. Banks; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. DAVIS, it was

Ordered, That the petition and papers in the case of E. M. Hart be taken from the files of the Senate and referred to the Committee on Claims.

Mr. DAVIS. I also present a letter relating to this case, which I move be referred to the Committee on Claims.

The motion was agreed to.

On motion of Mr. CRAGIN, it was

Ordered, That the memorial of John Holroyd be taken from the files of the Senate and referred to the Committee on Naval Affairs.

On motion of Mr. INGALLS, it was

Ordered, That the papers in the case of Anton Tschudi be taken from the files of the Senate and referred to the Committee on Pensions.

POTOMAC AQUEDUCT BRIDGE.

Mr. ROBERTSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to detail as early as possible an officer of engineers to make an examination of and report upon the present condition as respects safety and permanency of the Aqueduct bridge over the Potomac River at Georgetown, District of Columbia.

GOVERNMENT OF THE DISTRICT OF COLUMBIA.

Mr. HITCHCOCK submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the District of Columbia be instructed to inquire into the expediency of providing a proper form of government for the District of Columbia, with leave to report by bill or otherwise.

DISTRICT 3.65 BONDS.

Mr. CLAYTON. I now ask to take up the unfinished business pending at the conclusion of the morning hour yesterday.

Mr. EATON. I ask the Senator from Arkansas to give way to me for a moment in order to enable me to introduce a resolution that will not take time I should like to have it read.

Mr. CLAYTON. Does the Senator from Connecticut desire action upon his resolution?

Mr. EATON. I do want action on it. I hope there will be no objection to it; but an objection of course will throw it over.

The PRESIDENT *pro tempore*. The Chair will receive the resolution of the Senator from Connecticut subject to objection. The Secretary will read it for information.

The Chief Clerk read as follows:

Resolved, That any further issue of 3.65 bonds authorized under or by virtue of the act of Congress approved June 20, 1874, is hereby prohibited, any law to the contrary notwithstanding.

Mr. CLAYTON. Mr. President——

Mr. EATON. I only wish to say a word. Let me give the reason for offering the resolution, even if no vote is taken upon it.

Mr. CLAYTON. I think it very clear it cannot be passed this morning. That question is really before the Senate in another shape.

Mr. SHERMAN. That subject will come up regularly at one o'clock.

Mr. EATON. I ask the Senate to hear my statement; and then, if debate occurs on a resolution of this character after my statement, of course that will carry it over.

Mr. President, I desire to inform the Senate of a certain state of facts, and if these facts are correct I apprehend there will be a unanimous vote given to my resolution. I obtained these facts from such a source as induces me now to say to the Senate that I have no more doubt of their truth than I would have if one of my brother Senators should assure me of the fact. One week ago to-day, as I am informed and believe, a resolution was passed by the board that has power to issue these 3.65 bonds that no more should be issued for one week, supposing that that time would cover the examination of this question in the House of Representatives and in the Senate. That about that time such a resolution was passed I entertain no doubt. In defiance of that resolution passed by that board, since last Saturday morning, more than $100,000 of these bonds have been issued, as I am informed, not only in violation of the resolution which was passed by the board, but in violation of the will of the Congress of the United States.

Mr. SARGENT. Was that done by the funding commissioners?

Mr. EATON. I have stated to the Senate that it was by the board which has the authority to issue these bonds.

Mr. SARGENT. That is, by the funding commissioners, I believe, one of whom is W. W. Corcoran.

Mr. EATON. I am not here to give the name of any gentleman. I am here to state on my honor as a Senator that I believe everything that I have said to the Senate. I say in violation of their own resolution, in violation of the will of the Congress of the United States, and in violation of the law regarding working on the Sabbath, if there be any such law in the District of Columbia, they have gone on and issued these bonds. I now ask that the resolution may be put upon its passage.

Mr. CLAYTON. I call for the regular order.

The PRESIDENT *pro tempore*. Objection being made, the resolution goes over.

PUBLIC LANDS IN SOUTHERN STATES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 2) to repeal section 2303 of the Revised Statutes of the United States making restrictions in the disposition of the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida, the pending question being on the amendment of Mr. THURMAN to insert at the end of the first section the following proviso:

Provided, That the repeal of said section shall not have the effect to impair the right, complete or inchoate, of any homestead settler; and no land occupied by such settler at the time this act shall take effect shall be subject to entry, preemption, or sale.

Mr. BOGY. Mr. President, fearing that this bill may be defeated because both its object and its effect are much misunderstood, I will detain the Senate but a moment to explain it.

The object of the bill is simply to restore the public lands in the States named therein, namely, in Alabama, Mississippi, Arkansas, Florida, and Louisiana, to the exact condition that the public lands in the other new States are to-day in Missouri, in Kansas, in Iowa, in Nebraska, and so on. I think there can be no objection to the bill if it is understood. It is simple, and it is just. Formerly the public lands in all the new States were in the same precise condition as to the ability of any person to enter those lands at private entry at the minimum price of a dollar and a quarter an acre. After a time the pre-emption system was established, which pervaded all these new States equally and alike. Then warrants were issued to the soldiers who had served in the different wars of the Republic, and they were to be located on the lands of the Government in all the new States alike. Then the homestead law was established, and that was to affect the new States all alike.

A short time after the termination of the late war, when the slave population had been emancipated, it was believed by a majority of both branches of Congress that, as that population had no real estate in the different States where they were living, it was necessary to prevent these lands from being entered either at private sale or under pre-emptions or by the location of land warrants, and to reserve them all to be disposed of in the way of homestead entries, the evident intention being to secure the lands in the States named for this recently emancipated population. While the motive was commendable and the object was benevolent, to enable that class of people who heretofore had no real estate to secure real estate, yet the whole policy was founded in very great error and also very great injustice to the States therein named. It then provided by an amendment to the homestead law, which is very incongruous and which must have been adopted without much discussion, that so far as the States named were concerned no public land could be entered or disposed of in those States except in the way of homesteads, believing that the quantity of land was small, and that there was no more in those States than would supply the legitimate demand of the colored population. This was a great mistake; it was a mistake then, and it is a mistake now. If every colored man of the South was to-day provided with one hundred and sixty acres of land, there would yet be millions of acres to be entered. But this excess, as it stands now, cannot be entered. You cannot buy an acre of public land in Alabama, or in Arkansas, or in Louisiana, or in Florida. The consequence is that the vast public domain there remains undisposed of, to the detriment of the Federal Treasury and to the great detriment of those States.

Now, sir, those States, as we know, are in a very depressed condition financially. Nothing can ever relieve them, nothing can raise them from their greatly depressed condition, except an augmented population. You have taken away the whole inducement for immigration to them. It is true that a poor man can go to Florida or Alabama and locate his homestead; but there are many other persons who would like to go to those States who do not choose to go and reside upon public lands for five years. A man to get a homestead has to go on his one hundred and sixty acres of land, make a location in good faith, and remain consecutively upon that land for five years, before he can acquire title. The result is that the lands in all those States remain undisposed of.

The object of this bill is simply to place the lands in those States in the same condition that they are in my State; that is, that they can be entered at a dollar and a quarter an acre; that pre-emptions can be located, and that land warrants can be located, and that homesteads can be located as they are now. The amendment of the Senator from Ohio is evidently founded in error. His object is to protect persons who have already as it were initiated their homestead rights. This bill does not affect them at all. Persons in those States who have taken any step toward securing a homestead are not affected by this bill. This bill does not reach the question of homesteads in any shape or form. It only says that in addition to homesteads, lands can be acquired in those States also by entry at a dollar and a quarter an acre and by pre-emption and by location of land warrants. Why should it not be so?

If we deprived the colored population of the ability of securing homes by the location of homesteads, perhaps it would be well to retain the law as it is now; but such is not the fact. There are millions of acres of lands in those States beyond what they can want at any time. They never can take them.

Mr. INGALLS. Would it interrupt the Senator if I were to ask if he can inform the Senate what proportion of the area of the States named in this bill remains public domain and open to pre-emption or homestead entry?

Mr. BOGY. I cannot give a definite answer. All I know as a general fact is that there is a very large quantity of public lands yet remaining in the State of Florida, perhaps one-half the whole area of the State; also in Alabama; not so large in Louisiana or Mississippi, and yet very considerable in both those States; and a very large proportion in the State of Arkansas. I will state this fact beyond the possibility of being contradicted, that there is more land in each and all of these States twice, three times, four times over than can be taken by the colored population if every one of them made a location of one hundred and sixty acres of land.

This law is perfectly ruinous to those States. I know in regard to the State of Arkansas where mineral developments are being brought to light every day, persons have come to Saint Louis to obtain capital to purchase lands in Arkansas for the purpose of going into mining operations, and they have not been able to secure the land because there is only one way to get land in Arkansas, and that is by going on one hundred and sixty acres of land, living upon that tract, and taking an oath that you intend to remain on that land. The consequence is that persons who desire to become purchasers for the purpose of going into mining operations and of developing the resources of that State are precluded; and this keeps these States in a sad condition all the time. If this be charity, (and it was meant to be charity, and the motive was commendable,) it was, to say the least of it, charity provided for one set of persons at the expense of another. It is not the charity commended by the law; very far from it. It is not charity that goes from your own purse and your own means. It was charity at the expense of these States because it prevented emigration going to those States.

The bill is simple. The reason why I have felt it my duty to say anything on the subject now is because last year the same bill passed the House, and it came to the Senate; but owing to a misapprehension that there was something wrong it it, and Senators not investigating the matter, it was defeated. Now, I say it is a just measure.

Mr. CLAYTON. The Senator is mistaken about the bill having been defeated in the Senate. It was reported back from the Com-

mittee on Public Lands favorably; but there were other provisions, very large provisions, in relation to other portions of the laws relative to the sale of lands, incorporated with this provision, and it failed to receive action. There was no action by the Senate upon it.

Mr. BOGY. I understood that to be a fact, but I desired to make my speech very short and did not go into the explanation in detail; but the same provision was in that bill. The bill was amended, and we were not able to strike off the amendments because the subject was not understood.

Now, sir, to conclude my remarks, the whole effect, the whole object, the intent of this bill, is merely to say that public lands in Louisiana, in Alabama, in Mississippi, in Florida, and in Arkansas shall be hereafter liable to be purchased at $1.25 an acre or can be taken up with land-warrants in the same way that public lands can be taken up in Missouri, Iowa, and other States that have public lands; and the persons who have located homesteads in any of these States are in no way, shape, or form, in the most distant manner imaginable affected by this bill at all. It opens the gate to emigration to these States, which certainly ought to be done.

The bill ought to pass, and the amendment of the Senator from Ohio is entirely unnecessary, and of course should not be adopted. I remember he said to me yesterday if it does not affect the bill why not pass it? That is not the way. The question is affirmative. Does the bill provide anything which the amendment goes to modify? It does not. It does not affect homesteads; homesteads remain the same as they are now.

Mr. McMILLAN. I should like to ask the chairman of the committee who reported this bill, for my own information, whether they considered particularly the effect of the repeal of this section in view of section 12 of chapter 2 of the Revised Statutes, which provides that—

> Whenever an act is repealed which repealed a former act, such former act shall not thereby be revived unless it shall be expressly so provided.

I should like to know whether the committee have looked at the effect of the repeal of this section in view of the section to which I have referred, so that we shall be assured that the right of pre-emption and the right of private entry exist together if this section shall be repealed?

Mr. WINDOM. I will say to my colleague that the particular question which he presents was never discussed, I believe, in the committee; at least not within my recollection. But as the section repealed is only a restriction upon a former law, I cannot conceive that there is any difficulty in respect to what he states. It was not discussed before the committee, however. I cannot answer what view the committee took of it.

Mr. McMILLAN. I asked the question for information, so that there may be no mistake.

Mr. BOGY. Will the Senator pardon me? I think this would be the effect of it, and I am very clear on that point: The amendment which is now attempted to be repealed by this bill is to the homestead law. That homestead law provided for the location of homesteads in all the States having public lands. This amendment excepted a few of those States. By repealing the amendment which excepted those States the law remains in operation, and includes and covers all the States having public lands. I think that is clearly the effect.

Mr. WINDOM. This restrictive act simply withdrew from the operation of the general laws the public lands in those States. It seems to me that repealing that act of withdrawal or restriction will certainly leave the lands as they were before, subject to the general laws; but I only give my own opinion, which is not worth so much as that of my colleague on such a subject.

Mr. McMILLAN. I express no opinion in regard to the effect of the repeal.

Mr. INGALLS. I desire to ask the Senator from Arkansas if he can furnish the Senate with the information that the Senator from Missouri said he was unable to give, in regard to the area of the public lands remaining undisposed of in the five States named in this bill.

Mr. CLAYTON. I can, as I have received it from the Land Department. The entire area of the State of Arkansas is 33,406,720 acres; the entire area remaining undisposed of and still held by the Government, independently of railroad grants, amounts to 8,880,700 acres.

Mr. INGALLS. About 25 per cent.

Mr. CLAYTON. About 25 per cent. in Arkansas. In Louisiana the entire area of the State is 26,461,440 acres; and there remain unsold, independent of railroad grants, 5,884,888 acres.

Mr. INGALLS. What per cent. is that?

Mr. CLAYTON. About 20 per cent. In Mississippi the entire area is 30,179,840 acres. There remain undisposed of 4,263,520 acres, or about 14 per cent. In Alabama the entire area is 32,462,080 acres; undisposed of, 4,637,808 acres, about one-eighth, or 12 per cent. In Florida the entire area is 37,931,520 acres; undisposed of, 16,946,426, or nearly one-half.

Mr. INGALLS. Is it the understanding of the Senator that the great portion of this land is what is known as timber land?

Mr. CLAYTON. It is.

Mr. INGALLS. What species or variety of timber?

Mr. CLAYTON. In my own State, Arkansas, the bulk of it is covered with pine and a kind of scrub oak. Some portions of it are covered with oak, but that portion which has not got pine upon it is not covered with a very valuable variety of timber. The only timber in our State that is valuable, or likely to become valuable, is pine timber; but the pine timber on these lands is rather sparse. The trees themselves are large, but the growth is sparse.

Mr. INGALLS. Is the land fit for agriculture?

Mr. CLAYTON. I said yesterday that it was not. Any one who is familiar with that character of land will at once understand that it is not; and there are Senators here who have passed through Arkansas and who, visiting the State, have seen these lands. They can state themselves, if they desire to do so, the character of the lands they discovered in passing through the State. Of course, so far as the character of land in other Southern States is concerned, I cannot speak as to all of my own knowledge, but I learn on reliable information that those lands are of the same character.

Mr. ALCORN. Mr. President, I will offer a word in support of the measure of the Senator from Arkansas, and I will speak entirely of my own State. It was said yesterday by the Senator from Vermont not now in his seat [Mr. EDMUNDS] that it was in consideration of the helpless condition of the colored people of the South that this homestead law was applied in its present form to the five States mentioned. It is true that the colored people were in a very helpless condition. Four million of those people were emerging from slavery. Made free and brought into the bright sunlight of liberty, they came without even a title to the clothes upon their backs, and they had not even a mouthful of food, and they had not an acre of land. They had not a roof with which they could cover their heads. Congress in its mercy, so far as Mississippi is concerned, when these people held up their hands and asked for bread, gave them in return a pine lot in the form of a homestead law. I am not undertaking to reflect upon the Government, for I know very well its condition and the peculiar condition of the colored people. It was a dilemma; and doubtless those who voted for this law supposed they were giving the colored people in the State of Mississippi an opportunity whereby they could secure to themselves homesteads. Now the fact exists that, in Mississippi, the lands that were offered to the negro as a homestead had been, under the graduation laws of the Government of the United States, reduced down to twelve and a half cents an acre and had been held for a number of years at twelve and a half cents an acre and were not entered, at a time, too, when the lands in Mississippi were worth, I am scarcely able to compute the per cent. but I will say, immeasurably more than they are to-day. For example, land in the district in which I live that was selling for $50 an acre when the war began, can be bought to-day much of it for $5 an acre. I have known some of it to sell for $2.50 an acre, and this is improved land, land that had been entered for forty years and that had become the subject of cultivation. This, however, is owing to the imperfect levee system we have, by which that land and the most productive and fertile regions of the country have become subject to annual inundation. I will not, however, elaborate upon this branch of the subject, but will go more directly to the point.

In the tributaries of Pearl River, bordering on the Gulf of Mexico, upon the southern border of Mississippi, there are large areas of valuable pine land. The timber interest in that country has developed since the close of the war. These lands are not fit for cultivation. They are sterile, and they are only valuable for the timber. While I had the honor to act as governor of Mississippi, I called the attention of the Government authorities to the fact that this land was being depredated upon by various persons engaged in floating timber to the mills. Hundred of acres perhaps were being denuded each year. I sought to inaugurate some system of prosecution on the part of the government of Mississippi, whereby these people would be hindered and whereby they would be restrained from their peculations upon the lands of the Government of the United States. This being, however, the property of the Government of the United States, and not the property of Mississippi, and the General Government having its own laws for the protection of its own property, I found that I was unable to do what I proposed. I called the attention of the Government authorities to the matter, and upon one occasion did succeed in having an agent sent there, having already had an agent put there on the part of the State of Mississippi, but the whole thing resulted in this: The influences were very large, and it was impossible to do anything at all. The mill-owners did not stop to inquire where the timber came from out of which they made their lumber, and the men engaged in rafting timber had each perhaps forty or sixty acres of land along the tributaries of some of these streams, and upon that they could float and deliver any quantity of timber that might be desired. Men from various portions of the United States were engaged in this timber business.

Now, so far as Mississippi is concerned, I do not know that my State is particularly interested in this law, for certain it is that there has been no considerable quantity of land entered there under the homestead law; and if it was to remain on the statute-book for fifty years to come I doubt if as much as five thousand acres would be taken under it. But I may be mistaken in this. The interest, however, to the Government lies in this: If this land was made subject to entry it would be entered by those who would desire to speculate upon the timber; this would bring about a competition in the way of the entry of the land and its purchase from the Government of the United States. That would bring revenue to the Government; whereas if the present law remains the timber will be taken, the land will be

stripped, and will be valueless upon the hands of the Government. That is just about the effect it will have.

I will vote for the bill for the reason that I think this kind of peculating and plundering of the public lands ought to be suppressed, for it is demoralizing, and men ought to be taught that they must own property before they undertake to despoil it. From the fact that the timber is valuable I have no doubt that there will be large entries made for the purpose of using the timber. At the mouth of Pearl River there are a great number of mills that have risen up since the war; these mills are tributary to the Government lands, or the Government lands are tributary to the mills; they supply them with the timber. Now, if you pass this bill, the Government will get pay for the land at a dollar and a quarter an acre. If you do not pass the bill the peculation upon the public timber will go on, unless you can inaugurate some system for the arrest and punishment of the people who are engaged in this, and their numbers I am told are great—some system I mean that I have not been able to find which would be at all practicable.

I shall be very glad myself, for the reasons I have stated, that the bill shall pass. So far as the colored people are concerned, so far as the poor of the State are concerned, the present law amounts to nothing.

Mr. INGALLS. Mr. President, I have no desire to retard the settlement, delay the population, or interfere with the prosperity of the Southern States, particularly of those named in this bill; but we have reached a point in the history of legislation touching the public domain when it is important that we should tread the paths of our feet with more circumspection than we have heretofore displayed. It seems almost incredible, and yet it is I believe absolutely true, that we have practically reached the limit of the agricultural area open to homestead or pre-emption settlement in this country.

There is no doubt that the purposes of the framers of the law that is now sought to be repealed were benevolent. It now seems probable, in view of what has been said to-day and yesterday, that the statute has failed to meet the expectations of those who framed it, and has not justified the arguments that were advanced originally in its support. That alone would appear to justify the Senators from those States in asking a repeal of the law if there were not some other reasons that demanded its continuance or modification.

Let me call the attention of the Senator from Arkansas to the fact that the homestead and pre-emption laws, distinctively so called, were enacted in the interest of agriculture. They were intended to apply to agricultural lands. Their object was to benefit the farmers of the country, upon the theory that the perpetuity of free institutions depended upon a great body of freeholders who were attached to the soil.

Now, sir, it is admitted in the arguments of all the Senators who have urged the passage of this bill that none of this land is agricultural. The Senator from Arkansas says the lands in his State are what are known as pine barrens, covered to a great extent with heavy timber, which being removed the land will be valueless for purposes of agriculture. The same I believe to be true with regard to the cypress swamps of Louisiana and the everglades of Florida. When the timber is removed the lands will be absolutely worthless for cultivation. Therefore I say that in no proper sense can they ask the application of the homestead and pre-emption laws to the lands that are now under consideration.

In this connection I will callthe attention of the Senate to the recommendation of the Commissioner of the General Land Office in his report for the current year upon this subject. Referring to what he claims to be an omission in the laws governing the disposition of the public lands, and alluding to those that have a specific or special value, such as those containing gold, iron, silver, lead, cinnabar, sulphur, copper, and other metals, he then calls attention to the pine lands, and says:

> The product of these lands is of universal use, and forms the staple of commerce of no inconsiderable portion of the nation.

He recommends that a law be passed providing—

> First. That pine and fir lands shall not be subject to entry under the pre-emption and homestead laws.
>
> Second. That a system of survey shall be devised by which the quantity of pine or fir in each smallest subdivision of a section may be at least closely approximated.
>
> Third. That an immediate exploration by experts of the unsurveyed portions of those States and Territories known to contain pine or fir be authorized, with the view of ascertaining the geographical situation of pine and fir districts or fields.
>
> Fourth. That the reports of such explorations be followed by immediate survey of these districts.
>
> Fifth. That survey be followed by immediate appraisal, proclamation, and sale, at not less than the appraised value, and for cash only.

He concludes:

> As I have indicated in the foregoing suggestions, I am strongly of the opinion that the wisest policy the Government can pursue in respect to this class of lands is that which will most speedily divest it of title in the same for a fair consideration, for the reason that depredations to an enormous extent are constantly occurring, which existing laws are powerless to prevent and seemingly equally powerless to punish.

I have no doubt that these lands possess commercial value far in excess of $1.25 per acre. The Senator from Mississippi who has just taken his seat says that they are already largely trespassed upon at the present time by speculators who are endeavoring to obtain possession in violation of existing laws for the purpose of stripping them of their timber. Therefore it would be grossly unjust to the Government, it would be grossly unjust to the Treasury, it would be grossly unjust to those men who, like the farmers of the West, have taken portions of the public domain at a dollar and a quarter an acre, to put these trespassers in possession of heavily timbered lands, worth, I have no doubt at a fair estimate, from fifty to one hundred dollars an acre for the product of the land itself in timber.

I am entirely willing to assist in establishing some system for the disposition and sale of these lands.

Mr. NORWOOD. If the Senator will allow me, I would make a suggestion to him that may throw some light on the value of these lands. In the southern part of Georgia, near the seaboard, pine lands can be bought at from ten to twenty-five cents an acre by the hundred or the thousand acres.

Mr. INGALLS. The reason of that is because that portion of the country has not yet been penetrated by railroads nor reached by proper means of communication.

Mr. NORWOOD. There are four railroads running through it.

Mr. INGALLS. The Senator from Mississippi referred to the fact that previous to the war this land had been graduated down to twelve and a half cents an acre, and remained for a long time unsold. It has undoubtedly enhanced in value since that time by the construction of railroads, by the introduction of northern capital, by the introduction of saw-mills and machinery for the manufacture of lumber; and it is on this account that the land is rapidly becoming valuable for commercial purpose.

Mr. CLAYTON. Will the Senator allow me a word?

Mr. INGALLS. Yes, sir.

Mr. CLAYTON. We have a railroad in Arkansas running east and west through the State. It has a very large land grant on each side of the road. We have another road running north and south through the State; and that has a very large land grant on each side of the road. Those railroad companies are unable to sell their lands to-day at anything like what they hold them for. They cannot get $2 an acre for them.

Mr. INGALLS. Then, if large tracts of this identical description of lands are in the market at prices sufficiently low to accommodate the necessities of the people, what is the purpose of withdrawing this homestead restriction and throwing a vast additional area of land upon the market? The Senator himself says these railroads have land grants lying on either side of their line running diagonally through the State of Arkansas, and those lands are not sought for; they find no purchasers. If that is the case there can be no necessity for repealing the law of 1866, and throwing upon the market millions of acres of public lands still further to depress the price of those that are offered for sale.

Mr. BOGY. Those lands are confined to one or two localities.

Mr. INGALLS. The most desirable localities in a State are near the great lines of communication, certainly, and real estate there should be most sought for and have its highest value.

Mr. CLAYTON. Allow me to answer the Senator. I was told yesterday by the former land officer of the Little Rock and Fort Smith Railroad Company that they had been able occasionally to sell some of their timber land at from three to five dollars an acre. One reason why we want this legislation is that when people who go to the State of Arkansas or live there desire to purchase timber lands they shall not have to go to the railroad companies and pay two or three times as much as they would have to pay to the Government.

Another reason we want it is this: Everything has an infancy. The lumber trade of Michigan at one time was an infant trade. Everything requires time to develop it. We want an opportunity to commence the development of these timber resources—the same opportunity that is given to other States.

Mr. SARGENT. I offer the following amendment, to come in after the amendment of the Senator from Ohio, as an amendment to that amendment:

> *Provided*, That nothing herein contained shall be construed in any manner to revive the law commonly called the graduation act.

I think that should be put beyond dispute. Although I have no doubt the Senator's statement may probably be correct, that the graduation act does not apply, I want to be sure of it.

Mr. BOGY. The graduation act was repealed a long time ago.

Mr. SARGENT. I wish to be certain that this shall not revive it.

Mr. CLAYTON. If the Senator thinks the graduation act applies, I would ask to have a letter from the Commissioner of the General Land Office read.

Mr. SARGENT. I shall be very glad to know that the graduation act will not be revived by this bill.

Mr. ALCORN. I wish to say, in reply to the Senator from Kansas or rather by way of explanation, that the timber lands of the Government of the United States have not been productive in Mississippi so as to increase the revenues of the Government. The cypress timber of that vast area known as the Mississippi swamp, the delta of the Mississippi, embracing about one-seventh portion of the State, was depredated upon from about the year 1832 up to the time when the Government of the United States ceded the swamp lands to the different States; and perhaps the largest business that there was in the State of Mississippi was the timber business. The lumber business with New Orleans and Vicksburgh was an exceedingly large business. To

what extent it went I am not now able to state, but that business was almost entirely carried on by supplies from Government land by the raftsmen; and to such an extent was it carried on that when the swamp lands were ceded to the different States of the South very little of that timber was of any value or was accessible on account of overflow. The States took it in charge, and they attempted to suppress and punish those who depredated upon the land after it became the property of the State. They were not successful until finally a law was passed by the Legislature in Mississippi providing that no one should engage in the business of rafting unless he took out a license to do it, and then he should take an oath that he would not raft upon any other land but his own or upon the land of such person or persons as he might have permission in writing to go upon. This law was now enforced with some degree of rigor, and finally the rafting business was pretty well broken up in the Mississippi swamp. But the State has not undertaken to protect the Government lands. The Government has laws for the protection of its own property. The lands of which I speak, embraced in the 4,000,000 acres undisposed of in Mississippi, are barren pine lands most generally. Those lands are only valuable for any purpose where they may be contiguous to or border upon any of the tributaries that enter into the gulf. If this bill passes, the chances are that 300,000 or 400,000 acres of those lands will be entered; I doubt if so much. The rest of the land cannot be sold for a cent an acre. Nobody would pay the taxes upon it. It would bankrupt any one who undertook to pay taxes upon this land and hold it until such time as he would be able to derive some revenue from it, remote from railroads, remote from settlement, in a barren waste. So this timber stands, valuable if it could be made accessible; but it is not accessible, nor will it be.

Now, sir, if you hold on to the land under the system that obtains in the General Land Office, the result will be that the public land in Mississippi will be valued at less than a cent an acre. From my knowledge of it I would not put it down at anything; but I would say that the man who would take it would be broken up in paying the taxes on it, because under the equalization law of the State he would have to value it at something; the assessor would get a commission for appraising it; he would value it at something, and that something would be just more than the land would be worth when you undertook to pay for it. Why, sir, thousands of acres of land in that delta, in the richest portion of the State of Mississippi, are to-day held by the State for the reason that individuals refuse to pay taxes upon them. Lands that were worth fifteen or twenty dollars an acre before the war are to-day the property of the State of Mississippi for the reason that the owners have yielded them up to the State, refusing to pay taxes upon them. The State of Mississippi owns two million acres of land, some of which was entered at $1.25 an acre, cultivated before the war, and some of which was formerly worth eight or ten dollars an acre, and to-day the owners refuse to go forward and redeem it. At the last session of the Legislature of Mississippi the Legislature proposed to the people who had had lands forfeited and the title to which had vested in the State that the State should relinquish the title upon the condition that they would come forward and pay the taxes of 1874. A few came forward, but some two million acres of land that had been forfeited to the State are still in the hands of the State, the people refusing to take back the title upon condition that they should pay one year's taxes. This is the condition of the land.

As I said a while ago, this bill makes very little difference to my State, but I desire the facts to be correctly stated. These lands are being plundered along the Pearl River and its tributaries. The people will go there. You cannot restrain them. You have no power in this Government to enforce your law; that is, no economical power to prevent depredation on these lands. If you will let them be subject to entry, they will be entered, because private individuals will come and take them in order that they may sell the timber or make those who take the timber off pay something for it. If you do not do that, the timber will be taken off, and that will be the last of it.

Mr. WINDOM. Having reported this bill from the Committee on Public Lands, I may be permitted to very briefly state some of the reasons which induced the committee to recommend its passage. But before doing so, I want to say that while there is no objection whatever to the amendment offered by the Senator from California, it can hardly be necessary. The restrictive act which is sought to be repealed by the bill now pending was passed in 1866. The act which repealed the graduation act was passed in 1862. It can hardly be possible that if we now repeal the restriction imposed in 1866, which in no way refers to that, we shall revive the old act which was repealed in 1862. I have no objection, however, to the amendment.

There seems to be an impression that if this bill shall pass the lands in these five States will be withdrawn from the operation of the homestead law. I wish to correct that error. All the provisions of the homestead law will still apply to these lands. They will be subject to the general land laws of the United States, and any one desiring a homestead upon them will be at liberty to take it. The Commissioner of the General Land Office has been referred to by the Senator from Kansas, and I beg to read a statement made by him bearing directly upon this bill. He says:

> The act entitled "An act for the disposal of the public lands for homestead actual settlement in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida," approved June 21, 1866, among other things, provided that from and after that day all the public lands in the States named should be disposed of "according to the stipulations of the homestead law of 20th May, 1862," and the act supplemental thereto, approved March 21, 1864.
>
> This restriction is continued in force, and is now found embodied in section 2303 of the Revised Statutes of the United States.
>
> Whatever may have been the exigencies which, at the time of the passage of this act, seemed to justify its policy of exclusion, certain it is that there are not now existing, nor likely to arise in the future, any conditions rendering its continuance necessary.
>
> It is unequal and obnoxious, in that it denies to citizens of the States named the equal privileges enjoyed by their fellow-citizens of other States with respect to lands within their borders. For this reason the section ought to be repealed; but added to this is another reason of grave importance why an early repeal is desirable.
>
> In the States to which this act refers a large, and perhaps the largest, portion of the public lands remaining to the Government is covered with valuable timber.
>
> It is "offered land," and would be in the market for cash sale at private entry but for the act of 1866. The soil of most of this land is notoriously barren, and is valuable only for its timber.
>
> Since the close of the war of the rebellion attention has been attracted to these timbered tracts, and in many localities they have been subject to wholesale depredation, their product forming the basis of a large commerce, employing extensive mills for manufacture, ships for transportation, being distributed generally along the Atlantic sea-board. The wrong thus done the Treasury is not altogether carried on in open defiance of the law, but there is, to some extent, an observance of its forms. Laborers employed in lumbering operations are induced to make homestead entry of desirable tracts, and there is thus obtained shelter from interruption while the work of removing the timber goes on. Once removed, the land is abandoned, and thenceforward, for an indefinite period, may be considered as useless for any purpose. The Treasury, however, has been robbed in the mean time of its value.
>
> The repeal of the existing prohibitions would tend toward a discontinuance of present practices, by enabling persons to acquire title to desirable tracts by direct purchase. In addition to what I have said, looking toward a repeal of the existing prohibition against acquiring title to the lands in question by cash entry, it seems to me proper to suggest that these "timber lands" of the South, and all others of their class—that is, all of the unsold "offered lands," which are chiefly valuable for their timber—might well be made to fall within the rule of exclusion, to the extent, at least, of declaring them not subject to homestead entry; which course has already been recommended in the case of the unoffered and unsurveyed timber lands.

This bill does not, however, go that far.

> It is not perceivable upon what rule of justice to the whole people a few are permitted to prey upon the common property, for, as I have before endeavored to make it appear in regard to timbered lands of the class under consideration, their appropriation under the homestead law cannot be followed by their improvement; clearly, therefore, the policy of continuing to hold them subject to homestead entry can find no other defense than that, by so doing, the system of sale is kept uniform.
>
> I do not think that this will be considered, upon due reflection, a sufficient ground for a further sacrifice of the common property.

I think it is agreed by all the Senators and Representatives from those States that, so far as the object sought by the original act is concerned, it has been a failure. There have been but few of these lands taken for actual homesteads, but the homestead law has been used as a cover to enable dishonest persons to strip them of their valuable timber, defraud the Government, and then desert them. This involves under the homestead law an oath on the part of the applicant for homestead that he has settled upon and made improvements upon the land for the purposes of a homestead by improvement and cultivation; and yet, in a very large number of cases, it is wholly untrue. He settles upon it for no such purpose, but solely for the purpose of cover, while the desirable tracts of land are being robbed of their timber and the Government defrauded of the price which it should receive for them.

I believe, sir, that if these lands are open to honest sale by persons desiring to manufacture, the increased business which will result in those States will be of vastly greater benefit to the poor people residing there by giving them employment in the manufacture of lumber than they will ever receive under the existing restriction. And as all who desire homesteads can still take them, I cannot conceive of any possible objection to the repeal of the law. I believe with my friend from Kansas that the homestead bill was originally passed for the benefit of agriculture. Having had some part in its original passage, I know such was the intent of some of its promoters; but that it would ever operate upon such lands as those in the five States referred to I think no one anticipated.

Mr. MORRILL, of Maine. I call for the regular order.

Mr. CLAYTON. I hope the Senator will allow us to come to a vote on this bill. I think we are prepared for a vote.

Mr. MORRILL, of Maine. If we can come to a vote, very well.

Mr. EDMUNDS. I have an amendment or two to offer.

Mr. INGALLS. I wish to say a few words on the subject before the debate is through.

The PRESIDENT *pro tempore*. Objection being made, it is the duty of the Chair to declare that the morning hour has expired.

Mr. CLAYTON. I ask the Senate to let us come to a vote on this land bill.

Mr. MORRILL, of Maine. If there is a disposition to vote——

Mr. CLAYTON. I think we can come to a vote in ten minutes. I do not suppose the Senator from Kansas wishes to speak that long.

Mr. INGALLS. Not very long.

Mr. HAMILTON. I hope the matter will go over.

Mr. MORRILL, of Maine. Evidently there is no disposition to come to a vote.

Mr. CLAYTON. We had the bill up yesterday morning, and Senators have had time to inform themselves on the subject. I believe I shall move to postpone the regular order temporarily until we come to a vote on this subject.

The PRESIDENT *pro tempore*. The Senator from Texas has objected,

and the Chair announces the unfinished business of yesterday as before the Senate; and now the Senator from Arkansas moves that it be postponed, with all prior orders, for the purpose of continning the bill which has been under consideration this morning.

The question being put, there were on division—ayes 29, noes 21.

Mr. MORRILL, of Maine. I must demand the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 28, nays 30; as follows:

YEAS—Messrs. Alcorn, Bogy, Caperton, Clayton, Cockrell, Conover, Cooper, Dorsey, English, Ferry, Goldthwaite, Harvey, Hitchcock, Johnston, Jones of Florida, Kelly, Key, McDonald, Maxey, Mitchell, Norwood, Paddock, Patterson, Randolph, Robertson, Spencer, West, and Windom—28.

NAYS—Messrs. Allison, Booth, Boutwell, Cameron of Pennsylvania, Cameron of Wisconsin, Christiancy, Conkling, Cragin, Davis, Dawes, Edmunds, Frelinghuysen, Hamilton, Howe, Ingalls, Jones of Nevada, Kernan, McCreery, McMillan, Merrimon, Morrill of Maine, Morrill of Vermont, Oglesby, Sargent, Saulsbury, Sherman, Stevenson, Whyte, Withers, and Wright—30.

ABSENT—Messrs. Anthony, Bayard, Bruce, Burnside, Dennis, Eaton, Gordon, Hamlin, Logan, Morton, Ransom, Thurman, Wadleigh, and Wallace—14.

So the motion was not agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed a bill (H. R. No. 1797) providing for the sale of the Kansas Indian lands in Kansas to actual settlers and for the disposition of the proceeds of the sale; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 204) to remove political disabilities of George S. Hawkins, of Florida; and

A bill (H. R. No. 785) to extend the time for stamping unstamped instruments.

DISTRICT 3.65 BONDS.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. R. No. 52) directing the commissioners of the District of Columbia to pay the interest on the bonds issued in pursuance of the act of Congress approved June 20, 1874, out of any funds in the United States Treasury subject to the requisition of said commissioners, and for other purposes.

The PRESIDENT *pro tempore*. The pending question is on the amendment of the Senator from New York [Mr. KERNAN] to the amendment of the Senator from Iowa [Mr. ALLISON] as amended; which will be read.

The CHIEF CLERK. It is proposed to amend the amendment of the Senator from Iowa, [Mr. ALLISON,] which is in the following words:

Provided, That an issue of said bonds beyond the sum of $15,000,000 is hereby prohibited—

by striking out all after the word "provided" and inserting:

That any further issue of 3.65 bonds under or by virtue of said act of Congress approved June 20, 1874, is hereby prohibited.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment as amended; which will be read.

The CHIEF CLERK. The amendment, as amended, reads:

Provided, That any further issue of 3.65 bonds under or by virtue of said act of Congress, approved June 20, 1874, is hereby prohibited: *And provided*, That the certificates heretofore issued by the board of audit, including those converted into 3.65 per cent. bonds, and those which have not been so converted, and the certificates hereafter to be issued by the board of audit, or their successors in office, shall not exceed in the aggregate the sum of $15,000,000.

Mr. EDMUNDS. I move to amend the amendment by adding to it:

And there shall be no increase of the present amount of the total indebtedness of the District of Columbia.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment as amended.

Mr. BOUTWELL. Let it be read as it now stands.

The PRESIDENT *pro tempore*. It will be reported.

The Chief Clerk read as follows:

Provided, That any further issue of 3.65 bonds under or by virtue of said act of Congress approved June 20, 1874, is hereby prohibited: *And provided*, That the certificates heretofore issued by the board of audit, including those converted into 3.65 per cent. bonds, and those which have not been so converted, and the certificates hereafter to be issued by the board of audit, or their successors in office, shall not exceed in the aggregate the sum of $15,000,000. And there shall be no increase of the present amount of the total indebtedness of the District of Columbia.

Mr. HAMILTON. Is it in order to amend further?

The PRESIDENT *pro tempore*. It is.

Mr. HAMILTON. I propose the following amendment to the amendment:

And provided further, That the paving and grading of streets and alleys be discontinued until authorized by law.

Mr. DAWES. Before the Senate passes to the consideration of that amendment, I would call the attention of the Senate to an inconsistency in the present phraseology of the amendment, growing out of the different parts of it being put together. There is an inhibition upon the further issuing of any of these 3.65 bonds. There is a phrase in the amendment which would seem to imply that hereafter there may be some issued. I ask that the Secretary read it again.

The PRESIDENT *pro tempore*. The amendment, as amended, will be again reported.

The Chief Clerk read the amendment as amended.

Mr. SHERMAN. That implies that these bonds may be issued hereafter. One clause prohibits it and another clause permits it, at least by construction.

Mr. DAWES. It so struck me when it was first read, but upon the second reading I think the reference is to certificates hereafter issued, and not to bonds hereafter issued. On the second reading, I am inclined to think my criticism was not correct; but I may be mistaken.

Mr. BAYARD. I should like to ask the Senator from Vermont, whose amendment to the amendment has just been adopted, whether he understands it to restrict the debt of this District to the existing amount to-day. I say this because I understand that $13,775,900 of 3.65 bonds were issued up to two days ago; and it was my desire that the issue should be restricted to that sum. I would propose, if it were in order, to amend by inserting this sum of $13,775,900. I shall seek to do that in the Senate; and yet if my object has been accomplished by the amendment offered by the Senator from Vermont, I do not care to take up the time of the Senate by offering an amendment in the Senate. I trust he understands me.

Mr. EDMUNDS. I understand the Senator from Delaware perfectly. The amendment which I have had the honor to propose, and which has been adopted by the Senate in committee, is not confined to these 3.65 bonds alone, or to these certificates; but it limits the total indebtedness of the District in all respects so as to have a maximum beyond which none of the officers of the District shall go; and if they have anything to do hereafter which requires the expenditure of money they must have the money to do it with and not increase the total amount of the debt of the District, whether it be done by issuing certificates or by borrowing money or incurring new liabilities in whatever form. So I think my amendment covers not only the point proposed by the Senator from Delaware but the broader one.

Mr. BAYARD. I submit to the honorable Senator from Vermont whether, as his amendment is now part of another amendment which contains the affirmative sum of fifteen millions, it may not be construed with relation to that. I do not desire the debt of this District in the shape of 3.65 bonds to be increased one dollar beyond that which it is to-day; but having in this amendment the sum stated of $15,000,000, I question whether it may not be construed with the Senator's amendment so that the $15,000,000 will be the maximum of the debt. I shall not be satisfied with that if I can prevent it.

Mr. EDMUNDS. It is perfectly easy to prevent it when we get into the Senate, by moving to strike out the fifteen million-dollar clause. Then it will all be open again, and we can strike out the $15,000,000. I do not think it would have that effect; but I am not only willing but desirous that we shall employ language that there will be no dispute about in stopping, so far as running in debt is concerned, where we are.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Texas [Mr. HAMILTON] to the amendment.

Mr. HAMILTON. I propose my amendment to come in before the last amendment adopted, if I can have the privilege of placing it there. I call the attention of the Senate to the estimates made for the current year in the way of improvements. You will find them in Mr. Hoxie's report:

For repairing concrete pavement	$185,000
For repairing Pennsylvania avenue	286,000
For grading	102,000

In all conscience there has been grading enough done in the city of Washington in the last five years; but it seems to have been impossible to stop this work. The old board of public works increased the debt $8,000,000 beyond the amount authorized by law, and the present board of commissioners have added nearly as much to it, six and a half million of dollars in defiance of law. Now what is to prevent, in the course of next year, the commissioners adding another three or four millions in the way of improvements? As was remarked by the Senator from Iowa yesterday, the streets need improvements now as bad as they did in 1871, and much more than they did in 1873 and 1874; for there are miles and miles of pavement here that is rotten absolutely to-day; they might as well have been paved at the time with turnips or sweet-potatoes. Green timber, hemlock, the cheapest thing that could be bought in the market anywhere, was put in at enormous prices; and Congress does not feel itself obliged to do anything else than obey the chairman of the Committee on Appropriations; and that is all that we have to do—to vote money. It does not make any difference how it was expended, whether it was regular or irregular, or whether it was right or wrong, whether it is a violation of law or not; we are told it is a debt against the Government and must be paid!

Mr. President, I, for one, confess that I am completely muddled by the legal arguments which have been made all over the Chamber in support of the proposition to pay these $15,000,000 on the part of the United States, because I call it the payment of that much money ultimately. I do not think the District government can pay a cent of it, and I do not think it will ever pay a cent of it, and I do not think it ought to. The point I tried to make yesterday was that, so far as the certificates passed upon by the board of audit and redeemed by the commissioners of the sinking fund in bonds are concerned,

there is a debt against the Government which nobody, I think, ought to try to evade. That much is settled, whether it was right or not. I think in 1874 it was very wrong to trust discretion in anybody to issue seven or eight or ten millions of dollars of questionable debt, and that it was questionable everybody knows.

In the first place the board of public works was required by the organic law to let out the paving by contract to the lowest bidder. They were not authorized at all to make private contracts for paving, and therefore all their contracts were null and void; they were without authority of law; and, inasmuch as they had exceeded by seven or eight millions of dollars the amount authorized by law, it was competent for the Government to look closely into those evidences of debt before the Government assumed anything.

If gentlemen will look carefully into the act of the 20th of June, 1874, authorizing the auditing of this debt, they will see that the auditors were required to send for persons and papers, to examine in the light of the report made by the joint committee of the two Houses, in the light of the law bearing on the subject, and to scrutinize everything; and the expectation was that the alleged debt would be cut down very largely. I thought so, I am sure. I thought a great deal of it was improper, and that the auditing board would find it to be improper. But, so far as I can ascertain, I do not see that the auditing board rejected anything. They have audited up to perhaps the full limit of the amount found to be outstanding by the joint committee, say, $8,300,000 or $8,400,000.

As I remarked just now, I want it understood that I do not deny the obligation resting upon the Government to pay the interest on so much of these 3.65 bonds as shall have been ascertained to be made up of the obligations contracted by the board of public works; but, as to what the District commissioners have added to that since, I think there is no authority in law for it. I think it was shown clearly by the Senator from Massachusetts [Mr. DAWES] the other day and by the Senator from Iowa [Mr. ALLISON] yesterday that there was no foundation at all for the claim made on the part of the friends of the commissioners here that they were authorized to make those contracts.

Let us look at some of the contracts made. I have not the report at hand and it is not necessary to produce it, because the matter is within our memory. The report of the joint committee in 1874 stated that one single firm in the city of Chicago had obtained a contract here for 200,000 square yards of wood pavement for which they paid a bonus of $95,000. I hold that no gentleman in business anywhere would consider himself bound by the act of his agent who would make a contract of that sort. I am sure that if I had an agent who would involve me in a debt of thousands of dollars and I could find the facts which established so clearly a violation of all principles of justice and right in making the contracts, I should not hold myself responsible at all for the payment of such a debt.

It seems, according to the Senator from New York, [Mr. CONKLING,] that all this trouble has grown out of the use of the word "or" in place of the word "and" somewhere in the statute of 1874, while the Senator from New Jersey [Mr. FRELINGHUYSEN] does not inquire into the thing at all, does not think it necessary to inquire, but presumes the expenditures were proper and very light comparatively for a grand city; that $15,000,000 is not anything! Several other Senators have fully justified everything that has been done.

The Senator from New York was very much exercised because somebody was threatening to give a black eye to these 3.65 bonds, and the Senator did me the honor to look very closely at me, as though I had struck the 3.65 bonds in the eye. Well, the Senator was so severe in his aspect that I began to look around for some place to crawl through the floor. I was alarmed a little. Nevertheless and notwithstanding all these quibbles—I call them quibbles—all this refining and splitting hairs by lawyers to justify this work, the plain common-sense people of the country begin to understand it. They understand that money has been expended here in violation of law, without any authority whatever; not only a few dollars, but millions of dollars. I will not go over all the ground which has been occupied by other Senators who have made close arguments upon the question, but, as it was suggested by the Senator from New Jersey that we all look at the thing as it is, I propose to state how it appears to me.

There are in this city some very remarkable men, I think men of very superior ability; men of great force of will; men of character—I mean character in the way of pushing their fortunes—men of boldness; men who are endowed with the capacity to control others, to convince others, to carry others with them. I do not know of such men anywhere else in America. And the trouble is that nobody that you have put in authority in this District during the last five years has been able to withstand the influence of these men. They have controlled the operations in this city, and they are controlling the operations in this city to-day just as absolutely as they did three years ago. I for one confess, and I put myself in the same category with the rest of the Senate, that I do not mean to charge dishonesty upon anybody, either upon gentlemen who live in the city, or upon the board of public works, or upon the present board of commissioners; I simply think they were so unfortunate that they met with men superior to themselves, and who controlled them; and I do not know but that the Senate of the United States is controlled in the same way to-day. Indeed, that is my impression.

Complaints were made here in 1872, loud and long complaints, by the citizens of the town. No attention was paid to them, or very little attention, by either branch of Congress. A little later those complaints grew louder and longer, until they began to reach all over the country. In the mean time the resources of the District government were exhausted. The placer had been worked out completely; the District had no credit; it had not a dollar in the treasury; and there were about six or seven million dollars of certificates floating over the country, hawked, pawned, soaked, as the saying is, from here to New York. The authors then of these grand improvements were at the end of their rope; they could not move a peg. Their friends—I happen to know something about this, because I heard it—were the leading men in the town to advocate a change in the government. Even Shepherd himself did not care anything about a government that could not support him. He was tired of the thing, and he undoubtedly would have resigned if you had left the affair as you found it in 1874. He would not continue to act as governor a day longer than he could raise revenue to defray the expenses of his government. These gentlemen, as everybody knows here I believe, had entered into pretty large purchases of real estate; had put up extensive improvements on that real estate, and gone largely into the building business. The panic of 1873 came on; and what did we find then? The sales of this property were stopped; it was all mortgaged nearly. These gentlemen were about to go to the wall and the property to be brought under the hammer. They sought then for some resource to lift them out of the bog, and the resource was to persuade Congress to abolish that government, because it had been extravagant, to appoint commissioners in bankruptcy to take charge of the effects and wind it up, as everybody here thought—I confess I thought that—and to do nothing more, except to take care that a man did not slip in a bog in the street; that they should mend a crack in a sewer, or do something of that sort to prevent things going to pieces. But the gentlemen in town that I spoke of had other views. They understood what they could make out of this thing, and they persuaded Congress to allow these claims to be re-audited in the light of all that had happened and been discovered, saying possibly they will be cut down very largely, possibly not; but at any rate you will get at what is correct against the Government, and assume to pay it in 3.65 bonds. That was authorized. Now what came after that? These District commissioners have gone on and let out, I guess, one hundred and forty or one hundred and fifty contracts that were left over of the board of public works, and that were made in the first place in violation of law, and in the second place in the face of the inhibition of the law, being in excess of the $10,000,000 limitation. They have done this in the face of the act of June 20, 1874. Still, notwithstanding all these things, which one would suppose were enough to have cut them off, these District commissioners have gone on and spent about six and a half millions of dollars, as well as I can make out from their reports.

While speaking of their reports, I beg to say for myself that I have examined them with some care during the last month. I looked through them before this question came up, and I have not begun to understand them yet. It is like hunting for a grain of wheat in a bushel of chaff. You may find some things in them, but there is no recapitulation, there is nothing that stands out fairly which anybody can see at a glance, and I suppose that not one Senator in ten on this floor really understood anything about them at the time this debate sprang up. I understand enough about them now to see what the commissioners may do hereafter; and I say that nobody can be trusted here with any discretion. That is clear enough. We have had to provide over and over again. If there is any more work to be done in the way of paving miles of streets here, or of grading, or expensive work of that sort, Congress ought to say, as long as the Government is in the condition in which it is now, what streets should be improved and what streets should be made. Let the estimates be made, and then make the appropriation for the improvement, either to be paid out of the national Treasury or out of the treasury of the District, if it is able to pay it.

As the Senator from Iowa [Mr. ALLISON] remarked yesterday, nearly all this pavement is rotting. There are probably sixty, or seventy, or eighty miles of pavement here that will scarcely bear up a wagon to-day; it is absolutely rotten. A million and a quarter of dollars and upward was voted out of the national Treasury in 1874, ostensibly to pay the poor workmen who had been employed on this public work. It was said that their case was a hard one; that some poor contractors, perhaps, had not been paid, and their case was a hard one; that there was no money in the District treasury, and therefore it was necessary to provide this money out of the national Treasury to pay these claims and to redeem some of these certificates which were hypothecated in New York, perhaps in Baltimore, and here in Washington. I was informed at the time, for I staid here two or three months after the passage of the act, that a very small portion, if any, of that $1,300,000 went into the hands of any poor laborers in this town, or even into the hands of contractors, except the wealthy ones; that the bulk of the certificates had passed into the hands of third persons before the act was passed; that while the bill was under consideration in the two Houses of Congress more than half a million of dollars was bought up in the streets of Washington at from forty to fifty cents on the dollar, and when the bill passed the assignees went to the Treasury and got the money. As the saying is, it helped these gentlemen "out of the woods." Hard times have continued, and

real estate will not sell to-day; they are just as much in distress now as they were two years ago; and it is necessary for their salvation that these bonds shall be recognized by the Government. They are the parties deeply interested in the subject. The government of the District is in no distress; and I undertake to say that it will not injure the credit of the Government one single farthing if the interest on these bonds are not paid at all until the matter is investigated. If there was any way to distinguish between the bonds issued by the board of sinking-fund commissioners for claims arising before the 20th of June 1874, and those for claims made since, I should say in all reason, go on and pay the interest on the original bonds; that would be to the extent probably of $8,500,000. But you cannot distinguish between those bonds. So far as I can ascertain, the District commissioners went along in June, 1874, as soon as they took possession of the government, and let out contracts, had these claims audited by the sinking-fund commissioners, and the parties got the bonds; and probably any number have grown out of the work done in 1874. They are all mixed up; it is impossible to divide them. They are in the same category precisely that Mr. Magruder's accounts were. He had issued certificates, paid out certificates, and paid out money; he had them all mixed up together in his books, and said himself he could not tell how much money he had paid to any one man and how much in certificates. When the money was at par and the certificates at about fifty cents on the dollar, it was all mixed up together; they did not keep any account of the funds at all; and no separate account has been kept in regard to these bonds. It would be eminently proper, I think, for the bonds to be overhauled, just as a merchant would take out a rotten bale of cotton when it comes into market. If unfit for market it is sent to the packery, and taken loose and picked, every tainted lock is picked out, and then it is put into the market and sold as clean cotton.

I do not attribute any wrong to Governor Shepherd for what he is doing now. I believe he is the master-spirit around about here. He is an eloquent man, a man of strong will. He does not hold any position under the Government, but is a private citizen; and if he can persuade these District commissioners and the Senate of the United States and the House of Representatives to accommodate him with money out of the public Treasury, I do not blame him. I understand he is now, and has been for the last twelve months, selling houses at very high prices, principally to contractors. I am told that they are his best customers and have bought very largely of his fine houses here. How? I know myself that he always had houses for sale. It is said that when he comes across a man who wants a fine mansion he says to him: "I have a house to sell and you may have it for $15,000," or "$20,000," as the case may be. The other party says: "I have not got the money; I would like to have a good residence, but I cannot pay for it." Says he: "There is some work to be done here in this city of Washington; the board of commissioners has authority under the law to let out contracts, and here are contracts made by the board of public works to be extended. You can get a contract. I will do what I can to secure it for you." It turns out in the end that the man gets a contract. He finds a little contract, as the Senator from Massachusetts [Mr. DAWES] remarked the other day, up here on Capitol Hill somewhere for a single block about three hundred or four hundred feet long, and on that hook the District commissioners have hung probably a mile and a half of streets scattered all over the city of Washington, and found squares and alleys to be paved. The man takes that contract, amounting to $200,000 probably, the profits on which will be at least $65,000 or $70,000 net, and the man is able to pay for his house and pocket a good sum besides. That that sort of work has been done very largely here I do not think anybody will dispute. As I said before, I do not impute any crime to anybody. These District commissioners doubtless (they say so at any rate) thought they were authorized to let out these contracts. I do not think so. A good many Senators here think there is no doubt they had such authority. It is clear as anything to my mind that they had no such authority. Still they had discretion, and they exercised that discretion, and Shepherd has been able to persuade them to exercise it. That that has been done I think there is no question in the world.

I have felt disinclined to say anything on this subject, but the arguments made by several Senators struck me as so novel that I wondered that I had any sense at all. I began to conclude that I could not see anything anywhere; but I do not see any other way of stopping the piling up of this debt except by a provision such as I have offered. The amendments which other Senators have proposed and which have been adopted are not going to stop the work, I can see. You will save the issue of more bonds and probably of certificates. You say the debt shall not exceed so much. That has been said three or four times before. You said it should not exceed $10,000,000 under any circumstances, but they did exceed it. In 1874 you said this is winding up this thing, this is the end of it; as the common phrase is, "the thing is played out," it cannot go any further; but it has gone on just as bad as before. The District commissioners have issued nearly as much as the board of public works in excess of the law, more in fact, in proportion to the time they have been in service, because they have been here but a little over a year and a half, and they have run up between six and seven million dollars. The board of public works were in office three years, and they only exceeded the amount authorized by law by a little over $8,000,000. If my amendment is adopted, I think it will be impossible, without an act of Congress, to pave a street in the city of Washington; it will be impossible to grade a street, and that is what I want. I hope the Senate will adopt the amendment.

Mr. MORRILL, of Maine. I hope the Senate now is in a condition to vote upon the proposition before it. It seems to me the Senate must be sick of this whole thing by this time, and I hope my honorable friend from Texas, in the present attitude of affairs, will not think it important to urge the passage of his amendment. As the matter now stands, on the propositions already adopted by the Senate, no more bonds can be issued. That is the first proposition. In the second place, the debt is limited to $15,000,000, and that, as is shown by the statement of the commissioners, is within the limit of all the issues of the bonds and the certificates, and the probable expenditures under the old contracts.

The three propositions then are that no more bonds are to be issued; that the debt in no case shall exceed $15,000,000; and by the amendment proposed by the Senator from Vermont the present aggregate amount of indebtedness shall not be increased. Now I submit to my honorable friend from Texas that putting those three things together makes it an economical impossibility for these commissioners to involve the District in $1 of addititional indebtedness. It may be said that this phraseology is a little vague, as I think it is myself. Take the proposition of the Senator from Vermont that the present amount of the indebtedness of the District shall not be increased. That applies to these commissioners and to everybody else. The only question would be as to what the indebtedness is. I have suggested to the Senator from Vermont that that might be an embarrassment, but he prefers that it should remain as it is, and I am not going to antagonize that. It might lead to embarrassment in this: An indebtedness would not necessarily, perhaps not properly, include an obligation; and it may be the purpose of the Senator that it shall not extend to an obligation. Under the act of 1874 these commissioners were authorized to spend money to carry out the obligations supposed to have been incurred by contracts made by the old board of public works. I suggest that, if this stands as it is, it will confine it to debts by declaring that the debt of the District shall not be increased. Of course that necessarily cuts off all contracts of every description which these commissioners might be disposed to enter into hereafter. The proposition of the Senator from Vermont, now adopted by the Senate, it seems to me is absolutely conclusive upon any increase of indebtedness by these commissioners or by anybody else in any direction. Therefore I submit to my friend from Texas whether there is any object in pressing his amendment. It is simply piling up in the same direction and adds nothing at all to the security of the Treasury of the United States or the treasury of the District government against further indebtedness.

But there is one other argument which I desire to address to the sense of the Senator, and that is this: If his amendment prevails it will be impossible for them to spend $1 for the improvement of these streets.

Mr. HAMILTON. If the Senator will allow me, that is not the intention.

Mr. MORRILL, of Maine. If the Senator will permit me to go on, he will see whether it is so or not. My first proposition is that the door is closed already by the three distinct propositions contained in the three respective amendments already made. There will be no such thing as increasing this debt any further; there is no authority for doing it. The proposition of the Senator from Texas is that the paving and grading of the streets and alleys be discontinued until authorized by law. Let us see what these commissioners may do and clearly what they ought to do and certainly what they ought not to be restrained from doing. Under the act of 1874 these commissioners were authorized and have power to apply the taxes or other revenues of the District to the payment of the current expenses thereof. Then it goes on to mention certain things. Of course the repair of streets is among the current expenses. How do you repair these streets? By repaving. So far as the question of grading is concerned, that is another part of speech. Take Pennsylvania avenue. It is impassable to-day; and so of many other streets. My honorable friend does not intend, I take it, to go so far as to say that the authority of these commissioners to pave these streets in the way of repairing them should be suspended.

Mr. HAMILTON. If the Senator will allow me I will suggest to him that it is competent for Congress to authorize the paving of a street when it is necessary to be paved. I made the point just now that I did not think, in the light of what we have seen here during the last eighteen months, anybody could be trusted with discretion at all. We authorized them to repair the streets and to save property upon which a great deal of money had been expended, and on that very thing they have expended six million dollars and a half.

Mr. MORRILL, of Maine. Then, if I understand the honorable Senator, his purpose is to say that the authority of these commissioners to improve these streets and keep them in repair should be entirely suspended.

Mr. HAMILTON. I think so.

Mr. MORRILL, of Maine. Is the Senate willing to do that? I should think it a most extraordinary proposition. I will not characterize the proposition, but I think it would be a most extraordinary conclusion to come to that the Congress of the United States, having suspended the government in the District of Columbia and having

delayed these two years the substitution of any government for this condition of things, were now disposed to say to these commissioners, the streets and the avenues of this city being in such a condition as they evidently now are, there shall be no power and no authority to spend the revenues, the taxes which have been gathered from the people themselves, in the improvement of the streets. It may be the Senate are disposed to do that thing, but I doubt it.

Mr. SAULSBURY. Mr. President, I do not know that I would have participated in this debate if the line of the debate had been properly confined to the consideration of the question whether we should authorize the commissioners to transfer from the treasury of the District a sufficient amount of money to pay the interest upon the 3.65 bonds issued under authority of Congress. That was the question which was raised by the resolution under consideration; but the debate has taken a very wide range and an innumerable number of subjects have been discussed in considering it. I am free to say that the measure itself was not free from embarrassment. Whenever it is proposed to increase the public debt of this country already, with more than $2,000,000 in bonds, it is a subject that ought not lightly to be considered by the Congress of the United States.

In the discussion of this question criticism has been indulged not only upon the action of the board of commissioners of this District, but also upon the committee which investigated two years ago into the condition of affairs in this District and which reported the law under which this commission exists. That the action of the board of commissioners is not free from criticism I think is very apparent after this discussion has taken place. I have heard it asserted, and I have no reason to doubt, that the commission is composed of gentlemen of high character. I have not the honor of a personal acquaintance with any of the commission, but I can readily understand the embarrassment which surrounded those commissioners when they entered upon the discharge of the duties imposed upon them by the act of Congress creating that commission. They were the successors of the board of public works of this District. As the successors of the board of public works their duties were such as to require of them great care, great caution, or otherwise they must necessarily make very grave mistakes. This entire city had been for two or three years preceding their appointment in the hands of a class of men who had undertaken virtually the remodeling of this entire city. An amount of excavations and embankment had been commenced that perhaps never was equaled in any single city in any part of the world. The entire grade of the city had been altered, involving the necessity of a different mode of sewerage. When these commissioners came into office they found this city literally a city of ditches in many portions of it. They were instructed under the act which created them to preserve the works which had been commenced, and I can very readily see that when they came to look into the law which conferred upon them their authority and power they might make very grave mistakes without any corruption on their part or without any intention to exceed the authority invested in them by the act of Congress.

That such mistakes have been made I do not question. I have no doubt that by reason of such mistakes the public debt of this city has been largely increased. The question now addresses itself to us whether we shall in any form approve of or ratify the action of the board of commissioners by providing for the payment of the interest upon the bonds which have been issued to meet the liabilities which they in part have incurred. I think myself that there was not sufficient care in the framing of the law under which they were authorized to issue bonds to guard and protect against a large increase of the public debt of this District. I think that we made a mistake in not limiting at the time of the passage of the law in 1874 in express terms the amount of bonds which should be issued. It is very apparent that the committee which reported that law believed that it contained such clear intimations that the commissioners would not depart from it, and that there would in all probability not be issued under its provisions 3.65 bonds in excess at any rate of more than $12,000,000. Yet we find the bonded debt of 3.65 bonds has now been run up to nearly $15,000,000.

The question is, shall we provide now for the payment of that interest by directing the commissioners to transfer to the Treasury of the United States any moneys under their control for the purpose of meeting that interest? That is the question which addresses itself to us. I confess I feel some embarrassment in voting upon that proposition, because in doing so I may by my vote direct the payment of the interest upon bonds which, if properly inquired into, would be found to be issued illegally and without authority. I do not think the matter has passed beyond the control of Congress. We may inquire into the legality of the issue of these bonds, and whether the present holders obtained them in settlement of illegal contracts, and if so, whether they do not hold them subject to all equities. I recognize clearly the obligation of the Government to provide for the payment of the interest upon every bond which has been properly and legitimately issued. Therefore I feel embarrassed in voting upon this proposition, because I do not wish to avoid the proper responsibilities which attach to the Government of the United States, nor do I wish by any vote of mine to sanction the issue of a bond which has not been issued in conformity with the requirements of law. I have no such tender sympathies for the holders of these bonds that I would not inquire into the validity of the bonds, and would not ascertain precisely the title of the bondholder to the bond which has been issued and deliverable to him, and if I found that any contractor had received this bond for the execution of any illegal contract made by the board of public works I would not hesitate at once to say that he took that bond subject to all the equities in the case.

As I have before said, this board of commissioners had great embarrassments surrounding them. The board of public works had made large contracts, many of which were outstanding and unexecuted. Many of the contracts had been executed, and no provision for their payment had been made by the board of public works; and a very large amount of certificates of indebtedness had been issued and were in the hands of contractors, or had been transferred by them to other holders. I have no question that if properly investigated many of those certificates would be found to have been not properly delivered by the board of public works. We appointed a board of audit, and that board of audit examined the claims presented and passed upon them, and delivered certificates according to the audits made. In my opinion it was utterly impossible that the board should not deliver some of those certificats to men whose contracts were fraudulent and without authority of law. Their authority was not to pass upon the legality of contracts, but of claims under contracts made by the board of public works. That the board of audit designed to act properly I have no question. I have no doubt but that all of those gentlemen, the board of audit, the funding commissioners, and the commissioners of the District are honest men, but they have been imposed upon in my opinion in many instances. To provide now for the payment of the interest of these bonds becomes a ratification to a certain extent by Congress of everything that has been done by these boards. It is for that reason that I say I feel some embarrassment in voting upon the plain provisions of this bill. Looking at it, however, in all its bearings, seeing that Congress authorized these various boards, the board of audit and the board of commissioners, and conferred upon them authority to issue bonds, I do not see any other way out of the dilemma than by maintaining what I conceive to be the honor of the Government, by providing for the payment of the interest of these bonds. If there were some way to investigate and to ascertain which of these bonds had been properly and legally delivered and issued, and the precise bonds which had been illegally issued, issued in the payment of illegal contracts, or illegal certificates given on account of illegal contracts, I do not hesitate to say that I, for one, would take my stand and refuse to provide for the interest upon these bonds until there had been a thorough investigation of them, and then only for such as had been properly issued.

I am not here to arraign the board of public works. In the discussion yesterday the Senator from California [Mr. SARGENT] entered into a lengthy defense of the board of public works. Whatever glory may attach to the Senator from California for such defense I cheerfully concede. In my opinion the action of the board of public works has not only been condemned by the action of this Senate in destroying that board, but its condemnation has been ratified by the people of this entire country, and no effort of the Senator from California or of the Senator from Indiana [Mr. MORTON] or any other Senator on this floor can bring back respectability even to its memory.

The board of public works has inflicted upon this District a burden greater than has been inflicted upon the people of almost any city in the world.

Within a few years there has been an expenditure in this District in the neighborhood of $30,000,000, and perhaps more than that. I am told that the public debt of this city at the present time is about $23,000,000. Such was the assertion of the Senator from Iowa [Mr. ALLISON] yesterday. In addition to that, millions of dollars have been abstracted in money by taxation from the property-holders in this District and expended by this board of public works. Besides that, there have been large appropriations made by Congress in money expended under the direction of that board of public works and what have we in return? About a hundred miles of streets, concrete and wood-paved streets; and what is the condition now of the improvements which have been made? Just look at Pennsylvania avenue. We all see it daily. That job, for I call it a job, that improvement, which cost a large amount of money, to-day is in a condition that it is scarcely safe for vehicles; and I say here that I would rather have a common dirt road to drive upon than to drive upon Pennsylvania avenue in its present condition. The board of commissioners themselves in their estimates of expenditures for the present year estimate that it will cost $286,000 to repair Pennsylvania avenue. According to the reports of these commissioners the sewers contracted for and paid for under the direction of the board of public works are in such a condition that it will require in the present year an expenditure of thousands of dollars. They have already required thousands of dollars to keep them in proper working order to run off the drainage. Go into whatever part of the city you may, you will find the work done by this board of public works and by contracts made under them, improvements which were carried on under their direction, in such a dilapidated condition that it will be necessary within a few years to remove the whole of them.

This is the consideration which we have had for these $30,000,000 that have been expended since, say, 1871. That wrong has been inflicted not only upon the people of this District who have been largely taxed, but has also been inflicted upon the people of the whole country, whose money taken out of the public Treasury has been drawn upon, and which in the future must be drawn much more largely upon, to

pay this debt created by these gentlemen cannot be denied nor can it be excused.

If the Senator from California can make any capital for his party, or if any glory will descend upon him in becoming the especial defender of the board of public works, I certainly do not envy him his laurels. It was this board of public works, the former government of this city, that has laid the foundation for the large expenditures which have been made in the last year by the board of commissioners. They found themselves in such a condition that to carry out the provisions of the act of Congress which created the present board of commissioners it was necessary that they should expend large amounts of money in order to preserve and protect the works which had already been commenced by their predecessors. They found themselves embarrassed by what had been done, and in order to carry it out and to preserve the works, the sewerage system and the streets that had been commenced, they were compelled to spend a large amount of money. They not only found these works commenced, but they found hundreds and thousands of persons who had been employed, who had performed labor and carried out contracts under the board of public works, unpaid. In passing down Pennsylvania avenue we all remember there were thousands of men congregated daily for months near Four-and-a-half street, waiting anxiously for the pay which was denied them for work which they had performed under the board of public works. Congress, in its humanity, in order to relieve the necessities of these laboring people, actually put their hands into the public Treasury and paid the debts which this board of public works ought to have paid or ought never to have contracted to pay.

I do not wish to say personally anything about gentlemen, whether they belong to the board of public works or not. It is no part of my duty at the present time, because that board of public works has passed out of existence, and yet, when I remember the great injustice that was done to the people of this District by that board, when I remember the great wrong that has been done to the people of the country by permitting the creation of a debt under their auspices amounting to some $23,000,000, I feel a degree of indignation that will justify me in saying that they were instead of a public blessing to this city and this District, as they claimed to be, they were a curse to the District and a curse to the country. Some of them have grown rich; I shall not attempt to say whether honestly or dishonestly, but some of the people of this District have grown poor. While the Senator from California [Mr. SARGENT] yesterday was speaking of the great improvements in this city, and, according to my remembrance, intimated that nobody would restore the old order of things, I thought the humble poor man whose home had been sold to pay the taxes imposed by the board of public works perhaps would not respond to the sentiment uttered by the Senator from California.

Mr. SARGENT. I should like to ask the Senator if he does not know it as a fact that to the very extremities of the city the home of the poor man as well as of the rich rose vastly in value, so that lands which before that time were worth but from seven to twenty-five cents a square foot rose to from one dollar to two dollars and a half, lifting up the whole value of property in the District?

Mr. SAULSBURY. Unfortunately it is not the poor man that owns real estate as a general rule. The Senator from California knows that not only in this District but throughout this entire country real estate is in the hands of too few men. But if there was a poor man who owned a cottage in the suburbs of this city, and it is true that there has been some enhancement in the value of his little home, is it not equally true that the burdens which have been imposed upon him by increased taxation have rendered that home uncomfortable? Does not the Senator from California know that there have been sales of real estate for the purpose of paying taxes, the property of persons who were unable to pay the taxes imposed by this board of public works? Why, sir, the report of these commissioners shows that there is litigation now pending in the courts to prevent threatened sales of real estate for the payment of taxes and to prevent the confirmation of sales already made. I think that is the case.

No, sir, it has not been in the interest of the poor man, but, as was said yesterday, I fear that it has been in the interest of the men belonging to the pool, that these streets have been extended for miles into the suburbs of the city. Why is it that palaces are rearing in these suburbs? Ah, sir, when you find that away out on the suburbs of this city some nabob, some man of wealth, has made large purchases, and erected large palaces, then you understand the reason these improvements have been extended to that extent. It was not for the benefit of the tenant of the humble cottage, but it was in order that some such man's property might be enhanced. That, in my judgment, was the secret of this wide extension. Before some of the streets of this city are built up that have cost thousands and hundreds of thousands of dollars, the streets themselves will be dilapidated, and will require repairing. But some fortunate speculator had bought a property away out on Connecticut avenue, or in some other part of this city, and forthwith the board of public works pushes the improvements in that direction. The consequence has been, that now we have a District debt of about $23,000,000, according to the Senator from Iowa yesterday, besides the vast expenditures of money obtained from taxation upon the taxables of this District, and from appropriations made by Congress.

Now, whatever may be proper to be done in reference to this bill, I hope that it will not be passed until there is some limitation upon the amount of indebtedness that shall obtain in this District and some limitation upon the amount of work that shall be done. Why, take up the estimates for the present year by the board of commissioners and see. I have before me the estimates for the fiscal year ending June 30, 1876. Look at them: For sweeping streets, $25,000 for this year and $60,000 for next year; sweeping alleys, $4,000 for the present fiscal year and $12,000 for the next fiscal year. These are the estimates of this board of what it will be necessary to expend. For repairs of concrete pavement, $36,000 for the present fiscal year and $64,000 for the next fiscal year. Repair of wood pavements, $185,000 for the present fiscal year and $309,000 for the next fiscal year.

And so these expenses are to go on *ad infinitum*, involving the necessity of an expenditure of millions of dollars to run a single city, unless there is some limitation placed upon the power of the commissioners, or of those exercising authority under the act of Congress, to incur expenditures.

I approved of and voted for the amendment of the Senator from Vermont, to limit the amount of indebtedness, both bonded and certificate indebtedness, and to provide that no further indebtedness shall be created; but I want something further than that. I want some authority somewhere placed in the law that shall restrict the authority of these commissioners to do anything which is not absolutely and positively necessary and indispensable. I do not care about having these streets swept three times a day, if is to cost $60,000. Let us put up with sweeping the streets less frequently. I do not care about having everything made in the best order, and kept, as we sometimes say, in apple-pie order. Provided we can limit the expenses of the city, I am willing to see this city, not the great metropolis spoken of the other day by the Senator from New Jersey, but let us keep it a respectable city, worthy to be the metropolis and, only worthy to be the metropolis, of a plain republic, and not such as becomes the abode of monarchy and aristocracy.

Mr. President, I hope that there will be some limitation upon the authority of these commissioners to expend money. The amendment offered by the Senator from Vermont limits the amount of indebtedness, but, as I understand it, it does not limit the amount of expenditures; these commissioners, therefore, may go on and do whatsoever they think proper, and call upon Congress hereafter to furnish the money or impose taxation upon the people of this District to raise the money. Let us limit their authority to expend money. I hope that will be done.

I have already, Mr. President, spoken much longer upon this subject than I intended. In fact, I did not propose until a few minutes ago to enter into the discussion at all, but it has become a matter of such interest to the people of the country, when the expenses of the city are being constantly increased and the indebtedness of the country on account of the expenses in the city are being constantly increased, that I have been disposed for one to raise my voice in favor of some limitation upon the expenditure of money on this capital.

Mr. BOGY. Mr. President, I hope the Senate will not be uneasy at seeing me get up at so late an hour. I do not intend to make a speech, but the subject has been discussed at such length by Senators that really, although I thought I understood it at first, I must candidly say that I do not now. After all this discussion I rise for information. I wish to know, and I would ask the Senator from Maine, who is so full of information on all subjects, to let me know who now is authorized to issue any evidence of debt, either in the shape of a certificate or a bond which is binding upon us. I see an effort made here by different Senators—and the amendment of the Senator from Vermont looks to me in that direction, and that of the Senator from Texas also—to arrest the power which is assumed to exist somewhere to create an additional debt binding upon us. Now, sir, I should like to know in all candor who is authorized to make that debt. In reading back the first law passed on this subject, I observe that there was a board created called the board of audit. That board was authorized to audit—we know the meaning of the word—certain classifications of claims. The time was limited to ninety days, was it not?

Mr. MORRILL, of Maine. Originally.

Mr. BOGY. Originally it was limited to ninety days. It was extended time and again. The last extension was passed on the 3d of March, 1875, and the time was extended to the 1st of July, 1875. Now, since the 1st of July, 1875, who is authorized to issue a certificate which is binding upon us? Who is authorized to issue a bond which is binding upon us? I should like to know.

As I understand the law of June 20, 1874, with all its amendments, we did authorize, wisely or unwisely, a certain board, called the board of audit, to allow certain characters of claims against this Government and to issue a certain class of bonds which we call the 3.65 bonds. There was no limit, unwisely. It was supposed at the time they could not exceed $8,000,000, from what has been stated around me; but yet there was no limit in the law, and it is said, and I believe said with great truth, that the board was extravagant and allowed claims to the amount of thirteen millions and some hundreds of thousands of dollars. And yet the power did exist in that board to allow those claims; but the power does not exist now. It may be true that the board has the power to issue a bond for a claim which has heretofore been passed and has been changed from an open account into a certificate of allowance. That may or may not be true; but certain it is that, since the 1st of July, 1875, this board, as regards this power of auditing, is *functus officio*. Is it not? If the Senator

from Maine will reply to this, I shall be under great obligations to him, as I have been often before.

Mr. MORRILL, of Maine. I will read the statute of December 21, 1874.

Mr. BOGY. That is a joint resolution.

Mr. MORRILL, of Maine. Yes, sir.

That the board of audit constituted by section 6 of the act entitled "An act for the government of the District of Columbia, and for other purposes," approved June 20, 1874, be continued until otherwise provided by law with all the powers and duties specified in said section, and with compensation to the members of the board at a rate proportioned, according to time, to that granted in said act, and payable as therein provided.

Mr. BOGY. But pardon me; go on.

And the time for presenting claims is hereby extended for the period of thirty days from this date.

Mr. MORRILL, of Maine. That time has been by a subsequent act extended.

Mr. BOGY. I grant that. We will go on step by step to the act of March 3, 1875. I take it—and if I am mistaken I desire it to be corrected—that the act of March 3, 1875, is the last act on the subject, an act which ought not to have been passed, but which was passed without one single vote in opposition to it, for I have referred to the RECORD; an act reported by my friend the Senator from Maine. I find it in the Statutes at Large, page 509, and I will read it:

That the board of audit constituted by the act entitled "An act for the government of the District of Columbia, and for other purposes," approved June 20, 1874, may receive, audit, and allow just claims against said District of the first and second classes mentioned in the sixth section of said act, and claims for refunding sewer taxes, notwithstanding the limit of time for presentation contained in said act, and in the joint resolution—

Just read—

to continue said board of audit, approved December 21, 1874: *Provided*, That such claims shall be presented prior to the 1st day of July next.

That law was passed March 3, 1875; and now I will ask the Senator from Ohio if there was any law subsequent to that?

Mr. SHERMAN. I know nothing about it.

Mr. BOGY. I ask the question in all candor. I put it to the Senator from Maine. If this be the last law, I ask the plain, commonsense question, who in the world has the power this day to issue any evidence of debt which is binding upon us?

Mr. MORRILL, of Maine. I will state to the Senator what my understanding is. That applies solely to the obligations and contracts of the old board of public works; so far as the presentation of claims growing out of those is concerned, there is a limitation; but, so far as expenditures are concerned made by the present commissioners under the authority given them, I do not understand that there is a limitation; and therefore, as to the latter classes of claims, there may be an indebtedness created since the time fixed.

Mr. BOGY. My reply to my friend from Maine is simply this: I have listened to the argument made by different Senators on this subject. To me, to use courteous language, it is the baldest construction I have ever seen or heard, to attempt to construe a power from the first section of the act of 1874, as in the most remote manner bearing upon the board of audit. The board of audit is created by the sixth section of that original law, and before the sixth section is put down in that law there is no provision in the wide world for such a thing as a board of audit in relation to the District of Columbia; and if that section had not been made the law that board never could have existed. Then you must go to that section for the meaning of the very law that breathed life into that concern. What does it say? The seventh section says it shall have a right to audit the claims enumerated in the preceding section; that is, the sixth section. I want to be direct and plain. The sixth section creates a board of audit, enumerates its powers. The seventh section authorizes it to issue certificates; and it says those certificates shall be used for nothing else but those claims that are enumerated in the sixth section, and the claims enumerated in the sixth section are not now in existence and cannot be; and I say, as a matter of law, that since the 1st day of July, 1875, no board of audit, commissioner, mayor, or other person had any right to issue any paper whatsoever, call it a certificate or call it a bond, which is binding upon us; and since the 1st day of July that board has been as dead as death can be. It has no power on earth; and I would suggest that we investigate and find out what that board has done since that time. I say it has no power more than I have individually to bind Congress. The very last act that extended it expired on the 1st day of July last; and this strange construction put upon that act by gentlemen here cannot be sustained; it is impossible.

I am unwilling to do anything by which honest contractors may by possibility be deprived of converting their certificates into bonds, for the simple reason that the honest contractor is not as sharp as the dishonest speculator. There may be honest men who have taken their certificates and have kept those certificates in good faith; but whenever a man bought such a certificate he at once had it converted into a bond. I would do nothing to prevent that class of people who honestly got their certificates getting their pay, if I can reach it in any fair way.

But I come back to the question I put to my friend from Maine, who is remarkably well versed in regard to all the affairs of the District of Columbia. I have a right to say so, because he once produced here before us the most appalling thing I ever saw in my life, dreadful to look at and horrible to hear, in relation to that subject; and I give him credit for great industry, provided he did that work himself. But he, with all his knowledge on this subject, admits that there is no law since the act of March 3, 1875; but he goes back to the first law, that of June 20, 1874, and the first section of that law, which section only enabled the board then created to expend the revenues and the taxes, and nothing more. It never was contemplated; and no court on earth would sustain the construction that has been placed upon it here by gentlemen. I have listened to the argument of my friend from Indiana, [Mr. MORTON,] who is always remarkably able, although on the wrong side, as he is generally. [Laughter.] He has that remarkable ability which can "make the worse appear the better reason." I always listen to his arguments as a matter of pleasure, to see how an ingenious man can make things appear right which in their nature are wrong. He argued the other day that it would be a very hard case if a street was partly completed not to complete that street; and so it would be; but this is all aside of the subject. We are attempting to stop this thing. I wish it stopped in a fair and enlightened and broad spirit. I feel a pride in the city of Washington, I like to see it prosper. I am glad to see its broad streets well paved and in good condition; but I want all that to be done with some degree of moderate honesty, not perfect, because we must not look for it, but some little degree of honesty.

Now, Mr. President, I will stop my speech—I promised you when I started out that I would not annoy you long—with inquiring again who has the power to run this city in debt since the 1st day of July, 1875; who has the power to issue a bond that is binding; who has the power to issue a certificate that is binding upon us? I say there is no board of audit or board of commissioners having any such power. I deny it entirely.

Mr. STEVENSON. I want to offer an amendment.

The PRESIDENT *pro tempore*. A further amendment is not now in order. There is an amendment to an amendment already pending. The question is on the amendment proposed by the Senator from Texas to the amendment.

Mr. MORRILL, of Maine. Let that amendment be read.

The CHIEF CLERK. The amendment to the amendment is to add—

And provided further, That the paving and grading of streets and alleys be discontinued until authorized by law.

Mr. SARGENT. I only want to say a word. I would like to inquire of the good sense of the Senate whether the effect of that amendment would not be to prevent any repairs of streets at all. If there should come a storm in the city and sink three or four sidewalks, or anything of that kind, would not all power be taken away, and if this happened during the recess of Congress the power could not be supplied at once? It is too sweeping entirely. I object to the amendment for that reason.

Mr. MORRILL, of Maine. The Senate ought not to adopt this amendment, allow me to say. It would stop all repairs of every description; and that is what the mover of the amendment tells me he desires to do. I cannot conceive that the Senate really desire to say that the commissioners of the District of Columbia shall have no power to make any necessary improvements on these streets.

Now, on the point raised by my honorable friend from Missouri, [Mr. BOGY,] if there be any question about the power of this board of audit to issue more, that can easily be provided for. They cannot run us in debt any further. But on the question of making current expenditures, the Senate really does not intend to say that these commissioners in improving the streets and doing other ordinary service shall not have the power to expend the revenues in their hands. Beyond that of course there is no power to go. I hope therefore that the amendment will not be accepted.

The PRESIDENT *pro tempore*. The question is on the amendment to the amendment.

Mr. COCKRELL. I call for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. CLAYTON. I should like to have the amendment read again.

The PRESIDENT *pro tempore*. It is not in order while the vote is being taken.

Mr. CLAYTON. Then I desire to change my vote, [having first voted "nay."].

The result was announced—yeas 31, nays 31; as follows:

YEAS—Messrs. Bayard, Bogy, Caperton, Clayton, Cockrell, Cooper, Davis, Dennis, Eaton, Goldthwaite, Gordon, Hamilton, Hitchcock, Johnston, Jones of Florida, Kelly, Kernan, Key, Logan, McCreery, McDonald, Maxey, Merrimon, Norwood, Oglesby, Ransom, Saulsbury, Stevenson, Wallace, Whyte, and Withers—31.

NAYS—Messrs. Alcorn, Allison, Boutwell, Cameron of Pennsylvania, Cameron of Wisconsin, Christiancy, Conover, Cragin, Dawes, Dorsey, Edmunds, English, Ferry, Frelinghuysen, Hamlin, Ingalls, McMillan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Paddock, Patterson, Robertson, Sargent, Sherman, Spencer, Wadleigh, West, Windom, and Wright—31.

ABSENT—Messrs. Anthony, Booth, Bruce, Burnside, Conkling, Harvey, Howe, Jones of Nevada, Randolph, and Thurman,—10.

So the amendment to the amendment was not agreed to.

Mr. EDMUNDS. I move to amend the amendment by adding after "District of Columbia," in the clause that was inserted on my motion, these words, which are designed merely to impose a penalty upon any officer or person who shall violate the prohibition against increasing the total indebtedness of the District:

And any officer or person who shall knowingly increase, or aid or abet in increasing, such total indebtedness shall be deemed guilty of a high misdemeanor, and on conviction thereof shall be punished by imprisonment not exceeding ten years and by fine not exceeding $10,000.

The amendment to the amendment was agreed to.

Mr. WRIGHT. I was about to call the attention of the Senator from Vermont to the language of his amendment. I have an impression that it does not accomplish the purpose he aims at. As I understand the amendment, it punishes any person if he shall assist or abet in increasing the total indebtedness even under the maximum amount.

Mr. EDMUNDS. No, Mr. President. It is "such total indebtedness." If the Secretary will be kind enough to read the clause already inserted limiting the total indebtedness, and then this clause which we have added to it, my friend will see that the present total amount shall not be increased, and any person who knowingly undertakes to increase it shall be subject to the penalties of the law.

Mr. WRIGHT. It may be that I am mistaken. Will the Secretary be good enough to read it again.

The PRESIDENT *pro tempore*. The clause will be read.

The CHIEF CLERK. The clause to which——

Mr. STEVENSON. Has not the amendment offered by the Senator from Vermont been adopted?

The PRESIDENT *pro tempore*. It has been adopted.

Mr. STEVENSON. Is it now in order to offer another amendment?

The PRESIDENT *pro tempore*. It is.

Mr. STEVENSON. I wish to offer an amendment.

Mr. EDMUNDS. I hope the Secretary will be allowed to read the clause in connection, because if there is any error about it I will move to reconsider that it may be made right; but I think it is right now.

The PRESIDENT *pro tempore*. Is there objection to reporting the amendment just adopted in connection with the preceding clause? The Chair hears none.

The CHIEF CLERK. In connection with the following clause—

And there shall be no increase of the present amount of the total indebtedness of the District of Columbia—

These words were added:

And any officer or person who shall knowingly increase, or aid or abet in increasing, such total indebtedness shall be deemed guilty of a high misdemeanor, and on conviction thereof shall be punished by imprisonment not exceeding ten years and by fine not exceeding $10,000.

Mr. MORTON. I suggest that in order to make that a criminal offense it should be done knowingly and fraudulently. Unless a fraudulent purpose is connected with it, it seems to me it should not be a criminal offense. There might be a mistake of the law. I think all statutes of that kind use that word.

Mr. WRIGHT. I wish to say just one thing more. It may be that this amendment, in connection with what precedes it, may be precisely as the Senator from Vermont contemplates; but I have very great fear that he will find, if the courts should come to construe it, inasmuch as the construction of course would be most liberal in favor of the person charged, that the construction would be different from what he contemplates by his amendment. But of course, as he has explained it and understands it and has drawn it, I shall not make objection.

Mr. EDMUNDS. When the bill comes into the Senate, if my friend, having examined the clause and run his eye over it, can suggest any improvement by which we shall denounce the penalty of the law with certainty upon a violation of what we now say shall not be done, as it has been violated hitherto, I shall be most happy to have anything added or changed.

The PRESIDENT *pro tempore*. The Secretary will report the amendment proposed by the Senator from Kentucky, [Mr. STEVENSON.]

The CHIEF CLERK. It is proposed to insert at the end of the amendment the following:

Provided, That the board of audit created by the "act for the government of the District of Columbia," approved June 20, 1874, is hereby abolished, and shall, immediately upon the approval of this act, transmit all the books and property in their possession belonging to the District to the commissioners of the District of Columbia, and shall make a report of their proceedings not hitherto made.

Mr. STEVENSON. I agree with the Senator from Missouri [Mr. BOGY] that this board of audit had no authority after 1st July, 1875, to audit or allow any just claims against the District of the first and second classes mentioned in the sixth section of the act approved June 20, 1874, nor to allow claims for refunding sewer taxes. The act of March 3, 1875, limited the presentation of all such claims to March 3, 1875. If this board of audit have allowed claims to be presented after the period last named they have exceeded their authority. All such claims presented and audited after July 1, 1875, are null and void, whether they are in certificates or in 3.65 bonds. I would be glad if the Senator from Maine [Mr. MORRILL] would inform the Senate if any of these bonds were issued upon claims filed and audited by the board after July 1, 1875.

It occurs to me, Mr. President, that we are acting in the dark. We have no sufficient information as to how many of these fifteen million bonds are valid and how many are invalid. Here is a board of audit, which has no power to receive claims after July 1, 1875—which, after that period, so far as the reception of new claims was *functus officio*—still going on, in despite of the limitation imposed by the act approved March 3, 1875, and no Senator can say—nor is there any information on which a rational opinion can be based—how many of the bonds the interest of which are to be provided for by this bill were issued on claims presented after the 1st of July, 1875, or on claims presented before. If, as has been stated, the audit board have allowed claims to be presented after July 1, 1875, they have violated their duty, and all such claims and bonds issued in lieu of them are null and void.

I have no information of the actings and doings of this board of audit. I hear it stated in this debate, and not denied, that they have audited the counsel fees of the old board in defending themselves against the charges before the committee of investigation. If they have done so then it was a clear violation of law. They possessed no valid authority, as I think, to audit any such claims. This board of audit was created by the sixth section of the act approved June 20, 1874.

That act, as I construe it, applies only to contracts prior to its enactment. Its clear intendment was to clothe the board of audit which it created with power to pass upon claims already contracted, to liquidate obligations arising upon valid contracts already in existence and entered into by the board of public works, and such others specified in the act. One of the direct limitations of the act was its application and exclusive reference to claims existing prior to its enactment. By what claim of authority did the board of audit proceed to audit claims arising long subsequent to that act? What line or word in the statute creating this board of audit justifies their allowance of counsel fees for defending the old board of public works? And with what semblance of authority can that board receive and audit claims after the 1st of July, 1875?

Mr. President, I am dumbfounded at the developments of the irregularity which has marked the increase of this gigantic debt. Nobody seems to understand it. Senators say we must meet the interest of these bonds and inquire into their validity hereafter. They insist that these bonds are valid in the hands of innocent holders, although issued in direct violation of law. I deny that as a proposition of law. I insist that every purchaser of a negotiable security is bound to look to the authority of law under which it is issued as well to the face of the bond itself. Both put him on his guard. If either show a want of authority to issue the security or a want of title in the party selling them, I insist that the bond is void, even in the hands of an innocent holder for value. Such is the doctrine established, as I think, by a long series of well-considered opinions both in the Supreme Court of the United States and in the State courts. I know the legal ability by which I am surrounded, but I do not think I am mistaken in my statement of the law.

Take the ordinary case of railroad bonds issued by counties or cities for subscription to stock in railroads. Did the county or municipality have power to subscribe stock and issue its bonds? Were such bonds issued and sold and the stock issued? If so, the bonds are valid, even though certain other requisitions, such as popular votes by the county or city, were not complied with. But if the act under which the bonds were issued did not authorize their issue or did not empower the county or municipality to subscribe the stock, then I insist, upon principle and authority, that the bonds are void in the hands of innocent purchasers for value.

It does not therefore follow that all these 3.65 bonds are valid. The solution of that question depends on evidence not before us. Let me illustrate: Suppose a claimant obtained a certificate from this auditing board issued on a claim filed after their term of office had expired, say 1st of July, 1875, and had exchanged for a 3.65 bond; is it valid in the hands of any one who had notice of the facts? Must not every purchaser of such bond look to the law under which it is issued? Can it be claimed that the United States is bound for any bond issued in palpable violation of law? Now, until there has been an investigation of the facts under which these bonds were issued and the law has been judicially construed which it is claimed authorized their issue, there is no binding obligation on the United States to pay them. I go as far as the farthest in protecting the faith and credit of the United States as to all its valid obligations. I will not go further. I will not consent to tax the people of the United States to the amount of five millions for fraudulent, invalid obligations, lest the credit of the Government might be impaired. I want light. I do not say how far or to what extent the faith of the United States is pledged to pay these bonds. I cannot determine that question until the actions and doings of this board of audit is ascertained and made public.

My friend from Missouri [Mr. BOGY] has clearly shown us that this board of audit had no authority to receive any claims after July last, still less had they a right to audit them. I do not know whether it be true or not that they have ever issued certificates on claims received after that date. I am wholly in the dark on that subject. All that I mean to say is, if they have their action is invalid and the certificates are void. I wish therefore to abolish this board of audit.

Mr. BOGY. I understand that the board of audit is now at work issuing certificates of indebtedness and issuing 3.65 bonds. I am so informed. Whether my information is correct or not, of course I do not pretend to know.

Mr. STEVENSON. And therefore my amendment for the abolition of this board of audit is the more material. Every certificate or claim issued after the 1st of July is as worthless as the paper on which it is written. I care not whether such certificates are held by innocent holders or not. We have rumors enough of the rashness of this board of audit to demand of the Senate every possible guard against the exercise of unauthorized power by officials in this District. It was for the very reason that I heard what the Senator from Missouri has told us that the board of audit was still receiving claims for audit that I proposed my amendment. I do not mean to reflect

on the board of audit. I wish to do them no injustice. It may be that their action has been misrepresented. If so, my amendment can do no harm. It can injure nobody. "To be forewarned is to be forearmed."

The law has been sadly misconstrued. I think the commissioners have misconstrued it, and most assuredly the board of audit have grievously done so. Let us guard the act by limitations about which there can be no doubt.

Mr. MORRILL, of Maine. If my honorable friend from Kentucky is as confident as he seems to be that the power of the board of audit has expired, there is no necessity for his amendment.

Mr. STEVENSON. I say to the honorable Senator that the information conveyed to the Senate by the Senator from Missouri [Mr. BOGY] is that although the power of the board to receive claims expired on 1st of July, 1875, yet that this auditing board is at this moment going on in receiving and auditing claims.

Mr. MORRILL, of Maine. This would not prevent it.

Mr. STEVENSON. I differ with the Senator. It would prevent it. It would at least stop the sale of bonds and certificates.

Mr. MORRILL, of Maine. They would not stay abolished. If they have been abolished by limitation of law this will not add anything to it. Let me read the statute again:

That the board of audit constituted by section 6 of the act entitled "An act for the government of the District of Columbia, and for other purposes," approved June 20, 1874, be continued until otherwise provided by law with all the powers and duties specified in said section.

Mr. MORTON. Has it been "otherwise provided" since?

Mr. MORRILL, of Maine. It has not been, as I understand and believe, provided otherwise. That is the law, and so stands now. They were continued until otherwise provided by law.

Mr. BOGY. Is there no limitation to that?

Mr. MORRILL, of Maine. Not the slightest. All this has sprung up under a misapprehension. My honorable friend from Missouri argues a limitation on that from this clause, as I understand:

And the time for presenting claims is hereby extended for the period of thirty days.

That is all the act that I am aware of.

Mr. STEVENSON. Which act is the Senator reading from, the act of the 3d of March, 1875?

Mr. MORRILL, of Maine. No; the act of the 21st of December, 1874.

Mr. BOGY. There was an act subsequent to that.

Mr. MORRILL, of Maine. What my honorable friend from Missouri suggests as a limitation is no limitation at all upon the act. It is a limitation upon the authority to present a certain class of claims within thirty days.

I wish to say one word to my honorable friend from Kentucky, who I know is disposed to do what is right. He should remember that the board of audit is an independent board in its authority, as independent of the discretion or control of the commissioners as the Senate itself.

Mr. STEVENSON. I so understand.

Mr. MORRILL, of Maine. But I understood my honorable friend to say that he was surprised that this board would allow the auditing board to examine that class of claims.

Mr. STEVENSON. I did not intend to be so understood. What I intended to say was that I wondered that the commissioners should not have looked to see that this board of audit was exceeding its powers.

Mr. MORRILL, of Maine. They had not the slightest supervision or control over the board of audit. The board of audit was entirely independent of the board of commissioners. Each acted in its own sphere.

Mr. DAWES. Will the Senator from Maine be kind enough to explain a little more? We do not understand him here. I should like to inquire the date of the statute he has been reading.

Mr. MORRILL, of Maine. The 21st of December, 1874.

Mr. DAWES. Does the Senator know what is the date of the statute that the Senator from Missouri has been reading?

Mr. MORRILL, of Maine. I was commenting on that statute.

Mr. DAWES. The same statute?

Mr. MORRILL, of Maine. The same statute, as I understand. The Senator from Missouri argued that the limitation as to filing a certain class of claims within thirty days limited also the authority of the commissioners to act.

Mr. DAWES. I understood the Senator from Missouri to speak of a statute that was passed in 1875.

Mr. MORRILL, of Maine. It has not been called to my attention.

Mr. DAWES. If the Senator from Maine will permit me, I will make the inquiry of the Senator from Missouri what is the date of the statute.

Mr. BOGY. I read from the act of the 3d of March, 1875, which is the last act on the subject.

Mr. DAWES. Will the Senator read it again?

Mr. BOGY. It is:

That the board of audit constituted by the act entitled "An act for the government of the District of Columbia, and for other purposes," approved June 20, 1874, may receive, audit, and allow just claims against said District of the first and second classes mentioned in the sixth section of said act, and claims for refunding sewer taxes, notwithstanding the limit of time for presentation contained in said act, and in the joint resolution to continue said board of audit, approved December 21, 1874: *Provided*, That such claims shall be presented prior to the 1st day of July next.

My friend from Maine read from the resolution passed in December, 1874. I understand his argument.

Mr. DAWES. I should like to inquire, then, from the Senator from Maine what effect upon the law of 1874 the law of 1875 had?

Mr. MORRILL, of Maine. None at all as to the duration of the board.

Mr. DAWES. I am not inquiring particularly as to the duration of the board, but as to its power.

Mr. MORRILL, of Maine. It does not enlarge its power to my understanding, but it gives claimants of a certain class a further time to present their claims to the board. In that sense it does enlarge the power.

Mr. DAWES. Does it not limit those claims to the 1st of July, 1875?

Mr. MORRILL, of Maine. Doubtless. That is, it gives further time to some of the classes of claimants that had been recognized by the act of 1874; gives them a further day in court.

Mr. DAWES. When that day passed what would be their condition?

Mr. MORRILL, of Maine. Upon every other class of claims which could be brought before them, they are continued.

Mr. DAWES. The Senator does not quite understand me. What would be the condition of those holding that class of claims mentioned in the statute of 1875?

Mr. MORRILL, of Maine. If what?

Mr. DAWES. After July, 1875.

Mr. MORRILL, of Maine. They would be without remedy of audit, that is all. What I said in the beginning and what I repeat now is that by the act of 1874 this board does exist until Congress orders otherwise. It does not exist for all purposes. So far as the class of claims to which reference has been made is concerned, it does not exist, because the time for presenting those claims has expired; but nevertheless the board exists, and hence the propriety, or pertinency at least, of the amendment proposed by the Senator from Kentucky, if that is the proper thing to do.

Mr. BOGY. Allow me to ask the Senator a question. I am a seeker after the truth. I desire light. The Senator from Maine says that, under the provision of the joint resolution of 1874, the board of audit continues in existence until otherwise provided by law. Granting that that be so, that same joint resolution limits its power of allowing claims after a given time.

Mr. MORRILL, of Maine. Claims of a certain class.

Mr. BOGY. Pardon me; it limits the power of allowing claims after a given time. The Senator from Maine—and he is sustained by the Senator from California and also by the Senators from Indiana and Ohio, I think—contends that the board of audit originally had the power to pass upon claims not enumerated in the sixth section of the act of 1874 but enumerated in the first section of that law; and, to understand ourselves, we should have to go primarily to the construction of the first law passed, to wit, the law of 1874, to ascertain what power the board of audit had under that law, and then see what power has been continued by these extension laws. Now, I take it, according to the construction of the Senator from Maine, that although the board of audit does exist, yet it has no power to receive claims to be allowed after the 1st of July, 1875.

Mr. CRAGIN. Will the Senator allow me to ask him a question?

Mr. BOGY. Yes, sir.

Mr. CRAGIN. Had not the board of audit the power to consider and determine all claims filed prior to the limitation in that law of 1874? May they not have been filed at that time and not been considered until a long time afterward? That is the fact, and that is what they have been doing.

Mr. BOGY. I presume that the jurisdiction when once it has attached would continue; the judicial power would remain, and the law does not prevent them from acting. It limits "the time for presenting claims." Claims that have been presented prior may be passed upon now. I presume that is so; but I understand that is not the fact. One of the troubles that we are laboring under in passing upon a matter of this importance is that we receive our information from outsiders. My information may be wrong——

Mr. MORRILL, of Maine. The Senator rose to ask me a question. I am listening to a speech.

Mr. BOGY. I was going to ask a question.

Mr. MORRILL, of Maine. Then I will hear the Senator with great pleasure.

Mr. BOGY. I do not care to say more just now.

Mr. MORRILL, of Maine. Did the Senator from Massachusetts rise to ask me a question?

Mr. DAWES. I understand the Senator to have answered the questions that I put; but while I am on the floor, if the Senator from Maine——

Mr. MORRILL, of Maine. If I am not liable to be further interrogated, I hope now we shall come to a vote.

Mr. DAWES. While I am on the floor, if the Senator will indulge me, he has the statute before him, and I ask him to be kind enough to tell me, with the statute before him, whether anybody could file with the board of audit a claim for work done upon sewers?

Mr. MORRILL, of Maine. I cannot answer. All I can say about that is that I understand that, so far as the claims recognized by the resolution of 1874 and the statute of 1875 are concerned, as to that class of claims, they have not the authority to receive them

Mr. DAWES. So, as the Senator is informed, they have not any authority.

Mr. MORRILL, of Maine. In regard to that class of claims where there is a limitation on the time of their presentation.

Mr. DAWES. Then if it be true that last Friday while we were debating this law claims to the amount of eighty or ninety thousand dollars were audited by the board, the Senator from Maine does not know any authority for it?

Mr. MORRILL, of Maine. I neither know about the fact nor the authority. I should say the inference would be such as is drawn by the Senator from Massachusetts.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Kentucky [Mr. STEVENSON] to the amendment.

Several SENATORS. Let it be reported.

The Chief Clerk read the amendment to the amendment, as follows:

Provided, That the board of audit created by the act for the government of the District of Columbia, approved June 20, 1874, is hereby abolished, and shall immediately upon the approval of this act transmit all the books and property in their possession belonging to the District to the commissioners of the District of Columbia, and make a report of their proceeding not hitherto made.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment originally proposed by the Senator from Iowa [Mr. ALLISON] as amended.

Mr. BOGY. Let it be read.

The PRESIDENT *pro tempore*. The amendment will be reported as it now stands.

The CHIEF CLERK. The amendment as amended reads:

Provided, That any further issue of 3.65 bonds under or by virtue of said act of Congress approved June 20, 1874, is hereby prohibited: *Provided*, That the certificates heretofore issued by the board of audit, including those converted into 3.65 per cent. bonds and those which have not been so converted, and the certificates hereafter to be issued by the board of audit or their successors in office, shall not exceed in the aggregate the sum of $15,000,000. And there shall be no increase of the present amount of the total indebtedness of the District of Columbia; and any officer or person who shall knowingly increase or aid and abet in increasing such total indebtedness shall be deemed guilty of a high misdemeanor, and, on conviction thereof, shall be punished by imprisonment not exceeding ten years and by fine not exceeding $10,000: *And provided further*, That the board of audit created by the act for the government of the District of Columbia, approved June 20, 1874, is hereby abolished, and shall immediately upon the approval of this act transmit all the books and property in their possession belonging to the District to the commissioners of the District of Columbia, and make a report of their proceedings not hitherto made.

Mr. EDMUNDS. I wish to turn the amendment that I had the honor to offer, as it now appears to be attached to a proviso which in a legal sense is a limitation upon the effect of some preceding paragraph or section in the bill, into a separate section, so that there shall be a full stop at the end of what is the preceding proviso, and then this shall begin. I believe we do not now say "Be it further enacted," but let it be a section, so that it shall begin as an independent proposition against an increase of indebtedness.

The PRESIDENT *pro tempore*. That transposition will be made.

Mr. SARGENT. I call the attention of the Senator to the fact that this is a joint resolution, and it may be a query whether there can be more than one section to a joint resolution.

Mr. EDMUNDS. There may be as many sections to a joint resolution, as my friend will see on looking into the statutes, as to a bill. That is a mere matter of the form of title. The Constitution authorizes a joint resolution just as much as a bill, and it must be presented to the President. It has the same force of law as a bill. Legislation should be by bill, I admit. I do not believe in the joint resolution business; but the legal effect is precisely the same.

The PRESIDENT *pro tempore*. If there be no objection the transposition will be made. The Chair hears no objection. The question recurs on the amendment of the Senator from Iowa as amended, which has been read.

The amendment was agreed to.

Mr. EATON. I offer this amendment:

And provided further, That this act shall not in any way or manner recognize the liability of the United States to pay either the principal or interest of any such bonds as may have been issued on or since the 27th day of January, 1876.

Mr. MORRILL, of Maine. There is a provision already in the bill to that effect—not in those exact words, but to that effect—non-concurred in by the Senate, but which will be a question again in the Senate. If the Senator, therefore, will postpone the amendment until we get into the Senate, perhaps he will subserve the same end by action on the proviso to which I refer in the Senate.

Mr. EATON. If there is any such proviso it has escaped my notice.

Mr. MORRILL, of Maine. I ask that the second proviso of the bill as it came from the House to the Senate be read.

The CHIEF CLERK. The following proviso in the House resolution has been stricken out:

And provided further, That nothing in this resolution contained shall involve the Government of the United States in any obligation to pay principal or interest of any such bonds which have been issued contrary to or not in pursuance of law.

Mr. MORRILL, of Maine. That is the purpose of the Senator.

Mr. EATON. Not quite. I understand that until the bill is signed, that provision does not become a law. In other words, suppose the bill should not be signed until the 15th day of February, the board could go on issuing these bonds until that day, and not afterward. I propose that the United States shall not be liable for the payment of the principal or interest of any bond that may have been issued on or since the 27th day of January last. Therefore my honorable friend from Maine will see that there is a very great difference between the amendment which I propose and the provision in the bill itself which has been stricken out.

I want to give my reasons briefly for this amendment. I introduced a resolution this morning, hoping it would pass unanimously, but under the rules it went to the table. I understand, and I have no doubt of the truth of what I state, that on Thursday last a resolution was passed by this issuing board that no 3.65 bonds should be issued until after action should have been taken by the Congress of the United States.

Mr. SHERMAN. As my friend is making a statement now in the nature of the testimony, I hope he will state what he means by "the board." There are two boards here, one the board of audit, which issues a certificate, and the other the board of sinking-fund commissioners who issue the bonds. I wish to know which of these classes of officers are guilty of the offense now stated by the Senator?

Mr. EATON. If I am not uncommonly stupid, before I get through the honorable Senator from Ohio will understand me. I cannot give the distinctive title of the board, nor is it necessary; but a resolution was passed that pending action here no bonds should be issued. I speak now of certificates, and I suppose therefore it is that body that receives the certificates upon which bonds are issued. It was a very proper resolution, permit me to say. When the Congress of the United States had taken the matter in hand, this board ought not to issue anything until Congress should determine what they could properly do. As I said, they voted that they would not issue for a certain number of days any other bonds. I understand that, in violation of that resolution, they have issued bonds amounting to hundreds of thousands of dollars, and, in my judgment, are doing it this very moment while I am talking. I do not propose, for one, that the Government of the United States shall become liable to pay either the principal or the interest upon bonds issued under circumstances of this character.

I do not propose to vote for this bill at all. I will not vote to saddle the people of the United States with fifteen or twenty million dollars more of indebtedness. I remember that it is the last feather that breaks the back of the camel. I say I will not vote to saddle the people of the United States with fifteen or twenty million dollars more of indebtedness until a committee of this or the other body or a joint committee of Congress determines what of this debt ought to be properly paid by the Government of the United States. I desire to perfect this bill if it is to pass. I desire to guard it as much as possible, although I will not vote for it myself, and at the proper time I will make a motion that this matter be committed to a committee for examination, for it needs it.

The Senator from California asks who charges guilt here. Why, sir, everybody charges it. It is in the air; it is all around the head of the Senator from California this moment. It is known to the whole world, the reading world, that there is guilt here. Where is it? Let an examination be had, and we shall ascertain where it is. This is not a party question. I should scorn myself if I acted upon this matter as a party man. I desire to protect the people of the United States; the people of my own State who are now suffering under a taxation such as no people on God's earth ever suffered before. Six hundred million dollars are annually taken out of the hard earnings of the people of the United States to carry on the national, State, and municipal governments of the United States, and it is about time that we looked at this matter, not as partisans but as patriots, if I may use the expression.

I charge no party; I charge no man as a party man with having been guilty of any wrong here. Let us examine this matter thoroughly and see if there be wrong, and if these bonds are not valid bonds refuse to pay them. That is our business. I desire, at all events, that this amendment should be adopted as a part of this bill if it is to pass, and I hope that no Senator will object to it. Let me add, or rather repeat, that the very moment this matter was taken possession of by the House of Representatives that was the time these boards should have ceased action, and not in the dark undertake to crowd three or four hundred thousand dollars more of this paper upon the people of the country.

Mr. SHERMAN. Upon a reference to the statute under which these bonds are issued, I find that the authority is conferred by the act of June 20, 1874; and I call the attention of Senators to it. It is found at page 120 of the statutes of the Forty-third Congress. After providing that the board of audit may issue certificates, it then provides as follows:

That the sinking-fund commissioners of said District are hereby continued.

My colleague is not present, or I should endeavor to ascertain whether the sinking-fund commissioners of the District are appointed by the local authorities or under a law of Congress. I do not know, and if any Senator can tell me I should like to have him state it.

Mr. STEVENSON. I think they are appointed under the local law.

Mr. SHERMAN. That is a very important consideration.

Mr. STEVENSON. I do not see anything in the act authorizing their appointment, and I have found no act of Congress authorizing

it. I think the commissioners are appointed by a local law, although I have no positive knowledge of it.

Mr. SHERMAN. I have endeavored by reference to these statutes to find whence these commissioners come, by what law they were created. I have not been able to get any law of the District of Columbia which authorizes the appointment of sinking-fund commissioners; but they must undoubtedly be created by local law, because there is no provision in any statute of the United States providing for sinking-fund commissioners except the passage that I am now reading:

That the sinking-fund commissioners of said District are hereby continued.

They must then have had their existing powers conferred upon them by a local law or a general law.

Mr. HAMLIN. They were provided for by the territorial government.

Mr. SHERMAN. Then the law goes on and provides:

And it shall be the duty of said sinking-fund commissioners to cause bonds of the District of Columbia to be prepared—

In a certain form, describing their character, in which "the faith of the United States is hereby pledged;" and then the act provides—and this is the only authority conferred by this act to exchange them for any form of security—as follows:

And the said sinking-fund commissioners are hereby authorized to exchange said bonds at par for like sums of any class of indebtedness in the preceding section of this act named, including sewer taxes or assessments paid, evidenced by certificates of the auditing board provided for in this act.

This law expressly confers upon the board of sinking-fund commissioners the power to exchange the 3.65 bonds prescribed by this section for an equal amount of certificates. I do not know who composed the board of sinking-fund commissioners. I do not know what persons are named. The Senator from Connecticut [Mr. EATON] imputes to these gentlemen something that is grossly wrong; but it seems to me, if they have so acted in bad faith and not for good purposes, it is a great crime, not only against the people of this District but against the people of the United States. He charges, if I understand, that these commissioners, upon the passage of this act by the House of Representatives, resolved that they would issue no more bonds under the authority of the act of 1874; that they would suspend their operations for a week; and yet in defiance of their own resolution have proceeded to issue a large amount of bonds. I do not know whether that be true or not. I do not know whether this is the fact or not. I only know that the statement of the Senator from Connecticut throws upon the conduct of these commissioners such a doubt that, whoever they are, (and I do not know their names,) I am not disposed myself to vote, to sanction, or authorize, or approve as binding the bonds issued by them without a fair inquiry. At the same time I can see that the action of the Senate in this matter may greatly jeopardize and greatly endanger the rights of innocent parties. We have conferred upon these men authority by the plain letter of the law, and they have issued the bonds in pursuance of our authority. They have the right to do it. It is their legal duty to do it. We gave them the authority to do it. The authority conferred by the language of this law is mandatory, although not so in express terms. An authority conferred is a mandate always where the rights of third parties intervene. Yet, in view of the statement of the Senator from Connecticut casting doubts upon the propriety of the conduct of some of these boards, upon the legality of their action, in a very faint way it seems to me, we ought not to provide for the interest of these bonds until we examine further into their legality. At the same time the Senator from Connecticut is careful not to charge that the certificates that have been taken up by the issue of these bonds were wrong, or fraudulent, or even erroneous. The Senator said that the commissioners, having resolved not to do what the law authorized them to do, reconsidered their determination and issued a certain amount of these bonds. This is rather vague; but, upon a statement thus made by a Senator taking the responsibility of his statement, I feel disposed to vote for his amendment, and then he will be called upon by public opinion, by the common sense of justice which exists in the mind of every man in the United States, to make good a charge which will tend to show that these funding commissioners acted corruptly, or fraudulently, or wrongfully, or heedlessly.

It seems to me, therefore, that while we may properly upon this statement suspend the payment of interest on the bonds issued since the day mentioned by the Senator from Connecticut, yet that upon him must rest the duty hereafter of bringing to the Senate such facts as may show that these officers have acted wrongfully, or fraudulently, or illegally, or corruptly.

Mr. SARGENT. I have no disposition to do any gentlemen injustice; but when I know the fact to be that the president of the board of funding commissioners was eminent among the memorialists who complained against what they charged were wrongs in this District and a violation of the law—I refer to Mr. Corcoran—and when I hear his party friends get up and say that the board over which he presides have done something which implies guilt, guilt so strong that it centers around our heads, that he who runs may read it and cannot help observing it, I wish to ask whether in justice to this gentleman it is not possible that there is an explanation of this matter? The board were required by the statute which the Senator from Ohio has read, by a mandate therein—because it becomes a mandate if the rights of third parties are involved—to issue bonds taking up certificates which were issued by another board. These certificates might or might not be converted, according to the wish of the holders. If the holders called upon the board of sinking-fund commissioners and asked that they should be exchanged, it was the duty of the funding commissioners under this statute to make the exchange. A week or ten days ago they may have resolved, on account of the agitation of this matter before Congress, that it was inexpedient to comply with this statute or to issue bonds to persons who held these certificates. Persons thinking it was the last opportunity they could have to comply with the law, to have the advantage of the law, and have honest certificates exchanged, they may have been persuaded, either by counsel or otherwise, that the statute was plain, that they ought to issue them, and considering that the demands were legitimate and right, they were asked to reconsider their determination and allow the conversion into bonds. If that is so—and certainly it is plausible; it may be so—then there was no guilt and nothing that was wrong. I make this explanation in justice to an eminent gentleman of this city whom I have named, although he belongs to a board for which I have no responsibility, and certainly with whom I have no political sympathies.

Mr. EDMUNDS. I should not wish to agree in regard to the law laid down by the Senator from Ohio, or the Senator from California, that this authority to the commissioners of the sinking fund is a mandatory authority that they are bound to answer to on the application of every certificate-holder. Therefore I do not think that they could properly stand upon the idea that the law compelled them to issue a bond wherever a certificate was presented; but I think they can stand on still better ground if during this discussion they have been issuing bonds, and that is that it would not be apparent to them that this bill would ever reach a vote; and inasmuch as the law gave them an authority, they would feel obliged to go on according to their just discretion and carry it into execution, as there was probability, so far as they could see, that the law would ever be changed. [Laughter.]

Mr. EATON. The Senator from Ohio in his criticism upon my remarks has suggested that the people of the country would hold me responsible for what I have said here, and for my proposition. I accept the responsibility. I am in the habit of accepting responsibility of this character.

Now, I do not regard the statute as of the character the Senator from Ohio supposes. I do not know a single gentleman who is a member of this board, and I do not know the politics of one of them, nor do I care what their politics are; but it seems that when this matter came up before Congress and the information came to them, as it has come to everybody except the Senator from California, and possibly the Senator from Indiana, that there was some error here, not to say fraud, not to say guilt, but that there was something that required examination, this board, in my judgment very properly, passed a resolution to the effect that for a certain time they would issue no further bonds. They are issuing further bonds, as I am informed, against the very terms of their resolution, and in my judgment without the knowledge of all the members of that board. If so, then there is guilt certainly. The Senator from Ohio will agree with me if that be so. I do not know that it is so; but if I can have my way I will find out before this Congress closes its session, and it is the duty of Congress to ascertain all the facts connected with this matter. It adds to the public debt of the United States $15,000,000, and it is time that we, the representatives of the people, look into this matter.

I agree with the sensible remarks which were made by the Senator from New Jersey [Mr. FRELINGHUYSEN] and by other Senators, that the United States ought to pay liberally for the expenses incidental to this District. They ought to pay largely, and I do not believe that there is a Senator on this floor who will vote larger appropriations when I know them to be honest and correct, to fall upon the people of the United States, than I will. The people of the State that I have the honor in part to represent upon this floor are anxious and willing and able to pay their full share of the necessary expenses of the Government, and neither my colleague nor myself will be found voting contrary to the wishes of the people of our State.

Mr. SHERMAN. I have but a word to say in regard to this matter. As the resolution now stands, it leaves in doubt and under a cloud and subject to examination the securities of two classes of public creditors: First, those who hold certificates of the board of audit certifying that the District of Columbia is indebted to them in certain fixed amounts passed upon by the board of audit; second, those bonds that have been issued since the date named by the Senator from Connecticut. I am not indisposed to vote for his amendment, and under the circumstances I do not see how we can avoid it. It is rather unpleasant, however, to hang up in suspense public creditors who have the faith of the nation pledged to their payment upon charges so indefinite as these, holders of certificates, we are informed, to the amount of $900,000. I do not know how many bonds have been issued under the circumstances stated by the Senator from Connecticut, but I believe he said $500,000.

Mr. EATON. No, I do not know that one has been issued, to my own knowledge; but I am informed that more than $100 000, and probably $200,000; and if they are at work now, the Lord only knows what the amount will be.

Mr. SHERMAN. Then I understand the outstanding obligations amount to over $1,000,000. All I desire to say is that it is the duty of Congress, as the public faith has been pledged to these persons, if these are honest debts, honestly contracted and honestly issued,

that the Government of the United States should in the observance of this public faith give prompt and quick and earnest solution to this question so that these people may know whether or not they hold fraudulent certificates, fraudulent bonds, or whether they hold the honest debts of the United States. I hope the Senator from Connecticut himself will now see that the effect of his proposition is to throw a cloud upon this matter and withhold from payment the interest of outstanding bonds, to hold up like Mahomet's coffin certificates issued by the Government of the United States. I hope they will not be long held in suspense, but that he or some one at least will institute a prompt, quick, speedy, and rigorous inquiry to know whether or not they are an honest debt after all; whether this trouble will not have had merely the effect of suspending the payment of interest due to the honest creditors of the United States.

Mr. BOGY. Let me make an inquiry of the Senator. Does he say that it is competent for the board of audit to take jurisdiction of claims now and allow them, so that it shall become the duty of the sinking-fund commissioners to issue bonds?

Mr. SHERMAN. I have not discussed that question, nor have I examined it. I must confess that the laws which have been read here rather confused my mind on the subject.

Mr. BOGY. I think my inquiry pertinent in connection with the point made by the Senator. There are two boards, the board of audit and the board of funding commissioners. The duty of the board of funding commissioners is plain. It is simply to issue bonds for certificates that have been issued for claims audited by the board of audit. If there be $900,000 of certificates outstanding at the present day issued by the board of audit upon claims filed prior to the 1st day of July of last year, it may be, and as it strikes me now the fact is, that we are bound by the action of the board of audit, although it may be true, carrying out the view of the Senator from New Hampshire, [Mr. CRAGIN,] that the board of audit has passed upon these claims since that time. Yet if the claims were filed before the 1st day of July, 1875, and thereby jurisdiction had been taken possession of by that tribunal called the board of audit, though those claims have been passed upon but yesterday, it may be that we are bound by the action of the board of audit. That being so, the duty of the funding commissioners under this vicious system—but yet it is the system which we have given birth to ourselves—would be to issue the bonds; and in doing so they would do no wrong. They take the law as it is, and if the law is not a wise one, it is our fault and not theirs. If there be eight or nine hundred thousand dollars of these certificates outstanding issued, although but yesterday, upon claims filed before the limitation expired, which was the 1st day of July last, I think we are bound by the action of the board of audit, and the bonds in that respect would be legally and properly issued so far as the law is concerned.

Mr. CRAGIN. I desire to understand the statement of the Senator from Connecticut. I understood the Senator from Connecticut this morning to say that this board of sinking-fund commissioners——

Mr. EATON. The Senator from Connecticut did not name the board, for he did not know the board.

Mr. CRAGIN. At any rate the board that issues the bonds. I understood him to say that that board had resolved not to issue any bonds for one week. Did I understand him correctly?

Mr. EATON. That is my information.

Mr. CRAGIN. I understood him to say when he was last on the floor that they resolved that they would not issue any more bonds until this bill was passed by Congress.

Mr. EATON. No, I did not. If I did say so, I did not intend to say so, and I do not wish to convey that impression. It was for one week, and I have dated my proposed amendment back a week. It was for a week, supposing, as I was informed, that that would be all the time required for Congress to act in regard to the subject-matter.

Mr. CRAGIN. Then I understand that point. Now I suppose we all understand perfectly that the board of audit, as it is called, takes into consideration claims, whatever they are, filed prior to July, 1875; and the board of audit issues certificates. That is the end of their work. Those certificates pass into the hands of individuals, persons entitled to those certificates who had the claims. Then those individuals holding these certificates convert them whenever they please; it is at their option whether they will have them converted into bonds or not, or whether they will hold the certificates. They hold them as long as they please, and then they go to the board of sinking-fund commissioners, if they conclude to convert them into bonds, and present them there; and that board has nothing to do, if the certificates are regular and right, except to give bonds therefor. The board of sinking-fund commissioners have rules, and my understanding is that they have all along only issued bonds or transacted this business on a certain day of the week, or perhaps possibly two days of the week; one day, I know, for I have been there myself. I went there once and could not transact any business, for I was told that they issued bonds on a certain day. I apprehend that probably it will turn out that from the time they last issued up to the day fixed by them would be about a week; and this, very likely, will turn out to be all there is of the information which has been imparted to the Senator from Connecticut.

Mr. EATON. No, I think not.

Mr. CRAGIN. It may be. But suppose it is not so; suppose they had resolved that they would not issue any bonds upon these certificates presented, for a week; certainly they had a perfect right to reconsider that vote. They had a perfect right to issue under the law. The law did not require them to pass any such resolution. It was a resolution for their government simply, and they had an undoubted right to change it, if they saw good reasons for doing so. There is nothing illegal in it. Certainly the Senator will not so contend.

These certificates that have been issued by the board of audit and have not been converted into bonds are just as much a debt to all intents and purposes as the bonds themselves, in my judgment. I am in favor of limiting these; I am in favor of fixing the amount beyond which no power can go; but the fact that there may be a few certificates out that have not been converted into bonds does not, in my judgment, lessen their legality. The certificates are a debt against somebody and probably will have to be paid, whether by the Government of the United States or by some other authority I cannot say.

Mr. BAYARD. Suppose they have been issued without value?

Mr. CRAGIN. That I have nothing to say about. I take it that they are all genuine certificates, issued for valid claims. I do not know anything to the contrary and I take it for granted that is so.

Mr. BAYARD. I do not take it for granted at all. Things are supposed to be right until they are shown the other way, but I do not think it is entirely a clear case. I wish it was.

Mr. EATON. I wish to say a few words only in reply to the Senator from New Hampshire, [Mr. CRAGIN.] I suppose the cause of the action of the members of this board that I speak of was that there was conversation all about the city of Washington, which had been heard by everybody except two gentlemen in it, that there was some doubt about the legality of the certificates and the equity of them, and therefore, until Congress had examined into them and passed upon this matter, which they supposed would take six or eight days, there should be no further bonds issued; and I think it was a very wise conclusion they came to, and I do not like the looks of the thing in changing their determination.

Mr. HOWE. Mr. President, if congressional speeches were legal tender for debt like a greenback—I do not know but that we can make them so—I should think this interest was in a fair way of being liquidated; I am not sure but there is some danger of its being overpaid; and I am not sure but in that contingency we are in danger of inflating the circulation even beyond the desires of us western gentlemen who are supposed to have a very sharp appetite in that direction. [Laughter.]

I understand that there was a certain interest that fell due on the first day of this month to the holders of certain securities issued and put in circulation upon the faith of the United States that provision should be made for paying the interest at a specified time. Now, unsophisticated as I am, I supposed we had but one duty before us, and that was to provide in time for the payment of that interest.

These questions which have been debated here are very interesting. That they ought to be settled before we pay our debts is a point upon which I am not so clear. If that can be so, I see a very easy way of postponing the payment of this debt forever, and perhaps we can postpone by some means just as fair the payment of all our debts forever. I myself, as a citizen of the United States, would like extremely well to know whether the commissioners of the sinking fund mentioned in the statute of 1874 have issued bonds without authority of law. If that be so, and the particular bonds can be pointed out, and it can be shown that they are not in the hands of innocent holders for value without notice, I should be extremely glad to see those bonds confiscated, condemned, burned up, repudiated, or otherwise destroyed. But I have not been able to hear that fact even asserted. That is one of the very few things that I have not heard either asserted or insinuated since this debate commenced. Until that is either asserted or insinuated, I do not see how it stands in the way of our paying what is due, and that is all your bill provides for.

Then there is another question, which undoubtedly is interesting to me as to other citizens of the United States, and that is whether the late territorial government of the District of Columbia was a knavish concern or not, and whether Boss Shepherd is a bigger knave than Boss Tweed. That I should like to have settled in some proper forum; and whether there is a larger number of rascals to be counted in the ranks of the democratic party than in the ranks of the republican party. That thing I would like to have settled. I have a very decided opinion on that point myself at present; but I may be wrong.

But, Mr. President, I have one opinion which I want to give utterance to before this debate closes, and that will be the end of my participation in it. Although I have heard of very extraordinary conduct on the part of the late municipal government of the city of New York, and very extraordinary conduct on the part of the late territorial government of the District of Columbia, I have not yet heard of anything charged against either which impressed me as a more heinous offense against good morals and honest dealing than is to my apprehension our conduct here in the Senate to-day in postponing the payment of a debt which everybody acknowledges to be due. The public officer who contracts in the name of the public an obligation dishonestly and profligately ought to be held up to condign punishment. The sooner it is done the better. But what shall we say of officers who refuse to pay or postpone the payment of a debt which is honestly due and admitted to be honestly due? Now I myself do not own any of these bonds. I do not know of a single human being who does own them.

Mr. EDMUNDS. You owe them.

Mr. HOWE. My friend suggests that I owe some of them. I suppose I am a party to them, being a citizen of the United States, and therefore I want them treated as I try to treat my own individual obligations: pay them whenever they become due. I say I am not interested in any of these bonds, but I do wish the Congress of the United States would just vote to pay the interest which fell due day before yesterday. Provide the means of paying that and then I will sit here by day or by night with any gentleman who supposes the public has cause of complaint against any officer now in being or any man who has been in office at any time heretofore or any white man who is suspected of being likely to get into office at any time hereafter and settle every one of these causes of complaint. But first do our duty, and I think then we shall be in a cleaner condition to enforce the duty of other persons.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Connecticut [Mr. EATON] to the amendment.

The amendment to the amendment was agreed to.

The joint resolution was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made as in Committee of the Whole. The first amendment, that of the committee, will be read.

Mr. SHERMAN. Altogether.

Mr. EDMUNDS. I should like to have the last clause which was moved by the Senator from Connecticut read. I do not understand it.

The Chief Clerk read:

Provided, That this act shall not in any way or manner recognize the liability of the United States to pay either the principal or interest of any such bonds as may have been issued on or since the 27th day of January, 1876.

Mr. EATON. There is a clerical error there.

Mr. MORRILL, of Maine. There is a prior question to that.

Mr. EDMUNDS. Is there more than one amendment from the committee?

The PRESIDENT *pro tempore*. But one.

Mr. EDMUNDS. So that this clause which has been read is a part of that amendment.

Mr. MORRILL, of Maine. No; it is independent of it.

Mr. EDMUNDS. If there is only one amendment of the Committee of the Whole, that must be a part of it.

The PRESIDENT *pro tempore*. The amendment of the committee was simply to strike out a clause of the resolution.

Mr. MORRILL, of Maine. Speaking of the committee who reported the resolution; and that amendment should be concurred in, because it is now substituted by another amendment.

The PRESIDENT *pro tempore*. That amendment takes precedence. The question will be on concurring in the amendment originally reported by the Committee on Appropriations, striking out certain provisos.

The Chair put the question, and declared that the noes appeared to prevail.

Mr. EDMUNDS. I wish the Chair would state again precisely what the question is.

The PRESIDENT *pro tempore*. The Secretary will read the amendment reported by the committee.

Mr. EDMUNDS. What committee?

The PRESIDENT *pro tempore*. The committee that reported the joint resolution.

Mr. EDMUNDS. Very well; let us hear that.

The PRESIDENT *pro tempore*. The Secretary will report the pending amendment.

The CHIEF CLERK. The Committee on Appropriations reported to the resolution an amendment, which was agreed to in Committee of the Whole, striking out the following words:

Provided, That any further issue of 3.65 bonds is hereby prohibited; *And provided further*, That nothing in this resolution contained shall involve the Government of the United States in any obligation to pay principal or interest of any such bonds which have been issued contrary to or not in pursuance of law.

Mr. MORRILL, of Maine. Allow me to suggest that the Senator from Connecticut has a substitute for that last proviso, which has been adopted in Committee of the Whole, and this amendment ought to be concurred in.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment striking out the words which have just been read.

The amendment was concurred in.

The PRESIDENT *pro tempore*. The question now is on concurring in the other amendment made as in Committee of the Whole.

Mr. EATON. I mistook the title because the Chair called it a bill, and I find it is a resolution. The amendment which I proposed should be corrected by striking out the word "act" and inserting "resolution," so that it may be in accordance with the original title.

The PRESIDENT *pro tempore*. If there be no objection that change will be made. The question is on concurring in the amendment as amended.

Mr. EDMUNDS. Let it be read.

The CHIEF CLERK. The amendment is to add to the end of the resolution the following:

Provided, That any further issue of 3.65 bonds under or by virtue of said act of Congress approved June 20, 1874, is hereby prohibited: *And provided*, That the certificates heretofore issued by the board of audit, including those converted into 3.65 per cent. bonds, and those which have not been so converted, and the certificates hereafter to be issued by the board of audit or their successors in office, shall not exceed in the aggregate the sum of $15,000,000.

SEC. 2. That there shall be no increase of the present amount of the total indebtedness of the District of Columbia; and any officer or person who shall knowingly increase or aid or abet in increasing such total indebtedness shall be deemed guilty of a high misdemeanor, and on conviction thereof shall be punished by imprisonment not exceeding ten years, and by fine not exceeding $10,000: *Provided*, That the board of audit, created by the "act for the government of the District of Columbia," approved June 20, 1874, is hereby abolished, and shall, immediately upon the approval of this resolution, transmit all the books and property in their possession belonging to the District to the commissioners of the District of Columbia, and make a report of their proceedings not hitherto made: *And provided further*, That this resolution shall not in any way or manner recognize the liability of the United States to pay either the principal or interest of any of such bonds as may have been issued on or since the 27th day of January, 1876.

Mr. EDMUNDS. Perhaps I ought to say in reference to the penal clause which I moved and which has been agreed to in committee, that I did not move it out of any want of confidence in the present commissioners or on the idea that they would knowingly violate the law; but because they are obliged in a large degree to depend upon the reports of subordinates, whom I do not know, and because they may have successors, and therefore I thought it fit that the proper penalty should be provided for a known violation of the statute.

Mr. WHYTE. I should like to call the attention of the Senator from Vermont to the phraseology used by him in this penal clause of a joint resolution. It is rather, I think, anomalous legislation, at all events, to put a penal clause in a joint resolution. It may have occurred before in the legislation of Congress, but I do not recollect ever to have seen such a thing done hitherto in legislation. If it is to be adopted, I should like it to go from the Senate in proper form, and therefore I venture to make a suggestion to the Senator from Vermont.

He has used the term "a high misdemeanor." If he means that these officers shall be liable to impeachment, shall be tried by the Senate under the Constitution of the United States, and means to use the words "high misdemeanor" in the sense of "high crime and misdemeanor," we can probably understand his intention. But if he means to make it an offense punishable by a court of law, I submit to him that under the Constitution of the United States Congress must declare what shall be a crime or misdemeanor, must not only affix the penalty to it, but must declare also in what court of law the party shall be tried. I therefore suggest to the Senator from Vermont that he had better strike out "high misdemeanor," and after "conviction thereof" put in the words "in the supreme court of the District of Columbia." Otherwise it will leave it hereafter to be questioned somewhere whether the officer who fails to perform his duty by obeying the prohibition in this joint resolution shall be tried by impeachment or whether he shall be tried in the criminal court or court having criminal jurisdiction in this District. I think there can be no question that if a penalty is imposed upon an officer for doing that which is declared to be a misdemeanor, if it occurs in a State, of course he is triable in the United States court within the State; but occurring as this does outside the limits of a State, it ought to be declared in the act that he shall be triable in the supreme court of the District of Columbia.

Mr. EDMUNDS. Mr. President, I must express a little surprise at the observations which have fallen from my learned friend from Maryland. I have had the impression that the power to remove from office for high crimes and misdemeanors upon an impeachment by the House of Representatives and a trial in this body was a concurrent and independent power—concurrent in respect I mean of dealing with the offense; I do not mean that any other tribunal has power to remove from office—with the criminal courts of the country; and that if the President of the United States or the Secretary of the Treasury should in violation of law embezzle the moneys of the United States they might not only be impeached by the House of Representatives and removed from office by this body, but they might also, either before or after an impeachment, be made subject to the criminal laws of the country, and be indicted and punished in the district where the offense was committed, under the Constitution. Therefore the object of my amendment was not merely that any person or employé who might make a false report to the commissioners of the District of Columbia, or the commissioners of the sinking fund, or the board of audit, or whatever, as to the state of the total indebtedness of this District which should lead these latter persons innocently to increase the debt above the limit, should be punished as criminals, as they might be and ought to be I think if they do it knowingly, as this provides; but also that any officer of the United States, not an employé, not any private person who had concerted a scheme to increase this indebtedness for his private benefit, but any of these high officers who in the course of time may come to occupy these offices, should be guilty knowingly of increasing this debt, which is now large enough, they might not only be subject to the criminal administration of the law, but also be subject to the higher and more significant punishment to any person who has any sensibility left, of being brought before this tribunal and removed from office and incapacitated from holding it ever after. Therefore I submit to my learned friend that there is nothing in the circumstance that this crime of making this increase knowingly is defined to be a high misdemeanor and a penalty is also affixed. They are totally distinct objects; and the purpose I have stated.

Now, my friend says that I ought to have provided the name of the court which shall have jurisdiction to try this offense which this prop-

osition does define. That is, the knowingly increasing this debt, or abetting in its increase, is declared to be a high misdemeanor, and then it affixes the penalty. Then the question is, How is the party to be tried? The Constitution of the United States says, so far as the criminal laws go, that he is to be tried in the district where the offense is committed. Well, if the offense should be committed in this District, he must be tried here; but if it should happen to be in Alexandria or in Annapolis or in Baltimore, as it might be, then it would be tried there where the offense was committed; and if my friend will look at the Revised Statutes of the United States, at the crimes act, beginning on page 1040 and going through a great many pages, he will perceive that none of those sections have stated what particular court should try an offender, because the Constitution fixes that. Therefore I submit to him that it would be quite unnecessary, superfluous, possibly defeating the very end in view, to say that this offense should be tried in the supreme court of the District of Columbia, because it is possible that the aiding and abetting, if not the increasing, might be done outside this District, and in that case the offender would escape.

Mr. MORTON. Mr. President, I should like to hear the penal clause of the amendment read again.

The PRESIDENT *pro tempore*. The clause will be reported.

The Chief Clerk read as follows:

And every officer or person who shall knowingly increase, or aid or abet in increasing, such total indebtedness, shall be deemed guilty of a high misdemeanor, &c.

Mr. MORTON. I suggest to the Senator from Vermont that that should contain the word "fraudulently"—"knowingly and fraudulently;" otherwise it may make an officer responsible for a mere mistake in the law. That prohibits any increase of the public debt of the District. Suppose there is a contract now partly executed, a valid contract entered into and partly executed, if that contract is to be completed, would the payment for the contract be an increase of the public debt? The indebtedness may not be fully realized now, because the work has not been done, although the contract is in existence.

I asked my friend from Vermont yesterday whether the future completion of a contract now in process of execution would be regarded as an increase of the public debt. I understood him to say that it would not; and yet a court might take a different view of it. An officer might say it would not be an increase; a court might say it would; and I think, to make an officer liable, the fraudulent intent should be included, not simply that he does the thing knowingly, for if he does it under a mistake of the law he does it knowingly, but he should do it fraudulently to subject him to high penalties.

Mr. EDMUNDS. I am obliged to say that I do not agree to the reasoning of the Senator from Indiana. Here is a definite thing which is not to be done, and the motive of the man in doing it, the fraudulent purpose, is no element in the offense, any more than it is in the statute which punishes treason, which declares under the Constitution what treason shall consist of, and then declares that any person guilty of the crime of treason shall be punished. Now, a man may levy war against the United States from the purest motives, just as the United States levied war against the King of Great Britain for the purest motives, and yet if he does not succeed he will be guilty of treason; and though the whole world may say that he is a martyr and a patriot, yet he must stand the consequences and suffer the punishment if he turns out to be wrong. He must take the risks himself. I therefore submit to my friend, on the philosophy of the criminal law, that the word "fraudulently" is only introduced into the punishment of those affirmative offenses in which the moral element must enter, as for instance the embezzlement of money where a man takes it from the public treasury or from his employer for the purpose of appropriating it to his own use. There must be that intent to do it. If he takes it by accident, he is not guilty of embezzlement. But here the law declares that a particular act shall not be done, and if a man with his eyes open willfully does that thing, then the law says he shall be punished. If you are to introduce the word "fraudulently" into a proposition of that kind, then you leave it to a jury who are to try the particular individual to decide, Did this man do this with a wicked purpose? He knew he was going to do it; he knew that the debt was going to be increased; but he thought some great public good would be accomplished by it, as the predecessors of these commissioners did undoubtedly when they knew that they were increasing, in spite of the statute, the indebtedness of this District; but they thought that the end justified the means, and they did not do it fraudulently at all. They did it publicly, in the light of day; said they were doing it; and yet I mean to say that if any man dares to do that again, he shall suffer the punishment of the law.

Mr. MORTON. Let me ask my friend right there whether in his opinion the completion of a contract now in course of execution would be an increase of the public debt beyond the present amount?

Mr. EDMUNDS. That is not the question I rose to discuss at all. The Senator can put twenty cases under this law or under any other that the ingenuity of man can frame. You may put in as many limitations and provisos and guards as you like, and when it comes to be drawn in question in a court of justice there will be two sides to it, just as there is to this question we have been discussing here for three or four days, and nobody can tell until the court of last resort decides which way it is. When they have decided, nobody can tell whether it is right or not; only for the good of society we have provided courts whose final decisions must be taken to be right for the case to which it is applied.

My own individual opinion is, as I said to my friend, that I do not think it would; that if these gentlemen have made a lawful contract now which definitely provides for certain work and for certain payment for it, that is an indebtedness of the District of Columbia which they are bound to pay. But it may be that I am wrong. They must be careful to keep inside the law.

Mr. MORTON. The effect of this amendment will be to make any officer criminally responsible for the most innocent mistake in regard to the law. I do not think any man would be safe in being an accounting officer under this statute. Take the very case, and I have no doubt that case will abundantly arise, where there are contracts now unfinished and the indebtedness upon which is yet to accrue by work that is yet to be done by the terms of the contract, and if an obligation is given for that unfinished, uncompleted contract or work yet to be done, it will be to that amount an increase of the public debt of this District.

Mr. EDMUNDS. Let them pay it out of the taxation, and then it will not be an increase.

Mr. MORTON. But suppose there is no fund?

Mr. EDMUNDS. Then they must wait until they get it.

Mr. MORTON. Suppose there is no fund to arise from that source? Here is a question of law arising at once; and if the officer takes the same view with the Senator and gives the obligation, and a court or grand jury take a different view of it, then he is liable to go to the penitentiary for ten years. I think it is absurd myself to punish a man in that way. It is a sort of dead-line; and if you cross that line you are to be shot down under all circumstances. If you punish a man for forgery it must have been done fraudulently, it must have been with criminal intent. An officer must do the act for a fraudulent purpose, understanding full well that he is violating the law. If the law has been settled and then he violates it, it makes a case. It seems to me that the most ordinary protection to a public officer should be that his acts should be required to be shown to have been with a criminal intent before he can be held liable criminally.

Mr. FRELINGHUYSEN. I do not want to make any speech on this matter, but I must say that I entirely agree with the view taken by the Senator from Indiana. Now suppose this case: The debt is limited to $15,000,000; that is the debt; these commissioners want to incur a debt of $200,000 to put the streets in repair, relying on the current taxes, which will be paid them in a few months. If they knowingly increase the debt, they will be liable to the penitentiary. They of course will not do it. If you insert the word "fraudulently," it covers the whole case.

Mr. MORTON. I move to insert that word.

Mr. WHYTE. Mr. President, I think the Senator from Vermont must have misunderstood me when he supposed that I was unaware that there could be both trial by impeachment and trial by a court of law; but he has not answered the objection which I made to the clause inserted upon his motion in this resolution. The Constitution is express upon the subject; and I beg to call the attention of the Senator to the fact:

The trial of all crimes except in cases of impeachment shall be by jury, and such trial shall be held in the State where the said crimes shall have been committed.

Of course that provision is very clear. If the crime has taken place in some of the States the party would be triable by the district or the circuit court of the United States in that State.

But when not committed within any States, the trial shall be at such place or places as the Congress may by law have directed.

Now, I should like to know where there is any provision here as to the place where a party shall be tried if the offense is committed in the District of Columbia. This is not my opinion alone; but while I recognize the great ability of the chairman of the Judiciary Committee and his legal knowledge, I prefer to take the opinion of the Supreme Court of the United States upon a question of this character. In the case of The United States *vs.* Hudson and Goodwin, in 7 Cranch, it was held "that the legislative authority must first make an act a crime, affix a punishment to it, and declare the court that shall have jurisdiction of the offense before the courts of the United States can exercise jurisdiction over it." And the Supreme Court of the United States affirmed this doctrine in the case of The United States *vs.* Coolidge and others, 1 Wheaton, 415; and Chief Justice Marshall, n idelivering the opinion of the court in *Ex parte* Bollman *vs.* Swartout, in 4 Cranch, re-affirmed it and said:

Courts which originate in the common law possess a jurisdiction which must be regulated by the common law until some statute shall change their established principle. But courts which are created by written law, and whose jurisdiction is defined by written law, cannot transcend that jurisdiction.

Here is a new crime or here is a new offense unknown to the statute law of the United States; it is here for the first time declared to be an offense. If committed within a State, of course the courts of the United States within the State try the party when the grand jury indict; but there is no provision here for any trial in any court outside of a State; and I submit, unless this is intended to be a dead letter, it ought to be amended before it passes through this body.

The PRESIDENT *pro tempore*. Did the Senator from Indiana move an amendment?

Mr. MORTON. After the word "knowingly" I move to insert the words "and fraudulently."

Mr. EDMUNDS. That will have the effect, as shown by the Senator from New Jersey, whether he so intended it or not, of entirely emasculating the section, because he puts the very case; suppose these commissioners or their successors wish to improve the streets, or repair them, or do anything within their jurisdiction as actors; they have not got any taxes collected, and they proceed to incur a debt which, for the time being, increases the general indebtedness of the District above its total existing at that time. That is not fraudulent, he says; that is honest; they do it publicly and openly. Now, suppose the taxes do not come in; suppose the taxes are not large enough to meet those obligations and duties; then you have an increase of the public indebtedness, publicly, openly, willfully, knowingly done; and yet, as it lacks the element of fraud—that is, a purpose to cheat somebody—you have added to the burden of the over-taxed people of this District and of the United States and have got nothing by your statute.

I hope, Mr. President, if the Senate does not like to put an absolute and sharp limit to any increase of this indebtedness, it will not adopt the amendment of the Senator from Indiana, because the effect of it will be to allow these commissioners and their successors, if they act openly, and publicly, and for what they believe to be the public good, to go on and run up the indebtedness just as far as they like, and we shall be just where we are now in that respect. That would be the effect of it plainly and clearly.

Now, one word to my friend from Maryland and I shall have done. He says that we must provide in this penal clause a place within which the offense is to be tried. He has read the Constitution, which requires that, if not committed within a State, it shall be tried by a court which shall have been previously declared. That is the substance of it; I may not give the very words. If my friend will turn to the Revised Statutes of the United States relating to the District of Columbia, on page 91, section 761, he will find the following:

> The justices of the supreme court shall severally possess the powers and exercise the jurisdiction possessed and exercised by the judges of circuit courts.
>
> SEC. 762. Any one of the justices may hold a special term, with the same powers and jurisdiction possessed and exercised by district courts of the United States.
>
> SEC. 763. Any one of the justices may hold a criminal court for the trial of all crimes and offenses arising within the District.

Therefore we have a tribunal already fixed by law clothed with the jurisdiction of trying all crimes and offenses committed within the District of Columbia, so that we conform to the Constitution. When you go to a State, then my honorable friend will find, as of course he is perfectly familiar with it, that we have district and circuit courts provided in every State invested with the jurisdiction of trying all crimes and offenses against the United States committed in those States and districts. So that whether this offense be committed within the District of Columbia or outside of it, as it may be, in either case we have the tribunal previously provided by law to catch the offender.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Indiana to the amendment.

Mr. WADLEIGH. I wish, Mr. President, to give one reason why I shall not vote for the amendment proposed by the Senator from Indiana. Experience has shown us that in these District matters it is the easiest thing in the world for Mr. Shepherd or this board of commissioners or anybody who happens to be in power here to procure opinions from lawyers, whom perhaps they have confidence in if nobody else has, which will justify them in anything they see fit to do. Suppose that under the provision in this bill incorporated by the amendment of the Senator from Vermont, as amended by the Senator from Indiana, one of these gentlemen in office who has increased this debt to the amount of some millions, as has been done over and over and over again in express defiance of the laws of the United States, comes into court with a written opinion from A, B, and C, telling him that he had the power to do that, and that he had a right to do it, and that it was his duty to do it; then that is to go to the jury as evidence that he, having confidence in these lawyers whom he has consulted, could not have acted fraudulently, but was acting honestly in the matter and as he believed to be right.

I do not propose, after what the records show has been done in that respect in relation to the increase of this indebtedness and its being justified by the opinions of counsel who were undoubtedly well paid for opinions, to give parties who may violate this law another chance to do the same thing.

Mr. MORTON. My friend from New Hampshire supposes the case of an officer intending to commit a fraud, who gets the opinion of a lawyer to cover that fraud; but I prefer to take the case of an officer who is trying to do his duty. A difficult question of law arises, and he consults eminent counsel, or he may consult the Attorney-General of the United States to get an opinion from him, and he may act upon that opinion, and it may turn out that a court takes a different view, and that he is liable to indictment and to go to the penitentiary for a simple mistake of the law. That is the case that I present; but if Senators desire to have this law passed in its present form, I shall not object, and I withdraw my amendment.

Mr. DAWES. It is a question of fact, not a question of law; and all the opinions in the world would not affect the question of fact. Unless the jury could be made to believe that the defendant did not know the fact, he would come within the penalty. But the trouble with the Senator from Indiana is this, that when a man knows what the law is, and still goes on and violates it, the Senator from Indiana is of opinion that he can do that innocently. That is beyond my comprehension. I can understand that a case may come so near the line that there may be doubts, and that a man may be uncertain whether his course of action will fall on one side of the line or the other; and that makes the propriety of the word "knowingly" in the statute. Without the word "knowingly" it would be simply a question of fact whether in point of fact, whatever may be his own doubts, his act had fallen on the one side or the other of the line. He will be innocent if it cannot be shown that he knowingly did this act; that is, knowing that it was in violation of the law. But the case which is supposed by the Senator is one that cannot be. It cannot be that a man knowing that he is violating the law does it innocently; and "knowingly" and "fraudulently" are tautology in this law. If he violates the provision of this law knowingly, it is beyond his power to show that it is innocently done.

The PRESIDENT *pro tempore*. The amendment of the Senator from Indiana is withdrawn. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The PRESIDENT *pro tempore*. The resolution is still open to amendment.

Mr. HAMLIN. Mr. President, I am in a most amiable condition, and I want the attention of the Senate for a single moment. I am willing to vote for anything that will satisfy anybody here in this Senate, I do not care what the limitations or prohibitions are that you put upon it. But I do say that a decent respect for the opinions of mankind, a little respect for the character of this body, and still more respect for the language we speak, make it a disgrace to pass any bill through this body in the form in which this is now presented to us. I move to recommit it to the Committee on Appropriations that they may whip into decent proportion the various disjointed things that have gone into the bill, retaining everything that there is there, that we may vote upon it to-morrow morning in a manner which shall not be disreputable to this body. I move to recommit the bill to the committee.

Mr. MORRILL, of Maine. I object to its going back. I hope the Senate will not have it sent back to the Committee on Appropriations. It never belonged there.

Mr. HAMLIN. Any committee—the committee on leave of absence or any other committee. [Laughter.]

Mr. LOGAN. The committee on reconstruction. [Laughter.]

The PRESIDENT *pro tempore*. The Senator from Maine moves the recommittal of the joint resolution to the Committee on Appropriations.

Mr. HAMLIN. I do not blame them for not owning it now.

Mr. SHERMAN. I suggest to the honorable Senator that the ordinary course of proceeding will naturally bring this bill to a committee of conference, and I hope it will not be delayed here any longer.

The PRESIDENT *pro tempore*. The question is on the motion to recommit.

The motion was not agreed to.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time.

The PRESIDENT *pro tempore*. The question is on the passage of the joint resolution.

Mr. HAMILTON. I move to add the amendment I offered while in Committee of the Whole.

The PRESIDENT *pro tempore*. It is too late to amend. The joint resolution has been read the third time, and the question is on its passage. A motion to reconsider can be made, but an amendment cannot otherwise be offered. The question is on the passage of the joint resolution.

The joint resolution was passed.

SENATOR FROM LOUISIANA.

Mr. MORTON. I gave notice last week that I would to-day ask the Senate to proceed to the consideration of the resolution for the admission of Mr. Pinchback as a member of this body. It is a question of high privilege, and has been too long postponed. I now make that motion.

The PRESIDENT *pro tempore*. The Senator from Indiana moves that the Senate proceed to the consideration of a resolution which will be reported for information.

Mr. EDMUNDS. We know what it is.

Mr. THURMAN. I ask the Senator from Indiana to withdraw that motion until a message from the President can be read and referred.

Mr. EDMUNDS. The motion is merely to take it up, so that it may be the unfinished business for to-morrow. There is no objection to that.

The PRESIDENT *pro tempore*. The question is on the motion to proceed to the consideration of the resolution named by the Senator from Indiana.

The motion was agreed to.

The PRESIDENT *pro tempore*. The resolution is before the Senate.

PROPOSED MINT AT COLUMBUS.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. Pending that motion the Chair will lay before the Senate a message from the President of the United States.

The Chief Clerk read the message as follows:

To the Senate of the United States:

In answer to the resolution of the Senate of the 19th of January instant, requesting the examination, with a view to ascertainin g their suitableness for the purposes of a mint, of the building and grounds situated in Columbus, Ohio, known as the Capital University, and proposed to be donated to the United States by F. Michel, of said city, I have the honor to transmit herewith the report of the Director of the Mint, accompanied by a diagram of the building and lot.

U. S. GRANT.

EXECUTIVE MANSION, *February* 3, 1876.

Mr. THURMAN. I move that the message be printed and referred to the Committee on Finance, with the accompanying papers.

The motion was agreed to.

Mr. SARGENT. The diagram ought not to be printed.

Mr. THURMAN. No; that need not be printed.

The PRESIDENT *pro tempore*. The motion to print excepts the diagram.

Mr. THURMAN. Certainly.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of War, calling attention to the constantly increasing and alarming obstructions to navigation of the Upper Mississippi River at or near the towns of Fort Madison and Burlington, Iowa, and recommending an appropriation of $35,000 to remove those obstructions; which was referred to the Committee on Commerce.

He also laid before the Senate a communication from the Attorney-General, in reply to a resolution of the Senate of the 20th ultimo, in regard to the condition of suits brought against Pacific railroad companies; which was referred to the Committee on the Judiciary, and ordered to be printed.

DEATH OF SENATOR O. S. FERRY.

Mr. EATON. I give notice that I shall present to the Senate on Tuesday next the resolutions regarding my late colleague, Senator FERRY.

FRANCIS W. SYKES.

Mr. SAULSBURY submitted the following resolution; which was referred to the Committee on Privileges and Elections:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Francis W. Sykes, late contestant from the State of Alabama, the pay and mileage of a Senator from the 4th day of March, 1873, to the 28th day of May, 1874.

EXECUTIVE SESSION.

Mr. EDMUNDS. I insist on my motion.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session, the doors were re-opened and (at five o'clock and twenty minutes p. m.) the Senate adjourned

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HOUSE OF REPRESENTATIVES.

THURSDAY, *February* 3, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND, D. D.

The Journal of yesterday was read and approved.

LEAVE TO PRINT.

Mr. MAGOON, by unanimous consent, obtained leave to have printed in the CONGRESSIONAL RECORD some remarks which he had prepared on the proposed constitutional amendment in regard to the term of the presidential office. (See Appendix.)

COST OF SIGNAL SERVICE.

Mr. CLYMER, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of War be requested to report to this House the entire cost during the last fiscal year of the Signal Service, including a detailed statement of every disbursement made for materials, salaries of officers, enlisted or detailed men, correspondence, telegraph service, maintenance of stations and lines and the location of the same, rent, printing, lithographing, and all other items, charges, costs, and disbursements, of every kind and nature whatsoever, which may form part of the cost of such Signal Service and the publication of the results thereof.

THE LATE HON. HENRY H. STARKWEATHER.

Mr. WHEELER. I ask unanimous consent to offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Committee on Appropriations be directed to insert the following item in the bill making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1877:

To enable the Clerk of the House to pay to the widow of Henry H. Starkweather, late a member of the House, a sum equal to the salary of a member of Congress from the date of the death of said Starkweather to the end of the present session of Congress, $2,500.

Mr. WHEELER. I desire simply to say, Mr. Speaker, that under your appointment I accompanied the remains of the late Hon. Henry H. Starkweather to his home in Connecticut. While there I became acquainted with his pecuniary circumstances, and while this is not the place, nor am I at liberty, to speak of details, I take the liberty of saying that this provision will be a most timely and welcome allowance to the widow and children of Mr. Starkweather. I trust there will be no objection to adopting the resolution.

There was no objection, and the resolution was agreed to.

PUBLIC BUILDING AT MEMPHIS, TENNESSEE.

Mr. YOUNG, by unanimous consent, introduced a bill (H. R. No. 1801) to provide for the building of a custom-house, post-office, &c., at Memphis, Tennessee; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

REMOVAL OF A JUDGE IN COLORADO.

Mr. GLOVER. I ask unanimous consent to offer for present consideration the preamble and resolution which I send to the desk.

The Clerk read as follows:

Whereas it is believed that certain political and personal influences have been exerted to secure the removal of a Federal judge and the appointment of another in his stead in the Territory of Colorado, for the corrupt purpose of procuring certain orders, decisions and decrees of court affecting certain mining interests now in litigation before the courts of that Territory: Therefore,

Be it resolved, That the Attorney-General of the United States be, and he is hereby, requested to furnish to this House, at an early day, copies of all letters and papers asking for the removal of Judge Belford, a district judge for the Territory of Colorado, and copies of all letters and papers asking for the appointment of Judge Stone to succeed Judge Belford; also copies of all letters and papers appertaining to the arbitrary and corrupt rulings, orders, and decrees of Judge Stone in the interest of those who asked his appointment now on file in the office of the Attorney-General; also the names of all persons who otherwise than in writing demanded the removal of Judge Belford and the appointment of Judge Stone.

Mr. HALE. I object to the present consideration of this resolution. This is the first time I have ever known any such interference with purely executive appointments.

Mr. GLOVER. I did not hear what was the gentleman's objection. If it is one which can be removed, I will be happy to endeavor to do so.

Mr. HALE. I said that this is the first time I have ever known any such interference with a purely executive appointment. I have no objection to this being sent to the proper law committee of the House, for them to consider whether Congress shall take upon itself to call into question every executive appointment and the reasons for which such an appointment has been made. If the Judiciary Committee of the House believe that it is a competent thing for this House to do to enter upon that vast field, I have no objection to the resolution being sent there, but I do object to its being adopted.

Mr. GLOVER. I consent to the resolution being referred to the Judiciary Committee.

Mr. HALE. I wish also to say that I do not know anything about the circumstances of this case. I never heard of them before.

The preamble and resolution were referred to the Committee on the Judiciary.

PAY OF FOURTEEN DISABLED SOLDIERS.

Mr. WILLIAMS, of Indiana, from the Committee of Accounts, reported a bill (H. R. No. 1802) making an appropriation to pay fourteen crippled and disabled Union soldiers, from the 6th day of December, 1875, to the 30th day of June, 1876; which was read a first and second time.

Mr. WILLIAMS, of Indiana. I ask that the bill may be considered now. Those soldiers have not received their pay since the 6th of last December, the appropriations having expired.

The bill was read. It appropriates the sum of $10,000 to enable the Clerk of the House of Representatives to pay the fourteen crippled and disabled Union soldiers now in the employment of the House of Representatives from the 6th day of December, 1875, to the 30th day of June, 1876.

Mr. HOLMAN. I trust that my colleague [Mr. WILLIAMS, of Indiana] will have read at the Clerk's desk a letter from the Clerk of the House touching the cause of the necessity for this appropriation. I desire to say further that this subject has been informally before the Committee on Appropriations. An appropriation has been made for some years for this particular class of employés of the House; these fourteen disabled soldiers were on a special list, and an appropriation was not made for them for the entire fiscal year, as is customary with appropriations for that class of employés. The appropriation for their benefit expired on the 6th day of December last; but the current appropriations for the next fiscal year commencing on the 1st of July will contain a proper appropriation for the period after that time. The object of this bill is simply to provide for the payment of this particular class of employés in consequence of the appropriations having expired.

Mr. HURLBUT. I would like to ask my friend from Indiana whether it is not essential that the names of these persons should be incorporated in the bill?

Mr. HOLMAN. No, sir; I presume not. The bill is in the form in which it has usually passed the House.

I ought to add, Mr. Speaker, that the Committee on Appropriations in formally considering this subject deemed it proper that this bill should pass, and if my colleague will have the letter of the Clerk of the House read it will probably explain the whole matter.

Mr. WILLIAMS, of Indiana. I will read the act of March 3, 1875, appropriating $12,549.60 to pay this class of employés from April until

December the 6th. That time having expired the men have been without compensation since December. I read the act:

To enable the Clerk of the House of Representatives to pay fourteen crippled and disabled soldiers in the employment of the Doorkeeper of the House from April 1, 1875, to December 6, 1875, the sum of $12,549.60; which is hereby appropriated.

On an examination of the greater part of these gentlemen yesterday I found that they have received no pay since the 5th of December. I have upon the Clerk's roll the names of these gentlemen employed there to the number of fourteen.

Mr. GARFIELD. Are they the same persons?

Mr. WILLIAMS, of Indiana. Eight of them are the same persons.

Mr. FORT. I hope this bill may pass, but I desire to make a statement. I have no objections to its passage, even in the words in which it is couched. It states, however, that it appropriates $10,000 to pay fourteen disabled soldiers now upon the roll. Gentlemen here all know that there are not fourteen on the roll. A part of these men are not on the roll now, and I have no complaint to make here about that. Only eight of them are on the roll.

Mr. HOLMAN. Does the gentlemen say that there are not fourteen crippled Union soldiers on the roll?

Mr. FORT. Only eight.

Mr. HOLMAN. My information is, as I understand from the chairman of the Committee on Accounts, that there are fourteen disabled Union soldiers on the roll, eight of whom at least were on the roll during the last Congress.

Mr. FORT. That is not the information I have, and I am quite sure I am correct about it.

Mr. EDEN. I desire to ask if my colleague objects to this bill?

Mr. FORT. I have distinctly stated that I do not.

Mr. HOSKINS. The bill, as reported from the Clerk's desk and as reported by the chairman of the Committee on Accounts, received the attention of that committee; and as I am informed by the chairman of the committee—and I believe that the information is correct—out of the fourteen men for whom this money is to be appropriated eight are old employés, holding over from the last Congress, who are now and have been in the service since the commencement of the Forty-fourth Congress. One of the fourteen who held office in the last Congress has died since. Another, as I am informed by the chairman, has left the Capitol and returned to his home, making ten out of the fourteen. The other four, as I am informed, are new appointments. The eight men who have been employed by this Congress from the commencement of the session, of course, have received no pay, because the appropriation passed for their benefit expired on the 6th of December. For one, sir, I am entirely in favor of the passage of this bill. It will provide for eight Union soldiers who served in the last Congress and for six new appointees; and I repeat again that one of those employed last year has died and one has gone home. These fourteen men are carried on the list independent of the force allowed to the Doorkeeper. It was provided in the last Congress that these fourteen men should be employed in addition to the force allowed by law to the Doorkeeper, and it was understood that their services were necessary.

Mr. HOLMAN. I understand the gentleman from New York to say that eight of the fourteen employés during the last Congress are still upon the roll.

Mr. HOSKINS. They are not on the roll; the gentleman will observe they were placed upon a separate list and the appropriation for their services expired on the 6th day of December last; but eight of the employés of the last Congress, as I understand it, are still in the service of the House under the Doorkeeper.

Mr. HOLMAN. Then eight out of the fourteen are still continued in the employment of the House; I wish to ask the gentleman from New York [Mr. HOSKINS] whether the other six are not also disabled Union soldiers?

Mr. HOSKINS. I am unable to answer that question from my own knowledge, but I understand, and have been so informed by the chairman of the committee who has investigated the matter, that the other six are disabled Union soldiers.

Mr. HOLMAN. I merely wish to add to that statement——

Mr. HOSKINS. I wish to ask the chairman if I am correctly informed in that respect.

Mr. WILLIAMS, of Indiana. That is so.

Mr. HOLMAN. I am informed, not only by the statement made by the gentleman from New York, [Mr. HOSKINS,] but by the Doorkeeper, who has particular charge of this force, that eight of the old employés are still on the force. There have been appointed in the places of the other six other disabled Union soldiers, so that in fact there are fourteen disabled Union soldiers now upon this force, all of whom have lost an arm or a leg and some of them both hands in the service of the country.

Mr. WILLIAMS, of Indiana. I will now read the names of the eight old employés who are still on the force.

Mr. HOSKINS. I ask the gentleman to give the State from which they are appointed.

Mr. WILLIAMS, of Indiana. I have not that information at hand, although I have the statement made out. The names of the eight old employés still continued are: Charles E. Diemar, William T. Fitch, Samuel H. Decker, P. W. Coleman, C. W. Reisinger, Henry Cliff, John A. Travis, and George A. Schreiner. The other six are: John Ryan, J. D. Hutton, Thomas G. Hibben from Indiana, (he has one arm,) Edward Webster, James J. McConnell, and Patrick Sullivan.

I had a conversation yesterday with most of these employés; perhaps I did not have it with two of them. I asked if they were employed last year and called the roll, and eight answered to the roll-call. Some of them I examined and asked where they were wounded and when, and if they served in the Union Army.

Mr. FOSTER. Were the last six whose names the gentleman read appointed in place of some who had been discharged?

Mr. WILLIAMS, of Indiana. In place of one who had died and one who went away and four discharged.

Mr. FOSTER. Why were the four discharged?

Mr. WILLIAMS, of Indiana. I cannot tell.

Mr. FOSTER. The gentleman does not know why they were removed.

Mr. WILLIAMS, of Indiana. I do not.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WILLIAMS, of Indiana, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. RANDALL. I call for the regular order.

The SPEAKER. The regular order being called for——

Mr. ATKINS. I ask the gentleman from Pennsylvania [Mr. RANDALL] to withdraw his call until I can submit a report from the Committee on Appropriations.

Mr. RANDALL. I will withdraw the call for that purpose.

Mr. RUSK. I renew the call for the regular order.

Mr. ATKINS. I believe the Committee on Appropriations are entitled to report at any time.

The SPEAKER. Does the gentleman rise to report a bill from that committee?

Mr. ATKINS. I am instructed by the committee to report a resolution to which I think there will be no objection if the House will hear it read.

The SPEAKER. The Clerk will read the resolution, after which the Chair will ask for objection.

SIOUX AGENCY.

The Clerk read the preamble and resolution, as follows:

Whereas it appears from a letter of the Secretary of the Interior, Executive Document No. 57, addressed to the Speaker of this House, and from the papers accompanying the same, that the appropriation for the subsistence and support of the Sioux Indians for the current fiscal year is already exhausted, and a deficiency appropriation of $225,000 is asked for, and it is alleged that a portion of said first-named appropriation was misapplied in the subsistence and support of other than Sioux Indians: Therefore,

Be it resolved, That the President of the United States be respectfully requested, under the power given him by law, to require a competent experienced military officer of the United States to execute the duties of an Indian agent so far as to repair to the Red Cloud agency, and in his discretion to other Sioux agencies, with instructions to inquire into the causes of said deficiency, and to report them to the President with all practicable dispatch, as also his opinion as to any further and what amounts should be appropriated for the subsistence and support of said Indians for the remainder of the current fiscal year.

No obection being made, the resolution was adopted.

Mr. ATKINS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRACTICE IN UNITED STATES COURTS.

The SPEAKER. The morning hour now begins at fourteen minutes before one o'clock. The first business in order is the further consideration of the bill (H. R. No. 934) regulating the practice of United States circuit and district courts as to the time and manner of instructing juries and arguing the cause. The gentleman from Kentucky [Mr. KNOTT] has called the previous question upon ordering the bill to be engrossed and read a third time.

The bill was read. It provides that the circuit and district courts of the United States, in all criminal trials and civil causes other than equity and admiralty causes, shall conform to the practice existing at the time in like trials and causes in the courts of record of the State within which such circuit or district courts are held, both as to the time and manner of instructing the jury and conducting the argument of the case before the jury, any rule of the court to the contrary notwithstanding.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time. Being engrossed, it was accordingly read the third time, and passed.

Mr. KNOTT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DISTRICT JUDGES SITTING OUT OF THEIR DISTRICTS.

Mr. CAULFIELD, from the Committee on the Judiciary, reported back, with a recommendation that it pass, the bill (H. R. No. 1485) to

provide for the expenses of district judges when holding court out of their own districts.

The bill was read. It provides that whenever a district judge holds a district or circuit court out of his own district, in pursuance of an order of the circuit judge or circuit justice, under section 591 or section 596 of the Revised Statutes, the expenses of such district judge, not exceeding $10 per day, to be certified by him, shall be paid by the marshal of the district in which he so holds court as a part of the expenses of the court, and shall be allowed in the marshal's accounts. The provisions of this act are to apply to all courts held by district judges out of their own district since the 1st day of January, 1876.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question then recurred on the passage of the bill.

Mr. REAGAN. I would like to know why it is proposed to add $10 a day to the salary of a judge because he is required to perform duty out of his district, when if not performing such duty there he would be required to perform similar duty in his own district?

Mr. CAULFIELD. I will explain. When judges are called into districts adjoining their own, districts overcrowded with business, for the purpose of rendering assistance to the judges there, the expenses of these judges going outside their own district must be paid by somebody. To my knowledge the habit is to pay those expenses out of the pockets of the judges of the districts into which these judges are called to render assistance. This is properly regarded as a hardship; and I am anxious that it should be remedied by the passage of this bill as speedily as possible. In the district from which I come a judge from an adjoining district is now holding court, and his expenses are paid out of the pocket of the judge of the district into which he has come.

Mr. REAGAN. Is it assumed that a circuit or district judge performing duty out of his district necessarily incurs more expense than one attending to his duties in his own district?

Mr. CAULFIELD. Most certainly. In such a case the judge leaves his family, is compelled to board at a hotel; and his expenses are necessarily much heavier than when he is at home, to say nothing of his traveling expenses.

A MEMBER. And the additional labor.

Mr. HOLMAN. Will the gentleman from Illinois [Mr. CAULFIELD] allow me a word or two? The salaries of the Federal judges have all been fixed with reference to this liability to hold court occasionally in other districts than their own. As a matter of convenience nothing is more common than for the judges to exchange places, one sitting in the district of another. This has been our policy since the foundation of our judicial system, and especially since its present organization. I submit to the gentleman from Illinois that this is no time to begin an increase of salaries, for that is all there is in this proposition. This is certainly no time for increasing expenditures. There has been no special complaint heretofore in regard to the salaries of our Federal judges, either district or circuit; and now when some effort is being made to retrench the expenditures of the Government, I certainly do object to inaugurating this system of increase. There is no use in talking about diminishing expenses if every possible opportunity is to be seized upon to make an increase. I trust the House will not inaugurate this movement. It has been tried in this House time and again, and unsuccessfully. I trust it will fail now.

Mr. REAGAN. Mr. Speaker, those of us who have observed the action of the courts of the several States know that there is nothing more common in the various State courts than the alternation of judges, they holding court for each other in the different districts; and so far as my knowledge goes no law has ever authorized an increase of pay to any State judge because he might sit in a court outside of his district. This service is a matter of courtesy, and also in some cases a matter of duty; but it has never been regarded as a reason for increase of pay; and until the statement of the gentleman from Illinois [Mr. CAULFIELD] I had not before heard that when a circuit or district judge of the United States performs duty for a time in another district than his own, he received additional compensation coming out of the salary of the judge in whose district he might sit. Certainly I have heard nothing of that kind; and I can scarcely think the practice exists to a considerable extent. It is certainly wrong in principle; and this is a wrong time to increase the salaries of judges or other officers. I do not say this in any party sense; but because the condition of the country is such that gentlemen receiving already competent salaries ought to be satisfied with them until the people shall be enabled to make an increase of salaries, if that should at any time be desirable.

Mr. FORT. Ought not this to go to the Committee of the Whole on the state of the Union, as it involves an appropriation of money out of the Treasury? I submit the point of order to the Chair, whether this bill does not go necessarily to the Committee of the Whole on the state of the Union?

Mr. MCCRARY. The point is made too late.

The SPEAKER. The point of order comes too late.

Mr. FORT. The previous question has not yet been ordered.

The SPEAKER. The bill has been ordered to be engrossed and read a third time, and the question now is on the passage of the bill.

Mr. FORT. I trust that the gentleman will allow it to go there if he has an honest, straight bill and is not afraid of the committee.

Mr. CAULFIELD. Mr. Speaker, I am in favor of a good, honest, straight bill, and I regard this as a good, honest, straight bill. I admire exceedingly the persistent efforts of my friends here for economy. I join with them in that; but I do not regard this as any encroachment at all upon the principles of economy which these gentlemen seem so anxious to maintain at this particular time.

This bill will probably affect some three or four judicial districts in this country; only those districts that are overcrowded with business. The district from which I come is one. Probably the same thing may be maintained in regard to New York and other large cities where the dockets of our district courts are crowded. It will not maintain all over the country, for the reason that the business of the courts in other portions of the country is not so crowded as in these few places I have mentioned. Three or four months in the year only are occupied by these outside judges who come to the assistance of the resident judges; and the bill does not provide they shall receive $10 per day each, but that their expenses only shall be paid, not exceeding $10 per day. If he pays but $3 per day, then he will receive but $3. And it is very poor economy, it seems to me, to strike down a bill of this kind in the House when we may, if this bill does not pass, be compelled to provide for additional judges instead of these simple expenses. I will yield now to the gentleman from Iowa, [Mr. MCCRARY.]

Mr. MCCRARY. Mr. Speaker, the bill now before the House is entirely just, and I think it is very necessary. The gentleman from Indiana [Mr. HOLMAN] is mistaken in saying that the salaries of the district judges were originally fixed with reference to the law which authorizes circuit judges to transfer the district judges from one district to another. The salaries of the district judges were fixed long before.

Mr. HOLMAN. As the gentleman very well knows, many of them have been re-adjusted since that time.

Mr. MCCRARY. There has been a law which allows a district judge to go from one district to another, but when the circuit system was adopted there was incorporated into that a provision which allowed the circuit judge or Supreme Court justice to require a district judge to go from one district to another to relieve the judge who might be overwhelmed with work.

Now, sir, the salaries of district judges in this country are in my judgment inadequate. They are certainly not as large as they ought to be with reference to the salaries of the circuit judges. But there is no proposition here to increase them. There are, however, a few districts, and they are districts in large cities, in which the district courts are overwhelmed with business. Take a district judge and send him one or two hundred miles from his residence; require him to live in the city of Chicago, city of New York, or city of Boston, as economically as he can live, and it is impossible for any of these district judges, upon the salaries they now receive, to carry out the law on this subject without a pecuniary sacrifice. Hence the result is as stated by my colleague on the committee from the Chicago district. When a district judge is ordered into the city of Chicago to hold court, the resident judge in order to get him to perform that duty without requiring from him a sacrifice pays his expense out of his own pocket. The district judges receive from three thousand to thirty-five hundred dollars a year throughout the country, and they cannot afford to discharge this duty and pay their own expenses. I say here if this provision is not made for these judges, either this or the next Congress will be compelled to erect a number of new districts and create a number of new judges in this country. Therefore, as a measure of economy, it will be better to pass the bill now before the House.

Mr. BURCHARD, of Illinois. My colleague and the gentleman from Iowa [Mr. MCCRARY] say that if this bill is not passed giving an opportunity to designate a judge to assist judges in certain districts to hold court, it will be necessary to create new districts and that it is a matter of economy to pay these judges $10 a day rather than create these new districts. Upon that I differ with them. I believe it is less expense to the people of the United States and of localities to have additional districts, because, as in the case of Illinois, if you drag jurors from the extreme limits of the State to the city of Chicago, if you drag witnesses there, if you pile up marshals' fees for the distances you have to take these witnesses and jurors, you will find a much larger expense to the people than by simply dividing the district and creating districts of sufficient size to accommodate the people.

If that is the object of the bill, and it seems to me one of the objects of the bill as stated here, I do not believe it is in the interest of economy. I believe it is far better that the district should be made up of a convenient size. And speaking on behalf of the people of Illinois as expressed by their Legislature twice, and as expressed by their Representatives here upon this floor, I feel warranted in saying that the people of that State prefer that there should be a new district to having the provisions of the bill detailing a judge from one point to hold a court at another point, with another court sitting there side by side, and paying him $10 a day.

Twice the Legislature of the State of Illinois have unanimously asked, in the interest of economy and the interests of the people, that an additional district should be created for that State. And their Representatives in this House have sought the passage of a bill carrying out the wishes of the people. Therefore I must oppose this bill if its object be to create additional expense in the distance that witnesses have to travel, in the distance that members of the bar and counsel have to travel to attend these courts, in the distance

that the marshal has to travel and the jurors have to travel. If the object is to prevent the creation of a district that may hereafter be demanded and is now demanded for the convenience of the people, by providing that the court at Chicago, overburdened as it is stated to be, shall be relieved by detailing a judge there, I am opposed to the passage of the bill; and it will be difficult for the gentleman reporting the bill, or any member of the committee, or any member of the House, to show that it will be of any absolute accommodation to the people. It may reduce the amount to be paid out in the first instance from the Treasury, but it will not lessen the absolute cost and expense. It is a proposition that I had not expected would be presented at this time. And I think that my colleague, while he may represent the desire of the members of a court, the judge and the marshal, and perhaps some of the members of the bar there, and the people in the commercial city of Chicago, I say he does not represent the wishes of the people of Illinois in regard to the passage of that bill.

Mr. CAULFIELD. My colleague from Illinois [Mr. BURCHARD] has mistaken the bill that is before the House. He thinks that the bill before the House is the one that he has in his pocket, for the division of the district, I am now pleading for. The gentleman has either introduced or is about to introduce a bill for the division of this district in order that a new court may be created and a new judge appointed, involving great expense to the Government. I am not here for the purpose at this time of arguing that question. I am here now simply for the purpose of providing for the contingencies that occur previous to the adoption of his bill and the formation of a new district.

The judge from the adjoining district is now holding court as an assistant to Judge Blodgett, of Chicago, in the district in which Judge Blodgett is judge. Unless we provide that his expenses shall be paid while he is so holding court, his expenses must come out of the pocket of the incumbent judge. When the gentleman's bill comes up, if that bill is passed then the necessity for this particular bill in this particular district will be entirely obviated; and the passage of this bill at this time will have nothing to do whatever either with the passage or the defeat of the bill that the gentleman has in charge for the division of that district. I simply want to provide, if the gentleman's bill is passed, for the time that will occur between this and the passage of his bill.

Mr. BURCHARD, of Illinois. If my colleague will allow me, I desire to say that I understood his argument to be, and I understood the gentleman from Iowa [Mr. MCCRARY] to argue, that this bill would prevent the necessity of creating any additional district.

Mr. CAULFIELD. I admit it will necessitate the passage of the bill of my colleague unless this is done, but this being done does not necessitate the defeat of my colleague's bill.

Mr. SPARKS. Will my colleague allow me to ask him how long this system has been going on?

Mr. CAULFIELD. It is provided for by law.

Mr. HOLMAN. Nine years ago.

Mr. SPARKS. Is not this a reciprocal or mutual arrangement by which each holds court for the other?

Mr. CAULFIELD. Of course.

Mr. SPARKS. Does my colleague know of any district judge in the United States that has ever resigned his office on account of the insufficiency of the salary or the overwork of the office?

Mr. CAULFIELD. My experience, Mr. Speaker, may not be as great as that of my colleague. I have never turned my attention to that question. Perhaps the gentleman himself may be able to inform the House on the subject better than I can.

Mr. SPARKS. I never heard of one who so resigned.

Mr. LYNDE. There is a law authorizing the payment of the expenses of district judges who are assigned to the district of New York, not to exceed $10 a day. I see no reason why the same law should not be extended to other districts where the same necessity of aid to the court exists. It is a peculiar hardship that the judge of the circuit court can require a district judge to go into another district for the purpose of disposing of the business of that district where the district judge is not able to dispose of it; and it is a peculiar hardship upon suitors, who are obliged to wait with a docket overloaded so that the local judge cannot dispose of it, that another judge cannot be sent to that district to dispose of that business; and the circuit judges at the present time have great hesitation in assigning any other judge to assist the local judge in disposing of his business because there is no law which will authorize that district judge to be paid his expenses while he is assisting the local judge. I believe that instead of creating additional expense it will actually lessen the expenses of these several courts that are now overburdened with business. Suits will be disposed of much more expeditiously; parties will be able to get their cases to a hearing; witnesses will not be detained as they now are detained; jurors will not be kept, as they are now kept, until the case can be disposed of by a local judge. Therefore I think it is a matter of economy that we should enable a circuit judge to call in a district judge to help to clear the dockets and to dispose of the calendars that are overburdened.

Mr. HOLMAN. I believe the previous question has not been called on this bill, and I move that it be recommitted to the Committee on the Judiciary.

The question was put on Mr. Holman's motion; and on a division there were—ayes 99, noes 51.

So the motion was agreed to.

Mr. HOLMAN moved to reconsider the motion by which the bill was recommitted to the Committee on the Judiciary, and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

HEADS OF EXECUTIVE DEPARTMENTS.

Mr. HUNTON, from the same committee, reported back, with the recommendation that it do not pass, the bill (H. R. No. 263) to provide that the heads of Executive Departments may occupy seats on the floor of the House of Representatives, and moved that the same be laid on the table.

The motion was agreed to.

Mr. HUNTON moved to reconsider the motion by which the bill was laid on the table; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LANDS SOLD IN INSURRECTIONARY STATES.

Mr. HUNTON also, from the same committee, reported back, with a substitute, the bill (H. R. No. 18) for the relief of owners and purchasers of lands sold for direct taxes in insurrectionary States.

Mr. HUNTON. That bill is subject to the point of order, and I therefore move to refer it to the Committee of the Whole on the state of the Union, and that the substitute be printed.

I will ask further, as it is a bill of some importance, that it be made a special order for the 16th day of February, and from day to day thereafter until disposed of, not however to interfere with the appropriation bills.

Mr. HURLBUT. Does not that bill require its first consideration in Committee of the Whole?

The SPEAKER. The chair accepts the statement of the gentleman from Virginia [Mr. HUNTON] on that point.

Mr. HOLMAN. It makes an appropriation, and of course it is subject to the point of order.

Mr. HUNTON. I have moved that the bill and substitute be printed and referred to the Committee of the Whole on the state of the Union and made a special order for the 16th day of February.

Mr. HOLMAN. I presume the gentleman excepts reports from the Committee on Appropriations and the Committee on Ways and Means?

The SPEAKER. The gentleman has proposed to except no report save that from the Committee on Appropriations.

Mr. HOLMAN. Reports from the Committee on Ways and Means ought to be excepted also.

Mr. HUNTON. I have no objection to that.

Mr. HURLBUT. I object to its being made a special order.

Mr. HOSKINS. I suggest to the gentleman from Virginia that he withdraw the latter part of his motion, making this a special order from day to day until disposed of, and confine it to one day.

Mr. HUNTON. If that will obviate the objection made, I will withdraw that part of my motion.

The SPEAKER. Then the motion now is that the bill be made a special order for the 16th day of February, and that alone.

Mr. HURLBUT. I object to giving this bill any preference over others that may be referred to the committee.

The question was then taken on the motion to refer the bill and substitute (H. R. No. 1804) to the Committee of the Whole on the State of the Union, and order them to be printed, and it was agreed to.

COMMISSIONERS OF UNITED STATES COURTS.

Mr. LORD, from the same committee, reported back the bill (H. R. No. 721) to provide for the appointment of commissioners for taking affidavits, &c., for the courts of the United States, with a substitute.

The substitute was read, as follows:

Be it enacted, &c., That the circuit courts of the United States may appoint commissioners, to be called "affidavit commissioners," who are hereby authorized to take affidavits, depositions, and verifications of pleadings to be read in the courts of the United States, but shall not possess the other powers conferred by statute upon commissioners of the circuit courts.

The substitute (H. R. No. 1803) was agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. HOAR. I should like to have this bill explained a little. I do not see why the existing commissioners cannot perform this business with propriety.

Mr. LORD. The necessity of the bill is in this: At the last session of Congress notaries public were stricken out from the statute, so that notaries public cannot now take affidavits. And there was a good reason for striking them out. Notaries public are not under the control of the United States courts, and the power to take affidavits by them was sometimes abused. In the State of New York—and I understand the same to have been the case throughout the United States—persons had to travel forty or fifty miles for the purpose simply of making an affidavit. This bill provides simply that the circuit courts, composed of the circuit judge and district judges, may appoint commissioners at proper places for the purpose simply of taking affidavits.

Mr. HOAR. My question is why the commissioners now appointed by the judges—I think the judges of the Supreme Court still appoint commissioners——

Mr. LORD. The commissioners now appointed have power to make arrests, issue criminal process, and all that; and it might be very unfortunate to increase the number of officers with that power; we have already enough of them. The object of this is to locate at proper points where there are no commissioners as at present appointed commissioners to take affidavits simply. In the State where I live, in the city of Utica, there is a United States commissioner, and the people in that district have to travel forty or fifty miles in order to make affidavits before the commissioner. When the notaries public were recognized affidavits could be taken conveniently before them. But those officers are now abolished, and a man who wishes to make an affidavit simply must travel until he can find a United States commissioner before whom to make it. This bill is to provide commissioners to take affidavits merely; it will be a very great public convenience, and these officers will be directly under the control of the courts, while notaries public were not.

Mr. HOAR. I understand these commissioners are to take depositions, and are therefore to have the power of compelling the attendance of witnesses and to commit for contempt. It seems to me that it is of very questionable propriety to multiply these little United States officers with special authority. If a commissioner is needed for this purpose, the true way is to have an additional commissioner appointed by the United States court, who will be a person of character, known to the judge, and his discretion in the taking of the deposition will be likely to insure integrity.

Mr. LORD. It is not intended to give these commissioners any such power as the gentleman suggests. The intention is merely to give them power to take affidavits *ex parte*. If the word "depositions" in the bill will confer the authority upon these officers which the gentleman suggests, then I will consent to have that word stricken out, for the object is simply to give these officers power to take affidavits *ex parte*.

Mr. HOAR. The bill certainly is not what the gentleman explains the intention of the committee to be, because it gives these officers authority to take depositions, and that of course implies all the other authority I have suggested.

Mr. LORD. I will ask that the bill be again reported as amended.

The Clerk read as follows:

That the circuit courts of the United States may appoint commissioners, to be called "affidavit commissioners," who are hereby authorized to take affidavits, depositions, and verifications of pleadings to be read in the courts of the United States, but shall not possess the other powers conferred by statute upon commissioners of the circuit courts.

Mr. LORD. I am willing that the word "depositions" shall be stricken out.

Mr. HOAR. If the gentleman will permit me a moment, I think there is a very serious objection to the policy which this bill proposes to inaugurate. There is no way in which imposition is more likely to be practiced upon the Government or upon the courts than in that class of cases where the testimony is taken and the proof is made by *ex parte* affidavits, by evidence taken for the purpose of prosecuting claims before the Departments of the Government. The only protection we have against the getting up of these bogus claims and verifying them by *ex parte* affidavits, in a great many cases, is in the character and integrity of the magistrate before whom they are taken. If a scamp and knave, who is getting up a bogus case, goes before him and the magistrate is a man of intelligence, character, and accustomed to administer justice and transact business, he will see through the thing at once. This bill proposes to appoint a person, without giving bond or having any considerable or respectable jurisdiction, whose sole power is simply to take a man's oath, and the result of that will be that the papers verified before this class of magistrates will derive no additional value whatever from the oath. It will be quite as well to undertake to say that in all that class of cases no oath shall be necessary, that the inscription verifying the papers shall be all that is required. I am opposed altogether to multiplying these petty United States officers.

Mr. LORD. I will give a very brief history of the necessity of such a measure as this. This bill was suggested by a state of things which exists in our State, and I have no doubt in other States of the Union. The circuit court now has the power to appoint at its will United States commissioners. Notaries public having been stricken out of the old law, a great pressure is made upon the circuit courts to appoint commissioners, those commissioners having full power to make arrests, issue criminal process, &c. The object of this bill is to authorize the appointment of commissioners by the circuit courts wherever it may be deemed necessary, with power simply to take affidavits *ex parte*. We have just as much assurance in respect to the appointment of affidavit commissioners of character and respectability as we have in regard to the other commissioners. I call for the previous question.

The previous question was seconded and the main question was ordered, which was upon ordering the bill, as amended, to be engrossed and read a third time.

Mr. LORD. To meet an objection of the gentleman from Massachusetts, [Mr. HOAR,] I have consented to amend the substitute by striking out the word "depositions."

The SPEAKER. This being a report from a committee, the gentleman has not himself the power to modify it; it will require unanimous consent.

Mr. POPPLETON. I object.

Mr. HOAR. I understood that the gentleman reporting the bill modified it in that way at the time he reported it, upon the suggestion then made. That was the understanding, I thought, of the House.

The SPEAKER. The Chair did not so understand. The gentleman could not on his own motion modify the bill, which is the work of the committee.

The bill was passed.

Mr. LORD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ACTIONS IN CASES OF DEATH FROM WRONGFUL ACTS, ETC.

Mr. LAWRENCE, from the Committee on the Judiciary, reported back, with amendments, the bill (H. R. No. 1210) authorizing actions in cases of death resulting from wrongful act, neglect, or default.

The bill was read. It provides, as amended, that whenever the death of a person shall be caused, in the District of Columbia, by the wrongful act, neglect, or default of any person or corporation, and the act, neglect, or default is such as would (if death had not ensued) have entitled the party injured, or if she be a married woman, her husband, either separately or together with her, to maintain an action and recover damages in respect thereof, then, and in every such case, the person who, or corporation which, would have been liable if death had not ensued shall be liable to an action for damages, notwithstanding the death of the person injured, and although the death shall have been caused under such circumstances as amount in law to a felony. But in no case is the recovery to exceed the sum of $5,000.

The second section provides that every such action shall be brought by and in the name of the personal representive of such deceased person, and within twelve calendar months after his or her death. The jury in any such action may award such damages as to it may seem fair and just, and may direct in what proportion they shall be distributed to the wife, husband, parent, or child of the deceased.

The third section enacts that the amount recovered in any such action shall, after the payment of costs and reasonable attorneys' fees, be paid to the wife, husband, parent, or child of the deceased in such proportion as the jury may have directed, or, if they have not directed, according to the statute of distributions, and shall be free from all debts and liabilities of the deceased; but if there be no wife, husband, parent, or child, the amount so received shall be assets in the hands of the personal representatives, to be disposed of according to law.

The fourth section provides that the rights of action under the act shall not determine, nor shall such actions, when brought, abate by the death of the defendant.

Mr. LAWRENCE. This bill is copied from a statute enacted by the Legislature of Virginia at the session of 1870-'71, (chapter 29, section 1, page 27,) and incorporated into the Code of Virginia, (edition of 1873, page 996, chapter 145, sections 7, 8, 9, 10.) The language is substantially that of Lord Campbell's act of 1846, which may be found copied into Shearman and Redfield on Negligence, page 353, section 292. There is no such law in this District. There is a law substantially similar in most of the States. I suppose there will be no objection to the passage of the bill.

Mr. REAGAN. I would like to make a single suggestion. I observe that in the first part of the second section it is required that all actions under this bill "shall be brought by and in the name of the personal representative of such deceased person." Would it not be well to add after the words "personal representative" the words "or heirs?"

Mr. LAWRENCE. It would be impossible to bring the action in the name of the heirs.

Mr. REAGAN. I am not familiar with the laws of this District; but I know that in a number of the States those words would be necessary.

Mr. LAWRENCE. The bill provides for a distribution of the money among the heirs; so that those words are not necessary.

Mr. HOAR. I desire to call the attention of the gentleman reporting this bill to a single point. The bill, as I understand, is intended to provide that for damages which may have been inflicted upon a person there shall be a right of action notwithstanding his subsequent death. It is not designed to give a right of action in the nature of a penalty to the personal representatives of a person who has been killed; but it simply provides that if the act is such as would (if death had not ensued) have entitled the party injured to maintain the action, then the corporation or person shall be liable to an action for damages.

But suppose the person, after having been injured, lives twelve months or two years in pain and agony, and sustains by the injury an amount of damage for which $5,000 would be a wholly inadequate compensation. Take, for instance, the Shaw case, in Massachusetts, where by a railway accident a woman had both her arms taken off, besides being seriously injured in other respects, and recovered $22,500. Now this bill limits the right of action in all cases, if death ensues, to $5,000. I suppose what is intended is that the penalty for the death shall not exceed $5,000. It certainly cannot mean to imply that if a person sustains damages to the amount of $20,000, and then dies, the fact of death will diminish the right of compensation for the agony, or loss of limb, or anything else of that kind sustained during the person's life-time.

Mr. LAWRENCE. At common law, in the case put by the gentleman from Massachusetts, [Mr. HOAR,] the right of action would die with the person; but in such a case the action might be brought during the life-time of the party; then the limitation imposed by this bill would not apply.

I was in favor of fixing the amount named in the bill at $10,000, but the committee thought $5,000 sufficient; and that is the amount fixed in many of the States. There must be some limitation. This is precisely in accordance with the British statute.

Mr. HOAR. No, sir; it does not conform to the British statute. This bill jumbles together two things wholly distinct and separate. It is true that for injuries which a person might sustain by the wrongdoing of another, in body, in mind, or in estate, the right of action at common law would expire with the death of the person injured; but there is no American jurisdiction in which that principle of the common law has not been long ago repealed; and for injuries which a person dying suffered in his life-time his executor or administrator may sustain an action without regard to the death of the party. But the fact of death is not taken into account as affecting or increasing the damages.

A man may live in agony for twenty-four hours, and for those twenty-four hours of agony his personal representatives after his death may maintain an action, as he might have done in his life-time. The compensation to be awarded to the widow or next of kin, to the executor or administrator, for the fact of his death is an altogether different and separate thing. For that no State in this country and no tribunal in England gave a right of action until Lord Campbell's act, which gave a right of action not exceeding a certain limit; and some of the statutes of this country have given also a right of action, usually not exceeding $5,000.

Now, the gentleman from Ohio [Mr. LAWRENCE] has taken those two things and mixed them together, providing that where a man sustains an injury there may be a right of action for that injury notwithstanding his death, and that for the injury his next of kin or his legal representatives shall in no case recover more than $5,000. Thus this bill, instead of enlarging, diminishes and cuts off the right of action. Now, I wish the gentleman from Ohio [Mr. LAWRENCE] would allow the bill to be recommitted and reported again to-morrow morning.

Mr. LAWRENCE. The gentleman is entirely mistaken.

The SPEAKER. The morning hour has expired, and the bill goes over until to-morrow morning.

VESSELS OWNED BY CITIZENS.

Mr. KASSON, by unanimous consent, introduced a bill (H. R. No. 1805) to encourage the conduct of commerce in vessels owned by citizens of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MESSAGE FROM THE PRESIDENT.

A message, in writing, was received from the President of the United States, by Mr. LUCKEY his Private Secretary; and likewise the announcement that the President had on February 1, 1876, approved and signed bills of the following titles:

An act (H. R. No. 626) to amend the Revised Statutes relating to naturalization; and

An act (H. R. No. 1208) to amend the Revised Statutes touching vice-consul generals.

DIPLOMATIC APPROPRIATION BILL.

Mr. SINGLETON. I move that the rules be suspended and the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of taking up and considering the diplomatic and consular appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. HOSKINS in the chair,) and proceeded to the consideration of the special order, a bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes.

The CHAIRMAN. The bill will be reported in full for information.

The bill was read *in extenso*.

Mr. SINGLETON. Mr. Chairman, as a member of the Committee on Appropriations charged with reporting this bill to the House it may be proper that I should make a few remarks in explanation of what the committee has done. There is accompanying it, however, so full and exhaustive a report as to make it unnecessary that I should protract my remarks to any considerable length.

At the first meeting of the Committee on Appropriations the question came up informally whether we would embark upon a line of retrenchment and reform or whether we should be guided by the landmarks which had governed and controlled the House in its appropriations for the last few years. So soon as the question was sprung we had an expression of opinion, I believe, from every member of that committee, and, without a single dissenting voice, we came to the conclusion that it was our mission, as far as the limit of our power would allow, to retrench and reduce the expenditures of the Government in every department which came properly under our consideration. There is, therefore, no difference of opinion on the general question of the reduction of the expenditures of the Government, although we did not all agree, as it could not be supposed we would, upon the minutiæ of this or any other bill reported to the House. The differences, however, between us are small, and I apprehend before we get through we will be enabled to come together and pass this bill without a single dissenting voice.

It may be proper, Mr. Chairman, to state the reasons why we considered it necessary to embark in the work of retrenchment. We cannot cast our eyes to any portion of this country and view the pecuniary circumstances and surroundings of our people without being fully convinced and understanding that it is necessary we should do something for the relief of an overburdened people. I do not know how it may be in other sections of the country except as I see by the reports in the newspapers, but for my own section I know the people there are so overtaxed and so overburdened with debt that it is almost impossible for them in many instances to obtain even the common necessaries of life. Why, sir, the war which took place (and I allude to it now not for the purpose of getting up any discussion in reference to its merits or demerits upon the one side or the other) has left the people of the South, as is well known, in a most embarrassed condition in a pecuniary way. In all other wars which have taken place that which was property at the beginning of the war remained property at the close, and it belonged either to the victors or the vanquished; so that a man, although he had lost his estate, still had an opportunity to re-acquire it. When the war closed, however, our slaves had all been set at liberty, and we had lost absolutely, just as fully and entirely, $400,000,000, as if it had been consumed by fire. We do not regret the result of the war so far as that matter is concerned. I state here on my veracity that if by my fiat to-day I could restore that institution I would not do it. But I simply speak of it as a fact that, by the loss of that property, we were impoverished to an extent that no man who has not thought on the subject can appreciate.

In the South the number of slaves a man owned constituted his wealth. You never heard the question asked when you came to inquire about a man's fortune as to the number of acres of land he owned, for that was a mere adjunct, as it were; but the question was, How many hands does he work? The wealth of the South was in the colored population of that section. Now, sir, that has been stricken down, and again I wish to repeat that there is no man in the South who would desire to restore that institution if he had it in his power to do so.

This is not all. There are other causes for our poverty and our distress. One of them is the fact that we have not had home rulers; that we have been governed and controlled by a set of men who, like the worthless drift-wood that lies rotting upon the banks of a stream, at the flood-tide of reconstruction was gathered up and precipitated upon us. These men came among us for no other purpose than for spoils; and they were not scrupulous as to the means by which they obtained them. We have been controlled by them. They have manipulated the Legislatures of our States, because they have been in the ascendency in several of them; and the consequence has been that we were overburdened with taxes, our money extorted from us unjustly, and we are left in such condition that to-day we are scarcely able to meet the taxes levied upon our real estate.

Those of you who represent constituencies in a better condition, you men in easy circumstances yourselves, could you stand, as I have stood, at the door of the court-house on the day when a homestead was advertised for sale, and could you look into the pallid and anxious countenance of the man whose home was about to be bid off by the tax-gatherer, you would have seen that the hammer, as it fell, smote the very heart of that man, crushing out his hopes and his energy. You would then begin to understand why the people of the South come here to ask for retrenchment in the expenses of the Government.

Why, sir, if this state of things progresses as it has been doing for some time, the real estate of my country will soon be all in the hands of a few men who have gone there with money to be used in this way, or it will have gone to the Government for taxes. Now, sir, this is another of the causes why I, in common with all who represent the Southern States, feel that it is necessary that we do something to relieve our people. We made pledges to them when on the stump. We then declared that we were in favor of reform. And, sir, are we to make these promises to the ear to be broken to the heart? Is it not tampering with the hopes of those who have generously confided in us? "Ease will recant vows made in pain as violent and void," wrote a distinguished author, but we can plead no such justification as Representatives upon this floor.

I know, sir, that when we get into the atmosphere of Washington we are too prone to forget those we left behind. We come here and walk or ride upon these magnificent streets; we go to these splendid entertainments and see the gorgeous dressing there indulged in; we draw our salaries and spend them at will, and seem to forget that there is poverty at home, and that we made pledges of reform which we are not now prepared to redeem. Again, it is well known to all gentlemen familiar with the South that our system of labor has been broken up. There are no means now of controlling our laborers; for they are, to all intents and purposes, in several of the States and have been our masters in the matter of labor as well as in politics. Many of the lands that were once beautiful plantations are now neglected and growing up in sedge-grass because of the fact that we cannot control the labor that is necessary to the cultivation of those lands.

The consequence is that where wealth and refinement once made their home, poverty and depression now hold undisputed sway.

Well, sir, this is a brief sketch of the condition of the people of portions of the South. Now, let me turn to the North, and ask if you have not troubles not altogether unlike our own, and in which you sympathize with us? What mean these raids that are taking place in States that regard themselves as so much better off than the Southern States? Why was it in the grand old State of Pennsylvania last summer that you saw men congregated together and marching through the land demanding bread or work?

It is very well known we were never a manufacturing people, that we bought very nearly everything we consumed, everything that we wore, and even much that we ate from other sections of the country. We were a cotton-raising people. We confined ourselves to that staple which commanded money in any market, being one of the necessities the world cannot do without. We bought from the North and West their manufactured articles, their iron, coal, mules, horses, pork, and grain. Therefore, when you see that we are suffering general depression in the whole South, you see also that it extends beyond the mere geographical limits of the Southern States. Why, sir, a gentleman from Ohio told me yesterday on this floor that in a town in his district a crowd of several hundred persons had gathered and demanded bread or work. What means this if not general depression all through the land? If your people do not sympathize with ours in these sufferings, what mean these gatherings North and these demands for bread? Why, sir, we are members of the same body politic; we are so united by ties of interest that it is utterly impossible to touch one portion of the country and do it an injury without that injury vibrating to the very circumference of the Union. We are so wrapt up in common interests, there is such an interchange of commodities between us, that you cannot injure one section without injuring the other. Why is it, sir, that the iron founderies of Pennsylvania are languishing to-day? Why is it that your railroad iron finds no market? Go to New York and you will find the goods we once purchased absolutely enveloped in dust and wearing out upon their shelves, and why? It is simply because the people of the South are not able to buy the goods we used to buy. We used to spend our money with liberal hands in the purchase of these goods, and now your railroad iron is unsold, your dry goods remain on the shelves of the merchants, and a thousand other interests are affected by the fact that we are straitened in pecuniary matters in the Southern States.

These potent reasons, with many others, induce the Committee on Appropriations to look to retrenchment and reform, that we might alleviate a distressed and suffering people in every section of the Union so far as we can do so. I want to say here, while it occurs to me, that I am no sectional man when it comes to legislation in this Hall. In voting on political questions I have my own political views, but, sir, when I took my seat here and took the oath to support the Constitution of my country, my purpose and object were to do justice to every section. I have no bitterness in my heart, nor do I believe that these Representatives for the South have any in theirs toward the people of the North. Let me say that, if there is any gentleman here who entertains such feelings, your people do not sympathize with you, nor do my people.

During my canvass last summer, when in my feeble way I undertook to describe the visit made by southern troops to Boston to celebrate the centennial of Bunker Hill, when I stated that while those troops were marching through the streets of Boston they paused and reversed arms and a committee appointed for that purpose quietly marched out with an immense bouquet and laid it upon the monument erected to the Union dead, and when I described to them how the handkerchiefs of the ladies were waved in the air, how cheers broke forth from the men, I saw the tears trickle down the furrowed cheeks of my people. I saw old ladies bury their faces in their handkerchiefs and weep for very joy that union was restored. And now I say again we have a great and holy work to accomplish, and if we do not accomplish that work woe be to the man who shall throw himself in the way of it.

Sir, when we came here at the commencement of this Congress we found an exhausted Treasury, our currency depreciated; we found everywhere a want of confidence; and the mission, the great duty, of this House is to restore confidence in the currency, to bring us back to the halcyon days when no more money was gathered from the people than was necessary for the economical administration of the Government, when there was no wasteful extravagance, and when there were no offices created for the benefit of office-holders, and when all were willing to receive what was necessary to give them a decent support, no matter what position under the Government they might occupy. The committee found upon investigation that we have an unnecessary number of officers, both domestic and foreign. This wrong had grown up in the flush times of the war, when plenty of paper money was issued and every one had it in abundance, when overwhelming fortunes were made, when extravagance prevailed everywhere. This system of making offices for the benefit of office-holders sprang up at this point of our history.

Sir, under our system of government offices are not created for the benefit of the office-holders, but for the public good; and whenever they fail to answer that end or are not necessary to the accomplishment of that purpose, then it becomes necessary that we as faithful guardians of the public interest shall abolish those offices and turn out all sinecure office-holders. I have no doubt that we shall hear wails from many of these. There will be individuals who will talk to every Congressman who will give them ear of their sorrows and troubles. To these complaints we can give no heed, as it is not the business of Congress to provide for chronic office-holders. Their feeble cries are swallowed up in the general wail that comes from the hearts of a suffering people.

It is not the business of Congress The Government was not instituted to take care of the few at the expense of the many. Has it come to this, that we are bound to make large appropriations in order to keep men in position and surround them with easy circumstances at the expense of the hard-working people of the country? When I say this, I do not say it with a view of appealing to that class of people; for they demand nothing but to be let alone; to have the hands of Government officials kept out of their pockets, except for necessary expenditures; to be permitted to cultivate the soil and to reap the fruits of their labor. But when you make a host of officers and give them high salaries in order that they may be clothed in purple and fine linen and fare sumptuously every day, you are doing injustice to your constituencies.

The salaries are too large; they have grown out of all proportion to what they were in the better days of the Republic, if I may so speak; and I hope no gentleman will take offense at the remark, for I think we have seen better days than those now upon us. In days gone by I find that we used to have as foreign ministers such men in 1841 as Edward Everett, minister to England; General Cass to France; Mr. Wheaton, the eminent author on international law, to Prussia; Mr. Jenifer, of Maryland, to Austria. They were entirely satisfied with the salaries they then received: $9,000 a year. It is true that for the first year they received an outfit of $9,000.

Mr. HOAR. The gentleman will permit me to say that I have heard Edward Everett make the most bitter complaints of the manner in which he had to appear at the court to which he had been sent to represent the United States.

Mr. SINGLETON. Very well; the gentleman was better acquainted with Mr. Everett than myself. I have no private sources of information upon that subject; I have never seen anything of that kind in print.

Mr. HOAR. It was in a public address that he made the complaint.

Mr. SINGLETON. It has escaped my attention altogether. At any rate our ministers then did not make any formal demand upon Congress for more pay; no effort was made that I am aware of to raise their salaries. Some gentlemen may say that they received an outfit of $9,000; that is true. But make your calculation: $9,000 salary and $9,000 outfit make $18,000 for the first year. Suppose the minister remains at his post for two years, he will have received $27,000, or at the rate of $13,500 a year. We propose by this bill to give them $14,000 a year. Suppose the minister shall remain there throughout an administration, four years, he will have received $45,000, or $11,250 a year, even counting in the outfit.

Our ministers then, as far as we know, always managed to appear respectably and were honored representatives of their country. I never heard of any of them writing treatises upon the game of draw poker; I never heard that they engaged in dealing in stocks of the Emma Mine Company or anything of that sort. They were gentlemen of the highest order of respectability; they were *sans peur et sans reproche* as ministers representing our Republic.

Mr. KASSON. Will the gentleman state what the pay of those ministers were fixed at in 1855 by a democratic Congress?

Mr. SINGLETON. I am coming to that.

Mr. GARFIELD. And before the gentleman leaves the point he has just been making, I hope he will also state that they not only received an outfit when going out but an infit of half the amount when coming home.

Mr. SINGLETON. There was no law for it.

Mr. GARFIELD. That was the law at the time.

Mr. RANDALL. That is not the law.

Mr. GARFIELD. It is not now.

Mr. RANDALL. It was not the practice, if you please.

Mr. GARFIELD. It was the practice, and not contrary to law

Mr. SINGLETON. I am not old enough to know all about what the practices were then.

Mr. GARFIELD. I ask the gentleman to make that statement in his remarks.

Mr. SINGLETON. There is no law for it, so far as I have been able to find out. There is another thing worthy of mention; at that time, so far as my recollection now serves me, there was no money allowed to the appointed minister for one month, which he now spends at home to receive his instructions and get ready for the mission. Now the salary as minister is permitted to run for one month before he leaves the United States, during which time he remains in the city of Washington to receive his instructions. And when his term of service expires, when he either chooses to resign or is recalled from his position, he is entitled to one month's salary, on an average, in order to get home again. I do not think that was the law at the time above referred to. If gentlemen can find it I shall be very glad to see it.

Leave of absence is now granted for two months and during that time the officer next in position, the secretary of legation, receives one-half of the amount of the salary of the minister, while the minister for sixty days is drawing the full amount of the $17,500 a year.

Mr. KASSON. The custom and the right were for the minister to draw his salary from the issuance of the commission, and the practice the gentleman refers to is a restriction upon the old practice.

Mr. SINGLETON. Yes; and they used to go to their work at once.

Mr. KASSON. I know of one or two instances where a man remained for months in the United States after his commission was issued to him, drawing his full salary all of the time.

Mr. RANDALL. Yes; but those abuses this bill will correct.

Mr. KASSON. That abuse was under the administration of the gentleman's own party.

Mr. RANDALL. I do not care; we will correct those abuses wherever we find them.

Mr. KASSON. In some instances men drew the outfit and never actually entered upon the service.

Mr. SINGLETON. That may be so for all I know; but it was to correct just such abuses that the law was changed, so that no outfit was allowed.

O, sir, I expect the gentlemen on that side of the House to make opposition to this bill; we look for it as a matter of course. I know that the contrast which we intend to present to the country before this Congress is over, if the Senate will concur with us, will be painful for gentlemen on the other side to look upon. When they see that we have made a reduction of from thirty to fifty million dollars annually in the expenses of this Government without impairing the efficiency of the service, it will be a painful spectacle for gentlemen to contemplate, now that the presidential election is approaching. We except nothing else but opposition; but we intend to "fight it out upon that line."

Mr. BAKER, of Indiana. Will the gentleman permit me to ask him a question?

Mr. SINGLETON. I will.

Mr. BAKER, of Indiana. I am sincerely desirous to vote for any legitimate measure of retrenchment and reform; and I presume the matter to which I now ask the gentleman's attention is provided for in the bill, but I fail to discover it. I observe the bill, as reported, proposes, commencing at line 85, to appropriate for the salaries of consuls, vice-consuls, commercial agents, and thirteen consular clerks, the gross sum of $230,400. This sum is to be paid out among one hundred and twenty-six consuls, vice-consuls, and commercial agents; but I fail to discover anywhere in the bill any provision for determining how much is to be paid to any one of these officers at any one of these places.

Mr. RANDALL. That is regulated by classes.

Mr. SINGLETON. The gentleman will find on examination that there is a classification of these officers, and the amount to be paid to those in each class is given at the head of each classification.

Mr. BAKER, of Indiana. Is it to be found in the present bill or in the Revised Statutes?

Mr. RANDALL. A provision of the Revised Statutes fixes the pay by classes. The second class of officers in this bill receive, for instance, $3,500 each; and they run down by gradations of $500 till they reach the seventh class, for which the pay is $1,000.

Mr. SINGLETON. If the gentleman will turn to the act passed two or three years ago he will find the classification giving the amounts which those of each class are to receive. When we proceed to consider this bill by paragraphs, we shall give explanations which I hope will be satisfactory to every man in the House.

Before concluding these desultory remarks it may be proper for me to state the manner in which we propose to make this reform.

Mr. BAKER, of Indiana. I would be glad if the gentleman would refer me to the provision of law regulating the point I have suggested. I fail to find it in the Revised Statutes, which I hold in my hand.

Mr. RANDALL. I can point it out to the gentleman.

Mr. SINGLETON. I hope the gentleman will take the bill and examine it to his heart's content. If he cannot understand it, I cannot help it; it is not my business to hunt up the law for him.

I will state our manner of proceeding. We have found that there were many representatives of our Government at points of very little commercial importance and really rendering no service to the country. We have called to our aid all the assistance we could get. We have had before us gentlemen who have visited all these consulates, and we have put inquiries to them in order to obtain all the information that they possessed upon the subject. We have talked with the Secretary of State. In fact from every source we have sought all the information that was to be had. Where we have found it unnecessary to continue a consulate we have proposed to abolish the office, and have declined to report an appropriation to pay the consul.

Again, we found that we were paying more than we should pay to some of these officers; we have reduced salaries; we have put officers into a lower classification with smaller salaries. Where we have found the "contingent expenses" too great, as they have assuredly been in many instances, as we shall be able to demonstrate as we proceed with the consideration of the bill, we have cut down these contingent expenses. By these means we have been enabled to reduce the appropriations under this bill, if the House shall adopt it as reported, about $450,000 below the appropriations of last year.

Last year the appropriation was about $1,300,000 in round numbers, and we have reduced that about $450,000, making about 33⅓ per cent. of reduction on the estimate.

Mr. BAKER, of Indiana. I will be glad to be again permitted to say that I acknowledge my ignorance in reference to this subject. I probably am obnoxious to the charge made, but still I am unable to find any provision in the statutes of 1874 making the classification specified. I should be glad to be referred to where I can find it.

Mr. SINGLETON. In volume 18 of the Statutes at Large.

Mr. HOLMAN. My colleague will find it in the Statutes at Large.

Mr. BAKER, of Indiana. I wish to know where it is before I am called upon to vote on this question. I am here to learn, and am not ashamed to ask for information until I get it.

Mr. SINGLETON. Now, sir, in the course we have taken, as I remarked a few minutes since, we do not expect to escape censure. The wounded pigeon will flutter, and we expect to see fluttering among the men whose heads have been taken off and among their friends as well as among those who have favorites abroad and who dislike very much to see their salaries reduced or their offices abolished. But as I said in the beginning, we have got a higher duty to perform than all this. We owe it to the country, which we profess to love and which we are sent here to represent, to bring it out of its present condition of bankruptcy if it be possible for us to do this.

Now, Mr. Chairman, what are the facts of the case? We are paying about $98,000,000 interest on the public debt. It is said that the ordinary (so called, but to my mind extraordinary) expenses of this Government for the last year have been $175,000,000. What necessity was there for this? In 1860, I believe, the expenditures of the Government were about $63,000,000. How does it happen that what are termed ordinary expenditures of the Government have run up to $175,000,000? It is all on account of the extravagance which is indulged in giving high salaries to representatives abroad, as well as like extravagances in every other department of the Government. It is this wasteful extravagance in the expenditure of the people's money that we must stop.

In reply to a question put to me by the gentleman from Iowa I will say I do not care under what administration these salaries were fixed at $17,500. I believe it was under a democratic administration. But, granting that to be so, we ought not to forget that the country is now embarrassed and we are in a condition where we must retrench. Such being the condition of the country, is it any good reason with the gentleman, as it certainly is not with me, because these salaries were fixed at $17,500 under a democratic administration that we should continue them at the same rate?

Mr. KASSON. If I do not interrupt the gentleman from Mississippi, I wish to call his attention to the real point involved here as I see it. He will find, so far as I am concerned, and many others on this side of the House, that we desire to reduce the expenditures wherever the circumstances authorize it, consistently with the interest and honor of the country. And I may be permitted to say, I regret that any political aspect shall be given to the diplomatic appropriation bill. What I wished to call his attention to was that this thing was done by a democratic administration, and it was found necessary at a time when expenses were necessarily not much over 80 or 75 per cent. of what they now are. At some of the capitals and places where it was found necessary, twenty years ago exactly, by a Congress that was supposed to be under no strong inclination to swell salaries beyond the amount needed, it was found necessary to fix them at those figures. The point is that we all know, those who have inquired into the subject, that the expenses at these capitals now are much greater than they were then. What I wish is ask whether the Committee on Appropriations had found such reduction in living at these foreign capitals as would justify them in reducing the salaries which were fixed twenty years ago, or whether this is a mode adopted by the committee of imposing a tax upon the men who happen to be abroad representing the Government, in the nature of an income tax upon their salaries? That is the way it strikes me in the absence of any proof where the cost of living is less now than it was twenty years ago. I hope I have made myself understood.

Mr. SINGLETON. Certainly, and I have only this response to make to the gentleman, that we were then rich and out of debt..

Mr. KASSON. The gentleman will allow me to say after that time we put a twenty million loan upon the market, and sold it at a heavy discount to supply the wants of the Treasury.

Mr. SINGLETON. We are now poor and overburdened with debt, and the very same principle which is good in relation to any man's private affairs will apply to the expenditures of the Government of the United States. You as the head of a family, or I as the head of a family, when we are outliving our income, finding our estate is being encumbered or already encumbered, and laboring to pay the interest on the debt, would we not say to the members of our household, if we were men of ordinary discretion, "You must curtail your expenditures, for I must pay this debt; I must get clear of this enormous amount of interest I am paying on my obligation." Each member of that household, therefore, would be under the necessity of curtailing his respective expenses. So it is with the Government. We owe an immense debt. How are we to pay that debt, if we go on spending all the money we can raise in paying the interest, and the extravagant expenses of this Government? When do you propose to get out of debt? You seem to be anxious now to keep up the public credit. You clamor for it day after day upon this floor. And how are you to do it? You are making no provision for the liquidation of your bonds when they fall due. We are bound to do this as wise men, as

faithful Representatives. I do not care under what administration the salaries may have been raised. There is no sanctity about the action of any class of politicians in this country, if we find they have taken a course inimical to the interests of the whole mass of the people.

The other day a gentleman on this floor, my distinguished friend from Illinois, [Mr. HURLBUT,] indulged in a tirade against this committee which I think did not do much credit to the gentleman. He charged that we were cowardly, that we were ignorant. Well, sir, that may be so; but I venture the assertion that there is not a man upon that committee who is not the peer of that gentleman in point of intelligence and moral courage. Such charges as these ought not to be made against the functionaries of this House. We have been selected, whether wisely or not, by the Speaker for the purpose of discharging certain duties, and I say that the gentleman only shoots an arrow that will recoil upon his own head when he undertakes to attack that committee wholesale as he did.

And there is my handsome friend from Maine—O, you need not [addressing Mr. HALE] look beyond yourself for the man [laughter]—who the other day, because my friend from New York [Mr. COX] was gaffing him unmercifully, got out of temper and pitched into the South with a *rim*, declaring we were here with immense amounts of claims demanding payment from the Government.

Did you intend when you established your Court of Claims that we should come and present just and legitimate claims for settlement? Have you not the whole control of that court? Is not every man appointed upon it of your own party? Why then do you complain when you invite us to present these claims, because we do your bidding and ask that they may be examined into and allowed if just.

"O," but you say, "they are presented to the House." What is your business but to watch these claims, and when you find one about to be passed that is improper, what is your duty but to see that that claim does not pass; that you expose it, and secure a vote against it in Congress? Now, sir, I am tired of this thing of your daily raids upon the South. I am from the South, and am a southern man every inch of me, from the crown of my head to the sole of my foot. But I have not come here for the purpose of exciting discord in this body. I have come for the purposes of peace. I want peace, and I wish myself and my constituents to be treated as other gentlemen and other constituencies are treated upon this floor. I do not want you when you get yourselves a little ruffled in temper to turn your batteries upon the South. It is a cheap sort of courage, let me say to gentlemen. We are here, as it were, bound; we are under a bond to keep the peace. Everybody knows it, and we feel it. When you indulge in such remarks you are not showing your manhood in a way that is at all creditable to you.

Mr. HOAR. Will the gentleman allow me to ask him a question?

Mr. SINGLETON. Certainly.

Mr. HOAR. I wish to ask him whether he heard a gentleman from the South say on this floor, with the applause of the men who sat all around him, that we had broken every oath we ever took?

Mr. SINGLETON. You had better hold that gentleman responsible for it. I am not responsible.

Mr. HOAR. Did you hear that statement made?

Mr. SINGLETON. I believe I heard something of that sort.

Mr. JONES, of Kentucky. Will the gentleman yield to me for a moment?

Mr. SINGLETON. Yes, sir.

Mr. JONES, of Kentucky. I wish to say that the gentleman from Georgia, in making that remark, alluded to the fanatics and "higher-law" men of the North, and not to the republican party.

Mr. SINGLETON. I think the gentleman from Georgia disclaimed any purpose to reflect on the masses of the people of the North. They are not with you. Their hearts are not in the war of attack upon the South in which you have been engaged since the meeting of this Congress. They do not show it in their meetings, you do not hear of it at any of their public gatherings. There is no evidence that their sympathies are with you. I hope from this time forward we will meet as brethren and as equals. I feel as long as I am a member of this body that I am the equal of the representative of any other constituency, if not in intellect at least in rights and privileges. I claim nothing for myself that I do not accord to others, and I hope that I will at least be regarded as representing a people brave, honorable, and true.

We did have a war of sections; but we were just as honest in the opinions we entertained as your people were, and I believe they give us credit for it. But I am not going back to that matter. We submitted the question to the arbitrament of arms. Your numbers and prowess overcame us, though we were brave as yourselves; and when we surrendered we did it in good faith; we did it like men who intended to stand to the pledges they made. You will find that while I hold a seat in this Congress I shall never unnecessarily or intentionally wound the sensibilities of any man who sits on the opposite side of the House. My associations with gentlemen on that side of the House are pleasant. I know many people in the North; I admire them because I know that many of them are true and honorable. They do not go with you when you undertake to bring sectional issues into this House for the purpose of stirring up discord and to make capital for the approaching presidential campaign. They see through this thin disguise; and when you are attempting to stir up strife between different sections of the country they understand the whole movement. I do not know how many presidential aspirants you have on that side of the House; but they are budding out pretty rapidly and pursue the course most likely to make capital for themselves, regardless of the public interests.

Now, sir, let us be done with this. I came here as your brother; I came here as your friend; I came here with the purpose of promoting the interests of my own people and yours. I shall strive in all my acts to build up the ruined South. I want you before this Congress adjourns to assist me in two or three schemes directed to that end, which I believe you will do, because your own interests imperatively demand such a course. I want to build up the Mississippi levees and reclaim its alluvial soil, which will prove a more fruitful source of wealth to the United States than the Black Hills of the Territories or the mines of California, because it is from this inexhaustible soil of the delta of the Mississippi River that we can raise 7,000,000 bales of cotton a year if properly protected from overflow. We expect to ask a small sum for this work that will develop this alluvial basin and enable us to purchase from you the goods we formerly purchased and contribute largely to the expenses of the Government.

Mr. HALE. Will the gentleman state what the other schemes are that people desire?

Mr. SINGLETON. I will. I am not afraid to tell it anywherere. Another one is a Pacific railroad.

Mr. HALE. The Southern Pacific Railroad?

Mr. SINGLETON. Yes; and then again I want the jetty system carried out at New Orleans which promises to admit vessels of the largest tonnage up to the wharves in that city. And if we can get these things accomplished you will find the South blossoming like the rose. You will find sources of wealth to you and the whole country that you never dreamed of.

Mr. HALE. Is not the refunding of the cotton tax another object which the gentleman desires?

Mr. SINGLETON. Well, I do not propose to discuss that now. When the proposition comes before the House I will give my views upon it.

Mr. WILLIS. I would like to suggest to the gentleman from Maine that the democratic party do not propose to help the South by building a Pacific railroad. The republican party may do so if they feel disposed; but, so far as we are concerned, we do not intend to indulge in any subsidies, the republican example to the contrary notwithstanding.

Mr. HALE. I wanted the gentleman to state as a representative of the southern democracy what the democratic party, of which it constitutes a large portion, expect to carry before Congress adjourns? I thank him for the candor with which he has answered my question and the monition he has given the country.

Mr. SINGLETON. I stated that I had three schemes in view.

Mr. DOUGLAS. I would inquire of the gentleman from Maine by what authority he says that the gentleman from Mississippi is the representative of the southern democracy here?

Mr. HALE. I did it because, although it was not an assumption on the part of the gentleman from Mississippi, for he is not an assuming man, but he claims to state for the southern people as their representative, speaking distinctly for them, complaining of the republican party, that they required certain schemes, and I used his words, that the South wished to accomplish before Congress adjourns. I wished to know what they were, and I thank the gentleman again for the monition he has given to the country, and especially does the gentleman from Mississippi represent the southern people, because he has been selected as one of their representatives on the Money Committee of the House.

Mr. DOUGLAS. That may be all so; but I deny the right of the gentleman from Maine to designate him as the representative of the southern democracy.

Mr. HOLMAN. The democratic party is neither for the Southern Pacific Railroad nor for refunding the cotton tax.

The CHAIRMAN. Does the gentleman from Mississippi yield for these interruptions?

Mr. SINGLETON. Mr. Chairman, I am one of the best-natured men you ever knew in your life, and I yield, of course.

Mr. DOUGLAS. I deny the right of the gentleman from Maine or any other gentleman on that side of the floor to designate the gentleman from Mississippi or any other gentleman as the representative man of the southern democracy on this floor.

Mr. JONES, of Kentucky. He is one of them.

Mr. DOUGLAS. I am not a member of the southern democracy; I am a member of the national democracy.

Mr. SINGLETON. Exactly.

Mr. DOUGLAS. And we have come here to reform the abuses of the Government.

Mr. HALE. The gentleman from Virginia [Mr. DOUGLAS] is a little less frank than the gentleman from Mississippi, [Mr. SINGLETON,] for he says that he is not prepared to state what he may desire to bring before Congress before this session is closed. The gentleman from Mississippi is more frank, and has given us a monition of what we may expect from that section.

Mr. SINGLETON. O, no.

Mr. HALE. I did not expect that a simple question from me would have stirred up such a hornet's nest as this. My friend from Indiana,

[Mr. HOLMAN,] who opposes the project of the Southern Pacific Railroad, wants this discussion stopped; I do not wonder at it. But he must not call me to account for announcing that one of these schemes is the Southern Pacific Railroad; he must settle that matter with the gentleman from Mississippi.

Mr. HOLMAN. The honorable gentleman from Mississippi, a distinguished representative from the South, expressed himself in favor of the Southern Pacific Railroad and in favor of the Government repairing and constructing the southern levees. Is not that all?

Mr. HALE. That was not all.

Mr. HOLMAN. And also in favor of the proposition that the Government shall expend money for the improvement or construction or repair of the Mississippi levees and jetties. Does not the gentleman from Maine [Mr. HALE] know that the gentleman from Mississippi is expressing simply his own individual views upon that subject, and that time and again the democratic party in this House has opposed all those measures and will continue to do so?

Mr. HALE. Does the gentleman ask me what I know about that?

Mr. SINGLETON. Gentlemen, I hope you will get through after a while. [Laughter.]

Mr. HALE. Does the gentleman from Indiana want me to answer his question?

Mr. HOLMAN. It is not necessary for the gentleman to state what we all know so well.

Mr. HALE. I expect that the gentleman will be outvoted by his own party.

Mr. BLOUNT. I ask the gentleman from Mississippi [Mr. SINGLETON] to allow me a moment.

Mr. SINGLETON. Surely.

Mr. BLOUNT. I desire to say this in reply to what the gentleman from Maine [Mr. HALE] has said in reference to the desire of the people of the South for a Southern Pacific railroad. The gentleman seems not to be able to appreciate the course of my friend from Virginia [Mr. DOUGLAS] in not announcing positively how he stands upon measures that may hereafter come up for consideration in this House. I say to him that my purpose is not to discuss questions here before I have had an opportunity of examining them. When we have had an opportunity to consider and examine these questions, then it will be decorous for me to take a position upon them. We are not here now as commissioners to take testimony, as the gentleman from Maine seems to be doing for his own particular party purposes. We occupy a much higher rank than that. I think when the time comes the gentleman will find that the South will do whatever is right and proper, and that the country will deem our course right in not announcing what we will do on measures not yet up for consideration.

Mr. RANDALL. Will the gentleman yield to me for a moment?

The CHAIRMAN. The Chair deems it his duty to inform the gentleman from Mississippi that he has but five minutes of his time remaining.

Mr. SINGLETON. I yield to the gentleman from Pennsylvania.

Mr. RANDALL. I think the democracy of this House ought to be held responsible for their acts. When they shall recommend legislation and carry it into effect it will be time enough for the other side to hold us responsible, and not till then.

Mr. SINGLETON. I suppose, as I am a very small man, gentlemen may not consider me a representative of my party.

Mr. HALE. I know that the party has no better representative.

Mr. SINGLETON. I said that I expected to ask you to vote for certain measures. I did not speak for anybody on this side of the House; I simply gave utterance to my own views. It is not for the gentleman from Maine [Mr. HALE] to hold anybody else responsible for what I say. I am but an insignificant member of this body, and do not desire to be a leader in my party, or to represent any but the constituents who sent me here. I hope the gentleman is satisfied.

I did not suppose I was to stir up such a trouble on the republican side of the House when I took the floor, and I have got so completely off the line of my argument by all these interruptions that I do not believe I shall be able to get fairly started again. [Laughter.] I am not so sure but that was the purpose and intention of some of my worthy friends over there when they broke in upon my remarks.

Mr. HALE. O, no; that is unkind.

Mr. SINGLETON. I think I have said enough at present touching this bill. I have a few remarks prepared to which I will not attempt to give expression.

Mr. HOAR. We will extend your time if you want.

Mr. HALE. I hope the gentleman will be given all the time he requires, for he has been interrupted so much.

Mr. SINGLETON. O, no! No, I do not ask it.

Mr. HARRIS, of Virginia. It is a selfish courtesy in you to propose to extend his time. You wish to ask him a few more questions in the hope that by the frankness of his answers you may get something that you can take advantage of and carry back to your district.

Mr. SINGLETON. Mr. Chairman, a word more and I am done. For twenty years past, more than half a generation, the brotherhood of States inaugurated by our fathers, built up and cemented by their blood, has been disturbed by the agitation of the question of African slavery and its adjuncts. In the conflict of opinion and clash of arms that institution has perished forever. The Constitution has been amended, fully guarding against its re-establishment. Everywhere the freedom of the slave has been acknowledged, and in no portion of this country more fully than in the South. Like other great questions it has had its day, and it is now time that the agitation growing out of it should cease, and that there should supervene a better state of feelings between the sections of this country. I grant you, sir, that, reared under a form of government like ours, where independence of thought and individual opinion have ever been encouraged, it may not be deemed strange that there should have arisen differences of opinion upon grave questions of domestic policy, but the strange part of it is that, with all the cohesive powers of American citizenship, with all the memories of a common revolutionary struggle, with all the incentives to unity which now press upon us, there should be found one single man, claiming this as his native soil, who is willing to lend his power and influence to keep up sectional strife.

I know that the civil war in which we were engaged makes a record of many bloody pages, and examined with a critical eye awakens many unpleasant reminiscences, starts many a ghost from its lonely haunt; but I submit that it is neither wise now profitable to be courting these dead scenes of the past and disentombing incidents and events giving nothing but anguish and pain.

Would we draw a lesson of wisdom from the laws that govern the physical world, we would see that wherever an injury is inflicted upon any of the works of nature which is not irreparable, as soon as the cause of injury is removed, like a good matron and skillful architect she begins the process of restoring things to their original beauty and healthfulness. The woodman thoughtlessly sticks his ax into the beautiful forest-tree, it weeps for a time, but soon the work of renovation begins; or, if the stroke be fatal, from its root will spring the young tree to take its place. Disturb the limpid stream by stirring up the sediment at its bottom, or by any extraneous substance, and how soon does it purge itself of these foreign elements and assume anew its sparkling beauty. The plowman rudely plunges his share into the surface of earth and destroys the beautiful sward which covers its even surface, but he has scarcely passed along, before, by the laws of gravitation, and the action of the winds and rains, the work of leveling and redecorating is begun. So would it be in the social, moral, and intellectual world were it not for the perversity of human nature, and the determination of some men to rough-hew every side of life, in defiance of that divinity which it is said will ultimately "shape all our ends."

Yes, Mr. Chairman, there is now and ever has been in the world a class of men who, like the redoubtable knight of La Mancha, frequent the highways of life with couched lance, offering battle to every comer. I rejoice to know the day has passed for these mock heroics, and they have fallen into contempt with sensible men everywhere.

True statesmanship rises to a plane far above a mere talent for dramatic representations of nursery tales to frighten children or skillful waving of some bloody shirt borrowed from the museum of Fox's Book of Martyrs. What is now looked for and demanded of members of Congress, in this and the other House, is not inflammatory appeals to the worst passions of our nature, not crimination and recrimination, not the arraying of section against section and race against race, but broad, national, practical views of the great questions now pressing upon us for consideration and solution.

In conclusion I wish to assure gentlemen upon this floor, and to proclaim to the outside world, that we of the South have come here in the interest of peace, in the interest of every measure tending to make us a prosperous, happy, united people—in the interest of every citizen of our broad land, white and colored, determined to know no difference on account of section, color, class, or previous condition.

If our friends from other sections of the country will meet us upon this platform we shall soon see that country waking up, like a strong man from sleep, grappling with the mighty problems now pressing for solution, and taking the lead among the nations of the earth in all that is great and good in human affairs. As an important step in this direction let us retrench our expenses, that there may be no charges of extravagance by one party against the other and cause for family quarrels. This bill has been well considered by the committee, and should commend itself to every Representative upon this floor.

Mr. MONROE. In what I have to say upon this bill, Mr. Chairman, I shall speak to the questions involved in it. I have no wish to introduce any political topic. I shall ask leave to call the attention of the Committee of the Whole back to the considerations which the bill and the changes proposed in it naturally suggest. The bill contains some noticeable innovations upon the past practice of the Government. Those changes may be grouped in two classes: the first includes a considerable reduction in the number of the diplomatic and consular representatives of the Government abroad and the second contains a general reduction of salaries. Perhaps there are other points, but these are the two main changes from former legislation. If time will permit, I may say a word upon both these points, although my principal interest is in the first, the diminution of the number of our representatives abroad, the withdrawal of the ministers and consuls from so many foreign nationalities and ports.

The object of this bill of course, as the gentleman from Mississippi [Mr. SINGLETON] has so fully explained, is retrenchment. Now, I wish to say that I am most sincerely in sympathy with that object. I expect often to vote this winter with the Committee on Appropriations to secure that end. But, sir, I cannot help thinking, from some knowl-

edge of the foreign service and of the business of the Department of State, that they offer perhaps about as unpromising a field for doing much in the way of retrenchment as that committee could well find. Congress has not been generally much disposed to give extravagant salaries to the representatives of the Government abroad; and it so happens that for a long time past the Department of State has been administered not only with singular uprightness and honesty, but also with great care and great business ability and discretion.

We must not forget—the gentleman from Mississippi I am sure is not disposed to forget—what the true definition of economy is. I understand a true economy in legislation to be this: That we will not spend the money of the people for anything which will not at least be worth as much as or more than the money which it costs; and it certainly would not be economy to cut off any branch of the service which should be found to be worth more than the money expended upon it. With the true definition of economy in view, I hope often to be able to vote with the Committee on Appropriations.

Mr. Chairman, in noticing in the first instance the large reduction in the diplomatic and consular force of the country abroad, I beg leave to call the attention of the Committee on Appropriations and of the House, especially the lawyers of the House, (as I am not a lawyer,) to one aspect of this whole question which seems to me to be of some importance. I wish to ask the committee whether this rather abrupt and quite large diminution in our representation abroad is showing quite proper consideration for the other branches of the Government, to whom the duty of making appointments abroad is especially assigned by the Constitution. I do not say that this large reduction, without the advice or consent of the President or the approval of other departments of the Government, is a violation of the prerogative of the President in respect to the appointing power. I suppose lawyers would say that it is not an unconstitutional act to remove entirely these ministers and consuls. But, sir, when we remember that the Constitution makes the President of the United States and the Senate the judges of what diplomatic and consular representatives are required abroad; when we remember that the Constitution vests in the President the appointing power; when we recollect that the President has for a long time sent abroad, according to his best judgment, these ministers and consuls whom you propose so abruptly to withdraw; and that this very year the Executive Department has sent in estimates to pay the salaries and expenses of these very officers who, as you propose, shall no longer have official existence; when we remember all this, while I do not say that the bill violates the Constitution, I do beg leave to submit to the lawyers and statesmen of the House the question whether it exhibits that delicate consideration for the other branches of the Government which it is so important to maintain under a free constitution like ours.

Undoubtedly the Constitution gives this House great power as to salaries; and I freely admit that a couple of thousand dollars more or less in the salary of a minister is in no sense an infringement of the President's prerogative; but I wish to ask the committee whether it is exhibiting the proper consideration for the other branches of the Government for us utterly to withdraw a large number of salaries of officers whom they have been in the habit of appointing and confirming, and whom it has become a settled custom of the Government to send abroad. Have we even given them notice? Is it not rather an abrupt proceeding? We have their estimates here; we have virtually the recommendation of other branches of the Government that these gentlemen shall be paid and sent abroad, but we thus abruptly decide that we will have nothing of this kind done.

I happened, Mr. Chairman, to reread with great interest within a week past the debate upon the Panama mission. It is a most remarkable debate, and no one can go back and read it without profit. There was great diversity of opinion expressed in Congress as to the wisdom of holding the Panama convention; but when Congress came to vote upon the question of providing a certain amount of money for salary and outfit for representatives to that convention, it was voted with cheerfulness. I find that members of Congress at that time gave as a reason for voting for it that, whatever might be thought of the wisdom of the mission, they did not wish to infringe upon the constitutional power of the President; that, as he had recommended the sending of representatives to the Panama convention, the money ought to be appropriated to pay their salaries and expenses. I cannot help thinking, from the character of members of that Congress who discussed the subject, that this view of the case is entitled to great weight.

Why, Mr. Chairman, we are jealous in this House of our constitutional sphere. Let any gentleman get up here and attempt to quote a private conversation with the President to influence legislation, and we should all shout "Order!" from every part of the House; we should say You have no right to use an opinion of the President, expressed in this way, to influence legislation; this is outside of his constitutional jurisdiction. We would not allow a man to get up here and quote the opinion of a judge of the Supreme Court to influence us; and we are right. This House has always been sensitive and jealous in regard to any encroachment upon its constitutional powers. I approve of that spirit. Let us exhibit the same sensitiveness and the same delicacy in regard to our encroachment upon any other department of the Government.

It is a common maxim you will find in almost any book on government—I believe it was attributed, in the first instance, to Alexander Hamilton, perhaps only because we are in the habit of electing some man to attribute all the wisdom to—that no free government with a free constitution, in which there is a partition of powers between the different Departments, can go on prosperously for a great while without each of the Departments exhibiting a good deal of careful consideration whenever it is in danger of encroaching upon the constitutional prerogative of any other. It is not quite enough that we should not plainly violate the Constitution, but we should keep a little inside of the exact boundary line between our own constitutional authority and that of the President and the Senate. It is not wise that those who are officers of the Government in each Department stand with drawn sword, in an aggressive manner, upon the outer boundary of their constitutional sphere and there threaten others. That is not the way to keep the peace between the different Departments of the Government; that is not the way to preserve the Government in its integrity. The thing which each of the Departments of Government should be careful to do is, first of all, not to encroach in any unconstitutional way upon the prerogative of the other and, secondly, to be careful to exhibit a certain delicacy and consideration in regard to the matter.

In looking back I notice it was the habit of Congress in the earlier part of our history to vote a sum in the aggregate for consular and diplomatic expenses. It was so in Washington's time; it was so still later, and the reason given in Congress for it was that it is not for the House of Representatives to determine to what places the President shall send ministers and consuls; that he is made by the Constitution the proper judge of what points it would be wise for us to send such representatives to. Hence they preferred to vote a round sum, commit it to the care of the President, and then leave him, with the advice and assistance of the Senate, to exercise a sound discretion in applying it in such manner as he should think the interest and honor of the country demanded. I cannot help thinking it was a better method than dictating to the President what the salary shall be, no matter how remote or obscure the place, and no matter what information the President may have in regard to the importance of the mission or the relations of the Government to the different nations. We have taken this whole matter into our own hands, but I cannot help thinking we have been going a little too far.

Now, Mr. Chairman, leaving this point, I wish to discuss a little the changes which have been made in this bill upon their merits. There are quite a number of these changes. I see that a minister has been withdrawn from Greece. Well, this is not in the present state of our commerce a matter in itself of very great consequence, yet I cannot forget that in the year 1824, I believe, fifty-two years ago last month, a man somewhat known in the United States in his time and still remembered by some people, Daniel Webster, of Massachusetts, rose in his place in the House of Representatives, and before Greece had given a promise even to the world of her ability—yes, she had given *promise* in the blow she had struck—but before Greece had given any proper *evidence* of her ability to maintain her independence Daniel Webster offered a resolution to the effect that the President of the United States should be requested to send a diplomatic representative to Greece to express our sympathy to her, inquire after her welfare, and what could be done for her, and to appropriate from the Treasury of the United States such sum of money as should be necessary for this purpose. That was when the United States had an income of $20,000,000, about one-fifteenth part of what it is to-day. And another name which has been heard in this country, Henry Clay, of Kentucky, followed Mr. Webster and made one of the grandest speeches of his life in support of that resolution. Why, sir, hardly anybody at that time, outside of a certain circle of liberty-loving men, believed Greece could maintain her freedom. It was only subsequent events, and very honorable events they were to the powers which took part in them, which demonstrated this fact. And yet these great statesmen were in favor of incurring the expense of sending to her a diplomatic representative. I am aware our commerce in Greece is now small, and yet, Mr. Chairman, I have an impression that even now there might happen any day in Athens or other ports of Greece peril enough to life and property of American citizens to quite justify a salary of seven, eight, or ten thousand dollars a year for a minister to remain in the country.

But a word further; I am not in favor of arranging our service abroad with reference to the present state of our trade and of commerce.

I look for a revival of commerce. It ought to come. It must come. And I believe, with the resources and energy of the American people, with their immense coast-line and their immense facilities, they will certainly have a great commerce. And I am not in favor of adapting our representation abroad to the state of things which now exists, as if it were the only one which could exist. I would have a minister in Greece if I were permitted to decide the matter, and I would keep in view the fact that the time might come when we would have a considerable commerce with Greece, and when instead of importing the large amount of her products which we now consume from the ports of Liverpool and Havre, we would import them directly in American bottoms from the ports of Greece herself.

This bill takes away the minister from Hayti. I do not quite understand why the minister is removed from Hayti, while one is left for Liberia. Hayti is much nearer to us; its resources are much greater; our commerce with it is much larger. We have really very little to do with Liberia. The United States has about 40 per cent.

of the commerce of Hayti, and as that commerce is pretty large, our interests will become even more important as business revives. Why should a minister be left to Liberia and one be withdrawn from Hayti?

But I must notice another topic in connection with this bill which to me is of more interest than any I have thus far named. I wish to speak of the large reduction in the number of our diplomatic and consular officers in the republics of South America. An important change is made in this respect by the bill. We have now eight representatives to nine republics. This bill proposes to give us four representatives to nine republics. In two instances it calls upon a single minister to take charge of three nations of considerable magnitude and look after all our interests in them. In another instance it makes it the duty of the minister to take charge of two republics; and in another instance, by some matter of grace, one of the South American republics is allowed a whole minister to itself. This is the division of the force there. Well, Mr. Chairman, neither my friend the chairman of the Committee on Appropriations nor any gentleman in the House will for a moment deny that this bill contemplates on the face of it a very large diminution in the intimacy of our relations with those republics. If you are prepared to take the ground that the whole civilized world has been in error in supposing consular and diplomatic representatives had important functions to perform, that the whole thing has been a cheat, that these men are a mere ornament, that the greatest commercial power at the present time on the face of the earth is wholly wrong in having filled the world with her diplomatic and consular representatives, believing them to be supports of her great commercial interests and her immense trade—if that nation is mistaken, if all the nations are mistaken, all the civilized nations that have thought diplomatic and consular representatives useful in the protection of commerce, in acquiring knowledge, in producing more intimate relations, in extending commercial and political influence over the world—if the nations have all been wrong in this, why then not only is this bill right, but we might as well abolish our whole diplomatic and consular force.

But if the whole world have not been mistaken, then we are prepared to believe that, when gentlemen propose to take from the republics of South America one-half of all the diplomatic representation that is now sent to them, this implies the sundering of the bonds that have united us to them to a very large degree; that it implies a diminution of our intimacy with them; that it implies a diminution of the amount of our knowledge of those countries, of their resources and of the fields for our commerce which are open there. I know our friends will tell you that one minister can do the work of three nations. Now, I will not dwell long upon this, because my friend from Illinois, [General HURLBUT,] if I may be allowed to use his name in debate, has been minister of the United States at Bogota, the capital of one of these countries, and may like to give the committee some account of the difficulties a minister of the United States has to encounter in reaching even one capital in safety and in getting home again.

But gentlemen propose that one minister shall take charge of Ecuador, Peru, and Colombia. Bogota is hundreds of miles in the interior. Quito is a long way in the interior. It is a great journey from the coast to Bogota, an immense journey from Bogota to Quito, and a great journey from Lima to either. I state what I believe to be much below the truth when I say that a minister who should be accredited to those three states, and try to divide himself faithfully among them, would have to devote at least one-quarter of all his time to travel.

He would be on the back of a mule about one-fourth of each year. He could hardly be called a minister resident while in that situation, but he would be on the way to some point where he might have duties to perform. He could not give to the republic of each of those states more than one-fourth of the time of each year; he could not be more than three months at any one capital, and my real opinion is that he could not be more than two months in the year at any one place.

Well now, sir, what chance would a minister who remained only two months in a year have in comparison with ministers from Europe who should remain all the time? What opportunity would a minister from the United States have to gain influence and to strengthen the influence of his country?

So that, Mr. Chairman, the practical question which is involved in this bill so far as it relates to the South American republics is simply this: is it a wise thing for us to reduce to so large an extent our intimacy with these republics? Is it a wise, is it a good thing for the United States to make this intimacy with these people not only so much less than it has been, but so much less than that of the great powers of Europe? Is it advisable to allow foreign powers to be so much more intimate with these republics than we propose to be ourselves?

This must depend somewhat upon what these countries are and what their resources are. I hear men talk of the South American republics as if they did not amount to much; but we shall find on examination that they have resources for the foundation of future greatness and power absolutely limitless so far as we can discover.

I have taken the liberty to prepare a table embodying some facts in regard to the wealth and resources of these eleven South American republics. I do not intend to read the details, and will give only the aggregates, but I shall submit the table to the reporters to be printed with my remarks.

The republics of South America.

Countries.	Area in English square miles.	Population.	Imports.	Exports.	Receipts.	Expenditures.	Foreign debt.
Argentine Confederation	516,000	1,737,000	$55,000,000	$32,500,000	$18,607,000	$20,098,000	$50,855,000
Bolivia	473,000	1,742,000	6,445,000	6,620,000	2,930,000	4,506,000	8,500,000
Chili	131,000	1,939,000	37,928,000	38,810,000	14,260,000	16,009,000	36,981,000
Colombia	432,000	2,901,000	(a) 15,375,000	(b) 5,386,000	3,993,000	3,150,000	53,086,000
Ecuador	219,000	1,300,000	996,000	2,025,000	1,814,000	1,875,000	9,120,000
Paraguay	57,000	1,200,000	(c)	2,600,000	550,000	456,000	(d) 10,000,000
Peru	503,000	3,199,000	25,000,000	30,000,000	58,983,000	57,914,000	191,100,000
Uruguay	74,000	221,000	15,000,000	12,000,000	5,947,000	8,691,000	35,000,000
Venezuela	368,000	2,200,000	5,000,000	6,000,000	3,450,000	4,500,000	33,472,000
	2,773,000	16,439,000	160,744,000	135,941,000	110,534,000	117,199,000	428,114,000

(a.) From Great Britain only. (b.) To Great Britain only. (c.) Not ascertained. (d.) Excluding sums said to be guaranteed by recent treaties.

I will set before the committee some of the principal facts bearing upon the resources of this great region, and you shall decide whether it is worth while for the United States to keep up an acquaintance with these people.

In the first place, the area of these republics is 2,773,000 miles. That is three-fourths of our total area, including Alaska, and it is well-nigh as large as our area excluding Alaska. It is almost as large as all Europe.

Mr. Chairman, a good deal of study of these countries and their resources has convinced me that as regards the wealth of the ocean, the wealth of the fields, the wealth of the forest, and especially the wealth of the mine, there are not three millions of square miles anywhere on the whole surface of the earth that are superior to this great body of lands.

The population of these republics is sixteen and a half millions—more than one-third of our own population. The imports of these countries for the year 1873, as near as I can arrive at them, were $160,000,000. Now, I want the committee just to hear these words: The aggregate imports of these republics in 1873 were $160,000,000. That is quite an item. We have got so accustomed to deal with tremendous figures here that perhaps gentlemen may not think much of this, but it is really quite an item. The total exports of these republics during the same year amounted to about one hundred and thirty-five millions of dollars. Now, sir, there is enough carrying trade in this immense commerce of one hundred and sixty million of dollars of imports and one hundred and thirty-five millions of exports to contribute largely to the wealth of our country if we only had control of it. But what is the fact? We do not get it at all. Who has got it? Why, Great Britain has got it. Well, sir, has Great Britain got it by calling home her ministers and consuls and refusing liberal provision for representation in all these lands and for acquiring the most thorough knowledge in regard to the trade and resources of these republics? Far from it. Great Britain makes the most liberal provision for diplomatic and consular representation in all these countries of any nation on the face of the earth; and she reaps the advantage of it. Great Britain reaps the advantage of all this trade. It is really as much her trade, so far as profit is concerned, as if it were carried on within the limits of the British Isles.

What does Great Britain do? She sends her vessels out to all these countries and they return loaded down with the products of those States in the form of raw material. If you go to Montevideo and Buenos Ayres you will find British vessels loading with hides, skins, and tallow and yerba mate. At Valparaiso and other ports they are loading with copper and other ores. They carry guano from Peru, as well as calisaya bark, niter, sheep, wool, and alpaca wool. From Ecuador, Colombia, and Venezuela they carry cotton, coffee, cocoa, and a great variety of dyes and drugs, and valuable woods. I will not detain the committee by enumerating all the articles these countries produce. I have given but a short list of those productions, of the articles of raw material which are carried to Great Britain by her ships.

And what does she do in return? Her ships carry back to those countries her manufactures of cotton, wool, linen, her manufactures of iron, her machinery, and all sorts of cutlery and implements, everything that the miner, the planter, the house-keeper may want; a vast multitude of that class of goods which in this country we include under the head of "Yankee notions."

Now, although Great Britain carries away the larger part, say two-thirds or three-fourths, of the $135,000,000 of exports from these countries, yet she takes care to carry back manufactured articles enough to keep a good healthy balance of trade in her favor.

The receipts of these countries into their respective treasuries amounted in the aggregate in 1873 to $110,000,000—more than a third of our own revenue; and their aggregate expenditures amounted to $117,000,000. That does not show a very large aggregate deficit in those countries. And I must also inform you that these countries all aspire to the possession of a national debt. They desire to take their places among the great nations of the earth in this respect. Those debts amount to $428,000,000; only about one-fifth of the amount of our debt. They are not so nearly up with us in the matter of national debts as they are in other matters; but when you come to think of it they have a good, respectable national debt. I obtain these facts mainly from the Statesman's Year Book for 1875, the latest copy in my possession. All this money is borrowed in England.

These countries are building railroads and carrying on all sorts of internal improvements for the purpose of developing trade and resources. Great Britain sees it is a good thing for her and for them to develop and bring out their resources, and British subjects lend their money for that purpose. Perhaps you will say that British subjects will have a hard time in recovering their money. Do not give yourselves any concern about this. Great Britain, through the closeness of the intimacy which she has cultivated with these countries, has a first mortgage on the whole of them—on the choicest and the best of all they have—in order to secure the payment of the interest and principal of the money loaned to them.

Great Britain has a mortgage on the customs revenues of Ecuador and Colombia, on the guano islands of Peru, and on the mines of the other States, and the profits of their railroads. While lending them her money, she has taken good care to secure in various ways the payment of the interest and principal. At the present time Great Britain, commercially speaking, has really taken possession of these eleven republics, and is making their mighty resources and the great profits of those resources a tributary to the tremendous tide of her prosperity and power.

I do not say this in the way of criticism; I mean merely to compliment Great Britain as a first-class business country; that is all. There has been no dishonesty and there is no dishonor on her part in the transaction. In fact, the relations of Great Britain with these countries has been greatly to their advantage. I only have the natural feeling of an American when I think how much more properly all this most profitable trade might come to us, and how in various ways we have failed to take the proper steps to secure it.

What are the facts that lie on the face of these statistics to which I have referred? Here they are: First, here is an immense region, a continent, one of the noblest on the face of the whole earth, with resources of wealth absolutely without limit; secondly, this immense business, these vast profits, which ought to have come to the United States, have fallen into the hands of England. These are facts for us to consider. But there is another and practical question for us, and that is whether there is any reason in the nature of things why this should be so, why it has been so, or why it should continue to be so.

My friend before me [Mr. O'BRIEN] is a Baltimorean, and he knows the interest of that port in the South American states. I have friends here from the port of New York who feel a similar interest. Now the practical question for them and myself and all of us here in this House is whether there is any necessity for this state of things. I say, Mr. Chairman, there is no good reason whatever. On the other hand we have such important advantages in our relations to these republics that if we would only take the proper steps we should certainly control almost the whole of this trade.

What are these advantages? Why, sir, in the first place the political sympathy of these states is with us much more strongly than it is with Great Britain. Their constitutions were almost all modeled after ours. The people there name their children George Washington and Benjamin Franklin and Thomas Jefferson. I never met a man from Chili or Peru who did not grasp my hand eagerly and speak of my being an American as a thing which made me his first cousin, because I was a citizen of the great Republic. They naturally like us; they naturally sympathize with us; they would prefer to have intimate commercial, diplomatic, and social relations with us to any other people on the face of the earth.

Then we have a great advantage as regards proximity. From our Atlantic cities we can easily reach Venezuela and the river Platte. We can reach the Pacific republics across the Isthmus or from our Pacific cities very readily. We ought, then, on every account to have had this immense and very valuable trade.

But, sir, the war, the desolating war, the war that absorbed all our money and all our strength, undoubtedly the war broke down our commerce. Cruisers were sweeping the seas. Our commerce, from being one of the greatest in the whole world, shrank at once to something comparatively insignificant. We lost our commerce. We could not help that while the war lasted. But, thank God, the war is past. Peace has returned. We are now at liberty to go to work and use our united energies to re-establish commercial relations, to make business revive, to pass such legislation as shall be most favorable for putting us in advantageous relations with these southern republics, so as to bring back to us what we have lost. That is what we should do.

My honest opinion is that we have only to cultivate intimate relations with these people, to acquire a thorough knowledge of all their resources, and to wait a little until the tide of business in our country shall rise, as I believe it must before long, and then we shall find ourselves recovering that lost field of commercial profit. It belongs to us, and we ought to have it.

Let me say further that the commerce of these South American states has the great advantage of being a fresh field. It is comparatively a virgin field; and it belongs to us. Why, sir, the avenues and opportunities for trade in the Old World are very much preoccupied; but it is not so with South America. Those states have not yet taken that fixed and rigid character which belongs to the countries of the East. There is nothing to prevent our going there and asserting our claim. I believe that one of the noblest fields for commerce which the future will develop will be these states of South America; and as Americans we ought to possess it.

Our friends who have charge of this bill will no doubt tell us that the existing commerce with those States is what they base the bill upon; that our very small commerce there at the present time is a good reason for cutting off our close relations with them. But, Mr. Chairman, do we mean to accept the present low and poor condition of commercial prosperity in this country as a thing unchangeable? Do we mean to adapt our consular and diplomatic representation abroad and all our legislation here to the present amount of our commerce, as if that must be, by some sad providence of God, an everlasting permanency; as if we are never to have anything better? I am not in favor of that. Do we mean to proclaim to the whole civilized world that we do not intend to be a great commercial power; that we mean to have our names erased from the list of the commercial nations? Is that the feeling of this House? I cannot believe it is. I have hope enough in the future commercial prosperity of my country to be willing now and then to risk the salary of a minister at $7,500 a year or a consul at $1,500 or $2,000 a year on the chance of getting it. I have hope enough of the future of the country to be willing to make a little provision for it. No, sir; we must not shape all our legislation as if we had no future.

If there were time, and if it were worth while, I might inquire whether it is in accordance with the traditions of our country and with the political views which have been most favored among us, to give to foreign powers so much more influence with these republics than we are asserting for ourselves?

I have no wish to introduce any political discussion here; I will simply say as an American that I do not like to see Great Britain, France, Germany, or any other country—and I admire them all and wish none of them ill—I do not like to see any of them get ahead of us in any of the capitals of South America. We are naturally first in these capitals and should stand first there and have the greatest influence.

But, Mr. Chairman, I hurry on to notice another point, which our friends perhaps have overlooked, and that is, that there is a great inclination on the part of American citizens to invest their money and engage in business in the South American states. I discovered that years ago when residing in Brazil. I think there is no foreign country where an American loves to go and risk some part of his money better than in one of these states. It is so to a considerable extent already; it would be so to a greater extent if our business was prosperous; and the reason of it I take to be that there is an immense amount of pioneer work to do in all these South American states. They have to build railroads and to do an immense number of things which we began a great many years ago. They have not the capital to do it; they have not the engineers; they have not the enterprise; they have not cultivated, though they are intelligent people, the sort of capacity that takes in charge large enterprises, organizes them well, and carries them on successfully. And there is no doubt, Mr. Chairman, that Americans are the best adapted of any people on the face of the whole earth to do this work for them. And hence, although business has been so dull and our country has been so depressed, it has been hard work to keep Yankees out of these South American states and from engaging in business enterprises there. They would perhaps have a little capital of their own, and they would find residents of those countries who had some themselves. The capital would be put together and new enterprises commenced. Americans in those countries have established ferry lines; they have built street railroads; they have constructed roads from the coast to the interior; and they have furnished locomotives for roads which have been built by these states. Why, I happen to know that the great locomotive establishment in Philadelphia, of Baldwin & Co., has furnished the locomotives for the principal railroad in Brazil, the Dom Pedro Segundo Railroad; and, though an honest English gentleman did assure me with the utmost sobriety that he was satisfied the death-rate of the city of Rio had been greatly increased by the screaming of these Yankee locomotives, yet I never learned that the directors of the road became so alarmed that they discontinued importing them.

and I believe American locomotives in great number are screaming up and down the grades of that railroad to-day.

Americans go out there and form mining companies and engage as engineers. I notice that Mr. Henry Meiggs, who perhaps may be known to some of you, has had the whole charge of constructing the seven government railways in the republic of Peru. It has been all done by one American. My friend from New York [Mr. HEWITT] says all his engineers are also Americans. These are some of the facts which exist even in the present low condition of business enterprise in this country. And I ask you whether there is not ground for the belief, if business revive and this country shall be as prosperous as it once was, that our citizens will naturally take possession of all this great pioneer work and all these internal improvements?

Well, sir, what is the bearing of this upon our diplomatic representation there? Our American citizens take contracts. They get charters from these governments. In some of these states revolutions come. I suppose you have heard of revolutions in South America. Bolivia especially has been liable to them; most other states, I am glad to say, are more quiet and orderly. When revolutions come no one knows who is responsible for anything. The American loses his charter, his contract is broken, and valuable interests are put in peril. And what does he want then? He wants a minister; he wants a cultivated American gentleman, with strong will, with tact, good presence, and good feeling, who will be a personal representative of the United States of America upon the spot. And I tell my friends who have introduced this bill, there have been cases—I have a list made out in writing, but I will not detain the House by reading it, because I see my hour is passing away—I tell my friends there have been cases in which a minister abroad, of good sense and good credit in the capital where he resides, has saved enough in a single morning's walk to pay his salary ten times over. Now, is it good economy, when American interests are naturally flowing in as the atmosphere flows into a vacuum, to say that Americans shall not have a diplomatic representation in most of these states, or only the one-fourth of one, to look after these important interests?

I am reminded just at this point of an anecdote told me by a gentleman who now occupies a distinguished judicial position in this District, who was once minister resident at Bolivia, which is the most revolutionary of all these countries. I think that what he said to me was that there were three revolutions in Bolivia while he was there, and that each of these revolutions overran the whole of the country except his office, in the door of which he stood with a revolver and stopped the revolution when it came. Now, American interests demand that there shall be some spot in every one of these countries that a revolution cannot conveniently overrun, some island in the watery waste, some fortified spot which shall be the impregnable citadel of American rights, and of American life, liberty, and property, at moments of such peril. It seems to me we are utterly mistaken when we think it is a real saving to the American people to deny a minister to countries like these, where interests so important are constantly accumulating in the hands of our citizens.

Let me advert to one more point in this connection, and that is that the United States is naturally the umpire and the friend of all these republics in their troubles, their troubles with each other and their troubles with the powers of Europe. They have troubles about boundaries, they have questions with England, and France, and Germany, and Spain, and perhaps other countries, and they naturally turn to the United States to act as umpire, or as negotiator, or as friend in such circumstances. Now we ought to do this work for them. We ought to be prepared to do it. We ought to have a minister at hand who can commence it, and can aid in it in every one of these capitals; for this is not only a neighborly work for us to do for them, but it is a most useful work for us, because it establishes us in their good opinion, it plants us firmly in the country. No better thing can happen to the United States than to have all this kind of work to do. At this very moment one of these republics of South America has asked our Government to arbitrate and help to get it out of trouble—some trouble it has with one of the powers of Europe.

Now, Mr. Chairman, these have been my views in regard to the importance of maintaining intimate diplomatic and consular relations with these countries. But it was very gratifying to me in rereading some interesting portions of the history of the country to see how this view of the importance of the relations to South America has been advocated by well-known statesmen of an earlier time. My hour has perhaps nearly expired, but the committee I am sure would not feel wearied at hearing a few words from Henry Clay in regard to the importance of intimate relations between the United States and these republics. I happen to hold in my hand one of the volumes of the History of Congress giving an account of its debates, and under the head of "South American Independence" I find that the following resolution, which had been introduced into the House of Representatives by Mr. Clay in the year 1820, was discussed and passed by the House. As I am somewhat tired, I will ask the Clerk to be good enough to read the resolution.

The Clerk read as follows:

Resolved, That it is expedient to provide by law a suitable outfit and salary for such minister or ministers as the President, by and with the advice and consent of the Senate, may send to any of the governments of South America which have established and are maintaining their independence of Spain.

Mr. MONROE. The Clerk will now read a few sentences from Mr. Clay's speech in support of that resolution.

The Clerk read as follows:

Here Mr. Clay quoted a few passages from the work of the Abbe de Pradt, recently translated by one of our citizens, which, he said, though the author was not very popular among crowned heads, no man could read without being enlightened and instructed. These passages dwelt on the importance of the commerce of South America when freed from its present restraints, &c. What would I give, exclaimed Mr. Clay, could we appreciate the advantages which may be realized by our pursuing the course which I propose! It is in our power to create a system of which we shall be the center, and in which all South America will act with us. In respect to commerce we should be most benefited; this country would become the place of deposit of the commerce of the world. Our citizens engaged in foreign trade were at present disheartened by the condition of that trade; they must seek new channels for it, and none so advantageous could be found as those which the trade with South America would afford. Mr. Clay took a prospective view of the growth of wealth and increase of the population of this country and of South America.

[Here the hammer fell.]

Mr. FORT. I hope the committee will grant the gentleman from Ohio the favor of an extension of his time for a few minutes longer.

There was no objection, and Mr. MONROE'S time was extended indefinitely.

Mr. RANDALL. I may remark that the general debate on this bill is not limited nor is it designed to limit it.

Mr. MONROE. I have already felt obliged to the chairman of the Committee on Appropriations for his courtesy, and am very willing to be obliged to him again.

Now I take the liberty to invite Henry Clay to take part in this debate. He has taken part in it on this floor in your hearing. At a time when the prospect for commerce with South America was certainly much less than it is now, when any such figures I suppose in our own commerce had not been heard of, as one hundred and sixty millions of imports and one hundred and thirty-five millions of exports in a single year, at a time when so little was positively known about South America, Mr. Clay introduced that resolution into the House and secured its passage. I ask the attention of my friends to this fact, that Henry Clay in the House of Representatives gave it as a fundamental reason for intimate and liberal diplomatic relations with the South American republics that it would help us to get control of that noble commerce which the future should develop there. That is pretty important authority on this occasion, and I hope our friends will study it.

Now, sir, I do not want to waste money. I like to save money as well as anybody here, but I think it is a poor kind of economy to save the salaries of three or four ministers and half a dozen consuls at the expense of losing the direct and natural hold we have upon this great and prosperous trade.

You may tell me that some of these ministers have not been strong men, and have not been very useful; well, then, let us have stronger and better men there. I verily believe that it would pay the United States well to send men of first-class ability, men who are thinkers, statisticians, and observers, who shall go there and exhaust the knowledge that is to be obtained in regard to these states, and then come back to us laden with the noble freight of their industry. I could name men—but it might be invidious—I could name men whom I think it would do us honor to send to the South American republics to engage in this great work and go to the bottom of the whole subject.

Well, sir, at a later period an act of Congress was passed, May 4, 1822, making an appropriation of $100,000 "for such missions to the independent nations on the American continent as the President might deem proper." This was done when our revenue was only $20,000,000. The sum of $100,000, under the influence of men like Henry Clay, was then voted for this purpose; a sum which I believe is almost equal to all that has been expended on the missions to South America for years, although the number of states in South America has in the meantime so largely increased.

I will add that I feel the same objection to reducing the number of consuls that I have expressed to reducing the number of ministers. I believe that it would be a better plan to increase the number of our consuls and send out abler men, first-rate business men. It would be well to send strong business men to all the principal ports in the world with which we have commercial relations. I believe, sir, that the time is coming when as a nation we shall feel the importance of doing this. The responsibilities of a consul in a large port are very great; he is one of the principal protectors of our Treasury. The invoice of goods which he certifies to is held as *prima facie* evidence as to the correctness of the return made at New York, and nothing is more important to protect our revenue and to prevent frauds and swell the amount of our receipts than that we should have men of high character and ability at every consular port abroad. Instead of weakening the service I think it is a good time to strengthen it by appointing strong, practical, business men. That would be the best thing for the commerce of the country and for the protection of the Treasury that could be done. I am in favor of arranging our consular and diplomatic system on a scale somewhat fitted to the commerce that is to come, and not only to the commerce which now exists.

Mr. Chairman, when I commenced, I had thought I might say something on the question of the reduction of salaries, but I have spoken on that portion of the subject in which I felt the deepest interest, and to which my attention had been principally called, and therefore I cheerfully defer any discussion of salaries until we shall take up the different clauses of the bill under the five-minute rule.

In closing, I desire to thank the committee most sincerely for their courtesy.

Mr. HOLMAN obtained the floor.

Mr. RANDALL. Will the gentleman yield for a motion that the committee rise?

Mr. HOLMAN. I yield for that purpose.

Mr. RANDALL. I make the motion.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOSKINS reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

PAY AND ALLOWANCE OF ARMY OFFICERS.

Mr. BANNING, by unanimous consent, from the Committee on Military Affairs, reported back the bill (H. R. No. 1453) to regulate the pay and allowance of Army officers with a substitute, (H. R. No. 1806,) and moved that the substitute and a report accompanying the same be printed, and the bill recommitted to the committee.

The motion was agreed to.

PERSONAL EXPLANATIONS.

Mr. LUTTRELL. I find by reference to the RECORD that I am recorded as voting in the negative upon the amendment offered by my friend from Texas [Mr. REAGAN] to the proposed constitutional amendment which was under consideration yesterday. I voted in the affirmative, and ask that the correction be made in the Journal.

The SPEAKER. The correction will be made.

Mr. STENGER. In the RECORD of yesterday's proceedings I find my name recorded as not voting on the constitutional amendment offered by the gentleman from Texas, [Mr. REAGAN.] I was present and voted "no," and ask that the correction be made.

The SPEAKER. The correction will be made.

ORDER OF BUSINESS.

Mr. GARFIELD. I move that the House now adjourn.

The SPEAKER. Before that motion is put the Chair will lay before the House certain executive documents now upon his desk.

IMPROVEMENT OF THE UPPER MISSISSIPPI.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a report of the Chief of Engineers on surveys, &c., on the Upper Mississippi River, and recommending an appropriation of $65,000 to improve the same; which was referred to the Committee on Commerce.

COMMUNICATION BETWEEN THE MISSISSIPPI AND THE LAKES.

The SPEAKER also laid before the House a joint resolution of the Legislature of the State of Iowa on the subject of a water highway between the Mississippi River and Lake Michigan by way of the Fox and Wisconsin Rivers; which was referred to the Committee on Commerce.

REV. JOHN R. HAMILTON.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, for the information of the Committee on Military Affairs, a report of the Adjutant-General upon the bill (H. R. No. 64) for the relief of Rev. John R. Hamilton; which was referred to the Committee on Military Affairs.

PRESIDIO MILITARY RESERVATION, CALIFORNIA.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, for the information of the Committee on Military Affairs, a copy of Senate Executive Document No. 55 and Senate Report No. 104, Forty-third Congress, first session, being a report on the Presidio military reservation, San Francisco, California; which was referred to the Committee on Military Affairs.

TRANSFER OF INDIAN FUNDS TO THE TREASURER.

The SPEAKER also laid before the House the following message from the President of the United States:

To the House of Representatives:

I have the honor to return herewith without my approval House bill No. 1561, entitled "An act transferring the custody of certain Indian trust funds from the Secretary of the Interior to the Treasurer of the United States," for the reasons set forth in the accompanying communication from the Secretary of the Interior.

U. S. GRANT.

EXECUTIVE MANSION, *February* 3, 1876.

The SPEAKER. The Clerk will read the communication from the Secretary of the Interior.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 2, 1876.

SIR: I acknowledge the receipt of your communication of the 29th ultimo, transmitting H. R. bill No. 1561 and requesting this Department to report whether any objections to its becoming a law are known to exist. In reply I have the honor to state that I am fearful the act is not sufficiently definite in terms to accomplish the end desired, namely, the mere transfer of the custody of said trust fund, enabling this Department to receive the interest from the custodian and apply it as heretofore without the intervention of Congress.

The nature of the guardianship and control over the Indians exercised by me as Secretary and trustee is such as to require this Department to keep an account of the funds to their credit or held in trust for them, and to receive this interest on their trust funds promptly when due. I am fearful that this bill may not allow me to do so; and to guard against any danger of embarrassment in the transaction of this business I inclose a draught of a bill which, if substituted for the one already passed, will, it is believed, obviate the difficulties which may arise if the present bill should become a law.

Very respectfully, your obedient servant,

Z. CHANDLER,
Secretary.

Mr. RANDALL. I move that the message and accompanying documents be printed and referred to the Committee on Appropriations. I desire to say that the bill which has been returned by the President was reported from the Committee on Appropriations at the suggestion of the Department of the Interior. A subcommittee of that committee, as I understand, waited upon the Secretary of the Interior, who suggested an amendment thereto, which was incorporated in the bill as passed.

Mr. GARFIELD. Let it be referred to the Committee on Appropriations, and they can examine and report upon it.

Mr. RANDALL. I only meant to place the committee right.

Mr. GARFIELD. If it has been ascertained that there is some inaccuracy of expression in the bill——

Mr. RANDALL. It is a very strange thing that we should pass a bill at the instance of the Department, and that very Department should cause it to be vetoed.

Mr. HOLMAN. A bill prepared at the instance of the Department itself?

Mr. RANDALL. Yes.

Mr. GARFIELD. Let it go to the committee.

Mr. RANDALL. That is my motion.

The motion of Mr. RANDALL was then agreed to.

LEAVE OF ABSENCE.

Mr. DAVIS was granted leave of absence for five days, on account of important business.

Mr. WELLS, of Mississippi, was granted leave of absence from the 4th to the 16th instant.

Mr. HOLMAN. I move that the House now adjourn.

The motion was agreed to; and accordingly (at four o'clock and thirty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By the SPEAKER: The petition of the Grand Lodge of Good Templars of Indiana, signed by the officers thereof, representing 13,000 members, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. BARNUM: The petition of citizens of Wilmington, Delaware, for the repeal of the check-stamp tax, to the Committee of Ways and Means.

By Mr. BELL: The remonstrance of Merrimack River Grange No. 4, Patrons of Husbandry, of Canterbury, New Hampshire, against granting subsidies to railroads, to the Committee on Appropriations.

By Mr. CASON: The petition of citizens of Lafayette and of Jamestown, Indiana, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. GUNTER: Papers relating to the petition of James Lindsay, for pay for a battery of three guns furnished the United States, to the Committee on War Claims.

By Mr. HATHORN: The petition of citizens of New York, for the repeal of the check-stamp tax, to the Committee of Ways and Means.

By Mr. HAYMOND: The petition of citizens of White County, Indiana, for the repeal of the resumption act, to the Committee on Banking and Currency.

By Mr. HOLMAN: Papers relating to the petition of Emmett Longston, for a pension, to the Committee on Invalid Pensions.

By Mr. HOUSE: Papers relating to the claim of Mrs. Martha A. Stevens, for pay for stores and supplies taken by the United States Army, to the Committee on War Claims.

By Mr. JONES, of New Hampshire: The petition of the Woman's Temperance League of Portsmouth, New Hampshire, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee of Ways and Means.

By Mr. KING: Papers relating to the petition of Henry D. O'Brien, late postmaster at Saint Anthony Falls, Minnesota, for relief, to the Committee on the Post-Office and Post-Roads.

By Mr. LANDERS, of Connecticut: The petition of A. B. Cranell and others, for a signal station to be established at Block Island, Connecticut, to the Committee on Appropriations.

Also, the petition of William Montgomery and 18 others, of Rockville, Connecticut, for the abolition of the office of President of the United States, to the Committee on the Judiciary.

Also, the petition of William Montgomery and 18 others, of Rockville, Connecticut, "concerning the revocability of the people's legislative representatives and the ratification by the people's vote of all important legislative enactments," to the same committee.

By Mr. LANDERS, of Indiana: The petition of John Thomas, to have a patent renewed for an improvement in piling railroad bars for rerolling, to the Committee on Patents.

By Mr. LANE: The petition of Ladd & Tilton and 100 other citizens of Oregon, for the repeal of the check-stamp tax, to the Committee of Ways and Means.

By Mr. LUTTRELL: Resolutions of Mexican-war veterans of Corelo, California, asking that pensions be granted them, to the Committee on Invalid Pensions.

By Mr. SEELYE: The petition of Lawrence Street Congregational church, Lawrence, Massachusetts, signed by the pastor and officers, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

Also, the petition of Anna D. Freeland, for arrears of pension, to the Committee on Invalid Pensions.

By Mr. THROCKMORTON: The petition of citizens of Cooke County, Texas, for a post-route from Gainesville to Dexter, to the Committee on the Post-Office and Post-Roads.

By Mr. WARD: Remonstrance of Jed Fry & Co., J. H. Winchester & Co., and others, against the passage of bill No. 523, authorizing vessels built abroad, but belonging wholly to citizens of the United States, to be registered as vessels of the United States, to the Committee on Commerce.

By Mr. A. S. WILLIAMS: Three petitions of citizens of Detroit, Michigan, for authority for the construction of a bridge across the river at that place, to the same committee.

By Mr. WILLIAMS, of New York: The petition of citizens of Keeseville, New York, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. WILLIAMS, of Wisconsin: The petitions of citizens of Waukesha, and of Kenosha, of similar import, to the same committee.

By Mr. WILLIAMS, of Indiana: The petition of citizens of Washington, Indiana, of similar import, to the same committee.

By Mr. WILLIS: The petition of the Madison Avenue Baptist church, of New York City, signed by the pastor and clerk, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee for the District of Columbia.

By Mr. WILSON, of Iowa: The petition of George Crilly, relating to the Des Moines Canal, to the Committee on Public Lands.

Also, papers relating to the petition of Jonathan Roberts, for a pension, to the Committee on Invalid Pensions.

IN SENATE.

FRIDAY, *February* 4, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILL REFERRED.

The bill (H. R. No. 1797) providing for the sale of the Kansas Indian lands in Kansas to actual settlers, and for the disposition of the proceeds of the sale, was read twice by its title, and referred to the Committee on Indian Affairs.

ADJOURNMENT TO MONDAY.

On motion of Mr. SARGENT, it was

Ordered, That when the Senate adjourns to-day, it be to meet on Monday next.

PETITIONS AND MEMORIALS.

Mr. FRELINGHUYSEN. I present a petition of citizens of New Jersey, praying for the repeal of the specie resumption act of 1875, and to repeal the same at once; and further, to so legislate that the industrious people of the country may be supplied with a currency issued directly by the Government, without the intervention of any corporations, banking or otherwise. I simply wish to say that I do not sympathize with the prayer of this petition. I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. WINDOM presented the petition of John O. Finch and 269 others, citizens of Brown County, Wisconsin, praying for an appropriation to complete the Fox River improvement, and for the construction of a canal along the banks of the Wisconsin River from Portage City to Prairie Du Chien, Wisconsin; which was referred to the Committe on Commerce.

Mr. WALLACE presented nine petitions, signed by 1,500 workmen in iron of Cambria County, Pennsylvania, praying for aid to the Texas Pacific Railway; which were referred to the Committee on Railroads.

Mr. WITHERS presented the petition of W. F. Carrington, M. D., formerly of the United States Navy, praying for the removal of his political disabilities; which was referred to the Committee on the Judiciary.

Mr. CAMERON, of Pennsylvania, presented two petitions of citizens of Clearfield County, Pennsylvania, praying for aid to the Texas Pacific Railway Company; which were referred to the Committee on Railroads.

He also presented the petition of citizens of Philadelphia engaged in the iron and coal business, praying Congress to extend the national credit to the completion of a great southern line to the Pacific; which was referred to the Committee on Railroads.

He also presented a petition of soldiers and sailors of Pennsylvania, praying for the passage of an act granting to the soldiers, sailors, and marines of the late war and their heirs (except commissioned officers) a bounty of eight and a third dollars per month for the time served, deducting all United States bounty heretofore paid; which was referred to the Committee on Pensions.

He also presented six petitions of laborers in Fayette County, Pennsylvania, praying Congress to aid the construction of the Texas Pacific Railway Company; which were referred to the Committee on Railroads.

Mr. WRIGHT presented the petition of Charles E. Hovey, praying compensation for collecting certain derelict claims and dues belonging to the United States; which was referred to the Committee on Finance.

Mr. BOUTWELL presented the memorial of the Massachusetts State Temperance Alliance, signed by Rev. A. A. Miner, D. D., president, and Rev. William M. Thayer, secretary, asking that no appropriation of money be made in aid of the centennial exhibition if the centennial buildings and grounds are to be used for the sale of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented the memorial of John D. Runkle, William B. Rogers, and Edmund H. Hewins, a committee of the Society of Arts of the Massachusetts Institute of Technology, asking for the appointment of a commission to consider the subject of a uniform metric system of weights and measures; which was referred to the Committee on Finance.

Mr. ALLISON presented a joint resolution of the Legislature of the State of Iowa, in favor of securing a commercial highway by water between the Mississippi River and Lake Michigan, via the valleys of the Fox and Wisconsin Rivers; which was referred to the Committee on Commerce.

Mr. INGALLS presented the petition of Maria Anna Knauber, widow of Adam Knauber, deceased, formerly a private in Company F, First Kansas Infantry, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. STEVENSON presented the petition of Leslie Combs, a captain in the war of 1812, praying for arrears of pension and an increase of same; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. KERNAN, from the Committee on Patents, to whom was referred the petition of Luther Hall, of Boston, praying an extension of his patent for a machine for shaping heels of boots and shoes, submitted a report thereon, accompanied by a bill (S. No. 398) for the relief of Luther Hall.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. WRIGHT. I am instructed by the Committee on Claims, to whom was referred the petition of Abraham Sellers, administrator of Frederick Vincent, who was administrator of James La Caze, late of the firm of La Caze & Mallet, praying payment of a balance due for advances made by that firm during the revolutionary war, to report it back, and recommend that the claim be rejected and the committee discharged from its further consideration. I ask a vote of the Senate concurring in this report.

The report was agreed to, and ordered to be printed.

BILLS INTRODUCED.

Mr. SHERMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 399) to limit the value of household effects entitled to free entry; which was read twice by its title, and, together with a letter from the Secretary of the Treasury relating to that subject, referred to the Committee on Finance, and ordered to be printed.

Mr. HAMILTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 400) amendatory of the fifth section of the act of the 18th of May, 1872, making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1872, and for former years, and for other purposes; which was read twice by its title.

Mr. HAMILTON. I introduce that bill by request. I do not know anything about the merits of it. I move that it be referred to the Committeee on the Judiciary and printed.

The motion was agreed to.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. SHERMAN, it was

Ordered, That the petition and papers in the case of James L. Sherman, first lieutenant United States Army, be taken from the files and referred to the Committee on Military Affairs.

PERSONAL EXPLANATIONS.

Mr. SARGENT. Mr. President, I desire to call the attention of the Senate for a moment to two propositions. The first makes it necessary that a brief portion of the proceedings of day before yesterday be read at the Secretary's desk. I ask that the part which I have marked be read.

The Secretary read as follows:

Mr. SARGENT. * * * But, says the Senator from Delaware, it was entirely improper (or in effect he says so, because I have not his remarks) for Mr. Shepherd to get lawyers to go in and browbeat the committee and the witnesses for the committee brought there to prove that he was guilty of fraud.

"One touch of nature makes the whole world kin."

Occasionally you can find by a mere gesture the flow of a man's thoughts. It was perfectly right for the Government to hire counsel to go in there and browbeat Mr. Shepherd's witnesses or those of the board of public works, to hunt them down, to insinuate fraud, to use all the arts of lawyers, if they did so. That meets with no condemnation; but when the board of public works were on trial and de-

sired to be heard by counsel, they not being lawyers, it was an unworthy thing for them to employ counsel to meet those brought forward by the Government.

Mr. THURMAN. The Senator will allow me to ask whether he says that the Government employed counsel?

Mr. SARGENT. I mean to say that the memorialists employed counsel, and there was no criticism against the memorialists' employing counsel. They were hunting somebody down. Give them blood-hounds by all means. Let them hunt them down! But how dense must be that prejudice which can find objection to those who are being hunted down using the ordinary method which the law allows the meanest culprit in the lowest police court, and certainly in the highest tribunals of the land, to defend himself against what he believes or asserts to be unjust aspersions.

Mr. BAYARD. Does the Senator really believe that I objected to the employment of counsel by Mr. Shepherd, or that anything I said yesterday bore such a construction?

Mr. SARGENT. Yes, sir; I understood the Senator to say that Mr. Shepherd even employed counsel to go in there and browbeat the witnesses brought forward against him!

Mr. BAYARD. I express my regrets that it was impossible for me to run over my speech last night owing to an engagement over which I had no control. I have handed it to the reporter to-day, and the words will be found in every respect as they were taken down, and so far from my saying that it was wrong to employ counsel, I said he employed counsel, as he had a perfect right to do; but I objected to those counsel being paid out of the Treasury of the United States. I made the inquiry of the Senator and his friends and other friends of Mr. Shepherd whether the fact was so or not, and that has been construed by him into what he terms a reckless statement. I am not now positive of adjectives in my remarks here. They must speak for themselves and the RECORD will speak for me. If it is reckless to ask a question in regard to a fact which I say here was given to me on creditable authority, then I must be convicted of that offense; but surely it is strange that the Senator should so misunderstand me, as he must have done, to suppose that I made the least objection to the employment of counsel freely by these gentlemen. I think Mr. Shepherd and others came before that committee either on the one side or the other precisely on the same footing, and they must bear their own expenses and not ask the people of this country to bear them for them.

Mr. SARGENT. I did not refer to that part of the Senator's speech to which he now alludes, but my recollection seems to me to be distinct. If I am wrong, no one takes more pleasure than I to make amends for any injustice I may have done to the Senator.

Mr. BAYARD. That will be due to the Senator himself.

Mr. SARGENT. It is due to myself and my own self-respect to understand it without being reminded of it. But I say that in another portion of the Senator's speech I understood him distinctly to say among the accusations against Mr. Shepherd that he had employed counsel, or that the board of public works had employed counsel, to browbeat witnesses, and the phrase that he employed counsel for such a purpose implied that he had no business to have counsel there or it was a reflection on the character of the counsel employed. That was the remark which he made and which is distinctly lodged in my memory. If I find, however, that I am mistaken on an unchanged record, (and if the Senator says the record is unchanged it must be so,) I will, if he desires it, call the attention of the Senate to it, and to the error I make. I would stoop to no injustice.

Mr. SARGENT. In some aspects I should consider this matter very important; that is, if I had done any injustice to the Senator by quoting from memory from his remarks insisting that my recollection was distinct. As I find by reference to his remarks I did no injustice, perhaps it becomes to me of less importance. Yesterday morning I called the attention of the honorable Senator to the passage of his speech to which I referred, separated by some pages from the part to which he thought I alluded, but marking the passage, and then gave him the entire day to simply say to the Senate that my memory was not in fault. As he did not seem to think the subject important enough to do so, or for some other reason did not do so, I now desire, simply in justification of my memory at that time, to read the passage to which I referred, the passage in which I said that, among other accusations against Mr. Shepherd or the board of public works, he said that they employed counsel to browbeat witnesses. The passage was as follows:

> Counsel were employed by Mr. Shepherd and his associates to browbeat the witnesses, to conduct fierce, rigid, and recriminating cross-examinations. Prosecutions were threatened, indictments were found, and, sir, not only that, but a resort to crime not fit to be mentioned in our own day and time.

To each of these matters I alluded in my speech. The part, however, to which exception was taken was that the Senator said that counsel were employed by Mr. Shepherd to browbeat witnesses.

This I make in simple justification to myself in order to show that I was not doing the Senator injustice, or at any rate did not intend to do so. Of course I do not hold him responsible for the inferences I drew from his language. Those were my own, and they have been read again at the Clerk's desk.

There is another matter to which I wish to allude very briefly. Yesterday the Senator from Connecticut [Mr. EATON] rose in his place and actuated unquestionably by the honorable motive which would induce any Senator to rise if he thought something was wrong which would affect the matter under consideration, and stated to the Senate, as I understood him, and I am refreshed in my recollection of that, that the board of funding and commissioners of this District had on a certain day, which he stated to be the 27th, passed a resolution that in consideration of certain action pending before Congress affecting their duties they would issue no more bonds; that subsequently thereafter they had violated this resolution of their own and issued bonds, a circumstance which he deemed suspicious. On inquiring of the Senator from Connecticut whether he charged fraud on that account he said yes, he did charge fraud. Now I desire that the following letter of Mr. Kelly, the treasurer of that board, and the resolution to which the Senator referred, may be read, merely remarking that any defense of mine of these gentlemen, either attempted yesterday or so far as it may be implied in my remarks to-day, would not be expected of me as a republican. I say that to show my own impartiality and fairness in the discussion of this matter, because the president of the board, Mr. W. W. Corcoran, as is well known, is a democrat, and of the other members of the board (there are three or four of them) Mr. Sweeny was the late democratic mayor of Georgetown, and another member of the board, Mr. Davis, is a well-known democrat, never has been a republican, and the treasurer of the board is Mr. Kelly, the only republican on the board. I ask that the resolution be read.

The Secretary read as follows:

OFFICE OF THE COMMISSIONERS OF THE SINKING FUND,
Washington, D. C., February 4, 1876.

Hon. A. A. SARGENT,
United States Senate:

In reply to your inquiry as to whether any 3.65 bonds have been issued by this commission since the 27th ultimo, and, if so, how many, I have the honor to say that such bonds have been issued to the extent of $149,750 since that date, being a part of those provided for in a resolution unanimously adopted at a meeting of our board held on the 25th ultimo, a copy of which is inclosed. None have been issued except as authorized by that resolution.

With much respect, your obedient servant,

MOSES KELLY,
Treasurer.

Whereas a proposition is now pending in Congress for the transfer to the Department of the Treasury of the United States of the duties heretofore performed by this board; and whereas a bill has been introduced and is now pending to prevent the further issue of 3.65 per cent. District of Columbia bonds:

Be it therefore resolved, That no further issue of said 3.65 per cent. District of Columbia bonds be made by this board until the Congress of the United States shall have acted upon the amount of bonds to be issued, excepting so far as necessary to complete the delivery of those for which applications have thus far been filed—$363,400.

Mr. SARGENT. So that the action of the board since that time has been entirely in consonance with the resolution which was unanimously adopted by them, up to this time none being issued except about one-half the amount which they at that time reserved to themselves the power to issue, being certificates pending before them at that time and which they had been requested under the law to convert into 3.65 bonds.

Mr. BAYARD. Mr. President, so far from having the least objection, I am very well content that the honorable Senator should have referred again to the record of this debate in order to settle the question of his accuracy or inaccuracy in quoting my remarks upon the subject of the employment of counsel by members of the board of public works at the time an investigation into the affairs of this District was going on before a joint committee of the two Houses. The language of the Senator was first that of decided reproach that the speech which I made to the Senate on the day previous had not appeared in the RECORD. I felt exceedingly sorry that such was the case. It is not my custom to withhold my remarks at all, and much less where they are in the course of a running debate in which a reply should have been made. I explained to him that my speech had contained a great many figures, and desiring to be accurate I proposed to compare the data which I had used before I finally committed them to the RECORD. Private engagements prevented me from seeing the reporter's manuscript until the morning of the Senator's speech. The manuscript then was lying upon my table and I was going over it, comparing the figures I had used with the books from which I had taken them at the time he rose and found fault with great asperity of manner on the fact of my speech not being in the RECORD, and he seemed to think that it was withheld to avoid having proper answer made to it. It was an imputation that was unpleasant; it was one that I felt to be very unjust, and no one who has any knowledge of my character would suppose for an instant there was any such intention on my part. Therefore it was that having my eye upon the part of the speech to which the Senator referred, that is to say, the question which I put to him and the other friends and champions of the late board of public works, whether the counsel employed by the board of public works had been paid out of the public Treasury or not, I read then, and shall not now repeat, the precise language as it came unaltered in form or substance from the hands of the Official Reporter. It is not necessary for me to read it again. But after that the Senator said—I read from page 22 of the RECORD of yesterday:

> I mean to say that the memorialists employed counsel, and there was no criticism against the memorialists' employing counsel. They were hunting somebody down. Give them bloodhounds by all means. Let them hunt them down! But how dense must be that prejudice which can find objection to those who are being hunted down using the ordinary method which the law allows the meanest culprit in the lowest police court, and certainly in the highest tribunals of the land, to defend himself against what he believes or asserts to be unjust aspersions.

The "dense ignorance" of which the Senator complained was supposed to be that of myself.

Mr. SARGENT. I did not speak of ignorance.

Mr. BAYARD. "Dense prejudice;" I beg pardon. "Prejudice" is the word.

> Mr. BAYARD. Does the Senator really believe that I objected to the employment of counsel by Mr. Shepherd, or that anything I said yesterday bore such a construction?
>
> Mr. SARGENT. Yes, sir; I understood the Senator to say that Mr. Shepherd even employed counsel to go in there and browbeat the witnesses brought forward against him!
>
> Mr. BAYARD. I express my regrets that it was impossible for me to run over my speech last night owing to an engagement over which I had no control. I have handed it to the reporter to-day, and the words will be found in every respect as they were taken down, and so far from my saying that it was wrong to employ counsel, I said he employed counsel, as he had a perfect right to do; but I objected to those counsel being paid out of the Treasury of the United States. I made the inquiry of the Senator and his friends and other friends of Mr. Shepherd whether the fact was so or not, and that has been construed by him into what he terms a reckless statement. I am not now positive of adjectives in my remarks here. They must speak for themselves and the RECORD will speak for me. If it is reckless to

ask a question in regard to a fact which I say here was given to me on creditable authority, then I must be convicted of that offense; but surely it is strange that the Senator should so misunderstand me, as he must have done, to suppose that I made the least objection to the employment of counsel freely by these gentlemen. I think Mr. Shepherd and others came before that committee either on the one side or the other precisely on the same footing, and they must bear their own expenses and not ask the people of this country to bear them for them.

Now, sir, turning to the very RECORD of that day which contained my remarks on which the Senator was commenting, I will read again in the Senator's hearing what I said. I read from page 5 of the same RECORD:

I do not know the fact, but I have been credibly informed that, while the taxpayers of this District were with their private moneys fighting Shepherd and his confederates before the joint committee and Shepherd was defending himself, as he had a perfect right to do, by counsel, the private counsel of these discarded officials were paid in the same 3.65 bonds very large fees for defending that which was admitted to be so wrong that it was legislated out of existence. Is that so or is it not so? I am told those counsel have been paid, paid by the people of the United States, paid by the people of this District, for defending a wrong so flagitious that the very capacity to perform it has been swept from the statute-book by an almost unanimous vote of Congress.

Mr. President, what was said before has now been reiterated; nor do I propose to run a commentary upon it. It is there. The Senate will see, and I think the honorable Senator will see, that, while I did in one part of my speech and a prior part comment upon the manner in which Mr. Shepherd's private counsel were permitted to cross-examine and, I repeat, to brow-beat witnesses before that committee—and I could readily turn to the names of the witnesses and the pages of the testimony where men were asked the most insulting questions until the committee were compelled to stop his counsel and prevent their system and manner of examination—I freely recognized his right to be represented by counsel. What occurred before the committee was all published in the prints of the day; it is published now in our records; and when I read the manner of the cross-examination of the memorialists and their witnesses, it seemed to me with all due respect that the committee ought to have interfered before they did, and stopped it. That was my comment on the manner of one, at least, of the counsel, and the one who was subsequently inculpated and tried, without acquittal, before a jury of this District for a shocking offense against the character of an innocent man, to which I referred the other day.

I am not sorry that the Senator has reviewed the subject. It is true that, as compared with the grand amounts with which this District has been accustomed to deal, $20,000, or perhaps a couple of thousand dollars less, may seem a mere flea-bite in the District of Columbia; but in other and in plainer communities, where men work for their living and pay their debts, and do not depend upon the Treasury of the United States to meet every extravagant expense, such an allowance for counsel would be thought very serious; would be considered not compensation for the work of a month, for $20,000 is oftentimes the result of the work almost of a life-time. Here, however, we are so accustomed to these grand amounts of the people's money that it seems a very small affair to pay this much. But when tax-payers and property-holders memorialize Congress to remedy wrongs which they think exist in the way of expenditure, ask for reform in legislation, and employ private counsel at their own expense, is it right that the individuals who have been engaged in alleged violations of law should have their counsel fees paid out of the pockets of their victims, and out of the pockets of an innocent people?

I do not know whether the honorable Senator answered me the other day or not; but his friend from Indiana did, as I understood, answer me that the fees of these counsel had not been paid. That fact we shall hereafter ascertain. I only now repeat that gentlemen of credibility in this District tell me that the fees of these three counsel were paid in 3.65 bonds, the form of part of the payment at least having been by a transfer of a certificate to a national bank in New York that sent here and took bonds in its own name.

Mr. MORTON. Will the Senator allow me?

Mr. BAYARD. Certainly.

Mr. MORTON. I think I did not say that the counsel had not been paid, for I knew nothing about it; but I did state, on the authority of one of the commissioners then present, that they had never paid them, never passed upon the claim; that it had never been before them in any form. They had nothing whatever to do with it.

Mr. BAYARD. I think the Senate had the idea, and the country had the idea, that when these three gentlemen who are the commissioners took charge of the affairs of this District they had plenary power over the expenditures. Now I am told that the board of public works did certify that this amount was due to their counsel; that it was audited, and that certificates were issued, and that those certificates have been transferred into the shape of 3.65 bonds, upon which the people of this country are paying interest to-day or are summoned to pay interest. It was but as an illustration of the unjustifiable execution of the laws of Congress that I cited the fact that the board of public works, who defended their proceedings so unsuccessfully that Congress almost unanimously legislated them out of power, have called on the people of the country to pay some seventeen thousand or twenty thousand dollars to their private counsel. It certainly was unlawful, it certainly was unjust. I believe the fact to have occurred, and hereafter I shall find, I apprehend, or some committee will find, as I do not think this matter can die here and stand still, that this statement is the simple truth, whether the commission paid the money or not, which is a thing I did not charge. I asked the question of the very ready and able defenders of the commissioners and of the board of public works, and of all that has been the government of Washington for the last five or six years, and they did not answer me, except that the newspaper report which I saw, the Associated Press report, I think, represented the Senator from Indiana as denying that the counsel had been paid out of the Treasury. He now, however, corrects that.

Mr. MORTON. No, sir; I did not correct it. I simply repeat my statement to the Senator. What I said was, that these commissioners had nothing to do with it. I did not say the money had been paid out of the Treasury or had not, for I did not know anything about that.

Mr. BAYARD. It is merely a question of the construction of this act, whether the commissioners ought not to have had something to do with it. The commissioners, as I understand, were placed in charge of the affairs of this District. They were gentlemen of reputation and character. The powers given them were plenary; and it seems to me that if they allowed such sums of money to be paid for such a purpose they certainly were derelict in their duty. It was an act certainly of omission for which, it seems to me, they must be found fault with. That is all I mean to say.

Mr. SARGENT. Mr. President, the Senator with some skill shifts the issue entirely. The question arose on another portion of the speech which he made, and which I expressly notified him of at the time, and not on the part he now refers to as to whether or not the commissioners authorized or failed to prohibit the payment of $20,000 for counsel. The question was not whether or not it was the fault of the board of audit or whether or not it was paid by them. I was not discussing that at that time, and I called his attention distinctly to what it was that I took exception to. I have no remark to make about it now, except to say that by the very law of 1874 all power over claims was withheld from the commissioners and put in the hands of the board of audit and the funding commissioners. But I wish to say, and I call his attention to the fact, that I then reminded him that he used language about browbeating counsel and about their being employed by Shepherd to browbeat witnesses, and Shepherd was the one complained of. Among other crimes which it was alleged that Shepherd and his associates had been guilty of, it was alleged that he had employed counsel to browbeat witnesses, and I said that that phrase implied that he had no business to have counsel there, or was a reflection on the character of the counsel employed. That was where the matter rested, and the Senator said he was content to have it rest there, and he now comes in and says that it was intended as a reflection, or if not as a reflection as a statement, affecting the character or conduct of the counsel employed. I ask him now in regard to the issue there was between the Senator and myself on that occasion whether or not I was right?

Mr. BAYARD. If the Senator asks me the question I will answer. I do not think he was right, because there seems to be, as has been read, an express allegation that it was right and proper for Shepherd to employ counsel. That certainly would do away with any implication of censure because one of the counsel browbeat and rigidly and roughly cross-examined witnesses.

Mr. SARGENT. That was in another part of the speech; and I wished to show him that my memory was right in quoting him on that occasion, and that I quoted him correctly.

Mr. EATON. The Senator from California has seen fit to go to a certain board and to bring from that board a certificate which is not sworn to. I wonder it is not sworn to. I wonder that the Senator from California would go to that trouble. It seems now that my informant, who was a Senator of the United States, was mistaken, in that the resolution had an exception. That is all; nothing else. A resolution was passed, it seems, in which they recognized the necessity as honorable men of not acting under this law by which they claimed the authority to act. I am told most of them are democrats. What care I what their politics are?

Mr. SARGENT. I assure the Senator I do not care.

Mr. EATON. I do not know whether the Senator cares or not. I cannot see why that was brought in unless the Senator from California desires (and so far as that goes, if that is his idea, it has great force) to convince the Senate that because they are democrats they will not do dishonorable things. If that is the intention, I admit there is force in it. I did not stop to inquire what the politics of these gentlemen were. I heard that they had done a certain thing, and after that changed their action. Now, I have no reason to doubt the authenticity of the document produced, nor should I have doubted the word of my friend from California; and when he said that he was so informed by the clerk of that board, it was not necessary that the document should have been brought here; but I say they ought not to have made any exception at all. The very fact that they refused to issue bonds except a certain amount shows that they knew they ought not to issue any at all, because the equity and the legality of those very certificates had been called in question, and therefore the necessity for the action of the Senate yesterday. I express the regret which of course every Senator must feel who makes any statement on information that is not accurate in every respect.

DISTRICT 3.65 BONDS.

Mr. SHERMAN. I wish to make a motion that I deem it my duty to make under the circumstances, and that is to reconsider the vote

by which the joint resolution of yesterday was passed, with a view to strike out the amendment of the honorable Senator from Connecticut, [Mr. EATON.] I think we ought to do that. I will enter a motion to reconsider and ask that the joint resolution be recalled from the House for that purpose.

The PRESIDENT *pro tempore*. The Chair understands that the joint resolution is still within the possession of the Senate, so that a motion to reconsider is in order.

Mr. SHERMAN. I will submit a motion to reconsider, and as soon as the morning hour is over I will ask for the vote of the Senate on the motion; or it can be taken up now, as it will take but a moment, I think.

The PRESIDENT *pro tempore*. By common consent the motion to reconsider can lie over for the present. The Chair hears no objection.

PUBLIC LANDS IN SOUTHERN STATES.

Mr. CLAYTON. I move to take up the bill that was pending yesterday morning relative to the public lands in certain States.

Mr. FRELINGHUYSEN. The Senator from Mississippi who sits near me [Mr. BRUCE] saw me yesterday and said that he was quite sick, that he felt great interest in this question and wanted an opportunity to examine it and possibly to be heard upon it. Therefore I must ask the Senate to postpone the consideration of this subject. Every one will see that it is a subject which he naturally should feel interest in, and which the Senate would of course accord him a hearing upon.

Mr. CLAYTON. I had a conversation yesterday with the Senator from Mississippi in relation to this very thing, and I had a conversation with him when I first introduced the bill. He told me yesterday that he was in favor of the bill; and I have no doubt he will support it.

Mr. FRELINGHUYSEN. He saw me at the close of the session yesterday and stated that he was very desirious of looking at the law and possibly of being heard upon it. He asked me to get the law for him, which I did.

Mr. CLAYTON. We can proceed with the bill for the present.

Mr. FRELINGHUYSEN. I hope not.

Mr. CLAYTON. Other Senators desire to speak on the subject. We can proceed with the bill, but we need not come to a vote until he comes in.

Mr. FRELINGHUYSEN. Very well; I have no objection to that.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Arkansas, [Mr. CLAYTON.]

Mr. ALCORN. I desire to say that I received a note from my colleague this morning requesting that the vote on the bill shall be postponed, as he desires perhaps to be heard on the subject, and perhaps he may not have made up his mind yet which way he will vote. He simply wants the privilege of looking at the bill and examining into the question.

Mr. CLAYTON. I am perfectly willing he should have that privilege; but if other Senators desire to speak on the bill, I think they may do so now and let us go on with the consideration of it. I will not press a vote to-day.

Mr. SHERMAN. I think under the circumstances, if the Senator allows it to go over at all, it had better go over at once for all purposes, because the remarks of the Senator from Mississippi [Mr. BRUCE] may call out other remarks. The Senator from Arkansas [Mr. CLAYTON] had better get up his bill at some other time with the purpose of then disposing of it.

Mr. CLAYTON. If this bill is to be considered in the morning hour each day, there will be very little time for that purpose. The difficulty is, that if this bill is allowed to be thrust aside from day to day, after a while all that has been said will be forgotten to a great extent by persons who have not paid as much attention to the bill as others. As I said, I do not desire to urge it to a vote to-day. I ask the Senator from Kansas [Mr. INGALLS] if he is ready to proceed with his remarks? He said yesterday that he wished to speak.

Mr. INGALLS. Does not this bill come up as the unfinished business of the morning hour without a motion?

The PRESIDENT *pro tempore*. Not in the morning hour. The question is on the motion of the Senator from Arkansas to take up the bill.

Mr. INGALLS. My own impression is that it would be a waste of time to proceed with the discussion unless the vote is to be taken at the close of the debate. I have some remarks to make upon the subject; and the longer I reflect upon it the more convinced I am that the importance of the question the Senate is not yet fully aware of. I have no desire to simply talk upon the bill. Whenever it is up for final action I shall be glad to have the opportunity to express my views somewhat more at length.

Mr. CLAYTON. If I can have an understanding that this bill may go over to a certain day and be disposed of on that day, I shall be very glad; but the Senator will readily see that a measure of this kind of so much importance when taken up to-day and discussed ten or fifteen minutes, then going over to to-morrow and being discussed ten or fifteen minutes, and then perhaps not taken up for three or four days again or a week, is not apt to get that consideration which it ought to have. I would be glad if the Senate would give unanimous consent to allow the bill to come up on some particular day. I do not know what day I can mention, however. I understand some other measures are likely to be brought forward at the expiration of the question in relation to the seat of the Senator from Louisiana. After that is disposed of, I understand there are other measures likely to be of more paramount importance probably than this.

Mr. SHERMAN. We have but ten minutes of the morning hour left, and it is idle to take up this question for ten minutes. We may dispose of the other matter as to the District bonds in that time, perhaps.

Mr. CLAYTON. Let it go over.

Mr. SHERMAN. I know the bill ought to be considered and acted upon, and I will vote with the Senator to take it up. Now I ask for a vote on the motion to reconsider the vote on the passage of the District bill.

Mr. CLAYTON. I withdraw my motion.

DISTRICT 3.65 BONDS.

The PRESIDENT *pro tempore*. The Senator from Ohio [Mr. SHERMAN] moves a reconsideration of the vote by which the Senate yesterday passed the joint resolution (H. R. No. 52) directing the commissioners of the District of Columbia to pay the interest on the bonds issued in pursuance of the act of Congress approved June 20, 1874, out of any funds in the United States Treasury subject to the requisition of said commissioners, and for other purposes.

The motion to reconsider was agreed to.

Mr. SHERMAN. I move that all votes be reconsidered to enable us to get to that stage of the bill which will enable us to strike out the amendment of the Senator from Connecticut, [Mr. EATON.]

The PRESIDENT *pro tempore*. The Senator from Ohio moves to reconsider the vote by which the joint resolution was ordered to a third reading.

The motion was agreed to.

The PRESIDENT *pro tempore*. The question now is on ordering the amendments to be engrossed and the resolution to be read a third time.

Mr. SHERMAN. I move now to strike out the amendment of the Senator from Connecticut.

Mr. WITHERS. The proper course, I think, would be to move to reconsider the vote on that amendment.

Mr. SHERMAN. The motion to strike it out reaches the same thing. I do not care which form is adopted.

The PRESIDENT *pro tempore*. It is not in order to strike out what the Senate has already adopted. The Senator can move to reconsider the vote on concurrence.

Mr. SHERMAN. I make that motion.

The PRESIDENT *pro tempore*. The Senator from Ohio moves to reconsider the vote by which that amendment was concurred in.

Mr. EATON. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. SHERMAN. I do not know that the attention of Senators has been called to this matter sufficiently. The Senator from Connecticut yesterday offered an amendment which prohibited the payment of interest on bonds of the United States issued after a certain date, on the ground, as he stated, that those bonds were issued in violation of a resolution of the sinking-fund commissioners—a fact so plainly implying that they were wrongfully or fraudulently issued that as soon as the Senator from Connecticut made that statement, I and every Senator unanimously agreed to suspend the payment on the bonds, which, according to the implications at least of the statement, were wrongfully, fraudulently, or improperly issued, in violation of a resolution of the sinking-fund commissioners themselves. A paper has been read this morning, which I suppose has been heard by all the Senators, showing clearly that that was an error; that though there have been some bonds issued since the passage of this bill in the House, they were issued in pursuance of the resolution, and were bonds issued upon applications made and certificates filed with the sinking-fund commissioners before the passage of the bill by the House of Representatives. They therefore are like any other bonds of the United States outstanding.

It seems to me, under these circumstances, that it would be very wrong, a clear and palpable violation of the public faith, to refuse to pay interest on bonds legally and properly issued in plain pursuance of law and in plain pursuance of the direction given to and the authority conferred upon these sinking-fund commissioners. The statement made already by the Senator from California shows that there can be no party feeling about this matter, because it turns out that all the members of this board of sinking-fund commissioners are democrats, not the more honest on that account, (for I do not agree at all to that suggestion which some Senator has made,) but it shows distinctly, the treasurer being a republican and the commissioners being democrats, that this was an authority exercised fairly, honestly, and in pursuance of law. It is not right for the Senate of the United States to arrest the payment of interest on bonds of that character; and I have felt it my duty, as I promptly assented to the amendment of the Senator from Connecticut, on his raising a doubt of the honesty or legality of this transaction, to move a reconsideration merely to get rid of that amendment, and then let the bill go back to the House of Representatives.

Mr. SAULSBURY. Before the vote is taken on this motion to reconsider, I wish to inquire as to the effect on subsequent amendments to the bill of striking out the amendment of the Senator from Con-

necticut. After the adoption of the amendment proposed by the Senator from Connecticut, there were various other amendments which I take it were in the nature of amendments to the amendment of the Senator from Connecticut, and the question I wish to be informed upon is as to the effect now upon all the subsequent amendments of striking out the amendment of the Senator from Connecticut. If the effect is to destroy all subsequent amendments, then I think the motion of the Senator from Ohio is very objectionable.

The PRESIDENT *pro tempore*. This is the last amendment. There is no subsequent amendment, as the Chair understands.

Mr. SHERMAN. My purpose is to strike out that clause which was put in under a misapprehension.

Mr. MAXEY. I ask that the amendment be read for information.

The PRESIDENT *pro tempore*. The Secretary will report the amendment, the vote on which it is now proposed to reconsider.

The Secretary read as follows:

And provided further, That this resolution shall not in any way or manner recognize the liability of the United States to pay either the principal or interest of any of such bonds as may have been issued on or since the 27th day of January, 1876.

Mr. MAXEY. That is the amendment to be reconsidered, I understand.

The PRESIDENT *pro tempore*. It is.

Mr. MORRILL, of Maine. I want to inquire of the Senator from Ohio whether it is his understanding that no such bonds have been issued as matter of fact?

Mr. SHERMAN. I understand distinctly that such bonds have been issued to the amount of $150,000; issued in pursuance of the resolution referred to by the Senator from Connecticut, upon applications made before the passage of this bill in the House of Representatives, and that these parties were therefore entitled to them, and that they were legally issued by the unanimous direction of the board of sinking-fund commissioners.

Mr. MORRILL, of Maine. One thing more. Does this motion affect any other part of the bill than that proviso?

Mr. SHERMAN. Not at all. It cannot have any effect except on that amendment which was adopted without a division yesterday.

Mr. EATON. So far as the Senator from Ohio stated, the application he made of my remarks was correct; but he did not state all. I do not object to his stating part of what I said. The amendment is a proper amendment without any regard to the action of that board. The amendment was prepared before I knew that there had been any resolution, and its preparation had nothing to do in my mind with the action of the board in regard to that resolution. The alleged fact, which turns out not to have been true, I learned here after the amendment was prepared. Now I say that after this business had been taken up in the House of Representatives the board were culpable—democrats or republicans, I care not what their politics are—in issuing any more bonds. They ought not then to have issued a single bond until after the action of Congress, and Congress ought never to pass the bill which is now before the Senate until after the whole subject has been investigated by a committee of the Senate or of the other House or a joint committee. In my judgment there are hundreds of thousands of dollars of these bonds which were issued upon inadequate securities, improper vouchers. I have no doubt about it. The Senator from Ohio may differ with me in that particular.

Mr. SHERMAN. I do not know anything about it.

Mr. EATON. Well, we ought to know something about it before we pass a bill of this character. We ought to know something about it when the whole city is full of rumors against the character and equity of these claims.

I think this amendment is a proper one. I shall not vote for the bill; I did not yesterday. I will not vote for this bill, or any bill of this character, until after a committee have examined and investigated into the subject; but I trust the amendment will remain. There is reason enough for it, in that a board, after this matter had been taken up by Congress, proceeded to issue new bonds.

Mr. KERNAN. Mr. President, I hope I shall be pardoned for a very brief suggestion about this matter. I think the amendment adopted, with or without the information, ought to stand. It simply provides that there shall be no implication from this resolution against the Government of the United States in reference to any bonds issued since the 27th of January. Prior to the 25th of January the House of Representatives had passed this joint resolution, declaring, in the language of the first proviso, "that any further issue of 3.65 bonds is hereby prohibited." The joint resolution had been transmitted here, and was received in the Senate on the 25th of January, when, as the record shows, it was "read twice and referred to the Committee on Appropriations."

Now, I submit to Senators that where men were acting, as these commissioners were, under a power from Congress, and one House has passed a bill forbidding any further issue of the bonds, it is not right or proper for the commissioners to continue issuing them while the subject is under consideration in Congress. No agent of a business concern which had given ever so broad a power of attorney would continue to issue negotiable paper when the principal was investigating his acts and claiming that he had exceeded his authority. It seems to me, therefore, that, on the face of these proceedings, we should retain this provision. We do not say in it that the bonds are void or illegal; but we say that we will not recognize the validity of bonds which have been issued by these agents within the very shadow of the Capitol after one House of Congress has forbidden it and the other is considering that prohibition.

We can deal justly with all those who have claims, leaving this provision in, and by leaving it in we can protect the tax-payers of the District and the tax-payers of the Union, who are to pay their share, by saying that, while we appropriate interest to be paid on the prior bonds, we will withhold the payment of interest on these until we can look into them; and there ought not to be much interest on bonds issued since the 27th of January, unless there is something about them which I do not understand. I think it is just to all. We prejudge nobody; but we simply say that while we will pay interest upon prior bonds, as to these which have been issued after one body of Congress said more should not be issued and the other was acting upon the question, we will not pay at present. I do not care who the agents are. I would say we should guard against ratifying their action until we look into it, and then we will do what is right.

SENATOR FROM LOUISIANA.

The PRESIDENT *pro tempore*. The morning hour has expired. The resolution for the admission of P. B. S. Pinchback is the unfinished business.

The Secretary read the following resolution, submitted by Mr. MORTON on the 5th of March, 1875:

Resolved, That P. B. S. Pinchback be admitted as a Senator from the State of Louisiana for the term of six years beginning the 4th day of March, 1873.

The PRESIDENT *pro tempore*. The pending question is on the amendment proposed by the Senator from Vermont, [Mr. EDMUNDS,] to insert the word "not" before "admitted."

Mr. MORTON. Mr. President, I shall only detain the Senate a short time this morning. This question has been before this body several times, and ought to have been long ago decided. The time has come when it ought to be decided in justice to the people and in justice to the State of Louisiana. One thing is certain: the State of Louisiana is entitled to have another Senator on this floor. If Mr. Pinchback was not elected to the Senate, then the present Legislature is entitled to fill the vacancy. This proposition is indisputable, and this body has no right, upon one pretext or another, to keep the State from its representation.

Whether Mr. Eustis has been elected in accordance with the forms of law has not been examined by the Committee on Privileges and Elections, and they have made no report upon that; but one thing is certain, that if Mr. Pinchback was not elected, the present Legislature of Louisiana is entitled to fill the vacancy; and whether it has been filled by the election of Mr. Eustis may not now be a material question, though I cannot see why the forms of law have not been complied with in his case if there is a vacancy; and that is the only question, it seems to me, that is before the Senate at this time.

Before coming to the question of law, on which I wish to make a brief statement, I want to refer very briefly to a matter which it is due to Mr. Pinchback to notice in answer to a report that has been in circulation to the effect that he was disloyal during the war. I have had placed in my hands the military record of Mr. Pinchback during the war, and I invite Senators to give it their attention very briefly.

Mr. Pinchback was living in Memphis at the time of the capture of New Orleans by the national forces in 1862. He immediately went to New Orleans. Some time afterward he obtained from General Butler the following authority:

NEW ORLEANS, *August* 27, 1862.

By authority vested in me by Major-General B. F. Butler, Pinckney Pinchback is hereby authorized to recruit a company of Louisiana volunteers for the United States Army.

S. H. STAFFORD,
Superintendent Recruiting Arrangements.

Then follows a memorandum as to where Mr. Pinchback's company was to rendezvous. Mr. Pinchback raised his company and received a commission as captain in the Army of the United States, in what was known as the Corps d'Afrique, a colored regiment raised in the city of New Orleans, and here is his commission as captain, signed by "Benjamin F. Butler, major-general commanding," who had authority from the Government of the United States to raise that legion. This commission bears date October 6, 1862, appointing him a captain in the Army of the United States. On it is indorsed the oath taken by Mr. Pinchback—what is known as the iron-clad oath. The first officers of that regiment were colored men. Examinations were instituted as to their qualifications, and all were found disqualified except Mr. Pinchback. He passed the examination. As the colored officers were mustered out, white officers were mustered into their places; and after the regiment was officered by white men his position became exceedingly uncomfortable, and they sought to drive him out of the regiment. He found himself in a position where he could render no valuable service, and he tendered his resignation in these words:

FORT PIKE, *Louisiana, September* 10, 1863—

He had then been in the service over one year, and had served honorably—

GENERAL: In the organization of the regiment I am attached to, (Twentieth Corps d'Afrique,) I find nearly all the officers inimical to me, and I can foresee nothing but dissatisfaction and discontent, which will make my position very disagreeable indeed. I would, therefore, respectfully tender my resignation, as I am confident that by so doing I best serve the interest of the regiment.

I have the honor to be, sir, very respectfully, your most obedient servant,

P. B. S. PINCHBACK,
Captain Second Louisiana National Guard.

The resignation was accepted and he was honorably discharged. I have the discharge here:

[Special Orders No. 227.]

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, September 11, 1863.

[Extract.]

The following-named officer, having tendered his resignation as such, is hereby honorably discharged from the military service of the United States: Captain P. B. S. Pinchback, Second Louisiana National Guard.

By command of Major-General Banks.

G. NORMAN LIEBER,
Acting Assistant Adjutant-General.

Then comes the certificate of Nicholas Vedder, paymaster United States Army:

I certify that the foregoing is a true copy from the original, and that I have this day paid Captain P. B. S. Pinchback the sum of $521.95, in full to date of his discharge.

NICHOLAS VEDDER,
Paymaster United States Army.

NEW ORLEANS, LOUISIANA, *September* 19, 1863.

But Mr. Pinchback was not content to remain out of the service of the United States, and he applied to General Banks, who was then in command of New Orleans, for authority to raise a cavalry company, and he received that authority October 2, 1863, in Special Orders No. 8:

2. Mr. Pinchback having reported for duty, under authority from Colonel J. G. Wilson, to raise a company of cavalry, is hereby ordered to recruit in the city of New Orleans, and will be governed by the following instructions.

Then follow the details as to the matter of enlistment. This is signed by "J. S. Bangs, jr., lieutenant-colonel and superintendent recruiting service." Mr. Pinchback went on, raised his company at an expense to himself of nearly $1,000, and after the company had been recruited he thus applied for his commission as captain of the company:

HEADQUARTERS FIRST CAVALRY, CORPS D'AFRIQUE,
New Orleans, November 17, 1863.

MAJOR: By authority from Major James Grant Wilson (copy inclosed) I have recruited a company for the First Cavalry Regiment Corps d'Afrique, and would respectfully apply for my commission in order to be mustered in with my company.

I have the honor, sir, to be, very respectfully, your most obedient servant,

PINCKNEY B. S. PINCHBACK.

MAJOR G. NORMAN LIEBER,
Acting Assistant Adjutant-General, Department of the Gulf.

On that application the following indorsement is made, (I have the original paper here:)

HEADQUARTERS FIRST CAVALRY, CORPS D'AFRIQUE,
New Orleans, Louisiana, November 17, 1863.

Pinchback, P. B. S., appointed captain First Cavalry, Corps d'Afrique, states that he has recruited his company, and asks that a commission be issued to him.

One inclosure.

HEADQUARTERS FIRST CAVALRY, CORPS D'AFRIQUE,
New Orleans, Louisiana, November 17, 1863.

Respectfully forwarded.

W. W. HOWE,
Commissioned as Major or Commander.

Here comes the indorsement on the back by the officers in command:

HEADQUARTERS DEPARTMENT GULF,
New Orleans, November 16, 1863.

Respectfully referred to Lieutenant-Colonel Bangs. Is not this officer colored?

By command of Major-General Banks.

J. SCHUYLER CROSBY,
Captain and Acting Assistant Adjutant-General.

And here is the return on the part of Mr. Bangs:

Respectfully returned.

P. B. S. Pinchback is a colored man; very much of a gentleman, however, and a meritorious officer.

It would afford me much pleasure to see him placed in a position to serve the Government.

I. S. BANGS, JR.,
Lieutenant-Colonel and Superintendent Recruiting, Corps d'Afrique.

After that return had been made by the colonel we find this indorsement by General Banks:

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, November 19.

Respectfully returned.

This application is *disapproved*, the commissioning of negroes as commissioned officers being contrary to law.

By command of Major-General Banks.

I. SCHUYLER CROSBY,
Captain and Acting Assistant Adjutant-General.

It will thus be seen that Mr. Pinchback was in the service of the United States for more than a year, that he raised two companies, that he was recommended highly for a commission as a gentleman and a meritorious officer, but that his commission was refused in the cavalry company upon the ground that it was contrary to law to commission a negro.

Mr. MERRIMON. Before the Senator passes from that point, I beg to ask him whether he has any information as to where Mr. Pinchback was at the time and immediately preceding the time when General Butler gave him this permission to raise a company.

Mr. MORTON. Mr. Pinchback was in New Orleans, as I understand. Will the Senator state the object of his inquiry? I presume I understand it. I ask him to be frank about it, and I will answer him frankly.

Mr. MERRIMON. I will state my object in all frankness. I have heard it stated on what I regard as pretty good authority that at that time he was in the penitentiary or workhouse of Louisiana for the crime of burglary, having been committed there by order of a provost court.

Mr. MORTON. For what crime?

Mr. MERRIMON. I think burglary; either burglary or larceny. If the Senator has any information on that subject, I should be obliged to him for it, and I am sure the Senate would.

Mr. MORTON. I believe I am in possession of the information precisely that the Senator seeks for, and supposing the question would be asked I brought the papers along. I did not care in my statement to refer to that circumstance, because it is necessarily a painful one, but I am glad the Senator has made the inquiry as a matter of justice to Mr. Pinchback.

Mr. MERRIMON. It seemed to me a material fact, and therefore I inquired about it.

Mr. MORTON. I have a memorandum here which has been placed in my hands containing the facts.

Mr. Pinchback, in the spring of 1862, being in Memphis, Tennessee, within the confederate military lines, heartily sympathizing with the national efforts to preserve the integrity of the union of the States and the authority of the Federal Government, so soon as he heard that New Orleans had fallen into the hands of United States troops, made his way to Louisiana and arrived in the Crescent City May the 12th, 1862. Shortly after his arrival, under great provocation, he was forced into a personal collision with Mr. John Kepper, his opponent being wounded in the fight.

I am otherwise assured that Mr. Pinchback acted simply in self-defense. He was arrested and gave bail on a charge of assault and battery; and I am advised that that is the only charge that was brought against him; no burglary, no larceny, no infamous crime; and if any Senator has any evidence on the point, I am advised by Mr. Pinchback that he challenges him to produce it.

He was placed under bonds on the charge of assault and battery by Judge Louis Gostinel, a civil officer, and so remained until Mr. Kepper recovered.

The man got well very speedily.

Pending the proceedings in the civil courts, Kepper—

I am told he was his brother-in-law—

at the investigation of parties who were attempting to levy black mail, caused Mr. Pinchback to be arrested on the 23d of May, only ten days after the assault, the party having meanwhile recovered, and to be brought before Provost Judge Joseph M. Bell.

then the military officer who commanded the city of New Orleans, by whom Mr. Pinchback, was sent to a prison known as the workhouse. In that prison he remained some time, I do not know how long, perhaps a month, or until the matter was brought to the knowledge of the military authorities, and Mr. Pinchback was discharged, there being no ground for his detention. I have here a transcript from the records of the prison; it is a printed form:

Name of prisoner, Pinkney Pinchback; age, 24; height, 5 ft. 9¼ ins.; color of hair, black; color of eyes, black; where born, Georgia; education, educated; occupation, laborer; habits, intemperate.

I suppose the fact was at the time this collision occurred both he and his brother-in-law were somewhat convivial—a thing which does not very often occur in the South, and of course never with white men. [Laughter.]

When committed, May 23, 1862; time to serve, 2 years; when discharged, July 28, 1862.

Mr. MERRIMON. What is the charge?

Mr. MORTON. I will find that in another paper perhaps. Here is the certificate:

UNITED STATES OF AMERICA, STATE OF LOUISIANA.

PARISH OF ORLEANS,
City of New Orleans:

SECOND JUSTICE'S COURT.

Personally came and appeared before me, W. L. Evans, second justice of the peace in and for the parish of Orleans, Patrick Creagh, a resident of this city, who, being duly sworn, deposes and says: That in the year of 1862 he was assistant keeper of the work-house of the parish of Orleans, Louisiana, and that he knows P. B. S. Pinchback; that said Mr. Pinchback was in said year, 1862, committed to said work-house by Judge Bell, provost judge of the parish of Orleans, for the offense of assault and battery; that said Mr. Pinchback was so committed to the work-house without a trial by jury and without having an opportunity to call witnesses in his own behalf and defense, and without being heard by counsel, all, as this deponent believes, in violation of law and justice; that, soon after said confinement in the work-house as aforesaid and upon a full and fair statement of his case to Judge Bell, and upon showing that great injustice had been done Mr. P. B. S. Pinchback, Judge Bell released him. Deponent further says that he really believes that Mr. Pinchback was committed as aforesaid by Judge Bell through the influence of evil-disposed persons who desired to extort money from said Mr. Pinchback. This deponent was told by one Mr. C. C. Morgan, who at that time was practicing law in said provost court, that if said Pinchback would pay him (Morgan) $500 he would obtain his release, but that Mr. Pinchback, conscious of his innocence, refused to pay said amount to said Morgan or any one else.

PATRICK CREAGH.

Sworn to and subscribed before me this 7th day of January, 1874.

W. L. EVANS,
Second Justice of the Peace.

Mr. MERRIMON. Is there a blank there for the charge or is it inserted?

Mr. MORTON. No, I do not see a blank here for the charge; there is no blank for the charge.

Mr. DAVIS. Will the Senator allow me to see the paper?

Mr. MORTON. Certainly; I will hand it over.

I do certify the above to be a true and correct statement, and the only record in this institution regarding the incarceration of Senator P. B. S. Pinchback to this place.

Very respectfully,

CHRIS. C. CAIN,
Clerk City Work-House.

I have here an affidavit which I will read:

I do certify the above to be a true and correct statement, and the only record.

Here is another affidavit:

Personally came and appeared before me, W. L. Evans, second justice of the peace, &c., Robert N. Johnson, a resident of this city, who, being duly sworn, deposes and says: That he was the clerk of the city work-house in 1866 and 1867, and had charge of the records, among which was the commitment against Mr. P. B. S. Pinchback for assault and battery—

It seems the commitment was for assault and battery—

on one John Kepper. Knows all the facts. * * * Deponent further states that application has been made to the present keeper of said work-house for said commitment, but that it cannot be found; therefore he verily believes it is lost or mislaid.

Mr. MERRIMON. What was the offense charged?

Mr. MORTON. Assault and battery. This affidavit states that the commitment was for assault and battery.

Now I call the attention of the Senate to the fact that immediately after, or in a very short time after, this had taken place, and he was released, Pinchback was commissioned by General Butler to raise a company; that he raised a company and was in the Army for thirteen months, and then resigned because all the officers had become white except himself, and his staying was disagreeable. He was then authorized by General Banks to raise a cavalry company, which he did successfully in the same city at a cost of nearly $1,000, and was then refused a commission, after being recommended by the superintendent of the recruiting service as being a gentleman and a meritorious officer, upon the ground that the law did not authorize the appointment of a negro.

Mr. Pinchback was elected to the constitutional convention in Louisiana from the city of New Orleans in 1868, and he served in that convention with some distinction. When the State was reconstructed, he was elected a member of the senate from the city of New Orleans for the term of four years. That would carry him over to 1872. In 1871 the lieutenant-governor of the State, Mr. Dunn, a colored man, died, and Mr. Pinchback was elected to fill the vacancy as president of the Senate. By the constitution of Louisiana, when the lieutenant-governor dies the president of the senate becomes the lieutenant-governor, not *ex officio* lieutenant-governor, but the constitution declares he "shall be the lieutenant-governor." Pinchback served as lieutenant-governor of the State of Louisiana from the month of October, 1871, until December, 1872, some fourteen months. When Warmoth was impeached in December, 1872, Pinchback became the governor of the State under the constitution of Louisiana, and continued to act until his successor, William P. Kellogg, was duly installed in office. This I believe is his military and his official history.

Now, Mr. President, I wish to state very briefly the points of law that I think are involved in this case. Mr. Pinchback is certified by the governor of the State of Louisiana to have been elected a Senator to this body for six years, beginning on the 4th of March, 1873. That election took place in January, 1873. His right to a seat was questioned here, and one year afterward, when the same Legislature came together, he was re-elected by that body, and the certificate is here in the case of both elections.

In the first place, I insist that Mr. Pinchback has a *prima facie* title to his seat. The certificate of the governor makes a *prima facie* case, which entitles the person holding it to a seat; and if there is any objection to his election as having been informal or fraudulent or not by the proper body, that is a question which under the usage of this Senate from the very time of its organization is to be inquired into afterward. It is the common law of this body, it is the common law of the House of Representatives, that the person holding the certificate of election issued by the governor in pursuance of the law has a *prima facie* title to his seat, and if there be objections upon account of fraud, informality, or that he was not elected by the proper body, they are to be inquired into afterward. Even in the case where the question is whether he was elected by the proper Legislature this has been the rule. The first case involving that question arose in Rhode Island many years ago. In that case the Legislature of Rhode Island, then sitting under the old charter, had protracted the existence of the State senate one year after the term of the senators would have expired, there having been no election. The Legislature by a joint resolution continued the existence of that senate as a part of the Legislature for one year, and after its existence had thus been continued by a joint resolution the Legislature elected a Senator, and the governor, whose existence depended upon the same action, certified to the election. The next summer an election took place, a Legislature unquestionably legal was elected, and the new Legislature elected another Senator, and both credentials came to this body. Both applicants appeared here claiming a seat. The Senate, under the lead of Mr. Clay, from Kentucky, who was then a member of this body, declared that the Senator first elected having the certificate of the governor had a *prima facie* title to the seat, and that as to whether he was elected by the right body or not was a question that could only be inquired into after he had taken his seat. Accordingly, Mr. Robbins was sworn in; and after he was sworn in a very lengthy and very interesting investigation followed as to whether he was elected by the Legislature of Rhode Island. It was a very close question as to whether the old Legislature had the power to protract the existence of the senate one year by a joint resolution; but it was finally held that it had that power, and Mr. Robbins was maintained in his seat.

We have had another case here very recently involving the same question, and that was in the case of Mr. SPENCER, from Alabama. Mr. SPENCER held the certificate of the governor of the State as having been elected by the Legislature of Alabama. Another gentleman came here claiming to have been elected by the Legislature of Alabama. We seated Mr. SPENCER upon the ground that he held the certificate of the governor and had a *prima facie* case. We then made inquiry in regard to the facts, and we found that there were two pretended legislatures in the State of Alabama, one called the court-house legislature and the other called the capitol legislature. The court-house legislature elected Mr. SPENCER and the capitol legislature elected Mr. Sykes. So the committee reported, and the Senate decided that Mr. SPENCER was elected by the lawful Legislature of Alabama.

In the House, I believe, the same rule has prevailed, that the member having the certificate of the governor has a *prima facie* case, and when it is alleged that he was not properly elected, or elected by fraud, or that the election was in any way illegal, that is a question that is to be examined after that time.

I know, Mr. President, there is an old controversy in regard to the election in Louisiana in 1872. That I do not care to go into now. Of course I shall follow the discussion if it becomes necessary. It is enough to say that Governor Kellogg has been recognized by every department of this Government—by the President, by the Senate, and by the House of Representatives. The present House, a large majority being democratic, have recognized him in the fullest and in the most ample manner as the governor of the State by seating on his certificate, after sharp resistance, I believe, two members of the House whose only title was that they held the certificate of the governor of the State of Louisiana. What there was behind that the House did not know. Objection was made that Kellogg was not the governor of Louisiana, but the House decided that he was the governor of Louisiana by recognizing the certificate and placing two members in their seats by virtue of it. Here we have a recognition by a democratic House of Representatives in the fullest possible manner. There is no room for nice distinctions or for hair splitting so far as the action of the House is concerned. With a full knowledge of all the facts the House of Representatives placed those two members in their seats.

I may say that Governor Kellogg has been recognized by all the courts in Louisiana time and time again by the lower courts and by the supreme court, I believe, of the State in several decisions. The Legislature of Louisiana has been recognized by the highest courts in that State as being the lawful Legislature of the State. This Legislature that elected Pinchback passed more than two hundred statutes which are to-day recognized as the laws of Louisiana, and are enforced in all the courts, one of which has been recognized by the Supreme Court of the United States.

Mr. WEST. And submitted constitutional amendments to the people that have been ratified.

Mr. MORTON. The very Legislature that elected Mr. Pinchback submitted several constitutional amendments to the people which were ratified by the votes of all parties, and have since been put into operation by laws enacted for that purpose, acting even with regard to the most important interests of the State with reference to their public debt. I may here say, I suppose, in general terms, that the courts of Louisiana and the people of Louisiana of all parties have recognized Governor Kellogg as the governor and the Legislature that elected Mr. Pinchback as the Legislature in every particular except one, and that one is simply the election of P. B. S. Pinchback. Amendments of the constitution in regard to the city of New Orleans, a city under democratic government, asked for by the leading men of that city, were tendered by the same session of the Legislature electing Mr. Pinchback and ratified, and under which the city of New Orleans is now conducting its government.

I have frequently argued the question before the Senate, and I do not propose to do it now, that so far as members of that legislature are concerned and the State officers, their title is to be determined by the State tribunals appointed for that purpose. The State returning board, authorized by law for the express purpose of counting the votes, had exclusive jurisdiction upon that subject, so far as the State officers were concerned. The Legislature, of course, after it convenes and organizes, is made the judge of the qualification and election of its own members. The State courts have passed upon the State elections by recognizing the governer and the Legislature and the legality of the board that counted the votes, and the general rule of law is that the Supreme Court of the United States will follow the decisions of the State courts upon any question arising exclusively under the constitution and laws of a State. That was held very fully in the case of Luther *vs.* Borden, and has been frequently recognized as the law.

There has been trouble down there, Mr. President; there have been things done on both sides that I cannot justify; but I want to say

right here that the root of all the trouble in Louisiana grew out of a conspiracy and a combination to subvert a notorious republican majority of from fifteen to twenty thousand, by violence and fraud. That State was republican in 1872 just as notoriously as the State of Kentucky was democratic in 1875, and there is abundance of evidence upon the record to show that a scheme was formed, not only formed but avowed, to subvert and defeat that well-known majority and to put the democratic party in power. I do not say that everything that was done to defeat that scheme was right; I do not intend to be drawn into the justification of anything that was wrong; but I say here to-day that the origin and root of this whole trouble was a foul conspiracy to rob the people of Louisiana of their political rights and defeat and to overwhelm a well-known majority of from fifteen to twenty thousand—a scheme that has been recently followed in the State of Mississippi, and a scheme, too, that was followed in other States and is threatened to be pursued in other elections yet to come.

I will not now advert to the sad history of Mississippi during the last campaign and election. Louisiana was not alone; Mississippi was not alone. I have here the statement and the confession of one of the most distinguished citizens of the State of Georgia, recently made, as to the course that was pursued in that State. I refer to it to show that it was somewhat of a general policy in those States. Robert Toombs, once a member of this body, a man of distinguished talents, now perhaps the most distinguished citizen of Georgia in many respects, made a speech before the members of the Legislature of that State the other day, only about a week or ten days ago, in the city of Atlanta. He addressed the members of the Legislature and a large mass of people. I have here a verbatim report of his speech in a democratic newspaper, the Daily Constitutionalist, showing that he spoke the sentiments of that people, that he was applauded to the very echo, and that, whatever may be said here, the sentiments and the facts stated by Robert Toombs in that speech were indorsed by the unanimous and hearty plaudits of his auditory.

I do not read this on account of the bitterness of Mr. Toombs; we all know that he is a bitter man; but that he does to-day represent what may be called the vital part of the democratic party of Georgia, of Mississippi, and other southern States, I do not doubt for a moment; but I read this extract from his speech for the purpose of getting his evidence as to a fact, a fact understood at the time and believed by most of us. I now quote simply his testimony without regard to any violent sentiments he utters against the republican party or the people of the North.

Mr. Toombs said:

> We got a good many honest fellows into the first Legislature, but I will tell you how we got them there. I will tell you the truth. The newspapers won't tell it to you. We got them there by carrying the black vote by intimidation and bribery! [laughter,] and I helped to do it! [Applause.] I would have scorned the people if they had not done it! And I will buy them as long as they put beasts to go to the ballot-box! [Cheers.] No man should be given the elective franchise who has not the intelligence to use it properly. The rogue should not have it, for government is made to punish him; the fool should not have it, for government is made to take care of him. Now, these miserable wretches—the Yankees—have injected five millions of savages into the stomach of our body-politic, and the man who says he accepts negro suffrage, I say accursed be he! [Cheers.] I will accept everything, I will accept Grant and empire, before I will accept such a democrat. [Applause.] The poor, ignorant negro—talk of him governing you and me! It takes the highest order of intellect to govern the people, and these poor wretches talk of governing us! Why, they can't perpetuate their own negro power. In the countries where they were in the majority they did not preserve their power and perpetuate their rule. My remedy helped us to break that up. We carried them with us by bribery and intimidation! I advised it and paid my money for it! [Applause.] You all know it, but won't say it. But I will say it, for I fear no man, and am prepared to render an account to none but the great Judge, before whom I must appear in a few years, for my enemies have thought my services to my country so great that they have done me the honor to exclude me from again serving my people.

There is very much in this speech that would be interesting as illustrating the condition of feeling in Georgia and other States, the existence of which I regret as profoundly as anybody.

Now, Mr. President, I have concluded about all that I intended to say. You are now called upon to decide this question, and I hope will do it promptly. The State of Louisiana is entitled to be represented. Shall the men who contrived the scheme of 1872 reap the fruits of it? Pinchback has been kept out of his seat, and there is now a democratic Senator knocking at the door asking for admission. I undertake to say that it is one or the other. The State is entitled to be represented. If Mr. Pinchback is not elected, then the present Legislature is entitled to fill the vacancy. I do not hesitate to say so; and our democratic friends understand full well that, after Mr. Pinchback has been rejected, if he should be rejected, republicans will not stultify themselves, after a decision like that, by keeping the State unrepresented. Distasteful as this gentleman might be to us politically, distasteful as his military record might be to us, still if there is a vacancy that the present Legislature has filled by his election he is entitled to his seat, without now going into the particular circumstances of his election. If irregularities should be found in that, it would simply devolve on the Legislature the necessity of having another election, and the result would be precisely the same.

It does seem to me that we cannot refuse to Mr. Pinchback his seat, except by the violation of principles of law that have been recognized and acted upon in this body from the time of its organization and in the other House, and I may say in all elective bodies in this country.

EXECUTIVE SESSION.

Mr. CAMERON, of Pennsylvania. Mr. President, I move that the Senate now proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty minutes spent in executive session, the doors were re-opened.

DISTRICT 3.65 BONDS.

Mr. SHERMAN. I move to take up the joint resolution relating to the payment of interest on 3.65 bonds.

The motion was agreed to; and the Senate resumed the consideration of the joint resolution (H. R. No. 52) directing the commissioners of the District of Columbia to pay the interest on the bonds issued in pursuance of the act of Congress approved June 20, 1874, out of any funds in the United States Treasury subject to the requisition of said commissioners, and for other purposes.

Mr. SHERMAN. I now ask leave to withdraw my motion to reconsider the vote on the amendment of the Senator from Connecticut, [Mr. EATON.] I do not desire longer to delay the passage of the joint resolution; and as I find the matter will lead to debate, I ask leave to withdraw the motion to reconsider.

The PRESIDENT *pro tempore*. If there be no objection the motion to reconsider will be withdrawn, and the amendments made as in the Committee of the Whole will be considered as concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

Mr. STEVENSON. I move that the Senate adjourn.

The motion was agreed to; and (at two o'clock and twenty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February* 4, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND, D. D.

The Journal of yesterday was read and approved.

DELEGATION OF VIRGINIA LEGISLATURE.

Mr. DOUGLAS. I ask unanimous consent that the privileges of the floor be extended during to-day and to-morrow to a delegation from the State of Virginia, composed in part of a deputation of the joint committee on immigration of the Legislature.

The SPEAKER. If there be no objection the request will be granted.

There was no objection.

CIRCUIT COURT IN CALIFORNIA, OREGON, AND NEVADA.

Mr. KNOTT. I am instructed by the Committee on the Judiciary to ask unanimous consent to report back, with an amendment, for consideration at this time, Senate bill No. 53, fixing the time of holding the circuit court of the United States in the districts of California, Oregon and Nevada. It is highly important that the bill and amendment should be acted on immediately, so as not to interfere with the term of the district court of California which will commence next Monday week.

The bill was read. It provides that a term of the circuit court of the United States for the districts of California, Oregon, and Nevada shall be held as follows: For the district of California, on the first Monday of February, second Monday of July, and fourth Monday of November in each year; for the district of Oregon, on the second Monday of April and the first Monday of October in each year; and for the district of Nevada, on the third Monday of March and the first Monday of November in each year. These terms respectively are to be in place of those now provided by law.

The second section provides that the act shall take effect on the 1st day of February, 1876, and repeals all provisions of law inconsistent with it.

The amendment of the committee, which was read, was to strike out near the beginning of the second section the word "February," and insert "March."

There being no objection, the amendment was agreed to; and the bill, as amended, was ordered to a third reading, and read the third time.

Mr. HURLBUT. I wish to suggest to the chairman of the Committee on the Judiciary [Mr. KNOTT] whether it is not necessary to insert a clause to provide for continuing recognizance and process for the new terms?

Mr. KNOTT. That is already provided for.

The bill was passed.

ORDER OF BUSINESS.

Several MEMBERS called for the regular order.

The SPEAKER. The morning hour begins at twenty-two minutes past twelve o'clock. The regular order this morning is the call of committees for reports of a private nature.

Mr. LAWRENCE. I suppose that the bill which was pending when the morning hour expired yesterday comes up first.

The SPEAKER. O, no; that will come up in a morning hour not devoted by the rules of the House to other business. The morning hour of Friday is assigned to the consideration of private business.

LAWSON & BREWIS.

Mr. TUCKER. I am instructed by the Committee of Ways and Means to report as a substitute for a bill heretofore referred to them a bill (H. R. No. 1807) for the relief of Anthony Lawson, surviving partner of the firm of Lawson & Brewis of Alexandria, Virginia. The bill is accompanied with a written report. This firm were the owners of certain lots of land in the city of Alexandria sold under the direct-tax law of Congress of 1862. The proceeds of the sale were paid into the Treasury; and this bill proposes to repay those proceeds to the surviving partner of the firm, deducting the amount of the tax, costs, and charges. I ask that the bill be now considered and passed.

Mr. CLYMER. As I understand, this bill is liable to a point of order.

Mr. TUCKER. The question is whether this is to be considered an appropriation out of the Treasury, as the bill merely proposes to repay the proceeds of the sale which were paid into the Treasury. But, even though the bill may be subject to the point of order, I think there will be no objection to its being acted on and passed now.

Mr. WILSON, of Iowa. We are entitled to have the bill read before the point of order is decided.

The SPEAKER. The bill will be read.

The bill was read.

Mr. CONGER. I make the point of order that this bill, under the rules, because it makes appropriations of lands, must be referred to the Committee of the Whole on the Private Calendar.

The SPEAKER. In the opinion of the Chair the point of order is well taken.

Mr. TUCKER. I ask the gentleman from Michigan not to insist upon his objection at this time. With a brief explanation I have no doubt the House will consent to the passage of the bill at this time.

Mr. WILSON, of Iowa. There are similar bills to be reported from the Committee on War Claims, and if we consider this without reference to the Committee of the Whole on the Private Calendar we must consider those bills in the same manner. I think the enforcement of the rule had better be insisted upon.

The bill was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN V. CHAPMAN.

Mr. BRADLEY, from the Committee of Claims, submitted an adverse report in the case of John V. Chapman; which was laid on the table and ordered to be printed.

Mr. BRADLEY moved to reconsider the vote by which the report was laid on the table; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WAR CLAIMS.

Mr. EDEN. I am directed by the Committee on War Claims to submit the following resolution for consideration at this time:

The Clerk read as follows:

Resolved, That the Committee on War Claims be, and are hereby, authorized to employ a messenger for the present session at the rate of compensation of a laborer.

Mr. HURLBUT. I hardly think that is in order on a private-bill day.

The SPEAKER. To-day, under the rules, is devoted to the consideration of private bills. Does the gentleman make objection?

Mr. HURLBUT. I do not think this resolution to authorize the employment of a messenger by the Committee on War Claims can be considered in the nature of private business.

The SPEAKER. The Chair does not see how he can hold this as a private bill or business of a private nature, and, objection having been made, it will not be received at this time.

Mr. HURLBUT. I do not insist on my objection.

The SPEAKER. Is there objection to the adoption of the resolution?

There was no objection; and the resolution was adopted.

The SPEAKER. The Chair wishes to say, from the manifest desire on the part of the House to facilitate the transaction of this kind of business, it has not been usual to object to these things, although they are not in order.

DANIEL WORMER.

Mr. WARREN, from the Committee on War Claims, reported a bill (H. R. No. 1808) for the relief of Daniel Wormer, of Albany, New York; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PRIVATE LAND CLAIMS IN NEW MEXICO.

Mr. JOYCE, from the Committee on Private Land Claims, reported back a bill (H. R. No. 344) to confirm certain private land claims in the Territory of New Mexico, with the recommendation that it do pass; and the bill was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ANDREW WILLIAMS.

Mr. LAPHAM. I am directed by the Committee on Private Land Claims to report back House bill No. 859, for the benefit of Andrew Williams, of Weakley County, Tennessee, with the recommendation that it do pass, with the single amendment of striking out "Commissioner of the General Land Office" and inserting "Commissioner of Pensions."

The bill was read *in extenso*.

Mr. CONGER. I make the point of order that this bill must be referred to the Committee of the Whole House on the Private Calendar.

Mr. LAPHAM. This bill merely provides for giving relief to Andrew Williams, of Weakley County, Tennessee, for disability at the land office, so that he may obtain a certificate for relocation; but for the death of B. R. McNabb, the relief would have been obtained at the land office, without any bill by Congress.

The SPEAKER. In the judgment of the Chair the objection goes to the very verge in cases of this kind, but still is within the rule. The rule now seems to exclude bills making any appropriation of land in any way. This, in one sense, does that thing. The Chair therefore sustains the point of order.

The bill and amendment were referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANDERSON J. SMITH.

Mr. HURLBUT, from the Committee on Military Affairs, reported back a bill (H. R. No. 597) for the relief of Anderson J. Smith, with the recommendation that it do pass; and the bill was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILBER F. CHAMBERLAIN.

Mr. GLOVER, from the same committee, reported back a bill (H. R. No. 81) for the relief of Wilber F. Chamberlain, of Lewis County, Missouri, with the recommendation that it do pass, and the bill was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CLOTHING TO ENLISTED MEN.

Mr. A. S. WILLIAMS, from the same committee, reported joint resolution (H. R. No. 58) authorizing an issue of clothing to certain enlisted men of Company C, Sixth United States Cavalry; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

OSCAR F. STANTON.

Mr. LEWIS, from the Committee on Naval Affairs, reported back adversely a bill (H. R. No. 398) to restore Oscar F. Stanton, of the United States Navy, to the relative position on the Navy Register which he formerly occupied; and the same was laid on the table, and the report ordered to be printed.

R. L. LAW.

Mr. LEWIS also, from the Committee on Naval Affairs, reported back adversely the memorial of R. L. Law, commander in the United States Navy, asking for restoration to his proper rank in the naval service of the United States; and the same was laid on the table.

G. HARRIS HEAP.

Mr. HEWITT, of New York, from the Committee on Foreign Affairs, reported back the joint resolution (H. R. No. 11) authorizing G. Harris Heap, United States consul at Tunis, to accept the trust of commissioner of the Bey of Tunis, with an amendment by the Senate, in which the committee recommended concurrence.

The amendment of the Senate was read as follows:

At the end of the joint resolution insert the following:

Provided, That during his absence from his post he shall receive no compensation from the United States.

The amendment of the Senate was concurred in.

GRADE AND PRIVILEGES OF ARMY OFFICERS.

Mr. SWANN, from the Committee on Foreign Affairs, reported back the bill (H. R. No. 823) to repeal section 16 of the act approved July 15, 1870, and to construe section 34 of the act approved July 28, 1866, relative to the grade and privileges of officers of the Army, and moved that the committee be discharged from the further consideration of the same and that it be referred to the Committee on Military Affairs.

The motion was agreed to.

ADMISSION OF COLORADO.

Mr. SOUTHARD. I am instructed by the Committee on the Territories to report back with amendments the bill (H. R. No. 1328) to amend the act entitled "An act to enable the people of Colorado to form a constitution and State government and for the admission of said State into the Union upon an equal footing with the original States," approved March 3, 1875.

Mr. RANDALL. That is a public bill.

The SPEAKER. The point of order is well taken.

Mr. SOUTHARD. Will it be in order to refer the bill?

Mr. RANDALL. It is not before the House.

The SPEAKER. It is a public bill, and therefore is not in order under this call.

Mr. SOUTHARD. I ask, then, the return of the bill.

GEORGE P. MARSH.

Mr. FAULKNER, from the Committee on Foreign Affairs, reported back, with the recommendation that it do pass, the bill (S. No. 62) to

authorize George P. Marsh to accept a certain present from the government of Switzerland and a certain present from the government of Italy.

The bill was read. It authorizes and empowers George P. Marsh, the minister of the United States to the kingdom of Italy, to accept a chronometer tendered him by the republic of Switzerland and a table tendered him by the kingdom of Italy in recognition of his services to said governments as arbitrator in a disagreement between the same touching a question of boundary.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

FOG-SIGNAL AT SOUTH FARALLON.

Mr. HEREFORD, from the Committee on Commerce, reported back the bill (H. R. No. 134) authorizing the construction of a steam fog signal at the South Farallon Island, California, accompanied by a favorable report in writing, and with the recommendation that the bill and report be referred to the Committee on Appropriations.

The bill was referred to the Committee on Appropriations, and the accompanying report ordered to be printed.

MARY W. JONES.

Mr. BLAND, from the Committee on Revolutionary Pensions, reported back, with the recommendation that it do pass, the bill (H. R. No. 744) to increase the pension of Mary W. Jones; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

MORRIS DWIGHT.

Mr. BAGBY, from the Committee on Invalid Pensions, reported back, with the recommendation that it do pass, the bill (H. R. No. 682) granting a pension to Morris Dwight; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

LYDIA A. MORRIS.

Mr. BAGBY also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 1460) granting a pension to Lydia A. Morris, widow of John K. Morris, of Company A, Fifth Ohio Volunteer Cavalry; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

JOHN A. STEWART.

Mr. BAGBY also, from the same committee, reported a bill (H. R. No. 1809) granting a pension to John A. Stewart; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ELIZABETH R. HULL.

Mr. BAGBY also, from the same committee, reported a substitute (H. R. No. 1810) for the bill (H. R. No. 242) granting a pension to Elizabeth R. Hull; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

JOHN CHANDLER.

Mr. BAGBY also, from the same committee, reported back the bill (H. R. No. 1732) to place on the muster-rolls the name of John Chandler, late of Company K, Thirty-sixth Regiment Missouri Volunteer Infantry, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Military Affairs.

The motion was agreed to.

WILLIAM T. SIMMS.

Mr. RUSK, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 362) granting a pension to William T. Simms; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

FRANCIS BERNARD.

Mr. RUSK also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 42) granting a pension to Francis Bernard; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

FANNIE E. RECORDS.

Mr. RAINEY, from the same committee, reported a bill (H. R. No. 1811) granting a pension to Fannie E. Records; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

DAVID J. GARRETT.

Mr. SINNICKSON, from the same committee, reported back the bill (H. R. No. 111) granting a pension to David J. Garrett; and the same was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. JANE DULANEY.

Mr. HEWITT, of Alabama, from the same committee, reported back the bill (H. R. No. 1118) granting a pension to Mrs. Jane Dulaney; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY B. HOOK.

Mr. HEWITT, of Alabama, also, from the same committee, reported back the petition of Mary B. Hook, widow of James H. Hook, lieutenant-colonel and assistant commissary-general of subsistence, and a bill for her relief, and moved that it be referred to the Committee on Military Affairs.

The motion was agreed to.

CRUELTY TO ANIMALS.

Mr. JONES, of Kentucky, from the Committee on Roads and Canals, moved that the committee be discharged from the further consideration of the petition of Charles Paine, superintendent of the Lake Shore and Michigan Southern Railroad Company, and other papers, asking the repeal or modification of an act to prevent cruelty to animals while in transit by railroads or other means of transportation in the United States, and that the same be referred to the Committee on Agriculture.

The motion was agreed to.

CLERK OF THE COMMITTEE ON ROADS AND CANALS.

Mr. JONES, of Kentucky, also, from the same committee, reported the following resolution:

Resolved, That the Committee on Roads and Canals be authorized to employ a clerk, whose compensation shall be $4 per day.

Mr. HOLMAN. That resolution ought certainly to go to the Committe of Accounts, and I desire to make a motion that it be so referred.

Mr. JONES, of Kentucky. I hope not, sir. I desire to state that the Committee on Railways and Canals have always had a clerk. The Committee of Accounts have decided that the same clerk shall be employed by the Pacific Railroad Committee and the Committee on Railways and Canals. Now, sir, the House has been in session for two months and I never have seen that clerk in our committee-room. I have inquired of him, and he has told me that his time is entirely occupied by the Committee on the Pacific Railroad and can give no time to us. Now, sir, our business is already considerable and is accumulating every day, and persons interested in the business connected with our committee go to our committee-room to ascertain the condition of the measures in which they are interested and there is no one there to give them any information on the subject. I therefore hope that the committee will be allowed to employ a clerk.

Mr. HOLMAN. I wish to call attention to the fact that the Committee on the Pacific Railroad has but a single bill pending before it, and the idea that it requires a clerk a single moment is entirely out of the question. I am sure that none of us desire that clerks of committees shall be employed to discharge the duties that properly devolve upon us. The practice has been in the past, when there was no great pressure or demand for economy, to refer all such matters to the Committee of Accounts. I know that my friend from Kentucky has the same motive that I have—the protection of the public interest; why, then, should he not let this subject go to the Committee of Accounts? Why treat the committee discourteously? They have already reported for the appointment of all clerks of committees heretofore appointed, except in one or two instances where resolutions were passed by the House. But the practice has been to refer all such questions to them, and I hope that it will be done in this case. Sir, we are increasing the number of clerks in the House beyond all past experience. We shall have to go before the country with instead of a reduction of expenditures an actual increase of expenditures for the House of Representatives.

Mr. JONES, of Kentucky. I desire to say that my information in regard to the business before the Pacific Railroad Committee is entirely different from that of the gentleman from Indiana. I understand that that committee has been in session for many days past. The information I derived in regard to the business before it was from the clerk of the committee.

Now, sir, I am as much in favor of cutting down expenses as the gentleman from Indiana can be, but I do contend that the business of the country should be done, and done to the satisfaction of everybody. I would like the gentleman to state to the House if he has ever known a time since the formation of the Committee on Railways and Canals when it has not had a clerk.

Mr. HOLMAN. I am not able to say whether it has or has not. Without professing to have precise information in regard to the amount of business before the Committee on the Pacific Railroad, I have, in common with other members of the House, a general idea of the amount of business before the various committees of the House. I think we are now appointing a larger number of clerks than the public business requires, and, in order that there may be inquiry into the matter, let this resolution go to the Committee of Accounts, and, if they think a clerk is necessary, there will be no objection; but until the committee report in favor of it I do not think we ought to pass it.

Mr. JONES, of Kentucky. I have as much respect for the Committee of Accounts as anybody, but they have been appealed to and re-appealed to on the subject, and have ignored our appeal.

The Committee on Railways and Canals has always had a room to itself heretofore, but now their room is given a part of the time to another committee. We are already encumbered in that room with a great deal of business, and I know what business is before that committee much better than does the gentleman from Indiana, [Mr. HOLMAN.] I will say this to the House, if they will give our committee a clerk and the time should arrive when we can dispense with his

services, then, in furtherance of the idea of the gentleman from Indiana and of the economy of the House and of the democratic party, I will see that the clerk is discharged. But I insist that the resolution shall now be considered by the House.

Mr. FORT. With all deference to my friend from Kentucky, [Mr. JONES,] allow me to say that I hope this resolution will be referred to the Committee of Accounts, if that committee is to investigate the subject of awarding clerks to the several committees of the House. Let me say now to the House that the Committee of Accounts is considering the application of the gentleman from Kentucky, and I believe it has a report ready.

Mr. JONES, of Kentucky. Is the gentleman on that committee?

Mr. FORT. I am.

Mr. JONES, of Kentucky. Well, rather than consume any further time of the House in the discussion of this resolution, I will consent to its reference.

Mr. FORT. I believe I have the floor, and will conclude what I have to say. The Committee of Accounts have considered the application of the gentleman from Kentucky with applications of similar character by other gentlemen. We are desirous of giving them all the assistance in their labors which we can. But let me say to the House that the roll of clerks already exceeds in number that allowed to the last House, and the committee are unwilling to further swell that roll without a full investigation and a fair understanding of all the circumstances in each case.

Mr. JONES, of Kentucky. Was not a clerk given to the Committee on Railways and Canals of the last House?

Mr. FORT. I think they had a clerk a part of the time. But, as has been well said by the gentleman from Indiana, [Mr. HOLMAN,] one committee which has been assigned a clerk in conjunction with the committee of which the gentleman from Kentucky [Mr. JONES] is chairman has but one bill before it. Now, it can hardly be possible that the care and custody of one single bill can occupy all the time of a clerk for so long; at least the Committee of Accounts think so. I do not see the chairman of the Committee of Accounts [Mr. WILLIAMS, of Indiana,] in the House at this time. I believe that he desires and is willing to accommodate the gentleman if he can possibly do so and at the same time have a due regard to economy.

Mr. JONES, of Kentucky. I will make no objection to the reference of this resolution to the Committee of Accounts.

Mr. O'BRIEN. Before the resolution is referred I desire to submit an amendment to it, so that the amendment may also be referred to the Committee of Accounts.

Mr. FORT. You might as well have them all referred together.

Mr. O'BRIEN. It is germane to the subject of the resolution.

The Clerk read the proposed amendment, as follows:

Resolved, That the Committee of Accounts assign to the Committee on Coinage, Weights, and Measures a clerk at a salary of $4 per day.

The SPEAKER *pro tempore*, (Mr. RANDALL.) The Chair rules that amendment not in order. The pending resolution comes from a committee, and relates to a particular matter to which this amendment is not germane.

Mr. JONES, of Kentucky. I do not accept the amendment.

Mr. O'BRIEN. I desire, when the opportunity presents itself, to offer my resolution and have it referred to the Committee of Accounts.

The motion to refer the resolution of Mr. JONES, of Kentucky, to the Committee of Accounts was agreed to.

Mr. O'BRIEN. I now offer the resolution which was read a moment ago.

The SPEAKER *pro tempore*. Is it a report from a committee?

Mr. O'BRIEN. It is not a report from a committee, but I offer it as representing a committee.

The SPEAKER *pro tempore*. It is not now in order.

CHARLES H. FONDÉ.

Mr. J. H. BAGLEY, from the Committee on Patents, reported back, with a recommendation that the same do pass, the bill (H. R. No. 1440) to enable Charles H. Fondé to make application to the Commissioner of Patents for extension of letters-patent for improvement in dredging-machines.

Mr. BURCHARD. Ought not this bill go to the Committee of the Whole on the Private Calendar?

Mr. CONGER. Why?

Mr. BURCHARD. I have not examined the bill, but judging from its title I think it proposes to give some special rights to an individual.

Mr. CONGER. I thought the gentleman did not understand it very well. I cannot see any point on which it should go to the Committee of the Whole.

Mr. BURCHARD. Let the bill be read.

The bill was read. It provides that the petition of Charles H. Fondé, of Mobile, Alabama, for extension of letters-patent for an improvement in dredging-machines, granted April 17, 1855, numbered 12720, and extended by the Commissioner of Patents for seven years from April 17, 1869, which term will expire on April 17, 1876, shall be referred to the Commissioner of Patents, with full power and authority to hear and determine the same; and if, after hearing the said petition, upon due notice to the public according to the practice of the Patent Office in cases of extension, the said Commissioner should decide that said petition ought to be granted, he is hereby authorized and empowered to extend said letters-patent for seven years from April 17, 1876, to said Charles H. Fondé.

Mr. BURCHARD. I withdraw the point of order.

Mr. HOLMAN. Is not this bill subject to a point of order?

The SPEAKER *pro tempore*. It is not.

Mr. HOLMAN. If it is I would like to make it.

Mr. REAGAN. I ask that the report be read.

The report states that Charles H. Fondé has made every effort in his power to perfect and put in use the dredging-machine for which he seeks an extension of patent, has expended large sums of money, but from adverse circumstances, which he could in no way control, has suffered great loss; with others he has lost three machines, one by explosion of boilers and two by other accidents, rendering them nearly a total loss; that the committee find the machine of which he is the inventor is not of such a character that the general interests of the public would be damaged or interfered with should the application be granted, and therefore they recommend that the bill do pass.

Mr. REAGAN. Without having investigated this case or knowing anything about the facts beyond their presentation in the report, which seems to be made on the statement of the patentee alone, I understand that this patent has already had a renewal for seven years. The policy of giving patents for inventions which may be beneficial to the public is all well enough, and in proper cases a single extension may not be objectionable; but beyond that I think extensions of patents are generally designed simply to secure monopolies to individuals against the interest of the public. For my own part I know of no case in which a patent so extended has not been improperly extended, to the injury of the public and simply to make the invention a monopoly. Upon general principles I am inclined to vote against all such propositions.

I understand of course that this bill proposes merely to refer the question of the extension to the Commissioner of Patents; but I do not think it good policy to revive patents, certainly not after they have been extended for one term of seven years. I trust therefore that this bill may not be passed.

Mr. J. H. BAGLEY. The Committee on Patents have carefully examined this application and think it meritorious. No opposition is offered to it. On the contrary, petitions have been presented from a number of parties recommending the passage of the bill. It is clearly established that Mr. Fondé has received no compensation for his invention, but has been a heavy loser. This bill proposes merely to allow him to go before the Commissioner of Patents and present his application for a renewal.

This is an entirely different case from the extension of a sewing-machine patent or anything of that kind going into domestic use. This is a vast machine, the construction of a single one costing something like $50,000. We have the patentee's statements and affidavits, together with the history of the three or four machines which are the only ones thus far constructed. The committee are averse to renewing any patent unless the case shows real merit. They deem this such a case, and have felt it their duty to report it favorably.

Mr. CONGER. Perhaps it is due to the Committee on Patents that I should explain somewhat the views of the committee in regard to extension of patents in general, and also their opinion in reference to this particular application.

From the views which the committee have expressed and the resolutions which they have adopted for the government of their action, I think that no gentleman of this House, however much he may be opposed to the extension of patents or to granting monopolies to companies or individuals, will have any occasion to find fault with any recommendation of the committee.

Old members of the House will recollect my opposition heretofore to the extension of any patent where the inventor had already received sufficient remuneration, either from the public or anybody else. I think that this rule will control the action of the committee in a manner to satisfy probably the most strict objector.

This patent is for a rotary dredging-machine, unlike, perhaps, any one in use in the country. It is very complicated, more complicated even than a steamboat. It requires very expensive machinery, making the cost of each machine perhaps fifty or sixty thousand dollars. It happens that only four of these machines have been constructed during the twenty-one years of the life of this patent. Three of those were destroyed or very materially injured immediately upon their application to work. The inventor has never received one cent from the public. The public has never paid one cent for this patent in any shape whatever. It is a machine that cannot come into general use. It is designed for the larger kind of dredging in rivers and harbors. So far as we can judge, it may prove to be a very valuable invention.

The fourth one of these machines has been completed and is now being put to work in the harbor of Baltimore to test its capacity. If it proves successful it will undoubtedly reduce very greatly the expense of clearing our harbors and rivers, where a great amount of dredging is required. Unquestionably, if successful, as the inventor hopes, it will cheapen that kind of work as well for the Government as for the public.

With all my objections to extensions in general, and after having carefully examined this application both in the last Congress and in the present, I see no reason on any principle whatever why the privi-

lege now asked by this inventor should not be granted. He has struggled for almost twenty-one years to perfect this invention; has incurred the outlay not only of the fortune he had at the time he commenced his operations, but all the earnings of a life. Hence I have cheerfully joined with the other members of the committee in recommending that this patentee be allowed to apply to the Commissioner of Patents for a further extension.

Mr. REAGAN. In view of the statement which the gentleman from Michigan has just made, would it not be charitable to this inventor to let the patent expire?

Mr. CONGER. That may be so; but the committee do not feel that they are instituted as the particular guardian or supervisor of charities. Patents do not generally come under that head. I think that this is such a case that probably every member of the House, upon giving it individual examination, would approve the recommendation of the committee and favor the passage of the bill.

Mr. TOWNSEND, of New York. Mr. Speaker, if this invention is of such a character that the continuance of the patent will cheapen the dredging of harbors and aid the General Government, then it certainly may accomplish the same object if the patent be not extended. My objection to this measure is that it is an entering-wedge by which private individuals may be encouraged to hang about the halls of legislation to promote their ends after they have had the benefit of twenty-one years of favor from the General Government. I believe that a term of twenty-one years is long enough for any invention. I am opposed to this and all other extensions.

Mr. CONGER. One word to my friend from New York, [Mr. TOWNSEND,] for I have found him to be a reasonable man, and I think a word will be sufficient. The only machine of this kind that has ever perhaps been made ready for work is now prepared. It is even uncertain whether this one will not require great additional expenditure before it is perfected. It is now on trial. In April next the term of the patent will run out.

Mr. TOWNSEND, of New York. The inventor can now patent the improvements he proposes to make.

Mr. CONGER. There are no improvements to be made. What is to be done is to perfect a very cumbersome piece of machinery and make it practicable in its workings.

Mr. J. H. BAGLEY. I will say to my colleague [Mr. TOWNSEND, of New York] that the evidence in this case shows that this man and others with him have expended about $200,000 to perfect these machines. They have received but $25,000, a result which was caused by the loss of these three machines. Therefore there will not be adequate compensation for his invention unless this bill be passed.

The House divided; and there were—ayes 40, noes 71.

The SPEAKER *pro tempore*, (Mr. RANDALL in the chair.) The bill is rejected unless a further count be demanded.

Mr. BRIGHT. Has not the morning hour expired?

The SPEAKER *pro tempore*. It has.

Mr. BRIGHT. Then I demand the regular order of business, as this is objection-day in the Committee of the Whole House on the Private Calendar.

Mr. CALDWELL, of Alabama. I desire to have tellers on the passage of the pending bill.

The SPEAKER *pro tempore*. The morning hour has expired, and the bill goes over until next Friday.

Mr. HOAR. I rise to make a point of order, that nothing can interfere to prevent action on the bill when the House is dividing.

The SPEAKER *pro tempore*. The Chair did not recognize the gentleman from Alabama who demanded tellers before he recognized the gentleman from Tennessee, [Mr. BRIGHT,] who called attention to the fact that the morning hour had expired, and to the further fact that this was objection day in the Committee of the Whole House on the Private Calendar. There is no injury done to this bill, as it goes over and comes up next Friday in the morning hour.

Mr. CALDWELL, of Alabama. I do not object to that.

Mr. HOAR. When the House is dividing on the passage of a bill and tellers are called for, in my judgment that cannot be interfered with by any other business.

The SPEAKER *pro tempore*. The gentleman from Alabama [Mr. CALDWELL] did not promptly ask or the Chair did not hear him—for tellers. The gentleman from Tennessee [Mr. BRIGHT] immediately in front having raised the point of order that the morning hour had expired, the Chair had but one thing to do, and that was to decide that the morning hour had expired. The bill goes over to the morning hour next Friday, and the first question will be on ordering tellers on the passage of the bill.

OBJECTION DAY—PRIVATE CALENDAR.

Mr. BRIGHT. I move that the House resolve itself into the Committee of the Whole on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the Private Calendar, (Mr. HOLMAN in the chair.)

The CHAIRMAN. This is objection day in the Committee of the Whole House on the Private Calendar, and the bill and report in each case will be read, and if objection be made the bill will be laid aside, but if there be no objection the bill will be laid aside to be reported to the House with the recommendation that it do pass.

ALEXANDER ST. BERNARD.

The first bill on the Private Calendar was the bill (H. R. No. 556) granting a pension to Alexander St. Bernard.

The bill and report were read.

Mr. MORRISON. This is a proposition to pension a man who was not in the military or naval service of the United States, and therefore I object.

The CHAIRMAN. Objection being made, the bill will be laid aside.

ROBERT ERWIN.

The next bill on the Private Calendar was the bill (H. R. No. 231) for the relief of Robert Erwin.

The bill, which was read, provides that the Court of Claims may take jurisdiction of the claims of Robert Erwin, of Savannah, Georgia, for property taken from him, which claims were by accident or mistake of his agent not filed in season to save the term of limitation, without fault or neglect on said Erwin's part.

From the report it appears that the memorialist, at the time of the capture of the city of Savannah by the military forces of the United States, in December, 1864, claimed to be the owner of two certain lots of cotton, one of which was in his possession in the city of Savannah and stored in his warehouse, and the other lot was stored in Thomasville, Georgia; that both of these lots of cotton are alleged by memorialist to have been seized by the officers and agents of the United States, and subsequently shipped by said agents to the city of New York, and there sold by such agents, and the proceeds of the sale thereof paid into the Treasury of the United States, allegations sustained by the proof adduced; that the memorialist, for the purpose of making claim against the United States for the proceeds of the said lots of cotton in the Court of Claims, under the provisions of the act of March 12, 1863, entitled "The abandoned or captured property act," employed Joseph B. Stewart, an attorney and counselor at law in the city of Washington, as his attorney, for the purpose of instituting a suit in the Court of Claims as provided by the above-named act, and for that purpose the memorialist placed in the hands of his said attorney all the papers relating to said claims; that there is no doubt that the memorialist was led to believe by the repeated statements or representations of the said Stewart that suits in the name of the memorialist for the proceeds of the said lots of cotton had been instituted in the said Court of Claims within the time limited by law; that the said Stewart neglected or failed to have the suits for the said lots of cotton instituted in the Court of Claims as he had represented to the memorialist had been done, and that the memorialist was not informed that the suits were not instituted until the time limited by law for commencing them had expired, and then the memorialist employed another attorney, who brought the said suits in the Court of Claims, but under the decision of the Supreme Court not within the time limited by law; that the memorialist was not guilty of any negligence or default, but made all proper efforts to secure his right to the proceeds of the said lots of cotton in the only way which the law provided for him, and that the injury and loss sustained by him are the result of the negligence or default of his said attorney.

This bill received the unanimous report of the Committee on the Judiciary of the last Congress, and was passed by the House without opposition.

The bill was laid aside to be reported to the House, with the recommendation that it do pass.

JAMES M. COFFINBERRY.

The next bill on the Private Calendar was the bill (H. R. No. 247) for the relief of James M. Coffinberry.

The preamble recites that it appears that James M. Coffinberry, of the city of Cleveland, and State of Ohio, was lately a judge of the court of common pleas within and for the fourth judicial district of the State of Ohio, and it is represented that as such judge he was assessed and paid income taxes on his salary for the period of five years under the internal-revenue laws of the United States as then construed and executed; and that, by reason of the serious ill health of said James M. Coffinberry and his absence from home considerable periods of time consequent thereon since said assessments and payments, he was not informed that such assessments and payments had been held by the proper authorities to be illegal and that the same would be refunded by the Treasury Department in time to prepare and present his claim therefor within the period required by section 44 of the act approved June 6, 1872, as by that act said claims should have been presented by June 6, 1873, but were not, as is alleged, presented until the following month of November.

The bill then authorizes and directs the accounting officers of the Treasury Department to examine said claims of said James M. Coffinberry, when presented for that purpose in the manner heretofore prescribed by the Treasury Department for the presentation of the like claims, and to reject said claims or to refund said taxes the same as if said claims had been presented within the period fixed by section 44 of the act approved June 6, 1872, aforesaid.

From the report it appears that James M. Coffinberry, while a judge of the court of common pleas within and for the fourth judicial district of the State of Ohio, had assessed against him, and paid, under the internal-revenue laws of the United States, for five successive years, the income tax upon his salary as said judge; and that by rea-

son of continued sickness and absence from home, in consequence thereof he did not learn that such assessments and payments had been adjudged illegal, and that the same would be refunded by the Government, in time to prepare and present his claim therefor within the period required by the forty-fourth section of the act of Congress approved June 6, A. D. 1872.

Your committee therefore consider the claim of the said James M. Coffinberry just and equitable, and recommend the passage of the bill.

Mr. GARFIELD. That bill ought to pass, but I think the preamble is unnecessary; still, not wishing to prevent the bill being reported to the House with the recommendation that it do pass, I will leave that amendment to be made in the House.

The bill was laid aside, to be reported to the House with the recommendation that it do pass.

HATTIE D. M'KEAN.

The next bill on the Private Calendar was the bill (H. R. No. 1347) granting a pension to Hattie D. McKean.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Hattie D. McKean, widow of William A. McKean, late a coal-passer in the naval service on board the United States steamer Nyack.

From the report it appears that William A. McKean entered the naval service of the United States August 30, 1864; that he was then a sound, healthy man; that he was first put on the sick-list February 19, 1865, and died, of cancer of the stomach, at Wilmington, North Carolina, March 26, 1865, while in said service and in the line of duty. The time, place, and cause of death are sworn to by Acting Assistant Surgeon B. F. Bigelow, in charge at the time. Deceased left a widow, the petitioner, and one legitimate child, Nettie Blanche McKean, born August 21, 1864. The committee are clearly of the opinion that she is legally entitled to a pension.

The bill was laid aside, to be reported to the House with the recommendation that it do pass.

RUTH ISABELLE NAYLOR.

The next bill on the Private Calendar was the bill (H. R. No. 1348) granting a pension to Ruth Isabelle Naylor.

The bill and report were read.

Mr. DOUGLAS. I desire to make a remark on this bill.

The CHAIRMAN. The bill is not open to debate. By the rules debate is taken as an objection to the bill, this being objection day.

Mr. DOUGLAS. Then I object.

The CHAIRMAN. The bill is laid aside.

PATRICK GLACKIN.

The next bill on the Private Calendar was the bill (H. R. No. 31) granting a pension to Patrick Glackin.

The bill, which was read, authorizes and directs the Secretary of the Interior to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Patrick Glackin, late a private of Company G, Seventh Regiment Ohio Cavalry, and pay him a pension from and after the passage of the act.

From the report it appears that Patrick Glackin, late a private in Company G, Seventh Ohio Cavalry Volunteers, asks for pension because of injuries received while in the military service of the United States and in the line of duty. The committee, after a careful examination of the evidence, find that Patrick Glackin was enrolled in Company G, Seventh Regiment Ohio Cavalry Volunteers, September 21, 1862; that while on duty with his company, at Lexington, Kentucky, his horse fell with him, and so injured the petitioner that he was disabled from further active duty, and was detailed as footorderly at headquarters; that the injuries received as above resulted in inguinal hernia of the right side; and that he was honorably discharged June 22, 1865.

The medical evidence shows that he was a sound man when he entered the service; that he was treated for the injury as early as June, 1866; and that the disability amounts to one-half. The committee are satisfied that the evidence is sufficient to make a proper case for the petitioner, and would therefore report favorably and recommend the passage of the accompanying bill for his relief.

The bill was laid aside, to be reported to the House with the recommendation that it do pass.

HENRY SCHNETBERG.

The next bill on the Private Calendar was the bill (H. R. No. 216) granting a pension to Henry Schnetberg, of Indiana.

The bill and report were read.

Mr. DOUGLAS objected.

JOHN G. PARR.

The next bill on the Private Calendar was the bill (H. R. No. 215) granting a pension to John G. Parr, of Kittanning, Pennsylvania.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John G. Parr, late a lieutenant-colonel of the One hundred and thirty-ninth Regiment Pennsylvania Volunteers, and pay him a pension as of the rank of lieutenant-colonel, instead of that of captain, from the 1st day of June, 1865, deducting the pension already paid.

From the report it appears that John G. Parr entered the military service of the United States at Pittsburgh, Pennsylvania, on the 22d day of August, 1862, as captain of Company C, of the One hundred and thirty-ninth Regiment of Pennsylvania Infantry Volunteers, and was honorably discharged as the lieutenant-colonel of said regiment on the 21st day of June, 1865.

At the battle of Cold Harbor, Virginia, on the 3d of June, 1864, while commanding his company, he received a gunshot wound from the enemy's artillery, which severed his right hand and arm below the elbow. Again in battle near Petersburgh, Virginia, on the 25th day of March, 1865, while commanding the said regiment as lieutenant-colonel, he received a severe contusion or shell wound in the right hip.

He was commissioned a captain on the 22d of August, 1862. On the 28th of June, 1864, he was commissioned a major of said regiment, to rank as such from the 6th of June, 1864. On the 18th day of July, 1864, he was commissioned lieutenant-colonel of said regiment, to rank as such from the 6th day of June, 1864, and was mustered in as lieutenant-colonel on the 6th of July, 1864. On the 25th day of August, 1864, as soon as he had sufficiently recovered from his said wounds and amputation to enable him to do so, and before his wounds had fully healed, he returned to his regiment and performed the duties of lieutenant-colonel, and was, while so acting and in line of duty, in battle before Petesburgh, in Virginia, again wounded as aforesaid by being struck by a piece of shell in the hip. On the 20th day of April, 1865, the President of the United States, by and with the advice and consent of the Senate, did confer on said soldier the rank of colonel by brevet, to rank as such from the 1st day of August, 1864, for meritorious services at the battle of Cold Harbor, Virginia, when and where he received his severe wound.

That by reason of the wounds and injuries sustained he was granted a pension to date from 21st of June, 1865, the time of his discharge, and placed on the pension-roll as of the rank of captain, and was paid a pension accordingly of $20 per month.

The petitioner prays that by special act he may be placed on the pension-roll as a lieutenant-colonel, and that he be paid a pension as of that rank from the said 21st of June, 1865, all pension received to be deducted.

It is proved that ever since the amputation of the soldier's right hand and arm as aforesaid he has suffered unusual pain, inconvenience, and annoyance by reason of continued, violent, and involuntary jerking and spasmodic twitching of the stump of the arm and of the whole arm remaining to him, the motions and violent vibrations of which can only be overcome and restrained by the application of external physical force; that he submitted to a second amputation, and the expense and suffering consequent, without benefit or relief. Whether this extraordinary condition arises from the unskillfulness of the amputation, or from a peculiar nervous condition produced in him by the wound, are questions which seem to baffle the many surgeons who have been consulted. At the Pension Bureau, the pension to the soldier was allowed and fixed at the rate allowed by law for the rank the soldier held at the time he received the principal wound, and not for the rank he held when he received the second wound and when discharged, although admitting that there was very great merit in the case, and that it was one on which relief should come from Congress.

The peculiar characteristics of the disability of the soldier seem to increase with the lapse of time, and now amount to total disability, as is shown by the opinions of the surgeons who have examined the case. Dr. Otto states that the soldier is wholly disabled and incapacitated for labor of any kind, and that the disability is permanent. In this other surgeons agree, and all join in pronouncing this a peculiar and most extraordinary case. The committee report back the bill (H. R. No. 215) with an amendment, and recommend its passage.

The CHAIRMAN. This bill is reported from the Committee on Invalid Pensions with an amendment, which will be read.

The Clerk read as follows:

Strike out these words: "instead of that of captain, from the 1st day of June, 1865, deducting the pension already paid."

The amendment was agreed to.

The bill was laid aside, to be reported to the House with the recommendation that it do pass as amended.

G. W. LA POINTE.

The next bill on the Private Calendar was the bill (H. R. No. 995) granting a pension to G. W. La Pointe.

The bill was read. It directs the Secretary of the Interior to place the name of G. W. La Pointe, late lieutenant-colonel of the Seventh Michigan Volunteers, on the pension-rolls, subject to the provisions and limitations of the pension laws.

The report was read, as follows:

That the petitioner was in receipt of a pension as late first lieutenant by reason of disabilities, resulting from gunshot wound; that said La Pointe applied for lieutenant-colonel's pension, and a re-examination of his case revealed some unexplained discrepancies, causing the Commissioner to drop La Pointe's name from the pension-rolls.

In the opinion of the committee, the necessary proof from the first surgeon of La Pointe's command, the Seventh Michigan Veteran Volunteer Infantry, has been produced, covering the matter in dispute, which was as to the possibility of necrosis being in abeyance for a long period, and making its appearance subsequent to discharge.

The injury and service were proven, and the question involved in the re-examination is, in your committee's opinion, settled.

The committee therefore recommend the passage of the accompanying bill.

No objection was made, and the bill was laid aside, to be reported favorably to the House.

ELIZABETH A. NEIBLING.

The next bill on the Private Calendar was the bill (H. R. No. 43) granting a pension to Elizabeth A. Neibling.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth A. Neibling, widow of James M. Neibling, late colonel of the Twenty-first Regiment Ohio Volunteers, and pay her a pension from and after the passage of the act.

The report was read, as follows:

That said James M. Neibling entered the military service in the early part of the late war; that he was a faithful and brave soldier, always at his post; that he was wounded in the right arm, which necessitated amputation just below the elbow; that the wound was received on the field at Dallas, Georgia, in May, 1864; that he was honorably discharged from the service on his voluntary resignation in December, 1864; that before he was wounded he was in good health, and capable of, and did perform, the most arduous duties of a soldier, but after he was wounded his health gradually and persistently declined until the 21st day of February, 1869, when he died; that Elizabeth Neibling, the petitioner, is his widow, and resides at Findlay, Ohio; and that the said Elizabeth made application for pension as the widow of Colonel Neibling, which, after several years' delay, was rejected on the alleged ground that Colonel Neibling died of a disease contracted prior to his entering the service.

The foregoing facts are well established, and the committee are satisfied that the wound received by Colonel Neibling and the consequent amputation of his arm were the primary causes of his death, and that his widow is entitled to a pension. The country should take care of the widows and orphans of its brave soldiers. They are the wards of the nation. The committee report favorably on said bill, and recommend its passage.

No objection was made, and the bill was laid aside to be reported favorably to the House.

EZRA B. BARNETT.

The next bill on the Private Calendar was the bill (H. R. No. 193) for the relief of Ezra B. Barnett, with an amendment.

The bill was read. It authorizes and directs the Auditor of the Treasury for the Post-Office Department to credit Ezra B. Barnett, postmaster at Norwich, in the State of New York, in his account as such postmaster, with the sum of $95, surplus money-order funds, mailed by said postmaster September 29, 1874, for deposit with the postmaster at Binghamton, New York, said money having been burned and destroyed with the mail-car containing it on the route to Binghamton, without the fault of said postmaster.

The amendment reported by the Committee of Claims was as follows:

Strike out these words:

That the Auditor of the Treasury for the Post-Office Department be, and he is hereby, authorized and directed to credit Ezra B. Barnett, postmaster at Norwich, in the State of New York, in his account as such postmaster with the sum of $95.

And insert in lieu thereof the following:

That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any funds in the Treasury not otherwise appropriated, to place the sum of $95 to the credit of the Postmaster-General, with the assistant treasurer of the United States at New York, on money-order account; whereupon the Auditor of the Treasury for the Post-Office Department shall credit Ezra B. Barnett, postmaster at Norwich, New York, with said amount in his account as said postmaster, it being the amount of——

The report was read, as follows:

It is shown by the affidavits of the said Ezra B. Barnett and Carroll C. Brooks, that the said postmaster did, on the 29th day of September, 1874, inclose and mail to the postmaster at Binghamton, New York, $95 surplus money-order funds, as was his duty under the regulations and instructions of the Post-Office Department to do, and that the mail-car in which the said funds were being transported was burned and entirely consumed, with its contents, en route to Binghamton. The evidence submitted is satisfactory to the Post-Office Department as to the loss of the funds without the fault of said postmaster, and the superintendent of the money-order department says, in a letter of date October 21, 1874, that it is satisfactory, and that the said postmaster is permitted to carry on his weekly statements, as funds on hand, $95, in addition to any reserve that may be allowed his office.

Your committee further find that the money so destroyed was derived from the patrons of the money-order system, in the purchase of orders, and was being transmitted to another office, to be there paid out in orders drawn upon it. To authorize the Auditor of the Treasury for the Post-Office Department to credit the postmaster with the $95 would be, therefore, to make the Post-Office Department sustain the loss of that sum, while the Treasury Department, by reason of the destruction of the United States Treasury and national-bank notes, comprising the amount, would gain that amount.

Therefore, your committee, while finding that the claimant is entitled to relief, as a matter of equity between the Post-Office and Treasury Departments report the bill back to the House, with the accompanying amendment.

The amendment was agreed to.

No objection was made, and the bill, as amended, was laid aside, to be reported favorably to the House.

DE WITT C. SENTER.

The next bill on the Private Calendar was the bill (H. R. No. 1591) to pay De Witt C. Senter, of Tennessee, mileage and per diem for appearing under summons as witness before a committee of the Forty-first Congress.

The bill and report were read.

Mr. HOAR. I object.

Mr. ROBBINS, of North Carolina. What is the ground of the gentleman's objection?

The CHAIRMAN. The objection is absolute, and is not open to debate. The Chair will ask the Clerk to read the one hundredth rule of the House.

The Clerk read as follows:

On the first and fourth Friday of each month the calendar of private bills shall be called over, (the chairman of the Committee of the Whole House commencing the call where he left off the previous day,) and the bills to the passage of which no objection shall then be made shall be first considered and disposed of. But when a bill is again reached, after having been once objected to, the committee shall consider and dispose of the same, unless it shall again be objected to by at least five members.

HORACE GLOVER.

The next bill on the Private Calendar was the bill (H. R. No. 1592) to re-imburse Horace Glover for property unlawfully seized and sold by the United States Government.

The bill and report were read.

Mr. WILSON, of Iowa, objected.

LAND CLAIMS IN THE STATE OF MISSOURI.

The next bill on the Private Calendar was the bill (H. R. No. 819) to confirm certain land claims in the State of Missouri.

The bill was read.

Mr. DUNNELL. I object to the present consideration of the bill.

Mr. BUCKNER. The report has not yet been read.

The CHAIRMAN. The Chair holds that where a report is made by a committee to accompany a bill the reading of the report may be called for prior to the inquiry of the Chair for objections.

Mr. BUCKNER. If the objection is to be made after the report is read, I do not care to insist on the reading of it.

Mr. DUNNELL. I object, and do not ask for the reading of the report.

FIRST LIEUTENANT HENRY JACKSON.

The next bill on the Private Calendar was the bill (H. R. No. 29) for the relief of First Lieutenant Henry Jackson, Seventh Cavalry, United States Army.

The bill and report were read.

Mr. WILSON, of Iowa, objected.

JAMES A. HILE.

The next bill on the Private Calendar was the bill (H. R. No. 83) for the relief of James A. Hile, of Lewis County, Missouri.

The bill was read. It authorizes and directs the Secretary of War to issue to James A. Hile, of Lewis County, Missouri, late soldier of Company F, Twenty-first Regiment of Missouri Infantry Volunteers, an honorable discharge from the service, and to so amend the records and muster-rolls of the War Department as to show that he is no deserter; the said James A. Hile to be entitled to all pay and bounty as other soldiers of his rank and arm of service, deducting the time of his absence.

The report was read, as follows:

That the claimant enlisted in the Twenty-first Regiment of Missouri Volunteers, on the 15th day of July, 1861, for the term of three years; that at the expiration of his term of service he received an honorable discharge; that at the town of Canton, in the State of Mississippi, he veteranized or re-enlisted for three years, or during the war; that while detailed as one of the permanent guard over the military prison at Mobile, he was taken sick with a fever, from the effects of which he lost the use of his right eye, and the sight of the left one was very much impaired. Learning of the death of his mother, and the injuries his father received from the running away of a team, and from which he was not likely to recover, the claimant asked to be permitted to go home, being unable to perform duty, to see his father, and have his eye properly treated; and, though asked for several times, a furlough for a few weeks would not be granted to him. Being of no use to the Army, and the time for which he had enlisted having expired, and fearing total blindness, he informed the orderly sergeant of his company of his intention of leaving his regiment for the treatment of his eye, and of his intention of returning to his command when so treated; that a few weeks after he arrived at home his regiment was mustered out of service, and the men returned to their homes; that he left his command for the reasons above stated, and for no other; that previous to the illness in which he lost his eye he had never been sick, but always ready for duty; that he is now blind; that he was a brave soldier and fought gallantly on many of the most bitterly contested battle-fields of the war, as is abundantly certified by officers of his regiment; that the proper certificates of his field officers cannot be had, owing to the death of his colonel and major, and the only one who remains and could give any information has removed to a place unknown to the claimant. Our conclusion is, that he should have the relief as asked for by said bill, and therefore recommend its passage.

No objection was made, and the bill was laid aside, to be reported favorably to the House.

MESSAGE FROM THE SENATE.

Here the committee informally rose; and Mr. WOODWORTH having taken the chair as Speaker *pro tempore*, a message from the Senate was communicated by Mr. SYMPSON, one of its clerks, informing the House that the Senate had passed with amendments, in which the concurrence of the House was requested, the joint resolution (H. R. No. 52) directing the commissioners of the District of Columbia to pay the interest on the bonds issued in pursuance of the act of Congress approved June 20, 1874, out of any funds in the United States Treasury subject to the requisition of said commissioners, and for other purposes.

The Committee of the Whole resumed its session.

JOHN T. BURCHELL.

The next bill on the Private Calendar was the bill (H. R. No. 1595) for the relief of John T. Burchell, of Knoxville, Tennessee, for services rendered the Government in a small-pox hospital.

The bill was read. It authorizes and directs the Paymaster-General of the Army of the United States, out of any money in his hands for the payment of the Army, to pay to John T. Burchell the sum of $133, the balance due him for services rendered at the small-pox hospital at Knoxville, Tennessee, from December 10, 1863, to January 12, 1864.

The report was read, as follows:

It appears from the testimony in this case that claimant was, on or about the 10th day of December, 1863, in the employ of the Quartermaster's Department, United

States Army, at Knoxville, Tennessee, and, at the request of Dr. E. Goetz, United States Army, he abandoned his employment to take charge of a small-pox hospital, and rendered service therein for one month and two days. Claimant alleges that Dr. Jackson, medical director Twenty-third Army Corps, agreed to pay him at the rate of $150 per month; and it appears that the only compensation he received for the service was $25, paid him by Quartermaster Captain Lunt.

The committee are of the opinion that the amount of $150 per month was not an unreasonable compensation for the character of the services rendered, and therefore report the accompanying bill, and recommend that it pass.

No objection was made; and the bill was laid aside, to be reported favorably to the House.

RUTH ELLEN GREELAUD.

The next bill on the Private Calendar was the bill granting a pension to Ruth Ellen Greelaud.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ruth Ellen Greelaud, widow of John H. Greelaud, late a captain in the Army of the United States.

The report was read, as follows:

That the petitioner was married to the late Captain John H. Greelaud, November 30, 1850. From June 23, 1843, when he graduated as a military cadet, until the date of his death, on the 17th day of August, 1857, Captain Greelaud continued without intermission in the military service of his country. His death was occasioned by an attack of remittent fever, of a congestive form, which was contracted while at his post at Fort Dulaney, Florida. No medical attendance was had for eight days, when his case was reported and he was removed to Fort Myers, and died on the twelfth day of the attack. Stationed at a fort among the swamps of Florida, without medical attendance, Captain Greelaud died of disease contracted in the service in the line of his duty, and it is the debt of his country to provide for his widow, whom he has thus left destitute. Your committee therefore report the accompanying bill and recommend its passage.

No objection was made; and the bill was laid aside, to be reported favorably to the House.

WILLIAM D. COBAUGH.

The next bill on the Private Calendar was the bill (H. R. No. 933) granting a pension to William D. Cobaugh.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William D. Cobaugh, late a private of Company H, Third Pennsylvania Cavalry Volunteers.

The report was read, as follows:

That William D. Cobaugh was a private in Company A, in the Third Regiment of Pennsylvania Cavalry, in the war of 1861-'65; that, while in service in the line of his duty, he lost his left leg, which was amputated about four inches below the knee, and now receives therefor a pension, on certificate No. 31895, at the rate of $18 per month. The pensioner was personally before your committee, and, from a careful inquiry and examination, your committee find the pensioner's limb, from the length of the stump and character of the amputation, as fully disqualifies and disables him as though his limb had been amputated at above the knee. They would therefore report in favor of the following bill, as a substitute for said bill, so as to allow the pensioner a pension, from the passage of this act, of $24 per month, in lieu of $18 per month, and recommend its passage.

No objection was made, and the bill was laid aside, to be reported favorably to the House.

WILLIAM R. DUNCAN.

The next bill on the Private Calendar was the bill (H. R. No. 1598) granting a pension to William R. Duncan.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William R. Duncan, late a private in Company G, Third Regiment of Tennessee Infantry Volunteers, and pay him a pension from the 23d day of July, A. D. 1873, the date at which he was dropped from the pension-roll.

The report was read, as follows:

That William R. Duncan, the petitioner, together with his father and brothers, at the breaking out of the war, resided at the base of the Cumberland Mountain, on the principal pass across the mountains, and the one most frequented by Union people escaping from within the rebel military lines. William R. Duncan and his brothers engaged in guiding, and did guide, many hundreds of Union refugees across the mountains, and within the lines of the Union forces in Kentucky. For this they were betrayed by their rebel neighbors and captured by rebel troops from Knoxville. While on their way to prison at Knoxville, William R. Duncan and one brother escaped, while the other brother, Isaac W. Duncan, being a cripple, was unable to make his escape, and was imprisoned at Knoxville. William R. Duncan, at the advice of his father and neighbors, for the purpose of securing his brother's release from prison, went to Knoxville, and upon the condition of his brother's being released from prison and allowed to return home, did voluntarily enlist in the rebel service without any intention of aiding or abetting the rebellion, but solely for the purpose of securing his brother's release, and with the intention of deserting as soon as his brother was safely out of their power. William R. Duncan enlisted in the rebel service in a company composed of Union prisoners taken from the prisons in Knoxville, under Captain Cain, on the 10th day of December, 1861, and made his escape from them on the 20th of December, and returned to the neighborhood of his home, where he was compelled to hide himself in the woods, where, after he had collected together a company of Union men, he crossed the mountains into Kentucky, and on the 10th day of February, 1862, enlisted in the Third Regiment Tennessee Volunteer Infantry, from which he was discharged on the 13th day of February, 1865, by reason of "expiration of term of service." The petitioner was pensioned, commencing February 14, 1865, at the rate of $8, which was increased to $4, per month, December 14, 1872, and was dropped from the pension-roll July 23, 1873, on account of his own admission of voluntary enlistment in the rebel army. (See copy of order and letter of Commissioner attached.) The petitioner furnishes the most direct and positive testimony of his loyalty both before and during the war, as shown by the affidavits of the following persons:

Major-General Joseph Cooper says that he has known the petitioner for more than twelve years, and that of his own knowledge he knows him to have been a Union man first, last, and all the time, and that he never did aid or abet in the rebellion. Colonel Daughty, Lieutenant Black, Lieutenant Gamble, Third Tennessee Infantry, commanding the company in which petitioner served, Lieutenant M. D. Wallace and Lieutenant Henry P. Farmer, of Ninth Tennessee Cavalry, all concur in stating that they have known the petitioner, William R. Duncan, both before and during the war; that he was always a Union man, and that of their own knowledge they swear that he never did in any way aid or abet in the rebellion; this testimony in the strongest possible manner corroborating the petitioner's statement and the facts as shown in this report. The committee believe that, while the action of the Commissioner in dropping the petitioner from the pension-roll was in accordance with the strict letter of the law, it was not in accordance with the spirit or intention thereof, and that a more liberal construction in this case would have more nearly accomplished the ends which the pension laws are designed to effect. The committee therefore recommend the passage of the accompanying bill.

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., December 23, 1873.

Drop from the pension list, roll of the Knoxville (Tennessee) agency, the name of William R. Duncan, certificate No. 122306, on his own admission of voluntary enlistment in the rebel army.

———, *Commissioner.*

Finance Division.

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., December 23, 1873.

SIR: In the matter of your suspended pension, No. 122306, you are informed that section 23 of the act of March 3, 1873, provides that no person shall be entitled to the benefits of a pension who in any manner engaged in the rebellion; and you are further informed that inasmuch as it appears from your own admission that your enlistment was your own voluntary act, though prompted by the generous motive of obtaining the release from prison of a crippled brother, and with the intention on your part to desert from that service at your earliest opportunity, this Office cannot, in the administration of the law, do otherwise than drop your name from the pension list in accordance with the provisions of the act herein referred to. The Office, however, in consideration of your subsequent long service in the Union Army, and also the faithfulness and devotion of your family, as well as yourself, to the cause of the Government, as set forth in your several letters, takes the liberty of suggesting that relief, in the matter of a pension, might be had by application for special legislation of Congress.

Very respectfully,

———, *Commissioner.*

MR. W. R. DUNCAN,
Wallace's Cross Roads, Anderson County, Tennessee.

No objection was made, and the bill was laid aside, to be reported favorably to the House.

FRANCES C. ELLIOTT.

The next bill on the Private Calendar was the bill (H. R. No. 1599) granting a pension to Frances C. Elliott.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frances C. Elliott, widow of Commodore Jesse D. Elliott, late of the United States Navy, and pay her a pension of $50 per month from and after the passage of this act; and this pension to be in lieu of that which she is now receiving.

The report was read, as follows:

That the petitioner is the widow of the late Commodore Jesse D. Elliott, of the United States Navy, and was granted a pension, under the provisions of the act of August 11, 1848, of $50 per month, commencing on the 10th of December, 1850, and to "continue during widowhood." By section 13 of the act of July 27, 1868, construing section 3 of the act of July 23, 1866, her pension was reduced to $30, at which rate she has been paid since the 4th day of September, 1869. Mrs. Elliott is now eighty-three years old, blind, and in feeble health, and entirely dependent on her pension for support and maintenance. Her husband, Commodore Jesse D. Elliott, was a distinguished and meritorious officer in our Navy, who bore a gallant and conspicuous part in the battle on Lake Erie, and afterward, and up to the time of his death was much employed and trusted by his superiors. He died leaving his family in straitened circumstances, which have resulted in leaving his widow in her old age and decrepitude destitute. In consideration of these facts, which disclose a meritorious case, and of the further fact that in all probability Mrs. Elliott will not live long to enjoy the bounty of the Government, the committee report the bill herewith submitted as a substitute for the bill H. R. No. 414, and recommend its passage.

No objection was made, and the bill was laid aside, to be reported favorably to the House.

MARGARET E. WEST.

The next bill on the Private Calendar was the bill (H. R. No. 1044) granting a pension to Margaret E. West.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret E. West, widow of Robert M. West, late colonel of the Fifth Regiment of Pennsylvania Cavalry, and pay her a pension, for herself and her two children under sixteen years of age, from and after the passage of the act, at the rate of pensions for widows of deceased captains in the Army.

The Committee on Invalid Pensions recommended the adoption of an amendment to strike out the word "captains," and insert in lieu thereof the word "colonels."

The amendment was agreed to.

The bill was then laid aside, to be reported to the House with the recommendation that it do pass.

ELIZABETH B. DYER.

The next bill on the Private Calendar was the bill (H. R. No. 80) granting a pension to Elizabeth B. Dyer, widow of Alexander B. Dyer, late a brigadier-general and Chief of Ordnance, United States Army.

The bill and report were read.

Mr. WILSON, of Iowa, objected.

JANE A. HARRIS.

The next bill on the Private Calendar was the bill (H. R. No. 1600) granting a pension to Jane A. Harris.

The bill was read. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jane A. Harris, dependent mother of Edgar T. Harris, late a private in Company A, First West Virginia Infantry Volunteers.

The report was read, as follows:

That the petitioner is the mother of Edgar T. Harris, a private in Company A, First West Virginia Volunteers, in the United States service; that said Edgar entered the said service September 25, 1861, and was discharged therefrom November 26, 1864; that he was taken prisoner by the enemy at the battle of Port Republic, June 9, 1862, and afterward paroled, and again entered the service for duty; that on March 15, 1864, while in the recruiting service, near Petersburgh, he was wounded by the accidental discharge of a pistol, the ball entering his back, and, ranging downward, producing paralysis of the bowels and diseased condition of the kidneys, from the effects of which he died in the Government hospital, at Hampton, Virginia, on November 6, 1873. On April 28, 1865, he filed his application for pension, under the statute in such case made and provided, but the application was rejected by the Commissioner of Pensions June 30, 1865. Congress, however, by special act, approved July 13, 1866, granted to him a pension at the rate of $15 per month, which was paid to him up to the time of his death, to wit, November 6, 1873.

The petitioner, on —— day of December, 1873, filed her application and petition for a pension, in consequence of the death of the said Edgar T., her only son, upon whom she was dependent for support, her husband having died before the said Edgar had entered the Army, and during his infancy. Her petition is fully sustained by proof, but her claim was also rejected by the Commissioner of Pensions, January 29, 1875, for the reason, as it is alleged, that the wound was produced "by the accidental discharge of a belt-pistol" while the said Harris "was engaged in wrestling." The evidence upon this point is somewhat conflicting; but it is directly proven by the statement of Thomas M. Simpson, second lieutenant of the company aforesaid, that Harris was wounded "while in the service of the United States and while on duty." Congress, by special act, having pensioned the son, thereby acknowledging the obligation of the Government, is concluded from denying the mother's claim, she having clearly shown her dependence on him for support during his life-time.

Your committee therefore report the accompanying bill, and recommend its passage.

There being no objection, the bill was laid aside, to be reported favorably to the House.

OTIS B. ANDERSON.

The next bill on the Private Calendar was the bill (H. R. No. 1601) granting a pension to Otis B. Anderson.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Otis B. Anderson, late a private of Company D, Seventeenth Regiment of West Virginia Volunteers.

The report was read, as follows:

That the claimant was a private in the Seventeenth Regiment of West Virginia Volunteers in the United States service during the late war, and that he contracted a disease of the eyes while in the service, which has since resulted in total blindness. The claimant applied for a pension under the general pension laws, but his claim has been rejected under section 4717 of the Revised Statutes, five years having expired since filing the same, and the record evidence not being considered sufficient to establish his claim.

The claimant had no medical treatment while in the service, except by the assistant surgeon of the Third West Virginia Volunteers, who testified that he treated him in the summer of 1865, while in the service, for a neuralgic affection of the eyes contracted since his enlistment, and that he has been his family physician since that time, and that his eyes gradually failed from the time of his discharge until some four or five years ago, when the sight became entirely lost, and he has been hopelessly blind ever since.

The Adjutant-General does not seem to regard this evidence as sufficient to "make a record," and therefore, the five years having expired, the claim cannot be allowed under the general pension laws. The evidence is not considered technically sufficient by the Adjutant-General and Commissioner of Pensions to admit the claim, but your committee are satisfied that the evidence is abundant to authorize its allowance.

The petitioner is very poor, and is wholly dependent on public and private charity for support.

No objection being made, the bill was laid aside, to be reported favorably to the House.

EDWARD C. WHEELOCK.

The next bill on the Private Calendar was the bill (H. R. No. 104) granting a pension to Edward C. Wheelock.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Edward C. Wheelock, late a musician in the Third Regiment of Michigan Infantry Volunteers.

The report was read, as follows:

That on the 10th day of June, 1861, Edward C. Wheelock, then a citizen of the county of Allegan, State of Michigan, enlisted in the United States service, in Company F, Third Regiment Michigan Volunteers, as a private, to serve three years or during the war; that said Wheelock was at that time a healthy and sound man; that, in the summer of 1863 the said Wheelock was detached for duty in the third brigade of the third division of the third corps of the Army of the Potomac, which brigade was then commanded by General De Trobriand; that at the battle of Gettysburgh, while in the line of his duty, returning from the delivery of an order which he had been sent to deliver to the One hundred and tenth Pennsylvania Regiment by said General De Trobriand, his horse fell, throwing him violently upon the pommel of his saddle, severely bruising and injuring him in the perinæum and prostate gland, so that he was unable to move for some time; that he was treated by the acting brigade surgeon for about two weeks after receiving said injury, after which he sufficiently recovered from the immediate effects of his injury to return to his duty; but that he has never since that time been free from the troublesome and often painful effects of said injury.

That said petitioner afterward, on the 23d day of December, re-enlisted in the United States service as a veteran, and was transferred to Company F, Fifth Michigan Volunteers, in which he continued to serve till the close of the war, and that he was mustered out July 5, 1865.

That shortly after said Wheelock was mustered out of the service, the injuries received by him at Gettysburgh began to develop into painful and dangerous disease, and he was compelled to put himself under medical treatment, his perinæum became very much inflamed, the prostate gland enlarged, forming a hard tumor, and his bladder became acutely diseased, losing in a great measure its elasticity and contractility. This diseased condition continue to develop until the said Wheelock has become entirely disabled from performing any manual labor, and is a terrible sufferer. That for the last four years, at periods recurring every two hours, said Wheelock has suffered violent paroxysms of pain resulting from a cause necessarily attendant upon the disease of his bladder, and that his disease is pronounced by the examining surgeon incurable.

There being no objection, the bill was laid aside, to be reported to the House favorably.

MARGARET E. COGBURN.

The next bill on the Private Calendar was the bill (H. R. No. 1602) granting a pension to Margaret E. Cogburn.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret E. Cogburn, widow of Hiram J. Cogburn, late a private in Company F of the Second Regiment of Tennessee Volunteers, and pay her a pension at the rate of $8 per month, and $2 per month in addition thereto for each minor child of said Hiram J. and Margaret E. Cogburn until they arrive at the age of sixteen years, respectively.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

ANNIE E. FARLEY.

The next bill on the Private Calendar was the bill (H. R. No. 318) granting a pension to Annie E. Farley.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Annie Farley, widow of Peter M. Farley, late a private in Company M, Eighth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension from and after the passage of the act.

The report was read, as follows:

The evidence shows that the petitioner's husband enlisted September 24, 1861, and was honorably discharged the service September 23, 1864, and died on the 25th day of April, 1871.

The Mrs. Annie Farley claims on the ground that the cause of death was the result of disease contracted while in the service and in the line of duty.

The evidence submitted to show that this soldier was a sound and able-bodied man at the time of his enlistment is, in the opinion of the committee, sufficiently clear to establish that fact beyond a reasonable doubt. Dr. S. B. Blanchard states that he was attending physician of this soldier from 1868 up to the time of said soldier's death, and that his death resulted from the effects of pleuro-pneumonia, contracted while in the service of the United States, and from which he had never entirely recovered.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

HEIRS OF JAMES B. ARMSTRONG.

The next bill on the Private Calendar was the bill (H. R. No. 101) amendatory of the act entitled "An act for the relief of the heirs and next of kin of James B. Armstrong, deceased," approved March 3, 1873.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay to Edward S. Armstrong, of Ralls County, Missouri, the sum of $1,673.14, it being his aliquot share of the sum of $13,385.09, as one of the brothers and next of kin of the said James B. Armstrong, deceased, appropriated by the said act for the relief of the heirs and next of kin of said James B. Armstrong, deceased.

Section 2 repeals the provision of said act requiring satisfactory proof to be made to the Secretary of the Treasury that said heirs at law and next of kin, or such thereof as shall demand their aliquot shares under and by virtue of said act, remained loyal adherents to the cause and Government of the United States during the war of the rebellion.

Mr. WILSON, of Iowa. I object.

Mr. FORT. I hope there will be no objection to that bill.

Mr. WILSON, of Iowa. This is a bill the first bill of the kind; let it come up on some day when we can discuss it.

WILLIAM H. NESSLE.

The next bill on the Private Calendar was the bill (H. R. No. 37) for the relief of William H. Nessle.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay to William H. Nessle the sum of $1,500, out of any money in the Treasury not otherwise appropriated, in full satisfaction for services performed by him at the request of the Attorney-General in an investigation of expenditures of the marshal's office in the western district of Arkansas, pursuant to a resolution of the House of Representatives adopted June 9, 1874.

The Committee on Invalid Pensions reported the bill with an amendment, to strike out in line 5 the words "one thousand;" so that it will read, "the sum of $500."

Mr. WILSON, of Iowa, objected.

ALEXANDER ST. BERNARD.

Mr. MORRISON. I wish to withdraw my objection to the bill (H. R. No. 556) granting a pension to Alexander St. Bernard.

The bill was again read.

Mr. KASSON. I should be glad to have the gentleman state whether this was an enlisted man.

The CHAIRMAN. The subject is not open to debate.

Mr. CONGER. He was a warrant officer in the Navy, a pilot.

Mr. KASSON. I thought the bill inaugurated a new principle of granting pensions. If it does not, I will not object.

Mr. RUSK. It does not.

Mr. WILSON, of Iowa. Let it go over until next Friday.

Mr. CONGER. This old man may not live a year longer.

The CHAIRMAN. The question is not open to debate.

Mr. WILSON, of Iowa. I withdraw the objection.

The CHAIRMAN. Is there any further objection to the bill being laid aside?

No objection was made, and the bill was laid aside, with a favorable recommendation.

Mr. BRIGHT. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOLMAN reported that the committee had had under consideration the Private Calendar, and had instructed him to report sundry bills to the House, some with and some without amendments, and with the recommendation that they do pass.

PRIVATE BILLS PASSED.

The following bills reported from the Committee of the Whole on the Private Calendar were ordered to be engrossed and read a third time; and being engrossed, were severally read the third time and passed without amendment, namely:

A bill (H. R. No. 556) granting a pension to Alexander St. Bernard;

A bill (H. R. No. 231) for the relief of Robert Erwin;

A bill (H. R. No. 247) for the relief of James M. Coffinberry;

A bill (H. R. No. 1347) granting a pension to Hattie D. McKean;

A bill (H. R. No. 31) granting a pension to Patrick Glackin;

A bill (H. R. No. 995) granting a pension to G. W. La Pointe;

A bill (H. R No. 43) granting a pension to Elizabeth A. Neibling;

A bill (H. R. No. 83) for the relief of James A. Hile, of Lewis County, Missouri;

A bill (H. R. No. 1595) for the relief of John I. Burchell, of Knoxville, Tennessee, for services rendered the Government in a small-pox hospital;

A bill (H. R. No. 1596) granting a pension to Ruth Ellen Greeland; and

A bill (H. R. No. 933) granting a pension to William D. Cobaugh.

WILLIAM R. DUNCAN.

The next bill reported from the Committee of the Whole on the Private Calendar was the bill (H. R. No. 1598) granting a pension to William R. Duncan.

Mr. CABELL. I want to ask, Mr. Speaker, a question in reference to that bill. It appears from the report made by the committee that this man has been a soldier in the confederate army; that he voluntarily entered the service in the confederate army, and was afterward a soldier in the Union Army. Now, if it is proposed to pay pensions to confederate soldiers, I want to see them paid to good ones, and not to such as he has shown himself to be.

Mr. RAINEY. I had the honor to report this bill to the House. The case of Mr. Duncan is simply this: He was an inhabitant of the State of Tennessee, living near the Cumberland Mountains. He was in the habit of guiding Union men across the mountains, for which his neighbors made certain reports against him. He and his two brothers were arrested to be taken to Knoxville, Tennessee, and while on their way he and one of his brothers made their escape; but a crippled brother was taken there and put in prison. His father, an aged man, was very much concerned about his crippled son and importuned one of the other brothers to go to Knoxville and see if he could procure the release of this crippled brother. William R. Duncan went to Knoxville and sought to procure the release of his brother. The condition upon which the brother would be released was that he himself should enlist in the confederate service. He did enlist, and at the expiration of ten days' time he made his escape. He returned to the Cumberland region, and raising a company of twenty-five men crossed the mountains, went into Kentucky and joined the Federal forces, and continued in service to the expiration of the war. While in service he contracted chronic diarrhea, as his physician says.

Now, inasmuch as this man entered the confederate service for the purpose of procuring the release of his crippled brother, and did so at the instance of his aged father, who as the testimony proves was a Union man as was this man, the committee instructed me to make a favorable report in the case.

Mr. PRATT. I did not fully understand the gentleman to state the cause of the man's arrest. Why was he arrested?

Mr. RAINEY. He was arrested because he was reported as having acted as a guide, which he admits was the case, to Union men escaping across the Cumberland Mountains into Kentucky. He himself was a Union man and was arrested for his Union sentiments.

Mr. PRATT. Does the gentleman say that there was proof before the committee that he enlisted in the confederate service only to obtain the release of his brother?

Mr. RAINEY. That proof is clear and beyond doubt.

Mr. DOUGLAS. Before the gentleman takes his seat I would like to inquire if he proposes to pension this man because he served in the confederate army or because he deserted from it?

Mr. RAINEY. We propose to reward him with a pension for his services in the Union Army. I have nothing to do with his services in the confederate army. This pension is proposed to be given because of the service he rendered the Union cause.

Mr. MORRISON. Do I understand the gentleman to say that this man made an engagement to serve in the confederate army for the purpose of securing the release of his brother and then broke that engagement?

Mr. RAINEY. He said that the condition upon which his brother would be released was that he himself should remain and, with certain Union prisoners, should enlist in the confederate service. He enlisted and then made his escape ten days after.

Mr. MORRISON. He entered the service to secure the release of his brother.

Mr. RAINEY. Yes.

Mr. MORRISON. And having secured that he broke his pledge?

Mr. THORNBURGH. A pledge much better broken than kept.

Mr. MORRISON. A man who will break a pledge is a scoundrel anyway.

Mr. WILSON, of Iowa. Lord Macaulay says that it may be right to pay money or perform a service to prevent a wrong, and as an illustration gives this example: A Salee robber threatens to bastinado a Christian to death unless he is paid a sum of money. It would, perhaps, be wrong to pay him any money to prevent him from doing what is wrong, but it is better to pay some money than have the man bastinadoed to death. I think the rule would apply in this case.

Mr. THORNBURGH. All the circumstances of the case have not been detailed by any of the gentlemen who have spoken, as I understand it, and I introduced the original bill. Gentlemen now can have no real idea of the fearful and terrible condition in which the loyal men of East Tennessee were placed in 1861 and 1862. This young man, then almost a boy, had this alternative presented to him, and he was urged by his aged father to accept it: either to leave his crippled brother in the hands of the enemy or to enlist in a company of Union soldiers in the confederate army, a company made up from Union prisoners. He preferred the alternative to enlist and then attempt to make his escape, and I, for one, have no desire to avoid that fact. At the earnest solicitation of his father, rather than leave his crippled brother in the hands of the enemy, to be sent South and possibly, as was the case in many other instances, to die in prison, this man enlisted with the distinct intention, as is proved throughout the whole case, of leaving the confederate service the moment he had an opportunity to do it.

I will say to the gentleman from Illinois [Mr. MORRISON] that there was no proof that this man was ever mustered into the confederate service.

Mr. MORRISON. I made no such allegation; but the gentleman from South Carolina [Mr. RAINEY] so stated.

Mr. RAINEY. I said he had enlisted. That may imply mustering in.

Mr. KASSON. The gentleman from Illinois, [Mr. MORRISON,] the chairman of the Committee of Ways and Means, puts this issue in such a shape that I think it a little important that the House should understand it. To a Union soldier whose record in the Union Army is good, and whose disability was incurred in that service, the gentleman proposes to refuse a pension because he deserted from a previous enlistment in the confederate army. I think I do not misstate the gentleman's position, for he said distinctly that a man who deserted from the confederate army after having enlisted under the circumstances named is "a scoundrel" and ought not to have a pension. I do not wish to misstate the gentleman's position; that is the way I understood him.

Mr. MORRISON. I do not propose that the gentleman from Iowa [Mr. KASSON] shall state a case for me. I will state my own case.

Mr. KASSON. I have not yielded the floor yet. The gentleman has stated the case in the way in which I have quoted it.

Mr. MORRISON. No, sir; I have not.

Mr. KASSON. The RECORD of to-morrow morning, if not corrected, will show that the position taken by the gentleman was this: That this man, having secured the release of his brother from a rebel prison by his own temporary enlistment, and then having failed to continue in the confederate army, having deserted, was a scoundrel—I think those were the words the gentleman used—and not entitled to anything.

Now, Mr. Speaker, I wish to say that on this point I for one take distinct issue with the gentleman. This man is shown by this report to have incurred disability in the Union service, to have presented such proof of it that the Commissioner of Pensions granted him a pension, but afterward suspended that pension, (as he was authorized by law to do) because the fact came to light that the man had been temporarily in the confederate service. That is the case. This bill simply provides that the pension shall be restored notwithstanding the fact of his having been in the confederate service. Why? Because the man entered that service not to serve the confederacy but to accomplish a result lawful in war, and because the fact of his service under such circumstances ought not to stand as a bar against his pension.

Why, sir, have we not read, almost with tears in our eyes, instances of men's wives or sisters entering prisons and surreptitiously substituting themselves for their husbands or brothers to secure their escape from the enemy? And are we to be told now because a Union man, one who afterward became a Union soldier, got his brothre out of prison by playing a ruse upon the enemy that it is a violation of

the laws of war and dishonors the man who did it? Sir, I protest against the doctrine. If the evidence is not satisfactory that this man enlisted for the purpose named, then let another result be arrived at; but if it is satisfactory, as the committee report, then I submit this man ought not to forfeit his pension.

Mr. MORRISON. I repeat that I do not allow the gentleman from Iowa [Mr. KASSON] to state a case for me, and one upon assumption wholly. He does not know the time when I voted against pensioning a Union soldier.

I asked the gentleman from South Carolina [Mr. RAINEY] whether I understood him correctly as saying that this man had entered the confederate service for the purpose of securing the release of his brother, and having secured that release broke faith, violated his pledge, oath, and obligation. I understood the gentleman to answer "yes." I knew nothing of the record of this man; nothing was said about it; and I said then, as I say now, that the man who enters into such an engagement with the intention or purpose of breaking it to secure the release of a prisoner, is not in my opinion such a man as ought to be pensioned, especially for that reason—because he breaks faith, and because he enters into this arrangement with the purpose of breaking it. If this man has a sufficient record to justify his receiving a pension for services thereafter rendered and disabilities incurred in such service, I have no objection to urge against his being pensioned.

Mr. THORNBURGH. He has complied with the pension laws and has already been pensioned, but the pension has been suspended.

Mr. TOWNSEND, of New York. Mr. Speaker, I hope we shall not drift away from the general principles which are governing the action of this House and which governed the action of the last House. I understand the last House agreed, and I believe the proposition has been unanimously agreed to by the Pension Committee in this House, that service in the confederate army should not deprive a man of a pension to which he would otherwise be entitled. The Committee on Revolutionary Pensions and War of 1812 have reported unanimously the same thing, and I hope we are going to pass it. I trust, too, that we shall try to be as good-natured as we can.

Now it has been said jocosely about the House that we are going so far into amnesty that pretty soon some of us would have to introduce a bill to remove the disabilities of any man that served in the Union Army! The remark was only made jocosely. I hope it will not be turned into a reality; for if so, then any member of this House who has served in the Union Army, when his history is to be published, will have to suppress the fact that he did serve in that Army. [Laughter.]

Mr. MORRISON. Has the gentleman any reference to me when he talks about suppressing the record?

Mr. TOWNSEND, of New York. My proposition was entirely general.

Mr. MORRISON. I did not hear the gentleman.

Mr. TOWNSEND, of New York. The gentleman desires to know what I said. I said this——

Mr. MORRISON. I ask the gentleman whether he had any reference to me?

Mr. TOWNSEND, of New York. I will tell the gentleman what I did say. I had not any reference to anybody. [Laughter.]

Mr. MORRISON. Then that is all there is about it.

Mr. TOWNSEND, of New York. I did not mean that; I meant to say what will be the effect, and if it had any reference to the gentleman from Illinois he will know; I do not undertake to say. [Laughter.] I said if we should refuse a pension to this man because he served in the Union Army it would come to be the case when we came to publish our history we would have to suppress the fact that anybody had served in the Union Army. [Laughter.]

Mr. MORRISON. The gentleman evades and quibbles, and I have no further reply to make to him.

As the case is stated by the gentleman from Iowa [Mr. KASSON] and the gentleman from Virginia [Mr. CABELL] in reference to the record of this man, I have no sort of objection to his being pensioned. The response I made to the gentleman from South Carolina [Mr. RAINEY] in reference to this case was upon the statement from him as I understood it.

Mr. DE BOLT. I know nothing about the record of this man only as it has been stated by gentlemen heretofore. My position in regard to pensions I will briefly state. It is this: No matter if this man had been in the confederate service, no matter about his desertion of that service, if he entered the service of the United States and in that service contracted disease whereby he was disabled and is suffering to-day, or was wounded, he is thereby entitled to a pension, notwithstanding his former service in the confederate army. That does not enter into this case. The only question I think for that committee and for this House to decide is whether or not he received his disability in the service of the United States, and if he did, I say he is entitled to a pension and ought to have it. I hope the House will give it to him by passing this bill.

Mr. HOLMAN. It seems to be very apparent, Mr. Speaker, from the explanations made, that this soldier was pensioned on account of disability incurred in the service of the United States after this desertion. That seems very clear, and the committee have put the case upon the ground, under the circumstances, that he is entitled to pension. And he certainly is. I call for the previous question.

The previous question was seconded, and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. HOLMAN. I yield to the gentleman from Virginia, who desires for a moment to make an explanation.

Mr. CABELL. Mr. Speaker, I simply wish to say in explanation that I had no idea of interposing any objection to the pensioning of any good Union soldier. I will be as ready as any gentleman on this or the other side of the House in proper cases to vote for bills pensioning men true to the country and who served it, although I was opposed to them in the late war. But it was stated in the report from the committee that this man had been dropped from the rolls. In addition, it was stated that he had been in the confederate army and had sworn as such. It was a serious question, therefore, whether or not a man of that character ought to be pensioned by this Government. It was no matter by whom he was dropped; he was dropped from the rolls, and there must have been, I think, some good reason for it. I deemed that a sufficient cause of objection, so as to bring the matter again before the House and let them determine whether or not this man was a fit subject to receive a pension. He had absolutely been dropped from the rolls by the Commissioner of Pensions after he had been put upon them as a pensioner.

The bill was passed.

PRIVATE BILLS PASSED.

The following bills were separately ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time and passed:

A bill (H. R. No. 1600) granting a pension to Jane A. Harris;

A bill (H. R. No. 1601) granting a pension to Otis B. Anderson;

A bill (H. R. No. 154) granting a pension to Edward C. Wheelock;

A bill (H. R. No. 1602) granting a pension to Margaret E. Cogburn; and

A bill (H. R. No. 318) granting a pension to Annie Farley.

The bill (H. R. No. 1599) granting a pension to Frances C. Elliott.

The following bills were reported from the Committee of the Whole with amendments, and with the recommendation that, as amended, the bills do pass:

A bill (H. R. No. 193) for the relief of Ezra B. Barrett;

A bill (H. R. No. 215) granting a pension to John G. Parr, of Kittanning, Pennsylvania; and

A bill (H. R. No. 1044) granting a pension to Margaret E. West.

The amendments were severally agreed to; and the bills, as amended, were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed.

Mr. HOSKINS moved to reconsider the various votes by which bills reported from the Committee of the Whole on the Private Calendar had been passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADJOURNMENT OVER.

Mr. MORRISON. I ask unanimous consent that to-morrow's session be for debate only in Committee of the Whole on the President's message, no business whatever to be transacted.

Mr. MACDOUGALL. I object.

Mr. MORRISON. Then I move that when the House adjourns to-day it be to meet on Monday next.

The motion was agreed to.

Mr. THORNBURGH. I move that the House do now adjourn.

MESSAGE FROM THE PRESIDENT.

The SPEAKER. The Chair, before putting the motion to adjourn, will lay before the House a message from the President of the United States, transmitting, in response to a House resolution of the 6th ultimo, a communication from the Commissioner of Indian Affairs respecting certain Indian agents.

The message and accompanying communication were referred to the Committee on Indian Affairs, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CHAPIN indefinitely on account of important business.

MELVILLE W. HUDSON.

On motion of Mr. WOODWORTH, by unanimous consent, leave was given to withdraw from the files of the House the papers in the case of Melville W. Hudson.

DISTRICT 3.65 BONDS.

Mr. BUCKNER. I ask that, by unanimous consent, the joint resolution (H. R. No. 52) directing the commissioners of the District of Columbia to pay the interest on the bonds issued in pursuance of the act of Congress approved June 20, 1874, out of any funds in the United States Treasury subject to the requisition of said commissioners, and for other purposes, with amendments by the Senate, be taken from the Speaker's table and referred to the Committee on the District of Columbia.

Mr. HOLMAN. I ask that the amendments of the Senate may be reported to the House.

The Clerk read as follows:

Strike out all after line 12 to the end of the resolution, and insert the following: That any further issue of 3.65 bonds under or by virtue of said act of Congress approved June 20, 1874, is hereby prohibited: *And provided*, That the certificates heretofore issued by the board of audit, including those converted into 3.65 per cent. bonds, and those which have not been so converted, and the certificates hereafter to be issued by the board of audit, or their successors in office, shall not exceed in the aggregate the sum of $15,000,000.

Add the following section:

SEC. 2. That there shall be no increase of the present amount of the total indebtedness of the District of Columbia; and any officer or person who shall knowingly increase or aid or abet in increasing such total indebtedness shall be deemed guilty of a high misdemeanor, and, on conviction thereof, shall be punished by imprisonment not exceeding ten years, and by fine not exceeding $10,000: *Provided*, That the board of audit, created by the act for the government of the District of Columbia approved June 20, 1874, is hereby abolished, and shall, immediately upon the approval of this resolution, transmit all the books and property in their possession belonging to the District to the commissioners of the District of Columbia, and make a report of their proceedings not hitherto made: *And provided further*, That this resolution shall not in any way or manner recognize the liability of the United States to pay either the principal or interest of any of such bonds as may have been issued on or since the 27th day of January, 1876.

There being no objection, the joint resolution with the Senate amendments were referred to the Committee for the District of Columbia.

Mr. HOLMAN moved to reconsider the vote by which the resolution and amendments were referred; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

STEAMERS PHILO PARSONS AND ISLAND QUEEN.

Mr. CONGER, by unanimous consent, introduced a bill (H. R. No. 1812) relative to the steamers Philo Parsons and Island Queen; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHINESE IMMIGRATION.

Mr. PIPER, by unanimous consent, presented a concurrent resolution of the Legislature of the State of California, in relation to Chinese immigration; which was referred to the Committee on Foreign Affairs.

Mr. PIPER. I ask unanimous consent that the resolution be also printed in the RECORD.

There was no objection; and it was so ordered.

The resolution is as follows:

Senate concurrent resolution No. 7, asking a modification of our treaty with China:

Whereas it is the duty of the General Government to promote the welfare of its citizens by the enactment of wise laws and to advance their material interests by treaties of friendship and commerce with foreign nations by conceding to their subjects such rights as they allow our citizens to enjoy in their territories; and whereas our present treaty with China grants to her subjects privileges for which in return we receive no corresponding advantages, but which bring to our shores large numbers of her people, many of whom come among us to pursue an immoral vocation which has made certain quarters of our towns and cities localities where human degradation is seen in its most abhorrent forms; and whereas the laboring element that is brought among us from China by organized companies of capitalists is not of a desirable character as residents, because, owing to the low standard of living on which it can subsist, it deprives our own working people of employment in industries which they have learned only by a long apprenticeship; and whereas pauper wages for our working-classes, who have wives and children depending on them for support, result from the maintenance of the treaty with China, which largely contributes to fill our poor-houses and hospitals with unwilling inmates as the only shelter they can obtain from poverty and sickness caused by loss of work; and whereas it is against public policy that under any pretext whatever encouragement should be given, by treaty stipulations or otherwise, to the immigration of a servile laboring element among us. Therefore,

Be it resolved by the senate, the assembly concurring, That our Senators be instructed and our Representatives requested to use their influence to have articles 5 and 6 of our treaty with China modified so as to discourage the further immigration of Chinese to our shores by appropriate action on the part of the Federal Government.

Resolved, That his excellency the governor be requested to forward a copy of the foregoing preamble and resolution to our Senators and Representatives in Congress at as early a day as possible.

B. F. TUTTLE,
President of the Senate.
G. J. CARPENTER,
Speaker of the Assembly.

Senate concurrent resolution number seven (7.) Passed the senate January 10, 1876.

ELLISON L. CRAWFORD,
Assistant Secretary of the Senate.

Passed the assembly January 20, 1876.

ROBERT FERRAL,
Clerk of the Assembly.

This resolution was received by the governor this 24th day of January, 1876.

[SEAL.]

E. W. MASLIN,
Private Secretary of the Governor.

PENSIONS.

Mr. PIPER also, by unanimous consent, presented a concurrent resolution of the Legislature of the State of California, in relation to pensions; which was referred to the Committee on Invalid Pensions.

HARRIET LEONARD.

Mr. SMITH, of Pennsylvania, by unanimous consent, introduced a bill (H. R. No. 1813) granting a pension to Harriet Leonard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL SHEAFFER.

Mr. SMITH, of Pennsylvania, also introduced a bill (H. R. No. 1814) granting a pension to Samuel Sheaffer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EASTERN BAND OF CHEROKEE INDIANS.

Mr. VANCE, of North Carolina, by unanimous consent, introduced a joint resolution (H. R. No. 59) authorizing the Secretary of the Interior to pay to the eastern band of Cherokee Indians $2,500 out of funds heretofore appropriated; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

TAXES WRONGFULLY ASSESSED.

Mr. TUCKER, by unanimous consent, introduced a bill (H. R. No. 1815) for the relief of certain citizens of Lynchburgh, Virginia, against whom internal-revenue taxes have been wrongfully assessed and collected; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

SECTION 1218 REVISED STATUTES.

Mr. TUCKER also, by unanimous consent, introduced a bill (H. R. No. 1816) to repeal section 1218 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

The motion of Mr. THORNBURGH was then agreed to.

And accordingly (at four o'clock and fifteen minutes p. m.) the House adjourned until Monday next.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BELL: The petitions of citizens of Nashua, of Peterborough, and of Manchester, New Hampshire, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. BLAIR: The petition of 30 divisions of the Sons of Temperance of New Hampshire, signed by the officers thereof, for a commission of inquiry concerning the alcoholic liquor traffic, to the same committee.

By Mr. BROWN, of Kansas: Papers relating to the petition of William O. Redden, for pay and emoluments of colonel in the Third Delaware Infantry from January 1, 1862, to May 15, 1862, and for money expended in recruiting, enrolling, and subsisting soldiers of said regiment, to the Committee on War Claims.

By Mr. CAULFIELD: The petition of L. V. Dovilliers, to be placed upon the rolls of the United States Navy as professor of mathematics in the Navy, to the Committee on Naval Affairs.

By Mr. FULLER: Papers relating to the claim of Annie Wallingford, to the Committee on War Claims.

Also, the petition of Jonathan Beasley, for a pension, to the Committee on Invalid Pensions.

By Mr. HAMILTON, of Indiana: The petition of citizens of Decatur, Indiana, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

Also, the petition of Dr. D. M. Allen, for compensation for damages resulting from his arrest on the 16th day of October, 1862, and for further relief, to the Committee on War Claims.

By Mr. HOPKINS: The petition of officers and sailors of the ram fleet that served on the Mississippi River, for a proper allowance of prize-money alleged to be due them on account of vessels captured at Memphis, Tennessee, to the Committee on War Claims.

Also, the petition of Thomas A. Scott, Dan Webster, and others, for aid to be extended a southern line of railroad to the Pacific, to the Committee on the Pacific Railroad.

Also, the petition of John S. McMillen, for pay for cotton taken from him by United States authorities, to the Committee on War Claims.

By Mr. JONES, of Kentucky: The petition of J. Q. Ward, executor of M. S. Broadwell, for pay for two horses and equipment lost while in the service of the United States, to the same committee.

By Mr. KETCHUM: The petition of citizens of Schickshinny and of Wilkesbarre, Pennsylvania, for the repeal of the stamp-tax on safety matches, to the Committee of Ways and Means.

By Mr. KNOTT: The petition of citizens of Breckinridge County, Kentucky, for a post-route from Meadville to Stephensport, Kentucky, to the Committee on the Post Office and Post Roads.

By Mr. McFARLAND: The petition of John Boyd, for a pension, to the Committee on Invalid Pensions.

By Mr. MONROE: The petition of William Gamble, James Carmean, and other citizens of Kossuth, Ohio, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. MORRISON: The petition of citizens of Illinois, for the repeal of the check-stamp tax, to the Committee of Ways and Means.

By Mr. PACKER: The petition of citizens of Shamokin, Pennsylvania, for the repeal of the stamp-tax on safety matches, to the same committee.

By Mr. PARSONS: The petition of Robert L. Goodall, for a pension, to the Committee on Invalid Pensions.

By Mr. PIERCE: The petition of John D. Runkle and others, a committee of the Society of Arts in the Massachusetts Institute of Technology, for the appointment of a commission of inquiry concerning the metric system of weights and measures, to the Committee on Coinage, Weights, and Measures.

By Mr. JAMES B. REILLY: The petition of Lucien Loeser, to be relieved from liability to the United States on account of loss of Gov-

ernment property by the wrecking of the steamer San Francisco in December, 1853, to the Committee on the Judiciary.

By Mr. ROSS, of New Jersey: The petition of Grange No. 1, Patrons of Husbandry of New Brunswick, New Jersey, for an amendment of the postal laws relating to third-class mail matter, to the Committee on the Post-Office and Post-Roads.

By Mr. TERRY: A paper relating to a post-route from New Castle to the forks of John's Creek, in Craig County, Virginia, to the same committee.

By Mr. WARREN: The petition of Mary Sullivan, for a pension, to the Committee on Invalid Pensions.

By Mr. A. S. WILLIAMS: Twelve petitions of citizens of Detroit, Michigan, for authority to construct a bridge across Detroit River, to the Committee on Commerce.

By Mr. WILLIS: The petition of A. Sheldon & Co. and 500 other merchants and business men of Detroit, Michigan, for the repeal of the bankrupt law, to the Committee on the Judiciary.

By Mr. WOODWORTH: The petition of Jonah Woodward, that his name be restored to the pension-rolls, to the Committee on Invalid Pensions.

IN SENATE.

MONDAY, *February* 7, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Friday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, in response to a resolution of the Senate of January 26, 1876, requesting the Secretary of the Treasury to submit copies of any propositions by the Pacific railroads for the creation of a sinking fund for the redemption of the Government mortgages, together with a statement of the action of the Government thereon and the reasons therefor.

Mr. WEST. I desire to make a motion that the communication be printed and lie on the table; and I give notice to the Senate that at an early day I will call it up for reference and submit some remarks with regard to the pecuniary and other relations existing between the Pacific railroad companies and the Government of the United States.

The PRESIDENT *pro tempore*. The communication will lie on the table and be printed, if there be no objection.

Mr. SHERMAN. I have no objection to the course proposed by the Senator from Louisiana, but I wish to enter a motion to refer the communication to the Committee on Finance.

Mr. WEST. I also wish to give notice that I shall move the reference of the communication to the Committee on Railroads.

The PRESIDENT *pro tempore*. The Senator from Ohio gives notice that he will move to take the communication from the table for reference to the Committee on Finance.

Mr. WEST. I had already given notice of an intention to move the reference of the communication. Probably the Senator from Ohio did not hear me.

Mr. SHERMAN. I wish to enter a motion to refer. It will lie on the table for the present.

Mr. WEST. Let it lie on the table, and when it comes up the motions for reference can be considered.

The PRESIDENT *pro tempore*. The communication will lie on the table and be printed.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, stating that Major William P. Craighill, of the Corps of Engineers, will be detailed to make an examination of, and report upon, the present condition as respects safety and permanency of the Aqueduct bridge across the Potomac River at Georgetown, District of Columbia, under the resolution of the Senate of February 3; which was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

Mr. McCREERY. I present the petition of Martinette Hardin McKee, who asks for an appropriation sufficient to transport the remains of her late husband from the Panama cemetery to that at the city of Frankfort, Kentucky. Alexander R. McKee was born at Lancaster, Kentucky, where he filled several positions of trust with fidelity. He was married at Jacksonville, Illinois, to the daughter of Martin D. Hardin, once a member of this body. There he became the warm personal and political friend of Abraham Lincoln, who appointed and re-appointed him consul to Panama, where he died in the discharge of his duty. On the face of the paper I find statements from the governor, secretary of state, and the auditor of Kentucky. Piety, in all ages, has sought to consecrate the last resting-place of the dead. Every country is willing to accord at least an honored grave to those who have fallen in its service; but it is from the shrine of domestic affection that the purest incense rises to the memory of the loved and the lost; and it is in deference to that sentiment that I offer the petition, and commend it to the tender care of the proper committee—the Committee on Appropriations.

The PRESIDENT *pro tempore*. That reference will be made.

Mr. ALLISON presented a memorial and joint resolution of the Legislature of the State of Iowa, in reference to the improvement of the navigation of the Upper Mississippi River; which were referred to the Committee on Commerce, and ordered to be printed in the RECORD as follows:

Whereas the Mississippi River and its tributaries afford to the people who dwell in their valleys the most available means to escape the exacting and oppressive tariffs on the transportation of their products to the markets of the world; and whereas in order to make this great national highway answer the full measure of its usefulness in affording greater facilities and safer passage for vessels of larger tonnage, it is of the utmost importance that the work on the rapids of the Upper and Lower Mississippi should be speedily completed: Therefore,

Be it resolved, That our Senators in Congress be instructed and our Representatives be requested to advocate and vote for in Congress such measures as will most speedily and successfully secure this result.

Resolved, That the secretary of state be directed to forward copies of this preamble and resolution to the President of the Senate of the United States and to the Speaker of the House of Representatives, with a request that they may be laid before each House of Congress, and that copies be sent to each Senator and member of Congress from this State.

JOHN H. GEAR,
Speaker of the House.
J. G. NEWBOLD,
President of the Senate.

Approved January 25, 1876.

SAMUEL J. KIRKWOOD.

The PRESIDENT *pro tempore* presented a memorial and joint resolution of the Legislature of the State of Iowa, instructing the Senators and Representatives in Congress from that State to vote for and advocate legislation in favor of the improvement of the rapids of the Upper Mississippi and the completion of the work; which were referred to the Committee on Commerce.

He also presented the petition of W. E. Robbins and 200 others of Sullivan and Tioga Counties, Pennsylvania, praying Congress to pass an act allowing the people to elect the President by a direct vote of the people; which was referred to the Committee on the Judiciary.

He also presented a memorial of the Board of Trade of New York, demonstrating the inexpediency of attempting resumption before the requisite conditions are ripe for it; which was referred to the Committee on Finance.

Mr. INGALLS presented the petition of John S. Friend, praying remuneration for property taken from him by the Comanche Indians in Texas in 1867 and 1868; which was referred to the Committee on Claims.

He also presented a petition of Robert Manville, of Indiana, praying that he may be allowed a pension; which was referred to the Committee on Pensions.

Mr. WINDOM presented a joint resolution of the Legislature of the State of Minnesota in favor of the establishment of a mail-route from Freeborn, in Freeborn County, by way of the village of Alden and the town of Mansfield, in that county, to Lake Mills, in Winnebago County, Iowa, with semi-weekly service thereon; which was referred to the Committee on Post-Offices and Post Roads.

He also presented a joint resolution of the Legislature of the State of Minnesota, in favor of the establishment of a mail-route from Dover Centre, Olmstead County, to Chatfield, Fillmore County, Minnesota, with daily mail service thereon; and also for an increase of service to tri-weekly on route from Preston to Greenleafton, in Fillmore County; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WEST presented a joint resolution of the Legislature of the State of Louisiana, in favor of an appropriation by Congress for the construction of levees on the Mississippi River in Louisiana, and for the General Government to assume control of all the levees in Louisiana; which was referred to the Select Committee on the Levees of the Mississippi River.

Mr. BOOTH presented a concurrent resolution of the Legislature of the State of California, in favor of a modification of the treaty with China; which was referred to the Committee on Foreign Relations.

He also presented a concurrent resolution of the Legislature of the State of California, in favor of the passage of an act granting pensions to the soldiers, sailors, and marines of the Mexican war of 1846, 1847, and 1848; which was referred to the Committee on Pensions.

Mr. SARGENT. I present the petition of leading merchants in San Francisco, the signatures of whom I recognize as being men eminent in their business, in which they pray for the passage of Senate bill No. 209, introduced by myself some time since, to amend and supplemental to an act creating the court of commissioners of Alabama claims and for the disposition of certain moneys, approved June 23, 1874. I move that the petition be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. CRAGIN presented a joint resolution of the Legislature of New Hampshire, in favor of the resumption of specie payments; which was referred to the Committee on Finance, and ordered to be printed.

Mr. SHERMAN presented the petition of citizens of Missouri, praying for the repeal of the two-cent stamp tax on bank-checks; which was referred to the Committee on Finance.

Mr. FRELINGHUYSEN presented the petition of Henry Lull, praying an extension of his patent for a shutter-hinge; which was referred to the Committee on Patents.

He also presented the petition of citizens of Vineland, New Jersey, praying for the repeal of the resumption act; which was referred to the Committee on Finance.

Mr. CONKLING presented a report and resolutions of the Chamber of Commerce of the State of New York, reviewing the history and creation of the Japanese indemnity fund, and recommending that, with its accumulations, after expenses being deducted, it be paid back to the government of Japan; which were referred to the Committee on Foreign Relations.

He also presented the petition of J. J. Waller and others, praying the repeal of the two-cent stamp tax on checks; which was referred to the Committee on Finance.

Mr. WALLACE presented a petition of citizens of Philadelphia, Pennsylvania, engaged in the business of local expressmen, praying for the refunding of an internal-revenue tax of 3 per cent. on their gross receipts, levied under section 103, acts of June 30, 1864, and July 13, 1866; which was referred to the Committee on Claims.

Mr. JOHNSTON presented the memorial of A. D. Reynolds, of Patrick County, Virginia, setting forth that the United States is indebted to him in the sum of $6,292.68 for cotton seized by United States officials during the late war; which was referred to the Committee on Claims.

Mr. LOGAN presented the petition of citizens of Williamson County, Illinois, praying for the passage of a law granting a pension to Eliza Mandrel, of Attila, Williamson County, widow of George W. Mandrel, deceased, late private One Hundred and Tenth Illinois Volunteers; which was referred to the Committee on Pensions.

He also presented the petition of Carter Wilkey, of Hamilton County, Illinois, praying a pension for services rendered as a private in the war of 1812; which was referred to the Committee on Pensions.

Mr. HOWE presented a resolution of the Legislature of Wisconsin, in favor of the erection of a custom-house, post-office, and other public buildings at Green Bay, Wisconsin; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. PADDOCK presented the petition of several citizens of the counties of Otoe and Cass, in the State of Nebraska, praying the establishment of a mail-route from Unadilla, on the Nebraska Railway, to the South Bend Railroad, via Elmwood; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ENGLISH presented the petition of Clarke & Given, coal merchants, of Washington, District of Columbia, and accompanying papers, praying compensation for fuel furnished the city schools of the District during the winters of 1873 and 1874; which was referred to the Committee on the District of Columbia.

Mr. McMILLAN presented a joint resolution of the Legislature of the State of Minnesota, in favor of the establishment of a post-route and mail service thereon from Hastings, in Dakota County, Minnesota, to Cannon Falls, in Goodhue County, via Bellwood and Douglas; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition signed by a large number of merchants of Saint Paul and Minneapolis, praying for a modification of the provisions of sections 2990, 2991, and 2997 of the Revised Statutes of the United States relative to the entry and transportation of foreign goods to ports of final destination without appraisel at ports of first arrival, so that the privileges accorded to certain enumerated ports by virtue of section 2997 as aforesaid be extended to the port of Saint Paul, Minnesota; which was referred to the Committee on Commerce.

He also presented a memorial signed by a large number of citizens of Minnesota, remonstrating against the passage of a bill making provision for the erection of a ponton bridge across the Mississippi River by the Green Bay and Minnesota Railroad Company at Winona; which was referred to the Committee on Post-Offices and Post-Roads.

BRIDGE AT WINONA.

Mr. HOWE. I thought I heard the Senator from Minnesota offer a remonstrance to the bill providing for the construction of a bridge at Winona. There is a bill for that purpose, authorizing the Green Bay and Minnesota Railroad to construct a bridge. To settle the controversy, I now move that the committee be discharged from the further consideration of that bill and that the bill be indefinitely postponed.

The PRESIDENT *pro tempore*. The Chair will observe that the Senator who introduced the bill is not in his seat, the colleague [Mr. WINDOM] of the Senator from Minnesota who presented the remonstrance——

Mr. McMILLAN. I think the Senator from Wisconsin introduced the bill.

Mr. HOWE. I think I offered the bill myself, but I am not certain about it.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves that the Committee on Post-Offices and Post-Roads be discharged from the further consideration of the bill (S. No. 64) to authorize the construction of a ponton bridge across the Mississippi River from some feasible point in Buffalo County, in the State of Wisconsin, to some feasible point in Winona County, in the State of Minnesota.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves that the bill be postponed indefinitely.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. HAMILTON, from the Committee on Pensions, to whom were referred five petitions of citizens of New York, late soldiers of New York regiments in the late war, praying the amendment of the pension laws so as to extend the time for making application for arrears of pensions to July 4, 1876, reported adversely thereon, and asked to be discharged from their further consideration; which was agreed to.

Mr. HAMILTON. I am also instructed by the Committee on Pensions, to whom was referred the petition of Charles G. Bennett, late sergeant Company D, Fiftieth New York Engineers, praying for an additional allowance of pension, to report it back adversely. The committee find from the papers that there is no claim pending before the Commissioner of Pensions, and therefore ask that the committee be discharged from the further consideration of the petition.

The report was agreed to.

Mr. HAMILTON, from the same committee, to whom was referred the bill (S. No. 223) granting a pension to Ira Foster, a private in the war of 1812, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 35) equalizing pensions of certain officers, reported it with an amendment.

Mr. MERRIMON. The Committee on the District of Columbia, to whom was referred the bill (S. No. 101) explanatory of the act passed June 20, 1874, have directed me to report it adversely, and instruct me to say that in respect to the points embraced in the bill the act is clear, and the proper construction has been placed upon it by the commissioners. The committee, therefore, deem it unwise to change the act, and they ask to be discharged from the further consideration of the bill.

The bill was postponed indefinitely.

Mr. MERRIMON, from the Committee on the District of Columbia, to whom was referred the petition of Clarke & Given, coal merchants in the city of Washington, praying compensation for fuel furnished the schools of the District during the winters of 1873 and 1874, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. CLAYTON, from the Committee on Military Affairs, to whom was referred the bill (S. No. 153) to grant the right of way for railroad purposes through the United States arsenal grounds near Benicia, California, reported it with an amendment.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the petition of Nathan Kunkle praying for the removal of the charge of desertion against him and for back pay and bounty, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from further consideration of the petition.

He also, from the same committee, to whom was referred the petition of Simon Wagenhauser, late private Company D, Fifty-ninth Regiment New York State Volunteers, praying to be allowed a bounty, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the petition of James V. Boughnar, of West Virginia, praying the confirmation of title to certain lands and the issue of a patent therefor, asked to be discharged from its further consideration and that it be referred to the Committee on Public Lands; which was agreed to.

He also, from the same committee, to whom was referred a resolution of the Legislature of West Virginia in favor of an appropriation of $200,000 for the reconstruction and repair of the turnpike road leading from Fairmount, Marion County, to Gauley Bridge, in Fayette County, in that State, taken possession of and used by the United States authorities during the late war, for the transportation of supplies thereon to the Army, reported adversely thereon and asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred a resolution of the Legislature of West Virginia in favor of an appropriation for the erection of a monument near the junction of the Ohio and Kanawha Rivers, in commemorafion of the battle of Point Pleasant, fought October 10, 1774, reported adversely thereon and asked to be discharged from its further consideration; which was agreed to.

JUDGMENTS OF ALABAMA CLAIMS COMMISSION.

Mr. CONKLING. The Committee on the Judiciary, to whom was referred the bill (H. R. No. 1053) providing for the payment of judgments rendered under section 11 of chapter 459 of the laws of the Forty-third Congress, direct me to report the same back favorably with two verbal amendments. I incline to think, although I do not feel called upon to make the request in regard to it, that if the Senate

would hear this bill read, it might be the pleasure of the Senate to consider it now. I will add to that remark one other, by leave of the Chair. The Senate will remember that under the act of Congress as it stood on the 22d of January, now passed, an end would have come to the existence and proceedings of the Alabama claims commission. Upon the arrival of that date, those in whose favor awards had been made, or judgments, as I will call them for convenience, would have had them certified to the State Department, and the Department would have taken action which would have enabled them to receive the money. When we assembled at this session it turned out that there remained for that commission labors which could not well be concluded by the 22d of January, and therefore upon the report of the Judiciary Committee a bill was passed prolonging the duration of the commission, making no change whatever, leaving everything in *statu quo*. The effect of that legislation was to defer until the 22d of July next that proceeding which otherwise would have occurred on the 22d of January.

The whole purpose of this bill is to provide that, notwithstanding that postponement, the claimants whose claims have been adjudicated may receive them as they would have done had this prolongation of the commission not occurred. That, I believe, is the whole scope of the bill; and unless there be some objection to it, I suggest that it be considered now.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

It is a direction to the court of commissioners of Alabama claims, as soon after the 22d of January, 1876, as may be practicable, to report to the Secretary of State the several judgments which, before or on that day, shall be rendered by the court pursuant to section 11 of chapter 459 of the laws of the Forty-third Congress; and also after the 22d of July, 1876, in like manner, report to the Secretary of State the several judgments it shall render from the 22d of January to and including the 22d day of July.

When a report shall be made, the Secretary of State is to transmit the same, or a copy thereof, to the Secretary of the Treasury, who is without unnecessary delay to proceed, pursuant to the chapter cited, to pay the judgments specified therein, with interest on the principal at the rate of 4 per cent. per annum from the date of loss, as certified, until the Secretary of the Treasury shall give notice for payment.

The bill was reported from the Committee on the Judiciary with amendments.

The first amendment of the committee was in section 1 line 7, to strike out the word "be" and insert the words "have been;" so as to read:

The several judgments which, before or on that day, shall have been rendered by the said court, &c.

Mr. CONKLING. That is merely because the day is past already.

The amendment was agreed to.

Mr. CONKLING. There is no other amendment except the title.

The bill was reported to the Senate as amended.

Mr. SARGENT. Has the bill passed the stage for amendment?

The PRESIDENT *pro tempore*. It has not. The bill is now in the Senate, and the question is on concurring in the amendment made as in Committee of the Whole.

Mr. SARGENT. I would like to make a suggestion to the committee, whether the interest of 4 per cent. ought not to be 6 per cent. That was the amount which was allowed by the Geneva tribunal, and the only object, I understand, in making the rate 4 per cent. in our original act was that there probably was not enough money to go around, or there was a fear there might not be. Consequently the original legislation provided that the judgments should be paid *pro rata* in case there was not sufficient to pay them all. It now seems, after these claims have passed into judgment, that one-half the fund at least, or a very large proportion of it, will be left unabsorbed and open to the claims of other claimants. It seems to me only justice that the low rate of 6 per cent. should be allowed. I do not know whether this matter was considered by the committee or not; but I desire to submit a motion to strike out "4" and insert "6" per cent. I make that motion.

Mr. CONKLING. Before the Senator submits his motion, I beg him to hear me a moment. I have no doubt he favors the object of the bill, and therefore I venture to suggest to him that he is interposing a matter foreign here, which can be considered otherwise, and which will lead to difficulties as well as to delay. The 4 per cent., of which the Senator from California speaks, was designed originally not only to cover such a difficulty as he has suggested, but also to pay the expenses, or contribute to the expenses of this tribunal. It so stands in the law. It was deemed by the two Houses of Congress adequate at the time. The whole purpose of this bill is to correct the postponement of the realization of the claims which occurred from the act to which reference has been made; and the Senator from California will see that if he introduces the amendment he now proposes, he opens a pretty large question, which extends to the whole of this fund, which revives the original considerations that were disposed of by Congress, and which will not only defer, but I suggest to him very likely defeat either the ultimate passage of this bill, or more especially its passage at the particular time when it will be most valuable. And as bearing upon the last suggestion, let me state to the Senator from California and to the Senate this fact: These claimants expected, had a right to expect, that on the 22d of January they would realize this money; they had a right to rely upon it as a certainty; they did; they made their calculations accordingly. Unexpectedly to them, and suddenly, the postponement which I have twice stated occurred. Their wish is simply to be permitted to avail themselves of this act. They do not ask, as I understand, by petition or otherwise, anything on the interest question; they want to be put back where they were but for this postponement.

In that view I suggest to my friend, that as other bills touching this fund will almost certainly be before the Senate presently, he will have an opportunity, on an occasion which would put at less peril rights and merits of claimants, to present his question; and therefore in the interest of the bill, (and I know he shares in my interest in that regard,) I suggest to him not to offer this amendment now, but to let this House bill go, and consider that hereafter.

Mr. SARGENT. I am not half convinced by the Senator's statement. I see no reason why 6 per cent. interest should not be allowed and why it should be contested upon the principle that we restricted it to 4 per cent. I know many of these claimants of small claims desire interest to be paid. I know it by applications made by many to myself. Some other bill may come up relating to some other matter, for example, the question relating to the insurance companies absorbing this fund, and to suggest that we go back and consider the interest question then would be met by the argument that it was foreign on such a bill as that. Here is a proposition to pay them and to settle up with them entirely; and why not pay them 6 per cent. instead of 4 per cent? As I say, there are a number of small claims where the expenses which we have required these parties to be at in taking and printing testimony under the rules of the court are equal to and, in some cases called to my attention, exceed the amount which they can get from this tribunal, and I think we ought to allow to these parties the reasonable expense of taking and printing their testimony; I do not say their counsel fees or anything of the kind.

I do not wish to take up the time of the Senate by discussing the proposition. I would like, however, to have a vote upon my amendment that this interest be increased to 6 per cent.

The PRESIDENT *pro tempore*. The question is on concurring in the Senate in the verbal amendment made in Committee of the Whole.

The amendment was concurred in.

The PRESIDENT *pro tempore*. The question now is on the motion of the Senator from California, in section 3 line 6 to strike out "4" and insert "6;" so as to read:

With interest on the principal at the rate of 6 per cent. per annum.

Mr. EDMUNDS. I do not think that ought to be done. One theory upon which the original bill was passed providing 4 per cent. was that this money being paid over to the United States would lie in the Treasury without any interest at all, in its normal condition; but in order to have it carry some interest and do good to these people we proposed to pay interest, as much as the United States could afford to pay as a depositor—rather more—because we only paid 3 per cent in old times upon mere deposits. Now, the 4 per cent. the United States pays out of the Treasury because we have not done with the fund yet and we do not know what will become of it. As it now stands, the 4 per cent. the United States pays is really the amount we are paying to this fund for the use of the money by the Treasury, which has been put into a bond; so that I submit to my friend from California the case does not stand on the principle that the money is worth 6 per cent.; it stands upon the principle, so far as that part of it is concerned, that 4 per cent. is as much percentage as the United States can afford to pay for a short loan of this kind, and it has been put into a bond accordingly. That is the point; and therefore I do not think we ought to disturb it, certainly until we see by and by where we are going to land about the whole business.

Mr. WRIGHT. Before the vote is taken I wish to say one thing upon the question itself and also with reference to the bill. At the time we passed the original bill, as the provisions within it show, it was contemplated that this money should be paid out after all the claims were adjudicated. Whether we held this money strictly in trust or whatever our relations to the fund, at all events it was regarded that we had so much money to be paid out to the persons who were entitled to it. Now, whether there would be enough to pay all or only to pay them *pro rata* we did not know; and hence the original bill provided that the entire amount due should be ascertained, and when ascertained and the commission had concluded their work then they should certify to the Secretary of State the amount, and the amount should be paid; and if the fund was not sufficient to pay all, the respective claimants should be paid *pro rata*.

By the original bill it was contemplated that the commission should close its work on the 22d of January. It seems it was not able to do that, and we extended the time to the 22d of July, in no manner however changing the provisions of the former statute with reference to paying to claimants *pro rata* if we had not sufficient to pay all. It may be as the law stands now that we shall have sufficient and more than sufficient to pay all claims that may be allowed. But there are claimants knocking at the door of Congress, whether as insurers or those who claim that they should be let into an allowance; and what will be our legislation between this and the 22d of July, no one can tell. If it shall occur that, under the law as it stands now and the

law as we shall change it, a larger amount shall be allowed, then the fund at our disposal, if we pass this bill now and provide that the claimants shall be paid who have been allowed, and a larger amount shall be allowed between this and the 22d day of July than we have of the fund remaining to pay, then they must either be paid *pro rata* or we must take from the Treasury of the United States sufficient to pay them in full, as we propose to pay those in full that have been allowed up to this time; and therefore I have been in favor and am in favor yet of leaving this matter until the 22d of July or until the work is concluded before we provide for the payment of any of them. In other words, the law as we originally passed it went upon the theory that the 4 per cent. allowed was sufficient to these persons for the delay occurring. We said that was the interest they ought to be paid. I do not believe in increasing that interest now if they are to be paid. We considered that matter carefully, and after due deliberation determined that 4 per cent. was what they should be paid. It was known then as well as it is now that these persons would be put to expense in obtaining the allowance of their claims; and to increase this to 6 per cent. now I think would be in the face of the statute and in the face of the deliberate action of the Senate when the law was passed.

But, to return, I say that 4 per cent. was what we agreed was a fair interest to be paid these persons for the delay incident upon the allowance of their claims. If they shall be delayed until next July, it will only be a delay of a few months, and I think it is better that this whole fund should be held until the commission conclude their work and we know what we have to pay in the aggregate, instead of paying it out by piece-meal and running the hazard, as we shall, that the allowances between now and the time when the fund shall be all disposed of will more than absorb or take it up, and we have to pay the balance out of the Treasury. I think the true theory is that these persons, if there is not sufficient to pay all, should be paid *pro rata*. At present, if we pass this bill and pay these persons we may be compelled to pay those who come in afterward *pro rata* or pay them from the Treasury instead of from the fund itself.

For these reasons I am opposed to this bill. I am opposed to the increase of interest because it is in the face of the deliberate action of Congress heretofore. I think 4 per cent. was the amount that we agreed upon as the fair interest, and I see no reason for changing it.

Mr. BOUTWELL. I should like to know from the committee whether there are not two elements in the question of interest; whether it is not true, probably, from the report of the proceedings at Geneva that the tribunal there gave at least 6 per cent. interest upon the losses from the time the losses were incurred until the award was made at Geneva.

Mr. EDMUNDS. I do not so understand it.

Mr. BOUTWELL. It has been some time since I examined the proceedings, but I certainly came to the conclusion that the tribunal at Geneva allowed interest. Whether they were governed by the rate of interest in England or in this country, it is clear that they must have allowed more than 4 per cent. Therefore, while I admit that from the time of the award at Geneva until the time when the claimants are paid 4 per cent. would be a reasonable sum, I think that if we can ascertain what rate of interest was allowed by the tribunal at Geneva, that rate ought to be allowed to claimants whose claims have been ratified by the commission from the time when the losses were incurred until the award was rendered at Geneva. Whether this is the proper time or not for such a provision, as the case now stands, I shall feel inclined to sustain the motion made by the Senator from California.

Mr. STEVENSON. I understand that the Geneva tribunal did allow 6 per cent. I understand that the 4 per cent. perhaps was allowed in the law because the Government had incurred some expense in regard to this matter; but whether this fund is amply sufficient to pay all the claims will depend upon the future action of the Senate as to what claims not yet adjudicated upon will be admitted for consideration. There are a great many litigated questions yet to come up.

I am opposed to this bill because I think we ought not to allow any judgments to be paid until the whole fund has been adjudicated on so far as the payments go, and those who are postponed will draw their 4 per cent. It is simply an innovation on the custom in the adjudication of claims by mixed boards or commissions to allow payment in parcels. The usual practice is always to let all the claims be adjudicated upon before paying any. Those claims that have already been adjudicated upon, and which will be paid on the 22d day of January, will draw their 4 per cent. Let that 4 per cent. go on, and let this board finish its adjudications, and let us see how the fund will be distributed, who will obtain indemnity and who will not; and so it seems to me to be the safer way to defer all payments until the full adjudication has been had.

If you allow this bill to pass, and a portion of these claimants obtain payment of their judgments, it may hereafter turn out that the whole Geneva fund will not be sufficient to pay claims which will be hereafter adjudicated upon; and if such should be the case, those who are entitled to valid claims will come upon the Government to make good their deficit. I hope the bill will not pass.

Mr. CONKLING. In reply to the Senator from Kentucky, I beg to suggest that every claim which can be paid under the proposed bill is a claim to which nobody has ever objected. In all the conjectures and alternatives which have occurred touching the disposition of this fund, no man in Congress or not in Congress has ever argued that these claimants did not stand in the fore-front, because their losses occurred in such wise that within the most restricted limits the award pointed to them. So much as to the general objection of the Senator from Kentucky about paying. In any event their claims are to be undisputed.

The Senator from Massachusetts says, if this is a proper time or the proper time to consider the question of interest, then he will be inclined to favor the amendment. In reply to that, I beg the Senator's attention to this truth: Every provision in this act is the law now, every one, with all its limitations and all its opportunities to consider the question of interest; and the whole effect of this act is to make the 22d of January last, in lieu of the 22d of July next, the day as of which claimants may call for their money. If there will be after the passage of this act any difficulty in reviving the interest question, that difficulty exists now, not in this proposed bill, but in the statute tantamount in all regards to this, except, as I say, that this bill proposes to allow these people to enjoy their money in place of being deferred to a day which, although not long future, is far future to those who are in need, and who certainly relied upon being able to command this money when the 22d of January should come as much as they relied upon being able to draw their checks upon a bank balance if they had a balance in bank. To them it is a grievous matter and an important matter; and all the bill proposes to do, I repeat, is simply to name one day in lieu of another day, which has grown out of our own interposition, as the day on which they may realize their money.

Now the Senator from Massachusetts must see that no stumbling-block will be put in the way of reviving the question of interest by passing this bill. The Senator from California will see the same thing. They encounter now every objection they can encounter after this act is passed. If that be true, and if these Senators concede the justice of allowing these parties to reap the fruits of their adjudication, what is the occasion of interposing the question of interest here? Why not allow them to take their money; and, if they or anybody else choose hereafter to raise the question of the rate of interest, that question, I repeat, cannot be disparaged at all by the passage of this bill or aided at all by the defeat of the bill, should the lapse of the morning hour or anything else prevent its passage.

Mr. BOUTWELL. I am inclined to agree with the Senator from New York that it is more in the interest of the claimants to take what this bill allows and trust to some future occasion for the additional interest.

Mr. EDMUNDS. Lest there should be a general impression that the Geneva tribunal allowed 6 per cent. as some Senator has stated he understands it to have done, I wish to say that at the session when this principal act was passed, from the most careful examination I could make of the published records and from certain private information that I had, I had the best reason for believing that the tribunal did not allow 6 per cent. or anything like it, but a very much less rate. In point of real fact, I believe that, in the sense of computing interest, the tribunal did not allow any interest at all as such. They took into consideration the circumstance that there had been a long delay, but the general average of their opinions as to what the principal gross amount of the injury was, settled down to a sum which, making a reasonable allowance, without its being exactly computed, made up the sum total of the fifteen and a half millions. Therefore, Mr. President, I do not think we ought to proceed, now at any rate, upon the idea that the tribunal at Geneva allowed 6 per cent. or any other considerable sum as interest. Certainly whatever might have been attributable to the delay was much less than 6 per cent.

Mr. SARGENT. I am inclined, after this discussion, to agree with the Senator from Massachusetts, that perhaps it is better for these claimants that they have allowed this amount under this bill; but I wish to say that individually, at some favorable time hereafter, when legislation is pending which shall give the opportunity, I shall again present this question and contend that it is just that 6 per cent. be allowed to these claimants. I withdraw the amendment.

Mr. WRIGHT. I wish to say just one word. In reference to the matter of interest I believe it to be true that this board in allowing the claim of each claimant included the interest, so that at the time the judgment was rendered in favor of each one they allowed so much for the original claim with interest added.

Mr. CONKLING. That we can ascertain in future.

Mr. WRIGHT. I wish to say one thing more in reference to the merits of the bill. It is suggested by the Senator from New York that the claims proposed to be paid by this bill belong to a class as to which there has been no controversy, that all persons inside and outside everywhere agree that these persons ought to be paid. Now, Mr. President, if it shall occur by our legislation hereafter that another class of persons are to be paid, then, whether all persons shall agree to it or not, we shall have to pay them; and therefore it is a matter of entire unimportance whether all persons are agreed to this or not, or whether all persons shall be agreed to the claims that shall hereafter come in or not. When we say they shall they will, and we shall have to pay them.

My objection to this legislation is that it proposes to pay these persons in advance, when I think that according to the theory of this award, the theory of our legislation, and the principle on which it stands, they should be paid *pro rata* if we have not sufficient to pay them all; and we cannot tell whether we have enough to pay them all

until we get the entire award. I do not believe in doing it in piecemeal. I believe in ascertaining the entire amount, and it is better that we thus wait, even if there shall be wrong or injury in individual cases, than to interfere with this general rule and thereby increase the chances of being compelled to pay out of the Treasury of the United States a sum of money the amount of which no one can ascertain now.

Mr. FRELINGHUYSEN. I simply wish to say, Mr. President, that I hope this bill will pass. Both Houses of Congress have agreed that this class of claimants shall be paid in advance. That was the bill that passed both Houses.

Mr. INGALLS. Can the Senator inform us what amount of this class of claims has been awarded already by the commission?

Mr. CONKLING. A little more than $2,000,000, I understand.

Mr. FRELINGHUYSEN. I think it is considerably more than that; but it leaves a very large surplus. Judgment has been rendered in favor of these claimants, and they certainly ought to be paid. It is only to correct the effect which our alteration of the law had upon their claims. They expected these claims to be paid. I do not think the bill ought to be amended as to the interest.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill providing for the payment of judgments rendered under section 11 of chapter 459 of the laws of the first session of the Forty-third Congress."

BILLS INTRODUCED.

Mr. CRAGIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 401) to incorporate The Citizens' Building Company of Washington; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. DAVIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 402) for the relief of the Methodist Episcopal church South at Charleston, Kanawha County, West Virginia; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 403) to re-imburse the State of West Virginia for the destruction of public property by the Union forces during the war; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. CLAYTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 404) extending the jurisdiction of the district court for the western district of Arkansas; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. WALLACE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 405) for the relief of William S. Morris, William S. Mann, Charles A. Oakman, George W. Hillman, the Union Transfer Company, and John R. Graham; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. JOHNSTON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 406) for the relief of Harden W. Reynolds; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. SPENCER (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 407) to authorize the restoration of George A. Armes to the rank of captain; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 408) for the relief of Assistant Surgeon Thomas F. Azpell, United States Army; which was read twice by its title, and, together with accompanying papers, referred to the Committee on Military Affairs.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 409) to equalize promotions in the Army; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. HOWE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 410) for the relief of First Lieutenant George W. Wright, Seventh United States Infantry; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. OGLESBY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 411) for the relief of J. W. Parish & Company, of Illinois; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. GOLDTHWAITE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 412) to extend the time for presenting claims to the Court of Claims and to the southern claims commission; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. CAPERTON asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 8) restoring Albert W. Preston to his rank of colonel on the retired list of the United States Army; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. FRELINGHUYSEN, it was

Ordered, That the petition and papers in the case of Harvey Lull be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. INGALLS, it was

Ordered, That the petition and papers of John Z. Friend be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. McDONALD, it was

Ordered, That the petition and papers of Joseph Duncan be taken from the files of the Senate and referred to the Committee on Claims.

CENTENNIAL EXPOSITION.

Mr. MORRILL, of Maine. I give notice that to-morrow at one o'clock I will ask the Senate to proceed to the consideration of the centennial bill, so called, making an appropriation of $1,500,000 for the centennial exposition. I hope that whatever they propose to do on that subject the Senate will do to-morrow.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had concurred in the amendment of the Senate to the joint resolution (H. R. No. 11) authorizing G. Harris Heap, United States consul at Tunis, to accept the trust of commissioner of the Bey of Tunis.

The message also announced that the House had passed the bill (S. No. 62) to authorize George P. Marsh to accept a certain present from the government of Switzerland and a certain present from the government of Italy.

The message further announced that the House had passed a bill (S. No. 53) fixing the time of holding the circuit court of the United States in the districts of California, Oregon, and Nevada, with an amendment; in which the concurrence of the Senate was requested.

The message also announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 556) granting a pension to Alexander St. Bernard, of Saint Clair County, Michigan;

A bill (H. R. No. 231) for the relief of Robert Erwin;

A bill (H. R. No. 247) for the relief of James M. Coffinberry, of Cleveland Ohio;

A bill (H. R. No. 1347) granting a pension to Hattie D. McKain;

A bill (H. R. No. 31) granting a pension to Patrick Glackin;

A bill (H. R. No. 995) granting a pension to G. W. La Pointe;

A bill (H. R. No. 43) granting a pension to Elizabeth A. Neibling;

A bill (H. R. No. 83) for the relief of James A. Hile, of Lewis County, Missouri;

A bill (H. R. No. 1595) for the relief of John T. Burchell, of Knoxville, Tennessee, for services rendered the Government in a small-pox hospital;

A bill (H. R. No. 1596) granting a pension to Ruth Ellen Greeland;

A bill (H. R. No. 933) granting a pension to William D. Cobaugh;

A bill (H. R. No. 1600) granting a pension to Jane A. Harris;

A bill (H. R. No. 1601) granting a pension to Otis B. Anderson;

A bill (H. R. No. 104) granting a pension to Edward C. Wheelock;

A bill (H. R. No. 1602) granting a pension to Margaret E. Cogburn;

A bill (H. R. No. 318) granting a pension to Annie Farley;

A bill (H. R. No. 1599) granting a pension to Frances C. Elliott;

A bill (H. R. No. 193) for the relief of Ezra B. Barnett, postmaster at Norwich, New York;

A bill (H. R. No. 215) granting a pension to John G. Parr, of Kittanning, Pennsylvania;

A bill (H. R. No. 1044) granting a pension to Margaret E. West;

A bill (H. R. No. 1598) granting a pension to William R. Duncan;

A bill (H. R. No. 1803) to provide for the appointment of commissioners to take affidavits, &c., for the courts of the United States;

A bill (H. R. No. 1802) making an appropriation to pay fourteen crippled and disabled Union soldiers from the 6th day of December, 1875, to the 30th day of June, 1876; and

A bill (H. R. No. 934) regulating the practice of United States circuit and district courts as to the time and manner of instructing juries and arguing the cause.

PUBLIC LANDS IN SOUTHERN STATES.

Mr. CLAYTON. I move that the Senate proceed to the consideration of the bill (S. No. 2) to repeal section 2303 of the Revised Statutes of the United States making restrictions in the disposition of the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida.

Mr. EDMUNDS. The unfinished business will be up in two minutes. It is scarcely worth while to take up that bill now.

Mr. CLAYTON. I am inclined to think that I can get the consent of the Senator from Indiana [Mr. MORTON] to allow this bill to proceed after the morning hour. If I do not get it, of course that will end it.

Mr. EDMUNDS. We cannot do anything with the bill in two minutes.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Arkansas.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 2) to repeal section 2303 of the Revised Statutes of the United States making re-

strictions in the disposition of the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida, the pending question being on the amendment of Mr. SARGENT to the amendment of Mr. THURMAN.

Mr. THURMAN'S amendment was to insert at the end of the section the following proviso:

Provided, That the repeal of said section shall not have the effect to impair the right, complete or inchoate, of any homestead settler; and no land occupied by such settler at the time this act shall take effect shall be subject to entry, pre-emption, or sale.

Mr. SARGENT'S amendment was to add to the amendment of Mr. THURMAN the following:

Provided, That nothing herein contained shall be construed in any manner to revive the law commonly called the graduation act.

Mr. CLAYTON. I have no objection to either one of those amendments, but I suggest that the amendment to the amendment be withdrawn for the simple reason that the graduation law was repealed in 1862 and is not in force at all. If the Senator from California were here, I think he would withdraw that amendment. He became satisfied the other day that the act was not in force, and that the amendment was unnecessary. So far as the amendment of the Senator from Ohio is concerned, I take it that it is entirely useless because if we pass this bill it cannot interfere with any rights any person may have under the homestead law. It leaves the homestead law in force and cannot possibly interfere with it: but I shall not object to its being placed in the bill if Senators think it necessary.

The PRESIDENT *pro tempore*. The question is on the amendment to the amendment, proposed by the Senator from California.

The amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Senator from Ohio.

The amendment was agreed to.

Mr. EDMUNDS. I move the following amendment, to come in at the end of the bill as a distinct clause:

And provided, That the public lands affected by this act shall not be open to private entry until the same shall be offered at public sale after the passage of this act.

Mr. CLAYTON. I hope this amendment will not be adopted for the simple reason that it will destroy almost the entire effect of this bill. The lands that this bill refers to have been offered lands. As I before stated, they have been in the market for upwards of fifty years; they have been offered at a dollar and a quarter an acre; they have been offered at twelve and a half cents an acre, nearly all of them; they are lands which are unfit for agriculture, as I before stated; and the object of this bill—I do not disguise it and have not—is that these offered lands which have failed to receive a purchaser for the last fifty years, which could not receive a purchaser at twelve and a half cents an acre, shall now be put in the market. All lands that have not been offered, of course will not be in the market. The provisions of the homestead law will apply to all these lands.

To illustrate the matter, suppose a homestead settler has located a farm of one hundred and sixty acres, say in a valley surrounded on every side by hills. He has picked out a little spot in that valley that is capable of agriculture. Now, suppose he wants to add eighty acres or one hundred and sixty acres to his little farm of timbered land which is unfit for agriculture. If this bill passes, he can go to the land-office and locate that land by paying a dollar and a quarter an acre for it, the same as a man under similar circumstances can in Missouri now and can in other States not affected by these restrictions. I think it is right that he should be allowed to do so. If a citizen in one of these States wants to establish a saw-mill upon Government land and desires to purchase it for that purpose, with this bill enacted into a law he can go to the land-office, and, if the lands have been offered for sale before, as most of them have, he can purchase a tract and establish a saw-mill upon it. The object of this bill is that those lands which are unfit for agriculture shall come into the market.

Mr. EDMUNDS. The ground upon which this bill was supported the other day chiefly was, that here was a variety of timbered land, the timber upon which was valuable, valuable enough to lead enterprising citizens to engage in the business of lumbering, to work the timber into lumber and then to sell it; and that this bill ought to pass so that they could do it.

The timber on those lands is at present the property of the United States, and I think the Treasury needs all the money that can be honestly got for them, and that the enterprising citizen who wishes to go into the lumber business on these lands ought to have the chance in preference to the other if he will give more than the other citizen will for a given section or quarter section, or whatever the subdivision is. It must be, if this timber is worth enough to encourage enterprise to go into the lumber business there, that it is worth more than a dollar and a quarter an acre. It is true, as the Senator has said, that the largest proportion of these lands probably, certainly great quantities of them, have already been offered at public sale, so that if we pass the bill as it is there will be no opportunity for competition at all by purchasers; and anybody who is quick enough and can form his combinations, or without any combinations, can go in and take up the lands at the minimum price of a dollar and a quarter an acre and exclude somebody who would be very glad to give $10 an acre for some of the sections at any rate, or even twenty or thirty dollars, depending on location, nearness to water-courses, the character and amount of the timber, and all those things which I need not name which enter into the question of the value of timber lands.

Now, my proposition is not to allow these lands to go at private entry until in the altered condition of the country, with free labor everywhere and increasing populations in those States, all the incentives to the increase of wealth growing out of the increase of the value of these lands should be weighed; and therefore that they shall again be offered at public sale, those that have not been, so that open bidders may compete with each other to buy these lands at the price that the person who is willing to give the most for them shall pay. I am surprised that the Senator from Arkansas objects to that. If I did not know him so well and those whose interests he is supporting so well, I should rather suppose that away back behind this bill somewhere was a scheme to get possession of these valuable lands, or those of them that are valuable, at a mere nominal price. I know that the Senator does not mean that; of course I have no idea that any person with whom he is in communication does mean it; but I know that it is our duty to protect the Treasury and get for these lands the largest price that we can get, and instead of saying that we will sell them at a horizontal price of a dollar and a quarter an acre we will now sell them, under the altered condition of the country, to the party that will give the most for them.

Mr. CLAYTON. Mr. President, the Senator from Vermont seems to think that if he did not know me so well as he does he would suspect that there might be away back of this somewhere a scheme. Well, with the shrewdness of that Senator, I should suppose he would be able to discover that scheme. I know it is a very common thing nowadays when gentlemen hailing from the portion of the country I come from and from some portions of the West bring measures here, for certain other gentlemen who possess all the virtue and honesty of the country to suspect when they cannot discover schemes in what they bring here. I am not surprised at all that some one has supposed that there might be away back here somewhere a scheme. Now, I think the best thing for them to do is to discover that scheme and point it out to the Senate before they make such suppositions. There is no scheme in this bill except to put these five States upon an equality with other States of this Union. If that is a scheme, then there is a scheme in it—to put the citizens of these five States upon an equality with the citizens of other States of this Union, nothing more.

So far as the Senator's amendment is concerned, it would apply with equal force to all the other States of this Union in which public lands are located that are now subject to private entry. Why not re-offer them for sale again, lands that are manifestly fertile and valuable, instead of picking out these barren lands to put through a long process of being offered in the market again? The objection I have to the amendment is that it will consume a great deal of time. It will consume money. It will require a large outlay of money to put these lands into the market again and go through the process of offering them for sale. My word for it, you will find if you undertake this thing that the Government will be out of money instead of the maker by it.

The condition of those lands is well known by Senators here. Men who have been in these States, who know the condition of these lands, have attested over and over again their condition. Gentlemen who are unfamiliar with them insist that they are of a different character from what the gentlemen who are familiar with them say they are. It is a well known fact that the Land Department has reported to the Senate that these lands are barren and unfit for agriculture. The Land Department has recommended this legislation. Every person who is familiar with the lands recommends it. Every Senator upon the floor from those States recommends it—every one, so far as I know. Last Friday this question was put aside for the purpose of allowing the Senator from Mississippi [Mr. BRUCE] to speak upon the subject. If I am correctly informed—and the Senator from Mississippi will correct me if I am not—he has carefully gone over this subject, and he is satisfied that the bill ought to pass. The idea was given out here at first that it might interfere with the rights of the colored man. That was the first objection brought forward in order to defeat this bill. Now we find that the gentleman who represents that particular constituency, after having had his attention called to it, after having carefully examined it, has withdrawn any objection he may have had, and he declares himself ready to vote for the bill. But now at the eleventh hour this question presented by the amendment of the Senator from Vermont is raised, which only can defeat it for a certain length of time by putting off the thing for two or three years longer. That is all it will amount to. You will go through the circumlocution of having plats of these lands sent out to the local land offices, having them advertised, having them put in the market by the auctioneer, and you will find that nobody will pay more than a dollar and a quarter an acre for them; and after all that is gone through with, then you will allow your citizen who is waiting all this time to come in and obtain the same rights which are accorded to other citizens of the United States.

I hope the amendment will not prevail.

Mr. EDMUNDS. I call for the regular order.

The PRESIDENT *pro tempore*. The regular order is called for; the morning hour has expired.

Mr. CLAYTON. I move to suspend temporarily the regular order.

Mr. EDMUNDS. You cannot make a motion of that kind.

Mr. MORTON. I ask the Senator from Arkansas how long he thinks this matter will take? Will it take more than a few minutes?

Mr. CLAYTON. I do not think it will. I have said about all I care to say.

Mr. MORTON. Let it go on informally a little while, but not long, subject to a call for the regular order.

Mr. EDMUNDS. I think we are all interested, as the Senator from Indiana said the other day, in disposing of this question of the highest privilege, which has been, as he stated, postponed too long. It will take just so much time to dispose of this question of privilege and it will be delayed by just the amount of time that this bill will occupy. There are a good many things to be said yet about this bill by some gentlemen who have not spoken at all, and there are other amendments to be offered. Therefore I think we ought to proceed to act on the unfinished business and determine it once for all in some way before we take up anything else.

Mr. CLAYTON. I hope not. I hope this bill will be continued. The Senator from Indiana makes no objection, I understand, and I hope we shall be allowed to go on with it.

Mr. EDMUNDS. It happens that there are two sides to the question that the Senator from Indiana has in charge. One side of it is an amendment offered by myself. If the Senator from Indiana were not ready with the Pinchback question, of course that would be one thing; but we know he is, and he has stated it to be important. Therefore I repeat what I said before, that I think we ought to dispose of the Pinchback question before we take up anything else, and have it determined one way or the other.

The PRESIDENT *pro tempore*. The unfinished business being before the Senate, the Senator from Arkansas moves that it be postponed for the purpose of continuing the bill which has been under discussion during the morning.

The question being put, a division was called for.

Mr. CLAYTON. I withdraw the motion.

The PRESIDENT *pro tempore*. The unfinished business is before the Senate.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. U. S. GRANT, jr., his Secretary, announced that the President had this day approved and signed the act (S. No 204) to remove the political disabilities of George S. Hawkins, of Florida.

SENATOR FROM LOUISIANA.

The Senate resumed the consideration of the following resolution, offered by Mr. MORTON on the 5th of March, 1875:

Resolved, That P. B. S. Pinchback be admitted as a Senator from the State of Louisiana for the term of six years beginning the 4th day of March, 1873.

The pending question being on the amendment of Mr. EDMUNDS to insert the word "not" before the word "admitted."

Mr. MORTON. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. THURMAN. Mr. President, I know that it will be irksome to the Senate to listen to further discussion of the question before it; and, certainly, no task could be more disagreeable to me than that of repeating what I have more than once said upon it. But the chairman of the committee [Mr. MORTON] who reported the resolution under consideration, for the admission of Pinchback to a seat in this body—although at previous sessions he had frequently and fully discussed the subject—deemed it important, last Friday, to recall to the memories of Senators the grounds upon which he advocates the resolution; and if it was proper for him to do that, as no one I suppose will deny, it is equally proper, Senators, to refresh your memories by a reference to the arguments upon the other side. This I shall attempt to do, not by a full, much less an exhaustive, argument, but by a brief and condensed summary of the case. And I shall stick to the case. I shall not suffer any provocation to make me wander from it for a moment. I shall not, therefore, reply to the party appeals of the Senator from Indiana. I shall make no such appeals myself. And, certainly, I shall not leave the State of Louisiana to discuss the elections of the State of Georgia and attempt to season my remarks by a rehearsal of the reported sayings, whether well or ill-founded, of Mr. Robert Toombs. I am not accustomed to argue a legal question in that mode. I am not accustomed to make the right of any man depend upon the utterances of some other man, a stranger to the record and the case. The question before us is, in its nature, judicial, and should be judicially considered. It is a simple question of legal right; as much so as a question of legal right to land in an action of ejectment. There is no room for party or political considerations in its decision. If Pinchback has a legal right to the seat he claims, he ought to be seated, whatever may be the party or political effect of seating him. If, on the other hand, he has no such legal right, no party or political considerations can justify us in seating him. In other words, he is neither to gain or to lose a seat in the Senate by considerations that have no relevancy to the legality of his claim. If we allow such motives to influence our votes, we usurp the powers of a State Legislature and *elect* a Senator, instead of exercising our constitutional, judicial function of determining who has been elected, or whether there has been an election at all.

The first point made by the Senator from Indiana is, that Pinchback has a *prima facie* case because he holds a certificate of election signed by William Pitt Kellogg as governor of Louisiana, and that, therefore, he should be seated at once; and if any valid objection to his election exists, that is to be subsequently inquired into. If this proposition be true, the Senate has done the grossest injustice to Pinchback and a flagrant wrong to the State he claims to represent. Ever since the resignation of her Senator, Kellogg, a period of more than three years, Louisiana has had but one Senator on this floor. Claimants enough, and more than enough, for the vacant seat have appeared. Not to speak of others, let me remind you that in January, 1873, came John Ray, with the certificate of William Pitt Kellogg as governor that he had been duly elected to fill Kellogg's unexpired term. And afterward came P. B. S. Pinchback, with a similar certificate that he had been duly elected for the full term of six years; and that both Ray and Pinchback were elected by the same body of men claiming to be the Legislature of their State. If, then, Pinchback has a *prima facie* case, so had Ray; and if Pinchback has a *prima facie* case *now*, he has had precisely the same case ever since March 4, 1873. Why, then, was not Ray seated on his *prima facie* case; and why have nearly three years been suffered to elapse without seating Pinchback on his *prima facie* case? And why, at our very last session—after a period of two years of such flagrant wrong and injustice, if the proposition of the Senator from Indiana is sound—was the decision of Pinchback's claim postponed for nine months more, on the motion of one of his supporters, the Senator from his State? And why did the Senator from Indiana vote for the postponement? Have Senators been so obtuse that for three years they have been unable to comprehend a plain, valid, *prima facie* case, even when fully and often explained by the able Senator from Indiana? Is that the caliber of the forty-odd lawyers who hold or have held seats in the Senate since this question arose? Why, Mr President, if such be the case, the sooner these lawyers resign their seats and go to some good law-school the better it will be for them and for the country. And mark it, Senators, the failure to seat Ray and Pinchback cannot be attributed to the opposition of a hostile party majority, for they have all the time belonged and yet belong to the dominant party on this floor. Why, then, I repeat, was Ray kept out, notwithstanding his *prima facie* case? And why has Pinchback been suffered to wander through these Halls and corridors for three long years, like a rejected ghost on the banks of the Styx, and found no majority to do him justice? There is but one answer to give to this question, but one answer that is consistent with the character, the dignity, and the sense of justice of the Senate; and that is, that Senators, without respect to party affiliations, have not been able to see that he has either a *prima facie* or an actual right to the seat he claims. And should he be seated now by the votes of Senators whose votes have heretofore kept him out, the strangest spectacle will have been presented, of a change of *legal* opinions with changing circumstances, of a decision affected by matters subsequent and alien to the controversy, that has ever yet been seen in the history of the Senate. Nine months ago the friends of Pinchback were unwilling that the decisive vote should be taken. Why unwilling? But one answer can be given: they knew, or at least they thought, that he would be rejected. Had he been rejected *then*, no one can tell whether a republican or a democrat would have been elected in his stead. But *now* that the result of the so-called Wheeler compromise has been to give the democratic party a majority on joint ballot in the Legislature of Louisiana, who have proceeded to elect J. B. Eustis, the Senator from Indiana hastens to warn his party friends that they have to choose between Pinchback, the republican, and Eustis, the democrat; as if you, republican Senators, who only nine months ago were conscientiously opposed to Pinchback's claim, are now bound to suppress your convictions, smother your consciences, and humbly vote to admit him in order to prevent the admission of a democrat. Alas, Mr. President, we have fallen to a low estate indeed, if a claim to a seat in this body, sometimes called august, is to be decided by such a consideration!

Mr. HOWE. Will it interrupt the Senator if I ask him one question?

Mr. THURMAN. Yes, sir, it will. As I am making an argument, I prefer not to be interrupted. I will with pleasure answer any question the Senator asks when I am done.

Mr. HOWE. Certainly I will not ask a question if it will interrupt the Senator.

Mr. THURMAN. Mr. President, in view of the facts to which I have referred, I maintain that whether Pinchback has a *prima facie* case or not is no longer an open question. It has been decided by the refusal of the Senate for nearly three years to seat him and by its refusal to seat his predecessor, Ray. To say now, after these refusals, that he has a *prima facie* case is in effect to attribute to the Senate the grossest stupidity or the grossest injustice; and neither imputation is admissible. No, sir; the Senate knew what it was about when it refused, or neglected, which is equivalent to a refusal, to seat Ray or to seat Pinchback upon a supposed *prima facie* case. It knew that the Senate, by its proper committee, had investigated the merits of the case, and that all the facts of the case had been reported by that committee and were before the Senate. And it knew that when a court has gone into the merits of a case there is no longer room to talk of *prima facies*. A *prima facie* case is good only when the actual case is not before the court. The moment the actual case appears the *prima facie* case vanishes. Here we have the actual case before us. We ordered our committee to ascertain it; it did ascertain it and reported it to us; the report stands uncontradicted by further testi-

mony; the facts have become a part of the authentic and official history of the country, and we are as much bound to take notice of them as we are bound to take notice of any fact in the history of the Republic. In view of these facts thus brought before us, and which we are thus bound to recognize, there is no longer a *prima facie* case upon which we have to decide. Our decision must be upon the merits, for it would be the height of absurdity to admit Pinchback upon a *prima facie* case, and then upon the testimony already before us turn around and the next day unseat him.

Before leaving this point I ought perhaps to notice the fact that, at a previous session, the Senator from Indiana quoted some remarks of mine in the Goldthwaite case to support his proposition that the certificate of the governor constitutes a *prima facie* case. But every lawyer knows that the language of a court is to be restricted to the case in hand, and the same rule applies to the language of a Senator in reference to a judicial question. Thus restricted, my remarks, quoted by the Senator, were, so far as my investigations had gone and as I believed, perfectly correct; although I have since been informed by the Senator from North Carolina [Mr. MERRIMON] that a more thorough search into the precedents discloses the fact that I had overlooked some of them and that my statement was too broad; and I think that, at the last session, he referred to some cases in which it was held that the governor's commission did not constitute a *prima facie* case. But I repeat that what I said in the Goldthwaite case was correct when applied to the facts of that case; but they have no application to a case like the present. The body that elected Goldthwaite was confessedly the Legislature of Alabama, the governor who commissioned him was confessedly the governor of the State, and no investigation by the Senate, or any committee thereof, had taken place; and so there was not one particle of testimony before the Senate to invalidate his election. And the memorial presented against him did not question the existence of a lawful Legislature or the title of the governor. It simply questioned the right of certain members of the Legislature to their seats—a question of which we could have no cognizance, and even had their seats been vacated there would have remained far more than a quorum of lawfully-elected members, and consequently a lawful Legislature. Of course, in a case like that, I was correct in saying that the governor's certificate made a *prima facie* case. But what has that to do with the case in hand, in which there were two bodies, each claiming to be the Legislature of Louisiana, and two persons each claiming to be the governor of the State, and our committee had reported that neither body was a lawful Legislature and that neither person ought to be recognized as governor? To apply my remarks to a case like this is simply to ignore the broadest and most fundamental distinctions between the cases, and to wholly misapply them. Besides, on a subsequent day, I stated the rule with greater fullness and accuracy, as follows; I read the remarks I made on that subsequent occasion:

> Mr. THURMAN. The Committee on Privileges and Elections, in accordance with the universal practice of this body from the foundation of the Government to this day, a practice that has not a single exception, reported that the credentials of this gentleman being correct, *and he having been elected by a body competent to elect*, he was *prima facie* entitled to his seat and to be sworn in, and that any ground of contest would be heard afterward.—*Congressional Globe*, second session, Forty-second Congress, part 1, page 320.

Here you see, Mr. President, that the rule, as I stated it, requires that the claimant shall have "*been elected by a body competent to elect;*" but the very fact upon which Pinchback's case turns is, "Was he elected by such a body?" If he was, no one denies his right to a seat; if he was not, a thousand governor's commissions could not confer that right. And this brings me to the merits of the case. In considering them I find it unnecessary to inquire who was the lawful, or the *de facto* governor of Louisiana, McEnery or Kellogg. For, as I have said, if Pinchback was elected by a lawful Legislature, he is entitled to be seated, he could not be deprived of his seat by a refusal of either Kellogg or McEnery to give the proper certificate. On the other hand, if the body of men who elected him was not the Legislature, then he would have no title even had McEnery and Kellogg both certified that he was elected. Now what are the facts? I shall state them as found by your committee, for to give them in detail, from the thousand pages of testimony, would occupy too much time and be too great a draught upon your patience. For you have heard that testimony discussed time and again, and its general features are all that need be recalled to your memories.

On November 4, 1872, a general election was held in Louisiana for a governor and other State officers, members of Congress, one-half of the State senate, and all the members of the house of representatives of the State. There were two parties who had tickets in the field, the republican party, whose candidate for governor was William Pitt Kellogg, and the fusion party, so called, whose gubernatorial candidate was John McEnery. And each of these parties had its candidates for the other State offices and for members of the General Assembly. The official returns of the election showed majorities ranging from nine to fifteen thousand for the fusion candidates on the State ticket and the election of a large majority of fusion candidates to the Legislature. Upon these returns the senate, including the senators who held over, stood 22 fusionists and 11 republicans and the house stood 71 fusionists and 39 republicans. These facts were abundantly proved before your Committee on Privileges and Elections, and I am not aware that they are disputed by any one. (See report of committee, Carpenter's, page 81, *et seq.*) And yet the body of men assuming to be the legislature of the State, who pretended to elect Pinchback United States Senator, contained a majority of republicans. How was this strange result brought about? You have only to look at the report of your committee and the accompanying testimony to see. The whole history is there given in great fullness and detail. I have no time to repeat it, and therefore let it suffice for me to say that, under a law of Louisiana, which your committee found to be unconstitutional, all election returns were to be canvassed by five men, called a returning board; that three men, to wit, John Lynch, James Longstreet, and George E. Bovee, unlawfully assuming and usurping the functions of this board, pretended to canvass the election without a single official return before them, and, by rejecting about thirty-one fusionists, who, according to the official returns, were elected, and substituting for them thirty-one defeated republicans, constituted a sham legislature containing a republican majority; that, to carry this conspiracy into effect, E. H. Durell, district judge of the United States, "out of court, late at night, December 5, and without application by any party," made an order that the marshal of the United States should "forthwith take possession of the building known as the Mechanics' Institute, and occupied as the State House for the assembling of the Legislature therein, in the city of New Orleans, and hold the same subject to the further order of this court, and meanwhile to prevent all unlawful assemblage therein under the guise or pretext of authority claimed by virtue of pretended canvass and returns of said returning officers," (that is to say, the De Feriet board, who had canvassed the actual official returns and whose canvass had been proclaimed by the governor pursuant to law;) that, in compliance with this order of the judge, the marshal, S. B. Packard, taking to his aid a body of Federal troops, seized the State House the same night and held armed possession thereof with said troops for about six weeks; that, two days after the making of said order, to wit, on December 7, the same judge, in a suit brought by C. C. Antoine, enjoined every senator and member elected to the Legislature who had not been returned by the so-called Lynch board from participating in any manner in the organization of the assembly; that this order was enforced by Marshal Packard, aided by his Federal troops, by excluding all such members from the State House at the time fixed for the assembling of the Legislature, to wit, December 9; that consequently no one who was not returned by said Lynch board was permitted to take part in such organization, and the republican portion of those thus returned, containing less than a quorum of the lawfully-elected members, assumed to be the legislature of the State and made a pretended organization as such; and that this was the body of men—thirty-one of whom had no color of title to seats in the assembly—thus constituted by the void orders of a Federal judge and sustained in their usurpation by the bayonets of the Federal Army, who, on the following 15th of January, and while the State House was still in possession of Marshal Packard and the military, assumed to elect P. B. S. Pinchback a Senator of the United States.

And now, Mr. President, what said your committee in reference to these proceedings?

First, in respect to the Lynch board, which is made the foundation for this so-called legislature, the committee said:

> The following are some of the objections to the validity of their proceedings:
> 1. The board had been abolished by the act of November 20.

So that even if the board had ever had a legal existence, its legal existence was gone by that act.

> 2. The board was under valid and existing injunctions restraining it from acting at all, and an injunction in the Armstead case restraining it from making any canvass not based upon the official returns of the election.
> 3. Conceding the board was in existence, and had full authority to canvass the returns, it had no returns to canvass.
> The returns from the parishes had been made, under the law of 1870, to the governor, and not one of them was before the Lynch board.
> It was testified before your committee by Mr. Bovee himself—

He was one of this Lynch board—

> who participated in this canvass by the Lynch board, that they were determined to have a republican legislature, and made their canvass to that end. The testimony abundantly establishes the fraudulent character of their canvass. In some cases they had what were supposed to be copies of the original returns, in other cases they had nothing but newspaper statements, and in other cases, where they had nothing whatever to act upon, they made an estimate based upon their knowledge of the political complexion of the parish, of what the vote ought to have been. They also counted a large number of affidavits purporting to be sworn to by voters who had been wrongfully denied registration or the right to vote, many of which affidavits they must have known to be forgeries. It was testified by one witness that he forged over a thousand affidavits, and delivered them to the Lynch board while it was in session. It is quite unnecessary to waste time in considering this part of the case; for no person can examine the testimony ever so cursorily without seeing that this pretended canvass had no semblance of integrity.

Yet upon that pretended canvass, made by three men without a shadow of right to act as a returning board, having not a single official return before them, and who, according to the oath of Bovee, canvassed with a determination to make a republican legislature, this Federal judge made his order, and Federal troops were employed to keep out of that State-house and out of that assembly every man that this fraudulent and pretended board did not return.

Well, sir, let us go on further. Secondly, what said your committee in respect to Durell's midnight order—that order for the seizure of the State-house and the exclusion from it of the members who were certified to be elected by the De Feriet board, the only board your committee say that had the semblance or color of legal right, and a board which I say, after carefully looking into this report, was

the lawful returning board; and what Senator Trumbull said in favor of its legality is fully sustained by the facts—what did your committee say in reference to this midnight order of Durell to exclude the lawful members from the Legislature, and put that State-house under the control of Federal bayonets? Your committee said:

It is impossible to conceive of a more irregular, illegal, and in every way inexcusable act on the part of a judge. Conceding the power of the court to make such an order—

That was only a concession for the purpose of the argument, not in fact—

Conceding the power of the court to make such an order, the judge, out of court had no more authority to make it than had the marshal. It has not even the form of judicial process. It was not sealed, nor was it signed by the clerk, and had no more legal effect than an order issued by any private citizen.

There had been no amendment of the bill of complaint. The law of November 20 had been promulgated. The De Feriet board had been appointed in pretended pursuance thereof. Whether, under the constitution, the governor had the power, in the vacation of the Legislature, to appoint that board, upon the ground that the act of November 20 created offices, and therefore vacancies in office, your committee do not inquire. But it is understood that the constitution has been so construed in that State, and that Judge Dibble was appointed by the governor under similar circumstances.

The De Feriet board, therefore, had color of official existence. Their canvass was completed, and the result promulgated under color of the State law, and it is clear that this gave the Federal court no more right to seize the State-house than to seize this Capitol.

The marshal, on receiving this pretended order, called for a detachment of United States troops to act as a *posse comitatus*, seized the State-house at two a. m. of December 6, and held it for weeks.

That is what your committee said in respect to that order of Durell. Again, speaking of it in a subsequent part of the report, they say:

In the opinion of your committee there can be no doubt—conceding the validity of the act of November 20—that it transferred the duty of canvassing the returns of the last election to the board to be elected under the provisions of the act. The act provided for such election by the senate, and, taking effect in the vacation of the Legislature, created offices to be filled thereafter by the senate. This is what is styled in that State an original vacancy, which, happening in the vacation of the Legislature, the governor is authorized to fill by appointment; and it is said that the courts of that State have repeatedly recognized the right of the governor to make such appointments.

That showed that the De Feriet board was a lawful board. And, speaking of Durell's orders, the committee say:

Viewed in any light in which your committee can consider them, the orders and injunctions made and granted by Judge Durell in this cause are most reprehensible, erroneous in point of law, and are wholly void for want of jurisdiction; and your committee must express their sorrow and humiliation that a judge of the United States should have proceeded in such flagrant disregard of his duty and have so far overstepped the limits of Federal jurisdiction.

Thirdly. What said the committee in respect to the last order of Durell, to which I have referred; that order by which he enjoined every senator and member of the house of representatives of the Legislature, who was not on the return of the Lynch board, from taking any part whatsoever in the organization of the Assembly, in consequence of which they were wholly excluded from that State-house and the conspirators were enabled to proceed with their so-called organization? I read again from the report, pages 43 and 44. After showing that the judge could by no possibility have had any jurisdiction to make that order; that it was made directly in the face of the act of Congress which provides that the jurisdiction of the judge shall not extend to the election of members of a State Legislature; after showing that this order which undertook to determine who were the members-elect of that Legislature was not only a flagrant usurpation of the judge, but was directly in the very teeth of the act of Congress under which he pretended to act, the committee conclude as follows:

Indeed, it is impossible not to see that this bill was filed, and the restraining order thereon was issued, for the sole purpose of accomplishing what no Federal court has the jurisdiction to do, the organization of a State Legislature.

And your committee cannot refrain from expressing their astonishment that any judge of the United States should thus unwarrantably have interfered with a State government, and know no language too strong to express their condemnation of such a proceeding.

It is the opinion of your committee that, but for the unjustifiable interference of Judge Durell, whose orders were executed by United States troops, the canvass made by the De Feriet board and promulgated by the governor, declaring McEnery to have been elected governor, &c., and also declaring who had been elected to the Legislature, would have been acquiesced in by the people and that government would have entered quietly upon the exercise of the sovereign power of the State. But the proceedings of Judge Durell and the support given to him by United States troops resulted in establishing the authority *de facto* of Kellogg and his associates in State offices and of the persons declared by the Lynch board to be elected to the Legislature. We have already seen that the proceedings of that board cannot be sustained without disregarding all the principles of law applicable to the subject and ignoring the distinction between good faith and fraud.

What said the chairman of the committee, the Senator from Indiana? [Mr. MORTON.] I read from his minority report, page 76:

The conduct of Judge Durell, sitting in the circuit court of the United States, cannot be justified or defended. He grossly exceeded his jurisdiction and assumed the exercise of powers to which he could lay no claim. The only authority he had in the matter grew out of the act of Congress of 1870 to enforce the fifteenth amendment, and the act amendatory of that, passed in 1871, which gave to the courts of the United States jurisdiction in all cases in law and equity arising under the former act. Under the first act two classes of cases might arise: first, actions to enforce the rights of those who had been illegally denied the right to vote upon the ground of race, color, or previous condition of servitude, and, second, actions to enforce the rights of those who had been deprived of office by reason of the denial to persons of the right to vote on account of race, color, or previous condition of servitude; and suits in equity, ancillary or in aid of these rights of action, would come within the jurisdiction of the circuit court of the United States, among which would be a suit to perpetuate testimony. But the pretense that in a suit to perpetuate testimony the court could go beyond the natural and reasonable jurisdiction, to decide who constituted the legal returning board under the laws of Louisiana, and to enforce the rights of such as it might determine to be members of that board and to enjoin others who were not, is without any foundation in law or logic.

In the Antoine case, Judge Durell not only assumed to determine who constituted the legal returning board, but to prescribe who should be permitted to take part in the organization of the Legislature and to enjoin all persons from taking part in such organization who were not returned by the Lynch board as elected; and this assumption of jurisdiction was made in the face of the express provision in the act of 1870 that its benefits should not extend to candidates for electors, for Congress, or for the State Legislature. His order issued in the Kellogg case to the United States marshal to take possession of the State-house for the purpose of preventing unlawful assemblages, under which the marshal called to his aid a portion of the Army of the United States as a *posse comitatus*, can only be characterized as a gross usurpation.

Those were the opinions of the Senator from Indiana when that report was made, and there never were truer words spoken by man; and they are conclusive of this case, unless, indeed, the Senate is prepared to say that a so-called legislature, established by the void orders of a judge and the unlawful use of the military power, a sham legislature, in which there never was a day, up to the time and for some time after the election of Pinchback, when there was a quorum in it of the lawfully-elected members of that body, is to be recognized; unless the Senate is prepared to sanctify the most flagrant usurpation known in the history of a State, and give one of the chief conspirators the reward for his crime.

But further, sir, what were the conclusions of the committee after reviewing the whole case? They are found on pages 44 and 50. On page 44 the committee say:

Your committee are therefore led to the conclusion that, if the election held in November, 1872, be not absolutely void for frauds committed therein, McEnery and his associates in State offices, and the persons certified as members of the Legislature by the De Feriet board, ought to be recognized as the legal government of the State. Considering all the facts established before your committee, there seems no escape from the alternative that the McEnery government must be recognized by Congress, or Congress must provide for a re-election.

Let us pause for one moment to consider the full scope of this statement. They report that if there is any legal government at all, it is the McEnery government; if there is any legal governor at all, McEnery is the man; if there is any legal Legislature, it is the McEnery legislature; and they declare, in the most positive and decisive terms, that this so-called Pinchback legislature was no Legislature at all. They afterward go further. Having demolished Pinchback and his legislature and Kellogg and his governorship, they proceed to demolish, upon rumor and suspicion and the like—no, some testimony, too, for I want to be perfectly fair—McEnery and his legislature, as they suppose. Then what conclusion does that bring them to? First, having found upon irrefragable testimony that the so-called Pinchback legislature had no legal validity at all, and then after having found upon what they admit to be very loose kind of testimony that the McEnery government also had no legal existence, they come to this conclusion at the close of their report, which they embrace in two resolutions:

Therefore your committee recommend the adoption of the following resolutions:

1. *Resolved*, That there is no State government at present existing in the State of Louisiana.

If there was no State government existing at all, then the so-called legislature which elected Pinchback had no legal validity. They report that there was no legal government then in Louisiana; and that disposes of the so-called legislature which elected Pinchback and the McEnery legislature that elected McMillen. Then they report a second resolution:

2. *Resolved*, That neither John Ray nor W. L. McMillen is entitled to a seat in the Senate, neither having been elected by the Legislature of the State of Louisiana.

Ah! neither John Ray nor McMillen whose credentials were before them had been elected by the Legislature of Louisiana. But it was precisely that so-called legislature which elected Ray that elected Pinchback, and, if I recollect aright, on the very self-same day; and it was precisely that so-called McEnery legislature that elected McMillen and that at the same time, so that they report in their resolution that this body called a legislature, by which Ray and Pinchback were elected, was not a Legislature of the State of Louisiana.

Now, who signed that report? It was signed by Matt. H. Carpenter, JOHN A. LOGAN, J. L. ALCORN, and H. B. ANTHONY. Mr. Trumbull made a separate report for himself concurring in the condemnation of the Pinchback legislature and holding it to be no Legislature at all, but disagreeing in respect to whether McEnery had been elected governor, and also disagreeing in reference to a remedy that had been proposed. He, therefore, is to be added to those who condemned this sham legislature by which Pinchback was elected.

Who next? Next comes the Senator from Georgia, [Mr. Hill.] He also condemned the Pinchback legislature, held that it had no legal existence, and he only dissented from the majority of the committee as to the mode of redress. So here are six members of this committee concurring in every word that I have said to-day.

Then comes the seventh, the chairman of the committee, the Senator from Indiana, and does he dispute any one of these facts that I have related to-day? I think not. If he does, I have overlooked it. But he bases his dissent from the views of the committee, if I understand his report and have not overlooked anything in it, solely, or, if not solely, mainly, upon certain decisions of the supreme court of Louisiana, which he says recognized the Lynch board and the Pinchback legislature; and, becoming an advocate of State-rights all at once, he maintains that we are bound by these decisions of the supreme court of Louisiana.

Now, Mr. President, I have this single remark to make to my friends who signed this report: If they will stand to-day by their solemnly recorded convictions; if they will give the vote this day which their report requires them to give, by a logic which is perfectly inexorable; if they will say to-day, as they said when they made this careful report to us, that the body that elected Ray, being the same body that elected Pinchback, was not the Legislature of the State of Louisiana—if they will say that, I think there will be an end of the question.

That is not all, Mr. President. Mr. Carpenter afterward introduced a bill in consonance with these resolutions, providing for a new election in the State of Louisiana, and that bill was founded entirely upon this report. The only basis for the bill was that there was no lawful government within the State of Louisiana. The only basis for the bill was what is declared in this first resolution:

That there is no State government at present existing in the State of Louisiana.

That bill after a long debate came to a vote in this Senate. I had the vote before me a little while ago. Suffice it to say that it received the votes of 18 for and there were 20 against, and of the eighteen who voted for it seventeen were republicans, and eight of those republicans are on this floor to-day; and, if they will stand by the logic which brought them to give their votes then, this question will be decided, and decided according to the very right of the case. They cannot justify, they cannot pretend to justify, themselves for one moment in their vote in favor of that bill, except upon the ground reported by this committee, that there was then no State government in existence in Louisiana. That is the only justification they can have for the vote they gave for that bill, and, therefore, if what they thought then was true, they are bound to give effect to that fact and to say that Pinchback, elected by a body called a legislature but which was no Legislature at all, has no right to a seat on this floor.

And here I wish to say—and I wish to say it with all proper respect to these gentlemen, for I am not assuming to lecture them as to their duty; I am not accustomed to lecture Senators as to their duty—but I beg leave in the most respectful manner to call to their attention the fact that, although subsequent events might make it wise or even justifiable for them to recognize Kellogg as now the governor of the State, that is no justification for their voting to seat Mr. Pinchback. Subsequent events—the acquiescence of the people of Louisiana, the long time he has held the office, the short time that remains of his term—might justify Senators in recognizing him as the governor, at least *de facto*, out of political considerations; but when it comes to voting upon the question whether Mr. Pinchback is entitled to a seat in this body you cannot get rid of the question, *Was the body that elected him the Legislature of that State?* And no subsequent events can make it the Legislature if it was not so at the time that election took place. If it was not the Legislature then, there is no process of ratification that, going back to the beginning, makes it a Legislature *ab initio*. There is no such thing as that known to the law of a case like this. It is therefore perfectly plain that if those Senators who voted for that bill—the Senator from Rhode Island, [Mr. ANTHONY,] the Senator from New Hampshire, [Mr. CRAGIN,] the Senator from Michigan, [Mr. FERRY,] the Senator from New Jersey, [Mr. FRELINGHUYSEN,] the Senator from Maine, [Mr. HAMLIN,] the Senator from Wisconsin, [Mr. HOWE,] the Senator from Illinois, [Mr. LOGAN,] and the Senator from Ohio, [Mr. SHERMAN]—will vote to-day, as they voted on Mr. Carpenter's bill, for a new election in Louisiana, I say once more that this question will be decided, and decided correctly and right.

Now, Mr. President, the whole matter of this case is in a nut-shell. There is one thing upon which the question turns, and that is, Was that body of men who assumed to elect Pinchback the lawful Legislature of the State of Louisiana? If they were, then this fact entitles him to the seat; if they were not, then he is not entitled to the seat, and by no possibility can anything cure the defect in his title.

In respect to the decisions of the supreme court of Louisiana upon which the Senator from Indiana places such great reliance, if there ever was anything demonstrated by legal argument it is demonstrated by the report of the committee that those were decisions made without jurisdiction of the questions they professed to decide; that what the court said in reference to the Lynch board and the Pinchback legislature was mere *obiter dictum*, and that no respect whatever is due to those decisions under the circumstances of the case. I shall not go into that page of judicial history, the most painful and the most disgraceful page of judicial history ever written in the annals of this Republic; a page of history in which not only error but corruption stares you in the face at every step you take; a page of judicial history which shows men rewarded for the part they took in this conspiracy by being elevated to the bench by Pinchback when acting as governor, and by Kellogg afterward; a page of history which shows the relatives of judges receiving high and lucrative positions, and the decision of the judge in precise accordance with the wishes of those who granted the office. I say I will not go into that in detail. It is a scene too disgusting for any man to wish willingly to look upon. I pass it by, for there is one conclusive answer to all that has been said about the decisions of the supreme court of Louisiana; and that is, that the question before us is to be decided by this Senate and by this Senate alone, and that the decision of no court, not even if it were the Supreme Court of the United States, has even the force of a precedent on a question like this. The Constitution makes the Senate the sole judge of the elections, returns, and qualification of its members. It cannot, therefore, be bound by the decision of any other tribunal or any ohter body of men. If it could be, it would cease to be the sole judge. If it could be, its power would be limited and hampered from day to day, as the courts of the country might render their decisions. No, sir; this power of decision is vested in us, and in us alone. We cannot abdicate that power; we cannot cast aside the duty to exercise it. We are bound to decide for ourselves, irrespective of anybody's decision; whether that so-called Legislature that elected Pinchback was the real Legislature, the lawful General Assembly of the State of Louisiana. In that inquiry no human power can control our own judgment; no human authority is authorized to interfere with the exercise of our own judgment. We must decide it, for the Constitution compels us to do so by making us the sole judge of that question. Therefore, it is all useless to talk about these decisions, even if they were decisions of courts that stood with their ermine unspotted, their learning undoubted, their firmness and courage undaunted; for even then we would have to say, "While we respect your opinion and appreciate your characters, we must decide for ourselves." But when they come from such a court as that which pronounced them, it is useless to talk about their having even the persuasive force that even the opinion of a good man, though unlettered, would have upon a judge in deciding a cause.

Mr. President, in conclusion I have only once more to repeat that there is but one question in this case; and that is, Was the body that elected Pinchback the lawful Legislature of Louisiana? If it was not, no matter subsequent can make it the lawful Legislature. If it was not, no ratification can go back and make it *ab initio* lawful. So that we are narrowed down to that one single question.

Now, I say once more that if changing circumstances have not changed legal opinions; if the assertion of the Senator from Indiana in his appeal to you, republican Senators, that you are called to vote between a republican and a democrat as if you were sitting here as electors of a Senator instead of judges to decide whether a Senator has been elected—if that consideration is to have no weight, if you will stand by your consciences of three years ago, if you will stand by your consciences which induced you to vote for the Carpenter bill, then I promise you that there will be a result consistent with justice, consistent with truth, consistent with the dignity and character of the Senate, and of good import for all time to come.

Mr. CHRISTIANCY. Mr. President, I have no speech to make upon this occasion. When this case was up last March I expressed my views upon it, and I simply refer to that expression of opinion without here repeating a word of it. I do not wish to take back or change one word that I then said on this question. I stand now where I stood then. I have been utterly unable to see that any subsequent events have in any respect altered the standing of the question. I think the question has been fairly stated by the Senator from Ohio who has just taken his seat. It is a question with the Constitution and laws of the land, and politics have nothing to do with the matter. If I were to allow any partisan consideration to have any influence upon my action in deciding a question purely one of the Constitution and the laws, I should feel that I deserved eternal infamy.

I shall therefore, if here at the time the vote is taken, vote against the admission of Mr. Pinchback, not upon any personal consideration whatever, but simply because I feel bound to do so in observance of the Constitution and the law.

That is all I have to say, sir.

Mr. HOWE. Mr. President, I suspect I do myself, and what is of much more gravity, do the claimant, and what is of still more gravity, do the cause of public morals a wrong in attempting to say a word this afternoon upon this subject. I have not referred to the testimony, to the history upon which this debate hinges, for a year past. I have no written speech to make. And yet, with these odds against me, I presume that extreme thing which only the best equipped men in the Senate should ever attempt to do; and that is not merely to follow the able Senator from Ohio in a debate for which he is carefully prepared, but to do a more audacious thing than that, to differ with that Senator.

Only one consideration could nerve me to take upon myself all these risks, and that consideration is this: I have noticed here to-day, as I have noticed here always since this great question arose, an assumption on the part of those who oppose the claim of Pinchback to a seat here that they were representing the side of good morals, fair dealing, honest politics, respect to law, and, of consequence, that those who defend the right of Mr. Pinchback to a seat here are misrepresenting all these concerns of eternal interest. Therefore, unprepared as I am, I want as well as I can and as briefly as possible to point out some considerations to the Senate, even to the Senator from Ohio, which prevent me from feeling that I am misrepresenting any one of these great interests.

I admit, as distinctly as the Senator from Michigan and the Senator from Ohio assert, that this is a judicial question. When I assert, and when I vote upon the right of Mr. Pinchback, I vote because of a conviction, mistaken possibly, but honest I know, that there is not a man on this floor who holds his seat upon a higher title than that which underlies the claimant to this vacant seat from Louisiana—not one of you all. I know it is a judicial question. I stand upon the law and the testimony, as I understand it. Let the Senator from Ohio be assured; let all the Senate and all the world be assured, as I know all the angels are assured, that I put no personal conviction of mine under foot to say these words or to give the vote I shall give.

I agree with the Senator from Ohio on another point. He says, if

this is a *prima facie* case that we have here, we have had the same *prima facie* case for three years; that nothing has happened to change the case. He is entirely right. The question must be adjudicated upon the facts as they existed on the 4th of March, 1873. Upon those facts I propose to pass it myself. He says, however, that there is no mere *prima facie* case before the Senate; that we cannot at this late day vote upon the idea that we are only settling the question of a *prima facie* title; that however it might have been in 1873, we must now pass upon the question on its merits.

No, Mr. President, the Senator is wrong there. I admit we ought to have the full merits of this question before us by this late day. I admit, if you please, that it is our fault, the fault of the Senate, that we have not the full merits before us at this late day. Three years would seem to be ample time in which to get all the testimony that we tried to get. It is not the fault of any one man, not the fault of any one committee, not the fault of any one party in the Senate that we have not all these merits before us. The fact is, we have no evidence before us, as we had not on the 4th of March, 1873. If we had but a *prima facie* case then, I take the words out of the mouth of the Senator from Ohio, and say that we have but a *prima facie* case before us now. What was a *prima facie* case then must be a *prima facie* case now, the facts being unchanged. But why have we not obtained all the facts in the case? Why can we not see clear to the bottom of that strange farce which was played in Louisiana in 1872 under the name of an election? I think the explanation is very simple. You have it here of record, on the last page of the report which I hold in my hand, a perfectly natural explanation. Two questions were referred by the Senate to the Committee on Privileges and Elections in 1872. One was the question whether Mr. John Ray or Mr. McMillen was elected to the Senate for that short term which expired on the 4th of March, 1873. That question was referred in December. I will not take the time to look at the precise date. The other question referred to the same committee was whether there was any lawful government in Louisiana at that time or not. There were two persons directly interested in the decision of the first question; that is, whether Ray or McMillen was Senator. Ray was defending his own case; McMillen was defending his. There was no party before the committee to represent that other question, whether there was a lawful government in Louisiana or not; but if you look all through the volume you will see that the testimony produced before the committee was marshaled there by the one or the other of those two persons. They were pressing for an early decision of the question. It was only the title to a seat up to the 4th of March following which interested either of them. If they could not get a decision before the 4th of March, a decision would do them no good whatever. Therefore, both those men protested against going into the evidence as to what was the character of the election in November preceding. They said, "No, we have not the time to investigate that; we want you to look at the papers, and see who, upon the face of the papers, has a title to take a seat in the Senate;" and they produced such evidence on the one side and the other as they saw fit respectively to produce, and when they had stopped introducing testimony the case closed, and closed with a remark made by the chairman of the committee which I will read in a momemt. The last witness on the stand was John Ray, and he said:

> I desire to call the attention of the committee to a statement—
>
> Mr. STEVENSON. What page does the Senator read from?
>
> Mr. HOWE. The last; page 1095.
>
> I desire to call the attention of the committee to a statement, at a suggestion made by one member of the committee yesterday. I examined and found, and if the committee will act as experts they will find, that the commissioners of elections in several cases in the parishes have their names forged to the affidavits. For instance, there is one from Madison Parish, [exhibiting the papers,] and so in the parish of Grant also, and in the parish of Point Coupee, and the parish of East Baton Rouge, which, if the committee will examine as experts, they will find it very evident in some cases that they were forged.

There was the last remark made to the committee, suggesting the forging of returns, of which he said they could be satisfied if they would examine the papers themselves as experts. The committee took no notice of the suggestion. Why? Because it had nothing to do with their judgment upon the question which had the *prima facie* case, which had the paper title. If they were investigating the question upon its merits to determine what was the true result of that election, this suggestion was of infinite moment; but without making any word of reply to that suggestion the chairman says:

> We will now consider the evidence of the Louisiana investigation closed, as I am advised by both sides that they have laid all the testimony before the committee that they desire to present.

When those two parties had presented such testimony as they respectively saw fit to present, then the committee adjudged the case to be closed. Therefore they never reported to you on anything but a *prima facie* case, and you have before you to-day only just the case that committee reported to you.

The next proposition submitted to the Senate by the Senator from Ohio is entirely correct. He says that your Committee on Privileges and Elections in 1873 reported that there was no government in the State of Louisiana. If that committee were correct in that report, it follows beyond all donbt that neither Mr. Pinchback can have a seat here nor can Mr. McMillen have a seat here, nor could Mr. Ray or Mr. McMillen have been allowed to take the seat for that term which expired on the 4th of March, 1873. If there was no government in Louisiana, of course there could be no Senator appointed in any way to represent the State of Louisiana on this floor. I do not complain of the Senator from Ohio for making that statement. I wish, however, that he had dealt a little more candidly with the Senate. Considering that he advertised himself not exactly as the confessor of the Senate, but considering that he held himself up as the exponent of the real legal duty of the Senate, I think he ought to have been just at that point a little more candid with the Senate. I wish he would have told the Senate, for instance, whether he was prepared to-day to affirm what he says the committee reported in 1873. I wish he had given us the benefit of his opinion. Does he, and do our friends on the other side of this Chamber, who stand up always for law and for morals, mean to affirm the truth of that decision made by the majority of the committee in 1873? I wanted to ask the Senator when he was at that point in his remarks what he did mean to affirm. It is a little difficult to reply adequately to the argument of a gentleman who stands first on one foot and next on the other, who at one moment in his argument knocks ahead with an opinion of his own and in the next moment shelters himself behind the opinion of somebody else without telling us whether he vouches for it or not. I have the right to call the attention of the Senate to these points. I followed the lead of the majority of the committee. I voted in 1873 for that proposition of theirs. I avowed that fact a year ago. I did penance for it, as far as a Senator can do penance for a mistaken vote. I was not entirely satisfied; I was very much dissatisfied at the time with the vote I gave. You know the question was pressed upon us in the exigencies of the last days of a short session. The report of the committee came to our tables but a very few days before the session closed. No man except the members of the committee themselves had time to examine it. I for one went with the majority, thinking that I was more likely to be safe in that path than in any other, and the one thing that distressed me most, as I have said before on this floor, was the fear that I might be doing not injustice to Mr. Pinchback but injustice to Mr. McMillen. Listening to the debate had then as well as I could, I was not quite able to see that a case was made out against the claim of Mr. McMillen. I have seen that very clearly since, and I have stated it as well as I could to the Senate. I do not mean to repeat that statement this afternoon any further than to say this: that the question who was governor of Louisiana, and who constituted the Legislature of Louisiana in 1872, is not a question decided to my satisfaction by Judge Durell or by any other judge of any other court whatever. There was only one tribunal in the world which could determine who should be or who should not be the Legislature or the governor of that State, and that was the people of Louisiana. So far as this imperfect evidence can guide one to a result, I have gone through the evidence. I have said before, and I repeat here to-day, that upon that examination of the evidence I am profoundly convinced of two things: first, that when the ballot-boxes were closed in Louisiana on the night of November 4, 1872, a majority of the ballots resting in them were cast by republicans and for republican candidates. That is my conviction. One other opinion I have is, that during that day many thousands of republican voters with republican ballots in their hands were by force driven away from the polls and denied the poor privilege of depositing them. That is my conviction. I have stated here before the testimony upon which that conviction was based. I have never heard a reply to it, and I do not expect a reply to it here.

Then, I say, if you are disposed to inquire what the people of Louisiana decided on the 4th of November, 1872, I believe you will find that they decided that Kellogg should be governor and not McEnery; that a legislature republican in character should make the laws for that State, and not a legislature democratic in character. You have not made that inquiry yet, and until you do make that inquiry we must of course stand upon the case submitted to us in 1873 by the Committee on Privileges and Elections. What has resulted from that case? Briefly this: that a certain certificate, bearing the seal of Louisiana has been laid upon your table affirming that the Legislature of that State chose Mr. Pinchback to be Senator for the term of six years from the 4th of March, 1873. Mr. Pinchback was chosen by the Legislature of Louisiana to be Senator for six years from the 4th of March, 1873, and I understand that certificate is signed by Mr. Kellogg as governor of the State of Louisiana. Why does not that make a *prima facie* title to a seat? When the governor of Wisconsin puts his name to a certificate, sealed with the seal of that State, declaring that any one of her citizens is chosen by the Legislature to be a Senator, you do not ordinarily inquire any further. When the governor of Missouri does the like, the Senate for the time being believes the governor of Missouri, and takes the man so certified into the vacancy, if one exists, in the Senate. But is Kellogg governor of Louisiana? How do we know whether he is governor of Louisiana or not? I say he is governor *de jure* if a majority of the people of Louisiana voted for him in 1872. I say he is governor *de jure* if you add to the number of votes which were given for him the number of those voters who tried to vote for him and were illegally denied the right to vote for him, because your statute says so. I believe such was the fact; but then we have not tried that. Was he and is he governor *de facto* of the State of Louisiana? If so, do you not think it the bounden duty of the Senate, if it means to respect law, to respect that *de facto* title of the governor and admit the man in whose favor he certifies to the seat, at least until we have tried the title of the governor? Is there a man on this floor who is prepared to stand up here and say that Mr. Kellogg is not

and has not been the governor of Louisiana, the acting, the *de facto* governor of Louisiana, from the time he signed that certificate in behalf of Mr. Pinchback? I have not heard that denied latterly. Early in this controversy it was denied, but there he has continued from that day to this to discharge the duties of governor; and it would seem as though in all these years, acting in the face of the world as a governor, that at least the *de facto* right to the office of governor might have been established.

Now, how much do we know about that particular Legislature which Governor Kellogg says elected Pinchback as a Senator? We know that in the face of Louisiana and in the face of the world that Legislature has made laws from that time to this, and one would think that a body of men which could make laws for a State, laws respected through the State, and laws recognized throughout the world, ought to be recognized precisely as the body of men to appoint a Senator for the State. What difficulty is known to exist in the title of that Legislature? The Senator from Ohio starts two objections. He says that the members of that Legislature were counted in by a board of returns defective in two particulars. First, he says himself that it consisted of but three men; and secondly, he says in the name of the majority of the Committee on Privileges and Elections that it was unconstitutional. You see here two different objections maintained by two different authorities. One is that it is unconstitutional on the authority of the Committee on Privileges and Elections, the other is that it consisted of but three members, and that stands on the authority of the Senator from Ohio. The Committee on Privileges and Elections may be right in their opinion; the Senator from Ohio is unquestionably wrong in his. The board consisted of more than three men. Under the laws of Louisiana the board was composed of five men, and they acted or did not act as seemed to them good. A quorum could act. How many were present at the time and every hour while this work was being done does not appear, is not known to the Senator from Ohio, is not known to the Senate. The Committee on Privileges and Elections may have been and were of opinion that the particular board which made that canvass was unconstitutional. The courts of Louisiana held it was constitutional, held that it was the one board authorized by law to make that canvass. The Senator from Ohio meets that fact in the only way in which he can meet it. He says that those judgments do not bind us. O, no; they do not bind the Senator from Ohio, I see; they do not bind Senators on the other side of this Chamber, perhaps; but if the Senator from Ohio means to establish a character with the people of the United States for respect for law, he can hardly do it by trampling on the judgments of the superior courts of a State upon a matter pertaining to their jurisdiction exclusively. We undoubtedly have the power to disregard any judgment which has been pronounced in a State by any tribunal there. When the Legislature of New York sends a man here to represent her, you can shut your doors in his face if you please; you can say that the man who certifies his credentials was not governor; you can say that the body which pretended to elect him was not the lawful Legislature. You can make any allegation you please. If you close your doors against the man, there is no appeal for him, for there is no tribunal with power higher than yours upon that question; and no man comes here, or at least it is seldom that a man comes here, with the papers establishing his title which have been declared to be valid by the judicial authorities of the State. Ordinarily you can exclude a man from these Chambers without slapping in the face any but the executive or the legislative authorities of the State; but when you turn Pinchback from these doors you trample upon the authority of the only man who has exerted a shadow of authority in Louisiana as a governor, upon the only body of men which has exerted the shadow of authority as a legislature, and you trample upon the judgment of all the courts in that State; every department of the government of Louisiana lies in the dust under the feet of him who denies the right of Pinchback to a seat on this floor.

Mr. President, the ghost of Durell has been paraded in the Chamber again to-day. It is a ghost honester than Banquo's. It has tried to get down, and would if you would let it. He has resigned; he has done everything he could to quit your sight. It does sometimes seem to me as though Durell was felt to be the very last, not to say the very best, card the Senators on the other side ever held in their hands or ever expected to hold. I have taken my turn once in denouncing Durell. I am not going to spend any more breath in that cause. I have not much left. I have this to say, however, to those of stronger lungs and a clearer sense of right than I have: You pile your anathemas upon Durell high as you please, Alps on Alps, and Ossa on Pelion, I will not help you, nor will I lift a finger to obstruct you. I will cheer you on in your way; but this I want to say, that if Durell's usurped action cannot confer title upon Pinchback, which I admit, may I not at least modestly claim that Durell's infamous usurpation cannot defeat Pinchback of a seat?

Mr. EDMUNDS. Would not that depend a little on whether he had produced it?

Mr. HOWE. Not at all. What did poor Durell do? There were in that poor mob-ridden State of Louisiana in the fall of 1872 two boards which claimed the right to count the votes for governor. Only one was lawful. Which one that was, you know to-day; every Senator on this floor knows, if he will respect the voice of the judicial power of the State. But there was another one claiming that authority. You know that that other one had no right to canvass the votes. So you have been told, not by Senators, nor by committees, but by the judicial department of the State, speaking with the authority of an ultimate tribunal, the court of last resort. The man who was playing governor of Louisiana happened to be in sympathy, not with the board which had the legal right to count the votes, but with that other board which had not the right to count the votes. That governor, in defiance of all the law there was in Louisiana, having some of the returns of election in his hands—for the law required those returns to be transmitted to him instead of submitting them to the board which of right might count them—gave them to that board which of right could not count them. There is nothing more explicit in law than is the commandment of the State of Louisiana, found in her statutes, which says that the board of returns, the legal board of returns, not the illegal one, having canvassed the votes for senators and representatives, shall make a list of those they find elected and shall return that list to whom? To the secretary of state. What shall he do with it? He shall transmit those names to the secretary of the old senate and to the clerk of the old house, and when the time arrives for the meeting of the Legislature that secretary has the simple duty of calling over the names of those senators so certified to him by the secretary of state; and the clerk of the house has to perform the same duty in his body.

Mr. EDMUNDS. What does the constitution of the State say upon the same subject?

Mr. HOWE. I have not the constitution in my hands, but I will hear it read if the Senator has it.

Mr. EDMUNDS. I merely inquired for the purpose of getting an explanation.

Mr. HOWE. I do not know but that the constitutionality of this law is to be impeached; but that is the statute.

Both these boards, the one which the law authorized to count these returns and that which was not authorized, did make a count, with this difference: that the board which was authorized to count had not any lawful returns in its hand, and the board which was not authorized to count did have some of the returns in its hand. Both made lists; both transmitted them to men they called secretaries of state, but there was this difference: The Lynch board, by which I mean the republican board, sent the list of members which they found elected to the man who the courts of Louisiana have said over and over again was really the secretary of state. The other board, the De Feriet board, by which I mean the democratic board, sent its list of members to another man, who all the courts in Louisiana say was not secretary of state. As to the conduct of those boards, the Lynch board has been severely denounced. I join in the denunciation. I have heard less of the De Feriet board, but I have looked into that volume, and I do not expect here or elsewhere to find a man who has examined it as I have who will not say, if he ventures to state the truth, that of all the rascalities which were committed in the count, and they were numerous enough God knows, the De Feriet board committed its full share. I do not impute the character to the returns made by either of those boards that they were actuated by a sense of justice or a desire to get at the truth, but those boards undoubtedly declared men to be elected who they knew in all conscience were not elected. I have not a doubt of that; but then there were those two lists made up. You may assert, and I will admit, that names contained on the list certified by the Lynch board had no business there; but such was the fact with exactly all the lists certified by the De Feriet board. Neither could call the other black. Neither could taunt the other with fraud.

Mr. EDMUNDS. Each could.

Mr. HOWE. Well, I will accept the amendment suggested by my friend from Vermont, who can always state facts more accurately than I ever can. Yes; I think he is right, that each could taunt the other with fraud; and when the one stood up and said to the other, "You are a knave," it was perfectly legitimate and entirely truthful for the other to retort, "You're another." I think on the whole it is the best statement of the case.

But these two lists were made up by these two boards. One of them was sent to the secretary of state, the other was not, but was sent to a sham and pretended secretary of state. That list which was sent to the secretary of state was transmitted to the clerk of the house and to the secretary of the senate; but then the sham and spurious legislature counted in by this sham and spurious De Feriet board, certified to by Jack Wharton, that sham and spurious secretary of state, was mustered in New Orleans waiting for the time to arrive when the Legislature should convene, backed up by whom? I know not by Federal bayonets, but none the less by bayonets, backed up, I admit, not by a soldiery commanded by the officers of the United States; backed up by a soldiery commanded by Warmoth's militia officers. They were preparing to meet and to make believe be the Legislature of Louisiana. The law told them not to meet. Why? Because they did not hold the certificate of the returning board. Some of them held it, because some of them held the certificate issued by the Lynch board. Those who held the certificate of the Lynch board were of course authorized to meet, but only those who held the certificate of the Lynch board were authorized by the law of Louisiana to take a seat either in the senate or in the house of representatives, except those senators who held over.

Such being the condition of things, two bodies holding by two different titles, one lawful, the other utterly unlawful, prepared to

meet and to make believe be the Legislature of a State, in that condition of affairs Judge Durell seems to have thought in some luminous moment that he could outflank Warmoth, and he sat down and wrote an order commanding that all these sham statesmen who proposed to muster there under the license of the De Feriet board should keep out of the Legislature, and they were kept out of the Legislature. That order of Durell, I understand, was absolutely enforced by two soldiers. I am told that they had uniforms on, both of them—the uniform prescribed by your service—and they crossed bayonets over the door, and not one of those fellows, not one of those felons—I speak in the eye of Louisiana law when I call them so, because if they held the certificate of the Lynch board the bayonets did not prevent them from entering, and if they did not hold the certificate of the Lynch board the law of Louisiana told them not to enter—was admitted to the legislative hall. That order of Judge Durell usurped I admit, void unquestionably, mere paper, did prevent the usurpation of Warmoth, backed by Jack Wharton, backed by the De Feriet board; did prevent the assembling of a Legislature which had no semblance of authority or legality.

From that day to this the country has rung with denunciation of Judge Durell. I hope somebody feels more virtuous on account of it. I hope our democratic friends have been improved morally by the pile of anathemas they have heaped upon him. If they could find a leisure moment at some time to pronounce one feeble anathema upon that infamous band of conspirators who tracked the election of 1872 all the way through from the commencement of registration to the assembling of the Legislature; the men who cheated voters out of the right of registration by the thousand; the men who drove them from the ballot-boxes by the thousand; the men who forged returns; the men who cushioned returns; the men like Warmoth who disregarded all the law there was in the State over which he claimed to be executive—if they could find a leisure moment to breathe one single word of criticism upon this mountain of infamy, I believe it would do them good all the rest of their lives. Yes, when it is known that a band of burglars are about to break open a house at midnight, I admit if the Chief-Justice of the Supreme Court should issue an order commanding them not to do it, it would be a usurpation; he would have no business to do it; but, nevertheless, if the only effect of the order was to keep the burglars out of your house, would you find fault? Undoubtedly so strict a constructionist as the Senator from Ohio would say, "This is a gross prostitution of the judicial ermine." We could not deny that; it would be a prostitution of the judicial ermine; but after all, I should hope to find in the Senate of the United States, and even on the democratic side of the Chamber, some man who would not only agree that the judge had no business to issue the order, but who, on reflection, would admit that it was not a great crime to keep burglars out of the house.

That is all I have to say of Durell. He usurped authority which the law did not confer upon him, and the end of it is that not a man was kept out of the Legislature of Louisiana who had any right in that Legislature; and is there a lawyer on the other side of the Chamber who will dispute that statement of mine? If a man was kept out of that Legislature by that order of Durell, or by the soldiers who acted in pursuance of it, or by Packard, or anybody else, is there a lawyer on that side of the Chamber who does not know that the wrong would have been judicially redressed in the courts of the land long before this time? Sir, I hold a right to enter this Chamber as a Senator from Wisconsin. Do you think there is any judge in the District of Columbia who can organize a force, military or otherwise, which can deprive me of my seat here? Do you not know that the moment any man, no matter what judge tells him, no matter what uniform he wears, raises his hand, or authorizes another to raise his hand, to stay my entrance to this Chamber, that moment he must go before the judicial tribunals of the country to answer for this wrong. That would have been done with Durell; that would have been done with Packard; that would have been done with the soldiers who acted under their command and upon their license, only for this simple fact, that every lawyer in Louisiana knew that every man kept out of that Legislature was kept out not in violation of law, but in pursuance of law.

Mr. STEVENSON. Was not Durell arraigned?

Mr. HOWE. Arraigned where?

Mr. STEVENSON. By the only impeaching power under this Government—the House of Representatives of the United States.

Mr. HOWE. But why was he not arragned by the gentlemen whose rights he trampled upon? Impeaching a judge is one thing. I do not wait for the House of Representatives to redress my wrongs when a judge shall illegally keep me from entering that door. I see a lawyer in my eye whom I would take into my employ at once. I would go to the judicial tribunal before which that judge would have to come. I would not wait for the House of Representatives to present him here for your judgment on impeachment; he should answer to me in damages.

Mr. President, I have lingered longer upon this case than I meant to do when I took the floor. I may be, after all, mistaken in some of these views of mine; but let no man assume for a moment that I do not believe I am right. I believe the most monstrous violation of the right of franchise ever perpetrated or ever attempted anywhere in the history of popular government was that perpetrated upon the people of Louisiana in 1872, when every avenue to the ballot-box was guarded by the democratic party of the State of Louisiana.

EXECUTIVE SESSION.

Mr. EDMUNDS. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After one hour and twenty-six minutes spent in executive session the doors were re-opened, and (at five o'clock and twenty-three minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *February* 7, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND, D. D.

The Journal of Friday last was read and approved.

JAMES M. DOWNEY.

On motion of Mr. HUNTON, by unanimous consent, the Committee on War Claims were discharged from the further consideration of the bill (H. R. No. 743) for the relief of James M. Downey, of Loudoun County, Virginia.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled the joint resolution (H. R. No. 11) authorizing G. Harris Heap, United States consul at Tunis, to accept the trust of commissioner of the Bey of Tunis.

CUSTOMS COLLECTIONS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting, in response to House resolutions of December 15, 1875, and January 6, 1876, a statement showing collections and expenses of collections and the amount of goods examined in the ports of the United States for the fiscal year ending June 30, 1874.

The SPEAKER. The Chair is not sure whether this communication should be sent to the Committee of Ways and Means or to the Committee on Appropriations.

Mr. RANDALL. Let it be printed, and then we can see where it properly belongs.

The communication was referred to the Committee of Ways and Means, and ordered to be printed.

SURVEY OF RIVERS IN MICHIGAN.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, in compliance with the requirement of the river and harbor act of March 3, 1875, a report of Major G. Weitzel of the cost of surveys of the Saginaw River, Michigan, Thunder Bay, Clinton River, and Au Sable River, Michigan; which was referred to the Committee on Commerce, and ordered to be printed.

J. C. IRWIN AND WILLIAM PHILLIPS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, in response to a request of the Committee on Military Affairs, a report of the Acting Quartermaster-General on the bill (H. R. No. 161) for the relief of J. C. Irwin and William Phillips; which was referred to the Committee on Military Affairs.

INTERNAL IMPROVEMENTS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, for the information of the Committee on Commerce, a statement of the amounts appropriated for each river and harbor improvement from 1824 to and including March 3, 1875; which was referred to the Committee on Commerce, and ordered to be printed.

SABINE PASS, TEXAS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, for the information of the Committee on Commerce, an estimate for continuing the improvements at Sabine Pass, Texas; which was referred to the Committee on Commerce.

SALE OF CADET ARMS.

The SPEAKER also laid before the House a letter from the Secretary of War, on the bill (H. R. No. 683) authorizing the sale of cadet arms; which was referred to the Committee on Military Affairs, and ordered to be printed.

UPPER MISSISSIPPI RIVER.

The SPEAKER also laid before the House a memorial and joint resolution of the Legislature of Iowa, in reference to the improvement of the navigation of the Upper Mississippi River; which was referred to the Committee on Commerce.

ORDER OF BUSINESS.

The SPEAKER. The morning hour now begins at twelve o'clock and thirty minutes. This being Monday, the first business in order during the morning hour is the calling of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back into the House by motions to reconsider. Under this

call memorials and resolutions of State and territorial Legislatures may be presented for printing and reference.

PENAL TONNAGE TAX.

Mr. HALE introduced a bill (H. R. No. 1817) limiting the penal tonnage tax on certain United States vessels at the old grade of thirty cents per ton instead of $1.30; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. HALE also introduced a bill (H. R. No. 1818) to amend section 2931 of the Revised Statutes of the United States so as to allow repayment by the Secretary of the Treasury of the tonnage tax where it has been unduly exacted; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LIGHT-HOUSE, YORK, MAINE.

Mr. BURLEIGH introduced a bill (H. R. No. 1819) to erect a light-house on the Nubble Cape Meddick in York, York County, Maine; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

INJURY TO PUBLIC LIBRARIES.

Mr. FRYE introduced a bill (H. R. No. 1820) to provide a penalty for wanton injury to the public libraries of the District of Columbia and in the Territories of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CAPITOL AND NORTH O STREET RAILWAY.

Mr. HENDEE introduced a bill (H. R. No. 1821) amendatory of the act to incorporate the Capitol, North O street, and South Washington Railway Company; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

LATE FIRE IN BOSTON.

Mr. WARREN introduced a bill (H. R. No. 1822) to remit the duties upon certain goods destroyed by fire at the late conflagration in the city of Boston; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

PLEASURE YACHT ELLA.

Mr. PIERCE introduced a bill (H. R. No. 1823) to change the name of the pleasure yacht Ella to that of Myra; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PLEASURE YACHT HIRAM B.

Mr. CRAPO introduced a bill (H. R. No. 1824) to change the name of the pleasure yacht Hiram B., to Iola; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SAFETY MATCHES.

Mr. BALLOU introduced a bill (H. R. No. 1825) to exempt from stamp tax safety matches made in the United States, which can only be lighted by striking upon a chemically-prepared surface; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

GEORGE COWLES.

Mr. PHELPS introduced a bill (H. R. No. 1826) for the relief of George Cowles, of New Haven, Connecticut; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BREAKWATER IN CONNECTICUT.

Mr. BARNUM introduced a bill (H. R. No. 1827) making an appropriation for building a breakwater from Fayrweather Island to Short Beach, in Fairfield County, Connecticut; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

NEW YORK CHAMBER OF COMMERCE.

Mr. WOOD, of New York, introduced a bill (H. R. No. 1828) to convey to the Chamber of Commerce of the State of New York certain lands in the city of New York for the consideration of $200,000; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

A. H. WALLIS, AND OTHERS.

Mr. WOOD, of New York, also introduced a bill (H. R. No. 1829) for the relief of Alexander H. Wallis, George Russell, and Henry Russell; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JOHN LAIDLAW.

Mr. WALKER, of New York, introduced a bill (H. R. No. 1830) for the relief of John Laidlaw, late first lieutenant United States Volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SOLDIERS' MONUMENT IN ORANGE COUNTY, NEW YORK.

Mr. BEEBE introduced a bill (H. R. No. 1831) to authorize the Secretary of War to appropriate condemned ordnance for the erection of a monument to the memory of the soldiers and sailors of Orange County, New York, who fell during the late war; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GORDON B. BARNES.

Mr. BEEBE also introduced a bill (H. R. No. 1832) granting arrearages of pension to Gordon B. Barnes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN T. NEALE.

Mr. COX introduced a bill (H. R. No. 1833) for the relief of John T. Neale; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BUREAU OF ARCHITECTURE.

Mr. HEWITT, of New York, introduced a bill (H. R. No. 1834) to establish a bureau of architecture; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

NAVY-YARD, BROOKLYN.

Mr. METCALFE introduced a bill (H. R. No. 1835) to provide for reclaiming and improving the swamp and overflowed lands connected with the United States navy-yard, Brooklyn, Long Island; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

VALUATION OF AD VALOREM IMPORTS.

Mr. WILLIS introduced a bill (H. R. No. 1836) to provide for the valuation of imports upon which customs duties are imposed paying in whole or in part *ad valorem* rates; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. WILLIS also introduced a bill (H. R. No. 1837) to abolish certain officers and to correct sections 2625 and 2630 of the Revised Statutes; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

POST-ROAD.

Mr. WILLIS also introduced a bill (H. R. No. 1838) to make a bridge over the Hudson River between Verplank's Point and Buttermilk Falls a post-road; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

PROTECTION OF LIFE AND PROPERTY AT SEA.

Mr. WILLIS also (at the request of Mr. ELY) introduced a bill (H. R. No. 1839) for the better protection of life and property at sea; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

POST-OFFICE SAVINGS-BANKS.

Mr. COX (by request) introduced a bill (H. R. No. 1840) for the establishment of post office savings-banks for small sums with Government security; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

REFORM OF CIVIL SERVICE.

Mr. COX also (by request) introduced a bill (H. R. No. 1841) to reform the civil service of the United States; which was read a first and second time, referred to the Committee on Reform in the Civil Service, and ordered to be printed.

MARCELLUS RILEY.

Mr. DAVY introduced a bill (H. R. No. 1842) for the relief of Marcellus Riley, of Rochester, New York; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEWIS E. WINANS.

Mr. LAPHAM introduced a bill (H. R. No. 1843) for the relief of Lewis E. Winans, late a private in Company C, Fourth New York Heavy Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT OF BANKRUPT LAW.

Mr. MACDOUGALL introduced a bill (H. R. No. 1844) to amend section 22 of the bankrupt act, approved March 2, 1867; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PATENTS AND COPYRIGHTS.

Mr. MACDOUGALL also introduced a bill (H. R. No. 1845) to amend the act entitled "An act to revise, consolidate, and amend the statutes relating to patents and copyrights;" which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

COLONEL W. H. EMORY.

Mr. MACDOUGALL also introduced a bill (H. R. No. 1846) authorizing the retirement of Colonel W. H. Emory with the rank and pay of a brigadier-general; which was read a first and second time, referred to the Committee on Military Affairs; and ordered to be printed.

LAWRENCE A. WILLIAMS.

Mr. MACDOUGALL also introduced a bill (H. R. No. 1847) to place Lawrence A. Williams, late major Sixth Cavalry, United States Army,

upon the retired list of the Army with the rank of colonel; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHARLES E. BOGGS.

Mr. ROSS, of New Jersey, introduced a bill (H. R. No. 1848) authorizing the restoration of Charles E. Boggs to the active list of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

ABIGAIL T. DAWNEY.

Mr. TOWNSEND, of Pennsylvania, introduced a bill (H. R. No. 1849) granting a pension to Abigail T. Dawney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RELIEF OF NAVAL OFFICERS.

Mr. O'NEILL introduced a joint resolution (H. R. No. 60) for the relief of certain officers of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

HARVEY B. KILBORN.

Mr. POWELL introduced a bill (H. R. No. 1850) granting a pension to Harvey B. Kilborn, private in Company C, Thirtieth Regiment Pennsylvania Militia; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS G. RAWLINS AND HIS NORTHERN CREDITORS.

Mr. CLYMER introduced a bill (H. R. No. 1851) for the relief of Thomas G. Rawlins and his northern creditors; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DEPOSITS OF PUBLIC MONEY.

Mr. MUTCHLER introduced a bill (H. R. No. 1852) to amend sections 5490 and 5497 of the Revised Statutes regulating the deposits of public money; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PRIZE MONEY.

Mr. HOPKINS introduced a bill (H. R. No. 1853) to provide for adjusting and paying claims for prize money due to certain citizens of Alleghany County, Pennsylvania; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CAPTAIN JOHN S. M'MILLEN.

Mr. HOPKINS also introduced a bill (H. R. No. 1854) to compensate Captain John S. McMillen; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MICHAEL QUANY.

Mr. STENGER introduced a bill (H. R. No. 1855) granting a pension to Michael Quany; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES. W. BOWEN.

Mr. JAMES B. REILLY introduced a bill (H. R. No. 1856) for the relief of James W. Bowen, provost marshal of the late tenth congressional district of Pennsylvania; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

WILLIAM S. MORRIS AND OTHERS.

Mr. RANDALL introduced a bill (H. R. No. 1857) for the relief of William S. Morris, W. S. Mann, Charles A. Oakman, George W. Hillman, Union Transfer Company, and John R. Graham; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

CHARLES DOUGHERTY.

Mr. KETCHUM introduced a bill (H. R. No. 1858) to re-imburse Charles Dougherty for his expenses to the consulate at Londonderry; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

REMOVAL OF CAUSES FROM STATE COURTS.

Mr. ROSS, of Pennsylvania, introduced a bill (H. R. No. 1859) to amend an act entitled "An act to amend an act for the removal of causes in certain cases from the State courts, approved July 27, 1866," approved March 6, 1867; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WASHINGTON CITY AND ATLANTIC COAST RAILROAD COMPANY.

Mr. HENKLE introduced a bill (H. R. No. 1860) to incorporate the Washington City and Atlantic Coast Railroad Company; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

THOMAS JOHNS.

Mr. WALSH introduced a bill (H. R. No. 1861) granting a pension to Thomas Johns; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMANDA M. SMYTH.

Mr. O'BRIEN introduced a bill (H. R. No. 1862) for the relief of Amanda M. Smyth, widow of the late Brevet Major-General Thomas A. Smyth; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

IMPROVEMENT OF LITTLE WICOMICO RIVER AND URBANA CREEK, VIRGINIA.

Mr. DOUGLAS introduced a bill (H. R. No. 1863) providing for the improvement of the Little Wicomico River and Urbana Creek, Virginia; which was read a first and second time, ordered to be printed, and, with the accompanying engineer's report, referred to the Committee on Commerce.

JAIL, ESSEX COUNTY, VIRGINIA.

Mr. DOUGLAS also introduced a bill (H. R. No. 1864) to re-imburse the county of Essex, in Virginia, for the loss of its jail, destroyed while occupied by United States troops in 1865; which was read a first and second time, ordered to be printed, and, with the accompanying memorial, referred to the Committee on War Claims.

PIEDMONT RAILROAD COMPANY.

Mr. DOUGLAS also introduced a bill (H. R. No. 1865) to enable the Piedmont Railroad Company to present their claims to the Court of Claims; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LOUISA SUMMERS.

Mr. HUNTON introduced a bill (H. R. No. 1866) for the relief of Louisa Summers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WASHINGTON AND OHIO RAILROAD COMPANY.

Mr. HUNTON also introduced a bill (H. R. No. 1867) to aid the Washington and Ohio Railroad Company in the construction of their road to the Ohio River; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

BLACK WATER RIVER, VIRGINIA.

Mr. GOODE introduced a bill (H. R. No. 1868) for the improvement of Black Water River, Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PUBLIC PROPERTY AT NORFOLK, VIRGINIA.

Mr. GOODE also introduced a bill (H. R. No. 1869) for the repair and preservation of the public property at Norfolk, Virginia; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JOHN G. COOPER.

Mr. VANCE, of North Carolina, introduced a bill (H. R. No. 1870) granting a pension to John G. Cooper; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MERIT YOUNG.

Mr. VANCE, of North Carolina, also introduced a bill (H. R. No. 1871) granting a pension to Merit Young, of Company C, Thirteenth Tennessee Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN L. MARSH.

Mr. VANCE, of North Carolina, also introduced a bill (H. R. No. 1872) granting a pension to John L. Marsh; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. C. HOPSON.

Mr. VANCE, of North Carolina, also introduced a bill (H. R. No. 1873) to grant a pension to W. C. Hopson, Company D, Third North Carolina Mounted Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SCHOONER UNDINE.

Mr. WADDELL introduced a bill (H. R. No. 1874) granting a new register to the schooner Undine; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ALEXANDER SUTHERLAND.

Mr. ASHE introduced a bill (H. R. No. 1875) for the relief of Alexander Sutherland; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

JOSEPH BOST.

Mr. ASHE also introduced a bill (H. R. No. 1876) for the relief of Joseph Bost; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

WALLEY MEGGETT.

Mr. MACKEY, of South Carolina, introduced a bill (H. R. No. 1877) for the relief of the heirs of Walley Meggett, deceased; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

ATLANTA A PORT OF DELIVERY.

Mr. CANDLER introduced a bill (H. R. No. 1878) to establish Atlanta, in the State of Georgia, a port of delivery; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JAMES TRASS.

Mr. HOOKER introduced a bill (H. R. No. 1879) to grant a pension

to James Trass, of Company C, First Louisiana Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANK A. BENTER.

Mr. MOREY introduced a bill (H. R. No. 1880) for the relief of Frank A. Benter; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

LEVEES OF THE MISSISSIPPI RIVER.

Mr. MOREY also presented a joint resolution of the General Assembly of the State of Louisiana, asking for an appropriation by Congress to construct the levees of the Mississippi River; which was referred to the Select Committee on the Mississippi Levees, and ordered to be printed.

Mr. MOREY. I ask unanimous consent that the joint resolution may also be printed in the CONGRESSIONAL RECORD.

There was no objection, and it was so ordered.

The joint resolution is as follows:

Joint resolution asking for an appropriation by the Congress of the United States for the purpose of constructing levees on the Mississippi River, in Louisiana, and for the General Government to assume control of all the levees in Louisiana.

SECTION 1. *Be it resolved by the senate and house of representatives of the State of Louisiana, in General Assembly convened*, That the Senators and Representatives in Congress from Louisiana be, and are hereby, requested to urge upon the Congress of the United States the passage of a bill making an appropriation for the rebuilding of all the levees on the Mississippi River in Louisiana which are in need of reconstruction, and which our State, for want of means, is utterly unable to rebuild; and also to secure, if possible, the passage of a law providing for the assumption by the General Government of the entire and exclusive control of the levee systems of the Mississippi River and its tributaries in Lower Missouri, Arkansas, Mississippi, and Louisiana.

SEC. 2. *Be it further resolved, &c.*, That the governor of the State be instructed to transmit a certified copy of these resolutions to each of our Senators and Representatives in Congress at the earliest possible moment, and to transmit therewith all needed statistical data and information required for or which will facilitate a full and proper presentation of the subject-matter to Congress.

E. D. ESTILETTE,
Speaker of the House of Representatives.
C. C. ANTOINE,
Lieutenant-Governor and President of the Senate.

Approved February 3, 1876.

WM. P. KELLOGG,
Governor of the State of Louisiana.

A true copy:

P. G. DESLONDE,
Secretary of State.

STATE OF LOUISIANA, OFFICE OF SECRETARY OF STATE,
New Orleans, February 3, 1876.

I hereby certify the foregoing to be a true and correct copy of joint resolution No. 2, approved February 3, 1876.

Given under my hand and the seal of the State this 3d day of February, A. D. 1876, and of the Independence of the United States the one hundredth.

[SEAL.] P. G. DESLONDE,
Secretary of State.

HOMESTEADS TO ACTUAL SETTLERS.

Mr. SAYLER introduced a bill (H. R. No. 1881) to secure homesteads to actual settlers on the public lands; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

FIRST LIEUTENANT DAVID J. EZEKIEL.

Mr. BANNING introduced a bill (H. R. No. 1882) to authorize the President of the United States to promote First Lieutenant David J. Ezekiel, of the Fourth Regiment of Infantry, United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CLAIMS AGAINST THE UNITED STATES.

Mr. HURD introduced a bill (H. R. No. 1883) for the relief of parties having just claims not timely preferred to funds in the Treasury derived from sales of captured and abandoned property, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MARY LANCASTER.

Mr. HURD also introduced a bill (H. R. No. 1884) granting a pension to Mary Lancaster, widow of Joseph B. Lancaster, captain in the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

RESPONSIBILITIES OF SURETIES.

Mr. HURD also introduced a bill (H. R. No. 1885) to define the responsibilities of sureties; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ROBERT CLARKE.

Mr. VANCE, of Ohio, introduced a bill (H. R. No. 1886) granting a pension to Robert Clarke, late first lieutenant Second United States Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CITIZENS' BUILDING COMPANY.

Mr. NEAL, (by request,) introduced a bill (H. R. No. 1887) to incorporate the Citizens' Building Company of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

MELVILLE H. HUDSON.

Mr. WOODWORTH introduced a bill (H. R. No. 1888) granting a pension to Melville H. Hudson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY M. DAVIS.

Mr. VAN VORHES introduced a bill (H. R. No. 1889) for the relief of Henry M. Davis, legal representative of the late Milton I. Davis, sergeant of the Ninth Regiment Ohio Volunteer Cavalry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PETER M. WARD.

Mr. VAN VORHES also introduced a bill (H. R. No. 1890) for the relief of Peter M. Ward, late of Company E, Fourth West Virginia Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN M. ELDER.

Mr. MILLIKEN introduced a bill (H. R. No. 1891) for the relief of John M. Elder; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NOAH W. JOHNSON.

Mr. MILLIKEN also introduced a bill (H. R. No. 1892) granting a pension to Noah W. Johnson, of Butler County, Kentucky; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIEUTENANT JOHN SCOTT.

Mr. DURHAM introduced a bill (H. R. No. 1893) for the relief of Lieutenant John Scott, of the Fourth United States Infantry; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ROBERT HARRIS, SR.

Mr. DURHAM also introduced a bill (H. R. No. 1894) granting a pension to Robert Harris, sr., of Madison County, Kentucky; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LESLIE COOMBS.

Mr. BLACKBURN introduced a bill (H. R. No. 1895) granting arrearage of pension to Leslie Coombs; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

BENJAMIN HICKEY.

Mr. McFARLAND introduced a bill (H. R. No. 1896) granting a pension to Benjamin Hickey, private of Company C, First Regiment of Tennessee Volunteer Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLOTTE M. GAYLOR.

Mr. YOUNG introduced a bill (H. R. No. 1897) for the relief of Charlotte M. Gaylor, of Memphis, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WAGON-ROAD IN COLORADO TERRITORY.

Mr. YOUNG also introduced a bill (H. R. No. 1898) authorizing the construction of a wagon-road from Trinidau to Silvatone, in the Territory of Colorado; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

EZEKIEL T. KEEL.

Mr. YOUNG also introduced a bill (H. R. No. 1899) for the relief of Ezekiel T. Keel, of Memphis, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM B. HAMLIN.

Mr. YOUNG also introduced a bill (H. R. No. 1900) for the relief of William B. Hamlin, of Memphis, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARTHA M. PARKER.

Mr. YOUNG also introduced a bill (H. R. No. 1901) for the relief of Martha M. Parker, of Memphis, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EMMARILLA T. CARR.

Mr. YOUNG also introduced a bill (H. R. No. 1902) for the relief of Emmarilla T. Carr, of Memphis, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WIDOW OF P. M. ARMSTRONG.

Mr. RIDDLE introduced a bill (H. R. No. 1903) for the relief of the widow of P. M. Armstrong, of Overton County, Tennessee; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

W. K. CARR AND ROBERT WIX.

Mr. RIDDLE also introduced a bill (H. R. No. 1904) for the relief of W. K. Carr and Robert Wix, of Macon County, Tennessee; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

EXPENSES OF COLLECTING CUSTOMS.

Mr. DIBRELL introduced a bill (H. R. No. 1905) to reduce the expenses of collecting customs; which was read a first and second time, referred to the Committee on Public Expenditures, and ordered to be printed.

JOHN FLETCHER.

Mr. EVANS introduced a bill (H. R. No. 1906) for the relief of John Fletcher; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

HENRY BROWN.

Mr. EDEN introduced a bill (H. R. No. 1907) granting a pension to Henry Brown, late a private in Company C, One hundred and twenty-third Regiment Illinois Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TRUSSES FOR DISABLED SOLDIERS.

Mr. HARRISON introduced a bill (H. R. No. 1908) to amend an act entitled "An act to provide for furnishing trusses to disabled soldiers;" which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN W. CHICKERING.

Mr. HARRISON also introduced a bill (H. R. No. 1909) for the relief of John W. Chickering; which was read a first and second time, referred to the Committee on Military Affairs and ordered to be printed.

LANDS TO CITY OF CHICAGO.

Mr. HARRISON also introduced a bill (H. R. No. 1910) to confirm to the city of Chicago the title to certain lands in Cook County, Illinois; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MEMORY OF ABRAHAM LINCOLN.

Mr. FORT introduced a joint resolution (H. R. No. 61) declaring the 12th day of February, the birthday of Abraham Lincoln, to be a national holiday, and that on the 14th day of April, the day on which Abraham Lincoln was killed, the national flag shall float at half-mast; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PATENTS AND COPYRIGHTS.

Mr. HURLBUT introduced a bill (H. R. No. 1911) to amend sections 4919 and 4921 of the Revised Statutes, chapter 70, entitled "Patents and copyrights;" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MEDICAL CORPS OF THE ARMY.

Mr. HURLBUT also introduced a bill (H. R. No. 1912) to reduce the number and increase the efficiency of the Medical Corps of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LORENZO T. POTTER.

Mr. FARWELL introduced a bill (H. R. No. 1913) for the relief of the widow and heirs of Lorenzo T. Potter, deceased, late of Charleston, South Carolina; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CAPTAIN GEORGE E. PINGREE.

Mr. HENDERSON introduced a bill (H. R. No. 1914) granting a pension to Captain George E. Pingree, from January 1, 1869, to April 2, 1872; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STEAMBOAT ROBERT BASS.

Mr. HENDERSON also introduced a bill (H. R. No. 1915) to change the name of the steamboat Robert Bass; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PENSIONS TO SOLDIERS OF WAR OF 1812.

Mr. HARTZELL introduced a bill (H. R. No. 1916) to amend section 4736 and section 4738 of the Revised Statutes, granting pensions to the surviving officers and soldiers of the war of 1812, and to the surviving widows of deceased officers and soldiers of said war; which was read a first and second time, referred to the Committee on Revolutiony Pensions, and ordered to be printed.

ESTATE OF LIEUTENANT JOSEPH WHEATON, DECEASED.

Mr. CAULFIELD introduced a bill (H. R. No. 1917) for the relief of the administratrix of the estate of Lieutenant Joseph Wheaton, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FREDERICK P. SHERRY.

Mr. HATCHER introduced a bill (H. R. No. 1918) granting a pension to Frederick P. Sherry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEGAL-TENDER CURRENCY.

Mr. BLAND introduced a bill (H. R. No. 1919) to substitute legal-tender notes for national-bank notes, and to make duties on imports receivable one-half in legal-tender notes, and to repeal the resumption act of January 14, 1875, and for other purposes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

MARTHA A. WILLIAMSON.

Mr. MORGAN introduced a bill (H. R. No. 1920) for the relief of Martha A. Williamson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WASHINGTON CHANNEL OF POTOMAC RIVER.

Mr. BUCKNER introduced a bill (H. R. No. 1921) for the improvement of the Washington channel of the Potomac River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

REAL-ESTATE RECORDS, DISTRICT OF COLUMBIA.

Mr. BUCKNER also introduced a bill (H. R. No. 1922) providing for the recording of deeds, mortgages, and other conveyances affecting real estate in the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

GOVERNMENT FOR INDIAN TERRITORY.

Mr. GAUSE introduced a bill (H. R. No. 1923) to provide a government for the Indian Territory; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

BAPTIST CHURCH, HELENA, ARKANSAS.

Mr. GAUSE also introduced a bill (H. R. No. 1924) to compensate the Baptist church at Helena, Arkansas, for destruction of its building during the war by the Federal Army; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

VINCENT TAPP.

Mr. GAUSE also introduced a bill (H. R. No. 1925) for the relief of Vincent Tapp, of Helena, Arkansas; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC BUILDINGS, PRAIRIE COUNTY, ARKANSAS.

Mr. GAUSE also introduced a bill (H. R. No. 1926) to indemnify Prairie County, Arkansas, for the destruction of public buildings during the war by the Federal Army; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY E. WHITEHEAD.

Mr. GAUSE also introduced a bill (H. R. No. 1927) for the relief of Mary E. Whitehead, of Helena, Phillips County, Arkansas; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELIAS B. MOORE.

Mr. GUNTER introduced a bill (H. R. No. 1928) for the relief of Elias B. Moore; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

ALMIRA COOLEY.

Mr. DURAND introduced a bill (H. R. No. 1929) for the relief of Almira Cooley, of Flint, Michigan; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LEVINA CARR, MICHIGAN.

Mr. DURAND also introduced a bill (H. R. No. 1930) for the relief of Levina Carr, of Farmington, Michigan; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN J. PARTILLO.

Mr. BRADLEY introduced a bill (H. R. No. 1931) granting a pension to John J. Partillo, of Gratiot County, Michigan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IMPROVEMENT OF MANISTEE HARBOR, MICHIGAN.

Mr. HUBBELL introduced a bill (H. R. No. 1932) to appropriate money for continuing the improvement of the harbor at Manistee, Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT OF LUDINGTON HARBOR, MICHIGAN.

Mr. HUBBELL also introduced a bill (H. R. No. 1933) to appropriate money for continuing the improvement of the harbor at Ludington, Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT OF PENTWATER HARBOR, MICHIGAN.

Mr. HUBBELL also introduced a bill (H. R. No. 1934) to appropriate money for continuing the improvement of the harbor at Pentwater, Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LIGHT-STATION, BELLE ISLE, DETROIT RIVER, MICHIGAN.

Mr. A. S. WILLIAMS introduced a bill (H. R. No. 1935) to authorize the construction of a light-station on the northern point of Belle Isle, Detroit River, Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JOHN HALEY.

Mr. A. S. WILLIAMS also introduced a bill (H. R. No. 1936) granting a pension to John Haley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RANK AND PAY OF RETIRED ARMY OFFICERS.

Mr. A. S. WILLIAMS also introduced a bill (H. R. No. 1937) to repeal section 2 of an act for the relief of General Samuel W. Crawford, and to fix the rank and pay of retired officers of the Army, approved March 3, 1875; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THOMAS J. SPENCER.

Mr. A. S. WILLIAMS also introduced a bill (H. R. No. 1938) to restore the name of Thomas J. Spencer, late first lieutenant Tenth United States Cavalry, to his former rank in the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SARAH EMMONS.

Mr. W. B. WILLIAMS introduced a bill (H. R. No. 1939) granting a pension to Sarah Emmons; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REMOVAL OF CAUSES FROM STATE COURTS.

Mr. W. B. WILLIAMS also introduced a bill (H. R. No. 1940) to amend an act entitled "An act to determine the jurisdiction of circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes," approved March 3, 1875; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DAVID A. MARTIN.

Mr. WALLS introduced a bill (H. R. No. 1941) to allow David A. Martin to appear before the Court of Claims as therein provided; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

IMPROVEMENT OF THE NAVIGATION OF THE UPPER MISSISSIPPI.

Mr. PRATT presented a memorial and joint resolution of the General Assembly of Iowa, in reference to the improvement of the navigation of the Upper Mississippi; which was referred to the Committee on Commerce, and ordered to be printed.

SETTLEMENT OF OFFICERS' ACCOUNTS.

Mr. OLIVER introduced a bill (H. R. No. 1942) to re-enact and continue in force the act of January 23, 1870, entitled "An act to authorize the settlement of the accounts of officers of the Army and Navy;" which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DURATION OF PATENTS.

Mr. OLIVER also introduced a bill (H. R. No. 1943) limiting the duration of patents; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

NIRAN W. PRATT.

Mr. OLIVER also introduced a bill (H. R. No. 1944) granting a pension to Niran W. Pratt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT TO THE CONSTITUTION.

Mr. OLIVER also introduced a joint resolution (H. R. No. 62) proposing an amendment to the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FILING OF JUDGMENTS, UNITED STATES COURTS.

Mr. TUFTS introduced a bill (H. R. No. 1945) providing for the filing of judgments obtained in United States courts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EXPIRATION OF THE MORNING HOUR.

Mr. KASSON. I rise to inquire whether the morning hour has not expired?

The SPEAKER *pro tempore*, (Mr. BLACKBURN in the chair.) The morning hour has just expired.

Mr. RANDALL. Was there not an understanding that this call for bills and resolutions should go entirely through the States, regardless of the morning hour?

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Pennsylvania that not being here at the time he is not able to answer the question as to whether an agreement was entered into by which this call should continue until the list of States and Territories was completed.

Mr. KASSON. I believe there was no agreement to-day.

Mr. HOLMAN. I trust there will be unanimous consent to make the order now that the call of States and Territories be continued until it is completed.

Mr. KASSON. I must ask the consideration of my resolution.

The SPEAKER *pro tempore*. Does the gentleman from Iowa object to the call of States and Territories being completed by unanimous consent?

Mr. KASSON. I object, unless I have unanimous consent after it is completed to offer my resolution.

Mr. GARFIELD. That will be granted, I presume.

Mr. KASSON. Then I withdraw my objection, on the understanding that I shall be at liberty to offer this resolution on the completion of the call of States and Territories.

ANNIE MORRIS.

Mr. KIMBALL introduced a bill (H. R. No. 1946) granting a pension to Annie Morris; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

GRANT OF LAND TO STEVENS POINT, WISCONSIN.

Mr. CATE introduced a bill (H. R. No. 1947) granting to the city of Stevens Point, Wisconsin, a certain piece of land; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

CORRESPONDENCE BY TELEGRAPH.

Mr. LUTTRELL (by request) introduced a bill (H. R. No. 1948) to provide for the transmission of correspondence by telegraph; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

NICHOLAS MARQUEZ.

Mr. LUTTRELL also introduced a bill (H. R. No. 1949) for the relief of Nicholas Marquez; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

FORT READING MILITARY RESERVATION.

Mr. LUTTRELL also introduced a bill (H. R. No. 1950) declaring the lands constituting the Fort Reading military reservation in Shasta County, California, subject to pre-emption and homestead entry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THOMAS J. SHERWOOD.

Mr. LUTTRELL also introduced a bill (H. R. No. 1951) for the relief of Thomas J. Sherwood, late postmaster at Marysville, California; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

N. J. COFFIN.

Mr. LUTTRELL also introduced a bill (H. R. No. 1952) granting a pension to Nathaniel Johnson Coffin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PORTS OF SAINT PAUL AND DU LUTH.

Mr. STRAIT presented a joint resolution of the Legislature of the State of Minnesota, requesting the same modifications of the laws of the United States for Saint Paul and Du Luth as are now extended to other ports in various States; which was referred to the Committee on Commerce, and ordered to be printed.

MAIL-ROUTE IN MINNESOTA.

Mr. STRAIT also presented a joint resolution of the State of Minnesota, asking that a mail-route be established from Hastings, in the county of Dakota, to Cannon Falls, in the county of Goodhue; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

ALFRED MÜLLER.

Mr. STRAIT also introduced a bill (H. R. No. 1953) for the relief of Alfred Müller, late acting assistant surgeon in the United States Army; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

CHARLES THIMONS.

Mr. STRAIT also introduced a bill (H. R. No. 1954) for the relief of Charles Thimons, late mate of the steamer New Iago; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

IMPROVEMENT OF MINNESOTA RIVER.

Mr. STRAIT also introduced a bill (H. R. No. 1955) to provide for the improvement of the Minnesota River by the construction of a lock and dam at the Little Rapids on said river; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HENRY D. O'BRIEN.

Mr. KING introduced a bill (H. R. No. 1956) for the relief of Henry D. O'Brien, late postmaster at Saint Anthony's Falls, Minnesota; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

RIGHTS OF SETTLERS.

Mr. GOODIN introduced a bill (H. R. No. 1957) defining the rights of settlers on the public lands; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

WILLIAM O. REDDEN.

Mr. BROWN, of Kansas, introduced a bill (H. R. No. 1958) for the relief of William O. Redden, late colonel of the Third Regiment of Delaware Infantry Volunteers; which was read a first and second

time, referred to the Committee on War Claims, and ordered to be printed.

SETTLERS ON THE KANSAS INDIAN RESERVATIONS.

Mr. BROWN, of Kansas, also introduced a bill (H. R. No. 1959) for the relief of certain settlers on the Kansas Indian reservations in Kansas; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

IMPROVEMENT OF THE MINT AT CARSON CITY.

Mr. WOODBURN introduced a bill (H. R. No. 1960) to provide for the improvement of the mint at Carson City, Nevada; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. CROUNSE introduced a bill (H. R. No. 1961) to construe and declare the meaning of a part of section 20 of an act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraphic line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal and military and other purposes,' approved July 1, 1862, and approved July 2, 1864;" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUBLIC LANDS IN NEBRASKA.

Mr. CROUNSE also introduced a bill (H. R. No. 1962) to confirm certain school-indemnity selections of public lands in the State of Nebraska; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

QUALIFICATIONS OF SURVEYORS-GENERAL.

Mr. PATTERSON introduced a bill (H. R. No. 1963) defining the qualifications of surveyors-general to be hereafter appointed; which was read a first and second time, referred to the Committee on Reform in the Civil Service, and ordered to be printed.

PATENTS FOR MINERAL LANDS.

Mr. PATTERSON also introduced a bill (H. R. No. 1964) to enable one or more joint owners of mineral lands to obtain patents therefor; which was read a first and second time, referred to the Committee on Mines and Mining, and ordered to be printed.

ROCKY MOUNTAIN LOCUSTS.

Mr. PATTERSON also introduced a bill (H. R. No. 1965) to provide for an investigation as to the habits of the Rocky Mountain locusts, or so-called grasshoppers, and as to the best methods for preventing the incursions and ravages of the same; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

ACT OF LEGISLATIVE ASSEMBLY OF COLORADO TERRITORY.

Mr. PATTERSON also introduced a bill (H. R. No. 1966) approving an act of the Legislative Assembly of Colorado Territory; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

ROBERT B. SMOCK.

Mr. PATTERSON also introduced a bill (H. R. No. 1967) for the relief of Robert B. Smock, of Central Colorado, for the boarding of recruits for the United States military service; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

NEW TERRITORY.

Mr. KIDDER presented a memorial of the Legislature of Dakota, asking the organization of a new Territory out of the northern portion of Dakota; which was referred to the Committee on the Territories, and ordered to be printed.

CAPITOL BUILDINGS IN ARIZONA.

Mr. STEVENS introduced a bill (H. R. No. 1968) appropriating money to erect capitol buildings in the Territory of Arizona; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PENITENTIARY IN ARIZONA.

Mr. STEVENS also introduced a bill (H. R. No. 1969) to appropriate money for the building of a penitentiary in the Terirtory of Arizona; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

APPROVAL OF BILLS IN ARIZONA.

Mr. STEVENS also introduced a bill (H. R. No. 1970) relating to the approval of bills in the Territory of Arizona; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. BENNETT introduced a bill (H. R. No. 1971) to amend section 4736 of the Revised Statutes of the United States, regulating pensions of soldiers of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

PENITENTIARY AT BOISE CITY, IDAHO.

Mr. BENNETT also introduced a bill (H. R. No. 1972) to authorize the construction of an inclosure around the United States penitentiary at Boise City, in the Territory of Idaho; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

PENITENTIARY IN THE TERRITORY OF WYOMING.

Mr. STEELE introduced a bill (H. R. No. 1973) making appropriation for continuing the erection of a penitentiary building in the Territory of Wyoming; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

IMPROVEMENT OF MOUTH OF MISSISSIPPI.

Mr. BANKS (by request) introduced a bill (H. R. No. 1974) for deepening the bar at the Pass à l'Outre of the mouth of the Mississippi River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

OATH OF OFFICE.

Mr. LAWRENCE introduced a bill (H. R. No. 1975) prescribing an oath of office; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

INJURIES RESULTING FROM SALE OF INTOXICATING LIQUORS.

Mr. LAWRENCE also introduced a bill (H. R. No. 1976) to give a right of action for injuries resulting from the sale of intoxicating liquors; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JAMES CLIFFORD.

Mr. COCHRANE. I am directed by the Committee on Expenditures in the Department of Justice to report back House bill No. 551 for the relief of James Clifford, of Arkansas, and move that the committee be discharged from its further consideration, and that it be referred to the Committee of Claims.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. KASSON. I rise to offer some resolutions, and to move a suspension of the rules thereon.

Mr. HOLMAN. Before that is done, I wish to introduce bills for reference at this time.

The SPEAKER. Several gentlemen who were not in their seats when their States were called desire to introduce bills for reference.

Mr. KASSON. I will yield for that purpose.

FRANCIS ARMSTRONG.

Mr. HOLMAN (by request) introduced a bill (H. R. No. 1977) for the relief of Francis Armstrong; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM COOK.

Mr. CASON introduced a bill (H. R. No. 1978) granting a pension to William Cook, of Boone County, Indiana; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM DAVENPORT.

Mr. CASON also introduced a bill (H. R. No. 1979) for the relief of William Davenport, of Zionsville, Indiana; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

CATHERINE CARNEY.

Mr. CASON also introduced a bill (H. R. No. 1980) granting a pension to Catherine Carney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. GIBSON.

Mr. CASON also introduced a bill (H. R. No. 1981) granting an increase of pension to George W. Gibson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN DALTON.

Mr. CASON also introduced a bill (H. R. No. 1982) granting a pension to John Dalton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ENNOLDS LLOYD.

Mr. CASON also introduced a bill (H. R. No. 1983) granting a pension to Ennolds Lloyd, of Crawfordsville, Indiana; which was read a first and second time, and referred to the Committee on Invalid Pensions, and ordered to be printed.

SALE OF LANDS IN KANSAS.

Mr. BROWN, of Kansas, introduced a bill (H. R. No. 1984) to provide for the sale of certain lands in Kansas; which was read a first and second time, and referred to the Committee on Public Lands, and ordered to be printed.

REPRINTING TARIFF BILL.

Mr. MORRISON. I move that House bill No. 1711, to reduce and simplify existing laws imposing duties on imports and to reduce taxation be reprinted for the use of the House, the number already printed having been exhausted.

There was no objection, and it was so ordered.

MARY E. CAMPBELL.

Mr. BRIGHT introduced a bill (H. R. No. 1985) granting a pension

to Mary E. Campbell; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

JAPANESE INDEMNITY FUND.

Mr. COX presented resolutions of the Chamber of Commerce of the city of New York and the report of the committee on the Japanese indemnity fund; which was referred to the Committe on Foreign Affairs.

ASA O. GALLUP.

Mr. BAKER, of Indiana, introduced a bill (H. R. No. 1986) for the relief of the heirs of Asa O. Gallup; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CURRENCY AND SPECIE PAYMENTS.

Mr. KASSON. I move that the rules be so suspended that the House may be brought to a separate vote upon the resolutions which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the constitutional authority of Congress to "coin money, regulate the value thereof and of foreign coin" does not include the authority to issue the paper of the Government as money; and in the judgment of this House the Constitution nowhere confers upon Congress the power to issue in time of peace the promises or obligations of the Government as a legal tender in payment of debts.

Resolved, That any legislation touching the legal-tender currency of the Government should keep steadily in view the resumption of specie payments and should tend to enhance the value of that currency, for the redemption of which the faith of the United States has been pledged to its citizens.

Mr. KASSON. My motion is that the House suspend the rules so as to proceed to vote separately upon the two resolutions.

Mr. HOLMAN. I was about to suggest that the proposition ought to be divided.

Mr. COX. This very important subject is now being considered by the Committee on Banking and Currency. I hope these resolutions will be referred to that committee.

The SPEAKER. The motion, as the Chair understands, is that the rules be suspended and that these two resolutions be agreed to by separate votes.

Mr. KASSON. It is that the rules be so suspended that the House proceed to vote separately upon the two resolutions.

Mr. COX. I hope the House will refuse to suspend the rules. Let the resolutions go to the appropriate committee.

Mr. PAGE. I object to debate.

Mr. FORT. We ought to have the opinion of the Judiciary Committee on this question.

Mr. KASSON. I must object to debate, and call for the regular order.

Mr. SOUTHARD. In view of the recent decision of the Supreme Court, I would like to ask the gentleman from Iowa [Mr. KASSON] whether his resolution is not an implied censure upon that court?

The SPEAKER. Debate is not in order.

Mr. HOLMAN. I call for the yeas and nays on the motion to suspend the rules.

Mr. KASSON. I second the call for the yeas and nays.

The SPEAKER. The first question is, Will the House so suspend the rules as that thereafter separate votes shall be taken on the pending resolutions?

Mr. RANDALL. Then the only question now is on suspending the rules to have afterward a separate vote on the two resolutions?

The SPEAKER. The first question is on the motion to suspend the rules so as to bring these two resolutions before the House, that separate votes may be taken thereon. The suspension is not exhausted upon the first vote. Are the yeas and nays demanded?

Mr. HOLMAN. With the proposition in that shape, I do not ask for the yeas and nays.

Mr. HUBBELL and Mr. KELLEY called for the yeas and nays.

The yeas and nays were ordered.

Mr. COX. I rise to a point of order. I understand that the present vote does not go to the merits of the question.

Mr. KASSON. If this vote be in the negative, it will be a rejection of the resolutions.

Mr. COX. Not a bit of it.

Mr. RANDALL. The subject will be left to the consideration of the appropriate committee.

The question was taken; and there were yeas—97, nays 146, not voting 46; as follows:

YEAS—Messrs. Adams, Bagby, George A. Bagley, John H. Baker, William H. Baker, Ballou, Bell, Blaine, Blair, Bradley, Horatio C. Burchard, Burleigh, Cannon, Chittenden, Conger, Crapo, Darrall, Davy, Denison, Dunnell, Durand, Eames, Farwell, Fort, Foster, Frost, Frye, Garfield, Hale, Robert Hamilton, Haralson, Hardenbergh, Benjamin W. Harris, Hathorn, Hendee, Henderson, Hoar, Hoge, Hoskins, Hubbell, Hurlbut, Joyce, Kasson, Kehr, Ketchum, Kimball, Lapham, Lawrence Leavenworth, Luttrell, Lynch, Magoon, MacDougall, McCrary, McDill, Miller Monroe, Nash, Norton, Oliver, O'Neill, Packer, Page, Pierce, Plaisted, Platt, Potter, Powell, Pratt, Rainey, Sobieski Ross, Rusk, Sampson, Seelye, Sinnickson, A. Herr Smith, Strait, Stowell, Teese, Thornburgh, Martin I. Townsend, Washington Townsend, Tufts, Van Vorhes, Waldron, Alexander S. Wallace, John W. Wallace, Walls, Wheeler, White, Whiting, Willard, Charles G. Williams, Willis, James Wilson, Alan Wood, jr., and Woodburn—97.

NAYS—Messrs. Ainsworth, Anderson, Ashe, Atkins, Banning, Barnum, Beebe, Blackburn, Bland, Blount, Boone, Bradford, Bright, John Young Brown, Buckner, Samuel D. Burchard, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cason, Cate, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Cowan, Cox, Crounse, Culberson, Cutler, De Bolt, Dibrell, Douglas, Durham, Eden, Evans, Faulkner, Felton, Forney, Franklin, Fuller, Gause, Glover, Goode, Goodin, Gunter, Andrew H. Hamilton, Hancock, Henry R. Harris, Harrison, Hartzell, Hatcher, Haymond, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Holman, Hooker, Hopkins, House, Hunter, Hunton, Hyman, Thomas L. Jones, Kelley, Knott, Franklin Landers, Levy, Lewis, Lord, Lynde, Levi A. Mackey, Malsh, McFarland, McMahon, Metcalfe, Milliken, Mills, Money, Morgan, Morrison, Mutchler, Neal, New, O'Brien, Parsons, Payne, Phelps, John F. Philips, William A. Phillips, Piper, Poppleton, Randall, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Robinson, Miles Ross, Savage, Sayler, Scales, Sheakley, Singleton, Slemons, William E. Smith, Southard, Sparks, Springer, Stenger, Stevenson, Swann, Tarbox, Terry, Thompson, Thomas, Throckmorton, Tucker, Turney, John L. Vance, Robert B. Vance, Waddell, Charles C. B. Walker, Walling, Warren, Erastus Wells, Whitehouse, Wike, Andrew Williams, Alpheus S. Williams, James D. Williams, Jeremiah N. Williams, Wilshire, Benjamin Wilson, Fernando Wood, Woodworth, Yeates, and Young—146.

NOT VOTING—Messrs. John H. Bagley, jr., Banks, Bass, Bliss, William R. Brown, Cabell, Caswell, Chapin, Cook, Danford, Davis, Dobbins, Egbert, Ellis, Ely, Freeman, Gibson, John T. Harris, Hartridge, Hays, Henkle, Hurd, Jenks, Frank Jones, King, Lamar, George M. Landers, Lane, Edmund W. M. Mackey, Meade, Morey, Odell, Purman, Roberts, Schleicher, Schumaker, Smalls, Stone, Gilbert C. Walker, Walsh, Ward, G. Wiley Wells, Whitthorne, Wigginton, James Williams, and William B. Williams—46.

So (two-thirds not having voted in favor thereof) the rules were not suspended.

During the vote,

Mr. HUNTON said that his colleague [Mr. CABELL] had been called home by sickness in his family.

Mr. SCALES stated that his colleague, [Mr. DAVIS,] who was absent by leave of the House, would, if present, have voted in the negative.

The vote was then announced as above recorded.

Mr. COX. If the gentleman from Iowa will agree to the reference of his resolution, I will move that it be referred either to the Committee of Ways and Means or to his own committee.

Mr. KASSON. I will be glad to have it referred to the gentleman's committee.

Objection was made.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. SYMPSON, one of its clerks, notifying the House that that body had passed a bill (H. R. No. 1053) providing for the payment of judgments rendered under section 11 of chapter 459 of the laws of the Forty-third Congress, with amendments, in which the concurrence of the House was requested.

ENROLLED BILLS.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled an act (S. No. 62) to authorize George P. Marsh to accept a certain present from the government of Switzerland and a certain present from the government of Italy; when the Speaker signed the same.

3.65 BONDS.

Mr. BUCKNER. Mr. Speaker, I am instructed by the Committee for the District of Columbia to report back joint resolution (H. R. No. 52) directing the commissioners of the District of Columbia to pay the interest on the bonds issued in pursuance of the act of Congress approved June 20, 1874, out of any funds in the United States Treasury subject to the requisition of said commissioners, and for other purposes, with the recommendation that the amendments of the Senate be non-concurred in and the House ask for a committee of conference on the disagreeing votes of the two Houses.

Mr. BRIGHT. Let the amendments of the Senate be read.

The SPEAKER. There being no objection, the report will be received and the joint resolution as well as the Senate amendments will be read.

The joint resolution was read, as follows:

That the commissioners of the District of Columbia are hereby directed to transfer to the Treasurer of the United States, for the payment of the interest due the 1st of February, 1876, on the bonds of said District, issued under the provisions of the act of Congress approved June 20, 1874, entitled "An act for the government of the District of Columbia, and for other purposes," the sum necessary to pay the same from any unexpended appropriations heretofore made by Congress, or from any revenues derived by taxation on the property of said District of Columbia, subject to the requisition of said commissioners, excluding funds raised for the support of public schools: *Provided*, That any further issue of 3.65 bonds is hereby prohibited: *And provided further*, That nothing in this resolution contained shall involve the Government of the United States in any obligation to pay principal or interest of any such bonds which have been issued contrary to or not in pursuance of law.

The amendments of the Senate were read, as follows:

Strike out after the word "school," in line 15 to the end of the resolution, these words:

Provided, That any further issue of 3.65 bonds is hereby prohibited: *And provided further*, That nothing in this resolution contained shall involve the Government of the United States in any obligation to pay principal or interest of any such bonds which have been issued contrary to or not in pursuance of law.

And in lieu thereof insert:

That any further issue of 3.65 bonds under or by virtue of said act of Congress approved June 20, 1874, is hereby prohibited: *And provided*, That the certificates heretofore issued by the board of audit, including those converted into 3.65 per cent. bonds and those which have not been so converted, and the certificates hereafter to be issued by the board of audit or their successors in office, shall not exceed in the aggregate, $5,000,000.

Add the following section to the resolution:

SEC. 2. That there shall be no increase of the present amount of the total indebtedness of the District of Columbia, and any officer or person who shall knowingly increase or aid or abet in increasing such total indebtedness shall be deemed guilty of a high misdemeanor, and on conviction thereof shall be punished by imprisonment not exceeding ten years and by fine not exceeding $10,000: *Provided*, That the board of audit created by the act for the government of the District of Columbia approved June 20, 1874, is hereby abolished, and shall immediately upon the approval of this resolution transmit all the books and property in their

possession belonging to the District to the commissioners of the District of Columbia, and make a report of their proceedings not hitherto made.

And provided further, That this resolution shall not in any way or manner recognize the liability of the United States to pay either the principal or interest of any of such bonds as may have been issued on or since the 27th day of January, 1876.

Mr. BUCKNER. In accordance with the recommendation of the Committee for the District of Columbia, I move the amendments of the Senate be disagreed to and the House ask for a committee of conference on the disagreeing votes of the two Houses on said joint resolution.

The motion was agreed to.

The SPEAKER. The Chair announces as the committee of conference on the part of the House Mr. BUCKNER, Mr. CATE, and Mr. WILLARD.

GOVERNMENT HOSPITAL FOR THE INSANE, ETC.

Mr. STEVENSON, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee for the District of Columbia be, and is hereby, instructed to examine into the expenditures and management since the year 1862, of the Government Hospital for the Insane, the Deaf and Dumb Institute, and also the expenditures and management, since the respective dates of their creation, of the Columbia Hospital for Women, the board of health of the District of Columbia, the Reform School, and the Freedmen's Hospital, for all of which institutions annual appropriations have been made by Congress, and report to this body the total amount of expenditures for each institution up to the present time and the actual annual cost to the Government of each inmate or patient in said institutions, together with the number of all persons (other than laborers) employed therein and the salary received by each employé; and the committee be empowered to send for such persons and papers as they may deem necessary.

COMMITTEE APPOINTMENTS.

The SPEAKER. The Chair desires to say to the House that the gentleman from Iowa [Mr. MCCRARY] asks to be excused from further service on the Committee for the District of Columbia, because his labors on the other committee of which he is a member are so great as to leave him insufficient time to attend to those of the latter committee. Is there any objection to his being excused?

There was no objection, and he was excused accordingly.

The SPEAKER. The Chair appoints the gentleman from Massachusetts [Mr. HOAR] to the vacancy in the Committee on the Judiciary, caused by the death of the late Mr. Starkweather, of Connecticut.

The gentleman from Massachusetts [Mr. HOAR] asks to be excused from further service on the Committee of Elections, of which he is now a member.

There was no objection, and he was excused accordingly.

The SPEAKER. The Chair appoints to the place thus made vacant on the Committee of Elections Mr. TOWNSEND, of New York. He appoints to the place just made vacant in the Committee for the District of Columbia Mr. CRAPO, of Massachusetts

ORDER OF BUSINESS.

Mr. RANDALL. I now move that the rules be suspended and the House resolve itself into the Committee of the Whole on the state of the Union, to proceed with the consideration of the consular and diplomatic appropriation bill.

Mr. PIERCE. I ask the gentleman to yield to me to offer a resolution.

Mr. BRIGHT, I demand the regular order of business.

Mr. PIERCE. I hope not; the gentleman from Pennsylvania has already yielded to me.

Mr. RANDALL. I am willing to yield to the gentleman, but the demand for the regular order of business is an objection.

Mr. BRIGHT. I withdraw it.

EMMA MINE AND MACHADO CLAIM.

Mr. PIERCE, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Foreign Affairs be instructed to ascertain and report what action, if any, has been taken by the executive department of the Government in relation to the connection of the United States minister at the Court of St. James with the directory of the Emma mine, so called, and also with the prosecution of the Machado claim against the British government; and that said committee be authorized to request the Secretary of State to furnish this House such information and correspondence upon the subject as may not be incompatible with the public interest.

LATE J. W. HEAD AND S. M. FITE.

Mr. RIDDLE. I ask unanimous consent to offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Committee on Appropriations be directed to insert the following item in the bill making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1877:

To enable the Clerk of the House of Representatives to pay to the widows of John W. Head and Samuel M. Fite, late members-elect of this House from the fourth district of Tennessee, a sum each equal to the salary of a member of Congress for three months, being $1,250 to each of said widows.

Mr. RIDDLE. The gentlemen whose names appear in the resolution were elected to represent the fourth congressional district of Tennessee in the present Congress. John W. Head died a few days after his election. Samuel M. Fite was elected the 31st December, 1874, and died the 23d October, 1875. Neither lived to take his seat. It is an event unparalleled in the history of this Government. I believe it is usual to agree to resolutions of this character, and I think the extraordinary circumstances of this case justify the adoption of this resolution without objection by any member of this House.

There was no objection, and the resolution was adopted.

THE LATE HON. JAMES BUFFINTON.

Mr. FORT, by unanimous consent, submitted the following preamble and resolution; which were read, considered, and agreed to:

Whereas Hon. James Buffinton, a member-elect to this Congress from the first district of the State of Massachusetts, died on the 7th day of March, 1875, after a service of many years in this House, leaving a widow and children surviving; and whereas Hon. WILLIAM W. CRAPO, who was elected to fill the vacancy in said district, has voluntarily covered into the Treasury his pay from the 8th day of March to the 2d day of November last, amounting to $3,136.98: Therefore,

Resolved, That the Committee on Appropriations be instructed to provide in the miscellaneous appropriation bill to pay to Mrs. Sarah Buffinton, widow of the said James Buffinton, deceased, $1,876.71, which, with the three month's pay allowed the said widow by existing law, amounts to the sum which was covered into the Treasury by said sitting member.

PRINTING OF UNITED STATES BONDS, ETC.

Mr. BRIGHT, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Expenditures in the Treasury Department be, and they are hereby, instructed to make a careful and minute examination of the method adopted by the Treasury Department to print the bonds, notes, and securities of the United States; what guards have been adopted to prevent frauds or mistakes; whether there has been any fraudulent issue of notes, bonds, or coupons, and, if so, by whose fault or negligence, and the proper remedy and prevention thereof; and especially to examine the official conduct of those charged with the printing, registering, and issue of any notes, bonds, or securities of the United States; and that said committee have power to send for persons and papers, to examine the same, to take testimony, to employ an expert, whose compensation shall be fixed by the Committee on Accounts, and leave to sit during the sessions of the House.

MAIL CONTRACTORS IN SOUTHERN STATES.

Mr. THROCKMORTON. I move that the rules be suspended and the following resolution adopted:

Resolved, That the Postmaster-General be respectfully requested to furnish the House of Representatives with a statement showing the amount due contractors for carrying the United States mails in Southern States at the beginning of the civil war, and which has not been paid in consequence of such contractors being unable to take the oath required by law.

Mr. GARFIELD. Will the gentleman from Texas allow me to say that that very information was obtained near the close of the last Congress, and was in the Committee on Appropriations when we adjourned. It was all there, accompanied by a letter from the Post-Office Department.

Mr. THROCKMORTON. If the information is already there, I will avail myself of it. Meanwhile I withdraw the resolution.

NEW YORK POST-OFFICE.

Mr. METCALFE, by unanimous consent, submitted the following resolution; which was referred to the Committee on Expenditures on Public Buildings:

Resolved, That the Committee on Expenditures on Public Buildings be authorized to inquire into the amounts of money expended for the erection and completion of the New York post-office, and for this purpose they are authorized to employ a clerk, at a salary of not more than five dollars per day, and to send for persons and papers, administer oaths, and do all other needful and necessary acts.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. RANDALL. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the diplomatic and consular appropriation bill. And in this connection I wish to say that the committee desire that to-day shall be occupied with general debate on this bill, and that to-morrow we shall make an effort to consider the bill under the five-minute rule for amendment.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union (Mr. HOSKINS in the chair) and resumed the consideration of the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes.

Mr. HOLMAN. Mr. Chairman, I shall confine myself to the consideration of but a few questions in connection with this bill, and those of a very general character.

It is impossible at this time to approach any bill appropriating money without considering in some degree at least the present condition of public affairs and the extent to which efforts should be made to reduce the expenditures of the Government. A very great statesman, who had spent a long life-time in the public service, Thomas H. Benton, in speaking near the close of his career of the growth of our Federal expenditures at the time when the expenditures of the Government had reached about $60,000,000, uses the following language, which I quote from the great work of his later years:

At the same time it is the opinion of this writer that a practical man, acquainted with the objects for which the Federal Government was created and familiar with its financial working from the time our fathers put it into operation, could take his pen and cross out nearly the one-half of those sixty-odd millions, and leave the Government in full vigor for all its proper objects, and more pure by reducing the number of those who live upon the substance of the people.

Since that was written the ordinary expenditures of this Government have expanded beyond $60,000,000 per annum and reached the present more enormous sum of $179,166,209.90 for the ordinary administration of our public affairs, independent of the public debt.

This capital, sir, is not the best point perhaps for deliberation upon the subjects that closely concern the industries of our people and the

weight that rests upon them. We are here in the midst of a city where vast expenditures of money are made by the Government in countless forms, and the depression and stagnation of business in every field of industry, the want and destitution of multitudes of laboring-men unable to keep the wolf from the door because labor cannot find employment, the actual suffering among our people for want of food and raiment, are less prominent in this capital than perhaps anywhere else. And for that reason it is well to consider the expression of opinion which comes up to us daily through the public press as indicating the judgment of the country upon the absolute necessity of severe and positive retrenchment in expenditures of Government. We are assured, sir, that the people are absolutely unable to meet the present burden of taxation. The gentleman from Maine, [Mr. HALE,] in discussing the Military Academy bill, spoke very well and clearly of the retrenchment which have been made during the last two years. And he remarked cautiously—and his experience is such as justifies confidence in his opinion—that still further retrenchment might be made. And yet I think the honorable gentleman was rather too cautious and inclined to place too much stress upon the assumption that further retrenchment would be found more difficult as the field for retrenchment had been already severely gleaned, for in fact no discretion is left us. We must reduce the burdens that rest upon the country. We must reduce the expenditures heavily, and we can without impairing the efficiency of any function of government. I speak in moderation when I say that our form of government is in peril. Without reference to the public debt or those expenditures which inevitably resulted from the war, excepting the pension list, the cost of government is alarming. In the years 1860 and 1861, the first years of Mr. Lincoln's administration, the appropriations reached little beyond $62,000,000. In 1869 and 1870, with the Army and Navy larger than they now are, the expenditures of the Government had been reduced to $164,658,273.84, and in 1871-'72 they were reduced to $153,037,346.15; and yet, instead of a continued reduction, as the country justly expected, for the present fiscal year the appropriations reach $179,166,209.90. The highest point reached since 1869 was in 1873-'74, when the enormous sum of $194,217,210.27 was expended. I append the table of the expenditures, including 1860-'61 and omitting the years of the war and the years immediately succeeding, that the expenditures in times of peace may be compared with those expenditures, including pensions but excluding the public debt:

Expenditures for the year 1860-'61 *and from* 1869-'70 *to* 1875-'76.

Years.	Civil list.	Foreign intercourse.	Miscellaneous.	Military service.	Pensions.	Indians.	Naval establishment.	Net ordinary expenditures.
1860-'61	$6,074,041 83	$1,147,786 91	$16,026,524 79	$23,001,530 67	$1,034,599 73	$2,865,481 17	$12,387,156 52	$62,537,221 62
1869-'70	15,867,336 32	1,491,214 53	36,084,808 87	57,615,801 87	28,402,241 20	3,410,279 41	21,786,591 64	164,658,273 84
1870-'71	18,750,014 43	1,593,046 01	40,652,640 21	35,830,119 43	34,444,753 04	7,425,060 73	19,447,767 23	158,141,301 08
1871-'72	16,085,682 35	1,838,388 45	42,935,460 08	35,347,494 53	28,533,402 76	7,057,887 05	21,239,030 93	153,037,346 15
1872-'73	19,286,741 06	1,571,685 53	52,390,043 84	46,128,084 68	29,350,450 68	7,957,429 65	23,536,535 90	180,229,971 32
1873-'74	17,646,253 38	1,522,570 23	66,024,307 23	42,459,985 79	29,038,411 56	6,692,562 06	30,933,120 02	194,217,210 27
1874-'75	17,346,929 53	3,195,237 23	50,598,536 22	41,120,645 98	29,456,216 22	8,384,656 82	21,497,626 27	171,529,848 27

Appropriations for 1875-'76, $179,166,209.90.

In 1871-'72 the expenditures were, as I have said, reduced to $153,037,346.15, but, unhappily, the appropriation for the present fiscal year reached $179,166,209.90, and the estimates for the next year are $180,516,972.76, so that it must be borne in mind that, after the reduction made under the influence of the public vigilance and pressure demanding economy, yet the appropriations for the present fiscal year, made by the last Congress, reached the sum I have named; and yet, Mr. Chairman, no gentleman can assert that the Government was more efficiently administered in 1873-'74, with over one hundred and ninety-four millions, than in 1871-'72, with little over one hundred and fifty-three millions. Mr. Benton was certainly right in his theory. In the meantime the capacity of the country to bear heavy taxation has been greatly diminished, for year by year oppressive taxation is exhausting the productive energies of the country.

Sir, we must resist this tendency to increase expenditures, go back along the track we have traveled. It is not now, as it has been at some periods, a matter which might or might not arrest the attention of members of the House. It comes in a form that Congress cannot evade. Through the unfortunate example of the General Government, throughout the country the local expenditures and indebtedness have reached an alarming magnitude. States, counties, townships, cities, towns, and villages have followed the perilous example until every industry staggers under the load of Federal and local taxation, and it is positively asserted that the aggregate taxation exceeds the products of the industries of the country. No nation can stand that. I do not assert that Congress is responsible for the general tendency to extravagance and profligate expenditure throughout the country in local government, but it must be admitted that the example set by the National Legislature has contributed largely to that unfortunate result, and a great example set by the Federal Government of severe frugality cannot fail to check the present fatal tendency, and it must be checked or universal bankruptcy and dishonor must follow. It was our boast through the first three-quarters of the first century of our Government that a republic was the most frugal, economical, and purest of governments, simplicity, frugality, and virtue its sure foundations. We are in peril that it shall be charged that a government of the people is liable to be more profligate of expenditure and the people more oppressed by taxation than in governments where the people are not the masters. Will any representative of the people consent that that shall be possible?

I hold in my hand a copy of the Boston Journal of Commerce, a careful gatherer of the current opinions of our times, and I find in it the following startling statement, startling and suggestive, and at the same time not flattering to the American people. Yet we can well afford to learn from any source how extravagant we are if it shall aid us to reform. This paper remarks that we and our fathers had boasted of the economy and parity of republican government resting on the intelligence and virtue of the people, and adds:

> There was certainly some foundation for some such boasting comparisons in the early days of the Republic, but there is none now, and it is very unfortunate for Americans when any of them are instituted. Some one having drawn a picture of the government in "free America" and of that of "monarchical England," the Edinburgh Scotsman, with its natural ken and shrewdness, catches up the writer and pours out upon him some solid as well as disagreeable facts, in this wise:
>
> "The imperial revenue of Great Britain is about £75,276,000, and the amount raised by taxation for local purposes is about £28,186,000; so that the whole cost of governing the country, with what our American friends regard as our expensive luxuries of a monarchy, is £103,452,700. But the revenue of the Federal Government of the United States is £57,895,850, and the amount raised by taxation for local purposes is about £71,000,000; so that the whole cost of the 'self-government' of the Americans is £129,000,000. We have an efficient army and navy—the Americans have neither; we have our colonies and our great Eastern Empire, while the United States have no colony; and still we get along with tolerable comfort by the expenditure of £25,000,000 a year less than the Republic."

"Thus" says that journal "it unhappily appears that our federal and local expenditures exceed the corresponding expenditures of Great Britain $125,000,000 a year." I am glad that the Scotsman somewhat overestimates our expenditures, but still it is in fact so great, and the tendency and motives to increase the volume are so fearfully pressing and growing year after year, that the friends of free government may well take the alarm.

This Boston journal commenting upon that very striking and very unpleasant picture further says:

> Great Britain carries on her powerful and complicated government at $125,000,000 less expense annually than it costs to support the local and national administration of government in the United States, and the worst phase of our condition is the stolid and persistent determinations with which the office "rings" of all parties oppose every movement for any practical retrenchment.

I trust that such a statement cannot much longer be made with any approach to truth, and I indulge in the hope and belief that both the great political parties of the country, as represented in this House, in considering the appropriation bills which will come up during the present session of Congress, will manifest a determination that these heavy expenditures shall be heavily reduced.

I find upon our desks a leading journal stating the further startling fact that our taxation, including local taxation in all its forms and Federal tax, amounts annually to the sum of $730,000,000, exceeding, indeed, the estimate of the Scotsman. What does this mean?

The net earnings of the United States in 1869, when the last effort was made by the Government through the Bureau of Statistics to ascertain the annual value of our earnings as a people, were found to be $546,000,000, while the taxation of the Federal Government since 1870 has been materially reduced, the taxation of State and of local governments had very materially increased, so that the whole amount of taxation was then and is still about $730,000,000, actually exceeding in amount the whole earnings of the people of this country. This is certainly overstated, but still is it not time that a severe effort should be made for a retrenchment of the expenditures of the Government if these figures make any approach to truth? Nothing is more certain than that taxation is at the bottom of the universal prostration of all the industries of this country. It is not panic, but exhaustion, that produces this prostration. There is no road to solid prosperity for our people, there is none to the resumption of specie payments, which gentlemen so long for, except by positive and remorseless reduction of taxation, Federal and local. Free government itself is involved in the demand for retrenchment and reform.

The pending bill reduces the expenditure for our foreign diplomacy from $1,352,485 to $922,847 a reduction of $429,639.

The gentleman from Ohio, [Mr. MONROE,] to whom I always listen with great pleasure on account of his fairness and the consideration which he brings to every question of public concern, has made objection to the retrenchment proposed by this bill on the ground that it

tends to cripple the commerce of the United States, that it tends to impair the facilities for reviving our commerce with foreign countries. He dwells upon the fact that this bill abolishes our minister-resident at Greece. That gentleman, usually so cautious, indulged in a remark which struck me with astonishment. The Committee on Appropriations were not unaware that this proposition to retrench in such a field might excite, at first blush at least, some opposition. My friend from Ohio is not peculiar in his feeling of reverence and veneration for all that pertains to ancient Greece. The gentleman in speaking of a resolution for a minister to Greece says:

And another name which has been heard in this country, Henry Clay, of Kentucky, followed Mr. Webster and made one of the grandest speeches of his life in support of that resolution. Why, sir, hardly anybody at that time, outside of a certain circle of liberty-loving men, believed Greece could maintain her freedom. It was only subsequent events, and very honorable events they were to the powers which took part in them, which demonstrated this fact. And yet these great statesmen were in favor of incurring the expense of sending to her a diplomatic representative.

For what? Because, as my friend has suggested, they indulged in the hope that the independence and liberty of Greece would be in fact established. The people of this country will sympathize with the struggles of every people to throw off the yoke of oppression and to establish a free government. But does my friend overlook the fact that the anticipations of the men of that day were never realized? Greece was struggling for independence under the leadership of men of that day, some natives of Greece and many more of other nations who were inspired by the illustrious example of the early days of that famous people. But the gentleman from Ohio is certainly aware that it is not to the Greece that the statesmen of the last generation hoped for, we send a minister invested with diplomatic powers. The gentleman who is accredited from the United States to the modern Athens is certainly not a representative from the United States to anything of the Greece that excites our admiration or kindled the enthusiasm of Clay and Webster. Greece a republic would excite the admiration and even reverence of all Americans and the lovers of freedom throughout the world.

Greece of to-day, so far as territory is concerned, is in some degree the Greece of the olden time, but the Greece we venerate is no more. A small body of people, less than one and a half millions, dwelling amid the venerable ruins and upon the tomb of the ancient republics, submitting to a monarchical government under the tutelage and protection of three great European powers. Is this the Greece that gave learning to the nations? My friend knows that England keeps her vessels at Piræus not only to protect but to overawe that little monarchy.

We are asked to send a minister to a little monarchy with a scion of the house of Denmark at its head; a petty prince kept in power by England, Russia, and France. Is this respect to the memory of Greece? All that was valuable and venerable in Greece except her ruins is gone to more favored climes. It is but a petty monarchy kept in power over a people, incapable perhaps of government, by stronger governments—Russia, France, and England. Is it for the representatives of the people of the United States to impose taxes upon their people for the mere empty representation at a court such as this?

There is no sentiment or poetry in such diplomacy. It is not Greece, but a feeble monarch we would honor—a monarch who reigns by the right of Russia, England, and France, not by the voice of a people.

We propose to establish a consulate at Athens. We have one at Piræus, as my friend well knows. We have done all that is necessary to promote our commerce with Greece, if such commerce was possible. Have we anything to do with that country except commercially? Have we any possible political relations, present or remote, with George of Denmark, who is kept upon the throne of Greece? Why, my friend must see that he proposes simply to send, at an expense of $7,500 a year, an American citizen to give character to this little petty monarchy; nothing more. What valuable information does my friend think we shall get from that source? What fruit does he expect from this diplomacy that costs us $7,500 a year for the salary of minister and the usual incidental expenses?

Mr. MONROE rose.

Mr. HOLMAN. I hope my friend will excuse me a moment?

Mr. MONROE. Will it disturb the gentleman if I make a single remark at this point?

Mr. HOLMAN. I trust the gentleman will allow me to finish this sentence.

What kind of service, Mr. Chairman, is rendered to this Government by this representative to the little monarchy of Greece? I have before me one of these state-papers, dispatches of Government—one of these mysterious documents that seem to overawe our sense of economy. Let us read what valuable facts come to us from this little monarchy at a cost of $7,500 a year and contingent expenses. See what a voice comes from that land of scholars and nurse of arms:

Mr. Read to Mr. Fish.

LEGATION OF THE UNITED STATES,
Athens, April 25, 1875. (Received May 27.)

This dispatch is so important that the time of its being received is mentioned!

SIR: The king and the queen attended the imposing ceremonies at the cathedral last evening, the Greek Easter eve. They arrived in a state carriage, preceded by outriders and followed by a strong escort of cavalry.

The scene was a most impressive one as they ascended the steps of the broad platform before the cathedral, accompanied by the various members of their court in brilliant dress, and were received with appropriate solemnities by the Metropolitan and his clergy. The king—

How important to be minute and careful in speaking of kings, when a gentleman is employed at a salary of $7,500 a year, to note the movements of a king and report them to our Department of State—

The king was in the uniform of a general officer—

That is valuable information. The State Department must have been greatly edified by this valuable intelligence!

The king was in the uniform of a general officer, with the ribbon of his royal order on his breast. The white satin robes of the queen seemed to steal the color from her cheek.

[Laughter.]

My friend from New York [Mr. Cox] suggests that this was very gay. He must not indulge in such levity. This is a solemn state paper—a costly and valuable one. This is a specimen of the special dispatches sent by our high-salaried ministers at the expense of the industrious people of this country.

The white satin robes of the queen seemed to steal the color from her cheeks.

You can see that this famous diplomat was inspired by the old poets of that country. Anacreon could scarcely have expressed a handsomer simile. We can see the effect of Grecian literature in this ambitious diplomat.

The dignitaries of the church were clad in magnificent embroidered garments.

[Laughter.]

Gentlemen must not smile. This is a state paper and about as dignified and important as others I have been able to find in this ponderous volume. [Laughter.]

The archbishop wore, moreover—

"Moreover" is a good word in that connection—

The archbishop wore, moreover, his miter, and carried the staff of office in his hand. Golden banners and richly decorated religious emblems glistened on all sides, reflecting countless torches in the hands of the assembled multitude. From the latticed balconies of an ancient Venetian building, on the opposite side of the square, streamed fitfully the many-hued glare of chemical fires. But far above the splendors of the present shone the majestic outlines of the Acropolis and its immortal ruins, illumined by the calm, silvery rays of the same fair moon which looked down upon the labors, ceremonies, and sacrifices of Phidias and Pericles two thousand years ago.

Here we touch upon the real Greece a little.

In the vicinity of the cathedral, from an early hour, every available space was packed with a living mass—

Now, I call the attention of my friend from Ohio, and want him to observe how far this is republican Greece that we all revere and love—

yet not a murmur arose.

Either the people of that little monarchy were so completely subjugated that "not a murmur arose," or else they were beholding with contempt this pageantry to which we contributed by sending a representative there at $7,500 a year.

Yet not a murmur arose from the vast crowd, and no disturbance, not even the most trivial, took place.

What an important fact that was to convey to the State Department.

At the close of the rites, their majesties returned to the palaces.

Everything must be detailed.

At the close of the rites their majesties returned to the palace, while their subjects retired to their homes to celebrate with feasting and joyous songs the arrival of Easter, after many weeks of rigid fasting.

I have, &c.,

JOHN MEREDITH READ.

There are five or six other equally valuable state-papers in that volume from the same source. Does my friend from Ohio think that the overtaxed people of this country can afford to pay a gentleman $7,500 a year to get up these puerile descriptions of the fetes of a petty monarchy? I sympathize with him when he talks about old Greece; but I am not willing to tax the people of the country for the purpose of adding to the petty pomp of this little prince.

Mr. MONROE. Will my friend allow me a word?

Mr. HOLMAN. Certainly; but only a word, I hope.

Mr. MONROE. In reply to my friend from Indiana [Mr. HOLMAN] I wish to utter just two sentences. First, Henry Clay, who has been alluded to, avowed it on repeated occasions as a principal motive for extending the diplomatic representation of the United States, that in his judgment it would prepare the way for the increase of our commerce; that motive must be superadded to the interest in Grecian liberty.

One sentence more. I do not infer, nor I presume would it be my friend's method of reasoning to infer, that, because there has been an official in some department of service that lacked good sense or did not discharge his duty, therefore that department of the service should be abolished. If that were a sound method of reasoning, then, if we were to believe half of what the newspapers say, this House and the whole Congress of the United States would have to be abolished.

Mr. HOLMAN. What else would this gentleman (Mr. Read) do? Why, sir, we have a consul at Piræus; we always have had, I believe. We propose a consul at Athens at $2,000 a year in hope that some time we may have some commerce there. "Too much," my friend from New York [Mr. Cox] says, and I think it is myself. We

know there is no commerce between this country and Greece. The fees of all our consuls there do not reach $180 a year. My friend must remember that of that million and a half of people a large portion are of the Slavic race, wandering shepherds of the mountains, scarcely more enlightened than our western Indian tribes.

My friend must remember that between the Slavic race who settled in that country and the furious crusaders who overran and partitioned Greece among their chiefs and the cruel Turks all that was beautiful and grand in Greece has perished; no, gone to more favored climes. It is here in this blessed land of ours, it is everywhere where intelligence prevails and love of learning exists. You do not find it by going back to that ancient tomb of greatness. It has left the Egean Sea to return no more. "Westward the course of empire takes it way." But, sir, upon this general question I take issue fairly with my friend from Ohio. I will go further than he will, or as far as he will, in behalf of any agency that will encourage and promote our commerce. The position of the United States in its relations to the other nations of the globe is such as naturally to make it not only a great producing but a great commercial power; but I deny that these ministers sent abroad do anything to aid our commerce. I deny it; I take issue with the gentleman. I am willing to multiply our consuls, commercial agents, and vice-consuls, or whatever other agency will connect us with the commerce of the world. But do you suppose that Mr. Read has anything to do with our commerce? Do you suppose that the thirty-one ministers you send abroad, with salaries from $7,500 to $17,500 a year, influence the commerce of the world? It is your commercial agent, your consul-general, your consul, who connect us with the commerce of the nations, and not your expensive and showy ministers. Why, Mr. Chairman, you may abolish all these ministers, whether envoys extraordinary and ministers plenipotentiary or merely ministers resident, without affecting the commercial interest of the country a particle. If occasion arises for diplomacy, which seldom does, you can send a minister. The nations are closer together than in the Middle Ages. It should be remembered that the salaries of our foreign ministers are paid in gold.

Take Japan as an instance; our minister out there gets $12,000 a year. My friend from Ohio likes to talk about Japan. The present representative of this country to the court of Japan is our old friend Hon. John A. Bingham, the most amiable and genial gentleman living. He is the minister plenipotentiary who now so eminently and pleasantly represents us at the court of Japan at $12,000 a year. Let us see whether in this correspondence he gives utterance to any of those sublime thoughts which he used to pour out in debate upon the floor of this House in eulogy of our republican institutions. Let us see what has been the effect of a slight residence abroad near an imperial court in his case.

I will read from this book of state papers:

UNITED STATES LEGATION,
Tokei, January 2, 1875. (Received February 8.)

SIR: I have the honor to report that, in pursuance of an invitation extended to me by His Majesty the Emperor through the minister for foreign affairs, I joined my colleagues at the imperial palace on the 1st instant to tender my congratulations to the Emperor.

My colleagues and myself being duly presented to His Majesty, Sir Harry Parkes, as dean of the diplomatic corps—

A very dignified body unquestionably; all in elegant uniforms except Mr. Bingham, who of course was a plain, simple, dignified republican, such as should represent a republic before an emperor, and I am sure Mr. Bingham has not forgot that he represents a republic.

Sir Harry Parkes, as dean of the diplomatic corps, read to His Majesty, on behalf of himself and colleagues, an address, a copy of which is herewith inclosed; to which His Majesty, as will be seen from a copy of his reply herewith, was pleased to express his thanks and congratulations.

You will observe that Mr. Bingham calls especial attention to another great and valuable fact—

You will observe that the Emperor, in the address of last year as also in the address of this year, expressly named presidents as well as sovereigns as the chief executives of friendly states represented at his court.

Now my friend from Ohio sees the point of that. It shows the impression Mr. Bingham is making upon even His Imperial Highness. Mr. Bingham has only been there two years, and had only once before, I presume, the honor of being in the presence of His August Majesty the Emperor of Japan. Yet Mr. Bingham's presence there has already secured this important result, a fact which must have greatly edified and delighted the State Department, that the Emperor of Japan had actually included presidents as persons to be named in connection with sovereigns of friendly powers represented at his court! Cannot we afford to pay $12,000 a year to have such an impression made on the Emperor of Japan with a flattering result?

If there is anything ridiculous it is these so-called state papers, and this is one of the most solemn of them all. [Laughter.] However, there is a passage which I omitted. "It gives me pleasure," says Mr. Bingham, and how must the heart of the State Department have throbbed at this gushing intelligence—

It gives me pleasure to note that on this occasion Her Majesty the Empress was present.

And yet this is the book of the intercourse of nations in diplomacy; these are the national dispatches for which we are to pay a million dollars a year.

My friend next comes to South America. Does he imagine these ministers—this little vestige of the Middle Ages—have anything to do with taking care of our commerce in South America?

Mr. MONROE. They ought to have.

Mr. HOLMAN. The cannot have. They are employed in South America as elsewhere in attending to affairs of state just as they are engaged in Japan and Greece. They are mere secretaries, to note and transmit to our State Department the movements of imperial persons, or in republics the petty intrigues of men in power. Strange, then, that the people of this country should be taxed for any such purpose.

There was a time in the history of the nations—even now among monarchies and the contending powers of Europe—when the efforts of diplomacy were well enough and when ministers and embassadors were valuable in the complications and bloody ambition of princes, and the more perfidious and unscrupulous the more valuable. This was among crowned heads, unmindful of the people. We have left all that behind; that time has gone by with us, and here in our own capital and in the other capitals of the world these gentlemen of elegant leisure, who through the false pretense of representing nations tax the labor of mankind, have no more to do with the great movements of the world, its grand industries and its grand commerce and its grander hopes, than the gentle breezes have to do with the revolutions of the globe. When political questions actually arise, a man of affairs is in fact sent to attend to the business or the foreign offices attend to it direct.

Take the Central American states as an illustration of this idea. We had a few years ago ministers to all the little, petty governments of Central America, five in number. I do not think that my friend objected to the act abolishing all of them, or rather sending one minister to all. We sent a minister who was properly required to reside at Guatemala, if any where, and he settled down at the seat of government of that country, accredited to four other republics. Now let us see what is the nature of his services. Mr. Williamson, a very clever gentleman as I understand, in one of his "state-papers" addressed to Mr. Fish, says:

I have the honor to inform you that I took the liberty to accept the invitation of the British chargé d'affaires to be present at the firing of the salute to the British flag at San José de Guatemala, in accordance with the terms of settlement of the Magee question.

As the officials here are very sensitive, I took the precaution to ascertain from the minister of foreign affairs and prime minister whether my presence on the occasion would be altogether agreeable to the government of Guatemala. They assured me they would be pleased at my being present.

The salute was fired in the most formal manner, in the presence of the commanding general of the forces of Guatemala, General Solaris, and his staff, the British rear-admiral, Cochrane, and the officers of the part of his squadron—four ships—at San José, the British chargé d'affaires, and other distinguished persons, and myself.

There were also present, under arms, about two hundred troops of Guatemala, and a like number of marines and sailors from the British ships.

By the invitation of Admiral Cochrane, I had the honor of enjoying his hospitality on board of his flag-ship, the Repulse, while I was at the port.

At the official dinner given by the admiral on the Repulse, after the salute was fired, "The President of the United States" was one of the regular toasts, to which I responded.

I submit, there is one important omission in this dispatch. Mr. Williamson does not give us the substance even of that response. The speech is not given. There is a clear neglect of duty. Why, sir, one of your consuls, with two thousand dollars a year, is worth for the purposes of commerce all these fancy gentlemen put together whom we keep up in imitation of the feudal age at enormous cost to our Treasury.

Take any other. We have had a minister always at Chili, and this bill proposes to retain one there also accredited to Bolivia still. What are the valuable facts he communicates? I am taking up these despatches at random. Here is one dated February 12, 1875, addressed by Mr. Logan to Mr. Fish. He says:

Referring to the reception of the President's message, I have the pleasure to inform you that it gives universal satisfaction among the American residents of Chili, so far as I have been enabled to learn their sentiments.

The financial policy therein recommended, which in my own judgment is the only correct one, is particularly commended.

This is signed by C. A. Logan, and is dated from the "legation of the United States, Santiago de Chile."

Does my friend think that the people of this country can afford to pay $10,000 a year—the salary we pay this gentleman—to a gentleman to write four or five such "state-papers" as that in the progress of twelve months? I think not. These gentlemen are far above giving any attention to commercial matters. They are connected with courts and governments. They write dispatches. Your consuls are the men who are connected with our industries, not these diplomatic gentlemen. Consuls are for use; these diplomats for ornament.

Mr. MONROE. If the gentleman will allow me, I beg to say that I think the sentiments of the President's message in regard to finance and currency are so sound that it pays well to have them promulgated and accepted in any part of the world. I wish they were as well accepted in the district of the gentleman from Indiana, [Mr. HOLMAN.]

Mr. HOLMAN. Does not my friend know that he ought not to interpolate his finances into my remarks in that way? I am speaking of diplomacy. I am not objecting to Mr. Logan expressing his opinion, but what I do object to is our paying him $10,000 a year that he may have the leisure to do it. I object to paying $12,000 a year for a mission to Austria and Hungary if the only important message received is like one received recently from the predecessor of Mr. Orth, that His August Majesty of Austria had determined to visit Italy.

Our State Department could have learned that, if of any value, from any newspaper.

This whole thing of diplomacy is a sham now, and just as much obsolete and out of harmony with the age, and especially with our republican institutions, as any other obsolete institution which is still kept alive to enable some men to live off of the labor of others. It bears no relation to those grand missions in the early years of this Republic, of Franklin and his compeers, when a republic was demanding recognition of the nations. We are now far beyond that period in the world's history.

This bill proposes to consolidate for diplomatic purposes some of the governments of South America, if we must have some diplomacy. We have consolidated already without the slightest inconvenience or detriment to the public service the five little governments of Central America, as I have said, represented now by one diplomat, and he has apparently nothing to do. It is now proposed to unite Paraguay and Uruguay on the Atlantic side with the Argentine Confederation. We propose also to keep a sufficient number of consuls there. I wish my friend from Ohio [Mr. MONROE] to remember that we have a consul at every point on the Atlantic and Pacific and on the Caribbean Sea, in South America, where we have any commerce at all. We have a minister resident at Venezuela, for manifest reasons, and also at Brazil. It is Venezuela, Brazil, Chili, Peru, and the United States of Colombia which furnish the most commerce to us, and that is now inconsiderable, and the largest portion of the commerce of South America with the world.

Mr. MONROE. Does not this bill remove forty or fifty consuls?

Mr. HOLMAN. It does not fail to leave a consul at every port of South America and elsewhere which American vessels visit. We do abolish consulates where there is no business. We cannot afford to pay two or three thousand dollars a year at remote points where the fees are limited to two or three hundred dollars a year. We have not suppressed a single consulate where our people have any commercial business. Will my friend say that a consulate where the fees amount to two or three hundred dollars should be kept up at an expense of two or three thousand dollars? It is the consulates of that class which we propose to abolish. The President can still appoint the consuls and let them receive all the fees. There is no objection to that, and our law contemplates that policy.

We propose to unite Ecuador and the United States of Colombia and Peru together. Now does not my friend know, taking into account the extent of our diplomatic relations with these countries, that only one minister is really required for these three small republics? We have no political relations with them, only commercial. Sir, I am in favor of keeping up relations with these governments, but they must necessarily be commercial relations, and we provide a consul for every port on the Pacific in South America.

We unite Bolivia and Chili. Bolivia, as everybody knows, is substantially in the interior and Chili on the coast. We anticipate a minister at Peru, because there is no doubt that the President will designate the capital of Peru as the residence of the minister. In Chili and Bolivia we have consular representatives at every important point. My friend from Ohio [Mr. MONROE] will observe that we send more ministers to South America and other countries than they send us. Let us see how liberal we are about foreign appointments.

Bolivia sends us no minister; Ecuador does not; Greece does not—that land which so much excites my friend's sympathies; China does not; Liberia does not.

My friend from Ohio [Mr. MONROE] asks, Why keep up a minister-resident at Liberia and have none at Hayti? My answer is this, that the colony of Liberia upon the African coast was planted by us; that it is one of the offsprings of the humanity of our people; that it was established under the auspices of some of the best and purest men of the past age; that it has encountered serious obstacles; its inhabitants were natives of our country; and, if by any means a representative of the United States can render assistance to these remote people struggling to establish a republic in Africa, I say we should extend them all the aid in our power. We leave that mission untouched.

The gentleman says, Why withdraw the minister resident from Hayti? Why, for the simple fact that we need a commercial agent there and instead of the minister at $7,500 a year we provide a commercial agent at a salary of $2,000. My friend cannot deny that, looking at the question as a commercial one, that is the wiser and better policy. We have no political relations with Hayti.

I think, Mr. Chairman, that I have said all I desire to say on this subject. Instead of crippling we have sought to increase every facility for our commerce. It is commerce, not diplomacy, our Republic needs. Our diplomacy has not been the most creditable even in its way. Within a very few years, so recently that the blush is hardly yet off our cheeks, the minister to one of the second-class powers of Europe was permitted to come to the United States to engage in a controversy then going on between citizens of the United States and subjects of England. He came here still drawing the pay of a minister, as is alleged, at $1,000 a month, and he was allowed time under the law to travel from the court to which he was accredited to the capital of the United States and return and remain in this country for sixty days, with full salary. I have been told that this gentleman received large sums of money from persons who engaged him in England, taking advantage of his ministerial relations to interfere in private enterprises in which citizens of the United States were engaged.

Sir, I do not believe that is right; but he had nothing to do at the court to which he was accredited, and could be allowed three months' leave of absence, including travel, without loss of public service. It only illustrates what a useless bauble this diplomacy is.

Mr. HEWITT, of New York. Will the gentleman allow me to say that it is within my personal knowledge that the minister to whom he has referred received $100,000, and claims one hundred and twenty-five thousand more? I merely wish to confirm what the gentleman from Indiana said.

Mr. HOLMAN. We have a minister to South America who has not blushed to set up over our flag the emblems of a pawnbroker and made merchandise out of his ministerial office; but he had nothing else to do.

I admit with pleasure that there is one exception in the view I am compelled to take of our foreign representatives. There is a gentleman who left this Hall accredited our minister to France. He has rendered, if not to his own country, great services to humanity. In that fearful reign of terror in Paris, when France and Germany were in the death-struggle, he alone of all foreign representatives remained at the post of duty and threw the shield of diplomacy over the oppressed and miserable. Standing between conflicting armies, he rendered services to the cause of humanity. But this was but a fortunate incident, having no relation to the office of the diplomat.

We, a Government that has no entangling alliances, no political relations with the other nations of the globe, except treaties of amity and commerce, actually send abroad more ministers than come to our capital. We send abroad thirty-one ministers plenipotentiary and resident, and there are twenty-two foreign ministers who at times are here at this capital.

I believe that Switzerland, that model little republic, has never had a minister here. Why should she have? Why should we have one there? We have a consul at every important point in Switzerland. Switzerland is the most perfect of all models of republican institutions. With her government frugally administered, she cannot afford for mere show or pretense to tax her people by increasing offices. Switzerland has a president with a salary of $3,000—not one-half the sum we pay to the least salaried of these ministers—and every other official is paid upon the same frugal basis. We pay even our minister to Switzerland $7,500. Corruption in public affairs of course is there unknown. She sends no minister here, a mere empty pretext for expenditure; she does not tax her frugal, industrious people for the mere pretense of representation at foreign governments with which she has no political relations whatever. Thus we, in our anxiety to find pretenses for offices, send her a minister whom we never hear from, at a salary of $7,500 a year and contingencies.

I trust that this bill, this entering wedge of economy, this second attempt in earnest at retrenchment, will receive the cordial support of gentlemen on both sides of the House.

Mr. GARFIELD. I will yield five minutes to my colleague, [Mr. MONROE,] who desires to say a word or two in reference to some remarks made by the gentleman from Indiana, [Mr. HOLMAN.]

Mr. MONROE. I wish to begin by saying that I have listened with great respect and interest, as I always do, to my friend from Indiana [Mr. HOLMAN] in his remarks on this occasion. I should be very sorry in differing from him to say a word that could lead any one to suppose I did not fully appreciate the services which he has rendered to the country upon this floor. I recognize those services cheerfully.

I must say, however, that upon this question of the diplomatic service I think he does not reason with his usual soundness. I must be permitted to say that I think his method of arguing in favor of abolishing a large portion of our diplomatic and consular service abroad is precisely like what this method would be upon a proposition to abolish the Congress of the United States or greatly to diminish its numbers. If a gentleman advocating that proposition were to come into this House and take up the CONGRESSIONAL RECORD for several years past, go over it and mark carefully all the passages which in his opinion did not exhibit very good sense or very sound logic in the debates which have taken place here, and then were to amuse this House, as he most certainly could do, by reading that for a great part of an hour to us—these selected passages, these choice morsels of English literature—in order to prove that we needed no House of Representatives, and it ought to be abolished—if a man were to pursue that course with the records of Congress, and then ask us to vote for a proposed amendment to the Constitution which would destroy the House of Representatives, abolish it entirely, he would give us a style of reasoning which would be an exact parallel to that of my friend from Indiana.

Why did not my friend read from the dispatches of Mr. Partridge, our minister to Brazil, who gave this nation a great deal of timely information in regard to the coffee trade of that country? Why did he not read from the dispatches of Mr. Andrews, our minister to Sweden, who has sent a great deal of valuable information to these United States? And I might name many others. Why was he so unfortunate in looking over the foreign correspondence as to come upon only those passages which I admit are very amusing and very entertaining, and which gave a sharp point to his speech, but which are less

creditable to the service? Why could he not have found something of a different character? I think I should have no difficulty in selecting from the dispatches enough valuable matter to occupy the attention of this House for a long time.

But that is not the question; the question is not at all whether we have happened during the past few years to be represented abroad by a class of men of great attainments or ability for research, of great power to collect information or to anticipate coming political events or any events which might shift the currents of trade or affect prices, because all these things belong to the proper sphere of diplomatic representation abroad. The question is not whether we have had men of this high character, which undoubtedly is what we ought to have had. The question is whether there is such a thing as a proper place for diplomatic service abroad? Is there in the nature of things a call for such service? If there is, then, instead of attempting to destroy our diplomatic representation because the men who are in it do not come up to our ideal, let us struggle together to fill up by degrees as we can those places with men who shall reach our ideal. If we have not now the proper men in the Congress of the United States or in any Department of the Government, it is for the people as fast as they can to get the right men into the right places, and not to destroy great Departments of the Government and great and valuable branches of the public service, which have been established in the very nature of our national wants. It is for the people to improve and reform these branches of our service instead of trying to break them down and to destroy them.

Mr. HOLMAN. Will the gentleman from Ohio [Mr. GARFIELD] yield to me just a moment?

Mr. GARFIELD. Yes, sir.

Mr. HOLMAN. My friend [Mr. MONROE] must remember that these volumes are full of asterisks, indicating that what was deemed puerile had already been stricken out by the Department. What I have read is the real diplomacy!

My friend has said nothing about reduction of salaries. I presume he does not propose to say that our ministers to Great Britain, Russia, and the other powers shall continue to have $17,500 a year. I think he will consider the $14,000 proposed as far above what is a reasonable salary. But we must gradually get rid of this expensive bauble.

I wish to call the attention of the gentleman—I know my other friend from Ohio [Mr. GARFIELD] will not object—to an extract from a leading paper of his own State, from an article written by a gentleman of extensive foreign travel, who, as my friend is well aware, has had unusual opportunities of knowing what he writes about, a gentleman, too, of great fairness in his public utterances. It is as follows:

> More and more are the people becoming convinced that this costly bauble of diplomacy is of little value to our Republic. Let the present House of Representatives abolish the more useless missions, beginning with these South American ones, and a saving to the Treasury will be begun which may end in substituting consuls and business agents for these high-sounding "envoys extraordinary and ministers plenipotentiary," to the great benefit alike of the Treasury and of our public business abroad.

My friend will see that I have simply taken the idea put forward by this gentleman of large experience, rather than advanced any crude views of my own.

Mr. GARFIELD. Mr. Chairman, I do not desire to detain the House long, nor to make anything like an elaborate argument on this bill; but I wish, if possible, to appeal to the judgment of the House as I would to a board of trade in an important business transaction. There is, I think, no bill on the whole list of appropriation bills more commercial in its character, more largely based upon business principles, than the bill which makes appropriations for our diplomatic and consular expenditures. There ought to be no party politics in such a bill. We ought to go to work upon it as though we were a board of railway directors making provision for the management of our road. And in what I shall say I hope there will not be found a tinge of partisanship.

I will say, in the outset, that I sympathize with the Committee on Appropriations in all their laudable efforts to cut down expenditures. I know how hard that task is. I know how much of local pressure is brought to bear upon them from all sides from interested parties who desire to swell appropriations, and I know, moreover, that every Executive Department tends to enlarge the field of expenditure within its jurisdiction, so that it is the business of that committee to resist pressure from all sides—pressure from the Administration, pressure from this House, and pressure from their friends outside who are always asking for more.

Now, I sympathize with the committee in their efforts at reform. I think there are several places where they can cut down very decidedly. Without stopping to indicate particulars, I will say generally that I think, for instance on the fortification bill, (though it is smaller the last year than ever before,) they can make a good deal of reduction, and ought to. In all that relates to public works, public buildings, rivers and harbors, whole establishments in the way of construction can be considerably reduced, and ought to be. I have no doubt, also, that many of our civil establishments here in Washington—which grew largely out of the war—greatly overgrown in consequence of the work which the war threw upon them, can be and ought to be still further reduced. I think there ought to be a reduction of ten or fifteen millions below the appropriations of last session. But I am not a little surprised, I must confess, to find the bill now before us in the shape reported by the Committee on Appropriations.

I believe every gentleman of intelligence on this floor will admit that the foreign service of the United States, the State Department, both as it is exhibited at home in its civil functions and abroad in its diplomatic and consular functions, has been for years the most economically conducted, the most honestly managed, the most carefully kept up of perhaps any of our Departments. All men of all parties have given their testimony in years past to that as the general truth. Now, when we remember that our diplomatic expenses, as reported in recent years, have been about a million and a third of dollars for all our complicated relations, consular and diplomatic, for a government of the size of ours, related in so many ways to the world, it seems to me on the whole a surprising thing that we have been able to keep it down to as low a figure as the annual bills of recent years show.

The bill proposes a reduction, I believe, of $435,000 on an aggregate of about $1,350,000. A little more than $174,000 of this reduction, as I understand, is proposed to be made in the diplomatic service by cutting off six ministers, by reducing salaries of the others, by reducing the contingent and other expenses relating to the diplomatic service. In the consular service the proposed reduction is about $260,000. The committee propose to abolish forty-four consulates and consular agencies and to make a reduction in contingent and other expenses connected with the consular service.

I will say but little in regard to the salaries of ministers abroad or to the general treatment in this bill of our foreign ministers. If gentlemen will examine the statutes as they stood prior to the act of 1855, they will find that our laws regulating the salaries of foreign ministers had stood unchanged from 1803 to 1855. Yet our ministers abroad of the highest grade were receiving in that period in some instances as high as $23,250 a year in salary and allowances, on account of the method then adopted of giving an outfit and an infit, and in consequence of their often remaining in service for a very short time. Under that system great evils grew up. A man would get his outfit, which was equivalent to one year's salary; he would stay at home six or eight months before starting for his post of duty, drawing pay from the date of accepting his commission; he would then go abroad and stay a few months, get his year's salary, together with an infit of $2,500, and come home. To show that I do not speak at random, I quote the following paragraph from a speech made by Mr. Mason, of Virginia, in the United States Senate, when the bill of 1855 was under discussion. The Senator says:

> Under the present system—I cannot call it the present law, there being very little legislation applicable to the subject—the actual allowance to a minister plenipotentiary to any of the courts for the first year of his mission is $23,250. The amounts, very briefly, which make up that sum are: Outfit $9,000, salary $9,000, infit $2,250, and the average of the overlapping salary $3,000, making $23,250 as the actual expenses to the Government in the case of a foreign minister who remains abroad one year. If he remains abroad two years upon a full mission, under the present system, the actual expense to the Government is $32,250 and the receipts of the minister $16,250. If he remains abroad four years, or one presidential term, the actual expense to the Government is $50,250 and the receipts of the minister are $12,562.

It was found that some of our representatives abroad were paid far too high, while the majority of those who served any great length of time were paid so small a salary that none but wealthy men could enter the service. And so, after a most elaborate debate, which gentlemen will find in the Globe for 1855, with full tables and exhibits showing the working of our consular and diplomatic system—information very instructive indeed—a discussion in which the giants of debate in both Houses took a part, it was found that the majority of our ministers who staid abroad any great length of time were wretchedly underpaid. Considering the cost of living abroad at that time, the salary of $17,500, without allowances, without outfit or infit, was given and fixed upon as a fair, reasonable compensation for first-class ministers. The bill passed in 1855, whigs and democrats alike joining in favor of it and agreeing to it as a wise measure.

Now, every man knows the cost of living throughout the world (and I have a table, which I will submit as a part of my remarks, showing from official statistics the increase in the cost of living in fifteen or twenty countries) has almost doubled in the last ten years, and more than doubled in many countries in the last twenty years. Yet, with the cost of living so vastly increased, with all the elements going to make up that cost so greatly increased, the Committee on Appropriations think they ought to cut down these salaries about 20 per cent. below the rates fixed twenty-one years ago. It occurs to me, Mr. Chairman, that they have departed from all just principles of business management in their judgment on that subject. I submit this suggestion without going into details.

Of course the result will be that these places can only be held by rich men. By the law of natural selection it brings wealthy men into our offices, and shuts out those who are unable out of their private fortune to live abroad and do duty for the Government. If that is so, if gentlemen desire to establish a plutocracy in this country, let us have it, but let us have it with our eyes open to its results.

I do not care much about some of the missions which it is proposed to abolish, and perhaps some of them can be abolished without much damage. But there is one class of missions whose abolition I should regret to see as a great calamity to this country. I speak of our missions to the South American States and Japan and China. There is

no part of the world where the United States has so much right and so great duty to be chief in the councils of international powers as in South America on the one side, and Japan and China on the other. And yet our friends seem by a sort of fatuity to have seized upon those very countries as the places in which to limit and restrict our diplomatic relations. I do not believe they intended to do it. I must believe it was an accident, an oversight. Here are South American countries to which we are to send ministers to represent us at three or four republics apiece at a salary of $6,500 a year.

As an example of the effect of this bill, I submit a table showing the British diplomatic service in South America as contrasted with that of the United States by the present bill, from the British Blue Book of January 1, 1875:

BRITISH.		UNITED STATES.	
Chili:		Chili and Bolivia	$6,500
Minister resident and consul-general	£2,000		
Clerk	250		
	2,250		
Peru:		Peru, Ecuador, and Colombia	6,500
Minister resident and consul-general	2,000		
Clerk	300		
Ecuador:			
Minister resident and consul-general	1,400		
Clerk	150		
Colombia:			
Minister resident and consul-general	2,000		
Clerk	100		
	5,950		
Argentine Republic:		Argentine Republic, Paraguay, and Uraguay	6,500
Envoy	3,000		
Secretary of legation	500		
Clerk	200		
	3,700		

It is proposed that we shall spend but $19,500 a year to keep up diplomatic relations with these countries of South America in which Great Britain is spending $59,500 for the same class of relations. We allow Great Britain, if this bill shall pass, to spend more than three times as much for the same kind of service to the same governments. Will we wonder, if this thing be done, that Great Britain gets the control of these countries away from us? Can any man be surprised hereafter, if we shall cut the cords which bind us to the South American republics and allow Great Britain to have three times as strong a hold on them, that the trade, the business, and interests of that great continent shall gravitate, not toward us, as they ought to, but toward Great Britain, as they will?

Mr. SPRINGER. Will the gentleman from Ohio tell us what effect the residence of a minister will have upon our commerce with those countries?

Mr. GARFIELD. I will speak of their commerce when I come to speak of the consular service. Of course the object of ministers to these countries is to keep up political relations; but the political headship of those countries is the power controlling all their commercial relations. We need at the headquarters of those South American States intelligent, cultivated American gentlemen to keep us informed of their political condition and necessities. We need our men there not only to inform us, but for the encouragement of these young republics. On every account let us keep up our relations with them. I would rather blot out five or six European missions than these to South America. They are our neighbors and republican friends. It is far more important to us to keep them up. I beseech gentlemen, therefore, to strike at some other than these South American Republics.

Let me now call your attention to our consular relations. This bill proposes to strike out forty consulates and to dispense with four commercial agencies, making in all forty-four. And the chief ground for this is that we do not get enough money back from these consular posts to make up the expense, and therefore we must cut them down so the pay shall equal the expense.

Now I hold in my hand, if gentlemen care to see it, and I will have it printed in my remarks, a statement as to some of the consulates cut off by this bill; and in order to show how Great Britain treats interests of this class, I have embraced in the table also a statement of how much Great Britain pays for consular service at the very consulates we propose to abolish.

List of certain consulates abolished by the bill, with memoranda as to British consulates at the same places, and fees received.

Abolished by bill.	Salary.	British service at these places.	Pay.	Allowance.	Fees.
Ningpo	$3,500	Consul	£900	£100	None.
Hakodadi	2,500	Consul	600	100	None.
Odessa	2,000	Consul-general	900	450	£174
Beirut	2,000	Consul-general	1,000	300	106
		Vice-consul	350		
Tamatave	2,000	Consul	800	150	No fees.
Nantes	1,500	Consul	350	100	No fees.
La Rochelle	1,500	Vice-consul	250	150	£84
Algiers	1,500	Consul-general	800	150	41
Barcelona	1,500	Consul	600	250	99

List of certain consulates abolished by the bill, &c.—Continued.

Abolished by bill.	Salary.	British service at these places.	Pay.	Allowance.	Fees.
Oporto	1,500	Consul	600	150	165
Santa Cruz	1,500	Vice-consul	250	.....	None.
Copenhagen	1,500	Consul	500	200	£135
Port Said	1,500	Vice-consul	400	230	None.
Tampico	1,500	Consul	700	200	None.
Stettin	1,000	Consul	500	200	None.
Maranham	1,000	Vice-consul	150	50	None.
Rio Grande	1,000	Consul	800	150	£254
Cyprus	1,000	Consul	.....	100	4
Bucharest	1,000	Agent and consul-general	1,600	200	.....
		Vice-consul	300	100	.....
Talcahuano	1,000	Vice-consul	250	.....	None.
Venice	1,000	Consul	.....	150	£140

At twenty-one of these consular stations, which by this bill are abolished, and for which we have hitherto been paying $32,700, and by cutting off which we save $32,700, at those same ports Great Britain is paying $81,250 a year for consular officers to keep up her commercial relations; and at the same twenty-one consular ports Great Britain receives a total of only $6,210, while she pays $81,250 a year, not for the sake of the money she gets back now, but for the trade in the future, for keeping up commercial relations in pursuance of her far-reaching policy as a great commercial nation. And yet we to save $32,700 propose to abolish at a blow all those consulates and abandon the field to Great Britain.

Mr. RANDALL. Does the gentleman not understand what is the law about that—that wherever a consulate such as we have disposed of becomes in the least necessary, the law gives the consul-general the right to appoint what is known as a consular agent, who takes the fees? In no instance—and I defy the gentleman to show any such instance—where we have cut off these consulates have we in the least degree interfered with the commerce of the country.

Mr. GARFIELD. I think my friend would agree with me that it would be far wiser for us to keep that interest in our own control and not let it be delegated to a step-mother, under no special central directing control, like our present consular system.

But, Mr. Chairman, the general statement which I have just made is not sufficient. I want to apply it more closely to our consular relations with South America. Here is a table showing what it costs us in South America for all our consular service at the several countries. It costs us in South America $34,500. We get back from the same countries $36,942.83. I have given it here by countries and by aggregates. In other words, we receive from the whole of South America about $2,000 a year more than the service costs us. And yet in these very South American countries our friends have cut down almost as much as in any other part. Some of these consuls pay as much as they cost; some less, some more. But the balance-sheet for South America is in our favor. Shall we pick out some of the places that do not now pay in our present depressed condition, and blot out the consulates? If so, we abandon all hope of making them pay in the years to come.

I insert the following:

Memorandum of the relative cost of the consular service of the United States and Great Britain, and of the amount received by each for fees in several South American States.

[The amounts are taken from the United States State Department Register of October, 1874, and from the Foreign Office List of Great Britain of July, 1874. The fees of the United States consulates are those received for the year ending December 31, 1873. Those of Great Britain are stated to be those received in 1872-'73.]

	United States.		Great Britain.	
	Consular, in salaries.	Fees.	Consular, in salaries.	Fees.
Argentine Republic	$3,000 00	$6,361 72	£2,100	£619
Brazil	12,500 00	13,370 95	6,850	1,773
Chili	4,000 00	414 10	2,100	1,138
Colombia	7,000 00	8,095 83	3,300	63
Ecuador	1,000 00	440 40	200	
Peru	3,500 00	2,900 07	2,400	460
Uruguay	2,000 00	1,666 36	1,200	577
Venezuela	1,500 00	3,693 40	700	24
Total	34,500 00	36,942 83	18,850	4,657
			91,733	22,663

SUMMARY.

The United States collected in fees from its own commerce	$36,942 83
And paid	34,500 00
Excess of fees	2,442 83
Great Britain paid for trade and commerce	218,850 00
Collected in fees and commerce	4,657 00
Thus paying for the benefit of its trade, &c	14,193 00
Equivalent to	$69,070 23

From this table we see that Great Britain pays $91,733 at the same consular ports in South America where we pay $34,500; and she gets back only $22,663. She expends $60,070 a year more than she receives at these ports, while we spend less than we receive from them. And

yet our friends propose to cut still deeper into our consular relations with South America, and leave the field to Great Britain. I cannot believe that when gentlemen reflect upon this from a business point of view they will persist in this course. Why, sir, the great business houses of New York will spend more money in proportion to their wealth in keeping up their commercial relations with South America and with the ports where they trade than the United States does. Intelligent selfishness would do more than is here proposed. Let us be as intelligent at least as the ordinary commercial traders of our cities.

Turn now to our relations with Japan and China. By the addition of Alaska to our domain we have established relations most important for our commercial future with those two great countries of Asia. I once said on this floor on another subject that it seemed to me just to say that at all eras of the world civilization has been grouped around some one sea as the focal center of its life and activity. Once the Mediterranean Sea was the center of the civilization of the world. The great empires that then governed mankind had their home and seat on its shores. After the lapse of centuries the human race turned away, leaving ruined empires in its track, and sought a broader theater than the Mediterranean, and the Atlantic became the great historical sea. And it is the great historical sea of to-day. But if there be anything in the lessons of history, the historical sea of the future is to be still grander; for the time may yet come when the center of civilization shall be shifted to the theater of the Pacific Ocean, and our Republic, holding the northern half of its eastern shore and reaching out an arm of islands a thousand miles to the northwest, ought to be the arbiter of that sea, the controller of its commerce, and the chief nation that inhabits its shores. For that reason we have extended commercial relations, have opened up close and intimate relations of commerce and amity with China and Japan. The old East has approached the new West; and we, the youngest born of time, have grasped hands with the most ancient nations of the world. We have sent ministers to China and Japan, we have sent out commercial agents and consuls to carry on the business with those countries, and to-day we send them half a million a week of coin dollars from our mint to be the trade-dollars of Asia. Now, what have our friends on the Appropriations Committee done in regard to our relations with the Japanese and Chinese governments? They have shorn us down to the smallest and narrowest proportions, such as will in effect drive us out of those countries as a power.

Let me state a few facts:

In Japan the United States pays consular, &c., salaries	$14,500 00	
Received consular fees, (1873)	8,001 27	
		$6,498 73
Pays diplomatic salaries		17,000 00
Total payments		23,498 73
Great Britain pays consular salaries	£13,457	
Received no fees, (1873)		
Pays diplomatic salaries	5,550	
		£19,006
Equivalent to		$92,497 50
In China the United States pays consular salaries	$43,200 00	
Received fees, (1873)	20,848 12	
		22,351 88
Pays diplomatic salaries		17,000 00
Total payment		39,351 88
Great Britain pays consular salaries	£51,107	
Received no fees, (1873)		
Pays diplomatic salaries	7,600	
		£58,707
Equivalent to		$285,697 61

From this it will be seen that England pays nearly half a million a year beyond all the receipts that come to her, and yet our friends on the Appropriation Committee think that we are far too extravagant. They can make a little fun at the expense of our ministers, then, by talking about their conversation in broken Chinese with the Celestials and seem to think that is enough to laugh out of Congress all our efforts to keep up our relations with that great nation of more than 500,000,000 people.

Gentlemen, I beg of you do not cripple and utterly ruin this young and growing commerce that shall bind Asia to the United States. Our friends on the Appropriation Committee seem to have adopted the rule that when they have any doubt about an appropriation to divide it by two, in the absence of any definite knowledge how the appropriations ought to be cut down. For example: the contingent expenses of our foreign and diplomatic service they have divided by two, making the amount $50,000 instead of $100,000 as heretofore voted. I hold in my hand a table compiled from the official records which shows the total contingent expenses of our foreign missions and foreign-intercourse service since 1853. This memorandum was prepared at the Department of State:

Prior to the year 1871 the appropriations for contingent expenses of foreign intercourse and for contingent expenses of missions abroad were distinct, a separate appropriation being made for each object.

The unexpended balances of former appropriations also remained to the credit of the appropriations and were not covered into the Treasury as now required by law.

The estimate submitted for the combined appropriation for contingent expenses of foreign intercourse proper and of all missions abroad (namely $100,000) is the lowest amount which can safely be counted upon as sufficient for the service. The expenditures under this head being "contingent" cannot be determined in advance with actual precision. Strict economy and care have been necessary to keep the amount within the appropriation of $100,000.

Expenses and the cost of everything have largely increased within the past twenty or thirty years.

The appropriations made by Congress for contingent expenses of foreign intercourse and of missions abroad for several fiscal years ending 30th of June in each year were as follows:

Year ending June 30.	Appropriations for contingent expenses of foreign missions.	Appropriations for contingent expenses of foreign intercourse.	Aggregate for both purposes.	Reference to the Statutes. Vol.	Page.
1853	$40,000 00	$40,000 00	$80,000 00	10	88
PIERCE.					
1854	40,000 00	40,000 00	137,720 63	10	203
Deficiency	42,720 63	15,000 00			291
1855	40,000 00	40,000 00	80,000 00	10	564
1856	96,543 75	40,000 00	136,543 75	10	650
1857	75,000 00	60,000 00	135,000 00	11	28
Total			489,263 78		
BUCHANAN.					
1858	75,000 00	60,000 00	135,000 00	11	159
1859	50,000 00	60,000 00	110,000 00	11	311
1860	50,000 00	60,000 00	110,000 00	11	403
1861	20,000 00	40,000 00	60,000 00	12	20
Total			415,000 00		
LINCOLN.					
1862	40,000 00	40,000 00	80,000 00	12	170
1863	50,000 00	100,000 00	150,000 00	12	335
1864	60,000 00	80,000 00	140,000 00	12	638
1865	60,000 00	80,000 00	140,000 00	13	137
Total			510,000 00		
JOHNSON.					
1866	60,000 00	80,000 00	140,000 00	13	422
1867	50,000 00	65,000 00	365,000 00	14	224
Deficiency		250,000 00			374
1868	50,000 00	65,000 00	115,000 00	14	413
1869	30,000 00	30,000 00	60,000 00	15	56
Total			680,000 00		
GRANT.					
1870	50,000 00	50,000 00	100,000 00	15	319
1871			100,000 00	16	219
1872			100,000 00	16	417
1873			100,000 00	17	143
Total			400,000 00		
1874			100,000 00	17	472
1875			100,000 00	18	67
1876			100,000 00	18	322

On the 30th of June, 1853, there were unexpended balances carried to the appropriations for the year ending 1854, as follows:

Contingent expenses of missions	$47,540 44	
Contingent expenses of foreign intercourse	9,757 48	
		$57,297 92
Amount of appropriations for four years, (1853 to 1857)		489,263 78
		546,561 70
Unexpended balances on June 30, 1857:		
Contingent expenses of missions	$82,319 00	
Contingent expenses of foreign intercourse	25,000 00	
		107,319 00
Expended during four years, (1853 to 1857)		439,242 70
Average per year during Pierce's administration, (1853 to 1857)		109,810 67
Unexpended balance on June 30, 1857, (as above)		$107,319 00
Amount of appropriations for four years, (1857 to 1861)		415,000 00
		522,319 00
Unexpended balances June 30, 1861:		
Contingent expenses of missions	$228 79	
Contingent expenses of foreign intercourse	40,742 40	
		40,971 19
Expended during years 1857 to 1861		481,347 81
Average per year during Buchanan's administration, (1857 to 1861)		120,336 95
Unexpended balance on June 30, 1861, (as above)		40,971 19
Amount of appropriation for four years, (1861 to 1865)		510,000 00
		550,971 19
Unexpended balances on June 30, 1865:		
Contingent expenses of missions	$6,097 14	
Contingent expenses of foreign intercourse	15,739 04	
		21,836 18
Expended during the years 1861 to 1865		529,135 01
Average per year during Lincoln's administration, (1861 to 1865)		132,283 75
Unexpended balance on June 30, 1865 (as above)		21,836 18
Amount appropriated for four years, (1865 to 1869)		680,000 00
		701,836 18

Unexpended balance June 30, 1869:		
Contingent expenses of missions	$8,186 78	
Contingent expenses of foreign intercourse	130,722 61	
		$138,909 39
Expended during the years 1865 to 1869		562,926 79
Average per year during Johnson's administration, (1865 to 1869)		146,731 69
Unexpended balance on June 30, 1869, (as above)		138,926 39
Amount of appropriations for four years, (1869 to 1873)		400,000 00
		538,926 39
Unexpended balance remaining in Treasury June 30, 1873		101,886 75
		437,039 64
Average per year during Grant's administration, (1869 to 1873)		109,759 91

From this it will be seen that during the last twenty-four years the average expenditure for the contingent expenses of foreign missions and foreign intercourse has been considerably more than $100,000. In no administration, except the first term of General Grant, have the appropriations been brought down to the average of $100,000 a year. Now, the average for the last forty years has not been as low as $100,000; yet the Committee on Appropriations, following their principle of dividing by two, have cut down this contingent item to $50,000.

Sir, it exceeded that amount fifty years ago, and has never been lower than that since the time of Thomas Jefferson. Now upon what principle have the committee acted? Is it simple division, to save labor, or what is it? You may ask the Secretary of State to furnish you the exact details of contingent expenses for any year for the last half century, and you will find that he will not be able to get it down so low as you have put it in this bill.

Mr. SPRINGER. May I interrupt the gentleman for a moment?

Mr. GARFIELD. Certainly.

Mr. SPRINGER. Does the gentleman say that the whole sum appropriated by this bill for contingent expenses is but $50,000?

Mr. GARFIELD. I do.

Mr. SPRINGER. For what purposes?

Mr. GARFIELD. For "contingent expenses of foreign intercourse and foreign missions."

Mr. SPRINGER. In another part of the bill there is appropriated the sum of $100,000 for "contingent expenses of the United States consulates."

Mr. GARFIELD. Certainly; I am referring to our diplomatic service.

Mr. SPRINGER. Does not the gentleman know that these contingent expenses are continually being reduced from the fact that formerly a greater number of things were included under the head of "contingent expenses" than is the case at the present time?

Mr. GARFIELD. I am aware that of late years we have specified more than formerly. But this bill does not specify more than the blil of last year did, and the gentleman can derive no advantage in that regard.

I next call the attention of the Committee of the Whole to the clause found in lines 271 and 272 of the bill, "for the relief and protection of American seamen in foreign countries, $60,000." Now, section 4577 of the Revised Statutes provides that—

> It shall be the duty of the consuls, vice-consuls, commercial agents, and vice commercial agents, from time to time to provide for seamen of the United States who may be found destitute within their districts, respectively, sufficient subsistence and passages to some port in the United States, in the most reasonable manner, at the expense of the United States, subject to such instructions as the Secretary of State shall give. The seamen shall, if able, be bound to do duty on board the vessels in which they may be transported according to their several abilities.

The consul cannot neglect this duty without violating the law. He must send the American sailor home; and he draws a draft, in the country where he resides, upon the Government of the United States for the expenses of sending that sailor home. Now, the experience of years shows that from $75,000 to $150,000 a year is employed in this way, and that we cannot get along with less. I remember that two years ago, I think it was, we had to make an extra appropriation of a large amount because of the wrecking of our whaling fleet by the ice in the Pacific. It went then far beyond anything we had expected.

Mr. SINGLETON. Will the gentleman allow me to have read a letter from the Comptroller on that very subject, which perhaps will give him some light?

Mr. GARFIELD. Let it be read after I get through. I do not want my line of argument broken in upon now.

Mr. SINGLETON. It is right in the line of the gentleman's argument, and will come in very appropriately at this point.

Mr. GARFIELD. I understand that very well; but let it be read at the close of my remarks. It will do just as much good then as now. I have here a table, furnished me by the State Department, showing how much has actually been expended for the relief of American seamen, with the amounts paid for transportation to the United States and loss by exchange, in each year since 1861, by which it will be seen that in no year has the amount been so small as that proposed by this bill for this purpose.

1861	$192,961 42	1868	$107,536 36
1862	.....	1869	79,714 89
1863	226,705 63	1870	90,078 61
1864	223,850 09	1871	71,064 10
1865	165,880 88	1872	191,216 86
1866	.....	1873	72,284 42
1867	151,283 81	1874	64,640 72

The amount expended for relief of seamen in 1872 at Honolulu, in consequence of the disasters to shipping in the Pacific in that year, was $121,855.42.

Average for fourteen years since 1861, $125,000.

Mr. RANDALL. Year before last it was only $39,000.

Mr. GARFIELD. The gentleman is mistaken.

Mr. RANDALL. I refer to the year 1874.

Mr. GARFIELD. For that very year it was over $63,000.

Mr. SINGLETON. I hope the gentleman will allow this letter to be read.

Mr GARFIELD. Not now.

Mr. RANDALL. If you want to get at the truth you will let it be read.

Mr. GARFIELD. Let it be read at the close of my remarks. Now, if you appropriate for this purpose only $60,000, this will be the result: When the $60,000 shall have been exhausted, drafts will be sent in from all parts of the world from which American seamen are sent home, and of course they will be dishonored, for there will be no money to pay them. There may be a hundred little drafts amounting in all to thirty or forty thousand dollars, from twenty different countries, sent by our consuls, and they will be dishonored simply because of this unnecessary effort to show a cutting down of expenses. There will be no more of this fund used than is called for under the strict letter of the law. Let us appropriate enough to cover what we understand to be the fair expectation of expenditures for this purpose. If it is not all used there will be no harm done. It is true the party will not have the credit of cutting down our expenditures by a few thousand dollars; but you will have saved American seamen from distress and also our Government from shame and protest. Let us do that.

I have only one other matter to refer to, I believe, and that is a very small one. It has been our custom for many years to appropriate a small fund with which to pay foreigners who by acts of gallantry save any of our citizens from shipwreck. Whenever some gallant English or French sailor has leaped into the sea and rescued an American seaman from death, our State Department has made him a small present, it may be a chronometer, a watch, a compass, or a medal, or $50 in money, with a letter of recognition of his gallantry. It has been found that during the last forty years about $5,000 a year has been used for these little testimonials. I believe it has averaged $4,766 for eight years and never has gone above $7,500. Now, if there is anything in the world which we ought to keep untouched, it is that little appropriation of $5,000 for that worthy purpose, to let men all over the world know that, if they take care of an American citizen or save his life, they will have this memorial of the thanks of the United States to carry with them. Now the committee comes to that estimate and, following their new rule, divide it by two, making it $2,500. Why should they higgle about a matter like this, which, though small in amount, is in its relations to the world and to our honor and our pride a great and important matter? I presume the provision of the bill on this point is an oversight; I do not think anybody would make such a reduction except as the result of oversight. Let it be corrected.

I have here a table carefully prepared in the Office of the Fifth Auditor, showing how much the great countries of the world, France, Russia, Great Britain, Spain, and the United States expend at the various consular ports where all these nations have consular offices. This table is very interesting, for it shows at a glance how valuable the consular service is supposed to be by these great powers of the world and how much we regard it as worth. It is a little mortifying to find that in every case the United States is away down at the foot of the list, even right at our very doors: in Cuba, in the islands of the Atlantic, and on the coasts of South America. So far as we can take the credit of economy while doing our work as well as they, let us glory in it; but I trust that this bill will not finally be put in such a shape that we shall be ashamed before the nations of the world for the way we treat our foreign and consular service. I close my remarks by appending the table; and when the bill is read by paragraphs, I will suggest some further amendments.

Tabular statement taken from the official reports made to Parliament, in Great Britain, in 1872.

Consulate.	Salaries.	Rent or allowances.	Remarks.
TRIESTE, AUSTRIA.			
Great Britain	£700	£100	
France	1,280	146	
Italy	490	.....	
Spain	738	.....	
Turkey	570	156	
United States	400	.....	
COPENHAGEN, DENMARK.			
Russia	825	167	
Brazil	480	.....	
United States	300	.....	

Statement taken from the official reports made to Parliament, in Great Britain, &c.—Continued.

Consulate.	Salaries.	Rent or allowances.	Remarks.
ALGIERS, (FRANCE.)			
Great Britain	£1,050	£150	
Italy	800	.....	And fees.
Spain	780	180	And clerks' salaries.
Sweden	680	.....	And fees.
United States	300	.....	
HAVRE.			
Great Britain	700	310	And clerk hire
Peru	600	.....	
United States	600	.....	
PARIS.			
Great Britain	1,140	200	And fees.
Russia	769	.....	And two-thirds of fees.
United States	1,200	.....	One consular clerk.
HAMBURG.			
Brazil	450	60	And fees.
France	1,480	160	And two clerks.
Italy	1,040	320	And part fees.
Russia	1,000	300	And fees.
Sweden	600	900	And vice-consul paid.
Great Britain	800	300	
United States	400	.....	
As dispatch agent	150	.....	
LEIPSIC.			
Austria	850	110	
France	920	120	And fees.
United States	400	.....	
GENOA.			
France	880	600	
Russia	600	600	
Spain	800	.....	And all expenses.
Great Britain	1,000	.....	And all expenses.
United States	300	.....	
LEGHORN.			
France	1,100	1,200	
Russia	320	.....	And fees.
Turkey	373	.....	And fees.
Great Britain	589	.....	
United States	300	.....	
NAPLES.			
France	1,788	.....	
Russia	640	.....	And fees.
Great Britain	600	300	
United States	300	.....	
PALERMO.			
France	920	.....	
Great Britain	450	.....	And fees.
United States	300	.....	
VENICE.			
France	1,200	.....	And office expenses.
Austria	840	.....	And office expenses.
Turkey	600	.....	
Great Britain	1,000	.....	
United States	300	.....	
MARSEILLES.			
Austria	650	500	And office expenses.
Great Britain	900	300	
Italy	300	600	
Russia	760	.....	Expenses paid by Government.
Spain	800	300	
United States	500	.....	
ROTTERDAM.			
France	600	.....	Two clerks and office expenses.
Great Britain	400	.....	And fees.
United States	400	.....	
BATAVIA.			
France	$2,500	.....	
United States	£200	.....	
LISBON.			
Great Britain	1,100	500	
United States	300	.....	
ODESSA, RUSSIA.			
Austria	981	333	House, fuel, stationery, &c.
France	1,240	144	And necess'ry exp'nses.
Great Britain	878	300	Do.
Italy	1,480	.....	Do.
Turkey	2,096	33	Office rent, &c.
United States	400	.....	
ST. PETERSBURG.			
France	4,000	.....	
Great Britain	750	.....	
As Russian agent	1,000	.....	
United States	400	.....	

Statement taken from the official reports made to Parliament, in Great Britain, &c.—Continued.

Consulate.	Salaries.	Rent or allowances.	Remarks.
CADIZ.			
Great Britain	£700	£200	
Germany	600	220	
Russia	820	.....	
United States	300	.....	
BARCELONA, SPAIN.			
Austria	910	100	
France	1,370	.....	
Italy	720	.....	And part of the fees.
Great Britain	600	100	
Sweden	450	120	
United States	300	.....	
CUBA.			
France	2,500	.....	
Great Britain	1,200	600	
United States	1,200	.....	Two consular clerks.
SMYRNA.			
France	2,432	1,300	And expenses of office.
Italy	668	1,060	
Great Britain	2,533	.....	
Germany	1,120	60	House, office, and miscellaneous expenses.
United States	400	.....	
CARACAS.			
France	1,520	240	
Great Britain	2,300	.....	
United States	.....	.....	Fees.
GUAYAQUIL.			
United States of Colombia	2,000	.....	
Peru	2,000	.....	
Venezuela	1,200	.....	
Great Britain	200	155	And fees.
United States	200	.....	
MONTIVEDIO.			
Brazil, &c	250	1,600	
Denmark	1,360	360	
France	944	.....	
Great Britain	800	250	
Italy	1,300	812	
Spain	1,560	.....	
United States	400	.....	
BAHIA.			
France	$5,800	830	
Portugal	1,075	175	
Great Britain, (vice-consul)	430	580	
United States	£300	.....	
PERNAMBUCO.			
France	880	420	
Portugal	700	500	
Great Britain	800	400	
United States	400	.....	
RIO DE JANEIRO.			
France	2,141	318	
Italy	1,416	480	And office expenses.
Portugal	2,160	2,475	
Great Britain	1,800	1,006	
United States	1,200	.....	
PANAMA.			
France	900	80	
Italy	1,600	120	
Peru	800	.....	
Great Britain	1,800	200	
United States	600	.....	
CRETE.			
Russia	1,075	.....	
France	1,040	.....	
Great Britain	700	.....	
United States	.....	.....	Abolished.
CONSTANTINOPLE.			
Great Britain	4,800	2,200 / 350	
Great Britain, judicial	5,032	.....	
Austria	2,538	230	House, lodgings, &c.
Italy	1,550	.....	
Germany	2,086	750	
Russia	994	.....	And expenses to $3,000.
United States	600	.....	
BUCHAREST.			
Austria	2,419	761	
France	2,100	280	And all office expenses.
Germany	2,355	225	
Greece	890	170	House, &c.
Russia	1,924	600	House.
United States	200	.....	

Statement taken from the official reports made to Parliament, in Great Britain, &c.—Continued.

Consulate.	Salaries.	Rent or allowances.	Remarks.
BEIRUT.			
Great Britain	1,600	300	
France	2,470	.....	And all office expenses.
United States	400	.....	
TRIPOLI.			
France	1,560	400	
Italy	825	.....	And fees.
Great Britain	1,300	.....	
United States	600	.....	
CAIRO.			
Austria	3,500	600	And all office expenses.
France	5,420	1,200	
Germany	2,100	120	
Great Britain	2,900	1,100	For rent and expenses.
Italy	1,200	.....	And fees to $2,000.
Russia	1,100	.....	And all expenses.
United States	800	.....	
NEW YORK, UNITED STATES AMERICA.			
Germany	6,000	.....	
Great Britain	3,560	.....	
France	4,124	.....	
Italy	2,640	.....	
Russia	1,214	.....	
Spain	2,431	.....	

NOTE.—The United States salaries are computed at $5 to the £ sterling, and all the amounts are in £'s.

The United States salaried consuls are entitled, in addition to the salaries specified, to office rent actually paid not to exceed 20 per cent. of this salary, and for stationery, postage, &c., actually used at their consulates, but no allowance is made for office furniture except a chair and book-case.

GEORGE COWIE.

FIFTH AUDITOR'S OFFICE, *February* 2, 1876.

Remarks of British consuls upon difference in cost of living as compared with former periods.

Trieste.—Increase about one-third in all except rent.
Denmark.—From 1848 to 1868 increase in wages 25 per cent., meats 64 per cent., pork 52 per cent., butter 87 per cent.; house rent in greater proportion.
Nice.—Local and general taxation since annexation to France has augmented the cost of living to an unprecedented extent, and since the war with Germany still further increase.
Hamburg.—Rent 30 per cent., clerk hire 25 per cent., provisions 25 to 30 per cent. higher.
Leipsic.—Rents 75 to 100 per cent. higher; provisions 25 to 30 per cent.
Ancona.—Rents raised from £120 to £260; office from £22 to £44; provisions raise still greater.
Rome.—House rent 100 per cent. higher; living 33½ per cent. higher.
Havre.—Price of living increased; now higher than Paris.
Marseilles.—Increase from 20 to 25 per cent.
Palermo.—Price of living doubled and rents extremely high.
Oporto.—Rents 100 per cent. higher; meats from 100 to 150 per cent. higher.
Cadiz.—Rents and living 70 per cent. higher.
Smyrna.—Rent 30 per cent., prices of living since Crimean war at least 100 per cent. higher.
Jerusalem.—Rent 60 per cent. higher; vegetables, &c., 100 per cent. higher.
Cadiz.—Rents doubled; provisions higher.
Callao.—Everything from 40 to 50 per cent. higher.
Montevideo.—House rents from £122 to £3 6; wages 50 per cent. higher.
Valparaiso.—Rents and living much increased.

Mr. DUNNELL obtained the floor.

Mr. DURHAM. If the gentleman from Minnesota [Mr. DUNNELL] yields, I move that the committee rise.

Mr. DUNNELL. I yield for that purpose.

Mr. RANDALL. The effect of that will be to cut off some of the general debate. I think that the discussion might be continued a little longer this afternoon.

Mr. HALE. It is almost five o'clock.

Many MEMBERS. Let us adjourn.

Mr. DURHAM. I think it is time to adjourn.

Mr. RANDALL. It is the desire of the Committee on Appropriations to pass this bill to-morrow. Gentlemen who do not want to stay and listen to the gentleman from Minnesota are not compelled to do so. I promise to stay; for I want to answer the objections the gentleman may make to the bill.

The CHAIRMAN. The motion of the gentleman from Kentucky [Mr. DURHAM] is of course in order, and will be put unless the gentleman withdraws it.

Mr. DURHAM. I insist on the motion.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOSKINS reported that the Committee of the Whole on the state of the Union, having had under consideration the consular and diplomatic appropriation bill, had come to no resolution thereon.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. COCHRANE indefinitely, on account of sickness in his family; to Mr. ROSS, of Pennsylvania, for four days; to Mr. CABELL for one week, on account of illness in his family; and to Mr. LORD for one week, on account of important business.

WITHDRAWAL OF PAPERS.

Mr. SAYLER, by unanimous consent, obtained leave to withdraw from the files of the House papers in the case of Thomas Worthington; and

Mr. O'NEILL, papers relative to the Santillan land grant in California.

PAYMENT OF JUDGMENTS.

Mr. LORD. I ask unanimous consent that the House take from the Speaker's table, for the purpose of concurring in the Senate amendments, the bill (H. R. No. 1053) providing for the payment of judgments rendered under section 11, chapter 459, of the laws of the Forty-third Congress.

There being no objection, the bill was taken from the Speaker's table, and the amendments of the Senate were read, as follows:

In line 4 of the bill, strike out "be" and insert "have been."
Amend the title by inserting before the words "the Forty-third Congress" the words "the first session of."

The amendments were concurred in.

Mr. STEVENSON. I move that the House adjourn.

The motion was agreed to; and accordingly (at four o'clock and forty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated;

By Mr. CALDWELL, of Tennessee: Four petitions of citizens of Tennessee, for Wilkins W. Waggoner to be paid for property taken by the United State Army, to the Committee on War Claims.

By Mr. CASON: The petition of William A. W. Daly, for back pay as a United States officer, to the Committee on Military Affairs.

By Mr. CATE: The petition of citizens of Wisconsin, for a post-route from Clam Falls to Laramie, Wisconsin, to the Committee on the Post-Office and Post-Roads.

By Mr. CAULFIELD: Papers relating to the petition of Susan D. Anderson, for arrears of pay due her father as a lieutenant in the revolutionary army, to the Committee on War Claims.

By Mr. CHITTENDEN: The petition of Lafayette Avenue church, Brooklyn, New York, signed by the pastor, Rev. Theodore L. Cuyler, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. BANKS: The petition of Brevet Major-General Robert C. Buchanan, United States Army, for compensation for the use of his invention by the United States and for other relief, to the Committee on Military Affairs.

By Mr. BOONE: Papers relating to the petition of John Milton Best, for pay for property taken and used by the United States Army, to the Committee on War Claims.

By Mr. BROWN, of Kentucky: The petition of James C. Bacon and Robert R. Davis, for relief, to the Committee on Military Affairs.

By Mr. BURLEIGH: The petition of Polly Leighton, for a pension, to the Committee on Invalid Pensions.

By Mr. DAVY: The petition of citizens of New York, for the erection of public buildings at Rochester, New York, to the Committee on Public Buildings and Grounds.

By Mr. DE BOLT: The petition of R. D. Morrison and 400 others, for a mail-route from Milan to Trenton, Missouri, to the Committee on the Post-Office and Post-Roads.

By Mr. DURAND: Four petitions of citizens of Michigan, for authority for a bridge to be erected across Detroit River at Detroit, Michigan, to the Committee on Commerce.

Also, the petition of citizens of Michigan, for the repeal of the stamp tax on safety matches, to the Committee of Ways and Means.

By Mr. DURHAM: The petition of 170 citizens of Boyle County, for the repeal of the check-stamp tax, to the same committee.

By Mr. FRYE: The petition of 789 citizens of Steuben County, New York, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. GOODE: The petition of citizens of Virginia and North Carolina, for a post-route from Newsom's Depot, Virginia, to Murfreesborough, North Carolina, to the Committee on the Post-Office and Post-Roads.

By Mr. HANCOCK: Memorial of the Old Settlers, or Western Cherokees, for a balance of funds due them from the United States under treaty stipulations between the United States and the Cherokees, to the Committee on Indian Affairs.

By Mr. HARDENBERGH: Papers relating to the petition of Harvey Lull, for an extension of letters-patent for self-locking shutter-hinge, to the Committee on Patents.

By Mr. HATCHER: The petition of Frederick P. Sherry, for a pension, to the Committee on Invalid Pensions.

By Mr. HENKLE: Memorial of the president and directors of the Columbia Turnpike Road Company of the District of Columbia, that the commissioners of the District of Columbia be directed to pay them $3,769 with interest, it being the amount awarded them by a

jury for property condemned by the board of public works, to the Committee for the District of Columbia.

Also, the memorial of Joseph L. Smith, in behalf of the county schools in the District of Columbia, to the same committee.

By Mr. HEWITT, of Alabama: The petition of Mrs. James Gamble, for a pension, to the Committee on Invalid Pensions.

By Mr. HOAR: The petition of G. A. Bourne, S. S. Cornish, and other citizens of New Bedford, Massachusetts, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

Also, the petition of H. F. Stone and 54 others of Concord, Massachusetts, for the repeal of the check-stamp tax, to the Committee of Ways and Means.

By Mr. HOGE: Memorial of the Fayetteville Light Infantry, of North Carolina; of the Washington Light Infantry, of South Carolina, and the Clinch Rifles, of Georgia, that the Secretary of War be authorized to issue to them three hundred and twenty improved breech-loading rifles, to the Committee on Military Affairs.

By Mr. HOPKINS: Resolution of the Chamber of Commerce of Pittsburgh, favoring the erection of one dam on the Ohio River, to the Committee on Commerce.

Also, the petition of several hundred citizens of Pittsburgh and Allegheny City, for aid to be extended the Southern Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. HURD: The petition of citizens of Ohio, for an appropriation for the improvement of the harbor of Port Clinton, Ohio, to the Committee on Commerce.

Also, the petition of citizens of Ohio, for an amendment to the Constitution taxing church property, to the Committee on the Judiciary.

By Mr. HUNTON: The petition of Robert Lewis, for pay for property destroyed by the United States Army, to the Committee on War Claims.

By Mr. JENKS: The petition of Charles Andrews, for a pension, to the Committee on Invalid Pensions.

By Mr. JONES, of Kentucky: The petition of Josiah Shinkle, for pay for services rendered the United States, to the Committee on War Claims.

By Mr. KELLEY: The petition of Brevet Brigadier-General C. A. Finley, late Surgeon-General United States Army, for Congress to allow him the rank and pay of a colonel of twenty years' service to date from the 1st of July, 1870, to the Committee on Military Affairs.

By Mr. KETCHUM: Memorial of the heirs of Lieutenant John Jenkins, of the revolutionary army, for Congress to grant them the benefits of a resolution of Congress, approved March, 22, 1873, or of any other act or resolution of Congress granting pay or commutation to officers of the army of the Revolution who served to the end of the war, to the same committee.

By Mr. KIDDER: The petition of Ed. C. Howard and Dan. Harnett, for relief, to the Committee on Indian Affairs.

By Mr. LAWRENCE: The petition of L. Boyd and 80 others, for the abolition of official oaths, to the Committee on the Judiciary.

By Mr. MAGINNIS: Papers relating to the claim of W. A. Wheeler, United States marshal of Montana Territory, to the Committee of Claims.

By Mr. McFARLAND: The petition of Nancy Lacey, for a pension, to the Committee on Revolutionary Pensions.

Also, the petition of Nelson Shelton, for pay as commutation of rations while a prisoner of war, to the Committee on Military Affairs.

By Mr. O'BRIEN: The petition of Rebecca C. Rhodes, for a pension, to the Committee on Revolutionary Pensions.

By Mr. PARSONS: The petition of Mrs. Louisa Prather, for pay for property taken and used by the United States Army, to the Committee on War Claims.

By Mr. PATTERSON: The petition of Joseph Schustler and other citizens of Central Colorado, proposing a plan to avoid the expense of lighting the earth from the sun, by substituting a system of lights invented by the secret people of the earth, to the Committee on the Centennial Celebration.

By Mr. PAYNE: The petition of Andrews, Hicthcock & Co. and 70 other firms and corporations of Cleveland, Ohio, engaged in the iron and coal business, for aid to be extended the Southern Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. PHELPS: The petition of Edward Ward and others, of New Haven, Connecticut, for the repeal of the resumption act, to the Committee on Banking and Currency.

Also, the petitions of Gustavus Twiss and others and of John W. Bishop and others, for the issue of 3.65 convertible gold bonds, to the same committee.

By Mr. PIERCE: The petition of W. M. Jenks, for prize-money on account of the capture of the Rosetta Havana, a confederate blockade runner, by the Western Metropolis, a United States transport, to the Committee on War Claims.

By Mr. POPPLETON: The petition of Albert Mills, Henry Allen, and 228 other citizens of Portage County, Ohio, first, for the appointment of a commission to investigate and report the effects of the liquor traffic in the United States on the health, intelligence, industry, prosperity, crime, and pauperism of the individuals, also upon the taxation, revenue, and general welfare of the country; second, for a law prohibiting the importation of alcoholic liquors from foreign countries; third, for the prohibition of the manufacture and sale of alcoholic liquors as a beverage in the District of Columbia, in the Territories, and all other places where Congress exercises exclusive jurisdiction; fourth, for a law regulating total abstinence from alcoholic liquors as a beverage on the part of all officials and subordinates in the civil, military, and naval service of the United States, to the Committee of Ways and Means.

Also, the petition of George L. Beach, C. C. Fuller, W. J. Lawrence, William H. Coe, George S. Fullerton, and 570 other citizens of Ohio, of similar import, to the same committee.

Also, the petition of L. B. Gurley and 700 other citizens of Ohio, of similar import, to the same committee.

Also, the petition of A. S. White, E. L. Hanson, B. H. Jacobs, and 360 other citizens of Grove City, Syracuse, and Port Clinton, Ohio, of similar import, to the same committee.

Also, the petition of Joseph Wykes, A. Dow, Thomas N. Shepherd, and 300 other citizens of Cory, Ohio, of similar import, to the same committee.

Also, the petition of Dr. E. W. Downs, C. M. Thrall, Rev. B. W. Slagle, and 570 other citizens of Ohio, of similar import, to the same committee.

Also, the petition of W. L. Camp, Julia A. Harman, Mary O. Dudley, M. Wall, T. M. Withgott, G. W. Holderman, and 406 other citizens of Ohio, of similar import, to the same committee.

Also, the petition of William George, David Wallace, and 112 other male citizens, over the age of twenty-one years, of New Concord, Ohio, of similar import, to the same committee.

Also, the petition of Frank H. Mills, R. H. Clarke, Charles N. Gallimore, and 390 other citizens of Ohio, of similar import, to the same committee.

Also, the petition of G. F. Mead and 600 other citizens of New Lisbon, Ohio, of similar import, to the same committee.

Also, the petition of Hon. Josiah Scott, W. C. Lemert, A. N. Jones, and 250 other citizens of Bucyrus, Crawford County, Ohio, of similar import, to the same committee.

Also, the petition of I. H. Headley, W. P. Wolf, A. H. Jenkins, and 365 other persons, male and female citizens of Ohio, of similar import, to the same committee.

Also, the petition of David Thomas, G. W. Brown, W. C. Milligan, and 235 other citizens of Ohio, of similar import, to the same committee.

Also, the petition of Miss S. E. Starr, Mrs. C. N. Teachout, and 95 other citizens of North Royalton, Cuyahoga County, Ohio, of similar import, to the same committee.

Also, the petition of E. Warner, R. S. Giles, and 312 other men and women of Ohio, of similar import, to the same committee.

Also, the petition of S. A. Bittenour, M. J. Jones, and 470 other citizens of Washington County, Ohio, of similar import, to the same committee.

Also, the petition of Joseph M. Turner, William Bonsher, and 175 other citizens of Reynoldsburgh, Ohio, of similar import, to the same committee.

Also, the petition of Harry C. Brooks, T. W. Carpenter, Alice L. Carroll, and 650 other citizens of Payneville, Ohio, of similar import, to the same committee.

Also, the petition of John H. Campbell, Joseph B. Jerome, S. Cole, and 240 other citizens of Randolph, Portage County, Ohio, of similar import, to the same committee.

Also, the petition of D. C. Stockwell, M. Raymond, A. A. Waters, James Norton, and 365 other citizens of Garrettsville, Ohio, of similar import, to the same committee.

Also, the petition of J. Patterson, Mrs. Sue Grabill, Jane Haines, George Carpenter, Sarah Kelly, and 401 other citizens of Windham, Rushsylvania, and other towns in the State of Ohio, of similar import, to the same committee.

Also, the petition of E. F. C. Alridge, Frank M. Call, E. Hill, and 90 other citizens of Mentor, Lake County, Ohio, of similar import, to the same committee.

Also, the petition of Homer Meachum, J. Richards, M. G. Hill, Franklin Emerson, and 140 other citizens of Paulding County, Ohio, of similar import, to the same committee.

Also, the petition of William Hoff, M. Dustan, and 320 other citizens, of Miamisburgh, Ohio, of similar import, to the same committee.

Also, the petition of H. G. Shugart, J. W. Alloways, Elijah Thorne, Joseph Fitzwater, and 325 other citizens of Ohio, of similar import, to the same committee.

Also, the petition of G. D. Byron, D. A. Stinger, Francis J. Carrothers, R. H. Kimison, G. H. Cowder, and 590 other citizens of Ohio, of similar import, to the same committee.

Also, the petition of Ettie Jamison, Rebecca Daniels, Sarah Forsyth, and 213 other ladies, of New Concord and vicinity, Muskingum County, Ohio, of similar import, to the same committee.

Also, the petition of George W. Geddes, J. H. Reed, and 465 other citizens, of Mansfield and vicinity, Ohio, of similar import, to the same committee.

Also, the petition of J. A. Moose, H. M. Meads, E. F. Webster, Will A. Stevens, and 545 other citizens of Ohio, of similar import, to the same committee.

Also, the petition of Rev. B. H. Wallace and 1,090 other citizens of

Ohio, men and women over the age of twenty-one and eighteen, respectively, of similar import, to the same committee.

Also, the petition of R. M. Powers, M. Roberts, L. Curtis, Ella Haydock, and 418 other citizens of Ohio, men and women, of similar import, to the same committee.

By Mr. POTTER: The petition of 18 persons of Saint Joseph, Michigan, and also of 67 citizens of the same place, for the repeal of the stamp tax on safety matches, to the Committee of Ways and Means.

Also, the petition of W. W. Sweet, for an extension of the time in which he can apply for bounty under act of July 28, 1866, to the Committee on Military Affairs.

Also, papers relating to the petition of D. K. Sargent, for relief, to the same committee.

By Mr. RAINEY: Two petitions of citizens of Connecticut, for the repeal of the stamp tax on safety matches, to the Committee of Ways and Means.

By Mr. ROBBINS, of Pennsylvania: A petition, signed by a large number of names, favoring the extension of aid to the Texas Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. RUSK: The petition of Mrs. Sarah McCooey, for a pension, to the Committee on Invalid Pensions.

By Mr. SMITH, of Pennsylvania: Papers relating to the petition of the Columbia Bridge Company, for pay for damages done in the burning of the same by order of the United States authorities, to the Committee on War Claims.

By Mr. STEVENS: A paper relating to a post-route in the Territory of Arizona, to the Committee on the Post-Office and Post-Roads.

By Mr. STRAIT: The petitions of R. R. Turritin and 80 others, of Le Sueur County; of Thomas Welsh and 66 others, of Sibley County; of Martin Quinn and 40 others, of Scott County; of H. R. Denny and 63 others, of Carver County; of Mort Tousley and 169 others, of Le Sueur County; of William H. Sigler and 99 others, of Sibley County; and of a number of citizens of the Minnesota Valley, for the improvement of the Minnesota River by a system of locks and dams, to the Committee on Commerce.

By Mr. SWANN: The petition of John B. Braun, to be allowed to prosecute a claim against the United States for money paid the United States in excess of law, to the Committee of Claims.

Also, the memorial of S. H. Kettlewell, for pay for services and sufferings on the isthmus of Darien ship-canal expedition No. 1, to the same committee.

Also, the petition of John D. Stewart, for pay for property taken by the United States Army, to the Committee on War Claims.

By Mr. TARBOX: The petition of Nancy J. Leader, for bounty allowance, to the same committee.

By Mr. TERRY: A paper relating to a post-route in Virginia, to the Committee on the Post-Office and Post-Roads.

By Mr. TUCKER: A paper relating to a post-route from Gold Hill to Eldridge's Mills, Virginia, to the same committee.

By Mr. VANCE, of North Carolina: The petition of citizens of Wilmington, North Carolina, for the repeal of the check-stamp tax, to the Committee of Ways and Means.

By Mr. VAN VORHES: The petition of Henry M. Davis, for relief, to the Committee on War Claims.

Also, papers relating to the case of Peter M. Ward, to the Committee on Military Affairs.

By Mr. WARREN: The petition of Jerome Jones and other citizens of Boston, Massachusetts, for a reduction of duties on crockery ware, to the Committee of Ways and Means.

By Mr. A. S. WILLIAMS: Resolutions of the workingmen of Detroit, Michigan, favoring the immediate repeal of the resumption act, to the Committee on Banking and Currency.

By Mr. WOODBURN: The petition of Robert McBeth and 112 other citizens of Nevada, for the extension of mail-route No. 45116, from Battle Mountain to Galena, in that State, to the Committee on the Post-Office and Post-Roads.

By Mr. YOUNG: The petitions of John Farley, Matthias App, Indiana E. Hughes, and Edward Tucker, for the reconsideration of their claims disallowed by the southern claims commission, to the Committee on War Claims.

Also, papers relating to a post-route from Woodstock to Bettyville, in Shelby County, Tennessee, to the Committee on the Post-Office and Post-Roads.

Also, the petition of citizens of Memphis, Tennessee, for the repeal of the stamp tax on safety matches, to the Committee of Ways and Means.

By Mr. ——: The papers relating to the claim of M. W. Venning, for supplies taken for the use of the United States Army, to the Committee on War Claims.

By Mr. ——: The petition of Rachael F. Pettit, for a rehearing of her claim against the United States disallowed by the claims commission, to the same committee.

By Mr. ——: The petition of Mason Shipman, for a rehearing of his claim against the United States rejected by the claims commission, to the Committee on War Claims.

By Mr. ——: List of applications for renewal of trusses for hernia, disability incurred while in the United States Army, to the Committee on Military Affairs.

IN SENATE.

TUESDAY, *February* 8, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. No. 31) granting a pension to Patrick Glackin;
A bill (H. R. No. 43) granting a pension to Elizabeth A. Neibling;
A bill (H. R. No. 104) granting a pension to Edward C. Wheelock;
A bill (H. R. No. 215) granting a pension to John G. Parr, of Kittanning, Pennsylvania;
A bill (H. R. No. 318) granting a pension to Annie Failey;
A bill (H. R. No. 556) granting a pension to Alexander St. Bernard, of Saint Clair County, Michigan;
A bill (H. R. No. 933) granting a pension to William D. Cobaugh;
A bill (H. R. No. 935) granting a pension to G. W. La Pointe;
A bill (H. R. No. 1044) granting a pension to Margaret E. West,
A bill (H. R. No. 1347) granting a pension to Hattie D. McKain;
A bill (H. R. No. 1596) granting a pension to Ruth Ellen Greeland;
A bill (H. R. No. 1598) granting a pension to William R. Duncan;
A bill (H. R. No. 1599) granting a pension to Frances C. Elliott;
A bill (H. R. No. 1600) granting a pension to Jane A. Harris;
A bill (H. R. No. 1601) granting a pension to Otis B. Anderson; and
A bill (H. R. No. 1602) granting a pension to Margaret E. Cogburn.

The following bills from the House of Representatives were severally read twice by their titles, and referred as indicated below:

A bill (H. R. No. 83) for the relief of James A. Hile, of Lewis County, Missouri—to the Committee on Military Affairs.

A bill (H. R. No. 193) for the relief of Ezra B. Barnett, postmaster at Norwich, New York—to the Committee on Post-Offices and Post-Roads.

A bill (H. R. No. 231) for the relief of Robert Erwin—to the Committee on the Judiciary.

A bill (H. R. No. 247) for the relief of James M. Coffinberry, of Cleveland, Ohio—to the Committee on Claims.

A bill (H. R. No. 934) regulating the practice of United States circuit and district courts as to the time and manner of instructing juries and arguing the cause—to the Committee on the Judiciary.

A bill (H. R. No. 1595) for the relief of John T. Burchell, of Knoxville, Tennessee, for services rendered the Government in a small-pox hospital—to the Committee on Claims.

A bill (H. R. No. 1803) to provide for the appointment of commissioners to take affidavits &c., for the courts of the United States—to the Committee on the Judiciary.

The bill (H. R. No. 1802) making an appropriation to pay fourteen crippled and disabled Union soldiers from the 6th day of December, 1875, to the 30th day of June, 1876, was read twice by its title.

Mr. SARGENT. I ask that that bill be referred to the Committee on Appropriations.

Mr. EDMUNDS. What have those soldiers done?

Mr. SARGENT. I understand that they are extra to the ordinary roll of House employés, and have been paid in this manner from year to year. There is some peculiarity, some exceptional circumstance about this matter, and therefore I ask that the bill may be referred to the Committee on Appropriations.

Mr. EDMUNDS. I did not know but that they were those whose services had been dispensed with.

Mr. SARGENT. I understand that some of them have been dispensed with, and others of different politics have been put in instead. I do not know that that makes any difference in the justice of the claim in the mind of the Senator; it does not in mine. At the same time I would like to look into that and other circumstances.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Appropriations.

COURTS IN CALIFORNIA, OREGON, AND NEVADA.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. No. 53) fixing the time of holding the circuit court of the United States in the districts of California, Oregon, and Nevada.

The amendment of the House of Representatives was to strike out near the beginning of the second section the word "February" and insert "March;" so as to read, "that this act shall take effect on the 1st day of March, 1876."

The amendment was concurred in.

PETITIONS AND MEMORIALS.

Mr. WITHERS presented the petition of Mary Hackley, praying that, as the legal representative of Robert J. Hackley, she may be allowed the preference right of purchase of one hundred and sixty acres of land, formerly located under the pre-emption laws of the United States by her husband in the State of Florida; which was referred to the Committee on Public Lands.

He also presented the petition of Frank G. Senseney and other heirs of Jacob Senseney, deceased, praying compensation for the use and

occupation of certain buildings in Winchester, Virginia, by United States troops in 1864 and 1865; which, together with the papers already on file in the case, was referred to the Committee on Claims.

Mr. KELLY presented a petition of citizens of the State of Oregon and Territory of Idaho, praying Congress to establish a mail-route between Salubria, in Idaho, and Sparta, in Oregon; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WINDOM presented a petition of 1,660 citizens of Minnesota and Wisconsin, praying for an appropriation to complete the Fox River improvement, and for the construction of a canal from Portage City, Wisconsin, to Prairie du Chien, Wisconsin, in accordance with the third plan recommended by General Warren; which was referred to the Committee on Commerce.

Mr. CAMERON, of Wisconsin, presented the petition of B. L. Cornish, praying pay as second lieutenant of Company D, Thirty-second regiment Wisconsin Volunteers, from November 11, 1864, to June 12, 1865; which was referred to the Committee on Military Affairs.

Mr. ENGLISH presented the petition of John W. Bishop and 150 other citizens of New Haven, Connecticut, for the issue of fifty-year 3.65 gold-bearing bonds; which was referred to the Committee on Finance.

He also presented the memorial of A. S. Sutton and a large number of other citizens of the District of Columbia, remonstrating against the appointment and confirmation of certain police commissioners; which was referred to the Committee on the District of Columbia.

Mr. HOWE. I present a joint resolution of the Legislature of Wisconsin, which I ask may be read.

The PRESIDENT *pro tempore*. The resolution will be reported if there be no objection.

The Chief Clerk read as follows:

STATE OF WISCONSIN, OFFICE OF SECRETARY OF STATE,
Madison, February 3, 1876.

SIR: I have the honor to inform you that the Legislature of this State has adopted the following joint resolution No. 2:

"Whereas a bill was introduced in the United States Senate on the 10th day of January, 1876, by Senator Sargent, of California, entitled 'A bill to restore the lands conditionally granted, the conditions of which have lapsed, to the public domain,' which bill would include the grant of lands made to the State of Wisconsin by acts of Congress approved June 3, 1856, and May 5, 1864, to aid in the construction of a railroad from the Saint Croix River or lake, between townships 25 and 31, to the west end of Lake Superior and Bayfield; and whereas forty miles of road have been built by the company to which has been given said grant by the State of Wisconsin, in consideration thereof, and said company is preparing and proceeding to build the remainder of said road, and the passage of said United States Senate bill would work great injustice to the State of Wisconsin, to said railroad company, and especially to that part of the State through which said road is to run:

"*Resolved by the senate, (the assembly concurring,)* That our Senators in Congress are instructed, and our Representatives therein requested, to oppose so much of said bill now pending in the United States Senate as will affect said grant of lands made to the State of Wisconsin.

"Approved February 1, 1876."

Very respectfully your obedient servant,

PETER DOYLE,
Secretary of State.

Hon. TIMOTHY O. HOWE,
Washington, District of Columbia.

Mr. HOWE. I ask if the Committee on Public Lands has reported the bill referred to in this joint resolution?

Mr. OGLESBY. What is the title of the bill?

Mr. HOWE. "A bill to restore the lands conditionally granted, the conditions of which have lapsed, to the public domain."

Mr. OGLESBY. No such bill has been reported from the Committee on Public Lands up to this time.

Mr. HOWE. I move that the resolution be printed and referred to the Committee on Public Lands.

The motion was agreed to.

Mr. CAMERON, of Pennsylvania, presented a resolution of the Vessel-Owners' and Captain's Association of Philadelphia, Pennsylvania, against transferring the execution of the shipping-commissioners' act from the Department of Justice to the Treasury Department; which was referred to the Committee on Finance.

He also presented several petitions of citizens of Philadelphia and other parts of Pennsylvania, manufacturers of and workers in iron and coal, praying that Congress aid in the construction of the Southern Pacific Railroad; which were referred to the Committee on Railroads.

He also presented a communication from Hon. Hamilton Fish, Secretary of State, transmitting a communication from Sir Edward Thornton, British minister, in relation to the bestowal upon Hon. W. L. Scruggs, minister resident of the United States at Bogota, of a present as a recognition of valuable services to Her Majesty's government by the said United States minister in the arbitration and settlement of the claims of certain British subjects against the government of Colombia; which was referred to the Committee on Foreign Relations.

He also presented the petition of the western quarterly meeting of the religious society of Friends, of Chester County, Pennsylvania, and parts adjacent, praying for the appointment of a commission of inquiry into the results of the traffic in alcoholic liquors; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. SHERMAN, from the Committee on Finance, to whom was referred the bill (S. No. 10) to secure depositors in the Freedman's Savings and Trust Company from ultimate loss, reported adversely thereon, and the bill was ordered to lie on the table.

He also, from the same committee, to whom was referred the bill (S. No. 265) authorizing the Secretary of the Treasury to purchase the building known as the Freedman's Savings-Bank, situated in the city of Jacksonville, to be used as a custom-house and post-office, asked to be discharged from its further consideration, and that it be referred to the Committee on Public Buildings and Grounds; which was agreed to.

He also, from the same committee, to whom was referred the petition of Henry M. Nagle, of California, praying to be refunded a sum equal to the amount of revenue-stamps affixed to manufactured brandy destroyed by fire before it could be sold, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. KELLY, from the Committee on Public Lands, to whom was referred the bill (S. No. 6) for the sale of timber lands in the States of California and Oregon and in the Territories of the United States, reported it without amendment.

JOHN A. TORRENCE.

Mr. McDONALD. I am directed by the Committee on Public Lands, to whom was referred the bill (S. No. 269) for the relief of John A. Torrence, to report it without amendment and recommend its passage. I desire the present consideration of the bill, and send with it to the Chair to be read a letter of the First Comptroller of the Treasury showing the necessity for its passage. I ask that it be acted upon at once.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Treasury to pay to John A. Torrence, late receiver of public moneys at the land office at Harrison, Arkansas, the sum of $281.59; and to cause the further sum of $177.36 to be passed to his credit, in order to close his account as disbursing agent.

The PRESIDENT *pro tempore*. The letter accompanying the bill will be reported.

The Chief Clerk read as follows:

TREASURY DEPARTMENT, COMPTROLLER'S OFFICE,
December 14, 1875.

SIR: Your account for the second full quarter of 1875 has been adjusted per report No. 26303, and there has been found to be due to you the sum of $458.95.

Your account as disbursing agent for the same period has also been adjusted per report No. 26262, and there has been found to be due from you the sum of $177.36.

This sum, $177.36, deducted from the amount, $458.95, due to you as receiver, would leave a balance due to you of $281.59, which sum cannot now be paid to you, for the reason that the $458.95 appears on the books of the Treasury as an overdeposit by you; and having been covered into the Treasury by warrant, can only be paid to you by act of Congress.

It is suggested, in the event you apply to Congress for relief, that the amount asked for should be $458.95, provided that $177.36 of the same shall be passed to your credit on your account as disbursing agent, in order to close the same; and the residue, $281 59, can be forwarded to you by a Treasury draft, thus closing your account on the books of the Treasury.

Very respectfully,

R. W. TAYLER,
Comptroller.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LOUISVILLE BAPTIST ORPHANS' HOME.

Mr. KERNAN. I am directed by the Committee on Finance, to whom was referred the bill (S. No. 259) for the benefit of the Louisville Baptist Orphans' Home, to report it without amendment, and if there be no objection I ask for its present consideration. If Senators desire, I will state its object.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides for the payment of $126, being the amount of two United States 5.20 coupons of $3 each, numbers 49699 and 316, due 1st of January, 1875, and also four Louisville and Portland Canal coupons, of $30 each, numbers 1398, 1399, 1400, and 1401, due 1st of January, 1875, belonging to the Louisville Baptist Orphans' Home, and which were inclosed in a letter and mailed by George W. Norton & Co., bankers in Louisville, Kentucky, to Messrs. Nolan, Slaughter & Co., New York, which letter was registered in the Louisville post-office on the 5th of January, 1875, and destroyed by fire at some point between Baltimore and Washington, on the 7th of January, 1875. But the Secretary of the Treasury is to take from the claimant before payment a bond, with good security, for the protection of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. McMILLAN, in pursuance of previous notice, asked and obtained leave to introduce a bill (S. No. 413) establishing the port of Saint Paul, Minnesota, as a port of appraisal; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. WINDOM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 414) establishing the port of Du Luth, Minnesota, as a port of appraisal; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. FRELINGHUYSEN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 415) to provide an exchange of laws

and reports with the several States; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. CAMERON, of Pennsylvania, it was

Ordered, That the petition and papers in the case of Daniel Miller be taken from the files of the Senate and referred to the Committee on Pensions.

FIRST NATIONAL BANK OF SAINT ALBANS.

Mr. WRIGHT. I ask the Senate to proceed to the consideration of Senate bill No. 58, reported from the Committee on Claims. It will take but a very few moments. It is a bill which passed the committee last session, and also this session, unanimously.

Mr. CLAYTON. Does the Senator think that bill will elicit any discussion?

Mr. WRIGHT. I do not think it will.

Mr. CLAYTON. Was it before the Senate at the last session of Congress?

Mr. WRIGHT. It was before the Senate at the last session of Congress. It elicited no discussion then, as I remember. It did not pass for want of time. It is reported unanimously by the committee. I understand the position of the Senator, and I do not want to antagonize his bill, but I shall be very glad to get this bill disposed of.

Mr. CLAYTON. If it leads to no debate, I have no objection.

Mr. WRIGHT. I move to take up the bill.

The motion was agreed to; and the Senate proceeded, as in Committee of the Whole, to consider the bill (S. No. 58) to pay the First National Bank of Saint Albans, in the county of Franklin and State of Vermont, the value of certain United States Treasury notes held by said bank as financial agent of the United States, and forcibly taken therefrom by raiders from Canada in October, 1864.

An amendment was reported by the Committee on Claims, to strike out in lines 10, 11, and 12, the words: "With interest thereon from the 19th day of October, 1834, to the time of such payment."

Mr. SHERMAN. I should like to have the report read.

The Chief Clerk read the following report, submitted by Mr. CAMERON, of Wisconsin, from the Committee on Claims, on the 26th of January:

The Committee on Claims, to whom was referred the bill (S. No. 58) to pay the First National Bank of Saint Albans, in the county of Franklin and State of Vermont, the value of certain United States Treasury notes held by said bank as financial agent of the United States, and forcibly taken therefrom by raiders from Canada, in October, 1864, having considered the same, submit the following report:

On the 19th day of October, 1864, the Saint Albans raid occurred. On that day, at a little after three o'clock p. m., parties of from three to five persons entered the three village banks in that village. They were armed with large Navy revolvers concealed under their coats. They had belts and traveling-bags, or haversacks. In two of the banks a cashier and teller were present; in the other, only the cashier.

The raiders said they were confederate soldiers; had come to rob the banks and fire the village, and presenting their pistols at the bank officers threatened them with instant death if any resistance was made or alarm given. Thus securing the persons of the bank officers, they proceeded to rob the banks.

While these parties were thus engaged in the banks their associates on the outside were gathering horses from the hotels and livery stables in order to mount and ride for Canada. In this they met with considerable resistance. They fired their pistols at persons passing in the streets, and shot a Mr. Morrison fatally, and seriously wounded a Mr. Huntington. They attempted to set fire to a hotel and some other buildings with "Greek fire."

The banks were soon plundered, the horses got together and saddled and bridled, and within thirty minutes from the time the banks were entered the whole party of raiders were galloping for Canada. They arrived at Frelighsburgh, a little village in Canada, about a mile and a half north of the boundery line, about six o'clock in the evening, and within three hours after the time they began their outrage.

The moment the raiders reached Frelighsburgh they dispersed, each one seeking to save himself and his booty and to find friends and shelter.

The citizens of Saint Albans, recovering from the surprise of such an unexpected attack, immediately got what few fire-arms could be found, and a party of about twenty, under Captain Conger, followed the raiders in hot pursuit, and arrived at Frelighsburgh soon after them, probably by half past six o'clock p. m.

Soon after Captain Conger's party had left Saint Albans, another party of citizens went in pursuit of the raiders, taking another road for the purpose of cutting them off, and arrived at Frelighsburgh very early on the morning of the 20th of October. The party of Americans at Frelighsburgh, numbering only from twenty to twenty-five on the evening of the 19th, had increased to forty or fifty early on the morning of the 20th. Judge Hoyt, one of the directors of the First National Bank, and Mr. Clark and Mr. Burton, two of the directors of the Franklin County Bank, were of the number. It was chiefly due to the activity and energy of the party of Americans that ten of the raiders were arrested on the night of the 19th and the morning of the 20th of October, and secured by the Canadian authorities, and that $74,000 of the stolen money was recovered within twelve or fourteen hours after their arrival at Frelighsburgh.

On the 24th of October, proceedings were commenced before Judge Coursol for the extradition of the fourteen raiders then in custody. Various proceedings and delays took place. Finally, on the 13th of December, Judge Coursol decided that he had no jurisdiction of the case, and set the prisoners free.

This decision of Judge Coursol was disapproved by the Canadian authorities, and Sir George Cartier ordered the re-arrest of the raiders, to be tried before another judge, and offered a reward of $200 for the apprehension of each of the escaped prisoners. Nine of the prisoners escaped; five were re-arrested.

The five raiders re-arrested were tried before Judge Smith. He held that they were belligerents, duly commissioned by the confederate authorities and acting under the immediate orders of C. C. Clay, jr., confederate agent; that their acts were not robbery and murder, but belligerent acts; and, therefore, that they could not be delivered up under the extradition treaty; and he discharged them.

June 22, 1864, the First National Bank of Saint Albans was designated a depository and financial agent of the United States, and was authorized to receive subscriptions for bonds and Treasury notes of the United States. The bank did receive, in September and the early part of October, subscriptions to the amount of $35,000 for three-years coupon Treasury notes, bearing 7.3 per cent. interest, issued under the act of June 30, 1864. The money on these subscriptions was paid into the bank and placed to the credit of the Treasurer of the United States; report thereof was made to him, the Treasury notes were ordered for the subscribers, and, October 15, 1864, were received to the amount of $35,000. The bank immediately notified the subscribers, and by the 19th they had delivered $6,350 of them to subscribers residing in Saint Albans and vicinity. The remaining notes, $28,650, being the subscriptions of thirty persons, were seized and carried off by the raiders, together with large amounts of money and other property in the safes of the bank. The thirty subscribers demanded the delivery of the notes or the return of the money to them.

The officers of the bank immediately after the raid notified the State and Treasury Departments of the United States of everything that had transpired in connection with said raid. They furnished said Departments at once with all the denominations of said Treasury notes which had been seized, with a request that said Department would *caveat* said Treasury notes on the books of the Department, which was done.

The bank also issued a circular containing numbers and stating that said Treasury notes had been *caveated*, and warning all persons from taking or negotiating the same. This was sent to every bank and banker in the United States, so far as possible, and published in the city papers. These Treasury notes were payable in blank, no payee named.

Notwithstanding all this, the Treasury Department paid or converted the same in the condition they were in when seized, without any payee named in the same, and the bank had no notice thereof until after they were paid or converted, and was deprived thereby of showing that said Treasury notes were presented by or on behalf of parties having guilty knowledge that the same were seized unlawfully from the bank, and that the title to the same was in the United States.

This course may have been a prudent course for the Government to pursue at the time, to give negotiability to its securities; but it should not have been done to the prejudice of the petitioner without at the same time recognizing its right to indemnity.

The bank having been importuned for payment for more than a year by said subscribers, to relieve itself from embarrassment and injury arising from clamor and threatened litigation, gave to the subscribers the amount of their several subscriptions, under protest, in order to save the credit of the bank, believing that the Government would fully re-imburse it.

It appears from the affidavits submitted to your committee that the bank followed substantially the instructions and customs of the Department in transacting the business.

The case, therefore, squarely presents the question whether "a designated depository and financial agent of the Government," authorized and "required" to receive and disburse public moneys, to redeem currency, to receive subscriptions for Government securities, and to hold and deliver the same to subscribers, under the orders and directions of the Secretary of the Treasury, and while in the exercise of such duties and obligations such moneys and notes—the property of the Government—are forcibly seized by an overpowering force of the enemies of the said Government, without the fault or neglect of said officer or agent, being a loyal citizen of such Government, is entitled to relief.

Your committee are of the opinion that it can hardly admit of a doubt.

As a principle of law, it cannot be denied that "an officer" or agent of the Government is only bound to exercise "a degree of care and diligence as the custodian of public moneys, or securities, which a careful, prudent man would require of his agent in a matter of private interest or exercise in his own affairs," and is only liable for negligence or fraud. The rule as laid down in the case of The United States *vs.* Thomas (15 Wallace, 337) is as follows, namely: "A collector or receiver of public money, under bond to keep it safely and pay it when required, is not bound to render the money at all events, but is excused if prevented from rendering it by the act of God or the public enemies, without any neglect or fault on his part."

The court holds in the same case that "the late rebellion, being a public war, the forcible seizure by the rebel authorities of public moneys in the hands of loyal Government agents, against their will and without their fault or negligence, was a sufficient discharge from their obligations in reference to said moneys."

These legal principles have been fully recognized and adopted by Congress. The cases are numerous and decisive upon this point. See the following:

Act to relieve D. O. Cleveland, postmaster, Laws 1873, page 722.

Act to relieve A. A. Vance, postmaster, Laws 1871, page 699.

This is also the case with larceny from paymasters of the United States Army and Navy in numerous cases.

Act to relieve John S. Cunningham, paymaster United States Navy, Laws 1868, page 358.

The rule has also been extended to mail-contractors for horses captured by rebel forces and guerrillas during the war.

See joint resolution to pay John R. Berkley, Laws 1867, page 644.

Congress paid Thomas C. Magruder money stolen from him belonging to the Government, after the same had been *refunded by him to the Government*. Laws of 1873, page 762.

Your committee are satisfied that this bank, at the time of the raid, and from June 22, 1864, was a duly-authorized agent of the Government; that, without any fault or negligence, while acting as such agent, it sustained this loss, and that its claim for this amount, $28,650, is just, and ought to be paid. We strike out of the bill the clause directing the payment of "interest thereon from the 19th day of October, 1864," and recommend the passage of the bill as amended.

Mr. SHERMAN. Mr. President, I would rather that bill should go over until to-morrow, so that I may have an opportunity to examine it. At present, I am very clear in the opinion that there is no case at all against the United States; but I should like to look at the statute which defines the duties and obligations of these banks, who, for their own profit, undertook to sell bonds of the United States. These bonds were sold by the United States, sold by this bank for the United States, and the bonds were delivered. Now it seems to me that to make the Government responsible for the safe custody of these bonds by the bank would not be fair.

Mr. WRIGHT. I am very certain that my friend as chairman of the Committee on Finance, if he will cast back his memory, will remember that we have passed one or two bills precisely of this character, and I think they were passed through the Finance Committee when I was a member of it. I am not certain as to that, but I think the fact is so.

Mr. SHERMAN. The report has been read, and I will look at the law if the Senator will let the bill go over until to-morrow.

Mr. WRIGHT. With the understanding that I shall have consent to take this bill up to-morrow morning immediately after we dispose of the morning business, I will consent to let it pass over now. I understand I have unanimous consent for that.

The PRESIDENT *pro tempore*. The bill will be postponed till to-morrow, no objection being made to that disposition of it.

Mr. CLAYTON obtained the floor.

COMMITTEE SERVICE.

The PRESIDENT *pro tempore*. The Chair will ask the indulgence of the Senate to say that while ever ready to do his part of official labor, he finds that service upon three committees and the requirements of the Chair are incompatible. To do justice to the Chair and meet the expectations of the Senate, it is impracticable to answer the frequent sessions of the Committee on Finance and perform other committee labors. He therefore asks to be relieved from service on the Committee on Finance. Will the Senate excuse the Senator from Michigan in the chair from further service on the Committee on Finance?

The question being put, Mr. FERRY was excused.

The PRESIDENT *pro tempore*. How shall the vacancy be filled?

Mr SHERMAN. I move that the Chair fill the vacancy.

The motion was agreed to unanimously; and

The PRESIDENT *pro tempore* subsequently appointed Mr. COOPER.

PUBLIC LANDS IN SOUTHERN STATES.

Mr. CLAYTON. I move that we resume the consideration of Senate bill No. 2.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 2) to repeal section 2303 of the Revised Statutes of the United States, making restrictions in the disposition of the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida, the pending question being on the amendment of Mr. EDMUNDS to insert the following proviso at the end of the bill:

And provided, That the public lands affected by this act shall not be open to private entry until the same shall be offered at public sale after the passage of this act.

Mr. CLAYTON. Mr. President, on reflection I am inclined to accept the amendment of the Senator from Vermont, somewhat modified, however, in a manner which I think he will himself agree to. I send to the Clerk's desk an amendment in the nature of a substitute for the amendment offered by the Senator from Vermont, and ask that it be read.

The PRESIDENT *pro tempore*. The amendment to the amendment will be read.

The Chief Clerk read the proposed amendment; which was to strike out all the words after "*provided*," and insert:

That the public lands affected by this act shall be offered at public sale as soon as practicable, from time to time and according to the provisions of existing laws, and shall not be subject to private entry until they are so offered.

Mr. CLAYTON. Mr. President, this amounts to about the same thing as the amendment of the Senator from Vermont. The objection I have to his amendment is, that it does not require these lands to be offered at public sale. It says they shall not be subject to private entry until they are offered at public sale; but there is no law now which requires lands to be offered twice; and in view of the fact that his amendment does not require these lands to be offered at public sale with a provision covering that point that they shall be offered from time to time under the provisions of existing law, I think I can accept his amendment. In doing so, however, I want to say that I am clearly of opinion myself that the result will prove, after the sales are had, when the expenses of conducting those sales, of advertising in the newspapers this immense amount of lands to be offered, are taken from the products of the sales, that the Government will realize less than a dollar and a quarter an acre for them. I think you will find that the whole system of offering lands at public sale generally results in the Government getting but a dollar and a quarter an acre for those lands. But in view of the fact that there seems to be an impression here that these lands are valuable, and in view of the apparent propriety of these lands, if valuable, being subjected to public competition, I am perfectly willing to accept the amendment. It will delay somewhat the bringing of the lands into market, but will eventually accomplish my purpose.

Mr. ALCORN. Mr. President, as I remarked when I had the honor to address the Senate a few days ago on this subject, the people of the State of Mississippi feel no interest whatever in the passage of this bill, either one way or the other. A feeling came upon me when the question of the repeal of the present law was presented, of injustice to the people of the State of Mississippi that they should be made an exception with regard to the public lands that lay within their dominions.

I am opposed to this amendment which is accepted by the Senator from Arkansas; and the grounds upon which I base my objection are entirely those which appertain to the public. I repeat my constituents feel no interest in the world in the passage of this bill; but the public has an interest, and that interest I now venture to undertake to protect.

Are there Senators here who know anything of the operations of the sales of public lands by the Government of the United States? The long experience that we have had in Mississippi on that subject—and I have lived long enough to speak from the book in what I say here—is that in no instance where the public lands have been offered at public sale have they been to any considerable extent sold for any more than the minimum price. There are four millions of acres of woodland now in Mississippi. I have stated to the Senate that these lands were offered fo a long period of time at a dollar and a quarter an acre; that in the flush times of the South, when land was worth five or six hundred per cent. more than it is to-day, they were not sold; that they were graduated down to twelve and a half cents an acre, and still there were no purchasers. I have stated the fact, which the public records show, that, of the lands heretofore purchased of the United States at a minimum price of not less than a dollar and a quarter per acre, Mississippi to-day owns two million acres that have been forfeited for the taxes, forfeited for a number of years, forfeited from the time when the war closed; that quite recently the State of Mississippi, in order to induce those whose lands had been forfeited to come and pay the taxes, by an act of the Legislature agreed that the former taxes should be abated, together with the costs, upon all lands held by the State that might be paid upon in the year 1874. The proposition was, "Come and pay your taxes for the year 1874 and all the arrears of taxes shall be abated." The fact is further shown by the record that not 2 per cent. of the lands that had before that time been forfeited were redeemed under this proposition.

Now, if you pass this bill with the proposed amendment what will be the result? The receipts will be swallowed up by the expensive operation: the formula of offering these lands for sale; lands that have been in the market for fifty years; lands that have been offered at twelve and a half cents an acre; lands in a State where to be the owner of land is to have an incumbrance upon your shoulders, land-loving people though they are. Things have got to such a pass that to-day the people of the State of Mississippi have forfeited their lands to the extent of 2,000,000 of acres in the richest portion of Mississippi, in that alluvial district that produces a bale of cotton to the acre. I shall be pardoned for speaking of that which I know, of that which appertains to myself, when I say that I have permitted to be sold for taxes lands that were purchased by me twenty years ago at from five to ten dollars an acre, and that I have refused to avail myself of the opportunity, in 1874, of purchasing those lands for the taxes of that year. Why? Because of the fact that I knew the taxes would be continued from that time forward; and the same reasons which induced me to leave those lands go to the State were the reasons that impelled me to refuse the proposition that was made.

There is only one way in the world in which the Government can be benefited or anybody benefited in Mississippi by the disposition of these lands. As I said the other day, there are some timber lands on the waters of the Pearl River near the sea-coast, where the milling interests, the lumber interests, have grown up since the war. The lands there are being denuded of their timber; the Government lands are being despoiled. Under the operation of your homestead law, strangers come there from abroad, for these mills are not owned and not worked, as a general thing, by the people of Mississippi—those I mean of the class of people who lived in Mississippi before the war, but they are enterprising men, sir, from your own State—enterprising men from the North. These enterprising men have come there and they succeed in obtaining a homestead of forty acres under the operation of the homestead law as it now exists, and this is about the only way in which any of the lands have been disposed of. They obtain a forty-acre tract under the homestead law, and upon this license they go and cut the timber off hundreds of acres of the public lands, cut wherever they choose They have a claim upon the forest, and this claim they assert in the form of ax-men that go there and cut it down by the hundred acres.

If the bill were passed in the form that it was introduced by the Senator from Arkansas in the first place, the result would be that these men would go and enter the land at a dollar and a quarter an acre. They would pay that for it; but if you put it up at public auction what will be the result? The expense of the sale will attach to the Government; these men will form combinations, and not one acre will sell for more than the minimum price. I do not believe, in truth, that under the bill as it now stands 10,000 acres of this land will be entered in the State that I represent. I am sure that, if it passes with the amendment that is now proposed, the result will be a tax upon the Government, a tax on the Government whereby the expenses of the offer of the land at sale will largely exceed in money what may be derived from that sale. I am indifferent, I repeat, so far as my own constituents are concerned; but I feel it my duty to speak for my own State here, in behalf of the public welfare, which will not be an advance by this amendment, but will be retarded. The Government will be mulcted in heavy costs. The report of the Land Commissioner will show, I venture the assertion, two years from this time that thousands of dollars have been paid in the State of Mississippi to discharge the expenses of offering this land for sale, whereas the sales themselves will not pay more than one-half the cost.

Now, having said this much, Mr. President, I shall say no more. I shall vote for the bill.

Mr. OGLESBY. Mr. President, I have said nothing in the debate on this bill so far, and, indeed, I had expected not to say anything; and I shall say but little now. The bill was referred to our committee, and was fairly considered in committee, and a majority of the committee recommended its passage. It is perhaps due from me, considering my relation to that committee, that I should state here that I am opposed to the passage of the bill, and am still opposed to it, and shall vote against it. It is a question of some magnitude; and gentlemen more immediately and locally interested in it than those of us whose States are not to be affected by the bill, feel a very considerable anxiety that the bill shall pass at an early day. I have been opposed to the bill for a few reasons, which I will briefly state, and then let it take its course.

It is said that these are chiefly barren pine lands, and that they

will not be taken for homestead settlement; that since the close of the war but a small portion of the public lands in these States has been taken for actual settlement; and since they are chiefly barren pine lands, and will not probably be taken for homesteads, the argument is that it will be better to put them in the market at the minimum price of a dollar and a quarter an acre, and thus get that much revenue from them for the Government. Of course, Mr. President, I am not acquainted with these lands to any very considerable extent; but I have supposed, and do still suppose, that in many localities, even in the region of the barren pine-timber lands, places will be found where patches of a few acres together, three, four, five, ten, fifteen, or twenty acres, may be cultivated, where a colored man or a poor white man may go and make a home, erect a cabin, and make a settling-place. Having done that he may cultivate to the extent of the cultivable land whether less or more, and take with that little patch enough of adjoining timber land to make up one hundred and sixty acres. Where there are colored people or white people disposed to make homesteads on such tracts as would afford these advantages, they may find small parcels of agricultural land and add enough timbered land to get one hundred and sixty acres. I have thought it would be easier to reserve these lands still for that purpose. If they were so located they would take great care of the timber, they would preserve the timber, and would have for themselves a humble home, a secure home. When that period shall come that the freedman, the American citizen now, feels at liberty to move away from where multitudes are collected out of considerations of personal safety; when good order shall come, when the day of better feeling shall arrive and these men shall feel that they can leave the communities where they are and go off with perfect security and make settlements elsewhere and be safe, I have supposed that they would do so, and would largely occupy these lands and make homes upon them.

These have been chiefly the considerations that have controlled me in my conclusion to oppose this bill. It is true there is very much in what the Senator from Arkansas says, and very much in what the Senator from Mississippi says, which goes to show that these lands will not be occupied by settlers or by pre-emptors, or by purchasers. Indeed the account given of the public lands in Mississippi by the honorable Senator from the State is most discouraging. I am almost amazed that that people, whom he characterizes as once a land-loving people, have in recent years lost attachment and fondness for real estate; but the time must come, and the time will come, when all the public lands of this country will be sought by men desirous of making homesteads and actual settlement upon them. It will come as sure as the country lasts. Do you not know, Mr. President, and does not this country already know, that the public lands fit for cultivation are fast disappearing from the public? Do we not know that in a short time, less than a quarter of a century, it will be an impossibility to find a section of unoccupied land for the actual settler, so rapidly is it disappearing in a thousand different channels?

Now, in conclusion, and not to take the time of the Senate, I wish to say that this measure, which seems to be so near the feelings of the Senators from the Southern States, because it removes a law that they think operates unjustly against them in the nature of a discrimination against their people, ought not to be pressed now. I wish to say to them and to the Senate that this very question of the timber lands of this country is under consideration by the Committee on Public Lands, and the Committee on Public Lands of the Senate has taken one step toward settling a policy or beginning a policy with reference to these timber lands. In that condition of affairs I think it better to let the lands in these five States remain as they are at present, subject alone to homestead settlement.

Mr. BOUTWELL. I should like to submit a second section to this bill before it passes from our consideration to-day, and I give notice that I will offer it as an amendment and ask that it be printed.

The Chief Clerk read the proposed amendment, as follows:

SEC. 2. That before any timber lands of the United States shall be offered for sale an appraisal shall be made of the sections to be offered in such manner as the Secretary of the Interior shall prescribe, and such appraisal shall be the minimum price at which such sections shall be sold: *Provided*, That sales shall not be made at less than $1.25 per acre.

The proposed amendment was ordered to be printed.

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. WRIGHT. I move that the Senate proceed to the consideration of executive business.

Mr. MORRILL, of Maine. Mr. President——

Mr. MORTON. I wish to offer a resolution.

Mr. WRIGHT. To ask for its present consideration?

Mr. MORTON. If there is no objection to it.

Mr. WRIGHT. I yield for that purpose.

DISTRICT OF COLUMBIA GOVERNMENT.

The PRESIDENT *pro tempore*. The resolution of the Senator from Indiana will be read.

The Chief Clerk read as follows:

Resolved, That the Committee on the District of Columbia be instructed to consider the propriety of preparing and reporting a bill to provide a government for the District of Columbia, under which the people, through the elective franchise, may regulate and control their domestic affairs, not inconsistent with the protection, regulation, and control by the United States of public property and the exercise of such jurisdiction as may be necessary in the national capital.

The resolution was considered by unanimous consent.

Mr. MERRIMON. We have already passed a resolution like that, but I do not object.

Mr. MORTON. It is not like this.

The resolution was agreed to.

C. H. FREDERICK.

Mr. LOGAN. I ask leave to make a report at this time, not having been in my seat when reports were called for. The Committee on Military Affairs, to whom was referred the petition of Lieutenant-Colonel C. H. Frederick, Ninth Missouri Volunteer Infantry, praying compensation for two months and four days' services, commutation, &c., rendered by him during the war, have instructed me to report a bill.

The bill (S. No. 416) for the relief of C. H. Frederick, late a lieutenant-colonel in the Ninth Missouri Infantry, was read and passed to the second reading.

Mr. HITCHCOCK. I ask that the bill just reported by the Senator from Illinois from the Military Committee be put on its passage. It has passed before and failed in the other House for want of time.

Mr. WRIGHT. I do not want to antagonize the Senator, but I must object. I want an executive session.

Mr. HITCHCOCK. I think it will take but a single moment to dispose of the bill. It involves only a few hundred dollars.

Mr. WRIGHT. I cannot yield. I insist on my motion.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Iowa.

ORDER OF BUSINESS.

Mr. MORRILL, of Maine. One moment for a word of explanation. Yesterday I gave notice that to-day at one o'clock I should ask the Senate to take up for consideration the centennial bill. I desire to make one single remark in that connection. Whatever measure the Senate passes on that subject ought to be passed at the present time. The financial condition of the company is such that one ought not to delay; whatever our pleasure may be upon that subject ought to be expressed. If we intend to turn our back upon it, very well. If we feel under obligations of any sort in regard to it, they ought to be expressed. I have no disposition now to interfere with what seems to be the pleasure of the Senate to go into executive session; but I desire to repeat that at the earliest moment I shall urge this bill on the consideration of the Senate, and trust there will be a disposition to dispose of it.

Mr. EDMUNDS. I respectfully submit that when we adjourned last night on the unfinished business I had the floor.

The PRESIDENT *pro tempore*. But the Senator from Iowa has moved that the Senate proceed to the consideration of executive business, pending which he yielded to the Senator from Maine who is holding the floor by the sufferance of the Senator from Iowa.

Mr. EDMUNDS. I had the impression that when a Senator desiring to speak on a subject rose and got the floor, and the Senate then adjourned or went to the consideration of executive business, when the unfinished business next came up that Senator was entitled to the floor.

The PRESIDENT *pro tempore*. If the Senator insists, the Chair will so rule.

Mr. EDMUNDS. I do not insist on anything; I only make the statement.

Mr. MORRILL, of Maine. Then I hope my honorable friend will allow me to make a motion to take up the centennial bill.

The PRESIDENT *pro tempore*. The unfinished business of yesterday, being the resolution in relation to the admission of Mr. Pinchback as Senator from Louisiana, is before the Senate; and on that resolution the Senator from Vermont [Mr. EDMUNDS] is entitled to the floor.

Mr. EDMUNDS. Now I wish to say, the unfinished business being before the Senate, that I think we ought to go on with this centennial bill; but we ought to act intelligently. We directed the Secretary of State some days ago to inform us touching the correspondence with other governments respecting the invitations, &c., to this affair. We have not yet received his reply. You will notice that the preamble of this bill—if I may refer to the merits of it—sets forth as one ground for its passage that our honor is committed to foreign governments upon the subjects. This information, of course, would be of great importance touching that question. I had reason to suppose that that information would be furnished to us yesterday; I have no doubt it will come to-day; but I think we ought to wait a reasonable time so that we may act with all the facts before us and in such a way as that our action will justify itself to the people of the United States. Having said that I yield to the Senator from Iowa for the purpose of making his motion.

Mr. WRIGHT. I move that the Senate proceed to the consideration of executive business.

Mr. EATON. I hope the Senate will not go into executive session.

Mr. EDMUNDS. The question is not debatable.

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. DAVIS. The Senator from Vermont has forgotten, probably, that this day was set apart for a particular purpose. The Senator from Connecticut is only seeking to remind the Senate of that.

The PRESIDENT *pro tempore*. Is there objection to hearing the Senator from Connecticut?

Mr. EDMUNDS. I do not object.

Mr. EATON. I will simply say that to-day was set apart for the purpose of offering resolutions regarding my late colleague, Mr. Ferry. I should dislike to see the Senate go into executive session and thus have the day lost to that purpose.

Mr. WRIGHT. I understand my friend does not propose to offer these resolutions until 3 o'clock. We can open the doors and get back into regular session by 3 o'clock.

Mr. EATON. I would rather offer them now than run the risk of losing the day. My colleague [Mr. ENGLISH] is compelled to be absent after to-day.

Mr. WRIGHT. I am certain we shall be in executive session but a short time. There is no disposition at all to interfere with the matter the Senator from Connecticut has in charge. I trust we shall have an executive session. I insist on the motion.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Iowa.

The question being put, a division was called for; and the ayes were 14——

Mr. WRIGHT. I ask for the yeas and nays.

The yeas and nays were ordered and taken.

The PRESIDENT *pro tempore*. My colleague [Mr. CHRISTIANCY] is paired to-day and is necessarily absent.

The result was announced—yeas 18, nays 43; as follows:

YEAS—Messrs. Allison, Anthony, Boutwell, Bruce, Dorsey, Edmunds, Frelinghuysen, Howe, Logan, McCreery, McMillan, Mitchell, Morrill of Vermont, Morton, Sargent, Sherman, West, and Wright—18

NAYS—Messrs. Alcorn, Bayard, Booth, Cameron of Pennsylvania, Cameron of Wisconsin, Caperton, Clayton, Cockrell, Conkling, Cooper, Davis, Dawes, Dennis, Eaton, English, Ferry, Goldthwaite, Hamilton, Hamlin, Hitchcock, Ingalls, Johnston, Jones of Florida, Kelly, Kernan, Key, McDonald, Maxey, Merrimon, Norwood, Paddock, Patterson, Randolph, Ransom, Robertson, Saulsbury, Stevenson, Thurman, Wadleigh, Wallace, Whyte, Windom, and Withers—43.

ABSENT—Messrs. Bogy, Burnside, Christiancy, Conover, Cragin, Gordon, Harvey, Jones of Nevada, Morrill of Maine, Oglesby, and Spencer—11.

So the motion was not agreed to.

The PRESIDENT *pro tempore*. The unfinished business is before the Senate, on which the Senator from Vermont is entitled to the floor.

Mr. EDMUNDS. The Senator from Maine appeals to me to yield to him to make a motion. I do not think we ought to consider that bill until we get the information to which I have referred, which I hope every moment will be here; but as the Senator from Maine has charge of the appropriations, and we have been accustomed to yield to that committee at its command, I shall not because of the fact of my being entitled to the floor at this moment stand in the way of his making any motion that he thinks he ought to make under the circumstances. I therefore yield the floor.

Mr. MORRILL, of Maine. I now move that this business be laid aside and that the Senate proceed to the consideration of the centennial appropriation bill.

Mr. MORTON. I do not object to taking up the centennial bill, but I desire to say that as soon as that bill is disposed of I shall urge the Senate to resume and proceed with the consideration of the unfinished business of to-day, and I shall ask the Senate to remain until the vote is taken.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Maine.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 514) relating to the centennial celebration of American Independence.

Mr. MORTON. I hope the Senate understands me. When the consideration of the Pinchback case is again resumed, I shall ask the Senate to remain until it is finished.

Mr. EATON. Will the Senator from Maine yield to me?

Mr. MORRILL, of Maine. Yes, sir; with the understanding that the bill now taken up shall be left as the unfinished business.

DEATH OF SENATOR O. S. FERRY.

Mr. EATON. Mr. President, I beg leave to offer the following resolutions:

Resolved, That as a mark of respect to the memory of ORRIS S. FERRY, late Senator from Connecticut, the business of this body be now suspended, that his former associates may pay proper tribute to his public and private virtues.

Resolved, That the Secretary communicate this resolution to the House of Representatives.

The resolutions were unanimously agreed to.

Mr. EATON. Mr. President, the Reaper has indeed been busy in the Connecticut congressional field. Buckingham, FERRY, and STARKWEATHER! Within the short space of less than a year these three gifted men have been gathered to their fathers; three names honored by their native State and honoring her. Difficult will it be to fill the places so long and so worthily occupied by them.

The death of a valuable and eminent public servant is a loss deeply to be deplored by his immediate constituency, and demands at the hands of his former associates proper and seemly action. Thus impressed, I submit to the Senate the brief remarks which I shall offer on this mournful occasion. No fulsome eulogy will be pronounced by me. It would be alike unworthy of my character and the Spartan simplicity which was one of the leading characteristics of the late Senator FERRY.

ORRIS SANFORD FERRY was born in the town of Bethel, Fairfield County, State of Connecticut, on the 15th day of August, 1823. His father, a respectable inhabitant of Bethel, was largely engaged in the manufacture of hats, and at an early age young FERRY was apprenticed to that business. But soon discovering the bent of his mind and his aversion to the trade to which he had designed him, the father released him from his bonds, giving him such educational advantages as enabled him to graduate from Yale College in the year 1844. He pursued the study of the law under two eminent members of the profession in his native county and was admitted to the practice of that profession in 1846.

Mr. FERRY immediately took high rank as a counselor and advocate, and at an early age was justly regarded as in the front rank of the profession in Connecticut. His wonderful power of analysis and the magnetism of his oratory gave him great power with the court and jury, and as a platform speaker he had no superior and few equals in his State.

Mr. FERRY served in the State senate two sessions, 1855 and 1856, and exhibited distinguished ability both as a legislator and political leader. I was not a member of the Connecticut Legislature either of the terms that Mr. FERRY occupied his seat in the senate, but I saw much of his course and know the high estimate which was placed upon his powers by the leading men of the State.

In 1859 Mr. FERRY was elected to the other branch of the Federal Legislature and served through the session with marked ability.

Shortly after the commencement of the late terrible civil conflict, Mr. FERRY was commissioned by Governor Buckingham as colonel of the Fifth Regiment of Connecticut Volunteers, and he remained in the service until the close of hostilities. As an officer, I understand that he was respected by his superiors and beloved by those subjected to his command, performing all the duties devolved upon him with promptness and fidelity.

Resuming the practice of his profession in 1865, he was perhaps at the most successful period of his legal career when he was elected to the United States Senate for the term commencing March 4, 1867. From that time until his death, the story of O. S. FERRY is a part of the history of this body, and I hesitate not to say that by his manly and independent course in the Senate, though differing widely upon some matters from many of his political friends, he won the respect and high regard of all his associates.

This is not the proper occasion to speak at length upon his intellectual efforts upon this floor, so well calculated to bring forth his great powers, efforts which placed him in the front rank of Senators as a debater and constitutional lawyer.

Devotedly attached to the great principles which form the base of our system of government, whenever in his opinion those principles were menaced or endangered, even by the action of political friends, the chains of party allegiance were broken as a strong man rends asunder ropes of yarn, and all the energies of his body and mind were summoned to the conflict in support of such views as he believed to be right, just, and for the best interests of his country. One of the leading and governing traits of Mr. FERRY was his love of justice. He was eminently a just man. He never put to himself the question, Will it be politic to pursue a given course of action? The question which he mentally propounded was, Will it be just? And, once convinced of the justice of his position, he could neither be pursuaded nor driven from the ground which his calm judgment had pronounced correct.

As a politician he was above the petty arts and meannesses which small men use to attain high position.

His personal integrity was pure and spotless. The armorial bearings of the French Bayard might well have been claimed by him. Indeed he was truly—

Without fear and without reproach.

I should do injustice to my feelings if I failed to reproduce part of a letter from a distinguished divine, Rev. Dr. Childs, of Hartford, Connecticut.

Says Dr. Childs:

It is just ten years since my acquaintance with General FERRY commenced.

Letters from him carried me to Norwalk, his place of residence, and resulted ultimately in my becoming his pastor. He was then in the prime of life, forty-two years of age. With a magnificent physical organization, a genial disposition, a strong, clear, active mind, earnest, enthusiastic, impetuous, yet cautious, wonderfully popular, no man in the State probably had the elements or gave the promise of a brighter future. The war was over, and he had returned to the practice of his profession, which opened to him all that his ambition could ask in that direction, and to the enjoyment of his home, which had for him stronger attractions than the scenes of public life.

With the movements that placed him in the National Senate I believe he had little to do. He was not a political manager. He was an honest man, and those who knew him best believed in him most fully. Even his political opponents never, as far as I am aware, questioned his perfect integrity. Intensely earnest in the cause that he espoused, he was more than a partisan. As a national legislator his views were always broader than his party. Acquainting himself thoroughly with the constitutional history of his country, a diligent student of the history of other nations, he developed an independent, wise, far-seeing statesmanship, which, had he not been arrested by the hand of disease, would have placed him—at least ought to have placed him—in the very front rank of political leaders. In my judgment there is no office in the gift of the people that General FERRY would not have filled with eminent ability.

Senators, I have done.

Through my associate and myself Connecticut mourns the loss of one of her most distinguished sons.

Through you, the representatives of the several States, the Federal Union expresses its deep sorrow at the loss of a wise, sagacious, and matured statesman, capable of lifting himself above the claims and

behests of party in the discussion and consideration of questions involving the very life of the Federal system; a statesman whose profound genius entitles his name to be enrolled among the immortal few who knew how to make and keep a people!

Mr. SARGENT. Mr. President, on the 27th of February, 1875, Senators rose in their places to pay fitting tributes of respect and affection to the memory of a dead Senator of Connecticut, whose illustrious public service and private virtues had commanded our admiration and love.

Among those who eloquently spoke on that occasion—not yet a year ago—was the Senator whose loss we now deplore. He was himself then feeble in frame, and halted tremblingly to his seat in this Chamber, the victim of a disease that was rapidly and certainly drying up the springs of life; and I doubt not that the painful thought was in other minds as it was in my own, that ere long we might be called upon to mourn *his* loss and pay customary tribute to *his* memory. Yet his intellectual nature triumphed against the visible progress of disease, and he spoke with unexcelled force and beauty, and with deep feeling, of his associate and friend. His words come back to us today as singularly due to himself: "The plainest truth is his highest eulogy." He would not offend the modesty of the dead by words of boastful praise.

For himself, also, he seemed in the supreme moment impressed with the sentiment of that mournful elegy which shows the emptiness of fame, the monotonous level of the grave:

> Can honor's voice provoke the silent dust?
> Or flattery soothe the dull, cold ear of death?

From such thoughts came his dying request that no eulogistic sermon be preached at his grave. The spirit of that request restrains me in what I may say to-day. But it would belittle the truth not to say that we who knew him well know that he was distinguished for eminent ability and zeal in the public service; that his mind was clear, sharp, and flexible as a Damascus blade. His sense of duty brought him daily to this Chamber and to the committee-room when the excuse for absence, of inextinguishable pain, was ready and obvious.

Our friend was fortunate in his reputation. A man's character is built solely by himself. He constructs it piece by piece, to deformity or symmetry. It cannot be created or destroyed by another. But reputations are the sport of circumstance, or the prey of malice; often beyond the control of the possessor, and as often fictitious and unjust. Sometimes, as with the persecuted Galileo, this is the fault of the age; sometimes, as with blind and despised Milton, it is the license of party. Happy is the wise and good against whom the mob has never cried, "Crucify him! release to us Barabbas!"

I only wish to add that from daily association with Mr. FERRY, I learned to admire the rectitude visible in all his words and actions—a rectitude that seemed to spring not merely from a heart well guarded by conscience, but from an even poise of intellect, which could not incline to temptation or stoop to wrong.

The impressions left here by his daily walk and conversation were familiar to his friends and constituents at home. I listened to the simple statement of his virtues, of his Christian faith and works, by his pastor, who spoke to his neighbors as the cold form of the dead Senator rested at the altar of the little church at Norwalk, and heard the same testimony which we can all bear—that he was conscientious, just, upright.

Such men, whatever their party associations, elevate the public service. Their influence is good, not only in the traces they may leave in wholesome statutes, but in the higher respect of the people for free institutions challenged by their conspicuous integrity.

Mr. BAYARD. Mr. President, I have a sad satisfaction in yielding my tribute of sincere respect to the character and memory of our late associate, Mr. FERRY, of Connecticut, whose career has been so ably and well stated by his colleague, [Mr. EATON.]

There never was any personal intimacy between us, and our views as to party never brought us into that sympathy which is begotten of a common endeavor for political ends.

Yet even in his life-time and amid the ardor of differing opinions, so often forcibly and positively expressed, as was his wont, I was always conscious, whether concurring in or dissenting from his views, that back of his utterances there shone the light of truthful intent, which caused a radiance to pervade everything he said. It was the sense of honest conviction, uncolored and undimmed by petty partisan or unjust considerations.

The real strength and safety of this Government lies in the absolute freedom with which opinions may be formed and expressed, and to the independent and courageous utterances of its able and virtuous men the people may best look for guidance.

This day our country needs men who will proclaim their real judgments; not those who, to adopt a phrase that fell unpleasantly on my ear not long since in this Chamber, "follow in order to lead." One who loved England described her as—

> A land where, girt by friends or foes,
> A man may speak the thing he will.

For when this shall not be, true manliness and honest public service will have departed, and time-serving have taken their place.

The Senator whose death we so justly mourn possessed the qualities which can create and preserve a free government of laws.

He had a mind of excellent natural powers, well matured, and enlightened by study of the laws, both in their enactment and practical administration.

He had experience of men living under the orderly *régime* of law, and also under the less defined control of military rule in time of war.

So fitted by events, he came into this council chamber of the States of the Union somewhat heated perhaps upon his first entry by the scenes of warfare in which he had just been engaged, and in which, as a soldier, he had borne a brave, conscientious, and distinguished part. But, from the first, I well remember how instinctively he recoiled from unworthy or improper schemes, how unerringly he probed and detected fraud, and unsparingly denounced dishonesty and corruption, wherever and whenever found, with a generous indignation.

He lived a life of quiet self-respect. No busy seeker he of men's praises; no dexterous manager of party forces; no scatterer of ambiguous voices in the market-place.

It was because he was a true friend to popular institutions that he despised and shunned the arts of a demagogue; much less did he stoop to gather personal or party advantage in the flames of discord among his countrymen. Thus I believe he was fit to rule men and to execute the great trusts of political power.

I could produce abundant extracts from his speeches in this Chamber where his censure of what he deemed corrupt, dishonest, and unworthy was unhesitating and unsparing. And he never permitted the garb of party to shelter a guilty man from his just denunciation. For six years we served together upon the Committee on Private Land Claims, where cases involving the title or possession of extensive and valuable bodies of land came frequently before us. His intelligence, acumen, and fine legal and judicial abilities were in this way made known to me; and reports of important cases, comprehending questions of law and fact of a complicated nature, where lapse of time and fraud had combined to obscure truth and justice, were made by him and are on the files of the Senate, in which his vigorous and instinctively honest mind dissolved all doubts and arrayed the merits of the case in clear and orderly precision. The condition of physical health in which for years he performed his duties here must have touched and saddened us all; yet complaint was never heard from his lips, and he would force his weak body to its work with a vigor and courage that it is not extravagant to call heroic. To know him was to respect him. His life here has ended, but not I trust its influences upon those who survive and shall succeed him.

> Well may we mourn him;
> Well may we imitate his virtues.

Mr. HOWE. Mr. President, I had not realized how peculiar and unique my relations with the late Senator FERRY had been until I sat down to consider what might be proper for me to say at his official funeral. I knew him first only when he entered the Senate; and I scarcely knew him anywhere else than in the Senate.

During his whole term of service here I was his colaborer; but I rarely saw him out of this Chamber. He never repelled me and was not at all repellant to me. I felt for him not only entire respect, but also great admiration; and therefore I was surprised to find upon reflection that I had never known him but in an official way and in his public character. During the whole time we worked together I never received from or made to him, so far as I remember, anything like a confidential communication. Nothing like a whispered or an aside remark ever passed between us. I rarely ever spoke to him or heard him speak upon other than public affairs. And when for an occasional moment he turned to the discussion of private interests, his wont was to discuss them in official style. If I asked after his health, or for the news of the day, his habit was to answer with the same fidelity to fact and the same accuracy of statement he would have employed in communicating with his physician or with a reporter for the Associated Press.

Once I ventured to applaud some unusually forcible and fervid remarks he made in the Senate. He answered me with a laugh, as little encouraging to my enthusiasm as if the splendid bronze charger on which sits Brown's statue of Scott should whinny when the admiring spectator claps his hands at the triumph of the artist. So I do not feel that I ever knew Mr. FERRY in any other character than that of a Senator. If indeed he had a life distinct or different from his public one, I was a stranger to it. My conclusion is that when he put on the senatorial robes he put them on for steady wear, that his purpose was to carry the proprieties of his great office constantly with him; not to be oppressed by them, still less to oppress any one by them, but to attract by and instruct with them everywhere and always.

I need not speak in this presence of the clearness or the vigor of his intellect. This Chamber, instructed by the loftiest utterances in our language, has witnessed too many evidences of both to make any mention of either profitable.

But more than most men he was sincere and earnest. Others have exhibited on special occasions and in pursuit of special ends more zeal than he was accustomed to betray, but few men of my acquaintance have seemed to burn with an ardor so constant and sustained as that which inspired him.

Two traits in his character deserve particular mention: his independence of thought and his fidelity to conviction.

He thought for himself and formed his own conclusions. He listened to the reasoning of others, but he was guided by his own. He was not likely to be the idol of a party, for he could not abjectly follow one. But he was not for that reason the more unsafe to lead a party, since he was sure to lead by the best light he had.

Perhaps less than others he realized the importance of organization to political achievement. Perhaps more than others he felt the importance of impressing individual opinion upon the public mind. Whatever might have been the cause, he seemed as prompt and resolute to attack what he deemed error in the party to which he belonged as in that to which he was opposed. At times, indeed, he appeared even more uncompromising toward his political associates than toward his political adversaries. There are those in the world still who hold that "unto whomsoever much is given, of him shall be much required," and who are more intolerant of fault in their friends than in strangers.

Something must be pardoned to the exigencies of party as to the spirit of liberty. It is not wise to destroy a great party, freighted with precious hopes and struggling to noble ends, because it occasionally stumbles or for a moment seems to falter on its way. It is not wise to silence a great teacher, in whose light a generation has walked and the human race has visibly grown, because of a single fault, whether imputed or real. It is not wise to drag the moon from the planetary system because there are a few spots on it. Of course when the moon crumbles into ashes, and so flings dust and not light upon the beholder, it might as well be shoveled out of the system. When the teacher slips all the cables which moor him to truth, close reefs the hopes which waft him heavenward, and drifts out listless and rudderless upon the sea of unbelief, helplessly buffeted by all its waves and hopelessly clapboarded by all its barnacles, the sooner he goes to pieces the better. And when a party has sold itself to do evil, has coiled itself on the path of human progress; when it no longer seeks to give nurse to but rather to nurse upon its country, all good men should abandon it and unite to take it to pieces.

It is not easy always to discover the precise point where the paths of the partisan and of the patriot diverge. In every era men have been seen to desert the banners of party before the point of divergence was reached, and men have been seen to follow them long after that point was passed

Undoubtedly good husbandry will seek to garner up all the wheat; and good husbandry will burn the chaff. But some are so eager of grain they will continue to rake over the straw long after the wheat is all out; and some are so impatient of chaff they will kindle the fires in it while it is yet heavy with the bread of life.

The late Senator from Connecticut, however, never set fire to unthrashed harvests. He did not always keep even step with the party in which he trained, but he never deserted it. Occasionally perhaps by ill-timed contentions he obstructed its progress, but I think he never meant to imperil its final triumph.

I did not always agree to the correctness of his conclusions, but I never for a moment doubted the sincerity of them. And the fidelity with which he adhered to his convictions and the courage with which he asserted them was an instruction to us all and deserved all praise. Where he went belief and affirmation walked hand in hand. He seemed absolutely exempt from all physical and all moral tremors such as are born of fear. On the field and in the forum he flung himself into the encounter with equal readiness.

Within an hour after his State had offered him a regiment to lead to battle he accepted the solemn trust. We have seen him enter upon an engagement here with even less deliberation. Day after day he sat here racked with physical pains, but no moan escaped him. His body was enfeebled by disease, but his spirit never languished.

Wherever his sense of duty pointed the way, there he was sure to tread. By him adversaries were uncounted and results were uncalculated. His lips never expressed it, but his manner seemed to say with the young Prince of Tyre—

> Like a bold champion, I assume the lists,
> Nor ask advice of any other thought
> But faithfulness and courage.

Mr. FRELINGHUYSEN. Mr. President, change is written on everything with which we are familiar. The spring, the summer, the golden autumn, and the icy winter chase each other, and while we recognize the one it is gone. The forest is no sooner clothed in its luxuriant foliage than it begins to disrobe, and presently its bare poles stand up against the sky. The creations of human industry and genius, whether of kingdom or code, of monument or picture, crumble away before this universal law. These changes are fraught with instruction, and remind us that we shall not long continue as we now are. But it is when the stern messenger calls away a companion distinguished for his genius and his eloquence, his purity, and his Christian faith that we learn the most impressive of moral lessons.

The average age of the members of this body is perhaps fifty years. In that past period a thousand, yes, nearer two thousand, millions of sentient beings such as we, capable of indefinite if not of infinite moral and intellectual development, have appeared upon the stage of time, there rejoiced and emulated, suffered and striven, and have then departed forever; their entry and their exit being alike mysterious.

Brief as has been their visit to earth, it has been long enough to effect several demonstrations:

It has proven that there is a spiritual as well as a material existence; for they were all conscious of being, and they were all recognized as being, in their personality, spiritual.

It has proven that they were moral intelligences, for no matter how enfeebled by want or how degraded by bad associations, there never was one of that mighty host, with every selfish inducement to decide in his own favor, who has not condemned and blamed himself for every wrong he committed.

It has proven, by the acquisitions those intelligences have made in languages and laws, in philosophy and art, that they are capable of perpetual progression.

It has proven that they were not the results of natural causes, for they have seized upon nature and made it subservient to their pleasure. The very elements have been subjected to their service; its obstacles, such as oceans and space, storms and lightnings, have been overcome and conquered.

Our race stands out the supernatural by an irrefragable logic. If this be not true, why admire the heroism of the martyr dying for his faith more than the fire that consumes him? Why render more homage to the patriot soldier who dies in front of the line than to the steed which spur and bridle have forced to the danger? Why more gratitude to a friendship that is true amid temptations to betray than to the steady current of the river that makes its way over rocks and precipices? It is man as a positive force superior to nature that we admire.

In him we to-day lament the intellectual and moral was in a marked degree predominant. His physical infirmities seemed to augment that supremacy. In the prime of life, shattered by disease, he resolutely and firmly adjusted himself to the situation. We have seen him standing there, advocating those measures he believed best for his country, while his countenance was distorted from pain. His spirit firmly held the mastery over physical forces. They could not carry the citadel of his soul.

He had, too, marked independence of character and thought, and possessed the concomitant virtue of courage. He was satisfied of his ability by investigation to arrive at a sound conclusion. He knew that his motives were pure and honest, and when his opinions were formed he was not to be swerved from them. Though not indifferent to popular opinion, as no sound mind is, he had much of the spirit of that old hero who said, "Were there as many devils in Worms as roof-tiles, I would on."

I did not always think him right, but I always felt re-assured where I found myself voting as he voted.

He was a man of good education and attainments. He had not high culture; few men have. High culture is not essential to excellence or usefulness; if it were, our republican institutions, State and national, would be in a sad condition. His education was sufficient to have developed his native powers and to render him conscious of his strength, so that he went fearlessly and successfully forward as a leader in life's duties.

Mr. FERRY'S reasoning powers were of a superior order, and were habitually fortified by careful reflection on the subject he would present. He seized the strong point of the question under investigation and wielded it with great power. In presenting his views he was direct, plain, and logical, and in that he impressed his hearers with the strength of his own convictions, so that they sympathized with him; he was eloquent.

When that terrible calamity, the record of which is found in thousands of desolate homes, overtook our country, his patriotism shone forth. A Representative of the nation, he became a patrol to guard its capital; and afterward, at the head of the Fifth Connecticut Cavalry, bravely participated in its battles. But his patriotism was not sectional; it was not a narrow sentiment, confined to any locality. He fought to preserve here for all his country that civil liberty which, while the greatest of blessings, is conferred upon only a few spots of earth. He believed that he was contending for the right. I do not say he would not say that many of those with whom he contended did not, from their stand-point, think they were right. But this is true: when everywhere in this free Republic law shall be supreme, the rights of property and person secure, and constitutional political equality exercised and protected, then, when civil liberty is thus established, and we rejoice in the prosperity, peace, and virtue that flow from it, all will remember past differences only to be the more grateful that we are again friends.

It was the crowning glory of our friend that he was a Christian. Conscious of a spiritual malady which human culture or educational development could not cure, he sought and found for a disease to the supernatural a supernatural remedy.

He has gone from us forever. Whither has he gone? All of him that is mortal quietly reposes in the soil of the gallant State that delighted to honor him. His memory is embalmed in the hearts of many loving countrymen, and his spirit has returned to the bosom of his Father.

Mr. THURMAN. Mr. President, I have a few very sincere words to say of our deceased brother—words of sincere admiration of his character. That he was a man of intellect all who knew him will bear witness; that he was a speaker of singular perspicuity and force

all who ever heard him can testify; that his mind was cultivated, his manners refined, his bearing dignified, simple, and wholly free from ostentation, is known to us all. But to me, as no doubt to others, the great trait of his character was its broad, enlightened, and fearless independence. He was one of that class of men—too limited in every land and in every age—who think for themselves and dare to say what they think. Paying due regard to the opinions of others and always willing to receive instruction, he nevertheless was careful to assert his brain and manhood by ultimately deciding for himself. And he had a breadth and grasp of mind, a magnanimity of soul, and a sense of justice that ever inclined him to measures of moderation and kindness; and in such measures his reason, his learning, and his feelings found the truest statesmanship. I might give not a few illustrations of these characteristics from the records and debates of the Senate, but this is not an occasion to speak of matters that have not yet passed out of the region of controversy. Time, in my opinion, will vindicate the soundness of his judgment; his honesty of purpose needs no vindication, for no one was ever found to question that.

Mr. WADLEIGH. Mr. President, I first met the late Senator FERRY in 1873, when I took a seat in this Chamber. He was then suffering from the disease which condemned him to partial seclusion and finally ended his life. I was not without prejudice against him, and should never have known him intimately had I not been associated with him upon the committee of which he was chairman. Thus brought into social relations with him my prejudice vanished, and I soon learned to admire the clearness and strength of his intellect and the purity and beauty of his character. Our acquaintance, on my part at least, grew into warm friendship, to which I should do violence were I to constrain myself to silence on this occasion.

The events of his life have been so fully traced by his colleague that I will only glance at them. Born in Connecticut, and always residing in his native county of Fairfield, his honors must have been doubly dear as coming from those who had known him from childhood. In youth he wrought in his father's manufactory, where he acquired a practical knowledge, which he sometimes unexpectedly exhibited to the discomfiture of those who assumed his want of it.

He graduted at Yale College, the *alma mater* of so many distinguished Americans, and chose the legal profession. We who knew him here cannot doubt that he deserved and won professional distinction, especially as an advocate. His strong common sense, his earnestness, born of intense convictions, his inborn and irrepressible love of right and justice, his contempt and hatred for meanness and wrong, and the mingled logic and feeling which animated his speech must have won the minds and the hearts of the clear-headed, strong-minded men who generally compose the juries of New England.

After two years of faithful service in the Connecticut senate and three years' performance of the duties of prosecuting attorney in the county of Fairfield, he was, in April, 1859, elected to the national House of Representatives, where he served till March, 1861. In the midst of all-pervading treason which seemed to forbode the sure downfall of the Republic, his unselfish patriotism led him to enlist and serve as a private soldier in a company raised to defend the national Capitol from the foes that menaced it from within and without. In the great struggle which preserved national unity and free institutions to our people he took no uncertain nor wavering part. His patriotism and his humanity alike condemned a rebellion which would have divided our country into independent and hostile States, without peace at home or power abroad, and which would have erected upon the ruins of American freedom a government with human slavery for its cornerstone.

Having been appointed by Governor Buckingham to the command of the Fifth Connecticut Regiment he obtained by arduous study a knowledge of military affairs, and with his regiment did faithful and honorable service. Commissioned brigadier-general in 1862 he served with gallantry till the end of the war, when he resumed the practice of his profession at Norwalk. In 1867 he was elected to this Senate, and re-elected in 1872. His last public effort in this Chamber was to pronounce a true and beautiful eulogy upon his friend and colleague, Senator Buckingham. Much in that eulogy might be applied to the lamented FERRY himself. In it he seemed to be sounding his own requiem. The sorrowful task of preparing it almost overcame him and admonished him that his own hold on life was rapidly breaking and that his feet were even then pressing the shore of that dark river over which his friend had passed to the unseen world. In vain he sought relief from medicine; it had no shield against the stroke of death. The dying Vice-President sent to him a message of love which never reached him. They died within a few hours of each other—loved, trusted, and mourned.

In the character of Senator FERRY it seems to me there was almost everything to admire, and almost nothing to condemn.

His intellect was clear, powerful, and logical. Few better speeches than his can be found in the records of American eloquence. Terse, vigorous, and full of fiery force, they were delivered with an earnestness of manner which gave them wonderful effect. His hearers felt that before them was a man who believed what he said, and who said it because he believed it. When warmed in debate his impulsive energy seemed to triumph over the cruel disease which, like the vulture of Prometheus, was gnawing his vitals. Yet, with all his mental strength, he had the ardent generosity and captivating frankness of youth and a feminine kindness of heart. The poor, the oppressed, the unhappy multitude whose lives are darkened by want, had never a friend whose heart beat for them with stronger sympathy. His love of right, of justice, of what Anglo-Saxons call "fair play," amounted to a passion. Yet he never stooped to flatter nor amuse the people to whose welfare he devoted himself. His public addresses never appealed to the baser passions, but only to the sentiments of justice and duty in the hearts of his hearers and to their judgment and reason. He was a patriot without being a demagogue.

He was by nature a man of unyielding courage, and in his later years his fear of God shut his heart against all other fear. He had the courage to be true to his convictions always and everywhere. No unpopularity of a cause could prevent his warmly espousing it. His independence of thought sometimes led to breaches of party discipline which would have been fatal to men of less purity, but which never lost him the confidence of those who knew him. They knew that no selfish, dishonest motive could influence him. His character shielded him even against suspicion. They felt that modern degeneracy had not reached him; that, though poor, he could not be swayed by all "the gold of Ormus and of Ind." Their faith in him was well-founded. His feet were firmly planted on that eternal rock where stood in other days the martyrs who endured poverty, scorn, insult, torture, and death rather than disobey the whispers of conscience—that "still, small voice" too often unheeded by men in high places. Yet he made no parade of his religion; it was concealed rather than ostentatiously displayed, and consisted in acts rather than in words. When some glaring examples of hypocrisy brought contumely upon the religious professions of statesmen, the pure, noble, honest life of FERRY did much to redeem genuine Christianity from reproach.

He once said to me that he tried to live as though the next moment would usher him to the bar of the Eternal Judge. To a man who thus lives, seeing continually the white throne of Omnipotence with the children of earth thronging to it for judgment, nothing is harder than to do wrong, and to him death is but the door to immortality. Though he leaves here no earthly riches, he leaves what is better—a stainless name and an example for emulation.

When we look upon such a life and such a death, when we reflect how often of late the pale king of terrors has invaded this Chamber and how soon we may receive his dread summons, shall we not be incited to the more faithful performance of our duties—duties involving the welfare of many millions of our fellow-men, which we owe to them, to our country, and to God?

Mr. ENGLISH. Mr. President, one year ago last Saturday Mr. FERRY rose in his seat in this Chamber, in the performance of what he said was to him the saddest duty of his public life, to announce to the Senate the death of his colleague on this floor. On the 27th day of this same month he delivered in the Senate a eulogy on the life and character of Governor Buckingham which made a deep impression on the Senate and country at that time. It was his last public effort in the Senate. He returned to his family and home in Norwalk, where he died on the 23d day of November last.

By the dispensation of Providence, the State of Connecticut has lost by death not only two Senators, but quite recently one of her senior members in the House of Representatives, making, in all, one-half of her entire delegation in Congress, and all within the brief space of less than one year. It is but seldom that a State is called upon to endure such a triple affliction as her citizens mourn to-day.

Such, Mr. President, is the uncertainty of human life, and it admonishes us all to heed the divine admonition, "Be ye also ready."

To-day the Senate testifies its respect for the memory of Mr. FERRY.

Mr. President, while I had not the honor of serving with Mr. FERRY as a member of this distinguished body, it was my good fortune to know him long and to know him well. From my earliest acquaintance I had learned to respect him, not only for his superior abilities, but as a man of noble impulses and great purity of character.

Born among the hills of Connecticut, where he derived his first educational advantages in the public schools and where he learned to earn his bread by the sweat of his brow; apprenticed at an early age, in his native town of Bethel, to his father, a prominent manufacturer of hats in that town; while thus engaged, he exhibited such a taste for books and knowledge as to induce his father to send him to Yale College, whence he was graduated in 1844. Of his class, Governor Haight, of California, and Governor and Senator Washburn, of Massachusetts, became the most prominent in political life. While in college he was not distinguished as a scholar, but as a writer and debater he was conspicuous and of great promise. He was thoroughly independent, and gave evidence of a noble and strong character.

His professional, military, and political life has been so ably presented by my distinguished colleague as to leave little or nothing more to be said upon these heads.

His speeches in the Senate were marked by great clearness of expression and force of utterance, and always commanded attention. He was in the best sense an eloquent man, because he spoke his convictions of duty, and had opinions, solid and strong, of his own. He dared to differ from his party and be true to his individual convictions, to his sense of duty, to his country, and to his God.

His recent efforts in this Chamber, in support of what he believed to be for the best interests of the country, are so fresh in the minds of the people as to make it unnecessary for me to recur to them.

During his whole public service, and often in situations in which

bribes or gifts might have been accepted, such was his sterling integrity he was placed beyond the reach of temptation. As a Senator he had a clear conception not only of the duties but the responsibilities of the position, and was fearless in the discharge of those duties. When he spoke, he spoke as a statesman, and not as a politician; for politician he never was, nor could he be, certainly not in that sense that makes politics a profession, whereby offices of honor or profit may be obtained. Nor was he in any sense an office-seeker. He would neither seek nor ask for any office of honor or profit, nor did he crave any. But, on the contrary, had he been governed by his own impressions, regardless of the opinions of others, he would have continued in the practice of his much-loved profession, and which would have been greatly to his pecuniary advantage. But from a sense of duty he accepted the high and honorable position to which he was elected by his fellow-citizens, having but one object in view, to discharge the duties of the same in such a manner as would conduce to the best good of his State and country.

Mr. FERRY, from disease and bodily infirmity, had been a very great sufferer for several years, which would have completely discouraged a less determined man; but he struggled on, and by his indomitable will continued in the discharge of the duties of his office of Senator up to the close of the last session. But, as time rolled on, his physical vigor became paralyzed. Suffering bodily pain and agony, with the fact of approaching death before him, he still continued faithfully to discharge every duty, until at last his physical strength gave way; but his mental power held out until the end.

It may not, Mr. President, be inappropriate for me to allude to the Christian character of Mr. FERRY and the esteem in which he was held at home among his friends and fellow-citizens. He was a man of an emotional nature and instinctive reverence for spiritual truth. In his decided religious impressions he showed great energy of mind and independence of character. His political life had given him a rapid growth of reputation for intellect and capacity. At home, among his fellow-citizens, he had obtained great influence, not only as a public man, but in the church, of which he was a devoted member as well. He taught a Bible-class, and out of his efforts to do good to his charge he prepared a course of lectures in support of the divine origin of Christianity, which was numerously attended and produced a profound impression.

Struggling against infirmity, which sapped the springs of life, he held on bravely to the end, sustained by a noble ardor and indomitable pluck, by his Christian faith and heroism, and died the death of a Christian patriot, deeply lamented by all of his friends and fellow-citizens.

Mr. President, I beg leave to offer the following resolution:

Resolved, That, as an additional mark of respect for the memory of Mr. FERRY, the Senate do now adjourn.

The resolution was agreed to unanimously; and the Senate (at two o'clock and thirty-five minutes p. m.) adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 8, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND, D. D.

The SPEAKER. Before the reading of the Journal is begun the Chair will state that, the Journal of yesterday's proceedings being lengthy, he will, unless objection be made, direct the Clerk to abbreviate somewhat the reading, so as to save a quarter of an hour or more.

There was no objection.

The Journal of yesterday was read and approved.

ENROLLED BILLS.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled an act (H. R. No. 1053) providing for the payment of judgments rendered under section 11 of chapter 459 of the laws of the first session of the Forty-third Congress; when the Speaker signed the same.

ACTIONS IN CASES OF DEATH FROM WRONGFUL ACTS, ETC.

The SPEAKER. The morning hour begins at twenty-three minutes to one o'clock, and the regular order of business is the call of committees for reports of a public nature, the call resting with the Committee on the Judiciary. The pending question is on the bill (H. R. No. 1210) authorizing actions in cases of death resulting from wrongful act, neglect, or default, reported from the Committee on the Judiciary on Thursday morning last by the gentleman from Ohio [Mr. LAWRENCE] and pending at the expiration of the morning hour.

Mr. TOWNSEND, of Pennsylvania. I ask that the bill be read as amended by the Committee on the Judiciary.

The bill was read, as follows:

That whenever the death of a person shall be caused in the District of Columbia by the wrongful act, neglect, or default of any person or corporation, and the act, neglect, or default is such as would (if death had not ensued) have entitled the party injured, or, if she be a married woman, her husband, either separately or together with her, to maintain an action and recover damages in respect thereof, then, and in every such case, the person who or corporation which would have been liable if death had not ensued shall be liable to an action for damages for the injuries resulting from such death, notwithstanding the death of the person injured and although the death shall have been caused under such circumstances as amount in law to a felony: *Provided*, That in no such case shall the recovery exceed the sum of $5,000.

SEC. 2. That every such action shall be brought by and in the name of the personal representative of such deceased person, and within twelve calendar months after his or her death. The jury in any such action may award such damages as to it may seem fair and just, and may direct in what proportion they shall be distributed to the wife, husband, parent, and child of the deceased.

SEC. 3. That the amount recovered in any such action shall, after the payment of costs and reasonable attorneys' fees, be paid to the wife, husband, parent, and child of the deceased, in such proportion as the jury may have directed, or, if they have not directed, according to the statute of distributions, and shall be free from all debts and liabilities of the deceased; but, if there be no wife, husband, parent, or child, the amount so recovered shall be assets in the hands of the personal representatives, to be disposed of according to law.

SEC. 4. That the rights of action under this act shall not determine, nor shall such actions when brought abate, by the death of the defendant.

Mr. LAWRENCE. Mr. Speaker, this is the bill which I had the privilege of introducing on the 18th of January. It has been considered by the Judiciary Committee, and in the form in which it is recommended by them has already been read to the House.

I will state in a few words what this bill is, the necessity for it, and its purpose and effect.

To those who are familiar with "Lord Campbell's act," passed in England in 1846, and similar statutes in many of the States of our Union, it will be sufficient to say this bill is in most respects substantially the same as those.

There is no statute in the District of Columbia similar to any of those I have mentioned, and this bill is reported simply to provide the same remedies here which now exist in England and many of our States.

The bill simply gives a right of action for the benefit of those who are most aggrieved and injured when "the death of a person shall be caused by the wrongful act, neglect, or default of any person or corporation," and it authorizes a recovery of damages "for the injuries resulting from such death, notwithstanding the death of the party injured." The amount recovered is by the terms of the bill to go "to the wife, husband, parent, and child of the deceased;" or, if there be none such, then it is to "be assets in the hands of the personal representatives, to be disposed of according to law," for creditors and distributees of the deceased.

This, then, in brief, is the bill.

The necessity for it is well understood by lawyers and those familiar with the statutes to which I have referred.

The "common law" generally is in force in the District of Columbia, and the statutes of Maryland existing on the 16th of July, 1790, (1 Statutes at Large, 130,) except so far as since repealed or changed by competent authority in the District. But neither the common law, nor these statutes of Maryland, nor any act of Congress or other law of the District gives a remedy for *the injuries* provided for in this bill. It is to be carefully noted that in cases of death resulting from the "wrongful act, neglect, or default of any person or corporation" there may be *two classes* of injuries.

First. If the person injured survives for a time and finally dies in a longer or shorter period he may suffer in the interruption of his business, in his feelings, and in the impaired power or loss of the faculties of his body and mind. These are injuries *to him*. While he yet survives he has *by the common law* a right of action which he may prosecute to judgment, and if he subsequently dies it is assets in the hands of his personal representatives as other chattel property.

But by the common law, if the party injured dies either before suit brought or after suit but before final judgment, the right of action is gone, and the personal representatives cannot commence an action or proceed with one already commenced.

This all rests upon a maxim of the common law: "*Actio personalis moritur cum persona.*"

This rule applies only to personal actions for torts, whether resulting in death or not. Hence, if a party dies from natural causes, his personal actions for tort determine, and pending suits on such causes of action abate.

In many of the States this rule of the common law is abrogated by statute as to all or some classes, of personal rights of action and pending actions for torts, and suits may be commenced, or, if commenced, may be revived, in favor of the personal representatives.

This rule of the common law has been abrogated in Massachusetts, and by express statute such rights of action survive. Hence in Bancroft *vs.* The Boston and Worcester Railroad Company, 11 Allen (Massachusetts) Reports, 34, the court held that—

An action at law to recover damages for an injury which causes *immediate insensibility* and *death in fifteen minutes* survives to the administrator of the estate of the deceased.

That case was twice before the supreme court, and was argued with great ability by my distinguished friend from Massachusetts, [Mr. HOAR.] The result was that the court held that, although the injured party survived but fifteen minutes, he during that time had a right of action at common law, and this was preserved by the statute to his personal representative.

In this class of cases damages are given only for *the injury to the person in his life-time, not* including anything on account or *by reason of the death.*

In this District the law in this class of cases is rather in an anomalous

and certainly very unsatisfactory condition. If a party who suffers a personal injury by the tort of another can, before either party dies, *commence a suit*, it then can be prosecuted by or against the proper personal representatives. But if either party dies *before the suit is commenced*, the right of action determines, and no suit can be prosecuted. This is clear from the language of the statutes. The Maryland statute of November, 1785, in force in the District of Columbia, provides:

That no action brought or to be brought in any court of law in this State shall abate by the death of either of the parties to such action. (See compilation of laws in force in District of Columbia, April 1, 1868, page 432.)

The statute of November, 1798, relating to wills, executors, and administrators provides that—

No personal action shall abate by the death of either party, but executors and administrators shall notice and conform to the directions of the act of 1785. (Compilation of 1868, page 64.)

The same act provides that—

Executors and administrators shall have full power and authority to *commence* and prosecute any personal action whatever in law or equity which the testator or intestate might have commenced and prosecuted, except actions of slander and for injuries or torts done to the person; and they shall also be liable to be sued in any court of law or equity in any action (except as aforesaid) which might have been maintained against the deceased. (Page 52.)

This is so manifestly unjust that a remedy should be provided, as in many other States, by express statute.

So much then for the right of action for damages resulting to the party injured in *his life-time*.

Second. But in cases of death there is another or second class of injuries. If a husband suffer a personal injury by the wrongful act, neglect, or default of another, and death be thereby caused, either immediately or as a direct effect after a short or longer period of time, serious damage may result to the wife and children *as a consequence of the death*.

These injuries may be *pecuniary* or *social* or *personal* in their character or all of these.

If the death of a wife be caused in the same way the same injuries may result to husband and children.

If the death of a child be caused, similar injuries may result to parents.

If there be neither wife, husband, parent, nor child, an injury may still result to creditors or distributees of the deceased, though in a less degree.

In all these cases the injury or damages I have referred to result from the death, and are wholly distinct from those to the person injured in his life-time.

The bill now under consideration gives an action for the injuries which result from the death. The actions it authorizes do not embrace personal injuries or damages to the deceased in his life-time. It does not bar or exclude a prosecution for those as in the case I have referred to in Massachusetts. This must be clear from several considerations:

First. If in the life-time of the party injured he commence his common-law action, the suit, in Massachusetts and many other States, by force of express statutes would not abate. It would proceed in the name of the personal representatives. And yet when an action is given by express statute for injuries resulting from death, *that* right of action is not by any express provision of law, or by any inference barred or excluded. On the contrary it is an express statutory right in England and in the States where such statutes exist.

Second. The *common law action* for the injury to the person in life is for a wholly different cause than that resulting from the death.

Third. By the provisions of Lord Campbell's act, and other similar statutes, the recovery will generally go to different parties.

Fourth. By way of analogy to a well-known rule for the construction of statutes, these two rights of action are separate and distinct; the statutory right of action is additional or *cumulative* to the common-law right.

Where a mode of pursuing a remedy exists at common law, and a statutory mode is given with no words to negative the common law remedy, the statutory remedy is *cumulative*. The authorities for this are numerous.

The circumstances which make the death a source of suffering to the parties in whose behalf the action is brought would be proper to consider when the statute does not limit the damages to *pecuniary* considerations.

The explanation of this bill which I have now given, as it seems to me, answers an objection to it made by the gentleman from Massachusetts [Mr. HOAR] when it was first reported to the House from the Judiciary Committee.

And now a few words as to a particular feature of the bill.

The New York statute declares that—

The jury may give such damages as they shall deem a fair and just compensation, not exceeding $5,000, with reference to the *pecuniary* injury resulting from such death.

Lord Campbell's act does not have the word "*pecuniary*," and says—

The jury may give such damages as they may think proportioned to the injury resulting from such death to the parties, respectively, to whom and for whose benefit such action shall be brought.

The bill under consideration is made purposely to exclude the word "pecuniary," to make it clear that evidence of pecuniary injury is not required, and so that the damages may not be limited to such injury.

I will state one further reason, in addition to the four already given, why this bill does not bar or exclude the common-law action for injuries to the deceased party in his life-time.

Fifth. The remedy for these different classes of injuries may be in distinct courts, and by widely different judicial proceedings.

In Massachusetts the common-law remedy is by civil action at law.

The remedy for injuries resulting from death are by indictment and fine, to be "paid to the executor or administrator for the use of the widow and children of the deceased." (Massachusetts General Statutes, 1860, page 794, chapter 160, § 34; Shearman and Redfield on Negligence, § 294.)

There are cases where it has been held that the jury may consider the sufferings of the deceased, and may give exemplary damages. (Bowler *vs.* Lane, 3 Metcalfe, Kentucky, 311; Chiles *vs.* Drake, 2 *idem.*, 146; Goodsell *vs.* Hartford Railroad, 33 Connecticut, 51; Murphy *vs.* New Haven Railroad, 29 Connecticut, 496; same case, 80 Connecticut, 184; Soule *vs.* New Haven Railroad, 24 Connecticut, 575.)

If the "sufferings" be considered *merely* as evidence of the extent or character of a wrong resulting from gross or willful misconduct, it may be well only as furnishing a reason for *exemplary damages* in a case where damages are not limited to mere *pecuniary* considerations. But, as a *substantive* ground of damages, they belong to the *common-law action*, and not to that furnished by the statute. (Shearman and Redfield on Negligence, § 610; Blake *vs.* Midland Railroad, 18 Queen's Bench, 93; Safford *vs.* Drew, 3 Duer, 627; Lehman *vs.* Brooklyn, 29 Barbour, 234; Telfer *vs.* Northern Railroad, 30 New Jersey, Law, 188; Chicago *vs.* Major, 18 Illinois, 349; Chicago *vs.* Morris, 26 Illinois, 400; Pennsylvania Railroad *vs.* Henderson, 51 Pennsylvania State, 315; Kresler *vs.* Smith, 66 North Carolina, 154; Pennsylvania Railroad *vs.* Zeebe, 33 Pennsylvania State, 318; Pennsylvania Railroad *vs.* Keller, 67 Pennsylvania State, 300.)

The bill follows the statute of Virginia, Kentucky, and Connecticut in not limiting the damages merely to pecuniary loss or injury. (Shearman and Redfield on Negligence, 611; Bowler *vs.* Same, 3 Metcalfe, Kentucky, 311; Chiles *vs.* Drake, 2 Metcalfe, Kentucky, 146; Goodsell *vs.* Hartford Railroad, 33 Connecticut, 51; Murphy *vs.* New Haven Railroad, 29 Connecticut, 496; same case, 80 Connecticut, 184; Soule *vs.* New Haven Railroad, 24 Connecticut 575.) The evidence of *pecuniary* loss is not essential to maintain the action for *nominal* damages. (Oldfield *vs.* Harlem Railroad Company, 14 New York, 310; Quin *vs.* Moore, 15 New York, 432; Lyons *vs.* Cleveland Railroad, 7 Ohio State, 336; Chicago *vs.* Major, 18 Illinois, 349.)

But I need not further discuss the bill. It is one which common justice requires us to pass. The protection of life and the safety of persons require it. Its policy is now universally recognized as one to be maintained.

This bill has the sanction of the Judiciary Committee, and, as it is substantially in the form in which similar laws have been adopted in the States, I apprehend there will be but little objection to it, and therefore demand the previous question.

Mr. TOWNSEND, of Pennsylvania. I ask the gentleman to yield to me for five minutes.

Mr. LAWRENCE. I will yield to the gentleman from Pennsylvania for that time.

Mr. TOWNSEND, of Pennsylvania. Mr. Speaker, I hope the gentleman who has charge of this bill will be willing to strike out the proviso in the first section, that in no case shall the recovery of damages exceed the sum of $5,000. I desire to give him a little information concerning the experience of Pennsylvania with regard to such a law. In 1851 the State of Pennsylvania passed a law allowing compensation for damages arising out of injuries of this character. In 1855 it provided the manner in which damages when recovered should be distributed among the parties who might have been aggrieved, namely: the husband, widow, children, or parents, as provided in case of intestate personal property. In 1868, the damages then being left entirely to the discretion of the jury, a railroad influence which pervaded the Legislature of Pennsylvania caused a law to be passed limiting the damages for injuries to the person not producing death to the amount of $3,000 and in case of death to the amount of $5,000. This was found to be exceedingly injudicious, and in many cases unequal and unjust. There were cases occurring continually in which the amount of damages thus limited was entirely inadequate. Men were maimed and rendered helpless for life, and the income arising from such a small pittance was no amount of consideration for the kind of injury they sustained. A constitutional convention was held in Pennsylvania in 1873, and recognizing the inadequacy of the law providing for cases of this kind, where the cases were aggravated, it put into the constitution of the State adopted in 1874 a provision of this kind:

ARTICLE III.

SEC. 21. No act of the General Assembly shall limit the amount to be recovered for injuries resulting in death or for injuries to persons or property; and in case of death from such injuries the right of action shall survive, and the General Assembly shall prescribe for whose benefit such actions shall be prosecuted.

There was at that time existing in the law a limitation as to the time at which the action should be brought, limiting it, as in the present bill, to the period of a single year, but the convention proceeded to remove that limitation by the following additional paragraph:

No act shall prescribe any limitations of time within which such suits may be brought against corporations for injuries to persons or property, or for other causes different from those fixed by general laws regulating actions against natural persons, and such acts now existing are avoided.

As the constitution and law now stand in Pennsylvania, there is no limitation as to the amount of damages that may be recovered for injuries to the person not causing death or to injuries causing death. The whole matter is, as it ought always to be, left to the discretion of the jury, and I trust that the gentleman who has charge of the bill will consent to strike out that proviso which limits the amount to $5,000; for it can readily be seen injuries may result to persons which would be inadequately compensated by $5,000. The death of an individual might to his family be a loss equal to twenty or thirty thousand dollars. I therefore think it is exceedingly injudicious to restrict the amount of damages, but that it should be left entirely to the discretion of the jury, who, after hearing the case, would decide justly and equitably between the plaintiff and defendant.

Mr. LAWRENCE. Mr. Speaker, when I introduced the bill I fixed the amount of the recovery which might be authorized by the act at $10,000, just as it is in Ohio, Virginia, and some other States. In New York the limitation is $5,000. The Judiciary Committeethought it judicious to limit the amount in this bill to $5,000. There is danger that if the amount be left open there may be unjust and exorbitant verdicts rendered, and it has been thought advisable in many of the States where these laws exist to fix some limit to the amount of the verdict. Now, if the gentleman from Pennsylvania thinks it desirable to move to strike out $5,000 and insert $10,000, I am perfectly willing that he shall take the sense of the House on that point. But I do not feel authorized to consent to any change, because this is the report of the Judiciary Committee, and not of myself.

Mr. TOWNSEND, of Pennsylvania. Then I move to amend the bill by striking out $5,000 and inserting $10,000.

The SPEAKER. Does the gentleman from Ohio withdraw the demand for the previous question?

Mr. LAWRENCE. I do, to enable the gentleman from Pennsylvania to offer his amendment.

The question being taken on the amendment of Mr. TOWNSEND, of Pennsylvania, there were—ayes 59, noes 39; no quorum voting.

So (further count not being demanded) the amendment was agreed to.

Mr. LAWRENCE. I move as an additional section to the bill the provision which I send to the desk. In this District personal rights of action do not survive. It is to remedy that defect and make the law here conform to what it is in some—perhaps many—of the States of the Union that I offer this amendment.

The Clerk read as follows:

Add to the bill as a new section the following:

SEC. 5. That no personal action or right of action shall determine or abate by the death of either party, whether such right of action be authorized by this act or otherwise.

The amendment was adopted.

Mr. LAPHAM. Will the gentleman from Ohio allow me to make a single suggestion?

Mr. LAWRENCE. Certainly.

Mr. LAPHAM. I am opposed to that portion of this bill which gives the jury the power of distributing the damages to the wife, husband, parent, or child of the deceased.

Mr. LAWRENCE. It is impossible to get the bill into a shape in which it will suit everybody. I must insist on calling the previous question.

Mr. LAPHAM. I desire to submit a motion that the bill be referred back to the Committee on the Judiciary with instructions to amend it with reference to the point I have indicated.

Mr. LAWRENCE. I cannot agree to that. The bill has been carefully considered by the committee.

Mr. CONGER. Then we can vote it down.

Mr. LAPHAM. Yes; I hope the House will vote it down.

Mr. LAWRENCE. I hope not. The bill has been carefully considered.

The SPEAKER. The Chair is informed by the Clerk that the amendments reported by the Committee on the Judiciary have not yet been concurred in by the House.

The amendments reported by the committee were as follows:

In section 1, line 12, after the word "damages" insert "for the injuries resulting from such death;" so it will read, "the person who or corporation which would have been liable if death had not ensued shall be liable to an action for damages for the injuries resulting from such death notwithstanding the death of the person injured," &c.

In section 1, line 15, after the word "no" insert the word "such;" so it will read, "but in no such case shall the recovery exceed," &c.

In section 3, line 8, strike out "received" and insert "recovered;" so it will read, "the amount so recovered shall be assets in the hand of the personal representatives," &c.

The amendments reported by the committee were agreed to.

Mr. LAWRENCE. I call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question recurs on the passage of the bill.

Mr. LAPHAM. I call for the yeas and nays.

The yeas and nays were not ordered.

The question being taken on the passage of the bill, there were—ayes 68, noes 59; no quorum voting.

The SPEAKER. Is further count required?

Mr. CONGER. I think we had better have tellers.

Tellers were ordered; and Mr. LAWRENCE and Mr. CONGER were appointed.

The House again divided and the tellers reported—ayes 97, noes 62.

So the bill was passed.

Mr. LAWRENCE. I move to amend the title of the bill by adding the words "and for other purposes."

The motion was agreed to.

Mr. LAWRENCE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SECTION 856 OF REVISED STATUTES.

Mr. HUNTON, from the Committee on the Judiciary, reported back, with the recommendation that it do pass, the bill (H. R. No. 555) to amend section 856 of the Revised Statutes.

The bill was read. It proposes to amend section 856 of the Revised Statutes by adding thereto the following: "And in the adjustment of the accounts of said officers an appeal shall lie from the decision of the accounting-officers of the Treasury to the Attorney-General, whose determination shall be final."

Mr. HUNTON. That the amendment may be understood, I ask the Clerk to read section 856 of the Revised Statutes, of which it is an amendment.

The Clerk read, as follows:

The fees of district attorneys, clerks, marshals, and commissioners, in cases where the United States are liable to pay the same, shall be paid on settling their accounts at the Treasury.

The bill was ordered to be engrossed and read a third time; and, being engrossed, it was accordingly read the third time.

The question was on the passage of the bill.

Mr. HOLMAN. I ask that the bill be again reported.

The bill was again read.

Mr. HOLMAN. There was some confusion in the House when the section of the Revised Statutes which it is proposed to amend was read. I do not think it was distinctly heard, and I ask that it be again read.

Section 856 of the Revised Statutes was again read.

Mr. HOLMAN. Will the gentleman from Virginia inform the House who is the accounting-officer who has the settlement of this class of fees; whether he is one of the Comptrollers or the Fifth Auditor? It does not seem to be well understood what particular officer of the Treasury has the adjustment of these fees.

Mr. HUNTON. It is one of the Auditors.

The bill was passed.

Mr. HUNTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUITS AGAINST CORPORATIONS.

Mr. LYNDE, from the Committee on the Judiciary, reported back, with the recommendation that it do not pass, the bill (H. R. No. 1250) extending the jurisdiction of the circuit courts of the United States in suits against corporations; and the same was laid on the table.

BANKRUPT CASES IN THE TERRITORIES.

Mr. LYNDE also, from the Committee on the Judiciary, reported back, with the recommendation that it do pass, the bill (H. R. No. 356) concerning cases in bankruptcy commenced in the supreme courts of the several Territories prior to the 22d of June, 1874, and now undetermined therein.

The bill was read. It provides that in all cases in bankruptcy commenced in the supreme courts of any of the Territories of the United States prior to the 22d day of June, 1874, and now undetermined therein, the clerks of the said several courts shall immediately transmit to the clerks of the district courts of the several districts of said Territories all the papers in, and a certified transcript of, all the proceedings had in each of said cases; and the said clerks of the district courts shall immediately file the said papers and transcripts as papers and transcripts in the said district courts.

The second section provides that the clerks of the several supreme courts shall transmit the papers and transcripts provided for in section 1 of the act, in each case, to the clerk of the district court of the district wherein the bankrupt or bankrupts, or some one of them, resided at the time of the filing of the petition in bankruptcy in said case; and as soon as the said papers and transcript in any case shall have been transmitted and filed, as herein provided, the district court in which the same shall have been so filed shall have jurisdiction of the said case, to hear and determine all questions arising therein, and to finally adjudicate and determine the same in all respects as contemplated in other bankruptcy cases by the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," and approved March 2, 1867, and amendments thereto.

Mr. LYNDE. Mr. Speaker, I will state that the bill merely applies to the trying in the Territories of cases commenced previous to the passage of the law of 1874, conferring on the district courts jurisdiction in bankrupt cases. Before that time the supreme courts of the Territories had exclusive jurisdiction in bankrupt cases, but some of the district courts of the Territories have decided that their jurisdic-

tion only extended to bankrupt cases brought before the passage of that law, and as to cases brought previous to the passage of that law they say that their jurisdiction is taken away. The object of this bill is to confer on the district courts in the Territories jurisdiction in cases which occurred before the passage of the act of 1874.

Mr. MAGINNIS. I believe that this bill is satisfactory to all the Delegates from the Territories.

Mr. HOLMAN. I hope the gentleman will allow an amendment to the bill for the repeal of the bankrupt law. I hope he will consent that the bill be so amended as to repeal that law.

Mr. MAGINNIS. I hope the gentleman will not raise that question in connection with this bill.

Mr. LYNDE. I would inform the gentleman from Indiana that I have a bill to report to repeal the bankrupt law; that this bill is in relation to cases pending in the supreme courts of the Territories, and it is desirable that those cases should be disposed of in some way or other.

Mr. HOLMAN. It seems to me that the repeal of the bankrupt law would be in harmony with this bill, but as the Committee on the Judiciary having charge of the subject prefer that it should be reported in a separate bill, of course I have no wish to embarrass the passage of this bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LYNDE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. No. 53) fixing the time of holding the circuit courts of the United States in the districts of California, Oregon, and Nevada.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 259) for the benefit of the Louisville Baptist Orphans' Home; and

A bill (S. No. 269) for the relief of John A. Torrence.

REPEAL OF THE BANKRUPT LAW.

Mr. LYNDE, from the Committee on the Judiciary, reported back with an amendment, and with the recommendation that it do pass, the bill (H. R. No. 390) to repeal the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 21, 1867, and all laws and parts of laws amendatory thereof.

The bill was read. It provides that the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and all other laws and parts of laws amendatory of said act and supplemental thereunto, and all amendments thereto, be, and the same hereby are, repealed.

The second section provides that all suits and proceedings now pending in the courts of the United States wherein an adjudication in bankruptcy has been made shall be proceeded with and governed by the provisions of existing laws, which are hereby continued in force only for the purpose of closing up suits and proceedings now pending.

The third section provides that this act shall take effect from and after the 1st day of April, 1876.

The amendment reported by the committee is as follows:

Strike out the words "April, 1876," and insert in lieu thereof "January, 1877."

The amendment was agreed to.

Mr. LYNDE. I call the previous question on the bill.

The previous question was seconded and the main question ordered.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. LAWRENCE. Will the gentleman yield to me for a suggestion?

Mr. LYNDE. I will yield to the gentleman for a suggestion.

Mr. LAWRENCE. This bill, if I understood it correctly from the reading at the desk, provides for the repeal of the bankrupt act by its title. It will be remembered that that law was embodied in the Revised Statutes, and I doubt if the bill is passed in this form it would accomplish the purpose designed. The clauses of the Revised Statutes relating to bankruptcy should be definitely repealed; otherwise those sections might continue in force if the bill is left in its present condition.

Mr. HOLMAN. I hope the bill will be reported again. The objection urged by the gentleman from Ohio has undoubtedly been considered by the Committee on the Judiciary. But it seems to me that the bill as it now stands repeals the bankrupt law and all laws touching the subject.

The bill was again read.

Mr. HOLMAN. If there can be any question of this language being explicit enough to repeal the bankrupt law, I would suggest to the gentleman from Wisconsin [Mr. LYNDE] that the first section be amended by inserting after the words, "amendments thereto" these words, "and all laws and parts of laws on the subject of bankruptcy embraced in the Revised Statutes of the United States under the title of 'bankruptcy' and all acts amendatory thereof;" so that the section will tLen read:

That the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and all other laws and parts of laws amendatory of said act and supplemental thereunto, and all amendments thereto, and all laws and parts of laws on the subject of bankruptcy embraced in the Revised Statutes of the United States under the title of "bankruptcy" and all acts amendatory thereof, be, and the same are hereby, repealed.

Mr. LYNDE. I would be very glad to accept the amendment of the gentleman, but this is a report from a committee.

The SPEAKER. The bill is amendatory at this stage only by unanimous consent.

Mr. HOLMAN. Then I ask unanimous consent to have incorporated in the first section the words I have suggested.

Mr. KASSON. That would repeal all the laws upon the subject of bankruptcy, and I object.

Mr. HOLMAN. The purpose of the bill is to repeal the whole legislation upon bankruptcy.

Mr. FORT. Let us take what we can get; a part is better than nothing at all.

Mr. STOWELL. I object also to any amendment at this time.

The question was upon the passage of the bill as amended.

Mr. RANDALL. On that question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 186, nays 58, not voting 45; as follows:

YEAS—Messrs. Adams, Ainsworth, Anderson, Ashe, Atkins, Bagby, George A. Bagley, John H. Bagley, jr., John H. Baker, William H. Baker, Banning, Bass, Beebe, Bell, Blackburn, Bland, Boone, Bradford, Bradley, Bright, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Burleigh, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cannon, Cason, Caswell, Caulfield, Chittenden, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Collins, Conger, Cowan, Cox, Croonse, Culberson, Cutler, Darrall, Davy, De Bolt, Denison, Dibbrell, Douglas, Durand, Durham, Eden, Egbert, Ellis, Evans, Farwell, Faulkner, Forney, Fort, Foster, Franklin, Frost, Fuller, Glover, Goodin, Andrew H. Hamilton, Hancock, Haralson, Hardenbergh, Benjamin W. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Hatcher, Haymond, Hendee, Henderson, Henkle, Hereford, Goldsmith W. Hewitt, Hoar, Holman, Hooker, Hopkins, Hoskins, House, Hunter, Hyman, Thomas L. Jones, Joyce, Kehr, Kimball, Knott, Franklin Landers, Lapham, Lawrence, Lewis, Luttrell, Lynch, Lynde, Levi A. Mackey, Magoon, Maish, McCrary, McDill, McFarland, McMahon, Meade, Metcalfe, Miller, Milliken, Mills, Money, Monroe, Morgan, Morrison, Neal, New, Norton, Packer, Page, Parsons, Phelps, John F. Philips, William A. Phillips, Piper, Poppleton, Potter, Powell, Rainey, Randall, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, Robinson, Sampson, Savage, Scales, Schleicher, Schumaker, Seelye, Sheakley, Singleton, Sinnickson, Smalls, A. Herr Smith, Southard, Sparks, Springer, Strait, Stenger, Stevenson, Tarbox, Terry, Thompson, Thomas, Throckmorton, Martin I. Townsend, Tucker, Tufts, Turney, Waddell, Waldron, Alexander S. Wallace, Walsh, Erastus Wells, Wheeler, White, Wike, Willard, Alpheus S. Williams, Charles G. Williams, James D. Williams, Jeremiah N. Williams, Willis, Benjamin Wilson, James Wilson, Alan Wood, jr., Woodburn, and Young—186.

NAYS—Messrs. Ballou, Banks, Blaine, Blair, Blount, Cook, Crapo, Dunnell, Eames, Felton, Freeman, Frye, Garfield, Gause, Gunter, Robert Hamilton, Henry R. Harris, Hathorn, Abram S. Hewitt, Hubbell, Hunton, Hurd, Hurlbut, Kasson, Kelley, Ketchum, King, Lamar, Leavenworth, Edmund W. M. Mackey, MacDougall, Mutchler, Oliver, O'Neill, Pierce, Plaisted, Platt, Purman, John Robbins, William M. Robbins, Slemons, William E. Smith, Stowell, Teese, Washington Townsend, Van Vorhes, John L. Vance, Robert B. Vance, John W. Wallace, Walling, Ward, Warren, Whitehouse, Whiting, Andrew Williams, William B. Williams, Fernando Wood, and Yeates—58.

NOT VOTING—Messrs. Barnum, Bliss, Cabell, Cate, Chapin, Cochrane, Danford, Davis, Dobbins, Ely, Gibson, Goode, Hale, Hays, Hill, Hoge, Jenks, Frank Jones, George M. Landers, Lane, Levy, Lord, Morey, Nash, O'Brien, Odell, Payne, Pratt, Roberts, Miles Ross, Sobieski Ross, Rusk, Sayler, Stone, Swann, Thornburgh, Charles C. B. Walker, Gilbert C. Walker, Walls, G. Wiley Wells, Whitthorne, Wigginton, James Williams, Wilshire, and Woodworth—45.

So the bill was passed.

Mr. LYNDE. I ask unanimous consent of the House to correct a clerical error in the first section, in order to make it conform to the statement in the title of the bill. The first section of the bill as printed contains these words "approved March 2, 1867." It should be March 21, 1867, and I ask consent that that correction be made.

The SPEAKER. If there be no objection the error will be corrected.

Mr. KASSON. Will the effect of that correction be to make the bill perfect and effective which is now imperfect and ineffective?

The SPEAKER. Is there objection to the proposed amendment?

Mr. KASSON. I object if that is the case, for this bill, if it should pass and become effective, will place all the debtors of the country at the mercy of the creditors.

The SPEAKER. Objection being made, the correction is not now in order.

Mr. LYNDE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. RANDALL. I move that the rules be suspended and that the House resolve itself into the Committee of the Whole on the diplomatic and consular appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union (Mr. HOSKINS in the chair) and resumed the consideration of the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes.

The CHAIRMAN. The gentleman from Minnesota [Mr. DUNNELL] is first entitled to the floor upon this bill.

Mr. DUNNELL. Mr. Chairman, some remarks that fell from the gentleman from Mississippi, [Mr. SINGLETON,] who has charge of this bill, and some of the statements which were made yesterday by the gentleman from Indiana, [Mr. HOLMAN,] incline me to ask the attention of the committee for a short time.

I concede that an appropriation bill should undergo a severe examination. I think it is the duty of the House to bring each appropriation bill to the lowest limit consistent with the honor and prosperity of the country. I concede, moreover, that the democratic majority in this House has the right to seek the largest possible reduction. But I deny to that majority, the right and privilege to reach that reduction by a disregard of the honor, dignity and prosperity of the Republic.

I am opposed to the retrenchments embraced in this bill; and yet I do not indicate by anything that I may say upon this bill that I shall be opposed to reductions which may be found in other bills; for I do believe, as I have believed in former sessions, that reductions were and are possible, reductions which would be for the good of the country and result in a large saving to the Treasury.

The remark of the gentleman from Mississippi, to which I first allude, the utterance of which especially attracted my attention, was that "when we came here at the commencement of this session we found an exhausted Treasury." I do not believe that it is the privilege of any man, either of the majority or the minority in this House, in a discussion of a question of this nature, the discussion of which will not and cannot be confined to the limits of our own country, but must make its way to all the countries whither we send our ministers and our consuls, to stand up here and represent that we have to-day an exhausted Treasury, and that therefore it is necessary to make this reduction.

Mr. Chairman, while our financial matters may not be precisely what we would have them in many respects; while our circulating currency—our paper money—may be at less than par, yet it is a matter of satisfaction and pride that, after we have passed through such a war and expended such vast sums of money, we were officially informed at the commencement of this very Congress that we have in the Treasury of the United States $125,000,000, wherewith to respond to any and every demand which may be made upon that Treasury. Yet the gentleman representing the Committee on Appropriations stands here in his place and says that we came here to find an exhausted Treasury.

There was a time when we had an exhausted Treasury. It was in 1861, when the party now in power in this Government took possession of it. When Mr. Buchanan went out of power we had indeed and in truth, an exhausted Treasury; worse than that, we had not only an exhausted Treasury, but we had lost credit at home and abroad. As was said here the other day in debate, we were unable to secure a small loan, although offering therefor the high rate of 12 per cent. interest. An exhausted Treasury and a damaged public credit were what we inherited as a party when we came into power.

I therefore repel here the declaration that we have an exhausted Treasury, and are under the necessity of reducing the pay of our foreign ministers, and of dismissing our consuls because we have not the ability to pay them. Having called the attention of the gentleman and of the House to this point, I will pass on.

The appropriation bill now pending, is of a kind that I suppose we are to receive from the Committee on Appropriations, affecting all the other Departments of the Government. I understand that it is the determination that all our appropriation bills shall seek a larger or smaller reduction. It is understood by the House and by the country that there is distinctly an objective point in this procedure: a reduction with a view to the campaign that is upon us. Irrespective of the wants of the Government, a reduction is to be made, arbitrarily and by force of numbers, disregarding the honor and prosperity of the country.

I said a moment ago, sir, that I did not believe we could reduce our diplomatic expenses without bringing upon ourselves dishonor abroad. There are those who fancy that our ministers abroad are over paid. I hold here in my hand an extract written by an American traveler in Paris; and he commenced by saying that Paris furnishes strange contrasts. He walked down one of the streets and passed the English embassy, a house built by the British government, where Lord Lyons resides. What is the pay of Lord Lyons? Fifty thousand dollars a year, with contingent expenses. The traveler passes on and is compelled to turn into a side street, go up three flights of stairs, and there find the American minister living upon a compensation of $17,500. And now we are told that it is necessary to reduce his compensation to $14,000!

Mr. Washburne is the peer of Lord Lyons. I am not saying that we are to have our representatives abroad bedecked in the tinselry of monarchical representatives. I do, however, insist that the representative of this proud Republic at the court of Saint James, at Paris, or elsewhere, shall not be compelled to wind his way through those cities with his head bowed down with shame at the failure of his Government to have himself properly cared for at the seat of his dignified and important labors.

It is true that in regard to many of our important missions to-day, the poor men cannot well afford to accept them. It is said publicly, that only such and such a man, because of his great wealth, can represent the country at this and that court. I insist that it is not for the interest of the Republic that we should be compelled to pass by, perchance, the man of no fortune and find the man of large fortune. We are not compelled thus to limit ourselves in seeking out and obtaining the greatest public integrity, the highest virtue, and the largest possible talent that we can employ.

I will now allude to a single other remark made by the gentleman from Mississippi, who has this bill in charge. He says that we are called upon to pass this bill in order that we may set our faces against present wasteful extravagance. The present pay of our foreign ministers is precisely what a democratic Congress and a democratic administration made it. We have not appropriated a dollar beyond what the democratic administration of Mr. Buchanan led us to appropriate for ministers and consuls at that day. If it was not wasteful extravagance under Pierce's and Buchanan's administration, wherefore does it become wasteful extravagance under a republican administration? Our foreign intercourse last year cost us only $1,165,418.23. Has that amount ever been exceeded? In turning back, in the finance report which I hold in my hand I find that in 1853 and 1854 our foreign intercourse cost us $7,763,812.41; and in the succeeding democratic administration, in 1855 and 1856, our foreign intercourse cost us $3,642,615.39. We have already reached a limit far below the average sum which was expended by the preceding administrations of Mr. Pierce and Mr. Buchanan. It was not wasteful extravagance then. How is it wasteful extravagance now?

Although our foreign ministers, as I insist, are even now poorly paid, we are now told, and for the first time in these twenty-three years, that we have overpaid these men who represent us abroad. If gentlemen will look at the table furnished by the gentleman from Ohio [Mr. GARFIELD] yesterday, as part of his very able and convincing argument, it will be seen there, along with Great Britain, with France, and with Germany, in a column which tells the amount paid to ministers and consuls, that in almost every instance the American Republic stands at the foot of the list, with her ministers and consuls the most poorly paid and the most scantily furnished. Yet they are representatives of a republic more grand, more powerful, with a sublimer and grander history than either of the other countries. Yet, sir, our ministers, with $125,000,000 in the Treasury, are to be told, not for any good reason, but only for campaign purposes, simply that and nothing more, that their pay is to be cut down. Forty-four consuls are to be set adrift and American commerce is to be allowed to dwindle still more, to be neglected in the portions of the world where we have been fostering it carefully and sedulously now these many years. Just as we are about to realize largely from that fostering care, the Government proposes to draw off these five ministers and forty-four consuls.

Mr. Chairman, I wish to call attention to a remark made by the gentleman from Indiana, [Mr. HOLMAN.] It is a remark which has fallen from his lips more than once, as well as from other gentlemen, as though it was really worthy of consideration, and therefore could bear repetition. It is this: we are asked to compare the net ordinary expenditures of the Government in 1860 and the net ordinary expenditures of the Government in 1875. We are asked to do that as though there were no existing reasons why our current expenses now should not necessarily far exceed those of 1860. We are told here on this floor that we have grown extravagant because our expenses are now more than they were then. Nothing is said about the great events which have transpired during the intervening period. No intimation is made of the waste and wreck of the great civil war. No allusion is made to the pension list, which has grown to $29,000,000. Not the slightest reference is made to any of the elements going to make up that difference in expenditures. They are all passed over in silence. Now, it might do for some demagogue, addressing a crowd of ignorant people in some retired place, but it is not manly debate, it is not fair discussion, it is not an honorable way to consider a public question which takes hold of the honor and vitality of the Republic, thus to allude to the difference of expenditures then and now.

The other day in debate, a gentleman called attention to the expenses of Mr. Jackson's administration. Another alluded to the smallness of expenditure during the administration of John Quincy Adams. The pension appropriation bill passed this year is twice as large as the expenditures of Mr. Adams's administration during any one year. We have expenditures now unthought of, undreamed of, at that day; and yet some people seem to fancy it is because we have become wasteful that we are now compelled necessarily to appropriate these large sums of money.

It would be very easy, Mr. Chairman, to fill up the differences between the expenses of 1860 and those of 1875. We could fill up the space with but little difficulty. I have already thrown out one item, that of $29,000,000 appropriated to pay the pension list. In addition, we know that the expenses of the War and Navy Departments have been doubled. We know that there is not a branch or a Bureau of this Government that has not had its expenditures swollen, as the result of the civil war. When Hon. Ezra B. French became Second Auditor, he found in that Office twenty-one men as clerks, and they all came into a little room to congratulate him. Since then he has had four hundred and eighty-five clerks at one time, now one hundred and seventy-five. In the Pension Office then there were but twenty clerks, and then fifty, owing to the bounty-land bill, while since then there have been four hundred and twenty-five; now three hundred and eighty-five. In the different Comptrollers' and Auditors' Offices of the

Treasury Department, in the Adjutant-General's, Surgeon-General's, and other Offices of the War Department—indeed, in every branch and Bureau of the Government—ten times the force has been required since 1860 as was needed before the war.

New Bureaus have been added, calling for more clerical force than the whole Treasury Department in 1860; the Office of Comptroller of the Currency, calling for an appropriation of half a million of dollars annually, the Bureau of Printing and Engraving, receiving between one and two millions, the Internal Revenue, having last year an appropriation of above five millions, the life-saving service calling for a fourth of a million; but I cannot linger to increase the list. I will just add that it is simply folly to suppose that an expanding and growing Republic of forty millions of people can get along with as little governmental expenditure as one of twenty or thirty millions. Till our vast war debt is paid off and our pension list is exhausted, we cannot hope for figures which shall resemble those of 1860. It is better to be honest with ourselves than to delude the people. Some seem to think that we are wasteful and extravagant because we are meeting these inevitable results of the war.

Now, for one I am willing to admit that there may be a reduction of force in some of the Departments of this Government, and perhaps in all. As one gentleman said, this is a poor place to begin; let us begin with some of these Bureaus here in Washington, where force may have been crowded in more than was absolutely necessary. Let us not strike at the honor of the country, as we do when we strike at our foreign intercourse. Let us not strike at the commerce of the country, as we do when we strike down these men who are sent abroad to gather commercial statistics, to watch for and look after the interests of American seamen. It is poor policy, it is a stingy policy, it is a policy that will never reward the party that seeks to adopt it, and a policy which will damage the country at large.

Mr. Chairman, I desire now to call attention to a remark which was made yesterday by the gentleman from Indiana, [Mr. HOLMAN,] and would be glad if he would give me his attention while I allude to it, because I certainly do not wish to do him an injustice; and yet I am very free to admit that he has been led into a very great error and made an unfair representation here to the House. He said yesterday, reading an extract from the Boston Journal of Commerce, that republican America, or the United States, was a more expensive government than monarchical England; yes, that it was more expensive to the tune of $125,000,000 a year.

Mr. HOLMAN. The gentleman from Minnesota misunderstands me on that point. In my remarks yesterday, I called attention—and if the gentleman will look at them he will see that I did so—to the extraordinary statement published in the Boston Journal of Commerce on that subject. And I said that I indulged the hope, as the gentleman will see by looking at my remarks, that the allegations there were overstated. I simply wished to call attention to the fact that at least it was asserted upon the part of a Scotch paper that the expenses of our Government exceeded the expenses of that of Great Britain. I did not have occasion to say, nor did I think the statement was itself well founded, although the gentleman will perceive that the statement I also referred to, taken from the Boston paper, would show that the local and Federal expenses of the Government would exceed the sum mentioned by the Scotsman, which is copied by the Boston Journal. The gentleman could not certainly have understood me as affirming that that statement was correct.

Mr. DUNNELL. I am glad that the gentleman withdraws the statement which he made yesterday.

Mr. HOLMAN. I do not withdraw a word of it. If the gentleman will look at my remarks he will find that I am stating now just what I stated yesterday.

Mr. DUNNELL. I quote from the gentleman's remarks of yesterday:

> "Thus," says that journal, "it unhappily appears that our Federal and local expenditures exceed the corresponding expenditures of Great Britain $125,000,000 a year." I am glad that the Scotsman somewhat overestimates our expenditures, but still it is in fact so great, and the tendency and motives to increase the volume are so fearfully pressing and growing year after year, that the friends of free government may well take the alarm.

Now, sir, the gentleman left the impression upon my mind, as I think he left it upon the House, that our expenses exceeded the expenses of the British government. I hold in my hand a book in which I find the expenses and the receipts of the English government for 1874 and 1875. In round numbers, the receipts of the home government are put down at £73,000,000 sterling; the expenses of the home government at £73,000,000 sterling. The receipts of local administrations amount to £38,000,000 sterling, and the expenses nearly to same sum. Now it will be seen that the receipts of the whole empire are seventy-three millions plus thirty-eight millions, making £111,000,000 sterling, or $550,000,000. Also the expenses of the British government are given to us as £111,0000,000 sterling, or $550,000,000, ascertained directly from the best authority in the world. And, by the by, I will say to the gentleman from Indiana that I propose to answer his remarks about what he calls local taxation. This is the expense, $550,000,000, which it costs the British government to conduct its great affairs. We appropriated $271,000,000, and out of that come $100,000,000 interest upon the national debt, to say nothing about the pension item and the other items to which I have referred. I am unwilling that an American Representative shall stand here in this House and proclaim to the world that republican America is more expensive than monarchical England. It is not true. This book shows a double expenditure on the part of England.

Now, sir, where the gentleman allowed himself to be misled is when he undertook to talk about local taxes. The English government furnishes no data as to local taxation, except so far as it refers to Scotland, Ireland, and Wales; and it is there called local taxation, and what misled the gentleman was in calling that taxation local which is just such taxation as we subject ourselves to when we appropriate money to support the Territories. But the gentleman from Indiana dragged in what is known here at home as local taxation. What is local taxation here at home? It is State taxation; it is county taxation, city taxation, town taxation, school-district taxation. And the gentleman gets up some figures and shows some $700,000,000 of local taxation in the United States and then compares that $700,000,000 with this aggregate of governmental expenditures on the part of Great Britain.

Mr. HOLMAN. My friend must notice that I did not get up any figures at all. I was simply calling attention to the assertions of the press of America with reference to the comparison between our taxation and that abroad; and I may say that I have seen figures somewhat different from those the gentleman from Minnesota has presented. The object of the Scotch paper quoted by the Boston Journal of Commerce was manifestly to group together all the local and Federal taxation of this country, and compare it with the local and national taxation of England. But I did not get up any figures at all. I simply reported what was said in the public journals of America.

Mr. DUNNELL. Mr. Chairman, I call attention to the fact that local taxation was brought in here and the gentleman brought it in considering the expenses of our Government and the government of Great Britain. Now local taxation, as we understand it in America, has no place here on this floor. This House has nothing to do with the discussion of such a question. Whether the great State of New York be building a State-house costing $7,000,000 or the great State of Illinois one costing $5,000,000, whether the great States of this Republic are expending large sums of money in building State-houses or whether counties are building court-houses and jails, or whether our cities are building school-houses and constructing bridges, and developing this young Republic, has nothing whatever to do here. This matter of local taxation is something entirely outside of Congress and ought not, and cannot properly, be dragged in here in instituting a comparison between our expenditures and the expenditures of any other government on the face of the globe. It must be remembered also here, in discussing local taxation, that we are not in the same condition as England, thank heaven; we are not old. We are a young nation; and to suppose that we can get along with an expenditure in local matters as cheaply as can older countries, is not supposable. We are in the formative period of our existence; we are growing. We are expending money, not simply for the present but for the grand future, and if the American people under local laws see fit to go into local expenditures they understand what the reasons are, requiring them to do it, and they are alone responsible for them and must bear the burdens they impose upon themselves.

Sir, it is not fitting to bring into the House of Representatives this discriminating and unfair comparison between our Government and the government of Great Britain. Our expenses are far less than those of foreign governments of the same importance. Every intelligent reader of history the world over knows that fact, and here I protest against the declaration that we have an exhausted Treasury, or that we are compelled to dishonor ourselves at home and abroad, or that as a Republic we are to admit the truthfulness of any comparison as between our expenditures and those of monarchical governments which place ours in advance of theirs.

Everybody knows that official salaries all through the country are vastly below the salaries paid under monarchical governments. We have no high salaries in America. We have none under the Federal Government; we have no high salaries. Sir, I am not advocating high salaries, but I insist that the salaries we give to our foreign ministers to-day are no more than they ought to have in order that they may live respectably and without a sense of home neglect, and continue in the discharge of their great duties as American ministers wherever they may be.

I promised not to detain the committee, and I shall reach a conclusion very soon. The gentleman from Indiana [Mr. HOLMAN] said yesterday that we need not ministers but consuls. Now, I will admit that in some localities a consul might be more serviceable to the Government and to the commerce of the country than a minister; and yet I do not believe that any fair-minded man could have heard the speech of the gentleman from Ohio [Mr. MONROE] without being compelled to give assent, not only to his propositions, but to the conclusions to which he came. It was, sir, a manly, noble, statesman-like speech. And here let me add what I was about to say. How comes it that these gentlemen in getting up this bill have discharged forty-four consuls if they are thus more valuable than ministers? Why is it that forty-four consuls have been stricken from the list, and in many instances where those consuls are just now needed to bring to the Government the fruits of its long-continued efforts made to secure a successful commerce with those countries. The English government has to-day, in every known port of the world, a consul; it is known, it is a matter of history, that the commerce of England is as extensive as the representation of England.

You may go into any port in the world, and you will find at once an English consul there and you will find the English flag afloat. You will find also in very many of the ports, indeed in all the large ports of the world, that an English consul is awaiting the arrival of an English steamer to carry off the products of the country. It was my fortune to spend one year in the republic of Mexico. I went there, and was compelled to go there, on an English steamer, subsidized by the English government and under an English flag. When I reached the port of Vera Cruz, where I landed, I found there an English consul and a vice-consul and a clerk; I was there in the presence of the representatives of the English government. I was carried there on an English steamer. Upon the wharf I found the products of Mexico, and they were soon taken into the steamer and she took them away. They were products that ought to have come to our markets, products that we ourselves should have fostered and taken care of. But we had no steamer there to take them away.

It is now proposed to cut down the pay of the consul at that port. Within the last twelve years, we have had there as consul an American merchant from the city of Brooklyn, who had so well watched the commercial interests of the United States at that port that fortunately we now have a steamer once a month going into that harbor.

But there is to-day not a considerable port in Mexico into which an English steamer does not go. At Acapulco, Tehuantepec, Vera Cruz, Tampico, Matamoras, into every port of the Mexican Republic, there goes first an English consul, and then English steamships go there and carry away the products of that country.

Sir, we are not half liberal enough in our legislation for American interests. There are men who have been frightened to death by the word "subsidy." The gentleman from Mississippi, [Mr. SINGLETON,] who told us in reply to a question from the gentleman from Maine [Mr. HALE] that he had certain schemes in his own mind, some of which were good, yet he was so terribly alarmed at the idea of governmental aid for anything that he voted for the resolution of the gentleman from Indiana [Mr. HOLMAN] against granting subsidies to any conceivable object. He voted for that resolution, and yet tells the House and the country that he has a number of these schemes on hand which he proposes to vote for. Then why did he not stand up here and vote "no" upon that resolution, and let that class of resolutions be treated here as they ought always to be? I voted against that resolution. I do not propose to vote for any subsidy which my constituents will not sustain me in voting for. But I will never put a cord about my tongue; I will not vote a gag upon my tongue nor a gag upon this House.

We are told that we must pass this appropriation bill because the people are burdened with taxation and because we must relieve the people from that burden of taxation. What are our taxes? We understand what they are; they are indirect, both the internal revenue and the imposts. Suppose the present tariff remains unchanged, what are these poor tax-burdened people to get out of this reduction? They are to get this, that we have paid off that much of the national debt; that our receipts have enabled us to reduce the national debt. What a grand relief that will be to these tax-burdened people! The reduction of the national debt is worthy, but that will not relieve the people. They will rather at this time desire a relief from the burdens of taxation than a reduction of the debt.

It may be said, however, that we propose to remodel and revise the tariff. After I have made a few remarks upon that subject I will close. It is said that we are to have less expenses, and I presume it is intended that we shall have less receipts, because if we do not have less receipts then I ask the gentleman from New York, the chairman of the Committee on Banking and Currency, [Mr. COX,] how will we relieve the burdens of the people? I understand we are to have less receipts, and I hold in my hand a copy of the proposed tariff bill. That tariff bill has some funny things in it. If it passes I shall have a first-rate campaign document for next summer and fall. I would not want a better one than this tariff bill which the gentleman from Illinois, the chairman of the Committee on Ways and Means, [Mr. MORRISON,] has introduced.

When I go to my constituency and say to them, "Gentlemen, we have reduced the expenses of the Government," they will say to me, "That is all very well; but have you reduced this indirect taxation?" Of course I will answer, "O, yes; we did reduce it." They will ask me how, and I will tell them the simple story how we did it—the democratic House, I mean, for it will not have my vote. I will tell them that we have cut down the tariff on silks and silk dress-goods from 60 per cent. *ad valorem* to 40 per cent. *ad valorem*. They will sit in silence, but will ponder in their minds how that tallies with the theory that the luxuries of life shall pay the higher duties.

Then I will further tell them that in order to make things level, we imposed upon their tea and coffee a taxation equivalent to fifteen or twenty millions of dollars a year. Now, I very respectfully say to the gentleman from Illinois [Mr. MORRISON] that I want no better campaign document than that. If that is the result of this much-proclaimed economy, my constituents will say "Away with it; we have had enough of it." I hope to see this tariff bill brought before the House, and I want some one to demonstrate, if he can, how the price of tea and coffee will not be affected when you impose upon coffee a duty of five cents per pound and upon tea a duty of fifteen cents per pound. I shall have my ears open and my mind directed to the subject; I will drink in from the lips of the eloquent gentleman from New York [Mr. COX] what he may say. I will endeavor to be converted, but I fancy I shall not be.

In conclusion, let me say this: The present appropriation bill is unworthy of this House in that it strikes at American commerce, and at American honor. I hope there are more than one upon the other side of the House who will stand to the precedents of the democratic party and insist that we shall give to our present ministers what we gave to the ministers who were sent out by Mr. Pierce and Mr. Buchanan. We are not bankrupt; we have the ability to do it; we are rich indeed in yet undeveloped power. Let us not, therefore, bring dishonor and damage to the Republic.

Mr. HEWITT, of New York. Mr. Chairman, I would not detain the committee with any remarks upon this bill if I were not convinced by the examination which, as a member of the Committee on Foreign Affairs, it has been my duty to make that serious if not irreparable injury would be done to the commercial interests of the country, and more particularly to those of the city of New York, unless some of its omissions are supplied by judicious amendments, which can only follow full discussion of its provisions. In saying this I do not necessarily imply any censure upon the committee, who, charged with the duty of reporting the vast and complicated expenditures of the Government, cannot be expected to do more than present a frame-work upon which the experience and the suggestions of the individual members of the House shall build the complete structure. Moreover, in reference to the commercial interests of the country the committee are entitled to great indulgence, because it so happens that there is no member of it who represents a constituency largely engaged in foreign commerce, unless it be its chairman, who, with all his accomplishments, cannot be expected to carry the whole fabric of our national interests upon his Atlantean shoulders. The errors and omissions which it is my duty, not altogether agreeable, to point out, would, I am sure, have been avoided, as they will be cheerfully corrected, with a better knowledge of the facts to which I shall ask your attention.

RETRENCHMENT.

In what has been said in regard to the necessity of retrenchment in the public expenditures I am in entire sympathy with the members of the committee, and no one will go farther with them in the direction of real and thorough reform; but I am sure that it will not be necessary to remind the committee that statesmanship does not consist in retrenchment only; that enonomy may easily be carried within the limits of parsimony, and that reform may be pushed beyond the limits of prudence and justice.

DIPLOMATIC SALARIES.

I shall ask them to remember these axioms while I discuss the bearing of this bill upon the commercial interests of the country. I shall have but little occasion to differ with the committee as to that portion of the bill which reduces the compensation of our diplomatic representatives in Europe. In fact, if the committee had gone farther and abolished or consolidated several of these missions they would have had my hearty concurrence. I fully approve of the discontinuance of the mission to Greece, and if that to Switzerland had in like manner been terminated I cannot see that any public interest would suffer. And if the committee had seen fit to withhold appropriations for the payment of the salaries of other ministers whose names have been connected with unpleasant scandals, I should have felt that a patriotic citizen might visit foreign lands with greater satisfaction, and escape the humiliation which, when once felt, will not down until the cause is removed either by retirement or investigation.

I have said that I shall have no difference with the committee in regard to the reduction in the diplomatic salaries. At the same time candor compels me to state that they are certainly inadequate to meet the legitimate expenses of our ministers, under the circumstances and in the style in which they are compelled to live. But this has always been true of our representatives abroad, and yet the positions have been eagerly sought after, and generally filled by gentlemen fully competent to the duties. They offer collateral advantages of such a desirable nature that incumbents of sufficient culture and private means can always be found to take these positions even at considerable cost to themselves. Except, therefore, that the cost of living be generally advanced in Europe of late years, as in this country, the committee might very properly have returned to the rule of compensation which prevailed prior to the war, and the public service would not have been thereby injured.

CONSOLIDATION OF SOUTH AMERICAN MISSIONS.

I find myself, however, unable to agree with the committee in the policy of consolidation adopted in regard to the South American missions. From the best information which I have been able to procure, it will simply be impossible for the ministers so accredited to the combined powers to reside long enough in any one year in one place to acquire that knowledge and social position which are essential for the proper discharge of the duties confided to them. The actual time consumed in traveling often of the most difficult and even dangerous character, will amount to several months in the year, while the expenses of the journey will absorb the greater part of the salary allowed. Practically, therefore, the recommendation of the committee will, if approved, result in the abolition of all but one in each consolidation of missions. The question therefore is whether it is wise to abolish these missions and abandon the policy which for so many years, and

with the approval of our wisest and most conservative statesmen, we have pursued in regard to our sister republics of South America. Aside from the commercial interests involved, with which I shall deal hereafter, we occupy a peculiar relation to these republics, so to speak; that of a mother, who is alike an example, a guide, and a protector. They came into life and got their shape and fashion, as the result of our struggle for independence and our success in free government.

In the hour of trouble they have always appealed to us for advice and moral aid, and we are the standing and respected arbiter to whom their differences with each other and the governments of the Old World are constantly submitted. They cherish a romantic attachment to our Government and our people which is perhaps at variance with the cold maxims of political philosophy, but which touches the springs of the human heart and commends itself to the "plain common sense" of the American people, in whom I am glad to say the "touch of human nature which makes the world akin" is not yet extinguished. Shall we do aught to repress the flame of liberty which, now burning so feebly, will surely, if fed by our own experience, encouragement, and friendly counsels, grow into a brilliant illumination, spreading over the whole South American continent and lighting up the homes of millions of happy and industrious freemen, whose sympathies and business will be mainly with us, who have been their friends and their exemplars?

STATISTICS OF SOUTH AMERICAN COMMERCE.

I apologize, Mr. Chairman, as a man of business, for indulging in what may be characterized as mere sentiment, but I feel that if it be sentiment, it is "bread cast upon the waters," which will after many days return an abundant harvest. A few figures will substantiate this assertion. From the Government returns, I find that our business with these countries in 1874 was as follows:

Countries.	Imports.	Exports.	Total.
Peru	$1,256,286	$2,518,404	$3,774,680
Ecuador	2,896,012	1,380,515	4,276,527
Colombia	7,749,433	5,123,845	12,873,278
Argentine Republic	4,537,670	2,478,513	7,016,183
Paraguay and Uraguay	2,515,563	1,115,042	3,630,605
Chili and Bolivia	666,560	2,730,617	3,397,177

COMPARED WITH EUROPEAN COMMERCE.

Comparing these figures with our trade with some European countries with which the committee deem it wise to maintain direct diplomatic relations, we can find no valid reason for abolishing these South American missions except that of Bolivia.

Countries.	Imports.	Exports.	Total.
Austria	$488,642	$1,682,249	$2,170,891
Portugal	577,742	1,768,335	2,346,077
Denmark	485,508	2,430,791	2,916,299
Sweden and Norway	2,037,914	2,385,088	4,423,002
Turkey	786,877	2,549,493	3,336,370

A proposition, therefore, to abolish the mission to Portugal, and to consolidate the mission to Denmark with that of Sweden and Norway, and to consolidate the mission to Turkey with that to Austria, would be quite as reasonable on the score of business relations, and far more reasonable on the score of accessibility, than the consolidation of these South American missions; and of the two alternatives I should greatly prefer the consolidation of the European missions: first, because of the peculiar sympathy in political views existing between us and our South American allies; second, because they offer to us virgin markets and unlimited possibility of trade for the future; third, because we have but little to expect from our European allies, either in the way of political progress or the extension of business, the channels of which are fully occupied by rivals older in the race and better equipped for success.

I am therefore driven to dissent from the committee in all their recommendations for the consolidation of the South American missions, except that of Bolivia with Chili; but in this case the House must understand that it will amount to a practical abandonment of the mission to that isolated republic. If in the judgment of the House the condition of the Treasury and of the country demands the saving of the money expended in maintaining the South American missions now independent of each other, then I am equally clear that it will be better to effect the economy by dispensing with some of the lesser European missions, which are more expensive and less fruitful to the business of the country. No American sympathies, no time-honored traditions founded on the fellowship of freedom, on geographical contiguity, on convictions of the future greatness of the Western Hemisphere, will thus be violated, while commercial relations with our sister-republics, already so important and of such large promise in the future, will be preserved, fostered, and steadily enlarged.

CONSULAR SYSTEM.

But it is in reference to the consular system as affected by the provisions of this bill that I find the most serious grounds of difference with the committee.

STATISTICS.

The total number of consulates maintained by the United States at this time is two hundred and seventy-seven. Of these the bill proposes to abolish forty-four, being about 15 per cent. of the whole number. Now, the consular service of all civilized countries is the outgrowth of the necessities of trade and commerce, and the sound policy of their maintenance is no longer an open question. It is admitted that where a country has no consuls it can have no trade, and the trade is developed and increases just in proportion as its consular service is effective. The rule with all enlightened governments has been to establish and maintain consulates not merely where they have an existing trade, but wherever there is a reasonable prospect of either developing a possible interchange of commodities or of getting a share of the trade already enjoyed by other nations.

POLICY OF GREAT BRITAIN.

The policy of the government of Great Britain has in this respect been most persistent and admirable, and attended with the most surprising results. She maintains in all two hundred and seventy-three consulates, of which all but eleven are outside of the United States. We maintain in all two hundred and seventy-seven, of which seventy-two are in the British dominions; leaving to us two hundred and five consulates in the rest of the world against two hundred and sixty-two maintained by Great Britain. The bill proposes to drop thirty-six consulates not in the British dominions, leaving us with one hundred and seventy-nine consulates against two hundred and sixty-two maintained by Great Britain in the countries with which we compete with that country for trade. Of course the result is obvious, that so far as the business controlled by eighty-three consulates, nearly one-half of our whole number outside of the British possessions, we give up the struggle and abandon the business to Great Britain. Before this serious and possibly fatal step is taken, it will be well to take pause, and examine the relative position of the United States and Great Britain in reference to foreign commerce.

COMPARISON OF BRITISH AND AMERICAN TRADE.

In 1874 the aggregate imports and exports of Great Britain amounted to £667,733,165. Her population was 32,412,010. Her foreign trade, therefore, was at the rate of £21 or $100 in gold per head of population. In the same year the aggregate imports and exports of the United States amounted to $1,265,719,964, which, allowing a population of 40,000,000, gives a foreign trade of $30.66¾ per head, or less than one-third of the British *per capita* rate. Those who know the natural resources of this country will not require to be told that we have a better basis for foreign commerce than Great Britain, and that if she can maintain a trade of $100 *per capita*, we shall surely arrive at the same result if we take the same means to secure it, and remove all artificial impediments from its growth. The figures may be bewildering, but they may be realized, and would amount to $4,000,000,000 per annum. The foreign trade of Great Britain already exceeds $3,000,000,000. Few persons, however, realize the rapid development of our foreign commerce since 1840. Prior to that date its growth was very slow.

1790	$42,626,844
1800	83,962,794
1810	103,375,370
1820	108,125,611
1830	115,951,570
1840	202,846,841
1850	300,133,472
1860	708,422,506
1865	640,184,622
1870	875,708,616
1874	1,265,719,964

Those who have been accustomed to talk of the decay of American commerce can study this table with profit. There has in fact been no development in any age or in any country comparable to it. Compare it for example with the increase in Great Britain since 1865, an era of unexampled prosperity:

Year.	Imports.	Exports.	Total.
1865	£271,072,285	£258,831,576	£489,913,861
1870	303,257,493	244,080,577	547,338,070
1874	370,082,701	297,650,464	667,733,165

Between 1865 and 1874 British foreign commerce therefore increased about 40 per cent. while that of the United States increased nearly 100 per cent.

In the face of these figures he must be a bold and a dangerous man who will undertake to circumscribe the area of American commerce by closing up to it a single one of the ports in which it is now carried on and to which it looks for extension.

HEALTHY AND UNHEALTHY TRADE.

But there may be an unhealthy as well as a healthy development of foreign commerce, and in this respect I am sorry to admit that the growth of British commerce is far more satisfactory than our own.

BRITISH AND AMERICAN COMMERCE.

A study of the British table of imports and exports above given demonstrates the remarkably favorable character of her exchanges. As she is always a creditor nation, she paid in the three years quoted,

1865, 1870, and 1874, and the statement is true of all the intermediate years, for the value of imports, by a value of exports far less in amount, on the average over £60,000,000 per annum, which represents the minimum of net annual gain from her foreign trade. Her trade is therefore an eminently healthy and profitable one. With us, we have reason to know that the contrary has of late years been the case, and that we have paid the difference by remittances of national, State, and corporate bonds, estimated by the highest financial authorities to amount to at least $2,000,000,000.

RETURN TO SPECIE PAYMENTS.

To meet the annual interest upon this indebtedness is the burden which weighs us down, and, in the face of our production of the precious metals, is the only real obstacle in the way of an early resumption of specie payments. The remedy is plain, but unpalatable. We must spend less money; less money in carrying on the Government, less money in foreign luxuries in our homes and in the daily walks of life. This money must be devoted to the repurchase of the debt held abroad, until, if not a creditor nation, we shall at least not be called upon for more of the precious metals to meet interest on debt held abroad than we produce at home. But it is of equal importance that that portion of our trade which consists in sending our products into foreign markets should be carefully cultivated, fostered, and encouraged, because in that way and that way only can we pay for the foreign products which we must have as the raw materials in part for our industry. And just here is my grievance with the provisions of the bill under consideration. Instead of enlarging the markets for our products, it actually closes up many of the avenues for their sale, thus increasing the difficulties in the way of return to a system of sound finance—difficulties so great as to demand the highest order of skill and statesmanship for their successful solution.

VOLUME OF COMMERCE MAINTAINED.

In spite of many obstacles, some natural and others artificial, we have succeeded in maintaining a large foreign trade in our manufactured goods, and this trade is, I am glad to say, steadily and surely growing. With the removal of the impediments to this healthy growth, which will be accomplished by some of the ameliorations in the tariff contained in the bill introduced by the chairman of the Committee of Ways and Means, and now pending before that committee, and especially by a judicious increase in the free list, this trade will receive an enormous expansion, and without such expansion it is safe to predict that specie payments, even if resumed, could not long be successfully maintained. In the face of this enlightened policy, to which the democratic party is committed by every pledge of honor, by its time-honored traditions, and by every consideration of sound policy, I cannot conceive of any greater mistake than to close up the markets into which these products of our industry, revived as it will be by the removal of the restrictions on production, would otherwise enter and gradually monopolize.

COTTON GOODS.

It is known to all who study the question that our exports of domestic cotton goods are steadily increasing, and in 1875 amounted to 28,817,743 yards, a larger quantity than any year for the past fifteen years.

HARDWARE, ETC.

Our axes, spades, and hoes are steadily driving out the English articles in all the new settlements of the world. Our sewing-machines fairly monopolize the business of the civilized globe, while our agricultural implements have maintained their superiority wherever they have been introduced.

CHILI.

The recent international exhibition in Chili has opened an entirely new field for these products, of which advantage is being taken by our enterprising citizens just as the Committee on Appropriations is preparing to abolish a consulate and to consolidate the mission to that country, to which we sell $2,730,617 of our products and from which we take only $666,560, with that of Peru, to which we sell $2,518,404 and from which we purchase only $1,256,286. The men of business of this country will greatly prefer that the committee should rather direct its attention to the opening of new markets than to the closing of old ones which have been secured by so many years of wise and patient effort.

I might pursue this subject at greater length, but content myself with reciting three instances of the mistakes of this bill, due of course to want of sufficient time to investigate the subject with that care which it deserves.

CHINESE CONSULATES.

The first consulates abolished are Chin-Kiang, Ningpo, and Swatow, in China. Let it be remembered that China is a most important market for our manufactures, in which we have the very best reasons to expect a large and immediate increase of business, especially after the cost of making American printed cotton goods is reduced by the enlargement of the free list in the proposed tariff bill.

I have no means of knowing the reasons which moved the committee to recommend the abolition of these consulates, but I suspect that they examined the register of the State Department and, finding the fees received at Chin-Kiang are reported at $371.84, at Ningpo $574.84, and at Swatow $316.84, concluded that these consulates were dear investments at $3,500 per annum, and therefore concluded to dispense with them. Of course they did not know that by this act they were also practically dispensing with the main interior trade which we do with China. These consulates, and especially Chin-Kiang, which is on the Yang-tse-Kiang, a river with more miles of navigation than the Mississippi and Missouri Rivers combined, are placed at the points where the "transit-pass system" of Chinese trade has been fixed by the Chinese government. All foreign goods are here transferred to and from the boats and steamers which navigate the river or coast along the shores, and no goods can be so transferred without the certificate of a foreign consul resident at these points of transfer. Of course the committee did not know that this trade is mainly in the hands of American citizens, that the steamers which trade on the river are American steamers, owned and navigated by American citizens, who, if these consulates are abolished, must either abandon the business or their nationality. Of course they did not know that Great Britain, hungering for this trade, maintains at Ningpo a consulate at the cost of £1,000 a year, at Kiu-Kiang at the cost of £825, at New-Chwang at the cost of £975, and at Swatow at the cost of £900. Shall it be surrendered to them?

HAYTI.

Again, we have now a minister at Hayti, who is also consul-general and resident at Port au Prince, the principal port of that country. The bill abolishes the legation and with it the consul-general. But we have also in the same country an unimportant consulate at Cape Haytien at a salary of $1,000 a year, which is all that the business of the place will warrant. The committee, doubtless feeling that a country with which we have a commerce amounting in 1874 to $5,835,038, of which $4,265,686 consisted of exports from us to it, and only $1,569,352 consisted of imports from it to us, have reported in favor of doubling the salary of the consul at Cape Haytien, where there is little or no business, and have left us without a commercial representative at Port au Prince, where the main business is done. Of course they will be glad to correct this error.

THE BLACK SEA.

Again, we have but one consulate on the Black Sea, at Odessa. Our trade with the Black Sea amounts to $1,338,030, and is one of the few regions to which we sell more than we buy, our exports being $792,942 against imports to the value of $545,088. No doubt the committee, in ignorance of the value and importance of this trade to the country, especially in view of our critical financial condition, were misled by finding that the fees collected at Odessa amounted to only $189.65.

CONSULAR FEES NO GUIDE.

They do not appear to have known that the fees received are no proper criterion of the volume of business and that a cargo of $1,000,000 may be cleared by a consular certificate costing $2.50. On the question of establishing or of abolishing a consulate the amount of fees received is a minor consideration, as the trade may be of such a nature that a very large volume of business may yield very few fees, or a very small volume of business, but made up of numerous petty invoices, may yield a large amount of fees. The true governing principles are, first, whether the existing business is considerable and, second, what capacities for the development of future business the region may possess. To these considerations the committee do not appear to have given sufficient attention. I forbear, however, to adduce further instances of the neglect of these sound rules of legislation on the consular system, but will, when I move the amendments restoring most of the consulates proposed to be abolished, endeavor to present good reasons for their retention.

CONSULAR AGENCIES.

It has already been intimated by the chairman of the committee that the evils which I predict will not occur, because the State Department may, under the existing statutes, appoint consular agents at these abolished consulates who will attend to the business for the fees. There can be no doubt that the evil may be mitigated in this way, but it will not be cured by the return to an old and vicious system from which we have been for many years trying to extricate ourselves, as manifestly not conducive to the best interests of the country in its trade and foreign commerce. In the first place it is not always possible in these remote and semi-civilized regions, just opening their ports to our trade, to secure the services of American citizens, and it has been found that to place our interests in the hands of foreigners is practically to subordinate them to other and more controlling considerations of nationality. In the next place no commercial house, whether American or foreign, will take an unproductive consular agency except for the collateral advantages of business which it may thus be able to secure. Public interests are thus subordinated to private profit, and that competition which is the life of trade is thus made difficult if not impossible. It is plain, therefore, from past experience as well as from the slightest reflection, that unpaid consular agencies should not be resorted to except in the last emergency.

CONDITION OF THE TREASURY.

But you have been told by the honorable gentleman from Mississippi who has charge of this bill, and doubtless it will be repeated, that the condition of the Treasury and the sufferings of an overtaxed people imperatively demand this retrenchment.

THE CONSULAR SYSTEM SELF-SUPPORTING.

I presume that it is not generally known to the members of this House, although I am bound to believe that the members of the com-

mittee were not ignorant of the fact, that the fees received from our consular system are sufficient to defray its entire expense, including salaries, exchange, and all incidental expenses, and to pay over a considerable balance to the Treasury. The people of this country are therefore not taxed one dollar for its direct support, so that instead of cutting off consulates we can and should actually create new ones without burdening the Treasury with a single additional dollar of expense. Prior to 1861, when the consular system was reconstructed, this was not the case. Some consulates were enormously paid by fees, while others received only a scanty pittance, which manifested itself in a languishing trade. By the new and well-considered legislation which required all fees to be paid into the Treasury and moderate salaries paid to the consuls the consular system became self-supporting, and thus gave life to the smaller consulates in remote regions where business was just beginning to spring into existence. The system was never designed to pay a profit into the Treasury, and the people do not desire and will not sustain such a policy.

TRUST FUND.

They expect and prefer that the profits of the system shall be regarded as a trust fund, to be expended in extending the area of trade and in opening new ports to our ships and our merchants.

REDUCTION OF SALARIES.

There is, therefore, no good reason for reducing the compensation of the consuls, unless they are overpaid. But I venture to assert that this is not the case. If they are men fit for their places—and as a rule they are men of large experience, whom adverse circumstances have forced to accept these positions—then the compensation provided by the existing law is as low as they deserve or can afford to take. They are not as a rule so well paid as men of capacity filling positions of equal responsibility in private corporations and in mercantile houses in this country.

DEMAND OF NEW YORK.

The salaries are not so large as I pay to men of equal capacity in my own business, and therefore I deem the reduction as uncalled for by any considerations of expediency or of justice, and I shall vote against it. What my constituents desire is, not that other men shall be deprived of a "fair day's wages for a fair day's work," but that all the avenues of business shall be kept open; that new avenues shall be provided as fast as possible, and, above all, that no blow shall be struck at the commerce of the port of New York, where the suffering is already too hard to be borne with patience, if any movement is made here or elsewhere to obstruct the channels of business.

COMPARISON OF COST OF BRITISH AND AMERICAN CONSULAR SYSTEMS.

Finally, Mr. Chairman, the House should know that we are the only nation whose consular system is thus self-supporting. The amount of fees collected by our consuls in 1874 was $715,202.94. The amount collected by Great Britain in 1872-'73 was £30,282, or about one-fifth of our collections. On the other hand, the salaries paid by the United States in 1874 were $409,000, while the salaries paid by Great Britain were £187,205, or about two and a half times greater than we pay. The incidental expenses for office rent are about in the same proportion, making their loss on the consular business at least $1,000,000 per annum, the bonus which they offer to British merchants to compete with us in the markets of the world. Our merchants ask no such extraneous aid, but they may well demand, and in their name I make the demand, that the money actually collected from them, reducing the profits of their business by just so much, shall be to the last dollar expended in extending and protecting their business. To make any other application of it is not only unjust but unwise. If there be a surplus which cannot be thus expended to advantage the only proper course is to reduce the consular fees, and thus bring nearer to an equality the conditions of the competition with our great commercial rival.

NECESSITY OF ENLARGED FOREIGN MARKETS.

Does the honorable member from Mississippi suppose that the restoration of the Mississippi levees, the throwing out of the jetties at the mouth of the river, and the construction of the Southern Pacific Railroad will provide him with a market for the ten million bales of cotton which he promises as the annual result? Unless the foreign avenues of consumption are enlarged by every possible effort the only effect of his great crop will be to destroy its value and reduce his people to starvation, for he knows very well by bitter experience that they cannot eat their cotton. Does he not know that the capacity for the production of raw material and almost every form of useful manufactured product has reached such proportions in this country that the profits of business have disappeared, and that unless we can get foreign markets for our products we are likely to perish in the midst of our abundance, our very wealth being the cause of our ruin? One of the most intelligent of the workingmen of this country, who has had very extensive opportunities from personal observation of forming a correct judgment, has lately asserted that one-third of the laboring-men of this country are practically in a state of enforced idleness. Does the gentleman from Mississippi expect to set them at work by closing up a portion of the avenues for the distribution of the surplus products of the country in order that he may save the sum of $93,000 in salaries out of a fund expressly raised to keep these avenues open?

The time selected for this innovation is singularly infelicitious. We are just entering on the second century of our existence. After a hundred years devoted to the development of our resources and the opening of our channels of communication—a century in fact of preparation for the supply of the world with the cheap and abundant fruits of our industry—we have succeeded in proving our ability to maintain a position in competition with that great power which has absorbed so much of the commerce and the capital of the world; we have arrived at that point of development in the great staples of industry that we can safely begin to strike away the barriers with which they have been protected. We wisely propose to enlarge the free list of articles essential for the production of the commodities required by our Oriental and South American customers; when, by a proposition which can only be excused on the plea of haste and atoned for by the voluntary amendment of the bill, a deadly blow is aimed at our expanding commerce, at our growing industry, at our commercial ports, and at the welfare of the whole country, against which as a democrat anxious for the reputation and success of the party, as a representative of a commercial constituency whose interests are imperiled, as a patriot proud of the past achievements of my country and confident that the second century of its existence will, unless retarded by unwise legislation surely place it first among the nations in political and commercial importance, I enter an emphatic protest; and especially upon the ground that the fund proposed to be economized is in the nature of a trust fund, raised not by taxes on the people, but imposed upon commerce for the express purpose of its protection and expansion, and therefore in equity applicable only to the objects so essential to the prosperity of the whole people.

Mr. WOOD, of New York. Mr. Chairman, I propose to detain the committee but a very few minutes. I had not anticipated addressing the committee in any general remarks upon this bill, though I had expected to say something upon the particular items as they may come up for discussion. I am only induced to speak briefly at this time by the reminder of my colleague [Mr. HEWITT] in his reference to the conduct of our foreign affairs in relation to the continuance of our foreign commerce.

In my opinion, Mr. Chairman, in the consideration of a bill of this character there are but very few propositions to be determined by the House. First, is this a measure looking to the proper, economical administration of the conduct of our foreign affairs? Secondly, in view of our diplomatic and commercial relations with the governments of Europe and elsewhere and in the official representation of our country there, will the measure impair to the least extent either our political or commercial interests? Thirdly, in view of our past and our prospective history, is it wise and politic to make a departure from the well-established and regular order of things? Of course in the few minutes allotted to me I cannot attempt to do more than simply state these propositions, leaving to the intelligence of members of this House the deductions and conclusions to be drawn from them.

I commence at the lower order of our official representation, the consular system of this country. Have gentlemen studied it? Have they looked into its history? Have they searched the records and examined the archives of the Government, so as to know that the consular system of the United States has been brought into existence by the ablest statesman of this country? Of our various Secretaries of State, from the administration of Washington down to that of Lincoln, it may be said, I believe, that they were without exception gentlemen of the highest order of statesmanship—comprehending Thomas Jefferson, John Adams, Daniel Webster—pure-minded men, above the low influences of patronage distributed to oblige partisan followers. They were men who, from a broad, comprehensive, elevated view of the interests of our country, gave to the representation of our Government abroad not only a respectable status, but one looking to the development of our commerce and the protection of our diplomatic and commercial interests.

Our consular system has grown up, not by the enactment of any law of Congress, to meet an emergency in advance of a presidential election. No modification of any of the different consular systems that have existed within my day, covering a third of a century, has been made except upon the recommendation of the State Department—a recommendation founded in every instance upon the commercial necessities at the particular time at which it was adopted.

As our commerce expanded, as our interests were more and more extended in competition with other nations, especially with England, which always rivaled us in the trade with other peoples, under the advice of our State Department we extended our consular agencies. Thus consulships were established and have been maintained. Congress of course fixed by law the compensation of the various consuls; but the representation of our Government abroad was regulated by a broad view of what was desirable for the welfare and interest of our own people.

Therefore, sir, in dealing with the question of consulships, established not for the purpose of diplomacy or the determination of international questions, but looking especially or exclusively after the interests of American commerce, instructing our Government as to the necessities of that commerce and protecting it from foreign encroachment or aggression, I submit with great deference to the able patriotic gentlemen who constitute the Committee on Appropriations that to touch an institution of this character should be a work of great care, of careful examination and thorough deliberation, looking not only to the question of dollars and cents involved in the stipend to be awarded to any particular official, but having regard to the con-

sequences to follow the withdrawal of the officer from any special post.

Sir, this is a commercial country. The greatness and power of this nation have grown up as the result of our foreign commerce. Until within the last few years the whole expenditures of this Government have been maintained exclusively by duties derived from foreign imports; and those imports have come to us by means of our foreign commerce and our foreign commerce alone. From the days of the Continental Congress, down almost to the present moment, direct taxation has been unknown in this country; the entire support of our Government has been derived from foreign commerce. If this has been true in the past, if the commercial advancement of the country has been so essential an element of its prosperity when our great agricultural and mineral resources were as it were undeveloped, and indeed not begun to be developed, how much more is the advancement of our commerce a question of importance with reference to the great future which shall open to us when our vast plains shall be cultivated, when our products shall be a hundred-fold in excess of our power of consumption, when we must find foreign markets for them, when we must reverse the present order of things and bring all Europe and Asia to our feet as debtors to us. Then will our foreign commerce be recognized and appreciated more than I fear it is now by our friends far removed from the seaboard.

We cannot dispense with the carrying trade of this nation. No people can dispense with the means of transit by which they shall be able to dispose of the excess of their own production. This is to be the source of our wealth and power and greatness when in the future, instead of a population of 40,000,000, we shall have two, three, or four hundred million people upon the continent of America. Shall we not want foreign commerce then?

Shall we not want foreign markets then, shall we not want to establish friendly relations with all the people of the world then, when our vast Pacific possessions shall open up to us a trade and commerce twenty times greater than that now enjoyed by us with Europe across the Atlantic?

Sir, let us do nothing to impair, let us do nothing to retard, let us do nothing to injure in any way whatever, the foreign commerce of this country. If this bill saved $20,000,000 to the Treasury, instead of only $400,000, I would not vote for it if by so doing I did anything to lessen the efficiency, derogate from the integrity, or embarrass the progress of our commercial intercourse with nations abroad.

As to our diplomatic I look upon that as secondary to the consular system. You know, sir, in your day and mine the regulation of our foreign affairs has been conducted by our Government at Washington, and not by our diplomatic agents abroad. William L. Marcy, as Secretary of State, was the first to initiate and maintain that all our diplomatic negotiations with foreign powers should be conducted originally from this capital, and not by our embassadors and representatives at foreign courts. Therefore, so far as the representation of our country abroad is concerned, as embodied in our embassadors and ministers-resident, I am not one of those who attach very much importance to the necessity on the part of this Government of their making any great display.

We are told, Mr. Chairman, Americans are traveling constantly, and that it is necessary we should be represented abroad by some competent person who can properly entertain them, but in my opinion this is no important duty, requiring the appropriation of the public money.

I remember, as does my distinguished friend, General BANKS, once chairman of the Committee on Foreign Affairs, that we have listened frequently upon this floor to the criticisms of the present American minister at Paris in denouncing as useless and extravagant many of the expenditures for foreign intercourse. That gentleman is now our minister to France, and has been for many years in the enjoyment of the salary. I think I am able to say, without violating any personal confidence, for Mr. Washburne told me, that his salary of $13,500 a year was not more than enough, and that at the end of the year he had nothing out of it to spare. Yet that gentleman while a Representative upon this floor was a most rigid economist. He was the friend of the honorable gentleman from Indiana [Mr. HOLMAN] and a disciple of the same school of economy.

But let that pass. In my judgment, we should allow our ministers abroad enough for them to be respectable—respectable in the European acceptation of the term, respectable by their exterior presentation at court, respectable by their ability to appear on all public occasions in a proper way. I do not think it is incumbent upon them, in the maintenance of their national and personal character, that they should give large and splendid entertainments. Our Government is not of that sort. Benjamin Franklin, one of our first embassadors, insisted upon presenting himself at court in his Quaker garb, in that plain and simple apparel which he wore upon all occasions. But let us make them respectable. By all means, I wish to impress upon both sides of this House, upon my democratic friends, upon the rigid economists, upon those who wish to curtail expenses—with whom, indeed, I intend to vote for every possible reduction of the profligate expenditures which I think have recently crept into the public service—I wish especially to impress upon the members of this House, on both sides, the necessity for our being exceedingly careful how we do anything to impair the efficiency and integrity of the commerce of this country, as represented by our consular system.

Mr. SPRINGER obtained the floor.

Mr. RANDALL. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOSKINS reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. SYMPSON, one of its clerks, announcing the proceedings of that body on the death of ORRIS S. FERRY, late a Senator from Connecticut.

DEATH OF THE LATE ORRIS S. FERRY.

The SPEAKER. The Clerk will read the message just received from the Senate.

The Clerk read as follows:

IN SENATE OF THE UNITED STATES, *February* 8, 1876.

Resolved, That, as a mark of respect to the memory of ORRIS S. FERRY, late a Senator from Connecticut, the business of this body be now suspended, that his former associates may pay proper tribute to his public and private virtues.

Resolved, That the Secretary communicate this resolution to the House of Representatives.

Mr. PHELPS. Mr. Speaker, the sudden decease of my colleague, [Mr. Starkweather,] who had the matter in charge, and the request of my remaining colleagues have unexpectedly devolved upon me the duty of moving the adoption of the resolutions which have just been transmitted from the Senate and of supporting them by such remarks appropriate to the occasion as I may be able to make; and I regret that I have had neither the time nor opportunity to make a fitting preparation for the discharge of such a delicate and important duty.

Senator FERRY was born at Bethel, in the State of Connecticut, on the 15th day of August, 1823. A portion of his early years was spent in manual labor in the manufactory of his father, but he soon developed such a desire for knowledge and such uncommon indications of intellectual superiority that he laid aside the implements of a trade he was rapidly acquiring and, at the age of fourteen years, entered upon the necessary studies preparatory to admission in Yale College, from which he was graduated at the age of twenty-one. His collegiate career was brilliant, and the high distinction which he afterward attained was clearly foreshadowed at his graduation. He had a peculiar fondness as well as a special aptness for forensic effort, which naturally led him to adopt the profession of the law, and, as a student in the offices and under the personal instruction of two of the most eminent jurists of his native State, he mastered with great facility the intricate science of jurisprudence. He was admitted to the bar in 1846, and immediately commenced a successful practice at Norwalk, Connecticut, which he a few years later allowed to be interrupted by his active participation in the earnest political contest which was then going on. He was at that time an ardent partisan, and was elected to the State senate in 1855 and again in 1856 as a member of the party then known as American. His party was in the ascendency and his talents gave him a conspicuous position among its leaders. As a tactician he was sagacious, and as a debater had all the weapons of logic at his command and wielded them with surprising power. He was independent in thought and positive in action. He shunned all artifice and indirection and fearlessly advocated what he believed to be right, and with equal boldness opposed and unsparingly denounced what he thought to be wrong. It would have violated his nature to have been untrue to his honest convictions, and he was therefore utterly uncompromising between right and wrong.

His fame as a local legislator gave him such prominence that he became a candidate of the republican party for Congress in 1857, but was then unsuccessful. He was again placed in nomination in 1859, and elected to the Thirty-sixth Congress, and in this intellectual arena of the nation, which was at that time throbbing with excitement and numbered among its prominent actors many of the most distinguished minds of the country, he acquitted himself with marked distinction. Among the important positions assigned him in that Congress was a place on the celebrated committee of thirty-three, which was organized to consider the condition and relations of the seceded States.

Upon the breaking out of the late civil war, all the enthusiasm of his nature was aroused for the preservation of the Union, and he entered the army as colonel of the Fifth Regiment of Connecticut Volunteers. On the 17th of March, 1862, he was commissioned a brigadier-general by President Lincoln, and served in that capacity in different divisions of the Army until near the close of the war.

In 1866 he was elected by the Legislature of Connecticut to the Senate of the United States, and was re-elected in 1872. His last public effort there was to pronounce an elegant tribute of respect and affection to the memory of his deceased colleague, Senator Buckingham. With what commanding ability he discharged his duty in that body I need not repeat. It is sufficient to say that by his eminent service he acquired a national reputation as an able, faithful, and conservative Senator, who loved his country more than he loved his party, and in his election honored his State more than it honored him.

As a lawyer he possessed a remarkably clear, discriminating legal mind, which thoroughly understood and intelligently digested the

principles of the common law. He was a conscientious adviser, laborious and careful in the preparation of his causes, and skillful in their management, and before either court or jury had not many competitors who could meet him on more than equal terms. In his deportment he maintained the dignity of his profession and cherished its honor with true devotion.

In the later years of his life he was the subject of strong religious convictions, and publicly and with his whole heart professed a belief in the fundamental doctrines of the Christian religion, and made their practice a sincere and constant part of his daily life.

He was a man of unbending integrity and deeply imbued with the true spirit of manhood. He scorned everything that was base and despised everything that was mean. Corruption never tarnished his honor. He had no itching palm for dishonestly-gotten gold, and was at all times above all suspicion of complicity in legislative jobs and subsidies. He received no compensation or emolument except what he was by law clearly entitled to take, and it is the noblest tribute that can be offered to his memory to say that he entered the public service poor and continued many years in the civil and military departments of the Government, and, without extravagance in living, died in his senatorial robes as poor as he entered that service.

He expired at his home on Sunday, the 21st day of November last, after a long and suffering illness. The best medical skill was unavailing to heal his malady and restore his health. The highest type of womanly excellence and devotion existed in his household, and their blessed ministrations, often more potent than the physician's remedies, were, by those every way worthy his companionship, constantly and with cheerful fidelity exerted to the last.

In his death the country has lost one of its purest and ablest statesmen; the Commonwealth of Connecticut, which proudly reckons many distinguished sons among her jewels, the peer of the most gifted of them; the legal profession one of its soundest counselors and most eloquent advocates; the community in which he lived, an accomplished Christian gentleman; and his family such a husband and father as only such a husband could be to a loved and loving wife and such a father to an affectionate and devoted daughter.

It is said, sir, that death loves a shining mark. This cannot well be more strikingly exemplified than in the fact that since the adjournment of the last Congress we have lost an Ex-President, a Vice-President, and a Senator of the United States and six members elected to this House. The State which I have the honor in part to represent has been especially bereaved. Within the short space of less than one year she has been deprived of two Senators: Buckingham, who had rendered most distinguished service and been loved and honored as a State rarely loves and honors a son however eminent, whose decease gave expression to some of the most touching eulogies ever delivered in this Capitol; and FERRY, no less worthy and distinguished, whose private virtues and public services we are now endeavoring to commemorate. Their fame belongs not alone to Connecticut, but to the country; but we cherish with a just State pride the fact that they were born and lived and are buried on our own soil. Their good names are indelibly engraved on the hearts of the people of the State and their graves are shrines which virtue and patriotism and religion will forever venerate. She has also been deprived of a distinguished Representative who has just been borne to his last resting-place in the bosom of her soil and in the presence of his mourning constituency.

The event we are considering is but the reiteration of the solemn and oft-repeated lesson of mortality—another impressive reminder that "man walketh in a vain shadow." Public honors and high position furnish no exemption. The all-wise and almighty Power who decrees the mandate, and the messenger who executes it, respect no distinctions of rank or condition. The mocker at human pride follows man into the high places of the land, and there, as well as in the lowliest, repeats to him the startling message, and the sadness with which its utterance sometimes falls upon our ears cannot be more forcibly illustrated than by a recurrence to the fact that I am now addressing the House in the place of a lamented colleague who but a few days since was in the enjoyment of his accustomed health and had prepared himself for and expected to perform the duty, but has himself been called to his final rest. At the proper time in the course of these proceedings that voice from the dead, speaking in language much more beautiful and eloquent than any I can express, will be read as one of the addresses on this occasion. It will help to remind us that we are constantly living in the shadow of the grave, and, alas! too often allow ambition and covetousness and pride to conceal the shadow or drive it from our thoughts; and to teach us that it will be true wisdom to pause in our career of worldliness and remember there is something within our reach higher than earth's highest honors, which, if attained, will take away the sting of death and crown us with immortal life. In his last years Senator FERRY, trusting in the divine promise, earnestly and humbly sought that happy and exalted end.

I offer the following resolutions:

Resolved, That the House has received with profound sorrow the announcement of the death of ORRIS S. FERRY, late a Senator from the State of Connecticut.

Resolved, That as a mark of respect to the memory of Mr. FERRY the business of the House be now suspended, that proper tributes may be paid to his public and private virtues.

Mr. SEELYE. Mr. Speaker, I am quite certain that the relations of no other one here with Senator FERRY were the same as my own. The gentleman who has preceded me, and those who are to follow, as also those who listen, knew him only in the varied relations, public and social, of mature life, but he and I were boys together, sharing with one another the gladness of childhood and the aspirations and purposes and hopes of youth. From the little village where his father and mine were near neighbors and friends, and where he and I were playmates and schoolmates, there is no other Representative now here, and it is upon this account that I have been requested to say a few words respecting his early life. It was spent in Bethel, Connecticut, where he was born August 15, 1823. He was a restless, eager, daring boy, not fonder of work than boys usually are, but a leader in all boyish sports, from which no one of his companions was wont to go home with a dirtier face or with hair more tangled and clothes more torn than he. But exuberant as he was of life and vigor, he was neither rough nor rude nor coarse even as a boy. I never knew him, as he grew larger, to tyrannize over smaller boys, though I have often seen him show a sort of chivalric adherence to the weaker side. Generous, high-minded, and a universal favorite, the boy was father of the man.

In school he always had his lessons, though no one ever knew when or where or how he got them; he was not early fond of study, but, if he ever worried his teachers by his restless inattention, he never wearied them by obliging them to repeat their instructions.

If, however, not an early student, he was as a boy a great reader of books, especially in the line of poetry and history and romance, of which his father's library furnished the largest collection then in the village, and from whose stores he was as fond of bringing feasts for the fancy of his boyish friends as they were of feeding upon them. His earliest aspirations were for a literary life; and I doubt if he ever dreamed of his later achievements in the Senate and the administration of public affairs. With unwonted freedom, even for a boy, he told his day-dreams, and the boys who heard them, and over whom his words could throw a spell like that felt by all who listened to him in his riper years, never doubted that they would all come true.

But his lot was cast where other occupations than play or reveling in romances or building castles in the air were soon pressed upon him. In that little village there was no *dolce far niente* view of life. Everybody had something to do and was expected to do it. Hardly any vice seemed more repugnant to the busy workers there than idleness, and about the most condemning epithet among them which could be applied to man or woman was laziness or shiftlessness. There were no rich people; and had there been, I hardly see how they could have lived a life of leisure without being stung like drones by the busy bees around them. A child's world of fancy there soon found itself intersected by the hard world of fact, and ORRIS FERRY soon learned that the actual present had a work for him no less than the far-off future. While in the dreamy fancies of his childhood there might have been prefigured, had there only been the eye to see the picture, that far-reaching meditativeness in which "the heaven which lay about his infancy" still stretched before the vision of his later years, I think he owed also whatever persistence of purpose and energy of work he afterward revealed as much to these early conditions which surrounded him as to his original endowment. But the fearlessness with which he exercised his purpose, the courage of his convictions, the bravery with which he could throw aside all arbitrary domination and be a freeman and a hero, this was not dependent upon any circumstances of his early life; this was his original possession, as conspicuously his in the earliest revealings of himself as in the latest, and would have been revealed as his wherever he had been born or however bred.

But there were other traits prominent in his later life which were, doubtless, partly due to his early surroundings. The religious faith, which was the ever-brightening crown of his maturest years, was, I cannot but think, greatly aided by the associations of his childhood. In the center of the village where was his childhood's home—central alike in location and in the power it represented—was the Congregational meeting-house, where the only church then in the place gathered with its congregation for public worship, and to which were drawn and from which dispersed the currents by which—as originally was the case in almost every New England town and village—the life of that community was directed and sustained. Hard workers as were the men and women there, sharp, too, at a bargain as they were, and eager to get gain, no one with much knowledge of them but would soon discover that in their thoughts and questionings the next world had no less prominence than this. The warmest discussions ever held among them were on the highest themes of theology, discussions which, however wide their range, were always brought for settlement, in the last appeal, to Scripture and to common sense. It was quite natural that the children breathing such an air should early learn to talk about these things, and to think about them, also, for themselves, and quite to be expected, also, that one like ORRIS FERRY, always unwilling to have his thoughts constrained, and always unable to have them concealed, should in his freedom of inquiry find things where common sense and Scripture seemed to clash, and in his fearlessness of expression should declare this seeming contradiction without proviso. He early avowed his skepticism respecting all religious things, though he always had a certain seriousness of soul which never suffered him to be a scoffer. In later years, when by a further and profounder exercise of this same freedom of inquiry, he became a sincere believer—showing again that it is only the shallow

draught at the fountain of free thought which intoxicates and the deep draught which sobers one again—it was not strange that the living faith with which his soul was penetrated should find its fitting expression and liveliest exercise in that form of doctrine and mode of conduct which, though for years repugnant to his convictions and his habits, were yet the earliest, as they were the latest and most intimate, associations of his life.

I do not speak of him as a man, so affectionate, so truthful, so far-sighted, so courageous, with his commanding presence and controlling speech; for as such he has already been and is to be aptly portrayed by those who knew him only as a man. And I trust I shall be pardoned for dwelling at such length upon these thoughts of his boyhood, which make his memory very tender to me and which awaken a sense of personal loss beyond my power to express, as I think of the hopes we both had cherished of reviving here the intimacy of our boyhood and of the expectation which had been to me very bright and dear, that I might find from his superior wisdom and wider knowledge of public affairs a much-needed aid.

Mr. GARFIELD. I have never in this House performed a duty so sad and so sacred as that which is devolved upon me to-day. Two weeks ago last Friday our late beloved friend and associate, Hon. H. H. STARKWEATHER, of Connecticut, came to my seat and urgently requested that I should address the House on the resolutions in reference to the death of Senator FERRY. After speaking with me for a few moments, he was called to the chair to preside and remained there perhaps half an hour; but, not feeling well, he soon passed out, and never entered the Hall again.

The very evening when he was stricken with his mortal disease he had completed or very nearly completed the remarks which he proposed to offer to the House on this occasion. I have not had the heart even to keep my promise to him. I could not think of this subject without being overwhelmed with the sense of the double loss; but I am sure the House will permit me, in place of any remarks of my own, to do what our departed friend can no longer do for himself, to read the speech as he left it. I have filled a few blanks and added here and there a word to supply the final revision which his own hand would have made; and thus the dead speaks for the dead friend whom he soon followed. I read, and ask that it may go into the RECORD as his speech, the following

REMARKS PREPARED BY THE LATE HON. H. H. STARKWEATHER.

Mr. Speaker, since the adjournment of the last Congress, God in His sovereign wisdom has removed from the service of the nation Senator ORRIS S. FERRY, one of its distinguished and trusted councilors.

At any time the death of a Senator in the midst of his labors, so conspicuous for ability, for patriotism, and for a conscientious devotion to duty as was Mr. FERRY, is a great national loss. His departure from us, preceding but a few hours that of Vice-President Wilson, and following so closely that of Sumner and Ex-Senator Buckingham, and others illustrious in the national councils, heightens and emphasizes the bereavement. The death of Mr. FERRY is a peculiar loss to the State that he served and honored, and whose memory she cherishes with an affectionate admiration. Throughout the Commonwealth, among the learned, the founders of our academies, universities, in our common schools, among the ministers of religion, and the humble worshipers of God—along all its hills, in the Sunday-schools that he loved, among learned judges and eminent counselors, among the sons of toil for whom he spoke, among the good and the great, and in every cottage of the poor—there is great sadness.

Twice within a few months death has invaded the sanctuary of our hearts, and taken from us our trusted public servants and most honored citizens. No two men of this generation, among all the honored names of our Commonwealth, could touch so many homes with a sense of personal loss. While their work here is finished, there is left to us the reflection that for this life our pleasant relations are severed forever.

Around us each dissevered chain
In sparkling ruin lies,
And earthly hands can ne'er again
Unite the broken ties.

Mr. FERRY was born in the town of Bethel, in Fairfield County, on the 15th of August, 1823. His father, Starr Ferry, was an enterprising business man of that town—a citizen known for his good sense, integrity, and social position in a community remarkable for its intelligence and culture.

He was early apprenticed to his father's trade, and in after-life he had a just pride of his proficiency in his calling. An incident occurred at the last session of Congress that illustrates his character. As an advocate was explaining before the Committee on Patents the mysteries of a certain invention, he was surprised to learn that the chairman of the committee had learned the art when a boy and was still in advance of the advocates and experts in the thoroughness of his knowledge of the subject. Early, however, the love of books and of study took possession of him and he left his trade to enter on a course of preparation for college. But of this the learned and distinguished gentleman from Massachusetts, [Mr. SEELYE,] the companion of his boyhood, can more appropriately speak. In passing, it is sufficient to remark that as a boy he gave high promise of success.

At the age of seventeen he entered Yale College, and here, says one well qualified to judge—

His fine powers of mind soon found appreciative recognition, particularly in the department of literature and debate. He early became one of the editors of the Yale Literary Magazine; was also a successful competitor for the Townsend literary prize; and uniformly stood among the very highest in anything that required elaborate or extemporaneous address. His prestige thus gained in letters, together with his hearty social qualities, and his fine personal appearance, secured for him a marked popularity as well in circles without as within the college.

He graduated in 1844 at the age of twenty-one, and after a year he entered the office of the late Chief-Justice Thomas B. Butler as a student at law, was soon admitted to the bar, and became his partner.

Here his associations were most fortunate. Judge Butler was remarkable, not only for his legal learning, but for his varied acquirements, his love of justice, and his generous social qualities. Mr. FERRY's advent to the bar was in other respects fortunate in its surroundings. The bar of Fairfield County and the adjoining counties of New Haven and Litchfield at this time had many eminent lawyers. There were the venerable Charles Hawley, Roger Sherman Baldwin, the Ingersolls, Judges Butler, Seymour, Dutton—all learned in the mysteries of jurisprudence, the first two becoming chief-justices of our high court. Besides these there were a score of younger men, Minor, Beardsley, Loomis, White, Carter, Beach, Harrison, and others, near his own age, of rare ability. At no time in our history has there been a greater array of talent at the bar than this. It is a sufficient commendation of Mr. FERRY, and not a little remarkable, that within a few years from his admission to the bar he placed himself at the head of his profession.

Soon after his admission to the bar Mr. FERRY married the daughter of Governor Bissell, and the daughter and wife, in womanly virtues, in social culture, and in the sweet graces of charity and religion, is worthy of her illustrious father and husband.

When yet a young man he was early honored at home. He was successively chosen judge of probate, State attorney, and State senator. Each of these positions he filled well.

It was my good fortune to be a member of the Legislature of Connecticut in 1856, and to be a member of the judiciary committee of which he was chairman. It was then often a subject of remark among men eminent at the bar that Mr. FERRY, (then but thirty-two,) not only as a debater, but a legislator, had the rarest ability, and at that early day he gave full promise of those great qualities which have for eight years past been the admiration of his colleagues in the Senate. He was then as ever, brave, true, great.

We are greatly indebted to Mr. FERRY for his public addresses before the people of our State. His logic and his eloquence were irresistible on these occasions.

Mr. FERRY was elected to the Thirty-sixth Congress from Connecticut and took his seat in this House in 1859 amid the stirring scenes immediately preceding the rebellion. This body then embraced many men of marked character and ability. Here were the great leaders of the South, men schooled in politics and accustomed to rule; and from the North came also many men of great ability, but mostly new to the public service.

Mr. FERRY from the first took a conspicuous part in the discussions of the House, and was one of the committee of thirty-three appointed by the Speaker on "so much of the President's message as relates to the perilous condition of the country." Early in the debates he delivered a speech which was regarded by his associates as very able and effective, and expressing at that time the true position of its most thoughtful statesmen. His analysis of the state of the country at that trying epoch and his views of the duty of the Government now read like prophecy.

At the close of his two years in the House he raised and commanded a regiment, and served in the Army with honor to the close of the war. His whole heart was in the work; and he devoted his entire time and ability to its duties. When the war was over he resumed his profession; but the next year, 1866, he was elected to the Senate and served a full term, and was re-elected in 1872.

The public career of Mr. FERRY while in the Senate has been so faithfully delineated in the main by his distinguished associates that there is little need to recount them here; and, besides, I feel how inadequate are any words of mine even to express my reverence and admiration.

He entered the Senate at the commencement of the Fortieth Congress. Great questions, among them the problems of reconstruction, were on our hands; with these, new relations of the dominant and the late subject classes as they emerged from a state of war.

I have seen it suggested by those who have failed fully to apprehend the position of Mr. FERRY that he was unduly conservative in his tendencies on questions of reconstruction. On the contrary, it can be said to his credit that on these measures he led the advance. His speeches in the Senate and in the conventions at home show that from the outset he maintained with masterly ability not only the right of the nation, but its duty to secure liberty, enfranchisement, and civil rights to those who had been slaves. It is true, in connection with many leading men of the party, he early favored a large amnesty to those who had been in rebellion against the Government.

But in all his work in the Senate his noble utterances in regard to the power of the nation to suppress rebellion, his denunciations of secession, his appeal for justice for the slave, ally him indissolubly with the great republican leaders whose fame is immortal.

It would be a pleasant service to quote from his speeches and rehearse his acts as proofs, if they were needed, of his fidelity to liberty and his faith in the indestructibility of the Union. There are no nobler acts or utterances on record. But I must not detain the House longer with this sketch while others wait to unfold with better chosen words his character and services.

Before closing, however, let me refer to the crowning glory of his life. Mr. FERRY had a strong religious element in his character. This was with him a great controlling force, and not a sentiment. It added greatly to his strength and upheld him not only in great emergencies but in the daily labors of life. He loved to contemplate and discourse of the Infinite God and the glory of His reign. He dwelt with rapture on the majestic prophecies of Isaiah and the grand poems of the Hebrew minstrel king. His discourses on religion became a part of his beautiful life-work in his home.

It was most beautiful and grand, amid failing strength and long years of pain, to hear him discourse of—

Rest at last,
Repose complete, eternal;
Love, rest, and home.

No cloud obscured the effulgence of his hope or dimmed his vision. Clear and high his intellect and his faith rose above all storms and darkness, and sustained him in sweet companionship amid the unrevealed mysteries of pain. As his end drew near he came back to his home, after a brief absence. There, under his own roof, with the angels of his household about him, he passed to his rest.

Thinking of trials past, and knowing as we do how well he had wrought for the future, trusting in the merits of his dear Lord, he could repeat the sweet lines of Bonar—

Beyond the parting and the meeting
I shall be soon;
Beyond the farewell and the greeting,
Beyond this pulse's fever beating,
I shall be soon.
Love, rest, and home!
Sweet hope!
Lord, tarry not, but come.

Beyond the frost-chain and the fever,
I shall be soon;
Beyond the rock waste and the river,
Beyond the ever and the never,
I shall be soon.
Love, rest, and home!
Sweet hope!
Lord, tarry not, but come.

Ay, the sweeter words of inspiration—in the volume of the book it is written: "Lo, I come quickly. Even so, come, Lord Jesus."

The resolutions offered by Mr. PHELPS were agreed to unanimously.

And then, on motion of Mr. PHELPS, (at four o'clock and forty minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. AINSWORTH: The petition of Carter & Mills and others, for the repeal of the check-stamp tax, to the Committee of Ways and Means.

Also, papers relating to the petition of Mrs. Ann M. English, for pay for supplies taken by the United States Army, to the Committee on War Claims.

By Mr. BAKER, of Indiana: The petition of Mary Bar, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Columbus C. Bennett, of Indiana, for pay for property taken by the United States Army, to the Committee on War Claims.

By Mr. BELL: The petition of E. W. Harrington, and other citizens of Manchester, New Hampshire, for the repeal of the check-stamp tax, to the Committee of Ways and Means.

By Mr. ELLIS: A paper relating to the contested-election case of J. A. Breaux *vs.* C. B. Darrall, to the Committee of Elections.

Also, papers relating to the petition of Jerome A. Eisenlord, for pay for services rendered the United States as a surgeon in the United States Army, to the Committee on War Claims.

Also, papers relating to the petition of Henry Olive, for commutation of rations while in the United States Army, to the same committee.

By Mr. GAUSE: Papers relating to the petition of Dabney Walker, for pay for services as scout and guide in the Army of the Potomac, to the same committee.

By Mr. JONES, of Kentucky: Papers relating to the petitions of John S. Wadsworth and others, of Pendleton County, Kentucky, to have refunded $300 each on account of the same having been alleged to have been illegally collected from them under color of commutation money, to the same committee.

By Mr. KELLEY: Resolutions of workingmen of Harrisburgh, Pennsylvania, against any subsidy to the Southern Pacific Railroad; in favor of the repeal of the resumption act and funding the national debt into 3.65 bonds, to the Committee on Banking and Currency.

By Mr. MACDOUGALL: Papers relating to the payment of female nurses during the war, to the Committee on War Claims.

By Mr. MONEY: Papers relating to the claim of W. G. Harwood, to the same committee.

By Mr. MORGAN: The petitions of Sarah B. Wilson and Elizabeth Ward, for pensions, to the Committee on Invalid Pensions.

By Mr. PAYNE: The petition of Morgan, Root & Co. and 52 other wholesale merchants and business men of Cleveland, Ohio, for the repeal of the bankrupt law, to the Committee on the Judiciary.

Also, papers relating to the petition of Mrs. Julia S. W. Evans, for a pension, to the Committee on Invalid Pensions.

By Mr. POPPLETON: The petition of Professor F. Merrick, Charles Neill, B. Murphey, T. C. O'Kame, B. Dickinson, J. Waterman, Mrs. H. C. McCabe, Mrs. W. T. Constant, Mrs. A. S. Clason, Sarah Van Deman, and 1,500 others, citizens of the city of Delaware, Ohio, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee of Ways and Means.

By Mr. POTTER: The petitions of Graham, Morton & Co., of H. C. Morton and 68 other citizens of Benton Harbor, of S. R. Hughes and 500 other citizens of Benton Harbor, and a joint resolution of the board of supervisors of Berrien County, Michigan, favoring an appropriation for the improvement of the Saint Joseph River and harbor, to the Committee on Commerce.

By Mr. JOHN REILLY: The petition of 1,563 citizens of the seventeenth district of Pennsylvania, favoring the granting of aid to a southern Pacific railroad, to the Committee on the Pacific Railroad.

By Mr. ROBBINS, of Pennsylvania: Papers relating to the claim of John Hatfield, for military services, to the Committee on War Claims.

Also, papers relating to the claim of Charles B. Holbrook, for pay for loss of a barge while in the United States service, to the same committee.

By Mr. THROCKMORTON: The petition of citizens of Bosque, Travis, and Hood Counties, Texas, for the extension of a post-route from Meridian to Granbury, to the Committee on the Post-Office and Post-Roads.

By Mr. WALDRON: Petition of J. S. Kellog, attorney, for the names of certain soldiers to be entered on the records of the Adjutant-General, to the Committee on Military Affairs.

By Mr. WALSH: The petitions of Susan Ellen Stewart and Ellen Morrow, for pensions, to the Committee on Invalid Pensions.

By Mr. WELLS, of Missouri: Memorial of a large number of merchants of Saint Louis, for the repeal of the bankrupt law, to the Committee on the Judiciary.

By Mr. WHITE: The petition of Elizabeth Murphy, for a pension, to the Committee on Invalid Pensions.

Also, papers relating to the petition of Jackson Roberts, for arrears of pay as a United States officer, to the Committee on Military Affairs.

By Mr. WHITEHOUSE: The petition of Stephen Hull, for an extension of his patent on harvester, to the Committee on Patents.

Also, the petition of citizens of Red Hook, of Greensport, and of Rhinebeck, New York, for the repeal of the stamp tax on safety matches, to the Committee of Ways and Means.

By Mr. W. B. WILLIAMS: The petition of Henry Willis and 2,000 citizens of Michigan, for an appropriation for a survey for a ship-canal across the State of Michigan, to the Committee on Commerce.

IN SENATE.

WEDNESDAY, *February* 9, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a joint resolution of the Legislature of the State of Wisconsin, instructing her Senators and Representatives in Congress to oppose so much of the bill introduced by Senator SARGENT in the Senate January 10, 1876, to restore the lands conditionally granted, the conditions of which have lapsed, to the public domain, as will affect grants of lands made to the State of Wisconsin; which was referred to the Committee on Public Lands.

He also presented concurrent resolution of the Legislature of the State of Kansas, requesting that Congress provide for the organization of a territorial government and the establishment of courts in the Indian Territory; which was referred to the Committee on Territories.

Mr. BOOTH presented the petition of A. S. Clark and 140 other citizens of Ventura County, California, praying for the resurvey of the Rancho Rio de Santa Clara, now in the county of Ventura, formerly in the county of Santa Barbara; which was referred to the Committee on Private Land Claims.

Mr. WALLACE presented fifty petitions, signed by 5,000 citizens of Pennsylvania, artisans and workers in iron and coal, praying Congress to guarantee the interest on bonds issued by the Southern Pacific Railroad Company; which were referred to the Committee on Railroads.

Mr. ALCORN presented the petition of Sarah T. Jefferies, the widow of Evan S. Jefferies, of Mississippi, praying Congress to pass a law making compensation for certain cotton destroyed; which was referred to the Committee on Claims.

Mr. WHYTE. I present the petition of Samuel H. Kettlewell, of Baltimore, Maryland, engineer, the only surviving professional civilian engaged in the expedition, commenced in 1853 and continued through 1854, set on foot to explore the proposed route for a ship-canal across the Isthmus of Darien from Caledonia Bay to Darien Harbor, by the authorities of the United States, Great Britain, France, and New Grenada.

The petition recites the trials and sufferings, the losses and services of the memorialist, and prays that Congress may pass a law granting him compensation for his said losses and services.

I move that the petition and accompanying printed narrative be referred to the Committee on Claims.

The motion was agreed to.

Mr. ENGLISH presented three petitions of John P. Phillips and sundry other citizens of New Haven, Connecticut, praying for the issue of 3.65 gold-bearing bonds, the repeal of the act providing for the resumption of specie payments, and that duties on imports be paid in greenbacks at par with gold; which were referred to the Committee on Finance.

Mr. WADLEIGH presented the petition of Abby A. Johnson, widow of Charles Johnson, of Manchester, New Hampshire, asking to be re-instated on the pension-rolls of the United States and for arrearages of pension from September 4, 1871; which was referred to the Committee on Pensions.

He also presented a petition, signed by officers of the Army, Navy, Marine Corps, officers' clerks, and other employés in the civil service, praying the passage of a law to the effect that when an officer in the Army, Navy, Marine Corps, clerk, or other employé in the civil service of the United States assign his pay, it shall be a part of the duty of the paymaster, disbursing officer, or pay-clerk by whom he is paid, to accept the pay-receipt voucher, duly assigned, when presented, and pay the assignee, when the pay so assigned shall be due; and that all laws and parts of laws inconsistent with this prayer be repealed; which was referred to the Committee on Military Affairs.

Mr. MAXEY presented a petition of 55 citizens of the State of Texas, praying to have refunded to them out of the Treasury the proceeds of the sales of certain cotton alleged to have been illegally seized and taken possession of by United States officials in that State; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. WRIGHT. The Committee on Claims, to whom was referred the petition of Lucy Jane Thomas, widow of Josiah Thomas, praying indemnity for the loss of property belonging to her husband, captured by the rebel cruiser Florida on the high seas in 1863, have had the same under consideration and instructed me to report the same back, asking to be discharged from its further consideration. There is no written report in the case. I desire to say that this is simply a petition without any accompanying evidence. We do not recommend that the claim be disallowed, but ask to be discharged from its further consideration.

The PRESIDENT *pro tempore*. The petition will lie on the table, and the committee will be discharged from its further consideration if there be no objection.

Mr. WRIGHT, from the Committee on Claims, to whom were referred the petition and accompanying papers of Wakeman W. Edwards, praying compensation for property taken by the United States military authorities in 1864, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

He also, from the same committee, to whom were referred the petition and accompanying papers of James A. Harrold, praying payment for property taken by United States troops during the late war, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

Mr. CLAYTON, from the Committee on Indian Affairs, to whom was referred the petition of the county officers of Knox County, Nebraska, praying the removal of certain Indians belonging to the Santee Sioux tribe of Indians from that county to the reservation set apart for them by treaty in Dakota Territory, asked to be discharged from its further consideration; which was agreed to.

Mr. CAPERTON, from the Committee on Claims, to whom was referred the bill (S. No. 246) for the relief of Miss Lizzie Dickson, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the memorial of Fred. A. Holden, praying for remuneration for property destroyed in Ceredo, Wayne County, West Virginia, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (S. No. 165) for the relief of Michael W. Brock, of Meigs County, Tennessee, late a private in Company D, Tenth Tennessee Volunteers, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. McMILLAN, from the Committee on Claims, to whom was referred the bill (S. No. 20) for the relief of Hortensia H. Cook, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. COCKRELL, from the Committee on Claims, to whom was referred the petition of James R. Roche, praying extra compensation for services rendered as disbursing clerk in the War Department from July 1, 1871, to March 31, 1875, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of Christopher Stucke, praying compensation for certain property taken and destroyed by the United States Army in Ascension Parish, Louisiana, in 1863, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the petition of Alexander C. Crawford, of Galveston, Texas, praying compensation for the use and occupancy of his property by the United States forces during the late war, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of George Hibben, for the firm of Hibben & Co., praying to have refunded certain taxes assessed and collected on tobacco wrongfully, as alleged, asked to be discharged from its further consideration, and that it be referred to the Committee on Finance; which was agreed to.

Mr. HOWE, from the Committee on the Library, to whom was referred the petition of Anna C. Carroll and Martha C. Fitzhugh, praying compensation for their lands occupied by the United States for the Botanical Garden, in the city of Washington, asked to be discharged from its further consideration, and that it be referred to the Committee on the Judiciary; which was agreed to.

CANNON FOR SOLDIERS' MONUMENT.

Mr. RANDOLPH. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. No. 217) donating condemned cannon and cannon-balls to the Ladies' Monumental Association of Allegheny County, Pennsylvania, for monumental purposes, to report it without amendment and recommend its passage. I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of War to deliver, if the same can be done without detriment to the Government, to the Ladies' Monumental Association of Allegheny County, Pennsylvania, four condemned cannon and twenty cannon-balls, to be placed on a monument to be erected over the grave of deceased soldiers in the Allegheny cemetery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IMPROVEMENT OF CAPITOL GROUNDS.

Mr. MORRILL, of Vermont. I am directed by the Committee on Public Buildings and Grounds to report a bill (S. No. 417) for continuing the work of improving the Capitol grounds, and I ask for its present consideration, for I think there will be no objection to it.

By unanimous consent the bill was read twice and considered as in Committee of the Whole. It appropriates $25,000 for continuing the work of the improvement of the Capitol grounds during the present fiscal year.

Mr. MORRILL, of Vermont. I desire to say that the appropriation made last year is now exhausted, the work having been done, and it is deemed important by Mr. Olmsted, who has charge of the work, that this appropriation be made in advance of the regular appropriation for the year commencing July 1. I ask that a brief letter from Mr. Olmsted, which I send to the Chair, be read.

The PRESIDENT *pro tempore*. The letter will be reported.

The Secretary read as follows:

WASHINGTON, *February* 8, 1876.

SIR: I beg to call your attention to the fact that the appropriation for the improvement of the Capitol grounds is exhausted, what remains of it being no more than is necessary to meet existing liabilities. In view of the circumstances I would suggest that an appropriation of $25,000 is desirable in advance of the annual appropriation.

First. In order that planting may proceed, it is desirable that all transplanting of trees in the lower grounds should be done early in the spring, not only because a year's time will thus be gained in the growth of the trees, but because if this work is delayed longer it must go over till the fall, and with it the finishing of the grounds in other respects, which would otherwise be proceeded with, must be postponed.

Second. The finishing of the second gradient and of the water-works is immediately desirable. About three-quarters of the work is done.

Third. To permit of the necessary watering, cultivation, and care in all respects of the grounds. If this is neglected until July much may be lost of the value of the works already done.

The probability that the Capitol will be much more visited by strangers next summer than ever before makes it more desirable than it might otherwise be that they should be put and kept in as good order as practicable.

I am, sir, very respectfully, your obedient servant,

FREDERICK LAW OLMSTED.

Hon. J. S. MORRILL,
Chairman Senate Committee on Public Buildings and Grounds.

Mr. MORRILL, of Vermont. I think that letter fully explains the object, and I do not see that there can be any objection to present action on the bill.

Mr. DAVIS. One question only. Does this bill come from a committee?

Mr. MORRILL, of Vermont. It is unanimously reported from the Committee on Public Buildings and Grounds.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TREASURY ACCOUNTS.

Mr. SHERMAN. I am directed by the Committee on Finance, to whom was referred a resolution introduced by the Senator from West Virginia [Mr. DAVIS] "that the Committee on Finance be directed to investigate the books and accounts of the Treasury Department, particularly with reference to discrepancies and alterations in amounts and figures that have been made in them, especially in the annual statements of the expenditures of the Government, revenue collected, and the public debt contained in said reports; and if any such discrepancies and alterations be found to exist, to report the same and the extent and nature thereof, the years wherein they occur, by what authority made, if any, the reasons that induced them, and to report generally such other and further information bearing upon the subject as to them may seem best, and that said committee have power to send for persons and papers," to report it back with a substitute; and if there be no objection, it may as well be acted upon now. It is a resolution of inquiry.

The PRESIDENT *pro tempore*. The resolution will be reported, subject to objection.

The CHIEF CLERK. The committee report to strike out all after the word "*resolved*" in the resolution, and insert the following:

That the Secretary of the Treasury be, and hereby is, directed to furnish the Senate, as soon as practicable, a statement of all balances due to the United States from public officers, and all such balances due from other parties no longer in the public service, distinguishing those whose accounts with the United States have been finally passed upon and adjudicated and those whose accounts are yet unsettled and subject to additional credits, stating the nature of such accounts and the credits in question; the statement to embrace the accounts of all such officers or parties in which such balances have respectively accrued since the 1st day of January, 1830, and to set forth respectively and as near as practicable the period over which the accounts extended and the amounts involved therein.

Also to furnish a detailed statement of the stocks held by the United States in trust or to secure moneys paid, the character of such stocks, under what law or by what authority, and at what time the same were acquired, and on what amount thereof, if any, has there been a default in the payment of interest due thereon.

Mr. DAVIS. This resolution is a long step in the right direction. Though there are to my mind some omissions in it, and some amendments might be of great service, yet as the chairman of the Finance Committee [Mr. SHERMAN] asks its present consideration, I do not want to delay the information a single day. Therefore, without offering any amendments at all, I simply ask that the papers and resolution be printed.

The resolution was considered by unanimous consent.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Finance.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the resolution as amended.

The resolution, as amended, was agreed to.

Mr. DAVIS. I ask that the resolution and papers be printed.

The PRESIDENT *pro tempore*. The Chair hears no objection, and that order will be made.

DECORATIONS TO NAVAL OFFICERS.

Mr. ANTHONY. I am instructed by the Committee on Naval Affairs, to whom was referred the joint resolution (S. R. No. 4) authorizing Captain Temple and Lieutenant-Commander Whiting, of the Navy, to accept a decoration from the King of the Hawaiian Islands, to report it back and recommend its passage. I ask its present consideration, as it is a formal matter.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It authorizes Captain William G. Temple and Lieutenant-Commander William H. Whiting, of the United States Navy, to accept the cross of officers of the Order of Kamehameha I, conferred upon them by the King of the Hawaiian Islands as evidence of His Majesty's appreciation of those officers in connection with his visit to Washington.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. WADLEIGH (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 418) to legalize assignments of pay of officers and others in the Government service; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 419) for the relief of William H. Ward; which was read twice by its title, referred to the Committee on Patents, and ordered to be printed.

Mr. WINDOM. By request, and without committing myself to all of its provisions, I ask leave, without notice, to introduce a bill.

By unanimous consent, leave was granted to introduce a bill (S. No. 420) respecting the limits of reservations for town sites upon the public domain; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. KERNAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 421) referring to the Court of Claims for adjudication and determination the claims of the parties therein named for the past and future use of the Norton post-marking and postage-canceling hand-stamp and the Robertson improved hand-stamp; which was read twice by its title.

Mr. KERNAN. I desire to state that I present this bill by request. I move that it be printed and referred to the Committee on Post-Offices and Post-Roads.

Mr. EDMUNDS. All these bills, so far as I know, which are to authorize people to bring suits against the United States in the Court of Claims, have gone to the Committee on the Judiciary, whenever that has appeared; and although that committee is overburdened with work, I think it due to the regular order of business in the Senate to make a suggestion that bills providing for a suit at law ought to go to the Judiciary Committee.

Mr. KERNAN. This bill, I find from the party requesting me to introduce it, has been before the Committee on Post-Offices and Post-Roads. I do not know what discussion has been had upon it, but it was either passed or reported favorably, and that is the reason why I ask now that it be referred to that committee. I understand they are familiar with it.

Mr. EDMUNDS. I have no objection.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Post-Offices and Post-Roads and printed, if there be no objection.

Mr. GOLDTHWAITE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 422) to amend section 190 of the Revised Statutes; which was read twice by its title, referred to the Committee on Privileges and Elections, and ordered to be printed.

Mr. BOUTWELL. I desire to submit a bill that it may be printed, and I give notice that I shall move to substitute it for Senate bill No. 2, to repeal section 2303 of the Revised Statutes of the United States, making restrictions in the disposition of the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida, when that bill is up for consideration.

By unanimous consent, leave was granted to introduce a bill (S. No. 423) to repeal the pre-emption laws and to provide for the sale of timber upon the public lands of the United States; whichwas read twice by its title, ordered to lie on the table, and be printed.

Mr. MORTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 424) for the relief of Rev. Erastus Lathrop; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

SURVEYS IN NORTH CAROLINA AND VIRGINIA.

Mr. MERRIMON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be requested to furnish for the use of the Senate the report and accompanying maps, diagrams, estimates, &c., made in pursuance of the act approved March 3, 1875, directing the survey of "a line between the Neuse and Cape Fear Rivers, in North Carolina, with a view to connect the waters of the same; and a like line with a view to connect the waters of the Norfolk Harbor, in Virginia, with the waters of the Cape Fear River, at or near Wilmington, North Carolina."

WASHINGTON MONUMENT.

Mr. EDMUNDS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Buildings and Grounds be, and it is hereby, instructed to inquire into the expediency of making an adequate provision for the speedy completion of the Washington Monument, in the city of Washington, and that it have leave to report by bill or otherwise.

PUBLIC LANDS IN SOUTHERN STATES.

Mr. WRIGHT. If there be no other resolutions, I ask the Senate to proceed to consider Senate bill No. 58, which was before the Senate yesterday morning, and which I had unanimous consent, I believe, to call up this morning.

Mr. CLAYTON. I ask the Senator from Iowa to allow me to give a notice.

The PRESIDENT *pro tempore*. Does the Senator from Iowa yield for that purpose?

Mr. WRIGHT. Yes, sir.

Mr. CLAYTON. I desire to give notice to the Senate that when the centennial bill is disposed of, or as soon thereafter as I can get the attention of the Senate, I will call up Senate bill No. 2, to repeal section 2303 of the Revised Statutes of the United States, making restrictions in the disposition of the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida. I am satisfied that the measure is going to elicit more discussion than the morning hour this morning will admit of, and for that reason I give notice that I will call it up as soon as the centennial bill is disposed of.

FIRST NATIONAL BANK OF SAINT ALBANS.

Mr. WRIGHT. I ask the Senate to resume the consideration of Senate bill No. 58; and I may state that when it was before the Senate yesterday morning the Senator from Ohio [Mr. SHERMAN] asked time to examine the bill, and I understand that he has examined it, and is satisfied with the report. I trust there will be no difficulty now in passing the bill. It was read yesterday, and the report also.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 58) to pay the First National Bank of Saint Albans, in the county of Franklin, and State of Vermont, the value

of certain United States Treasury notes held by said bank as financial agent of the United States, and forcibly taken therefrom by raiders from Canada in October, 1864; the pending question being on the amendment of the Committee on Finance, in line 10, to strike out the words, "with interest thereon from the 19th day of October, 1864, to the time of such payment."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

Mr. ALCORN rose.

The PRESIDENT *pro tempore*. Does the Senator from Mississippi rise in regard to the bill just passed?

Mr. ALCORN. The purpose for which I rose has ceased. I rose to have the yeas and nays called on the passage of the bill which I thought ought not to pass.

The PRESIDENT *pro tempore*. If the Senator from Mississippi rose for that purpose the Chair will regard the question as still being upon the passage of the bill.

Mr. ALCORN. I have accomplished my purpose by stating my object in rising.

NORTHERN PACIFIC RAILROAD.

Mr. KELLY. I ask the Senate to take up Senate bill No. 14. I do not think it will take a very long time. It is simply for the purpose of extending the time for the completion of the Northern Pacific Railway. It limits the grant rather than extends it; but it is for the purpose of giving the company a little longer time for the completion of the road. I move to take up the bill.

The motion was agreed to; and the bill (S. No. 14) to extend the time for the construction and completion of the Northern Pacific Railroad was considered as in Committee of the Whole.

The Committee on Railroads reported an amendment to the bill, so as to make it read:

That ten years' additional time is hereby granted to the Northern Pacific Railroad Company to construct and complete its road under its charter and the resolutions of Congress relating thereto; and the proviso to section 1 of the act of July 15, 1870, entitled "An act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1871, and for other purposes," which requires the payment of the costs of surveys by said company, is hereby repealed.

SEC. 2. That this extension is granted upon the express condition and understanding that where pre-emption and homestead claims were initiated or private entries and locations were allowed upon lands embraced in the grant to said company prior to the receipt of the orders of withdrawal at the respective district land offices, the same may be perfected and carried into patent, and the company shall be entitled to indemnity therefor as now provided by law: *Provided*, That this condition shall not apply to lands heretofore patented to the company nor to entries already canceled and upon which the purchase-money or other consideration has been returned to the respective parties in interest.

SEC. 3. That entries remaining unadjusted and suspended in the General Land Office on account of an increase in price of the even sections within the limits of the grant, where the same were made or based upon settlement made prior to the receipt of the respective orders of withdrawal aforesaid, shall be relieved from such suspension and carried into patent; but nothing in this act shall be construed to affect existing adjustments nor to authorize the refunding of any moneys received for such lands under existing laws.

SEC. 4. That the extension of time granted by section 1 of this act shall not apply to the branch line of said road from Lake Pend d'Oreille, across the Cascade Mountains, to Puget Sound in Washington Territory; but all acts and parts of acts, so far as they make any grant of lands or other aid for the construction of said branch, are hereby repealed; and the lands heretofore granted therefor shall be, and they are hereby, restored to the public domain, to be dealt with as other public lands under the direction of the Secretary of the Interior.

SEC. 5. That the said Northern Pacific Railroad Company shall file with the Secretary of the Interior, within six months from the date hereof, its assent to, and acceptance of, the provisions of this act, or be forever debarred from taking or receiving any benefit from or under the same.

Mr. MORTON. I desire to inquire of the Senator from Oregon when the time fixed for the completion of this road by law now will expire; how much time they have to go on?

Mr. KELLY. A little more than a year from the present time. I do not know the exact date, and cannot tell without reference to the act, although I know it is in 1877, and that is the reason why the company desire the present consideration of the bill, so that they may know what to do. It is the intention of the company to prosecute its work if further time be allowed for the completion of it. Although there is a year remaining, yet for a work of such magnitude it would hardly be expected of the company to commence construction now when so much remains to be completed.

I will say that there are five hundred and fifty-five miles of this road already completed. The company is now out of debt. A great amount of money, it is true, has been expended; some $30,000,000 have already been expended upon the construction of that portion of the road already constructed. Bonds were issued and a mortgage given to those who loaned their money for the purpose of building the road. That mortgage has been foreclosed, the company being unable to pay the money. The bondholders, the mortgagees bought it in at the foreclosure sale, and now they are the owners of the road or have preferred stock in the company, taking the road of course for the indebtedness, so the company is now unincumbered; and if the time be extended for the completion of the road they are quite confident that they can procure capital and commence the construction of it immediately. I understand that it is the intention of the company to prosecute the work the coming summer if this bill shall be passed; and as the great Northwest is entirely disconnected by railroad with the other portions of the country, I think it is due to that section and to the North that this extension should be allowed.

It will be perceived that the bill as reported by the Committee on Railroads protects those who have taken homestead and pre-emption claims between the time of the filing of the map and the withdrawal of the lands at the local land offices. Senators will remember the discussion which arose the other day about a bill that passed the Senate for the same object—that is, to relieve settlers. This is an adequate protection to those who took up homesteads and those who filed pre-emption claims between those dates, as also those who have purchased lands, I think giving them ample protection. The company has consented, or at least it will be bound to consent to this if it accepts the extension, and I understand there will be no opposition to it.

Mr. SHERMAN. Will the Senator allow me? On that point I should like to have his explanation of the provision that, where the lands are now held under pre-emption or homestead entries, the holders of the lands shall have title; but this bill provides that the company shall be entitled to "indemnity therefor as now provided by law."

Mr. KELLY. The provision is that the company has a right to select new lands, as they are termed, where homestead and pre-emption claimants have taken a portion of the odd sections, or where there had been reservations made for governmental purposes. In such cases the company is authorized to take lands in lieu of those, within ten miles beyond the limit; and this simply authorizes the company, where these lands have been taken by pre-emption and homestead claimants, to go within the ten-mile limit beyond and be indemnified by other lands in lieu of these. That is the provision. It is simply giving to homestead and pre-emption claimants the right to the lands they occupy, and allowing the company to take other lands in lieu of them.

It will be perceived, by the fifth section I think, that this extension does not apply to what is known as the branch extending to Puget Sound across the Cascade Mountains, a distance, I presume, of about five hundred miles, so that that land will be restored to the public domain as soon as the time limited by the present grant shall have expired. So this is lessening the grant, instead of extending it; and, taking everything into consideration, it seems to me it is but an act of justice to the people of the Northwest that the time should be extended.

Mr. SARGENT. Mr. President, I am disposed to look with some favor upon legislation that will give us a competing line to the Pacific. Realizing as I do, and as do the citizens of my State, the burdens which are imposed upon us by a monopoly, I think I shall not vote against the extension of the time during which this road may be built, but at the same time I suggest that in passing such a bill we ought to take all reasonable precautions that the settlers who are upon these lands may be protected in their rights. Were this a new proposition to grant this wide belt of country on both sides of this road, I think I should vote against it. Originally I voted against it, thinking that Congress had carried too far the policy of making land grants to railroads, and I saw furthermore that these land grants were used for the purpose of obtaining a credit abroad, increasing very largely the indebtedness borne by our people and the amount of interest which we were compelled to pay to foreigners, sometimes for the building of roads which the business of the country did not require.

I am willing, however, to waive those considerations, and especially as Congress has determined that this grant should be made; but I suggest to the friends of this bill that they are raising again a difficulty which we attempted to obviate by a bill which was passed the other day, with regard to settlers who in good faith go upon these lands. I stated in debate at that time—and I wish again to call the attention of the Senate to it—that these grants lie for years and years unsurveyed and unsegregated; that no pre-emption settlers and no homestead settler can procure title from the Government of the United States until such time as those surveys are made and the land is segregated, entered on the tract-books, and can be certified at the land office; then he can take proceedings to ripen his inchoate right into a title.

This grant was made in 1864. Eleven years have passed, and during this time settlers have not been able on a vast proportion of these lands to procure any title, and it is now proposed to extend it for eight years longer, carrying forward into that dim future this disability under which settlers labor. Now this trouble arises: Settlers go upon these lands in good faith; they make their homes there; they die and their right passes to others, or they become insolvent, or they find that the climate where they settle is not favorable to their health and desire to move away, and they sell their pre-emptions or homesteads under the belief that they have a right to do so; and their successors, desiring only the same amount of land, purchase of them their homes, expecting to procure title whenever the lands are surveyed; but by the general pre-emption law no such sale is recoguized, and these parties, finding that they cannot deraign from the original possessors of the land, are met by a railroad grant made prior to the time that they went upon the land, and they lose their homes, and to my knowledge they have lost them in my State by hundreds; they have lost them by the thousands upon railroad grants, simply because we extended the time, making it impossible for the settler to ripen his rights into a title. I think the legislation is careless, and in its effects is most heartless.

Now, there is no hurry about this bill. It is not necessary that it shall pass within the next ten minutes. I think it is due to this great

interest to which I have adverted, and which certainly moved the Senate the other day in retaining a very important clause in a bill against strong opposition, that this bill be recommitted to the committee in order that they may see whether some apt amendment cannot be framed which will protect these settlers, which will prevent the railroad from acquiring title to these lands. It can be done in several ways. One is by a distinct and clear provision that where at the date of notice in the land office there was a settler either by pre-emption or homestead upon the lands who subsequently abandoned—and the word "abandoned" I use in the technical sense—who transferred his claim to another, which works an abandonment under the homestead law, the railroad company shall not take title to that land, but it shall be open to pre-emption or homestead by another settler, and if necessary go on and say that you will recognize to that limited extent a deraignment of title to this subsequent possessor from the individual from whom he had honestly bought. A provision of this kind will be just and humane, and there is a necessity for it, I know from what I have observed of the operation of these railroad grants. I doubt if Senators desire that an interest like this shall be neglected or that this oppression shall be visited upon the settlers.

While railroads are necessary and do much to build up the business of the country, they are not more necessary to the country than are settlers and the business which settlers bring with them. I submit the motion that this bill be recommitted in order that the committee may consider this proposition and report some amendment which will cover it.

Mr. KELLY. I do not wish to urge the passage of this bill without a full examination of it by those who think it has not been properly guarded. My own impression is that it is properly restricted, at least so far as concerns all settlers on the public lands before the notice of withdrawal was filed in the local land office. I do not wish to urge it now if there is plausible objection to it, but I am willing that the bill shall go over until to-morrow or such time as Senators can examine it. I do not wish it to lose its place as the order of business, for the reason, as I stated in the opening remarks I made, that the company is desirous that the work shall be commenced at an early day. So with the distinct understanding that the bill shall be the order of business, and only on that understanding, will I consent that it shall go over till to-morrow.

Mr. SARGENT. I ask that it be referred to the committee.

Mr. WEST. I trust the Senator from California will not insist on the motion to recommit, because with the opportunity that he will have between now and to-morrow I am satisfied he will be convinced that the very point he desires to guard in the case of settlers is met by this bill. If, after examination to-morrow, he should not be of that opinion, and should move for a recommittal, perhaps the Senate would be more in disposition to do it; but I think the better plan to-day is to let it go over, and he can renew his motion to recommit to-morrow if he shall think it proper.

Mr. INGALLS. I desire to give notice that when this bill is called up again for action by the Senate I shall move to strike out the proviso contained in the second section.

The PRESIDENT *pro tempore*. By common consent the bill will lie over until to-morrow. Is there objection? The Chair hears none.

Mr. EDMUNDS. Does that common consent mean that it is to exclude all other business to-morrow until it is disposed of?

The PRESIDENT *pro tempore*. It is not a special order. A vote of the Senate can dispose of it. The morning hour has expired.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 1053) providing for the payment of judgments rendered under section 11 of chapter 459 of the laws of the Forty-third Congress.

The message also announced that the House had non-concurred in the amendment of the Senate to the joint resolution (H. R. No. 52) directing the commissioners of the District of Columbia to pay the interest on the bonds issued in pursuance of the act of Congress approved June 20, 1874, out of any funds in the United States Treasury subject to the requisition of said commissioners, and for other purposes, asked a committee of conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. A. H. BUCKNER of Missouri, Mr. G. W. CATE of Wisconsin, and Mr. GEORGE WILLARD of Michigan, managers on the part of the House.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 356) concerning cases in bankruptcy commenced in the supreme courts of the several Territories prior to the 22d of June, 1874, and now undetermined therein;

A bill (H. R. No. 390) to repeal the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and all laws and parts of laws amendatory thereof;

A bill (H. R. No. 555) to amend section 856 of the Revised Statutes; and

A bill (H. R. No. 1210) authorizing actions in cases of death resulting from wrongful act, neglect, or default.

ENROLLED BILLS.

The message also announced that the Speaker had signed the following enrolled bills and joint resolution; which were thereupon signed by the President *pro tempore*:

A bill (S. No. 62) to authorize George P. Marsh to accept a certain present from the government of Switzerland and a certain present from the government of Italy;

A bill (H. R. No. 1053) providing for the payment of judgments rendered under section 11 of chapter 459 of the laws of the first session of the Forty-third Congress; and

A joint resolution (H. R. No. 11) authorizing G. Harris Heap, United States consul at Tunis, to accept a trust as commissioner of the Bey of Tunis.

CENTENNIAL EXPOSITION.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 514) relating to the centennial celebration of American Independence.

Mr. MORRILL, of Maine. Mr. President, the facts and legislation upon which this appropriation is asked are stated in the preamble of this bill. It proceeds upon the assumption that, as for a public service or some obligation or undertaking on the part of the Government, it is a fit and proper thing for Congress to appropriate $1,500,000 to aid in this enterprise. As much is implied as the judgment of the Senate in sending the bill to the Committee on Appropriations.

On a former occasion the Senate of the United States hesitated to make a pecuniary contribution to this enterprise from the uncertainty of the future contributions it might under the circumstances then existing be called upon to make. But, according to my understanding of the general relations of Congress to this enterprise and of this enterprise to the American people at the present time, the period for argument and hestitation and doubt seems to have passed; and that, whatever speculation of opinion there may have been, it has crystallized now into a national sentiment that the American people this year are to celebrate that august event, the Declaration of Independence in 1776, by a grand international exposition, in which the representatives of the nations of the Old World are to gather around Independence Hall in Philadelphia to pay homage to the New World, bringing with them the products of their art, of their industries, and of their civilization.

Mr. President, in the few words I think it necessary to address to the Senate in opening this matter to their attention I shall confine myself entirely to the attitude of Congress to this question and the relations it may be supposed to sustain by its own acts. In the first place, I submit that Congress inaugurated this centennial celebration by its own enactment in 1871; and that it is to be an international exposition is no longer a question of doubt. Let me read the preamble, which sets forth the statement of Congress on that question:

> Whereas the Declaration of Independence of the United States of America was prepared, signed, and promulgated in the year 1776, in the city of Philadelphia; and whereas it behooves the people of the United States to celebrate, by appropriate ceremonies, the centennial anniversary of this memorable and decisive event.

Mr. President, I desire to emphasize this statement, because here begins our connection with the enterprise for which we are now asked to make a pecuniary contribution. It behooves the United States, the American people, the Government of the American people, to celebrate this great event; here begins the relation of Congress to this enterprise; there begins its interest; and here, I think, we shall find, if we examine the history of events from that period to the present, begins its responsibility. A little further on we shall see what was the idea of this celebration.

> And whereas it is deemed fitting that the completion of the first century of our national existence shall be commemorated by an exhibition of the natural resources of the country and their development, and of its progress in those arts which benefit mankind, in comparison with those of older nations; and whereas no place is so appropriate for such an exhibition as the city in which occurred the event it is designed to commemorate; and whereas, as the exhibition should be a national celebration, in which the people of the whole country should participate, it should have the sanction of the Congress of the United States.

Now, Mr. President, look at the facts stated in the preamble. First, the United States announces the celebration; second, that the enterprise shall have the sanction of Congress. I pause only to say that whatever has been done in Philadelphia, in Pennsylvania, in the States at large, by individuals, has all been done in the name of the United States, the United States taking the initiative, declaring the fitness of things, and declaring, moreover, that it should be done under its authority and under its sanction.

The next fact which tends to commit the Government of the United States is the further provision of the act that "the exhibition of American and foreign arts and products and manufactures shall be held under the auspices of the Government of the United States in the city of Philadelphia in the year 1876." In the next section of the act a commission was provided for "whose duty it shall be to prepare and superintend the execution of a plan for holding the exhibition." Thus taking, by its authority, the direction and control and supervision of the whole work. A commission was instituted with authority to examine plans, and the whole subject was to be reported upon by this commission to Congress at its next session.

So much for the inauguration of this enterprise. The next question was of course the creation of the funds necessary for its completion. How is Congress connected with that? Where does its obligation begin and end? Having inaugurated the proposition, Congress was to create the funds or to provide the means for cre-

ating the funds. I am aware—and I would not have it overlooked in this connection—that the act provided:

And the United States shall not be liable for any expenses attending such exhibition or by reason of the same.

Undoubtedly Congress did not intend to authorize those who were acting as its agents to incur on its account any legal liability. That is not the proposition I am arguing; I am arguing the responsibility of the Government growing out of its relations to this enterprise. Although it would not allow its agents to involve its Treasury or involve its faith, the responsibility it has taken has identified it with it in such a way as that, I submit, it becomes the duty of the Government of the United States at this period in the progress of events to lend its aid; and that its interests, its honor, its faith, in my judgment, are involved in the success of the centennial exposition.

Coming, then, to the question of raising the means, Congress also interposed its authority and lent its sanction. It created the next year, in 1872, a board of finance, to which was committed the duty of providing the ways and means by an appeal to the American people at large. As it was determined by Congress that the celebration of this great event should be by an international exposition, it was thought the best method of providing the ways and means would be to appeal to the people at large. Hence a board of finance was authorized to issue certificates of stock to present to the people for subscriptions.

Now, coming down to the question of ways and means, I have this to say—and this is the point at which the parties come and ask the favor of Congress to grant them the aid which they hold they have a right to ask from the position and relations of Congress to the enterprise from the beginning—in 1872 the board of finance, authorized and created by this act of Congress, proceeded to the execution of their work. I will not stop here to detail its progress; that is matter of history; that is matter of information I suppose common to all of us. That the buildings have been erected, that they are now near completion, that the enterprise is an assured success, is beyond controversy, beyond cavil.

Mr. EDMUNDS. Without this money do you mean?

Mr. MORRILL, of Maine. No, sir; I do not say without it. I will present that question so that the Senator will see by and by whether there is a necessity for this or not. My own belief is that it will be carried out if Congress withholds this appropriation. That is not the ground on which the bill is presented. I have no doubt at all that it will be a success if Congress withholds the appropriation; but I am not here to argue the legal responsibility of Congress, because that in every stage of it has been provided against. But I am here to present the relations which Congress has to this enterprise. It is a great national enterprise, which has been from the beginning under the sanction of Congress and under its authority; and it has reached a point now where the honor, the faith, and the good name, in my judgment, of the Congress of the United States are in it. It has become emphatically a great national question, which the Congress of the United States cannot afford to turn its back upon.

Well, Mr. President, to return to the question of finance. As I have said, the general expectation in Congress and out of Congress was that funds might be obtained by an appeal to the people of the several States. That has failed. That has failed from the operation of causes which could not have been foreseen. It is believed that but that for the panic of 1873 funds enough could have been procured from the American people without an appeal to Congress. As the matter now stands, I am authorized to say that the bills have all been paid up to the present time and that $1,537,100 will pay all expenditures from this time up to the time of the opening of the exposition on the 10th of May next, leaving it entirely free of debt. I have a list of these expenditures here. I do not know that it is necessary that I should read it. I believe it has been so often in print that it is hardly worth while that I should do so.

Then, Mr. President, to state simply the position upon which this application rests; having shown that the exposition proceeds by authority of Congress; that Congress inaugurated the enterprise; that it has advanced under its sanction; that Congress undertook to provide the ways and means as demonstrated, and the people in Pennsylvania, and chiefly the city of Philadelphia, having raised the funds thus far expended and the anticipated resources having failed, they ask that the people's representatives should supply the deficiency of $1,500,000 out of six or seven millions, which will be the whole expense, and thus enable them to go into this exposition on the 10th of May next free of debt.

Mr. President, there is one other feature to which I shall advert, and that is the international character of the exposition. It is not only a national celebration, but an international celebration, and the Government of the United States has connected itself with that feature as well as with the national celebration. I have here a list of the nations who have been invited to attend this celebration by the President of the United States and who have accepted those invitations and are to be here. In fact, their representatives are already here, making elaborate preparations for the exhibition. They are thirty-six in number. I will send to the Clerk's desk to be read a few of these acceptances, that the Senate may see the relations which the Government of the United States has to foreign nations on this subject. I send the acceptance of the invitation from Russia.

The Chief Clerk read as follows:

ST. PETERSBURG, 3-15 *October*, 1875,
Imperial Ministry of Foreign Affairs, Department of Internal Relations.
No. 8082.]

Mr. MINISTER: The imperial ministry has taken into serious consideration the communications both written and verbal, which you have been good enough to make to it on the subject of the universal exhibition to take place at Philadelphia in 1876.

It follows from these communications that this new international gathering will differ essentially from the previous exhibitions at London, Paris, and Vienna.

The Philadelphia exhibition, by making part of the fêtes arranged for the celebration of the centennial jubilee of the Independence of the United States of America, presents itself on this very account as an essentially national undertaking, in which friendly nations are invited to participate.

These considerations have been the subject of a report to His Majesty the Emperor, and my august master has deemed it agreeable to the traditions of friendship which have always existed between Russia and the United States to accept the cordial invitation from the Cabinet of Washington to take part in a national solemnity for commemorating one of the grandest facts in the history of humanity.

By supreme order a special commission has been constituted in the ministry of finance, under the presidency of the privy councilor Butofsky, for the organization of the Russian section of the Philadelphia exhibition.

I have hastened to communicate the foregoing to our representative at Washington, and I have requested him to bring it to the knowledge of the United States Government.

Accept, Mr. Minister, the assurance of my most distinguished consideration.

BARON JOMINI.

Mr. BOKER, &c., &c., &c.

Mr. MORRILL, of Maine. Now I send to the desk to be read the acceptance of Germany.

The Chief Clerk read as follows:

[Translation.]

BERLIN, *January* 2, 1874.

SIR: In pursuance of my dispatch of October 29 last, relative to the international exhibition intended to be held in the year 1876 at Philadelphia, I request you respectfully to communicate to the Secretary of State, Mr. Fish, that the German Empire accepts with the sincerest thanks the invitation of the Government of the United States of America to take part in the above-mentioned exhibition. The appointment of a special commission for the exhibition, as also of a plenipotentiary of the same residing in Philadelphia, will therefore be made in time.

I reserve me a special communication in this matter, and beg to be furnished with the rules proposed under No. 10 of the general regulations as soon as the same shall have been published.

The Chancellor of the Empire, BISMARCK.

To the Imperial German Envoy, Mr. VON SCHLÖZER, &c.,
Washington.

Mr. EDMUNDS. Has the Senator from Maine the letters to which these are replies?

Mr. MORRILL, of Maine. No, sir; but I understand the Senator from Vermont to have the whole body of the correspondence between the State Department and foreign governments.

Mr. EDMUNDS. As to Russia I was looking for the letter of Mr. Schuyler or Mr. Jewell or Mr. Boker, whoever it may have been, to the minister of foreign affairs of Russia giving the invitation, as it is called, but I do not find it. I did not know but that the Senator from Maine had it.

Mr. MORRILL, of Maine. I suppose the papers are all here. My understanding is that thirty-six nations have accepted the invitation. I will now send the acceptance from Turkey to the desk and ask the Clerk to read it.

The Chief Clerk read as follows:

[Translation.]

SUBLIME PORTE, MINISTRY OF FOREIGN AFFAIRS,
February 17, 1875.
No. 39922.]

Mr. MINISTER RESIDENT: The Imperial Government, having accepted the invitation of the Cabinet of Washington, has decided to take part in the international exhibition which will take place at Philadelphia in 1876.

The necessary dispositions have already been made to that effect. I request you kindly to inform your Government of it, and to accept the assurances of my very distingufished consideration,

SAFVET.

Mr. BOKER,
Minister Resident of the United States of America, &c.

Mr. MORRILL, of Maine. I will not trouble the Senate to have more of these communications read. Suffice it to say that I understand the whole body of correspondence between the Secretary of State and foreign nations is in the Senate and can be referred to, if Senators desire more on this point.

Mr. EDMUNDS. Mr. President, when this subject was first presented to Congress I was under the impression that an appropriation of money of this character was not warranted by the Constitution; but a subsequent examination of the subject leads me to believe that Congress has power to appropriate money to any object that it deems to be for the common defense or general welfare of the United States. The power of taxation in the Constitution is given in express terms, and the purposes for which taxation may be imposed are stated in the same paragraph, and one branch of those purposes is to provide for the common defense and the general welfare of the United States; that is the substance of the language. Therefore I am of opinion, saying nothing about this preamble, but looking to the bill itself, that we have the constitutional authority to make this appropriation; because it would be equivalent to a declaration by Congress that the general welfare of the United States required this expenditure of money. As I say, in respect to the expenditure of money I do not understand that the power of Congress is limited to any one of the

specific objects which Congress is authorized to provide for in a subsequent part of the Constitution.

There have been three views taken of this clause in the Constitution: The first is, that this power to provide for the common defense and general welfare is an unlimited power, and authorizes Congress to do anything by way of affirmative legislation which we think to be for the general welfare; but that notion has been long since exploded, I think. The next view that has been taken of it has been that the power to provide for the common defense and general welfare, even by an appropriation of money, was confined to the specific execution of the other powers in the Constitution enumerated in the order in which they stand. The third interpretation that has been given (which I think is the true one) is to treat the clause of taxation, of which this provision about the common defense and general welfare is a part, as an independent and plenary power to raise money by taxes imposed upon the people of the United States, and to dispose of that money thus raised in any manner that Congress believes to be for the general welfare of the people of the United States. Such was the opinion to which the earlier rulers of this country came when, in one instance, the question about the Cumberland road was a question greatly mooted under the Constitution. It was maintained, with a good deal of show of reason, that Congress had no power to build the Cumberland road; but President Monroe, although he stated in a message to Congress that in his opinion Congress had no power under the Constitution to provide for building that road, so far as any action was concerned, yet was clearly of opinion that, the road having been built, Congress had the power, under this clause of the Constitution to which I have referred, to raise money and appropriate it to keep the road in repair, although the thing itself, so far as Congress had any connection with it, was outside the constitutional power of the Government. I believe this is the conclusion of Judge Story, who deals with the subject very elaborately in his Commentaries on the Constitution; and I believe it to be the sound conclusion. Therefore, so far as the bill itself is concerned, saying nothing of its preamble, which I think in any event ought to be struck out, it is not open to any objection on the ground of constitutionality.

But it is unfortunate, Mr. President, that the thing stands in the attitude in which it does now. Had this arrangement or enterprise, whatever name we give it, met the support of the people of the United States individually, as it was expected and believed it would do, there would have been ample funds to carry it on to complete success without imposing on the people any burdens in the way of taxation, and we should not have been applied to as we were a year or two ago for an appropriation which was then refused, and we should not have been applied to now for an appropriation which the House of Representatives has provided and which we are asked to concur in. It was not the expectation, if as evidence of it we can take the declarations of the promoters of this celebration, it was not the expectation, if we can take the specific reservations and exclusions in the act of Congress authorizing it, that the Treasury should in any event be taxed to aid it or support it; and in the very first act it was stated that the people of the country, and of Pennsylvania in particular who would chiefly so far as renown and so far as material benefits were concerned, receive the advantage of it, and also that provision would be made by the promoters of the enterprise without any assistance from Congress for carrying it to a conclusion; and in order, as I say, to make this secure it was provided in the act of March 3, 1871, which created the Centennial Commission—

That whenever the President shall be informed by the governor of the State of Pennsylvania that provision has been made for the erection of suitable buildings for the purpose, and for the exclusive control by the commission herein provided for of the proposed exhibition, the President shall, through the Department of State, make proclamation of the same, setting forth the time at which the exhibition will open and the place at which it will be held; and he shall communicate to the diplomatic representatives of all nations copies of the same, together with such regulations as may be adopted by the commissioners, for publication in their respective countries.

Thereupon, on the 24th of June, 1873, the governor addressed this communication to the President of the United States:

EXECUTIVE CHAMBER,
Harrisburg, June 24, 1873.

Pursuant to the provisions of section 8 of the act of Congress approved March 3 1871, providing for a national celebration of the one hundredth anniversary of American Independence, a copy of which act is appended hereto, the undersigned, governor of the State of Pennsylvania, has the honor to inform the President that provision has been made for the erection of suitable buildings for the purposes of the international exhibition of arts, manufactures, and products of the soil and mine proposed to be held at Philadelphia in the year 1876, and for the exclusive control of the said exhibition by the United States Centennial Commission, as it will appear by a copy hereto annexed of the notice, duly certified to me by the United States Centennial Commission and the centennial board of finance, that said provision has been made pursuant to the provisions of aforesaid act of Congress.

The undersigned makes this announcement to enable the President, in accordance with the requirements of the act above mentioned, to issue his proclamation concerning the said exhibition, and to cause official invitations to be given to foreign governments to participate therein.

J. F. HARTRANFT.

That is accompanied by the certificates, to which the governor of the State of Pennsylvania refers, of the gentleman having the matter in charge, stating to him that this provision has been made. You will observe that by the act of Congress the President of the United States was to rely solely upon the governor of the State of Pennsylvania. He had no means, under this act of Congress or otherwise, of ascertaining whether it was a fact, so far as the actual provision should be made or the actual management carried on, that suitable buildings had been provided for; and therefore the sole evidence to him, and the conclusive evidence to him, was this official certificate of the governor of the State of Pennsylvania.

At the date I have named, about two years ago, the governor of the State of Pennsylvania informed the President of the United States, upon which the President's action was taken, that suitable provision for the buildings had been made, and for their exclusive control by the gentlemen in charge. If the governor of Pennsylvania was correct in that statement, then I shall be glad to have the chairman of the Committee on Appropriations tell the Senate how it is that this bill declares that we, by this million and a half of dollars, are to provide "for completing the centennial buildings and other preparations." I do not understand what this communication could have meant and what the eighth section of the act of Congress authorizing this commission could have meant, if it did not mean, as certainly I believe as a fact it was intended to mean, that, before the United States by any act of its Executive should be the medium of communicating invitations to anybody, we should have the final and absolute assurance that the necessary money had been provided or other means by which these buildings should be brought into a process of completion and turned over to the exclusive control of this board, ready to receive the objects which should be brought by the people of various countries for exhibition.

I think it will take a great deal of ingenuity to show that there is any other fair interpretation of this provision of the act of Congress and of this communication from the governor of Pennsylvania than what its plain language imports; that is, that adequate, complete provision had been made which would insure the erection of the proper buildings and their being put into a proper condition for the uses of the exhibition. Now it turns out to be untrue. If we are to take the representations upon which this bill is founded, it turns out to be untrue that suitable provision had been made or that any adequate provision had been made; and yet on the faith of it the President of the United States, in the exercise of his duty and under the supplemental act, also in the exercise of his duty, has communicated to foreign governments the fact that such an exhibition is to be held and has invited them, pursuant to the act of Congress based upon the faith of these representations thus officially made to us that all that was required now was that the people who had objects of art, of industry, and of science to exhibit should come forward and put them in place.

Mr. MORRILL, of Maine. Has the Senator the date in 1873 when that communication was made by the governor of Pennsylvania?

Mr. EDMUNDS. Yes, sir; the 24th of June, 1873.

Mr. MORRILL, of Maine. Now, if the Senator will allow me I will say one word——

Mr. EDMUNDS. If the Senator will excuse me, I will be done in a minute.

Mr. MORRILL, of Maine. Very well.

Mr. EDMUNDS. Following that, Mr. President, which as I was saying I hope can be satisfactorily explained, because to my mind it calls for a full explanation, we come to the next stage in this operation, that by a subsequent act of Congress further provision was made. On the 5th of June, 1874, the additional act of Congress was passed which the Senator from Maine has read:

That the President be requested to extend, in the name of the United States, a respectful and cordial invitation to the governments of other nations to be represented and take part in the international exposition to be held at Philadelphia, under the auspices of the Government of the United States, in the year 1876: *Provided, however*, That the United States shall not be liable, directly or indirectly, for any expenses attending such exposition or by reason of the same.

The prior communications made by the President were not invitations; he had no authority to make them, and did not make them; but by this act he was directed to extend invitations, which he did, and here we have the correspondence and circulars addressed to our representatives at various foreign capitals, directing them to present this subject in pursuance of this act of Congress to the various governments to which they were accredited; and they proceeded to do so. In some instances our representatives in making that communication, as I see by the papers, accompanied it with a copy of the act of Congress which I have last referred to, which therefore gave distinct information to the foreign government that so far as providing means for it was concerned, the United States had nothing to do with it; and in some of the communications not only was the act communicated, but also attention was drawn to that provision of it. But, unhappily, in others of these communications I find that our ministers abroad did not communicate to the foreign governments the circumstance that it was not in all respects a Government exposition to which the Government was inviting, as a king would do to a royal banquet that he was to pay for himself, all our fellow-cosmopolitans over the whole world. Well, acceptances came to these invitations, acceptances to those where they did understand it as well as to those where they did not; and I am obliged to confess that the result is to my mind, inasmuch as many of these governments were not informed of the whole truth about this business, that we are in honor bound as to them (and of course that covers the whole question, because we cannot make provision for one without making provision for all) not to disappoint those nations who, being kept in ignorance of precisely what the con-

dition of affairs was, have accepted the invitation that we have extended to them and their subjects and citizens, and have made extensive preparations, at large expense undoubtedly, for going into the exhibition. That is the result to which I have come in studying this thing and looking at its history. What is to be said in respect of the means by which we are led to be obliged to appropriate a million and a half of dollars that we never intended to appropriate, that we took at every step especial care to declare by public statutue we were not to be called upon to appropriate, is another question. But with that other question of course the foreign governments and their citizens whom we have invited to come here have nothing to do.

I have only to add, Mr. President, in dismissing this subject as far as I am concerned, one or two further observations. In the first place, I wish to say that I believe it will turn out that this million and a half of dollars which is here appropriated will not be adequate to carry this exhibition through in the way in which it ought to be carried through, and that we shall be called upon for further appropriations, notwithstanding this act repeats what all the previous acts have contained, "that the Government of the United States shall not, under any circumstances, be liable for any debt or obligation of the United States Centennial Commission or the centennial board of finance, or any payment in addition to the foregoing sum." These words that I have read I believe will turn out to be just as effectual as and no more so than similar words that we have heard in the two preceding acts of Congress we have passed on this subject. It will be found that the Treasury of the United States must be called upon for still further appropriations, and it may be found, as I am very much afraid as I have said it is in this present instance, that in order to redeem and defend the national honor we may be obliged to take the step and pay the money. If our invitation to foreign exhibitors and foreign governments, covering a large proportion of all the civilized governments of the world, means anything, (and it certainly seems to do so,) we are bound to do everything in respect of those governments and their citizens and subjects that good faith and fair dealing can require. We are bound, for the time being at any rate, in my opinion, to see that they are properly received and provided for. I do not mean that their board bills are to be paid by any means; but I mean that where citizens and subjects of other countries come here in great numbers under such circumstances, if through the ten thousand accidents of business and life any of them come to necessity and distress of any kind, we are bound in the exercise of a fair hospitality to get them out of it; we are bound to see that their goods are properly protected; we are bound to see that their premiums and awards and medals are properly provided for. In other words, every engagement which the Centennial Commission and the centennial board of finance may properly enter into or properly ought to enter into in respect of all that is due to foreign exhibitors we stand from this time forth as the proper guarantors for the proper performance of. So then I wish to put in a *caveat*, if you call this a *caveat*, or a proviso, that we should not any further delude ourselves with the notion that we are not committed, this bill passing, to all the consequences of seeing this thing completely through and disposed of. We must not be surprised if we are called upon to appropriate another million or two or three millions more.

In the next place, Mr. President, I wish to state what will be the result, as it appears to me, if this exhibition should on the contrary turn out to be a financial success; and that it will be a success in respect of the objects it has in view if we provide this money I have very little doubt. It would be a success if nobody but the people of the United States exhibited at it, for the resources and the invention and the industry of this country are boundless. But if it should be a success in respect of finance, and there should be accumulated from the various fees and incomes of the body a large sum of money, the House bill has provided that that money shall not be divided among the stockholders until, after paying the company's debts, this million and a half shall be re-imbursed to the Treasury of the United States; but the House bill has failed to provide that this provision shall be assented to by the Centennial Commission or by the centennial board of finance. Now, these persons, in the sense in which they are acting, are a private corporation. They have stock; they have directors; they are in all essential respects for business purposes a private corporation. I very much question whether we have power by a direct statement in an act of Congress, not assented to by them, to declare under what circumstances they shall make their dividends or what they shall do with their money.

Then, Mr. President, at the proper time, in order to give this clause effect if there should be sufficient good fortune in a financial way to bring out a balance at the end of this affair, I shall move to add to the second section, which now provides—

> That the money by this act appropriated shall be paid to the treasurer of the centennial board of finance only after he and the president of the board shall have executed a bond in the sum of $300,000 to the United States, with sufficient security, to be approved by the Secretary of the Treasury, for the safe-keeping and faithful disbursement of the sum hereby appropriated—

These words:

> And only after the Centennial Commission and the centennial board of finance shall respectively file in the Treasury Department of the United States a resolution duly passed, declaring their assent to the provisions of this act.

We shall then, in respect of the application of any profits that they may gain out of the exhibition, have got a compact with two parties to it. We shall then have an obligation which, if there should be any money left, will bind them to obey this provision now existing in the House bill for repaying this million and a half before making a dividend. Without it, in my opinion, they would not be legally bound to do so.

Mr. SARGENT. Will the Senator allow me to direct his attention to a proposition here?

Mr. EDMUNDS. Yes, sir.

Mr. SARGENT. The bill as it is before us provides that there shall be no dividend or percentage of profits paid to the holders of stock until after the re-imbursement of the amount of this appropriation. I should like to ask the Senator whether the proper construction of that is not that the stockholders shall receive back their money which they have paid on their stock before this appropriation shall be reimbursed to the Government of the United States. In other words, I ask whether this does not refer to profits after that stock has been paid. I think that is the construction of it, and consequently the amendment proposed by the Senator would not have the effect of requiring this money to be paid before the stock shall be returned to the stockholders.

Mr. EDMUNDS. I entirely disagree, I am sorry to say, with my friend from California as to the meaning of the phrase in the bill to which he has alluded; but if he were right the amendment would be just as proper. The amendment does not enlarge the existing provision as to the repayment of the money. It only says that we will not advance the money until the two corporations, if you call them such, the Centennial Commission and the centennial board of finance, shall themselves assent to the provisions of this act. Then the question is, what are the provisions of the act?

Mr. SARGENT. Let me make myself a little clearer.

Mr. EDMUNDS. I think I understand my friend perfectly, and I ask him to hear me a moment. I understand him to maintain that the true application of these words, "shall be paid in full into the Treasury of the United States before any dividend or percentage of the profits shall be paid to the holders of said stock," means that before this money is repaid to the Treasury there may be paid the principal of the stock which the stockholders have paid in.

Mr. SARGENT. In other words, the words "dividend" and "percentage" have the same meaning substantially.

Mr. EDMUNDS. I was quite sure that I understood my friend. I entirely disagree to that construction. I understand the words "any dividend" followed by the words "or percentage of the profits" to mean that there shall be no dividends of any kind. When a private corporation is wound up and there are no profits at all, the stockholders get back their original investment, if it has not been lost, by a dividend. It is a term of art. A dividend is that thing which is to be divided according to the interests of the persons who are entitled to share in the division. There may, therefore, just as properly be a dividend of capital as of profits. To guard against dividends of capital in private corporations, there is always a provision in charters and general laws that there never shall be a dividend of any part of the capital stock of such a concern until it is wound up. So then in point of fact I should have said there was no doubt about it but for the fact that my friend from California, whose knowledge of law is at least quite as great as mine, thinks otherwise, that this was a clear provision against any division of any part of the capital, profits, or assets of the concern until this money shall have been repaid to the United States. But, however that may be, it is clear to my mind that that requirement of this act is one which will not bind the centennial board of finance in its character as a private corporation of stockholders, unless it assents to it; and my proposition, therefore, is to amend the bill by adding to the second section a provision, which of course it is perfectly easy for them to comply with, that they shall assent to the provisions of this act before they take the money.

It appears from what I have heard of the history of this transaction (and it ought perhaps to have been stated historically in connection with the action of the governor of Pennsylvania) that the money which the State of Pennsylvania has appropriated in aid of this enterprise has been exclusively invested in a permanent building which is to stand as a memorial building or an art-building for all time to come; and, therefore, the contribution that she has made has been merely the use of this building, which she has erected on these grounds, during the exhibition; and, as for the city of Philadelphia, I understand—and I shall be glad to be corrected if I am in error—that the total amount of her municipal contribution has been invested in a horticultural hall, if I am right in the description of the building, which is also her private property, and that neither of these buildings, constructed with the money furnished by taxing the people of Pennsylvania and the people of the city of Philadelphia, goes into the stock to which we are now asked to contribute, and therefore they will form no part of the assets out of which dividends can be made and no part of the property out of which the responsibilities of this corporation to exhibitors, or anybody else, can be collected.

Mr. MORRILL, of Vermont. My colleague desires, of course, to be entirely accurate.

Mr. EDMUNDS. Yes, sir.

Mr. MORRILL, of Vermont. I think in relation to Memorial Hall there have been expended out of the appropriations made by the State of Pennsylvania and the city of Philadelphia $759,000, and for the Horticultural Hall $213,000 and something more, and that the entire contributions of the State and of the city were about two and a half

millions. This leaves about a million and a half that they have contributed over and above these halls.

Mr. EDMUNDS. Out of the treasuries of the State and the city?

Mr. MORRILL, of Vermont. I so understand.

Mr. EDMUNDS. I understand exactly the reverse. It perhaps is not very material to the passage of this bill to offer authority that I thought I could rely upon as it was a person who ought to know; and if I did not greatly misunderstand him, (and I repeated the question two or three times, for I wished to know the real truth about this thing,) of all the money of the State of Pennsylvania contributed by its treasury—I am not speaking about the contributions of its inhabitants, who have been liberal in a very large degree, and have put to shame the citizens of other States I must say—of all the money belonging to the treasury of the city of Philadelphia, I understand no contribution has been made to this exhibition except for the purposes of the two buildings I have named, and probably the beautifying and fixing of the grounds which are to belong to these buildings after the exhibition is over.

Mr. MORRILL, of Vermont. I desire merely to say that in the summary reported by the board of finance it appears that this corporation has received a million dollars from the State of Pennsylvania and from the city of Philadelphia $1,500,000; and, in addition to that, it has received subscriptions of stock—I suppose mainly from Pennsylvania—to the amount of $1,852,000.

Mr. EDMUNDS. I should be very glad to know that that is correct, and that this million and the other sums named here have been an actual contribution into the general assets of the corporation.

Mr. MORRILL, of Vermont. It is so printed there.

Mr. SARGENT. The proposition which I stated to the Senator from Vermont [Mr. EDMUNDS] was considered by the Committee on Appropriations, and I came to the conclusion which I expressed, as the result of those deliberations. I must confess that my confidence in the accuracy of that conclusion is very much shaken by the dissent of my friend from Vermont, whose ability and learning as a lawyer I appreciate. But I suppose it is well for us to understand exactly what we are doing; and I therefore venture to suggest, in addition, that as I understand it the construction which I have given is that which was put upon it by the board of centennial commissioners, acting under the advice of counsel, eminent counsel, having assured them that this was the construction to be put upon it, and that they would be able to carry out the original contract with their stockholders even if this bill passed; that the amount paid for their stock should be returned to them before any dividends of profits or before any other disposition of the fund. Now, if there were in this bill the provision, and it should be effectual, which obtains in most of the acts of incorporation in New England and many of the other States, unquestionably his construction would be correct; but it contains no limitation of that kind, and, therefore, it seems to me that, even if the board of centennial commissioners or this corporation should assent to this act, they would have no power, without a general meeting of stockholders competent to pass upon the question and authorizing them to do it, to surrender these rights contained in the original contract between the corporation and its stockholders. Even if this is so, and the proper construction of the act is that which I put upon it, and which is claimed by others so much interested, I do not see that for that reason I should vote against the bill. I am disposed to think that, if the Government is going to aid this exhibition at all, it ought to do it with a free hand. If a million and a half is the amount which we ought to contribute, we ought to give it without any after-thought or any expectation of recovering it back. I am disposed to let the persons who have put in their little means, their $20 or $50, receive their money back, or at any rate to receive such percentage of it back as the sale of the old materials of the exhibition may enable them to realize.

The former stages of this proposition were obstructed by myself and some other Senators to the full extent of our power. It is well understood by the Senate that for two or three years, when this proposition came up in different shapes, I contended as strongly as I could that the public faith ought not to be pledged by our legislation upon this matter to pay the expenses of this exhibition or to make good deficits which might accrue from the failure of the exposition to pay its expenses. I still think that I was right in the position which I then took. I did not believe that this was the best manner to celebrate a centennial occasion. At best, this exhibition, however great a success, will make but a ripple during this year. It will almost be forgotten the next year; it will not be remembered at all perhaps ten years thereafter. I was in favor of marking the passage of this era by some permanent monument, by some evidence of the appreciation of the men of this generation which should speak to future generations of the fact that a hundred years of great prosperity had accompanied the Republic, and that at the end of the hundred years we had preserved our unity, our liberties, and our institutions substantially as they were framed by our fathers. I did not believe that this could be done by a gathering, however large or magnificent, in a single city of the Union. I believe that, while there might be some temporary commercial advantages in a meeting of that kind and some pleasant expression of feelings of patriotism, it would do nothing to mark to the future the great appreciation which we feel and ought to feel of so interesting an occasion. Hence I did not believe that this ought to be a national movement. If citizens of any patriotic city or community, or the citizens of the United States generally, in their private capacities or organized as they saw fit, saw proper to have a celebration of this kind, I would not impede them in any way; but I did not think that that was a proper manner to employ the Treasury of the United States.

But, sir, this matter has gone on step by step. In spite of all the protestations which we were able to make, laws have been passed which give some countenance for this preamble; I do not believe, however, to the full extent which is claimed in this preamble. I think there is too much assumed here; and I am afraid, if this bill passes with this preamble, that they can come to us with more grace than they could at the present, or certainly with more than they have come at any previous time, and say to us, "You ought to make good any deficit in our resources." Take the fourth "whereas" here, and let me call the attention of the Senate to its gravity:

> Whereas the President of the United States, in compliance with a joint resolution of Congress, approved June 5, 1874, did "extend, in the name of the United States, a respectful and cordial invitation to the governments of other nations to be represented and take part in the international exposition to be held at Philadelphia, under the auspices of the Government of the United States," and as the governments so invited, to the number of thirty-eight, have so accepted such invitation, and many of them are making extensive preparations to embrace the courtesy so extended to them, thereby rendering proper arrangements for the coming ceremonies on the part of the Government of the United States a matter of honor and good faith; and whereas—

That is to say, we must make these proper arrangements; otherwise we violate our honor and good faith. If we fail to make adequate arrangements and others acting for us do make these arrangements, these men to whom we have given organized capacity and have countenanced by this present appropriation and by some other appropriations we have made, shall perform this work for us, then we are bound to make good whatever indebtedness they may incur; otherwise we are liable to imputations upon our honor and good faith.

I am not prepared to say that. While I am willing with open hand to give them the million and a half in consideration of the great exertions which they have made to make this exposition a success, I would do it on the one hand without an acknowledgment that it is because we are pressed to it by considerations of honor and good faith, involving subsequent considerations, and on the other without saying "We make this temporary loan and require that you shall take all the assets of this concern and put them into the Treasury of the United States in order to make good the amount which we have stingily doled out."

If this bill is to be amended at all, if the amendment proposed by the Senator from Vermont is to be incorporated into it and it is to go back to the House of Representatives, I think it better to strike out this preamble; and I think the House would cheerfully assent to that, if I have the right to make that remark. I do not know that I would move to strike out the preamble unless the bill shall be amended in other particulars; but if an amendment is made to the bill requiring the action of the House upon it, then I desire to submit an amendment to strike out the preamble.

Mr. CAMERON, of Pennsylvania. I desire to say a word only in reply to the Senator from Vermont, [Mr. EDMUNDS.] The total cost of the centennial exhibition is $6,724,000. Of this sum $4,699,700 have been already raised toward it, and a million and a half is yet required. The State of Pennsylvania from her treasury gave $1,000,000. The city of Philadelphia from her treasury appropriated $1,500,000. There was a clause in the State appropriation act that one of the buildings—Memorial Hall—should be made so permanent, of so substantial a character, with such beautiful architecture, that it would be a monument to remain for all time, a monument of the progress which we have made in the century which has passed. Pennsylvania did not require that that building should belong to her; she did not put any restriction upon it at at all; but she supposed that it would be a monument of which every man, woman, and child in this broad country would be proud, standing there, one of the finest buildings in the world, in one of the finest and most beautiful parks that there is in any part of the world. It was to be a monument which she desired should remain there and not be torn down, as all the temporary buildings will be after the exhibition is over.

Two years ago, when this question was up, I assured the Senator from Vermont that I would not ask anybody to vote for an appropriation for the centennial exposition. Upon my assurance he withdrew his opposition to the bill then pending, and by the withdrawal of his opposition the bill passed. I regret that now there is a demand for an additional sum of money. That would not be, however, if there had not been a new constitution adopted by our State, soon after the time I made this pledge to the Senator from Vermont, which contained a clause preventing any appropriation for any such purpose from the State treasury. A million and a half of dollars to Pennsylvania would be nothing. I should be much prouder, if we had the power, to make that appropriation than to receive it from the Government of the United States. I would be glad if Pennsylvania, which was one of the foremost in the work of the Revolution and which has always conducted herself so as to be honored by all the other States, should be the host on this occasion to give her courtesies and hospitalities to every nation in the world. I am sure she would be proud to do so, and I am sure the present Legislature would gladly have made this appropriation of $1,500,000 if they could. Our whole real debt does not amount to $12,000,000, and a million and a half more would be

nothing to us. I could point out hundreds of people, and I think thousands, who would be glad to have it said that Pennsylvania added that $1,500,000 more to her debt, for she will in seven or eight years be entirely without debt, but unfortunately some very radical, and perhaps very wise and good men put a clause into the new State constitution which prevents her from doing so.

I trust, if this money is to be given for this purpose, that we shall not amend the bill. Any amendment will send it back to the other House, where, in the present state of feeling, it may hang for months. If the appropriation is to be given, it ought to be given now. All the debts have been paid that have been incurred for this work. The buildings are nearly finished, and this money is necessary now because, unless you finish the buildings, they will not be ready when the different articles which are already shipped shall arrive at Philadelphia. I believe that the whole of the management there has been perfectly honest, perfectly economical, and that the conduct of everybody connected with it has been pure and patriotic and wise. It is not a question for Pennsylvania; it is a question for the United States. We are to assemble in Philadelphia after a hundred years have passed, after four generations have been buried with their fathers, after this country has grown from three millions of people to forty millions, and after her wealth has increased thousands and thousands of fold, when the intelligence and the culture and the education of this people have increased in a ratio far above all our physical wealth. Philadelphia will be the gathering-place for almost everybody who has gone from New England to the West. All that great western country has been peopled by persons who have migrated from the East to the West, and they will all come there, or a representative from every family will come, and there will be such a hand-shaking and such a kissing as has never taken place in any part of the world. I cannot imagine how anybody should hesitate a moment about contributing this little sum for a great family gathering. Who is there with children and grandchildren who does not like to bring them all together once in a while? And how much greater this family gathering will be than any other which has ever happened.

I regret that I have not been able to keep my word with my friend, the Senator from Vermont; and yet I have tried to do it, for I have not asked a man to vote for the bill, except just now I believe I am pretty near asking you all. [Laughter.] I am sure that his good heart and his great head will induce him again to withdraw his opposition and let the bill go through without any amendment at all.

Mr. SHERMAN. Mr. President, I desire very much to vote for the appropriation of $1,500,000 to aid in the completion of this great exposition. I have heretofore refused to vote for any of the bills that have been passed on this subject, because I did not wish to complicate the Government of the United States with the management or with the responsibility in any way of the commissions or corporations under whose guidance it is to be carried on; but now that the work approaches completion, that the buildings have been erected, that we can see it has been done fairly, honestly, superbly I may say, I am willing to vote for the bill under consideration. The buildings are far greater in proportion, more beautiful, more extensive in every way, than the buildings erected for any of the great expositions of our age. Compared with the buildings that were erected at the Paris exposition they are more than twice the size and more complete in all their appointments; and so when compared with the exposition at Vienna, if I may judge from the measurements and the details that have been given to us, not having seen them myself. The people of the United States have already in their individual capacity answered fully the expectations of every one. All the States have been called upon. The people of Ohio have been called upon. The General Assembly of Ohio have, with great liberality, voted a pretty considerable sum of money to aid in the exhibition of the products of Ohio, and our leading citizens in Ohio have contributed with their money and with individual effort; and now, when the Government of the United States is called upon, which represents all the great powers of government, which collects in the way of taxation from the people of the United States between two and three hundred million dollars, to contribute to an exposition of its own industries, the industries of its people, to have a family gathering on the one hundredth anniversary of the birthday of American Independence, I should consider myself not exactly as mean, but as not doing my duty to the people I represent, to the whole people of the United States, if I was not willing to take from the Treasury of the United States that which we have demanded of the people of Ohio and of all the States, and of each individual citizen.

One million and a half to the Treasury of the United States is nothing compared with our resources and our greatness. When States and cities have contributed, when corporations all over this land have been called on to contribute, and when private citizens have contributed to the amount of thousands of dollars, it seems to me that we ought not to hesitate to make our contribution commensurate with our ability and our importance.

Therefore I have no hesitation in voting for an appropriation of a million and a half to complete this exhibition; but I do dislike this bill above all things, on account of the way in which it has been framed. I think myself if this bill were stripped of all the phraseology which raises and implies a doubt about our willingness to vote this million and a half, it would be more satisfactory to the people of the United States and to the House of Representatives. The provisos to this bill raise ambiguous questions of law. If they are construed one way, they are very unfair on behalf of the United States; if they are construed in another way, they are very unfair in favor of the stockholders in this corporation. I beg the attention of Senators to the language of the following proviso, which, like many other provisos in legislative bodies, has been put on in the nature of a rider, without consideration and without reflection; I read the proviso beginning in line 10 of section 1:

Provided, That in the distribution of any moneys that may remain in the treasury of the centennial board of finance, after the payment of its debts, as provided for by the tenth section of the act of Congress approved June 1, 1872, incorporating said centennial board of finance, the appropriation hereinbefore made shall be paid in full into the Treasury of the United States before any dividend or percentage of the profits shall be paid to the holders of said stock.

In other words, the intent of the person who first framed this proviso was to give the Government of the United States an advantage over other people who contribute to this exhibition. We give a million and a half of dollars; States give their proportion; cities give their proportion; individuals give their proportion; and now, when the United States is asked to give its proportion, we come in with a proviso, and say, "We will loan it until the exhibition is over; we will not allow these other people who have contributed their share to have any portion of the surplus after this show is over, but we will grab the whole of it before they get any of the assets." That is the intention but not the legal effect of the proviso, because by the addition of three or four words they have just reversed the object of the proviso. By inserting the words "or percentage of the profits" in the seventeenth line they have postponed the payment of the United States Government until all the capital stock is refunded, under the tenth section of the act, plainly, palpably to my mind, and I think the Senator from Vermont did not catch the point made by the Senator from California, or he would at once have perceived it. Now, read the language again. We are to be paid, it is true, according to the tenth section of the act which is recited, but how to be paid? "Before any dividend or percentage of the profits shall be paid to the holders of said stock." Now, what are the profits of this concern? Clearly, the profits are what remain after refunding not only the debts but the capital stock, and everybody knows that the addition of the words "or percentage of the profits" make it read: No payment shall be made to the United States until the capital stock is refunded, because the payment of the United States is only made out of any dividend or percentage of the profits after paying the stock. Thus by the addition of these words they have reversed it. If the United States stood as a simple stockholder of this concern it would be entitled to have the money refunded *pro rata* with other stockholders; but now, by the use of this language, vague and ambiguous language, framed and intended for another object, to give the United States an advantage, it has actually converted it into a provision that takes away from the Government the ordinary advantage of a stockholder.

It seems to me when the people of the United States are about to do a noble and a generous act it ought not to be subject to this double construction, and that this proviso ought to be stricken out. I believe the House of Representatives when they come to look over it more carefully would agree to its being stricken out, because I have no doubt that these provisions were added on in the haste and hurry of the last day of the discussion; and they would no doubt see that they have not accomplished the purpose they had in view. I have the tenth section of the act here, which expressly requires these commissioners to refund *pro rata* to the stockholders first after paying the debts. Then comes in this provision that out of the profits the United States shall be refunded its share of a million and a half. We all know that there never will be any profits, in a legal sense. We all know that the capital stock will never be refunded; and all any holder expects is to get a small dividend on his stock. The balance is gone and there will be no profits.

Mr. FRELINGHUYSEN. Will the Senator read the tenth section?

Mr. SHERMAN. I will ask the Senator from California, who has it in his hand, to read it.

Mr. SARGENT. The tenth section is as follows:

That as soon as practicable, after said exhibition shall have been closed, it shall be the duty of said corporation to convert its property into cash, and, after the payment of all its liabilities, to divide its remaining assets among its stockholders, *pro rata*, in full satisfaction and discharge of its capital stock.

Mr. SHERMAN. Now there is an existing contract between this corporation and the stockholders. The United States cannot violate that contract without doing the meanest thing in the world. There is a contract made between individuals upon our invitation and a corporation created by us. We come in and say, "We will give you a million and a half to promote this common object, but we will deprive you of that advantage which our law gives you." It ought not to be done. It seems to me no proposition of that kind ought to be sanctioned. But that is not all. The second proviso is as faulty as the first. The second proviso is:

That the Government of the United States shall not, under any circumstances, be liable for any debt or obligation of the United States Centennial Commission or the centennial board of finance, or any payment in addition to the foregoing sum.

In other words, we are to have the benefit of special stockholders, according to the first proviso; we are to have some special advantage, but we are not to share a common liability. We are to have all the profits and share none of the liabilities. In other words, we are to be a special partner, yet we are not to be liable as a partner. It seems

to me that this is not the way in which we should deal with this question. The people of the United States, the city of Philadelphia, the State of Pennsylvania, and the other States and corporations have given money liberally, heartily, with a free and open hand, to the amount of five or six millions of dollars to aid in this great exposition, and we are called upon to give a million and a half. Let us do it openly, manly, and in a generous way, just as they did. We can say very properly that this million and a half is the ultimate point to which we will go; that we will go no further, and thus give due warning to everybody that that is the extent of our contribution. The Congress of the United States has power to fix its contribution. We fix it and say we will not go beyond this point. Every individual can do the same, and the State of Pennsylvania can do the same. That we have the right to do. We may say when we give this million and a half that it is all we will give; but we ought not to stipulate for any particular favors or advantages, or exemptions or qualifications. It seems to me the bill does not employ the language in which such a gift should be given.

In regard to the second section, I do not think there is any objection to it; but I do not like the idea of introducing into every law of Congress a clause punishing a man by sending him to the penitentiary or requiring him to give a bond. It seems to imply that the men engaged in this great enterprise, who have been intrusted by corporations and States and individuals with $6,000,000, now when they may have to disburse a million and a half shall give a bond to the United States. These gentlemen, no doubt, can give bond; but is it worth while to go into that sort of legislation in an act of this kind, when individuals all over this country have placed their money at the disposal of these men—men of the highest character, men selected from all over the United States under an act passed by us? It seems to me it is belittling our own legislation. That is the way I look upon it. Why not have a penitentiary clause in the bill that if these men violate their bond or violate their obligation they shall be sent to the penitentiary for ten years or imprisoned for life?

Mr. SARGENT. And be forever afterward incapable of holding office.

Mr. SHERMAN. Yes, and be forever afterward incapable of holding office.

I had a notion to make the same remark the other day in regard to a bill pending before us where a penitentiary clause was stuck in a joint resolution that had no relation to it; but there was no objection to it. If a man violates his duty, he ought to be sent to the penitentiary; but I do not think it necessary to convert all our laws, especially an enactment connected with this exposition, into a penal statute requiring these men to give bond or to go to the penitentiary, or the like of that. I would like to have a plain simple appropriation of a million and a half of dollars without provisos or preambles to commit us or bind us at all. The whole of these whereases are of no account. The only effect is to extend our liability and involve us in pledges we may not be able to redeem. When we give a million and a half to this purpose we have done our share, no more and no less, and we can limit ourselves by saying we have given our mite and there is the end of it.

I hope, therefore, before this bill passes it will be stripped of its whereases, be stripped of its provisos, and contain a simple gratuity by the Congress of the United States, for the people of the United States, for our nation, our Government, for the national authority, to mix and mingle with the contributions given by the States, by individuals, by cities, and by corporations, and let the whole country join together, in all its corporate and incorporate capacities, as individuals and corporations, in this great exposition of American industry.

I hope the people from every part of our broad land will flow to the city of "brotherly love." I hope even that the sentiment represented by that name "brotherly love" may extend itself to every man, woman, and child in the United States of America, that the feelings that were inspired by the revolutionary events of 1776 may animate us all, unite us, blend us together into one family of forty millions of people; and from that time forward unto the end of time we will look upon all the events of our history, whether good or evil, with a kindly feeling, and contribute, in the future at least, every one of us to promote the common good and the general welfare.

Mr. FRELINGHUYSEN. Mr. President, I certainly agree with the opinion expressed by the Senators from California and Ohio, that the true way for us to make this appropriation would be by a bill appropriating unconditionally a million and a half of money to this exposition. It is no more, no less than we ought to do; but the bill is not before us as an original proposition, and it seems to me that we should be doing damage, unless it is really essential, by amending this bill in any respect.

One objection to the bill stated by the Senator from California is the preamble. I agree with him that I would strike it out as an original proposition; but I do not think the preamble does any particular injury. It is in bad taste; it is cumbersome. There is, if it stood alone, an implication that we may be bound on the ground of courtesy to foreign powers to go to still greater expense; but then we find in the body of the bill this provision, which neutralizes that suggestion of the preamble:

That the Government of the United States shall not, under any circumstances, be liable for any debt or obligation of the United States Centennial Commission or the centennial board of finance, or any payment in addition to the foregoing sum.

It seems to me that that neutralizes the preamble. Therefore, as it would injure the great object that we all have in view, I would not amend the bill by striking out the preamble.

Then the Senator from Vermont suggested that it was necessary to amend the bill by adding a proviso that the centennial board of finance accept this million and a half of dollars on the pledge that the money shall be returned if it is in their power to return it.

Mr. SARGENT. Will my friend allow me a moment? I would like to inquire of him, as a lawyer, if that provision would not be inoperative provided it impaired the rights of stockholders? What authority have the United States centennial commission or the board of finance to impair those rights? Must it not be done by a general stockholders' meeting, if it can be done at all?

Mr. FRELINGHUYSEN. I suppose the Senator from California is certainly right, that there is no efficacy in the amendment suggested by the Senator from Vermont, provided there is at this time a contract between those who have contributed and the centennial board of finance that they are to be paid. If that is so, we cannot by any legislation here inject our claim to be a prior one to theirs; neither do we want to do it.

Mr. SHERMAN. I will ask the Senator if the tenth section, which has been read, does not itself make it incompetent for the Government to do that?

Mr. FRELINGHUYSEN. I think it possible it may have that construction. The tenth section, as I heard it read, is that after their assets are converted into money it shall be used in paying their debts and in making a dividend to the stockholders.

Mr. DAWES. I should like to ask the Senator from New Jersey a question. I should like to inquire if the corporation receiving this money could possibly receive it on any other terms than those expressed in the act, and, therefore, if they would not be bound to the extent of any obligation we should impose upon them for the use of it, and to the results of that use, which are expressed in the grant?

Mr. FRELINGHUYSEN. There certainly would be an honorary obligation upon them, whether there would be a legal one, in their accepting it on those terms. There might be something in that.

Mr. DAWES. I should like to inquire whether any words can be put into this bill that would furnish the Government any means by which they could enforce it any more than now.

Mr. FRELINGHUYSEN. I suppose that if the Government of the United States had a clear contract with this board of finance which did not interfere with any pre-existing contracts the Government of the United States might by judicial proceedings protect that fund and recover it.

Mr. DAWES. Suppose we offer this board of finance a million and a half of dollars upon certain terms, and they take it upon those terms. Whatever obligation could exist would exist and whatever power to enforce that obligation that could be created by statute would exist now?

Mr. FRELINGHUYSEN. I am by no means certain that the view of the Senator is correct, and I certainly should have agreed with him if I had not found several Senators around me for whose opinion I have great respect differing from the view expressed by him. But it is very clear, Mr. President, that as we would give this money, and the subject is new to us, we do not want to incumber it by the amendment suggested by the Senator from Vermont; and as there is no particular evil flowing from the preamble, as it is neutralized by the act, I hope we may just pass this bill as it is.

Mr. WALLACE. I do not rise to discuss this subject in its general aspect, but simply to endeavor to correct a misapprehension into which the Senate may probably fall from what has been said in regard to the ownership of these buildings. Agricultural Hall has been paid for partially out of the money appropriated by the city of Philadelphia as well as from funds received from stockholders. It belongs to the association and will be disposed of as the permanent property of the organization. Memorial Hall, which was built by the money appropriated by the Commonwealth of Pennsylvania, $1,000,000, as has been stated by my colleague, is to be used as a general art building in all time to come. It is to remain there. It was a nucleus around which this organization grew up. The Commonwealth of Pennsylvania gave impetus to the work by her gift of a million dollars, and around that the stock subscriptions or contributions of the city of Philadelphia have grown, so that there is nothing in the allegation that these buildings belong to the city of Philadelphia or to the State of Pennsylvania.

Permit me to say in reference to the action of the governor of Pennsylvania, though I am not properly his defender, that when he made the communication to the President of the United States to which reference has been made there had been private stock subscribed equal to about $2,000,000. The Commonwealth of Pennsylvania had subscribed a million dollars. The city of Philadelphia had subscribed a million and a half of dollars. Here were four million and a half of dollars actually subscribed, and this was equal in amount to the whole cost of the buildings for the Paris exposition. Upon this state of facts was the governor not warranted in giving the information that he did give to the President of the United States, under which the proclamation was issued? Can there be fault found with him for doing that which the act of Congress plainly contemplated he should do? If the work has grown under the hands of the gentlemen who have charge of it, if it be now not only in dignity, in magnitude,

and in its prospective results more than a State work, and assuredly a national work, it is the more reason that we should help it from the difficulty into which it has fallen by reason of the financial troubles that are upon the country. Its appearance here for aid is not by reason of the negligence or want of energy on the part of those who have had charge of the organization.

But one thing more and I have done—the construction of this bill as it comes from the House, and what those in charge desire should be done with the bill. Can it be that this bill is to be so construed that the Government of the United States shall, without any word of mortgage, loan, or lien in the bill, and without the consent of the individual stockholders, put its million and a half in the room of the $2,250,000 subscribed by the stockholders? In other words, shall the Government say to the stockholders, We, without your consent, take from you 72 per cent. of the dollar that you have given toward the erection of these buildings? That is the practical effect of the construction placed on the bill by the Senator from Vermont. It is in effect to take away from these stockholders $1,500,000 of their stock without their consent.

The amendment of the Senator from Vermont to the second section only provides for the consent of the board of direction and not for the consent of the stockholders. The consent of the stockholders cannot be obtained. It is impossible to obtain it in the nature of things. It would delay the progress of the work. The bill would be practically a dead letter. Hence that amendment it seems to me is for two reasons inopportune and ought not to be placed on the bill: first, because the true construction of the bill is against it, in this view it is unnecessary; second, because it would delay and possibly defeat the passage of the bill. I hope that the bill will be passed just as it came from the House, without amendment or alteration.

Mr. MORRILL, of Vermont. Mr. President, I have reached the conclusion, having waded in so far, that to go back would be more dangerous than to go forward, and I shall accordingly, notwithstanding all my record is against the previous enactments in relation to this matter, vote in favor of this bill. I had on a former occasion some reluctance to inaugurating this style of an international celebration. I believe it might have been better to have had the celebration take place in every city and town of our whole country, where all might take part. I also believed that if we were to have a grand celebration at any one point it would have been far better to have called it a national celebration, especially of the American people, instead of international, thinking and believing that as many foreign nations would come to a national celebration as to an international one, and that we should thus avoid giving any offense to other nations with different political institutions arising from sending them out invitations to attend what they might regard with somewhat different feelings from those entertained by our people as to the propriety of celebrating the hundredth year of a republic. In any event we should have had a grand celebration of our own.

But, Mr. President, all that has passed by, and we must accept of the situation and do the best we can. It will be conceded, I think, by all that the buildings that have been put up are creditable to the country. The celebration is to take place, and the only question is now as to what is our duty in the premises. It seems to me that we cannot afford to shirk all duty in a celebration of this character. Foreign nations have already contributed liberally and several States have also contributed to the success of the coming exhibition. The United States Government will be handsomely represented there, the War, the Navy, the Interior Department and the Smithsonian Institution will make important contributions, and we may very properly be asked to do something.

I know that my friend from Ohio says that he would prefer to make this appropriation in an open and manly manner, as Philadelphia and Pennsylvania have done. If they have made their appropriation in an open and manly manner, as I do not dispute, I should have liked very much to have copied their manner. They have provided that a building, which is to cost nearly a million of dollars, shall remain permanently for their future benefit. If I could have had my way, I would have made an appropriation for a building there in the shape of a national museum of national history and of art, and in such form, made of iron and other fire-proof materials, that it might have been brought to this city at the close of the celebration; for I feel sure that the contributions of the United States to the centennial celebration are of so interesting a character that they will immediately require a suitable place where they can be stored for all future time. It will be such a show as we shall have great reason to be proud of and to preserve. Therefore I would have preferred to have copied the open and manly manner of Pennsylvania and Philadelphia in the construction of a building that we might have removed to this city at the close of the celebration; but it is too late for that purpose at the present time.

In relation to the constitutional question, let me say this: We have heretofore made appropriations for an international exhibition at London, at Paris, at Vienna, and all at very considerable cost, authorizing our own national vessels to be used in the transportation of the articles to be exhibited. It is therefore too late to say, if we can make these appropriations for an international exhibition abroad, that we have no power to make such an appropriation for an exhibition here at home. This is to be our centennial celebration of American Independence. This central point of Philadelphia is to form the chief figure in that centennial celebration. It appears to me that we cannot afford to make a sorry figure of shirking all expense at that time. The President, as he was authorized to do, has invited foreign guests, and we must be at home. I, therefore, am in favor of such an appropriation as will not suffer our name to be disgraced on the occasion; and having given out the invitations, as we have done, and which have been accepted by at least thirty-eight of the most considerable nations upon the earth, who will come there with their great abundance of articles for show and exhibition, I think it is eminently proper that we should do something, if not quite so much as Philadelphia and Pennsylvania.

But, beyond this, I am in favor of the general purposes of this exhibition, because it is to work to the profit of the workingmen, of the artisans, of the whole United States. When our commissioners to the Paris and other foreign exhibitions returned they brought home reports of all that they saw abroad. They were printed, so far as the Paris exposition is concerned, in six large octavo volumes, and they were of almost priceless value. When this exhibition shall have met, and the examination shall take place in relation to all the products of agriculture, of the arts, and of manufactures, and all other articles that will be contributed for exhibition, it will be found that those who are to make the most solid improvements therefrom and derive greatest benefit will be the workingmen and the skilled artisans of the United States. It will be their exhibition. I am therefore for it.

Mr. McCREERY. Is it in order to offer an amendment at this time?

The PRESIDING OFFICER, (Mr. ALLISON in the chair.) The amendment of the Senator from Vermont is now pending.

Mr. CONKLING. But another amendment is in order.

Mr. McCREERY. Then I will offer a substitute. I move to strike out all after the title of the bill and insert what I send to the Chair.

The PRESIDING OFFICER. The Senator from Kentucky offers a substitute, which will be reported.

The CHIEF CLERK. It is proposed to strike out the bill, including the preamble, and insert:

That it be recommended to the people of the United States to assemble, on the 4th of July next, in such numbers and manner as may be convenient, in their respective cities, towns, villages, neighborhoods, or wherever they may be, publicly to testify their joy at the one hundredth return of that auspicious day, by suitable eulogies, orations, and discourses, or by public prayer and such religious exercises and ceremonies as may be appropriate to the occasion and sanctioned by their own consciences.

Mr. McCREERY. Mr. President, it will be observed at a glance that the propositions of the bill and the substitute are widely different. They seek to reach the same end, but by methods of an opposite character. There is an entire change of programme. It is to the merits of this change that I shall offer a few remarks. Whatever may be the fate of the amendment here, an enlightened public opinion will decide that in every essential and in every particular it is more in harmony with the spirit of our free institutions than the novel and expensive machinery which it proposes to supersede.

The amendment is national. It calls for a celebration commensurate with the length and breadth of the Union, or with the wide world over, whithersoever our countrymen may have wandered. The American citizen, wherever he may be, on the land or the sea, is invited to hail with joy the one hundredth anniversary of American freedom. Rejoicings will welcome the dawn on our eastern shores and never cease until the islands of the western ocean shall join in the strain. The hills of Canada will echo the shouts, and the cattle-thieves of Mexico will flee from their stolen herds and hide themselves in caves or thickest *chaparral*. Let us all take a hand in this great celebration.

The bill before the Senate is sectional, and sectional favors or sectional wrongs, if persisted in, may produce disgust, alienation, and enmity. The sad, the bitter experience of the past is sufficient of itself to stifle all sectional views and to rally us as one man around the motto of "equal rights to all and exclusive privileges to none."

But it is worse than sectional; it is local. The appropriation, large as it is, is confined to one spot. Among all the cities of the United States a single one is selected to receive an appropriation or subsidy for an object in which all are equally interested. But it is worse than local; it is individual and personal. The donation goes not to the city of Philadelphia, but into the pockets of the stockholders of the centennial exhibition. There is no pretense that they are paupers, and, if they were, provision should be made by their own municipal authorities. There is no proof that they will lose anything upon their investment, and, if they do, they ought to share the fate of other speculators who have made unfortunate ventures. It must be that this donation is asked to guard against that contingency, as the governor of Pennsylvania more than two years ago informed the President that their means were sufficient to erect suitable buildings. How then can that joint-stock company have the audacity to ask the Congress of the United States to reach their hands into the Treasury and withdraw fifteen hundred thousand dollars, to be presented as a gracious gift to that corporation, and I contend it will turn out to be nothing else, when the executive of Pennsylvania has officially announced to the President that their means are sufficient already? There is something so supremely ridiculous in the statement that, although we are confronted by the fact, we scarcely recognize the reality. It is believed that the history of the legislation of the civilized world might be searched without finding a parallel, and that,

too, when the people are laboring, suffering, and groaning under the weight of oppression which is taxing them to the utmost of their energies and capacities. How sublime the patriotism, how wonderful the magnanimity, how gushing and self-sacrificing the generosity which halts not to inquire after facts, but presses eagerly forward to pour a princely offering into the coffers of a private corporation, although the highest and best-informed authorities in the land have proclaimed under their hands and seals of office that the company had already provided the means to carry out their enterprise!

If a statement made by the governor of the Keystone State and indorsed by the President is to be questioned, where may we look for truth? Those who view the proclamation in the light of a treaty and deduce an obligation from its terms, have read the paper to little purpose, as, instead of incurring, it is a positive guarantee against, obligation. *The means have been provided.* To this hour the Government is free from complication of any character; and I have an abiding hope, notwithstanding the heavy pressure, that the Senate of the United States will rise to the dignity of its earlier and better days, and, indignantly spurning all extraneous and misleading influences, will vindicate the Constitution of the country and the rights of the people.

I will not ask the Senator who reported this bill what amount of testimony was adduced before the committee in support of the claim. It might be embarrassing to him to have to say that no sworn statement was made, and that no affidavit, deposition, or other evidence was read, showing that the company needed any appropriation whatever. I have seen the orphan meekly retiring from this Capitol without a cent when it had been established by proof clear as noonday that under the order of one of your officers her house and her home had been destroyed. That economy went to the very verge of injustice. But she was a helpless exile from her birthplace, and may not be compared to a corporation with a cash capital of many millions. She had no money to pay the press to urge her claim and no organized lobby to plead her cause.

It is said that Alexander, during his migratory and victorious tramp, met a man who robbed the rich in order that he might be able to give to the poor, while we—I leave the sentence unfinished.

But the paramount advantage of the substitute over the bill arises from the fact that it invokes the general co-operation of the religious element, an element which, when sincere, has my profound respect and veneration. Counterfeits there are; but the genuine coin shines only the more brightly in consequence. Hypocrites and knaves may debase and degrade themselves, but they cannot defile the altar nor shake the all-pervading hope and faith in the goodness and mercy of God. Let prayers ascend from ten thousand churches and let ten thousand choirs sound their highest and sweetest notes in anthems of thanksgiving and praise.

I shall pursue the contrast between the commemorative characters of the two plans or propositions submitted in the bill and the substitute. Will there be anything at the Philadelphia exposition calculated to revive the memories of the revolutionary struggle? If old Stephen Hopkins, with his broad-brimmed hat and his palsied limbs, could rise from his grave and visit it while in full blast, he might mistake it for an Oriental bazar, but he would see or hear little that would remind him forcibly of what transpired one hundred years ago. Will the gay throngs of pleasure-seekers who glitter and flit like butterflies through Fairmount Park ever stop to think of Valley Forge, the Heights of Abraham, and King's Mountain, and Ticonderoga, and the great Jehovah and the Continental Congress, and the crossing of the Delaware, when the frozen ground was dyed red with the blood that trickled from the naked feet of the soldiers?

The legal mind of Mr. Evarts will be apt to overlook these and kindred topics; but what a field for the five thousand Fourth-of-July orators called into service by the substitute! Their eloquent recital would draw the briny tear from many a gray-headed sire and from many a bright-eyed boy, who will never pass the guarded gates of Fairmount Park. Will you chill their enthusiasm and crush out their inspiration by leaving them to brood in silence over the melancholy reflection that, although they are unable to join in your festivities, they may at least go to work to pay the expenses?

A practical observation now and then is not out of place even in this Senate of the United States.

The last and greatest advantage claimed for the substitute is that it costs nothing. Reflecting men of all parties are looking with anxiety and apprehension and with dread foreboding upon the financial situation of the country. They stand bewildered and appalled at the contemplation of our national, State, municipal, and individual indebtedness. How can we extricate ourselves from the difficulties and embarrassments that surround us? If it is done at all, it must be accomplished by the unwearied toil and by the productive energy of the people. They believe that they are taxed enough already, and from one end of the land to the other the cry is for reform, for curtailment of expenditure, and for an economical administration of affairs. They are in earnest. Let no man mistake their purpose. *Credit Mobilier* passed the Congress of the United States. The authors and supporters of that measure no doubt believed, as they professed to be engaged in a great work, that they would escape animadversion; but where are they now? Gone! and the places which knew them may know them no more forever.

I am not a candidate for a third term; I have no political aspirations, no personal or selfish ends to subserve; and from that independent position, I ask Senators to beware how they trifle with the important interests intrusted to their keeping. We are the trustees of the people, the guardians and custodians of their hard-earned treasures. Let our conduct be such that an upright chancellor would approve our action.

The newspapers have been industriously circulating the idea that disgrace would follow the failure of this appropriation. That song were as well unsung, when it falls on the ears of men steadfastly resolved honestly to discharge their duty.

What sort of government shall we have if all checks and all limitations to power are removed? Labor will be the prey of capital; the weak will be the victims of the strong; and despotism dark as night and cold as winter will spread its icy pall over the land. Where is the vigilance of Old Hickory to guard, and where is the shield of Douglas to cover, our Constitution in the hour of its peril, and save it from a construction which renders it as worthless and as unsubstantial as the baseless fabric of a dream?

Mr. CAMERON, of Pennsylvania. Mr. President, I am inclined to think that the proposition of the Senator from Kentucky is a good one. I like very well the idea of the Senator from Kentucky, and I will join with him if he will make his proposition a separate bill. I shall be very sorry to see any amendment made to this bill, but I like the proposition of the Senator from Kentucky and I will vote for it as a separate bill; for I cannot imagine anything better than to have a jollification in every village and in every town and in every city in this broad country on the coming Fourth of July. I will go down to Owensborough and see my friend in the blue-grass country, because I know he will treat me kindly and with great hospitality; he will treat me and everybody else who comes there with the hospitality which I know will be extended by Philadelphia and Pennsylvania to every one who goes there. The celebration at Philadelphia is to last for months; but why can we not have a village celebration everywhere, and have the fiddle and have the old contra-dance—none of your new-fashioned affairs, but the old dance which was danced in the time of the Revolution? I would have all that revived. I would during the coming year revive everything that was jolly; and I would make everybody happy that I could make happy; and I am sure that the Senator from Kentucky would be the most delighted of all delighted people to see everybody around him happy. He is not opposed to this exhibition, I am sure, but he believes that the people ought to have another opportunity—all the people. He says that will cost nothing. Does it not cost a day's work lost by everybody who goes to have a country frolic? Let him look at home; every laborer who quits his workshop, every mechanic who leaves his place of business, every merchant who leaves his store to go and have a jollification loses a day's work surely, and the money he spends besides. Why should they not have an opportunity to do so if they desire it? I am for giving everybody that opportunity. But that does not argue that we shall not have a great international exhibition where everybody is coming, and where it is our duty to treat everybody well when he does come. It is no longer a question whether people will come; the invitations have gone out, and the host must be prepared to receive his guests, and receive them in such a way as will not only be creditable to him, but to those he invites to come and see him.

I will only repeat, that after this bill is passed, as I trust it will be, if the Senator from Kentucky will bring up his proposition as a separate bill I will vote for it, and I will contribute out of my own purse to pay for part of it.

Mr. MORTON. Mr. President, my friend from Kentucky offers as a substitute for the centennial exhibition in Philadelphia a proposition authorizing the people of the United States to have orations and prayers on the Fourth of July. My friend seems to be under the impression that he has not a right to orate or to pray without an act of Congress. But he offers the further argument in favor of the prayers that they will cost nothing. If the prayers were to cost anything, I infer that my friend would be opposed to the prayers.

Mr. McCREERY. I would not appropriate anything for them.

Mr. MORTON. Now, Mr. President, we have got into a condition where the question of undertaking this exhibition has long passed. This is a national undertaking. It is under the control of two boards of directors, each of which was created by an act of Congress. The State of Pennsylvania has no power over it. We have passed two acts, first, creating a board of commissioners authorized to take charge of, conduct, and superintend this exhibition. We then created a corporation for the purpose of enabling people to take stock, and have established a board of financial managers; so that this thing is in its origin a national affair. I call the attention of the Senate now to the first act of Congress to show that it was inaugurated here. It did not start, as some suppose, with the State of Pennsylvania, but it started in this Chamber. I read the first act passed in 1871:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an exhibition of American and foreign arts, products, and manufactures shall be held, under the auspices of the Government of the United States, in the city of Philadelphia, in the year 1876.

Here we provide that this exhibition shall be held under the auspices of the Government of the United States. It has been started, is being now conducted by officers appointed by the United States.

It is called an international exhibition of arts, manufactures, and products of the soil and mine. Do we mean to say that it shall be an international exhibition, that is to say, between nations of the Old World on the one hand and the State of Pennsylvania on the other? Is that what we mean by an international exhibition to provide for celebrating the one hundredth anniversary of American Independence by holding an international exhibition of "arts, products, and manufactures?" The United States started this thing, is now conducting it, has the exclusive control over it; and the simple question presented is whether we shall require the State of Pennsylvania or private citizens to pay the expenses? We have invited the nations of the world to come here, and thirty-eight have responded; some of them are now building houses upon the grounds; some of them have made appropriations to the amount of half a million dollars to make exhibition of their products, of their wealth; and the question is, after having done all this, shall we require somebody else to foot the bill?

If it was an original proposition the question might be different; but we cannot turn back now without being disgraced. The State of Pennsylvania has given a milion dollars; she has acted nobly. The city of Philadelphia has given a million and a half of dollars; and she has done well. Private citizens have contributed two millions and a half of dollars; they have done well. But still the managers lack a million and a half of dollars to carry out and conduct this great exhibition in a creditable manner; and now, after it has thus been commenced and the guests are present—foreign nations have already come by their agents and representatives, and their goods are in Philadelphia, and they are building houses and making all the preparations—we propose to say to them, "We will not pay the expenses."

As a matter of rhetoric it is all well enough to talk about the Fourth of July; it is well enough to talk about prayers. We have brought the nations of the world to our doors. The President has been authorized to invite them. They are coming. The contributions are not sufficient for a great national exhibition. When the government of England held the first world's fair, did it ask the counties of England, or the corporation of Manchester or of London to pay the expense? No; it was appropriated for by the British Parliament. When the French government invited the world to go to Paris, did it put it upon the corporation of Lyons or of Paris to pay the expenses or ask private individuals to do so? Not at all; but the government of France, regarding it as a great national affair, appropriated the money. When the Austrian government invited us and the rest of the world to go to Vienna, did they ask the corporation of the city of Vienna or private persons to pay the expenses? Not a bit of it. It was regarded as a national affair, and the whole amount was at once appropriated out of the treasury of the government of Austria. Here we invite the nations of the world to come; send abroad our invitation on the hundredth year of our national independence, a great national event, and we are willing to do so provided somebody else will pay the expense! It seems to me that a proposition of that kind needs only to be stated that it may be despised.

Mr. President, I look forward to this great exhibition with pride and hope. We shall show to the world in a way that we cannot by orations and by prayer-meetings, that do not cost anything, what progress has been made in one hundred years under free institutions. We shall show to the world what our country produces, what it is capable of. It will be the grandest invitation that has ever been extended to the world to come here. We shall present the grandest inducements for the best people of the Old World to come and live with us, take up their homes here. We shall show to them what we are. It will be the best advertisement for free institutions and for the industry, the skill, and the intelligence of the United States that ever has been made or that can possibly be made. I should like to give this million and a half, not considering it a donation, not considering it a gratuity, but making it as an appropriation to a legitimate and highly honorable and a highly useful purpose. I would not hamper it with the conditions that are in this bill. I am very sorry to see them; and I think there is one that is entirely illegitimate, because it is provided that this money shall be repaid to the United States after the debts of the company are paid "before any dividend or percentage of the profits shall be paid to the holders of said stock." We cannot make that arrangement without violating a contract. We have before created a corporation and have authorized men to subscribe stock, and we have provided by the tenth section of that act that after the debts are paid the proceeds of the property shall be divided *pro rata* among the stockholders. We cannot come in now and make the United States a preferred creditor or a preferred stockholder. If we were to treat it as a loan, that might be a different thing; but it is not proposed to make it a loan. If we are to become stockholders, we cannot become preferred stockholders. It is a violation of the contract with every man who has subscribed $10 to the corporation.

The Senator from Vermont [Mr. EDMUNDS] proposes that the board shall consent to it. How can the board consent for the stockholders? Every lawyer knows that that cannot be done. Stockholders can only consent for themselves. But, Mr. President, I am willing to vote for this bill as it is for the reasons given by the Senator from Pennsylvania, believing that Congress hereafter will not hesitate to repeal that provision in this bill.

The PRESIDING OFFICER, (Mr. ALLISON in the chair.) The question is on the amendment proposed by the Senator from Vermont, [Mr. EDMUNDS,] which will be read.

The CHIEF CLERK. The amendment is to add to section 2:

And only after the centennial commissioners and the centennial board of finance shall respectively file in the Treasury Department of the United States a resolution duly passed declaring their assent to the provisions of this act.

The amendment was rejected; there being on a division—ayes 12, noes 31.

The PRESIDING OFFICER. The question now is on the amendment proposed by the Senator from Kentucky [Mr. MCCREERY] as a substitute.

Mr. MCCREERY. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. EDMUNDS. Let the amendment be read.

The CHIEF CLERK. The proposed amendment is to strike out the preamble and all after the enacting clause of the bill, and in lieu thereof to insert:

That it be recommended to the people of the United States to assemble on the 4th of July next, in such numbers and manner as may be convenient, in their respective cities, towns, villages, neighborhoods, or wherever they may be, publicly to testify their joy at the one hundredth return of that auspicious day by suitable eulogies, orations, and discourses, or by public prayers and such religious exercises and ceremonies as may be appropriate to the occasion and sanctioned by their own consciences.

The Secretary proceeded to call the roll.

Mr. COCKRELL, (when his name was called.) I am paired in part with the Senator from Michigan, [Mr. CHRISTIANCY.] Were he here, he would vote "nay" on this amendment, and I should vote "yea."

Mr. DAVIS, (when his name was called.) On all questions connected with this bill I am paired with the Senator from Ohio, [Mr. SHERMAN.] If present, he would vote "yea" and I should vote "nay" on this amendment.

Mr. NORWOOD, (when his name was called.) On the main question I am paired with my colleague, [Mr. GORDON.] I suppose he would vote "nay" on this amendment, and I decline to vote.

The call of the roll was concluded.

Mr. ANTHONY. My colleague, [Mr. BURNSIDE,] whose name was not answered to, is detained at home by severe illness in his family.

The result was announced—yeas 12, nays 45; as follows:

YEAS—Messrs. Alcorn, Cooper, Eaton, Goldthwaite, Kernan, Key, McCreery, Stevenson, Thurman, Wadleigh, Whyte, and Withers—12.

NAYS—Messrs. Allison, Anthony, Bayard, Booth, Boutwell, Bruce, Cameron of Pennsylvania, Cameron of Wisconsin, Caperton, Clayton, Conkling, Conover, Cragin, Dawes, Dennis, Dorsey, Edmunds, English, Ferry, Frelinghuysen, Hamlin, Harvey, Hitchcock, Ingalls, Jones of Florida, Jones of Nevada, McDonald, McMillan, Maxey, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Paddock, Patterson, Randolph, Ransom, Robertson, Sargent, Spencer, Wallace, West, Windom, and Wright—45.

ABSENT—Messrs. Bogy, Burnside, Christiancy, Cockrell, Davis, Gordon, Hamilton, Howe, Johnston, Kelly, Logan, Merrimon, Norwood, Saulsbury, and Sherman—15.

So the amendment was rejected.

The bill was reported to the Senate without amendment.

Mr. EDMUNDS. Is it in order at this time to move to strike out the preamble?

The PRESIDENT *pro tempore*. It is.

Mr. EDMUNDS. I move to strike out the preamble. The preamble is inaccurate both in regard to dates, and in certain respects, as I construe it, in regard to facts. As we get the substance of the thing without this long recital, I think it quite important that the preamble should be struck out.

Mr. CAMERON, of Pennsylvania. I hope we shall not make any such amendment.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to amend the bill by striking out the preamble.

Mr. MORRILL, of Maine. If that motion should prevail, of course it would involve the necessity of sending the bill back to the House of Representatives. It is not a material part of the transaction, any way. If it were an original proposition, I should be in favor of striking it out; but as it is immaterial in its effect on the bill, I trust it will not be stricken out. I trust, therefore, the motion will not prevail.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont to strike out the preamble.

The amendment was rejected, there being on a division—ayes 18, noes 34.

Mr. EATON. Mr. President, if we are joining ourselves to a corporation here and are to be regarded as one of the stockholders, I desire to have the bill amended. Let us look at it:

Provided, That in the distribution of any moneys that may remain in the treasury of the centennial board of finance after payment of its debts, as provided for by the tenth section of the act of Congress approved June 1, 1872, incorporating said centennial board of finance, the appropriation hereinbefore made shall be paid in full into the Treasury of the United States before any dividend or percentage of the profits shall be paid to the holders of said stock.

I disagree with the Senator from Vermont in regard to the meaning of the term "dividend," and therefore I desire to amend so as to make it read: "before any dividends to the stockholders upon their capital stock, or percentage of the profits shall be paid to the hold-

ers of said stock." After the word "dividend," in the seventeenth line, I move to insert "to the stockholders upon their capital stock." If this is a corporation, I do not want any dividends made until after the United States as one of the corporators shall come in. Therefore I desire to have the amendment made.

Mr. SARGENT. I shall vote against the amendment because it is in direct conflict with the tenth section of the act incorporating the centennial board. With the construction placed upon it by the Senator from Connecticut, made certain by this amendment, we violate the provisions of the original incorporation. The language in that section is too plain to be misunderstood, and certainly it conferred rights upon the stockholders, and the United States is bound in good faith to observe those rights. Section 10 provides:

That as soon as practicable, after the said exhibition shall have been closed, it shall be the duty of said corporation to convert its property into cash, and, after the payment of all its liabilities, to divide its remaining assets among its stockholders, *pro rata*, in full satisfaction and discharge of its capital stock.

I do not see how we are to come in at the present time with an amendment that takes away the right of these stockholders to receive their *pro rata* of the proceeds of the sale of the old property of the exhibition. That in itself is conclusive in my mind against the amendment.

Mr. KEY. I should like to ask the Senator one question. If the corporation accept this gift with this condition, will they not be bound by it?

Mr. SARGENT. Yes, sir; provided the assent be given at a general meeting of the stockholders, who are the only parties who can release their rights.

Mr. KEY. Or by those representing the stockholders, probably.

Mr. SARGENT. No, I think not. I do not think there is a representation in that sense, or that there is anybody able to represent them; but such a meeting of the stockholders is impracticable. There are thousands of these stockholders putting in as low, I believe, in some cases, as a dollar, and from that to twenty dollars—large numbers of them. To get them together to give this consent is impracticable until another century shall have elapsed.

Mr. KEY. I take it that the stockholders are represented by the officers they elect.

Mr. SARGENT. I think not.

Mr. MORRILL, of Maine. I desire to say one word in regard to the amendment of the Senator from Connecticut. That Senator referred to the position taken by the Senator from Vermont in justification or as the reason why his amendment should be adopted. The Senator from Vermont takes occasion to advise the Senate that they may be called upon for $2,000,000 or more hereafter. If that should be so, it will grow out of the fact that the centennial exposition does not yield a surplus of funds after paying expenses. I think that would be a very unhappy position if it were so; but upon the probability that it is so, on which my friend from Connecticut proposes his amendment, I submit to him that it is not of the slightest consequence to adopt his amendment. If there are no assets to be divided, and instead of there being anything to be divided we are to be called on for a still larger appropriation, he will see that it is not of the slightest consequence to insert this amendment.

The Committee on Appropriations had under consideration the construction which would be placed on this provision of the bill; and to say the best of it and the most of it, it is dubious precisely what the effect of it will be when you come to a division of assets, if assets are to be presumed. We would have been glad if it had not been here; but to send the bill back to the House of Representatives was, if not to defeat the whole object of the bill, at any rate to a very great extent to impair its beneficence. In that view, considering it somewhat immaterial, or at any rate in doubt, the committee thought it wise to report the bill back to the Senate and recommend its passage without amendment; because everybody can see who desires to favor this enterprise and to give it a generous support that you cannot afford to delay it one moment; and therefore I submit that no amendment which is not considered an exigency ought by any means to be put upon the bill.

I hope, therefore, that the amendment of the Senator from Connecticut will not prevail, and I submit to him whether he deems it very important himself.

Mr. EATON. If the Senator from Vermont is right in supposing that this corporation will come knocking at the doors of Congress hereafter for another million and a half, then the amendment is certainly a matter of no moment; but I am not bound to say whether I think the Senator from Vermont is right or not in that conjecture. I propose to amend the bill as well as I can, so that if there should be anything left the Government of the United States may get its full share. I am not bound to say that I think it will be a success; I am not bound to say that I think or do not think that there will be hereafter another installment called for within two or three months. I offer the amendment in good faith.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Connecticut.

The amendment was rejected.

Mr. EATON. Mr. President, it looks as though it was a foregone conclusion that this bill shall pass just as it is, with all its inaccuracies and all its untruths. Everything that is false in the preamble we are to vote for. I do not propose to make an extended speech, for it would be folly for a man to waste his time in so doing on a question that is prejudged; but I owe something to myself, something to my State, and something to the country. I am opposed to this bill on principle. The very distinguished Senator from Vermont says that he doubted originally the power of Congress to appropriate money for purposes such as are described in the bill, but he has, upon examination, become satisfied that Congress possesses that power. I have upon examination become satisfied that Congress has no such power; and I go further, and say that there is not one single piece of legislation from 1800 down to to-day like unto this. The purchase of Louisiana has been alluded to; the grant of money to Lafayette has been alluded to, and fifty other things have been alluded to as being like unto this thing. They are no more alike than a chestnut horse is like a horse-chestnut. We owed a debt to Lafayette—a great debt. We paid it partly, as we paid pensions to our soldiers. We purchased Louisiana because the administration at that time believed that it was absolutely necessary, and there is not a Senator on this floor who does not know that Mr. Jefferson himself had great doubts with regard to the power, but he deemed that the occasion demanded the exercise even of a doubtful power.

This is making us a stockholder in a private corporation, legislating the United States into a private corporation as one of its stockholders. There never has been any legislation like it. But, sir, I will not go into the constitutional argument at length. I simply want to put myself right before the people. In my judgment Congress has no such power, and therefore I cannot vote for the bill.

Again, if I had no constitutional scruples, if I believed that Congress possessed the full power to pass this bill and appropriate this money, I would not vote for it to-day. I would not vote for it in view of the misery there is now in every State, in every county, in every city, in every township, in every hamlet of this broad land.

Sir, what is the debt of this country to-day; its national, its State, its county, its municipal debt? How much is it? It is more than $8,000,000,000. Sir, more than $700,000,000 a year is taken out of the hard earnings of the people of this country annually in the shape of taxes to pay the interest on their indebtedness. And yet Senators are called upon to add another million and a half; pæans are sung, Fourth-of-July orations are made, and grave Senators undertake to use offensive language on this floor and tell Senators it is mean, dishonorable, unjust not to do so and so. Such language is unworthy of this Senate. Is a Senator upon this floor mean, is he dishonorable, because he will not further load the people with debt? Sir, I scorn language of that character, no matter from what source it comes. I am here as one Senator to do my duty toward my State and the people of this country; and I am not to be told by any Senator that the people are disgraced by pursuing a course of action that the Constitution warrants and that common honesty induces me to pursue. Pay the debt; pay the interest upon your obligations; do not tax the people $730,000,000 annually; reduce your expenditures, not increase them; cut them down wherever you can; relieve the people of some part of this vast amount of taxation which hangs over them. That is my duty; and I am not to be told that either my country or my State or myself is dishonored because I pursue a course of this character.

We are told that the President of the United States was instructed by Congress to invite foreign powers here, and therefore we are dishonored if we do not give this amount of money. The President of the United States was instructed to invite foreign powers here under certain provisions of law, which were read by the Senator from Vermont; and if any of our public servants abroad in sending these invitations failed to do their duty, let us disavow their act, disavow it as the Senate of the United States ought to do, and not say because a foreign minister has failed to do his duty we dare not do ours. This was not a public act of the United States at all, because the whole world knew that the Congress of the United States had said that under no circumstances would it become liable for one single dollar of expense on this account; and yet we are told that the country is dishonored if the act of Congress is lived up to.

Mr. President, I do not quite understand that logic. It is logic learned in a school that I know nothing about. The Congress of the United States has said to the President of the United States that in extending his invitation to foreign powers this Government would not be bound for one dollar of the expenses attending this great exposition. Now we are told that if we carry out the law of Congress we dishonor the country. Sir, I hope I am as alive to the honor of my country as any other Senator on this floor. I trust that I shall be the last man, or among the last, to do anything to dishonor the fair fame of the United States. I do not well see how I am doing it when I stand upon the very legislation of Congress with regard to this very matter.

Mr. President, I did not intend to consume half the time I have occupied. I simply desire my own people—who are as deeply interested as any other people can be—to know my views. They are a manufacturing people, full of the arts, and they will be represented. My State has given money and her liberal and wealthy men have poured out their money for this exhibition at Philadelphia. I desire the people of my State to know that I stand upon the Constitution and by the laws of Congress as passed heretofore with regard to this

very exposition, and therefore I have deemed it my duty to myself to say the little I have said on this subject.

Mr. MAXEY. Mr. President, if I can have the attention of the Senate for a few moments I will give briefly the reasons why I shall support the measure now pending.

The preamble of the Constitution reads:

> We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

There are six great objects set forth in that preamble why the Constitution was made: A more perfect union, justice, domestic tranquillity, the common defense, the general welfare, and the grand purpose of securing the blessings of liberty to the framers of the Constitution, the people of the United States, and their posterity forever. I believe the Constitution carries out by apt and appropriate words every one of these great objects named. I believe that the purpose and design of the framers of the Constitution and of the States which in convention assembled ratified that Constitution are fully carried out in apt and appropriate words in the body of the Constitution. So believing, I have not been troubled with these doubts in regard to the constitutionality of this measure that seem to have troubled some gentlemen.

I regard this measure, Mr. President, as tending to form a more perfect union; I regard this measure as conducing to domestic tranquility; and for these reasons, if I had no others, I would support it. But, sir, if I had a doubt in regard to it, when I look to the great train of precedents commencing in 1791 and winding up with the last precedent when the waters of the Mississippi had overflowed a whole country and put people at the point of starvation, when the grasshopper was infesting the Western States, I take it for granted that when we have these precedents, which have been voted for and advocated and approved by such men as Jefferson, Henry Clay, Daniel Webster, and the great master-mind of Mr. Calhoun himself, that doubt would be resolved in favor of the measure, more especially as I regard the end and aim to be accomplished as right in itself.

Mr. President, we have passed through a great war. That war, like all other civil wars, left some of its bad effects in the minds of the people. Passions were engendered, and it was difficult to allay those passions. I believe that those passions are gradually giving way and that the country is coming back to the condition of peace again. I have seen the good effects of an intermingling of the people North, South, East, and West. A few years ago a delegation from the Congress of the United States passed through the State which I have the honor in part to represent, from the Red River to the Gulf of Mexico, and wherever they went they were received by the people with all the hospitality that the people of the South are proverbial for; and when they returned home, even as far as Maine, they scattered the news wherever they went that the people of Texas at least were not the character of people which they had been represented to be, but that they were hospitable and sociable.

Mr. President, another great occasion did still more good than that. I should say in regard to that that it was the initial point of that intermingling of the people north and south which culminated last year in the addition of 300,000 to the population of our State, a large portion of whom came from the Northern States. When you had the centennials at Concord and Lexington and Bunker Hill last year, when men who went from the South to Massachusetts were received there with ovations by the people of New England, it showed the people of the South that when you struck the great heart of the people there was no animosity left, but that the soldiers who had worn the blue and worn the gray met like brethren, carrying out the great idea of Bayard Taylor, that

> The bravest are the tenderest
> The loving are the daring.

Mr. President, this at Philadelphia will be on a grander scale. There you will see not only people from the North and from the South, from the East and from the West, but people from all parts of the world will be there. Let the people of the great sections of this Union meet together; let them pass day after day and week after week together, knowing each other. The people of the North will see that the people of the South are men like themselves, having no malice toward the North on account of the war; and the people of the South will see the same of those of the North. This intermingling of the people will have a happy influence, in my judgment, and will do more toward breaking down the asperities of the war and bringing the people together than any other one thing.

That is the view I take of it; and if that be the result, even partially, the million and a half of dollars will be well spent. If we can form a more perfect Union, if fraternal concord between the various sections of the country can be promoted by this measure, the money will be well expended. But, sir, in an economic point of view, as was suggested by one of the gentlemen who have spoken, I would vote for it on that account. In the vaults of the banks in the North millions and millions of dollars are locked up. Capitalists cannot receive employment for their money; money cannot be loaned at any reasonable interest; while the people of the South, with their magnificent lands, their undeveloped country, cannot obtain money upon any terms. Let the people become better acquainted with each other and that want of confidence, which is the foundation and corner-stone of all the trouble that is in the country at this time, will disappear. Let the people of the North, South, East, and West come together and know each other, and it will go greatly toward restoring confidence; and, when confidence is restored again, peace and prosperity will follow.

These, Mr. President, are a few of the reasons that induce me to vote for the measure. I believe it will be a measure in the interest of peace. I believe it will be a measure in the interest of prosperity. I want to see this whole country prosper. I know that there are men who seem to regard anything which may be said by one like myself, who in the last great war wore the gray and fought under the banners of the confederacy, as not being sincere, as coming only from the lips. But, sir, I want the people of the Union to know that these gentlemen around me from the extreme Southern States have, upon every occasion, so far as the vote has been taken, voted for this measure, because they want peace, they want prosperity, they want that fraternal union which was designed by our forefathers when they framed the Constitution. I want to see—

> A union of States none can sever,
> A union of hearts and a union of hands,
> And the flag of our Union forever.

When I took the oath before the Vice-President, whose death was commemorated the other day in the Senate, to support the Constitution of the United States, I meant what I said. I meant that I want that Constitution carried out in full faith; I meant that I want the six great objects which are named in the preamble to the Constitution carried out to the letter; I meant that I want a more perfect Union; I meant that I want domestic tranquillity; I want justice established in every part and parcel of this great country; and I want the common defense provided for, and the general welfare provided for, and I want the liberties of the American people secured now and forever. Let us come together, burying our little sectional animosities, and act like one great people, standing together for the Union; and I say it, who fought against that Union to the best of my ability. Let us stand up together and remember that brave men following out their convictions, according to the way they believed the right to be, may differ. The man who cannot understand that on a difference of judgment honest men may differ knows nothing of human nature. Take a jury of the country, which has heard the same testimony and the same arguments, and received the same charge from the court. That jury go out, honest men, and they differ. Can you say that one part of that jury is honest and another part dishonest? When you submit a constitutional question to the highest judicial tribunal known to America, you find the court divided, as has often been the case recently in our Supreme Court. Can you say that one part of that court is honest and another part dishonest? And when you come to a great national question such as brought on the late civil war, I ask you as honest men can you say that one part, because they thought one way, were just and right, and the other treacherous and wrong? Sir, the causes which brought about the war commenced away back in the earlier portion of our history. A little thread will spring out from the main body of the Mississippi through the levee; it cannot be seen; but year after year it grows and gains strength; the water presses into it, and after a while a tremendous crevasse comes, and the whole country is flooded with a great waste of water. So it was in this late war. The conflict of ideas which ultimately resulted in civil war began years and years ago. A little thread just at the outset of the Union, was going on gathering strength, gathering power, gathering force, until after a while this conflict of ideas, this war of convictions, became a war in fact, and resulted in such a civil war as the world never saw before. Can you tell me that you were right and I was wrong? Can I say to you, sir, that I was right and you were wrong? I give to the men who followed their convictions according to what they conceived to be the right credit for honesty. I claim for the people of my country the same honesty. I believe that when the people of the North and the South, the East and the West, meet and talk together, when they again come together face to face and talk over these matters, it will do more to break down the asperities still outcropping from the late war than all things else put together. For these reasons I believe this centennial celebration, which will be on a grander scale than anything of the kind in America before, will have great good.

I have another reason for supporting this bill. I see gentlemen from the North almost solidly vote for this centennial exposition to celebrate the one hundredth anniversary of American Independence. Sir, when I remember that my ancestors on both sides were in the revolutionary war, struggling for the liberty and independence of the American Colonies; when I know that Virginia, North Carolina, South Carolina, and Georgia sent out their full quota of men to that seven-years-long and desperate struggle, and that their sons fought for the liberty and independence of the States which had declared themselves free and independent on the 4th of July, 1776, I, as one of the descendants of the men who were in that struggle, claim the right to be represented at the centennial anniversary of their work. I claim, as one of the descendants of the men who gave to America her liberty, the right to be represented, and I claim for my constituents the same right. Sir, I represent in part the State of Texas, whose gallantry has never yet been questioned. Go to the Alamo. Unlike Thermopylæ the Alamo had no one left to tell the story. Go to San Jacinto which gave birth to a Republic. Go to Mexico; go into this late war; trace

it from Gettysburgh to Arizona, and wherever you go you will find the gallant soldier of Texas baring his breast to leaden hail and the storm of shot and shell, never turning his back, but always to the front. I represent such men; and I say to the Senate of the United States that the men whom I represent entertain the same opinion that I do, and I am speaking the sentiments of the great and glorious State which I in part represent when I express the views that I have expressed here to-day. I shall vote for the bill for these reasons and many others that I might give, but which I do not think it necessary to enumerate.

Mr. President, I apologize to the Senate for speaking so long as I have. When I got up I had no expectations of occupying five minutes.

Mr. WITHERS. Mr. President, I had not designed entering upon this debate to-day, but finding it apparently the purpose of the friends of the bill to push it to a vote before we adjourn, I feel it due to myself and to the people whom I represent to express my dissent from this bill. I shall do it in a few brief words, so that the friends of the measure shall not be long delayed on my account in the consummation of their wishes.

I belong, Mr. President, to that class of now apparently antiquated men who revere the Constitution and regard its obligations as paramount to all others. I have listened with careful attention to the progress of this debate to find upon what constitutional provision its friends predicate this measure. I have listened in vain. True, my friend from Texas, who last addressed you, found in the preamble of that instrument the authority of law for the appropriation which is sought. But we have not in times past been accustomed to look to preambles for law and to preambles as defining what were constitutional rights and duties. I shall not, however, amplify this view of the subject, because I know that I speak but to the idle wind when I urge a constitutional objection as applicable to any measure which this body may think proper to pass.

I oppose the bill, however, not only on constitutional grounds, but because it is in my opinion contrary to the soundest principles of good government, to the interests of our whole people, North and South, to establish the precedent which will be established by the passage of this bill, that it is right and proper for the Congress of the United States to make an appropriation to a private stock company. I join issue with the distinguished Senator from Indiana who asserts in the most dogmatic phrase that this is a national enterprise. I point to its inception and to the various steps taken in the progress of the legislation of the country to the present moment to vindicate my assertion when I declare that it is naught but a private enterprise, a joint-stock concern for the purpose of making money. Its organization indicates it. The provisions which have been so repeatedly quoted here of the act under which it was organized go to show that like any other joint-stock company, a bank, a life insurance, a transportation, a railroad, or any other company, it makes provision for the issue of stock and ultimately when its purpose shall have been completed for the division of its assets among the corporators. In no essential particular does it differ from any other stock company, except in this one particular, that aid is asked of the Government of the United States to give it such a degree of nationality as will induce foreign people to send their contributions to the exhibition.

If time were allowed me, and if I were not conscious that I am trespassing on the attention of the Senate, I would go more elaborately into the act of incorporation and the subsequent acts of Congress on the subject to establish the position I have stated. My friends urge me to go on, but my own sense of propriety must make me cut short my remarks, and make them as brief as possible.

As the next point of objection to this joint-stock enterprise, I urge the disingenuous manner in which it has been brought before Congress. I do not charge any intentional deception in the matter; but if you will trace the history you will find that each application to Congress for recognition has been coupled with the assurance that it would involve no charge on the Treasury, and that not a dollar of appropriation should be asked for; and the distinguished Senator from Pennsylvania, in his remarks to the Senate, admitted the fact that he secured this recognition by Congress on the assurance that not one dollar should be asked from Congress in furtherance of this scheme. Now, when that recognition has been assured, after Congress has given it the recognition asked, coupled with this assurance, these same friends of the measure come forward and base upon that very recognition the claim that we shall pay one million and a half of dollars as a bonus to this joint-stock company to enable them to carry out their wishes and purposes. And the Senator from Indiana indignantly denounces any opposition to this measure as indecent, as dishonest, as mean, because, forsooth, as he asserts, the national honor is involved in carrying it through its glorious consummation in a manner worthy of this nation; and yet the distinguished Senator himself, in the very argument which he used to convince us of its nationality, brought forward, to my mind, most conclusive evidence that it lacked that essential element, failing in which his whole remarks fell to the ground. He quoted the example of other nationalities. He showed us that in England, in France, in Austria, in each and every case where a national exhibition of this kind had been inaugurated the expenses were paid by the government. And yet here we are charged with being mean for opposing an appropriation, when, if the meanness was perpetrated at all, it was by your Congress in the act passed to recognize the nationality of this enterprise, because they coupled it distinctly with the asseveration that, although you be invited here and asked to participate, you are to do it at your own expense, which constituted the essence of our meanness that the Senator from Indiana so indignantly denounces. If there has been any meanness, it has not been on the part of those who oppose this measure, but it has been on the part of Congress who previously enacted the law under which you now claim recognition for this as a national enterprise.

National honor is said to be involved. Sir, it was well remarked by the Senator from Vermont that if we designed this as a grand national festival, to which we had invited the people and the world to come and unite with us in glorification of our republican institutions that they might see the degree of development which was possible under the beneficent influences of republican laws, it would have been more commensurate with our dignity as a nation, and with the hospitality to which we have invited them, to have imitated the example of England and France and Austria and footed all the bills of those who brought their products here to enable us to make this show and demonstrate what we desire.

But, sir, I find that I am wandering rapidly away into a line of remark which would cause me to occupy more time than I designed to do on the question now. I have merely one thing to say in conclusion; and that is that my hostility to this bill does not have its origin in any indisposition to celebrate in the most appropriate way this centennial anniversary of the birth of this Union. Sir, the State which I have the honor to represent had as much to do with our existence as a Union as any other State whatever. She has labored as strongly, her sons have fought as nobly, her statesmen have labored as assiduously and effectively in consummating this Union as those of any other State within the broad limits of the nation. Sir, her statesmen stood by the very birth of this Government, and with their firm hand steadied the reeling pillars of the infant State and fixed them on the firm basis of a free Constitution, and I venture to assert that Virginia will be the last to turn her back on that sacred instrument whose framing she bore so conspicuous a part in. But, sir, although it has been intimated that opposition to this bill from gentlemen hailing from the locality from which I come would be misinterpreted and misconstrued, I say that I would feel myself unworthy of the position I occupy here as a representative of Virginia if I were ashamed or afraid to meet any and every responsibility growing out of my position and to cast my vote on this floor in accordance with the dictates of my own convictions of right and propriety.

Mr. President, I will not longer delay the vote upon this measure by any remarks which I have to make.

The PRESIDENT *pro tempore*. The question is on ordering the bill to be read a third time.

Mr. NORWOOD. It is now nearly half past four. I think I ought to make some remarks on this bill. It is too late to go on this afternoon, and I therefore, unless there is some other business to be presented, move that the Senate adjourn.

The PRESIDENT *pro tempore*. The Senator from Georgia moves that the Senate do now adjourn.

The motion was not agreed to.

Mr. NORWOOD. Does the Senate understand that I desire to make some remarks on this bill? I have already indicated to the Senator from Maine who has control of the bill the reasons why I do not desire to go on to-day. Do I understand by the vote that I am to be compelled to go on this evening?

The PRESIDENT *pro tempore*. The Chair understands the Senate to have declined to adjourn, leaving the Senator on the floor.

Mr. NORWOOD. Very well, sir, I ask for a division.

The PRESIDENT *pro tempore*. That call is too late, the result having been announced.

Mr. EDMUNDS. I have understood that the Senator from Georgia who wishes to speak on this bill is unwell and feels himself unable to proceed this afternoon. If I am right in that understanding I think the fair courtesies that have always prevailed in this body should give him an opportunity to speak to-morrow; and so understanding the fact to be, I will venture to move that the Senate proceed to the consideration of executive business.

The motion was agreed to.

SENDING CARDS TO SENATORS.

Mr. MERRIMON submitted the following resolution for consideration:

Resolved, That the Committee on Rules be instructed to prepare and report an appropriate rule to the Senate to prohibit the annoyance of sending visiting-cards to Senators while the Senate is in session.

WITHDRAWAL OF PAPERS.

On motion of Mr. HITCHCOCK, it was

Ordered, That leave be granted for the withdrawal from the files of the Senate of the papers in the matter of the St. James mission.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After forty-eight minutes spent in executive session the doors were re-opened; and (at five o'clock and fifteen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 9, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND, D. D.

The Journal of yesterday was read and approved.

ARMY HORSES AND MULES.

Mr. BANNING. I ask unanimous consent to offer the resolution which I send to the desk, to get information from the War Department for the use of the Committee on Military Affairs.

The Clerk read as follows:

Resolved, That the Secretary of War be required to furnish the House with a statement setting forth the number of draught horses and mules used in the service of the United States Army in each and all its departments, together with the places where said horses and mules are in use, the average cost per head of said animals, and the places where they are purchased; also, a statement of the cost of mounting the regiments of cavalry, naming the regiments (if any) most expensive to mount and remount.

Mr. THORNBURGH. I object, upon the ground that it will take a very large force of clerks all the balance of the session to furnish that information.

Mr. BANNING. In answer to the gentleman's objection I will say that if it will take a large force of clerks all the rest of the session to furnish that information I think it better we should find that out, and have these Departments better regulated, so that when called upon they can give us the information which they ought always to be ready to give.

Mr. THORNBURGH. If the Department had the force to do it I should not object, but I do not think they have.

Mr. BANNING. This information is very important.

Mr. THORNBURGH. I do not know that it is so important as to require a large force of clerks to be devoted to furnishing it.

Mr. BANNING. It is very important. I am told the number of draught horses and mules now used in the service of the United States Army is over twelve thousand, and I suppose the gentleman from Tennessee does not want to know if that be true.

Mr. THORNBURGH. I do not want to have all the time of the clerks of the War Department taken up in procuring that information. I adhere to my objection.

ORDER OF BUSINESS.

The SPEAKER. The morning hour begins at fifteen minutes past twelve o'clock, and the regular order is the calling of committees for reports of a public nature.

SALE OF LANDS AT VINCENNES, INDIANA.

Mr. PARSONS, from the Committee on Private Land Claims, reported back, with amendments, the bill (H. R. No. 192) authorizing the sale of certain lands at Vincennes, Indiana, with the recommendation that the bill as amended do pass.

The bill was read. In its preamble it sets forth that the United States heretofore acquired for debt, through the intervention of trustees, certain real estate in and near the city of Vincennes, Knox County, Indiana, consisting of about eighty acres of land, more or less, survey No. 5, township No. 3 north, range 10 west, second meridian, together with the half of lot No. 1 and the whole of lot No. 8 of Harrison's addition to said city of Vincennes, commonly called "the steam-mill tract," or "Hall Neilson property;" and that the Ohio and Mississippi Railway Company, the Evansville and Crawfordsville Railroad Company, and the Indianapolis and Vincennes Railroad Company have severally placed their tracks, switches, and certain building on said land while the title to the same was disputed. And, as it is desirable that said companies shall continue to occupy such portions of said land as may be necessary for the successful operation of their railroad lines, the bill therefore provides that the Solicitor of the Treasury, if in his judgment the interests of the United States require it, with the approval of the Secretary of the Treasury, may sell, or cause to be sold at private sale, for not less than its appraised value, to be ascertained under the direction of the Solicitor of the Treasury, to said companies so much of the same as may be required for their tracks, switches, shops, and other railroad purposes, provided that the aggregate amount so sold shall not exceed one-third of the whole of said land, and provided further that the remaining portion of said real estate may be sold under existing laws as may be convenient and desirable.

The amendments reported by the committee were read, as follows:

After the word "laws," in the last line, insert the words "in such parcels."
Add to the bill this proviso:
That this act shall not prejudice any adverse claim or right to the said lands.

Mr. PAGE. I make the point of order that the bill contains an appropriation or disposition of the public lands, and should have its first consideration in the Committee of the Whole on the Private Calendar.

Mr. PARSONS. I think it does not make an appropriation of the public lands. It remits the matter to the consideration of the Solicitor of the Treasury, by and with the approval of the Secretary of the Treasury. I do not see that it appropriates anything.

Mr. HOLMAN. There was a bill I believe passed on this subject in the last Congress.

Mr. PAGE. I submit that the point of order is not debatable. I ask the decision of the Chair.

The SPEAKER. The Chair will decide the point of order in a moment, after he has had time to examine the bill. [After a pause.] In the judgment of the Chair, the point of order is not well taken. This bill proposes in no sense whatever a grant of land, but only provides for a sale of land in a certain event, the money received to be of course the property of the United States; and it makes no difference that the authority conferred upon the Government is in a certain event to sell to persons or parties named. In the judgment of the Chair, as the bill involves no grant of land in any proper sense, the point of order is not well taken.

Mr. PAGE. It involves a disposition of the public lands.

The SPEAKER. So may any bill for the sale of the public lands.

Mr. PAGE. The rule applies to any bill making an appropriation of money or a disposition of the public lands.

The SPEAKER. An appropriation of the public lands. The Chair overrules the point of order.

Mr. HOLMAN. I desire to ask the gentleman reporting the bill whether this sale is to be at public auction?

Mr. PARSONS. No, sir. I would answer the gentleman that the object of the bill is to give to the Solicitor of the Treasury, with the approval of the Secretary of the Treasury, the right to sell at private sale.

Mr. HOLMAN. I hope that will not be done. The bill of last session was for precisely the same purpose, and was amended by the House.

Mr. PARSONS. This land is to be sold subject to appraisement; it is not to be sold for less than the appraised value.

Mr. HOLMAN. I hope the principle of public sale will be adhered to. It seems to me it would be much better for the officers of the Treasury, who are required to take charge of this sale, to have it at public auction. I do not understand exactly the object of this bill. A bill was passed at the last session for the same purpose, which, I presume, was found to be insufficient; but that bill was amended in the House so as to require the sale to be at public auction, after appraisement. I ask that this bill be so amended as to require the sale to be at public auction upon such notice as the Secretary of the Treasury shall prescribe.

The SPEAKER. Does the gentleman yield for that amendment?

Mr. PARSONS. I do not.

Mr. HOLMAN. This bill affects a portion of the Government lands in the State of Indiana, and I shall therefore have to insist that it shall not pass, so far as my vote is concerned, without the amendment I have indicated. I am not willing that railroad corporations shall obtain by any means an improper purchase of lands from the Government. Let them come in and compete for this property as our citizens must do.

Mr. PARSONS. The objection of the gentleman from Indiana [Mr. HOLMAN] will be found hardly tenable when you consider the fact that this bill remits the subject to the discretion of the Secretary of the Treasury and of the Solicitor. If the interests of the United States require it, they are to have the right to sell those lands at private sale. To favor one class of people over another is certainly not designed by this bill. It simply gives the right to those who have already improved this land to purchase that which may be necessary for securing their improvements. Nearly twenty years have elapsed since the improvements were begun, and they have already made improvements upon that land in the pursuit of their enterprise, in the erection of a great public highway, which should in fact entitle them to the possession of the ground itself. They have attempted condemnation under the laws of the State, but have found no one to whom to pay the money which had been decreed as the value of the land. They, therefore, ask simply to be permitted—and the Committee on Private Land Claims after full consideration have reported a bill for that purpose—to purchase this land at its appraised value.

The right to purchase this land is not to be given to them unless in the discretion of the Secretary and Solicitor it is necessary for the interests of the United States. And they are limited in the amount of their purchase. I understand this land is embraced within the corporate limits of Vincennes. It will be divided into lots and parcels, for if sold in bulk it would be sold at a sacrifice, even if sold at public sale after due advertisement. I understand, if I may be permitted to say so, that the objection to the passage of this bill comes from private persons who are anxious to manifest an opposition to what they assume to be a railroad monopoly. This is not a railroad monopoly; there are three tracks there, and these people are simply asking the right to pay for that which has already been condemned under the laws of the State of Indiana and which they continue to occupy. They do not wish to subject themselves to any speculation or attempt at speculation upon them.

I do not appear here in defense of any railroad corporation or anything of the kind. When that question comes up it will be time enough for me to speak. In this matter, as the people in the vicinity seem to desire the passage of this bill, and as the interests of the country will be materially enhanced by such a sale, the Committee on Private Land Claims have deemed it proper to report this bill to the House.

Mr. HOLMAN. I have no desire to do any injustice to the corporation that is interested in this body of land; I do not wish to do it.

But I wish to avoid the possibility of any improper sale of this property. I do not desire to deprive this corporation of the benefits of the investments and improvements they have made upon this land. The statement shows very conclusively that they have been somewhat embarrassed by the condition of the property in regard to title, and I think their rights should be protected to the extent of the improvements which they have made, and the tracks they have built on this land. But at the same time it seems to me very proper that there should be some safeguard against any improper combination between the railroad corporation on the one hand and the officers having charge of this sale upon the other. I think it is desirable for them that the exact manner in which they shall perform their duty shall be indicated clearly by this bill.

My friend will perceive that if there is an appraisement—this bill has no reference to the value of the improvements—the land must be appraised just as it is. If this corporation is to take the property, they must take it at the appraised value, and the improvements made by the company may be included in the appraisement.

Mr. PARSONS. The appraisement is to be subject to the approval of the Secretary of the Treasury.

Mr. HOLMAN. Why is it not better to specifically refer to the fact, so that there shall be no concealment, that this railroad corporation has located a track on this land and made improvements upon it, and require the Secretary of the Treasury to take those improvements into account in determining what shall be the character of the appraisement; in other words, what shall be the appraised value; and that this property shall be sold upon competition, with the rights of this company so far reserved as they ought to be in justice to the corporations that have made the improvements?

I wish to ask the gentleman from Kentucky, [Mr. PARSONS,] because he is undoubtedly familiar with the subject, how it happens that the passage of this bill is necessary? The act of last session seemed to cover the whole subject. It provided for this sale and provided that it should be made at public auction. Why has it become necessary to pass this bill?

Mr. PARSONS. In answer to the inquiry of the gentleman from Indiana [Mr. HOLMAN] I will suggest to him that the act of last session, though passed by the House and the Senate, was not approved and signed. The particular necessity for this legislation is best exhibited in the act itself and in the report. That report is long, embracing all the material facts which have been ascertained upon full investigation. As there seems to be some question about this matter, I will ask that the report be read, so that gentlemen objecting to the bill and that the House generally may understand the reasons on which the Committee on Private Land Claims have based their conclusion to report this bill favorably.

The Clerk read as follows:

The Committee on Private Land Claims, to whom was referred bill of the House No. 192, entitled "A bill authorizing the sale of certain lands at Vincennes, Indiana," have had the same under consideration, and submit the following report:

The land referred to in said bill constitutes a portion of certain lands donated to a class of French inhabitants near Vincennes, Indiana, during the latter part of the last century, and several years before the public lands of that region of country were surveyed and brought into market. The particular tract of land in question, in common with most other tracts similarly donated, had not much value attached to it for many years after it was granted away by the Government, and hence was bartered and transferred on several occasions from one to another in a very informal way, and no record evidence seems to exist as to some transfers of it which it is alleged were made while its value was thus comparatively insignificant.

Near sixty years ago this land seems to have fallen into the possession of an association of gentlemen known as the Vincennes Steam Mill Company. This company erected a steam-mill and other valuable improvements upon it. After continuing in business for a few years this steam mill company failed and went into liquidation. At the time of its failure it was indebted very considerably to the Vincennes Bank, a banking corporation then in existence and doing business at Vincennes, and to satisfy that indebtedness, either in whole or in part, the steam-mill company conveyed the land in question to said bank. Soon after that conveyance, that is to say, near fifty years ago, the bank also failed, being at the time largely in arrears with the United States Government as a depositor of public moneys. The bank thereupon conveyed this land, with other tracts, to certain trustees for the use of and in part satisfaction of its indebtedness to the Government.

In 1832 this land was contracted to be sold to one Hall Neilson, as the assignee of other parties, for the sum of $6 000, to be paid in annual installments of $1,000 each, and the said Neilson was put into possession of the land under his contract of purchase. Soon after Mr. Neilson had thus acquired an interest in the land, suit was brought against him as the tenant in possession for the recovery of the same by parties claiming title adverse to the Government. This suit was continued from time to time and prosecuted in the courts of Indiana for many years, and finally reached the Supreme Court of the United States. (See Hall Neilson *vs.* Clark B. Lagow and others, 12 Howard, page 98.) This suit after going back to the State courts was finally decided favorably to the Government. In the mean time other suits were commenced by other parties on claims of title adverse to the interest of the Government in this land. This subsequent litigation has not been fully and completely disposed of, but so far as decisions have been made on the different phases of it which have been ruled upon they have sustained the equitable title of the Government to this property; and the officers of the Government in charge of this litigation are encouraged to believe that a final decision of claims to it will soon be made confirming the title of the Government. At all events they are hopeful that a final solution of all pending claims will soon be reached either the one way or the other.

In consequence of the litigation which thus ensued concerning the title to the land in question the Government was unable satisfactorily to fulfill its contract for the sale of the same to Mr. Neilson, and by reason thereof he became in a few years discouraged, and ultimately abandoned the possession of it. The buildings on this land soon went into decay, and were taken away by some of the adverse claimants. In 1860 Mr. Neilson died, leaving a widow and children, who still survive him. The committee are informed that the said widow and children do not assert any claim to the land, and do not either intend or desire to complete Mr. Neilson's purchase of it.

Within the last twenty-five years three railroad companies, that is to say, the Ohio and Mississippi Railway Company, the Evansville and Crawfordsville Railroad Company, and the Indianapolis and Vincennes Railroad Company, have run their tracks across and placed their switches upon this land.

Some proceedings were had to condemn the right of way over this land, but owing to the disputed condition of the title to it and the number of adverse claimants it is alleged that the proper parties were not made to such proceedings, and hence any judgment that may have been rendered under them is of doubtful validity, if not absolutely void.

The land lies in a narrow strip fronting on the Wabash River, and runs back in a southeasterly direction for a half mile or more to the high ground in the rear, and is so situated that said railroads had necessarily to run their tracks over it. It is not divided either by any natural divisions or boundaries by which it could properly be sold in parcels in case it should be offered at public sale, as such lands have to be sold under existing laws.

The committee are impressed with the belief that the occupancy of a portion of this land by the railroad companies would probably be a very serious drawback and impediment to the sale of it by the Government as an entirety.

The committee think it also not unreasonable that the railroad companies should, under the circumstances, have the opportunity of purchasing so much of said land as they really need for railroad purposes at its appraised value, without being possibly compelled to purchase the whole tract, in order to protect their interests on what they now occupy.

The committee, too, think it probable that the land will sell for a larger sum in the aggregate if sold in parcels than if sold as an entirety.

The bill, however, under consideration leaves the question as to whether any of this land shall be sold at private sale to said railroad companies to the sound discretion of the proper officers of the Treasury Department. In a matter of so little importance in a pecuniary point of view the committee regard that as a safe and reasonable arrangement. It will be observed that the bill does not in the slightest degree interfere or propose to interfere with any adverse claim to the land referred to in it, but leaves all questions concerning the title to the judicial tribunals to which they properly belong. It is a precautionary measure, merely to be operative only in the event that the title shall be confirmed to the Government. If the final decision shall be adverse to the Government, nothing will be left on which the provisions of the proposed measure can operate. The committee therefore report back said bill and recommend its passage with these amendments:

1. *Provided*, That this act shall not prejudice any adverse claim or right to the said lands; and

2. Amend by inserting after the word "laws" in the last line the words "in such parcels."

Mr. HOLMAN. I still think it would be better that we should give the right of way through this land to these companies and provide for the sale of the remainder of the land at public auction rather than pass the bill in this form.

Mr. TOWNSEND, of New York. Some of us have not yet been able to hear this bill read. I ask that it be read again.

The bill was again read.

Mr. HOLMAN. It will be observed that the residue of this land is to be sold as other public lands are sold. It appears to me that the remaining portion at least ought to be appraised and sold at public auction.

Mr. BUCKNER. Why so?

Mr. HOLMAN. Why not?

Mr. BUCKNER. The very object of this bill is to leave this matter discretionary with the Secretary of the Treasury. Somebody must necessarily determine this question; and the bill proposes to remit the whole matter to his discretion, except that it is provided there shall first be an appraisement; and certainly the Secretary of the Treasury in the exercise of his judgment will not sell this property at less than what it is considered worth. Why should we subject these railroad companies to the danger of a combination being made against them after they have improved the property and done everything in their power to get the right of way. They need this land for their switches as well as their depot grounds. The rights of the Government are thoroughly protected under this bill.

Mr. HOLMAN. The gentleman from Missouri [Mr. BUCKNER] will observe that according to the provisions of this bill the residue of this land, after the railroad companies have taken one-third, is to be sold as other lands are sold. Other lands are sold at $1.25 an acre, as my friend well knows. In other words, it is proposed to put the remaining portion of this land on the same footing with the public domain, subject to sale. It strikes me that the residue of this land ought certainly to be sold at public auction. That is the policy we adopt with reference to our reservations for military purposes; when they become useless to the Government, they are put into the market to be sold at public auction upon proper competition.

Mr. BUCKNER. This case stands on a different footing. These parties have already done everything they could to obtain title to the land; they have put their improvements upon it; it is therefore not proper that the land should be put up at public sale.

Mr. HOLMAN. But does that apply to all the land?

Mr. BUCKNER. No, sir; only one-third of it.

Mr. HOLMAN. I am trying to get the attention of my friend from Missouri to the fact that I am now saying nothing about the one-third which it is proposed to sell to these railroad corporations. I am speaking about the residue, which according to the provisions of the bill is to be sold as other lands are sold. Now, why should not the residue be appraised and sold at public auction just as you sell your military reservations when they become useless for public purposes?

Mr. BUCKNER. There is no improvement upon the remaining two-thirds.

Mr. HOLMAN. But here is land in a town, a town of very considerable importance; and I am trying to point out to the gentleman from Missouri that this land should be offered at public sale, instead of being subject to entry at $1.25 an acre.

Mr. WILLIAMS, of Indiana. I would like to have the bill read again. Many gentleman, I think, do not understand it.

Mr. PARSONS. I insist upon the demand for the previous question. The bill has already been twice read, and I presume the House understands it fully.

The previous question was seconded (there being ayes 81, noes not counted) and the main question was ordered. Under the operation thereof the amendments reported by the committee were agreed to, and the bill, as amended, was ordered to be engrossed and read a third time, there being ayes 87, noes not counted.

The bill, being engrossed, was read a third time.

Mr. BLAND. I would like to ask the gentleman from Kentucky [Mr. PARSONS] one question: Are we not authorizing and requiring the sale of lands to which the Government has no title, and is not the Government thus obligating itself either to make title or to respond in damages? As I understand this report, the question of title is not yet settled; and by what authority should the Government undertake to sell the lands until that question is settled?

Mr. PARSONS. If the gentleman will remember the proviso to the last part of the bill, he will understand that there is a distinct reservation as to the question of title. And there is no declaration on the part of the House and the Government of the United States of ownership further than the preamble itself recites. The amendment was designed to reserve that question, and does reserve it. I hope the bill will now be put upon its passage.

Mr. HOLMAN. There is no question but the title is correct.

The House divided; and there were—ayes 72, noes 53.

Mr. BAKER, of Indiana, demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 109, nays 120, not voting 60; as follows:

YEAS—Messrs. Adams, William H. Baker, Blair, Blount, Boone, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cannon, Cate, Cook, Culberson, Dibrell, Durham, Eames, Egbert, Evans, Farwell, Forney, Fort, Franklin, Freeman, Frost, Fuller, Garfield, Gause, Goode, Goodin, Gunter, Robert Hamilton, Hardenbergh, Benjamin W. Harris, Henry R. Harris, Hartridge, Hatcher, Hathorn, Haymond, Henderson, Henkle, Hereford, Goldsmith W. Hewitt, Hoge, Hooker, Hoskins, Hubbell, Hurd, Hyman, Thomas L. Jones, Joyce, Kehr, Kelley, Ketchum, Kimball, King, Franklin Landers, Lane, Lapham, Levy, Lewis, Levi A. Mackey, Maish, MacDougall, Mills, Morey, Morgan, Norton, O'Brien, O'Neill, Parsons, Plaisted, Platt, Powell, Rainey, Rea, Reagan, Riddle, John Robbins, Robinson, Sampson, Schleicher, Seelye, Sheakley, Singleton, William E. Smith, Southard, Sparks, Springer, Strait, Stone, Stowell, Terse, Throckmorton, Martin I. Townsend, Washington Townsend, Gilbert C. Walker, Erastus Wells, Wheeler, Whiting, Wike, James D. Williams, Benjamin Wilson, Alan Wood, jr., Woodburn, and Young—109.

NAYS—Messrs. Anderson, Ashe, Atkins, John H. Bagley, jr., John H. Baker, Ballou, Bell, Blackburn, Blaine, Bland, Bradford, Bright, Burleigh, Cason, Caswell, Caulfield, Chittenden, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Collins, Conger, Cowan, Cox, Crapo, Cutler, Darrall, Davy, De Bolt, Denison, Dunnell, Durand, Eden, Ellis, Ely, Faulkner, Foster, Frye, Glover, Hale, Andrew H. Hamilton, Haralson, Hartzell, Abram S. Hewitt, Hoar, Holman, Hopkins, House, Hunter, Hunton, Hurlbut, Jenks, George M. Landers, Leavenworth, Lynch, Lynde, Edmund W. M. Mackey, Magoon, McDill, McFarland, McMahon, Metcalfe, Miller, Milliken, Monroe, Mutchler, Nash, Neal, New, Oliver, Packer, Payne, Phelps, John F. Philips, William A. Phillips, Piper, Poppleton, Potter, Pratt, Randall, John Reilly, James B. Reilly, Rice, William M. Robbins, Rusk, Savage, Sayler, Scales, Schumaker, Siemons, Smalls, A. Herr Smith, Stenger, Stevenson, Tarbox, Terry, Thompson, Thornburgh, Tucker, Tufts, Turney, Van Vorhes, John L. Vance, Robert B. Vance, Waddell, Waldron, Charles C. B. Walker, Alexander S. Wallace, John W. Wallace, Walsh, Warren, White, Wigginton, Willard, Alpheus S. Williams, James Williams, Jeremiah N. Williams, William B. Williams, James Wilson, and Yeates—120.

NOT VOTING—Messrs. Ainsworth, Bagby, George A. Bagley, Banks, Banning, Barnum, Bass, Beebe, Bliss, Bradley, Samuel D. Burchard, Cabell, Chapin, Cochrane, Crounse, Danford, Davis, Dobbins, Douglas, Felton, Gibson, Hancock, John T. Harris, Harrison, Hays, Hendee, Hill, Frank Jones, Kasson, Knott, Lamar, Lawrence, Lord, Luttrell, McCrary, Meade, Money, Morrison, Odell, Page, Pierce, Purman, Roberts, Miles Ross, Sobieski Ross, Sinnickson, Swann, Thomas, Walling, Walls, Ward, G. Wiley Wells, Whitehouse, Whitthorne, Andrew Williams, Charles G. Williams, Willis, Wilshire, Fernando Wood, and Woodworth—60.

So the bill was rejected.

During the vote,

Mr. GARFIELD moved to dispense with the reading of the names.

There was no objection; and it was ordered accordingly.

The vote was then announced as above recorded.

Mr. CAULFIELD. I enter the motion to reconsider the vote by which that bill was rejected.

Mr. WILLIAMS, of Indiana. I hope the rejection of the bill will be reconsidered and that it will be recommitted to the Committee on Private Land Claims.

The SPEAKER. The morning hour has expired and the motion to reconsider will be entered.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. RANDALL. I move the rules be suspended and that the House resolve itself into the Committee of the Whole on the diplomatic and consular appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. HOSKINS in the chair,) and resumed the consideration of the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes.

The CHAIRMAN. The gentleman from Illinois [Mr. SPRINGER] is entitled to the floor upon this bill.

Mr. SPRINGER. Mr. Chairman, this House of Representatives presents a condition of things that has not existed in this Government for many years heretofore. The anomaly in a republican form of government is presented of a popular branch of the legislative body being constituted so that the majority thereof is in opposition to the general administration and to the other branch of the legislative department. There was some reason for this state of things. It was not the result of accident or chance. But the people of this country in the election in 1874, when this body was chosen, had a deliberate purpose. It was what is called an "off year," when there was little excitement, when the people made up their minds to express a sentiment and principle in the election of their representatives. A most unaccountable and remarkable instance of the popular revolution which took place in that election was in the return of democrats in large republican districts. Many districts, which had been overwhelmingly republican heretofore, were found, to the very great surprise of the candidates after the votes were counted, to have resulted in the election of democratic Representatives. My friend on the left here from Michigan [Mr. DURAND] was so fortunate, or unfortunate, I do not know which, so far as regards himself, but fortunate for the people, as to reverse a popular opposition majority of six thousand in his district, and be chosen by seventeen hundred majority over his opponent. The honorable gentleman from Massachusetts, [Mr. THOMPSON,] with whom I have the honor to serve on the Committee on Expenditures in the State Department, succeeded the blustering General Butler who used to walk up and down through these Halls and dictate such policy to his party friends as he desired. The quiet, amiable demeanor of the present member is in striking contrast with the pretentious manner of his predecessor. Yes, sir, the people meant something when they brought about these things. And what was their meaning? They had deliberately made up their minds that there must be retrenchment, economy, and reform in this Government. They had trusted long to the party in power, and had been disappointed. They went about it deliberately, and sent a majority to this House which would respect the wishes of the people and carry out the policy which they had determined should control affairs in this Government. Now, what the people do deliberately they generally do well.

Fortunately for this side of the House, they made the majority so great that we can lose a few votes on these bills and still be able to respond to the popular demand. I am not surprised when one of these bills comes up for the purpose of bringing about retrenchment in the Government that certain gentlemen on this side of the House are not able to go with us. There is some one who in all these measures sees objections and cannot go with us; but when we have gotten through with all of them, we will have a few votes to spare on these measures of economy and still meet the reasonable expectations of our constituents. When we have done our work and submitted it to the co-ordinate branches of the Government, and then afterward to the people who sent us here, we feel assured that they will indorse our course. I was somewhat surprised, however, in the discussion of this question at the remarks of my esteemed friend from New York [Mr. HEWITT] who represents the great commercial metropolis of this country, and also of my amiable and venerable friend who sits near me [Mr. WOOD, of New York] They seem to have mistaken, to have entirely mistaken the object of this bill. One would have thought from their able arguments on this question that this was "a bill for an act to prohibit commerce between this country and all the nations of the earth." The gentleman from New York [Mr. WOOD] said, "We cannot dispense with the carrying trade of this nation." Well, I want to know who proposes to dispense with the carrying trade of this nation. My amiable friend [Mr. HEWITT, of New York] with whom I have the honor to serve on the Committee on Foreign Affairs said that "this bill strikes a deadly blow at our expanding commerce, at our growing industries, at our commercial ports, and at the welfare of our country." I read, sir, the gentleman's words from the RECORD of this morning.

There must be something terrible about this bill if it is intended to cut off all communication between this country and foreign ports. I had never conceived this to be the object of it heretofore. Gentlemen seem to think that a few diplomatic officers and consuls, resident in remote and obscure places, are the agencies by which commerce is created or permitted between governments. There never was a greater mistake. They are the results of commerce, and not the cause of it. They are the effects of commercial intercourse, and not the moving motive or cause.

Why, Mr. Chairman, if a gold mine should be discovered at some obscure place in South America and it should be proved to have the richness of the discoveries made in the State of California in 1848-'49 vast enterprises would be set on foot, steamships would be freighted and would leave our ports, and in a few months a great city would be built up there and the products of Illinois and of the whole of this country would be landed on those shores. There would be a state of fifty thousand inhabitants there before the red tape of the State Department could get a consular agent located in that place. I am very thankful that commerce does not depend upon the establishment of consuls and consular agents at various places. Commerce will bring these when they are needed.

Mr. Chairman, when the committees of this House began the consideration of the diplomatic and the consular bills, with a view to reducing the expenses and securing such economy as would not impair the usefulness of the service, certain partisan papers of the country assured us that we were wasting our time and energies; that new members of Congress were in the habit of making a fight upon those subjects which they knew least about, the consulates and the Army; that this was not the field for applying a rigid economy. We were

directed to the Treasury Department, to the War Department, to the Interior Department, to the Post-Office Department, and told that these were the proper places to look for extravagance and to seek to cut off abuses. We were told that our diplomatic and consular representatives were almost starving in foreign countries, or subjected to such pecuniary embarrassments in order to eke out an existence as to greatly impair the efficiency of the service.

The gentleman from Minnesota [Mr. DUNNELL] yesterday instituted a comparison between the palatial residence of Lord Lyons in Paris and the humble quarters of Mr. Washburne, the American minister. Sir, I thank him for that comparison. It is a comparison which we might well draw between an effete aristocracy and a growing democracy. Our country is not respected abroad the less by reason of the fact that our ministers go about there in the ordinary apparel of gentlemen and live in apartments befitting the representatives of a popular government.

The gentleman from Ohio [Mr. GARFIELD] in his remarks to the committee on this bill said:

> I believe every gentleman of intelligence on this floor will admit that the foreign service of the United States, the State Department, both as it is exhibited at home in its civil functions and abroad in its diplomatic and consular functions, has been for years the most economically conducted, the most honestly managed, the most carefully kept up of perhaps any of our Departments. All men of all parties have given their testimony in years past to that as the general truth.

Well, sir, I shall not dispute the proposition of the gentleman from Ohio, but we will see how that is before we get through; and I have no doubt the other Departments are just as honest as this is. But notwithstanding these assertions this side of the House and the Committee on Appropriations have steadily pursued, in reference to our diplomatic and consular representatives, the course to be carried out in all other departments of the public service, namely, a careful scrutiny into expenditures, abuses, and all manner of extravagance. We are not making exceptions. We are following a principle. We have laid the ax at the root of the tree, and everything that is not sound shall be hewn down.

The necessity for a rigid economy was never greater in the history of this country than it is now. All our industries are prostrated. Thousands of laboring-men are out of employment and many of them go tramping up and down through the land begging for bread. And yet we are told that a foreign embassador cannot support himself respectably on $17,500 a year. Sir, we must come down to hard-pan. We must teach the office-holders of this country that the people are economizing themselves and that their servants must do likewise. The Committee on Expenditures in the State Department, of which I am chairman, have been taking the testimony of witnesses and have obtained a vast amount of valuable information bearing on this bill. I ask of every member of this House his attention to this subject, and if I do not convince this committee that the foreign service is in no respect an exception to the extravagance, inefficiency, and peculation prevailing in some other Departments of the Government, then I will admit that I am mistaken; that there are no abuses in the Government; that the whisky ring, and the Credit Mobilier corporation, and other iniquities were not wrong in themselves, but merely the necessary means used by a kind Providence to teach public officials how dangerous it is to be wicked.

The bill under consideration reduces the appropriations for all the diplomatic and consular service from $1,352,485, the amount estimated to be necessary by the State Department, to $916,647.50, being a saving of $435,837.50. This may well be denominated a sweeping reduction, as it is over 32 per cent. less than the appropriation for the current year for the same service. I am not prepared to say that this bill is perfect and that all the reductions should be made in the manner indicated in its provisions. And while there are some items that may perhaps be increased, yet I am equally certain that there are others that are still too high, or that some offices still retained in the bill ought to be abolished. I will point these out before the bill is reported to the House, or some of them at least.

The reductions in the salaries of diplomatic officers are such as are demanded by the nature of their service and by the absolute necessity at this time for a rigid economy in every department of Government. Does anybody suppose that any one of our present foreign ministers will resign on account of the reduction of their salaries as proposed? Will Schenck do it, or Bancroft Davis, or Boker, or Godlove Orth, or Cramer, or Horace Maynard resign and come home in disgust? I trust not. It would be a great calamity to them, if not to the country. The annual salaries of ministers to the four great powers were $17,500 each in gold. This bill reduces them to $14,000. Will any of our constituents complain of this? They will rather suggest that, in view of the general stagnation of business and the necessity for individual economy on the part of rich and poor, it is not unreasonable to ask our foreign diplomats to give fewer entertainments and live in less splendor than formerly. We do not ask them to deny themselves the necessaries of life. We pay our cabinet ministers $8,000 per annum, and I assert without fear of successful contradiction that every member of the President's cabinet is called upon to make more pecuniary outlays, in order to live in a manner befitting his position, than is required of any one of our ministers at foreign courts. President Grant has no difficulty in finding gentlemen to fill his cabinet offices on account of inadequate salaries.

The salaries of our ministers are not the only expenses we have to meet in connection with our diplomatic service. In reading the accounts of our ministers abroad for contingent expenses it will be seen that the expenses of each mission are no small items. The contingent expenses of some of the leading missions for the year ending June 30, 1875, were as follows:

E. B. Washburne, France	$3,650 62
J. C. B. Davis, Germany	3,648 34
R. C. Schenck, Great Britain	3,359 29
Jewell and Boker, Russia	1,327 88
Caleb Cushing, Spain	8,447 78
Boker and Maynard, Turkey	12,609 99
Jay and Orth, Austria	2,460 78
J. R. Jones, Belgium	997 44
J. R. Partridge, Brazil	291 97

The above will serve as an illustration. The small accounts rendered by Mr. Jones and Mr. Partridge are sufficient to prove the extravagance of the others. Mr. Schenck's contingent account for the year ending June 30, 1873, amounted to $16,700.65. This included items for telegrams for quarter ending March 31, 1873, amounting to $9,191.38, gold.

I find here an item of $487 to Adam Badeau; perhaps some of you have heard of him. The receipt is as follows:

> CONSULATE-GENERAL OF THE UNITED STATES OF AMERICA,
> *London, December 4, 1871.*
>
> Received of Major-General Schenck, United States minister, $487, paid me on account of contingent expenses of foreign intercourse.
>
> ADAM BADEAU,
> *Bearer of Special Dispatches to Madrid.*

Mr. Badeau was at this time consul-general of the United States at London, receiving a salary of $6,000, having been commissioned April 28, 1870, and continues in office at this time.

This was for special services rendered by Badeau as bearer of dispatches from Mr. Schenck to Madrid; they must have been valuable services, I presume, because the Government had to pay $487 for them. The real cost of his trip was probably $75, if it was ever necessary for him to go there at all on behalf of the Government.

Mr. Cushing's account contained an item of $5,752.56 for telegrams for the quarter ending March 31, 1875.

It is fortunate for the tax-payers of this country that "Christmas comes but once a year," as our diplomats are liberal at Christmas with other people's money. They charge up to the United States items for such gratuities as follows, and I almost blush to name them:

E. B. Washburne, 592½ francs	$119 00
J. C. B. Davis	38 10
Caleb Cushing, (extraordinary expenses)	56 58
Eugene Schuyler, (chargé d'affaires at Russia, New Year)	69 54
Eugene Schuyler, (Easter presents, 1875)	57 88
Marshall Jewell, ("on taking leave")	19 42
B. F. Stevens, (always liberal)	81 25
George H. Boker, (on occasion of Barim)	75 00

These are small matters, I admit, and perhaps it is not dignified to refer to them. But they aggregate $546.77—which if a permanent annual tax upon the people, imposed by the necessities of the situation, is equivalent to an increase of the national debt to the amount of $5,000—on account of Christmas and other gratuities by foreign ministers.

Here, sir, you behold him who was called the watch-dog of the Treasury when in this Hall, but as soon as he gets abroad he begins to waste the people's money in every conceivable manner.

Then here is B. F. Stevens (and I class him among the diplomats, because he is an expensive luxury) giving of the people's money with a liberality which would do credit to any gentleman, if it was his own money that he was giving away.

I call the attention of the committee to George H. Boker's account for contingent expenses. The large amount of such expenses in the Turkish mission needs explanation. Upon examination of the accounts and vouchers on file in the Fifth Auditor's Office, it appeared that Mr. Boker concluded a treaty with Turkey just before his departure for Russia in April, 1875. He presented a bill for "presents purchased for officials of the Turkish government on conclusion of treaties, as per instructions of Secretary of State." This account amounted to $10,607.56 in gold, and was promptly paid. The items of this bill are quite suggestive, and I may be pardoned for particularizing. The vouchers on file are in the French language—never to be understood by granger congressmen—and the rich presents were purchased in Paris, of course. They are as follows; the happy recipients will hereafter be the envy of every tax-payer in America:

Statement of presents given to Turkish officials on the conclusion of treaties.

	Francs.
Safvet Pasha, minister of foreign affairs, one set of table-service for twenty-four persons, (Voucher No. 4)	15,411
Refet Bey, his son, cravat-pin and buttons, (Voucher No. 1 C)	4,000
Sakes Effendi, secretary of ministry of foreign affairs, one small table-service, (Voucher No. 3 K)	4,000
Parnis Effendi, councilor of ministry of foreign affairs, one small table-service, (Voucher No. 3 L)	4,000
Munir Effendi, dragoman, &c., one small table-service, (Voucher No. 3 M)	4,000
Kianvil Bey, grand master of ceremonies, one set of diamond shirt-buttons, (Voucher No. 1 D)	4,000
Alexandre Effendi, ex-mustesher, one set of diamond shirt-buttons, (Voucher No. 1 E)	4,000
Costaki Effendi, watch-chain and sleeve-buttons, (Voucher No. 1 B)	4,000
Nizzi Bey, watch-chain and sleeve-buttons, (Voucher No. 1 A)	3,700
Ziver Bey, watch, (Voucher No. 2 G)	2,000
Chaneza Effendi, watch, (Voucher No. 2 H)	2,000

	Francs.
Vekil Effendi, watch, (Voucher No. 2 F)	2,000
Mehemet, watch, (Voucher No. 2 I)	4:0
Vitalis, watch, (Voucher No. 2 J)	500
Total	54,081
Freight, insurance, &c	700
Grand total	54,781

The vouchers are all furnished by Mr. Boker, and are very good reading at this time. I will give a few of them, one in the language in which I find it; the others are translated:

[Voucher No. 1.]

M. Mananian, fabricant joaillier, rue de Richelieu, No. 41,
Doit M. son excellence Monsieur Boker,

PARIS, *le 6 juin* 1875,

1 chaine de gilet, ornements en or, avec médaillons et boutons de manchettes, enrichis d'émeraudes et diamants	3,700
1 chaine de gilet, boules, avec médaillon, etc., boutons de manchettes, enrichis de diamants et rubis	4,000
1 épingle de cravate, fer à cheval, pierres variées }	4,000
1 paire boutons de manchettes, idm. idm. }	
3 boutons de chemise en brillants	4,000
3 Idm. idm.	4,000
Total	19,700

Pour acquit: PARIS, *le 8 juin* 1875.

M. MANANIAN.

[Duplicate voucher No. 4.]

PARIS, 29 *June*, 1875.

Mr. BOKER, *Dr.*

Weight.		*Francs.*
8,070	One center-piece, or basket, oval, Louis XVI style, with chiseled channels and cast garlands, (length 60 centimeters,) foliage-handles, with birds, lined in enameled zinc	4,660
4,200	Two baskets, round, or end-pieces matching the center-piece, Louis XVI, with channels and garlands, foliage-handles, with birds, two linings in enameled zinc	3,942
5,010	Four fruit-bowls, oval feet, style Louis XVI, foliage-handles, with birds, four flint-glass bowls, cut and engraved, very rich style, scalloped edges	3,032
6,555	Four cake-bowls, round feet, style Louis XVI, foliage-handles, with birds; four silver bowls, scalloped border, assorted to match center-piece; four cast bay-trees, chiseled on the castings, chiseled garlands, flat channels, chiseled, in the center a bouquet of chiseled flowers, gilt and gold bottom	3,777
Total		15,411

Received payment.

CH. FRAY.

This is a most remarkable list of presents. We have diamonds, rubies, and emeralds in rich profusion. Imagine the festive youth, the son of the minister of foreign affairs, promenading upon the avenues of Constantinople or dancing with princesses in the palace of the Sublime Porte, wearing upon his shirt-bosom an eight-hundred-dollar breast-pin ("*fer à cheval, pierres variées*," as the voucher informs us) paid for by the tax-payers of America.

Mr. Chairman, the time was, many years ago, when the people were so sensitive about these expenditures that, because a few gold spoons had been purchased for the Executive Mansion, the people of this country became indignant and overthrew the administration. Here we have one minister in a foreign court expending over $10,000 in gold for presents to Turkish officials on one occasion. It has been thought that such favors were reciprocal. I do not know whether that be so or not; but it seems to me the Turkish officials have never said "turkey" to us once.

Mr. HOLMAN. You do not know about that.

Mr. SPRINGER. At least Mr. Boker has not asked Congress to allow him to receive presents from the Turkish government, as he ought to have done had any been made him. What this treaty was I do not know; it has not been transmitted to us with the President's message. The people will be anxious to know whether it, like the Indian's gun, "has cost more than it has come to."

The bill under consideration makes no provision for the Greek mission. This will be unfortunate to no one except to John Meredith Read, our minister-resident at that court. The dispatches sent by him to this Government, and submitted in the reports made to Congress, are of such a character as to demonstrate conclusively the perfectly useless character of that mission. My friend from Indiana [Mr. HOLMAN] has been kind enough to refer to one of them to show its great importance. But here is another which he has overlooked, which shows not only the nature of the correspondence, but the great learning and erudition of our minister. It is on page 666 of Document No. 1 on Foreign Relations. He says in this communication, dated Athens, August 7, 1875:

Mr. Sotiropoulos—

These names are very euphonious—

former minister of finance, in his able brochure entitled "Ἐκθεσις περι μεταβολης," &c.

Now I shall have to get my learned friend from Massachusetts [Mr. SEELYE] to translate all this Greek, for Mr. Read is actually sending the dispatch partly in English and partly in Greek, and we common people in the West never can know what it is, unless we can get it translated by some one. What is this all about? Greece is a great country; it is a sweet morsel in the mouth of our minister, this Greece to which he is accredited. They have wonderful people there. And he reports the subjects of taxation by that government. Enumerated among those subjects are bees, pigs, potatoes, onions, garlic, mulberries, and fig-trees. This is indeed a very great country, to have such fruitful subjects of taxation.

But that is not all. Mr. Read tells us what manner of country it is. He describes it as being one of those semi-barbarous countries in which it is very unsafe for any gentleman to be outside of the corporate limits of the city. I am assured of that fact. It is very unsafe, perhaps the most unsafe of any country claiming to be civilized in the world! And "a minister to Greece" is a great misnomer, for he is a minister to Athens only. He dare not go a mile outside of the corporate limits of the city without military protection. But there are other good things in his correspondence. I have one here under date of March 8, 1875, from Mr. Read to Mr. Fish, and it is as follows:

SIR: A magnificent ball took place at the palace on the 3d instant. On that occasion the American minister—

That means, of course, J. Meredith Read—

had the honor to be selected to lead a contra-dance with the queen.

Now, that must have been delightful. Just imagine the minister resident of the United States leading the contra-dance with the Queen of Greece. He was so elated over it that he had to dispatch the news as soon as possible to this country, it was so very important. He goes on further:

The spacious salons were filled at half past nine, and the festivities continued until half past five in the morning.

At that time, we presume, our minister departed for his residence. I can imagine the scene, as he wended his way through the ancient city, at that unseemly hour of night, inspired, as he wrote in the letter read by the gentleman from Indiana [Mr. HOLMAN] on yesterday, by the view of—

The majestic outlines of the Acropolis and its immortal ruins, illuminated by the calm, silvery rays of the same fair moon which looked down upon the labors, ceremonies, and sacrifices of Phidias and Pericles two thousand years ago—

singing that American refrain, which must have sounded to the inhabitants there as Greek would to us:

We wont go home till morning,
Till daylight doth appear.

Yes; as my colleague suggests, wearing a spiked-tailed coat, and a white cravat, of course. He then goes on:

The arrangements throughout were of the most admirable character. An elaborate supper for eight hundred guests was laid in the royal *salle à manger* and in the two large adjoining rooms, while the ministers of state and the diplomatic corps—

John Meredith Read, of course, for that is what that means—

were entertained by the king and queen in the beautiful private apartments of their majesties.

No common people could enter these private apartments of their majesties, none but diplomatic representatives and ministers of state. If the people of this country could have looked upon that group, which might be fitly described in the touching language of John Hay, narrating the finding of Little Breeches in the sheep-fold, they would have—

Seen them huddled there
So warm, and so sleepy, and white.

How did our minister get there? It is simply amazing. It must have been by some providential interference, as was the case with Little Breeches, whose advent into the sheep-fold was caused by the interposition of angels—

They jest scooped down and toted him
To whar it was safe and warm.

Mr. Read goes on further and says:

The palace is well adapted for social assemblages upon a grand scale.

Well, I am very glad to hear that; I was afraid they would be crowded, there were so many present.

The crimson carpets bring into brilliant relief the white marble floors.

I do not understand how the floor could be seen when the carpet covered it; but perhaps he could "see as through a glass darkly."

On either hand a double row of attendants display the splendors of the national costumes. The two principal ball-rooms are of vast size.

Now that is very important, because it is very annoying when ladies wear long trains to be crowded into small dancing-rooms. I am glad the apartments were spacious. It is very important, too, for us to know this, because we are paying money for it.

Their highly decorated walls and lofty ceilings stand revealed in the soft rays of two thousand wax-candles.

I thought they had gas in that city; but it seems not. It took 2,000 wax candles to illuminate on that great occasion. And then our minister proceeds to say that it was very refreshing to see "not only descendants of heroes, but heroes themselves walking along through those halls;" no doubt he imagined that he was one of those heroes!

But he goes on in this state paper to give us some information to which I call the attention of the learned members of this House, because I confess it is a little mysterious to me. I never knew before the important information here transmitted; and I am willing to pay a small amount for it.

The names of Mavrocordato, Kolokotronis, Botzaris, Capo d'Istria, and many more which long ago became household words in America, have now in Greece living illustrations in the second and third generations.

Now, whoever heard before that Mavrocordato or Kolokotronis were household words in this country? What little "contraband" walking up and down through the cotton-fields of the sunny South bears the euphonious name of Mavrocordato or Kolokotronis? If any representative has such a constituent let him speak now; "for him have I offended." [Laughter.] "I pause for a reply." [Laughter.] "Then none have I offended." There is no such person in this country, and Mavrocordato and Kolokotronis, as household words, exist only in the fertile imagination of our resident minister to Greece.

Now, Mr. Chairman, what must have been the delightful sensations of the State Department when they received this dispatch from Mr. Read, stating that he was dancing a coutra-dance with the queen. We can hardly imagine the sensations that must have crept over the amiable gentleman that presides in the palace on the other side of the Executive Mansion. I know some one must have sent a dispatch in reply, saying:

"On with the dance! let joy be unconfined;
No sleep till morn, when youth and pleasure meet
To chase the glowing hours with flying feet."

Enviously yours, &c.

Of course they all wanted to dance a set with the queen on that occasion; but they could not. John Meredith Read was so fortunate as to have this great pleasure all to himself——

Mr. HEREFORD. What is the cost of printing all this?

Mr. SPRINGER. It costs $7,500 a year for the salary of this honorable gentleman. How much it costs to print all state papers, so called, I cannot tell; and the contingent expenses will doubtless increase the grand total to a considerable sum. In fact, I have looked over figures so much of late that I am quite confused and cannot keep them in mind very well. But I can imagine the sensation that will come over J. Meredith Read when he hears that this bill has passed both Houses, been approved by the President, and that "Othello's occupation's gone." He will doubtless cast one wistful look at the palace of the queen, and exclaim in the language of Byron:

Maid of Athens, ere we part,
Give, oh, give me back my heart!

[Laughter.]

And after J. Meredith Read has embarked upon a stately ship in the harbor at Piræus, and sees the queen standing on the shore, he will doubtless continue the beautiful song:

Maid of Athens! I am gone:
Think of me, sweet! when alone.
Though I fly to Istambol—

I suppose that in Greek means Philadelphia. [Laughter.]

Athens holds my heart and soul:
Can I cease to love thee? No!
Ζωη μου, σας αγαπω.

More Greek! It is getting worse and worse all the time. I will have to call upon my classic friend from New York [Mr. COX] to translate this Greek. I am a little rusty. Perhaps my learned friend from Massachusetts [Mr. SEELYE] can enlighten the House.

Mr. SEELYE. I would suggest, *Omne ignotum pro magnifico.* [Laughter.]

Mr. SPRINGER. Thank you! We all know just what that is. [Renewed laughter.]

The bill might have gone further than abolishing the Greek mission. It might have taken in Denmark. If the mission to this little kingdom had been stricken out, nobody would have been alarmed about it; for I assure you, gentlemen, "something is rotten in the state of Denmark." That kingdom is but a relic of the past; it is only great in poetry and romance. Without it we should have had no Hamlet, and the Prince of Wales would have been a bachelor! That kingdom does not command sufficient importance in the eyes of the world to justify us in sending a minister to it. What political significance can that government have to us? A mission to Hayti or San Domingo would have been more important. When a European government exists only at the will or sufferance of other powers it can have no political importance so far as this Government is concerned.

The Hawaiian Islands are of growing importance to our Government, but a consul-general is quite sufficient for all the business between the Government of the United States and that of King Kalakaua for the next twenty-five years.

It is of the greatest importance to Kalakaua to cultivate friendly relations with this Government, but we can get along without him.

The correspondence between Minister Pierce and Mr. Fish, from August 20, 1874, to April 29, 1875, may be briefly stated. In the first place, we are told that "King Kalakaua was about to leave Honolulu for the United States." He was "about to leave," mind you, and note the importance of that fact! In the second place, we are informed that the time was fixed for the king's departure. In the third place, we have the departure of the king. Fourthly, we are told of the king's return to Honolulu. Then, in the fifth place, he made an address to the people; and, in the sixth state paper, we learn that resolutions were passed thanking the people of the United States of America for their kindness to him. I see from appropriation bills passed at the last session of Congress that it cost us $19,000 to entertain King Kalakaua while he was in this country; and the salary of our minister was $7,500 more.

But, Mr. Chairman, the Hawaiians were grateful, and among the dispatches transmitted to this House is the following, copied from the Hawaiian Gazette. The report of the proceedings of this meeting closed as follows:

At the close of the proceedings their majesties retired, and the audience dispersed.

Here we have a piece of information of the greatest importance:

It was not generally known that the king would speak in English, or there would have been a much larger representation of the foreign element. It was one of the finest and most orderly assemblages that we have ever seen in that church on a similar occasion. The king and prince were dressed in plain citizen's clothes, with royal badges; while the queen, who was tastefully attired in black silk with white lace shawl, looked very attractive.

[Laughter.]

I have no doubt of that fact. [Laughter.]

The whole proceedings went off very creditably to those who took part in them. His Majesty has ordered that the resolutions be printed on white satin, and they will be in this shape forwarded to the President of the United States.

[Laughter.]

Now, gentlemen, this is diplomacy. [Laughter.]

Mr. RANDALL. Is the gentleman reading from the state papers?

Mr. SPRINGER. Yes, sir; it is all in this document of correspondence between our minister to the Hawaiian Islands and other diplomats and Mr. Fish, Secretary of State. These resolutions I have no doubt have been printed on satin and now adorn the archives of this Government as an enduring monument to the white satin diplomacy now prevailing, and which cost the people of this country such large sums of money every year.

Something has been said about these South American missions, and their importance. It will be found on examination, so far as this matter is concerned, that the interests of the United States are not likely to suffer by the abolition or consolidation of some of our missions in South America. I have before me a copy of the Chicago Tribune, a very ably edited and widely circulated newspaper, and if the House will allow me I will ask the Clerk to read an extract from its editorial columns.

The Clerk read as follows:

At Hayti the respectable colored gentleman who represents the United States seems to be mainly occupied in turning his residence into an asylum for rebellious cut-throats, and in issuing in exchange for fees naturalization certificates of dubious legality. Better make him a consul, and save money and reputation. The consolidation of the Central and South American missions is another proper thing to do. Most of them are mere receptacles for played-out Congressmen and decayed dead-beats, who besiege an incoming administration, and literally bore themselves into these sinecures. Our late minister to Peru had so little to do that he went into business in Lima as a pawnbroker.

[Laughter.]

Mr. SPRINGER. That extract is taken from the leading organ of the republican party in the Northwest. It is a paper noted for its candor and truthfulness, and I commend what it states on this subject to my friends on the other side of the House who have taken such alarm at the discontinuance of a few of these unnecessary foreign missions. I am sure that the paper represents the sentiments of a large portion of the people of Illinois of both parties.

The gentleman from Ohio [Mr. MONROE] was particularly alarmed at the great wrong which is to be inflicted upon our commerce in doing away with these diplomats in South American states, which are republics only in name. Gentlemen have said that this bill was going to destroy our commerce and our trade; that we must have diplomats there in order to encourage commerce. There never was a greater mistake than this.

I have a different idea as to what means are necessary for increasing our commerce with the South American states. It is not by sending consuls and ministers there at great expense, but by the passage of the bill introduced in this House by my distinguished colleague [Mr. MORRISON] who is chairman of the Committee on Ways and Means, or some similar measure of revenue reform. That bill will have the effect of making it possible for articles manufactured in this country to seek an outlet in the markets of the world. I ask the Clerk to read another extract from the Chicago Tribune referring to the bill introduced by my colleague, [Mr. MORRISON.]

The Clerk read as follows:

Its enactment will powerfully tend to revive manufacturing industry by cheapening the cost of production, and thereby enabling our manufacturers to export their surplus goods to foreign countries. We can have no real or reliable improvement in the times until this be done; nor is it possible to resume and maintain specie payments until we largely increase our exportation of manufactures.

Mr. SPRINGER. This is another very valuable suggestion from a very good paper, and I commend it to gentlemen who want to encourage trade with South America. There is one proposition that cannot be gainsaid. We can never sell the manufactured articles of this country in South America or in any other country until we can furnish them to the people of that country cheaper than other countries can. We may have our diplomatic officers there as thick as mile-posts, but they will never bring a dollar of trade; but the people of South America, the very moment they can buy the products of this country at the one hundredth part of a cent less than they pay for the corresponding products of other countries, will purchase from us, and not before. Trade is governed by prices and the law of supply and de-

mand. What political economist has ever said that commerce is controlled by consuls?

But, Mr. Chairman, I come to another subject embraced in this bill. That is the contingent appropriation of $50,000 for foreign intercourse, which my friend from Ohio [Mr. GARFIELD] facetiously suggested we had divided by two. I propose to show the committee that we might divide it by another two and still be reasonable. A great portion of this cost of foreign intercourse grows out of what is called the dispatch-agency business. This dispatch agency is what might be denominated the fifth wheel to the postal wagon. It is a business which has no foundation in law, but only rests upon precedent. It has grown up in this country in this way: The Secretary of State—some gentlemen may not have thought of this—does not intrust his communications to foreign ministers and consuls abroad to the ordinary mail communication, but has a dispatch agent in New York, another in Boston, another in London, another in Havre, and another in Hamburg, to whom he sends his mail-matter, under arrangements entirely separate from those of the Post-Office Department. The entire cost of the dispatch agency for the year ending June 30, 1875, was as follows:

London agency:	
B. F. Stevens, agent, salary, in gold	$2,000 00
Expenses, in gold	25,336 69
New York agency:	
Radcliffe Baldwin, agent, salary	1,000 00
Expenses	5,444 13
Hamburg agency:	
Edward Robinson, agent, salary, in gold	750 00
Expenses, in gold	35 08
Havre agency:	
Thomas Taylor, agent, salary, in gold	800 00
Expenses, in gold	33 32
Boston agency:	
Jonathan Amory, salary	400 00
No expenses.	
Total	35,799 22

The total cost of foreign agencies, in gold, for the time mentioned was	$28,955 09
In American currency, found by adding 15 per cent	33,298 33
Cost of New York agency	6,444 13
Cost of Boston agency	400 00
Total cost of all agencies, in United States currency	40,142 46

This is the entire cost in American currency of the dispatch-agency business; a sum that is annually paid for transmitting 10,784 pounds of printed matter and 362 pounds of written matter.

I have here an almanac which gives the rates of postage at London, where Mr. Stevens, the agent, is stationed, and from which he claims to have forwarded mail matter and prepaid the postage. He charged the Government this last year the enormous sum of $11,674.57 in American currency for postage on that matter. Now you may take the postal rates and apply them to this mail matter, and you will find that you could send every pound of it to Constantinople for less than $1,300.

Gentlemen may say this is honest. There may be an explanation of it. But here is the amount of mail-matter as communicated to the committee by the Secretary of State himself, and if you pay the regular postal rates you will find that you can send it all to the remotest place mentioned for one-tenth of the money Stevens claims to have expended for postage.

We have an agency also in New York, that of Mr. Radcliffe Baldwin. I must refer briefly to this. It seems that Mr. Baldwin draws his salary of $1,000 a year, and has nothing to do. This appears from the fact that he employs one Tice to do all the business. Tice is a historical name in this country. You have all heard of Mr. Tice's meter; and here is another invention by which the people's money is appropriated without consideration. There never was a better itemizer than this man Tice. Nearly the entire volume of this manuscript which I hold in my hand consists of charges written up by Tice against the Government for nominal services. Whenever a steamer comes to New York he boards her and charges $1. If he is so successful as to capture a mail-bag he charges two or five dollars for his perilous services. Thus his items amount to fifteen, twenty, or twenty-five dollars a day. For what? For going on board steamers and gathering one or two mail-bags; and he never neglects to put in cartage at $1.50 for each service. It seems, too, that he subscribes for all the leading newspapers of the day to keep him posted, and he hires a box in the post-office which he puts down to "Uncle Sam" at $16 a year. The New York Journal of Commerce he puts down at $17 a year. All this costs him nothing, for he is a dispatch agent of the United States, and men in these positions are always liberal with the people's money.

But for a veteran itemizer commend me to B. F. Stevens. He can heap up charges against the Government with less compunctions of conscience than any man I know of. His items would so startle my friend from Indiana, [Mr. HOLMAN,] if he had a chance to peruse them, that I fear to have them printed because of the effect they might produce upon him. Mr. Stevens's items aggregate over $25,000 in gold. For what? For distributing 10,784 pounds of printed and 362 pounds of written mail matter in the city of London and prepaying the postage thereon to its destination. His postage account for each month of the year ending June 30, 1875, rendered in pounds sterling, was as follows:

		£	s.	d.
1874	July	161	11	10
	August	172	13	10
	September	181	13	2
	October	191	7	7
	November	167	12	0
	December	183	10	8
1875	January	170	11	4
	February	166	3	10
	March	182	8	4
	April	185	9	8
	May	162	13	4
	June	171	14	0
	Total	2,097	9	7
	Federal currency	$11,674	57	

This may be honest, but when his accounts have been investigated it will be found that this whole system of dispatch agencies is an outrage upon the tax-payers of the country and that there is no necessity for its continuance, and why? Because we have now postal treaties with most of the governments of the world, by which treaties it costs us comparatively nothing to send all our mail matter to other governments of the world. By reference to the report of the Postmaster-General, transmitted to this House, it will be found that postal treaties have been concluded between this country and the most of the countries of the world. The report says:

> Each country retains all the postage it collects on the postal union correspondence of every kind, both on the prepaid sent or the unpaid received, thus dispensing with all accounts between the several post departments of the union upon the international correspondence exchanged between them.

Our correspondence with diplomats and consuls may be prepaid with our own official stamps and the cost to the people of this country will be the mere price of printing the stamps and carrying the mail to the borders of the other country.

What is the remedy then for this dispatch-agency system? It is simple: abolish the whole dispatch-agency business and let the mails of the State Department go through the regular channels.

[Here the hammer fell.]

Mr. MONROE. I ask unanimous consent that the gentleman be allowed to finish his remarks.

The CHAIRMAN. The Chair repeats what he has already said, that there is no power in Committee of the Whole to change the rules of the House.

Mr. MONROE. But if there be no objection it may be done.

The CHAIRMAN. The Chair will submit the question to the committee. Is there objection to the gentleman from Illinois being allowed to complete his remarks? The Chair hears no objection, and the gentleman will proceed.

Mr. KASSON. Will the gentleman allow me to ask him if he is not aware of the occasion for these special dispatch agencies?

Mr. SPRINGER. I know of no occasion.

Mr. KASSON. It is that during many years governments have had seals of other governments and have opened and examined correspondence and dispatches, resealing the dispatches with the counterfeit seal.

Mr. SPRINGER. I cannot yield; I have no time; I am speaking by the indulgence of the House.

Mr. KASSON. The gentleman has just had all the time he needs yielded to him by the courtesy of the House.

The CHAIRMAN. Will the gentleman from Illinois indicate how much time he requires?

Mr. SPRINGER. I shall proceed as rapidly as possible. I have this to say, that the mail facilities for transmitting the business correspondence between the people of this Government and all the nations of the earth are the regular mail communications, and if these communications are not sufficient to transmit such dispatches as we have heard read to-day, I am at a loss to know what are the comparative advantages of the mail service.

But I must not overlook the consular service as affected by this bill. I ask the indulgence of the committee for a moment upon that point.

The salaries of forty-five consulates are abolished and the salaries of others are reduced. Three of the consulates whose salaries are abolished paid the consuls $3,500 each, or $10,500. The fees collected at these places for the year ending December 31, 1874, were only $1,159.29. The salaries paid exceeded the fees received by $9,340.71. One of the consulates abolished—Hakodadi, in Japan—paid its consul a salary of $2,500 per annum. The fees collected at this place for the year ending December 31, 1874, amounted to $303.06; loss to the Government, $2,496. Seven other consulates were in class V, and paid each a salary of $2,000; total, $14,000. The whole amount of fees collected at these consulates for the year ending December 31, 1874, was $1,757.79; loss to the Government, $12,242.21. Eighteen other consulates belonged to class VI, and paid a salary of $1,500 each to the consuls; total cost to the Government, $12,000. These consulates, for the year ending June 30, 1875, paid fees to the amount of $4,605.03. The excess of salaries paid over fees received was $7,394.97. Sixteen of these consulates where salaries are abolished were in class VII, and paid salaries of $1,000 each, or $16,000 in all.

The whole amount of fees collected at these consulates for the year

ending June 30, 1875, was, $3,245.60. The excess of salaries paid over fees received was $12,754.40.

In all the consulates where salaries are abolished the fees collected were only $11,070.79, while the salaries paid were $58,000, showing an excess of $46,929.21 of amount of salaries paid over fees received.

The consuls whose salaries are abolished are mostly in remote parts of the world, where little or no trade exists with the United States and where none is likely to be built up.

But this bill only abolishes the salaries of the consuls at those places. By section 1695 of the Revised Statutes, page 303, the President is authorized to provide for the appointment of vice-consuls and consular agents in such manner and under such regulations as he may prescribe; but no allowance shall be made for the pay thereof, except out of the fees collected. But postage and stationery may be allowed. The bill, then, does not necessarily deprive any place where there is now a consul of the benefits of such an officer. It only abolishes the salary, and a consular agent may be appointed who may be a resident merchant or banker and who will gladly take the office for the honor, commercial advantage, and the fees. This is not unusual. But this is not all. The consul may be continued without a salary. I assert then, notwithstanding all the alarm that has been manifested, that not one consulate has been abolished by this bill. The consular business will proceed just as it has proceeded heretofore, only it will not cost the people quite so much. That is all. But gentlemen express alarm at abolishing the salaries of forty-five unimportant consulates, as if this were a new thing. There are now eighty-nine consuls of the United States in different parts of the world who receive no salaries, among them the consul at Reims, in France, where the fees amount to $1,666.50; the consul at Brunswick, in Germany, whose fees amount to $2,498.25; the consul at Victoria, whose fees amount to $3,365.35, and many other places of equal importance. There are eighty-nine consuls who get no salary at this time, and only one hundred and eighty-eight consuls, consuls-general, and vice-consuls who receive salaries. Yet there are three hundred and fifty-seven consular agencies whose agents get no salaries, except the fees collected up to $1,000. The fees collected above that sum are paid over to the consul who retains $1,000 from all his agencies and pays the balance into the Treasury.

Our consular officers are, then, as follows:

Salaried consuls, &c	188
Non-salaried consuls and consular agents	446

This is as it stands under the law now in force. If this bill passes, the result will be as follows:

Salaried consuls	145
Non-salaried consuls and consular agents	489

I have been able to exhume from the archives of the Government—in fact it was not in the archives at all, but I have obtained it—a copy of the report of a gentleman who was appointed by the President of the United States to inspect our consulates. I mean Mr. De B. Randolph Keim, of Pennsylvania. He was the most successful traveler I ever knew. He began in May, 1871, and in eighteen months he had traveled 63,000 miles and visited nearly every important consulate. He says on page 21 of his report, which has but recently seen the light of day:

> I might extend my observations upon the irregularities, irresponsibility, and unaccountability of the present consular system of the United States to an indefinite length. There is hardly a feature in it that does not indicate imbecility in point of executive force, humiliation in point of character, and mingled extravagance and penuriousness in point of practice.

He goes on then to refer to the *personnel* of these officers, and says:

> The officers, as a rule, at the time of my visit, had been obliged to open their books anew, or had had it done by a subordinate. Almost every consulate had some defects in its history, owing to the incompetency, low habits, and vulgarity of some of its officers during the endless round of evils incident to official rotation. Abuses had been committed in the collection of fees, in the exercise of judicial powers, in the adjustment of the business affairs of American citizens, in the settlement, where permitted, of the estates of intestate American citizens dying abroad, in selling the American flag, in "running out" ships, in the discharge of seamen, in affording relief or medical attendance to destitute or sick American seamen, in issuing illegal passports, in countenancing shipping-masters, in taxing Chinese emigrants. Indeed the most interesting feature of my investigations was the ingenuity displayed by consular officers, since the act of 1856 particularly, in defrauding the Government and grasping gains from various outside sources.

In another place he says:

> To cap the climax of all, I am not aware of a single case of formal investigation and punishment of a consular officer for his offenses. Even removal from office, where made, has been, as a rule, exceedingly tardy. I am therefore not surprised at the temerity of officers in the unfaithful performance of their trusts.

I might read many other extracts from this report to the same effect. Such is the testimony of one of these agents who visited every important consulate of the United States. In reference to the swindling practices that are carried on in the distribution of this seamen's relief fund, he shows that ream upon ream of fraudulent vouchers have been sent to the State Department; that natives have been procured for small pay to make these fraudulent claims, in order to draw this relief fund and afterward divide it between the consul and those employed by him.

And yet the honorable gentleman from Ohio [Mr. GARFIELD] says this is the most economical and honest Department of the Government. What must the other Departments be, if this is the character of the one under consideration?

But I am glad to be able to say that there were some honorable exceptions to the general demoralization, dishonesty, and incompetency which prevailed among our consuls. The honorable gentleman from Ohio [Mr. MONROE] was, when Mr. Keim visited South America, the American consul at Rio de Janeiro. Mr. Keim said of him in his report that the administration of the gentleman [Mr. MONROE] then consul presented "a gratifying example of official ability." All his accounts were found to be correct, and the manner in which the consul discharged his duties in reference to the seamen's relief funds "spoke volumes for the efficiency and character of the officer in charge." I take pleasure in thus giving my colleague on the Foreign Affairs Committee the benefit of this honorable exception.

Mr. Keim makes mention of the illegal and unofficial fees collected by our consuls in the British Isles; and with this I will close so far as the consular service is concerned. He shows that in the British Isles, under the pretext of commissioners' fees for administering oaths, in one year there was collected over $50,000. In London, commissioners' fees were charged in one year to the amount of over $11,100; in Liverpool, $6,000; in Manchester, $9,000, and so on. And since that time the consular service has so largely increased—I ask special attention to this fact—that in the consulate of London one hundred and twenty-two invoices were signed in one day, upon which, according to the information contained in this report, a fee of sixty-three cents in gold is charged on each by the commissioner, not an officer of the United States. That amounts to a large sum of money, and makes the consulate worth from $40,000 to $50,000 a year in unofficial fees, if the same average should be kept up.

I have a statement, furnished to me by a gentleman who was in London for many months, who stated that one of the consuls at Liverpool, who went there a poor man during Mr. Lincoln's administration, came away with a fortune of $300,000. Yet gentlemen tell us these officers are starving in foreign ports; that we are niggardly to our consuls. The reports of Mr. Keim, in the Department, lying there undisturbed for three years, charge these officers with all manner of speculation and swindling; but we have not heard of a single instance of a man being brought to punishment for it.

We are told that this is the best Department of the Government; that it is high-toned, and we must not touch it. We will soon have occasion to see what is in the other Departments of the Government. This Department has had its agents going around the world, among them, as a gentleman near me suggests, the Rev. Dr. Newman. He went immediately after Mr. Keim came back, but we have heard nothing of our consulates from Dr. Newman through official published reports. We have had these gentlemen making their trips around the world. It is true Mr. Keim, whose mission at first appeared to be a job, took the matter in dead earnest, and made a report of what he saw.

Mr. RANDALL. And he has been snubbed by the State Department for it.

Mr. SPRINGER. I suppose so, for I wrote a letter to the State Department and asked for all the reports received from the persons appointed by that Department, and Mr. Fish assured me, in a communication that I have here, that that Department knew nothing of it; that no such persons had been appointed by that Department. And yet Mr. Keim, in his report, furnishes a copy of his commission. If any gentleman wants to see it, I have it here before me, signed by President Grant, and his letters of introduction to consuls were signed by J. C. Bancroft Davis as Acting Secretary of State and his instructions by Secretary Boutwell. Mr. Fish, however, regarded Mr. Keim as an agent of the Treasury Department.

Mr. RANDALL. He told too much truth.

Mr. SPRINGER. Yes, it would seem so. And although the law required that this last report which I hold in my hand should be sent to the House of Representatives and be printed as a public document, I am assured that to-day it has never been printed with the public documents as required by law. I obtained a copy from a gentleman in this city to whom it had been given by Mr. Keim. No attention has been paid to it.

I might entertain the House with a long list of instances of corruption and malfeasance. Gentlemen would be amazed at the length of the recital. In no case has one man been brought to justice on being exposed. Mr. R. F. Farrell, now of New York, having broken up the wine ring at Cadiz by his zeal and unswerving integrity, was removed by the President and a man put in his place, who assured Mr. Farrell that he would not trouble the wine merchants. Mr. Farrell was a faithful officer, and received the highest commendation for the energetic administration of his office while consul at Cadiz from Secretary Seward. But the wine ring did not like him. He would not sign fraudulent invoices, and they demanded his official head. Mr. Farrell testified before the Committee on Expenditures in the State Department at this session that in his opinion the Government had during the past ten years been defrauded out of at least $40,000,000 by the fraudulent undervaluations of invoices.

And who was Mr. Farrell's predecessor? A man of whom the Department had positive proof that he had sold the American flag for a bribe of $1,000, and had cleared a ship engaged in the slave trade. He was simply invited to come home; and I understand he dropped down in Michigan, ran for the Legislature, and was elected.

Mr. RANDALL. To what party did he belong?

Mr. SPRINGER. He did not belong to ours, I am sure, or he never

would have been appointed to a consulate. Otherwise I have no information as to his politics.

I will not weary the House further. I have gone over the subject very hastily. I thank the House for the attention it has paid me. I believe that after gentlemen have examined carefully the consular service they will agree with me that it needs reform as well as all the other departments of the Government, and if those on this side of the House intend to keep faith with the people who have sent them here they will not let up on this bill by reason of the alarm that has been expressed by the honorable gentlemen from New York, [Messrs. WOOD and HEWITT,] who have supposed that our commerce with foreign countries was in some way unfavorably affected by it.

We must meet this measure and every measure alike. This bill is not an exception in its efforts toward economy. It illustrates a rule that we are going to apply to all the appropriation bills. We are going to cut down the expenses in all the different branches of the Government; and the President will find that we have divided his salary by two, as well as the appropriation for contingent expenses of foreign intercourse. But it is to be regretted that the President's salary cannot be reached during the present term. Other officials who have been receiving large salaries and doing little or no work will find that their services will soon be dispensed with. And this House will not have finished its work until it shall have cut off all manner of official extravagance, abolished all sinecures, exposed corruption and peculation, reduced the public expenses $30,000,000, and thus have carried out the pledges made to the people when we were elected, to establish in all the branches and departments of the Government retrenchment, economy, and reform.

Mr. COX. Mr. Chairman, I think the House and the country should be congratulated upon the unanimity with which this bill comes from the Committee on Appropriations. If I understood correctly the honorable gentleman from Mississippi, [Mr. SINGLETON,] who reported it, there was no dissent in the committee as to its provisions. If I am wrong in that statement, I can be corrected.

This is a bill for retrenchment. It is one of many; for many of similar import are to come. It proposes a reduction of some $436,000 upon the appropriations of last year for foreign purposes.

It was said by the gentleman from Ohio [Mr. GARFIELD] the other day that our average expenses for diplomatic and consular service for many years had been about $1,300,000. In 1859 these expenses had grown to $912,000; and the average since that time has been about $1,200,000. To be more exact, let me quote the exact figures:

Our diplomatic and consular expenses for the year ending June 30, 1859, were only $912,120; for the year ending ending June 30, 1860, they were $1,047,745; for the year ending June 30, 1861, they were $1,158,380; for the year ending June 30, 1862, they were $1,260,544.34; for the year ending June 30, 1863, they were $1,235,889.89; for the year ending June 30, 1864, they were $1,263,544.34; for the year ending June 30, 1865, they were $1,354,109; for the year ending June 30, 1870, they were $1,110,734; for the year ending June 30, 1871, they were $1,041,347.

Last year they were about $1,400,000. I do not count the extraordinary sum, $1,929,817, that was embraced in the bill to pay the British mixed commission awards. This year we propose a reduction of at least $436,000. It should be and it is done intelligently. I deprecate the remark made yesterday by my honorable colleague [Mr. WOOD] that this reduction is without wise consideration. Sir, it has had careful examination. Why, Mr. Chairman, in my experience in this House for over sixteen years, I have never known an appropriation bill to be presented with more prudence and heed. We are acting upon authentic information given in advance. This is apparent from the speech as well as the report presented by the honorable gentleman from Mississippi, [Mr. SINGLETON.] He gave us a report to accompany his bill, upon which he spoke wisely and well. He even gave us a map of South America to illustrate the proximity of those Spanish American states affected by the provisions of the bill. In addition to that, we have had the studious examination of the Appropriation Committee to show most amply the relations, commercial and otherwise, we bear abroad, and especially to the South American states.

THE PROPOSED REFORM.

The reform proposed is succinctly stated in the report of this committee. I quote from the report to show the scope of this retrenchment:

In these [South American] republics, as will be seen, the bill recommends a very considerable change in diplomatic representation. Following the example established by the act of July 11, 1870, combining the representation at Paraguay and Uruguay, and the act of May 22, 1872, placing all the Central American states in the charge of one minister, the committee have concluded that no important interest would suffer by the dropping of two of the ministers now in Government service, and combining the diplomatic representation at Colombia, Peru, and Ecuador in one person, to reside wherever, in either of those states, the President may direct. The representation in the states of Chili and Bolivia is also combined, thus dispensing with another salary of $10,000. Paraguay and Uruguay have been attached to the Argentine Republic, saving another salary. The minister to Greece has been dropped as unnecessary, and in lieu a fourth-class consulate established at Athens. The minister to Hayti has also been thought unnecessary, and a fourth-class consulate established at Cape Haytien in lieu thereof. The bill discontinues two envoys extraordinary and four ministers resident, forty-four consuls and officers of lesser grade, reduces the salaries of the ministers at Great Britain, France, Germany, and Russia $3,500 each; those at Spain, Mexico, Austria, Brazil, Japan, and China $2,000 each; that of the minister at Italy $4,000, and those at all other places, with the exception of the minister representing the United States at the Central American states, $1,000 each. Many consuls have been thrown into a lower grade, and other reductions have been made. The total of this change has resulted in a reduction of the bill $435,837.50 below the appropriation of last year, and within a trifle of the same amount below the estimates from the Department upon which the bill is based.

It is no answer to this bill, and its provisions for retrenchment, to say that it destroys our commerce or shackles our navigation. That is not a fair nor a logical argument. In no single particular, as will be shown before we get through with this discussion, has there been any abridgment in the consular or diplomatic service which does not run hand in hand with commerce and navigation and which does not subserve the best general interest.

I know the bill strikes in certain places. This report shows exactly how much our ministers are to be curtailed, how much their salaries are to be reduced, and how many consulates are to be abolished. You will find it all in this record, and I need not refer to it in detail. It also shows where we strike the "contingencies," and the "loss by exchange," and the item as to seamen to which the gentleman from Ohio [Mr. GARFIELD] adverted, and as to which the gentleman from Illinois [Mr. SPRINGER] gave such a conclusive reply, based on proper data.

HOME ECONOMIES.

This retrenchment is entitled just now to the consideration of this House. At the present time we are not quite well enough off at home to maintain our foreign relations abroad in such a superb manner as we used to do; nor can we, nor ought we to, ape the manner of other nations in the splendors and excesses of our diplomatic display. We can well understand why, owing to our greater commerce, in 1859 or 1860, or even before those years, we might have paid more for this service. But when you, sir, send your boy out from your home, while you yourself are not very "well to do" in your domestic circumstances, can you afford to have him live quite so well as if you had a good exchequer? Although gentlemen may say that we are not paying our ministers enough according to the old standard, are we not paying them enough according to the standard of domestic, if not of foreign, economy?

It is not alone because we would save millions by this policy of retrenchment. But we have a duty to do in showing where millions by the hundreds, might have been saved in the past ten years of prodigal rule. More than that. It is a part of the process of summoning before the high and popular court of impeachment those who have squandered our resources, and who did it at a time when the war-fevered and war-worn patient was endeavoring to convalesce. In order to prescribe remedies for restoration and to make a diagnosis of the ills wherewithal we were afflicted, we must omit no scrutiny. We must stop at no persuasive call, however honeyed, to desist.

The gentleman from Ohio, [Mr. GARFIELD,] who made a masterly address to us, pregnant with figures and sense, has told us that he knows how hard is the task of cutting down appropriations. He speaks from experience. He knows the "local pressure" of interested parties who desire to "swell appropriations." He also confesses that every Executive Department here "tends to enlarge the field of expenditure within its jurisdiction." He commends the resistence to such pressure which is proper to be made and which our committee is making. Why, then, does not he throw his sword into the scale in favor of this gallant band of committeemen? He itemizes certain points where reform is or will be proper. There is the fortification bill, public works and buildings, rivers and harbors, and many civil establishments in Washington "overgrown by the work thrown on them by the war." He would reduce these; ay, ten or fifteen millions below the appropriations of last year. Ah! indeed; who was the chairman of appropriations last year? What party did he lead when we plead against abuses? "Work thrown on them by a war" ten years ago ended; and is he just beginning to find out, under a new rule here, that ten or fifteen millions per year might have been saved? A hundred and fifty millions not saved! Were they squandered since the war? If, then, it appears as the sequel, when the House shall have concluded its money bills and the Senate shall have received or rejected our reforms, that forty millions a year might have been saved during ten years, what sad words of tongue and pen will be his "might have been." Four hundred millions squandered in ten years! What is there to show for it? A hapless people living beyond their income and devouring their capital; want; lack of labor; depression of business and perpetual dread of panic; and worse!

Was there ever a time when economy was so needed, so demanded by popular depression and misery? The gentleman from Mississippi [Mr. SINGLETON] told us that his own section was so overtaxed and overburdened with debt that it was almost impossible for them to obtain the necessaries of life. This is too true all through the South. How is it in the West? My friend from Ohio [Mr. VANCE] handed me a paper with an account of the "bread brigades" forming in Lawrence County, Ohio, in which there is a sad picture, only equaled in its terrible reality by what is daily and hourly too frequent in the great metropolis I represent. If in Mississippi the once beautiful plantations are "now neglected and growing up in sedge-grass," what must be our condition when the cry for "bread" makes the peninsular part of Ohio an object of sympathy and beneficence!

THE SHERIFF'S FLAG.

If in the South the "sheriff's flag" floats above the hammer of the auctioneer of estates and men and women are losing their properties under such compulsory processes, what must we think of prosperous Pennsylvania? A Philadelphia paper insists that the condition of the laboring class in that city and in all parts of the country is deplorable; that from fifty thousand to seventy thousand persons formerly employed at manufacturing in Philadelphia are now out of work.

A distinguished member from Pennsylvania [Mr. KELLEY] has published the statement that thousands of his constituents, including men, women, and children, theretofore employed in manufacturing, had been practically idle since 1873, and that so dreadful and protracted had been their poverty that they were grateful for the crusts given to beggars, and that thousands of able-bodied workmen had been forced to become tramps, seeking for food they had no opportunity to earn. These statements, detailing the wretched condition of the unemployed workmen of Pennsylvania, are confirmed by Senator WALLACE. I notice also that sixty thousand miners of coal are thrown out of employment in Pennsylvania.

Is New England better off? Why, even there they are laboring on half time and at the lowest scale of wages.

THE FANCY ECONOMISTS.

The gentleman from Pennsylvania [Mr. RANDALL] was reminded by the distinguished gentleman from Ohio [Mr. GARFIELD] not to boast when he put on his armor, like him who taketh it off. The gentleman [Mr. GARFIELD] is a little interested, his *amour propre* is at stake, I fear, in keeping up the taxes. Was he not the author of many former bills? He and his party, which for ten years would not touch the currency to resume and voted down propositions to economize, now all at once become urgent in their dire dilemma that we should resume and retrench whatever betides, but they are equally opposed to us when we report bills in the precise "shape" in which they come. Take any shape but this—of retrenchment! "Our honor is at stake," sighs the member from Minnesota, [Mr. DUNNELL,] and he too is in "entire sympathy" with reform; yet if we reform, alas! commerce will be ruined, or never arise from its ruins. Thus mourn other Jeremiahs; and so every bill for retrenchment is opposed on some pretext or another.

The unanimity of sentiment on the part of the opposition, who have spoken under the lead of the gentleman from Ohio [Mr. GARFIELD] in favor of economy, is only surpassed by their concerted failure to sustain it. Their mere words are "apples of gold in pictures of silver." They are not *nutritious*, however beautiful. Hear a few of their sentiments! The gentleman from Ohio [Mr. MONROE] says that "the object of this bill is retrenchment. I am most sincerely in sympathy with that object. I expect often to vote that way. But, sir, *this* bill presents an unpromising field!" He went further and gave us his definition of economy. He would cut off any branch which was not worth the money. Words—words—words; sounding brass and tinkling cymbals. Then his colleague [Mr. GARFIELD] takes up the brass, and I mean no disrespect in using the expression. [Laughter.] He draws the bees to his political assembly by saying: "O, there should be no politics in such bills! Do I not sympathize with the committee in their laudable efforts to cut down expenditures?" And then he lauds to a pitch of irony the splendid economy for years of the State Department! It is the old story of the traveler out West. He meets a native on the Reserve—a skeleton, worse than the fancy photographs of the prisoners recently alluded to: "You seem, my friend, to have the fever and ague in these parts." "O! no, sir," replied the man, shaking from crest to foot and yellow as ocher—"No, there's-none-around-here, but plenty of it—in the next county!" It is the old milk-sickness story. It is just a little further on! [Laughter.] These friends of economy cannot, like the man who ate his soup with a fork, get enough of it in the abstract, but they are not so hungry for the concrete reality! According to the proverb, by too large a grasp or embrace of the larger ideal, they take such a furious hold of the total thing that they fail to hold anything in detail.

ECONOMY—JUST NOT NOW.

It will be curious to watch how their platoons will fire into our retrenchment bills. We have already had their attack on the West Point bill; but they had not the courage to call the ayes and noes on that. And the people, ay, and the very officers, now applaud the measure. When it comes to this bill, a new set of assailants, and, I regret to say, fortified by the business tact and influence of my colleagues, [Messrs. HEWITT and WOOD,] appear upon the scene. But I venture to say that there will be no flinching upon the part of this majority on this measure when the debate is concluded and the scandalous abuses of the consular and diplomatic service are fully displayed. Soon we will have the fortification bill, and the opposition guns will thunder upon that. Then the river and harbor bill. That will appall the boldest. Then the war appropriations. Thundering Mars will roar till Janus will open his temple door. Neptune will sound his conch-shell from the very deeps, till the resounding shores echo its protest against the Navy bill. When the Indian bill appears reduced to an honest diminution, the war-whoop will sound from Missouri to where rolls the Oregon, which used to hear no sound save its own plashing.

The burden of these loud complaints against these bills is that salaries are reduced. While the general shrinking of wages and values is going on everywhere, the clamor here is that large salaries secure good services. The gentleman from Ohio [Mr. GARFIELD] struck this note: "You only want rich men for office; you would shut out those who can live without private fortune; you would establish a plutocracy." Then my colleague [Mr. HEWITT] subjoins his practical remark: "In my extensive business I would pay men better for similar service;" and then my other colleague resubjoins his exclamation: "If this bill saved twenty millions I would not vote for it."

It might be well, in answer to one of those gentlemen, [Mr. HEWITT, of New York,] to say that, as a plutocrat of the loftier and gentlest type of benevolence, he might well afford to pay for his work what the poverty-stricken and panic-bedeviled people of this country ought not to pay. What he can afford in his business this people cannot for their administration. The cost of living abroad is not the measure of foreign salary, but what is left at home to pay. Suppose, as the gentleman from Ohio [Mr. GARFIELD] argued, that in ten years the cost of living abroad has doubled, yet has it not more than doubled at home? Who pay these salaries? The plutocrats; the rich who travel far countries for to see, and whose protection in travel and trade is the main object of diplomatic agency? No; the poor and needy. The rich men of this House, abroad, or in commerce, do not know and feel the burden. No one but the wearer can tell where the shoe pinches. Gentlemen cannot tell this who clothe their thoughts and their feet in slippered, luxurious ease, and feel no twinge except the luxury which comes of gout and prosperity.

EARLY UNSALARIED HONOR.

"We cannot have good service abroad except on large salary;" is that your argument? Need I point you to our earlier statesmen, from Washington, Jefferson, Adams, and others, down to our own selfish earl. But my colleague, [Mr. WOOD,] whose lineage by our Directory is that of a Philadelphia Quaker, has said that Franklin honored this country, as minister to the court of France, dressed in plain attire, and on large salary. Is it possible that he did not know the history of that mission of Franklin? He went out to France in October, 1776. When he left Philadelphia, this is recorded of him by his biographer, (Sparks, volume 1, page 416:)

As a proof of Franklin's zeal in the cause of his country and of his confidence in the result, it may be stated that before he left Philadelphia he raised all the money he could command, being between three and four thousand pounds, and placed it as a loan at the disposal of Congress.

But it is further recorded of him that he served substantially without compensation; ay, more than that, that he denounced the ambition and avarice of public men as baneful to the state. I read from Sparks, volume 1, page 517:

It had long been an opinion of Dr. Franklin that in a democratical government there ought to be no offices of profit. The first constitution of Pennsylvania contained an article expressive of this sentiment which was drafted by him. One of his speeches in the national convention was on the same subject. "There are two passions," said he, "which have a powerful influence in the affairs of men. These are *ambition* and *avarice*; the love of power and the love of money. Separately each of these has great force in prompting men to action, but when united in view of the same object they have in many minds the most violent effects. Place before the eyes of such men a post of *honor*, that shall at the same time be a place of *profit*, and they will move heaven and earth to obtain it. The vast number of such places it is that renders the British government so tempestuous. The struggles for them are the true source of all those factions which are perpetually dividing the nation, distracting its councils, hurrying it sometimes into fruitless and mischievous wars, and often compelling a submission to dishonorable terms of peace. And of what kind are the men that will strive for this profitable pre-eminence through all the bustle of cabal, the heat of contention, the infinite mutual abuse of parties, tearing to pieces the best of characters? It will not be the wise and moderate, the lovers of peace and good order, the men fittest for the trust. It will be the bold and the violent, the men of strong passions and indefatigable activity in their selfish pursuits. These will thrust themselves into your government and be your rulers." * * * He thought the pleasure of doing good by serving their country and the respect inspired by such conduct were sufficient motives for true patriots to give up a portion of their time to the public without a pecuniary compensation beyond the means of support while engaged in the service. In his own case he had an opportunity of putting these principles in practice. All the money he received as president of Pennsylvania for three years he appropriated to some object of public utility; and if the whole fifty years of his public life are taken together, it is believed that his receipts in the form of compensation or salaries were not enough to defray his necessary expenses.

What if his presence were to instruct these two members, [Mr. RANDALL and Mr. WOOD,] both natives of his Quaker City. To which would he give a smile; to which a frown? At first flush he might say to one, "Sir, your presence in any assembly, your dignity, your ability, the admiration you deservedly excite is sufficient compensation for one so rich in lands and bonds." To the other he would say, "Go on! Read Poor Richard! Be just, be thrifty, be trustworthy; and a grateful people will add to the honor of your birth near the Hall of Independence with a crown of approbation; for is not a good name better than riches?" And to all of us he would say: "You are living in evil times, when men in public station make money and salaries the touch-stone of honorable service for their country. In my days it was considered 'decorous and sweet even to die for one's country.' In your day, it is considered decorous and sweet to live for one's country, and to live well, and gather from the brow of labor its sweat of pearl to decorate the fantastic gaudiness of greed and luxury.

UTOPIAN IDEAS.

Mr. Speaker, it is said by Sir Thomas More that when the foreign embassadors came into Utopia the people of that perfect realm laughed at the bedizenment and jewels which glorified their persons. Benjamin Franklin, whose thought drew lightning from the cloud, and whose diplomacy broke the scepter of tyrants, must have read this satire, when in his snuff-colored dress and with his unsalaried state, he was made the welcome guest of the greatest of the Old World, while he kept his trust and faith to the people of the New World.

BRITISH POLICY.

What is the argument to justify large salaries for diplomatic and consular service? Why, Great Britain pays highly and does a large business over the sea and over the world. To be sure, Great Britain has an inexorable grip on these volcanic Spanish American republics,

or upon most of them. I read to-day in a report made by a distinguished gentleman from Illinois, [General HURLBUT,] who was our minister to Bogota, that the English government had a mortgage on the customs-dues of the republic of Colombia amounting to 85 per cent. He wrote home that unless there was some repudiation of that mortgage upon the customs-dues there would be a revolution in that country. Our Isthmus route is daily imperiled by English supremacy. There are I know large fields for enterprise in Spanish America and in the Pacific. I do not deny the statements made by the gentleman; and I would prefer if anywhere when retrenching, not to cut down in China and Japan any consulate already existing. But as to mortgaged Spanish America, what is the argument in favor of keeping up our diplomatic expenses to a high figure in those republics? The gentleman [Mr. MONROE] gave us a table. In that table he showed the area of those countries; he showed also their imports, exports, receipts, expenditures. He also showed the population and the public debt. What for? To induce us to add salaries to our consuls? That is beautiful argumentation. The area of a country is to determine our diplomatic and consular arrangements! If that is the case, why do we not have a minister to Iceland? Why not a consul seated amid those great volcanic wastes where no man lives and where the lichen would starve? Why do you not have diplomatic accommodations with the interior of Africa or in the Desert of Sahara? If mere area is to be made the test, you will find plenty of room on our planet.

As to population, to be sure there is one-third of our own population in these Spanish American republics. It numbers sixteen and a half millions, but most of it are Indians. They are not a producing class; they are not the class of which we buy or exchange. They give us alpaca wool, guano, niter, ores, dyes, and other stuffs; they give us medicines and hides; but we have just as many consuls there to-day as we need for our commerce. That is the essential point.

CONSULS AND COMMERCE.

But, Mr. Chairman, gentlemen mistake when they say this is a bill to revive commerce. Bills of this kind cannot revive commerce. Consuls are incidents only to commerce. I will tell you soon where and how our commerce can be revived; why your diplomatic and consular system, instead of reviving commerce, amounts to nothing in this regard. It does not draw commerce along with it; it is hardly the jolly-boat in the wake of the steamer. It is only a bubble in the wake of the steamer of commerce.

What you want in order to make commerce and revive shipping in this country, is a fair revenue law. Your taxes should be removed from the ingredients which enter into our wooden and iron ships. Thus you make it the interest of our people not to invest in bonds which pay no taxes; but to invest in the vehicles of oceanic and distant ventures, which will pay more than the income on untaxed bonds. The competition of wooden and sailing vessels with steam and iron vessels I do not propose to discuss. The Baltimore clipper is a memory. India and China and their trade is greatly occupied by other nations. The old "Indiaman" is a myth. Comforts go with steam and dividends follow comfort. The simple truth must sooner or later appear, to wit: that the incidental protection to other interests has murdered our carrying trade. The internal-revenue tax of two and one-half cents a pound on cotton helped to cripple us as a sailing people. But the crowning crime which has put gyves on our commerce is the tax imposed on all the ingredients which enter into the construction of ship and steamer. This, sir, is a bounty to the foreign producer and builder. It kills our competition. Worse than the depreciation of currency, it deters capital and destroys enterprise. If you will not by your bad tariffs let us buy ships abroad, then let us by good tariffs buy the materials to make ships at home. Then you will revive commerce, and navigation, and shipping. I see my friend from Pennsylvania on the alert. He always is, when I mention ship-building. I know we have some enterprising ship-building in Pennsylvania. As we approximate in this country to the price of iron abroad, even without the aid of Government subsidy, but with a fair, honest revival of business and lower tariffs, we may again have our old revival of ship-building. Then navigation and commerce will begin a new century.

But never until our tariff is modified, Mr. Chairman and gentlemen, will we have our olden ship-building. We have lost it already. I have the statistics here to show this in detail. Our tonnage to-day is only about eight millions of tons. Great Britain, that used to be our only rival, has sprung up to twenty millions of tons. I did not intend to read the statistics which clearly show what I have stated, but if the House will indulge me I will briefly give the details on that point referred to by one of my colleagues yesterday, in a comparison of business between the United States and Great Britain. In Great Britain the exports and imports amounted last year to over five hundred and fifty millions pounds sterling. Of this I am credibly informed. I know in previous years it was a little over this statement. In 1872 it was £608,000,000; but for the present year it is $2,750,000,000. The imports were not much in excess of the exports. In the United States there was but eleven hundred millions of this kind of prosperity, making a difference between the two countries of sixteen hundred and fifty millions.

In Palgrave's Notes on Banking, page 50, the imports and exports of England in 1819 are placed at only £63,000,000 sterling. In 1844, £144,000,000; but in 1872 what had they risen to? To £608,000,000. If they have fallen off any since, according to the former computation, it is because of excessive production and the consequent plethora.

I have already shown you what is our tonnage as compared with Great Britain. I should be more exact as to American and foreign tonnage. Our commerce is in question, and our foreign affairs are in the quandary.

The following table shows the amount of American and of foreign tonnage entered at ports of the United States for the years named:

Years.	American tonnage.	Foreign tonnage.	Excess of American tonnage.	Excess of foreign tonnage.
1830	967,227	131,900	835,327	.....
1840	1,576,946	712,363	864,583	.....
1850	2,573,016	1,775,623	797,393	.....
1860	5,921,285	2,353,911	3,567,374	.....
1861	5,023,917	2,217,554	2,806,363	.....
1864	3,066,434	3,471,219	.....	404,785
1866	3,372,060	4,410,424	.....	1,038,364
1868	3,550,550	4,495,465	.....	944,915
1869	3,402,668	5,347,694	.....	1,945,026
1870	3,486,038	5,669,621	.....	2,183,583
1871	3,742,740	6,266,444	.....	2,523,704
1872	3,711,846	7,094,577	.....	3,382,731
1873	3,612,631	8,033,087	.....	4,470,456

We thus see that from 1861 to the beginning of 1874, a period of only thirteen years, there is a change against the American shipping of 7,277,819 tons. Now our carrying trade costs us millions. It is reckoned at eighty or a hundred millons, which goes to England, France and Germany for the Atlantic freights and fares alone.

But there are more facts of value for study and reflection. In 1860 the total American tonnage which entered British ports was 1,747,651 tons, the total British tonnage entering our ports being 1,136,364 tons. But in 1870 the American tonnage entering the British ports was only 479,670 tons, while vessels flying the British colors entering our ports during that year measured 2,778,823 tons. Herein we have greatly retrograded; England has greatly increased.

COMMERCIAL SUPREMACY OF ENGLAND.

Now, how did Great Britain get this advantageous power? When did it come to her? It came from her policy, her wisdom. Not before the repeal of the corn laws, not before her reciprocity with France, not before free trade was fixed there; for before that time, during six years, England took off almost as many taxes as she imposed.

But I must be more accurate: The taxes imposed by Parliament during that time (1836–1841) were £2,161,227. The taxes repealed in the same time were £2,131,303. During this time the postage was reduced to a penny. That much was off, and we know the result. Did revenue increase? Were expenses lessened and receipts increased? The revenues diminished nearly a half million sterling. Did the national debt decrease? No. Discontent came; Chartists arose. Then free trade came and corn-laws were repealed. It was the triumph of Peel, Cobden, Bright, and Ebenezer Elliott. But 1852 saw the consummation, and England then began to see through her mists and fogs her way to fiscal freedom. During the six subsequent years, or rather, to take a better era, from 1860 to 1866, the taxes imposed were £3,263,215, and those repealed were—astounding fact!—£19,209,863. Eighty millions of our gold dollars of a difference; eighty millions of taxes reduced under liberal policies over the imposition of taxes. Then England leaped forward under some magic fiscal Magna Charta. The world wondered, and Cobden and Chevelier and the unselfish and rational giants of economic thought everywhere received apotheosis.

I say here that the British taxes, imposed six years after their free trade, were £2,263,000 sterling. The taxes that were repealed were £19,210,000 sterling. In other words, we have a difference of £16,000,000 sterling, or more than $80,000,000 of taxes repealed or reduced over taxes imposed or augmented; and the result was gratifying to all the world, and especially to the British exchequer. It was by free trade, by a liberal policy, by allowing all the world to trade with her, and Great Britain to trade with all the world, that she made this magnificent change and this great prosperity. And until we do as England allowed her citizens to do—buy our ships where we please, or allow our people to build ships without restriction and without prohibition of the articles which enter into the ships—we never can reach the degree of prosperity in the shipping interest which we had in 1859 and 1860. Moreover, Mr. Chairman, allow me to say that some of our best ship-builders agree as to that. I have a letter, which was published, from Donald Mackay, the great ship-builder of Boston, who said that if he had fair play in the taxing of commodities which enter into ship-building, than he could again have his ship-yard ring with its olden industry.

TARIFFS AND COMMERCE.

But the main reason I have for dwelling on this subject now is that I may answer the gentleman from Minnesota, [Mr. DUNNELL.] He said—(and he argued very astutely for a man who is about to seek a new election) that our tariff bill did not tend to retrench in one sense, but it levied more taxes in another; and he called us to an account on this side of the House for that. He mentioned the tea and coffee tax, and the silk tax, and some other taxes. He asked me to respond

to him. I will give his own reasoning on that subject, and then I will respond to him.

When I go to my constituency and say to them, "Gentlemen, we have reduced the expenses of the Government," they will say to me, "That is all very well; but have you reduced this indirect taxation?" Of course I will answer, "O, yes; we did reduce it." They will ask me how, and I will tell them the simple story how we did it—the democratic House, I mean, for it will not have my vote. I will tell them that we have cut down the tariff on silks and silk dress-goods from 60 per cent. *ad valorem* to 40 per cent. *ad valorem*. They will sit in mute silence—

These interesting and intelligent constituents will sit in mute silence when the gentleman makes that statement. No wonder they will sit in mute silence at the audacity of such a statement—

but will ponder in their minds how that tallies with the theory that the luxuries of life shall pay the higher duties.

SILK AND SMUGGLING.

Will they if they are intelligent? Well, now, let us look at the silk business for one moment. That involves the revival of commerce; for I say you cannot have that except you do take off your taxes in a revenue way. Why, sir, there is a man now in New York in Ludlow-street jail whose name is Lawrence. He has been put there for smuggling—smuggling silks, which are easily smuggled, being very valuable and small in bulk. He has stated—and it has come out in authentic form with respect to some of our best merchants who bought from him,—he has stated that he made contracts, or always could make contracts, to bring silks and silk goods into New York for 18 per cent. on the cost price. Well, what does he do with them or what is done with them by the men who bring them in? Why they sell them—a thing not very creditable—they sell them to merchants who are reputable, and then they sell them, and they pay 12 per cent. So there is 30 per cent. gained on the goods by the smuggling. When the duty is 60 per cent. on silks there is a premium on rascality of 30 per cent., as the gentleman from Minnesota will see. Now, if we reduce the tariff on silk goods to 40 per cent. it takes away the incentive and inducement to smuggling, and we on our side of the House can say to the gentleman's mute constituents, all of whom or some of them at least have silk dresses in their homes; we can say then to the gentleman's constituents when they sit mute, when they are pondering about these luxurious silk dresses, that we took away the incentive to smuggling by fixing the tariff so that honest merchants can trade in New York as importers and as wholesale dealers and retailers. And then we will say, or rather we will insinuate in a quiet way, that after their own Representative got all the facts of the case, he voted against that tariff on silk to help rascality in New York.

Mr. DUNNELL. Will the gentleman allow me to ask him one question?

Mr. COX. Very well, sir.

Mr. DUNNELL. How much revision of the tariff will it require to do away with all the rascality in New York? [Laughter.]

Mr. COX. Well, about as long as the tariff-customs duties are collected by the gentleman's own party. I refer him to his own collector and President Grant & Co. [Laughter.] I will not go any farther West. [Laughter.]

BREAKFAST.

Now I want to say to my honored friend from Minnesota, [Mr. DUNNELL,] for I love to debate with a man so courteous and pleasant and who is merely seeking information for his constituents, I want to read to him what we are proposing in the tariff bill; and first I will say that if we do raise the duty on tea and coffee a little by our tariff, we will take care to cut off enough of the tariff in other respects where your bounties come in and where your gratuities are to make up the added duty on tea and coffee. Sir, the gentleman raises the old cry of the cheap breakfast-table. Now, we have disposed of that several times. Perhaps the gentleman from Minnesota [Mr. DUNNELL] knows that the present tariff taxes the spoon, the salt, the dishes, the table-cloth, and the table itself. We may reduce the tariff on many articles, and if we do put a duty on tea and coffee, we shall then give you an honest, good breakfast-table on a purely revenue basis, without bounty, and invite you to come to take breakfast with us.

NO SINS OF OMISSION.

But the gentleman thinks that we are not in earnest about this tariff bill. You will see about that before the session is over. Before we go further I will say that I shall be guilty of no sins of omission. I will tell him where we propose to cut down: Cotton dresses from 61 to 30 per cent.; spool thread from 81 to 40 per cent.; cotton yarn from 60 to 40 per cent.; bar-iron from 40 to 26 per cent.; wire from 54 to 32½ per cent.; hoop-iron from 55 to 36 per cent.; saws from 40 to 27 per cent.; sewing-machine needles from 47 to 22 per cent.; steel from 40 and 50 per cent. to 30 and 32 per cent.; screws from 60 to 37 per cent.; the poor man's iron pot from 45 to 32 per cent.; lead from 45 to 22½ per cent.; cast-iron piping from 50 to 35 per cent.; wool from 50 and 51 per cent. to 25 per cent.; woolen flannels and blankets from 90 to 47 per cent.; woolen cloth from 67 to 47 per cent.; common alpacas from 70 to 50 per cent.; clothing from 53 to 45 per cent.; carpets from 70 to 45 per cent.; bunting (the dear centennial flag) from 112 to 48 per cent.

I know that it is unpopular with some people to save indirectly. I know that a man in Minnesota might sleep in cold winter weather with half a blanket with the prospect of getting three, but I think he would rather have two now rather than the prospect of a dozen in the future, or rather than have a tariff which gives bounties and subsidies to the prosperous, and does not give revenue. I have a list which I can show the gentleman which shows that where $100,000 were collected as duties upon certain articles which went into the Treasury, a million of dollars go outside as bounties; but I need not argue against bounties.

I would ask my friend from Minnesota [Mr. DUNNELL] whether he has not voted for subsidies and bounties and all that sort of thing? I know that is his record, and therefore I can make no point on him for inconsistency when he votes for bounties under the tariff. He is not my man for that fight. Does he not vote for all such devices? Does he not vote for railroad and other subsidies? Why, sir, you are obnoxious all around on the question of subsidies and bounties. But we propose to make revenue and not give bounties. We would cut down marble from 129 to 40 per cent.; gun and blasting powder from 60 and 58 per cent. to 40 and 24 per cent. And with this explosive article I close the list for the present, as by this time the gentleman's theory must be blown up higher than Thomas's infernal machine has blown his victims in Bremen.

It may be asked what reference this tariff talk has to the business before the House. How does it concern the diplomatic bill? Gentlemen have argued that we are destroying commerce. They pretend to be anxious to revive it. They would do it by giving certain salaries to consuls. If you mean to revive commerce take off the bounties we now pay to selfish and greedy people, and give fair interchange of commodities. Let the people North, South, East, and West buy in the cheapest markets of the world, as we do among our States. Give them a fair show all around the world, and then we can take your southern and western cereal and cotton products, send them to European markets, and bring back something to help in time of need.

FREE SHIPS AND THEIR FRIENDS.

I do not know whether the gentleman from Minnesota [Mr. DUNNELL] was in Congress in 1872 or not; I think he was not. I have looked up his record upon that point and I cannot catch him. I think he was not here in 1871.

Mr. DUNNELL. After March 4, 1871.

Mr. COX. In March, 1871, a bill was brought in here for the purpose of giving free registry to iron vessels of two thousand tons burden and over that might be bought abroad. It was just at the beginning of the Franco-German war, as you may remember. President Grant sent a message to Congress asking us to permit these vessels to be bought and placed under our flag. It obtained the assent of this House. There was a large number of republicans for it. I do not think the name of the gentleman from Minnesota [Mr. DUNNELL] is recorded on either side or as being absent; I do not know how he voted. But we did carry that measure in the House and it dropped out somewhere between the House and the Senate in the last days of the session. What was the result? When that war broke out there were twenty-seven great German steamers, built upon the Clyde, lying at Hoboken. Their owners were willing, as the French navy was then powerful on the sea, to have them placed, temporarily at least, under our flag. What for? So that they could bear our cereal products of the West to Europe.

Mr. KELLEY. Did not that debate occur on the last day and in the last hours of the session?

Mr. COX. It was in the morning of the 4th of March, 1871.

Mr. KELLEY. So that the bill did not drop out somewhere between here and the Senate.

Mr. COX. I know it dropped out.

Mr. KELLEY. It dropped out with the Congress.

Mr. COX. And you voted against it and made a good speech against it; I remember that. I made a speech for it.

Mr. KELLEY. I want you to tell the facts as they exist, and you profess to have examined the record.

Mr. COX. I will make it all right if I have made a mistake. What I want to say is this: On the last day of the session, when the bill was brought in here, the gentleman from Pennsylvania [Mr. KELLEY] opposed it; General Butler favored it, as a golden opportunity of statesmanship to obtain the carrying trade of Europe during the Franco-German war. Then and there this House, almost two-thirds republican, failed to respond to the demand of your President. It was the demand of economy and of enlarged intercourse with the commercial world. It was a demand, like that made in the Crimean war, which so redounded to the credit of our economy and to the profit of our people.

Mr. KELLEY. Then the House did not pass it. You are now stating the record.

Mr. COX. How is that? Just state that again.

Mr. KELLEY. You have just now stated that the House passed it, and yet you say the House did not pass it.

Mr. COX. It refused to lay the bill on the table; that was the vote, I think.

Mr. KELLEY. But the House did not pass it, as you have just stated.

Mr. COX. I believe that it did not pass it; but there was a test vote upon laying it on the table. I know it fell out.

Mr. KELLEY. Yes; and we all fell out together, for Congress expired.

Mr. GARFIELD. One of the opponents of that bill was the Repre-

sentative from the city of New York, the gentleman's own colleague, Mr. Brooks——

Mr. COX. I know that.

Mr. GARFIELD. I greatly regretted to see him join in the opposition to the bill, for I was in favor of it.

Mr. COX. I know that; you have always acted in that line, and are one of the free-traders in this House, though you do not always tell it out.

Mr. KELLEY. Now, if you want to correct the RECORD, you must take out your misstatement that the bill passed the House.

Mr. COX. The idea I want to convey to the House is that the bill was favored by the House; that by a test vote the House refused to lay it on the table.

Mr. KELLEY. You said the House passed it; the RECORD says it did not.

Mr. COX. It is not material, the bill came up.

Mr. KELLEY. If it is not material, why did you state it? You do not always talk nonsense.

Mr. COX. I follow your example sometimes and say a great many superfluous things. [Laughter.] But I never interject things into your remarks when you speak, without your consent.

Mr. KELLEY. You do not?

Mr. COX. Without the consent of yourself and the Chair.

Mr. KELLEY. I cannot make any response to that.

Mr. COX. I know you cannot by the rules; for you are not on your feet. Now, what I wish to say and what I wish this House to understand is simply this: that there was an opportunity presented by the message of President Grant, and by the bill which was introduced, to give to the Western people an opportunity to ship their produce to Europe during the time of that war. That war interrupted as well the producing industries as the commercial relations of the countries involved in it. I call attention to the fact that during that war when there was a great call for flour, wheat, and corn from Europe this measure was not passed. The republican Congress adjourned, and even after the impressive speeches made by General Schenck and General Butler in favor of that bill, the commerce of the country failed to revive, by the acts of omission of the republican Congress, in despite of an urgent message from a republican President.

When I went home to New York City after that failure and saw those vessels laid up in Hoboken, I was satisfied by authentic proof, that there was a loss of $20,000,000 or $25,000,000 to the people of the West, who had abundant grain then to send to Europe to replace the lack of production of and by the nations who were fighting a great duello on the fields of Europe.

THE WORM IN THE ACORN.

The point I wish to make on my friend from Minnesota [Mr. DUNNELL] is this: That to revive commerce you must either let us buy ships or build them. If you will not let us buy abroad, place a tax per ton on the ship and let it come in and raise our flag. But there is a difficulty. What? Because that lets in iron cheaper; and the gentleman from Pennsylvania [Mr. KELLEY] and his protectionist friends fight that. This point reminds me a good deal of what I heard once when traveling in California. I saw some dead trees with holes perforated in them, and I asked my guide the meaning of them. He said they had been made by the woodpecker. I asked, "What for?" "To put in the acorn." "For food?" "Yes; for food." "Do the woodpeckers live on acorns here?" "No; they do not live on the acorn; but in winter a worm gets into the acorn, and they go for the worm." [Laughter.] That is the way with you gentlemen who are protectionists. You do not want a revenue tariff; you do not want free shipping; you do not want a revenue duty simply on tea and coffee. You will not stop smuggling by lower rates. You want, if possible, to raise taxes for protection, by bounties. That is the worm in the acorn.

DIPLOMACY AND RETRENCHMENT.

But, Mr. Chairman, I pass from that business and come to the more agreeable task of making a criticism, if I can, of our diplomatic relations. The gentleman from Ohio said he thought we might save $10,000,000 or $15,000,000 this year He was for retrenchment. O, they are always for retrenchment till the bill comes along that really embraces retrenchment. When the military bill comes along they will howl for retrenchment—on the next bill! When the naval bill comes up they are for the next succeeding bill. When the Indian bill comes up they will perhaps take scalps for retrenchment—on the next bill! And when it comes to retrenchment on appropriations for harbors and rivers then you will hear what some Englishmen call the "shrieks of locality." On every bill brought here gentlemen will find that they are abstractly in favor of retrenchment while the great body of members on that side of the House, and some on this side, will be found voting the other way. Now, I propose to stand by my committee on this business.

UTILITIES OF DIPLOMACY.

But how are we treated abroad by our foreign representatives? I do not want to pay any more or any such salaries to men as are represented in our public reports. I except Mr. Marsh, Mr. Washburne, and several others. I have looked through and through this diplomatic correspondence to find some good or great thing for our edification as public men or for the advancement of commerce. I beg pardon; I picked up this morning a dispatch from Liberia, in which the eminent minister there says that they have had but one kind of currency in Liberia lately, that is the common copper cent, and that they propose to issue more money, paper money, and to make a loan of £30,000 sterling to float thegovernment. But the government did not float, and it did not float on this copper-cent coinage. That is instructive. How much do we pay for this instruction?

One of our ministers from Brazil writes to inform the sovereigns of America that the emperor opened the Legislature "in more than usual state, wearing a white-satin dress, his cape of plumes, a long velvet mantle and crown, and bearing his scepter even in his coach." This is extremely fine reading for a novel or a newspaper, but it illustrates the fact that toilet seems to be one of the great objects of diplomatic observation. How much do we pay for that? Then we read in the recent published dispatches that the Emperor of China died of smallpox, and that our minister wrote back to his successor that all the American people were sorry for it. He also informs us, and it is a useful piece of information for the medical profession to ponder, that the two court physicians, because they did not cure him, had lost one row of their buttons and their peacock tails! But our minister had not a kind word for the poor doctors, for were they not bound not only to make their kow-tow to the celestial majesty of the flowery kingdom but to his two majestic mothers! Again, we learn from a South American minister how they cure bull's-hides there.

I find also a dispatch from Greece where there is a description, and a very fine one, of the Grecian mode of voting for members of the chamber of deputies. They bring a long thing like a stove-pipe and the candidates hold up the stove-pipe. The suffragan takes a white ball or a black ball, runs his arm way down so as to keep his secret from all mankind and drops in an "ay" or a "no" for one of the candidates who holds up the stove-pipe. [Great laughter.] That is interesting for civil-service reform! He says also that if one hundred nominate a candidate for the chamber of deputies the candidate can run his stove-pipe anyhow, and this favors the third party men everywhere. It would suit some of our friends like our honorable professor over there who gave us the maxim *Omne ignotum pro magnifico est.* [Laughter.] If gentlemen cannot understand when a hand goes in that way, how it comes out in another way and elects some one whom nobody likes, it is only because it is too magnificent an improvement on our system sent to us from Greece at an expenditure of $10,000 a year. [Laughter.]

CHINESE AMNESTY.

But, Mr. Chairman, there are other things to be learned. I will pick up our correspondence with China. It is a wonderful correspondence about the young emperor, Tung. He argues in this way—I will have to read it because it touches something so near the other side. [Laughter.]

For more than ten years past, blessed with the counsels of maternal love, we have striven to reach the highest path. Happily it has been so, that wherever the armies of the state came, the [Taiping] rebels of Yueh (Kwangtung and Kwangsi) and the [Nienfi] banditti were vanquished and subdued before them, and the insurgents among the Miaotse and the Mohammedans in Yunnan, Kweichau, and Shensi have all been conquered and brought into submission.

[Laughter.]

Now that is pleasant reading, and I do love to read when we have to pay $17,500 for information. [Laughter.] I especially commend to the gentlemen who have not shown any inclination toward amnesty this extract:

Tranquillity has been everywhere restored; but, though the miseries of war have ceased, the injuries and wounds of our people are not yet healed, and whenever we think of them it drives away all sleep and repose.

This seems to have been an occasion for a centennial amnesty in China. [Laughter.]

It is equally our hope that all our ministers and servants, both civil and military, in all parts of the land, will unite in public-spirited and loyal efforts for the common good, each zealously discharging his allotted duty, that thus they may uphold for our adopted successor a more and more glorious rule. If this be done, the cravings of our breast will be assuaged. [Laughter.]

That, Mr. Chairman, is one of the Confucian sentiments we learn which is really useful. We ought to pay for it a large sum. [Laughter.] I should like very much to go a little further into this book. Let me here ask the Chairman how much time I have left.

The CHAIRMAN. The gentleman has fifteen minutes remaining of his hour.

Mr. COX. My friend from Illinois when he was speaking passed over to me a most remarkable document. I should hardly believe it to be genuine but for the authentic source—the State Department itself. Gentlemen say that there has never been an inquiry or investigation as to this particular diplomatic business. There never was such a handsome raking as this State Department has received this session by this democratic committee of investigation. It never had it before or since I have been here. It ought to have been done before, and you gentlemen on the other side of the House ought to have done it and received the credit for it.

BOKER AND BIJOUTERIE.

I know gentlemen will vote for the bill after they hear that for a certain treaty about Turkey and its minister of foreign affairs we have paid 54,781 francs. Now, what was it paid for? To corrupt Turkish officials; to obtain from them a treaty? Comment is useless to this House on such a scandalous outrage upon morality. It was

paid by Mr. Boker to Safvet Pasha, minister of foreign affairs in Turkey, and his son and household. But what for? To make a treaty. Did you ever see that treaty? It has never been published. There is a reference to it in the President's message, but you cannot find the treaty. Our minister, Mr. Boker, paid to Safvet Pasha, minister of foreign affairs, according to this account, 54,781 francs for himself and other Turkish officials to run a treaty through the Sublime Porte. [Laughter.] Now, what does that mean? You honest republicans ought to understand it. *Omne ignotum pro magnifico est.* [Laughter.] Just look at this item, the last one in this bill: "Four cake-bowls, round feet, style of Louis XVI, foliage-handles, with birds; four silver bowls, scalloped border, assorted to match centerpiece; four cast bay-trees, chiseled on the castings; chiseled garlands; flat channel, chiseled, in the center a bouquet of chiseled flowers, gilt and gold bottom, 3,777 francs." The whole thing was "chiseled." [Great laughter.] Certainly it was; but I should like to know who else was chiseled. [Laughter.]

Now let us look at the other items. Let me read this French. I wish I could do it better, but I never could understand English well enough in this House. [Laughter.] If the gentleman will only remember his wrongly quoted motto, "*Omne ignotum pro magnifico est*," I will read him only one item to satisfy that motto. [Laughter.] Here is the bill rendered to our State Department from Mr. Boker by "*M. Mananian, fabricant joaillier, rue de Richelieu*, No. 41, *doit M. son excellence Monsieur Boker, Paris, le 6 juin* 1875." [Laughter.] That means that Mr. Boker is excellent; and so he is. But his bill does not look so excellent. It amounts to 19,700 francs. And it is settled—"*Pour acquit, Paris, le 8 juin* 1875, *M. Mananian.*" Here are some of the items: "*Épingle de cravate, fer à cheval, pierres variées*, 4,000 *francs.*" Do you know what that is, gentlemen from the West? [Great laughter.] My friend from New England [Mr. SEELYE] knows what it is. It is a pin for a cravat in the form of an iron horse, with various stones set in it. [Laughter.] Four thousand francs. Nearly a thousand dollars for that locomotive, put as a breastpin in the cravat of a son of Safvet Pasha, the minister of foreign affairs. Perhaps he gave it to one of the houris in his harem. Here there is another item, "3 *boutons de chemise ex brillants*, 4,000 francs." That is, three shirt-buttons. [Laughter.] Yes, let me say boldly, three shirt-buttons. [Continued laughter.] How will our hard-worked mechanics and farmers like these items?

Well, Mr. Chairman, gentlemen say that we laugh this bill out of court. We do not mean that. We simply mean to show up, after the modest and logical manner of the *reductio ad absurdum*, precisely how you have conducted the best-conducted Department in your Government. If this is done in the green tree, what will be done in the dry? If they can do this in a respectable Department, presided over by an ex-governor and an Ex-Senator from New York, a distinguished man, an honest man, and do this without accountability, what they will do in the Indian Department, God only knows. [Laughter.]

GREECE AND ITS DANCES.

Now, gentlemen, I will go to Greece, although there is hardly a grease spot left! [Laughter.] However, there is something very interesting in connection with Greece, which I would like to refer to. I do not think it has been exhausted altogether. The gentleman from Illinois [Mr. SPRINGER] anticipated me a little, as I was the first man to find out the interesting letters which he has quoted. My friend Judge HOLMAN also anticipated me, but he did not find, read, nor comment on the most interesting epistles.

Here is one:

LEGATION OF THE UNITED STATES,
Athens, March 8, 1875. (Received April 5.)

SIR: A magnificent ball took place at the palace on the 3d instant. On that occasion the American minister had the honor to be selected to lead a contra-dance with the queen.

A GRECIAN MINISTRY DEFENDED.

Now that is something that I like. It makes me wish to defend in one sense the minister to Greece. I will defend anybody that has been so abused as this minister. Why what do we not owe to Greece? Think of it! The land where "burning Sappho loved and sung," and all the rest of Byron's fine ode, which you, Mr. Chairman, rehearsed in your boyhood. Think of Athens—the eye of Greece, and the Piræus, which has been called the "eyesore of Greece." Think of the arts of war and peace which Greece illustrated two thousand years ago! Think of Marathon and Salamis, and the "ships by thousands" which used to lay below, but which do not lay around there at all now, especially with our starry flag at the mast! Think of Thermopylæ and her three hundred, of the Pyrrhic phalanx and Anacreon, Suli's rock and Sunium's marbled steep; and then, swan-like, die for love of Greece, after Byron's draught of Samian wine! Think of the Acropolis. Think of those old heroes that modern Greeks name their children after—Æschylus, Thersites, Agamemnon, and Ulysses—never forget Ulysses, [laughter]—Epaminondas, and Pericles, and Sophocles, and Alcibiades, and Themistocles, and Euripides, and all the other DD's belonging to the early days of ancient Greece. [Laughter.]

Yet, sir, as my friend from Indiana [Mr. HOLMAN] well said, our representatives, when they go to Greece, go to the tomb of departed greatness. Greece gave art, science, logic, and poetry to the ages. She is entitled to a minister from the United States of America, not on account of any special living people that are there, or any special commerce which they have with us, for they only send us, I believe, from two to ten thousand pounds of Zante currants every year; but Greece has a nomadic population of goat-herds, and we ought to improve on a certain kind of goat that we have in this country. [Laughter.]

IDEAL GREECE AND REAL AMERICA.

Is there here any man who will not assist us to protect and raise Greece to her ancient fame? Let him read Clay and Webster, if not Plato and Aristotle. Let him read the catalogue of the Homeric heroes! True, her streams are dried up, her soil barren, her olive-trees cut up by the roots for fuel, and her very grass made the food of her nomadic goats; but is it not Greece? Some cynic may ask before voting appropriations for our minister, who honors the dead past and the great heroes of that dead past, "What is Cithera's isle to the grasshopper-despoiled West? What is Milos, whence the famous statue of Venus came, or Salamis with the fame of Themistocles, when Mississippi is under the ban and its plantations are overgrown with sedge-grass? What the Piræus, where Socrates questioned the sailors, or what the academy under whose olive-trees the divine Plato sat while the bees of Hymettus settled on his lips, when the Texas border is ravaged by greasers and American cattle driven to Cortina's ranches by the thousand? What are Morea's hills, with their golden and purple sunsets, when beyond our sunset, contractors cheat the Government and Indians on meat and flour? What the violet-wreathed city of Minerva, when in the great metropolis of New York, 'farther west,' the tenement-houses teem with skeleton starvelings? Let imagination paint in rainbow colors the verdureless and yellow isles of Greece and sing them again in Byron's muse, but what are these to the demoralized and overflowed bacon of Alabama? When there is sung the glories of Bacchus and the mazy dance of the Bacchantes, who is to tell the mysteries of the crooked juices of the maize of Illinois, Wisconsin, and Missouri?" [Laughter.]

And if, further, the same cynic asks why King George of Greece plays with his pet birds while the bandits prowl, plunder, and murder; if it is said that Greece is the land of ruins, brigands, and beggars, and the little kinglet of Schleswig-Holstein is held on his throne by other powers, may we not respond, "It is Greece, the Greece of Aristotle and Homer, to which we send expensive embassadors?"

We ought to go further in our pride and protection for this grave of greatness. We ought to bring out of the ruins of the Acropolis some of those rare works of art that were left by Lord Elgin when he surreptitiously carried off so many to the British Museum. I plead as well for art as for the poor inhabitants of Greece. They ought to be in some way or other protected by our minister. [Laughter.]

SAMOA.

There are many new members here who probably do not know that two years ago we had an Executive Document, No. 54 of the second session of the Forty-second Congress, sent here by a Colonel Steinberger, who went to what is called the Navigator Islands. He was on a special mission from our Government. I do not know just what it was for. Perhaps there was a land job in it. *Omne ignotum pro mirifico.* [Laughter.] But he went out to these islands, and there he was soon hand and glove with King Lunalilo. He is now premier. There he is now, sitting under the bread-fruit trees, with the little monkey clinging with prehensile grip to their limbs, and he (I do not mean the monkey) wrapped around with the star-spangled banner of our country; only seventy-five hundred miles from San Francisco, eight thousand miles from China, and four thousand miles from Juan Fernandez! There our banner floats! [Laughter.]

O, how proud we were when we knew that our banner was floating over those basaltic rocks, washed by the waves as they rolled over coral reefs, with fishes among them of all kinds and colors! Then to think that away off, where no good man had ever gone, except some of the Botany Bay shipwrecked convicts to convert the natives to our religion—how beautiful it was in this centennial year to feel that General Grant had sent out Colonel Steinberger to bring those islands within our own influence and confederacy! If we can do so much for such people who are so far off, why not jump from Samoa sixteen thousand miles to Greece, and there revive through our diplomacy its ancient glories under our centennial tutelage. [Laughter.]

GREECE RESUMED.

In Greece we have a minister whom I like. I do not want to see him dismissed. He is a man that can dance a contra-dance with the Queen, and such a queen as Queen Olga—a grand duchess of Russia! And Russia may almost be called the leading power of Europe. We should be proud to think of such a minister! How did they dance it?

Hands across and down the middle,
To the tune of flute and the fiddle.

[Laughter.]

Mr. Chairman, I have seen much promiscuous dancing. Byron refers to the Pyrrhic dances of classic Greece, but that dance is obsolete. I have seen the Kabyles in Northern Africa with their strange swaying dances. I have seen some dancing in the aisles of this House that forcibly reminded me of the Dervishes of the East. I have seen some ravishing dancing by the señoritas of Seville.

But, sir, I pause. We have here a gentle professor, [Mr. MONROE,] at one time a very good professor at Oberlin, and a good man. He is or was a very religious man. He is well educated, but did he know when he was speaking for Greece and its minister the other day and quoting its history—did he know that our minister there had been dancing a contra-dance? Did he know that he was thus desecrating

the old religious Presbyterian principles? No, sir, I repudiate such an idea. How can he vote against Greece in this bill? [Laughter.]

DIPLOMATIC EATING, AND DRINKING, AND DRESS.

Sir, the letter which the gentleman from Illinois sent up to be read was not exactly read by the Clerk in the proper tones. I proceed to read it through:

The spacious salons were filled at half past nine, and the festivities continued until half past five in the morning. The arrangements throughout were of the most admirable character. An elaborate supper for eight hundred guests was laid in the royal *salle à manger* and in the two large adjoining rooms, while the ministers of state and the diplomatic corps were entertained by the King and Queen in the beautiful private apartments of their majesties.

I would like to know what they had to eat on that festive occasion. What did they drink? Was it champagne or was it Burgundy? Did they have imported from Spain the rare Montillado? Did they have Rendisheimer, or did they have Hockheimer or some other "heimer" from the Rhine? [Laughter.] What were they drinking? Was it the *vin* D'Asti from Italy or Tokay from Hungary? What was their *menu*? Was it drawn from Apicius or the "mouth officers" of Lucullus? Was it inspired by Brillat Savarin or Delmonico? I think some man on the republican side of the House who is interested in retrenchment ought to have the question raised and inquiry made as to what was going on on that occasion in respect to the edibles and drinking; for I hold that the first duty of an American diplomat is to drink nothing but pure old American Bourbon whisky. [Laughter.]

Moreover, the utility of this wonderful diplomatic system which I am now defending, for I think it will prove of great utility, is the right to have inquiry as to the peculiar diplomatic dress our minister wore when he danced with the Queen of Greece.

Did he wear a spike-tailed coat; were his hands covered with graceful kids; were they of the Alexandrine pattern, and was his hair parted in the middle? [Laughter.] How was the Queen dressed? How did she manage that white-satin dress so as not to take the color from her cheeks, as represented in another interesting dispatch? We want to know all about it; how long was her train; and, if not, why not? [Laughter.]

ART AND GREECE.

Now, Mr. Chairman, I had the other day a little troublesome matter with my friend from Maine [Mr. HALE] as to which I wish to express my regret. I called him by an endearing epithet, but I felt a little bad about it. I went to the Corcoran Art Gallery on Saturday to relieve myself from this feeling.

I never felt the necessity of keeping a minister at Greece until I walked, thoughtful, silent, among the mutilated plaster casts of the Corcoran Gallery on Saturday. There were orators without lungs, statesmen without brains, soldiers without arms, and Venuses without robes. [Laughter.] Here was a *torso* Demosthenes and a one-eyed Homer; there was a Theseus garroting a spavined Centaur. The gentleman from Kentucky will understand what a spavined Centaur is. [Laughter.] All about were the fauns, satyrs, Apollos, and Dianas which Greece gave to art and art to the ages. Although the only art of modern Greece consists in the ransoming of travelers from brigands, and the farming out of revenues for the sick man of the Levant, and feeding goats, yet that is a strong reason for a minister to look after art, brigands, and revenue.

If the British Queen—whose empire is based on the wisdom and the rocks of ages, and whose star and course of empire is eastward through her newly acquired Suez Canal to her hundreds of millions in India, and whose footsteps of empire are marked at Malta, Corfu, and in the isles of Greece—could not protect her subjects from brigandage and murder within sight of the Acropolis, does it not become our duty, as the mighty limb of her magnificent trunk, to throw our shadow over that sterile soil where Marathon looks on the sea! Is not this our bounden duty this centennial year? Are we not inviting all the nations to our carnival of industry and jubilee of freedom. What would that interesting occasion be without a wooden horse from Greece within thy gates, O city of Brotherly Love!

Moreover, do we not reach out to other isles than those of Greece and other lands remote? Does not Massachusetts, through an honored son and an ex-member of Congress, give law to the realm of King Kalakaua? Has not our vessel, with our proud starry flag, borne a Pennsylvanian, Colonel Steinberger, to the distant Samoan group of the southwestern seas, eight thousand miles from our coast, near the tropic of Capricorn? Has he not there eaten of the bread-fruit with the kings of the group and, a group of kings, made himself premier over their councils and king of the ex-Cannibal Islands? If we can do this in the isles of King Lunalilo, amid the ancient vesicular lava-beds, amagladaloids, and basalt, where, over coralline ledges, amid which disport fish banded and spotted with green and crimson, the wild waves are singing our everlasting glory hallelujah; why may we not reach out from Pago-Pago and the slopes of Upolu and Savaii to the land where Homer ruled as his demesne and Sappho sang her sad refrain to the Ægean, into whose bosom she sprang and from whose bosom her favorite deity arose. [Laughter.]

If we can use the contingent fund, as we have, to reach Pago-Pago and its interesting converts to polygamous Christianity, why may we not extend an enterprising rule and roving into that land where Pericles ruled, Demosthenes spoke, Sophocles sung, and even Paul preached? Did we not last year, to gratify an Ohio member, appropriate thousands for a new survey of Judea? And, if so, why may not Mars Hill have its geologist and the Morea its photographs?

GREEK COMMERCE.

Gentlemen may tell us that we have no commerce with Greece, and therefore require no minister there. Gentlemen may say that our ships and clippers no longer plow the historic waves, rendered classic by the prows of Ulysses and the pinnaces of Agamemnon. True, our ship-building is a myth; but Greece is the land of myths. True, the decadence of our shipping calls for little or no men-of-war; but what an interesting study for our minister are the men of war who went out to take Troy forty-five hundred years ago and besought and besieged that city till the young men went west! But is it not a strong reason for the encouragement of our navigation? If we had our olden commerce, there would be no need of its fostering. We must have ancient Greece to teach us the art of navigation and revive our shipping!

By the latest returns up to September 30, 1875, for three months we had only two ships, with eight sailors apiece, which cleared for Greece. It is not recorded that they ever returned. But no matter for that. Let us encourage emigration. During the past fifty-five years, from 1821 to 1875, we had two hundred and eighty-three descendants of Epaminondas and Socrates come to our shores, being four persons and four-fifths of a person on an average per annum, distributed from Passamaquoddy to Paso del Norte. Now, when immigration is falling off, it is high time to reach out the hand to the heroes of Thermopylæ and Missolonghi. Let us bring to our shores the honored scions—thus gloriously quoted by Mr. Read, our minister, in his dispatch, to wit:

Mavrocordato, Kolokotronis, Botzaris, Capo d'Istria, and many more which long ago became household words in America, have now in Greece living illustrations in the second and third generations. These representatives of a glorious past pace to-day beneath the paintings which tell in graphic ways their ancestors' heroic story.

We can make Solons out of them when war does not summon them to its gory field!

I saw in the gallery remains of Greece in plaster of Paris. There was Demosthenes; and let me state here confidentially [laughter] that he bears a strong resemblance to my friend from Pennsylvania, [Mr. KELLEY.] [Laughter.] And now I come back to the House of Representatives I see that Greece is not dead; that she is still a living Greece, living in plaster of Paris right in the city of Washington.

I will go further. I think we ought to have a minister to all other obsolete and *blasé* places. Why not have a minister of the same rank at Herculaneum, at Pompeii, and at all those places to which we resort as a matter of course and curiosity?

Mr. SPRINGER. To Nineveh.

Mr. COX. Where?

Mr. SPRINGER. Nineveh.

Mr. COX. Yes, to Nineveh, perhaps the most eligible situation on the globe. [Laughter.] I would prefer a consul to Nineveh for certain reasons which I need not mention. [Renewed laughter.]

TRIPOLI, TURKEY, AND OUR MINISTER.

That reminds me of something I intended to discuss. I was saddened to read in these dispatches that our friend Mr. Maynard had been rather snubbed by the State Department because of a little matter to which I will briefly call the attention of the House. It is our duty here as well to protect our absent members as those present, just as my friend from Indiana [Mr. HOLMAN] protected Judge Bingham the other day in such an eloquent manner. I would protect Mr. Maynard from the harsh criticism passed upon him in one of these papers. How did the criticism upon him originate? I will tell you. There is a sort of hermaphrodite country called Tripoli; it does not know whether it is a part of Turkey or of Egypt or of Algiers or of the Desert of Sahara, which is soon to be flooded.

We have no minister there, but we have a consul-general, Mr. Vidal. Last year or year before last he wrote a dispatch, which was quoted in this House to show that our Protestant missionaries ought not to waste their time in Tripoli or in the territories of the *oi barbaroi* of the Greeks. He said the place for Protestant propagandism was in Bulgaria. The old New York Presbyterian Observer came out and read this consul a lesson. It said: "Why do you as a consul of the United States undertake to direct our missionary enterprises? What is that to you? Where do you get your power?" Mr. Vidal had urged that there were a great many slave-traders bringing slaves from Soudan and taking them to Constantinople and putting them in the harems of these bashaws of many tails. This brought Mr. Vidal into all sorts of trouble, and this book shows that he retired from his consulate and his companions to a little place remote from the city and near the sea. One day a Turkish sailor wended his way up to his kitchen to light his cigarette. Mr. Vidal, with that patriotism which becomes an American abroad, proud of his flag although it covers no commerce, rushed for that sailor and tripped him up. He had the spirit of Decatur who cut out the Philadelphia from that port. But the sailor stood up to Vidal and a contest ensued. He rushed to Malta, appealed to Mr. Maynard, and Mr. Maynard appealed to Washington.

But I must be precise. Here is the reproof, which it hurts my heart to reproduce. On page 1316 of the diplomatic papers, "Mr. Fish to Mr. Maynard," under date of November 9, 1875, writes thus, and harshly:

This subject was fully discussed in my former dispatch, and I allude particularly to it in this connection in order that you may recognize its significance and the importance of being controlled in the settlement of this affair, and in all our negotiations connected therewith, *exclusively by our treaty with Tripoli*.

For these reasons it would have been better if, in your note to Safvet Pasha, you had not referred to our treaty with the Ottoman government as securing our con-

sul against the indignity of proceedings against him by the local authorities for an alleged misdemeanor. The "most-favored nation" clause in our treaty with Tripoli secures to the United States consul all the rights and privileges accorded to the representatives of other foreign powers. Having appealed to our treaty with Tripoli, we cannot, in the settlement of this question, take our treaty with the Porte at all into consideration.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Many MEMBERS. Go on! Go on!

The CHAIRMAN. If there be no objection, the time of the gentleman will be extended.

There was no objection.

Mr. COX. I thank the House for its indulgence. Mr. Maynard suited the Turkish mission better than any man I know. He had the grave, deliberate, and majestic manner which we are told by Théophile Gautier (in his volume on Constantinople, just issued, page 156) belongs to the Turk, who never hurries himself, except in the presence of death. How sad he must have been at the treatment which his first little effort at diplomacy received from the State Department, his first effort to put things into shape for this consulate that had no commerce to take care of and was always in trouble. I see him as he retires to the cemetery of Scutari. There, amid the gravestones that are capped with the turban of Moslem, he sits amid the ashes of despair.

With all the propriety of deportment, he is sitting cross-legged sipping his Mocha and smoking his chibouk, until addressed by some bashaw of his acquaintance in these words: "How is it with you, my bashaw from Tennessee? Thou lookest sad to-day. What has gone amiss with thee, my brother?" "I have heard from the great mogul of New York, and he has blamed me for that which I have written, and I am unhappy therefor." "Turn your eyes up to these cypress-trees which weep with you, and with the dead near you; cast your eyes toward Mecca; bow your head with your fez cap three times, and you may be happy. Bishalla, go bragh! Brother Maynard; Mahomet is his prophet. Be just unto all men; sin not. Write not home anything encouraging about radicalism or Ku-Klux; be honorable, be just, and you will be happy. Allah is great, and Mahomet is his prophet. Rememberest thou not that one star goeth around another star, and that a star with a long tail swishes around the sun and goes and comes at intervals; comes in and goes out like eternal day and eternal night? Let the star with the long tail spin! Allah is great, and Mahomet is his prophet." [Laughter.]

And thus our friend will be consoled.

HOW TO REVIVE COMMERCE.

Why, gentlemen, to end this speech and to end it at once, you cannot revive commerce by your petty, rascally consular system, as my friend from Illinois [Mr. SPRINGER] has developed it to you to-day. You have to make a cause for it here. Commerce does not depend on consuls. Commerce depends on your laws, or rather the repeal of your laws. Take off your burdens; take off your taxes. Then commerce will come; and the great art of ship-building, now almost obsolete in this country, so that there is no more apprenticeship to it, will revive again, and with it the returns which commerce always gives to nations.

But we have other and greater elements than that of consular relations, connected with commerce. My friend from Ohio [Mr. GARFIELD] in his grand survey of the Pacific referred to them. We have the elements of steam and electricity, drawing nations closer together; Stephenson and Bessemer helping on land; Watt and Fulton on the sea; Morse everywhere. Why do they help commerce? They call attention to the source of supply from the source of demand and *vice versa*. In Chicago the price of grain in Liverpool and London is a matter of hourly intelligence. Why, sir, in Utica, New York, where there is a cheese exchange, every time a man brings a cheese into Utica he looks at the bulletin to see the price of gold or cheese in Liverpool. We are drawing the world together. Iron aided by steam, with its great arms, is breasting the mobile elements of the ocean while electricity is sending its message.

I can remember going, years ago when I was a boy, to the district of my honorable friend from Massachusetts [Mr. HOAR] to look at a new paper-machine there. It was the wonder of the time. My father had built the first paper-mill west of the Alleghany Mountains. He followed the old plan of making paper in molds, by vats. I worked as a paper-maker before I became a blacksmith or a Congressman. [Laughter.] I understood thoroughly that business. I went there and I saw that machine. By the old hand-process about one hundred pounds of paper was made per day; now a machine will turn out two thousand pounds in the same time. A machine will convert a stream of fluid pulp into paper, dry and polish it, and cut it into sheets; the time consumed in converting the pulp is two minutes—the old process was eight days. Steam, electricity, paper—newspapers and all—are to-day revolutionizing and reviving commerce. But for these elements all your consulates amount to nothing.

It is said by philosophers that the smallest atom—even an atom so small that Tyndall could not express it; an atom so small that it has no upper nor under side—it is said that even the tiny love drop in the bottom of the little Alpine flower down amid the glaciers has its effect upon the rings of Saturn, and perhaps upon some other "rings" that I need not mention in this community. [Laughter.] But whatever may be its effect, it is no more in the great forces of the universe as connected with our practical life than is your little consul in the revival of commerce, trade, and navigation.

The Hanseatic League made commerce without consuls. The Venetian argosies and the Dutch Indiaman carried for and enriched their country without consuls. Transportation is the secret. It brings the prairie to the seaboard. It has made for us seventy-four thousand miles of railroads, with a gross receipt of five hundred millions. When it is rash and grasping, as in 1873, it made its tax on cereals to you of the West—at five cents a bushel, $45,000,000.

Learn from England. Encourage iron and steam. Take off your great taxes and the multitude of them. Give encouragement to our people to sell abroad. The gentleman from New York [Mr. HEWITT] spoke about our cotton trade reviving. I know it is reviving to some extent; but last year $75,000,000 worth of cotton was sold by England where we should have had the market. We are, it is true, selling some abroad now, and I hope we shall sell more. If our tariff bill passes, with the aid of steam, with the aid of electricity, with the aid of fair dealing, with a reconciled country North and South, East and West, and with the blessing of a centennial year, and divine goodness, we may have another kind of jubilee in which there will be an interdependence of men and nations and an independence among men from bad government everywhere on our star. [Applause.]

Mr. KELLEY. Mr. Chairman, I did not know how funny our diplomatic and consular relations were. I have discovered that the discussion of them is, to use a slang phrase, "as good as a circus," indeed as good as a circus with two clowns of such equal merit that one does not know at the shallow follies of which he has laughed most. During the fourteen years I have been here, realizing the fact that no man can study every question presented in all its details, it has been my habit to follow committees, and, when one of them reported a bill to the House and brought it up for discussion, to listen to their statements of facts, their arguments, and to be largely governed by them because I believed (and usually the discussion of the bill confirmed the belief) that the members of the committee had studied the subject, understood something about it, and had reported the bill in good faith.

I listened yesterday to the statesmanlike speech of the gentleman from New York, [Mr. HEWITT,] and drank it in gratefully, for it was replete with well-digested facts. It showed that he understood the subject he was discussing in all its relations and bearings. And I came to the House this morning to be further instructed, having heard that elaborate speeches were to be made by the gentleman from Illinois [Mr. SPRINGER] and the gentleman from New York [Mr. COX] in support of the bill he had criticised with such intelligent discrimination. Having heard them, I am constrained to say that I shall shrink from the advice of the committee whose bill they champion, whose views they sustain. Enlightened by their remarks, I cannot look upon this as a serious bill. The course they have pursued convinces me that it is a mere political dodge, a peg upon which to hang sophistical suggestions in favor of economy, that they may go with their platitudes, plausibilities, and gross jokes, unfit by their coarseness for this Hall, to the more vulgar part of their constituencies in an appeal against the action of the republican Senate in maintaining, as I believe it will do, the well-devised diplomatic and consular system which, whatever may be its defects, has grown up as the outgrowth of time, and been developed, shaped, nurtured, and cherished by the wisest and best statesman of the democratic and opposing parties.

The gentleman from Illinois [Mr. SPRINGER] made an unfortunate allusion to a former member from Pennsylvania, whom he honored overmuch in saying that, by referring to the gold spoons which were part of the furniture of the Executive Mansion, he had overthrown Van Buren's administration. That administration, sir, was bound to fall, and Charles Ogle's mean and vulgar recital of the implements used at the presidential table on state occasions did not assist in its overthrow. It however did other things, sir. It made an honored family ashamed of its name and caused every Pennsylvanian to blush when "Spooney Ogle" was spoken of in his hearing.

There is scarcely a man in either party in Western Pennsylvania who does not remember the Ogle family and its history before its pride was extinguished by the mean and base pretense of economy of the man who sought entrance to the White House to carry with vulgar exaggeration into a political campaign the details of its social life on state occasions. General Jack Ogle, of Somerset, who was known all over Western Pennsylvania and largely over the western country as the "frosty son of thunder," was a man of eccentricities, but he was a man of character, integrity, and pride. When he went among his mountaineer constituents his utterances swayed their mind and will as the storm sways the branches of the oaks of the forest. For many years he had been a vital power, but he never raised his head in public after his kinsman gave the gentleman from Illinois a precedent for his speech of to-day. He felt the degradation of the family name and retired from public life.

The speeches we have heard, sir, may be said to have concerned all things and other things besides; I shall not therefore pretend to follow the gentlemen in their devious windings and wanderings. But few of their remarks had serious relation to the consular and diplomatic bill. They meant to darken counsel on that subject. When the gentleman from Illinois spoke of the crimson mat upon the marble floor he exhibited his profound knowledge of eastern life by

asking how the marginal marble could be seen through the crimson mats which lay at the feet of the ladies, and added the suggestion that he had probably seen through a glass darkly. The thought was suggestive. But, sir, there was withall an honest, earnest, under purpose in both speeches. It was not economy with which the gentleman from Illinois began or retrenchment with which the gentleman from New York began. It was by the darkening of counsel to make campaign documents at whatever risk of danger to the commerce of the country, and to argue, in advance of the report of a bill relating thereto, a question about which, if the gentlemen will pardon me, I will take the liberty of saying they know as little as they seem to know about our consular and diplomatic service.

The gentleman from New York [Mr. COX] told us, from his imagination purely as he was compelled to admit, how this House at the instance of the President had hastened to pass a bill allowing the purchase and registry of foreign-built ships. He has been here sixteen years, he says, and gentlemen can scan his record, and the record of the House, scrutinizing votes—standing, by tellers, and by yeas and nays—and find they all disprove the statement, though he said he had just been examining the record of the vote by yeas and nays to ascertain how the gentleman from Minnesota voted. The proposition was upon the recommendation of the President, submitted to the House on July 15, 1870. The session was to expire that day, and the Speaker's hammer came down while the discussion was proceeding; and his other facts or allegations seem to me to be almost as well founded as this one that we passed any such bill.

Thus he tells us that ship-building has come to be almost a lost art, is almost obsolete. Why, I tell you upon official authority that since 1870 not four branches of industry have so rapidly grown within our country as iron-ship building under the beneficent influence of protection to American industry. We are building ships for our own use and for exportation to float foreign flags in the ownership of citizens of foreign countries. I speak not wildly on the subject. The iron ships which now bear American commerce over the Pacific Ocean, grander in their proportions when launched within a year than any other commercial vessels then floating, were built by John Roach & Sons on the Delaware, in the district of my friend and colleague [Mr. TOWNSEND] who represents Chester and Delaware Counties. The only line of iron ships that bear the American flag across the Atlantic Ocean in foreign commerce were built by William Cramp & Sons on the same river, the Delaware, in the fifth district of Pennsylvania.

Under free trade and hard money there was no chance to develop either the resources of the country or to engage in the construction of ships. In 1868 the total tonnage of iron ships of American build in our country was 2,801 tons; in 1869 it was 3,545; in 1870, 7,602; in 1871, 15,480; and it has increased with increasing ratio each year. The municipal authorities of the city of Philadelphia have recently obliterated several important streets for some distance west from the wharf-line to make unbroken space for an iron-ship yard, which will begin work with an engagement for one hundred iron steamers, many of which will carry the mineral wealth of Pennsylvania to the islands of the sea, where it is needed as fuel and machinery in the production of sugar and other commodities.

The gentlemen say reduce your customs duties in order to increase your revenues. To which I rejoin, read the financial and industrial history of your country, gentlemen, before you undertake to teach or persuade. Yes, read the history of your own country in its official statistics. Note what its revenue has been under the varying tariffs that have succeeded each other. You will find that under low duties the revenue always falls off, and that under the highest tariffs the revenue has steadily increased. And there is a philosophic reason for these results. They are not accidental coincidences. Under a protective tariff our people are employed; labor and skill are in demand; the rate of wages increases. They are able to supply their wants. Nay more, they are able to gratify their desires. Supplying their wants and gratifying their desires, they purchase dutiable goods imported in exchange for those we export.

Do not rely upon my statement merely; I have before me the official figures of the customs-revenue received in every year from the foundation of the Government, beginning with 1791, when the first tariff went into effect, to the close of 1869. The war forced us to adopt high tariff duties. The protective tariff was not accepted as a theory but as a necessity. We increased duties three times, in 1861, in 1862, and in 1864. And with what effect upon the public revenues? Prior to 1861 they had in but four years exceeded $55,000,000; in 1861 they reached but $39,582,186; in 1862, $49,056,398; in 1863, when protection began to operate, they came to $69,059,642; in 1864, to $102,316,153; in 1865 they went to $179,046,630; in 1867, to $176,417,811; in 1868, to $164,464,599; in 1869, to $180,048,426. And just in proportion as duties have been reduced and the prices of our commodities also been reduced by a contraction of the currency increasing numbers of our people have been forced to practice economy and retrenchment by reason of enforced idleness, and the revenue has diminished.

We can never, said the gentleman from Illinois, [Mr. SPRINGER,] sell our manufactured goods until we cheapen them, so that the people in South America for example can buy them at 100 per cent. less than other countries will sell. Sir, how will we make a profit by selling our goods at 100 per cent. less than others?

Mr. SPRINGER. I said 100 per cent. less than other countries sold them at.

Mr. KELLEY. That is precisely what I said the gentleman had stated. To sell goods at 100 per cent. less will in some instances require us to pay people for taking them. We will be giving a bonus to people to accept them.

Mr. SPRINGER. What I meant to say was a hundredth part of 1 per cent.

Mr. KELLEY. O, a hundredth part of 1 per cent. That is another thing.

Now let me tell the gentleman that, if he will study the commerce of his country through its official statistics and the leading trade journals, he will find that we are selling iron goods in Birmingham and other leading iron districts of England, that we are selling cotton goods in Manchester, that we are selling saws in London, (and through London to every part of the British Islands,) that we have driven almost all commodities produced chiefly from the useful metals out of Canada or compelled British manufacturers to sell them there without profit; and that we have done this by virtue of the protective system which made wages so high that the inventive genius of man has been applied to the production of labor-saving machinery for use in every art, trade, and mystery. By this means we have lessened the cost of production and improved the quality of our wares and fabrics.

But protection, by thus stimulating the development of our multiform raw materials, made such a demand for labor as raised wages and tempted millions of immigrants to come and dwell among us and pay duties and taxes upon the imported and domestic articles they consume. Under free trade and hard money our immigration, which had once attained the dimensions of 250,000 in a single year, shrunk away so that in 1861 and 1862 the total immigration was less, in each of those years of free trade and hard money, than 92,000, while, under the influence of the protective system and the "rag-baby," as our national currency has been derisively called from the very steps of the presidential mansion, it grew up to 449,483 in 1872 and 437,004 in 1873. Under the influence of contraction and the dread of free trade, consequent upon the incoming of the democratic party as a majority in this House, with the threat of a return to low duties, it is shrinking away again, and last year amounted to but 191,231. And in the six months of the current fiscal year that have elapsed there is a further shrinkage of about 30 per cent. as compared with the same period of last year. Go on, gentlemen, and pass the bill you are in such hot haste to advocate, and the consequence will be that the farmers of Illinois will burn their corn, as they did in the old days of free trade and hard money, though the fields upon which it will grow are underlaid with coal at a depth ranging from but thirty to two hundred and sixty feet. Strike down the workshops of the country, reduce wages so as to prohibit immigration, buy your manufactured goods from foreign nations, so that employment in England, France, and Germany, at good wages, can readily be had, while the machinery of the United States stands idle, and our working-people are beggared, and where then will be the farmer's market? Who will come into the new States of the West and Northwest, or swarm into the fertile and sunny South to add value to land and promote the improvement thereof. The mere introduction of that bill by the chairman of the Committee of Ways and Means and its reference to that committee have already paralyzed the few industries that our folly in contracting the money of the country had left in a comparatively prosperous condition.

Mr. SPRINGER. Will the gentleman allow me a word?

Mr. KELLEY. Not just at this time.

The gentleman from New York [Mr. COX] spoke of the miserable Spanish republics. Miserable! Why are they miserable? He told us that England had a mortgage upon their territory and their custom-revenues. And why are they thus miserable and enslaved? It is because their affairs have been managed on the theories of the gentlemen who have harangued us so to-day with such flippancy.

They have been governed by free-trade principles. Their rulers have believed that it was better that their workshops should be beyond the Atlantic. They had no local-credit system by which domestic exchanges could be facilitated. Their money was gold and silver. They had not reached that point of progress when credit not only supplements but substitutes metallic money, a thing of intrinsic value and therefore liable to be withdrawn from them by foreign creditors. Producing only raw materials they have been unable to accumulate capital or aggregate population; and whether they wanted a railroad or a few wagon-wheels, whether they wanted pins or needles or fine carriages, or whatever other manufactured articles, they went to foreign countries and got them made, thus depriving their own people of employment. They preferred that their work should be done by the people of England, France, or Germany; and so it has come to pass that free trade has exhausted their resources and forced them to repudiate their national obligations. Some of them have declared their inability to pay interest already due. This is so with two or three of them already; and with growing demands for interest further repudiation must come. It may be postponed by making new loans out of which to pay interest; but the ultimate repudiation of all their debts is inevitable. When the interest on a foreign debt exceeds the annual profits of the people creditors must suffer.

But I ask gentlemen whether somebody does not hold a mortgage on our custom-duties? Are we in a position to taunt these exhausted, poor republics and scoff at their misery? Where do our custom-duties go? Who holds a statutory mortgage upon them? The foreign

holders of American bonds that require us each year to ship twice as much gold as we can mine and all the silver we can mine at whatever price they will give us for it, and to supplement them with corn and cotton, with tobacco and petroleum, and, sadder than all, with other bonds and mortgages. Ay! when you come to ask that the legal-tender money of the country shall be received for duties you will be told that those duties are mortgaged, that a statute has declared that you shall not touch a dollar of them until you have paid the holders of your gold-bearing bonds, and I fear that if you persist in the reckless course of issuing them we are now pursuing the day may come when some member of the British Parliament or of the French Chamber will enlarge the language of the honorable gentleman from New York [Mr. COX] and say "the miserable republics of America." The unlimited purchase of foreign productions with interest-bearing bonds will bankrupt any nation, let its people be as proud as they may.

To drop from a grave question to a very trivial one, let me say there has been much discussion as to the costume in which Franklin appeared at court. Sir, I have had opportunities of examining the best portraits of Franklin and was delighted, on entering the Wadsworth Athenæum at Hartford, Connecticut, to be able to examine the suit in which he appeared at the court of France. It was a suit of magnificent embroidered brocade coat, vest, and breeches. When Franklin represented the tax-payers, the people, the patriots of America, they were all in earnest. They knew his power and wished him to exert it as best he could in their service. He loved plain dress, but he adapted himself to the usages of the court to which he was accredited. They did not make his costume the subject of demagogical speeches that would discredit him with even the ignorant or meanly penurious portion of their constituents. They sent him and other ministers abroad to exercise power and influence, and this could best be done by mingling in social life and manifesting becoming interest in the affairs of the people and Government, and creating a good impression of himself and his country; and I have no doubt that many of the foolish expressions which have been read from the published reports of our diplomatic correspondence have been prepared with a view of their being sent back to the country from which they came. Resort to such simple means of propitiating the good-will of nations is not a novelty. It has often been suggested by our State Department, by Mr. Seward in his time, by Mr. Marcy who, though he protested against court-dress and insisted upon a simple suit of black, always encouraged our representatives, to cultivate social amenities and to transmit to the Department things that would be agreeable when read by the court to which the minister was accredited. I agree with gentlemen that Mr. J. Meredith Read carried this species of amiable diplomacy to excess.

I am also willing to go further and say that I do not think it important, except traditionally, to retain a mission to Greece. It is a declining country. I am, however, unwilling to slight it, when I remember that some of the distinguished members of Mr. Monroe's cabinet were anxious to send a fleet to lay upon her classic shores and maintain her integrity at the cost of war. I am unwilling to slight it, when I remember that among the richest of the treasures of our parliamentary eloquence are the magnificent bursts of Henry Clay in behalf of prostrate Greece.

Greece has a traditional right to claim sympathy and, if need be, aid from the American people. To blot Greece out would be to blot out a historic reminder of the courage and foresight of the great men who constituted the Cabinet of James Monroe and of the eloquence of Henry Clay.

I am not upon the Committee on Appropriations, and therefore probably should not have thrust myself into this discussion. But discovering the double drift of the speeches of to-day—the one to make *ad captandum* stump speeches for the coming campaign and the other to pave the way for an assault upon that system which has made us great and is advancing our relative greatness—I was impelled to enter my protest. In doing so let me turn to the statesmanlike speech of the gentleman from New York, [Mr. HEWITT,] to which I have already referred.

"Give us free trade," howl these two advocates of economy and retrenchment. Now let us look at the question. I have shown you the effect of protection upon the revenues of the country, and I tell you that to reduce the duties on imports as largely as that bill proposes would bring the Government to repudiation. I turn to the speech of the gentleman from New York, made yesterday, and find that from 1790 to 1830 our whole foreign commerce amounted to but $115,000,000 in any one year. In 1840 it had come to be $200,000,000. Then we gave it the spur of protection, the tariff of 1842, which lasted for four years and more in practice quickened a thousand industries. It enabled us to enter the markets of the world with various classes of saws, with but-hinges, the ordinary household furniture for doors and windows, and many other varieties of hardware.

Then came the discovery of California gold, and our commerce went up to $708,000,000. In 1865, with the Southern States withdrawn, without cotton or tobacco, our foreign commerce ranged at $640,000,000. It was then feeling the full effects of the third increase of tariff duties. From 1865 to 1870 it jumped up to $875,000,000, and from 1870 to 1874 it went to $1,265,000,000.

In 1869 I had the honor of addressing an audience in San Francisco. A gentleman recurring to my well-known protectionist views said to me with satirical emphasis, "You will do well to let our merchants know how you account for the decline in our commerce." I accepted his challenge, and in the course of my remarks stated and proceeded to verify the statement that our foreign commerce, instead of declining, was, under the influence of the protective system, growing so rapidly, in comparison with that of England, that it took but an ordinary arithmetician to calculate the date at which the foreign trade of the United States would exceed that of the British Isles; and the gentleman from New York [Mr. HEWITT] in a general way confirms that statement. Having given tables showing the growth of the commerce of each country, he said:

> In 1874 the aggregate imports and exports of Great Britain amounted to £667,733,165. Her population was 32,412,010. Her foreign trade, therefore, was at the rate of £21 or $100 in gold per head of population. In the same year the aggregate imports and exports of the United States amounted to $1,265,719,964, which, allowing a population of 40,000,000, gives a foreign trade of $30.66¾ per head, or less than one-third of the British *per capita* rate. Those who know the natural resources of this country will not require to be told that we have a better basis for foreign commerce than Great Britain, and that if she can maintain a trade of $100 *per capita*, we shall surely arrive at the same result if we take the same means to secure it, and remove all artificial impediments from its growth. The figures may be bewildering, but they may be realized, and would amount to $4,000,000,000 per annum. The foreign trade of Great Britain already exceeds $3,000,000,000. Few persons, however, realize the rapid development of our foreign commerce since 1840. Prior to that date its growth was very slow.

1790	$42,626,844
1800	83,962,794
1810	103,375,370
1820	108,125,611
1830	115,951,570
1840	202,846,841
1850	300,133,472
1860	708,422,506
1865	640,184,622
1870	875,708,616
1874	1,265,719,964

> Those who have been accustomed to talk of the decay of American commerce can study this table with profit. There has in fact been no development in any age or in any country comparable to it. Compare it, for example, with the increase in Great Britain since 1865, an era of unexampled prosperity:

Year.	Imports.	Exports.	Total.
1865	£271,072,285	£258,831,576	£489,913,861
1870	303,257,493	244,080,577	547,338,070
1874	370,082,701	297,650,464	667,733,165

> Between 1865 and 1874 British foreign commerce therefore increased about 40 per cent. while that of the United States increased nearly 100 per cent.

How long will it take a steady increase at the rate of but 40 per cent. on the part of one nation and of 100 per cent. on the part of another to bring them to an equality? The existing difference being given it is a simple matter of calculation. How and why is it that we are gaining thus? It is because we have studied the facts of history, and have seen that England, by protective duties, by prohibitory laws, by the prohibition of the exports of her machinery or of models thereof, by denying the right of English skilled workmen to emigrate, built up her industries, and, from having been derided for selling a whole skin for a sixpence and buying back the dressed tail for a shilling, had made herself the great manufacturing nation of the world and assumed the power that always accompanies that condition, that of the great commercial nation of the world. We are following her early example, and if we persist may hasten the day when we may safely adopt her later and present policy.

She has come to that condition in which free trade may be best for her general interests. I admit that there are times in the history of nations when the most absolute free trade is the best thing for their laboring-people. When a nation is young, its people living in the wilderness, with no factories, with no developed mines, with no models of the best products of art and ingenuity, free trade may stimulate the creation of industries, and procure patterns to be copied and to be used, and thus be best for the nation.

But with the growth of the useful arts protection becomes necessary, and with these fully developed free trade may again become the better policy. When all the resources of a country are developed, when the people know what they can and cannot produce, when by large accumulations of capital and improved machinery they are able to produce more cheaply than other nations, they may invite the competition of free trade. They will thus get cheaply the raw materials they cannot produce, and if the free trade be reciprocated, they will, in accordance with the advice of Lord Henry Brougham, then, in 1815, Mr. Brougham, strangle rival industries in their infancy and prevent the development of competition. Neither the first nor last of these conditions is ours. We are but ascertaining the extent and variety of our resources. We are a debtor nation. Our capital is not our own. It is borrowed. We need the help of millions of immigrants, and must invite them by high wages and steady work, secured by adequately protective duties.

My remarks, Mr. Chairman, have been apart from the bill before the committee, for which I apologize to you and to gentlemen who remain to hear me. But in view of the hilarity and I am sorry to say the gross vulgarity that characterized the preceding addresses, the only earnest part of either being that aimed at our protective system, I felt myself justified in doing as I have done.

I yield, if I have any time remaining, to my friend from Mississippi, [Mr. LYNCH.]

Mr. RANDALL. I do not know that the gentleman has the floor to yield it.

The CHAIRMAN. The gentleman's hour has not expired.

Mr. RANDALL. How soon will it expire?

The CHAIRMAN. There are fifteen minutes remaining, which he yields to the gentleman from Mississippi, as the Chair supposes he has a right to do.

Mr. MORGAN. In order to give the gentleman from Mississippi an opportunity to go on to-morrow I move that the committee rise.

Mr. RANDALL. I trust not. I hope the gentleman from Mississippi will finish his remarks to-day, because to-morrow I want to talk about the bill.

Mr. HOAR. The Committee of the Whole have yielded to every request of this kind from gentlemen on the other side. It is now nearly five o'clock. On several days the committee, upon request of gentlemen on the other side, have risen a little after four o'clock. It would be rather hard to apply to the gentleman from Mississippi a different rule.

Mr. RANDALL. The gentleman from Mississippi knows quite well, and so does the gentleman from Massachusetts, [Mr. HOAR,] that I am incapable of applying to the gentleman from Mississippi a different rule from what I would apply to anybody else.

Mr. HOAR. That is the reason I made the suggestion.

Mr. RANDALL. My wish to have the gentleman proceed now arose entirely from my anxiety to get this bill out of the way. I think the general debate has gone on sufficiently far—much beyond the usual practice. I only suggested that the gentleman from Mississippi should occupy his fifteen minutes now.

Mr. HOAR. I was sure that the courtesy of the gentleman from Pennsylvania [Mr. RANDALL] would yield at once to the suggestion when it was explained.

Mr. BLAINE. I wish to ask the gentleman from Pennsylvania a question. I have desired to occupy the floor, not directly upon this bill, but, if permitted to speak, I would keep as near to it as the gentleman from New York [Mr. COX] or my friend from Pennsylvania, [Mr. KELLEY.] [Laughter.]

Mr. KELLEY. I only followed in the beaten track.

Mr. BLAINE. I would probably have the opportunity to speak through the kindness of one of my colleagues who has entered a motion to reconsider a resolution to which my remarks would more pertinently apply; but I would like very much to have an hour to-morrow upon this bill.

Mr. RANDALL. I understand that the gentleman wants to speak on the financial aspect of this bill.

Mr. BLAINE. My remarks will have a very close relationship to that.

Mr. RANDALL. I will say to the gentleman that so far as I am able I will facilitate him, although I do not want this evening to make any absolute promise. One thing is certain: Either I will facilitate his purpose before the general debate on this bill closes or I will join in securing him a hearing before we adjourn to-morrow.

Mr. BLAINE. I do not desire to interfere with the regular routine of business which the gentleman has charge of.

Mr. RANDALL. I want to "heap coals of fire" on the gentleman's head. I have repeatedly yielded to him; and I did so in a former debate when subsequently I was cut off by him. But "bygones are bygones."

Mr. BLAINE. Well, I wish to say, Mr. Chairman, that through the courtesy of my colleague I have entire power to get possession of the floor.

Mr. RANDALL. The gentleman need not apply to his colleague, because he will find in me a very cheerful agent in accomplishing his purpose. [Laughter.]

Mr. BLAINE. I was only giving a reason why I do not want the gentleman to "heap the coals" too hot. [Laughter.] If it does not interfere with the course of the debate, I would like very much to have the floor for an hour to-morrow.

Mr. RANDALL. I will consent that at the end of the fifteen minutes of the gentleman from Mississippi the gentleman from Maine shall have one hour. Then I want to discuss the bill somewhat, and after that proceed with the five-minute debate.

The CHAIRMAN. The Chair will understand this arrangement as binding in Committee of the Whole, unless objection be made.

There was no objection.

Mr. BLAINE. Then I will follow the gentleman from Mississippi.

The CHAIRMAN. The Chair will say that on going into the Committee of the Whole to-morrow the gentleman from Mississippi will not have the floor in his own right; he will be entitled only to the fifteen minutes yielded to him by the gentleman from Pennsylvania, [Mr. KELLEY.]

Mr. BLAINE. Then, I understand, I am to follow?

The CHAIRMAN. Then the gentleman from Maine [Mr. BLAINE] will be recognized.

Mr. LYNCH. I desire to speak on this bill, but I certainly cannot express my views in fifteen minutes, and, unless by the courtesy of the committee I can have more time, I do not wish to occupy the floor at all.

Mr. RANDALL. I cannot hear what the gentleman from Mississippi says.

The CHAIRMAN. The gentleman from Mississippi says that the fifteen minutes to which he is entitled by courtesy of the gentleman from Pennsylvania will be of no use to him in completing the speech which he intends to make, and therefore asks that his time be extended.

Mr. RANDALL. I have a right to be recognized by the Chair immediately upon the finishing of the hour of my colleague from Pennsylvania if he himself had occupied the whole of that hour, and, as he yielded what remained of his hour to the gentleman from Mississippi, I will of course be entitled to the floor at the conclusion of that time.

The CHAIRMAN. So the Chair understands.

Mr. RANDALL. The gentleman from Mississippi obtained his right to the floor through the gentleman from Pennsylvania, and I insist upon claiming my right at the end of my colleague's hour.

The CHAIRMAN. The Chair will recognize the gentleman from Pennsylvania, chairman of the Committee on Appropriations.

Mr. RANDALL. The committee or the House can extend the time of the gentleman from Mississippi as it pleases.

Mr. STEVENSON. I move that the time of the gentleman from Mississippi be extended thirty minutes, which I understand is what he desires.

The CHAIRMAN. The Chair will not submit that resolution to the committee until the time arrives. If the committee rise now, the gentleman from Mississippi will be entitled to the floor to-morrow, and either in the House or after we go into committee the question can be submitted as to whether his time shall be extended or not.

Mr. RANDALL. I do not care how much time in reason is extended to the gentleman from Mississippi, but I want the closing hour for myself.

Mr. HOLMAN. I take it for granted there will be no objection to the extension of time, but to-morrow will be more appropriate to submit the request. I hope the committee will now rise.

Mr. LYNCH. I will yield to a motion that the committee rise.

Mr. HOLMAN. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOSKINS reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

ENROLLED BILL.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled an act (S. No. 53) fixing the time of holding the circuit court of the United States in the districts of California, Oregon, and Nevada; when the Speaker signed the same.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed bills of the following titles in which the concurrence of the House was requested:

An act (S. No. 58) to pay the First National Bank of Saint Albans, in the county of Franklin, and State of Vermont, the value of certain United States Treasury notes held by said bank as financial agent of the United States, and forcibly taken therefrom by raiders from Canada, in October, 1864;

An act (S. No. 417) for continuing the work of improving the Capitol grounds; and

Joint resolution (S. Res. No. 4) authorizing Captain Temple and Lieutenant-Commander Whiting, of the Navy, to accept a decoration from the King of the Hawaiian Islands.

The message further announced that the Senate had passed without amendment a bill of the following title:

A bill (H. R. No. 417) donating condemned cannon and cannon-balls to the Ladies' Monumental Association of Allegheny County for monumental purposes.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. ODELL for four days on account of urgent business, and to Mr. WOODWORTH indefinitely on account of a death in his family.

WITHDRAWAL OF PAPERS.

On motion of Mr. TUCKER, by unanimous consent, leave was was granted for the withdrawal from the files of the House of the papers in the case of William Graham, now in possession of the Committee on Patents.

SAINT ALBANS NATIONAL BANK.

On motion of Mr. HENDEE, by unanimous consent, a bill (S. No. 58) to pay the first national bank of Saint Albans, in the county of Franklin, and State of Vermont, the value of certain United States Treasury notes held by said bank as financial agent of the United States and forcibly taken therefrom by raiders from Canada in October, 1864, was taken from the Speaker's table, read a first and second time, and referred to the Committee on War Claims.

Mr. HOLMAN moved to reconsider the vote by which the bill was referred; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then, on motion of Mr. CROUNSE, (at five o'clock p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BANNING: The petition of Walter J. Smith, for pay as first sergeant of the Forty-fifth Kentucky Infantry, to the Committee on Military Affairs.

By Mr. BELL: The petition of Abby A. Johnson, to be re-instated on the pension-rolls and for arrears of pension, to the Committee on Invalid Pensions.

By Mr. CONGER: Remonstrance of R. P. Fitzgerald and 45 other citizens of Milwaukee, against bridging the Detroit River, to the Committee on Commerce.

By Mr. CROUNSE: The petition of T. P. Quick and others, of Lincoln, Nebraska, to repeal the stamp tax on safety matches, to the Committee of Ways and Means.

By Mr. DENISON: The petition of George H. Blake and 46 others, for the repeal of the check-stamp tax, to the same committee.

By Mr. ELY: The petition of Seth Driggs, for relief, to the Committee on Military Affairs.

By Mr. FAULKNER: Papers relating to the claim of James Cummings, for pay for property taken and used by the United States Army, to the Committee on War Claims.

By Mr. FRYE: The petition of the Second Baptist church of Brooklyn, New York, signed by the pastor and officers thereof, for a commission of inquiry concerning the alcoholic liquor traffic.

Also, the petition of the National Division of the Sons of Temperance of North America, officially signed by F. M. Bradley, of Washington, District of Columbia, most worthy patriarch, and by Samuel W. Hodges, of Boston, Massachusetts, most worthy scribe, representing about one hundred thousand members, of similar import, to the same committee.

Also, the petition of the Grand Lodge of Good Templars of the District of Columbia, officially signed by James F. Bolton, G. W. C. T.; J. S. Gourley, G. W. C.; Mary J. Lowry, G. V. T.; Walter Drummond, G. S.; William H. Womersley, G. T.; representing 230 members, of similar import, to the same committee.

By Mr. GARFIELD: The petition of officers of national banks and other citizens of Cincinnati, Ohio, for the repeal of the tax on bank deposits, to the Committee of Ways and Means.

Also, the petition of citizens of Columbus, Ohio, of similar import, to the same committee.

Also, the petition of citizens of Cleveland, Ohio, of similar import, to the same committee.

Also, the petition of citizens of Orwell, Ohio, for the repeal of the stamp tax on safety matches, to the same committee.

Also, the petition of 45 citizens of Morgan, Ashtabula County, Ohio for the repeal of the check-stamp tax, to the same committee.

Also, the petition of citizens of Ravenna, Ashtabula, Ashtabula Harbor, and Warren, Ohio, for the extension of the national credit to the great southern railroad to the Pacific, to the Committee on the Pacific Railroad.

Also, the remonstrance of 112 citizens of Ashtabula County, Ohio, against the passage of the bill to bridge the Detroit River, to the Committee on Commerce.

Also, the petition of the Grand Division of the Sons of Temperance of Ohio, signed by the officers thereof, representing eight thousand members, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. GOODE: The petition of Elizabeth Hanor, for a pension, to the Committee on Revolutionary Pensions.

By Mr. GOODIN: The petition of E. E. Barrett and other citizens of Kansas, for a change of mail-route No. 33038, to the Committee on the Post-Office and Post-Roads.

Also, the petition of John P. Mitchell and other citizens of Kansas, for a post-route from Neosho Falls to Williamsburgh, Kansas, to the same committee.

By Mr. HANCOCK: The petition of Captain Reuben M. Potter, United States Army, that officers over seventy years of age may retire when they desire to do so, to the Committee on Military Affairs.

By Mr. HATCHER: The petition of citizens of Mine La Motte, Missouri, for a reduction of postage on third-class mail matter, to the Committee on the Post Office and Post-Roads.

By Mr. HENKLE: The petition of William Dadds, for pay for property destroyed at Annapolis, Maryland, by order of General B. F. Butler, to the Committee on War Claims.

By Mr. JENKS: The petition of Augustus Lempp, for a pension, to the Committee on Invalid Pensions.

Also, the petition of certain ex-soldiers of Pennsylvania, for the equalizing of bounty, to the Committee on Military Affairs.

Also, the petition of Henry Reiring, for a pension, to the Committee on Invalid Pensions.

By Mr. LANE: The petition of W. H. Henry and other citizens of Oregon, for the improvement of the Columbia and Snake Rivers, to the Committee on Commerce.

Also, the petition of F. H. Blanchet, archbishop of Oregon, on behalf of the Nestucca Indians, praying the Government to carry out the treaty stipulations with said Indians, none of which have been complied with on the part of the United States, to the Committee on Indian Affairs.

By Mr. MORRISON: The petition of the Grand Division of the Sons of Temperance of Illinois, officially signed and representing 2,000 members, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee of Ways and Means.

By Mr. NORTON: Papers relating to the claim of Pardon Worsley, for pay for services rendered the War Department as a detective, to the Committee of Claims.

By Mr. O'BRIEN: The petition of citizens of Baltimore, Maryland, for the repeal of the check-stamp tax, to the Committee of Ways and Means.

By Mr. PHELPS: The petition of Joseph Sheldon and others, of New Haven, Connecticut, for the repeal of the resumption act, to the Committee on Banking and Currency.

Also, the petition of Patrick McCarthy and 126 other citizens of New Haven, Connecticut, of similar import, to the same committee.

Also, the petition of Cornelius K. Russell and others, of New Haven, Connecticut, for the issue of 3.65 convertible gold-bearing bonds, to the same committee.

Also, the petition of John P. Phillips and others, of New Haven, Connecticut, for greenbacks to be made receivable at par for duties on imports, to the same committee.

By Mr. PIERCE: The petition of William M. Barrett, for a pension, to the Committee on Invalid Pensions.

By Mr. RAINEY: The petition of the Good Templars of South Carolina, signed by the officers thereof, representing 4,000 members, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee of Ways and Means.

By Mr. REAGAN: The petition of W. M. Cook, for rent of buildings occupied by the United States Army, to the Committee on War Claims.

By Mr. SEELYE: The petition of the First Baptist church at Fitchburgh, Massachusetts, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. VANCE, of North Carolina: The petition of citizens of Clearfield County, Pennsylvania, for aid to be extended the Texas and Pacific Railroad.

By Mr. WILLARD: The petition of 202 citizens of Coldwater, Michigan, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. WILLIS: The petition of the New York Women's Christian Temperance Union, officially signed, of similar import, to the Committee on Education and Labor.

Also, the petition of Edmund Worg, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Thomas Haggett, for pay for value of schooner Alonzo, to the Committee of Claims.

By Mr. WOOD, of New York: The petition of the National Temperance Society, signed by William E. Doge, president, and J. N. Stearns, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on Education and Labor.

IN SENATE.

THURSDAY, *February* 10, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

DISTRICT 3.65 BONDS.

The Senate proceeded to consider its amendments to the joint resolution (H. R. No. 52) directing the commissioners of the District of Columbia to pay the interest on the bonds issued in pursuance of the act of Congress approved June 20, 1874, out of any funds in the United States Treasury, subject to the requisition of said commissioners, and for other purposes, disagreed to by the House of Representatives.

On motion of Mr. WHYTE, it was

Resolved, That the Senate insist upon its amendments disagreed to by the House of Representatives to the said joint resolution, and agree to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon.

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

Messrs. MORRILL of Maine, SARGENT, and THURMAN were appointed the conferees on the part of the Senate.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles and referred to the Committee on the Judiciary:

A bill (H. R. No. 356) concerning cases in bankruptcy commenced in the supreme courts of the several Territories prior to the 22d of June, 1874, and now undetermined therein;

A bill (H. R. No. 390) to repeal the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and all laws and parts of laws amendatory thereof;

A bill (H. R. No. 555) to amend section 856 of the Revised Statutes; and

A bill (H. R. No. 1210) authorizing actions in cases of death resulting from wrongful act, neglect, or default.

PETITIONS AND MEMORIALS.

Mr. SARGENT. I present sundry petitions signed by residents of the State of California, praying Congress to make an appropriation in aid of the centennial fund. As that proposition is now before the Senate, I move that these petitions lie on the table.

The motion was agreed to.

Mr. LOGAN presented a telegram in the nature of a petition, signed by leading merchants of Chicago, Illinois, praying a repeal of the bankrupt law, to take effect at a date not later than the 1st of July, 1876; which was referred to the Committee on the Judiciary.

Mr. WALLACE presented three petitions of 500 citizens of Allegheny County, Pennsylvania, artisans and workers in iron and coal, praying Congress to guarantee the interest on the bonds issued by the Texas and Pacific Railroad Company and in aid of the prostrated iron industries of Pennsylvania, which were referred to the Committee on Railroads.

Mr. HAMLIN presented a letter of the Postmaster-General addressed to the chairman of the Committee on Post-Offices and Post-Roads, regarding the general subjects of classification and expenses connected with the transportation of mail-matter; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. EDMUNDS. I present the memorial of the Washington Monument Society, praying Congress to make an appropriation to aid in the completion of the Washington Monument. As this subject has been sent to the Committee on Public Buildings and Grounds, I move that this memorial take that direction.

The motion was agreed to.

Mr. HARVEY presented a petition of residents upon the Kansas Indian trust lands, praying a reduction of the price of said lands; which was referred to the Committee on Indian Affairs.

Mr. KERNAN presented a petition of citizens of the city of New York, praying for the repeal of the general bankrupt law; which was referred to the Committee on the Judiciary.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting a statement showing the aggregate number of the organized militia of the several States, respectively, according to the latest returns received at the office of the Adjutant-General of the Army; which, on motion of Mr. MORRILL, of Maine, was ordered to lie on the table and be printed.

REPORTS OF COMMITTEES.

Mr. RANDOLPH, from the Committee on Military Affairs, to whom was referred the bill (S. No. 25) granting the right of way to the Leavenworth Street Railroad Company across the Fort Leavenworth military reservation, reported it with an amendment.

Mr. McDONALD, from the Committee on Pensions, to whom was referred the bill (S. No. 326) for the relief of the widow of L. H. Rousseau, deceased, late brigadier-general and brevet major-general of the United States Army, reported it with an amendment.

Mr. HOWE, from the Joint Committee on the Library, to whom was referred the memorial of Admiral Charles Wilkes, asking an investigation as to the reasons for stopping the publication of the results of the exploring expedition and for refusing payments therefor, submitted a report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the memorial.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the bill (S. No. 206) granting a pension to Catharine Ferry, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Emanuel Slifer on behalf of James Eli Butts and Malinda Frances Butts, minor heirs of Joseph Butts, deceased, late a private in the Seventh Regiment of Maryland Volunteers, praying that an act may be passed granting a pension to the said heirs, submitted a report thereon accompanied by a bill (S. No. 425) granting a pension to James Eli Butts and Malinda Frances Butts.

The bill was read and passed to the second reading, and the report was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Eunice Tripler, widow of the late Dr. Charles S. Tripler, surgeon United States Army, praying to be allowed a pension, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of James S. Collins, of Hancock County, Maine, praying to be granted a pension on account of services rendered the United States in the war of 1812, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. CRAGIN, from the Committee on Naval Affairs, to whom was referred the petition of William Gibson, a commander in the Navy on the retired list, praying to be restored to the active list of the Navy, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of William C. West, a commander on the retired list of the Navy, praying to be allowed the sea pay of a lieutenant-commander on the active list, asked to be discharged from its further consideration; which was agreed to.

SERVICE OF WRITS OF MANDAMUS.

Mr. FRELINGHUYSEN. I am instructed by the Committee on the Judiciary, to whom was referred the bill (S. No. 13) to amend the fourteenth section of the act to establish the judicial courts of the United States, approved September 24, 1789, to report it with amendments; and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that whenever the circuit courts of the United States shall, in the exercise of their jurisdiction, issue writs of mandamus or other common-law writs, and the party or persons to whom the writs shall be directed shall for any cause neglect or fail to perform the act or duty required thereby, the court from which the writ issues may, upon the application of the plaintiff in whose favor the writ is issued, besides or instead of proceeding against the defendant by attachment, direct that the act required to be done shall be done by some person appointed by the court, at the expense of the defendant, to be recovered by the same process, by and along with the cost of the writ or writs; and when such courts shall have rendered judgment against any municipal corporation for the recovery of any sum of money, and it is necessary to levy and collect a tax for the payment thereof, the courts shall have power, through the proper officers of such corporation or through the persons appointed as aforesaid, to levy and collect such a tax as may be necessary to pay such judgment, together with the costs of such procedure.

The bill was reported from the Committee on the Judiciary with amendments.

The first amendment of the committee was in line 9 to strike out the words "plaintiff in whose favor" and insert "person for whose benefit;" so as to read:

Upon the application of the person for whose benefit the writ is issued, &c.

Mr. KERNAN. I desire to get a little more information upon this matter, and I ask the Senator who reported it if this is a bill which proposes to remedy a difficulty of this kind: For instance, a judgment is obtained against a town or city in the circuit court, against the officers of that municipality to assess a tax. Is the object of this bill to have the court appoint officers who shall assess that tax upon the taxpayers of the municipality? I wish the Senator to explain that.

Mr. FRELINGHUYSEN. That is one object of the bill. The bill has two objects. When a writ of mandamus is issued to enforce a judgment of the Federal courts, it has been quite customary for the officer to whom the writ was directed to resign, thereby defeating the enforcement of the judgment. In that event the bill authorizes the court to appoint another officer to perform that duty. Also, if any municipal corporation or county fails to levy the proper tax for the payment of the judgment, the court is authorized by a mandamus to direct the officers of that county to levy it or appoint some one to do it. This bill passed both the Senate and House at the last session, but failed of final action for want of concurrence in all respects.

The PRESIDENT *pro tempore*. The question is on the first amendment reported by the Committee on the Judiciary.

The amendment was agreed to.

The next amendment of the committee was in line 15, after the word "corporation," to insert "or county, or any officer or officers of such corporation or county;" so as to read:

And when such courts shall have rendered judgment against any municipal corporation or county, or any officer or officers of such corporation or county, for the recovery of any sum of money, &c.

The amendment was agreed to.

The next amendment was after the word "corporation," in line 19, to insert the words "or county;" so as to read:

Through the proper officers of such corporation or county, &c.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. COCKRELL. I would like to have the bill read again.

The PRESIDENT *pro tempore*. The bill will be reported.

The bill was read as amended.

Mr. MERRIMON. Mr. President, what committee reported this bill to the Senate?

The PRESIDENT *pro tempore*. The Committee on the Judiciary. It was reported by the Senator from New Jersey, [Mr. FRELINGHUYSEN.]

Mr. MERRIMON. It is a very important bill; one in which my constituents are interested, and I think the constituents of many other Senators are deeply interested in it. Therefore I trust it will not be pressed upon the attention of the Senate at this time.

The PRESIDENT *pro tempore*. The Senate has already agreed to its consideration; the amendments of the committee have been reported and concurred in, and the bill is now open to further amendment.

Mr. MERRIMON. I trust the Senator who called it up will agree to let it lie over for the present.

Mr. FRELINGHUYSEN. I think that this bill ought to pass. It was unanimously reported from the Committee on the Judiciary at the last session; has been so reported again. It passed the Senate at the last session; it passed the House of Representatives at the last

session. The whole object of the bill is to give efficacy to the judgments of the Federal courts. Without this bill it is in the power of the debtor to defeat the judgment. I hope that the Senate will pass the bill.

Mr. MERRIMON. I am very sure that this is a bill which ought not to pass without debate and due consideration by the Senate. I have very great respect for the judgment of the Judiciary Committee; I have great confidence in their judgment; but I believe from my experience as a practicing lawyer and my observation that it is unwise to pass this bill, if indeed Congress has the power to pass such a bill. It had its origin in cases of this sort: In some of the counties in the States of the Northwest, where they have issued county bonds, the authorities have failed to lay taxes to pay the interest upon such bonds, and creditors holding coupons have brought suits in the Federal courts, and the officers of the Federal courts have been unable to collect their debts. The purpose of this act is to authorize the circuit courts of the United States, instead of proceeding under the writ of mandamus, to direct a particular officer, a marshal for example, to go and lay the tax and collect it in the several counties. The Supreme Court have decided that as the law now stands there is no such authority in the courts. I confess as a lawyer I at one time thought they had such power, but the Supreme Court have decided that they had not.

I am not prepared to debate the matter now. I wish to look into it with great care. It is a subject very interesting to my people at this time, and it is interesting to the people in other sections of the Union. I therefore trust it will not be pressed upon the attention of the Senate this morning.

Mr. McDONALD. I concur with the Senator from North Carolina in reference to the character of this bill. I shall certainly not be willing to vote for it at this time, if at all. It seems to vest a very great power in the Federal courts in reference to collecting local taxes in certain cases. I would desire with him that the bill should pass over for the present until it can be more carefully examined.

Mr. WITHERS. I unite in the request on the part of the Virginia people who are especially interested in this matter. Some of the counties have a deep interest in it, and I hope it may be thoroughly investigated before it is pushed to a vote.

Mr. FRELINGHUYSEN. There was a remark dropped by one of the Senators that there was a question of constitutional power to pass such an act. That question has been settled by the Supreme Court. The State of Iowa has a State statute similar to this authorizing the court to appoint officers in case of the resignation of officers to whom a mandamus is directed, and also authorizing the court to direct a levy to be made.

Mr. MERRIMON. May I interrupt my friend.

Mr. FRELINGHUYSEN. In one moment. The Supreme Court of the United States has held that the Federal courts following the practice of the State in Iowa could so execute the writ of mandamus, which is a direct adjudication as to the constitutionality of this act; and to hold that it is unconstitutional is to hold that the judgments of the Federal courts are inoperative.

If, however, Senators wish the opportunity to look further into this bill, I will let it pass over, trusting that they will give me their support to bring it up on another occasion.

Mr. MERRIMON. I beg to say this, sir, in reply to what has just fallen from the Senator from New Jersey, that the Supreme Court have expressly held, in a case of recent date, that the circuit courts of the United States have no power to send a marshal into a county to collect a debt, even where the county authorities had laid the tax and where the sheriff had failed to collect it and where he resigned rather than collect it. The Supreme Court have held that the circuit courts have no power to send a marshal there to collect the tax in that case, and this bill is intended to effectuate a remedy for that supposed evil in part.

I know that there are claimants throughout the country who have a deep interest in this bill; and it may be possible that we have the power to pass it. I will not undertake to say how that is, but I do say that I shall desire to be heard upon it, and I have no doubt others will. At all events I want to examine it, and I trust that we shall have a fair opportunity to do that.

Mr. FRELINGHUYSEN. There is no doubt of the correctness of the statement of the Senator. If there was no evil to cure, if the Supreme Court had the power when one officer resigned to appoint another in his place, this bill would not have been introduced. It is to cure that very evil; but the Supreme Court has expressly decided that this act is constitutional. I hope that the Senators who wish to debate it will aid me in the future in bringing it up.

Mr. RANSOM. I desire to say to my friend from New Jersey that I am very much obliged to him for letting the bill go over this morning. I shall desire to be heard on it when it does come up, and I think I shall be able to give some reasons to my friend which will satisfy him, or at least tend to satisfy him, that he ought not to press this bill at this juncture or during this session.

The PRESIDENT *pro tempore*. By common consent the bill goes over.

BILLS INTRODUCED.

Mr. WINDOM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 426) for the relief of Elias D. Brnner; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. CAMERON, of Wisconsin, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 427) establishing the port of La Crosse, Wisconsin, as a port of appraisal; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. CAPERTON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 428) to aid the Washington and Ohio Railroad Company in the construction of their road to the Ohio River; which was read twice by its title, referred to the Committee on Railroads, and ordered to be printed.

Mr. MERRIMON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 429) to authorize the Eastern Band of Cherokee Indians to institute suits against the Cherokee Indians residing west of the Mississippi River, and for other purposes; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. MORTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 430) to incorporate the National Bond and Mortgage Company of the District of Columbia; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. MERRIMON, it was

Ordered, That Sarah Shelton and Sarah J. Greene have leave to withdraw their papers from the files of the Senate, leaving copies of the same.

C. H. FREDERICK.

Mr. HITCHCOCK. I ask the Senate to take up the bill for the relief of C. H. Frederick, reported by the Committee on Military Affairs a few days ago. It will take but a moment.

The bill (S. No. 416) for the relief of C. H. Frederick, late a lieutenant-colonel in the Ninth Missouri Infantry, was read the second time, and considered as in Committee of the Whole. It appropriates $388.24, being amount due C. H. Frederick from date of enlistment to date of muster.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

NORTHERN PACIFIC RAILROAD.

Mr. KELLY. Mr. President, I move that the Senate now proceed to the consideration of Senate bill No. 14, which was under consideration at the time the morning hour expired yesterday.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 14) to extend the time for the construction and completion of the Northern Pacific Railroad, the pending question being on the amendment of the Committee on Railroads to make the bill read:

That ten years' additional time is hereby granted to the Northern Pacific Railroad Company to construct and complete its road under its charter and the resolutions of Congress relating thereto; and the proviso to section 1 of the act of July 15, 1870, entitled "An act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1871, and for other purposes," which requires the payment of the costs of surveys by said company, is hereby repealed.

SEC. 2. That this extension is granted upon the express condition and understanding that where pre-emption and homestead claims were initiated or private entries and locations were allowed upon lands embraced in the grant to said company prior to the receipt of the orders of withdrawal at the respective district land offices, the same may be perfected and carried into patent, and the company shall be entitled to indemnity therefor as now provided by law: *Provided*, That this condition shall not apply to lands heretofore patented to the company nor to entries already canceled and upon which the purchase-money or other consideration has been returned to the respective parties in interest.

SEC. 3. That entries remaining unadjusted and suspended in the General Land Office on account of an increase in price of the even sections within the limits of the grant, where the same were made or based upon settlement made prior to the receipt of the respective orders of withdrawal aforesaid, shall be relieved from such suspension and carried into patent; but nothing in this act shall be construed to affect existing adjustments nor to authorize the refunding of any moneys received for such lands under existing laws.

SEC. 4. That the extension of time granted by section 1 of this act shall not apply to the branch line of said road from Lake Pend d'Oreille, across the Cascade Mountains, to Puget Sound, in Washington Territory; but all acts and parts of acts, so far as they make any grant of lands or other aid for the construction of said branch, are hereby repealed; and the lands heretofore granted therefor shall be, and they are hereby, restored to the public domain, to be dealt with as other public lands, under the direction of the Secretary of the Interior.

SEC. 5. That the said Northern Pacific Railroad Company shall file with the Secretary of the Interior, within six months from the date hereof, its assent to, and acceptance of, the provisions of this act, or be forever debarred from taking or receiving any benefit from or under the same.

Mr. SARGENT. Yesterday I gave notice of an amendment that I would offer to this bill. If it is in order, I desire now to propose that amendment.

The PRESIDENT *pro tempore*. The amendment reported from the Committee on Railroads is first in order. The Senator from California can move to amend that amendment.

Mr. SARGENT. I move to amend the amendment of the committee by striking out in the second section, lines 6 and 7, the words, "The same may be perfected and carried into patent and;" and in lieu thereof to insert:

The land embraced in such entries shall not be held as within the grant to said company and shall be patented to the parties lawfully entering the same, and in case of abandonment by them shall be open to pre-emption and homestead entry only of actual settlers, but—

The CHIEF CLERK. If the section be thus amended it will read:

That this extension is granted upon the express condition and understanding that where pre-emption and homestead claims were initiated, or private entries and locations were allowed, upon lands embraced in the grant to said company prior to

the receipt of the orders of withdrawal at the respective district land offices, the land embraced in such entries shall not be held as within the grant to said company, and shall be patented to the parties lawfully entering the same, and in case of abandonment by them shall be open to pre-emption and homestead entry only by actual settlers; but the company shall be entitled to indemnity therefor as now provided by law.

Mr. SARGENT. I will modify the amendment by saying "lawfully entered under the provisions of this section," because the theory of the section is to overrule certain decisions which were made by the Land Office, and in consonance with a bill we passed the other day, and I do not wish to revert to the condition of things when those decisions were in force. I modify the amendment as I have stated. The modification is to insert after the word "entered" the words "under the provisions of this section."

This amendment, I suppose, will need no further explanation than that which I made of it yesterday. The bill, as drawn by the committee, probably had the same intent. That I am willing to assume; and it provides that where pre-emption and homestead claims were initiated, or private entries, &c., made, these may be carried to patents. But suppose the parties die, or suppose they have left or sold? These lands were originally reserved, the lands themselves were reserved by the original grant; but by a failure of remedy they passed to the railroad company, as they have done in my own State under similar grants, and in other States, to the great distress and oppression of persons who supposed they had a right to acquire the lands of the original pre-emption or homestead settler; because by such acquisition they were not carried back to a time antecedent to the railroad grant. Now, I come in and simply say that the land itself shall not pass—not merely that the inchoate title shall some time be perfected, as it may never be, and is still less likely to be when these extensions are made; but the land itself is reserved and shall not pass to the railroad company, but shall be open to pre-emption and homestead settlement only to actual settlers.

Mr. MITCHELL. I ask the Senator from California if it has been the ruling of the Land Department that in all cases where there was an actual settler on an odd section at the time the grant was made the land did not pass by virtue of the act to the railroad company?

Mr. SARGENT. I know that in some of their decisions they have looked that way, but the practical effect of the decision is lost because there is no party to contest the right of the railroad company to receive the land. The Land Office does not recognize any pre-emption or homstead settler whose right did not accrue before the grant, and there is, consequently, a failure of parties, there is nobody to show that these rights did accrue (the rights which were formerly held and to which I refer by this amendment) before the railroad grant. They do not recognize the right of contest in any parties that come in afterward; they recognize no deraignment except from the original party, and no possession that does not antedate the grant. But if that is the decision of the Land Office, and this is in consonance with it, it is another reason, perhaps, why objection ought not to be raised to the amendment I have proposed.

Mr. MITCHELL. I agree precisely with the Senator from California as to what the law ought to be. But the only point is whether this is necessary.

Mr. SARGENT. My own experience, as I stated yesterday, is that it is necessary. I know that along the line of the Central Pacific Railroad in California men who went there years before the grant was made supposed they had a right to sell the improvements which they had made upon their lands, and that the party who purchased had a right to buy, and the party who purchased supposed he had that right; but the railroad grant intervening between the original possession and the purchase, those who had paid for improvements which were worth thousands of dollars lost their money, lost any improvements which they put upon the land, lost possession of the land, and it went to the railroad company simply because the land office could not under our general laws recognize anybody to show a pre-emption which had been abandoned and which would have prevented this result. Knowing these things to be so in my own State, I reason that they may occur elsewhere. In fact, the complaint is not confined to my State. Settlers generally, as I understand, complain of these hardships and difficulties. As the law now stands, it is a trap for the unwary. While the wise maxim of the law in reference to criminal matters is that every man is presumed to know it and acts at his peril in disregarding it, it is a harsh maxim where it is applied to remedial statutes, and certainly it is harsh where private rights are concerned under laws like this. You cannot assume that the hardy pioneer who goes out into the wilderness, cuts down the trees, makes a clearing, makes his home there, understands the nice distinctions which we draw, or in fact the wording of the statutes or the statutes at all. It is to protect this class in the exercise of what seems to them a natural right that except for a prohibition in the statute would be perfectly right, and is morally right in any aspect, to prevent their being entrapped, and to allow them to have the benefit of the act. Therefore I propose this amendment. I would like to look at my modification, however, and see that it is correct.

Mr. KELLY. I shall make no objection to the amendment proposed by the Senator from California. I see no objection to it myself. It is in the interest of the settler, and so far I am willing to accept it.

The amendment to the amendment was agreed to.

Mr. EDMUNDS. I propose the following amendment, to come in before section 5, which I believe is now the last section of the bill:

This act shall not be construed to affect existing private rights otherwise than as hereinbefore expressly provided, and shall, as well as said charter and other acts and resolutions hereinbefore mentioned, be subject to alteration, amendment, or repeal at the pleasure of Congress.

The object of the first branch of the amendment is not to allow the privilege which we grant to this company of extension to disturb any existing private rights of the settlers or others in these lands; and lest the amendment that has already been provided shall not effectuate that purpose and cover all the cases that may exist, I think it right that we should not let the bill go without the additional provision that I have made, which is consistent as I have drawn it with what has already been provided.

The second branch of the amendment I suppose every one will agree to. It is that this present legislation in aid of this company, like all the former legislation, shall be subject to the future judgment and discretion of Congress, to do as Congress, standing indifferent between the people and the company, shall think wise and necessary for the good of either party. I hope we shall never hereafter pass a bill relating to a corporation in which we shall not reserve the right to change and repeal according to the public interests.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont to the amendment reported by the Committee on Railroads.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the committee as amended.

Mr. INGALLS. I move to strike out the proviso in section 2 contained in lines 8 to 12 inclusive.

The PRESIDENT *pro tempore*. The words proposed to be stricken out will be read.

The CHIEF CLERK. The proviso proposed to be striken out is in the following words:

Provided, That this condition shall not apply to lands heretofore patented to the company, nor to entries already canceled and upon which the purchase-money or other consideration has been returned to the respective parties in interest.

Mr. INGALLS. The ostensible purpose of this section is to establish and define the relative rights of settlers and the railroad company within the limits of the land grant. It practically adopts the provisions of the bill passed by the Senate a few days ago upon the same subject. But the proviso is ingeniously contrived to deprive the only class of persons who could be benefited by the section itself from all advantages that could be derived under it.

Provided, That this condition shall not apply to lands heretofore patented to the company, nor to entries already canceled and upon which the purchase-money or other consideration has been returned to the respective parties in interest.

The object of the prior portion of the section is to declare that the land grant shall not attach until notice of the withdrawal has been received at the local land offices in the various districts through which the road may run. It is a matter of entire indifference to the railroad company when the period of definite location is fixed. In all the acts incorporating the subsidized railroads it is expressly declared that if at the time when the land is withdrawn adverse homestead and pre-emption claims have attached the companies shall have what is known as the right of indemnity selections within limits named in the bill. Therefore it is immaterial to them when the period is fixed. They lose nothing in either event. But under the conflicting rulings of the Commissioner of the General Land Office and the Secretary of the Interior heretofore many of these entries have been canceled in the interests of the railroads and against the rights of those who had initiated legal and valid homestead and pre-emption rights to these and to other railroad lands. This proviso is therefore a direct assault upon the interests of the only persons who could be benefited by the provisions of the section without the proviso. I trust therefore that the friends of the bill will consent that this obnoxious addition may be stricken out.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas [Mr. INGALLS] to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee as amended.

The amendment, as amended, was agreed to.

The bill was reported to the Senate as amended.

Mr. SAULSBURY. Mr. President, I shall vote against this bill which extends the time of the present Northern Pacific Railroad Company to complete this road. It is known that there were some fifteen millions of acres of the public land donated to the company for the purpose of aiding in the construction of its road. I myself saw an advertisement of the company at the time they issued their bonds stating that the amount of the public land which had been donated them, at the price of $2.50 per acre, would be sufficient to build the entire road and equip it, and leave a clear profit of $25,000,000 to the corporators. That was the advertisement which they put before the world when they were anxious to sell the bonds of the company. Bonds of the company were issued. Men anxious to secure a large gold interest upon their investments saw proper to invest some of their surplus capital in those bonds. The company became bankrupt, and the franchises and rights and privileges of the company have

since been sold, and have passed now into the hands of the purchasers of the bonds. Many of the men who hold the bonds of the company procured them at nominal prices, and this proposition is to extend the benefits of that land grant to the present holders of the bonds of the Northern Pacific Railroad Company. For one I cannot vote to do it. I believe the grant originally was wrong and improper, and it is especially so now because the benefit of all that land grant is to be passed to the holders of those bonds, who are virtually now the Northern Pacific Railroad Company, when it is known that many of those bonds were bought up at very nominal prices. If the company completes the road, complies with its contract, as a matter of course it will be entitled to the land; but this proposition is to extend the time, to aid the present holders of the bonds of the company to complete the road in the next ten years and take all the advantages and benefits of the land grant. To that I am opposed. I have no objection to the building of the Northern Pacific Railroad, or the Southern Pacific Railroad, or any other Pacific railroad, but I am opposed to doing it out of the public Treasury, or out of donations of the public lands.

There are already four or five hundred miles of this road constructed, and I apprehend that the present company, who are the bondholders of the old company, have now in their franchises and in the road of that company a *quid pro quo* for all their bonds have cost them. It may be that there were some of the original purchasers of the bonds who paid their money, perhaps the par value, but they did it as an investment, and they must stand by that investment and take whatever losses may occur by it, as they would have taken whatever profits would have inured from it.

I shall not by my vote extend the benefits of this land grant to the present company. Believing the land grant to have been originally wrong, I think it is still more wrong to give the benefits of the grant to gentlemen who have invested their capital in buying up bonds at a nominal price. For that reason I shall vote against the bill.

Mr. KELLY. Mr. President, if we are to distinguish among persons who should be encouraged, surely the preference should be for those who have invested their money in good faith for the purpose of constructing this road. I do not propose to take up the time of the Senate, because I see that the morning hour is fast approaching its close. I will simply say that these bondholders have invested of their money $30,000,000, and they ask an extension of time so that they may complete this road which now runs from Bismarck across to the Missouri River. If the time be extended, they propose to commence the building of it beyond that point during the summer. It seems to me that the northern section of the United States and the Northwest is entitled to something in the way of Government aid in building a road to it. To show the interest that the people of that section have in it, I will state that I received a telegram yesterday to the effect that the Montana Legislative Council had voted three and a half millions of dollars to aid in the construction of it. This shows how all-important it is to them, and if they open it up as far as Montana it will become from that day a paying road, and it will pour in population to the great Northwest and open it, which cannot be done for many a day if this grant be not extended.

I will say further that this company does not come here to ask any money aid from Congress. They do not propose to ask that a single dollar be paid out of the Treasury. It is only that the aid in land already given shall be extended for eight years longer. Let me say that there is no more equitable or just way of constructing a road than the grant of lands along the route. The Government loses nothing; it doubles the price of the even sections that are to be sold to settlers, and in that way realizes as much money as if all the land were sold at a dollar and a quarter an acre. Who would not give half the land he possessed in an out-of-the-way country for the purpose of constructing a road to enable him to get his products to the markets of the world? It benefits the settlers; it is no loss to the Government; and, as no money aid is asked, I think the least that can be done for this section of the country is to extend this grant for a few years longer.

Mr. BAYARD. I understand that an amendment was made on motion of the Senator from Kansas striking out a certain proviso in the second section. I wish that amendment reserved.

Mr. INGALLS. That amendment was agreed to.

Mr. BAYARD. I should like to ask the committee who reported the amendments the object of that provision in the second section, and why, after the deliberations of the committee on this subject, it should have been stricken out in Committee of the Whole without debate. The section is an extension of eight years of the original grant, with this proviso:

> That where pre-emption and homestead claims were initiated, or private entries and locations were allowed, upon lands embraced in the grant to said company, prior to the receipt of the orders of withdrawal at the respective district land offices, the same may be perfected and carried into patent, and the company shall be entitled to indemnity therefor, as now provided by law: *Provided*, That this condition shall not apply to lands heretofore patented to the company, nor to entries already canceled and upon which the purchase money or other consideration has been returned to the respective parties in interest.

I ask, why should not such a proviso as that be retained in the bill? It must have found its way there as the result of the deliberations of the committee, and it seems to me, with all due respect to the Senator who moved the amendment, that it has been stricken out from the bill improperly.

Mr. EDMUNDS. You will have to move to restore it then. It is not pending now.

Mr. INGALLS. In response to the Senator from Delaware——

Mr. BAYARD. I do not wish to interfere with the bill. I am opposed to it; but I would move to restore that proviso.

Mr. INGALLS. The second section was intended to embody and adopt the provisions of the bill that passed the Senate a few days ago, No. 34 I think, on the subject of the respective claims of homestead and pre-emption settlers and railroad companies within the limits of railroad grants. If the Senator from Delaware will scrutinize the section he will observe that, although the principle contended for is embodied in the main portion of the section, yet the proviso is so ingeniously devised that it deprives the only persons who could receive any benefit from it of all advantages that can be received under it. As I have previously said it is immaterial to the railroad company when the period of withdrawal is fixed, whether at the time the act is approved, when the survey is made, when the map of withdrawal is filed with the Secretary of the Interior, or when the land is withdrawn from market at the local land office. In either event the railroad company is entitled to indemnity selections within the limits of the land grant. But, though it is immaterial to the railroad company when that period is fixed, it is a question of very great moment to the settlers upon the lands from this fact: that for the past three or four years adverse and conflicting decisions of the Interior Department have deprived a large number of them of their rights as against the railroad companies. In other words, the previous equitable construction now incorporated in the section 2, recognizing the rights of settlers up to the time when notice of withdrawal was filed in the local land office, has been changed to a period in many cases long anterior, whereby large numbers of homestead and pre-emption settlers have been deprived of their homes. Therefore this proviso, while it was intended, I dare say, in good faith to carry out and further the designs of the bill, is really an entire defeat of the beneficent purposes of the section, applying as it does to the only class of individuals who can derive no benefit from it. Therefore it ought to go out.

Mr. BAYARD. Cannot an amendment to exclude the conclusion the Senator speaks of be made so as not to conflict with the effect of the bill which the Senate passed a few days ago in favor of the rights of actual settlers?

Mr. INGALLS. As I said, it is entirely immaterial to the railroad company; it is a matter of absolute indifference to them when the period of withdrawal is fixed or when their grant becomes operative, because, whenever that period may be, whenever it is declared that their rights attach to the land, the statute under which they are incorporated says that if there are adverse homestead or pre-emption rights they shall be entitled to indemnity selections outside of their limits. It is in the interest of the settler, both homestead and pre-emption, and not against the interest of the railroad company.

Mr. BAYARD. Then the proviso is inconsistent with the section?

Mr. INGALLS. Absolutely.

Mr. BAYARD. Then how came the committee to report it?

Mr. INGALLS. It is my impression that the second section was in the nature of a tub thrown to the whale. I distrust these railroad corporations even when they come bearing gifts. I am not sure that the proviso was not deliberately intended to keep the word of promise to the ear and break it to the hope; that the purpose of its insertion was to appear to concede the rightfulness of the principle that has been discussed here in the Senate and at the same time to deprive those persons who would derive benefit under it from the advantages that it was intended to confer upon them.

Mr. MITCHELL. I understand the Senator from Kansas to say in the most positive manner that the effect of this proviso to this section is to do away entirely with the former part of the section.

Mr. INGALLS. Yes, sir.

Mr. MITCHELL. Now I ask him does the proviso cut off the rights of a settler who settled on the public lands prior to the time that notice of the filing of the map was delivered to the local land office and whose application has not been canceled by the Department and in a case where a patent has not been issued? Then I ask further if there is not a large class of persons who come within that description?

Mr. KELLY. I think I can explain the matter to the entire satisfaction of the Senator from Kansas. The ruling of the Land Office was originally that the company was not entitled to any land until it was actually withdrawn in the local land offices. It seems that this company filed its map of the general route on the 13th day of August, 1870.

Mr. INGALLS. When were the lands withdrawn?

Mr. KELLY. The lands were withdrawn on February 10, 1872.

Mr. INGALLS. Nearly two years after.

Mr. KELLY. Eighteen months afterward. Between those dates there were certain persons who settled on the lands, and there were certain entries by persons where the lands had been offered for sale. As I said, the ruling of the Land Office was that they had a right to settle prior to February 10, 1872. On March 15, 1873, the Interior Department reversed that ruling, which of course was in the interest of the company. Meanwhile there were a great many settlers upon the lands. Some of those settlers remain there to this day. Others, on account of the ruling of the Secretary of the Interior, abandoned those locations; others who had paid money received it back from

the receiver of the land office; and this proviso simply applies to that class of persons, those who have taken back their money and surrendered their rights, or to homestead claimants who, after the decision of the Secretary of the Interior, went off the land and took other lands in lieu.

Mr. BAYARD. Does not this proviso protect that class?

Mr. KELLY. This proviso is intended for them; that where the enterers took back their money the lands shall go to the company, or where the homestead or pre-emption claimants surrendered their rights and the lands have been patented to the railroad company, in that case the former part of the section shall not apply.

Mr. INGALLS. If that is the purpose of this proviso it is entirely superfluous, because the Senator himself must be aware, as every other member of this body is, that an abandoned pre-emption right does not change the right of the railroad company.

Mr. KELLY. That is the very reason why I said nothing at the time, because it is a matter of perfect indifference to me whether it is stricken out or not. I only desired to show that it was inserted by the committee in good faith, because they believe that where a man had received back his money for a tract of land he ought not to claim any right to that land.

Mr. HARVEY. I hope the friends of this bill will not insist upon resisting the amendment made on the motion of my colleague. It must be seen that this proviso can be construed, by implication at least, as a confirmation of the unwarranted rulings of the Department of the Interior, concerning which so much discussion was had a few days ago during the consideration of Senate bill No. 34. I say it must be evident that the passage of the bill with this proviso could be so construed; and as the action of the Senate was so decided in condemnation of that ruling, it must be evident that the bill with this proviso in it would meet a very strong opposition in the Senate.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Delaware to the amendment made as in Committee of the Whole, to re-insert the proviso stricken out of the second section.

The amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. COCKRELL. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and being taken, resulted—yeas 35, nays 18; as follows:

YEAS—Messrs. Allison, Boutwell, Cameron of Pennsylvania, Cameron of Wisconsin, Caperton, Clayton, Conkling, Cragin, Dawes, Dennis, Dorsey, Edmunds, Ferry, Frelinghuysen, Hamilton, Howe, Ingalls, Jones of Florida, Kelly, Kernan, Key, Logan, McMillan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Paddock, Patterson, Randolph, Sargent, Wallace, West, and Windom—35.

NAYS—Messrs. Bayard, Booth, Cockrell, Cooper, Davis, Goldthwaite, Harvey, Johnston, McCreery, McDonald, Merrimon, Norwood, Saulsbury, Stevenson, Thurman, Wadleigh, Whyte, and Withers—18.

ABSENT—Messrs. Alcorn, Anthony, Bogy, Bruce, Burnside, Christiancy, Conover, Eaton, English, Gordon, Hamlin, Hitchcock, Jones of Nevada, Maxey, Ransom, Robertson, Sherman, Spencer, and Wright—19.

So the bill was passed.

LIZZIE DICKSON.

Mr. WEST. I failed to notice yesterday, Mr. President, that the Senator from West Virginia [Mr. CAPERTON] reported from the Committee on Claims adversely upon a bill for the relief of a Miss Dickson and the bill was postponed indefinitely. Had I been here, I should have asked that the bill be placed on the Calendar without action. I move to reconsider the vote by which the bill (S. No. 246) for the relief of Miss Lizzie Dickson was indefinitely postponed, and ask that it be placed on the Calendar merely for the purpose of preventing the parties being concluded against positively at the present time.

The PRESIDENT *pro tempore*. The Senator from Louisiana moves to reconsider the vote by which the bill was indefinitely postponed.

The motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

CENTENNIAL EXPOSITION.

The Senate resumed the consideration of the bill (H. R. No. 514) relating to the centennial celebration of American Independence.

Mr. NORWOOD. Mr. President, we read in an eastern story of an orphan princess who, hearing and believing that in a distant land and on the summit of a lofty mountain there were precious treasures, commissioned a brother to make the journey in order to obtain them for her. He went, and arriving at the base of the mountain, met an aged man who told him that in ascending he would hear threats of violence, and should he heed them and look back he would turn to stone and fall on the mountain-side. He began to ascend, and hearing the predicted threats, he became alarmed, looked back, and turned to stone. Another brother made the attempt, and not heeding the counsel given, he met the same fate. The princess then undertook the perilous journey, and when told of the dangers, she stopped her ears, fixed her eyes on the summit turned neither to the right nor the left, ascended to the top, and secured the treasures.

Five years ago the State of Georgia, queenly even in her desolation, believing that in the future upon the lofty plain of constitutional justice and equality were the treasures of peace and prosperity in reserve for her, commissioned one of her humblest sons to assist in the endeavor to secure those blessings for her. He came, and before entering upon the labor assigned to him he was told of the taunts and sneers and jeers he would hear around him; but at the outset he resolved that, fixing his eye upon the blessings which his mother so much needed and desired, he would neither look to the right nor to the left, but press onward and upward in the endeavor to secure them. How far that resolution has been kept he leaves to the judgment of his brother Senators, republicans and democrats, and to the records of this Senate. He has discussed party politics freely and boldly, but has never uttered a word in this Chamber that was sectional in its character or calculated to wound the honor or the pride of any man from any section of this Union.

But why this reference, it may be asked. Because, sir, since the discussion on this amnesty bill, in Congress, on the streets, in the press, it has been said that the vote of a southern man upon this question was to be regarded as a test of his patriotism. Sir, if to vote away millions of money upon a power which some of us believe to be unconstitutional, and which many of us believe to be at the best doubtful, and which others still believe to be inexpedient and unwise, be the test of patriotism, I am free to say that I do not love my country. These remarks, again, are suggested by the words which fell from the lips of a Senator in discussing this question on yesterday. He said, if I be not mistaken, that it was "indecent and mean" not to make this appropriation. As a matter of course, those who vote against the bill must be indecent and mean.

Mr. MORTON. With the Senator's permission——

Mr. NORWOOD. Certainly.

Mr. MORTON. I presume the Senator refers to the remark I made yesterday. I believe I used the word "decency," but I used it as I intended to, if I was not so understood, as to the attitude the nation would occupy if it should refuse to make an appropriation to pay the expenses of this Centennial after having invited the nations of the world to come here. I did not intend to reflect upon the motives of any Senator. I believe I have never done such a thing in the Senate. I think I applied the word "mean" perhaps to an amendment that had been offered to the bill requiring the United States first to be repaid in preference to the stockholders or those who had subscribed stock. I did not think well of that amendment; but I certainly had no purpose to reflect upon the motives of any Senator whatever. I merely intended to indicate what would be the position of the nation in my opinion if, after having invited the nations of the world to come here, it should refuse to contribute to the expenses of the Centennial.

Mr. NORWOOD. With great pleasure I accept the explanation of the Senator, and therefore shall omit what I intended to say on that subject. I know the words were used by him, and I thought, in application to those who oppose this bill. I hope, therefore, that this question of patriotism, of a man being patriotic or unpatriotic according to the views he may entertain on this question or the vote that he may cast, will no longer be heard in this Chamber or elsewhere.

Premising that much, I desire now to consider this question calmly, dispassionately, and in the light of law and of reason. The first thing to be considered is the character of the bill. This is a bill to appropriate the sum of $1,500,000 to complete the centennial buildings in the city of Philadelphia. By the act of June 1, 1872, the Centennial Commission is declared to be—

A body politic and corporate in law, with power to do such acts, and enter into such obligations, as may be promotive of the purposes for which such commission was established. Its title shall be the United States Centennial Commission. It shall have a common and corporate seal, and possess all the rights incident to corporate existence.

Who, then, is to be the beneficiary of this fund? It is the centennial board of finance, which is a *private corporation*.

I wish to divest this question of the idea that the people are interested in it. It is all a mistake. The people have no interest in a dollar of this million five hundred thousand dollars, except to keep it in the Treasury. It is to be used for the erection of buildings that belong to a private corporation. This fact is not questioned by any friend of this bill.

Then, second, what is the purpose of the fund? Why, sir, it is to be used in a private speculation. To make this clear, let us look at the act just referred to. Section 10 is as follows:

SEC. 10. That as soon as practicable after the said exhibition shall have been closed it shall be the duty of said corporation to convert its property into cash, and, after the payment of all its liabilities, to divide its remaining assets *among its stockholders pro rata*, in full satisfaction and discharge of its capital stock.

Thus we see that this appropriation is not only for a private corporation, but it is for the exclusive pecuniary benefit of the stockholders in that corporation. They can apply the fund as they see fit. If they erect buildings they will belong to that corporation, and the proceeds of sale, if the buildings should be sold, will go to the stockholders.

The delusion is cherished by many that this money is to be appropriated to celebrate the Declaration of Independence, while others know it is for the exhibition of the arts and manufactures. Whether it be for either, or whether it be for both, in my judgment, after mature consideration, the appropriation finds no warrant in the Constitution. Has Congress the power, and this is the naked question,

divested of all garniture, to appropriate money to be used by a private corporation in a private speculation for its own benefit? That is the whole question, and I now come to a consideration of the constitutional view of it. It is not pretended by any friend of this measure that there is any direct grant of power in the Constitution authorizing this appropriation. There is not a clause in the Constitution to which any friend has pointed as containing a direct power to appropriate money either for a celebration or for the exhibition of the arts and sciences. Consequently the only way in which the power can be arrived at is by construction; and it is a singular fact that, in looking for the power upon which to support this bill, there are but few of its friends who agree. It is sought by some in the first clause of section 8 of article 1. It is sought by others in the power to regulate commerce. It is sought by others in the preamble to the Constitution. It is sought by others still in the powers that relate to foreign countries, and others find it in the treaty-making power. To say the least of it, that must be an exceedingly doubtful power of Congress which the friends of a measure have to fish for in six or eight different clauses of the Constitution.

As to the first clause of section 8, article 1, of the Constitution, I say that the history of that clause shows that no such power is given by it. That clause when first introduced in the convention was in the following words. I quote from the Madison Papers, page 1485:

September 4 * * * Mr. Brearly, from the committee of eleven, made a further partial report, as follows;

The committee of eleven, &c.

Reported the clause in these words:

The legislature shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States.

It will be observed in that clause, the qualifying clause, which is in the Constitution, to wit, that "duties, &c., shall be uniform," is omitted; and that after the word "excises" the word "to" comes as a continuation of the sentence, being only separated from the word "excises" by a comma, just as in the clause we are now construing. But when we come to look at the grammatical construction of that clause, we find indubitable evidence impressed upon it by the education and the common sense of those who framed it that they never intended that the clause which is relied upon, to wit, "to pay the debts and provide for the common defense and the general welfare of the United States," should give a substantive and a separate power to Congress. Looking at the grammatical construction, we find the following reasons for the meaning I claim the framers of the Constitution had in mind:

First. That in section 8 of article 1 of the Constitution there are eighteen separate paragraphs.

Second. Each of these paragraphs contains a separate and distinct grant of power.

Third. Each paragraph thus containing a distinct grant of power begins with a capital letter, as though it were a complete and distinct sentence. And in the original draught of these several powers submitted to the convention, each paragraph was a complete sentence, because it was terminated by a period.

Fourth. Each paragraph as at present punctuated terminates with a *semicolon*.

Fifth. The first semicolon in the first paragraph (the one under consideration) is placed, not after the word "excises," but after the words "United States."

Sixth. The words in the first paragraph which are a limitation on the power to lay and collect taxes come *after* the portion of the paragraph which it is claimed gives a distinct and substantive grant of power, to wit, the words "to pay the debts and provide for the common defense and general welfare of the United States." Had the words to "provide for the common defense and general welfare" been intended to give a substantive power, they would not have been placed *between* the words giving the power to collect taxes and the words which qualify that power by prescribing the manner in which taxes shall be levied.

Again, the reading which makes the expression, "to pay the debts and provide for the common defense and general welfare of the United States" a substantive power is a cruel criticism on the common sense of the framers of that matchless piece of mental mechanism; for it makes them declare solemnly that, as a *separate* power, Congress shall have the right "*to pay the debts* of the *United States*." For, if the words relied on, to wit, "to pay the debts and provide for the common defense and general welfare of the United States" give a substantive grant, they include three distinct grants of power. The first is, "to pay the debts," the second, "to provide for the common defense," and the third, "to provide for the general welfare of the United States." The convention had already provided that all legislative powers granted in the Constitution should be exercised by Congress and that money should be raised by taxes imposed by Congress; and yet we are told that those wise men intended to provide further that, with all legislative power under its control and with the money in hand collected by taxation, Congress should have the power to *pay the debts* of the *United States*. What other power in the Government did those sages suppose would pay the public debts that made it necessary, in their solemn judgment, to grant that power to Congress as a power distinct and separate from the power to collect taxes? No, sir, these words were intended only to specify the purposes for which the power to collect taxes was given and that the money thus raised was to be used only in paying the debts and for the common defense, (as by supporting the Army and Navy,) and for the general welfare as pointed out in the various clauses which follow in section 8. For, to regulate commerce, to establish rules for naturalization, coin money, establish post-offices and post-roads, and other powers thereinafter named were intended for the general welfare.

But another and fatal objection to this reading is, that it renders nugatory and useless all other grants of power contained in this section; for, if "to provide for the common defense and general welfare" does not mean that the power is to be exercised in the manner pointed out in the several paragraphs of section 8, then there is no limitation on the discretion of Congress as to how and when and to what extent it may go in providing for the general welfare of the United States.

Again, and lastly on this head: When the people had the Constitution under consideration to ratify or reject, objection was made to this clause in section 8, that it gave Congress unlimited power and discretion in providing for the general welfare. Mr. Madison met the objection in the following language, to be found in the fortieth number of the Federalist:

Some, who have not denied the necessity of the power of taxation, have grounded a very fierce attack against the Constitution on the language in which it is defined. It has been urged and echoed that the power "to lay" and collect taxes, duties, imposts, and excises, to pay "the debts and provide for the common defense and general welfare of the United States," amounts to an unlimited commission to exercise every power which may be alleged to be necessary for the common defense or general welfare. No stronger proof could be given of the distress under which these writers labor for objections than their stooping to such a misconstruction. Had no other enumeration or definition of the powers of Congress been found in the Constitution than the general expressions just cited, the authors of the objection might have had some color for it; though it would have been difficult to find a reason for so awkward a form of describing an authority to legislate in all possible cases. A power to destroy the freedom of the press, the trial by jury, or even to regulate the course of descents or the forms of conveyances, must be very singularly expressed by the terms "to raise money for the general welfare."

But what color can the objection have when a specification of the objects alluded to by these general terms immediately follows, and is not even separated by a longer pause than a semicolon? If the different parts of the same instrument ought to be so expounded as to give meaning to every part which will bear it, shall one part of the same sentence be excluded altogether from a share in the meaning; and shall the more doubtful and indefinite terms be retained in their full extent, and the clear and precise expressions be denied any signification whatsoever? For what purpose could the enumeration of particular powers be inserted, if these and all others were meant to be included in the preceding general power?

Nothing is more natural or common than first to use a general phrase and then to explain and qualify it by a recital of particulars. But the idea of an enumeration of particulars which neither explain nor qualify the general meaning, and can have no other effect than to confound and mislead, is an absurdity, which, as we are reduced to the dilemma of charging either on the authors of the objection, or on the authors of the Constitution, we must take the liberty of supposing had not its origin with the latter.

The objection here is the more extraordinary, as it appears that the language used by the convention is a copy from the Articles of Confederation. The objects of the Union among the States, as described in article 3, are, "their common defense, security of their liberties, and mutual and general welfare."

The terms of article 8 are still more identical. "All charges of" war, and all other expenses, that shall be incurred "for the common defense, or general welfare, and" allowed by the United States in Congress shall be "defrayed out of a common treasury," &c. A similar language again occurs in article 9. Construe either of these articles by the rules which would justify the construction put on the new Constitution, and they vest in the existing Congress a power to legislate in all cases whatsoever. But what would have been thought of that assembly if, attaching themselves to these general expressions, and disregarding the specifications which ascertain and limit their import, they had exercised an unlimited power of providing for the common defense and general wealfare?

I appeal to the objectors themselves, whether they would in that case have employed the same reasoning in justification of Congress as they now make use of against the convention.

How difficult it is for error to escape its own condemnation.

But I will consider these words as containing a distinct grant of power. If that be true, then what follows? Does it not follow that this power can only be exercised by Congress, and that it is taken from the States and from the people of the States? Does it not follow that this power is an exclusive power? Who can provide for the common defense except the United States through Congress? No State can provide for the common defense. That one fact was the main reason that induced the States to form a Constitution; because each one was unable to protect itself, and they could not protect each other. I say, therefore, that if this be a substantive power it is an exclusive power, because, in the nature of our Government, it can only be exercised by the General Government. Then if it be an exclusive power, and the power to celebrate the Declaration of Independence is derivable from and is an incident to that power, it follows as an inevitable, logical sequence that the power to celebrate the Declaration of Independence is taken from the States and from the people.

Mr. President, that brings the question to its logical absurdity. To say that the people and the States cannot exercise the right of celebrating the Declaration of Independence is simply absurd. But I say that it is not absurd, but it is strictly logical that, if the Congress of the United States can under this grant of power derive authority to appropriate money for that celebration, it must be only because it is one of the means necessary for the common defense and general welfare, and the United States alone can provide for the common defense and general welfare of the whole Union. Neither the States separately nor the people can exercise this power, and neither, therefore, can exercise any power derivative from this power. And hence, the power to appropriate money for this celebration being derived from the power to promote the general welfare, neither States nor

people can provide for this celebration. Hence we must see that the right to provide for this celebration is not one of the methods by which the power to provide for the general welfare is to be used.

But, sir, it is further said by some that the United States Government has the inherent power as a nation to celebrate the anniversary of its birthday. I propose very briefly to analyze that proposition. For the sake of the argument, and only that, I concede that the United States are a nation; then the question arises how do they come to be a nation? What has made them a nation? They were not a nation before the adoption of the Federal Constitution. If they be a nation, then they are made so by the Constitution; and if made so by the Constitution, I dare say there is no one, however liberal, federal, or radical, who will maintain that they are any more a nation than they are so constituted by the Constitution itself. If that be true, we have to look to the Constitution to find the power which we as a nation can exercise in celebrating our Declaration of Independence.

Now, sir, what is this nation according to the Constitution? We have a judicial, an executive, and a legislative branch—three departments that make up the nation. It is very evident that the executive is not the nation. It is equally clear that the judicial department is not the nation. It is equally clear that Congress is not the nation. So, what has become of the nation? Where is your nation that can appropriate money to celebrate the Declaration of Independence by virtue of an inherent power? Your nation has dwindled into the Congress of the United States. The power you are seeking to exercise as a nation is finally to be sought for in the power to levy taxes, and collect money, and make appropriations, and the only department of the Government that can do these acts is Congress. It is suggested by my friend on the left [Mr. EATON] that, if this bill should happen to be vetoed, where would be the inherent power of your nation? Your nation grows smaller and smaller. The nation has dwindled not only into Congress but your nation is controlled by the veto power, and must get two-thirds of its number to concur before it can exercise an *inherent* right. And yet there is an inherent power in the nation to appropriate money to celebrate the Declaration of Independence! So that those who seek for this power in the nation, after traveling round and round in following this illusion, finally come right back to the point whence they started; and that is the power of Congress to appropriate money for a celebration.

But, sir, there is another class of interpreters of the Constitution who find the power to pass this bill in the general powers granted to Congress to be exercised in our foreign relations. They admit that the powers which are granted to Congress to be exercised between the States and the citizens of the States are limited, but they assent that, when we look at the powers that relate to foreign governments, that establish relations between the United States and foreign countres, all the powers are unlimited; and it is as if we stood upon the shore and looked out upon the boundless horizon with nothing to obstruct the view.

In the first place I deny the proposition that this class of powers is unlimited. There are many things which we, as a Government, cannot do that other nations can. But, admit that those powers are unlimited, then what follows when we come to consider the manner in which those powers are to be exercised? The exercise of those powers must have a reasonable intendment. They must be construed with reference to the objects for which they were granted. They were granted for the purpose of regulating the relations between the United States as a Government and the governments of foreign countries. They were intended to *establish* relations between foreign governments and the Government of the United States. They were intended to secure something that would be beneficial and would be permanent. They were intended to be exercised according to law and in pursuance of law. Now, does this bill establish any relations between the United States and any foreign country? Is there anything secured to this Government in its relations to any other government by this bill? Does it establish, affect, or abrogate a treaty? Has it any relation to foreign governments? Sir, the operation of this bill terminates in the centennial commission of finance, and when that is closed what will be left of this law? When those who are drawn here by the courtesy of this Government; when those who will be exhaled from the great ocean of humanity by the burning zeal of this central sun in our solar system, shall gather and condense upon our shores and disappear again like vapor, what will there be left of this legislation? Any law? Any relations established between this Government and a foreign government? No, sir. There will he nothing left but the empty vision of a gorgeous pageant.

But, Mr. President, I have been considering the different grounds which are assumed by the friends of this bill when they are seeking for power upon which to found it. I now come to consider what I believe to be the true question involved in this case. I do not think that the question arises out of the power of Congress to provide for the general welfare, or from the power to regulate commerce, or from the power of Congress to establish foreign relations; but in my opinion there is a clause in the Constitution which controls and forbids action by Congress on this bill.

By referring to the legislation on this subject we find that this exhibition has not been gotten up to celebrate the Declaration of Independence. That is all a sham. The first act provides for "celebrating the one hundredth anniversary of American Independence." How? Why, "by holding an international exhibition of arts and manufactures, and products of the soil and mine." The centennial of our Independence is to be celebrated; but it is to be celebrated by an exhibition of the products of the arts and the sciences. This fortunately divests this question of all sentiment, of all patriotism. The centennial celebration of the Declaration of Independence is not even a secondary consideration. We are simply to exhibit to the world what we have accomplished in the arts and sciences.

Now, sir, I invite the attention of the Senate to a consideration of the question, whether there is not a limitation in the Constitution on the power of Congress to appropriate money to patronize the arts and sciences by erecting halls at Philadelphia or elsewhere? Has Congress the power to patronize the arts and sciences of foreign countries? Can we do indirectly that which we cannot do directly? Can we promote the arts and sciences of the subjects and citizens of other countries more than we can those of our own? None will dare assert it. Then, sir, if that be true, I say that there is a direct and positive limitation upon the power of Congress and of the United States Government to patronize the arts and the sciences, or either, even to benefit the citizens of the United States, and that the limitation is contained in the eighth clause of the eighth section of the first article of the Constitution, which is in these words:

> Congress shall have power to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

Now, if the power of Congress to promote the progress of science and the useful arts is limited by the Constitution, we have no authority to go beyond that limit. Has a limit been fixed? The provision is that Congress "may promote the progress of science and the useful arts." This clause was inserted after the maturest consideration upon two or three clauses of this character that were introduced and submitted to the convention.

On August 18, 1787, Mr. Madison submitted to the convention, among other propositions for its consideration and action, the following:

> The power in Congress "to secure to literary authors their copyrights for a limited time;
>
> "To encourage by premiums and provisions the advancement of useful knowledge and discoveries;
>
> "To establish seminaries for the promotion of literature and the arts and sciences."

It will be observed that all these several propositions relate to the arts and sciences.

The first was to secure copyrights to literary authors; the second to encourage "useful knowledge and discoveries," which mean nothing else than the arts and sciences; and the third to promote the arts and sciences. Thus we see that the question of promoting the arts and sciences in three different methods was considered and decided on by the convention. And what was their decision? Was it to establish seminaries for that purpose? No, sir. Did they decide to give Congress power to erect magnificent halls for that object? Did they leave the power of Congress over this subject-matter unlimited, to do whatever in their discretion they might judge to be "for the general welfare?" Far from it. We find two positive limitations. By the first they confine any action of Congress to the *useful* arts; and then by the second they restrict the power still further by prescribing the manner and the only manner in which the progress of the useful arts and sciences can be promoted by Congress. They confined it to the power to secure to authors and inventors the exclusive rights to their writings and discoveries. And thirdly they still further restricted even this limited manner of exercising this power by saying, the exclusive right of authors and inventors should exist only for a "limited time."

It is a rule of construction applicable to the Constitution that where a power is given and the exercise of that power is limited to a particular manner, Congress has no right to exercise it in any other manner. If then Congress is restricted to promoting the progress of science and the arts, first, to science and the *useful* arts, second, to securing to authors and inventors the exclusive right to their productions by copyright and by patent-right, and, third, to granting an exclusive right for a limited time only, then Congress has no right to patronize or promote science and the arts, that is, *all* arts, in the manner proposed by this bill. And what is an appropriation of $1,500,000 to erect buildings in which to exhibit the products of science and all the arts, if it is not "to promote science and the arts?" The power to make this appropriation of money already collected by taxation includes the power to tax for the same purpose. The power to make this one appropriation includes the power to levy an annual tax for this purpose. The right to erect buildings to exhibit products of art, carries with it the right to appropriate money from the public Treasury to keep the buildings open and maintain the expense of an annual exhibition. And thus we are drifting. Barrier after barrier is broken down, and power upon power is usurped.

But, Mr. President, it is said that this bill is patriotic. We are just beginning to discover it, at the end of five years. It is said "the honor of the Government is at stake." When the Centennial Commission, about two years ago, asked Congress to pass an act inviting foreign countries to come, we did not think then the honor of the Government was involved. Nothing then was said about the honor of the Government; but, on the contrary, the honor of Congress at that time seemed to be somewhat involved, at least we thought so, and we took

the precaution to put upon record at that time and for the third time the declaration, not only to the Centennial Commission but to the world, that we did not intend the Government should be responsible for a dollar of this exhibition. It was declared again, when, at the request of this commission, Congress authorized the President to issue his invitation to foreign citizens and subjects to be represented at this international exposition.

Congress denied all liability of the Government again when it authorized the striking off of medals to be used at this exposition, because Congress then declared that the medals themselves should be paid for by the centennial board of finance without any expense to the Government. Yet some change seems to have come over the spirit of the dreams of Senators. Senator after Senator has risen to state that he has changed his mind on this subject.

Mr. RANDOLPH. May I interrupt the Senator from Georgia?

Mr. NORWOOD. Certainly.

Mr. RANDOLPH. By what authority does Congress award medals and give them to those who have performed a meritorious or patriotic act?

Mr. NORWOOD. I will answer the Senator by saying that I will not follow the Senator or the Senate into the doubtful field of precedent to find authority upon which to base my action and my vote. I stand upon the Constitution and its plain letter, which is the lamp that is to guide my feet; and if I do not find it there, I will not wander upon the uncertain limits of the Constitution, into the twilight of truth and error, to grope in seeking for a power that we may exercise for an act which is, to say the least of it, doubtful legislation. Precedent after precedent, such as the Senator on my left has called my attention to, can be cited, for which there is no grant of power in the Federal Constitution. I do not seek for it; I do not justify them; I will not follow the *ignis fatuus* of legislative precedent which ever hovers upon the confines of the Constitution and beyond its confines, and over the bogs and quicksands that lie beyond, and where, when we venture, we must inevitably sink. Had I been a member of Congress when the appropriation was asked for to defray the expenses of attending the exposition at London, at Paris, and at Vienna, I should have refused my vote to those bills. And the reason is, as already stated, that the Constitution limits the power of Congress to promote science and the useful arts by the exercise of its power in a particular manner, and in that manner only.

I have already shown that one of the three propositions submitted by Mr. Madison, and considered and rejected by the convention, was to give Congress the power to bestow premiums, which, of course, includes medals.

Mr. RANDOLPH. If the Senator will allow me, by what authority does Congress grant or did Congress grant pensions to the widows of soldiers?

Mr. NORWOOD. I have no objection to answering that question; but, as I said before, all these questions are aside from the issue that we are considering. I answer him by asking what right Congress has to raise an army? By a power granted in the Constitution. Who constitute the army? Soldiers. Does it not necessarily follow that if we have the right to raise an army, and soldiers make the army, we have the power to provide for our soldiers; and is not a pension one of the provisions for soldiers?

There is no use to dally upon questions of this character. The question is simply this; it is nothing more and it is nothing less; Shall we in construing the Constitution grasp at and usurp a power to be exercised in promoting the arts and sciences which the convention had under consideration and expressly refused to incorporate into the Constitution? More than that; waiving the question of the consideration by the convention, waiving the light that is thrown upon the Constitution by their deliberations, and taking the Constitution in its plain letter as we read the English language, as men of common sense and men of liberal education enlightening that common sense, I say that language limits the power of Congress over the arts and sciences to the exercise of it in a particular way, and Congress cannot exercise that power in any other manner.

But, Mr. President, returning from this diverson, I say the dignity and honor of Congress are more involved in this question than the honor of the United States. We have said four several times that the United States would not be responsible to the extent of a copper in carrying on this exhibition, and, after having denied to the Centennial Commission a dollar until last year, are we now to yield? Are we to say to them that, notwithstanding we have incorporated into this bill the very language which we have used time and again before, we do not mean what we say?

For one, I am not willing to publish to the world that we have never intended what we said and that we do not mean what we say now. We are now surrendering, and in the very moment of surrender declaring that we will never surrender again. Our stout refusal and our surrender appropriately suggest a paraphrase of the language of Gloster—

> Was ever *Congress* in this humor woo'd?
> Was ever *Congress* in this humor won?

From $500,000 given last year we now jump to three times that amount, and I put the prediction upon record, and I think that time will vindicate my judgment, that the next session of this Congress will witness an application to this body for as much or more than we are now called upon to appropriate, to defray the expenses of this exhibition and "to protect the honor of the United States."

How has the honor of the United States become involved in this matter, I would like to know? I listened in vain for the chairman of the committee to explain. He said the honor of the Government is involved. Do we expect the governments of other countries to be here? Do we expect the heads of governments to be here? Does any gentleman here flatter himself that he will look into the faces of kings and emperors, of sultans, sultanas, and pashas? They have not been invited, in the first place; in the second place they will certainly not come; and, in the third place, those who are coming will come to exhibit their property in the form of products of art and manufactures; and those who have not these things will not be here except as idle spectators, and they will pay their way. It is a matter of history that the expenses of this Government—and when I say Government I mean those who went to represent the Government at London, Paris, and Vienna—were not paid by those respective cities and governments. Our people paid their own way like true independent Americans. They paid their money, went where they pleased, exhibited their wares and their handiwork, and returned home with their premiums. So it will be with those who come from foreign countries here. They are coming here to exhibit their manufactures and to compete for premiums, and those who have none to exhibit will not come. How, then, is the honor of the country involved? Is it because we have not made provision in the buildings for exhibiting their arts and their manufactures? Before the invitation was extended the governor of Pennsylvania notified the President that ample provision was made for the buildings, and if the buildings are not ample the honor of the United States is in no sense involved and cannot be compromised.

But, Mr. President, I pass from this view of the subject to say a few words on the effect of legislation like this. I believe it will be for evil, and evil only. Its baleful influence will reach far into the future. It is, in my opinion, not consistent with the character of the American people; it is not republican; it is imperial; it is a fungus growth, and not a healthy product of the Constitution. I had always believed from my early youth that there was something in the mission of the American people among the nations of the earth like that of the Jews, who were the chosen people of God. I believe our mission is to level the mountains, to raise the plains, and to make smooth and straight the way; that we are the pioneers, the advance guard of human freedom.

Already have our pickets, following the sun in his course, reached the eastern shores of China and Japan, and taken possession of the islands of the seas. With the banner of the cross in one hand and the flag of their country in the other, they are parting the jungle and straining forward to reach the benighted and the oppressed. Behind us the millions in the Old World are sleeping under the tyrant's spell. But they are lying in bivouac, and now and then, as the dawn draws nigh and sleep sits lighter on their eyelids, bright dreams of perfect freedom in a land of *constitutional law* come to them "in visions of the night" and beckon them away; and, quickened by the joyful longing, they start and wake and try to rise. If we will be true to our faith, to constitutional law, and hold up with steady hand our noble ensign, at the reveille of freedom they will rise in majestic order and follow the standard which we, in the New World, have raised and advanced on high.

But, sir, why has our standard been thus advanced? Why do a hundred years their radiant wings expand around it? Why has America, during one century, so far surpassed the states of the Old World? Are we not Englishmen by origin? Are we not a composite people—English, Irish, Scotch, German, French? Why then have we done more than all the mother states in the arts and sciences, in subduing nature, destroying space, reclaiming the wilderness and desert, in missionary work, and, generally, in the great labor appointed to men and nations—the amelioration of the condition of mankind? Is it accidental? No, sir; no. It is the result of American civilization, and this is due to the form and spirit of our Government, which is a government of law. Complex in form, it is, nevertheless, easy and steady in its movement. Rightly administered, it is invisible to the citizen, and, like the atmosphere at rest, bears equally on all and oppresses none. It leaves the citizen free; free as the casing air, to grow in independence, to expand in manhood, and *to stand alone*. Were I to attempt to describe the character of an American in one word I would sum it up in *self-reliance*. Self-reliance is the spirit and soul of self-government. It is photographed in the Constitution. The people in that covenant said but two things: "Protect us against foreign foes and State against State, and leave us free; let us alone." This spirit burns in the very words which deny our right to pass this bill. For the people said to Congress, "All we require you to do to promote the arts and science is to protect the products of our brains and our hands against piracy and infringement, by copyright and patent-right. We ask no more and we intend you shall do no more; for each and every power not herein delegated to you we expressly reserve to ourselves."

It was self-reliance that nerved the few patriots at Mecklenburgh to issue the first declaration of American Independence. It heaved the tea into Boston Harbor. It was this that made the undaunted Moultrie reply to his despairing commander, "Colonel, *I'll hold* the fort." It gave as a rich legacy to American history the fame of Sergeant Jasper, Daniel Boone, Lewis of Virginia, and a thousand like intrepid spirits, and it equipped the soul of Marion, the swamp-fox of the Revolution, and made him an army in himself. Over the deserts, through the wildernesses, under burning suns whose kiss is contagion,

and over Arctic fields of ice it has sustained the missionary who, in bearing his message from the Father that there is a rest, a home for the weary soul, tells also the oppressed of a refuge in a land on which no tyrant's foot for a hundred years has trod. But for this characteristic of Americans the Declaration of Independence, whose centennial marks the grandest epoch in time, save only the Savior's incarnation, could never have been possible.

And, sir, shall we perpetuate this spirit or shall we destroy it? If you would strike it down, pass this bill. Pass it, and teach the people that henceforth they must lean upon the Government, and not the Government on them. Teach them that individual enterprise and self-reliance are no longer profitable. Teach the Fultons, the Morses, the Cyrus Fields that the highway of genius to fame and fortune no longer lies through want, privation, and the throes of thought in labor, but that it leads through the lobby to the Halls of Congress. Let the poor see that the sweat of their brow, transformed into gold, is dealt out by the Government to the rich to make them richer. Establish fête-days and festivals at the public expense, as did the Roman consuls when moving for empire, and soon the Lupercal will be followed by the Saturnalia. No, let us rather in this Centennial reconsecrate ourselves to law—to constitutional law—which is our only hope. As patriots—not as partisans—as sons who have received from our fathers a rich inheritance, as fathers whose offspring must suffer by our departure from law, let us not wander beyond the confines of the Constitution, or to its uncertain limit, to search for doubtful power to do a useless act. This legislation has that "increase of appetite" that grows by what it feeds on. If we yield now, where is the resolution, the will that can stay this pressure to reach the public Treasury? Schemes, devices many and plausible, will meet you at every turn and press this poisoned chalice of "the general welfare" to your lips. And who that takes this step in the dark can refuse to take another?

But, should any friend of this measure ask whether I favor a celebration of the Declaration of American Independence, I tell him yes; but the celebration I desire to see and for the world to witness is far different from the one he is seeking to provide. He would diligently search for what at best is a doubtful power, and exercise it to get at the public Treasury. He would lay his hands on the money of 40,000,000 people without instructions as to how they wish the celebration conducted, and hand it over to a private corporation to be used and spent as a few privileged members may see fit. He would deliver over $1,500,000 of the public money to be spent for one reading of the Declaration of Independence and one oration at one spot. He would tax the people of Georgia $45,000 to be spent in Philadelphia alone, for the benefit of the few, when not one in one hundred of the people of that State will be able to visit the scene where their money will be squandered. He would suppress an exhibition of the general joy by telling the people their money had already been taken to provide a vicarious demonstration in Philadelphia. He would substitute a purchased ceremony for a heart-felt, patriotic outburst. He would set the example of the Government assuming control of the celebration of the Fourth of July and discourage the accustomed annual celebration by the people.

Such is not my idea of what the scene should be on that memorable day. I would have it a simultaneous movement of forty million people along the continent. It should begin as the gray dawn first lights up the cliffs of Maine and rise and roll with the sun in deafening shout and tumult, until his parting smile, as if in sorrow at leaving a scene so happy, saddens and fades into the gloom of night. As the lark watching for the purpling East springs from its nest with merry note; as the mocking-bird rises on buoyant wing and joyously revels in the melody of its own song; so would I hear the children of this land, the future mothers and statesmen of America, as they rise on that morning, pour out their hearts in one universal carol. The husbandman should leave the field, the mechanic his bench, the lawyer his brief, the clergyman his study, the furnace and spindle hush their hum and clang, and busy commerce furl her sails. If American oratory has not lost its spell; if its silver tongue has not been enchanted into silence by the golden wand, the inspiration of the day and theme should kindle every habitable grove with burning words. "Not in Jerusalem, nor in this mountain;" not in Philadelphia, nor alone in Independence Hall, but wherever the flag of our country is given to the breeze, should Americans do honor to the day that ushered into being the infant Messiah of nations. Beneath our feet in the Celestial Empire, in the islands of all the seas, before the face of kings, the scattered sentinels and disciples of freedom on that day should testify their faith by fitting sacrifice.

Let this celebration be grander in moral sublimity than the celebration of the Greeks on the banks of the classic Alpheus, where those who were lately foes met as friends and their wrongs were forgotten. Let it be more joyous than the song and dance of the Jewish hosts on the banks of the Red Sea. Let it be freer than the jubilees of Israel and prouder than the proudest triumphal march of Roman emperor. Thus, and only thus, can we give a fitting testimony to mankind of our joy over the declaration of our right to be free and of our admiration and love for the heroes by whose sacrificial blood our freedom was secured and constitutional government established and maintained.

Mr. MITCHELL. Mr. President, I have listened with much interest to the able discussion that has taken place on the pending bill, and especially to the very able speech of my eloquent friend from Georgia, [Mr. NORWOOD,] who has just taken his seat; and were it not that the measure has encountered a most violent opposition from certain Senators I should content myself by simply recording my vote in accordance with my convictions of right, and leave discussion wholly to other and abler Senators. For this reason, however, and inasmuch as there is a wide difference of opinion in reference to the propriety of the legislation proposed, and as it involves a large appropriation of money from the national Treasury, I deem it not merely my privilege as a member of the Senate but also my bounden duty to give the Senate and my constituents as well the reasons that influence my vote.

I shall vote for this appropriation and I shall do it cheerfully, believing as I firmly do that in doing so I shall be contributing legitimately to the permanency, the general welfare, the prosperity, and the power of the American Republic, and aiding rightfully in bringing a new luster to the American name. Never, in my judgment, since the birth of freedom in America has there been presented such an opportunity of impressing upon the mind of the nations of the world the true character of the United States, its magnitude, its immeasurable resources, its intrinsic wealth, and inherent power; never such an opportunity of presenting to the gaze of every civilized government on earth the sublime evidences of the greatness and grandeur of our country that must necessarily center in and around the centennial exposition, provided it receives that encouragement which the dignity and overshadowing importance of the occasion demand; never such an opportunity of convincing mankind of the fact that our country, although in its infancy when compared with those beyond the seas, is nevertheless by reason of its extended territory, its limitless resources and their rapid development, its unprecedented progress in those arts and sciences which benefit the human race, entitled to rank pre-eminent among the nations of the world. And will the Congress of the United States by inaction and parsimony suffer such an opportunity to pass unimproved? Will this Government virtually say to the people of this country and to the great family of nations that shall be represented there, we have no part or parcel in this exposition? Shall separate States and municipalities, and corporations, and private persons, vie with each other in commendable and earnest effort to make the centennial exposition the grandest that ever took place on earth, while the National Government shall stand humiliated before the world by a refusal upon the part of its representatives to link its name except in a mere nominal manner with this laudable enterprise? Shall our Government issue its cards of invitation to a centennial banquet and send them to the representative heads of all the civilized governments on earth, and yet when these governments shall have responded to the invitation and shall be seated at our festal board, shall it be said that the host is absent?

But it is urged in opposition that in the act of Congress of March 3, 1871, creating the United States Centennial Commission there was a distinct provision exempting the United States from all liability on account of the exhibition. This is indeed true, in so far as it related to any liability by reason of that act; the seventh section of the act being in these words:

> That no compensation for services shall be paid to the commissioners or other officers provided by this act from the Treasury of the United States, and the United States shall not be liable for any expenses attending such exhibition, or by reason of the same.

And it is furthermore a fact that in the act of June 1, 1872, creating the centennial board of finance, this strong clause appears:

> But nothing in this act shall be so construed as to create any liability of the United States, direct or indirect, for any debt or obligation incurred, nor for any claim by the centennial international exhibition, or the corporation hereby created, for aid or pecuniary assistance from Congress or the Treasury of the United States in support or liquidation of any debts or obligations created by the corporation herein authorized.

That these precautions against liability by reason of these two acts, passed respectively four and five years ago, were at the time eminently proper, no one can deny, but that they should now be construed either as a limitation upon the legitimate exercise of congressional power or as a legal or moral barrier that should prevent this Government from rising to the dignity of the occasion and by its purse as well as its voice place the complete success of the exposition beyond all question, seems to me equally free from doubt.

All that was ever intended by the clauses quoted was to shield the National Treasury from forced contribution by reason of anything contained in the two acts organizing the Centennial Commission and board of finance; and this, too, is the legitimate construction of the proviso contained in the act of June 5, 1874, requesting the President to extend in the name of the United States a respectful and cordial invitation to the governments of other nations.

The policy of the Government in the first instance in looking to the *people* of the United States to support the exposition in so far as every reasonable demand upon their generosity would warrant, was one not obnoxious to just criticism. I can, however, scarcely believe that Congress ever expected to fail finally in contributing to the success of a work which ought to be and I have no doubt will be the nation's pride for a hundred years to come. And when after four years of earnest, commendable effort of those in charge of this great work, and when in less than four months the doors of the exposition must be thrown open to the world, the contributions from this source leave a deficiency of $1,537,000 necessary to carry the work to the opening day, then the question that confronts the American Congress is one, it seems to me, which, in the well-chosen words of the memorialists, "appears to concern closely the pride and honor of the country." And all ob-

jections to an appropriation by the General Government which under other or different circumstances might be tenable vanish, it occurs to me, into thin air in the presence of the existing state of facts; and to hesitate now to supply the deficiency necessary to the consummation of those preparations essential to the suitable opening of an exhibition worthy the name given it in the act of Congress of June 5, 1874, an "international exposition to be held under the auspices of the Government of the United States," and to which our Government has extended a "respectful and cordial invitation to the governments of other nations," is, in my humble judgment, to hesitate to sustain the honor and dignity and manhood, if I may use the term, of our Government; and a failure to do it will leave a blot upon our record that neither the patriotism of the past century nor the triumphs of our future history will in the life-time of the generation now living entirely obliterate.

It is of course an item worthy of note that we as a nation have lived one hundred years; but, although of interest and worthy of national attention, it as a mere fact pales into insignificance in comparison with that other infinitely more important question which it is expected will be by our centennial exhibition demonstrated to the world. And that is, *How* and to what purpose have we lived? It is not so much an idea that the exposition is to represent, but rather great, living facts.

But we are met at the threshold of this question with an objection the bare statement of which must arrest our attention and demand our consideration. We are told there is in the Constitution of the United States no warrant for this legislation, and as our oaths bind us to support the Constitution it is our bounden duty, whenever this objection is interposed, to pause in our deliberations and consider carefully the issue presented. If it be true that there is no power under our fundamental charter to vote the proposed appropriation, then, indeed, however much we might desire to aid in the patriotic effort in the way suggested by the bill under consideration, we should vote an *emphatic no.* For one I find no constitutional difficulty, and in answer to the question Where is your constitutional warrant for the power invoked? I would answer, in the light of past legislation on this subject, in the light of the existing state of facts, that, in my judgment, the constitutional power is, so far from being involved in doubt, entirely free from all difficulty. Whether we consider the exposition as international or national, in either event, it seems to me, the constitutional warrant for the proposed legislation is full and complete; and in either case there is to be found specific constitutional grant of power. I propose, therefore, first to consider the question in an international point of view. And that this is to be an international exposition can there, at this late day, in the face of past legislation, be any question? Why, Mr. President, every line and every page of all legislation heretofore had upon this subject give to the proposed exposition an international character. To deny this is to deny the facts of recorded history; however much it may have been the desire of some in times past to have shorn this exposition of its international character and to confine it solely to one of a national aspect, it is now too late to contend longer in that direction. The character of the exhibition has been irrevocably fixed, and that too by the Congress of the United States; and to repudiate that action now is to bring dishonor on the Government, repudiate the nation's faith, and disgrace the American name.

Why, the very first act of Congress passed on this subject—I refer to the act of March 3, 1871—gave to this exposition an international character which no future legislation could rightfully take away.

The first section of that act was in these words:

> That an exhibition of American and foreign arts, products, and manufactures shall be held *under the auspices* of the Government of the United States in the city of Philadelphia, in the year 1876.

Mark the language, Mr. President: "*An exhibition of American and foreign arts, products, and manufactures;*" *not* merely an exhibition of American arts, products, and manufactures, which would have limited the scope of the enterprise to one purely local and national, but "an exhibition of American *and foreign* arts, products, and manufactures," thus incorporating the idea of internationality into the exposition as the fundamental element of its existence. And it cannot be said that the character thus given to the exhibition was the result of either subtle contrivance or accident in the use of language employed in the body of the act, from the fact that the purpose was plainly proclaimed in the title of the bill in these words:

> An act to provide for celebrating the one hundredth anniversary of American Independence by holding an *international* exhibition of arts, manufactures, &c.

And, as if to remove any lingering doubt in reference to the international character of the enterprise, the President of the United States was by the last section of the original act directed, when provision had been made for the erection of suitable buildings, &c., to make proclamation of the same, setting forth the time at which the exhibition would open, and the place where, and to communicate copies of the same, *not* to the governors of the respective States, but to the diplomatic representatives of *all nations*, together "with such regulations as may be adopted by the commissioners for publication in their respective countries." But not only so, the act of June 1, 1872, creating the centennial board of finance, is equally explicit in giving to the proposed exposition an international character.

The title to that act designates it as the "centennial international exhibition." It is in these words:

"An act relative to the centennial international exhibition to be held in the city of Philadelphia, State of Pennsylvania, in the year 1876," while the same idea is prominently preserved in the body of the act.

Then follows the proclamation of the President in pursuance of the provisions of the act of March 3, 1871. This is dated July 3, 1873, and, after certain recitals showing jurisdiction, is in these words:

> Now, therefore, be it known that I, Ulysses S. Grant, President of the United States, in conformity with the provisions of the act of Congress aforesaid, do hereby declare and proclaim that there will be held at the city of Philadelphia, in the State of Pennsylvania, an international exhibition of arts, manufactures, and products of the soil and mine, to be opened on the 19th day of April, A. D. 1876, and to be closed on the 19th day of October, in the same year.
>
> And in the interest of peace, civilization, and domestic and international friendship and intercourse I commend the celebration and exhibition to the people of the United States; and, in behalf of this Government and people, I cordially commend them to all nations who may be pleased to take part therein.
>
> In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.
>
> Done at the city of Washington, this 3d day of July, 1873, and of the Independence of the United States the ninety-seventh.
>
> [SEAL.] U. S. GRANT.
>
> By the President:
> HAMILTON FISH,
> *Secretary of State.*

Then, two days later, July 5, 1873, follows the note of our Secretary of State to foreign ministers in the United States inclosing a copy of the President's proclamation, in which this strong language is used:

> The exhibition is designed to commemorate the Declaration of the Independence of the United States on the one hundredth anniversary of that interesting and historic national event, and at the same time to present a fitting opportunity for such display of the results of art and industry of all nations as will serve to illustrate the great advances attained and the successes achieved in the interest of progress and civilization during the century which will have then closed.
>
> In the law providing for the holding of the exhibition, Congress directed that copies of the proclamation of the President, setting forth the time of its opening and the place at which it was to be held, together with such regulations as might be adopted by the commissioners of the exhibition, should be communicated to the diplomatic representatives of all nations. Copies of those regulations are herewith transmitted.

And finally, by the act of June 5, 1874, the President of the United States was requested "to extend in the name of the United States a respectful and cordial invitation to the governments of other nations to be represented and take part in the international exposition," &c. And the reason for this was given in the preamble to that act, which is in these words:

> Whereas at various international exhibitions which have been held in foreign countries, the United States have been represented in pursuance of invitations given by the governments of those countries, and accepted by our Government: Therefore,
>
> *Be it enacted*, &c., In pursuance of this act a second invitation is extended by the President of the United States to every nation of the earth, in which this language is used:
>
> "In the hope that the interchange of national sentiments and friendly intercourse between the people of the nations may result in new and still greater advantages to science and industry, and strengthen the bonds of peace and friendship which happily exist between them and the United States, * * * a cordial invitation is extended to every nation of the earth. * * * and a formal acceptance of the invitation is requested previous to March 4, 1874."

Then closes the congressional legislation on the subject with the act of June 18, 1874, which provides for the admission into this country free of duty customs fees and charges of all articles imported for the purpose of exhibition at the international exhibition.

When we take into consideration, therefore, the history of legislation on this subject; when we remember that, in response to the invitations sent, thirty-eight foreign powers have signified their acceptance; when we bear in mind that even now, while the Senate of the United States is deliberating upon this question, the arts, products, and manufactures of nearly every nation on the globe are being borne across the seas and concentrating upon our shores; when we know that the inevitable result of a successful exposition will be to promote the cause of science, of progress, and civilization throughout the world, and to strengthen the bonds of peace and friendship and commercial intercourse between the United States and the nations of the earth; when we remember all these things, and in the light which they reflect upon the pages of the Constitution of our country, can it be said rightfully or properly we have no power to do this thing?

But, says one—and the learned Senator from Georgia [Mr. NORWOOD] says so in emphatic terms—our Government is one of delegated powers, the Constitution is the grant, and upon what particular clause of that instrument do you rely to justify a vote for the pending measure? I will answer, more than one. And first, considering the exposition as an international one, which it is as contradistinguished from a mere national celebration, I contend the power to create it, the power to make any reasonable appropriation necessary to carry it on, is to be found in that portion of the Constitution usually known as the commercial clause. I refer to section 8 of article 1 of that instrument.

The power to regulate commerce is a *plenary power.* And the power to *regulate* commerce includes the power to make any law which in the judgment of Congress will affect or promote commerce; for whatever tends to advance our commercial intercourse with foreign nations tends, in the language of the Constitution, "to regulate commerce with foreign nations."

As Mr. Justice Story in his Commentaries remarks:

The power to regulate commerce, being in its terms unlimited, includes all means appropriate to the end, and all means which have been usually exerted under the power.

And further on:

The main and admitted object of parliamentary regulations of trade with the Colonies was the encouragement of manufactures in Great Britain.

And again he adds:

In commercial and manufacturing nations the power to regulate commerce has embraced practically the *encouragement* of manufactures.

But, again; the power of taxation as given in the Constitution is an express power, one essential to the very existence of a great sovereignty, and hence wisely granted in express terms; and one great purpose for which taxes may be imposed is, in the language of the Constitution, to "provide for the common defense and general welfare of the United States." The power, then, of taxation being plenary in Congress, and the power to "provide for the general welfare" being also a distinct substantive power, unlimited in its character, and Congress being the *sole* judge of the *means* necessary to be employed in providing for the common defense and general welfare of the United Stated, it follows as a necessary consequence that the right to make this appropriation is clear, viewing as we must the passage of the bill as a legislative declaration that the appropriation is a national provision for the general welfare of the United States.

And who can doubt, aside from any declaration by Congress on this subject, that the general welfare of this nation will be materially promoted by the centennial exposition? My friend from California [Mr. SARGENT] told us yesterday that, in his judgment, "this was not the best manner of celebrating a Centennial occasion." "At best," says he, "this exhibition, however great a success, will make but a ripple during this year; it will almost be forgotten the next year; it will not be remembered at all perhaps ten years hereafter;" and tells us that if he had his way he would mark the passage of this era by some permanent monument which would speak to future generations of the fact that a hundred years of great prosperity had accompanied the Republic, and that we had preserved our unity, our liberties, and our institutions substantially as they were framed by our fathers. This, it is true, is a sublime conception, and one worthy the Senator and of a great nation; but, in my judgment, the effect of our centennial exposition will create more than a mere ripple on the great ocean of time. There will be radiated from this gathering of nations, from this commingling of the products of the world, an influence for good that will be felt and appreciated by the millions of earth in the record of its history when the inscriptions on the Senator's monument will have become obscured by the storms of ages and its marble speechless dust at its base. The record of the outpouring of the people in the early days of the Republic to do honor to the Father of our Country will be read and admired by generations yet unborn in all lands and in every clime when yonder marble shaft erected to his memory, unseen by any but the few of earth, will be a mass of crumbling ruins.

We were told on yesterday by our Websterian and genial friend from Kentucky [Mr. MCCREERY] that the exposition would appear to a signer of the Declaration of Independence, could he rise from the dead to witness it, more like an Oriental bazaar than the anniversary of our natal day. Possibly in this the eloquent and facetious Senator is correct. There doubtless will be on exhibition there specimens of the arts, manufactures, and products of the Oriental world that may to some extent give to the exposition a coloring in that direction; but will the honorable Senator contend that this competitive exhibition of the arts, manufactures, and products of our own land with those of the Oriental world will not commemorate in the highest possible manner the progress and development that have been the outgrowth of American independence in the century that has elapsed since it was declared by our forefathers?

Yes, Mr. President, the Oriental world will be here; Egypt alone, from the valleys of the Nile, presents a catalogue of over six thousand numbers. I read the following extract showing how the land of the Pharaohs will be represented:

The Khédive is the owner of most of the Egyptian goods for the centennial exhibition, all of which have arrived at New York. The catalogue contains over six thousand numbers. The best specimens of the agricultural products are from the Khédive's estates. In the collection are curious weapons and ornaments from the barbarous tribes of the remote regions of Central Africa; jewels, inlaid work in ivory, precious metals, rich embroideries, produced by the Arabian artists of Cairo; a classified collection of the products of the valley of the Nile, the oases, and of the sea-coasts; twenty-five hundred specimens of the cotton crops for the last eighty years, showing the prices brought in Alexandria and in Liverpool; raw and refined sugar; grains of all kinds, hemp, flax, doura, vetch, sorghum, lentils, poppy seeds and ramie; all the woods of Egypt, in sections of trees, polished on one side; dates, olives, and other preserved fruit; tobacco, indigo, chemical preparations, perfumery, Arabian honey, specimens of marble and building stones, jeweled cimeters, saddles of embroidered leather and mounted with gold, agricultural implements of the most inconceivable patterns, books for the blind, and drawings by the pupils in the polytechnic school.

By way of contrast will be shown, side by side, ancient papyrus and the modern newspaper; hippopatamus hide and calfskin; chibouk and nargile, and the Parisian cigarette, and European porcelain and ancient red pottery. This enumeration is not a complete one, as there is also a world of curious things from Soudan, Darfour, Abyssinia, and Uganda. The khedive has appropriated 500,000 francs to defray the expenses of making the collection, transporting it to this country and paying the commissioners, all of whom are in New York. But that the time was too short after President Grant's invitation, the khedive would have had a palace erected on the centennial grounds like the one he had at Vienna, illustrating the architecture and domestic life of the land of the Pharaohs.

It is true, the illustrious Adams declared in reference to the anniversary of the declaration of our Independence that—

It ought to be solemnized with pomp and parade, with shows, games, sports, guns, bells, bonfires, and illuminations from one end of this continent to the other, from this time forward for evermore.

This is well and must meet with a generous response from the heart of every patriot; but how much more impressive the demonstration, how much more beneficial and enduring the effect of an exposition whereat shall be represented not only the products of our own land, but where they shall be placed in competition with those of every civilized nation on earth; where the development of one hundred years in the New World shall proudly court comparison with that of the growth of ages in the hoary-headed governments beyond the seas. Why, the nation that one hundred years ago lay almost powerless in the cradle of its infancy, surrounded by the wilderness of the New World, with a country undeveloped and a people feeble in their isolation, to-day, conscious of her resources and her developed powers, shrinks from no comparison of her products of soil and mines, of the handiwork of her men of science, with those of any nation on the globe. Why, to-day the darkness of the streets of Jerusalem, the vaults of the Pyramids, and the grave of Mohammed are lighted up by Pennsylvania petroleum, of which we export over $37,000,000 annually.

Tell me that the general welfare of this Government will not be promoted by an exposition such as is contemplated; tell me that the interests of our commerce will not be thus materially advanced; to argue thus is to contend with reason and deny the inevitable logic of events.

I, Mr. President, have the honor to represent in part a State but recently carved out of the wilderness, lying four thousand miles away, on the golden shores of a distant sea; a State whose majestic mountains, with their grand forests of stately cedars and firs of fadeless green, and whose snow-capped summits separate the clouds, look down upon valleys unsurpassed, in beauty, in richness, in grandeur, in climate, by any beneath the overhanging stars of Italy; and, although separated from the birth-place of our nation by rugged mountain ranges and barren, burning plains, yet the people of Oregon love their country with a love that cannot die and they are not unmindful of or idle in reference to the approaching centennial exposition. They intend to be there in force and in good style with the products of their soil and mines, their silver and gold, and iron, and lead, and cinnabar, and coal, and copper. And, without wishing to be accused of boasting or of being guilty of making improper or invidious comparisons, I will say that on that occasion Oregon will produce specimens of the finest wheat and flour produced in America. Yes, Oregon will be there to the extent of her ability and power, to aid in what will be in my judgment the grandest demonstration of pure patriotism and of rapid national development and human progress that the world in all its long history has ever beheld. Yes, all the States and Territories will be there, and the District of Columbia, with all its grand and glorious interests and hallowed associations, will not be backward, I trust, in contributing through purse and pen and tongue to this great purpose.

And the South, too, Mr. President, rising from the shadows of her great affliction, will come to kneel again on this centennial year at the sacred shrine of old Independence Hall, there, with the people of the North and the East and the West to renew her allegiance to her first and best love; there to forget forever the bitter memories of the past; there to bury in the tomb of forgetfulness the last remembrance of the fact that for any cause her hand should unfortunately ever have been raised in anger against the best government on earth. Yes, with Pennsylvania as the vanguard, the Centennial will be a success; and when it shall have come and gone, and when our Republic shall have lived one hundred years, and shall begin to ascend the long causeway of the coming century, it will, may we not hope, by reason of the centennial celebration, be more united, more peaceful, more invincible, more to be loved and feared and admired by her own people and by the governments and peoples of the world than ever before.

Mr. RANDOLPH obtained the floor.

Mr. WRIGHT. I ask the Senator from New Jersey to give way to a motion for an executive session.

Mr. RANDOLPH. I will yield for that purpose.

Mr. WRIGHT. I move that the Senate proceed to the consideration of executive business.

Mr. CAMERON, of Pennsylvania. Before that motion is put I should like to say a word.

The PRESIDING OFFICER, (Mr. ROBERTSON in the chair.) The motion is not debatable. Is there objection to the Senator being heard?

Mr. CAMERON, of Pennsylvania. I dislike very much to interfere with the wishes of Senators; but it is vastly important, if this bill is to pass at all, that it should pass now. I think if we remain here half an hour, as there are only a few speeches to be made, we can close the bill. I ask the Senator from Iowa to give us half an hour.

Mr. WEST. You cannot get a vote until six o'clock to-night. That is evident.

Mr. WRIGHT. I understand there are several speeches yet to be made. I insist on my motion that the Senate proceed to the consideration of executive business.

Mr. CAMERON, of Pennsylvania. Well, I hope the Senate will finish the bill to-morrow, at any rate.

Mr. RANDOLPH. I gave way for a single purpose, and that was to go into executive session, with the understanding that what I have to say shall be said to-morrow morning. If it is the desire of the Senate to hear me now, I have no objection, indeed I would prefer to go on to-night.

Mr. CAMERON, of Pennsylvania. If the Senator from Iowa will allow me a minute I will give notice that to-morrow I shall ask the Senate to sit this bill out.

Mr. WRIGHT. I am sure there will be no objection to that. Let us have the question on the motion.

The PRESIDING OFFICER. It is moved that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and twenty-five minutes spent in executive session the doors were re-opened, and (at six o'clock and thirty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February* 10, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND, D. D.

The Journal of yesterday was read and approved.

DISPENSING WITH THE MORNING HOUR.

Mr. RANDALL. Mr. Speaker, I desire to make a suggestion to the House, with a view to hasten the passage of the consular and diplomatic appropriation bill, which is likely to be considered to-day in Committee of the Whole on the state of the Union. It is, that the morning hour for reports from committees for this day be dispensed with. You will recollect that yesterday an accommodation was reached by which the gentleman from Maine [Mr. BLAINE] will be allowed to occupy an hour in the committee, the consequence of which will be a further delay of the consular and diplomatic bill. The call of committees for reports is only temporarily postponed, and the Chair will corroborate my statement that the committee next to be called will lose no advantage by any such postponement.

The SPEAKER. The committees will retain their proper places in the call.

Mr. RANDALL. My suggestion therefore is in the interest of the accommodation on one side and on the other.

Mr. BURCHARD, of Illinois. Let the gentleman from Pennsylvania [Mr. RANDALL] now move to go into the Committee of the Whole on the state of the Union.

Mr. HALE. I think there will be no objection if that motion be made.

GEORGE A. ARMES.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting, in response to a request of the Committee on Military Affairs dated January 28, 1876, a report of the Judge-Advocate-General on the case of George A. Armes, late captain Tenth Cavalry; which was referred to the Committee on Military Affairs, and ordered to be printed.

TERRITORIAL COURT IN INDIAN TERRITORY.

The SPEAKER also laid before the House a concurrent resolution of the Legislature of Kansas, requesting Congress to provide a territorial court for the people of the Indian Territory; which was referred to the Committee on the Judiciary.

MILITARY HISTORY OF LIEUTENANT-COLONEL PULFORD, ETC.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, for the information of the Committee on Military Affairs, the military history of Lieutenant-Colonel Pulford, Captain Frendenberg, United States Army, and Isaac S. Lyon, late lieutenant Signal Corps; which was referred to the Committee on Military Affairs.

COIN IN THE TREASURY.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting, in response to House resolution of January 24, 1876, a statement of the amount of coin in the Treasury at the close of business on the 31st of December, 1875; which was referred to the Committee of Ways and Means, and ordered to be printed.

CASH IN THE TREASURY, ETC.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting, in response to the resolution of the House dated January 31, 1876, a detailed statement showing the actual amount of cash on hand in the Treasury, the several depositories, and mints, &c., of the United States on the 23d of January, 1876; which was referred to the Committee of Ways and Means.

EXPENSES OF BLACK HILLS COMMISSION.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting an estimate of appropriation necessary to defray the expenses of the Black Hills commission; which was referred to the Committee on Appropriations.

FRANK BAKER.

The SPEAKER also laid before the House a letter from the Secretary of War, inviting attention to his letter in Executive Document No. 135, Forty-third Congress, second session, relative to the memorial of Frank Baker, second lieutenant of the Thirteenth Infantry, to be relieved from responsibility to pay $172.52, stolen from him while acting commissary of subsistence at Fort Fred Steele, Wyoming Territory; which was referred to the Committee on Military Affairs.

CLAIM OF MANUEL CHAVEZ.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting for the information of the Committee on Military Affairs a copy of the report of Colonel Wag Swayne, an adjutant-general of the Army, upon the claim of Manuel Chavez, late lieutenant colonel Second New Mexico Volunteers; which was referred to the Committee on Military Affairs.

DEPOSITING MONEY WITH ARMY PAYMASTERS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the petition of Lieutenant-Colonel Hunt and other officers of the Army relative to depositing money with Army paymasters; which was referred to the Committee on Military Affairs.

POLITICAL AFFAIRS IN LOUISIANA.

The SPEAKER. The Chair has received a memorial from numerous citizens of the State of Louisiana, addressed to the Congress of the United States, praying for relief against certain alleged political evils existing in that State; and they desire the presentation of it to the House and its reference, without printing, to the Committee on the Judiciary. Is there objection?

There was no objection, and it was so ordered.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. RANDALL. I move that the rules be suspended and that the House resolve itself into the Committee of the Whole on the diplomatic and consular appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. HOSKINS in the chair,) and resumed the consideration of the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes.

The CHAIRMAN. The Chair will state that, by an arrangement made yesterday, the gentleman from Maine [Mr. HALE] will first be recognized. He proposes to occupy thirty minutes, and will yield the balance of his hour to the gentleman from Mississippi, [Mr. LYNCH,] after which the gentleman from Maine [Mr. BLAINE] will be entitled to the floor.

Mr. HALE. Whatever I shall say, and I mean to be brief, will be upon this bill and the discussion which has borne upon it and its merits and defects; and I desire to say at the outset that whatever there may be in it of proper reduction I have no desire to oppose and shall not oppose. I may say that, in connection with the gentleman from Mississippi, [Mr. SINGLETON,] who has charge of the bill, I was associated in the examination and preparation of it and in reporting it to the Whole Committee, and it was thought by him and by me that there were places where the appropriations of last year could be cut down; not, I believe, that either of us—and I think in this I can speak for him as well as myself—had any lack of confidence in the management of the State Department under its present head. That management I believe to have been good in the years past. There has been no desire on the part of the present Secretary of State to improperly magnify his Department. But, considering the shrunken condition of our revenue, I believed there were certain things in the bill where a reduction could be made upon the expenditures—something near 10 per cent.—and that the Secretary of State might be instructed by Congress to run that Department for the coming year upon the basis of such a reduction. But, Mr. Chairman, the bill has since then been torn and dismembered; and while I do not like to oppose anything that comes from the committee of which I am a member, and which is laboring faithfully in the direction of economy, sometimes I am bound to believe striking in the wrong places, yet there are certain things in this bill that I must object to, and certain things have been said in debate to which I wish to make some brief reply.

I need to say less because of the admirable speeches that have preceded me, and it was certainly a wholesome sight to see the Nestor of the House, the gentlemen from New York [Mr. WOOD] and his newer and fresher, but hardly less able, colleague from New York [Mr. HEWITT] rising above what may be termed party policy and representing in their able speeches the great commercial metropolis of America which they so well represent.

The speech of the gentleman from New York [Mr. HEWITT] was so exhaustive in its analysis of the relations borne by our consular system to the commerce and navigation of the country that but little on that subject needs to be said, except perhaps to illustrate by special instances the hardships that may come under certain changes made in this bill.

Mr. Chairman, this bill covers both branches of our foreign intercourse, the diplomatic and consular. Let me say a word first on the diplomatic part of the bill. What is diplomacy? There has been a

good deal of talk about it for the last three days and it has been more or less jeering and sneering at it. Webster says that diplomacy is "the science or art of conducting negotiations between nations, particularly in securing treaties." Now, my friend from Indiana [Mr. HOLMAN] in his interesting speech on this bill took occasion to refer, in treating upon certain missions, to diplomacy "as the relic of the Middle Ages, as a feudal creation." I use his words as I find them upon the same page of his speech. What does my friend from Indiana mean? In what way does he look upon that long black night that enveloped Europe from the fifth to the fifteenth century? Does he not know that it was a period when war was rife and when men and powers were restrained by nothing except counter and opposing men and powers? Does he not know that it was a time when war, bloodshed, and murder reigned supreme; that there was no trade; that there was no commerce; that there was no diplomacy; that the people were oppressed and borne down; that the iron hand alone bore sway, and the kings and that rulers then made no treaties, or only made them to break them? Does he not know that superstition and bigotry reigned, and that, so far from diplomacy coming to us from those ages, it was only in latter centuries, when the intercourse between nations became softened through the forms of diplomacy, that the superstition and bigotry and ignorance of the dark ages began to flee away?

Moreover, Mr. Chairman, our own history shows what we have gained by diplomatic intercourse between this and other nations. We resorted to it in our earliest and feeblest days, in the struggle of the American Revolution; we sent abroad our brightest men, and not a little of the success of the Revolution, perhaps next to the deeds of arms wrought upon this continent, came from the sagacity, and prudence, and enterprise of our representatives abroad. Does not the gentleman know how much—and he is a historical student and must be aware of it—that Franklin, and Laurens, and Deane, and Adams, and other diplomats who represented us in Europe, made way for foreign intervention, and secured for us the sympathies of France and Spain, Holland and other European powers? Yet he tells us that diplomacy is a relic of the Middle Ages and a feudal creation.

Sir, we have followed up that system since. Some of the highest names in our history are the names of men trained abroad in our foreign service. Out of fifteen Presidents, Mr. Chairman, we have taken six who were educated, skillful, trained diplomatists. There are some later instances which a broad and far-reaching vision like my friend's must keep in view. What does my friend from Indiana believe would have been our status in the early years of the rebellion, when the great political powers of Europe, especially England and France, stood ready for a pretext to intervene and give us added foes when we had upon our hands nearly as much as we could take care of?

Mr. HOLMAN. Allow me to suggest that I acknowledged that, in case of a proper occasion arising, it always had been and always must be the policy of the nation to be represented abroad.

Mr. HALE. We had a mission to England; it was not a temporary mission arising from the exigencies of the case, but one which had been long established. There had been borne upon our list of ministers there the names of illustrious men. Does not the gentleman know that at that time it was largely through the efforts of our minister, Mr. Adams, that the British government was held in check? I can state here what I know to be the fact, that when there was danger that the rebel rams, then being built in English ship-yards, would be sent out by permission of the British government, it was through the efforts of our minister—efforts, I may say, always largely in private society among the British people—that he was able to make the British ministry understand that if those rams were allowed to go, if the least was let slip and they were put upon the sea, the British government might depend upon war.

Mr. HOLMAN. Does not my friend know that our Government sent abroad quite a number of distinguished citizens to represent us to the British people as well as our minister resident?

Mr. HALE. I know that, so great was the exigency, the State Department supplemented the able efforts of Mr. Adams by the services of other gentlemen; but I know that the skill and vigor which gave life and information and centrality to the whole effort came from our minister to England, Charles Francis Adams. In the light of this example and of others which have come to us from our past history, it will not do to cast slurs upon diplomacy as a useless and burdensome relic of the past.

In commenting upon our diplomatic system the gentleman [Mr. HOLMAN] has singled out the minister to Greece. He has called attention to that minister in remarks to which we listened with amusement, because they were lightened up by a humor which the gentleman rarely bestows upon us. But I ask my friend from Indiana, who is a fair, candid man, whether, when he had got through with commenting upon the diplomatic system of this country as illustrated by our minister to Greece and his dispatches, his reflections were not that his humor had been more conspicuous than his candor? I am bound to say that I believe, from what has been read here from the dispatches of Mr. Meredith Read, our minister to Greece, that he indulges pretty largely in accounts of ceremonials, and that those dispatches of his are illustrated by similes and metaphors, which indicate that he has studied Robert Herrick and Sir John Suckling and the poets of their age more than he has the condition of affairs and the commerce of Greece, if she has any.

But does not my friend know that a part of the diplomatic intercourse between nations, at any epoch, no matter how important, has always been given up to the polite details of society? Has he ever read the memoirs of the French minister to the court of Charles II and has he not found in them frequent pictures given of the polite life and ceremonials as well as of the corruption of British statesmen, pictures that furnished material for the historian and are interesting reading to the student of history? Does he not remember that Barillon chronicles the receptions and dinners and fêtes given by the court and nobility, and that all other diplomatic correspondence is full of them? And I say again, did not my friend realize when he had got through that his making game of these dispatches of the minister to Greece was not a fair criticism upon, but only a little good-natured raillery at, the whole diplomatic system? The gentleman knows that even here in Washington, hard-worked as we are and as he is, there are certain social amenities of life which we cannot get along without, and yet they are not the whole of our lives. I can fancy that the gentleman from Indiana, who is a gentleman, and as such received in good society, might some day receive an invitation reading somewhat like this:

The Secretary of State requests the honor of the company of Mr. HOLMAN at dinner on Thursday next, at seven o'clock.

And I can fancy that gentleman replying in terms somewhat like these:

Mr. HOLMAN begs to acknowledge the receipt of the invitations of the Secretary of State, and will be pleased to dine with him on Thursday next, at seven o'clock.

Now, suppose that the constituents of my friend from Indiana, looking at Washington life in as narrow a light as the gentleman looks at diplomatic life, should get hold of this invitation and this acceptance. Would they not say, "Is that what our Representative is doing in Washington; is that what we pay him $5,000 a year for? Why should he declare, as he does in this acceptance, that it is a high honor for him to be invited to dinner by a black-republican Secretary of State, and above all at 7 o'clock, when he knows that at this time of day all honest men from Indiana ought to be in bed?" [Laughter]

Why, my friend knows that the invitation and the acceptance are the coin passing current in society among gentlemen; and he knows that his constituents, looking at it in the light that I have attempted to picture here, would get no true view of his valuable services to them and the whole country, which we all so fully realize. Mr. Chairman, such things do not go to make up the sum and substance of diplomacy any more than dinners and parties in Washington go to make up the laborious life which some of us lead here.

Mr. HOLMAN. Will my friend allow me a moment?

Mr. HALE. I have but little time.

Mr. HOLMAN. Just a moment. If my friend's constituency should discover that he was engaged exclusively in attending receptions of distinguished statesmen of Washington City and writing descriptions of those elegant entertainments—that this was all they got for the $5,000 a year they pay him, I think they would request him to come home, just as I propose to do with reference to Mr. Meredith Read, who seems to devote himself exclusively to describing *fêtes* of the little monarchy to which he is accredited.

Mr. HALE. My whole point—it may have escaped the gentleman—is that these ceremonials chronicled by Mr. Meredith Read are not what we get from diplomacy, but that there is a much better field embraced by it. The maintenance of friendship between nations and nations is kept by the representation that is sent from one to another.

The same vein adopted by my friend from Indiana has been followed by the gentleman from Illinois [Mr. SPRINGER] yesterday. I have no time to bestow upon him. He saw fit to entertain this House with apocryphal stories of the late lamented Mr. Lincoln, stories not seemly in this presence. I make no application to him such as I have made to the gentleman from Indiana, because I presume that his constituents will hardly find that he is in the reception and acknowledgment of such invitations.

The gentleman from New York [Mr. COX] followed in like manner, and the humor and the fun he made for the House—and which we all enjoyed, I among the rest—will atone for many transgressions in the past. With his quick eye he discovered an appropriation in one of the consular and diplomatic bills for presents to the officers of the Sultan of Turkey upon the exchange of a treaty; and in some pretty bad French and in some pretty good wit he kept the House in a roar for a time upon these subjects. Now, does not the gentleman know that this, like the instance selected by my friend from Indiana, is a singular instance, and one that will not be found again in the records of the diplomacy of this country for perhaps twenty-five years. Mr. Chairman, it is the wisdom of two thousand years that when we are with Romans we should do as Romans do. Now, it has always been the fashion from the days of the Queen of Sheba for oriental nations, upon the exchange of treaties, to exchange gifts—presents of gold, frankincense, and myrrh, for aught I know; and the Turkish government has maintained that practice up to the present day.

Why, sir, no treaty is exchanged with the Turkish government by any power, wherever it may be, when these presents do not follow. It is simply a question whether upon matters of extradition or of postal arrangement or of commercial intercourse, where a treaty is needed in order to specify and fix our rights, we shall yield to this eastern practice which has gone on for centuries or shall make no treaty.

As the gentleman has said we took nothing back because it is not our custom; but in order to secure a treaty with the Turks we had to make some presents amounting to twelve or fifteen thousand dollars. But the gentleman will not find such an instance anywhere else. This was an exceptional thing; and no attack should be made upon the diplomatic system because we saw fit in this matter to do as other nations do.

So much for the diplomatic side of this bill. I wish that I had time to go into the salaries that we pay to our ministers and secretaries as compared with England, but I have not, and fortunately other gentlemen have already touched upon the comparison.

A few words upon certain features of the consular portion of the bill. I do not pretend that our consular system is perfect. It would be very strange if it were. It is intended to represent our Government in every foreign port where our commerce may go or where need may arise that our citizens should be protected. The domain is wide and vast. It would be a strange thing if there were not some places where we have consuls that could be dispensed with. It would be equally strange if there were not places where we have no consuls and yet do need them in view of our growing commercial intercourse. But I want to call attention, through a column of figures which I have here, to the remarkably good management of the consular department under the Secretary of State as to the collection of revenues and fees from that source. In 1858, although our commerce was then, so far as our own shipping was concerned, larger than it is now, the fees from this source were only $110,802.89. It ran along, gradually creeping up, through 1863, 1867, 1870, and 1873, until finally it has attained the figure of $715,202.94. So well administered is now our consular system that though in 1858, seventeen years ago, under the administration of Mr. Buchanan, when our commerce in American ships was larger than it is to-day, there was collected but $110,000 in fees, there was collected in 1874 $715,000. There is no branch of the Government that shows better than the consular system as managed by Mr. Fish. He has made it more than self-sustaining. It is one feature, and only one, of the most sustainedly successful administration of the State Department in all our history.

Mr. BLOUNT rose.

Mr. HALE. I have only five minutes left, and therefore will ask the gentleman from Georgia not to interrupt me.

So much for the general management. I have but a few moments left, I am told, of my time, and therefore can only emphasize a single thing in this bill to which I wish to call the attention of the gentleman from Mississippi, [Mr. SINGLETON,] who has the management of it, as well as that of the chairman of the Committee on Appropriations, [Mr. RANDALL,] where it can be corrected and improved. The gentleman from Indiana [Mr. HOLMAN] stated that no place had been cut off where we had any commerce or receipts, but I know he has mistaken the facts to a considerable extent, although undoubtedly he believed it was so at the time.

Now, Mr. Chairman, one of the distinctively important things our consuls attend to in foreign ports (and as the representative of a people engaged in navigation and sea-faring life I feel strongly upon it) is the relief and protection afforded to American seamen in distress. And the first thing my eye rests upon in looking at the list of expurgated consulates in this bill is that of three of these consulates where in the years 1873 and 1874 the consuls expended for the relief of American seaman over $8,000. Those seamen would not have been found there in distress unless these ports were lying in their way. What we are to consider is that if we had kept no consuls there these American seamen, which my friend from Indiana is as much bound to protect as I am, would have had no relief; and what would have become of them neither he nor I can say.

Sir, there are few more picturesque events in our commercial enterprises than that alluded to by the gentleman from Ohio, [Mr. GARFIELD,] when, in the year 1871, our fleet in the North Pacific Ocean, consisting of thirty-four vessels, was suddenly, without warning, by inclemency of the weather—the winter coming early and sharply—blocked in by ice that could not be broken through, and their officers and crews had to abandon the entire fleet frozen up in the northern sea; and in boats and rafts and such way as was possible one thousand American citizens poured into Honolulu. They were naked, they were hungry, they were sick, they were worn down by the privations they had endured, and eight hundred and seventy-nine of them were relieved at an expense of nearly $130,000, a large sum of money; but who begrudges it? Does my friend from Indiana?

Mr. HOLMAN. The gentleman from Maine knows that we have not disturbed that consulate at Honolulu at all.

Mr. HALE. I know it is not proposed to abolish the consulate at Honolulu, but I am only using this particular instance as an illustration of the general needs of our commerce. Suppose, for example, that the appropriation had been cut down so low that nothing could be done to relieve those American seamen at Honolulu! Suppose the rule then, as it is proposed now, had been rigidly enforced, that no deficiency of appropriation should be allowed! Or, let me say in answer to the gentleman from Indiana, [Mr. HOLMAN,] suppose that those distressed seamen, instead of going to Honolulu, had gone to a port where we had abolished the consulate, who, then, would have relieved their distress?

This is not the only instance of the kind. If I had an hour instead of the brief time to which I am limited, I could read from the papers of the State Department case after case where relief has been afforded under precisely similar circumstances, in smaller sums perhaps in each case, but where the relief has been as great for the few individuals as in this particular case for the many. Now, Mr. Chairman, when we come to the details of the bill, I hope the gentleman from Indiana will not object to the restoration of any of these consulates where it can be shown that in recent years our consuls have been able to protect and succor his and my fellow-citizens. That is as important a matter for this Government to attend to, the protection of and relief of American citizens in foreign ports, as anything to which it can direct its attention. It does not become us to save fifteen or twenty thousand dollars on an appropriation bill like this by neglecting any such important duty on the part of the Government. There is no real gain to so arrange matters in this consular diplomatic appropriation bill to leave matters abroad so that our citizens in distress shall apply for help where we have no representative of the Government.

Mr. RANDALL. Let me ask the gentleman from Maine a question right here before he concludes, and it is this, whether a consular agent with fees cannot perform the service to which he alludes quite as well as any consul at an enormous salary?

Mr. HALE. The trouble about consular agents with fees is that you cannot get a responsible man who will always be at his post to attend to his duties where the fees are small.

Mr. RANDALL. Then there must be a vast number of irresponsible agents of the Department of State scattered all over Europe, Asia, and Africa.

Mr. HOLMAN. The gentleman from Maine knows that the power of the President to appoint such consular agents is without limit.

The CHAIRMAN. The time of the gentleman from Maine has expired. The gentleman from Mississippi [Mr. LYNCH] is entitled to the floor for thirty minutes.

Mr. LYNCH. I regret that it is necessary for me to make any remarks upon this subject at all. I certainly would not have done so but for some remarks that fell from the lips of my honorable colleague [Mr. SINGLETON] who reported this bill from the committee; a gentleman, by the way, for whom I have the highest regard, and in whose judgment, upon some things, I have unlimited confidence. He is doubtless aware of the fact that there is not a member upon this floor from whose views upon any subject I dissent with more reluctance than his. I confess, Mr. Chairman, that I shall not confine myself to the subjects contained in this bill, but will endeavor to combat some of the arguments that were so forcibly and eloquently presented by my colleague in favor of the passage of this bill as reported from the committee. I will ask the Clerk to read a short passage from my colleague's speech to which it is my purpose to reply.

The Clerk read as follows:

> It may be proper, Mr. Chairman, to state the reasons why we considered it necessary to embark in the work of retrenchment. We cannot cast our eyes to any portion of this country and view the pecuniary circumstances and surroundings of our people without being fully convinced and understanding that it is necessary we should do something for the relief of an overburdened people. I do not know how it may be in other sections of the country except as I see by the reports in the newspapers, but for my own section I know the people there are so overtaxed and so overburdened with debt that it is almost impossible for them in many instances to obtain even the common necessaries of life.

And again:

> This is not all. There are other causes for our poverty and our distress. One of them is the fact that we have not had home rulers; that we have been governed and controlled by a set of men who, like the worthless drift-wood that lies rotting upon the banks of a stream, at the flood-tide of reconstruction was gathered up and precipitated upon us. These men came among us for no other purpose than for spoils; and they were not scrupulous as to the means by which they obtained them. We have been controlled by them. They have manipulated the Legislatures of our States, because they have been in the ascendency in several of them; and the consequence has been that we were overburdened with taxes, our money extorted from us unjustly, and we are left in such condition that to-day we are scarcely able to meet the taxes levied upon our real estate.

Mr. LYNCH. Now, Mr. Chairman, to give additional emphasis, doubtless, to the above, my colleague remarked that he is a southern man, every inch of him, from the crown of his head to the sole of his foot. To this I have no objection. I, too, am a southern man. I admit, however, that I am not in the ordinary acceptation of that term. That term, I am aware, in its ordinary acceptation, includes only that portion of the white people who resided south of Mason and Dixon's line anterior to the rebellion. But, to speak practically and not theoretically, I can say that I too am a southern man—by birth, education, inclination, and interest.

I will say, Mr. Chairman, that it is not my purpose, in discussing this subject, to attempt to revive any of the unpleasant feelings engendered by the war. Far from it. I am anxious to see the day come when all those unpleasant feelings that were created by that struggle, when everything in the nature of race prejudices will be buried in the grave of forgetfulness never again to be remembered. I am anxious to see the day come when the rights and privileges of all classes of citizens will be recognized and universally acquiesced in from one end of the country to the other, so that we all can gladly and truthfully say, this is our beloved country, with which we are well pleased.

I am not unmindful of the fact that I occupy a seat upon this floor to-day not by the votes of colored men alone, but by those of white men as well; not by the votes of those who fought the battles of the Union alone, but by the votes of a large number of those who fought bravely the battles of the confederacy as well; not by the votes of

outspoken, pronounced republicans alone, but by the votes of a large number of those whom we are pleased to designate liberal and moderate conservatives as well. I hope therefore that my colleague will not object when I claim the right to speak not only for the colored people, not only for republicans, but for a large number of liberals and conservatives as well.

Now, sir, let us see something about what my colleague said in regard to the imposition of taxes by adventurers—by persons who have no interest in the soil. In speaking of carpet-baggers—those who have imposed heavy, oppressive, and unreasonable taxes upon the people of the South—I cannot believe that my colleague intended to include the State he has the honor so ably to represent in part upon this floor. I ask is he aware of the fact that nine-tenths of the offices in the State of Mississippi are now and have been ever since the re-admission of that State into the Union held by southern men—men who are to the manor born, many of whom fought bravely the battles of the confederacy, and who, according to what they say, are not ashamed of it?

Mr. SINGLETON. If you will allow me, I desire to say that I know exactly to the contrary.

Mr. LYNCH. I regret that my colleague is not better informed. [Laughter.] Why, sir, my colleague can say that a majority of them are held by republicans; but if he says they are held by carpet-baggers, it is a mistake. Some of them are, but about nine-tenths of them are held by southern men. And I ask him is he not aware of the fact that these men, representing a large percentage of the wealth, the intelligence, and the virtue of the people of that State—is he not aware of the fact that they are a class of men whom the democratic party were proud to acknowledge in days passed and gone as among their brightest intellects and their ablest leaders? Why, sir, when we speak of men who are holding offices in the South, and especially in the State of Mississippi, we will find a large majority of those offices held by this class of men. Although not identified with my colleague's party now, yet they upheld the cause of the South—that cause for which he no doubt fought, or at least with which he sympathized—as bravely as those who are identified with the political organization of which he is an honorable member.

I will say, Mr. Chairman, that I commend my colleague in his zeal to inaugurate economy, retrenchment, and reform. He has my cooperation and support as long as he confines himself within the bounds of reason and moderation. I am with him heart and soul to bring about economy, retrenchment, and reform wherever it can be effected. But when he comes forward and tells us that the passage of this bill is demanded in consequence of the heavy taxes under which the people of the South and Mississippi especially are laboring, this demands some little reply, some notice.

Now, sir, let us see what these taxes are of which my colleague so eloquently complained. Let us see why it is that he comes forward and asks that a large number of our important consulships shall be abolished and that the compensation of our foreign ministers shall be reduced in order to relieve the overburdened tax-payers of the South and of Mississippi especially. Let us see wherein that statement can be substantiated and sustained.

Now, Mr. Chairman, the taxes in the State of Mississippi levied for the support of her government are nine and a quarter mills, or $9.25 on each $1,000 worth of taxable property, four mills only of which are for the support of the State government, two mills for educational purposes, and the other three and a quarter mills to pay the interest on the public debt and to create a sinking fund for its liquidation.

Now my colleague says that this is a heavy burden, and appeals to the House to come to the relief of the tax-payers of the South, and especially of the State of Mississippi. He says that if you could stand where he stood, if you could see the anxious countenances of the tax-payers of Mississippi, when the tax-collector was crying off their property to the highest bidder, and see the tears falling down their pallid cheeks, you would sympathize with them, and reduce the pay of these officers for their relief. He says that the people of the South are suffering, and we must make these retrenchments, these reforms, even though it be done at the expense of the honor of this great nation, and I hope my friend from Virginia [Mr. TUCKER] will pardon me for using the word nation in this connection, but the word has become so familiar to me that I cannot help it.

But my colleague says that the people must be relieved, that these burdens must be taken off their shoulders, and that the way to do it is to abolish these important consulates and reduce the compensation of our foreign ministers. Now, sir, in fact the people of Mississippi pay directly comparatively nothing to support the General Government. I admit that, according to the theory of the gentleman from New York, [Mr. COX]—and I do not wish to be understood as combating it—we pay doubtless a great deal indirectly, in consequence of the tariff imposed upon articles necessary for home consumption. We pay something in that way, but so far as direct taxes are concerned, I repeat, the people of Mississippi pay comparatively nothing. Still that is no reason why we should not be in favor of retrenchment; but that was not my colleague's line of argument. His argument was that it was local taxation imposed upon us by those who came there in the flood-tide of reconstruction, for the purpose of living upon the substance of the people. Now, for my colleague's benefit, I have had a little comparison made, a comparison of the tax system of Mississippi in 1865, when my colleague's party held undisputed control of the State government, and in 1875, when the party with which I am identified had control of it. In 1865 the total amount of taxes levied was about $2,634,000, as follows:

Upon realty and personalty	$184,000
Upon privileges	200,000
Upon incomes	200,000
Upon cotton	2,000,000
Upon polls	50,000

My colleague says that we can raise seven million bales of cotton in one part of the State alone, which is about three millions more than I suppose we could raise in the whole State; but I presume he is better posted on this subject than I am. In 1875 the total amount of taxes levied according to this comparison or estimate was about $1,711,500, distributed as follows:

Upon realty and personalty	$1,461,500
Upon privileges	200,000
Upon polls	50,000
Total amount levied in 1865	2,634,000
Total amount levied in 1875	1,711,500
Difference	922,500

Then, Mr. Chairman, the people of Mississippi paid in 1875 about $922,500 less than they did in 1865.

My colleague spoke of the public debt, the debt under which the people of the South are groaning and laboring, especially in Mississippi. Mr. Chairman, the public debt of my State is to-day less than half a million dollars exclusive of what is called the Chickasaw and common-school funds, and yet he asks us to go to work and relieve the burdens of the people of Mississippi by reducing the appropriations for the diplomatic and consular service of the Government.

Mr. Chairman, I wish to tell my colleague what I believe to be the true remedy for the evils complained of in the Southern States. The true remedy, I think, is for a public opinion to be inaugurated that will crush out mob law and violence and enforce obedience to the laws of the country. What we want in the South is a public opinion that will cause every man, wherever he may have been born, whatever may be his color, whatever his politics, to feel perfectly safe and secure in the exercise of his rights and privileges as an American citizen.

I can assure my colleague that what we want more than anything else is to have these political agitators, these instigators of strife, these promoters of confusion and disturbers of public peace, forced to take back seats. What we want is to bring about a public sentiment that will render impossible the existence of White Leagues, Ku-Klux Klans, and other dangerous, mischievous, and rebellious oganizations. It is in consequence of an unsettled state of affairs, of an unhealthy public opinion that has tolerated the existence of these dangerous organizations and justified these crimes that have been committed upon the rights of private citizens, that the development of that portion of our country has been prevented.

You may make as many reductions in the appropriations as you please. But until there shall be brought about by a revolution in the public sentiment of the South a better condition of affairs, that part of our country will never prosper as it should. What we need is to have the people of that portion of our country, the tax-payers, those who are interested in the soil, to rise up in their might and to declare that these men who go about from place to place appealing to the passions and prejudices of race and riding into power upon the demerits of others and not upon any merits they may themselves possess shall be forced to that position which they deserve. That is what we want, and I hope my colleague agrees with me that we must have the good men of the South of both races unite so as to render impossible the elevation to power of a class of men who go about creating confusion, stirring up strife, and trying to keep the country all the time in an unsettled condition.

When this shall have been brought about, then and not until then will merit, honesty, capacity, efficiency, be made the test of political preferment, and not a man's capacity to appeal successfully to race prejudices and the baser instincts of mankind. I can assure my colleague that what we want is to have his party inaugurate a liberal, fair, generous, reasonable policy that will tolerate an honest difference of opinion upon political questions. We want his party to pursue a policy that will convince the colored voters that their identification as a mass with any one political organization is no longer a matter of necessity.

Sir, I express it as my honest opinion that the identification of the colored people as a mass with one political organization, especially so far as local matters are concerned, is not so much a matter of choice as it is, in consequence of democratic hostility to them as a race, a matter of necessity. The affiliation of the masses of the white people in the South with one political organization is not so much a matter of choice with them as it is the result of the existence of a public opinion which in some localities does not tolerate an honest difference of opinion upon political questions except at the sacrifice of social position and success in business.

These are the evils that must be removed. White men must be allowed to disagree upon political questions without being socially ostracised and destroyed in business. Colored men must be convinced that they too can divide in political matters without running the risk of losing their rights and privileges under the Government. When

this can be done all will be well and the South will prosper, but not till then.

We hear a great deal about emigration to the South. But how can we get emigrants to go there; how can we get capital there, when men must know before they go that their status in society, their success in business will depend upon their political affiliations? How can you get them to go there when it is understood beforehand that a public expression of an honest political opinion, unless it happens to be in accordance with the popular views of the hour, means social ostracism and destruction in business? How can you get capitalists to invest in southern communities when they are informed beforehand that public opinion there will sustain and tolerate a class of men who make it their business to ignore the Constitution, disregard the laws, defy the decrees of courts, outrage the rights of private citizens, and revolutionize State, county, and municipal governments?

Sir, I say let us have peace, let us have toleration, let us have an honest difference of opinion without being socially ostracised and without being destroyed in business, and then the South will prosper as other sections of the country do, and not till then. These are the evils under which we are laboring and under which we are now struggling.

Now let me appeal to my colleague, [Mr. SINGLETON,] for he is aware of the fact that I look upon him as one of the best men in the House; that I have the highest respect and admiration for him; that I love him, [laughter;] I hate to disagree with him; it pains me to be compelled to dissent from him—let me appeal to him to endeavor to get his party leaders and party managers to re-adopt and faithfully adhere to that grand old democratic doctrine of former days "the Union, the Constitution, and the enforcement of the laws."

The CHAIRMAN. The gentleman from Maine [Mr. BLAINE] is recognized, and in his behalf the Chair desires to say that, inasmuch as the gentleman's time is limited to one hour, he specially requests that he shall not be interrupted.

Mr. BLAINE. Mr. Chairman, the honor of the National Government and the prosperity of the American people are alike menaced by those who demand the perpetuation of an irredeemable paper currency. For more than two years the country has been suffering from prostration in business; confidence returns but slowly; trade revives only partially; and to-day, with capital unproductive and labor unemployed, we find ourselves in the midst of an agitation respecting the medium with which business transactions shall be carried on. Until this question is definitely adjusted it is idle to expect that full measure of prosperity to which the energies of our people and the resources of the land entitle us. In the way of that adjustment one great section of the democratic party—possibly its controlling power—stubbornly stands to-day. The republicans, always true to the primal duty of supporting the nation's credit, have now cast behind them all minor differences and dissensions on the financial question, and have gradually consolidated their strength against inflation. The currency, therefore, becomes of necessity a prominent political issue, and those democrats who are in favor of honest dealing by the Government and honest money for the people, may be compelled to act as they did in that still graver exigency when the existence of the Government itself was at stake.

While this question should be approached in no spirit of partisan bitterness, it has yet become so entangled with party relations that no intelligent discussion of it can be had without giving its political history, and if that history bears severely on the democratic party, its defenders must answer the facts, and not quarrel with their presentation. Firmly attached to one political party myself, firmly believing that parties in a free government are as healthful as they are inevitable, I still think there are questions about which parties should agree never to disagree; and of these is the essential nature and value of the circulating medium. And it is a fact of especial weight and significance that up to the paper-money era, which was precipitated upon us during the rebellion as one of war's inexorable necessities, there never was a political party in this country that believed in any other than the specie standard for our currency. If there was any one principle that was rooted and grounded in the minds of our earlier statesmen it was the evil of paper money; and no candid man of any party can read the Constitution of the United States and not be convinced that its framers intended to protect and defend our people from the manifold perils of an irredeemable currency. Nathaniel Macon, one of the purest and best of American statesmen, himself a soldier of the Revolution and a member of Congress continuously during the administrations of our first six Presidents, embracing in all a period of nearly forty years, expressed the whole truth when he declared in the Senate that "this was a hard-money Government, founded by hard-money men, who had themselves seen and felt the evil of paper money and meant to save their posterity from it."

To this uniform adherence to the specie standard the crisis of the rebellion forced an exception. In January, 1862, with more than a half million of men in arms, with a daily expenditure of nearly two millions of dollars, the Government suddenly found itself without money. Customs yielded but little, internal taxes had not yet been levied, public credit was feeble if not paralyzed, our armies had met with one signal reverse and nowhere with marked success, and men's minds were filled with gloom and apprehension. The one supreme need of the hour was money, and money the Government did not have. What, then, should be done—rather what could be done? The ordinary Treasury note had been tried and failed, and those already issued were discredited and below the value of the bills of country banks. The Government in this great and perilous need promptly called to its aid a power never before exercised. It authorized the issue of one hundred and fifty millions of notes, and declared them to be a legal tender for all debts, public and private, with two exceptions.

The ablest lawyers who sustained this measure did not find warrant for it in the text of the Constitution, but, like the late Senator Fessenden, of my own State, placed it on the ground of "absolute, overwhelming necessity;" and that illustrious Senator declared that, "the necessity existing, he had no hesitation." Indeed, sir, to hesitate was to be lost, for the danger was that, if Congress prolonged the debate on points of constitutional construction, its deliberations might be interrupted by the sound of rebel artillery on the opposite shore of the Potomac. The republican Senators and Representatives, therefore, dismissing all doubts and casuistry, stood together for the country, and if taunted, as they were, by the democracy and disloyalty of that day, with violating the Constitution, they pointed to that law which is older than constitutions. Adopting the sentiment, as they might have quoted the imputed language of John Milton, they believed that "there is the law of self-preservation, written by God himself on our hearts; there is the primal compact and bond of society, not graven on stone, nor sealed with wax, nor put down on parchment, nor set forth in any express form of words by men when of old they came together, but implied in the very act that they so came together, presupposed in all subsequent law, not to be repealed by any authority, not invalidated by being omitted in any code, inasmuch as from thence are all codes and all authority."

But the promptings of patriotism, the pressure of necessity, the "despotism of duty," which thus decided the course of the republicans failed to influence the democrats in Congress. Marshaled and led by Mr. Pendleton, since become the great advocate of inflation, the democratic Representatives voted in well-nigh solid column against the legal-tender bill. Bankruptcy to the Treasury was impending; eighty millions of unpaid requisitions lay on the Secretary's desk; a large part of the Army had not received a dollar for six months; supplies were failing; recruiting halted; the spirits of the people drooped; while the Executive Department, charged with the conduct of the war, urged that critical campaigns, then in progress, would necessarily end in disaster unless relief could be afforded in this way. But democratic consciences were too tender, and democratic scruples too intense at that time to permit such a fearful infraction of the Constitution as the passage of a legal-tender bill, even to save the Union of our fathers and thus preserve the Constitution itself.

The necessities of the Government were so great and expenditures so enormous that another hundred and fifty millions of legal-tender notes were speedily called for and granted by Congress, the democrats again voting under Mr. Pendleton's lead against the measure. With varying fortunes the last year of the war was reached, with three hundred millions of legal-tender in circulation. With the strain of our public credit and the doubts and vicissitudes of the struggle these notes had fallen far below par in gold, and it became apparent to every clear-headed observer that the continued issue of legal-tenders, with no provision for their redemption and no limit to their amount, would utterly destroy the credit of the Government and involve the Union cause in irretrievable disaster. But at that moment the military situation, with its perils and its prospects, was such that the Government must have money more rapidly than the sale of bonds could furnish it, and the danger was that the sale of bonds would be stopped altogether unless some definite limit could be assigned to the issue of legal-tender notes. Accordingly, Congress sought, and successfully sought, to accomplish both ends at the same time, and they passed a bill granting one hundred millions additional legal-tender circulation—making four hundred millions in all—and then incorporated in the same law a solemn assurance and pledge that "the total amount of United States notes, issued and to be issued, shall never exceed four hundred millions of dollars." And to this pledge every democratic Senator and Representative assented, either actively or silently, as the Journals of both Houses will show. The subsequent readiness of many of those gentlemen to trample on it must be upon the broad principle of ethics that the Government should keep those pledges which are profitable and disregard those which it will pay to violate.

When the war was over and the Union saved, one of the first duties of the Government was to improve its credit and restore a sound currency to the people; and here we might have reasonably expected the aid of the democratic party. But we did not receive it. Irreconcilably hostile to the issue of legal-tenders when that form of credit was needed for the salvation of the country, the democracy, as soon as the country was saved, conceived a violent love for these notes, and demanded an almost illimitable issue of them. Mr. Seymour, as the democratic candidate for President in 1868, scouting the four hundred million pledge, stood on a platform demanding that sixteen hundred millions of five-twenties be paid off in legal-tenders; and he so heartily approved this policy, that in his letter of acceptance he declared that "he should strive to carry it out in the future, wherever he might be placed in political or private life." His position at that time was approved by every democrat of high or low degree in New York, was unanimously re-affirmed in their State convention, was sustained by all their newspaper organs, and was the recognized creed

of the party, East as well as West Mr. Seymour and his political associates in New York have changed their ground, and now proclaim an honest financial creed; and, after the manner of the Pharisee, they broaden their phylacteries, make loud professions of superior zeal, and thank God reverently that they are not as their sinful brethren of the Ohio democracy—those financial Sadducees, who continue to reject all idea of resurrection or redemption for the legal-tender.

I have thus briefly referred to the past, Mr. Chairman, only because I think it has an important bearing on the present and the future. I do not assume that the republican party can possibly discharge its pending responsibilities by merely pointing to its former grand achievements. "Let not virtue seek remuneration for the thing it was." But I do claim that on this financial question the course of the republican party in the past is a guarantee for the future, and that equally the course of the democratic party, of both wings and all shades, is a menace and a warning to the people.

If, however, the New York school of democrats, repenting of their former course and seeking better ways for the future, are ready to give honest help in the restoration of a sound currency, they will be gladly welcomed and their faith will be tested by works before this session of Congress closes. They will not, however, deem it strange or harsh if, remembering their past record, we feel an uncomfortable sense of distrust as to their entire sincerity in the future. This distrust is increased when we witness the brazen boldness with which, in full view of their repudiation record of but yesterday, they assume a stilted tone of superior honesty on the financial question, and affect patronizing language toward the republicans who saved the nation from the lasting blight of Mr. Seymour's triumph in 1868. Still further deepened and strengthened is this distrust when we remember the formal alliance which the New York democrats have renewed with the democrats of the South, to whom our whole financial system is but a reminder of what they themselves term their subjugation, and who from past action and present tendency are unfitted to be the safe repository of the nation's pledges for the payment of its war debt. We have passed into a new era, and to recall the southern democracy, with their appalling record, to their ancient control in this country would be as decisive a step backward and nightward as it would have been for the English people to surround William of Orange with a Parliament made up of adherents to the lost house of Stuart, or as it would be to-day for the French Assembly to thrust on McMahon a cabinet devoted to the fortunes of Henry Fifth.

As I said at the outset of my remarks, Mr. Chairman, the country is suffering under one of those periodical revulsions in trade common to all commercial nations, and which thus far no wisdom of legislation has been able to avert. The natural restlessness of a people so alive and alert as ours looks for an instant remedy, and the danger in such a condition of the public mind is that something may be adopted that will ultimately deepen the disease rather than lay the groundwork for an effectual cure. Naturally enough in such a time the theories for relief are numerous, and we have marvelous recipes offered whereby the people shall be enabled to pay the dollar they owe with less than a hundred cents; while those who are caught with such a delusion seemingly forget that, even if this be so, they must likewise receive less than a hundred cents for the dollar that is due them. Whether the dollar that they owe to-day or the dollar that is due them to-morrow will have the greater or less number of cents, depends on the shifting of causes which they can neither control nor foresee; and therefore all certain calculation in trade is set at defiance, and those branches of business which take on the form of gambling are by a financial paradox the most secure and most promising.

Uncertainty as to the value of the currency from day to day is injurious to all honest industry. And while that which is known as the debtor interest should be fairly and generously considered in the shaping of measures for specie resumption, there is no justice in asking for inflation on its behalf. Rather there is the gravest injustice; for you must remember that there is a large class of most deserving persons who would be continually and remorselessly robbed by such a policy. I mean the *Labor* of the country, that is compelled to live from and by its daily earnings. The savings-banks, which represent the surplus owned by the laborers of the nation, have deposits to-day exceeding eleven hundred millions of dollars—more than the entire capital stock and deposits of the national banks. The pensioners, who represent the patriotic suffering of the country, have a capitalized investment of six hundred millions of dollars. Here are seventeen hundred millions of money incapable of receiving anything but instant and lasting injury from inflation. Whatever impairs the purchasing power of the dollar correspondingly decreases the resources of the savings-bank depositor and the pensioner. The pensioner's loss would be absolute, but it would probably be argued that the laborer would receive compensation by his nominally larger earnings. But this would prove totally delusive, for no possible augmentation of wages in a time of inflation will ever keep pace with the still greater increase of price in the commodities necessary to sustain life, except—and mark the exception—under the condition witnessed during the war, when the number of laborers was continually reduced by the demand for men to serve in the Army and Navy. And those honest-minded people who recall the startling activity of trade and the large profits during the war, and attribute both to an inflated currency, commit the error of leaving out the most important element of the calculation. They forget that the Government was a customer for nearly four years at the rate of two to three millions of dollars per day—buying countless quantities of all staple articles; they forget that the number of consumers was continually enlarging as our armed force grew to its gigantic proportions, and that the number of producers was by the same cause continually growing less, and that thus was presented, on a scale of unprecedented magnitude, that simple problem, familiar alike to the political economist and the village trader, of the demand being greater than the supply, and a consequent rise in the price. Had the Government been able to conduct the war on a gold basis and provided the coin for its necessarily large and lavish expenditure, a rise in the price of labor and a rise in the value of commodities would have been inevitable. And the rise of both labor and commodities in gold would have been for the time as marked as in paper, adding, of course, the depreciation of the latter to its scale of prices.

While the delusion of creating wealth by the issue of irredeemable paper currency may lead to any number of absurd propositions, the advocates of the heresy seem to have settled down on two measures—or, rather, one measure composed of two parts—namely: To abolish the national banks, and then have the Government issue legal-tenders at once to the amount of the bank circulation, and add to the volume from time to time thereafter "according to the wants of trade." The two propositions are so inseparably connected that I shall discuss them together.

The national-bank system, Mr. Chairman, was one of the results of the war, and the credit of its origin belongs to the late Salmon P. Chase, then Secretary of the Treasury. And it may not be unprofitable just here to recall to the House the circumstances which at the time made the national banks a necessity to the Government. At the outbreak of the war there were considerably over a thousand State banks of various degrees of responsibility, or irresponsibility, scattered throughout the country. Their charters demanded the redemption of their bills in specie, and under the pressure of this requirement their aggregate circulation was kept within decent limits, but the amount of it was in most instances left to the discretion of the directors, and not a few of these banks issued ten dollars of bills for one of specie in their vaults. With the passage of the legal-tender act, however, followed by an enormous issue of Government notes, the State banks would no longer be required to redeem in specie, and would therefore at once flood the country with their own bills and take from the Government its resource in that direction. To restrict and limit their circulation, and to make the banks as helpful as possible in the great work of sustaining the Government finances, the national-bank act was passed.

This act required, in effect, that every bank should loan its entire capital stock to the Government; or, in other words, to invest it in Government bonds; and then, on depositing these bonds with the Treasurer of the United States, the bank might receive not exceeding ninety per cent. of their amount in circulating notes, the Government holding the bonds for the protection of the bill-holder in case the bank should fail. And that, in brief, is precisely what a national bank is to-day. I do not say the system is perfect. I do not feel called upon to rush to its advocacy or its defense. I do not doubt that as we go forward we may find many points in which the system can be improved. But this I am bold to maintain that, contrasted with any other system of banking this country has ever had, it is immeasurably superior; and whoever asks, as some democrats now do, for its abolition, with a view of getting back any system of State banks, is a blind leader; and a very deep ditch of disorder and disaster awaits the followers, if the people should ever be so blinded as to take that fatal step.

It is greatly to be deplored, Mr. Chairman, that many candid men have conceived the notion that it would be a saving to the people if all banks could be dispensed with and the circulating medium be furnished by the Government issuing legal-tenders. I do not stop here to argue that this would be in violation of the Government's pledge not to issue more than four hundred millions of its own notes. I merely remark that that pledge is binding in honor until legal-tenders are redeemable in coin on presentation, and when that point is reached there will be no desire, as there will certainly be no necessity, for the Government issuing additional notes.

The great and, to my mind, unanswerable objection to this scheme is that it places the currency wholly in the power and under the direction of Congress. Now, Congress always has been and always will be governed by a partizan majority, representing one of the political parties of the country; and the proposition therefore reduces itself to this—that the circulating medium, instead of having a fixed, determinate character, shall be shifted, and changed, and manipulated according to the supposed needs of "the party." I profess, Mr. Chairman, to have some knowledge of the American Congress; its general character, its *personnel*, its scope, its limit, its power. I think, on the whole, that it is a far more patriotic, intelligent, and upright body of men than it generally gets credit for in the country; but at the same time, I can possibly conceive of no assemblage of respectable gentlemen in the United States more utterly unfitted to determine from time to time the amount of circulation required by "the wants of trade." But, indeed, no body of men could be intrusted with that power. Even if it were possible to trust their discretion, their integrity would be constantly under suspicion. If they performed their duties with the purity of an angel of light, they could not success-